



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, November 9, 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**
- IV. ADOPTION OF CONSENT CALENDAR**
 - A. Minutes of Board of Commissioners Meeting**
 - B. Commission Appointments and Resignations**
 - 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 #11-16-278 First Amendment to the 2015 Restatement of the Lincoln County Retirement Plan
 2. Order #11-16-279 Amendment #8 with Agreement #148019 Between the Oregon Health Authority and Lincoln County (Terms: Effective 07/01/2015 – 06/30/2017; Adding \$70,676 for PE 12 Public Health Emergency Preparedness and \$5,322 for PE 40 Women, Infants and Children)

3. Order #11-16-280 Amendment #3 with Agreement Between Intercommunity Health Network, Inc. and Lincoln County Health and Human Services for Patient Centered Primary Care Home Infrastructure Reimbursement. (Terms: Not to exceed \$95,090.88)
4. Order #11-16-281 Intergovernmental Agreement #500701 Between Benton County and Lincoln County for Regional Health Assessment Services (Terms: Effective 07/01/2016 through 06/30/2016; four equal installments of \$9,521.75 not to exceed \$38,087)
5. Order #11-16-282 Amendment #7 with Agreement #148019 Between the Oregon Health Authority and Lincoln County (Terms: Effective 07/01/2015 – 06/30/2017; Adding \$10,000 for SBHC Youth Friendly Clinics and \$8,311 for Breastfeeding Promotion and \$32,366 for Nutrition Education)
6. Order #11-16-283 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)
7. Order #11-16-284 Memorandum of Agreement Between Lincoln County and Lincoln County Employees Association for Deputy District Attorneys
8. Order #11-16-285 Acceptance of Sheriff's Return of Sale from the October 20, 2016 Sale of Tax-foreclosed Real Property
9. Order #11-16-286 AmeriCorps VISTA/Oregon Public Health Partnership Project Host Site Agreement 2016-2017 Spring Team (Terms: Effective 08/26/2016 through 08/26/2017; Not to Exceed \$2,850)
10. Order #11-16-287 Delta Physician Search Agreement (Terms: Six months from date of signature)
11. Order #11-16-288 Execution of Agreement between Oregon Cascades West Council of Governments, Benton County, Linn County, Lincoln County and Intercommunity Health Network Coordinated Care Organization to oversee, support and share the costs of the services of the Community Advisory Council Coordinator (Terms; Effective dates 7/01/16 – 6/30/16; \$20,000)

12. Order #11-16-289 In the Matter of Canceling Uncollectible Personal Property for Taxes for the Tax Years 2001/2002 through 2014/2015 (In the amount of \$12,591.67)

H. Execution of Documents

1. Linn-Benton Community College Subcontract Agreement with Lincoln County Health Department (Terms: Effective through June 30, 2017; Not to Exceed \$93,933.76)
2. Amendment #12 with Agreement #147795 Between the Oregon Health Authority and Lincoln County for Community Addictions & Mental Health Services (Terms: Effective 07/01/2015 through 06/30/2017; Adding \$15,617 to the agreement)
3. Amendment #5 with Agreement #143691 Between the Oregon Health Authority and Lincoln County for Implementation of Evidence Based Home Visiting Programs. (Terms: Effective 10/01/2013 through 09/30/2017; Not to Exceed \$1,747,655)
4. Agreement #148130 between InterCommunity Health Plans and Lincoln County Health & Human Services for Technical Assistance on Chronic Disease and Tobacco Prevention. (Terms: Effective 07/01/2016 through 06/30/2017; Not to Exceed \$56,405)

V. PUBLIC HEARING

VI. DECISION/ACTION

- A. Order #11-16-290 **Declaring the Roads End Sanitary District Dissolved**
Presented by: Jerry Herbage, Assistant County Counsel
- B. Order #11-16-291 **Declaring the Roads End Water District Dissolved**
Presented by: Jerry Herbage, Assistant County Counsel

VII. DISCUSSION/INFORMATION

- A. **Jurisdictional Transfer of Big Creek Road, County Road #402, to the City of Newport - Continued Discussions** – *Presented by: Spencer Nebel and Roy Kinion*

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

A. Pursuant to ORS 192.660(2)(h) to discuss litigation matters

XII. ADJOURNMENT

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Wednesday, November 16, 2016 – 9:30 a.m. – Board of Commissioners Meeting is cancelled due to the Commissioners attending the Association of Oregon Counties Annual Conference in Eugene, Oregon

Monday, November 21, 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

Wednesday, November 23, 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.

