

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 special formal session on Friday, November 6, 2009 at 11:00 in the conference room of the Board of Commissioners Office, 434 NE Evans Street, McMinnville, Oregon, Commissioners Kathy George and Mary P. Stern being present, Commissioner Lewis participating by telephone.

Also present were John M. Gray, Jr., County Counsel; Laura Tschabold, Administrative Services Director; John Krawczyk, Budget Officer; and Hannah Hoffman, News-Register.

Vice-chair Kathy George called the meeting to order. Commissioner Stern moved to allow Commissioner Lewis to participate by telephone. The motion carried, Commissioners Lewis, George, and Stern voting aye.

**B. O. 09-771** - Consideration of adoption of an order authorizing defense costs for outside legal representation of Carroll J. Tichenor, up to a maximum of \$15,000 in a disciplinary proceeding before the Oregon State Bar Professional Responsibility Board, Case No. 09-99 - Hon. Carroll J. Tichenor (Lyle Coultas).

John Gray referenced a letter from Carroll J. Tichenor requesting assistance with the costs of defense in a complaint before the Oregon State Bar. Mr. Gray stated the complaint has been filed by Lyle Coultas, who was successfully prosecuted by Mr. Tichenor at the time he was serving as a Yamhill County Deputy District Attorney.

Mr. Gray reviewed Board Order 00-932, adopted December 31, 2000, which established the criteria under which the Board may make a discretionary decision to defend a County agent, employee, or officer for the time he was employed by the County against claims or non-criminal proceedings other than a tort claim. He stated the Board Order 00-932 expressly requires a final decision by the Board be made in open session, and that the Board must review whether the action or omission of the officer or employee was in good faith, and the totality of circumstances surrounding the incident.

Mr. Gray stated he met with each commissioner individually and drafted a board order for consideration which he believes may reflect their consensus. He said the board order authorizes up to \$15,000 in attorney fees for representation of Mr. Tichenor, with payment to be authorized by Laura Tschabold, up to an aggregate maximum of \$15,000.

