

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 February 4, 2016, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Stan Primozich, and Allen Springer being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Desiree Lundeen, County Counsel staff; Ken Friday, Human Resources Manager; Mike Brandt, Planning Director; Ken Friday, Planning Division Manager; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the attached attendance roll.

Commissioner Starrett called the meeting to order at 10:01 a.m. The invocation was offered by Carol Loucks.

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 expressed his concerns about the situation in Burns and finds the events that took place at the road block very disturbing.

Jennifer Redmond-Noble addressed the proposed Solid Waste Advisory Committee (SWAC) appointments stating that at the last SWAC meeting was told that the committee wants members of the community and not directly in the garbage business but finds that all current members or applicants have some sort of ties to the industry. She said she would like to see them take other applicants into consideration.

B. **CONSENT AGENDA:** Commissioner Springer moved approval of the consent agenda. The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

Contracts/Grants

1. **B.O. 16-39** - Approve Amendment #5 to Intergovernmental Agreement #147808 between Yamhill County HHS and the Oregon Health Authority for the financing of Community Addictions and Mental Health services, total amount of \$75,241, retroactive to January 1, 2016 through June 30, 2017.

Committees

2. **B.O. 16-40** - Approve the appointment of Mary Chamness to the Forestland Classification Committee to serve a 4-year term to expire February 4, 2020.

Miscellaneous

3. **B.O. 16-41** - Approve a petty cash account in the amount of \$50 for the HHS Newberg office.
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C. **OLD BUSINESS:** None.

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

1. **B.O. 16-42** - Consideration of approval of position authority in the Department of Community Justice for a new part-time permanent Community Services Work Crew Supervisor.

Commissioner Springer moved approval of item D(1). The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

2. Consideration of approval of the following actions to the Solid Waste Advisory Committee, all to serve a 3-year term to expire February 4, 2019:
 - a. Appoint Joe Cook;
 - b. Reappoint Steven Farley; and
 - c. Reappoint John Arand.

[Motion failed.]

Commissioner Primozich moved approval of item D(2). Commissioner Springer addressed Ms. Redmond-Noble's comment regarding the appointments, specifically Joe Cook, stating that as far as he knows, Mr. Cook no longer has commercial ties to the garbage business but asked that Mike Brandt confirm with Sherrie Mathison and then bring the item back to the board for reconsideration. The motion failed 2:1; Commissioner Primozich in favor, Commissioners Starrett and Springer opposed.

3. **B.O. 16-43** - Consideration of approval of the submittal of a letter to Governor Kate Brown in opposition of Senate Bill 1532, to raise the minimum wage.

Commissioner Starrett read the proposed letter for submittal to Governor Kate Brown in opposition of Senate Bill 1532. Commissioner Primozich moved approval of item D(3). The motion passed, Commissioners Starrett, Primozich and Springer voting aye.

E. **PUBLIC HEARINGS:**

1. SDR-16-14/FP-03-14; Reopen the record on remand of B.O. 15-115 (Riverbend Landfill site design approval) for receipt of written argument and evidence only. ***[Continued to February 18, 2016, in Room 32 of the courthouse for deliberation; record to be left open until 5:00 p.m. on February 11, 2016 for submission of written rebuttal by any party to the Planning Department.]***

Commissioner Starrett opened the public hearing at 10:21 a.m.

Commissioner Starrett called for abstentions from any board member asking if they wished to abstain from voting on the matter. There being none, she asked if any board members wished to place on record any ex parte contacts between a board member and an applicant or opponent

regarding the remand. Commissioner Primozych noted that the only ex parte contact for him would be what he read on the News-Register suggesting that he not vote in favor of the expansion.

Mr. Sadlo noted that this is a remand hearing that has been convened to formally accept testimony and evidence on remand from the Land Use Board of Appeals (LUBA) as stated in the notice. He said now is the time to submit any written evidence and argument adding that Mike Brandt and Ken Friday will be accepting any testimony or evidence addressing the notice remand items or any objections to deliver to the board. He encouraged anyone who wished to submit written testimony to do so even if there might be a question whether any written evidence or argument being submitted is within the scope of the notice but to be aware that it may be rejected and not included in the record of this matter. He emphasized that written means in writing and no videos or physical objects are to be submitted.

Jeff Kleinman made an objection stating that he submitted two DVD's and that there was no indication that would be forbidden as new evidence. Mr. Sadlo argued that DVD's are not written testimony but would consider ruling on it.

Commissioner Starrett entertained a motion to proceed. Commissioner Primozych moved that during the next week and ending the close of business day on February 11, 2016 at 5:00 p.m. the record remain open for submittal of written rebuttal only, to the county Department of Planning and Development and further moved to reconvene formal session on February 18, 2016 for deliberation on the matter. The motion passed, Commissioners Starrett, Primozych and Springer voting aye.

The meeting recessed at 10:28 a.m. for an executive session and reconvened formal session at 11:48 a.m.

F. EXECUTIVE SESSION pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

G. ANNOUNCEMENTS:

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

The meeting adjourned at 11:50 a.m.

Lucy Flores Mendez
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY STARRETT

Commissioner STAN PRIMOZICH

Commissioner ALLEN SPRINGER