



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, February 26, 2018, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE:

Commissioners Janet Carlson, Kevin Cameron, and Sam Brentano, John Lattimer, Jan Fritz, Jane Vetto, Tamra Goettsch, Jeff White, Colleen Coons-Chaffins, Alan Haley, Noah Olson, Justine Flora, Scott Norris, Kyle Wonderly, Michael Mustin, Joe Fennimore, Brandon Reich, Warren Jackson, Laura Pekarek, Lisa Trauernicht, Barb Young, Jolene Kelley, Allison Pennell, and Kristy Witherell as Recorder.

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

INFORMATIONAL:

Review New Policy, Public Records Requests – Policy 213

- Lisa Trauernicht

Summary of presentation:

- Related to public records requests;
- Little has changed since the last review;
- Language change on the policy definitions;
- Updates to the Policy Guidelines:
 - Section 3 - Processing Public Records Requests:
 - Added email acknowledgement is okay under section 3.2.
 - Section 4 - Fees:
 - Changed language to give flexibility under section 4.4.
 - Section 9 – Tracking Public Records Requests:
 - Leave only the line that states, “Each department’s public records officer document the number and type of public records request they have received and completed.”
- The fee schedule will be done by a separate order.

Discuss Available Accessory Dwelling Unit Options on Rural Land

- Brandon Reich, Joe Fennimore

Summary of presentation:

- Two legislative sessions ago, Marion County brought a proposal for Accessory Dwelling Units (ADUs) in the rural area:
 - Both bills had a hearing but were not adopted by the legislature.
- Other options available to the county on rural land;
- Developed different ideas for ADUs;
- Domestic suite:

- Connected to the rest of the house with a common wall and door;
 - Has a full kitchen; and
 - It is not an actual ADU so the same level of standards does not need to be applied.
- Expand the hardship definition:
 - Cannot use imminent or likely threat to health;
 - Would need a doctor's certificate to show homelessness and a threat to health:
 - Could use a Recreational Vehicle (RV) or manufactured home for that purpose.
 - Code and state law states that a doctor or physician certifies.
- Changing a time limit of RV's on properties:
 - Not listed as a use of permanent or temporary living; and
 - Staff recommends leaving it at 120 days.
- Three properties code enforcement has been working with:
 - Worked with the individuals extensively;
 - The manufactured home has been removed off of one of the properties;
 - The property owners have until May 1, 2018 to mitigate the issues;
 - Code enforcement is making progress on the solid waste issues; and
 - Will continue to work with the property owners.

Board discussion:

- The commissioners would like to have drug counselors and other clinical workers certify threat to health.

Review Options for Consideration Regarding Conditional Use Case #17-020/Brush Creek Solar

- Joe Fennimore, Scott Norris

Summary of presentation:

- On Wednesday, the board will be considering the appeal;
- The planning director approved the conditional use;
- Opponents appealed the decision to the hearings officer;
- The hearings officer denied the conditional use;
- The applicant appealed the denial;
- On November 24, 2017, the board considered the appeal and one of the options was to remand the matter back to the hearings officer to consider additional information;
- Applicant agreed to the 150-day deadline to accommodate the decision;
- The hearings officer made the decision on February 8, 2018 approving the conditional use;
- The opponents appealed the hearings officer's decision on February 15, 2018;
- Applicant has given March 1, 2018 as an extension;
- The applicant will agree to an extension if the board chooses to accept the appeal and have their own hearing;
- If the commissioners accept the appeal:

- The board can accept the appeal and remand back to the hearings officer or schedule a hearing;
- Deny the appeal and adopt the hearings officer's decision as its own; and
- The paperwork will be completed by the 150-days deadline.
- The board can accept the appeal and schedule a hearing or send it back to the hearings officer:
 - This cannot be accomplished before the 150-day deadline;
 - The applicant can agree to extend the 150-day deadline or not;
 - If the applicant does not agree to extend the deadline, they can file mandamus in circuit court, which will order the county to grant the permit; and
 - The court has the discretion to award attorney fees.

Review Oregon Garden Foundation's 2018 Annual Budget

- Tamra Goettsch, Allison Pennell

Summary of presentation:

- The Oregon Garden Foundation submitted its final draft of their proposed budget;
- The City of Silverton has reviewed and approved the budget;
- The proposed budget is pretty conservative;
- Does include the \$100,000 from Marion County through the economic development lottery dollars;
- Assumes the Transient Occupancy Tax (TOT) from the City of Silverton;
- There is not a narrative with the budget; and
- The current membership funds go to Moonstone to help fund the operation of the garden.

Review of the Third Reinstated Nonprofit Corporation Bylaws of the Oregon Garden Foundation

- Tamra Goettsch, Allison Pennell

Summary of presentation:

- A subgroup of the Oregon Garden Foundation Board took three months to identify proposed changes;
- In the event that Marion County is no longer involved, two seats would go to Oregon Garden Foundation and the balance would go to the City of Silverton;
- City of Silverton has reviewed the bylaws and has approved the draft; and
- The goal is to diversify and reflect Oregon, not just Silverton.

