



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE
BASEMENT MEETING ROOM 200
NOVEMBER 5, 2019**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, November 5, 2019.

Those present at various times for the matters as indicated below were: Pegge McGuire, Acting Executive Director, Community Services Consortium; Susanne Lee, Executive Assistant, Community Services Consortium; Gene Karandy, County Attorney for Linn County; Jim Yon, Linn County Sheriff; Jeff Schrader, Lieutenant, Linn County Sheriff's Office; Torri Lynn, Linn County Juvenile Department Director; Russ Williams, Linn County General Services and Property Management Director; Marisa Barlow, Intern, Linn County General Services; Brian Carroll, Linn County Parks and Recreation Director; Audience members Stan Boshart, William Schrader and Alan Kwan.

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 Marsha Meyer, Recorder for the Board of Commissioners. Commissioner Nyquist was attending the timber trial in Linn County Courtroom 1.

4. Approval of Agenda.

Action – Commissioner Tucker moved to approve the agenda. The vote was called. The motion passed by consensus.

5. Approval of the October 30, 2019 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved to approve the October 30, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed 2-0.

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

7. CSC Update – Pegge McGuire, Acting Executive Director, Community Services Consortium.

Ms. McGuire provided the Board with a CSC Update as of October 31, 2019. A copy of her report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

She gave an update on Martha Lyon, Executive Director, Community Services Consortium who has been out of the office for health reasons. Ms. Lyon is expected to return to work sometime in April, 2020.

Ms. McGuire continued with the CSC Update which included the following matters: Master Grant Agreement from Oregon Housing and Community Services (OHCS) for \$15 million allocation over a biennium and with approximately \$7-8 million of that allocation being spent in Linn County and, CSC received \$150,000 for shelter funds from OHCS with some of it going to the Sweet Home Extreme Temp Refuge Shelter and Lebanon Warming Center for operations, supplies and staffing. Signs of Victory had also contacted CSC about funding so they are looking for funds to provide to them as well. Also, she stated that the Albany Summit on Homelessness would be held tomorrow, Wednesday, November 6, 2019 at the Albany Public Library.

Next, Ms. McGuire stated that the heating and utility bill season had started for this year and, in order to help those with disabilities and/or seniors not have to come into the office, they mailed about 2,200 applications. They will start seeing the general public beginning December 1, 2019. Ms. McGuire also stated that CSC had partnered with the Mid-Willamette Valley Community Action in Mill City to allocate some funds for assistance with water bills. Mid-Willamette Valley Community Action will have a person available to help any Linn County residents that may come in for assistance for their water bill.

Ms. McGuire then discussed the weatherization program and stated that the biggest problem they run into was with older homes that require a high level of health and safety dollars before beginning the weatherization based on the requirements of the program. Commissioner Tucker asked how they were doing with the second grant to be able to take care of the health and safety issues. Ms. McGuire stated that it was probably not going to happen in this legislative session as there was not the same level of interest by Habitat for Humanity or the community action agencies. She stated that they do receive some funds from the Samaritan Foundation for the Healthy Home Program but those funds are restricted to Brownsville, Sweet Home and Lebanon and clients that are referred to CSC from the Samaritan clinics.

Commissioner Tucker asked if the Youth Build Program could help with the health and safety issues and Ms. McGuire stated that that was a great question; they do try to utilize the Youth Build Program as much as possible for those types of things. Commissioner Tucker suggested the Youth Build Program focus on renovating those houses in order for them to qualify for weatherization. Ms. McGuire stated that that may be a possibility and they could take a look at what the options would be. Commissioner Tucker stated that if CSC needed material to let him know and he would work on donations and grants. Ms. McGuire stated that, generally, purchasing the materials was the main issue.

Ms. McGuire discussed the Workforce Program that provides housing assistance and workforce training, skill improvement and other services to people needing to focus on maintaining their job.

Commissioner Lindsey asked about the new data system named "Apricot" and asked what the cost was to set up that system. Ms. McGuire stated that the cost for set up was around \$50,000 and was required by a grant received from Economic Mobilities Pathways. The funding for the system set up came out of the grant. Commissioner Lindsey asked about the funds for maintenance of the system and Ms. McGuire stated that it would come out of the same grant but she did not have a dollar figure for that cost.

8. Public Hearing – Petition from Jeremy and Callista Toews seeking annexation of a parcel of land to the Scio Rural Fire Protection District – Gene Karandy, County Attorney for Linn County.

Gene Karandy, County Attorney for Linn County, provide an explanation for the hearing and Resolution & Order 2019-358. He stated that the petition was filed in the Linn County Clerk's Office and Tuesday, October 22, 2019 the Board determined that it met the requirements for annexation. The Board then ordered that a Notice for the hearing be made as required by statute and the Notice was mailed. Mr. Karandy stated that there was an issue with the Notice being mailed to the rural fire district which went to an incorrect address; however, the Notice was mailed to the correct address within the statutory timeline.

Mr. Karandy then stated that the Linn County Assessor's Office provided maps and the proposed boundary lines and the Rural Fire Protection District approved the annexation. The Department of Revenue indicated that the maps met the statutory requirements, complied with the local comprehensive plan and the Toews were the listed owners of the property proposed for annexation.

Mr. Karandy stated that his recommendation to the Board would be to approve the annexation and, in addition to approving it, the Resolution & Order would order Mr. Karandy to provide notice to the required statutory entities.

Commissioner Lindsey opened the Public Hearing. He stated that there was a sign-in sheet for anyone wishing to testify and no one signed up. He then asked if there was anyone in the audience wishing to speak.

There being no one wishing to speak, Commissioner Lindsey closed the Public Hearing.

Commissioner Lindsey then asked what the pleasure of the Board was. Commissioner Tucker stated that this matter met the statutory requirements and believed it was the right thing to get the owners into the protection of the Scio Rural Fire Protection District.

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

A. Resolution & Order 2019-358 in the matter of annexation of a parcel of land to the Scio Rural Fire Protection District (Jeremy and Callista Toews).

Action – Commissioner Tucker moved to approve Resolution & Order 2019-358 an annexation of a parcel of land by Jeremy and Callista Tows into the Scio Rural Fire Protection District. The vote was called. The motion passed 2-0.

10. Sheriff's Office – Jeff Schrader, Lieutenant, Linn County Sheriff's Office.

A. Resolution & Order 2019-364 authorizing the publication and distribution of the Request for Proposals for Towing Services for the Linn County Sheriff's Office.

Commissioner Tucker stated that former Commissioner Cliff Wooten has strong interest in this matter.

Lieutenant Schrader stated that the Sheriff's Office went out for a towing contract in 2009 and Resolution & Order 2019-364 would continue that contract by extending it for another four-years. He stated that he believed this gives the best service to the residents of Linn County. Commissioner Lindsey noted that this was the publication phase for the Request for Proposals.

Action – Commissioner Tucker moved to approve Resolution & Order 2019-364. The vote was called. The motion passed 2-0.

11. Juvenile Department – Torri Lynn, Linn County Juvenile Department Director.

Mr. Lynn was not present at the time this matter was heard but did arrive ahead of his scheduled time set on the Agenda.

A. Resolution & Order 2019-359 approving an Intergovernmental Agreement (No. 14327) between the Oregon Youth Authority and Linn County Juvenile Department and delegating authority to execute originals.

Action – Commissioner Tucker moved to approve Resolution & Order 2019-359. The vote was called. The motion passed 2-0.

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

A. Resolution & Order 2019-361 approving a Construction Services Contract between Umpqua Roofing Company, Inc. and Linn County.

Mr. Williams stated that the protest period had ended and his office did not receive any protest to the award recommendation and that Umpqua Roofing Company, Inc. bid a good price; they are a regional business so there will be no cost for travel time. They will be re-roofing the Mental Health Building located on Washington and 3rd Streets.

Action – Commissioner Tucker moved to approve Resolution & Order 2019-361. The vote was called. The motion passed 2-0.

Commissioner Tucker thanked Mr. Williams and his staff for the updates on the three mill sites.

The Board was ahead of schedule and the Executive Session was scheduled for a time certain so they continued with the remainder of the Agenda items then returned to the Executive Session at the designated time.

Commissioner Lindsey recessed the regular Board meeting at 10:07 a.m. Commissioner Tucker stated that there was no expected decision to be made following the Executive Session.

13. Executive Session – Pursuant to ORS 192.660(2)(h)

Commissioner Lindsey reconvened the regular Board meeting at 10:20 a.m.

Commissioner Lindsey stated that, going into the Executive Session, the Board did not anticipate making a decision, however, during the Executive Session it was determined that a decision needed to be made by the Board. He stated that it was in regard to the Morris Trust and a donation to Linn County.

Commissioner Tucker stated that, out of the discussion from the Executive Session, there were multiple options that the Board could do based upon the written notices the Board had received from the attorney for the Morris Trust. One option was to set up a proposed Donor Advisory Fund.

Action – Commissioner Tucker moved to support the Morris family and their efforts to set up a Donor Advisory Fund. The vote was called. The motion passed 2-0.

Commissioner Tucker directed staff to deposit a check received in the amount of \$45,000 plus that came to the County as a first partial payment from the Morris Trust and that an account be set up to manage it and for staff to notify Mr. Morris of the Board's decision.

14. Correspondence: Commissioner Lindsey stated that he was required by the State to notice that on Thursday, October 31, 2019 he received an email of an alleged code violation at a residence in Lebanon. As usual, he talked to the Linn County Planning and Building Director, Robert Wheeldon, and informed him that, if the accusations stated in the email were true, staff should probably follow up on it. Commissioner Lindsey stated that he read the email today, Tuesday, November 5, 2019 but the email from Mr. Wheeldon was dated Thursday, October 31, 2019 addressing the issue at 37605 River Drive which was actually the problem property owned by a William Colvin. Commissioner Lindsey stated that he was required by State law to disclose that Mr. Colvin and another alleged individual at that address had engaged in a criminal issue and both of these individuals were part of a political campaign that Commissioner Lindsey was involved in the fall of 2018 and they were on the campaign team of his opponent. One of those individuals was facing a trial in which Commissioner Lindsey could end up as a potential witness due to other criminal activity. He signed a criminal complaint that was now with the Oregon State Police and the Oregon Department of Justice. Therefore, Commissioner Lindsey stated that he had a conflict of interest and he was unable to look at any further documentation, such as emails, in regard to this matter.

Commissioner Tucker stated that, as the liaison with the Planning and Building Department, he had already been to the Planning department and would work on this matter so Commissioner Lindsey did not have to be involved.

15. Special Orders:

A. Personnel Action Forms were read into the record for: Brian Sorrells (Alcohol & Drug); Jenessa Stutzman (Developmental Disabilities); Shane Sanderson (Environmental Health); Deanna Kozak (Juvenile); Jennifer Leonard (Mental Health); Grace Phelan (Printing) and Rui Lund (Public Health).

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

B. Resolution 2019-365 approving Amendments to the Linn County Personnel Policy Manual (Policy 20).

Ralph Wyatt, Linn County Administrative Officer, stated that the amendments changed Policy 20 to include changes to the holiday schedule for the day after Thanksgiving and the half-day on Christmas Eve. These changes were part of the SEIU contract and applied to Management/Exempt employees. He stated that, statutorily, it changed the Policy so that the pay equity factors were now in our Personnel Policy.

Action – Commissioner Tucker moved to approve Resolution 2019-365 for amendments to the Linn County Personnel Policy Manual. The vote was called. The motion passed 2-0.

C. Resolution 2019-366 approving Amendments to the Determination of Record Request Costs and Procedure Policy (Policy 35).

Mr. Wyatt stated that the changes were statutory to comply with State law changes on how records requests are processed and the cost and timeline of processing the requests.

Commissioner Tucker stated that he had difficulty with the changes. He stated that he had called the State to get documents he wanted on the annual plan and forest inventory and was told he was not allowed to see those records and would need to fill out a Freedom of Information Act; every year in the past, he had received those documents. Commissioner Tucker stated that if someone called Linn County he did not want to have employees telling the public to complete a Freedom of Information Act when it may be a simple request that would take five minutes to pull a file. Gene Karandy, County Attorney for Linn County, stated that the way the County's policy was set up there would be no problem for the departments to give the documents without charging a fee for something that didn't take a lot of time. Mr. Karandy stated that the main change to the policy was to enshrine the statutory timelines to tighten them up. He stated that the laws didn't apply to Commissioners making a public records request

to the State; Commissioners do not have any rights under the public records law. Commissioner Tucker stated that he was not aware of that.

Commissioner Tucker asked Mr. Wyatt to discuss this at the Management Staff meeting to define the costs. Mr. Wyatt stated that his observation was that when the telephone rings and someone has a request for public records that it is given to them right then and does not become a formal request. The major thing that he would consider as a formal request for public records would come from attorneys. Discussion followed.

Commissioner Lindsey discussed the public records issue with regard to Linn County employees and how he believed they should be handled in the future; we live in a time that we don't know who is actually requesting those records and we should start keeping a log of those requests and the employee should be made aware.

Action – Commissioner Tucker moved to approve Resolution 2019-366. The vote was called. The motion passed 2-0.

16. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. It was noted that Monday, November 11, 2019 is Veterans' Day and likely the Commissioners would be at the Veterans' Day Parade; Commissioner Tucker will be walking in the parade.

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

18. Announcements:

A. Through November 26, 2019 the Board announced that they would be conducting their weekly Board meetings in the Courthouse Basement Meeting Room (subject to change).

B. Announced that there would be a Management Staff Meeting on Wednesday, November 6, 2019 at 11:30 a.m. in the Courthouse Basement Meeting Room.

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

Mr. William Schrader, audience member, asked to make a comment regarding Commissioner Lindsey's comment about public records involving County employees. He stated that the Sheriff's deputies could have their address changed to the Sheriff's Office address; however, the addresses in the County's Tax Assessor's Office could easily be found. Discussion followed.

Commissioner Lindsey stated that all other business had been conducted and he returned to Item No. 13 – Executive Session as noted above.

20. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:22 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, November 12, 2019.

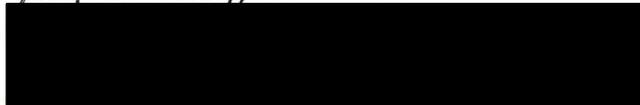
 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS

ABSENT

Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

Date 11-12-2019