

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/informal session on July 7, 2010, at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were Laura Tschabold, County Administrator; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Becky Stern Doll, County Clerk; Russ Heath, Public Works; and Tari Glocar, 4579 Shawn Ct NE, Salem, OR 97305.

Commissioner George called the meeting to order at 9:05 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.

Tari Glocar stated that she is resigning from her position as Fair & Rodeo Court Coordinator because of potentially illegal and/or inappropriate actions by the Fair Board and county staff (see Exhibit A). She stated that she has also filed a complaint with the State Attorney General’s Office.

B. **AGENDA:**

Personnel

1. **B. O. 10-379** - Consideration of ratifying the change of status of Mary Bramall to extend temporary part-time employment in HHS Abacus, retroactive to July 1, 2010, through June 30, 2011.
2. **B. O. 10-380** - Consideration of ratifying the change of status of Robert Naylor to extend temporary full-time employment in HHS Abacus, retroactive to July 1, 2010, through July 31, 2010.
3. **B. O. 10-381** - Consideration of the employment of Jan Lacy as HS Specialist 1 in HHS Family & Youth, regular full time, Range 17, Step 2, effective July 12, 2010.
4. **B. O. 10-382** - Consideration of the employment of Garret Vander Linden as HS Specialist 1 in HHS Family & Youth, regular full time, Range 17, Step 1, effective July 15,

2010.

5. **B. O. 10-383** - Consideration of the employment of Diana Carmona as Office Specialist 2 in HHS Adult Mental Health and ECF/RTF, regular full time, Range 7, Step 1, effective July 12, 2010.

6. **B. O. 10-384** - Consideration of the change of status of Kathryn Petersen to Deputy District Attorney 2 in the District Attorney's Office, retroactive to July 1, 2010.

7. **B. O. 10-385** - Consideration of the change of status of Lisl Miller to Deputy District Attorney 2 in the Juvenile Department, retroactive to July 1, 2010.

8. **B. O. 10-386** - Consideration of the change of status of Karen Rogers to Jail Program Supervisor in the Sheriff's Office, Range 11, Step 6, retroactive to July 1, 2010.

Ms. George moved approval of items B(1) through B(8) and D(1). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Contracts/Grants

9. **B. O. 10-387** - Consideration of approval of an agreement between HHS Adult Mental Health and Northwest Human Services, Inc., provider, for after-hours telephonic crisis services, \$1016/month, retroactive to July 1, 2010.

Ms. George moved approval of item B(9). The motion passed, Commissioners George, Stern, and Lewis voting aye.

10. **B. O. 10-388** - Consideration of approval of Amendment #3 to extend Contract #1840200 between HHS Chemical Dependency and Chemeketa Community College, provider, for client screening services, not to exceed \$55,587, retroactive to July 1, 2010, through June 30, 2011.

Ms. George moved approval of item B(10). The motion passed, Commissioners George, Stern, and Lewis voting aye.

11. **B. O. 10-389** - Consideration of approval of Amendment #25 to the 2009-11 Financial Assistance Agreement #127319 between HHS and Oregon Department of Human Services.

Ms. George moved approval of item B(11). Ms. Lewis stated that she had asked Silas Halloran-Steiner to put together a summary of his fund balance usage for the Board before September. She said that she is disturbed by the use of fund balance in light of expected budget shortfalls for next year and believes that the Board should see the full picture in order to make decisions about how general funds are allocated and how fund balances are used. Ms. George stated that a discussion would be appropriate at a later date when more information is available. The motion passed, Commissioners George, Stern, and Lewis voting aye.

12. **B. O. 10-390** - Consideration of approval of Amendment #11 to an agreement between HHS and Mid-Valley Behavioral Care Network for Mid-Valley WRAP services.

Ms. George moved approval of item B(12). The motion passed, Commissioners George, Stern, and Lewis voting aye.

13. **B. O. 10-391** - Consideration of approval of an addendum to a license agreement between the Clerk's Office and Hart InterCivic, Inc., provider, to extend the initial term through November 15, 2015, at \$29,585/year.

Becky Stern Doll discussed the addendum, stating that the fee has increased every year, but this would lock in the rate for five years. She noted that the options for this software are very limited. Ms. Stern moved approval of item B(13). The motion passed, Commissioners George, Stern, and Lewis voting aye.

14. **B. O. 10-392** - Consideration of approval of an agreement between the Sheriff's Office, provider, and the City of Sheridan for police services, \$31,414/month, retroactive to July 1, 2010, through June 30, 2011.

