

CITY OF LINCOLN CITY
LINCOLN CITY COUNCIL AGENDA

MONDAY SEPTEMBER 26, 2022, 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](tel: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. Regular Meeting – Minutes of Regular Meeting – September 12, 2022, 6:00 PM
 - 2. Lincoln County Library District Intergovernmental Agreement
- 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**
 - 1. ORDINANCE NO. 2022-34 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.08 (PLANNING COMMISSION), SECTION 2.08.020 (MEMBERSHIP) REDUCING MEMBERSHIP FROM SEVEN TO FIVE MEMBERS
 - 2. ORDINANCE NO. 2022-35 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 4, (REAL PROPERTY), AMENDING CHAPTER 4.04 (ACCEPTANCE OF REAL PROPERTY INTERESTS, LEASES, AND IGA RENEWALS), SECTION 4.04.010 (CITY MANAGER-DELEGATION), INCREASING THE MONETARY THRESHOLD FOR DELEGATED IGA AUTHORITY
- K. RESOLUTIONS**
- L. SPECIAL ORDER OF BUSINESS**
 - 3. Oregon Liquor Control Commission - Request for Limited On-Premises Sales License- Hwy 101 Burger
 - 4. 2022 Holiday Meeting Schedule
 - 5. Appointment to the Nelscott URA Ad Hoc Committee - Applicant Lisa Spence-Bunnett
- 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**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

September 12, 2022, 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
Elaine Starmer	Councilor Ward 1	Remote	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; Lt. Broderick, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

Mayor Wahlke apologized for raising her voice in the previous meeting and reviewed Council rules.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Mitch Parsons, Councilor Ward 1
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT:	Passed

1. Regular Meeting – Minutes of Special Meeting – August 19, 2022, 10:30 AM
2. Regular Meeting – Minutes of Regular Meeting – August 22, 2022, 6:00 PM
3. Regular Meeting – Minutes of Work Session – August 24, 2022, 3:30 PM

E. COUNCIL DELIBERATIONS

None

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

None

G. PRESENTATIONS

4. Introduction of Chief Executive Officer at Samaritan North Lincoln Hospital and the Coastal STARS project.

Dr. Ogden Chief Operating Officer at Samaritan introduced Dr. Leslie James Associate Director, Terry Buggenhagen North Lincoln Health District Chair, and David Hess North Lincoln Health District Vice-Chair. Dr. Ogden gave a presentation regarding the Coastal STARS project. Dr. Ogden asked the City to partner with Samaritan. Dr. James spoke about the funding for the STARS project. Mr. Buggenhagen spoke about his role on the Health District Board and the plan for the STARS facility. Mr. Buggenhagen also asked for a contribution from the City. Council and Staff had a discussion with the presenters.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. PUBLIC COMMENT ON RESOLUTION NO. 2022-39

No Citizens were present for comment.

J. ORDINANCES

2. ORDINANCE NO. 2022-33 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.16 (SOLID WASTE), MODIFYING SECTIONS 8.16.050, 8.16.100 8.16.110 TO RECOGNIZE MONTHLY GARBAGE SERVICE AS AN OPTION, NOT AN EXCEPTION, TO THE ORDINANCE.

MOTION: Motion to Approve First Reading of Ordinance 2022-33 Amending Chapter 8.16 (SOLID WASTE)
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

Council and Staff discussed the requirement for garbage pick-up and the consequences of a violation.

3.

MOTION: Motion to Approve Second Reading and Adoption of Ordinance 2022-33 Amending Chapter 8.16 (SOLID WASTE)
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

K. RESOLUTIONS

4. RESOLUTION 2022-38 A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING AN APPLICATION FOR EXCEPTION TO THE LIMITATION ON PROVIDING WATER SERVICE OUTSIDE THE CITY LIMITS UNDER LINCOLN CITY MUNICIPAL CODE SECTION 13.12.050.B.(6), AFFECTING PROPERTY ON SCHOONER CREEK ROAD, LINCOLN COUNTY, IDENTIFIED AS LINCOLN COUNTY TAX LOT 07-11-25-00-00115-00, APPLICANT KREUTZER.

MOTION: Motion to Approve Resolution 2022-38 Approving Extraterritorial Water Service
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

5. RESOLUTION NO. 2022-39 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING / CLARIFYING WATER RATES FOR FIRE FLOW TESTING AND ASSOCIATED FEES

MOTION: Motion to Approve Resolution 2022-39 (Fire Flow Test Fee and Rates)
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

6. RESOLUTION NO. 2022-40 A RESOLUTION RESCINDING RESOLUTION NO. 2021-39 OF THE CITY OF LINCOLN CITY; AND REDESIGNATING BANK DEPOSITORIES AND AUTHORIZED SIGNATORIES FOR CHECKS AND DRAFTS OF THE CITY OF LINCOLN CITY

MOTION: Motion to Approve Resolution 2022-40: Redesignating Bank Signatures
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

7. Appointment to Sustainability Committee - Applicant Crista Wray

MOTION: Motion to Approve the Appointment of Crista Wray to the Sustainability Committee
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Sydney Kasner, Councilor Ward 2
AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza spoke about the Council Chambers AV equipment upgrade and also to resend emails if you don't get a response.

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

8.

MOTION: Motion to Approve the Response Letter as Discussed in the Executive Session and Authorize Mayor Wahlke to Sign on Behalf of the City Council for Delivery to the City Attorney
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Wahlke, Starmer, Kasner, Casper, Mark, Parsons
ABSTAIN: Hoagland
RESULT: Passed by Roll Call Vote

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

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Casper asked about an RFP for the Sustainability Committee. Ms. Legarza said she won't be able to go into details as they are still putting it together and it will be sent out as soon as it is ready. Councilor Casper ask about the newsletter that was sent out and said she would speak at the next meeting.

Councilor Hoagland spoke about the meeting he attended where they spoke about the future of natural gas and the information that he learned about becoming more resilient.

Councilor Kasner said she would like to see a work session scheduled to discuss the STARS program. Council gave consensus.

Councilor Parsons spoke about the work sessions; frequency, changing the time, and not having an end time. Council discussed different times. It was decided to send a doodle poll.

Mayor Wahlke thanked Pacific Power for outreach and their proactiveness. Mayor Wahlke also thank the Emergency Preparedness Coordinator and the City Manager for getting the signs at both ends of town. Mayor Wahlke spoke about the fatality South of town and asked everyone to be careful. Mayor Wahlke sent her thoughts out to the LCPD Officer that was in an accident with a DUll driver. Mayor Wahlke also mentioned there was an applicant for the Nelscott URA Ad Hoc Committee.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:17 PM

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Lincoln County Library District Intergovernmental Agreement

Meeting Date: September 26, 2022 Primary Staff Contact: Kirsten Brodbeck-Kenney
Department: Library E-Mail: kbrodbeck-kenney@lincolncity.org

In December of 2021, the Lincoln County Library District Board revised the funding formula for members and partner libraries of the Lincoln County Library District. Attached is the new intergovernmental agreement detailing these changes.



City of Lincoln City
801 SW Highway 101
Lincoln City, OR 97367

September 7, 2022

Dear Lincoln City City Council:

As you are aware, the Lincoln County Library District (LCLD) Board updated the funding formula for our member and partner libraries in December of 2021. In conjunction with that update and due to the length of time since the library services agreement between the City of Lincoln City and LCLD was last revised, the Board is sending out this updated library services agreement for your review and approval.

We would like to have the agreement signed by both parties by November 15, 2022 which would allow LCLD to begin our funding distributions in December 2022 after taxes have mostly been collected. As in the past, we will provide one-half of the annual allocation in December of 2022 and one-twelfth each month, January - June 2023.

The new Agreement includes the main document with three appendices and a signature page. Please have the appropriate officials complete the signature page and return to LCLD by November 1, 2022. The LCLD Board meets on November 8, 2022 to sign the agreements and will then send you a copy of the completed agreement.

Please feel free to contact me with any questions or requests for clarification.

Sincerely,

MaryKay Dahlgreen
Director, Lincoln County Library District

PO Box 2027
132 NE 15th St.
Newport, OR 97365

541-265-3066
lclld@lincolncolibrarydist.org

AGREEMENT FOR LIBRARY SERVICES

Lincoln County Library District

This agreement (“Agreement”) is entered into pursuant to Oregon Revised Statutes (“ORS”) 190.010, by and between the Lincoln County Library District (“District”), and the City of Lincoln City (“City”), both municipal corporations and political subdivisions of the State of Oregon. This Agreement shall be effective upon signing by both parties hereto.

RECITALS

WHEREAS, the District was established by voters in 1988 to provide fee-free library services (“the Services”) to District residents pursuant to ORS chapter 357; and

WHEREAS, ORS 357.261(10) and 357.410(2) authorize the District to contract with a local government unit to provide free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon; and

WHEREAS, through written agreements the District provides funding and other support to the cities of Newport, Lincoln City, Toledo, Waldport, and Siletz to support provision of the Services for District residents; and

WHEREAS, the District’s Board of Directors has determined that changes to the District’s funding model are necessary to ensure allocation of funds equitably and fairly among member and partner libraries and the residents they serve; and

WHEREAS, the parties seek to establish terms and conditions for the continued provision of the Services and allocation of funding therefor;

NOW, THEREFORE, pursuant to the authorities granted in of ORS chapters 357 and 190, and for the mutual consideration herein stated, the parties agree as follows:

AGREEMENT

In consideration of the mutual obligations stated herein, the parties agree as follows:

1. DEFINITIONS. When used in this Agreement, unless the context indicates otherwise:

- A. “City” means the City of Lincoln City, in Lincoln County, Oregon.
- B. “County” means Lincoln County, Oregon.
- C. “District” means the Lincoln County Library District. (Appendix C)
- D. “Library” means the Driftwood Library in Lincoln City, Oregon.

2. **TERM.** This Agreement shall take effect November 15, 2022 and shall be of indefinite duration unless and until modified pursuant to Section 3 or terminated pursuant to Section 13 of this Agreement.
3. **REVIEW AND RENEGOTIATION.** The terms of this Agreement, including but not limited to terms and methods for Funding, are subject to review and renegotiation every three (3) years. Either party may submit a written request for review and renegotiation to the other party at least twelve (12) months prior to the end of the applicable three (3)-year period. Upon the other party's receipt of such request, the parties shall engage in good-faith negotiations regarding any modifications. If the parties cannot agree to the modified terms within six (6) months of the date on the written notice, either party may terminate the Agreement as provided in Section 13. Failure to provide timely notice under this paragraph shall be deemed consent to renew the Agreement according to its existing terms until the next review period.

4. DUTIES AND OBLIGATIONS OF THE PARTIES.

A. For the City. The City's obligations under this Agreement shall be as follows:

- (1) Operations. In operating the Library, be responsible for the following:
- (a) Purchasing materials, supplies, equipment and services necessary for the setup and continued operation.
 - (b) Preparing and approving an annual Library budget.
 - (c) Entering into contracts with any person, firm or corporation, or any agency or government, as necessary, to acquire goods or services for the development of and the operation of the Library.
 - (d) Contracting or providing for the use of space for its operations, staff, a supervisor, or auxiliary services, including but not limited to records, payroll, accounting, purchasing and data processing.
 - (e) Reviewing staff contracts and job descriptions annually to maintain alignment with Priorities for Programs and Service Delivery and performing annual employee evaluations based on those job descriptions.
 - (f) Determining the level of staffing required to provide Library Services according to all applicable standards and in compliance with this Agreement. Employing, supervising, and terminating a director and other Library employees.
 - (g) Compensating the Head Librarian/Library Director or equivalent at not less than 150% of the State of Oregon minimum wage.

- (h) Taking any other action necessary and proper for the management of the Library and the performance of its functions.
- (2) Standards. Complying with all applicable State of Oregon laws and administrative rules relating to hours of operation, staffing levels, and collection size. (Appendix B) To the extent feasible the Library will strive to meet Oregon Library Association Public Library Standards.
- (3) Interlibrary Loan. Participating in universal borrowing for all District residents.
- (4) Support for the District. Acknowledging the District's contributions on Library website, brochures, newsletters, etc. Providing other support and advocacy for the District upon request.
- (5) Annual Library Service Plan.
- (a) On or before May 1 of the current fiscal year, prepare and submit to the District an Annual Library Service Plan ("ALSP") proposal for the next fiscal year. The ALSP shall be based on the then-current District guidelines for programs. Funding under this Agreement is expressly conditioned upon District approval of the ALSP.
- (b) No later than October 31 of each year, present a written review of the prior fiscal year's ALSP to the District Board of Directors.
- (6) Annual Statistical Report. On or before December 1 of each fiscal year, furnish to the District a copy of the Library's annual statistical report that is sent to the Oregon State Library.
- (7) Funding Conditions. Comply with all Funding Conditions described in Section 5 of this Agreement.
- (8) Financial Reporting.
- (a) Account for all Library resources and expenditures through a separate freestanding fund or a readily identifiable department function within the City General Fund, consistent with accounting and budgeting requirements under Oregon law.
- (b) Budget any unexpended Funding from the prior fiscal year budget as beginning cash balance in the following fiscal year's Library budget, consistent with accounting and budgeting requirements under Oregon law.
- (c) Provide additional or supplemental information upon request.

(d) On or before February 1 of each fiscal year, provide an annual audit showing expenditures of Funding during the prior fiscal year.

B. For the District. Subject to the availability of funds, the District's obligations under this Agreement shall be as follows:

- (1) Funding. Subject to the terms and conditions stated in Section 5 of this Agreement, on an annual basis provide to the City funding ("Funding") for Library Services according to the formula described in Appendix A, which is attached hereto and incorporated herein by this reference.
- (2) Annual Budget. As soon as available, provide a copy of the District's anticipated annual funding distribution amounts to the City for use in the budgeting process. The parties recognize that both parties' budgets must conform to Oregon budget laws.
- (3) Distribution of Funds. upon receipt of property tax revenues from the Lincoln County Treasurer, transfer to the City its proportionate share of the Funding as described in Appendix A.
- (4) District Director. Provide District Director services for the purposes of providing advice, sharing information, serving as a resource, and assisting in solving problems. When appropriate the District Director shall act as a Communication Liaison for cooperative projects.
- (5) Technical Services. Provide Technical Services, including cataloging assistance, resolving database issues, access to OCLC cataloging and interlibrary loan products and one-on-one library site visits at least twice per year.
- (6) Resource Sharing. When, in the District's sole discretion, it is reasonable and cost-effective, the District shall provide the following shared resources:
 - (a) Courier Service. Contract courier services for delivery of books and other library materials from and to the participating libraries within the County.
 - (b) Public Resources. Additional resources that will be accessible through the Library to a resident with a local library card.
 - (c) Joint Purchasing Opportunities. When appropriate and upon agreement of all participating parties, pursue and coordinate joint purchasing opportunities.
 - (d) Professional Learning Opportunities. Share free resources for training elected officials and non-Library personnel.
- (7) District Annual Service Plan (ALSP). By May 1 of each year, provide a copy of the

District's Annual Service Plan on the District website for public viewing. Provide hard copies of the Plan upon request. By October 31, provide an evaluation process of the previous fiscal year's ALSP.

5. FUNDING TERMS AND CONDITIONS.

- A. Use of Funds. The parties intend that Funding provided pursuant to paragraph 4.B(1) will be used solely to support operation of the Library and implementation of the Library's Annual Library Service Plan (ALSP). The Funds may not be used for the purchase, rehabilitation, or maintenance of a building or grounds for the City library; for structural modification of an existing City library; or for maintenance or operation of the Library's physical plant.
 - B. Annual Library Service Plan. Receipt of Funding is expressly conditioned upon the District's approval of the City's timely submitted Annual Library Service Plan ("ALSP") proposal pursuant to paragraph 4.A(5)(a) of this Agreement.
 - C. Budget Availability. The parties recognize that the District is a special taxing district which receives its funding through property tax receipts collected by Lincoln County. In the event the tax revenues are less or more than those in the budget adopted by the District for the applicable fiscal year, the allocations of funds to the City shall be proportionately reduced or increased by the same percentage as the reduced or increased level of tax revenues. For example, if the total annual revenues were reduced/increased by one (1%) percent, then the City's total receipts from the District would be reduced/increased by one (1%) percent.
 - D. Withholding Funding. If the City fails to comply with any term of this Agreement, the District shall notify the City in writing of any failure to comply and the parties shall work in good faith to promptly cure the failure. If the City fails to comply and substantial steps toward a cure are not taken within thirty (30) days of the date on the written notice, the District reserves the right to withhold distributions of Funding to the City until all terms are met. If after working in good faith the parties are unable to resolve the issue, either party may demand commencement of the dispute resolution process in Section 10 of the Agreement.
 - E. Changes to Funding Formula. The Funding formula described in Appendix A is subject to change every three (3) years based on changes in ZIP Code information provided by Portland State University Population Research Center.
6. **NO EMPLOYMENT RELATIONSHIP.** Any and all employees of the City, while engaged or performing any work or service required under this Agreement, shall be considered employees of the City and not employees of the Library District. Any claims that may arise under the Workers' Compensation Act on behalf of such employees while so engaged; any claim for or regarding compensation or benefits for such employees; and any and all claims made by third parties as a consequence of any act or omission on the part of the City or its employees shall be the sole obligation and responsibility of City.

7. **NOTICES.** Any notice required to be given under this Agreement shall be effective on the date of actual receipt or two (2) days after deposit as registered or certified mail, return receipt requested, postage prepaid and addressed to either party at the address stated below or such other addresses as either party may specify by written notice to the other party:

City of Lincoln City
801 SW Highway 101
Lincoln City, OR 97367

Lincoln County Library District
PO Box 2027
Newport, OR 97365

8. **SEVERABILITY.** If any part, paragraph, section or provision of this Agreement is adjudged to be invalid by any court of competent jurisdiction, such adjudication shall not affect the validity of any remaining section, part or provision of this Agreement.
9. **GOVERNING LAW.** This Agreement shall be construed and regulated by the laws of the State of Oregon. Venue for any dispute hereunder shall lie in Lincoln County, Oregon.

10. DISPUTE RESOLUTION.

- A. **Negotiation.** Prior to any mediation or arbitration of any dispute arising under this agreement, the parties agree to submit each such dispute to negotiation and to attempt to settle such dispute in good faith.
- B. **Mediation.** If the dispute cannot be resolved by good-faith negotiations, a mediator will be selected by and paid equally by the parties. If the matter is not settled after one mediation session, then the arbitration provisions of this agreement shall apply.
- C. **Arbitration.** If any dispute arises between the parties which is not settled by mediation, such dispute shall be resolved by binding arbitration. Either party may request arbitration in writing to the other party. The parties shall mutually select a single arbitrator. If the parties cannot agree on an arbitrator, the presiding judge of the Lincoln County Circuit Court will choose an arbitrator. The arbitration shall take place in Lincoln County, Oregon, and shall be conducted according to the rules of the Arbitration Service of Portland, Oregon. Costs of the arbitration shall be shared equally by the parties, but each party shall pay its own attorney fees incurred in connection with the arbitration.

11. **INDEMNITY.** Subject to the limitations of the Oregon Constitution and the Oregon Tort Claims Act [ORS 30.260 to 30.300], each party shall defend, indemnify and hold the other party harmless from any claims, damages, suits or actions, including third-party actions, arising out of or in connection with the indemnifying party's performance pursuant to this Agreement.

12. **AMENDMENT.** This Agreement may be modified only by mutual written consent of the parties hereto.

13. **TERMINATION.** Either party may terminate this Agreement without cause by giving

written notice to the other party not less than six (6) months prior to the end of the then-current fiscal year. Such termination shall become effective at midnight of the last calendar day of the fiscal year in which such notice is given.

14. COMPLETE AGREEMENT. This Agreement represents the parties' complete understanding of the terms and conditions stated herein. It shall supersede any prior or concurrent written or oral agreement or understanding, whether formal or informal.

IT IS HEREBY AGREED:

**LINCOLN SPECIAL LIBRARY
DISTRICT**

CITY OF LINCOLN CITY

Board President

City Manager/Mayor

Board Secretary

ATTEST: _____
City Manager/City Recorder

_____, 20____
Date

_____, 20____
Date

ATTACHMENTS:

Appendix A: Explanation of Distribution of Funds to Member and Partner Libraries

Appendix B: Oregon Public Libraries Definition & Link to Oregon Library Association Public Library Standards

Appendix C: LCLD Organizational Governance Outline

Appendix A: Explanation of Distribution of Funds to Member and Partner Libraries

The Lincoln County Library District (LCLD) was created on October 12, 1988 by the Lincoln County Commission. The order creating the District reads, "That the purpose of the district is to provide library services in accordance with ORS 357.216 through ORS 357.286" and "That the boundaries of the District shall be concurrent with the boundaries of Lincoln County, excluding therefrom the corporate limits of the cities of Newport, Lincoln City, Toledo, Depoe Bay, Yachats, and Waldport." In November of 1990 a permanent tax rate was established, and Siletz was annexed into the library district. In 1992 Waldport and Depoe Bay were annexed into the District.

Through agreements between the District and the established public libraries in Lincoln County, the LCLD ensures the provision of public library service to all residents within its boundaries. The public libraries within the District boundaries, Siletz and Waldport, are defined as "member libraries." The cities of Newport, Lincoln City and Toledo are not within the District boundaries and are considered "partner libraries"

The funding model which distributes tax revenue to District libraries provides that 70 percent of LCLD tax revenues would go to the District member libraries and partner libraries. The remaining 30 percent of revenues remain with the District, and are used for operations and administration, and services provided to member and partner libraries, including but not limited to participation in the cataloging and interlibrary loan utility, OCLC, and courier delivery service,

In the Fall of 2021, the LCLD Board of Directors conducted a review of the tax distribution process, culminating in a decision to update the distribution formula consistent with ORS 357.405, which defines "public library," and the rules for implementation found in OAR 543-010-0036. Each library's service population is now determined by population within their zip code area Lincoln County.

The formula consists of three funding components: (1) Member library incentives, (2) Site-based allocation and (3) per-capita population allocation. The population component is determined by the census zip code area numbers.

Every three (3) years, the Board of Directors will review the threshold criteria and update as needed and will review and update the formula to reflect the current population numbers.

The distribution percentages are determined through the following process:

Population for each zip code in LCLD boundaries is provided to the District by the Portland State University Population Research Center. The zip code population for each member library and partner library is as follows:

Libraries	Zip Codes Included	Zip Code Population	City Population	Service Area (zip code) Population
Members:				
Siletz	97357, 97380,	2777	1230	2777
Waldport	97324, 97390, 97394, 97398	7252	2249	7252
Partners:				
Lincoln City	97364, 98367, 97368, 97388	16067	9686	6381
Newport	97365, 97366, 97376, 97341, 97342	16762	10256	6506
Toledo	97326, 97343, 97391	6543	3546	2997
		49401	26967	25913

The formula for determining the distribution to each library is below:

	Element A	Element B	Element C	Element D	FY 2022-23			
	District Ops	Member Library Local Revenue Incentive	Site Based to Service District Residents	Per Capita to serve District Residents	Total Allocation	Total Allocation Percentage	Pop.	Allocation Per Capita
Member Libraries								
Siletz*		\$ 4,000	\$ 15,000	\$ 102,856	\$ 121,856	8.1%	2,777	\$ 43.88
Waldport		\$ 20,000	\$ 15,000	\$ 268,603	\$ 303,603	20.2%	7,252	\$ 41.86
Partner Libraries								
Lincoln City			\$ 15,000	\$ 231,565	\$ 246,565	16.4%	6,252	\$ 39.44
Newport			\$ 15,000	\$ 240,972	\$ 255,972	17.0%	6,506	\$ 39.34
Toledo			\$ 15,000	\$ 111,004	\$ 126,004	8.4%	2,997	\$ 42.04
Totals					\$ 1,054,000			
District Operations	\$ 450,000				\$ 450,000	29.9%		
Total Allocation	\$ 450,000	\$ 24,000	\$ 75,000	\$ 955,000	\$ 1,504,000			

* Siletz Library run by LCLD.

For the next three years, FY 2022-23, FY 2023-24 and FY 2024-25, the new funding formula will be phased in as follows:

FUNDING DISTRIBUTION									
Future year distributions are calculated by the following formulas: 2022/2023: Projected revenues are distributed by 33.33% Alt-C calculation rates and 66.66% five year average percentage distribution rates. 2023/2024: Projected revenues are distributed by 66.66% Alt-C calculation rates and 33.33% five year average percentage distribution rates. 2024/2025: Projected revenues are distributed by 100% Alt-C calculation rates.									
	Five Year Avg Percentage	Alt-C Calculation	2022/2023 Dollars	2022/2023 Percentages	2023/2024 Dollars	2023/2024 Percentages	2024/2025 Dollars	2024/2025 Percentages	
Cities In District (Members)									
Siletz	5.27%	7.85%	\$ 94,503	6.13%	\$ 110,973	6.99%	\$ 128,346	7.85%	
Walport	13.15%	20.29%	\$ 239,411	15.53%	\$ 284,371	17.91%	\$ 331,813	20.29%	
Subtotal Cities	18.43%	28.14%	\$ 333,915	21.66%	\$ 395,345	24.90%	\$ 460,160	28.14%	
Partners									
Lincoln City (Driftwood)	17.64%	16.42%	\$ 265,572	17.23%	\$ 267,106	16.83%	\$ 268,492	16.42%	
Newport	24.67%	17.05%	\$ 341,064	22.13%	\$ 310,957	19.59%	\$ 278,736	17.05%	
Toledo	4.85%	8.39%	\$ 92,976	6.03%	\$ 114,494	7.21%	\$ 137,219	8.39%	
Subtotal Partners	47.16%	41.86%	\$ 699,612	45.39%	\$ 692,556	43.62%	\$ 684,447	41.86%	
Subtotal District Ops	34.42%	30.00%	\$ 507,763	32.94%	\$ 499,628	31.47%	\$ 490,547	30.00%	
GRAND TOTAL	100.00%	100.00%	\$ 1,541,290	100%	\$ 1,587,529	100.00%	\$ 1,635,154	100.00%	

Appendix B: Oregon Public Libraries Definition & Link to Oregon Library Association Public Library Standards

From: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=278527>

Oregon State Library
Chapter 543
Division 10
ADMINISTRATION

543-010-0036

Official Recognition of Public Libraries

(1) The State Library Board will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216-286 or 357.400-621 and have met all minimum conditions.

(2) Libraries, that have a service population of over 2000, shall meet the following minimum conditions:

- (a) Have at least half (50%) of its operational financial support from public funds.
- (b) Be open to the public a minimum of 20 hours per week.
- (c) Provide a collection comprising books, media, or electronic resources.
- (d) Offer free public access computers with Internet access.
- (e) Offer free public wireless Internet access (wi-fi).
- (f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.
- (g) Dedicate at least 0.50 full-time equivalent (FTE) paid staff time exclusively to library functions.
- (h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.
- (i) Provide basic services for reference and youth services.
- (j) Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.

(3) Libraries, that have a service population of 2000 or less, shall meet the following minimum conditions:

- (a) Have at least one fourth (25%) of its operational financial support from public funds.
- (b) Be open to the public a minimum of 10 hours per week.
- (c) Provide a collection comprising books, media, or electronic resources.
- (d) Offer at least one free public access computer with internet access.
- (e) Offer free public wireless internet access (wi-fi).
- (f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.
- (g) Dedicate at least 0.25 full-time equivalent (FTE) paid staff time exclusively to library functions.

- (h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.
- (i) Provide basic services for reference and youth services.
- (j) Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.
- (4) Official recognition as a public library will qualify the library to be eligible for state aid and grants from the State Library as authorized in statutes. A library must receive official recognition by June 30 to be eligible for grant funding in the next state fiscal year beginning July 1.
- (5) Official recognition will continue unless the library no longer meets the statutory requirements of a public library.
- (a) Library responses to the Public Library Annual Statistical Survey will be used to determine compliance with minimum conditions outlined in sections (2) and (3).
- (b) An officially recognized public library that fails to meet the minimum conditions as outlined in section (2) or (3) will have two (2) years to achieve compliance, during which time the library maintains eligibility for state aid and grants.
- (c) Proceedings for termination of official recognition for a library that fails to meet minimum conditions after two (2) years will be scheduled for consideration by the Board, which will then make a determination.
- (d) The State Library will provide an annual report to the Board on the status of public library compliance with minimum conditions.
- (6) Notwithstanding section (5), if an officially recognized public library fails to meet the minimum conditions outlined in section (2) or (3) by June 30, 2021, the public library will have one year to meet the minimum conditions before section (5)(b) shall apply to the public library.
- (7) The Board will terminate a public library's official recognition immediately after a local government withdraws support following the requirements of ORS 357.621. The State Library will notify the local government that official recognition is being terminated.
- (8) Any affected agency may appeal the termination of official recognition to the Board. The appeal must be in writing and must contain a detailed statement specifying the reason the appellant agency believes the action was improper.
- (9) The written appeal must be filed no later than 15 business days after the notice of termination of official recognition is received. Once an appeal is received, it will be scheduled for consideration by the Board, which will then make a determination.
- (10) To be reinstated, a library must request reinstatement of official recognition from the Board. The request must include signed documentation attesting that the library has met all minimum conditions. The request will then be scheduled for consideration by the Board, which will make a determination. The State Library will notify the local

government if official recognition is being reinstated. A library may appeal a denial of reinstatement as described in this rule.

Statutory/Other Authority: ORS 357.026(1)

Statutes/Other Implemented: ORS 357.216-286, 357.400 - 357.621 & HB2243 A (2019)

History:

OSL 1-2021, temporary amend filed 06/23/2021, effective 06/23/2021 through 12/19/2021

OSL 2-2019, amend filed 10/21/2019, effective 01/01/2020

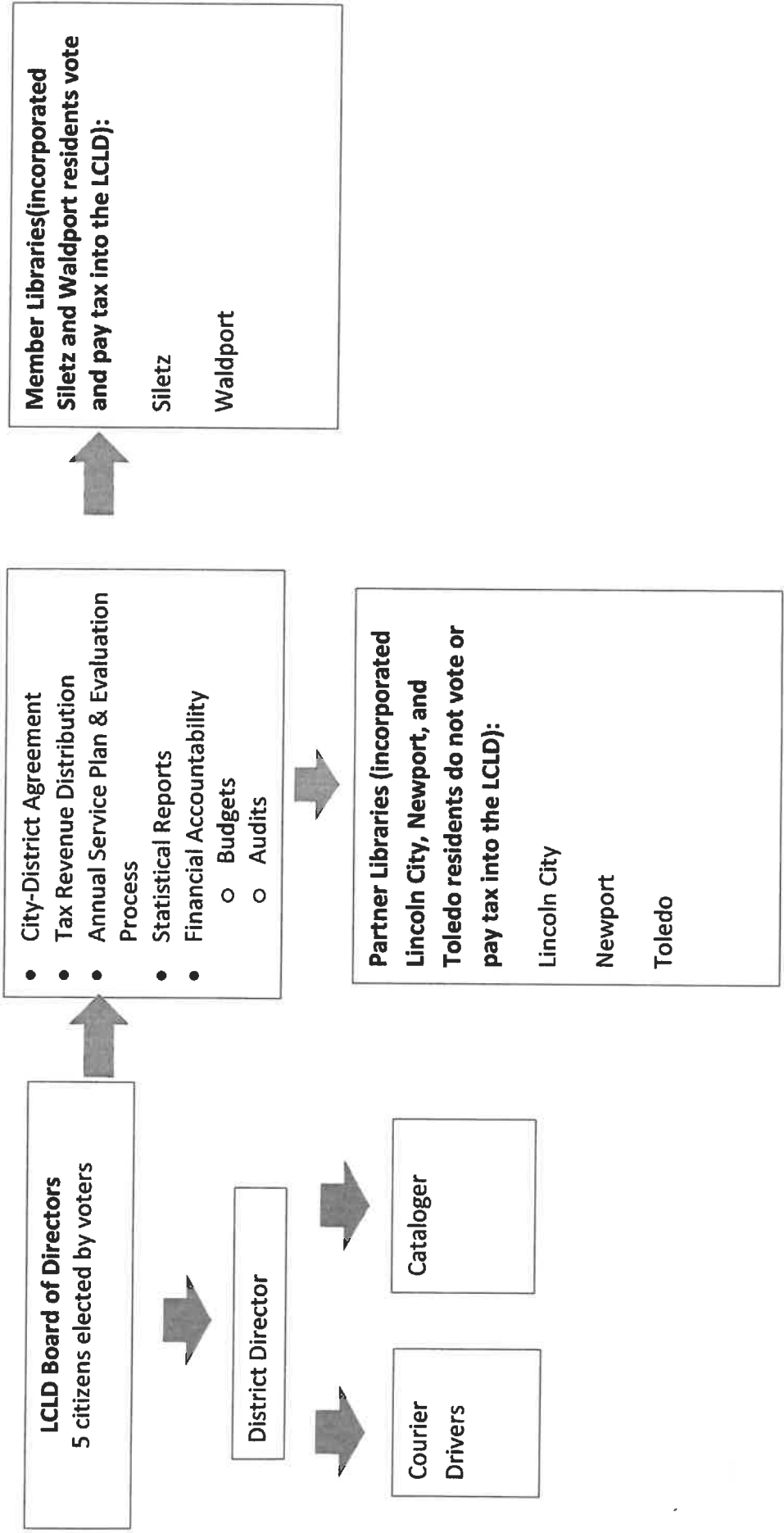
OSL 1-2000, f. & cert. ef. 4-13-00

Oregon Library Association Standards

See: <https://www.olaweb.org/assets/PLD/PLDStandards/PLD-Standards-091718.pdf>

Appendix C: Lincoln County Library District (LCLD) Organizational Governance Structure

The LCLD was established to provide library services district-wide. Currently, this is accomplished through inter-governmental agreements with 5 cities: 2 member library cities and three partner library cities, to provide library service to everyone within the LCLD boundaries.



MAJOR ROLES AND RESPONSIBILITIES:

Library District Board of Directors

- Operates according to the governing ORS statutes
- Oversees distribution of approved tax-payer funds that ensure the provision of public library services in the Lincoln County Library District
- Sets the District budget each year
- Oversees Agreements with cities
- Sets District policies
- Develops and implements District strategic plans
- Hires District Director and staff

District Director

- Provides expertise, leadership and coordination
- Advises District Board regarding policy, resource allocation and strategic planning
- Prepares and manages District budget
- Administers District operations
- Monitors and evaluates District activities
- Supervises and evaluates District staff
- Serves as District Board Secretary

Cities

- Adopts local library policies
- Hires local library director
- Prepares/adopts annual public library budget in coordination with the library director
- Fiscally supports local public library
- Provides and maintains the public library building

- Oversees compliance with the requirements of the LCLD Agreement
- Supports and advocates for libraries and LCLD

Library Boards

- Serves as library policy advisors
- Supports and advocates for libraries and LCLD
- Carries out duties as stated in Oregon State law/City ordinance and School District policy regarding library boards
- Monitors compliance with the requirements of the LCLD Agreement

Local Library Director

- Provides expertise, leadership and coordination
- Advises library board regarding policy, resource allocation and strategic planning
- Prepares and manages library budget
- Administers local library operations
- Monitors and evaluates library performance
- Hires and supervises library staff
- Oversees coordination with local library support groups
- Ensures compliance with the requirements of the LCLD Agreement
- Collaborates with the LCLD to provide the best public library service to the residents of the District
- Supports and advocates for libraries and the LCLD

Council Communication

Ordinance 2022-34 Number of Planning Commissioners

Meeting Date:	September 26, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	AnneMarie Skinner
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2022-34 entitled:

ORDINANCE NO. 2022-34

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.08 (PLANNING COMMISSION), SECTION 2.08.020 (MEMBERSHIP) REDUCING MEMBERSHIP FROM SEVEN TO FIVE MEMBERS

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2022-34 and, *if unanimous*, Conduct and approve Second Reading. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

Planning staff has requested that the number of Planning Commissioners be reduced to five in order to facilitate having a quorum for the conduct of city business. There appears to be no

requirement in state law to maintain seven members. The change would go into effect in January 2023.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to October 10, 2022 [or]
3. Continue First Reading to October 10, 2022.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2022-34

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.08 (PLANNING COMMISSION), SECTION 2.08.020 (MEMBERSHIP) REDUCING MEMBERSHIP FROM SEVEN TO FIVE MEMBERS

Motion to approve First Reading of Ordinance 2022-34.

If unanimous: City Attorney conducts Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-34.

[or]

2. Motion to set Second Reading for October 10, 2022.

Attachments:

Ordinance 2022-34 (DOCX)

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ORDINANCE NO. 2022-34

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 2 (ADMINISTRATION AND PERSONNEL), AMENDING CHAPTER 2.08 (PLANNING COMMISSION), SECTION 2.08.020 (MEMBERSHIP) REDUCING MEMBERSHIP FROM SEVEN TO FIVE MEMBERS

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City
The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter
In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, Lincoln City Municipal Code Title 2 (Administration and Personnel), Chapter 2.08 (Planning Commission), Section 2.08.020 (Membership) set the number of Planning Commission members as seven; and

WHEREAS, City Administration requested that the Planning Commission may be reduced to five (5) members in order to facilitate a quorum being available to meet to conduct city business;

1 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

2
3 **SECTION 1.** Lincoln City Municipal Code Title 2. (*Administration and Personnel*),
4 Chapter 2.08 (*Planning Commission*), Section 2.08.020 (*Membership*) is hereby amended
5 to read as follows:

6
7 The commission shall consist of **five (5) seven** members who are not officials or
8 employees of the city.

9
10 **SECTION 2. Findings Adopted.**

11
12 The findings contained in the Whereas Clauses of this ordinance, as well as the
13 competent substantial evidence in the whole record of this legislative proceeding are
14 incorporated into this section by reference as if fully set forth herein, and are adopted in
15 support of this legislative action.

16
17 **SECTION 3. Severability.**

18
19 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
20 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
21 the remaining sections, subsections, paragraphs and clauses.

22
23 **SECTION 4. Ordinance Effective Date.**

24
25 Pursuant to Chapter IX, Section 9.3, this ordinance takes on January 1, 2023 and not 30
26 days after the date of its adoption.

27
28 **SECTION 5. Codification.**

29
30 Provisions of this ordinance shall be incorporated in the City of Lincoln City Municipal
31 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
32 or another word, and the sections of this ordinance may be renumbered, or re-lettered,
33 provided that any whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not
34 be codified and the City Recorder is authorized to correct any cross-references and any
35 typographical errors.

36
37 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
38 Section 9.2 of the City of Lincoln City Charter on the 26th day of September, 2022 (First
39 Reading) and on the 26th day of September, 2022 (Second Reading).
40

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 26^h day of
2 September, 2022.

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SUSAN WAHLKE, MAYOR

7 ATTEST:

8
9

10 _____
11 JAMIE YOUNG, CITY RECORDER

12

13 APPROVED AS TO FORM:

14
15

16 _____
17 RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2022-35 IGA delegation

Meeting Date:	September 26, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Daphnee Legarza
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading of Ordinance 2022-35 entitled:

ORDINANCE NO. 2022-35

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 4, (REAL PROPERTY), AMENDING CHAPTER 4.04 (ACCEPTANCE OF REAL PROPERTY INTERESTS, LEASES, AND IGA RENEWALS), SECTION 4.04.010 (CITY MANAGER-DELEGATION), INCREASING THE MONETARY THRESHOLD FOR DELEGATED IGA AUTHORITY

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2022-35 and, *if unanimous*, Conduct and approve Second Reading. Any changes must be read.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The attached ordinance increases the delegated authority of the City Manager to sign Intergovernmental Agreements up to fifty thousand dollars (\$50,000). The existing twenty-five thousand dollar (\$25,000) limit is inconsistent with other authority for contracts in Chapter 2.05

(Public Contracting Code). Under the Public Contracting Code delegation resolution the Manager can sign some goods and services contracts up to \$112,500, and other contracts up to \$75,000.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Read changes, if any. Continue Second Reading to October 10, 2022 [or]
3. Continue First Reading to October 10, 2022.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2022-35

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 4, (REAL PROPERTY), AMENDING CHAPTER 4.04 (ACCEPTANCE OF REAL PROPERTY INTERESTS, LEASES, AND IGA RENEWALS), SECTION 4.04.010 (CITY MANAGER-DELEGATION), INCREASING THE MONETARY THRESHOLD FOR DELEGATED IGA AUTHORITY

Motion to approve First Reading of Ordinance 2022-35.

If unanimous: City Attorney conducts Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2022-35.
- [or]**
2. Motion to set Second Reading for October 10, 2022.

Attachments:

Ordinance 2022-35 (DOCX)

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ORDINANCE NO. 2022-35

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 4, (REAL PROPERTY), AMENDING CHAPTER 4.04 (ACCEPTANCE OF REAL PROPERTY INTERESTS, LEASES, AND IGA RENEWALS), SECTION 4.04.010 (CITY MANAGER-DELEGATION), INCREASING THE MONETARY THRESHOLD FOR DELEGATED IGA AUTHORITY

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City
The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter
In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, Lincoln City Municipal Code Title 4 (Real Property), Chapter 4.04 (Acceptance of Real Property Interests, Leases, and IGA Renewals), Section 4.04.010 (City Manager- Delegation) sets the delegated authority over IGAs at twenty-five thousand dollars; and

WHEREAS, City Administration requested that the City Manager delegation be increased to fifty thousand dollars in order to facilitate expedited approval of small IGAs;

1 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

2
3 **SECTION 1.** Lincoln City Municipal Code Title 4. (*Real Property*), Chapter 4.04
4 (*Acceptance of Real Property Interests, Leases, and IGA Renewals*), Section 4.04.010 (*City*
5 *Manager- Delegation*) paragraph B. (*Intergovernmental Agreements*) is hereby amended to
6 read as follows:

7
8 B. Intergovernmental Agreements. Except when a public hearing before the
9 governing body is required by federal, state or local law, the city council hereby
10 authorizes and expressly delegates to the city manager the authority to enter into
11 intergovernmental agreements, provided the amount of any such agreement
12 does not exceed **fifty thousand dollars (\$50,000) \$25,000** and the
13 intergovernmental agreement is approved as to form by the city attorney.
14 Further, the city council hereby authorizes and expressly delegates to the city
15 manager the authority to renew intergovernmental agreements, provided the
16 agreement provides for renewal, terms of the intergovernmental agreement
17 remain the same, or will be modified only as contemplated in the original
18 agreement, and the renewal is approved as to form by the city attorney.

19
20 **SECTION 2. Findings Adopted.**

21
22 The findings contained in the Whereas Clauses of this ordinance, as well as the
23 competent substantial evidence in the whole record of this legislative proceeding are
24 incorporated into this section by reference as if fully set forth herein, and are adopted in
25 support of this legislative action.

26
27 **SECTION 3. Severability.**

28
29 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
30 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
31 the remaining sections, subsections, paragraphs and clauses.

32
33 **SECTION 4. Ordinance Effective Date.**

34
35 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of
36 its adoption.

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40

1 **SECTION 5. Codification.**

2
3 Provisions of this ordinance shall be incorporated in the City of Lincoln City Municipal
4 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
5 or another word, and the sections of this ordinance may be renumbered, or re-lettered,
6 provided that any whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not
7 be codified and the City Recorder is authorized to correct any cross-references and any
8 typographical errors.

9
10 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
11 Section 9.2 of the City of Lincoln City Charter on the 26th day of September, 2022 (First
12 Reading) and on the 26th day of September, 2022 (Second Reading).

13
14 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 26^h day of
15 September, 2022.

16
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18 _____
19 SUSAN WAHLKE, MAYOR

20 ATTEST:

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23 _____
24 JAMIE YOUNG, CITY RECORDER

25
26 APPROVED AS TO FORM:

27
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29 _____
30 RICHARD APPICELLO, CITY ATTORNEY

Council Communication

OLCC - Request for Limited On-Premises Sales License_ Hwy 101 Burger

Meeting Date:	September 26, 2022	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a new outlet, limited on-premises sales liquor license for Hwy 101 Burger?

Staff Recommendations:

A review was conducted by LT. Broderick who recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendation to the OLCC. LCMC Chapter 5.20 outlines the City process for recommendation to OLCC.

Council Options:

1. Approve a favorable recommendation to new outlet, limited on-premises sales liquor license.
2. To not approve the license application.
3. To approve the license application.

Potential Motions:

Motion to approve the Oregon Liquor Control Commission (OLCC) new outlet limited on-premises sales liquor license for Hwy 101 Burger.

Attachments

Oregon Liquor Control Commission (OLCC) application for new outlet limited on-premises sales liquor license application for Hwy 101 Burger.

Attachments:

Hwy 101 Burger_Redacted.pdf (PDF)



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp:
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Name of City or County:
<input type="checkbox"/> Distillery	City of Lincoln City
<input checked="" type="checkbox"/> Full On-Premises, Commercial	Recommends this license be:
<input type="checkbox"/> Full On-Premises, Caterer	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Passenger Carrier	By: _____
<input type="checkbox"/> Full On-Premises, Other Public Location	Date: 9/13/2022
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	OLCC USE ONLY
<input type="checkbox"/> Off-Premises	Date application received: 4-22-22
<input type="checkbox"/> Warehouse	Date application accepted: 4-22-22
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	License Action(s):
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	N/O
(4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

Vanpau LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)		
Hwy 101 Burger		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
5045 SW Hwy 101		
City Lincoln City	County Lincoln	Zip Code 97367

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

FINANCE DEPARTMENT
#80924003 PT
SEP 09 2022
CITY OF LINCOLN CITY OREGON

PRINT FORM
RESET FORM

1. Name (Print):	Hight Last	Paula First	D Middle
2. Other names used (maiden, other): Paula Carafotes			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p>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.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> 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).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #: [REDACTED]			7. State [REDACTED]
8. Contact Phone: [REDACTED]			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	5045 SW Hwy 101 (Number and Street)	Lincoln City (City)	OR 97367 (State) (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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> 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.			

CCH RE 06/21/2022



OREGON LIQUOR CONTROL 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:

FINANCE DEPARTMENT
#180926003PT8
SEP 02 2022
CITY OF LINCOLN CITY OREGON

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):	Hight Last	Paula First	D Middle
Signature:			Date: 04/21/22

This box for OLCC use ONLY

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



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

FINANCE DEPARTMENT
#80926003PT
SEP 02 2022
CITY OF LINCOLN CITY OREGON

L.3.a

Please Print or Type

Applicant Name: Vanpau LLC Phone: 541-418-2305

Trade Name (dba): Hwy 101 Burger

Business Location Address: 5045 SW Hwy 101

City: Lincoln City ZIP Code: 97367

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11am</u>	to	<u>11pm</u>
Monday	<u>11am</u>	to	<u>11pm</u>
Tuesday	<u>11am</u>	to	<u>11pm</u>
Wednesday	<u>11am</u>	to	<u>11pm</u>
Thursday	<u>11am</u>	to	<u>11pm</u>
Friday	<u>11am</u>	to	<u>12pm</u>
Saturday	<u>11am</u>	to	<u>12pm</u>

Outdoor Area Hours:

Sunday	<u>11am</u>	to	<u>11pm</u>
Monday	<u>11am</u>	to	<u>11pm</u>
Tuesday	<u>11am</u>	to	<u>11pm</u>
Wednesday	<u>11am</u>	to	<u>11pm</u>
Thursday	<u>11am</u>	to	<u>11pm</u>
Friday	<u>11am</u>	to	<u>12pm</u>
Saturday	<u>11am</u>	to	<u>12pm</u>

The outdoor area is used for:

Food service Hours: 11am to 12pm

Alcohol service Hours: 11am to 12pm

Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

RE _____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: possible shorter winter hours

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input checked="" type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input checked="" type="checkbox"/> Pool Tables |
| | <input checked="" type="checkbox"/> Other: <u>tv's</u> |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 28 Outdoor: 28

Lounge: 17 Other (explain): 9 Bar Seats

Banquet: na Total Seating: 82

OLCC USE ONLY	
Investigator Verified Seating: _____ (Y) ^x (N)	
Investigator Initials: <u>RE</u>	
Date: <u>6-21-22</u>	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: 04/21/22

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

Council Communication

2022 Holiday Meeting Schedule

Meeting Date: September 26, 2022 Primary Staff Contact: Jamie Young
Department: City Council E-Mail: JYoung@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Daphnee Legarza Estimated Time: 5 Minutes

Question:

Does Council wish to cancel one or more meetings in November and December 2022?

Recommendation:

Staff recommends Council cancel both the November 28, 2022 and December 26, 2022 City council meetings.

Background:

Council usually meets on the second and fourth Monday of the month. For 2022, the second meeting in November would be November 28, 2022. For December 2022, the second meeting would be December 26, 2022.

Thanksgiving holiday for City staff is Thursday, November 24th and Friday, November 25th.

December 26, 2022 is currently listed as an official city holiday.

At a minimum, Council must cancel or re-schedule the December 26, 2022 meeting.

Council Options:

- 1) Make a motion to cancel or reschedule one or both meetings.
- 2) Proceed with the meetings as scheduled.

Council Communication

Appointment to the Nelscott URA Ad Hoc Committee - Applicant Lisa Spence-Bunnett

Meeting Date:	September 26, 2022	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Should the City Council approve the appointment of Lisa Spence-Bunnett for a "Community Member" position on the Nelscott URA Ad Hoc Committee?

Staff Recommendation:

Ms. Spence-Bunnett would serve on the Nelscott URA Ad Hoc Committee. Her term would expire upon completion of the committee task (create a Nelscott Urban Renewal Plan for City Council decision to adopt or reject the plan). Councilor Casper and Councilor Mark interviewed Ms. Spence-Bunnett. Councilor Casper and Councilor Mark asked to move Ms. Spence-Bunnett's application forward for consideration of a position on the Nelscott URA Ad Hoc Committee. Ms. Spence-Bunnett qualifies for a "Community Member" position.

Background:

The Nelscott URA Ad Hoc Committee currently has two (2) vacant Community Member positions. The commitment for the advisory committee will be attendance at approximately three meetings over the course of a year and a couple of public open houses. This committee will terminate upon completion of the task – either with adoption or rejection by City Council of an Urban Renewal Plan for the Nelscott URA Ad Hoc Committee.

Authority:

LCMC 2.06.015 (F)

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the

agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

G. Reappointment. Requests for reappointment of appointive public officers (only for those who have previously completed the interview, reference and background check) may be processed using this abbreviated procedure. The council, by motion, may direct the city recorder to place appointive officers on the agenda for reappointment, subject only to an update of the background investigation (pursuant to a current release). Unless council by motion directs the use of the abbreviated procedure, all reappointments shall follow the procedure identified herein for original applicants.

Council Options:

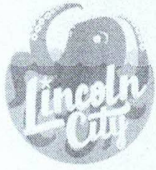
Review and discuss the recommendation for appointment of Lisa Spence-Bunnett to the "Community Member" position on the Nelscott URA Ad Hoc Committee for a term until completed.

Potential Motions:

- 1. I move to appoint Lisa Spence-Bunnett to the Nelscott URA Ad Hoc Committee for a "Community Member" position.**
- 2. I move to leave the position open for the Nelscott URA Ad Hoc Committee for (amount of time).**

Attachments:

Application_URA Ad Hoc Committee_Redacted.pdf (PDF)
 Commission applicant-Lisa Spence ref 1-completed.pdf (PDF)
 Reference-Spence Bunnett Ref 2 completed.pdf(PDF)
 Memorandum-Lisa Spence-Bunnett.pdf (PDF)



CITY OF LINCOLN CITY
Committee / Board / Commission Application

RECEIVED
SEP 01 2022

**CITY OF LINCOLN CITY
 LINCOLN CITY OR**

Please indicate which committee/board/commission you are applying for:

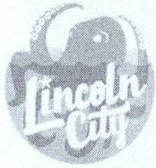
- | | |
|---|---|
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Library Board |
| <input checked="" type="checkbox"/> URA Ad Hoc Committee | |

** If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

NAME:	Lisa C. Spence-Bunnett	DATE:	30 August 2022
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 1.5 yrs
- Do you reside within the Urban Growth Boundary? Yes Length of Time _____
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

County Council member in Vigo County, IN, responsible for review/approval of budget allocations for proposed projects such as a jail and a convention center. Also responsible for review and approval of (see back)

List names of volunteer/work supervisors:

I am retired, but I volunteer for Central Coast Humane Society. Our Board president is Barbara Perry. I have also worked with Ms. Anne Marie Skinner as a member of the Community Sustainability Committee.

Please provide any previous experience with committees, boards or commissions and positions held:

Central Coast Humane Society, board member (present)
Vigo County Criminal Justice Coordinating Council, member (2018-20)
Taxpayers Association of Vigo County, board member (2018-20) and board president (2018)

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I would be pleased to be part of an effort to identify creative, environmentally-friendly projects that would add to the quality of life in Lincoln City, as well as to the residential, business and/or industrial foundations of the City.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Ms. Barbara Perry Phone: [Redacted]

Name: Ms. Laura Shattuck Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature] SIGNATURE

30 Aug 2022 DATE



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

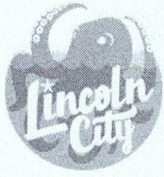
COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Lisa Christine Spence-Bunnett
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	URA Nelscott Ad Hoc Commission
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	Same as home address
HOME PHONE:	-
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	30 Aug 2022
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL




FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

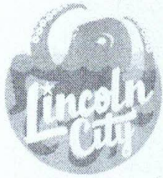
PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.


SIGNATURE

30 Aug 2022
DATE



APPLICATION PACKET – CITY APPOINTED BODIES

Thank you for your interest in volunteering to serve on a Lincoln City Appointed Body. We appreciate your time and look forward to WELCOMING you to our family of volunteers.

This Packet Contains:

- 1) Committee Member Volunteer application
- 2) Criminal Background Check Authorization
- 3) Committee Volunteer Emergency Contact Information Form
- 4) Lincoln City Municipal Code Chapter 2.06 (*Committee, Board, Commission*), also located at : <https://www.codepublishing.com/OR/LincolnCity/>

What We Need From You:

- Thoroughly complete and sign the Application (incomplete applications will not be processed)
- Complete and sign the Criminal Background Check Authorization
 - This will only be used if you are a finalist
 - Only a criminal background check will be conducted (not a credit check)
- Keep the Fair Credit Reporting Act (FCRA) Information Sheet for your reference
- Complete the Appointed Body Information Form
- **Return the completed original signed forms to the City Recorder, City of Lincoln City, PO Box 50 (801 S. Hwy 101), Lincoln City, OR, 97367. (Note we must have the originals.)**

What You Can Expect From Us:

- The City Recorder will review and notify you if you do not meet the residency requirements, or any other criteria in the code applicable to the Appointive Body.
- The City will conduct criminal background check prior to making any selection decision. If you have any questions about how the background check process works, or what kinds of things could prevent you from serving, please contact Abigail Edwards, Human Resources Director at 541-996-1201.
- Reference checks will be conducted.
- Appointment from among qualified candidates is made by vote of the Council at a regular City Council meeting.
- You will be notified of the outcome whether you are selected or not.
- We will protect your personal information.

tax abatement requests requiring consideration of financial community impacts. Professional/career experience in strategic planning, budget preparation and management, project planning, and large project implementations.



Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Lisa Spence-Bunnett (URA Ad Hoc Committee)

Reference: Barbara Perry

Reference taken by; date / time: September 1, 2022

- What is your professional relationship with the applicant? [We volunteer together for Central Coast Humane Society.](#)
- How long have you known him/her? [Since March of 2021](#)
- How long have you worked / served with him/her? [Since March of 2021](#)
- Did you hire or select him/her? [Yes.](#) If not, would you hire/select him/her given the opportunity to do so? [Yes](#)
- Do you have personal knowledge of the applicant serving on any boards? [None other than Central Coast Humane Society](#) If so, please describe. If not, would serving on our URA Ad Hoc Committee be a good match based on your knowledge of the applicant? [Yes, Lisa would be a good match.](#) Would you recommend him/her for the URA Ad Hoc Committee? [Yes, I would.](#) Does the applicant possess good decision making / reasoning skills? [Yes. Lisa will look at an issue then map out steps to achieve the desired outcome.](#)
- Does the applicant have good communication / interpersonal skills? [Yes. Lisa will put forth ideas and suggestions. She is polite and listens. She never "orders." She is good at collaborating. She is not offended if one or more of her suggestions are negated. She listens to the objection or reasoning, then incorporates those facts while thinking of other ways to achieve the goal.](#)
- Is he/she responsible and reliable? [Absolutely](#)
- What are his/her strongest skills? [Lisa is an idea person. She is always thinking of ways to tackle an issue. Lisa will look at something, find out what the ideas are and what the end goal is, then go about thinking of creative ways to achieve the goals.](#) Does he/she possess any special skills? [Yes, creativity. She thinks out of the box. She will come up with several suggestions of how to achieve the end goal\(s.\) Lisa has an IT background and is good with computers.](#)



Human Resources

- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? *Still volunteering together*
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? *None that I can think of. She is very good with written communication and is organized. What do we need to provide to help him/her succeed on the URA Ad Hoc Committee? The only area in which I think Lisa could improve is not taking on too much. She hits the ground running and volunteers to do the work. Although with CCHS, she volunteers to do a lot, bit, she is also organized enough that she gets it all done.*
- Do you have any other feedback you could provide that would help us make a decision? *Lisa is one of those people who is willing to give it her all. When she decides she wants to do something, she jumps in with both feet. She doesn't try to take over. She is an effective partner and contributor. She is willing to do the work needed. She would do well on the URA Ad Hoc Committee. Lincoln City will be better for having her dedication and input.*

Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Lisa Spence-Bunnett (URA Ad Hoc Committee)

Reference: Laura Shattuck

Reference taken by; date / time: September 1, 2022

- What is your professional relationship with the applicant?
I serve on the board of CCHS (Central Coast Humane Society) with her
- How long have you known him/her?
6 months
- How long have you worked / served with him/her?
6 months
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?
I did not hire Lisa but would do so if the opportunity arose!
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our URA Ad Hoc Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the URA Ad Hoc Committee? Does the applicant possess good decision making / reasoning skills?
Great decision / communication skills. I serve on the CCHS board with her. Would recommend
- Does the applicant have good communication / interpersonal skills?
Great skills
- Is he/she responsible and reliable?
Yes!
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?
She is responsible for our rescue operation which requires all the above skills. She is truly the energizer bunny
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?
Still on board serving many rolls
- Are there any areas he/she could use help in developing (i.e. Can't think of any!

written communication, organization)? What do we need to provide to help him/her succeed on the URA Ad Hoc Committee?

- Do you have any other feedback you could provide that would help us make a decision?

you would be lucky to have Lisa!

City of Lincoln City | 801 SW Highway 101 | PO Box 50 | Lincoln City, OR 97367 | 541.557.1139 | lincolncity.org

RECEIVED CITY OF LINCOLN CITY

Public Works Department
Lincoln City, Oregon
September 15, 2015

Dear Mr. [Name],

How long have you known him/her?

How did you first get involved with him/her?

Did you hire or select him/her? If not, would you have?

What has given you the opportunity to know him/her?

Do you have personal knowledge of his/her character and skills?

How would you describe his/her character? How would you describe his/her skills?

How do you think the URA Ad Hoc Committee should be composed based on your knowledge of the applicant? What do you recommend for the URA Ad Hoc Committee? Does the applicant possess good decision-making, organizational skills?

Does the applicant have good communication skills?

Is he/she responsible and reliable?

What are his/her strongest skills? On a scale of 1-5, how would you rate his/her skills?

How do you think the URA Ad Hoc Committee should be composed based on your knowledge of the applicant? What do you recommend for the URA Ad Hoc Committee? Does the applicant possess good decision-making, organizational skills?

If applicable, what was the reason for leaving the position he/she held when he/she was last employed?

How do you think the URA Ad Hoc Committee should be composed based on your knowledge of the applicant? What do you recommend for the URA Ad Hoc Committee? Does the applicant possess good decision-making, organizational skills?

Are there any other factors you would use help in developing the URA Ad Hoc Committee? What do you recommend for the URA Ad Hoc Committee? Does the applicant possess good decision-making, organizational skills?



MEMORANDUM

To: City of Lincoln City Mayor and Council
From: Abigail Edwards, Human Resources Director
Date: September 8, 2022
Re: Council Volunteer Appointment—Background Report and References

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Lisa Spence-Bunnett
Position Applied For: URA Ad Hoc Committee

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards
HR Director