

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 March 21, 2024, 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; Nohely Barajas-Montalvo, Legal Assistant; Brad Berry, District Attorney; Kate Lynch, Chief Deputy District Attorney; Cecilia Martinez, District Attorney Office Administrator.

Guests: Bubba; Mike Morris; Don Schmidt; Bob; and Janice Dysinger. Craig Markham; Nicole; and Lee Schrepel 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@yamhillcounty.gov](mailto:bocinfo@yamhillcounty.gov).*

**A. CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

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

The Commissioners reviewed the joint schedule for the week of March 25 – March 31, 2024. 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.

- Janice Dysinger gave public comments regarding adding ballot hand counting in

addition to the county selected vote tallying system. Ms. Dysinger engaged in discussion with Board members regarding ballot counting controversies in Oregon.

- Anna Munson, who disclosed she is a candidate for Marion County Clerk, commented on the efficacy of hand counting ballots.

**E. DEPARTMENT UPDATES:**

a. District Attorney – Brad Berry

Brad Berry stated that he and Kate Lynch have begun transitional processes as Mr. Berry will be retiring and Ms. Lynch is the incoming elected District Attorney. Mr. Berry stated a high beginning balance in 2023-24 softened budgetary impacts from recent DDA and AFSCME union contract collective bargaining. He addressed an increase to office workflows and caseloads resulting from vacant support positions further impacted by the amount of staff time spent reviewing bodycam footage submitted by the Sheriff’s Office tied to cases his office processes. Regarding impacts to Ballot Measure 110 reversing HB4002, Mr. Berry stated a diversion program will be required; county discussions and some processes are already in place with HHS. A broader program would require 24/7 – 365/year personnel for referral. With a shortage of residential beds for addiction cases, he foresees challenges when applying for grant funding without having a lead program. Mr. Berry doesn’t anticipate short term increases from pre-COVID numbers for Possession of Controlled Substances (PCS) prosecution cases but won’t know impacts for a least six months. The reversal of HB4002 will bring a return of prosecutions of constructive drug delivery cases bringing challenges of monitoring diversion program. The office is also experiencing an increase of record requests which aren’t from conventionally professional journalist sources. Appeals for record fee waivers have been received but are based on frequency of requests to mitigate the expense put upon taxpayers. In Personnel, Mr. Berry noted budgeting for an additional FTE for a legal assistant and mentioned need for another lawyer and victim advocate. He also stressed the need for more functional space. Lastly, he noted his budget is strong enough to carry his expenses through next year.

**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.

Authority

1. **B.O. 24-76** - Authorize Lindsey Manfrin, HHS Director and other designated individuals to place CMHP Director holds on persons deemed dangerous to self or others, or mentally ill persons placed on conditional release, outpatient commitment or trial release, rescinding Board Order 23-325.

**H. OLD BUSINESS:** None.

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

1. **B.O. 24-77** - Consideration of approval of Agreement #44300-00030039 between Yamhill County and the Oregon Health Authority for Intoxicated Driver Program Funding (IDPF) in the amount of \$100,116.27 retroactive to January 1, 2024, through June 30, 2025. #HHS24035IGA.

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

2. **B.O. 24-78** - Consideration of approval of an agreement between Yamhill County and the City of McMinnville for Behavioral Health Services in the not to exceed amount of \$40,000 retroactive to March 1, 2024, through February 28, 2025. #HHS24038IGA.

Commissioner Starrett explained that community partners are discussing ways to maintain contacts with city business owners, park oversight and incident de-escalation. After discussion, Commissioner Starrett moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 24-79** - Consideration of approval of Amendment #6 to Agreement #180033 between Yamhill County and the Oregon Health Authority (B.O. 23-260) adding funding in the amount of \$8,403.04 for a total amount of \$4,124,845.88 for Public Health Emergency Preparedness and Response (PHEP) effective through June 30, 2024. #HHS24013IGA.

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

4. **B.O. 24-80** - Consideration of approval of a construction contract to Roy Houck Construction, LLC. for the 2024 Albertson Road Pavement Repair Project in the amount of \$130,292.

It was noted that the notice of intent to award was approved on March 7, 2024. Christian Boenisch confirmed that item I4 was to approve a contract. Commissioner Berschauer modified the agenda language to replace “notice of intent to award” with “approval of a construction contract”. Commissioner Johnston moved approval of item I4 as amended. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

The meeting was recessed at 11:05 a.m. and reconvened at 11:14 a.m.

**J. PUBLIC HEARINGS:**

1. Consideration of a mass gathering permit application for the 2024 Memorial Weekend Boat Races event on May 25<sup>th</sup> & 26<sup>th</sup>, 2024. Applicant: Newberg Boat Club/Columbia Outboard Racing Association.

Commissioner Berschauer opened the public hearing at 11:15 a.m.

- Don Schmidt gave public comment representing Newberg Boat Club and the Columbia

Outboard Racing Association requesting exclusive use of Rogers Landing starting May 24, 2024, through May 26, 2024, for the 76<sup>th</sup> Annual Memorial Weekend Boat Races. He noted the revenues that the incoming attendees brings to the local economy.

Hearing no additional testimony, Commissioner Berschauer closed the public hearing at 11:18 a.m.

After discussion, Commissioner Starrett moved approval of the conditions, waiving all but \$250.00 of the mass gathering fees. The motion passed as amended. Commissioners Berschauer, Johnston, and Starrett voting aye. A board order will be brought before the Board for consideration of adoption on March 28, 2024.

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](mailto: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 11:40 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair LINDSAY BERSCHAUER

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Commissioner KIT JOHNSTON

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Commissioner MARY STARRETT