

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 27, 2013, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George and Mary P. Stern being present and Commissioner Allen Springer being excused.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Pat Anderson, Human Resources; Ken Friday, Planning Division Manager; Jill Smith and Dana Carelle, Juvenile Department; Paul Kushner, HHS; Brian Van Bergen, Clerk; Nathalie Hardy, News-Register; Amy Heruben, Amity High School; Joseph Gall, 1156 SW Westvale St, McMinnville; Barton Brierly, PO Box 970, Newberg; Grace Schaad, 31525 NE Schaad Rd, Newberg; Lew Schaad, 31655 NE Schaad Rd, Newberg; Cathy Stuhr, 31100 NE Fernwood Rd, Newberg; Sid Friedman, PO Box 1983, McMinnville; and Jamie Stasny, 7885 SW 74th Ave, Portland 97223.

Commissioner George called the meeting to order at 10:03 a.m.

SPECIAL RECOGNITION: Presentation to Jill Smith, Juvenile Department, in recognition of her 25 years of service to the county.

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 presented a motion to the Board the previous week and asked for a vote on the matter, but Commissioner George had refused to act in accordance with Robert’s Rules of Order, denied his citizen right to participate in county government, and ignored her oath of office to support constitutional law. He stated that he had previously submitted a binder of materials containing information regarding infractions committed by a number of public officers, and he suggested that Commissioner Springer read that information. He shared an anecdote about people from Washington and Oregon being too wet to burn in the fiery pits of Hell. He stated that the Board should be ashamed of its recent decision to hire a disbarred lawyer (Rick Sanai) for advice, which suggests that Christian Boenisch is an incompetent lawyer.

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

Personnel

1. **B. O. 13-369** - Approve the change of status of Adam Greene to Senior Desktop Support Specialist in Information Systems, Range 21, Step 2, effective July 9, 2013.
2. **B. O. 13-370** - Approve the change of status of Amanda Dresen to Deputy District Attorney 2 in the District Attorney's Office, Range 27, Step 1, effective July 9, 2013.
3. **B. O. 13-371** - Ratify the emergency employment of Britney Marlow as Office Specialist 2 in the District Attorney's Office, temporary full-time, Range 7, Step 1, retroactive to June 24, 2013, until the position is filled.
4. **B. O. 13-372** - Approve the change of status of Kathryn Boyce to Juvenile Probation Officer 2 in the Juvenile Department, Range 18, Step 2, effective July 9, 2013.
5. **B. O. 13-373** - Approve the change of status of Michelle Morrison to Administrative Office Specialist in the Juvenile Department, Range 14, Step 5, effective July 9, 2013.
6. **B. O. 13-374** - Approve the change of status of Pricilla Villa to extend temporary part-time employment in Community Corrections, effective July 1, 2013, through September 30, 2013.
7. **B. O. 13-375** - Approve the employment of Rachel Johnson as Office Specialist 1 in the Clerk's Office, temporary part-time, retroactive to June 17, 2013, through August 20, 2013.
8. **B. O. 13-376** - Approve the employment of Melissa Lemke as HS Associate in HHS Adult Mental Health, regular part-time, .45 FTE, Range 14, Step 3, effective July 10, 2013.

Contracts/Grants

9. **B. O. 13-377** - Ratify approval of Amendment #2 to Agreement #BJ/DC-2011-Yamhill CoHHS-00009 between HHS Chemical Dependency and Oregon Criminal Justice Commission to extend the Byrne/JAG Family Drug Court Grant and increase the total award by \$11,870, effective through August 31, 2013.
10. Approve amendments to the following agreements with HHS Adult Mental Health and Chemical Dependency, effective July 1, 2013, through June 30, 2014:
 - a. **B. O. 13-378** - Keith Urban, contract employment agreement;
 - b. **B. O. 13-379** - Janet Bardossi, consulting services agreement.
11. **B. O. 13-380** - Approve an agreement between Public Works and OBEC Consulting Engineers, provider, for bridge inspection services, not to exceed \$8172.
12. **B. O. 13-381** - Approve Intergovernmental Agreement #3040 between the Assessor's Office, provider, and Oregon Department of Revenue for the ORMAP program, \$45,360, effective through June 30, 2014.

13. **B. O. 13-382** - Approve an agreement between Yamhill County and Mid-Willamette Valley Council of Governments (COG), provider, for business loan assistance services, 1.5% of the loan amount, effective July 1, 2013, through June 30, 2014.

Vehicles

14. **B. O. 13-383** - Authorize the purchase of an Eldorado/Ford E-450 12-passenger bus from Schetky Northwest for HHS Enhanced Care Facility, \$52,478.

Fees

15. **B. O. 13-384** - Approve the following rate increases for Recology Western Oregon (formerly Western Oregon Waste):

- a. .8% CPI adjustment, effective July 1, 2013;
- b. 21.44% additional increase for the Rural Zone to add recycling collection, effective upon the start of service, estimated at November 1, 2013.

Committees

16. **B. O. 13-385** - Approve the following reappointments to the Local Alcohol and Drug Planning Committee:

- a. Paula Lawrence and Kent Mahelona, three-year terms to expire April 28, 2016;
- b. Marco Navarrete, three-year term to expire June 20, 2016.

17. **B. O. 13-386** - Approve the appointment of Steven Baldwin to the Classification Committee for a three-year term to expire July 1, 2016.

18. **B. O. 13-387** - Approve the reappointment of Matt Dunckel, Marjorie Ehry, and Michael Sherwood to the Planning Commission for four-year terms to expire July 1, 2017.

Budget

19. **B. O. 13-388** - Approve Resolution 13-6-27-1 adopting the Yamhill County budget for fiscal year 2013-14 in the amount of \$92,345,851, setting appropriations in the amount of \$85,435,740, and levying taxes at the rate of \$2.5775 per \$1000 assessed value.

C. OLD BUSINESS:

1. Consideration of adopting an order declaring a solid waste violation in Code Enforcement Case #I-048-10, Earl Lawson, as tentatively approved June 20, 2013. *[Continued to July 11, 2013.]*

Christian Boenisch stated that he is continuing to work with code enforcement staff on the order. Ms. Stern moved to continue the item to July 11, 2013. The motion passed, Commissioners George and Stern voting aye.

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

1. Name-clearing hearing for former Deputy Thomas Hoy. *[No action taken.]*

Deputy Hoy was not present to make a statement.

2. **B. O. 13-389** - Consideration of approval of the following rate schedules for Health &

Human Services, effective July 1, 2013:

- a. Behavioral Health Usual and Customary Rates;
- b. Public Health Clinic Fees;
- c. Environmental Health Fees.

Paul Kushner explained that the fees reflect the actual cost of providing service, and this process has been used for more than a decade. Ms. George moved approval of item D(2). The motion passed, Commissioners George and Stern voting aye.

3. **B. O. 13-390** - Consideration of the appointment of Christian Boenisch as County Counsel, Range 38, Step 3, effective June 27, 2013.

Ms. Stern moved approval of item D(3), stating that she is happy to have Mr. Boenisch as the new county counsel and knows he'll continue to do a fine job.

4. **B. O. 13-391** - Consideration of approval of the 2013-14 Special Transportation Fund allocations, as recommended by the Special Transportation Advisory Committee, \$149,539.

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

5. **B. O. 13-392** - Consideration of approval of a modification of agreement between Yamhill County and Ball Janik, LLP, provider, to approve a revised scope of work related to the Newberg-Dundee Bypass, including lobbying services in Salem, with an increase in compensation from \$69,400 to \$84,400, effective through June 30, 2013.

Mr. Boenisch stated that Dave Haugeberg has secured additional funding for these added lobbying services. Ms. Stern moved approval of item D(5). The motion passed, Commissioners George and Stern voting aye.

6. **B. O. 13-393** - Consideration of authorizing the chair to sign an agreement between Public Works and Baker Rock Resources West, LLC, provider, for the 2013 Overlay Project, \$594,510, subject to approval by County Counsel.

Mr. Boenisch stated that this includes the base amount plus one alternate project. Ms. George moved approval of item D(6). The motion passed, Commissioners George and Stern voting aye.

E. PUBLIC HEARINGS:

1. Consideration of a request for a mass gathering permit for the 2013 Race the Reaper event at Flying M Ranch, applicant All-Terrain Events. *[Rescheduled for July 11, 2013.]*

Ms. Stern moved to reschedule the hearing to July 11, 2013. The motion passed, Commissioners George and Stern voting aye.

2. Consideration of Planning Docket PA-01-10(KF), request by the City of Newberg to include an additional 260 acres in its Urban Growth Boundary and identify the area as Industrial and Public/Quasi-Public, as continued from June 6 at the point of Staff Recommendation. *[Tentatively approved, findings to be adopted July 11, 2013.]*

Ms. George opened the hearing.

Staff Recommendation - Ken Friday stated that the Board had asked the City of Newberg to incorporate the new population figures into its findings, which it did, and to consider bifurcating the application to separate out the controversial portion of land. He said that the city did seriously consider a bifurcation, but decided to adopt it as one area for a variety of reasons. He recommended approval of the request, noting that he still has some concerns, but it appears that the best way to move the process forward quickly is to approve the application and allow it to go to the next step.

Close of Public Hearing / Deliberation - Ms. Stern stated it is unfortunate that the city wasn't able to come back with a compromise on the parcels in question, because everyone knows it will end up in court. She said that Newberg clearly needs more industrial land, but the question is where it should come from and what the scope of the UGB should be. She said that the county has always given deference to the cities in these matters, but the opponents have made some very good arguments about parcels within the city that should be included in the UGB request. She said that she would vote in favor of tentative approval today because Mr. Springer is absent, but would probably vote in opposition when the findings are adopted.

Ms. Stern moved tentative approval of Planning Docket PA-01-10 with findings to be adopted July 11, 2013. She stated that the city is well aware that this is its case and that the county won't be providing any legal defense on the issue.

Ms. George stated that she appreciates the concerns raised by opponents and sympathizes with their reluctance to lose farmland, but all factors must be considered and personal reluctance shouldn't be the deciding factor. She said that land use planning needs to allow for orderly development of communities, not just restricted development, and the overarching goal is for better livability. She stated that the proposed parcel is closer to the bypass and to other industrial land, and residents need more jobs at home and less traffic and congestion. She said that businesses can choose infill, but forcing infill is not the purpose of land use laws.

The motion passed, Commissioners George and Stern 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).

2. Due to the holiday, there will be no formal session on July 4. The Board will hold a combined formal/informal session on July 1 at 1:30 p.m. in the Commissioners' Office Conference Room.

The meeting adjourned at 10:28 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner ALLEN SPRINGER