

APPROVED BY ORDER # 7-06-253

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

MEETING OF JUNE 28, 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 District Attorney Bernice Barnett; Assistant County Counsel Rob Bovett; Joel Gallob from the *News-Times*; Kiera Morgan from KNPT radio; and Emma Velasco.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

Chair Lindly introduced the Consent Calendar items. County Counsel Wayne Belmont pulled item G.1.g., *Resolution # 06-28-06C in the matter of adopting the 5th Amendment to the Lincoln County Flexible Spending Plan*, from the Consent Calendar. Commissioner Hall inquired about public communication for the County fee schedule, of which there was none.

Commissioner Thompson made a motion to approve the Consent Calendar as amended. Commissioner Hall seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT CALENDAR
OF JUNE 28, 2006 AS AMENDED**

Chair Lindly mentioned that he had a conversation with Deane Bristow, the County's Safety Coordinator, regarding the Notice of Election for CIS, reviewing the County's position on workers' compensation. More information will come in the future.

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

6-06-229 BOC Meeting Minutes of June 21, 2006

Commissioner Appointments & Resignations

6-06-230 Appointments of Marsha Eckelman and Jennifer Wimpress to the Lincoln Community Health Council

- 6-06-231 Changes in membership of the Local Public Safety Coordinating Council
- 6-06-232 Changes in membership of the Lincoln County Public Health Advisory Committee

- 6-06-233 Removal of Lee Wright, Jim Crew and Richard Chesher as members of the Lincoln County Local Alcohol and Drug Abuse Planning Committee

License Applications or Renewals

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

General Budget Resolutions

Acting as Governing Body of County Wide Service Districts

- 06-28-06A Authorizing applications with the Federal Transit Administration

Documents and Recording Matters in the Commissioners Journal

Execution and recordation of:

- 6-06-234 Increasing the maximum jail inmate population from 101 to 141
- 6-06-235 Receiving engineer's report relating to a petition for a local road improvement paving project ("LID") in the Trollers Cove Subdivision, and directing that notice issue to the owner of each parcel of land to be assessed
- 6-06-236 Adopting the 2006-2007 Fee Schedule for departments of Lincoln County
- 6-06-237 Vacating a portion of Newton Court (Plat of "Little Creek")
- 6-06-238 Approving the distribution of land sales funds for the 2005-06 tax year

- 06-28-06B In the matter of the Post-Employment Health Plan

- 6-06-239 Setting rate schedule for Thompson's Sanitary Service
- 6-06-240 Setting rate schedule for the east county franchise of Dahl Disposal Service, Inc.
- 6-06-241 Lease between Lincoln County and the Lincoln County Children's Advocacy Center for property located at 122 NE 47th Street, Newport, Oregon, for the period of July 1, 2006 – June 30, 2011
- 6-06-242 Accepting a grant from the Oregon Department of Fish and Wildlife for improvements to certain real property along the Siletz River for a county park (boat launch)
- 6-06-243 Service contract between Lincoln County Health and Human Services and the Trueman Recovery Center to provide respite care services

Recordation of:

- 6-06-244 Amendment #1 to Intergovernmental Agreement # 3234 between the State of Oregon Department of Corrections and Lincoln County
- 6-06-245 Notice of Election for CIS Paid Loss Retrospective Plan, Workers' Compensation Coverage for Lincoln County for FY 2006-07
- 6-06-246 Amendment # 7 to Intergovernmental Agreement # 113244 between Department of Human Services and Lincoln County Health and Human Services
- 6-06-247 Amendment # 2 to Intergovernmental Agreement # 99842 between the State of Oregon Department of Human Services and Oregon State University Extension Services

Execution of:

Juvenile Accountability Block Grant with the Oregon Criminal Justice Services Division for FY 06-07 in the amount of \$10,000

Amendment # 1 to Intergovernmental Agreement # 22,816 for Right-of-Way Services – Canal Creek (Alder Springs Road) Bridge between Oregon Department of Transportation and Lincoln County

Amendment # 1 to Local Agency Agreement # 19,428 for Highway Bridge Replacement and Rehabilitation Project – Canal Creek (Alder Springs Road) Bridge between Oregon Department of Transportation and Lincoln County

Intergovernmental Agreement between Oregon Cascades West Council of Governments and Lincoln County for the purpose of providing information and connecting elderly persons with needed services

Contract for pharmacy services between Lincoln County and Wellpartner, Inc.

PUBLIC HEARING

DECISION/ACTION

Approving the annual rates for the south county franchise for Dahl Disposal Service, Inc.

The Board held a discussion with Zack Dahl of Dahl Disposal, Inc. about rate changes last week. Commissioner Thompson made a motion to execute and record Order # 6-06-248 approving the annual rates for the south county franchise for Dahl Disposal Service, Inc. Commissioner Hall seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-06-248 APPROVING THE ANNUAL RATES FOR
THE SOUTH COUNTY FRANCHISE FOR DAHL
DISPOSAL SERVICE, INC.**

Authorization for Chair to enter into Purchase and Sale Agreement with associated documents between Lincoln County and the Wetlands Conservancy for a conservation easement on the “Y-10” property

Counsel Belmont stated that this has been discussed extensively in the past. Staff created a motion for authorization, subject to Counsel’s review of the completed Purchase and Sale Agreement. He described the subject property, and stated that the conservancy provides funds that Lincoln County is providing to the Lincoln Land Legacy Program. Commissioner Hall made a motion, subject to County Counsel’s review, to approve the Purchase and Sale Agreement and the Conservation Easements to the Wetlands Conservancy property, commonly referred to as the Y-10 property between Newport and Toledo off Yaquina Bay Road. This motion also includes authorization for the Chair, or in his absence, the Vice-Chair, to execute the necessary closing documents to complete this transaction. Commissioner Thompson seconded the motion. Commissioner Hall commented on safety net payments, and how they impact local schools, the County Road Fund, and the Lincoln Land Legacy Program. A vote was taken and the motion passed unanimously.

**MOTION, SUBJECT TO COUNTY COUNSEL’S
REVIEW, TO APPROVE THE PURCHASE AND
SALE AGREEMENT AND THE CONSERVATION
EASEMENTS TO THE WETLANDS
CONSERVANCY PROPERTY, COMMONLY
REFERRED TO AS THE Y-10 PROPERTY
BETWEEN NEWPORT AND TOLEDO OFF
YAQUINA BAY ROAD. THIS MOTION ALSO
INCLUDES AUTHORIZATION FOR THE CHAIR,
OR IN HIS ABSENCE, THE VICE-CHAIR, TO
EXECUTE THE NECESSARY CLOSING
DOCUMENTS TO COMPLETE THIS
TRANSACTION.**

Chair Lindly stated that the Board will discuss the following four items as a whole, and then take individual action on each one. The County has concluded discussions on four out of five collective bargaining agreements. The Transportation Service District has yet to conclude with the Communication Workers of America. He pointed out that these four negotiations have been completed prior to the existing contracts’ expiration. It is the Board’s opinion that all the agreements are fair, equitable, and in keeping with the County’s financial capabilities. The contracts for each group will run from July 1, 2006 – June 30, 2009. The COLI will stand at 4.1%. CIS is the new insurance carrier for all groups. There is an increased level of benefits at the same cost. Chair Lindly recognized Counsel Belmont, Assistant Counsel Bovett, and Personnel Director Janie McCollister for their involvement in the negotiation process. Assistant Counsel Bovett requested that the Board approve the CWA contract, though it is still en route in the mail for signature.

Commissioner Thompson made a motion to execute and record Order # 6-06-249 approving a collective bargaining agreement between Lincoln County and the Lincoln County Employees Association (LCEA) for the period of July 1, 2006 – June 30, 2009. Commissioner Hall seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-06-249 APPROVING A COLLECTIVE
BARGAINING AGREEMENT BETWEEN
LINCOLN COUNTY AND THE LINCOLN
COUNTY EMPLOYEES ASSOCIATION (LCEA)
FOR THE PERIOD OF JULY 1, 2006 – JUNE 30,
2009**

Commissioner Thompson made a motion to execute and record Order # 6-06-250 approving a collective bargaining agreement between Lincoln County and the Communication Workers of America (CWA Road) for the period of July 1, 2006 – June 30, 2009, upon receipt of the agreement by Friday, June 30, 2006. Commissioner Hall seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-06-250 APPROVING A COLLECTIVE
BARGAINING AGREEMENT BETWEEN
LINCOLN COUNTY AND THE
COMMUNICATION WORKERS OF AMERICA
(CWA ROAD) FOR THE PERIOD OF JULY 1,
2006 – JUNE 30, 2009, UPON RECEIPT OF THE
AGREEMENT BY FRIDAY, JUNE 30, 2006**

Commissioner Hall made a motion to execute and record Order # 6-06-251 approving a collective bargaining agreement between Lincoln County and the Lincoln County Deputies Association (LCDA) for the period of July 1, 2006 – June 30, 2009. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-06-251 APPROVING A COLLECTIVE
BARGAINING AGREEMENT BETWEEN
LINCOLN COUNTY AND THE LINCOLN
COUNTY DEPUTIES ASSOCIATION (LCDA)
FOR THE PERIOD OF JULY 1, 2006 – JUNE 30,
2009**

Commissioner Hall made a motion to execute and record Order # 6-06-252 approving a collective bargaining agreement between Lincoln County and the Federation of Parole and Probation Officers (FOPPO) for the period of July 1, 2006 – June 30, 2009. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
6-06-252 APPROVING A COLLECTIVE**

**BARGAINING AGREEMENT BETWEEN
LINCOLN COUNTY AND THE FEDERATION OF
PAROLE AND PROBATION OFFICERS (FOPPO)
FOR THE PERIOD OF JULY 1, 2006 – JUNE 30,
2009**

Chair Lindly stated that the next item concerns all other employees who are not represented by a bargaining unit, including management staff and others. Commissioner Hall made a motion to extend the same wage adjustment and medical and dental benefits package to management and non-represented employees, which includes a 10% co-pay requirement on medical and dental premiums, as provided to represented employees, for the period beginning July 1, 2006. Department directors will receive a smaller wage adjustment because of changes in the PEHP PLAN. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXTEND THE SAME WAGE
ADJUSTMENT AND MEDICAL AND DENTAL
BENEFITS PACKAGE TO MANAGEMENT AND
NON-REPRESENTED EMPLOYEES, WHICH
INCLUDES A 10% CO-PAY REQUIREMENT ON
MEDICAL AND DENTAL PREMIUMS, AS
PROVIDED TO REPRESENTED EMPLOYEES,
FOR THE PERIOD BEGINNING JULY 1, 2006.
DEPARTMENT DIRECTORS WILL RECEIVE A
SMALLER WAGE ADJUSTMENT BECAUSE OF
CHANGES IN THE PEHP (POST EMPLOYMENT
HEALTH PLAN) PLAN.**

The Board commented that this is the first time the different unions have all been on the same schedule for bargaining.

Adjusting fees for the closure of Agate Beach Landfill

Counsel Belmont summarized the Solid Waste Consortium's post-closure monitoring obligations of the Agate Beach landfill, and commented on the imposed surcharge. Based on current amounts that have been collected, it has been determined that the County's portion of the money is close to being fully funded. Therefore, staff is recommending a reduction in the surcharge from its current amount of \$9 per ton to \$1 per ton. Commissioner Thompson made a motion to execute and record Resolution # 06-28-06C adjusting fees for the closure of Agate Beach landfill. Commissioner Hall seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD
RESOLUTION # 06-28-06C ADJUSTING FEES
FOR THE CLOSURE OF AGATE BEACH
LANDFILL**

DISCUSSION/INFORMATION

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

District Attorney Bernice Barnett – Annual Report

District Attorney Bernice Barnett discussed the past year in the DA's Office. She discussed cases her office tried; the Lincoln County Major Crime Team; the Victim's Assistance Department and the importance of the support it provides; the extraordinary efforts of the DA's Office staff; the Sexual Assault Response Team and the nurse examiners; potential grants for funding for the Victims' Assistance Department; training for rape victim advocates; the Drug Endangered Children Program; the amount of volunteer hours in the DA's Office; and equipment that measures toxicity on children endangered by meth. District Attorney Barnett also discussed the increase in felonies in 2005; the limited space in the jail; the future opening of an additional jail pod; the Lincoln County Victims' Initiative Program; DUII charges for out-of-county residents; and a potential grant for the Lincoln County Drug Court. District Attorney Barnett thanked the Board for its continual support, and thanked Mary Wright, the only Victims' Advocate in the County who has an advanced degree in that field. Commissioner Hall inquired about the increase in felonies. District Attorney Barnett responded with discussion about meth use and DUII cases. Commissioner Thompson inquired about one of the vacant positions in the DA's Office, which is in the process of being filled. The Board thanked District Attorney Barnett for her report.

Commissioners

Chair Lindly commented on the interest and support of the Salmon Fishers Aid Program. Changes have been made to the application, and the most recent one is on the County's web site. Funds can be applied for during July 1, 2006 and September 1, 2006. Applicants must attach a 2005 Summary List by Species (from ODFW) and the 2006 Salmon Troll Permit in order for their applications to be considered complete. The revised Press Release will go out to the media today. Commissioner Thompson mentioned the federal disaster training the Board received, and the coastal "sick ship" meeting he will be attending. Tomorrow the Board will be taking a tour of State forests. Commissioner Hall added that he participated in a statewide leadership summit in Salem on homelessness. Lincoln County will move forward with its own homelessness plan.

CONSTITUENT INPUT

Emma Velasco discussed victimization of children, and undocumented immigrants in Lincoln County.

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 10:35 a.m. These meeting minutes were read and approved this 5th day of July 2006.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner

APPROVED