



## **REGULAR COMMISSION MEETING AGENDA**

Tuesday, March 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 – February 25, 2014 (Approve)
  - B. Regular Meeting – February 25, 2014 (Approve)
  - C. Work Session/Special Meeting – March 11, 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
  - B. General Manager's Report
    1. Organizational Liaisons
    2. Connect Oregon-Hoist Dock Renovation Grant
    3. Joint Commission Meeting with Port of Toledo
    4. USACE 2014/15 Work Plan
  - C. Commissioners' Reports
- VI. **OLD BUSINESS**
  - A. Rogue Distillery Expansion (Approve)
  - B. Terminal Renovation Project, Dredge Permit (Information)
- VII. **NEW BUSINESS**
  - A. To Read An Ordinance Creating By-Laws for the Port of Newport Board of Commissioners by Title Only. (ORS 198) (Approve)
  - B. Declaration of *R/V Hale Kai* as Surplus (Approve)
  - C. Resolution Updating Tariffs (Information)
- VIII. **PUBLIC COMMENT**

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

IX. UPCOMING MEETINGS/EVENTS

- A. Fisherman's Forum, April 9, 8:30am
- B. Pacific Coast Congress Conference, Shilo, April 8-12
- C. Tariff Work Session, April 14, Noon
- D. South Beach Users Meeting, April 19, 8:30 a.m.
- E. Regular Meeting, South Beach Activities Room, April 22, 6:00 p.m.

X. 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  
February 25, 2014  
WORK SESSION**

**I. CALL TO ORDER**

Commission President JoAnn Barton called the Work Session of the Port of Newport Board of Commissioners to at 12:00 p.m. in the South Beach Marina Activities Room.

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

**Port of Newport Management and Staff:** Kevin Greenwood, General Manager; Pat Albaugh, Finance Director; Darlene Webster, Administrative Assistant.

**Others:** Pat Ruddiman, ILWU Local 53; Robert Moody, TKW; Tim Johnson, Columbia Bank; Alan Brown; Harry Noah, Yaquina Bay Fruit Processors; Dennis Anstine, News Times; and Jim Cline, Rogue Ales.

**II. ANNUAL PORT OF NEWPORT AUDIT FROM TKW**

Robert Moody of TKW presented his overview of the financial audit completed December 31<sup>st</sup>, 2013 and filed to meet all regulations necessary. Mentioned were highlight points presented in his report of new and upcoming accounting reporting regulation changes forthcoming and to be aware of them. Particularly Gatsby 65 which targets bonds, assets etc, Gatsby 66, & 68 covers PERS reporting, 69 covers merging municipalities and 70 that covers guarantee of debt issues. TKW's report goes into detail into these new accounting controls and their impact to reporting guidelines. And that TKW would help implement the new accounting guidelines if requested.

**III. YAQUINA BAY FRUIT PROCESSORS (YBFP) LEASE RENEWAL**

Harry Noah, YBFP, presented information regarding his business expansion and discussed extending his lease with the Port. The presentation provided an overview of the business, and current and future plans, explained what YBFP is looking from the Port, requests from YBFP clarification of the lease, background of the Maraschino business (classic "niche" business) approximate 45,000,000 pounds processed and sold in the USA each year (estimate), total of six companies in the US process 98% of the cherries consumed in the USA. What businesses utilize YBFP product line, the recent purchase of the "Blue Diamond" facility for processing (significant acquisition) and what impact or future possibilities that this new facility would have for growth. And the start of a candy product line in Newport with a tourist draw similar to the Tillamook Cheese factory excluding the restaurant side of business and what possible economic impact that would have on our community. Harry also noted the amount of new jobs that the development would add (non-seasonal positions but year around positions) if the lease is to be granted.

YBFP presented a foot print design for a new building and future needs for storage space. YBFP noted in their presentation the current constraints for growth (lack of space for bottling production, space for value added manufacturing and power capacity to run equipment). Mr. Noah was firm on wanting to know the Commission's decision to extend the lease as previously presented by YBFP or what was their position for the delay. And reminded the Commission that the lease will be expiring soon and that YBFP needed to make future plans to stay or move the current operations outside of Newport. Commissioner Barton she was not comfortable in making a definitive decision yet. The other Commissioners agreed that more information is needed to make a comfortable decision. General Manager asked Commission if it would prefer to study future opportunities for the site or enter into negotiations with Mr. Noah. After Mr. Noah's departure a brief discussion followed by the Commissioner and agreed that since YBFP has made unsuccessful attempts to get answers from the Commissioners that the matter would be assigned to the General Manager to gather the necessary information and make a recommendation to the Commission on the lease.

It was the consensus of the Commission to have the General Manager enter into lease negotiations with Harry Noah to extend his lease and make a recommendation to the Commission.

**IV. ROGUE DISTILLERY EXPANSION**

Jim Cline, Rogue Ales presented to the Commission the need for additional space in order to facilitate future growth. They hope to build an additional 10k square foot building that would be attached to the existing buildings that they occupy currently. They would like to build this building this summer and, in order to reach a summer deadline; they will require the Commission's approval in the near future so that they can begin working with the local contractors to line up this project. A few of the Commissioners were able to view the marked off area in an attempt to visualize the space that is being proposed. It was a consensus that the Commission that viewed the site area was satisfied with where the construction was to occur. As to the rate of the lease to be agreed upon by the Commission it was concluded that more information was needed to make an informed decision. In further discussion the Commission felt that Kevin Greenwood should be assigned to gather the necessary information to present to the Commission at a later time.

Ken Brown motioned and Walter Chuck second to have General Manager gather more information in regards to the lease rate and follow up with gathered recommendation. Motion passed 5-0.

**V. UPCOMING MEETINGS/EVENTS**

- A. Work Session Meeting, South Beach Marina Activities Room, March 25, 12:00pm
- B. Regular Meeting, South Beach Marina Activities Room, March 25, 6:00 pm
- C. Marina Users Meeting, South Beach Marina, March 19, 2014, 8:30-9:30 am

**VI. ADJOURNMENT**

The Work Session was adjourned at 12:50 pm

ATTEST

\_\_\_\_\_  
JoAnn Barton, President

\_\_\_\_\_  
Walter Chuck, Secretary

**PORT OF NEWPORT  
MINUTES  
FEBRUARY 25, 2014  
Regular Meeting**

**I. CALL TO ORDER**

Commission President JoAnn Barton called the regular meeting of the Port of Newport Board of Commissioners to order at 6:03 pm. in the South Beach Marina Activities Room.

**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:** Kevin Greenwood, General Manager; Pat Albaugh, Director of Finance; Kent Gibson; Darlene Webster, 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; Rebecca Harver, Hatfield Marine Science Center; Jim Cline, Rogue Ales; Jim Shaw, South Beach resident.

**II. MINUTES**

- A. **Work Session—December 12, 2013**
- B. **Special Meeting—January 13, 2013**
- C. **Regular Meeting—January 28, 2014**

Commissioner Barton moved. Commissioner Dean Fleck motioned to approve the minutes of the Regular Session of January 28, 2014 as submitted and Walter Chuck seconded the motion and it passed 5-0. December 12<sup>th</sup> Session and January 13<sup>th</sup> Meetings was already approved at the January 28<sup>th</sup> Meeting.

**III. FINANCIAL STATEMENTS**

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

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

Commissioner Barton entertained a motion to approve the Financial Reports & Accounts Paid as submitted, Commissioner David Jincks motioned to approve and Dean Fleck seconded. The motion passed 5-0.

The Chair noted that on behalf of all the Commissioners, she expressed appreciation for Pat Albaugh, Financial Director; for all the hard work he and his staff have done thus far and the improvements he has made and the confidence they have in him.

**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\*

**B. General Manager**

The General Manager presented to the Commissioners the following points:

1. A staff report facilitating future adoption of Commission By-Laws. He included a draft Ordinance of which the Port of Garibaldi commission worked on for two years. Their document was reviewed by staff, the Commission, the Port's attorney, and several state agencies/associations. The Ordinance is split up into seven Parts or chapters (Governance by Policies, Board of Commissioners, Duties of Commission Officers, Ethics and Conflicts of Interest, Commission Meetings, Rules of Order and Administrative Provisions). The Port does not have to adopt these by-laws by Ordinance, but was a recommendation by the GM to formalize the document and withstand public scrutiny and allow for a more public process to change. This would send a message to the taxpayers in the district that the Port takes good governance seriously. A special meeting on March 11, 2014 at noon was scheduled for workshop. One week before the meeting Commissioners would be reminded to turn in any questions or comments to present at the meeting via email. Final draft would be reviewed by Port's attorney. And this would coordinate with the Rogue Ales Expansion Lease review that is pending further information to present to the Commissioners.
2. A Development of Policy for Filling Vacancies. GM presented the Commissioners a sample resolution of what was used at the Port of Garibaldi (Resolution No 2009-07) and should be considered for review after the By-laws are formulated.
3. A review of Organizational Liaisons was discussed that would need to be updated as to which Commissioners are assigned to certain organizations. The General Manager will provide a current list of record to be reviewed by the Commissioners at the next meeting.
4. Update of the Sea Lion Docks and the project as it stands currently and the start date of the next phase in November. A review of the status of the "safe" observation deck and the funds needed to complete that portion of the project is about \$40k away from meeting that goal of acquiring the funds needed to move forward. A discussion regarding the longevity of the current proposed pilings being used and the use of zincs to assist in the possible corrosion, that the pilings may have a possible life expectancy of about 10 years was brought up. GM to discuss with Bob Ward.
5. Presented to the Commission a request from the Newport High Booster Club-Newport Marathon to expand onto Port property to include a ½ marathon to bring additional attendance. The location would be a tented area west of the Yaquina Bay Yacht Club building for families and runners. Rogue will be helping out in the project with the booster club as well.
6. Connect Oregon Hoist Dock Renovation Grant attendance and the presentation made by Kevin Greenwood, Pat Albaugh and Kevin Bryant. Great job on the presentation Kevin Bryant and Pat Albaugh. Next upcoming meeting scheduled is March 27<sup>th</sup> for Cascades West ACT.

### **C. Commissioners' Reports.**

Commission Barton and the Port General Manager attended EDALC/Regional Solutions Team meeting this week. The consensus was that the development group of Lincoln County was encouraging those to work together as a way to formalize a list of projects that need to be accomplished in our own area. A regional solutions team will then identify and prioritize those projects based upon potential conflicts between state agencies. This should expedite several projects.

Commissioner's discussed another presentation meeting coming up on March 27<sup>th</sup> Cascades West COG and who would be in attendance. Commissioner Jinks is to attend if Commissioner Barton is unable. Re-affirmed the Commissioners request that the General Manager gather the information for the YBFP Lease agreement and if the General Manger needed assistance the Commissioners would be available but that they were in consensus that the General Manger could handle this project. Commissioner Chuck reported on the NMREC advisory committee which he is on reported the next test sites is scheduled for in 2016 is still getting the support and funding moving forward. Nods will be out at sea to test certain sites verses leasing ocean tracks before they can get testing to work. Ogami to make a pamphlet for "At Sea Tsunami Preparedness for Mariners" the conference had a large attendance and is driven by the University of West Virginia webinar. Commissioner Walter Chuck was also assigned to the Ocean Policy Advisory Commission this month.

## **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. Discussion was made that Frank Berg will no longer be continuing with this project due to the project nearing completion. Commission Barton and Jincks have hit a milestone regarding this project and are ready to hand the final details over to the Finance Director and General Manager. Many thanks to Mr.

Berg for all his support and work on this Terminal project and will be missed. The Port will still keep the contractor of record Natt MacDougal on to complete the mitigation and dredging.

#### **B. Post Construction Activities (Update)**

The General Manager took a tour of the Aquarium with Jim Burke and saw the mitigation site where the culvert will be enlarged. Still work to be done and how much it will cost will be based on the dredging cost that will need to be estimated. The General Manager met with the Teevin and Alcan group. Alcan may start in May; Teevin in December.-Teevin building a very large log yard just off the main terminal area. Alcan will bring its own logs to the terminal but closely coordination operations with the Teevin group. In order to fully load them, the bay bottom next to the terminal docks will have to be dredged further to accommodate those ships sinking deeper in the water due to their heavier loads. Until the bay is dredged Alcan and Teevin will need to be satisfied with the loads they can ship out. The Port is working through the process to get permission to dredge further from State and Federal agencies.

### **VII. NEW BUSINESS**

#### **A. Rogue Distillery Expansion.**

GM has been working with Brett Joyce of Rogue Ales and there is a consensus of an idea to a 10.5k sq ft extension to the old Serven Bldg that would include a large mural on the south side. The current space amount that came with the building is 75 cents per sq ft and the brewery is approximately 20-25 cents per sq ft range. GM is in the process of doing some comparables to find real market value numbers from information gathered from the city assessor's office. Kevin relayed some concerns to both Brett and Jim that the values coming from the assessor's office if you applied a cap rate we are maybe getting 10% of what maybe that land potentially should be getting. Hope is to have a draft agreement by next meeting. Earlier a discussion regarding the back of the building as being a fire access which it is not which was clarified by the City recently. And that the building has plenty of egress from the bike path and the road and that it would eventually be reconfigured by the City so that it will be clear where the fire access is defined. Rogue would like the approval for construction as soon as possible so that they could move forward quickly and what it would bring to the community in jobs as well as new innovation of Oregon white oak barrel manufacturing, which is not done anywhere in the United States

#### **B. Resolution Naming Registered Agent.**

GM presented and its requirements as follows; State Rs198340 requires special districts to designate a registered agent as a form of housekeeping manner. So this resolution would be sent to the Secretary of States office for formal recognition of whom the commission wants to have all correspondence directed to and to identify where the business office is located and where the housekeeping is done. Kevin recommended that he would be assigned as the designated agent and that the commission approve this resolution as presented. Commissioner Jincks made a motion to approve a resolution naming a registered agent. Commissioner Chuck made the second. Motion passed 5-0.

#### **C. Carver Fuel Dock Lease Renewal.**

Kevin presented the Carver extension lease for Port Dock 5 that was already presented and approved by the previous general manager and was just waiting for signatures by both parties. The lease document would need to be revised as to whom is to sign as it is currently presented (President and Secretary). Kevin recommended to revise the documentation to have the general manager sign the lease was made. Commissioner Brown made a motion to authorize the GM to sign a lease extension with Carver Fuel. Commissioner Jincks made the second. Motion passed 5-0.

#### **D. Award of South Beach WiFi Installtion Contract..**

Pat Albaugh presented the request to expand the WiFi system which is an asset to the park and its guests as it currently stands. The current system only covers the new RV Park and does not reach various areas, the annex and the marina in particular. The Port has tried to enhance the system but it is old equipment that you can not buy any longer and nothing else is compatible. This request is to replace the old system entirely and replace it with a new up to date system for a cost of \$11,000. Bid requests were sent out but due to volume of work that most companies in this field have only two bids

could be attained and were quite different from one to the next. The option to except the \$11,000 bid was based on not only cost but due to the type of equipment the bidder would use (more common place than proprietary) and the lesser bid was tested for range which it passed to fulfill our initial request. The goal is to have full coverage for all areas.

The WiFi is amenity to guest to the marina and park. The system that the Embarcadero uses is not the same and at a cost of \$100,000 which we could gain similar coverage for the cost of #11,000 to finish what we initially started. Previous WiFi components have been already installed such as the \$9,000 already spend for the fiber optics at South Beach and Pat feels that with this new added equipment that it would fulfill our initial goal. Commissioner Fleck made a motion to award a contract for \$11,000 to HC Etc. Inc. for WiFi Services. Commissioner Brown made the second. Motion passed 5-0.

**VIII. MEETING RECESS (none)**

**IX. OTHER (none)**

**X. PUBLIC COMMENT**

Rebecca Harver, Oregon Sea Grant, Oregon State University presented Highlights in regards to the upcoming "Working Waterfronts Interpretive Program" for the 2014 season on June 5th. This is to continue the volunteer training program that was started in 2012 that partnered Oregon Sea Grant with the Port of Newport to turn a conflict at Port Dock 1 (PD1) between fishers and tourists into a teaching opportunity.

Newport residents Wayde Dudley commented on the amount of attendance the Seafood and Wine Festival brought in this year but was unsure if it was an increase to previous years or not..

**XI. UPCOMING MEETINGS/EVENTS**

- A. Fishermen's Forum, Port Dock 7 Operations Shop, March 12, 8:30 – 9:30am
- B. Don Mann's Retirement Party (Best Western Agate Beach) March 14, 6-11:30pm
- C. Marina Users meeting, South Beach Marina, March 19, 8:30-9:30am
- D. Special Session, South Beach Marina Activities Room, March 11, 12:00pm
- E. Work Session, South Beach Marina Activities Room, March 25, 12:00 p.m.
- F. Regular Meeting, South Beach Marina Activities Room, March 25, 6:00 p.m.

**XIII. ADJOURNMENT**

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 7:45 pm

ATTEST:

---

JoAnn Barton, President

---

Walter Chuck, Secretary/Treasurer



**PORT OF NEWPORT  
MINUTES  
March 11, 2014  
WORK SESSION MEETING**

**I. CALL TO ORDER**

Commission President JoAnn Barton called the Work Session of the Port of Newport Board of Commissioners to at 12:05 p.m. in the South Beach Marina Activities Room.

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

**Port of Newport Management and Staff:** Kevin Greenwood, General Manager; Darlene Webster, Administrative Assistant.

**Others:** Yale Fogarty, ILWU Local 53; and Jim Cline, Rogue Ale & Spirits.

**II. OREGON BREWING (ROGUE) DISTILLERY EXPANSION**

Kevin presented to the commission a draft amendment of the lease to the Severn building that Rogue occupies for their distillery. This draft includes an additional 10,500 square feet of land for the expansion of the distillery operation and a landscaping plan. That would primarily focus on the removal of a traffic island. There has been an idea of having a moral on the south face side of the building as you are coming into South Beach and also discussion about Rogue taking over the maintenance of the outside of the old building. If the Port is extending onto a pre-existing building it seems unusual that we would be maintaining half of the outside of a building and not the entire building. Kevin suggested as an idea and since the rate is low based upon the market value of the property it may an option to propose to Rogue that they maintain the outside and inside of the entire building. Brett was sent an email before about reviewing Section 8.1 of the lease which covers this area but just called back prior to this meeting and needs time to review. As to the rate as discussed at the last work session it was suggested by the commission to review the ratio between the land and building values and then compare that to the 75 cent that we are seeing on the Serven building verses the 25 cents for the land on the brewery. As it turns out the ratio is 25 cents on the land. Overall, that is a big reduction on what the value of the land is. It is estimated that we could probably at 7-8 times that amount if you actually got an appraisal. And then do 10% of whatever the appraisal amount comes in at. But based on past history at the brewery, I propose to go with the 25 cent plus the annual CPI adjuster plus one. This is with the idea that the plus one would very slowly increase to bring this property to market value and in hopes that Rogue will agree to take on the outside maintenance of the older building at their expense. In summary this would make Rogue responsible as a Leaser to maintain the inside and outside of the entire facility. Currently Rogue is responsible for the maintenance to the inside of the building and the Port handles the outside. And if Rogue didn't accept the offer then the Port would need to budget funds to maintain the outside of the building. Discussion and concerns were made regarding if Rogue did accept to do the maintenance than to who's standard's of maintenance would they adhere too? A maintenance policy that would have to be drafted and that could bring more issues, for example the other leaser's etc and the Port would need more time to draft such a maintenance policy. Or to continue as we do with other leased properties that the Port maintain the outside of the building. Jim Cline could not speak for Brett regarding any of these ideas but was considering possibly that if they took on the maintenance of the building could they have a rent reduction? Rogue also wanted to combine both leases as one contract since its one building. David commented that if the Port develops a maintenance program that it should be part of the Ports budget. More conversation needs to occur with Brett and the Port regarding the terms of the whole lease. Kevin will continue talks with Rogue in order to make a final proposal to the board at the next meeting on March 25<sup>th</sup>.

**III. BYLAWS ORDINANCE REVIEW**

A summary was sent to commissioners for review prior to this meeting of different points to be discussed at this meeting. Highlights of changes or additions of the summary were reviewed section by section. Changes made to the bylaws were to bring the bylaws into governance to state statues. Other changes were relative to voyeur/name to the policies or any references to "Port Manager to be "General Manager. Included are the responsibilities of all Port personnel to notify the Board if anything is in violation of the bylaws and their required compliance of all bylaws as set forth by the broad. Noted was the structure of the board members as to process of election, qualifications, terms in office, oath of office, vacancies, filling of vacancies, etc all set

Work Session/Special Meeting

March 11, 2014

Page 1 of 2

to state statues. Reviewed the section of Commission powers and duties with enfaces in making sure that the commissioners are meeting the needs of the Port district. Overview of required meeting attendance and in what forms it would comply with required attendance, required education and training within one year of office, costs of training to be included in the annual budget, and to what requirements does the board what of each new commissioner whether annually or other. Discussions were made to the repetitiveness that some of this training would be and the cost. Kevin noted that in some cases to receive certain funding that some education is required by the structure of the funding. Discussions in agreement to a possible one year with follow up education at a later date and use of education format via a CD to fit into the commissioner's schedule. Commission has the authority to form committees and the structure of the committees and the reporting to the commission. Establish guidelines of what defines a "committee" and to then develop a structure, responsibilities and compliance to statues requirements, section F may cover and fulfill all necessary requirements but further discussion may need to be done. Section G was discussed and the consensus was to eliminate this section. Kevin did remind the board by removing Sec G how do you get compliance if you eliminate this censor for example the required training? But it was still the consensus to eliminate Sec G. Review of whom is authorized to sign contracts was determined that it should be the general manager. Review of how contacts are made to outside professional services that would incur costs to the Port and how these contacts should be directed or authorized. Discussions regarding recordings of meetings, rules of order and structure of meetings were reviewed as highlighted in the summary. Balance of the summary was standard language structure.

### **SPECIAL MEETING**

#### **IV. Public Comment**

Comment was made by Yale Fogarty to expedite the soil sampling process and what the impact would be for all parties involved if this is not expedited in order to not lose the current permit as it stands. All efforts need to be followed up in order to meet the July 1<sup>st</sup> deadline.

#### **V. Contract with Advance Remediation Technology, Inc**

Specifics were determined and defined to expedite this new soil sampling process. Recommendation was made to approve the cost of the new soil sampling and request approval of \$12,090.00. All efforts are being made to meet the current permit deadline of July 1<sup>st</sup> deadline.

Jincks motioned to authorize the General Manager to enter into a contract with Advance Remediation Technology for \$12,090.00 and no more and seconded by Walter (5-0).

#### **VI. ADOPT BUDGET CALENDER, COMMITTEE & OFFICER FOR FY 2014-15**

Only item of note is that Alan Brown's term had expired but he had submitted a letter to continue his term.

Fleck motioned to adopt the budget calendar, committee and officer for FY 2014-15. Jincks seconded (5-0).

#### **VII. UPCOMING MEETINGS/EVENTS**

- A. Regular Meeting, South Beach Marina Activities Room, March 25, 6:00 pm
- B. Annual Pacific Coast Congress Conference April 8-11
- C. Fisherman's Forum Port Dock 7 April 9, 2014 8:30-9:30 am

#### **VI. ADJOURNMENT**

The Work Session and Special Meeting was adjourned at 2:27 pm

ATTEST

\_\_\_\_\_  
JoAnn Barton, President

\_\_\_\_\_  
Walter Chuck, Secretary

Work Session/Special Meeting  
March 11, 2014  
Page 2 of 2



## Memo

**To:** Port of Newport Commissioners  
**From:** Pat Albaugh, Director of Finance  
**Date:** March 19, 2014

---

### **General Fund:**

February 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. Available funds have increased in the last year while accounts payable have decreased. The General Fund is still ahead of budgeted revenues and operating expenses continue to stay in line with budget.

### **NOAA Fund:**

NOAA Fund revenues and expenses are also in alignment with total budget at this time. With additional dredge volume and additional site improvements the dredging costs slightly exceeded the \$250,000 budget. Dredging totaled \$243,372, permits \$1,433, surveys \$7,700, and additional storm drain and other site improvements cost \$4,738. Staff believes the additional costs can be absorbed within the existing budget. A \$100,000 contingency was budgeted for the year in case something additional comes up.

### **Facility Maintenance Reserve Fund:**

There is approximately \$9,000 left in Facility Maintenance Reserve Fund projects to be completed (Port Dock 7 electrical). All expenses have been paid out of the General Fund and the Facility Reserve Fund will reimburse once this last project is complete. Projects this fiscal year include \$22,800 - South Beach F-Dock reconstruction, \$9,800 - pave over the old Port office, \$9,205 - South Beach road and parking lot paving, and \$81,900 - Hoist Dock fender piling replacement.

### **Bonded Debt Fund:**

A \$320,000 bond payment is due in June. Levy receipts are in line to make this payment without an interfund loan. The \$40,000 interfund loan from last year has been repaid and the Bonded Debt Fund currently has \$306,000.

Please stop by or call anytime if you have questions.

**Port of Newport Operating Fund**  
**Balance Sheet**  
As of February 28, 2014

	Feb 28, 14	Jan 31, 14	\$ Change	Feb 28, 13	\$ Change
<b>ASSETS</b>					
Current Assets					
Available Cash & Equivalents	452,551.46	540,844.75	-88,293.29	315,889.84	136,661.62
Restricted Cash & Equivalents	658,567.62	630,637.62	27,930.00	417,244.09	241,323.53
Total Checking/Savings	1,111,119.08	1,171,482.37	-60,363.29	733,133.93	377,985.15
Accounts Receivable					
Accounts Receivable	47,735.46	24,823.47	22,911.99	51,733.99	-3,998.53
Total Accounts Receivable	47,735.46	24,823.47	22,911.99	51,733.99	-3,998.53
Other Current Assets					
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	67,694.71	47,012.12	20,682.59	54,582.43	13,112.28
Due from other Port Funds	123,719.53	130,915.79	-7,196.26	16,279.80	107,439.73
Total Other Current Assets	185,468.84	171,982.51	13,486.33	74,902.74	110,566.10
Total Current Assets	1,344,323.38	1,368,288.35	-23,964.97	859,770.66	484,552.72
Fixed Assets					
Capital Assets	89,128,397.64	89,128,397.64	0.00	84,116,239.00	5,012,158.64
Total Fixed Assets	89,128,397.64	89,128,397.64	0.00	84,116,239.00	5,012,158.64
<b>TOTAL ASSETS</b>	<b>90,472,721.02</b>	<b>90,496,685.99</b>	<b>-23,964.97</b>	<b>84,976,009.66</b>	<b>5,496,711.36</b>
<b>LIABILITIES &amp; EQUITY</b>					
Liabilities					
Current Liabilities					
Accounts Payable	23,006.67	44,129.18	-21,122.51	35,285.88	-12,279.21
Total Accounts Payable	23,006.67	44,129.18	-21,122.51	35,285.88	-12,279.21
Other Current Liabilities					
Due to other Port Funds	24,699.94	9,108.95	15,590.99	6,606.74	18,093.20
Prepaid Moorage and Deposits	27,923.00	23,446.00	4,477.00	32,591.32	-4,668.32
Payroll Liability	40,040.32	34,296.34	5,743.98	48,178.00	-8,137.68
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	393,156.52	367,344.55	25,811.97	206,950.93	186,205.59
Total Current Liabilities	416,163.19	411,473.73	4,689.46	242,236.81	173,926.38
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 Long Term Liabilities	8,875,209.36	8,875,209.36	0.00	4,943,158.00	3,932,051.36
Total Liabilities	9,291,372.55	9,286,683.09	4,689.46	5,185,394.81	4,105,977.74
Total Equity	81,181,348.47	81,210,002.90	-28,654.43	79,790,614.85	1,390,733.62
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>90,472,721.02</b>	<b>90,496,685.99</b>	<b>-23,964.97</b>	<b>84,976,009.66</b>	<b>5,496,711.36</b>

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

	<u>Jul '13 - Feb 14</u>	<u>Annual Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
Lease Revenues	401,563.57	535,500.00	-133,936.43	74.99%
Moorage	744,455.54	1,082,000.00	-337,544.46	68.8%
Shipping Terminal Revenues	6,415.20	3,500.00	2,915.20	183.29%
Hoist Dock & Services	304,223.78	335,500.00	-31,276.22	90.68%
RV Parks	455,021.64	528,300.00	-73,278.36	86.13%
Launch Ramp & Trailer Storage	42,340.50	58,000.00	-15,659.50	73.0%
Miscellaneous Revenue	22,986.52	40,000.00	-17,013.48	57.47%
Property & Dredge Sales	110.00	0.00	110.00	100.0%
Grant & Loan Proceeds	1,938.58	527,200.00	-525,261.42	0.37%
Property Tax Revenue	91,384.88	89,000.00	2,384.88	102.68%
Interest Income	1,704.29	2,500.00	-795.71	68.17%
<b>Total Income</b>	<u>2,072,144.50</u>	<u>3,201,500.00</u>	<u>-1,129,355.50</u>	<u>64.72%</u>
<b>Expense</b>				
Salaries & Wages	466,831.20	800,000.00	-333,168.80	58.35%
Payroll Taxes & Benefits	178,801.20	381,000.00	-202,198.80	46.93%
Insurance	99,412.82	187,000.00	-87,587.18	53.16%
Professional Fees	71,667.96	115,000.00	-43,332.04	62.32%
Marketing & Promotion	13,574.38	32,000.00	-18,425.62	42.42%
Dues & Subscriptions	14,606.18	16,000.00	-1,393.82	91.29%
Education & Training	2,973.82	5,000.00	-2,026.18	59.48%
Travel	7,636.41	16,000.00	-8,363.59	47.73%
Office Expenses	19,305.76	65,000.00	-45,694.24	29.7%
Bank Fees	18,491.88	26,000.00	-7,508.12	71.12%
License & Permit Fees	6,651.75	5,000.00	1,651.75	133.04%
Utilities	270,247.99	450,000.00	-179,752.01	60.06%
Contract & Support Services	151,696.28	159,000.00	-7,303.72	95.41%
Repairs & Maintenance	49,978.73	178,000.00	-128,021.27	28.08%
Equipment & Small Tools	5,486.20	10,300.00	-4,813.80	53.26%
Operating Supplies & Fuel	55,049.63	69,300.00	-14,250.37	79.44%
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	8,582.00	12,540.00	-3,958.00	68.44%
Grants & Other	32,724.22	64,300.00	-31,575.78	50.89%
<b>Total Expense</b>	<u>1,497,106.36</u>	<u>2,618,000.00</u>	<u>-1,120,893.64</u>	<u>57.19%</u>
Fund Transfers In	25,000.00	25,000.00	0.00	100.0%
<b>Total Other Income</b>	<u>25,000.00</u>	<u>25,000.00</u>	<u>0.00</u>	<u>100.0%</u>
Debt Service	273,472.26	445,000.00	-171,527.74	61.45%
Capital - Current Year Costs	0.00	637,500.00	-637,500.00	0.0%
<b>Total Other Expense</b>	<u>273,472.26</u>	<u>1,082,500.00</u>	<u>-809,027.74</u>	<u>25.26%</u>
<b>Operating Income</b>	<u><u>326,565.88</u></u>	<u><u>-474,000.00</u></u>	<u><u>800,565.88</u></u>	<u><u>-68.9%</u></u>

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

	<u>Jul '13 - Feb 14</u>	<u>Jul '12 - Feb 13</u>	<u>\$ Change</u>
<b>Income</b>			
Lease Revenues	401,563.57	358,845.68	42,717.89
Moorage	744,455.54	632,977.78	111,477.76
Shipping Terminal Revenues	6,415.20	3,939.56	2,475.64
Hoist Dock & Services	304,223.78	237,807.40	66,416.38
RV Parks	455,021.64	446,897.10	8,124.54
Launch Ramp & Trailer Storage	42,340.50	44,020.20	-1,679.70
Miscellaneous Revenue	22,986.52	44,897.13	-21,910.61
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	1,938.58	89,380.75	-87,442.17
Property Tax Revenue	91,384.88	87,610.60	3,774.28
Interest Income	1,704.29	1,558.49	145.80
<b>Total Income</b>	<u>2,072,144.50</u>	<u>1,950,934.69</u>	<u>121,209.81</u>
<b>Expense</b>			
Salaries & Wages	466,831.20	493,889.02	-27,057.82
Payroll Taxes & Benefits	178,801.20	196,287.78	-17,486.58
Insurance	99,412.82	108,537.40	-9,124.58
Professional Fees	71,667.96	66,254.59	5,413.37
Marketing & Promotion	13,574.38	13,178.77	395.61
Dues & Subscriptions	14,606.18	13,846.12	760.06
Education & Training	2,973.82	3,998.80	-1,024.98
Travel	7,636.41	5,559.56	2,076.85
Office Expenses	19,305.76	19,964.97	-659.21
Bank Fees	18,491.88	18,946.31	-454.43
License & Permit Fees	6,651.75	1,376.25	5,275.50
Utilities	270,247.99	263,301.58	6,946.41
Contract & Support Services	151,696.28	107,469.81	44,226.47
Repairs & Maintenance	49,978.73	74,639.18	-24,660.45
Equipment & Small Tools	5,486.20	11,427.91	-5,941.71
Operating Supplies & Fuel	55,049.63	45,690.07	9,359.56
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	8,582.00	8,360.00	222.00
Grants & Other	32,724.22	189,833.88	-157,109.66
<b>Total Expense</b>	<u>1,497,106.36</u>	<u>1,667,244.14</u>	<u>-170,137.78</u>
<b>Other Income</b>			
Fund Transfers In	25,000.00	25,000.00	0.00
<b>Total Other Income</b>	<u>25,000.00</u>	<u>25,000.00</u>	<u>0.00</u>
<b>Other Expense</b>			
Debt Service	273,472.26	447,852.23	-174,379.97
Capital - Current Year Costs	0.00	34,035.22	-34,035.22
<b>Total Other Expense</b>	<u>273,472.26</u>	<u>481,887.45</u>	<u>-208,415.19</u>
<b>Operating Income</b>	<u>326,565.88</u>	<u>-173,196.90</u>	<u>499,762.78</u>

**Port of Newport Operating Fund**  
**Monthly Operating Statement**  
February 2014

	<u>Feb 14</u>	<u>Jan 14</u>	<u>\$ Change</u>	<u>Feb 13</u>	<u>\$ Change</u>
<b>Income</b>					
Lease Revenues	45,138.41	40,252.92	4,885.49	42,516.82	2,621.59
Moorage	44,784.07	76,820.96	-32,036.89	42,268.45	2,515.62
Shipping Terminal Revenues	208.00	585.00	-377.00	0.00	208.00
Hoist Dock & Services	30,312.08	45,195.67	-14,883.59	26,135.83	4,176.25
RV Parks	24,594.71	13,468.07	11,126.64	29,971.53	-5,376.82
Launch Ramp & Trailer Storage	1,854.50	4,054.50	-2,200.00	2,543.60	-689.10
Miscellaneous Revenue	2,291.76	3,481.19	-1,189.43	1,874.95	416.81
Grant & Loan Proceeds	-898.12	0.00	-898.12	86,080.75	-86,978.87
Property Tax Revenue	2,516.77	987.65	1,529.12	868.35	1,648.42
Interest Income	94.67	239.65	-144.98	113.31	-18.64
<b>Total Income</b>	<u>150,896.85</u>	<u>185,085.61</u>	<u>-34,188.76</u>	<u>232,373.59</u>	<u>-81,476.74</u>
<b>Expense</b>					
Salaries & Wages	55,092.61	57,851.57	-2,758.96	60,886.80	-5,794.19
Payroll Taxes & Benefits	18,868.59	20,968.51	-2,099.92	23,472.62	-4,604.03
Insurance	12,199.35	12,173.35	26.00	15,395.80	-3,196.45
Professional Fees	7,625.00	1,495.00	6,130.00	1,991.25	5,633.75
Marketing & Promotion	0.00	935.74	-935.74	1,458.65	-1,458.65
Dues & Subscriptions	54.00	1,270.00	-1,216.00	285.39	-231.39
Education & Training	271.34	465.94	-194.60	375.00	-103.66
Travel	0.00	1,705.97	-1,705.97	1,352.61	-1,352.61
Office Expenses	1,864.86	2,631.72	-766.86	1,340.45	524.41
Bank Fees	523.38	1,727.64	-1,204.26	1,044.32	-520.94
License & Permit Fees	0.00	250.00	-250.00	0.00	0.00
Utilities	33,074.33	34,615.78	-1,541.45	33,410.27	-335.94
Contract & Support Services	20,171.33	14,439.44	5,731.89	11,246.97	8,924.36
Repairs & Maintenance	8,075.41	4,083.32	3,992.09	5,539.83	2,535.58
Equipment & Small Tools	253.76	404.43	-150.67	651.73	-397.97
Operating Supplies & Fuel	5,512.84	5,125.59	387.25	5,557.28	-44.44
DSL & State Land Fees	0.00	638.00	-638.00	0.00	0.00
Building & Land leases	1,082.00	1,082.00	0.00	1,045.00	37.00
Grants & Other	2,702.97	853.04	1,849.93	1,860.03	842.94
<b>Total Expense</b>	<u>167,371.77</u>	<u>162,717.04</u>	<u>4,654.73</u>	<u>166,914.00</u>	<u>457.77</u>
<b>Other Expense</b>					
Debt Service	12,179.51	12,179.51	0.00	13,578.14	-1,398.63
<b>Total Other Expense</b>	<u>12,179.51</u>	<u>12,179.51</u>	<u>0.00</u>	<u>13,578.14</u>	<u>-1,398.63</u>
<b>Operating Income</b>	<u><u>-28,654.43</u></u>	<u><u>10,189.06</u></u>	<u><u>-38,843.49</u></u>	<u><u>51,881.45</u></u>	<u><u>-80,535.88</u></u>

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

	SB OPS (South Beach)	SB Admin & Overhead (South Beach)	SB Marina (South Beach)
<b>Income</b>			
Lease Revenues	0.00	0.00	103.80
Moorage	0.00	0.00	396,509.27
Shipping Terminal Revenues	0.00	0.00	0.00
Hoist Dock & Services	0.00	0.00	7,637.44
RV Parks	0.00	359.15	0.00
Launch Ramp & Trailer Storage	0.00	61.00	40,916.00
Miscellaneous Revenue	0.00	180.63	12,624.04
Property & Dredge Sales	0.00	0.00	0.00
Grant & Loan Proceeds	0.00	0.00	2,836.70
Property Tax Revenue	0.00	0.00	0.00
Interest Income	0.00	0.00	0.00
<b>Total Income</b>	<b>0.00</b>	<b>600.78</b>	<b>460,627.25</b>
<b>Expense</b>			
Salaries & Wages	96,617.92	40,932.95	0.00
Payroll Taxes & Benefits	45,300.65	11,007.72	0.00
Insurance	1,000.00	0.00	12,503.21
Professional Fees	850.00	0.00	0.00
Marketing & Promotion	0.00	6,470.50	1,381.69
Dues & Subscriptions	0.00	40.00	0.00
Education & Training	0.00	795.00	0.00
Travel	0.00	759.44	403.62
Office Expenses	165.10	3,859.62	742.38
Bank Fees	0.00	5,208.51	0.00
License & Permit Fees	144.00	6.00	0.00
Utilities	28,955.66	15,799.03	83,851.87
Contract & Support Services	5,305.00	44,036.05	16,117.04
Repairs & Maintenance	7,274.07	650.86	14,782.41
Equipment & Small Tools	1,184.91	104.00	46.00
Operating Supplies & Fuel	20,213.40	3,514.49	7,715.46
DSL & State Land Fees	0.00	0.00	10,435.34
Building & Land leases	0.00	0.00	0.00
Grants & Other	0.00	15,927.35	0.00
<b>Total Expense</b>	<b>207,010.71</b>	<b>149,111.52</b>	<b>147,979.02</b>
<b>Other Income</b>			
Fund Transfers In	0.00	0.00	0.00
<b>Total Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Other Expense</b>			
Debt Service	3,716.40	0.00	0.00
<b>Total Other Expense</b>	<b>3,716.40</b>	<b>0.00</b>	<b>0.00</b>
<b>Operating Income</b>	<b>-210,727.11</b>	<b>-148,510.74</b>	<b>312,648.23</b>



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

	Main RV Park (South Beach)	Annex (South Beach)	Total South Beach
<b>Income</b>			
Lease Revenues	0.00	0.00	103.80
Moorage	0.00	0.00	396,509.27
Shipping Terminal Revenues	0.00	0.00	0.00
Hoist Dock & Services	136.50	0.00	7,773.94
RV Parks	351,118.35	100,881.06	452,358.56
Launch Ramp & Trailer Storage	0.00	0.00	40,977.00
Miscellaneous Revenue	4,608.65	139.00	17,552.32
Property & Dredge Sales	0.00	0.00	0.00
Grant & Loan Proceeds	0.00	0.00	2,836.70
Property Tax Revenue	0.00	0.00	0.00
Interest Income	0.00	0.00	0.00
<b>Total Income</b>	<b>355,863.50</b>	<b>101,020.06</b>	<b>918,111.59</b>
<b>Expense</b>			
Salaries & Wages	0.00	0.00	137,550.87
Payroll Taxes & Benefits	0.00	0.00	56,308.37
Insurance	0.00	0.00	13,503.21
Professional Fees	0.00	0.00	850.00
Marketing & Promotion	195.00	0.00	8,047.19
Dues & Subscriptions	0.00	0.00	40.00
Education & Training	0.00	0.00	795.00
Travel	0.00	0.00	1,163.06
Office Expenses	57.88	0.00	4,824.98
Bank Fees	33.51	0.00	5,242.02
License & Permit Fees	0.00	0.00	150.00
Utilities	18,100.75	8,601.16	155,308.47
Contract & Support Services	15,900.65	200.00	81,558.74
Repairs & Maintenance	453.12	349.38	23,509.84
Equipment & Small Tools	0.00	0.00	1,334.91
Operating Supplies & Fuel	1,549.57	257.44	33,250.36
DSL & State Land Fees	0.00	0.00	10,435.34
Building & Land leases	0.00	0.00	0.00
Grants & Other	12,101.14	434.71	28,463.20
<b>Total Expense</b>	<b>48,391.62</b>	<b>9,842.69</b>	<b>562,335.56</b>
<b>Other Income</b>			
Fund Transfers In	0.00	0.00	0.00
<b>Total Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Other Expense</b>			
Debt Service	0.00	0.00	3,716.40
<b>Total Other Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>3,716.40</b>
<b>Operating Income</b>	<b>307,471.88</b>	<b>91,177.37</b>	<b>352,059.63</b>

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

	Admin & Property Mgmt	Commercial Marina	International Terminal	Total General Operating Fund
<b>Income</b>				
Lease Revenues	401,459.77	0.00	0.00	401,563.57
Moorage	0.00	293,541.27	54,405.00	744,455.54
Shipping Terminal Revenues	0.00	0.00	6,415.20	6,415.20
Hoist Dock & Services	1,276.80	201,911.40	93,261.64	304,223.78
RV Parks	2,663.08	0.00	0.00	455,021.64
Launch Ramp & Trailer Storage	0.00	1,243.00	120.50	42,340.50
Miscellaneous Revenue	1,313.89	4,110.80	9.51	22,986.52
Property & Dredge Sales	110.00	0.00	0.00	110.00
Grant & Loan Proceeds	0.00	0.00	-898.12	1,938.58
Property Tax Revenue	91,384.88	0.00	0.00	91,384.88
Interest Income	1,704.29	0.00	0.00	1,704.29
<b>Total Income</b>	<b>499,912.71</b>	<b>500,806.47</b>	<b>153,313.73</b>	<b>2,072,144.50</b>
<b>Expense</b>				
Salaries & Wages	184,097.70	119,501.17	25,681.46	466,831.20
Payroll Taxes & Benefits	58,328.97	52,371.56	11,792.30	178,801.20
Insurance	72,406.40	13,503.21	0.00	99,412.82
Professional Fees	62,711.19	0.00	8,106.77	71,667.96
Marketing & Promotion	3,701.91	416.65	1,408.63	13,574.38
Dues & Subscriptions	14,566.18	0.00	0.00	14,606.18
Education & Training	1,629.57	549.25	0.00	2,973.82
Travel	6,290.19	100.81	82.35	7,636.41
Office Expenses	13,074.35	1,027.27	379.16	19,305.76
Bank Fees	761.54	12,488.32	0.00	18,491.88
License & Permit Fees	271.45	1,438.00	4,792.30	6,651.75
Utilities	11,901.86	74,475.23	28,562.43	270,247.99
Contract & Support Services	13,779.88	42,873.70	13,483.96	151,696.28
Repairs & Maintenance	78.06	17,913.44	8,477.39	49,978.73
Equipment & Small Tools	0.00	637.54	3,513.75	5,486.20
Operating Supplies & Fuel	1,024.25	15,579.01	5,196.01	55,049.63
DSL & State Land Fees	0.00	12,952.61	0.00	23,387.95
Building & Land leases	8,582.00	0.00	0.00	8,582.00
Grants & Other	3,923.76	337.26	0.00	32,724.22
<b>Total Expense</b>	<b>457,129.26</b>	<b>366,165.03</b>	<b>111,476.51</b>	<b>1,497,106.36</b>
<b>Other Income</b>				
Fund Transfers In	25,000.00	0.00	0.00	25,000.00
<b>Total Other Income</b>	<b>25,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>25,000.00</b>
<b>Other Expense</b>				
Debt Service	165,682.96	4,220.42	99,852.48	273,472.26
<b>Total Other Expense</b>	<b>165,682.96</b>	<b>4,220.42</b>	<b>99,852.48</b>	<b>273,472.26</b>
<b>Operating Income</b>	<b>-97,899.51</b>	<b>130,421.02</b>	<b>-58,015.26</b>	<b>326,565.88</b>

Port of Newport - NOAA Fund

Balance Sheet

As of February 28, 2014

	<u>Feb 28, 14</u>	<u>Jan 31, 14</u>	<u>\$ Change</u>	<u>Feb 28, 13</u>	<u>\$ Change</u>
<b>ASSETS</b>					
Current Assets					
Cash & Equivalents	4,916,203.89	4,838,636.05	77,567.84	5,076,680.53	-160,476.64
Total Checking/Savings	4,916,203.89	4,838,636.05	77,567.84	5,076,680.53	-160,476.64
Other Current Assets					
Due From Other Funds	0.00	0.00	0.00	130.33	-130.33
Prepaid Expenses	69,731.54	80,102.06	-10,370.52	104,449.41	-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	657,371.54	667,742.06	-10,370.52	726,786.74	-69,415.20
<b>Total Current Assets</b>	<b>5,573,575.43</b>	<b>5,506,378.11</b>	<b>67,197.32</b>	<b>5,803,467.27</b>	<b>-229,891.84</b>
<b>TOTAL ASSETS</b>	<b>5,573,575.43</b>	<b>5,506,378.11</b>	<b>67,197.32</b>	<b>5,803,467.27</b>	<b>-229,891.84</b>
<b>LIABILITIES &amp; EQUITY</b>					
Liabilities					
Current Liabilities					
Accounts Payable	116,418.32	-589,386.93	705,805.25	63,365.27	53,053.05
Total Accounts Payable	116,418.32	-589,386.93	705,805.25	63,365.27	53,053.05
Other Current Liabilities					
Vacation Payable	1,371.00	1,010.00	361.00	1,614.00	-243.00
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	1,300,656.00	1,300,295.00	361.00	520,461.00	780,195.00
<b>Total Current Liabilities</b>	<b>1,417,074.32</b>	<b>710,908.07</b>	<b>706,166.25</b>	<b>583,826.27</b>	<b>833,248.05</b>
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
<b>Total Liabilities</b>	<b>23,760,195.32</b>	<b>23,054,029.07</b>	<b>706,166.25</b>	<b>24,470,366.27</b>	<b>-710,170.95</b>
Equity					
Total Equity	-18,186,619.89	-17,547,650.96	-638,968.93	-18,666,899.00	480,279.11
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>5,573,575.43</b>	<b>5,506,378.11</b>	<b>67,197.32</b>	<b>5,803,467.27</b>	<b>-229,891.84</b>

**Port of Newport - NOAA Fund  
Budget Variance  
July 2013 through February 2014**

	<u>Jul '13 - Feb 14</u>	<u>Annual Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
Lease Income	1,691,976.24	2,535,000.00	-843,023.76	66.75%
Interest Income	7,008.45	10,000.00	-2,991.55	70.09%
Misc Income	0.00	100,000.00	-100,000.00	0.0%
<b>Total Income</b>	<u>1,698,984.69</u>	<u>2,645,000.00</u>	<u>-946,015.31</u>	<u>64.23%</u>
<b>Expense</b>				
Salary, Wages & Benefits	66,266.46	104,980.00	-38,713.54	63.12%
Insurance	83,932.16	139,725.00	-55,792.84	60.07%
Professional Services	943.00	12,000.00	-11,057.00	7.86%
Office & Admin Expenses	3,264.52	17,000.00	-13,735.48	19.2%
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	55,121.80	83,100.00	-27,978.20	66.33%
Dredging	257,233.76	250,000.00	7,233.76	102.89%
Utilities	6,104.97	10,755.00	-4,650.03	56.76%
Materials and Supplies	4,987.40	20,800.00	-15,812.60	23.98%
Fuel (Gas, Diesel, Oil, Lubes)	804.42	1,350.00	-545.58	59.59%
Small Tools & Equipment	570.21	2,500.00	-1,929.79	22.81%
Equipment Rental	556.00	1,250.00	-694.00	44.48%
Office Rent & DSL Leases	10,566.48	12,000.00	-1,433.52	88.05%
<b>Total Expense</b>	<u>491,298.18</u>	<u>695,460.00</u>	<u>-204,161.82</u>	<u>70.64%</u>
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
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	2,000,433.76	2,000,434.00	-0.24	100.0%
<b>Total Other Expense</b>	<u>2,219,303.76</u>	<u>2,220,434.00</u>	<u>-1,130.24</u>	<u>99.95%</u>
<b>Operating Income</b>	<u><u>-1,011,617.25</u></u>	<u><u>-270,894.00</u></u>	<u><u>-740,723.25</u></u>	<u><u>373.44%</u></u>

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

	<u>Jul '13 - Feb 14</u>	<u>Jul '12 - Feb 13</u>	<u>\$ Change</u>
<b>Income</b>			
Lease Income	1,691,976.24	1,691,064.32	911.92
Interest Income	7,008.45	8,820.95	-1,812.50
Misc Income	0.00	7.40	-7.40
<b>Total Income</b>	<u>1,698,984.69</u>	<u>1,699,892.67</u>	<u>-907.98</u>
<b>Expense</b>			
Salary, Wages & Benefits	66,266.46	66,183.13	83.33
Insurance	83,932.16	83,515.76	416.40
Professional Services	943.00	14,690.23	-13,747.23
Office & Admin Expenses	3,264.52	3,462.47	-197.95
Licenses & Permits	947.00	2,101.32	-1,154.32
Contracted Services	55,121.80	58,828.39	-3,706.59
Dredging	257,233.76	0.00	257,233.76
Utilities	6,104.97	5,753.23	351.74
Materials and Supplies	4,987.40	3,579.06	1,408.34
Fuel (Gas, Diesel, Oil, Lubes)	804.42	559.05	245.37
Small Tools & Equipment	570.21	954.83	-384.62
Equipment Rental	556.00	274.00	282.00
Office Rent & DSL Leases	10,566.48	10,286.33	280.15
<b>Total Expense</b>	<u>491,298.18</u>	<u>250,187.80</u>	<u>241,110.38</u>
<b>Other Expense</b>			
Capital Expenses	0.00	11,767.40	-11,767.40
Fund Transfers Out	218,870.00	150,000.00	68,870.00
Debt Service	2,000,433.76	1,998,758.76	1,675.00
<b>Total Other Expense</b>	<u>2,219,303.76</u>	<u>2,160,526.16</u>	<u>58,777.60</u>
<b>Operating Income</b>	<u><u>-1,011,617.25</u></u>	<u><u>-710,821.29</u></u>	<u><u>-300,795.96</u></u>

# Facility Maintenance Reserve Fund

July 2013 through February 2014

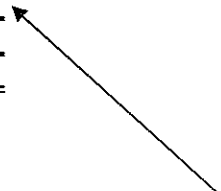
## Balance Sheet

	<u>Feb 28, 14</u>	<u>Feb 28, 13</u>	<u>\$ Change</u>
<b>ASSETS</b>			
Current Assets			
Umpqua Bank - Money Market	290,248.51	122,863.53	167,384.98
<b>TOTAL ASSETS</b>	<u>290,248.51</u>	<u>122,863.53</u>	<u>167,384.98</u>
<b>LIABILITIES &amp; EQUITY</b>			
Liabilities			
Accounts Payable	123,719.53	0.00	123,719.53
Total Equity	166,528.98	122,863.53	43,665.45
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>290,248.51</u>	<u>122,863.53</u>	<u>167,384.98</u>

## Operating Statement

	<u>Jul '13 - Feb 14</u>
Interest Income	105.78
<b>Total Income</b>	<u>105.78</u>
Expense	
Office Supplies	16.21
Repairs & Maintenance	
F-Dock - \$22,800	22,800.00
Old Port Office - \$9,800	9,800.00
Piling, paving, elect -\$100,000	91,119.53
<b>Total Repairs &amp; Maintenance</b>	<u>123,719.53</u>
<b>Total Expense</b>	<u>123,735.74</u>
Other Income	
Funds Transfer In	193,870.00
<b>Revenues Over/(Under) Expenses</b>	<u>70,240.04</u>

Expenses were paid from General Operating Fund. Funds will be transferred from Facilities Maintenance Reserve to General Fund once projects all completed.



**Construction Fund - Port of Newport**  
**Balance Sheet**  
As of February 28, 2014

	<u>Feb 28, 14</u>	<u>Jan 31, 14</u>	<u>\$ Change</u>	<u>Feb 28, 13</u>	<u>\$ Change</u>
<b>ASSETS</b>					
Current Assets					
Checking/Savings					
Construction Fund Bank Accts	788,070.68	794,038.19	-5,967.51	269,026.12	519,044.56
Total Checking/Savings	<u>788,070.68</u>	<u>794,038.19</u>	<u>-5,967.51</u>	<u>269,026.12</u>	<u>519,044.56</u>
Accounts Receivable					
Accounts Receivable	0.00	0.00	0.00	113,581.00	-113,581.00
Total Accounts Receivable	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>113,581.00</u>	<u>-113,581.00</u>
Total Current Assets	<u>788,070.68</u>	<u>794,038.19</u>	<u>-5,967.51</u>	<u>382,607.12</u>	<u>405,463.56</u>
<b>TOTAL ASSETS</b>	<u><u>788,070.68</u></u>	<u><u>794,038.19</u></u>	<u><u>-5,967.51</u></u>	<u><u>382,607.12</u></u>	<u><u>405,463.56</u></u>
<b>LIABILITIES &amp; EQUITY</b>					
Liabilities					
Current Liabilities					
Accounts Payable					
A/P - Construction	10,255.07	6,141.08	4,113.99	291,206.89	-280,951.82
Total Accounts Payable	<u>10,255.07</u>	<u>6,141.08</u>	<u>4,113.99</u>	<u>291,206.89</u>	<u>-280,951.82</u>
Other Current Liabilities					
Due To Other funds	0.00	0.00	0.00	-240.00	240.00
Total Other Current Liabilities	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>-240.00</u>	<u>240.00</u>
Total Current Liabilities	<u>10,255.07</u>	<u>6,141.08</u>	<u>4,113.99</u>	<u>290,966.89</u>	<u>-280,711.82</u>
Total Liabilities	10,255.07	6,141.08	4,113.99	290,966.89	-280,711.82
Equity					
Total Equity	<u>777,815.61</u>	<u>787,897.11</u>	<u>-10,081.50</u>	<u>91,640.23</u>	<u>686,175.38</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>788,070.68</u></u>	<u><u>794,038.19</u></u>	<u><u>-5,967.51</u></u>	<u><u>382,607.12</u></u>	<u><u>405,463.56</u></u>

**Bonded Debt Fund - Port of Newport**  
**Balance Sheet**  
As of February 28, 2014

	<u>Feb 28, 14</u>	<u>Jan 31, 14</u>	<u>\$ Change</u>	<u>Feb 28, 13</u>	<u>\$ Change</u>
<b>ASSETS</b>					
Current Assets					
Checking/Savings					
Gen Obligation Bond MM-OCB	281,644.80	272,471.97	9,172.83	246,013.10	35,631.70
Total Checking/Savings	<u>281,644.80</u>	<u>272,471.97</u>	<u>9,172.83</u>	<u>246,013.10</u>	<u>35,631.70</u>
Accounts Receivable					
Due from General Operating Fund	24,699.94	9,108.95	15,590.99	6,606.74	18,093.20
Total Accounts Receivable	<u>24,699.94</u>	<u>9,108.95</u>	<u>15,590.99</u>	<u>6,606.74</u>	<u>18,093.20</u>
Other Current Assets					
Property Tax Receivable	67,552.12	67,552.12	0.00	64,104.00	3,448.12
Total Other Current Assets	<u>67,552.12</u>	<u>67,552.12</u>	<u>0.00</u>	<u>64,104.00</u>	<u>3,448.12</u>
Total Current Assets	<u>373,896.86</u>	<u>349,133.04</u>	<u>24,763.82</u>	<u>316,723.84</u>	<u>57,173.02</u>
Other Assets					
Bond Issue costs, net of amort.	282,476.00	282,476.00	0.00	294,047.00	-11,571.00
Total Other Assets	<u>282,476.00</u>	<u>282,476.00</u>	<u>0.00</u>	<u>294,047.00</u>	<u>-11,571.00</u>
<b>TOTAL ASSETS</b>	<u><u>656,372.86</u></u>	<u><u>631,609.04</u></u>	<u><u>24,763.82</u></u>	<u><u>610,770.84</u></u>	<u><u>45,602.02</u></u>
<b>LIABILITIES &amp; EQUITY</b>					
Liabilities					
Current Liabilities					
Other Current Liabilities					
Bonds Payable - Current	275,000.00	275,000.00	0.00	0.00	275,000.00
Total Other Current Liabilities	<u>275,000.00</u>	<u>275,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>275,000.00</u>
Total Current Liabilities	<u>275,000.00</u>	<u>275,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>275,000.00</u>
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	<u>13,994,630.00</u>	<u>13,994,630.00</u>	<u>0.00</u>	<u>14,531,909.00</u>	<u>-537,279.00</u>
Total Liabilities	<u>14,269,630.00</u>	<u>14,269,630.00</u>	<u>0.00</u>	<u>14,531,909.00</u>	<u>-262,279.00</u>
Equity					
Total Equity	<u>-13,613,257.14</u>	<u>-13,638,020.96</u>	<u>24,763.82</u>	<u>-13,921,138.16</u>	<u>307,881.02</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>656,372.86</u></u>	<u><u>631,609.04</u></u>	<u><u>24,763.82</u></u>	<u><u>610,770.84</u></u>	<u><u>45,602.02</u></u>



# Port of Newport

## Operating Fund

February 19, 2014 to March 13, 2014

Date	Num	Name	Memo	Amount
2/26/14	35261	AboveBoard Electric Inc	Conduit, Junction Boxes, Outlets for Secur	898.12
2/26/14	35262	Carson Oil Company	Diesel IT	749.18
2/26/14	35263	Cascade Nut & Bolt Inc	SS Lag Bolts and Washers	153.12
2/26/14	35264	Cedar Creek Quarries, Inc	Crushed Rock for Annex Park	349.38
2/26/14	35265	Central Lincoln PUD	Electric	3,815.39
2/26/14	35266	Coast Range Equipment & Repair	Repair Sewer Pump at Left Pump Station	162.50
2/26/14	35267	Craig's Refrigeration	Check for Leaks & Replace Fan Motor HT	537.00
2/26/14	35268	Dahl & Dahl, Inc	Debris Disposal	235.60
2/26/14	35269	Design Space	Customs Office	247.00
2/26/14	35270	Fastenal Company	SS Screws	12.24
2/26/14	35271	Ferguson Enterprises #3001	Hose Bibs, Bubblers, Faucets	629.76
2/26/14	35272	Gray's Web Design	Web Site Updates	105.00
2/26/14	35273	Great America Financial Services	Copier Lease	139.60
2/26/14	35274	HC Etc., Inc	Completion of Camera Security System	1,717.59
2/26/14	35275	Lincoln Plumbing Inc	Repair Blockage Central Main RR	490.00
2/26/14	35276	M & E Septic Service, Inc	Pump Holding Tank IT	425.00
2/26/14	35277	Newport Plumbing Inc.	Mesh Sand cloth	17.50
2/26/14	35278	NW Natural	Propane SB	387.04
2/26/14	35279	Petty Cash	Misc Office and Repair Supplies	193.26
2/26/14	35280	Platt	Light Fixtures and Bulbs Replacements	809.93
2/26/14	35281	Portland Bolt & Manufacturing Co.	Galv. Rod and Hardware for F Dock	9,244.80
2/26/14	35282	R. Gray's Bargain Yard, Inc.	SS Hinge	12.50
2/26/14	35283	Rau Plumbing Inc	Install Valve East End of Dock	490.00
2/26/14	35284	Sears Commercial One	Sanding Disks and Palm Sander	113.45
2/26/14	35285	Sherwin Williams	Floor Paint for CTX Restrooms	198.00
2/26/14	35286	U.G. Cash & Carry	Creamer, Degreaser, Coffee Cups, Candy	147.32
2/26/14	35287	Verizon Wireless	Port cell phones	232.00
2/26/14	35288	Central Lincoln PUD	Electric	1,904.06
2/26/14	35289	Central Lincoln PUD	Electric Annex #8	72.01
2/20/14	35290	Fendly, B	Moorage Refund	769.00
2/27/14	35291	Abby's Legendary Pizza	Pizza for All Emp Safety Meeting & Work	211.39
2/27/14	35292	Allegiance Benefit Plan Mgmt	Insurance Withholding	502.67
2/27/14	35293	Brian Fendly	VOID: duplicate	0.00
2/27/14	35294	Cardinal Services, Inc.	Temp Adm Assistant	1,228.50
2/27/14	35295	CoastCom Inc	E-Mail and Software services	940.00
2/27/14	35296	Englund Marine Supply Co. Inc	SS Hose Clamps	39.60
2/27/14	35297	HC Etc., Inc	50% Deposit for Wireless Install SB	5,493.25
2/27/14	35298	OCZMA, Inc.	OCZMA Meeting, W. Chuck	14.00
2/27/14	35299	Oregon Coast Magazine	VOID: Ad in Mile By Mile Magazine	0.00
2/27/14	35300	Schwabe Williamson & Wyatt	VOID: Cost Share LUBA Legal Expense	0.00
2/27/14	35301	Special Districts Insurance Service	VOID:need two checks	0.00
2/27/14	35302	T & L Chemical Toilet Service	Chemical Toilets Bayfront	436.00
2/27/14	35303	Special Districts Insurance Service	Quarterly Property/Casualty Insurance	36,690.50
2/27/14	35304	Special Districts Insurance Service	March Health Pan	7,965.30
2/27/14	35305	Schwabe Williamson & Wyatt	Cost Share LUBA Legal Expense	5,000.00
3/11/14	35306	ALSCO	Towels and Mats	220.36

# Port of Newport

## Operating Fund

February 19, 2014 to March 13, 2014

3/11/14	35307	Bullfrog Enterprises	Annual Service for Postage meter	320.00
3/11/14	35308	Central Coast Excavating, Inc.	VOID:	0.00
3/11/14	35309	Central Lincoln PUD	Electric	3,438.90
3/11/14	35310	CenturyLink - Business Service	Telephone	27.35
3/11/14	35311	City of Newport	Water and Sewer	3,547.40
3/11/14	35312	CNA Surety	OR blanket notary errors & omissions polic	26.00
3/11/14	35313	Copelund Lumber Yards, Inc..	Saw Blades, Sand Paper, Ratchet	205.47
3/11/14	35314	Creative Landscape & Maintenance	Landscape Maintenance	1,200.00
3/11/14	35315	Dan Lais Equipment Surgery	Fabricate Pile Hoops and Zinc	993.75
3/11/14	35316	Direct TV	Monthly Cable SB Annex	310.91
3/11/14	35317	Englund Marine Supply Co, Inc	VOID: incorrect amount	0.00
3/11/14	35318	JC Market	Beverages and Snacks	102.29
3/11/14	35319	MACPHERSON, GINTNER & DIAZ	Review General Business Admin	880.00
3/11/14	35320	Oregon Coast Magazine	VOID: Ad in Mile By Mile Magazine	0.00
3/11/14	35321	Pioneer Telephone Cooperative	Telephone SB	214.87
3/11/14	35322	R. Gray's Bargain Yard, Inc.	Screws and Hinges SB	29.24
3/11/14	35323	Rushing Marine Service, LLC	On Line Facility Security Training Jim Durk	350.00
3/11/14	35324	TCB Security Services, Inc	Monthly Security contract	6,262.00
3/11/14	35325	Thompson's Sanitary Service, Inc	Contracted Refuse Disposal	4,036.15
3/11/14	35326	U.G. Cash & Carry	Cleaning Supplies	213.03
3/11/14	35327	Wolseley Industrial Group	HD Pipe & Couplers F Dock	1,982.69
3/11/14	35328	Xerox Corporation	Copier Rental and Print Charge SB	98.08
3/11/14	35329	Yaquina Boat Equipment, Inc	Machine Hinge Pin for Compactor	231.94
3/11/14	35330	Alesa Bay Power Products	Gasket and Screw for Hedge Trimmer	4.63
3/11/14	35331	Central Lincoln PUD	VOID:	0.00
3/11/14	35332	City of Newport	Water and Sewer	1,923.40
3/11/14	35333	Direct TV	Cable SB RV Park	492.39
3/11/14	35334	Platt	Replacement Bulbs	305.68
3/11/14	35335	Central Lincoln PUD	Electric	11,812.57
3/11/14	35336	Business Oregon-OBDD	655-36-02 (Q10001)	3,250.00
3/11/14	35337	Business Oregon-OBDD	Loan # 520161	4,463.00
3/11/14	35338	Alan Brown Tire Center	Front Tires for Ranger	308.86
3/11/14	35339	Barrelhead	Small Tools, Bolts and Nuts	454.65
3/11/14	35340	Carson Oil Company	Cardlink Fuel Commercial Marina	77.28
3/11/14	35341	Cedar Creek Quarries, Inc	Gravel PD7 Lot	202.14
3/11/14	35342	Coastal Paper & Supply, Inc.	Paper Products and Cleaning Supplies	3,201.42
3/11/14	35343	Dahl & Dahl, Inc	Refuse Disposal	278.10
3/11/14	35344	Fred Meyer Customer Charges	Batteries, Ink Cartridges, Tape	186.99
3/11/14	35345	Halco Welding, Inc.	Sandblast and Zinc Pile Hoops	175.00
3/11/14	35346	Industrial Welding Supply, Inc	Striker, Goggles, Welding Wire	135.34
3/11/14	35347	Keller Supply Company	Actuator and Stem Kit	95.90
3/11/14	35348	Lincoln County Public Works	Fuel for Trucks	363.44
3/11/14	35349	Lincoln Plumbing Inc	Clear Main Line From RR next to Marina	460.00
3/11/14	35350	Newport Marine & RV Service, Inc	Impeller Kit CM Skiff	126.08
3/11/14	35351	Oregon Coast Technology Inc	Copier-Printer Port Office	40.12
3/11/14	35352	Sherwin Williams	Acetone and Paint Supplies	87.06
3/11/14	35353	Staples	Office chairs, Toner, Paper	723.61
3/11/14	35354	Suburban Propane	Fill Propane Tanks	1,320.31

# Port of Newport

## Operating Fund

February 19, 2014 to March 13, 2014

3/11/14	35355	Troyer's Marine Supply	Nuts and Bolts CM	16.48
3/11/14	35356	Employee	Mid Month Draw	100.00
3/11/14	35357	Employee	Mid Month Draw	450.00
3/11/14	35358	Employee	Mid Month Draw	500.00
3/11/14	35359	Employee	Mid Month Draw	475.00
3/11/14	35360	Employee	Mid Month Draw	500.00
3/11/14	35361	Employee	Mid month Draw	300.00
3/11/14	35362	Employee	Mid Month Draw	500.00
3/13/14	35363	Englund Marine Supply Co, Inc	Work Gloves, Chart, Clamps	990.25
3/13/14	35364	Aflac World Wide Headquarters	Aflac	74.65
3/13/14	35365	Abby's Legendary Pizza	Work Session Lunch	60.45
3/13/14	35366	Century Link	Telephone	340.06
3/13/14	35367	Chase - Visa	Data Palms, IT Software	246.74
3/13/14	35368	Lock Masters	Install Door Handle SB RR	575.00
3/13/14	35369	Cardinal Services, Inc.	Temp Adm Assistant	1,310.40

Total

145,495.99

# Port of Newport

## Construction Fund

February 19, 2014 to March 13, 2014

Date	Num	Name	Memo	Amount
2/19/14	11750	Day CPM	Project Management	1,352.57
3/12/14	11751	Advanced Remediation	Oversight and Consulting Sediment/Dredging/Perm	1,485.00
3/12/14	11752	Day CPM	Project Management Terminal	3,751.07
3/12/14	11753	Pacific Habitat Services, Inc	Biological Assessment Prep, Coordination	5,019.00
			Total	<u>11,607.64</u>

# Port of Newport

## NOAA Fund

February 19, 2014 to March 13, 2014

Date	Num	Name	Memo	Amount
2/26/14	12332	Central Lincoln PUD	Electric	86.09
2/26/14	12333	Road & Driveway	Post Storm Clean Up	100.00
2/26/14	12334	Verizon Wireless	Phone charges	61.67
2/27/14	12335	Billeter Marine LLC	Replacement 20 YD Riprap End Drainage C	1,400.00
2/27/14	12336	Copeland Lumber Yards	Sand, Batteries, Flashlight	112.98
2/27/14	12337	S.D.A.O. - Special Districts Assoc. of OR	NOAA Health Ins	568.95
2/27/14	12338	T & L Chemical Toilet Service	Holding Tank Rental	35.00
2/27/14	12339	Ultimate Pest Control, LLC	Contracted Service	125.00
2/27/14	12340	Williams Scotsman Inc	Rent Mobile Office	242.54
3/5/14	12341	Billeter Marine LLC	Wharf Maintenance Dredging	119,364.00
3/12/14	12342	Barrelhead Supply, Inc.	Batteries, Plumbers Putty	12.16
3/12/14	12343	Grainger	2 Danger Signs	24.52
3/12/14	12344	Lincoln County Public Works	Fuel	34.51
3/12/14	12345	Newport Rental Service	Lift Rental	152.00
3/12/14	12346	Pacific Habitat Services, Inc.	Permit Application for Dredging	856.00
3/12/14	12347	Pioneer Telephone Cooperative	Telephone	237.82
3/12/14	12348	Staples Credit Plan	Batteries	20.99
3/12/14	12349	Thompsons Sanitary Service	Disposal & 20YD Dumpster	325.10
2/25/14	12350	Pacific Habitat Services, Inc.	Eel Grass Monitoring Report	943.00
3/13/14	12351	Chase-Visa	Hippo Hardware Support	199.00
			Total	<u>124,901.33</u>





## MEMO

**To:** Port of Newport Commission

**From:** Kevin Bryant, Commercial Marina Harbormaster

**Copy:** Port of Management Staff

**Date:** March 20, 2014

**Re:** Commercial Marina Operations

---

### Maintenance

We are in progress.

### Construction

We did do some work on the disposal compactor to make easier and safer access for our disposal vendor.

### Fishing Fleet Activity

We were really busy amongst independent buyers and crab gear coming in due to available crab and prices are coming up. We also had the additional work of preparing the fleet for the upcoming shrimp season that starts in April.

### Other Activities

We are still working on the lot clean up to add the additional parking spaces. We are halfway with acquiring the Twix cards from Coos Bay. And we are preparing a plan for maintenance to be done for the upcoming arrival of the tall ships Lady Washington and Hawaiian Chieftain in May.

### Overview of Services for this Month

In one day we went through 140 pallets for crab pots alone this month.



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: March 12, 2014  
Re: March Manager's Report

---

### Maintenance

Coast crane replaced the corroded steering cylinders on the Grove and performed the periodic maintenance while they were here.  
CXT sent down a crew to repair the leaking roof on the west CXT building. This was warranty work.

### Construction

I helped Billeter Marine with some of their demobilization work. I also gave Doug from Natt McDougall a hand removing the temporary electrical hook-up for the construction trailers.

### Fishing Fleet Activity

Work with the fishing fleet continues to be slow with just the occasional boat switching from crab to other fisheries.

### Other Activities

The roof on the grey warehouse rented by Trident and the Leslie Lee developed holes large enough to see blue sky through in the last wind storm. We will be getting quotes to rebuild the roof and probably replace the insulation.  
We did not have a safety committee meeting this month to allow time for us to complete our quarterly safety inspections.

### Overview of February Services

1 fishing vessels spent a total of 28 days moored at the Terminal dock.  
5 fishing vessels used the Terminal dock for work. As far as I know, no vessels took on fuel.  
10 hours of forklift service were provided.  
14 hours of crane service were provided.



# Port of Newport

## FACILITY MANAGER'S MONTHLY REPORT

---

FACILITY: NOAA MOC-P  
DATE: 3/14/2014  
PERIOD: March 2014  
TO: Kevin Greenwood  
ISSUED BY: Rick Fuller

---

### Summary

This month was business as usual at the NOAA Facility with no significant issues. The backflow valve replacement (berth #3) that was detailed in last month's report has now been completed and recertified. While testing, it was found that the backflow at berth #1 required replacement parts and service also due to freezing. Please contact me with any questions concerning the introduction of the HippoFM software that was demonstrated in your office. The software is fully utilized at the NOAA and Terminal facilities and is in the set up stage at the SB Marina. Your February 21<sup>st</sup> visit and introduction to the NOAA command was very well received.

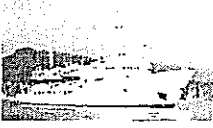

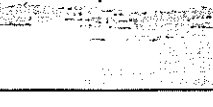
The dredging operation, survey, and demobilization are now 100% completed. Final payout yardage was negotiated with Billeter Marine at 13,350CY. In general the operation was conducted and completed as expected. A full post project report will be completed for your review. The seeding of the dredge disposal site has also been completed which will help with erosion and soil stabilization. Soundings of the berth areas have been included in the CMMS for regular scheduled monitoring.

Total full time building occupancy remains at approximately 66% of office space. The R/V Fairweather is currently portside at berth #4. The McArthur and Ka'Imimoana 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 preventative maintenance
- Repair and replacement of Berth #3 & #1 backflow valves
- Dredging operations
- Seeding dredge disposal site
- Lamp replacement at exterior fixtures
- HVAC program adjustments and monitoring for MOC Up room cooling equipment
- Misc. plumbing related demand work orders
- Purchase and installation of danger signs at generator and wharf utility buildings

# 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:** March 11, 2014

**Re:** February South Beach Occupancy Report

---

Both of the parks and dry camping were full for the Seafood & Wine Festival. Since all RV sites were preregistered and paid the check in process went smoothly. The occupancy numbers in both parks were down for the month. We had about 12 cancellations in both parks due to the February storms.

We have the RV parks transferred to the new Hercules program and guests can book their reservations on line. We are now busy inputting data for the recreational marina and all is going well so far.

As the halibut season approaches our slip rentals have increased. The 32' docks are starting to fill up, but to date we still have thirty 32' slips and fifty 26' slips available. We did get another 40' long term moorage holder as a result of the Portland Boat Show.

## Occupancy Figures:

	2013	2014	Change
Marina	6167	6028	-2.25%
Marina RV	608	604	-0.66%
Annex RV	417	226	-45.80%
<b>Totals</b>	<b>1025</b>	<b>830</b>	<b>-19.02%</b>



# 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: March 19, 2014

Re: South Beach Operations

---

Repairs to F dock continue we will be 95% complete by the end of March.

We have all but two channels working on our two TV systems the system in the marina r/v park is starting to show its age and will need replaced soon. We are looking at it in this next year's budget. Repairs to the last two channels will be fixed in the next couple weeks.

We have been showing Kevin Greenwood around south beach lots to see lots to do.

We have been getting quotes for lots of different projects for the budget process we will be getting these numbers to Pat.

We appreciate Kevin G. having all South Beach staff meeting lots of good ideas.

We have sold 249 yards of sand in the last two weeks.

With the sun and rain we have started the mowing season in South Beach



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

## **MEMBERSHIP LIAISONS**

As of March 20, 2014.

**Cascade West Council of Governments\*** - must be elected

JoAnn Barton

**Cascade West Economic Development District\*** -

Kevin Greenwood

**Cascade West Economic Development District\*** -

Kevin Greenwood

**Cascade West Area Commission on Transportation\*** - alternate may be staff

JoAnn Barton

David Jincks (alt)

**Oregon Coastal Zone Management Association**

(OCZMA)\*# -- alternate may be staff

Walter Chuck

**Pacific Northwest Waterways Association (PNWA)\***

Kevin Greenwood

**Mid Coast Watershed Council**

Walter Chuck

**Oregon Public Ports Authority (OPPA)\*=**

Kevin Greenwood

**Economic Development Alliance of Lincoln County (EDALC)\***

Kevin Greenwood

**Special Districts Association of Oregon (SDAO)\***

Kevin Greenwood

**Yaquina Bay Economic Foundation (YBEF)\***

Kevin Greenwood

Ken Brown

**Yaquina Bay Ocean Observing Initiative (YBOOI)\***

JoAnn Barton

Kevin Greenwood

**North America Ocean Observing (NANOOS)\***

Kevin Greenwood

**Coastal Marine Experiment Station (COMBS)\***

Dean Fleck

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

Kevin Greenwood

Pat Albaugh

Jim Durkee

Kevin Bryant

Chris Urbach

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

Walter Chuck

**Newport Chamber of Commerce (NCOCC)\***

Kevin Greenwood

**Northwest National Marine Renewable Energy Center Advisory Committee (NNMREC)&**

Walter Chuck

**Department of Geology and Mineral Industries Marine Advisory Committee (DOGAMI)&**

Walter Chuck

**Oregon Department of Fish and Wildlife Sportfish Advisory Committee (ODFW)&**

Walter Chuck

**Ocean Policy Advisory Council (OPAC)&**

Walter Chuck

\*paid/mandated membership

#must be elected commissioner

~community organization (no port vote or membership)

+paid professional organization

&personal or non-port related board membership

\*=Paid via SDAO membership

L:\AGENDA, REPORTS\14.02.25Lsisons.doc

*Serving the Maritime & Recreational Communities*

Newport International Terminal (541) 265-9651

Newport Marina at South Beach (541) 867-3321

# Oregon Ports

## USACE MAINTENANCE DREDGING – FY15 BUDGET REQUEST

Port (O&M Project)	President's Proposed FY14 Budget	Final FY14 Funding Amount	President's Proposed FY15 Budget
Chetco (Brookings)	\$21,000	\$717,000	\$26,000
Columbia River Lower	\$34,517,000	\$36,488,000	\$47,040,000
Columbia River at the Mouth	\$18,217,000	\$28,717,000	\$25,463,000
Coos Bay	\$6,069,000	\$6,069,000	\$6,423,000
Coquille (Bandon)	\$0	\$413,000	\$26,000
Depoe Bay	\$0	\$380,000	\$7,000
Port Orford	\$0	\$1,262,000	\$0
Rogue River (Gold Beach)	\$0	\$638,000	\$31,000
Siuslaw	\$32,000	\$730,000	\$32,000
Tillamook Bay and Bar (Garibaldi)	\$0	\$659,000	\$0
Umpqua (Reedsport/Salmon Harbor)	\$0	\$861,000	\$59,000
Yaquina Bay (Newport)	\$2,000,000	\$2,948,000	\$3,252,000
Yaquina River (Depot Slough/Toledo)	\$0	\$0	\$0
<b>Totals</b>	<b>\$60,856,000</b>	<b>\$79,882,000</b>	<b>\$82,359,000</b>

LINDSAY HART NEIL & WEIGLER, LLP  
FBB FEDERAL RELATIONS

1120 G STREET, NW; SUITE 1020; WASHINGTON, D.C. 20005

(202) 783-3333 • FAX: (202) 783-4422

[OurManInDC@FederalRelations.com](mailto:OurManInDC@FederalRelations.com) • [Kathy@FederalRelations.com](mailto:Kathy@FederalRelations.com) • [Ray@FederalRelations.com](mailto:Ray@FederalRelations.com)

## AMENDMENT TO LEASE AGREEMENT

**DATE:** March 25, 2014

**LESSOR:** Port of Newport  
A Port District duly authorized and existing under ORS 777.  
600 SE Bay Boulevard  
Newport, OR 97365

**LESSEE:** Oregon Brewing Company  
An Oregon Corporation  
2320 SE OSU Drive  
Newport, OR 97365

This amendment (the "Amendment") to the Agreement for Lease of Business Premises dated April 25, 2006 (the "Lease") is by and between Oregon Brewing Company, an Oregon corporation, hereinafter referred to as "Lessee", and the Port of Newport, a municipal corporation of the State of Oregon, hereinafter referred to as "Lessor".

### RECITALS

Lessor and Lessee entered into a certain lease, dated April 25, 2006, for the real property and improvements located at **2150 SE Marine Science Drive**. The lease included the north 2,400 square feet of real property for ten (10) years and an option to extend for another ten (10) years. (Assessor Map No. 11-11-17-00-00111-L3).

Lessor and Lessee amended the lease agreement on July 1, 2008 to include the south 2,400 square feet of real property and improvements incorporating the entire premises (4,800 sq. ft.). (Assessor Map No. 11-11-17-00-00111-L2)

The certified Real Market Value (RMV) as of October 2013 of the entire premises is \$329,230. The RMV of the 4,800 sq. ft. of real property is \$126,640. The RMV of the improvements is \$202,590.

The Lessee is desirous of leasing an additional 10,500 square feet of land for an expansion of the distillery operation. The expansion will include additional spirits production, barrel storage, bottling and packaging, storage for both dry and finished goods and a cooperage.

The Lessor agrees to allow Lessee to remove a parking island as part of the site landscaping plan.

The Lessee agrees to install a mural, with Lessor approval, on the south face of the new addition.

The current Lease shall be amended as follows:

#### **Section 1. Rent**

Starting on May 1<sup>st</sup>, 2014, Lessee agrees to pay Lessor each month a combined total rent of \$6,235.00.

**Replace 1.1** The first month rent shall be due upon the first day of occupancy. In addition to the above rents, 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) plus 1% not to exceed 10% of Real Market Value.

#### **Section 2. Use**

**Add to 2.1** Lessee shall use the additional square footage for spirits production, barrel storage, bottling and packaging, storage for both dry and finished goods and a cooperage.



**Section 3. Term**

**Add Section 34. Term** Subject to the conditions of the original Lease, Lessor hereby grants to Lessee the right, privilege, and option of extending the aforementioned Lease for up to four (4) additional consecutive terms of five (5) years each, with the first such option term commencing on July 1, 2017.

The Lease as herewith amended by this instrument shall continue in full force and effect subject to the terms and provision of this Amendment to Lease. This Amendment shall bind and inure to the benefit of Lessor, Lessee, and their respective successors and permitted assigns. This Amendment, in conjunction with the Lease and subsequent extension or amendments, sets forth the entire agreement between parties. All other terms and conditions of the original agreement remain in full force and effect as written.

In witness, Lessor and Lessee have executed this Amendment to Lease as of the day, month, and year first written above.

**LESSOR:** Port of Newport

\_\_\_\_\_  
Kevin M. Greenwood, General Manager

**LESSEE:** Oregon Brewing Company

  
\_\_\_\_\_  
Brett Joyce, President

## International Terminal Renovation Project

Status as of 3/19/14

### Outstanding Contracts

	Original	Pd to Date	Outstanding
Advanced Remediation	61,660	61,357	303
Day CPM	724,084	704,519	19,565
GRI Geotechnical	233,250	207,527	25,723
KPFF	1,199,028	1,163,446	35,583
Pacific Habitat	157,512	140,729	16,783
Natt McDougal			-
Amend #12 - Phase 1 Cargo Dock	3,106,662	2,821,601	285,061
Amend #27 - Fishing Dock Removal & Assoc.	413,290	402,275	11,015
Amend #29 - Pile Repair/Plates	264,078	162,868	101,210
Total Outstanding Contracts			494,940

### Additional Work

	Estimate	Costs to Date	Difference
Budget Line Item 46 (Misc. Supplies & Safety Equipment)			
Fender Pile Protection	42,000	-	42,000
Site Signage & Striping Design	1,500	-	1,500
Site Signage & Striping	2,500	-	2,500
Site Security & Camera Design	11,000	-	11,000
Additional Dock Ladders	3,173	3,523	(350)
Site as-built Survey	4,000	4,200	(200)
Barricades at CXT Bldg	1,650		1,650
Sealant at CXT & Water Shutoff at Docks	1,000	490	510
Contingency	2,000	-	2,000
			-
Dredging	650,000		650,000
			-
Mitigation	250,000		250,000
			-
Other:			-
Total Additional Work to be Completed			960,610
Total Outstanding Contracts and Work to be Completed			1,455,550

### Current Available Funds

Cash in Bank			878,897
Dredging Grant	Grant = 75% of expense	322,500	129,392
			193,108
Total Available Funds			1,072,005

Excess Funds/(Funds Needed) **(383,545)**

## KPFF Monthly Progress Update

**Date:** 2/22/14 through 3/21/14  
**Project Name:** Port of Newport International Terminal Renovation  
**Project Number:** 307815.60

### KPFF Team Members:

<u>Civil</u>	<u>Email</u>
Mike Schmid	mike.schmid@kpffcivilpdx.com
Evan Eykelbosch	evan.eykelbosch@kpffcivilpdx.com
Keri Scott	keri.scott@kpffcivilpdx.com
<u>Structural</u>	
Craig Totten	craig.totten@kpff.com
Tommi Rutherford	tommi.rutherford@kpff.com
Stuart Finney	stuart.finney@kpff.com

### Completed Tasks:

- None at this time.

### Upcoming/In-Progress Tasks:

<u>Action</u>	<u>Due Date</u>
▪ None at this time.	

### From Others:

<u>Action</u>	<u>Responsible Party</u>	<u>Due Date</u>
▪ None at this time.		

### KPFF Scope Changes (Deviations from 10/29/09 Contract):

- Prepare alternatives, cost estimates and pros & cons matrix for alternative dock configurations assuming Hennebique remains in place.
- Perform detailed investigation of Hennebique's anticipated remaining structural integrity for use as a working surface and prepare report of findings.

- Terminate OECD PM/Communications tasks.
- Evaluate and develop repair strategies for the existing timber fishing dock.
- Existing RO-RO Dock Modifications.
- Redesign westerly storm drainage system.

**Upcoming Meetings:**

- None at this time.

**Upcoming Milestones:**

- None at this time.

RECOMMENDATION:

I would recommend that a Commissioner make a MOTION TO READ AN ORDINANCE CREATING BY-LAWS FOR THE PORT OF NEWPORT BOARD OF COMMISSIONERS BY TITLE ONLY.

After this action, only minor modifications to the ordinance may occur.

---

PROCESS

1. *List Ordinance on March Agenda. (DONE – published 3/21 News Times.)*
  2. Print agenda notice in *News Times* on Wed. April 16, 2014. Notice to paper on Fri. April 11, 2014.
  3. To avoid reading the entire Ordinance twice in a public meeting, (1) staff will need to provide a printed copy of the Ordinance to anyone who requests it, (2) the Commission must pass a motion that the Ordinance shall be read by title only. This will happen at both the March and April meetings.
  4. Ordinance goes into effect May 22<sup>nd</sup> (30 days after adoption).
- 

-###-

**PORT OF NEWPORT  
ORDINANCE NO. \_\_\_\_**

**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 title is included in the published agenda of the meeting (ORS 198.540(1)) and the ordinance title included on the March 25, 2014 agenda was published in the March 21, 2014 issue of the *Newport News Times*; and

**WHEREAS**, the agenda with the ordinance title was published on **April 16, 2014 in the *Newport News Times*** six 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 **March 25, 2014 and again on April 22, 2014**; 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**
- 46. Repeal**
- 47. Recitals**
- 48. Effective Date**



## 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 General 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 General 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 district. (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 1<sup>st</sup> 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 (OGEC) and/or other similar organization within one year of taking office. It is strongly encouraged that Commissioners shall maintain continuing training in subsequent years. 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. Contact with the media shall be limited to re-stating the Commission's position and not individual agendas. Official statements from the Commission shall be directed through the President with coordination with the General Manager.

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 General 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. Committees shall be allowed to determine their own rules of order based upon need and committee characteristics. [*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. 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.

H. 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. The Commission should annually review components and goals stated within the SBP. (OAR 123-0025)

I. 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. *[Res. No. xxx]*

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

K. Appointment/Removal of General Manager.

1. The Commission confers chief executive authority to the General Manager. Specific duties of the office shall be created and amended by resolution. *[Res. No. xxx]* A resolution naming the General 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. *[Res. No. xxx]*

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.

L. 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. Typically the General Manager shall be authorized to sign on behalf of the Port, or the President in the absence of the General Manager. 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.

M. 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.

N. 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. [Res. No. xxx]

## **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 General 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 purchase crime coverage that addresses the fiduciary responsibility set forth in ORS 198.220 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. *[Res. No. xxx]*

**Section 13. Public Records.** The Port Commission shall adopt a Public Records resolution in accordance with ORS 192.440. *[Res. No. xxx]*

## **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. Serve as Commission's media contact.
- F. Shall sign official Port documents on behalf of the Commission when authorized to do so by a majority of the Commission.
- G. Shall submit an annual report to the Commission. (ORS 777.140(2))

**Section 15. Duties of the Vice President.**

- A. 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.
- B. Shall submit an annual report to the Commission. (ORS 777.140(2))
- C. 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 President 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, 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 General 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 officers.

C. The one-year term of office is from July 1 until June 30 of the following year.

#### **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 General 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 General 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, General 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 General 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 fourth Tuesday of each month. Such meetings shall be held at the Port of Newport’s Registered Business Office or other as stated by resolution [*Res. No. xxx*] 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 work sessions will be given and minutes taken the same as with special meetings. Work sessions 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 be published in the local newspaper and on the Port's 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.

J. Social Gatherings, Public Functions and Training. Gatherings or other functions in which the purpose is not to discuss business items or to receive background information on a potential future business item are not covered by Public Meeting Law. However, Commissioners should be warned that if during the course of the gathering a quorum of the Commission were to deliberate on a matter that would lead to a violation.

**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. The Commission reserves the right to modify the Quorum definition by resolution.

**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. Written Notes Submitted to Record. The Clerk's written notes, used to develop the minutes, shall be submitted into the record. The Port shall refrain from recording meetings. All recordings of public meetings shall be submitted into the record.

C. 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))

D. 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))

E. 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.

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

G. Availability to the Public. Draft and approved minutes of public meetings 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. The President reserves the right to lessen recognition requirements to encourage communication as long as the Clerk of the Commission can adequately record the proceedings.

**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, 10<sup>th</sup> 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, 10<sup>th</sup> 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. Repeal.** Previously adopted policies that conflict with this Ordinance are hereby repealed.

**Section 47.** The recitals of this resolution are incorporated herein by reference and adopted as findings in support of this Ordinance.

**Section 48.** 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: \_\_\_\_\_, 2014

\_\_\_\_\_  
Notary Public - State of Oregon



## **Declare Recreational Vessel Hale Kai surplus property**

**To: Kevin Greenwood**  
**From: Barb Martin**  
**Copy: Pat Albaugh**  
**Date: March 20, 2014**

---

The Hale Kai is a 1970 41' Hatteras that came into the Port of Newport possession beginning with a seizure process for a delinquent account. Legal issues presented the sale at public auction, which would have been the normal course of events.

After contact with Port legal council, Pete Gintner, a process was started to work with the registered owner, as per OSMB, and lien holder, Key Bank, to resolve ownership issues. A title was not able to be located.

Registered owners signed off on the title application in favor of the Port of Newport and Key Bank provided a lien release. Application for title has been made to Oregon State Marine Board and title in the name of the Port is expected by month end.

### **RECOMMENDATION:**

I would recommend that a Commissioner make a MOTION DECLARE THE RECREATIONAL VESSEL HALE KAI SURPLUS PROPERTY.

**From:** Kevin Greenwood  
**To:** [Mike Haglund - Attorney Firm \(haglund@hk-law.com\)](mailto:haglund@hk-law.com)  
**Subject:** PON tariff discussion  
**Date:** Tuesday, March 18, 2014 8:33:00 AM  
**Attachments:** [2014-01Agent.doc](#)

---

Mike,

Thanks for meeting with me before Don's shindig on Friday. Pretty impressive going away party and big shoes for me to fill...

I will be sharing your draft document with the Port Commission next week. However, it's pretty wonkish. Is there an executive summary of the key points that I can share with the Commission in their packet this week? I also wanted to recap our meeting as I'm preparing for the Commission's March 25<sup>th</sup> Regular Commission Meeting agenda:

1. What should the actual resolution look like? I've attached our sample resolution for formatting if that will help.
2. What are some dates that would work for you for a Work Session? The Commission normally conducts Work Sessions at Noon, but we can also go at 6:00pm. Whatever works for you. It probably makes sense to schedule between April 7<sup>th</sup> through the 15<sup>th</sup> for the Work Session.
3. For the Work Session it would be great if there was a matrix of comparable facility rates/fees.
4. It would also be helpful if you could share the tariff document with Jerry Ashby, TPT; and with Alcan, Roger Redifer(?). ILWU has seen it already but I also handed you our current line agreement with the union.
5. I know there were some "clean-up" issues related to the policy document that you were going to work through as well.

Hope this help and thanks for walking us through this! Have a great week.

Kevin Greenwood, General Manager  
Port of Newport  
600 SE Bay Blvd.  
Newport, OR 97365  
(541) 265-7758  
(503) 812-6804 Cell  
[www.portofnewport.com](http://www.portofnewport.com)