



Management Update Summary Minutes

Monday, August 3, 2015, 9:00 a.m.
Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE

John Lattimer, Sam Brentano, Janet Carlson, Kevin Cameron, Bruce Armstrong, Jolene Kelley, Raquel Moore-Greene, Alan Haley, Joe Fennimore, Colleen Coons-Chaffins, Cindy Johnson, Brandon Reich, Cynthia Granatir, Justine Flora, Warren Jackson, Barb Young, Mary Campbell (Brown & Brown) and Kristy Witherell as recorder.

Chief Administrative Officer John Lattimer opened the meeting at 9:00 a.m.

COMMUNICATIONS UPDATE

Jolene Kelley, Public Information Coordinator, gave current updates.

INFORMATIONAL

Discuss Salem Sunday Streets/Big Ballyhoo Event

Summary of presentation:

- At a June Management Update meeting, Jolene presented a proposal from a non-profit company called Salem Creative Network that would like to use the courthouse square complex as part of a bigger community event;
- The commissioners asked for more information about a permit application and to look at insurance requirements;
- Gary Hales and Justine Flora gave their input of requirements on creating the agreements;
- There are two different agreements:
 - One with the condo association with everything happening on courthouse square complex; and
 - An agreement with the county only for everything that is happening at the courthouse steps.
- The agreements are identical;
- Back page of the agreement lists all of the events;
- Commissioner Carlson asked Cindy Johnson to talk to Joe Fennimore about permits for small gatherings;
- Since there is no power outside of the courthouse, they will be bringing in bicycles to power main stage and sound;
- Commissioners would like the Sheriff to be aware of the event;
- Contact Diane Morris so she is aware of the event as well;
- The event is August 29-30, 2015; and
- Jolene will email and follow up with the commissioners.

Board Discussion:

- The commissioners agreed to move forward.

Discuss Backyard Roosters

Summary of presentation:

- Have a problem with roosters on a certain property in Marion County;
- Looking at a way to regulate the property;
- If Marion County were to change the code and strictly prohibit roosters, it could reduce property values;
- With 150 roosters on two acres, Commissioner Carlson asked if something could be done to zone just the two acres:
 - The interpretation of the current code, Urban Transition (UT) zones allow farm use; and
 - In the UT zone requires 'setbacks' for accessory structures:
 - Except farm animals and related structures; and
 - Should not be closer than 100 feet from a side lot line abutting a residential zone.
 - Marion County could make an interpretation that UT zones that are designated residential are effective residential zones and that setback should apply.
- The Silverton property in question is only 160 feet wide and if they had to comply with a 100 foot setback, they would not be able to have farm animals;
- This would also apply to the neighbors who have farm animals as well;
- Commissioner Carlson asked if the property could be UT2 zoned:
 - Joe Fennimore stated that it could be done with a code change but it couldn't be done with the current interpretation.
- It could create unintended consequences changing the code;
- Commissioner Carlson stated that the code needs to be changed;
- Commissioner Carlson asked if Marion County could do an interpretation with a variance:
 - Joe stated if the code is changed other affected property owners could pay for a variance request and Marion County could waive the application fee of \$500.
- Joe Fennimore stated the variances are complaint driven;
- The new chicken ordinance does not apply to this property because of the way this property is zoned;
- Warren Jackson asked if the property could be rezoned since it is so close to city limits:
 - Mr. Fennimore said if two or more sides of the property abutted the city, it could be rezoned.
- Brandon Reich suggested doing a staged process:
 - Do the interpretation and resolve the issue;
 - Over the next year see what impacts the 100 foot setback is having on people;
 - See if there is a need to go back and amend the definition of farm use in the urban area to exclude chickens and roosters; and
 - Apply the chicken ordinance to the UT zone.
- John Lattimer asked if the owners of the roosters would have a case against Marion County:
 - Bruce Armstrong stated that they would not have a case since Marion County would be consistent with their code and applying it uniformly.
- Long range, the county may run into the same issue with marijuana;
- Mr. Reich stated that the roosters were not on the property prior to the ordinance change so they would not be grandfathered in;
- Code enforcement is aware with what is going on with the property;
- Commissioner Carlson directed Mr. Fennimore to include Lieutenant Chris Baldrige in the conversation;
- Mr. Reich stated instead of doing a stage process, Marion County could do the interpretation and at the same time the Board could have the intention while Legal Counsel works on the amendment to the Urban Farm Definition taking out chickens and roosters, at the same time add the chicken ordinance to the UT zones; and

- Commissioner Carlson asked if the interpretation is done in conjunction with opening up a code revision process then can we preserve the chickens and still enforce against the roosters:
 - Mr. Reich stated yes but the only drawback is by mending the definition of farm use, Marion County has somewhat restricted the use on that property; and
 - Will have to do notice to state that property values maybe affected which will go out to approximately 1,700 property owners.
- Will find out if they are property owners or tenants;
- Mr. Fennimore suggested that parcels less than three acres are considered residential; and
- Commissioner Carlson asked what Code Enforcement could do sooner rather than later:
 - Mr. Reich said that code enforcement can apply the 100 foot setback and no roosters.

Board Direction:

- Commissioner Carlson would like to have something in writing for documentation;
- Commissioner Carlson stated that the interpretation has been done today:
 - The interpretation will consider lots of two acres or less in the UT zone be residential and farm animals shall not be located closer than 100 feet from other residential parcels;
 - Will need to be formalized in writing and talk to code enforcement on what they can do;
 - Will simultaneously look at a code revision for the UT zone and Joe will do research on what can be done and what the properties are;
 - Find out if the people rent or own;
 - Will look at marijuana and farm animal definitions at the same time;
 - Update the UT zone for both marijuana and roosters; and
 - Public Works and Legal Counsel will work together on a letter and agree on the language.

Discuss Required Workers' Compensation Reserves

Summary of Presentation:

- Marion County received a letter from the Department of Consumer and Business Services, Workers Compensation Division;
- Marion County has a self-funded workers compensation program:
 - In order to have a self-funded program it can either be assessed for a deposit we pay to workers compensation division annually; or
 - Be exempt.
- Marion County applied for an exemption which required certain qualifications of holding reserves in our own accounts;
- By holding our own reserves, workers compensation division gets to tell us what the minimum reserves are;
- What the county has done is use the number from the actuarial review and use the \$1,280,000 in the reserve account;
- There is an additional number in the actuarial review called the 'ultimate possible losses' and workers compensation would like to include both of those numbers together;
- Marion County is low on the restricted workers compensation reserves;
- In order to stay exempt, need to increase the amount we have in reserves;
- Marion County has the money in self-insurance account but would like to be in compliance;
- Need \$450,000 to be moved into workers compensation fund from the general insurance reserves;
- The Finance Department is in the process of revising the requirements;
- Moving the money from the general insurance reserve to the workers compensation reserve will satisfy what we have in reserves;
- Will post the transfer as a June adjustment to close fiscal year;
- First supplemental will adjust the budgeted amount; and

- For the 2013-2014 year the incurred losses was \$525,918:
 - Sheriff's office claimed \$238,879 of that; and
 - Public Works had a high utilization as well.

Benefit Plan Renewal Update

Summary of presentation:

- The first Health Insurance Study Committee meeting was two weeks ago;
- Received first flush of renewal proposals from the health carriers;
- Received information that Moda Health is dropping their prices slightly;
- Renewals for the Non-Marion County Law Enforcement Association (MCLEA) programs is up 7.4 percent of what they are requesting:
 - Moda preferred provider organization (PPO) plan originally asked for a 9.2 percent increase as well as the consumer directed health plan; and
 - Kaiser Permanente is asking for 6.4 percent increase.
- For MCLEA, MODA is asking for a 4.1 percent increase and Kaiser Permanente is asking for a 4.6 percent increase;
- Brown and Brown provided a four-tier rate analysis;
- If Marion County goes to a tiered plan, there would need to be a cap paid toward the employee premiums; and
- Tiering the insurance will not move forward until it is presented to the Board.

Discuss the Letter regarding Funding for the Repair and Reopening of Willamette Falls Locks

Summary of presentation:

- Barb Young talked to Trent Wilson, Government Affairs staff:
 - Focusing on advocacy piece of reopening the Willamette Falls Locks first; and
 - Study piece will be secondary.
- They are asking for is \$16,000 for the advocacy piece;
- The study with the Army Corps of Engineers will cost \$275,000; and
- Passed Senate Bill 111 to have the locks:
 - Creates a task force to look at the locks.
- Army Corps does not want to be responsible for the locks and would like to transfer it to another entity;
- Overall the Willamette Heritage Foundation has a \$150,000 budget:
 - The foundation funds one third;
 - Metro funds a third; and
 - \$16,000 is what is left over.
- Ms. Young and John Lattimer recommend talking to CFM and contribute some of their time to help out on a Federal level; and
- Could build that into next year's Federal agenda.

COMMISSIONERS' COMMITTEE ASSIGNMENTS and UPDATE

Commissioner Janet Carlson

- Has been working on getting the reentry breakfast organized:
 - Kristy Witherell has been working on getting the mailing list finalized;
 - Gordean Ash has been working on a save-the-date; and
 - The breakfast is October 20, 2015.
- Attended a meeting with the Behavioral Care Network Executive Committee on July 30, 2015;

- Met Friday, July 31st with Judge Tracy Prall and Sheriff Jason Myers about the Children and Families Commission:
 - The co-chairs both agreed to stay on for a year;
 - Will put together a meeting with the youth providers; and
 - Will have another meeting in October 2015.
- Received the new wellness report in the routing file:
 - Have the new wellness person, Matt Plummer come to Management Update Meetings and give the Board the report.
- Attended Solid Waste Management Advisory Council (SWMAC);,
 - Would like to get more involved with the group; and
 - Would like to get a meeting together with Alan Haley, Jeff Bickford and the Chair and vice-Chair and talk about what they would like to accomplish.

Commissioner Kevin Cameron

- Received a phone call regarding potential of putting a columbarium in Oregon Garden:
 - Would be a revenue generator;
 - Would come and give a presentation along with the architect and talk about potential income; and
 - Will take it to the Foundation Board and Tami in Community services.
- Going to the Aurora Airport to talk about traffic and public safety issues;
- Going French Prairie to talk about traffic issues in north Marion County;
- Interested in an update on the fire that happened this weekend at North Fork; and
- Received a phone call from Stuart Olson who is concerned about the drought and residential people using a lot of water in the rural area:
 - Commissioner Cameron will follow up on irrigation and the rural areas.

Commissioner Sam Brentano

- Mid-Willamette Valley Area Commission on Transportation (MWACT) and Salem Keizer Area Transit Study (SKATS) meeting:
 - Would like to conduct a baseline study between vehicle usage and mass transit in Portland, Eugene and possibly Corvallis;
 - The idea of the study is to identify change in your area that would help with people utilizing mass transit more;
 - The Directors at SKATS want to have a baseline study; and
 - Concerns regarding moving forward with the study.
- Senior Services meeting:
 - Commissioner Brentano is the new chair;
 - Four different areas where meals have been provided have been closed because the lack of attendance; and
 - All the people who were showing up have been provided with alternatives in terms of delivery.

OTHER

Alan Haley

- North Fork fire update:
 - Oregon Department of Forestry (ODF) is falling trees in area;
 - Cleaned out the park of personal belongings and it is being stored in building nine at the shops;
 - Ed Flick and Krista Rowland are orchestrating having people come in and get their stuff;
 - ODF is conducting three day-checks;
 - Park will be closed for at least a week;

- The fire was started by a campfire by the river, which got up into the trees;
- The state has banned fires in campgrounds;
- Will go back to the park this afternoon to take pictures; and
- Will have another update later.

Adjourned 10:30 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: **Allycia R. Weathers**