



Council Minutes

December 21st, 2021

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. in the Community Room with Councilor Thompson, Councilor Hansen, Councilor Humphreys, Councilor Chambers, and Councilor Craven present. Councilor Neddeau joined the meeting by teleconference. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, and City Administrator Scott McDowell were also present. Public members in the room included Pamela Solberg, John Claasen, Steve and Nan Van Sandt, Norman Simms and Marilee Frazier (*Emergency Preparedness Committee*) and Tia Parrish (*The Times*).

PUBLIC: Council chambers provided a listening room with Administrative Assistant Elizabeth Coleman, Richard & Michelle Micklewright, Stella Eversull, Donald Lyon, Connie Bull, Ira White, Doug Block, Allen Buzzard, Kathleen Swayze, Lori Garcy (*Brownsville Art Association*), Cheryl Haworth, Don Andrews, Yolonda & Rick Tauzer, Casey & Brye Lester, Brian Neininger, Timothy Borgen, Heather Dillon, Melissa Haendel, Nichole Solberg, Kris Solberg, Victoria Corbett, Mary Oleri, Patrick Starnes, Barbara Anderson, Geneva Sedlar, Jason Curtis, and Winnie Barron present.

The pledge of allegiance was recited.

McDowell reminded everyone that the microphones in the room are very sensitive. Please do not engage in side conversations as they will muddle the recording. We also have a listener on the phone tonight, so it may be difficult for them to hear with a lot of background noise. This will be a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

ADDITIONS AND DELETIONS: Mr. McDowell reported that additions tonight include Resolution 2021.27 and Resolution 2021.28 under Legislation.

MINUTES: Councilor Craven made a motion to approve the November 23rd, 2021 minutes. Councilor Chambers seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

- Emergency Preparedness Committee | President Norman Simms and Marilee Frazier.** President Simms recapped the annual report for Council which was included in the agenda packet. He stated that the group has been conducting quarterly meetings and working toward the annual goals and objectives. Mr. Simms encouraged each Council member to take the National Incident Management System (NIMS) training every two or four years through FEMA's website. This training is important for future disaster events. Mrs. Frazier exhibited the recent community EPC newsletter, and also the magnets the group has generated. The magnets highlight household emergency contact information, and the group intends to distribute those through the local schools and various community events.
- Brownsville Art Association | Dr. Lori Garcy.** Dr. Garcy stated that she has been coming to Council and representing the BAA for 10 years! It is a labor of love for her, and she is pleased to do it. Garcy talked about the changes that have happened over the last 10 years, and how the pandemic has affected their association. Dr. Garcy thanked the City for the wonderful support over the years. Mayor Ware commented that the City is very fortunate to have such a great art center for a town our size.



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Citizen's Comments. Due to the high number of attendees in relation to Resolution 2021.25, the citizen's comments section was moved up on the agenda to address the issue. Some folks had prepared written statements. All collected statements will be attached to these minutes.

Folks speaking in opposition of R 2021.25 included Kathleen Swayze, Richard Micklewright, Dr. Melissa Haendel, Don Lyon, Timothy Borgen, Yolonda and Rick Tauzer, Connie Bull, Cheryl Haworth, Don Andrews, Winnie Barron, Patrick Starnes, and Tori Corbett. Various reasons were given.

Folks speaking in support of R 2021.25 included Brye Lester, Ira White, Heather Dillon, Nichole Solberg, Jason Curtis, Pamela Solberg, John Claasen, and Steve and Nan Van Sandt. Various reasons were given.

Council Comments and Discussion.

Councilor Chambers stated that she believes hypocrisy is on display. When Council was all but forced to approve marijuana in town, Council was told time after time in public comments that it was ok to go against Federal law (which held that marijuana was illegal at the Federal level). Now, many of these same folks are here standing up for the "obeying the laws." Councilor Chambers stated that she supports this resolution, as it only has to do with protecting City Staff. Masks and all other protocols will continue to be followed at City Hall.

Councilor Craven stated that mandates are not laws, and not enforceable as laws are. He stated that the PCR test has undergone a recall, and as of January 1st will no longer be used. The recall is due to false numbers being reported as this test does not differentiate between positive tests of Covid, the flu and pneumonia. Craven stated that he believes the majority of the Staff support R 2021.25, and he supports their right to choose.

Councilor Thompson stated that she very much cares about the City employees. Thompson stated that the employees are not being terminated. She would like Council to do their homework before causing more divisiveness in the community.

Councilor Craven moved to approve R 2021.25. Councilor Chambers seconded the motion.

