



Management Update Summary Minutes

Monday, October 3, 2016, 9:00 a.m.
Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5231, Commissioners Boardroom

ATTENDANCE

Commissioner Sam Brentano, Commissioner Kevin Cameron, Commissioner Janet Carlson, John Lattimer, Jan Fritz, Bruce Armstrong, Scott Norris, Brian May, Alan Haley, Jeff White, Cynthia Granatir, Brandon Reich, Matt Knudsen, Jolene Kelley, Anna Rankin and Kenna West as recorder.

John Lattimer called the meeting to order at 9:00 a.m.

INFORMATIONAL

Discuss Private Property Tows - Jolene Kelley, Bruce Armstrong

Summary of Presentation:

- Resident concerns:
 - \$800-\$1,200 for tows.
- In 2013, House Bill 3159 went into effect, which allows the county to set max fines;
- Tows by private parties without consent;
- If the city does not have a fine cap but the county does, the cap would be enforced within city limits:
 - City must establish licensing procedure; and
 - Must have a complaint process.
- Mr. Armstrong sent out an email to other counties to inquire about their policy:
 - Linn and Crook County responded; and
 - They do not have an ordinance or policy in place.
- Portland, Gresham, Tualatin and Fairview enacted ordinances to cap fines;
- There are an estimated 12-15 tow companies in Marion County;
- Impound rate caps will only apply to private parties;
- Maximum rates set must include all parts of the tow process:
 - Tow mileage; and
 - Impound.
- Three things to consider if enacting an ordinance:
 - Rate sheet:
 - Licensing process for every tow company;
 - County must have staff to handle complaints; and
 - Complaint process.
- A work session is needed to discuss further:
 - Contact Association of Oregon Counties;
 - Sheriff's Office;
 - City of Jefferson;
 - Compile Gresham's fees and processes; and
 - Towing association information.

Fiscal Year 2015-16 Audit Entrance Conference Update - Jeff White, Cynthia Granatir, Ryan Pasquarella and Kylie McCloskey, Grove, Mueller & Swank

Summary of Presentation:

- Six audits are performed:
 - Financial;
 - County; and
 - Four special districts.
- Grove, Mueller & Swank were here in June to review processes and give feedback on the audit;
- Departments of focus were:
 - Board of Commissioners Office;
 - Assessor's Office;
 - Business Services;
 - Clerk's; and
 - Sheriff's Office.
- Will conduct a Federal audit:
 - Federal compliance based on federal expenditures throughout the year;
 - Risk assessments; and
 - Will be done in December 2016.
- Medicaid is not considered grant funding, so it will not be part of the audit;
- Every year, department audits look at each department processes:
 - Detailed audits are every three years.

Board Discussion:

- If there is a department of concern, the audit will be completed annually;
- Medicaid is an ongoing issue within the state; and
- Mr. Swank is a quality control audit partner.

Review Hearing Procedures for Joint Public Hearing on October 12, 2016 - Brandon Reich, Scott Norris

Summary of Presentation:

- Six different entities participating:
 - Two Planning Departments:
 - Keizer and Polk County.
 - Two Counties:
 - Marion; and
 - Polk.
 - Two Cities:
 - Salem; and
 - Keizer.
- Mayor Peterson is presiding officer and will guide the process;
- Will provide most recent rules:
 - Opening:
 - Each entity will open their own hearing.
 - Motion:
 - Three Parts:
 - Adopt the meeting procedures;
 - Approve the hearing procedures; and
 - Appoint Mayor Peterson as the Hearings Presiding Officer.
- Will be held at the 50+ Center;
- All will be sitting at the dais;

- Three minute limit for testimony;
- Recess will be built in;
- Polk County will most likely have to have another hearing;
- Marion County is very limited, but Salem/Keizer require such hearings;
- All jurisdictions have to agree on the findings; and
- If left open, still can accept testimony until the morning of Board Session.

Board Discussion:

- The commissioners would like to request two minutes of testimony, instead of three.

Review Oregon Association of County Engineers and Surveyors (OACES) funding proposal for new revenues - Alan Haley

Summary of Presentation:

- Association of Oregon Counties (AOC) would like all counties to sign off on the Intergovernmental Agreement with Oregon Association of County Engineers and Surveyors (OACES) and ordinance;
- This will solidify OACES as the group that it is and has been for 30+ years;
- From the banks perspective, OACES did not exist because it wasn't connected to any entity;
- OACES will remain as a body under AOC;
- OACES still manages their own funds;
- Will be operating as it does today;
- Marion County pays dues to OACES;
- This will go before the board at Board Session in the future;
- Funding proposal:
 - Proposal is to change the amount of money that is spread across the counties;
 - Marion County is proposing a \$5 million additional allotment; and
 - Public Works would have an additional \$2.4 million in their budget for roads.

Board Discussion:

- All counties pay the same amount of dues.

Discuss Scotts Mills Park Dam Removal Project Proposal – Alan Haley

Summary of Presentation:

- Letter in support of a grant to do some engineering studies of the dam removal;
- Looking to remove the dam and fish ladder on the Pudding River;
- Dam only creates a swimming hole;
- There are safety issues with the dam; and
- There is no cost or liability to the county.

Review Draft Letter to Property Owners Regarding FEMA/Endangered Species Act – Brandon Reich

Summary of Presentation:

- During the August Management Update, the board talked about how to proceed with notifying property owner of the endangered species changes in the flood plain;
- The commissioners discussed sending out a letter to those within the floodplain and just outside of it;
- Mr. Reich drafted a letter that can go out that will give broad terms information to people within the flood plain;
- References the Land Development and Conservation Commission's website;
- Letter includes:
 - Clarification that changes are from the federal level, not Marion County;

- Clear on what the county is seeking from people; and
- Contact information.
- Options to consider are sending the letter to all who are in the 100 year flood plain:
 - 500 feet from the 500 year flood plain; and
 - 1,000 feet from the 500 year flood plain.
- The number of properties affected will be 6,000; and
- The letter will be sent out in November.

Board Discussion:

- Needs more concrete information;
- Add more examples of impact to property;
- Comments and questions should be directed to Brandon Reich;
- Keep the letter at two pages;
- Send a copy to the board for comments before it's sent out;
- Statesman Journal, realtors, insurance agents, and Home Builders Association will need to be notified; and
- Planning Department will need extra funds to do a full mailing.

Discuss Stormwater Management Area Map Expansion – Matt Knudsen, Scott Norris

Summary of Presentation:

- Met in July and board requested Public Works to look into the possibility of not accepting the map;
- The area is within a National Pollutant Discharge Elimination System (NPDES) permit defined as an urbanized area in the latest census;
- There are no federal regulations through Department of Environmental Quality (DEQ) or Environmental Protection Agency (EPA);
- The area of concern is east of Salem;
- It is in Exclusive Farm Use (EFU) land;
- If building in the area, it may trigger a NPDES permit;
- Public Works' building is within the map;
- Canby, Barlow, Aurora, Gervais, Salem, Stayton, and Sublimity may be affected in the next census:
 - Wants to review the rules and make comments to make certain the feds understand the unique face of Oregon.
- Trying to investigate the impacts of the change;
- Will argue at the next census about Oregon's uniqueness;
- There is additional money for the communities from the federal government for urbanized areas;
- Will slowly be implementing the program through DEQ:
 - Will do an outreach over the next year;
 - Public Works will be under new stringent requirements; and
 - Will be providing street sweeping.
- July work session:
 - Two Updates:
 - Map; and
 - New permit:
 - In a five year cycle;
 - DEQ updated everyone and provided a new permit and permit language;
 - Gave 60 days of public comment period;
 - Received over 100 substantive comments;
 - Currently the process is on hold; and
 - No clear date when the permit will be issued.

- Next steps:
 - Minimum requirements will be sent to the DEQ at the end of October; and
 - Will update the board.

COMMUNICATIONS

Jolene Kelley, Public Information Coordinator, provided current updates.

COMMISSIONERS' COMMITTEE ASSIGNMENTS and UPDATE

Commissioner Brentano:

- Travel Salem:
 - Eclipse discussions.
- O&C Meeting:
 - Filed a suit for O&C lands.

Commissioner Cameron

- Septic ride along; and
- SEDCOR lost industrial business:
 - Purchase sale agreement was slow to get back.

Commissioner Carlson:

- SWMAC meeting last week:
 - Bylaws:
 - Commissioners appoint the chair and vice-chair;
 - Does not appoint for any other group; and
 - Would like to remove that line and allow SWMAC to appoint their own chair and vice-chair.
 - There is a contractor discount at the Salem/Keizer Transfer Center:
 - Advocating phasing the discount out.

Adjourned at 10:46 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: Sarra Sparks