



MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, September 17, 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, and John Lattimer, Jane Vetto, Alan Haley, Bill Burgess, Scott Norris, Joseph Miller, Laura Pekarek, Andrew Schmidt, Brandon Reich, Jeremy Landers, Barb Young, Lisa Trauernicht, Jolene Kelley, and Joanna Ritchie as Recorder.

GUESTS:

Troy Brynelson, Salem Reporter.

John Lattimer called the meeting to order at 9:01 a.m.

INFORMATIONAL:

Code Enforcement Updates

- Joe Miller and Laura Pekarek

Summary of presentation:

- Updates on four properties:
 - Little Road properties:
 - Memorandum outlining county's ability to take code enforcement action for camping on Exclusive Farm Use (EFU) zoned property will be distributed today and the item will be presented at a future Management Update meeting.
 - 5383 36th Avenue NE, Salem:
 - No significant abatement has been completed on the property;
 - Resources are available to the property owners;
 - Contempt hearing is scheduled for October 2, 2018, in Marion County Circuit Court; and
 - Legal will be requesting appointment of receivership, order to vacate, and imposition of daily fines.
 - 6040 Lake Labish Road, Salem:
 - Property has an accumulation of solid wastes;
 - There has been no improvement on the property;
 - Legal will move forward with filing a suit for injunctive relief in Marion County Circuit Court; and
 - Legal will request an order directing abatement of solid wastes and compliance with the Marion County Code within 60 days of the judgment and a single day fine of \$500.

- 4980 Riverton Road NE, Salem:
 - The property has been designated as a hazardous and dangerous building (“Red Tagged”);
 - Electrical hazards;
 - Owners of the property and family members are still residing in the dwelling;
 - The property also has an accumulation of solid wastes;
 - Primary concern is the safety of persons residing at and coming into contact with the property;
 - Looking into finding alternative housing for property owner; provided resource list;
 - Interior inspection of the property has been completed;
 - Legal recommends:
 - Filing a suit for injunctive relief in Marion County Circuit Court;
 - Obtaining a court order directing all persons to vacate the property; and
 - Securing the property while it is “red tagged.”
 - The county will not pursue any course of action prohibiting the property owner from resolving the issues on the property.
- 17824 Shank Road NE, Hubbard:
 - Tax foreclosure judgment entered in October 2017;
 - Property has structural defects;
 - There is an accumulation of solid wastes on the property;
 - Code Enforcement has attempted to contact the property owners since 2015, with no response;
 - Two courses of action available:
 - Accelerate the right to redemption, or
 - File civil suit in circuit court.
 - Legal recommends accelerating the right of redemption and designating the residential structure on the property as a hazardous and dangerous building.

Board discussion:

- Regarding the Riverton Road property:
 - The commissioners wanted to know:
 - Were the photographs taken before or after the electrical work was completed;
 - Can action be taken without going into the home for inspection; and
 - Can the property owners afford to make the repairs?
 - Discussed various options and resources available to property owner.
- Regarding the property on Shank Road:
 - The commissioners inquired:
 - If the vehicles were operational;
 - The amount of back taxes owed;
 - Size of the property;
 - Zoning; and

- Can you add conditions to sale at auction or add clean-up costs to minimum bid?
 - Do not want to sell an uninhabitable building; and
 - The board directed Mr. Miller to proceed with the right of redemption.
- The commissioners asked Mr. Miller to prepare a memorandum outlining the direction of the board for each property update.

Discuss Release of Trust Deed

- Scott Norris

Summary of presentation:

- The Laacks and Greg Eide (“applicants”) applied for and received a Measure 37 (M37) waiver in 2007 for a 40 lot subdivision south of Salem;
- The applicants applied for a vested rights determination when Measure 49 (M49) passed;
- The county approved the application;
- Applicants wanted to start work immediately;
- Right-of-way improvements and a performance bond were required;
- The applicants were unable to obtain bond because the appeal period for the M49 determination had not yet expired;
- The county took a Promissory Note secured by a Trust Deed for the amount of the performance bond;
- The M49 determination was appealed to the Land Use Board of Appeals (LUBA) and LUBA subsequently reversed the determination;
- The subdivision project was unable to move forward;
- Public Works has determined that the county no longer needs to exercise its rights under the Trust Deed;
- Ten years later the applicants have sold the property, but the Trust Deed has continued as a cloud on the title;
- Applicants are asking the county to release the Trust Deed;
- The title company has prepared reconveyance documents for the county to release its interest in the Trust Deed;
- Legal Counsel recommends that the board sign the documentation to release its interest in the Trust Deed; and
- The item is set as an action item for Wednesday’s (9/19) Board Session.

Board discussion:

- The commissioners wanted to know when this would be put on the agenda for Board Session;
- If the item was a consent or action item; and
- The board directed Mr. Norris to move the item under consent for Board Session.

Review of Policy 206, Reduced Operations or Temporary Closure of County Offices

- Lisa Trauernicht

Summary of presentation:

- Follow up from policy discussion at Department Head/Elected Officials September meeting;

- Bringing policy back to board for agreement prior to obtaining final approval;
- Made changes to language under section 1.2.1;
- What is the preference between "may" and "shall" regarding the two highlighted sentences under section 4.1.1.1.1;
- Under section 4.1.2.3 the language states "at the discretion of the department head" the employee is permitted to make up the time in same work week; and
- After the changes have been made the policy will be sent to the Business Services Director for review by the unions prior to adoption.

Board discussion:

- Concept is to report to work if possible without compromising safety and risking life;
- Definition of good faith;
- Add language describing concept;
- Suggested adding a sentence under section 1.2.1.1 that states "if unable to report to work in a safe manner;"
- The departments that must remain open are Sheriff's Office, Health Department, and Public Works;
- Need leave options for employees; and
- The board directed Ms. Trauernicht to add the following language to 1.2.1.1 "If unable to report to work in a safe manner, employees shall follow the process . . ."

Communications Update

- Jolene Kelley
- Ms. Kelley gave a brief update of upcoming scheduled events, articles for the monthly newsletter, and the status of the county social media account consolidation.

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Janet Carlson:

- Attended the East Lancaster Neighborhood Association meeting:
 - Discussion of garbage collection issues.
- Attended Association of Oregon Counties meeting:
 - Woodburn and Keizer received grants from the Department of Land Conservation and Development for housing needs analysis.
- Attended the ribbon cutting ceremony for Taylor's House;
- Attended SOAR graduation:
 - 30th cohort.
- Attended the Marion County Fair volunteer dinner; and
- There are about 320 guests registered to attend the Marion County Reentry Initiative Breakfast.

Sam Brentano:

- Meeting with Coos County Commissioner;
 - Only recycling paper and cardboard.
- Attended Association of Oregon and California Counties meeting:

- Forest funding; and
- Management of wild horses.
- NWAC article about roundabouts; and
- Oregon Caucus Cap and Trade Principles conference call.

Kevin Cameron:

- Attended Health Advisory Board meeting:
 - Letter of support to state regarding Tobacco and Kratom and county's position;
- Attended SEDCOR Awards Luncheon;
- Attended 2nd Chance Employment Workshop;
- Attended Public Safety Coordinating Council meeting:
 - Movie presented was good;
 - Present to staff or at department heads/elected officials meeting.
- Attended Taylor's House Ribbon Cutting Ceremony;
- In-n-Out is coming to Keizer;
- Attended Salem City Club meeting; and
- Attended the South Gateway Neighborhood Association meeting;
 - Good feedback on parks and dog shelter.

OTHER:

Meeting adjourned at 10:07 a.m.

COMPLETED BY: **Joanna Ritchie**
 Reviewed by: *Kristy Witherell*