

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 November 2, 2005 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present was John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director; and Merilyn Reeves, PO Box 1083, McMinnville.

Commissioner Stern called the meeting to order.

A. **PUBLIC COMMENT:** This thirty-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. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Merilyn Reeves, Friends of Yamhill County, reported that the Oregon Supreme Court has denied the state’s emergency motion to stay the ruling in Marion County’s *Macpherson v. DAS*, which means that all conclusions drawn from the ruling are in effect until the supreme court rules next year. She stated that John Gray’s request for the Yamhill County circuit court to hold off on a Measure 37 writ of review until the supreme court’s decision is inconsistent with his recommendation to continue processing Measure 37 claims. She said that the Board took an oath to uphold the constitutional laws of the country and should not process claims under a measure that has been declared unconstitutional.

B. **CONSENT AGENDA:** Ms. Lewis moved approval of the consent agenda and then amended her motion to exclude item #8. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 05-906** - Approve the employment of Donald Mero, McMinnville, as Extra Help in Administrative Services, regular part-time, Range 7, Step 1, \$9.87/hour, effective November 7, 2005.
2. **B. O. 05-907** - Approve the change of status of Michelle Morrison from .5 FTE to .75 FTE in the Juvenile Department, effective November 9, 2005.
3. **B. O. 05-908** - Approve the modification of the Juvenile Department’s Personnel Management Roster to increase one Administrative Office Specialist position from .8 FTE to 1.0 FTE, effective November 9, 2005.
4. **B. O. 05-909** - Approve the change of status of Cindy Hamilton from .8 FTE to 1.0 FTE in the Juvenile Department, effective November 9, 2005.
5. **B. O. 05-910** - Approve the change of status of Caralee Slowik to extend temporary part-time

employment in the Juvenile Department, .4 FTE, effective November 9, 2005 through February 8, 2006.

6. **B. O. 05-911** - Approve the change of status of Brandon Marsh to on-call relief in the Juvenile Department, Range 12, Step 1, \$12.87/hour, effective November 9, 2005.

#### Contracts

7. **B. O. 05-912** - Approve an agreement between the Sheriff's Office and the City of Sheridan for police services, 3.0 FTE, retroactive to July 1, 2005.

8. **See Other Business** - Approve a memorandum of agreement between the Board of Commissioners and Yamhill County Employee's Association (YCEA) regarding personal holidays for YCEA law enforcement and certain HHS employees.

9. **B. O. 05-913** - Authorize Nancy Reed and Dave Lawson to sign a contract between the Assessor's Office and Official Payments Corporation for merchant payment services.

10. **B. O. 05-914** - Approve a performance bond and agreement between Public Works and Bruce Parker for road improvements along Moores Valley Road, \$250,845, effective November 2, 2005.

11. **B. O. 05-915** - Approve Grant Agreement #22705 between Yamhill County and ODOT-Public Transit Division for general public transportation operations, \$270,000, retroactive to July 1, 2005 through June 30, 2007.

#### Refunds

12. **B. O. 05-916** - Authorize a refund of \$51.03 from Public Health to Susan Whyte.

#### Committees

13. **B. O. 05-917** - Approve the appointment of Phyllis Kelley and Jimmy Baker to the Special Transportation Advisory Commission for three-year terms to expire December 31, 2008

#### Public Hearings

14. **B. O. 05-918** - Set a public hearing for December 14, 2005 at 9:00 a.m. to receive public comment regarding ten-year franchise extensions for Newberg Garbage & Recycling Service and Newberg Transfer & Recycling Center.

C. **OLD BUSINESS:** None.

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

1. **B. O. 05-919** - Consideration of approval of a memorandum of agreement between the Board of Commissioners and Yamhill County Employee's Association (YCEA) regarding personal holidays for YCEA law enforcement employees, effective November 2, 2005. *[Approved.]*

Mr. Gray stated that this is an extension of a previous agreement which allows employees who are required to work on the day before Thanksgiving and Christmas Eve to schedule personal time off on other days. John Krawczyk added that YCEA is interested in including the memorandum of agreement as permanent language so it doesn't have to be done every year.

Ms. Stern moved approval of the memorandum of agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-920** - Consideration of adoption of Resolution 05-11-2-1 declaring April 16-22, 2006 as River Awareness Week and co-sponsoring a River Reflections project with the Yamhill County Cultural Coalition. *[Approved.]*

Ms. Stern read the resolution and moved adoption of it. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Discussion of options for Yamhill County’s response to *Macpherson v. DAS*. *[No formal action taken.]*

Mr. Gray stated that rather than applying to the supreme court to file an amicus brief, the most efficient and practical approach would be to offer the services of the assistant county counsel to one of the four counties named as defendants in filing their briefs. Ms. Lewis stated that important issues were raised as to the effect of the decision on the initiative process and the county ought to consider weighing in. Mr. Gray suggesting going through the Association of Oregon Counties (AOC) to see if there is a consortium of counties not named as defendants under which Yamhill County could file a brief. Ms. Lewis will bring up the issue at the next AOC meeting.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

- 1. The following positions are open to the public. Contact the Commissioners’ Office for applications.
  - a. Local Alcohol and Drug Planning Council, one position;
  - b. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
  - c. Parks Board, one position.

The meeting recessed at 9:18 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair	MARY P. STERN
Commissioner	LESLIE LEWIS
Commissioner	KATHY GEORGE