



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 August 15, 2024, at 10:00 a.m. in Room 32 of the Yamhill County courthouse and in a virtual meeting via Zoom, Commissioners Lindsay Berschauer, and Kit Johnston, and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Bradly Berry, District Attorney; Kate Lynch, Chief Deputy District Attorney; Ken Friday, Planning Director; and Carolina Rook, BOC Staff. Nohely Barajas-Montalvo, Legal Assistant participated via Zoom.

Guests: David “Bubba” King, Mike Morris, Andrew Croy, Karyn Hanson, Cheryl Cappelli, Kathryn Jernstead and John Olson. Roz, Doug Rux, Lee Schrepel, and Sarah Vogel 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.*

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 August 19– August 25, 2024. No other county business was discussed.

D. PUBLIC COMMENT: This time 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.

Commissioner Berschauer acknowledged public comments received via email related to rural water access. There were no other public comments received.

E. DEPARTMENT UPDATE:

a. District Attorney's Office – Brad Berry and Kate Lynch

Brad Berry stated that House Bill (HB) 4002 would recriminalize possession of Schedule I drugs and was scheduled to take effect September 1, 2024. If an individual were to get caught by law enforcement in possession of Schedule I drugs, the court date would be set for two weeks out with the stipulation that they had to be able to prove that they had pursued addiction treatment. If they fail to appear in court after two weeks, or they can't prove that they've pursued treatment, the case would be tried. He provided updates about how the District Attorney's office would be involved in the deflection process and explained that the goal was to keep drug related cases out of the courts completely. District Attorney Berry predicted that HB 4002 would likely not have a high success rate in terms of staying out of the courts and stated that they did receive grant funding to assist with the increased workload anticipated. Mr. Berry stated that the department was expecting to work significant overtime due to the vacancies they have in addition to the increased workload of HB 4002. Mr. Berry explained that they would prefer to hire a Deputy District Attorney (DDA) II, but it had been more difficult to find experienced lawyers to fill the role compared to filling the DDA I position. Commissioner Berschauer expressed concern about measuring success of HB 4002 and stated that all Counties had a slightly different plan to put the bill into effect.

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

Contracts & Grants

1. **B.O. 24-253** - Approval of an agreement between Yamhill County and Hicks Striping & Curbing, LLC. for the Yamhill County 2024 Highway Striping Project in the amount of \$359,610.35 upon notice to proceed through October 31, 2024. #Pw24012Con

H. OLD BUSINESS: None.

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

1. **B.O. 24-254** - Consideration of approval to submit an application for funding from the Oregon Department of Veterans Services in the amount of \$139,866 for the 2024-2025 fiscal year.

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

2. **B.O. 24-255** - Consideration of approval of Amendment #3 to the Contract Employment Agreement between Yamhill County Health and Human Services and Shirley Roffe, M.D. (BO 19-281) to provide professional psychiatric consultation services not to exceed 10 hours per month at the rate of \$180.25 per hour, retroactively effective July 9, 2024. #HHS24059GS.

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

3. **B.O. 24-256** - Consideration of approval of a Board Order and Ordinance in the Matter of Approving a Zone Map Change from Exclusive Farm Use (EF-80) to Agriculture Forestry Small Holding (AF-10) for Tax Lots: R4307 02301; Applicant: Caleb and Haley Bunn; and Declaring an Emergency.

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

4. **B.O. 24-257** - Consideration of approval of a policy allowing for exclusion of persons from county property for specified misconduct.

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

5. **B.O. 24-258** - Consideration of approval to appoint Anton Bakker to the Budget Committee for a three-year term to expire on June 30, 2027.

Commissioner Starrett stated that Anton Bakker and Mark Meinert had applied for the Budget Committee and that they both had ample experience. Commissioner Starrett recommended appointment of Anton Bekker to the Budget Committee.

Commissioner Starrett moved approval of I5. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

The meeting was recessed at 10:46 a.m. and reconvened at 10:54 a.m.

J. PUBLIC HEARINGS:

1. Docket M-05-24: An appeal of the Planning Director's approval of an irrigation reservoir to supply water for a vineyard. Applicant: Red Hills Farm LLC. Appellant: Karyn Hanson. *[Continued from July 18, 2024, at the point of Staff Recommendation]*

Commissioner Berschauer reconvened the public hearing at 10:55 a.m.

Staff Recommendation: Ken Friday read the staff recommendation into the record, recommending approval of an irrigation reservoir to supply water for a vineyard.

Commissioner Berschauer closed the public hearing at 10:56am

Deliberation: After discussion, Commissioner Johnston moved to uphold the Planning Director’s recommendation to approve an irrigation reservoir to supply water for a vineyard and deny the appeal. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye. Findings and conditions will be prepared for adoption on September 12, 2024.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:
<https://www.yamhillcounty.gov/1190/Public-Hearing-Notices>.

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county’s website, <https://www.yamhillcounty.gov/765/Boards-and-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@yamhillcounty.gov.
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county’s website: <https://www.yamhillcounty.gov/AgendaCenter>.

Following Commissioner announcements, the meeting adjourned at 11:12 a.m.

Bailey Barnhart
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT