

## BOARD OF COMMISSIONERS

### MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 28, 2022  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

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

**ABSENT:** Commissioner Danielle Bethell

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

*(Video Time 00:00:51)*

### **PUBLIC COMMENT**

None.

*(Video Time 00:00:54)*

### **CONSENT**

#### **BOARD OF COMMISSIONERS**

##### **Board Committee Appointments - Marion County Fair Board**

1. Approve orders reappointing Joel Conder as a fair board member and Colleen Busch and Rebecca Turner as key volunteers to the Marion County Fair Board with terms beginning on January 1, 2023 and ending on December 31, 2025.

#### **HUMAN RESOURCES**

2. Approve a recommendation to retitle class code #037 from Payroll Supervisor to Payroll Manager, update the classification, and adjust the pay grade upward; reactivate class code #509, Nurse Practitioner, update the classification, and adjust the pay grade upward; and adopt and establish the classification of Emergency Management Director under class code #191.

#### **PUBLIC WORKS**

3. Receive hearings officer's decision approving Conditional Use (CU) Case #22-027/ JaDontae Evans on behalf of Brent Chandler.

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

(Video Time 00:02:25)

## **ACTION**

### **PUBLIC WORKS**

4. Consider approval of an ordinance to amend Chapter 15.10 of the Marion County Code to update the county's Construction Erosion and Sediment Control ordinance to be consistent with the county's National Pollutant Discharge Elimination System permit. –Matt Knudsen and Max Hepburn

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

- The first reading of the title of the ordinance was on September 14, 2022;
- The ordinance was developed to modify language in Chapter 15.10 of the Marion County code to meet new Department of Environmental Quality (DEQ) requirements:
  - The requirements come from the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit;
  - Marion County does not receive any funding for the program; and
  - Fines for violating the permit can be up to \$25,000 per day.
- There have been approximately ten public meetings regarding the changes, including meetings with the Marion County Board of Commissioners and the Marion Water Quality Advisory Committee;
- Stakeholders include the following:
  - Local engineers;
  - Developers;
  - Homebuilders' associations;
  - Agriculture councils; and
  - Watershed councils.
- Areas impacted by the change include some of the following:
  - East Salem;
  - The unincorporated community of Brooks;
  - The unincorporated community of Butteville; and
  - Areas just outside the following cities:
    - Keizer;
    - Salem; and
    - Turner.
- The goal of the new regulation is to reduce the turbidity of receiving rivers and streams;
- The goal of the county's program is to maximize water quality impact, while minimizing the impact to development;
- Key benefits of the amendment include some of the following:
  - It simplifies when the construction erosion program applies by removing the high-risk area map that was adopted in 2012;

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- Lowers the threshold in conformance with the new Municipal Separate Storm Sewer System (MS4) requirements:
  - It will be lowered from 1-acre of ground disturbance down to 0.25-acre.
- It provides a clear pathway for developers to sell individual lots in larger developments to builders; and
- It continues the permit coverage for construction erosion.
- The ordinance for consideration is a result of federal and state requirements;
- County staff collaborated with multiple stakeholders over the course of a two-year period to implement a program that is easy to understand and is effective;
- The changes go into effect February 15, 2023; and
- Marion County staff recommends adoption of the ordinance.

***Board discussion:***

- Negative impacts from the federal and state mandate include:
  - The ordinance will put more of a burden on developers; and
  - The cost of building will increase:
    - The increase could potentially range from hundreds to thousands of dollars, depending on the size of the site being developed; and
    - The regulations make it more difficult to affordably build homes, especially when there is a housing shortage.
- The county's only choice is to comply with the DEQ requirements; and
- Ms. Vetto clarified that since this is the second reading of the ordinance, the title does not have to be read twice:
  - It is not an emergency ordinance; and
  - The rules are detailed in Oregon Revised Statutes (ORS) 203.045.

**MOTION:** Commissioner Cameron moved to approve an ordinance to amend Chapter 15.10 of the Marion County Code to update the county's Construction Erosion and Sediment Control ordinance to be consistent with the county's National Pollutant Discharge Elimination System permit. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:07:37)*

5. Consider approval of the Franchise Agreement with Capital Recycling and Disposal Incorporated, dba, Republic Services, for the operation, hauling, and acceptance of solid waste and recyclables at the Salem-Keizer Transfer Facility through September 30, 2027. –Brian May

***Summary of presentation:***

- Capital Recycling and Disposal is the owner and operator of the facility through a franchise agreement with Marion County;
- The current agreement expires on September 30, 2022;

- The Salem-Keizer Recycling and Transfer Station (SKRTS) receives approximately 20 percent of the county's disposal volume:
  - This equates to over 67,000 tons per year;
  - Approximately 200 tons per day; and
  - Approximately 500 customers.
- Changes to the agreement include the following:
  - The old agreement was flat fee-based, with additional per ton charges when certain thresholds were reached; and
  - The rate in the new agreement is per ton:
    - There is no flat fee-based requirement;
    - There is a \$26 per ton fee for up to the first 5,000 tons; and
    - There is a \$35 per ton fee for any amount over 5,000 tons.
- The new rate agreement allows the county more flexibility;
- There are incentives built into the new agreement that could potentially increase the rate to \$28 per ton:
  - The incentives focus on customer service and safety at the site and includes some of the following:
    - Monthly customer service training for site staff;
    - Transporting and moving material in a timely manner to manage material levels; and
    - Staffing level requirements.
  - Republic Services is compensated as follows based upon how many of the five standards they achieve:
    - If they achieve three of the five standards, they are compensated \$1 per ton, a month, for up to the first 5,000 tons;
    - If they achieve four of the five standards, they are compensated an additional 50 cents; and
    - If they achieve five of the five standards, they are compensated an additional 50 cents.
      - In total there is the potential to receive \$2 per ton, per month.
- The current agreement had a ten-year term;
- The new agreement is for five years, with an option to extend for the following:
  - Three years;
  - Followed by one year; and
  - Finally, by one additional year:
    - The total term of the agreement could potentially be for ten years.
- The financial impact to the county with the new agreement is approximately \$1 million per year;
- An additional \$1 million may be required for repairs that need to be done for customer service and safety at the site:
  - Republic Services will contract to complete the work in a timely manner.
- The contract is currently the best option for the county and its residents; and

- Staff recommends approval of the Franchise Agreement.

***Board discussion:***

- The rate per ton is a monthly charge;
- The rate increases for any amount over 5,000 tons:
  - The additional volume requires Republic Services to perform some of the following:
    - Move more material;
    - Handle more staff; and
    - Accommodate the additional volume.
- An assessment was performed five to six years earlier that identified several repairs that needed to be accomplished:
  - Completed repairs include some of the following:
    - The structure has been shored up;
    - Steel girders have been gusseted;
    - The pit floor has been repaired; and
    - Storm water issues have been addressed.
- The site is old, and needs additional repairs:
  - A retaining wall has been severely undermined and could potentially fail; and
  - Queuing lanes just past the scale house should be widened to improve access both in and out of the facility.
- The new agreement sets up Brown's Island Demolition Landfill as the primary compost facility:
  - Pacific Region Compost is a backup option.
- Options to mitigate the increased volume at SKRTS include some of the following:
  - Scale attendant staffing has been expanded to assist with the increased volume, and to help move traffic through; and
  - The Marion Resource Recovery Facility (MRRF) has expanded and is able to take more construction and demolition volume:
    - These are often larger loads that involve a trailer and require more space; and
    - The intent is to move the construction and demolition volumes directly to the MRRF to assist with the following at the SKRTS location:
      - Space issues;
      - Alleviate traffic;
      - Decrease safety concerns; and
      - Reduce the labor that would be required to move construction and demolition debris to the MRRF.
  - Contractors that take their product to the MRRF may receive a \$12 discount; and
  - Taking construction and demolition debris directly to the MRRF may help to manage costs.

**MOTION:** Commissioner Cameron moved to approve the Franchise Agreement with Capital Recycling and Disposal Incorporated, dba, Republic Services, for the operation, hauling, and acceptance of solid waste and recyclables at the Salem-Keizer Transfer Facility through September 30, 2032. Seconded by Commissioner Willis; 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 agreement with a term date of September 30, 2032. The actual agreement term date is September 30, 2027, with an option to extend the agreement.***

(Video Time 00:18:23)

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

None.

Commissioner Willis adjourned the meeting at 9:18 a.m.

**NOT PRESENT AT MEETING**

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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>**