

**PORT OF NEWPORT REGULAR COMMISSION MEETING AGENDA**

Tuesday, September 27, 2016, 6:00 p.m.  
South Beach Activities Room  
2120 SE Marine Science Drive, Newport, OR 97365

- I. Call to Order.....6:00
- II. Changes to the Agenda .....6:01
- III. Public Comment .....6:02
- IV. Consent Calendar.....6:05
  - A. Minutes
    - 1. Regular Commission Meeting August 23, 2016
  - B. Special Use Permits
    - 1. Veterans for Peace, Golden Rule Peace Boat
    - 2. Rotary Club of Newport, Trick or Treat Monster Feet 5k and Kids Fun Run
  - C. Letter of Support for the Pacific Marine Energy Center
  - D. Approve Contract for US Customs Trailer Installation
  - E. Approve Purchase of NIT Storm Water Catch Basin Strainers
- V. Correspondence/Presentations
  - A. Mike Goff, TCB, Recognition of Aaron Ferguson.....6:10
  - B. Jim Myers, Tuna BBQ Challenge.....6:20
- VI. Old Business
  - A. Items Removed from Consent Calendar .....6:21
  - B. Accounts Paid .....6:22
  - C. International Terminal Shipping Facility Update.....6:23
- VII. New Business
  - A. Resolution Adding Distant Water Fishery Representative to Commercial Fishing Committee ..... 6:28
  - B. Resolution Amending Newport Facilities Code to Add Provisions for Fire Safety, Public Art and Special Use Provisions ..... 6:33
  - C. Approval of Special Districts Association of Oregon Government Ethics Best Practices Checklist ..... 6:38
- VIII. Staff Reports
  - A. Director of Finance .....6:43
    - 1. August Occupancy Report
  - B. Director of Operations..... 6:45
  - C. General Manager ..... 6:50
    - 1. Rogue Mural
    - 2. Highway 20 Construction
    - 3. Fishermen’s Appreciation Day
    - 4. Goal Setting
    - 5. NFIP FEMA Process
    - 6. DEQ Fish Cleaning Station Approval
    - 7. South Jetty Access
- IX. Commissioner Reports..... 6:55
- X. Calendar/Future Considerations .....7:05
  - A. 10/7 – 10/8 .....U-Da-Man Fishing Derby
  - B. 10/8.....Columbus Day Regatta
  - C. 10/15 .....Newport Bay to Brews ½ Marathon/10K
  - D. 10/18..... Regular Commission Meeting (rescheduled)
  - E. 10/29..... Dia De Los Muertos Race
  - F. 11/5..... Commission Goal Setting Workshop (proposed)
  - G. 11/8..... Election Day
  - H. 11/11..... Veteran’s Day, Port Office Closed
  - I. 11/15..... Regular Commission Meeting (rescheduled)
  - J. 11/18..... Fishermen’s Appreciation Day

K.	11/24.....	5 <sup>th</sup> Annual Turkey Trot	
L.	11/24 – 11/25.....	Thanksgiving Holiday, Port Office Closed	
M.	12/20.....	Regular Commission Meeting (rescheduled)	
N.	12/26.....	Christmas Holiday, Port Office Closed	
O.			
XI.	Public Comment .....		7:08
XII.	Adjournment.....		7:10

Regular meetings are scheduled for the fourth Tuesday of every month at 6:00 p.m.

The Port Newport South Beach Marina and RV Park Activity Room is accessible to people with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours in advance of the meeting to Port of Newport Administration Office at 541-265-7758.

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**PORT OF NEWPORT MINUTES**

August 23, 2016

Regular Commission Meeting

**I. CALL TO ORDER**

Commission Vice-President Ken Brown called the Regular Commission Meeting of the Port of Newport Board of Commissioners to order at 6:00 pm at the South Beach Activities Room, 2120 SE Marine Science Drive, Newport, Oregon.

**Commissioners Present:** Ken Brown (Pos. #4), Vice-President; Patricia Patrick-Joling (Pos. #5), Secretary/Treasurer; and Steve Beck (Pos. #2). Walter Chuck (Pos. #1), President and Stewart Lamerdin (Pos. #3) were excused.

**Management and Staff:** Kevin Greenwood, General Manager; Stephen Larrabee, Director of Finance; Rick Fuller, Director of Operations; and Karen Hewitt, Administrative Assistant.

**Members of the Public and Media:** Yale Fogarty, ILWU 53; Dennis Anstine, Newport News-Times; Ralph Busby, City of Newport Council; Jim Shaw, South Beach Resident; Lee Fries, Port of Newport Volunteer Mates; Kiera Morgan, KYTE.

**II. CHANGES TO THE AGENDA**

There were no changes to the agenda.

**III. PUBLIC COMMENT**

There was no public comment at this time.

**IV. CONSENT CALENDAR**

- A. Minutes:
  - 1. Commission Special Meeting July 26, 2016
  - 2. Regular Commission Meeting July 26, 2016
- B. Financial Reports
- C. Resolution Designating Bank Accounts and Authorizing Check Signers
- D. Award of Port Dock 5 Fixed Pier Approach Engineering Contract
- E. IGA w/City of Newport for Bay Front Parking District Extension

Patrick-Joling requested that Item E. be removed from the Consent Calendar.

**A motion was made by Beck and seconded by Patrick-Joling to approve the Consent Calendar as amended. The motion passed 3 – 0.**

**V. CORRESPONDENCE/PRESENTATIONS**

There were no correspondence or presentations.

**VI. OLD BUSINESS**

**A. Items Removed from Consent Calendar**

**E. IGA w/City of Newport for Bay Front Parking District Extension**

Patrick-Joling had looked over the information and asked about Brown's points from the previous meeting. Brown said his questions were answered by the meeting packet this month. His concern was that he didn't want to interfere with fishermen's parking and doesn't want to delay a decision. This Parking District IGA would be for an additional two years. Beck asked if the payments were on a sliding scale, with a maximum of \$600. Greenwood replied yes, based on the number of employees per business. The Port contribution of \$6000 was a negotiated amount, which includes the fishing fleet. Derrick Tokos had provided articles included in the meeting packet which provided some insight. Patrick-Joling suggested that the fee was a lot of money and perhaps there could be more votes allotted. Greenwood said the Parking District has a 6 member board, of which two are Port and Commercial Fishing representatives, or 33 1/3%. This corresponds with \$6000 being approximately 30% of the fees. Brown added that the \$21 parking permits for the fisherman recouped the fees.

**A motion was made by Beck and seconded by Patrick-Joling to authorize the General Manager to sign the Intergovernmental Agreement with the city regarding Port participation in the Bay Front Area Parking System Improvements and approving the \$6,000 annual contribution for the next two years. The motion passed 3 – 0.**

**B. Accounts Paid**

**A motion was made by Patrick-Joling and seconded by Beck to accept the Accounts Paid. The motion passed 3 – 0.**

**C. International Terminal Shipping Facility Update**

Greenwood introduced the agenda item and staff report. He advised the Commission that he had met earlier in the afternoon with Robert Bouchard, USDOT MARAD; Robert Loken, USDOT MARAD; Mark Freeman, Oregon Business Ports Division; and David Porter, EDA by phone. Pete Zerr, NIT Supervisor and Commissioner Brown were also in attendance. Greenwood said the finance package for the TIGER \$2MM grant is due at the end of October. He was heartened to hear TIGER and EDA discuss how they can each fund \$2MM for the project. EDA needs a \$2MM non-federal match. They are willing to meet with TIGER to review which agency would pay for which items, since the funds could not co-mingle. The EDA grant is not yet awarded but they are looking at what they will fund. The Port will still need an additional \$2MM. Greenwood has spoken with Teevin, who have agreed to make a \$120K private sector investment. Teevin has a lease option for \$60K per year, so they would receive a credit for lease payments for the first two years for the investment. The funds can be shown in the funding package. If a loan were needed, funds are available from the USDA at 2.75% for up to 40 years. A loan from IFA was also previously authorized. The Port will continue to seek additional grants. Funding should be in place by the end of the calendar year. Beck asked if there would be a letter of intent; Greenwood said there would be a letter of obligation. No funding would be finalized until the full package is in place. To get the grant agreement completed to send September 2017 would be a six month process, so the "drop dead" date would be March 2017 to get the funding together. The response at the meeting was very positive. Brown added that EDA and TIGER agreed to speak tomorrow to hash out details, which was very promising. Greenwood said another hurdle would be to have the bids come in within budget. Greenwood asked if the Commissioners wanted to schedule a work session to review the project. Brown suggested it may be worthwhile waiting until funding breakdown details were available. Greenwood will report at the September Regular Commission Meeting. He said that the engineer had prepared a 100-line

breakout of costs, which EDA and TIGER had looked at as 6 – 7 categories which should make the conversation easier. The Port will be providing a timeline and construction schedule for when funds would be needed. Chuck and Lamerdin were Commission liaisons for the project. Patrick-Joling won't be attending the September Regular Meeting; Greenwood will provide information to Patrick-Joling. Greenwood commented that Patrick-Joling had also had questions about NOAA Reserves, which has been researched. Larrabee had spoken with Bond counsel and had passed the information along. Patrick-Joling said she wanted some time to review the material.

## VII. New Business

### A. Resolution Adopting a Safety Policy

Greenwood introduced the agenda item and staff report, and turned the discussion over to Fuller. Fuller said the Port Safety Committee had been working to help develop the Safety Policy. He added that some minor accidents recently made this policy a priority. Beck asked if SDAO reviewed the Safety Committee meetings. Fuller said no, but they did conduct an annual inspection. The Safety Committee reports back to their departments after the monthly meetings. Greenwood also said he asks at the Department Head meetings what has been discussed from the Safety Committee. Beck said he would like to review the SDAO policy; Larrabee will provide a copy.

**A motion was made by Beck and seconded by Patrick-Joling to adopt the Safety and Health Policy as presented. The motion passed 3 – 0.**

### B. Award of Port Dock 5 Pile Replacement Contract

Fuller introduced the agenda item and staff report. Fuller explained there are 23 piles corroded and/or in disrepair. In addition, 3 piles at Port Dock 7 are above the mud line and marked as a hazard. The proposed work includes the utilization of already purchased whalers, rub boards and through-rods for Port Dock 5. Last year, the project was unable to be completed during the in-water work period. The RFP was sent for the entire job. The Port contacted four Oregon Coast contractors, three of whom bid. Bergerson Construction was the low bid and presented value engineering. This came in at a base price of \$266K, with about \$300K available in the budget. \$15K will also be needed for engineering for the pile driving. There is also a need for \$20K contingency, as there are risks. The proposal presented includes three options, included in the packet. The whole project, option 3, comes in at \$121K over budget.

Greenwood said Lamerdin had worked with Fuller and management reviewing the proposals. Lamerdin wanted to see the budget implications of getting the entire job completed, as the workers would be here. Since the grant for the security cameras was not approved, that freed up some budgeted capital authority.

Larrabee said that, looking from the finance perspective, evaluating future expenditures and cash flow, and next year's needs for cash reserves. \$450K would be available for next year. The Port could take \$120K of that and complete the project. He also evaluated whether a supplemental budget would be needed. Since the \$150K was budgeted for security cameras but there was no grant, that authorization remains in the budget. There would still be \$330K positive for next year. Larrabee said he recommended completing the full project.

Beck asked if that included the installation of the whalers, rub boards, etc. Fuller responded yes, using the materials the Port already has. Patrick-Joling asked if the Port was required to take the lowest bid. Greenwood said in this case, the lowest bid would need to be the one accepted. Patrick-Joling asked about the time line, which showed a start date of November 16<sup>th</sup> but no complete date. Fuller said the project would be completed during the in-water work period, no later than February 15<sup>th</sup>, although the dock could

be completed at a later time. Patrick-Joling asked if the project would interfere with fishing vessel moorage. Fuller said there would have to be some juggling, but it could be managed without a loss of moorage.

Patrick-Joling asked if the customers were aware of the project. Fuller said the fishermen support the work being done. Brown added there will be a net gain in completing the project. Greenwood said that Bob Eder, a commercial fisherman, had sat in on the project discussions. Greenwood also said that this project would not affect other capital projects. Fuller said there was a \$20K contingency, but there would also be value engineering along the way. Brown said that all of the contractors who bid have worked locally and have done good work. Greenwood recommended that the Commissioners move to approve the project in full.

**A motion was made by Beck and seconded by Patrick-Joling to authorize the General Manager to enter into a contract for construction services with Bergerson Construction, Inc., in the amount of three hundred eighty-six thousand, one hundred and forty-two dollars for the Port Dock 5/7 Pile Replacement and Dock Repair Project 2016. The motion passed 3 – 0.**

## VIII. DEPARTMENTAL REPORTS

### A. Director of Finance

Larrabee introduced the Director of Finance Report and July Occupancy Report. As to check signing authorization, he will arrange for and meet with Beck to complete paperwork. Larrabee will also contact Lamerdin about signing on the accounts.

### B. Director of Operations

Fuller introduced the Director of Operations Report. His large projects this past month, the contracts and Safety Policy, were approved by the Commission at this meeting. Brown commented that he liked the no parking signs around the fish cleaning stations, addressing the concern about dry campers parking next to the sidewalk.

### C. General Manager

Greenwood introduced the General Manager Report.

1. **Rogue Brewery Mural**  
Since Patrick-Joling will not be attending the meetings on September 27<sup>th</sup>, Greenwood will try to get the designs to Patrick-Joling in advance for her comments.
2. **Highway 20 Update**  
Greenwood added that the fires near Depoe Bay would be complicating travel north on US Highway 101.
3. **OCZMA Membership/Liaison Update**  
The Commission was in consensus that Chuck continue as liaison to OCZMA.
4. **Special Districts Association of Oregon (SDAO) Training**  
Greenwood said he found the training informative. Beck added that the training provided good information for serving on a public commission. Greenwood added that Beck also completed the

online ethics training for a 2% credit on insurance. The remaining 2% will come from a self-assessment that will be coming in September.

5. **Pasley Propeller Mounted at Museum**  
Greenwood asked the Commission to consider if there is anything else they would want to include in the text of the exhibit.
6. **DEQ Approval for Fish Stations**  
Greenwood said he was responding to concerns that had arisen in Astoria, who had closed their fish cleaning stations after receiving other DEQ fines. All of the South Coast ports in Oregon have a letter from the DEQ approving deposit of materials in the bay from their cleaning stations. Greenwood went to Charleston harbor to see their stations and permit. He has contacted the DEQ, who will come down to look at our situation, working toward getting an approval letter for our fish cleaning stations and public hoist dock. This letter, a general 900-J, has no cost.
7. **Other**  
Greenwood said the Great Albacore Tuna BBQ was success, and closed an hour early because they were out of prepared tuna dishes. Beck added that there were a lot of NOAA staff at the anniversary celebration on that Friday. Greenwood said that Jim Myers would like to make a presentation at the Regular Commission Meeting in September.
8. **Goal Setting/Mission, Vision, Values**  
Greenwood introduced the agenda item report and the suggested goal setting process. He had received information from Spencer Nebel, Newport City Manager, as well as Commissioner Patrick-Joling in defining a process. He suggested aiming for a goal setting session in early November, which would allow facility managers the opportunity to provide helpful information. The session could either be scheduled on a Saturday or during the week, with a suggested time of four hours. The goals set would also be helpful in setting the General Managers goals for 2017 and would benefit the budget process.

Beck asked if this was a standard process for the Port's goal setting. Greenwood responded that this had not been done in this way in his two years with the Port, but this was encouraged by a suggestion from Patrick-Joling. The Commissioners will review calendars and schedule the session at a future time.

#### **IX. COMMISSIONER REPORTS**

There were no Commissioner Reports.

#### **X. CALENDAR/FUTURE CONSIDERATIONS**

There were no changes to the Calendar/Future Considerations.

#### **XI. PUBLIC COMMENT**

Shaw asked Greenwood to talk about his participation in the Toledo cardboard boat race. Greenwood said that it was a busy weekend. At the Toledo boat show, he dressed as a pirate and raced in the boat built for him by the City of Newport, placing third. Jim Protiva also raced a boat built by the City of Newport and placed second (his boat had an added keel). The event had a great turnout, and he was glad to support the Port of Toledo. Greenwood also attended the Lincoln County Fair on Friday and volunteered Saturday morning at the Buccaneer Rampage.

Fries commented that Tom McAdams, a retired Newport Coast Guard master chief, built his own boat for the race, which rolled over three times and gathered the award for most spectacular sinking.

**XII. ADJOURNMENT**

Having no further business, the meeting adjourned at 7:01 pm.

ATTESTED:

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Walter Chuck, President

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Patricia Patrick-Joling, Secretary/Treasurer

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## PORT OF NEWPORT SPECIAL USE PERMIT

This permit, effective 10/22/16, 6:00 am, from the Port of Newport, organized and existing under the laws of the State of Oregon, hereinafter referred to as "Port", to The Rotary Club of Newport Oregon, hereinafter referred to as "Permittee."

The Port hereby grants permission to Permittee to use 2122 SE Marine Science Dr., Newport as shown in Exhibit A, attached. Use of designated area by Permittee is for Trick or Treat Monster Feet 5K and Kids Fun Run (Exhibit B detailed description of event.)

Permit is subject to the rules, regulations, and ordinances of the Port of Newport and subject to the following terms and conditions:

1. **Application Fee.** A nonrefundable application fee in the amount of \$100.00.
2. **Usage Fees.** Waived in consideration of Sponsorship Agreement and Rotary Club's status as a non-profit, charitable entity.
3. **Reservation of Rights.** Port reserves the right to alter or amend the terms and conditions of this permit.
4. **Liability, indemnity of Port.** Permittee agrees to exercise due care in the activities described above and to abide by all Port rules, regulations and ordinances. Permittee shall indemnify and hold Port harmless from and against all claims, actions, proceedings, damages, and liabilities, including attorney fees, arising from or connected with Permittee's use of Port facilities. Permittee will carry a comprehensive general liability insurance policy with limits of \$2,000,000.00 per occurrence and \$2,000,000.00 in aggregate, and will provide the Port with a Certificate of Insurance naming the Port as an additional insured.
5. **Limitation of Port's Liability.** Permittee acknowledges that Permittee has inspected the grounds and related facilities and is satisfied that these facilities are adequate for safe use for the above-described purpose. This permit is not a contract. Port's liability is limited to its sole negligence. Port's employees will make reasonable efforts to contact Permittee and notify Permittee of conditions requiring Permittee's attention, but Port assumes no responsibility of Permittee's use of the Port's facilities. Permittee confirms and assures that there are not alcoholic beverages used or provided during this event and that certified and trained emergency response providers are on site.
6. **Nontransferability/Term.** This permit is nontransferable. This permit expires 10/22/16, 2:00 pm.

IN WITNESS WHEREOF, the Port has caused this permit to be issued on the date indicated above.

Port of Newport:

Accepted By:

\_\_\_\_\_  
Kevin Greenwood, General Manager

\_\_\_\_\_  
Rob Wienert  
for the Rotary Club of Newport Oregon

ATTACHMENTS: Exhibit A (Map) & Exhibit B (detailed description of event)



Sponsorship Agreement: In Kind Sponsorship Value \$400.00

Event Name: Trick or Treat Monster Feet 5K and Kids Fun Run

Event Date: 10/22/16

Applicant: the Rotary Club of Newport Oregon

Applicant will provide:

- Logo placement on website
- Link to the Port of Newport on website
- Logo on event shirt
- Banner displayed at event
- Booth space at event
- Goodie Bag insert
- Mention in radio advertising

Other (please describe):

Port Logo on event flyer \_\_\_\_\_  
\_\_\_\_\_

Port of Newport will provide: use of Port property as indicated on Permit

X \_\_\_\_\_ Date: \_\_\_\_\_  
Kevin Greenwood  
Port of Newport

X \_\_\_\_\_ Date: \_\_\_\_\_

**SPECIAL USE PERMIT APPLICATION**

Submit to: Administrative Assistant  
Port of Newport  
600 SE Bay Blvd.  
Newport, Oregon 97365

SUP CHECKLIST	
<input checked="" type="checkbox"/>	Application
<input checked="" type="checkbox"/>	App Fee
	Facility Supervisor
<input checked="" type="checkbox"/>	Review
<input checked="" type="checkbox"/>	Security Review
	General Manager
<input type="checkbox"/>	Review
<input type="checkbox"/>	Usage Fee
<input type="checkbox"/>	SUP Issued

This application must be completed, signed, and submitted with a nonrefundable \$100.00 application fee. Any usage fees required of the applicant must be submitted prior to the special use permit being issued by the Port. Any request for a full or partial waiver of the usage fees must be submitted with this application. The criteria used to evaluate a waiver request are listed below. Applications should be submitted far enough in advance of the event to allow the Port to determine the impact of the event on Port property and other Port guests and / or moorage holders. At least 45 days' notice is recommended.

Event Name: Trick or Treat, Monster Feet 5K and Kids Fun Run

Event Date: 10/22/2016 Time(s) 7:00 AM - 2:00 PM

Location: 2122 SE Marine Science Drive, Newport, Oregon (Rogue Brewers by the Bay)

Facilities to Be Used: Rogue Brewers by the Bay partial west parking lot. Asphalt paved walkway adjacent to OSU Marine Science Drive from SE Pacific Way to South Beach HMSC roundabout.

Set-up Dates and Start Times: setup date 10/22/2016 @ 6:00 AM, registration/pickup @ 8:00 AM, kids run @ 10:30 AM, 5K @ 11:00 AM

Take-down Dates and End Times: area to be cleared of all event materials by 10/22/16 @ 2:00 PM

Estimated Number of Participants: Contestants: 50

Vendors / Volunteers: 25

Attendees: 25

Applicant / Signer: The Rotary Club of Newport Oregon

Mailing Address: PO Box 235, Newport, OR 97365

Telephone: 541-961-9498 E-mail nprotarypr@gmail.com

Contact Person (if different than applicant): Rob Wienert

Contact Person's address, phone number and e-mail: 541-961-9498, email same as above

Please provide a detailed description of the event, and attach a map of the location(s) if applicable:

The Rotary Club of Newport Oregon is hosting a fundraising event consisting of a Halloween themed and costume encouraged foot race and kids "fun run". The event is called "Trick or Treat, Monster Feet 5K". 100% of the event proceeds go towards The Rotary Club of Newport Oregon's general fund. Setup will begin at 6:00 AM on October 22nd. Setup activities will include setting up mile marker signs on the 5K route, navigation signs on both the 5K route and kids run route. Sign in will begin at 8:00 AM. Race activities will begin at 10:30 AM with the kids "fun run". The "fun run" route can be viewed on the attached route map labeled "kids fun run". The kids run will begin near the Rogue Brewery entrance and continue on the asphalt paved walking path adjacent to the OSU Marine Science Drive. The kids route turnaround location is where the walking path intersects the road to the Marina Office. At the intersection the kids will be instructed by a volunteer to return to the start line from the same route they came. The kids "fun run" route will have volunteers distributed along the way to both help navigate the participants as well as hand out candy to the kids. Race activities will continue with the 5K race beginning at 11:00 AM. The 5K route can be viewed on the attached route map labeled "5K race". The 5K begins in the parking lot adjacent to the Rogue Brewery then proceeds west along the paved path adjacent to OSU Drive continuing under the bridge until intersecting with SW Jetty Way/SW 26th Street. Runners will then be directed west along SW Jetty Way until SW Jetty Way intersects with South Jetty Trail (paved), at the South Jetty Trail intersection runners will be directed down the South Jetty Trail and continue down South Jetty Trail until reaching the turnaround location (approx. 0.5 miles). Runners will then return to the Start location via the same route in reverse. There will be food and beverage available at the finish area. The Rogue Brewery will be serving alcoholic beverages as well as non alcoholic beverages. There will also be food available by the Rogue Brewery. Race results will be announced and the event will be closing up by 2:00 PM October 22th, 2016. All event materials shall be cleaned up in a timely fashion on the day of the event.

Please indicate if you are requesting a full or partial waiver of the usage fee, and explain the reasons for the request based upon the criteria described below:

The Rotary Club of Newport Oregon requests a waiver of any and all fees in regards to the Port of Newport's Special Event permit for the "Trick or Treat, Monster Feet 5K" event being held October 22nd 2016 at 10:30 AM in South Beach. This event is a benefit to the community because it allows families a safe and friendly alternative to traditional trick or treating. It is a financial benefit to business/lessee's in the port as it provides advertising by way of sponsorships. The event is operated by a nonprofit entity, namely The Rotary Club of Newport Oregon. The event raises money for a charitable purpose; all money raised by The Rotary Club of Newport Oregon through this event shall go to The Rotary Club of Newport Oregon's general fund. The Rotary Club of Newport Oregon's general fund goes towards items such as scholarships, community development projects, the ongoing fight against polio and enriching the lives of those less fortunate both locally and abroad. The event promotes positive publicity for the Port of Newport as it promotes healthy activity, provides a safe and family friendly environment and is hosted by such a reputable organization as The Rotary Club of Newport Oregon.

How will the Port of Newport be featured in your marketing/sponsorship promotions?

The Port of Newport's provided logo will be featured on the flyer and t-shirt for the event.

The following criteria may be used by the Port management to fully or partially waive the usage fee:

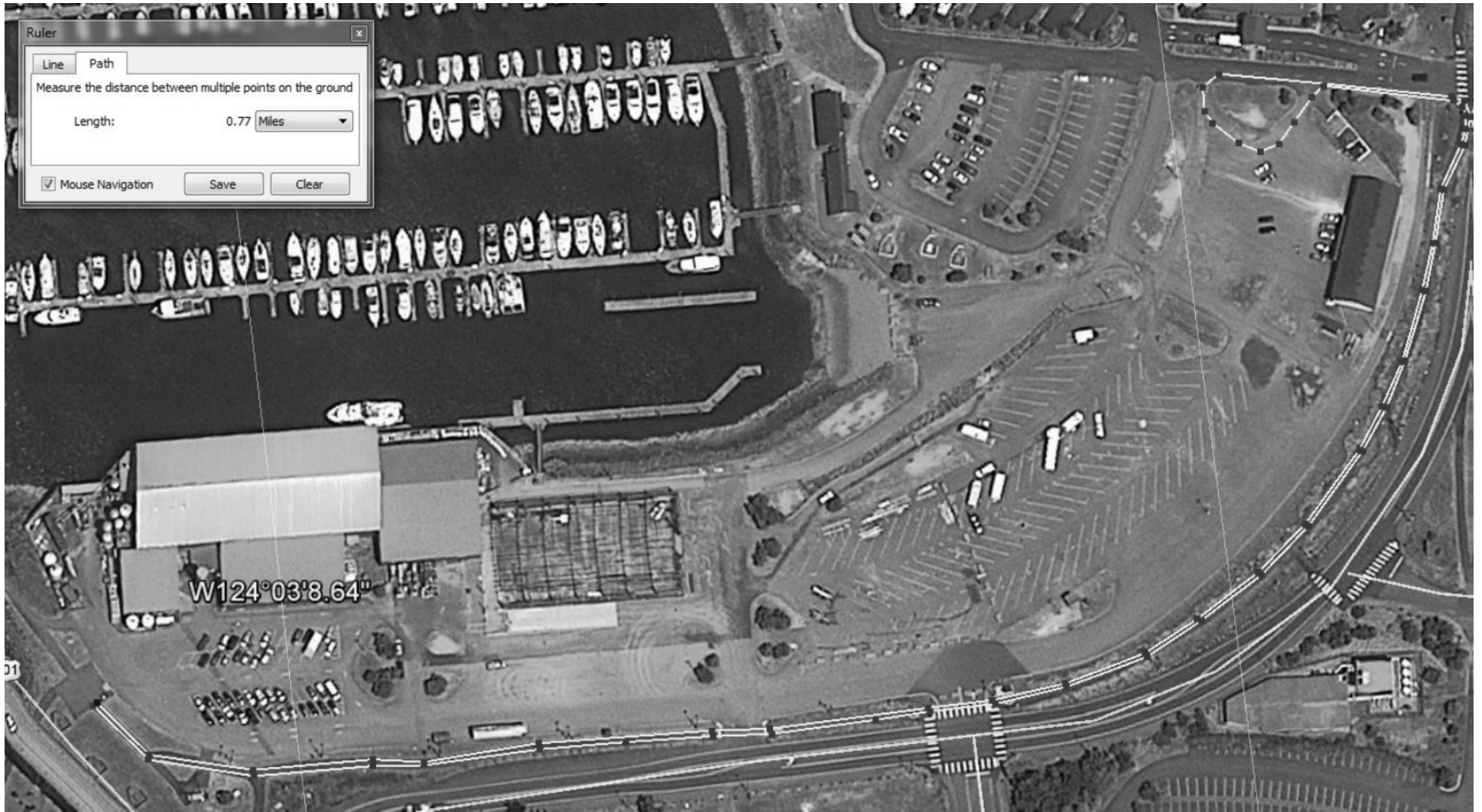
1. Is the applicant a non-profit or a for-profit entity? non-profit
2. Will proceeds from the event be donated to charitable causes? If so, what percentage of the proceeds will be donated and to which charitable causes? 100% to The Rotary Club of Newport, Oregon.
3. What is the Port's cost to provide services for the event? \$ 0.00
4. Does the event provide any direct benefit to the Port? Yes, the event draws people to a commercial lessee of the Port of Newport.

### USAGE FEE SCHEDULE

PARTICIPANTS	NUMBER	FEE
Attendees, Contestants, Volunteers at Event	1-200	\$400.00
	201-500	\$650.00
	501-1000	\$900.00
	1,001- 5000	\$1400.00
	5,001-10,000	\$1,900.00
	More than 10,000	\$2,400.00
	Vendors	N/A

Permittee will also need to carry comprehensive general liability insurance with limits of \$2,000,000.00 per occurrence and \$2,000,000.00 in aggregate, and will provide the Port with a Certificate of Insurance naming the Port as an additional insured.







# CONSENT CALENDAR AGENDA ITEM

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**DATE:** September 27, 2016  
**RE:** Letter of Support for Pacific Marine Energy Center  
**TO:** Board of Commissioners  
**ISSUED BY:** General Manager

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## **BACKGROUND**

Belinda Batten, NW National Marine Renewable Energy Center Director, Oregon State University, has been invited to apply for a \$40-million Dept of Energy grant for helping establish a South Energy Test Site just west of the mouth of Yaquina Bay. NNMREC is currently in the permitting phase to develop the test site. SETS will feature full-scale, grid-connected testing capabilities and would include multiple berth which would allow for wind and wave energy manufacturers an opportunity to “plug in” and have the results recorded and studied at the Hatfield Marine Science Center.

If the grant is successful P MEC-SETS will be the facility where developers can test utility scale Wave Energy Converters (WECs) in the ocean with a connection to the electric utility grid via a subsea cable; four berths are planned.

## **RECOMMENDATION**

I would recommend that a Commissioner make a MOTION TO AUTHORIZE THE COMMISSION TO SIGN A LETTER OF SUPPORT FOR OREGON STATE UNIVERSITY’S GRANT APPLICATION FOR A PACIFIC MARINE ENERGY CENTER SOUTH ENERGY TEST SITE.

-###-

September 27, 2016

Belinda Batten  
Director, Northwest National Marine Renewable Energy Center (NNMREC)  
Oregon State University  
350 Batcheller Hall  
Corvallis, OR 97331

RE: Support for the proposal, *Enabling Cost Effective Electricity from Ocean Waves: P MEC-SETS*

Dear Dr. Batten,

On behalf of the Port of Newport, the Port of Newport Board of Commissioners is writing to express our strong support for your proposal to the U.S. Department of Energy for the completion and initial operations of the Pacific Marine Energy Center South Energy Test Site (P MEC-SETS). The Port understands that P MEC-SETS will serve as the first fully-permitted grid connected test facility for wave energy converters and arrays.

Over the last ten years, NNMREC has worked extensively with the coastal communities on wave energy research and testing projects, including the establishment of their non-grid connected test facility located north of Yaquina Head, P MEC-NETS.

This project is of such importance to the region that the Pacific NW Waterways Association has identified this project as one of their key policy projects for the Northwest. The entire region supports your work in advancing Oregon as the U.S. leader in wave energy research and testing.

If awarded, this funding will make Newport, Oregon the home of the premier deep water, wave energy technology test facility in the U.S. and the Port is enthusiastic about the opportunity it provides for our community.

Sincerely,

Walter Chuck  
President

Ken Brown  
Vice President

Patricia Patrick-Joling  
Secretary/Treasurer

Stewart Lamerdin  
Commissioner

Steve Beck  
Commissioner

September 2, 2016

Belinda Batten  
Director, Northwest National Marine Renewable Energy Center (NNMREC)  
Oregon State University  
350 Batcheller Hall  
Corvallis, OR 97331

RE: Support for the proposal, *Enabling Cost Effective Electricity from Ocean Waves: P MEC-SETS*

Dear Dr. Batten,

On behalf of the Port of Newport, I am writing to express our strong support for your proposal to the U.S. Department of Energy for the completion and initial operations of the Pacific Marine Energy Center South Energy Test Site (P MEC-SETS). The Port understands that P MEC-SETS will serve as the first fully-permitted grid connected test facility for wave energy converters and arrays.

Over the last ten years, NNMREC has worked extensively with the coastal communities on wave energy research and testing projects, including the establishment of their non-grid connected test facility located north of Yaquina Head, P MEC-NETS.

This project is of such importance to the region that the Pacific NW Waterways Association has identified this project as one of their key policy projects for the Northwest. The entire region supports your work in advancing Oregon as the U.S. leader in wave energy research and testing.

If awarded, this funding will make Newport, Oregon the home of the premier deep water, wave energy technology test facility in the U.S. and we are enthusiastic about the opportunity it provides for our community.

Sincerely,

Kevin M. Greenwood  
General Manager

cc: Port of Newport Board of Commissioners





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**DATE:** 9/20/2016  
**TO:** Kevin Greenwood  
**FROM:** Rick Fuller  
**RE:** CBP Modular Building Foundation – Design Space Work Authorization

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### **OVERVIEW**

Per the attached email dated 12/3/2014, the City of Newport Community Development requires a permit to be issued for the two temporarily approved modular buildings known as the 24x60 PON Admin Office, and the 10x32 Customs trailer. The offices are currently occupied, in use and located at Port Dock 7. In order to be code compliant and for the permit to be issued, the current jack stand stabilization system that was installed as temporary is to be revised with an engineered foundation and tie down system including the installation of a skirting. The foundation work for the 24x60 PON Admin Office was approved by the commission, permitted, completed, and passed inspection in April 2016.

Since December of 2015, Kevin Greenwood and staff have been engaged in the negotiations with GSA for the authorization and reimbursement of total costs for the customs trailer compliance modification. The 10x32 Customs trailer is located in the FEMA 100 year flood zone and requires additional flood proofing measures to be incorporated per code as detailed below. Alternative compliance methods were investigated but rejected due to cost and practicality. GSA has issued Lease Amendment No. 14 which authorizes the reimbursement of the total costs of \$8,961.00. Lease Amendment No. 14 is attached.

### **DETAIL**

Design Space Modular Buildings, the original installer and current lessor of the buildings, has provided engineered plans and pricing for the structural work required for the CBP modular unit.

10x32 Customs trailer – This unit was originally thought to be a temporary installation and the smaller modular building was installed with a foundation system suited for its short term status. Skirting was not included. The water, sewer and electrical is relatively unsupported and minimally installed. The building is located in the FEMA 100 year flood zone and requires the following additional flood proofing measures to be incorporated per code:

1. Additional anchor and tie down requirements
2. Construction and elevation certification of finished floor 1'-0" above flood plain
3. Flood resistant construction of skirting
4. Protection of mechanical and electrical systems

Total estimated cost of the work is \$8,961. Design Space Modular Building's quotation for the structural work is \$5,803.00. All other work will be performed by local contractors or self-performed. The modular unit will not be required to be moved and the occupants along with all office equipment will remain relatively undisturbed.

### **BUDGET IMPACTS**

The total expense of \$8,961 for the compliance modification will be reimbursed per the attached GSA lease amendment No.14. The costs will be expended and reimbursed out of the General Fund/Administration/Materials and Services/Modular Customs Office line items respectively. The Details on the fund can be found in the financial reports. The projects costs were not budgeted during the budget process but are required due to city land use requirements.

**ALTERNATIVE CONSIDERATIONS**

During the discovery process, many considerations for alternate foundations were considered such as concrete pad, stem walls, moving the structures to an alternate site, etc. The submitted engineered plans provided by Design Space were reviewed with the building official and is the best cost effective alternative. It is unlikely that the plan review will outline additional requirements.

**RECOMMENDATION**

The total expense and reimbursement by GSA in the amount of \$8,961 per GSA lease amendment No. 14 requires the General Managers signature and commission approval.

Design Space Modular Building's quotation for the structural work for the customs trailer is \$5,803.00 which exceeds the maximum procurement level of \$5,000 without commission approval.

Staff recommends that a Commissioner make a **MOTION TO AUTHORIZE THE GENERAL MANAGER TO SIGN GSA LEASE AMENDMENT NO. 14 AND TO ENTER INTO CONTRACT WITH DESIGN SPACE MODULAR BUILDINGS IN AN AMOUNT NOT TO EXCEED \$5803.00 FOR THE RETROFIT OF THE US CUSTOMS TRAILER IN ORDER TO GAIN COMPLIANCE WITH THE CITY OF NEWPORT COMMUNITY DEVELOPMENT CODE.**

## Rick Fuller

---

**From:** Kevin Greenwood  
**Sent:** Tuesday, September 22, 2015 2:49 PM  
**To:** Rick Fuller  
**Subject:** FW: port admin building  
**Attachments:** DOC000.pdf

FYI...

Kevin  
(541) 265-7758  
(541) 961-9517 cell

---

**From:** Derrick Tokos [mailto:D.Tokos@NewportOregon.gov]  
**Sent:** Wednesday, December 03, 2014 10:47 AM  
**To:** Kevin Greenwood <kgreenwood@portofnewport.com>  
**Subject:** RE: port admin building

Kevin,

Because the two modular received temporary approvals, building permits were not issued. They will need to be obtained. For modulars that comes in the form of a "Mobile Home Installation Permit Application." Attached is a copy. Please fill out one for the Customs trailer and one for the administrative offices. The fee for each will be \$147.60.

After the permit applications are submitted, an inspection will need to be scheduled. Any additional changes required to make the structures permanent under the building code will be picked up at that time. I haven't looked at the modular buildings recently. If they don't have skirting, then that may be required. That is the kind of change we would be talking about, stuff that is relatively minor.

Please include the gross floor area (i.e. exterior dimensions) of each modular on the application forms. This will be used to calculate the school construction excise tax, which is .50 a square foot. I'll also use this to determine the SDCs. You have a credit for the 1,800 sq. ft. office that was demolished. Let me know if you want to apply it as that would likely off-set most if not all of the SDC payments that would otherwise be due.

Derrick

---

**From:** Derrick Tokos  
**Sent:** Wednesday, December 03, 2014 9:36 AM  
**To:** 'Kevin Greenwood'  
**Subject:** RE: port admin building

Hi Kevin,

That is a tough deal regarding the Teevin Bros. project. I'll look into this and will get back to you shortly.

Derrick I. Tokos, AICP  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0626  
fax: 541.574.0644  
[d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)

---

**From:** Kevin Greenwood [<mailto:kgreenwood@portofnewport.com>]  
**Sent:** Tuesday, December 02, 2014 7:34 PM  
**To:** Derrick Tokos  
**Subject:** port admin building

Derrick,

Hope all is well and that you had a good Thanksgiving Day holiday.

In light of the port's difficulty in getting the IT cash-flowing, it might be good for the Port to consider making our trailers permanent. Can you give me a general guideline from a building code perspective that I could use for getting a quote to make our current office situation permanent?

Thanks,

Kevin Greenwood, General Manager  
Port of Newport  
600 SE Bay Blvd.  
Newport, OR 97365  
(541) 265-7758  
(541) 961-9517 Cell  
[www.portofnewport.com](http://www.portofnewport.com)



## Rick Fuller

---

**From:** Ron Feist - 10PRBB <ron.feist@gsa.gov>  
**Sent:** Monday, September 19, 2016 11:31 AM  
**To:** Rick Fuller; Kevin Greenwood  
**Cc:** Eric Shreves; James Coffelt - 10PRBA  
**Subject:** ++Signature Required++ LA#14 LOR05876 CBP Newport Foundation Work  
**Attachments:** LA14 LOR05876 FINAL.pdf

Rick and Kevin,  
Attached please find Lease Amendment (LA) #14 for the foundation work on the CBP Modular Trailer.  
Please take the following 3 steps to allow GSA to process this LA and issue a Notice To Proceed (NTP) for the work:

1. Print (2) TWO copies of the attached LA.
2. Sign the first page and initial ALL succeeding pages on BOTH copies.
3. Mail BOTH copies to Jim Coffelt.

Jim Coffelt  
Senior Lease Contracting Officer  
Leasing Division (10PRBA)  
GSA, PBS, Northwest/Arctic Region  
400 - 15th Street SW  
Auburn, WA 98001

Jim will sign both copies and mail one copy back to you for your files.  
Once Jim Executes this LA I will issue the NTP for the project.

Please let me know if you have any questions or concerns.

Ron Feist  
Project Manager  
GSA Public Buildings Service, Leasing Division  
405 East 8th Ave. Suite 2500  
Eugene, Oregon 97401  
541.465.6378 Office  
541.968.7359 Cell  
[ron.feist@gsa.gov](mailto:ron.feist@gsa.gov)

GENERAL SERVICES ADMINISTRATION  
PUBLIC BUILDINGS SERVICE  
LEASE AMENDMENT

LEASE AMENDMENT NO. 14

TO LEASE NO. GS-10B-05876 BLDG NO. OR6266ZZ  
PDN NO. PS0036298

ADDRESS OF PREMISES

CBP Office 600 S.E. Bay Blvd. Newport, OR 97365-4338

THIS AGREEMENT, made and entered into this date by and between Port of Newport

Whose address is 600 S.E. Bay Blvd. Newport, OR 97365-4338

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease to order firm fixed price tenant improvements.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said lease is amended, effective 9/20/2017, as follows:

Lease Amendment (LA) Number 14 is issued to incorporate the remodel and alterations of the Modular Office. Details of the cost proposal, statement of work and pricing information are attached as Exhibit A, Pages 1-3. The Lessor or their contractor(s) shall furnish and install all material, equipment and labor necessary to complete the alterations for the project based on mutually approved plans, budgets and schedules.

Warranty: The Lessor shall warranty the tenant improvements for one year and shall maintain the tenant improvements in accordance with Standard Form 2 GS-10B-05876 with Lease Amendments #1 through #14, and GSA Form 3517 General Clauses.

Restoration: The Lessor waives any and all rights of restoration against the Government concerning the tenant improvements completed with this Lease Amendment. At the Lessor's expense, the Lessor shall restore to original condition anything damaged by the work performed.

Site Conditions: The Lessor shall maintain worksite conditions in accordance with Lease Amendment Number # and standard OSHA requirements. The Lessor shall prevent injuries to individuals conducting business in and adjacent to the work area.

Acceptance: The Lessor shall request a final inspection upon project completion. Upon receipt of the request, an appointed GSA Contracting Officer Representative shall inspect the worksite within 14 calendar days and shall inform the Lessor of acceptance of the tenant improvements or actions required to gain acceptance. The Lessor shall furnish contractor and inspection reports, as-built drawings, permits, and all other applicable deliverables upon written notice of the Government's acceptance of the tenant improvements.

Cont. on Page 2

IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR:

Signature: [Signature]

Name: KEVIN M. GREENWOOD

Title: GENERAL MANAGER

Entity Name: PORT OF NEWPORT

Date: 9/20/2017

FOR THE GOVERNMENT:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Lease Contracting Officer

Entity Name: GSA, Public Building Service

Date: \_\_\_\_\_

WITNESSED FOR THE LESSOR BY:

Signature: [Signature]

Name: RICK FULLER

Title: DIRECTOR OF OPERATIONS

Date: 9.20.16

Continued from page 1

**Payment:** The total cost for tenant improvements is \$8,961.00 in accordance with Exhibit A "Revised Project Cost." Upon completion, inspection, and acceptance of the tenant improvements, the Government shall reimburse the Lessor for the total cost listed above. Reimbursement shall occur within 30 days of the Government's receipt of the Lessor's itemized invoice. The invoice must include:

- Lease number: **GS-10B-05876**
- Building address: **600 SE Bay Blvd Newport, OR 97365-4338**
- Payment reference number: **PS0036298**
- Lessor name and address as shown on the lease
- Itemization of the products or services provided

The Lessor *must* submit invoice documents electronically at [www.finance.gsa.gov](http://www.finance.gsa.gov) and inform the Lease Administration Manager of the submittal at [ron.feist@gsa.gov](mailto:ron.feist@gsa.gov). If the Lessor cannot submit documents electronically, hard copies must be sent to:


Original Documents	Copies
GSA Greater Southwest Finance Center Attn: PBS Payments Branch (BCFA) P.O. Box 17181 Fort Worth, TX 76102	GSA Field Office Attn: Ron Feist 405 East 8 <sup>th</sup> Ave Suite 2500 Eugene, OR 97401

**Notice to Proceed:** Upon execution by the Government, this Lease Amendment serves as a Notice to Proceed. The Lessor shall complete the alterations within 90 calendar days of receiving the notice to proceed from the Government. The Lessor shall confirm receipt, in writing, of NTP.

**Schedule:** The Lessor shall provide a schedule within 10 calendar days from receipt of the executed Lease Amendment. The schedule shall provide delivery details for equipment and materials with lead times that extend beyond seven calendar days.

**Change Orders:** The Lessor shall only act upon change orders approved by a GSA Contracting Officer and shall seek guidance from a GSA Contracting Officer in the event of any schedule, quality, or scope change.

All other terms and conditions of the Lease shall remain in full force and effect.

  
\_\_\_\_\_  
Lessor                      Gov't

**Port of Newport**

Page 1 of 1  
Date: 12/8/2015  
By: RF  
Job #

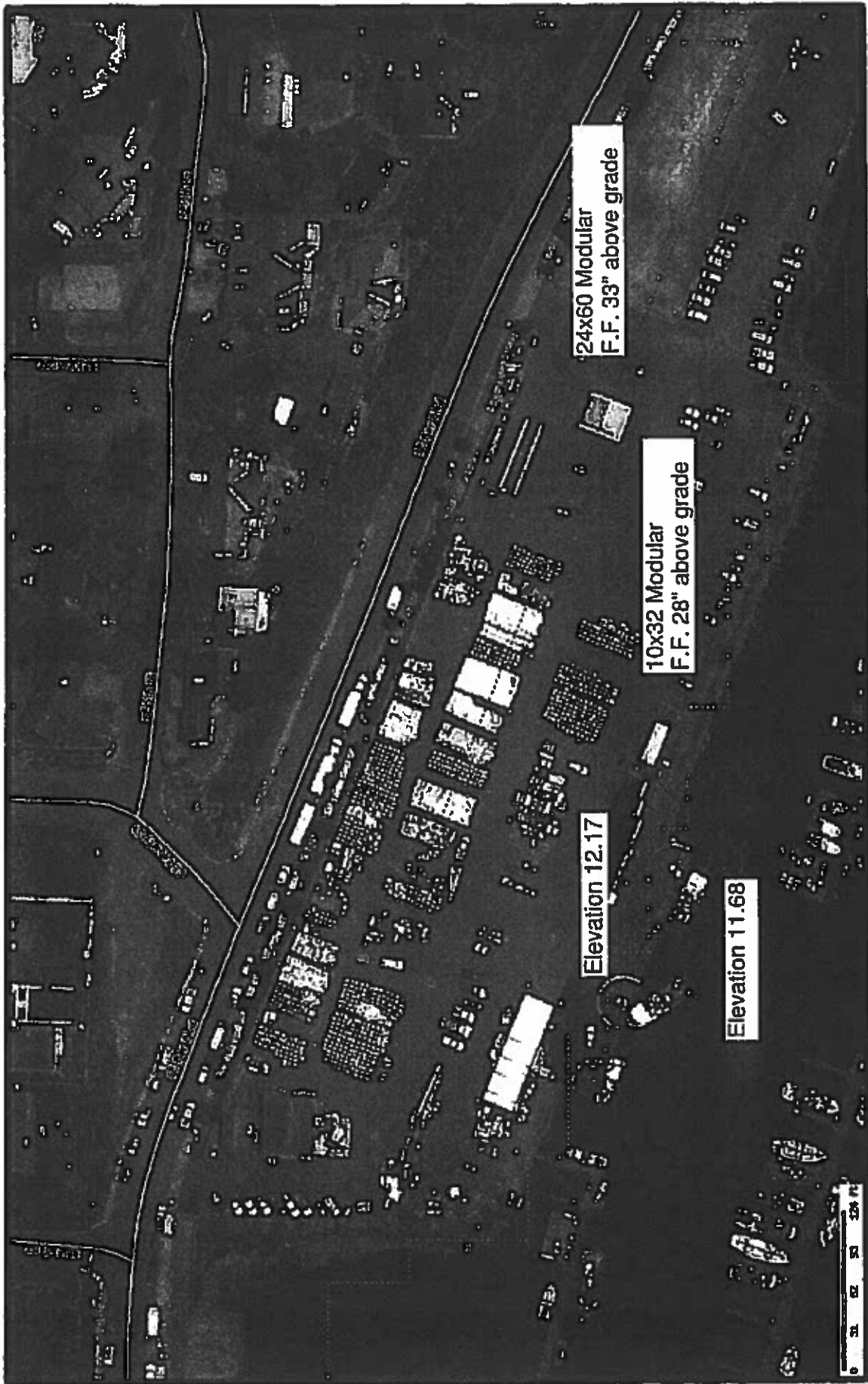
Location: Customs Trailer  
Description: Inasati Modular foundation to Code  
Flood Plain location

CODE DESCRIPTION	QUANTITY	UNIT	LABOR			UNIT COST			EXTENSIONS			TOTAL
			LAB	MATL	EOP	SUB	LABOR	MATL	EQUIP	SUB		
10x32 Modular Customs Office												
Engineered drawings for flood plain installation	1	Is				950.00			950.00			950
Permit fees	1	Is				148.00			148.00			148
SDC Fees (banked credit used)	0											
School District Construction Excise Tax	1	Is				160.00			160.00			160
IRC-R322.2												
Finished floor elevation cementation	1	Is				500.00			500.00			500
IRC-R322.1.2												
Foundation support per Design Space engineered drawing Section B1, A2, B2 - Nov 2015 Dean Briggs, PE (Attached)	1	Is				5,803.00			5,803.00			5,803
IRC-R322.2.2												
Stairing ( \$\$ included above) per Design Space engineered drawing section C1 - Nov 2015 Dean Briggs, PE (Attached)	0											
IRC-R322.1.6												
Electrical per code - fixed and water sealed	1	Is				600.00			600.00			600
Plumbing per code - Fixed hard connection and sealed	1	Is				800.00			800.00			800
SUBTOTAL												8,961
CONTINGENCY 0%												0
TOTAL THIS PAGE												8,961

Initials: [Signature] & [Signature]  
Lessor Government

EX A P9 1 of 3

# Modular office locations



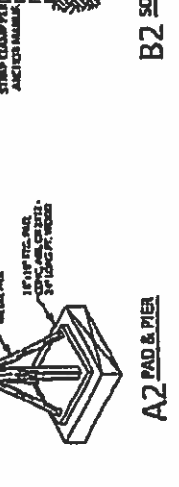
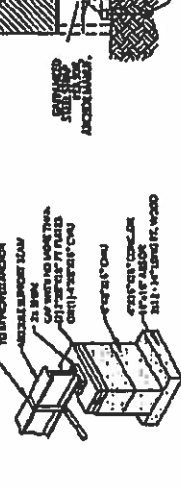
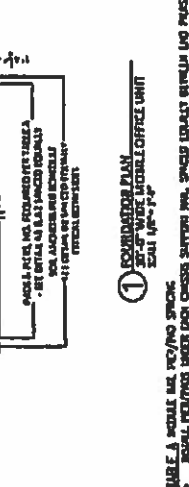
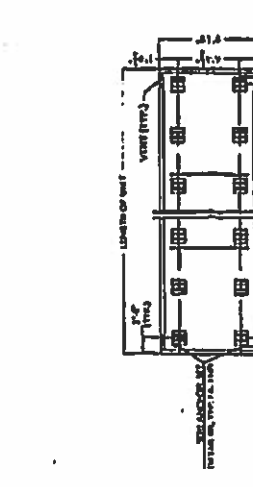
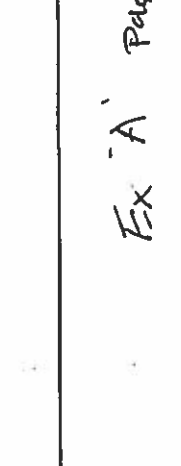
Initials: AG & Government  
Lessor

r. 'A' para 2/2

- GENERAL NOTES:**
1. ALL FOUNDATION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.
  2. FOUNDATION SHALL BE CONSTRUCTED ON A FIRM, UNDISTURBED, AND UNCOMPRESSED SUBGRADE. THE SUBGRADE SHALL BE VERIFIED BY A REGISTERED CIVIL ENGINEER AND SHALL BE AT LEAST 12" OF COMPACTED FILL (10% FILL) OR 18" OF UNDISTURBED NATURAL FILL (10% FILL) WITH A MINIMUM OF 2" OF GRANULAR FILL (10% FILL) ON TOP OF EACH LAYER.
  3. FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.
  4. FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.
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10. FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.



Initials: *[Signature]* & Government  
 Lessor

Ex 'A' Page 3/3



6400 se 101st Ave  
Portland, OR 97266

## Work Authorization Form

To: Rick Fuller

Date: 11-20-15

PROJECT NAME: Port of NewPort  
Port of Newport  
600 SE Bay Blvd  
 ADDRESS From: Newport, OR 97365

Job / J4134

Customer #: 62PORTNP

Lease#:

10x36 currently on site

Reblock and level unit with new material per foundation plan, install 10 tie downs per foundation plan, skirting to foundation plan, pricing includes foundation plan

The Customer agrees to pay DSMB Firm Fixed Price\* of:  
 \*\*additional charges on return fee's will be billed at time of termination\*\*

\$ 5803.00

\*This price excludes any and all taxes, licenses, and permits.

(SIGNATURE OF CUSTOMER REP.)

GENERAL MANAGER  
 (TITLE)

9/20/2017  
 (DATE)

Customer PO #

(If Applicable)

Additional Comments:

Please fax 503-222-2303 OR EMAIL TO DAWN@DESIGNSPACEMOD.COM

**.\*\*\* pricing on current lease on 10x32 for removal will change due to skirting removal, tie down removal and extra blocking removal\*\***







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**DATE:** 9/21/2016

**TO:** Kevin Greenwood

**FROM:** Rick Fuller

**RE:** PO #28025 Commission approval- CleanWay Environmental-replacement parts stainless steel storm water catch basin

---

### **OVERVIEW**

The International Terminal is required under its 1200Z permit to maintain and monitor storm water discharge. Per the construction specifications powder coated catch basins were installed at ten (10) locations. The powder coated steel has not held up to the harsh salt water conditions of the terminal and are in need of replacement due to corrosion. The new catch basins, strainers and housings should be replaced with marine grade stainless steel for better corrosion protection and longer use. CleanWay Environmental is the manufacture and supplier of the catch basins

### **DETAIL**

Our current Storm Water Pollution Prevention Plan mentions these filters:

#### ***6.3 Storm Water Treatment***

*Sheet flows off the storage areas and concrete docks are monitored and sorbents are used if visible sheen is observed prior to discharge to the catch basins. Additionally, each catch basin within the drainage areas are currently fitted with CleanWay® high performance filtration (2nd stage) inserts for additional treatment of storm water runoff prior to discharges to surface water bodies. The gravel area of drainage DA#4 should have silt fencing installed around the two catch basins to prevent siltation of the catch basin and reduce maintenance of the inserts.*

CleanWay systems has agreed to provide replacement pans (the sheet metal plates that the strainers and filter elements rest in) out of stainless steel as a "free" upgrade from the existing powder coated sheet metal that is currently in there. The purchase order includes ten of these stainless pans, ten stainless steel strainer baskets, and new vermiculite filter elements. CleanWay systems is the only company that can provide direct replacements for what we are currently using. See the attached The CleanWay catch basins and its parts are proprietary and therefore considered as a sole source procurement.

### **BUDGET IMPACTS**

The expense for the replacement basins screens and filters is \$6,950.00. \$7,000.00 has been approved as a priority #6 capital project budget item for fiscal year 2016/2017. The total purchase order request for CleanWay Environmental Partners is \$7,260.00 which includes additional filters and shipping. The total purchase order to CleanWay of \$7,260.00 will be expensed to the following accounts:

\$6,950.00 – Facility Maintenance Reserve Fund as a Capital Outlay  
\$310.00 – General Fund NIT/Materials & service

**ALTERNATIVE CONSIDERATIONS**

None. CleanWay systems is the only company that can provide direct replacements for what we are currently using. The CleanWay catch basins and its parts are proprietary and therefore required to be purchased as a sole provider.

**RECOMMENDATION**

Purchases over \$5,000.00 require Commission approval

Staff therefore recommends that a Commissioner make a **MOTION TO AUTHORIZE THE GENERAL MANAGER TO SIGN PURCHASE ORDER #28025 IN THE AMOUNT OF \$7,260.00 FOR STROM DRAIN BASIN PARTS PURCHASED FROM CLEANWAY ENVIRONMENTAL PARTNERS, INC.**

PURCHASE ORDER

**PORT OF NEWPORT**

28025

600 S.E. BAY BLVD. • NEWPORT, OR 97365  
541/265-7758

TO Clean Way Enviro

CHARGE TO NIT/MS/  
POSTING CODE Capital Hill?  
CONTROLLER SIGNATURE \_\_\_\_\_

DATE	DELIVERY DATE	SHIP VIA	F.O.B.	TERMS	PURCHASE ORDER No.
9-21-16					
QUANTITY	DESCRIPTION			PRICE	AMOUNT
10	complete stormwater catch basin strainers, + housings (stainless steel)				6950.00
2	Absorb-it filters				90.00
				shipping	130.00
	Pete				7260.00

NOT FOR RESALE

FOR RESALE

TAX NUMBER \_\_\_\_\_

Deanna K. Davis  
AUTHORIZED SIGNATURE

GENERAL MANAGER

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES



# QUOTATION

Quote Number: m1386  
 Quote Date: Sep 13, 2016  
 Page: 1

**CleanWay Environmental Partners, Inc.**  
 P.O. Box 30087  
 Portland, OR 97294  
 USA

Voice: 800-723-1373  
 Fax: 503-288-3658

<b>Quoted To:</b>
Port of Newport 600 SE Bay Blvd Newport, OR 97365 U.S.A.

Customer ID	Good Thru	Payment Terms	Sales Rep
port of newport	10/13/16	Prepaid / net 30 days OAC	MM

Quantity	Item	Description	Unit Price	Amount
5.00	RPRT_X_PAN-II	Replacement pan only rectangle with specified dimensions, type II 30 1/2" X 27" with flap seal on 30 1/2" side	385.00	1,925.00
10.00	SP-ASSY	STAINLESS STEEL UPGRADE NO CHARGE		
5.00	RPRT_X_PAN-II	Replacement pan only rectangle with specified dimensions, type II 32" X 27" with flap seal on 32" side	385.00	1,925.00
10.00	RPSTRN-II	Storm clean-II repl strainer	310.00	3,100.00
10.00	SP-ASSY	STAINLESS STEEL UPGRADE NO CHARGE		
1.00	shipping	Shipping Added to Invoice		

*# 6950<sup>00</sup>/<sub>14</sub>*



# QUOTATION

Quote Number: m1384  
 Quote Date: Mar 8, 2016  
 Page: 1

**CleanWay Environmental Partners, Inc.**  
 P.O. Box 30087  
 Portland, OR 97294  
 USA

Voice: 800-723-1373  
 Fax: 503-288-3658

<b>Quoted To:</b>
Port of Newport 600 SE Bay Blvd Newport, OR 97365 U.S.A.

Customer ID	Good Thru	Payment Terms	Sales Rep
port of newport	4/7/16	Prepaid / net 30 days OAC	MM

Quantity	Item	Description	Unit Price	Amount
1.00	FPSED-II	Storm Clean - II non woven fabric sediment filter element	30.00	30.00
1.00	FPSEDHC-II	Fabric filter with Adsorb-It material for the removal of sediment and hydrocarbon.	45.00	45.00
1.00	FPVSAD-II	Storm Clean-II absorption filter element with vermiculite	175.00	175.00
1.00	MPFS-M-II	Media pack for type-II Storm clean with 75% MetalZorb® type M and vermiculite blend	475.00	475.00
1.00	shipping	Shipping Added to Invoice		



# PRESENTATIONS AGENDA ITEM

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**DATE:** September 27, 2016  
**RE:** Recognition of Lieutenant Aaron Ferguson  
**TO:** Board of Commissioners  
**ISSUED BY:** General Manager

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## **BACKGROUND**

Included in your packet this month is a staff report from TCB Lieutenant Simeon Elbrader commending Lieutenant Aaron Ferguson for his actions on August 23<sup>rd</sup> on Port Dock 5 regarding the F/V SeaDog. TCB has provided security for the Port of Newport since 2010, and as such acts very much like a separate department of the Port. I work directly with the President/CEO, Mike Goff, and annually review our relationship. Lieutenant Ferguson participates in our monthly Dept. Head meetings and interacts daily with port staff and customers. Lieutenant Ferguson's temperament and willingness to help is extremely appreciated. In appreciation for his efforts with the Sea Dog, I would like to give Aaron a small token of the Port's appreciation with a Port of Newport lapel pin. We should all take note of Aaron's contributions to the Port.

## **TCB WORK PERFORMANCE DOCUMENTATION**

**Date:** 08/24/2016

**To:** Lieutenant Aaron Ferguson

**From:** Lieutenant Simeon Elbrader

**Subject:** Work Performance Documentation

**Topic:** F/V Sea Dog Fire



On 08/23/2016 at 2330 hours Lieutenant Ferguson responded to a report of a fishing vessel on fire at Port Dock 5. In my opinion Lieutenant Ferguson showed great heroism and ability to keep a calm head and sound judgment in an extremely volatile situation. As a woman ran up the dock hysterically informing him there was someone aboard the boat yelling for help, with the vessel cabin engulfed in flames, and small explosions going off, he selflessly ran towards the danger when he easily could have stood down to wait for emergency responders.

Quickly assessing the situation, boarding the vessel, when law enforcement refused to and keeping a man from putting his life at risk in an attempt to rescue his dog while extinguishing the flames with a garden hose shows his ability to work under pressure and let his adrenaline work for him rather than against him.

Lt. Fergusons quick action likely prevented this fire from spreading to more than just the cabin of the vessel, placing it, and other port assets at risk. Lt. Ferguson had most of the fire extinguished by the time fire personnel arrived and remained so scene to assist until they cleared.

**RECOMMENDATION**

The General Manager will present a lapel pin to Lieutenant Ferguson as a small token of our appreciation of his efforts providing security for the Port of Newport.

-###-





**Operating Fund**

**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
8/24/16	38205	Chase - Visa	Office and operating supplies, security signs, safety vests, washer and dryer repairs, lodging	4,236.71
8/25/16	38206	Pacific Coast Congress HMPM	Conference registration	650.00
8/30/16	38207	Petty Cash	Office supplies, operating supplies, food for meetings	201.15
8/29/16	38208	Association of Pacific Ports	2016-2017 port member dues	1,250.00
8/29/16	38209	Cardinal Services	Wages for temp services	2,573.85
8/29/16	38210	Central Coast Excavating	Multi-use area walkway backfill and prep	2,500.00
8/29/16	38211	Century Link	Telephone	398.18
8/29/16	38212	CenturyLink - Business Service	Telephone	126.64
8/29/16	38213	Chris Tiller	Refund - SB RV Park	52.90
8/29/16	38214	Coastal Paper & Supply	Cleaning and paper supplies	1,588.10
8/29/16	38215	Coastal Refrigeration	HVAC maintenance	125.47
8/29/16	38216	CoastCom	Internet and email	832.00
8/29/16	38217	Conrad Forrest Products	Pressure-treated lumber	861.60
8/29/16	38218	Fastenal Company	Equipment supplies for dumpster repairs	8.77
8/29/16	38219	G & K Floors	Janitorial Services - SB and customs trailer	4,080.00
8/29/16	38220	Grainger	Walk-behind sweeper	4,695.00
8/29/16	38221	Groth-Gates Heating	HVAC filters	51.90
8/29/16	38222	Home Wire	Service call - SB RV Park	199.00
8/29/16	38223	Industrial Welding Supply	Dust masks, saws-all	260.65
8/29/16	38224	Lincoln County Public Works	Fuel for trucks	350.91
8/29/16	38225	Lincoln Glass	Clear plexi for dry erase board	122.50
8/29/16	38226	Morneau Shepell BDA Limited	Critical incident stress debriefing	815.00
8/29/16	38227	National Photocopy Corporation	IT contract charge - Aug 2016	336.91
8/29/16	38228	Newport Marine & RV Service	Operating supplies	40.94
8/29/16	38229	Newport Signs	Mitigation sign at info kiosk	137.00
8/29/16	38230	NW Natural	SB gas	116.28
8/29/16	38231	Rick Fuller	Mileage - pickup from state surplus	55.62
8/29/16	38232	Siuslaw Broadband	Security camera equipment and installation	4,925.50
8/29/16	38233	Toyota Financial Services	Forklift leases	1,044.20



**Operating Fund**

**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
8/29/16	38234	Verizon Wireless	Port cell phones	249.80
8/30/16	38235	Business Oregon - OBDD	Debt service	7,800.00
8/30/16	38236	Pacific Son Fisheries	Refund - Commercial Marina	352.99
9/15/16	38237	Employee	Mid-month draw	450.00
9/15/16	38238	Employee	Mid-month draw	500.00
9/15/16	38239	Employee	Mid-month draw	500.00
9/15/16	38240	Employee	Mid-month draw	300.00
9/15/16	38241	Employee	Mid-month draw	475.00
9/15/16	38242	Employee	Mid-month draw	650.00
9/15/16	38243	Employee	Mid-month draw	1,500.00
9/14/16	38244	Alan Brown Tire Center	Replace battery in 2009 Ford Edge	91.65
9/14/16	38245	Allen's Lot Maintenance	Lot sweeping - International Terminal	681.15
9/14/16	38246	ALSCO	Floor mats and towel rental	312.47
9/14/16	38247	Alsea Bay Power Products	Equipment maintenance and supplies	358.59
9/14/16	38248	Barrelhead	Operating supplies	99.03
9/14/16	38249	Business Oregon - OBDD	Debt service	4,463.00
9/14/16	38250	Cardinal Services	Wages for temp services	4,731.20
9/14/16	38251	Central Lincoln PUD	Electricity	202.69
9/14/16	38252	City of Newport	Void	0.00
9/14/16	38253	Coast Crane Company	Hydraulic cylinder assembly, cabin air filter, lower sheaves, O-ring kit	3,096.90
9/14/16	38254	Coastal Marine & Hydraulics	Repairs to hoist hydraulic system	348.30
9/14/16	38255	Coastal Paper & Supply	Cleaning and paper supplies	914.36
9/14/16	38256	Copeland Lumber Yards	Pressure-treated lumber	394.32
9/14/16	38257	Creative Landscape & Maintenance	Landscape maintenance	1,200.00
9/14/16	38258	Design Space	Temporary office rental	217.00
9/14/16	38259	Direct TV	Cable - RV parks	1,069.29
9/14/16	38260	Doug's Electric	Operating supplies	57.80
9/14/16	38261	Englund Marine Supply Co	Rain gear and boots, metal treatment and paint, cam locks, other operating supplies	726.27
9/14/16	38262	Fastenal Company	Operating supplies	333.87



**Operating Fund**

**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
9/14/16	38263	Fred Pryor Seminars	Payroll law seminar	149.00
9/14/16	38264	Grimstad & Associates	Work in progress on preparation of audit report	2,000.00
9/14/16	38265	Harvey's Lock & Key	Duplicate keys, locksets	362.81
9/14/16	38266	IconiPro Security and Alarms	Replace smoke detectors with wireless heat	395.92
9/14/16	38267	LazerQuick	Digital copies of blueprints, other copies	175.40
9/14/16	38268	Lee Fries	Reimbursement for operating supplies	119.96
9/14/16	38269	Lincoln County Public Works	Fuel for trucks	353.94
9/14/16	38270	MacPherson Gintner & Diaz	Professional services	937.50
9/14/16	38271	Neopost USA	Postage machine rental	149.85
9/14/16	38272	Newport Auto Parts	Vehicle maintenance supplies	225.08
9/14/16	38273	OCZMA	2016-2017 membership dues	800.00
9/14/16	38274	Overton Safety Training	Fall protection end user safety training	560.00
9/14/16	38275	Papé Material Handling Exchange	Repair of hydraulic leak on Hyster H90	193.50
9/14/16	38276	Pioneer Telephone Cooperative	Telephone	226.62
9/14/16	38277	Platt	Light and fixture for pole at hoist dock	1,183.09
9/14/16	38278	Power Motors	Repairs - 2010 Ford F150	1,895.02
9/14/16	38279	Pro-Build Company	Operating supplies	204.84
9/14/16	38280	Road & Driveway Co Inc	Lot sweeping - SB Marina & RV Park	187.50
9/14/16	38281	Sherwin Williams	Operating supplies	7.81
9/14/16	38282	Special Districts Association of OR	Regional risk management training	100.00
9/14/16	38283	Special Districts Insurance Service	Void	0.00
9/14/16	38284	Staples	Copy paper, toner, office supplies	424.54
9/14/16	38285	Suburban Propane	Propane	233.24
9/14/16	38286	T & L Septic & Chemical Toilet Service	Chemical toilet rental	556.00
9/14/16	38287	TCB Security Services	Monthly security contract	6,516.00
9/14/16	38288	Thompson's Sanitary Service Inc	Trash disposal	8,351.50
9/14/16	38289	Thompson's Transfer & Disposal	Trash disposal	31.20
9/14/16	38290	United Grocers - Cash & Carry	Office supplies, food for meetings	375.92
9/14/16	38291	Voya	Monthly employee contributions	100.00
9/14/16	38292	Xerox Corporation	Copier lease	408.05
9/14/16	38293	Yaquina Bay Communications	Banner ad	201.50



**Operating Fund**  
**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
9/14/16	38294	Special Districts Insurance Service	Monthly health-life-dental insurance	17,301.68
9/14/16	38295	City of Newport	Transient room tax - August 2016	7,355.02
9/14/16	38296	City of Newport	Water and sewer	169.90
9/14/16	38297	Chase - Visa	Office and operating supplies, small tools, meals and lodging, conference registration	3,026.71
9/14/16	38298	Barb Martin	Refund of moorage	1,745.40
9/14/16	38299	Craig Wilcox	Refund of moorage	1,375.16
9/19/16	38300	James Bush	Refund of moorage	600.00
<b>Total</b>				<b>123,712.12</b>



**NOAA Fund**

**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
8/24/16	12989	Chase-Visa	Condensate removal pump kit	255.90
8/29/16	12990	Advanced Remediation Technologies Co	NOAA Sediment Characterization	3,208.40
8/29/16	12991	Cheyenne Livestock & Products	Fire extinguishers	1,110.00
8/29/16	12992	G & K Floors	Janitorial services	450.00
8/29/16	12993	Metro Overhead Door	Safety Edge transmitter for entry gate	98.00
8/29/16	12994	Performance System Integration	Service call - fire protection system	1,190.00
8/29/16	12995	Ultimate Pest Control	Pest control	125.00
8/29/16	12996	Verizon Wireless	Phone charges and mifi	51.70
8/29/16	12997	Williams Scotsman	Rent mobile office	346.30
9/7/16	12998	City of Newport	Estuarine development and LUCS permits	649.00
9/14/16	12999	Coastal Refrigeration Heating & AC	Annual service inspection and maintenance	2,350.00
9/14/16	13000	Copeland Lumber Yards	Treated lumber for sign posts	138.81
9/14/16	13001	Englund Marine & Industrial Supply	Work gloves	26.40
9/14/16	13002	Fastenal Company	Stainless screws	9.48
9/14/16	13003	Grainger	Multimeter extension kit	102.48
9/14/16	13004	Harvey's Lock & Key Service	Void	0.00
9/14/16	13005	Lincoln County Public Works	Gas for truck	25.10
9/14/16	13006	Lincoln Glass	NOAA storefront wall	7,375.00
9/14/16	13007	MC Dean	Annual service inspection and maintenance	2,900.00
9/14/16	13008	Newport Diesel & Marine Co	Annual service inspection and maintenance	400.00
9/14/16	13009	Newport Rental Service	Scissor lift rental	262.00
9/14/16	13010	Overhead Door Company of Salem	Annual service inspection and maintenance	800.00
9/14/16	13011	Overton Safety Training	Fall protection end user safety training	140.00
9/14/16	13012	Pacific Habitat Services	Biological consulting services - MOC-P	3,719.28
9/14/16	13013	Pioneer Telephone Cooperative	Telephone	240.22
9/14/16	13014	Power Motors	Oil change and transmission service	190.73
9/14/16	13015	Special Districts Insurance Services	Void	0.00
9/14/16	13016	T & L Septic & Chemical Toilet Service	Holding tank rental from 7/26/16 to 8/25/16	35.00
9/14/16	13017	TCB Security Services	Elevator phone monitoring	20.00



**NOAA Fund**

**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
9/14/16	13018	Thompsons Sanitary Service	20 yd dumpster and disposal	345.60
9/14/16	13019	Harvey's Lock & Key Service	Duplicate keys	21.00
9/14/16	13020	Special Districts Insurance Services	Monthly health-dental-life insurances	648.63
9/14/16	13021	Chase-Visa	Air filters, valves,	889.45
<b>Total</b>				<b>28,123.48</b>



**Construction Fund**  
**August 18, 2016 through September 21, 2016**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
9/14/16	11834	Geotechnical Resources Inc	Phase 1 and 2 environmental site assessment ITSF	4,326.60
9/14/16	11835	Pacific Habitat Services	Environmental consulting for ITSF	689.25
<b>Total</b>				<b>5,015.85</b>





# OLD BUSINESS AGENDA ITEM

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**DATE:** 9/27/2016  
**RE:** International Terminal Shipping Facility Update  
**TO:** Port of Newport Board of Commissioners  
**ISSUED BY:** Kevin Greenwood, General Manager

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## **FINANCING UPDATE**

### **Economic Development Administration:**

- Grant application was rejected.
- Funding is complete for this year.
- Port was invited to apply in new fiscal year starting October 1 and I have been working with our team to produce a modified application.

### **TIGER US Dept. of Transportation:**

- Continuing to refine the line items that TIGER will pay. TIGER has agreed to pay for asphaltting on the project which is about \$2-million.

### **State Options:**

- Walter and I travelled to Salem last Friday and met with Rep. Gomberg; Chris Cummings, Oregon Infrastructure Finance Authority; Karmen Fore, Governor's Transportation Policy Advisor; Jackie Mikalonis, Governor's Regional Solutions Team representative; and David Harlan, Oregon Business Port's Division Manager. Looking at options for state grant funds.
- Looking at funds in the Regional Solutions (RST) program where \$800k is marked "pending". Small amount in Community Develop Block Grants (CDBG), \$46k. Governor's Special Reserve Fund (SRF) could be used as a last resort, but not specific on amounts.

### **Private Options:**

- Possible option of USDA-Rural Development loan, 40-years at 2.75%. Looking into whether loan proceeds can be considered as non-federal.
- Teevin has conceptually agreed to paying portions of their lease up-front toward construction cost.

## **OTHER**

- Corps permit has officially been received. This permit basically removed Teevin's name and replaced it with the Port.
- Continuing to work with the Economic Development Alliance of Lincoln County to receive a state-wide marketing designation for the property. The certification is called a Regionally Significant Industrial Area (RSIA) and would apply to the Hall property as well.
- GRI Report came back and showed material as clean with some rebar/plastic material, but nothing of a chemical nature. This was good news!
- Six month progress check coming up in December. Will need to show forward progress, again, by end of year.

-###-

**PORT OF NEWPORT  
INTERNATIONAL TERMINAL SHIPPING FACILITY PROJECT  
BUDGET**

<b>COMPONENT/COST ITEM</b>	<b>FEDERAL FUNDING SOURCE</b>	<b>COST</b>		<b>TIGER</b>	<b>EDA</b>	<b>Oregon</b>	<b>Port</b>
Site Work	DOC/EDA	\$1,563,163		\$0	\$781,582	\$781,581	\$0
Underground Utilities and Conduit	DOC/EDA	\$276,338		\$0	\$138,169	\$138,169	\$0
Drainage	DOC/EDA	\$263,448		\$0	\$131,724	\$131,724	\$0
Water, Miscellaneous	DOC/EDA	\$154,843		\$0	\$77,421	\$77,422	\$0
Sanitary Sewer Improvements	DOC/EDA	\$52,510		\$0	\$26,255	\$26,255	\$0
Sub Base	DOT/MARAD	\$1,357,628		\$0	\$200,000	\$800,000	\$357,628
Paving	DOT/MARAD	\$2,104,425		\$2,000,000	\$0	\$0	\$104,425
Layout Work	DOT/MARAD	\$67,000		\$0	\$33,500	\$33,500	\$0
Engineering, Rights-of-Way, Fees	One Part Each	\$638,599		\$0	\$600,000	\$0	\$38,599
	<b>Total</b>	<b>\$6,477,953</b>		<b>\$2,000,000</b>	<b>\$1,988,651</b>	<b>\$1,988,651</b>	<b>\$500,652</b>

# NEW BUSINESS AGENDA ITEM

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**DATE:** September 27, 2016  
**RE:** Resolution Adding Distant Water Fishery Representative To Commercial Fishing Committee  
**TO:** Board of Commissioners  
**ISSUED BY:** General Manager

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## **BACKGROUND**

On July 26<sup>th</sup> the Port Commission adopted a resolution forming a Commercial Fishing Users Group Committee. The resolution failed to include a representative from the Distant Water Fishery and the Midwater Trawlers Coop, followed up with me to suggest that the position be added. MTC also asked that Jeff Lackey be named as that position's representative. The Port certainly intends for the Committee to represent the necessary representatives and Mr. Lackey has expressed an interest in Port business, so this seems like a reasonable amendment to add an important group to the committee.

## **ACTIVITY TO DATE**

Though the Committee has yet to formally meet, management has used members of the committee to assist the Port in two key projects: selecting an engineer for the PD-5 pier extension and reviewing the bid documents related to the pile and dock replacement project.

Bob Eder was a member of the proposal scoring process (along with Commissioner Lamerdin) and Operations also discussed the bid documents for the pile replacement with Eder.

Once OBEC Engineers were selected by the Port Commission, members of the Commercial Fishing Committee sat in a stakeholders group with the port staff and the engineers to help set criteria for the PD-5 pier extension.

Once the Committee is firmly established, the Port can continue to work with the fishermen in an organized, efficient matter to exchange information to get value input from the users.

From an administrative organization, port staff has drafted bylaws for the committee review and we'll be establishing binders for the committee members to include capital improvement lists, budgets and the port's strategic business plan. We hope to have the first meeting and binders distributed by the end of October.

## **RECOMMENDATION**

I would recommend that a Commissioner make a MOTION TO ADOPT A RESOLUTION ADDING A DISTANT WATER FISHERY REPRESENTATIVE TO THE COMMERCIAL FISHING USERS GROUP COMMITTEE.

-###-

**PORT OF NEWPORT  
RESOLUTION NO. 2016-\_\_\_**

**A RESOLUTION AMENDING THE COMMERCIAL FISHING USERS GROUP COMMITTEE  
MEMBERSHIP TO INCLUDE A DISTANT WATER FISHERY REPRESENTATIVE**

**WHEREAS**, the Port of Newport Board of Commissioners formed a Commercial Fishing Users Group Committee via Resolution No. 2016-06 on July 26, 2016; and

**WHEREAS**, the Commission would like to add a representative from the distant water fishery to the Committee membership and assign Jeff Lackey to the position; NOW THEREFORE,

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS  
FOLLOWS:**

**Section 1.** Amend the Membership section to read as follows:

**Section 2. Membership.** The Committee will be made up of 12 members and a quorum of 7 will be required to meet. Positions 1, 3, 5, 7, 9, and 11 are two-year terms starting July 1, 2016. Positions 2, 4, 6, 8, 10, and 12 are four-year terms starting July 1, 2016. All positions would renew for four-year terms. A member of the Port of Newport Commission shall serve as a non-voting ex-officio liaison to the Committee. Members will be selected from the following groups:

- A. Port Dock 7 moorage holder
- B. Port Dock 5 moorage holder
- C. Commercial Fish Buyer
- D. Limited Entry Seller
- E. Midwater Trawler
- F. Oregon State University Sea Grant
- G. Crabber
- H. Shrimper/Trawler
- I. Tuna/Salmon
- J. Longliner
- K. Industry Support Services
- L. Distant Water Fishery

**Section 3. Codify.** Staff is directed to codify this amendment into the Committee By-laws according to past administrative practices.

**Section 4. Effective Date.** Resolution shall take effect immediately.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS** this 27th day of September, 2016.

ATTEST:

\_\_\_\_\_  
Walter Chuck, President

\_\_\_\_\_  
Patricia Patrick-Joling, Secretary/Treasurer

# NEW BUSINESS AGENDA ITEM

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**DATE:** September 27, 2016  
**RE:** Port of Newport Facilities Code Amendment  
**TO:** Board of Commissioners  
**ISSUED BY:** General Manager

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## **BACKGROUND**

The Port of Newport Board of Commissioners adopted a Facilities Code via Resolution No 2013-1 on May 28, 2013 in an effort to clean up and more properly manage port property and facilities. The Code was designed for frequent and easy amendments to adjust for new concerns and better operations.

The Code is designed to allow for certain authorities, most often delegated to staff, with the ability for additional refinement to be developed through a stand-alone resolution. As an example, Section 2.24 of the Code allows for the management of charter boat activity and the Commission adopted a separate resolution to refine those policies. The Code grants authority and separate resolutions develop the policies for staff implementation.

Three items have come to staff's attention that require an amendment to the authority granted within the PONFC.

## **ITEMS OF CONCERN**

### *Special Uses permitted on Port Property.*

This is a case of the cart coming before the horse. The Commission indeed adopted a policy for the issuance of a Special Use Permit through Res. No. 2015-12 on July 28, 2015. Unfortunately, the Code does not explicitly allow for special uses. This amendment simply allows for special uses on port property and under which conditions a permit is required. The recommended amendment states that "...activities...may, by resolution, establish criteria..." for special events. The refining resolution is already adopted; this simply is more of a house-cleaning issue.

### *Campfires and Open Flames.*

South Beach staff experienced a few complaints this summer from RV Park visitors regarding charcoal and wood fires. The discussion resulted in the Newport Fire Department sharing elements of the 2014 Oregon Fire Code to help refine this policy. Basically the fire code states that there cannot be an "open flame" within 15 feet of a "structure or combustibles" and the Fire Chief includes vehicles and trailers in that definitions. Since propane powered crab cookers are popular, Chief Murphy agreed to allow crab cookers as long as they're five feet away from an RV or trailer. Other portable propane grills and warmers are allowed n campsites and picnic bunkers. Currently raised fire pits are allowed (not prohibited due to closeness of spaces) and crab cookers are prohibited in spaces. This amendment brings the Port policy into compliance with the State Fire Code and Chief Murphy's recommendations.

Public Art, Commemorative Benches, Name Plates, etc.

The Port periodically receives requests from the public for commemorative benches and the installation of public art. For example, the Sea Lion statue on the boardwalk was originally requested to be installed in South Beach. Due to Rogue construction, I convinced the requestor to find another location, but that was an administrative decision. Likewise, the Port periodically receives requests for memorial benches. (It should be noted that the benches located on the boardwalk are managed by the City of Newport Parks and Rec Dept.) It's not a critical issue at this point but the recommended amendment allows for a future policy to be developed if it becomes a concern. This amendment anticipates a future policy issue and allows the Commission a remedy at some future time.

**RECOMMENDATION**

I would recommend that a Commissioner make a MOTION TO ADOPT A RESOLUTION AMENDING THE PORT OF NEWPORT FACILITIES CODE TO ADD PROVISIONS FOR FIRE SAFETY, SPECIAL EVENTS AND PUBLIC ART.

-###-

**PORT OF NEWPORT  
RESOLUTION NO. 2016-\_\_**

**A RESOLUTION AMENDING THE PORT OF NEWPORT FACILITIES CODE TO ADD  
PROVISIONS FOR FIRE SAFETY, SPECIAL EVENTS AND PUBLIC ART**

**WHEREAS**, the Port of Newport Board of Commissioners adopted Ord. No. 1-2013 on May 28, 2013 creating the Port of Newport Facilities Code (PONFC); and

**WHEREAS**, the PONFC may be amended from time to time by resolution of the Commission; and

**WHEREAS**, the Commission last amended the PONFC via Resolution No. 2014-04 on May 22, 2014; and

**WHEREAS**, the PONFC addresses the Public Use of Port Properties/Facilities in Section 2.14; and

**WHEREAS**, however, the PONFC fails to explicitly allow Special Uses on Port Property; and

**WHEREAS**, though the Port Commission adopted Res. No. 2015-12 on July 28, 2015 adopting a Special Use Policy; and

**WHEREAS**, now the Port Commission would like to update the PONFC to ratify the authority of Res. No. 2015-12; and

**WHEREAS**, the PONFC does not address rules or regulations regarding the installation of Public Art or commemorative benches, nameplates and similar structures; and

**WHEREAS**, the Port Commission reserves the right to implement rules and regulations regarding the installation of art, benches, nameplates and similar structures; and

**WHEREAS**, the PONFC addresses Campfires and Open Flames in Section 6.6; and

**WHEREAS**, the 2014 Oregon Fire Code prohibits portable outdoor fireplaces within 15 feet of a structure of combustible materials (including recreational vehicles); and

**WHEREAS**, the Port Commission wishes to correct the PONFC to reflect current fire code; and

**WHEREAS**, the Port has received input from charter office owners and charter boat owner/operators about the criteria under which charter boats may receive a discounted rate; and

**WHEREAS**, a public meeting was held on November 25, 2014 to discuss this Resolution; NOW THEREFORE,

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:**

**Section 1.** Edit PONFC Section 2.14 with the following:

***“2.14 Public Use of Port Properties/Facilities.***

- (a) Closure. The docks and Port properties are closed between dusk and dawn to the public, except as to authorize moorage holders, their agents or employees having business to tend to on the vessels. Authorization for public use of Port properties or facilities after dark must be obtained from the General Manager. Violation of this section is a Class C Violation of this Code.

- (b) Special Uses Permitted. The activities described in this section may not be conducted upon Port Properties without a Special Use Permit obtained from the Port. The Commission may, by resolution, establish criteria for and restrictions upon the issuance of permits, and may grant exclusive licenses for the conduct of such activities. This restriction does not apply to the Port’s lessees when upon the leased premises. A “Special Use” is defined as any private activity conducted wholly or partly on port property that requires the use of port services, such as closure of a portion of port property or parking, use of port property, or other port services (e.g. moorage). A Special Use may include, but is not limited to, parade, festival, exposition, show, sale, event, or other similar activity, or any activity to which the user has invited the public to attend or otherwise publically promoted.”

**Section 2.** Edit PONFC Section 6.6 with the following:

***“6.6 Campfires and Open Flames.***

No open campfires or open flames are permitted within 15 feet of a structure, vehicle, trailer or combustible material. Propane crab cookers are also prohibited within five feet of a structure or vehicle. Portable propane grills and warmers are allowed in campsites and picnic bunkers.”

**Section 3.** Add a subsection to Section 2 “Port Facilities” to include the following:

***“Public Art.***

Public art, commemorative benches, nameplates or other similar structures shall be reviewed and approved by the Port Commission before installation. The Commission may adopt a resolution to manage the review of public art and structures.”

**Section 4.** This resolution becomes effective upon adoption.

**Section 5.** Staff is directed to codify this amendment into the Port of Newport Facilities Code (PONFC) according to past administrative practices.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS** this 27th day of September, 2016.

\_\_\_\_\_  
Walter Chuck, President

ATTEST:

\_\_\_\_\_  
Patricia Patrick-Joling, Secretary/Treasurer



**SECTION 306  
MOTION PICTURE PROJECTION ROOMS AND  
MOTION PICTURE AND TELEVISION PRODUCTION  
STUDIO SOUNDSTAGES AND APPROVED  
PRODUCTION FACILITIES AND FILM**

**306.1 Motion picture projection rooms.** Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *International Building Code*.

**306.2 Cellulose nitrate film storage.** Storage of cellulose nitrate film shall be in accordance with NFPA 40.

**306.3 Motion picture and television production studio soundstages and approved production facilities.** Motion picture and television production soundstages and approved production facilities shall comply with NFPA 140.

**SECTION 307  
OPEN BURNING, RECREATIONAL FIRES  
AND PORTABLE OUTDOOR FIREPLACES**

**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

**307.1.1 Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

**307.2 Permit required.** A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

**307.2.1 Authorization.** Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

**307.3 Extinguishment authority.** When any fire creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the fire.

**307.4 Location.** The location for *open burning* shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

**Exceptions:**

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.

2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

**307.4.2 Recreational fires.** *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

**Exception:** Portable outdoor fireplaces used at one- and two-family *dwelling*s.

**307.5 Attendance.** *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**SECTION 308  
OPEN FLAMES**

**308.1 General.** Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

**308.1.1 Where prohibited.** A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar *approved* device.

**308.1.2 Throwing or placing sources of ignition.** No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

**308.1.3 Torches for removing paint.** Persons utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.



# NEW BUSINESS AGENDA ITEM

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**DATE:** September 27, 2016  
**RE:** Oregon Ethics Law Best Practices Checklist Approval  
**TO:** Board of Commissioners  
**ISSUED BY:** General Manager

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## **BACKGROUND**

As a member of the Special Districts Association of Oregon (SDAO), we belong to a self-insured pool with other special districts in the state of Oregon. As part of this membership, the Port of Newport has the opportunity to reduce our property/casualty premium (over \$70k) as much as 10% if the Port shows progress on various policy considerations and education. The focus of the premium reduction changes each year in an effort to draw attention to a specific policy or practice. Last year, the focus was on public records; this year the focus is on ethics.

For example, Commissioner Beck earned the Port a 2% credit for taking online ethics training; he also earned another 2% credit for attending a new board member training session last month. We earned another 2% for being a member of the Oregon Public Ports Association (OPPA), and 2% for having Oregon ethics law policies in the Commission By-laws.

The final 2% opportunity completing a Oregon Ethics Law Best Practices Checklist to be completed by the Board of Directors. The answers are not intended to be scored (good or bad), but rather to show that there's been introspection to the concepts.

I forwarded a copy of the Oregon Government Ethics Commission (OGEC) manual to each Commissioner earlier this month and this staff report reports on the sixteen questions in the survey.

## **OREGON ETHICS LAW BEST PRACTICES CHECKLIST**

1. *Familiar with ORS 244 Oregon Ethics Law.* Sent manual to Commission earlier this month. Part IV of the Commission's By-Laws also addresses Ethics and Conflicts of Interest. Most of you have seen and discussed these rules in the past and this can be checked as **Yes**.
2. *Aware that the OGEC enforces ethics laws.* Acknowledged by this staff report. This can be checked as **Yes**.
3. *Recognize that ethics laws apply to all district elected or appointed officials, employees, and agents, irrespective of whether the individual is paid.* Page 5 of the Guide discusses who qualifies as a public official. All board members and staff are considered public officials. This can be checked as **Yes**.

4. *Distribute a copy of the OGEC's Guide for Public Officials and 2015 Supplement to each board and staff member.* This was emailed to the Commission and key staff on September 9th. This can be checked as **Yes**.
  
5. *Adopt an Oregon Ethics Law policy.* Part IV of the Bylaws for the Port of Newport (adopted May 2014 by Ord. No. 100) covers Ethics and Conflicts of Interest. This can be checked as **Yes**.
  
6. *Provide annual ethics trainings to all board members and staff.* The Port has not required annual training for all board members and staff. Ethics are covered under new board member training, but there is no requirement that all board member take the training annually. This can be checked as **No**.
  
7. *Understand the difference between an actual and potential conflict of interest.* The difference between an actual conflict of interest and a potential conflict of interest is determined by the words "would" and "could." A public official is met with an actual conflict of interest when the public official participates in action that would affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. A public official is met with a potential conflict of interest when the public official participates in action that could affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated. Page 21 of the Guide further discusses the difference between actual and potential conflicts. This can be checked as **Yes**.
  
8. *Aware of the requirements for declaring an actual or potential conflict of interest.*  
 Potential Conflict of Interest: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.  
 Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest. [ORS 244.120(2)(b)(A)]<sup>38</sup> If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)]<sup>39</sup> These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action. This has happened in the past when there has been a quorum of three in attendance and a payment to Les Schwab has been made. Commissioner Brown acknowledges the conflict, does not discuss the motion, but votes in favor to keep the business moving. More information can be found in Page 22 of the Guide. This can be checked as **Yes**.
  
9. *Informed of who is considered a relative for the purpose of the ethics law.* Page 7 of the Guide covers this. "Relative" includes: spouse, children, children of the spouse, siblings, siblings of the spouse, spouse of siblings, spouse of siblings of the spouse, parents, parents of the spouse, person legally supported by official. This can be checked as **Yes**.

10. *Understand the “but for” test and how it relates to financial gain or avoiding financial detriment.* Page 9 of the Guide covers this topic. Basically the law prohibits every public official from using or attempting to use their position as a public official to obtain a financial benefit, if the opportunity for the benefit would not otherwise be available but for the position held by the public official. If you weren’t a public official, would you have access to the same benefit? This can be checked as **Yes**.
11. *Recognize that anything acquired through official compensation is not financial gain.* Page 11 of the Guide discusses this topic. Paid compensation or benefits identified as part of the employment policies of the district are not considered a violation. This can be checked as **Yes**.
12. *Aware that a “gift” is something of economic value received by a public official, relatives, or household members.* Page 26 of the Guide covers gifts. This can be checked as **Yes**.
13. *Realize that food and beverages at a reception, when they are an incidental part of the reception or consumed at an event when a public official represents the district, are not a gift.* Page 30 of the Guide lists other considerations that are not considered gifts. This can be checked as **Yes**.
14. *Familiar with the definition of “legislative or administrative” interest.* When determining whether a gift has a legislative or administrative interest will help determine whether the gift offered can be accepted without limits or restrictions. More information about this topic can be found on Page 27 of the Guide. This can be checked as **Yes**.
15. *Aware that there is a \$50 gift limit from a source that has an administrative or legislative interest in the district. This includes invitations to events or activities such as concerts, golf tournaments, sporting events or hunting excursions.* If the source of the offer of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year. See Page 29 of the Guide for more detail. This can be checked as **Yes**.
16. *Realize that the maximum penalty for an ethics violation is \$5,000. In addition to this penalty, if a public official financially benefits by violating Oregon Ethics Law, the OGEC can impose a civil penalty in an amount equal to twice the amount the public official realized as a result of the violation.* Page 46 of the Guide discusses this. This can be checked as **Yes**.

## **RECOMMENDATION**

I would recommend that a Commissioner make a MOTION TO AUTHORIZE THE COMMISSION PRESIDENT TO COMPLETE AND SIGN THE OREGON ETHICS LAW BEST PRACTICES CHECKLIST.

-###-

MEMORANDUM

RECEIVED

SEP 06 2016

**DATE:** August 30, 2016  
**TO:** Port Of Newport  
**FROM:** SDAO Member Services Department  
**SUBJECT:** Best Practices Program Update and Best Practices Checklist

PORT OF NEWPORT

The SDIS Best Practices Program gives your district the opportunity to earn a credit on next year's SDIS property/casualty insurance contribution. The calculation of the discount is based on five categories that each offer 2% toward your contribution credit for a total up to 10%. **The deadline for submitting all requirements for each credit category is November 15, 2016.**

We currently show Port Of Newport as having met the requirements for the following:

Discount Opportunity	Requirement Met
Online Training <i>(Credit: 2%)</i>	Yes
SDAO/SDIS Training or BPA Assessment <i>(Credit: 2%)</i>	Yes
Affiliate Membership <i>(Credit: 2%)</i>	Yes
Best Practices Checklist* <i>(Credit: 2%)</i>	No*
Oregon Ethics Law Policy <i>(Credit: 2%)</i>	Yes

*\*The Best Practices Checklist is included in this mailing.*

Your district's total discount as of August 29, 2016 is 8%.

Enclosed is the SDIS Best Practices Checklist for you to complete. Your answers will not be scored but are to be used for self-assessment. Submission of the signed checklist (or completion online) verifying review from your board of directors will result in a 2% credit to your contributions. **Our insurance services website is changing and will be launched October 3, 2016. At that time, the checklist will be available to complete online.**

Visit <http://ref.sdao.com/BestPractices/BP.pdf> for a full description of the Best Practices program. You have until **November 15, 2016** to receive credit for all discount opportunities. If you have fulfilled a requirement that is not reflected above or you have any questions, please contact Sandy Galaway at 800-285-5461 extension 111.

# Oregon Ethics Law Best Practices Checklist

**\*\* To be completed by the Board of Directors\*\***

**District Name:** Port Of Newport

**\*\*Our insurance services website is changing! The site will be launched October 3, 2016. At that time, the Best Practices checklist will be available to complete online.\*\***

Below is the Best Practices Checklist for you to complete and return. Your answers will not be scored but are to be used for self-assessment. Submission of your complete and signed checklist verifying review from your board of directors (signature line on page 2) will result in a 2% credit to your 2017 property/casualty insurance contributions.

Steps to receive this credit to your 2017 general liability, auto liability, and property insurance contributions:

- Board of Directors and District Manager (if applicable) complete all questions on checklist.
- Board of Directors review and approve answers.
- Representative of the Board fill out and sign page 2 of the checklist.
- After filling out and signing page 2, return **entire checklist** by mail, email, or fax (OR complete online) to SDIS by **November 15, 2016**.

Completing the checklist online saves time and gives you immediate access to valuable resources. After the new insurance site has been launched, you will be able to complete the checklist online using the following steps:

- Go to [www.sdao.com](http://www.sdao.com)
- Click the Sign In button and enter your user credentials.
- After signing in, click on the Insurance Site tab.
- Once on the SDIS Insurance Site homepage, click Insurance on the left.
- Click Best Practices on the left, under Forms.
- Click Take Survey.
- Complete survey and click Save.

RECEIVED

SEP 06 2016

PORT OF NEWPORT

*Read the statement and check Yes if the statement is true of your board and No if it is not.*

		Yes	No
1.	Familiar with the permissible statutory provisions regarding Oregon Ethics Law (ORS 244), i.e., conflicts of interest, gifts, and financial gain.	X	
2.	Aware that Oregon Government Ethics Commission, or OGEC, enforces government ethics laws.	X	
3.	Recognize that ethics laws apply to all district elected or appointed officials, employees, and agents, irrespective of whether the person is compensated for services.	X	
4.	Distribute a copy of OGEC's Guide for Public Officials and 2015 Supplement to each board and staff member.	X	
5.	Adopt an Oregon Ethics Law policy (sample available through SDAO). <i>yes Ord. 116.100</i>	X	
6.	Provide annual ethics trainings to all board members and staff.		X
7.	Understand the difference between an actual and potential conflict of interest.	X	

8.	Aware of the requirements for declaring an actual or potential conflict of interest under Oregon Ethics Law.	X	
9.	Informed of who is considered a relative for the purpose of the ethics laws.	X	
10.	Understand the "but for" test and how it relates to financial gain or avoiding financial detriment.	X	
11.	Recognize that anything acquired through an official compensation package is not financial gain.	X	
12.	Aware that a "gift" is something of economic value received by a public official, his relatives, or household members.	X	
13.	Realize that food and beverages at a reception, when they are an incidental part of the reception or consumed at an event when a public official represents the district, are not a gift.	X	
14.	Familiar with the definition of "legislative or administrative" interest.	X	
15.	Aware that there is a \$50 gift limit from a source that has an administrative or legislative interest in the district. This includes invitations to events or activities such as concerts, plays, sporting events, and hunting.	X	
16.	Realize that the maximum penalty for an ethics violation is \$5,000. In addition to this penalty, if a public official financially benefits by violating Oregon Ethics Law, the OGE can impose a civil penalty in an amount equal to twice the amount the public official realized as a result of the violation.	X	

Filling out the form below certifies that your Board of Directors has reviewed and approved all answers:

District Name: Port Of Newport

Your Name: \_\_\_\_\_ Your Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return the signed checklist (OR complete online) by **November 15, 2016** to receive a 2% credit to your 2017 general liability, auto liability, and property insurance contributions.

### How to Submit Your Best Practices Checklist

<b>Mail</b>	<b>Email</b>	<b>Fax</b>	<b>Online</b>
SDIS PO Box 12613 Salem, OR 97309-0613	<a href="mailto:memberservices@sdao.com">memberservices@sdao.com</a>	(503) 371-4781	<a href="http://www.sdao.com">www.sdao.com</a>

If you have any questions, please contact SDAO Member Services at 800-285-5461 or by email at [memberservices@sdao.com](mailto:memberservices@sdao.com).





## **DIRECTOR OF FINANCE MONTHLY REPORT**

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**DATE:** 09/27/2016  
**PERIOD:** August Board Meeting  
**TO:** Port of Newport Commissioners  
**ISSUED BY:** Stephen J. Larrabee

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### **OVERVIEW**

#### **Financials:**

August year to date financials are attached.

#### **Finance Operations:**

The Check Signing authorization cards will be signed at the next Board meeting.

The first draft of the updated Personnel Manual has been submitted to the General Manager.

The Finance Team continues to work on an Operations Manual for the South Beach RV Park which will be completed by the end of the calendar year.

Port of Newport  
Balance Sheet  
As of August 31, 2016

	Aug 31, 16	Aug 31, 15	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
Available Cash & Equivalents	1,808,802.56	1,209,856.68	398,945.88
Restricted Cash & Equivalents	700,823.71	764,057.09	-63,233.38
<b>Total Checking/Savings</b>	2,309,626.27	1,973,913.77	335,712.50
<b>Accounts Receivable</b>			
Accounts Receivable	178,384.44	53,121.49	125,262.95
<b>Total Accounts Receivable</b>	178,384.44	53,121.49	125,262.95
<b>Other Current Assets</b>			
Allow for Bad Debt - CM	-10,000.00	-10,000.00	0.00
Allow for Bad Debt - SB	-4,000.00	-4,000.00	0.00
AR Property Tax	10,334.60	10,334.60	0.00
Deferred OF - Contrib after MD	18,048.00	18,048.00	0.00
Due from other Port Funds	4,898.98	55,667.35	-50,768.37
Net Pension Asset	146,594.00	146,594.00	0.00
Prepaid Expenses	55,195.08	63,330.23	-8,135.15
Undeposited Funds	7,035.43	4,657.75	2,377.68
<b>Total Other Current Assets</b>	228,106.09	284,631.93	-56,525.84
<b>Total Current Assets</b>	2,716,116.80	2,311,667.19	404,449.61
<b>Fixed Assets</b>			
<b>Capital Assets</b>	85,670,010.77	85,670,010.77	0.00
<b>Total Fixed Assets</b>	85,670,010.77	85,670,010.77	0.00
<b>TOTAL ASSETS</b>	<b>88,386,127.57</b>	<b>87,981,677.96</b>	<b>404,449.61</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Accounts Payable</b>			
Accounts Payable	128,657.58	96,472.56	32,185.02
<b>Total Accounts Payable</b>	128,657.58	96,472.56	32,185.02
<b>Other Current Liabilities</b>			
Accrued Interest Payable	11,693.00	11,693.00	0.00
Current Portion-Long Term Debt	353,377.00	353,377.00	0.00
Deferred Revenue	190.95	190.95	0.00
Due to other Port Funds	-5,187.86	148.05	-5,335.91
Lodging/Room Tax Payable	0.00	1,868.60	-1,868.60
Payroll Liabilities	26,260.43	32,500.58	-6,240.15
<b>Total Other Current Liabilities</b>	386,333.52	399,778.18	-13,444.66
<b>Total Current Liabilities</b>	514,991.10	496,250.74	18,740.36
<b>Long Term Liabilities</b>			
2013 FF&C Bond Premium	111,892.75	111,892.75	0.00
Deferred IF - Proportion/Contri	31,249.00	31,249.00	0.00
Deferred IF - Invest Return	282,867.00	282,867.00	0.00
Less Current Portion L Term Deb	-353,377.00	-353,377.00	0.00
Long Term Debt	8,480,410.74	8,480,410.74	0.00
<b>Total Long Term Liabilities</b>	8,553,042.49	8,553,042.49	0.00
<b>Total Liabilities</b>	9,068,033.59	9,049,293.23	18,740.36
<b>Equity</b>			
Contributed Capital	7,130,788.00	7,130,788.00	0.00
Fund Balance	71,833,992.05	71,350,104.58	483,887.47
GAAP - Pension Expense	18,048.00	18,048.00	0.00
GAAP - Pension Income	140,848.00	140,848.00	0.00
Net Income	194,419.93	292,598.15	-98,178.22
<b>Total Equity</b>	79,318,093.98	78,932,384.73	385,709.25
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>88,386,127.57</b>	<b>87,981,677.96</b>	<b>404,449.61</b>

**Port of Newport  
 Profit & Loss Budget vs. Actual  
 July through August 2016**

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Hoist Dock & Services	21,001.48	450,000.00	-428,998.52	4.7%
Launch Ramp & Trailer Storage	16,653.00	70,000.00	-53,347.00	23.8%
Lease Revenues	94,276.97	616,081.00	-521,804.03	15.3%
Miscellaneous Revenue	17,123.43	46,000.00	-28,876.57	37.2%
Moorage	200,694.22	1,189,000.00	-988,305.78	16.9%
RV Parks	282,269.95	754,000.00	-471,730.05	37.4%
Shipping Terminal Revenues	510.08	7,000.00	-6,489.92	7.3%
<b>Total Income</b>	<u>632,529.13</u>	<u>3,132,081.00</u>	<u>-2,499,551.87</u>	<u>20.2%</u>
<b>Gross Profit</b>	632,529.13	3,132,081.00	-2,499,551.87	20.2%
<b>Expense</b>				
Debt Services	29,367.24	684,934.00	-655,566.76	4.3%
Materials & Services	224,594.54	1,425,200.00	-1,200,605.46	15.8%
Personal Services	178,906.20	1,300,616.00	-1,121,709.80	13.8%
<b>Total Expense</b>	<u>432,867.98</u>	<u>3,410,750.00</u>	<u>-2,977,882.02</u>	<u>12.7%</u>
<b>Net Ordinary Income</b>	199,661.15	-278,669.00	478,330.15	-71.6%
<b>Other Income/Expense</b>				
<b>Other Income</b>				
Grant & Loan Proceeds	0.00	168,000.00	-168,000.00	0.0%
Interest Income	532.66	4,000.00	-3,467.34	13.3%
Miscellaneous	1,395.02	0.00	1,395.02	100.0%
Property & Dredge Sales	0.00	2,000.00	-2,000.00	0.0%
Property Tax Revenue	495.91	94,500.00	-94,004.09	0.5%
<b>Total Other Income</b>	<u>2,423.59</u>	<u>268,500.00</u>	<u>-266,076.41</u>	<u>0.9%</u>
<b>Other Expense</b>				
Capital Outlay	7,664.81	500,000.00	-492,335.19	1.5%
Contingency	0.00	100,000.00	-100,000.00	0.0%
Transfers Out	0.00	60,000.00	-60,000.00	0.0%
<b>Total Other Expense</b>	<u>7,664.81</u>	<u>660,000.00</u>	<u>-652,335.19</u>	<u>1.2%</u>
<b>Net Other Income</b>	<u>-5,241.22</u>	<u>-391,500.00</u>	<u>386,258.78</u>	<u>1.3%</u>
<b>Net Income</b>	<u><u>194,419.93</u></u>	<u><u>-670,169.00</u></u>	<u><u>864,588.93</u></u>	<u><u>-29.0%</u></u>

**Port of Newport**  
**Profit & Loss Budget vs. Actual - Admin**  
**July through August 2016**

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Hoist Dock & Services	500.00			
Lease Revenues	94,276.97	616,081.00	-521,804.03	15.3%
Miscellaneous Revenue	1,698.22			
Moorage	516.00			
<b>Total Income</b>	<b>96,991.19</b>	<b>616,081.00</b>	<b>-519,089.81</b>	<b>15.7%</b>
<b>Gross Profit</b>	<b>96,991.19</b>	<b>616,081.00</b>	<b>-519,089.81</b>	<b>15.7%</b>
<b>Expense</b>				
Debt Services	4,463.00	17,852.00	-13,389.00	25.0%
Materials & Services	60,503.14	392,900.00	-332,396.86	15.4%
Personal Services	83,047.09	510,748.00	-427,700.91	16.3%
<b>Total Expense</b>	<b>148,013.23</b>	<b>921,500.00</b>	<b>-773,486.77</b>	<b>16.1%</b>
<b>Net Ordinary Income</b>	<b>-51,022.04</b>	<b>-305,419.00</b>	<b>254,396.96</b>	<b>16.7%</b>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
Grant & Loan Proceeds	0.00	168,000.00	-168,000.00	0.0%
Interest Income	532.66	4,000.00	-3,467.34	13.3%
Property Tax Revenue	495.91	94,500.00	-94,004.09	0.5%
<b>Total Other Income</b>	<b>1,028.57</b>	<b>266,500.00</b>	<b>-265,471.43</b>	<b>0.4%</b>
<b>Other Expense</b>				
Capital Outlay	0.00	500,000.00	-500,000.00	0.0%
Contingency	0.00	100,000.00	-100,000.00	0.0%
Transfers Out	0.00	60,000.00	-60,000.00	0.0%
<b>Total Other Expense</b>	<b>0.00</b>	<b>660,000.00</b>	<b>-660,000.00</b>	<b>0.0%</b>
<b>Net Other Income</b>	<b>1,028.57</b>	<b>-393,500.00</b>	<b>394,528.57</b>	<b>-0.3%</b>
<b>Net Income</b>	<b>-49,993.47</b>	<b>-698,919.00</b>	<b>648,925.53</b>	<b>7.2%</b>

**Port of Newport**  
**Profit & Loss Budget vs. Actual - NIT**  
**July through August 2016**

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Hoist Dock & Services	15,867.98	193,000.00	-177,132.02	8.2%
Miscellaneous Revenue	36.50	5,000.00	-4,963.50	0.7%
Moorage	3,698.40	80,000.00	-76,301.60	4.6%
Shipping Terminal Revenues	464.51	7,000.00	-6,535.49	6.6%
<b>Total Income</b>	<u>20,067.39</u>	<u>285,000.00</u>	<u>-264,932.61</u>	<u>7.0%</u>
<b>Gross Profit</b>	20,067.39	285,000.00	-264,932.61	7.0%
<b>Expense</b>				
Debt Services	22,815.84	443,460.00	-420,644.16	5.1%
Materials & Services	14,249.30	108,100.00	-93,850.70	13.2%
Personal Services	11,892.28	71,486.00	-59,593.72	16.6%
<b>Total Expense</b>	<u>48,957.42</u>	<u>623,046.00</u>	<u>-574,088.58</u>	<u>7.9%</u>
<b>Net Ordinary Income</b>	<u>-28,890.03</u>	<u>-338,046.00</u>	<u>309,155.97</u>	<u>8.5%</u>
<b>Net Income</b>	<u><u>-28,890.03</u></u>	<u><u>-338,046.00</u></u>	<u><u>309,155.97</u></u>	<u><u>8.5%</u></u>

**Port of Newport**  
**Profit & Loss Budget vs. Actual - SB**  
 July through August 2016

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Hoist Dock & Services	1,394.11	10,000.00	-8,605.89	13.9%
Launch Ramp & Trailer Storage	16,653.00	70,000.00	-53,347.00	23.8%
Miscellaneous Revenue	14,466.49	37,000.00	-22,533.51	39.1%
Moorage	158,894.30	669,000.00	-510,105.70	23.8%
RV Parks	282,269.95	754,000.00	-471,730.05	37.4%
<b>Total Income</b>	<u>473,677.85</u>	<u>1,540,000.00</u>	<u>-1,066,322.15</u>	<u>30.8%</u>
<b>Gross Profit</b>	473,677.85	1,540,000.00	-1,066,322.15	30.8%
<b>Expense</b>				
Debt Services	929.10	216,666.00	-215,736.90	0.4%
Materials & Services	102,296.27	604,400.00	-502,103.73	16.9%
Personal Services	48,390.93	342,800.00	-294,409.07	14.1%
<b>Total Expense</b>	<u>151,616.30</u>	<u>1,163,866.00</u>	<u>-1,012,249.70</u>	<u>13.0%</u>
<b>Net Ordinary Income</b>	322,061.55	376,134.00	-54,072.45	85.6%
<b>Other Income/Expense</b>				
<b>Other Income</b>				
Grant & Loan Proceeds	0.00	0.00	0.00	0.0%
Property & Dredge Sales	0.00	2,000.00	-2,000.00	0.0%
<b>Total Other Income</b>	0.00	2,000.00	-2,000.00	0.0%
<b>Other Expense</b>				
Break-in Replacement	0.00	0.00	0.00	0.0%
Capital Outlay	7,543.41			
<b>Total Other Expense</b>	<u>7,543.41</u>	0.00	7,543.41	100.0%
<b>Net Other Income</b>	<u>-7,543.41</u>	2,000.00	-9,543.41	-377.2%
<b>Net Income</b>	<u><u>314,518.14</u></u>	<u><u>378,134.00</u></u>	<u><u>-63,615.86</u></u>	<u><u>83.2%</u></u>

**Port of Newport**  
**Profit & Loss Budget vs. Actual - CM**  
**July through August 2016**

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>Hoist Dock &amp; Services</b>	3,218.39	247,000.00	-243,781.61	1.3%
<b>Launch Ramp &amp; Trailer Storage</b>	0.00	0.00	0.00	0.0%
<b>Miscellaneous Revenue</b>	922.22	4,000.00	-3,077.78	23.1%
<b>Moorage</b>	37,585.52	440,000.00	-402,414.48	8.5%
<b>Shipping Terminal Revenues</b>	45.57	0.00	45.57	100.0%
<b>Total Income</b>	41,771.70	691,000.00	-649,228.30	6.0%
<b>Gross Profit</b>	41,771.70	691,000.00	-649,228.30	6.0%
<b>Expense</b>				
<b>Debt Services</b>	1,159.30	6,956.00	-5,796.70	16.7%
<b>Materials &amp; Services</b>	47,545.83	312,400.00	-264,854.17	15.2%
<b>Personal Services</b>	35,575.90	214,674.00	-179,098.10	16.6%
<b>Total Expense</b>	84,281.03	534,030.00	-449,748.97	15.8%
<b>Net Ordinary Income</b>	-42,509.33	156,970.00	-199,479.33	-27.1%
<b>Other Income/Expense</b>				
<b>Other Income</b>				
<b>Miscellaneous</b>	1,395.02	0.00	1,395.02	100.0%
<b>Total Other Income</b>	1,395.02	0.00	1,395.02	100.0%
<b>Other Expense</b>				
<b>Capital Outlay</b>	121.40			
<b>Total Other Expense</b>	121.40			
<b>Net Other Income</b>	1,273.62	0.00	1,273.62	100.0%
<b>Net Income</b>	-41,235.71	156,970.00	-198,205.71	-26.3%

**Port of Newport - NOAA Fund**  
**Balance Sheet**  
As of August 31, 2016

	Aug 31, 16	Aug 31, 15	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
Checking/Savings			
Cash & Equivalents	4,679,269.09	4,552,101.98	127,167.11
<b>Total Checking/Savings</b>	<b>4,679,269.09</b>	<b>4,552,101.98</b>	<b>127,167.11</b>
<b>Other Current Assets</b>			
Derfered OF - Contrib After MD	2,957.00	2,957.00	0.00
Due From Other Funds	58.43	0.00	58.43
Net Pension Asset	24,019.00	24,019.00	0.00
Prepaid Expenses	15,280.43	28,490.41	-13,209.98
<b>Total Other Current Assets</b>	<b>42,314.86</b>	<b>55,466.41</b>	<b>-13,151.55</b>
<b>Total Current Assets</b>	<b>4,721,583.95</b>	<b>4,607,568.39</b>	<b>114,015.56</b>
<b>TOTAL ASSETS</b>	<b>4,721,583.95</b>	<b>4,607,568.39</b>	<b>114,015.56</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Accounts Payable			
Accounts Payable	19,725.23	35,064.55	-15,339.32
<b>Total Accounts Payable</b>	<b>19,725.23</b>	<b>35,064.55</b>	<b>-15,339.32</b>
<b>Other Current Liabilities</b>			
Accrued Interest Payable	499,410.00	499,410.00	0.00
Current Portion-Long-Term Debt	840,000.00	840,000.00	0.00
Due to Operations or Const Fund	4,898.98	26,337.37	-21,438.39
Vacation Payable	4,108.94	1,576.00	2,532.94
<b>Total Other Current Liabilities</b>	<b>1,348,417.92</b>	<b>1,367,323.37</b>	<b>-18,905.45</b>
<b>Total Current Liabilities</b>	<b>1,368,143.15</b>	<b>1,402,387.92</b>	<b>-34,244.77</b>
<b>Long Term Liabilities</b>			
Deferred IF - Invest Return	46,347.00	46,347.00	0.00
Deferred IF - Prop/Contrib	5,120.00	5,120.00	0.00
Less Current Portion L Term Deb	-840,000.00	-840,000.00	0.00
<b>Long-Term Debt</b>	<b>21,554,006.00</b>	<b>21,554,006.00</b>	<b>0.00</b>
<b>Total Long Term Liabilities</b>	<b>20,765,473.00</b>	<b>20,765,473.00</b>	<b>0.00</b>
<b>Total Liabilities</b>	<b>22,133,616.15</b>	<b>22,167,860.92</b>	<b>-34,244.77</b>
<b>Equity</b>			
Fund Balance	-16,343,759.92	-16,487,486.68	143,726.76
GAAP - Pension Expense	2,957.00	2,957.00	0.00
GAAP - Pension Income	23,078.00	23,078.00	0.00
Net Income	-1,094,307.28	-1,098,840.85	4,533.57
<b>Total Equity</b>	<b>-17,412,032.20</b>	<b>-17,560,292.53</b>	<b>148,260.33</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>4,721,583.95</b>	<b>4,607,568.39</b>	<b>114,015.56</b>



**Port of Newport - NOAA Fund  
 Profit & Loss Budget vs. Actual  
 July through August 2016**

	Jul - Aug 16	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Interest Income	892.10	10,500.00	-9,607.90	8.5%
Lease Income	423,523.02	2,542,000.00	-2,118,476.98	16.7%
<b>Total Income</b>	424,415.12	2,552,500.00	-2,128,084.88	16.6%
<b>Expense</b>				
Debt Service	1,442,366.88	1,997,335.00	-554,968.12	72.2%
Materials & Service	64,282.06	689,320.00	-625,037.94	9.3%
Personal Services	12,073.46	75,759.00	-63,685.54	15.9%
<b>Total Expense</b>	1,518,722.40	2,762,414.00	-1,243,691.60	55.0%
<b>Net Ordinary Income</b>	-1,094,307.28	-209,914.00	-884,393.28	521.3%
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
Contingency	0.00	100,000.00	-100,000.00	0.0%
Fund Transfers Out	0.00	2,000,000.00	-2,000,000.00	0.0%
<b>Total Other Expense</b>	0.00	2,100,000.00	-2,100,000.00	0.0%
<b>Net Other Income</b>	0.00	-2,100,000.00	2,100,000.00	0.0%
<b>Net Income</b>	-1,094,307.28	-2,309,914.00	1,215,606.72	47.4%

**Facility Maintenance Reserve Fund**  
**Balance Sheet**  
 As of August 31, 2016

	<u>Aug 31, 16</u>	<u>Aug 31, 15</u>	<u>\$ Change</u>
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
Umpqua Bank - Money Market	73,787.05	48,390.69	25,396.36
<b>Total Checking/Savings</b>	<u>73,787.05</u>	<u>48,390.69</u>	<u>25,396.36</u>
<b>Total Current Assets</b>	<u>73,787.05</u>	<u>48,390.69</u>	<u>25,396.36</u>
<b>TOTAL ASSETS</b>	<u><u>73,787.05</u></u>	<u><u>48,390.69</u></u>	<u><u>25,396.36</u></u>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Accounts Payable</b>			
Accounts Payable	0.00	30,037.25	-30,037.25
<b>Total Accounts Payable</b>	<u>0.00</u>	<u>30,037.25</u>	<u>-30,037.25</u>
<b>Total Current Liabilities</b>	<u>0.00</u>	<u>30,037.25</u>	<u>-30,037.25</u>
<b>Total Liabilities</b>	0.00	30,037.25	-30,037.25
<b>Equity</b>			
Fund Balance	73,777.66	48,378.36	25,399.30
Net Income	9.39	-30,024.92	30,034.31
<b>Total Equity</b>	<u>73,787.05</u>	<u>18,353.44</u>	<u>55,433.61</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>73,787.05</u></u>	<u><u>48,390.69</u></u>	<u><u>25,396.36</u></u>

**Construction Fund - Port of Newport  
 Balance Sheet  
 As of August 31, 2016**

	<u>Aug 31, 16</u>	<u>Aug 31, 15</u>	<u>\$ Change</u>
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
Construction Fund Bank Accts	70,045.35	193,509.43	-123,464.08
<b>Total Checking/Savings</b>	70,045.35	193,509.43	-123,464.08
<b>Accounts Receivable</b>			
Accounts Receivable	0.00	-180.00	180.00
<b>Total Accounts Receivable</b>	0.00	-180.00	180.00
<b>Total Current Assets</b>	70,045.35	193,329.43	-123,284.08
<b>TOTAL ASSETS</b>	<u>70,045.35</u>	<u>193,329.43</u>	<u>-123,284.08</u>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Accounts Payable</b>			
A/P - Construction	5,015.85	16,000.01	-10,984.16
<b>Total Accounts Payable</b>	5,015.85	16,000.01	-10,984.16
<b>Other Current Liabilities</b>			
Due To Other funds	0.00	9,977.40	-9,977.40
<b>Total Other Current Liabilities</b>	0.00	9,977.40	-9,977.40
<b>Total Current Liabilities</b>	5,015.85	25,977.41	-20,961.56
<b>Total Liabilities</b>	5,015.85	25,977.41	-20,961.56
<b>Equity</b>			
Fund Balance	79,229.46	183,266.66	-104,037.20
Net Income	-14,199.96	-15,914.64	1,714.68
<b>Total Equity</b>	65,029.50	167,352.02	-102,322.52
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>70,045.35</u>	<u>193,329.43</u>	<u>-123,284.08</u>

**Bonded Debt Fund - Port of Newport  
 Balance Sheet  
 As of August 31, 2016**

	Aug 31, 16	Aug 31, 15	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
Checking/Savings			
Gen Obligation Bond MM-OCB	310,382.54	89,343.28	221,039.26
<b>Total Checking/Savings</b>	<b>310,382.54</b>	<b>89,343.28</b>	<b>221,039.26</b>
<b>Other Current Assets</b>			
Due from Operating Fund	-5,246.29	148.05	-5,394.34
Property Tax Receivable	86,925.12	86,925.12	0.00
<b>Total Other Current Assets</b>	<b>81,678.83</b>	<b>87,073.17</b>	<b>-5,394.34</b>
<b>Total Current Assets</b>	<b>392,061.37</b>	<b>176,416.45</b>	<b>215,644.92</b>
<b>Other Assets</b>			
Bond Issue costs, net of amort.	91,334.00	91,334.00	0.00
<b>Total Other Assets</b>	<b>91,334.00</b>	<b>91,334.00</b>	<b>0.00</b>
<b>TOTAL ASSETS</b>	<b>483,395.37</b>	<b>267,750.45</b>	<b>215,644.92</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Other Current Liabilities			
Bonds Payable - Current	300,000.00	300,000.00	0.00
<b>Total Other Current Liabilities</b>	<b>300,000.00</b>	<b>300,000.00</b>	<b>0.00</b>
<b>Total Current Liabilities</b>	<b>300,000.00</b>	<b>300,000.00</b>	<b>0.00</b>
<b>Long Term Liabilities</b>			
2007 Series Bonds	4,209,263.00	4,209,263.00	0.00
2008 Series Bonds	4,304,912.00	4,304,912.00	0.00
2011 Series Bonds	5,211,741.00	5,211,741.00	0.00
Less Current Portion LTD	-300,000.00	-300,000.00	0.00
<b>Total Long Term Liabilities</b>	<b>13,425,916.00</b>	<b>13,425,916.00</b>	<b>0.00</b>
<b>Total Liabilities</b>	<b>13,725,916.00</b>	<b>13,725,916.00</b>	<b>0.00</b>
<b>Equity</b>			
Bonded Debt Fund Balance	-13,468,256.72	-13,468,256.72	0.00
Retained Earnings	221,003.95	0.36	221,003.59
Net Income	4,732.14	10,090.81	-5,358.67
<b>Total Equity</b>	<b>-13,242,520.63</b>	<b>-13,458,165.55</b>	<b>215,644.92</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>483,395.37</b>	<b>267,750.45</b>	<b>215,644.92</b>

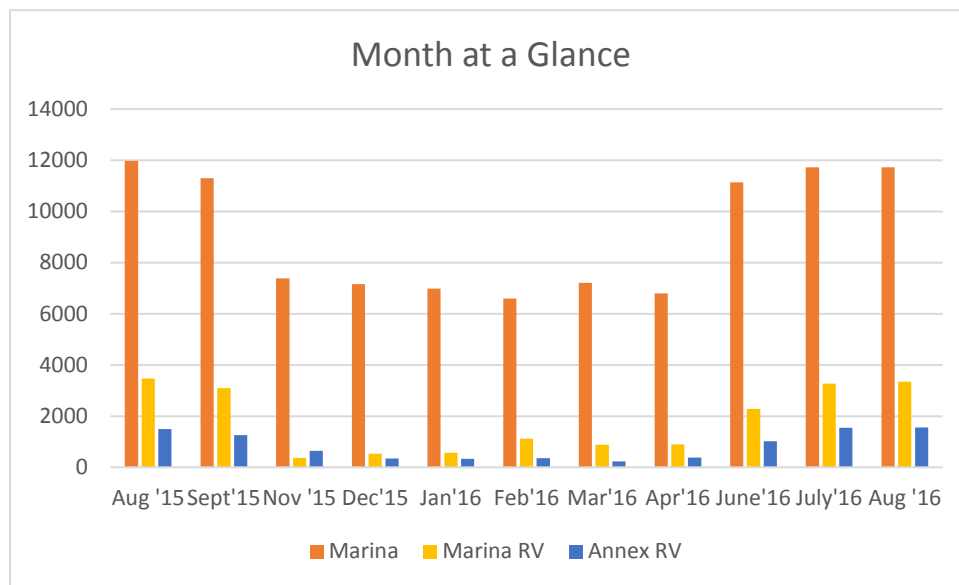
## August 2016 Occupancy Report

To: Port of Newport, Board of Commissioners  
 From: Penny, South Beach Marina & RV Parks  
 09/19/16

August was a busy month in South Beach. We had three Good Sam group rallies and four private family groups enjoy the use of our facility this month. Several of the monthly moorage holders checked out, but there was lots of transient activity in the Marina.

The office made 1,088 new reservations and 204 booking were done online. We also checked in 1,362 guests at the front counter.

August	2015	2016	Change	YTD 2015	YTD 2016	Change
<b>Marina</b>	11971	11728	-2.02%	<b>69,958</b>	<b>74,336</b>	<b>6.25%</b>
<b>Marina RV</b>	3468	3341	-3.66%	<b>14,214</b>	<b>14,399</b>	<b>1.30%</b>
<b>Annex RV</b>	1490	1550	4.02%	<b>4,978</b>	<b>6,071</b>	<b>21.95%</b>







## **DIRECTOR OF OPERATIONS MONTHLY REPORT**

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**DATE:** 9/21/2016  
**PERIOD:** Aug - Sept 2016  
**TO:** Kevin Greenwood  
**ISSUED BY:** Rick Fuller

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### **OVERVIEW**

#### **Summary:**

Rogue has progressed with site work and structural framing. The Multi Use Area continues to be operable and receiving good design reviews. NOAA dredge JPA has been submitted with review questions being fielded by Pacific Habitat Services. Contracts have been administered for the two projects at Port Dock 5. GSA has provided a lease amendment for the CBP trailer modification. Work will be scheduled pending approval of the no cost change.

#### **Detail:**

- **Rogue Warehouse Expansion:** The Rogue expansion continues to progress with structural framing & exterior backfill taking place. Projected occupancy is November. The completion of the multi-use area sidewalk & curbing is expected during October. The addition of topsoil and landscaping will be then completed when staff labor can be used for cost control.
- **NOAA MOC-P dredging:** Pacific Habitat Service (PHS) has completed the work on the Joint Permit Application and has submitted the JPA to the agencies. It is unclear at the time of this report how fast the approval process will take. It is expected to have a permit in hand within 90 days unless the change in dredge prism (deepening to -28') triggers further review. A decision will be made this week if the permit will need to be revised to the original dredge depth to avoid further delay. NW Hydro has been contacted for pricing confirmation of a bathymetric survey to confirm dredge conditions and volumes.
- **NOAA MOC-P recreational access:** SHN Engineering has submitted 95% engineer drawings for review including details for the floating dock connections to the existing piling at the sea wall. The access will include the improvement of the small triangular grounds west of the Rogue Brewery and provide access down to the water for recreational crabbing activities. The later area has recently been maintained and mowed by the SB staff.
- **Permits:** Met with Derek Wilson of ODFW and John Chapman of OSU regarding the required support and cooperation of the Port for a five year ghost shrimp study in the mitigation area located behind the aquarium. The material support requirement will be minimal materials and equipment for students to provide annual monitoring of the area. I continue to work on the other

remaining details of the outstanding NIT dredging permit conditions.

- **PON/CBP permanent foundation for modular structures:** All cost estimates for the CBP office were submitted to GSA for the city compliance modification. The resulting lease amendment No.14 is included in the consent calendar for approval. The project is required in order to comply with city building code.
- **Port Dock 5 fixed pier approach:** Work on the repair/replacement design of the PD5 approach pier has been contracted and begun by OBEC Engineering. The planned kickoff meeting took place on August 31<sup>st</sup> which included Dock 5 users and fishing industry interests. Staff has been interacting with the OBEC senior engineer providing further data on an as needed basis. The resulting alternative draft report is expected for Port staff review this week.
- **Port Dock 5/7 Pile replacement:** Bergerson Construction Inc. was provided with a notice to proceed and is currently reviewing the contract. Work is scheduled for the beginning of the in-water work period in November.
- **General Departmental:**
  - Three department managers and one technician attended a 6 hr fall protection class hosted by NOAA at their facility. The class covered current OSHA regulations of working at heights above 6'. The staff response was positive and changes have been made to gain compliance of the new regulations.
  - The working draft of the Facility Maintenance & Operation Plan continues to be a work in progress and has been delayed until the Safety Policy and additional programs are completed and provided to all employees through the General Manager.
  - North Commercial has received instructions and is now working on gathering data for the inclusion into the HIPPO maintenance program. It is anticipated to have NCom on line and using the program within the next period.

### **International Terminal – Pete Zerr, Superintendent**

Billable services:

- Forklift - 46hrs
- 30 Ton Hydraulic crane – 32.5hrs
- Moorage – 66.5 days
- Dock Tie Up – 307hrs
- Labor – 67.5hrs

Other

- First Annual USCG MTSA Annual Exercise conducted on Sept 1st.
- Final report for Annual USCG MTSA Annual Exercise.
- Request for purchase of storm water catch basin pending commission approval

### **N. Commercial docks – Kent Gibson, Interim Harbor Master**

Billable services: (estimated)

- Forklift – 102.5hrs
- Hoist crane –3.5hrs
- Dock Tie Up – 174hrs
- Labor – 107.5hrs



Other

- Regular maintenance

**NOAA MOC-P – Jim Durkee, Facility Manager**

- Completed office security wall. Lincoln Glass finished installing the glass, a few small items including placing a sign and a possible lock change remain by NOAA.
- Annual inspections are in progress
- Completed Fall Protection Safety Training with NOAA personnel and we brought in Pete Zerr, Fred Hauert and Kent Gibson from the port to take the class as well
- Cleaned up the old Yaquina Bay Fruit office, painted, replaced outlets and switches and began moving over everything from the temporary office trailer.

Vessels using facility since last report – Bell M Shimada, ACOE Dredge Yaquina, and R/V Atlantis.

Year to date, 1222 passengers crossed the bar on vessels using the NOAA wharf.

Office Occupancy Rate – 67%

**S. Beach Marina & RV – Chris Urbach, Harbor Master**

Billable services:

- Launch tickets – 1065 tickets sold this period. 9973 tickets sold since new machine installed.

Other

- Started to put scrape metal recycling in a central location for ease of viewing by perspective buyers
- Helped job-corps with a few things on the north restroom project to get it done
- Eviction of a moorage holder out of the marina for failing to sign an MLA and provide proof of insurance in a timely manner. We will reconsider his status in six months if he wishes to return

**Volunteer Work Crews**

Port Mates – The Mates completed working on painting the entry anchors at the front of the International Terminal office. Kiosks on both sides of the bay are now being updated and current literature installed and is being maintained regularly. The next project will be the Kiosk at the central fish cleaning station.

Angel Job Corps - The Job Corps have nearly completed the North side restroom residing with final painting remaining. The scope of work was to provide labor & equipment for the scaffolding, siding removal, sheathing repair, painting, and installation of new hardy board lap siding and trim.



# GENERAL MANAGER MONTHLY REPORT

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**DATE:** 9/27/2016  
**RE:** September Regular Meeting  
**TO:** Port of Newport Board of Commissioners  
**ISSUED BY:** Kevin Greenwood, General Manager

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## **ROGUE MURAL UPDATE**

Summary from noon work session. deFreese will provide the Commission with a final concept to review at the October work session. I have attended the City Public Arts Committee and given them an update on the process.

## **HIGHWAY 20 UPDATE**

Please note change that the ten hour closures have begun.

9-14-16 to 10-31-16: Earlier night closure times start September 14. Ten-hour complete closures six nights a week, Saturday through Thursday, from 7:00 p.m. to 5:00 a.m. at milepost 16.3. Open Friday nights. Schedule may change, check [www.us20pme.org](http://www.us20pme.org) for updates.

There will also be an opportunity for the public to walk along the new stretch of highway on Saturday, October 1 from 1-5pm. Great chance to ride your bike, run around and check out what I've been told is one of the largest wildlife access culverts in the United States.

## **FISHERMEN'S APPRECIATION DAY**

Just a note that I'll be flipping burgers and dogs for the commercial fishermen on November 18<sup>th</sup> from 11:30-1:30 for Fishermen's Appreciation Day. We did receive some great news regarding our old, rusty, failing grill. There was some question about whether we'd have a grill for this year's event as a replacement was going to be several thousand dollars. The Newport Fishermen's Wives stepped up and donated \$2500 toward a new stainless steel grill; the other \$2500 came out of the General Fund>Materials & Service>Marketing Expense. Our agreement will allow the Port and NFW to use the grill for whatever event and then we can rent it out with proceeds being placed in a reserve for repairs. HALCO and Les Schwab also donated to the cause.



## **GOAL SETTING**

I have received draft goals from most of the departments. There will be a total of ten “department” summaries coming from Security (TCB), South Beach Ops (Chris Urbach), South Beach Admin (Steve Larrabee), Maintenance Crew (Rick Fuller), NOAA MOC-P (Jim Durkee), North Commercial (Kent Gibson), International Terminal (Pete Zerr), Administrative Services (Karen Hewitt), Port Operations (Rick Fuller) and Port Finance (Steve Larrabee).

The date for the Goal Setting is Saturday, November 5<sup>th</sup> from 8am to noon. We'll have breakfast and food catered. We'll have a location determined shortly.

The first part of the meeting will be to review department operations and goals, and any recent planning documents such as the Strategic Business Plan and Capital Facilities Plan. During this time, each Commission will be given a stack of index cards and as commissioners identify goals they'll be written on individual index cards (one goal per card). Afterwards we'll organize the cards into like groups, list the goals on poster paper and the commission will begin prioritizing. We'll finish with a review of the Port's Mission and Vision as well.

Staff will produce binders for each Commissioner a week in advance with all of the materials so you'll have time to review.

## **FEMA NATIONAL FLOOD INSURANCE PLAN RESTRICTIONS**

Included in your packet is a letter from the Oregon Public Ports Association (OPPA) to FEMA about the new flood insurance limitations that will begin in 2018. Ports will be adversely affected (175-ft. set backs from riparian areas) unless we collectively lobby for port exemptions. This will continue to be an area that I'll be monitoring at both the state and federal level.

## **DEQ APPROVAL FOR FISH STATIONS**

Received word from Tim McPhetridge, DEQ Water Quality, that the Port will receive a letter of approval for the five fish cleaning stations and our public hoist facility. This should close the file on this compliance issue that originated on the north coast a few months ago.

## **OTHER**

- The Port continues to participate in conversations with the Corps of Engineers regarding sand fencing at South Beach State Park. I met with USACE, State Parks and the City of Newport. I also invited Charlie Plybon, Surfriders, to attend as an interested stakeholder. SB State Park is currently going through master planning and possible jetty sand maintenance may be included in the plan which should allow for basic sand movement. The main issue is to avoid anything that could limit the public's access to the beach.
- City of Newport will be initiating the zone change for water dependent property on October 3<sup>rd</sup>.
- Season-ending South Beach BBQ starts at 2pm tomorrow. This is an opportunity for the Port to celebrate the end of the tourist season. This was another great year and we're continuing to focus on customer service. Nice job to Chris Urbach and his team.

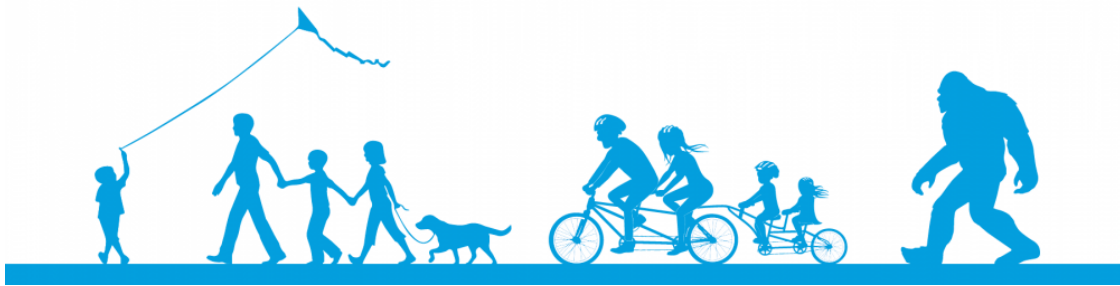
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## Play on the Grade

October 1, 2016 1-5 p.m.

RSVP HERE



Join the U.S. 20 community and experience our new section of this historic roadway before it opens to traffic.

Come walk, run, or bike on the almost ready road to key points of interest along the way. ODOT experts will be there to talk with you about the engineering challenges and solutions, wildlife habitat connections, landscaping, and more as the Pioneer Mountain to Eddyville Project nears completion.

A number of people who helped get this project done will be on hand to celebrate, including elected officials, former officials who got things started, and key community partner organizations such as the Greater Newport Chamber of Commerce, Hatfield Marine Science Center, and Oregon Coast Aquarium.

## Event Details (please check back for additional information):

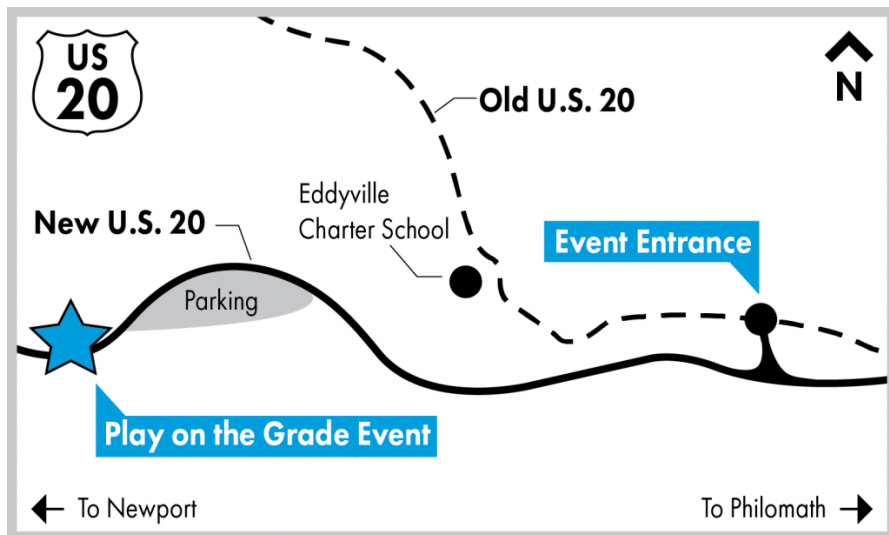
- The event begins at the summit of the new U.S. 20 and continues 2.2 miles to the west to enjoy on foot or wheels.
- Participants will be able drive up (2.2 miles from entrance) and park near the summit with ADA parking available.

## Program:

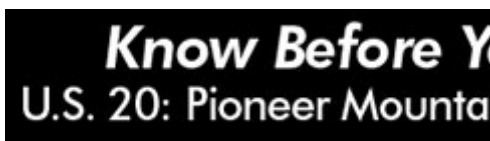
- 12:30 p.m. Event Parking Opens
- 1:00 p.m. Visit Project Info & Community Organization Tent
- 1:30 p.m. U.S. 20 PME Presentation
- 2:00 – 5:00 p.m. Open to Play on the Grade

## Getting to the event:

The event entrance is located only at the east end (near Eddyville) of the new U.S. 20. Due to the west end being an active construction site, no public entrance will be permitted for safety reasons.



For questions, call Angela Beers Seydel at 541-726-2442



Angela Beers Seydel, Public Information Officer  
 Angela.BEERS-SEYDEL@odot.state.or.us  
 541-726-2442  
 644 A Street | Springfield | OR | 97477



September 19, 2016

Mr. Mark Carey  
FEMA Region X Mitigation Division Director  
U.S. Department of Homeland Security, Region X  
130 228<sup>th</sup> Street, SW  
Bothell, WA 98021-9796

Dear Mr. Carey:

The Oregon Public Ports Association (OPPA) consists of Oregon's 23 public ports. Our membership stretches from Brookings Harbor near the Oregon California border on the coast north to Astoria and then east along the Columbia River to the Port of Umatilla located approximately 290 river miles upstream from Astoria.

The dependence of Oregon port to have easy access to the waterways is obviously critical to their viability as water dependent public commerce entities as authorized by Oregon Revised Statute. Our members own some if not a majority of their property along waterways potentially impacted by the National Marine Fisheries' (NMFS) Biological Opinion (BiOp) on the Federal Emergency Management Agency's (FEMA) implementation of the Nation Flood Insurance Program (NFIP) in Oregon. Because those ports are dependent on easy access to waterways we are deeply concerned about the impact this BiOp and the reasonable and prudent alternatives will have on our member's ability to fulfill their core mission and statutory obligations.

Our member ports provide recreational, commercial, and economic services to residents and businesses in Oregon and beyond, serving as state, national, and international transportation gateways. They are a key component in sustaining Oregon's economy and quality of life and help support thousands of family wage jobs. In fact, a recent study undertaken by Business Oregon concluded that Oregon's public ports are responsible for 101,304 direct or indirect/induced jobs across the state and over \$13.1 billion in business revenue. One out of six Oregon jobs is directly or indirectly tied to cargo, recreation, industrial, commercial or other activities at Oregon's ports.

The biological opinion requires extensive mapping of most floodplains and then prohibits most "development" within those floodplains without sufficient mitigation. Furthermore, it appears as though the opinion defines Riparian Buffer Zones as 170 feet on both sides of all perennial and intermittent streams and protecting those areas from future development despite the fact that they may well be beyond the actual floodplain or newly mapped floodplain.

We also understand that property owners will be able to maintain their existing buildings and facilities within the floodplain but we are unsure whether this allowance will apply to docks, pilings, wharfs,

marinas, piers, dolphins, stern buoys and similar structures or infrastructure that are unique to waterfront properties that are owned and/or operated by ports.

The OPPA and our individual members are committed and dedicated to being responsible stewards of our natural environment. However, we are deeply concerned that our dependence on easy access to the waterways of the state will be significantly impacted by these rules. Additionally, we are troubled that what was previously believed to be developable lands now may no longer be developable or if developable will likely require "extensive mitigation" because port property includes areas within an existing or newly mapped flood hazard zone or the proposed RBZ.

Ports are the gateways through which Oregon products, as well as those of much of the western United States, begin or continue their journey through worldwide markets. The state's agricultural, timber, and manufacturing industries rely on ports. As a result, we ask that in the development of your future guidelines that you take careful consideration of the unique needs, obligations, and circumstances that ports face in trying to further their missions and their importance to the state as a whole and the local communities in which they exist.

The OPPA hopes FEMA and the Oregon Department of Land Conservation and Development will include the members of OPPA and our association in the implementation process with the hope that we can avoid increased expenses in the development and construction of marine and port related projects.

Sincerely,



Mark J. Landauer  
Executive Director  
Oregon Public Ports Association

cc: Senator Ron Wyden  
Senator Jeff Merkley  
Representative Peter DeFazio  
Representative Earl Blumenauer  
Representative Kurt Schrader  
Representative Suzanne Bonamici  
Representative Greg Walden  
Governor Kate Brown  
Mr. Jim Rue  
Ms. Amanda Punton



August 26, 2016

Tim McPhetridge, Sr. Environmental Engineer  
Oregon Department of Environmental Quality  
4026 Fairview Industrial Dr. SE  
Salem, OR 97302

RE: PORT OF NEWPORT FISH CLEANING STATION AND PUBLIC  
HOIST FACILITY APPROVAL

Mr. McPhetridge,

The Port of Newport seeks approval for the discharge of fish preparation residuals at our five sport fish cleaning stations pursuant to the provisions found in the Wastewater Treatment Requirements and Discharge Limitations, Section 6(e) of the General 900-J National Pollutant Discharge Elimination System Waste Discharge Permit. The residuals discharged from these stations are less than 500 pounds per day and consist of blood, scales and oils from filleting. The Port provides dumpsters for fish carcasses that are disposed of through the local municipal garbage franchise. The remaining liquid discharge is easily mixed into bay water located at the South Beach Marina.

I am also requesting approval for activities located at the Port of Newport's public hoist facility located near Port Dock 7. No processing takes place on site, but commercially caught fish are transported from vessels to trucks via totes using public hoists and cranes.

If you would like a tour of our facilities, prior to issuing an approval letter, please don't hesitate to contact me at (541) 265-7758.

Sincerely,

Kevin M. Greenwood  
General Manager



September 1, 2016

Mr. Gerald Ledingham  
4164 Camino De La Colina  
Tucson, AZ 85711

RE: APPEAL FACILITIES CODE VIOLATION NO. 1114 (08-10-2016)

Mr. Ledingham,

Pursuant to the Port of Newport Facilities Code (PNFC) Section 7.2 ("Enforcement"), I received your written notice of appeal to a \$40 Parking/Traffic violation under PNFC Section 2.42 on August 15, 2016. I am required to rule upon the appeal within 21 days of the receipt of your notice (Sec. 7.2(a)).

The citation was issued for not having a proper permit to park in the Long-Term Moorage Holder parking lot. Based upon the discussion we had on Monday, Aug. 29<sup>th</sup> and the pictures you submitted along with your appeal, I agree with Officer Ferguson that a violation occurred. The lot is clearly marked with a prominent sign and your vehicle was additionally improperly parked within the lot. I will reduce the violation from \$40 to \$30 due to our conversation.

The reason for my decision includes:

- The parking lot is clearly marked with a prominent sign indicating that the lot is for Long-Term Moorage Holder permits.
- You agreed that a violation did occur.
- Public parking is available approximately 50-ft. from the showers.
- Vehicle is improperly parked over three spaces.
- Support for the officer who accurately wrote the citation.
- Reduced amount due to the relative emptiness of the lot.

My decision may be appealed to the Board of Commissioners of the Port of Newport by providing written notice thereof to the Port within five days of service of the General Manager's decision. (Sec. 7.2(b)) The notice shall contain, at a minimum, a statement of describing the action appealed, the facts forming the basis for the appeal, and your name, mailing address and phone number.

The appeal will be heard by the Commission at its next regularly scheduled meeting (Sept. 27<sup>th</sup>, 6:00pm) or at a special session of the Commission (Sept. 27<sup>th</sup>, Noon).

Any information that you would like to provide the Commission in advance of the meeting may be submitted to the Port's Administrative Assistant, Karen Hewitt, at [khewitt@portofnewport.com](mailto:khewitt@portofnewport.com).

Sincerely,

A handwritten signature in black ink that reads "Kevin M. Greenwood". The signature is written in a cursive style with a large initial 'K' and 'G'.

Kevin M. Greenwood  
General Manager

cc: Port of Newport Board of Commissioners  
TCB Security