

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 combined session on May 26, 2022, at 10:00 a.m. in Room 32 of the courthouse and a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Casey Kulla and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Colton Totland, County Counsel II; Gary Wertz, Fair; Kris Bledsoe, Treasurer; Derrick Wharff, Assessor; and Tim Svenson, Sherriff.

Guests: Paul Daquilante, Kit Johnston, Patty Herzog, Abisha Stone. Larry Doty and Starla participated via Zoom.

*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 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. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).*

**A. CALL TO ORDER:** Commissioner Berschauer called the meeting to order at 10:05 a.m.

**B. FLAG SALUTE**

**C. CALENDAR SESSION:** This time is reserved for the review of the commissioner’s joint schedule (if needed).

The Commissioner’s reviewed the joint schedule for the week of May 30 – June 5, 2022. No other county business was discussed.

**D. PUBLIC COMMENT:** This 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. The Chair may limit the length of individual comments.

Public comment was received via email regarding the public hearing and the shooting in Uvalde, Texas.

**E. DEPARTMENT UPDATES:**

a. Fair – Gary Wertz

Gary Wertz gave a department update highlighting the upcoming County Fair and the increase in ticket sales from last year. Mr. Wertz also discussed the “Best of the Best of Yamhill County” and the first competition to be a BBQ contest. He addressed the need for a new roof and new bathrooms to be upgraded noting that they need to be fully ADA compliant. Mr. Wertz discussed the possibility of a collaboration with the Transit department.

**F. WORK SESSION:** This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session – None.

**G. CONSENT AGENDA:** None.

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**H. OLD BUSINESS:** None.

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

1. **B.O. 22-158** - Consideration of approval of an amendment to the 2020-2023 CBA between Yamhill County and the Yamhill County Deputy District Attorneys Association to correct errors on page 3 of Exhibit A, retroactive to April 27, 2022.

Commissioner Kulla moved approval of item I1. The motion passed Commissioners Berschauer, Kulla, and Starrett voting aye.

2. **B.O. 22-159** - Consideration of approval of Amendment #5 to the agreement between the Yamhill County Sheriff’s Office and Global Tel Link Corporation, dba ViaPath Technologies to update rates and charges for inmate telephone services, effective upon full execution.

Commissioner Starrett moved approval of item I2. The motion passed Commissioners Berschauer, Kulla, and Starrett voting aye.

3. **B.O. 22-160** - Consideration of Amendment #4 between Yamhill County and the Strategic Economic Development Corporation of the Mid-Willamette Valley, Oregon (SEDCOR) to extend the term of the Underlying Agreement from July 1, 2022 to June 30, 2023.

Ken Huffer provided an explanation of the amendment for the Board which would extend the agreement and he pointed out a work session discussion that will occur in February of 2023. Commissioner Berschauer moved approval of item I3. The motion passed Commissioners Berschauer, Kulla, and Starrett voting aye.

4. **B.O. 22-161** - Consideration of approval of the revised CAFFA grant application for 2022-2023.

Commissioner Starrett moved approval of item I4. The motion passed Commissioners Berschauer, Kulla, and Starrett voting aye.

5. **B.O. 22-162** - Consideration of approval to authorize position authority for the Facilities Division to hire one Maintenance Worker I position.

Commissioner Starrett moved approval of item I5. The motion passed Commissioners Berschauer, Kulla, and Starrett voting aye.

6. **B.O. 22-163** - Consideration of approval of 2022 AOC dues.

Ken Huffer addressed the Board requesting a decision be made on the unpaid AOC invoice. After discussion, Commissioner Berschauer moved approval to pay the AOC dues. The motion passed, Commissioners Berschauer, Kulla, and Starrett voting aye.

**J. PUBLIC HEARINGS:**

1. To consider whether to amend Ordinance 587, the Term Limits Ordinance, to make term limits inapplicable to the Yamhill County Sheriff, Yamhill County Clerk, Yamhill County Assessor, and the Yamhill County Treasurer.

Commissioner Berschauer opened the public hearing at 10:33 a.m.

Derrick Wharff, Assessor, discussed his support for term limits to be removed for administrative elected officials. He noted that by limiting terms, it could remove qualified candidates from running for another term. Mr. Wharff explained the extent of licensing and qualifications required for his position.

Colton Totland summarized how Ordinance 587 came to be in 1995 and the amendment in 2009 to remove the Surveyor position from the ordinance due to it being a technical position requiring extensive expertise.

Kris Bledsoe, County Treasurer, addressed the Board with her concern if term limits are not removed because of the amount of time it takes for a new elected official to get acquainted with how the county operates, know the staff, get to know the vendors, and learning the new computer systems. She estimated that it takes approximately one year to acclimate to the Treasurer position. She also expressed her concerns with the Treasurer position not requiring any training or qualifications to run for election.

Tim Svenson, Sheriff, discussed his concern regarding term limits due to the extensive qualifications required for his position. He noted that by having term limits in place, the county could potentially be asking our voters to pick an individual who does not have the education or qualifications to be caught up quickly enough to take over the Sheriff's position. He mentioned Brian Van Bergen, County Clerk, and his departure due to not being able to run for a fourth term because of the term limits currently in place.

Commissioner Berschauer pointed out that Yamhill County is the only county in the state that has set term limits and that the ordinance currently applies to all commissioners as well as the 4 technical positions. She addressed the legal issues for a Home Rule county which has not yet been tested legally with regard to term limits. She noted that while adding qualifications to certain positions were put in place, the intention was not to add term limits but to ensure that the technical positions had the necessary training and experience to perform in that position successfully. She suggested continuing the conversation to allow for more public comment on this matter.

Commissioner Starrett recognized that if no decision is made regarding Ordinance 587, it could create an uncomfortable situation dynamically as well as put the county at risk for litigation. Christian Boenisch responded by saying that there could be a cost to the county to defend the ordinance citing Douglas County and their similar experience. Colton Totland discussed the potential of the court awarding the prevailing party's attorney's fees but if the other side were to win, the county would have to pay for that.

Commissioner Berschauer addressed her question about asking the court to review the county's ordinance for input. Mr. Boenisch gave an example when they have asked the court to review a board order's language and indicated that it would be a possibility to petition the court for an advisory opinion. Commissioner Kulla suggested a discussion to repeal the ordinance in its entirety after hearing public comment in an upcoming public hearing. Commissioner Starrett expressed her desire to have more public comment as well. The Board and County Counsel discussed scheduling for another public hearing

The public hearing was closed at 11:19 a.m. After discussion, the consensus of the Board was to schedule another public hearing on June 9<sup>th</sup>, 2022, at 10 a.m. in room 32 of the Yamhill County Courthouse. No action was taken.

**K. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. 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](mailto:bocinfo@co.yamhill.or.us)
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 11:29 a.m.

Megan Marasco  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair LINDSAY BERSCHAUER

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Commissioner CASEY KULLA

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Commissioner MARY STARRETT