

APPROVED BY ORDER # 6-06-229

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS**

MEETING OF JUNE 21, 2006

CALL TO ORDER

Chair Don Lindly convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Bill Hall, Commissioner Terry Thompson, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Gretchen Ammerman, Solid Waste District Program Manager; Deputy District Attorney Sheryl Bachart; District Attorney Bernice Barnett; JoAnn Barton, Board Chair for Children's Advocacy Center; Assistant County Counsel Rob Bovett; Public Works Director Jim Buisman; Zachary Dahl from Dahl's Disposal Service, Inc.; Sheriff Dennis Dotson; Joel Gallob from the *News-Times*; Kiera Morgan from KNPT radio; Budget Officer Glen Morris; Finance Director Mike Rich; Lori Vegas, Accountant for OSU Extension Service District; Charles Wilson, petitioner; and staff of the District Attorney's Office.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

Recognition of Deputy District Attorney Sheryl Bachart by the Board of Directors of the Lincoln County Children's Advocacy Center

Chair Lindly welcomed JoAnn Barton, Board Chair for Lincoln County Children's Advocacy Center, and Sheryl Bachart, Deputy District Attorney. Ms. Barton thanked the Board of Commissioners for allowing the opportunity to recognize Ms. Bachart, and described the process in which Ms. Bachart successfully prosecuted Sam Williams on 57 counts of Measure 11 crimes in Lincoln County. Mr. Williams committed unspeakable acts of sexual abuse against his now seven year old niece, for which the court imposed consecutive sentences totaling 204 years in prison. Ms. Bachart prepared the case for months for the State against Sam Williams. Ms. Bachart was presented with a plaque for her commitment to the Lincoln County District Attorney's Office. Chair Lindly noted that though this is a very significant case, it is not Ms. Bachart's first success in Lincoln County. The Board commended her for her dedication and success.

ADOPTION OF CONSENT CALENDAR

Chair Lindly noted that a couple adjustments were going to be made to the agenda, the first of which moves Item VII.B., a discussion item regarding a proposal to increase the maximum jail inmate population from 101 to 141, immediately following the Consent Calendar. Mr. Belmont noted that one of the items on the Consent Calendar, authorizing paving contracts for Cross Street / Seal Rock Street and Elk City Road, requires an increase in costs to the budget to accommodate the increase in fuel. Mr. Belmont request the addition of a resolution adjusting the 2005-06 adopted budget appropriations for Lincoln County to allow for the changes to the Road fund for paving projects. Commissioner Thompson made a motion to approve the Consent Calendar as amended. Commissioner Hall highlighted the appointment of Al Eames as a lay member to the Commission on Children and Families. He commented

on Mr. Eames' genuine and committed nature to the children of our community. He also highlighted the Intergovernmental Agreement between Lincoln County and the City of Waldport for law enforcement services, and requested Sheriff Dotson speak for a moment on the topic. Sheriff Dotson discussed the agreement and commented on its success. Commissioner Hall seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT CALENDAR
OF JUNE 21, 2006 AS AMENDED**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

6-06-221 BOC Meeting Minutes of June 14, 2006

Commissioner Appointments & Resignations

6-06-222 Appointment of Alden Eames as a lay member of the Lincoln Commission on Children and Families

License Applications or Renewals

Tax Foreclosure, Right-of-Way, Sales and Deeds

General Budget Resolutions

06-21-06A In the matter of closing the district Attorney Criminal Forfeiture Fund and making a Residual Equity Transfer to the General Fund

06-21-06B In the matter of adjusting the 2005-06 adopted budget appropriations for Lincoln County

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

Execution and recordation:

6-06-223 Personal services contract between Lincoln County and VP Consulting, Inc. for purchase of Laser Fiche archive/scan software for the Sheriff's Office

6-06-224 Intergovernmental Agreement for law enforcement services with the City of Waldport for FY 2006-07

6-06-225 Referring a petition for a local improvement paving project to the Public Works Director for investigation and report

6-06-226 Authorizing paving contracts for Cross Street / Seal Rock Street and Elk City Road

Recordation:

6-06-227 Amendment # 6 to Intergovernmental Agreement # 113244 between the Department of Human Services and Lincoln County Health and Human Services

6-06-228 Amendment # 22 to Intergovernmental Agreement # 113007 between the Department of Human Services and Lincoln County Health and Human Services

Execution:

2006-2007 Intergovernmental Agreement of the financing of Public Health programs, Contract # 117539

Cooperative Agreement for Federal Aid in Sport Fish Restoration Act Funds, Motorboat Improvement Project, Yaquina River – Cannon Quarry Park, Lincoln County Public Works

DISCUSSION/INFORMATION (Part One)

Increasing the maximum jail inmate population from 101 to 141

Sheriff Dennis Dotson discussed past attempts to open the “A Pod” housing unit of the Lincoln County jail, and staffing changes within the jail as a result of raising, and eventually lowering again, the jail inmate population. The Sheriff commended the Sheriff’s Office Deputies for working with their supervisors to come up with a plan for increasing the jail population cap to 141. He described the proposal. Staff identified cells that have the appropriate amount of square footage for double bunking. The 28-bed facility will become a 34-bed facility. Some of the other housing units will also receive double bunks. The female offender population (which has been limited to 15 thus far) will be housed in the area that was originally designed for them, now accommodating up to 34. Sheriff Dotson discussed conflicts that currently exist with the male and female populations sharing facilities. Upon Board approval, the new proposal will become effective on July 1, 2006. Deputy positions are in the process of being filled. Sheriff Dotson thanked the Board for its support of this process, the staff for its dedication in coming up with this new plan, and the judges for their patience.

The Board expressed excitement over the proposed expansion in the jail. Commissioner Hall inquired about future expansion possibilities, to which Sheriff Dotson responded that for any future expansion, the jail will have to be remodeled. He commented on early releases and the work crew program. Assistant County Counsel Rob Bovett commented on the impact this will have on holding criminals accountable for their actions. This item will be on next week’s agenda for approval.

PUBLIC HEARING

Public hearing to take comment on and adopt the Lincoln County Solid Waste Disposal Service District Budget for FY 2006-2007

Public Works Director Jim Buisman stated that there have been no changes or amendments to the budget since it was approved by the Budget Committee. There was no public comment. Chair Lindly closed the public hearing. Commissioner Hall made a motion to execute and record Resolution # 06-21-06C adopting the 2006-07 Lincoln County Solid Waste Disposal Service District budget, making appropriations, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 06-21-06C ADOPTING THE 2006-
07 LINCOLN COUNTY SOLID WASTE
DISPOSAL SERVICE DISTRICT BUDGET,
MAKING APPROPRIATIONS, AND
CATEGORIZING THE LEVY**

Public hearing to take public comment on and adopt the Lincoln County Extension Service District Budget for FY 2006-2007

Lori Vegas, Accountant for OSU Extension Service District, stated that there were no changes or amendments to the budget since it was approved by the Budget Committee. There was no public comment. Chair Lindly closed the public hearing. Commissioner Hall made a motion to execute and record Resolution # 06-21-06D adopting the 2006-07 Lincoln County Extension Service District budget, making appropriations, levying taxes, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 06-21-06D ADOPTING THE 2006-
07 LINCOLN COUNTY EXTENSION SERVICE
DISTRICT BUDGET, MAKING
APPROPRIATIONS, LEVYING TAXES, AND
CATEGORIZING THE LEVY**

Public hearing to take public comment on and adopt the Lincoln County Transportation Service District Budget for FY 2006-2007

Budget Officer Glen Morris stated that there have been no changes to the Transportation Service District Budget since it was approved by the Budget Committee. There were no public comments. Chair Lindly closed the public hearing. Commissioner Hall made a motion to execute and record Resolution # 06-21-06E adopting the 2006-07 Lincoln County Transportation Service District budget, making appropriations, levying taxes, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 06-21-06E ADOPTING THE 2006-
07 LINCOLN COUNTY TRANSPORTATION
SERVICE DISTRICT BUDGET, MAKING
APPROPRIATIONS, LEVYING TAXES, AND
CATEGORIZING THE LEVY**

Public hearing to take public comment on Fund 216 of the FY2006-07 Lincoln County Budget and adoption of the Lincoln County Budget

Budget Officer Glen Morris stated that most of the changes were presented at last week's public hearing, but there have been a couple more since. He described the changes in detail. There was no public comment. Chair Lindly closed the public hearing. Commissioner Hall made a motion to execute and record Resolution # 06-21-06F adopting the 2006-07 Lincoln County budget, making appropriations, levying taxes, and categorizing the levy. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 06-21-06F ADOPTING THE 2006-
07 LINCOLN COUNTY BUDGET, MAKING
APPROPRIATIONS, LEVYING TAXES, AND
CATEGORIZING THE LEVY**

The Board thanked Mr. Morris for returning after his retirement to assist as a consultant.

