

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 November 23, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Director of Administrative Services; Mike Brandt, Planning Director; Steve Mikami, Personnel Officer; Jack Crabtree, Sheriff; Ron Huber, Lieutenant; Julia Staigers, Financial Services Manager; Sonja Olheiser, Senior Accounting Clerk; Dave Lawson, Assessor; Richard Sly, Community Corrections Director; David Bates, News-Register; Paul Hribernick, 1900 Fox Tower, 805 SW Broadway, Portland; Paula Lawrence, Local Defense Bar; and Kelsey Schmidt, 900 SE Baker Street #3316, McMinnville.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT:** This fifteen-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. None offered.

B. **AGENDA:**

Personnel

1. **B. O. 04-799** - Consideration of approval of the employment of Laura Fousfos, Tigard, as HS Associate in Adult Mental Health, regular full-time, Range 14, Step 1, \$2391/month, effective November 30, 2004.
2. **B. O. 04-800** - Consideration of approval of the employment of Charles Huitt, Salem, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, retroactive to November 16, 2004.
3. **B. O. 04-801** - Consideration of approval of the employment of the following individuals as HS Specialist 1 in Chemical Dependency, temporary part-time:
 - a. Christa Brandenburg, Range 17, Step 3, \$17.48/hour, effective November 29, 2004 until June 30, 2005;
 - b. Irma Gonzalez, Range 17, Step 1, \$15.95/hour, retroactive to November 22, 2004 until June 30, 2005.
4. **B. O. 04-802** - Consideration of approval of the employment of Ruben Reyes, Salem, as Appraiser 3 in the Assessor’s Office, regular full-time, Range 20, Step 7, \$4095/month, effective November 29, 2004.
5. **B. O. 04-803** - Consideration of approval of the change of status of Edwin Bishop to HS Associate in Adult Mental Health, regular part-time, Range 14, Step 1, effective December 2, 2004.
6. **B. O. 04-804** - Consideration of approval the change of status of Melissa Ezell to Juvenile Corrections Specialist in the Juvenile Department, Range 15, Step 1, \$2510/month, effective November 25, 2004.

7. **B. O. 04-805** - Consideration of the approval of \$500 merit pay for each of the following Planning Department employees: Diane Fisher, Pat Lisle, Linda Lowe, and Ken Friday.

Steve Mikami explained that Mike Brandt recommended the bonuses as a result of the staff working through a busy summer with two employees absent due to illness and injury. John Krawczyk requested that the bonuses be submitted to accounting on PA forms.

Ms. Stern moved approval of items #1-7. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Vacation Time Sell-Back Policy

8. Consideration of the modification of the current policy for sell-back of earned vacation time for Sheriff's Office employees. *[No action taken at this time.]*

Sheriff Crabtree explained that the current policy states that accrued vacation time over 200 hours must be converted into sick time. He stated that the new Teamsters agreement allows Sheriff's Office employees to cash in vacation time over 200 hours, but automatically converting the hours as needed would create a hardship for office and payroll staff. He requested that the responsibility be given to employees to submit sell-back requests as needed to keep vacation time under the 200-hour cap. He also requested an exception to the county policy requiring employees to take 40 hours of vacation because it would create staffing problems in the Sheriff's Office.

Julia Staigers outlined some procedural guidelines recommended by staff, such as submitting sell-back requests to Accounting in a timely manner with a formal, signed request form. John Gray stated that since the agreement was ratified in October, the policy can only be retroactive to that date. He stated that he would bring the new policy back to the Board when it is ready for action.

Contracts

9. Consideration of the renewal of two agreements between HHS and the following providers for the use of Community Prevention Coalition funds, retroactive to October 1, 2004 until July 30, 2005:

- a. **B. O. 04-806** - Carlton Together Cares, \$8000;
- b. **B. O. 04-807** - Yamhelas Community Resource Center, \$8000.

10. **B. O. 04-808** - Consideration of approval of Amendment #3 to the 2004-05 LPHA Financial Assistance Contract #109355 between Public Health and Oregon Department of Human Services.

11. **B. O. 04-809** - Consideration of authorizing Chris Johnson to sign an agreement between Family & Youth and Mid-Willamette Valley Community Action Agency for child abuse prevention training sessions in Spanish, retroactive to November 1, 2004 until July 31, 2005.

12. **B. O. 04-810** - Consideration of the ratification of the approval of Amendment #23 to the 2003-05 Financial Assistance Contract #36-001 between HHS and Oregon Department of Human Services, retroactive to October 21, 2004.

Ms. Stern moved approval of items #9-12. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Jail

13. Rick Sanai/Paula Lawrence: Discussion of attorney-client Jail issues. *[No action taken at this time.]*

Rick Sanai introduced Paula Lawrence, a member of the Local Defense Bar. Ms. Lawrence discussed attorney-client Jail issues, as summarized in a handout. The issues included the lack of privacy and inadequate attorney-client visiting hours. She stated that she has been trying to get these changes made since September without any results, and although legal avenues are available, she would prefer to work out the issues informally.

Mr. Sanai stated that he had spoken to Judge Collins about the possibility of starting criminal hearings at 9:00 a.m. or later, instead of 8:30, but was told it wouldn't be possible because there are so few judges to handle the caseloads. Ms. Lawrence suggested that Fridays could be utilized more for criminal hearings in order to shorten the court schedule on the other days. Ron Huber discussed mealtimes and visiting hours in the Jail and stated that he would be willing to compromise as much as possible.

Lieutenant Huber discussed possible solutions to the privacy issue. Mr. Krawczyk asked him to submit cost estimates for upgrading the attorney-client phones and installing acoustic material. Ms. Stern stated that in looking at long-term solutions, the county needs to consider what other county jails are doing as well as constitutional requirements.

Committees

14. **B. O. 04-811** - Consideration of the appointment of Kent Van Cleave to fill the vacancy on the Safety Committee created by the resignation of Anita Mills, assuming the expiration date of March 18, 2006.

15. **B. O. 04-812** - Consideration of the reappointment of Casey Rich to the Parks and Recreation Board for a four-year term to expire November 1, 2008.

Ms. Stern moved approval of items #14-15. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Refund

16. **B. O. 04-813** - Consideration of the approval of a \$500 refund to Renate Ellam from the Planning Department.

Ms. George moved approval of the refund. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Eastside Bus Route

17. **B. O. 04-814** - Consideration of approval of a letter from the Board of Commissioners to Governor Kulongoski in support of the Yamhill County Eastside Bus Route.

Ms. Lewis stated that YCAP has done a fantastic job in getting public and private funding for the bus route, including a contribution from Oregon Department of Human Services. Ms. Stern stated that the Department of Human Services has taken some heat over their support of the project and this letter would encourage the Governor to support the decision.

Ms. Lewis moved approval of the letter. The motion passed, Commissioners George, Stern, and Lewis voting aye.

C. **OLD BUSINESS:**

1. **B. O. 04-815** - Consideration of adoption of additional findings in support of Planning Docket PAZ-05-03, request for a Comprehensive Plan amendment from AFLH to Quarry; a zone change from EF-80 to MR-2 for approximately 169 acres, applicant C.C. Meisel, as tentatively approved on November 9, 2004.

[Ord. 745]

Mr. Sanai provided the first and second readings of the addendum to Ordinance 745 by title only, declaring an emergency. Ms. Stern noted that the findings reflect her opposition to Planning Docket PAZ-05-03, but that she will vote in favor of the findings.

Ms. Lewis moved approval of the addendum to Ordinance 745. The motion passed, Commissioners George, Stern, and Lewis voting aye.

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

1. **B. O. 04-816** - Consideration of the purchase of a Ford Taurus for Community Corrections.

Ms. George stated that Community Corrections will use \$4000 of a \$7000 credit from a previous vehicle transfer to the Sheriff's Office, and the balance will come from the Self-Insurance Fund. She moved approval of the purchase. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **Tabled** - Consideration of the appointment of Allen Stevens to the Parks Board for a four-year term to expire January 24, 2009.

3. **B. O. 04-817** - Consideration of approval of an agreement between Yamhill County and Environmental Consulting Associates, LLC for asbestos surveying and sampling in the Moore building, not to exceed \$800, effective November 23, 2004 until December 10, 2004.

John Gray explained that the asbestos discovered in a previously sealed portion of the Moore Building has been evaluated and does not exceed maximum standards for legal action, but an official report is necessary for DEQ. Mr. Krawczyk added that since the asbestos is in very good condition, it is best not to disturb it.

Ms. Stern moved approval of the agreement with Environmental Consulting Associates, LLC. The motion passed, Commissioners George, Stern, and Lewis voting aye.

4. **B. O. 04-818** - Consideration of approval of an agreement between Public Works and Burgess & Niple, Ltd. for routine inspection and report preparation of Yamhill County's 35 non-National Bridge Inventory bridges, total cost \$16,275, effective November 23, 2004.

Ms. Lewis stated that these 35 bridges currently don't get routine inspections and haven't been inspected for some time. She moved approval of the agreement with Burgess & Niple, Ltd. The motion passed, Commissioners George, Stern, and Lewis voting aye.

5. Discussion of Community Wildfire Protection Plan. *[No action taken at this time.]*

John Krawczyk stated that the development of a Community Wildfire Protection Plan is a complicated matter of planning for the mitigation of forest fires in areas where there is an interface between communities and forests. He discussed the need to determine if the hazard mitigation planning already underway includes forest fires.

The meeting recessed at 11:13 a.m. and reconvened at 11:17 a.m.

6. Discussion of Measure 37 implementation procedures. *[No action taken at this time.]*

John Gray discussed the need to adopt an ordinance or Board Order outlining implementation procedures for Measure 37 which is user-friendly, complies with the views of the electorate, and is legal and defensible. He presented the following process:

- 1) Claimant submits application form, proposed processing fee of \$650;
- 2) Planning conducts completeness review;
- 3) Planning issues a written determination of completeness within 45 days, including an analysis of whether or not the claim is valid;
- 4) Planning forwards its recommendation to the Board of Commissioners;
- 5) Board takes formal action as either a consent or a non-consent agenda item, with no public hearing necessary unless desired by the Board.

Ms. George stated that the county is trying to make the process as streamlined as possible and uphold the will of the voters.

Mr. Gray stated that Mike Brandt had agreed with steps 1-3, but felt Planning's determination would be the final decision that could either be appealed to the Board by the applicant or reviewed by the Board on its own motion. He read Section 8 of Measure 37, which states that the decision is to be made by the governing body which enacted the land use regulation. Mr. Brandt then stated that his initial view had changed, but he would like to check with other Planning Directors if the Board still has a question about the issue.

Ms. Lewis agreed with Mr. Gray's interpretation of Section 8, but suggested consideration of alternate language if Mr. Brandt finds out anything different. Ms. Stern stated that regardless of what other Planning Directors say, the decision has to be made by the Board.

Mr. Gray discussed the \$80,000 income rule of the state, which cannot be waived by the county. He pointed out that in certain cases, an applicant could be granted a Measure 37 waiver from the county but be unable to move forward without a waiver from the state as well. As a solution, he proposed that if no response is heard from the state within 180 days, the county would assume that the state has waived its right to object to the county's waiver. Ms. Stern suggested talking to Lane Shetterly about this proposal and trying to get a legislative fix.

Ms. Lewis stated that since Measure 37 claims are not land use decisions, she has no interest in a public hearing requirement. Ms. Stern stated that surrounding property owners who bought their land believing that the land use regulations would be enforced need to be given a voice in the process. Ms. George stated that public hearings would increase neighbor conflicts and should only be held in cases deemed appropriate by a majority of the Board. Mr. Sanai pointed out that issues concerning public health and safety or public nuisances are already excluded in Measure 37.

Ms. George stated that the application fee should be \$250, which is the amount charged for land use applications. After reviewing the elements of the application form, Ms. Lewis stated that since the claimant will be doing a lot of the legwork, the discussion could start at \$250. Ms. Stern stated that she would like the fee to be a little higher, because any expenses that aren't covered by fees will have to come from the general fund. Mr. Brandt stated that he will support whatever initial fee is determined by the Board, as long as the issue can be revisited later on if necessary.

Mr. Gray stated that he will have a draft ordinance ready by Monday afternoon if possible, to be considered by the Board at the formal session on Tuesday at 10:00 a.m. The Board agreed to allow limited public comment on the proposed ordinance before making a decision.

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 and Families, two positions;
 - b. Parks Board, one position;
 - c. Food Service Advisory Committee, six positions in various categories;
 - d. Housing Authority Board, one position, accepting applications through November 30, 2004.
2. Congratulations to Commissioner Mary P. Stern for her appointment to the State Workforce Investment Board.

Adjourn: 12:33 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS