



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
JULY 24, 2018**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, July 24, 2018.

Those present at various times for the matters as indicated below were: Fred Abousleman, Executive Director, Cascades West Council of Governments; Torri Lynn, Linn County Juvenile Department Director; Gene Karandy, County Attorney of Linn County; Chuck Gibbs, Linn County Surveyor; Tom Casey, Linn County Deputy Surveyor; Michelle Gates; Stephanie Newton; Rich Kellum; Alan Kwan and Alex Paul, Reporter for the Democrat-Herald.

1, 2, 3. At 9:30 a.m. Chairman Nyquist called the meeting to order. The flag salute and roll call followed. Commissioners Roger Nyquist, Chairman; John K. Lindsey, Vice-Chairman and Will Tucker, Commissioner were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners. At the beginning of the meeting, Commissioner Tucker was in the hallway speaking with a constituent.

4. Approval of Agenda.

Action – Commissioner Lindsey moved to approve the agenda. The vote was called. The Agenda was approved.

5. Approval of the July 17 and 18, 2018 Commissioners' Meeting Minutes.

Action – Commissioner Lindsey moved to approve the July 17 and 18, 2018 Commissioners' Meeting Minutes. The vote was called. The motion passed.

Commissioner Tucker entered the meeting at 9:37 a.m.

6. COG Update – Fred Abousleman, Executive Director, Cascades West Council of Governments.

Mr. Abousleman provided the Board with a COG Update. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Abousleman informed the Board that the federal time limit for the work waiver for Supplemental Nutrition Assistance Program (SNAP) recipients in Linn County will expire in January, 2019. He stated that recipients will not be able to have more than three full months of benefits within a three-year period unless they have an exemption or comply with certain work requirements. Recipients are free to challenge that ruling from the provider they receive the SNAP benefits. Commissioner Nyquist asked Mr. Abousleman what exactly that meant and he responded that the recipient will have to show they either meet the work requirements; certain type of disabilities and/or home care needs. Commissioner Nyquist stated that folks in poverty or having hard times have relied on a government program to be able to put food on their table and that benefit has been available open-ended; and, now, as of January 1, 2019 there are no longer funds or resources to buy food to put on their table. Mr. Abousleman stated that there are exceptions such as age or disability, but that, yes, Commissioner Nyquist was correct. Commissioner Nyquist stated that there is a cause and affect so he would expect that there would be increased pressure on Linn County shelters and food banks and such organizations that have operated as an additional safety net. He asked Mr. Abouselman what was being done at this point and he replied that COG would be watching the situation to help folks find other resources if they no longer are able to meet the waiver exceptions. COG will also continue to work with the sister agencies to increase food security and food nutrition.

Commissioner Nyquist asked Commissioner Tucker to contact Martha Lyon, Executive Director, Community Services Consortium (CSC) regarding this change in SNAP to have a conversation and reach out to the food bank organizations to make sure they are aware of the upcoming change. Commissioner Tucker responded that Ms. Lyon would be coming before the Board with a CSC Update soon and he will be sure she is prepared to have a conversation about this matter. Discussion followed.

Mr. Abousleman stated that he would gather information from other counties, which have already been affected by the expiration of the waiver, and will work with those counties and their SNAP programs to find out what the impact has been and provide that information to the Board.

Next, Mr. Abouselman stated that he was proud to be able to resume the Senior Companion Program that Samaritan had been running which provides a connection between seniors who would like to volunteer to work with other seniors who may need limited assistance, on a day-to-day basis, such as grocery shopping, light cleaning or visits to doctors. It is a cost effective way to provide companionship and low-impact assistance. Mr. Abouselman stated that Linn County was one of three counties in the country that actually runs all of the senior coordinated programs which includes Foster Grandparents and RSVP.

Mr. Abouselman stated that the "Safer Routes to School" construction grant applications are available and his office is available to help communities who are looking to apply for projects to reconfigure streets and crosswalks around schools to ensure better access and safety to school children.

Commissioner Nyquist asked Mr. Abouselman if he knew whether or not ODOT had hired a new regional manager yet and Mr. Abouselman stated he did not know but would check and let the Board know.

7. Reports of Staff and Committees:

A. Juvenile Update – Torri Lynn, Linn County Juvenile Department Director.

Mr. Lynn provided the Board with a Juvenile Update for the month of June, 2018. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Lynn stated that there was one youth in the "Time for Change" program and one youth in Measure 11 which is a hold from Yamhill County. Commissioner Lindsey stated that the statistics looked good in a few of the categories as compared to last year's statistics.

