



# 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, January 18, 2017**

**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**
    1. Order #1-17-22 Reappointing Bill Hall and Frank Geltner to the Lincoln County Fair 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 #1-17-23 Amending Order #1-17-20 Correcting the Legal Description of the Transfer of Jurisdiction Over Big Creek Road, County Road #402, to the City of Newport
    2. Order #1-17-24 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

3. Order #1-17-25 Linn-Benton Community College Subcontract Agreement with Lincoln County Health Department (Terms: Effective through June 30, 2017; Not to Exceed \$93,933.76)
4. Order #1-17-26 Amendment #13 to Agreement #147795 Between Oregon Health Authority and Lincoln County for Financing of Community Addictions and Mental Health Services (Terms; Effective 7/1/15 – 6/30/17)
5. Order #1-17-27 Agreement #152395 Between Oregon Health Authority and Lincoln County for Emergency Management Services Cache Supplies and Emergency Management Services Healthcare Course ( Terms; Effective 7/1/16 – 7/31/17; not to exceed \$14,012)
6. Order #1-17-28 Amendment #2 to Intergovernmental Agreement to Fund Acute Care Psychiatric Hospital Alternative Between Yamhill County and Lincoln County (Terms; Effective 7/1/15 – 6/30/16)
7. Order #1-17-29 Agreement Between the American Medical Association and Lincoln County Health and Human Services for Current Procedural Terminology 2017 Standard for use by 95 Users (Terms; Effective 12/22/16)
8. Order #1-17-30 Agreement Between TriZetto Provider Solutions and Lincoln County Health and Human Services for the Tools to Take Electronic Payment of Services. (Terms; \$15.00 per provider per month)
9. Order #1-17-31 Agreement Between Lincoln County and Capri Architecture for the County Jail Entry Renovation Project (Terms; Effective through June 30, 2017; Not to Exceed \$18,000)

**H. Execution of Documents**

**V. PUBLIC HEARING**

**VI. DECISION/ACTION**

- A. **Ordinance #493** Adoption of Ordinance #493 amending Ordinance # 488 concerning taxes imposed on the sale of recreational marijuana items; creating a new section 5.320 of the Lincoln County Code (LCC); and declaring an emergency  
*Presented by: Jerry Herbage*
- B. **Resolution # 17-18-** In the Matter of a Resolution Appointing the Lincoln County Board of Commissioners as Trustees of the Coronado Shores Special Road District and Adopting a Plan for Dissolution and Liquidation for the District  
*Presented by: Jerry Herbage*

**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**
- B. **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, January 23, 2017 – 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, January 25, 2017 – 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.*

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**BEFORE THE BOARD OF COMMISSIONERS**  
**FOR LINCOLN COUNTY, OREGON**

ORDINANCE NO. \_\_\_\_\_

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Relating to amendments to Ordinance No. 488 concerning taxes imposed on the sale of recreational marijuana items; creating a new section 5.320 of the Lincoln County Code (LCC); and declaring an emergency

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Findings:

WHEREAS, ORS 475B.345(2) provides in part that a governing body of a county may adopt an ordinance to be referred to the voters that imposes a tax or fee on the sale of marijuana items sold in the unincorporated area subject to the jurisdiction of a county by a person that holds a license under ORS 475B.110 (marijuana retailer); and

WHEREAS, ORS 475B.310(3) indicates that if a governing body of a county adopts an ordinance as referenced above, the governing body shall refer the measure of the ordinance to the electors of the county for approval at the next statewide general election; and

WHEREAS, on August 3, 2016, the Lincoln County approved Ordinance No. 488 concerning taxes imposed on the sale of recreational marijuana items, subject to approval by the electors of Lincoln County at the next available general election on November 8, 2016; and

WHEREAS, Ordinance No. 488 was based upon a model ordinance provided by the League of Oregon Cities (LOC), and the Association of Oregon Counties (AOC); and

WHEREAS, the proposed Lincoln County Recreational Marijuana Tax was submitted to the voters as Measure No. 21-172; and

WHEREAS, Measure No. 21-172 passed in Lincoln County; the Lincoln County Clerk certified the results on November 28, 2016; and

WHEREAS, on November 30, 2016, the Lincoln County Board of Commissioners approved an intergovernmental agreement with the State of Oregon Department of Revenue for the collection of the Lincoln County Recreational Marijuana Tax; and

WHEREAS, following the execution of the intergovernmental agreement referenced above, the Department of Revenue sent to Lincoln County an email stating that: “The ordinance as provided does not grant any authority for enforcement, particularly with respect to penalty and

32 interest. In the absence of such language, we will be able to administer the tax, but not charge  
33 penalty and interest on the local portion of the tax”; and

34 WHEREAS, Lincoln County needs to amend Ordinance No. 488 to be able to  
35 appropriately enforce its provisions through interest and penalties;

36 NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS  
37 ORDAINS AS FOLLOWS:

38 **SECTION 1.** The Lincoln County Code is amended by adding the following section 5.320:

39 **5.320 Interest and Penalty**

40 (1) Interest shall be added to the overall tax amount due at the same rate established  
41 under ORS 305.220 for each month, or fraction of a month, from the time the return to the  
42 Oregon Department of Revenue was originally required to be filed by the marijuana retailer to  
43 the time of payment.

44 (2) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or  
45 pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same  
46 manner and amount provided under ORS 314.400.

47 (3) Every penalty imposed, and any interest that accrues, becomes a part of the financial  
48 obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of  
49 Revenue.

50 (4) Taxes, interest and penalties transferred to Lincoln County by the Oregon Department  
51 of Revenue will be distributed to the County’s general fund.

52 (5) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or  
53 penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the  
54 County of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement  
55 between the Oregon Department of Revenue and Lincoln County under ORS 305.620 and any  
56 applicable administrative rules adopted by the Oregon Department of Revenue.

57 **SECTION 2.**

58 This Ordinance, being necessary for the preservation and protection of the public peace, health  
59 and safety and general welfare of Lincoln County, and being necessary to appropriately  
60 administer Ordinance No. 488, and an emergency having been unanimously declared to exist,  
61 this ordinance shall take effect upon its passage.

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DATED this \_\_\_\_\_ day of January, 2017

LINCOLN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Terry N. Thompson, Chair

\_\_\_\_\_  
Doug Hunt, Commissioner

\_\_\_\_\_  
Bill Hall, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

\_\_\_\_\_  
Tanya Graham, Recorder

\_\_\_\_\_  
Wayne Belmont, County Counsel



1  
2 **BEFORE THE BOARD OF COMMISSIONERS**  
3 **FOR LINCOLN COUNTY, OREGON**

4 In the Matter of:

5 *A Resolution Appointing the Lincoln County )*  
6 *Board of Commissioners as Trustees of )*  
7 *The Coronado Shores Special Road District )* RESOLUTION NO. \_\_\_\_\_  
8 *And Adopting a Plan for Dissolution and )*  
9 *Liquidation for the District )*

10  
11 WHEREAS, the Coronado Shores Special Road District (“CSSRD”, and also referred to  
12 as the “District”) is a special district located within Lincoln County, and formed under the  
13 provisions of ORS Chapter 198 and organized under ORS 371.305 to ORS 371.360; and  
14

15 WHEREAS, CSSRD has existed as a non-taxing district for over 40 years; and  
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17 WHEREAS, CSSRD consists of approximately 432 lots and 217 registered voters or  
18 electors; and  
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20 WHEREAS, in May of 2015, two of the three District Board member positions were  
21 filled as required by the principal Act; and  
22

23 WHEREAS, CSSRD historically has received revenue from a home owners association  
24 called the Coronado Shores Beach Club, hereinafter referred to as “HOA”; and  
25

26 WHEREAS, on August 4, 2015, Assistant Lincoln County Counsel Kristin Yuille wrote  
27 a letter to the CSSRD stating in part: “For several years it appears that the tax rate for the Special  
28 Road District (SRD) has been 0% and that no money has been collected for continuing  
29 operations of the District. Options are to establish a tax rate or dissolve the District;” and  
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31 WHEREAS, in a letter to the HOA, the President of CSSRD, Kem Morrow, indicated  
32 that the District had accepted the second option presented by Kristin Yuille. According to the  
33 letter, CSSRD turned over its balance of funds (approximately \$32,000) to the HOA, and said to  
34 the HOA don’t issue the District a check for FY 2015-2016. The letter concluded by saying:  
35 “Effective immediately the Coronado Shores Beach Club HOA is responsible for all  
36 maintenance, repairs and other road-related issues. We have returned all of the Special Road  
37 District files to the Clubhouse;” and  
38

1           WHEREAS, in August of 2015 all of the District directors resigned; no one has since  
2 been appointed to fill the vacancies; and

3  
4           WHEREAS, CSSRD has not been functioning as a district since August of 2015; and

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6           WHEREAS, as a matter of housekeeping, CSSRD needs to be dissolved; and

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8           WHEREAS, Janel Gifford, a resident of CSSRD, filed with the Lincoln County Clerk a  
9 Petition to Dissolve the Coronado Shores Special Road District- Petition No. 21-DIS-2016-01 on  
10 December 6, 2016; it was approved for circulation by the Lincoln County Clerk on the same day;  
11 and

