

APPROVED BY ORDER #8-22-

MINUTES OF THE

LINCOLN COUNTY BOARD OF COMMISSIONERS

HYBRID MEETING OF August 17, 2022, at 10:00 am

This meeting was audio and video recorded and a link is available at

co.lincoln.or.us/meetings

I. CALL TO ORDER

Chair Hall called to order the regular session of the Lincoln County Board of Commissioners.

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

Present at the meeting were Chair Hall, Commissioner Jacobson, Commissioner Hunt, County Administrator Timothy Johnson, and County Counsel Kristin Yuille; a quorum was established.

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

Commissioner Hunt moves for adoption of consent calendar as amended. Commissioner Jacobson Seconded; a vote was taken and passed unanimously.

A. Minutes of Board of Commissioners Meeting

- i. Order #8-22- Meeting Minutes, 8.3.22
- ii. Order #8-22- Meeting Minutes 6.30.22

B. Documents and Recording Matters in the Commissioners Journal

- i. Order #8-22- Agreement for Climate and Health Assessment and Adaptation Plan for Lincoln and Benton Counties- Health and Human Services
 - a. Jayne Romero HHS Director: An assessment of the health impact of climate change and make recommendation relative to public health function about how to put plans in place. More of a health response rather than a what was intended with the ARPA funding.
- ii. Order #8-22- Professional Services Agreement with Willamette Partnership for Yaquina Bay Estuary Management Plan (EMP)- County Counsel

C. Execution of Documents

III. DECISION/ACTION

- A. Resolution #22-3-8- Adjusting the 2022-2023 Adopted Budget Appropriations for Lincoln County and the Creation of the Homeless Planning Fund - presented by *Christina Shearer, Director of Finance & Accounting Department*
 - i. Commissioner Jacobson motioned for approval, Commissioner Hunt seconded; vote was taken and passed unanimously.

- B. Ordinance Second Reading- Ordinance Relating to the Repeal of Sections 8.005 to 8.035 of Lincoln County Code Regarding “Determining Community Opinions” – presented by *Jerry Herbage, Assistant County Counsel*
 - i. Added to the County Code in the 1980s and has only been used twice. There are less costly and more effective means of determining community opinion on various subject. Repeal of those sections would be in effect 90 days after passage.
 - ii. Commissioner Hunt motioned for approval, Commissioner Jacobson seconded; vote was taken and passed unanimously.

- C. Order #8-22- Approval of North Lincoln Sanitary Service Annual Rate Review – presented by *Tim Johnson, County Administrator*
 - i. 12% rate increase. Rate falls within the range, specifically the bottom, allowed by county code for a request for a rate increase. This comes after two years of no increases. Forecasted increase in three areas: fuel, disposal and labor. Review in 6 months.
 - ii. Commissioner Hunt motioned for approval, Commissioner Jacobson seconded; vote was taken and passed unanimously.

- D. Request for the Board of Commissioners to Exempt from Competitive Bidding the Lincoln County Jail Coil Replacement Based on Emergency (LCC 7.080(2)(a))- presented by *Jerry Herbage, Assistant County Counsel; Sheriff Curtis Landers; and Jack Whaley Maintenance Manager*
 - i. Coils have been leaking hot water and needs to be replaced. These coils have lasted 30 years. Emergency request due to building and material supplies being difficult to obtain. Would be direct replacement from original company. Liability issues if warmth is not consistent, they are wanting this fixed before winter. If approved today there will be an additional step to sign a contract by the Board of Commissioners.

- ii. Commissioner Jacobson motioned for approval, Commissioner Hunt seconded; vote was taken and passed unanimously and to bring back for an order.
- E. Order #8-22- Reimbursement Request for King Salvage Cleanup – presented by Jerry Herbage, Assistant County Counsel and Ryan Helmke, Property Management
- i. Disbursement request from business Oregon from a grant contract signed by Lincoln County in 2020 for incurred expenses from the King Salvage Cleanup. Requesting Signatures for the 80k which exceeds 50k threshold and this will be sent back to business Oregon to get further funding requests put in. The King Salvage Project was from a 30-year salvage yard deeded to Lincoln County through the foreclosure process in 2017. Pre and Post clean up included in packet showing remarkable progress.
 - ii. Commissioner Hunt motioned for approval, Commissioner Jacobson seconded; vote was taken and passed unanimously.

IV. DISCUSSION/INFORMATION

V. REPORTS

A. Commissioners Reports

- i. Online at county website is a news release and application for Lincoln County Fair Board. Begin to replace current fair board members.
- ii. Reminder that there are many wonderful parks to visit other than the well-known parks like Moonshine Park. Examples of others are Jack Morgan, and Brown Memorial. There is a cabin that can be rented at Brown Memorial. Reminder there are free veteran passes.
- iii. Mandatory Supervisor training on discrimination and harassment. Series that will take place the next couple months. Discussion on transportation.

B. Measure 21-103 LUBA Decision

- i. The circuit court determined this was a land use matter and transferred this to LUBA. Chapter 215 applies in this matter because LUBA found the ballot measure was crafted as a land use regulation. Found that provisions of the ballot measure were pre-empted by state law. The language in ballot measure attempted to regulate the use and phase out of short-term rentals within 5 years which was a use previously allowed. This was found to violate Chapter 215.130(5). Also LUBA found the Ballot Measure violated the transfer position of Chapter 215.130(5). LUBA found our

Ordinance 523 was not a land use regulation and moved back to circuit court.

VI. PUBLIC COMMENT

Chair Hall called for public comment, no comments in person or on-line.

VII. EXECUTIVE SESSION

- A. Under ORS 192.660(2)(h) regarding consulting with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

VIII. ADJOURNMENT

Meeting adjourned at 11:27 a.m.

IX. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

- Monday, August 22, 2022 – 10:00 a.m. – Office Staff Meeting – Hybrid
- Tuesday, August 23, 2022 – 8:30 a.m. – Management Team Workshop – Hybrid
- Wednesday, August 24, 2022 – 10:00 a.m. – Board of Commissioners– Hybrid