

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 March 18, 2009, at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were John M. Gray, Jr., County Counsel; Dan Linscheid, Surveyor; Jack Crabtree, Sheriff; Captain Ken Summers, Kellye Fetters, Carol Hayes, Steve Smith, Todd Whitlow, Jason Mosiman, and Richard Sly, Sheriff’s Office; David Bates, News-Register; Don Schmidt, 1604 N Meridian, Newberg; Mike Hale, 2801 Douglas Ave, Newberg; Jimmie Schmauder, 16205 SE Kreder Rd, Dayton; and Lee Vasquez, PO Box 1, McMinnville.

Commissioner Lewis called the meeting to order at 9:04 a.m.

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. None offered.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 09-112** - Ratify the emergency employment of Maggie Beattie, Sherwood, as HS Specialist 2 in HHS Adult Mental Health, regular full-time, Range 20, Step 1, retroactive to March 16, 2009.

2. **B. O. 09-113** - Approve the change of status of the following employees to regular part-time employment in HHS Adult Mental Health:
a. Tomais Weinstock-Blair, .4 FTE, effective March 30, 2009;
b. Tabatha Bird, .7 FTE, effective April 6, 2009.

3. **B. O. 09-114** - Approve the change of status of Nancy Heins to extend temporary part-time employment in HHS Public Health, retroactive to March 1, 2009, through September 1, 2009.

4. **B. O. 09-115** - Ratify the change of status of Kerri Stepisnik, Juvenile Department, to add up to 19 hours/week in HHS Family & Youth, Range 14, Step 1, retroactive to March 12, 2009, through June 30, 2009.

5. **B. O. 09-116** - Approve the change of status of Richard Sly to extend temporary part-time employment in Community Corrections, effective April 2, 2009, through June 30, 2009.

6. **B. O. 09-117** - Approve the change of status of Terry Schmidt to extend temporary part-time employment in the Jail, retroactive to March 9, 2009, through April 8, 2009.

Contracts/Grants

7. **B. O. 09-118** - Approve Service Element Prior Authorization (SEPA) Approval Unit #311304 for the 2007-09 Financial Assistance Agreement #119951 between HHS and Oregon Department of Human Services, \$5330.

8. Ratify approval of the following amendments to the 2007-09 Financial Assistance Agreement #119951 between HHS and Oregon Department of Human Services, retroactive to March 5, 2009:

- a. **B. O. 09-119** - Amendment #68;
- b. **B. O. 09-120** - Amendment #69.

Budget

9. **B. O. 09-121** - Authorize the following transfer of appropriation authority and funds for reimbursement of trial expenses in the District Attorney's Office:

From	10-92-301.01	Contingency	\$15,000
To	10-18-695.03	Trials & Appeals	\$15,000

Committees

10. **B. O. 09-122** - Approve the appointment of Jessica Whitfield to the Mental Health Advisory Board for a two-year term to expire May 30, 2011.

Road Vacation

11. **B. O. 09-123** - Approve Public Works Docket RV-1-09, a request to vacate a portion of Forest Drive in the Cove Orchard Subdivision, petitioners Alisa & Michael Russo and James & Carol Foley, no hearing necessary under ORS 368.351.

C. **OLD BUSINESS:** None.

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

Personnel

1. **B. O. 09-124** - Consideration of approval of the change of status of Linda Lowe to regular full-time employment in the Planning Department, effective March 18, 2009.

2. **B. O. 09-125** - Consideration of approval of the change of status of Linda Lowe to regular part-time employment in the Planning Department, .8 FTE, effective March 18, 2009, through June 30, 2009.

John Gray explained that items D(1) and D(2) have no net effect, but are necessary steps

to honor the YCEA labor agreement regarding layoffs. Ms. Stern moved approval of items D(1) and D(2). The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 09-126** - Consideration of approval of the employment of Robert Pipher and Colette Marchant as HS Specialist 1 in HHS Developmental Disabilities, regular full-time, Range 17, Step 1, effective March 24, 2009.

Ms. George moved approval of item D(3), noting that HHS has received extra funding from the state for expansion of this program. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Deeds

4. **B. O. 09-127** - Consideration of accepting a right-of-way dedication deed from Charles and Harding Roe for the North Valley Road - Ayers Creek Bridge Project.

5. **B. O. 09-128** - Consideration of accepting a right-of-way dedication deed from E. Ellen Roe and Robert Roe, Trustees, for the North Valley Road - Ayers Creek Bridge Project.

Ms. Lewis moved approval of items D(4) and D(5). The motion passed, Commissioners Lewis, George, and Stern voting aye.

6. Discussion of procedural issues for the Riverbend Landfill hearing on March 19, 2009.

After some discussion, the consensus was that Ms. Stern would not stay for the hearing after making her initial statement so as not to cause any distraction or be perceived as influencing the decision of the other commissioners. Ms. Stern stated that she would listen to the recording of the hearing afterwards.

E. **PUBLIC HEARINGS:**

1. **B. O. 09-129** - Consideration of a mass gathering permit application for the 2009 Memorial Weekend Boat Races at Rogers Landing, applicants Newberg Boat Club and Columbia Outboard Racing Association. *[Approved.]*

Ms. Lewis opened the public hearing. Mr. Gray stated that the Board has waived all but \$250 of the \$1015 fee in previous years.

Lee Vasquez expressed his support of the application, stating that the event was handled in a very orderly manner during the years he was involved and there were never any problems.

Close of Public Hearing/Deliberations - Ms. George moved approval of the permit application. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Receipt of public comment on a proposal to change the term limits for the County Surveyor position. *[Tentatively approved, ordinance amendment to be adopted March 25, 2009 at 12:30 p.m.]*

Ms. Lewis opened the public hearing. Mr. Gray provided background information on the term limits ordinance and Dan Linscheid's request to remove term limits from the County Surveyor position. He stated that the Board has the authority to amend the ordinance without the vote of the people. He said that although every elected official was included in the ordinance, he thinks term limits will likely be found to be unconstitutional for the offices of Sheriff, Treasurer, and Clerk if and when those elected officials come up against the term limits.

Mr. Linscheid said that he has been employed by Yamhill County since 1971 and has served as County Surveyor for the last fourteen years. He stated that it doesn't make sense for such a technical position without much budget or power to have term limits and he would like the opportunity to serve another term if reelected. He requested that the comments received by the Board be entered into the record. Ms. George stated that the support for Mr. Linscheid, statewide as well as countywide, has been amazing and she is proud to know that he has done such a good job.

Lee Vasquez expressed his support of the proposal to remove term limits from the office of County Surveyor. He said that Mr. Linscheid has done great work with very little money and it would be good for the county to keep him.

Jimmie Schmauder stated that he is opposed to the Board making any changes to the term limits ordinance. He said that the proposal to remove term limits has twice been voted down and amending the ordinance would be going against the will of the voters. He said that he would support the change for the Surveyor position only if that question were referred to the voters, but the voters should be the ones to decide.

Close of Public Hearing/Deliberations - Ms. Stern agreed that the Surveyor position is a technical position with a small budget and little political influence. She stated that there isn't much time to refer the question to the voters, but allowing the people to vote on whether or not to reelect him will make their will known. Ms. George agreed with Ms. Stern's comments and compared the situation to a business wanting to keep a highly-specialized, skilled employee who has done a great job for many years.

Ms. Lewis stated that the voters have spoken strongly on term limits a number of times and have also turned down the opportunity to make the Surveyor an appointed position. She said that she supports term limits laws and would be happy to refer this question to the voters since they have never been asked to vote on removing term limits for only this position. She agreed that Mr. Linscheid has done an extraordinary job, but stated that she needs to separate the issue of term limits from the person serving.

Ms. Stern moved tentative approval of amending Ordinance 587 to remove the term limit

