



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, NOVEMBER 28, 2023**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, November 28, 2023.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Micah Smith, Linn County Undersheriff; Andy Franklin, Captain Support Services Division, Linn County Sheriff's Office; Torri Lynn, Linn County Juvenile Department Director; Todd Noble, Linn County Health Services Administrator; Michelle Hawkins, Linn County Treasurer; Gene Karandy, County Attorney for Linn County; Alex Paul, Linn County Communications Officer; Alysia Rodgers, Economic Development Catalyst, City of Lebanon 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 Courtney Leland, Recorder for the Board of Commissioners.

4. Approval of Agenda.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the agenda.

Commissioner Nyquist indicated that there were a couple requests from the public during last week's Board meeting. The requests were for a Detox Facility and a Noise Ordinance in Linn County. He asked the Board if they would like to discuss one or both of the topics today under Unfinished Business. Commissioner Tucker suggested spending a couple minutes on each topic. Commissioner Sprenger expressed her concern with the lack of information present to hold an informed discussion but agreed a discussion needed to be held on both topics.

The vote was called. The motion passed unanimously.

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

Andy Franklin, Captain Support Services, Linn County Sheriff's Office, presented the following items.

A. Resolution & Order 2023-404 approving a Full-Time Temporary Employment Agreement for a Deputy Sheriff.

Captain Franklin stated that Deputy Chris Fairchild would be retiring at the end of this year and this request would allow him to contract back under a Temporary Employment Agreement for one year. Commissioner Tucker expressed his support to this request.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-404.

Commissioner Sprenger expressed her support for this request and asked why the County does hire backs. Sheriff Duncan indicated that all contracted employees have the understanding that if for some reason the Sheriff's Office is fully staffed, their position would be given to someone who was not contracted back.

The vote was called. The motion passed unanimously.

B. Resolution & Order 2023-405 approving a Part-Time Temporary Employment Agreement for a Background Investigator.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-405. The vote was called. The motion passed unanimously.

C. Resolution & Order 2023-407 approving a Grant Agreement No. SP23-235 between the State of Oregon Department of Emergency Management State Homeland Security Program and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-407. The vote was called. The motion passed unanimously.

D. Resolution & Order 2023-408 approving a Grant Agreement No. SP23-270 between the State of Oregon Department of Emergency Management State Homeland Security Program and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-408. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees:

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

Mr. Lynn provided the Board with a Juvenile Department Update for the month of October, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Lynn indicated that the Juvenile Department had met with both the Lebanon and Sweet Home School Districts regarding expanding the middle school program and it is set to start right after the Christmas break.

Commissioner Nyquist asked Mr. Lynn to provide the Board with a general update of the department, such as, the pace of the office and workloads of employees. Mr. Lynn indicated that if there was any more of an increase to caseloads, the Board might want to consider adding a probation position.

Commissioner Tucker thanked Mr. Lynn for his dedication to the youth.

7. Health Department – Todd Noble, Linn County Health Services Administrator.

A. Resolution & Order 2023-397 approving an Intergovernmental Agreement between the Oregon Health Authority (Agreement No. 1801424) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-397. The vote was called. The motion passed unanimously.

8. Treasurer's Office – Michelle Hawkins, Linn County Treasurer.

A. Order 2023-402 approving a transfer of certain appropriations within the Health Fund, \$165,000.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-402. The vote was called. The motion passed unanimously.

B. Order 2023-406 accepting an expenditure and a revenue increase within the Law Enforcement Fund, \$1,487,604.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-406. The vote was called. The motion passed unanimously.

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

10. 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.

Darrin Lane, Linn County Administrative Officer, presented the following items.

B. Resolution & Order 2023-411 approval of a Letter of Understanding between Linn County Road Department and Teamsters Local Union No. 670 and Linn County and delegating authority to execute the original.

Action taken below.

C. Resolution & Order 2023-412 approving a Memorandum of Understanding between SEIU Local 503, OPEU Linn County Local 390 and Linn County and delegating authority to execute the original.

Action taken below.

D. Resolution & Order 2023-413 approving a Memorandum of Understanding between Linn County Juvenile Detention Association and Linn County and delegating authority to execute the original.

Action taken below.

E. Resolution & Order 2023-414 approving a Letter of Agreement between Linn County Deputy Sheriff's Association and Linn County and delegating authority to execute the original.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-411, 412, 413 and 414. The vote was called. The motion passed unanimously.

F. Approving a Wrecking License for Aerostar Towing & Auto Wrecking with a Letter of Understanding.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve a Wrecking License for Aerostar Towing & Auto Wrecking with a Letter of Understanding. The vote was called. The motion passed unanimously.

11. Unfinished Business and General Orders:

A. Resolution & Order 2023-415 approving the purchase of property pursuant to a Purchase and Sale Agreement between Ohanamula, LLC and Linn County (finalizes purchase of Wheelhouse property and delegates authority).

