

## BOARD OF COMMISSIONERS

### MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 13, 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 Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

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

### **PUBLIC COMMENT**

None.

### **PRESENTATION**

*(Video Time 00:00:40)*

COVID-19 (Novel Coronavirus) update. –Katrina Rothenberger

- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of Tuesday, May 12, 2020:
  - An estimated 711 individuals have tested positive;
  - There are an estimated 723 presumptive cases:
    - Individuals who display symptoms and have been in close contact with a confirmed case are considered presumptive until testing results can be confirmed.
  - An estimated 5,708 individuals have tested negative; and
  - Twenty-three individuals have died from symptoms related to COVID-19.
- There have been 245 new cases over the prior two weeks:
  - An estimated 19 individuals were hospitalized out of the 245 new cases.
- Marion County Health and Human Services (MCHHS) has received support for contact tracing from the following community partners:
  - City of Salem;
  - Salem Health; and
  - Catholic Community Services.
- MCHHS has received two applications for grants and anticipates funding distribution in the near future:
  - The grants will primarily support communication and outreach.
- MCHHS continues to encourage community members to practice the following when in public settings:
  - Maintaining social distancing; and
  - Wearing cloth masks.

***Board discussion:***

- Efforts in the northern part of the county to slow the spread of COVID-19 include the following:
  - Woodburn Ambulance is hosting testing events in the City of Woodburn:
    - The COVID-19 virus lives in the nasal passages;
    - Testing is done with a specimen collection kit that includes a nasopharyngeal swab;
    - An individual's nasal passages are swabbed; and
    - The swab is then tested to determine if an individual currently has COVID-19.
  - A machine that tests antibodies is anticipated to arrive at Woodburn Ambulance in the near future:
    - The test is used to determine if an individual has ever had COVID-19 antibodies.
  - MCHHS is partnering with Woodburn Ambulance to test groups of individuals within the county:
    - The county supplies the testing materials; and
    - Woodburn Ambulance performs the actual testing.
  - Legacy Medical Group has volunteered to assist with more testing.
- Testing for COVID-19 is expanding:
  - Cases will increase as more individuals are tested.
- Information pertaining to the testing can be located on the MCHHS Data Dash Board;
- MCHHS is working to provide cloth face masks or surgical masks to individuals who are unable to social distance in some of the following job settings:
  - Farm labor;
  - Factory settings;
  - Businesses; and
  - Chambers.
- Instructions for wearing face masks and social distancing is provided in multiple languages;
- A one-time supply of face coverings may be provided for small businesses having difficulties finding face masks; and
- The commissioners expressed their appreciation to MCHHS for all the hard work they have performed for the communities.

**CONSENT**

*(Video Time 00:08:39)*

**BUSINESS SERVICES**

Approve Amendment #1 to the Contract for Services with Cedar Mill Construction to add \$18,480 for a new contract total of \$113,480 for minor building improvements for the Marion County Law Library remodel project.

## FINANCE

Approve an order delegating authority to the Chief Administrative Officer and the Chief Financial Officer for COVID-19 related land sale, public and personal contracts, and grant agreements.

Approve a quitclaim deed for final payment of a land sale contract for Tax ID #R15557 that was sold at a public auction on June 10, 2019.

## PUBLIC WORKS

Receive notice of hearings officer's recommendation for Zone Change/Comprehensive Plan/Conditional Use (ZC/CP/CU) Case #19-002/TLM Holdings, LLC and schedule a public hearing for June 3, 2020.

Approve an order setting a final public hearing date for June 3, 2020 for adding parks services to the East Salem Service District.

Approve Reinstatement Amendment #3 to the Contract for Services with Clean Harbors Environmental Services, Inc. to extend the term date to June 30, 2020, and add \$7,444.42 for a new contract total of \$1,607,444.42 for payment of final invoices related to household hazardous waste collection

### ***Board discussion:***

- Commissioner Cameron stated for the record that an email has been received related to the addition of parks services in the East Salem Service District (ESSD):
  - The email requested that the public hearing be moved to a future date to allow for more public participation.
- Commissioner Brentano suggested approving the date of June 3, 2020, for the ESSD public hearing, with the recommendation to continue the hearing if needed;
- Ms. Vetto stated the following:
  - Today's Consent Agenda could be approved;
  - If concerns arise at the ESSD public hearing on June 3, 2020, then a motion could be made on that date to continue the public hearing for a future date; and
  - Under Governor Brown's executive order, there are multiple options available for the public to submit comment once the notice has been posted.

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

## **ACTION**

*(Video Time 00:12:52)*

## COMMUNITY SERVICES

1. Consider a resolution approving rural industrial improvement property tax exemptions for Marion Ag Services, Inc. –Jason Schneider and Nick Harville, Strategic Economic Development Corporation (SEDCOR), Business Retention and Expansion Manager for Marion County

***Summary of presentation:***

- Oregon and Marion County collaborated to create the Rural Industrial Improvement Tax Exemption Program;
- Marion Ag Services, Inc. has applied for a tax exemption:
  - The company anticipates investing an additional \$2.1 million in their property;
  - The investment is taxable;
  - The tax exemption will allow the increased taxable value to be abated for a period of three years;
  - The exemption is estimated at \$24,328.08 per year; and
  - The total exemption is estimated at \$72,984 over a three year period.

***Board discussion:***

- The applicant is required to receive approval from the following entities:
  - The Marion County Board of Commissioners (MCBOC); and
  - Other taxing districts.
- Delays in the application process have allowed the applicant to secure approval from the other taxing districts;
- The applicant has submitted resolutions from the other taxing districts approving the application;
- Approval from the MCBOC is the final step for this application;
- The following is the application process for receiving the tax exemption:
  - The MCBOC approves the application;
  - The applicant proceeds to ask for approval from the remaining taxing districts;
  - Once all application approvals have been granted, the assessor will move the application forward; and
  - If all the approvals are not granted, then the application does not move forward.
- The application is unusual due to the other taxing districts approving the application before the MCBOC;
- The application processes has changed since the Marion Ag. Services, Inc. application was submitted:
  - The MCBOC must first approve the application;
  - The applicant then has 90 days to obtain letters of support from the other taxing districts; and
  - Marion Ag. Services, Inc. is the last application under the old process.
- Ms. Vetto stated that a resolution may be adopted at any time that amends the terms of a previously granted exemption subject to the approval of the taxing districts:
  - If the application is approved by MCBOC, but denied by other taxing districts, then the application can be terminated.

**MOTION:** Commissioner Brentano moved to approve a resolution approving the rural industrial improvement property tax exemptions for Marion Ag Services, Inc. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:18:20)

2. Consider a resolution approving rural industrial improvement property tax exemptions for Pacific Northwest (PNW)Vegco, LLC. –Jason Schneider and Nick Harville

**Summary of presentation:**

- PNW Veg Co., LLC’s application is being processed under the new tax exemption policies;
- The applicant is required to first gain approval from the MCBOC before applying for the tax exemption from other taxing districts;
- The application is for improvements to the Norpac Foods facility;
- The applicant anticipates investing \$15 million in the improvement project; and
- The exemption total is estimated at \$537,205 over a three year period:
  - The estimated total per year is \$179,068.

**Board discussion:**

- The Oregon Legislature worked on the tax exemption over a period of several years;
- The county’s revenue is provided by income from property taxes;
- The tax exemption was initiated after a local rural business went through a large expansion:
  - The expansion increased the business’ property taxes; and
  - The business needed time to increase their revenue and pay their expenses.
- The tax exemption is a rural incentive that assists an existing business that has expanded by deferring their increased property taxes for a period of three years:
  - The exemption defers a business’ increased property taxes; but
  - It does not reduce their taxes.
- Business expansions may increase employment opportunities;
- Marion County is the first county in Oregon to implement the tax exemption:
  - The exemption incentivizes rural businesses to invest within the county by offering a tax break; and
  - As a result the county will receive capital from the business for a period of several years.
- The tax exemption is only applicable for rural businesses; and
- PNW Veg Co., LLC anticipates employing 600 individuals.

**MOTION:** Commissioner Cameron moved to approve a resolution approving rural industrial improvement property tax exemptions for PNW Vegco, LLC. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:24:51)

HEALTH AND HUMAN SERVICES

3. Consider approval of Amendment #1 to the Intergovernmental Agreement (IGA) with the Marion County District Attorney’s (MCDA) Office to add \$63,665 for a new contract total of \$147,074 for a Deputy District Attorney to manage mental health cases for the Marion County Jail Diversion Program through June 30, 2021. –Cydney Nestor and Ann Marie Banfield

**Summary of presentation:**

- Amendment #1 is to extend an existing IGA with the MCDA.

**Board discussion:**

- The IGA pertains to the Marion County Health and Human Services (MCHHS) Jail Diversion Program;
- In 2008, the state of Oregon approached MCHHS with the request to help with reducing the aid and assist population at the Oregon State Hospital (OSH);
- The state provided funding in 2008, 2013, and 2015:
  - The 2013 funding also contributed to the following:
    - Mobile crisis; and
    - Jail diversion teams.
- MCHHS wanted to assist with community restoration by providing the following:
  - Legal case skills; and
  - Case management.
- Individuals entering the OSH lose their benefits and may need assistance with restoring the following when they exit the OSH:
  - Health benefits;
  - Housing;
  - Social security; and
  - Providers:
    - Providers located at MCHHS assist with transitional case management.
- Individuals that have proceeded through the legal skills training and completed the process are in a stable position within the community:
  - They are not having contact with law enforcement; and
  - They are not entering the following:
    - Jail;
    - Acute care facilities; and
    - The OSH.
- It was determined in 2015, that MCHHS mental health employees had no authority in the courtroom to assist the mental health population:
  - MCHHS's absence of a voice impacted the number of individuals that were entering the OHS; and
  - Partnering with the MCDA provides MCHHS with that voice in the courtroom.
- The partnership between MCHHS and MCDA has provided the following benefits:
  - Community restoration has increased;
  - Individuals entering the OSH have decreased; and
  - Recidivism rates in jails have decreased
- The MCHHS will provide the funding for the agreement with MCDA;
- Multiple state institutions are located within the county:
  - Residents from neighboring counties that are located in these institutions are discharged into Marion County's jurisdiction upon release;
  - MCHHS is collaborating with neighboring counties to transport released individuals back to the counties they originated from;
  - Neighboring counties are providing transitional case management for the individuals originating from their communities; and
  - MCHHS has seen an improvement in the number of individuals returning to the counties that they originated from.

**MOTION:** Commissioner Brentano moved to approve Amendment #1 to the Intergovernmental Agreement with the Marion County District Attorney's Office to add \$63,665 for a new contract total of \$147,074 for a Deputy District Attorney to manage mental health cases for the Marion County Jail Diversion Program through June 30, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:33:07)*

#### PUBLIC WORKS

4. Consider approval of the Purchase Order Agreement with Siegmund Excavation and Construction, Inc. in the amount of \$154,165.90 to deliver chip seal aggregate rock products for the North Fork Road and the Gates Hill Road project. –Scott Wilson

#### ***Summary of presentation:***

- North Fork Road and Gates Hill Road are included in the Marion County Chip Seal Program for Fiscal Year 2020-21:
  - The project area for North Fork Road entails the following:
    - Starts at approximately milepost zero of State Highway 22; and
    - Ends approximately at milepost 15.2 along the Willamette National Forest boundary.
  - The project area for Gates Hill Road entails the following:
    - Starts approximately at milepost zero at the intersection of State Highway 22; and
    - Ends approximately at milepost 3.8, which intersects with North Fork road.
- Funding for the project will be reimbursed by the Federal Lands Access Program;
- Procurement of the materials will be provided by the county and are required to meet federal purchasing guidelines;
- Emulsified oils will be competitively bid and awarded to one firm;
- Marion County Public Contracting Rules provides a class exemption for the purchase of petroleum products and crushed rocks:
  - This allows Public Works to purchase from any supplier within the county based on the overall cost of the product.
- A formal invitation to bid for the projects' aggregate products was submitted;
- The county received four bids for the project;
- Siegmund Excavation and Construction Inc. submitted the lowest project bid for the amount of \$154,165.90:
  - The bid award was approved on April 2, 2020;
  - The intent to award was published on April 3, 2020; and
  - No protests were received.
- Public Works has budgeted the necessary funds to complete the project in Fiscal Year 2020-21:
  - There are no impacts to the department's external agencies.
- Options for the board to consider include the following:
  - Approve the Purchase Order with Siegmund Excavation and Construction Inc. in the amount of \$154,165.90; or

- Take no action at this time.
- Staff recommends the board approve the Purchase Order.

**Board discussion:**

- North Fork Road is traveled by individuals who wish to gain entrance to the Opal Creek Wilderness.

**MOTION:** Commissioner Cameron moved to approve the Purchase Order Agreement with Siegmund Excavation and Construction, Inc. in the amount of \$154,165.90 to deliver chip seal aggregate rock products for the North Fork Road and the Gates Hill Road project. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous Names not listed in motion

*(Video Time 00:37:06)*

5. Consider approval of the Architecture and Engineering Professional Services Contract with Harper Houf Peterson Righellis (HHPR), Inc. in the amount of \$674,961.99 to provide transportation engineering, geotechnical, environmental, and right-of-way services for the Hollywood Drive Project through December 31, 2022. –Ryan Crowther

**Summary of presentation:**

- The project is based in northeast Salem:
  - Work will entail the area between Silverton Road and the area approximately 700 feet south of Greenfield Lane; and
  - A portion of the project is located within the Salem city limits.
- The county will have a separate agreement the City of Salem for the reimbursement of design or construction expense:
  - The work will involve connecting the project’s sidewalks to existing sidewalks within the city.
- The scope of the project includes the following:
  - Widening the roadway to allow for bikeways and sidewalks;
  - Constructing a traffic signal at the intersection of Hollywood Drive and Silverton Road; and
  - Constructing a westbound left turn lane on Hollywood Drive:
    - Assists with congestion relief; and
    - It is warranted when installing a traffic signal.
- The contract is for the design and right-of-way negotiations for the project;
- The selected consultant is HHPR Engineering Incorporated:
  - The consultant was chosen using a qualification based selection process.
- Project expense is estimated to be \$674,961.99;
- Project design elements include some of the following:
  - Survey;
  - Drainage;
  - Roadway;



- Americans with Disabilities Act (ADA) ramps; and
- Traffic signals.
- Another jurisdiction will provide administrative evaluations for the right-of-way services;
- The contract with HHPR also includes the following:
  - The preparation of bid documents; and
  - Right-of-way negotiations.
- The project timeline entails the following:
  - Design and right-of-way will occur between the summer of 2020 and the fall of 2021; and
  - Construction is anticipated to start in 2022.
- Staff recommends the board approve the contract with HHPR Engineering, Inc.

***Board discussion:***

- The commissioners expressed their appreciation for the detailed presentation.

**MOTION:** Commissioner Brentano moved to approve the Architecture and Engineering Professional Services Contract with Harper Houf Peterson Righellis, Inc. in the amount of \$674,961.99 to provide transportation engineering, geotechnical, environmental, and right-of-way services for the Hollywood Drive Project through December 31, 2022. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous

*(Video Time 00:41:35)*

**SHERIFF'S OFFICE**

6. Consider approval of the incoming funds Intergovernmental Agreement (IGA) with the City of Jefferson in the amount of \$374,842 to provide patrol services from July 1, 2020 through June 30, 2021. –Sheriff Joe Kast and Commander Jeff Stutrud

***Summary of presentation:***

- The City of Jefferson has contracted with the county for an estimated 25 years:
  - The relationship between the two entities has been successful and cooperative; and
  - The city has seen a reduction in the crime rate.
- The IGA provides funding for two deputies that will work within the Jefferson city limits; and
- The deputies' duties will include some of the following:
  - Working with the community;
  - Law enforcement; and
  - Interaction with children in the schools.

**MOTION:** Commissioner Cameron moved to approve the incoming funds Intergovernmental Agreement with the City of Jefferson in the amount of \$374,842 to provide patrol services from July 1, 2020 through June 30, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:44:35)*

Recessed as Board of Commissioners.  
Reconvened as Contract Review Board.

### CONTRACT REVIEW BOARD

1. Consider approval of the denial regarding the Pacific Access Controls and Mechanical LLC protest of the Sole Source Procurement for MEDECO Keyway Access and Key Management Security Controls. –Colleen Coons-Chaffins and Camber Schlag

#### ***Summary of presentation:***

- Marion County Business Services posted a multi-year Sole Source Procurement notice on the Oregon Procurement Information Network (ORPIN) on April 20, 2020, for Oregon Lock and Access;
- The notice closed on April 27, 2020;
- The intent of the notice was to contract with Oregon Lock and Access for MEDECO Keyway Access and Controls for the time period of July 1, 2020, through June 30, 2025;
- The county received an emailed formal protest from Pacific Access Controls Mechanical, LLC on April 22, 2020:
  - The company felt the ORPIN notice did not specify what the procurement award was for:
    - A keyway system design; or
    - Hardware for a keyway system from MEDECO Keyway Access and Controls.
  - The protest stated that the keyway could also be designed and controlled by dormakaba Access Solutions; and
  - dormakaba Access Solutions hardware was comparable to MEDECO Keyway Access and Controls.
- The county's current keyway system is a proprietary system designed and controlled by MEDECO Solutions and managed by an authorized dealer:
  - The keyways are assigned to end users;
  - Only authorized individuals whose signatures are on file with the factory are able to order the keys and the key blanks; and
  - The keyways are not readily available to the open market.
- The county currently uses three different MEDECO Solutions restricted keyway systems:
  - The "20" keyway;
  - The Biaxial product "C3" keyway; and
  - The M3 "DA" keyway.

- The county checked with two other competitors inquiring about their keyway systems:
  - Each competitor had their own specific keyway system that they were authorized to use; and
  - Each competitor was licensed or contracted by MEDECO for a specific keyway.
- The time and expense to rekey all of the county facilities with another keyway system would be cost prohibitive;
- Only MEDECO Solutions decides which companies will distribute their product; and
- Vendor or customer disputes requiring distribution resolution need to contact MEDECO Solutions directly.

***Board discussion:***

- Staff recommends the board approve the protest denial and award the contract to Oregon Lock and Access.

**MOTION:** Commissioner Brentano moved to approve the denial regarding the Pacific Access Controls and Mechanical LLC protest of the Sole Source Procurement for MEDECO Keyway Access and Key Management Security Controls. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:51:33)*

2. Consider an order approving the Sole Source Procurement for MEDECO Keyway Access and Key Management Security Controls with Oregon Lock and Access. –Colleen Coons-Chaffins and Camber Schlag

***Summary of presentation:***

- The county posted a multi-year Sole Source Procurement notice on ORPIN on April 20, 2020;
- The notice closed on April 27, 2020;
- The one protest that the county received has been resolved;
- The contract amount is estimated at \$250,000;
- The contract was awarded to Oregon Lock and Access with a term period of July 1, 2020 through June 30, 2025:
  - The company is an authorized MEDECO Solutions distributor.
- The county has been using the MEDECO Solutions keyway systems for approximately 32 years;
- Oregon Lock and Access has been providing the county with the keyway systems since approximately 2001;
- The procurement meets the county’s Public Contracting Rules that require the efficient utilization of existing goods and services;
- County employees work every day with the keyway and lock systems:

- Oregon Lock and Access assists the county with issues that arise that county employees are not able to resolve.
- The county's primary reason for the procurement with Oregon Lock and Access is to obtain the products they distribute.

**MOTION:** Commissioner Cameron moved to approve an order approving the Sole Source Procurement for MEDECO Keyway Access and Key Management Security Controls with Oregon Lock and Access. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous

Recessed as Contract Review Board.  
Reconvened as Board of Commissioners.

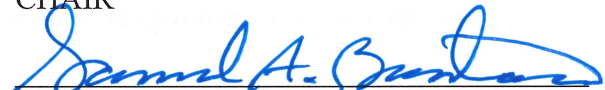
**PUBLIC HEARINGS**  
9:30 A.M.

None.

Commissioner Brentano read the calendar.  
Commissioner Willis adjourned the meeting at 10:14 a.m.

  
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CHAIR

  
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COMMISSIONER

  
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COMMISSIONER

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