

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Establishing an )  
Accurate Hazard Level in Relation ) BOARD ORDER 20-442  
To COVID-19 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 17, 2020, Commissioners Casey Kulla, Mary Starrett and Richard L. ”Rick” Olson in attendance.

THE BOARD MAKES THE FOLLOWING FINDINGS.

WHEREAS, to date an estimated 1003 Oregonians have died of or with COVID-19, approximately 1.25% of those who tested positive, and approximately .022% of Oregon’s total population; and

WHEREAS, the principal goal of the original Coronavirus lockdown was to ensure access to appropriate medical treatment when it was required; and

WHEREAS, appropriate modes of medical response and treatment have remained available for the duration of time that the Coronavirus has been present within Yamhill County and will likely continue to be available going forward; and

WHEREAS, like cold and flu viruses, the Coronavirus will probably exist within the human population for an indefinite amount of time; and

WHEREAS, reasonable doubt exists and it cannot be ascertained with certainty that (i) testing by the Oregon Health Authority is accurate since PCR tests are not designed to be used as diagnostics; and (ii) the COVID-19 specific death tolls are accurate, as reported; and

WHEREAS, reasonable concern exists in making future public policy using inaccurate testing, or inaccurate testing numbers; and

///

///

WHEREAS, economic security is a pressing issue in Yamhill County and current state lockdown policies continue to have direct negative economic, behavioral health and social consequences; NOW THEREFORE

**IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:**

1. Yamhill County formally requests that the Oregon Health Authority disclose PCR cycle thresholds, identify which tests are being used and be fully transparent in all instances of false negative and positive tests to date; and
2. Yamhill County will endeavor to work with the Oregon Health Authority and Governor of Oregon to determine, by county, what should be the appropriate risk vs. benefit threshold for future business closures and lockdowns; and
3. This Board Order constitutes prima facia evidence that persons and entities, including medical providers, within Yamhill County are not subject to findings of negligence-per-se on the sole basis of having engaged in activities that are inconsistent with executive orders related to the Coronavirus; and
4. This Board Order constitutes prima facia evidence that in Yamhill County the hazard posed by the Coronavirus is one of low probability and risk, and that reasonable precautions taken by persons and entities to minimize the virus's spread constitute good faith efforts regardless of whether such precautions are consistent with executive orders related to the Coronavirus; and
5. All persons and entities within Yamhill County may present this Board Order to any court or tribunal, including proceedings before administrative bodies, as prima facia evidence of good faith compliance with relevant state and local laws and rules, including administrative rules, while engaging in activities that are inconsistent with executive orders related to the Coronavirus; and
6. Reasonable precautions, when adequately communicated and effectively enforced, serve to adequately prevent or minimize employee exposure, including accidental exposure, to Coronavirus regardless of whether such precautions are consistent with executive orders related to the Coronavirus; and

///

///

///

///

7. This Board Order shall have no legal effect unless and until it is validated by a Circuit Court and the Board hereby authorizes County Counsel to apply to Circuit Court for such validation pursuant to applicable law.

DONE at McMinnville, Oregon on December 17, 2020.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN  
County Clerk

Chair

Voted "No"

CASEY KULLA

By: Carolina Rook  
Deputy CAROLINA ROOK

Commissioner

MARY STARRETT

FORM APPROVED BY:

Christian Boenisch  
CHRISTIAN BOENISCH  
Yamhill County Counsel

Commissioner

RICHARD L. "RICK" OLSON