



AGENDA and Notice of Special Meeting of the Newport City Council

The City Council of the City of Newport will hold a Special Meeting on Friday, November 21, 2014, at noon, in the City Council Chambers, at the Newport City Hall, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting location is accessible to persons 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 Peggy Hawker, City Recorder 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

City Council Special Meeting Friday, November 21, 2014 - Noon City Council Chambers

- I. Call to Order
- II. Discussion Regarding the City's Participation as a Plaintiff with the Port of Newport, Fishermen's Wives, and Others in a Federal Lawsuit Challenging the Legality of the U.S. Coast Guard's Planned Decommissioning of its Air Rescue Facility in Newport
- III. Public Comment
- IV. Adjournment



Agenda Item:

Authorization for the City of Newport to Participation as a Plaintiff with the Port of Newport, Fishermen's Wives, and others in a Federal Lawsuit Challenging the Legality of the U.S. Coast Guard's Planned Decommissioning of its Air Rescue Facility in Newport

Background:

The City of Newport has been working closely with Port of Newport, Lincoln County, and the Fishermen's Wives on the reversal of the U.S. Coast Guard's decision to close the Newport Air Facility on November 30, 2014. As you are aware the U.S. Coast Guard has extended the closure date to December 15, 2014. The Fishermen's Wives have hired attorney Mike Haglund to file an injunction against the Coast Guard's decision to close this air station. The Fishermen's Wives have been raising significant funds to cover these legal expenses.

Attorney Mike Haglund indicated that the Fishermen's Wives (a 501.c.3 organization) is a great plaintiff for this purpose, however in order to demonstrate the public impact of this decision it would be helpful for the Port of Newport to be a co-plaintiff. Through various discussion between the Port, County, and City, Kevin Greenwood of the Port requested that we continue our partnership on this effort and that the City and County also agree to be co-plaintiffs with the Fishermen's Wives. Discussions have been held with our congressional delegation regarding this action. The response from the delegation is that this will help buy some additional time and leverage in order to reverse this decision. Attorney Mike Haglund has indicated to the group and reconfirmed in a subsequent conversation with me that there are minimal chances for the defendant (Department of Homeland Security) to successfully win an award from the plaintiffs to cover the government's legal expenses with this action.

I have also requested that Emily Jerome of Speer Hoyt review this matter as well. Emily indicated that Mike Haglund is a top attorney in the State of Oregon and she would have a high level of confidence in his advice to the City of Newport and others in regards to this issue. She indicated with any litigation there is a risk that the plaintiffs could be responsible for legal defense costs. Again she indicated that she would put a high reliance on the advice of attorney Haglund on this matter. She also suggested that there be a clear understanding of how any expenses would be paid for this legal challenge.

In our conversation with the Fishermen's Wives, they are not asking for any financial support from the Port, the County, or the City regarding this lawsuit. The Fishermen's Wives have been raising private funds for this purpose. I am not recommending that the City make any financial contribution towards this litigation at this time. If there was a gap funding at the end of this process, I would make a request back to the City Council for some monetary support. At this time the Fishermen's Wives are only asking for the City to participate as a co-plaintiff with the contract for legal services being with Fishermen's Wives.

Finally, the New-Times is publishing a special edition for Friday, November 21, 2014, with a 36 page insert that covers the history of sea mishaps, actions taken by the Newport Fishermen's Wives and

others in 1986 to bring a search and rescue helicopter to Newport, the success this change has had since 24 hour patrols were instituted in Newport, and discussing the future of this issue. In order to support this effort, I authorized a full page ad to support this endeavor in the amount of \$799. Not only will this insert be available in print form as part of the Friday edition of the News-Times, it will be available electronically with an interactive map showing the actual location of various marine accidents, as well as a timetable that shows a reduction in losses of life since the helicopter has been in place here in Newport. I think this will be a great tool to continue telling the story of why this facility is so important to the Oregon Coast.

Recommended Action:

I recommend that the City Council consider the following motion:

I move that the City of Newport join as a plaintiff with the Fishermen's Wives, the Port of Newport and other parties in a Federal Court lawsuit challenging the legality of the U.S. Coast Guard's planned decommissioning of its Air Rescue Facility in Newport.

Fiscal Effects:

None to the City.

Alternatives:

Do not participate in the litigation or as suggested by City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel, City Manager