Discussion was called for. Councilor Humphreys stated that he doesn't feel like we have heard from the whole community. He feels like the wording could be improved, and offered some suggestions. Councilor Humphreys stated the resolution is good because of the direction. He believes Council is here to support the employees, but not to argue with the government.

Councilor Hansen stated that no resolution is perfect, and asked if Councilor Humphreys would vote for the resolution as presented tonight. Councilor Humphreys stated he would not.



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Councilor Neddeau stated that Council could rewrite the resolution one thousand times, and it would never be perfect. He thinks it is pretty good the way it is.

Mayor Ware called for the vote. Councilor Chambers, Councilor Craven, Councilor Neddeau, Councilor Hansen and Mayor Ware voted to pass R 2021.25. Voting in opposition were Councilor Thompson and Councilor Humphreys. The motion passed 5-2.

Mayor Ware stated that whatever side you are on, let's try to respect each other in spite of our differing beliefs. Council took a 5 minute recess.

PUBLIC HEARING | PRESENTATIONS (continued):

3. **Cybersecurity Review.** Mr. McDowell stated that included in the agenda packet is an article about cybersecurity. CIS (City County Insurance Services) has required the City to share this information with Council. Ransomware is completely out of control, and it is becoming more of a threat all the time. Resources will have to continually be spent and used if the City wants to use computers.
4. **Annual Audit Review.** Mr. McDowell reported that the FYE 6/30/2021 audit was completed and submitted to the State Audit Division. McDowell reviewed the highlights and total net position. With good fiscal management the City is able to self-fund small projects. McDowell recapped the bonds. By recently refunding the bonds, the City was able to save the City over \$2 million. The bond taxes were not levied this year due to the refunding of the debt. Mr. McDowell also reviewed the financial month end recap for Council.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes was present to report for the month, including 12 citations, 16 warnings, and 220.75 patrol hours for the City. Sergeant Frambes stated that Deputy Vanderhoof is a K-9 officer now, and will be back in the area for patrol again. Frambes also talked about the traffic data from the mobile speed devices deployed around town. This data will help LCSO use focus patrols in the highest need areas. Mayor Ware expressed his appreciation for the traffic study and the closer margin between citations and warnings.

Public Works (PW). Superintendent Karl Frink recapped activities and projects for the month. Frink stated that the park leaf cleanup is almost finished.

The traffic counters were installed two weeks ago. There is one at the Baptist Church, and one on Washburn. The cameras collect data for traffic traveling in both directions. It is a little tricky to set up and utilize.

PW is now discharging from the south WWTP, and will begin discharging from the north WWTP soon. The heavy rains are a concern for keeping water levels at optimum levels.

2. **Administration.** Mr. McDowell informed Council of Sean Johnson's retirement from the Central Linn Recreation Association Board of Directors. Ms. Katy Kallai will be filling his position as president. In a letter McDowell read, Johnson expressed his



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appreciation of Council's support over the last 10 years for the CLRA. Mr. McDowell also reported that Staff is working on an electronic door for the CLRC.

Jonathan Dunn is preparing information for Council review for the CLRC. After the plans are ready, it may be possible to do the project in 2023.

Mr. McDowell has a meeting scheduled for Monday with David Ris, City Attorney's Office, to review the Pacific Power agreement.

Councilor Craven and Mr. McDowell met with the Canal Company. They are ready to move forward. McDowell will be working on storyboards in preparation of the public meetings that will be required. There was recently a complaint regarding water trickling and flooding onto private property. After investigation, it was determined the complaint should be directed to the Canal Company, it is not a City issue.

Mr. McDowell reported that the State of Oregon through DLCD is now requiring all cities to report all surplus land. The City of Brownsville has no surplus land.

McDowell reported that Columbia Bank is the new issuer of our bond. The payment is due in January.

McDowell informed Council that the Linn County valuation has gone up. When folks get their tax bill, they will likely see an increase in taxes due to the higher valuation. Council may be getting complaints about higher taxes from the citizens.

McDowell reported that the DTSS project finished up last week. Overall, the project turned out great. There are still some things to complete. City engineer, Ryan Quigley, is still collecting numbers on the final costs associated with the fuel tank found on Spaulding Avenue.

McDowell reported that he attended the Tangent City Council meeting. They voted unanimously to join the MVP (Mid-Valley Prosperity) group. McDowell will be traveling to Scio in February to make the presentation to them. JayRay is making great progress toward the logo and branding. The group also secured \$20,000 from the State of Oregon in grant funds for the mission.

The Linx transportation project is on hold, as the City is waiting for definitive numbers from the City of Lebanon. Mayor Ware and Councilor Thompson are on this committee.

McDowell reported that Disaster Preparedness (D-prep) is still waiting on the scope to get finished.

Staff continues to work on the River's Edge project.

McDowell reviewed a Policy & FYI for Council. The website is current now with emails and contact information for each councilor. McDowell created hot links on the website for Councilors so that constituents can easily contact Council by email. The emails are directed to the City established 97327 emails set up for each Councilor. If Council does not know how to access their 97327 email, please contact Mr. McDowell for further information.

3. **Planning.** No comments.



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4. **Library.** Councilor Thompson stated that she is disappointed that the Library will be closed during Christmas break. She understands that it is too late to do anything about it this year, but perhaps it can be done differently next year? McDowell replied that it is just the way the calendar falls this year. It is difficult to get volunteers during the holiday season. Councilor Chambers suggested that perhaps Council could volunteer.
5. **Court.** No comments.
6. **Council Comments.** No comments.
7. **Citizen Comments.**
Allen Buzzard, School Avenue, stated that he applied for the Parks & Open Space Advisory Board vacancy, and would like to serve in this position.

LEGISLATIVE:

1. **Resolution 2021.26 | Recognizing Gerber Public Service.** Councilor Thompson commented that she thought this resolution was a fantastic accommodation for Carla Gerber. She stated that she believed it would be better if the resolution was read aloud into the record. Councilor Thompson asked Councilor Craven to read it. Councilor Craven politely declined. *Councilor Thompson moved to approve R 2021.26. Councilor Chambers seconded the motion and it passed unanimously.*

Councilor Thompson read the resolution into the record.

Councilor Chambers asked Councilor Thompson why she suggested that Councilor Craven personally read the resolution into record? Chambers stated that this is not what Council has done in the past, and she felt like it was passive-aggressive behavior. Councilor Chambers asked for clarification from Councilor Thompson; clarification was not forthcoming. Councilor Craven said, "I know why." Craven continued, "I think we all know why. I think we should just move on." Mayor Ware, Councilor Craven and Councilor Thompson agreed to move forward with the meeting. Councilor Thompson read the resolution commemorating Carla Gerber's service. McDowell stated that there is a small gift for Carla Gerber downstairs and encouraged Council to stop in to see it if they would like to.

2. **Resolution 2021.27 | ARPA (American Rescue Plan Act).** Mr. McDowell stated this resolution is simply articulating exactly what Council is doing with the ARPA funds. *Councilor Humphreys moved to approve R 2021.27. Councilor Chambers seconded the motion and it passed unanimously.*
3. **Resolution 2021.28 | New year's Eve Resolution.** McDowell stated that he thought Council had taken care of this last year. Councilor Thompson asked if this is an average holiday for cities? McDowell replied in the affirmative. *Councilor Chambers moved to approve R 2021.28. Councilor Craven seconded the motion and it passed unanimously.*

ACTION ITEMS:

1. **Canal Company.** Mr. McDowell stated that the Canal Company is working on a few things. *Councilor Humphreys moved to authorize Staff to go forward with developing a draft agreement proposal. Councilor Hansen seconded the motion and it passed unanimously.*



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DISCUSSION ITEMS:

1. **Annual Council Goals Review | Schedule for 2022.** McDowell stated that Council goal session is generally held in January or February. He will send out a poll to get the best meeting time for the group.
2. **Linn County Sheriff's Office Quarterly Meeting Outcome.** Mayor Ware reported that he recently attended the LCSO quarterly meeting with Mr. McDowell. The City's dissatisfaction with the ratio of citation and warnings numbers was expressed. One other city stated they had a similar issue. Sheriff Jim Yon introduced Michele Duncan as the new Sheriff. Mayor Ware said the group expressed their appreciation for Mr. McDowell getting this group together to represent all of our local cities. The general consensus was a good feeling of working together now toward our common goals.
3. **Pharmacy Impacts and Policy.** Councilor Chambers and Councilor Humphreys recently met with Joe Ervin, Brownsville Pharmacy, regarding the letter he sent to Council last month. The discussion centered around the impact of the CAT on his small business. Council would like to advocate for our small businesses in town, and encouraged Mr. McDowell to bring more information to Council next month. Councilor Chambers and Councilor Humphreys will reach out to other small businesses in town to gauge impact. Mayor Ware volunteered to help where needed.
4. **November Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS. No comments.

COUNCIL COMMENTS.

Councilor Craven reflected on the last year, his first as a City Councilor. He stated his appreciation for being a part of it, although there have been challenging moments. Craven stated that he felt the constituents are happy with his performance, and they are glad to have a voice representing them. He encouraged people to challenge him as Council moves into the new year, stating that is how growth happens.

Councilor Thompson stated that she is troubled by the meeting tonight. She felt one public speaker was not respected by the audience. Councilor Craven stated that she could ask Mayor Ware for a point of order. Councilor Hansen stated that he did signal them to be quiet, and they did immediately comply. Mr. McDowell also mentioned past public speakers leveling attacks on Staff; this kind of unwarranted behavior needs to be addressed as well. Just as Council addresses the public civilly, the same courtesy should be extended to Council and Staff.

ADJOURNMENT: Council adjourned by consensus at 9:54 p.m.

City Administrator S. Scott McDowell Mayor Don Ware

December 21, 2021

Council Members,

I was stunned by the reckless actions of the city council at the last council meeting, November 23, 2021. During that meeting councilmember Hanson proposed the council have a DISCUSSION of the options for the city IF the Covid -19 mandates were put in place for its employees "in the future." He had concerns that the state or federal government was certainly going to do this and it would put our city staff at risk of having to comply.

After about 2 comments in this 'discussion" a resolution was suggested opposing any mandates for our employees. It was quickly voted on and a committee of 3 members were to draw it up formally for next meeting. Who actually did write it?

My concerns;

Council action was taken without even an in-depth discussion of the issues for the city, let alone the knowledge or input of the community.

AGAIN the city is putting in place action against our state and federal government mandates, and flying in the face of best health guidelines.

Our city workers and staff are indeed excellent, well trained, hardworking and appreciated. However our community members must also be considered equally in these deliberations. They also have the rights to be safe, healthy, *protected* and not exposed to this disease.

What are the consequences if even one city worker is hospitalized for an extended length of time and or exposes other (or many) city staff or exposes a community member to this dangerous, very contagious, disease? What is our city's liability? Consequences of a law suit by an affected city member, let

alone the cost of a law suit because of this reckless and possibly illegal resolution.

Why rush AGAIN to defy the state and federal government, which, by the way has not mandated any action on city government.

With one's rights and freedoms come responsibilities. We live in a community; you are representatives of all of the city's members. Please bare that in mind as you rush into resolutions that affect everyone living in our city; this includes seniors citizens, individuals with compromised health, children and those citizens that feel it *is appropriate* to follow the guidelines and mandates of the state and federal government.

This pandemic is far from over, the council needs to use good judgment and be measured in their decisions. Keep our community safe and healthy; get back to *the work of the city*, rather than bringing personal politics into play. I urge you to wait and take a more patient, wise, and thoughtful course.

I urge you to vote no on Resolution 2021.25.

Kathleen Swayze

185 S Main St Brownsville

I am both concerned & to be honest, deeply saddened that the city council is considering to not follow state mandates for wearing masks.

You have all sworn to support and protect the people of Brownsville.

I truly believe that all of the ~~members~~ members of this council care for all of the members of our community — and they do so deeply. Thank you for what

I'm in mind, if you truly care for the community, you take care of the people.

~~Wearing~~ Wearing a mask is no position. It is showing care, and showing respect.

Yours respectfully,
Winnie Barron
Proud member of the Brownsville

Fire Department for nearly 40 years.

Hello,

Thank you all for allowing us to be here tonight to voice our opinions. My name is Bryce Lester, I am here tonight to express my support in resolution 2021.25. Continue to keep our freedoms and let adults make their own decisions. I support ones decision to do what is best for their own body. I don't need to stand up here with the data, that is out there. We have seen the force of the vaccine in other areas, we have yet to see a decline in cases. All we have seen with the force of the vaccine is division, frustration, lack of staffing and a loss of our constitutional rights. Lets stop living in fear, otherwise we might as well already be dead! Thank you again for your time!