Commissioner Nyquist stated that Linn County allocated some of the proceeds from the marijuana tax to help schools and asked Mr. Lynn what his assessment was on how all that went and whether or not its something that should continue. Mr. Lynn stated that he did not have a fair assessment on how that went and had not spoken to the schools impacted. Commissioner Nyquist requested that Mr. Lynn talk with his contacts in the K-12 and in the community to see how it went and what he thinks and report then back to the Board.

Mr. Lynn stated that he was working on a contract with Yamhill County regarding a situation where they have co-defendants that were both arrested for a murder in

Yamhill County and they need to keep the youth separated so they asked Mr. Lynn if Linn County could hold a youth. Yamhill has the contract right now and is reviewing. It has gone through our County Attorney's office. Commissioner Nyquist asked if Linn County was ever in that situation would Yamhill reciprocate. Mr. Lynn replied that he has a good relationship with other counties and was sure that Linn County could do the same if ever they needed to.

Commissioner Lindsey asked Mr. Lynn if he knew whether or not Lebanon School District was the only school that had drug testing policy and Mr. Lynn replied that the Scio School District also did. Commissioner Lindsey stated that it was a very affective tool and asked if there was any discussion of whether or not any other schools would be willing to adopt a drug testing policy. Mr. Lynn stated that other schools have talked about it but research did not support it being very affective.

B. Resolution & Order 2018-229 approving an Intergovernmental Agreement for the Juvenile Detention Facility between Benton County and Linn County.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-229. The vote was called. The motion passed unanimously.

8. Continued discussion regarding potential adoption of Ordinance 2018-252 and referral to the November, 2018 ballot making the Linn County Surveyor position appointed instead of elected.

Commissioner Nyquist stated that he discussed this matter with Steve Druckenmiller, Linn County Clerk, and his understanding of the timing was the same one that Gene Karandy, County Attorney for Linn County; there would be an election for the Surveyor for a candidate on the ballot and at the same time would be asking the voters if they wanted to eliminate that position. Commissioner Nyquist stated that he did not think that was the way to go. Commissioner Lindsey agreed. Commissioner Nyquist stated, as a matter of structure, if the Board's desire for that position to be appointed instead of elected the discussion should be at the next available election. It is not clear when that will be and may, in fact, not be until 2022. This is a two-year term and then a four-year term. He then recognized Mr. Karandy.

Mr. Karandy stated that, if the Board decides that they do not want to have those on the ballot at the same time, what Commissioner Nyquist said was correct; otherwise, without doing a special election, the next available election would be May, 2020 primary depending on when they file. Commissioner Nyquist stated that he would be a no vote on the ordinance as it has been crafted per the direction of the Board to Counsel. He

stated that he would be receptive to a conversation about doing that at the next election where they wouldn't both be on the ballot at the same time. It could be, in theory, as late as 2022 which then raises the question of whether or not we are committing some future Board to something four years from now. Commissioner Lindsey agreed.

Commissioner Tucker stated that he thought it would be somewhat unfair if Tom Casey, current Linn County Chief Deputy Surveyor, accepted to take the position as appointed Surveyor and then change him back when we change the rules. We would need to figure out what to do with his vacation, sick leave, comp time, etc. either taken away or paid out when he becomes an elected official. He stated he would like the Board to think through this process some more and check the edges of the law to make this process smoother. Commissioner Nyquist stated that time was of the essence and asked Mr. Karandy how late the Board would have to make a decision. Mr. Karandy stated the latest for a 1st and 2nd Reading of the Ordinance would be to have the first reading next week, Tuesday, July 31, 2018, and after that it would be too late. Commissioner Nyquist recommended that Commissioner Tucker have a conversation with the Linn County Clerk and with the Secretary of State if he deemed it necessary. Commissioner Nyquist clarified that Commissioner Tucker did, however, agree that having both matters on the ballot at the same time was not a place they wanted to go. Commissioner Tucker agreed. Commissioner Nyquist asked if the Board wanted to continue this matter on next week's agenda. Commissioner Tucker stated, yes, based on what he finds out after talking with the Clerk and working with Mr. Karandy and Secretary of State's Office to find a way to make this not occur in a simultaneous election.

Mr. Karandy stated the other option that was discussed last time would be if the position isn't vacant for 60 days or less and there is no election, however, that is not up to the Board. If it's vacant, you have to have an election. The question would be if the current Surveyor stayed and/or if he leaves, do we have to fill it if there is already someone acting in that capacity and has the authority to act in that position. Mr. Karandy stated that, legally, you have to fill the position; if you don't, there would still be an election if the vacancy occurs more than 61 days out from November. Commissioner Tucker stated that he would have a conversation with the current Surveyor about this situation. Commissioner Nyquist stated that it is solvable by having a special election but he is not inclined to do so, the Board agreed.

The Board agreed to have this matter on next week's agenda for the 1st Reading of the Ordinance.

9. County Attorney – Gene Karandy, County Attorney for Linn County.

A. 1st Reading of Ordinance 2018-252 amending the Linn County Surveyor's Code, codified at Linn County Code Chapter No. 320.

Given the discussion held above in Item No. 8, Item No. 9 was not heard and the consensus of the Board was to move this item to Tuesday, July 31, 2018 Board meeting.

10. Correspondence: There was no correspondence to come before the Board.

11. Special Orders:

A. Personnel Action Forms were read into the record for: Shelley Pollard Wells (Alcohol & Drug); Glen Erspamer, Jr. (General Services); Judith Draper, Brenda Foster, Diana Joy and Jennifer Leonard (Mental Health); Michael Daniels, Zackary Evans, Ian Yourston and Lonny Wunder (Parks & Recreation); Stephen Wills (Planning & Building) and Brian Keenon and McKenna Olsen (Road Department).

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 unanimously.

B. Resolution & Order 2018-234 approving a First-Time Youth Wage Grant Agreement between Linn County and A & W Restaurant.

Commissioner Lindsey commented that Linn County was the only government entity in the State of Oregon that offers this type of program.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-234. The vote was called. The motion passed unanimously.

12. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist announced that the Fair Board would be meeting Thursday, July 26, 2018 at Noon at Carino's Italian Restaurant and gave a report on the Linn County Fair that was held Wednesday, July 18, 2018 through Saturday, July 21, 2018. He stated that it was an outstanding Fair and entertainment. Commissioner Nyquist stated that Wednesday night attendance was up by 60 percent. Thursday nights highlight was Sara Evans with great attendance with numbers off the chart for the day. Commissioner Tucker stated

that he saw the Fire Chief on Thursday moving people off the sidewalks and he asked Commissioner Nyquist if he could provide a follow-up on that situation. Commissioner Nyquist stated that the problem was people had their blankets too close to the sidewalks causing there to be no room for patrons to go back and forth. The Fair Board is looking for a solution in the future. Commissioner Nyquist stated that the Fair Board met daily during the Fair and he had taken minutes. Once Heather Gravelle, Linn County Administrative Assistant, has them transcribed, he would provide the Board with a copy.

Commissioner Nyquist stated that Friday's attendance was off a bit from last year, in part, because the rodeo was moved to Wednesday. The Fair Board needs to figure out what they are going to do in that arena on Friday night. He stated that he was not sure that Wayne White's events were the best option. Commissioner Tucker suggested a race with go-carts, waffle bats, balloons and Elected Officials which he thought would be a fun event. Discussion followed. Commissioner Nyquist stated that the Fair Board will be looking at different things and needed to allocate money and get started on that right away.

Next, Commissioner Nyquist stated that Saturday's event was great and in 2017 it was a record number; this year they were within a few percentage points of doing it or betting that number. All-in-all, the Fair was up five to ten percent from last year's record year. He stated that there was a long list of people to thank which he will include the names in the minutes and submit them for the record next week. He is proud of his community and for all those involved given that the trend nationally is that county fairs are fighting to survive. Commissioner Tucker stated that the auction was outstanding as well. Discussion followed. Commissioner Lindsey stated that he thought it was a fantastic Fair and had talked to several Fair Board members. He stated that they should pat themselves on the back for what they have accomplished. The attendance was fabulous and had not heard anything negative. Discussion continued.

13. New Business: Commissioner Tucker stated that he noticed that audience member Stephanie Newton had been recording the Board's meetings and he had asked her to not record but she has continued to do so. He stated that, legally, she can and has the right to record and post them on the web but he would like to be sure that we all know, including the public that when they come into the room that a member of the public is, in fact, video taping and using it on the web. Commissioner Nyquist stated that there is a sign in the room that states the meetings are being recorded and Commissioner Tucker agreed and that use meant the press and our own recorder; the public is not used to having a cell phone held up and recording. Commissioner Nyquist stated that he could add language to the preamble that this meeting was being recorded. Commissioner Tucker agreed so the public knows since the Board does not know how it was being disseminated or the press was not controlling it.

