



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
TUESDAY MEETING  
LINN COUNTY COURTHOUSE – ROOM 200  
May 5, 2020**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, May 5, 2020.**

Those present at various times for the matters as indicated below were: Brian Carroll, Linn County Parks and Recreation Director; Russ Williams, Linn County General Services and Property Management Director; Michelle Hawkins, Linn County Treasurer; Jim Yon, Linn County Sheriff; Darrin Lane, Linn County Roadmaster; Sherrie Sprenger; Kerry Johnson; Mellissa Barnard; Angelita Sanchez; Scott Sword; Tom Cordier 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 he would like to modify the Agenda to add Item No. 10-B; a petition the Board sent to Governor Kate Brown on Friday, May 1, 2020.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve adding Item No. 10-B to the agenda. The vote was called. The motion passed unanimously.**

5. Approval of the April 28, 2020 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the April 28, 2020 Commissioners’ Meeting Minutes. The vote was called. The motion passed unanimously.**

6. Reports of Staff and Committees:

A. Parks Update – Brian Carroll, Linn County Parks and Recreation Director.

Mr. Carroll provided a Parks Update in regard to the re-opening of Linn County Parks.

He stated that Linn County’s campgrounds were still closed but that he was working with the Governor’s office to get the parks re-opened. He stated that the Linn County Parks & Recreation Commission members passed a motion to recommend to the Board that they work as hard as they can to get the Linn County parks re-opened in a safe manner. Mr. Carroll stated that he was hoping, within the week, to potentially reopen.

Commissioner Nyquist asked why the County parks weren’t opened. Mr. Carroll stated that he had talked with Gene Karandy, County Attorney for Linn County who stated that the Governor’s order specific states that private and public parks would be closed. He stated that there was a provision to exempt County governments; however, Mr. Karandy stated that in a different Governor’s Order it was viewed that if the County opened the campgrounds they would be violating the order. Commissioner Lindsey asked Mr. Carroll if he thought the Governor would enforce it. Commissioner Nyquist stated that it would be a Class C Misdemeanor and that the Board did not want to direct staff to break the law.

Commissioner Nyquist asked Mr. Carroll if he had any idea what other County parks were doing and Mr. Carroll stated that he had been on the telephone with the Natural Resource person, Jason Minor, and the Director of Oregon State Parks; in the last conversation, they discussed which parks were ready to open and met the concerns of the Oregon Health Authority. Mr. Carroll stated that there were no promises on dates but that a lot of Counties were doing their homework to get the parks re-opened with social distancing. Discussion followed.

Mr. Carroll stated that he and his staff were preparing the County parks to re-open Friday, May 15, 2020 and Memorial Day for sure. The campgrounds have been prepped and they were ready to go. Mr. Carroll stated that they had laid-off some seasonal staff but they were bringing them back on for the re-opening. Commissioner Nyquist stated that Mr. Carroll should definitely prepare to re-open on Memorial Day but that he didn’t think May 15<sup>th</sup> would happen. Discussion continued.

Commissioner Tucker stated that Mr. Carroll had done a tremendous job in planning to re-open the County Parks. It was the consensus of the Board for Mr. Carroll to prepare to re-open for Memorial Day.

Mr. Carroll stated that his staff had done a great job preparing for the re-opening and had been busy, during the down time, making improvements to the parks.

B. Resolution 2020-136 appointing and reappointing members to the Linn County Parks & Recreation Commission.

Mr. Carroll recognized that Mellissa Barnard, being appointed to Position No. 8, was in the audience.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2020-136. The vote was called. The motion passed unanimously.**

C. Resolution & Order 2020-141 approving a Purchase Order for Waterway Barriers from Worthington Products, Inc. and delegating authority to execute originals.

Mr. Carroll provided background information regarding this item and stated that the funds were coming from the Linn County Forest Fund; no General Fund money was being spent.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-141. The vote was called. The motion passed unanimously.**

7. County Attorney – Jodi Gollehon, Deputy County Attorney for Linn County.

Ms. Gollehon was not present for this item.

