



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
WEDNESDAY, JANUARY 3, 2024**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Wednesday, January 3, 2024.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Andy Franklin, Captain Support Services Division, Linn County Sheriff's Office; Ryan Vogt, Executive Director, Oregon Cascades West Council of Governments; Dee Baley-Hyder, Linn County Veterans Services Officer; Michelle Hawkins, Linn County Treasurer; Rachel Adamec, Linn County Real Property Program Manager; Todd Noble, Linn County Health Services Administrator; Stacey Whaley, Linn County Parks and Recreation Director; Alysia Rodgers, Economic Development Catalyst, City of Lebanon; Alex Paul, Linn County Communications Officer and Bill Poehler, Reporter for Statesman Journal.

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 December 12, 2023 and December 19, 2023 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the December 12, 2023 and December 19, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Resolution 2024-001 election of the Chairperson and Vice-Chairperson of the Linn County Board of Commissioners for the year 2024.

Commissioner Tucker stated that things had worked smoothly with the continuity of the current Chair and Vice-Chair.

Action – Commissioner Tucker moved and Commissioner Nyquist seconded the motion to elect Commissioner Nyquist as Chair and Commissioner Tucker as Vice-Chair for 2024.

Commissioner Sprenger stated that she was not looking to be nominated, however, this had been the third time since she's been a Commissioner that the Board had fallen into the same routine of who was elected Chair and Vice-Chair. She believed that it was a self-made motion of two positions which dampens the opportunity for a robust conversation to pick the Chair and Vice-Chair in separate motions. Commissioner Sprenger stated that Commissioner Tucker had mentioned before that rotating the positions was a good thing and that one Commissioner did not have more authority than the other Commissioners although the Chair may have slightly more responsibilities. She then stated that she was not going to second the motion because she would no longer second motions that were a block nomination and that next year she would make a motion that the positions rotate. Commissioner Sprenger noted that she would vote for this motion, however, anyone on this Board could be Chair and Vice-Chair and would do a good job.

The vote was called. The motion passed.

7. Resolution 2024-002 designating newspapers for official publications for year the 2024.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Resolution 2024-002. The vote was called. The motion passed unanimously.

8. Joint Resolution of the Board of Commissioners and the Fair Board Commissioner Order No. 2024-003 adopting a Resolution and Order regarding the use of the Linn county Fair and Expo Center for July, 2024.

Commissioner Nyquist stated that this was an annual Agreement that was recommended by the County Attorney as the statute is not clear on this matter.

Action – Commissioner Sprenger moved and Commissioner Tucker seconded the motion to approve Joint Resolution 2024-003. The vote was called. The motion passed unanimously.

9. Resolution 2024-005 appointing the Justice of the Peace Pro Tempore (District 4A).

Commissioner Tucker stated this Resolution appoints John Kennedy and Robert Snyder as Pro Tempores for District 4A.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2024-005. The vote was called. The motion passed unanimously.

10. Resolution 2024-006 appointing the Linn County Tax Collector.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2024-006. The vote was called. The motion passed unanimously.

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

Andy Franklin, Captain Support Services Division, Linn County Sheriff's Office, presented the following item on behalf of Sheriff Duncan and provided background information.

A. Resolution & Order 2024-008 approving an Amendment No. 2 to an Intergovernmental Agreement for the State of Oregon Department of Administrative Services and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-008. The vote was called. The motion passed unanimously.

12. COG Quarterly Update – Ryan Vogt, Executive Director, Oregon Cascades West Council of Governments.

Mr. Vogt provided the Board with a COG Quarterly Update. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Vogt stated that he was happy to announce that they have hired Jaclyn Disney as the new Community and Economic Development Director for COG; she will start next week. He also mentioned that the AAMPO Regional Transportation Plan had been approved in November, 2023 and that it was prepared in-house; this was a testament to COG's Transportation Advisor and staff.

In regard to small business loans, staff had been productive in getting people enrolled. Most recently, they approved a loan for a veteran-owned junk hauling and clean-up business, Jake's Handyman Services, LLC. They were able to help him with his business model.

Commissioner Nyquist asked Mr. Vogt to provide an update on COG's funding streams for the senior service programs. Mr. Vogt provided a short update and indicated that those programs were stable. Discussion followed regarding the transportation plan.

13. Reports of Staff and Committees:

A. Veterans Services Quarterly Update – Dee Baley-Hyder, Linn County Veterans Services Officer.

Ms. Baley-Hyder provided the Board with a Veterans Services Quarterly Update. A copy of her update is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Nyquist clarified that "recovery" meant the efforts to help veterans receive the benefits they deserve.

Commissioner Tucker thanked Ms. Baley-Hyder for helping to find a veteran at the Veterans Home his final resting place; she was very professional and helpful. He also thanked her and her staff for taking a suicide course in order to identify clues to be able to help veterans.

Commissioner Nyquist asked Ms. Baley-Hyder when she thought her department would be moving to their new location. She referred to Darrin Lane, Linn County Administrative Officer. Mr. Lane indicated that there was not a set date but hoped it would be sometime this spring. He was scheduled to do a walk through of the building to be sure there were no concerns. They already have the permits to start construction. Commissioner Nyquist stated that signage was an important key to the location. Mr. Lane and Ms. Baley-Hyder agreed.

1. Resolution & Order 2024-009 approving a Grant Agreement between the State of Oregon and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-009. The vote was called. The motion passed unanimously.

14. Correspondence:

A. Correspondence to The Honorable Governor Tina Kotek in regard to the management of the reservoir system in Linn County by the U.S. Army Corps. of Engineers.

Commissioner Tucker stated that the Board signed a letter that was prepared by Representative Jami Cate's Office; Linn County was one of many counties that encouraged the Governor's office to look at what was happening in regard to the reservoir system. He stated that a copy of the letter would be available for anyone who would like to review it. Commissioner Nyquist stated that the letter called attention and brought into question the role that the State played before the judge in getting the plan

approved. Commissioner Tucker agreed and stated that there would be another letter sent to the Governor, in the near future, that would point out another department's role in supporting the plan. Commissioner Sprenger stated that she had received that letter and it was addressed to the U.S. Army Corps. of Engineers in regard to the implementation of the judge's order including the Department of Fish and Wildlife.

B. Correspondence to the members of the 2024 Oregon Legislature requesting an appeal of Measure 110.

Commissioner Nyquist stated that Alex Paul, Linn County Communications Officer, was preparing a letter regarding this matter. He also stated that the agenda should have indicated that the County was requesting a "repeal" of Measure 110; not an "appeal".

Commissioner Nyquist recognized Michelle Duncan, Linn County Sheriff, and asked if she wanted to comment on this matter. Sheriff Duncan stated that they could all see the problems of homelessness and mental health which are closely tied to drug use. It was apparent, by what they saw on the streets and in their communities, that this issue had not gotten better but worse since Measure 110. She stated that there was nothing that Measure 110 had fixed and, from the data that had been collected since August 31, 2023, it was still less than one percent of those who were issued a ticket for violation that sought an assessment of drug treatment; it has not been affective. Sheriff Duncan stated that Measure 110 would continue to harm the communities and youth as they see that there are no consequences for hard drug use. Commissioner Nyquist recognized Todd Noble, Linn County Health Services Administrator who agreed with the Sheriff's comments and stated that he was meeting with Representative Sanchez today, Tuesday, January 3, 2024, to discuss that Measure 110 needed to be radically changed.

Commissioner Tucker stated that the Santiam Hospital, again, was seeking letters of support and he asked the Board whether or not they would prefer to provide them with a generic letter or individual letters to specific agencies. Santiam Hospital needed about six letters of support to apply for the different federal grants. After discussion, the Board agreed to provided individual letters of support.

15. 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 2024-010 amending a classification for Real Property Program Manager and changing the Pay Range from 12 to 44 16 (Management/Exempt – Pay Range 44 16).

Mr. Lane stated that an error was made and the Pay Range should've indicated that it was increasing from 12 to 16 not 12 to 14. He stated that the Resolution & Order before

them today had been revised to reflect the corrected Pay Range. Mr. Lane stated the amendments reflected changes and responsibilities to this position since it was first created three years ago and, since then, the County had acquired additional properties and now manages tenants.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-010. The vote was called. The motion passed unanimously.

C. Resolution & Order 2024-013 approving a Personal Services Contract between Sussman Shank, LLP and Linn County.

Gene Karandy, County Attorney for Linn County, presented this item and provided the Board with background information.

Mr. Karandy stated that this matter was in regard to litigation that had come out of a Supreme Court case several months ago declaring that tax systems similar to Oregon where all the equity remaining in a property would go to government was unconstitutional taking. He stated that, currently, there were three law suits by other counties seeking class certification for all counties as defendants in the litigation. There were 18 County Counsels who got together and had sought to hire Sussman Shank. Mr. Karandy stated the he would be one of six County Counsels that would work directly with Sussman Shank so, hopefully, Linn County would have some influence on the litigation. He continued to provide additional background information.

Commissioner Nyquist stated that he wanted to be clear, since the courts decision, the County had not sold any property and kept the equity. Mr. Karandy stated that the County had sold a few properties but the money had not been distributed to the taxing districts and, according to Rachel Adamec, Linn County Real Property Manager, she worked with Michelle Hawkins, Linn County Treasurer, to put those funds in a trust. Mr. Karandy stated that, if the class gets certified, this court case would be the vehicle to distribute those funds to date. Discussion continued.

Commissioner Nyquist stated that he would vote for this item but wanted to be clear that it was not his intent to use litigation to stonewall what's a clear Supreme Court decision that intuitively seemed like the right one. The question for Linn County was the details of how they would implement that decision. Commissioner Sprenger echoed those comments and stated that getting clarity was incredibly important. She stated that there are 36 Oregon Counties and 18 were choosing to be a part of the litigation and each were bringing, initially, \$10,000. She stated that there was nothing prohibiting a county from withdrawing at any time and Mr. Karandy stated that was correct. Also, she stated that everyone would be bound, potentially, by this decision.

Mr. Lane stated that Linn County would be a defendant whether the County liked it or not; we wouldn't want to be an absent defendant where we wouldn't have a voice on the matter.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-013. The vote was called. The motion passed unanimously.

16. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist indicated that he would be out of the office on Tuesday, January 16, 2023.

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

18. Announcements:

A. Announcement of the Budget Committee meeting dates for 2024-2025 Budget Hearings.


Commissioner Nyquist noted that the Budget Hearings were scheduled for Monday through Friday, April 29 through May 3, 2024; Budget decision and approval on Thursday or Friday, May 2 or 3, 2024 with the Budget Adoption scheduled for Tuesday, June 25, 2024.

B. Commissioner Nyquist announced that there would be a Management Staff meeting held today, Wednesday, January 3, 2024 at 11:30 a.m. in the Basement Meeting Room at the Linn County Courthouse.

19. 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.


20. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:23 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, January 9, 2024.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 1-9-2024