CITY OF LINCOLN CITY
CITY COUNCIL AGENDA

MONDAY APRIL 24, 2023 6:00 PM

6:00 PM - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet. ****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via telephone must email publiccomment@lincolncity.org no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Oregon Liquor Control Commission Change of Ownership for a Full On-Premises Liquor License Kathi's Nauti Mermaid Beach House
2. OLCC- Request for Full On-Premises, Nonprofit Private Club Elks BPOE #1886
3. Regular Meeting – Minutes of Regular Meeting – April 10, 2023 6:00 PM
4. Regular Meeting – Minutes of Work Session – April 12, 2023 5:00 PM

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

1. Lincoln City Senior Center Presentation
2. Intergovernmental Agreement Coordinated Office on Homelessness
3. Grant Award Recommendations
4. Arbor Day 2023 Proclamation

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

Council Communication

OLCC - Change of Ownership for a Full On-premises Liquor License - Kathi's Nauti Mermaid Beach House

Meeting Date:	April 24, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

Questions:
Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for a Full On-Premises Liquor License for Kathi's Nauti Mermaid Beach House?

Staff Recommendations:
A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:
LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

Council Options:
Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for a Full On-Premises Liquor License for Kathi's Nauti Mermaid Beach House.

Potential Motions:
Motion to approve the Oregon Liquor Control Commission Change of Ownership for On-Premises Liquor License for Kathi's Nauti Mermaid Beach House.

Attachments:
Kathi's Nauti Mermaid Beach House_Redacted (PDF)

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☐ New Outlet | ☑ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☑ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐2nd ☐3rd ☐4th ☐5th ☐6th

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

RECEIVED
APR 12 2023
CITY OF LINCOLN CITY
LINCOLN CITY OR

☑ Recommend this license be granted

☐ Recommend this license be denied

[redacted]

Printed Name Date

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Mermaid Investments, LLC	Hazel K Evans
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
Kathi's Nauti Mermaid Beach House

Premises street address (The physical location of the business and where the liquor license will be posted):
220 SE Highway 101

City:	Zip Code:	County:
Lincoln City	OR	Lincoln

Business phone number:	Business email:
[redacted]	

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):
PO Box 437

City:	State:	Zip Code:
Otis	OR	97368

Does the business address currently have an OLCC liquor license?	Does the business address currently have an OLCC marijuana license?
☑ Yes ☐ No	☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE

– A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☑ Make changes regarding this license/application on my behalf.

☑ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:
Hazel K Evans

Phone number:	Email:
[redacted]	[redacted]

Mailing address:
[redacted]

City:	State:	Zip Code:
Otis	OR	97368

Please note: liquor license applications are public records.

LIQUOR LICENSE APPLICATION

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:
Hazel K Evans

Phone number:	Email:
[redacted]	

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Print name	Signature	Date	Atty. Bar Info (if applicable)
Hazel K Evans	[redacted]	4/12/2023	

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Evans Last	Hazel First	Katherine Middle

2. Other names used (maiden, other): [redacted]

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB):	[redacted] (mm)	(dd)	(yyyy)

6. Driver License or State ID # [redacted]	7. State OR

8. Contact Phone: [redacted]

9. E-mail Address: [redacted]

10. Mailing Address:	[redacted] (Number and Street)	OTIS (City)	OR (State)	97368 (Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Evans (Last)	Hazel (First)	Katherine (Middle)
Signature:	[redacted]	**Date:** 4/12/2023	

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

Council Communication

OLCC- Request for Full On-Premises, Nonprofit Private Club- Elks BPOE #1886

Meeting Date:	April 24, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	3 min

Questions:
Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a full on-premises liquor license for Elks BPOE #1886?

Staff Recommendations:
A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:
LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

Council Options:
Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a full on-Premises liquor license for Elks BPOE #1886

Potential Motions:
Motion to approve the Oregon Liquor Control Commission full on-premises liquor license for Elks BPOE #1886.

Attachments:
Elks BPOE #1886_Redacted (PDF)

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☑ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☑ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐2nd ☐3rd ☐4th ☐5th ☐6th

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Optional: Date Stamp

RECEIVED
APR 12 2023
CITY OF LINCOLN CITY
LINCOLN CITY OR

☑ Recommend this license be granted

☐ Recommend this license be denied

[redacted] 4/12/23

Printed Name Date

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Lincoln City Elks #1886	
Name of entity or individual applicant #3:	**Name of entity or individual applicant #4:**

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
Elks

Premises street address (The physical location of the business and where the liquor license will be posted):
1350 SE Oar Ave

City:	Zip Code:	County:
Lincoln City	97367	Lincoln

Business phone number:	Business email:
[redacted]	lcbpoe1886@gmail.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):
1350 SE Oar Ave

City:	State:	Zip Code:
Lincoln City	Oregon	97367

Does the business address currently have an OLCC liquor license?	Does the business address currently have an OLCC marijuana license?
☐ Yes ☑ No	☐ Yes ☑ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☑ Make changes regarding this license/application on my behalf.

☑ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:
Gail Hogan

Phone number:	Email:
[redacted]	lcbpoe1886@gmail.com

Mailing address:
1350 SE Oar Ave

City:	State:	Zip Code:
Lincoln City	Oregon	97367

Please note: liquor license applications are public records.

LIQUOR LICENSE APPLICATION

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.	
Application Contact Name:	
Phone number:	Email:

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Print name	Signature	Date	Atty. Bar Info (if applicable)
Gail Hogan	[redacted]	1/24/2023	

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	HOGAN Last	GAIL First	L Middle

2. Other names used (maiden, other): [redacted]

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes [X] No [ ]
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: [X]

5. Date of Birth (DOB):	[redacted] (mm)	(dd)	(yyyy)

6. Driver License or State ID #: [redacted] 7. State OR.

8. Contact Phone: [redacted]

9. E-mail Address: LCBPOE1886@gmail.com

10. Mailing Address:	P.O. Box 421 (Number and Street)	Neotsu (City)	OR. (State)	97364 (Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No [X] Yes [ ] (If yes, explain in the space provided, below) Unsure [ ] Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, ***may not*** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	HOGAN Last	GAIL First	L Middle
Signature:	[redacted]	**Date:** 4/11/2023	

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

April 10, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/*.

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Remote	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Anne Marie Skinner, Planning and Community Development Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

Mayor Wahlke said that CPA ZC 2023-05 was noticed for a public hearing on April 10th, but the applicant has continued the public hearing to the May 23rd meeting.

D. CONSENT AGENDA

MOTION:	**Consent Agenda**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed**

1. Oregon Liquor Control Commission Change of Ownership for Limited On-Premises Liquor License Inn at Wecoma

2. Regular Meeting – Minutes of Work Session – March 22, 2023, 5:00 PM

3. Regular Meeting – Minutes of Regular Meeting – March 27, 2023, 6:00 PM

E. COUNCIL DELIBERATIONS

NONE

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

NONE

G. PRESENTATIONS

4. Annual Housing Update

Alison Robertson, Economic Development and Urban Renewal Director and Anne Marie Skinner, Planning and Community Development Director gave the annual housing update. Mayor Wahlke asked where the pamphlet could be found. Ms. Skinner said that it could be found in the Planning Department. Council and Staff had a discussion regarding the presentation.

5. North Lincoln Sanitary Presentation

Tina French, President of North Lincoln Sanitary gave a six-month cost of service review to Council. Council and Ms. French had a discussion regarding rates.

