

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 2, 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 Melissa Rounds as recorder.

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

*(Video Time 00:00:42)*

Commissioner Willis acknowledged the loss of Ms. Selma Pierce and requested a moment of silence to reflect on her life and her contributions to the community.

*(Video Time 00:01:14)*

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:01:18)*

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

- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, December 2, 2020:
  - There have been an estimated 9,633 cumulative cases within the county since the start of the pandemic; and
  - An estimated 147 individuals have died from symptoms related to COVID-19.
- The percent positivity rate for the week is unclear due to a statewide issue in logging negative test counts:
  - Marion County Health and Human Service (MCHHS) staff is expeditiously working on inputting the data into the system.
- The state’s Oregon Pandemic Emergency Response Application (OPERA) data system is temporarily not functioning:
  - The negative COVID-19 laboratory testing is entered into the OPERA data system;
  - COVID-19 cases are assigned to epidemiologist via the data system;
  - MCHHS utilizes the data system to perform daily job tasks related to the pandemic; and
  - The issue can potentially impact the spread of the COVID-19 virus:

- Cases cannot be adequately investigated; and
  - MCHHS is not receiving notification for individuals testing positive for the COVID-19 virus.
- The Oregon Health Authority's (OHA) two-week freeze will be lifted on December 3, 2020:
  - The OHA will utilize a new framework to assess different risk levels for the spread of the COVID-19 virus;
  - A county's risk level will be based off of the spread of the COVID-19 virus within each individual county;
  - The risk level categories will entail the following:
    - Extreme;
    - High;
    - Moderate; and
    - Low.
  - The OHA will examine and publish the data findings every two weeks:
    - In the first week, each county impacted will receive a warning to prepare for the potential risk level change; and
    - A county's risk level will not change until the end of the second week:
      - The updated risk level will be based off of data that has been reported by each county; and
      - Each county may have restrictions based off of their risk level category.
- Limited doses of a COVID-19 vaccine is anticipated to arrive in Oregon by mid-December, 2020:
  - The vaccine doses will be distributed to frontline health care workers;
  - The Federal Drug Administration (FDA) is reviewing emergency use authorizations for multiple COVID-19 vaccines;
  - Shipments of a vaccine will be expedited once it has been approved;
  - MCHHS receives new vaccine information daily; and
  - MCHHS staff are utilizing the information as a vaccination planning tool.
- Past history shows an increase in positive COVID-19 cases around the holidays:
  - It is recommended that individuals consider the following if planning or attending an event:
    - The number of guests attending the event;
    - Contact event attendees after the gathering to inquire about any health concerns that may be related to COVID-19 symptoms;
    - Consider the possibility for COVID-19 exposure if participating in an activity;
    - Consider the possibility for COVID-19 exposure when traveling;
    - Wear a protective face covering when in a public setting or at a private gathering;
    - Consider quarantining for 14 days after attending a gathering or event; and
    - Access testing if you develop COVID-19 symptoms:
      - Notify close contacts if you test positive;
      - Implement your own contact tracing practices; and
      - Self-quarantine.

- MCHHS may acquire additional staff to update information and follow-up on positive COVID-19 cases in a timely manner.

***Board discussion:***

- County hospitals have adequate capacity for individuals needing to hospitalize due to COVID-19 symptoms; and
- Community members are encouraged to self-contact trace if they test positive for the COVID-19 virus.

**CONSENT**

*(Video Time 00:10:53)*

**BOARD OF COMMISSIONERS**

Approve an order changing the bylaws for the Marion County Public Safety Coordinating Council (MCPSCC).

Approve an order adopting Policy #910, Emergency Procurement – Public Contracting Rules.

**PUBLIC WORKS**

Schedule final consideration to adopt an administrative ordinance for December 9, 2020, granting Comprehensive Plan Amendment/Zone Change/Partition (CP/ZC/P) Case #19-003/Patrick and Taisia Alagoz.

***Board discussion:***

- The bylaws for the MCPSCC have had minor language changes:
  - The changes do not impact ORS 423.560;
  - Requirements pursuant to ORS 423.560 are still being followed; and
  - The changes reflect appointments to the MCPSCC on the basis of job title rather than the name of the individual that currently holds the position.

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

**ACTION**

*(Video Time 00:13:28)*

**BOARD OF COMMISSIONERS**

1. Consider approval of an order appointing Chris Baldrige and John Bauer to the Marion County Public Safety Coordinating Council (MCPSCC) with terms ending July 31, 2023. – Commissioner Kevin Cameron

**Summary of presentation:**

Commissioner Kevin Cameron:

- New council members are first nominated and then approved by the Board of Commissioners;
- Mr. Bauer and Mr. Baldrige were both recommended to serve on the MCPSCC:
  - Mr. Bauer is the Chief Legal Officer for Salem Health; and
  - Mr. Baldrige is the Director of Safety and Risk Management Services for the Salem Keizer School District (SKSD).
- Commissioner Cameron recommended the board approve Mr. Bauer's and Mr. Baldrige's appointments to the MCPSCC.

Chris Baldrige:

- Mr. Baldrige is a former lieutenant employed with the Marion County Sheriff's Office for 15 years;
- Mr. Baldrige's current position with the SKSD entails some of the following:
  - Providing safety and security for the following:
    - An estimated 42,000 school age children;
    - An estimated 6,000 SKSD staff members; and
    - Visitors to the schools.
  - Addressing risk management compensation claims.
- Mr. Baldrige expressed he is looking forward to his appointment to the MCPSCC and being able to provide a perspective as a representative for the SKSD for any issues that may arise.

**Board discussion:**

- The SKSD staff and students are currently utilizing comprehensive distance learning as a result of the COVID-19 pandemic;
- School security is continuously discussed and evaluated;
- The SKSD will benefit from Mr. Baldrige's expertise and career experiences; and
- The commissioners expressed their appreciation to Mr. Baldrige for his multiple years of public service.

**MOTION:** Commissioner Brentano moved to approve an order appointing Chris Baldrige and John Bauer to the Marion County Public Safety Coordinating Council with terms ending July 31, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:18:02)*

2. Consider approval of the incoming funds Intergovernmental Agreement (IGA) with the State of Oregon, Department of Administrative Services for Marion County to receive \$3,551,225 in federal CARES Act funding for the Eligible Businesses Coronavirus Aid, Relief, and Economic Security Act. –Barb Young

**Summary of presentation:**

- On November 17, 2020, Governor Brown announced that an estimated \$55 million in funding assistance would be distributed to all counties within Oregon:

- The funds are to be utilized for those most negatively impacted by the COVID-19 restrictions;
- A preference will be given to businesses in the hospitality industry;
- Federal CARES Act relief funding will be utilized; and
- Marion County's portion of the funding is estimated to be \$3,551,225.
- Businesses applying for the grant assistance from the county must meet some of the following requirements:
  - They must be established within Marion County; and
  - They must be licensed with Marion County Environmental Health.
- Businesses eligible to receive the grant assistance include some of the following:
  - Restaurants;
  - Mobile food carts;
  - Commissaries;
  - Camps; and
  - Hotels.
- The diverse list includes businesses owned by women and minorities;
- Oregon requires businesses that are applying for the grant funds to attest to the following:
  - The business is headquartered in Oregon and has its principal operations in Oregon;
  - The business is registered with the Oregon Secretary of State Office, Corporations Division, to do business in Oregon;
  - The business is either for-profit or an entity tax-exempt under section 501(c)(3) of the Internal Revenue Code; and
  - The business is required to have been adversely affected by the COVID-19 pandemic in one of the following ways:
    - The business is prohibited from operating as directed by Governor Brown's executive order;
    - The business can demonstrate the following:
      - A monthly decline in sales of 25 percent or greater;
      - The decline is a result of the COVID-19 pandemic;
      - The sales decline was incurred between the months of March 1st through November 30, 2020; and
      - The sales decline must be compared to the same time period in the year 2019.
    - The business incurred necessary expenditures between March 1st and November 30, 2020, due to the COVID-19 pandemic.
- Businesses ineligible to receive the grant funding include some of the following:
  - Passive real estate holding companies and businesses holding passive investments;
  - Non-profit entities that do not have federal 501(c)(3) status;
  - Businesses that experienced a decline in revenue do to reasons other than the COVID-19 pandemic;
  - Businesses that are delinquent on the following taxes prior to the date of this application:
    - Federal;
    - State; or
    - Local.

- Businesses that do not comply with federal, state, and local laws and regulations; and
- Businesses that have closed and do not intend to reopen.
- The county has an estimated time period of 30 days to complete the following:
  - Introduce the business grant to the community;
  - Complete the application process; and
  - Distribute the grant funds.
- The county has a deadline date of January 5, 2021, to report the following to the state:
  - How much of the funding was distributed; and
  - The name of the businesses that the funding was distributed to.
- The application process for businesses will open on December 3, 2020;
- Businesses have until 5:00 p.m. on December 11, 2021, to submit their application;
- The county anticipates contacting all businesses on the Environmental Health Services Licensing list via the following:
  - Email; and
  - A hard copy letter that will be mailed.
- An on-line application for the grant will be available in both English and Spanish:
  - Applications in additional languages may also be available in the near future; and
  - Application interpretation services are available through the MCHHS.
- The grant application requests will be reviewed the week of December 14, 2020;
- The county anticipates the following:
  - Approximately 1,360 grant applications will be submitted;
  - Submitting the distribution list to Public Partnership, LLC (PPL) during the week of December 21, 2020;
  - PPL will distribute the grant funding checks prior to December 30, 2020; and
  - The grant fund checks are estimated to average \$2,500.

***Board discussion:***

- Contact information will be included in the letters and emails submitted to the applicants for individuals that may have questions pertaining to the grant; and
- Commissioner Cameron clarified for the record that he has no business operations located within Marion County;

**MOTION:** Commissioner Cameron moved to approve the incoming funds Intergovernmental Agreement with the State of Oregon, Department of Administrative Services for Marion County to receive \$3,551,225 in federal CARES Act funding for the Eligible Businesses Coronavirus Aid, Relief, and Economic Security Act. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:26:44)*

3. Consider approval of the Contract for Services with Public Partnerships, LLC (PPL) for up to \$5,000,000 to provide fiscal intermediary services for economic stimulus funding to businesses located within Marion County through December 31, 2021. –Barb Young



***Summary of presentation:***

- The county is contracting with PPL for the distribution of the economic stimulus funding:
  - The county anticipates the funding will be distributed by December 30, 2020; and
  - PPL will also distribute the Internal Revenue Service (IRS) Form 1099 on behalf of the county:
    - The service is estimated to cost \$88,260;
    - The service is an authorized expenditure; and
    - Business relief funding will be utilized for the service expense.

***Board discussion:***

- Requests for grant assistance have been received from businesses that are not in the food industry;
- Distributing the economic stimulus funding prior to the end of year will be logistically challenging:
  - The county is contracting with PPL to assist with meeting the required time frame for grant fund distribution.
- Time constraints make it difficult to formulate a grant process for the 1,360 business establishments within the county;
- Businesses not licensed with Environmental Health Services will be ineligible to receive the grant funding;
- The commissioners expressed they are doing everything within their power to assist businesses that are ineligible;
- COVID-19 restrictions may be challenging for businesses that want to reopen;
- The county's time constraints include some of the following:
  - Grant funding must be distributed by December 30, 2020:
    - Funds not distributed by this date are required to be returned back to the state; and
    - If the state fails to expend the funds in a timely manner, the grant funding will be returned to the federal government.
- County understaffing issues may hinder the application process:
  - The county is required to report the grant funding progress to the state by January 5, 2021; and
  - The state wants to focus the grant funds on the hospitality industry.
- The county anticipates assisting more community businesses if another allocation of federal CARES Act funding is received;
- Commissioner Brentano expressed his appreciation to Ms. Young for implementing a process in a short time period;
- Frustration levels are high in relation to the distribution of the CARES Act funding to counties and cities located within the state:
  - Grant funds may not have been equally distributed by the state;
  - The county will not be able to assist all businesses; but

- The county wants to distribute as much grant funding as possible to businesses that are located within Marion County.
- Ms. Vetto expressed that the contract that is being considered has a term date ending in December 2021:
  - Under the contract, the board will have the ability to quickly distribute any additional grant funds that may become available.

**MOTION:** Commissioner Brentano moved to approve the Contract for Services with Public Partnerships, LLC for up to \$5,000,000 to provide fiscal intermediary services for economic stimulus funding to businesses located within Marion County through December 31, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:34:26)*

#### HEALTH AND HUMAN SERVICES

4. Consider approval of Amendment #17 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority to add \$2,104,596.15 for a new contract total of \$9,433,142.75 for basic public health services and for maintaining and improving public health services and programs in Marion County through June 30, 2021. –Ryan Matthews

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

- Amendment #17 awards the county an estimated \$2,104,596.15 in funds:
  - An estimated \$2 million of the \$2,104,596.15 are from the rollover of unspent COVID-19 funds that were associated with the prior contract for the time period of July 1, 2019, through June 30, 2020:
    - The estimated \$2 million is for record keeping purposes for any unspent funds not utilized by the June 30th deadline for the prior contract; and
    - The unspent funds have been reallocated and rolled over for COVID-19 utilization with a new term date of June 30, 2021.
- Amendment #17 also allows for some public health modernization funding to roll over:
  - The county discontinued some of the public health modernization efforts in response to the COVID-19 pandemic; and
  - This resulted in the grant funds being significantly underspent during the prior contract period.
- The submission of end of fiscal year expenditure reports impacted the time period of the prior IGA:
  - The reports are required in order to close out the Fiscal Year 2019-20 contract;
  - The reports were due in early September of 2020;
  - This resulted in an amendment that would allow for the rollover of any unspent funds to the current contract;
  - The amendment allows the county to continue to be reimbursed; and
  - The county is required to continue reporting expenditures.



**MOTION:** Commissioner Cameron moved to approve Amendment #17 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$2,104,596.15 for a new contract total of \$9,433,142.75 for basic public health services and for maintaining and improving public health services and programs in Marion County through June 30, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:38:18)*

5. Consider approval of the incoming funds Distribution Agreement with the Mid-Valley Behavioral Care Network for the county to receive a Rental Assistance Program (RAP) payment in the amount of \$419,642.49. –Ryan Matthews

***Summary of presentation:***

- Marion County currently has an arrangement with the Oregon Health Authority (OHA) to pass Rental Assistance Program (RAP) funds received from the OHA through to Polk County:
  - The OHA distributes RAP funds for both counties to Marion County;
  - Marion County then distributes a portion of the RAP funds to Polk County.
- The OHA previously contracted with the Mid-Valley Behavioral Care Network (MVBCN) to manage the funds for both counties:
  - The contract between the two entities originated in February 2014, and extended through to June 2017;
  - The MVBCN was the primary fiscal agent and the carrier of the agreement;
  - The MVBCN also contracted with both Marion County and Polk County for the distribution services;
  - The MVBCN accrued a reserve of funds that they were holding pending a review and audit period with the OHA to determine if any unspent RAP funds needed to be reimbursed back to the OHA:
    - The total amount accrued for distribution to the counties is estimated to be \$419,642.49:
      - Marion County's allocated portion is estimated to be 75 percent; and
      - Polk County's allocated portion is estimated to be 25 percent:
        - The split between the two counties is determined by population.
    - The distribution of RAP funds by the MVBCN ended on January 1, 2020.
  - The county will utilize the funds to continue with operations and the support of the RAP program:
    - Marion County currently has 45 bed slots available for both youth and adults.
  - Barriers for community members to obtain housing include paying for some of the following:

- Application fees;
- Upfront fees for first and last month's rent; and
- Security deposits.

**MOTION:** Commissioner Brentano moved to approve the incoming funds Distribution Agreement with the Mid-Valley Behavioral Care Network for the county to receive a Rental Assistance Program (RAP) payment in the amount of \$419,642.49. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous

Commissioner Willis recessed the meeting at 9:42 a.m.  
Commissioner Willis reconvened the meeting at 9:46 a.m.

## PUBLIC HEARINGS

9:30 A.M.

### FINANCE

A. Public hearing to consider the acquisition of mobile home parks in Marion County by Caritas, a non-profit entity, through tax-exempt financing. –Jeff White

The following individuals participated in the public hearing via telephone:

- Robert R. Redwitz, Caritas Corporation, Chairman of the Board and Chief Executive Officer;
- Peter Evans, Caritas Corporation, Bond Underwriter; and
- Gulgan Ugur, Bond Counsel, Hawkins Delafield, and Wood LLP
  - Ms. Uger stated she represents Marion County and many other local governments located within Oregon with bond transactions.

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

Jeff White, Marion County Chief Financial Officer:

- The Caritas Corporation is seeking to purchase several manufactured home parks located within Marion County and Clackamas County:
  - The corporation anticipates utilizing tax exempt bond financing for the park purchases.
- The Internal Revenue Service requires the area's governing body to hold a public hearing:
  - Marion County is the governing body; and
  - The public hearing is required to access the tax-exempt bond financing:
    - This is required under the Tax Equity and Fiscal Responsibility Act (TEFRA).
- The public hearing was noticed in the Oregonian newspaper on November 25, 2020:

- The notice provided community members with instructions for participating in the public hearing.
- The county received no public testimony requests;
- No one signed up to testify in person during the public hearing;
- Upon completion of the public hearing, the board will consider a resolution that approves the issuance of the tax-exempt revenue bonds to finance projects located within Marion County;
- Marion County has no liability or participation in the financing; and
- The board's approval is needed in order for Caritas Corporation to move forward.

Jane Vetto, Marion County Counsel:

- The Board of Commissioners, Mr. White, and Ms. Vetto have discussed the requests with Caritas Corporation in prior meetings:
  - The corporation's tax status for future businesses that may be located within Marion County is a concern;
  - The corporation has agreed to forgo seeking tax-exempt status or property tax exemptions within Marion County:
    - The corporation has indicated that they will approve the request via the following:
      - In writing; and
      - In a contract.
  - Caritas Corporation is also willing to provide a Right Of First Refusal (ROFR) should they determine in the future that they would like to sell any manufactured home parks that have been purchased within Marion County.

Robert R. Redwitz, Caritas Corporation, Chairman of the Board and Chief Executive Officer:

- Mr. Redwitz expressed his appreciation to the board for holding the public hearing;
- The Caritas Corporation is a non-profit entity;
- The corporation has been in business since 1996;
- To date the corporation has acquired the following, all located within the state of California:
  - Twenty-two mobile home communities;
  - One apartment complex, that will contain 20 units:
    - The 20-unit apartment complex is still under construction.
  - One apartment complex that contains 16 units; and
  - All 24 properties are considered affordable housing.
- An estimated 12,000 residents reside on one of the corporation's 24 properties:
  - An estimated 3,800 out of the estimated 12,000 residents reside in a mobile home community.
- The mission of Caritas Corporation is to provide residents affordable housing in a vibrant and healthy community;
- The corporation has not sold a community since its inception in 1996;

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- The corporation does not acquire a property with the intent of selling the property in the future:
  - Their mission is to operate a property on a long-term basis.
- The Caritas Corporation also provides a variety of community programs which include some of the following:
  - Education and reading programs for all ages;
  - Health classes;
  - Scholarships;
  - Food subsidies;
  - Fixed subsidies;
  - Rental assistance;
  - Medical coordination;
  - Social gatherings; and
  - Parties.
- All Caritas Corporation communities are bound under regulatory agreements with the counties or the cities that their properties are located in;
- The corporation has seven long-sitting board members with diverse backgrounds;
- The corporation's first venture into Oregon will consist of seven properties:
  - The properties are all single sellers; and
  - Five out of the seven properties are located within Marion County:
    - The five properties will contain an estimated 294 spaces of affordable housing.
- The corporation has the following intent for the properties:
  - To make the acquisition to tax-exempt bond financing; and
  - Offer affordable housing on the properties.

***Board discussion:***

- Issues arise for residents when property owners sell the land that mobile homes are residing on:
  - The homes may be old;
  - Space may be limited for moving a mobile home;
  - Conditions may be unacceptable;
  - The homes may be affordable housing for seniors;
  - Individuals with low income may reside in the homes; and
  - Individuals residing in the homes may not have the resources for another housing option.
- The expansion of mobile home parks to provide more available spaces is a positive step;
- The Caritas Corporation will not be seeking a tax exemption for the properties that they purchase within Marion County:
  - The corporation understands Oregon's tax rules and agrees to the current property tax arrangement.
- County residents, schools, and community colleges will also benefit;

- It is a positive opportunity for low income housing;
- Ms. Vetto stated Mr. Redwitz's attorney submitted a Regulatory Agreement and a Declaration of Restrictive Covenant to the county; and
- Mr. Redwitz stated he intended to sign the agreement.

**MOTION:** Commissioner Cameron moved to close the public hearing and adopt the resolution approving the issuance of tax-exempt revenue bonds to finance properties located within Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Brentano read the calendar;  
Commissioner Willis adjourned the meeting at 10:12 a.m.



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CHAIR



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COMMISSIONER



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COMMISSIONER

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

