

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 combined session on September 15, 2022, at 10:00 a.m. in a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Casey Kulla and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Jodi Gollehon, Assistant County Counsel II; Brad Berry, District Attorney; Kate Lynch, Chief Deputy District Attorney; Jason Foose, County Surveyor; Nohely Barajas-Montalvo, Legal Assistant; Megan Marasco, BOC Staff. Christian Boenisch, County Counsel, participated via Zoom.

Guests via Zoom: None.

*Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at [cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).*

**A. CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 10:02 a.m.

**B. FLAG SALUTE**

**C. CALENDAR SESSION:** This time is reserved for the review of the commissioner’s joint schedule (if needed).

The Commissioner’s reviewed the joint schedule for the week of September 19 – September 25, 2022. No other county business was discussed.

**D. PUBLIC COMMENT:** This time period is reserved for public comment on any topic other than: 1) agenda items, 2) A quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

There were no public comments received.

**E. DEPARTMENT UPDATES:**

a. District Attorney's Office – Brad Berry

Mr. Berry recapped last year's goals highlighting continued challenges in data reports; he stated the caseloads going to trial have resumed but are resulting in lost cases due to the age of the cases. Misdemeanor filings have increased, the exceptions being those associated with Measure 110. Mr. Berry stated his office continues to receive applications to fill vacancies however challenges remain in acquiring attorneys. He addressed adult set-aside motions (expungements); currently the workload is being divided among staff however he hopes to hire one person to take over the workload solely.

The meeting was recessed at 10:29 a.m. due to technical issues and reconvened at 10:31 a.m.

Lastly, there was discussion related to hospital hold/release procedures and upcoming issues related to SB 819 (requests for sentence review) and impacts on staff of reviewing law enforcement bodycam footage.

**F. WORK SESSION:** This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session – None.

**G. CONSENT AGENDA:**

Commissioner Kulla moved approval of the consent agenda. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

Contracts & Grants

1. **B.O. 22-290** - Approval of the Oregon Department of Veterans Services (ODVA) application for the purpose of receiving support funds for the 2022-23 fiscal year in the amount of \$124,957.

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**H. OLD BUSINESS:**

1. **B.O. 22-291** - Consideration of the adoption of the written decision, findings, and conditions in the matter of upholding the Planning Commission's decision to approve Planning Docket #SDR-10-22: A site design review for new winery and tasting room; Tax Lots 2432-00900, 2429-00200, 2429-00700; 2429-01001, and 2429-01100; Applicant: Mount Richmond Vineyard, LLC.

Commissioner Starrett moved approval of item H1. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

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

1. Consideration of the approval of Intergovernmental Agreement #73000-00005220, between Yamhill County and the Oregon Department of Transportation (ODOT) for Oregon

Route 18: Newberg-Dundee Bypass – Phase 2, subject to final review and approval of County Counsel’s office.

Ken Huffer asked that this item be removed from the agenda pending further review. There was no action taken.

2. **B.O. 22-292** - Consideration of Board testimony to be submitted to the Oregon Department of Transportation’s Oregon Highway Plan Policy Amendment 2022 regarding new tolls on I-5 and I-205.

Commissioner Berschauer raised concerns in response to the recent ODOT presentation related to a policy amendment to implement tolls on I-5 and I-205 to fund future road mobility projects. She drafted a letter of testimony for Board consideration to submit to ODOT in opposition of tolling and congestion pricing as proposed in the plan. After discussion, Commissioner Starrett moved approval of item I2. Commissioner Kulla stated the letter doesn’t address the draft plan amendment or specific community impacts. Commissioner Starrett pressed Commissioner Kulla to go on record of being in favor to implementing tolls which he responded he was in favor of funding road projects in a financially responsible way. After discussion, the motion passed, Commissioners Berschauer and Starrett voting, aye, Commissioner Kulla voting nay.

3. **B.O. 22-293** - Consideration of approval of a Professional Services Agreement between Yamhill County and Matthew “Josh” Herzberg for public surveying functions at the rate of \$50.00 per hour not to exceed 32 hours per month, retroactive to September 7, 2022, through June 30, 2023.

Commissioner Kulla moved approval of item I3. The motion passed, Commissioners Berschauer, Kulla and Starrett voting aye.

**J. PUBLIC HEARINGS:** None.

**K. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county’s website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county’s website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 11:29 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair

LINDSAY BERSCHAUER

Unavailable for signature

Commissioner

CASEY KULLA



Commissioner

MARY STARRETT

Accepted by Yamhill County  
Board of Commissioners on  
2.9.23 by Board Order  
# BO. 23-46