

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 1**

**WORKSHOP**

**COMMISSIONERS PRESENT:**

Tim Josi, Chair  
Mark Labhart, Vice Chair  
Charles J. Hurliman, Commissioner

FILED  
OCT 11 2012  
TASSI O'NEIL  
COUNTY CLERK

**STAFF PRESENT:**

Paul Levesque, Chief of Staff

**STAFF PRESENT FOR PORTIONS OF THE MEETING:** Andy Long, Sheriff; Michael Soots, Director, Information Systems; Chris Chiola, Interim Director, Community Development; Liane Welch, Director, Public Works; Dave Dickman, Director, Human Resources; Mona Hamblen, Human Resources; Deb Clark, Treasurer; Denise Vandecoevering, Assessor; David McCall, Coordinator, Solid Waste; Tassi O'Neil, Clerk; Bill Sargent, County Counsel; Travis Porter, Director, Maintenance and Sue Becraft, Board Assistant

**GUESTS:** John Gettman, John Holloway, Shawn Snyder and Linda Buell

**CALL TO ORDER:** By Chair Josi at 8:33 a.m. in Commissioners' Meeting Room B.

**ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** Chair Josi welcomed everyone and reminded them to sign the guest list.

**ITEM NO. 2: PUBLIC COMMENTS – NON-AGENDA ITEMS:** There were none at this time.

**ITEM NO. 3: PUBLIC WORKS REPORT: a) DISCUSSION CONCERNING CHANGE ORDER #1 TO CONTRACT FOR GENERAL SERVICES #4158 WITH BURLINGTON ENVIRONMENTAL, LLC A SUBSIDIARY OF PSC ENVIRONMENTAL SERVICES, LLC FOR HOUSEHOLD AND CONDITIONALLY EXEMPT GENERATOR HAZARDOUS WASTE COLLECTION AND DISPOSAL SERVICES:** David McCall said this extends the contract for one year. This item will be carried forward to the 10:00 a.m. meeting.

**ITEM NO. 4: DISCUSSION CONCERNING MEMORIAL "GUARDIAN ANGEL" ON BRIDGE IN CLOVERDALE:** Liane Welch provided a history of the memorial request from the Reussers. The initial request was for a plaque. The angel was initially placed without authorization. The matter then came to the Board of Commissioners as a request for an encroachment permit, which the board granted. Shawn Snyder then filed this objection.

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012**

**Page 2**

Shawn Snyder read his letter (see attached). Bill Sargent said this is different from free speech events on the courthouse property. He said there is precedence with crosses and other memorials in a right of way. He concluded that the Board of Commissioners was not required to remove it. Mr. Snyder read portions of his letter from the Qu'ran saying that this could create ill will. Chair Josi said that if someone came forward with such a request they could revoke all encroachment licenses for memorials.

Ms. Welch said the angel defeats the function of the guardrail. Commissioner Hurliman gave a number of examples of angels in public spaces as well as crosses. Chair Josi was concerned about the integrity of the guardrail. Vice Chair Labhart said the permit was approved for a plaque but when the angel appeared the board decided they had better things to spend time and money on.

Mr. Sargent said this could not be considered as a tort claim. He said the American Civil Liberties Union (ACLU) is divided on this type of issue. Dave Dickman asked the board to present this to CIS Insurance to ensure coverage on this issue for the \$10,000 deductible. Mr. Sargent said his bigger concern was if someone struck the guardrail and sustained greater injuries. Chair Josi felt we should contact CIS. Vice Chair Labhart suggested contacting the Reussers and adjoining property owners about moving it back. Ms. Welch said she would facilitate that and come back if it didn't work. Chair Josi said if that did not work, we would check with CIS. Commissioner Hurliman was not concerned with the religious nature of the statue on right of way. Mr. Snyder thanked the board members.

**ITEM NO. 5: DISCUSSION CONCERNING AN ORDER APPOINTING AND REAPPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE FISHERMAN ADVISORY COMMITTEE FOR TILLAMOOK (FACT):** Linda Buell said there were six expirations out of the 24 members. She read the names of the proposed appointees. John Holloway is willing to assume duties as co-chair. She thanked the board for the Astoria Marine Advisory Committee appointees. Chair Josi thanked Mr. Holloway.

