



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, AUGUST 15, 2303**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, August 15, 2023.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Todd Noble, Linn County Health Services Administrator; Dr. Adam Brady, Linn County Health Officer; Shane Sanderson, Linn County Public Health Program Manager; Rebecca Hall, Privacy and Compliance Officer, Linn County Health Department; Sandy Minta, Mental Health Program Manager; Kris Barnes, Linn County Fair and Expo Director; Torri Lynn, Linn County Juvenile Department Director; Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Rachel Adamec, Linn County Real Property Program Manager; Michelle Hawkins, Linn County Treasurer; Wayne Mink, Linn County Roadmaster; Kevan McCulloch, Deputy County Attorney for Linn County; Alex Paul, Linn County Communications Officer and Shayla Escudero, Reporter for *Democrat-Herald*.

1, 2, 3. At 9:30 a.m. Chair Nyquist called the meeting to order. The flag salute and roll call followed. Commissioners Roger Nyquist, Chair; Will Tucker, Vice-Chair and Commissioner Sherrie Sprenger were present, as well as, Darrin Lane, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners.

4. Approval of Agenda.

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

5. Approval of the August 8, 2023 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the August 8, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Sheriff's Office – Michelle Duncan, Linn County Sheriff.

Sheriff Duncan provided background information regarding this item.

A. Resolution & Order 2023-260 approving an Amendment No. 6 to an Intergovernmental Agreement (Agreement No. 5187) between the State of Oregon Department of Corrections and Linn County and delegating authority to sign originals.

Action - Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-260.

A discussion followed regarding Measure 110 and how reducing the number of jail beds from 34 to 20 would impact the Sheriff's budget.

Commissioner Tucker asked the Board if they would want to prepare a letter opposing Measure 110. Commissioner Nyquist stated that, early in the legislative session, the Board had asked legislators to address Measure 110 and improve the situation. He didn't think that another letter would be helpful but suggested that the County departments affected by the measure put together data on this matter. Discussion continued.

Commissioner Nyquist recommended that the Board review the data from the departments and postponed this matter until next week unless there was a deadline to consider it today. Sheriff Duncan stated that delaying this matter would not really change anything.

Commissioner Nyquist stated that he would be voting no on this matter.

The vote was called. The motion passed 2-1 with Commissioner Nyquist voting in opposition.

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

A. Communicable Disease and Vital Statistics Reports – Dr. Adam Brady, Linn County Health Officer.

Dr. Brady provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for July, 2023. A copy of the reports is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

B. Environmental Health Monthly Activity Report – Shane Sanderson, Linn County Public Health Program Manager.

Mr. Sanderson provided the Board with an overview of the Environmental Health Monthly Activity Report for July, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Sprenger asked Mr. Sanderson how many camps were in Linn County in reference to Mr. Sanderson's comment that his department had inspected 3 organizational camps and Mr. Sanderson replied that there were 17.

Commissioner Nyquist stated that the Board had approved a rate increase for garbage haulers who met individually with the County team. He stated that he believed one component of their methodology was flawed and they had projected for the current year an inflation rate of 8 percent but it was actually more in-line with a 4 percent rate. Commissioner Nyquist stated that he would like to see, for the record, the rate recalibrated and asked Mr. Sanderson to stay on top of this matter.

Todd Noble, Linn County Health Services Administrator, provided background information on the following items:

C. Resolution & Order 2023-268 approving a Student Affiliation Agreement between George Fox University and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-268. The vote was called. The motion passed unanimously.

D. Resolution & Order 2023-281 approving an Amendment No. 4 to an Intergovernmental Grant Agreement for substance abuse prevention & treatment (Contract No. 154991-4) between the State of Oregon, Oregon Health Authority and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-281. The vote was called. The motion passed unanimously.

E. Resolution & Order 2023-282 approving Amendment No. 1 to a Professional Services Contract between Samaritan Health Services, Inc. and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-282. The vote was called. The motion passed unanimously.

F. Resolution & Order 2023-286 approving a Student Affiliation Agreement between the University of Montana and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-286. The vote was called. The motion passed unanimously.

G. Resolution & Order 2023-288 approving Amendment No. 1 to an Intergovernmental Agreement between the Oregon Health Authority (Agreement No. 171300-1) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-288. The vote was called. The motion passed unanimously.

H. Resolution & Order 2023-289 approving Amendment No. 1 to an Intergovernmental Agreement for Transportation Services between the State of Oregon (Agreement No. 162635) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-289. The vote was called. The motion passed unanimously.

I. Resolution & Order 2023-299 approving Amendment No. 2 to an Intergovernmental Agreement between Multnomah Education Service District and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-299. The vote was called. The motion passed unanimously.

J. Resolution & Order 2023-300 approving Amendment No. 2 to an Intergovernmental Agreement between the State of Oregon, Oregon Health Authority (Agreement No. 173264) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-300. The vote was called. The motion passed unanimously.

8. Reports of Staff and Committees:

A. Fair/Expo Update – Kris Barnes, Linn County Fair and Expo Director.

Mr. Barnes provided the Board with a Fair/Expo Update for June and July, 2023 and a report on the Linn County Fair. A copy of his reports are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Tucker stated that he appreciated Mr. Barnes' work and his creative way in getting more seating available at the concerts, as well as, selling sponsorships for the Fair. Commissioner Sprenger stated that she didn't receive a single complaint about this year's Fair. She gave kudos to Mr. Barnes and the Fair Board and gave this year's Fair an A+. Mr. Barnes stated that it couldn't have been done without the help of other departments that were involved with the Fair.

Commissioner Nyquist also thanked the City of Albany Parks Department for making parking available at Timber Linn Park; it made parking much better than in the past years. He stated that the Fair was at a place that the Board may need to consider putting in some permanent infrastructure but that they needed to know what the bottom line financials were for this year's Fair. Commissioner Nyquist gave two examples of permanent infrastructures; replacing the tent for sponsorship with a permanent covering and making more seating available for the concerts. He then asked Mr. Barnes to have those financial details available at next month's update.

1. Resolution & Order 2023-313 approving a Grant Agreement between the State of Oregon and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-313. The vote was called. The motion passed unanimously.

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

Torri provided background information regarding the following items:

A. Resolution & Order 2023-294 approving an Intergovernmental Agreement for services to juveniles between Oregon Youth Authority (Agreement No. 15040) and Linn County and delegating authority to execute originals.

Action Taken Below.

B. Resolution & Order 2023-295 approving an Intergovernmental Agreement for services to juveniles between Oregon Youth Authority and Linn County (Agreement No. 15079) and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Orders 2023-294 and 295. The vote was called. The motion passed unanimously.

10. Planning and Building Department – Steve Wills, Linn County Planning and Building Director.

Alyssa Boles, Planning Manager, presented the following item:

A. Ordinance 2023-296 amending the Tangent Urban Growth Boundary.

Commissioner Sprenger asked if there had been any opposition to this matter and Ms. Boles indicated that, to her knowledge, there had been no opposition.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Ordinance 2023-296. The vote was called. The motion passed unanimously.

B. Resolution & Order 2023-303 approving an Intergovernmental Agreement between the State of Oregon and Linn County and delegating authority to execute originals.

Mr. Wills stated that this item was in regard to performing services related to the Department of Energy Facilities Siting Counsel in relation to the solar farm.

Action – Commissioner Tucker moved to approve Resolution 2023-303.

Commissioner Sprenger stated that she was not prepared to second the motion until she had more information. She stated that Mr. Wills mentioned “solar” so the Board needed to clearly understand what this IGA did. Mr. Wills stated that this would establish an agreement between the State of Oregon Department of Energy and Linn County for services related to the review of the Energy Facilities Siting Counsel project and related documents to identify the procedure authorizing the work invoice and payment, as well as, naming Alyssa Boles to be the contact representative for Linn County. Commissioner Sprenger clarified that this Agreement was not approving or making a decision about solar facilities but about Linn County having an official voice and a place at the table and that the County’s spokesperson would be Ms. Boles, Linn County’s Lead Planner. Mr. Wills stated that that was correct.

Commissioner Sprenger seconded the motion and stated that she did not want Linn County to lose their spot at the table.

Commissioner Nyquist stated that there was a motion and a second.

Commissioner Nyquist asked Mr. Wills that, if the Board did not sign the Agreement today, would there be any consequences and Mr. Wills stated he couldn’t answer that but Commissioner Tucker stated that signing the Agreement would cement Linn County’s engagement level. Commissioner Sprenger then called upon Ms. Boles to provide an explanation. Ms. Boles stated that the Agreement would appoint a staff contact person for the Department of Energy to send information to, as well as, it would allow the County to potentially be reimbursed for staff time for reviewing information. Discussion followed.

Commissioner Sprenger stated that she was willing to sign the Agreement, however, she wanted her reasons for signing it and her conditions to be completely and accurately conveyed by all involved. She wanted to be sure that Ms. Boles stayed in the loop of all communications and was at the table of all meetings at the State level. She stated that Ms. Boles had clearly heard from the Board their concerns and the concerns of the residents and this is a method for the County to be involved. Commissioner Sprenger stated that, if the Board did not sign this Agreement, the State would comment that Linn County didn’t even appoint a representative and are not participating. As far as the reimbursement piece of the Agreement, Commissioner Sprenger stated that she wasn’t as concerned about the reimbursement part of the Agreement but wanted to be sure that the work got done and that it was not tied to the County’s involvement with the Department of Energy whatsoever. She stated that she was confident Ms. Boles would be a strong voice at the table and was prepared to sign

the Agreement because she wanted a strong voice at the table regarding all solar projects.

Commissioner Tucker stated that he had voiced his concerns and comments to Ms. Boles. He stated that if the State was willing to reimburse the County for Ms. Boles work then he wanted to get the reimbursement and keep that money in the County's General Fund; it's rare for the State give reimbursements and he wanted to get it whenever they could.

Commissioner Nyquist stated that he was gun-shy about the County's involvement and referenced the chicken ranch. He stated that he was concerned that this would mirror that exercise and that Ms. Boles' participation would be limited to making technical arguments on a criteria and policy that the Board wouldn't agree with.

Commissioner Sprenger stated that a second to the motion had not been made.

Commissioner Sprenger suggested to the Board that this matter be moved to next week's agenda as her concern was that, in the lengthy document before them, not everyone had read it and it may be construed that the Board was saying yes to what the State wants for a solar facility. Commissioner Sprenger stated that, if they amended the Agreement to add some "whereas" statements to couch the action of the Board's vote, she would have a greater level of comfort. Presently, she indicated that she was nervous about saying yes to something involving a solar facility.

Commissioner Tucker withdrew his motion.

Commissioner Nyquist stated that, if it pleased the Board, this item would be continued to next Tuesday, August 22, 2023. Commissioner Sprenger brought up the "whereas" statements she requested to be made to the document. Darrin Lane, Linn County Administrative Officer, clarified that she was asking that the Resolution & Order be amended and Commissioner Sprenger agreed.

11. Property Management – Rachel Adamec, Linn County Real Property Program Manager.

A. Resolution & Order 2023-283 approving an Application for Land Division to be filed with the City of Tangent.

Commissioner Tucker stated that he had balked at the fact of giving away County property but, with the work that has been done he understood the developers would bring the property up to standards.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-283. The vote was called. The motion passed unanimously.

12. Treasurers' Office – Michelle Hawkins, Linn County Treasurer.

Ms. Hawkins provided background information on the following items:

A. Order 2023-310 accepting an expenditure and a revenue increase within the Heath Fund, \$220,850.

Action Taken Below.

B. Order 2023-311 approving the transfer of certain appropriations within the Heath Fund, \$241,150.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Orders 2023-310 and 311. The vote was called. The motion passed unanimously.

C. Order 2023-312 approving the transfer of certain appropriations within the Grant Fund, \$37,000.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-312. The vote was called. The motion passed unanimously.

13. Correspondence: Commissioner Nyquist entered into the record a letter he had sent to the Oregon Department of Energy dated Friday, August 11, 2023 related to the Muddy Creek Energy Park project. He noted new information in the letter which included the prospect that property owners, who've signed leases for the solar project, would be exposed to losing their status for property tax purposes as EFU ground and exposed them to the potential of having to pay ten years in back taxes on that changed valuation should that happen. He did not know if the public or tax payers involved were aware of that. Commissioner Nyquist stated that the leases may address that issue but he doubted it. A copy of the letter is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

14. Special Orders:

A. Personnel Action Forms.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Personnel Action Forms list as Exhibit 1. The vote was called. The motion passed unanimously.

B. Resolution & Order 2023-291 approving a Cooperative Service Agreement Trust Fund for Wildlife Damage Management between the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Service and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-291. The vote was called. The motion passed unanimously.

C. Resolution & Order 2023-301 amending a classification and title from Payroll Specialist/Analyst to HR/Payroll Manager and amending the Pay Range from 14 to 17 (Management/Exempt-Pay Range 17).

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-301. The vote was called. The motion passed unanimously.

D. Resolution & Order 2023-302 approving a First-Time Youth Wage Grant Agreement between Linn County and A & W Restaurant.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-302. The vote was called. The motion passed unanimously.

15. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

16. New Business: Commissioner Sprenger apologized to the Board for not getting back to them sooner about streaming the Board meetings as she had brought up the idea several times.

Commissioner Sprenger stated that she had been working with Steve Braaten, Linn County's former IT Director, who had done a lot of work on how to stream the Board meetings and Karen Guilford, Interim IT Director, had picked up where Mr. Braaten left off by reviewing and updating the information as needed. Commissioner Sprenger stated that she had a document to disseminate on how the County would stream the Board meetings including the cost of doing so. She stated that she was not the only one who had struggled with the current communication when dialing into a Board meeting. She stated that she wanted direction from the Board about the process to move forward; was there consensus from the Board or did they need to vote on the matter. She wanted to hear their feedback on how they thought she should move forward on this matter. Discussion followed.

Commissioner Tucker stated that he had not heard that there had been an outcry for the Board to stream the Board meetings. He stated that he did concur that managing people who don't put their phones on mute when participating in the Board meeting via teleconferencing was an issue. Commissioner Tucker stated that it would depend on

how much money would need to be spent to stream the Board meetings and what method for streaming would be used such as YouTube Live. The audio recording of the Board meetings is available and, again, he hadn't heard an outcry for the County to spend money for this.

Commissioner Nyquist stated that he believed that streaming the Board meetings would create a different environment. Although the Board is professional in how they conduct business and give a warm and friendly environment to have honest conversations, he believed that in streaming the meetings people may be more guarded and limited when having a conversation with public officials knowing it may be on YouTube for who knows how long. Commissioner Nyquist stated that he wouldn't want to do anything that would negatively impact the honest conversations that they have now and recommended that Commissioner Sprenger also ask other Elected Officials what their thoughts on the matter would be. The other thing he mentioned was that the Board room was not designed to have camera angles that would make streaming effective, as well as, there is a cost, initially, for the purchase of the equipment and ongoing cost to run the equipment and post it to the streaming service.

Commissioner Nyquist stated that the legislature passed a law that says anybody who is on streaming has the right to public comment such as anyone watching around the world. He knows of other jurisdictions that have had problems with pirates high-jacking their meetings and coming on the screen with things they wouldn't want to see and causing problems. Commissioner Nyquist stated that we are the Linn County Board of Commissioners and conduct the public's business and we do it without grandstanding or fanfare. He stated that he respected Commissioner Sprenger's goal and desire but wouldn't want it to detract from the effectiveness of conducting meetings and the public's business. Commissioner Nyquist also stated that he was concerned about the cost of streaming.

Commissioner Sprenger thanked the Board for their feedback and voicing their valid concerns, however, she believed that she could provide them with information that would give them an answer for all their concerns. Discussion continued.

Commissioner Sprenger then suggested that this matter be moved forward and be added to the agenda next week, Tuesday, August 22, 2023 where she can address and explain how this process would work so everyone had the information to review as they move forward. Commissioner Tucker asked Commissioner Sprenger that, if she had a proposal regarding the process and technology to be used, he would like to read and review it prior to next week's Board meeting. Commissioner Sprenger stated that she would get the information to them. Commissioner Nyquist stated that he didn't believe one week would provide enough time to speak to the other Elected Officials or give them time to review and give an adequate response. Commissioner Sprenger then suggested moving it two weeks out from today to Tuesday, August 29, 2023. Commissioner Nyquist asked that she get the information out in advance of this being on the agenda and she responded absolutely.

17. Announcements: There was no announcements.

18. Business from the Public (3-minute limit per speaker): There was no one present from the public wishing to use this forum neither in person or telephonically.

19. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:58 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, August 22, 2023.

, Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 8-22-2023