



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
MARCH 10, 2020**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, March 10, 2020.

Those present at various times for the matters as indicated below were: Darrin Lane, Linn County Roadmaster; Chuck Knoll, Engineer, Linn County Road Department; Sherrie Sprenger, State Representative House District 17; Kerry Johnson; Alan Kwan; Sandy and Christian Vela 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 were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners.

4. Approval of Agenda – Commissioner Nyquist stated that Agenda Item No. 13 – Business from Public, was normally limited to 3-minutes per speaker, however, Representative Sherrie Sprenger was present to give a legislative update and the Board would extend professional courtesy and waive the 3-minute time limit. Commissioner Tucker then noted that Agenda Item No. 7-B had been pulled from the Agenda.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the revised agenda. The vote was called. The motion passed unanimously.

5. Approval of the March 3, 2020 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the March 3, 2020 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees: There were no reports of Staff and Committees.

7. Road Department – Darrin Lane, Linn County Roadmaster.

A. Resolution & Order 2020-059 authorizing publication and a bid advertisement and setting a bid opening for the One Horse Slough (Brewster Road) Bridge Project.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-059. The vote was called. The motion passed unanimously.

B. Resolution & Order 2020-062 authorizing publication and a bid advertisement and setting a bid opening for the North Santiam River (Mill City) Bridge Project.

The Board amended the agenda removing this item at the request of Darrin Lane, Linn County Roadmaster, who hoped to have this item ready for next week's agenda.

C. Resolution 2020-063 delegating authority to Darrin L. Lane, Roadmaster, for the purchase of oil rock to be supplied and delivered by Knife River.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2020-063. The vote was called. The motion passed unanimously.

D. Resolution & Order 2020-068 delegating authority to the Roadmaster to execute a purchase of supplies contract with Sierra Santa Fe Corporation.

Mr. Lane stated that this company would be doing the fog seals for the chip seal program this summer.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-068. The vote was called. The motion passed unanimously.

E. Bid Award – Old Salem Road Sidewalk Connectivity Project.

Mr. Lane stated that there were some questions about the bids received and the procedure. After working with the County Attorney's Office he stated everything was straightened out and the low bidder was qualified; therefore, Mr. Lane recommended that the Board award the bid to the lowest bidder Brown Contracting, Inc. for the estimated contract amount of \$469,897.75.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the Roadmaster’s recommendation. The vote was called. The motion passed unanimously.

Commissioner Nyquist stated that last Tuesday, March 3, 2020, he was out on Three Lakes Road; which hadn’t been improved and there was still substantial traffic. He stated that many years ago the County bought a farm field to improve and straighten out the road which would then be handed over to the City of Albany. Mr. Lane agreed and that it had probably been more than five years ago since they bought the property on the east side of Three Lakes Road. He stated that at any time the County could designate a right-of-way through there and reconstruct the road but there would be significant cost associated with doing that. Mr. Lane stated that they have been waiting for the City of Albany to inform the County as to where that road needed to be in order to maximize the efficiency of the land use and support development. Discussion followed.

Mr. Lane stated that he could look into what the zoning would be, as well as, the wetland impacts on that property. Commissioner Nyquist stated that he thought the underline zoning was industrial but Mr. Lane stated he didn’t recall that being the case on the County’s lot but could check into that. Commissioner Nyquist asked Mr. Lane to do so when he had the opportunity.

Commissioner Nyquist then asked Mr. Lane about Goldfish Farm Road which Mr. Lane stated was on the books to get the issue resolved with that road. A recent subdivision had done a partial street reconstruction and 100 percent re-paving. He stated the County has a grant for reconstructing the south end of the bridge and his department was cooperating with the City of Albany on that project which will come up in the next couple of years. Commissioner Nyquist stated that the agreement was that the City would acquire the right-of-way and Mr. Lane stated, yes, they are agreeing to do that on Goldfish Farm Road on the south end; however, on the north end, the City was not pushing for a transfer so, therefore, they are not agreeing to acquire the right-of-way right now. Mr. Lane stated that there had to be an agreement to do a project in order for them to acquire the right-of-way. He stated that he has tried to push that on the north piece and even agreed to write a check for half the cost of reconstruction. The City would get the right-of-way but they couldn’t make that happen at the staff level. It’s a challenge.

Commissioner Nyquist asked, in regard to Three Lakes Road, that Mr. Lane reach out to the City of Albany regarding that matter and Mr. Lane stated that he would.

