



# 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, December 14, 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**
    1. Order #12-16-321 The Issuance of two (2) Oregon Liquor Control Commission Temporary Liquor Licenses to the Flying Dutchman Winery
  - 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**
  - H.**
    1. Order #12-16-322 Amendment #1 with Agreement #148072 Between the State of Oregon and Lincoln County for Financing the Community Development Disability Services (Terms: Effective 07/01/2015 – 06/30/2017)
    2. Order #12-16-323 Intergovernmental Agreement Between Lincoln County and

Confederated Tribes of Siletz Indians for Enhanced Law Enforcement Services (Terms; 80 hours per week for 52 weeks)

3. Order #12-16-324 Jurisdictional Transfer No. 759; US20: Pioneer Mountain – Eddyville Project, (MP 16.41-24.02) Section; Corvallis – Newport Highway (State Highway No. 033) Lincoln County

**I. Execution of Documents**

1. Marijuana Tax Collection Agreement Between the State of Oregon Through its Department of Revenue and Lincoln County Authorizing the Department of Revenue to Collect Taxes Related to Marijuana Sales on Behalf of the County and Distribute the Proceeds to the County For a Fee to be Calculated
2. Grant Agreement No: 16-521 Between the Oregon Military Department Office of Emergency Management and Lincoln County (Terms: Effective 7/1/16 through 6/30/17; \$75,327)

**V. PUBLIC HEARING**

**VI. DECISION/ACTION**

- A. Order #12-16-325 An Order Adopting a Financial Statement for the Dissolution of The Olalla Acres Subdevelopment Sanitary District and Setting a Hearing on the Question of Dissolving the District –  
*Presented by: Jerry Herbage*

**VII. DISCUSSION/INFORMATION**

- A. 2016 - Lincoln County Community Economic Development Grant Recommendations  
*Presented by: Julie Kay and Caroline Bauman*

**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**

**Tuesday, December 13, 2016 – 10:00 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

**Monday, December 19, 2016 – 10:30 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, December 21, 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.***

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

1 In the Matter of:

2 *An Order Adopting a Financial* ) ORDER NO. \_\_\_\_\_  
3 *Statement for the Dissolution of* )  
4 *The Olalla Acres Subdevelopment* )  
5 *Sanitary District and Setting a* )  
6 *Hearing on the Question of* )  
7 *Dissolving the District* )

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9

10 WHEREAS, Danette Benjamin of the Oregon Department of Revenue sent to Lincoln  
11 County a letter dated August 31, 2015, indicating that the Olalla Sanitary District has failed to  
12 provide the Oregon Department of Revenue with the required financial documents as set forth  
13 in ORS 294.458, for more than three consecutive years; and

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15 WHEREAS, the letter directed the Lincoln County Board of Commissioners to initiate the  
16 dissolution procedures under ORS 198.335 to ORS 198.365, which it did on September 14,  
17 2016; and

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19 WHEREAS, the Olalla Sanitary District, as referenced by the Department of Revenue, was  
20 formed as the Olalla Acres Subdevelopment Sanitary District, and the two names refer to the  
21 same district, which shall be referenced as the "District" hereinafter; and

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23 WHEREAS, when the Board of Lincoln County Commissioners initiated proceedings to  
24 dissolve the District, the County sent a cover letter, along with the Resolution initiating  
25 dissolution procedures, to the listed address of every known resident and home owner within  
26 the District; and

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28 WHEREAS, the cover letter asked the residents of the District to contact the County  
29 Counsel's Office with and information regarding the possible assets and liabilities of the District,  
30 as well as information on the history of the District; and

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32 WHEREAS, through the above-referenced mailing, the County obtained significant  
33 information on the assets and liabilities as well as the history of the District; and

34 WHEREAS, the County obtained other important information from the Lincoln County  
35 Clerk and the Lincoln County Planning Department; and

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37 WHEREAS, a sanitation system was constructed on territory that was to become the  
38 District on or around 1977, and a system of satisfactory completion was issued by the State of  
39 Oregon Department of Environmental Quality through the Lincoln County Sanitarian on  
40 October 9, 1977; and

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42 WHEREAS, the District was formed on March 1, 1978 by Board order; and

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44 WHEREAS, from available documents, it appears that the District was established for  
45 purposes of providing a means of repair and maintenance for the sanitation system, although it  
46 was not formed with taxing authority; and

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48 WHEREAS, if the District is dissolved at the conclusion of these proceedings, Lincoln  
49 County Environmental Health Specialist Quinn Andreas has indicated that he would look to the  
50 Olalla Acres Home Owners Association to take care of necessary repairs and maintenance; and

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52 WHEREAS, the District consists of a group of approximately nine homes lying on nine  
53 different lots that share a common septic system, and that are adjacent to a golf course; and

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55 WHEREAS, the septic drain field that serves the District lies outside of the District  
56 boundaries but within a perpetual easement established for the "purposes of construction,  
57 maintenance and service of the septic drain field and connecting plumbing"; and

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59 WHEREAS, the septic drain field is in the name of third parties, and not in the name of  
60 the District; and

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62 WHEREAS, according to Carmen Rivas, Secretary Treasurer of the Olalla Acres Home  
63 Owners Association, to the best of her knowledge, the District has no current assets or debts;  
64 and

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66 WHEREAS, the District has been inactive for decades; and

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68 WHEREAS, on May 18, 1983, the Oregon Department of Revenue issued a letter to the  
69 Lincoln County Board of Commissioners indicating that the District had not filed a budget  
70 document since fiscal year 1979-1980; and

71

72 WHEREAS, on April 10, 1991, Jeffrey C. Pridgeon, the attorney for the District at the  
73 time, wrote a letter to the State of Oregon, Division of Audits, stating in part: "this Sanitary  
74 District is not active, has no financial report other than that there is no activity, and future  
75 activity is not anticipated"; and

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77 WHEREAS, apparently some people have held the belief that the District had already  
78 been dissolved; the minutes of the Olalla Acres Homeowners Association annual meeting from  
79 March 19, 1991, state that: "Olalla Acres Sanitation District has been dissolved on advice from  
80 Jeff Pridgeon, our attorney"; and

81  
82 WHEREAS, County staff has not located any records documenting that the District has  
83 been dissolved; and

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85 WHEREAS, ORS 198.350 requires the Lincoln County Board of Commissioners to prepare  
86 a financial statement and file it with the County Clerk; and

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88 WHEREAS, the financial statement is to include:

- 89 (1) The date of formation of the District.
- 90 (2) The date of the last election of officers, if any, and the names of the persons last  
91 serving as members of the governing board.
- 92 (3) The amount of each outstanding bond, coupon or other indebtedness of the district,  
93 with a general description of the indebtedness and the name of the holder and  
94 owner of each, if known.
- 95 (4) A description of each parcel of real property and interest in real property owned by  
96 the district and, if the property was acquired for delinquent taxes or assessments,  
97 the amount of the taxes and assessments on each parcel of property.
- 98 (5) Uncollected charges, taxes and assessments levied by the district and the amount  
99 upon each lot or tract of land.
- 100 (6) A description of all personal property and of all other assets of the district.
- 101 (7) The estimated cost of dissolution; and

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103 WHEREAS, ORS 198.355(1) indicates that upon the filing of the financial statement, the  
104 county board must enter an order calling for a hearing on the question of dissolving the district.  
105 The hearing shall be called not less than 21 nor more than 30 days after the filing of the  
106 statement; and

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108 WHEREAS, ORS 198.355(2) provides that: "Notice of the hearing shall be given by  
109 publication once each week for not less than three weeks in a newspaper of general circulation

110 within the district. The notice shall state the time and place of the hearing and that all  
111 interested persons may appear and be heard. The notice shall also state that all persons having  
112 claims against the district shall present them at the time of the hearing.”

113

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

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117 1) The Board approves and adopts the financial statement found in Exhibit “A” that is  
118 attached hereto and incorporated by reference.

119 2) The financial statement shall be filed with the Lincoln County Clerk pursuant to ORS  
120 198.350.

121 3) A hearing on the question of dissolving the District shall be held on Wednesday,  
122 January 11, 2017, at 9:30 A.M. All interested persons may appear. All persons having  
123 claims against the District shall present them at the time of the hearing.

124 4) The County shall publish notice in accordance with ORS 198.355(2).

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Dated this 14<sup>th</sup> day of December, 2016

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BILL HALL, Chair

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TERRY N. THOMPSON, Commissioner

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DOUG HUNT, Commissioner

## EXHIBIT "A"

### FINANCIAL STATEMENT (REQUIRED FOR DISSOLUTION OF INACTIVE DISTRICTS) FOR THE OLALLA ACRES SUBDEVELOPMENT SANITARY DISTRICT

#### FINANCIAL STATEMENT (ORS 198.925)

- (1) The District was formed on March 1, 1978.
- (2) The Lincoln County Clerk's Office has no record on the election of officers, if any, of the District, or the names of the people last serving as members of the governing board of the District. However, the petition for the formation of the District dated December 15, 1977, states in part: "Said district will be ruled by a Board of three directors, and Lucille Quillen, Roland Quillen and Duane Andrews are hereby nominated to those positions."
- (3) There is no known outstanding bond, coupon or other indebtedness of the District.
- (4) There are no known parcels of real property or interest in real property owned by the District.
- (5) There are no uncollected charges, taxes and assessments levied by the District. The District was not established with taxing authority.
- (6) There is no known personal property or other assets of the District.
- (7) There are no significant costs for dissolution of the District. Pursuant to the applicable statutes, ORS 198.335 to ORS 198.365, dissolution of the District can be accomplished without an election (and the resultant election costs). It is expected that Lincoln County will absorb the administrative costs of the dissolution.



**2016 - Lincoln County Community Economic Development Grant  
Economic Development Alliance Board Recommendations**

<i>Ranked</i>	<i>Company</i>	<i>Area</i>	<i>Project</i>	<i>Request</i>	<i>Total Points</i>	<i>Recommend Amount</i>
1	City of Waldport	Waldport	Waldport Industrial Park Master Plan	\$15,000	165	\$15,000
2	Port of Alsea	Waldport	Dredging Project	\$15,000	149	\$10,000
3	Oregon Coast Community College Small Business Development Center	County	Digital Media Business Learning Lab	\$15,000	148	\$15,000
4	Habitat for Humanity/Linc. Co.	County	Duplex Build #18	\$15,000	141	\$15,000
5	Northwest Coastal Housing	County	Teaching Literacy to Underprivileged	\$14,510	140	\$10,000
6	Lincoln City Cultural Center	Lincoln City	Handicapped Elevator Replacement	\$15,000	139	\$15,000
7	Toledo Community Foundation dba Toledo Downtown Association	Toledo	Toledo Welcome Signs Restoration	\$10,000	139	\$10,000
8	Friends of Yachats Commons Fdn.	Yachats	LED Lighting for the Yachats Commons	\$15,000	137	\$10,000
9	Oregon Coast Council for the Arts	Newport	Signage Project	\$9,500	136	
10	Seashore Family Literacy	Waldport	Main Entryway Renovation	\$12,000	131	
11	International Subsea Solutions	Newport/ County	Assessment of ROPOs compatibility	\$15,000	113	
12	Toledo Rural Fire Protection District	Eddyville	Eddyville Fire Station 4300	\$15,000	109	
13	Childrens Advocacy Center/Linc Co.	County	Technology Upgrades	\$15,000	107	
14	Yaquina River Museum of Art	Toledo	Art Walk	\$2,500	91	
15	Yachats Rural Fire Prot. District	Yachats	Ground Prep for New Station	\$15,000	77	
16	Oregon Coast Childrens Theatre	Toledo	Revitalization & Improvements	\$4,000	71	
17	Inst. Of Accountability of Univ.	Newport	Manufactured Home Park for Employee	\$5,500	59	
18	Newport Farmer's Market	Newport	Defibrillator	\$1,700	56	
19	Neighbors For Kids	Depoe Bay	Kids Zone Community Support Project	\$7,000	42	
20	Youth Devel. Coalition/Linc. Co.	County	Step Up!	\$1,500	38	
<b>TOTALS</b>				<b>\$218,210</b>		<b>\$100,000</b>

