

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 formal session on January 13, 2005 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Director of Administrative Services; Bill Gille, Public Works Director; John Englebrecht, 1266 NW Augusta Drive, McMinnville; and Merilyn Reeves, P.O. Box 1083, McMinnville.

Commissioner Stern called the meeting to order.

A. **PUBLIC COMMENT:** This fifteen-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other topic scheduled for public hearing.

Merilyn Reeves welcomed Ms. Stern as the incoming Chair. She stated that democracy works best when citizens have a clear understanding of the issues and procedures and she urged the Board to provide ample opportunity for public involvement in Measure 37 claims, especially during the first year of implementation. She suggested that the Board review the county’s Comprehensive Plan, if they haven’t done so recently, and carefully consider the validity of all claims and the Planning Director’s staff reports.

John Englebrecht stated that citizens of McMinnville took good care to see that traffic down Baker Creek Road could be accommodated over time, and they implemented the right to vote on annexations. He urged the Board to work with the citizens of Yamhill County on the fairly large Abrams Measure 37 claim. He also stated that the cost of development should be factored in when determining “just payment” for the devaluation of land.

B. **CONSENT AGENDA:** Ms. Stern stated that item #10 on the consent agenda needs to be moved to Other Business. Ms. Lewis moved approval of the consent agenda with the removal of item #10. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 05-21** - Approve the employment of James Griggs, Amity, as Extra Help in Maintenance, temporary full-time, \$20/hour, retroactive to January 12, 2005 until February 25, 2005.
2. **B. O. 05-22** - Approve the change of status of John Budan to reduce regular part-time hours in Adult Mental Health to .6 FTE, retroactive to January 9, 2005.

3. **B. O. 05-23** - Approve the change of status to restore John Krawczyk to regular full-time status in Administrative Services, retroactive to January 9, 2005.

Contracts

4. **B. O. 05-24** - Approve a HIPAA business associate agreement between Yamhill County and Dr. Bruce Boyd, effective January 13, 2005.
5. **B. O. 05-25** - Approve a HIPAA business associate agreement between Yamhill County and Allegiance Benefit Plan Management, Inc., retroactive to April 14, 2004.
6. **B. O. 05-26** - Approve an amendment to the Allegiance Benefit Plan to address privacy standards required by HIPAA, retroactive to April 14, 2004.

Refunds

7. **B. O. 05-27** - Approve a Parks and Recreation SDC refund to Gary Bevier, \$338.22.
8. **B. O. 05-28** - Approve a refund to Shaikh Husain from Public Health, \$285.

Purchase

9. **B. O. 05-29** - Authorize the purchase of a Final Pass II compactor from Intermountain Machine for Public Works, \$17,300.

BOC Meeting Schedule

10. **See Other Business** - Adopt Ordinance 754 governing the procedures for conduct of Board meetings and the transaction of county business, repealing Ordinances 616 and 623 and declaring an emergency, effective February 7, 2005.

C. OLD BUSINESS:

1. **Tabled** - Consideration of adoption of findings in support of the legalization of portions of Willamina Creek Road, as tentatively approved January 6, 2005. *[Continued to January 20, 2005.]*

John Gray stated that both this and the following item need to be continued for one week, as he is still waiting for some work to be completed on the exhibits.

Ms. Lewis moved to continue both items to January 20, 2005 at 10:00 a.m. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **Tabled** - Consideration of adoption of findings in support of the legalization of portions of Baker Creek Road and Hill Road, as tentatively approved January 6, 2005. *[Continued to January 20, 2005.]*
3. **B. O. 05-30** - Consideration of adoption of findings in support of the offer to transfer jurisdiction to the City of Newberg over a portion of Fernwood Road, as tentatively approved January 6, 2005.

Ms. Lewis moved to adopt the findings.

Ms. George shared her concerns about the possibility that at some point in the future, the city might decide to close off the road into a culdesac. She stated that Mr. Gray has added language to the findings to express the county's hopes that the city will keep the road open in consideration of the area's residents.

Ms. Lewis expressed her support of the clarification requested by Ms. George and stated that she is persuaded by the City of Newberg's Transportation Systems Plan that they have no plans to close the road.

The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

1. **B. O. 05-31** - Consideration of adopting Ordinance 754 governing the procedures for conduct of Board meetings and the transaction of county business, repealing Ordinances 616 and 623 and declaring an emergency, effective February 7, 2005.

Mr. Gray stated that according to the new Board meeting schedule, informal sessions will be held on Mondays at 2:00 p.m. and formal sessions will be held on Wednesdays at 9:00 a.m. He provided first and second readings of the ordinance by title only, declaring an emergency.

Ms. Stern moved to adopt Ordinance 754. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-32** - Consideration of approval of an agreement between Public Works and Foundation Engineering, Inc. for geotechnical bridge repair services on Chehalem Creek and Stag Hollow Creek bridges, not to exceed \$7630.

Bill Gille reported that inspection reports for these two bridges show foundation problems which need to be repaired. He stated that this agreement is for foundation reports and he estimated that total cost for the projects will be in the \$20,000-\$30,000 range.

Ms. Lewis moved approval of the agreement with Foundation Engineering, Inc. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Executive Session - The meeting recessed at 10:27 a.m. and reconvened at 10:36 a.m. in Room 108. The meeting immediately recessed to executive session pursuant to ORS 192.660 (2)(h) for the purpose of consulting with counsel regarding current or potential litigation with respect to the Newberg-Dundee Bypass appeals.

The meeting reconvened at 10:58 a.m. with no decisions made and the sense of the Board conveyed to John Gray and Rick Sanai.

4. PERS Rate - John Krawczyk requested that a work session be scheduled after notification of PERS rate increases on January 25, 2005 so he can move ahead with budget instructions. The work session was scheduled for January 27, 2005 at 1:30 p.m. The Management Round Table meeting for budget instructions was scheduled for February 15, 2005 at 7:30 a.m.

Ms. Lewis stated that the PERS Board has asked local government for input regarding the decision whether to charge the entire new PERS rate or to defer part of it. She stated that if the PERS Board artificially lowers the rate, they will be sending the wrong message to the legislature that this is not a problem. Mr. Krawczyk stated that he is comfortable with that position or with giving each jurisdiction the choice, but he would not be comfortable with the entire increase being deferred. He discussed the possibility of buying down the rate, since the county's budget will have a large beginning balance.

Mr. Krawczyk asked the Board to think about potential redistribution of discretionary funds and how to distribute Jail bed rental revenue from Jackson County. Ms. Lewis emphasized the importance of thinking several years ahead and using bed rental revenue primarily for one-time expenditures.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.

- a. Commission on Children and Families, two positions;
- b. Parks Board, one position;
- c. Food Service Advisory Committee, six positions in various categories.

2. Flu shots are now available with no restrictions at the Public Health Department on Tuesdays and Thursdays.

Adjourn: 11:15 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE