

PORT OF NEWPORT REGULAR COMMISSION MEETING AGENDA

February 16, 2016, 6:00 pm
South Beach Activities Room
2120 SE Marine Science Drive, Newport, OR 97365

Walter Chuck (Pos. #1), President; Ken Brown (Pos. #4), Vice President; David Jincks (Pos. #2), Secretary/Treasurer; Stewart Lamerdin (Pos. #3); Patricia Patrick-Joling (Pos. #5)

- I. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i) – PERFORMANCE EVALUATIONS OF PUBLIC OFFICERS AND EMPLOYEES. No decisions will be made in Executive Session.5:30
- II. Call to Order6:00
- III. Changes to the Agenda6:01
- IV. Public Comment6:02
- V. Consent Calendar.....6:05
 - A. Minutes: Regular Commission Meeting 1/26/2015
 - B. Financial Reports
 - C. Notary Journal Agreement
 - D. Special Use Permit – OMSI Coastal Discovery Center Grand Opening of Camp Gray
 - E. Special Use Permit – 3rd Annual Newport Shamrock Run
 - F. Declaration of Surplus Property
- VI. Correspondence/Presentations.....6:08
 - A. Approval of HMSC Sublease with American Genetic Association
- VII. Old Business
 - A. Items Removed from Consent Calendar
 - B. Accounts Paid
 - C. Contract Amendment w/ TCB for Additional Collection Services6:09
 - D. General Manager Annual Performance Evaluation (ORS 192.660(2)(i))6:13
 - E. Resolution Setting Rates, Fees and Charges (ORS 294.160)6:16
 - F. International Terminal Shipping Facility Update.....6:19
- VIII. New Business
 - A. Rogue Lease Amendment.....6:24
 - B. Volunteer Policy.....6:29
- IX. Departmental Reports
 - A. Director of Finance.....6:34
 - B. Director of Operations6:36
 - C. General Manager6:38
 - 1. Statement of Economic Interest
 - 2. SDAO Conference / Training
 - 3. International Terminal Users Group Committee
 - 4. SDAO Insurance Update
 - 5. Minimum Wage Update
 - 6. US-20 Summer Closures
 - 7. Michelle Koch Complaint
 - 8. Capital Improvement List Update
 - 9. Pacific NW Waterways (PNWA), Mission to DC, Mar. 1-5
 - 10. Oregon Boating Foundation Kayak Launch
- X. Commissioner Reports6:48
- XI. Calendar/Future Considerations6:53
 - A. 02/25/16 – 02/28/16 Newport Seafood & Wine Festival
 - B. 3/12/16 3rd Annual Newport Shamrock Run

- C. 03/12/16 OMSI Grand Opening of Camp Gray
- D. 03/22/16 Regular Commission Meeting
- E. 06/21/16 Regular Commission Meeting (rescheduled)
- XII. Public Comment6:55
- XIII. Adjournment7:00

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
GENERAL MANAGER ANNUAL PERFORMANCE EVALUATION
2016 SUMMARY REPORT**

The Board of Commissioners shall conduct an annual review and evaluation of the Port Manager's work performance pursuant to Res. No. 2014-15 by the end of February. The results of such evaluation shall commend areas of good performance, point out areas for improvement, review and establish work-related goals and objectives. Any adjustment to the General Manager's salary and/or benefits will be determined by the Board at the end of this process.

This Summary Report is the result of the **January 26th** discussion and consists of: (a) list of goals and objectives to be accomplished prior to the next annual evaluation, (b) any salary/benefit adjustment, and (c) summarized ratings from the individual forms. Commissioners were encouraged to contact Manager prior to the **February 16th** regular meeting to suggest any adjustments to this report in advance. The Executive Session will be held before the regular meeting and will allow the Commissioners a chance to make any adjustments to the Summary Report. Some form of the Summary Report (evaluation) is required to be approved by the end of February.

During the regular meeting, the President will review the list of goals and objectives to be accomplished prior to the next annual evaluation and any salary/benefit adjustment and ask for a **MOTION TO ACCEPT THE SUMMARY REPORT AS PRESENTED** (OR AMENDED). The summarized ratings and individual evaluation forms will be placed in the General Manager's personnel file.

LIST OF GOALS/OBJECTIVES TO BE ACCOMPLISHED PRIOR TO 2016 EVALUATION

The Commission feels that a number of highly prioritized projects are near completion and should be completed early in 2016. Those projects include: (#6) Facilitate Rogue Expansion / Offsite Improvements.

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|--|---|---|
| #1. Develop maintenance plan, CMMS of commercial docks and show implementation. | #5. Implement Capital Facility Plan Priorities approved by budget committee | #9. Develop Annual Performance Evaluation for Professional Services (i.e. attorney) |
| #2. Complete financing for International Terminal Shipping Facility and develop markets. | #6. Facilitate Commission Goal Setting | #10. Prepare replacement plan/schedule for Port assets. |
| #3. Complete Third NOAA Recreational Mitigation Project. | #7. Show Staff Development and Training Results | #11. Develop Commercial Bay Front Vision Plan. |
| #4. Complete Personnel Manual Update | #8. Develop South Beach Vision Plan. | #12. Obtain Financing for Administration Building |

SALARY/BENEFIT ADJUSTMENT

The Board renews General Manager's annual contract and awards a merit adjustment of 2% for FY 16-17 upon approval of the budget.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 16th day of February, 2016.

Walter Chuck, President

ACKNOWLEDGEMENT OF RECEIPT OF EVALUATION BY GENERAL MANAGER

Kevin M. Greenwood, General Manager

PORT OF NEWPORT MINUTES

1/26/2016

Regular Commission Meeting

I. CALL TO ORDER

Commission President Walter Chuck 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: Walter Chuck (Pos. #1), President; Ken Brown (Pos. #4), Vice-President; and David Jincks (Pos. #2), Secretary/Treasurer, Stewart Lamerdin (Pos. #3); and Patricia Patrick-Joling (Pos. #5).

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: Mark Miranda, Newport Police; Wayde Dudley; Barb Dudley; Yale Fogarty, ILWU; Pat Ruddiman, ILWU; Lee Fries; Doug Cooper, Hampton Affiliates; Ed Cortes, Ardor Adventures; Kiera Morgan, KYTE; Jim Cline, Rogue Ales & Spirits.

II. CHANGES TO THE AGENDA

There were no changes to the Agenda.

III. PUBLIC COMMENT

Chief Miranda passed out Emergency Preparedness calendars to the Port Commission and staff, which include tips for how to prepare for an emergency. Miranda encouraged being prepared for the “big one.” The calendar includes a 72 hour kit instructions, but Miranda recommends 2 weeks because it may take that long or longer to get help. There were no questions for Miranda.

IV. CONSENT CALENDAR

- A. Minutes: Regular Commission Meeting 12/15/2015.
- B. Financial Reports
- C. Award of Personal Services Contracts for Annual General Liability, Earthquake and Vessel Insurance.
- D. Scope of Service and Proposal provided by Pacific Habitat for NOAA berth deepening (\$9,936).
- E. Budget Committee, Officer and Calendar.
- F. Special Use Permit, Visual Thinking.

Patrick-Joling asked, on item C, if the insurance contracts went out for bid. Greenwood said the Port was in an SDAO group for Liability, and was satisfied with the current insurance agents, Payne West and John Russell. The Port has not recently gone out for bid on insurance.

A motion was made by Patrick-Joling and seconded by Jincks to approve the Consent Calendar. The motion passed 5 – 0.

V. CORRESPONDENCE/PRESENTATIONS

There were no correspondence or presentations.

VI. OLD BUSINESS

A. Items Removed from Consent Calendar

There were no items removed from the Consent Calendar.

B. Special Use Permit – Ardor Adventures Resolution Run & Polar Bear Plunge.

Greenwood invited Ed Cortes to speak with the Commissioners, to introduce himself and speak about his events. Greenwood advised the Special Use Permit on the agenda for the Resolution Run & Polar Bear Plunge was one of Cortes' events, and Greenwood was looking to have the Commissioners ratify the permit. Cortes thanked Greenwood for inviting him to the meeting, and said that the events were growing. There are three events that are hosted at the Port. The Newport Turkey Trot had 350 participants this year; in the first year there were 75. The Resolution Run & Polar Bear Plunge has grown from 95 to over 150 participants. The third event is coming up on March 12th, and Cortes expects 150-200 runners. Chuck asked if these events benefitted local causes. Cortes said yes. For some background, Cortes said he had been in Newport since 2005. He started these events as a passion, and these are growing as community based events. Most of the proceeds go to local non-profits and charities; \$8,000 has been donated over the past couple of years, including donations to the Food Pantry. Each run contributes to a designated group. The Turkey Trot benefitted local elementary schools. The Resolution Run benefitted the local High School Swim Team. The March event will benefit Toledo Elementary School. Other events not held at the Port have benefitted Children's Advocacy and NOW. Cortes said he is proud of the events and how they benefit the community. Local High School students participate as volunteers and as runners. There are a lot of active runners with about 85% from out of town which benefits local businesses. Cortes said he thanks the Port and hopes to continue. Chuck said the Port always supports local causes and just wants to make sure the Port is mentioned favorably. Cortes said he is a runner first; it is a learning experience setting up events. He is learning how to seek sponsors and provide exposure. Greenwood said the fees were waived because of the community impact, and the Port will work with Cortes regarding public relations. Jincks commented that Greenwood had made a great improvement in the Special Use Permit process. Greenwood acknowledged Hewitt for her work organizing the permitting.

A motion was made by Patrick-Joling and seconded by Brown to ratify the Special Use Permit. The motion passed 5 – 0.

C. Accounts Paid

Lamerdin asked about an apparent discrepancy between the HIPPO expense and the payment. Larrabee explained the Chase payment included other items. Patrick-Joling asked about the 3-D model bill. Greenwood explained that was for the International Terminal Shipping Facility posterboards and that this was the last payment on that contract.

Ken Brown declared a conflict of interest because of payments made to Les Schwab. A motion was made by Jincks and seconded by Patrick-Joling to accept the accounts paid. The motion passed 4 – 0.

D. Letter of Understanding (LOU) with Rogue for Brewery Expansion

Greenwood thanked Jim Cline for being here as Brett Joyce was out of town. Rogue has been working with the Port over the last 18 months. The most pressing issue is the will of the Port to limit expansion in South Beach. Brown and Jincks expressed a desire to restrict future development in, so this would be the last major expansion in South Beach. Jincks handed out supplemental information with his suggested necessary changes to the LOU, which has been attached to the packet. Jincks commented that Lamerdin and Patrick-Joling were not at the Commission Meeting in December so he had included the floor plan and elevation plan in the supplemental information. Jincks added that there had been changes to the square footage in the LOU from the initial proposal, so he wanted the square footage changed per his calculations reflected in the LOU, from 40,250 sq.ft. to 43,370 sq.ft. He also requested a language change to item 14 in the LOU stating there would be no more expansion in the Multi-Use Area, and no further expansion in South Beach. Jincks said there are serious problems with parking and the RV Park, which is a concern for recreational marina users. He referred to the marked RV Park/Marina map wherein a black dotted line showed the foot print of the Marina only, the yellow line showing the fill area, and the blue line showing remaining developable marina property. Recreation will continue to grow. The Port's RV Park and moorage are where the Port is making its money. In the Vision Plan, this is the only area left for recreation. Patrick-Joling asked why there is a discrepancy in the square footage. Greenwood said there have been a few variations in the site plans, for example the truck loading area. Items 2, 3 and 16 can specify the square footage in the lease amendment which will be brought before the Commission next month. Jincks asked if there would be any changes. Greenwood noted that the square footage in the LOU can be approximate as the final dimensions will be included in the lease addendum. Jincks commented that this would be an amendment to the 2012, which sets the footprint, which was why the footprint was included. Jincks added the requirement that the outside storage be fenced was part of the original lease and needs to continue to be required.

Patrick-Joling referred to the cost allocation matrix, p 57/109 in the packet. Greenwood explained that the 19 work items were identified as either Rogue's sole responsibility, the Port's sole responsibility, or shared responsibility. Patrick-Joling asked in particular about the parking lot striping as this was an expensive task. Greenwood said the Port has discretion as to when to complete the Port's items and will be discussed and budgeted in the future. Lamerdin asked about the mural, and if this was mutually agreeable. Greenwood said the Rogue version previously presented to the Port was seen as more of an advertisement for Rogue, so the Port will design the mural and Rogue will have it painted. Brown added this will allow for more public input on the mural.

Greenwood asked for clarification on the changes proposed to the LOU; the only change needed to item 14, with items 2 and 3 to be refined in the lease agreement. Jincks requested these changes also be made to the LOU. Greenwood referred to the email from Brett Joyce. Jincks thought there may be problems if the other amendments were not made to the LOU. Jincks said the previous item 16 was dropped; outside storage was discussed in the lease. He was submitting the supplemental information tonight to be incorporated in the LOU. Greenwood said Joyce agreed to the change in the LOU with item 14 modified, with items 2, 3, and 16 to be refined as part of the lease addendum, to be approved by the Commission. Jincks said he wanted the square footage corrected even though it was approximate. Greenwood said he will be meeting with Joyce over the next month, and recommended adoption of the LOU in the packet and adjusting the square footage over the next month's discussions. Greenwood added he does not wish to submit an agreement to Joyce that differs from his understanding. Jincks asked why Greenwood did not recommend adopting the supplemental information tonight. Greenwood said Rogue was seeking land use approval with the City. Brown said he saw no value in bring Joyce in. Lamerdin added that the wording of "approximate" square footage gives the Port protection. Jincks said he cannot accept the LOU without incorporating the changes he proposed. He said there is a history as far back as the Pink silo of controversy with Rogue. The LOU has legal standing and he was trying to alleviate problems that had

occurred in the past. Patrick-Joling said that the wording “deal with” usually means changes will be made. Greenwood advised the Commission that the LOU is not the final document. The lease addendum will address items 2, 3 and 16. Lamerdin said this would require the numbers being reconciled prior to signing. Greenwood confirmed that those numbers would need to be identified because they determine rent. Jincks added that in the past that Rogue had not consulted the Port with changes. He was concerned that the Port would not be dealt with satisfactorily. Chuck thanked Jincks for the background information and work over the years ensuring that the Port gets the best outcome. The “approximate” square footage would be addressed in the lease addendum. Greenwood offered an amendment to the LOU as addressed in Joyce’s email regarding the prohibition on future expansion, and recommended the Commissioners authorize the LOU as amended. Patrick-Joling confirmed that additional changes could be made before the lease was signed. Jincks said he would not approve because he sees the LOU having more legal standing than is being considered.

A motion was made by Brown and seconded by Lamerdin to authorize the Letter of Understanding with Oregon Brewing Company as amended. The motion passed 4 – 1, with Jincks dissenting.

E. International Terminal Shipping Facility Update

Greenwood referred to the update in the meeting packet, which summarizes activity on the project. Grant approval information is not yet available. Chuck added that the presentation was well received in Lincoln City. Patrick-Joling asked about the Port’s payment for Department of State Lands (DSL) fees. Greenwood advised that some of the sand in the Port’s possession belongs to the State of Oregon, so the Port pays \$0.80 per cubic yard for sand that is moved off site. There are no details yet, but the issue is an exchange of clean, non-buildable material for good material. Previously, the city was not willing to take non-buildable material, but now this can be included in bid documents allowing for calculation of trucking costs. The IGA related to this will be considered by the Commission at a future meeting.

Lamerdin asked if Greenwood had heard concerns from people when presenting the project. Greenwood said there was some concern about wetlands mitigation, but we do have the biological approval and permits. There had also been some concern about how the trucks queue up, but now the plan was to queue off of Bay Blvd. Chuck added the traffic pattern had been redesigned. Lamerdin asked if this information was out in the public attention. Greenwood said the Lincoln City presentation would be on local cable television. Lamerdin suggested a link to the video on the Port’s website. Brown asked if Rondys had received a building permit. Greenwood said that he had not yet received confirmation.

F. General Manager Annual Performance Evaluation

Greenwood said the resolution was included in the packet for background on the process. Also included was a compilation of the five evaluations submitted by the Commissioners, which would be discussed in an Executive Session following the Regular Meeting. The Commissioners had no questions at this time.

VII. NEW BUSINESS

A. Contract Amendment with TCB for Additional Collection Services.

Greenwood advised that the Port has been issuing quite a few citations for parking, with TCB writing the vast majority. The Port has not done a good job of collecting on the tickets. TCB has a similar relationship with the City of Newport to collect on unpaid citations. TCB already can use their system to identify repeat offenders and can escalate consequences, perhaps eventually a boot. The citations could still be appealed to the General Manager and Commission. It is important to have a fair method of

collection, with additional penalties for repeated offenses. Larrabee added the value of this service is not to increase revenue but to increase compliance, which was also the goal for the city. Patrick-Joling asked if TCB was a licensed collector, since that is a requirement of the State of Oregon. Larrabee will follow up to check. Jincks asked for a breakdown of the violations that have occurred. Larrabee responded that in 2015, 341 citations were issued for \$8,000 in fines, of which only \$2,000 was collected. Greenwood said that the majority of the violations are parking. Patrick-Joling also suggested clause C in the proposed contract relating to mediation could be firmed up. Jincks asked if TCB has a plan in place, and he would like to see that. Brown also asked to see the city's agreement. Lamerdin suggested that the standard operating procedure needs to be clear and transparent so that people will know what will happen, and that this information could be posted on the Port's website. Larrabee said the Port would come back with more details for the Commission next month. No motion was made at this time.

B. Issuance of Credit Cards to Directors of Operation and Finance.

Greenwood referred to the information in the meeting packet, and said the current situation was researched by Larrabee with help from staff. Currently, the Directors of Operation and Finance do not have credit cards in their names. Jincks said that twenty years ago, all credit cards were removed from the Port due to abuse. Lamerdin added that this is a sensitive issue requiring guidelines as to what is appropriate or inappropriate. The guidelines for use would need to be clear and signed off on by the Directors. Greenwood acknowledged that the personnel manual needs to be updated where many of these policies would reside. For now, the Port staff defers to IRS guidelines, which are generally accepted practices, and the expenses are reviewed as part of the yearly audit.

A motion was made by Patrick-Joling and seconded by Jincks to approve the issuance of two new credit cards, one in the name of the Director of Operations and one in the name of the Director of Finance with each new card having a maximum limit of \$2,500, and to lower the maximum limit of the original card in the General Manager's name to \$12,500. The motion passed 5 – 0.

C. Resolution Setting Rates, Fees and Charges (ORS 294.160).

Greenwood advised this is a several month process for review. In the report, Greenwood highlighted what manager's had reviewed and provided comments. Patrick-Joling expressed that her biggest concern was ensuring that fees are covering the Port's costs. Jincks said the Port was moving toward this goal. Greenwood added that, for example, labor charges had been pulled out of equipment service fees to more closely reflect actual costs. Lamerdin asked about the tug fees listed in the report, and whether our insurance would accept operating the tug without a licensed captain. Fuller responded that the tug can only be operated within the Port marina. Jincks said the vessel was not really being used as a tug, and Lamerdin suggested changing the name to "work boat." Brown asked if the service rates in Section 1 applied to the International Terminal (IT) gear shed. Greenwood referred to the report that this was not happening at the IT. One possibility was to prohibit outside equipment use unless it did not complete with Port equipment. Jincks acknowledged that outside equipment use does happen in the case of emergency. Fuller said the difference between charges at the Commercial Docks and at the IT needed to be firmed up. Larrabee added there is also an insurance component. Jincks said that most of the IT users carry insurance. There are 3 non Port forklifts and boom trucks at the IT, and specialized equipment the Port cannot provide. Perhaps a one-time use license would work. If the rules were too strict, it may be difficult for boats. Chuck recommended Jincks and Fuller work together on this issue. Greenwood added that the Resolution is on the agenda so that the public also has an opportunity to comment. The Resolution would be adopted in May or June.

D. 2016 Annual Report (ORS 777.14)

Greenwood recommended that a motion be made to accept and sign the Annual Report.

A motion was made by Patrick-Joling and seconded by Jincks to accept the 2016 Annual Report. The motion passed 5 - 0.

VIII. DEPARTMENTAL REPORTS

A. Director of Finance

Larrabee said there was potential to refinance the IT GO bonds, which would lead to almost a \$1MM in savings to the district's tax payers. He will keep the Commissioners updated. Lamerdin commented on the nice consistency in the South Beach numbers.

B. Director of Operations

Chuck commented that he enjoyed the compiled report. Brown asked about the sink hole referenced. Fuller said that galvanized pipe was failing where stormwater exits into the Bay, which was causing washout and sinkholes. It started at the North side, but there have been three sink holes moving toward the manhole cover. Until the line can be replaced, which would be costly, this is filled with gravel, keeping in place, and asphalt. This is a band-aid only, and the Port needs to get bids. There is another affected line from the Marina and by Rogue. The staff is trying to keep the price down. Fuller praised Chris Urbach for taking care of this so that it is not an emergency situation. For now, the patches are working.

C. General Manager

Greenwood said that the Coast Guard bill was not yet signed because the storm had stopped activity in DC, but he was hopeful it would be signed next week. He thanked Chuck for planning to attend the SDAO Conference to support Clay Moore's award as SDAO Volunteer of the Year. Greenwood said that it was critical that a Port representative attend the PNWA Conference. The Commission agreed Greenwood's attendance this year was sufficient since there were no critical issues this year. Lamerdin asked if there had been any impacts of the filming done at the Port. Greenwood said he has not received any complaints, and some locals were hired for work.

IX. COMMISSIONER REPORTS

Brown said he had attended Wyden's Town Hall Meetings. Chuck attended two Council meetings for Newport and Lincoln City, and had met with the DulseEnergy seaweed people regarding their "bacon" seaweed. Patrick-Joling reported she was on the Visioning Committee for the City of Newport. The Committee was asking each organization to present historical data. Patrick-Joling asked staff to see if the Port had data to provide. Greenwood said he would talk with Patrick-Joling about what is needed.

X. CALENDAR/FUTURE CONSIDERATIONS

Patrick-Joling advised she would be in Washington on February 23rd, so she was requesting the Commission Meeting be moved to the 16th. Jincks asked if the Rogue lease would be ready by the 16th, and suggested a work session would be used to discuss the lease. The Commission agreed to change the Regular Meeting to 6 pm on February 16, 2016, with a possible work session at noon.

XI. PUBLIC COMMENT

There was no public comment at this time.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:40 pm.

XIII. EXECUTIVE SESSION

Commission President Walter Chuck stated for the record that the Commission would be entering into Executive Session pursuant to ORS 192.660(2)(i) for the performance evaluations of public officers and employees to evaluate the General Manager's annual job performance. Chuck noted that no decisions would be made in Executive Session. The session was called to order at 7:47 pm.

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

Management and Staff: Kevin Greenwood, General Manager.

A Summary Report of the evaluation will be produced for Commission review and adoption at the February meeting.

Having no further business, the meeting adjourned at 8:17 pm.

ATTESTED:

Walter Chuck, President

David Jincks, Secretary / Treasurer

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**Port of Newport Operating Fund
 Balance Sheet
 As of January 31, 2016**

	Jan 31, 16	Jan 31, 15	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
Available Cash & Equivalents	1,531,459.30	1,032,727.96	498,731.34
Restricted Cash & Equivalents	504,474.39	567,379.87	-62,905.48
Total Checking/Savings	2,035,933.69	1,600,107.83	435,825.86
Accounts Receivable			
Accounts Receivable	45,859.31	82,222.42	-36,363.11
Total Accounts Receivable	45,859.31	82,222.42	-36,363.11
Other Current Assets			
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
Assets Held For Sale	0.00	4,332.10	-4,332.10
Cash Clearing	0.00	1,000.00	-1,000.00
Due from other Port Funds	59,531.19	99,375.81	-39,844.62
Prepaid Expenses	23,719.96	126,492.65	-102,772.69
Undeposited Funds	567.10	-1,620.90	2,188.00
Total Other Current Assets	80,152.85	225,914.26	-145,761.41
Total Current Assets	2,161,945.85	1,908,244.51	253,701.34
Fixed Assets			
Capital Assets	88,077,059.77	88,077,059.77	0.00
Total Fixed Assets	88,077,059.77	88,077,059.77	0.00
TOTAL ASSETS	90,239,005.62	89,985,304.28	253,701.34
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	21,299.34	70,291.74	-48,992.40
Total Accounts Payable	21,299.34	70,291.74	-48,992.40
Credit Cards			
Chase VISA	235.26	0.00	235.26
Total Credit Cards	235.26	0.00	235.26
Other Current Liabilities			
Accrued Interest Payable	12,369.00	12,369.00	0.00
Deferred Revenue	190.95	1,389.00	-1,198.05
Due to other Port Funds	0.00	7,505.58	-7,505.58
Payroll Liability	34,302.63	27,636.67	6,665.96
Total Other Current Liabilities	46,862.58	48,900.25	-2,037.67
Total Current Liabilities	68,397.18	119,191.99	-50,794.81
Long Term Liabilities			
2013 FF&C Bond Premium	118,665.75	118,665.75	0.00
Long Term Debt	8,763,781.74	8,763,781.74	0.00
Total Long Term Liabilities	8,882,447.49	8,882,447.49	0.00
Total Liabilities	8,950,844.67	9,001,639.48	-50,794.81
Equity			
Contributed Capital	7,130,788.00	7,130,788.00	0.00
Fund Balance	-5,661,326.12	-6,166,639.67	505,313.55
Opening Balance Equity	79,446,413.75	79,446,413.75	0.00
Net Income	372,285.32	573,102.72	-200,817.40
Total Equity	81,288,160.95	80,983,664.80	304,496.15
TOTAL LIABILITIES & EQUITY	90,239,005.62	89,985,304.28	253,701.34

**Port of Newport Operating Fund
 Profit & Loss Budget vs. Actual
 July 2015 through January 2016**

	<u>Jul '15 - Jan 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Hoist Dock & Services	250,156.95	410,200.00	-160,043.05	61.0%
Launch Ramp & Trailer Storage	45,252.80	62,000.00	-16,747.20	73.0%
Lease Revenues	358,182.23	608,051.00	-249,868.77	58.9%
Miscellaneous Revenue	44,788.71	37,200.00	7,588.71	120.4%
Moorage	682,579.28	1,081,000.00	-398,420.72	63.1%
RV Parks	540,915.07	655,000.00	-114,084.93	82.6%
Shipping Terminal Revenues	14,502.90	15,900.00	-1,397.10	91.2%
Total Income	<u>1,936,377.94</u>	<u>2,869,351.00</u>	<u>-932,973.06</u>	<u>67.5%</u>
Gross Profit	1,936,377.94	2,869,351.00	-932,973.06	67.5%
Expense				
Debt Services	296,619.51	637,033.00	-340,413.49	46.6%
Materials & Services	659,197.03	1,524,407.00	-865,209.97	43.2%
Personal Services	603,106.84	1,147,035.00	-543,928.16	52.6%
Total Expense	<u>1,558,923.38</u>	<u>3,308,475.00</u>	<u>-1,749,551.62</u>	<u>47.1%</u>
Net Ordinary Income	377,454.56	-439,124.00	816,578.56	-86.0%
Other Income/Expense				
Other Income				
Gain/(Loss) on Sale of Assets	20.00	0.00	20.00	100.0%
Grant & Loan Proceeds	1,800.00	183,000.00	-181,200.00	1.0%
Interest Income	2,824.68	2,500.00	324.68	113.0%
Miscellaneous	4,853.58	0.00	4,853.58	100.0%
Property & Dredge Sales	498.00	0.00	498.00	100.0%
Property Tax Revenue	91,667.02	92,350.00	-682.98	99.3%
Total Other Income	<u>101,663.28</u>	<u>277,850.00</u>	<u>-176,186.72</u>	<u>36.6%</u>
Other Expense				
Capital Outlay	6,832.52	215,000.00	-208,167.48	3.2%
Contingency	0.00	200,000.00	-200,000.00	0.0%
Transfers Out	100,000.00	100,000.00	0.00	100.0%
Total Other Expense	<u>106,832.52</u>	<u>515,000.00</u>	<u>-408,167.48</u>	<u>20.7%</u>
Net Other Income	<u>-5,169.24</u>	<u>-237,150.00</u>	<u>231,980.76</u>	<u>2.2%</u>
Net Income	<u><u>372,285.32</u></u>	<u><u>-676,274.00</u></u>	<u><u>1,048,559.32</u></u>	<u><u>-55.0%</u></u>

**Port of Newport Operating Fund
 Profit & Loss Budget vs. Actual - Admin
 July 2015 through January 2016**

	Jul '15 - Jan 16	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Hoist Dock & Services	1,750.00			
Lease Revenues	358,182.23	608,051.00	-249,868.77	58.9%
Miscellaneous Revenue	1,968.85	0.00	1,968.85	100.0%
Moorage	1,470.00			
Total Income	<u>363,371.08</u>	<u>608,051.00</u>	<u>-244,679.92</u>	<u>59.8%</u>
Gross Profit	363,371.08	608,051.00	-244,679.92	59.8%
Expense				
Debt Services	8,926.00	17,851.00	-8,925.00	50.0%
Materials & Services	199,577.49	532,650.00	-333,072.51	37.5%
Personal Services	255,874.39	474,879.00	-219,004.61	53.9%
Total Expense	<u>464,377.88</u>	<u>1,025,380.00</u>	<u>-561,002.12</u>	<u>45.3%</u>
Net Ordinary Income	-101,006.80	-417,329.00	316,322.20	24.2%
Other Income/Expense				
Other Income				
Gain/(Loss) on Sale of Assets	20.00	0.00	20.00	100.0%
Grant & Loan Proceeds	0.00	183,000.00	-183,000.00	0.0%
Interest Income	2,824.68	2,500.00	324.68	113.0%
Miscellaneous	300.00	0.00	300.00	100.0%
Property Tax Revenue	91,667.02	92,350.00	-682.98	99.3%
Total Other Income	<u>94,811.70</u>	<u>277,850.00</u>	<u>-183,038.30</u>	<u>34.1%</u>
Other Expense				
Capital Outlay	0.00	15,000.00	-15,000.00	0.0%
Contingency	0.00	200,000.00	-200,000.00	0.0%
Transfers Out	100,000.00	100,000.00	0.00	100.0%
Total Other Expense	<u>100,000.00</u>	<u>315,000.00</u>	<u>-215,000.00</u>	<u>31.7%</u>
Net Other Income	-5,188.30	-37,150.00	31,961.70	14.0%
Net Income	<u><u>-106,195.10</u></u>	<u><u>-454,479.00</u></u>	<u><u>348,283.90</u></u>	<u><u>23.4%</u></u>

**Port of Newport Operating Fund
 Profit & Loss Budget vs. Actual - NIT
 July 2015 through January 2016**

	<u>Jul '15 - Jan 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Hoist Dock & Services	133,408.05	147,000.00	-13,591.95	90.8%
Miscellaneous Revenue	3,217.75	0.00	3,217.75	100.0%
Moorage	66,449.20	70,000.00	-3,550.80	94.9%
Shipping Terminal Revenues	13,920.20	14,500.00	-579.80	96.0%
Total Income	<u>216,995.20</u>	<u>231,500.00</u>	<u>-14,504.80</u>	<u>93.7%</u>
Gross Profit	216,995.20	231,500.00	-14,504.80	93.7%
Expense				
Debt Services	152,917.14	441,403.00	-288,485.86	34.6%
Materials & Services	46,094.88	104,650.00	-58,555.12	44.0%
Personal Services	32,222.86	63,101.00	-30,878.14	51.1%
Total Expense	<u>231,234.88</u>	<u>609,154.00</u>	<u>-377,919.12</u>	<u>38.0%</u>
Net Ordinary Income	<u>-14,239.68</u>	<u>-377,654.00</u>	<u>363,414.32</u>	<u>3.8%</u>
Net Income	<u><u>-14,239.68</u></u>	<u><u>-377,654.00</u></u>	<u><u>363,414.32</u></u>	<u><u>3.8%</u></u>

**Port of Newport Operating Fund
 Profit & Loss Budget vs. Actual - SB
 July 2015 through January 2016**

	<u>Jul '15 - Jan 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Hoist Dock & Services	-3,371.18	6,000.00	-9,371.18	-56.2%
Launch Ramp & Trailer Storage	45,167.80	62,000.00	-16,832.20	72.9%
Miscellaneous Revenue	35,364.30	33,200.00	2,164.30	106.5%
Moorage	346,464.72	611,000.00	-264,535.28	56.7%
RV Parks	540,915.07	655,000.00	-114,084.93	82.6%
Total Income	<u>964,540.71</u>	<u>1,367,200.00</u>	<u>-402,659.29</u>	<u>70.5%</u>
Gross Profit	964,540.71	1,367,200.00	-402,659.29	70.5%
Expense				
Debt Services	130,718.82	170,823.00	-40,104.18	76.5%
Materials & Services	297,709.09	587,507.00	-289,797.91	50.7%
Personal Services	170,058.29	330,689.00	-160,630.71	51.4%
Total Expense	<u>598,486.20</u>	<u>1,089,019.00</u>	<u>-490,532.80</u>	<u>55.0%</u>
Net Ordinary Income	366,054.51	278,181.00	87,873.51	131.6%
Other Income/Expense				
Other Income				
Grant & Loan Proceeds	1,800.00	0.00	1,800.00	100.0%
Miscellaneous	4,373.23			
Property & Dredge Sales	498.00	0.00	498.00	100.0%
Total Other income	<u>6,671.23</u>	<u>0.00</u>	<u>6,671.23</u>	<u>100.0%</u>
Other Expense				
Break-in Replacement	0.00	0.00	0.00	0.0%
Total Other Expense	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
Net Other Income	<u>6,671.23</u>	<u>0.00</u>	<u>6,671.23</u>	<u>100.0%</u>
Net Income	<u><u>372,725.74</u></u>	<u><u>278,181.00</u></u>	<u><u>94,544.74</u></u>	<u><u>134.0%</u></u>

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 02/11/16
 Accrual Basis

**Port of Newport Operating Fund
 Profit & Loss Budget vs. Actual - CM
 July 2015 through January 2016**

	Jul '15 - Jan 16	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Hoist Dock & Services	118,370.08	257,200.00	-138,829.92	46.0%
Launch Ramp & Trailer Storage	85.00	0.00	85.00	100.0%
Miscellaneous Revenue	3,619.86	4,000.00	-380.14	90.5%
Moorage	265,774.36	400,000.00	-134,225.64	66.4%
Shipping Terminal Revenues	582.70	1,400.00	-817.30	41.6%
Total Income	<u>388,432.00</u>	<u>662,600.00</u>	<u>-274,168.00</u>	<u>58.6%</u>
Gross Profit	388,432.00	662,600.00	-274,168.00	58.6%
Expense				
Debt Services	4,057.55	6,956.00	-2,898.45	58.3%
Materials & Services	115,752.78	299,600.00	-183,847.22	38.6%
Personal Services	138,162.19	278,366.00	-140,203.81	49.6%
Total Expense	<u>257,972.52</u>	<u>584,922.00</u>	<u>-326,949.48</u>	<u>44.1%</u>
Net Ordinary Income	130,459.48	77,678.00	52,781.48	167.9%
Other Income/Expense				
Other Income				
Grant & Loan Proceeds	0.00			
Miscellaneous	150.00	0.00	150.00	100.0%
Total Other Income	<u>150.00</u>	<u>0.00</u>	<u>150.00</u>	<u>100.0%</u>
Other Expense				
Capital Outlay	6,832.52	200,000.00	-193,167.48	3.4%
Total Other Expense	<u>6,832.52</u>	<u>200,000.00</u>	<u>-193,167.48</u>	<u>3.4%</u>
Net Other Income	<u>-6,682.52</u>	<u>-200,000.00</u>	<u>193,317.48</u>	<u>3.3%</u>
Net Income	<u><u>123,776.96</u></u>	<u><u>-122,322.00</u></u>	<u><u>246,098.96</u></u>	<u><u>-101.2%</u></u>

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

	Jan 31, 16	Jan 31, 15	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
Cash & Equivalents	4,784,769.34	4,793,774.18	-9,004.84
Total Checking/Savings	4,784,769.34	4,793,774.18	-9,004.84
Other Current Assets			
Prepaid Expenses	65,550.50	70,547.14	-4,996.64
Total Other Current Assets	65,550.50	70,547.14	-4,996.64
Total Current Assets	4,850,319.84	4,864,321.32	-14,001.48
TOTAL ASSETS	<u>4,850,319.84</u>	<u>4,864,321.32</u>	<u>-14,001.48</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	12,648.57	3,484.75	9,163.82
Total Accounts Payable	12,648.57	3,484.75	9,163.82
Other Current Liabilities			
Accrued Interest Payable	499,410.00	499,410.00	0.00
Due to Operations or Const Fund	707.27	8,611.80	-7,904.53
Vacation Payable	5,225.00	507.00	4,718.00
Total Other Current Liabilities	505,342.27	508,528.80	-3,186.53
Total Current Liabilities	517,990.84	512,013.55	5,977.29
Long Term Liabilities			
Long-Term Debt	22,357,424.00	22,357,424.00	0.00
Total Long Term Liabilities	22,357,424.00	22,357,424.00	0.00
Total Liabilities	22,875,414.84	22,869,437.55	5,977.29
Equity			
Opening Balance Equity	-17,758,143.71	-17,758,143.71	0.00
Unrestricted Net Assets	517,841.12	503,621.26	14,219.86
Net Income	-784,792.41	-750,593.78	-34,198.63
Total Equity	-18,025,095.00	-18,005,116.23	-19,978.77
TOTAL LIABILITIES & EQUITY	<u>4,850,319.84</u>	<u>4,864,321.32</u>	<u>-14,001.48</u>

**Port of Newport - NOAA Fund
 Profit & Loss Budget vs. Actual
 July 2015 through January 2016**

	<u>Jul '15 - Jan 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Interest Income	5,177.77	10,500.00	-5,322.23	49.3%
Lease Income	1,482,330.57	2,542,000.00	-1,059,669.43	58.3%
Misc Income	12,963.34			
Total Income	<u>1,500,471.68</u>	<u>2,552,500.00</u>	<u>-1,052,028.32</u>	<u>58.8%</u>
Expense				
Debt Service	1,999,433.76	1,999,434.00	-0.24	100.0%
Materials & Service	210,716.88	605,120.00	-394,403.12	34.8%
Personal Services	67,257.45	109,660.00	-42,402.55	61.3%
Total Expense	<u>2,277,408.09</u>	<u>2,714,214.00</u>	<u>-436,805.91</u>	<u>83.9%</u>
Net Ordinary Income	<u>-776,936.41</u>	<u>-161,714.00</u>	<u>-615,222.41</u>	<u>480.4%</u>
Other Income/Expense				
Other Expense				
Capital Outlay	7,856.00	56,000.00	-48,144.00	14.0%
Contingency	0.00	100,000.00	-100,000.00	0.0%
Fund Transfers Out	0.00	500,000.00	-500,000.00	0.0%
Total Other Expense	<u>7,856.00</u>	<u>656,000.00</u>	<u>-648,144.00</u>	<u>1.2%</u>
Net Other Income	<u>-7,856.00</u>	<u>-656,000.00</u>	<u>648,144.00</u>	<u>1.2%</u>
Net Income	<u><u>-784,792.41</u></u>	<u><u>-817,714.00</u></u>	<u><u>32,921.59</u></u>	<u><u>96.0%</u></u>

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 02/11/16
 Accrual Basis

Facility Maintenance Reserve Fund
Balance Sheet
 As of January 31, 2016

	<u>Jan 31, 16</u>	<u>Jan 31, 15</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
Umpqua Bank - Money Market	148,455.23	166,664.35	-18,209.12
Total Checking/Savings	<u>148,455.23</u>	<u>166,664.35</u>	<u>-18,209.12</u>
Total Current Assets	<u>148,455.23</u>	<u>166,664.35</u>	<u>-18,209.12</u>
TOTAL ASSETS	<u><u>148,455.23</u></u>	<u><u>166,664.35</u></u>	<u><u>-18,209.12</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	50,727.39	93,293.58	-42,566.19
Total Accounts Payable	<u>50,727.39</u>	<u>93,293.58</u>	<u>-42,566.19</u>
Total Current Liabilities	<u>50,727.39</u>	<u>93,293.58</u>	<u>-42,566.19</u>
Total Liabilities	50,727.39	93,293.58	-42,566.19
Equity			
Fund Balance	48,378.36	166,595.95	-118,217.59
Net Income	<u>49,349.48</u>	<u>-93,225.18</u>	<u>142,574.66</u>
Total Equity	<u>97,727.84</u>	<u>73,370.77</u>	<u>24,357.07</u>
TOTAL LIABILITIES & EQUITY	<u><u>148,455.23</u></u>	<u><u>166,664.35</u></u>	<u><u>-18,209.12</u></u>

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

	<u>Jan 31, 16</u>	<u>Jan 31, 15</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
Construction Fund Bank Accts	137,600.30	449,376.98	-311,776.68
Total Checking/Savings	<u>137,600.30</u>	<u>449,376.98</u>	<u>-311,776.68</u>
Other Current Assets			
Due From Other funds	0.00	147,521.10	-147,521.10
Total Other Current Assets	<u>0.00</u>	<u>147,521.10</u>	<u>-147,521.10</u>
Total Current Assets	<u>137,600.30</u>	<u>596,898.08</u>	<u>-459,297.78</u>
TOTAL ASSETS	<u><u>137,600.30</u></u>	<u><u>596,898.08</u></u>	<u><u>-459,297.78</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
A/P - Construction	8,504.00	260,072.63	-251,568.63
Total Accounts Payable	<u>8,504.00</u>	<u>260,072.63</u>	<u>-251,568.63</u>
Total Current Liabilities	<u>8,504.00</u>	<u>260,072.63</u>	<u>-251,568.63</u>
Total Liabilities	8,504.00	260,072.63	-251,568.63
Equity			
Fund Balance	183,266.66	750,803.54	-567,536.88
Net Income	-54,170.36	-413,978.09	359,807.73
Total Equity	<u>129,096.30</u>	<u>336,825.45</u>	<u>-207,729.15</u>
TOTAL LIABILITIES & EQUITY	<u><u>137,600.30</u></u>	<u><u>596,898.08</u></u>	<u><u>-459,297.78</u></u>

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

	<u>Jan 31, 16</u>	<u>Jan 31, 15</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
Gen Obligation Bond MM-OCB	366,324.07	322,752.02	43,572.05
Total Checking/Savings	<u>366,324.07</u>	<u>322,752.02</u>	<u>43,572.05</u>
Accounts Receivable			
Due from General Operating Fund	0.00	7,505.58	-7,505.58
Total Accounts Receivable	<u>0.00</u>	<u>7,505.58</u>	<u>-7,505.58</u>
Other Current Assets			
Property Tax Receivable	76,845.12	76,845.12	0.00
Undeposited Funds	0.00	-7,505.58	7,505.58
Total Other Current Assets	<u>76,845.12</u>	<u>69,339.54</u>	<u>7,505.58</u>
Total Current Assets	<u>443,169.19</u>	<u>399,597.14</u>	<u>43,572.05</u>
Other Assets			
Bond Issue costs, net of amort.	91,334.00	91,334.00	0.00
Total Other Assets	<u>91,334.00</u>	<u>91,334.00</u>	<u>0.00</u>
TOTAL ASSETS	<u><u>534,503.19</u></u>	<u><u>490,931.14</u></u>	<u><u>43,572.05</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Other Current Liabilities			
Bonds Payable - Current	10,000.00	285,000.00	-275,000.00
Total Other Current Liabilities	<u>10,000.00</u>	<u>285,000.00</u>	<u>-275,000.00</u>
Total Current Liabilities	<u>10,000.00</u>	<u>285,000.00</u>	<u>-275,000.00</u>
Long Term Liabilities			
2007 Series Bonds	4,312,682.00	4,312,682.00	0.00
2008 Series Bonds	4,414,908.00	4,414,908.00	0.00
2011 Series Bonds	5,269,811.00	5,269,811.00	0.00
Less Current Portion LTD	-285,000.00	-285,000.00	0.00
Total Long Term Liabilities	<u>13,712,401.00</u>	<u>13,712,401.00</u>	<u>0.00</u>
Total Liabilities	<u>13,722,401.00</u>	<u>13,997,401.00</u>	<u>-275,000.00</u>
Equity			
Bonded Debt Fund Balance	1,464,547.00	1,189,547.00	275,000.00
Opening Balance Equity	-15,156,375.83	-15,156,375.83	0.00
Retained Earnings	226,913.11	181,354.05	45,559.06
Net Income	277,017.91	279,004.92	-1,987.01
Total Equity	<u>-13,187,897.81</u>	<u>-13,506,469.86</u>	<u>318,572.05</u>
TOTAL LIABILITIES & EQUITY	<u><u>534,503.19</u></u>	<u><u>490,931.14</u></u>	<u><u>43,572.05</u></u>

NOTARY JOURNAL AGREEMENT

This Agreement is made and entered into effective this ___ day of February 2015, by and between the Port of Newport (“Port”), and Karen Louise Hewitt (“Notary”).

RECITALS:

- A. WHEREAS, the Port has a need for the services of a Notary Public available on staff; and
- B. WHEREAS, the Port has determined that Notary is qualified and capable of performing the professional services as Port does hereinafter require, under the terms and conditions set forth here.

AGREEMENT

NOW, THEREFORE, in consideration of mutual covenants contained herein, the parties agree as follows:

1. This Agreement shall become effective on the date above and will continue until the Port or the Notary terminates this Agreement, or until such time as the Notary’s employment with the Port is terminated, either voluntarily or involuntarily.

At any time with or without cause, Port or Notary shall have the right to terminate this Agreement. Upon such termination, Port shall forego future services of the Notary and will not make a claim for any fees paid by the Port for the Notary Commission, supplies or any associated incurred in related to this Agreement prior to termination.

2. The Port will pay the Notary Oath of Office fee, and will provide notary stamping device, Journal of Notarial Acts, and other supplies as may be required for the Notary to perform Notarial Acts.
3. The Port will pay these fees and provide these materials for the primary purpose of offering this service to its staff and clients as it pertains to Port business.
3. The Notary shall have the notary stamping device and Journal of Notarial Acts available for use during Notary’s scheduled working hours.
4. The Notary will perform Notarial Acts at the request of the Directors or the Board of Commissioners, for purposes of business of the Port, subject to Oregon law which stipulates that the Notary has the sole responsibility to refuse a notarization.

5. Fees charged Notarial Acts performed during the Notary's scheduled business hours at the Port shall be turned over to the Port and reported as income to the Port and not as personal income to the Notary.
6. Fees charged for Notarial Services shall be conspicuously posted in the office and will be charged without discrimination and conform to OAR 160-100-0400, or any future amendment, which limits notary fees.
7. The Notary shall not be paid any additional salary for the performance of Notarial Acts during the course of the Notary's scheduled business hours.
8. The Notary will not be available to notarize non-business related documents during scheduled working hours, to include personal items for management, commission or staff.
9. The Port acknowledged that the Notary Commission belongs to the Notary and the Port may not restrict or otherwise prohibit the performance of Notarial Acts outside of scheduled business hours, including during the Notary's lunch or dinner breaks.
10. The Notary may keep two Journals of Notarial Acts, one for Port business and one for acts performed outside of Port business.
11. Upon termination of the Notary's employment with the Port, the Journal of Notarial Acts recording acts performed for Port business shall remain with the Port, and the Notary shall retain a copy of the Journal. Any Journal of Notarial Acts for acts performed outside of Port business shall remain in sole possession of the Notary, as will the notary stamp and seal.
12. Upon termination of the Notary's employment with the Port, the Port shall retain the Journal of Notarial Acts for not less than seven years after the date of the last entry, or for the period of time then stipulated by Oregon Administrative Rules.
13. The Notary shall be responsible for completing any additional training or updating required to maintain the Commission, and fees for such will be paid by the Port.
4. The Port will provide sufficient liability and errors and omissions insurance coverage for the Notary for acts performed in the course of business.
5. Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties.

6. The laws of the State of Oregon shall govern this Agreement. The Notary shall adhere to all applicable federal, state and local laws, and rules in performance of this Agreement.

PORT OF NEWPORT

By: _____
Kevin M. Greenwood
Title: General Manager
600 SE Bay Blvd.
Newport, OR 97365

By: _____
Karen Louise Hewitt
Title: Oregon Notary Public
925 SW 11th St.
Newport, OR 97034

Date: _____

Date: _____



Notary Public Fees

Reference OAR 160-100-0410

Oregon Notary Fees

Acknowledgment	\$10.00
Affidavit/Jurat	\$10.00
Oath or Affirmation	\$10.00
Witnessing or Attesting a Signature	\$10.00

SPECIAL USE PERMIT APPLICATION

SUP CHECKLIST	
<input type="checkbox"/>	Application
<input type="checkbox"/>	\$100 Fee
<input type="checkbox"/>	Insurance Cert
<input type="checkbox"/>	Usage Fee
<input type="checkbox"/>	SUP Issued

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

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: OMSI's Coastal Discovery Center Grand Opening of Camp Gray

Event Date: March 12, 2016 Time(s) 12pm-4pm

Location: 3400 SW Abalone Street, South Beach, OR 97365

Facilities to Be Used: parking lot next to the Rogue Bayfront Public House

Set-up Dates and Start Times: March 12, 2016, 11:00am-12:00pm

Take-down Dates and End Times: March 12, 2016, 4:00pm-5:00pm

Estimated Number of Participants: Contestants: _____

Vendors / Volunteers: 2 volunteers

Attendees: up to 250 cars

Applicant / Signer: Melony Beard

Mailing Address: OMSI, 1945 SE Water Ave, Portland, OR 97214

Telephone: Office: 503-797-4529 Cell: 503-319-7858 E-mail mbeaird@omsi.edu

Contact Person (if different than applicant): _____

Contact Person's address, phone number and e-mail: _____

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

OMSI is excited to announce the opening of our new outdoor education facility, the Coastal Discovery Center at Camp Gray. On Saturday, March 12, 2016 from 12-4pm we will host a community open house inviting Newport to come explore the new facility.

From 12-4pm the camp will be open for self-guided tours and OMSI educators will be stationed around the facility to talk about the programming that will be available.

At 2pm we will host an official ribbon cutting with speakers from OMSI and the local community.

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:

We would greatly appreciate a full waiver of the usage fee. OMSI is a private 501c3 non-profit organization. This event will be free and open to the public so there will be no proceeds.

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?
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?
3. What is the Port's cost to provide services for the event?
4. Does the event provide any direct benefit to the Port?

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	\$40/ per vendor

Permittee will also need to carry comprehensive general liability insurance with limits of \$1,000,000.00 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.

Port of Newport Operating Fund

600 SE Bay Blvd.
Newport, OR 97365

CM Daily Sales

Date	Inv #
2/9/2016	Spec Use

PAID
02/09/2016

Donor
OMSI's Camp Gray Grand Opening OMSI 1945 SE Water Ave Portland, OR 97214

Project

Item	Description	Rate	Quantity	Amount
Special Use Permits	Nonrefundable application fee	100.00		100.00
			Total	\$100.00

PORT OF NEWPORT SPECIAL USE PERMIT

This permit, effective March 12, 2016, 7:30 am, from the Port of Newport, organized and existing under the laws of the State of Oregon, hereinafter referred to as "Port", to Ardor Adventures/Ed Cortes , hereinafter referred to as "Permittee."

The Port hereby grants permission to Permittee to use the Rogue Brewery Parking lot, map to be provided when approved by the City of Newport. Use of designated area by Permittee is for the 3rd Annual Newport Shamrock Run.

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

1. **Deposit.** A nonrefundable deposit in the amount of \$100.00.
2. **Fees.** Waived in consideration of sponsorship rights and a donation from fees collected to charitable cause.
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 \$1,000,000.00 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 March 12, 2016, 12:00 noon.

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

Ed Cortes, Ardor Adventures

SPECIAL USE PERMIT APPLICATION

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

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Event Name: 3rd Annual Newport Shamrock Run

Event Date: March 12, 2016 Time(s) 8:00 am

Location: Rogue Brewery

Facilities to Be Used: None

Set-up Dates and Start Times: Saturday, March 12, 2016, 7:30 am

Take-down Dates and End Times: Saturday, March 12, 2016, 12:00 pm

Estimated Number of Participants: Contestants: 200

Vendors / Volunteers: 15 Volunteers

Attendees: 20

Applicant / Signer: Ed Cortes

Mailing Address: 2002 NW Oceanview Dr, Newport, OR 97365

Telephone: (541) 351-8265 E-mail ed@ardoradventures.com

Contact Person (if different than applicant): _____

Contact Person's address, phone number and e-mail: _____

Please provide a detailed description of the event:

3rd Annual Newport Shamrock Run is being sponsored by Rogue Brewery and will benefit Toledo Elementary School. The Newport Shamrock Run will feature a 10K, 5K & Kids Fun Run.

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:

This is a small event and only expect about 150 participants. Once again, we ask for your support by waiving any fees.

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?
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?
3. What is the Port's cost to provide services for the event?
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USAGE FEE SCHEDULE

PARTICIPANTS	NUMBER	FEE
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	1,001- 5000	\$1400.00
	5,001-10,000	\$1,900.00
	More than 10,000	\$2,400.00
Vendors	N/A	\$40/ per vendor

Karen Hewitt

From: Ed Cortes <ed@ardoradventures.com>
Sent: Wednesday, February 10, 2016 9:18 AM
To: Karen Hewitt
Subject: Newport Shamrock Run SUP
Attachments: Port of Newport Special Use Permit - 2016 Newport Shamrock Run.docx

Hi Karen

I'm sorry for not getting back to you sooner. Due to construction I had to change the races routes and I have not had these routes approved by the city. Here's the Special Use Permit application without the race routes. If you need the routes, I'll submit them as soon as I get them approved which should be no later than next week.

Ed

ed@ardoradventures.com / 541-351-8265

Ardor Adventures

<http://www.ardoradventures.com>



PORT OF NEWPORT SPECIAL USE PERMIT

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6. **Nontransferability/Term.** This permit is nontransferable. This permit expires March 12, 2016, 12:00 noon.

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

Ed Cortes, Ardor Adventures

To: Port of Newport Commissioners
From: Stephen Larrabee, Director of Finance
Date: February 16th, 2016
Re: Declaration of surplus property

Declaration of Surplus Property

The Port would like to declare the following vehicle as surplus property:

Make	Model	Year	Serial Number
Ford	F150	1997	1FTDF172XVNB08889

The vehicle is no longer operational and would need repairs estimated at \$2,700 to have it be operational. The Blue Book value in fair condition would be \$2,000.

The goal is to dispose of this vehicle, hopefully through sale.

This request is to have this vehicle declared surplus property so that it may be disposed of.

January 26, 2016

Dr. Robert Cowen, Director
OSU HATFIELD MARINE SCIENCE CENTER
2030 SE Marine Science Dr.
Newport, OR 97365-5229

RE: APPROVAL OF HMSC SUBLEASE WITH AMERICAN GENETIC
ASSOCIATION

Dear Bob,

The Port of Newport appreciates being notified about HMSC's opportunity to provide space for the American Genetic Association (AGA) and approves the sublease to provide AGA with 95 sq. ft. of office space compliant with the terms in our lease.

The Port understands that this is a 6-month agreement starting January 1, 2016 with renewal by mutual agreement for an additional 12 months. The sublease may be renewed annually not to exceed a cumulative term of five years. Monthly rent would be \$1.50/sf or \$1,710 annually.

If you have any questions please don't hesitate to contact me at (541) 265-7758.

Respectfully,

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: Debra Crawford, HMSC Business Manager
Port of Newport Board of Commissioners



Operating Fund

January 19, 2016 through February 8, 2016

Date	Num	Name	Memo	Amount
1/19/16	37561	City of Newport	Room Tax December 2015	487.75
1/19/16	37562	CoastCom Inc	Internet and E-mail	832.00
1/19/16	37563	Gray's Web Design	Web hosting renewal for 2016	180.00
1/19/16	37564	Kevin Greenwood	Mileage and Lodging Reimbursement	910.08
1/19/16	37565	Suburban Propane	Fill Tank	214.92
1/19/16	37566	Toyota Financial Services	Fork Lift Lease	1,044.20
1/21/16	37567	Chase - Visa	Quick Books Renewal \$1799. Gift Cards \$1548 Special Order Parts for SB, CM, IT	6,335.90
1/26/16	37568	Business Oregon-OBDD	Loan 655-36-02 OCT 2015	7,800.00
1/26/16	37569	Cardinal Services, Inc.	Wages for Temp Services	1,538.60
1/26/16	37570	Century Link	Telephone	383.64
1/26/16	37571	Department of Environmental Quality	SB Compliance fee for storage tanks	270.00
1/26/16	37572	Design Space	Customs Office	217.00
1/26/16	37573	DMV	Vehicle Records Research	7.70
1/26/16	37574	Harvey's Lock & Key	Lock for Public Restroom	270.20
1/26/16	37575	Karen Hewitt	Portland Boat Show Meals and Lodging	169.34
1/26/16	37576	Lock Masters	Lock Replacement	220.00
1/26/16	37577	Mulder Sheet Metal, Inc	SB SS plates for restroom covers	74.00
1/26/16	37578	NW Natural	Gas	546.38
1/26/16	37579	Penny Gabrielson	Mileage and Meals Portland Boat Show	218.03
1/26/16	37580	Road & Driveway Co Inc	Repair Sink Hole Marina Parking lot	1,418.30
1/26/16	37581	S.D A O. Special Districts of OR	SDAO Conference registration and Awards Banq	379.00
1/26/16	37582	Siuslaw Broadband	Wi-Fi Network Service Repair	1,400.00
1/26/16	37583	State of Oregon Corporation Div.-Notary	Notary Public Application Fee	40.00
1/26/16	37584	State of Oregon Property Distribution Ctr	Gloves, Cutting Wheel, Wrenches	36.00
1/26/16	37585	T & L Chemical Toilet Service	Chemical Toilets Bayfront	436.00
1/26/16	37586	Tina McCann	Contracted work Southbeach and North Office	1,275.00
1/26/16	37587	U.G. Cash & Carry	Water, Salt, Paper Plates	87.82
1/26/16	37588	Verizon Wireless	Port cell phones	292.05
1/28/16	37589	Lincoln County 4-H Association	RV Space - ANNEX Lincoln County Fair	259.00
1/31/16	37590	Oregon Lodging Tax	4th quarter Lodging Tax 2015	635.59
2/5/16	37591	ALSCO	Mats and Rags	301.07
2/5/16	37592	Barrelhead	Wedge Anchor and Masonry Bit	36.47
2/5/16	37593	Coastal Paper & Supply, Inc.	Paper and Cleaning Supplies	925.74
2/5/16	37594	David Behrens	Boat Show Expense Reimbursement	161.85
2/5/16	37595	Department of Environmental Quality	VOID: Annual Storm water GEN12CZ Terminal	0.00
2/5/16	37596	Direct TV	Cable	968.15
2/5/16	37597	Englund Marine Supply Co, Inc	Rubber Work Gloves	52.80
2/5/16	37598	Fred Hauert	Boat Show Expense	75.80



Operating Fund

January 19, 2016 through February 8, 2016

2/5/16	37599	G & K Floors	Janitorial Services SB and Customs Trailer	2,120.00
2/5/16	37600	Industrial Welding Supply, Inc	Welding Supplies	67.52
2/5/16	37601	Newport Auto Parts Inc	Truck Maintenance Parts	73.70
2/5/16	37602	Ocean Tire Factory #83	Estimate for Repairs	142.50
2/5/16	37603	Pacific Habitat Services, Inc	Piling Permit PD5	157.50
2/5/16	37604	Pioneer Telephone Cooperative	Telephone	226.79
2/5/16	37605	Platt	Light Covers, Bulbs	712.43
2/5/16	37606	Siuslaw Broadband	Replace 5 Wireless APs	1,250.00
2/5/16	37607	Special Districts Insurance Service	Quarterly Property/Casualty Insurance	27,334.50
2/5/16	37608	TCB Security Services, Inc	Monthly Security contract	6,516.00
2/5/16	37609	Thompson's Sanitary Service, Inc	Trash Service	3,722.90
2/5/16	37610	Toyota Lift NW	Forklift Training	1,280.00
2/5/16	37611	Xerox Corporation	Copier Lease	374.71
2/5/16	37612	Yaquina Bay Communications	Radio Ad Contract	100.00
2/5/16	37613	Department of Environmental Quality	Storm water NPDES SB	980.00
2/5/16	37614	Interstate Battery System	Batteries for Emergency lights South Beach	96.00
2/5/16	37615	Rick Fuller	PCC Committee Meeting	333.82
2/5/16	37616	Department of Environmental Quality	Annual Storm water GEN12CZ Terminal	980.00

TOTAL	76,968.75
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NOAA Fund

January 19, 2016 through February 8, 2016

Date	Num	Name	Memo	Amount
1/19/16	12837	Northwest Fire Suppression		4,502.41
1/26/16	12838	AVS Elevator	Quarterly Servi	487.26
1/26/16	12839	T & L Chemical Toilet Service	Chemical Toile	35.00
1/26/16	12840	Ultimate Pest Control, LLC	2-0111	125.00
1/26/16	12841	Verizon Wireless	Phone Charge:	280.54
1/26/16	12842	Williams Scotsman Inc	Rent Mobile OI	346.30
2/5/16	12843	Coastal Paper & Supply	Consume Draii	72.40
2/5/16	12844	G & K Floors	Janitorial Servi	450.00
2/5/16	12845	Pacific Habitat Services, Inc.	Environmental	1,375.00
2/5/16	12846	Pioneer Telephone Cooperative	bus-159375	243.34
2/5/16	12847	Special Districts Insurance Services	Property/Casu:	9,864.75
2/5/16	12848	TCB Security Services Inc	Elevator Phone	20.00
2/5/16	12849	Thompsons Sanitary Service	Disposal & 20	337.70
2/5/16	12850	Toyotalift Northwest	Forklift Traini	105.38
2/5/16	12851	Pacific Habitat Services, Inc.	Biological Cons	180.00
			TOTAL	18,425.08



Construction Fund

January 19, 2016 through February 8, 2016

Date	Num	Name	Memo	Amount
1/19/16	11814	SHN Consulting Engineers & Geologists	Old Boat Ramp Fill Project	3,238.33
2/2/16	11815	Stuntzner Engineering and Forestry, LLC	Engineering Services, Export Yard	8,504.00
TOTAL				11,742.33

**PORT OF NEWPORT
RESOLUTION NO. 2016-xx**

A RESOLUTION SETTING RATES, FEES, AND CHARGES

WHEREAS, ORS 294.160 requires the governing body of a unit of local government to provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase; and

WHEREAS, Port of Newport Facilities Code Sec. 1.2(f) and 2.10(c)(6) requires the Commission to set rates and charges for moorage and electrical usage by the adoption of a "fee schedule" by resolution; and

WHEREAS, the Port Commission last adjusted rates, fees and charges via Res. No. 2015-06 on May 26, 2015; and

WHEREAS, the Port Commission feels that user fees should help to offset those costs related to the depreciation and on-going maintenance of the port; NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Service Rates. Rates apply to all Port of Newport locations unless otherwise noted. Rates become effective July 1, 2016. Port owned equipment to be operated by port personnel. No forklifts or boom trucks not belonging to the port shall be operated on port property.

