BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, July 17, 2019
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, and Commissioner Colm Willis. Also present were Jane Vetto as county counsel, Jan Fritz as chief administrative officer, and Brenda Koenig as recorder.

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

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:00:58)

FINANCE
Approve an order reappointing Senator Denyc Boles to the Marion County Budget Committee with a term ending June 30, 2022.

PUBLIC WORKS
Receive notice of the hearings officer's decision recommending approval of Zone Change (ZC) Case #19-004/Larry and Noreen Chamberland, Trustees of the Chamberland Family Trust.

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

ACTION

(Video Time 00:01:44)

SHERIFF'S OFFICE
1. Consider approval of a proclamation designating the week of July 21-27, 2019 as National Parole and Probation Officers Week in Marion County. – Undersheriff Jeff Wood and Troy Gregg

Summary of presentation:
Marion County Undersheriff Jeff Wood:

- Community supervision started in the City of Boston in the year 1841;

- Factors taken into consideration for supervision in 1841 included the following:
    - The individual's age;
    - The individual's character; and
    - Elements that might influence the individual's behavior and compliance:
        - People they associate with; and
        - Places they frequent.
- Over eight million individuals are under supervision across the nation:
    - The state of Oregon monitors 30,000 adults; and
    - The county monitors 3,100 individuals.
- The county's community corrections staff perform some of the following:
    - Engage in evidence based efforts;
    - Implement effective practices;
    - Utilize community supervision; and
    - Endeavor to facilitate a positive change with individuals.
- Senate Bill 416 has provided the county with an effective plan, and the resources to divert qualified individuals away from a prison sentence and into community supervision and services;
- Community supervision focuses on some of the following:
    - Addiction issues;
    - An individual's housing;
    - Mentoring;
    - An individual's past history; and
    - Diverting an individual from performing the same past mistakes.

Troy Gregg:

- The work that a probation officer performs is the foundation for the programs that the Marion County Juvenile Department provides, and includes some of the following:
    - Alternative Programs;
    - The Guaranteed Attendance Program; and
    - Detention.
- Probation officers have become more mobile and more interactive with the community;
- The connections a probation officer makes with an individual and their family can have a positive impact:
    - Diverts individuals from committing future crimes; and
    - Provides a positive effect on the community.

Board discussion:

- The commissioners expressed their appreciation and support for all the hard work performed by the probation officers;
- The county has limited jail space;
- A probation officer plays an important role in diverting individuals away from prison;
- The Marion County Juvenile Department will be hosting an appreciation barbeque on July 24, 2019; and

- The Marion County Sheriff's Department will host an appreciation barbeque on July 25, 2019.

MOTION: Commissioner Willis moved to approve a proclamation designating the week of July 21-27, 2019 as National Parole and Probation Officers Week in Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

(Video Time 00:13:34)

2. Consider approval of the Contract for Services with DePaul Industries in the amount of $301,000 for courthouse security services through June 30, 2020. –Sheriff Joe Kast and Commander Eric Hlad

Summary of presentation:

- The contract with DePaul Industries is for $301,100 Depaul Industries will provide unarmed, front entrance security services through June 30, 2020, at the following locations:
  - The Marion County Courthouse;
  - The Marion County Court Annex; and
  - The Marion County Juvenile Court.
- The security service is instrumental in providing a safe location to conduct court business and court facility visitations; and
- The state of Oregon provides court security funding for these services.

Board discussion:

- It is estimated that the county will continue to receive the court security funding from the state for the next three years;
- Funding for the service comes from state wide traffic citations;
- The state of Oregon is responsible for prioritizing the funds and determining the following:
  - Where the funds will be spent;
  - Who will receive the funds; and
  - The order in which the funds will be distributed.
- The Marion County Justice Court is not included in the contract with DePaul Industries; and
- The county is fortunate to be able to provide security services for the courts.

MOTION: Commissioner Brentano moved to approve the Contract for Services with DePaul Industries in the amount of $301,000 for courthouse security services through June 30, 2020. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

***** A scrivener's error was discovered while processing the above mentioned minutes. A motion was made to approve the contract with DePaul Industries in the amount of $301,000. The actual contract amount is for $301,100. The contract with DePaul Industries was processed for the amount of $301,100.***

(Video Time 00:19:15)

FINANCE

3. Consider approval of the Contract for Services with Professional Credit Service in the amount of $220,000 for debt collection services for the Marion County Justice Court through June 30, 2020. –Jeff White

Summary of presentation:

- The contract is an annual renewal with Professional Credit Services (PCS) to provide debt collection services for the Marion County Justice Court:
  - The county has contracted with PCS for over fifteen years.
- PCS also provides collection services for any outstanding debts that are owed to the county that are not related to the Justice Court:
  - This outstanding debt is approximately $20,000 a year.
- The contract has been entered into under a state agreement through their cooperative purchasing program;
- PCS charges a fee based on the dollar amount that they collect:
  - The fees are in addition to the rate that the county is charged.
- The renewal is for fiscal year 2019-20.

Board discussion:

- The outstanding debt owed to the Marion County Justice Court is approximately $15 million:
  - The $15 million includes debt that was owed to the Justice Court prior to the county contracting with PCS;
  - Collection fees can add approximately $10 to 11 million; and
  - The outstanding debt combined with the collection fees averages out to an estimated $26 million.
- PCS uses paycheck garnishments to help collect the outstanding debt;
- Tax refund garnishment is an additional option that can be used for debt collection:
  - This option requires collecting social security numbers;
  - The county does not have adequate security for tax refund garnishments; and
  - There is a high level of liability involved.
- The county only pays additional fees when a debt has been collected;
- There has been legislative discussions related to driver license suspension for individuals with outstanding fines;
- The state government is the first to collect when an individual makes a payment for outstanding debts or fines; and
- The county is the last entity to receive payment for on outstanding debt.

MOTION: Commissioner Willis moved to approve the Contract for Services with Professional Credit Service in the amount of $220,000 for debt collection services for the Marion County Justice Court through June 30, 2020. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:25:17)

HEALTH AND HUMAN SERVICES

4. Consider approval of the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority in the amount of $17,609,934 for community mental health, addiction treatment, recovery, prevention services, and problem gambling through December 31, 2020. – Cary Moller and Cydney Nestor

Summary of presentation:

- The IGA provides recovery and prevention services to individuals with the following:
  - Significant mental illness;
  - Addiction challenges; and
  - Problem gambling issues.
- Funding for the IGA is through December 31, 2020;
- The Oregon Health Authority is proposing moving to a calendar year biennium; and
- The county anticipates receiving the remaining funds in January of 2021.

Board discussion:

- The county also has a contract as a provider with the Coordinated Care Organization (CCO);
- The IGA before the board today and the county's CCO contract work together in a complementary manner;
- The IGA represents the county's state general fund dollars for billable services that do not fall under the Medicaid Plan;
- It augments the services for the billable rehabilitative services that come from the CCO contract; and
- Services supported under the IGA include some of the following:
  - Residential services for housing support; and
  - Adult abuse investigations.

MOTION: Commissioner Brentano moved to approve the incoming funds Intergovernmental Agreement with the Oregon Health Authority in the amount of $17,609,934 for community mental health, addiction treatment, recovery, prevention services, and problem gambling through December 31, 2020. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:28:26)

5. Consider approval of an order appointing Cary Moller, Ryan Matthews, Cydney Nestor, and Katrina Rothenberger as Marion County Financial Administrators to administer the Oregon Health Authority Intergovernmental Agreement for the financing of mental health, addiction treatment, recovery, prevention services, and problem gambling through June 30, 2021. –Cary Moller

Board discussion:

- The order presented before the board is related to the IGA for community mental health, addiction treatment, recovery, prevention services, and problem gambling that was just presented and approved; and
- It gives specific individuals the authority to administer financial agreements.

> **MOTION:** Commissioner Willis moved to approve an order appointing Cary Moller, Ryan Matthews, Cydney Nestor, and Katrina Rothenberger as Marion County Financial Administrators to administer the Oregon Health Authority Intergovernmental Agreement for the financing of mental health, addiction treatment, recovery, prevention services, and problem gambling through June 30, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:29:27)

6. Consider approval of the incoming funds Intergovernmental Agreement (IGA) with the Department of and Human Services in the amount of $16,689,345 for the financing of community developmental disability services through June 30, 2021. –Cary Moller.

Summary of presentation:

- The IGA is for the community developmental disabilities program;
- Funding for the program comes from the Oregon Department of Human Services; and
- The IGA funds some of the following:
  - Case management services; and
  - Adult and abuse investigation services.

Board discussion:

- Funding for the program has remained consistent over the last biennium.

> **MOTION:** Commissioner Brentano moved to approve the incoming funds Intergovernmental Agreement with the Department of and Human Services in the amount of $16,689,345 for the financing of community developmental disability services through June 30, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:31:41)

7. Consider approval of an order appointing Cary Moller, Ryan Matthews, Cydney Nestor, and Katrina Rothenberger as Marion County Financial Administrators to administer the Department of Human Services Intergovernmental Agreement for the financing of community developmental disability services through June 30, 2021. –Cary Moller.

Summary of presentation:

- Ms. Moller is requesting the commissioner's support for the motion.

> **MOTION:** Commissioner Willis moved to approve an order appointing Cary Moller, Ryan Matthews, Cydney Nestor, and Katrina Rothenberger as Marion County Financial Administrators to administer the Department of Human Services Intergovernmental Agreement for the financing of community developmental disability services through June 30, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:32:47)

PUBLIC WORKS

8. Consider approval of a resolution initiating amendments to the Marion County Code Title #16 and Title #17 adopting revised floodplain maps for an area near Turner and schedule a public hearing for August 28, 2019. –Brandon Reich

Summary of presentation:

- The City of Turner requested a reevaluation of the floodplain maps from the Federal Emergency Management Agency (FEMA) after they experienced flooding in January of 2012;
- The City of Turner worked with a consultant to develop a new study of the floodplain:
  - Marion County staff participated in the remapping process.
- The study applied new, more accurate topographic information, and as a result:
  - Floodways and floodplains will widen in some locations and narrow in other locations; and
  - Base flood elevations will generally increase.
- Continued participation in the national flood insurance program requires the following from the county:
  - Adopting the revised maps that have been provided by FEMA; and
  - Regulating development to the new maps.
- Marion County, in partnership with the City of Turner, have performed the following in an effort to meet the mapping changes:
  - Held public meetings;
  - Mailed notices to property owners;
  - Published notices in the newspaper; and
  - Worked with individual property owners on considerations regarding their property.
- The outreach efforts have helped individuals impacted by flooding with the following:
  - Understanding the changes the new maps mean for their property; and

    - Considering the purchase of flood insurance before the new floodplain maps go into effect on October 18, 2019:
        - Individuals purchasing insurance early may receive a lower insurance premium.
- The resolution initiates the process for the board to consider amendments to the Marion County Zone, and sets a public hearing date for August 28, 2019; and
- Staff recommends the resolution be approved as provided.

Board discussion:

- The new homes on the north end of the City of Turner are not included in the floodplain;
- Several properties north of Mill Creek Road and outside the city limits were impacted by the flooding in January of 2012:
    - The properties were not part of the floodplain zone; however
    - The properties that were impacted by the flood will be brought into the floodplain zone; and
    - Flood insurance is required for properties located inside the floodplain zone.
- FEMA will provide new floodplain maps when asked to do so:
    - This can result in a change to the floodplain areas and impact some property owners.
- Local jurisdictions can generate new floodplain maps:
    - They do not have to rise to the federal level; and
    - It still offers protections to property owners without requiring that they obtain flood insurance.
- Insurance premiums are the same across the United States:
    - Everyone pays the same rates; and
    - Rates are based on the events that are happening across the nation.
- A public hearing is required by Oregon law in order to update a zone code and reference new data on the new floodplain index map:
    - Maps cannot be adopted and applied until they are referenced and included in zone codes; and
    - FEMA requires the maps to be locally adopted.
- The board has the option to refer this matter back to the hearings officer to conduct a public hearing and then make a recommendation;
- If the county chooses not to adopt the floodplain maps, then jurisdictions may be suspended from the floodplain program:
    - Individuals will not be eligible for floodplain insurance; and
    - Individuals may not be eligible for federally backed loans.
- The City of Turner has three to four different streams that all come together:
    - They are channeled through a narrow area that can impact the floodplain.
- The City of Turner has worked with a consultant to develop a number of mitigation options which include some of the following:
    - Finding an alternative for dealing with irrigation channels;

    - Allowing specific areas to flood for a specific amount of time may delay water coming through the city; and
    - Possibly shifting the water to another location.
- The county and the City of Turner are waiting for preliminary information to come back from the consultant:
    - It could take six to ten weeks before the information is received; and
    - Once received, the information will be brought before the board of commissioners.

MOTION: Commissioner Brentano moved to approve a resolution initiating amendments to the Marion County Code Title #16 and Title #17 adopting revised floodplain maps for an area near Turner and schedule a public hearing for August 28, 2019. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:43:53)

Recessed as Board of Commissioners
Reconvened as Contract Review Board

CONTRACT REVIEW BOARD

1. Consider approval of an order for the Class Special Procurement to contract with providers for adult foster care, residential treatment facilities, and residential treatment homes to individuals with chronic or severe mental illness through December 30, 2020. –Camber Schlag and Cydney Nestor

Summary of presentation:

Camber Schlag:

- Requesting an exemption for a Class Special Procurement;
- Multiple contracts for the following will be awarded to approximately fourteen current providers:
    - Residential treatment facilities;
    - Residential treatment homes; and
    - Adult foster care.
- The county has been directed by the state of Oregon to contract with the fourteen providers:
    - The providers have been through a vetting process with the state; and
    - The providers have been identified through an Intergovernemental Agreement that the county receives from the state.
- The Class Special Procurement will not prohibit other providers from participating;
- A notice was issued to the Oregon Procurement Information Network (ORPIN) on June 27, 2019;
- The ORPIN notice closed on July 3, 2019; and
- The county received no protests.

Cydney Nestor:

- The funds will allow the county to provide payments to licensed care facilities for individuals that do not have Medicaid or Supplemental Security Income benefits;
- The county receives this funding from the state of Oregon; and
- Several of the care providers have served adults with serious mental health conditions for a number of years.

Board discussion:

- Individuals with personal assets are required to contribute towards their payment;
- Individuals are not covered by Medicaid while they are in the state hospital;
- It can take four to eight weeks for service benefits to take effect after individuals have been released from the state hospital:
    - The Class Special Procurement will cover the gap period until the service benefits take effect.
- Foster homes in the state of Utah that have been receiving children from Oregon are not related to this Class Special Procurement request:
    - The Oregon Department of Human Services has been sending children to treatment facilities in Utah.

MOTION: Commissioner Willis moved to approve an order for the Class Special Procurement to contract with providers for adult foster care, residential treatment facilities, and residential treatment homes to individuals with chronic or severe mental illness through December 30, 2020. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Recessed as Contract Review Board
Reconvened as Board of Commissioners

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:48:32)

PUBLIC WORKS

A. Public Hearing to consider Zone Change/Comprehensive Plan/Property Line Adjustment (ZC/CP/PLA) Case #18-007/Tofte Family LLC. –Joe Fennimore

Summary of presentation:

- The application is to amend the comprehensive plan designation from Rural Residential to Commercial, to change the zone from Acreage Residential to Commercial, on a 7.15 acre portion of a 9.15 acre parcel;
- Then to adjust the property lines on the 9.15 acre parcel and an adjacent 19.86 acre parcel to create a 27 acre parcel that will be zoned Commercial, and a two acre parcel that will be zoned Acreage Residential;
- The property is located on Hanneman Lane, in Turner;

- The hearings officer held a public hearing on February 6, 2019;
- A recommendation was issued on May 31, 2019, to approve the request if the applicant provided additional input on the types of uses that would be retained in the commercial zone;
- The applicant plans to expand the existing Enchanted Forest theme park by adding the 7.15 acre parcel to the parks existing land parcel;
- In 1985, the property containing the theme park was rezoned to Commercial General to allow for expansion of the park;
- A limited use overlay was applied to restrict the number of uses permitted on the original property;
- The original limited use overlay was removed in July of 2004, and has not been reinstated;
- Currently the property containing the existing theme park is zoned Commercial;
- The applicant has proposed that the added parcel be zoned Commercial as well;
- The hearings officer has suggested applying the following to the commercial application:
    - A limited use overlay;
    - Specific vegetation retention; and
    - Special setbacks.
- The hearings officer has recommended the request be granted subject to conditions; and
- The board has the following options:
    - Continue the public hearing;
    - Close the public hearing and leave the record open;
    - Close the public hearing and approve, modify, or deny the request; or
    - Remand the matter back to the hearings officer for further review.

Board discussion:

- The applicants in this case felt a limited use overlay was not necessary;
- No specific limits were identified by the hearings officer;
- The applicant will need to propose specific limits if the board makes the decision to limit the uses;
- The hearings officer felt it would be appropriate to limit the uses in order to prevent the surrounding areas from being impacted;
- The county's Commercial zone and the City of Salem's Commercial zone are not the same; and
- The applicant intends to eventually expand the existing theme park.

Testimony:
Support:

J. Michael Keane, attorney for the applicants:

- There are no specific plans for expansion of the 7.15 acre parcel;

- Currently there is an expansion area on the existing parcel that has not been completely developed;
- Entry to the 7.15 acre parcel can only be accessed by going through the park;
- The Tofte Family has proposed the following:
    - A 20 foot setback from the property line to allow for additional development of the property; and
    - That the buffer area containing the vegetation requirements be kept in its natural state.
- The uses and limited uses encompasses some of the following:
    - Amusement rides; and
    - Some of the existing retail space which includes:
        - An ice cream shop;
        - A gift shop; and
        - A small theatre.
- The applicant is requesting to keep the Rural Commercial zone for retail to allow for the possibility of future expansion;

Board discussion:

- The buffer zone will entail a 20 foot setback from the property line:
    - Existing vegetation cannot be removed except for safety purposes; and
    - Existing vegetation will be replaced in the event that it dies.
- An existing home is located on Hanneman Lane:
    - Entry to the park can be accessed from this lane;
    - The hearings officer has recommended denying access to the park from Hanneman Lane; and
    - The applicant has agreed to this public access condition.

Testimony:
Support:

Susan Veslev, applicant:

- A water storage system is located on Hanneman Lane that the fire department may need to access.

Board discussion:

- The commissioners have requested additional language be added for the following:
    - A 20 foot setback;
    - A natural vegetation barrier; and
    - Prohibiting access to Hanneman Lane for public use.
- The language request will be added to an ordinance that will be presented at a later date; and
- The ordinance will not include a limited use overlay.

MOTION: Commissioner Brentano moved to close the public hearing and accept the hearings officer's recommendations for Zone Change/Comprehensive Plan/Property Line Adjustment (ZC/CP/PLA) Case #18-007/Tofte Family LLC, requiring a 20 foot setback, with appropriate natural vegetation that is maintained in the buffer zone, and prohibiting access to Hanneman Lane for public use. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar.
Commissioner Cameron adjourned the meeting at 10:14 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

DRAFT