



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY AND WEDNESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
FEBRUARY 19 AND 20, 2019**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, February 19, 2019.

Those present at various times for the matters as indicated below were: Randy Porter, Linn County Fair and Expo Director; Brian Carroll, Linn County Parks and Recreation Director; John Pascone, President, Albany-Millersburg Economic Development Corp.; Lisa Walker, President/Steward SEIU Local 390; Nate Tisdell, Vice-President/Steward SEIU Local 390; Rich Farrier, Steward SEIU Local 390; Rich Kellum; Alan Kwan; Stephanie Newton and Alex Paul, Reporter for the Democrat-Herald.

1, 2, 3. At 9:30 a.m. Vice-Chairman Lindsey called the meeting to order. The flag salute and roll call followed. Commissioners John K. Lindsey, Vice-Chairman and Will Tucker were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Heather Gravelle, Recorder for the Board of Commissioners. Roger Nyquist, Chairman, attended via phone and was only present for Item Nos. 3, 4 and 13. He excused himself from the meeting at 9:35 a.m.

4. Approval of Agenda. Commissioner Tucker noted that he was amending the agenda to add an item regarding opposition of proposed House Bill (HB) 2974 under Item No. 13 and asked that it be moved up on the agenda after Item No. 5.

Action – Commissioner Tucker moved and Commissioner Nyquist seconded the motion to approve the agenda as amended. The vote was called. The motion passed unanimously.

5. Approval of the February 12, 2019 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Nyquist seconded the motion to approve the February 12, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

Before moving to Item No. 6, Commissioner Lindsey moved to Item No. 13, "New Business."

Commissioner Tucker mentioned Hasso Herring's Saturday, February, 16, 2019 article regarding Representative Paul Evans pursuit of House Bill (HB) 2974 to build a third bridge over the Willamette River in Salem by taxing residents from Polk, Marion, Linn and Yamhill counties with the possibility of including Benton County. The article and proposed HB 2974 are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Nyquist stated that he was opposed to the bill and Commissioners Lindsey and Tucker both concurred. Commissioner Nyquist added that it would take away from the Law Levy and that the consequences to Linn County would be taking Sheriff Deputies off the road. Discussion followed.

Action – Commissioner Tucker moved and Commissioner Nyquist seconded the motion to oppose HB 2974. The vote was called. The motion passed unanimously.

Commissioner Lindsey noted that the matter would be forwarded to the Public Affairs Counsel (PAC) as a bill that the County was opposed to.

6. SEIU Step 4 Grievance – Lisa Walker, President/Steward SEIU Local 390.

Ms. Walker stated that she was before the Board to move forward with the December 24, 2018 Christmas Eve Step 4 Grievance and referred to the original packet she had provided to the Board. She explained that she had two additional documents to submit for the record and provided the Board with copies. The packet, along with the two additional documents, is on file in the Linn County Clerk's Office in the Commissioners' Staff File. Ms. Walker stated that she would be happy to answer any questions.

Commissioner Tucker stated that after reading all the material presented, he does not think that the Executive Order from the President (of the United States) for closing on December 24, 2018 was meant to be for all; the President dismissed some Federal workers.

Commissioner Tucker added that it was not added to the National List of Holidays and asked if Ms. Walker had any information or documentation that showed the Federal Government Calendar had been revised.

Ms. Walker responded that it was not a permanent change and that it was a case-by-case basis per the President by Executive Order. Commissioner Tucker responded that it was for Federal workers only and Commissioner Lindsey agreed and stated that the Executive Order itself even lists that it was specifically for Executive Departments and Agencies of the Federal Government; it did not say State, Municipal or National. Ms. Walker replied that was the disagreement and she could respect that position. Discussion followed.

Mr. Karandy explained that the legal substantive question was similar as the previous grievance submitted regarding the National Day of Mourning. He stated that the distinction for the Board was that the President, under U.S. Code 6103 and 6104, clearly has the legal authority to declare a holiday; in this case, the President chose not to use that authority and did not declare a legal holiday; he ordered the closure of specific Federal Administrative Offices and Agencies.

Commissioner Tucker stated that Ms. Walker had the opportunity to rebut. Ms. Walker asked that the Board refer to other contracts that had similar language and those that had been given the day off. Commissioner Lindsey noted that his signature was not on those other contracts. Ms. Walker stated that she understood, but that those contracts show that it was a National Holiday through definition and previous arbitration language and executive orders. Discussion followed.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to deny the December 24, 2018 Holiday Pay Grievance at Step 4. The vote was called. The motion passed.

Mr. Karandy stated that he would have the necessary documents ready for Board signature tomorrow, Wednesday, February 20, 2019.

7. Reports of Staff and Committees:

A. Fair/Expo Update – Randy Porter, Linn County Fair and Expo Director.

Mr. Porter provided the Board with a Fair/Expo Update for the month of January, 2019, which is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Porter stated that they were on track to meet budget and that they were having a good fiscal year so far. He explained that they were short-staffed and that it was their busy season now through July, 2019. Discussion followed. The Board thanked Mr. Porter for his work and his report.

B. Resolution & Order 2019-033 approving an Agreement and an Addendum to Agreement and Permit between FMCA Northwest Area and Linn County Fair and Expo Center delegating authority to execute originals.

Mr. Porter provided the Board with background information regarding Resolution & Order 2019-033.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-033. The vote was called. The motion passed.

8. Parks Department – Brian Carroll, Linn County Parks and Recreation Director.

A. Resolution & Order 2019-045 approving an Intergovernmental Agreement No. 1628 for the Stayton Bridge Boat Ramps Replacement Project between the State of Oregon Marine Board and Linn County and delegating authority to execute originals.

Mr. Carroll provided the Board with an overview of Resolution & Order 2019-045.

Commissioner Tucker thanked Mr. Carroll for his diligence and hard work on this matter and added that there needed to be signage placed that warned of downstream blockages.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-045. The vote was called. The motion passed.

B. Resolution & Order 2019-050 authorizing the publication and distribution of the Invitation to Bid for the Stayton Bridge Boat Ramp Construction Project.

Mr. Carroll provided the Board with background information regarding Resolution & Order 2019-050.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-050. The vote was called. The motion passed.

9. Albany-Millersburg Economic Development Corp. – John Pascone, President.

A. Resolution 2019-040 approving a change to an enterprise zone boundary for the Linn County Enterprise Zone.

Mr. Pascone provided the Board with an overview of Resolutions 2019-040 and 044.

Action Taken Below.

B. Resolution 2019-044 approving a change to an enterprise zone boundary for the Albany Enterprise Zone.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolutions 2019-040 and 044. The vote was called. The motion passed.

10. Correspondence: Letter dated February 19, 2019 to Optimist International JOYA Program.

Commissioner Tucker noted that the Board had signed a Letter dated Tuesday, February 19, 2019 congratulating the winner of the Junior Optimist Youth Attitude Award. A copy of the letter is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

11. Special Orders:

A. Personnel Action Forms were read into the record for: Kelsee Pape (Alcohol & Drug) and Jowana Nasrallah (Public Health).

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to accept the Personnel Action Forms as read into the record. The vote was called. The motion passed.

B. Resolution 2019-041 approving the appointment for Justice of the Peace Pro Tempore (District 4A).

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2019-041. The vote was called. The motion passed.

C. Resolution 2019-042 approving the appointment of a Linn County Budget Officer.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2019-042. The vote was called. The motion passed.

D. Resolution 2019-043 approving the appointment of a Linn County Tax Collector.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2019-043. The vote was called. The motion passed.

E. Resolution & Order 2019-046 amending a classification for Deputy District Attorney 3 and changing the salary range from 25 to 27 (Range 27-Management/Exempt).

Action Taken Below.

F. Resolution & Order 2019-047 amending a classification for Senior Deputy District Attorney and changing the salary range from 27 to 29 (Range 29-Management/Exempt).

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Orders 2019-046 and 047. The vote was called. The motion passed.

12. Unfinished Business and General Orders:

A. Calendar Update – Commissioner Tucker shared that he would be out next week for surgery. Commissioner Lindsey noted that he would be at the Association of O & C Counties meeting in Salem on Friday, February 22, 2019.

13. New Business – *This item was moved up on the Board's agenda after Item No. 5.*

14. Announcements: There were no announcements.

15. Business from the Public (3 minute limit per speaker): There was no one present from the public wishing to use this forum.

16. Adjournment: There being no other business to come before the Board; by unanimous consent, the Board of Commissioners meeting was adjourned at 10:05 a.m. to Wednesday, February 20, 2019.

Minutes of the Linn County Board of Commissioners adjourned meeting, Tuesday, February 19, 2019 continued to Wednesday, February 20, 2019:

Those present at various times for the matters as indicated below were: Todd Noble, Linn County Health Services Administrator; Dr. William Muth, Linn County Health Officer; Rick Partipilo, Linn County Environmental Health Program Manager; Dr. Eby and Alan Kwan.

17, 18. At 9:00 a.m. Vice-Chairman Lindsey called the meeting to order and roll call followed. Commissioners John K. Lindsey, Vice-Chairman and Will Tucker were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Heather Gravelle, Recorder for the Board of Commissioners. Commissioner Nyquist was out of the office.

19. Board of Health – Todd Noble, Linn County Health Services Administrator.

A. Communicable Disease and Vital Statistics Reports – Dr. William Muth, Linn County Health Officer.

Dr. Muth provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for January, 2019. Copies of the reports are on file in the Linn County Clerk's Office in the Commissioners' Staff file. Dr. Muth shared that a reminder letter would be mailed out to parents today, Wednesday, February 20, 2019, who have not had their child vaccinated.

Commissioner Tucker mentioned a bill that was currently before the Hawaiian Legislature for consideration that if passed would change the smoking age to 100. Brief discussion followed. The Board thanked Dr. Muth for his work and his reports.

B. Environmental Health Monthly Activity Report – Rick Partipilo, Linn County Environmental Health Program Manager.

Mr. Partipilo provided the Board with an overview of the Environmental Health Monthly Activity Report for January, 2019. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff file. Mr. Partipilo stated that it was business as usual and that he would be happy to answer questions. Commissioner Tucker noted that septic permits were almost half of what they had been in the past and had dropped dramatically.

Mr. Partipilo responded that they had been high in the past, but they were now back to “normal” numbers. The Board had no other comments or questions and thanked Mr. Partipilo for his work and his report.

Next, Commissioner Tucker explained that the Resolution & Order regarding the matter of the Step 4 Grievance filed by SEIU was ready to be signed by the Board and that he was adding it to the agenda as Item No. 20 for Board action.

20. Resolution & Order 2019-054 in the matter of a Step 4 Response to a Grievance filed by SEIU Local 530 on January 18, 2019.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-054. The vote was called. The motion passed.

21. Business from Public (3 minute limit per speaker): Todd Noble, Linn County Health Services Administrator, explained that they had their State Re-Certification for the Mental Health and the Alcohol & Drug Program last week and that the State had a lot of nice things to say about Linn County, in particular, in regard to the excellent customer relations. He added that they were now recertified for another three years. The Board thanked Mr. Noble for his work and for his update.

Dr. Eby commented that they were getting new members to join the Linn Local Advisory Committee. He added that they would be taking the bylaws more seriously, as well as, the fact that they were an advisory committee, rather than just a “show and tell.” Commissioner Tucker thanked Dr. Eby for the update, for attending the Board meeting and stated that he looked forward to hearing from him in the future.

22. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 9:16 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, February 26, 2018.

[REDACTED], Recorder
For Board of Commissioners
Heather Gravelle

LINN COUNTY BOARD OF COMMISSIONERS

[REDACTED]
Roger Nyquist, Chairman

[REDACTED]
John K. Lindsey, Commissioner

ABSENT

William C. Tucker, Commissioner

Date 2-26-2019