

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 27, 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 00:01:31)*

**PUBLIC COMMENT**

Commissioner Willis expressed that emails were received from the following individuals that will be submitted into the record:

- Jennifer Gunter:
  - Ms. Gunter submitted an emailed letter with the subject of election machines that was entered into the record.
- Christina Milcarek:
  - Ms. Milcarek submitted an emailed letter with the subject of election machines that was entered into the record.

*(Video Time 00:01:31)*

Pamela Lyons-Nelson:

- Ms. Lyons Nelson expressed she was attacked by a dog that has resulted in surgery and the loss of the use of her right hand for two months;
- The dog has a history of attacking people:
  - The dog has bitten six different individuals.
- The dog attacks unprovoked and gives no signs of an impending attack;
- The dog was returned to the breeder to avoid being put down;
- No one from dog control has contacted Ms. Lyons-Nelson;
- The dog is dangerous;
- The large dog is 27 inches in height; and
- A dog trainer stated that the dog's owner has done everything that could have been done to improve the animal's behavior:

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- The dog is unable to be trained to stop biting.

**Board discussion:**

- The county is responsible for dog control;
- The board was unaware of the situation;
- Some individuals believe there should be a “no kill” policy regarding dogs:
  - This is an example of why this is not a realistic policy.
- The board expressed they will investigate the incident; and
- Ms. Lyons-Nelson was escorted to Marion County Community Services (MCCS) for further discussion:
  - MCCS oversees the county’s dog control division.

*(Video Time 00:11:44)*

**PRESENTATION**

1. Flu shot presentation – Rachel Posnick and Debbie Laughlin

**Summary of presentation:**

- Influenza is a respiratory virus spread from person-to-person through respiratory droplets;
- There are two types of influenza that effect humans, types A and B;
- Flu symptoms can include the following:
  - Fever;
  - Cough;
  - Sore throat;
  - Runny nose;
  - Congestion;
  - Muscle and body aches;
  - Headaches;
  - Tiredness;
  - Vomiting; and
  - Diarrhea.
- It takes two days to develop symptoms once a person has been exposed:
  - A person is most infectious three to four days after symptoms start.
- People with a higher risk of severe illness include:
  - Adults over the age of 65;
  - Children under the age of five;
  - Pregnant women; and
  - Individuals with medical conditions including:
    - Asthma;
    - Diabetes; and
    - Heart disease.
- There are anti-viral medications to treat influenza;
- Influenza impacts three to eleven percent of the United States population:

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- In 2022, the flu affected 10,000 to 40,000 Marion County residents.
- The flu vaccine, as well as the following, are important tools in preventing influenza:
  - Avoid others who are ill;
  - Cover the mouth when coughing or sneezing; and
  - Wash your hands frequently with soap and water.
- The 2023 vaccine is based on flu activity occurring now in the southern hemisphere:
  - The vaccine protects against four strains of influenza.
- It is recommended adults 65 years or older receive a higher dose vaccine;
- It is biologically impossible to obtain the flu from the flu vaccine;
- The vaccines prevention rate is 40 to 60 percent;
- Maximum effectiveness is reached 14 days after receiving the vaccine; and
- The flu vaccine can be administered at the following locations:
  - A doctor's office;
  - Marion County Health and Human Services; and
  - Most pharmacies.

*Commissioner Willis recessed at 9:18 a.m.*

*Commissioner Willis reconvened the meeting at 9:19 a.m.*

*(Video Time 00:19:49)*

## CONSENT

### BOARD OF COMMISSIONERS

#### OLCC Application – Recommended Denial

2. Ten4 LLC, dba, El Tamarindo Restaurant Sports Bar Live Music – Salem, Oregon

3. Approve Amendment #8 to renew the Contract for Services with the Mid-Willamette Valley Community Action Agency, Inc. and add \$318,000 for a new contract total of \$1,852,559 to provide services to veterans in Marion County through June 30, 2024.

### PUBLIC WORKS

4. Approve a resolution authorizing Marion County Parks to apply for a County Opportunity Grant from the Oregon Parks and Recreation Department for planning at Salmon Falls Park.

#### ***Board discussion:***

- Commissioner Bethell expressed the following:
  - The Oregon Liquor and Cannabis Commission (OLCC) application was formerly under the business name of Remmy's Nightclub Restaurant and Sports Bard:
    - Denial was actively pursued for the Remmy's application, earlier in 2023 for repeated disturbance calls, and has been a burden on public safety resources due to bad behavior; and

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- This is a new application, under a new name.
  - The denial is supported because bad behavior should not be occurring in the community.
- Commissioner Cameron expressed the following:
  - The county has recommended denial of the OLCC application multiple times over the years:
    - The OLCC has denied the application.
  - The hope is that the OLCC will listen to the county's recommendation.

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

*(Video Time 00:22:13)*

## ACTION

### PUBLIC WORKS

5. Consider approval of Amendment #1 to the Architecture and Engineering Standard Professional Services Agreement with Harper Houf Peterson Righellis, Inc. to add \$474,080.38 for a new contract total of \$634,120.38 to provide preliminary engineering for the McKay Road Traffic Safety Improvement project through December 31, 2026. –Ryan Crowther

***Summary of presentation:***

- The project is located on McKay Road:
  - The project will focus on two different locations on McKay Road.
- The project scope for the intermittent safety improvements includes:
  - Installing a center median with rumble strips;
  - Widening the roadway;
  - Constructing associated drainage improvements; and
  - Other miscellaneous improvements as needed.
- An alternatives analysis has been completed:
  - Space has been optimized to allow for as much median as possible without pushing out into the wetland area.
- The county's plan specifications and estimates are ready to move forward:
  - This will allow for bid ready constructions documents.
- Amendment #1 will allow the county to move forward to where the project can be bid, and a contractor hired;
- Funding details for the project entail the following:
  - The original contract amount is \$160,040;
  - Amendment #1 adds \$474,080;
  - The new contract total is \$634,120;
  - The project is 100 percent funded with federal American Rescue Plan Act (ARPA) dollars; and

- The county has no funding match requirements for this phase of the project.
- The timeline for the project entails the following:
  - The plans, specification, and estimate phase will be completed by the end of 2024;
  - It is anticipated that construction will begin in 2025; and
  - Project ends dates have been adjusted slightly further out in case more time is needed for project completion.
- This contract has the option to add construction services which include:
  - Construction administration; and
  - Assistance during construction from the engineer.

***Board discussion:***

- Concrete dividers were originally being considered for the project:
  - Concerns have been raised that emergency responders may have issues navigating emergency vehicles into an accident location if there are median barriers with limited road widths and guardrail constraints;
  - Operations staff has expressed that 16 feet from the median barrier to the guardrail does not allow for routing traffic;
  - Concrete dividers are still an option for the future once an evaluation has been performed; and
  - The plans are to start the first phase of the project and consider the concrete dividers in a future project phase.
- The roadway has been built up with culverts below to allow for the flow of creek waterways;
- There are slopes that run down into the waterways;
- Widening the roadway and extending the guardrail out is expensive:
  - There is no easy way to widen the roadway; and
  - Impacted waterways can require special permitting.
- Most fatalities on this stretch of roadway have been head-on collisions;
- Commissioner Bethell requested more details at a later date for the following:
  - Access concerns that the fire district and emergency responders may have;
  - The amount of the median that would be barriered;
  - Potential gap distance between barriers that could provide access for emergency responders; and
  - High traffic corridor sections that are barriered where there may be an increase in accidents.
- Commissioner Bethell would like to bolster safety in the area;
- There is opportunity at this stage in the project to modify the plan to address safety concerns; and
- Commissioner Willis expressed the following:
  - The issue has been exacerbated because the Newberg and Dundee bypass was not completed;

- There is traffic from individuals trying to avoid Yamhill County traffic;
- Individuals are frustrated with high speeds;
- If the county is spending money on the project, then the problem needs to be solved; and
- While the county did not create the problem, we still need to be responsible for fixing the issue.

**MOTION:** Commissioner Cameron moved to approve Amendment #1 to the Architecture and Engineering Standard Professional Services Agreement with Harper Houf Peterson Righellis, Inc. to add \$474,080.38 for a new contract total of \$634,120.38 to provide preliminary engineering for the McKay Road Traffic Safety Improvement project through December 31, 2026. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 00:33:07)*

6. Consider approval of Amendment #2 to the Architecture and Engineering Standard Professional Services Agreement with Dowl, LLC to add \$347,587.22 for a new contract total of \$1,021,036.91 to provide architecture and engineering services for the Rambler Drive NE: Little Pudding River Bridge Replacement project through October 31, 2025. –Ryan Crowther

***Summary of presentation:***

- Amendment #2 to the contract will focus on the construction and oversight phase of the Rambler Drive NE project;
- The project is located northeast of the City of Salem;
- The existing bridge was built in 1963 and crosses over historic Lake LaBish:
  - It is approximately 1575 feet in length;
  - It is a timber structure; and
  - It consists of two automobile lanes.
- The project scope entails the following:
  - Replacement of a rotting timber deck;
  - Repairing timber pile caps;
  - Replacing compromised timber piles with steel piles;
  - Replacing the existing bridge rail with a crash rated rail; and
  - Constructing approach guardrails on each side.
- Dowl, LLC has been selected as the project consultant;
- Amendment #2 to the contract will provide for the following:
  - Contract administration;
  - Construction engineering; and
  - Inspection services.
- The project scope for Amendment #2 will include:
  - Project management;
  - Construction quality assurance;

- Submittal reviews;
- Construction and environmental inspections;
- Post construction bridge load rating; and
- As-built drawings.
- It is anticipated that construction will begin in 2024;
- The current budget for the consultant contract is \$673,449.69:
  - An estimated \$604,286.41 will be provided in federal funding; and
  - The county will provide an estimated \$69,163.28.
- Amendment #2 adds \$347,587.22 in funding to the original contract:
  - An estimated \$311,890.01 will be provided in federal funding; and
  - The county will provide an estimated \$35,697.21 in funding.
- The new estimated contract total if Amendment #2 is approved will be \$1,021,036.91.

***Board discussion:***

- The contract provides for:
  - Engineering;
  - Construction oversight; and
  - Project manager involvement.
- Engineering expenses can be approximately 25 percent of the contract budget:
  - The project is approximately \$5 to \$6 million.
- Architecture and engineering consultants are selected based on qualifications:
  - Oregon Department of Transportation’s (ODOT) standard billing rates are used for federal projects;
  - ODOT negotiates with the consultants and the rates are competitive; and
  - An escalated billing rate is negotiated based on overhead and profit margin:
    - Profit margins are typically around 10 percent;
    - They bill for staff hours;
    - Only the staff hours that are used are paid for; and
    - This contract has a not-to-exceed amount for time and materials.
- The federal funding that the county received is utilized specifically for bridges:
  - An application was submitted through the local bridge program;
  - Applications are submitted based on sufficiency ratings and other factors; and
  - There are various categories for bridge funding.
- The bridge is 1,500 feet in length.

**Motion:** Commissioner Bethell move to approve Amendment #2 to the Architecture and Engineering Standard Professional Services Agreement with Dowl, LLC to add \$347,587.22 for a new contract total of \$1,021,036.91 to provide architecture and engineering services for the Rambler Drive NE: Little Pudding River Bridge Replacement project through October 31, 2025. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.



(Video Time 00:40:46)

**Board discussion:**

- A bridge located near the city of Scotts Mills is in the design phase;
- It is estimated that the project will start in 2026;
- A Marion County engineer is designing the bridge;
- The bridge is considered a historic structure:
  - The county is working with the Oregon Historic Preservation Office.
- The right-a-way process will be starting soon.

(Video Time 00:42:06)

**SHERIFF'S OFFICE**

7. Consider approval of the incoming funds Intergovernmental Agreement with the Oregon Department of Corrections (DOC) in the amount of \$27,236,824 for expenses related to community corrections supervision and services retroactive to July 1, 2023, through June 30, 2025. –Commander Mike Hartford

**Summary of presentation:**

- The Intergovernmental Agreement (IGA) is with the Oregon Department of Corrections (DOC);
- The IGA provides community corrections funding for approximately 2,800 adults on parole, probation, or post-prison supervision within the county:
  - The DOC administers the funding.
- Counties are required to submit a two-year plan to the state:
  - The plan provides an overview describing how the funding will be utilized;
  - The funding formula is based on a daily rate, per client, that is on supervision; and
  - Each county receives an allocation based on the number of clients on supervision.
- Marion County's allocation for the 2023 through 2025 biennium is approximately 10.8 percent of the state's approved budget:
  - This is approximately \$27.2 million in grant and aid funding.
- The funding will be utilized for core services which includes:
  - Supervision;
  - Sanctions; and
  - Services.
- The goal of the IGA and the county's state plan entails:
  - Reducing criminal behavior;
  - Holding offenders accountable; and
  - Assisting offenders to change.

**Board discussion:**

- Community corrections is important to public safety:
  - There are many aspects to community corrections.

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- Reducing recidivism is important and changes lives.

**MOTION:** Commissioner Cameron moved to approve the incoming funds Intergovernmental Agreement with the Oregon Department of Corrections (DOC) in the amount of \$27,236,824 for expenses related to community corrections supervision and services retroactive to July 1, 2023, through June 30, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 00:46:58)*

## PUBLIC HEARINGS

9:30 A.M.

### HEALTH AND HUMAN SERVICES

A. Public hearing to consider ten Ambulance Service Area (ASA) Franchise Applications. – Katrina Griffith and Matt Neuenheim

***Summary of presentation:***

- The hearing is to consider ten Ambulance Service Area (ASA) Franchise Applications for Franchise Agreements;
- Each application term is for five years:
  - The agreements currently expire on December 31, 2023.
- The ASA application process has been ongoing for several months:
  - The application process was streamlined by working with the ASA committee and provider partners;
  - Applications were submitted; and
  - The applications were reviewed with additional information being requested when needed.
- All ten applicants are requesting reapproval:
  - The applicants have been providing services in Marion County for a long period of time;
  - The applicants work well together; and
  - They are familiar with each other's operations.
- County staff worked with the ASA committee and providers reviewing documents and bylaws to ensure everything is current; and
- The next step in the process will be consideration of the franchise agreements.

***Testimony:***

Kyle McMann, Marion County Fire Chief, Fire District #1:

- This has been a great process of collaboration for the last 15 years;
- The current process, which entails the following, has been positive:
  - Having one point of contact;

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- The application process is more efficient and streamlined; and
- Starting the process early provides stability for the citizens.

***Board discussion:***

- The commissioners expressed their appreciation to staff and the providers for the work they have done:
  - The process has created some conflict in the past; but
  - Conflict can be positive.
- Ms. Griffith listed the ten providers:
  - ASA #1 – City of Salem Fire Department;
  - ASA #2 – Keizer Fire District;
  - ASA #3 – St. Paul Rural Fire Protection District;
  - ASA #4 – Marion County Fire District #1;
  - ASA #5 – Woodburn Ambulance Service;
  - ASA #6 – Lyons Rural Fire Protection District;
  - ASA #7 – Santiam Memorial Hospital Ambulance;
  - ASA #8 – Turner Rural Fire Protection District;
  - ASA #9 – Jefferson Rural Fire Protection District; and
  - ASA #10 – Polk County Fire District #1:
    - Polk County provides service to a small area in South Salem.

Commissioner Willis closed the public hearing.

(Video Time 00:53:50)

**ACTION**

HEALTH AND HUMAN SERVICES

8. Consider approval of an order approving ten Ambulance Service Area (ASA) Franchise Applications as referenced in “Attachment A”. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** – Katrina Griffith and Matt Neuenheim

**Motion:** Commissioner Bethell moved to approve an order approving ten Ambulance Service Area (ASA) Franchise Applications as referenced in “Attachment A”. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

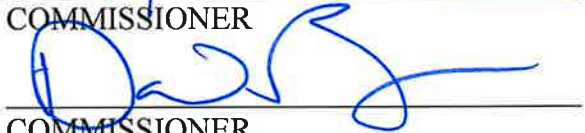
Commissioner Willis adjourned the meeting at 9:54 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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

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