

Council Agenda Packet

Tuesday, October 26th, 2021 | 7:00 p.m. | Community Room | In-Person/Hybrid



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Council Meeting

Tuesday, October 26th, 2021

Location: City Hall in the Community Room

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: September 28th, 2021
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Central Linn Recreation Association Agreement | Sean Johnson
 - B. Council Vacancy | Applicants
 - C. Kirk Avenue Requests | Jane Rackley
 - D. Fence Request(s) | Stephanie Koontz
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Planning
 - E. Library
 - F. Court
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:



10) ACTION ITEMS:

- A. 2022 Council Meeting Schedule
- B. Appointed Officials
- C. Central Linn Recreation Center Agreement
- D. Appoint Cascade West Council of Governments Transportation Rep.

11) DISCUSSION ITEMS:

- A. Projects
- B. Law Enforcement Levy
- C. September Financials

12) CITIZEN QUESTIONS & COMMENTS

★ Council asks that comments be limited to three minutes per audience member.
Please state your name and address prior to commenting for the public record.

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

Please visit www.ci.brownsville.or.us for the meeting agenda, agenda packet and other City information.



September 28th, 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 Neddeau, Councilor Humphreys, and Councilor Craven present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, Administrative Assistant Jannea Deaver, and City Administrator Scott McDowell were also present. Public members in the room included Dawnita Nealon, Jane Rackley, Cindy Frink, John Claasen, Brian White and Michael Grove (*Sweet Home Sanitation*), Undersheriff Michelle Duncan and Sheriff Jim Yon (*Linn County Sheriff's Office*), and Tia Parrish (*The Times*).

PUBLIC: Council Chambers provided a listening room with Alice Tetamore, Elizabeth Coleman, Allen Buzzard, Eric Gerber, Melissa Haendel, Veronica Christie, Cheryl Haworth, Don Andrews, Joni Nelson, Yolonda & Rick Tauzer, and Lynda Chambers present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mr. McDowell reported that there are no additions or deletions to the agenda tonight. Some items may be moved up on the agenda to honor the time of the presenters.

McDowell reminded everyone that the microphones in the room are super 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. This will be the first hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

MINUTES: Councilor Hansen made a motion to approve the July 27th, 2021 minutes as presented. Councilor Thompson seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Sweet Home Sanitation (SHS) – Recycling Update | Brian White & Michael Grove.** Mr. White reported that daily incoming traffic is up about 40 %. To address the problem, SHS is in the process of adding a second scale to the facility to try to ease the pressure and wait times. Hopefully this capital project will be done within about a month.

Over the last few years, the recycling market has had nothing but bad news, but the tide is changing a little bit. Cardboard is increasing in price, but other recycling commodities are decreasing. With the volatility in the world, we will continue to keep an eye on the market.

White reported that recently passed Senate Bill 582 is intended to establish producer responsibility programs for recycling. With the producers required to throw money into a fund, it should protect the ratepayers. McDowell commented that reality will likely be consumers paying more for the products. The State is also working on a list that will streamline and clarify recycling statewide.

Councilor Craven asked which transfer station had closed. Mr. White responded that it was the one owned by Republic out of Lebanon. White also noted the SHS is not currently accepting e-waste. With their expansion, they have lost the space for e-waste.



They are looking into establishing another site in Sweet Home that would serve this purpose for the community.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Undersheriff Michelle Duncan and Sheriff Jim Yon were present. Undersheriff Duncan reported for the month including 10 citations, 5 warnings, 106 complaints and 218 patrol hours for the City. The City has had several catalytic converters stolen off of vehicles in town. Duncan said that it is a widespread problem. There is legislation in the works that will require metal recyclers to document where the converters are coming from. The hope is that the new law would make it harder for thieves to sell stolen property.

Councilor Hansen stated that on behalf of Council he would like to extend his appreciation for LCSO's philosophy of law enforcement and the efforts you make on behalf of the City. He stated that he is disappointed that Sheriff Yon will not be seeking re-election, and congratulated Undersheriff Duncan on the promotion.

Sheriff Jim Yon spoke next expressing his appreciation of Mr. McDowell for all he does for the City of Brownsville. McDowell spearheaded a group of the local contract cities to begin meeting with LCSO and discussing service needs and shortfalls. Yon commented that he thinks the cities are happier, and that hopefully you can see a difference in LCSO service. Yon commended McDowell on his forward thinking and for holding LCSO accountable.

Yon stated that after 28 years of service with LCSO, he has decided not to run for re-election. He believes that Undersheriff Duncan will serve the county very well, and wishes her great success.

Sheriff Yon reminded Council that LCSO law enforcement levy will be on the ballot next month. He is asking for Council support of the levy. Their office is funded largely through this levy, and it is desperately needed. When figuring costs, he said that his tax bill will go up only about \$30 for the year with this levy, which is a very good value for the citizens. McDowell stated that should Council want to consider a motion, it could be added under action items tonight.

2. **Public Works (PW).** Superintendent Karl Frink recapped activities and projects for the month.

The City was a victim of a catalytic converter theft. The truck was parked down at the City shops. PW crew installed the new catalytic converter; parts alone were over \$1,000.

The cemetery has been busy the last few months with several burials. PW was kept busy with mowing and the various markings needed.

Mr. Frink also stated that the City has been having a hard time getting operating supplies. Street markings have been delayed due to lack of materials. The annual dust control was delayed about a month as well. It seems to be a sign of the times.

Councilor Craven inquired about the large amount of standing water on Hume Street lately. Mr. Frink responded that there is likely a broken water line in the area. He has called for a locate, and will address the issue as soon as possible.



- 3. Administration.** Mr. McDowell informed Council that the downtown sanitary sewer project is ready to start. The City sent a letter out to all of the folks that will be affected. Also, it seems the project will start a week later than anticipated; Mrs. Morrow will be in contact with the folks affected.

McDowell reminded Council that the vineyard wind machines may be kicking on soon due to lower nighttime temperatures.

McDowell reported that the annual audit was completed by Singerlewak. Cyrus Ward was the head of the audit team, and is extremely efficient, which is greatly appreciated. The Staff puts in a lot of time in preparing and providing all of the required documentation.

McDowell reminded Council that in an effort to streamline the agenda packets, large documents are added to the website for Council and public review, such as the current legislative bill summaries. The implementation for these bills will happen over the next few years.

Mr. McDowell discussed PFA's (perfluorooctanoic acid) and PFO's (perfluorooctane sulfonate), which are part of the PFA's family of about 6,000 chemicals used in fire retardants, as well as stain-, water-, and grease-resistant products. They are considered "forever" chemicals that do not break down over time and they spread very easily in groundwater. Look for legislation coming down for the City, most likely in the form of a Federal mandate.

FEMA just reported that flood insurance will be rising soon. As FEMA continues to slowly pull out of the flood insurance market, rates are expected to continue to increase.

McDowell reported that NW Natural Gas has provided their annual pipeline information for Council review.

McDowell reminded Council of the new cybersecurity requirements that CIS has required the City to adopt. Apparently, the State of Oregon will soon be adopting more rules for cities and counties as well.

McDowell has been very busy over the last several weeks attending meetings for the Mid-Valley Prosperity (MVP) group. Basically, the group moved forward with a formal proposal to hire a third-party vendor to perform some of the work that was listed in the IGA the communities collectively signed in January. The cities of Scio and Tangent have expressed interest in joining this group.

McDowell reported that the RAIN group continues to meet, and things are moving along quickly. The group has hired JayRay for website design and marketing.

McDowell reported that Disaster Preparedness (D-prep) is moving forward. The group (six organizers consisting of nearby cities and fire districts) worked together to put a proposal together to hire a consultant. This consultant will perform a first phase assessment for the group. After that is accomplished, the group will assess how to move forward with phase two. Staff involved in this project will be Mr. Frink, Mrs. Morrow, and Mr. McDowell.



McDowell offered a quick review of the Kirk Avenue saga at the request of Councilor Hansen. Recently Linn County Road Department put a chip seal, or black coating, on Main Street to extend the life of the pavement. Folks think that this chip seal could be an answer for the condition of Kirk Avenue, but it is not the right application for Kirk Avenue. In 2010, Roadmaster Darren Lane did an estimate to fix Kirk Avenue from Main Street to Hunter. The estimated cost was over \$2.2 million. The City of Brownsville costs would be over six figures to move the utilities in the roadway. Basically, when the roads were built, they were not built to standards that will accommodate this kind of upgrade, which drastically increases the project scope and price. The City would likely be out about \$1.5 million to obtain the property needed for this massive project as well. There is a wealth of information and history on this topic on the City website.

4. **Planning.** No comments.
5. **Library.** No comments.
6. **Court.** No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.**

Veronica Christie, 804 Kirk Avenue, spoke. She stated that she had been approached by Allen Buzzard to fill the opening of a City Council seat. She stated that Mr. Buzzard denigrated Councilor Craven to her with defamatory terms like “far right.” Please see attached written statement for full remarks.

Don Andrews, School Avenue, spoke in opposition of R 2021.25. He stated that he spent over 2 hours reading the resolution, and wants to call attention to the language. Please see his notes attached. Please see attached written statement for full remarks.

Cheryl Haworth, School Avenue, spoke in opposition of R 2021.25. She stated that she is appalled that our City Council is worried about their rights instead of the government mandates. She encouraged Council to think of the greater good.

Allen Buzzard, School Avenue, praised Mr. Frink for his exemplary job in the Public Works Department. He stated that he felt R 2021.24 was a routine resolution. However, he thinks that R 2021.25 (protecting constitutional rights) should be tabled tonight as folks that he talked to were having a hard time understanding it.

Yolonda Tauzer, Kirk Avenue, spoke in opposition to R 2021.25. Please see her notes attached.

Joni Nelson, Spaulding Avenue, spoke next in opposition of R 2021.25. She said lately it seems Council is taking an adversarial tone. Mrs. Nelson believes Council’s job to ensure quality infrastructure of the City. She stated that she would like Council to rip up R 2021.25, and if that is not possible, to at least table it for tonight.

Melissa Haendel, Brownsville, spoke next. She stated that she was saddened to see R 2021.25. She has spent the last 21 months working on Covid data. Ms. Haendel spoke about the science of masks. She stated that this resolution does not speak for our community, or the health of our people; it will lead to people dying.



LEGISLATIVE:

1. **Resolution 2021.24 – Planning Fees Increase.** McDowell reported that a few of the fees are going up; the increased costs are due to Linn County increases. The last increase was in 2018. *Councilor Craven made a motion to approve R 2021.24. Councilor Neddeau seconded the motion and it passed unanimously.*
2. **Resolution 2021.25 – Protecting Constitutional Rights.** *Councilor Thompson made a motion to table R 2021.25 until next month. No second was made.*

Discussion ensued. Councilor Humphreys stated that Council had just visited this last month. He said that there are basically two restrictions, and feels that we are picking a fight with this resolution. He doesn't think this is a good battle to fight. He thinks we should tear it up and throw it away. *Councilor Humphreys made a motion to reject R 2012.25. Councilor Thompson seconded the motion.*

More discussion ensued. Councilor Neddeau stated that he doesn't understand the second portion of the resolution. He feels that the City should not police the businesses to make sure they are complying with mandates. Councilor Neddeau doesn't think this resolution will negatively affect people.

Mayor Ware stated that the Central Linn School District is currently closed to in-person learning due to Covid cases. If folks are not protecting themselves, we will all have a more difficult time. He will not support this resolution.

A vote was called for. *Those voting in favor of rejecting the resolution were Councilor Humphreys, Councilor Thompson, and Mayor Ware. Those voting in opposition of the motion were Councilor Hansen, Councilor Neddeau, and Councilor Craven. The motion ended in a tie, so did not pass.*

Councilor Craven stated that in response to what some of the citizens said tonight, he would like to state that he feels the government's job **is** to protect everyone's rights. It is his responsibility to protect his life. He feels that people are losing sight of the role of the government. He believes that this is what this resolution addresses. Councilor Craven feels that we have given up our rights during this emergency. A lot of workers are opposed to vaccine mandates; he believes that Council needs to protect their Staff. Councilor Humphreys stated that the current mandates only include masks; he thinks Council should ignore this, it is nothing. Councilor Craven stated that he feels it is only a matter of time before more mandates are handed down, and that now is the time to be proactive.

3. **2021 Arbor Day Proclamation.** Mayor Ware proclaimed October 2021 as Arbor Month in the City of Brownsville and urged citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

ACTION ITEMS:

1. **Approve Councilor Gerber Resignation.** McDowell reported that he had received an official resignation letter from Councilor Gerber. *By consensus, Council accepted Councilor Gerber's resignation.*
2. **Council Vacancy.** McDowell reminded Council of the process used when former Councilor Mandy Cole resigned her Council position in 2018. Councilor Thompson



was appointed via this process. Basically, Council will advertise and ask for a letter of intent and a statement of qualifications for the position. Council can consider applicants at the next meeting. Council employed a secret ballot process to determine the appointee. *Council agreed to the process by consensus.*

3. **American Rescue Plan Act (ARPA).** McDowell reported that Mayor Ware, Councilor Craven, Mrs. Morrow and himself, have looked over the ARPA information provided. The first tranche (payment) has been received in the amount of \$202,344.86. Staff has sequestered that funding in a separate LGIP/OST account. One year later the City should receive a second payment. McDowell stated that it is going to be hard for Council to turn down over \$404,000. There are specific rules and regulations for accepting this funding. The City will be using it for the downtown sewer project and the GR12 project. It is likely that the City may be over \$100,000 overbudget for the DTSS project alone. These funds will truly be a budget saver for that project. McDowell included the route for the GR12 waterline project as well. McDowell estimates that \$200,000 should accomplish the engineering and next year the City will undertake the project. *Councilor Hansen made a motion to use the ARPA funds for necessary investments in water, sewer, or possibly other applicable uses. Councilor Craven seconded the motion and it passed unanimously.*

DISCUSSION ITEMS:

1. **Pacific Power Franchise Agreement.** McDowell reported that this franchise agreement expired a few months back. Due to its length, the proposed agreement can be found on the City's website. David Ris (Franchise Attorney with Local Government Law Group) and Mr. McDowell have been working to develop this new franchise agreement. Upon review it was discovered that there were changes that were not conducive to the City's needs. McDowell also recommends making the agreement renewable every 3 years, instead of 20, which is in keeping with our other current agreements.
2. **Rec Center & Pavilion | Playground.** McDowell reminded Council that the Pavilion was built in 1970. The floor in the Rec Center is beyond its useful life. The Facilities Review Committee (FRC) was formed to address the situation. Members of the FRC include Central Linn School District, Council, Park Board, Chamber, and City Staff. A firm out of Salem did an inventory, and suggested hiring a structural engineer. VLMK was hired to perform a thorough analysis of the Rec Center. They found one seismic issue with one beam. VLMK believes the building can be renovated and can last 30-40 more years. The FRC began to consider funding options, then the pandemic hit, and the project has essentially been shelved. The Budget Committee & Council has put aside about \$1,000,000 for this project. McDowell is looking for a Council member to serve on this committee since Councilor Gerber resigned. Councilor Thompson volunteered to serve

McDowell reminded Council that in 2019 Council thought that we should take a look at moving the playground equipment away from the erosion of the river. After asking for quotes, it was determined that moving the old equipment would cost about \$90,000. Council determined that it would not make financial sense to move the old equipment when new equipment could be purchased for a similar amount.

3. **Canal Company | Next Steps.** McDowell discussed next steps with Council. Councilor Block had been the liaison with the Canal Company. Over the course of a few meetings, he and Mr. McDowell were able to get to agreement on key issues regarding the Canal Company. Details of a joint project were being discussed. Mr.



McDowell recently had a conversation with Mr. Bob Babcock, and the group is ready to move forward again. It is likely town hall meetings will be needed to bring folks together around this issue. Councilor Craven volunteered to be Council's representative on the committee replacing former Councilor Block.

4. **Annual Project Outlook Checklist Review.** Mr. McDowell informed Council that this list used to be called MTTDL (Master Things To Do List), and now will transition to Project Outlook. This document is tied to the budget, and it gives us the annual things that we need to do. This list is super important, and shows the scope of the projects that Staff undertakes each year with their finite amount of time. Several of the projects on the list will need help from Council to get done. Funding is another limitation, as the budget cannot support another staff member on the payroll.
5. **July & August Financials.** No comments or questions.
6. **City Website Review [Moved to the end of the meeting by consensus in order to accommodate public comment.]** Mr. McDowell reviewed the City website for Council. He showed how to navigate the website to get various information. McDowell also reminded Council that some documents may not be contained in the printed agenda packets due to length, but can always be found on the website.

Municode is our website provider, and the website is quite expansive. The website is ADA compliant, public records compliant, offers alternate language formats, and also has a very nice search button. Page Freezer keeps the City public records compliant on Facebook. All facility reservations must go through the website. Mrs. Deaver handles the reservation calendar. Due to the pandemic, folks are more amenable to using online programs. McDowell demonstrated how to reserve a facility.

McDowell also reviewed how to report a light outage to Pacific Power on the website as well as how to find out what's happening at the local schools, Chamber of Commerce, Pioneer Picnic, as well as the annual Public Works water report. Folks can also make online payments as well as access the Brownsville Municipal Code and ordinances.

McDowell also showed where the agenda and minutes could be found on the website. The website holds 5 years of material. It is a wonderful tool to share with citizens.

CITIZEN QUESTIONS & COMMENTS.

No comments were made.

COUNCIL COMMENTS.

No comments were made.

ADJOURNMENT: Council adjourned by consensus at 8:49 p.m.

City Administrator S. Scott McDowell

Mayor Don Ware

the veritas
STOP
de
visage

I was recruited to fill the opening City Council seat as a stealth candidate. Alan Buzzard approached me out of the blue, thinking that I was a liberal who could pretend to be conservative to get the seat. I didn't know local politics was so cloak and dagger.

~~Alan Buzzard said Scott is a dictator who's suspect because apparently Scott's kids go to Christian school.~~

Alan Buzzard denigrated Councilman Craven with defamatory terms like "far right".
for Adam to me

My relatives were exterminated by actual Nazis so I'm appalled when principled civil servants like Mr Craven are smeared as 'far right'. Such slander can even make him a target of the FBI.

for the "Orange Man"

Half the country are not extremists just because we voted Trump and oppose the elite establishment's totalitarian communist globalism.

Us versus Them

Polemicizing citizens ~~is evil because it~~ cultivates hatred. There are folks in town who feel ~~justified in hating their neighbor~~ because they're victims of a ruthless divide and conquer strategy. I espouse the ~~concept~~ *tenet* of Love Thy Neighbor, particularly when we're defaced – faceless – behind masks, dehumanized and demonized as disease spreaders.

→ [that contempt 4 their neighbors is justified]

Human rights don't exist without individual rights. Each person deserves respect even if you hate their politics.

and truthfulness
HONESTY

If you need fraud to achieve power, you may want to rethink your goal. Love is the ultimate power.

Veronica Christie Statement

Submitted by Veronica Christie - 9/28/21
Council Mtg



RESOLUTION No. 2021.25

A RESOLUTION SUPPORTING THE PROTECTION OF CONSTITUTIONAL RIGHTS DURING EMERGENCIES

WHEREAS, the Declaration of Independence and the Constitution of the United States express and codify the ideological and legal principles upon which our country is founded.

Among those principles are the sovereignty of the individual, their right to self-determination and the strict and stated limitation of the role of government in a free society.

We, as elected officials, have taken an oath to support the constitutions of the United States and the State of Oregon.

It is, therefore, the primary responsibility of all elected officials to protect the humanity and civil liberties of their constituents.

We, as indicated by a majority vote of this council, believe that recent actions taken by certain elected federal and state officials in response to the Coronavirus pandemic, although sometimes well intentioned, have at times demonstrated a blatant and willful assault on the humanity and civil liberties of the citizenry. These actions are often punitive and without regard to the legal principles of the presumption of innocence, due process, probable cause, burden of proof and the recognition of intent.

THEREFORE, although we will continue to comply with posting requirements of Federal and State agencies related to pandemic mandates, orders and/or other administrative actions, we do not believe we have the authority to enforce said mandates, orders and/or other administrative actions.

We will not therefore, enforce any mandates with respect to masks, social distancing, vaccine requirements, closures of public spaces etc.

We recognize the health impacts of this pandemic and will take common sense steps to protect our employees and constituents as specifically authorized by this Council or the City Administrator acting under the authority of the Council.

This Resolution shall become effective immediately.

Passed and approved by Council on this 28th day of September, 2021.

Attest:

Mayor Don Ware

City Administrator S. Scott McDowell

Notes from Don Andrews

Don Andrews Statement

LEGAL ON SEPT 28 2021

PERSONAL VS PUBLIC

TO 2021.25

CITY EXPEDRES

SUCCESSORS

MEDICAL?

OR WANT TO?

Resolution No: 2021.25

Yolonda Tauzer <ytauzer@gmail.com>

Tue, Sep 28, 2021 at 6:21 PM

First of all, while this may seem strange to many of you, I want to acknowledge and thank the ancestors and descendants of the Calapooia people for the land on which those of us in Brownsville are currently residing.

As of today (9-28-2021), Linn County has one of the highest Covid-19 case-rates and death rates in the Willamette Valley: 11,053 cases (with 227 new cases in the past three days) and 80 deaths. Rick and I are here tonight, as tax-paying citizens of Brownsville, to voice our opposition to Resolution No: 2021.25 "Supporting the Protection of Constitutional Rights During Emergencies". This Resolution does not personally represent us, part of the citizenry of Brownsville, in any way, shape, or form. In our opinion, this resolution is another example of hyperbolic, unnecessary, and arbitrary political grandstanding by certain council members and those who support them. We do not believe, as stated in the resolution, that there has been a "blatant and willful assault on the humanity and civil liberties of the citizenry". Speaking for ourselves, we have not experienced such blatant and willful assaults on our humanity and civil liberties EXCEPT in the case of people who willfully and blatantly decide that their so-called "constitutional right" to potentially spread a contagious and deadly virus SUPERCEDES our right to be protected FROM that deadly virus. In other words, their so-called "rights" are jeopardizing our right to life.

Furthermore, this Resolution speaks in generalities when referencing "punitive" actions taken "without regard to the legal principles of the presumption of innocence, due process, probable cause, burden of proof, and the recognition of intent". It does not provide specific, local examples of any such "punitive" actions being taken in Brownsville against its citizenry.

We all want to come through this pandemic with ourselves and our family members alive and healthy. Why continue to engage in angry rhetoric and divisive actions that do nothing to solve the issue that is affecting our community, our state, and our nation? This Resolution, in and of itself, does absolutely NOTHING to provide for the safety and welfare of its citizenry.

Yolonda and Rick Tauzer

Yolonda Tauzer
asked for this
to be entered
into public record



October 26th, 2021

From: S. Scott McDowell
To: Mayor & Council
Re: General Business

“The old believe everything;
the middle-aged suspect everything;
the young know everything.”
~ Oscar Wilde, Author

“Maybe happiness is this: not feeling like you
should be elsewhere, doing something else,
being someone else.”
~ Isaac Asimov, Writer

“Life is too short to deal with other people’s
insecurities.”
~ Anthony Hopkins, Actor



Note: The first section of this report provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that means the item is part of Council Goals. You will see [G1] or other number in front of certain items. The G number corresponds to a Council goal. When you see this symbol, ☒, it means more information will be provided at the meeting.

AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Central Linn Recreation Association Agreement** – Central Linn Recreation Association President Sean Johnson will be available to discuss the agreement for the Rec Center. The Rec Center is asking for an increase in paragraph 15 of the agreement. Insurance costs and other operational costs have risen significantly over time. The City has not increased this amount in over twenty years. It has been over six years since new insurance regulations caused major changes that effected potential liability for covering youth sports. Possible sports injuries focusing primarily on concussions required protocols to be adopted. The Association upgraded equipment and coaches training to response to these safety requirements.



What is Council being asked to do?

Consider adoption of the new three year agreement with the Central Linn Recreation Association for operation of the Rec Center.

- B. **Council Vacancy** – Council has received applications for the Council vacancy. I have included those applications in the agenda packet for your review. The City received four letters



of interest in all. Don Andrews, Lynda Chambers, Cookie Wells and Jack Alsman have all filed a letter with the City for consideration.

Council has a few logistical items to solve prior to the vote. The **first** logistical item is to determine whether Council should consider all applications or narrow the applicants through a nomination process. Staff recommends voting on all applicants. By handling the matter in this fashion, all applicants are equally considered for the vacancy.



The **second** logistical item is how Council will handle a tie vote. As the discussion opens, Council should discuss and then determine how a possible tie vote will be handled. Council can decide between multiple options including, 1) flipping a coin, 2) drawing straws, 3) the roll of a dice or any other method that would be acceptable to Council to determine an outcome.

- C. **Kirk Avenue Requests** - Mrs. Jane Rackley has placed a request for Council’s consideration in the agenda packet. Mrs. Rackley will be available to discuss her requests.
- D. **Fence Request(s)** – Mrs. Stephanie Koontz may be in attendance to address her request for the placement of a fence on public property. Her letter is included in the agenda packet.

9) LEGISLATIVE:

10) ACTION ITEMS:

- A. **2022 Council Meeting Schedule** – Every year Council adopts the schedule for the upcoming year. I have included a schedule for Council meetings and Budget meetings. Council will also have a goals review session and, potentially, other meetings that may be scheduled in the future.

What is Council being asked to do?

Adopt the schedule for 2022.



- B. **Board & Committee Appointments** –The current members’ terms below are up at the end of the year. All members listed below are interested in being reappointed to these positions. The City does have a vacancy on the Budget Committee which will be posted after the first of the year.

Budget Committee

Rick Dominguez

Planning Commission

Gary Compton

Parks & Open Space Advisory Board

Pat MacDermott, Jo Ann Neddeau, Lynlee Bischoff & Rick Dominguez

What is Council being asked to do?

Consider reappointing current members or decide to go out for advertisements.

- C. **Central Linn Recreation Association Agreement** – Explained above. Council can choose to approve the agreement at this spot on the agenda or may have already handled this item.



D. Appoint Cascade West Transportation Representative – Councilor Gerber was appointed to this position and has been serving in this role for a few years.

What is Council being asked to do?

Determine if anyone is interested in serving in this capacity.

11) DISCUSSION ITEMS:

- A. **Projects** – Staff will provide a brief overview Tuesday evening.
- B. **Law Enforcement Levy** – Council should discuss the levy. Staff has posted the fact sheet included in the agenda packet on the City website and on the City’s Facebook page.
- C. **September Financials**

UPDATES, INFORMATION & HAPPENINGS



Linx Transportation Opportunity – Mayor Ware and I met with Kindra Oliver last week to review the key components of the Lebanon transportation system and to discuss the operational logistics of how Linx may include service to Brownsville. Mayor Ware, Councilor Thompson and I will meet once we receive the printed materials from Lebanon and make a plan to talk with community partners.

MVP Meetings | [G3] ☑ – The next scheduled meeting is set for October 28th, 2021 in Adair Village. The group will focus on meeting the objectives of the intergovernmental agreement with the third-party contractor who will be developing a website and branding materials with the assistance of the group.

RAIN Grant Coordination | [G3] – I met with Caroline Cummings (RAIN), Kelly Hart (City of Lebanon) and the State to address a few concerns. The group is still working through the details while waiting on the outcome of the grant funding submitted last month.

From 09.28.2021: The City has volunteered to be the sponsor for the Rural Opportunities Initiatives (ROI) grant for the MVP and RAIN. RAIN Staff will help with the logistics and details. Council may be asked to pass legislation in the future for this application if the proposal is approved. Awards will not be made until October 2021. The application can be found on the City Council webpage under supporting documents for this meeting.

D-Prep Status | [G4] – The group met last Wednesday to review the solicited proposals. Upon discussion, the group decided to reissue the ‘Scope of Work’ because none of the vendors actually submitted a proposal that adequately covered what we were asking for. Work will take place next week to address this issue.



From 09.28.2021: A Request for Proposals (RFP) was put out for consideration. The deadline was September 24th, 2021. The group will meet very soon to select a vendor. Staff, including Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and I will be involved with this project.



City Administrator Report

Remington Park [G5] ☒ – Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman have worked cooperatively on the installation of Remington Park on the northside of town. The project is coming along nicely. Next week Public Works plans on installing a bench, a picnic table, a trash receptacle and a dog waste station.

Downtown Sanitary Sewer Project [G5] – Pacific Excavation got to work on the installation. Staff spoke with several abutting property owners including Mr. Steve LaCoste and Mr. Michael Worthing. The letter sent to property owners and tenets can be found on the City website. Simply click the orange banner on the top of the website.

Further down in this report are additional details about the project.

Neighborhood & Neighbor Disputes – Staff continues to deal with multiple issues all over town. These issues are very time consuming. Staff’s goal is to try to bring compromise when possible.



Originally Printed in January 2020

Outcomes & Group Dynamic

Becoming a Council member or an appointed official can be challenging. Helping the public agenda along is not always easy and is constantly met with many questions and, as a Councilor, a steep learning curve. Most City boards, committees and commissions have worked together on projects, are currently in the process of working on objectives and goals, and, in some cases, have a master plan or other requirements that somewhat guide the foreseeable future. Trying to manage multiple priorities on a very limited budget is difficult.

Many people who get involved want to make an impact immediately either by promoting their own agenda and ideas, or the ideas of people close to them, or both. Unfortunately, many times, conflicts arise due to the scarcity of resources that additional priorities cause. In many cases planning and goals have already been established. All organizations need to continually be improving, but being able to collaborate, gain consensus, effectively communicate, and efficiently execute is what every person who donates their time to serve should want from any organization.

Having wisdom to understand the bigger picture (having a sense of perspective), having good common sense, and working well with others are the keys to being a successful member in any organization.

The City uses the basic model below:

The Process of Progress

1. **Recognize & Identify** | a goal or issue. Is the goal or issue worth pursuing?
2. **Accept & Agree** | on the parameters of the goal or issue by succinctly defining the goal or issue.
3. **Strategize & Develop Action Steps** | discuss the life cycle or timeline and create actionable steps to solve the problem.



- 4. **Implement & Execute** | actively work on implementing the strategy and action steps.
- 5. **Review Outcomes** | monitor success through completion.

Carefully thinking about issues that impact the organization, and ultimately our citizens, requires deliberate discipline, critical thinking and analysis. Knowing what the organization’s responsibilities and commitments are, and understanding the City’s functions are paramount to making decisions that create meaningful impacts for our citizens.

Members who are capable of convening, facilitating and resolving relevant issues are truly the most important component to any successful organization.

1 Goal 1 | Focus on Fundamentals

Linn County Sheriff’s Office Monthly Report | [G1] – The City is under contract for 200 hours per month. The eighteen-month average looks like this:

LCSO Month-to-Month Comparison (18 months)

Year	Month	Traffic Citations	Traffic Warnings	Hours
2021	September	9	3	230
2021	August	10	5	218
2021	July	19	8	233.25
2021	June	9	9	184.25
2021	May	40	15	209
2021	April	14	13	210
2021	March	18	14	213.25
2021	February	28	11	208.4
2021	January	14	10	204
2020	December	14	12	226
2020	November	26	30	204
2020	October	16	18	202
2020	September	18	12	208
2020	August	20	14	211
2020	July	7	13	211
2020	June	20	4	213
2020	May	4	6	214
2020	April	18	5	210
	<i>Subtotal</i>	304	202	3809.2
	Total Average	16.89	11.22	211.62
		<i>Cites</i>	<i>Warnings</i>	<i>Hours</i>



City Administrator Report

LCSO Quarterly Meeting | [G1] – *From 09.28.2021:* Councilor Humphreys and I attended the September 2nd, 2021 meeting in Millersburg. The Sheriff covered a number of topics including personnel changes. Michelle Duncan has been promoted to Undersheriff, Brandon Fountain has been promoted to Captain, Beth Miller has been promoted to Lieutenant, and Steve Frambes will become the new Sergeant. Sheriff Yon talked about the importance of the upcoming Law Enforcement Levy in November. Yon will be attending Council meetings with the contract cities to ask for support. The Sheriff's Office is working on implementing several new requirements passed by the State Legislature. One of those requirements deals with illegal drugs and court jurisdiction which will need some coordination with all of the cities who have a Municipal Court.

- ★ **Active: LCSO Equipment Training** – Public Works Superintendent Karl Frink will be deploying tracking equipment soon. Frink is working with Linn County Sheriff's Office to finalize the data side of the installation. Staff has compiled a map of locations and listed the logistics for tracking and implementation.

TMDL & Designated Management Agency (DMA) | [G1] – Staff have been reviewing requirements and have briefly discussed how to accomplish the required work with the City Engineer.

From 05.25.2021: Public Works Superintendent Karl Frink and I attended a webinar detailing the City's new responsibilities as a DMA. Many folks on the call expressed sincere concern about these regulations, the validity of the process and the associated costs. Many were frustrated.

From 04.27.2021: The State Department of Environmental Quality requires this topic be placed on Council agenda twice a year. Staff will outline basic components of the City's TMDL plan. The City placed an article in the March Newsletter that was also a requirement of the plan. The basic premise of TMDL is that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in large quantities by humans. The City recently received a letter from the Department of Environmental Quality (DEQ) that now threatens findings and orders if cities are not compliant.

Linn County Planning & Building Department Meeting Outcome | [G1] – Linn County recently held a training session and is working on the logistics for their newly implemented e-permitting system. The group still needs to clarify UGB agreements that have not been updated for forty years.

From 6.22.2021: I met with the cities of Halsey, Harrisburg & Scio. We have scheduled a meeting for this upcoming Monday with Linn County Commissioner Sherrie Sprenger. Administrative Assistant Elizabeth Coleman will be attending an informational meeting with the Department regarding the implementation of the new software that will allow electronic filing of permits.



From 05.25.2021: The group continues to wait on the County to upgrade and implement an e-permitting system. Future meetings will be required to continue to move this goal and other items forward.

Civic Partnership Agreements | [G1] – Council will consider a new agreement with the Central Linn Recreation Association. Please see notes above. Council will review the Calapooia Food Alliance agreement at the November Council meeting.

From 09.28.2021: Council has agreements with many civic partners for various reasons. Each of those agreements are generally three year terms; some are shorter. The reason for this term length is so



current Council members are aware of the details of those past agreements. It is done this way due to the overlapping terms of Council members. Any of the agreements are available for review upon request.

Recent Council Actions |

- ★ Senior Center Services Agreement – Authorized July 27th, 2021.
- ★ Flower Club Services Agreement – Authorized July 27th, 2021.
- ★ Brownsville Art Association & Chamber – Report July 22nd, 2021: The organizations have dissolved their agreement for subletting the Art Center. The Chamber will be housed in the American Legion/Senior Center for the time being.

2

Goal 2 | Water Rights

Oregon Association of Water Utilities (OAWU) | [G2] – *From 06.22.2021:* Public Works Superintendent Karl Frink provided a tour of the City’s facilities to Mr. Tim Tice.

From 05.25.2021: Council contracted with OAWU to work on the Water Conservation Management Plan (WCMP) as required by the Oregon Water Resources Department (OWRD). Staff has been gathering information for the study. Mr. Tim Tice is the lead representative from OAWU working on the project.

Oregon Water Resources Department (OWRD) | [G2]

From 05.25.2021: I contacted the State to make sure they were aware that the City is working with OAWU as required. Kerri Cope acknowledged the City’s current project status.



From 04.27.2021: Mr. Rolfe has taken a position with a law firm in Washington State. The City will continue our representation through Schroeder Law.

From 03.23.2021: Staff has received an estimate from the Oregon Association of Water Utilities (OAWU) to complete the Water Management Plan required by the State. I will provide a resolution on Monday, January 25th, 2021.

From 12.15.2020: The City must complete this project this upcoming fiscal year to stay in compliance with the order from OWRD.

3

Goal 3 | Economic Development Plan

Mid-Valley Partnership (MVP) | [G3] ☒ – See above.

From 09.28.2021: The group is in full swing once again. We are trying to put together a Request for Proposals on marketing, branding and building a comprehensive website for MVP as was the plan that was stalled by the Pandemic. I will have more information at the meeting Tuesday.



From 06.22.2021: Halsey City Administrator Hilary Norton moved forward on behalf of the group to apply for grant funding to start making progress on the agreement that Council signed with other regional partners at the beginning of 2020, end of 2019. I have included Mayor Ware’s letter of support in the agenda packet for your review.

The City also extended the RAIN agreement for two years as previously authorized by Council.

4

Goal 4 | Community Development Plan

Joint Emergency Coordinator Proposal (IGA) | [G4] ☑ – See above.

From 09.28.2021: The City of Sweet Home is coordinating the Request for Proposals (RFQ) process for the group. I hope to have more information for Tuesday evening.

From 06.22.2021: The group finalized the IGA and begins conversations with third-party vendors.

Pending: Canal Company & the Mill Race | [G4] – Councilor Craven and I will reach for a meeting prior to Thanksgiving. The City may experience some physical logistics issue with public meetings.



RV Ordinance & the Zoning Code Amendment | [G4] – *From 10.27.2020:* Administrative Assistant Elizabeth Coleman and Planning Consultant Dave Kinney have been working on a major amendment to Title 15 of the Brownsville Municipal Code. The proposed RV ordinance from last meeting falls within Title 15. City Attorney Ross Williamson said that any amendments to Title 15 will require a special process as it falls within the Measure 56 rule that requires two separate public hearings and a direct mailing to all effected property owners.

From 09.22.2020: Council appointed Councilors Thompson, Hansen and Chambers to review the RV Ordinance from City Attorney Ross Williamson with Staff. Enclosed in the agenda packet is a draft version of that ordinance for discussion. We will review the highlights prior to the discusion.

From 07.28.2020: City Attorney Ross Williamson developed the language for a revision and clarification on RV’s. How would Council like to proceed? I would suggest a volunteer to work through the changes with Staff and bring those changes to Council for consideration at a future meeting.

Land Inventory | [G4] – See above. *From 03.26.19:* Please review the letter from Planning Consultant Dave Kinney. I asked Mr. Kinney to provide this letter to show Council the process and the political will that is going to be necessary for this important project.

See past reports for more information.

Right-of-Ways & Storage Containers | [G4] – *From 12.17.19:* Council considered **two** ideas moving forward at the last meeting. Idea #1) consider permitting for temporary storage containers, and Idea #2) consider future requirements for storage containers as permitted living spaces.

From 11.26.19: Councilor Thompson, Councilor Neddeau, Administrative Assistant Tammi Morrow and I met to review right-of-way infringements, the ordinance and storage containers. Staff will share information with Council for possible next steps.



5

Goal 5 | Capital Improvements Plan

Downtown Sanitary Sewer Contract | Bid Acceptance | [G5] ☒ – The project is underway and met unforeseen challenges “right out of the gate.” Public Works Superintendent Karl Frink and I will provide an update.



project

From 09.28.2021: I have included a letter sent to property owners and tenets two weeks ago explaining the details. I will have more information Tuesday evening.

From 07.27.2021: The City opened bids on Wednesday of last week. Public Works Superintendent Karl Frink, Administrative Assistant Elizabeth Coleman, and I attended with Dyer Partnership personnel included City Engineer Ryan Quigley. Four contractors submitted bids. All bids qualified for consideration, two had minor exceptions. Below are the results:

<u>Bid</u>	<u>Contractor</u>
\$518,986	Pacific Excavation, Inc.
\$599,000	North Santiam Paving Co.
\$629,000	Trench Line Excavating, Inc.
\$679,550	James W. Fowler Co.

Facilities Review Committee Recommendation Outcomes | [G5] – *From 11.26.19:* The Ad Hoc Committee met to discuss the structural engineering report from VLMK and to discuss ideas, strategies, and options.

From 9.17.19: The City has received the Structural Engineering Report from VLMK, and it is currently under review.



Councilor Thompson

Stalled: Ad Hoc Committee Document – *From 01.28.20:* Halsey City Administrator Hilary Norton and I met to discuss the plan of creating a document for the Ad Hoc Committee, Council and ultimately the general public that provides quick details and drawings of the future plans for the Central Linn Rec Center. Mrs. Norton will be providing illustrations for the document.

6

Goal 6 | Organizational Development

Councilor Thompson provided a good article on the *Ten Traits to be an Effective Councilmember*. I have included it in the agenda packet.

7

Goal 7 | Advocacy Plan



ACTIVE, PENDING & STALLED

Active: Rec Center & Pioneer Park Pavilion | Moving Forward – *From 09.28.2021:* Council will discuss the next steps for this project. Council had developed a Facility Review Committee (FRC) that had made some formal recommendations which Council completed in 2019. An informal, ad hoc committee was created to review logistics and details however due to the pandemic, the project has been on hold. The City was working with representatives from the Central Linn School District, the Central Linn Rec Center, Park Board, the Linn County Pioneer Association, the Chamber and the City of Halsey. Council and the Budget Committee have set aside a substantial amount of money for this project.

Active: WCMP Information Update | [G2] – *From 09.28.2021:* Staff has been working with Mr. Tim Tice on the Water Conservation & Management Plan (WCMP). Public Works Superintendent Karl Frink has been working diligently on the numbers to make sure consumption is accurate and fairly reported.

Active: River's Edge Outcome – Staff continues to work on getting a landscaping plan that will meet the requirements of the Planning Commission.

From 09.28.2021: Staff has spent considerable time on this project. On September 9th, 2021, Staff review many items that remain incomplete. The City is working with the developer and the construction company to complete these items. Staff is working under the direction of the Planning Commission for a number of issues relating to this development.

From 04.27.2021: The City is in the process of finalizing concerns with Pacific Power over streetlights. The Planning Commission is also hearing a proposal for Phase III of the subdivision. The City still will need to accept the water and sewer utilities and the streets once officially deemed complete by the City.

From 03.23.2021: The new sanitary sewer extension has been completed and has passed all necessary tests according to Public Works Superintendent Karl Frink.

Pending: Cemetery Policy Committee – Still waiting to gather the group for a tour.

Pending: Jail Project – Waiting for the bronze plaque to be delivered.

From 10.27.2020: Mayor Ware wrote copy to tell the story about the jail in Kirk's Ferry Park. The City is working on signage for the building. The plaque will look similar to the Fire Bell plaque in front of City Hall.



COMPLETED

Sweet Home Sanitation (SHS) | Recycling – *From 09.28.2021:* Councilor Thompson requested that Sweet Home Sanitation come back to Council to discuss the City's recycling program. In 2018, the



Chinese government enacted the China Sword policies that impacted American recycling. The State Legislature recently passed SB 582 which will also be discussed. SHS representatives Brian White and/or Michael Grove will be at the meeting to give a report. Sweet Home Sanitation has also stopped taking electronic waste. It would be appropriate to discuss this item too.

- ✓ Advertisements for 2022 Park Caretakers.
- ✓ All easements filed and forwarded to all concerned parties.
- ✓ Update Planning Commission Fees.
- ✓ Upgrades the Reservation Process with Municode.

Please visit the City website at <https://www.ci.brownsville.or.us/currentevents>.

★ *Kirk Avenue Project History*

★ *Calapooia Riverbank*

Respectfully Submitted,

City Administrator Scott McDowell

PLANNING AT A GLANCE OCTOBER 2021

Permits *Building, Plumbing, Mechanical, Fence, Etc.*

• Structural	Single Family Dwelling	805 Calapooia Ave
• Structural	20 x 14 Free Standing Patio Cover	231 Putman St
• Structural	Single Family Dwelling	532 Kay Ave
• Plumbing	Bathroom/Vent in Shop	855 Linn Way
• Mechanical	Add Coil & A/C	828 River Ave
• Mechanical	Heat Pump	27911 Seven Mile Ln
• Construction	20 x 14 Free Standing Patio Cover	231 Putman St
• Construction	6x8 Porch Cover	120 Moody Court
• Fence		871 Maple St
• Fence		870 Maple St
• Fence		217 Kirk
• Fence		208 Washington Ave
• Fence		305 Kirk Ave
• Fence		875 Maple St
• Fence		873 Maple St

Updates

River's Edge Subdivision

Still in process.

Elizabeth E. Clewley

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR SEPTEMBER 2021**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	24	6	1	29	
Violations	135	12	13	134	
Contempt/Other	50	0	1	49	
TOTALS	209	18	15	212	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 3,080.00	City	\$ 2,049.00
Total Bail Released +	\$ -	Restitution	\$ -
PayGov Adjustment	\$ -	Oregon Dept Revenue	\$ 500.00
Total Bail Held -		Linn County	\$ 166.00
* Total Refund/Rest -	\$ 365.00	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -
Cash Shortage -	\$ -	Misc Deposit	\$ -
Miscellaneous Income	\$ -		
TOTAL COURT REVENUE	<u>\$ 2,715.00</u>	TOTAL COURT PAYMENTS	<u>\$ 2,715.00</u>

Credit given for Community Service	\$ -
Other Credit Allowed Against Fines	\$ -
Totoal Non-Revenue Credit Allowed	<u>\$ -</u>

TOTAL CASH PAYMENTS TO:

CITY	\$ 2,049.00
STATE	\$ 500.00
COUNTY	\$ 166.00
*REFUND RESTITUTION BAIL HELD	\$ -
TOTAL:	<u>\$ 2,715.00</u>



Library Advisory Board

Librarian's Report

September 2021

Here are a few facts about our library the month of September 2021. We have received 41 new books for the library. Volunteers donated 137.5 hours to our library. There were 1,063 materials checked out. 387 adult fiction books; 196 adult non-fiction books; 61 audio books; 175 children's books; 142 junior books; 40 junior reference books and 62 large print books.

In September, we held 8 children's programs with 52 participants. There were 6 programs for adults with 25 participants. It was nice to start up the Parents and Pals Story Time again. I have so missed these families the past year and a half. The Library Stitchery Group is meeting again. More folks are bringing their handiwork project and visiting each Wednesday afternoon. The challenging part is to bring back families that have dropped off due to the pandemic. Looking at new patrons and continuing patrons, we are on target to have as many or more pre-pandemic patrons. This gives me hope that our Library will get back to 'normal'.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sherri Lemhouse".

Sherri Lemhouse
Librarian



2021-2022 Council Goals
(Compilation Date: March 2021)

Goals 2021-2022

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative and Productive Relationships in Brownsville with the Central Linn Community, Linn County, & State & Federal Agencies.*

2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*
- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

7. Advocacy Plan.

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*



Goals Progress Plan

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative and Productive Relationships in Brownsville with the Central Linn Community, Linn County, & State & Federal Agencies.*

Plan: Council, the Budget Committee and Staff will continue working carefully with the annually adopted budget to ensure financial well-being and to complete the goals of the City. Staff will strive to provide services efficiently and effectively to maintain low costs. Staff will work to maintain the City's outstanding financial rating. Staff will execute the planned projects found in the FY 2020.2021 and FY 2021.2022 budgets, as time, priority and possible financial constraints allow.

Staff will continue to strive for excellence in all relational aspects locally and regionally. McDowell will continue his involvement with the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, the Linn County Planning and Building Department meetings, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Public Works Superintendent Frink works with various groups including 811. Administrative Assistant Elizabeth Coleman works with the Linn County Planning and Building Department and the Park Board.

Staff is also very involved at a local level. McDowell serves as a liaison to the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club, among others. Councilor Thompson serves as the liaison to the Central Linn Recreation Association (CLRA). Mayor Ware serves on the Cascade West Council of Governments (COG) Board. Councilor Gerber serves on Cascade West Council of Government's Transportation Board. Councilor Humphreys will serve as the liaison to the Linn County Sheriff's Office (LCSO).

September 2021 Update

- ★ **Treasury** | The City passed a balanced budget with many exciting projects for 2021.2022. Council refinanced debt to save money. Council and Staff, namely Administrative Assistant Tammi Morrow, have been effective using CARES Act money to backfill expenditures related to the Pandemic. Singerlewak recently completed the annual audit visit and is currently preparing the final report for FY 2019.2020. Staff will make sure the documents are sent to the proper agencies including the Secretary of State's Office. New housing developments will cause an increase in the General Fund for the fourth year in a row. It is also important to remember that the tax bill will look different this year due to the refinancing. The City already collected the money for this year's payment, so it will not reflect on the tax bill this year.
- ★ **Relationships** | The summer months have been busy with regional efforts heating up due to the removal of the State lockdown requirements. The City signed an IGA with Lebanon and Sweet Home for disaster preparation (D-Prep). The group is currently working on received proposals for the execution of Phase I of that program.

The City has been working with the LCSO and the Linn County Planning and Building Department on continued improvements. LCSO will be making several changes in personnel due to the retirement of Undersheriff Paul Timms.



Personnel changes at the LCPBD led to a meeting with Commissioner Sprenger to discuss possible outcomes with the Department. The County is currently working on filing the top position in the Department.

Council and Staff are reviewing the guidelines and requirements for the American Rescue Plan Act (ARPA) money.

2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

Plan: Council recognizes water as the City's most valuable resource. The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that may exist in areas around Brownsville. Staff will continue to work with City Engineer Ryan Quigley and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State such as the Oregon Water Resources Department (OWRD). Staff will continually work on the Water Conservation Plan with Oregon Association of Water Utilities as hired in early 2021.

September 2021 Update

- ★ **Water Rights** | The City is now working with Attorney Sarah Liljefelt at Schroeder Law out of Portland. Long-time representative Wyatt Rolfe took a new position with a different firm. The City shut off the water to the Mill Race in early August due to extremely low water levels. The State Water Master did not send notice on the Mill Race to date.
 - ★ **Conservation Plan** | Council hired Oregon Water Utilities Association (OAWU) to complete the necessary reporting to comply with the Oregon Water Resources Department (OWRD) requirement that the City have a Water Conversation & Management Plan completed by March 2022. Mr. Tim Tice of OAWU is working with Staff on this report. Staff and OAWU have notified the State of Oregon about where the City is in this process.
-

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

Plan: Continue working with partners on regional economic development efforts.

Definition: The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.

The City will incorporate several new ideas from the Goal Setting session into the Land Inventory and Update.

September 2021 Update

- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is moving ahead with the deliverables contained in the agreement signed in December 2019. The Pandemic slowed this



project to a standstill for over a year. The group is currently out for proposals on the development of a stand-alone, joint website and marketing & branding materials.

- ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory and review process through Linn County and the State of Oregon, namely the Department of Land Conservation & Development (DLCD). Council & the Planning Commission will be heavily involved in public hearings to complete this project.
-

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

Plan: Council would like to continue to explore ways to positively affect community livability. Council will explore building rules and standards to solidify the historic look and feel of Brownsville. The City continues working with ad hoc volunteer committee promoting community emergency preparedness efforts as defined by the Brownsville Municipal Code. Staff will work with the Brownsville Rural Fire District, Halsey-Shedd Rural Fire Protection District, the City of Halsey and the Central Linn School District to accomplish Council directives. Council will continue to explore options for the Central Linn Rec Center and the Pioneer Park Pavilion with various partners including the City of Halsey and the Central Linn School District. Council will continue to monitor attacks against recreational immunity through various sources such as the League of Oregon Cities (LOC) and CIS.

September 2021 Update

- ★ **EPC** | The Emergency Preparedness Committee continues work on their annual goals. Several outreach projects have been curtailed due to the Pandemic. D-Prep is also a new dynamic that assists the City in emergency preparedness operations. Linn County also recently hired Ric Lentz as the new EMA Coordinator.
 - ★ **State Legislation** | Council and Staff will soon review all the bills that were passed in Salem this last long-session. There were many concerns that could several hamper municipal operations being considered as always. Three areas of major concern were increases to tort limits, abridgement of recreational immunity and discretionary immunity.
 - ★ **Youth Activities** | Councilor Craven recently was appointed as the liaison with the Rec Center. Council opened facilities and allowed the Rec Center to operate their baseball/softball program this summer. Librarian Lemhouse operated the summer reading program at the Library. Council also passed a budget that includes renovations to the Rec Center and the pavilion.
-

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*



- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*
- *Move forward with Canal Company plans.*

Plan: Staff will continue to execute engineering and manage the construction of the old, sewer lines in Old Town Commercial. Staff will prepare for the design and installation of the GR 12 waterline. Staff and Council will work as required to cautiously move forward with TMDL requirements. Staff will continue working with the Ad Hoc Committee assigned to looking into the renovation of the Central Linn Rec Center and the relocation of the Pioneer Picnic Pavilion.

September 2021 Update

- ★ **Downtown Sanitary Sewer (DTSS)** | Council entered into a contract with Pacific Excavation to build the sanitary sewer and water line in the downtown area. Projected start date is October 4th, 2021. The contract will probably be a ninety day contract for completion. The City is stretched budgetarily on this project. Public Works Superintendent Karl Frink will serve as project inspector and City Engineer Ryan Quigley will also provide contract oversight and direction.
- ★ **GR 12 Water Line** | Council and Staff budgeted for this project to start. ARPA money may allow this project to happen this fiscal year. The line is important for future water capacity for the City. Improvements need to be made to the Water Treatment Plant to fully capitalize on the water capacity for the citizens.
- ★ **TMDL Plan** | The State of Oregon deemed the City a Designated Management Agency (DMA) which requires an official plan to be submitted to the State for review and approval. Council has continually been warned about the financial impacts of this unfunded mandate. Now the full power of the State can be levied against cities on compliance issues. Major fines have been assessed in communities across the United States.
- ★ **Recreation Center & Pavilion** | The City was working on the renovation of the Rec Center and the citing of a new pavilion at Pioneer Park prior to the Pandemic. Council needs to consider next steps for the project as many players have changed and the dynamics of community need has also been impacted.

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

Plan: Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff. Council will work to ensure that all Boards and Committees are properly trained, and procedures are periodically reviewed. Council will take a more proactive role with volunteer support. Council will continue to check in with Staff and stay abreast of community happenings.

September 2021 Update



- ★ **Council Training** | Council is actively working on leadership development and group dynamics issues. Council will continue to check in and monitor progress as the new group moves through meetings and community issues they are faced with in real-time.
 - ★ **Council-Staff** | The City has some work to do in this area. Working together has been the hallmark of the City's success. Council has done well with preparing for meetings and learning about the issues that are being discussed or what issues should be discussed by Council.
-

7. **Advocacy Plan.**

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*

Plan: Council recognizes the need for advocacy and would like to engage during the current legislative session while exploring other ways to engage both regionally and locally. Actively working on protection of Home Rule, recreational immunity, keeping and supporting tort limits and monitoring other impositions by the State government into local affairs. Council may develop a local advocacy plan that would include, 1) specific legislative items being considered by the State of Oregon, 2) prepare policy statements on those items, and 3) form letter writing efforts to improve municipal authority as allowed by the Oregon Constitution.

September 2021 Update

- ★ **Advocacy** | Council has not officially started this piece.



2021-2022 Council Values

Council Vision Statement

The Brownsville City Council works collaboratively and effectively with each other, staff, and community partners to preserve the historic character and economic health of our town and to create a high quality of life for our citizens.

A Vision for Brownsville

For a tiny rural Oregon community, Brownsville has a huge presence. It is well-known throughout the state for its friendly welcome and for being a safe, clean, and attractive town. It is clear that residents value its historic character and make special efforts to preserve and enhance it. Talk to business owners in the thriving north and south business areas and you will find that it is the creative working relationships between city government and private, county, state, and federal partners that sustain our economic health and well-being. Residents participate in Brownsville's inclusive process of growing and enhancing our high quality of life. Brownsville citizens care about healthy city finances, they expect infrastructure that delivers, and they elect a City Council that works for the benefit of the community. Public spaces are a vital part of Brownsville's sense of place; citizens' and city government's attention to the appearance and cleanliness of parks, streets, and neighborhoods adds to the town's livability.

Tag line

Brownsville: Where People Care, Business Thrives, and History Lives

Who we are?

Brownsville is a City that is proud of its past while constantly improving toward the future for the benefit of our citizens. We are a group of citizens that honor each other by carefully balancing the social contract (Brownsville Municipal Code) to keep peace and order. The Brownsville Municipal Code and Comprehensive Plan help define the role of the City. Organizational transparency is a focus of Council. Council is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute identified goals and carry out the responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal functions and civic services. Many civic organizations implement their missions actively in our community which provides a quality of life and vibrancy that is uncommon. Community events are planned and designed to invite people into town to share what Brownsville has to offer.

Council recognizes that many civic organizations and the City government are working diligently on implementing organizational development concepts in order to more efficiently provide services. Council recognizes that we are in a transition period between an authoritative model and are collectively moving toward a new, participatory approach within the organization and throughout the community.

What do we want for Brownsville?

Brownsville should honor the past, maintain a healthy present and strive to assure a dynamic future by focusing on fundamental municipal services such as:



- | | |
|-------------------------|----------------------------|
| 1. Treasury Health | 7. Contract Administration |
| 2. Water | 8. Personnel |
| 3. Sewer | 9. Police Protection |
| 4. Capital Improvements | 10. Municipal Court |
| 5. Parks | 11. Library Services |
| 6. Streets | 12. Planning & Zoning |

Organizational Development

1. *Elected & Appointed Officials.* People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
2. *Staff.* People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
3. *Organizational Axiom.* Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.
4. *Diversity, Equity, and Inclusion.* The City creates an environment of equal access to opportunities for all individuals in Brownsville. The City is committed to equal access through Federal and State laws, but also through local practice principled in the elimination of bias and barriers that may exist in the community and from developing in the City's organization. Council shall continue to consider implications of new and past policies that may create unnecessary barriers for members of minority groups, women, veterans and vulnerable populations.

NOTES: Council has discussed many organizational theories & objectives as well as identifying important critical thinking models that will serve as a guide for making better decisions. Below are a few of those models:

THE PROCESS OF PROGRESS

1. Recognize & Identify
2. Accept & Agree



2021-2022 Council Values

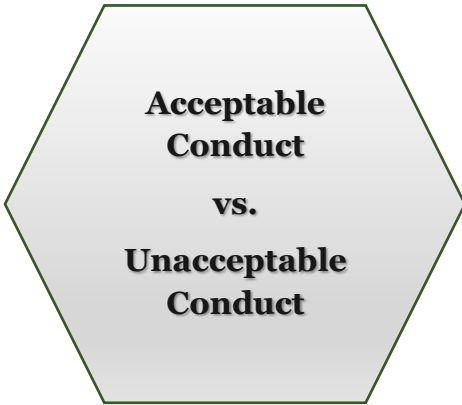
- 3. Strategize & Develop Action Steps
- 4. Implement & Execute
- 5. Review Outcomes

LEXIPOL’S 10 FAMILIES OF RISK MODEL

- 1. External Risks
- 2. Legal & Regulatory Risks
- 3. Strategic Risks
- 4. Organizational Risks
- 5. Operational Risks
- 6. Information Risks
- 7. Human Resources Risks
- 8. Technology Risks
- 9. Financial and Administrative Risks
- 10. Political Risks

How are expectations set in City Government?

- ◆ Laws & Municipal Code
- ◆ Standards
- ◆ Requirements & Rules
- ◆ Memoranda of Understanding
- ◆ Contracts
- ◆ Agreements
- ◆ Employee Handbook
- ◆ Societal Norms
- ◆ Cultural Nuances
- ◆ Public Opinion





RECREATION CENTER

OPERATION AGREEMENT

BETWEEN: The City of Brownsville, an Oregon (CITY)
Municipal Corporation

AND: Brownsville Recreation Center, Inc. (OPERATOR)

RECITALS

- A. The City owns the Recreation Center Building and Facility commonly known as the Recreation Center located at 145 W. Park Avenue, Brownsville, Oregon.
- B. The Operator desires to operate the Recreation Center upon the terms and conditions set forth herein.

AGREEMENT

1. **Recreation Center Operation.** City hereby designates, for the term of this agreement, Operator to be the exclusive manager and operator of the Recreation Center for the purposes detailed herein. Operator hereby agrees to manage and operate the Recreation Center based on the terms and conditions of this agreement.
2. **Term.** The term of this agreement shall be for a period of three years, commencing on January 1st, 2021 and ending on December 31st, 2023. This agreement may be extended for an additional year under the same terms and conditions using an extension signed by both parties at least thirty (30) days prior to the end of the term.
3. **Purpose.** Operator shall use and occupy the Recreation Center “for public recreational purposes” as required by the property deed dated February 9, 1981, whereby School District Number 552-C granted the Recreation Center and property to the City of Brownsville. The deed can be found at the Linn County Courthouse at the Recorder’s Office in Volume 285, Page 662 and Page 663. The deed is attached to this Operation Agreement as Exhibit A.
4. **Consideration.** The Operator is providing services for the benefit of the public and no monetary sum is to be paid to or by the Operator from the City, except as provided in Paragraph 14. The Operator is also granted permission to sublet certain areas of the Recreation Center at their discretion as articulated in Paragraph 15.
5. **Maintenance of Center.** Operator shall maintain the Recreation Center in as good a condition as it exists at the beginning of this Agreement and shall be responsible for repairs necessitated by Operator’s negligence or normal wear and tear. City shall hold Operator, its officers, agents and employees, harmless from any and all claims, actions liabilities, costs, including costs of defense, arising out of or in any way related to



- property damage to the Recreation Center in excess of or different from the damage for which Operator has agreed to assume responsibility, except where such damage was caused by intentional acts or failures to act on the part of Operator, its officers, agents or employees. The City shall be responsible for the following items: 1) Building exterior, 2) parking lot, 3) bleachers, 4) the gym floor, 5) restroom fixtures/hot water heater, 6) heating & air conditioning, 7) smoke detectors & alarms, 8) fire extinguishers, 9) extermination services, 10) electrical, and 11) plumbing.
6. **Key.** Operator shall provide City with a key enabling City to obtain access to the Recreation Center. City shall give Operator notice before entering the Recreation Center whenever possible.
 7. **Improvements and Extraordinary Repairs.** Operator shall not make any major structural changes, additions or improvement to or upon Recreation Center without the prior written consent of City, and that any such improvements so made or provided shall inure or revert to the benefit of City and become the sole property of City at the termination of this agreement as it may be extended or renewed.
 8. **Recreational Immunity.** Due to recent changes in State Law, the City must have the maximum amount of flexibility to revise this agreement as changes come available through City/County Insurance Services (CIS) or through case law in the Oregon Court System. Resulting policy shifts from CIS may cause the Parks & Open Space Advisory Board and Council to adopt policy that could impede past practices and precedence of City operations in Pioneer Park. Changes could cause the Operator to provide additional proof of insurance, or could result in changes in requirements of the Operator to name a few examples. The future of individuals camping in Pioneer Park and the use of the kitchen are two major areas that could easily change due to policy shifts, risk analysis or otherwise. The City is under the legal obligation through their contract with CIS to follow necessary policy requirements as may deemed necessary for the good of the pool.
 9. **Assignment and Transfer.** This Agreement shall not be assigned or transferred without written consent of City.
 10. **Liability Insurance.** Operator shall maintain in force for the duration of this contract an insurance policy providing comprehensive protection for all accidents or injuries which may occur during Operator's use of the Recreation Center, written as a primary policy, not contributing with or in excess of any coverage which City may carry. Such policy shall have coverage of not less than \$300,000 per occurrence for bodily injury or personal injury, and \$50,000 per occurrence for property damage, with an aggregate of \$300,000 for bodily injury, personal injury or property damage. The policy shall also contain an endorsement naming City as an individual insured and expressly providing that the interest of City shall not be affected by Operator's breach of policy provisions. A copy of each policy or a certificate satisfactory to City shall be delivered to City prior to commencement of this Agreement. Such policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon and shall contain an endorsement entitling City to not less than thirty (30) days prior written notice of any material change, non-renewal or cancellation. Failure to maintain any

Proposed

Oct 17, 2021



- insurance coverage required by this Agreement shall be cause for immediate termination of this Agreement by City.
11. **Public Use.** Operator agrees to manage the Recreation Center without regard to race, color, sex, religion, age, national origin, or physical or mental handicap, and to charge for use of the Recreation Center only on the basis of a written rate schedule available to the public.
 12. **Inspection of Records.** Operator shall provide City with an annual report of the operations of the Recreation Center. The City does have a representative appointed by Council who has the ability to review the records at any time and provide Council with operational information.
 13. **Compliance with Laws.** Operator agrees to conform with all applicable laws and regulations of a public authority affecting the Recreation Center and its use, and to correct, at Operator's expense, any failure of compliance created through Operator's fault or by reason of Operator's use.
 14. **Utilities.** Operator shall pay all utilities excluding electricity, water and the dedicated security system phone line. The City also provides a dumpster for use at the facility. The dumpster is provided as part of the City's Franchise Agreement with Sweet Home Sanitation.
 15. **Reimbursement.** The reimbursement which City shall pay to Operator for both the management and operation of the Recreation Center and the expenses incurred by Operator in performing the services or work, shall be \$4,500 per year. Payment for such services shall be made on or before February 1st of each year.
 16. **Subletting.** The Operator shall have the right to sublet or sub-lease portions of the Recreation Center that are beyond the scope of the normal rental procedure as defined by the Operator subject to the review and approval of Council. The Operator shall be solely responsible for the subletting/rental agreement, insurance and compensation for the space provided to any third party. The Operator shall require the third party to provide appropriate documentation including but not limited to insurance coverage for property and liability.
 17. **Worker's Compensation.** Operator shall comply with the Oregon Worker's Compensation law by qualifying as a carrier-insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. Operator shall provide City with such further assurances as City may require from time to time that Operator is in compliance with these Worker's Compensation coverage requirements and the Worker's Compensation law.
 18. **Independent Contractor.** In the management and operation of the Brownsville Recreation Center, Operator is acting as an independent contractor. The manner in which the services are performed shall be controlled by Operator; however, the nature of the services shall be consistent with Section 3 hereof. Operator is not to be deemed an

Proposed

Oct 17, 2021



employee or agent of City and has no authority to make any binding commitments or obligations on behalf of City except to the extent expressly provided herein.

19. **Termination by City.** City may terminate this Agreement at any time during its term by giving reasons deemed sufficient by City and complying with the following procedure:

- 19.1. City shall give Operator notice that termination is being considered;
- 19.2. City shall confer with Operator;
- 19.3. If City determines that termination is appropriate, it shall state the reasons therefore and give Operator thirty (30) days written notice to vacate the Recreation Center.
- 19.4. If Operator fails to vacate the Recreation Center, City may re-enter and take possession or pursue any other remedy available by law.
- 19.5. Termination of this Agreement shall also terminate any contract for services provided by Operator or other arrangements as provided herein. In the event of termination of this Agreement by City because of a breach by Operator, City may complete the work either by itself or by contract with other persons. Operator shall be liable to City for any costs or losses incurred by City arising out of or related to the breach.

20. **Termination by Operator.** Operator may terminate this agreement at any time during its term without giving reasons for the termination by complying with the following procedure:

- 20.1. Operator shall give City notice that termination is being considered;
- 20.2. Operator shall confer with City;
- 20.3. If Operator determines the termination is appropriate, it shall give City thirty (30) days written notice of its termination.
- 20.4. Termination of this Agreement shall also terminate any contract for services provided by Operator. Operator's remedies upon such termination shall be limited to payment for work performed to the date of the termination.

21. **Waiver.** Any waiver of any condition of this agreement shall be in writing signed by both parties to the Agreement. Waiver by City of a strict performance of any provision of this Agreement shall not be a waiver of or prejudice to City's rights to require strict performance of the same provision or of any other provision in the future.

22. **Notices.** Any notices required or permitted under this Agreement shall be deemed given when actually delivered or three (3) business days following deposit in the United States

Proposed
Oct 17, 2021



mail as certified mail, return receipt requested, whichever shall first occur, addressed as follows:

OWNER: City of Brownsville
PO Box 188, Brownsville, OR 97327

OPERATOR: Brownsville Recreation Center
PO Box 97, Brownsville, OR 97327

- 21. **Attorney Fees.** In the event action is brought to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees set by the trial and appellate courts.
- 22. **Amendment and Renewal.** The parties, having negotiated regarding the expiration of the existing Agreement within one year and related matters, agree to the amendment of the terms of that Agreement according to the terms and conditions set forth herein. The parties further agree that this amendment shall be effective immediately and that the amended Agreement shall have, subject to the terms and conditions set forth herein, a term of which shall be in conjunction with the original effective date of this Agreement.

CITY: CITY OF BROWNSVILLE

OPERATOR: BROWNSVILLE RECREATION CENTER, INC.

By:

By:

Title: Don Ware
Mayor

Title: Katy Kallai
President

Date:

Date:

By:

Title: S. Scott McDowell
City Administrator

Date:



RECREATION CENTER

OPERATION AGREEMENT

BETWEEN: The City of Brownsville, an Oregon Municipal Corporation (CITY)

AND: Brownsville Recreation Center, Inc. (OPERATOR)

RECITALS

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- B. The Operator desires to operate the Recreation Center upon the terms and conditions set forth herein.

AGREEMENT

1. **Recreation Center Operation.** City hereby designates, for the term of this agreement, Operator to be the exclusive manager and operator of the Recreation Center for the purposes detailed herein. Operator hereby agrees to manage and operate the Recreation Center based on the terms and conditions of this agreement.
2. **Term.** The term of this agreement shall be for a period of three years, commencing on M March 1st, 2017 and ending on January 31st, 2020. This agreement may be extended for an additional year under the same terms and conditions using an extension signed by both parties at least thirty (30) days prior to the end of the term.
3. **Purpose.** Operator shall use and occupy the Recreation Center “for public recreational purposes” as required by the property deed dated February 9, 1981, whereby School District Number 552-C granted the Recreation Center and property to the City of Brownsville. The deed can be found at the Linn County Courthouse at the Recorder’s Office in Volume 285, Page 662 and Page 663. The deed is attached to this Operation Agreement as Exhibit A.
4. **Consideration.** The Operator is providing services for the benefit of the public and no monetary sum is to be paid to or by the Operator from the City, except as provided in



Paragraph 14. The Operator is also granted permission to sublet certain areas of the Recreation Center at their discretion as articulated in Paragraph 15.

5. **Maintenance of Center.** Operator shall maintain the Recreation Center in as good a condition as it exists at the beginning of this Agreement and shall be responsible for repairs necessitated by Operator's negligence or normal wear and tear. City shall hold Operator, its officers, agents and employees, harmless from any and all claims, actions liabilities, costs, including costs of defense, arising out of or in any way related to property damage to the Recreation Center in excess of or different from the damage for which Operator has agreed to assume responsibility, except where such damage was caused by intentional acts or failures to act on the part of Operator, its officers, agents or employees. The City shall be responsible for the following items: 1) Building exterior, 2) parking lot, 3) bleachers, 4) the gym floor, 5) restroom fixtures/hot water heater, 6) heating & air conditioning, 7) smoke detectors & alarms, 8) fire extinguishers, 9) extermination services, 10) electrical, and 11) plumbing.
6. **Key.** Operator shall provide City with a key enabling City to obtain access to the Recreation Center. City shall give Operator notice before entering the Recreation Center whenever possible.
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8. **Recreational Immunity.** Due to recent changes in State Law, the City must have the maximum amount of flexibility to revise this agreement as changes come available through City/County Insurance Services (CIS) or through case law in the Oregon Court System. Resulting policy shifts from CIS may cause the Parks & Open Space Advisory Board and Council to adopt policy that could impede past practices and precedence of City operations in Pioneer Park. Changes could cause the Operator to provide additional proof of insurance, or could result in changes in requirements of the Operator to name a few examples. The future of individuals camping in Pioneer Park and the use of the kitchen are two major areas that could easily change due to policy shifts, risk analysis or otherwise. The City is under the legal obligation through their contract with CIS to follow necessary policy requirements as may deemed necessary for the good of the pool.
9. **Assignment and Transfer.** This Agreement shall not be assigned or transferred without written consent of City.



10. **Liability Insurance.** Operator shall maintain in force for the duration of this contract an insurance policy providing comprehensive protection for all accidents or injuries which may occur during Operator's use of the Recreation Center, written as a primary policy, not contributing with or in excess of any coverage which City may carry. Such policy shall have coverage of not less than \$300,000 per occurrence for bodily injury or personal injury, and \$50,000 per occurrence for property damage, with an aggregate of \$300,000 for bodily injury, personal injury or property damage. The policy shall also contain an endorsement naming City as an individual insured and expressly providing that the interest of City shall not be affected by Operator's breach of policy provisions. A copy of each policy or a certificate satisfactory to City shall be delivered to City prior to commencement of this Agreement. Such policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon and shall contain an endorsement entitling City to not less than thirty (30) days prior written notice of any material change, non-renewal or cancellation. Failure to maintain any insurance coverage required by this Agreement shall be cause for immediate termination of this Agreement by City.

11. **Public Use.** Operator agrees to manage the Recreation Center without regard to race, color, sex, religion, age, national origin, or physical or mental handicap, and to charge for use of the Recreation Center only on the basis of a written rate schedule available to the public.

12. **Inspection of Records.** Operator shall provide City with an annual report of the operations of the Recreation Center. The City does have a representative appointed by Council who has the ability to review the records at any time and provide Council with operational information.

13. **Compliance with Laws.** Operator agrees to conform with all applicable laws and regulations of a public authority affecting the Recreation Center and its use, and to correct, at Operator's expense, any failure of compliance created through Operator's fault or by reason of Operator's use.

14. **Utilities.** Operator shall pay all utilities excluding electricity, water and the dedicated security system phone line. The City also provides a dumpster for use at the facility. The dumpster is provided as part of the City's Franchise Agreement with Sweet Home Sanitation.

15. **Reimbursement.** The reimbursement which City shall pay to Operator for both the management and operation of the Recreation Center and the expenses incurred by



Operator in performing the services or work, shall be \$2,500 per year. Payment for such services shall be made on or before February 1st of each year.

16. **Subletting.** The Operator shall have the right to sublet or sub-lease portions of the Recreation Center that are beyond the scope of the normal rental procedure as defined by the Operator subject to the review and approval of Council. The Operator shall be solely responsible for the subletting/rental agreement, insurance and compensation for the space provided to any third party. The Operator shall require the third party to provide appropriate documentation including but not limited to insurance coverage for property and liability.
17. **Worker's Compensation.** Operator shall comply with the Oregon Worker's Compensation law by qualifying as a carrier-insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. Operator shall provide City with such further assurances as City may require from time to time that Operator is in compliance with these Worker's Compensation coverage requirements and the Worker's Compensation law.
18. **Independent Contractor.** In the management and operation of the Brownsville Recreation Center, Operator is acting as an independent contractor. The manner in which the services are performed shall be controlled by Operator; however, the nature of the services shall be consistent with Section 3 hereof. Operator is not to be deemed an employee or agent of City and has no authority to make any binding commitments or obligations on behalf of City except to the extent expressly provided herein.
19. **Termination by City.** City may terminate this Agreement at any time during its term by giving reasons deemed sufficient by City and complying with the following procedure:
 - 19.1. City shall give Operator notice that termination is being considered;
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 - 19.3. If City determines that termination is appropriate, it shall state the reasons therefore and give Operator thirty (30) days written notice to vacate the Recreation Center.
 - 19.4. If Operator fails to vacate the Recreation Center, City may re-enter and take possession or pursue any other remedy available by law.
 - 19.5. Termination of this Agreement shall also terminate any contract for



services provided by Operator or other arrangements as provided herein. In the event of termination of this Agreement by City because of a breach by Operator, City may complete the work either by itself or by contract with other persons. Operator shall be liable to City for any costs or losses incurred by City arising out of or related to the breach.

20. **Termination by Operator.** Operator may terminate this agreement at any time during its term without giving reasons for the termination by complying with the following procedure:
- 20.1. Operator shall give City notice that termination is being considered;
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 - 20.4. Termination of this Agreement shall also terminate any contract for services provided by Operator. Operator's remedies upon such termination shall be limited to payment for work performed to the date of the termination.
21. **Waiver.** Any waiver of any condition of this agreement shall be in writing signed by both parties to the Agreement. Waiver by City of a strict performance of any provision of this Agreement shall not be a waiver of or prejudice to City's rights to require strict performance of the same provision or of any other provision in the future.
22. **Notices.** Any notices required or permitted under this Agreement shall be deemed given when actually delivered or three (3) business days following deposit in the United States mail as certified mail, return receipt requested, whichever shall first occur, addressed as follows:
- OWNER: City of Brownsville
PO Box 188, Brownsville, OR 97327
- OPERATOR: Brownsville Recreation Center
PO Box 97, Brownsville, OR 97327
21. **Attorney Fees.** In the event action is brought to enforce any term of this Agreement, the



prevailing party shall recover from the losing party reasonable attorney fees set by the trial and appellate courts.

- 22. **Amendment and Renewal.** The parties, having negotiated regarding the expiration of the existing Agreement within one year and related matters, agree to the amendment of the terms of that Agreement according to the terms and conditions set forth herein. The parties further agree that this amendment shall be effective immediately and that the amended Agreement shall have, subject to the terms and conditions set forth herein, a term of which shall be in conjunction with the original effective date of this Agreement.

CITY: CITY OF BROWNSVILLE

OPERATOR: BROWNSVILLE RECREATION CENTER, INC.

By: *Don Ware*

By: *George Frasier*

Title: Don Ware
Mayor

Title: George Frasier
President

Date: *3/1/2017*

Date: *4/13/17*

By: *SM*

Title: S. Scott McDowell
City Administrator

Date: *03.01.2017*

S. Scott McDowell
City Administrator
Brownsville OR

Donald Andrews
302 School Ave.
541-990-0493

October 11, 2021

REQUEST FOR APPOINTMENT
& STATEMENT OF INTEREST FOR POSITION
ON BROWNSVILLE CITY COUNCIL

Please consider this my Statement of Interest and Request for Appointment to the position of Councilor on the Brownsville City Council.

Brownsville Related Activities

Registered Oregon voter since 1964. Principal place of residence within City of Brownsville since 1992.

Member of City of Brownsville Planning Commission for 20+ years including 5 years as Chairperson and 15+ years as Vice-chairperson.

Member and Chairperson of Brownsville Budget Committee for approx. 7 years.

Executive Director of Brownsville Sharing Hands 1992-2018.

Firefighter Captain and EMT – Brownsville Fire Department 1994 – 2012,

President of Brownsville Chamber of Commerce 1996-1998?

Miscellaneous Activities

Member and past President of Board of Directors of KIDCO Head Start 1995-present

Doctor of Jurisprudence, Willamette University. Practice of law 1966-1983.

State Director of Oregon YMCA Youth & Government 1972- 2010

Senior Program Director and Program Coordinator YMCA of Columbia-Willamette 1983 – 1990.

Mayor Ware
Brownsville City Council

This letter is to show my interest in filling the vacant position on the City Council

I served on the Council from 2008 to 2020.

I also serve on the Park Board and have served on the budget committee for many years.

I believe that my knowledge and experience in Brownsville's current challenges would be an asset to the community

I also believe the Council needs another women to bring more balance and to represent the interests of the community.



Lynda Chambers
707 Oak St.
Brownsville, Or 97327

Scott: City Council person -
my name is Cookie Wells,
I moved here 1 1/2 yrs ago.
In south of Brunswick
I've where I now met & gotten
to know. Looking forward to
getting to know more about
Brunswick. In the past I was
a teacher for D.C.A. taught
gr & low classes & sometime
kindergarten. I now had my
own business. worked w/ the
public often. I also am a
part of the Budget committee. Am
interested in helping our
city grow & prosper for the future

Thank you for this
opportunity

Cookie Wells

S. Scott McDowell

From: Elizabeth Coleman <assistant@ci.brownsville.or.us>
Sent: Thursday, October 21, 2021 7:06 PM
To: S. Scott McDowell
Subject: FW: City council vacancy

From: Jack Alsman
Sent: Thursday, October 21, 2021 4:28 PM
To: City Of Brownsville/elizabeth <assistant@ci.brownsville.or.us>
Subject: City council vacancy

To City of Brownsville :

Jack Alsman
405 Spalding Ave.
Brownsville, Oregon

I am writing concerning the opening of a chair on city council. I am interested in being a member of the city council. I have lived in Brownsville for five years and am interested in the improvement and well being of the city and community. As I am presently part of the planning committee I realize I would probably have to resign. I am retired now and feel I have the time and energy to give to City council.
I would appreciate your consideration for this position.

Thank you for your consideration and I look forward to hearing from you.

Yours Sincerely, Jack alsman

S. Scott McDowell

From: Jane Rackley
Sent: Saturday, October 9, 2021 11:20 AM
To: admin@ci.brownsville.or.us
Subject: revenue

Scott McDowell and counsel members,

I attended the September 29 city council meeting as an impartial member of the community. I was struck by the amount of infrastructure projects that are being "tabled" because of lack of city revenue.

As a new member of the community, I have become aware that most of the revenue is coming from either raising taxes and usage price, or charging new comers for hook ups and additional items they wish to add to their property. This creates the need for continual development, thus creating the need for infrastructure update, thus the need for higher taxes and fees. And around the vicious circle we go. This will eventually eliminate the quiet, friendly, small community that people are looking for in Brownsville.

My suggestion is to look for other viable means of revenue, non punitive to the respectful citizens. Thus, "the elephant in the room", Kirk Avenue and other city owned 'neighborhood ' streets that are being abused for lack of control. It may take spending money to make money. However , a radar camera could be a great way of charging speeders and noise makers for breaking the law. 10 citations a month is ludicrous!!!! Living one block from Main Street on Kirk Avenue, i witness and hear 30-50 violator's of the law a day. At \$200 a ticket , which other cities charge, it would not take long to fill the city's coffers. An example is Tualatin.

I am a friendly person and have talked to many of my neighbors on Kirk Avenue. Every single one is amazed at the city administration's lack of concern. I hate to see you working so hard and earning so little respect for all your hard work. 'Work smarter not harder' and support your citizens. If a petition would help, they would all sign it . Drop me an Email if there is something I can do to support you in this effort.

Sincerely,

Jane Rackley

P.S. A fairly inexpensive way of getting control and making Kirk Avenue residents happy is to put stop signs every other street intersection. Having driven it, my suggestion would be : Averill, Spaulding/Milhouse, Sage, and Hunter. It would certainly cut down the danger for the families on these streets.admin@ Of course, it wouldn't generate revenue.=

October 12, 2021

Dear City Council,

It has been an ongoing battle with our neighbors for almost a year now in regards to the property lines at the end of Robe Street. We have tried boundaries, we've tried reasoning, we've tried ignoring them, but nothing seems to stop the madness.

As you will see in the diagram, our water line is technically about 10ish feet into city property. It has been there for decades. I have removed the previous border down Robe street, and also all garden boxes passed that water line. I am fully aware of the future development possibilities of my father-in-law's hay field at the end of Robe. But for now, we are asking if we can put up a fence to protect my family, and our property, right passed the water line. My husband and I will agree in writing that when and if the hay field gets developed, and infrastructure put in along Robe Street, we will gladly be physically and financially responsible for moving the fence back to its legal destination. But for now, we are asking for grace to get a fence up as soon as possible without having to move our water line and the remainder of the garden boxes.

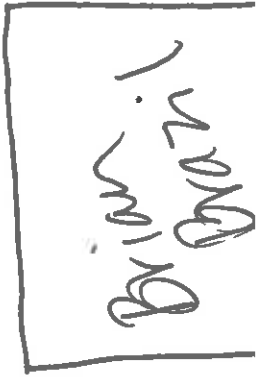
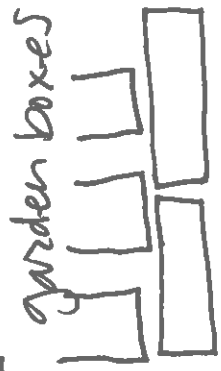
We would like to make the privacy fence 8' tall, and we will fill out a building permit if necessary. The situation between the families, Koontz and Brazil/Kloft, has escalated to the need for extra protection. Police have been involved multiple times, and the situations have been documented. I tried to file a harassment order in the courthouse, but the judge won't sign it until someone is harmed. Protection is needed so my family and I can safely enjoy our own back yard. Thank you for your time and consideration,

Stephanie Koontz

Tonykoontz hay field
existing fence

Existing fence

South



Robe St.

306 E
Kisling

Koontz



East

Kisling

North

West



Linn County Sheriff's Office

Keeping the peace, with dignity, honesty, and compassion.

Information About Proposed Measure 22-189 on November 2, 2021 Ballot

*The current Law Enforcement Levy, approved in 2018, will expire on June 30, 2022.
Proposed measure 22-189 would replace the expiring levy.*

If the proposed measure passes, the levy would be limited to a four-year fiscal period from July, 2022 through June, 2026.

Future proposed levies would not occur without voter approval.

The proposed levy would maintain existing public safety services, with revenues funding operations of the Sheriff's Office (76%), criminal prosecution at the District Attorney's Office (10%), plus juvenile offender supervision and detention with the Linn County Juvenile Department (14%).



www.LinnSheriff.org/Levy

The proposed levy would provide funding for Linn County's law enforcement services, and would maintain the following:

- 24-hours per day uniformed Patrol and criminal investigations operations;
- Prosecution of major crimes, including homicides, as well as crimes against children, sexual assaults, and property and person crimes;
- Victims' assistance for all crime victims;
- Juvenile programs reducing crime;
- Operation of 230-bed jail facility.

The cost of the proposed measure 22-189, if passed:

- If passed, proposed measure 22-189 would cost \$2.98 per \$1,000 of assessed property value (not Real Market Value "RMV"). The monthly cost would be approximately \$45.94 on a home with an assessed value of \$185,000 – an increase of \$2.31 per month from the expiring levy rate.

If passed, proposed measure 22-189 would:

- Support continued operations of the 230-bed Linn County Jail facility, which was fully reopened when voters passed the law enforcement levy in 2014;
- Provide funding to renovate and upgrade the female housing unit in the Jail, as well as the 9-1-1 Communications Center for Linn County;
- Increase the availability and capacity of digital forensic services and technology available to investigate and prosecute computer and other technology-facilitated crimes;
- In partnership with mental health professionals, increase mental health crisis response capabilities and trained personnel, as well as connect those persons in crisis with mental health and medical assistance;
- Promote Emergency Preparedness initiatives county-wide related to wildfires, flooding and severe weather events through disaster planning, prevention and mitigation efforts;
- Continue the Sheriff's Office involvement in an inter-agency drug enforcement team to arrest drug traffickers and those involved in serious drug-related crimes such as identity theft, property crimes, child abuse and child neglect.

If the proposed measure 22-189 does not pass, the proposed services would not be provided and the current tax rate would remain the same until the existing levy expires in June, 2022.

The proposed measure would cost \$2.98 per \$1,000 of assessed value (this is different than the real market value "RMV"). The cost would be approximately \$45.94 per month, or \$551.30 per year, on a home with an assessed value of \$185,000 – an increase of \$27.75 per year from the expiring levy rate.

It is estimated the proposed four year levy would raise an estimated total of \$35.38 million in 2022-23, \$36.35 million in 2023-24; \$37.35 million in 2024-25; and \$38.38 million in 2025-26 if the measure passes.



2022 Council Meetings Calendar

January						
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Regular Council Meetings:

August Recess.
September could move forward a week.

Budget Meetings:

May 12 | If Needed.

S. Scott McDowell

From: Melissa Haendel
Sent: Saturday, October 2, 2021 8:50 AM
To: S. Scott McDowell
Cc: Don Ware TC; Elizabeth Coleman
Subject: Re: Reflections on Council meeting

Hi Scott,

Here is the document stating that Brownsville City Councilors and other attendees MUST legally wear masks. Please forward this to City Council.

<https://osha.oregon.gov/OSHARules/adopted/2021/ao10-2021-letter-cov19-allworkplaces.pdf>

You might consider having Linn County Public Health come speak to the Council about COVID and public health safety as it does seem that there is a lack of awareness and likely some misinformation or misinterpretation of the laws and the reasons for them.

Thank you,
Melissa

Melissa Haendel

On Oct 1, 2021, at 8:56 AM, Melissa Haendel <[_____](#)> wrote:

Thank you Scott,

Of course everyone has their own beliefs and can do whatever they want in the comfort of their private lives. However, as a city government, hosting public meetings on public property that are actively in violation of the state public health mask mandate is against the law, is my understanding.

It is also certainly is not safe. Are you tracking infections in that group?

Best,
Melissa

Melissa Haendel

On Oct 1, 2021, at 8:29 AM, S. Scott McDowell <admin@ci.brownsville.or.us> wrote:

Good Morning Melissa,

Thank you for coming to Council!

Council information for decades has been available the same way. The City posts agenda and provides packets and information in accordance with State Law. For the last fifteen years, the City has also placed the agenda and accompanying information on the City's website. Which can be found using the link below:

www.ci.brownsville.or.us

I could also add you to a list of folks who have asked to be notified of every Council meeting if that would be helpful.

The Council meetings just started back in March after a year hiatus due to the pandemic and the City's inability to meet certain State laws. Many cities all over Oregon continued to meet in person during the entire pandemic with no changes in their operations. The City is following the requirements laid out by the City Attorney on having the meeting in public. The tables and chairs in the rooms are positioned more than six feet apart which was the guidance from the CDC. Council went through considerable expense to make the listening room due to the City's average attendance at Council meetings. The Governor did not suspend any laws such as the Public Meetings Law or any other requirements that would allow for a City such as Brownsville to make things easier with guidance she has provided over the last year and seven months.

Council members have their own opinions, beliefs and information they each base decisions on. Therefore, I really can't speculate on their thoughts and decision making when it comes to the pandemic or, really, any situation. Ultimately, that is the purpose of the Public Meetings Law. It allows the public to witness the decision making process as it happens through debate.

Thanks again,

<image001.jpg>

S. Scott McDowell

City Administrator

255 N. Main Street

Brownsville, Oregon 97327

541.466.5880 | Ext. 103

541.466.5118 | Fax

www.ci.brownsville.or.us

-----Original Message-----

From: Melissa Haendel <[_____](#)>

Sent: Thursday, September 30, 2021 10:04 AM

To: mayor@ci.brownsville.or.us; assistant@ci.brownsville.or.us
Subject: Reflections on Council meeting

Dear Don, Scott, and Liz,

I wanted to share my reflections on this week's city council meeting. It was my first attendance, and I attended because someone had forwarded me resolution #25 and I felt strongly that there be a scientific viewpoint present against such a resolution.

I would like to say a few things, and would be grateful if these thoughts could be shared with the Council.

First, I was surprised to see that this resolution was not distributed widely for public comment. More importantly, I am frustrated that our small town city council finds it necessary to spend time on such anti-constitutional and anti-public health politics rather than focusing on running our town - what I understand our city council is charged with. Given that Council has no authority to enforce mask mandates, there is no need for such a resolution to be enacted.

Second, I could not believe that when I walked into the room to speak that there were so many people in such close quarters not wearing masks. As someone who studies and tries to identify therapies for COVID, this is exactly the scenario that we KNOW spreads the virus and leads to illness and death. Why would the city of Brownsville allow maskless attendance without social distancing, despite state mandates and the overwhelming evidence that masks protect from illness and death? Allowing maskless attendance inside in a crowded room not only puts the people in that room at risk of illness and death, but also the rest of our community as they will be more likely to spread COVID. We already have a greater than national average of cases and deaths in Brownsville. Why risk more? I am not surprised that a city councilor found it necessary to resign given the lack of safety on our Council. While Council does not have the authority or responsibility to police mask mandates within our town, it has a legal responsibility to adhere to them in public meetings in government places such as a council meeting.

Third, legal and moral authorities have weighed in in strong favor of such public health measures. There have been numerous constitutional rulings that suggest that mandates to protect public health are constitutional and these date back to Justice John Marshall Harlan's ruling in 1905 and have continued throughout the years. One does not have a constitutional right to endanger other's lives and well being. It is actually the opposite of the suggestion that having to wear a mask goes against civil liberties as was stated in Resolution #25. Further, the Pope has promoted vaccines and suggested that there is not a Catholic rationale to endanger others under the auspices of a "religious exemption" and the Vatican has mask and vaccine mandates.

Finally, what actual inconvenience is there to help prevent the spread of a deadly disease? Doctors, dentists, woodworkers, etc all wear masks all day

long. I guess the question is, why would you NOT wear one if it meant potentially saving another's life?

Sincerely,
Melissa Haendel
Brownsville



Linn County NEWS



Contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email: apaul@co.linn.or.us

Commissioners declare emergency for fire districts

ALBANY — Linn County Commissioners Roger Nyquist, Sherrie Sprenger and Will Tucker approved a Declaration of Emergency resolution Monday morning that will help Rural Fire Districts apply for assistance from the Office of Emergency Management if their staffing levels fall significantly due to the state's COVID-19 vaccination mandate.

Healthcare workers in Oregon had until Oct. 18 to get vaccinated or face the possibility of losing their jobs.

Nyquist said the commissioners have been talking with fire chiefs from local fire districts for several weeks. The fire chiefs are concerned that many of their volunteers will not respond to Gov. Kate Brown's mandatory COVID-19 vaccinations.

Rural Fire Districts rely primarily on volunteer firefighters. Districts like Brownsville, have a paid fire chief, and perhaps a paid part-time office person. All of their firefighters are volunteers.

A sharp drop in volunteers could compromise or eliminate the fire district's ability to respond to fire or ambulance.

Board Chairman Nyquist said he has been in conversations with the governor's office for several weeks with hopes there would be some exemption or waiver. But it appears neither will happen.

The governor is however developing a framework to provide the districts with support from the Office of Emergency Management.

But commissioners Tucker and Sprenger — while supporting the resolution — question how effective first responders can be if they aren't living in the rural



Nyquist



Sprenger



Tucker

communities.

Tucker said the rural fire districts rely on volunteers who are "young family members who are willing to jump on a rig to get to a house fire or a car wreck."

Tucker said he has asked that the state provide a vaccination waiver if the firefighters would agree to weekly COVID-19 testing.

Nyquist said half of Oregon — primarily rural counties that rely on volunteers — are facing this situation.

Sprenger said she and her husband purchased property nine miles from Scio, knowing full well their fire protection would come from a primarily volunteer district.

But, she said by telephone Monday, they didn't expect that fire district's staffing would be negatively affected by a state mandate.

"This is extremely frustrating," Sprenger said. "The fact that the mandate does not take into consideration any alternatives for fire districts to maintain their volunteers."

Other rural counties — including Jefferson and Baker counties — have also approved similar resolutions.

In other business, the commissioners:

- Heard from new Oregon RAIN (Regional Accelerator Innovation Network) venture catalyst Nathan Conroy. Linn County is a RAIN participant, as are several communities in Linn County. Conroy said he grew up in rural Benton County, was a teacher and is an entrepreneur, who owns STEMhero, a company that makes data relevant to students in the areas of Science Technology Engineering and Math.
- Approved an amendment to a contract for mediation services between Clarity Mediation & Facilitation and Linn County.
- Appointed Kevin Dimmick of Albany to the Mental Health Advisory Board.

Media contact: Alex Paul, Linn County Communications Officer, 541-967-3825 or email apaul@co.linn.or.us.

October 18, 2021

LINN COUNTY



Total population
122,870

Total land area
2,309 mi²

Rural population
32%

Net migration, 2010-2018
(per 1,000 population)

57



FEDERALLY RECOGNIZED TRIBES

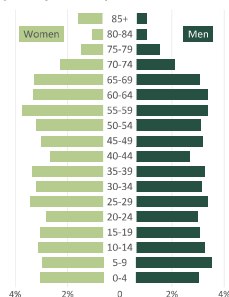


MEDIAN HOUSEHOLD INCOME



LIFE EXPECTANCY **80** years (Women) **76** years (Men)

POPULATION BY AGE



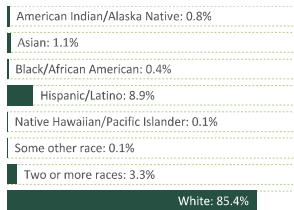
Public land **40%** Developed/cultivated land **27%**



HOUSEHOLDS IN FINANCIAL HARDSHIP



POPULATION BY RACE/ETHNICITY



TOP EMPLOYMENT INDUSTRIES



Definitions of indicators can be found on page 93.

COMMUNITY	LINN	OREGON	RURAL	URBAN
Food insecurity	14%	12%		
Child poverty*	18%	18%	17%	18%
Foster care rate (per 1,000 pop.)	8	9	15	8
Index crime (per 1,000 pop.)	24	28	21	29
Voter participation	64%	70%		
EDUCATION	LINN	OREGON	RURAL	URBAN
Kindergarten ready (Letter sounds)	5 of 26	8		
3rd grade reading	41%	47%	42%	48%
9th grade on track	76%	85%	82%	86%
5-year high school graduation rate	79%	80%	75%	82%
4-year college degree or greater	20%	33%	23%	37%
ECONOMY	LINN	OREGON	RURAL	URBAN
Unemployment rate	5%	4%		
Labor force participation rate	58%	62%	55%	65%
Job growth (per 1,000 pop.)	6	8	5	9
Property tax (per person)	\$1,262	\$1,548	\$1,280	\$1,600
Rent costs (1 bedroom/1 bath)	\$689			
HEALTH	LINN	OREGON	RURAL	URBAN
Low weight births	6%	7%	7%	7%
Vaccination rate, 2-year-olds	68%	73%		
Good physical health	59%	60%		
Good mental health	59%	57%		
Tobacco use	30%	26%		
INFRASTRUCTURE	LINN	OREGON	RURAL	URBAN
Broadband access	98%	94%		
Child care (slots per 100 children)	11	16	16	17
Transit service	32%	52%		
Mobile homes	12%	8%	16%	6%
Vehicle miles traveled (per capita)	9,499	5,190	9,640	4,326

* Interpret with caution for small counties (population under 10,000).



Are Ransom Bans the Answer?

There are nearly as many opinions on how to play defense against the ransomware threat as there are cybersecurity professionals. The prevailing thought early on seemed to be to never, ever pay a ransom. (“We don’t negotiate with terrorists” comes to mind.) But that’s easy for a remote expert to say, one who’s not facing catastrophic disruption to their organization, not to mention the collateral damage to public confidence and reputation.

And while the actual impact of ransomware is difficult to quantify, one expert told *Stateline* that last year more than 110 state and local governments were hit. That number jumped to almost 1,700 for schools, colleges and universities.

As the threat evolved, there were rumblings, albeit quiet ones, that victims of ransomware should just pay the ransom. Maybe it’s the most expedient way of putting the incident behind them? While some security experts were aghast at the suggestion, some agencies, particularly smaller, under-resourced ones, do make that decision when their backs are against the wall, vowing to beef up their defenses to keep from being hit again. The approach got validation, of sorts, from reports that oftentimes organizations spend way more money recovering from an attack than they would have paying the original demand from the hackers who infiltrated their systems.

One element of cybersecurity strategy that has gained ground alongside

ransomware is cybersecurity insurance. While it does not replace the need for good cyber hygiene practices (keep those patches up to date, back up your data, etc.), many public agencies now purchase an insurance policy to help mitigate losses and add a layer of protection. *Government Technology’s* sister organization, the Center for Digital Government, reports that it’s now more likely than not that cities, counties and states have cyber insurance policies. Our feature *Out of Reach?* (p. 30) looks at how the cybersecurity insurance market is changing to keep up with the growing threat.

But policymakers are also contemplating what should be done about ransomware. Legislators in multiple states have taken up proposals in the name of protecting citizen data that would ban victims from paying ransoms. The argument is that bans disincentivize the crime, sending would-be ransomware attackers to go pick on someone else.

It’s encouraging that many of these proposals include funding to boost the cybersecurity posture of under-resourced governments to guard against attacks in the first place. And there are exceptions that are being incorporated into the discussion on bans, like utility companies and hospital systems, for example, where legislated bans could put lives and critical infrastructure at risk.

U.S. Energy Secretary Jennifer Granholm voiced support for ransom bans on *Meet the Press* recently, though she acknowledged uncertainty about whether


the Biden administration was prepared to take a policy step in that direction.

“I think we need to send this strong message that paying a ransom only exacerbates and accelerates the problem. You are encouraging the bad actors,” she said.

But the idea does not have universal support, based largely on the continued vulnerability of most public and private organizations to cyber threats like ransomware.

John Davis, retired U.S. Army major general and vice president of Palo Alto Networks, served as the co-chair of the Ransomware Task Force for the Institute for Security and Technology, which presented its ransomware framework earlier this year. Davis recently described the discussion among task force members (a broad coalition of international representatives from government, the private sector and academia) about ransomware payment bans as “the most contentious thing the task force debated.”

Until the task force’s key recommendations are implemented broadly, Davis explained that banning ransom payments is “impractical and potentially counterproductive.”

“We’re not there yet. We need to raise the maturity of the ecosystem that surrounds the problem itself,” he concluded. But unlike bans on ransom payments, what’s not contentious is pointing resources toward making the public sector a less vulnerable target. 



250 SW Taylor Street
Portland, OR 97204

503-226-4211
nwnatural.com

September 2021

RECEIVED
CITY OF PORTLAND
SEP 28 2021

Clerk

Dear Valued Customer,

Today's energy landscape has become increasingly complex and there are critical decisions on the horizon – including some that impact you as a customer of NW Natural. I believe that part of my job is to keep our customers informed about these issues, so that you have an opportunity for your voice to be heard. That's why I'm writing today. **Please sign up at the link below to stay informed and share your thoughts.**

We are engaged in a number of fronts to reduce carbon emissions, improve energy efficiency and transition more of our supply to renewable energy. Our **Low Carbon Pathway** strategy introduces renewable energy for the pipeline with affordability, dependability and resilience in mind. At the same time, we are monitoring Oregon Governor Kate Brown's executive order to reduce carbon emissions, which is being designed now by state agencies, as well as monitoring proposals from some groups for bans on new natural gas hookups. These important topics are another reason why I'm asking for your engagement.

At NW Natural, we believe a collaborative effort will lead to the most promising energy future. Our key principles are:

- **All forms of renewable energy are needed in a balanced, low-carbon future.** NW Natural is committed to renewable natural gas – gases captured from organic waste streams – clean hydrogen and our vision of a carbon-neutral pipeline by 2050. We are exceeding our 2035 carbon savings goal that starts us down the path toward this vision.
- **Families and businesses should have a choice of energy options to meet their needs.** This is not a decision that should be mandated.
- **Communities with natural gas have greater energy reliability.** We need a dual energy system – gas and electric– to prepare for what we know is a future of more extreme weather events. Homes and businesses with gas service can have energy even when the power is out.

Consulte el reverso para obtener más información

Hãy xem mặt sau để biết thêm thông tin

有关详细信息, 请参阅背面

Информация о помощи в переводе - на обороте



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- **Affordability and leveraging our existing modern system is our priority.** We will seek options that ensure a renewable energy future without undermining long-term affordability, dependability and choice.

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Sincerely,



David H. Anderson
President & CEO

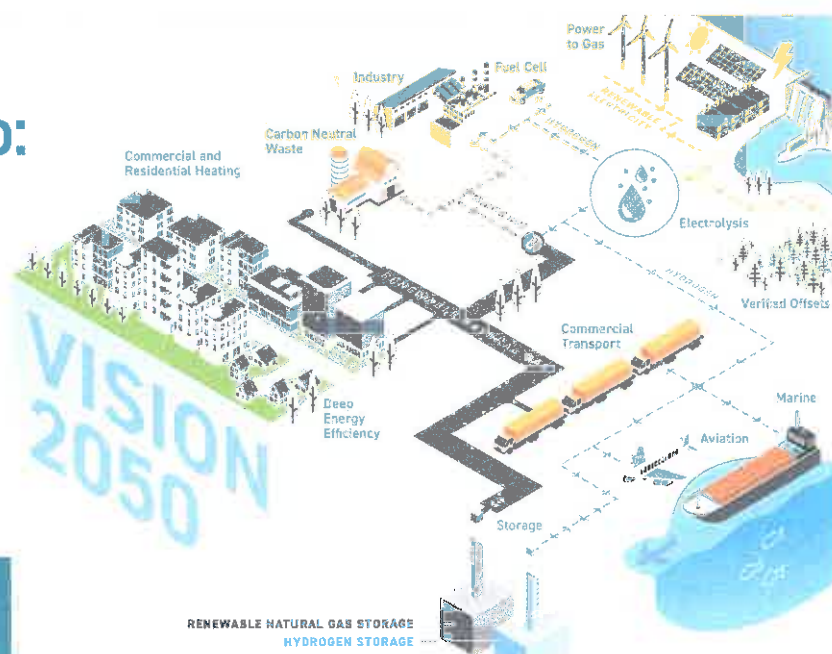
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CRISIS

Drought, water shutoff 'tear at fabric' of Klamath Basin

By **GEORGE PLAVEN**

County roads stretch for miles past mostly dry, barren fields near Tulelake, Calif., where Cody Dodson farms alfalfa and grain with his stepfather, Frank Prosser. ¶ In May, Dodson learned the U.S. Bureau of Reclamation would shut off water to the Klamath Project, a sprawling irrigation system that serves 200,000 acres of farmland in Southern Oregon and Northern California. ¶ The decision was prompted by what is now classified as an “exceptional” drought gripping the region. Federal regulators allotted no water for irrigators in 2021 so they could have enough to protect endangered sucker fish in Upper Klamath Lake and still provide enough in-stream flows for salmon and steelhead in the lower Klamath River.



NO DROY

The result has been disastrous for more than 1,200 growers like Dodson, who are paying more to pump what little groundwater is available to produce a fraction of their normal crops.

“My plan is to make it one more year,” Dodson said. “That’s all I can do.”

Similar stories are unfolding across the basin, where farmers and ranchers ask the question: How much longer can they stay in business?

According to the latest USDA Census of Agriculture, the combined market value of agricultural production in Klamath, Siskiyou and Modoc counties was \$498 million in 2017. This year, it’s likely to be a fraction of that.

Meanwhile, populations of Lost River and shortnose suckers — known by the Klamath Tribes as C’waam and Koptu — continue their precipitous decline. The species, endemic to Upper Klamath Lake, are central to the tribes’ culture and way of life.

While the USDA recently provided \$15 million in drought relief for the Klamath Basin, the drought and the water shutoff pose an existential threat for communities that depend on water for their economic, social and cultural livelihoods.

The Other Oregon spoke with irrigators and a tribal leader to learn about how this year has impacted them personally, and what the future may hold, given the ongoing drought and water shutoff. »



◀ Sump 1A, part of the Tule Lake National Wildlife Refuge, is bone dry, revealing a cracked lake bed where birds and waterfowl would normally live. GEORGE PAVLEN

Cody Dodson »

For Dodson, 30, the future of his family's farm rests squarely on his shoulders.

He is the stepson of Frank Prosser, whose father, Jess, was awarded the original homestead in 1946 as part of a lottery for World War II veterans. Jess' name was drawn number 11 out of the pickle jar, and his contract with the government promised him and his heirs water for life to farm in the Klamath Project.

Frank Prosser and his brother, John, have carried on the legacy, with Dodson joining them in 2009. Together, they now have close to 1,000 acres.

This year, however, the family was forced to cut back due to the lack of water.

It is the first time in 75 years they were unable to grow any grain — save for a small amount of barley hay — and what limited water they could secure from wells owned by the Tulelake Irrigation District is going exclusively to their alfalfa fields.

Even that is not enough, he said.

"I know they look green, but there's no more irrigation for them," Dodson said, pointing to his fields along Modoc County Road 100.

John Prosser said irrigators are paying an additional \$50 per acre to pump water from the district's wells, along with \$74 per acre for regular operations and maintenance.

Irrigation canals normally full of water are instead bone dry and choked with weeds. Domestic wells, too, are running dry without water in the ditches to recharge aquifers.

"I don't think we can go through this again with nothing but TID wells," Prosser said. "I don't know if Cody is going to be here next year."

If not for higher hay prices, Dodson said he would be operating at a loss. As it stands, he hopes to break even.



"If we can get the surface water, then yes, I will be here," said Dodson, who with his wife, Jordan, has two young sons, ages 4 and 1. "I don't know if that will be feasible unless something changes."

Ben DuVal »

Ben DuVal leaned down and scooped up a handful of dry dirt in a field at his Tulelake farm. The dust slipped through his fingers.

Over the last two years, DuVal and his wife, Erika, have expanded their operation, doubling it from 300 to 600 acres of hay, grain and cattle.

"It was a bad year to do that," he said with a nervous chuckle. "We've had to fallow fields. Where we can get water, we're nowhere near enough."

One of those fallow fields includes a \$75,000 irrigation pivot installed last spring that, ironically, DuVal said, was intended to boost water efficiency. Instead, it sits idle in the distance.

DuVal said several of his neighbors are helping him to survive the year, pumping water from their private wells to irrigate some of his land. Even then, his yields will be down, and the family will have to tap into personal savings to pay the bills.

"A guy shouldn't have to do that, but at the same time we're trying to maintain our business," he said.

DuVal purchased his grandfather's original homestead in 2003. He and Erika started from scratch, working to build their income to the point that they can support their family, including two teenage daughters.

This year, DuVal said, anxiety is his constant companion; it follows him like a dark cloud.

"Everybody just wants healthy, viable communities," he said.

"I'm tired of seeing businesses closed, and I'm tired of seeing dry fields. It gets to a guy after a while."



Marlena McPherson drives a hay rake during harvest near Klamath Falls.

GEORGE PLAVEN



Tricia Hill »

Behind the wheel of her car, Tricia Hill parked in an empty field south of Klamath Falls, where last year 2,000 people arrived in trucks and tractors to prepare for a convoy calling attention to the Klamath Basin's longstanding water woes.

One year later, Hill, of Walker Farms and Gold Dust Potato Processors, said it is harder than ever to remain optimistic.

"It's starting to tear at the fabric of our communities," Hill said. "It's painful, and the stress that comes along with it, you can just see it in people."

Gold Dust and Walker Farms produces chipping and frying potatoes for major brands such as Frito-Lay. The farm typically operates on a five-year plan, looking ahead to crop rotations needed to maintain healthy soils.

That all went out the window with this year's zero water allocation from the Klamath Project, Hill said. The farm ditched its usual schedule and focused on planting potatoes where they could pump enough groundwater to produce a full crop and satisfy their contracts.

"As a farmer, it's just really disheartening that, instead of being able to make choices that are the best for our land, we're having to make choices because, frankly, we don't have any other choice," Hill said.

As long as this summer's heat doesn't heavily impact spud yields, Hill said the farm will likely be able to meet its contracts. But the future weighs heavily on her mind. Switching crops is not as easy as it might seem, she said, given their major investments in equipment and infrastructure and years-long relationships with customers.

The 2020 rally did attract the attention of former Interior Secretary David Bernhardt, who traveled to the basin to talk with farmers.



But Hill said more is needed for a long-term, sustainable solution. "We can do better than this," she said.

Luther Horsley »

Water in the canals isn't only for plants and livestock. The Klamath Project was designed so canals would recharge shallow domestic wells for the many households within its boundaries.

Luther Horsley, who raises cattle with his wife, Candy, said his domestic well ran dry in July.

"I can attest that it's challenging to live without water in your house," Horsley said. "You can't wash clothes. You can't do dishes."

The normal static levels for many of the region's wells are just 18-25 feet below ground level, Horsley said.

"Now that level has dropped another 30 feet," he said. "So a lot of these wells are just not in the water."

Horsley is a member of the Klamath Project Drought Response Agency, the local body allocating \$30 million in drought aid from the Bureau of Reclamation and USDA that was earmarked for farmers unable to irrigate in 2021.

The agency has also designed a domestic well mitigation program, he said, though it is yet to be funded. Funding would pay for drilling deeper wells, or setting pumps deeper in existing wells, Horsley said.

For now, he keeps containers in the back of his pickup truck that he fills in Klamath Falls to provide potable water to his home. He also owns a water tender that he's used for fire protection at his ranch. He hooks it up to a camp trailer to take showers.

"God only knows how long it's going to take the aquifer to recharge," he said. "It really makes you appreciate running water in your house."



The headgates to the A Canal on the Klamath Project in Klamath Falls.

GEORGE PLAVERN

Ry Kliewer »

Panic began to set in for ranchers Ry Kliewer and his brother, Ty, back in January.

At the time, the Klamath Basin was already below normal for annual precipitation and snowpack, at 69% and 87%, respectively. As months went by and drought conditions deepened, Kliewer said they could see the writing on the wall.

"When you get to March and you're even further behind, you know it's going to be a bad situation," he said.

Ry Kliewer grows primarily certified organic hay and grain on 520 acres near Klamath Falls, while Ty raises purebred cattle for breeding stock. The brothers also run an on-farm brewery, Skyline Brewing Co., which they opened in 2018.

While the brewery's income is "pennies" compared to farming, Kliewer said it does provide a little more cash during painful drought years.

Kliewer said about 200 of his acres have received no water in 2021. Like DuVal, he was able to minimally irrigate the rest of his land thanks to the generosity of neighbors.

"Before this year," Kliewer said, "I've never really sat down and thought about not (farming) again next year. There are a lot of days where I question whether I made a good lifestyle choice or not."

Kliewer said they will do what they need to do to survive. But if 2022 is more of the same, he worries it will make this year seem like a cakewalk by comparison.

"I'm too stubborn to quit," he said. "Still, it makes you think."

Don Gentry »

Don Gentry is chairman of the Klamath Tribes. He wears a beaded necklace around his neck with a spear tip carved from deer bone — similar to those used by his ancestors to catch sucker fish that once returned in abundance each year up the tributaries that feed Upper Klamath Lake.

As a teenager, Gentry remembers catching the fish for tribal



elders, and hearing stories of how they sustained families after harsh winters in the basin.

"I basically absorbed what should be important to our people," he said. "I had this affirmation as a tribal member. I had a place and purpose."

In 1988, two species of suckers, known as C'waam and Koptu, were protected under the federal Endangered Species Act. In response to dramatic population declines, the tribes had cut off their own fishing for the species two years earlier, Gentry said.

According to research led by the tribes, changing conditions in Upper Klamath Lake have made it so that juvenile suckers can no longer survive past August. Lower water levels in the lake have cut off access to important rearing habitat and left the fish more susceptible to predators.

Diking and draining wetlands to convert into farmland has also contributed to higher levels of phosphorous in the lake, which contributes to major algae blooms during the summer. Once the algae decomposes, it saps dissolved oxygen in the lake, making conditions harsh for the young fish.

"We don't have younger fish coming back in and contributing to the spawning population," Gentry said. If not for the long-lived adults, he said the species would already be lost.

At least one population of C'waam has plummeted to just a few thousand surviving individuals, said Alex Gonyaw, senior fish biologist for the tribes.

At the Klamath Tribes Research Station near Chiloquin, Ore., Gonyaw leads a program where juvenile C'waam and Koptu are raised in captivity for four years to ensure their survival before being released back into Upper Klamath Lake. He plans to release about 500 fish for the first time next spring.

However, this is meant to be only a stopgap until lake conditions for the fish improve. That means restoring habitat, increasing lake levels and improving agricultural practices, Gentry said.

"We're facing the very extinction of these hardy, strong fish," he said. "There's too many people after too little water."



Irrigation equipment sits idle in a dried-up hay field near Klamath Falls.

GEORGE PLAVEN



MONTH END FINANCIAL RECAP

	SEPTEMBER 2021		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 225,229.11	\$ 91,422.56	\$ 341,161.30	9.99%	\$ 3,073,315.70	1
2 WATER	\$ 51,182.39	\$ 25,323.21	\$ 102,035.85	11.07%	\$ 715,214.15	2
3 SEWER	\$ 32,462.41	\$ 19,937.94	\$ 88,672.45	7.51%	\$ 993,527.55	3
4 STREETS	\$ 17,867.62	\$ 14,636.16	\$ 47,421.34	12.95%	\$ 318,628.66	4
5 WATER BOND	\$ 69.69	\$ -	\$ 32,414.96	21.26%	\$ 41,887.04	5
6 SEWER BOND	\$ 173.34	\$ -	\$ 196,485.00	65.15%	\$ 120,865.00	6
7 SEWER DEBT FEE	\$ 11,202.28	\$ -	\$ 34,528.05	11.45%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 101.34	\$ -	\$ -	0.00%	\$ 192,400.00	8
9 WATER RESERVE	\$ 1,896.72	\$ -	\$ -	0.00%	\$ 100,800.00	9
10 HOUSING REHAB	\$ 101.16	\$ -	\$ -	0.00%	\$ 215,271.00	10
11 WATER SDC	\$ 25.59	\$ -	\$ -	0.00%	\$ 44,600.00	11
12 SEWER SDC	\$ 205.34	\$ -	\$ -	0.00%	\$ 415,675.00	12
13 STORMWATER SDC	\$ 53.21	\$ -	\$ -	0.00%	\$ 104,505.00	13
14 BIKEWAY/PATHS	\$ 151.98	\$ -	\$ -	0.00%	\$ 52,990.00	14
15 LIBRARY TRUST	\$ 3.49	\$ -	\$ -	0.00%	\$ 7,412.00	15
16 CEMETERY	\$ 3.83	\$ -	\$ -	0.00%	\$ 8,826.00	16
17 TRANSIENT ROOM TX	\$ 0.85	\$ -	\$ -	0.00%	\$ 3,120.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,995.00	19
20 COMMUNITY PROJECTS	\$ 66.13	\$ -	\$ 925.00	0.65%	\$ 136,450.00	20
	\$ 340,796.48	\$ 151,319.87	\$ 809,115.90			

Key Bank Account

General Checking \$ 353,427.23

Oregon State Treasury \$ 5,330,335.26

Community Improvements \$ 202,366.20

Project Escrow Holding \$ 0.02

TOTAL OST / LGIP \$ 5,532,701.48

Annual Bond Payment

Water \$ 45,167.05

Wastewater \$ 307,259.95

Total \$ 352,427.00

2021-2022

Appropriated \$ 7,857,013 10.30%

YTD

Total Bonded Debt (Principal Only)

Water \$ 847,897.50

Wastewater \$ 5,126,135.50

\$ 5,974,033.00

Total Bonded Debt is \$9,157,976 (Principle & Interest)