14. Announcements: There were no announcements.

15. Business from the Public (3 minute limit per speaker):

Michelle Gates, 545 SW Parkside, Mill City, OR 97360.

Ms. Gates stated that she writes for the Canyon Weekly newspaper and is heavily involved with a lot of different groups in the Santiam Canyon area. She then informed the Board that the people in her area don't see them and it is sad. She stated that she personally knows all the Marion County Commissioners, as well as, half of their staff and knows what their projects are; however, she lives in Linn County not Marion County.

Ms. Gates stated that she attended today's Board meeting to invite the Board to participate more in her area; even though they are a small population, they have "good voters and good money". Ms. Gates stated that, when she talks to people on the street, they don't know the Board's names or who they are and stated that even she didn't recognize any of them when they walked into today's Board meeting. She referred to the number in attendance at today's Board meeting and stated that it was quite sparse compared to what she sees at Marion County. She stated that when public meetings happen, even in her small town of less than a thousand people, they draw more people than this audience. Commissioner Lindsey stated that the Board has one of the highest trust ratings statistically with their voters; we don't make rash decisions or rash policies and prefer not to go that route. Ms. Gates stated neither does Marion County and asked Commissioner Lindsey if he was saying they don't want people to come to their public meetings. Commissioner Lindsey stated no, he was not trying to take away rights or imposed something on somebody which they see in other public entities. He stated the Board was more interested in doing their job to make sure the services are there. He stated that, in the case of the canyon, Linn County has verbal agreements with Marion County and don't keep a lot of our visibility because the Board is responsible for roads, bridges, certain parts of the law enforcement; transportation is picked up by Marion County.

Ms. Gates stated that she has talked with a lot of Marion County officials and everyone has said when they come to talk to you they hit a brick wall. Commissioner Lindsey clarified that Ms. Gates was saying that a Marion County Commissioner said that to her and she said not a Commissioner but several officials in the government. Commissioner Nyquist said that's not true. He stated that he goes up to the City of Mill City quarterly and Ms. Gates stated that she has heard of him coming to the area but hadn't been to a City Council meeting that he had attended and appreciated the fact that Commissioner Nyquist has been there. She apologized that she was being harsh but stated she was a little angry. Commissioner Nyquist continued by stating that her comment that the

Board was just not present was not true and replied by saying the Board is present by \$8 million dollars large. Ms. Gates asked for what. Commissioner Nyquist continued that Linn County had worked on a Tiger Grant and Ms. Gates stated no that it was Danielle Gonzales with Marion County and that she knows her personally and she is the one that told Ms. Gates about the grant and that she watched her work on the grant. Ms. Gates stated that she gets emotional because she cares about the canyon. They have been devastated when the environmental regulations came which all of the businesses were completely lost and have been struggling for years. We are just trying to build that up and do a lot of events and see Marion County all the time doing all kinds of projects. Ms. Gates stated that she goes to the Lyons City Council meetings and when she asks them if they have ever seen Linn County they say no. I understand that you have a large area to cover but want to encourage the Board to please help them out; Mill City has a large sewer system project going on that crosses counties and benefits Linn County; and, so far, we don't know what your participation is. Commissioner Nyquist stated that you may not, it is a large county and he goes a lot of places doing a lot of things. He stated that he has been doing the quarterly meetings for awhile with the City of Mill City and would do so with any other cities if asked.

Commissioner Nyquist stated that, as far as the grant, in a public meeting you're saying that Linn County had nothing to do with that. He encouraged Ms. Gates to read a copy of that grant then give him a call. Commissioner Lindsey agreed. Ms. Gates stated that Danielle Gonzalez, which she sees on a regular basis and knows, for a fact, that she and Marion County were the ones that "strong held" Linn County into being a part of that grant. She then asked the Board to prove to her they worked on the grant; she said she was sure the Board's names were put into the grant because they had to be in order for Linn County to get the money. You guys aren't out there and we don't know this stuff. Ms. Gates stated that the entire public says that Linn County is not there for them. Commissioner Nyquist replied, that's right; you don't know and you're here before us making it up. She stated she works for the chamber; she goes to city council meetings; writes for the newspaper and goes to just about "50 million different volunteer meetings"; and, interacts consistently with people who are involved and care about the community and what she hears back from them is that they don't hear from the Board; we need you guys out there. Ms. Gates stated that she would "love love" to be able to share the news that Linn County was apart of the grant but stated she does not have any proof of that.

