

**Report on issues discussed at the weekly
Management Update meeting on May 19, 2014**

Commissioners present: Commissioners Sam Brentano and Janet Carlson.

Others present: John Lattimer, Gloria Roy, Scott Norris, Bruce Armstrong, Don Russo, Joe Fennimore, Alan Haley, Warren Jackson, Brandon Reich, Kevin Schultz, Rod Calkins, Camber Schlag, Caron Galvin-Price, Mina Hanssen, and Lynne Coburn as recorder.

Guests: Bob Royer, Marion County Public Safety Coordinating Council vice chair; Nathan Wuerch, Law Enforcement for Youth chair.

INFORMATIONAL

Striking Out Meth 2014

Marion County Public Safety Coordinating Council Vice Chair Bob Royer asked that the Marion County Board of Commissioners provide authorization for members of the board's staff to participate in the Striking Out Meth in Marion County event on July 25, 2014. He introduced Law Enforcement for Youth Chair Nathan Wuerch to discuss potential changes to the Striking Out Meth in Marion County event. Mr. Wuerch said that Law Enforcement for Youth was approached by Commissioner Milne about turning the Striking Out Meth in Marion County event into a year round program and bringing it under the umbrella of Law Enforcement for Youth which is a 501(C)(3). He said that Law Enforcement for Youth has been involved in the event for eight of the last nine years and would like to see the event continue to move forward. Commissioner Carlson thanked Mr. Royer for "carrying the torch" for the Marion County Public Safety Coordinating Council while the county is in transition and said that the board is confident with his leadership. She explained that a new commissioner will be sworn in on June 2, 2014, and that the board will be discussing board and commissioner assignments and noted that the Sheriff's Office may have to get more involved in the subsequent years. Operations Commander Kevin Schultz said that he was flattered when the Hillsboro Hops' marketing team called to discuss setting up their own event modeled after the county's Striking Out Meth event. He said the Hillsboro Hops' event will focus on domestic violence. Commissioner Brentano said that Marion County is very supportive of the Striking Out Meth in Marion County event and suggested that a decision be made in the interim. Commissioner Carlson suggested that Chief Administrative Officer John Lattimer and Deputy County Administrative Officer Jan Fritz determine the staff assignment. Commissioner Brentano agreed. Mr. Lattimer said he would contact MCPSCC by the end of the week with the personnel information.

School Speed Zone Ordinance Draft

Assistant Legal Counsel Scott Norris presented a revised draft of the School Speed Zone Ordinance. He said that the only revision was in Section 6 where the previous language was eliminated and new language states "Notwithstanding section 4(A) of this ordinance, the Director of Public Works, in conjunction with the

Sheriff, may bring specific concerns about a specific location to the Board of Commissioners for direction, after all interested parties have attempted, but have been unable, to negotiate a mutually acceptable resolution.” He noted that Section 4(A) is the general rule that all school zones will be signed as school speed zones. The board determined the revised language was acceptable. Mr. Norris said the School Speed Zone Ordinance will be on a board agenda in June.

Noise Ordinance Update

Principal Planner Joe Fennimore discussed the noise ordinance and current decibel levels described in the county’s noise ordinance. Commissioner Carlson explained that the Phoenix RV Park on Silverton Road had complained about excessively loud music coming from a neighboring nightclub and that residences are also located behind the nightclub. She said that both she and Commissioner Brentano had recently visited the park and Code Enforcement Officer Art Stinson had measured decibel levels at the park. Mr. Fennimore said that the Phoenix RV Park is a permitted use in a commercial zone. Commissioner Carlson confirmed that the nightclub would not be able to play loud music until 2 a.m. if it were located within the city limits and asked how the city’s commercial zone noise ordinance differs from the county’s ordinance. Assistant Legal Counsel Bruce Armstrong said that in the city’s ordinance, the maximum decibel level after 10 p.m. is 50 decibels if the receiver property is residential. Commissioner Carlson said that the Phoenix RV Park representative had mentioned that the main noise problem is the bass sound. There was discussion on whether the city or county ordinances specifically address bass sounds and it was determined that the ordinances do not. Commissioner Carlson said that it is important that the county’s noise ordinance be consistent with the City of Salem’s noise ordinance. Commander Schultz presented a noise study report that Listen Acoustics conducted for the Phoenix RV Park. Commissioner Carlson noted that the nightclub exceeded both the city’s decibel limit and county’s 80 decibel limit from 10 p.m. until 4 a.m. Commissioner Brentano asked why the county did not enforce the noise ordinance at that time. Commissioner Carlson said that the way it was explained to her, was that the county’s equipment is not as sophisticated as Listen Acoustics’ equipment. Mr. Fennimore said that according to county code, the RV park itself is not considered a residential use or noise sensitive property. He said it would be helpful if the ordinance was amended to identify RVs and RV parks as a noise sensitive use. The commissioners agreed. Commissioner Brentano said that it seems that the county made special consideration to allow the RV park in the zone and then did not protect the RV park, which is not right. He said that in commercial zones or industrial zones there should be some protection for residential or sleeping situations. He agreed that RVs and RV parks should be added in the ordinance as noise sensitive use. He added that the county tries to be consistent with Salem within the urban growth boundary. He said he has no sympathy for anyone or establishment making noise outside of their property after 10 p.m. The commissioners requested that staff draft an ordinance similar to the City of Salem’s that drops the noise level in a commercial zone to 50 decibels after 10 p.m. and that staff review the statistics that were presented. The commissioners also determined that the change would only deal with commercial zones in the urban growth boundary (UGB). Alan Haley noted that the county’s ordinance uses the

term "impulse sound" and suggested that the language between the city's ordinance and county's ordinance be the same.

Senior Planner Brandon Reich confirmed that the City of Salem differentiates between a source of sound that is in a commercial zone that impacts a residence and a source of sound that is in a commercial zone that impacts other commercial uses and asked if the board would recommend continuing that so that if a commercial sound impacts a commercial neighboring use that the same standards do not apply. Commissioner Carlson suggested a work session to work out the details and Mr. Fennimore said that staff has enough information to put together a draft for a Management Update meeting. Commissioner Brentano said that he has not heard noise of complaints of commercial noise in industrial zones or vice versa and he would just like to deal with this problem. Commissioner Carlson agreed. Commander Shultz said that he would compare Mr. Stinson's report to Listen Acoustics' noise study. Commissioner Brentano asked that code enforcement look at equipment that is more precise. Business Services Director Mina Hanssen offered to loan Human Resources noise level testing equipment that is calibrated annually. Commissioner Brentano agreed, but added that the equipment needs to be state-of-the-art equipment.

Proposed Leased Space Verbal Update

Health Director Rod Calkins said that the Health Department is looking for additional lease space for staff added as a result of state request for proposal (RFP) awards. He said that the Health Department is also trying to increase efficiency by pulling some programs together. Mr. Calkins said that the lease space is located on Beverly Avenue near Parole and Probation and is close to other Health Department locations and the lease cost is approximately .81 cents a square foot per month. Mr. Calkins said that he is working with Property Specialist Caron Galvin-Price and that he has a draft letter of intent to lease. He added that the letter of intent to lease does not commit the county to lease, but allows the county to go forward to find out actual costs for leasing the building and tenant improvements. Commissioner Carlson said that it speaks to the idea that the county needs to have a longer term solution for the Health building issue and confirmed that an assessment is being performed.

Tall Weeds and Grass Discussion

Commissioner Brentano read an email from Stayton Police Chief Rich Sebens requesting that the county adopt Stayton's tall weed and grass ordinance so that the county can do enforcement outside of Stayton's city limits, but still within the UGB. Chief Sebens had also noted in the email that the county has already adopted Salem's and Keizer's ordinances. Building and Planning Division Manager Warren Jackson said that the county could adopt standards that would apply just in the Stayton UGB similar to what the county has done for Salem and Keizer, but he would have to do some research on the noxious weed issue. Commissioner Carlson said that the county has a tall grass ordinance for Salem and could look at using that ordinance in another UGB. Commissioner Brentano asked that staff research the issue. Commissioner Carlson requested that staff also research the noxious weed ordinance.

ACTION

Commissioner Brentano convened the Contract Review Board.

Auburn Road: Lancaster-Baldwin Ave. Sidewalk/Bike Lanes Bid Consider Waiver of Minor Informality.

Contracts and Compliance Analyst Camber Schlag said that Public Works issued an invitation to bid for the Auburn Road: Lancaster-Baldwin Avenue Sidewalk and Bike Lanes. Seven bids were received and the lowest bidder completed the Drug & Alcohol Testing Policy Certification form incorrectly. She said that instead of listing their company name on the Drug & Alcohol form, the bidder listed the company that provides the drug testing. Ms. Schlag requested that the board approve the waiver so that staff could move forward with the bid.

MOTION: Commissioner Carlson moved that the Contract Review Board approve the waiver of a minor informality. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Brentano adjourned the Contract Review Board and reconvened the Management Update meeting.

FEMA's Community Rating System Five Year Cycle

Commissioner Brentano said that he reviewed the information and it is inclusive and satisfactory. He added that participation is more important than ever with the new system of charges. Senior Planner Brandon Reich said that Marion County is in the middle of a cycle visit for FEMA and he is collecting the documentation the auditor has requested for the cycle visit on June 12. He said that the auditor has requested that the board chair sign two verification forms prior to June 12 so that they can be reviewed during the cycle visit. He added that all the information is sent to Maryland for review and then the county will receive the audit results in approximately four weeks.

MOTION: Commissioner Carlson moved that the board authorize the chair to sign community certification form CC-213 Recertification and form 33-230 Verification. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Brentano thanked Mr. Reich for his work.

Resource Connections of Oregon Contract Amendment #6

Rod Calkins said that Resource Connections of Oregon (RCO) has been under contract with the Health Department for providing fiscal intermediary services for the Developmental Disability and Community and Provider Services programs. He added that RCO is also under contract to pay rental assistance payments that come from the state to individuals in the county's mental health system. He said that amendment #6 is a mix of additional dollars to finish out the year for rental assistance and new money for supported housing that came in with one of the

grants the Health Department received. He said the contract ends at the end of June.

MOTION: Commissioner Carlson moved approval of amendment #6 to the contract with Resource Connections of Oregon to add \$37,500 for fiscal intermediary services. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Marion County Compensation Board Supplemental Recommendation – Justice of the Peace

Mina Hanssen explained that when the Compensation Board met in February 2014, the consolidation of the justice courts was not complete and that since that time the courts have been consolidated and a market survey for the justices has been performed. She said the Compensation Board is recommending a supplemental pay adjustment with the new budget cycle for the justices to an hourly rate of \$35 per hour paid at a salary. She said that an hourly rate was used because across the comparative counties there were various FTEs (full time employees) for the justices so in order to make an accurate comparison, the Compensation Board went with an hourly rate. Commissioner Brentano that the issue needs to be discussed during the budget process to ensure there are no impacts.

MOTION: Commissioner Carlson moved approval of an order referring the Marion County Compensation Board's supplemental recommendation to the Marion County Budget Committee for Fiscal Year 2014-2015. Commissioner Brentano seconded; motion carried. A voice vote was unanimous.

Tax Foreclosed Property Sale

Property Specialist Caron Galvin-Price said that in March 2014, she had asked the board to approve two property sales to the prior owners. She said that there was an error in one of the contracts so the item was pulled from the board session. She said she is presenting the corrected Contract of Sale for signature today. She said the property is in Woodburn and the county is selling the property back to the prior owner on contract. Commissioner Carlson confirmed that he board had previously agreed to the sale and that the board is signing the corrected contract.

MOTION: Commissioner Carlson moved approval of the sale of tax foreclosed real property located at 758 Young Street, Woodburn to the former owner of record. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

SOLARC Architecture and Engineering, Inc. Contract Amendment #3

Mina Hanssen explained that in August of 2013, SOLARC Architecture and Engineering, Inc. was awarded a contract to evaluate the Health Services Building and that it is time to move into the design phase of the project. She requested that the board approve the additional funding so SOLARC can design the HVAC and

window upgrades. She added that this is part of the improvement plan that was included in the loan and is budgeted. Commissioner Brentano said that after reading through the information it looks like a series of contract amendments were anticipated to keep working towards the fruition of the project. Ms. Hanssen explained that Contracts and Procurement Manager Peggy Mitchell had Business Services structure the contract in phases so that the county would have more flexibility on the project.

MOTION: Commissioner Carlson moved approval of amendment #3 to the contract with SOLARC Architecture and Engineering, Inc. to add \$338,000. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Courthouse Square Project Post Construction Report pursuant to ORS 279C.355

John Lattimer said that the Courthouse Square Project Post Construction Report is required by law because Marion County did a special bid process. CASE Forensics Senior Engineer Ken Oliphant presented the Post Construction Report (Attachment A) and said the owners' decision to use a Design-Build contract was the correct decision and the remediation of Courthouse Square was successful. Mr. Oliphant said that SERA and the other engineers gave the owners a \$49 million estimate to repair the building and a \$56 million estimate if the building were to be demolished and rebuilt. He said that CASE Forensics Senior Forensic Investigator Mark Liebman came up with \$20 to \$25 million estimate. He said the total final contract amount was \$25 million and the total remediation, including soft costs, was \$28,197,731. Commissioner Brentano said the county should be pretty happy with that amount. Mr. Oliphant agreed and said the project was a success. Deputy County Administrative Officer Jan Fritz said that there would be a final report the last week in June. Commissioner Brentano thanked all the staff that helped put the project together and Mr. Oliphant for his work on the project. Ms. Fritz said that Salem-Keizer Transit will adopt the post construction report at their Thursday board meeting.

MOTION: Commissioner Carlson moved to accept the Courthouse Square Project Post Construction Report. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Other

Rod Calkins discussed the state solicitation for a residential treatment home for transition age youth. He said that originally four agencies expressed interest in providing the service, but now there is just one, Kairos, which used to be the Southern Oregon Adolescent Study and Treatment Center (SOASTC). He said that Kairos would be partnered with Youth M.O.V.E. (Motivating Others through Voices of Experience) which meets the consumer focus peer services piece of the RFP and is looking at one of Catholic Community Services' houses for housing stock. He said the county currently has four to five people waiting for such a bed and he recommends giving Kairos a letter of endorsement. The board agreed that Mr. Calkins could send a letter of endorsement.

Commissioners' Update

Commissioner Carlson said that the Mid-Valley Behavioral Care Network (MVBCN) board meeting is today and the MVBCN is revising the charter to only include Marion and Polk Counties effective January 1, 2015. She said that MVBCN received official notice from Yamhill County that they will no longer be part of MVBCN, but will still purchase some services. She said that Linn County still has an AMHI (Aim High) grant and some other limited services that they participate with MVBCN. She said that today's meeting will be the last MVBCN meeting where all the counties will be involved.

Commissioner Carlson said the lease is up on the space that MVBCN has been in and there is an opportunity for the MVBCN to either buy a portion of or lease a building off of Ryan Drive. She said when looking at how much the county has paid in lease costs over the last ten years she was excited about the idea that the county might actually own part of it. She said it is nice space with conference space and the MVBCN would be co-located with other people they would be working with so it helps integration. Commissioner Brentano said it implies that long range, the MVBCN is going to continue in the same manner. Commissioner Carlson said if not, the county can sell the property. Jan Fritz asked if the county could do a lease with an option to buy so that the lease costs get applied to purchase if the MVBCN stays. Commissioner Carlson said that Scott Norris is writing up an issue brief and will answer some of the concerns that people might have.

Commissioner Carlson said that she proposed a name for the World War II Memorial and Sara McDonald had two more names. She said the county is only allowed two names (one for every \$5,000 donated). The commissioners agreed to submit Howard Wilkie Brock, Army, Sergeant, 82nd Tactical Reconnaissance Squadron and Donald G. Malarkey, Army, Tech Sergeant, 101st Airborne.

Commissioner Brentano said that he learned of stewardship projects at a recent O&C meeting. He said that stewardship projects provide jobs and timber, but does nothing for bringing revenues into counties.

Bruce Armstrong said that Salem-Keizer Transit is amending their enforcement ordinance for the Courthouse Square Transit Mall, North Block, and Hatfield Plaza. He said that the county has previously, by resolution, given transit the authority to enforce in those areas. He said that transit is adding their smoking ordinance and prohibiting bicycle riding, skateboarding, and roller skating on the North Block and Hatfield Plaza. Commissioner Brentano agreed to a resolution of support and said he has been concerned about the area becoming a magnet for that type of activity. Mr. Armstrong said that he would present a resolution to the board shortly after transit approves their resolution.

Notification

Legal Counsel Gloria Roy said that there is a notification of a bid award of \$73,965 to North Santiam Paving Company for the Silverton Road Campus Drive and Parking Area Paving Project. She added that it will be ratified at tomorrow's board session.

