

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 14, 2015
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Janet Carlson, Commissioner Kevin Cameron, and Commissioner Sam Brentano. Also present were Gloria Roy as legal counsel and Kim Hulett as recorder.

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

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:00:54)

BOARD OF COMMISSIONERS

Approve an order appointing Commissioners Janet Carlson and Kevin Cameron to the consortium of elected officials for the Mid-Willamette Jobs Council and appoint Commissioner Sam Brentano as an alternate.

BUSINESS SERVICES-HUMAN RESOURCES

Approve recommendation to adjust pay range upward for the Division Commander classification.

FINANCE

Approve quitclaim deed to convey real property located at 14353 Manning Road, Woodburn.

PUBLIC WORKS

Approve a Memorandum of Understanding with the Oregon Building Codes Division for Marion County to continue, through its Building Inspection Program, to administer the state building codes on behalf of the state.

Approve an order vacating certain blocks, lots and streets within the plat of St. Louis.

SHERIFF

Approve amendment #1 to reduce the intergovernmental agreement by \$77,650 between Marion County and the Oregon Judicial Department.

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

ACTION

(Video Time 00:02:50)

HEALTH

1. Consider adoption of an ordinance prohibiting smoking, tobacco use, and electronic smoking device use on county property (second reading). – Rod Calkins, Emily deHayr, Bruce Armstrong

Summary of presentation:

- Marion County currently has code provisions prohibiting smoking in county buildings, facilities and vehicles;
- Discussions initiated to establish total prohibition of tobacco use on all Marion County property:
 - Discussion at Work Session on September 2, 2014; and
 - Discussion at Management Update on December 15, 2014.
- First reading of ordinance was on December 31, 2014 and will prohibit any tobacco use on any county property, with exception of:
 - Roads;
 - County parks;
 - County parking lots; and
 - Any property owned or leased by county (indoors or outdoors).
- Not a ban on possession of any type of tobacco product, but a ban on use of tobacco products;
- Sentence was removed regarding “FDA approved cessation devices” from definition of electronic smoking device;
- Sentence added to definition of “Use of Tobacco Products” to state: The term *use of tobacco product* does not include the use of any products specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product, if the product is marketed and sold solely for the approved purpose;
- Ordinance would take effect in 90 days:
 - Currently designated smoking areas allowed;
 - Business Services Director can designate certain areas where the ordinance does not apply;
 - Smoking on county property is allowed through June 30, 2015; and
 - Three 24/7 facilities would be allowed to smoke in designated smoking area until June 30, 2016.
- County shares property with Transit District at Courthouse Square;
- Transit currently has a designated smoking area on the North Block; and
- County does not have authority over Transit District.

Board discussion:

- Use of tobacco products is prohibited and included in ordinance;
- Chew and snuff are tobacco products and also included;
- Nicotine cessation devices are not included in ordinance;

- If product is approved by FDA and sold and marketed for cessation the ordinance does not apply;
- Changes in ordinance provide clarity;
- Health department will partner with Marion County Wellness to provide education and roll out programs;
- Multiple communications will be sent to staff to communicate these changes;
- Ordinance eliminates issues with the Oregon Clean Air Act;
- Rationale of ordinance is to be in compliance with the state law and have consistency with the state order; and
- One commissioner opposed to trying to force discretionary behavior and thought previous ordinance was adequate for the county's needs.

MOTION: Commissioner Cameron moved adoption of an ordinance prohibiting the use of all tobacco products in Marion County buildings and on Marion County Property, providing certain exemptions, and repealing the provisions within Marion County Code chapter 8.40. Seconded by Commissioner Carlson; motion carried. A voice vote was two in favor; one opposed (Commissioner Brentano).

Video Time (00:29:27)

PUBLIC WORKS

2. Consider approval of a Supplemental Project Agreement with the Oregon Department of Transportation for \$2,411,942.40 to provide federal funding for the replacement of the Jefferson-Marion Road Bridge. – Cindy Schmitt

Summary of presentation:

- PowerPoint shows location of Jefferson-Marion Road Bridge (Attachment A);
- Corridor handles approximately 2,200 vehicles per day;
- Bridge constructed in 1958 and on horizontal curve;
- Bridge is in poor condition and sufficiency rating is 30.5 out of 100;
- Structurally deficient; and
- Has significant rot.
- Public Works applied for and was granted federal Local Bridge Program (LBP) funds to replace structure:
 - Total project cost is \$2,688,000;
 - LBP funds would pay for approximately 90 percent of cost; and
 - Marion County's match is \$276,000.
- Timeline:
 - Intergovernmental Agreement complete Spring 2015;
 - Design complete Fall 2016;
 - Right-of-way complete Fall 2016; and
 - Construction complete Fall 2017.

Board discussion:

- Approximate time bridge will be down is two months; and
- Approximately 149 bridges on county roads.

- Cost estimate is built with assumptions regarding all the pieces that go into constructing the bridge:
 - Is an amount of padding in the estimate with contingencies due to a lot of unknowns;
 - No survey, only small amount of data collected onsite; and
 - Public Works usually has a good idea of the cost unless an environmental or geological issue might arise.

Video Time (00:41:32)

3. Consider approval of a Supplemental Project Agreement with the Oregon Department of Transportation for \$5,635,943.10 to provide federal funding for the replacement of the Silverton Road Bridge over the Little Pudding River. – Cindy Schmitt

Summary of presentation:

- Silverton Road Bridge is a more complicated bridge;
- Located on Silverton Road and over the Little Pudding River;
- Rural principal arterial;
- Designated as a strategic freight route in the 2005 Marion County Rural Transportation System Plan;
- Constructed in 1922 and widened in 1948;
- Sufficiency rating at 38.2 out of 100; and
- Structurally deficient.
- Total Cost of project is \$6,281,000:
 - Local Highway Bridge Program Federal Funds \$5,636,000; and
 - Marion County Match is \$645,000 (10.27%).
- IGA complete Spring 2015;
- Design completed Fall 2017;
- Right of way complete Summer 2017; and
- Construction completed Fall 2018.
- Timeline:
 - Intergovernmental Agreement complete in Spring 2015;
 - Design complete Fall 2017;
 - Right-of-way complete Summer 2017; and
 - Construction complete Fall 2018.

MOTION: Commissioner Brentano moved approval of two Supplemental Project Agreements with the Oregon Department of Transportation: One for \$2,411,942 to provide federal funding for the replacement of the Jefferson-Marion Road Bridge and the second is for \$5,635,941 to provide federal funding for the replacement of the Silverton Road Bridge over the Little Pudding River. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

**PUBLIC HEARING
9:30 A.M.**

None.


Commissioner Carlson read the weekly calendar.

Commissioner Carlson adjourned the meeting at 9:56 a.m.

Attachments: (A) Jefferson-Marion and Silverton Bridge Replacements (PowerPoint)



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.