Monday, April 20, 2020
11:00 a.m. Special Meeting

**NOTE SPECIAL DATE & TIME**

Livestreamed on YouTube at:
https://www.youtube.com/channel/UCwNz5TMyHTN4itpJm_efb9Q
Constituent input may be submitted via email to boc@co.lincoln.or.us

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. ADOPTION OF CONSENT CALENDAR
   A. Minutes of Board of Commissioners Meeting
   B. Commission Appointments and Resignations
      1. Order #4-20- Changes in Membership to the Alcohol Prevention and Recovery Committee
      2. Order #4-20- Changes in Membership to the Mental Health Advisory Committee
   C. License Applications or Renewals
   D. Tax Foreclosure, Right-of-Way, Sales and Deeds
   E. General Budget Resolutions
   F. Acting as Governing Body of County Wide Service Districts
   G. Documents and Recording Matters in the Commissioners Journal
      1. Order #4-20- Timekeeping Systems, Inc. Master Sales Agreement for Software and Services
      2. Order #4-20- OCHIN Statement of Work #6413 for MyChart Activation Improvement Program
      3. Order #4-20- Agreement between SpiralFX Interactive LLC. and Lincoln County Sheriff’s Office HealthSecure EMR
   H. Execution of Documents
      1. Order #4-20- Professional Services Agreement between Lincoln County and Otak for Beaver Creek (Wolkau Road) Bridge Replacement, Project No. 019182.100
      2. Order #4-20- Letter to Urge Oregon Federal Delegation to Provide Direct and Flexible Funding to Counties in Next Round of COVID-19 Relief
      3. Order #4-20- Repealing Order #4-20-90 Regarding Clarification of Leave Policies Regarding COVID-19 in County Personnel Rules
4. Resolution #20-4-20A  Application for the Property Tax Program Grant for Fiscal Year 2020-2021

5. 2020 Fund Exchange Agreement No. 34137 between Oregon Department of Transportation and Lincoln County (not to exceed: $1,697,539.66)

IV. REPORTS
A. Lincoln County Public Health COVID-19 Update – Presented by Nicole Fields

B. Reports from Senator Arnie Roblan and Representative David Gomberg (invited)

C. Commissioners

V. DECISION/ACTION
A. Order #4-20  Second Addendum to Declaration of State of Emergency – Presented by Wayne Belmont, County Counsel

VI. DISCUSSION/INFORMATION
A. Extension of Order #3-23-85  Short-Term Rental Restriction - Presented by Wayne Belmont, County Counsel

B. Update: Resolution #20-4-3B  Short-Term Rental License Suspension - Presented by Wayne Belmont, County Counsel

C. Appointment to Lincoln County Planning Commission – Presented by Onno Husing, Planning Director

VII. ADJOURN

VIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD
Monday, April 27, 2020 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

Monday, April 27, 2020 – 10:00 a.m. – Board of Commissioners Meeting

Monday, April 27, 2020 – 1:30 p.m. – Virtual Meeting of the Board of Commissioners and Mayor and Councils of Lincoln City, Depoe Bay, Newport, Toledo, Siletz, Waldport, and Yachats, and Confederated Tribe of Siletz Indians

For special physical, language or other accommodations at Board’s meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

Second Addendum to Declaration of ) RESOLUTION#
State of Emergency )

WHEREAS, Chair Kaety Jacobson signed a Declaration of State of Emergency
(Resolution No. 20-18-3A) regarding the COVID-19 pandemic on March 13, 2020, to be in effect
for two weeks; and

WHEREAS, the State of Emergency was ratified by the full Lincoln County Board of
Commissioners, and extended to be in effect until April 30, 2020 in Resolution No. 20-18-3B; and

WHEREAS, the Resolution needs to be further extended based upon the current state of
the COVID-19 pandemic in Lincoln County;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED THAT:

1. The Lincoln County Declaration of State of Emergency regarding the COVID-19
pandemic is extended to be in effect until May 8, 2020 unless sooner terminated, modified or
extended by Board Order.

DATED this _____ day of April, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

_______________________________
Kaety Jacobson, Chair

_______________________________
Claire Hall, Commissioner

_______________________________
Doug Hunt, Commissioner

Resolution # _____________ Page 1 of 1
BEFORE THE BOARD OF COMMISSIONERS 
FOR LINCOLN COUNTY, OREGON 

In the Matter of: ) ORDER NO. ___________
An Order Repealing Order No. 4-20-90 )
Regarding Clarification of Leave )
Policies Regarding COVID-19 in the )
County Personnel Rules )

WHEREAS, the Federal Families First Coronavirus Response Act (hereinafter, the “Act”) provides that an employer can exclude health care workers and emergency responders from receiving additional paid sick leave and/or expanded family and medical leave under the Act; and

WHEREAS, based upon the best information available at the time, the Board in Order No. 4-20-90 decided to allow health care workers and emergency responders to utilize the paid sick leave, but not the expanded family and medical leave under the Act; and

WHEREAS, the Board now anticipates that the use of expanded family and medical leave under the Act by health care workers and emergency responders will be manageable if Order No. 4-20-90 were to be repealed; and

WHEREAS, in Order No. 4-20-90, the Board delineated by department which employees are health care workers and emergency responders, which is no longer necessary; and

WHEREAS, if Order No. 4-20-90 were to be repealed, under the Act, both health care workers and emergency responders would be eligible for both the paid sick leave and the expanded family and medical leave because they would not have been excluded by the employer; and

WHEREAS, in addition to the leave provided by the Act, health care workers and emergency responders may also be eligible for the OFLA school closure leave, regular OFLA and FMLA leaves, and County paid leave; and

WHEREAS, Order No. 4-20-40 also contained provisions for qualifying leave based upon high risk from complications of COVID-19, but the period for utilization of that leave expired on April 6, 2020, so those provisions should be removed from the Lincoln County Personnel Rules; and

WHEREAS, Section (4) of Order No. 4-20-90 contains a provision that “This policy may change as state and federal directives laws and rules may evolve. The Board may also change this policy as needed at any time under the provisions of the Lincoln County Personnel Rules”; and
WHEREAS, it is appropriate to now repeal Order No. 4-20-90;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1) Lincoln County Order No. 4-20-90 is repealed in its entirety effective immediately.

2) Copies of this Order shall be distributed to County department heads and elected officials and notification of the change shall be made to employees.

DATED this _______ day of April, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

__________________________
Kaety Jacobson, Chair

__________________________
Claire Hall, Commissioner

__________________________
Doug Hunt, Commissioner
BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

In the Matter of
Exercising Authority to Act to Protect Lincoln County
Citizens and Minimize the Effects of the COVID-19
Emergency

ORDER NO. 3-23-85

WHEREAS Lincoln County, by Resolution dated March 13, 2020 and ratified and
extended by the Board of Commissioners on March 18, 2020, declared an emergency in
Lincoln County created by the COVID-19 pandemic crisis which is threatening citizens
of Lincoln County; and

WHEREAS the Cities of Lincoln City, and Newport, have also declared
emergencies and the Cities of Toledo, Depoe Bay, Yachats and Waldport have recently
adopted declarations or are planning to adopt declarations and/or have taken precautionary
actions including closing public facilities to address the crisis; and

WHEREAS the Governor of the State of Oregon declared a state of emergency for
the entire state on March 8, 2020 finding that COVID-19 has created a threat to public
health and safety and constitutes a statewide emergency under ORS 401.025(1); and

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1 Resolution # 20-18-3A, signed by Chair Jacobson on March 13, 2020, ratified by the full Board on March 18,
2020. Resolution # 20-18-3B adopted by the Board on March 18, 2020 extended the declaration through April 30,
2020.

2 The Declaration of an Emergency applies throughout Lincoln County since this health issue is not confined to
specific geographic portions of the County but threatens county residents across the entire County. On March 11,
2020 the US Center for Disease Control (CDC) declared the threat pandemic in the US and cases have been
reported in all 50 states.


4 Affirmed by the City Council on March 16, 2020.

5 Executive Order No. 20-3

Order # 3-23-85 Page 1 of 6
WHEREAS the President of the United States signed a proclamation declaring a
national emergency concerning the novel coronavirus disease (COVID-19) outbreak on
March 13, 2020; and

WHEREAS local, state and national public health agencies\(^\text{6}\) have instituted
guidelines, recommendations and actions to curb the spread of the disease in an attempt to
"flatten the curve" of the disease's progression in the United States. Many of those
recommendations have been adopted by States and local governments across the country.
In Oregon, the Governor has issued Executive Orders 20-3 through 20-20 to slow the
spread of the virus through closure of schools, restricting restaurants and bars to carry out
and delivery dining, limitations on public gatherings, higher education restrictions and
other requirements; and

WHEREAS the Governor has directed Oregonians to "stay at home to stay healthy"\(^\text{7}\)
through social distancing actions undertaken by each Oregonian. Social distancing
includes taking "staycations" (stay at home) during what is normally the spring break
season in Oregon and surrounding states. This also includes voluntarily limiting trips and
contact with other people\(^\text{8}\); and

WHEREAS the implementation of the Governor's social distancing order and public
campaign has not proven effective on the Central Oregon Coast in Lincoln County as
significant out of county visitors have continued to come to the Coast in recent days despite
the stay at home order/directive. Repeated instances of violation of the social distancing
norms have placed county resources and residents at much greater risk of the spread of the

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\(^6\) Including but not limited to Lincoln County Public Health, a division of the Lincoln County Health and Human
Services Department (County Public Health), the Oregon Health Authority (OHA), and the federal Center for
Disease Control (CDC).

\(^7\) Characterized as an order and public awareness campaign according to the Governor in a press conference held
March 20, 2020 with the Mayor of Portland and Chair of the Multnomah County Commissioners.

\(^8\) As recommended by Public Health Officials in Washington, Multnomah, Clackamas, Columbia and Clark
virus. Closure of short term rentals in northern parts of the Oregon Coast\textsuperscript{9} threaten to move significant vacationers south to Lincoln County if no actions are taken; and

WHEREAS numerous public and private health officials in the state of Oregon\textsuperscript{10} and beyond have called for more stringent and aggressive social distancing measures including stay at home/shelter at home mandates because the voluntary social distancing actions are not being followed in many areas including the Central Oregon Coast; and

WHEREAS the Lincoln County Public Health Administrator and Local Health Officer both confirm that continued influxes of visitors, turning over on a short term basis, increases the likelihood of the spread of the coronavirus more than longer term tenancies and threatens the limited health care resources available in Lincoln County and therefore recommend the County consider temporarily limiting short term visitors to the County until the crisis ends; and

WHEREAS it is necessary that a coordinated and collaborative action be taken by all impacted jurisdictions in Lincoln County and therefore concurrence of the city councils of all County coastal cities (Lincoln City, Depoe Bay, Newport, Waldport, Siletz, Toledo and Yachats) is necessary to full implement the action authorized by this Order and desired from the cities of Siletz and Toledo to evidence the full support of Lincoln County entities; and

WHEREAS pursuant to the authority granted the Lincoln County Board of Commissioners under ORS Chapter 401, ORS Chapter 431 as the Local Public Health Authority, Lincoln County Ordinance # 502\textsuperscript{11} (Emergency Services) and the Lincoln

\textsuperscript{9} To date, the Cities of Warrenton, Seaside, Astoria, and Tillamook and Clatsop counties have all acted to limit or prohibit short term occupancies in their respective jurisdictions during this emergency.

\textsuperscript{10} Including but not limited to the Oregon Public Health Association, the Oregon Nurses Association, and the Oregon Academy of Family Physicians.

\textsuperscript{11} Not yet codified in the Lincoln County Code.
County Emergency Operations Plan\textsuperscript{12}, the Board of Commissioners deems it necessary to institute a temporary order closing hotels, motels, short-term rentals and homestay lodging, RV parks and public and private campgrounds to recreational visitors.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. State parks are closed by Order of the Governor. County and city parks are closed to camping except for camp hosts or other persons authorized by the County or City for stays 30 days or longer until the emergency ends.

2. All short term rentals, defined as rentals of a duration of less than 30 days, in vacation rental dwellings or short term dwellings and homestay lodgings, are prohibited in Lincoln County until the declared emergency ends (April 30, 2020) or this prohibition is otherwise ended or modified by separate Order of the Board of Commissioners, whichever occurs first.

3. All hotels and motels, RV Parks and Private Campgrounds and similar lodgings or housing not identified above are closed to short term rentals of less than 30 days except as follows:
   a. Stays for 30 days or longer are allowed.
   b. Local county residents effecting a COVID-19 self-quarantine or who have moved from their local residence in order to allow a family member or roommate to self-quarantine in their local residence.
   c. Families or individuals residing in lodging for less than 30 days if this is their only means of shelter. Includes, but is not limited to, vouchers for stay provided by local or regional governments or nonprofit agencies.
   d. Employees of the facility provided lodging as a requirement or benefit of their employment.
   e. Patients or families of patients receiving medical care at local facilities.

\textsuperscript{12} Adopted by Order NO. 8-18-206.
f. Essential workers, including but not limited to doctors, nurses, other health staff, home and health care workers, Coast Guard members, truck drivers and supply providers, workers in the county whose employer pays for lodging, construction workers on local projects (including public contractors), utility crews, and other persons whose work in the county requires temporary accommodations.

g. Other persons or categories of people who City managers or County Counsel deem consistent with the intent of this Order, after consultation with the Local Public Health Administrator.

4. All pools, spas and other public bathing facilities are closed at lodging properties for the duration of this Order.

5. Lodging property owners or managers are required to keep a log of what exception is met by current lodgers. This list will be made available upon request to city and county officials.

6. This Order takes effect upon adoption by the County. Property owners and managers of properties effected by paragraphs 1-3 above shall take all reasonable steps to terminate current occupancy of any guests not exempted herein by no later than 12:00 (noon) on Wednesday March 25, 2020. No new occupancies in violation of this Order may be rented effective 8:00 am Tuesday March 24, 2020.

7. This Order may be modified, rescinded or extended by authority of the Board of Commissioners in consultation with the Cities and Local Public Health Administrator. If so modified, a copy shall be provided to the Cities of Lincoln City, Depoe Bay, Newport, Toledo, Siletz, Waldport and Yachats.

8. This Order was presented and concurred to by either authorized city personnel or the direct action of the City Councils of the City of Lincoln City, Depoe Bay, Newport, Waldport and Yachats on March 23, 2020 at a joint public meeting with the Board of Commissioners and therefore applies within the incorporated boundaries of those cities. At any time, the City Council of any of these cities may opt by Council Action to rescind that
concurrence, at which time the Order will have no effect within the boundaries of that city
without necessity of any further action.

9. Copies of this Order shall be provided to Jenny Demaris, Emergency Manager,
Wayne Belmont, County Counsel, and representatives of each of the cities listed above.

DATED: March 23, 2020

LINCOLN COUNTY BOARD OF COMMISSIONERS

[Signature]
Kaety Jacobson, Chair

[Signature]
Doug Hunt, Commissioner

[Signature]
Claire Hall, Commissioner
BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

In the Matter of:

IMPLEMENTATION OF SUSPENSION OF
PROCESSING OF NEW SHORT TERM
LICENSES UNDER LCC 4.405 THROUGH 4.460

RESOLUTION # 20-4-3B

WHEREAS, the Lincoln County Board of Commissioners (Board) is undertaking a comprehensive review of licensing standards, program operations, enforcement actions and full implementation of new provisions of the licensing program for short term rental of residences (STRs), Lincoln County Code (LCC) Sections 4.405 through 4.460; and

WHEREAS, during this time the Board desires to suspend the processing of new licenses temporarily as set forth in this resolution while certain interim recommendations are reviewed and implemented, further longer term options are explored, and decisions are finalized for the update of the program requirements. This suspension is initially for a very limited timeframe while interim changes to the Code are developed and acted upon by the Board.

NOW, THEREFORE, the Board of Commissioners does resolve and order:

1) That the Lincoln County Sheriff’s Office, the delegated licensing authority under LCC 4.405 through 4.460, shall temporarily suspend acceptance, processing and issuance of short term rental licensing applications to new (never previously licensed) residences under the LCC except as noted below or as determined appropriate to carry out the intent of this Resolution as determined by the licensing authority after consultation with County Counsel’s Office.

2) That exceptions to this suspension include, but are not limited to, the following:
   a. Currently pending or processing applications as of the date and time this Resolution is adopted by the Board of Commissioners.
   b. Currently pending determinations of the licensing authority and or county counsel of the applicability of the code provisions to existing operators. A reasonable time as determined by the licensing authority shall be allowed for processing of those applications.
   c. Existing STR licensed residences as of the date of this Resolution or as may be granted under these exceptions. Under LCC 4.420 licenses are not assignable. A new owner of a licensed residence, however, may apply for a new license at that residence if the application is made within 60 days of the sale of the property. If the license application falls outside the 60 days, it shall comply with the code requirements, including if applicable this suspension of licensing, then in effect.
   d. Other exceptions carrying forth the intent of this Resolution and the County Code as determined solely in the discretion of the licensing authority after consultation with County Counsel’s Office.
3) That this Resolution take effect immediately upon adoption and terminate on May 7, 2020 unless further extended by action of the Board or replaced with amendments to the County Code.

4) That copies of this Resolution be provided to the Short Term Rental Licensing Authority (Lincoln County Sheriff’s Office), County Counsel and to the county PIO to distribute to the public through appropriate means.

DATED this 4th day of March, 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

[Signature]

Kaety Jacobson, Chair

[Signature]

Claire Hall, Commissioner

[Signature]

Doug Hunt, Commissioner

Resolution # 20-4-3B Page 2
Memorandum

April 17, 2020

TO: Lincoln County Board of Commissions (BOC)

FROM: Onno Husing, Director, Planning & Development Department

RE: Recommendations, Planning Commission Appointments

Under the Lincoln County Code (LCC 1.1201 Planning Commissioner Membership) it provides that nine members of the Planning Commission shall serve as “regular members.” Also, under the code, terms for Planning Commissioners are four years in duration. To qualify for membership as a Planning Commissioner individuals must be citizens of Lincoln County.

During February you, the Board of Commissioners, issued a public notice asking for people to apply to serve on the Lincoln County Planning Commission. We received a total of nine applications.

To provide broad geographic representation within Lincoln County seats on the Planning Commission are allocated to the North Section of the County, the Central Section of the County, and the South Section of the County. The border between North and Central Lincoln County is Cape Foulweather. Beaver Creek marks the boundary between Central and South County (for the purposes of Planning Commission appointments).

The present make-up of the Lincoln County Planning Commission is as follows:

North Section  Terry Buggenhagen, Richard (“Dick”) Johnson
Central Section  Judith Peletier, Richard (“Dick”) Cutler, Robert (“Bob”) Porch
South Section   Phil Spulnik, Andra Bobbitt

As you can see, at present, seven people are serving on the Planning Commission.

However, three individuals presently serving on the Planning Commission are at the end of their terms (Buggenhagen, Porch, Cutler). These three Planning Commissioners expressed their desire to continue to serve on the Planning Commission (to be re-appointed). From my perspective these three individuals have been outstanding Planning Commissioners. Here’s why. They attend meetings, review the materials in advance, and faithfully apply the Lincoln County Land Use
Code (especially during quasi-judicial hearings where it is necessary to apply the facts to our Development Code).

Therefore, I urge the Board of Commissioners to re-appoint Commissioner Buggenhagen, Commissioner Porch, and Commissioner Cutler.

With the reappointment of those three Planning Commissioners that would leave two vacancies that need to be filled. One vacancy is for a Regular Planning Commissioner for the North Section. The other vacancy is for a Regular Planning Commissioner in the South Section.

I recommend Marsha L. (Shaelyn) Stratton, residing in Glenden Beach, be appointed to serve in the vacant North Section seat. Ms. Stratton is a veteran of the US Air Force. In addition, she worked as a professional planner for 14 years in land use and environmental planning for the California Energy Commission, California State Parks, Calaveras County Planning Department, and the California Air Resources Board (and she has other relevant experience). She has lived in Lincoln County for 7.5 years and now she’s retired. I spoke with her twice about serving on the Lincoln County Planning Commission. I was impressed by her. I believe she has the background and temperament to be an outstanding Planning Commissioner.

I also recommend Scarlett Kier, residing in Tidewater, be appointed to serve in the vacant South Section seat. Ms. Kier has been involved with real estate sales in Lincoln County since 1991. At present, she’s a real estate agent with Advantage Realty. Here’s the major reason I recommend Ms. Kier. As a real estate professional, she does her homework. On a regular basis, she interacts with our Department to review the records on properties. In addition, Ms. Kier works diligently to understand how the land use system works as well as the Building Codes and the other factors that influence real estate values and purchases. That’s why I believe Ms. Kier has the background and temperament to be an outstanding Planning Commissioner.

It is my understanding that this group of planning commissioners recommended for appointment would result in compliance with the Diversity Requirements for a Planning Commission provided under ORS 215.030(5).

I am pleased to report all the people that applied to serve on our Planning Commission were, in my opinion, quality applicants. So, difficult choices, to choose among these applicants, were necessary. I contacted each of the applicants and I had constructive conversations with each of them. They signaled an interest in being considered for an appointment to the Planning Commission in the future.

If you have any questions please let me know.