

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 formal session on December 16, 2009, at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, Administrative Services Director; John Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Budget Director; Pat Anderson, Human Resources; Tonya Saunders, Transit Manager; Murray Paolo, Information Services Manager; Sherrie Mathison, Solid Waste Coordinator; Hannah Hoffman, News-Register; Peter Shultz, 9771 Hwy 47, Carlton; Dan Hinmon 614 NW 18<sup>th</sup> St, McMinnville; Mary Starrett, 35775 Smith Rd, Newberg; Susan Meredith, 14100 SW McCabe Chapel Rd; Kris Bledsoe, 3500 SW Redmond Hill Rd; and Ilsa Perse, 5765 Mineral Springs Rd.

Commissioner Lewis 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.

Peter Shultz submitted and reviewed a letter to Commissioners Lewis and George (see Exhibit A) listing six alleged indiscretions by YCAP that have adversely affected seniors and people with disabilities. He stated that in all six cases, the same manager either made or revised the decision, and that manager had no educational background or experience with transit operations or regulations prior to his employment with YCAP. He said that it took someone outside YCAP to see what was going on. He said that he would leave this issue in the hands of the Board, but would be sending copies of the letter to ODOT and to Disability Rights of Oregon.

Ms. Stern stated that these issues have already been addressed, but the Board should address them in writing to ODOT as well. Ms. Lewis noted that the Board has the report that was written previously and could add onto it to address item #6 on Mr. Shultz’s list, which she doesn’t believe was addressed in the report. Ms. George stated that these issues have all been researched thoroughly and she believes they have all been resolved. She added that most of them were only a result of YCAP’s efforts to provide service and were not done maliciously. She expressed thanks to Tonya Saunders for improving public transit service over the past four years. Ms. Lewis emphasized the importance of YCAP consulting the district before making any changes. Ms. Stern suggested that Ms. Lewis discuss this issue personally with the YCAP

director.

- B. **CONSENT AGENDA:** Ms. Stern moved approval of the consent agenda with the exception of items B(9) and B(10). The motion passed, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 09-829** - Approve the employment of Francisca Black, Lizeth Rodriquez, and Socorro Shaw as HS Associates in HHS Public Health, temporary part-time, retroactive to December 1, 2009, through December 31, 2010.
2. **B. O. 09-830** - Approve the employment of Rosa Mercado as Office Specialist 2 in HHS Family & Youth, regular full-time, Range 7, Step 4, with bilingual differential, effective January 4, 2010.
3. **B. O. 09-831** - Approve the employment of Noe Dotson as Office Specialist 2 in HHS Family & Youth, temporary full-time, Range 7, Step 1, retroactive to December 11, 2009, through December 31, 2009.
4. **B. O. 09-832** - Approve a contract employee agreement between Community Corrections and Nancy Ogilvie for background investigation services, \$25/hour, effective December 16, 2009, through June 30, 2010.
5. **B. O. 09-833** - Approve the employment of John Nyberg as Community Corrections Supervisor in Community Corrections, regular full-time, Range 14, Step 1, effective December 27, 2009.
6. **B. O. 09-834** - Approve a contract employee agreement between Information Services and Adam Greene, provider, for support services, \$30/hour, effective December 16, 2009.
7. **B. O. 09-835** - Approve an employment agreement between Yamhill County and Laura Tschabold for County Administrator services, effective January 1, 2010.

Contracts/Grants

8. **B. O. 09-836** - Approve an agreement between Yamhill County and David Barrows & Associates, provider, for consulting services related to the Newberg-Dundee Bypass, not to exceed \$12,000, retroactive to November 1, 2009, through February 28, 2010.
9. **Tabled** - Assign the franchise agreement with Newberg Transfer & Recycling Center, Inc., to Waste Management of Oregon, Inc.
10. **Tabled** - Assign the franchise agreement with Newberg Garbage Service, Inc., to Waste Management of Oregon, Inc.
11. **B. O. 09-837** - Approve a 2009-11 Partnership Agreement between the Commission on Children & Families and Oregon Commission on Children & Families.

12. **B. O. 09-838** - Approve Amendment #2 to Agreement #25486 between Public Works, provider, and Oregon Department of Transportation to add portions of Tangen Road and North Valley Road as a contingency project for any remaining stimulus funds.
13. **B. O. 09-839** - Approve an agreement between the Special Needs Task Force and Carl Gordon, PhD, provider, for consulting services, \$50/hour, not to exceed \$6000.
14. **B. O. 09-840** - Approve Service Element Prior Authorization (SEPA) Approval Unit #422496 for the 2009-11 Financial Assistance Agreement #127310 between Health & Human Services and Oregon Department of Human Services, zero net change in funding.
15. Approve the following amendments to the 2009-11 Financial Assistance Agreement #127319 between Health & Human Services, provider, and Oregon Department of Human Services:
  - a. **B. O. 09-841** - Amendment #10 (ratify), retroactive to December 2, 2009;
  - b. **B. O. 09-842** - Amendment #11;
  - c. **B. O. 09-843** - Amendment #12.
16. **B. O. 09-844** - Approve Grant Agreement #TC013-09JAG between HHS Chemical Dependency, grantee, and Oregon Criminal Justice Commission for Family Drug Court services, \$63,301, retroactive to October 1, 2009, through September 30, 2010.

Mileage Reimbursement

17. **B. O. 09-845** - Approve a reduced rate of \$.50/mile for reimbursement of business mileage to reflect the new IRS standard mileage rate, effective January 1, 2010.

Committees

18. **B. O. 09-846** - Approve the reappointment of Mary Newell, Damon Schulze, John Heiser, Bill Aquire, Steve Rex, and Lessie Dale to the Ambulance Service Area Committee for two-year terms to expire December 31, 2011.

**C. OLD BUSINESS:**

1. **B. O. 09-847** - Consideration of approval of a modification of agreement between the Board of Commissioners, Information Services, and Oregon State Police for development of the Doane Creek Communications Site, to change the entity name from Oregon State Police to Oregon Wireless Interoperability Network (OWIN), as continued from November 23, 2009.

Ms. George moved approval of item C(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. **B. O. 09-848** - Consideration of adoption of Ordinance 849 in support of Planning Docket PAZ-05-08/FP-04-08/SDR-16-08, a request for plan amendment/zone change, floodplain

development permit, and site design review for a proposed expansion of the landfill, applicant Riverbend Landfill Company, Inc., as tentatively approved November 9, 2009.

Ms. Stern recused herself from this item due to actual conflict of interest because of her husband's employment at Western Oregon Waste. Rick Sanai provided the first and second readings of Ordinance 849 by title only, declaring an emergency. Ms. George moved to adopt the ordinance. The motion passed, Commissioners Lewis and George voting aye and Commissioner Stern abstaining.

D. **OTHER BUSINESS** (Add-ons and non-consent items): None.

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, one full member, one youth member, and four alternate members;

b. Parks & Recreation Board, two positions;

c. Road Improvement Advisory Committee, one position;

d. Special Transportation Advisory Commission, one position.

The meeting adjourned at 9:22 a.m.

Anne Britt

Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair

LESLIE LEWIS

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Commissioner

KATHY GEORGE

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Commissioner

MARY P. STERN

**MINUTES**

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Yamhill County Board of Commissioners

**December 16, 2009**

9:00 a.m.

Formal Session

LL\_\_\_\_KG\_\_\_\_MS\_\_\_\_

I am writing the two of you because Commissioner Lewis you Chair YCTA and Commissioner George you Chair YCAP's Board.

I want to formally bring to your attention that over the last three years YCAP has consistently made decision's that have adversely effect seniors and people with disabilities against people with disabilities. Here is list of six indiscretions that has taken place from the Fall of 2006 thru December 2009. I urge the YCTA board to tell YCAP to straiten out its management or lose public transit funding for Public transit.

1. In the Fall through winter YCAP did not charge for fixed route riders but did charge dial-a-ride \$1.50. This was a discriminating policy and against the law to charge more that 50% more for dial-a-ride then fixed route.
2. In the Fall of 2007 YCAP leased a publicly owned bus to a charter school. In order to do that they took the larger a newer bus off a route. This route was for Mid Valley clients who are disabled. They were put on a older and smaller vehicle forcing them to sit in the walkway. This was very dangerous, discriminating and illegal. They did add a second route to stop the over crowding. This was a none funded route,
3. YCAP continued to overload busses even though they new it was dangerous. They took the larger bus off all routes except for the charter school. The director of YCAP said that it was to save money when gas prices were so high. This again discriminated against people with disabilities because it put them in greater danger. It also breaks the manufactures requirement for one person for one seat.
4. In the Spring of 08 YCAP transit was over budget. They gave us a number of reasons but the second route in point 2 was never mentioned. The bulk of the cuts were dial-a-ride in which they cut 8 hours a day of service. They also decided to cut a position that was recently vacated. This was discriminating because people that need this service and cannot use the fixed route service had fewer options.
5. YCAP denied a person in a wheel chair a ride from the spring of 2008 to the winter of 2009. She was first denied a ride because of the size of her chair. When ODOT should them how to load her ride was restored. Then YCAP denied her a ride a second time because of her weight based on input from her daughter. The weight limit on the lift was a manufacture suggested. This is happening while they were flagrantly violating manufacture requirements in point 3. When a lawyer came to her defense YCAP weighed her at a truck scale. She was under the suggested limit.
6. Form February 2009 thru November of 2009 YCAP violated ADA Civil Rights Laws. They decided to change Commuter routes into deviated fix routes because "Fixed routes require us to provide paratransit service." This is a quote from YCAPs Director email to me and cc both of you. The law actually is the opposite so in reality they were breaking the law. They also did not let people know about the deviation with the result the divination was only for a hand pick few. This is a public transit system not YCAP transit system.

RECEIVED

DEC 16 2009

YAMHILL COUNTY  
COMMISSIONERS

Exhibit A 1/1