	OLD	NEW	+/-
A. <u>Forklift</u> . In addition to labor rate.			
1. Small. Toyotas.			
a. per hour.....	\$11.00	11.33	3%
b. minimum charge	\$7.00	7.21	3%
2. Large. All at International Terminal (IT).			
a. per hour.....	\$27.50	28.33	3%
b. minimum charge	\$15.00	15.45	3%
B. <u>Hoist Dock</u> . Tie up fee, per hour. Includes use of hoist.			
1. one hour minimum, up to 3 hrs.	\$36.25	37.34	3%
2. after 3 hours.	\$43.00	44.29	3%
C. <u>Hoist Dock Cranes</u> . In addition to hoist dock rate.			
1. Large Capacity. In addition to labor rate.			
a. per hour	\$38.50	39.66	3%
b. minimum charge	\$29.75	30.64	3%
2. Launch Sail Boats. Includes recovery, per launch.....	\$41.25	42.49	3%
D. <u>Service Docks</u> .			
1. Swede's. In addition to moorage.....daily moorage rate		same	0%
E. <u>City Water</u> at city's rate		same	0%
F. <u>Fuel Surcharge</u> . International Terminal only. Per gallon.....	\$ 0.03	\$0.031	3%
G. <u>Electricity</u> . Swede's Dock, Dock 1, and IT. Per day charge.			
1. 208/220 v, single phase & 208 v three phase.....	\$14.75	15.19	3%
2. 120v. IT	\$6.25	6.44	3%
3. 220 or 408/440v three phase	\$14.50	14.94	3%
4. PD 7 Service Dock, 110v pumps	\$ 6.25	6.44	3%
5. PD 7 Yard Charge, trucks	\$11.25	11.59	3%
H. <u>Hydraulic Crane</u> . In addition to labor rate. 30 ton capacity, per hour.....	\$128.75	132.61	3%

Commented [KG1]: This apparently is not happening at the IT. We are looking at either two options: (1) charging those when bringing their equipment on to the terminal, (2) asking for additional insurance coverage.

	OLD	NEW	+/-
I. <u>Pump/Line Service.</u> Includes one Port employee only. Additional staff required will be billed at the established hourly labor rate. Per hour.	\$56.75	58.45	3%
J. <u>Storage.</u>			
1. Outside Lot Storage			
a. per square foot, daily rate.....	\$0.01	\$0.010	0%
b. per square foot, monthly charge.....	\$0.21	\$0.216	3%
c. minimum monthly charge	\$21.00	\$21.63	3%
d. boat trailer only, per night.....	\$2.10	\$2.16	3%
e. boat on trailer, per night, 10 days limit	\$7.20	\$7.42	3%
2. Emergency Storage Fee. Per day billed as guest. For vehicles, boats or trailers prior to being considered unclaimed property in possession (ORS 98.245) Charge for improper use of parking lot (i.e. boat repair).....		\$21.63	3%
K. <u>Gear Work.</u> Boat crew is responsible for clean-up. If Port Employees are required to clean up area, the boat account will be billed at the established hourly labor rate.			
1. Commercial Marina, per day.....	\$18.25	\$18.80	3%
2. Terminal Lot, per day. Short term use only. Deep-draft cargo has priority	\$18.25	\$18.80	3%
3. South Beach Marina, per day	\$18.25	\$18.80	3%
L. <u>Work Barge.</u> In addition to labor rate.			
1. Work Boat, per hour. Licensed captain extra.....	\$121.00	\$124.63	3%
2. Wood Barge, per day (tug extra).....	\$23.00	\$23.69	3%
3. Skiff, per hour.....	\$13.00	\$13.39	3%
M. <u>Clean-up.</u> Fees will be charged for each man-hour at the established labor. Equipment charges are extra			
1. Oil Spills, per hour.....	\$90.00	\$92.70	3%
N. <u>Disposal Fees.</u>			
1. Just Oil, per gallon	\$0.29	\$0.300	3%
2. Oil-Water Mix, per gallon	\$0.74	\$0.760	3%
3. Net Disposal and/or Related Gear, per pound.....	\$0.16	\$0.165	3%
4. Garbage, per pound.....	\$0.11	\$0.113	3%
O. <u>Port Labor.</u> Includes administration staff.			
1. per hour; 3/4 hour minimum, in 15 min. increments	\$49.00	\$50.50	3%
2. Overtime. Any services required outside the established working hours, unless otherwise posted, will be charged at one and one-half times (1.5) the normal rate for labor. Per hour, 1 hour minimum	\$73.50	75.71	3%
3. Emergency Call-out. Any services requiring a port employee not currently on duty to report to duty after hours, will be charged at twice (2.0) the normal rate for labor. Per hour	\$98.00	\$100.94	3%
P. <u>Pallet Charge.</u> Any Port owned pallet leaving yard, each	\$ 5.30	\$5.46	3%
Q. <u>Dredge Spoils.</u> Includes state fees; may be waived for other public agencies. Per cubic yard.	\$ 2.00	\$2.00	0%
R. <u>Keys/Cards.</u>			
1. South Beach Facilities. Cards.			
a. original/first two.....	free	free	0%
b. replacement/additional	\$ 5.50	\$5.67	3%
2. Bay Front Facilities. Keys.			
a. original/first one	\$15.50	\$15.97	3%
b. replacement/additional	\$27.50	\$28.33	3%
S. <u>Impound Seizure Fee.</u> Vessel impoundment fee	\$750		n/a

Commented [KG2]: See Section 6

Section 2. Bay Front Charges. Per linear foot. All charges for greater length between dock and boat.

	OLD	NEW	+/-
A. <u>Moorage</u> . Per linear foot.			
1. Daily	\$ 0.44	\$ 0.45	3%
2. Calendar Month.....	\$ 8.00	\$ 8.25	3%
3. Semi-Annual.....	\$30.40	\$31.31	3%
4. Annual	\$40.35	\$41.56	3%
5. Live aboard. Monthly rate by agreement only.			
a. First person.....	\$48.41	\$0	n/a
b. Each Additional.....	\$41.97	\$0	n/a
B. <u>Annual Parking Permit</u> . Rate effective for calendar year starting July 1 st . Commercial Fisherman only.....	\$21.00	\$21.00	0%

Commented [KG3]: Tough to track. Recommend eliminating

Commented [KG4]: Currently not charging at NIT. May need to start charging.

Section 3. International Terminal Charges. International Terminal Tariff No. 1 adopted via Res. No. 2014-03 on May 22, 2014. All fees authorized via Tariff No. 1. Effective July 1, 2014.

A. <u>Port Security Fee</u> . (§I.13). Per day	\$895.00	\$895.00	0%
B. <u>Materials & Supplies</u> . (§I.31). Cost plus	25%	25%	0%
C. <u>Dockage Charges</u> . (§III.13). Rate per day, by length.			
1. 000.00 – 351.05 ft.	\$1,627.00	\$1,627.00	0%
2. 351.05 – 371.02 ft.	\$1,792.00	\$1,792.00	0%
3. 371.02 – 400.26 ft.	\$1,981.00	\$1,981.00	0%
4. 400.26 – 426.51 ft.	\$2,203.00	\$2,203.00	0%
5. 426.51 – 449.48 ft.	\$2,373.00	\$2,373.00	0%
6. 449.48 – 475.72 ft.	\$2,607.00	\$2,607.00	0%
7. 475.72 – 498.69 ft.	\$2,960.00	\$2,960.00	0%
8. 498.69 – 524.93 ft.	\$3,527.00	\$3,527.00	0%
9. 524.93 – 551.18 ft.	\$3,639.00	\$3,639.00	0%
10. 551.18 – 574.15 ft.	\$3,822.00	\$3,822.00	0%
11. 574.15 – 600.39 ft.	\$4,373.00	\$4,373.00	0%
12. 600.39 – 626.64 ft.	\$5,092.00	\$5,092.00	0%
13. 626.64 – 649.99 ft.	\$5,787.00	\$5,787.00	0%
14. Above 650 ft., added on top of above rate, per ft.	\$8.90	\$8.90	0%
15. Exceptions for certain vessels. (§II.14), per ft. per day.	\$0.80	\$0.80	0%
D. <u>Service and Facility Charges</u> . (§III.2). Per 1000 board feet, unless noted.			
1. Logs. Scribner scale, ex dock	\$7.75	\$7.75	0%
2. Cants	\$6.00	\$6.00	0%
3. Lumber. Packaged rough.....	\$5.22	\$5.22	0%
4. Lumber. Packaged surfaced.....	\$4.63	\$4.63	0%
5. Plywood, Veneer, corestock & hardboard, /1000 kilos ..	\$5.87	\$5.87	0%
6. Pulp, Linerboard, bales or rolls, 2000 kilos.....	\$3.49	\$3.49	0%
7. Other commodities, per metric ton or 1000 bf	\$6.83	\$6.83	0%
8. Other commodities, per cubic meter	\$5.69	\$5.69	0%
E. <u>Wharfage Assessment</u> . (§III.6). Minimum charge for any single bill of lading.	\$10.00	\$10.00	0%
F. <u>Wharf Charges</u> . (§III.7). Per 1000 board feet, unless noted. In addition to Service and Facility Charges.			
1. Logs. Scribner scale, ex dock	\$9.50	\$9.50	0%
2. Cants	\$6.00	\$6.00	0%
3. Lumber. Packaged rough.....	\$4.55	\$4.55	0%
4. Lumber. Packaged surfaced.....	\$4.03	\$4.03	0%
5. Plywood, Veneer, corestock and hardboard, per 1000k	\$3.96	\$3.96	0%
6. Pulp, Linerboard, bales or rolls	\$2.72	\$2.72	0%

7.	Other commodities, per 1000 kilos	\$5.57	\$5.57	0%
8.	Other commodities, per cubic meter	\$4.57	\$4.57	0%
G. Cargo Staging Area. (§IV.2). Base rent for surge area.				
1.	per week, seven days	\$2,000.00	\$2,000.00	0%
2.	per day, less than seven days	\$300.00	\$300.00	0%
H. Line Service. (§V.3). Labor will be charged at the rates set out in the current ILWU/PMA West Coast Contract. Rate schedule per day.				
1.	2 men	\$520-\$656	\$520-\$656	0%
2.	4 men	\$1,061-\$1,317	\$1,061-\$1,317	0%
3.	6 men	\$1,575-\$1,973	\$1,575-\$1,973	0%
4.	8 men	\$2,153-\$2,631	\$2,153-\$2,631	0%

Section 4. South Beach Charges. Per linear foot. All charges for greater length between dock and boat except for F-Dock which is boat length only. Effective November 1, 2016.

A. Moorage. Per linear foot.				
1.	Daily	\$ 0.62	0.64	3%
2.	Weekly	\$ 3.71	3.82	3%
3.	Calendar Month.....	\$ 9.50	9.79	3%
4.	Semi-Annual.....	\$34.99	36.04	3%
5.	Annual	\$55.36	57.02	3%
6.	Live aboard. Monthly rate by agreement only.			
a.	First person.....	\$48.41	49.86	3%
b.	Each Additional.....	\$41.97	43.23	3%
c.	Electrical Surcharge, per extra plug on dock	\$30.00	30.90	3%
B. South Beach Charter Rates.				
1.	Annual Moorage, per linear foot (PONFC)	\$43.19	44.92	4%
2.	Charter License.....	\$300.00	300.00	0%
C. Dock Box.				
1.	Purchase (at cost).....	\$300.00	309.00	3%
D. Electrical Upgrade. From 20 to 30 amp. One time.....				
		\$51.50	53.05	3%
E. Line Replacement. Per foot, per time.....				
		\$1.00	1.00	0%
F. Launch Fee.				
1.	Daily.....	\$ 6.00	6.00	0%
2.	Annual			
a.	Resident	\$55.00	55.00	0%
b.	Resident Senior	\$50.00	50.00	0%
c.	Non-resident	\$75.00	75.00	0%

Section 5. Recreational Vehicle Park Fees. Effective November 1, 2016. Rates include state and municipal lodging tax.

		OLD	NEW	+/-
A. Peak Season (Summer). May 1 – October 31				
1.	All Marina Park Sites			
a.	Daily			
i.	Regular	\$43.00	44.00	3%
ii.	Good Sam	\$40.00	41.00	3%
b.	Weekly			
i.	Regular	\$269.00	277.00	3%
ii.	Good Sam	\$243.00	250.00	3%
c.	Monthly Rate	\$760.00	783.00	3%
2.	The Annex.			
a.	Daily.....	\$33.00	34.00	3%
b.	Weekly.....	\$201.00	207.00	3%
c.	Monthly.....	\$602.00	620.00	3%

3.	Dry Camping	\$19.00	20.00	5%
B. Off Season (Winter). November 1 – April 30. No discounts during Seafood and Wine Festival.				
1.	All Sites in the Marina Park			
a.	Daily			
i.	Regular	\$38.00	39.00	3%
ii.	Good Sam	\$35.00	36.00	3%
b.	Weekly			
i.	Regular	\$228.00	235.00	3%
ii.	Good Sam	\$206.00	212.00	3%
c.	Monthly Rate	\$652.00	672.00	3%
2.	The Annex.			
a.	Daily	\$33.00	34.00	3%
b.	Weekly	\$201.00	207.00	3%
c.	Monthly	\$602.00	620.00	3%
3.	Dry Camping	\$19.00	20.00	5%
C. Pet Fee. Charged additionally.				
1.	Daily. First pet free; each additional.....	\$ 2.00	\$ 2.00	0%
2.	Weekly. First pet free; each additional.....	\$10.00	\$10.00	0%
3.	Monthly. Charged per pet including first	\$10.00	\$10.00	0%
D. Individual Fee. First two people free; each additional person charged.				
1.	Daily	\$ 2.00	\$ 2.00	0%
2.	Weekly	\$10.00	\$10.00	0%
3.	Monthly.....	\$30.00	\$30.00	0%
E. Vehicle Fee. Any combination of three axle pieces of equipment (i.e. trailer, fifth wheel, truck/car, storage trailer). Charged for fourth piece.				
1.	Daily	\$ 2.00	\$ 2.00	0%
2.	Weekly	\$10.00	\$10.00	0%
3.	Monthly.....	\$30.00	\$30.00	0%
F. Non-Refundable Reservation Fee.				
1.	Before 72 hours.....	\$10.00	\$10.00	0%
2.	72 hours and after		first night's rate	0%
G. Service Fee Reimbursement. For electric pedestal amperage overloads. First service call included in base rate. All other service reimbursements may be charged at actual cost to port				
		\$77.00	79.00	3%
H. Laundry Machines. per load				
		\$ 2.00	\$ 2.00	0%
I. Process Fees. Any additional fees incurred by the Port as part of an eviction process.				
1.	Notice	\$50.00	\$50.00	0%
2.	FED Complaint	\$200.00	\$200.00	0%
3.	Court Hearing.....	\$165.00	\$165.00	0%
4.	Writ of Execution.....	\$140.00	\$140.00	0%

Section 6. Civil Penalties. Penalties found in PONFC (Sec. 7.4(a)). Paid in full. Effective July 1, 2016.

	OLD	NEW	+/-
A. Class A Violation			
1. 0-14 days, per day	\$300.00	\$300.00	0%
2. 15-29 days, per day	\$600.00	\$600.00	0%
3. 30+ days, per day	\$1,000.00	\$1,000.00	0%
B. Class B Violation			
1. 0-14 days, per day	\$150.00	\$150.00	0%
2. 15-29 days, per day	\$300.00	\$300.00	0%
3. 30+ days, per day	\$500.00	\$500.00	0%
C. Class C Violation			
1. 0-14 days, per day	\$30.00	\$30.00	0%
2. 15-29 days, per day	\$60.00	\$60.00	0%
3. 30+ days, per day	\$100.00	\$100.00	0%
D. Class D Violation			
1. 0-14 days, per day	\$15.00	\$15.00	0%
2. 15-29 days, per day	\$30.00	\$30.00	0%
3. 30+ days, per day	\$50.00	\$50.00	0%
E. Parking Violation. Per event, both vehicles and trailers.			
1. 0-10 days, paid within	\$40.00	\$40.00	0%
2. 11-20 days, paid within	\$85.00	\$85.00	0%
3. 21+ days, paid within	\$125.00	\$125.00	0%

Section 7. Administrative Fees. Staff may require payment or deposit in advance of service (ORS 192.440(4)(a)). Effective July 1, 2016.

A. Public Records Request Fee Schedule.			
1. Copies of Public Records	\$0.25	\$0.25	0%
2. Copies of Sound Recordings	\$10.00	\$10.00	n/a
3. Copies of Port By-laws, Codes, Plans, bound documents	\$20.00	\$20.00	n/a
4. Copies of Nonstandard documents	\$20.00	\$20.00	n/a
B. Research. Written request required. Hourly rate. ½-hr. min.	\$48.25	50.50	5%
C. Computer Time. Port operator. Hourly rate. ½-hr. min.	\$48.25	50.50	5%
D. Faxes/Emailing. Per Page			
1. Local	\$ 1.00	\$ 1.00	0%
2. Long Distance	\$ 1.50	\$ 1.50	0%
3. Incoming	\$ 1.00	\$ 1.00	0%
E. Long Distance Phone Calls.	\$ 2.00	\$ 2.00	0%
F. Lamination. Per Page, letter size	\$ 2.00	\$ 2.00	0%
G. Notice Posting. For non-payment of lease or moorage	\$60.00	\$62.00	3%
H. Failure to Register. For research related to unregistered boats	\$30.00	\$31.00	3%
I. South Beach Meeting Room. Must be pre-arranged and authorized. Keys must be obtained and returned. Certain waivers	\$75.00	\$75.00	0%
J. Returned Check Fee. Plus bank fees	\$ 50.00	\$ 50.00	0%
K. Per Annum Interest Rate. Applied to past due accounts	18%	18%	0%
L. POV Mileage Reimbursement Rate (IRS)	current	current	0%

Commented [KG5]: Matches other labor time. See Sec. 1(O).

	OLD	NEW	+/-
M. <u>Travel Reimbursement Rates</u> follow current IRS per diem rates current (http://www.qsa.gov/portal/category/104711)		current	0%
N. Impound Seizure Fee. Vessel impounding.....	\$550.00	\$750.00	36%
O. Special Use Permit Fee. GM has authority to adjust fee based upon non-profit status and other criteria	\$1,000.00	\$1,000.00	0%
P. Impound Seizure Fee. Car/Truck/Trailer	\$100.00	\$100.00	0%
Q. Vessel Moving. Does not include labor rate. Per event	\$250.00	\$250.00	0%
R. Background Check	\$25.00	\$25.00	0%
S. Credit Check	\$35.00	\$35.00	0%

Section 8. Insurance Certificate Limits. Effective July 1, 2016. Additional coverages may be required based upon business type.

A. Leases/Tenants.				
1.	Each Occurrence	\$1.7MM	\$1.7MM	0%
2.	Damaged to Rented Premises (each occurrence)...	\$300,000	\$300,000	0%
3.	Medical Expense (any one person)	\$5,000	\$5,000	0%
4.	Personal & Adverse Injury	\$1.7MM	\$1.7MM	0%
5.	General Aggregate.....	\$1.7MM	\$1.7MM	0%
6.	Products – Comp/Op Agg	\$1.7MM	\$1.7MM	0%
B. Moorage/Vessels.				
1.	Commercial Vessels			
a.	General Liability			
i.	Protection & Indemnity / Wreck Removal.....	\$250k	\$250k	0%
ii.	Pollution Coverage.....	\$300k	\$300k	0%
iii.	Combine Coverage / Wreck Removal.....	\$600k	\$500k	0%
2.	Recreational Vessels			
a.	General Liability			
i.	Ocean Marine Liability / Wreck Removal.....	\$300k	\$300k	0%
ii.	Pollution Coverage.....	\$300k	\$300k	0%
iii.	or Watercraft Liability, specifically includes wreck removal and pollution. Umbrella clauses must identify boats exceeding 25 ft.	\$500k	\$500k	0%
3.	Charter/Guide Vessels			
a.	General Liability.....	\$1.7MM	\$1.7MM	0%
4.	International Terminal Vessels (Tariff No. 1(\$17))			
a.	Workers' Compensation			
b.	Maritime Employer's Liability (Jones Act).....	\$1.00MM	\$1.00MM	0%
c.	Commercial and/or Comprehensive Marine General Liability.....	\$5.0MM	\$5.0MM	0%

Section 9. Retail Sales, Gift Certificates, Promotions, Sponsorships and Sundries. The Commission delegates to Manager the ability to set prices for sundries, cards, magnets, cups, DVDs, gift certificates, coupons, promotions, advertising, sponsorships and other retail and marketing items.

Section 10. Delegation of Responsibility. The Commission delegates to General Manager the ability to adjust these rates on a temporary basis to better manage services at the Port of Newport. Any adjustments to these rates will be reported to the Commission at its next regular meeting.

Section 11. Annual Review. The Commission, through assistance by Port staff, shall annually review and adopt a new rate, fees and charges resolution prior to the subsequent budget's adoption.

Section 12. Repealer. All previous rates and/or rate resolutions are hereby repealed.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this __ day of __, 2016.

ATTEST:

Walter Chuck, President

David Jincks, Secretary/Treasurer

OLD BUSINESS AGENDA ITEM

DATE: 2/16/2016
RE: Terminal Shipping Facility Update
TO: Port of Newport Board of Commissioners
ISSUED BY: Kevin Greenwood, General Manager

TERMINAL SHIPPING FACILITY UPDATE

Summary:

- Halls are planning to submit their own permit to piggy back on the wetland mitigation site which is located on their property. That will take a six month review, but won't affect our project. Rondys has recently changed their concept plan and is still a month away from submitting their wetland permit. We would remove the unbuildable material from their site and build the mitigation site on their property. Eventually a conservation easement would be applied and a management agreement would need to be signed between the Port and Rondys for ongoing maintenance.
- Follow up with Newport Public Works on soil removal agreement at the airport. Looks like we would send 40k cy (20k from our 9-acres and 20k from the Hall Property). This is clean, unbuildable material (topsoil). Agreement would be included in bid documents, but bidders could certainly use cheaper sites.
- Meeting (2/8) with Commissioner Chuck to discuss timing and scope of work of terminal users group committee.
- Building Permits were received on December 31 keeping the Traffic Impact Analysis intact.
- Still waiting for Pacific Habitat Services to submit the USACE NWP application and it should be issued within 45-60 days. Expedited since this has been reviewed for a third time. Permit is good for one year and extended for up to 5 more.
- Awaiting response back from NW Natural on the access agreement.
- Updated website to reflect new permit updates.

Grants:

- IFA Port Planning & Marketing Grant. Geotech, engineering report, archaeological survey, environmental site assessment, marking reports are eligible. Pre-construction design, RFP development and project management are not allowed. (\$60k grant + \$20k port = \$80k project). Due to short month, hoping to get this to commission in March.
- ConnectOregonVI – Application completed state review. Internal scoring middle of the pack. Will need to reassess financing opportunities.
- TIGER Grant – Pre-grant agreement reports and studies being refined. Planning to visit with Bob Brouhard during PNWA Mission to Washington in March to meet and discuss progress.
- Presentations to Connect Oregon Marine Modal Committee (2/18), Cascades West City Managers Group (3/18), Connect Oregon CWACT (4/28). Sen. Wyden's staff is also looking forward to receive a presentation. Past presentations included Newport Rotary (11/12), Port of Newport Board of Commissioners (11/17), Cascades West COG (12/3), Newport Chamber (1/4), BOSS Radio (1/22), Lincoln City City Council Meeting (1/25), Lincoln County BOC (1/27).

Anticipated Future Board Actions:

- IFA Grant Application March 22, 2016
- City Dredge Material Removal IGA..... March 22, 2016
- NW Natural Gas (for easements) March 22, 2016
- Rondys MOU (for easements, lease removal) May 2016
- Grant Administration ContractOct. 2016
- Project Management Contract.....Oct. 2016
- General Contractor Contract Jan. 2017

RECOMMENDATION

Informational only. None this month.

-###-

DIRECTOR OF FINANCE MONTHLY REPORT

DATE: 02/16/2016
PERIOD: January Board Meeting
TO: Port of Newport Commissioners
ISSUED BY: Stephen J. Larrabee

OVERVIEW

Financials:

January year to date financials are attached.

Finance Operations:

The Finance team has implemented a new electronic timesheet system to help streamline the payroll process and capture hourly data in a more efficient manner.

The budget process has begun and the Finance group will be working closely with the management team to put the budget together.

January 2016 Occupancy Report

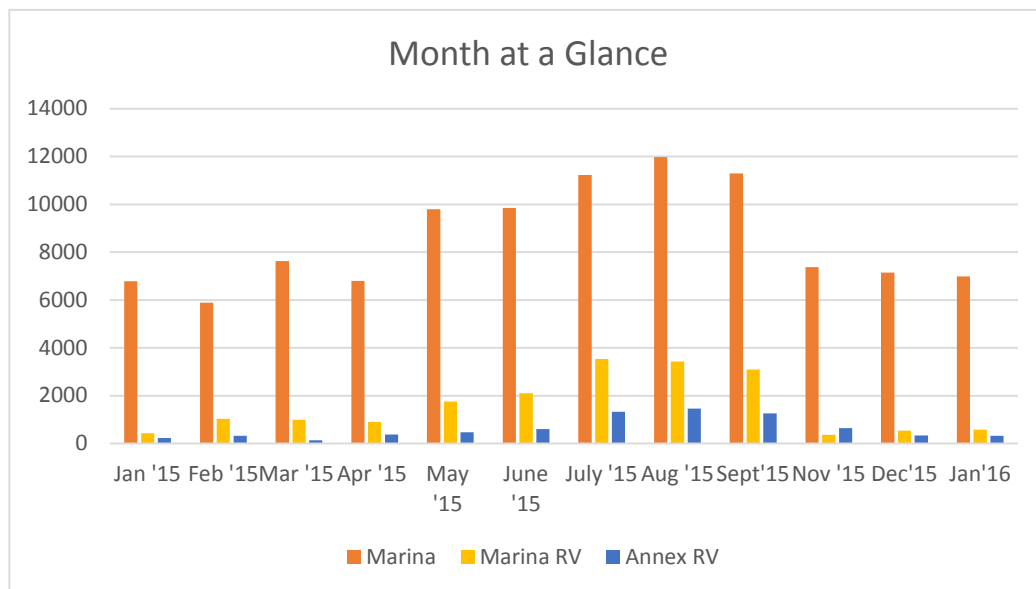
Port of Newport Board of Commissioners Penny, South Beach Marina & RV Park

1/10/2016

Monday January 4th was reservation day for the 2016 Seafood and Wine Festival. 53 reservations were booked on line, 56 over the phone and 15 at the front counter. Both parks were full within 1 1/2 hours and we started a waiting list.

Occupancy numbers in the RV parks were very good for January. Clay had several new guests that he was able to convince they needed more days to see our many attractions.

Jan	2015	2016	Change		YTD 2015	YTD 2016	Change
Marina	6,791	6,985	2.86%		6,791	6,985	2.86%
Marina RV	433	573	32.33%		433	573	32.33%
Annex RV	238	326	36.97%		238	326	36.97%





DIRECTOR OF OPERATIONS MONTHLY REPORT

DATE: 2/11/2016
PERIOD: January – February 2016
TO: Kevin Greenwood
ISSUED BY: Rick Fuller

OVERVIEW

Summary:

There have been no operational changes concerning the Terminal Shipping Facility. Rogue Brewery finalized developmental plans and submitted application for the required Conditional Use Permit. Pacific Habitat Services has started the application process for dredging at NOAA in 2016/2017. I continue holding off on paying the final city fees for the PON/CBP permanent foundation permit for the modular structures until a lease agreement has been reached between the Port and CBP. A large balance of my efforts this shortened period have been in administrative and departmental development as detailed below

Detail:

- **Terminal Shipping Facility:** No operational changes this period, waiting for funding.
- **Rogue Warehouse Expansion:** Rogue progressed with work on the building site design and submitted for the City Conditional Use Permit (CUP). I am continuing communication with Civil West Engineering on a scope of work proposal needed for design considerations such as pedestrian space, electrical, lighting, traffic, and parking. A budget will be developed based on final drawings. A meeting was held with Lorna Davis and Jim Protiva of the chamber assoc. along with Chris Urbach and Kevin Greenwood concerning coordination of the future of the Wine & Seafood function and placement of tents as it relates to required landscape islands in the reconfigured multi-use area. Some adjustments to the tent configuration and tie down system may be required.
- **NOAA MOC-P dredging:** Per commission authorization, the professional services agreement for the preparation of a Joint Dredging Permit Application was signed and returned to Pacific Habitat Service (PHS). I met with PHS staff this week and they are progressing on the application which includes contacting agencies. Agencies have been generally accepting of the initial plan as long as it does not disturb previous mitigation areas. Sediment sampling may be required as a component of the application. The application will include the deepening of the original dredge prism at berths 1,5 & 6 from -24'MLLW to -28'MLLW including the turn basin at the east of the wharf.
- **Permits:** I have been supporting Karen Hewitt's efforts in organizing open/closed permit and license statuses. Karen is creating a master matrix and chasing down requirements of permits that have been amended multiple times over the years. No status change on the requirement for a conservation easement at the mitigation area behind the Aquarium.

- **PON/CBP permanent foundation for modular structures:** No change. Plans were submitted and are ready to be picked up with permits from the city. All cost estimates were completed with the acceptance and agreement from CBP pending. I am holding off on the final payment for the permit until the Port has an amended lease agreement with CBP. Although the admin modular building permit is also ready for pick up, I am holding so both projects can be performed at the same time reducing mobilization costs.
- **S. Beach OSP secure dock:** Chris Urbach is in the process of pricing the improvements required for the use of the floating dock island south of A dock. We anticipate using on site floating dock structures that will tie into dock A. An MOU will be drafted once the details are more thoroughly developed. The estimated time for use is fall of 2016.
- **General Departmental:**
 - I have been active in the implementation of the new ADP timesheet which requires all employees to track daily time electronically on the ADP website. The new timesheet system requires time to be categorized into service billable, service non-billable, maintenance and repair, administration, projects, and non-work classifications. The advantage of being able to pull reports showing the division of labor is essential in monitoring budgets and preparing labor projections for management and operational use. As with any new change, glitches and challenges have and will be encountered. Acceptance by operation crews has been generally good.
 - I have been working with HIPPO CMMS staff with updates to our maintenance software which includes a more active user interface. NOAA and NIT facility continue to improve their knowledge using HIPPO FM software for preventative maintenance tasks. With South Beach's efforts, operations is moving toward the overall goal of expanding the use of the HIPPO FM to all departments which will be used as a maintenance management tool for planning, scheduling, tracking and reporting preventative maintenance and repair work orders. I will be presenting the new changes and progress staff has made to the Port commission at the next meeting.
 - SB Harbor Master Chris Urbach & I will be meeting today with Tom Runion of Runions Construction LLC (see attached) regarding the removal of three derelict boats owned by the Port through recent seizure. As stated in last month's report, Mr. Runion is proposing demolition and removal of the Jimco, Cougar Ann and the Grumpy Dragon in exchange for salvage rights of recyclable materials plus a payment to the Port in the amount of \$3,500 dollars. The proposal offers two sites for the removal; (1) International Terminal-East (2) South Beach boat ramp. The work schedule differs between the two sites with the NIT-East able to start immediately and the SB site not able to start for 30-60 days. Chris, Tom & I will be determining the next steps in the removal of the vessels.
 - The Port volunteer group, "Mates", finalized and submitted the first draft of the Volunteer Service Handbook that they have been working on over the last two months. After management review and input, the Handbook has been included in the work session agenda for review and approval. I am anticipating a short introduction of the program and the group during the upcoming Commission meeting.
 - I attended the 2nd meeting of the DSL General Maintenance Dredging Rules Advisory Committee (RAC) this month. With the RAC guidance, DSL is making progress with a draft rule for presentation to legislature in September. The DSL goal is focused on streamlining a general permit for maintenance dredging and lengthening the expiration period while maintaining requirements for good management. USACE has also made progress to keep step with the DSL program but will be splitting the state into two north

south jurisdictions.

- I have included a copy of the master training matrix which now gives a full view of current employee training accomplishments. The compiled information is now being used in order to determine a prioritized training program and future budgeting requirements. Fork lift training was held during this period and all operators are now holding current certificates. During the last safety committee meeting, basic cpr/first aid training was identified as the next focus and will be presented as a recommendation for your approval.
- I attended the Pacific Coast Congress (PCC) of Harbor Masters training and education committee planning meeting. The goal of the meeting was to delegate and form an agenda for this April's PCC conference. I was selected along with Mike Turkington of False Creek Harbor to present a session on facility maintenance and the use of CMMS software for tracking work orders. See attached conference agenda.
- I am working with department heads to develop a first time projected budget for the remaining of this fiscal year. In conjunction with the projected budget, staff & I are developing the 2016/2017 budget.

International Terminal – Pete Zerr, Superintendent

Billable services: (note accounting period has been changed to month end)

- Forklift - 27.5 hrs
- 30 Ton Hydraulic crane – 30.5 hrs
- Moorage – 240 days
- Dock Tie Up – 131 hrs
- Labor – 56 hrs

- Catching up on facility maintenance as scheduled via HIPPO CMMS
- Working on this years remaining budget projections and next years budget

N. Commercial docks – Kevin Bryant, Harbor Master

Billable services: (note accounting period has been changed to month end)

- Forklift - 105hrs
- Hoist crane – 0hrs
- Dock Tie Up – 124hrs
- Labor – 110hrs

Other

- On January 30th the f/v Surprise sank at Port Dock #7. The vessel was managed by the owner with staff support and refloated by Orca divers. Currently the vessel is being monitored and is waiting for transit to Toledo.
- Per 2015/16 capital improvement list priority item S3 (PD7 Electrical Upgrade), staff performed demolition of faulty and unsafe electrical wiring, conduit and pedestals at PD7F & 7E in preparation of replacement. Above Board Electric has been selected to supply and install conduit and wiring (see attached quote) for 6 new Port owned pedestals. Because of the generally poor condition of PD7 the conduit will be run on top of the deck and protected with a wood chase. The project has been estimated and cost verified to be within budget estimate of \$11,442.
- Working on this years remaining budget projections and next year's budget

NOAA MOC-P – Jim Durkee, Facility Manager

- 4th year painting of demised areas. Office & Warehouse interior work is complete. Continue waiting for clear weather to work on outside projects that are included in the total contract.
- Discussion started with NOAA command concerning 5th year carpet replacement requirement. Possible change in work scope. Jim Durkee pricing options.
- Issue identified with condensation inside wharf shore power units. Recent installation of 800W heater inside of the unit is being monitored for effectiveness. To date the fix looks successful, installation of five other units will be budgeted for next fiscal year along with concrete infill at base. KPFF to provide recommendations at no cost
- Working on electrical issues at the wharf pole lighting. Possible short. Emergency lighting inverter main power board has failed requiring contractor service. Pricing in progress
- Working on this years remaining budget projections and next year's budget

Bar crossings this period:

Bell M. Shimada – Departure and return

Oscar Dyson – Departure

Rainier – Departure

YTD bar crossing total for year 24

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

Billable services: (note accounting period has been changed to month end)

- Launch tickets – 137 tickets sold this period. 5696 tickets sold since new machine installed.

Other

- The setup of the Seafood & Wine Festival has started
- Meeting scheduled with Tom Runions Construction for removal of three seized vessels.
- Completed equipment inventory which will be entered into the CMMS (HIPPO) system by Rick Fuller for use in scheduling future preventative maintenance activities.
- Attended OSMB Abandoned and Derelict Commercial Vessel task force meeting with Steve Larrabee and Rick Fuller
- Working on this years remaining budget projections and next year's budget

Port of Newport - Master Training Matrix

Training	Orientation	Employee Policy	Safety Policy	OSHA 10hr Basic	OSHA 30hr Advanced	Hazwoper 40hr	Hazwoper 8hr refresher	Hazard Communication	First Aid / CPR	SDAO Safe Personnel (# of courses)	OR Notary Public Cert	Other	Forklift Operator Cert	Hoist Operator Cert	Crane Operator Cert	Boater's Education	UST Operator Class A-B	USCG FSO	Notes	
	Expiration Date as Applicable																			
GM											X									Fema ICU, Conflict Res, Customer Serv, Harassment
Dir Finance	X	X					X		1											
Dir Operations		X					X	Feb-16	1		X									Web Ctrl Advanced BAS
Account Spec I	X	X																		
Admin Assist.	X	X								Feb-20	X									OAMR Training, Public meeting course
Account Spec I	X	X																		
Account Spec II	X	X																		
Account Spec II	X	X						X												
Account Spec II	X	X																		
NCOM																				
Harbor Master	X	X	X		X	Expired						Jan-19		Jun-16	--					
Maint II	X	X	X					X*	2			Jan-19		Oct-17						CPR Trainer, Marine Stuctures & Material - current
Maint I	X	X	X		X	Expired		Feb-16				Jan-19		Sep-16	X					
Maint II	X	X						Feb-16				Jan-19		Sep-17	X					
Maint III	X	X	X					Feb-16				Jan-19		Sep-17	X					
SB Marina																				
Harbor Master	X	X	X									Jan-19			X	X				
Maint II									X						X	X				
Maint II	X	X	X		2013	Expired			1			Jan-19			X	X				
Maint I	1991	1991			2013	Expired		Feb-16				Jan-19								
Maint III	X	X																		
MOC-P																				
Facility Mgr.	X	X	?		x	Expired	X	Feb-16	3		X	Jan-19		Jun-16	X			X		Web Ctrl Advanced BAS, NIT FSO
NIT																				
Facility Super	X	X	X									Jan-19		Oct-20	X			X		NIT FSO



42nd ANNUAL MEMBERSHIP CONFERENCE

April 5 – 8, 2016
The Coast Plaza Hotel & Suites
Stanley Park, Vancouver, BC

“Teamwork...1+2=4”



Hosted by: The False Creek Harbour Authority
Fishermen's Terminal

TUESDAY, April 5

2:00 pm - 4:00 pm **Board of Directors Meeting**
5:00 pm - 7:00 pm **Welcome Reception and Conference Check-in**

WEDNESDAY, April 6

- 8:00 am **Conference Check-in**
- 8:30 am **Call to Order: Mike Loy**, President, False Creek Harbour Authority-Fishermen's Terminal, BC
Business Report
Introduction of PCC Board Members
Open Board Positions Election Announcement and Discussion
- 9:00 am **Host Welcome and Presentations: Mike Loy**, False Creek Harbour Authority-Fishermen's Terminal, BC
City of Vancouver dignitaries
Department of Fisheries & Ocean, Small Craft Harbours
- 9:20 am **Training and Education Committee Report: Eric Olsson**, T&E Committee Chair
- 9:30 am **Barbara Schwantes Report: Cheryl Maynard**, PCC Executive Secretary
- 9:35 am **Introduction of Sustaining Members, Tami Allen**, City of Bainbridge Island, WA
- 10:10 am **Networking Opportunity**
- 10:30 am **Call of the Ports** – Introduce yourself and your guests. Give your affiliation and the PCC committee(s) on which you serve. Highlight the issues that you would like to discuss and tell us about some of your accomplishments and successes. This is an opportunity to let the PCC membership better understand the things that make your marina unique.
- Facilitators: **Kathi Garcia**, Port of Bremerton, WA
Eric Olsson, T&E Committee Chair
- 12:00 pm **LUNCH**
- 1:00 pm **Call of the Ports (continued)**
- 1:45 pm **Session 1: It Takes Teamwork:** Is your staff up to the task? Do they have the talent and skills to excel and keep pace with change and new pursuits? Perhaps it is time to reassess how you look at them as individuals and realize the strength and effectiveness they may demonstrate when you recognize them as a team. While there may be a need for additional training and perhaps even restructuring to accomplish your goals, your staff team can perform beyond their individual capabilities through effective leadership that establishes mutual trust and respect and provides the necessary training and motivation to extract peak performance. "Coming together is a beginning...keeping together is progress...working together is success" Henry Ford. This session will explore the strategies that have been proven to help unify a seemingly discordant staff into a more cohesive and focused team that is much more responsive to meeting higher expectations and succeeding in meeting new workplace challenges avoiding unnecessary and often risky new hires to meet these needs
- Facilitator: **Giuseppe Alvarado**, Port of Seattle
- 2:40 pm **Networking Opportunity**
- 3:00 pm **Session 2: The Future is Here...Digital Everything:** Your paper-shuffling days are numbered...at least they should be. It is becoming increasingly apparent that the marina industry must transition and commit to the digital age. Marina operators must adopt the equipment and software that will enable them to remain competitive by eliminating cumbersome and antiquated accounting, personnel, ordering, management and communications practices. This session will go well beyond trying to convince you to update your website...it will reveal current IT strategies for enhancing your communications and data handling capabilities both internally and externally...definitely upgrading you networking capabilities. There are great efficiencies to be gained through going digital in terms of speed, security and access...don't be left behind.
- Facilitator: **Giuseppe Alvarado**, Port of Seattle, WA

4:00 pm **Session 3: News Flash – Marinas are not all the same!** Marinas, harbours and port facilities are as diverse as the clients they serve and their varied geographical locations. They differ in a multitude of ways ranging from access to reliable and sufficient electrical power to extreme ranges in weather conditions and availability of waste disposal and recycling opportunities. Yet boaters demand high standards of service and state and federal regulators require unwavering compliance with extensive safety and environmental regulations. Where one marina may have ready access to conveniently dispose of boater/marina generated wastes, including used oil and other hazardous materials, another more remotely located facility may find these disposal/recycling options cost-prohibitive or even none existent. While parking might be plentiful at a marina located in a remote coastal community, another may be situated in the midst of an urban center pressured to capture revenues for limited space and institute parking fees and strict monitoring and enforcement practices. Another trend that can have disruptive impacts on relations with local communities is limiting access to floats through locked gates. This again may be more pronounced in congested urban areas. What previously had been a welcoming open marina that invited the community to stroll the docks has suddenly changed to a more secure and restrictive facility that can now be seen as distancing itself from the public. These are only a few of the discussion topics that that should generate a wealth of ideas to assist in finding effective solutions and ways of balancing more restrictive practices with the continued need to avoid alienating both customers and a community that may be called upon for support. This should prove to be an informative and thought provoking session.

Facilitator: **Kathy Garcia**, Port of Bremerton, WA
Joe Dusenberry, City of DesMoines, WA

5:00 pm **Exhibitor Reception and Member Get Together:** Grab this opportunity!! Our gracious Sustaining Members welcome you to join them for entertainment, snacks and refreshments. This is a chance to discuss issues and problems confronting your marina and perhaps walk away with an innovative and cost-efficient solution. This is also an opportunity to acknowledge the efforts of our dedicated “vendor corps” for their support.

THURSDAY, April 7

8:30 am **Meeting Updates and Announcements**

9:00 am **Session 4: Playing the Project Management game and winning:** Project management may well be one of those things that you’ve been doing for years but never realized the analytical and precision required...you just did it and got the project done. This session will follow the theme of “Keeping Hold of that Vision” session from the last PCC conference in Juneau...but this time viewed more from the marina operator’s perspective as we introduce additional practical considerations to assist you in shepherding your project from dream to reality. You should gain insight into some the land designation revisions resulting from changes in our climate trends that can have dramatic impacts on your ability to expand or even replace waterfront structures. There will also be discussion on the significance an adequate infrastructure can play in your ability of expand...do you have the utilities, access and other support and resources needed to maximize the potential of your investment without it compromising the use and function of other facilities/operations. Also, how good are you at “boat shuffling”? This is the facet of the project that requires you to keep your marina operating and boats moored during the construction or preparation phase. We have gathered some of our esteemed PCC colleagues who have successfully endured major project management project and survived to share their views. I don’t believe any of them have actually escaped unscarred.

Facilitator: **Kathy Garcia**, Port of Bremerton, WA

10:00 am **Session 5: What’s Happening Out There?** What is the status of the vast array of equipment and structures at your marina? Have critical maintenance and warranty servicing been accomplished to ensure reasonable service life? You can institute a monitoring system to keep track of these preventive maintenance requirements and avoid catastrophic failures or eliminate the premature deterioration of your facilities. A Computer Maintenance Management System, CMMS, can provide a reliable real time link to inform you of the status of required testing and servicing of equipment to providing inventories of essential supplies and while establishing continually updated residual values and remaining service life of all equipment and facility structures.

Facilitators: **Rick Fuller**, Port of Newport, OR
Mike Turkington, False Creek Harbour Authority-Fishermen’s Terminal, BC

11:00 am **Session 6: It's time to leave!** Like it, or not, sea lions, seals, otters and other protected mammals have unrestricted rights to your property. They can show up unexpectedly, stay as long as they want, and their behavior can be as boisterous and obnoxious as they choose. While we all know relatively inexpensive and effective ways to eliminate these pests... most of us would rather not spend our golden years in federal custody. So, what to do? This session will review the latest science and strategies that can make your docks less desirable to these unwanted guests and condition them to seek more comfortable surroundings elsewhere.

Facilitators: **Robin Leraas**, Port of Grays Harbor, WA
Eric Olsson, T&E Committee Chair

11:45 am Board Position Election

12:00 pm **LUNCH**

1:00pm **Host Port Presentation:**

4:35 pm **Training & Education Committee Meeting** (hotel lobby)

6:00 pm **Social Hour**

7:00 pm **Banquet**
Board Election Results and Introductions
Award Presentations and Entertainment

FRIDAY, April 8

7:30 am **Breakfast Buffet**

8:30 am **Reconvene Business Meeting**

8:45 am **Session 7: A Marina...not a Circus:** While marinas continually seek ways of connecting with their community and to pursue non-traditional activities to increase their revenue streams, have they lost their focus? Marina operators in recent years have increasingly provided events and leased dockside facilities to non-marine operators to draw the public down to the docks to increase community involvement and to add revenues. These ventures range from car shows to more established weekend markets to literally having circus performers entertain. These activities can add significantly to both "good will" and raise additional operational/maintenance funds. However, without diligent oversight, these festivals may detract from the enjoyment and expectations of moorage tenants who expect sufficient parking, quiet and may feel that their security and privacy are threatened and may also tax the marina staff and resources originally designed to deal with boating operations. When is it time to say, "enough is enough" and return to more traditional boating operations and recognize the true impacts of these revenue-producing (and community supporting) activities.

Facilitators: **Robin Leraas**, Port of Grays Harbor, WA
Paul Stallard, Salmon Harbor, OR

9:40 am: **Closing Remarks, Conference adjourned**

GENERAL MANAGER MONTHLY REPORT

DATE: 2/16/2016
RE: February Regular Meeting
TO: Port of Newport Board of Commissioners
ISSUED BY: Kevin Greenwood, General Manager

STATEMENT OF ECONOMIC INTEREST

All elected officials are required to file a State of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC). The General Manager is required to explain the SEI filing requirement to newly elected officials, but it is the individual responsibility of the board members to submit the information directly to the OGEC.

Elected officials will receive an automated email at their .portofnewport.com address from OGEC on March 15th. Officials must submit the information online ONLY within 30 days on or by April 15th.

I've included a copy of the instruction manual for creating an account and filling out the information. OGEC will begin assessing fines after April 15 so please check your inbox and/or spam folders.

SDAO CONFERENCE / TRAINING

Big thank you to Commission Chuck for attending the SDAO Awards Banquet in Sunriver on Feb. 6. He and I were there to support our South Beach Camp Host Clay Moore, who was named the SDAO Volunteer of the Year Award. I attended sessions on "Supervising with the Law and Fundamentals of Employee Discipline," "Six Best Practices of Highly Effective Boards," "Life Cycle of a Claim," "Qualities of Great Leader," "Real-Life Examples of Lawsuits." Pictures of the event and a video promoting Clay's selection are available on the Port's Facebook page.

PORT OF NEWPORT INTERNATIONAL TERMINAL USERS GROUP COMMITTEE

Included in your packet is a copy of a white paper stating the objective for a Facility Use and Design Advisory Committee back in 2009. Though this adhoc group was used primarily for helping determine design criteria for the construction of the terminal, it also could be the starting point for a new committee to help discuss the logistics when shipping and fishing are happening at the same time.

I believe the committee could meet six times with a specific deliverable of discussing parking, traffic flow, signage, security, etc., etc. Eventually the users will be working alongside Pete Zerr, similar to the South Beach users group and Fisherman's Forum on the north side. The question is timing. Do we start now with the potential of a big gap between the completion of the committee and actual shipments?

SDAO INSURANCE

Included in packet is a summary of our insurance credits for NEXT year. So far we have 3 of 5 requirements met. Will need to take online ethics training and board will need to complete a Best Management Practices checklist later this summer. Their focus this year is on ethics policy development. Luckily the Commission By-laws has an entire section devoted to ethics which meets the SDAO requirement.

MINIMUM WAGE LEGISLATION

Last week, the Oregon State Senate passed SB 1532 that would increase the state minimum wage over six years. The bill passed 16-12 and now moves to the House of Representatives. Rural Oregon counties, including Lincoln County, will ultimately see the rate raised to \$13.50 by January 2022. Current state minimum wage is \$9.25.

The rule would affect ten Port employees and increase personnel costs around \$50,000. This is less than 1% of the Port's total personnel costs, but would be spread out over six years.

- 2016 to \$9.75. Starting July 1.
- 2017 \$10.25
- 2018 \$10.75
- 2019 \$11.25
- 2020 \$12.00
- 2021 \$12.75
- 2022 \$13.50
- 2023 CPI

US-20 CLOSURES THIS SUMMER

The Oregon Dept. of Transportation announced a series of summer road closures and delays to complete the US-20 Pioneer Mountain-Eddyville Project.

- **Currently, single lane restrictions with 20 minute delays** are necessary to protect the traveling public because of the logging, clearing and earthwork on and above the highway. These are occurring in the area of milepost 16, during daylight hours on Monday through Thursday between 9 a.m. and 4 p.m. and on Fridays 9 a.m. to noon. This work is expected to end at the end of February.
- **Two-hour day closures** in the area are planned from early June to mid-July. These are necessary because drilling and blasting operations will be happening adjacent to the highway.
- **Ten-hour nighttime complete closures** are planned to occur from mid-July through the end of October. These are necessary because the drilling, blasting and earthwork operations are above and alongside the highway and it is necessary to give the contractor enough room and time to do this safely.
- The two-hour daytime closures and ten-hour nighttime closures will not happen concurrently.

This could have negative ramifications on local businesses dependent on tourist traffic from the valley. The Chamber and other groups will be looking to advocate for evening only work and for it to start after the summer tourist season comes to an end.

MICHELLE KOCH COMPLAINT

Included in your packet is a copy of the complaint being filed by Michelle Koch in federal court against myself, Chris Urbach and TCB Security Guard, Devin Murphy. If you remember, Koch was a resident in

our South Beach marina. She ultimately signed an agreement in front of a local judge late last summer to leave the marina. The Port's insurance company and our local attorney, Pete Gintner, are handling the complaint.

CAPITAL IMPROVEMENT LIST

Included in your package is a draft list of projects to be considered in the Port's Capital Improvement List (CIL). This list includes the priority projects included from the 2013 Strategic Business Plan. I have asked the facility managers to bring additional projects or capital needs like vehicles or equipment that should be considered during the budget process. My hope is that this list will include ALL needed projects at the Port which will show the needs of the Port. I will ultimately recommend priorities to the Budget Committee based upon facility manager input and available resources. This list should be adopted at a subsequent meeting.

PNWA CONFERENCE / FEDERAL LOBBYING EFFORTS

The trip to DC is the perfect opportunity to lobby individually for Port of Newport projects while showing collaborative support for all of the hugely important work that the US Army Corps of Engineers is responsible for in the Pacific Northwest.

Based upon the work of PNWA, the USACE delivered their recommendations to the President on how to spend the extra Harbor Maintenance Trust Fund Small Port set-aside. Yaquina Bay received \$3.002M in the President's budget for the critical dredging and most of the Oregon small ports received something after many years of being zeroed out.

I am planning a trip to meet Admiral Force at NOAA in Silver Springs, MD as well as the team managing the Port's TIGER Grant at US Dept. of Transportation. Commissioner Brown will back in DC for other business and may be joining the sessions.

CONFERENCE AGENDA

Sunday, March 13th (all events in the Sofitel Hotel)

6:00 – 8:00 pm Mission Strategy Session and Welcome Reception

Monday, March 14th (all events in the Sofitel Hotel)

8:15 – 9:15 am Breakfast and Kick-off speaker

9:15 – 12:15 pm General Session

12:15 – 1:30 pm Luncheon and Speaker

~~2:30 – 4:00 pm Optional activity: Museum Tour (complimentary; pre-registration required)~~

2:30 Travel to Silver Springs, Maryland to visit with NOAA Officials

Tuesday, March 15th (daytime events in the Sofitel Hotel, evening reception on Capitol Hill)

8:15 – 9:15 am Breakfast and Speaker

9:15 – 12:15 pm General Session

12:15 – 1:30 pm Luncheon and Speaker

2:00 US Dept of Transportation (TIGER Grant Team Officials)

3:30 Rep. DeFazio Office to discuss cold water Coast Guard standards

6:00 – 8:00 pm PNWA Taste the Northwest Reception (PNWA members arrive by 5:30 pm)

Wednesday, March 16th (breakfast in the Sofitel Hotel, meetings on Capitol Hill)

7:00 – 7:45 am Continental breakfast

7:00-7:45 am Oregon Port Caucus Breakfast

7:45 am Depart for House Meetings

8:15 am – 5:00 pm Meet with Northwest House Delegation (boxed lunch will be provided)

Thursday, March 17th (breakfast in the Sofitel Hotel, meetings on Capitol Hill)

7:00 – 8:00 am Continental breakfast

7:00 – 8:00 am Inland Ports & Navigation Group Meeting and Breakfast (IPNG members only)

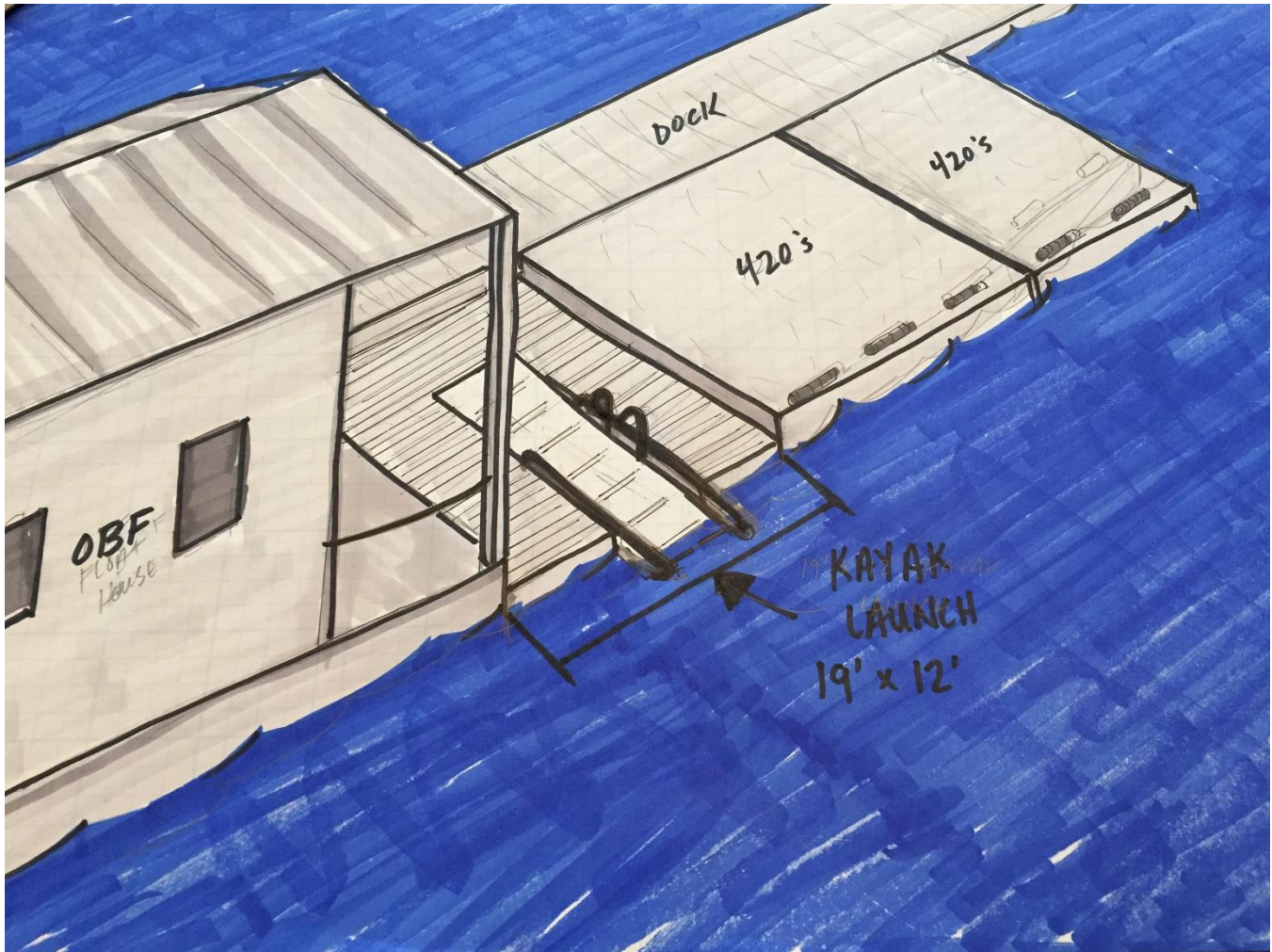
8:00 am Depart for Senate Meetings

8:30 am – 12:00 pm Meet with Northwest Senate Delegation

12:00 – 1:30 pm Mission Review (boxed lunch will be provided)
1:30 pm PNWA Mission to Washington adjourns

OREGON BOATING FOUNDATION KAYAK LAUNCH REQUEST

The Oregon Boating Foundation is interested in applying for grants to install a kayak launch next to their leasehold on Port Dock 7. OBF would be responsible for obtaining the funding, but the Port would have to allow them to place the dock. The cost estimate is \$16k. Main concern would be interface between commercial boats, but the dock faces north so I think impacts would be minimal. Any comments would be appreciated before giving them the go ahead to start exploring funding opportunities.



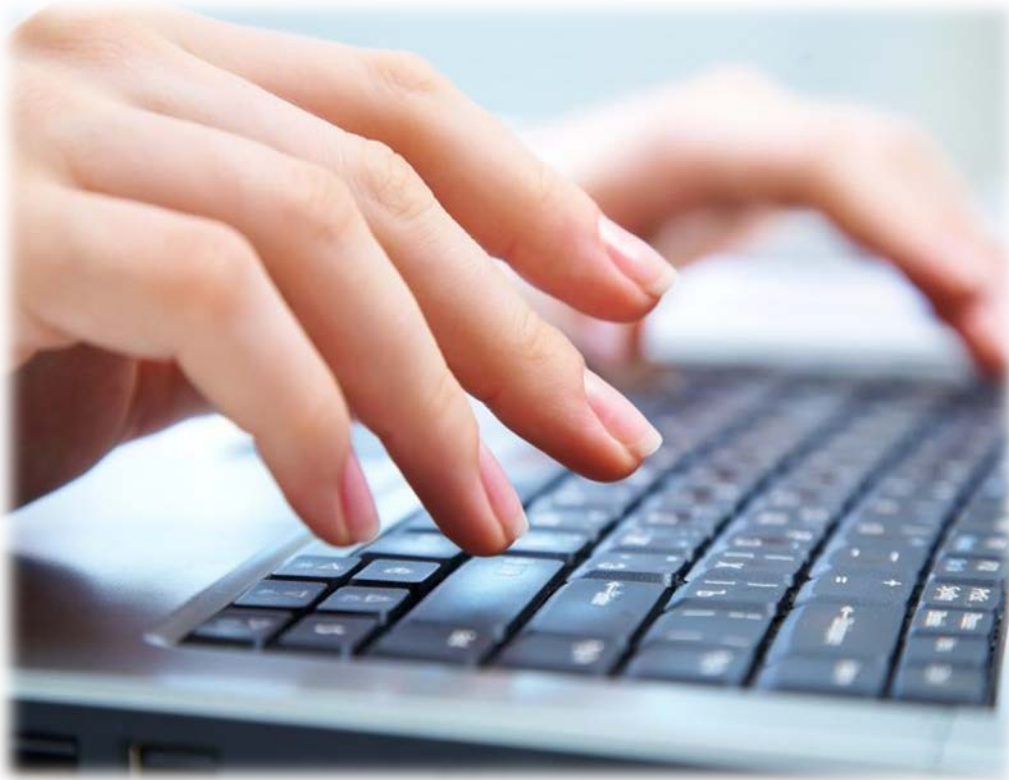
OTHER

- The Port will be attending the Salt Water Sportsmen's Show at the Oregon State Fairgrounds in Salem February 27 and 28, 2016. We are at Booth 69! For more information on the SWS Show, visit <http://saltwatersportsmensshow.com/>.
- Continuing to explore opportunities for utilizing the Hatfield Marine Science Center's bay water intake for bring water dependent businesses to South Beach. HMSC is generally supportive, but more details to be worked through.

- The Lady Washington and Hawaiian Chieftain will be in Port from May 18, 2016 to June 1, 2016. Lady Washington draws 11 feet, is 112 feet long overall, and requests a 250volt/50amp hookup. Hawaiian Chieftain draws 5 feet, 6 inches, is 103 feet, 9 inches long overall, and requests a 250volt/50amp hookup.
- Annual employee performance evaluations will begin in February.
- Facility Managers are working on prioritizing capital needs and reviewing rate structure in anticipation of budget cycle.
- Karen Hewitt has completed her notary training and should be able to notarize documents in mid-February. We plan on certifying a second employee as back up.
- Helping USCG-Portland review Regional Risk Mitigation / Trade Resumption Plan that would serve as a basis for the Port Security Grant Program. This year they plan to incorporate Newport, Coos Bay and Grays Harbor. May attend Industry Breakfast at Swan Island before Connect Oregon presentation on the 18th.
- Please note change for the June regular meeting. The meeting would normally be June 27th, but I'll be out of town that week. Just wanted to make sure that June 21st works for everyone.
- Sent Port planning studies to City for their visioning process.

-###-

Annual Verified Statement of Economic Interest



Oregon Government Ethics
Commission
3218 Pringle Rd SE, STE 220
Salem OR 97302-1544
Phone: 503-378-5105
www.oregon.gov/OGEC

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST HANDOUT

Insert the name of Jurisdiction and Position Held here. Also include contact information for the Jurisdictional Contact.

The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will have 30 days from the date you receive a system generated email from the Oregon Government Ethics Commission (Commission) to create a username, password and confirm your pre-filled personal profile information is correct and submit to the Commission.

During the filing period, failure to complete and electronically file by the final filing date may subject you to an automatic civil penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter, up to a maximum of \$5,000 [ORS 244.350(4)(c)].

Annual Verified Statement of Economic Interest Filing Instructions:

- ORS 244.050 specifically identifies certain public officials who are required to electronically file the SEI. Your position is one of those listed. **If you do not believe that you are required to file a SEI or if you have other questions, please call the Commission at (503) 378-5105 as soon as possible.**
- If you hold more than one position that is required to file, you will only electronically file one report.

The most common errors officials make filing are:

- (a) Failing to list all sources of household income for question 2. All sources of income exceeding 10% of the total annual household income must be listed. *(The question does not relate only to the public position you hold.)* Do not overlook the fact that a pension or social security benefit represents part of the household income. Please refer to the definition of income on page 3.
 - (b) Completing items 7 to 10 when not necessary. Please carefully read the instructions in the box on page 5. The questions need to be answered only if the conditions described in the instructions apply to your responses.
- **Please do not fail to respond to the email notification!** ORS 244.350(4)(c) prescribes assessment of a penalty of \$10 for each of the first 14 days the SEI is late and \$50 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5000.
 - You are required to electronically file **no later than Wednesday, April 15, 2016**. Please contact the Commission at 503-378-5105 if you have questions.

STATUTORY REFERENCES

Item 4-A, ORS 244.020(7)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(7)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. [ORS 244.020(2)]

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.). [ORS 244.020(9)]

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. [ORS 244.020(8)]

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official. [ORS 244.020(11)]

Questions requiring disclosure:

1. **BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:**

- A. If you or a member of your household were an officer or director of a business (*see definition of "business"*) during **2015**, please indicate that information below. (*These would be personal business ventures, not the public position you hold. Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A for example.*) **[ORS 244.060(1) & (2)]**

You will list the **Business Name**, the **Title of Office**, **Business Address**, **Held by Whom**, and a **Description of the Business**.

- B. List the names under which you or members of your household did business (*see definition of "business" above*) during **2015**:

You will list the **Business Name**, the **Title of Office**, **Business Address**, **Held by Whom**, and a **Description of the Business**.

2. **SOURCES OF INCOME:** Identify the sources of income (*See definition of "income" on page 3*) received by you or a member of your household, who is 18 years of age or over, during the **2015** calendar year that produced 10% or more of the total annual household income. (*Your business would be a source, not the individual clients of your business.*) **[ORS 244.060(3)]**

You will list the **Name of the Source**, **Address of the Source**, and a **Description of the Source**.

3. **REAL PROPERTY:** List all real property (*residential, commercial, vacant land, etc.*) in which, during **2015**, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, **located within the geographical boundaries of the public entity you serve**. (*Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve.*) **[ORS 244.060(4)(a)]** **Do not list your principal residence.** **[ORS 244.060(4)(b)]**

You will list a **Description of the real property** and **Address**.

4. **OFFICE RELATED EVENTS:**

- A. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during **2015** when participating in a convention, mission, trip, or other meeting as described in ORS 244.020(7)(b)(F), (*see reference on page 2*), which is an exception to gift restrictions. (*Do not list expenses that were paid by the public body you represented.*) **[ORS 244.060(5)]**

You will list the **Date**, **Organization Name**, **Address**, **Nature of Event** and **Amount**.

Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020(7)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

4. **OFFICE RELATED EVENTS continued:**

B. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during **2015** when participating in a mission, negotiations, or economic development activities described in ORS 244.020(7)(b)(H), (*See reference on page 2*), which is an exception to the gift restrictions. (*These events are those that were officially sanctioned or designated by your public body. Do not list expenses that were paid by the public body you represented.*) **[ORS 244.060(6)]**

You will list the **Date, Organization Name, Address, Nature of Event** and **Amount**.

5. **HONORARIA:** List all honoraria (*see definition*) allowed in ORS 244.042, with a value exceeding \$15, received by you or a member of your household during **2015**. **[ORS 244.060(7)]**

You will need the **Date, Organization Name, Nature of Event** and **Amount**.

Under ORS 244.100(2) any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received.

6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during **2015**. (*Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist. Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.*) **[ORS 244.090(1)]**

You will need the **Name of the Lobbyist, the Name of the Business** and the **Type of the Business**.

PLEASE NOTE – Do NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

7. **INCOME OF \$1,000 OR MORE:** Respond only if you or a member of your household received a source of income exceeding an aggregate amount of \$1,000 during **2015**, and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve. **[ORS 244.060(8)]**

You will need to report the **Income Source, Address** and **Description**.

8. **DEBT OF \$1,000 OR MORE:** Respond only if you or a member of your household owed a debt of \$1,000 or more to a person (*see definition of "person" on page 3*) during **2015**, and that debt

involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. *(Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.)* [ORS 244.070(1)]

You will need to list the **Name of Creditor**, **Date of Loan**, and **Interest Rate of Loan**.

9. **BUSINESS INVESTMENT OF MORE THAN \$1,000:** Respond only if you or a member of your household had a personal, beneficial interest or investment in a business *(see definition of "business" on page 3)* of more than \$1,000 during **2014**, if the investment involved an individual or business that did business with or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. *(Note: Do not list the amount of the investment. Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.)* [ORS 244.070(2)]

You will list the **Business Name**, **Address**, and a **Description of the Business**.

10. **SERVICE FEE OF MORE THAN \$1,000:** Respond only if **you** *(not your business)* received a fee of more than \$1,000 in **2015** from a person *(see definition of "person" on page 3)* for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. *(Do not list fees if you are prohibited from doing so by law or a professional code of ethics.)* [ORS 244.070(3)]

11. **VERIFICATION:** Under penalties for false swearing/false affirmation, I declare that the information submitted in this electronic filing is, to the best of my knowledge and belief, true, accurate, and complete.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirements to complete and electronically submit the SEI by April 15.

If you have any questions regarding the Annual Verified Statement of Economic Interest or the Oregon Government Ethics Commission (Commission).

Oregon Government Ethics Commission
3218 Pringle Rd SE, STE 220
Salem, OR 97302-1544
Phone: 503-378-5105
Email: www.oregon.gov/OGEC

2009

**PORT OF NEWPORT INTERNATIONAL TERMINAL
Facility Use and Design Advisory Committee**

Objective

To review environmental remediation planning as it progresses and provide user and industry input and design concepts for a new multi-use terminal facility that will provide for the safe movement of waterborne commerce and meet the needs of the fishing industry and other maritime activities.

Representation, Purpose, Responsibilities and Procedures

1. The Port of Newport International Terminal Facility Use and Design Advisory Committee (“Committee”) will consist of two Port of Newport Commissioners, a Chair and Co-Chair appointed by the Port of Newport Commission President, and individuals with expertise and interest in waterborne cargo, commercial fishing, and maritime related business. The Port of Newport board of commissioners will approve the appointments of Committee membership. The Committee Co-Chair will preside over meetings in the absence of the Chair.
2. Roberts’ Rules of Order Revised will serve as the parliamentary authority for the operation of the Committee.
3. The Port’s engineer of record, and any other appointment made for technical support, will review and provide technical advice as needed as Committee work progresses.
4. The Committee is established to carry out the following functions:
 - a. Provide input, advice and recommendations to the Port of Newport board of commissioners for final design of the terminal facility.
 - b. Provide a forum for users and interested individuals to communicate and collaborate on design concepts that will accomplish the objective.
5. Recommendations shall be reached by a consensus process.
6. Term and Frequency of meetings: It is anticipated that the Committee will be required to meet for a period of approximately three months beginning in January 2007. Meetings will be held once a month on the last Monday of each of these months at 6:00 p.m. at the Port of Newport Offices at 600 S. E. Bay Boulevard, Newport, OR.
7. The Port of Newport will provide staff support for the Committee.

Work Scope

1. Agree on the dock face, waterfront surface construction by discussing the vertical surface appearance that is most practical and likely to perform the best for fishing vessels, cargo vessels, barges and/or cruise vessels. Discussion should include options for the types of fendering systems that would best serve all users, or consider removable fendering apparatus options.
2. Discuss lighting needs at the dock for nighttime vessel work, for loading and unloading and for security purposes, and options for adding lighting for future uses. Address lighting needs for yard work that is adequate for truck loading and unloading and for fishing industry gear and equipment work.
3. Discuss the option of leaving the eastern portion of the old warehouse in place where Foulweather Trawl is currently located. Discuss needed upgrades to make it more user friendly.
4. Address and suggest optional locations for warehousing, current lessees, future business development and Port Terminal Office.
5. Consider designated parking areas for all users. For safety reasons, parking on the dock during regular work hours or during cargo loading or unloading operations will no longer be permitted.
6. Develop recommendations for specific infrastructure on dock front such as water and power capacity.
7. Determine spatial requirements, location of, and develop a system plan for cargo staging and movement.
8. Consider designated area for net work and infrastructure needed to support net repair, i.e., in-ground adjustable deadheads with hand crank winches to pull net lines taught.
9. Discuss suitable types of hoists that will work best for fishing vessel work and future needs of cargo movement, i.e., capacity, reach, hydraulic, electric with boom extension capability, etc.
10. Address the need for floating tie-up dock space in addition to terminal dock face for fishing vessels. Discuss the need for workspace moorage only or do we need to expand long-term moorage capability.
11. Discuss need for restroom facility: restrooms only or include showers.
12. Consider traffic patterns to and from the facility, within the facility, and appropriate signage for the safest flow of all traffic: commercial and public, as well as pedestrian.

Recommended Committee Appointments

Committee

Rob Halverson, Chair (Port Commission and Local ILWU-53)

Dean Fleck, Co-Chair (Port Commission)

Mark Cooper (Commercial Fishing)

Bob Jacobson (Commercial Fishing)

Yale Fogarty (Local ILWU-53)

Joe Rock and/or Mike Pettis (Commercial Fishing)

David Jincks (Commercial Fishing)

Pat Ruddiman (Local ILWU-53)

Peter Zerr, OSU Ship Operations

Sara Skamser (Foulweather Trawl)

Jim Seavers (Commercial Fisherman)

Technical

Scott McMahon (Port Engineer)

Steve Mathis (Marine Terminals Corporation)

Staff

Don Mann (Port General Manager)

Peter Dale (Port Project Manager)

Ron Smith, Terminal Manager

Maureen Keeler (Port Special Projects Manager/Administration Coordinator)



RECEIVED

JAN 25 2016

MEMORANDUM

PORT OF NEWPORT

DATE: January 15, 2016
TO: SDIS Property/Casualty Insurance Program Participants
FROM: SDAO Member Services
SUBJECT: 2016 Best Practices Program – *Property/Casualty Insurance Credits Available!*

Thank you for your participation in the SDIS property/casualty program! Each year, the SDIS Best Practices Program offers opportunities for members to earn credits on their following year's general liability, auto liability, and property insurance contributions. In 2015, 645 members participated in the program and over \$908,000 in credits were awarded.

The 2016 Best Practices Program is now underway and again offers members the opportunity to earn up to a **10% credit** on their 2017 general liability, auto liability, and property insurance contributions. The calculation of the discount will be based on five categories that each offer 2% toward the total credit:

- Online Training – *2% credit*
- SDAO/SDIS Training or Board Practices Assessment – *2% credit*
- Affiliate Organization Membership – *2% credit*
- Best Practices Checklist – *2% credit*
- Oregon Ethics Law Policy – *2% credit*

Information about these categories and their corresponding requirements is included on the following pages. The five credit opportunities are not identical to last year so please take a moment to review this important information.

The deadline to earn credit for each discount opportunity is **November 15, 2016**, but you can start earning these credits today! Your total discount will range from 0-10%, based on what is submitted, and will be applied to the following year's (2017) contributions.

We look forward to your participation in the Best Practices Program. Please contact SDAO Member Services at 800-285-5461 or MemberServices@sdao.com with any questions.

2016 SDIS Best Practices Program

Your district can receive up to a 10% discount on your general liability, auto liability, and property insurance contributions. There are five opportunities to earn 2% toward your total discount. To receive credit, please submit all requirements by **November 15, 2016**. Credit opportunities include the following:

1. Online Training – Credit: 2%

To receive credit for this category, you must have at least *one* person from your district complete the following online class available through SafePersonnel:

- Oregon Ethics Training

SDAO uses SafePersonnel to facilitate the online training program. A personalized training website is created for each member district to access the training library and take online courses. If your district does not have a training website set up through this program, please contact SDAO Member Services to get started. You can call us at 800-285-5461 or send an email with your name, district, and email address to memberservices@sdao.com.

SafePersonnel will send monthly reports to SDAO with a list of courses each district has completed and credit will be given accordingly.

If your website has already been set up and you need assistance accessing the information, please contact SafePersonnel at 800-434-0154.

2. SDAO/SDIS Training or Board Practices Assessment – Credit: 2%

You must submit a form (<http://ref.sdao.com/bestpractices/training.pdf>) signed by your district's board president or district manager certifying that at least one board member or district staff has completed one of the following requirements in 2016:

- 2016 SDAO Annual Conference (pre-conference sessions are also eligible)
- SDAO/SDIS spring, summer, or fall regional training
- SDAO/SDIS onsite risk management training conducted by SDAO risk management staff or management consulting staff during the current policy year (2016)
- Board Practices Assessment provided by the SDIS Consulting Program – Contact George Dunkel at gdunkel@sdao.com to schedule

Trainings eligible for Best Practices credit will be marked accordingly within each event's description on SDAO's website at www.sdao.com/events.

3. Affiliate Organization Membership – Credit: 2%

You will receive a 2% credit for being a member of any of the following affiliated organizations:

- Oregon Fire District Directors Association
- Oregon Fire Chiefs Association
- Oregon Water Resources Congress
- Oregon Mosquito and Vector Control Association
- Oregon Recreation and Park Association
- Oregon Public Ports Association
- Oregon Association of Clean Water Agencies
- Oregon Association of Conservation Districts
- Cemetery Association of Oregon
- Oregon APCO-NENA
- Oregon Transit Association
- Oregon People’s Utility Districts Association
- Oregon Association of Water Utilities
- Oregon Library Association
- Oregon Economic Development District Association
- Oregon PRIMA

As we have several district types, this is *not* a comprehensive list. If you are a member of an organization that is not listed above or has qualified in prior years, please contact SDAO Member Services at 800-285-5461.

4. Best Practices Checklist – Credit: 2%

In order to receive credit in this category, you must complete the SDIS Best Practices Checklist focusing on the Oregon’s Ethics Law either online or in hard copy which will be available in summer of 2016. Please submit the completed checklist with a signature certifying that the checklist has been reviewed by the district’s board of directors. You can send this by mail, fax, or complete online.

5. Oregon Ethics Law Policy – Credit: 2%

You must submit a copy of your district’s ethics policy to receive the 2% credit. If your district does not have one in place, please see the enclosed sample or visit <http://ref.sdao.com/bestpractices/policy.pdf>.

Oregon Ethics Law Policy

Overview

Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees and volunteers
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

Purpose

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics law.

Financial Gain

Each public official is prohibited from using the position as a public official to receive certain financial benefits if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of the public official's household, or for a business with which the public official, a relative, or a member of the public official's household is associated.

The following is a list of financial benefits that may be received. These include:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Some gifts

Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflict of interest 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.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

- **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.

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. 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.

Useful Links

Oregon Government Ethics Commission Home Page: <http://www.oregon.gov/OGEC/>

Link to the Guide for Public Officials:

[http://www.oregon.gov/OGEC/docs/Public Official Guide/2010-10 PO Guide October Final Adopted.pdf](http://www.oregon.gov/OGEC/docs/Public%20Official%20Guide/2010-10_PO_Guide_October_Final_Adopted.pdf)

Link to the ethics statutes found in ORS 244: <http://landru.leg.state.or.us/ors/244.html>

Link to the Oregon Administrative Rules that clarify and define the ethics statutes in ORS 244: [http://arcweb.sos.state.or.us/rules/OARS 100/OAR 199/199 tofc.html](http://arcweb.sos.state.or.us/rules/OARS_100/OAR_199/199_tofc.html)

Link to the public meeting statutes found in ORS 192: <http://landru.leg.state.or.us/ors/192.html>

Link to the Attorney General’s Public Records and Meetings Manual, prepared by the Oregon Department of Justice:

[http://www.doi.state.or.us/pdf/public records and meetings manual.pdf](http://www.doi.state.or.us/pdf/public_records_and_meetings_manual.pdf)

SDIS Best Practices Program
Training or Board Practices Assessment

This form certifies that at least *one* board or staff member of Port of Newport
(district)

has completed a Special Districts Insurance Services approved training or Board Practices Assessment within the current policy year (2016).

The training(s) completed include(s):

- 2016 SDAO Annual Conference
 - o Please provide name of individual that attended: Kevin Greenwood
- SDAO/SDIS Regional Training
 - o Please indicate which training: S. Lamerdin/P. Patrick-Joling, OCCC 1/25/16
- SDAO/SDIS On-Site Risk Management Training
 - o Please indicate date of training: _____

OR

The board of the district named above has completed the SDAO Board Practices Assessment.

- o Please indicate date of assessment: _____

Name: Walter Chuck
 Title: President, Port of Newport Board of Commissioners
 Signature: _____
 Date: _____

Submission of this signed form will result in a 2% credit for your general liability, auto liability, and property insurance premiums. Deadline to return this form for credit is **November 15, 2016**.

Please return via mail, email, or fax to receive credit.

Mailing Address	Email Address	Fax
PO Box 12613	memberservices@sdao.com	(503) 371-4781
Salem, OR 97309-0613		

William D. Brandt, OSB #720366
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495 State Street, Suite 500B
Salem, OR 97301
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Portland, OR 97232
Telephone: 503-680-3042
Email: mark@markgriffin.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

<p>MICHELLE KOCH,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>PORT OF NEWPORT; TCB MANAGEMENT GROUP INC., an Oregon corporation; CHRIS URBACH; KEVIN GREENWOOD; and DEVIN MURPHY,</p> <p style="text-align: right;">Defendants.</p>	<p>Case No. _____</p> <p>COMPLAINT (Violation of 42 USC § 1983)</p> <p>JURY TRIAL DEMANDED</p>
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JURISDICTION

1.

This court has jurisdiction pursuant to 28 USC § 1331 and 1343(a) based on 42 USC § 1983.

2.

Venue is properly in this district because plaintiff and defendants are residents of Oregon and all transactions occurred in Lincoln County, Oregon.

ALLEGATIONS

Plaintiff alleges:

3.

Plaintiff Michelle Koch is a resident of Newport, Oregon. At all material times, she resided on her boat at slip #A58 at the South Beach Marina.

4.

Defendant Port of Newport ("Port") is a governmental agency located in the City of Newport, Oregon. The Port is governed by the Port Commission and owns or operates properties and facilities in Newport, including Newport Marina at South Beach.

5.

Defendant TCB Management Group, Inc., ("TCB") is an Oregon corporation with its principle place of business located in Newport, Oregon. At all material times, TCB did business as TCB Security Services. Plaintiff is informed and believes that TCB had a contract with the Port to provide security services at various properties owned or operated by the Port, including the Marina at South Beach.

6.

At all material times, defendant Chris Urbach was the harbormaster for the Port. His responsibilities included management of the Marina at South Beach.

7.

At all material times, defendant Kevin Greenwood was the General Manager of the Port.

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8.

At all material times, defendant Devin Murphy was an employee of TCB and acting within the course and scope of his employment.

9.

On or about October 29, 2014, plaintiff signed a lease agreement with the Port. Under the terms of the agreement, plaintiff was permitted to dock and live upon her boat at slip A#58 at the South Beach Marina.

10.

Late in the evening on or about February 7, 2015, an employee of TCB whose name is currently unknown to plaintiff but well known to defendants, without consent or authorization shined a flashlight and peered into plaintiff's boat.

11.

Alarmed, plaintiff confronted this intruder and the following day reported the "peeping Tom" to the defendant Urbach, who advised plaintiff that he would have a response for her later that day.

12.

On or about February 8, 2015, Urbach met with plaintiff and gave plaintiff a 24 hour notice of eviction. There was no legitimate basis for the eviction.

13.

On or about February 9, 2015, the Port of Newport, through defendant Greenwood, issued a notice to plaintiff that she was "denied access and services to all Port of Newport properties for a period of three (3) months." There was no legitimate basis for the notice of trespass.

////

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14.

On February 23, 2015, based upon the illegal trespass notice by the Port, Devin Murphy, an employee of TCB, arrested plaintiff for trespass. Without justification or authority, Murphy physically assaulted plaintiff, roughly placed plaintiff in handcuffs behind her back, and detained her for approximately 45 minutes at the South Beach Marina.

15.

Based upon the illegal notice of trespass from the Port, plaintiff then was taken to the Lincoln County jail in Newport, Oregon, and charged with criminal trespass in the Second Degree (ORS 164.245). She remained in jail for approximately 10 hours until her release the following day.

16.

On or about March 2, 2015, plaintiff was accosted by four employees of TCB at the South Beach Marina. Without justification or authority, these employees, whose names are unknown to plaintiff but well known to defendants, physically assaulted plaintiff, roughly placed her in handcuffs behind her back, and detained her at the South Beach Marina. Upon his arrival at the scene, Officer Cummings of the Newport Police Department advised the TCB employees that he did not believe he could lawfully arrest plaintiff for a crime at that time. Officer Cummings advised the TCB employees to remove the handcuffs.

17.

The criminal charge against plaintiff of Trespass in the Second Degree has been dismissed.

FOR A FIRST CLAIM FOR RELIEF against Defendants Port and Greenwood for violation of 42 USC § 1983, plaintiff alleges:

////

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18.

Plaintiff realleges paragraphs 1-16 and incorporates them by reference herein.

19.

At all material times, defendants Port and Greenword were acting under color of state law.

20.

Defendants' actions in issuing a notice of trespass caused the false arrest and detention of plaintiff in violation of the 4th and 14th Amendments to the Constitution of the United States and in violation of 42 USC 1983. Further, the actions of defendants caused the seizure of plaintiff without a warrant and without probable cause in violation of plaintiffs' rights under 42 USC 1983.

21.

As a result of defendants' conduct, plaintiff has been damaged as follows:

A. Out-of-pocket costs directly related to being wrongfully evicted in the amount of \$9,350.00 representing monies lost due to interruption in the repair of plaintiff's vessel.

B. Failure to complete the repairs to the vessel and make it operational in the amount of \$100,000.00 representing lost profits.

22.

As a result of defendants' conduct, plaintiff has suffered pain, humiliation, stress, anxiety, damage to her reputation, and interference with her ability to obtain employment, and severe emotional distress, all to plaintiff's damage in an amount to be proven at trial, but in an amount of no less than \$100,000.00.

23.

Defendant Greenwood's actions were malicious, oppressive or in reckless disregard of the rights

of plaintiff, and plaintiff is entitled to punitive damages in an amount to be determined at trial.

24.

Pursuant to 42 USC 1988, plaintiff is entitled to reasonable costs and attorney fees in amounts to be determined at trial.

FOR A SECOND CLAIM FOR RELIEF against Defendants Port, Greenwood and Urbach for violation of 42 USC § 1983, plaintiff alleges:

25.

Plaintiff realleges paragraphs 1-16 and incorporates them by reference herein.

26.

At all material times, defendants Port, Greenwood and Urbach were acting under color of state law.

27.

Upon her contract with the Port to rent boat slip #A58, plaintiff enjoyed a reasonable expectation of continuing to occupy that boat slip until June 15, 2015.

28.

The Facilities Code of the Port of Newport provides that any person accused of violating sections 2.5 or 7.12 is entitled to certain procedural rights, including the right to written notice of the violation and appeal to the Board of Commissioners.

29.

Defendants Port and Urbach violated plaintiff's right to due process of law when they terminated the rental agreement with plaintiff without just cause and without affording plaintiff an opportunity for a hearing.

30.

Defendants Port and Greenwood violated plaintiff's right to due process of law when they issued a notice of trespass without just cause and without affording plaintiff an opportunity for a hearing.

31.

As a result of defendants' conduct, plaintiff has been damaged as alleged in paragraphs 21 and 22 above, which paragraphs are herein realleged.

32.

Defendant Urbach's and Greenwood's actions were malicious, oppressive or in reckless disregard of the rights of plaintiff, and plaintiff is entitled to punitive damages in an amount to be determined at trial.

33.

Pursuant to 42 USC § 1988, plaintiff is entitled to reasonable costs and attorney fees in amounts to be determined at trial.

FOR A THIRD CLAIM FOR RELIEF for assault and battery against defendants Devin Murphy and TCB Management Group Inc., plaintiff alleges:

34.

Plaintiff realleges paragraphs 1-8 and 14 and incorporates them by reference herein.

35.

Defendant Murphy, acting within the course and scope of his employment with defendant TCB, wrongfully touched plaintiff by physically throwing her to the ground without her consent and without any lawful cause. As a result, plaintiff suffered physical injuries together with emotional distress including humiliation and embarrassment all to plaintiff's damage in the amount of \$20,000.

Port of Newport Capital Facilities Plan (Capital Improvement List)

ENR Construction Cost Index (as of November 2015): 10092

1. COMMERCIAL MARINA				
Priority	CFP Priority	Project	Current Cost	Reference document
S	1	Port Dock 5 Piling Replacement for X, C & D fingers (\$10k x 38 pile)	\$384,959	FY1516 REQ
S	2	PD-5 Whalers/Rub boards	\$41,608	FY1415 REQ
S	3	PD-7 Electrical Upgrades	\$11,442	FY1415 REQ
N	2	Port Dock 1 Replacement	\$802,056	2013 CFP
N		Floats under/roof Swede's Building	\$13,170	FY1516 REQ
N		#3 Hoist Replacement	\$131,696	FY1516 REQ
N		New Swing #4 Hoist w/ Extension	\$15,196	FY1516 REQ
N		PD-7 E/F Docks (1)	\$1,013,050	FY1516 REQ
M	1	Port Dock 7 Replacement	\$3,635,986	2013 CFP
M	1	Port Dock 5 Improvements	\$828,791	2013 CFP
M	1	Marina Dredging	\$2,189,535	2013 CFP
M	2	Hoist Dock (Center Section) Replacement w/ Hoist upgrade (2)	\$681,747	FY1516 REQ
M		40' x 60' x 14' New Shop	\$162,088	FY1516 REQ
L		Hoist Dock Expansion (to west)	\$1,519,574	FY1516 REQ
		Asphalt Patch on Hoist Dock (2)		
		(1) park of PD-7 replacement		
SUBTOTAL			\$11,045,939	

2. RECREATIONAL MARINA				
Priority	CFP Priority	Project	Current Cost	Reference document
S	1	Trash dumpsters (x10)	\$30,391	FY1516 REQ
S	2	Replace rip rap in SW corner of marina/fishing pier walkway	\$30,391	FY1516 REQ
S	3	North Restroom Siding	\$5,065	FY1516 REQ
S	4	Fish dumpsters (x3)	\$3,039	FY1516 REQ
S	5	Storage containers	\$6,078	FY1516 REQ
N	2	Residing buildings in marina (north, south, central)	\$60,783	FY1516 REQ
N	2	Paint OPS building and marina store	\$10,130	FY1516 REQ
N	2	Wastewater Pump Station Replacement - South Beach	\$32,082	2013 CFP
N	2	Marina Dredging	\$2,871,225	2013 CFP
N	2	Reconstruction of Recreational Marina Docks ¹	\$139,023	2013 CFP
N	2	Electrical Load Center South Beach Marina	\$106,941	2013 CFP
N	3	Picnic Bunker Rebuild	\$38,499	2013 CFP
N	3	Pavement Reconstruction/Seal Coating (all areas)	\$427,796	2013 CFP
N	3	Old Boat Ramp Fill (includes gangway & asphaltting)	\$303,915	FY1516 REQ
N	2	New electrical pedestals	\$141,827	FY1516 REQ
N	2	Pay Station Machine	\$20,261	FY1516 REQ
N	2	Repair Service Dock	\$50,652	FY1516 REQ
M	3	OSMB Service Dock Trail Connection	\$3,039,149	OSMB WAG
L	0	South Beach Marina Fuel Facility - Tank Replacement	\$224,576	2013 CFP
done	0	South Beach/Fishing Pier Storm Sewer Outfall Replacement	\$86,286	2013 CFP
SUBTOTAL			\$7,628,109	

3. INTERNATIONAL TERMINAL

Priority	CFP Priority	Project	Current Cost	Reference document
S	1	Consolidation lay-down yard for break-bulk, container shipping	\$6,536,022	2015 TIGER
S	1	Grading of Hall Property (1)	\$506,525	2015 quote
S	1	Grading of Port's 9-acre lot (1)	\$50,652	2015 quote
L	2	International Terminal Fire Water Line Loop	\$136,195	2013 CFP
		Asphalt Parking Lot area west of shop	\$80,000	2016 quote
		Security Fencing		FY16 request
		(1) part of lay-down area		
SUBTOTAL			\$7,309,394	

4. RECREATIONAL VEHICLE PARKS

Priority	CFP Priority	Project	Current Cost	Reference document
S	1	Upgrade Sattelite Equipment	\$6,078	FY1516 REQ
N		Relocate RV dump site	\$10,130	FY1516 REQ
L	2	Renovate RV Park Annex	\$705,809	2013 CFP
done	1	Dryers (x7) for \$4970	\$0	FY1516 REQ
SUBTOTAL			\$722,017	

5. OTHER FACILITIES

Priority	CFP Priority	Project	Current Cost	Reference document
N	1	New Port Offices/Parking Area/Customs Office	\$939,100	Capri 2014
N	2	Cyber Security Assessment/Cameras/Utility Infrastructure	\$253,262	2015 quote
N	3	Rogue Brewery (Dry Moorage Building) North Wall/Siding Replacement	\$160,411	2013 CFP
N	3	Rogue Brewery (Dry Moorage Building) Foundation/Seawall Stabilization	\$320,822	2013 CFP
L	3	Fishing Pier Replacement	\$1,587,449	2013 CFP
		Other Tenant Improvements		
SUBTOTAL			\$3,261,044	

6. VEHICLES AND EQUIPMENT

Priority	CFP Priority	Project	Current Cost	Reference document
S	1	small utility truck (OPS)	\$15,196	FY1516 REQ
N	1	Skiff and motor for marina OPS (SB)	\$12,157	FY1516 REQ
N	1	Electric maintenance cart (SB)	\$10,000	FY1516 REQ
N	1	utility truck for Commercial side	\$20,261	FY1516 REQ
		Forklift for IT		FY16 request
		Forklift for North Commercial		FY16 request
SUBTOTAL			\$57,614	

SUMMARY TOTAL

1	COMMERCIAL MARINA	\$11,045,939
2	RECREATIONAL MARINA	\$7,628,109
3	INTERNATIONAL TERMINAL	\$7,309,394
4	RECREATIONAL VEHICLE PARKS	\$722,017
5	OTHER FACILITIES	\$3,261,044
6	VEHICLES & EQUIPMENT	\$57,614
	TOTAL	\$30,024,117

NOTES
 S - Short Term (next budget year)
 N - Near Term (years 1 to 5)
 M - Mid Term (years 6 to 10)
 L - Long Term (years 11 to 20)

Oregon Ports

USACE MAINTENANCE DREDGING – FY16 WORK PLAN

Port (O&M Project)	President's Proposed Budget	Work Plan Additional Amount	Total Final Amounts Appropriated
Chetco River (Brookings)	\$0	\$766,000	\$766,000
Columbia River Lower	\$38,132,000	\$0	\$38,132,000
Columbia River at the Mouth	\$19,825,000	\$0	\$19,825,000
Coos Bay	\$6,239,000	\$3,272,000	\$9,511,000
Coquille River (Bandon)	\$0	\$418,000	\$418,000
Depoe Bay	\$0	\$24,000	\$24,000
Port Orford	\$0	\$1,700,000	\$1,700,000
Rogue River (Gold Beach)	\$0	\$684,000	\$684,000
Siuslaw River	\$0	\$771,000	\$771,000
Tillamook Bay and Bar (Garibaldi)	\$0	\$25,000	\$25,000
Umpqua River (Reedsport/Salmon Harbor)	\$0	\$942,000	\$942,000
Yaquina Bay and Harbor (Newport)	\$3,002,000	\$0	\$3,002,000
Yaquina River (Depot Slough/Toledo)	\$0	\$3,750,000	\$3,750,000
Totals	\$67,198,000	\$12,352,000	\$79,550,000

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The USCG Search and Rescue Response Standard

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Newport, Oregon

September 3, 2015

The USCG Search and Rescue Response Time Standard (National Standard) was established by the Coast Guard in the 1970's as a starting place to fairly distribute search and rescue (SAR) assets around the country. The Standard sets a nationwide, uniform maximum of two hours to respond to any emergency in US waters requiring Coast Guard assistance.

In the 40 or so years since the Standard was established, extensive research (by the Coast Guard and others) has been conducted on cold water survival which clearly shows that in some cold water areas, particularly in the Pacific Northwest and Alaska, the water is simply too cold for survival anywhere near two hours. Responses in well under an hour were required to save lives. The Coast Guard addressed this by placing forward based helicopter stations in certain areas to rescue people before they perished. These forward based stations have worked well to save lives in cold water.

Under times of fiscal constraint these forward based stations are at risk because they could be considered "redundant" coverage based on the decades old standard. That is in fact just what happened to a station in the Pacific Northwest last year due to budget cuts.

To save lives, the National Standard needs to be updated to reflect more recent cold water survival data and to prevent the closure of critical SAR facilities based on the old standard when funds are tight. The location of current air stations has proved to be adequate so it is not expected that more stations would have to be established but every effort should be made to at least ensure that existing SAR resources remain where they are needed.

Several times between 1993 and 2000, Commandants were asked by sector Admirals to consider updating the Standard but they declined. No further requests have been made. It is interesting to note that in 1993 a review by the USCG Chief, Search and Rescue Division reported that there was no known source for the 60 F average water temperature for US waters used in the Standard; that no consideration was given to sea height, air temperature, and surface winds in predicting survival times; that expected survival times were calculated based on time to death from hypothermia alone and not from causes which preceded death from hypothermia such as drowning due to exhaustion, unconsciousness or the sea state.

The 1993 review acknowledged that the number of lives lost and saved have a strong correlation to response time. To quote the memo "This is important as we work to determine if adjustments are called for in our SAR Response Standards. If adjustments are made to the response standard, a direct change in lives lost and saved can be expected."

Recommendations made to the Chief of Staff by the Office of Navigation and Safety in 2013:

- 1) . . .” if we wish to set one standard for the entire Coast Guard, two-hour response is most appropriate.” (as a uniform starting point for asset placement). However
- 2) “Water temperature is the primary determinant of survivability and water temperature varies significantly by location and time of year. . . .”I believe it appropriate to review our standard to determine if it should be adjusted geographically and/or seasonally.”

“There is still much work to do. In our FY95 Issues, we intend to discuss how we might apply a clean sheet of paper design to a SAR (and other program) response capability in a geographic area. One factor to be used would be the SAR Response Standard (s) for the area and season, as appropriate versus an array of various response assets (cutter, boat, aircraft, etc.) capabilities. In areas with large seasonal variations in water temperature, this analysis should also assist us in assessing the costs and practicality of designing for worse case (lowest temperature situations), using additional seasonal response assets, and/or applying additional safety regulations (e.g. mandatory wearing of survival suits).

This proposed review by the Search and Rescue Division in 1995 never occurred.

Sources: Nov 14, 2000 Memo from USCG Commandant to Commander, Ninth Coast Guard District Via Commander, Atlantic Area; Subject: Search and Rescue (SAR) Standards Review; Ref: (a)CCGD9 ltr 16130 dtd 20 Dec 99 (b) Coast Guard Addendum to the National SAR Manual, COMDTINST M16130.2B