

Draft

Approval of Previous Business Meeting
Minutes:
September 9, 2021

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

<https://www.clackamas.us/meetings/bcc/business>

Thursday, September 9, 2021 – 10:00 AM

Virtual Meeting via Zoom and in Person

PRESENT: Chair Tootie Smith
Commissioner Sonya Fischer
Commissioner Mark Shull
Commissioner Paul Savas
Commissioner Martha Schrader

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

*****Wildfire Updates**

~Board Discussion~

*****COVID-19 Updates**

~Board Discussion~

I. CONSENT AGENDA <https://www.clackamas.us/meetings/bcc/business>

A. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

B. Human Resources

1. Approval of a contract with Compelling Reason, LLC for benefit delivery consulting work. Contract value is \$487,045 funded through Department monthly benefit administration fees some of which are County General Fund dollars.

Read Consent Agenda

Commissioner Shull: I move for approval of the consent agenda

Commissioner Schrader: Second

Clerk called the Poll

Commissioner Schrader: Aye

Commissioner Shull: Aye.

Commissioner Savas: Aye

Chair Smith: Aye.–the motion carries 4-0

Commissioner Fischer stepped back into room and voted Aye

Chair Smith: the motion carries 5-0

II. PUBLIC COMMUNICATION <https://www.clackamas.us/meetings/bcc/business>

Opened Public Communication

General Public Comment in Person:

1. Yvonne Lazarus - Clackamas County
~Board Discussion~
2. Gina Tallerino – Happy Valley – Vaccines
3. Les Poole – Gladstone

General Public Comment Zoom:

1. Leah Robbins – Jennings Lodge – Public Communication
~Board Discussion~

2. Bill Wehr - Clackamas County - public policy
~Board Discussion~
3. Christine Kennedy – Lake Oswego - Covid - support of public Health Department
recommendations
Closed Public Communication

III. COUNTY ADMINISTRATOR UPDATE <https://www.clackamas.us/meetings/bcc/business>

IV. COMMISSIONERS COMMUNICATION <https://www.clackamas.us/meetings/bcc/business>

Adjourned 11:36 AM

Terwilliger, Christina

From: Leah Robbins <leah.n.robbins@gmail.com>
Sent: Thursday, September 9, 2021 11:10 AM
To: Schmidt, Gary; Madkour, Stephen; BCCMail; Savas, Paul
Subject: Fwd: Permitting Pop-Up Retailers in Public ROW
Attachments: county commission comments 09092021.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Warning: External email. Be cautious opening attachments and links.

Good morning,

I've attached my comments from this morning which were cut off by the Chair before I utilized my 3 minutes. Please make sure to read my last paragraph that was cut off by the Chair ostensibly trying to answer my questions, but it limited my opportunity to speak. And I am frustrated that this continues to happen to folks calling in from zoom.

When I stated in my comments that I understood the trickiness of the land use and overlapping ownership of ROW it's because I've worked in the public realm for my entire career and tried to use your processes. I fully understand that:

- ODOT owns the underlying ROW of McLoughlin Blvd. which includes public sidewalk and
- private property owners adjacent to the sidewalk are typically required to maintain their sidewalk.
- Clackamas County is the land use organization that sets and implements land use restrictions in commercial zones (signage, private use of public property/etc)

Before sending the email in July, I spoke with code enforcement about this. She suggested I reach out to County Counsel as she could not answer. I had also reached out to the property owner.

If the County is not able to answer the question, I'd certainly like the Board's support for future local control of the area as a separate city. Until then, these questions will be directed your way.

Regards,
Leah Robbins
Jennings Lodge
503-957-9030

----- Forwarded message -----

From: Leah Robbins <leah.n.robbins@gmail.com>
Date: Mon, Jul 26, 2021 at 12:42 PM
Subject: Fwd: Permitting Pop-Up Retailers in Public ROW
To: <bcc@clackamas.us>, <smadkour@clackamas.us>, <codeenforcement@clackamas.us>

Hi,

I'm hoping for a follow up for this email. Appreciate the coordination that may take.

Thanks
Leah Robbins

----- Forwarded message -----

From: **Leah Robbins** <leah.n.robbins@gmail.com>

Date: Wed, Jul 21, 2021 at 3:59 PM

Subject: Permitting Pop-Up Retailers in Public ROW

To: <smadkour@clackamas.us>

Cc: <codeenforcement@clackamas.us>

Hello,

I'm interested in your legal team's response to internal questions from code enforcement related to regulating short term (one-day) pop ups in the public right of way.

In my community, Jennings Lodge, unincorporated Clackamas County, we often find people setting up tables, tents and flags along the sidewalk of McLoughlin Blvd to sell political merchandise.

I understand the trickiness of all the overlapping jurisdictional lines. I understand that the county in this area has land use authority while the property owner (public or private) has specific controls on their property. This trickiness makes it very difficult for the general public to know who to contact and how to regulate what feels like an inundation of political propagandists using the common public ROW for their commercial benefit.

Today's example:

- a group set up tables, tents, flags in the strip between the curb line and sidewalk on McLoughlin just north of Jennings. (public ROW likely owned by ODOT)
- they parked their vehicles in the parking lot of the commercial property at 18040 etc (Sherwin Williams etc). They used the parking lot to load, unload, and mill about
- Their presence elicited honks, shouts, etc from traffic and the only way for people to access their stand was to park in the commercial parking lot.
- After contacting the property manager, they were not aware of a permitted use for that.

I'm a fervent believer in the 1st Amendment. All of the Bill of Rights really. But I seriously doubt that the County wants to allow for pop up tents all along the ROW for any other uses. And I doubt the private properties that maintain and rely on the public to view their storefronts want to have these groups take up their parking spaces and compete for their business.

Can you please respond with answers to a few questions below:

1. Does the County have code enforcement policy to cover this situation?
2. How does a member of the community effectively advocate for the fair enforcement of these policies?
3. Is this a subject that the Board of Commissioners would be weighing in on?
4. Which set of County offices are prime contacts for this (i.e. Planning, Code Enforcement, ?_

Thanks in advance. Please contact me if you need any clarification.

Leah Robbins
Jennings Lodge
503-957-9030
leah.n.robbins@gmail.com

Good morning Chair Smith and Commissioners. Thank you for the opportunity to speak.

My name is Leah Robbins from Jennings Lodge.

Many of your constituents aren't able to be at your meetings and like me have watched or listened to them to keep aware of the state of your work.

However I was dismayed to see what looks like the result of staff being bullied, much like they were a decade ago under different leadership. When asked by the public about Commissioner's Shull involvement in the shutdown of a vaccine clinic in Molalla (in August), County administrator Gary Schmidt responded by parsing his words carefully to say, 'Commissioner Shull was not involved in the **decision** to shut it down.' And yet we know from comments of the Molalla mayor and others that were it not for his influence this would not have happened at all.

And I've heard the Chair on repeat occasions describe a fear of public information requests that effectively limits her use of email or response to email, and admonishment of others for their sensitive discussions over email.

I wonder if that's why I have yet to receive a response to this email from July 21 (and 26th) to Stephen Madkour which in part read:

I'm interested in your legal team's response to internal questions from code enforcement related to regulating short term (one-day) pop ups in the public right of way.

In my community, Jennings Lodge, unincorporated Clackamas County, we often find people setting up tables, tents and flags along the sidewalk of McLoughlin Blvd to sell political merchandise.

I understand the trickiness of all the overlapping jurisdictional lines. I understand that the county in this area has land use authority while the property owner (public or private) has specific controls on their property. This trickiness makes it very difficult for the general public to know who to contact and how to regulate what feels like an inundation of political propagandists using the common public ROW for their commercial benefit.

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Thanks in advance. Please contact me if you need any clarification.

I'm still interested in a response. If you prefer to call so as not to have a public record you can do so with my contact information.

My hope is that this Commission begin to reflect its duty to represent the entire County, and all its diverse people. Even those in the urban unincorporated area with its complex upcoming local governance discussions and continued support for utilizing housing authority funds to purchase available local motels for housing the homeless.

Thanks again for the time.