

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 4, 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 John Lattimer as chief administrative officer, Gloria Roy as legal counsel and Kim Hulett as recorder.

Commissioner Cameron called the meeting to order at 9:00 a.m. (Commissioner Carlson came in at 9:12 a.m.)

**PUBLIC COMMENT**

None.

**CONSENT**

*Video Time (00:01:22)*

BUSINESS SERVICES – HUMAN RESOURCES

Approve new classification for Mental Health and Evaluation Specialist, Sheriff's Office Parole and Probation Division.

HEALTH

Approve amendment #3 to the agreement with Tim Perez, LLC adding \$45,000 for continued services through June 30, 2015.

Approve amendment #23 to the intergovernmental agreement with the Oregon Health Authority for the financing of community addictions and mental health services through June 30, 2015.

SHERIFF

Notification of bid award to Hydro-Temp Mechanical for \$749,000 for the Jail Work Release Center HVAC Replacement.

TAX COLLECTOR

Approve an order authorizing a property tax refund in the amount of \$170,582.84 to Lancaster Development Company, LLC.

TREASURER

Approve an order distributing revenues from ORS Chapter 530 timberlands.



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

## **ACTION**

*Video Time (00:02:39)*

### BOARD OF COMMISSIONERS

1. Consider approval of a memorandum of agreement between Keizer Parks Foundation, Keizer Rotary, City of Keizer, and Marion County under the Keizer Rapids (Regional) Park BIG TOY Project and the United Way of the Mid-Willamette Valley, and delegate authority to chair to sign. – Commissioner Carlson

Move to item #2 (action item #2 was reported on first)

#### ***Summary of Presentation:***

- Grant application relates to the Keizer Rapids Park BIG TOY Project;
- BIG TOY is a state of the art play area;
- Project will be built second week of June;
- Marion County has been actively involved in the property;
- Update to the Master Plan to include softball fields and all kinds of recreation;
- This toy will have a castle, log cabin, bouncy bridge, mushroom steppers, a volcano slide, therapeutic swings, and will also be handicapped accessible;
- Raising over \$300,000 for materials and consultant costs;
- Labor will be donated during community build;
- Consultant has built 3,000 of these playgrounds and has provided a handbook;
- Original design involved 3,400 Salem-Keizer students;
- Trying to get grant funding through the United Way with four key partners:
  - Keizer Parks Foundation acting as the fiscal agent;
  - Keizer Rotary contributing funds and volunteer labor;
  - City of Keizer is hosting steering committee, and sub-committees, contributing funds and providing meeting space;
  - Marion County contributing Economic Development funds; and
  - Other community partners also involved.
- Non-binding agreement, written expression of support and intent;
- Last key partner to sign;
- BIG TOY construction is June 10 -14; and
- Provided a website for volunteers [www.keizerbigtoy.org](http://www.keizerbigtoy.org).

#### ***Board Discussion:***

- Commissioner Carlson has been going all around the county talking about the project:
  - Visiting every Rotary and Neighborhood Association in the county to provide information.
- Therapeutic swings available for disabled persons;
- Read the list of community organizations supporting this project:



- City of Keizer;
- Marion County;
- Salem Keizer Volcanoes;
- Keizer Elks;
- Portland General Electric;
- Salem Keizer Transit;
- Marion County Fire District;
- Keizer Fire District;
- Northwest Natural Gas;
- Keizer Chamber Foundation; and
- Keizer Rotary.

**MOTION:** Commissioner Cameron moved approval of a memorandum of agreement between Keizer Parks Foundation, Keizer Rotary, City of Keizer, and Marion County under the Keizer Rapids (Regional) Park BIG TOY Project and the United Way of the Mid-Willamette Valley, and delegate authority to chair to sign. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

#### COMMUNITY SERVICES

2. Consider approval of the Marion County Reentry Initiative (MCRI) Memorandum of Understanding that will be submitted within a MCRI Collaborative Grant Application to United Way of the Willamette Valley. – Sarah Cavazos, Lieutenant Kevin Karvandi, Jan Calvin

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

- Requested approval of the Memorandum of Understanding (MOU) for the MCRI;
- Tremendous results from the Marion County Reentry Initiative;
- The Sheriff's Office and Parole and Probation support this MOU:
  - Collaborative effort to support reentry into the community from incarceration;
  - Focus on improving employment rates and reducing recidivism; and
  - Similar to larger MCRI MOU approved by the Board three months ago.

