



# AGENDA

Lincoln County Board of Commissioners

Board of Commissioners  
225 West Olive Street  
Room 110  
Newport, OR 97385  
Phone: 541.285.4100  
FAX: 541.285.4178

**Wednesday, October 26, 2016**

**9:30 a.m.**

**Commissioner's Meeting Room  
Lincoln County Courthouse  
225 W. Olive Street, Room 108  
Newport, Oregon**

**I. CALL TO ORDER**

**II. ROLL CALL - ESTABLISHMENT OF A QUORUM**

**III. RECOGNITION/PROCLAMATION**

- A. Resolution #16-26-10<sup>A</sup> Proclaiming October 27, 2016 as "Lights on Afterschool Day" in Lincoln County, Oregon – Presented by: Debra Jones, Youth Development Coalition of Lincoln County**

**IV. ADOPTION OF CONSENT CALENDAR**

**A. Minutes of Board of Commissioners Meeting**

**B. Commission Appointments and Resignations**

1. Order #10-16-268 Changes in Membership to the Miroco Special Road District Board

**C. License Applications or Renewals**

**D. Tax Foreclosure, Right-of-Way, Sales and Deeds**

**E. General Budget Resolutions**

**F. Acting as Governing Body of County Wide Service Districts**

**G. Documents and Recording Matters in the Commissioners Journal**

1. Order #10-16-269 Agreement #096-16 Between DEQ and Lincoln County for the Lincoln County Materials Management Plan (Terms: Effective 10/03/16 - 09/30/17; Not to Exceed \$18,000)

2. Order #10-16-270 Agreement Between Lincoln County Sheriff's Office and Samaritan Pacific Health Services for Professional Services (Terms: Effective 07/01/16 - 06/30/17; \$1,810 per month)
3. Order #10-16-271 Agreement #16-237 Between the State of Oregon, Oregon Military Department Office of Emergency Management Homeland Security Grant Program/State Homeland Security Program and Lincoln County. (Terms: Effective 09/15/16 - 09/30/17; Not to Exceed \$35,000)
4. Resolution #16-26-10 B Declaring Certain County Owned Vehicles to be Surplus and Authorizing Their Disposal

**H. Execution of Documents**

1. Agreement #31456 Between the State of Oregon Department of Transportation and Lincoln County Transportation Service District for Vehicle Replacement of Two Vehicles. (Terms: Effective 09/01/16 - 06/30/18; Not to Exceed \$306,000)
2. Agreement #16-73-41-5122 Between the United States Department of Agriculture and Lincoln County for Wildlife Services (Terms: Effective 07/01/16 - 06/30/17; Not to Exceed \$45,000)
3. Amendment #2 Jurisdictional Transfer Agreement #759 US 20 Pioneer Mountain - Eddyville (MP 16.4-24.2) Section Corvallis-Newport Highway US Route 20 (State Highway No. 33) Lincoln County Between the State of Oregon and Lincoln County

**V. PUBLIC HEARING**

**VI. DECISION/ACTION**

- A. Resolution #16-26-10 C Adopting Finding of Fact and a Plan for Dissolution and Liquidation for the Roads End Sanitary District
- B. Resolution #16-26-10 D Adopting Finding of Fact and a Plan for Dissolution and Liquidation for the Roads End Water District

**VII. DISCUSSION/INFORMATION**

**VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS**

**IX. REPORTS**

- A. Elected Officials/Department Directors/Program Coordinators and Consultants

1. Commissioners

**X. CONSTITUENT INPUT (Limited to five minutes per constituent)**

**XI. EXECUTIVE SESSION**

**XII. ADJOURNMENT**

**XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD**

**Monday, October 31, 2016 – 9:00 a.m. – Office Meeting and Board Briefing** in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

**Tuesday, November 1, 2016 – 3:00 p.m. – Annual Meeting with the Confederated Tribes of the Siletz Indians** in the Council Chambers, CTSI Office, 201 SE Swan Avenue, Siletz

**Wednesday, November 2, 2016 – 9:30 a.m. – Board of Commissioners Meeting** in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport.

***For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.***



32           **NOW, THEREFORE,** we, the Lincoln County Board of Commissioners, do hereby  
33 proclaim October 27, 2016 as “Lights on Afterschool Day” in Lincoln County and encourage the  
34 citizens of Lincoln County to engage in innovative afterschool programs and activities that ensure  
35 the lights stay on and the doors stay open for all children after school.

**DATED** this \_\_\_\_\_ day of October 2016.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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BILL HALL, Chair

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TERRY N. THOMPSON, Commissioner

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DOUG HUNT, Commissioner

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2  
3 BEFORE THE BOARD OF COMMISSIONERS  
4 FOR LINCOLN COUNTY, OREGON  
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6 In the Matter of:

7 A Resolution Adopting Findings of Fact )  
8 And a Plan for Dissolution and Liquidation ) RESOLUTION NO. \_\_\_\_\_  
9 For the Roads End Sanitary District )

10  
11 WHEREAS, the Roads End Sanitary District (RES D) is a special district located within  
12 Lincoln County, and formed under the provisions of ORS Chapter 198 and organized under ORS  
13 450.005 to ORS 450.245; and  
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15 WHEREAS, on December 10, 2012, Lincoln City adopted Ordinance No. 2012-10  
16 annexing almost all, but not all, of the properties within the RESD, and declaring the withdrawal  
17 of the annexed property from RESD, effective July 1, 2013; and  
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19 WHEREAS, in November of 2013, RESD and Lincoln City, which had been involved in  
20 litigation over the annexation, signed an “Agreement for Transfer of Assets and Liabilities  
21 Settlement Agreement, Covenant Not to Sue and Mutual Release”. This agreement required  
22 RESD to transfer to Lincoln City all of its assets and for Lincoln City to assume all lawful RESD  
23 liabilities and obligations, including the obligation to provide sanitary service to the areas  
24 annexed to the City; and  
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26 WHEREAS, as a result of the annexation, the remaining property in RESD is quite  
27 small; currently, according to Lincoln County Assessor records, there are only three residences  
28 in the District; and  
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30 WHEREAS, on January 29, 2014, all of the RESD board members resigned, and no  
31 board members have since been appointed or elected to fill vacant positions; and  
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33 WHEREAS, the RESD has not been active for more than two years; and  
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35 WHEREAS, on September 14, 2016, the Lincoln County Board of Commissioners  
36 adopted Resolution No. 16-14-9E- “A Resolution Initiating the Dissolution of the Roads End  
37 Sanitary District”; and

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WHEREAS, because there are no qualified District board members, the Lincoln County Board of Commissioners, on September 14, 2016, appointed itself to act as a board of trustees on behalf of RESD in accordance with ORS 198.920(3); and

WHEREAS, Resolution 16-14-9E required the Lincoln County Board of Commissioners to file with the Lincoln County Clerk the findings of fact required by ORS 198.925(1), as well as a plan of dissolution and liquidation in accordance with ORS 198.925(2); and

WHEREAS, ORS 198.925(1) requires the findings of fact to include:

- (a) The amount of each outstanding bond, coupon, and other indebtedness, with a general description of the indebtedness and the name of the holder and owner of each, if known.
- (b) A description of each parcel of real property and interest in real property, and, if the property was acquired for delinquent taxes or assessments, the amount of such taxes and assessments on each parcel of property.
- (c) The amount of uncollected taxes, assessments and charges levied by the district, and the amount upon each lot or tract of land.
- (d) A description of the personal property and all other assets of the district.
- (e) The estimated cost of dissolution; and

WHEREAS, in accordance with ORS 198.930, the plan of dissolution and liquidation may include provision for transfer and conveyance of all assets of the District; and

WHEREAS, in order to obtain information sufficient to file findings of fact and a plan of dissolution and liquidation, and as part of its due diligence, county staff made a number of contacts with persons familiar with the District including, but not limited to, Brayden Criswell, a former District Board member, Lincoln City Attorney Richard Appicello, and Clarke Balfour, the attorney for the RESD at the time of the annexation,; and

WHEREAS, Clarke Balfour confirmed that, to the best of his knowledge, at the time of annexation all debts of the District had been assumed by Lincoln City, and that all assets of the District had been transferred to Lincoln City (except for property taxes held or to be held by the Lincoln County Treasurer, Linda Pilson);

NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

- 76 1. The Board hereby adopts the Findings of Fact and Plan for Dissolution and  
77 Liquidation found in Exhibit "A" that is attached hereto and incorporated by  
78 reference.  
79 2. The Findings of Fact and Plan for Dissolution and Liquidation, pursuant to ORS  
80 198.925(3), shall be filed in the office of the county clerk and shall be available for  
81 inspection by any interested person.  
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Dated this 26<sup>th</sup> day of October, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

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Bill Hall, Chair

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Terry N. Thompson, Commissioner

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Doug Hunt, Commissioner

# EXHIBIT A

## ROADS END SANITARY DISTRICT FINDINGS OF FACT AND PLAN FOR DISSOLUTION AND LIQUIDATION

### FINDINGS OF FACT (ORS 198.925)

- (a) There are no outstanding bonds, coupons or other indebtedness.
- (b) There are no remaining parcels of real property or interests in real property.
- (c) There are no significant uncollected taxes, assessments and charges levied by the District. Following the annexation of the majority of lands in the District to Lincoln City, and beginning with the 2013-2014 tax year, the District has not levied real property taxes on the few remaining properties in the District.
- (d) The only current remaining assets of the District are real property taxes held by the Lincoln County Treasurer. The accounting for this revenue is attached hereto and incorporated by reference. There are possible uncollected real property taxes from prior years.
- (e) There are no significant costs for the dissolution of RESD. It is expected that dissolution will be accomplished without an election (and the resultant election costs). The reason is that the County Board has already found that dissolution is in the best interests of the County, and because the territory within the affected remaining district is uninhabited, and because RESD at the time of the regular district election has not been electing board members, as required by the Principal Act, to fill vacancies on the District Board. It is expected that Lincoln County will absorb the administrative costs of dissolution.

### Plan for Dissolution and Liquidation (ORS 198.930)

Following the annexation of almost all of the property of RESD into Lincoln City in 2012, the assets and liabilities of the District were transferred to Lincoln City. See attached chart from Lincoln City showing the assets that were transferred. The District no longer has any liabilities. However, the District still has tax money (from earlier tax years) in the hands of the Lincoln County Treasurer, and these funds should be transferred to Lincoln City at the conclusion of the dissolution and liquidation process to be consistent with the "Agreement for Transfer of Assets and Liabilities Settlement Agreement, Covenant Not to Sue and Mutual Release" signed in November of 2013.

In summary, with the exception of the tax money of the District currently held by the Lincoln County Treasurer, all of the assets and liabilities of the District have previously been transferred to Lincoln City. Therefore, the Plan for Dissolution and Liquidation is simply that at the conclusion of the dissolution and liquidation process, the remaining District funds shall be transferred to Lincoln City. If in the future the Lincoln County Treasurer receives additional District real property taxes from prior years, they shall also be forwarded on to Lincoln City.



Lincoln County, OR

# Detail Report Account Detail

Date Range: 07/01/2016 - 06/30/2017

Account	Name					Beginning Balance	Total Activity	Ending Balance
<b>Object: 10299 - CASH</b>								
<u>845-10299</u>	CASH					10,831.22	111.36	10,942.58
<b>Post Date</b>	<b>Packet Number</b>	<b>Source Transaction</b>	<b>Pmt Number</b>	<b>Description</b>	<b>Vendor</b>		<b>Amount</b>	<b>Running Balance</b>
07/31/2016	GLPKT04821	25650		4321 MONTHLY INTEREST			36.59	10,867.81
08/31/2016	GLPKT05079	25908		4321 MONTHLY INTEREST			37.75	10,905.56
09/30/2016	GLPKT05244	26073		4321 MONTHLY INTEREST			37.02	10,942.58
<u>849-10299</u>	CASH					35,163.95	0.00	35,163.95
<b>Total Object: 10299 - CASH:</b>						<b>Beginning Balance: 45,995.17</b>	<b>Total Activity: 111.36</b>	<b>Ending Balance: 46,106.53</b>
<b>Grand Totals:</b>						<b>Beginning Balance: 45,995.17</b>	<b>Total Activity: 111.36</b>	<b>Ending Balance: 46,106.53</b>

### Fund Summary

Fund	Beginning Balance	Total Activity	Ending Balance
845 - ROADS END SANITARY-G	10,831.22	111.36	10,942.58
849 - RE SAN R&D #2	35,163.95	0.00	35,163.95
<b>Grand Total:</b>	<b>45,995.17</b>	<b>111.36</b>	<b>46,106.53</b>

## Report Criteria:

[Report].Description = {LIKE} "%road%"

Asset Number	Description	Depreciation	Date Acquired	Depreciation Start Date	Life	New/Used	Total Cost
<b>BUILDINGS</b>							
15280	Roads End Sanitary District Annexation	Straight line	06/30/2014	06/30/2014	5	New	4,220.00
Total BUILDINGS:							4,220.00
<b>LAND</b>							
15272	Roads End Sanitary District Land Annex	Straight line	06/30/2014	06/30/2014	0	New	40,173.00
Total LAND:							40,173.00
<b>LIGHT EQUIPMENT &amp; TO</b>							
15282	Roads End Sanitary District Annexation	Straight line	06/30/2014	06/30/2014	6	New	62,934.00
Total LIGHT EQUIPMENT & TO:							62,934.00
<b>SYSTEM IMPROVEMENTS</b>							
15281	Roads End Sanitary District Annexation	Straight line	06/30/2014	06/30/2014	8	New	319,969.00
Total SYSTEM IMPROVEMENTS:							319,969.00
Grand Totals:							427,296.00

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2  
3 BEFORE THE BOARD OF COMMISSIONERS  
4 FOR LINCOLN COUNTY, OREGON  
5

6 In the Matter of:

7 A Resolution Adopting Findings of Fact )  
8 And a Plan for Dissolution and Liquidation ) RESOLUTION NO. \_\_\_\_\_  
9 For the Roads End Water District )

10  
11 WHEREAS, the Roads End Water District (REWD) is a special district located within  
12 Lincoln County, and formed under the provisions of ORS Chapter 198 and organized under ORS  
13 Chapter 264; and  
14

15 WHEREAS, on December 10, 2012, Lincoln City adopted Ordinance No. 2012-10  
16 annexing almost all, but not all, of the properties within the REWD, and declaring the  
17 withdrawal of the annexed property from REWD, effective July 1, 2013; and  
18

19 WHEREAS, in November of 2013, REWD and Lincoln City, which had been involved in  
20 litigation over the annexation, signed an “Agreement for Transfer of Assets and Liabilities  
21 Settlement Agreement, Covenant Not to Sue and Mutual Release”. This agreement required  
22 REWD to transfer to Lincoln City all of its assets and for Lincoln City to assume all lawful  
23 REWD liabilities and obligations, including the obligation to provide continuous domestic and  
24 fire suppression water service to the areas annexed to the City; and  
25

26 WHEREAS, as a result of the annexation, the remaining property in REWD is quite  
27 small; currently, according to Lincoln County Assessor records, there are only three residences  
28 in the District; and  
29

30 WHEREAS, the REWD did not submit any of its board resignations to the clerk, but it  
31 did advise the Clerk not to hold any more REWD elections and that it considered itself dissolved;  
32 and  
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34 WHEREAS, the REWD has not been active for more than two years; and  
35

36 WHEREAS, on September 14, 2016, the Lincoln County Board of Commissioners  
37 adopted Resolution No. 16-14-9D- "A Resolution Initiating the Dissolution of the Roads End  
38 Water District"; and

39  
40 WHEREAS, because there are no qualified District board members, the Lincoln County  
41 Board of Commissioners, on September 14, 2016, appointed itself to act as a board of trustees on  
42 behalf of REWD in accordance with ORS 198.920(3); and

43  
44 WHEREAS, Resolution 16-14-9D required the Lincoln County Board of Commissioners  
45 to file with the Lincoln County Clerk the findings of fact required by ORS 198.925(1), as well as  
46 a plan of dissolution and liquidation in accordance with ORS 198.925(2); and

47  
48 WHEREAS, ORS 198.925(1) requires the findings of fact to include:

- 49 (a) The amount of each outstanding bond, coupon, and other indebtedness, with a general  
50 description of the indebtedness and the name of the holder and owner of each, if  
51 known.
- 52 (b) A description of each parcel of real property and interest in real property, and, if the  
53 property was acquired for delinquent taxes or assessments, the amount of such taxes  
54 and assessments on each parcel of property.
- 55 (c) The amount of uncollected taxes, assessments and charges levied by the district, and  
56 the amount upon each lot or tract of land.
- 57 (d) A description of the personal property and all other assets of the district.
- 58 (e) The estimated cost of dissolution; and

59  
60 WHEREAS, in accordance with ORS 198.930, the plan of dissolution and liquidation  
61 may include provision for transfer and conveyance of all assets of the District; and

62  
63 WHEREAS, in order to obtain information sufficient to file findings of fact and a plan of  
64 dissolution and liquidation, and as part of its due diligence, county staff made a number of  
65 contacts with persons familiar with the District including, but not limited to, Brayden Criswell, a  
66 former District Board member, Lincoln City Attorney Richard Appicello, and Clarke Balfour,  
67 the attorney for the Roads End Sanitary District (but who was familiar with REWD as well) at  
68 the time of the annexation; and

69  
70 WHEREAS, Clarke Balfour confirmed that, to the best of his knowledge, at the time of  
71 annexation all debts of the District had been assumed by Lincoln City, and that all assets of the  
72 District had been transferred to Lincoln City;

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74

75           NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS  
76 DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

77

- 78           1. The Board hereby adopts the Findings of Fact and Plan for Dissolution and  
79           Liquidation found in Exhibit "A" that is attached hereto and incorporated by  
80           reference.
- 81           2. The Findings of Fact and Plan for Dissolution and Liquidation, pursuant to ORS  
82           198.925(3), shall be filed in the office of the county clerk and shall be available for  
83           inspection by any interested person.

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Dated this 26<sup>th</sup> day of October, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

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Bill Hall, Chair

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Terry N. Thompson, Commissioner

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Doug Hunt, Commissioner

# EXHIBIT A

## ROADS END WATER DISTRICT FINDINGS OF FACT AND PLAN FOR DISSOLUTION AND LIQUIDATION

### FINDINGS OF FACT (ORS 198.925)

- (a) There are no outstanding bonds, coupons or other indebtedness.
- (b) There are no remaining parcels of real property or interests in real property.
- (c) There are no significant uncollected taxes, assessments and charges levied by the District. Following the annexation of the majority of lands in the District to the Lincoln City, and beginning with the 2013-2014 tax year, the District has not levied real property taxes on the few remaining properties in the District.
- (d) With the possible exception of uncollected real property taxes for prior years, there are no remaining assets of the District.
- (e) There are no significant costs for the dissolution of REWD. It is expected that dissolution will be accomplished without an election (and the resultant election costs). The reason is that the County Board has already found that dissolution is in the best interests of the County, and because the territory within the affected remaining district is uninhabited, and because REWD at the time of the regular district election has not been electing board members, as required by the Principal Act, to fill vacancies on the District Board. It is expected that Lincoln County will absorb the administrative costs of dissolution.

### Plan for Dissolution and Liquidation (ORS 198.930)

Following the annexation of almost all of the property of REWD into Lincoln City in 2012, the assets and liabilities of the District were transferred to Lincoln City. The District no longer has any assets (with the possible exception of uncollected real property taxes from prior years) or liabilities.

In summary, the assets and liabilities of the District have previously been transferred to Lincoln City. Therefore, the Plan for Dissolution and Liquidation is simply to recognize that fact, and that if in the future the Lincoln County Treasurer receives additional District real property taxes from prior years, they shall be forwarded to Lincoln City. This would be consistent with the "Agreement for Transfer of Assets and Liabilities Settlement Agreement, Covenant Not to Sue and Mutual Release" signed by the District and Lincoln City in November of 2013.

