

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, OREGON (“the Board”) sat for the transaction of county business in formal session on June 27, 2007 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director, Laura Tschabold, Assistant Administrative Services Director; Michael Jaczko, 19000 Buena Vista Drive, Dundee; Nancy Allen, 17385 NE Fairview, Dundee; Gil and Janet Rinard, 18265 NE Fairview Dr, Dundee; Chris Lesieutre, 10800 NE Eagle Crest, Dundee; Dr. Bruce Dickson, 18035 NE Fairview Drive, Dundee; Marilyn Reeves, Friends of Yamhill County, P O Box 1083, McMinnville.

Commissioner George called the meeting to order.

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.

Residents of the Dundee area were present to speak regarding concerns related to Tori Mor Winery’s proposal to extract and sell water off-premises.

Michael Jaczko stated that a number of area wells are already stressed; the proposal to extract water will further negatively impact a number of residents’ wells. He requested the Board take action by county ordinance to protect water resources in the county and the residents who rely on wells. He stated it is important to close current loopholes in the county’s land use ordinances that would permit a use such as that being proposed by Tori Mor.

Nancy Allen stated she has lived on her property for 26 years, and the 520 foot well drilled in 1981 produces 10 gallons per minute. She stated that Tori Mor’s well produces 38 gpm at this time. She stated she is very concerned that a business which shares the aquifer would be able to sell the resource a number of residents depend on, without regard for the consequences to other residents.

Janet Rinard stated the loophole in the county’s conditional use process regarding water has serious consequences. She stated that both Yamhill Soil & Water Conservation District and the Planning Commission have raised objections to this proposal. She stated the county needs to review and revise its ordinance because if this use is allowed, many others may decide to take advantage

of the opportunity to profit from selling what should be protected for the area's residential water supply. She asked the Board to consider the petitions submitted objecting to the proposal and the unintended consequences that will result from not addressing the issue.

Chris Lesieutre stated he lives at the highest point on the hill and related an anecdote of having a water hose running accidentally overnight with the result that no water remained in the well the following morning.

Dr. Rinard read comments submitted by Dr. Dickson, who was unable to be present, regarding the general problems with wells and water storage in the Dundee hills.

Dr. Rinard identified his property as being located in the higher and drier area of Worden Hill Road. He stated that the Water Resources Board website lists a number of actions that local governments can take to protect water resources. He stated pure ground water is a treasure and the Board has a good deal of power and autonomy in regulating its use. He stated the hydrogeologic study which concluded the area's aquifer is stable is flawed in that the entire northwest half of the study area has no wells; therefore the conclusions are based on a biased sampling.

Merilyn Reeves reviewed actions taken at the latest meeting of a groundwater advisory committee that is responsible for advising the Water Resources Commission ("WRC"). She stated that some citizens in the Eola Hills area (including portions of Polk County) have petitioned the WRC for further studies. She stated these citizens have committed to purchasing devices to determine fluctuations of water within their wells and WRC will provide training in monitoring and maintaining the devices. She suggested the Board investigate whether a cooperative agreement could be worked out with WRC to study the stability of wells. She stated it is very important for the county to increase its knowledge of the water resources within the county.

Commissioner George stated she participates in an Association of Oregon Counties committee studying water resources. She stated that although counties do not have currently have authority to address the issues directly, the Water Resources Department is being asked to delegate participation rights to counties. She stated there is awareness at both state and county levels that additional research and data are needed. She stated there is also a proposal to add a \$250 fee to new wells; the fee would be dedicated to research and statistical analysis.

Dr. Rinard asked that the Board read the Water Resources Department's material which he submitted. He stated the neighbors are relying on the Board to correct the current situation and protect the wells.

B. CONSENT AGENDA: Commissioner Lewis moved approval of the consent agenda, correcting the dates on personnel action items 13 and 14 to July 9, to align with payroll dates. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B.O. 07-547** - Approve the employment of Marc Brodeur, Dundee, as Deputy in the Sheriff's Office, regular full-time, Range 12, Step 1, \$3089/month, retroactive to June 25, 2007.
2. **B. O. 07-548** - Approve the employment of Shaine Towe, Keizer, as Corrections Reserve

in the Jail, part-time on-call, \$10/hour, retroactive to June 25, 2007.

3. **B. O. 07-549** - Approve the employment of Karen McFadden, McMinnville, as Senior Office Specialist in Administrative Services, regular part-time, Range 10, Step 1, effective June 27, 2007.
4. **B. O. 07-550** - Approve the change of status of Laura Tschabold to Assistant Director in Administrative Services, Range 27, Step 5, effective July 9, 2007.
5. **B. O. 07-551** - Approve the change of status of John Krawczyk to regular part-time employment in Administrative Services, .9 FTE, effective July 9, 2007.
6. **B. O. 07-552** - Approve the employment of Evan Anderson and Rodolfo Radilla as Corps Members in the Juvenile Department, \$7.80/hour, retroactive to June 21, 2007.
7. **B. O. 07-553** - Approve the change of status of Gabriel Del Rayo to temporary full-time employment in the Juvenile Department, Range 12, Step 1, retroactive to June 4, 2007 through August 31, 2007.
8. **B. O. 07-554** - Approve the change of status of Sean Roush to HS Specialist 2 in HHS Abacus, Range 20, Step 5, effective July 9, 2007.
9. **B. O. 07-555** - Approve the change of status of Patricia Brown and Mary Jake to extend temporary part-time employment in HHS Abacus, effective July 1, 2007 through June 30, 2008.
10. **B. O. 07-556** - Approve the change of status of Sarah Owens to increase regular part-time employment in HHS Developmental Disabilities from .9 FTE to .95 FTE, effective July 9, 2007.
11. **B. O. 07-557** - Approve the change of status of Amanda Garcia-Snell to regular full-time employment in HHS Public Health, effective July 9, 2007.
12. **B. O. 07-558** - Approve the change of status of Krisan Pendleton to Program Manager 2 in HHS Adult Mental Health, Range 26, Step 6, effective July 9, 2007.
13. **B. O. 07-559** - Approve the change of status of Caren Anderson to Office Administrator in the Commission on Children & Families, Range 17, Step 6, effective July 9, 2007.
14. **B. O. 07-560** - Approve the change of status of Steven Baldwin to Cartographer in the Assessor's Office, Range 16, Step 1, effective July 9, 2007.

Contracts

15. **B. O. 07-561** - Accept the apparent low bid from Baker Rock Resources for the 2007 Asphalt Overlay Project, authorize a notice of intent to award, and authorize the chair to execute the

agreement with Public Works, subject to approval by the Public Works Director and County

Counsel, \$767,134.

16. **B. O. 07-562** - Approve Amendment #3 to the 2005-07 Intergovernmental Agreement YAMH0507 between the Commission on Children & Families and Oregon Commission on Children & Families for Healthy Start-Medicaid administrative activities, not to exceed \$176,500.
17. **B. O. 07-563** - Approve a 2005-07 Biennium Federal Fund Extension Request to Oregon Commission on Children & Families.
18. **B. O. 07-564** - Approve Service Element Prior Authorization (SEPA) Approval Unit #171553 for the 2005-07 Financing Agreement #113020 between Health & Human Services and Oregon Department of Human Services.
19. **B. O. 07-565** - Approve a professional services agreement between HHS Adult Mental Health and Karen Peters, PMHNP, dba Northwest Behavioral Health LLC, for nurse practitioner services, \$82/hour, effective July 1, 2007.
20. **B. O. 07-566** - Approve a physician services agreement between HHS Adult Mental Health and Joseph Arnold, M.D., for psychiatric services, \$105.58/hour, effective July 1, 2007.
21. **B. O. 07-567** - Approve an intergovernmental agreement between HHS Adult Mental Health and Polk County for acute care psychiatric hospital alternatives, \$8063, effective July 1, 2007.
22. **B. O. 07-568** - Approve the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services, effective July 1, 2007 through June 30, 2009.
23. Approve the following amendments to the 2007-09 Financial Assistance Agreement #119951 between Health & Human Services and Oregon Department of Human Services:
 - a. **B. O. 07-569** - Amendment #1;
 - b. **B. O. 07-570** - Amendment #2.
24. **B. O. 07-571** - Approve the 2007-08 Financial Assistance Agreement #121033 between HHS Public Health and Oregon Department of Human Services, effective July 1, 2007 through June 30, 2008.
25. **B. O. 07-572** - Approve an agreement between the Sheriff's Office and Oregon State Marine Board for Boating Safety and Law Enforcement services, \$67,621, effective July 1, 2007 through June 30, 2008.
26. **B. O. 07-573** - Approve the ATV Grant Agreement between the Sheriff's Office and Oregon Parks & Recreation Department for boating services, \$26,314, effective July 1, 2007 through June 30, 2008.

Fees

27. **B. O. 07-574** - Approve an updated fee policy for Health & Human Services, effective July 1, 2007.

