

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 23, 2019

9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97305

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, and Commissioner Colm Willis. Also present were Jane Vetto as county counsel, John Lattimer as chief administrative officer, and Brenda Koenig as recorder.

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

PUBLIC COMMENT

None.

CONSENT

(Video time 0:00:57)

BOARD OF COMMISSIONERS

Approve an order appointing Commissioner Brentano to the Association of Oregon and California Counties Board of Directors as Marion County's representative until December 31, 2020.

BUSINESS SERVICES

Approve the recommendation to uphold the pay grade and update the specifications for classification #093, Project Manager Senior.

Approve the recommendation to establish and adopt the classification for Corrections Nurse (LPN).

HEALTH & HUMAN SERVICES

Approve Amendment #1 to the Intergovernmental Agreement with the Oregon Health Authority for HIV Early Intervention and Outreach Services to add \$175,979 and replace Exhibit A.

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

ACTION

(Video time 0:02:07)

DISTRICT ATTORNEY'S OFFICE

1. Consider approval of the Intergovernmental Agreement with the Oregon Department of Justice for \$974,923 for the DA Liaison to act as a representative to the Oregon Child Support Program through June 30, 2023. - Concetta Schwesinger and Pami Guerra

Summary of presentation:

- In the past, the position has been housed through Marion County and is considered a pass through position on behalf of the Oregon District Attorney's Association;
- The county receives full reimbursement from the state for this position;
- In 2011, the DA Liaison position was eliminated due to budget and other issues with the association; and
- It was determined that the position was needed again and will be implemented through Marion County.

Board discussion:

- The DA Liaison position is housed in the Family Support Division and is for a four-year term.

MOTION: Commissioner Willis moved for approval of the Intergovernmental Agreement with the Oregon Department of Justice for \$974,923 for the DA Liaison to act as a representative to the Oregon Child Support Program through June 30, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video time 0:04:57)

FINANCE

2. Consider approval of the 2017-18 Comprehensive Annual Financial Report (CAFR). – Cynthia Granatir and Jeff White

Summary of presentation:

- On January 15, 2019, a work session was held to review the contents of the report;
- The audit opinion on the annual financial statements was unmodified; and
- There were no audit findings.

Board discussion:

- The county has been awarded a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for 17 consecutive years;
- The county makes sure that funds are being spent in an appropriate way according to the law;
- Marion County is in good shape with its debt service, and accounting is up to standards:
 - Audits go well;
 - Finances are straight forward;

- The county budget is balanced every year; and
- Debt is well below the limits for the debt to revenue ratio.
- The county makes decisions on when it makes sense to borrow money and when it does not;
- Money has been borrowed, but at low rates of interest;
- The county faces challenges with the rising costs for services, labor, and benefits;
- Both the CAFR report and the auditor's report are posted on the Finance Department's web page at <http://www.co.marion.or.us/FIN/Pages/cafr.aspx>; and
- People not familiar with accounting can learn a lot from the CAFR:
 - The management discussion on analysis in the report does a good job of explaining what the county does and the financial position of the county; and
 - The footnotes in the report are very helpful in explaining the debt service and other issues the county faces.

MOTION: Commissioner Brentano moved for approval of the 2017-18 Comprehensive Annual Financial Report. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video time 0:12:37)

HEALTH & HUMAN SERVICES

3. Consider approval of an order appointing Sean Moriarty and Hannah Childress to the Marion County Health Advisory Board with terms ending December 31, 2022. – Cary Moller and Patrick Vance

Summary of presentation:

Cary Moller, Administrator for Marion County Health and Human Services:

- The Marion County Health Advisory Board's role is to advise the board on issues related to the following:
 - Health and Human Services;
 - Public health; and
 - Behavioral health.
- The Health Advisory Board has shown a high level of engagement and commitment to the community;
- The appointment of the two new board members will help represent younger citizens in the community; and
- The Health Advisory Board's goals for the year will focus on the following:
 - Suicide prevention;
 - The county's budgeting process; and
 - Where the county will target its resources.

Patrick Vance, Chair for Marion County Health Advisory Board:

- Plans for reorganizing Health and Human Services have moved smoothly and seamlessly under Ms. Moller's leadership;

- It's been an honor to be a part of bringing focus to the community for special issues in public and behavioral health; and
- Mr. Moriarty and Ms. Childress will add another dimension to the Health Advisory Board.

Sean Moriarty, Program Manager for Youth Era:

- Has four years of experience in youth oriented services;
- Mr. Moriarty previously worked for Child Protective Services; and
- Moved into a non-profit position, where he felt he could make a bigger impact:
 - Helping to engage youth ages 14-25; and
 - Addressing mental health challenges.

Hannah Childress, Community Service Coordinator and student at Chemeketa Community College:

- Ms. Childress is interested in a career in the health care field;
- Commissioner Cameron introduced her to the Marion County Health Advisory Board; and
- She is looking forward to serving on the board.

Board discussion:

- The board is happy to see young people interested in making a difference.

MOTION: Commissioner Willis moved for approval of an order appointing Sean Moriarty and Hannah Childress to the Marion County Health Advisory Board with terms ending December 31, 2022. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video time 0:19:47)

PUBLIC WORKS

4. Consider approving adoption of an ordinance by emergency amending Marion County's Urban and Rural Zone Codes, chapters 16 and 17, to conform to changes in state law and clarifying amendments. – Brandon Reich

Summary of presentation:

- On August 1, 2018, the board initiated consideration of code updates for Urban and Rural Zone Codes and directed the Marion County Planning Commission to hold a public hearing to make recommendations;
- On October 30, 2018, the planning commission held a public hearing:
 - There was no opposition; and
 - It was recommended that the code amendments be adopted by the board.
- At a management update meeting on November 26, 2018, the board requested a public hearing be scheduled for December 19, 2018, to consider the amendments;

- On December 19, 2018, after the discussion regarding cell towers, the board approved adoption of the amendments to the Urban and Rural Zone Code, and directed staff to return with an ordinance reflecting this decision;
- In response to board discussion on December 19, 2018, staff researched cell tower standards and suggested that the ordinance language be modified:
 - The Planning Division recommends leaving basic siting standards in portions of the amendment related to cell towers in Rural Public; and
 - If a property owner requests a greater height limit, an application for a variance may be submitted.
- The amendments incorporate changes made by the legislature and local code that comply with federal requirements related to flood plain management; and
- Other amendments include the following:
 - Correcting errors and streamlining the planning process for customers; and
 - Make standards clearer and simpler for property owners and neighbors.

Board discussion:

- It is unusual to have a tower go above the 150 feet height limit;
- If an individual wants a taller tower, they would need to go through a public process:
 - Neighbors would have a chance to attend a hearing.
- Types of standards that are retained:
 - Height;
 - Paint must be a non-reflective color; and
 - Equipment enclosures.
- Retaining these standards will not have an impact on the ability to develop a cell tower in that zone; and
- The emergency declaration is important to the public's health, safety, and welfare; and will take effect immediately.

MOTION: Commissioner Brentano moved that the chair read the ordinance by title only twice. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

The chair read the ordinance by title only twice.

MOTION: Commissioner Brentano moved to adopt an ordinance amending Marion County's Urban and Rural Zone Codes, chapters 16 and 17, to conform to changes in state law and clarifying amendments by emergency procedure. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video time 0:25:38)

Recessed as Board of Commissioners
Reconvened as Contract Review Board

CONTRACT REVIEW BOARD

5. Consider approval of the Discretionary Action to reinstate the Public Improvement Agreement with Hydro-Temp Mechanical back to October 1, 2018. – Justin Ford, Colleen Coons-Chaffins, and Kevin Burton

Summary of presentation:

Justin Ford:

- Business Services is seeking an exemption from the Marion County Public Contracting Rules;
- Pursuant to section 10-0570, an expired contract can be reinstated in full force and effect as if it had never been expired;
- Section 10-0570 limits the reinstatement of contracts to 90 days from the date of expiration;
- Due to the complexity of the contract, the county is seeking an exemption to this rule, allowing the contract to be reinstated at 115 days; and
- Reinstatement of this contract allows for the county to complete the ventilation system at the Marion County Jail and Transition Center.

Colleen Coons- Chaffins:

- An Invitation to Bid was issued on May 25, 2017;
- The contract was awarded to Hydro-Temp Mechanical, with an expected completion date of September 30, 2018;
- In the process of systems testing, it was determined that the design had a flaw in it:
 - There were still some areas of air exchange that were not occurring as designed.
- During demolition, there were design assumptions that were not feasible due to the unknown internal structure of the building and accessibility to critical bathroom areas due to inmates occupying the facility; and
- Some challenges and unforeseen conditions were encountered:
 - Additional time was needed to rework the design; and
 - Work had to be done with the contractor on how to best approach the problem.

Kevin Burton:

- The design was intended to pull air through the whole building and create air exchanges in a building that has never had the capability of having a fully ducted system;
- Determining what system was in the building prior to design would have required ripping out the entire ceiling, so decisions were made based off of the design from the original drawings;
- There were issues with dust and human dander being continuously cycled and filtered throughout the entire building;
- The duct work in the attic space increased considerably;

- There was not enough air flow out of the bathrooms:
 - Too much moisture content in the bathrooms when showering.
- It took quite a while to determine the best route to take to correct the problem; and
- There were more bends and turns in the duct work than what was anticipated:
 - This is why the design intent was not met; and
 - A solution was found, but they were at the end of their 90 days and failed to get the contract reinstated before it had run out.

Board discussion:

- Business Services is asking for an additional 250-day extension from the original expiration date of September 30, 2018, making the new contract expiration date June 7, 2019;
- The new expiration date allows the team to verify that the work is complete and functioning correctly:
 - Allows enough time to make any corrections or adjustments should unforeseen issues arise.
- Six additional exhaust fans for the shower and restroom areas will cost \$30,000;
- It is difficult to get an exact fixed cost from a contractor until there is a contract in place;
- The Transition Center was not built correctly to begin with:
 - It has a metal roof with no insulation; and
 - When warm air rises, it creates condensation causing it to drip water inside.
- Unforeseen conditions arose:
 - Duct work had to be rerouted;
 - Sprinklers and electrical had to be moved;
 - Several items had to be brought up to code; and
 - These issues added \$150,000 in change orders.
- The county does have the ability to amend contracts;
- If it is past the 90-day deadline, the matter has to come before the board as a discretionary action to ask for an exemption;
- The county had multiple projects going on simultaneously:
 - Closing out the Public Safety Building;
 - A new roof was installed on the Transition Center;
 - Design implementation for the new Juvenile Services Building;
 - Design for new projects; and
 - The department can have over 100 contracts running at the same time.
- New processes have been implemented to help projects run smoothly:
 - A completion checklist; and
 - Weekly monitoring of the 180-day contract period.
- The commissioners appreciate the hard work with the projects that are going on within the county:
 - Wants Marion County infrastructure to be in better condition.

MOTION: Commissioner Willis moved to approve the Discretionary Action to reinstate the Public Improvement Agreement with Hydro-Temp Mechanical back to October 1, 2018. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video time 0:38:20)

6. Consider approval of Amendment #2 to the Public Improvement Agreement with Hydro-Temp Mechanical to reinstate the contract and extend the contract date to June 7, 2019. - Camber Schlag, Kevin Burton, Colleen Coons-Chaffins, and Tina Toney

MOTION: Commissioner Brentano moved to approve Amendment #2 to the Public Improvement Agreement with Hydro-Temp Mechanical to reinstate the contract and extend the contract date to June 7, 2019. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Recessed as Contract Review Board
Reconvened as Board of Commissioners

PUBLIC HEARINGS

9:30 A.M.

(Video time 0:39:19)

PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan (ZC/CP) Case 18-003/Perez. – Joe Fennimore

Summary of presentation:

- Application to change the zone from Acreage Residential to Community Commercial, and to change the comprehensive plan designation from Rural Residential to Commercial on a 0.75-acre parcel located in Brooks, Oregon;
- The property contains a dwelling, detached garage, and a well;
- Septic service is provided by Brooks Community Sewer District;
- Surrounding properties are zoned Acreage Residential and Community Commercial, and are developed with a mixture of residential and commercial uses;
- On September 28, 2018, the hearings officer held a public hearing;
- On December 13, 2018, the hearings officer issued a recommendation that the request be granted subject to meeting the following conditions:
 - Any sign on the property must be placed so it is visible from the Portland Road frontage;
 - Lighting shall be directed away from the neighboring residential property;
 - Landscaping shall be maintained or provided adjacent to the residential property and must provide screening from commercial uses;

- Buildings on the property shall comply with setback requirements and property development standards for that zone;
- Prior to establishing commercial use and prior to applying for building permits, the following must be done:
 - Submit evidence that the Brooks Community Sewer District will serve the new use;
 - Prepare and submit a Traffic Impact Analysis (TIA) for review and approval that addresses traffic impacts for the development;
 - Make a proportional share financial contribution towards future identified ramp improvements at the I-5 interchange;
 - Dedicate a 30-foot corner radius at the southwest corner of the property; and
 - Design, permit, and construct urban frontage improvements along the subject property to Marion County Public Works and the Oregon Department of Transportation standards for the following:
 - Pavement widening;
 - Tapering;
 - Striping;
 - Curb/gutters;
 - Sidewalk, including corner ramp;
 - Closed system drainage; and
 - Landscaping.
- Options for board consideration:
 - Continue the public hearing;
 - Close the public hearing and leave the record open;
 - Close the public hearing and approve, modify, or deny the request; or
 - Remand the matter back to the hearings officer.

John Brosy, planning consultant representing the applicant:

- There is no opposition for the conditions for approval;
- Surrounding businesses make the property feel more commercial; and
- Most of the conditions will affect specific development and building permits.


Board discussion:


- Acreage Residential is a Rural Residential zone with lot sizes of 1.5 to 5 acres and is zoned for one single family home per property;
- Community Commercial allows for a large number of different types of commercial uses, and has to meet setback requirements;
- Some of the conditions could have a large impact on the applicants;
- The applicants see the property as an investment:
 - May put their business on the property, or sell it to a developer;
 - They recognize the potential expense that could be involved; and
 - Believes that this is the cost of doing business in Brooks.

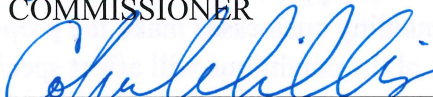
- Mr. Fennimore explained calculating expense prior to getting permits involves the following:
 - Looking at the proposed use;
 - Having a TIA done; and
 - Determining the number of trips that will be generated.
- The board is concerned about the potential cost to the applicant for a ramp that has not been designed yet;
- Mr. Brosy stated the following:
 - The applicant will either make a deposit into a fund, or be part of a local improvement method;
 - The applicants are confident that it will be a fair apportionment, considering they only have 0.75-acres; and
 - They are comfortable with the way the process works.
- There is the chance that there will be no impact on the applicant; and
- Commissioner Brentano asked that the conditions be mentioned in the motion.

MOTION: Commissioner Willis moved to close the public hearing, accept the hearings officer's recommendation with the list of conditions, and approve Zone Change/Comprehensive Plan (ZC/CP) Case 18-003/Perez. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar;
 Commissioner Cameron adjourned the meeting at 9:55 a.m.



 CHAIR


 COMMISSIONER


 COMMISSIONER

Board Sessions can be viewed on-line at
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>