

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 29, 2016
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kristy Witherell as recorder.

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

PUBLIC COMMENT

(Video Time 00:01:22)

Joan Loyd:

- Article in the Statesman Journal regarding incinerating medical waste;
- Hadn't heard anything about it until the article in the paper;
- Commissioner Carlson spoke at a Neighborhood Association public safety meeting and never spoke of this issue;
- Feels that it is a public safety hazard;
- Seems like a lot of extra waste to take on at once;
- Feels the money generated will offset having to clean up the water and land in the area:
 - Awards to people harmed by burning of medical waste;
- Cited an issue with an incinerator in Utah that was fined for exceeding pollution limits;
- Asking the commissioners to please proceed with caution; and
- Urged waiting for voting until the testing is complete.

Board discussion:

- The first county meeting regarding medical waste was scheduled after the neighborhood meeting.

PRESENTATION

(Video Time 00:06:35)

Economic Development – GROW EDC 3rd Quarter Report. – Allison McKenzie

- Served 64 clients with individual counseling:
 - 172 individual counseling sessions with them.
- Offered seven different learning events with 52 attendees;
- Rural tourism studio training with Travel Oregon:
 - 75 people attended.

- Tourism is the third largest economy in Oregon;
- Focusing on outdoor recreation;
- The goal is to become a destination area;
- Three rural tourism projects:
 - Create a regional marketing strategy;
 - Building a local tourism network; and
 - River festival.
- Looking at a way to get more micro-loans for businesses.

(Video Time 00:23:55)

2016 Marion County Fair Highlights. – Tamra Goettsch, Pam Zielinski

- Begins July 7-10, 2016 at Oregon State fairgrounds;
- Theme is Social, Local and Fun;
- Fair attractions include the Roughstock Rodeo:
 - Reckless Kelly;
 - Valley High;
 - Grill Off;
 - Fly Ball;
 - Carnival;
 - Exotic Animals; and
 - Camel rides.
- 4-H and Future Farmers of America exhibits;
- Theme for each day:
 - First day of the fair will be honoring veterans:
 - Seniors and veterans along with their family are free to get into the fair.
 - Friday is Awesome 3000 day:
 - All kids who participated in the Awesome 3000 can get in free if they wear their t-shirt.
 - Saturday is social media day;
 - Sunday is family day:
 - Teen Idol singing audition; and
 - Super heroes in attendance.
- Volunteers and board members put in a lot of work; and
- Appreciates the 60 sponsors' support.

Board discussion:

- Board session will be at the fair Thursday, July 7, 2016 followed by a barn tour; and
- The commissioners appreciate all of the hard work put into the county fair.

CONSENT

(Video Time 00:41:30)

BOARD OF COMMISSIONERS

OLCC APPLICATION – Recommend Approval

JJ's Mexican Food, 3862 Center Street NE, Salem, OR

CLERK'S OFFICE

Approve Amendment #3 to the contract with ACS Enterprise Solutions, LLC to add \$133,999.64 in funding and extend through June 30, 2017 for support, equipment and software for licensing and recording.

COMMUNITY SERVICES

Approve an order to appoint Tamra Goettsch, Allison Barrows, Karen Hilfiker, and Linsey Ober as Marion County Dog Control Officers effective immediately.

Approve an order distributing Video Lottery Funds for the Economic Development Grant to Stayton Area Ford Institute in the amount of \$10,000.

Approve an order distributing Video Lottery Funds for Business Development grants to:

- Truitt Bros. - \$50,000
- Wilcox - \$20,000

Approve an order distributing Video Lottery Funds for Infrastructure Development Fund grants to:

- Business Oregon Infrastructure Finance Authority - \$50,000
- City of Donald - \$50,000

Approve the contracts and an order distributing Video Lottery Funds for Board Designated Allocation grants and extend through June 30, 2017:

- GROW EDC - \$60,000, Amendment 2;
- Oregon Garden Foundation – \$100,000;
- SEDCOR - \$160,000, Amendment 1; and
- Travel Salem - \$100,000, Amendment 1.

FINANCE

Approve a quitclaim deed to convey Real Property Tax ID #R71640 located at 1272 23rd Street NE, Salem.

HEALTH

Approve Amendment #5 with Pelton Project, Inc. to add \$13,000 in funding and extend through June 30, 2017 for rent subsidy payment services.

PUBLIC WORKS

Approve a grant application with the Oregon Federal Lands Access Program (FLAP) in the amount of \$864,634.80 to construct double chip seal surface preservation treatments on North Fork Road and Gates Hill Road in Federal Fiscal Year 2018-19.

SHERIFF'S OFFICE

Approve an Intergovernmental Agreement with the City of Sublimity for incoming funds of \$168,377 for law enforcement services for the citizens within the corporate city limits.