Public hearing regarding a request by Charles P. Wilson for the vacation of Newton Court (Plat of "Little Creek"), File #V-147. Property is described as: "All of Newton Court abutting Lots 11, 12, and 13, Little Creek, County of Lincoln," located in Section 31, Township 13 South, Range 11 West, Willamette Meridian, Lincoln County

Public Works Director Jim Buisman referred to a map of the subject property and described the location. He provided the Affidavit of Posting and Affidavit of Service to County Counsel Wayne Belmont. Counsel Belmont noted the proof of publication in the newspaper. Mr. Buisman discussed the legal requirements associated with the vacation petition, and described the site and surrounding property. The petitioner intends to re-divide and build on the property. Mr. Buisman recommended the Board grant the request. Chair Lindly invited public comment. Mr. Wilson, the petitioner, commented. Chair Lindly closed the public hearing. Counsel Belmont requested an additional exhibit from Mr. Buisman to show specifically what is being vacated. If the consensus is to move forward, staff will prepare an Order for approval at the June 28, 2006 Board meeting. The Board gave consensus to move forward.

DECISION/ACTION

DISCUSSION/INFORMATION (Part Two)

Engineer's report on a local improvement project ("LID") petition to pave the roads within the Trollers Cove subdivision on the Alsea

Assistant County Counsel Rob Bovett described the steps in the LID process. Mr. Buisman submitted his report with the estimate of cost. The next step is to conduct an election by ballot with the notice of cost so the property owners can decide if they want to proceed after all. There was discussion regarding multiple properties. Each tax lot will be assessed individually. When Mr. Buisman sends out the ballots, he will need a majority of the votes in favor of the paving in order for it to pass. The majority comes

from those who respond, not the majority of the homeowners. Mr. Bovett described the process that will occur if the vote passes. This item will be added to next week's agenda for consent.

Dahl Disposal Service, Inc. Solid Waste Rates

Unincorporated areas of South Lincoln County

Zack Dahl discussed the uniform rate reporting code that was adopted by the County years ago, and some of the reasons for rate increases. East County has full automation, and the Dahls are expecting full automation in South County around January or February of 2007. Commissioner Thompson inquired about salvage prices of steel, and Mr. Dahl responded. Counsel Belmont added that we receive this information so the County can see history and future projections. The rate adjustments were presented to Waldport and Yachats and both approved the rates. The proposed increases are 6% to residential, and 4% to commercial. Counsel Belmont will prepare an Order with the new rates, effective July 1, for action at next week's Board meeting.

Unincorporated areas of East County

Counsel Belmont stated that rates are not being raised in the unincorporated areas of East County because of a reduction in future monetary obligation towards closure of the Agate Beach landfill. Those obligations are funded through a surcharge collected by the haulers on garbage in franchises which hauled waste to Agate Beach. He noted that a reduction in the surcharge rates will be recommended. He described the consortium's obligation for post closure operation and monitoring at the landfill. Counsel Belmont made the recommendation to reduce the surcharge collected by Dahls for Lincoln County and the City of Siletz to undertake these post-closure obligations. Staff will prepare an Order for approval next week to implement that reduction. Mr. Dahl discussed the long distance routes in East County, and commented on the amount of recycling in that area. Counsel Belmont recommended the Dahls provide an informational meeting in the near future. Commissioner Thompson commended the Lincoln County haulers.

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Update on the Salmon Fishers' Relief Effort

Chair Lindly gave an update on the Salmon Fishers Relief Effort. The Board met with representatives from the Port of Newport to create an application that incorporates information the County will need to determine who is eligible for the grant. \$75,000 will be dedicated to direct aid to Lincoln County fishers who are most affected directly by the commercial salmon fishery closure. The County decided to offer this grant to help cover moorage fees that fall between July 1, 2006 and June 30, 2007. The money will be directly paid to the marinas. The County will not cover "past due" accounts. The vessel must be home-ported in a Lincoln County public or private marina. 50% of the vessel income must come from salmon. Chair Lindly mentioned some of the requirements, all of which are listed on the County's web site, at www.co.lincoln.or.us. Applications can be printed off the web site, or picked up in the County Commissioners Office or at the ports.

Commissioner Thompson commented on the lack of funds provided by the State. The money in the County's Community and Economic Development Grant Fund comes from the video poker in Lincoln County through the lottery commission. He expressed the importance of maintaining job retention in the fishery.

Counsel Belmont stated that there is no executive session today because tentative agreements were reached on four out of five of the union contracts. The agreements will be presented for formal ratification and adoption at next week's Board meeting.

CONSTITUENT INPUT

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 10:55 a.m. These meeting minutes were read and approved this **28th** day of **June 2006**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner