

## BOARD OF COMMISSIONERS

### MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 8, 2014

9:00 a.m.

Commissioners' Board Room  
1115 Commercial Street NE  
Salem, OR 97301

**PRESENT:** Commissioner Sam Brentano, Commissioner Patti Milne, and Commissioner Janet Carlson. Also present were Chief Administrative Officer John Lattimer, County Counsel Gloria Roy and Kim Hulett as recorder.

### **PRESENTATION**

North Willamette Valley Habitat for Humanity – Board Chair & President Aaron Huddart

North Willamette Valley Habitat for Humanity (NWV Habitat) Board Chair and President Aaron Huddart said NWV Habitat was founded in 1986 and its mission is “Seeking to put God's love into action, Habitat for Humanity brings people together to build homes, communities and hope.” Mr. Huddart said that NWV Habitat constructs homes for low-income families to purchase and explained NWV Habitat’s home builds, ReStore, and ReHabitat programs. He noted that 32 homes have been built in Marion County. Mr. Huddart said that nearly all of NWV Habitat’s administrative expenses are covered by the ReStore program, grants, and mortgage payments and that their goal is to have 100 percent of every privately donated dollar go directly to building the homes. He said NWV Habitat’s future plans include building eight new homes in the Mt. Angel and Woodburn area, serving 20 to 30 families through the ReHabitat program, relocating the Mt. Angel ReStore facility to Woodburn, better connecting with organizations, towns and communities, and partnering with Job Growers, Inc. to provide retail training to youth. He said that people interested in volunteering can visit NWV Habitat’s website at [www.nwvhabitat.org](http://www.nwvhabitat.org). The commissioners thanked Mr. Huddart for the presentation.

Oregon Garden Presentation – Moonstone Resort and Oregon Garden Manager Christine Diacetis, Oregon Garden Foundation Administrative Coordinator Naomi Dwyer, and Marion County Policy and Research Manager Sara McDonald

Oregon Garden General Manager Christine Diacetis thanked Marion County for their partnership and gave a PowerPoint presentation that provided an overview of the Oregon Garden and Oregon Garden Foundation’s 2013 events and accomplishments (Attachment A). Ms. Diacetis said that the Oregon Garden attendance, Earth Day attendance and group tours had all increased and that the Garden Brewfest had record attendance. She explained that projects in 2013 included the completion of the perimeter fence, a new electric tram, and an extensive GPS mapping project for garden and guest use. She noted that the Movies in the Garden and Sunset in the Garden events were also successful. Ms. Diacetis described the new Christmas in the Garden event which is based on a traditional German Christmas market and said that 12,500 guests visited the market over four weekends. Ms. Diacetis said that the Oregon Garden appreciates the support from the Oregon Garden Foundation and Marion County and she is optimistic and excited for what 2014 will bring. The commissioners thanked Ms. Diacetis for spreading the word about the Oregon Garden.

## PUBLIC COMMENT

None.

## CONSENT

**MOTION:** Commissioner Carlson moved to remove the first item under Health to the action items under Board of Commissioners and remove action item #2 under Board of Commissioners from the agenda until the following week. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

### BOARD OF COMMISSIONERS

Approve amended charter for Northwest Senior and Disability Services.

### HEALTH

Approve amendment #1 to the contract with Willamette Valley Community Health, LLC to extend through December 31, 2014, with four one-year automatic renewals. **MOVED TO ACTION BY MOTION**

Approve renewal of a three-year contract for \$758,160 with Kay Lynn Dieter, MD to provide medical assessment and supervision of the adult behavioral health clients.

Approve amendment #5 to receive \$11,400,000 from the Oregon Department of Human Services for financing of the community developmental disability services through June 30, 2015.

### JUVENILE

Approve amendment #2 to add \$145,000 to the contract with Trinity Services I, LLC to provide meals for youth in juvenile programs.

### PUBLIC WORKS

Approve a fee-for-service contract with Fennimore Rock Products to provide rock products through June 30, 2014.

Approve receipt of \$189,449 from the Oregon Military Department Office of Emergency Management for the Emergency Management Performance Grant.

### SHERIFF

Approve amendment #2 to add \$14,686 to the contract with Mid-Willamette Valley Community Action Agency for provision of re-entry services for parole and probation clients.

### TAX COLLECTOR

Approve an order authorizing a property tax refund in the amount of \$24,283.07 to Hood Retail, LLC.

**MOTION:** Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

## ACTION

## BOARD OF COMMISSIONERS

1. Consider appointment of Oregon State Police Lieutenant Josh Brooks to the Public Safety Coordinating Council to a term ending January 8, 2017. – Bob Royer

Marion County Public Safety Coordinating Council (MCPSCC) Vice Chair Bob Royer said that per MCPSCC bylaws there is a position on the council for a representative of the Oregon State Police (OSP) and that OSP Lieutenant Josh Brooks, who serves as the OSP Salem Area Command Manager is eminently qualified for the position. He said that members of the MCPSCC that have worked with Lieutenant Brooks speak very highly of him and that he recommends Lieutenant Josh Brooks be appointed to the MCPSCC. Lieutenant Brooks said he has been with the OSP since June 1999 and that during that time he has served with the Fish and Wildlife Division, Criminal Division, and Office of Professional Standards. He added that he has also served on the Marion County Homicide Assault Response Team (HART) as a detective and supervisor, and attends the regular chief's and sheriff's meetings for Marion County. He said that being on the MCPSCC would be a great opportunity.

Commissioner Milne said Lieutenant Brooks has been highly recommended and has a working relationship with the cities, police chiefs, sheriff, and district attorney. The commissioners thanked Lieutenant Brooks for being willing to serve.

**MOTION:** Commissioner Milne moved approval of the appointment of Oregon State Police Lieutenant Josh Brooks to the Public Safety Coordinating Council to a term ending January 8, 2017. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

2. Consider approval of the revised second restated bylaws of the Oregon Garden Foundation. – Commissioner Brentano, Naomi Dwyer, and Sara McDonald **REMOVED BY MOTION**
3. Consider approval of the Oregon Garden Foundation 2014 Annual Budget. – Commissioner Brentano, Naomi Dwyer, and Sara McDonald

Policy and Research Manager Sara McDonald said that the Oregon Garden Foundation bylaws require that the Foundation bring their annual budget before the three organizations that have legal or contractual responsibility for the garden. Those organizations are Marion County, City of Silverton, and Chemeketa Community College. Ms. McDonald reviewed the Oregon Garden Foundation 2014 Annual Budget (Attachment B). Commissioner Brentano noted that the Oregon Garden Foundation 2014 Annual Budget addresses the items the foundation is trying to accomplish in 2014.

Commissioner Carlson referred to the unrestricted fund and asked how the fundraising revenues and expenditures were calculated. Ms. McDonald explained that the foundation is being very cautious by over estimating expenditures and under estimating revenues and that the foundation is hoping for more revenues. She said given the three-year history of the Oktoberfest, the foundation feels confident that there will be revenues beyond expenditures.

Commissioner Carlson asked if the Oregon Garden netted \$4,827 from last year's Oktoberfest and if in the 2014 budget the revenue is estimated to be approximately half that amount. Ms. McDonald answered yes and said the foundation is being cautious with the revenues. Commissioner Carlson asked if the Fun Run is a new fundraising event. Ms. McDonald said that the Fun Run is brand new.

**MOTION:** Commissioner Carlson moved approval of the Oregon Garden Foundation 2014 Annual Budget. Seconded by Commissioner Milne, motion carried. A voice vote was unanimous.

4. Consider approval of revised administrative policy #514, Volunteer Injury Coverage. – Sara McDonald

Policy and Research Manager Sara McDonald said that administrative policy #514 was originally adopted in 1996 and that the revisions are primarily under the areas of applicability and general policy. She said that language was revised to ensure that volunteer injury coverage is based on engagement in duties as directed by departments.