Approve an Intergovernmental Agreement with the Bureau of Indian Education for incoming funds of \$547,931 for law enforcement services at the Chemawa Indian School through June 30, 2017.

Approve the contract for services with Dr. Aaron Vitells, MD for \$268,200 through June 30, 2019 to provide medical services and oversight at the Jail.

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

ACTION

(Video Time 00:45:05)

COMMUNITY SERVICES

1. Consider approval of an order distributing Video Lottery Funds for the Economic Development Grant to Scotts Mills Community Center Association in the amount of \$21,800. – Sarah Cavazos, Jennifer Barber, Nikki Barber

Summary of Presentation:

- Marion County receives a little over \$1.6 million per year in Oregon Lottery video proceeds that are distributed back into the community through grants;
- Grants support cities that support livability and safety;
- Available to non-profit organizations;
- This project is a renovation of the Scotts Mills Community Center;
- Serves as food bank;
- Serves as Alcoholics Anonymous meeting place;
- Small community of 275 residents;
- Moved into the building in the 1990's;
- Roof started leaking winter of 2016;
- Remodeling main meeting room;
- Each year, \$2,000-\$4,000 is raised to pay off a loan for the commercial kitchen remodel; and
- The community center is run totally by volunteers.

MOTION: Commissioner Brentano moved for approval of an order distributing Video Lottery Funds for the Economic Development Grant to Scotts Mills Community Center Association in the amount of \$21,800. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 01:01:10)

PUBLIC WORKS

2. Consider approval of Amendment #2 to the contract with Covanta to add Blue Bin and Grey Bin Medical Waste. – Dennis Mansfield, Matt Marler

Summary of Presentation:

- Current agreement allows Covanta to process all in-county boxed medical waste, which is hauled by an in-county franchised hauler;
- There is currently no cap of in-county boxed medical waste allowed at the plant;
- Plant accepts approximately 700 tons of in-county boxed medical waste each year;
- Out-of-County boxed medical waste is accepted at Covanta:
 - Accepts 600 tons each year; and
 - Capped at 1,500 tons per year.
- On April 21, 2016 at a Board of Commissioners Work Session, Covanta proposed to add two new waste streams from Stericycle from Washington and California;
- The waste streams are identified as Blue Bin Waste and Grey Bin Waste;
- Blue Bin waste is non-hazardous pharmaceutical waste with used and unused sharps resulting from the administering of pharmaceuticals in a healthcare setting:
 - The waste consists of metals;
 - Glass;
 - Plastic; and
 - Paper.
- Grey Bin waste is biological waste:
 - Does not include human fetal tissue;
 - Hazardous waste;
 - Radioactive waste;
 - Anatomical parts; or
 - Large animal carcasses.
- The estimated level of volume from Washington is 1,950 tons of Blue Bin waste and 1,560 tons of Grey Bin waste;
- The estimated level of volume from California is 3,250 tons of Blue Bin waste and 8,450 tons of Grey Bin waste;
- Covanta is proposing a two stage program with the Washington volume received in the first stage and California volume received in the second stage;
- This will allow Covanta and Stericycle to work out any operational issues that may arise while volumes are relatively minimal;
- Covanta's proposal includes a 50/50 share of the company's acceptance fee for bin waste, with revenues estimated a \$3.4 million dollars per year for Marion County;
- The money will help provide much needed revenue to sustain operations and alleviate any need to raise fee increases in the foreseeable future;
- After Covanta's proposal, the commissioners recommended that the Solid Waste Management Advisory Council (SWMAC) meet to review the proposal and provide a recommendation:
 - Implement the two stage program with Washington and California;
 - Out-of-County boxed medical waste would remain unchanged with the cap of 1,500 tons per year;

- Blue Bin waste would have a cap of 10,000 tons per year;
- Grey Bin waste would have a cap of 15,000 tons per year; and
- Marion County will review and approve any additional customers outside of the proposal.
- Covanta presented how they handle Blue Bin waste;
- On June 21, 2016 the Board of Commissioners held a Work Session to provide feedback on a draft amendment;
- The county reserves the right to suspend processing of Blue and Grey Bin material;
- Covanta will provide annual reports of Blue and Grey Bin waste;
- The emissions are verified by the Department of Environmental Quality:
 - The emissions are 90 percent lower than the federal level; and
 - Almost a negligent amount.
- Not changing the flow rate into Covanta.

Board Discussion:

- Marion County has the premier solid waste management facility in the United States;
- Want nothing to do with facilitation of abortion;
- Misinformation of emissions;
- What people don't know is Marion County buys waste so the burner is operating at full capacity;
- Best means for handling the material;
- The first contract being approved today will be both Washington and California;
- California may take a couple weeks longer than Washington;
- Approving a cap of 25,000 tons;
- There's a limit to the amount of waste that comes to Covanta;
- This waste will offset the out-of-county waste that was purchased by Marion County;
- The total percentage of medical waste will be 13 percent;
- In the agreement fetal tissue is not accepted;
- Just passed a disposal rate increase;
- Previously received approximately \$6 million a year in electrical revenue:
 - Currently receiving \$1.5 million in electrical revenue.
- Met on several occasions and did various analysis on tip fees and disposal rate increases:
 - Agreed on a \$20 per ton increase at both the Covanta site and transfer station sites; and
 - That bought about a three year's worth of time before the networking capital would drop below the required reserve, which is set by the DEQ on an annual basis for monies reserved for closure and post closure maintenance costs.
- The electrical revenues that were used for the re-construction of Courthouse Square was \$12,850,000;
- Starting July 1, 2014, electrical revenues dropped drastically;
- The electrical revenue is not considered general fund:
 - There were four fiscal years that the board designated a specific amount not to be deposited in the environmental services fund, where they are usually deposited, but to have them deposited into one of the two funds for Courthouse Square remediation;
 - Not using electrical funds for remodel of the Health Department; and

- Electrical funds are being deposited into the environmental services fund.
- The federal limits for dioxin emissions are 30 Nano grams per dry standard cubic meter:
 - The Oregon limit is 15 Nano grams per dry standard cubic meter; and
 - Covanta operates at .6 Nano grams per standard cubic meter.
- The federal limit for mercury emissions is 50 micrograms per dry standard cubic meter:
 - Oregon limit is the same; and
 - Covanta operates on average 1.49 micrograms per dry standard cubic meter.
- DEQ sets the standard below any potential for health risks;
- Acid gasses, dioxin, particulate matter and opacity are continuously monitored;
- There is no discernable difference with medical waste emissions;
- Control dioxins by the incineration temperature;
- Soil testing and health risk assessments were done at the inception of the plant:
 - No health impacts were found;
 - If it were done today, there would be interference from Interstate 5 from emissions from traffic and other industries in the area; and
 - Would be impossible to pinpoint where the findings would come from.
- Glass manufacturers in Portland were not required to put pollution control equipment on their facilities because the amount they emitted was considered nil;
- The DEQ has always required pollution control at Covanta;
- Ash testing at the facility is being done quarterly at the facility:
 - Always pass testing;
 - The Monofill has tested for leaching metals into the groundwater;
 - No evidence that leaching of metals has ever happened at the Monofill;
 - The ash is nonhazardous byproduct of the process; and
 - The ash is used at Coffin Butte as a daily cover for normal garbage.
- Landfills emit different gasses and currently no pollution controls;
- This amendment issue was brought to the Board on April 21, 2016:
 - The meeting was noticed to the newspaper;
 - Posted on Marion County website;
 - Put information out of Facebook;
 - The reason why the Statesman Journal printed the article was because Public Information Officer Jolene Kelley sent out a press release so the people would be aware; and
 - Ms. Kelley sent the notice to the newspaper twice and contacted them.
- The board's interests are:
 - Want to make sure adequate capacity at Covanta for the waste generated;
 - Very concerned about health and safety and take the emissions information seriously;
 - Concerned about fetal tissue and do not want it at the facility;
 - Working at a public and private partnership with Covanta:
 - Cutting many different programs and looking to generate revenue to bring those programs back.
- Covanta welcomes the public to tour the facility.

MOTION: Commissioner Carlson moved for approval of Amendment #2 to the contract with Covanta to add Blue Bin and Grey Bin Medical Waste. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 02:05:25)

BOARD OF COMMISSIONERS

A. Public hearing to consider petition for annexation of certain property along Talbot Road South to the Santiam Water Control District. – Scott Norris

Summary of presentation:

- Concerns the petition of GWM Trucking, LLC to annex four parcels of land on Talbot Road South, to the Santiam Water Control District;
- The district approved the annexation proposal at their meeting on May 9, 2016;
- The landowner signed the petition;
- ORS 198.857 governs petitions for annexations in situations like this;
- Pursuant to ORS 198.857, a petition for annexation to district signed by all landowners must first be approved by the district:
 - Once the district approves, the petition is submitted to the Board of Commissioners, which holds a hearing on the proposal; and
 - If the county approves the petition, an order is signed declaring the annexed to the district.
- The criteria for the board to consider in evaluating whether to approve the petition are found in ORS 198.857 subsection 4:
 - The board shall consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district;
 - The Santiam Water Control District is organized pursuant to ORS Chapter 553:
 - Authorized to provide drainage and irrigation work.
- The property is designated as primary agriculture and zoned Exclusive Farm Use (EFU); and
- The Department of Revenue must approve the legal descriptions and map in order to finalize an annexation.

TESTIMONY:

Support:

Brent Stevenson:

- Manager of Santiam Water Control District;
- The district diverts water in Stayton, Oregon;
- Serves 17 thousand acres of irrigated farm ground;
- Asking for support to allow transfer of water rights to farm land in the area that do not currently have water rights;
- The district faces a lot of pressure from urbanization; and
- Have very few tools to divert water available.

George Meyer:

- Owns the property in question; and
- Wants to raise more high value crops in the area.

MOTION: Commissioner Brentano moved to close the public hearing and moved for approval of the petition for annexation of certain property along Talbot Road South to the Santiam Water Control District. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 02:15:00)

B. Public hearing to consider an order authorizing the issuance, sale and delivery of tax-exempt revenue obligations by the Hospital Facility Authority of the City of Salem in the amount of \$13,000,000 for the Yakima Valley Farm Workers Clinic project and approve an intergovernmental agreement between the Authority and the County to be signed by the chair or designee. – Gloria Roy and Douglas Go, Orrick, Herrington and Sutcliffe.

Summary of presentation:

- The county was contacted by the Hospital Authority of Salem for request to approve financing for a new clinic to be located on Lancaster Drive;
- The Yakima Valley Farm Workers Clinic is proposing to establish the new clinic and get the housing from Housing Authority of Salem;
- As part of the bonding requirements, required to have a public hearing;
- There was some question by the county's Chief Financial Officer regarding financing and this in no way has any kind of an impact of liability on the county municipal financing or taxing authority;
- The Hospital Authority of Salem passed a resolution approving issuance of the bonds on behalf of the Yakima Valley Farm Workers Clinic in late April 2016;
- As required by federal tax law, needing approval from the commissioners since this will be built in unincorporated Marion County;
- The Yakima Valley Farm Workers Clinic is a 501(c)(3), founded in 1978:
 - Operate ambulatory healthcare clinics in Washington and Oregon;
 - Has 1,500 employees;
 - Received \$170 million in revenue a year;
 - Has doctors, pharmacies and behavioral health;
 - Serves low income individuals;
 - Receives federal dollars;
- Renovating a large former big box store, which is about 35,800 square feet building:
 - Will have ambulatory care;
 - 10 physicians;
 - 12 dental chairs;
 - Pharmacy;
 - Behavioral Health; and
 - Women Infant Child (WIC) program.
- Currently operate a small clinic in Salem and Woodburn.

Board discussion:

- There is no obligation or liability to the county for the bonds:

- It is strictly on the borrower.

MOTION: Commissioner Carlson moved to close the public hearing and moved for approval of an order authorizing the issuance, sale and delivery of tax-exempt revenue obligations by the Hospital Facility Authority of the City of Salem in the amount of \$13,000,000 for the Yakima Valley Farm Workers Clinic project and approve an intergovernmental agreement between the Authority and the County to be signed by the chair. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 02:27:55)

PUBLIC WORKS

C. Public hearing to consider the application for Mass Gathering Case #16-002/Whitewind Productions. – Brandon Reich,

Summary of presentation:

- The Mass Gathering will be held on EFU land located at, 6518 Cascade Highway NE, Silverton;
- Property is located on the south side of Cascade Highway and on the corner of Valley View Road;
- Properties surrounding are farm zones and timberlands;
- The application is requesting to hold a Renaissance era fair as a small mass gathering;
- The event takes place July 23, 24, 30, 31, 2016;
- Estimated attendance is between 1,000-1,500 people;
- Based on the information, the proposed event meets the definition of a small gathering;
- According to the information on the application, sound amplification will be used;
 - Alcohol will be available; and
 - Fireworks will not be used or shown.
- Sound amplification will only be used during the jousting event between 12:00 p.m. – 4:00 p.m.;
- The mass gathering ordinance requires the applicant to coordinate with various governmental agencies to ensure adequate facilities and services available;
- Agencies include:
 - Public Works;
 - Sheriff's Office;
 - Environmental Health;
 - Risk Management; and
 - Silverton Fire District.
- Each of the agencies was provided with the request and given an opportunity to comment on the requirements:
 - All Marion County agencies approved the plan submitted by the applicant or have requested final permits prior to the date of the event; and
 - The Silverton Fire District requested that the applicant allow the fire district to inspect the property prior to the event.
- Farm owner submitted a letter of concern about the traffic impeding farm traffic and possibly attendees parking on his field across the road from the site:

- The applicant responded that she would ensure that the field across the street would not be used for overflow parking; and
- Will make sure the farm traffic would move with ease on Valley View Road.
- Staff recommends approval of the mass gathering;
- The event was relocated because Nancy White was borrowing four adjacent properties; and
- Neighbors decided not to allow Ms. White to use the properties.

MOTION: Commissioner Brentano moved to close the public hearing and moved for approval of the application for Mass Gathering Case #16-002/Whitewind Productions. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Cameron read the calendar.

Commissioner Cameron adjourned the meeting at 11:41 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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