

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 March 21, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. “Rick” Olson, Mary Starrett and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Business Services Director; Christian Boenisch, County Counsel; Josephine Ko, Assistant County Counsel; Mikalie Frei, County Counsel staff; Tim Svenson, Sheriff; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Olson called the meeting to order at 10:06 a.m.

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 agenda 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.

A. PUBLIC COMMENT: This thirty-minute 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. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Barry Lilly requested the Commissioners sign a card for a new American citizen.

Gerry Carlton commented on the screening by security when entering the courthouse.

CONSENT AGENDA: Commissioner Starrett moved approval of the consent agenda with the change to item B1 as amended by County Counsel. The motion passed unanimously, Commissioners Olson, Starrett and Kulla voting aye.

Contracts/Grants

1. **B.O. 19-82** - Approval of an agreement between the Yamhill County Clerk’s Office and Hart InterCivic, Inc., for the purchase, licensing and maintenance costs for ten years for the Verity vote tally system in the annual amount of \$22,681, total ten-year price, \$226,810.

Authority

2. **B.O. 19-83** - Approval to authorize Silas Halloran-Steiner and other designated individuals to place “director holds” on persons deemed dangerous to self or others, or mentally ill persons placed on conditional release, outpatient commitment or trial release, rescinding Board Order 18-65.

Mass Gathering Permits

3. **B.O. 19-84** - Approval of the findings and written decision in support of a mass gathering permit for the 2019 Memorial Weekend Boat Races at Rogers Landing Park to be held on May 23, 24, 25 & 26, 2019. Applicant: Newberg Boat Club/Columbia Outboard Racing Association, as tentatively approved on March 14, 2019.

4. **B.O. 19-85** - Approval of the findings and written decision in support of a mass gathering permit for the 2019 Wildwood Music Festival to be held on July 19, 20 & 21, 2019. Applicant: Kimberly Hamblin, as tentatively approved on March 14, 2019.

Committees

5. **B.O. 19-86** - Approval of following changes to the Yamhill County Employee Safety Advisory Committee: appoint Jennifer Carpenter-Brenna and Brenda Hopper to a three-year term to expire March 18, 2020 and reappoint Amy Kemper and Catherine Lindberg to a three-year term to expire March 18, 2020.

C. **OLD BUSINESS:** None.

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

1. Consideration of the appointment of Lindsey Berschauer to the Yamhill County Budget Committee for a three-year term, to expire June 30, 2022.

Margaret Cross commented on the committee appointment process. She would like to see a public vetting process and is concerned that the position vacancy on the Yamhill County Budget Committee was not advertised. She requested that an appointment not be approved today.

After discussion, Commissioner Starrett moved approval of item D1. The motion failed. Commissioner Starrett voting aye, Commissioner’s Olson and Kulla voting nay. Commissioner Olson directed staff to advertise for applicants. Mr. Huffer noted possible timeline concerns for recruitment. Commissioner Olson suggested that Ms. Berschauer’s application, as well as others, be reviewed. The consensus of the Board was to set an application deadline for Friday, March 22, 2019 at 5:00 p.m.

2. **B.O. 19-87** - Consideration of reinstating limited maintenance status to High Heaven Road, rescinding Board Order 01-809.

Garrett Stevenson, Weyerhaeuser legal counsel, commented on the amended proposal. Betsey Earls, Weyerhaeuser staff, recommended that the Board consider spending up to the highest proposed amount due to the observed road maintenance needs. Mr. Boenisch highlighted

the maintenance revisions, stating the costs are based on performing maintenance every three to five years.

Commissioner Kulla moved approval of item D2 as revised by county counsel. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

Commissioner Olson called for a recess at 10:48 a.m. and reconvened at 10:55 a.m.

3. Consideration of declaring Yamhill County a Second Amendment sanctuary county.

Margaret Cross is opposed to the proposal, she stated that the federal law should be followed and not bypassed. She would like to see a debate forum for hot button issues.

Keith Urban commented on the Bill of Rights.

Steve Wick commented on 2nd Amendment rights as a farmer. He stated he utilizes his guns to control larger pests in lieu of pesticides.

Alisa Owen commented on “firearm fetishization”.

Roy White commented in support of a Second Amendment Sanctuary Ordinance (SASO).

Nick Morace discussed the SASO he sent to the Board last week. He stated the Ordinance is to preserve 2nd Amendment rights. He asked the Board to support the SASO.

James Goings discussed new gun laws which are not meant to support gun rights. He asked the Board to support SASO.

Joyce Morrow stated as a female she needs to retain the right to protect herself and her property. She noted the wildlife that she sees on her property and expressed the need to protect herself from them.

Dominic Giampietro asked the Board to support the SASO. He provided written and verbal testimony to the Board.

Victoria Brabaw supports the SASO.

Ian Houston commented on fear of violence and the rights to defend oneself against it. He supports the SASO.

Dayna Gilbert commented on a personal traumatic incident and the use of the extreme risk protection law which removed guns from the defendant. She stated she would like to see better regulation of guns and opposes the SASO.

John Englebrecht commented on the amount of ammunition he uses versus legislation limiting the quantity he can purchase.

Jim Mischel supports the SASO.

George Orr said that he moved to Oregon based on state gun laws. He supports the SASO.

Douglas Berry commented on Oregon sanctuary laws. He commented on recent shootings and supports the SASO.

Steve Sommerfeld commented that he is a gun owner and disapproves of the ammunition limitations.

Sue Delventhal stated that all citizens should be able to weigh in and recommended a special election. She noted that it would require funding. She asked the Board to examine the cost and the possible consequences if the SASO is passed. Commissioner Starrett noted that the updated wording for the ordinance is online.

Joe Eubanks thanked the Board, staff and citizens for participating in this process. He asked the Board to support the SASO. He is in law enforcement and commented on the tools and training that he has acquired to do his job. He expressed concern about proposed law restrictions of concealed permits in schools and airports.

Jim Ludwick supports the SASO.

Commissioner Olson called for a break at 12:03 p.m. and reconvened at 12:21 p.m.

Arthur Annas supports the SASO. He mentioned concern regarding Senate Bill 501 (SB501). He expressed concern regarding the proposed limit of ammunition (20 rounds per month). He asked the Board to consider endorsing the SASO.

Leslie Toevs asked the Board to vote no on the SASO which would “empower” the sheriff to ignore state and federal gun laws. She expressed concern of placing the burden on the sheriff to interpret the laws.

Mark Goss stated he agrees with comments in favor of the SASO. He and his family are competitive shooters. He expressed concern regarding SB501. He stated that SB501 would hinder those activities. He is concerned that if Yamhill County is not a sanctuary county, gun owners will have to go elsewhere. He asked the Board to support the SASO.

Sidonie Winfield stated that she doesn't support the SASO. She noted that the comments presented today should be presented to legislation and not the Board since it is the state who implements the laws which the county follows. She expressed concern of the liability the SASO could place on the county if it is enforced against state laws. She noted laws which protect citizens against stalkers, abusers, etc. would be in jeopardy if the SASO is approved.

Jacob Miller commented on constitutional laws.

Bill Dollar stated his concern that the 6 largest counties in Oregon are steering legislation which forces smaller counties to follow laws that may not be supported in smaller areas.

Maryl Kunkel stated she is not opposed to the 2nd Amendment but is concerned about the language in the SASO. She questions the legality of the ordinance. If they are only symbolic, why pass ordinances that risk liability. She feels that these comments should be addressed at the legislation level and does not support the SASO.

Rufus Hearn commented on laws at the county level. He stated his belief that ordinances of this nature will not be enforced fully unless the constitution is rewritten.

Mike Poe agreed with Mr. Hearn's comments. He provided a dissected definition of the 2nd Amendment.

Rhonda Langley stated her husband is a gun owner and hunts to provide for the family. She supports the SASO and the 2nd Amendment rights of citizens. She noted the homeless near her home who are openly being aggressive and selling drugs.

Jim Kreutzbender stated the fringe citizens who do not use firearms correctly or legally are the ones inflicting danger to communities. He expressed concern regarding hate groups or people with mental illness having access to large amounts of ammunition and firearms. He asked the record to be left open for one to two weeks for additional comments or that it be a ballot item.

Lance Brown stated that picking and choosing rights such as gun or marijuana laws is unfair. The county has a right to decide on an ordinance. He supports the SASO.

Austen Wright asked the Board to support the SASO. He feels that law enforcement should have to follow the same ammunition round laws as citizens do.

Charles Mayes stated he has been threatened in his line of work and has been prohibited from carrying firearms to protect himself. He appreciated the position that the Board has been placed in by the state and asked that they keep their personal feelings out of their decision.

Ron Simmons commented on SB941 outlawing transfer of firearms. He commented on previous legislative meetings he has attended where the voices of many citizens were not heard.

Mr. Boenisch commented that the ordinance in the form it was received is in the form of a ballot measure and not in the form of an amendment for the Board's consideration today. Mr. Boenisch explained the potential expense if the county were to refer it as a ballot item. Currently there are currently no other ballot items for November, however the next election in May 2021 would keep the cost lower where a larger number of ballot items are expected.

Sheriff Svenson gave comments regarding his role in protecting citizens. He commented on gun related violence and discussed major areas of concern including mental illness, impactful school security measures and failure to assess previously known offenders. He discussed solutions addressing the needs to protect citizens against gun related violence. The sheriff stated he struggles with the concept of anything that infringes on upholding his oath. He would support language that informs Salem lawmakers of the continued issues seen in the county and expresses the county's stance on sanctuary counties. Commissioner Olson stated his concern of preemption of current state laws and would like to see a well worded document. Commissioner Kulla stated he favors public dialogue.

Commissioner Starrett called for a motion to consider a sanctuary ordinance in consultation with county counsel and the sheriff. Mr. Boenisch clarified that the state preempts counties from prohibiting law enforcement to uphold state law regarding the regulation of firearms. Commissioner Kulla stated he supports the comments of county counsel. He stated he doesn't feel it's appropriate to direct staff to draft something they don't agree with and suggested that citizens pursue an initiative petition for a ballot item and not ask the Board to make a constitutional decision. He asked that the Board not pass the SASO. Commissioner Olson stated that local government should not be forced to make these decisions which should be left to the state. He stated concern about the precedent of passing ordinances which bypass the constitution places liability on the county. He is not in favor of supporting SASO. Commissioner Starrett restated her motion and called for a vote. The motion failed, Commissioner Starrett voting aye, Commissioner's Olson and Kulla voting nay.

Commissioner Starrett moved to approve the adoption of the 2nd Amendment Sanctuary ordinance. Mr. Boenisch noted one was adopted in 2015. The Board instructed staff to work with the sheriff to reword the preservation resolution and return April 4th for Board consideration.

E. PUBLIC HEARINGS: None.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, www.co.yamhill.or.us/content/volunteer-opportunities , or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

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@co.yamhill.or.us

Following Commissioner announcements, the meeting adjourned at 2:02 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. "RICK" OLSON

Commissioner MARY STARRETT

Commissioner CASEY KULLA