Commissioner Tucker stated that he has been up to the canyon for different events and all he needs to know is when and where they want him and he will be there. Ms. Gates stated, absolutely, she will tell him. He stated that when Allison McKenzie, Executive Director and Entrepreneurial Coach for GROW-EDC (North Santiam Canyon Economic Development Corporation), contacts him he writes back and responds. When she sends

him an issue like the water cooling towers in Detroit, the Board called the Army Corp. of Engineers to come down and to talk with them well ahead of Salem being involved; we are engaged. Ms. Gates replied that she didn't know that and had no idea that was happening. Commissioner Lindsey stated that he has an ongoing meeting with Sam Brentano, Marion County Commissioner, which Ms. Gates may have heard of his name, and so they have discussed that Commissioner Brentano is going to be the face of what is going on; too many cooks ruin the stew and we do a lot of work you don't see and that is how we operate. It is not to see whose name is put in a paper or see who takes the most credit for something as that is not how we operate. Commissioner Lindsey stated that what is more important as a Board and what they've done for years was that they are more concerned about the product. If the product is good, we're doing good.

Ms. Gates stated that what Marion County does is bring their cards out to us and tell us what they're doing. We do a town hall with the Commissioners every year in April, which she believed the Board has been invited too; Commissioner Tucker commented that he had never been invited. She said okay you are now invited, as well as, to the awards night which the Chamber hosts and Commissioner Lindsey commented that he has handed out awards at that event before. Ms. Gates stated she has been involved with the chamber for about ten years and hadn't seen Commissioner Lindsey so it must have been before that. She said they have tried to get the Board to play in the golf tournament for quite awhile.

Commissioner Nyquist stated back to the big picture and asked Ms. Gates to go back to Stacey Cook, City of Mill City Recorder. Ms. Gates stated that she did because she had heard one of the Board members had been coming out; although she had never met Commissioner Nyquist at the several meetings she has attended and double checked and they did say you were coming out once in awhile. Commissioner Nyquist stated that despite Ms. Gates contentions that Linn County had nothing to do with the Tiger Grant that brought \$8 million dollars to the community of Mill City; he certainly has the documents in a different version of her facts. She stated that she would love to see the documentation. Commissioner Nyquist continued describing another event where the football team was going to the State championship that he was the first to show to help support them monetarily so they would be able to stay overnight the night before the game. He has spent plenty of time in that area where his mom was a graduate of that high school. He cares deeply about that area so for Ms. Gates to come here and make these statements this morning Commissioner Nyquist stated that he could not help but take it personal; he cares about that community. Ms. Gates replied that she appreciated that and that all she wants and, admitted that she may have come off a little rude, but any participation they can get from the Board would be appreciated. She stated that they are trying to grow and bring their economy back. Commissioner Nyquist stated that the Board is involved in a class action law suit against the State of

Oregon for \$1.3 billion dollars because they are not properly managing a natural resource and an asset (in our case it's \$20,000 dollars) of timber land that sits at the canyon's doorstep. We are doing that on your behalf and, in fact at the press release and press conference he mentioned your community specifically. You must be doing a lot for the community and we are doing some things as well and our paths have just not passed until today.

Ms. Gates stated that she will be coming to more Board meetings and any information the Board wants about events that are going on she is happy to help; whatever you need to help our small little area. Commissioner Tucker suggested that Ms. Gates provide her email address to the Recorder so she can receive the Board's agendas and minutes.

As additional business from the public, Commissioner Nyquist then recognized Rich Kellum, 4085 E. Commercial Way, Albany, OR 97321.

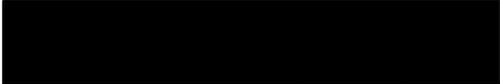
Mr. Kellum stated that he was more than a little taken back by Ms. Gates' statement. He stated that the point was that this was probably his 500th to 600th Board meeting he has attended and he has never seen people from other councils here on a regular basis; never. Commissioner Nyquist stated it was a two-way street. Mr. Kellum stated he was pointing out that you get out of something what you put into it. He stated that he is at the Board meetings all the time because he thinks it is important. If you want to be part of it you have to be part of it and not sit back in the corner and cry but come and talk about it. Commissioner Tucker thanked him for his comments.

16. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:25 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, July 31, 2018.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS



Roger Nyquist, Chairman



John K. Lindsey, Commissioner

ABSENT

William C. Tucker, Commissioner

Date 8-7-2018