Benefits and Risk Manager Justine Flora said this policy covers volunteers who are involved in activities as volunteers for the county and is part of the self-insured program the county operates. She said all of the revisions clarify who is covered and under what circumstances. She noted that there were no material changes to the policy.

Commissioner Milne requested clarification about volunteers that would be covered and volunteers that might not be covered. Ms. Flora said that this policy is specific to a volunteer who has registered through Marion County's volunteer program. The volunteer would have gone through an orientation, be listed as a volunteer, and be assigned various tasks or assignments by a supervisor. Ms. McDonald added that the policy also specifies that certain categories of volunteers under the direction and control of the Sheriff's Office are covered under Marion County's self-insured workers' compensation program.

Commissioner Carlson said that the business services director had explained that the county's volunteer injury coverage is secondary to the volunteers' personal insurance or any other coverage. She said the county wants to ensure that volunteers injured while performing assigned tasks are fully covered, but that the county also wants to protect itself from volunteers acting in a reckless manner. She noted that all volunteers should register with Volunteer Services Coordinator Cathy Crocker.

**MOTION:** Commissioner Milne moved approval of the revised administrative policy #514, Volunteer Injury Coverage. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

#### CONTRACT REVIEW BOARD

4. Consider approval of an ordinance amending the Marion County Public Contracting Rules and Marion County Code, Chapter 3.25, by emergency procedure. – Peggy Mitchell

Contracts and Procurement Manager Peggy Mitchell said that at the end of the 2013 legislative session eight bills were adopted that affect how local governments procure their goods and services. She explained that House Bill 2212 raised the small purchase limit from \$5,000 to \$10,000 and that staff is not recommending the county raise its \$5,000 limit. She said House Bill 3169 revises the requirement that public entities spend 1.5 percent of the total contract price of new construction or major renovation on solar technology to include green energy technology. She said Senate Bill 254 adds criteria around the selection process when a contracting agency uses the alternative contracting method for construction manager/general contractor (CMGC). Since the attorney general still needs to set the criteria in the model rules nothing is being incorporated into the county rules at this time. Ms. Mitchell said Senate Bill 405 sets a maximum retainage limit of 5 percent that is paid back to the contractor after substantial

completion. Marion County Rules have always included that 5 percent cap so Marion County is still in compliance and no changes are recommended. Ms. Mitchell said the other four bills dealt with either setting up task forces, which may have an effect on the rules in the future or had requirements that state agencies need to go through.

Ms. Mitchell said that in section 10, General Provisions, language was added to give departments more guidance on how to treat scanned or electronic copy signatures and that some cumulative totals in the county's fragmentation provisions were added and in section 20, Public Procurement for Goods or Services, the county's formal threshold limits of \$100,000 was added. In section 40, Public Contracts for Construction Services the wording was changed from 1.5 percent solar to 1.5 percent green technology and in Section 50, Other, the county is rescinding 50-0170 Qualifications Based Selection, because 2011 legislation made it no longer necessary and there were no changes in Section 30, Consultant Selection. Ms. Mitchell said the one addition to the rules was 50-800 Health Insurance Portability and Accountability Act (HIPAA). This addition ensures that all contracts subject to HIPAA contain appropriate contract provisions to meet HIPAA requirements. The remaining revisions were mostly housekeeping. Ms. Mitchell requested that the fourth amendment to Ordinance 1211 be approved by emergency declaration to ensure Marion County is operating under the current public contracting rules.

Commissioner Carlson said the board reviewed this information in detail at a previous Management Update Meeting and most changes are technical and based on legislation that has occurred.

**MOTION:** Commissioner Carlson moved that the chair read the ordinance by title only twice. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano read the ordinance by title only twice.

**MOTION:** Commissioner Carlson moved approval of the ordinance amending the Marion County Public Contracting Rules and Marion County Code, Chapter 2.35, by emergency procedure. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

#### PUBLIC WORKS – PLANNING

5. Consider approval of a resolution initiating amendments to the Marion County Code, Title 16 Urban Zone Code and Title 17 Rural Zone Code, and schedule public hearing for February 12, 2014. – Joe Fennimore

Principal Planner Joe Fennimore said this item is to consider a resolution to initiate amendments to the Urban Zone Code and Rural Zone Code, and schedule a public hearing for February 12, 2014. He said the Rural Zone Code in Section 17.110.680 contains a provision that does not allow the issuance of permits or granting of land use approvals if the property is being used in violation of conditions of approval, was divided in violation of the code or is in violation of local, state or federal laws. Although the provision does not allow a permit or land use approval to be granted if a violation exists, it does not specifically prohibit uses creating the violation unless it requires a permit. He said a similar provision can be found in the Urban Zone Code in Section 16.35.060. Mr. Fennimore said this section does not allow the issuance of permit or granting of land use approval if the property is being used in violation of conditions of approval, or violations of the code; however, in the Urban Zone Code there is no reference to properties that are in violation of state and federal laws. Mr. Fennimore said in order to include uses

not requiring a permit and to standardize the language between the Urban Zone Code and Rural Zone Code, amendments are needed. He said the board has the options to adopt the resolution and schedule the public hearing for February 12, 2014; adopt the resolution and schedule the public hearing for a later date; or, take no action at this time.

Commissioner Milne asked that Mr. Fennimore give an overview of the time frame and public hearings process if the board were to approve the resolution.

Mr. Fennimore said that when the county does a code amendment the board has the option of sending it to the planning commission for a public hearing before its own public hearing. He said the board is required to have a public hearing and if the board approves amendments at the public hearing then it has to come back to the board for official adoption as an ordinance. He said when doing a code amendment that is applying directly to the land the Planning Department prefers that the Marion County Planning Commission review the proposed amendment and provide feedback. He said these are items that apply to the entire code as more of a policy. He added that the county is required to provide the Land Conservation and Development Commission (LCDC) with 35 days notice.

**MOTION:** Commissioner Milne moved to approve the resolution initiating amendments to the Marion County Code, Title 16 Urban Zone Code and Title 17 Rural Zone Code, and schedule a public hearing for February 12, 2014. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

## HEALTH

6. Consider approval of amendment #1 to the contract with Willamette Valley Community Health, LLC to extend through December 31, 2014, with four one-year automatic renewals. **MOVED TO ACTION BY MOTION**

Commissioner Carlson said that she serves on the Willamette Valley Community Health, LLC Board of Directors representing Marion County at the Board of Commissioners' discretion and explained that state statute directs that there be an agreement between the Coordinated Care Organization (CCO) and county. She said county counsel and the health director spent a great deal of time making sure that the agreement defines the important relationship between the services that the county provides and the broader services the CCO receives money for and subcontracts, particularly in the area of mental health and recognizing that there is a crisis system. She said that the agreement includes safety net services for the uninsured in the area, well defined service categories, and recognition that if the CCO system fails it will fall back on the county. She noted it would fall back primarily into the county's public safety system.

Commissioner Carlson said the agreement was approved early in the formation of the CCO and expired December 31, 2013. The Interim Executive Director of the CCO and Health Director Rod Calkins crafted this extension of that same agreement through the end of 2014, with four one-year automatic renewal periods. She added that this is an agreement between two parties and no dollars are connected to the agreement.

Commissioner Milne said that the CCOs are a part of Oregon's health care transformation which is the implementation of the Affordable Care Act (ACA) or Obamacare. She said she has extremely grave concerns and disagreements with Oregon's health care transformation efforts and the ACA which is extremely controversial, more so now than earlier.

**MOTION:** Commissioner Carlson moved approval of amendment #1 to the contract with Willamette Valley Community Health, LLC to extend through December 31, 2014, with four one-year automatic renewals. Seconded by Commissioner Brentano; motion carried. A voice vote was two for; one against (Commissioner Milne voted against).

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

None.

Commissioner Brentano read the calendar.

Commissioner Brentano adjourned the meeting at 10:40 a.m.

Attachments: (A) Oregon Garden PowerPoint



CHAIR



COMMISSIONER



COMMISSIONER

