

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 20, 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.

(Video Time 00:00:39)

MOTION: Commissioner Brentano moved to add an item to the agenda to consider approval of an order for opening Courthouse Square on Wednesday, May 20, 2020, from 9:00 a.m. to 10:30 a.m. for Board Session. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

ACTION

(Video Time 00:01:19)

BOARD OF COMMISSIONERS

5. Consider approval of an order to reopen Courthouse Square to the public from 9:00-10:30 a.m. on May 20, 2020, and to reopen all county buildings to the public once Phase I of the Marion County Community Roadmap Plan has been approved by the governor.

MOTION: Commissioner Brentano moved to approve an order reopening Courthouse Square to the public on Wednesday, May 20, 2020, from 9:00-10:30 a.m. for Board Session, and reopen all other county buildings to the public once Phase I of the Marion County Community Roadmap Plan has been approved by the governor. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

PUBLIC COMMENT

(Video Time 00:01:49)

Danielle Bethell, Keizer Chamber of Commerce, Director:

- Ms. Bethell is a small business owner and a member of the Salem-Keizer School Board;
- Ms. Bethell has witnessed the impacts of the COVID-19 pandemic:
 - She has engaged a dozen suicidal business owners that have been forced to close; and
 - She is addressing a \$48 million shortfall in the Salem-Keizer Public Schools education system.
- Ms. Bethell feels the state's lack of leadership and communication is unacceptable:
 - The absence of information leaves the county without the following:
 - Targets to achieve;
 - Benchmarks to look at; and
 - Goals to strive for.
- Ms. Bethell has asked the board to make the request to Governor Brown to review the county's roadmap information for Phase I and the reopening;
- Business owners need the ability to support their families and raise their children; and
- Unemployment benefits are not available for immediate financial support assistance:
 - An estimated 9,000 county citizens are waiting for access to benefits;
 - County citizens have had no income for multiple weeks; and
 - She states this is a significant issue.

Jonathan Thompson, Keizer Chamber of Commerce, President:

- Mr. Thompson is a small business owner;
- Mr. Thompson expressed his thanks to the commissioners for the personal protective equipment the chamber received from the county;
- The pandemic has created health impacts for small business owners, both mentally and financially;
- Mr. Thompson states the following:
 - Businesses are able to reopen safely;
 - They are able to implement and follow the reopening plans;
 - It is in the business owners best interest to follow the reopening guidelines; and
 - No business owner wants to be the source of an outbreak.
- Mr. Thompson would like a better explanation from the state in the event that the Phase I reopening request is denied.

Board discussion:

- One third of small businesses within the county will not survive a third month with no revenue coming in; and
- Any revenue coming into a business is better than no revenue.

Cathy Clark, City of Keizer, Mayor:

- Ms. Clark expressed her appreciation to the commissioners for their work in keeping communities safe and healthy;
- Ms. Clark read a letter from the Keizer City Council that entails the following:
 - The council supports the application submitted by the county for Phase I reopening;
 - Discussions have been ongoing in regards to the county's continued success for the following:
 - Contract tracing;
 - Low hospitalization rates; and
 - Specialized outreach and education for underserved and vulnerable individuals.
 - The county has connected with the following to ensure community needs and concerns are understood and addressed in order to safeguard the health of county residents:
 - Faith communities;
 - Business leaders;
 - The Latino Business Alliance;
 - The Keizer Chamber of Commerce;
 - Health providers;
 - Agricultural businesses;
 - Employee organizations; and
 - Cities within the county.
 - The ability for families in our communities to provide food and shelter depend on their ability to return to work:
 - Access to unemployment insurance is limited or unattainable.
 - Communities have experienced a mental health crisis:
 - Suicide death rates are higher than deaths related to COVID-19; and
 - Mental health should be a priority.
 - Marion County Behavioral Health has responded quickly to provide the following:
 - Extended care;
 - Expanded services;
 - Meeting community needs with limited resources;
 - Adding resources; and
 - Maintaining communication.
 - Citizens need the option to:
 - Provide for themselves;
 - Provide for their families;
 - Reduce stress levels; and
 - Receive messaging that is:
 - Positive;
 - Affirming; and
 - Caring.

