

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in combined session on May 25, 2023, at 10:00 a.m. in Room 32 of the Yamhill County courthouse, and in a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Colton Totland, Assistant County Counsel; Ashley Watkins, Solid Waste & Recycling Coordinator; and Derrick Wharff, Assessor & Tax Collector. Nohely Barajas-Montalvo participated via Zoom.

Guests: Heath Curtiss; Katie LaValley; Christopher George; Casey Kulla; Arthur Chaput; Dan Blue; Ernie Martin; and Aubrey Nichols. Barbara Boyer participated via Zoom.

***Welcome!** Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at bocinfo@co.yamhill.or.us.*

A. CALL TO ORDER: Commissioner Berschauer called the meeting to order at 10:04 a.m.

B. FLAG SALUTE

C. CALENDAR SESSION: This time is reserved for the review of the commissioners’ joint schedule (if needed).

The Commissioners reviewed the joint schedule for the week of May 29 – June 4, 2023. No other county business was discussed.

D. PUBLIC COMMENT: This time period is reserved for public comment on any topic other than: 1) agenda items, 2) A quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

There were no general public comments received.

E. DEPARTMENT UPDATES: None.

F. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session – None.

G. CONSENT AGENDA:

Commissioner Starrett moved approval of the consent agenda. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

Committees

1. **B.O. 23-190** - Approval of the reappointments of Diane Reynolds, Brad Berry, Jessica Beach, and Tim Svenson to the Local Alcohol and Drug Planning Committee each for a three-year term to expire May 15, 2026.

2. **B.O. 23-191** - Approval of the updated 2023 Yamhill County Transit Advisory Committee Bylaws.

3. **B.O. 23-192** - Approval to appoint Robert Youngman to the Housing Authority of Yamhill County Board with a term to expire December 31, 2025.

Plans

4. **B.O. 23-193** - Approval of the Yamhill County Americans with Disabilities Act of 1990 (ADA) Plan for 2023-2026.

Contracts & Grants

5. **B.O.23-194** - Approval of Grant Agreement #35438 between Yamhill County Transit and the Oregon Department of Transportation (ODOT) Rail & Public Transportation Division for the 2023-25 Biennium 5311 funds to support administration, operations, and preventative maintenance expenses in the amount of \$2,810,110 effective July 1, 2023, through June 30, 2025.

6. **B.O. 23-195** - Approval of Amendment #2 to Grant Agreement #35090 between Yamhill County Transit and the Oregon Department of Transportation (ODOT) extending the terms through June 30, 2026, and revising the Vehicle Expansion description

7. **B.O. 23-196** - Approval of Amendment #1 to Agreement #170700 between Yamhill County Health and Human Services and the Oregon Health Authority (OHA) (B.O. 21-469) for Environmental Health Services, effective July 1, 2023.

H. OLD BUSINESS: None

I. OTHER BUSINESS (Add-ons and non-consent items):

1. **B.O. 23-197** - Consideration of approval of a proposed rate increase of 11% as recommended by Yamhill County Solid Waste Department and the Solid Waste Advisory

Committee (SWAC) for Waste Management of Newberg-Transfer Station, effective July 1, 2023.

Commissioner Starrett moved approval of item I1. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

2. **B.O. 23-198** - Consideration of approval of a proposed rate increase of 9.75% as recommended by the Solid Waste Advisory Committee (SWAC) for Waste Management of Newberg-Hauling, effective July 1, 2023.

Commissioner Starrett moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 23-199** - Consideration of approval of a proposed rate increase of 5% by Yamhill County Solid Waste Department for Recology Western Oregon, effective July 1, 2023, through June 30, 2024.

Commissioner Berschauer moved approval of item I3. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

4. **B.O. 23-200** - Consideration of approval to authorize Community Justice to submit an application for the first phase of the Justice Reinvestment Initiative (JRI) grant to the Criminal Justice Commission for the 2023-25 biennium.

Commissioner Berschauer moved approval of item I4. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

5. Consideration of opening a sealed bid for Tax Lot No. R5635AB 00801 County-owned tax foreclosed real property.

Jodi Gollehon presented sealed bids to the Board for consideration. Commissioner Starrett moved approval to accept a bid in the amount of \$200 from Christopher and Mackayla George. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye. Staff will create a Board Order and deed to be prepared for consideration of adoption upon payment.

6. **B.O. 23-201** - Consideration of approval of a Contract Employee Agreement between Yamhill County and David J. Young for Electrical and Building Inspection Services not to exceed 20 hours per week retroactive to April 24, 2023, through July 1, 2024, at a rate of \$46.00 per hour.

Commissioner Starrett moved approval of item I6. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

7. **B.O. 23-202** - Consideration of the agreement between Yamhill County Health and Human Services and BerryDunn for HHS Electronic Health Record Consulting Services not to exceed \$523,365, retroactive to May 1, 2023, through June 30, 2025.

Commissioner Starrett moved approval of item I7. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

8. **B.O. 23-203** - Consideration of approval of Amendment #1 to a lease extension between Yamhill County and Crown Castle, LLC. for the continued operation of a cell tower on the County Fairgrounds.

Commissioner Berschauer moved approval of item I8. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

9. **B.O. 23-204** - Consideration of approval to sign a multi-jurisdictional letter to Governor Kotek regarding the Mosman order.

Commissioner Berschauer asked the Board for consideration to participate in a federal lawsuit in amicus. Commissioner Berschauer moved approval of item I9. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

J. PUBLIC HEARINGS:

1. A public hearing to hear objections to the transfer of certain tax foreclosed real properties to the City of Sheridan pursuant to the provisions or ORS 271.330. The specific properties to be transferred are:

- 1) Tax Lot No. R5635AB 01400; Tax Account No. 307643
- 2) Tax Lot No. R5635BD 02300; Tax Account No. 224037
- 3) Tax Lot No. R5634AA 07500; Tax Account No. 226053
- 4) Tax Lot No. R5634AA 07500; Tax Account No. 226428

Commissioner Berschauer opened the public hearing at 10:20 a.m.

Christopher George gave public testimony as a neighbor to the adjacent 01400 tax lot and submitted written testimony to the record addressing the tax lots invasiveness on adjacent properties. Jodi Gollehon clarified that the sale of tax lot 01400, to the City of Sheridan will be subject to a lot line adjustment requirement to meet neighboring fences, avoiding impact to the current landowners as well as being responsible for the drainage and overgrowth maintenance that sits on the tax lot. It was recommended that a maintenance agreement and access to the tax lot should be negotiated between the City of Sheridan and the adjacent landowners.

The public hearing was closed at 10:33 a.m.

a. **B.O. 23-205** - Consideration of approval in the matter of a Board Order declaring certain tax foreclosed properties as surplus, authorizing the sale of the properties pursuant to the City of Sheridan and ordering distribution of proceeds (Tax Lot No. R5635AB 01400 and Tax Lot No. R5635BD 02300 and Tax Lot No. R5634AA 07500 and Tax Lot No. R5634AA 07500).

Commissioner Berschauer moved approval of item J1. The motion passed, Commissioner Berschauer, Johnston, and Starrett voting aye.

2. A public hearing to provide information and an opportunity for public input regarding a proposed Strategic Investment Program agreement between Yamhill County and Hampton Lumber Mills, Inc., an Oregon corporation, pursuant to ORS 285C.600 – 285C.620 ORS 307.123.

Commissioner Berschauer opened the public hearing at 10:35 a.m.

Commissioner Starrett declared a potential conflict of interest as an owner of timber deferred property in Yamhill County; Commissioner Berschauer declared a potential conflict of interest having worked in support of the natural resource industry in Oregon and owning two agricultural related businesses with extended family-owned agriculture businesses with processing facilities. Commissioner Johnston declared a general conflict of interest having connections to agricultural industries.

Barbara Boyer, representing Yamhill Soil and Water Conservation District, provided testimony via Zoom expressing concern about the loss of future generated revenues to its district resulting from tax exemptions drafted into the Oregon Strategic Investment Program agreement between Yamhill County and Hampton Lumber.

Heath Curtiss provided a brief overview of Hampton Lumber’s origins and purpose. Regarding the proposed agreement, he noted it contained an investment in Yamhill County of approximately \$150 million dollars for the onsite renovation of the Willamina sawmill combining two smaller existing mills and adding a third. Mr. Curtiss added that the first \$25 million would be taxed at an ordinary rate with the remainder exempt over 15 years and 25 percent of the tax savings to be paid to the county as a community service fee.

The public hearing was closed at 10:48 a.m.

a. **B.O. 23-206** - Consideration of approval of a Strategic Investment Program agreement between Yamhill County and Hampton Lumber Mills, Inc., an Oregon corporation, pursuant to ORS 285C.600 – 285C.620 ORS 307.123 with the amendment to Section 4.2.4 changing the language to read “a fixed annual payment of \$72,000 a year, paid annually”.

The Board and staff discussed Community Service Fees (CSF) and taxing district impacts; they outlined the intention of the CSF’s to be distributed to county taxing districts post a 15-year tax abatement period extended to Hampton Lumber for the buildout of the sawmill project. Arthur Chaput with Business Oregon added perspective regarding statewide impacts from the strategic investment program agreement. Mr. Boenisch stated that upon approval of the SIP agreement and the Business Oregon application, the county would have 90-days to negotiate an agreement with taxing districts to establish CSF distributions.

After discussion, Commissioner Berschauer moved approval of item J2 with amendment to section 4.2.4 to read “a fixed annual payment of \$72,000 a year, paid annually”. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT: <https://www.co.yamhill.or.us/content/public-hearing-notices>

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county’s website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county’s website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 11:57 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT