

APPROVED BY ORDER # 9-07-710

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 12, 2007**

CALL TO ORDER

Commissioner Thompson convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Lindly, Lincoln County Counsel Wayne Belmont, Lincoln County PIO Liz Sample, Siletz Mayor Leslie Button, Siletz City Councilors Tim Mann and Jeff Clark, Siletz City Recorder Sheryl Simmons, Siletz City Deputy Recorder Sheila Jordan, *News-Times* Editor Gail Kimberling, and Recorder Judy Eames. Commissioner Bill Hall was attending a Fair Board meeting and was excused.

ROLL CALL - ESTABLISHMENT OF A QUORUM

ADOPTION OF CONSENT CALENDAR

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

**MOTION TO APPROVE CONSENT
CALENDAR OF SEPTEMBER 12, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

9-07-701 BOC Meeting Minutes of September 5, 2007

Documents and Recording Matters in the Commissioners Journal

Execution and Recordation:

- 07-12-09A Resolution authorizing the County Parks Division to apply to Oregon Parks and Recreation Department for grant funds for the purpose of making improvements to Moonshine County Park
- 07-12-09B Resolution authorizing the County Parks Division to apply to Oregon Parks and Recreation Department for grant funds for the purpose of obtaining a feasibility study

of the existing Moonshine County Park water and sewer system to see if they are adequate to support additional campsites, showers, and RV hookups

9-07-702 Accepting a grant from the Oregon State Marine Board Facility, Grant Cooperative Agreement # 1315, in the amount of \$50,000 for making improvements to Bear Creek County Park

Recordation of:

9-07-703 Amendment #3 to the Department of Human Services 2007-2009 Intergovernmental Agreement for the financing of mental health, developmental disability and addiction services, Agreement # 119939

0-07-704 Amendment #4 to the Department of Human Services 2007-2009 Intergovernmental Agreement for the financing of mental health, developmental disability and addiction services, Agreement # 119939

DECISION/ACTION

Measure 37 Claims

Counsel Belmont advised that the four Measure 37 claims were presented by staff to the Board on June 20, 2007. The claims were found to be valid at that time, and Counsel Belmont had been directed to draft appropriate orders. Counsel Belmont noted that Ballot Measure 49, which will be voted on in November, may significantly impact Measure 37 claims. A challenge has been filed in Marion County Circuit Court to the Oregon Legislature's referral of this ballot measure to the voters, but has not yet been decided. Counsel Belmont stated that the proposed orders do reflect language placing claimants on notice of possible future court decisions and interpretations and possible referrals to the voters regarding changes to Measure 37 that may impact their claims.

Commissioner Lindly made a motion to execute and record Order # 9-07-705 regarding the Ballot Measure 37 claim of Ungers' Co., claimant, Dawn Pavitt, Agent, case file # 107-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
9-07-705 REGARDING THE BALLOT MEASURE
37 CLAIM OF UNGERS' CO., CLAIMANT, DAWN
PAVITT, AGENT, CASE FILE # 107-LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 9-07-706 regarding the Ballot Measure 37 claim of Ungers' Co., claimant, Dawn Pavitt, Agent, case file # 108-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
9-07-706 REGARDING THE BALLOT MEASURE
37 CLAIM OF UNGERS' CO., CLAIMANT, DAWN
PAVITT, AGENT, CASE FILE # 108-LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 9-07-707 regarding the Ballot Measure 37 claim of Phylliss Troyer, claimant, Dennis Bartoldus, Agent, case file # 118-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
9-07-707 REGARDING THE BALLOT MEASURE
37 CLAIM OF PHYLLISS TROYER, CLAIMANT,
DENNIS BARTOLDUS, AGENT, CASE FILE # 118-
LURCC-06**

Commissioner Lindly made a motion to execute and record Order # 9-07-708 regarding the Ballot Measure 37 claim of Robert and Janice Foley, claimants, case file # 147-LURCC-06. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
9-07-708 REGARDING THE BALLOT MEASURE
37 CLAIM OF ROBERT AND JANICE FOLEY,
CLAIMANTS, CASE FILE # 147-LURCC-06**

DISCUSSION/INFORMATION

Sheriff's Auction of Tax-Foreclosed Property

Counsel Belmont discussed the two tax-foreclosed properties being proposed for auction on October 25, 2007. The first parcel is approximately 6.68 acres in size located on S. Bay Road. This property may have access issues, although there is a reciprocal easement with the adjoining property owner for logging purposes. The second property is a 32-foot moorage berth at the Embarcadero. Information on the auction can be obtained by contacting the county's property manager, Janet Scanlon, or by visiting the county's website.

REPORTS

Commissioner Lindly thanked the Siletz City Council for the opportunity to meet and discuss mutual items of interest and concern. He advised that the board had decided to move forward with a ballot measure to be voted on in November to increase the county's transient room tax. The increase would, if approved, be used to help fund the Fair, the Oregon Coast Aquarium and the county's general fund. The transient room tax increase would apply only to the unincorporated areas of the county.

Commissioner Thompson reported on a recent trip to Utah where he met with, and was received with great enthusiasm by, representatives from the Western Region of Conservation Districts on the issue of wave action generators.

CONSTITUENT INPUT

No constituent input was offered.

ADJOURNMENT

The meeting adjourned at 7:15 p.m. These meeting minutes were read and approved this 19th day of September, 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

EXCUSED

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner

APPROVED