



Management Update summary Minutes

OREGON

December 5, 2023. 9:30 AM

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Commissioners Board Room

ATTENDANCE:

Commissioners: Colm Willis, Kevin Cameron, and Danielle Bethell. Staff: Jan Fritz, Matt Lawyer, Shawnnell Fuentes, Alvin Klausen, Trevor Lane, Phil Blea, Carl Lund, Brian Nicholas, Chris Einmo, Lani Radtke, Cody Waltermann, Kevin Thompson, Carol Heard, Alisa Zastoupil, Wendy Zieker, Keegan Murphy, Cynthia Klein, Ryan Schweicheimer, Austin Barnes, Brandon Reich, Brian May, Dennis Mansfield, Andrew Johnson, Jane Vetto, Chad Ball, Jon Heynen, and Daniel Adatto

Jan Fritz called the meeting to order at 9:30 a.m.

INFORMATIONAL:

15 Aurora Donald Exit 278 Interchange Improvements Final Phase IGA

-Lani Radtke, Carl Lund

Summary of presentation:

- The diverging diamond interchange is fully funded;
- This is the final IGA:
 - It defines the project, responsibilities, and maintenance terms; and
 - This falls to the Oregon Department of Transportation (ODOT).
- The IGA has minor corrections that ODOT needs to revise;
- ODOT is responsible for maintenance throughout the interchange; and
- Construction will be from 2024 to 2027.

Board Direction:

- The board of commissioners (BOC) is good to proceed.

Introduction of New Parks Supervisor

-Brian May, Kevin Thompson

Summary of presentation:

- Mr. Thompson comes from Oxnard, California;
- He was the parks manager overseeing the following:
 - 36 parks;
 - Street landscapes;
 - Urban forestry trees; and
 - The graffiti program.
- Worked with a non-profit doing environmental habitat restoration for 15 years;
- Moved to Oregon about a month ago;
- Learning the new job, all the projects and everything that it entails;
- Soon would like to meet with the BOC to discuss priorities; and
- Attended the meeting with the Bureau of Land Management (BLM).

Board Direction:

- The BOC is good with the update.

Mid Valley Garbage & Recycling Association COSA for Medical Waste

-Brian May, Dennis Mansfield

Summary of presentation:

- The last approved increase was on January 1, 2019:
 - This was about a 12.5% increase.
- The new increase will take effect January 1, 2024;
- The disposal rates at Covanta are being raised to \$150 per ton;
- The heavy customer base increase is 17%;
- The low customer base increase is 5%:
 - Less than 60 boxes of waste per month.
- Disposal rates will be increased \$75 a year for the next two years;
- Market rate is about \$800 per ton;
- The increase will ease the burden of paying for the system; and
- This involves adjusting the collection portion of the rate structure.

Board Direction:

- Meeting with Commissioner Bethell to further discuss the system payment plan.

Amendment to Tire Hauling Contract with Republic Services

-Andrew Johnson, Brian May

Summary of presentation:

- This will be coming to board session December 27, 2023;
- The amendment will be for a contract extension:
 - Currently the contract expires December 31, 2023; and
 - The extension is for six months, ending June 30, 2024.
- Additional funding will also be added to pay for the additional six months;
- A longer-term contract will be negotiated;
- There were issues with the following:
 - Getting a new contract while there was an existing contract:
 - Unable to do this and added an amendment instead.
 - Had to get through negotiations.

Board Direction:

- The BOC is good to proceed with this as a consent item at board session.

Confined Animal Feeding Operation Land Use Standards

-Brandon Reich

Summary of presentation:

- Raising animals on farmland is considered farm use;
- Last legislative session gave the county ability to establish standards for CAFO's:
 - Operations that require a permit from the Department of Environmental Quality (DEQ) or the Oregon Department of Agriculture (ODA).
- The county is not forced to establish standards;
- Concerns are around a few of the following items:
 - Odors;
 - Noise;
 - Activities; and
 - Visuals.
- Unable to say no or not allowing specific animal farms:
 - Only standards can be placed to minimize impacts.

- The codes will not apply to existing farms:
 - Unless they grew large enough to require permits.
- Another option is providing a comment from planning:
 - State what good practices are and potential impacts on neighbors; and
 - DEQ and ODA have a process to minimize impacts:
 - Planning staff may provide comments on what the best practice is for specific areas.
- It will not come to the county if standards are not written in code; and
- An ordinance can be changed in the future, but it will take time.

Board Direction:

- Do research to see what the options are; and
- The BOC would like to discuss this before deciding.

Solar Facilities in the Farm Timber Zone

-Brandon Reich

Summary of presentation:

- Provisions from the Exclusive Farm Use (EFU) and Special Agriculture (SA) zones to allow solar facilities on farmland were removed;
- Solar code provisions on timber land remain in the Timber Conservation and Farm Timber (FT) zone;
- FT zone allows both farm and timber depending on land use historically and at the time of application;
- Land Use Board of Appeals (LUBA) affirmed the BOC’s denial of solar on a FT zone:
 - They found the current code could allow solar depending on certain Oregon Administrative Rules (OAR).
- The amendment to the FT and Timber Conservation Zone codes would not allow commercial solar facilities;
- The predominate crop on the parcel determines if it is farm or timber use:
 - If it is split evenly other circumstances will be investigated.
- It needs to be clear in code that there is no solar on farming zones;
- The BOC did not remove the provision for solar on timber zones;
- There are different types of farm ground, including:
 - High value farm ground;
 - Airable farm ground; and
 - Non-airable farm ground.
- There may be potential to allow solar on non-airable farm ground:
 - These are usually very large.
- Soil type is determined by classification and what it can and can’t provide;
- Parcels can be rezoned if it changes from farming to timber zones;
- The amendment would state “power generation except not on farm ground”;
- Previously a FT zone was denied solar because it was predominantly farm:
 - LUBA denied based on the lack of evidence; and
 - Based on the OAR, new evidence can change this outcome.

Board Direction:

- Mr. Reich and Mr. Barnes will schedule to meet with the BOC to further discuss details.

Brooks Community Service District (BCSD) Water System Project Update

-Brian Nicholas, Chris Einmo

Summary of presentation:

- The water supply is reaching a point where an option needs to be picked and pursued;
- There are four alternatives currently:
 - Alternative One - Obtain a new water right:
 - Show there is no significant impacts to other water rights holders:
 - This is a three-month process; and
 - This would be speculation until full study is completed.
 - The full process can take two years or more;
 - No guarantee of success; and
 - The state controls the timeline of obtaining the water right.
 - Alternative Two – Transfer and convert water rights:
 - This would come from someone in the area;
 - A survey of existing water rights in a two-mile radius was completed;
 - There are four potential water rights with feasibility:
 - Lineage Land Holdings:
 - Has the largest quantity at 26,000 gallons a minute;
 - 6 times what the district needs at full build out;
 - It will be fully used only for a fire response;
 - Currently about 10 gallons a minute are used; and
 - Stated they are interested.
 - PNW Vegetable Company;
 - Covanta; and
 - West Coast Home Solutions (Bethel Park).
 - The timeline to acquire the water rights is 12 to 18 months;
 - Water quality is needed to determine feasibility:
 - Testing required to determine potential contamination;
 - Quality will determine potential cost of treatment.
 - Alternative Three – Connecting to the city of Salem:
 - The water would be wholesale;
 - The county would be responsible for storage, treatment, quality and distribution;
 - Salem wholesales to many small users:
 - They have adequate water rights.
 - A pipeline tied to the north end of the system with a meter is needed:
 - A 50-year agreement would be done;
 - An amendment of the comprehensive plan would be needed:
 - State of public health emergency because of water loss.
 - Pumping capacity is sufficient expansion is not needed.
 - Alternative Four – Connecting to the city of Keizer:
 - This would be the same criteria as stated above;
 - The water rights and well capacity is fully allocated;
 - It is at full pumping capacity; and
 - The city does not want to be part of this.
- Salem’s proposed agreement will be investigated:
 - Unsure what the agreements look like with others.
- There is more information to follow but the current information shows feasibility:
 - Currently Salem meets those requirements; and
 - Lifecycle costs have not been assessed.
- There is risk of not getting the water rights before the American Rescue Plan Act (ARPA) funding deadline; and

- The best option will be understood in about a month.

Board Direction:

- Water rights need to be bought from existing holders; and
- This will be discussed further later.

Carroll’s Group Care Home, Inc. Contract Amendment

-Jen Chun, Phil Blea

Summary of presentation:

- The home provides services for individuals ineligible for and/or services not covered by Medicaid;
- The home provides some of the following:
 - Separate areas for males and females:
 - There are 40 clients.
 - Onsite supervision;
 - Mental health stability;
 - Medication management;
 - Skills building; and
 - Coordinating schedules and appointments.
- The contract expires December 31, 2023:
 - Will be back in January for an extension amendment.
- Individuals were dropped for some reason from Medicaid and are working on getting eligibility back:
 - A few are non-citizens;
 - Some transitioned from the state hospital; and
 - Some were previously incarcerated.
- The rate paid is comparable to the Medicaid rate:
 - The Oregon Health Authority (OHA) reimburses the county.

Board Direction:

- The BOC is good to proceed as a consent item.

Mental Health Advisory Committee (MHAC) Appointments

- Jackie Follis
- Chad Cox

-Phil Blea

Summary of presentation:

- Ms. Follis background is as follows:
 - Lived experience; and
 - The perspective of co-occurring diagnosis and adult seeking services.
- Mr. Cox background is as follows:
 - Works for NorthWest Senior and Disability Services:
 - Commissioner Bethell spoke to the director; and
 - This alliance may help create connections.
- Both would like to attend the board session this will be presented at.

Board Direction:

- The BOC is good to proceed.

Medical Director Services Contract with Jeffrey Luty, MD

-Natalie Stone, Carol Heard

Summary of presentation:

- This is a contract renewal;

- Dr. Luty is the Medical Director of the Medication Assisted Treatment (MAT) program:
 - MAT serves clients with opioid use disorder.
- The contract will extend for three years;
- Dr. Luty provides about 20 hours of services a week;
- Current contract expires December 31, 2023;
- Some do not want to provide medical director services for the MAT program;
- There has been discussion to add additional medication treatments to MAT;
- Adult Behavioral Health has a medical director with multiple prescribers; and
- Dr. Luty has an extension through a Nurse Practitioner.

Board Direction:

- The BOC needs to be better informed on the following:
 - Types of prescribing medications available;
 - Benefits of each medication; and
 - Who can prescribe what medications.
- The BOC agree to extend for a year while the above research is done; and
- There will be a work session scheduled in January.

Professional Medical Supervision Contract with Kay Dieter, MD

-Natalie Stone, Carol Heard

Summary of presentation:

- This is a contract renewal for a two-year extension;
- Dr. Dieter is a psychiatrist providing prescriber services to the adult behavioral health population;
- Dr. Dieter provides about 36 hours of weekly services; and
- The other providers offering the same prescriptions are Psychiatric Mental Health Nurse Practitioners.

Board Direction:

- The BOC is good to proceed as a consent item.

Psychiatric Mental Health Nurse Practitioner (PMHNP) Services Contract with Lori Linton-Nelson

-Natalie Stone, Carol Heard

Summary of presentation:

- This is a contract renewal;
- Ms. Linton-Nelson is a PMHNP at the Providence Benedictine facility in Mt. Angel:
 - She has been working here for about eight years.
- Ms. Linton-Nelson provides prescriber services for about 10 hours a week for those residents with mental health issues; and
- The contract expires December 31, 2023.

Board Direction:

- This will come to management update on December 12, 2023:
 - To discuss further why Marion County is paying for this and how this works.

Psychiatric Mental Health Nurse Practitioner (PMHNP) Services Contract with Tihana Sladic

-Natalie Stone, Carol Heard

Summary of presentation:

- This is a new contract for a prescriber with our adult behavioral health services;
- This will be for about 25 hours a week:

- This will allow another prescriber an extra weekly day at the Psychiatric Crisis Center (PCC).
- The current struggle is getting individuals into services within 7 days of being discharged from the hospital:
 - This contract will help us meet this timeframe.
- Job posting through Indeed looking for adult and child Psychiatric Prescribers.