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

- Board supports the project and this MOU;
- Reviewed the great results:
  - Recidivism (new felony convictions within three years of release) over six years beginning with a 34 percent down to 14 percent this year; and
  - Makes a difference in the community;
- Appreciate the work of everyone with this initiative.

**MOTION:** Commissioner Brentano moved approval of the Marion County Reentry Initiative (MCRI) Memorandum of Understanding that will be submitted within a MCRI Collaborative Grant Application to United Way of the Willamette Valley. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.



Commissioner Cameron recessed the meeting until 9:10 a.m.  
Commissioner Cameron reconvened the meeting at 9:20 a.m.

## **PUBLIC HEARING**

### **9:30 A.M.**

*Video Time (00:19:00)*

### **PUBLIC WORKS**

A. Continuance – Public hearing to consider a Stormwater Maintenance Fee for the Marion County Stormwater Management Area. – Alan Haley, Matt Knudsen

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

- Continuance from January 21st to provide more notice of the public hearing;
- Have had three weeks' notice for the continuance;
- Additional public comments on record;
- Met with Salem Association of Realtors since January 21;
- Met with East Salem Neighborhood Association as well;
- Additional work on treatment of condominiums:
  - Will be treated as single family dwellings;
  - Individual unit charged the same as single family dwelling; and
  - No charge for common areas.
- Stormwater permit required by Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) in 2007;
- Required components:
  - Illicit discharge ordinance;
  - Construction erosion ordinance;
  - Post-construction ordinance:
    - One of the most important components; and
    - Stipulates if multiple single family dwellings are developed, the county is required to maintain the system.
  - Education/outreach components;
  - Maintenance requirements.
- Fines for non-compliance range \$10,000 - \$25,00 per day per violation.
- East Salem Service District (ESSD) is the most urbanized area within the stormwater management area and focus of the stormwater maintenance fee;
- Stormwater Management:
  - Stormwater system is 50 years old;
  - Infrastructure within the system typically have a lifespan less than 50 years;
  - Need to look at preventative maintenance and replacement, then set a maintenance and replacement schedule;
  - EPA/DEQ requirements increase every permit cycle;
  - New “green infrastructure” or low impact development; and
  - Traditional funding mechanisms are not enough.





- Process Overview:
  - Open process;
  - Clear fee structure;
  - Public meetings including:
    - Advisory committees;
    - Commercial customers;
    - Organizations;
    - Board of commissioners; and
    - Public hearing.
- Budget Overview:
  - Modest budget with high impact;
  - Meets minimal EPA/DEQ requirements;
  - Adding funds from traditional sources to accomplish maintenance;
  - Overall program for first year is \$639,000;
  - Provides sufficient service level to mitigate flooding and reduce pollutants.
- Proposed Rate:
  - Residential - \$4.55 per month;
  - Commercial - \$2.00 per Equivalent Dwelling Unit (EDU)/month plus \$2.55 base fee per month:
    - Based on impervious surface
    - EDU is 3,000 square feet.
- Example Commercial:
  - 9,000 square feet impervious surface or three EDUs;
  - Marion County ESSD:
    - Three EDUs at \$2 per EDU equals \$6, plus \$2.55 base rate totals \$8.55 per month.
  - City of Salem rate \$18.74 per month; and
  - City of Keizer rate \$16.08 per month.
- Example Residential:
  - Marion County ESSD customer \$4.55 per month;
  - City of Salem customer \$11.14 per month; and
  - City of Keizer customer \$5.36 per month.
- Credit Program:
  - Uncommon for many jurisdictions;
  - City of Keizer does not have a credit program;
  - City of Salem does have a credit program:
    - Complex and based on engineering standards;
    - Maximum credit is about 50 percent;
    - Graduated system based on quantity coming out of the system and quality of water.
  - All commercial properties would receive a 25 percent reduction in EDU rate for the first two years;
  - Two year window allows the county to:
    - Set specific engineered standards;
    - Create an application process;
    - Build a program to ensure facility maintenance;



- 25 percent is in line with City of Salem's roll out of the credit program; and
  - At two year mark, Public Works will communicate credit application process.
- Moving Forward:
  - Need to have in place in July 2015 when property tax year starts;
  - November 2015 – Program revenue begins.
- Public Works recommendation is to approve the proposed fees.
- Public comments received before Monday, March 2, 2015 at 5:00 p.m. named and will be entered into the record:
  - Discussion about legal jargon and the need for plain language in the notice:
    - Impervious surface is a surface water will not pass through;
    - Drainage system maintenance includes maintaining catch basins, street sweeping, ditch cleaning, and vegetation management; and
    - An EDU is 3,000 square feet of impervious surface, based on average single family dwelling.
  - Solution to stormwater from urban areas polluting water:
    - Benefit to water quality;
    - Flood mitigation; and
    - Improve property values and quality of life.

Testimony:

Support:

Holly Sears, Salem Association of Realtors, Government Affairs Director

- Written testimony will be included in the record;
- Association understands this is mandated by the federal government;
- Supports program moving forward, but have reservations about the fee structure:
  - Credit system for commercial properties;
  - Recommend considering a credit based on engineering;
  - Capping credit system stifles innovation;
  - At end of two year period, commercial properties with no improvements will have an increase in their bill;
  - Propose working on a more proportionate credit system with Public Works.

Rick Massey, Owner, Richard Massey Construction

- Testify in support of this fee;
- Understands this is an unfunded federal mandate;
- Appreciative to the county for involving stakeholders in this process;
- During process gained a greater appreciation of what Marion County has done and the staff has taken great steps to minimize the impact while complying with the permit; and
- Best result has developed by reaching out to stakeholders.

Mike Erdmann, CEO of the Homebuilders Association of Marion and Polk Counties;

- Represent construction related businesses;
- Understands what Marion County is dealing with, but doesn't like the fees;



- What Marion County is dealing with is no different than other cities and counties across the country;
- Costs more for development in their industry;
- Cost effective to do maintenance at county level;
- Regulations crafted result in lowest fees to maintain stormwater system; and
- Here in support.

Ken Hector, Member, Chemeketa Board of Directors

- Presenting with Bill Riffle, both pitch hitters for Facilities Manager who is out ill;
- Chemeketa supports stormwater management, but against fee structure;
- Estimated annual cost in initial proposal was \$100,000 and now the estimate is between \$25,000 - \$35,000 per year;
- Asking for a 100 percent credit for their capital projects investing in storm water management; and
- Discussion about educating students about the costs associated with the services being provided including stormwater management while keeping tuition affordable.

Mike Roulier (check spelling):

- Speaking on behalf of Lancaster Square Condominiums board;
- Condominium owners own from sheetrock in;
- Public Works worked hard on this proposal, which is more elegant and fair;
- Requires review of condo board charter and how billing works;
- Support the need for the fee and support the strong work that staff has done; and
- Billing comes individually on property taxes.

Opposition:

None.

***Board discussion:***

- Residents are served by the East Salem Service District:
  - Sewer system maintained and billed by City of Salem;
  - Residents on city water also receive a bill for water;
  - City broke out the bill to show the stormwater fee that has always been a part of the bill;
  - Waste water fee is the sewer fee and different from a stormwater fee; and
  - City sets the language for the billing for their sewer and water.
- Tried to have smallest area affected and smallest dollars to meet the requirements;
- Related benefits and services;
- EPA sets the need for the permit and requirements;
- Setting precedent and may have an extension of area over time;
- System for collecting and distributing water overwhelming;
- County may have to take on new liabilities for flood damages, etc.; and
- Board requesting progress report at one year and explore the possibility of reviewing the credit process at that time;
- Discussion about the communication and outreach for receiving credits;




- Credit process based on results of improving water quality which replaces county infrastructure;
- Stormwater management process has been an 11 year project;
- Fee has been a two to three year process;
- Work has been done to tighten up the area impacted, use County revenues where appropriate to reduce the fee, and research into City of Salem structure which is already in place;
- Last comment; equity;
- Discussion about a consideration for residential credits to be discussed at a later date; and
- Concern about people on limited incomes.

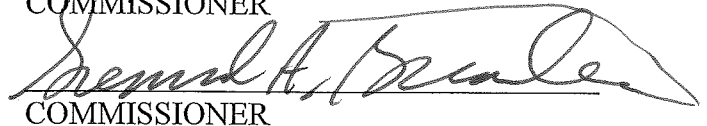
**MOTION:** Commissioner Brentano moved to close the public hearing and to approve the order to approve the stormwater fee and clarify the two year credit and if it could start earlier, and bring back a progress report in one year and approve the fees in the order. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Carlson read the weekly calendar.

Commissioner Carlson adjourned the meeting at 10:50 a.m.

  
CHAIR

  
COMMISSIONER

  
COMMISSIONER

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

