



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, February 22, 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**
- 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**
- H. **Execution of Documents**

V. PUBLIC HEARING

- A. **Calling for an election on the Boundaries of a Proposed People's Utility District (PUD) Under ORS Chapter 261, converting the existing Southwest Lincoln County Water District to a PUD - Presented by: Wayne Belmont**

- 1. Order #2-17- 62 Establishing Boundaries for the Formation of the

Proposed Southwest Lincoln County People's Utility
District and Calling for an Election

VI. DECISION/ACTION

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. INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

A. Recessed until immediately following the Joint Session with the City of Newport City Council February 22, 2017 at 6:00 pm.

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Wednesday, February 22, 2017 – 6:00 p.m. – Joint Work Session with the Newport City Council in Conference Room A, Newport City Hall, 169 SW Coast Highway, Newport, Oregon

Wednesday, February 22, 2017 – Immediately following the Joint Work Session - Board of Commissioners Meeting – in Conference Room A, Newport City Hall, 169 SW Coast Highway, Newport, Oregon

Monday, February 27, 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, March 1, 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

In the Matter of:)
)
ESTABLISHING BOUNDARIES FOR) **ORDER #**
THE FORMATION OF THE PROPOSED)
SOUTHWEST LINCOLN COUNTY)
PEOPLE’S UTILITY DISTRICT)
AND CALLING FOR AN ELECTION)

WHEREAS a petition was filed with, and certified by, the Lincoln County Clerk (Clerk) from the requisite number of qualified electors, ORS 261.231, interested in the formation of the Southwest Lincoln County People’s Utility District (PUD). The intent of the petitioners is to convert the existing Southwest Lincoln County Water District, an ORS Chapter 264 water district, to a PUD. Conversion would occur through formation of the PUD and eventual dissolution of the Water District¹; and

WHEREAS the Clerk forwarded the petition to the Oregon Department of Energy and to the Lincoln County Board of Commissioners to schedule hearings under ORS 261.151 and 261.161, respectively; and

WHEREAS the Oregon Department of Energy (ODOE), after notice, will schedule its required hearing and will submit a report to Lincoln County as required by law²; and

¹ This is the second attempt at converting the Water District to a PUD. The first attempt, in 2016, was initiated, placed before the voters, and defeated. That proceeding was dismissed by the Board of Commissioners after defeat of the measure. See BOC Orders 1-16-36 (Setting Hearing Date), 2-16-60 (Establishing Boundaries and Calling for Election), and 6-16-161 (Dismissal of Process). The petitioners are allowed to seek this action again, which they may do only once a calendar year. ORS 261.171

² ODOE’s hearing will occur after this order is adopted. The Board will issue a supplemental Order to incorporate the report received from ODOE into the record of this proceeding and addressing any findings or information, as necessary, from the ODOE report.

1 WHEREAS by Order # 2-17-50 the Board of Commissioners set and held a hearing
2 on February 22, 2016 after legal notice to consider the proposed boundaries of the PUD.
3 The petitioners proposed that the existing boundaries of the Southwest Lincoln County
4 Water District coincide directly with the proposed PUD. The Board of Commissioners also
5 considered calling for an election on the question of formation of the PUD under ORS
6 261.171; and

7 WHEREAS no additional testimony or evidence was presented at the hearing
8 challenging either the proposed boundaries or opposing placing this matter out for election.

9 **NOW, THEREFORE, BE IT ORDERED THAT:**

10 (1) The final boundaries of the proposed Southwest Lincoln County People’s
11 Utility District are the same as the existing boundaries of the Southwest Lincoln County
12 Water District at the time of initiation of this process.

13 (2) An election be held on May 16, 2017, to submit a question to the electors of
14 proposed PUD whether or not the Southwest Lincoln County People’s Utility District should
15 be formed. A Notice of Measure Election and Explanatory Statement in compliance with
16 ORS 250.035, ORS 250.038, ORS 280.07, ORS 251.345, ORS Chapter 261 and other
17 Oregon election laws are attached to and made a part of this Order as Exhibits “A” and “B”.
18 County staff is authorized to make minor adjustments to the Notice and Explanatory
19 Statement if required by the Clerk.

20 (3) As the proposed PUD includes territory within the city limits of Waldport
21 (called overlap area), a majority of the voters in the overlap area must approve formation to
22 be included within the proposed PUD. ORS 261.10(2).

1 (4) The PUD if formed shall be governed by a five member Board of Directors
2 elected in accordance with ORS 261.190.

3 (5) If the majority of voters of the proposed PUD (including overlap area) affirm
4 its formation, a final order proclaiming the PUD formed will be entered in accordance with
5 ORS 261.200. If the majority of voters oppose the formation, an order dismissing this
6 process will be entered.

7 (6) The Clerk shall determine and assess costs and/or security to pay for the costs
8 of the election in accordance with law.

9 (7) A certified true copy of this Order with attachments shall be delivered to
10 Lincoln County Clerk Dana Jenkins on or before the filing deadline for measures for the
11 May 16, 2017, election. A copy shall be provided to the petitioners' counsel, Corey Blake,
12 Gintner and Diaz.

DATED this 22th day of February, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Terry N. Thompson, Chair

Doug Hunt, Commissioner

Bill Hall, Commissioner

Exhibit “A”
NOTICE OF MEASURE ELECTION

Notice is hereby given that on Tuesday, May 16, 2017, a measure election will be held in Lincoln County on the question of formation of Southwest Lincoln County Water People’s Utility District.

The county clerk has advised that the election will be conducted by mail.

The following shall be the ballot title of the measure to be submitted to the voters of Lincoln County on this date:

CAPTION

Formation of the Southwest Lincoln County Water People’s Utility District

QUESTION

Should the Southwest Lincoln County Water People’s Utility District be formed?

SUMMARY

At the request of petitioners, this measure would create a People’s Utility District (PUD) to provide domestic water service in the area currently served by the Southwest Lincoln County Water District. The PUD is intended to replace the Southwest Lincoln County Water District as the water service provider. The boundaries of the proposed PUD will be the same as the existing boundaries of the Southwest Lincoln County Water District.

The PUD would be governed by a five member Board of Directors elected from the PUD. The PUD would have power to provide water services and set water rates. The PUD does not propose to provide electricity services. Formation does not include a tax levy.

For the area that is within both the City of Waldport and the proposed PUD boundaries (the overlap area), a majority of electors in the overlap area must approve formation of the PUD for the overlap area to be included within the PUD.

Exhibit “B”

EXPLANATORY STATEMENT FOR COUNTY VOTERS’ PAMPHLET

Ballot Title Caption:

Formation of the Southwest Lincoln County Water People’s Utility District

Measure Number:

Word Total: 228

Petitioners have again in 2017 initiated formation of the Southwest Lincoln County Water People’s Utility District (PUD) to convert the existing Southwest Lincoln County Water District (Water District) to a PUD. The PUD boundaries will be exactly the same as the Water District boundaries. The intent is to dissolve the Water District after formation of the PUD and transfer of all assets and liabilities to the new entity. A five member Board of Directors of the PUD would be elected from qualified persons within the PUD to govern the new entity.

The PUD would provide water service only and not electrical service. The PUD does not propose a special levy authorized under law but requiring voter approval. The PUD will continue to rely on water rates to fund services.

Because a portion of the proposed boundaries of the PUD includes properties within the City of Waldport, special election rules apply. For the area within both the City and the proposed PUD (called the overlap area), a majority of the electors in the overlap area must approve formation of the PUD to be included within the PUD. If a majority within the overlap area does not approve, then the overlap area is excluded from the PUD. The PUD without the excluded area would still be formed if a majority of the overall vote within the proposed boundaries approves formation.

