

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 May 26, 2010, 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 Chuck Vesper, Deputy County Administrator; John M. Gray, Jr., County Counsel; Pat Anderson, Human Resources; Sherrie Mathison, Solid Waste Coordinator; Hannah Hoffman, News-Register; and Dave Larmouth, 1350 NW Countryside Court, 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. None offered.

B. **CONSENT AGENDA:** Ms. Stern moved approval of the consent agenda with the exception of item B(11). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

1. **B. O. 10-265** - Approve the employment of Benjamin Wilson as HS Specialist 1 in HHS Developmental Disabilities, regular full-time, Range 17, Step 2, effective June 4, 2010.

2. **B. O. 10-266** - Approve the change of status of Tracy Contreras, HHS Abacus, from .9 to .5 FTE, retroactive to May 24, 2010.

3. **B. O. 10-267** - Approve the change of status of Jonathan Summers to Corrections Officer in the Jail, regular full-time, Range 12, Step 1, effective May 26, 2010.

4. **B. O. 10-268** - Approve the change of status of David Palen to Marine Reserve Deputy in the Sheriff’s Office, temporary full-time, \$19/hour, retroactive to May 24, 2010, through August 23, 2010.

5. **B. O. 10-269** - Approve the change of status of Tonya Zindel to Marine Reserve Deputy in the Sheriff’s Office, temporary full-time, \$19/hour, retroactive to June 9, 2010, through September 8, 2010.

Contracts

6. **B. O. 10-270** - Approve a physician services agreement between HHS Adult Mental Health and Joseph Arnold, M.D., provider, for psychiatric services, \$111.45/hour, 16.25 hours/week, retroactive to May 24, 2010.
  
7. **B. O. 10-271** - Approve Intergovernmental Agreement #444 between HHS Adult Mental Health and Marion County, provider, for after-hours crisis associate services, \$28/hour, not to exceed \$10,000, effective July 1, 2010, through June 30, 2012.
  
8. **B. O. 10-272** - Approve an memorandum of agreement between HHS Public Health and George Fox University regarding the use of university facilities by the county during public health emergencies, effective May 26, 2010.
  
9. Ratify approval of the following amendments to the 2009-11 Financial Assistance Agreement #127319 between HHS and Oregon Department of Human Services, retroactive to May 7, 2010:
  - a. **B. O. 10-273** - Amendment #17;
  - b. **B. O. 10-274** - Amendment #19;
  - c. **B. O. 10-275** - Amendment #20.
  
10. **B. O. 10-276** - Approve Agreement #26696 between the Transit Division, provider, and Oregon Department of Transportation for 5311 funding, \$213,471, effective July 1, 2010, through June 30, 2011.

Budget Transfers

11. **See Other Business** - Approve the following transfers of appropriation authority and funds for asbestos mitigation:  
From 10-92-950.01 \$9360 Contingency  
To 80-38-380.91 \$9360 Insurance Reserve  
  
From 10-92-950.01 \$7721 Contingency  
To 40-27-380.91 \$7721 Capital Improvement

Capital Improvements

12. **B. O. 10-277** - Approve the following capital improvement projects for the 2010-11 fiscal year:
  - a. Replace Fenton House roof and gutters and install bird netting, \$30,000;
  - b. Replace 3 unused exterior doors in the Ticor and Romaine Buildings, \$5000;
  - c. (If funds available) Replace Courthouse Telephone Room water source air conditioner with air source air conditioner, \$5000;
  - d. (From HHS fund balance) Upgrade Moore Building elevator controls and lift piston system, \$100,000.

C. **OLD BUSINESS:** None.

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

1. **B. O. 10-278** - Consideration of approval of the following transfer of appropriation authority and funds for asbestos mitigation:

From	General Fund Contingency	\$17,081
To	Insurance Reserve Fund	\$9360
	Capital Improvement Fund	\$7721

Chuck Vesper explained that the new procedure for Board approval of budget transfers does not include line item detail, which will allow for internal corrections to the coding as necessary without additional Board action. Ms. George moved approval of item D(1). The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 10-279** - Consideration of the change of status of Robert Naylor to temporary full-time employment in HHS Adult Mental Health, effective May 27, 2010, through June 30, 2010.

Ms. George moved approval of item D(2). The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 10-280** - Consideration of the following changes of status:

- a. John Hausman, transfer to Community Corrections, effective June 1, 2010;
- b. Tim Svenson, transfer to Jail, effective May 26, 2010;
- c. Todd Whitlow, Sergeant in the Sheriff's Office, Range 16, Step 6, effective May 26, 2010.

Ms. Stern moved approval of item D(3). The motion passed, Commissioners George, Stern, and Lewis voting aye.

4. **B. O. 10-281** - Consideration of the change of status of Jan Coleman to extend temporary on-call employment in the Clerk's Office, retroactive to May 1, 2010, through December 31, 2010.

Ms. Stern moved approval of item D(4), stating that the temporary employment should only go through the end of the calendar year in light of recent statements made by the Budget Committee members. The motion passed, Commissioners George, Stern, and Lewis voting aye.

5. **B. O. 10-282** - Consideration of acceptance of a grant from U.S. Fish & Wildlife Services (FWS) for the development of a Habitat Conservation Plan, \$391,000. [*Grant declined.*]

Ms. Stern stated that John Phelan needs an answer from the Board about the grant by the end of the week. Ms. Lewis said that she had tried to reach Paul Henson from FWS the previous day, but has not received a call back. She stated that the uncertainty about highway tax revenue

is still an issue and accepting this grant would have a large budgetary impact on the county. She explained that staffing requirements for the plan would be significant and would be a major budget problem for Public Works. She added that she had talked with Ken Huffer and staff members from Public Works and Planning, and everyone that she talked with is opposed to accepting the grant.

She stated that FWS has not provided any documentation to support its claim of a taking incident by the county on March 30. John Phelan said that the complaint states that Public Works turned over lupine plants while grading on Moores Valley Road, but aside from some minimal ditching work, his records show that Public Works was not working in that area during that time frame. He expressed concern about an unfunded liability identified by the work group, explaining that the grant would cover implementation of the study for two to four years, but not long-term costs such as monitoring and planning in both Parks and Public Works. He said that personnel changes in his department have cut back on some of the employees who would have been staffing this project.

Ms. Stern stated that she had talked with Mr. Huffer, Mr. Phelan, and Ken Friday, and got a different opinion from them. She suggested getting staff members together to have a frank discussion about where to go from here. She said that she understands the staffing concerns, but she is also concerned about the future liability for the county in the event of future takings, as well as the county's ability to receive future grants for this purpose if it turns down the grant now.

Ms. George stated that she got the same impression from Mr. Huffer and Planning staff that Ms. Lewis got. She expressed concern about mitigation land taking away from the county's park lands and about additional requirements and costs that could come as a result of accepting the grant, turning it into a very long-term, expensive process. She referred to Benton County's ongoing efforts for this issue and stated that county officials there felt pressure to go above and beyond the grant requirements because it was the next step. She pointed out that Yamhill County already carefully monitors what it's doing. Mr. Phelan stated that Public Works is working to prevent future takings and protect sensitive areas. He said that the county is in the process of adding a layer to its GIS map with the areas clearly marked where endangered species are located.

Ms. George stated that the Habitat Conservation Plan would cover private property, not just roads, and requiring private property owners to mitigate could affect their ability to farm. Ms. Lewis stated that she has listened to concerns by staff experts about current and future liabilities and it would be unconscionable to put landowners at risk this way. Ms. Stern stated that property owners are already at risk if they take and this plan would help them. She said that these concerns should have been raised before the grant application was authorized.

Ms. George stated that she was not as prepared as she should have been at the initial meeting in August 2008 because the Board didn't have advance information to study and hadn't been contacted in advance by FWS or the Soil & Water Conservation District. She said that she had felt pressured to act quickly, but after taking the time to really look at it, she believes that it

would be financially irresponsible to commit the county to unknown future costs. Ms. Lewis stated that she doesn't believe that Micki Collins, FWS, told the truth to the commissioners at the initial meeting and that she pressured the Board to apply for the grant without checking things out. She said that she didn't have a chance to talk to Public Works about the alleged takes before authorizing the grant application, but later confirmed that there was only one incident that was self-reported.

Ms. Lewis stated that she would recommend to Mr. Henson that he use the funding to work with the Nature Conservancy to do some actual work on the ground, such as planting flowers, rather than doing a study. She noted that a number of landowners in the county already have conservation easements in place on their property, which could lead to a good partnership with FSW. Ms. Stern expressed support of the recommendation.

Ms. Lewis moved to decline the grant from U.S. Fish & Wildlife Services. The motion passed, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

**E. PUBLIC HEARINGS:**

1. Consideration of an application by Western Oregon Waste (WOW) to renew its solid waste collection franchise in Yamhill County. *[Tentatively approved, order to be adopted June 9, 2010.]*

Ms. George opened the public hearing.

Sherrie Mathison stated that WOW has the option every 30 months to renew its franchise agreement for ten years from the time of approval. She explained that renewing the franchise agreement before it expires establishes a long-term relationship, thus making it easier for WOW to obtain loans for equipment and such. She stated that the Solid Waste Advisory Committee has recommended approval of the application.

Dave Larmouth, WOW, stated that WOW is happy to serve its customers in the rural areas of the county and looks forward to continuing that service in the future. He said that the agreement continues WOW's authority to operate as sole provider, but does not specifically address recycling services. Ms. Lewis stated that she has lingering issues about recycling to discuss at a later time.

Ms. George closed the public hearing and moved tentative approval of the franchise renewal application, with the order to be adopted June 9, 2010. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. Consideration of the dissolution of West Sheridan Lighting District, as continued from May 12, 2010. *[Continued to July 7, 2010.]*

John Gray stated that when the Board initiated the dissolution proceedings in 2008, the district indicated that it wanted to stay in existence and he has been working to get the district to comply with audit requirements. He reported that the district has now decided to be dissolved, but wants to leave the lights on the poles. He requested that the hearing be continued for another

month to allow him to consult with PGE about the lights and prepare the necessary documents. Ms. Stern moved to continue the hearing to July 7, 2010. The motion passed, Commissioners George, Stern, and Lewis voting aye.

**F. ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Commission on Children & Families, four alternate members;
  - b. Parks & Recreation Board, one position;
  - c. Planning Commission, one position;
  - d. Special Transportation Advisory Commission, one position.

The meeting adjourned at 9:55 a.m.

Anne Britt  
Secretary

**YAMHILL COUNTY BOARD OF COMMISSIONERS**

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Chair KATHY GEORGE

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Commissioner MARY P. STERN

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Commissioner LESLIE LEWIS