Commissioner Nyquist asked for clarification on the final purchase price. Mr. Lane indicated that the final purchase price would be determined at closing due to additions and subtractions of when lease agreements inside of the building were made, as well as, the property taxes for the building. Gene Karandy, County Attorney for Linn County, indicated that, as of now, the final purchase price was \$6.25 million dollars but could fluctuate based on the factors shared by Mr. Lane. Commissioner Tucker thanked Mr. Lane for his efforts in finalizing this purchase.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-415. The vote was called. The motion passed unanimously.

B. Calendar Update: The Commissioners updated their calendars.

Commissioner Nyquist discussed the impacts that the public shared with the Board from last week's Board meeting in regard to enforcing a noise ordinance in Linn County, rural areas. He expressed having a discussion around how to manage the noise and create parameters without there being a call into the Sheriff's Office every time a neighbor made noise. Commissioner Nyquist stated that one of the problems around this situation was that the Disturbing the Peace Statue wasn't really applicable in this case. Sheriff Duncan indicated that the only State law that pertained to a noise ordinance in Linn County was disorderly conduct and the component to that law stated that the public had to be disturbed. It was deemed by the Linn County Circuit Court Judges that it had to be disruptive to three or more entities and, in most cases, neighbors don't want to testify. A lengthy discussion followed.

Commissioner Nyquist referred to the Willamette Country Music Festival noise ordinance which was crafted by the Board. He stated that there was a condition in the ordinance that addressed amplified sound and suggested that the Board consider crafting something like that without it encroaching on the freedom of Linn County residents. Commissioner Tucker indicated that the problem, while crafting the noise ordinance for the Willamette Country Music Festival was the measurement of amplified sound and stated that Linn County didn't have the tools to measure amplified sound. Commissioner Tucker stated that the Planning and Building Department should connect with other counties and provide feedback to the Board on their practices. Moving forward he wanted to ensure that there was a balance to residents and their rights, meaning, we were only measuring amplified sound. Commissioner Sprenger indicated that disorderly conduct was a poor fit for a noise complaint in most cases and suggested that a group of Linn County Departments work together to craft an ordinance. Commissioner Tucker indicated that there were parts of the noise ordinance that he didn't want to include which was any noise outside of amplified music. He suggested that the Board receive the information measuring the amplified sound and then move forward into looking at confining hours or allotting periods of time for amplified music. Commissioner Nyquist stated that this should be approached with caution for the residents of Linn County. Discussion followed.

The next discussion was in regard to a request for a detox facility in Linn County. Commissioner Nyquist discussed the challenges with addiction in our community around Measure 110. Commissioner Sprenger asked for clarification on the difference between a detox facility and a crisis center. Todd Noble, Linn County Health Services Administrator, discussed that it was a requirement from the State for Linn County to expand mobile crisis services and part of the requirement was for the County to offer a receiving center. As far as a detox facility, those were required to be staffed by medical professionals and, as of now, there was no funding available for a detox center. He indicated that prior to this request, the Linn County Health Department had been working with Intercommunity Health Network CCO and Samaritan Health Services about some potential future options. A lengthy discussion followed.

Commissioner Sprenger indicated that she needed more information on the need of a detox facility in Linn County in order to make an informed decision. She indicated that Josephine County had a detox facility and she wanted to know how that facility was doing since Measure 110 passed. Discussion followed.

Commissioner Nyquist expressed that around seven years ago there was a policy change made to the Alcohol and Drug budget and that was, all money received from the Oregon Liquor and Cannabis Commission (OLCC) was to go toward Alcohol and Drug Treatment so, throughout this process as a County, we shouldn't lose sight of our priorities which was to give individuals the tools they needed to overcome their addiction.

Commissioner Nyquist asked Mr. Noble to perform an analysis of the need and to find funding streams then to come back before the Board with that information. Commissioner Sprenger indicated that she would like to revisit this discussion in two months. Commissioner Nyquist asked Mr. Noble to provide a more detailed report from Alcohol and Drug with his monthly report from the Health Department. Commissioner Tucker indicated that it would help him to know how many people were completing the program. Mr. Noble indicated that Linn County had the largest Alcohol and Drug program in the area and he would obtain some data for measurement.

Mr. Lane indicated that staff should get back to the Board next week because the discussion was still undefined and broad. Commissioner Nyquist reinstated the importance of a funding stream, otherwise, he wasn't sure where we could go as a County.

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

13. Announcements: There was no announcements.

14. 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.

15. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:45 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, December 5, 2023.

 Recorder
For Board of Commissioners
Courtney Leland

LINN COUNTY BOARD OF COMMISSIONERS



Roger Nyquist, Chair



William C. Tucker, Vice-Chair



Sherrie Sprenger, Commissioner

Date 12-5-2023