Board discussion:

- Everyone is able to finish their term if Marion County pulls out; and
- Legal Counsel will review the bylaws before Board Session on Wednesday:
 - If there are any issues, the commissioners will hold the agenda item over for the following week.

Discuss Potential Addition to Marion County Code 10.10.150

- Tamra Goettsch, Laura Pekarek

Summary of presentation:

- Constituents approached Commissioner Carlson and asked for Marion County to review the allowance of selling live animals on county property;
- Legal Counsel, along with Code Enforcement and the Marion County Dog Shelter, looked at options on how to deal with the issue;
- The City of Salem has an ordinance not allowing the sale of live animals in their right-of-ways and properties;
- Legal Counsel proposed changes to the right-of-way code:
 - Under 10.1 of the code it changes the language to, "owned or leased by the county."
- Changes reflected:
 - Adding C and D; and
 - Does not include the adoptions that the Dog Shelter holds during events.
- Grammatical error in section D-3.

Board discussion:

- Ms. Goettsch will provide supporting materials at Board Session on Wednesday.

Review Pre-Employment Drug Testing Changes

- Kyle Wonderly

Summary of presentation:

- Will drug test special needs or safety sensitive positions;
- The job classification list is not in the policy or procedures:
 - Hiring managers have access to it.
- Last updated in March 2012;
- There has not been a criteria created that defines special needs or safety sensitive positions;
- The list is based on what different counties within the state do:
 - Government agencies around the nation; and
 - Case law.
- At a later date, will propose a list of job classifications that should be added to the drug testing list post offer;
- Special needs positions work with the vulnerable public;
- Marijuana is illegal federally:
 - If an employee comes to work with any measurable amount of marijuana in their system, they are in violation of county policy.
- The drug and alcohol policy points to the procedures; and
- Want to make sure everyone is on the same page for the criteria.

Board discussion:

- The commissioners would like to see an updated policy first and then the list of positions that will be drug tested.

Discuss the Payoff of a Contract with Larry Hoy for the Purchase of Property Tax ID #R96489, Located at 425 17th Street NE, Salem

- Jeff White

Summary of presentation:

- Property was sold at auction on contract for \$62,000;
- In 2016, the contract was amended and transferred to Mr. Hoy for \$27,000;
- Mr. Hoy came in and paid off the contract;
- Need to transfer the deed to Mr. Hoy's name; and
- The home is currently a rental unit.

Communications Update

- Barb Young
- Ms. Young gave a brief update of events happening in the community that the commissioners will be attending.

Legislative Update:

- Memo came from James Labar and the governor's office regarding a shelter capacity and homeless prevention request of \$5 million:
 - Within the request was a \$250,000 - \$300,000 request for a Salem Youth Shelter;
 - Followed up with Senator Winters' office last week:
 - Ms. Young sent a memo to Senator Winters that provided more information about the issue.
- Down to one hour notice on hearings;
- Broadband Bill, House Bill 4023:
 - Moving along;
 - Excludes cities and counties;
 - Amendments were approved, which sets up an interim workgroup:
 - Association of Oregon Counties (AOC) is specifically named in the workgroup.
- Cap and Trade failed;
- Document Recording Fee, House Bill 4007:
 - Clerk's Office opposes the bill;
 - The amendments reduced the fee from \$75 to \$60;
 - Sets up a first time buyers savings account;
 - Bill will sunset in eight years; and
 - AOC is remaining neutral.
- Affordable Housing Survey, House Bill 4006:
 - Wants information coming from cities and counties; and
 - Technical assistance money if people want to create plans for workforce housing.
- Mortgage Electronic Registration Systems (MERS):
 - An entity that the bankers and mortgage companies have set up to record with another entity;
 - Does not have access for the public to find out who has bought and sold their mortgages;
 - It is a workaround so mortgage companies do not have to pay a recording fee; and
 - Want to make sure Marion County residents know who owns their mortgage.

- Senate Bill 1556:
 - Marion County is involved in a lawsuit that could be \$2-\$5 million that will come to the county;
 - The bill blocks the lawsuit and makes it void for the counties to ever sue again;
 - In the current amendment, it will allow the current lawsuit to go forward:
 - It will not allow any future lawsuits; and
 - Creating a workgroup for the interim.
 - Doesn't fix the problem of recording.

Commissioners' Committee Assignments and Update

Janet Carlson:

- Met with Ann Kelly with Hands and Words are not for Hurting;
- Attended the 100 Day Challenge to end Homelessness;
- Health Department Strategic Planning:
 - Consultant facilitated a visioning session; and
 - Straight forward meeting for a "sticky note" exercise.
- Spoke on the radio at KMUZ and KBZY;
- LEAD Workgroup:
 - Hiring a navigator; and
 - ARCHES offered office space for free for the first six months and \$200 a month after.

Kevin Cameron:

- Attended Earthwise Luncheon; and
- Attended the Restaurant and Lodging Association Government Affairs Meeting.

Sam Brentano:

- Presented the 25-year pin to Todd Sheldon at the Juvenile Department:
 - The building's structure is troubling.
- Attended the Commercial Real Estate Economic Forum; and
- Attended Stayton Breakfast.

Meeting dismissed at 10:43 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: *Sherry Lintner*