Board Direction:

- The BOC is good to proceed.

Psychiatric Mental Health Nurse Practitioner (PMHNP) Services Contract with John Michael Sholar

-Natalie Stone, Carol Heard

Summary of presentation:

- Current contract expires December 31, 2023:
 - The request is for an additional two years.
- This will be for 32 hours a week:
 - Currently eight hours are at Psychiatric Crisis Center (PCC); and
 - The new contract will allow an extra day at PCC.
- The contract is an up to amount:
 - The threshold will not be met with up to 32 hours a week.

Board Direction:

- The BOC is good to proceed as a consent item.

Environmental Health (EH) Enforcement Policies in Licensed Facilities

-Wendy Zieker, Alisa Zastoupil

Summary of presentation:

- This is regarding recreational vehicle (RV) parks and food facilities;
- EH is required to use administrative and legal means to enforce statutes and rules;
- There are two policies to discuss:
 - A food policy, created in 2011, informing the BOC that a licensed restaurant needs an enforcement action; and
 - RV park policy informing the BOC that enforcement action is needed.
- Some corrections are needed:
 - Clarifying information that one is for food and the other for RV's; and
 - Prohibited acts, from statute, are confusing and will not be used.
- The changes were driven by the complaints regarding the RV park;
- This establishes a written process of citing, reporting, correcting, and escalating unresolved issues;
- Many restaurants voluntarily close and steps are not needed:
 - Failure to comply results in needing other steps.
- Major issues can result in closing the restaurant;
- The four ways a restaurant can close is in writing;
- Removing the portion allowing containers to be emptied in the ground; and
- This will not be coming to board session as it is an internal policy:
 - This will come back to management update.

Board Direction:

- Commissioner Bethell will read through the policy.

Purchase Order for Network Hardware and Software Maintenance Renewal for FY 2023/2024

-Ryan Schweicheimer, Steve Brooks

Summary of presentation:

- Routine, yearly maintenance on the network infrastructure:
 - This is for the software and hardware.
- This is provided by the vendors and supports ongoing software development;
- Software development includes:
 - Security flaws fixes; and
 - Development of new features.
- This allows us to keep things up to date and provide system support;
- This is done through the same vendor;
- There are two parts involved:
 - Cisco is the company; and
 - The other vendor provides servers and consulting services.

Board Direction:

- The BOC is good to proceed.

FY 23-24 Supplemental Budget

-Daniel Adatto, Zivile Sliosoraite

Summary of presentation:

- The supplemental budget changes are being increased by \$29,156,351;
- The Full Time Equivalent (FTE) is being decreased by .53;
- General Fund has an additional \$1.4 million in networking capital;
- Clerk's Office budget is being increased:
 - Helion contract of \$63,000;
 - Ascension records management software; and
 - Training for new ballot sorter.
- Sheriff's Office:
 - Buy an ice machine; and
 - Reducing Materials and Supplies
- Transfers Out:
 - Increase of \$1.9 million.
- Contingency reduced by \$596,000;
- Business Services is receiving \$146,000 from the General Fund;
 - For the HVAC issues.
- Federal Income:
 - Carryover funding;
 - Adjustments of \$14,000;
 - Materials and Services decreasing; and
 - Increase in contingency and reserves.
- Lottery and Economic Development Fund:
 - Adjustment of \$551,000 into Community Services reserves.
- Community Development:
 - Federal funding decrease of \$47,000; and
 - Increasing in capital actual and balance to reserves.
- Dog Services Fund:
 - Donations.
- Marion County Fair:
 - More money was made than budgeted for.
- Health and Human Services:
 - Added 1.5 FTE across several positions;

- Payroll decreasing by \$1.5 million as there is 25 percent of vacancies:
 - Contracted services for increased residential capacity of \$1.3 million;
 - Behavioral Health Resource Network (BHRN) \$700,000 increase; and
 - Buying new furniture.
 - Transfers Out:
 - Fleet Fund increase of \$359,000, purchasing vehicles; and
 - Capital Project Fund transfer of \$300,000 for the wall in the pod.
- Juvenile Department:
 - Carryover Title Four funds:
 - Reserves fund; and
 - Counseling and mentoring services for ROC increased by \$440,000.
- Legal Department:
 - Law library fund adjustment.
- Public Works:
 - Most revenue is federal funding tied to new capital projects:
 - Oregon Department of Transportation; and
 - Oregon Business Development Department.
 - American Rescue Plan Act (ARPA) funds:
 - Ferry boat; and
 - Capital roadway construction:
 - Radio project for \$750,000.
 - Transfers Out:
 - Front loader for \$75,000.
 - Grants Fund:
 - Oregon Business Development of \$1.6 million:
 - Residential and commercial septic tanks for the Santiam Canyon.
 - Oregon Department of Business and Consumer Services of \$100,000:
 - Fire hardening grant.
 - Total of \$1.7 million.
- Land Use Planning Fund:
 - Consulting for \$15,000:
 - Community engagement plan relating to Climate Friendly and Equitable Communities (CFEC) rules.
- Parks Fund:
 - New funding source from the Oregon Watershed Enhancements Board:
 - Covers Civil Engineering Associate position added last fiscal year:
 - Technical designs of upcoming park projects.
 - Adding two maintenance worker positions:
 - Reduction in temporary FTE to cover.
 - Capital project:
 - North Fork restoration project.
- Surveyor Fund:
 - Adjusted to actual capital.
- Building inspection fund:
 - Adjusted to actual capital.
- Environmental Services:
 - Carryover funding of \$2 million:
 - Going to reserves.

- Increase in Materials and Supplies for refrigerant removal at weight stations.
 - Capital project for a fire suppression system at the household hazardous waste facility.
- Stormwater Fund:
 - Adjusted to actual capital; and
 - Carry forward project.
- General Fund Transfers – Fleet:
 - Two sheriff’s vehicles were totaled:
 - A portion of \$43,000 is paid by General Fund.
 - Dump truck for the Juvenile Department for \$114,000:
 - The truck is 30 years old.
 - Health Services vehicle purchase from Oregon Department of Administrative Services (DAS).
- Sheriff’s Department:
 - Community Corrections Fund:
 - Adjustment to actual capital decreased by \$600,000; and
 - Requirements they are increasing personnel, overtime, and contracted services (JRI).
 - Public Safety East Salem District (ESD) fund:
 - Adjusted to actual capital going to reserves.
 - Grants Fund:
 - Decrease of one FTE.
 - Traffic Safety fund:
 - Decrease of capital.
 - Inmate Welfare fund:
 - Decrease of capital.
- Non-departmental Grants Fund:
 - Wildfire grant carried forward total of \$11.9 million:
 - Budget decreased by \$137,000; and
 - Decreased \$381,000 from materials and services to capital outlay.
 - Increase in Veteran Services Affairs;
 - Sheriff’s patrol; and
 - Clerk’s Office Modernization grant.
- Tax title fund:
 - Carried forward \$574,000 and distributed to school districts.
- Criminal Justice Assessment Fund:
 - Purchase of x-ray machine:
 - Billing State Court.
 - Adjusted to actual capital of \$64,000.
- Debt Service fund:
 - Carried forward of \$729,000.
- Self-Insurance Fund:
 - Adjustment to actual capital going to property insurance premiums.
- Capital Improvement Project Funds:
 - Facility renovation fund:
 - Carry forward project.
 - Several new projects including:
 - Remodel of DA’s medical office of \$579,000.
 - Jail exercise space:

- Health and Human Services contributing \$300,000.
 - Radio upgrade of \$434,000; and
 - Clerk’s project for \$79,000.
- Many adjustments are projects carried forward as they were approved last year;
- Three projects were cancelled:
 - Jail roof shop repair;
 - Clerk’s Office records management system; and
 - Clerk’s Office election tally upgrade.
- Presented at Board Session on December 27, 2023; and
- F Pod HVAC project was adjusted as the project progressed further than anticipated.

Board Direction:

- Mr. Adatto will find out more about the \$1.3 million for the contracted services for residential capacity and email the BOC; and
- Mr. Adatto to arrange contact on how much the Social Service Provider contracts carried over.

Legislative Update:

-Alvin Klausen

Summary of presentation:

- ONC Counties letter;
- Association of Oregon Counties (AOC) Legislative Concept letter of support:
 - Foreclosure surplus fixes.
- Wildfire proposal review:
 - Wildfire funding in Oregon; and
 - All property owners in Oregon will get a \$10 tax:
 - This will raise \$20 million.
- Letter for community restoration from Association of Oregon Community Mental Health Programs (AOCMHP):
 - Would like an additional \$7.5 million a year;
 - Ryan Matthews and Katrina Griffith agree;
 - All Community Mental Health Programs (CMHP) at the table on board; and
 - Would like Marion County’s logo on the letter.

Board Direction:

- AOC Legislative Concept letter:
 - Jane Vetto has comments on some changes.
- Wildfire proposal review:
 - Send to Brian Nicholas and Brandon Reich.
- Letter for community restoration:
 - The BOC agrees; and
 - The letter needs to be revised.

Communications Update:

-Jon Heynen

Summary of presentation:

- N/A

Board Direction:

- N/A

COMMISSIONERS’ COMMITTEE ASSIGNMENTS and UPDATE

Commissioner Danielle Bethell

- N/A

Commissioner Kevin Cameron

- N/A

Commissioner Colm Willis

- N/A

OTHER

Salvador Llerenas, Leslie Martin, and Cheryl Carder – Paid Leave Oregon (PLO);

- PLO determinations are taking two to six weeks;
- Per Family and Medical Leave Act (FMLA)/Oregon Family Leave Act (OFLA) policy employees are required to use sick leave or Paid Time Off (PTO) while waiting for determination;
- Upon PLO approval benefits go back to the requested start date and there is double payment:
 - Employees are asking to buy back accruals.
- If we allow parameters need to be determined:
 - One or two payments
 - Partial buy back or full buy back; and
 - When can this be requested.
- Linn, Deschutes and Clackamas counties are allowing double pay;
- If allowed, employees and unions need to be informed;
- There are 63 individuals that have requested PLO since September:
 - 39 approvals;
 - 2 denials;
 - 1 left employment before receiving determination;
 - 21 pending determinations; and
 - 3 to 5 individuals asked about buy backs.
- State of Oregon stated there would be an answer in 10 days, it has been five weeks;
- There is no notice when individuals are paid only when approved;
- There will be a timeframe for this option to be used;
- Employees continue accruing if they are in a paid status:
 - There is no accrual in unpaid status.
- There is issue with employees receiving more or less on PLO;
- After approval the form will be included in the leave packet; and
- Approval of leave is sent to the employee's supervisor and department representative that processes timecards.

Board Direction:

- The buyback must be done at 100 percent;
- Documentation needs to be provided of when the individual received their payment:
 - Buyback must to be done within 30 days of payment.
- There will be one payment;
- Follow the current paid and unpaid status rules regarding accruals; and
- Jane Vetto, Legal, to review all documents before they are sent out.

Brian Nicholas - BCSD Water System Project Update Discussion Continued;

- Conversion of water rights to municipal use:
 - There is a process to go through with the state and Oregon Department of State Lands (DSL); and
 - DEQ permitting process.

- Municipal wastewater infrastructure cannot be built without DEQ approval;
- DEQ will not approve a master plan that is on speculative water rights;
- If Marion County purchases the water rights, they will be commercial water rights and not municipal water rights:
 - DEQ will not allow buildings without municipal water rights.
- ARPA funding for water is \$9.5 million:
 - This will build a pipe from Salem to Brooks with distribution facilities; or
 - Wells with treatment and a holding tank.
- There are restrictions and approvals are needed:
 - The risk is the structure does not meet code.
- Will research if construction can begin without all permits in place;
- A water sales agreement with owner still requires a government process; and
- A system needs to be created that will work.

Board Direction:

- The water rights need to be purchased; and
- The cost needs to be discussed.

Adjourned – time: 11:57 am

Minutes by: Mary Vityukova

Reviewed by: Gary L. White