



# BOARD OF COUNTY COMMISSIONERS

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## **Statement Regarding Measure 36-227** *(Formation of McMinnville Fire District)*

**McMinnville, OR:** Recently, Yamhill County was made aware of an error in the documents submitted to the county and to the Department of Revenue concerning the proposed new McMinnville Fire District. It appears that the surveyor the City of McMinnville hired to prepare the maps and legal descriptions of properties included in the proposed new fire district submitted an old version of the McMinnville Rural Fire Protection District boundary instead of the current district boundary that Yamhill County Assessor Derrick Wharff uses to levy taxes. The boundary of the rural fire district has not changed in decades, yet the surveyor submitted antiquated maps and legal descriptions.

While the language in Yamhill County Board Order 23-15 (placing the formation measure on the May 16<sup>th</sup> ballot) was intended to include current rural fire district boundaries to establish a new McMinnville Fire District, the attachments of the Board Order do not reflect those boundaries. Yesterday the Department of Revenue, after consultation with the Department of Justice, issued clear guidance that any clerical errors and subsequent boundary line changes needed to have been approved by March 31, 2023. It would have been the responsibility of the City of McMinnville to meet that deadline.

Consequently, the maps submitted to the Department of Revenue are incorrect for the purpose of assessing taxes should Measure 36-227 pass. *“Plainly speaking, we’ve identified just over 250 tax lots that are currently in the McMinnville Rural Fire Protection District that were intended to be included in the new McMinnville Fire District that we now have no legal mechanism by which to assess taxes on due to the incorrect boundary description and map submitted to and approved by the Department of Revenue,”* stated Yamhill County Assessor Derrick Wharff. Yamhill County Clerk Keri Hinton immediately contacted the Secretary of State’s (SOS) office for guidance. *“The Secretary of State has advised me to conduct all aspects of the May 16, 2023 election as I normally would,”* said Hinton.

Clerk Hinton has until June 12, 2023 to do an initial certification of the election, at which time the parties that placed measures on the ballot must accept certification by June 30, 2023. If, based on these errors, the county is unable to accept certification of the formation measure (assuming both pass), the existing rural fire district would remain intact and the City of McMinnville would continue to provide fire and EMS services to both city and rural residents. If this occurs, the formation of the proposed McMinnville Fire District Board and the candidates running for those positions would also be impacted as the creation of the proposed board would not be certified by virtue of the rejection of the formation measure.

The Yamhill County Board of Commissioners voted in January to place the fire district formation measure on the ballot as a courtesy to McMinnville Fire. The Board is now focused on making sure that voters are aware of the error and will follow all recommended guidance from the SOS. *“Full transparency is essential for a fair vote and all households in the current rural fire district need to be assured that they will not lose fire service,”* Chair Berschauer stated. *“Some of the potential impacts of the current formation measure are not consistent with what the Board of Commissioners was asked to place on the ballot. We wouldn’t have supported placing a measure on the ballot that potentially eliminates fire and EMS for over 250 tax lots.”*

Lindsay Berschauer  
Chair

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Mary Starrett  
Commissioner