Tom Dieker:

- Mr. Dieker owns four business establishments that specialize in serving alcoholic beverages;
- Due to the pandemic, Mr. Dieker's businesses have received no income since March 17, 2020:
 - He now has to determine if he can continue to fund his businesses when there is no income coming in.
- Extending the Payroll Protection Program (PPP) date to 24 weeks or longer would assist small businesses; and
- Mr. Dieker is requesting to open his businesses to the public with a daily closing time of 12:00 a.m.:
 - Seventy percent of his business income occurs from 10:00 p.m. through 2:00 a.m.;
 - and
 - Closing at 10:00 p.m. will reduce the sales income to 30 percent.

Commissioner Kevin Cameron:

- Commissioner Cameron expressed his appreciation to everyone that conveyed their support for the Phase I reopening of the county;
- As a business owner, Commissioner Cameron understands the following:
 - The struggles that small business owners are encountering due to the pandemic;
 - The challenges with the PPP loans;
 - The frustrations; and
 - The personal stress to pay the bills.
- The pandemic has impacted every Marion County citizen:
 - Every citizen is important.
- An updated status report was submitted to Governor Brown on Tuesday, May 19, 2020, that stated the following:
 - Hospitalizations have decreased; and
 - COVID-19 testing has increased:
 - Increased testing has resulted in an escalation of individuals testing positive for COVID-19.
- Commissioner Cameron acknowledged and thanked Governor Brown and the Oregon Health Authority for the challenging work they have performed; and
- The pandemic has affected and changed lives, and the impacts are ongoing.

Commissioner Sam Brentano:

- Commissioner Brentano stated Governor Brown and her team are the intended recipients for the requests to reopen the county; and
- Testimony and letters of support from some of the following cities will be sent to the governor's office:
 - Silverton;
 - Mt. Angel;

- Stayton; and
- Keizer.

Commissioner Willis:

- Commissioner Willis expressed his appreciation and gratitude to the following for their continued support and hard work:
 - County employees;
 - Community members;
 - Small business owners;
 - Churches; and
 - Nonprofit organizations.
- Commissioner Willis credits county citizens for attending the board session with the intent to inform Governor Brown of the community's needs.

PRESENTATION

(Video Time 00:25:24)

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

- Ms. Rothenberger expressed her appreciation to the commissioners for their leadership through the following crises created by the pandemic:
 - Health;
 - Social;
 - Political; and
 - Economic.
- Ms. Rothenberger reports the following updates for the COVID-19 pandemic as of Tuesday, May 19, 2020:
 - An estimated 858 individuals have COVID-19 symptoms:
 - The count includes the following cases:
 - Presumptive:
 - Individuals that have had close contact to a confirmed case and have similar symptoms are considered presumptive until they receive testing results.
 - Lab confirmed:
 - Individuals with a negative test result will decrease the case count.
 - Hospitalizations, which indicate the severity of the disease, have decreased:
 - Eight individuals were reported for the period of May 10-16, 2020; and
 - Eleven individuals were reported for the period of May 3-9, 2020.
 - The number of individuals that are being tested has increased;
 - The county has partnered with the following to provide testing:
 - Woodburn Ambulance;
 - Legacy Health;
 - Clinics; and

- The Center for Disease Control.
- A data dashboard located on the Marion County Health and Human Services (MCHHS) website provides updated information related to the pandemic:
 - The dashboard helps with the following:
 - Providing a clear picture of issues within the county related to the pandemic; and
 - Mobilizing resources.
 - The dashboard is updated every Monday, Wednesday, and Friday; and
 - It contains some of the following information:
 - Case counts;
 - Information pertaining to areas by zip code; and
 - Demographic information categorized by race and ethnicity for the following groups:
 - Hispanic or Latino;
 - Non-Hispanic or Latino;
 - African American/Black;
 - American Indian or Alaskan Native;
 - Asian;
 - Native Hawaiian or Pacific Islander;
 - Other/Multiracial;
 - White; and
 - Unknown/Refused.

