

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 PHONE (541) 265-7758 FAX (541) 265-4235 www.portofnewport.com

REGULAR COMMISSION MEETING AGENDA

Tuesday, February 25, 2014, 6:00 p.m.

Location: Port of Newport Marina and RV Park Activities Room
2120 SE Marine Science Drive, Newport, OR 97365

- I. CALL TO ORDER
- II. MINUTES
 - A. Work Session – December 12, 2013
 - B. Special Meeting – January 13, 2013
 - C. Regular Meeting – January 28, 2014 (Approve)
- III. FINANCIAL STATEMENTS
 - A. Financial Report – Pat Albaugh, Director of Finance (Approve)
 - B. Accounts Paid (Approve)
- IV. PUBLIC COMMENT
 - A. This time is provided to address the Port Commission. Remarks will be limited to three minutes per individual. Time may be adjusted based on the number of persons wishing to comment.
- V. STAFF REPORTS
 - A. Department Reports
 1. Kevin Bryant, Harbormaster, Commercial Marina
 2. Jim Durkee, Terminal Operations Supervisor
 3. Rick Fuller, NOAA Facilities Manager
 4. Penny Gabrielson, South Beach Occupancy Report
 5. Chris Urbach, Harbormaster, South Beach Marina
 6. Safety Committee Meeting Minutes
 - B. General Manager's Report
 1. Development of Commission By-Laws
 2. Development of Policy for Filling Vacancies
 3. Organizational Liaisons
 4. Sea Lion Docks
 5. Newport Marathon Expansion to Port Property
 6. Connect Oregon-Hoist Dock Renovation Grant
 - C. Commissioners' Reports
- VI. OLD BUSINESS
 - A. Terminal Renovation Project, Frank Berg, Day CPM Services
Post Construction Activities (*Update*)
- VII. NEW BUSINESS
 - A. Rogue Distillery Expansion
 - B. Res. No. 01-2014 Naming Registered Agent (ORS 198.340)
 - C. Carter Fuel Dock Lease Renewal
 - D. Award of South Beach WIFI Installation Contract
- VIII. MEETING RECESS at the discretion of the chair.
- IX. OTHER

The Commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

Serving the Maritime & Recreational Communities

Newport International Terminal (541) 265-9651

Newport Marina at South Beach (541) 867-3321

X. PUBLIC COMMENT

Additional time for public comment, limited to three minutes per individual.

XI. UPCOMING MEETINGS/EVENTS

A. Regular Meeting, South Beach Activities Room, March 25, 6:00 p.m.

B. Don Mann Retirement Party, Best Western Agate Beach, March 14, 6:00 p.m.

XII. ADJOURNMENT

To place a subject or issue on the agenda for presentation to the commission, please submit your request one week or more in advance of the regular scheduled meeting. Regular meetings are scheduled for the fourth Tuesday of every month at 6:00 p.m.

The Port of Newport Marina and RV Park Activities 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.

PORT OF NEWPORT
MINUTES
January 13, 2014
Special Meeting

I. CALL TO ORDER

Commission President JoAnn Barton called the special meeting of the Port of Newport Board of Commissioners to order on Monday, January 13, 2014 at 12:00 p.m. in the South Beach Marina Activities Room, 2120 SE Marine Science Drive, Newport, OR, the same being within the boundaries of the Port District. The purpose of the special meeting was to administer the Oath of Office for Commissioner Ken Brown and to finalize and approve the general manager's contract.

Commissioners Present: JoAnn Barton, President; David Jincks, Vice-President; Walter Chuck, Secretary; Dean Fleck, Assistant Secretary-Treasurer; Commissioner-Appointee Ken Brown.

Port of Newport Management and Staff: Don Mann, General Manager; Patty Benjamin, Administrative Assistant.

Others Present: Dennis Anstine, News Times; Stephanie Brown, Newport resident; Larry Coonrod, Lincoln County Dispatch; George Dunkel, Special Districts Association of Oregon; Dr. Hal Pritchett, Facility Use & Design/Terminal Steering Committees.

II. OATH OF OFFICE

Commission President JoAnn Barton administered the Oath of Office for Commissioner Ken Brown, who had been appointed to fill the commission vacancy, Position No. 4, left by the death of Lloyd "Oly" Olson, for an unexpired term ending June 30, 2017.

III. GENERAL MANAGER CONTRACT

Commissioner Barton introduced George Dunkel, Special Districts Association of Oregon (SDAO). Dunkel had been working as a consultant in negotiating the proposed employment agreement between the Port of Newport and Kevin Greenwood, who had been selected as the Port's new general manager. Commissioner Barton asked Dunkel to highlight any specific areas of the contract that differed substantially with the contract the Port had with its current general manager, Don Mann. Dunkel responded that the only substantial change was the format, and added that the contract had been vetted by numerous attorneys, including the Port's legal counsel. He said the new general manager's health insurance would cover his entire family, rather than just the employee and spouse; and the contract was for one year, with a provision for extension or re-negotiation. Greenwood would be granted two weeks' accrued vacation upon arrival, and would accrue vacation at a regular monthly rate as set by Port policy; however, in answer to a question from Commissioner Fleck, Dunkel said the two weeks that were initially granted would not carry over into the following year if not used. General Manager Don Mann pointed out that the Port is in the process of changing to a PTO policy, rather than allowing sick leave and vacation time to accrue, and Greenwood would participate in the process of drafting language for the new Port policy and employee handbook. The proposed contract set an annual salary for Greenwood of \$114,000. Commissioner Jincks suggested going into executive session to discuss contract negotiations and compensation matters, and the chair called for executive session at 12:15 p.m. However, an executive session had not been printed on the public agenda so the specific Oregon Revised Statute citations were not available to be read into the minutes. The discussion continued in open session. Referring to Greenwood's starting salary of \$114,000. Commissioner Jincks said his concern was what the ending salary would be. Commissioner Barton noted that the current general manager's contract had reached its maximum salary cap several years ago. Dunkel said Greenwood's contract did not include a salary cap, but suggested an alternative to salary increases, which would be an annual contract renewal at the same salary with an end-of-the-year bonus based on performance. Commissioners Brown and Fleck said they would be in favor of a performance based bonus. Commissioner Barton said that was a policy that the commission would need to discuss, develop, and formalize. She called for a motion.

Commissioner Chuck moved to approve the final draft of the employment agreement between the Port of Newport and Kevin Greenwood. Commission Jincks seconded the motion.

A brief discussion followed as to whether the motion would need to be amended to include an authorization for the commission president to sign the final employment agreement. It was decided that the motion would stand.

The chair called for a vote and the motion carried 5-0.

George Dunkel thanked the commission for allowing SDAO to participate in the search process and contract negotiations for the new general manager. He said he felt Kevin Greenwood was a great choice and a good fit for the Port. Commissioner Jincks added that he had been extremely pleased with the selection committee's work and their commitment to the process. Commissioner Barton thanked the other commissioners for their help and support.

IV. PUBLIC COMMENT

There was no public comment.

V. UPCOMING MEETINGS/EVENTS

- A. Martin Luther King Day, January 20, Port Office Closed
- B. Work Session & Regular Meeting, January 28, 6:00 p.m., South Beach Marina Activities Room

VI. ADJOURNMENT

There being nothing more to come before the Board of Commissioners, the special meeting was adjourned at 12:30 p.m.

ATTEST:

JoAnn Barton, President

Walter Chuck, Secretary

L:\Minutes\Spec Meeting 01 13 2014

PORT OF NEWPORT
MINUTES
December 12, 2013
SPECIAL MEETING

I. CALL TO ORDER

Commissioner President JoAnn Barton called the special meeting of the Port of Newport Board of Commissioners to order on Thursday, December 12, 2013, at 3:00 p.m., in the Oregon Coast Bank Conference Room, 909 SE Bay Boulevard, Newport, OR 97365, the same being within the boundaries of the Port District.

Commissioners Present: JoAnn Barton, President; David Jincks, Vice-President; Walter Chuck, Secretary; Dean Fleck, Assistant Secretary-Treasurer.

Port of Newport Management and Staff: Don Mann, General Manager; Patty Benjamin, Administrative Assistant

Others: Dennis Anstine, News Times; George Dunkle, Special Districts Association of Oregon; Kiera Morgan, KYTE-KNPT Radio.

Commissioner Barton brought the meeting into Executive Session at 3:01 p.m. for the purpose of interviewing candidates for the General Manager's position.

II. EXECUTIVE SESSION Under provisions of ORS 192.660 (2) (a)

Commissioner Barton brought the meeting back to Regular Session at 5:45 p.m.

III. OTHER

Having ended Executive Session and having vetted the two finalist candidates, the commission had signaled that they were comfortable with a consensus decision and the chair called for a motion.

Commissioner Fleck moved to offer the General Manager position to Kevin Greenwood, contingent upon successful employment agreement negotiations, an acceptable background check, and an acceptable reference check. Commissioner Jincks seconded the motion and it passed 4-0.

Upon further discussion, the commission agreed by consensus to work with George Dunkel and the Special Districts Association of Oregon in drafting an employment agreement with Kevin Greenwood, which would then be submitted to the Port's legal counsel for review. Commissioner Barton thanked Dunkel for his assistance and added that his expertise had been necessary and appreciated.

IV. PUBLIC COMMENT

There was no public comment.

V. UPCOMING MEETINGS/EVENTS

- A. Port Holiday Dinner, Pacific Maritime & Heritage Center, December 13, 6:00 p.m.
- B. Work Session 12:00 p.m.; Regular Meeting 6:00 p.m., December 17, South Beach Marina Activities Room
- C. Marina Users Meeting, South Beach Marina, December 18, 8:30-9:30 a.m.
- D. Christmas Holiday, December 25, Port Office Closed.

VI. ADJOURNMENT

There being no further business to come before the Board of Commissioners, the meeting was adjourned at 5:50 p.m.

ATTEST

JoAnn Barton, President

Walter Chuck, Secretary

L:\Minutes\Special Meeting 12 12 2013.doc

PORT OF NEWPORT
MINUTES
January 28, 2014
Combined Work Session & Regular Meeting

I. CALL TO ORDER

Commission President JoAnn Barton called the combined work session and regular meeting of the Port of Newport Board of Commissioners to order on Tuesday, January 28, 2014 at 6:03 p.m. in the South Beach Marina Activities Room, 2120 SE Marine Science Drive, Newport, OR, the same being within the boundaries of the Port District.

Commissioners Present: JoAnn Barton, President; David Jincks, Vice-President; Walter Chuck, Secretary; Ken Brown, Treasurer; Dean Fleck, Assistant Secretary-Treasurer.

Port of Newport Management and Staff: Don Mann, General Manager; Rick Fuller, NOAA Facilities Manager; Patty Benjamin, Administrative Assistant.

Others Present: Dennis Anstine, News Times; Larry Coonrod, Lincoln County Dispatch; Wayde and Barb Dudley, Newport residents; Yale Fogarty and Pat Ruddiman, ILWU Local 53; Lee Fries, CM/GC Selection Committee; Erik Knoder, State of Oregon Employment Department; Jim Shaw, South Beach resident.

II. MINUTES

- A. Work Session—December 17, 2013
- B. Regular Meeting—December 17, 2013
- C. Special Meeting—January 13, 2014

Commissioner Jincks moved to approve the minutes of the Work Session of December 17, 2013; the Regular Meeting of December 17, 2013; and the Special Meeting of January 13, 2014 as submitted. Commissioner Chuck seconded the motion and it passed 5-0.

III. FINANCIAL STATEMENTS

- A. Financial Reports.
- B. Accounts Paid.

There were no questions or discussion on the financial reports and accounts paid.

Commissioner Fleck moved, Commissioner Jincks seconded, to approve the Financial Statements and Accounts Paid. Check Nos. 11742-11745/Construction Fund; Check Nos. 12289-12313/NOAA Checking-OCB; and Check Nos. 35012-35157/Operating Account. The motion passed 5-0.

The Chair noted that Friday, January 31, 2014 would mark the retirement of General Manager Don Mann and his administrative assistant, Patty Benjamin. On behalf of the commission, she expressed appreciation for Mann's leadership and equanimity over the past eighteen years, and for Benjamin's dedication and service.

IV. PUBLIC COMMENT

There was no public comment.

V. STAFF REPORTS (* Indicates no questions or comments.)

A. Department Reports.

- Kevin Bryant, Commercial Marina Harbormaster*
- Jim Durkee, Terminal Operations Supervisor*
- Rick Fuller, NOAA Facilities Manager*
- Penny Gabrielson, South Beach Occupancy Report*
- Chris Urbach, South Beach Marina Harbormaster*

Commissioner Jincks asked Rick Fuller, NOAA Facilities Manager, for an update on the dredging at the NOAA pier. Fuller said the dredging operation had started slowly the previous week but production had since increased two fold. He said he was impressed by the range of the new pump and thought it would be a valuable tool for the both the sport and commercial marinas because it could be maneuvered between slips, and added that he thought the pump was worth the time and investment for the Port. Fuller said the contractor communicated with him daily and was maintaining all conditions of the permit. He said it was hard to estimate the volume of material in any given spot because extra sloughing had occurred since the original survey was done and more sedimentation was coming in. A discussion followed about whether the sedimentation could be attributed to dredging prior to driving piling or post-construction settling. Fuller said annual soundings are required as a condition of the permit, and he had programmed preliminary soundings at six-month intervals into the management software he uses for the NOAA facility, so he would know more with the six month reviews.

B. General Manager

General Manager Don Mann reported that he had reviewed the hoist dock project with the Army Corps of Engineers when they were in Newport the previous week, and no issues were anticipated with the Joint Permit Application, which would be submitted on Friday.

Commission and staff will meet for a work session with the Audit Committee at 12:00 p.m. on February 25, 2014, followed by a meeting with Harry Noah, Yaquina Bay Fruit Processors, at 1:00 p.m. The regular monthly regular meeting will be held at 6:00 p.m. that day.

The corners of the footprint of the proposed Rogue Ales expansion had been painted, depicting 10,000 square feet of expansion connected to the existing distillery building.

General Manager Don Mann had spoken with attorney Mike Haglund, who reported that correspondence continues between Teevin Brothers and Rondys, Inc. on the proposed log yard operation at the terminal. Mann added that the Port should receive a draft tariff from Haglund on January 30, 2014.

At the Port's direction, Oregon Coast Bank had prepared a signature card, effective February 1, 2014, removing Don Mann as a signer on the Port's accounts, and naming Commissioner JoAnn Barton, Commissioner Ken Brown, Commissioner Walter Chuck, Commissioner Dean Fleck, Commissioner David Jincks, General Manager Kevin Greenwood, and Director of Finance Pat Albaugh as those individuals empowered to act as the Port of Newport's officers and authorized agents. It was the consensus of the commission that they would sign the signature card, and that consensus would be reflected in the meeting minutes.

The General Manager announced that the Associated General Contractors of America had selected the Natt McDougall Company for the 2014 Build America Award for the Newport International Terminal Project. The national award would be presented on March 5, 2014, in Las Vegas, Nevada. Commissioner Jincks said the award was well deserved. Commissioner Barton agreed, and added that McDougall had had a lot of support and encouragement from the commission and Port leadership to push ahead creatively through the complex challenges of that project.

C. Commissioners' Reports

Commissioner Jincks reported that he and General Manager Don Mann had met with Brett Joyce to discuss Rogue Ales' proposed expansion of their distillery building. The initial expansion was proposed at 5,000 square feet in 2014 and another 5,000 square feet in 2016. No conceptual drawings or architectural work has been done. Mann had asked Joyce to generate a computerized photo to ensure that the expansion would comply with the style of the buildings already in place. Commissioner Jincks said Rogue would like to discuss another 40,000 square foot expansion of their brewery in the future. Commissioner Brown asked how many jobs the expansion would add, and Mann said it was mostly warehouse and storage space but suggested that would be a good question for Brett Joyce at the next meeting.

Commissioner Chuck reported that he, Commissioner Fleck, Rick Fuller, and Pat Albaugh had toured Yaquina Bay Fruit Processors with Harry Noah. The business currently produces 3-million pounds of cherries and employs 19 people. During peak season, they produce 6-million

pounds and employ 36-38 people. Noah will meet with the board at a work session in February to present a business plan and discuss a long-term lease.

Commissioner Chuck had also attended an OCZMA meeting. Representative David Gomberg and Senator Arnie Roblan were there and reported on the legislative session.

Commissioner Barton reported that she, Commissioner Jincks, General Manager Don Mann, and incoming General Manager Kevin Greenwood had met with David Lin, a businessman from Corvallis, OR, who expressed interest in shipping containers out of the Port of Newport, with commodities produced in the Willamette Valley. Lin will come back with more detail, including a business plan and prospectus.

Commissioner Barton had also attended the full board meeting of the Oregon Cascades West Council of Governments, followed by a meeting of the Cascades West Area Commission on Transportation. She said a highlight of the Commission on Transportation meeting was the 2014 overview of the road realignment project from Eddyville to Pioneer Mountain. That project has grown in cost from \$150 million to \$365 million, but Barton said that the Department of Transportation feels optimistic, for the first time in a long time, that they might be able to complete it.

VI. OLD BUSINESS

A. Terminal Renovation Project, Frank Berg, Day CPM Services, Post Construction Activities

Frank Berg, Day CPM Services, was not present for the meeting but General Manager Don Mann summarized Berg's written report. The amendment to the joint permit for dredging revisions had been submitted; however, there were delays with National Marine Fisheries Service and the revised permit had not been issued so the work will have to wait until the next in-water work window, starting in November 2014. Another Biological Assessment is required. The Port will may be required to do added testing under the new dock at the west end of the ro-ro dock for contaminants, and the results of those tests would be included in the new Biological Assessment. The 1200-Z permit had been issued and received. The next amendment will be No. 31, for additional dredging to an elevation of -35 feet in front of the terminal pier, at an estimated cost of \$662,000. The Port has \$250,000 to put towards the cost of dredging, and Mann said he had spoken with incoming General Manager Kevin Greenwood and the Oregon Business Development Department about amending the Port's Marine Navigation Improvement Fund grant to cover the rest of the cost.

In answer to a question from Commissioner Jincks, the General Manager said security cameras were in place but had not been tested as yet.

VII. NEW BUSINESS

There was no new business.

VII. MEETING RECESS at discretion of the chair.

There was no meeting recess.

IX. OTHER

There was no other business.

X. PUBLIC COMMENT

South Beach resident Jim Shaw listed some of Don Mann's accomplishments over the eighteen years he has been General Manager of the Port, including a new launch ramp and parking lot at South Beach, an improved RV Park, the NOAA MOC-P facility, and the renovation of the International Terminal. He invited Mann to join a "Gentlemen's Lunch Group" that meets once a month, after he officially retires.

Yale Fogarty, ILWU Local 53, said Don Mann and his staff had made Newport a better place to live because of their service to the Port and the community.

Commissioner Jincks recalled that he had been a Port Commissioner when Don Mann came on board as General Manager, and his first experience with Don had been a couple of trips to Eugene, OR to meet with a federal judge to try to keep the Port out of bankruptcy after fifty gallons of crude oil leaked out of the Pasley and into the bay. The settlement had been \$450,000, and they were able to negotiate payment over a seven year period. Jincks described it as "interesting".

Mann said his career had been rewarding and he thanked the commission and the community for its participation, support, and collaboration over the past eighteen years.

XI. UPCOMING MEETINGS/EVENTS

- A. SDAO Annual Conference, Seaside, OR, February 6-9
- B. Fishermen's Forum, Port Dock 7 Operations Shop, February 12, 8:30 – 9:30 a.m.
- C. President's Day, February 17, Port Office Closed
- D. Marina Users meeting, South Beach Marina, February 19, 8:30-9:30 a.m.
- E. 2014 Seafood & Wine Festival, South Beach, February 20-23
- F. Work Session, South Beach Marina Activities Room, February 25, 12:00 p.m.
- G. Regular Meeting, South Beach Marina Activities Room, February 25, 6:00 p.m.

XIII. ADJOURNMENT

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 6:45 p.m.

ATTEST:

JoAnn Barton, President

Walter Chuck, Secretary

L:\Minutes\RM 01 28 2014



Memo

To: Port of Newport Commissioners
From: Pat Albaugh, Director of Finance
Date: February 20, 2014

Financials:

January 2014 financials are attached. The financial performance this fiscal year continues to be positive. Total revenues are up and total expenses are down compared to last fiscal year. The General Fund is currently ahead of budgeted revenues and operating expenses continue to stay in line with budget.

NOAA Fund revenues and expenses are also in alignment with budget at this time. Total dredging costs are expected to exceed the \$250,000 budget due to higher than estimated dredge material volume. Staff will evaluate the possibility of keeping within the total materials and services budget without having to utilize the \$100,000 budgeted contingency. A \$599,292 Revenue Bond interest payment was made at the end of January.

IT Infrastructure Improvements:

Three cameras have been installed at the Newport International Terminal. Two additional cameras will be installed to provide additional coverage. A static IP address is being secured for staff to view the cameras from any device.

The next cameras to be installed will be at the Hoist Dock and Port Docks 5 and 7.

Email has been moved from the Port's Exchange server to hosted Exchange. There have been a few glitches but overall this is working well. This email solution will reduce future IT maintenance needs.

Staff has been working with vendors to replace the existing Wi-Fi system at South Beach. Please refer to the memo in your Commission packet for details.

Please stop by or call anytime if you have questions.

Port of Newport Operating Fund
Balance Sheet
As of January 31, 2014

	Jan 31, 14	Dec 31, 13	\$ Change	Jan 31, 13	\$ Change
ASSETS					
Current Assets					
Checking/Savings					
Available Cash & Equivalents	540,844.75	538,685.40	2,159.35	264,338.04	276,506.71
Restricted Cash & Equivalents	630,637.62	602,550.19	28,087.43	389,222.45	241,415.17
Total Checking/Savings	1,171,482.37	1,141,235.59	30,246.78	653,560.49	517,921.88
Accounts Receivable	24,484.29	101,045.27	-76,560.98	271,093.33	-246,609.04
Allow for Bad Debt - CM	-10,000.00	-10,000.00	0.00	-10,000.00	0.00
Allow for Bad Debt - SB	-4,000.00	-4,000.00	0.00	-4,000.00	0.00
AR Property Tax	8,054.60	8,054.60	0.00	12,592.46	-4,537.86
Assets Held For Sale	0.00	0.00	0.00	5,448.05	-5,448.05
Prepaid Expenses	47,012.12	52,192.03	-5,179.91	73,787.68	-26,775.56
Due from other Port Funds	121,728.36	107,673.79	14,054.57	8,019.91	113,708.45
Undeposited Funds	0.00	0.00	0.00	3,888.52	-3,888.52
Total Other Current Assets	162,795.08	153,920.42	8,874.66	89,736.62	73,058.46
Total Current Assets	1,358,761.74	1,396,201.28	-37,439.54	1,014,390.44	344,371.30
Fixed Assets					
Capital Assets	89,128,397.64	89,128,397.64	0.00	84,116,239.00	5,012,158.64
TOTAL ASSETS	90,487,159.38	90,524,598.92	-37,439.54	85,130,629.44	5,356,529.94
LIABILITIES & EQUITY					
Liabilities					
Current Liabilities					
Accounts Payable	23,397.80	90,904.03	-67,506.23	40,733.36	-17,335.56
Due to other Port Funds	9,108.95	13,521.71	-4,412.76	211,383.04	-202,274.09
Prepaid Moorage and Deposits	23,446.00	18,469.00	4,977.00	30,360.77	-6,914.77
Payroll Liability	36,976.73	30,789.99	6,186.74	46,686.00	-9,709.27
Accrued Property Taxes	32,887.87	32,887.87	0.00	32,887.87	0.00
Current Portion-Long Term Debt	177,258.39	177,258.39	0.00	0.00	177,258.39
Accrued Interest Payable	90,347.00	90,347.00	0.00	86,687.00	3,660.00
Total Other Current Liabilities	370,024.94	363,273.96	6,750.98	408,004.68	-37,979.74
Long Term Liabilities					
Long Term Debt	8,739,743.61	8,739,743.61	0.00	4,943,158.00	3,796,585.61
2013 FF&C Bond Premium	135,465.75	135,465.75	0.00	0.00	135,465.75
Total Liabilities	9,268,632.10	9,329,387.35	-60,755.25	5,391,896.04	3,876,736.06
Equity					
Total Equity	81,218,527.28	81,195,211.57	23,315.71	79,738,733.40	1,479,793.88
TOTAL LIABILITIES & EQUITY	90,487,159.38	90,524,598.92	-37,439.54	85,130,629.44	5,356,529.94

Port of Newport Operating Fund
Year-to-Date Budget Variance
 July 2013 through January 2014

	<u>Jul '13 - Jan 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Revenue				
Lease Revenues	355,795.16	535,500.00	-179,704.84	66.44%
Moorage	700,006.47	1,082,000.00	-381,993.53	64.7%
Shipping Terminal Revenues	6,207.20	3,500.00	2,707.20	177.35%
Hoist Dock & Services	273,911.70	335,500.00	-61,588.30	81.64%
RV Parks	430,432.75	528,300.00	-97,867.25	81.48%
Launch Ramp & Trailer Storage	40,436.00	58,000.00	-17,564.00	69.72%
Miscellaneous Revenue	20,694.76	40,000.00	-19,305.24	51.74%
Property & Dredge Sales	110.00	0.00	110.00	100.0%
Grant & Loan Proceeds	2,836.70	527,200.00	-524,363.30	0.54%
Property Tax Revenue	88,868.11	89,000.00	-131.89	99.85%
Interest Income	1,609.62	2,500.00	-890.38	64.39%
Total Revenue	<u>1,920,908.47</u>	<u>3,201,500.00</u>	<u>-1,280,591.53</u>	<u>60.0%</u>
Expense				
Salaries & Wages	411,738.59	800,000.00	-388,261.41	51.47%
Payroll Taxes & Benefits	158,324.17	381,000.00	-222,675.83	41.56%
Insurance	87,213.47	187,000.00	-99,786.53	46.64%
Professional Fees	64,042.96	115,000.00	-50,957.04	55.69%
Marketing & Promotion	13,544.08	32,000.00	-18,455.92	42.33%
Dues & Subscriptions	14,552.18	16,000.00	-1,447.82	90.95%
Education & Training	2,702.48	5,000.00	-2,297.52	54.05%
Travel	7,636.41	16,000.00	-8,363.59	47.73%
Office Expenses	17,219.80	65,000.00	-47,780.20	26.49%
Bank Fees	16,240.86	26,000.00	-9,759.14	62.47%
License & Permit Fees	6,651.75	5,000.00	1,651.75	133.04%
Utilities	234,592.01	450,000.00	-215,407.99	52.13%
Contract & Support Services	131,509.95	159,000.00	-27,490.05	82.71%
Repairs & Maintenance	41,456.02	178,000.00	-136,543.98	23.29%
Equipment & Small Tools	5,222.86	10,300.00	-5,077.14	50.71%
Operating Supplies & Fuel	47,314.24	69,300.00	-21,985.76	68.28%
Shipping Expenses	0.00	2,560.00	-2,560.00	0.0%
DSL & State Land Fees	23,387.95	24,000.00	-612.05	97.45%
Building & Land leases	7,500.00	12,540.00	-5,040.00	59.81%
Grants & Other	30,021.25	64,300.00	-34,278.75	46.69%
Total Expense	<u>1,320,871.03</u>	<u>2,618,000.00</u>	<u>-1,297,128.97</u>	<u>50.45%</u>
Other Income				
Fund Transfers In	25,000.00	25,000.00	0.00	100.0%
Total Other Income	<u>25,000.00</u>	<u>25,000.00</u>	<u>0.00</u>	<u>100.0%</u>
Other Expense				
Debt Service	261,292.75	445,000.00	-183,707.25	58.72%
Capital - Current Year Costs	0.00	637,500.00	-637,500.00	0.0%
Total Other Expense	<u>261,292.75</u>	<u>1,082,500.00</u>	<u>-821,207.25</u>	<u>24.14%</u>
Operating Income	<u><u>363,744.69</u></u>	<u><u>-474,000.00</u></u>	<u><u>837,744.69</u></u>	<u><u>-76.74%</u></u>

Port of Newport Operating Fund
Year-to-Date Operating Statement
July 2013 through January 2014

	<u>Jul '13 - Jan 14</u>	<u>Jul '12 - Jan 13</u>	<u>\$ Change</u>
Revenue			
Lease Revenues	355,795.16	316,328.86	39,466.30
Moorage	700,006.47	590,709.33	109,297.14
Shipping Terminal Revenues	6,207.20	3,939.56	2,267.64
Hoist Dock & Services	273,911.70	211,671.57	62,240.13
RV Parks	430,432.75	416,925.57	13,507.18
Launch Ramp & Trailer Storage	40,436.00	41,476.60	-1,040.60
Miscellaneous Revenue	20,694.76	43,022.18	-22,327.42
Gain/(Loss) on Sale of Assets	0.00	3,000.00	-3,000.00
Property & Dredge Sales	110.00	0.00	110.00
Grant & Loan Proceeds	2,836.70	3,300.00	-463.30
Property Tax Revenue	88,868.11	86,742.25	2,125.86
Interest Income	1,609.62	1,445.18	164.44
Total Revenue	<u>1,920,908.47</u>	<u>1,718,561.10</u>	<u>202,347.37</u>
Expense			
Salaries & Wages	411,738.59	433,002.22	-21,263.63
Payroll Taxes & Benefits	158,324.17	172,815.16	-14,490.99
Insurance	87,213.47	93,141.60	-5,928.13
Professional Fees	64,042.96	64,263.34	-220.38
Marketing & Promotion	13,544.08	11,720.12	1,823.96
Dues & Subscriptions	14,552.18	13,560.73	991.45
Education & Training	2,702.48	3,623.80	-921.32
Travel	7,636.41	4,206.95	3,429.46
Office Expenses	17,219.80	18,624.52	-1,404.72
Bank Fees	16,240.86	17,901.99	-1,661.13
License & Permit Fees	6,651.75	1,376.25	5,275.50
Utilities	234,592.01	229,891.31	4,700.70
Contract & Support Services	131,509.95	96,222.84	35,287.11
Repairs & Maintenance	41,456.02	69,099.35	-27,643.33
Equipment & Small Tools	5,222.86	10,776.18	-5,553.32
Operating Supplies & Fuel	47,314.24	40,132.79	7,181.45
Shipping Expenses	0.00	1,577.56	-1,577.56
DSL & State Land Fees	23,387.95	23,104.58	283.37
Building & Land leases	7,500.00	7,315.00	185.00
Grants & Other	30,021.25	187,973.85	-157,952.60
Total Expense	<u>1,320,871.03</u>	<u>1,500,330.14</u>	<u>-179,459.11</u>
Other Income			
Fund Transfers In	25,000.00	25,000.00	0.00
Total Other Income	<u>25,000.00</u>	<u>25,000.00</u>	<u>0.00</u>
Other Expense			
Debt Service	261,292.75	434,274.09	-172,981.34
Capital - Current Year Costs	0.00	34,035.22	-34,035.22
Total Other Expense	<u>261,292.75</u>	<u>468,309.31</u>	<u>-207,016.56</u>
Operating Income	<u>363,744.69</u>	<u>-225,078.35</u>	<u>588,823.04</u>

Port of Newport Operating Fund
Monthly Operating Statement
 January 2014

	<u>Jan 14</u>	<u>Dec 13</u>	<u>\$ Change</u>	<u>Jan 13</u>	<u>\$ Change</u>
Revenue					
Lease Revenues	40,162.92	45,817.26	-5,654.34	38,932.03	1,230.89
Moorage	76,635.46	71,851.59	4,783.87	41,065.99	35,569.47
Shipping Terminal Revenues	585.00	2,095.60	-1,510.60	992.24	-407.24
Hoist Dock & Services	45,195.67	62,603.55	-17,407.88	43,261.39	1,934.28
RV Parks	13,454.39	14,126.19	-671.80	12,572.64	881.75
Launch Ramp & Trailer Storage	4,004.50	5,161.00	-1,156.50	3,929.00	75.50
Miscellaneous Revenue	3,481.19	1,897.13	1,584.06	12,632.58	-9,151.39
Gain/(Loss) on Sale of Assets	0.00	0.00	0.00	3,000.00	-3,000.00
Grant & Loan Proceeds	0.00	-1,717.59	1,717.59	0.00	0.00
Property Tax Revenue	987.65	28,268.81	-27,281.16	1,359.84	-372.19
Interest Income	239.65	313.85	-74.20	132.59	107.06
Total Revenue	<u>184,746.43</u>	<u>230,417.39</u>	<u>-45,670.96</u>	<u>157,878.30</u>	<u>26,868.13</u>
Expense					
Salaries & Wages	57,851.57	52,924.95	4,926.62	63,603.82	-5,752.25
Payroll Taxes & Benefits	19,419.00	19,939.77	-520.77	24,692.15	-5,273.15
Insurance	12,173.35	13,173.35	-1,000.00	15,395.80	-3,222.45
Professional Fees	1,495.00	12,523.80	-11,028.80	4,082.50	-2,587.50
Marketing & Promotion	935.74	1,957.26	-1,021.52	308.70	627.04
Dues & Subscriptions	1,270.00	290.00	980.00	545.88	724.12
Education & Training	465.94	160.00	305.94	1,545.00	-1,079.06
Travel	1,705.97	830.89	875.08	236.85	1,469.12
Office Expenses	2,410.62	3,078.29	-667.67	2,910.14	-499.52
Bank Fees	0.00	1,182.59	-1,182.59	835.90	-835.90
License & Permit Fees	250.00	0.00	250.00	53.00	197.00
Utilities	33,391.63	33,501.92	-110.29	28,953.64	4,437.99
Contract & Support Services	14,439.44	21,699.35	-7,259.91	14,376.10	63.34
Repairs & Maintenance	3,636.02	4,953.15	-1,317.13	8,586.98	-4,950.96
Equipment & Small Tools	394.85	705.24	-310.39	2,423.13	-2,028.28
Operating Supplies & Fuel	3,101.04	7,143.89	-4,042.85	4,903.42	-1,802.38
Shipping Expenses	0.00	0.00	0.00	555.65	-555.65
DSL & State Land Fees	638.00	12,314.61	-11,676.61	0.00	638.00
Building & Land leases	1,082.00	1,082.00	0.00	1,045.00	37.00
Grants & Other	853.04	1,344.74	-491.70	101,986.78	-101,133.74
Total Expense	<u>155,513.21</u>	<u>188,805.80</u>	<u>-33,292.59</u>	<u>277,040.44</u>	<u>-121,527.23</u>
Other Income					
Fund Transfers In	0.00	0.00	0.00	25,000.00	-25,000.00
Total Other Income	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>25,000.00</u>	<u>-25,000.00</u>
Other Expense					
Debt Service	12,179.51	19,312.86	-7,133.35	9,115.14	3,064.37
Total Other Expense	<u>12,179.51</u>	<u>19,312.86</u>	<u>-7,133.35</u>	<u>9,115.14</u>	<u>3,064.37</u>
Operating Income	<u>17,053.71</u>	<u>22,298.73</u>	<u>-5,245.02</u>	<u>-103,277.28</u>	<u>120,330.99</u>

Port of Newport Operating Fund
Operating Statement by Business Unit

July 2013 through January 2014

	SB OPS	SB Admin & Overhead	SB Marina	Main RV Park	Annex	Total South Beach
Revenue						
Lease Revenues	0.00	0.00	103.80	0.00	0.00	103.80
Moorage	0.00	0.00	381,552.20	0.00	19.50	381,571.70
Shipping Terminal Revenues	0.00	0.00	0.00	0.00	0.00	0.00
Hoist Dock & Services	0.00	0.00	5,329.20	136.50	0.00	5,465.70
RV Parks	0.00	359.15	69.22	331,772.29	95,549.51	427,750.17
Launch Ramp & Trailer Storage	0.00	61.00	39,023.00	0.00	0.00	39,084.00
Miscellaneous Revenue	0.00	180.63	11,442.18	4,031.58	25.00	15,679.39
Property & Dredge Sales	0.00	0.00	0.00	0.00	0.00	0.00
Grant & Loan Proceeds	0.00	0.00	2,836.70	0.00	0.00	2,836.70
Property Tax Revenue	0.00	0.00	0.00	0.00	0.00	0.00
Interest Income	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	0.00	600.78	440,356.30	335,940.37	95,594.01	872,491.46
Expense						
Salaries & Wages	84,643.42	37,379.39	0.00	0.00	0.00	122,022.81
Payroll Taxes & Benefits	39,193.45	9,681.35	0.00	0.00	0.00	48,874.80
Insurance	1,000.00	0.00	10,940.31	0.00	0.00	11,940.31
Professional Fees	850.00	0.00	0.00	0.00	0.00	850.00
Marketing & Promotion	0.00	6,470.50	1,351.39	195.00	0.00	8,016.89
Dues & Subscriptions	0.00	40.00	0.00	0.00	0.00	40.00
Education & Training	0.00	795.00	0.00	0.00	0.00	795.00
Travel	0.00	759.44	403.62	0.00	0.00	1,163.06
Office Expenses	165.10	3,022.74	788.37	64.73	0.00	4,040.94
Bank Fees	0.00	3,253.12	0.00	0.00	0.00	3,253.12
License & Permit Fees	144.00	6.00	0.00	0.00	0.00	150.00
Utilities	26,628.62	14,515.56	70,526.81	16,315.42	7,464.49	135,450.90
Contract & Support Services	5,305.00	35,613.16	14,037.90	13,651.51	0.00	68,607.57
Repairs & Maintenance	7,261.57	398.25	9,019.57	453.12	0.00	17,132.51
Equipment & Small Tools	1,035.02	104.00	46.00	0.00	0.00	1,185.02
Operating Supplies & Fuel	18,892.04	1,278.35	7,239.14	1,549.57	257.44	29,216.54
DSL & State Land Fees	0.00	0.00	10,435.34	0.00	0.00	10,435.34
Building & Land leases	0.00	0.00	0.00	0.00	0.00	0.00
Grants & Other	0.00	15,704.42	0.00	11,338.69	434.71	27,477.82
Total Expense	185,118.22	129,021.28	124,788.45	43,568.04	8,156.64	490,652.63
Other Income						
Fund Transfers In	0.00	0.00	0.00	0.00	0.00	0.00
Other Expense						
Debt Service	3,251.85	0.00	0.00	0.00	0.00	3,251.85
Operating Income	-188,370.07	-128,420.50	315,567.85	292,372.33	87,437.37	378,586.98

Port of Newport Operating Fund
Operating Statement by Business Unit
July 2013 through January 2014

	Admin & Property Mgmt	Commercial Marina	International Terminal	Total General Operating Fund
Revenue				
Lease Revenues	355,691.36	0.00	0.00	355,795.16
Moorage	630.00	265,304.27	52,520.00	700,025.97
Shipping Terminal Revenues	0.00	0.00	6,207.20	6,207.20
Hoist Dock & Services	957.60	181,511.86	85,976.54	273,911.70
RV Parks	2,663.08	0.00	0.00	430,413.25
Launch Ramp & Trailer Storage	0.00	1,277.00	75.00	40,436.00
Miscellaneous Revenue	1,149.18	3,856.68	9.51	20,694.76
Property & Dredge Sales	110.00	0.00	0.00	110.00
Grant & Loan Proceeds	0.00	0.00	0.00	2,836.70
Property Tax Revenue	88,868.11	0.00	0.00	88,868.11
Interest Income	1,609.62	0.00	0.00	1,609.62
Total Revenue	451,678.95	451,949.81	144,788.25	1,920,908.47
Expense				
Salaries & Wages	160,981.02	106,276.22	22,458.54	411,738.59
Payroll Taxes & Benefits	53,498.17	45,669.92	10,281.28	158,324.17
Insurance	63,332.85	11,940.31	0.00	87,213.47
Professional Fees	60,086.19	0.00	3,106.77	64,042.96
Marketing & Promotion	3,701.91	416.65	1,408.63	13,544.08
Dues & Subscriptions	14,512.18	0.00	0.00	14,552.18
Education & Training	1,487.98	419.50	0.00	2,702.48
Travel	6,290.19	100.81	82.35	7,636.41
Office Expenses	11,772.43	1,027.27	379.16	17,219.80
Bank Fees	761.54	12,226.20	0.00	16,240.86
License & Permit Fees	271.45	1,438.00	4,792.30	6,651.75
Utilities	10,013.96	63,277.89	25,849.26	234,592.01
Contract & Support Services	11,197.16	39,540.84	12,164.38	131,509.95
Repairs & Maintenance	78.06	17,329.95	6,915.50	41,456.02
Equipment & Small Tools	0.00	524.09	3,513.75	5,222.86
Operating Supplies & Fuel	1,024.25	12,900.35	4,173.10	47,314.24
DSL & State Land Fees	0.00	12,952.61	0.00	23,387.95
Building & Land leases	7,500.00	0.00	0.00	7,500.00
Grants & Other	2,206.17	337.26	0.00	30,021.25
Total Expense	408,715.51	326,377.87	95,125.02	1,320,871.03
Other Income				
Fund Transfers In	25,000.00	0.00	0.00	25,000.00
Other Expense				
Debt Service	165,682.96	3,640.77	88,717.17	261,292.75
Operating Income	-97,719.52	121,931.17	-39,053.94	363,744.69

Port of Newport - NOAA Fund
Balance Sheet
As of January 31, 2014

	Jan 31, 14	Dec 31, 13	\$ Change	Jan 31, 13	\$ Change
ASSETS					
Current Assets					
Checking/Savings					
Cash & Equivalents	4,729,758.29	5,343,708.59	-613,950.30	4,869,313.23	-139,554.94
Total Checking/Savings	4,729,758.29	5,343,708.59	-613,950.30	4,869,313.23	-139,554.94
Other Current Assets					
Due From Other Funds	0.00	0.00	0.00	130.33	-130.33
Prepaid Expenses	80,102.06	4,987.63	75,114.43	114,819.93	-34,717.87
Bond Costs (net amortization)	587,640.00	587,640.00	0.00	622,207.00	-34,567.00
Total Other Current Assets	667,742.06	592,627.63	75,114.43	737,157.26	-69,415.20
Total Current Assets	5,397,500.35	5,936,336.22	-538,835.87	5,606,470.49	-208,970.14
TOTAL ASSETS	5,397,500.35	5,936,336.22	-538,835.87	5,606,470.49	-208,970.14
LIABILITIES & EQUITY					
Liabilities					
Current Liabilities					
Accounts Payable					
Accounts Payable	-694,536.43	13,975.72	-708,512.15	56,349.93	-750,886.36
Total Accounts Payable	-694,536.43	13,975.72	-708,512.15	56,349.93	-750,886.36
Other Current Liabilities					
Vacation Payable	1,010.00	649.00	361.00	1,825.00	-815.00
Current Portion-Long-Term Debt	790,000.00	790,000.00	0.00	0.00	790,000.00
Accrued Interest Payable	509,285.00	509,285.00	0.00	518,847.00	-9,562.00
Total Other Current Liabilities	1,300,295.00	1,299,934.00	361.00	520,672.00	779,623.00
Total Current Liabilities	605,758.57	1,313,909.72	-708,151.15	577,021.93	28,736.64
Long Term Liabilities					
Long-Term Debt	22,343,121.00	22,343,121.00	0.00	23,886,540.00	-1,543,419.00
Total Long Term Liabilities	22,343,121.00	22,343,121.00	0.00	23,886,540.00	-1,543,419.00
Total Liabilities	22,948,879.57	23,657,030.72	-708,151.15	24,463,561.93	-1,514,682.36
Equity					
Total Equity	-17,551,379.22	-17,720,694.50	169,315.28	-18,857,091.44	1,305,712.22
TOTAL LIABILITIES & EQUITY	5,397,500.35	5,936,336.22	-538,835.87	5,606,470.49	-208,970.14

Port of Newport - NOAA Fund
Year-to-Date Budget Variance
July 2013 through January 2014

	<u>Jul '13 - Jan 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Revenue				
Lease Income	1,480,479.21	2,535,000.00	-1,054,520.79	58.4%
Interest Income	6,234.76	10,000.00	-3,765.24	62.35%
Misc Income	0.00	100,000.00	-100,000.00	0.0%
Total Revenue	<u>1,486,713.97</u>	<u>2,645,000.00</u>	<u>-1,158,286.03</u>	<u>56.21%</u>
Expense				
Salary, Wages & Benefits	58,151.77	104,980.00	-46,828.23	55.39%
Insurance	73,561.64	139,725.00	-66,163.36	52.65%
Professional Services	0.00	12,000.00	-12,000.00	0.0%
Office & Admin Expenses	3,033.01	17,000.00	-13,966.99	17.84%
Grants & Other	0.00	37,500.00	-37,500.00	0.0%
Licenses & Permits	947.00	2,500.00	-1,553.00	37.88%
Contracted Services	54,249.38	83,100.00	-28,850.62	65.28%
Dredging	30,811.26	250,000.00	-219,188.74	12.33%
Utilities	5,394.29	10,755.00	-5,360.71	50.16%
Materials and Supplies	4,862.26	20,800.00	-15,937.74	23.38%
Fuel (Gas, Diesel, Oil, Lubes)	769.91	1,350.00	-580.09	57.03%
Small Tools & Equipment	570.21	2,500.00	-1,929.79	22.81%
Equipment Rental	404.00	1,250.00	-846.00	32.32%
Office Rent & DSL Leases	10,323.94	12,000.00	-1,676.06	86.03%
Total Expense	<u>243,078.67</u>	<u>695,460.00</u>	<u>-452,381.33</u>	<u>34.95%</u>
Other Income/Expense				
Other Expense				
Capital Expenses	0.00	0.00	0.00	0.0%
Fund Transfers Out	218,870.00	220,000.00	-1,130.00	99.49%
Debt Service	1,401,141.88	2,000,434.00	-599,292.12	70.04%
Total Other Expense	<u>1,620,011.88</u>	<u>2,220,434.00</u>	<u>-600,422.12</u>	<u>72.96%</u>
Operating Income	<u><u>-376,376.58</u></u>	<u><u>-270,894.00</u></u>	<u><u>-105,482.58</u></u>	<u><u>138.94%</u></u>

Port of Newport - NOAA Fund
Year-to-Date Operating Statement
July 2013 through January 2014

	<u>Jul '13 - Jan 14</u>	<u>Jul '12 - Jan 13</u>	<u>\$ Change</u>
Revenue			
Lease Income	1,480,479.21	1,479,681.28	797.93
Interest Income	6,234.76	8,046.88	-1,812.12
Misc Income	0.00	7.40	-7.40
Total Revenue	<u>1,486,713.97</u>	<u>1,487,735.56</u>	<u>-1,021.59</u>
Expense			
Salary, Wages & Benefits	58,151.77	58,139.23	12.54
Insurance	73,561.64	73,145.24	416.40
Professional Services	0.00	13,294.42	-13,294.42
Office & Admin Expenses	3,033.01	3,437.51	-404.50
Licenses & Permits	947.00	2,101.32	-1,154.32
Contracted Services	54,249.38	58,070.97	-3,821.59
Dredging	30,811.26	0.00	30,811.26
Utilities	5,394.29	5,346.38	47.91
Materials and Supplies	4,862.26	3,493.25	1,369.01
Fuel (Gas, Diesel, Oil, Lubes)	769.91	493.10	276.81
Small Tools & Equipment	570.21	535.92	34.29
Equipment Rental	404.00	122.00	282.00
Office Rent & DSL Leases	10,323.94	10,043.79	280.15
Total Expense	<u>243,078.67</u>	<u>228,223.13</u>	<u>14,855.54</u>
Other Income/Expense			
Other Expense			
Capital Expenses	0.00	11,767.40	-11,767.40
Fund Transfers Out	218,870.00	150,000.00	68,870.00
Debt Service	1,401,141.88	1,998,758.76	-597,616.88
Total Other Expense	<u>1,620,011.88</u>	<u>2,160,526.16</u>	<u>-540,514.28</u>
Operating Income	<u><u>-376,376.58</u></u>	<u><u>-901,013.73</u></u>	<u><u>524,637.15</u></u>

Bonded Debt Fund - Port of Newport
Balance Sheet
As of January 31, 2014

	Jan 31, 14	Dec 31, 13	\$ Change	Jan 31, 13	\$ Change
ASSETS					
Gen Obligation Bond MM-OCB	272,471.97	258,882.24	13,589.73	245,926.50	26,545.47
Total Checking/Savings	272,471.97	258,882.24	13,589.73	245,926.50	26,545.47
Accounts Receivable					
Due from General Operating Fund	9,108.95	13,521.71	-4,412.76	0.00	9,108.95
Other Current Assets					
Property Tax Receivable	67,552.12	67,552.12	0.00	64,104.00	3,448.12
Other Assets					
Bond Issue costs, net of amort.	282,476.00	282,476.00	0.00	294,047.00	-11,571.00
TOTAL ASSETS	631,609.04	622,432.07	9,176.97	604,077.50	27,531.54
LIABILITIES & EQUITY					
Bonds Payable - Current	275,000.00	275,000.00	0.00	265,000.00	10,000.00
Long Term Liabilities					
2007 Series Bonds	4,311,895.00	4,311,895.00	0.00	4,526,108.00	-214,213.00
2008 Series Bonds	4,414,904.00	4,414,904.00	0.00	4,619,900.00	-204,996.00
2011 Series Bonds	5,267,831.00	5,267,831.00	0.00	5,385,901.00	-118,070.00
Total Long Term Liabilities	13,994,630.00	13,994,630.00	0.00	14,531,909.00	-537,279.00
Total Liabilities	14,269,630.00	14,269,630.00	0.00	14,796,909.00	-527,279.00
Total Equity	-13,638,020.96	-13,647,197.93	9,176.97	-13,927,831.50	289,810.54
TOTAL LIABILITIES & EQUITY	631,609.04	622,432.07	9,176.97	869,077.50	-237,468.46

Bonded Debt Fund - Port of Newport
Fiscal Year-to-Date Operating Statement
July 2013 through January 2014

	Jul '13 - Jan 14	Jul '12 - Jan 13	\$ Change
Income			
Bond Levy Proceeds	882,370.69	713,049.15	169,321.54
Bank Interest Income	72.59	433.43	-360.84
Total Income	882,443.28	713,482.58	168,960.70
Other Expense			
Debt Service	599,036.25	593,486.25	5,550.00
Revenues Over/(Under) Expenses	283,407.03	119,996.33	163,410.70

▲ \$318,986 debt payment due in June 2014.

Construction Fund - Port of Newport
Balance Sheet
As of January 31, 2014

	<u>Jan 31, 14</u>	<u>Dec 31, 13</u>	<u>\$ Change</u>	<u>Jan 31, 13</u>	<u>\$ Change</u>
ASSETS					
Current Assets					
Checking/Savings					
Construction Fund Bank Accts	794,038.19	959,843.80	-165,805.61	255,680.90	538,357.29
Total Checking/Savings	<u>794,038.19</u>	<u>959,843.80</u>	<u>-165,805.61</u>	<u>255,680.90</u>	<u>538,357.29</u>
Total Current Assets	<u>794,038.19</u>	<u>959,843.80</u>	<u>-165,805.61</u>	<u>255,680.90</u>	<u>538,357.29</u>
TOTAL ASSETS	<u><u>794,038.19</u></u>	<u><u>959,843.80</u></u>	<u><u>-165,805.61</u></u>	<u><u>255,680.90</u></u>	<u><u>538,357.29</u></u>
LIABILITIES & EQUITY					
Liabilities					
Current Liabilities					
Accounts Payable					
A/P - Construction	6,141.08	3,924.04	2,217.04	444,612.14	-438,471.06
Total Accounts Payable	<u>6,141.08</u>	<u>3,924.04</u>	<u>2,217.04</u>	<u>444,612.14</u>	<u>-438,471.06</u>
Other Current Liabilities					
Due To Other funds	0.00	0.00	0.00	-215.08	215.08
Total Other Current Liabilities	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>-215.08</u>	<u>215.08</u>
Total Current Liabilities	<u>6,141.08</u>	<u>3,924.04</u>	<u>2,217.04</u>	<u>444,397.06</u>	<u>-438,255.98</u>
Total Liabilities	6,141.08	3,924.04	2,217.04	444,397.06	-438,255.98
Equity					
Fund Balance	1,212,169.60	1,212,169.60	0.00	1,110,548.59	101,621.01
Operating Income	<u>-424,272.49</u>	<u>-256,249.84</u>	<u>-168,022.65</u>	<u>-1,299,264.75</u>	<u>874,992.26</u>
Total Equity	<u>787,897.11</u>	<u>955,919.76</u>	<u>-168,022.65</u>	<u>-188,716.16</u>	<u>976,613.27</u>
TOTAL LIABILITIES & EQUITY	<u><u>794,038.19</u></u>	<u><u>959,843.80</u></u>	<u><u>-165,805.61</u></u>	<u><u>255,680.90</u></u>	<u><u>538,357.29</u></u>

Facility Maintenance Reserve Fund

Balance Sheet

As of January 31, 2014

	<u>Jan 31, 14</u>	<u>Dec 31, 13</u>	<u>\$ Change</u>	<u>Jan 31, 13</u>	<u>\$ Change</u>
ASSETS					
Current Assets					
Total Checking/Savings	<u>290,232.92</u>	<u>290,215.67</u>	<u>17.25</u>	<u>147,302.43</u>	<u>142,930.49</u>
Total Current Assets	<u>290,232.92</u>	<u>290,215.67</u>	<u>17.25</u>	<u>147,302.43</u>	<u>142,930.49</u>
TOTAL ASSETS	<u>290,232.92</u>	<u>290,215.67</u>	<u>17.25</u>	<u>147,302.43</u>	<u>142,930.49</u>
LIABILITIES & EQUITY					
Liabilities					
Total Accounts Payable	<u>114,782.73</u>	<u>100,477.53</u>	<u>14,305.20</u>	<u>0.00</u>	<u>114,782.73</u>
Total Equity	<u>175,450.19</u>	<u>189,738.14</u>	<u>-14,287.95</u>	<u>147,302.43</u>	<u>28,147.76</u>
TOTAL LIABILITIES & EQUITY	<u>290,232.92</u>	<u>290,215.67</u>	<u>17.25</u>	<u>147,302.43</u>	<u>142,930.49</u>

Port of Newport

Construction Fund

January 23, 2014 to February 18, 2014

Date	Num	Name	Memo	Amount
02/13/2014	11747	Pacific Habitat Services, Inc	Permit Modifications, Prepare Sand & Gravel License	2,227.50
02/13/2014	11748	Pacific Habitat Services, Inc	Biological Assessment Prep & Coordination	2,561.01
			TOTAL	<u>4,788.51</u>

Port of Newport

NOAA Fund

January 23, 2014 to February 18, 2014

Date	Num	Name	Memo	Amount
1/30/14	12314	Power Alarm	Alarm Monitoring Elevator	75.00
1/30/14	12315	S.D.A.O. Special Districts Assoc. of OR	NOAA Health Ins	568.84
1/30/14	12316	Verizon Wireless	Phone charges	61.66
1/30/14	12317	Williams Scotsman Inc	Rent Mobile Office	242.54
2/5/14	12318	Pioneer Telephone Cooperative	Telephone service	237.82
2/5/14	12319	Staples Credit Plan	Computer Tablet	209.98
2/7/14	12320	AVS Elevator	Monthly Service	162.42
2/7/14	12321	Barrelhead Supply, Inc.	Nuts, Bolts, Washers	15.04
2/7/14	12322	Pacific Habitat Services, Inc.	Dredging Permit and Eelgrass report	3,728.26
2/7/14	12323	Thompsons Sanitary Service	Disposal & 20YD Dumpster	330.05
1/24/14	12324	Billeter Marine LLC	Dredging	107,386.76
1/24/14	12325	Pacific Habitat Services, Inc.	Post Construction Eelgrass Report	1,491.00
2/13/14	12326	Chase Visa	Hardware Support, Water Filters	427.43
			TOTAL	<u><u>114,936.80</u></u>

Port of Newport

Operating Fund

January 23, 2014 to February 18, 2014

Date	Num	Name	Memo	Amount
1/29/14	35158	AboveBoard Electric Inc	Lights RV Admin Bldg	58.00
1/29/14	35159	Bureau of Labor and Industries	Prevailing Wage Rate Unit Fee for Contract Work	250.00
1/29/14	35160	City of Newport	Joint Permit Application, Land Use CM	638.00
1/29/14	35161	Coastal Sweeping & Maint	Stripe Parking Lot	650.00
1/29/14	35162	CoastCom Inc	Virus Clean Don's Computer	187.50
1/29/14	35163	Dept of Environmental Quality	SB Compliance Fee for Storage Tanks	270.00
1/29/14	35164	Design Space	Customs Office	247.00
1/29/14	35165	Neofunds by Neopost	Admin Postage Meter Refill	788.08
1/29/14	35166	Penny Gabrielson	Mileage and Meals Portland Boat Show	162.53
1/30/14	35167	Fastenal Company	Gloves, Caulking Gun, Nuts & Bolts	34.09
1/30/14	35168	Great America Financial Services	Copier Lease	139.60
1/30/14	35169	Industrial Welding Supply, Inc	Oxygen and Acetylene	217.46
1/30/14	35170	ING (State of Oregon Plan)	Monthly Employee Contribution to Deferred Comp	50.00
1/30/14	35171	Keller Supply Company	Faucets and Plumbing Supplies	545.76
1/30/14	35172	Lincoln Plumbing Inc	Snake Main Drain for Central RR	405.00
1/30/14	35173	Newport Auto Parts Inc	Bunge Cords and Mirror	78.21
1/30/14	35174	NW Natural	Fill Gas	500.14
1/30/14	35175	Platt	Bulbs and Light Replacements SB	468.19
1/30/14	35176	Pro-Build	Heater and Supplies for Painting CDX	315.28
1/30/14	35177	Pro-Training	VOID: LP Heater wrong vender	0.00
1/30/14	35178	Sears Commercial One	Sockets and Ratchets, Small Tools	299.33
1/30/14	35179	Sherwin Williams	Paint Supplies for CDX	114.74
1/30/14	35180	Special Districts Insurance Service	February Health Plan	7,976.70
1/30/14	35181	T & L Chemical Toilet Service	Tank Service	521.00
1/30/14	35182	Toyota Lift NW	Check and Repair Brakes Forklift	208.44
1/30/14	35183	U.G. Cash & Carry	Degreaser, Mop, Coffee, Filters	165.64
1/30/14	35184	Verizon Wireless	Port Cell Phones	300.81
1/30/14	35185	Aflac World Wide Headquarters	Aflac	74.65
1/30/14	35186	Thermo Fluids Inc	Waste Water Disposal	802.75
1/30/14	35187	Oregon Economic Development Asso	Admin 2014 Membership	225.00
1/30/14	35188	Petty Cash	Cards, Boat Show, Coffee, Chamber Lunch	188.83
1/31/14	35189	James Wright	Moorage Refund	59.00
2/5/14	35190	Appliance Service Station	Service Call Dryer #6	65.00
2/5/14	35191	Barrethead	Tools for F Dock Project, Supplies	499.33
2/5/14	35192	CenturyLink - Business Service	Telephone	20.24
2/5/14	35193	City of Newport	Water and Sewer	2,617.45
2/5/14	35194	Direct TV	Monthly Cable SB Annex	295.10
2/5/14	35195	FarWest Steel Corporation	Flat Bar for Bin Oil Compound	130.66
2/5/14	35196	Halco Welding, Inc.	Sandblast and Rezin Bin for Recycling	275.00
2/5/14	35197	Keller Supply Company	Seals SB Fish Tables	20.43
2/5/14	35198	Lock Masters	Lock for Propane Tank	285.00
2/5/14	35199	Morpho Trust	VOID: TWIX Card Kevin Greenwood	0.00
2/5/14	35200	Newport Oregonian	Oregonian Port Office	54.00
2/5/14	35201	OR Dept of Revenue	Room Tax	222.93

Port of Newport

Operating Fund

January 23, 2014 to February 18, 2014

2/5/14	35202	Pat Albaugh	Pat's Cell Phone	420.00
2/5/14	35203	PayneWest Insurance	Business License Permit Bond	100.00
2/5/14	35204	Pioneer Printing, Inc.	Business Cards for Kevin	171.95
2/5/14	35205	Pioneer Telephone Cooperative	Telephone SB	214.87
2/5/14	35206	Staples	Office Supplies	328.83
2/5/14	35207	City of Newport	Water and Sewer	1,697.10
2/5/14	35208	OR Dept of Revenue	Room Tax	129.10
2/5/14	35209	Morpho Trust	void	0.00
2/5/14	35210	Morpho Trust	TWIC Card Kevin Bryant	129.75
2/7/14	35211	Alan Brown Tire Center	Tires for Forklift	970.35
2/7/14	35212	Dahl & Dahl, Inc	Disposal Debris PD7 and F Dock	335.25
2/7/14	35213	Englund Marine Supply Co, Inc	Work Gloves	113.75
2/7/14	35214	Ferguson Enterprises #3001	Plumbing Supplies RR Showers CM	42.79
2/7/14	35215	Henderson Marine Supply, Inc	Hose Bib Mounting Flanges for F Dock Project	427.13
2/7/14	35216	MACPHERSON, GINTNER & DIAZ	Review General Business Admin	2,625.00
2/7/14	35217	Oregon Coast Technology Inc	Copier-Printer Port Office	52.46
2/7/14	35218	TCB Security Services, Inc	Security Service	12,524.00
2/7/14	35219	Thompson's Sanitary Service, Inc	Trash Disposal Service	3,445.86
2/12/14	35220	Starwest - Snell, Robert	Refund Overpayment	144.00
2/13/14	35221	Allegiance Benefit Plan Mgmt	Health Plan	1,004.34
2/13/14	35222	ALSCO	Rug and Shop Towel Service	275.45
2/13/14	35223	Barb Martin	Mileage Reimbursement Boat Show	197.09
2/13/14	35224	Cardinal Services, Inc.	Temporary Employment Service	873.60
2/13/14	35225	Carson Oil Company	Cardlink Fuel Commercial Marina	86.26
2/13/14	35226	Central Lincoln PUD	Electric Service	5,358.03
2/13/14	35227	Century Link	Telephone	147.77
2/13/14	35228	Design Space	Office Rental	835.00
2/13/14	35229	Direct TV	Cable SB RV Park	478.59
2/13/14	35230	Gray's Web Design	Annual Website Renewal	180.00
2/13/14	35231	JC Market	Food and Beverages, Meetings	69.94
2/13/14	35232	News-Times	Chamber Directory	574.35
2/13/14	35233	OMFOA	OMFOA Conference	305.00
2/13/14	35234	Oregon Coast Technology Inc	Copier-Printer Port Office	49.50
2/13/14	35235	Road & Driveway	Repair South Beach Lot	310.00
2/13/14	35236	S.D.A.O. Special Districts of OR	Property and Boiler Insurance	10,928.00
2/13/14	35237	Toyota Financial Services	SB Forklift	464.55
2/13/14	35238	U.G. Cash & Carry	Coffee, Degreaser, Soap & Paper Products	124.60
2/13/14	35239	Wolseley Industrial Group	HD Pipe & Couplers F Dock	1,013.83
2/13/14	35240	Xerox Corporation	Copier Rental and Print Charge SB	98.08
2/13/14	35241	Central Lincoln PUD	Electric Service	8,671.97
2/13/14	35242	CenturyLink - Business Service	Telephone	38.12
2/13/14	35243	Toyota Financial Services	Forklift CM	579.65
2/13/14	35244	Century Link	Monthly Charges Telephone	191.52
2/13/14	35245	Chase - Visa	Travel, Boat Show Expense, Gift for Patty	1,685.76
2/13/14	35246	Subway of Newport	Lunch for CPR Class	66.00
2/14/14	35247	Employee	Mid Month Draw	100.00

Port of Newport

Operating Fund
January 23, 2014 to February 18, 2014

2/14/14	35248	Employee	Mid Month Draw	450.00
2/14/14	35249	Employee	Mid Month Draw	500.00
2/14/14	35250	Employee	Mid Month Draw	475.00
2/14/14	35251	Employee	Mid Month Draw	500.00
2/14/14	35252	Employee	Mid month Draw	300.00
2/14/14	35253	Employee	Mid Month Draw	500.00
TOTAL				<u><u>82,731.06</u></u>

Memo

To: Port of Newport Board of Commissioners
From: Kevin Bryant, commercial marina Harbormaster
Copy: Port Management Staff
Date: February 19th, 2014
Re: Commercial Operations

Still being kept busy with crab buyers when weather lets the F/Vs out. Last price was 5.60 Lb. We are pushing 1.5 to 2 million pounds of product (crab and hagfish) across the hoist dock.

Working on cleaning up the lot so we can add some parking spaces. Restriped existing lot lines.

Still attempting to acquire Twix cards from coos bay.

Annual cleanup and bottom paint on skiff.

Attended connect Oregon meeting @ PDX

Built an oil debris dumpster that will dump into our compactor so crew doesn't have to lift barrels to dump them out.

Replaced pin and bearings on compactor lift arm.

Crew had CPR and First Aid class recertification

Manifold pipe at PD7 froze and broke twice during cold snaps

Fixed faucets in restrooms

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

To: Port of Newport Commission
From: Jim Durkee, Terminal Operations Supervisor
Copy: Port Management Staff
Date: February 19, 2014
Re: February Manager's Report

Maintenance

I cleaned the graffiti off the face of the dock under the hoist using a combination of pressure washer and a graffiti remover that the city recommended.

I used the pressure washer to clean the 9000# Hyster and re-greased it and touched up the paint in a few spots.

During the freezing weather the valve on the front of my shop cracked and blew off. TCB Security called me in when they found the geyser. I would estimate we lost about twenty thousand gallons of water. It cut quite a ditch in the gravel. I have added shutting off this valve to my freezing weather protocols. I replaced the valve and filled in the ditch.

I added some plumbing items to the Hippo Maintenance System and created a template in that system for cold weather protocols for future use.

After one tree blew down by the Trident Meal Plant we took a look at another tree that looks like it might come down soon which started a discussion about who's responsible for removing it. Since the tree is in danger of falling on Northern Refrigeration's building it needs to be addressed soon.

Construction

Rau Plumbing installed the drain valve on the fresh water system under the dock.

Aboveboard Electric installed power boxes on the poles for the new security cameras.

I continued to assist Billeter Marine as needed for their dredging work at NOAA.

I finally got back to working on the Port's Records Room in the loft, putting up mud and tape when I've had time.

While giving Kevin Greenwood a tour of the Terminal we found water in the light fixture of the west CXT building apparently seeping in through the seam at the apex of the roof. I have contacted Frank Berg about it and he will look at it with me tomorrow.

Fishing Fleet Activity

My work with the fishing fleet slowed way down as expected this time of year. There have been a few crab boats switching gear to go back to trawling. The Erla-N, the only vessel currently moored at the Terminal, received severe damage to its side from banging against the pilings during the wind storms.

Other Activities

We held the Safety Committee meeting 2/11/14 and held a port wide staff meeting afterward to meet the new boss in the NIT shop. Kevin Corwin did an excellent job teaching a first aid/CPR class on 2/13/14. I took the opportunity to practice working on the SafePersonnel website by adding the class to the training records.

Overview of January Services

12 fishing vessels spent a total of about 112 days moored at the Terminal dock.
13 fishing vessels used the Terminal dock for work. At least 1 vessel took on fuel.
26 hours of forklift service were provided.
24 hours of crane service were provided.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

To: Port of Newport Commission
From: Jim Durkee, Terminal Operations Supervisor
Copy: Port Management Staff
Date: February 19, 2014
Re: February Manager's Report

Maintenance

I cleaned the graffiti off the face of the dock under the hoist using a combination of pressure washer and a graffiti remover that the city recommended.

I used the pressure washer to clean the 9000# Hyster and re-greased it and touched up the paint in a few spots.

During the freezing weather the valve on the front of my shop cracked and blew off. TCB Security called me in when they found the geyser. I would estimate we lost about twenty thousand gallons of water. It cut quite a ditch in the gravel. I have added shutting off this valve to my freezing weather protocols. I replaced the valve and filled in the ditch.

I added some plumbing items to the Hippo Maintenance System and created a template in that system for cold weather protocols for future use.

After one tree blew down by the Trident Meal Plant we took a look at another tree that looks like it might come down soon which started a discussion about who's responsible for removing it. Since the tree is in danger of falling on Northern Refrigeration's building it needs to be addressed soon.

Construction

Rau Plumbing installed the drain valve on the fresh water system under the dock.

Aboveboard Electric installed power boxes on the poles for the new security cameras.

I continued to assist Billeter Marine as needed for their dredging work at NOAA.

I finally got back to working on the Port's Records Room in the loft, putting up mud and tape when I've had time.

While giving Kevin Greenwood a tour of the Terminal we found water in the light fixture of the west CXT building apparently seeping in through the seam at the apex of the roof. I have contacted Frank Berg about it and he will look at it with me tomorrow.

Fishing Fleet Activity

My work with the fishing fleet slowed way down as expected this time of year. There have been a few crab boats switching gear to go back to trawling.

The Erla-N, the only vessel currently moored at the Terminal, received severe damage to its side from banging against the pilings during the wind storms.

Other Activities

We held the Safety Committee meeting 2/11/14 and held a port wide staff meeting afterward to meet the new boss in the NIT shop.

Kevin Corwin did an excellent job teaching a first aid/CPR class on 2/13/14. I took the opportunity to practice working on the SafePersonnel website by adding the class to the training records.

Overview of January Services

12 fishing vessels spent a total of about 112 days moored at the Terminal dock.

13 fishing vessels used the Terminal dock for work. At least 1 vessel took on fuel.

26 hours of forklift service were provided.

24 hours of crane service were provided.

Port of Newport

FACILITY MANAGER'S MONTHLY REPORT

FACILITY: NOAA MOC-P
DATE: 2/20/2014
PERIOD: February 2014
TO: Kevin Greenwood
ISSUED BY: Rick Fuller

Summary

Congratulations and welcome Kevin to your new position as General Manager for the Port of Newport! Please find below, operations activities that have occurred at the NOAA facilities since the last report period.

January to February at the facility was dominated by weather and dredging events. Quarterly inspections and preventative maintenance was performed per schedule. The facility continued to perform well during the two recent extreme weather events with the exception of a frozen backflow valve on wharf berth #3. In a cooperative effort, a new valve was purchased by NOAA ops and replacement labor was provided by me. The valve will require recertification set up for next week. A few adjustments will be administered and proposed for next year's budget to prevent future freezing issues in order to maintain ship dockside utility services. The main entry gate remains problematic in windy conditions and now that the dredging is completed I will be putting my efforts into a few design upgrades.




As you have seen during yesterday's site visit, In-water dredging operations have now been completed by Billeter Marine, LLC with the final cleanup/demobilization activities remaining at the disposal site within this next week. Although agencies were prepared for an in-water work period extension, the dredging was completed within the deadline period ending February 15, 2014. The post dredge survey shows dredge depths were generally attained and are now back to original project depths per the permit. All berths are now operational per NOAA lease specifications. The pre/post survey shows an estimated volume of dredged materials significantly exceeding original estimates and contract yardage. Verification is now in progress by means of pre/post volumetric survey at the dredge disposal site for comparison. A complete report will follow after all surveys have been compiled and reviewed. The extent of future maintenance dredging remains unknown and speculative at this time.

Total full time building occupancy dropped to approximately 66% of office space due to personnel re-assignments. The R/V Fairweather was relocated during the dredging activities and is currently portside at berth #4. The McArthur and Ka'lmimoana remain at berth #5 & #6. The State patrol boat "guardian" is docked at the small boat dock for an undetermined amount of time. No changes were made to bar crossing log in this period.

Specific work this period:

- Scheduled monthly and quarterly preventative maintenance
- Repair and replacement of Berth #3 backflow valve
- Snow & ice maintenance operations per lease specifications
- Parking lot sweeping by Road and Driveway Co.
- Dredging operations

NOAA MOC-P Ship Docking Log 2014

	ARRIVAL	DEPARTURE	NAME	ROSTER#	NOTE
	10/7/2013	1/13/2014	Rainier	39	Bound for Alaska
	9/16/2013	1/19/2014	Bell M. Shamada	22	Bound for Alaska
	1/20/2014		State Patrol boat "Guardian"	2	Small boat dock
			TOTAL	63	

Occupancy

To: Port of Newport Board of Commissioners

From: South Beach Marina & RV Park

Date: February 10, 2014

Re: January South Beach Occupancy Report

Marina park occupancy numbers are up a little from last year. A few regular guests came over from the valley to get away from the fog & enjoy sunny days on the coast in January. We can attribute at least 10 extra nights to our park host Clay Moore who is always busy greeting guests & promoting this area.

The Annex park numbers are down this year. In past years we have had 8 to 12 long term contractors & guests staying in the Annex on a month to month basis but in January we only had 4.

January 6th was RV reservation day for Seafood & Wine Festival. We opened the office at 8:00, booked the 15 guests waiting at the front door & then took phone reservations at 8:30. We were full by 11:00 and started a waiting list. This was our first experience using our new software and it went very well. All guests have paid in full for this event which will expedite the check-in process.

Moorage occupancy is down from January of last year. Two of our long term moorage holders sold their boats and the new owners moved those boats out, at least 3 of our regular marina guests decided to try Winchester Bay because they heard the Salmon fishing was better and 2 moorage holders are going to Diamond Lake.

As a result of the Port's recruiting efforts at the Portland Boat Show we have acquired 3 long term moorage holders for 2014 so far. The Port's exposure at the boat show generated lots of interest in our Marina and RV Parks.

Occupancy Figures:

	2013	2014	Change
Marina	6863	6733	-1.89%
Marina RV	286	302	5.59%
Annex RV	285	179	-37.19%
Totals	571	481	-15.76%

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

MANAGERS REPORT

To: Port of Newport Board of Commissioners
From: Chris Urbach, Harbormaster
Copy: Port Management Staff
Date: February 20, 2014
Re: South Beach Operations

We have mainly been working on F-dock the main dock is almost done. We have made several trips to the dump and across the bay with tug and barge bringing materials over. I have ordered the material for the water lines some of it is on back order.

We did our normal things to help with the Seafood and Wine festival. We will have to make some small repairs to the rope fence above the old launch ramp after the tent blow down nothing major.

We had a 28 foot tolycraft sink in the marina the coast guard was notified and the owners emergency contact person was able to get the boat back up. We are still waiting on the owner to remove the boat from the marina

Mark Rahm, Clay Moore and I took part in the CPR training

Took part in many other meetings and other duties throw out the month

We had two clogged sewer lines one in the marina and the other in the annex

After not being able to get anywhere with the cable company I am looking at contacting Digital Connects out of Vancouver Washington to come down and service our satellite system they are the closest that I have found for a commercial system.

PORT OF NEWPORT
MINUTES OF SAFETY COMMITTEE MEETING
January 21st, 2014

The meeting of the Port of Newport Safety Committee was called to order at 11:00am in the South Beach Activities Room.

Committee members present:

Fred Hauert	Jim Durkee	Rick Fuller
Kevin Corwin	Barb Martin	Don Mann

MINUTES

The minutes from the November 12th, 2013 Safety Committee Meeting were approved as submitted.

NEW BUSINESS

1. SDAO SafePersonnel Website – Special Districts has a new website available for training employees. They have a good library of classes and a database that will track our employee's requirements, send out email reminders etc. Jim Durkee will be doing some training with SafePersonnel, more information about the program will be coming soon.

OLD BUSINESS

1. CPR/ 1st Aid Training – Kevin Corwin will be teaching a class on Thursday January 30th in the South Beach Activities Room. Rick Fuller is borrowing training mannequins from NOAA.
2. TCB Member – Jim Durkee has received no answer from Aaron Ferguson. He will try contacting Mike Goff.
3. Hearing Tests – Barb Martin will talk to special districts about setting up baseline hearing tests and see if they check noise levels around equipment to determine if hearing protection is required in say, a crane or a tugboat.
4. South Beach Crosswalk – This is on the back burner for now, awaiting weather and time.

MONTHLY INSPECTION REPORTS

1. Reports were received from all areas.
2. Fred Huaert will send Jim Durkee his updated inspection sheet.
3. Rick Fuller received a loaner fire extinguisher for his office from North Operations.

ACCIDENT/INCIDENT REVIEW

-We went over several accident reports.

On PD7 the skipper of a vessel complained about the slippery condition of E-dock. The possibility of putting down roofing material on the dock was discussed.

In South Beach, Keith Strausburg was hit in the back by flying debris from a vessel at the marina during gusty wind conditions. His rib was broken. The vessel should be responsible for the loose item. Also discussed was whether or not life vests should be worn on the docks.

At the commercial marina, a commercial fisherman complained that his vehicle had been struck by one of our forklifts. There were no witnesses. The Port's insurance paid for repairs. The Port paid the deductible.

At the International Terminal, Mark Cooper slipped and fell on ice that had built up under the freeze prevention valves on the dock. He reported no injury. We are installing a drain valve under the dock to prevent ice build-up in the future.

A slip and fall was reported at the bottom of the ramp to B-Dock in South Beach. Fred Hauert could see nothing out of place and no unusual conditions to have caused a fall when he inspected the area.

OPEN FORUM

1. Forms for accident reports were requested. Jim Durkee will email the official form out to all parties.

The next Safety Committee Meeting will be held on Tuesday, February 11th, 2014 at 11:30a.m., in the South Beach Activities Room.

Jim Durkee, Safety Committee Secretary

LIVING PACIFIC LLC

Fresh Pacific Seafood Wholesale

P.O. Box 1006 Depoe Bay, OR 97341

Jerome Grant – 541-270-4846 Geoffrey Molfino – 808-936-7052

livingpacific.com

Mr. Kevin Greenwood
General Manager
Port of Newport Oregon

2/20/2014

Kevin,

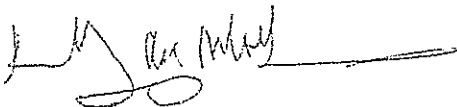
I would like to voice the full support of our company for the Hoist Dock Renovation Grant. We are a live Dungeness Crab Broker and Unloading company working across the public dock and hoist. We are in our second successful season and currently have relationships with more than 22 vessels from this harbor. The existence of this facility allows the local fishermen access to new and emerging markets and supports the ex-vessel prices for their catch.

We are all aware of the need to maintain and improve this facility as its' use has grown and its' value to the community has grown, as well.

Normal wear and tear in a marine environment, expanding use, and equally important, a safe workplace drive the need for these repairs and improvements.

Thank you for the services provided us by the port to date and please let us know what we can do to assist in this effort.

Sincerely,



Geoffrey M. Molfino

Co-Owner

Living Pacific LLC.

AGENDA ITEM

GENERAL MANAGER'S REPORT

DEVELOPMENT OF COMMISSION BY-LAWS

RECOMMENDED ACTION: NONE. INFORMATIONAL ONLY.

Included in your packet is a copy of a draft Ordinance of which the Port of Garibaldi Commission worked on for two years. This document was a collaboration between staff, the Commission, the Port's attorney, and the following state/association contacts:

Bethany Reeves, Oregon Government Ethics Commission. Document was sent to OGEC for their review to ensure that the by-laws accurately reflect requirements set forth by state law. She noted that ethics laws apply to individuals and not to the collective board.

Dave Harlan, Oregon Business Development Department, Ports Division. Document was sent to OBDD as the Port's IGA creating a business relationship via the Strategic Business Plan with the state requires that the Port form these by-laws. As such, the draft was sent to OBDD to ensure that it meets their requirements and to let them know that the Commission is complying with the terms of the IGA. (The Port of Newport has slightly different requirements than Garibaldi's.)

Mark Landauer, Oregon Public Ports Association. Document was sent to OPFA to generate comment from the other Oregon Ports to make sure we're not missing anything from a best practices approach.

Louann Ritchie, Special Districts Association of Oregon, Loss Control. Document was sent to SDAO to ensure that provisions within the by-laws are adequate from an insurance perspective.

EXECUTIVE SUMMARY:

Ordinance is split up into seven "Parts" or chapters:

- Part I. Governance by Policies
- Part II. Board of Commissioners
- Part III. Duties of Commission Officers
- Part IV. Ethics and Conflicts of Interest
- Part V. Commission Meetings
- Part VI. Rules of Order
- Part VII. Administrative Provisions

The Port does not have to adopt these by-laws by Ordinance, but I'm recommending that you do. It's my suggestion that these policies are formal, should withstand public scrutiny and allow for a more public process to change. This is meant not to make the process of amending the by-laws more difficult, but to send a message to the taxpayers in the district that the Port takes good governance seriously.

OK, enough pontificating...

Most of the provisions are set (or directed) by state statute. I tried to reference the ORS or administrative rule (OAR) when appropriate. I'm only going to comment on Sections that have options for the Commission to consider.

Section 2. Purpose of the rules includes the Commission's desire to delegate a significant amount of responsibility to a Port Manager while maintaining full responsibility for the establishment of policies.

Section 3. Have to follow federal, state, local rules. Port Manager is directed to bring conflicts in Port policies to the Commission's attention.

Section 4. Port employees have to comply with Commission policies or risk disciplinary action.

Section 5. Most of this is pretty standard fare. Subsection C (5) prohibits an employee of the district from serving on the Commission. Subsection F (2) discusses the process of filling a vacancy. The Commission would need to create a policy for filling Commission vacancies. You'll also notice the provision in F(1)(h) about a vacancy for missing four or more regular meetings.

Section 6.

Subsection A. Commission has authority to do what it pleases to meet the needs of the Port.

Subsection B notes the requirement that training must be received within one year of taking office or risk a censure (and potential limitations of grants from the state and increases in annual insurance costs). Training will be included in the annual report.

Subsection E notes that the Commission shall create personnel policies by resolution which you already have and are about to update shortly.

Subsection F discusses creating committees by resolution. This may seem like overkill, but the commission may be wise to clearly lay out what a committee's responsibilities are to ensure you are getting exactly what you need from the committee. Since Newport uses committees frequently, this section may need to be refined to reflect current practice. Perhaps there is a difference between internal committees and committees that include other members of the public/stakeholders.

Subsection G gives the Commission the ability to Censure, but this is purely symbolic as there are no remedies or penalties that can be enacted.

Subsection I discusses the strategic business planning that is required by state rule. The by-laws say that the Commission is required to go through this process no later than every ten years.

Subsection J discusses financial responsibilities. The Commission follows state law by adopting the annual budget resolution, but the Commission should consider developing policies for other financial activities of the Port. This would be a resolution that would need to be developed in the future and would quantify administrative tasks that are already occurring.

Subsection L discusses the removal/appointment of the Port Manager. In many ways this is the most important responsibility that the Commission has and should be taken seriously. You have a job description on file and also formally acknowledge the manager as the business agent, but there is no resolution that states how the Commission would go about hiring a manager in the future. This is something that should be developed now so that if you need to fill the position your policy is in place (and I'm certainly hoping there's no need to do this immediately ☺).

Subsection N discusses under which circumstances commissioners would contact the port's attorney. This was a topic of some debate. There was a commissioner who felt that any individual commissioner should have the ability to contact port contractors. The majority felt that there should be some limitations to prevent potential run-up of charges, and the thought by some that many issues brought to the attorney were of a personal nature and should be taken to the commissioner's personal attorney. Newport may want to discuss this further.

Section O adds that the Commission should further refine real estate and leasing policies by resolution. Not sure if Newport currently has a policy on the books.

Section 8. State statute allows members of special districts to receive payment of up to \$50 per day. This section, however, allows Port Commissioners to be reimbursed/advanced for travel expenses as port employees would be.

Section 10. Bonding and insurance. Pat has found an insurance package through SDAO that meets the requirement of ORS 198.220.

Section 11. Straight from OGEC summary.

Section 12/13. Not sure if Newport has something. May need to work on this.

Section 16. Notes that the minutes, documents, and financial bookkeeping shall be delegated to staff. Garibaldi had a combined Secretary/Treasurer. This could be an area separated into two separate

positions. Also the Sec./Treasurer met with the Port's auditor, but Newport may do this differently. Some work may be needed here.

Section 17. Garibaldi's Commissioners sign checks, but in Newport management signs checks. Some work here.

Section 19. The Manager should be the Clerk of the Commission with those duties delegated to his/her staff. Should review process for electing officers. Office positions are for two years after an election. Not sure how Newport wants to do this.

Section 22. Discussion on Nepotism. Prohibits the Commission from hiring a relative or a member of a Commissioner's household as Port Manager. Commission should avoid appointing a Commissioner related to the Port Manager. There could be a BOLI violation, however, if the Port Manager was already employed and a relative was elected to the Commission, which would force the Manager to quit. In essence, the relative would have the power of a majority in causing the Manager to relinquish his/her duties. Nothing precludes a majority of the commission from removing the Manager after an election following commission policy.

Section 23. OGEC was fine with leaving the Statements of Economic Interest as the only personal finances policy reference.

Section 26. Added Changes to the Agenda, Correspondence/Presentations. I'd recommend moving the business items ahead of the staff reports in order to get to the important matters early. I'd also suggest removing the Meeting Recess as the Chair should have the option to recess at any time. (It's more of a procedural option.)

Section 27. Subsection C discusses "serial" or "shuttle" meetings. There's nothing wrong with calling a fellow Commissioner to advocate for your position on a business item, but Commissioner's are prohibited from calling individual Commissioners with the intent of determining whether there is a majority on a business item. For example, Commissioner A can call Commissioner B to lobby for a position, but Commissioner A can't then call and tell Commissioner C how B is going to vote with the intent of determining if there is a majority position. Subsection D discusses where your meetings are. Newport doesn't conduct its meetings at its business office, so this will need to be refined to more easily allow other places (South Beach) to be used. Subsection I discusses where staff is instructed to post the agenda. I'm not sure what's currently being done.

Section 28. Quorum defined.

Section 30. Note that regular meetings are not required to be tape recorded. I recommend to boards that their regular meetings NOT be recorded to avoid potential subpoena of tapes.

Section 37. Clerk of the Board is assigned with determining whether conflicts of interest exist. Ex Parte Contact, which is poorly defined in this section, is the concept of an individual commissioner having "insider" knowledge from the rest of the commissioner. This should be cleaned up.

Section 38. Subsection D discusses use of consensus for minor issues.

Section 39. Subsection A prohibits President from making or seconding motions, but President may vote (unless otherwise stated). This is not required by state law so there is some discretion on this policy.

Section 41. Subsection B requires vote unless a real conflict has been determined; requires a statement be made about abstention; prohibits use of proxy for voting.

Section 44. By-laws can be amended by ordinance at any time.

Here's a run down on the resolutions referenced in these by-laws...

1. Filling Vacancies on the Commission
2. Create Personnel Rules
3. Port Manager Job Description
4. Registered Agent/Business Office
5. Adopting Budget, done annually,
6. Form Committees
7. Financial Policies
8. Process for Selecting Port Manager
9. Real Estate/Assets Policy
10. Public Contracting Policy
11. Public Records Policy

This executive summary hits on the points that allow for options by the Commission. If you have any comments or suggestions, please bring them to me for inclusion in the next meeting packet.

Thank you.

STATE STATUTES FOR ADOPTING ORDINANCES (optional reading):

ORDINANCES AND REGULATIONS

198.510 Definitions for ORS 198.510 to 198.600. As used in ORS 198.510 to 198.600, unless the context requires otherwise:

(1) "County" means the county in which the district, or the greater portion of the assessed value of the district, is located.

(2) "County board" means the board of county commissioners or the county court of the county.

(3) "County clerk" means the county clerk of the county.

(4) "District" has the meaning given that term in ORS 198.010 (2), (4), (5), (11), (12), (14), (17), (19), (20) to (23) and (25). In addition, "district" means any one of the following:

(a) A county service district organized under ORS chapter 451.

(b) The Port of Portland established by ORS 778.010.

(5) "District board" means the governing body of a district and the term includes a county board that is in the governing body of a district.

(6) "Presiding officer" means the chairperson, president or other person performing the office of presiding officer of the district board.

(7) "Principal Act" means the law, other than ORS 198.510 to 198.600, applicable to a district. [1971 c.268 §2; 2007 c.179 §5; 2007 c.562 §22b]

198.520 [1971 c.268 §1; 1975 c.782 §48b; 1977 c.756 §3; 1981 c.226 §20; repealed by 2007 c.179 §9]

198.530 Procedure for adopting, amending or repealing ordinances or regulations. When a district board is authorized by the principal Act of a district to enact, amend or repeal regulations, it shall do so in accordance with ORS 198.510 to 198.600. In all counties which do not provide by ordinance or charter for the manner of enacting, amending or repealing ordinances and regulations, this section applies when a county board pursuant to statute is acting as the governing body of a district. [1971 c.268 §3]

198.540 Notice prior to adoption of ordinance affecting regulation. (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.

(2) The presiding officer shall cause the agenda to be published not more than 10 days nor less than four days before the meeting, in one or more newspapers of general circulation within the district or, if there is no such newspaper, in a newspaper of general circulation in each county in which the district is located. The presiding officer may also cause the agenda:

(a) To be posted in three public places within the district at least 10 days before the meeting; or

(b) To be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320. [1971 c.268 §4]

198.550 Publication of ordinance; emergency ordinance procedure. (1) Except as provided by subsection (3) of this section, before an ordinance is adopted it shall be read during regular meetings of the district board on two different days at least six days apart. The reading of an ordinance shall be full and distinct unless at the meeting:

(a) A copy of the ordinance is available for each person who desires a copy; and

(b) The board directs that the reading be by title only.

(2) Except as provided by subsection (3) of this section, the affirmative vote of a majority of the members of the district board is required to adopt an ordinance.

(3) An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the board at the meeting, a quorum being present, is required to adopt an emergency ordinance. [1971 c.268 §5]

198.560 Filing of ordinance; notice of adoption of emergency ordinance. (1) Within seven days after adoption of an ordinance, the enrolled ordinance shall be:

(a) Signed by the presiding officer;

(b) Attested by the person who served as recording secretary of the district board at the session at which the board adopted the ordinance; and

(c) Filed in the records of the district.

(2) A certified copy of each ordinance shall be filed with the county clerk, available for public inspection.

(3) Within 15 days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published as provided by ORS 198.540 (2) for notice of proposed ordinances. The notice shall:

(a) Briefly describe the ordinance;

(b) State the date when the ordinance was adopted and the effective date of the ordinance; and

(c) State that a copy is on file at the district office and at the office of the county clerk of the

county, available for public inspection. [1971 c.268 §6]

198.570 When ordinances take effect. (1) Except as provided by subsection (2) of this section, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the electors of the district, it shall not take effect until approved by a majority of those voting on the ordinance.

(2) An emergency ordinance may take effect upon adoption. [1971 c.268 §7; 1983 c.350 §3]

198.580 [1971 c.268 §8; repealed by 1979 c.190 §431]

198.590 Petition to adopt, amend or repeal ordinance. Any interested person who is a landowner within the district or an elector registered in the district may petition the district board to adopt, amend or repeal an ordinance. Any such person may appear at any regular meeting of the board and shall be given a reasonable opportunity to be heard. [1971 c.268 §9; 1983 c.83 §6]

198.600 Penalty for violation of regulations; jurisdiction; enforcement. (1) If a penalty for a violation is not otherwise provided, violation of any regulation adopted by a district board under ORS 198.510 to 198.600 is punishable, upon conviction, by a fine of not more than \$250 or imprisonment of not more than 30 days, or both.

(2) Actions to impose punishment shall be brought in the name of the district or county, as the case may be, in any court having jurisdiction of misdemeanors under state laws. The action shall be brought in the county in which the district, or the greater portion of the area of the district, is located. Fines recovered shall be paid to the clerk of the court who, after first deducting the court costs in such proceedings, shall pay the remainder thereof to the treasurer of the district or county initiating the action to go to and form a part of its general fund.

(3) Any peace officer may enforce an ordinance adopted under ORS 198.510 to 198.600. ORS 221.333 is applicable to the enforcement of such ordinances. [1971 c.268 §10]

-###-

**PORT OF NEWPORT
ORDINANCE NO. XX**

**AN ORDINANCE CREATING BY-LAWS FOR
THE PORT OF NEWPORT BOARD OF COMMISSIONERS**

WHEREAS, the Port of Newport is a duly organized municipal corporation of Lincoln County, Oregon (ORS 777); and

WHEREAS, it is in the best interest of the citizens of the district of this Port and the public generally to have certain ordinances and regulations regarding and relating to the public process of policy development codified; and

WHEREAS, an ordinance adopting, amending or repealing a regulation shall not be voted upon unless the ordinance is included in the published agenda of the meeting (ORS 198.540(1)) and the ordinance title was included on the December 12, 2012 regular agenda; and

WHEREAS, the agenda with the ordinance was published on February 6, 2013 in the *Newport News Times* seven days in advance of the regularly scheduled Port of Newport Board Meeting (ORS 198.540(2)); and

WHEREAS, a copy of the ordinance was made available to the public (ORS 198.550(1)(a)); and

WHEREAS, the board voted to read the ordinance by title only (ORS 198.550(1)(b)) on December 12, 2012 and again on February 13, 2013; and

WHEREAS, any interested person who is a landowner within the district or an elector registered in the district may petition the district board to adopt, amend or repeal an ordinance and shall be given a reasonable opportunity to be heard (ORS 198.590); **NOW THEREFORE**,

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

TABLE OF CONTENTS

PART I. GOVERNANCE BY POLICIES

1. Name
2. Purpose
3. Responsibility
4. Compliance

PART II. BOARD OF COMMISSIONERS

5. Membership
6. Powers and Duties
7. Commissioner Orientation
8. Reimbursement of Expenses
9. Commissioners' Actions Authorized by Official Commission Action Only
10. Bonding and Insurance
11. Political Activities
12. Public Contracting
13. Public Records

PART III. DUTIES OF COMMISSION OFFICERS

14. Duties of the President
15. Duties of the Vice President
16. Duties of the Secretary/Treasurer
17. Duties of Commissioners Generally
18. Duties of the Clerk of the Commission
19. Election of Officers

PART IV. ETHICS AND CONFLICTS OF INTEREST

20. Public Officials
21. Prohibitions
22. Nepotism
23. Financial Disclosure
24. Conflicts of Interest

PART V. COMMISSION MEETINGS

25. Preparation for Meetings
26. Order of Business
27. Notice and Location of Meetings
28. Quorum
29. Roster
30. Minutes of Meetings

PART VI. RULES OF ORDER

31. Purpose
32. Presiding Officer
33. Convening the Meeting
34. Recognition
35. Changes to the Agenda
36. Public Comment
37. Statement of Conflict/Ex Parte Contact
38. Forms of Action
39. Motions
40. Debate
41. Voting
42. Recess
43. Adjournment

PART VII. ADMINISTRATIVE PROVISIONS

44. Amendment
45. Codify

PART I. GOVERNANCE BY POLICIES

Section 1. Name. This document and future amendments to this document will collectively be referred to as “By-laws for the Port of Newport Board of Commissioners” or simply as “By-laws”.

Section 2. Purpose. The primary duty and function of the Port of Newport Board of Commissioners is to establish policies for the governance of the Port. It is the policy of the Commission to delegate to the Port Manager the responsibility for the day-to-day administration of the Port, in a manner consistent with the policies and interpretations of the Commission.

Section 3. Responsibility. Policies shall comply with all applicable federal, state and local laws and regulations. The Principal Act for Port Districts is found in Oregon Revised Statute (ORS) 777. If any policy, rule or portion thereof is found to conflict with any local, state, or federal law or regulation, such policy or portion as determined by the Port Manager shall be deemed void until further Commission action. It shall be the responsibility of all Port personnel to bring any such conflict to the Manager’s attention immediately upon discovery for consideration by the Commission.

Section 4. Compliance. All Port personnel shall comply with the policies adopted by the Commission. Any failure to comply shall constitute grounds for disciplinary action or termination pursuant to the Port’s Personnel Rules.

PART II. BOARD OF COMMISSIONERS

Section 5. Membership

A. Positions and Terms.

1. The Port Commission shall consist of five members serving four year staggered terms.
2. Each Commissioner is identified by a position number. Position numbers shall be transferred to the successors of each Commission position. Positions 1, 2 and 4 run concurrently. Positions 3 and 5 run concurrently.
3. All Commissioners shall serve at large.

B. Election of Commissioners. The election of Commissioners shall be conducted as provided by ORS chapter 777 and 255.

C. Qualifications. No person elected or appointed to the Commission shall be sworn in unless such person meets the qualifications for office set forth in this policy. If questions exist regarding the eligibility of any candidate, the Commission shall obtain an opinion from the Port’s legal counsel prior to swearing in such person. No person shall be eligible to be a Commissioner under the following circumstances:

1. Who, at the time of election or appointment, is not an elector of the Port. (ORS 236.010(b))
2. Convicted of an infamous crime. (ORS 236.010(c))
3. Violation of Oath of Office. (ORS 236.010(c))

4. Affiliation with organizations advocating the overthrow of the government. (ORS 236.030)
5. An employee of the district. (ORS 198.115)

D. Oath of Office. Each newly elected or appointed Commissioner shall take an oath of office at a Commission meeting prior to assuming the duties of the position. The Justice of the Peace, or the Clerk of the Board, shall give the oath of office:

“Please raise your right hand. Do you solemnly swear that you will honestly and faithfully discharge the duties of the Office to which you have been elected/appointed, and that you will support the Laws and Constitution of the State, and of the United States of America to the best of your ability?”

E. Term of Office – Starting Date. Except where the Commission is filling a vacancy on the Commission, terms of office shall start on July 1st following the Port of Newport’s regular election.

F. Vacancies.

1. Occurrence. The Commission shall formally declare a position vacant before the expiration of the term if an incumbent:
 - a. dies, resigns or is removed;
 - b. ceases to be an elector of the district;
 - c. is convicted of an infamous crime, or any offense involving the violation of the oath of office;
 - d. refuses or neglects to take the oath of office, or to give or renew the official bond of the incumbent, or to deposit such oath or bond within the time prescribed by law;
 - e. incumbent’s election or appointment is declared void;
 - f. ceases to possess any other qualification required for election or appointment to such office;
 - g. is a member of, or affiliated with, any organization which advocates the overthrow of the Government of the United States by force or violence; or
 - h. is absent from four or more consecutive regular meetings of the board. (ORS 777.135)
2. Filling. The Commission shall establish a policy for the filling of vacant Commission positions by resolution. [*Res. No. XXXX*]
3. Term. An individual appointed to fill a vacancy must run for office at the next available regular district election. (ORS 198.320(2))

Section 6. Powers and Duties

A. Meeting the Needs of the Port. It is the policy of the Commission to exercise those powers granted to it, and to carry out those duties assigned to it by law, in such a way as to best meet the needs of the Port District.

B. Commissioner Education/Training. New Commissioners shall receive training sanctioned by the Special Districts Association of Oregon (SDAO), Oregon Public Ports Association (OPPA), Oregon Government Ethics Commission (OGE) and/or other similar organization within one year of taking office or receive a formal censure. The budget shall include funds to train Commissioners. Commissioner education or training shall be codified in the Annual Report to the Commission. (ORS 777.140(2))

C. Represent Constituents. Represent the constituents of the Port District. Inform the public concerning the progress and needs of the Port District and solicit and consider public opinion as it affects the programs and services provided by the port.

D. Formulation and Interpretation of Port Policy. The Commission shall establish and interpret policy, reserving to itself all authority and responsibility not expressly assigned to the Port Manager.

E. Select Officers/Compensation. The Commission shall select board officers, create personnel rules by resolution [*Res. No. XXXXX*], create employment classifications and determine compensation and reimbursement amounts.

F. Form Committees. The Commission has the authority to form committees. Committees formed by the Commission shall conform to public meeting and records laws. Committee reports shall be given to the Commission on a monthly basis. Other than those required by state budget law, committees shall be formed by resolution. [*Resolution as needed.*] The resolution should state the following criteria:

1. Membership and quorum requirements;
2. Staff person assignment (if any);
3. Length of membership terms;
4. Adhoc, statutory or permanent;
5. Purpose and authority;
6. Budget (if any) for carrying out the purpose; and
7. Acknowledgement of budgetary impacts to the port (if any)

generated by a recommendation from the committee.

G. Ability to Censure. The Commission as a body has the authority to censure any individual commissioner by passage of a motion.

H. Provide Safe Work Environment. The harassment policies that apply to Port personnel also apply to elected officials. Commissioners are responsible for ensuring that the workplace of the Port of Newport is free from harassment at all times.

I. Strategic Business Planning. The Commission shall update its strategic business plan no later than every ten years and use this plan as its guiding document in the development and direction of the Port's mission, vision and goals. (OAR 123-0025)

J. Fiduciary Responsibilities. The Commission has final responsibility over the Port's finances including the adoption of the budget [*annual budget resolution*] (ORS 294), approval of financial reports, payment of bills and the annual audit. The

Commission shall adopt a resolution for processing the payment of bills and the development of other financial policies. *[Resolution to be developed]*

K. Membership Liaisons. The Commission shall annually review organizational memberships and assign liaisons to represent the Port's interests to and participation in those organizations.

L. Appointment/Removal of Port Manager.

1. The Commission confers chief executive authority to the Port Manager. Specific duties of the office shall be created and amended by resolution. *[Res. No. xxx]* A resolution naming the Port Manager as the Port's registered agent shall be forwarded to the Secretary of State and County Clerk. *[Res. No. xxx]* (ORS 198.340)

2. The Commission is solely responsible for the appointment and removal of the Manager. The Manager is responsible to the Port Commission.

3. A majority of the full Commission shall appoint and may remove the Manager.

4. When the Manager is temporarily unable to act as Manager or when the office of Manager becomes vacant, the Commission shall appoint a Manager pro tem. The Manager pro tem has the authority and duties of Manager, except that a pro tem Manager may appoint or remove employees only with Commission approval.

5. Upon a vacancy in the office, the Commission shall fill the position within six months. The Commission shall adopt a process for the appointment of the Manager by resolution. *[Resolution to be developed]*

6. No Commissioner shall directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the supervision, appointment or removal of any employee, or in administrative decisions regarding the implementation of port policies.

7. The Commission shall review the Manager's work performance annually as set forth in the Port's personnel policy.

M. Approve all Contract. Agreements. The Commission shall approve all contracts and agreements including those which provide personal services such as legal, auditing, real estate or financial. The Commission shall review the adequacy and job performance of the Port's legal counsel, auditor, insurance agent, and other contractors of record no less than every five years.

N. Access to Attorney; other consultants. The President and/or Manager may request any legal, financial or insurance advice that may be needed in dealing with matters pertaining to the welfare of the Port. Individual Commissioners should direct requests for information from contracted service providers through the President and/or Manager to avoid incurring personal charges for unapproved contact. A quorum of the Commission may request information from Port consultants during any public meeting.

O. Direct Use and Disposal of Real Estate and Property. The Port has real estate holdings that are important strategic assets for the Port and the region. Therefore,

the Port engages in acquisition, disposition and leasing of real property on a regular basis. The Port shall adopt a resolution that describes the procedures for management of public property. *[Resolution to be developed]*

Section 7. Commissioner Orientation

A. Cooperation with Commission Candidates. The Commission, through its Manager, shall cooperate impartially with candidates for the Commission and provide them with information about policies, administrative regulations and other aspects of the operation of the Port.

B. Orienting New Commissioners. The Commission and its Manager shall assist each new member-elect and appointee to understand the Commission's functions, policies, and procedures before he/she takes office. The following methods shall be employed:

1. New Commissioners shall be invited to attend and participate as a member of the audience in public Commission meetings prior to being sworn in.
2. New Commissioners shall be invited to meet with the Manager to discuss services provided by the Port.
3. The Manager shall provide material pertinent to Port meetings and respond to questions regarding such material upon request.
4. The Manager shall provide access to each new Commissioner:
 - a. A current copy of the Port's Policy and Procedure Manual which shall include all active ordinances and resolutions.
 - b. A copy of the Port's most recent Strategic Business Plan including Mission, Vision and Goals.
 - c. A copy of the Attorney General's "Public Records and Meetings Manual."
 - d. A list of all Port personnel by position and the Port Manager's employment contract.
 - e. Copies of the minutes of all Commission meetings, except for executive sessions, for the preceding twelve (12) months.
 - f. Copies of the Port's current and previous fiscal year budgets and financial audits.
 - g. Copies of the Port's insurance policies upon request.
 - h. Copies of all such documents as the Port's attorney may recommend with respect to any pending claims or lawsuits upon request.
 - i. Such other materials as the Commission may direct or the Manager deems appropriate.

Section 8. Reimbursements of Expenses

A. Commissioner Compensation, Travel Advancement and/or Reimbursement. Commissioners shall be advanced or reimbursed for their actual and reasonable travel and other expenses incurred in the performance of official Port duties, as funds are available through the budget process following the same procedures as identified in the Port's Personnel Policy.

B. Advancement/Reimbursement Documentation. Commissioners incurring reimbursable expenses or requesting advancement shall submit proper documentation of such expenses on a signed form to the Manager for reimbursement or advancement by the Port. Payment shall be made following normal bill paying procedures.

Section 9. Commissioners' Actions Authorized by Official Commission Action Only. No individual Commissioner may speak for or act on behalf of the Commission or Port, except as authorized to do so by official Commission action as recorded in the official minutes or policies of the Port.

Section 10. Bonding and Insurance. The Port Commission shall require a bond or an irrevocable letter of credit of any member of the governing body or employee of the district who is charged with possession and control of district funds and properties. (ORS 198.220) The amount of the bond or letter of credit shall be for \$50,000 (or other amount as approved by motion) and the Port shall pay the premium.

Section 11. Political Activities. The Port Commission may publicly discuss and advocate for a political position, and may perform campaign activity at any time. The Commission is, however, prohibited from using any public employee's work time or other public resources to do so. Public funds may be used to inform the public regarding measures, provided the materials are informational only and do not advocate a position. (ORS 260.432)

Section 12. Public Contracting. All purchases of goods and services, and all construction projects of the Port, are subject to Oregon's public contracting laws. (ORS 279A, 279B, 279C) All contracts are subject to competitive bidding requirements, which are established by statute, administrative rule and by local resolution adopted by the Board of Commissioners acting as the Port's local contract review board. *[Resolution to be developed]*

Section 13. Public Records. The Port Commission shall adopt a Public Records resolution in accordance with ORS 192.440. *[Resolution to be developed]*

PART III. DUTIES OF COMMISSION OFFICERS

Section 14. Duties of the President.

A. The President of the Commission shall preside at meetings of the Board of Commissioners.

B. Shall consult with the Clerk of the Commission regarding the preparation of each Commission meeting agenda.

C. Shall have the same right as other members of the Commission to discuss and to vote on questions before the Commission.

D. May call Special Meetings of the Commission as described here forth.

E. Shall sign official Port documents on behalf of the Commission when authorized to do so by a majority of the Commission including ordinances, resolutions, contracts, agreements and leases.

F. Shall submit an annual report to the Commission. (ORS 777.140(2))
Section 15. Duties of the Vice President.

G. The Vice President of the Commission shall, in the President's absence, or during any disability of the President, have the powers and duties of the President of the Commission as prescribed in this Part.

H. Shall submit an annual report to the Commission. (ORS 777.140(2))

I. Shall have such other powers and duties as a majority of the Commission may from time to time determine.

Section 16. Duties of the Secretary/Treasurer.

A. The Secretary-Treasurer shall attest the signature of the Chair on all officially approved documents.

B. Ensure that minutes, documents and records created through public meetings are properly recorded and codified. These responsibilities shall be delegated to staff.

C. Ensure that the Commission maintains accounting and financial statements. These responsibilities shall be delegated to staff.

D. Shall meet annually with the Port's auditor.

E. Shall submit an annual report to the Commission. (ORS 777.140(2))

Section 17. Duties of Commissioners Generally.

A. All Commissioners are eligible to sign checks upon approval. Public officials, however, are prohibited from signing checks paid to themselves, their relatives or businesses with which the official or their relatives are associated.

B. Shall have such other powers and duties as a majority of the Commission may from time to time determine.

C. If any office becomes vacant, the vacancy will be filled at the next regular meeting of the Commission following the process set forth in the Election of Commission Officers.

Section 18. Duties of the Clerk of the Commission.

A. Respond directly to routine correspondence.

- B. Handle correspondence of special interest to the Commission as follows:
 - 1. Draft replies in advance, when possible, for Commission consideration.
 - 2. Seek instruction for reply when necessary.
 - 3. Prepare such correspondence as the Commission directs.

- C. Prepare for Commission Meetings.
 - 1. Prepare the agenda with the advice of the President.
 - 2. Maintain a calendar for the Commission's unfinished business.
 - 3. Call to the Commission's attention legal requirements and those matters for which the Port is responsible.
 - 4. Draft policy motions at the request of the majority of the Commission.
 - 5. Prepare Commission meeting packets containing all available pertinent information.

- D. Commission meeting duties.
 - 1. Attend all Commission meetings or designate an alternate.
 - 2. Make physical arrangements for Commission meetings.
 - 3. Provide notice of Commission meetings in accordance with Public Meeting Laws.
 - 4. Record minutes of all official meetings or designate an alternate.
 - 5. Maintain and update the Port's Policy Manuals under the direction of the Commission.

Section 19. Election of Officers. At the first regular meeting of July following a regular special district election, the Commission shall elect a President, Vice President and Secretary-Treasurer. Unless otherwise determined by the Port Commission, the Clerk of the Commission shall be the Port Manager.

- A. The order of nominations shall be President, Vice President and Secretary-Treasurer.

- B. Process:
 - 1. Four of five Commissioners must be in attendance before an officer may be elected.
 - 2. A Commissioner may be elected as an officer upon receiving a nomination, a second and a vote of the majority in attendance. A Commissioner may not nominate or second their nomination, but may vote on the nomination.
 - 3. If the nominated Commissioner does not receive a majority, the sitting Commission President shall continue asking for nominations until the office is filled. If an office is unable to be filled, the sitting office holder shall remain in the position (the office may become vacant if the most recent office holder is not available) until the next scheduled meeting. The business item will then be placed on the next agenda.

4. An alternative process is to elect a plank of officers. Commissioners not on the proposed plank shall nominate and second their nomination. All commissioners are eligible to vote for the plank.

5. In case of emergency, other processes may be used to appoint.

C. The two-year term of office is from July 1 until June 30 of the following regular special district election.

PART IV. ETHICS AND CONFLICTS OF INTEREST

Section 20. Public Officials. Elected officials are public officials for purposes of Oregon's Ethics Laws. (ORS 244.020(14))

Section 21. Prohibitions Regardless of Disclosure. Under the Oregon Code of Ethics (ORS 244.040), the following are prohibited regardless of disclosure:

A. Use of or an attempt to use official position for financial gains or to avoid financial detriment that would not otherwise be available but for the public official's holding of the official position or office for the public official, a relative or household member of the public official, or any business with which the public official or a relative or household member of the public official is association (ORS 244.020(15));

B. Using confidential information to further or attempt to further the personal gain of the public official, a relative or household member of the public official, or any business with which the public official, a relative or household member is associated;

C. Promises of future employment based upon a specific vote, official action, or judgment of the public official;

D. Receipts of gifts over \$50 in a calendar year received by a public official, relative or member of their household from anyone who has a legislative or administrative interest in the business of the district (ORS 244.025);

E. A public official may not participate in any interview, discussion or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative as defined by ORS 244.175(4); or

F. A person may not, for two years after they cease to hold a public official position, have a direct beneficial interest in a public contract that was authorized by:

1. The person acting in the capacity of a public official; or
2. The person participating as a member of the commission authorizing authorized the contract.

Section 22. Nepotism. Commissioners cannot participate in any personnel action taken by the Port that would impact the employment of a relative or member of the Commissioner's household. (ORS 244.177) The Commission is prohibited from hiring an applicant for the position of Port Manager if a member of the Commission is related to the applicant. The

Commission should avoid appointing a Commissioner to fill a vacancy who is related to the Port Manager.

Section 23. Financial Disclosure. Commissioners are required to file Statements of Economic Interest (SEI) annually (ORS 244.050(r)).

Section 24. Conflicts of Interest. There are two types of Conflicts of Interest: potential and actual. There are also exceptions to these rules.

A. Potential Conflict of Interest. A potential conflict of interest is any official action of a public official that *could* result in private pecuniary benefit (money or something of economic value) or avoidance of detriment (relief from financial obligation or loss) to the person or the person's relative or any business with which the person or the person's relative is associated. When a Commissioner becomes aware that he has the opportunity to participate in an action either individually or as part of the Commission that the potential to result in a personal pecuniary benefit to himself or one of his relatives or a business with which he or one of his relatives is associated, then the Commissioner must publicly disclose the nature of the conflict of interest. After publicly announcing the potential conflict of interest at the meeting where the matter giving rise to the conflict is being discussed or acted upon, the Commissioner may participate in the discussion and vote on that matter. The disclosure must be recorded in the meeting minutes. A Commissioner must announce a conflict of interest on each occasion when the matter giving rise to the conflict of interest is discussed or debated.

B. Actual Conflict of Interest. An actual conflict of interest is any official action of a public official that *shall* result in private pecuniary benefit or avoidance of a cost for the person or the person's relative or any business with which the person or the person's relative is associated. As with potential conflicts of interests, the Commissioner must publicly disclose the nature of the conflict of interest at the meeting where the matter giving rise to the conflict is being discussed or acted upon. The disclosure must be recorded in the meeting minutes. When facing an actual conflict of interest the Commissioner must refrain from participating in any official action on the matter, including any discussion or vote. However, a Commissioner may participate in official actions when allowed by ORS 244.120(2)(b)(B). A Commissioner must announce an actual conflict of interest on each occasion when the matter giving rise to the conflict of interest is discussed or debated.

C. Exceptions to Conflicts of Interest. The conflict of interest requirements do not apply when the pecuniary benefit or detriment will affect to the same degree a class of entities or individuals that includes a Commissioner, a relative of a Commissioner, or a business with which the Commissioner or a relative of the Commission is engaged, is a member of, or is associated. The Commissioner shall contact the Oregon Government Ethics Commission to determine whether the class exemption exists in that particular situation. (ORS 244.020(12)(b))

PART V. COMMISSION MEETINGS

Section 25. Preparation for Meetings

A. Preparation of Agenda. The Manager shall draft the Agenda after conferring with the President. Any Commissioner may submit a request to the President or Manager for an item to be added to the agenda no later than seven days before a scheduled meeting. The Agenda shall include the names and offices of the Commission.

B. Distribution of Materials to Commissioners. The Agenda, Port Manager's Report, updated financial reports and other materials related to Commission business shall be given to each Commissioner at least five (5) days prior to any regularly scheduled Commission meeting. The Port shall attempt to distribute materials electronically or digitally to conserve resources. At the same time, the Port Manager shall provide members detailed information relative to the Agenda, references to existing policy pertinent to Agenda items.

C. Anonymous Communications. Anonymous and unsigned communications shall not be introduced in commission meetings or included in the board packet and record.

D. Distribution of Agenda to the Public. The proposed Agenda will simultaneously be distributed to all Port offices and other facilities, local and other news media, and posted at the required locations convenient for review by Port personnel and the public.

Section 26. Order of Business. The Order of Business may be modified from time to time at the discretion of the President, as necessary. The following order shall be generally observed:

- A. Call to Order
- B. Changes to the Agenda
- C. Approval of Minutes, Financial Reports and Paid Accounts
- D. Public Comment
- E. Correspondence, Presentations
- F. Old Business
- G. New Business
- H. Staff Reports
- I. Commissioner Reports

- J. Public Comment
- K. Calendar/Future Considerations
- L. Adjournment

Section 27. Notice and Location of Meetings

A. Application. This policy applies to all meetings of the Board of Commissioners, and to any meetings of committees or advisory groups appointed by the Commission if such committees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Commission.

B. Location of Meetings. All meetings shall be held within the geographic boundaries of the Port District, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. All meetings shall be held in places accessible to the handicapped.

C. Meetings Held by Telephone or E-Mail. The Commission shall refrain from e-mail exchanges or conference calls between a quorum of the Commission that may trigger public meeting rules. A series of one-on-one conversations between members of the Commission with the intent to discuss a vote or the outcome of a vote (a "serial" or "shuttle" meeting) could be considered an improperly noticed meeting.

D. Regular Meetings. The Commission shall hold one regular monthly meeting on the second Wednesday of each month. Such meetings shall be held at the Port of Newport's Registered Business Office as stated by resolution [*Res. No. xxxx*] at 6:00 p.m. or at such other places and times as the Commission may designate from time to time. (ORS 198.340(2))

E. Special Meetings. The Commission shall hold special meetings at the request of the President or any three members of the Commission. If the President is absent from the Port, special Commission meetings may be held at the request of the Vice-President. No special meeting shall be held upon less than 24 hours' public notice.

F. Work Sessions. Work sessions may be called by the President or by any three members of the Commission. Notices of workshops or work sessions will be given and minutes taken the same as with special meetings. Workshops may be held for the purpose of discussing port business that requires more time and exploration than a regular meeting would allow. Final decisions shall not be made at a work session. However, a workshop may be held in conjunction with a regular or special meeting where a final decision may be made.

G. Emergency Meetings. Emergency meetings of the Commission may be held upon a call of the President or any three members of the Commission and require as much notice as possible under the circumstances. The minutes of the meetings must reflect the reason for the emergency meeting and explain why less than 24 hours' notice

was given. Only such matters as pertain to the emergency may be discussed at such a meeting. Final action may be taken at an emergency meeting.

H. Executive Sessions. The President or any two members of the Commission may call an executive session. Only commissioners and persons specifically invited by a majority of the commission shall be allowed to attend executive sessions. Any person present may disclose no matter discussed during executive sessions during such session. Notices shall be given in the same manner as for regular, special and emergency meetings, except that the notice need only indicate the general subject matter to be considered by citing the statutory basis for call the executive session. The commission shall not take any votes nor make any final decisions while in executive sessions. (ORS 192.660(6))

I. Notice of Meetings.

1. The proposed Agenda will simultaneously be distributed to all Port Commissioners and personnel, local and other news media, and posted at the required locations convenient for review by the public.

2. Notice of the time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be given to all Commissioners, local media, and to all persons or other media representatives having requested notice in writing of every meeting.

3. The agenda shall also be posted at the following locations within the Port District:

- a. Newport City Hall
- b. Lincoln County Courthouse
- c. Port of Newport Business Office
- d. Port website

4. E-mailed notice shall also be sent to any persons whom the Port knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive. For special meetings, notices shall be issued or phone calls made to local media; and interested persons shall be notified by e-mail or telephone. For emergency meetings, the Port shall attempt to contact local media and other interested persons by telephone to inform them of the meeting. The Port shall attempt to distribute Agendas and Notices via e-mail or the Port's website when possible.

Section 28. Quorum. Three members shall constitute a quorum. If only a quorum is present, a unanimous vote shall be required to take final action unless otherwise allowed by policy. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Section 29. Roster. The Clerk of the Commission shall require all members of the public to sign a public roster indicating agenda items of interest and affiliations. The roster shall be part of the public record.

Section 30. Minutes of Meetings

A. Written Minutes. The Commission shall keep and approve written minutes of all of its meetings in accordance with the requirements of ORS 192.650. Minutes shall be signed by the President, attested by the Secretary-Treasurer and codified within a book intended for such purpose. Minutes of public meetings shall include at least the following information:

1. All members of the Commission present;
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. Results of all votes, including the vote of each member by name unless unanimous;
4. The substance of any discussion on any matter; and
5. A reference to any document discussed at the meeting.

B. Minutes of Executive Sessions. Minutes of executive sessions shall be kept separately from minutes of public meetings. Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. If minutes of an executive session are kept by tape recording, written minutes are not required, unless otherwise provided by law. (ORS 192.650(2))

C. Disclosure of Executive Session Matters. If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held, the material may be withheld from disclosure. No executive session minutes may be disclosed without prior authorization of the Commission. (ORS 192.650 (2))

D. Amendments to Minutes. Additions and corrections to minutes shall be identified in the minutes of the meeting in which the additions and corrections were discussed.

E. Retention. Officially approved minutes, resolutions, ordinances and a meeting packet shall be retained indefinitely as part of the public record. (OAR 166-150)

F. Availability to the Public. Written minutes of public sessions shall be made available to the public within a reasonable time after the meeting. Every attempt will be made to post minutes to the Port's website to increase public access. (ORS 192.650(1))

PART VI: RULES OF ORDER

Section 31. Purpose. The rules of order should be liberally construed to that purpose, and Commissioners should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the commission as a whole and confuse the audience at public meetings and the citizens in general.

Section 32. Presiding Officer. The President shall preside at Commission meetings. In the President's absence, the Vice President shall preside. If both the President and Vice President are absent, any other member of the Commission may preside.

Section 33. Convening the Meeting. At or near the time appointed, the President shall immediately call the meeting to order. The Clerk shall enter in the meeting minutes the names of the Commissioners present.

Section 34. Recognition. Every Commissioner, staff member and member of the public shall refrain from discussion until recognized by the President.

Section 35. Changes to the Agenda. A request to add a business item to the agenda or to otherwise consider a special order of business may be requested by any Commissioner, but shall require a majority concurrence of the members present.

Section 36. Public Comment.

A. Generally. Any member of the general public wishing to address the Commission on a matter of public concern may do so at the time set for public comment during each regular meeting. Public comment shall be limited to three minutes per person. The Commission, in its sole discretion, may extend this time, or may request further information be presented to the Commission at a later date.

B. Complaints and Suggestions to the Commission. When any citizen brings a complaint before or makes a suggestion to the Commission, other than for items already on the agenda, the President shall first determine whether the issue is legislative or administrative in nature and then:

1. If legislative, and a complaint about the letter or intent of the legislative acts or suggestions for changes to such acts, and if the commission finds such complaint suggests a change to an ordinance or resolution of the Port, the Commission may refer the matter to staff for study and recommendation.

2. If administrative, and a complaint regarding staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of department heads, the President shall then refer the complaint directly to the department head for review, if the complaint has not already been reviewed. The commission may direct the department head to report to the Commission when the review has been made. In a complaint against the Manager, the President may investigate and report back to the Commission at a later date.

Section 37. Statement of Conflict of Interest/Ex Parte Contact. If a conflict of interest is declared by a Commissioner prior to discussing or during discussion of a business item, the Clerk of the Board will report to the Commission on whether the conflict -- real or perceived -- exists. In the event any member of the Commission has had any ex parte contact regarding a matter, the member shall declare such contact prior to participating in any vote on the matter.

Section 38. Forms of Action. A motion is a procedural device to place a matter before the Commission for consideration and action. Each form of action listed below (except consensus) must be initiated by motion, and shall be recorded in the official minutes kept for such purpose:

A. Ordinances. Ordinances have the force of law. They are generally used to enact rules and regulations that apply to residents or customers of the Port, and can be enforced by the Commission or by local law enforcement personnel. Adoption of ordinances is subject to statutory adoption procedures found in ORS 198.510 to 198.600. Except under emergency provisions, ordinances must be available for the public to comment on in two consecutive meetings. Ordinances shall be numbered consecutively without regard to year, signed by the President, attested by the Secretary-Treasurer, notarized, codified within a book intended for such purpose and a copy sent to the County Clerk.

B. Resolutions. Resolutions are used to establish policy, express a position of the Commission (often associated with a grant or agreement), form committees, incur debt, create rules and policies required by ordinance, set fees and create the budget. Many resolutions are updated annually or more frequently than would be required by an ordinance. Resolutions may be passed at a single meeting. Resolutions shall be numbered first by year and secondly in the order adopted within the year, signed by the President, attested by the Secretary-Treasurer and codified within a book intended for such purpose.

C. Routine Decisions. Routine decisions, decisions of an administrative nature, and other procedural matters may be decided by a simple vote of the Commissioners, which is recorded in the minutes.

D. Consensus. Minor questions of clarification, interpretation, implementation or procedure may be determined by a consensus of the Commission without motion. Consensus shall be used sparingly and not for determining business matters in front of the Commission.

Section 39. Motions.

A. The President shall entertain motions from the Commission, though the President may ask for a staff report in advance to suggest a recommended motion along with background material. The President shall refrain from making or seconding motions.

B. No motion shall be debated until it has been seconded and announced by the President. Before debate, the Clerk of the Board will ensure the accuracy of the motion for the minutes.

C. If a motion does not receive a second, then the issue is not considered. The President shall allow an opportunity for the motion to be rephrased or otherwise discussed before moving on to the next business item.

D. A motion may not be withdrawn without the consent of the Commissioner seconding it.

E. If during discussion, the originator of the motion and the Commissioner seconding it agree, a friendly amendment may be moved forward.

Section 40. Debate.

A. Any Commissioner who has the floor shall confine comments to the question under debate; avoid personalities and refrain from impugning the motives of any member argument or vote.

B. Commissioners shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the commission. No Commissioner shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

C. Commissioners, once recognized, shall not be interrupted while speaking, unless called to order by the President, or unless a Commissioner raises a point of order while he or she is speaking, in which case, he or she shall cease speaking immediately until the point is determined. Points of order focus on whether the rules are being followed or in the case of this section, which a Commissioner finds the speaker in violation of this Section. If ruled to be in order, he or she shall be permitted to proceed; if ruled to be out of order, he or she shall remain silent or shall alter his or her remarks as to comply with the ruling. (Robert's Rules of Order Newly Revised, 10th Edition, pg. 240)

D. Commissioners desiring to question the administrative staff shall address his or her question to the President, who shall be entitled to either answer the question or designate a staff member for that purpose.

E. Citizens desiring to address the Commission shall first be recognized by the President and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Commission as a whole and not to any individual Commissioner thereof. The President has full authority to allow or disallow public comments during debate.

F. Subsidiary Motions. When a question is before the commission, no motion shall be entertained except:

1. to postpone indefinitely (dispose the question without a vote).
2. to amend (make changes to the question);
3. to refer (establish a committee to further review);
4. to postpone (consider the question at a later time);
5. for the previous question (end discussion and vote);

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate. (RR, 10th Ed., 60)

Section 41. Voting.

A. Votes Made Public. Upon conclusion of discussion or when the previous question has been called for, the President shall first ask for the yes votes, followed by the no votes. After a vote has been taken, the presiding officer shall announce the results of the vote. Modifications to this policy are allowed, but all individual votes must be made public and entered into the minutes.

B. Voting Required. When the vote has been called for, every present Commissioner shall vote either yes or no, except in a case when a real conflict of interest has been determined. Commissioners shall, at the time of voting, make a statement for the minutes indicating their reason for abstaining. No Commissioner may vote by proxy.

C. Minimum Votes Required. The passage of any motion shall require the affirmative vote of at least a quorum of the whole Commission.

D. Tie Vote. In case of a tie vote, the proposal shall be considered lost.

E. Changes. Any member may request that his or her vote be changed, if such request is made prior to consideration of the next order of business

Section 42. Recess. The President may call a recess of a meeting for a specified time whenever it appears, in the opinion of the President, that a meeting will be unusually long or that a recess would be beneficial for other reasons. A recess may be called during debate or at any other time during the meeting.

Section 43. Adjournment. The meeting shall be adjourned by decision of the Chair, a majority vote or as a result of the loss of a quorum. The time of adjournment shall be recorded in the minutes.

PART VII. ADMINISTRATIVE PROVISIONS

Section 44. Amendment. These by-laws may be amended by Ordinance by following the provisions in ORS 198.510 to 198.600.

Section 45. Codify. Staff is directed to organize these bylaws and potential future amendments to these bylaws into a generally accepted professional format for public use and viewing.

Section 46. The recitals of this resolution are incorporated herein by reference and adopted as findings in support of this Ordinance.

Section 47. All rights and privileges hereby granted shall be effective 30 days after its adoption. (ORS 198.570(1))

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this ____
day of _____, 2014.

JoAnn Barton, President

ATTEST:

Walter Chuck, Secretary

CERTIFICATE
Attestation of a Copy of a Document

State of OREGON)
County of Lincoln)

I certify that this is a true and correct copy of a document in the possession of Port of Newport.

Dated: _____, 2013

Notary Public - State of Oregon

**PORT OF GARIBALDI
RESOLUTION NO. 2009-07**

**A RESOLUTION ESTABLISHING A POLICY FOR THE FILLING OF VACANT
COMMISSION POSITIONS**

WHEREAS, ORS 777.135(6) states that a vacancy on the Board of Commissioners occurs only after the remaining Commissioners declare the position vacant; and

WHEREAS, the vacancy shall be filled as provided by ORS 198.320; and

WHEREAS, ORS 198.320 states that a vacancy in an elected office in the membership of the governing body of a district shall be filled by appointment by a majority of the remaining members of the governing body. If a majority of the membership of the governing body is vacant or if a majority cannot agree, the vacancies shall be filled promptly by the county court of the county in which the administrative office of the district is located; and

WHEREAS, the Port of Garibaldi Board of Commissioners prefers to establish a process for determining an appointment by the majority of the remaining members; **NOW THEREFORE**

THE PORT OF GARIBALDI BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Letters of Interest

A. Upon a vacancy being declared, staff will post a Notice of Vacancy at the post offices and city halls of Bay City, Garibaldi and Rockaway Beach and at the Port Office. A press release will be sent to the local media also informing the public of the vacancy.

B. The due date for Letters of Interest will be the day one week in advance of the next regular board meeting. Letters are to be received at the Port of Garibaldi business office by the due date.

C. Letters of Interest shall at a minimum include:

1. Full name of candidate.
2. Physical and mailing address of candidate. Optional information shall include phone number and e-mail address.
3. Amount of time as an elector within the district.
4. A statement of the candidate's desire to serve on the board.
5. Signature and date.

Section 2. Options for Special Meeting. The Board President may schedule a Special Meeting for the purpose of interviewing candidates if the Commission determines that the amount of time to vet the candidates would be inappropriate for a Regular Meeting.

Section 3. Voting during Public Meeting.

A. The remaining Commissioners of the Board with the exception of the President (or President Pro Tem if the President's position is vacant) shall vote via private ballot for their preferred candidate during the item identified on the agenda. Commissioners are required to sign their ballot before submitting to staff for tabulation.

B. Staff will report the results of the voting including which Commissioner voted for which candidate.

C. If a tie exists upon tabulation of the votes, the President (or President Pro Tem) shall cast a tie-breaking vote.

D. This procedure may be repeated until a single candidate receives a plurality of votes or the President and/or Board agree(s) to solicit additional Letters of Interest identified in Section 5.

Section 4. Motion to Appoint.

A. Upon a single candidate receiving a plurality of votes, the President shall solicit a motion to appoint the candidate to fill the vacant position.

B. The President (or President Pro Tem) may vote on the motion to appoint.

C. A majority of the remaining Commissioners (i.e. 3 of 4 remaining Commissioners, 2 of 3 remaining commissioners) voting in favor of the appointment shall constitute the vacancy as filled.

Section 5. Failure to Achieve Majority.

A. If a majority of the remaining Commissioners cannot agree on a candidate, staff will continue to solicit additional Letters of Interest following the provisions in Section 1(B).

B. If a majority cannot be reached at the next meeting, staff will correspond with the Tillamook County Court and request on behalf of the port district that the Court fill the vacancy pursuant to ORS 198.320(1).

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 21st day of October, 2009.

Valerie Folkema, President

ATTEST:

Bob Browning, Secretary/Treasurer

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 PHONE (541) 265-7758 FAX (541) 265-4235 www.portofnewport.com

MEMBERSHIP LIAISONS

As of February 25, 2014.

Cascade West Council of Governments* -

Cascade West Economic Development District* -

Cascade West Area Commission on Transportation* -
_____ C.WCOG.
Cynthia Solley.

Oregon Coastal Zone Management Association
(OCZMA)*# -- alternate may be staff
Walter Chuck.

(alternates)

Pacific Northwest Waterways Association (PNWA)*
Kevin Greenwood

Oregon Public Ports Authority (OPPA)* -- paid via SDAO
membership
Kevin Greenwood

Economic Development Alliance of Lincoln County
(EDALC)*
None on board. GM serves on Economic
Development Partners (liaisons)

Special Districts Association of Oregon (SDAO)*
Kevin Greenwood

Yaquina Bay Economic Foundation (YBEF)*

Yaquina Bay Ocean Observing Initiative (YBOOI)*

North America Ocean Observing (NANOOS)*

Coastal Marine Experiment Station (COMBS)* Gil
Sylvia

Pacific Coast Congress of Harbormasters and Port
Managers (PCCHPM)+

Oregon Association of Municipal Recorders (OAMR)+

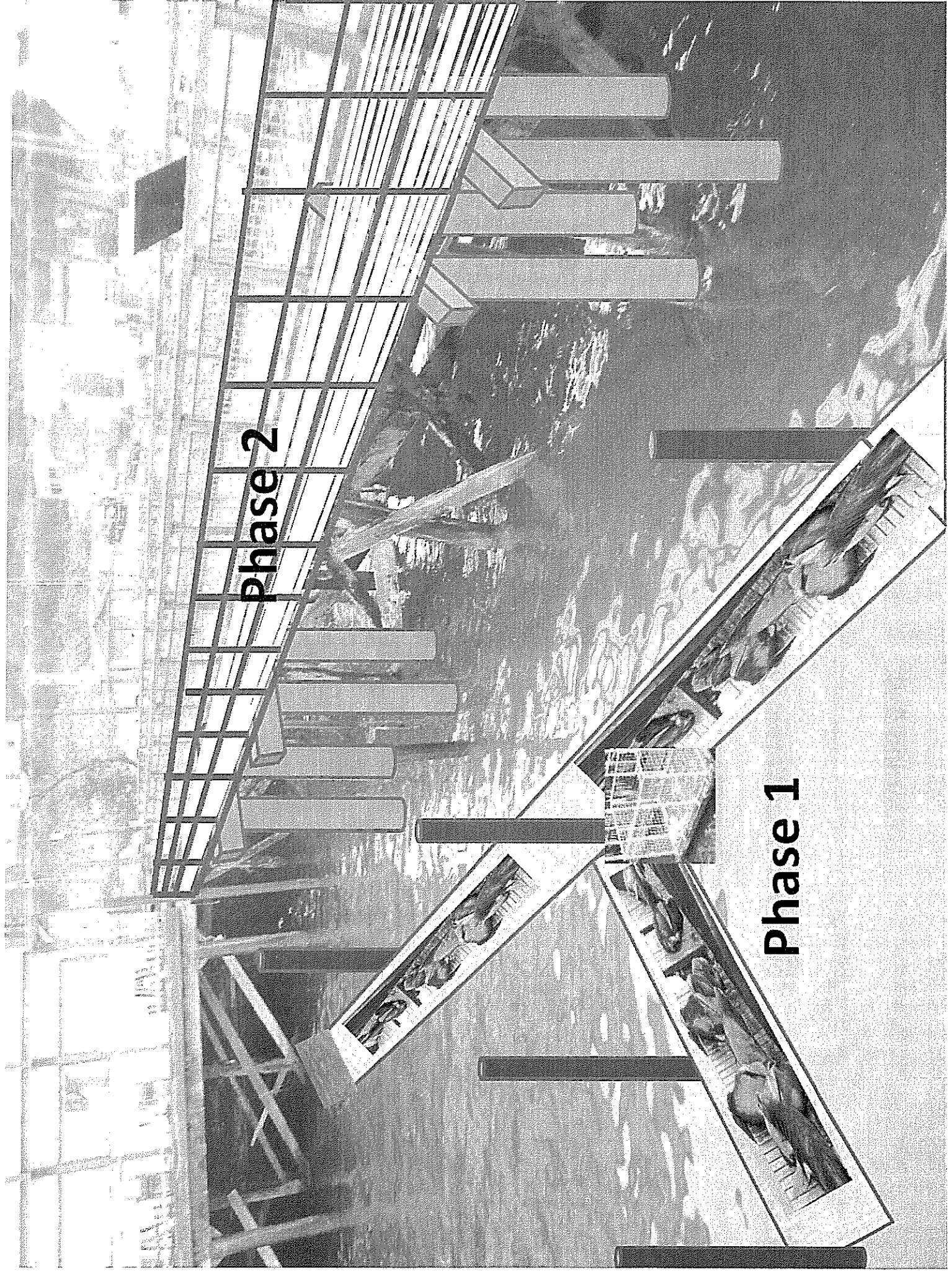
Fishermen Involved in Natural Energy for Tillamook
County (FINE)~

Scientist and Fishermen Exchange (SAFE)~ ??? OSU
Extension

Oregon State University Sea Grant~

Newport Chamber of Commerce (NCOC)*
Kevin Greenwood

*paid/mandated membership
#must be elected commissioner
~community organization (no port vote or membership)
+paid professional organization
&personal or non-port related board membership.



Phase 2

Phase 1

Yaquina Bay

PHASED REPLACEMENT OF SEA LION DOCKS WITH NEW PUBLIC OBSERVATION DECK AT PORT DOCK ONE



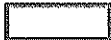


Port Dock One Working Dock

Simulation below is from here



Note: Not to scale.
Long dock is 64 foot
Short dock is 32 foot

Key

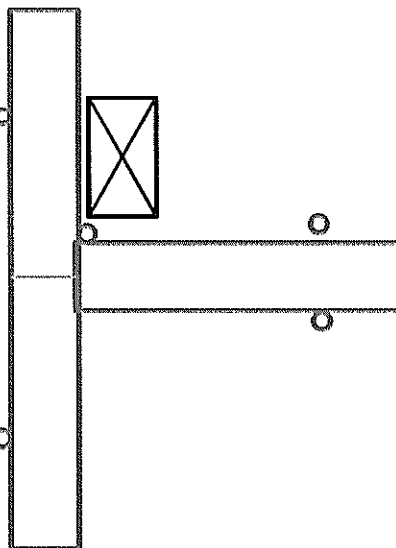
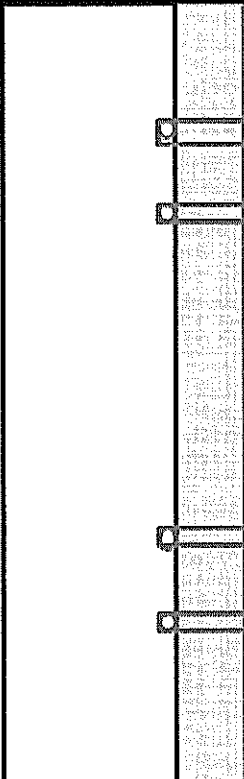
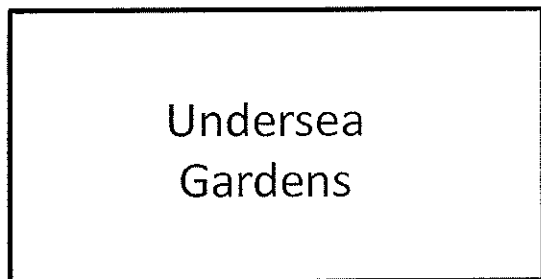
-  New Self-standing Observation Deck (Dec 2014)
-  Isolation Cage (Existing)
-  New Docks (Jul 2014)
-  New Pilings (Jan 2014)
-  New Pilings (Nov, 2014)

Undersea Gardens

Port Dock One Restaurant

Bayscapes Gallery

SW Bay Boulevard



January 20, 2014

Joann-

As I presented to the Port Commissioners recently, our Distillery operation is growing rapidly (+58% in 2013) and we are in need of additional space in order to facilitate future growth. Our hope is to build an additional 10,000 square foot building that would be attached to the existing buildings that we occupy. We would like to build this building this summer and, in order to do reach a summer deadline, we will require the Port's approval in the near future so that we can begin working with the local contractors to line up this project.

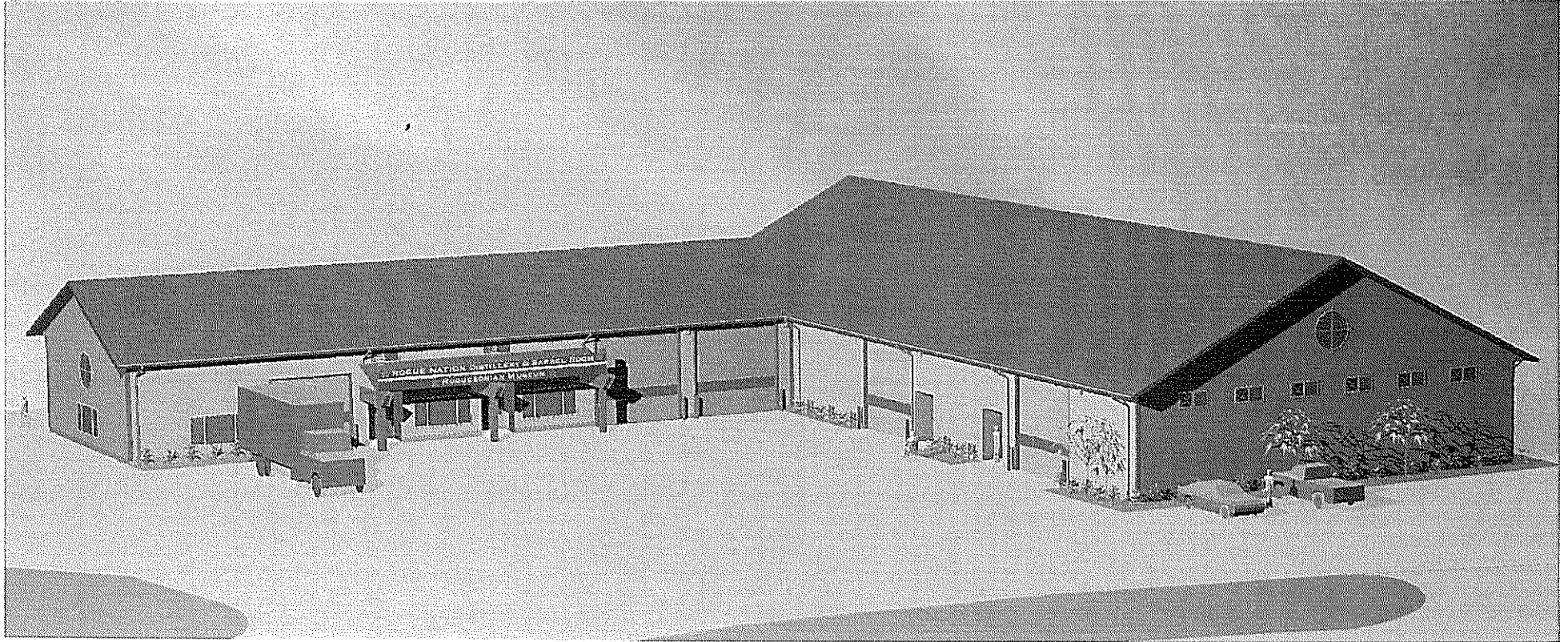
Following the Port Commission meeting at which I presented our facility needs, per the Commission's request, we marked off the proposed area for the expansion. I believe that Don Mann and a few other commissioners were able to view the marked off area in an attempt to visualize the space that is being proposed.

We are fully prepared to move quickly on this project but we need the Port's approval before we can move forward. Please let me know what the next steps are in order for us to expedite this important project.

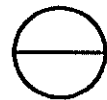
Thanks
Brett Joyce

President
Rogue Ales

Cc: Kevin Greenwood
Don Mann




ROGUE BREWERY DISTILLERY
WAREHOUSE ADDITION/REMODEL
DSL BUILDERS, LLC



PERSPECTIVE RENDERING

NOT TO SCALE

 ARCHITECTURE, P.C.

David S. Swankin Architect/President

255 COLUMBIA CLUB RD
HOASTON, OREGON 97071 (503) 885-1211
PROJECT NO. 1402 (503) 318-7028
FEBRUARY 2014

Rogue distillery expansion

February 18, 2014

Spirits Sales

- 2006 381 cases
- 2007 2,018
- 2008 2,874
- 2009 3,347
- 2010 2,697
- 2011 3,001
- 2012 4,468
- 2013 7,850
- 2014 (est) 10,000

Rogue spirits: the little engine that is

- Founded in 2003
- Case sales increases of 11%, 48%, 75% the last 3 years
- 2013 growth (+3,382 cases) exceeded entire 2011 production (3,001 cases)
- Increased sales of barrel aged products has increased the space need/burden
- We are currently distilling 24/7 to keep up with demand
- Craft spirits a rapidly growing category, similar to craft beer 15-20 years ago

How 10,000 square foot expansion helps:

- Provides ability to purchase & install another, larger still. New still would be roughly 2x-3x the size of our existing 500 gallon still.
- Provides room for additional barrel storage
- Expanded space for packaging (bottling)
- Additional space for storage of both dry and finished goods
- 5,000 square feet to be used for Rogue cooperage facility

Rogue Cooperage

- Use 5,000 square feet (western half of building)
- Will build oak barrels from stave to finished barrels
- Will be only brewer or distiller in U.S. with own cooperage

Job Creation

- The expansion will create an additional 2-4 jobs
- All Rogue jobs include full benefits- medical/dental/vision insurance, paid vacation, pet insurance, beer cards, pre-paid legal, gym membership reimbursement, and bonus & employee stock opportunities

Details

- Lease terms of new building to sync with existing lease- through 2016 + 10 year option
- The layout proposal eliminates 1 small parking island, we will replace the island
- South facing wall: we will work with the Port to develop an acceptable design/art for the south wall
- We are using Isaac Miyakawa as the project architect and Gene Doll of DSL as the project general contractor

**PORT OF NEWPORT
RESOLUTION NO. 2014-01**

A RESOLUTION NAMING A REGISTERED AGENT

WHEREAS, ORS 198.340(1) requires special districts to designate a registered agent upon whom any process, notice or demand required or permitted by law to be served upon the district may be served; and

WHEREAS, ORS 198.340(2) requires special districts to change its registered agent upon filing in the office of the Secretary of State and county clerk a resolution stating: (a) the name of the district; (b) if the address of its registered office is changed, the address to which the registered office is to be changed; (c) if its registered agent is changed, the name of its successor registered agent; (d) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical; (e) that such change was authorized by resolution duly adopted by the district board; and

WHEREAS, Kevin M. Greenwood was hired as Port Manager on February 1, 2014, replacing Don Mann; NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. The registered agent for the Port of Newport is Kevin M. Greenwood, General Manager.

Section 2. The registered office for the Port of Newport continues to be located at 600 S.E. Bay Blvd., Newport, Oregon 97365. The registered office is the business office of the Port's registered agent.

Section 3. Regularly scheduled business meetings are held at the Port of Newport Main and RV Park Activities Room, 2120 SE Marine Science Dr., Newport, OR 97365.

Section 4. All previous resolutions naming a registered agent for the Port of Newport are hereby repealed.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 25th day of February, 2014.

ATTEST:

JoAnn Barton, President

Walter Chuck, Secretary

Ayes _____
Nays _____
Absent _____
Abstain _____

LEASE

LEASE made March 1, 2014 between PORT OF NEWPORT, a district and municipal corporation existing under the laws of the State of Oregon, hereinafter referred to as "Lessor" and Carver's, Inc., hereinafter referred to as "Lessee".

1. DEMISE AND DESCRIPTION OF LEASED SPACE.

Lessor hereby grants to Lessee and Lessee hereby accepts from Lessor the following described dock space within the commercial marina situated at Port Dock 5 hereinafter referred to as the "Leased Space" for Lessee's fuel dock:

Beginning at a point at the northwesterly corner of old Port Dock #5; thence easterly along the southerly line of said dock 20 feet; thence southerly, perpendicular to said dock 23 feet; thence westerly, parallel to said dock 40 feet; thence northerly, perpendicular to said dock 23 feet; thence easterly 20 feet to the point of beginning, all in the City of Newport, Lincoln County, Oregon.

Included with the leased space is the right of the Lessee to use the Port Dock 5 fixed pier, ramp, and main dock for the Lessee's fuel delivery pipe lines.

2. TERM.

The term of this Lease shall be for five (5) years with the option to renew for an additional five years. The term shall commence on March 1, 2014 and shall end on February 28, 2019.

3. RENEWAL/RE-NEGOTIATION.

On condition that this lease shall not then be in default and shall remain in full force and effect and in good standing, Lessee shall have the right and option, at any time not later than three (3) months prior to the expiration of the initial lease term and not sooner than six (6) months prior to the expiration of the initial lease term, to renew this lease for an additional term of five (5) years, and re-negotiate any conditions of this lease by mutual agreement, upon written notice to Lessor. Such renewal or re-negotiation shall be conditional upon such lease agreement being not in default, not only at the time such notice is given, but also at the time for the commencement of such renewal. Lessee and Lessor agree at any time beyond the first twenty-four (24) months (two years) of this five (5) year term to meet and consider a rent payment amendment based on a gallonage rate with a reduced base rent. This approach would be considered only if an extreme industry economic downturn is apparent in Lessee's customer use of the facility.

4. USE OF LEASED SPACE.

4.1 Lessee is hereby granted the right and privilege, and exclusive use of the Leased Space for the operation of the Lessee's existing fuel dock. Lessee shall provide full fuel sales and service at the dock, such fuel dock to be operated and attended by a qualified employee of Lessee. Lessee shall not offer products or services not customarily offered by a marine fueling station, including the sale of snacks, soft drinks and sundries without the express written consent of Lessor. Said consent, if granted, can be revoked at any time for any reason whatsoever.

Such operation shall be conducted on a non-discriminatory basis, in accordance with and subject to the terms, conditions and requirements imposed by law.

4.2 Lessee, as part of its operations, shall provide for the collection of waste oil and used filters from fishing vessels. Lessor shall permit Lessee to dispose of waste oil and filters at Lessor's waste oil collection facility at no charge to Lessee unless the Lessor is charged a per gallon fee for disposal of same. Any charges incurred by Lessor for the disposal of waste oil shall be passed on as a direct cost to Lessee. However, before such costs are passed on to Lessee, Lessor will provide 30 days' notice to Lessee of such charges.

4.3 It is understood that the actual dock, equipment, piping and storage tank are the property of the Lessee, and the Lessee shall be solely responsible for the same throughout the term hereof. The Leased Space shall be used to permanently secure the Lessee's fuel dock service and ancillary equipment area, and shall include the right of access thereto. Lessee is responsible for all maintenance, repair, or replacement of fuel delivery pipelines, valves, connections, unions, fuel pumping equipment, and all electrical connections associated with the fueling operations. Lessee is also responsible for the maintenance and repair of the fuel dock office building. It is understood that the storage tanks are not located on Lessor's property, and Lessor does not purport to grant any rights with respect to such tanks, nor any assurances of the continued ability to maintain such tanks in their present location or that alternate locations are available. Lessor would not permit the relocation of any such storage tanks to Lessor's property. Lessor reserves the right, at Lessor's expense, to relocate the floating fuel dock and other equipment from time to time as Lessor may see fit for the best management and safe operations of the marina. Lessor shall make reasonable efforts to minimize interference with Lessee's operations, but shall not be liable to Lessee for reasonable interference or disruption of such operations during any such relocation.

4.4 In the event Lessor, in its sole discretion, elects to reconfigure, replace, rebuild or reconstruct the docks in the vicinity of the Leased Space for which this Lease is granted, Lessor shall have the right to terminate this Lease upon not less than 90 days written notice to Lessee. Upon such termination the parties may negotiate a new Lease, giving due consideration to market conditions, the configuration of the docks, applicable legal requirements and other matters of a similar nature.

5. RENT AND OTHER CHARGES.

5.1. Lessee shall pay Lessor monthly on or before the first day of the month throughout the term of this Lease a "base rent" of Seven Hundred Dollars (\$700) per month for the use of the Leased Premises described in Section 1.

5.2. In addition to the above base rent, Lessee agrees and Lessor shall adjust the monthly rent annually beginning on the anniversary of the first month's paid rent, and annually thereafter, according to the Portland Consumer Price Index (CPI). Any rent adjustment according to CPI shall not exceed three percent (3%) during any annual adjustments.

5.3. Lessee shall pay eighteen percent (18%) per year interest on all payments of rent required above more than ten (10) days in arrears.

6. WAIVER OF SET-OFF.

Lessee hereby expressly waives and disclaims any present or future right to apply any payment or partial payment of consideration due and payable hereunder against any obligation of Lessor, however incurred, or to assert any such obligation as a set-off or a counterclaim in any action for such consideration and agrees that it will not claim or assert any such right of set-off or counterclaim.

7. COMPLIANCE WITH GOVERNMENTAL RULES.

7.1 Lessee shall at all times during the term of this Lease, at its sole cost and expense, comply with all governmental rules, regulations, ordinances, statutes and law now or hereafter in effect pertaining to Lessor or Lessee's operation of its business pursuant to this Lease.

7.2 Lessee shall, at all times during the term hereof, comply with all reasonable rules and regulations which Lessor may at any time establish concerning the use of its facilities, provided, however, that any such rule or regulation so made shall not be so inconsistent with this Lease as to unreasonably interfere with Lessee's operations hereunder.

8. MAINTENANCE OF LESSEE'S IMPROVEMENTS.

8.1 Lessee shall, at all times and at Lessee's own expense, maintain and repair the premises and the improvements thereon. Lessee shall keep the premises in a clean and orderly condition. Lessee shall be responsible for any permits, licenses or certification required in its operation.

8.2 Lessee shall prepare appropriate Spill Prevention Control and Countermeasure (SPCC) plans in accordance with instructions and requirements of the Environmental Protection Agency, and shall have sole responsibility for implementation of, and amendments to, the SPCC plan. Lessee shall also be responsible to comply with any requirement under ORS Chapter 833, and with any requirement of any environmental or other applicable law, rule, regulation or requirement relating to Lessee's facilities or operations.

9. IMPROVEMENTS AND ALTERATIONS.

In the event that Lessee desires to expand, alter or add equipment or facilities at the Leased Space, Lessee shall have the right to do so at its own expense subject to the prior written approval of Lessor of plans and specifications, which approval shall not be unreasonably withheld or delayed.

10. LIENS.

Lessee shall indemnify Lessor against any claims for labor or materials in connection with any construction of any improvements at the Leased Space, including the costs of defending against the claims. Lessor shall have the right to enter on the premises at any reasonable time to post notices, if necessary.

11. TITLE AT TERMINATION.

Lessee shall retain title to the floating dock, all fixtures, equipment, machinery, and other personal property installed at the Leased Space by Lessee. Lessee may remove the property belonging to Lessee on the termination of this Lease, provided that any damage to the adjacent or surrounding docks that is caused by the removal of the property shall promptly be repaired at the expense of Lessee. Any property that is not removed by Lessee within thirty (30) days after termination of this Lease shall be considered abandoned property.

12. UTILITIES; TAXES; ASSESSMENTS.

During the term of this Lease, Lessee shall be responsible for payment of all bills for utilities used by Lessee on the premises. Utilities, as used in this Lease, include, but are not limited to electricity, water, and garbage disposal. Lessee shall also pay any taxes that are levied at or on the Leased Space and any improvements thereon. Lessee shall pay assessments levied on the Leased Space to the extent reasonably applicable to the period of occupancy by Lessee under the terms of this Lease.

13. DESTRUCTION OF LEASED PREMISES.

13.1 If during the term of this Lease, the facilities on the Leased Space, or a portion thereof, are destroyed by fire or other casualty, however caused, Lessee shall

have the option to restore the destroyed facilities to substantially their original condition. The rental with respect to the Leased Space shall be abated from the date of the casualty in proportion to the extent that the Lessee's premises are not usable by Lessee during the time the restoration is being accomplished.

13.2 If the facilities are destroyed by fire or other casualty to such an extent that they are wholly unfit for the use contemplated, Lessee shall have the option to terminate this Lease without further obligation.

14. INSURANCE.

14.1 Lessee shall at all times during the term hereof, at its sole cost and expense, obtain and maintain in force and effect a policy or policies of comprehensive liability and pollution insurance, issued by an insurance carrier approved by Lessor, insuring against loss, damage or liability for injury to or death of persons or loss or damage to property occurring in, upon, or about the premises, or otherwise, as a result of the business operations of Lessee pursuant to this lease. Such liability insurance shall be written with limits of not less than \$2,000,000 combined single limit or its equivalent, for injury or death to persons resulting therefrom, or damage to property of others and shall provide in addition all attorney fees and legal expense arising therefrom. This comprehensive general liability coverage shall be written on an ISO Form or another form acceptable to the Lessor. Lessor shall be named as an additional insured for Lessor's ownership responsibilities and for liability arising out of the operations of the Lessee. Lessor does not waive the right to assert a claim against the Lessee for any loss or damage to the property of the Lessor.

Inasmuch as this lease agreement is for an extended term, and may be subject to renewal, it is expressly acknowledged by the parties that the foregoing limits of public liability insurance shall be subject to reasonable increases, based upon the recommendation of the insurance agent of record for Lessor, based upon changes in public liability laws and similar factors.

14.2 Lessee shall, at all times during the term hereof, at its full cost and expense, procure and maintain in force and effect standard forms of marina all risk insurance covering Lessee's merchandise, petroleum merchandise, and other personal property, as well as the personal property of others in Lessee's possession and care, in, upon or about the marina, or used by Lessee in connection with its business operated pursuant to this Lease. Such insurance shall be in an amount adequate to cover the costs of replacement of the property. Lessor shall be named an additional insured for this property insurance and the insurer shall waive all rights of subrogation to the Lessor.

14.3 Lessee shall also keep in full force and effect the policy of insurance insuring against the hazards and liability for pollution and environmental hazards, in a form and with coverage limits reasonably satisfactory to Lessor, in no event less than

\$2,000,000 naming Lessee and Lessor as named insureds in operations arising out of petroleum dispensing and petroleum products. It is understood that such limit is relatively low, and in order to minimize risks from pollution and environmental hazards, Lessee shall employ all reasonable precautions, including obtaining and keeping on hand on the premises a containment boom sufficient to enclose the fueling vessel at the marina area and a reasonably adequate supply of absorption pads. Deductibles required for such liability policy shall not exceed \$5,000 without the specific agreement of the Lessor. Deductibles shall be the responsibility of the Lessee, and the Lessor shall not be required to contribute toward the deductible.

14.4 Certificates of insurance for liability for pollution and environmental hazards shall be furnished to the Lessee together with a full copy of the insuring form and shall be underwritten by an insurer reasonably satisfactory to the Lessor. Full copies of such insurance shall be furnished to the Lessor prior to renewal date or occupancy of the premises.

14.5 Lessee hereby waives any and all rights of recovery against Lessor, its officers, agents and employees, for any loss or damage, including consequential loss or damage caused by any peril, or perils, including negligent acts, enumerated in each insurance policy required to be maintained by Lessee hereunder. This waiver of subrogation shall not apply with respect to any claim by Lessee, if it is in contravention of any term or provision of any insurance policy which would otherwise provide reimbursement to Lessee, so as to render such coverage void. However, Lessee shall make reasonable efforts to obtain a policy or policies of insurance permitting such a waiver of subrogation, or expressly waiving subrogation.

15. INDEMNITY.

15.1 Lessee hereby covenants and agrees to indemnify, save, and hold harmless from any and all liability, loss, costs, charges, penalties, obligations, expenses, attorneys' fees, litigation costs, judgements, damages, claims, and demands of any kind whatsoever in connection with, arising out of, or by reason of any violation of law, ordinance, or regulation by Lessee, its agents, employees, or associates, or by reason of any injury or death however occurring to any person or persons whomsoever, including Lessee, its agents, employees, contractors, customers, or business invitees, or damage to property of any kind whatsoever and to whomsoever belonging (including Lessee, its agents, employees, contractors, customers, or business invitees), from any cause or causes whatsoever arising out of, or in any way connected with the business operated by Lessee pursuant to this lease, except, however, to the extent any such injury, death, or damage results from the negligence of Lessor.

15.2 When using the Leased Space, Lessee shall comply with all applicable federal, state, municipal, and local laws and regulations. Lessee shall indemnify Lessor against any liability that may be imposed by governmental authorities for any violation by Lessee or the agents or employees of Lessee of any laws or regulations.

16. SIGNS.

No signs shall be placed at the Leased Space without the prior written approval of Lessor. Such approval shall not be unreasonably withheld.

17. DEFAULT OF LESSEE.

The following occurrences shall be deemed events of default of Lessee:

17.1 Failure to make any payment of rent due pursuant to this Lease within ten (10) days after the date payment is due, or failure to pay any gallonage fee, if applicable, or other service charge within ten (10) days after Lessor bills Lessee therefore;

17.2 Failure to proceed with due diligence to remedy any other breach of a condition of this Lease and to fully indemnify Lessor against all liability resulting from the breach within thirty (30) days after Lessor gives notice of the breach to the Lessee; and

17.3 Failure to occupy or abandonment of the Leased Space.

17.4 On the occurrence of any default described in this section, Lessor may, at its option, in addition to any other remedy given by law, give notice to Lessee that this Lease shall terminate on the date specified in the notice, which date shall not be earlier than thirty (30) days after the giving of the notice.

18. BANKRUPTCY OR INSOLVENCY OF LESSEE.

The occurrence of any of the following shall be deemed a default of Lessee:

18.1 A petition in bankruptcy filed by or against Lessee;

18.2 A petition or answer filed by or against Lessee seeking a reorganization, liquidation, dissolution or other relief of the same or different kind under any provision of the bankruptcy laws;

18.3 Adjudication of Lessee as a bankrupt or insolvent, or insolvency in the bankruptcy equity sense;

18.4 An assignment of all or substantially all of the assets of Lessee for the benefit of creditors;

18.5 A proceeding by or against Lessee for the appointment of a trustee, receiver, conservator, or liquidator of Lessee with respect to all or substantially all of the assets of Lessee;

18.6 A proceeding by or against Lessee for the dissolution or liquidation of Lessee, or the taking of possession of the assets of Lessee by any governmental authority in connection with any dissolution or liquidation; or

18.7 The taking by any person of the leasehold created by this Lease, or any part of the leasehold, on execution, attachment, or other process of law or equity against Lessee.

18.8 On the occurrence of any default described in this section, Lessor shall give Lessee notice of the default. If the default is not corrected within ten (10) days after date of the notice, Lessor may, in addition to any other remedy or right given under this Lease or by law, give notice to Lessee that this Lease shall terminate on the date specified in the notice, which date shall not be earlier than thirty (30) days after the giving of the notice.

19. RIGHT OF LESSOR TO REENTER LEASED SPACE ON DEFAULT OF LESSEE.

On termination of this Lease as provided in Section 17 or 18, Lessor may immediately enter on the Leased Space without further demand or notice. Lessor may retake possession of the Leased Space by summary proceedings, by action in law or in equity, by force or otherwise, without liability for trespass or for damages. Reentry, resumption of possession, or reletting of the Leased Space by Lessor shall in no event be deemed to be a surrender of this Lease or a waiver of the rights and remedies of Lessor under this Lease.

20. DISPOSITION OF PERSONAL PROPERTY LOCATED ON LEASED PREMISES.

20.1 On retaking possession of the Leased Space, Lessor shall at the expense of Lessee hold in storage for Lessee any personal property that is located on the Leased Space, regardless of whether the personal property belongs to Lessee or any other person. Lessor may deliver the goods to Lessee or a consignee or any person or concern owning any interest in the property.

20.2 After the expiration of ten (10) days after retaking possession, should any personal property located at the Leased Space not be claimed by Lessee or its true owner, such property shall be considered abandoned; and Lessee shall bear full responsibility for the disposition of such property by Lessor and shall indemnify and hold Lessor harmless from any and all claims, suits, and demands of true owners of such property disposed of by Lessor, whether such claims, suits, or demands be legitimate or otherwise.

21. EXPENSES TO BE PAID BY LESSEE ON TERMINATION OF LEASE DUE TO DEFAULT OF LESSEE.

21.1 On termination of this Lease for default, as provided in Section 17 or 18, Lessee shall pay to Lessor the expenses, including but not limited to reasonable attorney and other fees, incurred by Lessor in connection with:

- (a) Obtaining possession of the Leased Space;
- (b) Removal and storage of the property of Lessee and other occupants.

21.2 The expenses shall be deemed prima facie to be the amounts invoiced to Lessor.

21.3 Lessor may sue for the payments as they accrue without waiting for the payment date fixed in this Lease. Any proceeding to recover such payments shall not be deemed a waiver of any other rights of Lessor under law, equity or this Lease.

22. INSPECTION.

Lessor and the agents and employees of Lessor may at all reasonable times enter the Leased Premises to inspect and determine whether the Leased Premises are kept in good repair and maintenance in accordance with the terms of the Lease, and to show the Leased Premises to prospective tenants or buyers.

23. ASSIGNMENT.

Lessee shall not assign or sublet any rights or interests under this Lease without the prior written consent of Lessor. Any attempt to assign or sublet any rights or interest under this Lease without the requisite approval shall render this Lease void.

24. QUIET ENJOYMENT.

Lessor agrees that Lessee, on paying the rent and other charges in this Lease provided and on observing and keeping all the provisions of this Lease, shall quietly occupy the Leased Space during the term of this Lease and any renewal hereof without hindrance.

25. COVENANT AGAINST WASTE.

Lessee shall not commit or suffer to be committed any waste at the Leased Space.

26. FORCE MAJEURE.

26.1 For purposes of this Lease, the term "force majeure" is defined as any act of God, act of a public enemy, strike, fire, storm, flood, civil disturbance, failure or delay of persons from whom the parties to this Lease obtained machinery, equipment, or

supplies to make delivery, or other causes beyond the control of either party, regardless of whether the other causes be of the class here specifically set out.

26.2 Neither party shall be responsible for any failure of performance of any of its obligations under this agreement, where the failure is due to force majeure.

27. EFFECT OF WAIVER OF PRIOR BREACH.

No waiver by Lessor of any covenant or condition of this Lease shall be construed as a waiver of any other covenant or condition, nor shall the waiver of any breach of this Lease be construed as waiver of any other or subsequent breach.

28. SEVERABILITY.

Should any provision of this Lease be declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining provisions of this Lease shall not be affected thereby.

29. TIME OF ESSENCE.

Punctual performance by the parties to this Lease of the covenants contained in this Lease are of the essence of this Lease.

30. SECTION TITLES ONLY FOR IDENTIFICATION.

The titles to all sections used in this Lease are for purposes of identification only and shall not vary the context of the sections.

31. MODIFICATION OF LEASE.

No modification of this Lease shall be effective unless agreed to in writing by the parties to this Lease. No modification of one provision of this Lease shall be considered a waiver, breach, or cancellation of any other provision of this Lease.

32. HOLD OVER.

If Lessee remains at the Leased Space after the expiration of the term of this Lease without exercising the option to renew the Lease, the holding over shall be deemed to create a month-to-month tenancy under the same terms and conditions of this Lease but shall not be construed as a renewal of this Lease.

33. NOTICES.

33.1 Whenever it is required or permitted that notice be given by either party to this Lease to the other party, the notice must be in writing and must be given personally or forwarded by certified mail addressed as follows:

TO Lessor: Port of Newport
600 SE Bay Blvd.
Newport, OR 97365

TO Lessee: Carver's, Inc.
PO Box 130
Toledo, Or 97394

33.2 Unless otherwise specified in this Lease, all notices required to be given under this Lease shall be effective on the date of receipt.

33.3. The addresses to which notices are to be sent may be changed from time to time by notice given according to the terms of this section.

34. ATTORNEYS' FEES.

In addition to the fees provided in Section 20 due to default, should either party hereto institute or be made a party to any action or proceeding in court to enforce any provision hereof or for damages or other relief by reason of an alleged breach of any provision hereof, the prevailing party shall be entitled to receive from the losing party, in addition to allowable court costs, such amounts as the court may adjudge to be reasonable as attorneys' fees, including any appeal thereof, and such amount may be made a part of the judgment against the losing party.

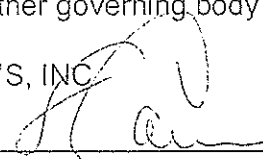
IN WITNESS WHEREOF, the parties have executed this instrument in duplicate to be effective as of the day and year above set forth, and any corporate signature is affixed hereto only pursuant to the board of directors or other governing body thereof.

PORT OF NEWPORT:

By: _____
President

By: _____
Secretary

CARVER'S, INC.

By: 
Steve Carver, President

I:\Leases\agreements\Carver, Inc.



Memo

To: Port of Newport Commissioners
From: Pat Albaugh, Director of Finance
Date: February 20, 2014
Subject: South Beach Wi-Fi Replacement Project

Wi-Fi has become one of the most important amenities for the Port's South Beach customers. Staff has been working with local and regional technology vendors the last year and a half to develop a system to increase capacity, speed, and extend coverage beyond the main RV park to include the South Beach Marina and Annex RV park.

The current Wi-Fi system is slow and has limited connection capacity – it does not meet the demands of today's customers. It was installed 7-8 years ago, the hardware is out of production, and we haven't been able to enhance the system because the hardware isn't compatible with current equipment. With infrastructure improvements complete (fiber optic connection) the next phase is to replace the Wi-Fi system.

Vendors were given three months to provide bids on the project. Several vendors were too busy to review the project. CoastCom, Inc. and Radcomp Technologies reviewed the project but decided not to bid on it. Day Wireless estimated approximately \$80,000 but wanted \$5,000 to cover engineering before a formal bid. HC Etc., Inc. spent considerable time evaluating the project and came in at \$11,000. HC Etc., Inc. also installed one test access point near the Hoist Dock and it is performing better than the entire current system in South Beach.

Staff is asking the Commission to approve \$11,000 to replace the existing Wi-Fi system in South Beach. There is adequate room in the IT budget and staff is confident in HC Etc., Inc's ability to perform on this project.

ESTIMATE

HIC Etc., Inc
110 SE 123rd St, South Beach, OR 97366
541-272-0820
harlyn@hiceetc.com

DATE: JANUARY 30, 2014
EXPIRATION DATE MARCH 1, 2014

TO Port of Newport
541-265-7758

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Harlyn Jenkins	South Beach Wireless	50% deposit, balance Net 30	
QTY	DESCRIPTION	PART NUMBER	
1	Outdoor Backhaul High Gain	13RM5	
9	Outdoor Wireless Access Points High Gain	13UO	
11	Outdoor Wireless Backhaul Bridges	NSM5	
10	Weatherproof Enclosures	NBB15240	
1	Network Router	RB2011	
1	Remote Management PC	TDCS	
3	Cable / Mounts / POE	MISC	
50	Install / Configuration Hours	LABOR	
	Parts Subtotal		8486.51
	Labor Subtotal		2500.00
		SUBTOTAL	10,986.51
		SALES TAX	0.00
		TOTAL	10,986.51

Additional Notes:

- Port of Newport will be responsible for any additional electrical outlets required for install. All efforts will be made to use existing outlets.
- Labor hours are estimated. Actual hours worked will be billed.

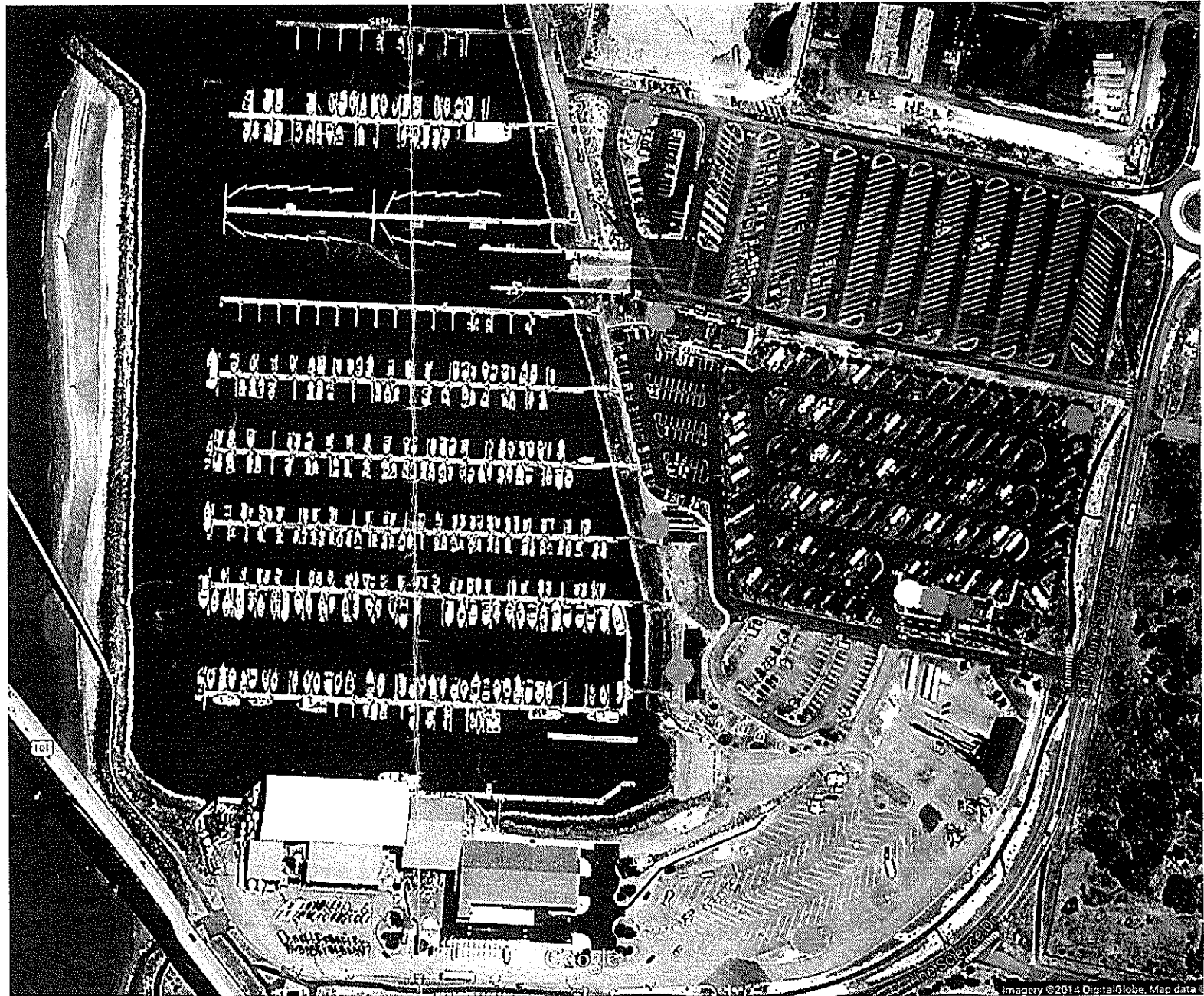
Thank you for your business!

Legend

Fiber D-Mark ●

13db Rocket M5

13db UniFi Out +
w/ NanoStation M5 ●



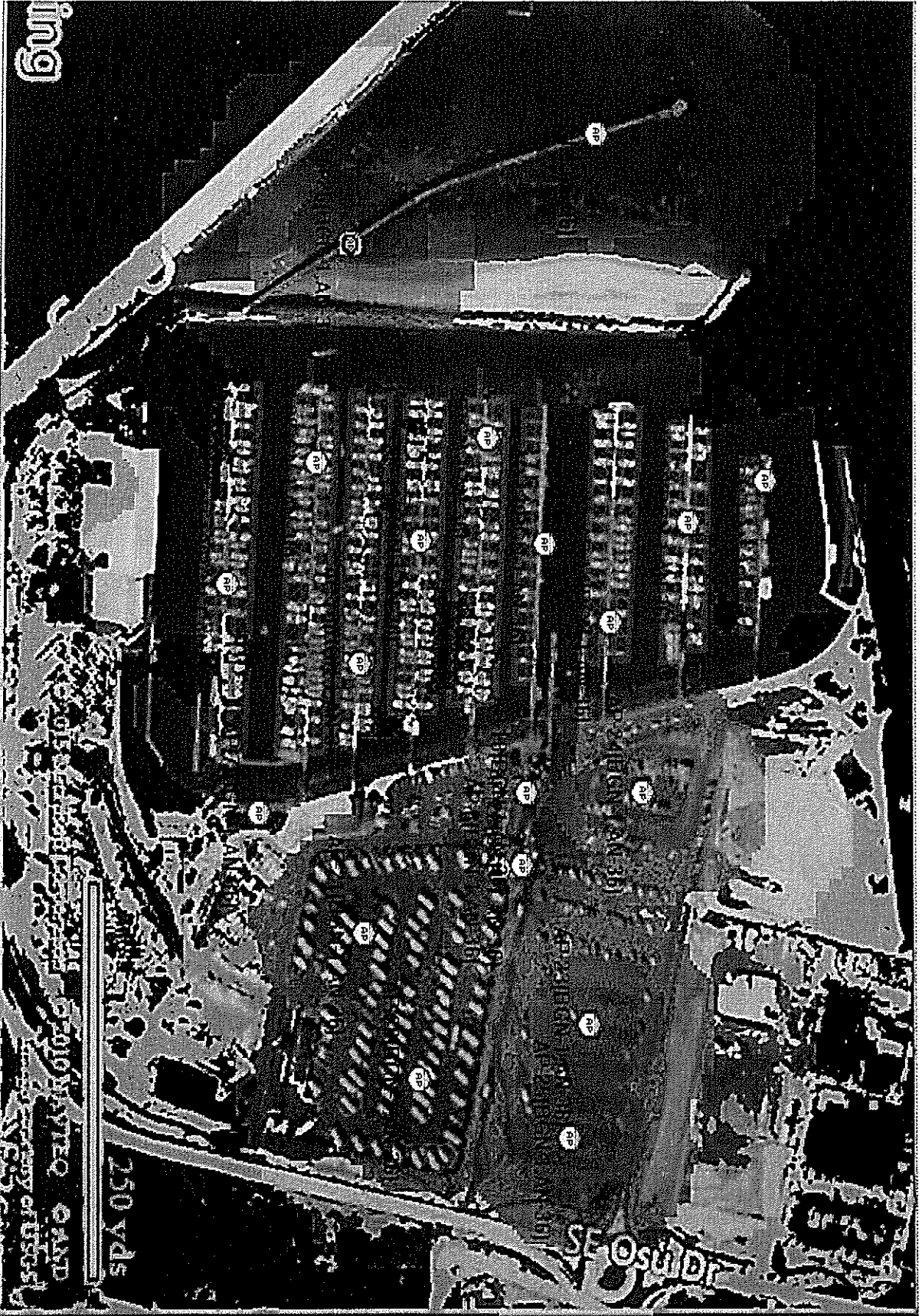
For the area shown below we're estimating about 20 APs based on what we saw at Embarcadero where we've got pretty decent coverage with about 300' of spacing between APs. The Ruckus AP model we used at Embarcadero is no longer in production and the new model, while more expensive also has a superior antenna array which may allow us to push our spacing even further.

The 20APs plus a controller and three year controller support plan has a cost approximately \$65k Installation is roughly \$10k , that number could be lower depending on ease of access. We would require AC power for each of the APs and a mast to give them some height above the boats. Other additional networking equipment such as a router and maybe a switch or two (this is mostly a mesh project so there won't be much). Probably a week for engineering time, roughly \$5000.

Assuming the Port supplies the masts and power and we only need to mount them and run a few CAT5 lines at main buildings, and the Port approves of the coverage zone shown here, I think \$80K would be a good estimate.

I did notice that the modeling included the farthest west public pier, but it does not include the R.V. park annex on the south end across from the Rogue Brewery. This would not make a significant difference in design or price because we would use the two AP's from the pier and install them in the R.V. park annex.

Personally I'd like to deploy 3-4 of the APs in a small section of the Marina, to see what kind of coverage we really actually get, then add more from there. I believe we could cut the number of access points by 15% or more.



ing

250 YDS

SPRING

S. OSLER

S. 1000

PROPERTY OF THE CITY OF LOS ANGELES

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

Port of Newport WI-Fi System Project

Request for Competitive Quotes

November 18, 2013

The Port of Newport is requesting Competitive Quotes for the development and procurement of equipment for the installation of a functional wireless internet system at the Port facilities. The purpose of this project is to install and provide high quality, high integrity wireless internet capability to the South Beach Marina facilities. This new system will interface with the Ports network of computer systems and provide internet service access to designated Port facilities and marinas. Qualified venders and contractors are requested to provide competitive quotes for the following services:

SCOPE of WORK

Provide all design, engineering and area analysis, site surveys, RF frequency testing, electrical power testing and any and all other required planning elements to effectively provide reliable wireless internet service to the identified Port areas and facilities.

The design and capability of the new Wi-Fi installed system must have the ability and proficient capacity of supporting the connected operating system. The minimum system requirements are:

Radio network (Wi-Fi) equipment requirements

- Access Network RF band: 2.4 GHz
- Access network concurrent users: min 40
- Access Network ACL list
- Access Network must support STP and RSTP protocols.
- Access Network CALEA support
- Concurrent operation of access and backhaul networks;
- Existence of appropriate equipment certificates from corresponding authorities (Wi-Fi Alliance, etc.).

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

Antenna System Requirements

The Access Point (AP) should have sectoral antenna configured for both vertical and horizontal operation.

- Sectorial antenna:
 - 2.4 GHz; 120° Horizontal; 45° Vertical; 14 dBi
- 5.8Ghz 16dbi point to point dual chain antenna
- Any external antenna required for the AP full functionality should be included in the proposal

Networking

Following features and standards must be supported:

- IPv4, IPv6
- 802.1Q/VLAN
- Multi ESSID and BSSID
- 802.11
- DHCP
- QoS differentiation
- Network Address Translation for source and destination
- Port Translation
- Advanced routing services (BGP4, OSPF)
- EoIP, GRE, IPIP tunneling and IPSEC.

Fault Tolerance

The network equipment must ensure the performance of its main/key functions according to the following normative:

- Wi-Fi service provisioning, backhauling: 99.9% of time;
- Availability of network monitoring and management system: 99.9% of time;
- Availability of the performance measurement data, other auxiliary services: 99.8% of time.

Interested parties submitting competitive quotes are to provide all equipment necessary to install a functional system including all transmitters, antenna's, power supplies, coax, wire, weather tight enclosures, conductors, connectors and hardware including any and all other necessary materials or electronic components to complete the successful installation of the new wireless internet system.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

System provider will procure all equipment necessary to install a functional system including all transmitters, antenna's, power supplies, coax, wire, weather tight enclosures, connectors and hardware including any and all other necessary materials or electronic components to complete the successful installation of the new wireless internet system.

Provide System Components:

UBTIK – 2GHP, Mikro Tik Router OS Level 3 License, Power over Ethernet

SXT 5HPnD Point to-Point Backhaul Line Transceiver 1.25 w RF Output – From PA Deck

AM-2G16 – Ubiquiti Antenna, 2Ghz 16dBi – 90 deg Dual Polarity Sector

Any substitution to be equal to or exceeds capability and quality. Substitutions in competitive quote must be identified and accompanied with complete manufactures specifications of substituted equipment or materials. The Port of Newport may reject any competitive quote which does not meet the specification of the identified system component requirements or the approval of the Port of Newport.

Provide all necessary electronic testing, trouble shooting, transmitter and receiver signal adjustments, frequency modulation testing, transmitter radiated wattage verifications, internet connectivity verification and any and all other service adjustments or modifications to provide useful Wi-Fi reception in identified project areas.

Provide any and all special fabrications to support or stand-off antennas, weather tight electronics boxes or enclosures, all fabrications will be corrosion resistant materials (316 stainless steel), non-conductive polymer's or epoxy coated after fabrication.

Provide necessary training and instruction to Port staff in the operation of all installed equipment. Prepare and turn over to Port staff system maintenance instructions, operating procedures, equipment service instructions including system schematic diagram with the identification and location of all installed equipment.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

Provide one-year warrantee on all equipment, materials and installation services including transmitter adjustments, receiver adjustments, antenna adjustments and the warrantee replacement of any defective equipment including any other service required to insure proper system operation.

Wi-Fi Service Area

Reliable installation of wireless internet service connectivity is required in the South Beach Marina. These areas are identified;

Marina R.V. Park Marina Office & Complex Marina R.V. Annex

Marina Parking Lot's Marina Moorage Docks A, B, C, D, E, F, G, H & J

Marina Operations Office Marina Store Marina Laundry Facilities

Wi-Fi System Installation

Profession qualified installers will construct, install and set-up the appropriate installation of the selected electronic components. Subcontractors, Licensed Electricians or others specializing in the installation of wireless internet systems must be identified in competitive quote. The successful selected firm representing the competitive quote will be fully responsible for all installation efforts, acceptable quality and system integrity of installed product and the full demonstration of functional integrity to the Port of Newport.

All installed systems or constructions are required to meet or exceed NEC, FCC, state, federal and local jurisdictional permit requirements, regulations and construction standards.

Service provider, contractor's and installers are required to provide all mobilization, test equipment, tooling, scaffolding, extension lifts, installation materials, excavating of any type and any and all required items to complete project.

Selected provider is responsible to secure and pay for all permits, licenses, taxes, hazmat fees, tariffs or royalties including all worker compensations insurance fees, insurances, shipping fees, transportation or any and all other fees or taxes required to complete project.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

All required electrical construction work, system modifications, new circuits, delegated electrical supplies or circuits or any A/C line-voltage connections to serve and support the wireless internet connection will be installed by an Oregon State licensed electrician.

All enclosures, building penetrations, antennas, low voltage power supplies, any electrical or RF connections or any critical connections which could jeopardize or initiates the loss of integrity of the Wi-Fi system will be made water tight – weather tight.

All removals of existing system components, antennas, power supplies, transmitters' or any part of the existing Wi-Fi system removal shall be retained as property of the Port of Newport.

All service providers are required to remove any trash, debris, and packaging, wire stripping and any and all materials generated by their actions. All refuse materials are to properly dispose of by service providers.

REQUIRED INSURANCE

All technical providers, contractors, subcontractors or employees of service provider must be insured with commercial liability insurance while working on the Port of Newport facilities.

- 1 Commercial General Liability, minimum limits of \$1,500,000 per Occurrence/\$2,000,000 Aggregate.
- 2 Port of Newport must to be named as an "Additional Insured" on both documents

Proof of insurance must be on file with the Port of Newport prior to the commencement of any project activity or contract work.

Competitive Quote Submittal

Summary of your experience completing similar projects. Please provide examples of the design, equipment and results of these projects. Please include any names, addresses and phone numbers of clients involved with these projects.

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

Work plan describing your approach to design, installation, testing and training. The description should, at a minimum, include a listing of manufactures for proposed equipment and installation subcontractors if provider will not be installing the system

A written summary of the proposed plan for the system installation, locations of antenna and the installation of associated electronic components

Provide your detailed warranty and support information.

Provide a detailed listing of fees and costs to complete the project with separate costs for (1.) Equipment and (2.) Installation labor.

Competitive quote must identify all equipment proposed with manufactures name, model-type and functional purpose.

Site Visits

Service providers can arrange site visit to analysis, measure and preform necessary testing to support Competitive Quote. Please contact Patrick Albaugh, at 541-265-7758 to arrange site visit.

Submittal

Competitive Quotes will be received at the Port of Newport office until 2:00 PM on Thursday, February 20, 2014. Quotes maybe delivered in writing by person, common carrier or by transmission of electronic file to:

Don Mann, General Manager
Port of Newport
600 S.E. Bay Boulevard
Newport, Oregon 97365
portman@portofnewport.com

Patrick Albaugh, Finance Director
Port of Newport
600 S.E. Bay Boulevard
Newport, Oregon 97365
pat@portofnewport.com

Port of Newport

600 S. E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

If you require any further information please contact:

Patrick Albaugh, Director of Finance
Port of Newport
600 S.E. Bay Boulevard
Newport, Oregon 97365
pat@portofnewport.com

541 - 265 - 7758