Commissioner Nyquist stated that on the Grand Prairie overpass there was no space between the fog line and the fence for a pedestrian or a bicyclist to get across. He asked if a switch or activation button, like the one in North Albany, could be installed to warn motorists that there is a pedestrian/bicyclist in front of them and asked who owned the bridge. Mr. Lane stated that the County maintains the approaches to the overpass by an agreement but the Oregon Department of Transportation (ODOT) owns the structure. Any system would have to be coordinated with ODOT. Mr. Lane stated that warning signs stating "watch for pedestrians/bicyclist" could be installed without having an activation button. Discussion followed.

Commissioner Lindsey asked about the off-the-shelf pedestrian bridges that Washington Department of Transportation uses and asked if Mr. Lane could check to see if they could be used in the State of Oregon. Mr. Lane stated that it would be up to ODOT. Linn County has several overpasses that connect County roads across the freeway and the Grand Prairie overpass was most likely the one to have pedestrian and bicycle traffic combined with vehicular traffic. There is no way to get additional width on that overpass without significant cost and modification.

Commissioner Nyquist recognized Chuck Knoll, Engineer, Linn County Road Department. Mr. Knoll added to the discussion that there was a BUILD Grant opportunity due in May, 2020 for \$5 million dollars. The County could apply to improve Three Lakes Road to replace the crummy concrete with pavement, curbs and sidewalks and extend that to Grand Prairie Road and widen the bridge. They tried to get funding but ODOT said they wanted another \$2 million dollars to be included in the cost. Mr. Knoll added it would be a great opportunity to develop that program to take care of the large growth that is occurring in the Walmart and Home Depot area.

Commissioner Nyquist stated that, if there wasn't already something in the cue for the BUILD Grant, then they should go for it but he didn't know what other projects were scheduled or what the limitations on staff time was. Mr. Lane stated that one concern for him would be the matching funds and cash flow. He stated that there are a lot of projects underway right now. It's not so much that they have to match but they would have to pay the \$20 million dollars up front to get reimbursed and pay the match. Mr. Lane stated that he wasn't saying that they couldn't apply for the grant but they should make sure that, if they are going to apply, the money is prioritized where it makes the most sense for the County. Right now there are a number of needs and stated he could rattle off about 50-60 projects they could apply for the BUILD Grant too; this matter may not be the best place to put the money. He gave an example of Riverside Drive Project Part 2, as well as, other projects that could be identified. Mr. Lane asked the Board if they would like for him to come back with a list of the top five projects where they could spend \$5 million dollars with the BUILD Grant in order for the Board to

provide their input on the highest priority. Commissioner Nyquist stated even though they apply for the grant it doesn't necessarily mean they get it. Discussion continued.

Next, Commissioner Nyquist asked Mr. Lane about what he could strategically do to take advantage of oil prices being at \$20 a barrel right now. Mr. Lane stated that it would be a challenge because when they contract for projects that involve oil products there are escalation clauses. Short of making sure his department's fuel tanks are full, there was not much else he could do. Mr. Lane stated that they probably buy 250,000 to 300,000 gallons a year of gasoline and diesel for the different locations and keep the tanks at about 75 percent so they don't get low. Discussion followed.

Commissioner Tucker stated that, going back to the BUILD Grant conversation, he would like Mr. Lane to provide the Board with a list of projects. Mr. Lane clarified that the list would be for the specific purpose of applying for a BUILD Grant and Commissioner Tucker stated yes.

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

9. Special Orders:

A. Personnel Action Forms were read into the record for: Vinny Gambardella and Ledru Hochstetler (Fair & Expo); Suzanne Hart and Maria Sotelo (Mental Health); Logan Goss and Ivan Thompson (Parks & Recreation); Alyssa Boles and Alyssa Schrems (Planning and Building); Christie Jackson (Public Health) and Lisa Wilson (Veterans Services).

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.

10. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

11. New Business: There was no new business to come before the Board.

12. Announcements: There were no announcements.

13. Business from the Public: Commissioner Nyquist recognized Sherrie Sprenger, State Representative House District 17.

Representative Sprenger stated that she was before the Board because they signed a Resolution asking their contingency and representation in Salem to oppose cap-and-trade which she did. She then provided details that took place in the legislature over the last few days of the session.

She stated that the session ended effectively at midnight on Sunday, March 8, 2020 which was the constitutional deadline; obviously the cap-and-trade bill did not pass. What that means is that it is dead for the session but not gone.

Representative Sprenger stated that yesterday, Monday, March 9, 2020 in the Ways and Means Committee of the Legislature, there was \$5 million dollars appropriated to the Department of Environmental Quality (DEQ) for the State of Oregon to set up a climate change policy. Richard Whitman, Director for DEQ, was asked what the climate policy change would look like but he didn't have details to share.

Representative Sprenger then talked about the process that informs how the Governor and the legislature move forward. She stated that last Thursday, March 5, 2020, when the Speaker of the House declared the session effectively over she announced at that time that a Special Session would be called within 30 days. Representative Sprenger was not sure if that meant notices would go out within 30 days or it would occur within 30 days. Although she did not have notice Representative Sprenger told the Board that they should anticipate another session.

She then stated that part of the cap-and-trade bill was a tax increase; tax increases come from the Revenue Committee in the House who, theoretically, did not pass a tax increase for cap-and-trade before the end of session. Representative Sprenger did not see how the tax increased portion could come by Executive Order which the Governor said, at this point, she was going to make a lot of it happen by Executive Order which was part of the \$5 million dollar appropriation that occurred in the Emergency Board for the Ways and Means Committee yesterday, March 9, 2020. Representative Sprenger stated that she did not see a path forward for the Governor, via an Executive Order, to create a tax increase. When the session comes back, however, that could occur. She stated that the Board's contingency letter said they wanted cap-and-trade opposed and she agreed.

Commissioner Lindsey asked if the legislators realized that this was an unfunded mandate and whether or not they'd talked about that and Representative Sprenger stated that they talked about that a lot. Commissioner Lindsey stated that it was pretty clear that any new program, which in the second paragraph of both bills it states that it's a new program and tax that the governments would have to pay which would be painful for school districts with the way it is proposed. Representative Sprenger

stated that she agreed. Commissioner Nyquist stated that the Governor was quoted as saying that she “would call a special session if there was an agreement on something happening, otherwise, I am not going to waste taxpayer’s money”. Commissioner Nyquist stated that it was well-thought out and a fair position for her to take. He asked Representative Sprenger if there was something that changed and Representative Sprenger stated that she was unable to say what had changed from the Governor’s perspective. The practicality was that the Senate President, Speaker of the House and the Governor don’t have to agree but she was quite certain that they would come to some agreement before they call a special session; why would you call a special session without the others on board.

Commissioner Lindsey stated that President Courtney was pretty upset about the whole Republican walk-out which was quite revealing. President Courtney has said that he didn’t choose to do that and did not want to do it; it has destroyed the Senate over one bill. Representative Sprenger stated that Senator Courtney is a process guy and gets upset when he doesn’t feel the process was played the way the process should have been played. She stated that there were lots of rumors, which you won’t read in the newspapers, that perhaps Courtney would not complete his term as Senate President.

Commissioner Nyquist stated that the Governor couldn’t just write it and it be so; there has to be an Administrative Rule process and there are statutes that govern and require that it take some time, unless, they declare an emergency as they are passing it. As an example, he stated that there was a rule that required every State agency, every time they pass an Administrative Rule, to create a workgroup and do an analysis of the impacts on small business; just that analysis would take some time such as six months or a year. Should they attempt to ignore those processes required by State statute, he would expect some legal push back. Commissioner Nyquist stated that his position was that the likelihood that the Governor writing it was overstated in the media because they are looking for leverage to get the Republicans to go back.

Representative Sprenger stated her perspective was the Governor couldn’t do the tax increase portion unilaterally. She can set into motion all State agency heads, like DEQ, to serve at the pleasure of the Governor which would be an arm of the Executive branch. Representative Sprenger anticipated the Governor doing as much as she can; you won’t see cap-and-trade as it was in House Bill 1530 implemented but portions to the extent could be in rule making. She has seen multiple times over the years, the legislative session coming back into session whether it be a special session or the next January when the 2021 session starts; legislators come forward with what had already begun in a process and then asking “please forgive me; mother may I; we’ve been doing this and it is working really well and we’re partially invested so let us continue doing this awesome thing”. Representative Sprenger stated that it doesn’t change her vote

because she looks on principle but that is what she sees coming. She hoped she would be wrong because that would be really good news. Commissioner Nyquist stated that it would be determined by the make-up of those bodies in 2021. He said it would seem they would be burning the midnight oil every night trying to figure out how to keep future legislative caucuses from walking.

Commissioner Lindsey left the meeting at 10:06 a.m.

Commissioner Nyquist thanked Representative Sprenger for her service and thanked her for the update.

14. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:07 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for 9:00 a.m. on Tuesday, March 17, 2020.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS



Roger Nyquist, Chairman



John K. Lindsey, Commissioner



William C. Tucker, Commissioner

Date 3-17-2020