Budget

28. **Void B. O. 07-575**- See B. O. 07-588 (Item 7, Page 7)

Approve a transfer of appropriation authority within the HHS Fund for year-end cleanup:

From	16-79-720.11	New State Programs	\$500,000
To	16-71-695.15-P150	Emergency Expense	\$200,000
	16-72-695.15-P120	Emergency Expense	\$10,000
	16-73-695.15-P123	Emergency Expense	\$30,000
	16-76-695.15-P162	Emergency Expense	\$200,000
	16-172-695.15-P137	Emergency Expense	\$60,000

29. **Void B. O. 07-576**- See B. O. 07-589 (Item 8, Page 7).

Approve a transfer of appropriation authority within the Road Fund:

From	11-60-515.08	Liquid Asphalt	\$15,000
To	11-55-499.99	Vacation Liability Adjust	\$15,000

Refund

30. **B. O. 07-577** - Authorize a \$978 refund from the Planning Department to William and Michelle Griffis.

Committees

31. **B. O. 07-578** - Approve the reappointment of Charlene Gibb, Nancy Keim, Jeannie Kinman, Robert Porath, Ann Scott, and Frankie Williams to the Mental Health Advisory Board for three-year terms to expire May 31, 2010.

32. **B. O. 07-579** - Approve the following appointments to the Mental Health Advisory Board:

- a. Amy Raey, one-year term to expire May 31, 2008;
- b. Dr. Scott Ashdown, one-year term to expire May 31, 2008;
- c. Nanette Villarreal, three-year term to expire May 31, 2010.

C. OLD BUSINESS:

Measure 37

1. **B. O. 07-580** - Consideration of the denial of M37-268-06, a Measure 37 claim authorizing the Helen Avery Estate to make application to divide 42.8 acres into ten lots and to establish a dwelling on each vacant lot, as continued from June 20, 2007.

Mr. Gray recommended denial.

Commissioner Stern moved to deny the application; the motion to deny carried, Commissioners George, Stern, and Lewis voting aye.

2. **Continued to July 2, 2007** - Consideration of M37-269-06, a Measure 37 claim authorizing Lorraine Paddock to make application to divide 7.7 acres into five lots and to establish a dwelling on each vacant lot, as continued from June 20, 2007.

Commissioner Lewis moved to continue the matter until July 2, 2007. The motion to continue carried, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 07-581** - Consideration of M37-272-06, a Measure 37 claim authorizing Deborah Park Jeffries and Rebecca Park Pennington to make application to divide 101.1 acres into 2.5-acre lots and to establish a dwelling on each vacant lot, as continued from June 20, 2007.

Mr. Gray stated that this is a complex application; however, the county must rely on the date in 1977 when the applicant acquired a recorded interest. He recommended the Board support the application based on the 1977 date which may allow minimal development, but not to the extent requested.

Commissioner Lewis moved approval of the application including the operative portion relating to land use regulations in effect October 17, 1977. The motion carried, Commissioners George, Stern, and Lewis voting aye.

4. **Continued to July 2, 2007** - Consideration of M37-289-06, a Measure 37 claim authorizing John Bernards to make application to divide 92 acres into two lots and to establish a dwelling on the vacant lot, as continued from June 20, 2007.

Mr. Gray requested a continuance until July 2, 2007.

Commissioner Stern moved to continue this matter until July 2, 2007. The motion carried, Commissioners George, Stern, and Lewis voting aye.

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

Commissioner Lewis moved to approve items D 1 through D 3 below, changing the effective dates to July 9 to align with payroll dates. The motion carried, Commissioners George, Stern, and Lewis voting aye.

1. **B. O. 07-582** - Consideration of approval of the change of status of Alison Ticknor to Senior Accounting Clerk in Administrative Services, Range 12, Step 1, effective July 9, 2007.

2. **B. O. 07-583** - Consideration of approval of the change of status of Norma Heath to Accounting Clerk 2 in Administrative Services, Range 10, Step 6, effective July 9, 2007.

3. **B. O. 07-584** - Consideration of approval of the change of status of Roma Fuerst to regular full-time employment in HHS Developmental Disabilities, effective July 9, 2007.

Budget

4. **B. O. 07-585** - Consideration of adoption of Resolution 07-6-27-1, adopting the Yamhill County 2007-08 budget in the amount of \$79,860,225, setting appropriations in the amount of \$75,320,599, and levying taxes in the amount of \$2.5775 per thousand dollars assessed value.

Commissioner Stern moved to adopt Resolution 07-6-27-1. The motion carried, Commissioners George, Stern, and Lewis voting aye.

5. **B. O. 07-586** - Consideration of a transfer of appropriation authority for Jail Maintenance:
From 21-045-611.02 Contract Services \$5000
To 21-116-670.02 Heat/Lights/Water \$5000.

Commissioner Stern moved to approve the transfer as listed above. The motion carried, Commissioners George, Stern, and Lewis voting aye.

6. **B. O. 07-587** - Consideration of a transfer of appropriation authority for County Counsel:
From 10-39-801.19 Equipment Purchase \$5000
To 10-25-499.99 Vacation Liability Adjustment \$5000.

Commissioner George moved to approve the transfer of appropriation authority as listed. The motion carried, Commissioners George, Lewis, and Stern voting aye.

7. **B. O. 07-588** - Consideration of other transfers of appropriation authority for Health & Human Services:

From	16-079-720.11	New State Programs	\$500,000.
To:	16-071-695.15-P150	Emergency Expense	\$200,000
	16-072-695.15-P120		\$ 10,000
	16-073-695.15-P123		\$ 30,000
	16-076-695.15-P162		\$200,000
	16-172-695.15-P137		\$ 60,000.

Commissioner George moved to approve the transfers of appropriation authority as listed above. The motion carried, Commissioners George, Stern, and Lewis voting aye.

8. **B. O. 07-589** - Consideration of transfers of appropriation authority for Public Works:
From 11-060-515.08 Liquid Asphalt \$15,000
To 11-055-499.99 Vacation Liability Adjustment \$15,000.

Commissioner Lewis moved approval of the transfers of appropriate authority as listed. The motion carried, Commissioners George, Stern, and Lewis voting aye.

9. **B. O. 07-590** - Consideration of transfer of appropriation authority to Fair:
From 10-013-699.01 BOC2 Other Expense \$1,000
To 10-017-499.99 Vacation Liability Adjustment \$1,000.

Commissioner Lewis moved approval of transferring \$1000 to Information Systems to cover

the costs associated with creating the ability for the Fair to sell tickets on-line. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Committees

10. Continued to July 2, 2007 - Consideration of the appointment of Jeff Reed to the Road Improvement Advisory Committee for a three-year term to expire June 27, 2010.

Commissioner George moved to continue consideration until July 2, 2007. The motion carried, Commissioners George, Stern, and Lewis voting aye.

11. **B. O. 07-591** - Consideration of the reappointment of Robert Smiley and Alan Halstead to the Planning Commission for four-year terms to expire July 1, 2011.

Commissioner Stern moved approval of the reappointments. The motion carried, Commissioners George, Stern, and Lewis voting aye.

12. **B. O. 07-592** - Consideration of approval of a contract between the Sheriff's Office / Jail and Jackson County for rental of 15 jail beds at \$55 per day, July 1, 2007 through June 30, 2008.

Commissioner Stern moved approval of the contract. The motion carried, Commissioners George, Stern, and Lewis voting aye.

13. **B. O. 07-593** - Consideration of approval of Amendment #10 to the contract between Public Health and the Department of Health & Human Services, Agreement #117553, the 2006-2007 Intergovernmental Agreement for Financing of Public Health Services.

Commissioner George moved approval of the contract amendment. The motion carried, Commissioners George, Stern, and Lewis voting aye.

14. **B. O. 07-594** - Consideration of a contract employee agreement between the Commission on Children & Families and Marilyn Kennelly, \$29/hour, and reimbursement of expenses as outlined in the contract, effective July 1, 2007 through June 30, 2008.

Commissioner George moved approval of the agreement as listed. The motion carried, Commissioners George, Stern, and Lewis voting aye.

13. Discussion Items

a. Stipend for IS director to compensate for responsibilities on behalf of the City of McMinnville - continued to July 2, 2007.

There was discussion of the various projects underway in Information Systems. Commissioners agreed that short monthly updates from Mr. Paolo at informal sessions would be helpful. Following discussion, there was consensus to continue the matter to July 2, 2007.

b. Commission on Children & Families - Discussion of distribution of prevention funds

and grant processes. No action.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.

- a. Commission on Children & Families, three lay alternate position and one youth position;
- b. Local Alcohol and Drug Planning Committee, three positions.

2. Northwest Senior & Disability Services has openings for Yamhill County residents on the following regional councils:

- a. Senior Advisory Council, one position;
- b. Disability Services Advisory Council, one position.

For more information, contact Sally Lawson at (503)304-3473 or by e-mail at Sally.Lawson@state.or.us.

3. Due to the 4th of July holiday, the Board will hold its next regular formal session at 2:00 p.m. on Monday, July 2, 2007 in Room 32 of the Courthouse. A special formal session will be held, if necessary, at 9:00 a.m. on Friday, June 29, 2007 in the Fenton House to take care of any remaining year-end business.

The meeting adjourned at 10:47 a.m.

Carol Ann White
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS