

APPROVED BY ORDER # 9-07-701

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 5, 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, PIO Liz Sample, and Recorder Judy Eames. Also present were Kiera Morgan from KNPT radio and Steve Card for *The News Times*.

ROLL CALL - ESTABLISHMENT OF A QUORUM

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 SEPTEMBER 5, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

9-07-695 BOC Meeting Minutes of August 29, 2007

Commissioner Appointments & Resignations

9-07-696 Changes in membership to the Lincoln County Alcohol and Drug Abuse Planning Committee

Documents and Recording Matters in the Commissioners Journal

Execution and Recordation:

9-07-697 Authorizing certain employees of the Health and Human Services Department to take actions permitted by ORS §426.233 relating to the emergency commitment, care and treatment of the mentally ill

Recordation of:

- 9-07-698 Contract #92-941-3 for Shelter services between the State of Oregon Department of Human Services and Lincoln County Juvenile Department for provision of 1 bed
- 9-07-699 Intergovernmental Agreement # 3555 between Lincoln County and Oregon Department of Corrections assigning correctional supervision and services
- 9-07-700 Subcontract between Oregon Social Learning Center and Lincoln County Community Corrections for provision of motivational parent training in Community Corrections

Chair Hall recommended, and Commissioners Thompson and Lindly concurred, moving Item IX.A.1, a report from Central Coast District Ranger Pam Gardner, to be the next item for consideration.

REPORT

Central Coast District, U.S. Forest Service, Siuslaw National Forest

District Ranger Gardner introduced herself to the Board and gave a brief background on her 23 years of service with the U.S. Forest Service. She noted that the Central Coast Ranger District-Oregon Dunes National Recreation Area was created through a recent consolidation of the Waldport Ranger District, the Mapleton Ranger District, and the Oregon Dunes National Recreation Area and spans nearly 80 miles along the Oregon coast beginning just north of Waldport and extending to Coos Bay. She stated that stewardship is one of the district's priorities in its continuing effort to create whole watershed restoration, healthy forests, healthy streams and fish runs, and healthy local economies. Three stewardship groups are currently working on restoration activities in the Central Coast District: Siuslaw Basin, Alsea, and Mary's Peak. Ranger Gardner gave a brief report on timber sales, a majority of which occurred in Lincoln County. Restoration thinning is ongoing to enhance fish habitat and to restore valley bottoms and channels to their natural conditions in previously clear-cut plantations (managed stands). Ranger Gardner advised that these efforts have received worldwide recognition. The Oregon Dunes National Recreation Area, the Cape Perpetual Scenic Area, and Mary's Peak contain a variety of recreational opportunities, as do many other campgrounds, day use areas, boat ramps, and trails for hiking, equestrian use, and water and mountain biking. Ranger Gardner reported that the district's main office transition from Florence to Waldport is slated to be completed by November. Commissioner Thompson asked about the potential for increased fire risk as a result of the decline in timber harvesting; Ranger Gardner replied that the district's primary goal is protection of life and property, and that the Forest Service and, more particularly, the state forestry works with communities toward that goal. After questions from the commissioners dealing with the development of an emergency travel route for Highway 101, improved protection of endangered species while harvesting is taking place, and the Swiss Needle Cast problem currently spreading in coastal Douglas Fir, Ranger Gardner stated she would research and provide additional information on these issues. All three commissioners thanked Ranger

Gardner for attending the meeting and expressed their desire for continued communication with the district.

DECISION/ACTION

Ordinance # 449 “Relating to taxes; creating new provisions; amending LCC 5.010 and 5.012; repealing LCC 5.015 and 5.020; and referring the ordinance to the voters for approval”

Hearing no requests to read Ordinance # 449 in full, Chair Hall read the ordinance by title only. He noted that extensive discussions on increasing the county’s transient room tax had taken place over the last two weeks. Since last week’s meeting, a few minor changes had been made to the ordinance, as well as the addition of a provision that excludes any properties within the incorporated areas of the cities within Lincoln County from the increase. Because of state law requirements that any county ballot measure imposing or providing an exemption from taxation be voted on, and the exemption applies to cities within the county, the ballot measure will be voted on by all voters within the county. Assistant County Counsel Rob Bovett thanked the commissioners for providing the best and “simplest” solution to an otherwise complicated ballot measure. He advised that the explanatory statement includes revenue estimates for the increased transient room tax totaling approximately \$560,000. The distribution formula would result in a division of the new revenue in approximate amounts of \$224,000 for the Fairgrounds Facilities Improvement Fund, \$168,000 for the Oregon Coast Aquarium, and \$168,000 for the County general fund. Chair Hall advised he had received five e-mails from interested parties suggesting other potential recipients of the increased revenue. All three commissioners commented that the Board lacks the authority to increase the transient room tax, and it is the voters who will decide on whether the proposed increase in transient room tax is implemented. The commissioners also noted that the proposed increase will bring Lincoln County into line with other Oregon communities. Commissioner Lindly made a motion to approve Ordinance #449 “Relating to taxes; creating new provisions; amending LCC 5.010 and 5.012; repealing LCC 5.015 and 5.020; and referring the ordinance to the voters for approval.” Commissioner Thompson seconded the motion. The vote was taken and the motion passed unanimously.

MOTION TO APPROVE ORDINANCE #449 “RELATING TO TAXES; CREATING NEW PROVISIONS; AMENDING LCC 5.010 AND 5.012; REPEALING LCC 5.015 AND 5.020; AND REFERRING THE ORDINANCE TO THE VOTERS FOR APPROVAL

Transient Lodging Tax

Commissioner Lindly made a motion to approve Resolution # 07-05-09A calling for an election on November 6, 2007, to refer a proposed increase in the transient lodging tax to the voters of Lincoln County. Commissioner Thompson seconded the motion. The vote was taken and the motion passed unanimously.

MOTION TO APPROVE RESOLUTION # 07-05-09A CALLING FOR AN ELECTION ON NOVEMBER 6, 2007, TO REFER A PROPOSED INCREASE IN THE TRANSIENT LODGING TAX TO THE VOTERS OF LINCOLN COUNTY

DISCUSSION/INFORMATION

Bids for Asphaltic Concrete Overlay on West Devils Lake and East Devils Lake Roads

Public Works Director James Buisman reported that asphaltic concrete overlay will be applied to a portion of West Devils Lake Road after which, in agreement with the Lincoln City Council, the road will be transferred to Lincoln City's jurisdiction. Overlay is also needed on a portion of East Devils Lake Road which experiences continual flooding in the winter. The overlay will raise the road two to ten inches and, along with the placement of twenty small culverts, will be a short-term solution to minimizing the effects of flooding. Taking this approach will alleviate the problem of having to obtain permits from various agencies that would be required if larger culverts were used. The county's estimate for the projects was \$418,978.00. Three bids were received: (1) Road and Driveway of Newport in the amount of \$332,999.23; (2) Knife River of Tangent in the amount of \$457,638.00; and (3) Baker Rock of McMinnville in the amount of \$415,846.84. Mr. Buisman recommended that the bid be given to the low bidder, Road and Driveway of Newport. Chair Hall noted there appeared to be a misconception in the community that the county has done nothing about the flooding problem on East Devils Lake Road; in fact, discussions about the condition of the road have taken place over the course of the last few years with various state agencies. Mr. Buisman stated that a permanent solution involving either the raising of two bridges or building a causeway would cost much more than the county road fund could absorb. Commissioner Lindly made a motion to award the bid for asphaltic concrete overlay on West Devils Lake and East Devils Lake Roads to Road and Driveway of Newport in the amount of \$332,999.23. Commissioner Thompson seconded the motion. The vote was taken and the motion passed unanimously.

MOTION TO AWARD BID FOR ASPHALTIC CONCRETE OVERLAY ON WEST DEVILS LAKE AND EAST DEVILS LAKE ROADS TO ROAD AND DRIVEWAY OF NEWPORT IN THE AMOUNT OF \$332,999.23

Application for Grant Funds for improvements to Moonshine Park

Lincoln County Park Superintendent Jim Chambers asked for authorization to apply for an Oregon Parks & Recreation Department for grant money to be used for improving ADA accessibility by asphaltting some of the existing trails, constructing new trails, and curbing and striping at Moonshine Park. The Board gave consensus to place to place a resolution authorizing application for the grant on the Consent Calendar for September 12, 2007.

Application for Grant Funds for Feasibility Study

Mr. Chambers advised that he would also like authorization to apply for Oregon Parks & Recreation Department for grant funds for the purpose of obtaining a feasibility study of the existing Moonshine County Park water and sewer system to determine if they are adequate to support additional campsites, showers, and RV hookups. The Board gave consensus to place a resolution authorizing application for the grant on the Consent Calendar for September 12, 2007.

APPROVED

Accepting Grant for Improvements to Bear Creek County Park

The Board gave consensus to place an order accepting Facility Grant # 1315 from the Oregon State Marine Board in the amount of \$50,000 on the Consent Calendar for September 12, 2007. The grant funds will be used for a boat ramp and other park amenities at Bear Creek County Park. Mr. Chambers noted that this park has not been formally named, but for grant application purposes, Bear Creek was used since the creek runs adjacent to the park property. The commissioners thanked Mr. Chambers for his tireless work in improving the county's park system.

On another county park matter, Commissioner Lindly expressed his desire that in order to facilitate incorporating Walter Brown's vision for the 185 acres Mr. Brown donated to the county to be used as a public park (the Barbara S. and Walter F. Brown Memorial Park), the county move forward quickly with developing a master plan for the property. Commissioner Lindly suggested applying for a Local Government grant, as well as exploring other grant options, and urged Commissioners Hall and Thompson to consider the use of contingency funds to pay for development of a master plan for the property. Commissioner Thompson noted he would like to ensure cooperation with other local entities in developing the park; Commissioner Lindly stated this would be easier after the preparation of a master plan. Chair Hall advised he would give the request strong consideration. Counsel Belmont noted that a property appraisal, including timber cruise, is expected to be finished by October 1.

REPORTS (continued)

Lincoln County Drug Court Annual Report and Grant Application

Assistant County Counsel Rob Bovett presented the Lincoln County Drug Court Annual Report to the Board and asked for authorization to sign a grant agreement with the Oregon Criminal Justice Services Division for \$94,823 for the second year of the Lincoln County Drug Court Program. He advised that a grant with the Oregon Criminal Justice Commission for \$100,000 for year two of the Drug Court Program has already been secured. Mr. Bovett noted that the two major proponents of the Drug Court Program are accountability and redemption, and that this approach has shown to restore lives and families. He praised the partners involved in the program, stating that Judge Robert Huckleberry was instrumental in making the drug court become a reality. Commissioner Lindly made a motion to authorize the Board Chair to sign a grant agreement with the Oregon Criminal Justice Services Division for \$94,823 for year two of the Lincoln County Drug Court Program. Commissioner Thompson seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO AUTHORIZE THE BOARD
CHAIR TO SIGN A GRANT AGREEMENT
WITH THE OREGON CRIMINAL JUSTICE
SERVICES DIVISION FOR \$94,823 FOR YEAR
TWO OF THE LINCOLN COUNTY DRUG
COURT PROGRAM**

CONSTITUENT INPUT

No constituent input was offered.

ADJOURNMENT

Chair Hall reminded those present that the next meeting of the Board of Commissioners will take place at Siletz City Hall on September 12, 2007. A joint session will be held with the Siletz City Council beginning at 6:00 p.m., and the regular Board meeting will follow.

The meeting adjourned at 11:05 a.m. These meeting minutes were read and approved this 12th day of September, 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner

APPROVED