

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 22, 2013, at 2:00 p.m. in the Commissioners’ Office Conference Room, Commissioners Kathy George and Allen Springer being present and Commissioner Mary P. Stern being excused to attend a NACo Conference.

Note: This meeting was rescheduled from its regular day to accommodate staff schedules.

Also present were Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Pat Anderson, Human Resources; Brian Van Bergen, Clerk; Nathalie Hardy, News-Register; and Amy Heruben, Amity High School.

Commissioner George called the meeting to order at 2:02 p.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.

Brian Van Bergen reviewed the statutory process for filling vacancies on elected boards (see Exhibit A). He discussed a potential vacancy on the Amity Fire Board and said that the Fire Board can recommend a replacement, but the Board of Commissioners is responsible for making the appointment.

B. **AGENDA:**

Personnel

1. **B. O. 13-463** - Consideration of the change of status of Monica Radke to Office Specialist 2 in HHS Adult Behavioral Health, regular full-time, Range 7, Step 2, effective August 9, 2013.

Mr. Springer moved approval of items B(1) through B(5) and item D(1). The motion passed, Commissioners George and Springer voting aye.

2. **B. O. 13-464** - Consideration of the change of status of Elizabeth Lemus to bilingual Office Specialist 2 in HHS Adult Behavioral Health, regular full-time, Range 7, Step 2, effective August 9, 2013.

3. **B. O. 13-465** - Consideration of the change of status of Elsa Pantoja to bilingual Senior

Office Specialist in HHS Public Health, regular full-time, Range 10, Step 1, effective August 9, 2013.

4. **B. O. 13-466** - Consideration of the change of status of Karla (Connors) Brown to Paralegal in the District Attorney's Office, Range 17, Step 4, effective July 24, 2013.

5. **B. O. 13-467** - Consideration of the employment of Jill Smith as Juvenile Probation Officer 2 in the Juvenile Department, temporary part-time, Range 18, Step 7, retroactive to July 16, 2013, through June 30, 2014.

Contracts/Grants

6. **B. O. 13-468** - Consideration of ratifying Amendment #19 to the 2011-13 Financial Assistance Award #134337 between HHS and Oregon Health Authority, correcting the description for treatment services for Homeport/Bridges, and adding \$400 for Regional Acute Psychiatric Inpatient Services for secure transportation of one client.

Ms. George moved approval of item B(6). The motion passed, Commissioners George and Springer voting aye.

7. **B. O. 13-469** - Consideration of ratifying Amendment #20 to the 2011-13 Financial Assistance Award #134337 between HHS and Oregon Health Authority to add \$8422.

Ms. George moved approval of item B(7). The motion passed, Commissioners George and Springer voting aye.

8. **B. O. 13-470** - Consideration of approval of the 2013 Fund Exchange Agreement #29586 between Public Works and ODOT to exchange \$543,459 in federal funds for \$510,851 in state funds for various county road overlay projects, effective upon execution for two calendar years.

Mr. Springer moved approval of item B(8). The motion passed, Commissioners George and Springer voting aye.

9. **B. O. 13-471** - Consideration of approval of Agreement #29537 between the Transit Division, provider, and Oregon Department of Transportation for STF/STO transit funding, \$341,643, retroactive to July 1, 2013, through June 30, 2015.

Mr. Springer moved approval of item B(9). The motion passed, Commissioners George and Springer voting aye.

Watershed Council

10. **Tabled** - Presentation by Luke Westphal, Greater Yamhill Watershed Council.

C. **OLD BUSINESS:** None.

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

1. **B. O. 13-472** - Consideration of the employment of Marianne Thomson as Senior Office Specialist in Public Works, regular full-time, Range 10, Step 2, effective July 25, 2013.
2. **B. O. 13-473** - Consideration of authorizing a notice of intent to award a contract to Kizer Excavating for 6th Street paving repairs in McMinnville, \$46,200 for the Basic Bid and Additive Alternate Bid #1.

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

3. **B. O. 13-474** - Consideration of authorizing a list of checks for the 2013 Fair and Rodeo.

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

4. Discussion of the Yamhill County Armed Forces Community Covenant event to be held on August 2, 2013, as part of the Yamhill County Fair and Rodeo. *[No action taken.]*

Mr. Springer played a recording of a commercial he had made that morning to promote the event, and said that he would like it to start running by the following day.

5. Discussion of public safety on county roads. *[No action taken.]*

Mr. Springer stated that public safety is the county's responsibility and first priority. He mentioned a serious motor vehicle accident that had happened over the weekend at the intersection of Moores Valley Road and Old Moores Valley Road, and stated that poor visibility due to low-hanging trees and vegetation had been reported as a contributing factor. He said that he is much more concerned about public safety than he is about plants.

Ms. George stated that concerns have been raised about the loss of endangered plants and the loss of beauty that attracts tourists, but she thinks that tourists would prefer to be safe.

6. Discussion of economic development proposals. *[No action taken.]*

Chuck Vesper provided an overview of the proposal from Jeff Lorton and said that the commissioners need to review it. Mr. Springer stated that the county has received two proposals so far and needs to find a minimum of three. Mr. Vesper clarified that the county needs to either find one more proposal or document the fact that it made an effort to obtain a third proposal, but was unsuccessful.

E. **PUBLIC HEARINGS:** None.

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 2:51 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner ALLEN SPRINGER

Brian Van Bergen

From: Brian Van Bergen
Sent: Wednesday, July 10, 2013 4:54 PM
To: amityfiredistrict (afire@amityfire.com); Amity Fire Department
Cc: Gayle Jensen
Subject: Filling Vacancies

Good afternoon.

Gayle Jensen, our Chief Deputy County Clerk, has been doing some research for you and we'd like to share with you what she's found.

After hearing your concerns with the possibility of losing one of your Board Members, I recommend that you (and the rest of the Board) familiarize yourselves with ORS 198.320 (found at <http://www.leg.state.or.us/ors/198.html>):

198.320 Filling of vacancies on boards of certain districts. (1) Except as otherwise provided by law, a vacancy in an elected office in the membership of the governing body of a district shall be filled by appointment by a majority of the remaining members of the governing body. If a majority of the membership of the governing body is vacant or if a majority cannot agree, the vacancies shall be filled promptly by the county court of the county in which the administrative office of the district is located.

(2) This subsection applies to districts defined in ORS 255.012 which have a regular district election on a date specified in ORS 255.335. The period of service of a person appointed under subsection (1) of this section shall expire June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case the successor shall take office July 1 next following the election.

(3) This subsection applies to districts not included in subsection (2) of this section. The period of service of a person appointed under subsection (1) of this section shall expire on the day before the first Monday in January of the year next following the election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires on the day before the first Monday in January after the election of a successor, the successor shall be elected to a full term. In either case, the successor shall take office on the first Monday in January of the year next following the election. [1969 c.669 §2; 1981 c.173 §1; 1983 c.350 §2]

Also important for you and the Board is the definition of "District" so you'll want to review ORS 198.320 covers districts that (according to ORS 255.012(18) - <http://www.leg.state.or.us/ors/255.html>):

255.012 "District" defined. As used in this chapter, "district" means:

(18) A rural fire protection district organized under ORS chapter 478.

Also important for you and the Board is the definition of "County Court" and who that is (or what that means) in Yamhill County so you'll want to review ORS 203.240 (<http://www.leg.state.or.us/ors/203.html>):

203.240 Organization, powers and duties of board. (1) A board of county commissioners shall:

(a) Have the powers and duties and be otherwise subject to the laws applicable to county courts sitting for the transaction of county business.

(b) Unless provided otherwise by county charter or ordinance, consist of three county commissioners. A majority of the board is required to transact county business.

(c) Except as otherwise provided in ORS 203.230 (5) or an order issued under ORS 203.230 (1), appoint a chairperson from among their number who shall serve until the first Monday in January next following

appointment. If two members of the board cannot agree on the appointment of a chairperson, the member of the board who is longest in length of service shall act as chairperson.

(2) When a county has established a board of county commissioners any reference in the statutes to the county court of that county shall be considered a reference to the board of county commissioners of the county. [1961 c.571 §2; 1971 c.88 §7; 1981 c.140 §4; 1985 c.756 §2; 1997 c.277 §2]

Now, even though you are called the Amity Fire District, you are in fact operating under the rules of "Rural Fire Protection Districts" since, after the passage of two measures on the November 1989 ballot, the City Fire District was annexed into the Amity Rural Fire Protection District.

To summarize, if the Amity Fire District ends up with a vacancy in a position, the remaining members of the Board select a qualified replacement. If the Board cannot agree on a replacement, then the Yamhill County Commissioners appoint the replacement Board member. That person will serve until the next Special District Election (in May of 2015).

Thank you,
Brian Van Bergen
Yamhill County Clerk
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fx: 503-434-7520

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