Ms. Stern moved approval of item B(14). The motion passed, Commissioners George, Stern, and Lewis voting aye.

15. **B. O. 10-393** - Consideration of acceptance of the Yamhill/Polk Regional Housing Center project (HC #712) completion report.

Ms. George moved approval of item B(15). The motion passed, Commissioners George, Stern, and Lewis voting aye.

16. **B. O. 10-394** - Consideration of approval of a GASB 45 Actuarial Services Agreement between Yamhill County and City County Insurance Services for retiree health actuarial services to be performed by Milliman, Inc.

Laura Tschabold stated that this study is required to be done every two years and CCIS is offering a good rate. Ms. George moved approval of item B(16). The motion passed, Commissioners George, Stern, and Lewis voting aye.

17. **B. O. 10-395** - Consideration of approval of Modification #6 to an agreement between HHS and Mid-Valley Behavioral Care Network for Regional Housing Coordinator Services.

Ms. George moved approval of item B(17). The motion passed, Commissioners George, Stern, and Lewis voting aye.

18. **B. O. 10-396** - Consideration of approval of Service Element Prior Authorization (SEPA) Approval Unit #459913 for the 2009-11 Financial Assistance Agreement #127319 between HHS and Oregon Department of Human Services, \$12,005.

Ms. George moved approval of item B(18). The motion passed, Commissioners George, Stern, and Lewis voting aye.

19. **B. O. 10-397** - Consideration of approval of Oregon Community Development Grant Agreement #C10008 between Yamhill County, grantee, and Oregon Business Development Department for the McMinnville Head Start Expansion, \$1,000,000.

Ms. Stern moved approval of item B(19). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Insurance

20. **B. O. 10-398** - Consideration of ratifying approval of a revised authorization to bind for property liability insurance coverage for underground storage tanks, \$8967 premium.

Ms. George moved approval of item B(20). The motion passed, Commissioners George, Stern, and Lewis voting aye.

21. **B. O. 10-399** - Amend Board Order 10-364 to update language in the Marsh Service Agreement in the paragraph about fee-based compensation.

Ms. Tschabold reviewed the minor language changes. Ms. George moved approval of item B(21). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Public Works

22. **B. O. 10-400** - Consideration of authorizing the purchase of two new John Deere 772 GP graders from Pape Machinery for the Public Works Department, \$248,000 each.

After some discussion with Russ Heath, Ms. Lewis moved approval of item B(22). The motion passed, Commissioners George, Stern, and Lewis voting aye.

23. **B. O. 10-401** - Consideration of authorizing Public Works to reject the competitive quote from Excel Bridge for the bike/pedestrian bridge on Old Sheridan Road and issue a notice of intent to award the competitive quote to Roscoe Bridge for \$29,000 plus \$2,000 delivery.

John Gray reviewed the results of the competitive quote process, recommending that the low quote be rejected due to irregularities in following the requirements. Ms. Lewis moved approval of item B(23). The motion passed, Commissioners George, Stern, and Lewis voting aye.

C. **OLD BUSINESS:** None.

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

1. **B. O. 10-402** - Consideration of the employment of Kimberly Kind as Office Specialist 1 in the Commission on Children & Families, temporary part-time, \$17/hour, effective July 8, 2010, through June 30, 2011.

E. **PUBLIC HEARINGS:**

1. Consideration of the dissolution of West Sheridan Lighting District, as continued from May 26, 2010. [*Continued to August 18, 2010.*]

Ms. Stern moved to continue the item to August 18, 2010. The motion passed, Commissioners George, Stern, and Lewis voting aye.

F. **ANNOUNCEMENTS:**

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

a. Commission on Children & Families, one regular lay member and four alternate members;

b. Parks & Recreation Board, one position;

c. Planning Commission, one position;

d. Special Transportation Advisory Commission, one position.

The meeting adjourned at 9:45 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS

July 7, 2010

Yamhill County Board of Commissioners

To introduce myself, I am Tari Glocar, serving in a volunteer capacity as the Yamhill County Fair and Rodeo Court Coordinator. I held this position for some time and then was appointed to this position by the Yamhill County Fair Board. I filled the vacancy created when my predecessor resigned for what I understand was due to conflicts with Gary Wertz, Rodeo Committee Chair. My role as Court Coordinator is to coordinate the activities of the Yamhill County Fair and Rodeo Court. The Court's role is to serve as goodwill ambassadors representing Yamhill County Fair and Rodeo.

My purpose today is to inform you of what, in my opinion, are potentially illegal and/or inappropriate actions carried out in Yamhill County. What makes these actions most egregious, in my viewpoint, is individuals in positions of power appear to have manipulated situations to achieve their own ends.

Specifically the following items, in my opinion are potentially illegal and/or inappropriate:

- **Violation of ORS 128 Misappropriation of funds (Court and grant funds are being used for something other than the stated fundraising and grant request purposes).**
 - In my opinion, the Fair Board voting to take funds raised by the Yamhill County Fair and Rodeo Court Committee to pay for capitol improvements to the fairgrounds and to meet rodeo needs is misappropriation of funds. All fundraisers were advertised as support for Court business. They were never advertised for funding capitol improvements to Yamhill County Fairgrounds or to support rodeo committee needs. Most, if not all, of our supporters would not participate in fundraisers to improve the fairgrounds or support rodeo committee needs. Many supporters have discovered what the Fair Board, fair manager, and rodeo committee chair have done and do not intend to support future fundraisers in Yamhill County.
 - Grant funds received as a result of a grant application to benefit the Yamhill County Fair and Rodeo were for the specific purpose of adding lights to the Whitman Arena. In my opinion, those grant funds obtained from International Brotherhood of Electrical Workers (IBEW) are apparently not being spent as stated in the grant request. They are being held in case something else is needed. The amount of the grant funds held back is \$1,000 and the amount the Fair Board took from the funds raised by the Court is \$964.
 - As part of the justification for taking the Court funds, Fair Board Member Wendy Crawford stated the rodeo won't be held unless they have the lights in the Whitman Arena. I sincerely doubt the lack of lights will stop the rodeo from being held. It has been held for 10 years without lights and will continue to be held regardless if there are lights in the Whitman Arena. Further, the grant request did not include the rodeo as one of the reasons for needing the lights in the Whitman Arena.

EX. A 1/4

- **Failure to use funds for the stated fundraising purpose**
 - Advertising a fund raiser for one purpose and then diverting the funds for another purpose is unacceptable. Numerous people donated goods to the coronation for the silent auction and participated in Playdays to raise money to fund the Court. Those participating were advised the funds raised were for the Court. Participants such as Roths, Albertsons, and Cold Stone Creamery. One couple donated approximately \$400 in goods and then spent several hundred more at the oral auction. I personally solicited donations for the coronation with the assurance to the donors the funds were to be used for Court business. I have spoke with several of them and they are not pleased the Court funds have been taken to fund capitol improvements to Yamhill County Fairgrounds. They did not donate to fund capitol improvements to the fairgrounds. Many vendors provided goods at a reduced cost or no cost to help support the Court's efforts, especially once they learned of Mr. Wertz and Mr. Westhoff's plans to take Court funds. A vendor in Texas was so displeased by their actions; she donated a \$275 belt buckle to the Court. A vendor from Yamhill County who learned of their actions, provided halters at no charge. The princess's uncle donated \$250 toward her dress with the specific written instructions the money was for the dress and not for improvements to the fairgrounds.

- **Violation of ORS 167 Gambling Offenses**
 - It is my understanding rodeo committee chair Gary Wertz supported holding a Calcutta at the Yamhill County Fair and Rodeo without a permit. The stated purpose of the Calcutta was to fund scholarships. It is my understanding those scholarships were awarded to students selected under the direction of rodeo committee member Alec Gaynor. When the Calcutta winner attempted to collect his approximately \$1900 in winnings, he was told he was going to donate his winnings back to the scholarship fund. I am not certain who made that statement but I believe it was Alec Gaynor. It is my understanding, when the winner stated he did not want to donate his winnings, he was advised by Mr. Wertz he could have his winnings minus state and federal taxes. I believe those supposed taxes were kept in the scholarship fund and never reported to the appropriate agencies.

- **Violation of ORS 192.610 through ORS 192.690 Public Meeting Law**
 - Holding a fair board meeting on I believe January 5, 2010 at the Yamhill County Fairgrounds without notice, without a quorum, and without opportunity for public input. During this meeting, a Court budget was approved without Court input (Court was specifically told they could not attend the meeting). Said approved budget was provided to Tari Glocar during the May 11, 2010 Fair Board meeting. The budget was not the budget the Court had been operating on the entire year.
 - Holding a Court committee meeting on June 24, 2010 without notice, without a quorum and without opportunity for public input. Al Westhoff informed me during this meeting business was conducted and events and funds approved.

- **Inappropriate conduct in the May 11, 2010 Fair Board Meeting**
 - In my opinion, Fair Manager Al Westhoff was angry and hostile when he began shouting at me he was "just going to lose it" and at times appeared he was having difficulty controlling his anger. Possibly he needs to attend anger management training.

- **Inappropriate pay increases voted on and approved by the Fair Board at the April 2010 Fair Board meeting for Fair Manager Al Westhoff (\$400 per month) and Fair Office Manager Sue Fredrickson (\$100 per month) Annual cost - \$6000 plus).**
 - Al Westhoff has stated in numerous Fair Board meetings that it was essential to have lights in the Whitman Arena this year but he had no idea how he would pay for them. The price tag for the light fixtures for the Whitman Arena was just under \$6,000. Al Westhoff, the Fair Board, and Rodeo Committee Chair Gary Wertz were willing to take the money fundraised by the Court to help pay for the lights but they were not willing to freeze the pay of Al Westhoff and Sue Fredrickson. When thousands of Oregonians are losing their jobs, taking pay cuts, losing health insurance, and experiencing foreclosure on their homes, it is incomprehensible the Yamhill County Fair Board could vote to increase pay by \$500 a month which with benefits, exceeds \$6,000 annually.

- **Failure to honor the Court Contract**
 - Court members are required to sign a contract prior to beginning their reign and are provided with a list of events they may be required to attend. Parents assist their Court member attend these events which is a huge commitment for them and a huge benefit to Yamhill County Fair and Rodeo. Travel expense for these events is at their own expense, except when the Court funds exceed \$2500. This list represents hundreds of hours and thousands of dollars expended by the Court members. As of the end of June, 2009 there was \$3,139 in the Court funds. Of this amount, \$639 should have been provided to the Court to reimburse their travel expenses. As of the end of June, 2010 there should have been \$6018 in Court funds. Of this amount (minus the \$639 that should have been reimbursed at the end of the 2009 year) there should have been \$2879 available to provide reimbursement for travel expenses to the Court. Gary Wertz and the Fair Board have rejected this allowance to pay expenses per the contract and instead have used the money for capitol improvements to the fairgrounds. It is my understanding that in late 2009 or early 2010, Al Westhoff stated to Cliff Probasco, Rodeo Committee member, I don't care how much money they (the Court) make/spend as long as they (the Court) do not take it from the rodeo budget (the county budget). It is also my understanding, Al Westhoff further stated I don't want to have any trouble before fair time, I just want to get through the fair this year. It appears that now that Mr. Westhoff wants money for capitol improvements to the fairgrounds he has changed his attitude.

Court members, parents, Court committee members and I use our personal vehicles, computers, phones, time, etc. to work on Court events including fundraisers. Through our dedication and hard work, we have achieved fundraising adequate to fund Court business, pay for some (if not all) Court travel expenses, as well as dedicate funds toward the replacement of chaps, crowns, etc. We believe it is important to maintain this funding for Court business. In researching how

other Courts spend funds, I found at least two Courts award their members educational scholarships at the end of their reign and one Court purchases saddles for Court members if there is adequate fundraised money. I believe we should be funding scholarships for our Court members and purchasing other items of use to the Court during their reign. To expect the Court, their parents, their grandparents, families and the Court Committee members to be responsible for improvements to the Yamhill County Fairgrounds is, in my opinion, unacceptable.

In my opinion, Yamhill County should be embarrassed these activities are occurring. For the County to be so financially unsound it must take Court funds, raised by two teenage girls, their parents and grandparents, families and friends, myself, and other Court Committee members, to make capitol improvements to their Fairgrounds is unacceptable. I believe it is time to bring in leadership that can turn the fair and rodeo into self supporting events and if they cannot be self supporting then discontinue holding them.

Finally, I have spent hundreds of hours and invested thousands of dollars of my personal resources into the Yamhill County Fair and Rodeo Court. I did this because I believe in helping others. I have enjoyed my time as Court Coordinator, especially with the current Court and their families. However, I cannot be part of the type of activities and behaviors being carried out by the Yamhill County Fair Board, Rodeo Committee Chair Gary Wertz, and Fair Manager Al Westhoff. Therefore, I can no longer continue in my role as Court Coordinator and am resigning my position.

Sincerely,



Tari Glocar
503-910-0043