

**CITY OF LINCOLN CITY
LINCOLN CITY COUNCIL AGENDA
MONDAY FEBRUARY 22, 2021 6:00 PM**

6:00 PM - The Lincoln City Council for February 22, 2021 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

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

Public comments submitted by email to publiccomment@lincolncity.org will be summarized and entered into the record.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required wear a face covering and must observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

Citizens requesting to give public comment via Zoom must email publiccomment@lincolncity.org no later than 12 pm on the meeting day. The request must include the person's name, the subject the person wishes to address and the Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will be placed in a Zoom waiting room upon entering the meeting until the public comment portion of the meeting at which time they will be admitted into the meeting through Zoom.

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 the City Recorder, 541-996-1203.

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 "Agenda, Packets & Video". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – February 8, 2021 6:00 PM
2. Ordinances addressing use of Lyft/Uber
3. Oregon Liquor Control Commission - Request for Full On- Premises and Off-Premises Liquor License for 88 Grains Asian Fusion Bar LLC

E. COUNCIL DELIBERATIONS

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

4. Public Comments

G. PRESENTATIONS

H. PUBLIC HEARINGS / PUBLIC COMMENTS

1. NE 14th Street Local Improvement District Public Hearing

I. ORDINANCES

2. ORDINANCE NO. 2021-06 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 SECTION 8.16.110and 8.16.115 TO REC OGNIZE COMPOSTING AS INCLUDED IN RECOGNIZED EXEMPTIONS.

J. RESOLUTIONS

3. RESOLUTION NO. 2021-10 A RESOLUTION OF THE CITY OF LINCOLN AMENDING RESOLUTION 2021-06 CONCERNING DISPLACED LINCOLN COUNTY RESIDENTS CAUSED BY THE ECHO MOUNTAIN COMPLEX FIRE
4. RESOLUTION NO. 2021-11 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FEES AND CHARGES FOR CHAPTER 12.16 (PARK USE REGULATIONS AND EXCLUSIVE USE PERMITS) ESTABLISHING FEES AND CHARGES

K. SPECIAL ORDER OF BUSINESS

5. Appointment to Arts Committee - Applicants Niki Price & Krista Eddy
6. Appointment to Arts Committee - Applicant Carolyn Wilson
7. Continued Municipal Court Discussion
8. Driftwood Public Library Departmental Report
9. COVID-19 Update
10. Echo Mountain Complex Update

L. CITY MANAGER/CITY ATTORNEY REPORTS

11. Proposed Schedule for City Council Work Meeting

- M. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**
- N. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**
- O. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**
- P. ADJOURNMENT**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

February 8, 2021, 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

B. ROLL CALL

Council President Casper called the meeting to order. Council President Casper advised the public that there are now three ways to provide public comment.

- 1. Comments can be made through email to publiccomment@lincolncity.org;*
- 2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by 12 pm on the meeting day;*
- 3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).*

Attendee Name	Title	Status	Arrived
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	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
Anne Marie Skinner	Councilor Ward 2	Present	6:00 PM
Vacant	Mayor		

Staff Present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Abigail Edwards, Human Resources Director; Jeanne Sprague, Parks and Recreation Director; Lila Bradley, Public Works Director; Sungman "Simon" Kim, Planning and Community Development Director;

Kirsten Brodbeck-Kenney, Library Director; Debbie Bridges, Finance Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Skipped due to the meeting being held remotely.

AGENDA CHANGES:

Councilor President Casper moved items L 4, 5, & 6 on the agenda to be after item F, Comments from Citizens Present on Agenda/Non-Agenda Items.

D. CONSENT AGENDA

Councilor Hinton sent a few edits on the minutes for January 25th to the City Recorder, The City Recorder made those changes prior to the meeting.

1. Regular Meeting – Minutes of Regular Meeting – January 25, 2021, 6:00 PM
2. Regular Meeting – Minutes of Work Session – February 1, 2021, 9:30 AM
3. Oregon Liquor Control Commission - Request for a Temporary Sales License for Oregon Coast Community College (OCCC) Foundation

MOTION:	Motion to Approve Consent Agenda Items One & Three
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

MOTION:	Motion to Approve Consent Agenda Item Two
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

E. COUNCIL DELIBERATIONS

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

No citizens present for comment.

Mr. Chandler read an email that was sent from Daniel Wentz prior to the work session on February 1st. The email will be submitted for the record as well.

AGENDA CHANGE

6. EXPLORE LINCOLN CITY COMMITTEE APPOINTMENTS

MOTION: Motion to Appoint Laura Joki to Explore Lincoln City Committee, Term Expires 11/5/2023.
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Anne Marie Skinner, Councilor Ward 2
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed via Voice Vote

MOTION: Motion to Appoint Alanna Miel to Explore Lincoln City Committee, Term Expires 11/5/2023.
MOVER: Judy Casper, Councilor Ward 3,
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Voice Vote

5. BUDGET COMMITTEE APPOINTMENTS

Council interviewed applicants Nancy Oksenholt and Ty Guadagno for the Budget Committee.

MOTION: Motion to Appoint Applicants Nancy Oksenholt and Ty Guadagno to the Budget Committee.
MOVER: Diana Hinton, Councilor Ward 1
SECONDER: Anne Marie Skinner, Councilor Ward 2
AYES: Casper, Hinton, Mark, Parsons, Skinner
NAYS: Hoagland
RESULT: Passed by Roll Call Vote

8. RE-APPOINTMENT & APPOINTMENT TO PARKS AND RECREATION BOARD - APPLICANTS BARBARA HAHN & JANE MULHOLLAND

MOTION: Motion to Appoint Barbara Hahn to Parks and Recreation Board City Resident Position for a Three Year Term, Expiring December 31, 2023.
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed via Voice Vote

MOTION: Motion to Appoint Jane Mulholland to Parks and Recreation Board City Resident Position for a Three Year Term, Expiring December 31, 2023.
MOVER: Diana Hinton, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Voice Vote

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. PUBLIC HEARING: ALTERNATIVE CONTRACTING METHOD: NE 14TH STREET PROJECT

Lila Bradley, Public Works Director, spoke about the NE 14th Street Project. There will be pedestrian improvements, including curb, sidewalk, and gutter improvements. Councilor Hoagland asked how staff determine if a contractor can effectively communicate with the public regarding the construction concerns. Ms. Bradley said that contractors are interviewed by City staff. In addition, contractors provide references. Ms. Bradley will provide Council with a list of the questions asked of the contractors.

No Citizens Present for public comment.

MOTION:	Motion to Close the Public Hearing - NE 14th Street Project
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Diana Hinton, Councilor Ward 1
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed via Voice Vote

J. ORDINANCES

2. ORDINANCE NO. 2021-05 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY), AMENDING CHAPTER 8.11 (NUISANCE – POLYSTYRENE FOAM), MODIFYING SECTION 8.11.040 (ENFORCEMENT) TO ADD A NINETY (90) DAY WARNING PERIOD AFTER THE EFFECTIVE DATE OF THE ORDINANCE 2020-09

MOTION:	Motion to Adopt Ordinance 2021-05 Polystyrene Ban Warning Period, First Reading
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

MOTION:	Motion to Adopt Ordinance 2021-05 Polystyrene Ban Warning Period, Second Reading
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

3. RESOLUTION NO. 2021-09 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACT EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR NE 14th STREET IMPROVEMENT PROJECT.

MOTION: Motion to Approve Resolution 2021-09 Alternative Contracting Method NE 14th Street Project
MOVER: Anne Marie Skinner, Councilor Ward 2
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

4. REPORT BY PARKS AND RECREATION DIRECTOR ON THE USE OF COMMUNITY CENTER SPACE/SENIOR CITIZENS SPACE; MOTION CONCERNING USE OF CITY PARK FACILITY SPACES.

Jeanne Sprague spoke about the use of the Community Center by the seniors and a forthcoming agreement. Councilor Hinton asked about the date of April 30th in the packet. Ms. Sprague said they have been given three months to bring the Senior Center into compliance. Mr. Appicello said that if the Senior Center is not willing to come to an agreement they will enforce the ordinance.

MOTION: Motion to Direct Staff to Enforce the Existing Parks Regulations as Related to Exclusive Use of Parks Facilities. If Compliance is Not Achieved By April 30, 2021, the City Manager and City Attorney are Directed to Enforce the Ordinance.
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed via Voice Vote

8. SPYGLASS PUMP STATION CONSTRUCTION AWARD

MOTION: Motion to Award the Spyglass Pump Station construction contract be to Bateson Enterprise, LLC. for \$399,998.00 with a construction contingency of \$39,999.00 (10 percent of bid amount) for a total amount of \$439,997.00
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Rick Mark, Councilor Ward 3
AYES: Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT: Passed by Roll Call Vote

9. FIREWORKS MANAGEMENT PLAN

Jerry Palmer, Chief of Police, spoke regarding the fireworks enforcement plan on the fourth of July. Chief Palmer told Council about the staffing levels used on the day of the holiday. Council had many suggestions for improving compliance.

10. DEPARTMENT REPORT - FINANCE

Debbie Bridges, Finance Director, gave an update on the Finance Department.

11. CITY COUNCIL GOALS AND PRIORITIES FOR THE FISCAL YEAR 2021-2022

*Goal: Code Enforcement – To Educate, Inform and Protect the Residents of Lincoln City.
 Goal: Community Engagement – Increase Participation in and Develop Skills for Civic Involvement.
 Goal: Economic Development and Workforce Housing – Provide Support, Opportunities, and Expansion for Residential and Commercial.*

Goal: Emergency Preparedness – Maintain and Expand Emergency Preparedness for the Safety of Our Community.

Goal: Infrastructure – Long Range Planning – Maintain, Restore and Create On-going Long-Range Projects for the City.

Goal: Parks and Recreation – Provide and Maintain Natural Resources and Recreational Opportunities.

Goal: Sustainability – Provide Direction for a Healthy Community that is Sustainable and Environmentally Friendly.

Goal: Financial – Maintain and Monitor, State and Local Budgetary Obligations to Support Fiscal Responsibilities of the City.

MOTION:	Motion to Accept the Goals, Including the Additional Goal of Financial Added.
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Roll Call Vote

Councilor Hoagland would like to see the specific activities and tasks listed under the goals.

M. CITY MANAGER/CITY ATTORNEY REPORT

Mr. Chandler gave an update about the task assigned to cease the advertising and promoting of The Thumb. Jeanne Sprague, Parks and Recreation Director, said that parking instructions for The Knoll have been redirected to the dead-end at the end of NE West Devils Lake Blvd. Ms. Sprague read a statement from Bill Conroy of the Hebo Ranger District. Councilor Hinton expressed frustration with the amount of time it's taking to address The Thumb. Ms. Sprague said that she will continue to be a part of the CHSRA (Cascade Head Scenic Research Area) team. Councilor Hinton would like Bill Conroy invited to a council meeting. Councilor Hoagland asked how many websites were contacted, then mentioned that the City website is still advertising The Thumb.

Mr. Appicello said there was an issue brought up in training that would be better brought up in an executive session.

MOTION:	Motion to Schedule an Executive Session to Review Options and Recommendations Relative to Meetings Involving Less Than a Quorum of the City Council.
MOVER:	Anne Marie Skinner, Councilor Ward 2
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Casper, Hinton, Hoagland, Mark, Parsons, Skinner
RESULT:	Passed by Voice Vote

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

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

No citizens present for comment.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Skinner asked about future work session dates. Mr. Chandler said he will provide those in the near future. Councilor Skinner asked if looking at a shortened version of committee appointments would be on a future work session. Mr. Chandler confirmed it would. Councilor Hoagland said that having the meeting continue after 8:00 PM isn't helpful for making difficult decisions. Councilor Hoagland would like to see about meetings ending by 10 PM. Councilor Hinton talked about the compost bins. She would like her motion from the last Council meeting to be reconsidered. Councilor Hinton said the overall goal is to reduce the amount of waste to the landfill. There isn't any recycling of yard woody debris and now with this program, there is. The composting bins cost \$0.23 per day. Members of the public could order a smaller bin or request less frequent pick-ups to cover the cost of the compost bin.

MOTION:	Motion to Reconsider the Motion for Exemption on the Compost Bins.
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Casper, Hinton, Mark, Parsons, Skinner
NAY:	Hoagland
RESULT:	Passed by Voice Vote

MOTION:	Motion to Remove Discussion of Options to Opt-Out or Exceptions to the Compost Bin. Amending the Agenda of the Upcoming Meeting and Move Forward with the Ordinances as Approved.
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Anne Marie Skinner, Councilor Ward 2
AYES:	Casper, Hinton, Mark, Parsons, Skinner
NAY:	Hoagland
RESULT:	Passed by Voice Vote

Councilor Hoagland stated if we don't allow for any exception we are discrediting onsite composting abilities. Councilor Hinton said the idea is to try this for one year and see if it works. Councilor Mark would like this to stay on the agenda for further discussion. Councilor Mark also thanked Tina French for the letter that she wrote explaining the whole point of the composting is because there is a State mandate requiring a reduction in the amount of waste going to the landfills. Mr. Appicello said that section four of the adopted Resolution 2020-07, directs him to process an amended to Chapter 8.16 to expressly include mandatory composting within the accepted exceptions for exemptions from mandatory garbage collection. Mr. Appicello apologized for the request at the last meeting was something he was already directed to do by the approved resolution. The resolution, not the motion controls. Councilor Skinner said that she spoke to Tina French and the fee is set. Councilor Skinner is concerned that any opting out at this late stage will greatly increase the cost for all the rest of the people.

MOTION:	Motion to Withdraw Motion to Remove Discussion of Options to Opt-Out or Exceptions to the Compost Bin. Amending the Agenda of the Upcoming Meeting and Move Forward with the Ordinances as Approved.
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Anne Marie Skinner, Councilor Ward 2

Q. ADJOURNMENT

Councilor President Casper adjourned the meeting at 10:17 PM

JUDY CASPER, COUNCIL PRESIDENT

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Lyft/Uber

Meeting Date:	February 22, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Police	Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	5 Minutes

Question:

Can Uber and Lyft operate in the City of Lincoln City?

Answer:

LCMC Title 10 (*Vehicles and Traffic*), Chapter 10.20 (*Taxicabs*) would appear to cover services like Uber and Lyft.

Staff Recommendation:

Staff would not recommend any change to the ordinance.

Authority:

LCMC Title 10 Vehicles and Traffic, Chapter 10.20 Taxicabs.

Background:

The City Manager requested that this issue be placed on the Agenda.

LCMC Section 10.20.20 provides:

10.20.020 Certificate required.

No person shall operate any taxicab business in the city without possessing a valid certificate for that business and its vehicles issued pursuant to this chapter, as well as any other license required by law including but not limited to a business occupation tax permit under Chapter 5.04 LCMC.

Taxicab is defined as follows:

"Taxicab" means any vehicle which carries passengers for hire whose journey has originated in the city, where the destination and route may be controlled by a passenger, and the fare is calculated on the basis of any combination of an initial fee, distance traveled, and delay, or the fare is a flat rate.

The Code further provides:

B. Any vehicle that has an appearance deceptively similar to a taxicab is a taxicab for the purposes of this chapter.

C. As used in this chapter, "taxicab" does not include licensed ambulances, nonemergency medical transport vehicles, regular-route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, and airport shuttles licensed by the Port of Portland or other ports that license passenger transportation.

Council Options:

Information only.

Potential Motions:

Information only.

Chapter 10.20 TAXICABS

10.20.010 Definitions.

A. Except where the context clearly indicates otherwise, the following words shall mean:

"Certificate" means a numbered certificate issued under this chapter to operate a taxicab business.

"Driver" means every person who is, or acts under or at the direction of, the owner, agent, or employee, and is in charge of operating any taxicab.

"Flat rate" is a fare which remains constant regardless of the distance traveled or time involved.

"Limousine" is a chauffeur-driven motor vehicle that carries passengers for hire where the minimum fare charged is at least \$50.00.

"Operate" means to drive a vehicle, to use a vehicle in the conduct of business, to receive money from the use of a vehicle, or cause or allow another person to do the same.

"Owner" means every person having use or control of any taxicab whether as owner, lessee, or otherwise.

"Permit" means police department authorization of a driver to operate a taxicab listed in a certificate.

"Street" means any street, alley, avenue, road, lane, highway or public place in the city used for the purpose of public travel.

"Taxicab" means any vehicle which carries passengers for hire whose journey has originated in the city, where the destination and route may be controlled by a passenger, and the fare is calculated on the basis of any combination of an initial fee, distance traveled, and delay, or the fare is a flat rate.

B. Any vehicle that has an appearance deceptively similar to a taxicab is a taxicab for the purposes of this chapter.

C. As used in this chapter, "taxicab" does not include licensed ambulances, nonemergency medical transport vehicles, regular-route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, and airport shuttles licensed by the Port of Portland or other ports that license passenger transportation.

D. A "nonemergency medical transport vehicle" means a vehicle that carries a person for hire and such person requires nonemergency medical treatment or supervision by an emergency medical technician or first responder certified by the Oregon State Health Division while in the vehicle. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.020 Certificate required.

No person shall operate any taxicab business in the city without possessing a valid certificate for that business and its vehicles issued pursuant to this chapter, as well as any other license required by law including but not limited to a business occupation tax permit under Chapter [5.04](#) LCMC. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.030 Reissuance, transfer, cancellation, suspension or revocation of certificate or permit.

A. No certificate or permit may be sold, assigned, mortgaged or otherwise transferred without the written consent of the city manager. The city manager may impose conditions with respect to the transfer of a certificate as it may deem to be in the best interest of the public safety and the general welfare.

B. An application for transfer or reissuance of any certificate or permit is subject to the same terms, conditions, and requirements as the application for original certificate.

C. Any certificate or permit may be suspended or revoked by the city manager after a hearing under the procedure provided in LCMC 10.20.100 (E) at which the certificate holder or permit holder is given an opportunity to appear if any one or more of the following conditions exist:

1. The owner ceases to operate any taxicab for a period of 15 consecutive days without obtaining permission to cease such operation from the city manager.
2. The owner or permit holder fails to operate the taxicab in accordance with the provisions of this chapter.
3. The owner or permit holder fails to pay any of the fees or payments required to be paid by the provisions of this chapter.
4. The owner or permit holder no longer qualifies for a certificate or permit under LCMC 10.20.100 or 10.20.140.

D. After the city has issued a certificate with a vehicle list, any change in the driver name or vehicle list (not including elimination of a vehicle from the list) requires the applicant to apply for a new or reissued certificate, including completing an application, paying the application fee, meeting vehicle inspection for additional or replacement vehicles, and meeting insurance requirements for all drivers and additional or replacement vehicles. When all requirements of this chapter are met, the city will issue a new certificate with a new expiration date.

E. The city may use any means of enforcement authorized by law to enforce the provisions of this section. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.040 Surrender of certificate.

Any certificate suspended or revoked by the city manager shall be surrendered to the police department and the operations of any taxicab covered by such certificate shall cease. Any owner who permanently retires any taxicab from taxicab service and does not replace it within 15 days shall immediately surrender any certificate granted for the operation of such taxicab to the police department and the owner may not secure an additional certificate for the operation of any taxicab without making application in the manner provided in this chapter. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.050 Certificate fees.

No certificate may be issued, or a taxicab business continue in operation, until the applicant has paid to the city an annual license fee as established by resolution of the city council for each vehicle listed in the certificate or operated within the city. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.060 Inspection of vehicles.

A. Prior to the operation of any vehicle under the provisions of this chapter and at least annually thereafter, the vehicle shall be thoroughly examined and inspected by either a certified mechanic or a governmental vehicle inspection entity located within Lincoln County and shall be found to be in safe operating condition. An inspection for safe operating conditions must include, but is not limited to, inspection of brakes including parking brake; all lights, signals and reflectors; exhaust system; steering system; wipers including washers; suspension components; mirrors; horn and other warning devices; tires and restraint system. Record of such inspections, clearly identifying by vehicle license number the vehicles inspected, must be made available to the city upon initial application and annual renewal. In this section the term "certified mechanic" means a person certified by the National Institute for Automotive Service Excellence.

B. In addition to the initial and annual inspections required above, inspection or testing of all parts vital to the safe operation of the vehicle such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day by the driver, and as often as necessary during use. Any condition found then or at any other time that will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.

C. In the event a record of vehicle inspection is not produced within 24 hours of request, or if the record produced indicates the inspection occurred more than 12 months to date, the city shall notify the holder of a certificate to complete an inspection showing compliance with the standards of this chapter and deliver the record to the city within 24 hours of the oral or written notice.

D. Failure to timely produce a satisfactory record of inspection shall be grounds to suspend or revoke a certificate and also constitutes a violation of this chapter subject to enforcement under LCMC [10.20.180](#). (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.070 Taxicab maintenance.

Every vehicle operating under this chapter is to be kept in a clean and sanitary condition. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.080 Operating regulations.

A. Unless otherwise directed by the passenger, any taxicab driver hired to transport passengers to a definite point shall use the most direct route possible that will carry the passenger to that destination safely and expeditiously.

B. Every driver, if requested, shall give a correct receipt upon payment of the correct fare.

C. No person may refuse to pay a lawful taxicab fare after hiring a taxicab.

D. Whenever a passenger occupies a taxicab, the driver must not permit any other person to occupy the taxicab except with consent of the original passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.090 Equipment.

Every taxicab is to be equipped with the following:

A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer. Taxicabs charging flat rates must be equipped with a sign complying with LCMC [10.20.120](#) stating "Flat Rate" conspicuous to a passenger upon entry into the taxicab.

B. A top light identifying it as a taxicab.

C. The company name and telephone number where service can be requested displayed on the exterior of the vehicle.

D. A mobile communication device with a hands-free accessory or "state of the art" taxi radio on a clear coordinated taxicab radio frequency for customer comfort and rapid dispatching of calls for service.

E. The driver's approved city taxicab driver's permit conspicuously displayed in a permanent mounted position inside the vehicle, in a place where it can be easily viewed by a passenger. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.100 Approval of drivers – Permits required.

It is unlawful for any person to operate a taxicab in the city unless the person has been issued a taxicab driver's permit by the police department in accordance with the terms of this chapter.

A. Application for a Taxicab Driver's Permit. A person may apply for a taxicab driver's permit by submitting a completed application to the police department accompanied by payment of a fee established by resolution of the city council. The application must include the name, address, age, and Oregon driver's license number of the applicant and a photo of the applicant taken by the police department.

B. Upon receipt of such application, the police department shall be responsible for investigating the applicant's background as necessary to verify compliance with subsection (C) of this section, including initiating a criminal background check.

C. The police department shall not issue a taxi driver's permit unless the police department has verified the applicant:

1. Is 21 or more years of age;
2. Possesses a valid Oregon driver's license;
3. Has not had a driver's license revoked by any state within the last five years;
4. Did not make any false statements in the application;
5. Has been investigated by the police department, which has verified the applicant's background is satisfactory.
 - a. In conducting the investigation of the applicant, the police department shall verify that the applicant has not been convicted of any felony or misdemeanor involving a crime against persons as defined in ORS Chapter [163](#), including but not limited to homicide, manslaughter, assault, kidnapping, sexual offenses, harassment and stalking; or any violation of the Oregon Vehicle Code defined as a felony or misdemeanor, including driving under the influence of intoxicants as defined in ORS Chapter [813](#); or any misdemeanor involving theft or fraud.
 - b. Where an applicant's driver's license has been suspended or revoked during the last five years, the police department shall verify that the applicant has been satisfactorily reinstated.
 - c. Where the application or other information provided by the applicant indicates a conviction for violation of ORS Chapter [811](#) (Rules of the Road for Drivers), the police department shall investigate the violation and determine whether the nature of the violation, when viewed in light of the circumstances of the violation and the city's duty to protect the public, is such that a reasonable person would believe the driver so convicted is an unacceptable risk to public safety. If the person making the investigation believes such a risk exists, then the police

department shall notify the city manager and the applicant that the applicant's background check is not satisfactory, and the police department shall not issue a permit to the applicant.

D. If the police department determines that the applicant meets the requirements of this chapter, including paying any required fee, the police department shall issue the permit.

E. If the application is denied, or a permit is revoked or suspended, the applicant may appeal the decision by submitting an appeal in writing to the city manager within seven days of notice of the decision by the police department. Within three days of a written appeal, the city manager will set a time no later than seven days from the date of the written request to hear the appeal. Within three days after the hearing, the city manager shall issue a decision either affirming the police department decision or taking other action including remanding the application to the police department to issue the permit based on the information presented.

F. Any taxicab driver's permit expires one year from date of issue and may be renewed from year to year upon application to the police department. The fee for a renewal permit shall be set by resolution of the city council.

G. As a condition of licensing, a taxicab driver shall agree in writing to notify the city manager within 10 days of conviction of any crime included in subsection (C)(5)(a) or (c) of this section. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.110 Insurance requirements.

A. No person may drive or operate, or cause to be driven or operated, any taxicab in the city unless the certificate holder has on file with the police department a certificate of insurance written by a responsible and solvent insurance carrier authorized to write insurance policies in Oregon, that it has issued to or for the benefit of the certificate holder or taxicab driver a commercial auto liability policy which is in full force and effect, and designating in such policy the taxicabs which may be driven or operated and the drivers who may operate such taxicabs under this chapter. These requirements are intended to insure the vehicle and its operation by the driver.

B. The taxicab liability insurance policy shall insure the certificate holder and any other person using or responsible for the use of any such taxicab against loss from the liability imposed upon such operation of such taxicab by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation or ownership of any taxicab, in the amount of \$1,000,000 combined single limit for bodily injury and property damage.

C. The policy required in this section shall include a statement that the policy is not cancelable nor the coverage reducible except on 30 days' prior written notice to the police department.

D. The insurance minimum limits required by subsection (B) of this section apply when the city issues a new license or permit, or reissues or renews a license or permit. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.120 Rates. A. Except for a taxicab charging a flat rate, the rates to be charged to passengers are to be based on the following: the mileage from the point of origin to the point of destination by the most

direct route, the time involved, and the number of passengers. Each taxicab must be equipped with taximeter to compute the rate. In lieu of a computed rate, a flat rate may be charged.

B. The rate schedule must be posted in each taxicab in a place where passengers may readily see the schedule. No taxicab may charge more than the posted rate. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.130 Complaints.

Certificate holders shall maintain a record of all complaints received in writing or by telephone and shall keep posted in a conspicuous place in the passenger compartment of each taxicab a statement setting forth the address and telephone number of the owners to which complaints should be directed, and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.140 Certificate application requirements.

A. An application for a certificate shall be filed with the police department. The application must be verified under penalty of perjury and contain or be accompanied by the following information and documentation:

1. The name, business address, and residence address of the owner or person applying.
2. The make, type, year of manufacture and seating capacity of the vehicle(s) for which application for certificate is made.
3. A description of the proposed color scheme, insignia, trade style or any other distinguishing characteristics of the proposed vehicle design.
4. A statement whether the applicant or any officers of the applicant have been convicted of any felony, misdemeanor or violation of any municipal ordinance or state law, including non-moving traffic violations and parking offenses, the nature of the offense and the punishment or penalty assessed.
5. A policy of insurance in the manner and form required under LCMC [10.20.110](#).
6. Payment of a nonrefundable fee as provided in subsection (B) of this section.

B. The fee is to be set by resolution of the city council. The resolution shall include an exception to the fee requirement, during the first calendar year or portion thereof in which these regulations apply, in response to a request from a person who has demonstrated current payment of an occupation tax to the city. Such person shall be eligible to apply for a certificate prior to December 31st of that year without payment of the fee as required in subsection (A) of this section.

C. Before acting on any application for a certificate, the police chief shall be responsible for conducting an investigation of the owner or applicant within 60 days from the date the application is filed. Upon completion of such investigation the police chief shall report any findings and decision denying a certificate, in writing, to the city manager and the applicant. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.150 Issuance of certificate. The police department will issue a certificate to operate a taxicab upon approval by the city manager or the city manager's designee that the applicant has met the requirements of this chapter. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.160 Indemnification.

A. Any recipient of a certificate of public convenience and necessity shall agree to pay all damages and penalties that the city may legally be required to pay as a result of granting a certificate and shall agree to defend and indemnify the city against all claims resulting from the granting of such a certificate. These damages or penalties shall include, but not be limited to, damage arising out of the operation or maintenance of a taxicab as authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter.

B. The certificate holder shall pay and, by its application and the granting of a certificate of public convenience and necessity, specifically agrees that it will pay all necessary and reasonable expenses incurred by the city in defending itself against all damages and penalties mentioned in subsection (A) of this section, including, but not limited to, reasonable attorney fees. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.170 Reports to the police department.

A. Every taxicab company shall immediately report to the police department as soon as any of the following events occur:

1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab company involving the operation of the taxicab company;
2. Any taxicab accident required to be reported to the state involving a vehicle driven for the taxicab company;
3. The filing of a lawsuit against or on behalf of the taxicab company related to the operation of the taxicab company;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab company; or
5. Any information required to be disclosed by subsection (B) of this section.

B. Every taxicab driver shall report to the police department, and to the company for which he or she drives, the occurrence of the following:

1. Any arrest, charge, or conviction of the taxicab driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's operation of a taxicab;
2. Any arrest, charge, or conviction of the taxicab driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;
3. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver;

4. Any restriction, suspension or revocation of the taxicab driver's motor vehicle driver's license; or
5. Lapse, cancellation, or reduction of coverage of any insurance policy the city or police department relied on in issuing a certificate or permit or renewal thereof. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.180 Violation – Enforcement.

A. A violation of any provision of this chapter, including but not limited to operating a taxicab service from points originating within the city without holding a valid, approved certificate, or operating a vehicle without a valid, approved taxicab permit, shall be enforced as a Class B violation under Chapter 1.16 LCMC.

B. Each day's violation of a provision of this chapter constitutes a separate offense. (Ord. 2015-10 §§ 5, 6; Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

10.20.190 Additional remedies.

Operating a taxi in violation of this chapter is declared detrimental to public health and safety and a nuisance as authorized by LCMC [8.12.130\(B\)](#). As an alternative to any remedy provided for enforcement, the city may use the abatement procedures of Chapter 8.12 LCMC or institute injunctive or other appropriate proceedings to temporarily or permanently enjoin the operation of a taxi. (Ord. 2012-03 § 2 (Exh. A); Ord. 2005-12 § 1)

Council Communication

Oregon Liquor Control Commission - Request for Full On Premises and Off-Premises Liquor License

Meeting Date:	February 22, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	3 min

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a new Full-On Premises and Off-Premises 1st location for 88 Grains Asian Fusion Bar?

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.

Lincoln City Municipal Code Chapter 5.20 sets forth the local process for making recommendations to OLCC.

Council Options:

1. Approve a favorable recommendation for a new Full-On Premises and Off-Premises 1st location.
2. To not approve the license application.
3. To approve the license application.

Attachments:

88 Grains Asian Fusion Bar LLC_Redacted.pdf (PDF)



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

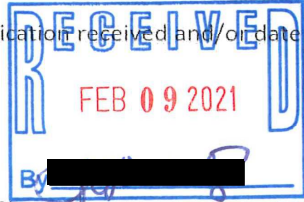
RECEIVED

NOV 17 2020

PRINT

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
☐ Brewery 1st Location	Date application received and/or date stamp:
☐ Brewery 2nd Location	
☐ Brewery 3rd Location	Name of City or County:
☐ Brewery-Public House 1st Location	<u>City of Lincoln City</u>
☐ Brewery-Public House 2nd Location	Recommends this license be:
☐ Brewery-Public House 3rd Location	☒ Granted ☐ Denied
☐ Distillery	By: <u>[Signature]</u>
☒ Full On-Premises, Commercial	Date: <u>2/9/2021</u>
☐ Full On-Premises, Caterer	
☐ Full On-Premises, Passenger Carrier	
☐ Full On-Premises, Other Public Location	
☐ Full On-Premises, For Profit Private Club	
☐ Full On-Premises, Nonprofit Private Club	
☐ Grower Sales Privilege 1st Location	
☐ Grower Sales Privilege 2nd Location	
☐ Grower Sales Privilege 3rd Location	
☐ Limited On-Premises	
☒ Off-Premises	
☐ Off-Premises with Fuel Pumps	
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1st Location	
☐ Winery 2nd Location	
☐ Winery 3rd Location	
☐ Winery 4th Location	
☐ Winery 5th Location	

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

88 Grains Asian Fusion Bar LLC

(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

3. Trade Name of the Business (Name Customers Will See)		
88 Grains Asian Fusion Bar		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
4660 SE Hwy 101 ✓		
City	County	Zip Code
Lincoln City	Lincoln	97367



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See)			
88 Grains Asian Fusion Bar			
6. Does the business address currently have an OLCC liquor license? ☐ YES ☒ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)			
4660 SE Hwy 101			
City	State	Zip Code	
Lincoln City	OR	97367	
9. Phone Number of the Business Location		10. Email Contact for this Application	
541-418-5361		[REDACTED]	
11. Contact Person for this Application		Phone Number	
Patcharin Trakulsomboon		[REDACTED]	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

[REDACTED]

(Applicant#1)

(Applicant#2)

(Applicant#3)

(Applicant#4)



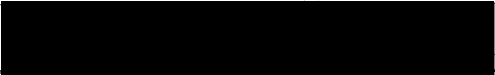
OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY FORM

CLEAR

PRINT

1. Name: (LAST)Trakulsomboon	(FIRST)Patcharin	(MIDDLE)
2. Other Names Used (Maiden, Etc.): Ann		
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? ☒ Yes ☐ No If yes, please provide 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)). Do you voluntarily consent to the OLCC's use of your SSN as just described? ☒ Yes ☐ No		
4. Date of Birth (MM/DD/YYYY) [REDACTED]	5. Contact Phone: [REDACTED]	
6. Driver License or State ID # [REDACTED]	7. State [REDACTED]	
8. Residence Address: [REDACTED]		
9. Mailing Address (if different): 4660 SE Hwy 101 Lincoln City OR 97367		
10. E-Mail (optional) [REDACTED]		
11. Do you have a spouse or domestic partner? ☐ Yes ☒ No If yes, list his/her full name:		
12. If yes to #11, will this person be involved in the management of, or have control over the business? ☐ No ☐ Yes		
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		

16. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses). ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
17. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the U.S.? ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license? ☐ No Please skip questions 19 & 20. Go directly to question 21. ☒ Yes Please answer questions 19, 20, and 21.		
19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state? ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business? ☒ No ☐ Yes (Please include explanation below) ☐ Unsure (Please include explanation below)		
21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license? ☐ No ☒ Yes (Please include explanation below) ☐ Unsure (Please include explanation below) I am currently applying for a license.		
You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.		
Name: (LAST) Trakulsomboon	(FIRST) Patcharin	(MIDDLE)
Signature 	Date: 11/09/2020	



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: 88 Grains Asian Fusion Bar LLC. Phone: (541) 418-5361
 Trade Name (dba): 88 Grains Asian Fusion Bar.
 Business Location Address: 4660 SE HWY 101
 City: Lincoln City ZIP Code: 97367

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 11:30AM to 2:00AM
 Monday 11:30AM to 2:00AM
 Tuesday 11:30AM to 2:00AM
 Wednesday 11:30AM to 2:00AM
 Thursday 11:30AM to 2:00AM
 Friday 11:30AM to 2:00AM
 Saturday 11:30AM to 2:00AM

Outdoor Area Hours:

Sunday 11:30AM to 2:00AM
 Monday 11:30AM to 2:00AM
 Tuesday 11:30AM to 2:00AM
 Wednesday 11:30AM to 2:00AM
 Thursday 11:30AM to 2:00AM
 Friday 11:30AM to 2:00AM
 Saturday 11:30AM to 2:00AM

The outdoor area is used for:

☒ Food service Hours: 11:30AM to 12:00AM
☒ Alcohol service Hours: 11:30AM to 2:00AM
☐ Enclosed, how _____

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

(Investigator's Initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: winter are not as busy
11:30AM - 12:00AM

ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☐ Karaoke
☐ Recorded Music ☐ Coin-operated Games
☐ DJ Music ☐ Video Lottery Machines
☐ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 30 Outdoor: 10
 Lounge: 12 Other (explain): _____
 Banquet: 0 Total Seating: 52

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

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

Applicant Signature: _____ Date: 01/21/2021

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

Council Communication

Public Comments

Meeting Date:	February 22, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

The City received the attached public comments through publiccomment.org.

Attachments:

2021-02-22 public comments_Redacted (PDF)

Ronald Chandler

From: Rachelle Rehberg [REDACTED]
Sent: Thursday, February 11, 2021 4:29 PM
To: Public Comment
Cc: Rachelle Rehberg
Subject: Public Comment: RE City Council Meeting 2/8/2021 @ 6pm

To Whom It May Concern,

My name is Rachelle Rehberg. I have lived, worked, and invested in the Lincoln City community since 1999. I've had the pleasure of getting to know many people both personally and professionally, attended countless events, and have supported many causes. One of those people I have had the pleasure of getting to know in my time here is Laura Joki. She is a savvy businessperson - running multiple businesses, talented jewelry maker, mine owner, GORP certified licensed guide/outfitter, and science educator - just to name a few. Have lunch with her - and the conversation will flow with amazing dialogue. She is up front, and honest. I love those qualities about her. As a small business owner - I know this community is so very important to her - and that is shown in how she invests her time. An example of this time Laura has invested in our community is on the committee for Explore Lincoln City (four years), and the chairman (almost two years) - with the responsibility of running the meetings seamlessly. One thing I know about her for certain is that she is a passionate person - and she cares about this community.

I am writing this letter today to share that I was disturbed to watch the public broadcast from the City Council meeting on February 8th, 2021 at 6pm. During this meeting, Laura's reappointment to the board for the Explore Lincoln City committee was being discussed. I do not know the specific details as to what brought on this publicly broadcast conversation - but it was clear that there had been some negative information (rumors) surfaced about Laura - and some question as to whether or not she should remain in this position. There was some mention about "social media comments", and specifically the word "rumors" were used. Personally, I don't need to know what was being said - it isn't my business. I was truly just disturbed to hear this being discussed *publicly* at this meeting. I would be so embarrassed to be in her shoes, knowing this is being publicly broadcast, on public record, and able to be replayed at any time. It has been such a tough year for us all. First COVID, then the fires. No one needs any extra stress right now, especially from rumors. To me, something being publicly discussed like this could cause even more rumors to go around. At the end of this meeting, I was relieved to hear that Laura was in fact reappointed for her position. But as a long time citizen of this community - and someone who knows what a good person Laura is - I felt compelled to write to you today. I hope in the future such a matter can be handled in executive session. I also hope that that this can somehow be removed from public record, as to not cause any further damage to her reputation. If you do remove this from public record, you can also remove my public comment. I hope that this is can be used as a learning for all, so no one else has to go through this again in the future.

Feel free to reach out to me if you have any questions on my comments here. Thank you for taking the time to read my letter.

Kindest regards,

Rachelle Rehberg

Ronald Chandler

From: Tim Tuffield [REDACTED]
Sent: Saturday, February 13, 2021 9:25 PM
To: Public Comment
Subject: NE 14th Sanitary Sewer LID

I own and live in a house at [REDACTED]. I have a fairly new septic tank with a perfectly working drain field. I am opposed to being forced into paying \$5,747.35 for a service that I will not have a reason to use for many years. I am retired and living on a fixed income. I don't have that kind of money just laying around.

Please note my opposition in the event that I am unable to attend the February 22 meeting.

Sincerely,

Timothy Tuffield

Ronald Chandler

From: Jamie Gerl [REDACTED]
Sent: Tuesday, February 16, 2021 7:54 PM
To: Public Comment
Subject: Chambers vs. Explore Lincoln City

Good evening,

It has come to my attention that a member of Chambers has taken it upon herself to attempt to prevent Laura Joki from being appointed to Explore Lincoln City. Everyone is entitled to their opinions, but I find it quite disturbing that her motive behind this is a single email, listing a variety of examples of hearsay...people throwing rocks, "go home" painted outside town, and somehow lumping them together in such a way that holds Laura responsible for all of it. The letter suggested that Laura, neighbor of the alleged vacation home owning victim, suggested that she not visit during the early onset of the pandemic. As someone who cares about my community, I find this to be a responsible and respectful request.

Laura has been and continues to be an incredibly valuable member of our community, as a business owner, a home owner, a tour guide, a board member, an educator and a volunteer. Any member of chambers should be familiar with her and her contributions. For example, during the fires, Laura provided the earliest, most consistent and reliable information to the community. She is continually bringing awareness to issues that impact us and providing avenues to remedy them. I find it discouraging that the city would entertain a spat between neighbors, especially given the fear of life and death circumstances, as cause to prevent her from her continued involvement on the board as well as publicly debating her fitness for the job.

I would question the fitness of any chamber member who would forward this email to council and attempt to block such a qualified candidate-and the only one interested in participating no less. Who among you has had no complaint from a constituent? Well, if the answer was none, now you all have one.

Sincerely,

Jamie Gerl

Ronald Chandler

From: Sandi Andrews [REDACTED]
Sent: Tuesday, February 16, 2021 9:16 PM
To: Public Comment
Subject: Laura Joki

This communication is in support for Laura Joki. Though I was glad the city attorney recognized her right to express her first amendment rights and was spoken up by those that do not always agree with her views and she ultimately retained her seat, I find the process she endured was used as another opportunity to falsely represent her. The follow up article in the Newport newspaper was biased and presented her in an unfavorable light. The letter from Lori Arce Torres was not only a blatant attempt of an abuse of power by Lori Arce Torres as the Executor Director of the LC Chamber, but intended as a personal attack. There is a history between them and the letter was based on second hand information. We are all trying to successfully navigate through a global pandemic and emotions run high as we all attempt to do that. Large amounts of visitors are flocking to our small rural beaches, not following mask wearing policies and CDC guidelines for the safety of others during this pandemic and community members and business owners are often perceived as rude when visitors are asked to comply.

Ms. Joki has a true love for her community and is passionate in her resolve for change and growth. She puts herself out there in the face of criticism for speaking her truth clearly without sugar coating it in an attempt not to ruffle feathers. Strong, outspoken women are often disliked and harshly criticized. I appreciate Ms. Joki's honesty and her forthright speech. She has a vast knowledge of her community that can only serve Lincoln City in a positive way. She is a doer and has the ability to help bring forth many positive changes in the community. Could people be afraid of change and more comfortable with the status quo? Hard to say, but I support her voice be listened to and that her reputation stop being attacked. Most people don't care enough to get involved, especially after being pushed down time and time again. She continues to stand back up, brush herself off and continue to fight for her community.

Sandra Andrews

Ronald Chandler

From: Nikki Hayes [REDACTED]
Sent: Wednesday, February 17, 2021 6:45 AM
To: Public Comment
Subject: Laura Joki

I've just read an email from our Chamber of Commerce manager to a City Council member that I find disturbing on so many levels. It seems a second home owner had complaint against Laura for what she perceived Laura did in treatment of her granddaughter and wrote an email to Lori d Torres, Manager at the Chamber. (What Lori had to do with this is beyond my understanding.)Lori in turn contacted A City Council member who took it upon himself to bring this to light at a meeting to appoint Laura to a City committee.

This whole thing has the makings of a junior high school click and hardly how I would expect professionals on the Council and Chamber to behave.

Nikki Hayes, Lincoln City

Sent from my iPhone

Council Communication

NE 14th Street Local Improvement District Public Hearing

Meeting Date:	February 22, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 Minutes

Question(s):

Should the City Council open and conduct the advertised public hearing for the proposed NE 14th Street Local Improvement District?

Staff Recommendation:

Staff recommends Council conduct the public hearing and take input from benefitted property owners in the proposed local improvement district. Staff further recommends Council direct staff to return with a formation resolution within 90 days.

Authority:

13.04.050 Hearing - Decision by council.

A. At the time of the public hearing, the council shall hear and consider testimony, both oral and written, on the proposed local improvement; and may continue the hearing as it deems necessary. After such hearing the council may, in its discretion, order the improvement to be made. If the council elects to order such improvement, it shall, within 90 days after the date of the hearing, provide by resolution for the establishment of the local improvement district and the construction of the improvement.

B. Notwithstanding the fact that the proposed improvement was petitioned for by the owners of 50 percent of the property to benefit, the council may refuse to proceed with the improvement if it finds the proposed improvement to be untimely or not in the best interests of the city.

C. At the public hearing, the council may direct a modification of the proposed local improvement by revising the scope of the improvement, by reducing or enlarging the local

improvement district which it deems will be benefitted by the improvement, or may make such other modifications in the proceedings as it finds reasonable. If the council modifies the scope of the improvement so that assessment is likely to be substantially increased upon one or more lots, or if the council enlarges the local improvement district, or if the council causes a substantial change in any of the particulars contained in the improvement resolution, a new improvement resolution shall be adopted, new estimates made and new notices mailed to the owners within the proposed local improvement district. However, no new publication shall be required. (Ord. 84-15 § 4)

Background:

Council initiated this local improvement district by approving Resolution 2021-07 with the attached engineering report at its meeting on February 8, 2021.

Background:

The first step in the LID process is the Intention Resolution. Resolution 2021-07 declares an intent to construct low pressure sanitary sewer system improvements on the north side of NE 14th Street (from Highway 101 to NE Port Drive). See attached report from City Engineer Stephanie Reid.

The circumstances where the Council may not move forward are as follows:

The council shall not consider any improvement for the formation of a local improvement district unless the total assessed valuation of the area in the district to be specially benefitted by the improvements is at least double the estimated cost of the improvement, including any legal, administrative, and engineering costs attributed thereto, unless council excepts said project from the requirements of this subsection based on findings that indicate the estimated amount of the improvement costs that will be assessed and paid in installments shall not exceed one-half the assessed valuation of the area specifically benefitted by the improvements.

For further information on the proposed Local Improvement District project, please visit the city website. Additional information can be received through contacting City Engineer Stephanie Reid at 541-996-2154, or e-mail sreid@lincolncity.org <<mailto:sreid@lincolncity.org>>.

Council Options

1. Hear and consider testimony, both oral and written, on the proposed local improvement;
2. Continue the hearing as Council deems necessary;
3. Direct a modification of the proposed local improvement by revising the scope of the improvement, by reducing or enlarging the local improvement district which it deems will be benefitted by the improvement, or may make such other modifications in the proceedings as it finds reasonable.
4. Order the improvement to be constructed by directing staff to prepare a formation resolution and return within 90 days for approval of the resolution
5. Decline to construct the local improvement.

Recommended Council Motion:

Move to direct staff to return with a formation resolution to order the construction of the local improvement and assess the costs against the benefitted property owners.

Attachments:

Notice of Public Hearing (PDF)

Engineer's Report NE 14th 2-17 (PDF)

**NOTICE OF PUBLIC HEARING
FORMATION OF LOCAL IMPROVEMENT DISTRICT
NE 14TH ST SANITARY SEWER LID
LINCOLN CITY, OREGON**

Notice is hereby given that the City Council of Lincoln City will hold a public hearing to consider formation of a Local Improvement District to construct sewer improvements to properties on NE 14th Street, all within the boundaries of the City of Lincoln City.

Improvement Description: The proposed LID improvements consist of a low pressure sanitary sewer that will serve NE 14th street, from NE Oar Ave to NE Port Ave.

District Boundaries: The boundary of the proposed district is generally between NE Oar Ave and NE Port Ave on NE 14th Street. This boundary runs roughly 200 along NE 14th St and includes 11 tax lots.

Estimated Cost to be Assessed: The estimated cost of the project is \$74,715.57. The construction and engineering costs are proposed to be paid by assessments to property owners in the proposed district. Estimated assessments are based on a property frontage and subdivision potential according to Lincoln City Municipal code 17.16 and 17.20.

Project Information: “NE 14th Street Sanitary Sewer Local Improvement District” dated January 20, 2021 and prepared by city staff may be viewed under the Public Works page on Lincoln City’s website. (www.lincolncity.org/publicworks) Copies of the report may also be obtained by contacting Lincoln City Public works at (541)-996-2154.

Public Hearing Information

Date: Monday, February 22, 2021

Time: *City Council Meeting, 6:00 PM

Place: **City Council Chambers, 801 SW Highway 101, 3rd Floor
Lincoln City, Oregon

**(This is a regularly scheduled City Council meeting, and the public hearing will not be the first item on the agenda.)* Comments must be submitted in writing by Noon on February 19, 2021 to be included in the City Council packet. Written comments received after February 19, 2021 will be provided to City Council at the hearing. Any person may provide oral or written comments to the City Council at the February 22, 2021 hearing.

Public comments can be submitted to publiccomment@lincolncity.org. **Citizens requesting to give public comment via Zoom should email publiccomment@lincolncity.org no later than 12pm on the meeting day. The request must include the person’s name, subject the person wishes to address, and Zoom screen name intended for use during the meeting.

Date Mailed: January 28, 2021

Date of Publication: February 2, 2021.

PROPOSED ASSESSMENTS SW BARD PROJECT LOCAL IMPROVEMENT DISTRICT

MAP NO.	TAX LOT	OWNER	ADDRESS	ASSESSMENT AMOUNT
7-11-10-DD	02900	Mark & Gail Clarambeau	1833 NE 14 th ST	\$5,747.35
7-11-10-DD	03200	Fishtrap Farms LLC	1418 NE Oar Ave	\$5,747.35
7-11-10-DD	03201	Edelita Kozachenko	1823 NE 14 th St	\$5,747.35
7-11-10-DD	03400	Jennifer A. Stine	1841 NE 14 th St	\$11,494.70
7-11-10-DD	03600	Neal & Patricia Ehlen	Raymond Townsite BL15, LOT7	\$5,747.35
7-11-10-DD	03700	Gary Eberhart	Raymond Townsite BL15, LOT8	\$11,494.70
7-11-10-DD	03800	Robert and Martha Phillips	1934 NE 14 th St	\$5,747.35
7-11-10-DD	03900	Jesse & Salina Slover	1926 NE 14 th St	\$5,747.35
7-11-10-DD	04000	Theresa Setzer	1910 NE 14 th St	\$5,747.35
7-11-10-DD	04100	Daron Wilson	1880 NE 14 th St	\$5,747.35
7-11-10-DD	04200	Timothy Tuffield	1340 NE Oar Ave	\$5,747.35
		TOTAL:		\$74,715.57

CITY ENGINEER'S REPORT
NE 14th Street Sewer Improvements
SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
January 20, 2021

Background

Lincoln City Public works is completing roadway improvements over a portion of NE 14th without sanitary sewer service. Additionally, one property has reported an inadequate septic system, and additional properties have requested sanitary sewer service. The planned & budgeted roadway improvements allow sewer improvements to be constructed at a fraction of the stand-alone cost. Staff is proposing a design to construct a low-pressure sewer to serve the eleven (11) properties on NE 14th St, from NE Oar Ave to NE Port Ave. Six (6) of the lots in the local improvement district are zoned multi-family, five (5) are zoned R-1-7.5.

Pursuant to the City of Lincoln City's Municipal Code of Ordinances Chapter 13.04, the City Engineer is submitting the following report pertaining to the formation of a local improvement district.

Location of the Improvements

Exhibit "A" presents a map outlining the Local Improvement District boundary.

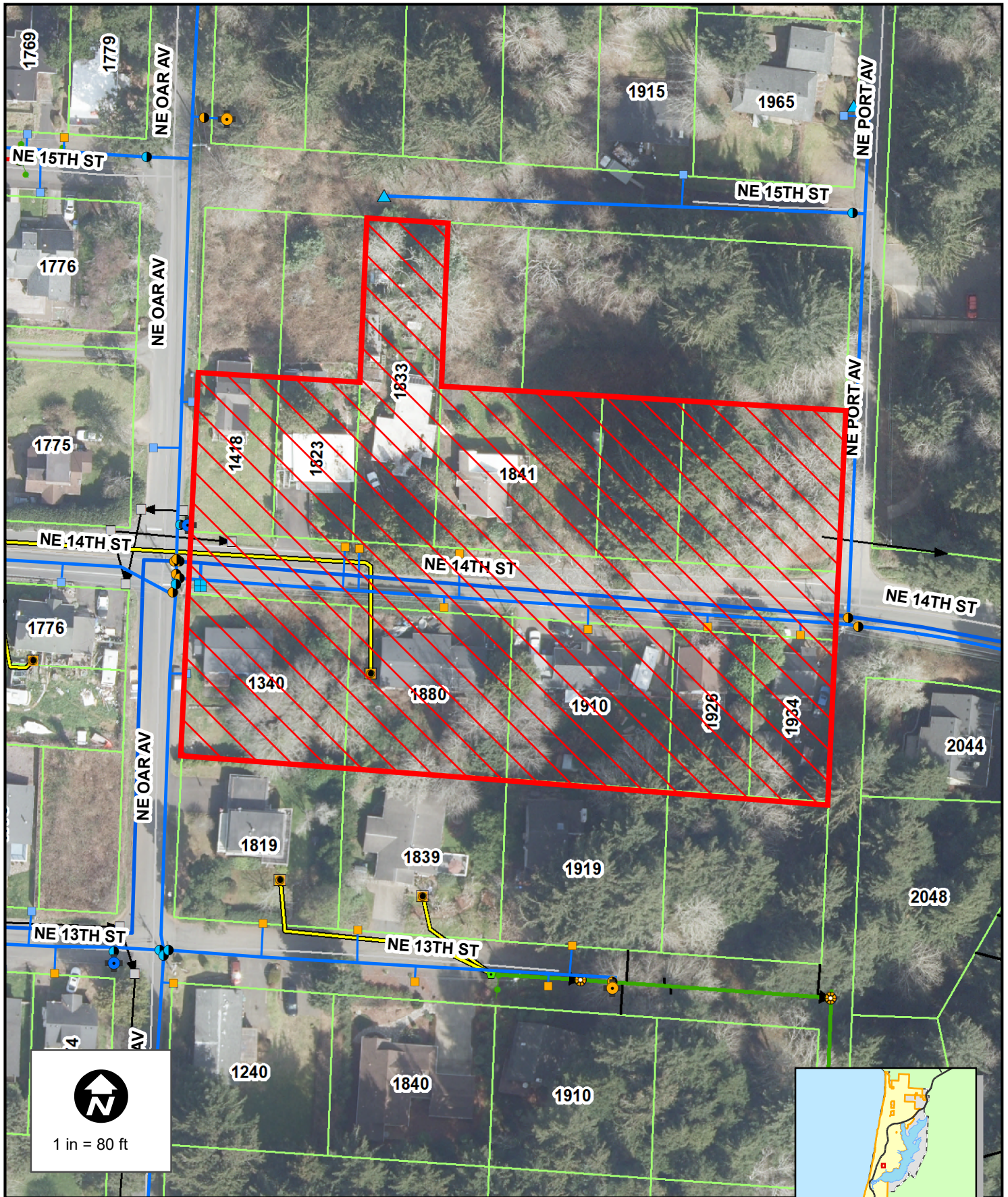
Wastewater Facilities Plan

The proposed NE 14th Sewer LID flows to the SE 3rd St. Pump Station. This pump station is part of the "System Backbone" and has a current capacity rating of 4000 gallons per minute. The identified flow in 2004 was 2800 gallons per minute.

Budget for the design, maintenance, and improvement of this pump station has been put forward for the 2021-2022 & 2022-2023 fiscal year.

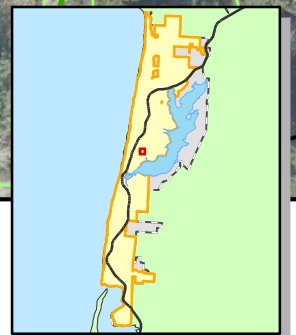
Description of the Improvements

An overview of the Local Improvement District design is put forward in Exhibit "B". This will construct 515' of low pressure sewer system. The system will be 2" High-density polyethylene (HDPE) pipe. This will provide a service lateral to each lot of record at the

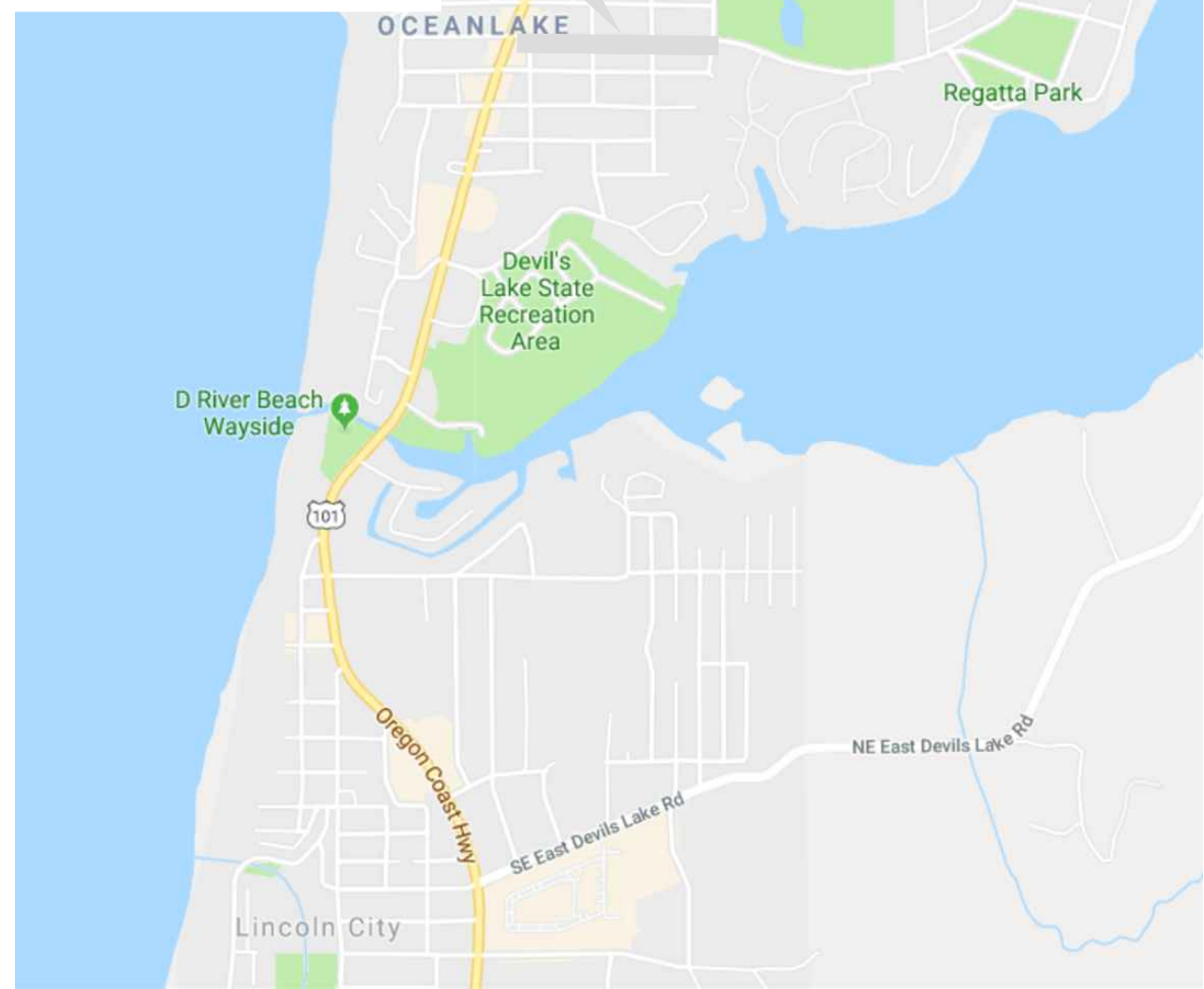


Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Project Site



Lincoln City Vicinity Map NTS

PROPOSED CONDITIONS:

- TYPE CG-2 CATCH BASIN
- TYPE CG-3 CATCH BASIN
- TYPE 3 CATCH BASIN
- DITCH INLET CATCH BASIN
- SIDEWALK HATCH
- DW HATCH
- GRIND AND RE-PAVE 2" AC
- REMOVE AND REPLACE 4" TO 8" AC
- GUTTER
- GRAVEL/2"-0" RIVER ROCK/RIP RAP
- SOD
- GRASS SEED

Traffic Management within HWY 101

All work shall adhere to the issued ODOT roadway permit.