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

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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 RESD in accordance with ORS 198.920(3); and

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44 WHEREAS, Resolution 16-14-9E 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
46 as a Plan of Dissolution and Liquidation in accordance with ORS 198.925(2); and

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48 WHEREAS, in Resolution No. 16-26-10C the Lincoln County Board of Commissioners
49 adopted Findings of Fact and a Plan for Dissolution and Liquidation for RESD; and

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51 WHEREAS, the Findings of Fact reflected that RESD has no outstanding indebtedness,
52 and that its only remaining assets are real property taxes in the amount of \$46,106.53 plus
53 interest held by the Lincoln County Treasurer; and

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55 WHEREAS, the Plan of Dissolution and Liquidation recognized that with the exception
56 of tax money of the RESD currently held by the Lincoln County Treasurer, all of the assets and
57 liabilities of the District have been previously transferred to Lincoln City. The Plan stated:
58 “Therefore the Plan of Dissolution and Liquidation is simply that at the conclusion of the
59 dissolution and liquidation process, the remaining District funds shall be transferred to Lincoln
60 City. If in the future the Lincoln County Treasurer receives additional District real property taxes
61 from prior years, they shall be forwarded on to Lincoln City”; and

62
63 WHEREAS, pursuant to ORS 198.925(3), the Lincoln County Board of Commissioners
64 filed the Findings of Fact and Plan for Dissolution and Liquidation in the Office of the Lincoln
65 County Clerk; and

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67 WHEREAS, the Lincoln County Board of Commissioners finds that dissolution of RESD
68 can and shall occur without an election, in accordance with ORS 198.940, because the County
69 Board has found that it is in the best interests of the people of Lincoln County that the District be
70 dissolved and because the remaining territory within the District is uninhabited, and because the
71 District has failed to regularly to elect district board members in accordance with the principal
72 Act of the District; and

73 NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS
74 DOES HEREBY ORDER AS FOLLOWS:

- 75 1) The dissolution of the Roads End Sanitary District is hereby approved.
76 2) The Plan of Dissolution and Liquidation shall be implemented. The Lincoln County
77 Treasurer shall turn over the \$46,106.53 (plus interest) of District tax money to
78 Lincoln City, care of Richard Appicello, City Attorney. If in the future the Lincoln
79 County Treasurer receives additional District real property taxes from prior years, that
80 money shall also be forwarded to Lincoln City.
81 3) The Lincoln County Board of Commissioners shall not deposit the District books and
82 records in the Office of the Lincoln County Clerk. (The reason is that the books and
83 records of the RESD have already been deposited with Lincoln City, which is the
84 proper entity to maintain custody of them based upon the annexation of District
85 territory that occurred previously.)
86 4) At the same time that the Lincoln County Treasurer sends the \$46,106.53 plus interest
87 to Lincoln City, Lincoln County Board of Commissioners shall execute under oath a
88 statement that the Roads End Sanitary District has been dissolved and its affairs
89 liquidated. (The Statement is incorporated by reference and attached hereto as Exhibit
90 "A"). From the date of the statement, the corporate existence of the District is
91 terminated for all purposes. (ORS 198.945(2)).
92 5) The Lincoln County Board of Commissioners shall submit the statement referenced
93 in 4) above, within ten (10) days of its execution, to the Lincoln County Clerk Dana
94 Jenkins, Lincoln County Assessor Joe Davidson, the Oregon Secretary of State, the
95 Oregon Department of Revenue, Lincoln City c/o Attorney Richard Appicello, and
96 Clarke Balfour, former attorney for the District.

Dated this 9th day of November, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Terry N. Thompson, Commissioner

Doug Hunt, Commissioner

1 **EXHIBIT A**

2 **STATEMENT OF DISSOLUTION AND LIQUIDATION FOR THE ROADS END**
3 **SANITARY DISTRICT**

4 FINDINGS:

5 A) On September 14, 2016, in Resolution No. 16-14-9E, it was ordered that the Lincoln
6 County Board of Commissioners act as a board of trustees on behalf of the Roads End
7 Sanitary District because there are no qualified District Board members. (ORS
8 198.920(3)).

9 B) The dissolution process is not complete until the board of trustees files with the county
10 board a statement that the district has been dissolved and its affairs liquidated. When that
11 statement is filed, the District is terminated for all purposes. (ORS 198.945(2))

12 STATEMENT OF DISSOLUTION

13 The Roads End Sanitary District has been dissolved and its affairs liquidated.

14 **BOARD OF TRUSTEES FOR THE ROADS END SANITARY DISTRICT**

15
16 _____
17 Bill Hall

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19 _____
20 Terry N. Thompson

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22 _____
23 Doug Hunt

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25 SUBSCRIBED AND SWORN TO before me this ____ day of November, 2016.
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Notary Public for Oregon
My Commission Expires:

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WHEREAS, the REWD has not been active for more than two years; and

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

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 REWD in accordance with ORS 198.920(3); and

WHEREAS, Resolution 16-14-9D 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, in Resolution No. 16-26-10D the Lincoln County Board of Commissioners adopted Findings of Fact and a Plan for Dissolution and Liquidation for REWD; and

WHEREAS, the Findings of Fact reflected that REWD has no outstanding indebtedness, and that with the possible exception of uncollected real property taxes for prior years, there are no remaining assets of the District; and

WHEREAS, the Plan of Dissolution and Liquidation recognized: “... 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 if in the future the Lincoln County Treasurer receives additional District real property taxes from prior years, they shall be forwarded to Lincoln City”; and

WHEREAS, pursuant to ORS 198.925(3), the Lincoln County Board of Commissioners filed the Findings of Fact and Plan for Dissolution and Liquidation in the Office of the Lincoln County Clerk; and

WHEREAS, the Lincoln County Board of Commissioners finds that dissolution of REWD can and shall occur without an election, in accordance with ORS 198.940, because the County Board has found that it is in the best interests of the people of Lincoln County that the District be dissolved and because the remaining territory within the District is uninhabited, and because the District has failed to regularly to elect district board members in accordance with the principal Act of the District; and

73 NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS
74 DOES HEREBY ORDER AS FOLLOWS:

75

- 76 1) The dissolution of the Roads End Water District is hereby approved.
77 2) The Plan of Dissolution and Liquidation shall be implemented. District assets and
78 liabilities have already been given to Lincoln City. If in the future the Lincoln County
79 Treasurer receives additional District real property taxes from prior years, that money
80 shall be forwarded to Lincoln City.
81 3) The Lincoln County Board of Commissioners shall not deposit the District books and
82 records in the Office of the Lincoln County Clerk. (The reason is that the books and
83 records of the REWD have already been deposited with Lincoln City, which is the
84 proper entity to maintain custody of them based upon the annexation of District
85 territory that occurred previously.)
86 4) At the time that this order is executed, the Board of Commissioners shall execute
87 under oath a statement that the Roads End Water District has been dissolved and its
88 affairs liquidated. (The Statement is incorporated by reference and attached hereto as
89 Exhibit "A".) From the date of the statement, the corporate existence of the District is
90 terminated for all purposes. (ORS 198.945(2)).
91 5) The Lincoln County Board of Commissioners shall submit the statement referenced
92 in 4) above, within ten (10) days of its execution, to Lincoln County Clerk Dana
93 Jenkins, Lincoln County Assessor Joe Davidson, the Oregon Secretary of State, the
94 Oregon Department of Revenue, Lincoln City c/o Attorney Richard Appicello, and
95 Chuck Jacobsen, a representative of the District.

Dated this 9th day of November, 2016

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Terry N. Thompson, Commissioner

Doug Hunt, Commissioner

EXHIBIT A

**STATEMENT OF DISSOLUTION AND LIQUIDATION FOR THE ROADS END
WATER DISTRICT**

FINDINGS:

- A) On September 14, 2016, in Resolution No. 16-14-9D, it was ordered that the Lincoln County Board of Commissioners act as a board of trustees on behalf of the Roads End Water District because there are no qualified District Board members. (ORS 198.920(3)).
- B) The dissolution process is not complete until the board of trustees files with the county board a statement that the district has been dissolved and its affairs liquidated. When that statement is filed, the District is terminated for all purposes. (ORS 198.945(2))

STATEMENT OF DISSOLUTION

The Roads End Water District has been dissolved and its affairs liquidated.

BOARD OF TRUSTEES FOR THE ROADS END SANITARY DISTRICT

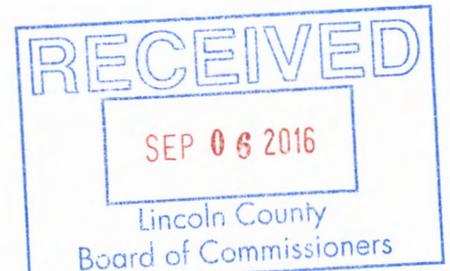
Bill Hall

Terry N. Thompson

Doug Hunt

SUBSCRIBED AND SWORN TO before me this ____ day of November, 2016.

Notary Public for Oregon
My Commission Expires:



Spencer R. Nebel
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
s.nebel@newportoregon.gov

August 24, 2016

Lincoln County Board of Commissioners
Lincoln County
225 West Olive Street
Newport, OR 97365

RE: Jurisdictional Transfer of Big Creek Road

Dear Commissioners,

Thank you for your efforts to date in working with the City of Newport to simplify jurisdictional issues in and around the Big Creek reservoirs. It will help tremendously as we identify how to best address the structural deficiencies inherent to both of the reservoir dams, to ensure that our community has a safe secure water supply.

I understand that on July 20, you took up the question of transferring to the City road ownership and maintenance responsibilities for the portion of Big Creek Road that was recently annexed into the city limits. This is the last step of a Memorandum of Agreement (MOA) that the City and County entered into back in 2014. The MOA envisioned that the County would make improvements to the road prior to the transfer and that there might be an ongoing maintenance agreement between the City and County. After some deliberation we elected to forgo requiring the improvements, and are prepared to take over jurisdiction of the road in its present condition.

It is my understanding that there were concerns about what the long term future was for the road. The reason we did not require the County to make improvements to portions of the road is that the City likely will have to reconstruct the road as part of whatever solution is selected to address the structural issues with the reservoirs. When we negotiated the MOA, our primary issue with the condition of Big Creek Road had to do with the guard rail. The cost of replacing the affected sections of the guard rail could be significant and if we end up moving the road in a few years, which is a possibility, then that investment in public funds would have been wasted. That is why we elected to accept the road in its current condition.

Big Creek Road is the only means of access that some property owners have to their property and we recognize that the City is obligated to ensure that access does not go away. We also appreciate that the road provides recreational access to the reservoirs and support recreational use continuing into the future. As I am sure you can appreciate, there are regulations at the state and federal level that apply to domestic water storage reservoirs. Such regulations change from time to time and could result in us having to restrict certain recreational uses at some point. The City may also need to explore limiting vehicle access for recreational users to certain locations surrounding the reservoirs to minimize nuisance impacts, such as trash and other waste being disposed of in and adjacent to the reservoirs, or to protect infrastructure associated with the solution we come up with to address the structural deficiencies at the reservoirs. At this time, the City does not plan to make any changes and we would consult with partners, such as the County, should there be a need for us to take these types of steps in the future. The City remains committed to maintaining multiple uses of the reservoir property provided that the uses of the reservoirs do not threaten the safety of the City's water supply.

I hope this information adequately addresses your concerns and we very much appreciate the assistance you and your staff have provided in helping us get to a point where this jurisdictional transfer can happen.

Respectfully yours,



Spencer R. Nebel, City Manager
City of Newport

Cc: Mayor and City Council Members
Derrick Tokos, Community Development Director
Tim Gross, Public Works Director

FOR BOC REVIEW

Date Rec'd 9-6-16

Comm. Hall _____

Comm. Thompson [initials]

Comm. Hunt [initials]

Requires
BOC Approval:

Copy to:

