

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 5, 2020  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

**PRESENT:** Commissioner Colm Willis, Commissioner Sam Brentano, and Commissioner Kevin Cameron. Also present were Jane Vetto as county counsel, and Brenda Koenig as recorder.

**ABSENT:** Jan Fritz, chief administrative officer.

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

**PUBLIC COMMENT**

None.

**CONSENT**

*(Video Time 00:00:40)*

BOARD OF COMMISSIONERS

Approve an order ratifying the approval of revised Marion County Policy #902, Memberships, Dues, and Subscriptions.

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

**ACTION**

*(Video Time 00:01:25)*

BOARD OF COMMISSIONERS

1. Consider approval of an order appointing Shaney Starr to the Marion County Public Safety Coordinating Council with a term ending July 31, 2023. –Commissioner Kevin Cameron

***Summary of presentation:***

- Ms. Starr serves as the executive director for Court Appointed Special Advocates of Marion County (CASA);
- CASA has experienced a significant growth over the last three years due to a community effort;

- The number of children in foster care continues to rise, so the need for volunteers continues to increase:
  - There are currently 155 volunteers, with a class of 10 volunteers that will be sworn in at the end of the month; and
  - CASA will need 25 additional volunteers to meet the demand.
- State statute allows for CASA volunteers to be appointed by the court to youth with a delinquency case:
  - CASA was awarded grant funding from Spirit Mountain Community Fund to design a pilot project serving youth and delinquency:
    - CASA is nearing the end of the design phase; and
    - It will be launching the project at the end of the summer.

***Board discussion:***

- The commissioners appreciate Ms. Starr’s work in the community and look forward to her serving on the Marion County Public Safety Coordinating Council.

**MOTION:** Commissioner Cameron moved to approve an order appointing Shaney Starr to the Marion County Public Safety Coordinating Council with a term ending July 31, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:06:29)*

DISTRICT ATTORNEY’S OFFICE

2. Consider approval of an order increasing the discovery fee schedule effective March 1, 2020.

–District Attorney Paige Clarkson and Dawn Thompson

***Summary of presentation:***

- The fees are charged to defense attorneys representing criminal defendants, or criminal defendants representing themselves for discovery services from the Marion County District Attorney’s Office;
- The District Attorney’s Office processes and receives all discovery evidence that is contained in any media format:
  - Police reports;
  - Audio/video;
  - Transcripts;
  - Evidence; and
  - Any evidence the prosecution may have that is used in a criminal prosecution.
- The District Attorney’s Office has not raised their fees since 2007; and
- It is an expensive and time-consuming process providing discovery to criminal defendants.

***Board discussion:***

- The District Attorney’s Office provides all evidence to the defense attorneys, but they are only obligated to provide exculpatory evidence;

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- The fee schedule will be reviewed every three years; and
- The fee schedule is comparable with surrounding counties.

**MOTION:** Commissioner Brentano moved to approve an order increasing the discovery fee schedule effective March 1, 2020. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:12:43)*

HEALTH AND HUMAN SERVICES

3. Consider approval of an order reappointing Sherry Bensema and Adam Maurer to the Marion County Ambulance Service Area Advisory Committee with terms ending January 31, 2023. – Katrina Rothenberger, Shawn Baird, Sherry Bensema

***Summary of presentation:***

Shawn Baird:

- Both applicants are reappointments and have been very active on the committee;
- Mr. Maurer represents a hospital-based ambulance service, which is the only active one in the area; and
- The reappointment of the two candidates will keep a broad base of experience on the committee.

Sherry Bensema:

- Works for a fire-based ambulance service that covers from Stayton, east to the county line.

***Board discussion:***

- The commissioners appreciate their service in the community and on the committee.

**MOTION:** Commissioner Cameron moved to approve an order reappointing Sherry Bensema and Adam Maurer to the Marion County Ambulance Service Area Advisory Committee with terms ending January 31, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:17:37)*

4. Consider approval of the Purchase Order with Cardinal Health in the amount of \$730,000 for the purchase of opioid treatment medications through October 31, 2021. –Cydney Nestor

***Summary of presentation:***

- The county has a pricing agreement with Cardinal Health;
- This purchase order allows the county to move forward with purchasing pharmaceutical supplies for the Methadone Program;
- The amount requested is based on the previous year's expense;
- The benefit of purchasing on the state pricing agreement is the cost savings to the county; and

- The Methadone Program uses 2,000 bottles of methadone a week.

***Board discussion:***

- There are estimated 500-600 clients in the Methadone Program.

**MOTION:** Commissioner Brentano moved to approve the Purchase Order with Cardinal Health in the amount of \$730,000 for the purchase of opioid treatment medications through October 31, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:21:00)*

**PUBLIC WORKS**

5. Consider approval of an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) in the amount of \$300,000 for the reconstruction and improvement of OR551-Ehlen Road signalized intersection through February 5, 2040. –Brian Nicholas and Lani Radtke

***Summary of presentation:***

- ODOT has proposed doing intersection improvements to accommodate for left turns at a signalized intersection;
- The left turn from east to north with Boones Ferry Road intersecting Ehlen Road needed to be longer;
- The intersection improvements will include the following:
  - A new median that no longer will allow traffic to travel north and south bound through Ehlen Road; and
  - A new county road connected between OR 551 and Boones Ferry Road.
- This work needs to be done before the interchange is to be started;
- Marion County has been collecting proportional shares to fund the improvements on the intersection; and
- This project was on hold for a year due to funding shortages through ODOT:
  - This agreement states that the county will match the funding shortage if ODOT covers any cost overruns associated with the project; and
  - The cost to the county is capped at \$300,000.

**MOTION:** Commissioner Cameron moved to approve an Intergovernmental Agreement with the Oregon Department of Transportation in the amount of \$300,000 for the reconstruction and improvement of OR551-Ehlen Road signalized intersection through February 5, 2040. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:33:30)

6. Consider adopting an ordinance amending section 15.05.250 of the Marion County Building Code, and declaring an emergency. –Brandon Reich, Chris Trussell and Scott Norris

**Summary of presentation:**

- On January 1, 2020, certain permitting activities were removed from the scope and provisions of the 2019 Oregon Structural Specialty Code;
- Local governments may amend their jurisdiction code to issue building permits for some of the activities that were removed;
- The following activities were removed that Marion County has not regulated in the past:
  - Demolition;
  - Fire safety during construction;
  - Temporary use of streets and encroachments;
  - Docks;
  - Piers; and
  - Floodplain administration.
- The county would like to continue to issue permits for the following activities due to the danger they could present if they are not installed correctly:
  - Fences;
  - Free-standing signs;
  - Cell towers; and
  - Flag poles.
- Staff has prepared an ordinance that adds certain structures into the Marion County Code:
  - Fences over eight feet in height in the urban area, and 10 feet in height in the rural area;
  - Free standing signs over eight feet in height in the urban area, and 15 feet height in the rural area;
  - Cell towers in urban areas, and for emergency use only in the rural area; and
  - Flag poles over 25 feet high in the urban area.
- Cities for which the county provides building inspection services are able to amend their local city code to include permitting activities in their local ordinance, so permits can be issued for those activities not regulated by the Marion County Building Program;
- Marion County staff has reached out to city administrators and city planners explaining changes and have encouraged them to work with their city councilors, mayors, and local legal counsel to consider any necessary changes; and
- Because scoping provisions have already changed in Oregon's building code and permitting activities are currently not covered with standards in place, staff recommends that the ordinance be adopted by emergency procedure.

**MOTION:** Commissioner Brentano moved to have Commissioner Willis read the ordinance by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Willis read the ordinance by title only twice.

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**MOTION:** Commissioner Brentano moved to adopt an ordinance amending section 15.05.250 of the Marion County Building Code, and declaring an emergency. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:38:40)*

7. Consider adopting an ordinance creating an alternate approval construction methods appeal procedure, and declaring an emergency. –Brandon Reich, Chris Trussell, and Scott Norris

***Summary of presentation:***

- In 2019, the legislature passed House Bill 2001, which sought to address more types of middle housing:
  - Duplexes;
  - Triplexes; and
  - Four-plexes.
- Part of the bill established a process where alternative approval standards can be applied when an existing single family dwelling unit is divided up to four units;
- These alternative approval standards give greater flexibility to the local building official when reviewing proposals to convert a single family dwelling;
- State law has given the building official the ability to consider the alternate approval methods or modifications of code requirements where fire, life, and safety requirements of the code would not be met by other alternate construction methods or equal fire, life, and safety protection;
- The bill also establishes a specific appeals process for the decisions that the building official would make regarding alternative approval standards for the conversion of single family dwellings up to four units;
- The appeals process is required to be adopted into local code:
  - The appeals process would be utilized by building permit applicants within the cities that Marion County provides building inspection services and the Urban Growth Boundary;
  - Staff has prepared an order establishing an appeals process, including deadlines for filing the appeal, and issuance of an order; and
  - The appeal would be held by the Marion County Hearings Officer.
- Because the bill is already in effect and it requires an appeals process be in place, staff recommends that the ordinance be adopted by emergency procedure;
- The ordinance before the board has a slight change:
  - House Bill 2001 referenced the low rise residential code, which is no longer in the building code:
    - It has been replaced by the Oregon Residential Specialty Code and the Oregon Structural Specialty Code.
  - Building Codes Division issued a rule that clarified that the conversion process applies to the Oregon Residential and Oregon Specialty Code; and
  - The current ordinance before the board references the specialty codes.

- The appeals procedure in the proposed ordinance is based on the existing appeals procedure in the county's nuisance vegetation ordinance.

**MOTION:** Commissioner Cameron moved to have Commissioner Willis read the ordinance by title only twice. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Willis read the ordinance by title only twice.

**MOTION:** Commissioner Cameron moved to approve an ordinance creating an alternate approval construction methods appeal procedure, and declaring an emergency. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

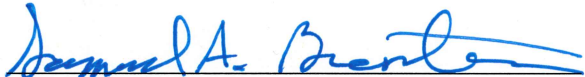
**PUBLIC HEARINGS**  
**9:30 A.M.**

None.

Commissioner Cameron read the calendar.  
Commissioner Willis adjourned the meeting at 9:52 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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