Contractor to provide a written and drawn plan within the Traffic Control Plans (TCP) that identifies requirements for providing safe, effective, and accessible routes for pedestrians through or around the work zone including Temporary Pedestrian Accessible Route (TPAR) details, advance public notification and construction and maintenance responsibilities.

The definition of TPAR is -- an area within a work zone, marked by signing, delineation and traffic control devices (TCD), for the use of pedestrians to navigate through or around the work zone.

When construction activities block or interfere with normal pedestrian routing, provide safe passage for pedestrians either through the construction, or rerouted around the construction, utilizing ODOT standard drawing TM844 and the requirements of the 2018 Oregon standard specifications for construction (black book), page 150 & 151, subsection 00220.20 (b)

When construction activities block or interfere with normal open state highway shoulder conditions, and these impacts last longer than 72 hours, follow the temporary signing and delineation requirements of ODOT standard drawings TM800, TM843 (right lane closure - omit "I" for shoulder closure) and TM851 (shoulder closure) configuration.

Any abrupt edge greater than 2 inches in depth, closer that 4 feet from an active traffic lane, and having a duration longer than 72 hours, shall be required to follow the "typical abrupt edges signing detail" on ODOT standard drawing TM800.

When construction activities block or interfere with shoulders or bike lanes, install a 48 inch " BICYCLES ON ROADWAY " sign in advance of each shoulder or bike lane closure at sign spacing "A" from the "TCD SPACING TABLE" shown on ODOT standard drawing TM800.

When construction impacts active traffic lanes on the State Highway for longer than 72 hours temporary signage is required per ODOT Standard drawings TM800, TM841, and TM 851

EXHIBIT "B"

CITY OF LINCOLN CITY

NE 14th STREET LID OVERVIEW

Existing Conditions:

- CATCH BASIN
- WATER VALVE
- WATER METER
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CLEAN OUT
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GAS METER
- MAIL BOX
- LUMINAIRE
- TV RISER
- TELEPHONE RISER
- SIGNAL JUNCTION BOX
- ELECTRIC METER
- ELECTRIC JUNCTION BOX
- UTILITY POLE
- GUY ANCHOR

- FIRE HYDRANT
- SIGN
- LINE CONTINUES TO UNKNOWN LOCATION
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND STORM DRAIN LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND CABLE TV LINE
- UNDERGROUND WATER LINE
- UNDERGROUND NATURAL GAS LINE
- OVERHEAD UTILITY LINE
- FENCE LINE
- EDGE OF PAVEMENT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CATCH BASIN
- FIELD INLET

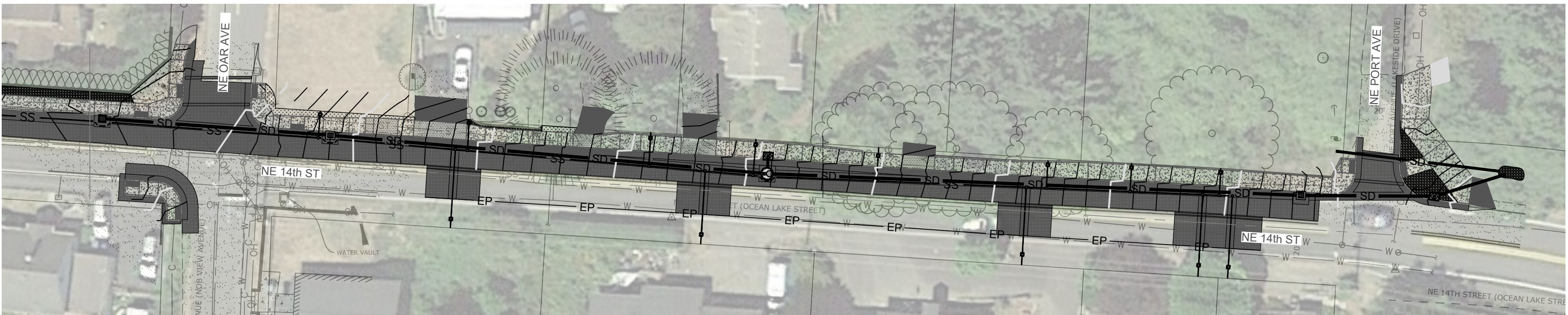
- CONCRETE
- ASPHALT
- DECIDUOUS TREE (DTR)
- EVERGREEN TREE (ETR)

GENERAL NOTES:

- PRIOR TO THE START OF CONSTRUCTION OF STORM LINE, CONTRACTOR SHALL POT HOLE FOR DEPTH AND LOCATION OF ALL UTILITY CROSSINGS
- PRIOR TO BEGINNING WORK, THE EROSION CONTROL PLAN MUST BE APPROVED BY THE CITY. EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING CITY AND DEQ REQUIREMENTS
- CONSTRUCTION WILL RUN ADJACENT TO PRIVATE RESIDENCES. RESIDENTS SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. MONUMENTS DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE RESET AT NO COST TO THE CITY BY A PROFESSIONAL LAND SURVEYOR CURRENTLY REGISTERED IN THE STATE OF OREGON.
- MOVE MAILBOX -- MOVE MAILBOX IN ACCORDANCE WITH LINCOLN CITY DETAIL #100. REPLACE THE EXISTING POST WITH NEW 4"x4" TREATED POST. ATTACH THE EXISTING MAILBOX ON THE NEW POST.
- MOVE WATER METER -- MOVE WATER METER INDICATED IN ACCORDANCE WITH LINCOLN CITY DETAIL #100 & #515. REPLACE THE EXISTING METER VAULT WITH AN ARMORCAST A6000485 (12"x12"x20") IN THE SIDEWALK A MINIMUM OF 4" FROM EDGE OF SIDEWALK. THE METER VAULT SHALL BE ANCHORED INTO CONCRETE WITH ANCHOR BOLTS.
- ASPHALT DRIVEWAY TRANSITION -- CONTRACTOR SHALL GRIND EXISTING ASPHALT DRIVEWAY AT TRANSITION TO EXISTING ASPHALT. APPLY ASPHALT AS NEEDED.
- WHERE STORM OR SANITARY SEWER INSTALLATION <=6" OF EXISTING GAS MAIN CONTRACTOR SHALL COORDINATE WITH NWN ON PROTECTION AND WRAPPING OF THE EXISTING GAS MAIN WITH ROCK FABRIC PER NWN SPECIFICATION.

ABBREVIATIONS

APPX	APPROXIMATE	LF	LINEAR FEET
CB	CATCH BASIN	ODOT	OREGON DEPARTMENT OF
EP	EDGE OF PAVEMENT	TRANSPORTATION	
IE	INVERT ELEVATION	EX	EXISTING
SD	STORM DRAIN	STA	STATION
PVC	POLY VINYL CHLORIDE	MUTCD	MANUAL OF UNIFORM TRAFFIC
HDPE	HIGH DENSITY POLYETHYLENE	CONTROL	DEVICES
AC	ASPHALT CONCRETE	APWA	AMERICAN PUBLIC WORKS
HMAC	HOT MIX ASPHALT CONCRETE	ASSOCIATION	
MH	MANHOLE	C&G	CLEAR AND GRUB
DW	DW	SS	SANITARY SEWER
SW	SIDEWALK	F	FILL
NTS	NOT TO SCALE	C	CUT
LC	LINCOLN CITY		



Site Map 1"= 30'

General Notes

OWNER:

CITY OF LINCOLN CITY
801 SW HIGHWAY 101
PO BOX 50
LINCOLN CITY, OREGON 97367
CONTACT: TERRY CHAMBERLAIN, PE
PH: (541) 996-1238

SHEET INDEX

- SHEET 1 COVER SHEET
- SHEET 2 SW & PAVING PLAN
- SHEET 3 SW & PAVING PLAN
- SHEET 4 SW & PAVING PLAN
- SHEET 5 SW & PAVING PLAN
- SHEET 6 SW & PAVING PLAN
- SHEET 7 SW & PAVING PLAN
- SHEET 8 UTILITY PLAN & PROF
- SHEET 9 UTILITY PLAN & PROF
- SHEET 10 UTILITY PLAN & PROF
- SHEET 11 UTILITY PLAN & PROF
- SHEET 12 UTILITY PLAN & PROF
- SHEET 13 UTILITY PLAN & PROF
- SHEET 14 ESCP 1
- SHEET 15 ESCP 2
- SHEET 16 ESCP 3
- SHEET 17 ESCP 4
- SHEET 18 ESCP 5
- SHEET 19 DETAILS
- SHEET 20 DETAILS
- SHEET 21 DETAILS
- SHEET 22 DETAILS
- SHEET 23 DETAILS
- SHEET 24 DETAILS
- SHEET 25 DETAILS

UTILITY LOCATE:

(48 HOUR NOTICE PRIOR TO EXCAVATION)

OREGON LAW REQUIRES YOU TO FOLLOW THE RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 757.562 AND ORS 757.993. YOU MAY OBTAIN COPIES OF THE RULES FROM THE CENTER BY CALLING (503) 246-1987. ONE CALL SYSTEM NUMBER 1-800-332-2344.

No.	Revision/Issue	Date



LINCOLN CITY PUBLIC WORKS
801 S.W. HWY 101
P.O. BOX 50
LINCOLN CITY, OREGON 97367
PHONE: (541) 996-2154
FAX: (541) 994-4881
www.lincolncity.org

Project Name and Address
14th Street Sidewalk
NE Most Ave to NE Port Ave
Lincoln City, OR 97367

Project	18002	Page	
Date	1/31/2020		
Scale	1" = 80'		

EXHIBIT C

ESTIMATED LID COST SUMMARY

Sewer

Engineering	In-House	
Total Engineering	\$0.00	
Total Surveying	\$0.00	
Estimated Construction Cost	\$67,615.90	
Art Commission (.5% of Construction Cost)	\$338.08	
Administration (10% of Engineering + Construction Cost)	\$6,761.59	
Total Administration Cost	\$7,099.67	
LID Total Project Cost (Engineering, Construction and Administrative)	\$74,715.57	\$74,715.57
Number of Connections	13	
Estimated Cost per Sewer Connection	\$5,747.35	

2020 SYSTEM DEVELOPMENT CHARGES AND ESTIMATED ON-SITE COST

Sewer System Development Charge in 2020	\$4,129.00
On-Site Improvements (Estimated Average Cost)	
Pump and Control Panel	\$6,000.00
Installation of System and	
Decommission Septic	\$5,500.00
Sewer Connection Inspection	\$100.00
Total Estimated On-Site Improvements	\$11,600.00

Exhibit "D" - Benefitted Lots & Cost Estimate

Summary			Per Connection Assessment		Financing
Tax Map	Address (If Existing)	Owner	Proposed Sanitary Sewer Connections	Cost	Monthly LID Payment
					20 years @2.7%
7-11-10DD-02900	1833 NE 14th St Lincoln City, Or. 97367	Mark & Gail Clarambeau	1.0	\$5,747.35	\$31.02
7-11-10DD-03200	PO Box 12087 Portland, Or 97212	Fishtrap Farms LLC	1.0	\$5,747.35	\$31.02
7-11-10DD-03201	1823 NE 14th St. Lincoln City, Or 97367	Edelita Kozachenko	1.0	\$5,747.35	\$31.02
7-11-10DD-03400	17675 SW Alexander St. Aloha, Or 97006	Christina Wale	2.0	\$11,494.70	\$62.04
7-11-10DD-03600	54829 Mountain View Bend, Or 97707	Neal & Patricia Ehlen	1.0	\$5,747.35	\$31.02
7-11-10DD-03700	PO Box 1343 Depoe Bay, Or 97341	Mary Thomson	2.00	\$11,494.70	\$62.04
7-11-10DD-03800	1934 NE 14th St. Lincoln City, Or 97367	Alfred Holland, IV	1.0	\$5,747.35	\$31.02
7-11-10DD-03900	1926 NE 14th St. Lincoln City, Or 97367	Jesse & Salina Slover	1.0	\$5,747.35	\$31.02
7-11-10DD-04000	PO Box 12 Montague, Ca. 96064	Theresa Setzer	1.0	\$5,747.35	\$31.02
7-11-10DD-04100	PO Box 212 Neotsu, Or 97364	Daron Wilson	1.0	\$5,747.35	\$31.02
7-11-10DD-04200	1340 NE Oar Ave. Lincoln City, Or 97367	Timothy Tuffield	1.0	\$5,747.35	\$31.02
		TOTALS:	13.0	\$74,715.57	
Total Estimated LID Cost:		\$74,715.57	LID Rate per Sewer Connection		
Number of Connections		13	\$5,747.35		

time of construction, and an additional lateral for the two (2) multifamily lots with the of subdividing; This is shown in Exhibit "B". Property owners will need to install an E-One grinder pump when connecting to the public sewer system.

Project Cost Summary

The estimated LID cost is \$74,715.57; See Exhibit "C". Project design was completed in-house and, because of the concurrent roadway improvements, project cost is expected to be substantially less than a comparable sanitary sewer project. The additional project cost of administration of construction, labor and material for the low-pressure sewer systems and the additional roadway restoration have all been included in this estimate.

Zoning and Method of Assessment

Within the local improvement district there are 11 properties. These vary in size from 5,000 – 10,000 square feet. Six (6) properties benefitting are zoned Residential-Multifamily (R-M), with five (5) lots zoned Residential, 1-7.5 (R-1-7.5).

Nine (9) of the eleven (11) benefitting lots have existing single family homes and/or development potential requiring only 1 standard lateral connection. Two (2) of the benefitting RM lots have the potential for subdivision; Staff has designed additional lateral connections on these lots and proposed an additional portion of LID costs assessed to these lots.

Staff proposes that sanitary assessment be divided among the 13 available connections; this results in a cost of \$5,747.35 per connection. This number is based on the estimated construction and administrative cost; actual construction cost will be used to calculate the final reimbursement amount. See Exhibit "D".

Financing

Each lot owner will be given the option to finance the cost of the Local Improvement District. The City will finance up to 20 years, at a rate 2% over the current Local Government Investment Pool (LGIP) rate. The LGIP rate is 0.75% as of October 21, 2020. Each property's monthly cost for 20 year financing at 2.75% has been estimated using the project estimate. See Exhibit "D".

The City will place a lien on the property until the LID cost is paid in full. The City assessment lien shall be superior to all other liens or encumbrances on property insofar as Oregon Law permits. The property owner will have 60 days after the final assessment public hearing to either pay the LID assessment off in full or apply for the City financing. Property owners must pay or finance at least the base unit cost. Additional assessment may then be deferred until property sale or issuance of a building permit.

When a property has applied for financing of the LID cost, the owner shall pay at the time of submission of the application a processing fee in the amount of \$100.00. The property owner will also pay the amount for the county recording fee, if any, for the assessment lien.

If the property owners have signed applications to pay in installments, the owner at any time may pay to the City the unpaid balance of the amount of the assessment. This includes interest to the next installment date, charges, and lay payment penalties and/or charges accrued to the date of payment. LID lot assessments must be paid in full at (1) change in ownership of the property or (2) issuance of a building permit.

The estimated \$5,747.35 per connection is to reimburse the City for the cost to install the public sewer. The total cost to connect to the sewer system would additionally include the items outlined in Exhibit "C":

- System Development Charges (\$4,048.00 in 2019)
- Inspection Fees/Permit Fees
- On-site construction costs
- Abandoning existing septic tank (if applicable)

SEWER CONNECTION MANDATES

Existing developed properties in the LID will be required to connect to the sewer system under the following circumstances:

1. Septic tanks must be inspected at 5, 10, and 15 years. If the septic system fails an inspection, the owner will not be allowed to fix the septic system but must connect to the public sewer system
2. If an existing home is sold, a condition of the sale is for the home to be connected to the public sewer system.

3. If an existing home is remodeled or enlarged more than 50% of the existing value, or the remodel requires the expansion of the septic system, the home will be required to connect to the public sewer system.
4. All existing homes within the LID must connect to the public sewer system within the LID financing period of 20 years.

City Engineer's Signature:

Stephanie Reid P.E

Council Communication

Ordinance 2021-06 Amending Chapter 8.16, (SOLID WASTE)

Meeting Date:	February 22, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question(s):

Should the City Council conduct and approve First and Second Reading and adopt Ordinance 2021-06 entitled:

ORDINANCE NO. 2021-06

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 SECTION 8.16.110 TO RECOGNIZE MANDATORY COMPOSTING AS INCLUDED IN RECOGNIZED EXEMPTIONS, AND ADDING EXEMPTION REQUIREMENTS.

Staff Recommendation:

Staff recommends Council conduct First Reading of Ordinance 2021-06 and, *if unanimous*, Conduct and approve Second Reading and adopt the Ordinance. 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:

Resolution 2020-07 provided as follows:

Section 4. Ordinance Amendment. The City Attorney is directed to process an amendment to Chapter 8.16 to expressly include mandatory composting within the accepted exemptions from mandatory garbage collection.

LCMC Chapter 8.16 provides, as regards exemptions:

8.16.110 Residential reduction or elimination of service.

A. Residential Reduction in Service. Upon proof by affidavit of a lack of need for full residential service, a person may be allowed to reduce residential service to once a month. Evidence of a lack of need may include showing that recycling, composting or other environmentally accepted methods of disposal are being used.

B. Residential Elimination of Service. Upon proof by affidavit of a lack of need for residential service, a person may be allowed to eliminate the residential service under the following circumstances:

1. By subscribing to commercial grade service at another location within the city; or
2. By transporting residential waste at least on a weekly basis to the franchisee or to an identified appropriate solid waste disposal site; or
3. By using recycling, composting, or other environmentally accepted methods of disposal of solid waste and transporting, at appropriate intervals, any solid waste that cannot be recycled, composted, or disposed of in an environmentally safe manner to the franchisee or to an identified appropriate solid waste disposal site.

C. Decisions and Appeals. The city manager or a designee shall make the determination regarding a reduction or elimination of residential service, and that decision shall be final unless appealed in writing to the city council within 10 days from notice of the determination. (Ord. 2003-19 § 1)

8.16.120 Exemption from service.

Property which is unoccupied and does not receive water service by choice of the owner is exempt from service. (Ord. 2003-19 § 1)

The City Council discussed and provided direction to staff to create options for exemptions on January 25, 2021. On February 8, 2021 a motion to reconsider was passed and Council was informed of the above Resolution language. Staff has prepared the following ordinance amendment which only clarifies that composting is included within the existing exemptions.

In sum, you can get a reduction in service or elimination in service by filing an Affidavit. There are actually 138 affidavits not 42 as previously reported.

Elimination of service has three options:

First - you submit an affidavit and evidence that you have a commercial account in the City and you take your residential garbage from your home in the City to your business. While this exemption does not encourage composting, it remains.

Second - you submit an affidavit and evidence that you have full residential service at your principal residence, and that the home in Lincoln City is a second home. You take your solid waste, recycling and composting back to your principal residence and dispose of it properly [or] you submit an affidavit and evidence that you take your solid waste, recycling, and composting to franchisee's facility or other approved facility.

Third - you submit an affidavit and evidence that you take your recycling and solid waste to franchisee's facility or other approved facility and you produce and use your composting on-site.

There is also a provision for reduction of service to once a month. While I have added a receipts requirement here as well, Council may wish to consider if this is necessary for mere reduction.

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 March 8, 2021 [or]
3. Continue First Reading to March 8, 2021.
4. Do not proceed with proposed ordinance.

Potential Motions:

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

ORDINANCE NO. 2021-06

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 SECTION 8.16.110 TO RECOGNIZE MANDATORY COMPOSTING AS INCLUDED IN RECOGNIZED EXEMPTIONS, AND ADDING EXEMPTION REQUIREMENTS.

Council:

1. Motion to approve First Reading of Ordinance 2021-06.

If unanimous: conduct Second Reading

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

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-06.

[or]

2. Motion to set Second Reading for March 8, 2021.

Attachments:

Ordinance 2021-06 DRAFT - COMPOSTING 2-17-21 (DOCX)

ORDINANCE NO. 2021-06

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 SECTION 8.16.110 TO RECOGNIZE MANDATORY COMPOSTING AS INCLUDED IN RECOGNIZED EXEMPTIONS, AND ADDING EXEMPTION REQUIREMENTS.

*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, the City Council solid waste ordinance has included provisions for reduction and elimination of mandatory solid waste collection requirements since 2003; and

WHEREAS, Council approved Resolution 2020-07 with specific direction to process an amendment to Chapter 8.16 (Solid Waste) to expressly include mandatory composting within the accepted exemptions from mandatory garbage collection; and

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

2
3 **SECTION 1.** Lincoln City Municipal Code, Title 8 (*Health and Safety*), Chapter 8.16 (*Solid*
4 *Waste*), (*Residential reduction or elimination of service*) is hereby amended to read as
5 follows:
6

7 **8.16.110 Residential reduction or elimination of service.**

8 A. Residential Reduction in Service.

9 **1.** Upon proof by affidavit of a lack of need for full residential service,
10 a person may be allowed to reduce residential service to once a month.
11 Evidence of a lack of need may include showing that recycling, composting
12 or other environmentally accepted methods of disposal are being used,
13 **and such evidence must accompany the affidavit.**

14 **2. Applicants for a reduction shall submit an affidavit and receipts**
15 **showing full residential service at the principal residence (e.g. for**
16 **second home owners) or receipts showing the proper disposal of solid**
17 **waste, composting and recycling at identified appropriate disposal**
18 **sites.**

19 B. Residential Elimination of Service. Upon proof by affidavit of a lack of need for
20 residential service, a person may be allowed to eliminate the residential service
21 under the following circumstances:

22 **1. Commercial subscription.**

23 By subscribing to commercial grade service at another location within the
24 city. **This exemption which requires a commercial subscription at a**
25 **business in the city, operates to excuse full residential service**
26 **charges (including composting and recycling) at a residential location**
27 **in the city; or**

28 **2. Transport waste/composting/recycling or other full residential**
29 **service subscription.**

30 By transporting residential **solid** waste at least on a weekly basis to the
31 franchisee or to an identified appropriate solid waste disposal site. **This**
32 **exemption excuses residential service upon demonstation by affidavit**

1 with supporting evidence that either the applicant has full residential
 2 service elsewhere (second home owner) or the applicant regularly
 3 transports residential waste to an approved location. Applicants for
 4 this exemption must submit an affidavit and receipts showing full
 5 residential service (solid waste, composting and recycling) at the
 6 principal residence (e.g. for second home owners). Alternatively,
 7 applicants may submit an affidavit and receipts showing the proper
 8 disposal of solid waste, composting and recycling at franchisee's
 9 location or other identified appropriate disposal sites. Transportation
 10 of solid waste, as opposed to composting or recycling, must occur at
 11 least weekly; or

12 3. On-Site Composting Use and Proper Disposal.

13 By using recycling, composting, or other environmentally accepted
 14 methods of disposal of solid waste and transporting, at appropriate
 15 intervals, any solid waste that cannot be recycled, composted, or disposed
 16 of in an environmentally safe manner to the franchisee or to an identified
 17 appropriate solid waste disposal site. This exemption excuses
 18 residential service upon demonstration by affidavit with supporting
 19 evidence that the applicant produces and uses compost on-site and
 20 regularly transports all other residential waste to an approved
 21 location. Applicants for this exemption shall submit an affidavit and
 22 receipts showing the proper disposal of solid waste and recycling at
 23 franchisee's location or other identified appropriate disposal sites.
 24 Transportation of recycling and solid waste must be at appropriate
 25 intervals. Composting must occur on-site and be used on-site.
 26 Verification of composting on-site shall be established by inspection;
 27 or

28 **C. Affidavit Renewal Requirement. An elimination or reduction of service**
 29 **affidavit must be renewed every three years. Affidavits must be filed in the**
 30 **City Finance Department. Existing exemptions as of the date of this**
 31 **ordinance must be renewed within one year of the adoption of this**
 32 **ordinance. For purposes of LCMC 8.16.110, "Affidavit" refers to a sworn**
 33 **written instrument, executed under penalty of perjury and false swearing,**
 34 **that the statements in the affidavit are true and correct.**

35 **D. Decisions and Appeals.** The city manager or a designee shall make the
 36 determination regarding a reduction or elimination of residential service, and that

1 decision shall be final unless appealed in writing to the city council within 10 days
2 from notice of the determination.

3 **SECTION 2. Findings Adopted.**

4
5 The findings contained in the Whereas Clauses of this Ordinance, as well as the
6 competent substantial evidence in the whole record of this legislative proceeding are
7 incorporated into this section by reference as if fully set forth herein, and are adopted in
8 support of this legislative action.

9
10 **SECTION 3. Severability.**

11
12 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
13 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
14 the remaining sections, subsections, paragraphs and clauses.

15
16 **SECTION 4. Ordinance Effective Date.**

17
18 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of
19 its adoption.

20
21 **SECTION 5. Codification.**

22
23 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
24 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
25 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
26 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need
27 not be codified and the City Recorder is authorized to correct any cross-references and
28 any typographical errors.

29
30 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
31 Section 9.2 of the City of Lincoln City Charter on the 22nd day of February, 2021 (First
32 Reading) and on the 22nd day of February, 2021 (Second Reading).
33

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4 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22nd day of
5 February, 2021.
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11 _____
12 JUDY CASPER, COUNCIL PRESIDENT

13 ATTEST:
14
15

16 _____
17 JAMIE YOUNG, CITY RECORDER
18
19

20 APPROVED AS TO FORM:
21
22

23 _____
24 RICHARD APPICELLO, CITY ATTORNEY
25

Council Communication

Resolution 2021-10

Meeting Date: February 22, 2021 Primary Staff Contact: Richard Appicello
Department: City Attorney E-Mail: RAppicello@lincolncity.org
Secondary Dept: Emergency Preparedness Secondary Contacts: Ronald Chandler
Approval: Ronald F Chandler Estimated Time: 5 Minutes

Question:

Should the City Council approve Resolution 2021-10?

Staff Recommendation:

Staff recommends the Council approve Resolution 2021-10.

Authority:

Chapter 2.72 (Emergency Operations)

Background:

Resolution 2021-10 amends Resolution 2021-06, (amending previous Resolutions) to add the Project Turnkey property to the list of properties approved for emergency operations uses during the housing emergency for Echo Mountain Fire victims.

Council Options:

The City Council may:

Approve attached Resolution 2021-10.

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2021-10.

Attachments:

4163REsolution 2021-10 Echo -ra (DOC)

RESOLUTION NO. 2021-10**A RESOLUTION OF THE CITY OF LINCOLN AMENDING
RESOLUTION 2021-06 CONCERNING DISPLACED LINCOLN COUNTY
RESIDENTS CAUSED BY THE ECHO MOUNTAIN COMPLEX FIRE****RECITALS**

WHEREAS, The Red Cross, followed by the Oregon Department of Human Services, have been using various private hotel and motel properties for emergency sheltering of Lincoln County residents, displaced by the Echo Mountain Complex Fire; and

WHEREAS, the City Council desires to specifically authorize this use for the duration of the emergency, pursuant to specific authority in the emergency operations ordinance, and previously approved Resolutions 2020-22 and 2020-26;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. AMENDMENT. Section 3, Paragraph G of Resolution 2021-06 (amending prior resolutions) is hereby amended to add the following additional bullet point indicating approved for emergency operations uses – temporary housing - to the end of Paragraph G:

- Paradise Inn, 1014 NE Highway 101 Lincoln City, OR.

SECTION 3. NO OTHER AMENDMENT. The remainder of Section 3, Paragraph G of Resolution 2021-06, amending Resolution 2020-22, as amended by Resolution 2020-26, remains unchanged. All other Subparagraphs, Paragraphs, Sections, and Exhibits to Resolution 2020-22, Resolution 2020-26, and Resolution 2021-06, (other than the additional bullet point added to Section 3, Paragraph G above), remains in full force and effect.

SECTION 4. EFFECTIVE DATE. This resolution is effective as of the date of its adoption and signature by the Mayor.

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22nd day of
2 February, 2021.

3
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6 _____
7 JUDY CASPER,
8 COUNCIL PRESIDENT
9

10
11 ATTEST:
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13

14 _____
15 JAMIE YOUNG
16 CITY RECORDER
17

18
19 APPROVED AS TO FORM
20

21
22 _____
23 RICHARD APPICELLO
24 CITY ATTORNEY
25
26

Council Communication

Resolution 2021-11

Meeting Date:	February 22, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Planning Department	Secondary Contacts:	Jeanne Sprague
Approval:	Ronald F Chandler	Estimated Time:	5 Minutes

Question:

After the opportunity for public comment, shall the City Council approve Resolution 2021-11 approving rental fees and charges for designated space in the Lincoln City Community Center?

Staff Recommendation:

Staff recommends the Council approve Resolution 2021-11.

Authority:

LCMC 12.16.085 (*Fee use -Permits and fees required*) Paragraph C. 7. provides (**emphasis added**):

7. Staff shall not accept an application for processing an exclusive use permit or special event permit for a park or city facility that does not have an established rental rate. Consult the latest city fee schedule for available city parks and city facilities. It is the determination of city council that such parks and facilities are not available for exclusive use and/or special events, except when such events are conducted by or through the city of Lincoln City.

LCMC ORS 294.160 (Public comment required).

ORS 294.160 Opportunity for public comment on new fee or fee increase. (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

(2) Where a local government exercises authority to assume the responsibility for a program delivered by the state, the local government shall provide an opportunity to comment on the difference between the fee amount charged by the state for such service and the proposed local fee for the service.

Background:

Resolution 2021-11 adopts rental fees and charges for designated areas in the Lincoln City Community Center. The City Code prohibits issuance of exclusive use permits for park facilities without rental rates established. (See LCMC 12.16.085C.7. above). No fee for this area of the community center appears to have been previously set. These fees mirror the current fees for comparable space in the Community Center. Council can always make a budget decision to pay (or waive) rental fees for a not-for-profit entity as a donation (usually this donation is tied to whether the not-for-profit is actually providing services to the community).

Council Options:

The City Council may:

Approve attached Resolution 2021-11.

Do not approve the attached Resolution.

Attachments:

New Fee Resolution 2021-11 for LC Parks and Recreation (DOCX)

Park Facility fee Resolution 2021-11 (DOCX)

RESOLUTION 2021-11 FEE ATTACHMENT – EXHIBIT A

Lincoln City Parks and Recreation: Community Center rentals	Amount
Meeting Rooms – West Wing (Non-profit Groups)	
Fee per hour with kitchen	\$26
Fee per hour without kitchen	\$19
Meeting Rooms – West Wing (Private Groups)	
Fee per hour with kitchen	\$33
Fee per hour without kitchen	\$24
Meeting Rooms – West Wing (Commercial)	
Fee per hour with kitchen	\$50
Fee per hour without kitchen	\$37



RESOLUTION NO. 2021-11**A RESOLUTION OF THE CITY OF LINCOLN CITY,
ADOPTING FEES AND CHARGES FOR CHAPTER 12.16 (PARK USE REGULATIONS
AND EXCLUSIVE USE PERMITS) ESTABLISHING RENTAL FEES AND CHARGES**

WHEREAS, the City of Lincoln City has established fees and charges for various park facilities available for rent under special event or exclusive use permits; and

WHEREAS, ORS 294.160 mandates that the City provide an opportunity for public comment when fees or charges are established or increased; and

WHEREAS, on February 22, 2021, the City Council provided an opportunity for public comment on the proposed new fees and charges proposed by Resolution; and

WHEREAS, Council desires to establish new fees and charges and/or increase fees and charges as set forth herein; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF LINCOLN CITY, AS FOLLOWS:**

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

Section 2. The attached Exhibit A schedule of fees and charges are hereby adopted as the current fees and charges for the listed park facilities available for rent under special event or exclusive use permits, and are incorporated herein by this reference.

Section 3. The above referenced fees and charges will be incorporated into the omnibus fee resolution to be adopted later this year.

Section 4. This Resolution is effective as of the date of its adoption.

1
2 **PASSED AND APPROVED** by the City Council of the City of Lincoln City,
3 Oregon, this 22th day of February, 2021.
4
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6

7 _____
8 JUDY CASPER
9 COUNCIL PRESIDENT
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11
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13 ATTEST:
14
15
16

17 _____
18 JAMIE YOUNG
19 CITY RECORDER
20
21

22 APPROVED AS TO FORM
23
24
25

26 _____
27 RICHARD APPICELLO
28 CITY ATTORNEY

Council Communication

Re-Appointment to Arts Committee - Applicants Niki Price & Krista Eddy

Meeting Date:	February 22, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question:

Should the City Council approve the re-appointment of Niki Price for a "City Resident" and Krista Eddy for a "City Resident / LCSD- North" position on the Public Arts Committee?

Staff Recommendation:

Ms. Price was interviewed by Councilor Hoagland and Councilor Parsons via Zoom on February 02, 2021. Both Councilor Hoagland and Councilor Parsons asked to move Ms. Price's application forward for consideration.

Ms. Eddy was interviewed by Councilor Hoagland and Councilor Parsons via Zoom on February 08, 2021. Both Councilor Hoagland and Councilor Parsons asked to move Ms. Eddy's application forward for consideration.

Background:

The Public Arts Committee currently has two (2) vacant positions. These vacant positions have been advertised.

Council Options:

Review and discuss the recommendation for re-appointment of Niki Price to a "City Resident" position and Krista Eddy for a "City Resident / LCSD- North" position on the Public Arts Committee for a term expiring December 31, 2023.

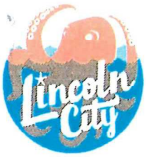
Potential Motions:

- 1. I move to appoint Niki Price to the Public Arts Committee for a “City Resident” and Krista Eddy for a “City Resident / LCSD- North” position with a two year term. The term expires 12/31/2023.**

Attachments:

Eddy, Krista_Arts Committee_Redacted.pdf (PDF)

Price, Niki_Arts Committee_Redacted.pdf(PDF)



CITY OF LINCOLN CITY

Committee / Board / Commission Application

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

- | | |
|--|--|
| ☐ Ad Hoc Committee (Committee Name: _____)
☒ Arts Committee
☐ *Budget Committee
☐ Building Board of Appeals
☐ Community Sustainability Committee
☐ Library Board | ☐ Open Space Committee
☐ Parks and Recreation Board
☐ Planning Commission
☐ Transient Room Tax Committee
☐ Visitor and Convention Committee |
|--|--|

** If applying for the Budget Committee or Planning Commission, 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:	Krista Eddy	DATE:	1-13-21
HOME ADDRESS:			
MAILING ADDRES:	same		
CITY, STATE, ZIP:	Lincoln City, OR. 97367		
E-MAIL ADDRESS:			
HOME PHONE:		CELL PHONE:	Same

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: ☒ Yes Length of Time _____
- 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? _____





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:

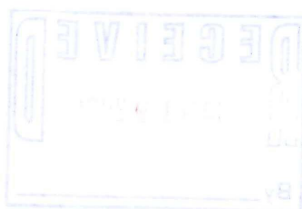
- 1) Committee Member Volunteer application
- 2) Criminal Background Check Authorization
- 3) Committee Volunteer Emergency Contact Information Form
- 4) Lincoln City Municipal Code Chapter 2.06 (*Committee, Board, Commission*), also located at : <https://www.codepublishing.com/OR/LincolnCity/>

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 Colleen Scanlon, 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.




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:

I have a BFA Art degree, have completed a public art piece in Utah, and presently work as the visual arts director at the Lincoln City Cultural Center.

List names of volunteer/work supervisors:

Niki Price - LCCC
Julie Fiedler - Saint James Santiago School (I teach art there part time)

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

Just committees within workplaces

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

I am good friends with Abisson Robertson and have known a few of the City Council Members for years: taught art to both Riley Hogland's & Mitch Pansen's Kids in the past.

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

I feel I can help with direction in public art for the Lincoln City & that I could be a resource for finding artists that fit our area.

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

Name: Niki Price Phone: [REDACTED]

Name: Julie Fiedler 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.

SIGNATURE

DATE



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Krista Lyn Eddy
START DATE:	Fall 2019
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Public Art Committee
CITY STAFF REPRESENTATIVE:	Ed Dræistadt
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	Same
HOME PHONE:	[REDACTED]
CELL PHONE:	Same
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Husband - Patrick Alexander
HOME PHONE:	[REDACTED]
CELL PHONE:	Same

DATE:	1-13-21
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.

SIGN _____

1-13-21

DATE

DATE OF BIRTH

SOCIAL SECURITY NUMBER



FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; www.pinnacleprof.com**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



CITY OF LINCOLN CITY

Committee / Board / Commission Application

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

- | | |
|---|---|
| ☐ Ad Hoc Committee (Committee Name: _____) | ☐ Open Space Committee |
| ☒ Arts Committee | ☐ Parks and Recreation Board |
| ☐ *Budget Committee | ☐ Planning Commission |
| ☐ Building Board of Appeals | ☐ Transient Room Tax Committee |
| ☐ Community Sustainability Committee | ☐ Visitor and Convention Committee |
| ☐ Library Board | |

** If applying for the Budget Committee or Planning Commission, 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:	Niki Price	DATE:	1/12/2020
HOME ADDRESS:			
MAILING ADDRESS:	Same		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:			
HOME PHONE:		Work CELL PHONE:	

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: ☒ Yes Length of Time 3 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? [REDACTED]



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 Colleen Scanlon, 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.


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:

20 years in journalism including arts and features, 10 years as head of Cultural Center, service on the board of Oregon Cultural Trust and Lincoln County Cultural Coalition

List names of volunteer/work supervisors:

*Catherine Rickbone, Cultural Coalition
Brian Rogers, Cultural Trust & Oregon Arts Commission*

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

This will be my third term on the Public Arts Committee (and see above)

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

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

To continue our work to beautify Lincoln City.

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

Name: *Catherine Rickbone* Phone: [REDACTED]

Name: *Brian Rogers* 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.

SIGNATURE

DATE



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Nikole Hale Price
START DATE:	2016 (first term)
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Public Art
CITY STAFF REPRESENTATIVE:	Ed Dreistadt
HOME ADDRESS:	[REDACTED]
	Lincoln City OR 97367
MAILING ADDRESS:	same
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]
EMERGENCY CONTACT NAME/RELATIONSHIP:	Dave Price, husband
HOME PHONE:	[REDACTED]
CELL PHONE:	work: [REDACTED]
DATE:	1/12/2021
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

1/12/2021
DATE


DATE OF BIRTH


SOCIAL SECURITY NUMBER



FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

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Council Communication

Appointment to Arts Committee - Applicant Carolyn Wilson

Meeting Date:	February 22, 2021	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question:

Should the City Council approve the appointment of Carolyn Wilson for a "City Resident/LCSD- North" position on the Public Arts Committee?

Staff Recommendation:

Ms. Wilson was interviewed by Councilor Hoagland and Councilor Parsons via Zoom on February 17, 2021. Councilor Hoagland and Councilor Parsons asked to move Ms. Wilson's application forward for consideration.

Background:

The Public Arts Committee currently has three (3) vacant positions. These vacant positions have been advertised.

Council Options:

Review and discuss the recommendation for appointment of Carolyn Wilson to a "City Resident/LCSD- North" position on the Public Arts Committee for a term expiring December 31, 2023.

Potential Motions:

- 1. I move to appoint Carolyn Wilson to the Public Arts Committee for a "City Resident / LCSD- North" position with a two year term. The term expires 12/31/2023.**

Attachments:

Wilson Carolyn_Arts Committee_Redacted.pdf (PDF)



CITY OF LINCOLN CITY

Committee / Board / Commission Application

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

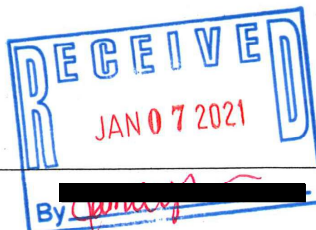
- | | |
|---|--|
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| ☐ Building Board of Appeals | ☐ Transient Room Tax Committee |
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| ☒ Library Board | |

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NAME:	Carolyn L. Wilson	DATE:	12-31-20
HOME ADDRESS:			
MAILING ADDRESS:	Same		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:			
HOME PHONE:		CELL PHONE:	

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: ☒ Yes Length of Time 1 1/2 years
- Do you reside within the Urban Growth Boundary? ☒ Yes Length of Time 1 1/2 years
- 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? _____





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- Keep the Fair Credit Reporting Act (FCRA) Information Sheet for your reference
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- 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.


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:

I'm a retired educator. I've been a teacher, Principal and Superintendent. And reader, mosaic and collage artist, hiker and tennis player.

List names of volunteer/work supervisors:

Rotary Club (Yuba City, TX)

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

Rotary Club (Yuba City morning club, CA) currently Eagles member, (Browns Elementary, (CA) School Board, 2005) many school and training committees.

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

Kim Blackerby, next door neighbor

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

I moved to L.C. because I wanted to return to the Northwest. I would like to continue to support quality programs in my new home.

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

Name: *Greg Jones (Eagles)*

Phone: [REDACTED]

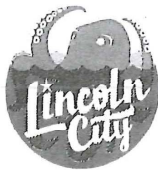
Name: *Bryan Nichols (Zung Life)*

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.

SIGNATURE *[Signature]*

DATE *12-31-20*



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

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Carolyn L. Wilson
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	Same
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Woody Wilson, husband
HOME PHONE:	
CELL PHONE:	[REDACTED]

DATE:	12-31-20
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL

Council Communication

Municipal Court

Meeting Date:	February 22, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	15 minutes

Update:

The Police Chief and City Attorney have discussed making better use of the Municipal Court – including prosecution of crimes (per some division of cases with the District Attorney). Both agree that there are significant impediments, including the Court's historically reduced operation (e.g. there is only one arraignment date in the entire month of March) and the lack of space for misdemeanants in the Lincoln County Jail.

It is fair to say that your legal counsel would nevertheless proceed with an intergovernmental agreement and a court of record ordinance geared toward implementation on July 1, 2021 or some later implementation date, (e.g. January 1, 2022.) [The 2021-22 budget would need to reflect additional funds for court appointed attorneys, jury fees, witness fees and additional Court and PD staff to address criminal processes]. Additional time with the Judge(s) would also be needed. As of today, the new District Attorney, Lanee Danforth, is not adverse to a logical division of cases and is open to discussions. The Police Chief is certainly less enthusiastic, given staffing needs and the other significant impediments which exist. Should the Council desire to move in this direction, the Council would need to discuss the matter with the existing Municipal Court Judge.

As an example, one of the issues the Police Chief and Attorney discussed was failure to appear.

Failure to appear in a court proceeding for a criminal case is a Class A Misdemeanor.

162.195 Failure to appear in the second degree. (1) A person commits the crime of failure to appear in the second degree if the person knowingly fails to appear as required after:

(a) Having by court order been released from custody or a correctional facility under a release agreement or security release upon the condition that the person will subsequently appear personally in connection with a charge against the person of having committed a misdemeanor; or

- (b) Having been released from a correctional facility subject to a forced release agreement under ORS 169.046 in connection with a charge against the person of having committed a misdemeanor.
- (2) Failure to appear in the second degree is a Class A misdemeanor.

Similarly, Failure to appear on a violation is just as serious and is also a crime:

- 153.992 Penalty for failure to appear.** (1) A person commits the offense of failure to appear in a violation proceeding if the person has been served with a violation citation issued under this chapter and the person knowingly fails to do any of the following:
- (a) Make a first appearance in the manner required by ORS 153.061 within the time allowed.
 - (b) Make appearance at the time set for trial in the violation proceeding.
 - (c) Appear at any other time required by the court or by law.
- (2) Failure to appear on a violation citation is a Class A misdemeanor

Failure to appear applies to City ordinance offenses (as we have adopted these statutes by reference and apply them to ordinances, not just state law violations).

In terms of people showing up - the Municipal Court does not get much respect; failure to appear in a violation proceeding is rampant. Prosecuting the crime failure to appear is not complicated (i.e. ORS 153.992). For the criminal trial the officer needs to testify as to the issuance of the violation citation with a legible court appearance date. The Court clerk needs to testify that the defendant did not appear. You can call the Judge also on this element. Not complicated. Class A Misdemeanor. Maximum fine \$6250.00 – 364 days in jail. When the Defendant does not appear the Court clerk would have to write an Affidavit. The prosecutor would file the criminal charge based on the affidavit. The Court would have to issue a warrant (This has not been done in this court for decades). Warrants have to be entered into the system –this takes PD staff time. Warrants can be local or statewide or local. The Court would have to stop its generous Violation Bureau policy of automatically excusing the first failure to appear and resetting a new date. If someone is arrested elsewhere in the state on our warrant, we would have to determine if they should be transported or issued a release agreement with a court date. A video arraignment may also be possible, especially if they are being held on other charges. If transported, we would likely have to pay for the transport. If the arrest is local we could more than likely be looking at an automatic release (on a release agreement) due to overcrowding. Another option would be prompt arraignment – but that would require more judge hours. While this takes time and is frustrating, being arrested does get the defendant's attention. After enough arrests, even the jail will eventually make an exception and hold a repeat offender. As the Police chief notes, this is a lot of process for his employees (warrant process). If someone is arrested on a warrant, and then not

transported but given a release agreement, the warrant must still be cleared and they are free to fail to appear again, and the process repeats.

Finally, if a defendant is lodged – eventually there will be a bill from the County. However, you can add the per diem cost of lodging to their Judgment (in the event of a conviction or plea bargain) and make it a condition of probation (subject to imposition of suspended jail time) that they pay the lodging bill – (there are cases upholding that condition of probation).

Materials From Prior Work Session June 2020 below.

Included in this Council communication is

1. the Council communication prepared by our City Attorney (below)
2. An email from 4/23/2020 by Lt. Broderick (attached)
3. Financial Analysis prepared by Debbie Bridges (attached)

Question:

Should the City Council direct the City Attorney to negotiate an Intergovernmental Agreement with the District Attorney for an allocation of criminal misdemeanor cases between Municipal Court and Circuit Court?

Should the City Council budget additional funds for Municipal Court support, including possible part time help, clerk training, additional judge hours, recording equipment, court appointed counsel, jury and witness fees?

Should the City Council direct the City Attorney to draft an Ordinance to become a court of record?

Staff Recommendation:

Staff [City Attorney] recommends Council take all the actions noted above.

Authority:

See memorandum below

Background:

COUNCIL COMMUNICATION

SUBJECT: MUNICIPAL COURT
TO: City Council
FROM: Richard Appicello, City Attorney
CC: Ron Chandler, City Manager

At its goal setting work session the City Council discussed its priority to increase enforcement. In this context, Council requested more information about the operation of the Municipal Court. At that meeting, I indicated that the City could be doing more with the Court, specifically I mentioned criminal misdemeanor prosecution. For purposes of this memo, there are two areas where I recommend the Council focus:

- Currently, by state statute, the Municipal Court and City Attorney have jurisdiction over all misdemeanor criminal offenses committed within the City limits of the City of Lincoln City. However, at this time, the Court is not exercising its jurisdiction over misdemeanors.
- Currently, the Municipal Court is not a court of record. An appeal of a conviction for a violation or a crime from such a court results in a *de novo* trial in circuit court – as if the Municipal Court proceeding did not occur. While appeals have not been significant, such a system is extremely inefficient.

More recently I clarified that any reduction in the jurisdiction of the Municipal Court [and by extension the prosecutorial duties of your City Attorney under ORS 221.339(5)] is for the City Council to decide – by Ordinance or Intergovernmental Agreement.

MUNICIPAL COURT JURISDICTION:

The City Charter and Oregon Revised Statutes expressly authorize the creation and operation of a Municipal Court. [Chapter 6.1 Lincoln City Charter / ORS 221.339]. Under ORS 221.339, when a misdemeanor crime or a non-criminal violation occurs within the City of Lincoln City, (regardless of whether the crime or the violation is created by city ordinance or state law) the Municipal Court has concurrent jurisdiction with the circuit court.

221.339 Jurisdiction of Municipal Court; prosecutions by city attorney. (1) A

Municipal Court has concurrent jurisdiction with circuit courts and justice courts over all violations committed or triable in the city where the court is located.

(2) Except as provided in subsections (3) and (4) of this section, Municipal Courts have concurrent jurisdiction with circuit courts and justice courts over misdemeanors committed or triable in the city. Municipal Courts may exercise the jurisdiction conveyed by this section without a charter provision or ordinance authorizing that exercise.

(3) Municipal Courts have no jurisdiction over felonies or designated drug-related misdemeanors as defined in ORS 423.478.

(4) A city may limit the exercise of jurisdiction over misdemeanors by a Municipal Court under this section by the adoption of a charter provision or ordinance, except that Municipal Courts must retain concurrent jurisdiction with circuit courts over:

(a) Misdemeanors created by the city's own charter or by ordinances adopted by the city, as provided in ORS 3.132; and

(b) Traffic crimes as defined by ORS 801.545.

(5) Subject to the powers and duties of the Attorney General under ORS 180.060, the city attorney has authority to prosecute a violation of any offense created by statute that is subject to the jurisdiction of a Municipal Court, including any appeal, if the offense is committed or triable in the city. The prosecution shall be in the name of the state. The city attorney shall have all powers of a district attorney in prosecutions under this subsection.

No ordinance or Charter provision currently limits the jurisdiction of the Municipal Court or the City Attorney. [ORS 221.339(4)] Accordingly, with a few exceptions, all misdemeanor crimes can be prosecuted in Municipal Court. Lincoln City Chapter 2.40 contemplates criminal trials and includes procedures for creating the jury pool and selecting a jury. Note: this Chapter of the Code is decades old - and must be updated.

Misdemeanor crimes have different classifications, and the classifications signify different fines and terms of incarceration. [ORS 161.615 & ORS 161.635]. Class A misdemeanors are punishable by a fine of up to \$6,250 and up to 364 days in jail. Examples, include: ORS 471.410 - Providing alcohol to a person under the age of 21, ORS 163.160 - Assault in the fourth degree, and ORS 811.140 -Reckless Driving. Class B misdemeanors are punishable by a fine of up to \$2,500 and up to 6 months in jail. Examples include: ORS 166.065 - Harassment, ORS 166.025 Disorderly Conduct in the second degree, and ORS 166.090 - Telephonic harassment. Class C misdemeanors are punishable by a fine of up to \$1,250 and up to 30 days in jail. Examples include: ORS 164.245 -Criminal trespass, and ORS 164.805 Offensive Littering. There are also less common - unclassified misdemeanors - which specify the penalty.

As City Attorney in other jurisdictions, I have personally prosecuted in Municipal Court every crime used as an example above and many more. In Lincoln City Municipal Court, I have prosecuted crimes, but the scope has been much more limited than in other jurisdictions. For example, beginning in 2013, under the authority in ORS 221.339(5), I endorsed criminal complaints for misdemeanors that were filed in the Municipal Court. At the time, most of the cases sent to me were property crimes (Theft – e.g. shoplifting), some nuisance type crimes (offensive littering) and other lower level offenses (criminal trespass, disorderly conduct and the like). Apparently, the police department had a policy of sending such minor misdemeanor offenses to Municipal Court. The prior city attorney had a policy of reducing the charge to a violation under authority of ORS 161.566.

In 2013 Oregon appellate courts ruled that, in some circumstances, defendants in violation cases were entitled to jury trials. *State v. Fuller* 354 Or. 295 (2013); *State v. Benoit* 354 Or. 302 (2013). The Fuller and Benoit cases held that a defendant still has a right to a jury trial if the case started out as a criminal case and was later unilaterally reduced by the prosecutor under ORS 161.566. I informed Council of this case law and I advised Council I would not be unilaterally reducing crimes to violations – I would only make such reductions as part of a negotiated plea bargain. Council adopted Ordinances 2014-01 and 2014-03 in response - creating a process that allows police officers to cite a criminal charge as a violation. (We discussed this unused option last year in the context of fireworks enforcement).

After these cases, I continued to see some criminal cases and negotiated plea bargains on the cases that were sent to me. In general, most criminal cases settle by way of a plea bargain. In Municipal Court, defendants often waive their right to counsel as a matter of record in order to get an offer from the prosecutor. ORS 135.405(2). If they accept the offer, the case settles- usually with a guilty plea, deferred sentence or diversion. If the defendant does not accept the offer, the Court will allow them to rescind their waiver of counsel and allow them to hire counsel or apply for a court appointed attorney. This has been my experience in my prior City Attorney positions in Oregon. I negotiated plea bargains for most cases. When a defendant refused to settle, I either tried the case to a jury or to the bench or contracted out the trial to a contract prosecutor (an effective plea bargaining tool).

As noted, criminal prosecution in the Municipal Court has been reducing over the last several years. Some years back, a defendant in a reckless driving case cited to Municipal Court did not accept my plea offer and asked for court appointed counsel. The Municipal Court was not prepared to appoint counsel, and the delay associated with finding and retaining counsel resulted in the dismissal of the case. (The witnesses became non-responsive and there was a speedy trial issue). Just last year, a new police officer cited two defendants for urination in public (city ordinance crime) to the Municipal Court. The Finance Director informed me that there was no money for court appointed counsel, juries

or witnesses. As a consequence, I asked the police to re-cite the defendant to Circuit Court using a state law equivalent of the city's public urination law.

Where I routinely saw misdemeanor shoplifting and trespass cases in my early years with the City, in recent years my office has seen fewer and fewer criminal cases. The Finance and Police Departments reported that one state law crime was cited to Municipal Court in 2019. The above referenced public urination crimes were the only city ordinance crimes cited to Municipal Court in 2019. In 2016 according to Finance, eighteen (18) criminal cases were apparently cited to Municipal Court. I do not have numbers going back to 2013. Again, the reduction in criminal cases being sent to Municipal Court was not based on a decision of the Council to limit the Court's jurisdiction.

I discussed criminal prosecution in Municipal Court with District Attorney Jonathan Cable. The District Attorney indicated that prosecution of criminal cases by the city would be appreciated. He was agreeable to a logical allocation of cases in an intergovernmental agreement, as described in my recommendation below.

Finance reports that non-criminal violations being prosecuted in the Municipal Court are at about 1,300 cases for 2019. That is consistent with the 2016 number of cases. The Police Department provided several reports detailing misdemeanor criminal cases sent to the Circuit Court. For example, the Police reported 2019 misdemeanor jail bookings as follows: A misdemeanor – 577, B misdemeanor 201, C misdemeanor 112, Unclassified 209[total: 1099]. The bookings report appears to include probation violations. Another report (Charge Inquiry Report) showed 898 misdemeanor charges going to the Circuit Court. Disposition of the cases is less clear – there appear to be 182 guilty pleas, 66 trials and 411 cases dismissed, many cases appear to still be open. The point is – there are plenty of criminal cases – and certainly some logical allocation of these cases can be made for the City to prosecute in Municipal Court.

There is no way to determine from these numbers what revenue would be derived from restoring some Municipal Court criminal prosecution – but the reason for restoring prosecution should not be about revenue generation. Municipal Court is provided as a service to the citizens of Lincoln City- who will not need to travel to Newport and who will see the local administration of justice. Having a local court also helps cut down on travel time for officers, victims and witnesses. While police overtime for Circuit Court exceeds overtime for Municipal Court, (about 150 hours versus about 100 hours) we can't be sure of any savings because the Circuit Court cases could have been felonies. Logically however, if some criminal cases are handled locally, time spent traveling to court will be reduced. Local criminal misdemeanor prosecution simply supports the efforts of the police department by removing some of the lower priority workload from the District

Attorney – freeing up the District Attorney and the Circuit Courts for higher priority offenses.

In addition, when Municipal Courts vigorously follow up with misdemeanants on bench probation, by ordering defendants to appear and show cause why they should not be found in contempt – whether they failed to comply with ordered treatment or payment of restitution and fines, the misdemeanants are forced to change their behavior. The community is better for the effort. Probation violations can result in sanctions, including imposition of suspended jail time, community service or imposition of suspended fines.

Restoring Municipal Court prosecutions has an impact on my position, my legal assistant, the police, and the court (judge and clerk). My office is prepared to negotiate an agreement with the DA on an allocation of cases, update the municipal code on court procedures and administration and restore some criminal prosecution – as well as provide the necessary monitoring of probationers.

The Court has in the past not been sufficiently supported to keep up with violations, let alone criminal prosecution. As there is an effort to temporarily increase court staff to full time, this may be the opportunity to train court staff and move toward a more robust Municipal Court operation. St. Helens related that a couple years back they went through a change in personnel (judge and court clerk) which resulted in having to catch up on a backlog of collections cases – so the problem described by the Finance Director is not uncommon. Training and coordination with the police support staff – to issue warrants based on the chronic problem of defendants failing to appear for both violations and crimes would be helpful and would address much of the misgivings the police have previously expressed with restoring criminal prosecution in Municipal Court. Failure to appear is a Class A misdemeanor; warrants for failure to appear have a way of getting the attention of a defendant- unlike a simple citation.

My assistant did a brief survey of Municipal Courts (see attached). While the experience of other courts cannot always transfer exactly, if crimes are restored to Municipal Court the court will need to budget for court appointed attorney fees and jury and witness fees. In my experience, Municipal Court trials are few and far between- so witness fees and jury fees need only be in the hundreds of dollars. Court appointed attorney fees in St. Helens is budgeted at about \$3,000 per year. They do about \$200,000 per year on average in fines. Looking at Municipal Courts that prosecute crimes it appears for our population, one and one half to two court clerks would be required. The Judge would likely need to add one or two court days a month for criminal proceedings. Video arraignment should be explored for in custody situations – particularly for violations of bench probation. I could use my outside counsel budget (as I have in the past) to contract out prosecution of a trial if I was unable to devote sufficient time to a case.

CITY ATTORNEY RECOMMENDATION:

- **Gradually restore the Municipal Court to operate within its full jurisdiction and facilitate the prosecution of misdemeanor crimes. By intergovernmental agreement, [District Attorney is agreeable] establish a balanced allocation of cases based on resources (e.g. *Domestic Violence misdemeanors can go to the DA because of the importance of victim's assistance*). Budget sufficient funds for court-appointed counsel, witnesses fees and jury fees. Train the clerk(s) in criminal procedures, including probation violation, failure to pay, affidavits for failure to appear for violations and crimes and warrant procedures. Consider additional court staff and judge hours. In short, local criminal prosecution and monitoring of misdemeanants on bench probation will only enhance local law enforcement.**

Alternate: Sometimes review of Court financial issues leads local officials to consider not having a Court. This is an option, certainly not my recommendation. You may contract with the State Court Administrator per the statute below. I am not at all sure that the State Court Administrator would be interested, due to the workload and current delays (and backlog) in the Circuit Courts:

221.357 Provision of judicial services to city by circuit court. (1) A city having a population of 300,000 or less may enter into an agreement with the State Court Administrator for the provision of judicial services by the circuit court for the county in which the city is located.

(2) A circuit court providing services to a city under an agreement entered into under subsection (1) of this section shall have all judicial jurisdiction, authority, powers, functions and duties of the Municipal Court of the city and the Municipal Court judges with respect to any violations of the charter or ordinances of the city.

(3) Unless an agreement entered into under subsection (1) of this section provides otherwise, and subject to the provisions of ORS 153.640 to 153.680, all fines, costs and forfeited security deposits collected shall be paid to the city, and the city shall reimburse the circuit court providing judicial services for expenses incurred under the agreement.

(4) The exercise of jurisdiction under an agreement entered into under subsection (1) of this section by a circuit court judge shall not constitute the holding of more than one office. [Formerly 221.337; 2011 c.597 §130]

COURT OF RECORD

Whether or not the Municipal Court prosecutes crimes, the Council has the option to make the Municipal Court a court of record.

221.342 Method by which Municipal Court becomes court of record. (1) Any Municipal Court may become a court of record by:

(a) The passage of an ordinance by the governing body of the city in which the court is located; and

(b) The entry of an order by the Supreme Court acknowledging the filing of the declaration required under subsection (2) of this section.

(2) Before a Municipal Court may become a court of record, the governing body of the city in which the court is located must file a declaration with the Supreme Court that includes:

(a) A statement that the Municipal Court satisfies the requirements of this section for becoming a court of record;

(b) The address and telephone number of the clerk of the Municipal Court; and

(c) The date on which the Municipal Court will commence operations as a court of record.

(3) The Supreme Court may not charge a fee for filing a declaration under subsection (2) of this section. Not later than 30 days after a declaration is filed under subsection (2) of this section, the Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of the order of acknowledgment to the city and the public.

(4) The city shall provide a court reporter or an audio recording device for each Municipal Court made a court of record under this section.

(5) The appeal from a judgment entered in a Municipal Court that becomes a court of record under this section shall be as provided in ORS chapter 138 for appeals from judgments of circuit courts.

(6) As a qualification for the office, a municipal judge for any Municipal Court that becomes a court of record must be a member of the Oregon State Bar. [1999 c.682 §3; 2003 c.687 §7; 2007 c.330 §4]

Basically, to become a court of record you need an ordinance, an attorney judge who is a member of the Oregon State Bar, an audio recording device (digital recording on a computer with appropriate software), and you need to register the Court with the State.

The principal benefit of being a court of record is that there is no de novo appeal of a conviction. When a jury comes back with a criminal conviction in a criminal case or the judge rules against a defendant in a violation trial, and the court is not a court of record, the defendant can appeal (no error needs to be identified) and obtain a completely new trial in circuit court, as if no trial had occurred in Municipal Court.

By contrast, an appeal from a conviction in a Municipal Court that is a court of record may only be filed in accordance with ORS Chapter 138 –and then only to the Court of Appeals. There is no new trial. What happened in the Municipal Court is reviewed for legal error. Whether the offense tried in Municipal Court is a crime or a violation does not matter. The prosecutor, the victims, the witnesses, the officers, do not have to go through a trial twice. The added benefit of having everything recorded helps staff do its work and

protects the City by preserving the proceedings so that any allegation can be answered by review of the recording.

In my experience, I have seen resistance to a local court becoming a court of record because of a desire to maintain an informal atmosphere. As your legal counsel, if the Court is prosecuting crimes I believe being a court of record is essential – procedures must be followed, informality is not encouraged and the record must be clear when constitutional rights are involved. However, even if the court only deals with violations, following procedures to afford procedural due process to all participants (police and defendant) is essential. Recording court proceedings elevates the quality of the proceedings.

My assistant obtained some quote information on the cost of the software used by several courts (see attached). In short, it is about \$3,500.

CITY ATTORNEY RECOMMENDATION:

- **Purchase a recording system for the Municipal Court and pass an ordinance to become a court of record. Whether it is a violation offense or a crime, a Court of record designation means that the decision is final and may only be appealed to the Oregon Court of Appeals for legal error.**

[Note: referenced attachments not included in this Agenda packet – see prior email]

Council Options:

1. Motion to direct the City Attorney to negotiate an Intergovernmental Agreement with the District Attorney for an allocation of criminal misdemeanor cases between Municipal Court and Circuit Court.
2. Motion to budget additional funds for Municipal Court support, including possible part time help, clerk training, additional judge hours, recording equipment, court appointed counsel, jury and witness fees.
3. Motion to direct the City Attorney to draft an Ordinance to become a court of record.

Attachments:

municipal court email d broderick 4-23-2020 2 (PDF)

Municipal Court Expansion 6-25-2020 (PDF)

2-1-21 Chief response memo regarding Muni Court Proposal from Appicello (PDF)

2021-02-03 muni court citations j russell (PDF)

2021-02-16 Memo municipal court d bridges (PDF)

Survey of Oregon Municipal Courts 5-11-20 (PDF)

RE: Court Budget

From David Broderick
To Jerry Palmer, Richard Appicello, Ronald ChandlerStacey KehrTami Williams, Vickie Lawrence
Date 2020/04/23 15:10
Subject: RE: Court Budget
Attachments: image001.png

Richard,

As I've said when this topic has previously come up...We've done this before in this city, (Early to mid-2000s) and it did not work for this department or the city. What happens when we, "Need", to lodge someone on these crimes, as we often do in order to get them off the street, we do not have a city jail facility. If the ability for us to lodge misdemeanor crimes is taken away it ties our hands as these are the majority of the repeat offender cases we deal with day-to-day. What happens when our defendants fail to comply or fail to appear? What happened in the past was that muni court issued warrants, but with no city jail those FTC and FTA defendants simply received a 2nd citation to appear....and then a 3rd and then a 4th and so on. It got to a point that muni court had a very long list of people we were not allowed to cite into muni court because they never complied, because there was no repercussion. The city also had a long list of defendants who had to be sent to collections because the courts were unable to recover fees, because the people we deal with have no money. How about victim's assistance? Will the city have the resources to provide services to crime victims? I say this and ask these questions because I and many of the long time officers in this department have been down this road before and it did not work. It caused us more work and we had frequent fliers who knew they weren't going to jail so there was no deterrent to them habitually committing crimes. Moving back to misdemeanors going to muni court will have a negative impact on the efficiency of the PD to manage crimes.

Also I don't believe that we are unhappy with the level of misdemeanor prosecutions. I'll have to do some research to make sure of that but most of our cases go down and are dealt with appropriately by the DA's Office and the courts.

As far as how much time we spend in court, this should be able to be tracked through finance and KRONOS, (maybe Debbie can pull a report for you). Travel to and from is about an hour. If the officer is in on OT for court he/she is on a 3 hour minimum call back, per the CBA, whether they drive to court in Newport or they drive to City Hall. Very little OT is spent driving to Newport to lodge a suspect as the on-duty officers are generally the ones doing the transports.

I don't know that I can tell you how much revenue you would make if you prosecuted misdemeanors in muni court. I guess that would depend on the sentencing and fee structure the city had in place and then how much the costs would be for recordation, facilitating a jury, paying for defense attorneys, victim's assistance, etc. when needed. I'm sure the DA's Office could provide you records but without you breaking things down further I wouldn't even know where to begin.

Dave

Municipal Court Expansion – Financial Analysis

6/25/2020

The question of expanding the municipal court was discussed during the FY2018 budget. We estimated that an additional \$250,000 would be needed to cover this expense. We also estimated that we could see an increase of fines & forfeitures revenue of \$100,000 leaving a net loss to the City of \$150,000.

At that time, we provided the following cost comparison.

	Oregon City	Ashland	St Helens	Florence	Lincoln City
Court Expenditures					
Salaries & Benefits	485,509	411,450	209,020	144,700	59,012
Materials & Supplies	46,458	28,480	57,620	134,800	11,969
Contract Services	124,778	88,485	136,240		0
Total Court Expenditures	656,744	528,415	402,880	279,500	70,981

Debbie has provided a more recent comparison that includes of court revenue for the jurisdictions.

Court Financials - Violations and Misdemeanors							
FY2019-20 Budget Numbers							
	Lincoln City	Reedsport	St. Helens	Monmouth	Cottage Grove		
Court Revenue	123,961	119,750	272,000	136,530	92,200		
Expenditures							
Court Clerk	49,304	29,300	158,000	134,970	44,470		
Professional Svcs	21,236	36,000	200,000	58,220	25,500		
Other	16,028	18,100	20,000	64,690	22,650		
Total Expenditure	86,568	83,400	378,000	257,880	92,620		
Net	37,393	36,350	-106,000	-121,350	-420		
The City of St. Helens is somewhat unique compared to other municipalities in that it will process criminal cases of a less-serious manner instead of these cases being directed to Columbia County.							

The City has had an expanded municipal court. Debbie prepared the following expenditure information from that time.

Revenues	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00
Fines & Forfeitures	70,281	77,087	83,025	83,079	80,181	50,463	68,528	72,866
DUII Fees	4,524	4,820	4,300	5,976	3,867	6,178	13,137	10,102
Court Costs	3,310	3,352	2,944	4,004	6,507	5,041	5,974	6,005
Parking Fines	605	835	600	630	1,130	505	655	630
District Court Collections	3,411	3,615	4,229	5,309	10,585	16,370	18,232	16,486
Admin Costs Jail Assess	0	1,096	1,213	1,213	1,213	1,213	1,213	1,213
Court Forfeiture Collections	6,566	10,042	0	4,847	0	0		0
City Appointed Att Fee Restitution	5,683	4,668	5,076	7,799	4,143	2,358	2,775	1,309
Total Revenue	94,380	105,515	101,387	112,857	107,626	82,128	110,514	108,611
<i>Citing of major traffic and criminal charges to Lincoln County District Court in November 1995</i>								
Expenses								
City Attorney	126,085	145,935	152,445	87,498	92,700	89,973	98,483	104,092
Municipal Court								
Budget				105,946				
Actual	N/A	N/A	N/A	95,680	81,349	75,028	74,482	77,081
Finance	377,568	443,125	399,666	306,146	349,297	330,513	397,953	411,702
Estimated Savings:								
City Attorney Budget				50,000				
Court Budget				15,000				
Finance Budget				50,000				
Total				115,000				

Finally, we revised the General Fund Long Term financial plan and forecast to show the impact of adding \$250,000 for an expanded municipal court. We did not increase the revenue because there is uncertainty about the amount of increased revenue that may be obtained through an expanded municipal court.

City of Lincoln City
General Fund Financial Plan
FY2020-21 Budget

UR Sunset

RE 85% RE 100%

UR Sunset 2

	Actual FY14-15	Actual FY15-16	Actual FY16-17	Actual FY17-18	Actual FY18-19	Estimated FY19-20	Proposed FY20-21	Projected					
								FY21-22	FY22-23	FY23-24	FY24-25	FY25-26	
PROPERTY TAXES	5,903,589	6,221,094	6,457,526	6,668,901	6,962,062	7,049,185	7,257,457	7,675,181	7,905,436	8,142,599	8,386,877	8,638,484	3.0%
TRANSIENT ROOM TAXE	1,344,859	1,423,506	1,451,288	1,598,826	1,631,614	1,277,184	1,701,820	1,752,875	1,805,461	1,859,625	1,915,413	1,972,876	3.0%
FRANCHISE FEES	994,742	1,007,002	1,048,034	1,079,510	1,080,130	1,091,981	1,093,900	1,126,717	1,160,519	1,195,334	1,231,194	1,268,130	3.0%
PLANNING & BLDG	203,088	252,586	232,643	269,278	543,910	310,732	296,964	316,018	336,354	358,060	381,231	405,966	
LICENSES & PERMITS	409,445	407,237	413,734	403,679	412,578	378,509	390,106	397,908	405,866	413,984	422,263	430,709	2.0%
INTERGOVERNMENTAL	593,446	591,538	601,054	805,514	804,849	829,061	885,157	911,712	939,063	967,235	996,252	1,026,140	3.0%
FINES AND FORFETS	170,516	154,811	155,884	141,298	166,802	157,904	205,267	211,425	217,768	224,301	231,030	237,961	
COMMUNITY CENTER	435,410	485,147	500,876	530,968	529,330	409,753	610,306	625,429	641,011	657,070	673,626	690,699	3.0%
MISCELLANEOUS	477,284	439,939	500,972	632,372	802,349	706,649	684,773	665,205	665,650	666,106	666,574	667,055	4.0%
TRANSFERS IN	580,516	597,932	583,535	518,080	608,610	608,424	608,709	626,970	645,779	665,153	685,107	705,661	3.0%
TOTAL REVENUES	11,112,894	11,580,794	11,945,545	12,648,426	13,542,235	12,819,382	13,734,459	14,309,440	14,722,907	15,149,466	15,589,567	16,043,678	
EXPENDITURES													
CITY COUNCIL	19,604	23,638	20,117	19,831	52,800	30,950	35,178	36,233	37,320	38,440	39,593	40,781	3.0%
CITY ADMIN	634,425	550,620	564,577	616,417	644,836	687,713	792,203	762,215	799,058	837,852	878,708	921,746	
FINANCE	757,314	798,497	802,276	749,218	791,330	838,031	905,118	872,955	912,598	954,251	998,026	1,044,042	
LIBRARY	803,809	804,634	868,845	903,344	970,969	1,042,177	1,147,408	1,112,334	1,162,968	1,216,159	1,272,049	1,330,789	
MUNICIPAL COURT	62,550	69,787	65,487	69,533	74,961	78,102	115,995	114,510	120,008	125,794	131,886	138,301	
<i>Court Expansion</i>							250,000	257,500	265,225	273,182	281,377	289,819	
CITY ATTORNEY	178,240	237,487	238,554	238,468	228,730	264,062	290,360	274,057	287,112	300,852	315,316	330,546	
PLANNING	459,141	528,350	540,092	534,785	573,068	410,193	496,734	485,773	507,982	531,325	555,864	581,668	
BUILDING INSPECTION	240,102	219,801	238,429	280,856	540,645	305,742	324,217	333,702	354,191	376,008	399,241	423,986	
ECONOMIC DEVELOPME	0	0	0	101,936	493,540	626,217	625,988	631,312	653,580	676,717	700,763	725,759	
POLICE	3,440,096	3,636,879	3,629,567	3,930,841	4,229,682	5,007,002	5,720,779	5,470,721	5,736,429	6,016,392	6,311,445	6,622,476	
DISPATCH	795,836	792,198	819,453	853,430	938,529	1,079,887	1,224,926	1,182,399	1,240,570	1,301,888	1,366,538	1,434,717	
COMMUNITY CENTER	1,029,161	1,052,079	1,049,107	1,132,828	1,226,560	1,235,472	1,526,163	1,502,602	1,572,232	1,645,620	1,723,000	1,804,623	
CITY HALL OPERATIONS	282,422	242,549	239,573	381,365	361,875	653,701	274,716	282,957	291,446	300,190	309,195	318,471	
TOTAL OPERATIONAL	8,702,701	8,956,518	9,076,075	9,812,853	11,127,526	12,259,249	13,729,785	13,319,271	13,940,720	14,594,669	15,283,004	16,007,726	
CAPITAL OUTLAY	415,306	262,688	172,048	228,794	273,647	449,973	166,520	350,000	350,000	350,000	350,000	350,000	
TRANSFERS OUT	366,000	545,000	427,000	393,878	456,232	495,583	477,207	491,523	506,269	521,457	537,101	553,214	
LOAN TO OTHER FUNDS	0	0	0	300,000	0	0	0	0	0	0	0	0	
SPECIAL ONE-TIME CAPI	0	0	0	750,000	2,027,587	1,250,000	0	850,000	650,000	650,000	400,000	175,000	
TOTAL EXPENDITURES	9,484,007	9,764,206	9,675,123	11,485,524	13,884,992	14,454,805	14,373,512	15,010,794	15,446,989	16,116,126	16,570,104	17,085,940	
CHANGE TO FUND BALA	1,628,887	1,816,588	2,270,422	1,162,902	-342,757	-1,635,423	-639,053	-701,354	-724,082	-966,660	-980,537	-1,042,262	
BEGINNING BALANCE	3,220,218	4,849,106	6,665,693	8,936,116	10,099,018	9,756,261	8,120,838	7,481,785	6,780,431	6,056,349	5,089,689	4,109,152	
ENDING FUND BALANCE	4,849,106	6,665,693	8,936,116	10,099,018	9,756,261	8,120,838	7,481,785	6,780,431	6,056,349	5,089,689	4,109,152	3,066,890	



LINCOLN CITY POLICE DEPARTMENT

1503 SE East Devils Lake Rd | Lincoln City, OR 97367 | 541.994.3636 | LincolnCity.org

Mr. Chandler,

Below are my comments (In Red Below) to the various parts of Mr. Appicello's council communication about his support for making Municipal Court a court of record and prosecuting at least Fail to Appear Misdemeanors. (FTA)

I have also attached an email I got from Lt. Jamie Russell, Lincoln County S.O. Jail Commander with her take on trying to manage FTA warrants as it pertains to using the jail system.

These are comments I made to Mr. Appicello last week during our discussion on this topic.

2-1-21 from Email sent to Chief Palmer by Richard Appicello

I know we will be talking later in the week but here are a few thoughts.

At a minimum, if we prosecuted no other crimes, we should prosecute Failure to Appear in a Violation Proceeding. As you know the Failure to Appear rate in Municipal Court is ridiculous.

(1)

I agree and have confirmed with Debbie Bridges in Finance, that the city is experiencing a high Fail to Appear (FTA) rate for both Code Enforcement and Traffic Citations. However, it is my opinion that we should first try to change how Municipal Court is managing citation and court appearances.

The County has implemented a plan where our criminal citations must be processed to the Circuit Court or DA within 10 days. Then administrative staff immediately begin communicating directly with the defendant and getting them on the docket as soon as possible. The process they are using reportedly has reduced their FTA rate by over 80%.

Currently the next available date for arraignment on citations issued to Municipal Court are four to five weeks out from the cite date. Then if the defendant wants a trial it can be several to many additional weeks before they have a trial date. This is partly due to how few days a month the judge is available for trial.

I think we should try to streamline this process, patterning after what the County is doing and see if we get similar results in reducing FTA.

What is involved - For the criminal trial the officer needs to testify as to the issuance of the citation with a legible court appearance date. The Court clerk needs to testify that the defendant did not appear. I could also call the Judge on the same element. Not complicated. Class A Misdemeanor

Yes, the Court clerk would have to write an Affidavit.

I would have to file the criminal charge.

The Court would have to issue a warrant. (could be statewide or local – given we have “criminal tourists” I would go statewide).

(2)

Statewide warrants would be very challenging and probably costly. If a person with an FTA warrant on a Municipal Court violation is found elsewhere in the state, the agency that located the defendant will call us to ask us if we are going to come get the person and transport them, or if we want them cited to appear and released.

They will ask this question because most jails around the state will not have jail space to lodge the defendant. Also, as Lt. Russel states in her email, the state wide jail transport system will not transport on Municipal Court Warrants, so I would have to send two officers, probably on overtime, in a patrol car to transport the defendant back to Lincoln City.

LCPD can only hold a person for 4 hours in our holding cells, by state law. The LCSO jail will not lodge defendants on these warrants, especially during COVID restrictions. But I doubt seriously they would even without COVID, due to minimal jail space and their need for that space for serious person crime offenders.

If the jail actually would lodge the defendant the cost to the city to house them would be over \$135.00 per day. Lt. Russell also points out that getting restitution from the defendant for these costs can be problematic. She says it is not legal to assess fines/restitution prior to conviction.

Obviously, this would be a costly way to get the defendant here and more often than not would result in LCPD telling the arresting agency to cite them to appear in court on a specific date. LCPD experienced this cycle of FTA back in the 1990's. The defendant FTA's, a warrant is issued; another agency finds the defendant, they are cited to appear and released; the defendant fails to appear again....

The Court would have to stop its {...} policy of automatically resetting the appearance (without adequately notifying the defendant).

(3)

I refer to my previous comment about improving and streamlining our citation and appearance processes to try to reduce FTA.

Your people (Dispatchers) would have to enter the warrant in the system.

(4)

Managing arrest warrants is much more significant time for Dispatchers than just entering the warrants. They have to be tracked, have monthly and yearly audits, be cleared if an arrest is made, etc.

Lodging at the County could be a time suck and may result in near immediate release - given COVID.

See Comment #2 above.

I am wondering if we could bring the defendant before the Judge (do a video arraignment from your facility) and have them released on a release agreement (with or without bail – based the Judge’s review of the primary and secondary release criteria).

(5)

In order for this to work a judge would have to be available 24/7. FTA warrants can be encountered any time of day, seven days a week. Even if the defendant is located within city limits, we would have to have them in front of the judge, video or otherwise, within 4 hours.

If they lodge the defendant getting a bill from the County would be a non-issue as it is a crime and we can add the per diem cost of lodging to their Judgment and make it a condition of probation (subject to imposition of suspended jail time) that they pay the lodging bill – (there are cases upholding that condition of probation).

See Lt. Russell’s email and see Comment #2 above.

I and my Command Staff do not support the idea of attempting to process criminal proceedings at the Municipal Court level. The city experimented with this in the past. It did not work well and that is why it was changed to what we now have in the ‘90’s.

We already have a system for crimes established at Circuit Court. As I have stated above, I think we can do better by getting the citations we do send to Municipal Court adjudicated more quickly and pattern our process after the County’s.

As Debbie Bridges notes in her memo, I have similar concerns about the expense of court appointed defense attorneys and all of the other costs associated with criminal trials. I do not believe the city will see restitution offset these costs.

Chief Jerry Palmer

PENALTIES

153.990 Penalty for false certification. Any person who in connection with the issuance of a citation, or the filing of a complaint, under this chapter, knowingly certifies falsely to the matters set forth therein commits a Class A misdemeanor. [1981 c.692 §14; 1999 c.1051 §31]

153.992 Penalty for failure to appear. (1) A person commits the offense of failure to appear in a violation proceeding if the person has been served with a violation citation issued under this chapter and the person knowingly fails to do any of the following:

- (a) Make a first appearance in the manner required by ORS 153.061 within the time allowed.
 - (b) Make appearance at the time set for trial in the violation proceeding.
 - (c) Appear at any other time required by the court or by law.
- (2) Failure to appear on a violation citation is a Class A misdemeanor. [1999 c.1051 §29]

Ronald Chandler

From: Jamie Russell <jrussell@co.lincoln.or.us>
Sent: Wednesday, February 3, 2021 9:50 AM
To: Jerry Palmer; David Broderick
Subject: Muni court citations

Chief Palmer -

As per our conversation, I am providing some input regarding the possibility of the Lincoln City Muni Court issuing Fail to Appear (FTA) criminal warrants if/when a defendant fails to appear for their scheduled court appearance.

1. In my review of information relating to issuance of criminal FTA warrants, it appears that a criminal FTA warrant can not be issued when someone does not show up for their muni court appearance. ORS 133.076 allows for the issuance of a FTA criminal warrant only on a criminal citation. The remedy is a default judgment. Under ORS 153.064, the court COULD issue a "show cause" which then requires the defendant to be served, and an arrest warrant could be issued, but that's a lot of resources to expend on a \$100 fine.
2. Transportation considerations if the subject is located in another county: The Oregon jail transport system does not allow for the transport of defendants on muni cases, this would require someone from LCPD driving to their location and picking them up - again a lot of resources to expend.
3. How would court appointed counsel be enacted for the defendant. There is an established process (paperwork) that the courts require in order to determine if the defendant is authorized counsel.
4. Our facility would likely charge a housing fee for defendants housed on muni court cases - unknown at this time what that cost would be.
5. Restitution - I would caution adding a lodging fee for the defendant as there is very specific language in the law regarding pretrial defendants. It is very likely that any restitution added to a judgement would not be collected unless a process was established to turn debt over to the DOR.
6. If a similar process was to be enacted for juveniles, we would not lodge under the age of 18.
7. Establishing a process for entering warrants is more than the initial entry. There are monthly and yearly validations that have to take place, staff have to have extensive LEDS training/certification and have availability 24 x 7 to confirm warrants.

The process as a whole is very costly, the city would be expending a substantial amount of money and the return on their investment isn't going to be what they are thinking it might be.

**Jamie Russell**

Lincoln County Sheriff's Office

Jail Commander

Phone 541-265-0701

www.lincolncountysheriff.net

251 W. Olive St. Newport, OR 97365



Memo

To: Ron Chandler

From: Debbie Bridges

cc: Jerry Palmer

Date: February 16, 2021

Re: Municipal Court

As I have not been included in the discussions leading to the City Attorney's recommendations to City Council for Municipal Court changes, I wanted to submit this memo so that my concerns can be noted, both from both the Municipal Court department head perspective and from a City finance perspective.

In November of 1995 the City made a decision to begin citing major traffic and criminal charges to the County District Court. This was done for many reasons, one of them being financial. I have estimated that in FY95-96 the City saved \$115,000 by making this change, and had no loss of revenue (the City gets a share of revenue from citations we have cited to the county).

I am very concerned for the cost involved in changing our court to a court of record, writing affidavits, issuing warrants, billing for per diems, paying for court appointed attorneys and jury and witness fees, having jury trials, the cost of lodging defendants in the county jail, and the cost of adding additional police staffing. I don't know what the cost is to lodge a person in jail, but it can't be cheap. We certainly do not have adequate funding to pay police officers to travel all around the state to arrest people for traffic violations.

Given the amount of non-payment we experience on our current citations, even when we can and do suspend driver licenses, I do not expect that we could recover much of these costs. Recouping these costs assumes: (1) the defendant will pay, and (2) the defendant will be found guilty and receive a monetary sentence, and (3) the judge will be willing to add lodging fees to the sentence.

In view of the long-term financial pressure the general fund faces, I don't understand why we would want to go back to losing a significant amount of money on our court. One might also ask if putting someone in jail for a traffic violation is really a good use of limited jail resources.

Chief Palmer shared with me the County has recently made changes to its processes so that citations are scheduled in Circuit Court very soon after the citation is issued, and they have experienced a significant decline in their failures to appear.

Due to our current court schedule, our citations are often issued with court dates one month or more out. If Council wishes to address the issue of failures to appear, which is a real issue and one I would absolutely like to see addressed, my recommendation would be to first try changing our Court schedule so that citations can be issued with a court date that is only a week or so out. The only cost factor associated with this would be renegotiating the contract with our judge to include additional court dates during the month.

Survey of Oregon Municipal Courts

- 1) Is your Municipal Court a court of record?
- 2) Does your court handle violations only or does it handle criminal misdemeanor charges as well?
- 3) How many full time/part time clerks does your court have?
- 4) How many judges do you have?
- 5) Is your judge on contract or an employee?
- 6) How many hours does your judge work or the cost for the judge?

If Court of Record-

- 7) Do you know the cost of equipment to make your court a court of record?
- 8) Do you know the amount of revenue making the court a court of record brought in?
- 9) Do you know if it has been cost effective for your jurisdiction?

THANK YOU.

CONTACTS:

City of Toledo 541-336-2247

- 1) No.
- 2) Violations.
- 3) 2 part time clerks (Time equals 20 hours combined for both clerks per month).
- 4) 1 Judge.
- 5) Contracted -They pay \$1,000 per month.
- 6) Court twice a month. Sometimes court is only one hour, sometimes more. FTA rate is about 75%. Sometimes the judge has no one in courtroom.

City of Newport 541-574-0616

- 1) Yes.
- 2) Violations.
- 3) 1 part time clerk.
- 4) 1 judge.
- 5) Contracted.
- 6) For hours worked and amount earned contact Payroll.
- 7) No.
- 8) Refer to Finance Department.
- 9) Refer to Finance Department.

City of Corvallis 541-766-6948

- 1) No.
- 2) Both.
- 3) Supervisor and 3 full time clerks.
- 4) 1 Judge.
- 5) Contracted. They pay \$6,814.62 per month as of January 1, 2020.
- 6) Court four times a month.

City of St. Helens 503-397-6272 Melanie Payne (VERY HELPFUL – wife of Greg Payne)

- 1) Yes.
- 2) Both.
- 3) 2 full time clerks.
- 4) 1 Judge.
- 5) Contracted.
- 6) Paid by the hour. Work 40-45 hours a month.
Finance Director/City Admin Matt Brown – mbrown@ci.st-helens.or.us

Note: 14 years ago they had 3 full court days, down to 1 court day a month now.

- 7) Does not know the cost – refers to Finance.

Note: Software is FOR THE RECORD

IT contact Darin Cox dcox@ci.st-helens.or.us

- 8) Can't say it increased revenue as that is hard to track, but it decreased costs of litigation
- 9) Refer to Finance, but it saves time in litigation, and saves time on appeals, and attorneys ask to talk to the prosecutor to make a deal when they find out they have a court of record.

COURT CLERK 14 YEARS EXPERIENCE DEFINITE PROPONENT OF COURT OF RECORD

City of Beaverton 503-526-2290

- 1) Yes.
- 2) Both.
- 3) 16 full time clerks.
- 4) 1 presiding Judge 1 associate judge and 3 protem judges.
- 5) Employees and contracted – both.
- 6) Contract judges work between 5 to 10 hours a week and get paid \$75 to \$100 an hour.
- 7) Refer to Finance – Software is For the Record, which they store on a hard drive.
- 8) Don't know – Refer to Finance.
- 9) Don't know – Refer to Finance. Whether or not the city makes money by being a court of record, the clerk thinks it is still valuable being a court of record because their appeals go to

the state as opposed to the county, and this saves money. Also, it saves times with records requests.

COURT PROPONENT DEFINITE PROPONENT OF COURT OF RECORD

City of Tigard – 503-718-2478

- 1) No.
 - 2) Violations.
 - 3) 3 full time clerks.
 - 4) 1 presiding Judge and protem Judges.
 - 5) Employee and contracted protem Judges.
 - 6) Doesn't know what they are paid – Refer to Finance.
- Note: Tigard has gone LIVE with red light photos at 3 intersections with high accident rate
And anticipate adding 1 clerk and 1 associate judge or using protem judges more.

City of Reedsport – 541-271-3603

- 1) No.
- 2) Both.
- 3) 1 clerk.
- 4) 1 Judge.
- 5) Contracted
- 6) Court is 1 x month unless jury trials. \$350 for an afternoon or \$700 a day (varies)

City of Monmouth – 503-751-0136

- 1) No.
- 2) Both.
- 3) 1 clerk (part time one and a half hours each day)
- 4) 1 Judge.
- 5) Contracted
- 6) Court 1 x week or 3 times a month currently
Does not know judge salary. Refer to Finance Janet Shonard 503-838-0722

City of Cottage Grove – 541-767-4115

- 1) No.
- 2) Both.
- 3) 1 clerk (3/4 time).
- 4) 1 Judge.
- 5) Contracted.
- 6) \$2,100 a month. Every 1 x week Thursday plus 2 x month for trials.

City of Ontario – 541-889-5712

- 1) No.
- 2) Violations.
- 3) 5 clerks. *see below

- 4) 1 Judge.
- 5) Don't know.
- 6) Don't know.

Note: They are Justice Court as well as Municipal Court.

City of Silverton – 503-873-5321

- 1) No.
- 2) Violations.
- 3) 1 clerk (part time 35 hours).
- 4) 1 Judge.
- 5) Contracted.
- 6) \$425 – court is 1 x month – approximately \$80 an hour.

City of Sandy – 503-826-1939

- 1) No.
- 2) Violations.
- 3) 1 part time clerk. (20 hours).
- 4) 1 Judge.
- 5) Contracted.
- 6) 2 x month. \$100 per hour.

City of Astoria – 503-325-3939 N/A (left voice mail message and emailed message)

City of Baker City – 541-523-8213 N/A (left voice mail message)

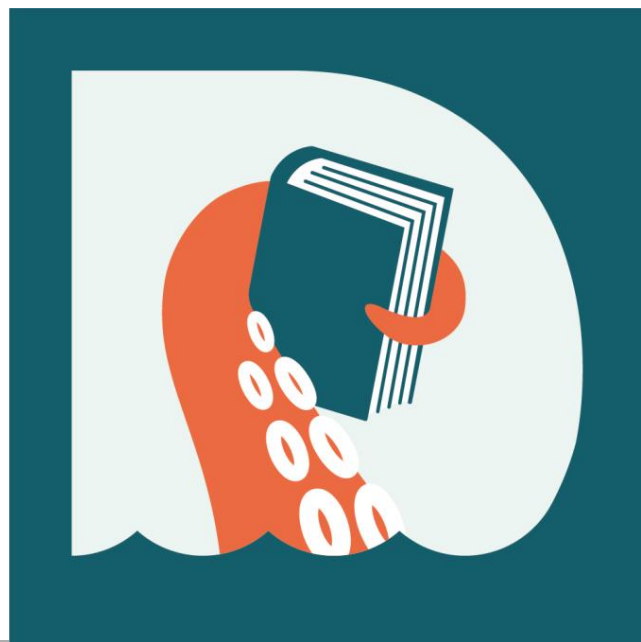
Council Communication

Departmental Report: Driftwood Public Library

Meeting Date:	February 22, 2021	Primary Staff Contact:	Kirsten Brodbeck-Kenney
Department:	Library	E-Mail:	kbrodbeck-kenney@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	20 minutes

Attachments:

20210208 Council presentation (PDF)



Driftwood Public Library LINCOLN CITY

2020: A YEAR IN REVIEW

KIRSTEN BRODBECK-KENNEY, LIBRARY DIRECTOR

The BeforeTimes:



January and February 2020

January:

7,474 visits (avg. 29/hour)

13,735 checkouts

44 meeting room uses

1,185 computer sessions

February:

9,995 visits (avg. 43/hour)

14,715 checkouts

45 meeting room uses

1,370 computer sessions

The New Normal

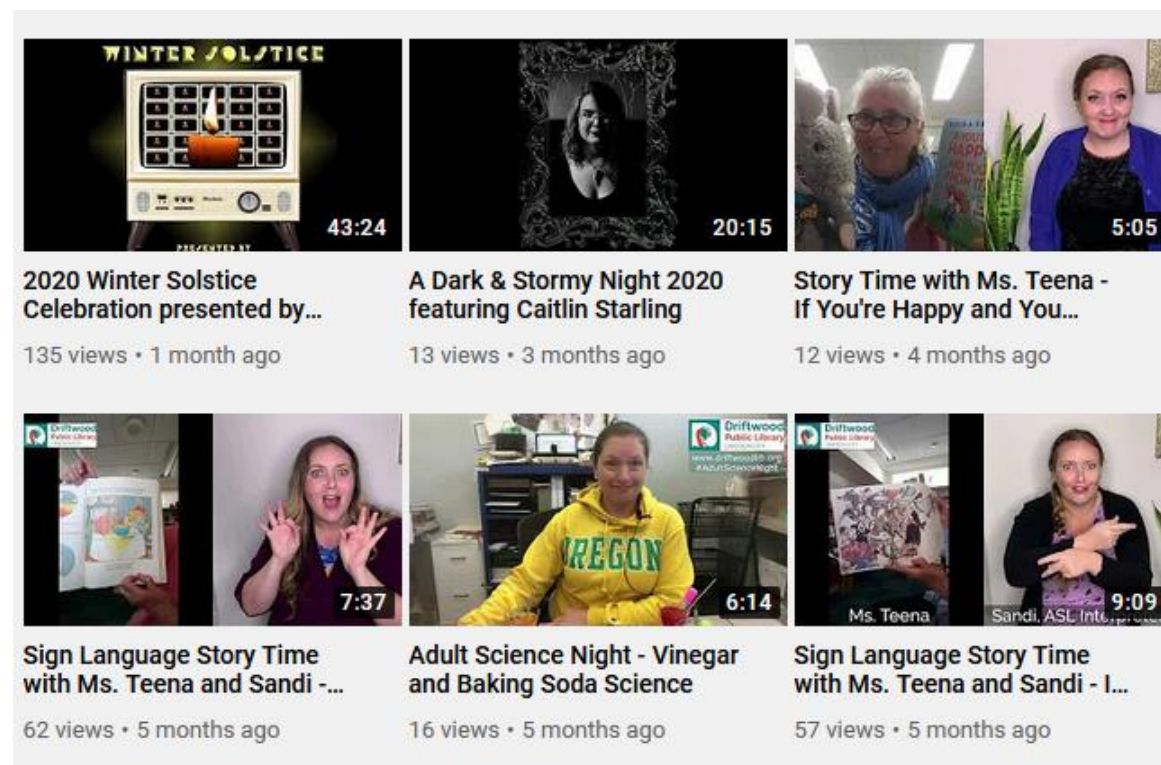
Community Partnerships:

- Parks & Rec
- Lincoln City Cultural Center
- Activate Arts
- Kiwanis
- School District
- Samaritan Early Learning Center



Virtual Services

- Reference
- Online card sign-ups
- Virtual programming
- Ebooks and e-audiobooks



Take Out Services



Increased Social Media

- New Newsletters: 5,509 subscribers
- Instagram: 349 followers
- Facebook: 1,802 followers
- YouTube: 3,200 views
- Wildfire Response



2020 Results



- 30,261 items picked up curbside
- 4,674 appointments
- 14,314 digital items checked out
- 302 new cardholders
- 107 virtual programs
- 4,457 reference questions
- 108,330 website visits
- 569 Summer Reading participants

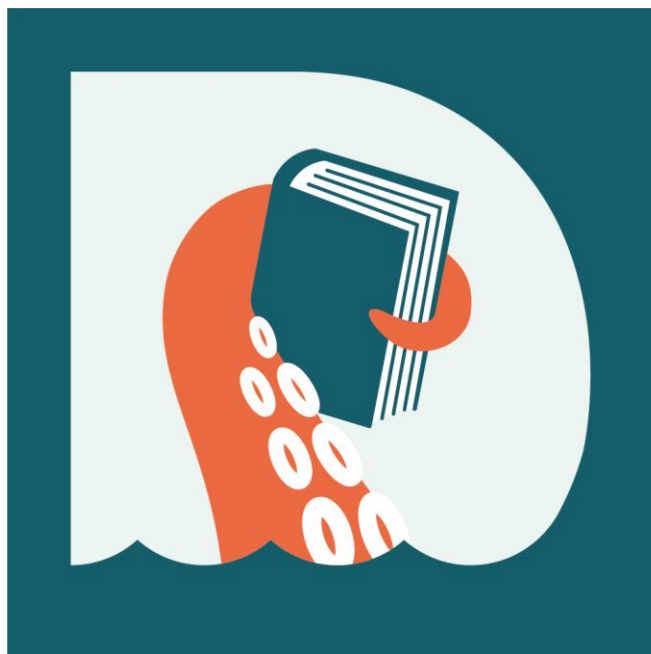
The Future!

Opportunities:

- More virtual services & programs
- Continued curbside enhancements
- Recognition of vital role in the community

Challenges:

- Staffing
- Reopening
- Best practices then & now
- Hard to reach demographics



Driftwood Public Library LINCOLN CITY

CONTACT: KBRODBECK-KENNEY@LINCOLNCITY.ORG

541-996-2277 WWW.DRIFTWOODLIB.ORG

Council Communication

COVID-19 Update

Meeting Date:	February 22, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

City Council Update for February 22, 2021 City Council Meeting

COVID-19

- Currently Lincoln County is in the High Risk Category. The next review by the Governor for County risk levels is February 23, 2021.
- The winter weather that the U.S. is experiencing will cause delays in the shipments and distribution of vaccines. No specific details concerning Lincoln County are available.
- List of populations currently eligible for COVID-19 vaccinations:
 1. All individuals who match the criteria listed in Phase 1A.
 2. All Oregon educators — including public and private K-12 educators and staff, early childhood educators and staff and childcare providers and staff (Phase 1B, Group 1).
 3. All individuals who are 75 years of age and older (Phase 1B, Group 2 and 3).
 4. Starting Monday, Feb. 22, 2021, all individuals who are 70 years of age and older (Phase 1B, Group 4).
- As of February 12, 2021 Lincoln County had vaccinated 6,457.
- Eligible Oregonians can make COVID-19 vaccine appointments through Federal Retail Pharmacy Program.

Eligible Oregonians can begin making appointments directly at these retailers' websites, although each site is currently only scheduled to receive 100 doses per week. That means there will not be enough vaccines to immunize all eligible Oregonians at these locations.

The chain pharmacies' websites for scheduling are as follows;

- Costco
- Safeway/Albertsons

Council Communication

Echo Mountain Complex Update

Meeting Date:	February 22, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

City Council Update for February 22, 2021 City Council Meeting

Wildfires/Straight Line Wind disaster

- Work continues on the disaster housing site on Logan Road in Lincoln City. The majority of work is installation and setup of all utilities. Project is scheduled to be completed by the end of February. Mobile Homes should be arriving by the end of February or first week in March.
- All Lincoln City Public Assistance request for reimbursement have been submitted to FEMA

Council Communication

Proposed Work Meeting Schedule

Meeting Date:	February 22, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

There are five Mondays in March. I would like to hold one or more work meetings to discuss the following.

City Council Goals

1. Community Engagement
2. Emergency Preparedness
3. Sustainability

The intent of the meeting will be for the staff to present their progress on achieving these goals, actions that can be taken by the staff and actions that will require approval by the City Council.

March schedule

March 1 st	Budget Committee Training Meeting
March 8 th	City Council Meeting
March 15 th	Open date
March 22 nd	City Council Meeting
March 29 th	Open date

I propose to hold the work meetings in the evening to accommodate all of the City Councilor's schedule.