

INFORMAL MINUTES

September 28, 2004 10:00 a.m.

Room 108, Courthouse

PRESENT: Commissioners Kathy George, Mary P. Stern, and Leslie Lewis.

Staff: John Gray, Jr., Steve Mikami, Julia Staigers, Murray Paolo, Brad Berry, Bob Maca, and Russ Heath.

Guests: David Bates, News-Register.

* indicates item forwarded to formal agenda

Kathy called the meeting to order.

* Personnel - Steve presented requests for personnel action received from various departments. See agenda for details.

Flu Clinic Drill - Mary presented a request from Public Health to conduct a special mass clinic exercise on October 8, 2004 that would require all employees to come through the clinic, with an optional choice to receive the influenza vaccine. She stated that the county provides free flu shots for employees anyway, and this would provide staff with valuable training for emergency situations. The Board discussed issues such as potential schedule conflicts with Public Works employees, how to keep vital offices running during the drill, and how to organize the flow of people to minimize long lines. The Board consensus was to go ahead with the plan and discuss the details at the next Management Round Table.

* Vehicle Replacement - Authorize the purchase of four 2005 Ford Crown Victorias for the Sheriff's Office from Chuck Colvin Ford, total cost \$81,664, and designate vehicles P-211, P-188, P-202, P-185, and P-207 as surplus county property to be sold on e-Bay to the highest bidders.

* Legal Expenses - Authorize the payment of \$21,470.35 to Marc Blackman for legal expenses relating to the representation of Carroll Tichenor.

Brad provided a background explanation of the bar complaint against Cal, stating that the Bar's position is that prosecutors should be required to independently corroborate any information used to impeach character evidence. He stated that Oregon statutes and evidence code are silent on the issue, and federal law specifically allows the evidence used by Cal in this case. He said that he talked to the ethics teacher of Los Angeles County DA's Office and she disagreed with the Bar's position that Cal's conduct was unethical.

Brad stated that most employees would not have the financial ability to take on such a case, so he is concerned that if the county chooses not to indemnify its employees when they are zealously doing their jobs in accordance to what appears to be the law, the result would be a chilling effect, causing lawyers to back off.

John G explained that because this is not a tort claim, the county is not required to indemnify Cal, although the Board has the authority to do so if they determine it to be the proper course of action under these circumstances.

Mary stated that she is not comfortable giving a blank check for future expenses in this case because the county has no control over managing those expenses. John G noted that the fight is not over because whichever side loses the trial panel decision will appeal. There was some discussion about Marc Blackman's hourly fees and qualifications for this particular case. Mary suggested that the county could cover legal expenses at a set hourly rate and still allow the defendant to select his own attorney. She mentioned the deep pocket theory and emphasized the need to protect the county's resources. John G advised the Board to be aware of the precedent that would be set with this case. Brad noted that each case has different circumstances, and some complaints are clearly not ones that he would advocate indemnifying.

After further discussion, the Board agreed to pay the current bill of \$21,470.35 and deferred their decisions on the payment of future expenses and the reimbursement of expenses already paid. They agreed to discuss with John K the details of where the money will come from in the budget.

* Emergency Operations Plan - Adopt the Yamhill County Emergency Operations Plan.

Bob Maca stated that a new plan needs to be adopted every five years and October 1, 2004 is the date specified in his work plan as the deadline to adopt the next revision. He explained a new requirement for parts of the National Response Plan to be integrated into the county's plan, and said that those requirements could be met through future amendments. John G stated that he has a draft of the corresponding ordinance, which contains the operational structure and legal requirements for the plan, but it needs some additional language before it will be ready for adoption. He recommended that the Sheriff's Office make hard copies of the plan for each department and make the electronic version available to department heads.

* Refund - Authorize the refund of \$750 to Sean Dickey from the Planning Department.

United Way Contributions - Mary reviewed a letter from Yamhill County's United Way explaining its decision to cease fundraising. She stated that United Way of Mid-Willamette Valley in Salem has offered to help with employee campaigns, giving county employees an opportunity to participate again this year. The Board agreed to continue allowing employees to contribute to United Way.

* Committees - see agenda for details.

Kathy presented a request from the Housing Authority Board to make an exception to the term limits, as allowed in the bylaws, and reappoint Barbara Knutson. She explained that the Board has two new members and Barbara's experience and knowledge would be valuable for the sake of continuity.

The meeting recessed at 11:57 a.m. and reconvened at 12:01 p.m.

Kathy stated that her only concern about making the exception would be due to the fact that she

has received inquiry from the community recently about openings on the Housing Authority Board, and there would be no more openings for the public until 2007. The item was tabled until next week.

AOC Product Tasting - The Board discussed products to represent Yamhill County at the Product Tasting Event. Mary will be in charge of toffee, cheese, and looking through the winery and brewery lists for potential participants in the wine and beer tasting competitions. Kathy will bring hazelnut packets and check with Dick Shea and Patricia Green about wine. Leslie will check with Paul Hart about wine.

* Bids - Accept the low bid of Grand Openings, Inc. for supply of doors and windows to the Moore Building, \$43,215.

* Contracts - see agenda for details.

Grants - Mary reported that federal Drug-Free Community Grants were awarded to Dayton and Yamhill-Carlton. She stated that Dayton will use some of the funds to contract a .5 FTE deputy position with the Sheriff's Office.

RIAC Survey - Leslie stated that she and Bill Gille have been working on the Road Improvement Advisory Committee surveys to be mailed with property tax statements, but still need to resolve a question about the number of gravel roads in the county. She said she would circulate the final draft via email.

Newberg-Dundee Bypass Findings - John G stated that Rick will talk individually with Mary and Kathy to resolve some differences regarding the findings to be adopted on Thursday.

The meeting adjourned at 12:35 p.m.

Anne Britt
Secretary