**ITEM NO. 6: DISCUSSION CONCERNING CHANGE ORDER #5 TO CONTRACT FOR GENERAL SERVICES WITH DETEMPLE COMPANY, INC. FOR REPAIR AND MAINTENANCE OF HVAC SYSTEMS AND BOILERS FOR TILLAMOOK COUNTY FACILITIES:** Travis Porter said this renews the existing contract. There were some changes in the company ownership that required Mr. Porter had to reach some understandings, thus the delay in this renewal. This item will be carried forward to the 10:00 a.m. meeting.

**ITEM NO. 7: DISCUSSION CONCERNING REQUEST FOR INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TILLAMOOK CONCERNING BUILDING INSPECTIONS:** Chris Chiola said we have intergovernmental agreements with all the cities but the one with Tillamook expired. He wanted to know whether to move forward

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 3**

or wait for the new director. The city is proposing some major changes. The board asked that Mr. Chiola ask the city to wait for the new director.

**OTHER:** Mr. Chiola said Vic Eagan is a 150-day employee, but his time has run out. He has a few certifications that no one else has. He comes in two to three hours a week, but each partial day counts as a full day even though he is only paid for the hours he works.

Mr. Dickman said the issue is primarily union related, but he didn't think we will have a problem with the union to renew it because it is not intended to displace anyone. He said it was well worth the risk. Chair Josi wondered if it should go to the Leadership Team, but we don't have time, so he asked those present to weigh in. There was a discussion about what was meant by "150-days." Mona Hamblen said it is in the contract. The partial day is based on past practice. There was discussion about changing that. Both Mr. Dickman and Ms. Hamblen said we should not do that. We will have to bargain that.

Commissioner Hurliman suggested Mr. Eagan become a contractor. Mr. Chiola said that would cost a lot more but outlined how to restructure the schedule. Mr. Dickman felt contracting was a better idea, but not to flip back and forth. Ms. Welch said they could go hourly (1060 hours) as part of the next bargaining session. Michael Soots clarified part time versus 150-day. Mr. Dickman said it would interfere with Mr. Eagan's retirement. Deb Clark said we have to make sure he is an independent contractor. She suggested an agency for temporary employment. Mr. Dickman said it would be \$1.00 per hour more, but would be viable. Ms. Clark said we have numerous times extended 150-day employees. Ms. Hamblen said we have never exceeded the 150 days but have renewed annually. Mr. Dickman said it has never been challenged by the union, such as in the Health Department. Ms. Hamblen said not in a one-year period.

Ms. Hamblen said we could continue it but heard that it may affect Mr. Eagan's retirement. Tassi O'Neil said only the AFSCME has the 150-day contract. Mr. Chiola said Mr. Eagan is the only one with these certifications, and we may not be able to find someone else. He stated that the state cannot step in to do the work. Vice Chair Labhart said we need to keep Mr. Eagan and have three options: continue the present practice, temporary employment agency, or contract. Mr. Dickman recommended the temporary employment agency. Ms. Clark said the funds are in the budget. Commissioner Hurliman agreed.

A motion was made by Vice Chair Labhart to have Mr. Chiola work with Mr. Eagan to register for temporary employment through the contracted agency. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes.

**TAKEN OUT OF ORDER: ITEM NO. 9: DISCUSSION CONCERNING INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF**

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 4**

**TRANSPORTATION FOR USE OF STRATEGIC TECHNOLOGY RESERVES:** Mr. Soots said the Oregon Department of Transportation (ODOT) has five trailers of emergency gear from Homeland Security. This agreement allows our use for emergencies and training. This item will be carried forward to the 10:00 a.m. meeting.

**ITEM NO. 8: DISCUSSION CONCERNING TERMS OF SALE WITH DELL INC FOR PURCHASE OF SOFTWARE:** Mr. Soots said we are buying software for our upgrade that will bring our office suites software to 2010. The board discussed the updates. The item will be carried forward to the 10:00 a.m. meeting.

**ITEM NO. 10: HUMAN RESOURCES REPORT: a) DISCUSSION OF PROPOSED HUMAN RESOURCES HOURS OF OPERATION:** Mr. Dickman wants to go from 8:00 a.m. to 4:00 p.m. so they can have an uninterrupted hour of work. This enables them to be open during the noon hour. The board had no objection. Ms. O'Neil said she was glad they could be open at noon.

Mr. Dickman also discussed some blocks of four-hour closures for training. Ms. Welch felt it was a long time to be closed and wondered if some other option could be found. Ms. O'Neil felt advance notices would be helpful and to have someone answer the phones. Mr. Dickman said the training is short term. Commissioner Hurliman felt this should go to the Leadership Team on Monday. Ms. Hamblen said the next training isn't until the 19<sup>th</sup> of September. Chair Josi suggested they go forward with a 4:00 p.m. closure on an interim basis of two months, through the end of November, but bring this to the Leadership Team. Denise Vandecoevering felt that other departments will want to follow suit. Mr. Dickman described his increased work load.

The board's consensus was to allow a two month interim adjusted schedule.

**b) DISCUSSION OF NEW OR REVISED PERSONNEL POLICY ADOPTION PROCEDURES:** Mr. Dickman said when he was on leave, the union objected to the adoption of the new travel policy. In order to avoid this in the future, he proposed a new adoption procedure (see attached). He will bring this to the Leadership Team on Monday. Interim bargaining takes 90 days. Mr. Dickman gave an example of the dress code policies.

**c) DISCUSSION AND CONSIDERATION OF A PERSONNEL REQUISITION TO REFILL A REGULAR FULL TIME CORRECTIONS DEPUTY IN THE JAIL:** Ms. Hamblen said this position was vacated by a lateral transfer.

A motion was made by Vice Chair Labhart to refill the corrections deputy position using the recruitment from the criminal deputy position. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes.

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 5**

**ITEM NO. 11: CHIEF OF STAFF REPORT:** Paul Levesque provided a background on the former coffee shop franchise where the vendor paid \$300 a month. These funds were distributed to the employee assistance fund. When the vendor defaulted on the monthly rent, the county negotiated the claim by taking the espresso machine in satisfaction for back rent. No county tag was placed on the machine. Both Ms. Clark and Mr. Levesque recommended that when the machine is sold, the proceeds go into the budget line for employee assistance.

A motion was made by Vice Chair Labhart to sell the coffee machine with proceeds going to the employee assistance fund. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes.

**ITEM NO. 12: STAFF REPORT: a) SUGGESTION BOX:** Sue Becraft reported that there were no suggestions.

**ITEM NO. 13: BOARD CONCERNS – NON-AGENDA ITEMS:** There were none.

**ITEM NO. 14: PUBLIC COMMENTS:** There were none.

There being no further business Chair Josi adjourned the meeting at 10:03 a.m.

**MEETING**

**COMMISSIONERS PRESENT:** Tim Josi, Chair  
Mark Labhart, Vice Chair  
Charles J. Hurliman, Commissioner

**STAFF PRESENT:** Paul Levesque, Chief of Staff  
William K. Sargent, County Counsel

**STAFF PRESENT FOR PORTIONS OF THE MEETING:** David McCall, Coordinator, Solid Waste and Michael Soots, Director; Information Systems

**GUESTS:** M.F. Bell, John Holloway, Linda Buell and Dale Buck

**CALL TO ORDER:** By Chair Josi at 10:09 a.m. in Commissioners' Meeting Room A.

**ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** Chair Josi welcomed everyone and reminded them to sign the guest list.

**ITEM NO. 2: PUBLIC COMMENTS – NON-AGENDA ITEMS:** Dale Buck was present. He reported on the state fair. Mr. Buck said that State Parks ran the fair this year due to

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 6**

a change in legislative direction. He described the differences. Tillamook County is the longest continuous exhibitor in the building. He said there were 66 volunteer slots that were filled. He said exhibitors and visitors were way down. He thanked the volunteers and the commissioners for their help.

Vice Chair Labhart said Dale and Jackie Buck take this on every year. There were only six counties represented at the fair. He described the work that they do. He said it would not happen without them. Tillamook County Creamery Association (TCCA) gives us a discount on the cheese. He said everyone should thank them. Mr. Buck said TCCA actually donates all the cheese now. Commissioner Hurliman said he was really busy during his shift. Commissioner Hurliman said he was appreciative of Mr. Buck. Chair Josi agreed.

**ITEM NO. 3: BOARD OF COUNTY COMMISSIONERS' MEETING MINUTES FOR AUGUST 1 AND 6, 2012:** A motion was made by Vice Chair Labhart to approve the consent agenda. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes. The board signed the Minutes.