A. Resolution & Order 2020-138 amending a contract between the County and WVT Laboratory for COVID-19 testing.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-138. The vote was called. The motion passed unanimously.**

8. General Services – Russ Williams, Linn County General Services and Property Management Director.

A. Resolution & Order 2020-134 authorizing the publication and distribution of the Invitation to Bid for the General Services Building Re-Roofing Project.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-134. The vote was called. The motion passed unanimously.**

9. Treasurer’s Office – Michelle Hawkins, Linn County Treasurer.

Ms. Hawkins provided background information regarding the following expenditures:

A. Order 2020-130 accepting an expenditure of a certain grant within the General Fund, \$154,000.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2020-130. The vote was called. The motion passed unanimously.**

B. Order 2020-140 accepting an expenditure of a certain grant within the Corner Preservation, \$30,000.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2020-140. The vote was called. The motion passed unanimously.**

10. Correspondence:

A. Proclamation “Older Americans Month” May, 2020.

Commissioner Tucker read the Proclamation into the record.

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

*B. Letter to the Honorable Governor Kate Brown dated May 1, 2020 regarding Linn County’s Plan to Re-open – Phase 1. (The Agenda was amended at the beginning of the meeting to add this item).*

Commissioner Nyquist stated that the Board had received from the Governor criteria for re-opening and on Friday, May 1, 2020 the Board responded with a letter petitioning the

Governor to re-open Linn County's businesses on Friday, May 15, 2020. A copy of the letter is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Nyquist stated that the Board had been talking and working with the Governor's office regarding re-opening and now the Board had data regarding the hospitals. He stated that the County had been drawn into a hospital district that never existed and it made the exercise more difficult because they didn't know the hospitals capacities. Commissioner Tucker stated that Doug Boysen, President & CEO, Samaritan Health, had voiced his concerns about the hospital district as he does not know what it is based on. Commissioner Nyquist stated that the Board would know more on Thursday, May 7, 2020 and they would continue to have conversations with other Counties.

11. Special Orders:

A. Personnel Action Forms were read into the record for: Sarah Daniels and Heide Kizer Aranda (Alcohol & Drug); Kendra Hughes (Mental Health) and Timothy Debban (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.**

Darrin Lane, Linn County Roadmaster, stated that the following Resolution & Orders included an amendment to a job classification and a new job classification to create a career path transition from training to certification.

B. Resolution & Order 2020-132 adopting a new classification Vegetation Management Technician 1 (Teamster/Range 04).

**Action Taken Below.**

C. Resolution & Order 2020-133 amending a classification and title for Vegetation Management Technician to Vegetation Management Technician 2 (Teamster/Range 06).

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Orders 2020-132 and 133. The vote was called. The motion passed unanimously.**

D. Resolution 2020-137 appointing a member to the Linn County Mental Health Advisory Board.

Commissioner Tucker noted that the Shirley Byrd was being appointed to Position No. 1 to fill a vacancy.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2020-137. The vote was called. The motion passed unanimously.**

12. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Tucker announced that there would be a six-county telephone conference with the Governor's team on Friday, May 8, 2020 and that he would be participating. Commissioner Lindsey stated that he may participate as well because the telephone conference was being hosted by the State; it exempts the Board from the public meeting rule. Commissioner Tucker stated that he did not expect to speak; the Governor's team asked for questions ahead of the meeting. Commissioner Lindsey stated he would only be listening in on the call.

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

14. Announcements:

A. There will be a Management Staff Meeting held on Wednesday, May 6, 2020 at 11:30 a.m. at the Linn County Fair and Expo Center, Conference Rooms 1 and 2.

B. The 4-H and Extension Service District 2020-2021 Budget Hearing will be held on Tuesday, May 26, 2020 at 10:30 a.m. at the Linn County Courthouse, Commissioners' Board Meeting Room 200.

C. The Linn County 2020-2021 Budget Hearings begin at 1:30 p.m. on Tuesday, May 26, 2020 through Thursday, May 28, 2020 at the Linn County Fair and Expo Center, 3700 Knox Butte Road, Albany.

Commissioner Nyquist stated that the Fair Board met yesterday, Monday, May 4, 2020 to discuss the 2020 Linn County Fair. He stated that, based on the criteria from the Governor, it was not likely that there would be a Linn County Fair this year. However, the Fair may be modified to have a 4-H Auction for the youth to conduct their events. Beyond that, the Fair was on life support until there was more clarification from the Governor. Commissioner Nyquist stated that they should know more by Thursday, May 7, 2020.

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

Tom Cordier - North Albany - Mr. Cordier asked the Board if they had talked with the County Attorney and vetted the Governor's ability to impose her will on the State. He stated that he understood that her emergency power had a limited time period; how much longer can the Governor exercise her will on the people of Oregon. Commissioner Nyquist stated that he had consulted with Linn County's attorney and outside counsel and the Governor could declare an emergency in two different ways under the 10<sup>th</sup> Amendment: 1. take legislative action (which the Governor did not do); and, 2. send a letter to Oregon cities/counties (which she did do). She has power under ORS 401.165 and there is no end date. Commissioner Nyquist then read into the record portions of ORS 401.164 and 401.192. He stated that, based on the ORS, he would certainly be concerned about how much the bill would be for the closure for those who have had their real and personal property taken. Discussion followed.

Mr. Cordier stated that the American people would decide when they've had enough and hoped the Board would consider instead of saying "mother may I" say "sorry Mom, I'm doing it". Commissioner Nyquist stated that it was a very unique and challenging time; we need to work together but there are times when the conversation does not feel balanced. Discussion continued.

Lastly, Mr. Cordier discussed his experience with trying to get medical care during the closure.

Mellissa Barnard, 36005 Polly Farm Lane, Lebanon, OR 97355 (business location 744 S. Main St, Lebanon, OR 97355).

Ms. Barnard stated that she had been trying every week to do what the State required for her to be able to open her salon business. She stated that she was told that if she opened there would be a \$1,000 fine from Occupational Safety and Health Administration (OSHA) then a \$70,000 fine for every day she was opened after that. She stated that it was frustrating trying to figure out what she needed to do to re-open. Ms. Barnard told the Board that she appreciated their support but it was hard. She stated that she was highly trained and had a hospital background. She then outlined some of the things she had in place to be able to re-open and to meet the requirement for social distancing. One stylist told her that they called the State and was told it would be July 7, 2020 before they could re-open.

Ms. Barnard stated that her personal loss in revenue at this point was \$12,000 and that she was fighting for everyone and was trying to be a leader in her community. Commissioner Nyquist asked if she had applied for a Small Business Administration (SBA) loan and she stated that she had including applying for the Payroll Protection

Program (PPP). Commissioner Nyquist stated that the market conditions were all the same and if the people did not have confidence then that would not be a good situation either. He recommended that Ms. Barnard continue to watch the Governor's website and the sector recommendations.

Scott Sword – Sublimity, OR – Mr. Scott stated that he was from the timber district and that it was difficult to social distance; they have to have 10 pickups to get the crews to a job site and they don't have the parking to have those vehicles at the site. Mr. Scott stated that they had been shut down for two months and didn't know how they were going to survive; there were a lot of loggers with a lot of outlay without any cash flow. Commissioner Lindsey stated that no one was considering the mental toll.

Angelita Sanchez – Sweet Home, OR – Ms. Sanchez stated that she had lost many weeks of work and was unable to get any assistance. She was nervous about losing her business. One question she had was how the Governor decided which businesses were essential; why were liquor stores and weed shops opened. She gave an example of a massage specialist who helps people in pain but couldn't be open yet.

The Board thanked everyone for their input.

16. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:35 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for 9:30 a.m. on Tuesday, May 12, 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 5-12-2020