

**APPROVED BY ORDER # 4-07-528**

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

**MEETING OF APRIL 4, 2007**

**CALL TO ORDER**

Chair Bill Hall convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Terry Thompson, Commissioner Don Lindly, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Deputy District Attorney Sheryl Bachart; Seth Bernstein, Executive Director, Accountable Behavioral Health Alliance (ABHA); Rich Glasgow, Director, LinCom; Gail Kimberling from the Newport News-Times; Kiera Morgan from KNPT radio; Sharon Phipps, Sexual Assault Nurse Examiner; Terry Walker, My Sisters' Place, Sexual Assault Services Coordinator, and numerous others.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**RECOGNITION/PROCLAMATION**

Commissioner Lindly read the proclamation for "National Public Safety Telecommunications Week" in full. Rich Glasgow, LinCom Director, introduced Merry Dooley and Becky Robison, staff at LinCom, and commended the LinCom staff members for the way they handle over 10,000 calls per month that are routed to LinCom. Mr. Glasgow thanked the Board for the proclamation. Commissioner Lindly made a motion to execute and record Resolution # 07-04-04A in the matter of proclaiming April 8 – 14, 2007 "National Public Safety Telecommunications Week" in Lincoln County. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
RESOLUTION # 07-04-04A IN THE MATTER OF  
PROCLAIMING APRIL 8 – 14, 2007 "NATIONAL  
PUBLIC SAFETY TELECOMMUNICATIONS  
WEEK" IN LINCOLN COUNTY**

Chair Hall read the proclamation for "Sexual Assault Awareness Month" in full. Terry Walker, Sexual Assault Services Coordinator and Rape Victim Advocate for My Sisters' Place, Sharon Phipps, Sexual Assault Nurse Examiner for Samaritan North Lincoln Hospital, and Deputy District Attorney Sheryl Bachart were all present to acknowledge the importance of this proclamation.

Ms. Walker thanked the Board for the proclamation and welcomed the My Sisters Place board members who were present in the audience. She recognized the Children's Advocacy Center for its work with children who have been sexually assaulted. Ms. Walker mentioned statistics associated with sexual assault services and listed some of the agencies involved with providing these services. She gave special thanks to the District Attorney's Office for its support of the cases brought to them.

Deputy District Attorney Sheryl Bachart stepped in on behalf of District Attorney Bernice Barnett, who could not be present today. She thanked the collaboration of partners who are part of the Sexual Assault Response Team who help make the prosecuting process go smoother, and acknowledged Valerie Olson from Samaritan North Lincoln Hospital. Deputy DA Bachart commented that with the increased assistance from these agencies, the standard of service increases, as well. She recognized the rape victim advocates Mary Metcalf, Anne Halsey, and Lisa Norton.

Ms. Phipps thanked the BOC, My Sisters' Place, the DA's Office, and Samaritan North Lincoln Hospital for working together on the sexual assault programs. She commented on the programs our county has that other counties don't. Ms. Phipps described the rape victims' advocacy program, and the \$147 thousand grant SART received as a result of its collaboration with other agencies. She discussed the importance of educating the public on sexual assault and violence.

Commissioner Lindly expressed his appreciation for the volunteers who provide various services for victims of sexual assault. He mentioned the My Sisters' Place Clothesline Project on April 16. Ms. Walker discussed the history of the Clothesline Project, which was created to provide awareness of sexual assault to the community and a healing process for the victims. Chair Hall commended the strong turnout in the audience. Commissioner Thompson commented on the need for advocacy about these issues in Salem, and how far these agencies have come in our county.

Commissioner Lindly added that the Children's Advocacy Center is celebrating its tenth year in Lincoln County, and it is working on an activity similar to the Clothesline Project called Silhouettes. Commissioner Lindly made a motion to execute and record Resolution # 07-04-04B in the matter of proclaiming the month of April 2007 "Sexual Assault Awareness Month" in Lincoln County. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD  
RESOLUTION # 07-04-04B IN THE MATTER OF  
PROCLAIMING THE MONTH OF APRIL 2007  
"SEXUAL ASSAULT AWARENESS MONTH" IN  
LINCOLN COUNTY**

**ADOPTION OF CONSENT CALENDAR**

Chair Hall introduced the Consent Calendar items. There were no items highlighted or deleted. Commissioner Thompson made a motion to approve the Consent Calendar in its entirety. Commissioner Lindly seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT CALENDAR  
OF APRIL 4, 2007**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

4-07-516      BOC Meeting Minutes of March 28, 2007

Commissioner Appointments & Resignations

- 4-07-517 Changes in membership to the Region 4 Workforce Investment Board
- 4-07-518 Changes in membership to the Mental Health Advisory Committee
- 4-07-519 Reappointing Wes Ryan to the Lincoln County Transportation Service District Budget 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

Documents and Recording Matters in the Commissioners Journal

- 07-04-04C Declaring certain used equipment to be surplus, and authorizing its disposal

**PUBLIC HEARING**

**DECISION/ACTION**

**Measure 37 Claims**

Chair Hall noted that though he was not present at last week's Board of Commissioners meeting, he read the minutes in full and listened to the meeting's tapes. Counsel Belmont stated that the motions made today will memorialize the decisions made at last week's meeting. He added that there are potential changes that might occur with Measure 37 in litigation or legislation. The County will continue to proceed since the changes haven't been enacted yet. The possibility of changes is reflected in the Board Orders. Chair Hall requested questions by the Board, of which there were none.

Commissioner Lindly made a motion to execute and record Order # 4-07-520 regarding the Ballot Measure 37 claim of Yaquina River Properties of "OREG LTD," claimant, Case file # 3-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-520 REGARDING THE BALLOT MEASURE  
37 CLAIM OF YAQUINA RIVER PROPERTIES  
OF "OREG LTD," CLAIMANT, CASE FILE # 3-  
LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 4-07-521 regarding the Ballot Measure 37 claim of Jack C. Eriksen, claimant, Case file # 10-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-521 REGARDING THE BALLOT MEASURE  
37 CLAIM OF JACK C. ERIKSEN, CLAIMANT,  
CASE FILE # 10-LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 4-07-522 regarding the Ballot Measure 37 claim of Shari Hall Kiser and Lester Hall, claimants, Case file # 19-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-522 REGARDING THE BALLOT MEASURE  
37 CLAIM OF SHARI HALL KISER AND LESTER  
HALL, CLAIMANTS, CASE FILE # 19-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 4-07-523 regarding the Ballot Measure 37 claim of Annabelle Loomis, claimant, Case file # 20-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-523 REGARDING THE BALLOT MEASURE  
37 CLAIM OF ANNABELLE LOOMIS,  
CLAIMANT, CASE FILE # 20-LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 4-07-524 regarding the Ballot Measure 37 claim of David Loomis, claimant, Case file # 21-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-524 REGARDING THE BALLOT MEASURE  
37 CLAIM OF DAVID LOOMIS, CLAIMANT,  
CASE FILE # 21-LURCC-06**

Commissioner Thompson made a motion to execute and record Order # 4-07-525 regarding the Ballot Measure 37 claim of Steve Davenport and Katie Davenport, claimants, Case file # 23-LURCC-06. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-525 REGARDING THE BALLOT MEASURE  
37 CLAIM OF STEVE DAVENPORT AND KATIE  
DAVENPORT, CLAIMANTS, CASE FILE # 23-  
LURCC-06**

Chair Hall stated that though he was absent from last week's Board meeting when this item was discussed, he reviewed all documents and tapes associated with this item. Counsel Belmont reminded the commissioners that they heard from Mike Rich, Finance Director, regarding this request, which is

subject to inclusion in the FY 07-08 budget. Commissioner Lindly commented that, per Mr. Rich's review of this request, there will be a savings to the County that will pay for this software over a period of the next couple of years. Commissioner Lindly made a motion to execute and record Order # 4-07-526 authorizing the execution of a contract to purchase a financial software upgrade. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-526 AUTHORIZING THE EXECUTION OF A  
CONTRACT TO PURCHASE A FINANCIAL  
SOFTWARE UPGRADE**

Counsel Belmont noted that the public hearing was held last week, and though there was some desire to approve this vacation, since the City of Lincoln City didn't recommend approval of the request, Mr. Buisman recommended the Board comply with Lincoln City's request to deny the vacation. The consensus was to move forward with the denial of the petition. Commissioner Thompson made a motion to execute and record Order # 4-07-527 denying the petition to vacate a portion of NW 56<sup>th</sup> Street in the Road's End area north of Lincoln City. Commissioner Lindly seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #  
4-07-527 DENYING THE PETITION TO VACATE  
A PORTION OF NW 56<sup>TH</sup> STREET IN THE  
ROAD'S END AREA NORTH OF LINCOLN CITY**

**Continuation of deliberations regarding a petition to vacate a portion of NW Stone Avenue in the San Marine area**

Chair Hall noted that the first public hearing on this matter was heard last week. There was an indication that Commissioners Thompson and Lindly were split on this decision, so the deliberations and decision were postponed until Chair Hall's return. Counsel Belmont noted that Chair Hall has had all the information on this file available to him for review, and he listened to the recorded tape from the public hearing. Chair Hall opened the public hearing for deliberations. Commissioner Thompson explained his desire to see the request denied in that he couldn't find a public necessity to vacate the property. Commissioner Lindly stated that he couldn't find a reason not to vacate the property. He discussed his reasons for recommending approval of the vacation request. Chair Hall stated that he reviewed the entire case file, including the tapes from the meeting, and talked with staff in Planning and Development and Public Works about the request. Chair Hall voted to deny the petition, and explained that he couldn't find any arguments, as clear as they were, that were convincing enough for protecting the public interest.

Commissioner Thompson made a motion to deny the request to vacate a portion of NW Stone Avenue in the San Marine area. Chair Hall seconded the motion. A vote was taken. Commissioner Thompson and Chair Hall voted in favor of the denial. Commissioner Lindly opposed. The motion passed 2-1.

**MOTION TO DENY THE REQUEST TO VACATE  
A PORTION OF NW STONE AVENUE IN THE  
SAN MARINE AREA**

Counsel Belmont noted that staff will prepare a Board Order for approval at next week's Board meeting. The Order will include the commissioners' vote.

## **DISCUSSION/INFORMATION**

### **BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS**

#### **REPORTS**

##### **Seth Bernstein, Executive Director, Accountable Behavioral Health Alliance (ABHA)**

Mr. Bernstein discussed the potential crisis last year when Deschutes County considered withdrawing from ABHA, but decided to stay. He mentioned the new office in eastern Oregon that will help accommodate Deschutes County's needs. He discussed different issues ABHA has been addressing, including challenges in balancing the budget for the first time in its history, The Children's System of Care Initiative, financial risk to mental health programs, and funding for psychiatric residential care. The State decided to re-base ABHA's funding, so cuts in revenue that went into effect in the middle of the fiscal year are affecting the next fiscal budget. Mr. Bernstein discussed shortfalls in the ABHA budget.

Commissioner Lindly, who sits on the ABHA governing board, mentioned that ABHA is a partnership with Jefferson, Deschutes, Crook, Benton, and Lincoln Counties. Counsel Belmont sits on the administrative council with Health and Human Services Director Jan Kaplan, but doesn't necessarily represent Lincoln County; rather, he represents the County Counsels of the five partners.

Mr. Bernstein detailed the objectives of the Compliance Plan; the financial report, which shows how each county is spending ABHA monies; the services ABHA provides; reporting challenges; reorganization of services and changes in staffing. There was discussion concerning immediate care for mental health clients in our county when the representative from ABHA is not present; changes in the programs for severely mentally disabled clients; excessive hospital utilization; decrease in revenues; the increase of meth use in the state compared to the increased mental health cases; and the difference between behavioral and mental health treatment. Commissioner Lindly commended ABHA for the work it does for the alliance of counties. He commented on the close monitoring of staffing levels.

#### **Commissioners' Reports**

Commissioner Thompson stated that he and Assistant County Counsel Rob Bovett presented information on wave technology before legislation yesterday. One of four bills was moved, with three being amended. He added that Mr. Bovett is experienced in ocean law and commented on the number of issues he presents before Salem legislature.

As a member of the Local Government Advisory Committee, Commissioner Lindly commented on his review of applications for veterans' memorials in Oregon. There were a number of projects, a couple of which were selected who were not members of Lincoln County. The funding will increase to \$500,000 per year for the memorials. The committee also reviews local government park grants.

Commissioner Lindly added that Lincoln County is in the process of accepting applications for review by the Non-Profit Social Service Agency Allocation Review Committee. The committee is made up of citizens from around the county who review the applications and submit recommendations to the Board of Commissioners. The proposed budget for this fund has increased this year, with a total allocation amount of \$145,000. May 14 has been scheduled for the night of application review.

Counsel Belmont added that the County has also initiated its Title III application process, which is in its final year. These funds come out of County Payments.

The next Board of Commissioners meeting will be next Wednesday, April 11, in the BOC conference room at 9:30 a.m.

**CONSTITUENT INPUT**

**EXECUTIVE SESSION**

**ADJOURNMENT**

The meeting adjourned at 11:00 a.m. These meeting minutes were read and approved this 11<sup>th</sup> day of April 2007.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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**BILL HALL, Chair**

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**TERRY N. THOMPSON, Commissioner**

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**DON LINDLY, Commissioner**