12  
13           WHEREAS, on or around December 21, 2016, Ms. Gifford turned in the petition with  
14 accompanying signatures to the Lincoln County Clerk; and

15  
16           WHEREAS, on December 29, 2016, Amy Southwell, Chief Lincoln County Deputy  
17 Clerk, certified that there are 55 valid signatures on the petition; and

18  
19           WHEREAS, pursuant to ORS 198.920(1)(a) and ORS 198.755(5)(a), dissolution of a  
20 district may be initiated by a petition of the electors requesting dissolution with a signature  
21 requirement of at least fifteen percent of the electors registered in the district; and

22  
23           WHEREAS, the 55 signatures (of 217 electors in the District) represent more than the  
24 minimum fifteen percent requirement referenced above; and for that reason, dissolution of the  
25 District has been officially initiated; and

26  
27           WHEREAS, because there are no qualified District board members, it is appropriate for  
28 the Lincoln County Board of Commissioners to act as the board of trustees on behalf of the  
29 District (ORS 198.920(3)); and

30  
31           WHEREAS, ORS 198.925(1) under these circumstances requires the Lincoln County  
32 Board of Commissioners to file with the Lincoln County Clerk the certain findings of fact, as  
33 well as a plan of dissolution and liquidation in accordance with ORS 198.925(2); and

34  
35           WHEREAS, ORS 198.925(1) requires the findings of fact to include:

- 36           (a) The amount of each outstanding bond, coupon and other indebtedness, with a general  
37 description of the indebtedness and the name of the holder and owner of each, if  
38 known;



- 1 (b) A description of each parcel of real property and interest in real property and, if the  
2 property was acquired for delinquent taxes or assessments, the amount of such taxes  
3 and assessments on each parcel of property;  
4 (c) The amount of uncollected taxes, assessments and charges levied by the district and  
5 the amount upon each lot or tract of land;  
6 (d) A description of the personal property and of all other assets of the district.  
7 (e) The estimated cost of dissolution; and  
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9 WHEREAS, Janel Gifford has advised the County Counsel's Office that CSSRD does  
10 not have any assets or liabilities;  
11

12 WHEREAS, Lincoln County Treasurer Linda Pilson has advised the County  
13 Counsel's Office that CSSRD is holding no revenue for CSSRD;  
14

15 NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS  
16 DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:  
17

- 18 1. The Lincoln County Board of Commissioners is authorized to act as the board of  
19 trustees on behalf of the District.  
20 2. The Board hereby adopts the Findings of Fact and Plan for Dissolution and  
21 Liquidation found in Exhibit "A" that is attached hereto and incorporated by  
22 reference.  
23 3. The Findings of Fact and Plan for Dissolution and Liquidation, pursuant to ORS  
24 198.925(3), shall be filed in the office of the county clerk and shall be available for  
25 inspection by any interested person.

Dated this 18<sup>th</sup> day of January, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

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Terry N. Thompson, Chair

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Doug Hunt, Commissioner

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Bill Hall, Commissioner

EXHIBIT "A"

**CORONADO SHORES SPECIAL ROAD DISTRICT FINDINGS OF FACT AND PLAN  
FOR  
DISSOLUTION AND LIQUIDATION**

FINDINGS OF FACT (ORS 198.925(1))

- (a) There are no outstanding bonds, coupons or other indebtedness.
- (b) There are no parcels of real property or interests in real property.
- (c) There are no uncollected taxes, assessments or charges levied by the Coronado Shores Special Road District (hereinafter, the "District").
- (d) There is no personal property or other assets of the District.
- (e) There are no significant costs for the dissolution of the District. The general administrative costs will be borne by the County. The election costs will be billed to the District by the Lincoln County Clerk. It is expected that the election will be held in May of 2017, and that the cost for this election may be a few hundred dollars or so.

PLAN OF DISSOLUTION AND LIQUIDATION (ORS 198.930)

The District no longer has any assets or liabilities. Therefore, the Plan for Dissolution and Liquidation is simply to recognize that fact. There will be no need to transfer any assets or pay off any debt.

**Lincoln County  
Board of Commissioner's Meeting**

Lincoln County Courthouse Room 108  
225 West Olive Street  
Newport, Oregon

*January 18, 2017*

**\*\*\* Constituent input is limited to five (5) minutes\*\*\***

**Sign-up Sheet (Please print clearly)**

<b>Name</b>	<b>Address</b>	<b>Phone</b>

*None*