Board discussion:

- Abbott Point of Care machines have been deployed across Oregon:
 - The rapid test machines are used to determine if an individual has an active case of COVID-19:
 - Establishments within the county that are currently using the machine include some of the following:
 - Woodburn Ambulance;
 - Salem Clinic; and
 - Salud Medical Center.
- The Federal Drug Administration recently reported that the Abbott Point of Care machine may be providing false negatives:
 - The Oregon State Public Health Lab has agreed to test samples in individuals who are symptomatic but test negative with the machine; and
 - The state health lab testing will assist with validating the Abbott Point of Care testing.

CONSENT

(Video Time 00:33:32)

BUSINESS SERVICES

Accept the 2020 Compensation Board Recommendations for Elected Officials and forward recommendations to the Budget Committee.

Approve a recommendation to uphold pay grades for classification #303, Engineering Tech 2; #304, Engineering Tech Senior; and adjust upward the pay grades and updates for classification #023, Office Manager; #018, Office Manager Senior; #021, Administrative Services Manager; #020, Administrative Services Manager Senior; and #302, Engineering Technician 1.

PUBLIC WORKS

Approve Amendment #5 to the Contract for Services with Covanta Marion, Inc. to extend the term date through July 1, 2021.

Approve Amendment #3 of the incoming funds Contract for Services with Marion Recycling Center, Inc., dba, Marion Environmental Services to extend the term date through June 30, 2021 for infectious waste disposal.

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

ACTION

(Video Time 00:35:14)

BUSINESS SERVICES

1. Consider approval of the ratification of the Marion County Employee Association (MCEA) Collective Bargaining Agreement (CBA). – Colleen Coons-Chaffins and Bruce Armstrong

Summary of presentation:

- The MCEA CBA will go into effect on July 1, 2020;
- A tentative agreement was reached by MCEA members:
 - The agreement was ratified during the week of April 12, 2020.
- All the changes in the two year CBA will be in effect from July 1, 2020, through June 30, 2022;
- Modifications to the CBA include some of the following:
 - Under the Table of Contents, Article 35 is now titled “Drug and Alcohol Free Workplace”;
 - Article 3, Union Security:
 - Sections 1, 2, 3, and 5 were removed:
 - Fair share references were removed to be in line with legislation.

- Section 4 was changed to Section 1 due to the removal of Sections 1,2, and 3 in the article:
 - Language was added pertaining to dues.
 - Section 6 was changed to Section 2:
 - The language “written request” was changed to read “authorization”.
 - Section 7 was changed to Section 3:
 - The language “monthly” was changed to read “bi-weekly”.
 - Section 8 was changed to Section 4:
 - The language “amount or fair share payment” was changed to read “deduction”.
 - Section 10 was changed to Section 6:
 - Addendum notification language was added.
 - Article 4, Hours of Work:
 - Section 6:
 - Language was changed to be gender neutral.
 - Article 5, Rest Periods and Lunch Breaks:
 - Section 3:
 - Language was cleaned up; and
 - The lunch period was clarified.
 - Article 7, Vacation Leave:
 - Section 1:
 - The 37.5 hour pay period was removed throughout the contract and changed to a 40.0 hour pay period.
 - Sections 4, 5, 6, and 7:
 - Language was changed to be gender neutral.
 - Article 8, Sick Leave:
 - Section 2:
 - The 37.5 hour pay period was changed to a 40.0 hour pay period.
 - Sections 6, 7, and 9:
 - Language was changed to be gender neutral.
 - Section 10:
 - Language was changed to be gender neutral; and
 - The title “human resources manager” was changed to “chief human resources officer or designee”.
 - Article 9, Other Leaves:
 - Section 2:
 - The language “handicapped” was changed to “impeded”; and
 - Language was changed to gender neutral.
 - Article 10, Health and Welfare:
 - Section 4:
 - A \$50 increase will be applied in 2021; and
 - A \$50 premium cap increase will be applied in 2022.

- Article 11, Wage Adjustment:
 - Section 3:
 - A two percent Cost of Living Adjustment (COLA) will be applied in the years 2020 and 2021; and
 - Sections 8, 9, 12, and 13:
 - Language was changed to be gender neutral.
- Article 12, Administration of Pay Plan:
 - Sections 2-A, 2-E, 2-F, and 2-H:
 - Language was changed to be gender neutral.
- Article 13, Overtime:
 - Sections 1-B and 5:
 - Language was changed to be gender neutral.
- Article 17, General Provisions:
 - Language was revised to bring it into current standards;
 - Section 1:
 - The title “No Discrimination” was changed to “Non-Discrimination;
 - Language was cleaned up; and
 - The words “or any other protected status in accordance with state or federal law” was added.
 - Sections 5, 6, and 8 were moved to Article 19, Sections 1, 2, and 3;
 - Section 7, Negotiations, was changed to Section 5 with the same title;
 - Section 9, Rights and Obligations, was changed to Section 6 with the same title;
 - Section 10, Use of County Equipment, was changed to Section 7 with the same title;
 - Section 11, Labor Management-Committees, was changed to Section 8 with the same title; and
 - Section 12, Labor Management Budget Process, was changed to Section 9 with the same title.
- Article 18, Educational Assistance:
 - Section 5:
 - The language “handicapped” was changed to “impeded”.
- Article 19, Release Time for Union Activities:
 - Language was revised to bring it into current standards;
 - Section 1, Union Officers, was changed to Section 4 with the same title:
 - The language “all newly hired bargaining unit employees shall be provided the opportunity to attend the presentation without a loss in pay” was added.
 - Section 2, Committee Members, was changed to Section 5 with the same title;
 - Section 3, Union Standards, was changed to Section 6 with the same title:
 - Language was added to Sections 6-A and 6-E.

- Section 4, General Conditions of Release Time, was changed to Section 7 with the same title:
 - The title “human resources manager” in 7-C was changed to “chief human resources officer or designee”.
 - Section 5 was changed to Section 8.
 - Articles 21, 22, and 24:
 - Language was changed to be gender neutral.
 - Article 33, Life of Agreement and Termination:
 - The original four year agreement term was changed to two years.
 - Article 34, Temporary Employees:
 - Language related to the 37.5 hour pay period was removed and changed to a 40.0 hour pay period.
 - The title changed in Article 35 to “Drug and Alcohol Free Workplace”.
 - Several Letters of Agreement with the following titles were updated:
 - Floater Position;
 - Journeyman’s Card or Trade License;
 - Oracle Pay Incentive;
 - Sick Leave Conversion; and
 - Standby Pay.

Board discussion:

- References to fair share have been removed from the CBA as a result of legislation that was passed by the United States Supreme Court;
- Oregon Legislature has passed new legislation related to union rights:
 - Language and provisions have been inserted into the CBA for clarification and to align with Oregon law:
 - The primary changes occurred in Article 17 and Article 19, and include some of the following:
 - A union presence at new employee orientations;
 - Providing employee information to a union representative that includes the following:
 - Employee names;
 - Date of hire; and
 - Contact information:
 - Cell phone numbers;
 - Home addresses; and
 - Mailing addresses.
 - The information is private and not accessible by the public.
- The contract is for two years;
- Funding of the contract will be largely provided by the General Fund:
 - The county’s current General Fund is estimated at \$107 million for revenue sources.

- Commissioner Cameron expressed his concerns with COVID-19 and the unknown impacts the pandemic will have on the economy and the county's budget in the future;
- Commissioner Willis stated the county will continue to work hard to maintain the citizens' trust; and
- Ms. Fritz acknowledged the hard work of the union budgeting team, management, and voting employees for reaching an agreement for the CBA before the end of the fiscal year.

MOTION: Commissioner Cameron moved to approve the ratification of the Marion County Employee Association (MCEA) Collective Bargaining Agreement. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:57:51)

PUBLIC WORKS

2. Consider approval of the Purchase Order (PO) Agreement with Complete Wireless Solutions, Inc. in the amount of \$260,321.70 for the purchase of radios and radio equipment for the Marion County Sheriff's Office (MCSO) vehicles. –Brian Nicholas and Lt. Nick Hunter

Summary of presentation:

- The City of Salem recently activated a new public safety radio system:
 - The prior system had a Very High Frequency (VHF) bandwidth;
 - The new system has a 700 Megahertz (MHz) bandwidth; and
 - The city is in the process of phasing out the old VHF system.
- All MCSO vehicles are equipped with VHF radio systems;
- The differing radio systems have resulted in inoperable communication capabilities between the MCSO, the City of Salem Police Department, and other emergency responders;
- The PO will provide funding to equip a portion of the MCSO fleet vehicles with the 700 MHz radios:
 - This will enable the two agencies to communicate.
- An estimated 99 MCSO vehicles require radio upgrades to maintain interoperability with the City of Salem:
 - The radios in 17 of the vehicles are at end of life and are scheduled for replacement;
 - The PO provides for replacement of 17 new tri-deck, 700 MHz radios; and
 - The remaining MCSO vehicles will be adding the 700 MHz radio to the existing system.
- The purchase is part of a statewide purchasing agreement and is competitively bid; and
- Funding for the purchase will be provided by the Consolidated Fleet Fund Program:
 - The outfitting of a vehicle is included in the purchase price;
 - The fleet fund leases vehicles to different county departments;

- The recoup of expenses for outfitting a vehicle is included in the monthly lease rate; and
- Depending on the class of the vehicle, the expense is recouped in an estimated 48 years.

Board discussion:

- Interoperability with other first responder agencies is critical every day:
 - Critical situations require a quick response time;
 - Critical time is lost when officers are required to go through their dispatch to contact another first responder agency; and
 - It may be a deciding factor in a life or death situation.
- Due to urban development, a portion of East Salem interacts with county lines:
 - Operations within the two law enforcement agencies can overlap;
 - Immediate communication between the two agencies is critical for some of the following:
 - Calls for assistance;
 - Setting up a perimeter;
 - Coordinating an investigation; and
 - Clearing an intersection.
- The MCSO foresaw in advance that radio communication changes would occur:
 - A remote head was purchased when the VHF radio systems were first installed several years ago:
 - At the time this allowed the system to be plugged into other radio decks;
 - The old VHF radio technology will need to be updated to allow for communication between different agencies; and
 - The previously purchased remote heads will plug into the new system:
 - This allows for one radio with multiple decks per vehicle versus four radios in one vehicle.
- First responder agencies are upgrading to new digital radio technology:
 - Once upgrades are complete, then frequencies are determined for effective communication; and
 - All frequencies will be accessible.
- The proposed new radio system will allow for the following bandwidths:
 - VHF;
 - Ultra High Frequency (UHF); and
 - 700 MHz.
- An estimated 340,000 individuals are policed by different jurisdictions; and
- The ability to effectively police requires immediate communication.

MOTION: Commissioner Brentano moved to approve the Purchase Order Agreement with Complete Wireless Solutions, Inc. in the amount of \$260,321.70 for the purchase of radios and radio equipment for the Marion County Sheriff's Office vehicles. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:05:54)

3. Consider approval of the incoming funds Intergovernmental Agreement with the Oregon Department of Transportation in the amount of \$355,000 for the Duckflat Road Rail Crossing Project through May 20, 2030. –Ryan Crowther

Summary of presentation:

- The project is located on Duckflat Road in the City of Marion and is a rural railroad crossing:
 - Work on the crossing will extend approximately 150 feet in each direction.
- Currently the crossing has steep slopes on either side of the railroad:
 - The grade differential can prohibit truck traffic from freely crossing with no issues.
- Existing conditions include the some of the following:
 - Truck turns on either side of the railroad;
 - No guard rail;
 - No safety improvements;
 - A constrained project site that includes:
 - Drainage channels;
 - Right-of-way limitations; and
 - Utilities.
- Originally the Oregon Department of Transportation (ODOT) requested that the railroad crossing be closed due to safety concerns;
- Marion County Public Works reached out to the community to inquire about their needs:
 - It was determined that closing the crossing would be problematic to residents in the area.
- The county approached ODOT with a design that would improve the crossing and meet the low volume road standards;
- Project scope to bring the crossing up standards includes some of the following:
 - Raising the elevation of the road;
 - Installing retaining walls;
 - Widening the road at the corners to better accommodate truck traffic;
 - Safety rail installation;
 - Automated crossing arm installation;
 - Sign installation; and
 - Road striping.
- The project is part of the Railroad Crossing Safety Program:
 - It is fully funded by the federal government and the state government; and
 - No county funding match is required.
- The estimated budget for the project is \$355,000:
 - The federal funded share is \$319,500; and
 - The state funded share is \$35,500.
- The county's role in the project includes the following:

- Project management; and
- Project design.
- If approved, the project schedule entails the following:
 - The preliminary design will start in 2020;
 - Design completion is estimated for the fall of 2021; and
 - Construction is estimated to begin directly after design completion in the fall of 2021.
- The county anticipates bidding for the project in late 2021.

Board discussion:

- Commissioner Willis expressed his appreciation to the Public Works team for finding a solution that will benefit the community;
- It is estimated that 70 vehicles use the crossing every day:
 - This can increase to an estimated 200 vehicles in the spring and the fall.
- The surrounding residential areas have a history of flooding:
 - Residents are able to access their properties using the crossing during a flood.
- As a safety measure, surrounding farms will use the crossing when they are relocating large equipment:
 - Not having the crossing would require farm equipment to travel on a road with more traffic volume that is traveling at higher speeds.
- The project is a more affordable alternative versus upgrading the remainder of Duckflat Road so that it is passable in the event of a flood; and
- Commissioner Brentano requested the county approach ODOT regarding the railroad crossing in the City of Aumsville area:
 - He expressed his concern with the lights and crossing standards needing to be updated.

MOTION: Commissioner Cameron moved to approve the incoming funds Intergovernmental Agreement with the Oregon Department of Transportation in the amount of \$355,000 for the Duck Flat Road Rail Crossing Project through May 20, 2030. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 01:13:13)

SHERIFF'S OFFICE

4. Consider approval of the incoming funds Intergovernmental Agreement with the City of Sublimity in the amount of \$196,471 to provide law enforcement services through June 30, 2021.
 –Commander Jeff Stutrud

Summary of presentation:

- The City of Sublimity has contracted with the MCSO for eight years to provide law enforcement services;
- The contract term period is July 1, 2020, through June 30, 2021;

- Different communities have different needs and challenges;
- A MCSO Deputy works within the community to provide some of the following:
 - Public relations;
 - Working with the school; and
 - Interacting with the children.
- Citizen concerns include:
 - Traffic volume; and
 - Vehicles exceeding the posted speed limit:
 - The MCSO has stationed a mobile radar device in different locations within the community as a tool for the following:
 - Posting the speeds of moving vehicles; and
 - Providing speed data that is used to adjust response and patrols.

Board discussion:

- The community population is increasing and may require another deputy in the future.

MOTION: Commissioner Brentano moved to approve the incoming funds Intergovernmental Agreement with the City of Sublimity in the amount of \$196,471 to provide law enforcement services through June 30, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

None.

Commissioner Willis read the calendar.

Commissioner Willis adjourned the meeting at 10:27 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>