

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 June 20, 2013, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Allen Springer being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Christian Boenisch, Acting County Counsel; Sherrie Mathison, Solid Waste Coordinator; Mike Kemper, Code Enforcement Officer; Nathalie Hardy, News-Register; Joseph Gall, 1156 SW Westvale St, McMinnville; Earl Lawson, 859 SW Oakdale Ave, Dallas.

Commissioner George called the meeting to order at 10:02 a.m. and asked those in attendance to take a moment to honor the life of Joan Austin.

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.

Joseph Gall stated that he had searched Oregon law and found nothing that authorizes the limit of citizen contribution at a public meeting, so the time limit appears to be abuse of the commissioners’ power. He said that government use of intimidation is also an abuse of power, and he had felt intimidated the previous week by Ms. George and by the presence of a uniformed officer. He proposed that the commissioners revise the county ordinance and agenda format to remove all time limits on public comment, and to recognize the implicit mandate for county government to support and defend a citizen’s right to petition for redress and to take action as required to enforce existing law. He asked Ms. George to summarize his comments, make the requested motion, and call for a vote. He submitted a written copy of his comments.

Ms. George stated that Mr. Gall has not been restricted in his free speech rights, but only in a time limit that is applied uniformly to all citizens. She said that the Board welcomes his information, and he has been given redress all the way to the Supreme Court regarding his property tax complaint, but the Board has no authority to overturn that ruling. She said that Mr. Gall’s interpretation of the law is different than the county’s and the court’s interpretation. Ms. Stern explained that Captain Huber was present the previous week to discuss business with the Board.

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

Personnel

1. **B. O. 13-344** - Approve the change of status of Catherine Lindberg to Administrative Office Specialist in Public Works, Range 14, Step 1, effective June 24, 2013.
2. **B. O. 13-345** - Approve the change of status of Roberta Larmouth to .8 FTE in Community Corrections, retroactive to June 13, 2013, through December 13, 2013.
3. **B. O. 13-346** - Approve 11% out-of-class pay for Karla Connors, District Attorney's Office, effective July 1, 2013, until the paralegal position is filled.
4. **B. O. 13-347** - Approve the employment of Holly Winter as Deputy District Attorney 1 in the District Attorney's Office, regular full-time, Range 22, Step 1, effective July 1, 2013.
5. **B. O. 13-348** - Approve the employment of Todd Pettijohn as Programmer/Analyst-Database Administrator in Information Systems, regular full-time, Range 24, Step 4, effective July 9, 2013.
6. **B. O. 13-349** - Approve the employment of Isaiah Prettyman, Ingram Christyan, Michael Tucker, Kevin Taylor, Ryan Farrow, Kyle Richardson, Destiny Allison, Jesus Contreras, Kyle Stephenson, Christopher Dailey, Justin Worthing, Nathaneal Jones, Brandon Buckley, Logan Niehus, and Drake Von as Corps Members in the Juvenile Department, temporary part-time, \$8.95/hour, effective June 24, 2013, through October 30, 2013.
7. **B. O. 13-350** - Approve the change of status of Camille Tanaka, Margaret Lucia, Monica Radke, Carolina Rook, Maria Martinez, Elizabeth Lemus, and Sharika Parker to extend temporary on-call employment in Health & Human Services, effective July 1, 2013, through June 30, 2014.

Contracts/Grants

8. **B. O. 13-351** - Approve Grant Agreement #GRNT0946 between the Juvenile Department, grantee, and Oregon Youth Conservation Corps for the 2013 summer grant program, \$16,500.
9. Approve the following grant agreements between the Transit Division, grantee, and Oregon Department of Transportation:
 - a. **B. O. 13-352** - Agreement #29269, 5311 Program, \$802,164, effective July 1, 2013, through June 30, 2014;
 - b. **B. O. 13-353** - Agreement #29310, STG Program, \$673,740, effective July 1, 2013, through June 30, 2015.
10. **B. O. 13-354** - Approve an intergovernmental agreement between HHS Public Health, provider, and Washington County for the Cities Readiness Initiative, \$8638, effective July 1, 2013, through June 30, 2014.
11. **B. O. 13-355** - Approve Grant Agreement #142668 between HHS Public Health, grantee,

and Oregon Department of Human Services for the “My Future, My Choice” health education curriculum in the Newberg School District, \$9470, effective July 1, 2013, through June 30, 2014.

12. **B. O. 13-356** - Approve Intergovernmental Agreement #142305 between HHS and Oregon Health Authority for tort liability coverage to Yamhill County, effective through June 30, 2015.
13. **B. O. 13-357** - Authorize HHS Public Health and Emergency Management to apply for an AmeriCorps position from the Oregon State Service Corps, effective July 1, 2013, through August 30, 2014.
14. Approve the following transfers of appropriation authority in the 2012-13 budget:
 - a. **B. O. 13-358** - \$102,000 within Fund 11 (Road Department) for debt service payments;
 - b. **B. O. 13-359** - \$16,112 from 40-117 (Software Reserve) to 40-41 (Jail Reserve);
 - c. **B. O. 13-360** - \$4400 from 10-92 (Contingency) to 10-59 (Mediation Program);
 - d. **B. O. 13-361** - \$500 from 10-92 (Contingency) to 10-23 (County Treasurer) for personnel expenses related to early hire date.
15. **B. O. 13-362** - Approve the transfer of appropriation authority and funds in the amount of \$15,000 from 27-37 (Corner Restoration) to 10-21 (Surveyor) to reconcile budget allocations.

Refund

16. **B. O. 13-363** - Authorize a \$648 refund from HHS to a client due to overpayment.

C. **OLD BUSINESS:** None.

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

1. **B. O. 13-364** - Consideration of approval of a separation agreement between Yamhill County and Rick Sanai.

Ms. Stern moved approval of item D(1). The motion passed, Commissioners George, Stern, and Springer voting aye.

2. **B. O. 13-365** - Consideration of authorizing a notice of intent to award a contract to Lawrence Snyder Roofing, Inc., for the Yamhill County Radio Tower Equipment Roof Replacement Project, \$4800.

Mr. Springer moved approval of item D(2). The motion passed, Commissioners George, Stern, and Springer voting aye.

3. **B. O. 13-366** - Consideration of authorizing the county administrator to execute a loan agreement, promissory note, and other financing documents with the Oregon Department of Transportation for the county’s portion of the local match for Phase 1 of the Newberg-Dundee Bypass in the amount of \$10,366,640.

Ms. George moved approval of item D(3). The motion passed, Commissioners George, Stern, and Springer voting aye.

4. **B. O. 13-367** - Consideration of approval of an agreement between Yamhill County and Rick Sanai, provider, for special counsel services up to 20 hours/week, \$120/hour, effective June 20, 2013.

Ms. Stern moved approval of item D(4), explaining that this would provide assistance for Christian Boenisch and the county, should Mr. Sanai's historical memory and expertise be needed. The motion passed, Commissioners George, Stern, and Springer voting aye.

5. **B. O. 13-368** - Consideration of approval of an agreement between Yamhill County and Haworth, Inc., provider, for demolition services at 800 NE 2nd Street, McMinnville, \$28,202.

Mr. Springer moved approval of item D(5). The motion passed, Commissioners George, Stern, and Springer voting aye.

E. **PUBLIC HEARINGS:**

1. Receipt of public comment on the proposed 2013-14 county budget. *[Budget to be adopted on June 27, 2013.]*

Ms. George opened the public hearing. Laura Tschabold stated the budget changes approved as part of the consent agenda would be included in the adopted budget. There being no public comment, the hearing was closed.

2. Code Enforcement Case #I-048-10, Earl Lawson, as continued from March 28, 2013. *[Tentative finding of solid waste code violation, order to be adopted on June 27, 2013.]*

Ms. George reopened the public hearing.

Mike Kemper stated that the Board had granted Mr. Lawson additional time to take care of the mobile home and the cleanup. He reviewed the list that he had mailed to Mr. Lawson regarding the items to be removed and tasks to be accomplished by today's deadline. He stated that he had inspected the property the previous day and observed very little accomplished from the list: the TV appeared to have been removed, two vehicles had been moved to a different location, and a good portion of the tall grass had been mowed. He reported that Mr. Lawson had gone to the Planning Department late the previous day to inquire about obtaining a permit for demolition or removal of the mobile home, but did not pick up a permit application.

Christian Boenisch stated that if the Board were to approve an order determining that a Mr. Lawson is in violation of the solid waste code, he would have an additional 30 days to comply before the Board would move to the next step, which would be to either grant additional time or approve a cleanup order.

Mr. Lawson stated that progress hasn't gone as he would have liked, either, due to the demands on his time in caring for his ailing mother. He said that he did a lot of work in clearing

blackberry bushes and has gotten several vehicles out of the brush and ready to go. He stated that he took the TV to a recycling place, but forgot to get a receipt because he was moving so quickly. He said that he would return and get a receipt. He stated that he was told by the Planning Department that there is no permit for removing a mobile home, only for demolishing it, and he wants to remove it rather than demolish it in order to salvage his mother's \$15,000 investment. He explained that the mobile home has aluminum wiring, so it cannot be restored in Oregon. He stated that he has \$25,000 invested in the pickups and doesn't want to let them go for scrap prices. He said that he is working on the cleanup process, but he is not Superman.

Ms. George closed the public hearing.

Ms. Stern stated that there is clearly a solid waste code violation, and although she feels badly for Mr. Lawson and his circumstances, not all of those circumstances are beyond his control. She moved to find Mr. Lawson in violation of the county's Solid Waste Ordinance and to instruct Mr. Boensich to draft an order for adoption by the Board the following week. The motion passed, Commissioners George, Stern, and Springer voting aye.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 10:30 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner ALLEN SPRINGER