3) Things that I observe that make for a safe workspace & good businesses

IN MY OBSERVATIONS

RICK TAUZER

1. MOST BROWNSVILLEANS ARE VACCINATED.

2. MOST ARE COMPLYING W/ MASK MANDATES

3. MOST BUSINESSES ARE COMPLYING W/ MASK

" THIS MAKES FOR SAFE WORKPLACES & GOOD BUSINESS

" THIS IS GOOD FOR BROWNSVILLE & GOOD FOR ^{the safety} US-DS CITIZENS

" WHAT'S BEST FOR BROWNSVILLE? THIS IS WHAT THE COUNCIL SHOULD BE PROMOTING

INSTEAD BY PUSHING THESE RESOLUTIONS THE COUNCIL ENCOURAGES PEOPLE TO IGNORE THE VERY THINGS THAT MAKE US SAFEST

THERE IS NO POLL SURVEY OR PUBLIC VOTE SHOWING SUPPORT FOR THIS RESOLUTION

THE COUNCIL TRIES TO PAINT A PICTURE OF A TYRANNICAL STATE GOVERNMENT TRYING TO LIMIT OUR RIGHT TO CHOOSE

I SEE A GOV. IN THE MIDDLE OF A NATIONAL CRISIS, ASKING FOR US TO STEP UP AND DO OUR PART -

IF ^{if we would} ^{would the} WHY DOES CITY WANT TO GO ON RECORD ADOPTING A POLICY THAT DOESN'T PROVIDE A SAFE WORK PLACE FOR ITS EMPLOYEES?

IF COUNCIL FEELS COMPELLED TO FILE A PROTEST AGAINST STATE MANDATES, WRITE THE RESOLUTION UP AS THAT - DO SOME WORK - INCLUDE FACTS & FIGURES AS TO WHY THOSE MANDATES SHOULD NOT APPLY TO BROWNSVILLE.

AS IS THIS RESOLUTION DOESN'T EVEN ADDRESS A SPECIFIC OR EXISTING MANDATE.

IT READS LIKE A OFFICER "YOU CAN'T MAKE ME"

COUNCIL NOTES

Good Evening. My name is Don Andrews. I have been a Brownsville resident since 1991 and lived at 302 School Avenue for the past 10 years. .

Tonight rather than belabor you with my opinion about Resolution 2021-25 regarding employee choice, I would just like to ask you 5 questions that you can answer by raising your hand.

1. How many of you believe you are more knowledgeable than Dr Fauci, Dr. Melissa Handael, the Center for Disease Control, or the Oregon Health Authority about how to protect yourself and others from contracting or spreading the Covid 19 and Omicron viruses?
2. ~~How many of you believe that the number one priority of the City of Brownsville is relationship building and that as councilors you shall honor relationships and the ordinances and laws of the land? Council Values Organizational Development~~
3. How many of you believe that just posting the resolution on page 29 of a 49 page packet on the internet 3 days before it is to be considered is adequate notice to the citizens of Brownsville?
4. How many of you took an oath of office that included "I will support the Constitution and the laws of the United States and of Oregon.
5. How many of you think that the public should be afforded more of opportunity to comment about this issue since it has the potential of endangering the health of any one coming into City Hall?

Richard Micklewright / 308 Averill Street

I am a small business owner with 30 employees. I've learned that if I want to operate a business in the State of Oregon, I have to follow the laws and regulations of the State of Oregon. I don't get to choose which laws to follow. The argument that a 'mandate' is not a 'law' is just playing with words. There is no difference between the two in either application or enforcement.

There are times when I don't like that the government tells me what to do, but in choosing to operate a small business, I've made an agreement with the State to safeguard the health and safety of my employees and customers. I take that agreement very seriously. The choice of operating a business, comes with the sacrifice of some of my personal freedoms. As public employees and volunteers serving this community, you've made a choice to work in the public sector. There are commitments and sacrifices that come with that choice. As elected officials, the mayor and council members have not just made that choice, they've taken an oath to uphold the constitution and follow the laws of the State of Oregon.

If towns and counties start deciding which State laws they want to follow, and States start deciding which Federal laws they want to follow, then our Republic and our Democracy are in jeopardy. Instead of the rule of law, we will have the rule of whichever person, or group of people are currently in control. The winds of politics are not steady. Today, this resolution is about health-related mandates. In 5 or so years there will be a different council, with different political views. You are creating a precedent for them to follow. A precedent where a very small group of people (who are not recognized as experts in any field) can decide what is best for your health, for your life, based solely on their own personal beliefs.

This resolution is a threat to our democracy and to the rule of law. It confuses me that you start this meeting with a pledge of allegiance to the Republic, and then finish with consideration of a resolution that refuses to acknowledge that same Republic, and its authority. Approving this resolution is in clear violation of the oath you have taken. As a citizen of Brownsville, I call on the mayor and the elected members of this Council to either uphold your oath of office, or resign your position.

Dec 21, 2021

**To the Brownsville City Council regarding Resolution #25,
now retitled "A resolution supporting employee choice."**

My name is Melissa Haendel, I have lived in Brownsville for 21 years. I am a data scientist, whose job it is to crunch data to help inform public health decision making and identify clinical strategies for those who are ill. This means identifying in the data the measures that save the most lives, whether they be public health interventions or drug therapies.

I am here today to state my opposition to City Council Resolution #25, now retitled "A resolution supporting employee choice." I am deeply disappointed in our city in creating this resolution. This resolution is vague, divisive, and does not do anything towards what our city should be doing in such times - helping people and bringing them together to overcome our collective challenges. This resolution does the opposite: it states that the city refuses to help ensure anyone's safety or well-being.

What is surprising to me, is that while there is an army of people like myself trying to save people's lives and do the best we can to ensure their well-being in the face of COVID-19, our City Council is actively defying the evidence we present - past, present, or future. Why would the city place its employees and citizens at risk? We base many public policies on similar kinds of evidence. For example, we have evidence that driving under the influence of high blood alcohol levels puts oneself and others at risk and we have publicly enforced laws prohibiting driving above blood alcohol content of 0.08%. Or take the fact that lead in our drinking water causes neurological and reproductive complications. As such, public agencies have set requirements that we keep the levels below 15 ppb. Such public health measures have saved countless lives and prevented illness. Why should our city behave differently in response to future evidence presented in the context of the public health emergency that is COVID-19?

There are multiple things that are especially concerning to me in this resolution:

- (1) The first is the defiance of public health mandates and laws that are determined based on evidence - but in this case, they are not even named specifically. The resolution implies that any mandates or laws regarding COVID-19 will be ignored no matter what they are and no matter what evidence they are based on. This resolution would apply to future mandates such as masks, but would also apply to mandates and laws that would provide access to healthcare, paid leave off if you are sick, or insurance paying for things - things that our people very well might need and want. It seems prudent to judge any given mandate or law based on what it is and the evidence for it, not to preemptively decide that you won't follow any of them no matter what they are.
- (2) Second, this resolution puts the City at risk of liability should someone get sick due to public negligence. The resolution also likely defies the Americans with Disabilities act, which requires that those with compromised immune systems must be able to access public buildings and activities, such as schools and City Hall. We already have citizens that no longer shop or eat in Brownsville due to lack of following safety protocols. Such a resolution insists on inequity and a lack of freedom in our community where those who are immune compromised, have at risk conditions, or simply want the additional safety cannot go to City Hall or visit Brownsville businesses. This is not only not promoting a safe community, it is bad economics for already hard-hit businesses.
- (3) The third is that the city council is spending its time focusing on developing vague resolutions that quite frankly, have nothing to do with the running of our town. Perhaps the time might be better focused on ensuring that the food bank has adequate support so that people don't go hungry. What can the city do instead to ensure that our citizens are safe and well supported in this challenging time? We should be banding together to do everything we can as a community to fight the pandemic and reduce its impact.

All predictions regarding the Omicron variant suggest that it is much more contagious than earlier variants, and we are about to experience a surge in hospitalizations and deaths. I would urge our council not to pass a resolution defying future yet-to-be-determined public health guidelines. Such a vague resolution seems to serve only the purpose of being divisive, and would prevent or deny future evidence-based decision making that would ensure the safety and well-being of our citizens. From our knowledge right now about how this virus spreads, the most important interventions (in addition to voluntary vaccination) are masking and ventilation - also not in the resolution and already not being adhered to in City Hall (whether there is a resolution or not).

When you or someone you love are sick or dying of COVID-19, perhaps you will feel differently about the scientists and doctors upon whom you will be relying to save your life. We have a lot of evidence that can be used to make good decisions regarding COVID-19 and other infectious diseases. What we don't have yet, are many therapies that can be used to save COVID-19 patients' lives. We have to rely on the responsibility of each individual to do their part to prevent infections. The proposed resolution puts the well-being of our citizens in the hands of our City Council, consisting of at least some people who refuse to take the personal responsibility of preventing spread in our community.

What will be next? Will Brownsville City Council defy laws regarding lead in the water or drunk driving in the name of "freedom"? Freedom does not mean one has the liberty to harm others; actually, it is to the contrary. Freedom is living in a community where we help each other to be safe and secure and use the available evidence to make good collective decisions. It would behoove our City Council to focus on how they can help our citizens, rather than pushing them away. This resolution also defies Christian doctrine that one takes care of one's neighbor, do unto others as they would do unto you. That means don't give others COVID.

I am disappointed in our City Council. I do not feel they have the best interests of our citizens in mind and are distracted by politics and divisiveness, at the expense of good evidence-based

decision making and taking care of our citizens in hard times.

Tuesday, December 21, 2021
Brownsville City Council meeting
Brownsville, Oregon

My name is Cheryl Haworth and I live in Brownsville. I have lived here for 45 years and have paid property taxes the whole time. I don't mind paying my property taxes because they normally go to pay for worthwhile entities.

I am concerned tonight about the city passing a resolution to go against a possible state mandate. If it passes I suggest we propose another resolution to state that:

If the city council votes to go against a state mandate and incurs fines and penalties because of that, then the city councilors who voted for resolution #25 take on the responsibility for the fines and personally pay the fines incurred by the city. 2021# 25

Constance Bull's Comments at the December 21, 2021 Brownsville City Council Meeting.

Good Evening. I am Constance Bull and I reside at 352 Kirk Ave, Brownsville OR.

I am here tonight requesting that you table the vote on Resolution 2021.25 and convene a town hall meeting to discuss the fiscal impact of this resolution with the citizens of Brownsville. The citizens of Brownsville are asking for your help to understand the financial implications of this resolution before any vote is taken on its adoption.

The proposed resolution basically states the City will refuse to implement existing and future covid mandates as they apply to city employees. It applies to two possible state mandates: one —wearing masks, and the other —requiring vaccinations of city employees, which is not a current mandate.

So let's talk about a current mandate - wearing masks. If you adopt this resolution tonight, tomorrow morning City employees may believe they can come to work at City Hall and work without wearing masks. I believe I have read that failure to wear a mask indoors is a violation of state law and can result in a fine of up to \$500 a day. If I'm correct, these fines could add up quickly especially if the state looks for other mask violations in Brownsville, such as not wearing masks at City meetings.

Now you may say that will never happen. We can't be too sure about that. If you adopt this resolution which authorizes the City to refuse to implement the state mask requirements with employees, we may find numerous state and county agencies scrutinizing our every move.

For the sake of argument, let's assume the state does impose those fines on City employees and all of you. The question is who will pay these fines?

I can see 3 possibilities.

—First Possibility. Will the City employees and all of you be personally liable and be expected to personally pay these fines?

—Second Possibility. Does the City have a professional liability policy that covers the acts of City employees and all of you who may incur fines for violating state mandates? Some policies exclude coverage when a party

knowingly and intentionally violates state law. Is that exclusion in the City's policy?

—Third Possibility. If the liability policy doesn't provide coverage, the citizens of Brownsville are very concerned that they will be paying for these fines by way of the City's use of City funds which in their very strongly held opinion should be used for other purposes.

The citizens of Brownsville are even more concerned about the damages, fines, penalties and legal fees that might arise from the City's implementation of this resolution. If there is a state mandate requiring municipalities to ensure their staff wear masks in City buildings and/or be vaccinated, the City will refuse to comply with these legal requirements pursuant to this resolution. What law suits and administrative proceedings may be brought against the City, the City Councilors, Mayor and/or Administrator?

One specific concern relates to possible fines for ethical violations. The Oregon Government Ethics Commission is authorized to conduct investigations of ethical violations made by public servants, which I suspect all of you are. A crime of official misconduct in the second degree, which can also be an ethical violation, occurs if the public servant "knowingly violates any statute relating to the office of the person." Does your adoption or implementation of this resolution fall within that standard? Because if it does, you may be jailed for 30 days or fined up to \$1250, or both.

So I ask again, who will pay these ethical fines, other fines, penalties, damages and legal fees?

—First Possibility. Will all of you be personally liable?

—Second Possibility. Will the City's professional liability policy cover these costs? Does the policy have an express provision regarding coverage for ethical violations? As noted earlier, some policies exclude coverage for knowing and intentional violations of the law. Other policies deny coverage for malfeasance in office or the willful or wanton neglect of duty. If these provisions are in the City's policy, is it possible that the City's open defiance of the law may fall within the scope of those exclusions and not be covered by the policy?

—Third Possibility. If that's the case, will the citizens of Brownsville end up paying for these expenses?

The citizens of Brownsville are angry and confused because they believe the City will use City funds, their tax dollars, to pay for the damages, fines, penalties

and legal costs resulting from the intentional and willful violations of law committed by their public servants. We haven't been told anything to the contrary. We have questions and are seeking your help to find answers.

In conclusion, I respectfully request you table the vote on this resolution and convene a town hall meeting so the citizens of Brownsville can engage in a meaningful discussion with their City leaders regarding the possible risks and fiscal impact of this resolution.

I am formally requesting that my written statement be included in its entirety in the minutes of this meeting.

I thank you for your time and careful consideration of my request.

Respectfully submitted,
Constance J. Bull

Concerning Resolution No. 2021.25 "A Resolution Supporting Employee Choice", I've been thinking a lot lately about the choices people make and the consequences of those choices. Please consider the following two stories which appeared in the Democrat-Herald on Sunday, Dec. 19, 2021 and Monday, December 20, 2021:

Yesterday's front page story was about 55-year-old Bruce Sams, a McMinville firefighter who lives in North Albany with Julie, his wife of 33 years. Bruce has four children and four grandchildren. He came down with a severe case of Covid in August, 2021. He was unvaccinated. He entered the hospital on Aug. 10 and, despite receiving Remdesivir and other Covid-19 treatments, he remained at death's door. Unable to visit him in the hospital, Bruce's wife was afraid she would never see her husband alive again. Bruce's story is heartrending and gruesome. His life was saved after the dedicated doctors at Good Samaritan Regional Medical Center in Corvallis administered a rarely used treatment referred to as a Seraph 100 filter which is only used in the most serious Covid-19 cases. I won't go into the details of how this filter works, it's much too complicated to explain except to say it is an amazing example of modern-day technology and science working to save peoples' lives. Bruce's blood was removed from his body, run through a filter and then sent back into his bloodstream. In order to remain perfectly still during the process, his body had to be temporarily paralyzed via medication. Because he couldn't breathe on his own during this process, he was also intubated. He remained intubated, as well as delirious, for days afterward; finally being released on Aug. 24. Recuperation at home is an on-going process, but Bruce is alive to celebrate this holiday season with his beloved family. Sadly, Bruce's 73-year old father died of Covid-19 a few weeks after his son's release.

The second story involves a 37-year-old Albany man, Mike Dean, husband and father of three sons. Young, healthy, and active, he didn't think he could get Covid, so he chose to remain unvaccinated. In July, 2021, he called in sick to work. He collapsed on his bathroom floor. His lungs burned. He couldn't walk down his front steps without sitting down to catch his breath. Mike thought he could ride it out quarantined at home, but things kept getting worse. On the day he finally left for the hospital, Mike had such difficulty breathing he had to sit and slide down his front steps one at a time. He spent 35 traumatic days in intensive care at Good Samaritan in Corvallis, most of them on a ventilator; fighting for every single breath, panicking and, as he put it, "starving for his breath" feeling like he was "endlessly drowning". He asked to be anesthetized for the duration. While hospitalized, he developed pneumonia. His oxygen levels dropped. He was put on a "BiPap machine to help push air into his lungs through a mask connected to a ventilator." He lost 31 pounds. His wife, pregnant at the time, and his kids, couldn't be by his side during his ordeal. When he was finally released from the hospital and able to hug his sons, Mike said "I just sat there and cried." In Mike's words, "I wish everyone would get vaccinated if they can." He also said not getting vaccinated was a "decision I regret."

In this season of goodwill, when many of us are able to gather with our loved ones, as well as remember the ones no longer with us, I ask the Council to be mindful of the decisions they make tonight and consider their reasons for making them. Defying any Covid-19 mandate is a dangerous game to play. The legal and emotional repercussions of such defiance may prove a heavy one for those of you who approve this resolution. Remember: Choices have consequences.

Yolonda Tauzer

Brownsville, OR

Donald Lyon, 352 Kirk AV, Brownsville. I am requesting that resolution 2021.25 be opposed for the following four reasons.

First: This resolution undermines the rule of law by stating that the City Government will choose which laws it follows and which it will ignore. If the City of Brownsville wishes to advise the State of Oregon that a mandate requiring employees to abide by statewide health requirements is difficult to administer or enforce that is fine with me but to state that the City will refuse to implement such a mandate drives a wedge between two organizations that should be working together for the greater good.

Second: This resolution is an unnecessary and unwarranted insult to at least half the population of Brownsville--the half that believes that the Governor has the right and the obligation to mandate regulations that affect the health and safety of the citizens of Oregon. Thankfully we have a governor who is willing to make a hard decision rather than one who panders to populist causes.

Third: This resolution is so poorly written that it makes no sense. I refer to the line that states: "We believe our staff have the freedom to make decisions concerning their own bodies and health." Does this mean that each staff member is free to make their own decisions? Perhaps Staff Member A is immune-compromised and worried about a break-through infection and Staff Member B chooses to not wear a mask or be vaccinated. Staff Member B's actions violate the right of Staff Member A to work in a healthy environment. Even more important, the public visiting City Hall have a right to expect that staff are making every effort to provide a safe environment for them, as well.

Fourth: This resolution picks a fight unnecessarily since no mandate for vaccinations has been declared.

Finally, I wish to remind Council members that they are responsible to all of the citizens. Thank you for listening to my views. I have a copy of my statement that I formally request be included in the minutes of this meeting.

copy for Council Secretary, copy for Times Reporter, Tia Parrish

request electronic copy from phototrucker02@gmail.com