**ITEM NO. 4: CONSIDERATION OF AN ORDER APPOINTING AND REAPPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE FISHERMAN ADVISORY COMMITTEE FOR TILLAMOOK (FACT):** Linda Buell and John Holloway were present. Ms. Buell said there are six reappointments and new appointments which she listed. She also said that Mr. Holloway is proposed as the Co-Chair. She thanked the board for its work with the Astoria Marine Construction Company. Chair Josi thanked Ms. Buell and the committee for its work. Commissioner Hurliman and Vice Chair Labhart echoed Chair Josi's remarks.

A motion was made by Commissioner Hurliman to sign Order #12-053. The motion was seconded by Vice Chair Labhart. The motion carried with three aye votes. The board signed the Order.

**OTHER:** Chair Josi gave a background on the amendment process for the Territorial Sea Plan. They are in the process of developing standards for two of the zones. He said the Fisherman subcommittee is difficult because fish swim and crab move, so zoning is problematic. If standards can be developed, they may not have to put so much emphasis on the maps. The Governor wants to finish this by January. He asked for Mr. Holloway's help at FACT and the Territorial Sea Plan (TSP) fishermen subcommittee.

Mr. Holloway expressed concern about the lack of information about where fishing takes place. He wondered about using "the best science available" standard. He felt anecdotal information was not helpful. He thought using a 20-mile radius from fishing ports would narrow it down. Chair Josi felt the 20-mile radius would work, but wondered about the rest of the sea. Mr. Holloway felt anecdotal information could work outside the 20-mile radius. Vice Chair Labhart thanked them for their work on this.

**ITEM NO. 5: CONSIDERATION OF CHANGE ORDER #5 TO CONTRACT FOR GENERAL SERVICES WITH DETEMPLE COMPANY, INC. FOR REPAIR AND MAINTENANCE OF HVAC SYSTEMS AND BOILERS FOR TILLAMOOK COUNTY FACILITIES:** Mr. Levesque said that this extends the contract for one more year.

A motion was made by Vice Chair Labhart to sign the change order with DeTemple Company. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes. The board signed the change order.

**ITEM NO. 6: CONSIDERATION OF CHANGE ORDER #1 TO CONTRACT FOR GENERAL SERVICES #4158 WITH BURLINGTON ENVIRONMENTAL, LLC A SUBSIDIARY OF PSC ENVIRONMENTAL SERVICES, LLC FOR HOUSEHOLD AND CONDITIONALLY EXEMPT GENERATOR HAZARDOUS WASTE COLLECTION AND DISPOSAL SERVICES:** Mr. McCall said this company processes the materials. This extends the contract to June 30, 2013.

A motion was made by Commissioner Hurliman to sign the change order with Burlington Environmental. The motion was seconded by Vice Chair Labhart. The motion carried with three aye votes. The board signed the change order.

Vice Chair Labhart related a comment from a constituent regarding Mr. McCall.

**ITEM NO. 7: CONSIDERATION OF TERMS OF SALE WITH DELL INC FOR PURCHASE OF SOFTWARE:** Mr. Soots said this updates Office 2010 software.

A motion was made by Commissioner Hurliman to approve the terms of sale for the purchase of software. The motion was seconded by Vice Chair Labhart. The motion carried with three aye votes. The chair signed the document.

**ITEM NO. 8: CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION FOR USE OF STRATEGIC TECHNOLOGY RESERVES:** Mr. Soots said the state has five trailers with caches of radio equipment and trailers. This will allow training.

A motion was made by Vice Chair Labhart to enter in the agreement with the Oregon Department of Transportation. The motion carried with three aye votes. The chair signed the agreement.

**ITEM NO. 9: BOARD CONCERNS – NON-AGENDA ITEMS & ANNOUNCEMENTS:**  
Chair Josi read the announcements.

**ITEM NO.10: PUBLIC COMMENTS:** There were none.

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD  
MEETING - Wednesday, September 5, 2012  
Page 8**

There being no further business Chair Josi adjourned the meeting at 11:01 a.m.

**RESPECTFULLY SUBMITTED** this 11<sup>th</sup> day of October, 2012.

County Clerk: Tassi O'Neil

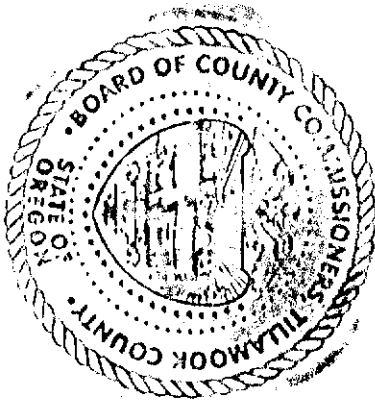
Susan L. Becraft  
Susan Becraft, Recording Secretary  
& Special Deputy

**APPROVED BY:**

Josi  
Chair

Mark Latta  
Vice Chair

Charles Skahan  
Commissioner





**NOTICE OF BOARD WORKSHOP AND BOARD MEETING  
of the**

**TILLAMOOK COUNTY BOARD OF COMMISSIONERS**

Also sitting as the Board of the  
SOLID WASTE SERVICE DISTRICT,  
THE 4-H AND EXTENSION SERVICE DISTRICT  
AND COUNTY ROAD DISTRICT  
to be held

**Wednesday, September 5, 2012**

**Workshop at 8:30 a.m.**

**Commissioners' Meeting Room B**

County Courthouse, 201 Laurel Avenue, Tillamook, Oregon

**Board Meeting at 10:00 a.m.**

**Commissioners' Meeting Room A**

County Courthouse, 201 Laurel Avenue, Tillamook, Oregon

**BOARD OF COMMISSIONERS**

Tim Josi, Chair

E-mail: [tjosi@co.tillamook.or.us](mailto:tjosi@co.tillamook.or.us)

Mark Labhart, Vice-Chair

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ANY QUESTIONS? Contact

Paul Levesque (503) 842-1809

E-mail: [plevesqu@co.tillamook.or.us](mailto:plevesqu@co.tillamook.or.us)

COUNTY WEBSITE: <http://www.co.tillamook.or.us>

WATCH THIS MEETING ONLINE: [tctvonline.com](http://tctvonline.com)

OR ON TV: TCTV Channel 4

Friday – 1:00 p.m.

Monday – 7:00 p.m.

Thursday – 9:30 a.m.

Saturday – 3:30 a.m.

Tuesday – 10:00 p.m.

Sunday – 7:00 p.m.

Wednesday – 7:00 a.m.

NOTE: The Board of Commissioners reserves the right to recess to Executive Session as may be required at any time during this meeting, pursuant to ORS 192.660(1).

NOTE: The Tillamook County Courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

## AGENDA

### WORKSHOP

CALL TO ORDER: Wednesday, September 5, 2012 8:30 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Public Works Report/Liane Welch
  - a. Discussion Concerning Change Order #1 to Contract for General Services #4158 with Burlington Environmental, LLC a Subsidiary of PSC Environmental Services, LLC for Household and Conditionally Exempt Generator Hazardous Waste Collection and Disposal Services/David McCall
4. Discussion Concerning Memorial “Guardian Angel” on Bridge in Cloverdale/Shawn Snyder
5. Discussion Concerning an Order Appointing and Reappointing Members and Alternate Members to the Fisherman Advisory Committee for Tillamook (FACT)/Linda Buell
6. Discussion Concerning Change Order #5 to Contract for General Services with DeTemple Company, Inc. for Repair and Maintenance of HVAC systems and Boilers for Tillamook County Facilities/Travis Porter
7. Discussion Concerning Request for Intergovernmental Agreement with the City of Tillamook concerning Building Inspections/Chris Chiola
8. Discussion Concerning Terms of Sale with Dell Inc for Purchase of Software/Michael Soots
9. Discussion Concerning Intergovernmental Agreement with the Oregon Department of Transportation for Use of Strategic Technology Reserves/Michael Soots
10. Human Resources Report/Dave Dickman, Mona Hamblen
  - a. Discussion of Proposed Human Resources Hours of Operation
  - b. Discussion of New or Revised Personnel Policy Adoption Procedures
  - c. Discussion and Consideration of a Personnel Requisition to Refill a Regular Full Time Corrections Deputy in the Jail
11. Chief of Staff Report/Paul Levesque
  - a. Discussion and Consideration of the Disposal of the Espresso Machine from the Former Courthouse Coffee Shop
12. Staff Report/Sue Becraft
  - a. Suggestion Box
13. Board Concerns – Non-Agenda Items
14. Public Comments

**ADJOURN**

## MEETING

CALL TO ORDER: Wednesday, September 5, 2012 10:00 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items

## CONSENT CALENDAR

3. Board of County Commissioners' Meeting Minutes for August 1 and 6, 2012

## LEGISLATIVE – ADMINISTRATIVE

4. Consideration of an Order Appointing and Reappointing Members and Alternate Members to the Fisherman Advisory Committee for Tillamook (FACT)/Linda Buell
5. Consideration of Change Order #5 to Contract for General Services with DeTemple Company, Inc. for Repair and Maintenance of HVAC systems and Boilers for Tillamook County Facilities/Travis Porter
6. Consideration of Change Order #1 to Contract for General Services #4158 with Burlington Environmental, LLC a Subsidiary of PSC Environmental Services, LLC for Household and Conditionally Exempt Generator Hazardous Waste Collection and Disposal Services /David McCall
7. Consideration of Terms of Sale with Dell Inc for Purchase of Software/Michael Soots
8. Consideration of Intergovernmental Agreement with the Oregon Department of Transportation for Use of Strategic Technology Reserves/Michael Soots
9. Board Concerns – Non-Agenda Items & Announcements
10. Public Comments

## **ADJOURN**

## BOARD MEETINGS AND ANNOUNCEMENTS

**LABOR DAY** is an observed holiday for Tillamook County, as well as the Circuit Court. The Tillamook Library, Tillamook County Public Works, Tillamook County Community Development, Tillamook County Health Department, Tillamook County Courthouse, and administrative offices in the jail and justice facility will be closed on **Monday, September 3, 2012**.

The commissioners and elected city officials (in Tillamook County) and members of their staff will attend a meeting with Oregon Department of Transportation staff on **Tuesday, September 4, 2012 at 3:30 p.m.** in the commissioners' meeting rooms A and B. Oregon Department of Transportation staff will answer questions about the new 2015-2018 State Transportation Infrastructure Plan (STIP) process.

The monthly Leadership Team Meeting of the County Board of Commissioners with the Tillamook County Elected Officials and Department Heads will be held on **Monday, September 10, 2012 at 8:00 a.m.** The

meeting will be held in the commissioners' meeting Room B in the Tillamook County courthouse, 201 Laurel Avenue, Tillamook.

The Commissioners' **evening meeting** schedule will resume in the fall as follows:

October 17, 2012	Manzanita City Hall
December 19, 2012	Kiawanda Community Center
January 16, 2013	County Courthouse
February 20, 2013	Manzanita City Hall
March 20, 2013	Kiawanda Community Center
April 17, 2013	County Courthouse
May 15, 2013	Manzanita City Hall

There will be no evening meeting in November. All evening meetings will begin at 6:30 p.m.

# BOARD OF COMMISSIONERS' WORKSHOP

## Wednesday, September 5, 2012

	<b>Present</b>	<b>Absent</b>		<b>Present</b>	<b>Absent</b>
Mark Labhart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Charles Hurliman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Josi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paul Levesque	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE PRINT

Name	Address	Item of Interest
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JOHN GETTMAN		All
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JOHN HOLLOWAY		F.A.C.T.
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AMY LONG		All - Deputy position
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Shawn Snyder		Reusser Memorial
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Michael Soots		I. S.
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Chris Chioia		DCD
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Gene Weld?		
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Mona D. Hamblen		HR
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Dad Clark		All
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Denise Land		Assessor
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DAVE DICKMAN		HR
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David McCall		Solid Waste
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Linda Bull		FACT
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Sue Beckett		
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Tassi Dine		
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(Please use reverse if necessary)



Gentlemen:

Good morning. I am requesting a remedy for what I believe to be a violation of the Establishment Clause of the First Amendment, vis-à-vis the Reusser Memorial in Cloverdale. To wit:

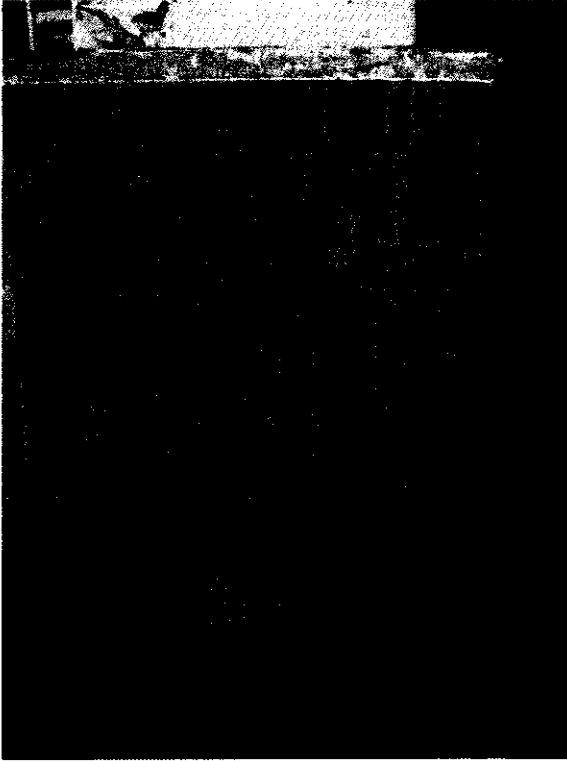
The monument is on public property along a county road:



It displays religious iconography: an angel, and a cross:



The plaque includes a Biblical quote:



Please understand: I applaud and share the feelings of respect and gratitude evinced by the memorial, for all that Colonel Reusser did for all of us. I did not know him, but the record of his twenty-seven year career leaves no doubt: he was an extraordinary Marine, and proved himself—time, and time, and time again—to be a genuine hero; someone we can all be as proud of as his family must be.

However, neither Colonel Reusser's heroism, nor our devotion to his legacy, relieves any of us of our duty to uphold the Constitution for which he fought.

Thus, with an eye to reconciling the two—monument, and Constitutional demands—I have drawn up three possible remedies for your consideration:

1. Remove the religious iconography and text, and leave the rest.
2. Leave the entire thing as is, and relocate it to private property. Surely a private location which is still highly visible from the road, and accessible to the public generally, can be found?
3. Declare the area a public forum, (or move the monument to some location that is suited to such), and allow equal time, space, and opportunity for displays of other views.



Numbers One and Two seem very promising: they handily resolve the Constitutional issues, and taken together maintain an element of choice for Mrs. Reusser.

Option Three on the other hand promises unpredictability, and hard feelings. I present it here reluctantly, and only because, according to my (admittedly limited) understanding, the fact that the monument is privately funded makes this a viable remedy; it would clear the county of the charge of violating the 'Constitutional ban on governmental support of any particular religion, or religious view'. Unfortunately, it could also turn out to be a Pandora's Box, leaching ill will into our town. Consider these hypothetical displays of alternate, how should I say . . . 'less tasteful' views:

- They are not 'The Ten Suggestions', or 'The Ten Pretty Good Ideas'. They are 'The Ten Commandments'! "Thou shalt not kill" does not mean ". . . unless you're really, really sure it's OK". Alas Colonel Reusser, had you but honored the will of God, perhaps an eternity spent agonizing in Hell would not now be your measure. Alas.
- As the Qu'ran tells us: "Fight and kill the disbelievers . . . Fight them and Allah will punish them by your hands, lay them low, and cover them with shame . . . Allah will help you." So Islam thanks you Mr. Reusser, for all that you have done; dealt death to Infidels: one, by one, by one: Godless Christians, Unbelievers, Buddhists, and Jews, and, perhaps, just maybe, a Hindu or two! The arc of your life is testimony to all: even the Heretic serves the will of Allah!

Well, these probably sound silly, and probably they are, coming just off the top of my head as they do. But the point they make is not: encouraging competing displays would risk insult to the Reusser family, degradation of Colonel Reusser's legacy, and discord in our community; how destructive, pointless, and saddening that would be. Please: do not opt for number Three.

### **To Mrs. Gertrude Reusser, and Family:**

I realize of course that by my actions here I may—unhappily, and unintentionally—give real offence. Please believe that I have no wish to, and would not chance such a thing, but for a sense of duty which my conscience will not let me ignore. I have only admiration and respect for Colonel Reusser, and gratitude for his Marine Corps service.

It is my hope that we can work together on this. For my part, I would welcome a chance to meet; understanding always seems easier to come by with someone known to us. If you wish to speak to, or question me about any aspect of this, you are welcome in my home in Hebo any time, or I could meet

you somewhere at your convenience. And of course there is always the telephone. I have instructed Ms. Becraft, (the secretary to the Tillamook County Commissioners), to give you my phone number, and address should you want them.

Respectfully,

Shawn Snyder

## Policy Creation and Adoption Procedures