H. PUBLIC HEARING / ORDINANCE

NONE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. CPA ZC 2023-01 The Knoll zone change to Open Space

2. CPA ZC 2023-02 TL404 Zone Change to Open Space

3. CPA ZC 2023-03 TL2100 Zone Change to Open Space

4. CPA ZC 2023-04 TL300 Zone Change to Open Space

5. CPA ZC 2023-06 D River Wayside Park zone change to Park

Mayor Wahlke opened the public hearing at 6:59 PM for the CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, CPA ZC 2023-04, CPA ZC 2023-06 and ZOA 2023-01. There was no conflict expressed by Council. Anne Marie Skinner, Planning and Community Development Director presented the staff report for CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, and CPA ZC 2023-04. Mr. Appicello explained the history of the Knoll. Ms. Skinner said there were no comments at the Public Hearing with Planning Commission. Ms. Skinner said Planning Commission made a recommendation to Council to approve the zoning change. Ms. Skinner reviewed the staff report for CPA ZC 2023-06. Council and Staff had a discussion regarding the rezoning and allowed uses. There were no citizens present for testimony or public comment.

6.

MOTION:	**Motion to Close the Public Hearing and Record for CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, and CPA ZC 2023-04 at 7:25 PM**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Voice Vote**

7. ZOA 2023-01 Definitions and Restriction Exception

MOTION:	**Motion to Close the Public Hearing and Record at 7:47 PM for ZOA 2023-01 Definitions and Restriction Exception**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed via Voice Vote**

Anne Marie Skinner, Planning and Community Development Director presented the staff report for ZOA 2023-01. Council and Staff had a discussion regarding the information provided by Ms. Skinner.

J. ORDINANCES

8. ORDINANCE NO. 2023-04 AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.04 (GENERAL PROVISIONS), CHAPTER 17.08 (DEFINITIONS), SECTION 17.08.010 (DEFINITIONS), ADDING AND AMENDING DEFINITIONS, AMENDING CHAPTER 17.12. (ZONING DISTRICTS ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END), 17.20 (MULTI-UNIT RESIDENTIAL), 17.24, (PROFESSIONAL CAMPUS), 17.28 (RECREATION COMMERCIAL), 17.32 (GENERAL COMMERCIAL), 17.34 (NELSCOTT PLAN DISTRICT), 17.36 (PLANNED INDUSTRIAL), 17.40 (RECREATION- RESIDENTIAL), 17.50 (OCEANLAKE PLAN DISTRICT), AMENDING CHAPTER 17.74 (DESIGN STANDARDS) TO REMOVE DUPLICATIVE RESTRICTIONS.

MOTION:	**Motion to Approve First Reading of Ordinance 2023-04 / ZOA 2023-01 Definitions and Restriction Exception with the Changes as Read**
MOVER:	**Sydney Kasner, Councilor Ward 2**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

Mr. Appicello listed the changes to be made to the resolution. Councilor Mark asked that 17.04.050 to "disposal" from "sewage disposal system" from the last line.

9.

MOTION:	**Motion to Approve Second Reading and Adoption of Ordinance 2023-04 / ZOA 2023-01 Definitions and Restriction Exception with Changes as Read**
MOVER:	**Sydney Kasner, Councilor Ward 2**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

10. ORDINANCE NO. 2023-05 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO OPEN SPACE AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM R-1-7.5 (SINGLE FAMILY RESIDENTIAL) TO OPEN SPACE FOR FOUR CITY-OWNED PROPERTIES WITHIN THE VILLAGES AT CASCADE HEAD, INCLUDING TAX LOTS: [06-11-26-00-00500-00 (OPEN SPACE), 06-11-35-00-00404-00 (OPEN SPACE), 06-11-35-00-02100-00 (OPEN SPACE), 06-11-35-DB-00300-00 (OPEN SPACE).

MOTION:	**Motion to Approve First Reading of Ordinance 2023-05 (CPA ZC 2023-01, 02, 03, and 04) Villages Map & Zone Changes**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

Mr. Appicello asked medium density residential/RRMS be added to the title.

11.

MOTION:	**Motion to Approve Second Reading and Adoption of Ordinance 2023-05 (CPA ZC 2023-01, 02, 03, and 04) Villages Map & Zone Changes as Amended**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

12. ORDINANCE NO. 2023-06 AN ORDINANCE AMENDING THE LINCOLN CITY COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RECREATION-COMMERCIAL TO PARK AND AMENDING THE LINCOLN CITY ZONING MAP TO CHANGE THE ZONING MAP DESIGNATION FROM RECREATION COMMERCIAL ZONE TO PARK FOR STATE-OWNED PROPERTY COMMONLY REFERRED TO AS THE D-RIVER WAYSIDE, INCLUDING TAX LOT: [07-11-15-AC-00101-00].

MOTION:	**Motion to Approve First Reading of Ordinance 2023-06 (CPA ZC 2023-06) D River Map & Zone Change**
MOVER:	**Sydney Kasner, Councilor Ward 2**
SECONDER:	**Rick Mark, Councilor Ward 3**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

13.

MOTION:	**Motion to Approve Second Reading and Adoption of Ordinance 2023-06 (CPA ZC 2023-06) D River Map & Zone Change**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

K. RESOLUTIONS

14. RESOLUTION NO. 2023-06 A RESOLUTION OF THE CITY OF LINCOLN CITY, CALLING FOR A SPECIAL ELECTION ON NOVEMBER 7, 2023 TO FILL THE VACANT COUNCIL WARD 1 POSITION ON THE CITY COUNCIL FOR THE CITY OF LINCOLN CITY

MOTION:	**Motion to Approve Resolution 2023-06- Call for Special Election to Fill Council Ward 1 Vacancy**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

L. SPECIAL ORDER OF BUSINESS

15. Proposed Nelscott Urban Renewal Plan: Update and Boundary

MOTION:	**Motion to Direct Staff to Continue Drafting the Proposed Nelscott Urban Renewal Plan Based on Boundary 2 Modified, which Removes Property Owners within the Lincoln City UGB (Urban Growth Boundary), who Notified the City They do not want to be included in the Boundary**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Roll Call Vote**

Alison Robertson, Economic Development and Urban Renewal Director updated Council on the Nelscott Urban Renewal Plan. Nick Popenuk with Tiberius and Elaine Howard with Elaine Howard Consulting joined via Zoom. Council and Staff had a discussion regarding the presentation. Seth Lenaerts, Project Manager, explained the maps presented to Council.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza spoke about the Community Workshops for the New Taft Park, the new grant received for the Juneteenth Celebration, the interviews for the Explore Lincoln City Director, the legislative times she has been working on, the shelter needs survey along with the winter sheltering, and the IGA for HB4123 that will be coming. Ms., Legarza announced the new ELC Employee, Cole Findley.

Mr. Appicello spoke about the reappointment process and asked two members of the Library Board to be processed through the abbreviated process.

16.

MOTION:	**Motion to Direct the City Recorder to use the Abbreviated Reappointment Process for the two Library Board vacancies**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Voice Vote**

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

17.

MOTION:	**Motion to Ask Planning Staff to Initiate a Review of Chapter 17.17 (R-1-RE), Including Such Things as the Different Fence Requirements Therein, and Make Recommendations to Planning Commission and Council as to Whether or not to Modify/Conform Such Standards to More Closely Match Other R-1 Zones**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Sydney Kasner, Councilor Ward 2**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Voice Vote**

18.

MOTION:	**Motion to Look at Ordinances for Septic Inspections for Public Health and Lake Protection**
MOVER:	**Sydney Kasner, Councilor Ward 2**
SECONDER:	**Susan Wahlke, Mayor**
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	**Passed by Voice Vote**

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

NONE

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Casper said that she read all 402 pages of the packet and it was excellent.

Councilor Hoagland spoke about the SWAC (Solid Waste Advisory Committee) meeting that he attended and upcoming events. Councilor Hoagland talked about microplastics and the illegal dumping of garbage and vehicles. Councilor Hoagland asked if we completed our AMR. Councilor Hoagland also spoke about Project Juno in Toledo. Councilor Hoagland spoke about the different clean-up dates and compost pick-up. Councilor Hoagland talked about the police hosting a class for advanced resources officers. Councilor Hoagland spoke about the panelist opportunity that Ms. Legarza and himself will be participating in with Leadership Lincoln. Councilor Hoagland spoke about the Siletz Bay Music Festival, Teen Night at the Community Center, and Mama's Broke at the Cultural Center. Mayor Wahlke spoke about her time with Leadership Lincoln.

Councilor Mark spoke about being at the Community Center and there is water in the pool. Councilor Mark and Ms. Legarza spoke about possible opening dates. Councilor Mark spoke about the Siletz Bay Music Festival and the bar. Councilor Mark spoke about Central Coast Community Seder B'nai B'rith.

Councilor Mark also said there is a Spaghetti dinner that is to raise scholarship money at B'nai B'rith. Council also spoke about the BB day camp that is held over the summer.

Councilor Parsons spoke about the sound level of the meeting. Councilor Parsons would like the goals from the retreat passed along.

Councilor Kasner spoke about the workforce housing funding action plan and is a really good document to have on hand.

Mayor Wahlke thanked the City for the use of the park for the Easter Egg hunt sponsored on behalf of the Kiwanis. Mayor Wahlke spoke about the Great Garage Sales and Community Days.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 9:03 PM

_____

SUSAN WAHLKE, MAYOR

ATTEST:

_____

JAMIE YOUNG, CITY RECORDER

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY
CITY COUNCIL MINUTES OF THE WORK SESSION MEETING

April 12, 2023, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/*.

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

Mayor Wahlke called the meeting to order at 5:00 PM

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	5:00 PM
Sydney Kasner	Councilor Ward 2	Present	5:00 PM
Judy Casper	Councilor Ward 3	Remote	5:00 PM
Riley Hoagland	Councilor Ward 2	Remote	5:00 PM
Rick Mark	Councilor Ward 3	Late	5:05 PM
Mitch Parsons	Councilor Ward 1	Present	5:00 PM

Staff Present: Daphnee Legarza, City Manager; Anne Marie Skinner, Planning and Community Development Director; Jamie Young, City Recorder

2. DISCUSSION ITEMS

A. Accessory VRDs

1. VRDs

Anne Marie Skinner, Planning and Community Development Director reviewed the staff report prepared for Council. Council and Staff had a discussion regarding vacation rentals and their uses. Council and Staff discussed the procedure for potential motions at the next Council meeting and possible rule changes for vacation rentals.

B. City Manager Report

Ms. Legarza spoke about the County-wide winter sheltering meeting that is upcoming. Ms. Legarza said the OPRD (Oregon Parks and Recreation Department) IGA (Inter-Governmental Agreement) for the D River is coming along and gave details. Ms. Legarza said the County fell victim to a phishing scheme but it turned out ok. Ms. Legarza said Ms. Boyle show up over the weekend at the Roads End meeting to discuss emergency preparedness. Council and Staff had a discussion regarding emergency exit routes. Ms. Legarza spoke about a meeting regarding EV charging stations that she attended. Ms. Legarza gave an update regarding the climate change plan. Ms. Legarza said that she has a draft plan of the strategic visioning and will send it out after the meeting.

C. Miscellaneous

Councilor Kasner asked about the employment portal on the City's website and asked about making it more user-friendly. Council and Staff had a discussion regarding the ELC (Explore Lincoln City) Director position and interviews. Staff and Council discussed the advertisement for the vacant Council seat.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 6:27 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Lincoln City Senior Center presentation

Meeting Date:	April 24, 2023	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:	City Attorney	Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	20 min

Question:

Should the City Council approve the waiver of the fees for the Senior Center during FY2023-2024.

Staff Recommendation:

Staff recommends the Council ... listen to presentation and makes a decision about waiving fees for the City space utilized by the Senior Center per permitted hours.

Authority:

Article XI, Section 9 of the Oregon Constitution prohibits a county or city from raising money for or loaning its credit to or in aid of any company, corporation or association. Local governments are generally permitted to make a donation to a not-for-profit entity - 501(c)(3) organization – this generally occurs as part of the local budget process.

Background:

City facilities are first reserved for City run programs. However, when city facilities are not being used they can be rented. In 2014, the City updated City Parks and Recreation regulations. The regulations allow for exclusive use permits for rental of city facilities. The permit process is nondiscriminatory and available to for-profit and not-for-profit groups for a fee.

The City administers the permit process for rental of indoor and outdoor public spaces on a non-discriminatory basis, that is, we do not discriminate in permitting decisions based upon characteristics like race, sex, national origin, age, gender identity, or physical disability.

Since the regulations were established in 2014, the Parks and Recreation Department has worked to bring groups into compliance, so that now, any entities wanting exclusive use of a public facility must obtain exclusive use permits, with requisite permit protections, indemnities, insurances and payment of fees and charges (as established by Council resolution).

As of July 12, 2021, the LC City Council desires to annually discuss, budget for, and possibly donate the cost of the City room facilities at the Community Center utilized by the not-for-profit Senior Center. This tie to the budget process generally guarantees that a not-for-profit such as the Senior Center is maintaining its non-profit status, operating in the public interest, and is providing actual services to the community (that is, it is not simply functioning a private club).

As of Aug 22 2022, the LC City Council voted to waive fees for the Senior Center 501c3 use of City facility for FY22-23. Any decision for future fiscal years will be based upon a presentation by the Senior Center 501c3 to City Council, to inform Council of their programs and offerings.

As of July 12, 2021, the LC Parks and Recreation Dept. agreed to the Senior Center request to issue a 5 yr permit from July 1, 2021 to June 30, 2026 with the caveats:

- Subject to payment or waiver of fees by City Council on an annual basis,
- Subject to annual agreement to exclusive hours of use,
- Yearly insurance must also be provided.

Council Options:

- Approve the Waiver of the Fees for the Senior Center During FY2023-2024, or
- Do Not Approve the Waiver of the Fees for the Senior Center During FY2023-2024.
- Continue the matter and request more information.

Financial Impact

LC Parks and Recreation has Council-approved rentals fees for Parks and Recreation facilities, including the Community Center. See attached Facility Exclusive Use Permit Application for rental rates of the Community Center facilities.

For FY 22-23, LC City Council waived the Senior Center permit rental fees totaling $168,896.00 for both the use of the Small Meeting Room (50 hrs/week: M-F 8a-4p, Sat

10a-4p, Sun 12-4p) and West Wing Meeting Rooms with kitchen (98 hrs/week: Mon-Sun, 7a-9p). The Senior Center is requesting the same permit hours for FY23-24.

Potential Motions:

- Motion to Approve the Waiver of the Fees for the Senior Center requested hours during FY2023-2024, or
- Motion to Not Approve the Waiver of the Fees for the Senior Center during FY2023-2024
- Motion to continue to _____ and request additional information on the following:_____.

Intergovernmental Agreement Coordinated Office on Homelessness

Meeting Date: April 24, 2023 Primary Staff Contact: Daphnee Legarza
Department: City Council E-Mail: DLegarza@lincolncity.org

Question:

Should the City Council approve the Intergovernmental Agreement for Coordinated Office on Homelessnesss.

Staff Recommendation:

Staff recommends the Council approve participation on the Advisory Board for the countywide Homelessness Advisory Board under HB 4123 in an effort to create a 5-year strategic plan on addressing the reduction of homelessness through an Intergovernmental Agreement.

Background:

The state program requires the formulation of an entity comprised of the county, cities, tribe, and community service providers to enter into a formal agreement to oversee the year-long process in the completion of the strategy and its subsequent implementation over the remaining period of the strategic plan. The Intergovernmental Agreement has been reviewed by the attorneys of the nine parties to the agreement.

Council Options:

- Approve the Intergovernmental Agreement for the Coordinated Office on Homelessness.
- Do Not Approve the Intergovernmental Agreement for the Coordinated Office on Homelessness.
- Continue the matter and request more information.

Financial Impact

A countywide effort was successful in being awarded one of eight counties in the state to receive a grant for $1 million to assist in the ability to formulate a 5-year strategic plan and to stand up an office to assist in the effort to address homelessness across the county. There is no direct expense or costs associated with this effort. Lincoln County is acting as the fiscal agent/grant coordinator addressing issues of consultant's contracts, and grant reports.

Potential Motions:

- Motion to Approve participation on the Advisory Board for the countywide Homelessness Advisory Board under HB 4123 in an effort to create a 5-year strategic plan on addressing the reduction of homelessness through an Intergovernmental Agreement.
- Motion to Not Approve participation on the Advisory Board for the countywide Homelessness Advisory Board under HB 4123 in an effort to create a 5-year strategic plan on addressing the reduction of homelessness through an Intergovernmental Agreement.

Intergovernmental Agreement
Coordinated Office on Homelessness

This Agreement is entered into by and between Lincoln County, a political subdivision of the State of Oregon ("County"), the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats, and the Community Services Consortium.

RECITALS

A. ORS 190.010 authorizes units of local government to enter into Intergovernmental Agreements ("IGA") for the performance of any or all functions which a Party to the IGA has the authority to perform.

B. The County has signed a grant agreement with the State of Oregon for $1,000,000 to establish a coordinated homeless response system. Lincoln County will administer the funding and consulting agreements necessary to meet the requirements of this grant. The grant agreement is entered pursuant to the terms of HB 4123.

C. Lincoln County, the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport and Yachats and the Confederated Tribes of the Siletz Indians (Parties) have entered into a Declaration of Cooperation to implement preliminary steps to develop a Homeless Response System for Lincoln County.

D. The Declaration of Cooperation established an advisory committee to develop a Coordinated Homeless Response Agreement and advise the County on initial steps to develop a homeless response system for Lincoln County in accordance with HB 4123.

E. The Parties to this IGA wish to further implement HB 4123 and establish a coordinated homeless response system. The System shall, at a minimum, consist of a homeless response office (the "Office") and a Homeless Response Advisory Board (the " Board") charged with developing a five- year strategic plan for the County on creating pathways to permanent and supportive housing. The Parties wish to create a System that will fulfill all requirements set forth in Exhibit A – Grant Agreement, attached hereto and incorporated by this reference herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **RECITALS.** The recitals set forth above are true and correct and are incorporated herein by this reference.

2. **DURATION/ TERM.** [ORS 190.020(1)(e)]. The term of this Agreement shall commence after execution by all nine Parties and shall expire on June 30, 2027, unless extended or earlier terminated in accordance with Section 7.

3. **REAL OR PERSONAL PROPERTY.** [ORS 190.020(1)(d)]. Lincoln County shall physically locate and establish a Homeless Response Office and provide such office space and meeting room space as is needed for Homeless Response Office operations and Homeless Response Advisory Board meetings as contemplated in this Agreement. Other

parties may provide satellite office space for Homeless Response Office operations or may offer meeting rooms for meetings. The Parties may donate personal property to the County for purposes of establishing the office.

4. **FUNCTIONS OR ACTIVITIES.** [ORS 190.020(1)].
A. The Parties jointly agree to the establishment and operation of a Lincoln County Homeless Response Advisory Board (the "Board") which shall be organized as follows and perform the following functions:

1. A Board, consisting of one representative and an alternate from each Party to this IGA, shall be formed for the purposes of providing advice and general policy guidance to the Parties and to the Office. In addition, the Confederated Tribes of Siletz Indians and the local Continuum of Care will be requested to designate a representative to serve as non-voting members of the Board. The Board is not a separate independent Intergovernmental Entity with contracting powers but is intended to be advisory and function as a liaison between the Office and the individual Parties in this coordinated response. The Board is not intended to manage the Office. Board members shall serve as a liaison between their elected body, the Board and the Office.

2. As an entity authorized by statute and governed by this IGA with the authority to make formal advice and recommendations, the Board is considered a public body for the purposes of Oregon Public Meetings law. The Board shall hold noticed meetings open to the public, and otherwise act in accordance with Oregon Public Meetings Law, Oregon Public Records law and applicable conflict of interest statutes. The Board shall adopt formal Bylaws sufficient to ensure compliance with Oregon Public Meetings Law and the orderly functioning of the Board that are substantially similar to the Bylaws set forth in Exhibit B, attached hereto and incorporated by this reference herein.

3. Administrative support for the Board shall be provided by the Office who shall provide staff support to ensure that public meeting notices for the Advisory Board meetings are properly made.

4. The Board may make recommendations to the County on the hiring of a consultant by Lincoln County to establish and operate a coordinated homeless response office.

5. The Board may make recommendations to the County on the hiring of any consultants to develop a five-year strategic plan that identifies goals and strategies to provide a sustainable partnership to reduce homelessness in Lincoln County.

6. With recommendations from the Office, the Board shall appoint two groups to engage in outreach and provide advice on the operation of a Homeless Response Office and the development of a five-year strategic plan.

   a. A Homeless Practitioners Panel ("Panel") shall be compromised of homelessness experts drawn from the community to include representatives with knowledge and experiences in areas of youth services, lived experiences, accessibility, housing, homelessness, land use, public education, public health, law enforcement and philanthropy. The Panel shall advise the Office on establishing a coordinated regional response to address homelessness in the

County and provide input to the Board on the development of a five-year strategic plan to reduce homelessness in the County.

b. A Lived Experience Homelessness Work Group ("Work Group") shall advise the Panel on aspects of homelessness relating to the operation of the Office and the development of the five-year Strategic Plan.

7. The Board shall guide, make recommendations, review, approve, and adopt a strategic plan that identifies and sets goals as set forth in HB 4123. Each member Party shall review, approve, and adopt the strategic plan that identifies and sets goals as set forth in HB 4123 in accordance with timetables established by the State of Oregon.

8. The Board is not the supervisor or Project Manager of the Office staff or consultant. The County shall manage any consultant contract or Office personnel and the Board may only make recommendations to the County regarding such personnel.

9. The Parties to this Agreement require that the Board members report to their respective jurisdictions on the progress of mandated tasks. Board members have no individual authority and shall make recommendations and communicate with the Office only as a group, that is, through motions adopted at noticed public meetings. Board members shall not coerce or attempt to coerce Office staff or consultants.

B. The Parties jointly agree to the establishment and operation of a Homeless Response Office (the "Office") which shall perform the following functions:

1. The Office will be operated through a professional services agreement with a consultant contracted by Lincoln County. The consultant will be any individual or entity duly qualified and willing to serve in the role.

2. The Office will coordinate with and develop partnerships with local and regional stakeholders as specified in House Bill 4123, including plans for coordination with the local Continuum of Care receiving funding under 24 C.F.R. part 578, and the Confederated Tribes of the Siletz Indians.

3. The Office will designate a Director who will be charged with the general operation of the office. The Board shall receive progress reports from the Office and shall provide general policy guidance and recommendations to the Office.

4. The Office shall work to coordinate tasks with the Board to develop a five-year strategic plan conducted under an agreement with a separate consultant.

5. The Office shall coordinate all meetings of the Panel and Work Group identified in Section 4(A)-(6)(a)(b) of this agreement.

C. All Parties to this IGA agree to cooperate in good faith to ensure that the goals of the Homeless Response System are achieved. The Parties shall work in good faith to amend this IGA when necessary to achieve the System goals set forth in Exhibit A.

D. The County shall serve as the fiscal agent responsible for funding the operations of the Office created under this IGA. The County shall be responsible for all contracting, procurement, or other activities necessary to retain consultants with a recommendation from the Advisory Board. The County will retain fiscal and contractual oversight of the Office and shall retain the authority to terminate the contract with the consultants as necessary. In such an event, the County shall seek a new consultant with recommendations from the Advisory Board. This IGA does not create any employment or contractual relationship between the Parties to this IGA or the Office.

E. The Lincoln County Office of Legal Counsel may be called upon to provide legal advice to the Board and the Office as necessary. Such advice may include, but is not limited to, advice on public meetings law, the requirements of HB 4123, and the formulation of necessary bylaws.

F. Access to Records/Record Retention. The County shall maintain fiscal records and all other records pertinent to this IGA.

1. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.

2. All records shall be retained and kept accessible for at least three years, or as otherwise required to be retained by Oregon law or as may be required by any grant contract terms.

3. If an audit, litigation, or other action involving this IGA is started before the end of the three-year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three-year period, whichever is later.

4. All Parties to this IGA and their authorized representatives shall have the right to direct access to all associated books, documents, papers and records related to this IGA for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.

5. PAYMENTS / REVENUE. [ORS 190.020(1)(a)-(b)].

A. The Parties agree that for the first two years, the Office will be funded with a portion of $1,000,000 grant provided by the State of Oregon.

B. The Parties do not anticipate any revenues will be derived pursuant to this Agreement. If any unexpected revenues are received, the Parties stipulate and agree that such revenues shall be utilized to run the Office.

C. The Parties further agree to work together and use best efforts to seek out and obtain grant funding. The Office shall seek funding from other sources. The Board will propose a budget for years three through five of the agreement to operate the Office. Should additional grant or outside funding not be available to fully fund the Office, any proportionate shares of funding from the Parties shall be mutually agreed upon by all Parties and reflected in an amendment to this Agreement. The following disclaimer applies to all future funding derived from the Parties: All obligations of the Parties

pursuant to this Agreement which require the expenditure of funds not yet identified are contingent upon future appropriations by the Parties as part of the Parties local budget processes. The Parties are entering into this Agreement voluntarily in the spirit of cooperation and coordination to facilitate a coordinated homeless response system, including establishment of a Homeless Response Office for Lincoln County. However, nothing in this Agreement makes the individual Parties responsible for the contracts or commitments of the Office. Reimbursement of personnel costs is not contemplated by the County for administering these agreements.

6. **PERSONNEL.** [ORS 190.020(1)(c)]. No employees will be transferred pursuant to this Agreement.

7. **TERMINATION.** [ORS 190.020(1)(f)].

A. Unless extended or earlier terminated in writing signed by a majority of the Parties, this IGA automatically terminates on June 30, 2027.

B. This Agreement may be terminated by mutual consent of a majority of the Parties, provided one hundred eighty (180) days written notice is delivered by certified mail or personal service to every party. Such termination shall be without prejudice to any obligations or liabilities of the Parties accrued prior to such termination.

8. **CONTRIBUTION.**

A. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a "Third Party Claim") against a Party (the "Notified Party") with respect to which the other Parties (the "Others") may have liability, the Notified Party shall promptly notify the Others in writing of the Third Party Claim and deliver to the Others, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by the Others of the notice and copies required in this Section and a meaningful opportunity for the Others to participate in the investigation, defense and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to the Others' contribution obligation under this Section with respect to the Third-Party Claim.

B. With respect to a Third Party Claim for which Party is jointly liable with Other Parties (or would be if joined in the Third Party Claim), the Parties shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement and actually and reasonably incurred and paid or payable by Parties in such proportion as is appropriate to reflect the relative fault of Party on the one hand, and of Other Parties on the other hand, in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Party on the one hand, and of Other Parties on the other hand, shall be determined by reference to, among other things, the Party's relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Party had sole liability in the proceeding.

9. **METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS.** Notices and requests required by and given in connection with this Agreement and all other communications related to this agreement shall be in writing or email and deemed given as of the day they are received by (a) personal delivery, (b) electronic, (c) overnight delivery service, (d) United States mail, certified and return receipt requested, and addressed as follows:

i. Lincoln County
Tim Johnson, County Administration
Phone: 541-265-4100
Email: tjohnson@co.lincoln.or.us

ii. City of Depoe Bay
Kimberly Wollenberg, City Recorder
Phone:541-765-2361
Email: recorder@cityofdepoe.org

iii. City of Lincoln City
Daphnee Legarza, City Manager
Phone: 541-996-1200
Email: dlegarza@lincolncity.org

iv. City of Newport
Spencer Nebel, City Manager
Phone: 541-574-0603
Email: s.nebel@newportoregon.gov

v. City of Siletz
Mayor Will Worman
Phone: 541-444-2521
Email: mayor@cityofsiletz.org

vi. City of Toledo
Judy Richter, City Manager
Phone: 541-635-2003
Email: judy.richter@cityoftoledo.org

vii. City of Waldport
Dann Cutter, City Manager
Phone: 541-563-3561 X7
Email: dann.cutter@waldport.org

viii. City of Yachats
City Manager
Phone: 541-547-3565
Email: citymanager@yachatsmail.org

ix Community Services Consortium
Pegge McGuire, Executive Director
Phone: 541-704-7627
Email: pmcguire@communityservices.us

x. Confederated Tribes of the Siletz Indians
Sami Jo Difuntorum, Housing Executive Director
Phone: 541-444-2532 X1312
Email: SamiJoD@ctsi.nsn.us

Changes may be made to the names and addresses of the person to whom notices, bills, and payments are to be given by providing notice pursuant to this paragraph.

10. **SEVERABILITY**. In the event that any part of this IGA is found to be illegal, or in violation of public policy, or for any other reason unenforceable, such finding shall in no event invalidate or render unenforceable the other parts of this agreement.

11. **MERGER.** This writing is intended both as the final expression of the Agreement between the Parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless it is made in writing and signed by those Parties agreeing to said modification. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

12. **COUNTERPARTS.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Parties hereby approve and authorize the terms of this IGA as set forth herein.

SIGNATURES:

Lincoln County: Signature_____ Date_____
Claire Hall, County Commissioner

City of Depoe Bay: Signature_____ Date_____
Mayor

City of Lincoln City: Signature_____ Date_____
Mayor

City of Newport: Signature_____ Date_____
Mayor

City of Siletz: Signature_____ Date_____
Mayor

City of Toledo: Signature_____ Date_____
Mayor

City of Waldport: Signature_____ Date_____
Mayor

City of Yachats: Signature_____ Date_____
Mayor

Community Services Consortium: Signature_____ Date_____
Executive Director

EXHIBIT A

PROJECT DESCRIPTION

Pursuant to the Authorization, Recipient shall use Grant funds for the Project as follows:

(1) Within 90 days of receiving the Grant funds, Recipient shall enter into an agreement among Recipient, the City of Lincoln City, the City of Newport, the City of Toledo and any other parties to the agreement to create a coordinated homeless response system (the "System") that consists of, at a minimum:

(a) The establishment of a coordinated homeless response office;

(b) An advisory board with representation from the governing body of each member government;

(c) Specific roles of each member to support the advisory board and office;

(d) Plans for coordination with any local continuum of care receiving funding under 24 C.F.R. part 578; and

(e) The establishment of a centralized point of contact for the office.

(2) The System, with Recipient's oversight, shall use the Grant funds to:

(a) Hire necessary staff for the office;

(b) Support coordinated communications and public engagement;

(c) Support community outreach and policy development, including stipends for people with current or recent lived experience of homelessness;

(d) Acquire technical assistance and capacity building, including contracting with consultants; and

(e) Pay for other expenses reasonably necessary to meet the requirements in this Exhibit A.

(3) Within one year of receiving the Grant funds, the System, through the advisory board or each member government to the agreement, shall adopt a five-year strategic plan that will identify and set goals for addressing:

(a) Funding to support the ongoing operations of the System;

(b) Increasing or streamlining resources and services to people at risk of or experiencing homelessness within the participating cities and counties;

(c) Incorporating national best practices for ending homelessness;

(d) Eliminating racial disparities within homeless services within the service area; and

(e) Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.

(4) No later than November 15, 2023, and September 15, 2024, the System shall provide a report to the Housing and Community Services Department, Oregon Housing Stability Council and one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245 on:

(a) The goals adopted in the five-year strategic plan and the progress made in implementing the plan;

(b) Other changes in homelessness services, ordinances of member governments relating to homelessness and partnerships or programs established that are specifically related to member government actions arising out of the agreement; and

(c) Identified challenges and opportunities relating to:

(A) Regional coordination of homelessness services and planning;

(B) Needs for technical assistance regarding program development or other programs from the Housing and Community Services Department; and

(C) Addressing racial disparities through partnerships with culturally specific and responsive organizations serving populations overrepresented in experiencing homelessness, including Black, Indigenous, People of Color, federally recognized tribes and tribal members and outreach and engagement with these populations.

(5) In performing the Project tasks identified in this Exhibit A, the System shall coordinate with and develop partnerships with local and regional stakeholders, including, but not limited to:

(a) Advocates for people experiencing homelessness and for people with lived experience of homelessness;

(b) Community action agencies;

(c) Housing authorities;

(d) Affordable housing providers;

(e) Behavioral health providers;

(f) Law enforcement;

(g) Educational agency liaisons for homeless children as described in 42 U.S.C. 11432;

(h) Local Department of Human Services offices;

(i) Courts;

(j) Legal aid;

(k) Coordinated care organizations, as described in ORS 414.572;

(l) Emergency shelter providers;

(m) Homeless service providers;

(n) Organizations serving and advocating for veterans, homeless youth, youth exiting the foster care system, individuals exiting the criminal justice system, people with disabilities and aging adults, health care systems, domestic violence and sexual assault survivors, members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, people experiencing behavioral health and substance use disorders, faith communities and business communities; and

(o) The Housing and Community Services Department.

(6) In performing its duties under this section, the System shall coordinate with law enforcement, service providers and governing bodies to implement safe and humane processes to maintain public and environmental health and safety, balancing important individual and community rights.

(7) The System may use Grant funds in excess of those funds needed by the System to accomplish the requirements of the System under sections (1) to (6) of this Exhibit A to support the delivery of homeless services and shelter consistent with the five-year strategic plan, including through contracts with service providers.

EXHIBIT B

LINCOLN COUNTY HOMELESS RESPONSE ADVISORY BOARD BYLAWS

SECTION 1. ADVISORY BOARD NAME

1.1 Name. The Advisory Board will be called the Lincoln County Homeless Response Advisory Board, hereinafter referred to as the "Board".

1.2 Bylaws. The Board has adopted the following bylaws to act in accordance with the Oregon Public Meetings, Oregon Public Records Law, and applicable conflict of interest statutes.

SECTION 2. PURPOSE.

2.1 The Purpose of the Board. Purpose and objectives of the Board is to advise the parties to the Intergovernmental Agreement – Coordinated Office on Homelessness, approved by the parties in 2023, on various aspects of utilizing a grant funds pursuant to the terms of HB 4123 to reduce homelessness in Lincoln County. This advisory role includes review of the establishment and operation of Homeless Response Office "Office" that will coordinate with and develop partnerships with local and regional stakeholders as specified in House Bill 4123, and to make recommendations, review and recommend approval of a strategic plan that identifies the set goals as set forth in HB 4123.

2.2 Relationship with the Parties to the Intergovernmental Agreement.

The Intergovernmental Agreement is between Lincoln County, the Cities of Lincoln County and the Community Services Consortium as outlined in the Intergovernmental Agreement – Coordinated Office on Homeless signed by the parties. The Advisory Board will provide recommendations to parties of the agreement on various issues relating to reducing homelessness in Lincoln County, including the creation of a county wide five-year strategic plan to address the homeless populations, including creating pathways to permanent and supportive housing to address homelessness on a regional basis in Lincoln County.

SECTION 3 AUTHORITY.

3.1 Advisory Function. The Board is not a separate independent governmental entity with contracting powers, but is intended to be advisory and function as a liaison between the Homeless Response Office and the individual parties to the agreement in a coordinated response to homelessness. The goal is not intended to manage the office. Board members shall serve as a liaison between their elected body, the Board and the Office.

3.2 Advisory Role for Lincoln County. The Board may make recommendations to the County on hiring a consultant to establish and operate a Coordinated Homeless Response Office, the hiring of any consultants to develop a five-year strategic plan that identifies

goals and strategies to create sustainable partnerships to reduce homelessness in Lincoln County.

3.3 Committee Appointments. The Board is tasked with appointing members to two groups, after consultation with the Office, to engage in outreach and provide advice on the operation of the Office in the development of a five-year strategic plan.

3.4 Homeless Response Office. The Office shall provide support services to the Board as provided in the agreement and bylaws. The Board does not manage the Office, but provides advice to the Office and County on services and operations of the Office. The Board shall offer advice to the County on contracting for services to create and maintain a Homeless Response Office.

SECTION 4 MEMBERSHIP.

4.1 Appointments to the Board. The governing body of the County and Cities shall each appoint one representative and an alternate from their elected body to serve on the Board. The Community Services Consortium will elect a representative and an alternate representative from the Consortium to serve on the Board. Notification of the appointments will be provided to the Office upon action of each of the parties.

4.2 Term. All members will serve at the pleasure of their appointed Commission/Council/Board during the duration of the intergovernmental agreement.

4.3 Change of Representatives. The parties Commission/Councils/Board shall notify the Office when a change in representatives is made by that body. The parties shall forward the name and contact information to the Office and the new representative will be seated immediately upon notification by that party.

SECTION 5 Meetings.

5.1 Public Meetings. The Board is a public body subject to the public meetings laws as stated in ORS 192.640. All meetings, other than executive sessions allowed by law, will be open to the public.

5.2 Administrative Support for Public Meetings. The Office shall establish a venue for the meetings, provide proper notice to members of the public, and prepare appropriate agenda background materials for the Board.

5.3 Notice. In addition to Board members and alternate Board members, the Office will give notice of any meetings to interested persons and news media that have requested notice and general public notice, of the time and place for holding meetings.

5.4 Regular Meetings. The Board will meet monthly. Regular meetings may be canceled or changed to another specific place, date and time as provided in the notices given for the meeting.

5.5 Special Meetings. Special Board meetings may be called by the Chair or any three members to the intergovernmental agreement when business needs to be transacted outside of the regular meeting schedule. Special meetings require public notice of not less than 24 hours prior to the commencement of the meeting.

5.6 Voting Members. The Chair will ask for the roll call of each party to the agreement at the beginning of the meeting to determine whether the representative, or alternate representative, will be a voting member for that party. In the event that both the representative and alternate representative are present, the representative will be the voting member.

5.7 Quorum. The majority of members to the Board will constitute a quorum for the transaction of all business at meetings.

5.8 Minutes. The Office will cause minutes to be prepared and distributed to the members for review and approval. Minutes will include the voting members present, other parties present, and will include motions, resolutions, and orders acted on by the Board during that meeting. The results of all votes shall be listed by each member of voting.

5.9 Agendas. Items may be placed on a meeting agenda by the Chair or any Board member. The agenda will be distributed by the Office to members 72 hours in advance of a regular meeting.

5.10. Public Comment. Each regular meeting will end with an opportunity for public comment, discussion, and input by guests and the general public.

SECTION 6 OFFICERS.

6.1 Chair. The Board Chair will act as the leader of the convened meeting and as a parliamentarian. The Chair will enforce Board directives, guidelines and ensure that the meetings are held in accordance with the bylaws adopted by the Board.

6.2 Vice Chair. In the absence of the Chair the Vice Chair will assume the Chair's responsibilities. If neither the Chair nor Vice Chair is available for a publicly convened meeting, then the assembled quorum of the meeting shall select a temporary person to conduct the meeting.

6.3 Secretary. The Office shall serve as the Secretary for the Board.

6.4 Election of Officers. The Chair and Vice Chair shall be elected by the Board to serve in that capacity upon approval of the bylaws and serve until the last meeting of the calendar year. At the first meeting of each subsequent calendar year, the Chair and Vice Chair will be elected by the Board to serve in those capacities. The Office holds the responsibility of Secretary based on their role as a contractor for Lincoln County to provide services to the Board.

SECTION 7 PANELS and WORK GROUPS.

7.1 Homeless Practitioner's Panel. A panel of individuals involved in various aspects of homelessness will be appointed by the Board, after consultation with the Office, to work as subgroups on various aspects of the development of a five-year strategic plan to establish a coordinated regional response to homelessness in Lincoln County.

7.2 Lived Experience Homelessness Work Group. This work group shall be appointed by the Board, after consultation with the Office, to advise the panel on aspects of homelessness relating to the operation of the Office and the development of a five-year strategic plan. This group is to be made up of individuals who have, or, experiencing homelessness. A stipend may be paid to these members as determined by the Board.

7.3 Meetings. The Office will coordinate all meetings of either of these groups. These meetings are informal and the groups will not vote on issues, but will provide their expertise related to the development of the plan and operation of the Office through the term of the Intergovernmental Agreement.

7.4. Quorum., A quorum of the Board shall be 50% of the appointed members. When a quorum is expected to be present, at a Panel or work group, the meeting will be posted in accordance with the rules of the Board outlined in Section 5.3 Notice. Members to the Panel and work group will be appointed for terms that will expire at the end of the calendar year. Members may be reappointed for subsequent one-year terms.

SECTION 8 FISCAL RESPONSIBILITIES.

8.1 Funds Granted through House Bill 4123. These funds will be managed by Lincoln County**.**

8.2 Budget. The Board will recommend to the County a budget for the consultants to the Strategic Plan and to stand up an Office. It will also recommend a budget to continue to operate the Office and provide funding for various projects in accordance with the five-year plan adopted by the Board.

8.3 Recommendations for Financial Support. The Board may make recommendations to the members of this agreement for continued financial support of various initiatives identified in the five-year plan beyond the state provided funding. This may include additional grants, direct support from local units of government, or other financial ways to support homelessness initiatives in Lincoln County. The Board cannot bind any parties to any financial obligations.

8.4 Contractual Relationships. The Board is not empowered to make any contractual relationships with any parties. Lincoln County will manage the contractual relationship between the Office and any consultants utilized to develop the five-year strategic plan. The Board may recommend to the parties, any future agreements for services to meet the needs to reduce homelessness in Lincoln County.

8.5 Fiscal Responsibility. The Board is not responsible for any personnel, contracts or any fiscal responsibilities related to the Board's purpose.

SECTION 9 CONFLICT of INTEREST.

9.1 Statutory Authority. The Board, Panel, and work group members will adhere to ORS 244.020, 244.040(1), and 244.120-130 defining conflict of interest and establishing protocols for members of public bodies in Oregon. Board, Panel and work group members are expected to declare a conflict of interest prior to consideration of any matter causing a potential or actual conflict.

9.2 Potential Conflict Definition. As defined in Oregon law, a potential conflict of interest exists when a member takes an action that reasonably could be expected to have a financial impact on that member, a relative, or a business with which the member or member's relative is associated.

9.3 Actual Conflict Definition. As defined in Oregon law, an actual conflict of interest when an action is reasonably certain to result in a special benefit or detriment to the member, a relative, or a business with which the member or the member's relative is associated.

9.4 Potential Conflict Protocol. With a potential conflict, the member may participate in an action after declaring the conflict and announcing its nature.

9.5 Actual Conflict Protocol. With an actual conflict, the member will declare the conflict and announce its nature. The member must then refrain from taking any official action, except when the member's vote is necessary to achieve a quorum. When a vote is necessary to achieve a quorum, the member may vote, but may not participate in any discussion or debate on the issue out of which the actual conflict arises.

SECTION 10. APPROVAL OF THE BYLAWS.

10.1 Bylaw Amendments. The bylaws will be provided to the parties for any comments 45 days prior to adoption by the Board. These bylaws may be adopted, amended, or new bylaws may be adopted by the Board after written notice of the proposed amendments are made to each of the parties 30 days prior to the date of the meeting in which the amendments are to be considered for approval.

SECTION 11 TERMINATION.

11.1 Termination. These bylaws will terminate upon the conclusion or termination of the Intergovernmental Agreement – Coordinated Office on Homelessness.

Adopted by the Lincoln County Homeless Response Advisory Board this _____(day) of _____(month), 2023.

Council Communication

Nonprofit Grant Recommendations

Meeting Date:	April 24, 2023	Primary Staff Contact:	Michael Phillips
Department:	Administration	E-Mail:	MPhillips@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Question:

Should the City Council approve the Council appointed subcommittee Nonprofit Grant award recommendations.

Staff Recommendation:

Staff recommends the Council approve the subcommittee nonprofit agency grant award recommendations.

Authority:

City Council

Background:

City Council approved up to $50,000.00 for grants to third-party nonprofit agencies in the City approved 2022-2023 budget.

Council Options:

Approve some, all, or none of the Subcommittee nonprofit grant award recommendations.

Financial Impact

Up to $50,000.

Potential Motions:

Attachments:

Non-Profit_Subcommittee_Grant_Reccomendations_to_City_Council-swahlke_lincolncity.org (PDF)

The Office of
CITY MAYOR

MEMORANDUM

RE. NONPROFIT GRANT RECIPIENT RECOMMENDATIONS

CITY COUNCIL SUBCOMMITTEE

- Mayor Wahlke
- Councilor Parsons
- Councilor Mark

The City Council Subcommittee is requesting their Nonprofit grant awards recommendations be added to the April 24, 2023 City Council Regular Meeting Agenda.

Grant Award Recipient and Amount Recommendations

Angels Anonymous	$ 5,000
Business for Excellence in Youth	$ 5,000
Central Coast Humane Society	$ 5,000
Coastal Support Services	$ 5,000
Coast Cheer Athletics	$ 2,250
Episcopal Church	$ 5,000
Lincoln City Chamber of Commerce	$ 5,000
Lincoln City Cultural Center	$ 5,000
Lincoln City Swim Club	$ 2,250
My Sister's Place	$ 5,000
North Lincoln CERT	$ 500
Oceana Family Literacy	$ 5,000
	$ 50,000

Thank you,

Susan Kay Wahlke

Susan Wahlke, City Mayor
Lincoln City City Council

Dropbox Sign

Audit trail

Title	Non-Profit Subcommittee Grant Reccomendations to City...
File name	Mayor Wahlke Memo...ouncil Agenda.pdf
Document ID	f3afa5df2c9e4d32046d8553518290a70c7291bf
Audit trail date format	MM / DD / YYYY
Status	Signed

Document History

SENT	**04 / 12 / 2023** 15:29:23 UTC-7	Sent for signature to Susan Wahlke (swahlke@lincolncity.org) from mphillips@lincolncity.org IP: 206.192.237.34
VIEWED	**04 / 12 / 2023** 15:47:38 UTC-7	Viewed by Susan Wahlke (swahlke@lincolncity.org) IP: 206.192.237.34
SIGNED	**04 / 12 / 2023** 15:48:03 UTC-7	Signed by Susan Wahlke (swahlke@lincolncity.org) IP: 206.192.237.34
COMPLETED	**04 / 12 / 2023** 15:48:03 UTC-7	The document has been completed.

Council Communication

Arbor Day 2023 Proclamation

Meeting Date:	April 24, 2023	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

Question:

Should the City Council proclaim April 28, 2023 as Arbor Day 2023 in the City of Lincoln City and invite all citizens to join in its celebration of the city's efforts to support healthy trees and forest ecology for the well-being of this and future generations?

Staff Recommendation:

Staff recommends the Council proclaim April 28, 2023 as Arbor Day 2023 in the City of Lincoln City, so that we may continue with our 'TreeCity USA' designation for 2023, via the Arbor Day Foundation.

Authority:

See attached document for the 4 criteria required for the TreeCity USA Program.

Background:

The OR Dept of Forestry oversees the TreeCity USA program. One of their 4 mandatory standards for a City to be designated as a TreeCity USA is for the Mayor/City Council to proclaim a City 'Arbor Day'.
Lincoln City has been a designated TreeCity USA for 15 years.
Lincoln City Parks and Recreation will be hosting a public Arbor Day event on Fri April 28, 4:30pm at the Community Center.

Council Options:

Approve the proclamation of 4/28/23 as Lincoln City Arbor Day.
Reject the proclamation of 4/28/23 as Lincoln City

Arbor Day.

Financial Impact

Very limited staff time. One to two hours of the Parks & Recreation Director compiling application data for the Arbor Day Foundation.

Potential Motions:

> Move to approve the proclamation establishing 4/28/23 as Arbor Day 2023 for Lincoln City, to celebrate trees and continue with our TreeCity USA designation.

Attachments:

Attachments:
TreeCity USA Standards (PDF)
PROCLAMATION Arbor Day 2023 (DOCX)

Arbor Day Foundation

Tree City USA Standards

To qualify as a Tree City USA community, you must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. These standards were established to ensure that every qualifying community* would have a viable tree management program and that no community would be excluded because of size.

Four Standards for Tree City USA Recognition

Standard 1 | Standard 2 | Standard 3 | Standard 4

Standard 1

A Tree Board or Department

Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

Standard 2

A Tree Care Ordinance

A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1). It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Ideally, the ordinance will also provide clear guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, see Tree City USA Bulletin #9.

Standard 3

A Community Forestry Program With an Annual Budget of at Least $2 Per Capita

City trees provide many benefits—clean air, clean water, shade and beauty to name a few—but they also require an investment to remain healthy and sustainable. By providing support at or above the $2 per capita minimum, a community demonstrates its commitment to grow and tend these valuable public assets. Budgets and expenditures require planning and accountability, which are fundamental to the long-term health of the tree canopy and the Tree City USA program.

To meet this standard each year, the community must document at least $2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen. At first this may seem like an impossible barrier to some communities. However, a little investigation usually reveals that more than this amount is already being spent on tree care. If not, this may signal serious neglect that will cost far more in the long run. In such a case, working toward Tree City USA recognition can be used to reexamine the community's budget priorities and redirect funds to properly care for its tree resources before it is too late.

Arbor Day Foundation

An Arbor Day Observance and Proclamation

An effective program for community trees would not be complete without an annual Arbor Day ceremony. Citizens join together to celebrate the benefits of community trees and the work accomplished to plant and maintain them. By passing and reciting an official Arbor Day proclamation, public officials demonstrate their support for the community tree program and complete the requirements for becoming a Tree City USA!

This is the least challenging—and probably most enjoyable—standard to meet. An Arbor Day celebration can be simple and brief or an all-day or all-week observation. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.

Tree City USA is an Arbor Day Foundation program in cooperation with:

TREE CITY USA
2023 ARBOR DAY PROCLAMATION

Whereas, Lincoln City celebrates Arbor Day every year to honor the important role trees play in our daily lives, and to maintain our TreeCity USA status, 15 years and counting; and

Whereas, Lincoln City residents have demonstrated their extraordinary support for trees in many ways, including a $3 million bond issue passed in 1998 for the purpose of preserving forests and other sensitive land within the city limits, and efforts in the past 9 years to improve forest health in the city's open spaces; and

Whereas, on this Arbor Day, the city celebrates renewed efforts in our Parks and Open Spaces to educate the public on the importance of trees by offering naturalist-lead hikes and interpretive signage, along with new interpretive signage placed at 15 trailheads in 7 Open Spaces; and

Whereas, Lincoln City continues to improve the ecological health of the forests in the city's open spaces through removal of invasive species, restoration of native vegetation and tree-planting, with the successful partnerships of local non-profits and volunteers. This raises public awareness and opportunities for passive recreation through trail creation and maintenance;

Now, therefore, I, Susan Wahlke, Lincoln City Mayor, do hereby proclaim the date of April 28, 2023 as Arbor Day 2023 in the City of Lincoln City and invite all citizens to join in its celebration and the city's efforts to support healthy trees and forest ecology for the well-being of this and future generations.

Dated this 24th day of April 2023.

_____

Susan Wahlke, Mayor