

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 December 19, 2024, at 10:00 a.m. in Room 32 of the Yamhill County courthouse, and in a virtual meeting via Zoom, Commissioners Lindsay Berschauer, and Mary Starrett being present. Commissioner Kit Johnston participated via Zoom.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Jodi Gollehon, Assistant County Counsel II; Gioia Goodrum, Economic Development; Keri Hinton, County Clerk; Megan Marasco, HR Generalist; Krista Stieber, HR Specialist; Mikalie Moreno, Risk Manager; Ken Friday, Planning Director; Sam Elliott, Sheriff; Mike Browne, Jail Captain; James Stevenson, Surveyor; and Kara Wanner, Elections Supervisor; Matthew Brown, Public Works; Aaron Ecker, Public Works; Steve Harding, Public Works; Terry Garvey, Public Works (Ret.); and Claudia Castro, Veterans Services. Nohely Barajas-Montalvo, Legal Assistant, and Mark Lago, Public Works Director participated via Zoom.

Guests: Mike Morris; Debbie/Greg Poupard; and John Olson. Nickolas Wilkinson; Beth L’s iPhone; Lee Schrepel; Craig Markham; Rebecca Wallis; and Nyessa’s iPhone participated via Zoom.

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 bocinfo@yamhillcounty.gov.

Notice: The Board of Commissioner’s Formal Session schedule has been changed for the months of December and January. There will be no session on December 26, 2024, or January 2, 2025. The regular session schedule will resume on January 9, 2025.

- A. **CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 10:00 a.m.
- B. **FLAG SALUTE**

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

The Commissioners reviewed the joint schedule for the week of December 23, 2024, through December 29, 2024, and December 30, 2024, through January 5, 2025. 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. PRESENTATION: 2024 Employee Years of Service Recognition

F. DEPARTMENT UPDATES: None.

G. 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 –

a. Review/discussion of Dog Control Ordinance proposed amendments.

Jodi Gollehon highlighted amendments to the dog control ordinance focusing on compliance of court process. The fee code was updated with reclassification of violations outlined for the courts, in addition to reinforcement of violation acts. Sheriff Elliott expressed appreciation to legal counsel for their efforts. He said that fee schedule comparisons of other counties were reviewed to be competitive. He suggested the animal surrender to dog control remove the reference to cats as they don’t receive many surrendered cats to which the Board and legal counsel agreed. He noted that amnesty days waiving late fees through February 1, 2025, would allow pet owners to update licenses according to the current fee schedule, before the new fee schedule would go into effect. Ms. Gollehon said the amendments included language for annual review. Sheriff Elliott said if the licensing would increase then it would get revenues back up to a level to maintain operating expenses. Commissioner Berschauer recommended reviewing at budget committee time to see if fees should be increased which Ken Huffer agreed that it would be an appropriate time to review fees with other departmental fee schedules. Sheriff Elliott added that including reminders in city areas would be an additional way to reach dog owners in addition to social media. After discussion, the consensus of the Board was to direct staff to implement language discussed during the work session and bring it back to the Board for consideration with the intent of consideration of approval and effectiveness beginning February 1, 2025. There was no action taken.

b. End of work session

H. CONSENT AGENDA: None.

I. OLD BUSINESS: None.

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

1. **B.O. 24-359** - Consideration of approval to the opening of sealed bids for Tax Lot R3215AA 00400 County-owned tax foreclosed real property.

Teresa Moshofsky commented that she was representing her mother that owns the 20-acre property at the top of Rex Hill. She noted that her mother received a notice regarding the sale of the .85-acre below their property via sealed bid. They would like to acquire the property for the purpose of processing land materials and said they would allow and ingress and egress to their property for the neighbor.

Michael Gunn representing David and Roberta Charlton, who own property to the west, stated there was no easement for the road going to the foreclosed property, which was a problem for his clients who want to sell their property. Mr. Gunn said that his clients had been in conversation with the Hoy's, who are the owners interested in purchasing the foreclosed tax lot. Jodi Gollehon said that a general easement could be granted by the county prior to the sale. However, once the sale goes through, Mr. Gunn pointed out that his client would have more costs to have this accomplished.

Ms. Moshofsky rebutted that she was asking that the easement be deeded with conditions to the Hoy's to negotiate with any potential buyer that the Charlton's chose to sell their property to. Mr. Gunn said they need to get legal access without conditions and asked for a standard access.

Ken Friday added said Planning only required a 30-foot ingress or egress and was better left to legal counsel. He added that he had not put conditions on easements in the past. Ms. Gollehon recommended that both parties agree on an easement to be written into a board order upon the sale of the property.

Ms. Moshofsky clarified that the easement goes across their property and had concerns regarding maintenance upkeep. Commissioner Johnston agreed with Ms. Gollehon's recommendation of a mutually agreed easement and to wait to open the bids until the easement was agreed upon. Ms. Gollehon clarified that there needed to be a dominant name on the easement and recommended that the bids be open to designate an owner so that the property owners could discuss the easement issue aside from the bid process. Hearing no further objection, Ms. Gollehon opened the bids and clarified the language of the motion to accept the bid subject to the party's ability to negotiate an easement agreement that is satisfactory to both property owners.

After discussion, Commissioner Berschauer moved approval to accept the bid of Geneva J. Hoy for the purchase of the property in the amount of \$16,119 subject to an easement agreement both accepted by the Hoy and Charlton property owners. Item J1 will be brought back for consideration of approval on January 9, 2025. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

2. **B.O. 24-360** - Consideration of approval of an Intergovernmental Agreement between Yamhill County and the Yamhill Soil and Water Conservation District for the shared Native and Invasive Plant Specialist position in the not to exceed amount of \$50,500, effective upon full execution through March 1, 2025, will annual renewals unless otherwise terminated.

Commissioner Starrett moved approval of item J2. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

3. **B.O. 24-361** - Consideration of approval of a revised fee schedule for the Office of Assessment and Taxation effective January 1, 2025.

Commissioner Berschauer moved approval of item J3. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

4. **B.O. 24-362** - Consideration of approval of a Board Order and the appointment of James “Jamie” Stevenson, Oregon Professional Land Surveyor Certificate No. 101618PLS, to be the full-time County Surveyor effective January 1, 2025.

Commissioner Berschauer moved approval of item J4. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

5. Consideration of approval in the first reading of Ordinance 939 in the matter of adopting the Yamhill County Rural Tax Exemption Code and setting the effective date.

Gioia Goodrum reviewed the ordinance language which included the establishment of the industrial rural tax exemption which authorized cities and counties to adopt tax exemptions for newly constructed industrial improvements with initial cost investments between \$1 million and \$25 million dollars. Commissioner Berschauer summarized that it was designed for smaller to mid-size manufacturers needing to make new construction improvements, giving businesses a 3-year window for tax abatements.

Hearing no objection, Jodi Gollehon submitted the first reading of Ordinance 939 into the record. The second reading and consideration of approval will be scheduled on April 9, 2025. There was no action taken.

6. **B.O. 24-363**- Consideration of approval of a contract between Yamhill County Sheriff’s Office and MedTrust, LLC. for jail medical services, with a not to exceed amount of \$11,000,000 effective January 1, 2025, through December 31, 2029, unless otherwise terminated. #SO25018GS

Jodi Gollehon clarified that the contract was effective through December 31, 2029, and not 2030. Sheriff Elliott stated that the current jail medical service contract had been extended prior to reaching the proposed contract agreement and acknowledged the high liability of claim coverage for jail medical services extended to both adult and youth detention centers. Admittedly the first-year costs of the new contract would be higher because MedTrust assumed the contract, and its rates, contracted with Wellpath when they stopped providing service in Oregon. After discussion, Commissioner Starrett moved approval of item J6. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

7. **B.O. 24-364** - Consideration of approval of Grant Agreement #24-535 between Yamhill County and the Oregon Department of Emergency Management for the Emergency Management Performance Grant (EMPG) in the amount of \$88,502 for the period of July 1, 2024, through June 30, 2025. #SO25016GA

Commissioner Berschauer moved approval of item J7. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

8. **B.O. 24-365** - Consideration of approval of Grant Agreement #24-260 between Yamhill County and the Oregon Department of Emergency Management for the State Homeland Security Grant (SHSG) in the amount of \$75,000 for the period of October 1, 2024, through September 30, 2026. #SO25017GA

Commissioner Berschauer said this contract funding would be applied towards a mobile command center. Commissioner Berschauer moved approval of item J8. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

9. **B.O. 24-366** - Consideration of approval of an amendment to the real estate lease between Yamhill County Health and Human Services and the Housing Authority of Yamhill County (B.O. 09-617) increasing the rent from \$3,713.83 per month to \$3,878.52 per month, retroactive to November 1, 2024, and extending the lease through October 31, 2025. #HHS240201GA

Commissioner Starrett moved approval of item J9. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

10. **B.O. 24-367** - Consideration of approval of Amendment #6 to the Provider Agreement between Yamhill County Health and Human Services and Yamhill Community Care Organization (B.O. 20-457) effective January 1, 2025, through December 31, 2025. #HHS24023GS

Commissioner Starrett moved approval of J10. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

11. **B.O. 24-368** - Consideration of approval of Amendment #13 to Agreement #180033 between Yamhill County and the Oregon Health Authority (B.O. 23-260) for Public Health Services removing \$205,695.74 in funding. HHS24013IGA

Commissioner Starrett moved approval of item J11. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

12. **B.O. 24-369** - Consideration of approval of a Grant Agreement between Yamhill County and the Criminal Justice Commission to fund Jail-based Medications for Opioid Use Disorder (JMOUD) program in the amount of \$242,048 effective up full execution through December 31, 2025, subject to final review and approval by County Counsel's Office. #SO25019GA

Sheriff Elliott stated this new funding is attached to HB 4002 for a new medication assisted treatment program. Commissioner Berschauer moved approval of item J12. The motion passed, Commissioners Berschauer, Johnston, and Starrett voting aye.

13. Discussion of Dayton Landing. (Commissioner Kit Johnston)

Commissioner Johnston added this item to discuss the transfer of Dayton Landing to the City of Dayton, as recommended by the Yamhill County Parks Board. There were no immediate

details to an agreement, pending review of any deed restrictions and consulting with County Counsel. The consensus of the Board was to direct staff to reach out the City of Dayton to negotiate a purchase and sale agreement. There was no action taken.

14. Discussion of CPRD request for legislative code amendment.

Commissioner Berschauer summarized the goal for the new Chehalem Parks and Recreation District (CPRD) board was to open the park property for use including a bridge which the Planning Director, Ken Friday, had deemed a transportation facility not allowed in its zone. CPRD's goal of opening the entire park property for use would include the bridge connecting to trails beyond the park boundaries which would violate the prohibition of a transportation facility. She said CPRD was requesting to modify their code amendment but have not modified their master plan. Commissioner Berschauer added that since the park boundaries are split between the county and City of Newberg, she suggested that the city change its urban growth boundary to include the park since it is zoned Residential. Mr. Friday expressed concern that the boundary change would be cost prohibitive for the city and CPRD. He recommended that they instead pay the fee for the Ordinance change. Jodi Gollehon clarified that this Ordinance change request was appealed to LUBA after the commissioners upheld the Planning Director's decision to deny it. The LUBA appeal was withdrawn by the new CPRD board.

After discussion, the consensus of the Board was for staff to follow up with CPRD regarding not instituting a code amendment. There was no action taken.

K. PUBLIC HEARINGS: None.

THE RECORDS FOR PUBLIC HEARINGS CAN BE FOUND AT:

<https://www.yamhillcounty.gov/1190/Public-Hearing-Notices>

L. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.yamhillcounty.gov/765/Boards-and-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@yamhillcounty.gov

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.yamhillcounty.gov/AgendaCenter>

Following Commissioner announcements, the meeting adjourned at 12:27 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT