

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 informal/formal session on December 20, 2016, at 2:00 p.m. in the Commissioners' Office Conference Room, Commissioners Mary Starrett, Stan Primozich and Allen Springer being present.

Also present were Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Mikalie Frei, County Counsel staff; Nicole Montesano, News-Register; Dave Adams, KLYC Radio; and David Wall, P.O. Box 756, Newberg.

Commissioner Starrett 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.

David Wall submitted a statement for the record requesting a deferral for an upcoming land use hearing. (see Exhibit A).

B. **AGENDA:**

Minutes

1. Consideration of the approval of the following minutes:
 - a. **B.O. 16-511** - December 6, 2016 informal session; and
 - b. **B.O. 16-512** - December 8, 2016 formal session.

Commissioner Primozich moved approval of B1. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

Contracts

2. **B.O. 16-513** - Consideration of approval of a fee for service agreement between Yamhill County HHS and Trillium Family Services, retroactive to July 1, 2016 through June 30, 2017.

Commissioner Starrett moved approval of item B2. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

3. **B.O. 16-514** - Consideration of approval of amendment #3 to the agreement between Yamhill County HHS and Oregon Family Support Network, retroactive to July 1, 2016 through June 30, 2017.

Commissioner Springer moved approval of item B3. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

4. **B.O. 16-515** - Consideration of approval of amendment #4 to the agreement between Yamhill County HHS and George Fox University in the amount of \$171,516, retroactive to July 1, 2016 through June 30, 2017.

Commissioner Starrett moved approval of item B4. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

5. **B.O. 16-516** - Consideration of approval of amendment #5 to the agreement between Yamhill County HHS and G-42 Systems Consulting for an additional amount of \$35,496, effective through December 31, 2017.

Commissioner Starrett moved approval of item B4. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

6. **B.O. 16-517** - Consideration of approval of amendment #2 to the agreement between Yamhill County HHS and Lutheran Community Services Northwest for prevention services, in the amount of \$135,313, effective January 1, 2017 through December 31, 2017.

Commissioner Starrett moved approval of item B6. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

7. **B.O. 16-518** - Consideration of approval of an agreement between Yamhill County HHS and Lines for Life effective January 1, 2017.

Commissioner Starrett moved approval of item B7. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

8. **B.O. 16-519** - Consideration of approval of an agreement between Yamhill County HHS and ProjectABLE in the amount of \$363,360 retroactive to September 15, 2016 through June 30, 2017, subject to final review and approval by County Counsel's office.

Commissioner Starrett moved approval of item B8. The motion passed unanimously, Commissioners Starrett, Primozych and Springer voting aye.

9. **B.O. 16-520** - Consideration of approval of amendment #1 to the agreement between Yamhill County HHS and Catholic Community Services in the amount of \$336, 239 retroactive to October 1, 2016 through September 30, 2017.

Commissioner Starrett moved approval of item B9. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

10. **B.O. 16-521** - Consideration of approval of a limited duration agreement between Yamhill County and Correct Care Solutions, LLC for jail medical services, effective January 15, 2017 through June 30, 2017, in the amount of \$630,438.50 for the first six months, renewable for additional one month extensions in the amount of \$105,073.08 per month, maximum duration 12 months, subject to final review and approval by County Counsel's office.

Commissioner Springer moved approval of item B10. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

Committees

11. Consideration of the following re-appointments to the Special Transportation Fund Advisory Committee (STFAC):
 - a. **B.O. 16-522** - Re-appoint Nancy Kiem to a three-year term to expire on December 31, 2020.
 - b. **B.O. 16-523** - Re-appoint Christine Holmgren to a three-year term to expire on December 31, 2020.
 - c. **B.O. 16-524** - Re-appoint Mark Schiffmacher to a three-year term to expire on December 31, 2020.

Commissioner Primozich moved approval of item B11 (a-c). The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

C. **OLD BUSINESS:**

1. **B.O. 16-525** - Consideration of adoption of the final written decision, findings and conditions of Planning Docket C-13-16: Approval of a conditional use for a home occupation; Applicant: Carey Laughlin.

Commissioner Springer moved approval of item C1. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

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

1. **B.O. 16-526** - Consideration of approval of amendment #2 to the agreement between Yamhill County HHS and Champion Team for peer-led and outreach services, total amount of \$180,715.60, effective January 1, 2017 through December 31, 2017.

Commissioner Starrett moved approval of item D1. The motion passed unanimously, Commissioners Starrett, Primozich and Springer voting aye.

E. **PUBLIC HEARINGS:** None.

F. **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 at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation please contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at mendezl@co.yamhill.or.us.

The meeting adjourned at 3:00 p.m.

Lucy Flores Mendez
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair

MARY STARRETT

Commissioner

STAN PRIMOZICH

Unavailable for signature

Commissioner

ALLEN SPRINGER

Accepted by Yamhill County
Board of Commissioners on
2-9-17 by Board Order
17-35

David S. Wall
P.O. Box 756
Newberg, OR 97132
408-287-6838

RECEIVED

DEC 20 2016

December 20, 2016

Commissioner Mary Starrett (Chair)
Commissioner Stan Primozych (Vice-Chair)
Commissioner Allen Springer
Yamhill County Commissioners Office
535 NE 5th Street
McMinnville, OR 97128

Re: Request for Hearing Deferral

A Land-Use Hearing is currently scheduled for your Agenda on; Thursday, January 19, 2017.

A controversy has surfaced in a public record document issued by a Yamhill County Department. The issue concerns itself with at least one (1) Ex Parte conversation between; the Applicant or his/her Agent or his/her Principal (herein, "Applicant") with a Yamhill County employee or employees involved in the Appeal process.

The aforementioned Ex Parte communication involves subject matter material to the Appeal process. Issues raised by citizens opposed to the proposed Land-Use issue were shared with the Applicant. The Applicant's responses to issues raised by the opposition were incorporated into the Yamhill County Department's public record document.

I assert the Ex Parte communication *only* benefited the Applicant. I was never solicited to participate in the aforementioned communication nor was at least one (1) other citizen who also is in opposition of the Land-Use issue.

As a direct and proximate cause of the Ex Parte communication, *supra*, there is now an exigent requirement for an extensive and exhaustive "Request for Public Records" to adequately and competently prepare for the Land-Use Hearing. The compilation and analysis of the public records will take some time.

Consider the blessed Christmas celebration is now upon us; followed by the foreseeable excessive exuberances of the New Year's Eve revelries (by some) and finally Super Bowl (LI). These events render the Land-Use Hearing currently scheduled for your Agenda on; Thursday, January 19, 2017 unreasonable.

I request a deferral of the Land-Use Hearing to Thursday, March 26, 2017.

The Applicant will not suffer any harm by deferring the Land-Use Hearing. The Applicant is profiting from the fruits associated with the Ex Parte communication. The Applicant is enjoying a *conditional use permit* issued by a Yamhill County Department thereby enabling Applicant's commercial enterprise to go forward.

The issuance of a conditional use permit, by a Yamhill County Department prior to the exhaustion of the Appeal process raises additional serious issues pertaining to the financial health and well being of Yamhill County.

Respectfully submitted,
/s/ David S. Wall

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Cc: County Administrator / County Counsel

Exhibit A
(1/2)

David S. Wall
P.O. Box 756
Newberg, OR 97132
408-287-6838

RECEIVED

DEC 20 2016

December 20, 2016

Commissioner Mary Starrett (Chair)
Commissioner Stan Primozych (Vice-Chair)
Commissioner Allen Springer
Yamhill County Commissioners Office
535 NE 5th Street
McMinnville, OR 97128

YAMHILL COUNTY PLANNING

Re: Request for PUBLIC RECORD INFORMATION: Planning and Development Department

This request for Public Record Information concerns itself with; the Director and the entire Office of the Department of Planning and Development and County Administration for Yamhill County.

Background: The Department of Planning and Development's processes for the issuance of a "Conditional Use Permit," prior to the exhaustion of the Appeal process, serves *only* to benefit the Applicant associated with [Docket No. E-06-16].

As a direct and proximate cause of the aforementioned administrative process, a controversy influencing property rights of all parties, referenced by [Docket No. E-06-16] has unfortunately arisen.

I request the following Public Record Information:

1. Copies (*only*) of all documents (notes, emails, letters, memorandum, recordings, etcetera) pertaining to all communications with; the **Director and the entire Office of the Department of Planning and Development for Yamhill County with reference to the parties associated with [Docket No. E-06-16].**
2. Copies (*only*) of all documents (notes, emails, letters, memorandum, recordings, etcetera) pertaining to all communications with; the **Director, the entire Office of the Department of Planning and Development for Yamhill County with the entire Office of Yamhill County Administration associated with [Docket No. E-06-16].**

A sincere and appreciative "Thank-you!" is hereby tendered for all those who participated in answering this request for Public Record Information. An electronic transmission to my email is appropriate to save you time, effort and to protect the environment.

Respectfully submitted,
/s/ David S. Wall

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Cc: County Administrator / County Counsel

Exhibit A
(2/2)