



## **AGENDA & Notice of City Council Work Session**

The City Council of the City of Newport will hold a work session on Monday, July 21, 2014, at 5:30 P.M. The work session will be held in Council Chambers at City Hall, located at 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 at 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 meeting.

**CITY COUNCIL WORK SESSION  
Monday, July 21, 2014 - 5:30 P.M.  
Council Chambers**

- A. Additional Work Session Items Not Listed on the Agenda (for this and future work sessions)
- B. Discussion Regarding Legislative Priorities for the Oregon League of Cities.





Spencer Nebel  
City Manager  
CITY OF NEWPORT  
169 S.W. Coast Hwy.  
Newport, OR 97365  
[s.nebel@newportoregon.gov](mailto:s.nebel@newportoregon.gov)

## MEMO

DATE: July 21, 2014

TO: City Council

FROM: Spencer Nebel, City Manager

SUBJECT: OLC Legislative Priorities

We have compiled the priorities of the Council members and Administrative Team to identify legislative priorities for the Oregon League of Cities. The top priorities are as follows:

	Total	Council	Staff
S. Pass a comprehensive transportation funding and policy package.	8	3	5
C. Natural Disaster Planning	5	0	5
Q. Telecommunications	5	1	4
T. Connect Oregon Funding	5	3	2
I. Transient Lodging Tax statute	4	1	3
M. Enhance mental Health services	4	1	3
N. Ensure that arbitrator's awards are in compliance	3	0	3
A. Provide brownfield fund	2	2	0

These are the top 8 priorities of Council and staff. If there is general agreement, I would suggest that these issues be the focus of the work session discussion to identify the Council's top four priorities. A copy of the legislative priorities are attached for your review. Respectfully submitted,





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P.O. Box 928 • Salem, Oregon 97308  
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863  
[www.orcities.org](http://www.orcities.org)

June 2, 2014

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2015 session. They have identified 22 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long-term commitments to two issues critical to cities: revenue and land use reform. As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.

The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression. Currently, statewide property tax limitations can prevent local voters from supporting the services they demand via local option levy. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League will also advocate for a constitutional amendment that will improve the fairness of the property tax system by recalibrating taxes at the time a property is sold. Oregon's property tax system created a new assessed, or taxable, value based on 1995-96 real market values and capped annual growth. As property values have grown at different rates since that time, huge disparities in tax bills have emerged. The League will also continue to engage in legislative efforts to reform land use processes to reduce the burden on cities as they make local decisions about urban growth. Land use requirements have become increasingly difficult for cities to implement – with increased costs, time, and frequency of appeals – and the League will build on recent efforts to reform the urban growth boundary process to ensure that reforms streamline the land use process.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2015 legislative agenda. After your city council has had the opportunity to review the 22 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2015 session. **The deadline for response is July 25, 2014.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2015 legislative agenda.

*(over, please)*

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance for cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,



Michael J. McCauley  
Executive Director

cc: Oregon Mayors

## **INSTRUCTIONS**

1. Each city should submit one form that reflects the consensus opinion of its city council on the top four legislative priorities for 2015.
2. Simply place an X in the space to the left of the city's top four legislative proposals.
3. The top four do not need to be prioritized.
4. Return by July 25<sup>th</sup> via mail, fax or e-mail to:

Angela Carey  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, Oregon 97301  
Fax – (503) 399-4863  
[acarey@orcities.org](mailto:acarey@orcities.org)

Thank you for your participation.

## LOC Policy Committees' Legislative Recommendations

<b>Priority</b>	<b>Description</b>
<b>Community Development</b>	
A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.	Supports finding funding sources and cost reductions for cleaning up brownfields to support economic development. The Brownfield Redevelopment Fund Program provides gap financing to clean-up industrial sites but has not been recapitalized to address the increasing need for clean-up of brownfield sites. However, the fund is not large enough to address this need on a statewide basis, so further support for efforts to determine alternative means to incentivize brownfield redevelopment will increase available industrial sites and help drive economic development. Overall, increasing tools to redevelop brownfields provides more options to cities looking to redevelop current brownfields into a better use.
B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.	Provides funding for two programs created in 2013 for addressing lands that are zoned industrial but are not being used for industrial purposes: the industrial site readiness program and the industrial site readiness assessment program. The first provides forgivable loans to local governments that bring industrial sites to shovel ready status, such as by placing infrastructure or cleaning up a brownfield. The second allows regions to determine what is preventing land designated for industrial use from being built for industrial use. However, no money was provided to fund either program in the 2013-2015 budget.
C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.	In the last two biennia, the Oregon Department of Land Conservation and Development general fund grant program has seen a significant drop in the money allocated to it with increasing need from local governments to address technical planning issues and update pursuant to periodic review. In addition, the Oregon Seismic Safety Policy Advisory Commission, has released a report related to ongoing need for upgrading resilience in response to a major earthquake and recent natural disasters have raised awareness relative to land use planning. Raising the general fund grant program back to the 2009-2011 budget levels will help more cities address their planning needs and seek technical assistance. This would also alter the uses for these funds to include planning that increases resilience to natural disasters and meet their Goal 7 requirements.
D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.	Changing the appeals requirements for post-acknowledgement plan amendments (PAPAs) will keep decision making for land use policy at the local level first, allowing city official to determine the scope of legislative changes they make to their plans without trying to fight a new issue on appeal. This "raise it or waive it" standard currently exists for quasi-judicial decisions at the local level and insures that local decisions are not attacked on appeal on an issue that a city could have resolved in finalizing its decision. Modifying the PAPA appeal insures more land use decisions start with addressing all issues at the local level first.
<b>Energy</b>	
E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.	Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.  Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and that could provide for increased solar energy production.

## LOC Policy Committees' Legislative Recommendations

F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.	<p>Oregon's low carbon fuel standard, also known as the Clean Fuels Program, was initially adopted by the 2009 legislature. The standard would require fuel producers and importers to cut the carbon intensity of gasoline and diesel fuels by ten percent over a 10-year period in order to reduce greenhouse house gas emissions, reduce dependence on imported oil, and expand upon Oregon's renewable fuel industry. Fuel producers and importers can meet the standard through providing additional biofuels, natural gas or electricity, or by purchasing clean fuel credits. The program includes several consumer protection mechanisms to help ensure an adequate fuel supply and competitive fuel pricing.</p> <p>The program, as initially adopted is scheduled to expire, or sunset, on December 31, 2015. The League will work to support efforts to eliminate the sunset on the program.</p>
<b>Finance &amp; Taxation</b>	
G. Phase out the 3% discount for the early payment of property taxes.	<p>Oregon law offers a 3% discount for property owners who pay the full amount due by November 15<sup>th</sup>. A 2% discount is offered for those that pay two-thirds of the amount due by November 15<sup>th</sup>.</p> <p>The League will phase out the discount over a period of time and adopt a penalty for failing to pay by November 15<sup>th</sup> to mitigate any cash flow issues for local governments.</p>
H. Improve the fairness of how new and improved property is added to the tax roll.	<p>New and improved property is brought on the tax rolls by applying an annual county-wide ratio of assessed values (AV) to real market values (RMV) to the new or added value of a property, in an attempt to replicate the property tax discount given to properties via Measure 50.</p> <p>However, significant variation between AV and RMV exist within a county, resulting in the discount often being inequitable compared to neighboring properties, as well as being out of line with the discount originally offered to properties when Measure 50 passed in 1997.</p> <p>As a result, similarly situated and valued properties can have significantly different property tax liabilities.</p> <p>The League will work to modify the property tax system to improve the fairness of how new property is added to the tax roll.</p>
I. Improve clarity and certainty around transient lodging tax statute.	<p>State law limits how transient lodging taxes increased or adopted after July 2003 can be spent, with statute requiring that 70 percent of increased or new transient lodging tax revenues be expended on tourism promotion or tourism-related facilities. There is uncertainty, however, as to what qualifies as a tourism-related facility and the timeline in which such expenditures can be legally challenged.</p> <p>The League will seek to improve the certainty around what qualifies as a tourism-related facility and reasonably limit the timeframe in which such expenditures can be legally challenged.</p>
<b>General Government</b>	
J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.	<p>Under Oregon law, an elected official may be recalled by an initiative petition for any reason after the first six months of their term. Limiting recalls to cases where there has been demonstrated wrong doing by a court or regulatory body (such as the Oregon Government Ethics Commission) would prevent the misuse of recalls without limiting the power of the electorate to reverse a decision. Recalls should be limited to acts of malfeasance or offenses involving moral turpitude.</p>

## LOC Policy Committees' Legislative Recommendations

K. Allow for price comparison when procuring architects and engineers.	In 2011 the Oregon Legislature required cities to use a qualifications based selection (QBS) process that prohibits the consideration of price until an initial selection has been made when hiring architects, engineers and photogrammetrists. This requirement prevents local governments from comparing pricing and effectively eliminates price competition when procuring these services.
L. Clarify and enhance medical marijuana dispensary regulations.	Existing restrictions on the placement of medical marijuana dispensaries (MMD) are inconsistent with land use regulations and should be clarified. Additionally, background checks are not required on people who work in MMD and there is no regulation on the manufacture of oils and other liquid marijuana products that use flammable/explosive substances in their processing.
M. Enhance mental health services.	Oregon's police departments have marked an increase in interactions with the mentally ill in recent years. Crisis intervention teams (CIT) have proven effective and deescalating interactions with the mentally ill, but this service model is not available in all parts of the state. Additionally, there is a demonstrated need for "drop-in" mental health services that allow for treatment before a person enters a state of crisis. There should be statewide access of CITs, and emergency access to mental health services to promote patient and community safety. Additionally, mental health services should be examined holistically to ensure that Oregon is providing the best possible care to the mentally ill.
<b>Human Resources</b>	
N. Ensure that arbitrator awards are in compliance with state, as well as local policies.	Currently, an arbitrator's award overturning an employer's disciplinary decision must comply with state policies on issues including, but not limited to: use of force, sexual harassment, or misconduct. Precedent has established that only state policies apply to the enforceability to an arbitrator's award.
O. Ensure that collective bargaining agreements trump state mandates on police investigations.	"The Police Officer's Bill of Rights" was intended to offer protections for officers who were under investigation if there was no collective bargaining contract or the contract was silent on how investigations were to be conducted. Changes made in 2009 have resulted in confusion and manipulation of the bargaining process. The statute needs to be amended to bring it back to the original intent of the bill.
P. Require earlier submission of last best offer.	Under current law, last best offers (LBOs) must be submitted 14 days prior to opening of arbitration in the event parties have declared an impasse, and binding arbitration is being used to settle the contract. Most arbitrators use a 30-day cancellation policy that requires payment even if parties settle prior to the commencement of arbitration. Requiring LBOs to be submitted 35 days prior to the opening of arbitration would provide an opportunity to settle without paying unnecessary fees.
<b>Telecommunications</b>	
Q. Support the reintroduction of legislation that repeals ORS 221.515 (HB 2455 -7 in 2013) removing the franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers, or other legislation that: <ul style="list-style-type: none"> <li>• Does not preempt local authority to manage the public ROW and be compensated for its use;</li> <li>• Maintains or increases the opportunity for revenue growth; and</li> <li>• Is technology neutral.</li> </ul>	<p>Protection of local authority to manage public rights of way (ROW) and receive compensation for any use of those facilities continues to be at the forefront of the League's telecommunications agenda. The League's "Oregon Municipal Policy" generally asserts local government Home Rule authority and specifically refers to the telecom management and compensation authority of Oregon cities.</p> <p>Since 1989 state statute has caused a disparity between certain types of telecommunications providers with regard to how franchise fees are collected. The League's preference is equity between all providers using the ROW, but with continued local ability to negotiate individual franchise agreements with individual service providers.</p> <p>During the 2013 legislative session the League supported efforts by Comcast to enact legislation doing away with the disparity. HB 2455 would have repealed ORS 221.515, thus allowing cities to charge all telecommunications in the same manner. The proposal received a hearing but was not approved in committee.</p> <p>The committee chair may be interested in re-introducing the proposal in 2015. However the telecom industry, this time including Comcast, is likely to introduce legislation</p>

## LOC Policy Committees' Legislative Recommendations

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	<p>dealing with the disparity in a manner that cities may find objectionable, including rate caps on an overly narrow revenue base and other policies that could infringe upon both management and compensation authority and negatively impact city revenues.</p>
R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW including:	<ul style="list-style-type: none"> <li>• Establishment of a "one-size-fits all," state-wide franchise fee policy and collection system.</li> <li>• Prohibition of a city's authority to levy franchise fees on other local government entities.</li> </ul> <p><i>Same as above.</i></p>
<b>Transportation</b>	
S. Pass a comprehensive transportation funding and policy package containing the following elements:	<p>The League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal in scope. The League will therefore support and work to achieve passage of legislation in 2015 that seeks to address funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing addresses such issues as:</p> <ul style="list-style-type: none"> <li>• Connectivity</li> <li>• Safety</li> <li>• Jobs and economic development</li> <li>• Transportation impact on climate change</li> <li>• Active transportation and public health</li> </ul> <p>Given the fact that maintenance and preservation needs have outpaced the resources available for streets, roads and highways, and given the threat that represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets.</p> <p>Note: The Small City Allotment has not been increased since its inception in the early 1990's. The additional revenue to cities from the 2009 Jobs and Transportation Act did not increase road funding for small cities.</p>

## LOC Policy Committees' Legislative Recommendations

<p>Transportation (ODOT) and the cities' share of the trust fund.</p> <ul style="list-style-type: none"> <li>• No restriction, moratorium or preemption of local government ability to generate their own revenues for transportation funding.</li> <li>• Adequate funding for the maintenance and preservation of "orphan highways" in Oregon as part of a more robust jurisdictional transfer program.</li> </ul>	
T. Continued or enhanced funding for <i>ConnectOregon</i>	<i>ConnectOregon</i> is the state's premier multi-modal funding program, and is funded out of lottery revenues.
<b>Water/Wastewater</b>	
U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning	<p>According to the Oregon Water Resources Department, 2013 marked the fourth driest year on record for Oregon, with some areas experiencing their driest year on record yet. Oregon experienced below average precipitation in 2013 and continuing into 2014. As of May 2014, snow measurement sites in many part of Oregon show record lows for snowpack levels. As a result, summer streamflows are expected to be below average and water shortages are likely for many part of Oregon.</p> <p>The League will work in conjunction with the Oregon Water Resources Department to fund programs to address water supply shortages. These efforts will include support for ongoing funding of the Water Conservation, Reuse and Storage Grant program which provides grant funding for water supply project feasibility studies. The League will also support efforts for the Oregon Water Resources Department to establish a place-based planning pilot program to facilitate local collaboration among interested stakeholders and the creation of a blueprint for long-term integrated water resources planning and implementation.</p>
V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.	<p>According to the Oregon Department of Environmental Quality, over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Many of these systems are within the boundaries of a municipal wastewater system, and a number of these systems are in need of repair or replacement. Failing septic systems, especially those within proximity to groundwater resources, create a significant human health hazard. However, significant costs to address failing septic systems often create a burden for homeowners who are unable to pay for costs associated with repair, replacement or conversion over to a public sewer system.</p> <p>The League will work with the Oregon Department of Environmental Quality to establish a revolving loan program that private residents can access in order to address failing septic systems. The League will further advocate that the program include mechanisms to encourage participants to convert over to a municipal wastewater system if conversion is at the request of the impacted municipality.</p>

City: Council

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2015 legislative agenda.

#### Community Development

- (2) 11
- A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.
  - B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.
  - C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.
  - D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.

#### Energy

- (1) 1
- E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.
  - F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.

#### Finance & Taxation

- (1) 1  
(1)
- G. Phase out the 3% discount for the early payment of property taxes.
  - H. Improve the fairness of how new and improved property is added to the tax roll.
  - I. Improve clarity and certainty around transient lodging tax statute.

#### General Government

- (1) 1  
(1)  
(1)
- J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.
  - K. Allow for price comparison when procuring architects and engineers.
  - L. Clarify and enhance medical marijuana dispensary regulations.
  - M. Enhance mental health services.

#### Human Resources

- (1) 1
- N. Ensure that arbitrator awards are in compliance with state, as well as local policies.
  - O. Ensure that collective bargaining agreements trump state mandates on police investigations.
  - P. Require earlier submission of last best offer.

#### Telecommunications

- (1) 1
- Q. Support the reintroduction of legislation that repeals ORS 221.515.
  - R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.

#### Transportation

- (3) 111  
(3) 111
- S. Pass a comprehensive transportation funding and policy package.
  - T. Continued or enhanced funding for ConnectOregon.

#### Water/Wastewater

- (1) 1
- U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.
  - V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.

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Note: As indicated, property tax and land use reform will remain as priority efforts.



City: Dept. Heads

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2015 legislative agenda.

#### Community Development

- (5) HIT
- A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.
  - B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.
  - C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.
  - D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.

#### Energy

- E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.
- F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.

#### Finance & Taxation

- (2) II
- G. Phase out the 3% discount for the early payment of property taxes.
  - H. Improve the fairness of how new and improved property is added to the tax roll.
  - I. Improve clarity and certainty around transient lodging tax statute.
- (3) III

#### General Government

- (1) I
- J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.
  - K. Allow for price comparison when procuring architects and engineers.
  - L. Clarify and enhance medical marijuana dispensary regulations.
  - M. Enhance mental health services.
- (3) III

#### Human Resources

- (2) II
- N. Ensure that arbitrator awards are in compliance with state, as well as local policies.
  - O. Ensure that collective bargaining agreements trump state mandates on police investigations.
  - P. Require earlier submission of last best offer.
- (1) I

#### Telecommunications

- (4) III
- Q. Support the reintroduction of legislation that repeals ORS 221.515.
  - R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.
- (1) I

#### Transportation

- (5) HIT
- S. Pass a comprehensive transportation funding and policy package.
  - T. Continued or enhanced funding for ConnectOregon.
- (2) II

#### Water/Wastewater

- (1) I
- U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.
  - V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.
- (1) I

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Note: As indicated, property tax and land use reform will remain as priority efforts.





**CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD  
BOARD MEETING AGENDA**  
**Monday, July 21, 2014 - 6:00 P.M.**  
**Council Chambers**

The City Council and Local Contract Review Board will hold a meeting on Monday, July 21, 2014, at 6:00 P.M. The City Council and Local Contract Review Board meetings will be held in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meetings 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 at 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 meeting.

*Anyone wishing to speak at a Public Hearing or on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

- I. Pledge of Allegiance
- II. Call to Order and Roll Call
- III. Public Comment
  - This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*
- IV. Proclamations, Presentations, and Special Recognitions
  - Any formal proclamations or recognitions by the Mayor and Council can be placed in this section. Brief presentations to the City Council of five minutes or less are also included in this part of the agenda.*
  - A. Proclamation - National Night Out August 5, 2014

## **V. Consent Calendar**

*The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

- A. Approval of Minutes from the City Council Meeting of July 7, 2014 July 7, (Hawker)

## **VI. Public Hearing**

*This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person*

- A. Public Hearing and Possible Adoption of Ordinance No. 2069 Establishing Business License Endorsement Standards for Medical Marijuana Facilities and Repealing a Temporary moratorium on the Establishment of such Facilities
- B. Public Hearing and Consideration of Resolution No. 3687 Adopting a Timeframe and Criteria for Hiring a City Attorney

## **VII. Communications**

*Any agenda items requested by Mayor, City Council Members, City Attorney, or any presentations by boards or commissions, other government agencies, and general public will be placed on this part of the agenda.*

- A. From Mayor Roumagoux and Councilor Allen- Support from the City of Newport for the Expansion of Oregon State University Hatfield Marine Science Center.
- B. From the City Center Newport Association - Electronic Message Sign at the Corner of Hurbert and US 101
- C. From Communication from Destination Newport Committee -Consideration of Production/Installation Contract with OnDisplay Advertising, LLC.

## **VIII. City Manager Report**

*All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.*

- A. Consideration of Resolution No 3688 Adopting Fees for Business Licenses Endorsement for Medical Marijuana Dispensaries
- B. Consideration and Possible Adoption of a Memorandum of Understanding between the Lincoln Community Land Trust, City of Newport, City of Lincoln City, and Lincoln County Relating to Workforce Housing
- C. Report and Resolution No. 3689 Regarding Establishment of a Task Force to Discuss the Regional Role of The Newport Municipal Airport
- D. Adoption of Legislative Priorities for the Oregon League of Cities

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## **IX.**

## **LOCAL CONTRACT REVIEW BOARD MEETING AGENDA**

**Monday, July 21, 2014  
City Council Chambers**

- A. Call to Order
  - B. Approval of Addendum No. 1 to Task Order No. 8 for Bay-Moore Drainage Improvements -Environmental Issues, with Civil West Engineering Services, Inc.
  - C. Approval of Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC.
  - D. Approval of Specific Task Orders for FY 2015 Technical Assistance Services, Chase Park Grants, LLC.
  - E. Adjournment
- 

**X. Report from Mayor and Council**

*This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.*

**XI. Public Comment**

*This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to five (5) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*

**XII. Adjournment**





**CITY MANAGER'S REPORT AND RECOMMENDATIONS  
CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD MEETING AGENDA**  
**Monday, July 21, 2014**  
**Council Chambers**

*This report is an executive summary of this agenda packet with recommended actions for the City Council. Detailed departmental reports, minutes and other supporting materials are provided within the full agenda packet where referenced.*

Note: Councilor Swanson has been excused from attending the July 21, 2014 Council meetings. There will be a Work Session meeting at 5:30 P.M. in the Council Chambers prior to the 6 P.M. regular Council meeting to discuss legislative priorities as requested by the Oregon League of Cities. No Urban Renewal Agency meeting is scheduled.

**AGENDA ITEMS**

**IV. Proclamations, Presentations, and Special Recognitions**

- A. Mayor Roumagoux will be proclaiming August 5, 2014, as National Night Out 2014. Receiving the proclamation will be Mark Miranda.

**V. Consent Calendar**

The consent calendar consists of items of a repeating or routine nature considered under a single action. The recommended actions on the consent calendar are as follows:

- A. Approve the Minutes from the Regular City Council meeting of July 7, 2014. The minutes are included in the agenda packet reports for your review.

**Recommended Action:**

I recommend the City Council approve the following motion:

I move approval of the consent calendar for the July 21, 2014, City Council meeting.

**VI. Public Hearing**

**Agenda Item: VI.A**

**Public Hearing and Possible Adoption of Ordinance No. 2069 Establishing Business License Endorsement Standards for Medical Marijuana Facilities and Repealing a Temporary Moratorium on the Establishment of such Facilities**

Background:

At the July 7, 2014, City Council meeting, the Council heard a report from the Business License Task Force relating to the possible local regulation of medical marijuana dispensaries. Following this report the Council directed staff to prepare an ordinance containing the standards that were outlined by the Business License Task Force. House Bill 3460 allowed for the establishment and registration of medical marijuana facilities in the State of Oregon. The bill was effective as of March 1, 2014. The Oregon Legislative then recognized that additional clarity was needed in these provisions and approved SB1531 which explicitly allows cities in Oregon to adopt reasonable regulations on the operation of medical marijuana dispensaries and to impose temporary moratoriums on the operations of such facilities until May 1, 2015. In accordance with this new legislation the City Council did approve an ordinance that created a moratorium to allow the city to consider further regulatory effects relating to medical marijuana dispensaries. The City Council forwarded the matter to the Planning Commission to determine whether the city should adopt local standards as provided for in SB1531. The Planning Commission did not think any further land use regulations would be required for these types of facilities that would operate in the city. However, they recommended that the City Council adopt standards regulating the conditions under which a facility may dispense medical marijuana.

Council asked the Business License Task Force to consider the Planning Commission recommendations. On June 17, 2014, the Business License Task Force met and provided a report that was received by the City Council by the July 7, 2014 meeting. The Council requested staff to develop a draft ordinance for Council consideration to implement the findings of the Business License Task Force relating to the local regulation of medical marijuana dispensaries within the city. There was a question in regards to requiring certain insurance coverages for these facilities. Lauren Sommers, an attorney with Speer Hoyt LLC, who has reviewed the ordinance indicated that liability insurance requirements can be problematic for regulators in that if the entity fails to assure a business has liability insurance and the claim is made, the Oregon Supreme Court has indicated that cities can be liable for those damages. As a result we are not recommending that any specific liability insurance be required by the city as part of the business license, which would be consistent with the way that other businesses are handled by the cities.

Ordinance No. 2069 amends the code as it relates to business licenses to create a special endorsement for medical marijuana dispensaries. In addition to dispensaries meeting the Oregon Health Authority requirements to receive a State license, local applicants will need to provide to the city proof of State registration, criminal background checks from personal responsible for the facility and for employees of the facility. The ordinance establishes a condition that requires the person responsible for the facility and any employees working at the facility to cooperate with the city during an inspection authorized by this ordinance. Furthermore, the city will have the same access to any and all video surveillance records and recordings as required by the Oregon Health Authority for their oversight of licensed facilities by the ordinance.

Furthermore, the ordinance provides that a medical marijuana facility endorsement will allow a facility to sell medical marijuana in accordance with State statute, but does not constitute a waiver of any law imposed by any Federal, State or local entity.

The ordinance provides criterion for successfully passing a background check, allows the Council to set fees by resolution for the endorsement and background checks and provides a process for issuing the medical marijuana facility endorsement. Finally, the ordinance provides that the city may conduct a compliant inspection following the receipt of a compliant that alleges that a medical marijuana facility is violation of any of the terms of this chapter.

**Recommended Action:**

I recommend the Mayor conduct a public hearing on the approval of Ordinance No. 2069, an ordinance repealing a temporary moratorium on the establishment of medical marijuana facilities and authorizing such facilities subject to business license endorsement standards.

Following public hearing I further recommend the City Council approve the following motion:

I move that the City Council adopt Ordinance No. 2069, an ordinance repealing a temporary moratorium on the establishment of medical marijuana facilities and authorizing such facilities subject to business license endorsement standards, be read by title only and placed for final passage.

*The Mayor will then ask for a voice vote on whether to read the ordinance by title only and place for final passage.*

*If approved, the City Recorder will read the title of the ordinance.*

*A roll call vote on the final passage of the ordinance will then be requested by the Mayor and taken by the City Recorder.*

**Fiscal Effects:**

None by approving this ordinance. Please note that there is a companion agenda item that will be under the City Manager Report providing a resolution establishing a fee to offset city administrative costs associated with reviewing the business license endorsements. The proposed fees are \$25 for a medical marijuana endorsement and \$25 per employee background check which is consistent with our current fees for taxi cabs.

**Alternatives:**

Do not pass a local ordinance which provides local regulation under the business license endorsement standards and repeal the moratorium, refer the ordinance back for further evaluation by city administration, or as suggested by the City Council.

**Agenda Packet Reports:**

See attached Agenda Item Summary from Derrick Tokos which includes Ordinance No. 2069.

**Agenda Item: VI.B**

**Public Hearing and Consideration Adoption of Resolution No. 3687 Adopting a Timeframe and Criteria for Hiring a City Attorney**

**Background:**

On June 18, 2014, Rob Connell resigned his position as City Attorney. In a special meeting held on June 23, 2014, the City Council agreed to have Councilors Busby and Swanson work with the city administration to develop a RFP for City Attorney. This report was presented to the Council on July 7, 2014. In accordance with the report, the council authorized advertising for a staff attorney as an employee and for the issuance for a request for proposals from individuals or firms interested in providing City Attorney services on a contractual basis. As part of this process the Council also scheduled a public hearing on July 21, 2014, on Resolution No. 3687, which outlines the criteria and time table for hiring a City Attorney.

The process outlined in the resolution will provide for two parallel courses of action in regard to hiring a City Attorney which will allow for either an employee relationship or a consulting relationship for these services. The deadline for submission of proposals and job applications is August 15, 2014, at 3 P.M. Materials will be provided to the City Council on or before August 21, 2014, with a special meeting being scheduled for August 25, 2014, at noon for the City Council to review proposals and applications. The employee candidates and the consulting attorneys will participate in interviews that will include department heads and the City Council on September 4, 2014, beginning a 9 A.M. It would be important to keep that entire day open since, depending on the number of individuals or firms interviewed, the interview process could consume a significant portion of that day.

I appreciate the efforts of City Recorder, Peggy Hawker in pulling this information together incorporating the comments made by Speer-Hoyt as well as former City Attorney, Rob Connell. Please note that the review of applications and proposals are proposed to be done in executive session as well as the interviews.

Furthermore, Speer-Hoyt intends to submit a proposal for consideration. Speer-Hoyt has been acting in the City Attorney capacity during this interim period.

**Recommended Action:**

I recommend the Mayor conduct a public hearing on the approval of Resolution No. 3687, adopting a timeframe and criteria for the Council's hiring of a City Attorney.

Following the public hearing I further recommend the City Council approve the following motion:

I move that the City Council adopt Resolution No. 3687, which establishes a timeframe and criteria for the City Council's hiring of a City Attorney through either an employee relationship or contractually.

Fiscal Effects:

None by adopting this resolution. The city will have expenses for advertising and interviews as part of this process.

Alternatives:

None recommended.

Agenda Packet Reports:

See attached reports that were provided to the Council at the July 7, 2014 City Council meeting, which includes resolution No. 3687 and the revised RFP and job announcement for the city.

## VII. Communications

Agenda Item: VII.A.

**Communication from Mayor Roumagoux and Councilor Allen - Support from the City of Newport for the Expansion of the Oregon State University Hatfield Marine Science Center**

Background:

On Tuesday, July 15, 2014, Mayor Roumagoux, Councilor Allen, Community Development Director Derrick Tokos and I met with Robert Cowen, Director of the Hatfield Marine Science Center to further discuss the opportunity that was announced at the June 30, 2014, Town Hall meeting. Mr. Cowen outlined the plan to expand the facility to create a 500 student campus at the Hatfield Marine Science Center geared for students completing their education at OSU. The approach is for a multi-disciplinary program to give practical experience as it relates to the overall mission of the Hatfield Marine Science Center.

Lincoln County recently announced appropriation of \$15,000 to do an economic study of the impact that this facility would have on the Oregon Coast. In discussing this issue with Mayor Roumagoux and Councilor Allen it was suggested that the City Council should formally go on record as supporting this endeavor and communicating that support to Oregon State University. Furthermore, a letter of thanks could be directed to Lincoln County for their role in support this important initiative for the Oregon Coast.

Recommended Action:

I recommend the City Council approve the following motion:

I move that the City Council direct the City Manager to prepare a letter expressing the city enthusiastic support for the development of a campus facility at the Hatfield Marine Science Center for upper class university students to complete the multi-disciplinary studies relating to the marine sciences and direct a letter to the Lincoln County Board of Commissioners express the city appreciation for the County for financing a study to examine the economic benefits of this facility will have on the enter Oregon Coast.

Fiscal Effects:

None.

Alternatives:

As recommended by City Council.

Agenda Packet Reports:

None attached.

Agenda Item: VI.B.

**Communication from City Center Newport Association - Electronic Message Sign at the Northwest Corner of Hurbert and US**

Background:

On behalf of the City Center Newport Association, Frank Geltner and Zach Pool have been working on the development of an electronic message sign that would be used to announce various community events and would be placed at the northwest corner of US 101 and Hurbert Street in the city center area. This project was proposed as an alternative to a park development at this location that was designed and bid but deemed too expensive to move forward with after bids were taken. The City Council had appropriated \$100,000 for this purpose. Of the \$100,000, \$90,000 is reserved for a city center project.

The City Center Newport Association has been spearheading an effort to create a community message sign at this location that would not only benefit the city center but other venues within the city as well. A presentation was made by the City Center Newport Association representatives to the City Council at a November 18, 2013, City Council meeting. During this meeting there was a number of questions raised as to the community acceptance of the sign, operations and financial sustainability of this project after it is constructed, and questions regarding the overall design and reader board. I am including a communication from Frank Geltner of the City Center Newport Association, which includes a financial analysis of the potential revenue that could be generated to help maintain the project. Furthermore there have been initial discussions with the Newport Greater Chamber of Commerce being the administrator for dealing with the signage operational issues. In reviewing the November 18, 2013, minutes which are attached as supporting material. There was some discussion as far as whether this project should go forward or not and if the decision is made to go forward, that the committee will need city support to proceed with final design and procurement processes to make this sign a reality. There are a number of issues that the City Center group would like to explore with the city if the sign is permitted, including the timing restrictions on the routing of messages on this type of sign.

At the November 18, 2013, Council meeting there was some suggestion that prior to making a final decision on this project that citizen input be obtained.

Please note that this project is not a private project but would be conducted as a city project with the Room Tax funds that have been reserved for a city center project. If the project were supported it would then be necessary to develop a specific operations plan that would provide revenue to help sustain the operation of the message sign.

In my previous community the city operated two community message signs. The technology has improved dramatically to reduce maintenance and energy costs for operating these type of signs. I know they fair well in subzero temperatures but I have not had experience with these signs in a corrosive salt air environment. They can play a role in informing the community of various events and activities, however they are limited in the amount of time a message is displayed, practically if you get several messages on the display.

If the Council is interested in going forward with this project I would recommend two steps be taken. First of all I would suggest that the City Center group develop some sort of proposal with the Greater Newport Chamber of Commerce outlining the role that the chamber would play in managing the messages and sign components once the structure is in place. The second recommendation I would have is to solicit public input on this proposal and hold a public hearing at the August 18, 2014, City Council meeting before making a final decision on this project.

If a decision is made to go forward with this City Center project then the city would be involved in soliciting proposal for the construction of the sign including final design for this type of project. Since significant time has elapsed since the last presentations it would be important for the City Center Newport Association to provide a current presentation on the plans for this project and to determine whether the Council is interested in moving forward with this project or utilizing this funding for other purposes in the community.

**Recommended Action:**

I recommend the City Council approve the following motion:

**I move that the City Council schedule a public hearing on a community electronic message sign to be located on the northwest corner of US 101 and Hurbert Street in the City Center for the August 18, 2014, City Council meeting at 6 P.M. to obtain community feedback on proceeding with the message sign as a city project.**

**Fiscal Effects:**

None by scheduling the public hearing. Please note that the \$90,000 has been reserved for this project. If funds are not used for the sign project they could be redirected for improvements to the center city that would be consistent with the Room Tax Fund or these funds could be utilized for other purposes within the city but still consistent with Room tax Fund purposes.

**Alternatives:**

Do not proceed with a city owned message sign at Hurbert and 101 or as suggested by City Council.

**Agenda Packet Reports:**

A communication from City Center Chair Frank Geltner, a schematic of the proposed sign with a cost estimate, and minutes from the November 18, 2013 City Council meeting.

**Agenda Item: VI.C.**

Communication from Destination Newport Committee -Consideration of Production/Installation Contract with OnDisplay Advertising, LLC.

**Background:**

The Destination Newport Committee is recommending that the city continue advertising on a billboard (building wallscape) which is located at SW 4<sup>th</sup> and Oaks Street in Portland by continuing a contract with OnDisplay Advertising, LLC. The advertising costs for this strategic location amounts to \$9,000 for each four week period. The Destination Newport Committee is recommended that the location be rented for a 36 week period which would be a total costs of \$81,000 plus production/installation costs of \$6,000 for a total cost \$87,000. The advertising period will run from January 5, 2015 through September 13, 2015. Please note that the contract with OnDisplay Advertising, LLC. will not be executed until legal review is completed.

**Recommended Action:**

I recommend the City Council approve the following motion:

I move that the City Council concur with the Destination Newport Committee and authorize the City Manager to execute an advertising contract with OnDisplay Advertising, LLC. for 36 weeks of display time on a billboard located at SW 4<sup>th</sup> and Oaks Street in Portland for a total of \$81,000 plus production and installation costs of \$6,000 for a total cost of \$87,000 begin January 5, 2015 and running through September 13, 2015.

**Fiscal Effects:**

Funds are appropriated in the fiscal year 2014-15 for this expenditure.

**Alternatives:**

None recommended.

**Agenda Packet Reports:**

See attached Agenda Item Summary from Cindy Breves on behalf of the Destination Newport Committee with the recommendation to proceed with this contract.

**VIII. City Manager's Report**

**Agenda Item: VIII.A**

Consideration of Resolution No 3688 Adopting Fees for Business Licenses Endorsement for Medical Marijuana Dispensaries

**Background:**

The City Council will have consider adopting Ordinance No. 2069. If approved in its current form the ordinance provides that fees be set by resolution. Resolution No. 3688 establishes two fees as part of the medical marijuana dispensaries business licenses ordinance. One is an application fee for a medical marijuana facility endorsement and the second is for background checks for employee of medical marijuana facilities. City

administration is proposing a fee of \$25 for the medical marijuana facility endorsement and a fee of \$25 fee per employee background check to offset the cities expenses in processing these special in endorsements to the business licenses. Please note that a medical marijuana dispensary would be subject to be regular business license fees as well. If the ordinance is approved by the Council then the resolution should be considered by the Council at the July 21 City Council meeting.

**Recommended Action:**

I recommend that the Council approve the following motion:

I move that the City Council adopt Resolution 3688, which establishes fees for medical marijuana facility endorsement applications in accordance with Ordinance No. 2069 in the amount of \$25 for a medical marijuana facility endorsement and \$25 per employee background check.

**Fiscal Effects:**

These fees will off-set expenses incurred by the city to conduct the activities outlined in Ordinance No. 2069.

**Alternatives:**

None recommended

**Agenda Packet Reports**

See Resolution No. 3688

**Agenda Item: VIII.B.**

**Consideration and Possible Adoption of a Memorandum of Understanding between the Lincoln Community Land Trust, City of Newport, City of Lincoln City, and Lincoln County Relating to Workforce Housing**

**Background:**

In 2010 and 2011, in partnership with the State of Oregon and local stakeholders, the City of Newport undertook a comprehensive update to the Housing element of its Comprehensive Plan. This analysis demonstrated that the city lacks an adequate supply of affordable workforce housing units, making it difficult for workers to find housing within the city limits. In 2013, the City Council deferred action on an agreement with the Lincoln County Land Trust since it was determined that a broader coalition should be brought together to address the workforce housing on a regional basis. Since that time discussions have ensued with Lincoln County and Lincoln City to provide base funding for administrative services that would be provided to the trust to support its mission to provide permanently affordable homeownership for working individuals and families within Lincoln County.

This agreement was reviewed by the Newport Planning Commission who indicated that they have invested considerable time and energy in updating the city's housing inventories. It was determined that in order for the city to realize an adequate supply of workforce housing a proactive and creative strategy must be pursued. With the recent announcement

of Oregon State University's initiative to expand student enrollment by 500 students at Hatfield Marine Science Center campus, the community will see an expansion of our current workforce to facilitate this activity. Planning Commission unanimously supported the investment of \$30,000 a year over a three year period on a collaborative basis with Lincoln City and Lincoln County to support the hiring of a full-time staff person to provide permanent homeownership for working individuals and families work within Lincoln County and to pursue sustainable financial support for the Lincoln Community Land Trust with the goal of the land trust seeking full budgetary self-sufficiency by the end of this three year financial commitment.

There is little doubt of the need for expansion of opportunities for affordable workforce housing in the city. The processes and methods for accomplishing that require a focused attention in order to meaningfully address this issue. I believe that the regional approach of the Lincoln Community Land Trust is an appropriate collaboration in which resources can be brought together in an effort to address this known problem.

Please note that as outlined in his report, Community Development Director, Derrick Tokos serves on the Lincoln Community Land Trust representing the interests of Newport as disclosed in his report.

**Recommended Action:**

I recommend that the City Council approve the following motion:

I move that the City Council enter into a Memorandum of Understanding with the Lincoln Community Land Trust, City of Newport, City of Lincoln City, and Lincoln County for a commitment to provide \$30,000 per year for a three year period in conjunction with the City of Lincoln City and Lincoln County to fund a staff person who will focus on the development of workforce housing on a regional basis.

**Fiscal Effects:**

Funds are appropriated in the 2014-15 FY budget to cover the city's possible participation in this endeavor.

**Alternatives:**

The city could consider a more narrowly tailored agreement with the trust, not proceed with an agreement at this time or as suggested by City Council.

**Agenda Packet Reports**

See attached Agenda Item Summary from Derrick Tokos which includes a letter from Jim Patrick Chairman of the Planning Commission supporting the city's participation in this project and a Memorandum of Understanding between the Lincoln Community Land Trust a 501.c.3 nonprofit and the City of Newport, the City of Lincoln City and Lincoln County.

**Agenda Item: VIII.C.**

**Report and Resolution No. 3689 Regarding Establishment of a Task Force to Discuss the Regional Role of The Newport Municipal Airport**

Background:

At the July 7, 2014, City Council meeting, Councilor Busby had requested that the City Council give consideration to establishing a task force to take a look at the regional role the Newport Municipal Airport can play in the central coast area. As a result the Council requested a report and recommendation from the city administration in order to develop the guidelines for such a task force. City Recorder Peggy Hawker and I have developed a resolution that outlines the possible structure of a task force including their responsibilities and deadline for completing their task. Please note that this resolution can be modified prior to approval I would encourage the City Council members to consider any modification to the resolution during discussion at the City Council meeting so that it reflects the collective desires of the City Council.

Recommended Action:

I recommend that the Council approve the following motion:

**I move that the City Council adopt Resolution No. 3689 which would establish a task force to discuss the regional impact of the Newport Municipal Airport.**

Fiscal Effects:

None.

Alternatives:

Modify the membership, report deadline or other aspects of this tasks force as the Council see fit or as suggested by the City Council.

Agenda Packet Reports:

See attached Resolution No. 3689.

Agenda Item: VIII.D.

**Adoption of Legislative Priorities for the Oregon League of Cities**

Background:

The City Council will met in a work session on Monday, July 21 at 5:30 P.M. to identify legislative priories as requested by the Oregon League of Cities. It would be appropriate for the Council to formally authorize the submission of those legislative priories as agreed to at the work session during the regular meeting.

Recommended Action:

I recommend that the City Council approve the following motion:

**I move that the City Council direct the City Manager to submit (name the top four legislative priorities identified at the work session) as the four top legislative priorities for the City of Newport.**

Fiscal Effects:

None.

Alternatives:

None recommended

Agenda Packet Reports

See attached the work session agenda and attachments.

**IX. Local Contract Review Board**

Agenda Item: IX.B

**Approval of Addendum No. 1 Task Order No. 8 for Bay-Moore Drainage Improvements - Environmental Issues, with Civil West Engineering Services, Inc.**

Background:

As you are aware the city has previously authorized the design work for the Bay-Moore drainage improvements as part of this project. It has been determined that dredging will need to be done in the Bay which will require more extensive environmental permitting requirements. The original scope of work did not anticipate this level of permitting. An addendum to Task Order No. 8 is being recommended by Public Works Director Tim Gross in the amount of \$65,000.

Recommended Action:

I recommend the Local Contract Review Board approve the following motion:

**I move the Local Contract Review Board approve Addendum No. 1 to Task Order No. 8 for Bay-Moore Drainage Improvements -Environmental Issues, with Civil West Engineering Services, Inc. in the amount of \$65,000 and authorize the City Manager to execute the addendum on behalf of the City of Newport.**

Fiscal Effects:

This project will be funded through a State Revolving Loan Funding (SRF) through the Oregon Department of Environmental Quality (DEQ) and is part of the Capital Improvement Plan as part of the 2014-15 FY budget. .

Alternatives:

None recommended.

Agenda Packet Reports

See attached Agenda Item Summary from Public Works Director Tim Gross.

Agenda Item: IX.C

**Approval of Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC.**

Background:

The City of Newport has benefited from the contractual service provided by Chase Park Grants, LLC. in two specific ways. First, Chase Park Grants has successfully secured

substantial funding for the evaluation of the city's dam structures, water and wastewater projects by and obtaining low interest loans and grants to facilitate the city's infrastructure rebuilding projects. They have been successful in finding unique ways in order to combine programs to provide a high benefit back to the city. As example the Bay Blvd Project will obtain a significantly lower interest rate by combining two programs together to accomplish both the stormwater and other utility work at the same time. Public Works Director Tim Gross is recommending that the current agreement with Chase Park Grant be extended for an additional year. Gross has also requested to increase the hours from last years agreement to deal with the issues outlined in Task 1 project managing and Task 2 general research and eligibility determination. For this work the consultant will be paid an amount not to exceed \$12,267 per month. Please note that in addition to this base contract, when specific projects are selected and require technical grant assistance there will be a separate task order approved. (see the next agenda item)

**Recommended Action:**

I recommend the Local Contract Review Board approve the following motion:

I move the Local Contract Review Board approve amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC. in the amount of \$144,256 and authorize the City Manager to execute the amendment on behalf of the City of Newport.

**Fiscal Effects:**

Funds have been appropriated for this project in the 2014-15 FY budget.

**Alternatives:**

None recommended.

**Agenda Packet Reports**

See attached Agenda Item Summary from Public Works Director Tim Gross that includes the amendment as well as the original contract and proposal for services.

**Agenda Item: IX.D**

**Approval of Specific Task Orders for FY 2015 Technical Assistance Services, Chase Park Grants, LLC.**

**Background:**

When specific grant are identified city has been utilizing Chase Park Grant, LLC. to provide the services to prepare the grants. Individual task orders are the requested. During the course of 2015 there are five areas in which technical grant assistance is being anticipated for this next fiscal year which includes Task Order 3.01 for wastewater/ sanitary sewer infrastructure, Task Order 3.02 for storm sewer infrastructure, Task Order 3.03 for Public Works facilities (Fire Station on 10<sup>th</sup> St.), Task Order 3.04 water supply and storage, and Task Order 3.05 water quality projects. Please see attached report from Public Works Director Tim Gross for further details.

**Recommended Action:**

I recommend the Local Contract Review Board approve the following motion:

I move the Local Contract Review Board approve Task Orders No. 3.01 through 3.05 for technical grant assistance with Chase Park Grants, LLC. in the total amount of \$191,460 and authorize the City Manager to execute the Task Orders on behalf of the City of Newport.

Fiscal Effects:

Funding for the individual task orders has been appropriated into individual project budgets in the 2014-15 FY budget. Please note that the targeted funding that would be included in these applications is in excess of \$12 million.

Alternatives:

None recommended.

Agenda Packet Reports

See attached Agenda Item Summary from Public Works Director Tim Gross.

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This concludes the City Manager's report and recommendations for the July 21, 2014, City Council meeting.

Respectfully Submitted,



Spencer R. Nebel  
City Manager

# **PROCLAMATION**

## **NATIONAL NIGHT OUT 2014**

WHEREAS, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on August 5th, 2014 entitled "National Night Out"; and

WHEREAS, the "31<sup>st</sup> Annual National Night Out" provides a unique opportunity for the City of Newport to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Newport plays a vital role in assisting the Newport Police Department through joint crime, drug and violence prevention efforts in Newport and is supporting "National Night Out 2014" locally; and

WHEREAS, it is essential that all citizens of Newport be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Newport; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE WE, the City of Newport City Council, do hereby call upon all citizens of Newport to join the Newport Police Department and the National Association of Town Watch in supporting the "31<sup>st</sup> Annual National Night Out" on August 5th, 2014.

FURTHER, LET IT BE RESOLVED THAT, WE, the City of Newport City Council, do hereby proclaim Tuesday, August 5th, 2014 as "NATIONAL NIGHT OUT" in Newport.

Sandra N. Roumagoux, Mayor





July 7, 2014  
6:00 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Roumagoux, Allen, Beemer, Busby, Sawyer, Saelens, and Swanson were present.

Staff present was City Manager Nebel, City Recorder Hawker, Finance Director Murzynsky, Interim Finance Director Gazewood, Community Development Director Tokos, Public Works Director Gross, and Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council, staff, and the audience participated in the Pledge of Allegiance.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

- A. Approval of City Council Minutes from the regular meeting and work session of June 16, 2014, and the special meeting and executive session of June 23, 2014;
- B. Confirmation of the Mayoral Appointment of Kevin Greenwood to the Parks and Recreation Advisory Committee for a term expiring on December 31, 2015.

MOTION was made by Sawyer, seconded by Beemer, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

### **PUBLIC HEARING**

**Public Hearing and Consideration of Ordinance No. 2067 Amending Chapter 7.05 of the Newport Municipal Code Related to Solid Waste.** Hawker introduced the agenda item. Nebel reported that on April 7, 2014, the City Council approved Resolution No. 3665 which authorized the establishment of a residential compostable collection program. He noted that this resolution authorized the addition of a residential compostable collection program which would be funded through an increase of \$6.59 per month for residential household garbage and recycling collection customers of Thompson's Sanitary Service Inc. starting during the summer of 2014. He added that the rates would be effective through June 30, 2015. He stated that the resolution outlines the cost for the various options that were approved by the City Council and establishes benchmarks for the performance of the residential compostable collection program. He noted that the resolution also directs the City Attorney to draft necessary modifications to Chapter 7.05 of the Newport Municipal Code to incorporate changes to definitions and other modifications necessary to reflect the intentions of the residential

compostable collection program for the city as outlined in the resolution. He stated that the modification incorporates definitions for compost or composting, compostable material, food soiled paper, food waste, and a definition for mixed recycling and mixed compostables. He added that the compostable collection service is incorporated in the appropriate locations in the proposed ordinance amendment. He noted that there is a clean-up of the definition of solid waste as it relates to the exclusion of properly prepared recycling material. He added that a new definition for solid waste management has been incorporated which states "the business of collection, transportation, storage, treatment, utilization, processing, disposal, recycling, composting, and resource recovery of solid waste." He stated that a definition for yard debris has been incorporated.

Nebel recommended that the Mayor open a public hearing and allow for public comment on the approval of Ordinance No. 2067, and ultimately vote to approve Ordinance No. 2067.

Roumagoux opened the public hearing on Ordinance No. 2067 at 6:06 P.M. She called for public comment. There was none. She closed the public hearing at 6:07 P.M. for Council deliberation.

Allen reported that Thompson's are fine with the language in the draft ordinance.

Beemer reported that Thompson's made a presentation on this program at a recent Chamber luncheon, and the program was well-received by attendees.

Saelens reported that he had reviewed the language in the document from a professional basis, but had not talked with Thompson's regarding this ordinance.

MOTION was made by Swanson, seconded by Sawyer, to read Ordinance No. 2067, an ordinance amending Chapter 7.05, Solid Waste, of the City of Newport Municipal Code, incorporating the definitions and provisions relating to a residential compostable collection program, by title only and place for final passage. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2067. Voting aye on the adoption of Ordinance No. 2067 were Allen, Beemer, Busby, Roumagoux, Swanson, Saelens, and Sawyer.

## COMMUNICATIONS

**From Councilor Busby Regarding the Establishment of a Task Force to Discuss the Possibility of a "Regional" Airport.** Hawker introduced the agenda item. Nebel reported that Councilor Busby has requested that the Council discuss the possibility of creating a task force made up of regional representatives to review the role that the airport plays as a regional facility for the central coast. He added that this proposal is timely in that the Airport Committee will be initiating discussions on an airport management and operational plan based on a preliminary report that the Airport Committee will be receiving at their July 22 meeting. He stated that if the City Council is in agreement with establishing a task force made up of representatives from the central coast area, then it would be appropriate for the Council to discuss the possible make-up of this task force and request that these comments be incorporated into a report for possible formal consideration at the July 21 City Council meeting. He noted that once formalized the Mayor and City Council can proceed with appointments to the task force.

Busby explained that a regional airport would involve an area larger than a municipality. He discussed the importance of the airport to a greater area than the city.

He added that others have expressed interest in the concept, including the Lincoln County Commissioners, Lincoln County Mayors, the Port District and others. Allen asked whether the Task Force would look at the FBO in addition to airport operations, and Busby noted that the group would want to discuss the entire issue. Nebel noted that the first step is a discussion to understand what the airport is and what people and entities are willing to commit to.

MOTION was made by Sawyer, seconded by Saelens, to direct the City Manager to develop a report and recommendation on the structure of a regional airport task force incorporating the discussion from the City Council to the July 21, 2014 Council meeting. The motion carried unanimously in a voice vote.

**From Councilors Busby and Swanson - Review and Consideration of Draft Documents Associated with the Recruitment of a City Attorney and a Request for Proposals for a Contracted City Attorney.** Hawker introduced the agenda item. Allen reported that since Rob Connell's resignation, he has had the opportunity to review the general duties of the position with local attorneys. He added that due to these reviews, he was given permission, by the City Council, at the June 23, 2014 Special City Council meeting, to abstain from participating in and voting on this issue, and that he will continue to do so.

Nebel reported that at the June 23, Special City Council meeting, the City Council discussed the resignation of City Attorney Rob Connell. He added that following that discussion, the Council assigned Councilors Busby and Swanson to meet with the City Manager to develop recruitment materials and a process to fill this position. He noted that the City Attorney is one of three positions appointed directly by the City Council, and the other two positions are the City Manager and the Municipal Judge. He stated that the committee met to review the various options on how the Council could proceed in filling this position. He added that these options include the possibility of hiring an employee as City Attorney or contracting with a firm to provide City Attorney services. He stated that within each of these two scenarios, the Council could consider a scenario of a part-time general counsel utilizing contractual attorneys for specialized services or having one primary agreement (either employee or contractual) with one individual or one firm to handle most of the city's legal work.

Nebel reported that due to the unique talents that various candidates or firms could bring to this position, the committee felt it was best to cast a broad net to determine what types of individuals or law firms are interested in providing legal services. He noted that as a result, the committee is suggesting both a job listing for either a full-time or part-time City Attorney as well as a request for proposals for contractual legal services. He added that with any applicants to serve as City Attorney as an employee of the City Council, it would be important for the applicants to identify what areas of municipal law they are capable of handling and what areas they would need to have contracted out. He noted that this would be especially true for any part-time applicants that may focus on certain aspects of municipal law and rely on consultants for the balance of the legal work. He stated that the committee also recommended, as part of the development of the RFP, that law firms be asked to submit proposals based on two options which include a retainer for providing services such as meeting attendance, response to general inquiries from City Council and staff, municipal court prosecution, ordinance and resolution review and approval, employment related issues, public records and open

meetings issues, and ethics related questions with an hourly rate for more specialized services, or the City Attorney services could be provided on a straight hourly rate for all services.

Nebel reported that this will allow for a complete review of a variety of options going forward. He stated that this is important because of the varied legal work required for municipal government that is sometimes very specialized including land use issues, public contracting, personnel issues, and other similar specialties within the legal field. He noted that the best scenario for the City Council to hire a City Attorney will greatly depend on the available talents that are represented with the applicants or proposers.

Nebel reported that while this is a bit unconventional, it keeps the number of options available for the Council to determine who would be the best qualified and best fit to fill the role of City Attorney.

Nebel reported that the packet contains materials that reflect the discussions held with Councilors. He added that Busby and Swanson will provide their report with their suggestions on how the Council should proceed in moving forward. He noted that the packet includes a draft RFP and a job description for City Attorney along with other supporting materials. He stated that the committee is recommending the following schedule for proceeding with this position: 1.) begin advertising the position starting July 8; 2.) approve a resolution for hiring standards which would impact a possible employee scenario for the City Attorney on July 21; 3.) establish a deadline for applications and RFP submissions of August 15 at 3 P.M. 4.) the City Council will receive the materials for the both the employees and RFPs by August 21; 5.) a special meeting of the Council is proposed to be scheduled for Monday, August 25 at noon to review the proposals and employment applications.

Nebel reported that the process of reviewing applications and interviewing in executive session will be forwarded to the Council at the July 21 meeting should the Council concur with the suggestions from the work group. He added that interviews of both employee candidates and proposals would be done on September 4 beginning at 9 A.M. He noted that the committee felt it appropriate to conduct a two panel interview with the Council consisting of one panel and the department heads participating as the second panel to provide input to the Council similar to the process utilized for hiring the City Manager. He stated that this will provide additional input from a number of the primary users of legal services. He added that this process should allow for the review of contractual services and employment services on a side-by-side basis so that the Council can make the best decision.

Nebel reviewed the changes to the various recruitment documents that were made after the packet was distributed and prior to this meeting.

Nebel reported that the process outlined in the packet does not limit the way in which legal services could be provided, and will provide the maximum flexibility to review the options that are available to the city and allow the Council to select the overall best fit for City Attorney services. He added that following any discussion, Council should direct staff on how to proceed with the advertisement for the City Attorney position/work.

Swanson noted that the committee wanted to cast a broader net. Busby added that this makes Council's job more difficult. Roumagoux noted that the interview process is similar to that used for hiring the City Manager. Busby noted that the committee believed it is important for the City Attorney to work well with the City Manager and staff in

addition to the City Council. Sawyer thanked Rob Connell for the work he did in that position.

MOTION was made by Swanson, seconded by Beemer, to direct the staff to begin advertising for a staff City Attorney, and request proposals from individuals or firms interested in providing City Attorney services on a contracted basis, and that Resolution No. 3687 be placed on the agenda of the July 21, 2014 meeting at which a public hearing will be held to solicit public input on the criteria and timeline for hiring a staff City Attorney. The motion carried in a voice vote with Allen abstaining.

**From the Business License Task Force - Report on Medical Marijuana Dispensaries.**

Hawker introduced the agenda item. Nebel reported that following the approval of SB 1531, the City Council placed a temporary moratorium on the establishment of medical marijuana facilities within the city. He added that the purpose of declaring the moratorium was to evaluate new local regulatory tools that were provided by the legislature. He stated that the City Council forwarded the matter to the Planning Commission to consider whether the city should adopt local standards as provided in the bill. He noted that the Planning Commission determined that no new city regulations are needed that would impact land use or zoning issues within the city. He added that the Planning Commission recommended the Council put standards/regulating conditions in which dispensaries could operate within the city with those standards being incorporated into the city's business license regulations. He noted that the City Council concurred with the Planning Commission and forwarded the matter to the Business License Task Force for their review.

Nebel reported that on June 17, 2014, the Business License Task Force reviewed the local regulatory options outlined in SB 1531. He added that the Task Force also heard a presentation from Miranda regarding enforcement concerns with medical marijuana facilities.

Nebel reported that the Task Force is recommending that the City Council consider implementation of several regulatory initiatives that are allowed by state statute. He noted that these initiatives include: 1. Background checks should be required of all employees to confirm that they have not been convicted of manufacturing or delivering a controlled substance; 2. The Police Department should have access to a facility at all times that it is occupied; 3. The Police Department should have access to the same records and video surveillance tapes that an operator must make available to the Oregon Health Authority; 4. The Police Department should be notified any time an alarm is triggered at a facility; 5. The person responsible for the facility should be required to sign an indemnity or hold harmless agreement acknowledging that issuance of an endorsement is not to be taken as city approval or sanction of any activity that is a violation of federal law.

Nebel reported that there was also discussion regarding additional requirements relating to liability insurance in an amount deemed appropriate by the Council if such insurance is reasonably obtainable.

Nebel noted that if the City Council is in agreement with including an additional regulation in the city's business license ordinance, Council should direct staff to prepare an ordinance for Council consideration that would establish standards regulating the conditions under which a facility could dispense medical marijuana in the city.

Allen noted that some of the liability issues will need to be vetted by the City Attorney. Busby reported that no agreement was reached, nor were specifications decided upon, relative to the liability insurance issue. He added that if the city levies a particular business, the requirement should be universal to all similar businesses. He noted that the committee did discuss the hold harmless issue relative to federal authority versus state authority.

Beemer asked whether all the bars in town have liability insurance. Busby noted that premises and product liability are difference. Nebel noted that when a motion is made, if the insurance requirement is not included, staff will not pursue it. He added that if it is included, it should be added to the motion. Swanson asked about insurance requirements for other businesses in the city. Busby noted that the city does not mandate certain insurance requirements for businesses. Allen noted that the may be an insurance requirement that is part of a separate regulatory process from the city. Sawyer stated that he does not have a problem adding an insurance requirement, but would want a legal opinion prior to doing so. Busby asked Sawyer whether he was speaking of product liability or premises liability insurance. Allen noted that two motions would be appropriate. He added that on the issue of the hold harmless and indemnity language should be referred to the City Attorney for appropriate language.

MOTION was made by Saelens, seconded by Busby, to direct the staff to prepare an ordinance containing the standards outlined in the City Manager's Report to Council for Council's consideration at the July 21, 2014. The motion carried unanimously in a voice vote.

MOTION was made by Allen, seconded by Sawyer, that the City Manager be directed to check with the City Attorney to look at the feasibility of liability insurance coverage for medical marijuana dispensaries and report to Council with a legal analysis as to whether it is appropriate and feasible under the circumstances. Voting aye in a voice vote were Allen, Beemer, Swanson, and Sawyer. Voting no in a voice vote were Busby, Roumagoux, and Saelens. The motion carried.

**From the League of Oregon Cities - 2015 Legislative Agenda.** Hawker introduced the agenda item. Nebel reported that the League of Oregon Cities advocates for legislative objectives for members cities in the state. He added that the League's eight policy committees have identified 22 legislative objectives for consideration by the membership. He noted that the League requests that each city review the policies and provide input to the LOC Board of Directors as it prepares the 2015 legislative agenda. He stated that the League has requested that each city select its top four legislative priorities for the upcoming legislative session. He reported that Roumagoux has suggested holding a work session on Monday, July 21 to discuss these legislative priorities, and he asked that each Councilor submit their top four legislative priorities by Friday, July 11. He noted that unless Council objects, he plans to request the same information from department heads.

Nebel reported that the League has made long term commitments to two issues critical to cities that include revenue and land use reform, and since those commitments have already been made, they are not listed on the list of possible legislative priorities. He added that the League will also continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option taxes outside of compression.

## CITY MANAGER'S REPORT

Consideration of Resolution No. 3684 Adopting a Policy Regarding Unappropriated Ending Fund Balances, Contingencies, and Financial Reserves, and Rescinding Resolution No. 3534. Hawker introduced the agenda item. Nebel reported that as part of this year's budget deliberations, the Budget Committee reviewed a draft proposal revising the city's policy regarding financial reserves, contingencies, and unappropriated ending fund balances. He added that the purpose of the policy is to provide guidance to the staff, Budget Committee, and City Council regarding the maintenance of unappropriated ending fund balances, contingencies, and reserves for the city's various operating funds. He stated that this policy is intended to identify desired levels to protect the city's credit as well as its financial position in the event of unanticipated emergencies. He noted that after discussion by the Budget Committee, several adjustments were made to the draft policy including increasing the General Fund contingency from two percent to four percent and reducing the range for unappropriated ending fund balance by two percent to a high of 18% and a low of 13%.

Nebel reported that the proposed policy provides that the funding levels be reviewed as part of the preparation of the 2015/2016 fiscal year budget and then reviewed every three years thereafter by the Budget Committee and City Council.

Nebel reported that Resolution No. 3684 provides for the adoption of the revised policy regarding unappropriated ending fund balances, contingencies, and financial reserves and rescinds Resolution No. 3534 in its entirety.

MOTION was made by Sawyer, seconded by Saelens, to adopt Resolution 3684, regarding unappropriated ending fund balances, contingencies, and financial reserves, and rescinds Resolution No. 3534 in its entirety. The motion carried unanimously in a voice vote.

Consideration of Resolution No. 3686 Adopting Council Rules. Hawker introduced the agenda item. Nebel reported that at the June 16 City Council meeting, the Council approved amendments to the Council Rules. He noted that Allen indicated that in reviewing the City Charter provisions, the Council Rules are to be adopted by resolution. He added that several typos have been corrected in the version that was reviewed by Council on June 16. He stated that it appears that the original adoption of the Council Rules on July 18, 2011, and the amendment of April 15, 2013, were not approved by resolution, and that this action will adopt the full rules, as amended, consistent with the City Charter provisions.

MOTION was made by Sawyer, seconded by Allen, to adopt Resolution No. 3686, a resolution formally implementing the Council Rules as initially approve on July 18, 2011 and amended on April 15, 2013 and June 16, 2014. The motion carried unanimously in a voice vote.

Request for Council Acceptance of the Annual DLCD Coastal Management Grant. Hawker introduced the agenda item. Nebel reported that the DLCD provides an annual grant for land use planning and related work within Oregon's federally approved coastal zone. He stated that in order to receive the funding, the City Council must approve a resolution requesting the funds. He noted that, in the past, these funds have been used to offset costs in preparing the South Beach Neighborhood Plan, transportation system

update, reservoir urban growth boundary amendments, conducting Planning Commission trainings, and developing GIS land use data. He stated that the recommended use of the funds for this year will be for reviewing land use applications, updating development codes, and scanning land use records so they are more readily accessible to the public.

MOTION was made by Sawyer, seconded by Saelens, to adopt Resolution No. 3685 which authorizes the acceptance of \$9,000 in annual DLCD grant funds. The motion carried unanimously in a voice vote.

**Approval of Clean Water Revolving Fund Loan Amendment No. 1 for the Agate Beach Wastewater Improvement Project.** Hawker introduced the agenda item. Nebel reported that the City Council had previously approved a loan agreement with the Oregon Department of Environmental Quality for the Agate Beach Wastewater Improvement Project. He added that during the application process, the interest rate on the loan was reduced from 2.54% to 2.48% but that this reduction in interest rate was not reflected in the final loan agreement between the city and the Oregon Department of Environmental Quality.

MOTION was made by Sawyer, seconded by Allen, to authorize the Mayor to execute amendment No 1. to the Clean Water State Revolving Loan Agreement No. R68933 which reduces the interest rate on the loan from 2.54% to 2.48%. The motion carried unanimously in a voice vote.

**Initiate Process to Annex and Zone City Reservoir Properties.** Hawker introduced the agenda item. Nebel reported that on May 6, 2013, the City Council approved a 350-acre Urban Growth Boundary expansion to include lands surrounding the city's reservoirs. He added that Lincoln County approved this same boundary expansion on April 16, 2014. He noted that as a result, the Department of Land Conservation and Development must accept the city/county decision and issue an order amending the UGB to finalize the process. He stated that this was the first of a two-step process of bringing the property into the city limits. He reported that city staff is now recommending that Council proceed with the annexation and zoning of the property. He added that the city owns 309 of the 350 acres within the UGB and the annexation would include only city-owned land as well as Big Creek Road. He noted that the proposed zoning for the property would be P-1/ "Public Structures." He reported that the zoning would be subject to a public hearing before the Planning Commission and the City Council. He added that there are a number of other items that will need to be addressed including transferring the jurisdiction of the road from the county to the city.

MOTION was made by Beemer, seconded by Swanson, to direct staff to initiate annexation of the city-owned properties located within the UGB which surrounds the Big Creek reservoirs along with the adjoining portions of Big Creek Road, pursuant to ORS Chapter 222 with the proposed zoning for the properties being P-1/ "Public Structures," and schedule public hearings on the annexation and zoning before the Newport Planning Commission and City Council in accordance with applicable statutes and the Newport Municipal Code. The motion carried unanimously in a voice vote.

**Authorization to Acquire Right-of-Way on NE 6<sup>th</sup> Street.** Hawker introduced the agenda item. Nebel reported that NE 6<sup>th</sup> Street is a collector roadway that currently

dead-ends just past NE Laurel Street in the residential neighborhood that is situated east of Newport Intermediate School. He noted that the city's long-term plans call for NE 6<sup>th</sup> Street to connect with Newport Heights Drive to provide secondary access to a large neighborhood that currently has only one roadway connection to several subdivisions and the rest the city. He stated that this acquisition was precipitated by discussion with property owners John Pachuta and Laurel McGill who plan to build a home on their property beyond the current end of NE 6<sup>th</sup> Street. He stated that in working with the property owners, an alignment was agreed upon to the shift the road to the north in order to preserve buildable property for Pachuta/McGill. He added that as a result, this right-of-way acquisition also involves Homefront Enterprises, LLC (Managing Partner, Brad Bowder). He stated that the proposed alignment will require acquisition of 7,606 square feet from Pachuta/McGill and 7,702 square feet from Homefront Enterprises, LLC in order to create a secondary access for this neighborhood.

Nebel reported that both properties were appraised and as a result of the appraisals an amount of \$21,400 has been agreed to with Pachuta/McGill which is consistent with the appraisal prepared by Bill Adams, MAI. He stated that the appraised value of the property owned by Homefront Enterprises, LLC is \$6,700 for the 7,702 square feet that would be required from this property owner. He noted that several factors are involved with this significantly lower appraised value. He added that this property does not directly front the end of the existing NE 6<sup>th</sup> Street right-of-way and the property currently does not have access to the city utilities without easements across private property. He stated that the Homefront Enterprises, LCC parcel is 3.75 acres in size, but only 1.75 acres of the property is developable with the balance of the property being a steeply sloped ravine. He reported that as a result, the appraised value of the property averages the good land with the bad land. He stated that Brad Bowder, managing partner of Homefront Enterprises, LLC, indicated that since the city is acquiring 7,606 square feet of his good property; that the rate needs to be adjusted upward. He stated that Tokos and Gross agree that an adjustment is in order based on the quality of the property that the city will be acquiring, and that ultimately, an amount of \$14,171.68 was agreed to for this acquisition. He noted that this still places the square foot cost below the appraised value for the Pachuta/McGill property which is at \$2.81 per square foot while Homefront Enterprises, LLC will be compensated at \$1.84 per square foot for their portion of the right-of-way. He added that the total cost for acquiring this future right-of-way on NE 6<sup>th</sup> Street will amount to \$37,047.68. He noted that these funds were appropriated out of last year's budget.

Beemer reported that his wife owns property about four lots past the proposed acquisition, and the value of her property will be enhanced by this acquisition, and that he would not be participating in the discussion or vote.

MOTION was made by Sawyer, seconded by Swanson, to approve the acquisition of right-of-way for the future extension of NE 6<sup>th</sup> Street from John Pachuta and Laurel McGill in the amount of \$21,400 for 7,606 square feet of property, and from Homefront Enterprises, LLC in the amount of \$14,171.68 for 7,702 square feet of property and authorize the City Manager to execute the necessary documents. The motion carried in a voice vote with Beemer abstaining. It was noted that the funds are in escrow.

**Thompson's Sanitary Service Report on the 2014 Rate Review and Rate Schedule Proposed for the Fiscal Year Effective July 1, 2014.** Hawker introduced the agenda item.

Nebel reported that throughout the course of the past several months, extensive discussions have occurred between Thompson's Sanitary Service and the city as part of the decision to go forward with the residential compostables collection program. He noted that as part of these discussions, the rates for the fiscal year beginning July 1, 2014 through June 30, 2015 were set. He added that there are no increases in the base garbage rates for the next fiscal year. He stated that a rate increase of \$6.59 has been added to all curbside collection customers to include compostables, except for those customers who opt to utilize a 24-gallon cart without composting. He noted that these individuals will pay a rate of \$19.15 per month. He reported that the packet includes the rate review report compiled by Thompson's Sanitary Service showing actual 2013 revenues and expenses, and projected 2014 revenues and expenses. He stated that this report also shows the calculation of labor hours, vessel weights, and customer accounts between city customers and county customers. He noted that the packet also contains a copy of the resolution adopting the 2014/2015 rates.

Nebel reported that during this meeting, a discussion ensued regarding methods for tracking the composting revenues/costs for the 2014 year and beyond. He stated that the financial reports for next year will reflect a partial year with the beginning of the implementation of the composting program during 2014. He added that Thompson's Sanitary Service has indicated that they will work with the city to track these expenses to measure the financial performance of the composting program as compared to the current operations as part of the franchise agreement. He noted that Thompson's Sanitary Service has offered to review any of the financial materials with any individual Councilors who wish more detailed information.

**Introduction of New Finance Director Mike Murzynsky.** Hawker introduced the agenda item. Nebel reported that Finance Director, Mike Murzynsky has begun his tenure with the city effective today. He added that Murzynsky will be working on a reduced schedule until he wraps up his responsibilities with the City of Albany following the first week of August. He introduced Murzynsky to Council.

Nebel reported that the city has been very fortunate to have Interim Finance Director Bob Gazewood guide the city finances not only through a transition with Finance Directors but also the transition of City Managers. He added that Gazewood will be staying on to work on several special projects on a part-time basis and to work with Murzynsky as he establishes himself as the city's Finance Director.

Murzynsky addressed Council and gave a brief overview of his education and experience, and noted that he is happy to have been selected as the city's new Finance Director.

## **LOCAL CONTRACT REVIEW BOARD MEETING**

Roumagoux called the Local Contract Review Board meeting to order. The City Council acts as the Local Contract Review Board.

**Approval of Task Order No. 14 with Civil West Engineering Services, Inc. for the SE Ferry Slip Road Improvements.** 7:15 PM. Hawker introduced the agenda item. Nebel reported that the Urban Renewal Agency is proceeding with the reconstruction of SE Ferry Slip Road from the intersection of the recently completed SE Ash Street to SE

32<sup>nd</sup> Street. He added that the improvements will include curb and gutter, storm drainage improvements, widening of the street to accommodate on-street parking, and a ten-foot multiuse path on the west side. He stated that the multiuse path will extend beyond the intersection of SE 32<sup>nd</sup> Street and Ferry Slip Road north to SE Marine Science Drive. He added that Gross has negotiated Task Order No. 14 with Civil West Engineering Services, Inc. to provide public outreach and engagement, survey, design, and construction phase services for this project.

Nebel reported that these improvements are being completed as the first phase of a larger project funded in part by the South Beach Urban Renewal District and the State Transportation Improvements Program (STIP) to ultimately include construction of an intersection with a signal at SE 35<sup>th</sup> Street and Highway 101. He stated that this intersection work is anticipated to occur in the 2016/2017 fiscal year.

MOTION was made by Sawyer, seconded by Beemer, to approve Task Order No. 14 with Civil West Engineering Services, Inc. for the SE Ferry Slip Road engineering services in the amount of \$77,472 and authorize the City Manager to execute the task order on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Approval of Task Order No. 7 with Civil West Engineering Services, Inc., for the NE 71<sup>st</sup> Street Tank and Pump Station Improvements.** Hawker introduced the agenda item. Nebel reported that the SE 71<sup>st</sup> Street tank and pump station improvements is phase two of a two-phase project. He added that the majority of the design of the pump station and tank was completed as part of the design of phase one which included water line upsizing and extensions along Highway 101, NE Avery Street, and NE 71<sup>st</sup> Street. He stated that the water line improvements were installed to provide extra water capacity in anticipation of phase two. He noted that it is now necessary to proceed with the task order to provide survey, design, bidding, and construction phase services for the construction of a glass lined, one million gallon water tank, and new booster pump station at the end of NE 71<sup>st</sup> Street. He reported that this will substantially improve fire protection in the northeast portion of the city. He noted that the booster pump station replaces the existing Salmon Run pump station on NE 71<sup>st</sup> Street which is nearing the end of its useful life. He added that Gross has negotiated Task Order No. 7 with Civil West Engineering Services, Inc. to complete the survey, design, bidding, and construction phase services for the work. Allen asked when the water tank and new pump station will be operational. Gross noted that construction should begin in December or January, and it should be operational some time next summer.

MOTION was made by Sawyer, seconded by Saelens, to approve Task Order No. 7 with Civil West Engineering Services, Inc. for the 71<sup>st</sup> Street Tank and Pump Station engineering services in the amount of \$84,010 and authorize the City Manager to execute the task order on behalf of the City of Newport. The motion carried unanimously in a voice vote.

## RETURN TO THE REGULAR CITY COUNCIL MEETING

### REPORT FROM MAYOR AND COUNCIL

Roumagoux reported that she attended the Chamber Board meeting on June 24. Roumagoux reported that she attended the June 30, 2014 Town Hall Meeting.

Roumagoux reported that she had received a letter from the Infrastructure Finance Authority thanking the city for submission of a project completion report.

Allen reported that he had attended the recent Town Hall Meeting, and noted that it had been very informational, and that some of the information from the meeting is posted on the city's website.

Allen reported that he attended a meeting of BOEM/State of Oregon Task Force for Ocean Renewable Energy in the outer continental shelf. He noted that he is one of the coastal local government representatives. He added that discussions included the NNMREC or the PMEC grid connected test site, the wind on water test site in Coos Bay, and the PROUA project for making sure that local stakeholders are engaged in the mapping process in federal waters.

Allen reported that he attended Doug Nebert's memorial service on July 5 at the Maritime Museum. He noted that it was well-attended and a very touching ceremony.

Beemer reported that he attended Doug Nebert's memorial service and agreed with Allen's assessment.

Beemer reported that the news at the last Port meeting was that nothing will happen at Teevin site this year.

Beemer reported that he and Saelens are members of the Solid Waste Advisory Committee. He added that the meetings are very interesting, but it is difficult to get a quorum in order to meet. He noted that one of the questions that has arisen is whether Lincoln County is getting appropriate credit for recycling. He stated that it appears the county is doing a good job based on available statistics.

Beemer reported that he attended the "Black Tulip," an excellent play written by a high school teacher, whose son wrote the music and directed the orchestra, and whose wife was the director, who had three children in the play, and a brother-in-law who played the sheriff.

Saelens stated that he is the Lincoln County staff for the Solid Waste Advisory Committee, and confirmed that the question of materials leaving the county had never been asked. He noted that the county is getting credit for its recycling. He added that one of the items that the Committee wants to discuss is how to fund solid waste management in the county.

Busby reported that the Public Arts Committee had met and chosen a Public Arts Selection Panel to work with the swimming pool architects on the Percent for the Arts program as it applies to this project.

Busby thanked staff for the recent Town Hall Meeting in South Beach.

Busby reported that he attended a recent CWATC meeting. He noted that the Corvallis to Coast Trail project will receive a two million dollar grant; and the Port of Toledo will receive a 4.2 million dollar grant. He stated that the city needs to look at ConnectOregon grant opportunities at the airport next year. He noted that the state has delayed the STIP because it does not know how much federal money it will get. He added that most of the meeting was used by an engineer from ODOT and geologists from DOGAMI, adding that it was announced that an estimate to reinforce state bridges is 2.3 billion dollars. He noted that ODOT has prioritized three state highways to ensure they are ready for an earthquake; the first is Highway 97; I-5 is second; and Highway 101 is the third.

Swanson reported that she will graduate from the Citizen's Police Academy this week, and that it has been an interesting program.

Saelens reported that he and Nebel met with the VAC Committee. He noted that another meeting is scheduled in late July or early August.

Saelens reported that he is unable to attend the Parks and Recreation Advisory Committee meeting next week, and asked whether anyone wanted to attend in his stead.

Busby asked about Councilors signing up for the City Employee Committee meetings, and it was noted that a sign-up sheet would be made available.

Sawyer reported that a friend in Florence had seen a Newport advertisement on KEZI and was impressed that the city had done this.

Saelens reported that the VAC Committee has a goal of holding six major events annually, and is working on having VAC events tweeted to Portland twitter accounts.

Busby asked how many people were in town during the weekend, and Miranda reported that there were approximately 45,000 people watching the fireworks.

Roumagoux displayed the budget document and thanked Bob Gazewood for his work on the budget.

#### ADJOURNMENT

Having no further business, the meeting adjourned at 7:48 P.M.

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Margaret M. Hawker, City Recorder

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Sandra N. Roumagoux, Mayor





Agenda Item #  
Meeting Date

VI.A  
July 21, 2014

## CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Public hearing and possible adoption of an ordinance establishing business license endorsement standards for medical marijuana facilities and repealing a temporary moratorium on the establishment of such facilities

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

**ISSUE BEFORE THE COUNCIL:** Consideration of whether or not it is in the public interest for the City of Newport to allow medical marijuana facilities within its corporate limits as provided by state law and municipal code, including new business license endorsement standards regulating the manner in which such facilities dispense medical marijuana.

**STAFF RECOMMENDATION:** The proposed ordinance incorporates recommendations made by the Planning Commission and Business License Work Group. Staff recommends the Council accept their recommendations and adopt the ordinance.

**PROPOSED MOTION:** I move for reading, by title only, of Ordinance No. 2069, an ordinance repealing a temporary moratorium on the establishment of medical marijuana facilities and authorizing such facilities subject to business license endorsement standards, and for adoption by roll call vote.

**KEY FACTS AND INFORMATION SUMMARY:** During the 2013 Special Legislative Session the Oregon Legislature passed HB 3460, which allows for the establishment and registration of medical marijuana facilities. The bill was effective March 1, 2014, and the Oregon Health Authority, which is charged with administering the registration program at the state level, began accepting applications on March 3, 2014.

Marijuana is classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under federal law. This conflict between state and federal law creates uncertainty about cities' ability to regulate medical marijuana facilities within their boundaries in compliance with both state and federal law. To Oregon Legislature, recognizing that additional clarity was needed, approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operation of medical marijuana facilities and to impose temporary moratoria on the operation of such facilities until May 1, 2015. As outlined in the bill, permissible regulations include reasonable limitations on the hours during which a medical marijuana facility may be operated; reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed use zone; and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

On April 7, 2014 the City Council put in place a temporary moratorium, and forwarded the matter to the Planning Commission to consider whether or not the City should adopt local standards as provided in SB 1531. The Planning Commission determined that no new city requirements are needed regulating hours of operation or the location where a facility may operate. It did; however, recommend that the Council adopt standards regulating the conditions under which a facility may dispense medical marijuana. Further, it suggested that those standards could be crafted and enforced as an endorsement to a business license. The Council subsequently forwarded the matter to the Business License Work Group that it has empaneled to review the city's business licensing process.

The Business License Work Group met on June 17, 2014 to consider the Planning Commission's recommendation, and determined that the City should put standards in place. Specifically, they concurred with the Planning Commission that

background checks should be required of all employees to confirm that they have not been convicted of manufacturing or delivering a controlled substance, that the Police Department should have access to a facility at all times that it is occupied, and that the Police Department should have access to the same records and video surveillance tapes that an operator must make available to the Oregon Health Authority. The Business License Work Group further recommends that the Police Department be notified anytime an alarm is triggered at a facility and that the person responsible for a facility be required to sign an affidavit acknowledging that issuance of an endorsement is not to be taken as City approval or sanctioning of any activity that is a violation of federal law.

The City Council considered the recommendations from the Business License Work Group at its July 7<sup>th</sup> meeting and directed staff to prepare an ordinance for its consideration on July 21<sup>st</sup> to put in place business license endorsement standards for medical marijuana facilities and to repeal the temporary moratorium once the endorsement standards are effective. Further, the Council asked for feedback from the City Attorney as to whether or not it is feasible to require liability insurance coverage for medical marijuana dispensaries and why such a requirement would be warranted.

The ordinance presented this evening was prepared in large part by Lauren Sommers, an attorney with Speer Hoyt LLC, operating in the capacity of the City Attorney. With respect to the question of liability insurance, the City Attorney conferred with City-County Insurance Services and collectively, while they believe that it is good that the City is thinking about ways to decrease its liability, in this case, requiring liability insurance from dispensaries is probably not the best way to go. This has to do with the fact that the City does not require liability insurance of similarly situated businesses, and that other local jurisdictions do not appear to be imposing liability insurance requirements on dispensaries. The City Attorney also notes that general commercial liability insurance is meant to cover things like slip and falls within a commercial establishment. If the City's interest in requiring liability insurance is to address circumstances where someone might sue the City alleging that the City allowed a dispensary to operate in violation of federal law, commercial liability insurance will not cover that type of claim. Lastly, the City Attorney notes that liability insurance requirements can be problematic if the City ever mistakenly issues a business license without requiring the appropriate insurance. On this point, the City Attorney cites *Brennan v. City of Eugene* 285 Or 401, 403 (1979), in which the Oregon Supreme Court declared that a city can be held liable for damages when city staff issue a taxi license to an applicant who does not possess the minimum amount of liability insurance required by city ordinance.

**OTHER ALTERNATIVES CONSIDERED:** Not adopting local standards. SB 1531 provides local jurisdictions the option of limiting the hours during which a medical marijuana facility may be operated, where they may be located, and conditions under which a facility may dispense medical marijuana. It does not require that they do so. Both the Planning Commission and Business License Work Groups recommend that standards be adopted, largely for public safety purposes considering that marijuana is regulated by the Federal Government under the Controlled Substances Act.

**CITY COUNCIL GOALS:** There are no Council goals related to this agenda item.

**ATTACHMENT LIST:**

- Draft Ordinance

**FISCAL NOTES:** A fee resolution is proposed to offset city administrative costs associated with reviewing the business license endorsements.

## ORDINANCE No. 2069

### **AN ORDINANCE AMENDING TITLE IV OF THE NEWPORT MUNICIPAL CODE TO REQUIRE A MEDICAL MARIJUANA FACILITIES ENDORSEMENT FOR MEDICAL MARIJUANA FACILITIES OPERATING WITHIN THE CITY OF NEWPORT, OREGON, REPEALING THE CITY OF NEWPORT'S TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA FACILITIES WITHIN THE CITY**

**Whereas**, during the 2013 Special Legislative Session, the Oregon Legislature passed HB 3460, which allows for the establishment and registration of medical marijuana facilities; and

**Whereas**, HB 3460 took effect March 1, 2014, and the Oregon Health Authority began accepting applications for registration of medical marijuana facilities on March 3, 2014; and

**Whereas**, marijuana is classified as a Schedule I controlled substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under federal law; and

**Whereas**, this conflict between state and federal law creates uncertainty about cities' ability to regulate medical marijuana facilities within their boundaries in compliance with both state and federal law; and

**Whereas**, pursuant to Article IX, Section 2 of the Oregon Constitution and the Newport Charter, the City of Newport is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

**Whereas**, the 2014 Oregon Legislature approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operation of medical marijuana facilities, including: reasonable limitations on the hours during which a medical marijuana facility may be operated; reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed use zone; and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana; and

**Whereas**, SB 1531 also allows cities to impose moratoria on the operation of medical marijuana facilities within the jurisdiction of the City until May 1, 2015; and

**Whereas**, on April 7, 2014, the City of Newport adopted Ordinance No. 2063, declaring a moratorium on the operation of medical marijuana facilities within the City of Newport;

**Whereas**, the City Council requested that its Planning Commission and Business License Ordinance Work Group conduct public meetings to determine how the regulatory options outlined in Senate Bill 1531 should be exercised, and recommendations from each of these bodies have informed the development of new business license endorsement standards; and

**Whereas**, once business license endorsement standards for the operation of medical marijuana facilities are effective, the City will no longer need to maintain a moratorium on the establishment of such facilities within its corporate limits.

**Now, therefore, the City of Newport ordains as follows:**

**Section 1.** Title IV of the Newport Municipal Code is hereby amended to add the following:

## **CHAPTER 4.20 MEDICAL MARIJUANA FACILITIES**

### **4.20.010 Definitions**

The following definitions apply within this chapter:

Medical Marijuana Facility: a facility licensed by the Oregon Health Authority to:

1. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or
2. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

Medical Marijuana Facility Endorsement: a business license endorsement issued by the City of Newport to a Medical Marijuana Facility pursuant to the terms and conditions of this chapter.

Person Responsible for a Medical Marijuana Facility: an individual who owns, operates, or otherwise has legal responsibility for a Medical Marijuana Facility and who has been approved by the Oregon Health Authority.

Registry Identification Card: a document issued by the Oregon Health Authority that identifies an individual authorized to engage in the medical use of marijuana and, if the individual has a designated primary caregiver under ORS 475.312, the individual's designated primary caregiver.

Registry Identification Cardholder: an individual who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of

medical marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

#### **4.20.015 Medical Marijuana Facility Endorsement Requirement**

No person shall establish, conduct, maintain, manage, or operate a Medical Marijuana Facility in the City of Newport without a valid business license issued by the City of Newport pursuant to chapter 4.05 of this Title and a Medical Marijuana Facility Endorsement issued by the City of Newport pursuant to this chapter.

#### **4.20.020 Application Requirements**

- A. The Person Responsible for a Medical Marijuana Facility must apply for a Medical Marijuana Facility Endorsement on a form provided by the City. In addition to the information required by section 4.05.030 of this Title, an applicant for a Medical Marijuana Facility Endorsement must provide the City with the following information:
  1. The name and contact information (including at least a telephone number) of the Person Responsible for the Medical Marijuana Facility;
  2. The address or location of the Medical Marijuana Facility;
  3. Proof of registration of the Medical Marijuana Facility by the Oregon Health Authority at the location indicated on the application, including the Medical Marijuana Facility's registration number;
  4. Criminal background check requests, on a form provided by the City, from the Personal Responsible for the Medical Marijuana Facility and any employees of the Medical Marijuana Facility; and
  5. The executed agreement required by section 4.20.025 of this chapter.

#### **4.20.025 Agreement**

The City will not issue a Medical Marijuana Facility Endorsement unless and until the Person Responsible for the Medical Marijuana Facility submits an executed agreement, on a form required by the City, agreeing to the following conditions:

1. The Person Responsible for the Medical Marijuana Facility and any employees working at the Medical Marijuana Facility will cooperate with the City during an inspection authorized by section 4.20.050 of this Title;
2. The City will have the same access to any and all video surveillance records and recordings of the Medical Marijuana Facility as the Oregon Health Authority does pursuant to OAR 333-008-1180(2)(d);

3. The City will have the same access to any and all documentation required to be maintained under the rules adopted by the Oregon Health Authority as the Oregon Health Authority does pursuant to OAR 333-008-1210(5);
4. The Person Responsible for the Medical Marijuana Facility will direct the security company required by OAR 333-008-1150(4)(b) to notify the City of Newport Police Department any time the alarm system required by OAR 333-008-1150 is triggered at the Medical Marijuana Facility;
5. The Person Responsible for the Medical Marijuana Facility understands and agrees that neither the issuance of a business license nor the issuance of a Medical Marijuana Facility Endorsement constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory or license requirement imposed by the City or by any federal, state, or local law; and
6. The Person Responsible for the Medical Marijuana Facility agrees to notify the City of any employees hired by the Medical Marijuana Facility after issuance of the Medical Marijuana Facility Endorsement and prior to their first day of employment, will provide the City with criminal background check requests, on a form provided by the City, from the new employees.

#### **4.20.030 Background Checks**

The City of Newport Police Department will conduct background checks pursuant to this chapter to determine whether an individual has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:

1. Once or more within the last five years; or
2. Twice or more in the individual's lifetime.

#### **4.20.035 Fees**

An applicant for a Medical Marijuana Facility Endorsement must pay a surcharge in an amount established by resolution of the City Council in addition to the business license application fee established under section 4.05.020 of this Title.

#### **4.20.040 Issuance**

- A. A Medical Marijuana Facility Endorsement will only be issued if:

1. The application is complete and accurate;
2. The agreement required by section 4.20.025 is fully executed;

3. The Medical Marijuana Facility has been registered by the Oregon Health Authority at the location indicated in the application;
  4. The applicant is otherwise eligible for a City of Newport business license issued under Chapter 4.05 of this Title;
  5. The applicant has paid all the required fees; and
  6. Neither the Person Responsible for the Medical Marijuana Facility nor any employee of the Medical Marijuana Facility has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:
    - a. Once or more within the last five years; or
    - b. Twice or more in the individual's lifetime.
- B. The endorsement issued by the City must include at least the address or other location of the Medical Marijuana Facility and the name of the Person Responsible for the Medical Marijuana Facility.
- C. If an application for a Medical Marijuana Facility Endorsement is denied, the City will notify the applicant in writing of the denial and the reasons for the denial as provided in section 4.05.050B of this Title.

#### **4.20.045 Endorsement Non-Transferable; Notification of Change in Person Responsible**

- A. A Medical Marijuana Facility Endorsement is not assignable or transferable.
- B. A Medical Marijuana Facility Endorsement authorizes the operation of the Medical Marijuana Facility only at the location displayed on the endorsement.
- C. If the Medical Marijuana Facility notifies the Oregon Health Authority of a change in the Person Responsible for the Medical Marijuana Facility the Medical Marijuana Facility shall concurrently notify the City of the change and shall apply for a new Medical Marijuana Facility Endorsement.

#### **4.20.050 Inspection**

1. The City may conduct a complaint inspection at any time following the receipt of a complaint that alleges that a Medical Marijuana Facility is in violation of any of the terms of this chapter;

2. The City may conduct an inspection at any time city staff have reason to believe that a Medical Marijuana Facility is in violation of any of the terms of this chapter; and
3. If an individual at a Medical Marijuana Facility fails to permit city staff to conduct an inspection, the City may seek an administrative warrant authorizing the inspection.

#### **4.20.055 Revocation**

- A. The City Manager may revoke a Medical Marijuana Facility Endorsement if:
  1. The Person Responsible for the Medical Marijuana Facility knowingly makes a material false statement or omission in connection with the issuance of the endorsement; or
  2. The Oregon Health Authority revokes the registration of the Medical Marijuana Facility to which the endorsement has been issued; or
  3. The Medical Marijuana Facility transfers usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver; or
  4. The Medical Marijuana Facility accepts a transfer of usable marijuana or immature plants without a valid authorization from the patient; or
  5. The Medical Marijuana Facility possesses a mature marijuana plant at the Medical Marijuana Facility; or
  6. The Medical Marijuana Facility fails to notify the City Manager of a change in the Person Responsible for the Medical Marijuana Facility and to apply for a new Medical Marijuana Facility Endorsement; or
  7. The Medical Marijuana Facility is in violation of any of the terms of the agreement required by section 4.20.025 of this chapter; or
  8. City staff discover that the Person Responsible for the Medical Marijuana Facility or any employee of the Medical Marijuana Facility has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:
    - a. Once or more within the last five years; or
    - b. Twice or more in the individual's lifetime.
- B. If a Medical Marijuana Facility Endorsement is revoked, the City will notify

the licensee in writing of the revocation and the reasons for the revocation as provided in section 4.05.050B of this Title, except that revocation of a Medical Marijuana Facility Endorsement will take effect immediately upon revocation of the Medical Marijuana Facility's registration by the Oregon Health Authority.

C. Notwithstanding section 4.05.050 of this Title, a business license with a Medical Marijuana Facility Endorsement will not be revoked solely for violation of federal laws regarding the manufacture, delivery, or possession of marijuana if the conduct that violates federal law is allowed under ORS 475.300 through ORS 475.346.

#### **4.20.060 Appeal**

The decision by the City Manager to deny or revoke a Medical Marijuana Facility Endorsement may be appealed to the City Council as provided in Section 4.05.060 of this Title. Appeal of the City Council's denial or revocation of a Medical Marijuana Endorsement shall be by writ of review filed in the Circuit Court of Lincoln County.

#### **4.20.065 Violation**

Violation of any of the provisions of this chapter is a civil infraction with a maximum penalty of \$500.00. Each day during which a violation occurs constitutes a separate offense. Violations of separate provisions of this chapter constitute separate infractions. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the City.

#### **Section 2. Severability**

Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

#### **Section 3. Repeal of Ordinance No. 2063**

Ordinance No. 2063, "An Ordinance Declaring a Moratorium on Medical Marijuana Facilities and Declaring an Emergency" is hereby repealed.

#### **Section 4. Effective Date**

This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2014.

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Sandra N. Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder



Agenda Item #: VI.B \_\_\_\_\_

Meeting Date: 7/7/14 \_\_\_\_\_

**THE FOLLOWING INFORMATION WAS SUBMITTED AT THE JULY 7, 2014 MEETING**

**CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon**

Issue/Agenda Title: Review and Consideration of Draft Documents Associated with the Recruitment of a City Attorney and a Request for Proposals for a Contracted City Attorney - UPDATE \_\_\_\_\_

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: \_\_\_\_\_

**Issue Before the Council:** Since the staff report was written, both Speer Hoyt and Rob Connell have reviewed the documents and recommended several minor changes. They are:

1. The motion has been revised as follows: **I move that staff begin advertising for a staff City Attorney, and request proposals from individuals or firms interested in providing City Attorney services on a contracted basis. I further move that Resolution No. 3687 be placed on the agenda of the July 21, 2014 meeting at which a public hearing will be held to solicit public input on the criteria and timeline for hiring a staff City Attorney.**
2. The process timetable, where it is referred to in all associated documents, has been revised to include the words "if any" after "City Council Review and Selection of Interviewees," and after "City Council and Department Head Interviews with Applicant."
3. The document referred to as "Appendix A" (breakdown of time) in the RFP is also referenced in the advertisement for a staff attorney as "Exhibit C."
4. The application directions for a staff attorney application have been amended to include: "Applicants should also indicate in the letter of interest which specific areas of municipal law in which they have the experience as described in Exhibit C (Estimated Annual Proportion of City Attorney Time by Work Area).



Agenda Item #: VI.B \_\_\_\_\_

Meeting Date: 7/7/14 \_\_\_\_\_

**THE FOLLOWING INFORMATION WAS SUBMITTED AT THE JULY 7, 2014 MEETING**

**CITY COUNCIL AGENDA ITEM SUMMARY**  
**City Of Newport, Oregon**

Issue/Agenda Title: Review and Consideration of Draft Documents Associated with the \_\_\_\_\_  
Recruitment of a City Attorney and a Request for Proposals for a Contracted City \_\_\_\_\_  
Attorney \_\_\_\_\_

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: \_\_\_\_\_

**Issue Before the Council:** The issue before Council is the review and consideration of various documents associated with the recruitment of a City Attorney (employee), and the request for proposals (RFP) associated with retaining a contracted City Attorney.

**Staff Recommendation:** Review the documents; suggest recommended changes; and direct staff to begin the recruitment and request for proposals processes.

**Proposed Motion:** I move that staff begin advertising for a staff City Attorney, and request proposals from individuals or firms interested in providing City Attorney services on a contracted basis. I further move that Resolution No. 3687 be placed on the agenda of the July 21, 2014 meeting at which a public hearing will be held to solicit public input on the criteria and timeline for hiring a staff City Attorney in compliance with the provisions of ORS 192.660(2)(a).

**Key Facts and Information Summary:** Former City Attorney, Rob Connell, resigned his position on June 18, 2014. At the Special City Council meeting of June 23, 2014, City Councilors Busby and Swanson agreed to work with city staff to revise the RFP for a City Attorney. Councilors Busby and Swanson met with City Manager Nebel and City Recorder Hawker twice. During the first meeting, it was concluded that the recruitment should be done in two ways. One is to advertise for a staff City Attorney, either full-time or part-time. The other is to accept proposals from individuals or firms which would work with the city on a contracted basis.

**RFP -** The draft RFP is attached along with a draft advertisement for the RFP. The RFP provides for two proposal types:

**Retainer** - This proposal would include a set fee for the following services:

1. Meeting attendance - City Council meetings;
  2. Response to general inquiries from the City council and staff;
  3. Municipal Court prosecution;
  4. Ordinance and resolution review and approval;
  5. Employment related issues;
  6. Public records and open meetings issues; and
  7. Ethics related questions.

Work on legal issues, other than those described above, and contained in Appendix A to the RFP, would be provided on a contracted hourly basis beyond the established retainer fee.

**Hourly Rate for All Services** - The RFP provides that interested individuals or firms may submit proposals based on a contracted hourly rate for all services.

## CITY ATTORNEY AS EMPLOYEE

Attached for your review is a draft job description and a draft advertisement. Also attached is a draft Resolution No. 3687 which, if adopted after a public hearing, would allow the individual applicants to be interviewed in executive session.

ORS 192.660(2)(a) provides that “a governing body may hold an executive session to consider the employment of a public officer, employee, staff member or individual agent if the body has satisfied certain prerequisites.” It further states that “this provision applies to employment of the chief executive officer, other public officers, employees, and staff members of any public body only if the vacancy for the position has been advertised, regular procedures for hiring have been adopted, and, for a public officer, the public has had opportunity to comment on the employment.” The City Charter, in Chapter VIII, Section 35, reads, “The office of City Attorney is established as the chief legal officer of the city government.”

**Other Alternatives Considered:** 1. Contracted City Attorney Services  
2. Staff City Attorney

**City Council Goals:** None.

**Attachment List:** Resolution No. 3687

## **City Attorney Job Description - Staff Advertisement - City Attorney - Staff Request for Proposals - City Attorney Advertisement - RFP - City Attorney**

**Fiscal Notes:** Recruitment costs to be determined.

**CITY OF NEWPORT  
REQUEST FOR PROPOSALS**

**CITY ATTORNEY**

The City of Newport hereby invites interested individual attorneys and law firms to submit written proposals to provide City Attorney services to the city.

**THE WORK OF THE CITY ATTORNEY**

The City Attorney currently provides all legal services needed by the city, except for occasional services that require unusual expertise not ordinarily within the scope of City Attorney services, such as condemnation counsel in the acquisition of real property and as bond counsel. Also, the city is insured by the City-County Insurance Service both for tort-type claims and for workers compensation claims, so the City Attorney does not provide defense services in insured cases except for monitoring of significant cases and occasionally assisting lead CIS defense counsel in the assembly of city records.

The City Attorney is also responsible for prosecution of traffic offenses and violations (including minor misdemeanors converted to violations) in the Municipal Court, in those cases in which defendants have legal counsel. This involves handling appropriate paperwork, occasionally conducting negotiations with opposing counsel, and in rare cases, handling Municipal Court trials.

The City Attorney also monitors changes in pertinent state and federal legislation and regulations and case law, as appropriate.

The attached Appendix A shows the estimated proportions of City Attorney time spent in various work areas annually.

**INFORMATIONAL**

The City Council meets regularly on the first and third Mondays of each month at 6:00 P.M. Occasional work sessions, executive sessions, and special meetings may be held, based on need, and at the request of the Mayor and City Council. The City Attorney will be required to attend City Council meetings unless excused by the City Council.

The City Council, by the vote of at least four of its seven members, appoints the City Attorney for an indefinite term. The City Attorney serves at the pleasure of the Council and may be removed at any time by the vote of at least four members.

**PROPOSAL TYPES**

**Retainer** - The city is prepared to review proposals from individuals and/or firms to provide

the following legal services on a set retainer:

1. Meeting attendance - City Council meetings;
2. Response to general inquiries from the City Council and staff;
3. Municipal Court prosecution;
4. Ordinance and resolution review and approval;
5. Employment related issues;
6. Public records and open meetings issues;
7. Ethics related questions.

Legal issues, other than those described above, contained in Appendix A would be provided on a contracted hourly basis beyond the established retainer fee. If you are proposing to provide services under a retainer, you will also need to provide the hourly rate for services outside the scope of the retainer services.

Describe any areas of law listed in Appendix A in which you would need to retain specialized counsel.

**Hourly Rate for All Services** - The city is prepared to review proposals from individuals and/or firms to provide legal services at an established hourly rate based on the areas of law provided in Appendix A. If there are any areas of law, listed in Appendix A that you are unable to provide, and would require special counsel, please identify those areas.

The city will be able to provide temporary office space to a contract City Attorney who proposes to have some office hours at City Hall.

### **REQUESTED INFORMATION**

Proposals should include the following information. Proposers may submit additional information as deemed appropriate.

1. For individual proposers, employment history since 1999, and for firm proposers, legal status of firm or predecessor forms of organization since 1999, including specialization of individual, firm, or predecessor organization.
2. Qualifications for providing City Attorney services, for each attorney likely to provide City Attorney services, including:
  - A. Law school (including year of graduation), year of admission to Oregon State Bar, and years of practice.

B. Years of municipal or other public sector law practice as a full-time government attorney or specializing in municipal or other public sector law practice in a law firm or as a sole practitioner.

C. Particular areas of knowledge and experience in Oregon government law, including but not limited to law related to cities. Indicate which of the following areas you have expertise in:

1. Land use;
2. Personnel matters and labor negotiations;
3. Franchises and franchise fees;
4. Taxes, fees, and charges such as systems development charges and water and sewer service charges;
5. Annexation;
6. Police matters;
7. Public purchasing and contracting;
8. Municipal court prosecutions;
9. Public contracting for planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;
10. Urban renewal;
11. Open meetings and public records;
12. Government ethics; and
13. Ordinance/resolution review and approval.

D. Litigation experience, including descriptions of representative cases and outcomes.

E. Drafting experience, such as drafting of contracts, memoranda, ordinances, and resolutions.

F. Experience giving oral advice such as during the course of City Council meetings and by telephone to city staff.

G. Other types of clients represented.

- H. Scholastic honors and professional affiliations.
  - I. Affiliations or clients that could cause conflicts of interest regarding likely City Attorney matters.
- 3. How you propose to provide City Attorney services to the city? This should address whether you propose a contract based solely on billable hours, or whether you are proposing a retainer for basic services with an hourly rate for additional services. This should also address issues such as office location; accessibility to City Council members and city staff; attendance at City Council, and occasional other meetings; services, if any, that you would expect to receive from the city; and if a firm, how you propose to manage the firm's provision of services to the city – for example, would there be a lead attorney and, if so, who would that attorney be and how would other attorneys be involved.
- 4. Describe any work, whether by subject area or nature of work, which would not be covered by your compensation proposal.
- 5. Describe all charges that could be billed to the city including, but not limited to: hourly rates; hourly rates of subordinates; hourly rates of clerical staff; copying; travel; and any other charge that the city could find on an invoice from your or your firm if you are selected.

## **HOW TO APPLY**

Proposals should include a cover letter and a response to the RFP. The RFP response should not exceed ten pages.

Proposals may be mailed to:

Peggy Hawker, City Recorder  
Attention: City Attorney Proposal  
City of Newport  
169 SW Coast Highway  
Newport, OR 97367

Alternatively, proposals may be delivered to the Office of the City Recorder, 169 SW Coast Highway, Newport, Oregon, in an envelope addressed to Peggy Hawker, City Recorder, Attention: City Attorney Proposal. As a further alternative, proposals may be e-mailed as an attachment, with the e-mail subject "City Attorney Proposal" and with the e-mail addressed to [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov). E-mail attachments should be in Word format. The deadline for submission of proposals is 3:00 P.M., PDT, August 15, 2014.

## **PROCESS**

The city has issued this RFP for contracted legal services, and is also advertising for an employee (full or part-time City Attorney). The city has no preference regarding arrangements for legal services, but wishes to provide options for potential employees and/or contractors.

The process timetable is:

Deadline for Receipt of Proposals	August 15, 2014 - 3:00 P.M., PDT
City Council Receipt of Materials	August 21, 2014
City Council Review and Selection Of Interviewees	August 25, 2014 - Noon
City Council and Department Head Interviews with Applicants	September 4, 2014 - 9:00 A.M.

The city reserves the right to reject all proposals; to request additional information concerning any proposal; to accept or negotiate modifications to any proposal; to interview any proposer; and to waive any irregularities in any proposal following the proposal submission deadline date, in order to serve the best interests of the city.

All inquiries regarding this Request for Proposals should be directed by e-mail to Peggy Hawker, City Recorder, at [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov).

**APPENDIX A**

**ESTIMATED ANNUAL PROPORTION  
OF CITY ATTORNEY TIME BY WORK AREA**

ANNEXATIONS	3%
FINANCE	8%
CODE ENFORCEMENT AND PROSECUTIONS	5%
ETHICS	3%
LAND USE	26%
PROPERTY TRANSACTIONS	9%
PARKS DEPARTMENT	2%
PERSONNEL	15%
PUBLIC WORKS CONTRACTING (INCLUDING WATER, SEWERS, STORM DRAINAGE, STREETS)	15%
URBAN RENEWAL MATTERS	3%
LIBRARY	1%
MISCELLANEOUS	10%

Note: The amount of time spent in the work areas can vary substantially from year to year.

**CITY OF NEWPORT  
SEEKING PROPOSALS  
FOR CITY ATTORNEY SERVICES**

The City of Newport is requesting proposals from qualified individuals or legal firms to provide City Attorney services for the City of Newport, Oregon on a contracted basis. The City is seeking an attorney, or firm, that can perform all the duties of the City Attorney, as outlined in the city's RFP which can be found on the city website at [www.newportoregon.gov](http://www.newportoregon.gov).

The city is advertising for proposals for contracted services, and for an employee (full or part-time City Attorney). The city has no preference regarding arrangements for legal services, but wishes to provide options for potential employees and/or contractors.

The process timetable is:

Deadline for Proposals      August 15, 2014 - 3:00 P.M., PDT

City Council Receipt of Materials    August 21, 2014

City Council Review and Selection

    Of Interviewees      August 25, 2014 - Noon

City Council and Department

    Head Interviews with

    Applicants      September 4, 2014 - 9:00 A.M.

Applicants should send proposals to Peggy Hawker, City Recorder/Special Projects Director, City of Newport, 169 SW Coast Highway, Newport, Oregon, 97365. For inquiries, contact Peggy Hawker, at [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov). Application deadline is August 15, 2014, 3:00 P.M., PDT.

**RESOLUTION NO. 3687**

**A RESOLUTION ESTABLISHING HIRING STANDARDS,  
CRITERIA, POLICY DIRECTIVES, AND A TIMELINE  
FOR THE RECRUITMENT AND HIRING OF THE  
CITY ATTORNEY FOR THE CITY OF NEWPORT, OREGON**

WHEREAS, Robert Connell, City Attorney of the City of Newport, resigned effective June 18, 2014, thereby vacating the position of City Attorney; and

WHEREAS, Section 35 of the City Charter provides that the City Attorney is appointed by the City Council; and

WHEREAS, the City Council has determined that the recruitment and hiring of a new City Attorney is necessary and appropriate, and Council intends by this Resolution to adopt hiring standards, criteria, policy directives, and a timeline in connection with such recruitment and hiring; and

WHEREAS, on July 7, 2014, the City Council conducted a public hearing and provided the public an opportunity to comment on the recruiting process of the City Attorney and the proposed hiring standards, criteria, policy directives, and timeline;

The City of Newport resolves as follows:

Section 1. The City Council hereby directs that the City Manager and appropriate city staff coordinate the recruitment of a City Attorney. Such recruitment to begin immediately and to be conducted substantially in accordance with the timeline and activities for recruitment as set forth in attached Exhibit A.

Section 2. The City Council hereby adopts the criteria and hiring standards as set forth in the job description contained in Exhibit B.

Section 3. This resolution is effective immediately.

Adopted by the City Council of the City of Newport on July 21, 2013.

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Sandra N. Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder

## EXHIBIT A

### City Attorney Recruitment and Hiring Timeline

Action	Goal Date	Status
Hiring standards, criteria, policy directions, and a timeline for selection of a City Manager submitted to Council for public hearing, public comment, and approval by Resolution No. 3687	7/21/14	
Advertise the position in local and state trade publications (League of Oregon Cities and Oregon Bar Association)	7/8/14	
Application deadline	8/15/14	
City Council will receive copies of applications	8/21/14	
City Council review of applications and selection of interviewees	8/25/14 (Noon)	
City Council and department head interviews with finalists	9/4/14 9:00 A.M.	
Make a tentative employment offer contingent upon a successful background check, reference checks, and contract negotiations	9/15/14	
Appoint City Attorney and approve negotiated contract	10/6/14	
Repeat steps as appropriate		

**EXHIBIT B**

**City Attorney Job Description**

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<b>ORGANIZATION:</b> City of Newport	<b>LOCATION:</b> Newport, Oregon
<b>DEPARTMENT:</b> City Attorney	<b>DATE:</b> June 2014

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<b>JOB TITLE:</b> City Attorney	<b>Exempt Position</b>	<b>CONTRACTED WAGE</b>
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**PURPOSE OF POSITION:**

Serves as the chief legal officer of the city.

**ESSENTIAL JOB FUNCTIONS AND EXAMPLES OF DUTIES PERFORMED:**

This position reports to the City Council and is responsible for researching and preparing legal opinions for the City Council, City Manager, boards, commissions, and other city staff. The City Attorney provides advice to all departments of the city. The City Attorney is expected to have or develop expertise as needed to provide competent, efficient, and timely legal advice to the city's various departments and officials, including: Finance Department, Community Development Department, Library, Fire Department, Public Works Department, Airport, Parks and Recreation Department, Police Department, Information Technology, Human Resources, City Recorder, and City Manager

Prosecute violations of the Municipal Code and statutory traffic and other violations.

Prepare legal documents; prepare and/or review resolutions and ordinances ensuring legal sufficiency and that there is no conflict with state statutes or other resolutions and/or ordinances.

Maintain current knowledge of legislation and issues involving municipal operations.

The City Attorney is expected to be familiar with and provide legal services and/or advice to the city in the following areas:

Land Use;  
Personnel matters and labor negotiations;  
Franchises and franchise fees;  
Taxes, fees, and charges such as systems development charges and water and sewer service charges;  
Annexation;  
Police matters;  
Public purchasing and contracting;  
Municipal court prosecutions;  
Planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;  
Urban Renewal;

Open meetings and public records;  
Government ethics; and  
Ordinance/resolution/order review and approval.

**JOB QUALIFICATION REQUIREMENTS:**

***MINIMUM/MANDATORY EDUCATION AND EXPERIENCE REQUIREMENTS:***

**EDUCATION:** A Juris Doctorate from an accredited college or university.

**EXPERIENCE:** Three years of increasingly responsible experience in the practice of municipal law. Experience working in an Oregon municipality or an Oregon municipal law firm is desirable.

**KNOWLEDGE AND ABILITIES**

**KNOWLEDGE:** Operational characteristics, services, and activities of a public legal office.  
Principles of civil, constitutional, and administrative law.  
Judicial procedures and rules of evidence.  
Principles, materials, and methods of legal research.  
Legal precedents and court decisions impacting municipal government.  
Statutes and codes applicable to civil proceedings.  
Duties, powers, limitations, and authorities of a city attorney.  
Pertinent federal, state, and local laws, codes, and regulations.

**ABILITIES:** Research, analyze, and apply legal principles, facts, evidence, and precedents to legal problems.  
Provide sound legal advice and counsel.  
Draft legal documents such as ordinances, resolutions, statutes, and contracts.  
Present statements of fact, law, and argument in a clear and logical manner in written and verbal form.  
Use a wide variety of legal research methods.  
Effectively represent city policies with citizens, organizations, other government agencies, City Council, and staff.  
Analyze problems, identify alternative solutions, project consequences of proposed actions and assist with implementation of recommendations in support of goals.  
Communicate clearly and concisely verbally and in writing.  
Establish and maintain effective working relationships with the City Council, City Manager, staff, various boards and committees, and the public.

**PHYSICAL DEMANDS AND WORKING ENVIRONMENT:**

**Environment:** Standard office setting.

**Physical:** Primary functions require sufficient physical ability to work in an office setting and operate office equipment.

**Vision:** See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

**Hearing:** Hear in the normal audio range with or without correction.

**SUPERVISION RECEIVED:**

The City Attorney is hired and supervised by the City Council, and serves at the pleasure of the City Council.

**CITY OF NEWPORT  
CITY ATTORNEY**

**CITY ATTORNEY** - The City of Newport, Oregon is seeking a highly ethical, principled, and talented City Attorney with a strong background in municipal law.

**MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:**

Minimum of three years' of increasingly responsible experience in the practice of municipal law, and a Juris Doctorate from an accredited college or university. Experience working in an Oregon municipality or an Oregon municipal law firm is desirable.

Advanced knowledge of and experience with: Operational characteristics, services, and activities of a public legal office; Principles of civil, constitutional, and administrative law; Judicial procedures and rules of evidence; Principles, materials, and methods of legal research; Legal precedents and court decisions impacting municipal government; Statutes and codes applicable to civil proceedings; Duties, power, limitations, and authorities of a City Attorney; Pertinent federal, state, and local laws, codes, and regulations.

Ability to: Research, analyze, and apply legal principles, facts, evidence, and precedents to legal problems; Provide sound legal advice and counsel; Draft legal documents such as ordinances, resolutions, statutes, and contracts; Present statements of fact, law, and argument in a clear and logical manner in written and verbal form; Use a wide variety of legal research methods; Effectively represent city policies with citizens, organizations, other government agencies, City Council, and staff; Analyze problems, identify alternative solutions, project consequences of proposed actions and assist with implementation of recommendations in support of goals; Communicate clearly and concisely both verbally and in writing; Establish and maintain effective working relationships with the City Council, City Manager, staff, various boards and committees, and the public.

Skill in the use of personal computers, various related software programs, and standard office equipment.

The city is advertising for both an employee (full or part-time City Attorney), and accepting proposals (through a separate RFP process) for contracted legal services. The city has no preference regarding arrangements for legal services, but wishes to provide options for potential employees and/or contractors.

The process timetable is:

Deadline for Applications	August 15, 2014 - 3:00 P.M., PDT
City Council Receipt of Materials	August 21, 2014
City Council Review and Selection	
Of Interviewees	August 25, 2014 - Noon
City Council and Department	

Head Interviews with  
Applicants

September 4, 2014 - 9:00 A.M.

Applicants should send letters of interest, resumes, city application forms, and three professional references to Peggy Hawker, City Recorder/Special Projects Director, City of Newport, 169 SW Coast Highway, Newport, Oregon, 97365. All applicants should clearly identify, in the letter of interest, how they meet the minimum education and experience requirements, and whether the application is for a full-time or part-time position. The city application forms are available at [www.newportoregon.gov](http://www.newportoregon.gov). For inquiries, contact Peggy Hawker, at [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov). Application deadline is August 15, 2014, 3:00 P.M., PDT. The City of Newport is an EEO employer and veteran's preference provider.

## RESOLUTION NO. 3687

### **A RESOLUTION ESTABLISHING HIRING STANDARDS, CRITERIA, POLICY DIRECTIVES, AND A TIMELINE FOR THE RECRUITMENT AND HIRING OF THE CITY ATTORNEY FOR THE CITY OF NEWPORT, OREGON**

WHEREAS, Robert Connell, City Attorney of the City of Newport, resigned effective June 18, 2014, thereby vacating the position of City Attorney; and

WHEREAS, Section 35 of the City Charter provides that the City Attorney is appointed by the City Council; and

WHEREAS, the City Council has determined that the recruitment and hiring of a new City Attorney, or contractor, is necessary and appropriate, and Council intends by this Resolution to adopt hiring standards, criteria, policy directives, and a timeline in connection with such recruitment and hiring of a staff attorney, or contractor through the RFP process; and

WHEREAS, on July 21, 2014, the City Council conducted a public hearing and provided the public an opportunity to comment on the recruiting process of the City Attorney and the proposed hiring standards, criteria, policy directives, and timeline;

The City of Newport resolves as follows:

Section 1. The City Council hereby directs that the City Manager and appropriate city staff coordinate the recruitment of a City Attorney. Such recruitment to begin immediately and to be conducted substantially in accordance with the timeline and activities for recruitment as set forth in attached Exhibit A.

Section 2. The City Council hereby adopts the criteria and hiring standards as set forth in the job description contained in Exhibit B.

Section 3. The City Council hereby adopts the criteria as set forth in the Request for Proposals contained in Exhibit C.

Section 4. This resolution is effective immediately.

Adopted by the City Council of the City of Newport on July 21, 2013.

---

Sandra N. Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder

DRAFT

## EXHIBIT A

### City Attorney Recruitment and Hiring Timeline

Action	Goal Date	Status
Hiring standards, criteria, policy directions, and a timeline for selection of a City Manager submitted to Council for public hearing, public comment, and approval by Resolution No. 3687	7/21/14	
Advertise the position, and the RFP, in local and state trade publications (League of Oregon Cities and Oregon Bar Association)	7/14/14	
Application and proposal deadline	8/15/14	
City Council will receive copies of applications and proposals	8/21/14	
City Council review of applications and proposals and selection of interviewees, if any	8/25/14 (Noon)	
City Council and department head interviews with finalists, if any	9/4/14 9:00 A.M.	
Make a tentative employment offer, or proposed contract for services, contingent upon a successful background check, reference checks, and contract negotiations	9/15/14	
Appoint staff City Attorney, or contractor, and approve negotiated contract	10/6/14	
Repeat steps as appropriate		

**EXHIBIT B**  
**City Attorney Job Description**

---

**ORGANIZATION:** City of Newport                   **LOCATION:** Newport, Oregon  
**DEPARTMENT:** City Attorney                       **DATE:** June 2014

---

<b>JOB TITLE:</b> City Attorney	<b>Exempt Position</b>	<b>CONTRACTED WAGE</b>
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**PURPOSE OF POSITION:**

Serves as the chief legal officer of the city.

**ESSENTIAL JOB FUNCTIONS AND EXAMPLES OF DUTIES PERFORMED:**

This position reports to the City Council and is responsible for researching and preparing legal opinions for the City Council, City Manager, boards, commissions, and other city staff. The City Attorney provides advice to all departments of the city. The City Attorney is expected to have or develop expertise as needed to provide competent, efficient, and timely legal advice to the city's various departments and officials, including: Finance Department, Community Development Department, Library, Fire Department, Public Works Department, Airport, Parks and Recreation Department, Police Department, Information Technology, Human Resources, City Recorder, and City Manager

Prosecute violations of the Municipal Code and statutory traffic and other violations.

Prepare legal documents; prepare and/or review resolutions and ordinances ensuring legal sufficiency and that there is no conflict with state statutes or other resolutions and/or ordinances.

Maintain current knowledge of legislation and issues involving municipal operations.

The City Attorney is expected to be familiar with and provide legal services and/or advice to the city in the following areas:

Land Use;  
Personnel matters and labor negotiations;  
Franchises and franchise fees;  
Taxes, fees, and charges such as systems development charges and water and sewer service charges;  
Annexation;  
Police matters;  
Public purchasing and contracting;  
Municipal court prosecutions;  
Planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;  
Urban Renewal;

Open meetings and public records;  
Government ethics; and  
Ordinance/resolution/order review and approval.

**JOB QUALIFICATION REQUIREMENTS:**

***MINIMUM/MANDATORY EDUCATION AND EXPERIENCE REQUIREMENTS:***

**EDUCATION:** A Juris Doctorate from an accredited college or university.

**EXPERIENCE:** Three years of increasingly responsible experience in the practice of municipal law. Experience working in an Oregon municipality or an Oregon municipal law firm is desirable.

**KNOWLEDGE AND ABILITIES**

**KNOWLEDGE:** Operational characteristics, services, and activities of a public legal office.  
Principles of civil, constitutional, and administrative law.  
Judicial procedures and rules of evidence.  
Principles, materials, and methods of legal research.  
Legal precedents and court decisions impacting municipal government.  
Statutes and codes applicable to civil proceedings.  
Duties, powers, limitations, and authorities of a city attorney.  
Pertinent federal, state, and local laws, codes, and regulations.

**ABILITIES:** Research, analyze, and apply legal principles, facts, evidence, and precedents to legal problems.  
Provide sound legal advice and counsel.  
Draft legal documents such as ordinances, resolutions, statutes, and contracts.  
Present statements of fact, law, and argument in a clear and logical manner in written and verbal form.  
Use a wide variety of legal research methods.  
Effectively represent city policies with citizens, organizations, other government agencies, City Council, and staff.  
Analyze problems, identify alternative solutions, project consequences of proposed actions and assist with implementation of recommendations in support of goals.  
Communicate clearly and concisely verbally and in writing.  
Establish and maintain effective working relationships with the City Council, City Manager, staff, various boards and committees, and the public.

**PHYSICAL DEMANDS AND WORKING ENVIRONMENT:**

**Environment:** Standard office setting.

**Physical:** Primary functions require sufficient physical ability to work in an office setting and operate office equipment.

**Vision:** See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

**Hearing:** Hear in the normal audio range with or without correction.

**SUPERVISION RECEIVED:**

The City Attorney is hired and supervised by the City Council, and serves at the pleasure of the City Council.

DRAFT

**EXHIBIT C**

**CITY OF NEWPORT**  
**REQUEST FOR PROPOSALS**

**CITY ATTORNEY**

The City of Newport hereby invites interested individual attorneys and law firms to submit written proposals to provide City Attorney services to the city.

**THE WORK OF THE CITY ATTORNEY**

The City Attorney currently provides all legal services needed by the city, except for occasional services that require unusual expertise not ordinarily within the scope of City Attorney services, such as condemnation counsel in the acquisition of real property and as bond counsel. Also, the city is insured by the City-County Insurance Service both for tort-type claims and for workers compensation claims, so the City Attorney does not provide defense services in insured cases except for monitoring of significant cases and occasionally assisting lead CIS defense counsel in the assembly of city records.

The City Attorney is also responsible for prosecution of traffic offenses and violations (including minor misdemeanors converted to violations) in the Municipal Court, in those cases in which defendants have legal counsel. This involves handling appropriate paperwork, occasionally conducting negotiations with opposing counsel, and in rare cases, handling Municipal Court trials.

The City Attorney also monitors changes in pertinent state and federal legislation and regulations and case law, as appropriate.

The attached Appendix A shows the estimated proportions of City Attorney time spent in various work areas annually.

**INFORMATIONAL**

The City Council meets regularly on the first and third Mondays of each month at 6:00 P.M. Occasional work sessions, executive sessions, and special meetings may be held, based on need, and at the request of the Mayor and City Council. The City Attorney will be required to attend City Council meetings unless excused by the City Council.

The City Council, by the vote of at least four of its seven members, appoints the City Attorney for an indefinite term. The City Attorney serves at the pleasure of the Council and may be removed at any time by the vote of at least four members.

**PROPOSAL TYPES**

**Retainer** - The city is prepared to review proposals from individuals and/or firms to provide the following legal services on a set retainer:

1. Meeting attendance - City Council meetings;
2. Response to general inquiries from the City Council and staff;
3. Municipal Court prosecution;
4. Ordinance and resolution review and approval;
5. Employment related issues;
6. Public records and open meetings issues;
7. Ethics related questions.

Legal issues, other than those described above, contained in Appendix A would be provided on a contracted hourly basis beyond the established retainer fee. If you are proposing to provide services under a retainer, you will also need to provide the hourly rate for services outside the scope of the retainer services.

Describe any areas of law listed in Appendix A in which you would need to retain specialized counsel.

**Hourly Rate for All Services** - The city is prepared to review proposals from individuals and/or firms to provide legal services at an established hourly rate based on the areas of law provided in Appendix A. If there are any areas of law, listed in Appendix A that you are unable to provide, and would require special counsel, please identify those areas.

The city will be able to provide temporary office space to a contract City Attorney who proposes to have some office hours at City Hall.

### **REQUESTED INFORMATION**

Proposals should include the following information. Proposers may submit additional information as deemed appropriate.

1. For individual proposers, employment history since 1999, and for firm proposers, legal status of firm or predecessor forms of organization since 1999, including specialization of individual, firm, or predecessor organization.
2. Qualifications for providing City Attorney services, for each attorney likely to provide City Attorney services, including:
  - A. Law school (including year of graduation), year of admission to Oregon State

Bar, and years of practice.

B. Years of municipal or other public sector law practice as a full-time government attorney or specializing in municipal or other public sector law practice in a law firm or as a sole practitioner.

C. Particular areas of knowledge and experience in Oregon government law, including but not limited to law related to cities. Indicate which of the following areas you have expertise in:

1. Land use;
2. Personnel matters and labor negotiations;
3. Franchises and franchise fees;
4. Taxes, fees, and charges such as systems development charges and water and sewer service charges;
5. Annexation;
6. Police matters;
7. Public purchasing and contracting;
8. Municipal court prosecutions;
9. Public contracting for planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;
10. Urban renewal;
11. Open meetings and public records;
12. Government ethics; and
13. Ordinance/resolution review and approval.

D. Litigation experience, including descriptions of representative cases and outcomes.

E. Drafting experience, such as drafting of contracts, memoranda, ordinances, and resolutions.

F. Experience giving oral advice such as during the course of City Council meetings and by telephone to city staff.

- G. Other types of clients represented.
  - H. Scholastic honors and professional affiliations.
  - I. Affiliations or clients that could cause conflicts of interest regarding likely City Attorney matters.
3. How you propose to provide City Attorney services to the city? This should address whether you propose a contract based solely on billable hours, or whether you are proposing a retainer for basic services with an hourly rate for additional services. This should also address issues such as office location; accessibility to City Council members and city staff; attendance at City Council, and occasional other meetings; services, if any, that you would expect to receive from the city; and if a firm, how you propose to manage the firm's provision of services to the city – for example, would there be a lead attorney and, if so, who would that attorney be and how would other attorneys be involved.
  4. Describe any work, whether by subject area or nature of work, which would not be covered by your compensation proposal.
  5. Describe all charges that could be billed to the city including, but not limited to: hourly rates; hourly rates of subordinates; hourly rates of clerical staff; copying; travel; and any other charge that the city could find on an invoice from your or your firm if you are selected.

#### HOW TO APPLY

Proposals should include a cover letter and a response to the RFP. The RFP response should not exceed ten pages.

Proposals may be mailed to:

Peggy Hawker, City Recorder  
Attention: City Attorney Proposal  
City of Newport  
169 SW Coast Highway  
Newport, OR 97367

Alternatively, proposals may be delivered to the Office of the City Recorder, 169 SW Coast Highway, Newport, Oregon, in an envelope addressed to Peggy Hawker, City Recorder, Attention: City Attorney Proposal. As a further alternative, proposals may be e-mailed as an attachment, with the e-mail subject "City Attorney Proposal" and with the e-mail addressed to [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov). E-mail attachments should be in Word format. The deadline for submission of proposals is 3:00 P.M., PDT, August 15, 2014.

#### PROCESS

The city has issued this RFP for contracted legal services, and is also advertising for an employee (full or part-time City Attorney). The city has no preference regarding arrangements for legal services, but wishes to provide options for potential employees and/or contractors.

The process timetable is:

Deadline for Receipt of Proposals	August 15, 2014 - 3:00 P.M., PDT
City Council Receipt of Materials	August 21, 2014
City Council Review and Selection Of Interviewees, if any	August 25, 2014 - Noon
City Council and Department Head Interviews with Applicants, if any	September 4, 2014 - 9:00 A.M.

The city reserves the right to reject all proposals; to request additional information concerning any proposal; to accept or negotiate modifications to any proposal; to interview any proposer; and to waive any irregularities in any proposal following the proposal submission deadline date, in order to serve the best interests of the city.

All inquiries regarding this Request for Proposals should be directed by e-mail to Peggy Hawker, City Recorder, at [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov).

DRAFT

**APPENDIX A**  
**ESTIMATED ANNUAL PROPORTION  
OF CITY ATTORNEY TIME BY WORK AREA**

ANNEXATIONS	3%
FINANCE	8%
CODE ENFORCEMENT AND PROSECUTIONS	5%
ETHICS	3%
LAND USE	26%
PROPERTY TRANSACTIONS	9%
PARKS DEPARTMENT	2%
PERSONNEL	15%
PUBLIC WORKS CONTRACTING (INCLUDING WATER, SEWERS, STORM DRAINAGE, STREETS)	15%
URBAN RENEWAL MATTERS	3%
LIBRARY	1%
MISCELLANEOUS	10%

Note: The amount of time spent in the work areas can vary substantially from year to year.

DRAFT



## **Spencer Nebel**

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**From:** Frank Geltner <frank@newportnet.com>  
**Sent:** Tuesday, July 15, 2014 12:42 PM  
**To:** Spencer Nebel  
**Subject:** Re: Electronic Sign Consideration

Spencer,

Given that you need a response today, I will provide what I can here and some honest assessment of where I think we are. You should feel free to print this out, or digest the points you think are of value for the meeting on Monday, July 21.

The City Center Newport Association is now a small skeleton group of folks trying to get something done -- anything. The project under consideration is essentially a City of Newport project which a small group of business persons in the City Center area are trying to assist the City in making a reality. We should be clear that this is a "City" project. The only "skin" we, the CCNA, bring to this equation is our time and energy.

We are, at this stage, still trying to determine if the City Council will approve an idea for a community electronic sign that has been sitting around for over a year. Nothing is really new about it, except that, if the council wants to pursue this, it will do so knowing that it is a sign owned by the City and managed according to a plan to benefit many different segments of the community -- that will be further outlined once everyone agrees to move forward.

After the last meeting with the City Council, Zach Poole and I considered our notes from the City Council meeting which indicated some thinking that should be incorporated into a plan and Zach worked up some numbers which we gave to you several months ago. I am attaching this Excel (draft plan) worksheet "Model\_Sign\_Newport." It should speak for itself. It is not the final plan, but gives a fairly realistic idea of an income and expense formula to keep the sign operating in good order for years to come (with reasonable fees) -- and set aside money for its ongoing maintenance. This (rough draft) worksheet in its format addresses some of the concerns raised by the council when last we met to discuss the sign. I will be prepared to answer questions about the draft plan at the meeting on July 21.

In addition, I have had some discussion with Stephan, our resident Art Deco expert, and he is willing to work with us to add any additional "artistic/aesthetic" touches that will help with its final look.

The Chamber of Commerce is generally interested in helping, but they want to be assured that there is a consensus among the CCNA community on its installation. We have not made a formal request for community buy-in until we were sure we had a project to promote.

We are in touch with the company (YESCO) and they are prepared to provide additional working drawings if we choose to move forward; specifically to address some of the concerns Tim Gross has raised about the design of the base.

Zach and I agree that it is important to go forward with the presentation to the City Council to determine where they are with it.

Frank Geltner

On Jul 12, 2014, at 12:15 PM, Spencer Nebel wrote:

Newport Sign Pro-Forma  
Ads Only, Waiting on Cost Data

Base Ad Rate	0.15
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Type of Ads	100	Value	Frequency				
	% of Ads Per Ad		5	4	3	2	1
CCNA Member			16	16	16	16	16
In District			12	15	20	30	60
Total %			192	240	320	480	960
CCNA Member	40%						
Profit Bus	20%	\$ 0.30	11.52	14.40	19.20	28.80	57.60
Non Profit Bus	20%	\$ 0.15	5.76	7.20	9.60	14.40	28.80
City - Community Messages	10%	10% \$ 0.00	0.00	0.00	0.00	0.00	0.00
Chamber Member	30%						
Profit Bus	15%	\$ 0.60	17.28	21.60	28.80	43.20	86.40
Non Profit bus	15%	\$ 0.30	8.64	10.80	14.40	21.60	43.20
Business with City Bus License	12%	12% \$ 0.90	20.74	25.92	34.56	51.84	103.68
Business No City Bus License	8%	8% \$ 1.50	23.04	28.80	38.40	57.60	115.20
Per Day Revenue			86.98	108.72	144.96	217.44	434.88
Days Per Year			365.00	365.00	365.00	365.00	365.00
			31,746.24	39,682.80	52,910.40	79,365.60	158,731.20

3'-0"

6'-6 1/4"

3'-0"

2'-0"

2'-3 1/4"

17'-4"

4'-0"

## D/F ILLUMINATED DISPLAY

1/2" = 1'-0"

CITY OF NEWPORT

DECO  
DISTRICT

C  
D  
E  
F

EMBELLISHMENT	MATERIAL	SEE DETAIL
	PAINT	DUPONT TBD
CABINET	TYPE	D/F NON-ILLUMINATED
	PAINT COLOR	DUPONT TBD
	TEXTURE	LIGHT TEXCOTE
REVERSE PAN	LIGHTING	WHITE LED
	FACE COLOR	DUPONT METALLIC SILVER
	RETURN COLOR	DUPONT METALLIC SILVER
EMC	PIXEL SPACING	12mm
	MATRIX SIZE	64 x 160
	LED COLOR	FULL COLOR
GRAPHICS	LINES OF TEXT	8 LINES
	TRAINING	ONLINE
POLE COVER	PAINT COLOR	DUPONT TBD
	TEXTURE	LIGHT TEXCOTE
SCONCE	PAINT COLOR	DUPONT TBD
	LIGHTING	YESCO LED STRIP TO HALO LIGHT
F.C.O.	THICKNESS	1/4" ALUMINUM
	PAINT COLOR	SILVER METALLIC W/ CLEARCOAT
	MOUNT	STAND OFF 1/2"
CABINET	TYPE	S/F ILLUMINATED
	PAINT COLOR	SILVER METALLIC W/ CLEARCOAT
	COVER	CLEAR LEXAN W/ LOCK
PUSH THRU	DEPTH	3/4" CLEAR
	VINYL COLOR	PERFORATED BLACK
	ILLUMINATION	BACK LIT W/ FLORESCENTS

Portland  
Branch

20100 SW 112th Ave  
Tualatin, OR 97062  
503-612-6672

This drawing was created to assist you in visualizing our proposal. The ideas herein are the property of YESCO. Permission to copy or revise this drawing drawing can only be obtained thru a written agreement with YESCO.

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CLIENT:  
DECO DISTRICT  
HURBERT & COAST HWY 101  
NEWPORT, OR

ACCOUNT EXECUTIVE:  
KEN MAHONEY  
DRAWN:  
DIETZ  
DATE:  
4.6.12  
REV. / DATE / DESIGNER

APPROVAL:  
ACCOUNT EXECUTIVE:  
CLIENT:  
PROJECT NUMBER:  
308482  
SHEET:  
OF



April 3, 2014

Young Electric Sign Company  
416 East 41st Street  
Boise, ID 83714

# Proposal

**Submitted To:**

Art Deco Heritage Park  
PO Box 1251  
Newport, OR 97365  
Attn: Frank Geltner

**Job Site Location:**

Art Deco Heritage Park  
Herbert Street & Coast Highway 101 S  
Newport, OR 97365

Manufacture and install 1 each double face free standing display at 17' 4" over all height.

Display includes Yesco double face electronic message center . 12MM, 64 X 160 matrix. Full color.

2 sets reverse pan channel letters reading " DECO DISTRICT" . Halo illumination. Aluminum square tube frame decor.

Topped with aluminum bridge decor.

Intricate pole cover with corrugated embellishments. Texcote finish. Color to be determined.

Design #308482 R-11

Yesco to invoice permits separately, at costs plus procurement fees.

Primary power, switches, time clocks or photo cells are not a part of this agreement.

Cash sale price...\$81864.00

Down payment....\$40493.00

60 month finance lease available. OAC

\$9000.00 security deposit. 60 monthly payments @ \$2031.00

Ken Mahoney  
Account Executive  
503-490-0038  
kmahoney@yesco.com

Proposal is valid for 15 days. Prices quoted do not include electrical run to display and lighting controls, unless otherwise stated.

November 18, 2013  
City Council Minutes

she is also removing herself as Council Liaison to the Public Art Committee and appointing Busby to replace her.

Roumagoux reported that she attended a YBEF meeting at which Bob Cowen, director of the Hatfield Marine Science Center, made a presentation on the potential increase of programming and students.

Roumagoux reported that she had spent the morning of October 25 touring the Lincoln County Jail. She added that in the afternoon, she attended the Lincoln County Mayor's meeting in Toledo.

Roumagoux reported that she had represented the city at the Rogue Brewery's 25<sup>th</sup> anniversary celebration.

Roumagoux reported that she had attended the city employee's soup and chili cook-off.

Roumagoux reported that she had met Blaze, the Portland Trailblazer's mascot, and celebrated bringing the game ball, from the first game of the season, from Coos Bay to Astoria.

Roumagoux reported that she had selected the Yaquina Arts Association photography exhibit award.

Roumagoux reported that she had attended the celebration of life for Oly Olson.

Roumagoux reported that she learned that the US Coast Guard Yaquina Bay will be featured in "Coast Guard: Cape Disappointment/ Pacific Northwest," on the Weather Channel in February.

Roumagoux read a letter from Business Oregon regarding the Special Public Works Emergency Fund project.

**City Manager's Report.** Smith reported that departmental reports are included in the packet.

Smith reported that he had delivered a welcoming address to the Association of Conservation Districts and Network of Watershed Councils. He thanked Saelens for the invitation to make this presentation.

Sawyer asked about the location of CoastCom's warehouse.

Sawyer thanked the Pool Advisory Committee for its work on the pool bond.

#### DISCUSSION ITEMS AND PRESENTATIONS

**City Center Newport Association - Electronic Message Sign Presentation.** Frank Geltner and Zach Poole, and a quorum of the board of directors of the City Center Newport Association, were in attendance to request Council direction on a proposed electronic message sign at Highway 101 and Hurbert Street. Geltner displayed a sample sign and requested that the city fund and construct an electronic message board sign as a gateway design feature for the Deco District. It was noted that the sign would be placed on city property at the northwest corner of SW Hurbert Street and Highway 101, and that the source of funding is transient room tax monies that were previously transferred to the city's capital projects fund for construction of a pocket park at this location. Geltner asked that these monies be repurposed so that they could be used to construct the electronic message sign that would be designed in an art deco style and serve as a gateway entrance to the business district. Smith reported that the money is available, and Tokos added that there are actions that Council may need to take in order

for it to be expended on this project. Tokos noted that staff can identify exactly what steps need to be taken if Council supports moving forward with the concept. Swanson asked whether the money is specifically for a sign or whether it can be used for something else. Sawyer asked Geltner whether the CCNA has a budget or will only use city money for the project. Geltner reported that the sign purchase plus site preparation will cost approximately \$49,000. Roumagoux asked whether the sign content changes, and Geltner reported that it does change and that he hopes to garner enough support so that the city changes the ordinance to allow the sign to change in a shorter time than the current five minutes. Allen asked whether the Chamber of Commerce has a similar sign, and Geltner responded that it does not. Allen asked whether Geltner had approached the Chamber of Commerce to determine whether it might be interested in assisting with the funding of the sign, and added that this might be beneficial to the Chamber. Allen suggested approaching Lorna Davis, Executive Director of the Chamber of Commerce, and returning to Council after determining whether the Chamber is interested in partnering in this project. Busby asked who would be responsible for maintenance of the sign, and Geltner responded that the city would own the sign. Sawyer suggested that the parking district could be responsible for sign maintenance. Geltner reported that the broader non-profit community has wanted signage presence on Highway 101 for decades. Swanson reported that she had conducted a small survey and people are not in favor of the sign, but would be in favor of a small park. Geltner noted that CCNA wants something to happen on that corner, and that the sign currently has the most support as it would get messages out to the public. Swanson stated that she would like to see alternate ideas. Busby noted that his initial reaction is that he would rather see art at this location. Allen reiterated that he would not mind pursuing the issue further, but would like to see the cost with partners involved if the project moves forward. Allen added that he thinks this is along the lines of what Council thought CCNA would come back with, including the design, reader board time, and potential partners like the Chamber. Sawyer stated that he was opposed to the initially proposed concrete sculpture, but that this proposal includes art and a message, and he likes that. He added that his only concern is the budget, and stated that he would like to see the budget. Sawyer added that his greatest concern is that this is a private project and he would like Gross or Tokos to weigh in on the proposal. Gross stated that CCNA is going to run into prevailing wage issues on this project which will increase the cost by 25% - 50%. He suggested that the sign could be procured separately so that the prevailing wage does not apply to the sign. He added that the installation could also be procured separately. Sawyer stated that he would like city oversight on the sign construction. Gross stated that he is more concerned with long-term maintenance and operating costs. Saelens noted that it is an attractive sign, as lighted signs go. He added that if a lighted sign were selected, it should have the ability to turn off after 11 P.M. or so. He suggested community forums to obtain full community support for the project, and that perhaps, in addition to a lighted sign, an option for a sculpture and a mini-park could be considered. Saelens added that he is concerned that some citizens might rather see something else. Geltner stated that this design is something that the entire CCNA board supported. Swanson stated that another issue with the sign is that if there is ever a couplet developed, only half the travelers will see the sign. She added that the sign is not appropriate for that location and suggested that a piece of art designed by Stephan would be excellent. Allen noted that there are valid arguments on both sides, but that

CCNA has proposed something to Council, and he would like to see it further vetted and returned to Council with additional information, and if there is a better proposal with artwork, to include that when the item returns to Council. It was noted that since transient room tax money is used for advertising to tourists, this is a direct connection and appropriate use of transient room tax monies. Sawyer asked whether it would detract from the sign to add the time and temperature. Geltner noted that a sculpture could be placed in the archway. Geltner agreed to obtain additional information and return to Council.

**Presentation by Thompson's Sanitary Service on Curbside Composting.** Rob Thompson and Ken Riley, of Thompson's Sanitary Service, appeared before Council. Thompson introduced Lisa Kallenberger and Amy Thompson, from Thompson's Sanitary Service, and Jordan Trimmer, from Pacific Region Compost. Thompson noted that he plans to present the same presentation he made at the Town Hall meeting on September 30. The audio system malfunctioned and the presentation was narrated by Rob Thompson and Trimmer. The presentation included an overview; review of weekly curbside recycling; the proposed composting program that would include woody debris and food waste; and a proposed timeline for the institution of service. Saelens reported that the Solid Waste Advisory Committee will work on updating its master plan with food waste and woody debris on top of list, and integrating an emergency management plan. Thompson reported that 30% of landfill waste is food waste. It was reported that the curbside composting cost would be \$6.59 per month of an increase, but that there is the potential for a customer to save money. It was noted that the amount of savings will depend on the size of the trash can, and whether enough waste can be placed in the composting can to reduce the size of the trash can. Busby asked Thompson and Riley how they expect their gross revenues to be impacted annually. Allen noted that Thompson and Riley are not asking for anything more than what is allowed by the agreement. Thompson stated that he has used data from other jurisdictions, and the best estimate is based on a lot of other data. Allen noted that if the estimate of \$6.59 needs to be adjusted, Thompson's will have that information in front of Council during the next rate review. It was noted that there would be an ongoing vetting process on an annual basis. Swanson asked whether woody debris would include tissue paper and whether it would go into the composting. Trimmer reported that ink on newsprint is fine for composting as is tissue paper. He added that wrapping paper is probably acceptable. A small household compost bucket was on display, and it was noted that the small bucket would not be included in the monthly charge, but could be purchased if users were interested. Saelens asked how a 95 gallon container compares to yards. It was noted that a 95 gallon container is slightly less than one-half yard. Busby reported that one of the biggest complaints are from people who already have a way to get rid of compost, and the other complaint is that no one has a place to store a 95 gallon container as it will not fit in a garage. He added that it would be nice if there was an alternative to the 95 gallon container. Allen stated that there is no right or wrong answer, as it is a balancing act, and will be a policy choice for Council to weigh and determine the most favorable course of action. Allen noted that these presentations are great, but, that he would like more public feedback by April or May when a decision must be made. Swanson asked about the possibility of the compost coming back to Lincoln County so that rate payers can use it. Thompson noted that what would be picked up from the curb





Agenda Item #: VII.C  
Meeting Date: 7-21-14

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Award for OnDisplay Advertising\_\_\_\_\_

Prepared By: cb Dept. Head Approval: \_\_\_\_\_ City Mgr. Approval: \_\_\_\_\_

**Issue Before the Council:** The issue before Council is the consideration of a billboard (building wall-scape) located on SW 4<sup>th</sup> and Oak in Portland for the months of January 2015 through September 2015. A proposal was submitted by OnDisplay Advertising, reviewed and recommended by the Destination Newport Committee.

**Staff Recommendation:** The current procedure requires a recommendation from the Destination Newport Committee to the City Council. The Destination Newport Committee is forwarding a positive recommendation to approve the posting of a vinyl billboard in Portland at the 4<sup>th</sup> and Oak Street location, which is a product of OnDisplay Advertising.

**Proposed Motion:** I move to approve the promoting of Newport by advertising on a billboard (building wall-scape) located at SW 4<sup>th</sup> and Oak Street in Portland, through a contract with OnDisplay Advertising. The billboard advertising will cost \$9,000 for a 4 week period with 9 4 week periods for a total of \$81,000 plus production/installation cost of \$6,000 for a total cost of \$87,000. The advertising period will begin January 5, 2015 and run through September 13, 2015 and will be charged against the FY14-15 budget.

**Key Facts and Information Summary:** The billboard (building wall-scape) which is a 90 foot high picture of the Yaquina Head Lighthouse with "Discovernewport.com" and our 800 number has been used for two previous postings. The recommendation is to post again starting on January 5, 2015 and continue through September 13, 2015. The contract cost is \$9,000 for a 4 week period with 9 4 week periods for a total of \$81,000 plus production/installation cost of \$6,000 for a total cost of \$87,000. The production and installation cost including production of a new vinyl. Depending on the condition of the current vinyl when it is removed will determine if this cost is necessary. If the vinyl is in good condition it will be reused and The City of Newport will not be charged the \$2000 for production.

**Other Alternatives Considered:** There are no comparable billboard opportunities in that area or within this price range. The location became available and the committee considers this (1) a good location; (2) the artwork was completed last year and there is a possibility that no further production costs will be needed; and (3) no other company has the same or nearby location with the same traffic pattern and visibility.

**City Council Goals:** The request does not address a specific City Council goal.

**Attachment List:** Attached is the contract from OnDisplay.

**Fiscal Notes:** If approved, this funding would come from budgeted marketing and advertising monies in the Room Tax Fund.



**Prepared For:** Spencer Nebel  
**Agency:**  
**Advertiser:** City of Newport  
**City:** Portland, OR

## ADVERTISING DISPLAY CONTRACT

PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	1/5-2/1/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	2/2-3/1/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	3/2-3/29/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	3/30-4/26/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	4/27-5/24/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	5/25-6/21/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	6/22-7/19/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	7/20-8/16/15	1	\$	9,000.00	\$	9,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	8/17-9/13/15	1	\$	9,000.00	\$	9,000.00
					\$	-	\$	-
					\$	-	\$	-
					\$	-	\$	-
					\$	-	\$	-

**TOTAL NET CONTRACT RATE (After 15% Agency Commission)** **\$ 81,000.00**

**NOTES:**

**ACCOUNTS RECEIVABLE:** 245 Edison Rd, Ste 250, Mishawaka, IN 46545 . Denise Rogers D: 574.296.5947 . E: drogers@federatedmedia.com

**PRODUCTION SPECS:** Leah Desatoff D: 503.722.3484 . E: leahd@ondisplayads.com

**SHIPPING:** Omega Graphics & Signs . Stella Kehoe . 4321 Leary Way NW, Seattle WA 98107 . D: 206-789-5480 . E: omega.stella@gmail.com

OnDisplay Advertising, LLC agrees to install 1 units depicting advertisement for City of Newport

OnDisplay will provide Advertiser/Agency with a completion report along with color photos of display (1 Close-up, 1 Approach) within fourteen (14) days after any contracted unit goes into service, any copy is changed and/or anytime unit is rotated. **THIS CONTRACT MAY NOT BE CANCELLED BY EITHER PARTY.** INVOICES ARE BILLED AS NET. PAYMENT IS DUE THIRTY (30) DAYS FROM THE DATE OF INVOICE. THE UNDERSIGNED HAS READ AND AGREED TO THE ADDITIONAL TERMS AND CONDITIONS ON PAGE 2 OF THIS CONTRACT.

**ACCEPTED BY:**

**ACCEPTED BY:**

Name:	Mike Maloney	Date	Name:	Spencer Nebel	Date
Company:	OnDisplay Advertising, LLC		Company:	City of Newport	
Address:	1800 Blankenship Rd, Ste 200		Address:	169 SW Coast Hwy	
City, St Zip:	West Linn, OR 97068		City, St Zip:	Newport, OR 97365	
Phone:	D: 503.650.7132		Phone:	541-574-0601	
Email:	E: mmaloney@ondisplayads.com		Email:	s.nebel@newportoregon.gov	

**PORTRLAND:** 1800 Blankenship Rd, Ste 200 • West Linn, Oregon 97068 • P: 503-650-7132 • F: 503-650-7134

**CORPORATE:** 245 Edison Rd, Ste 250 • Mishawaka, Indiana 46545 • P: 574-296-5684 • F: 574-296-5983

**www.ondisplayads.com**



**Prepared For:** Ted Smith

**Agency:**

**Advertiser:** City of Newport

**City:** Portland, OR

## PRODUCTION/INSTALL CONTRACT

PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	tbd	\$ 2,000.00
PDX-111	SW 4th/Oak EL/SF	90 x 25'6"	tbd	\$ 2,000.00
1 Creative			\$ 2,000.00	

**SUBTOTAL NET CONTRACT RATE** (After 15% Agency Commission) \$ 2,000.00 \$ 4,000.00

**NOTES:** **TOTAL COMBINED NET CONTRACT RATE** (After 15% Agency Commission) \$ **6,000.00**

*Lighthouse creative vinyl from 2014 campaign, maybe used for 1/5/15 posting, dependant upon the condition of the vinyl.*

**ACCOUNTS RECEIVABLE:** 245 Edison Rd, Ste 250, Mishawaka, IN 46545 . Denise Rogers D: 574.296.5947 . E: drogers@federatedmedia.com

**PRODUCTION SPECS:** Leah Desatoff D: 503.722.3484 . E: leahd@ondisplayads.com

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**ACCEPTED BY:**

**ACCEPTED BY:**

Name: **Mike Maloney** Date  
Company: OnDisplay Advertising, LLC  
Address: 1800 Blankenship Rd, Ste 200  
City, St Zip: West Linn, OR 97068  
Phone: D: 503.650.7132  
Email: E: mmaloney@ondisplayads.com

Name: **Ted Smith** Date  
Company: City of Newport  
Address: 169 SW Coast Hwy  
City, St Zip: Newport, OR 97365  
Phone: 541-574-0601  
Email: t.smith@newportoregon.gov

**PORLAND:** 1800 Blankenship Rd, Ste 200 • West Linn, Oregon 97068 • P: 503-650-7132 • F: 503-650-7134

**CORPORATE:** 245 Edison Rd, Ste 250 • Mishawaka, Indiana 46545 • P: 574-296-5684 • F: 574-296-5983

**www.ondisplayads.com**

## ADDITIONAL TERMS AND CONDITIONS OF ADVERTISING DISPLAY CONTRACT

1. THE TERMS 'ADVERTISER' AND 'ADVERTISING AGENCY' SHALL MEAN AND REFER TO THE FIRMS OR INDIVIDUALS SO DESIGNATED ON THE FACE PAGE OF THIS CONTRACT.
2. IF FOR ANY CAUSE OR CONTINGENCY WHATSOEVER BEYOND ONDISPLAY'S CONTROL, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE INCLUSION, ACTS OF GOD, STRIKES, SHORTAGE OF LABOR OR MATERIALS, AND PRESENT OR FUTURE LAWS, ORDINANCES, RULES, ORDERS OR REGULATIONS, ONDISPLAY SHALL BE UNABLE TO ERECT AND MAINTAIN ANY OF THE SPACES COVERED HEREBY, THIS AGREEMENT SHALL NOT TERMINATE EITHER IN WHOLE OR IN PART, BUT ONDISPLAY SHALL ALLOW ADVERTISER CREDIT AT THE RATE SPECIFIED FOR THE PERIOD DURING WHICH SERVICE SHALL NOT BE FURNISHED, SUCH CREDIT TO BE RENDERED AT ONDISPLAY'S OPTION BY ADVERTISING SPACE ON OTHER SPACE OR SPACES APPROVED BY ADVERTISER, OR BY EXTENDING THIS CONTRACT AND ADVERTISING SERVICE FOR A PERIOD BEYOND THE TERMINATION DATE, SUCH APPROVED SUBSTITUTED SERVICE AND/OR EXTENDED SERVICE TO BE OF AT LEAST EQUAL VALUE WITH THE AMOUNT OF SUCH CREDIT.
3. ILLUMINATED DISPLAYS ARE AVAILABLE AT SOME LOCATIONS AT AN ADDITIONAL CHARGE. ILLUMINATED DISPLAYS ARE TO BE ILLUMINATED FROM DUSK TO MIDNIGHT. CREDIT WILL BE GRANTED FOR TEMPORARY LOSS OF ILLUMINATION, IN THE AMOUNT OF 15% OF THE PRORATED DAILY DISPLAY RATE FOR EACH DAY ILLUMINATION IS NOT PROVIDED.
4. FAILURE TO PAY ANY MONTHLY PAYMENT AS HEREIN PROVIDED SHALL, AT ONDISPLAY'S OPTION, BE DEEMED A COMPLETE BREACH BY ADVERTISER OF THIS AGREEMENT, AND UPON ANY SUCH FAILURE THE FULL AMOUNT OF THE REMAINING MONTHLY RENTAL INSTALLMENTS SHALL IMMEDIATELY BECOME DUE AND PAYABLE, AND IN THE EVENT OF FAILURE TO MAKE PAYMENT THEREOF ON DEMAND, ONDISPLAY IS AUTHORIZED BUT NOT OBLIGATED, TO TAKE POSSESSION OF THE OUTDOOR ADVERTISING DISPLAY OR ANY OR ALL OF THE SPACES AND REMOVE ALL ADVERTISING FROM ANY OR ALL OF THE SPACES, TO RELET THE SPACES OR ANY OF THEM FOR THE WHOLE OR ANY PART OF THE UNEXPIRED TERM OF THIS CONTRACT TO SUCH PERSON OR PERSONS AND UPON SUCH TERMS AND CONDITIONS AS ONDISPLAY MAY DETERMINE, AND TO COLLECT AND RECEIVE THE INCOME OR RENT FROM SUCH RELETTING OR RELETTINGS AND APPLY THE INCOME OR RENT SO RECEIVED FIRST TO ONDISPLAY'S COSTS OF REPLACING THE DISPLAY (INCLUDING BUT NOT LIMITED TO COSTS INCURRED FOR DESIGN, ART WORK, SELLING, PAINTING AND INSTALLING THE REPLACEMENT DISPLAY), AND THE BALANCE THEREOF TO SATISFACTION OF ANY AMOUNTS WHICH MAY THEN BE DUE ONDISPLAY FROM ADVERTISER UNDER THIS AGREEMENT. SUCH RE-ENTRY BY ONDISPLAY AND SUCH RELETTING SHALL NOT WORK A FORFEITURE OF ONDISPLAY'S RIGHT TO COLLECT THE RENT TO BE PAID AND TO ENFORCE THE COVENANTS TO BE PERFORMED BY ADVERTISER FOR THE FULL TERM OF THIS CONTRACT.
5. ADVERTISER SHALL INDEMNIFY AND HOLD HARMLESS ONDISPLAY AGAINST ANY LIABILITY TO WHICH ONDISPLAY MAY BE SUBJECT TO REASON OF THE ADVERTISING MATERIAL DISPLAYED UNDER THIS CONTRACT, INCLUDING, BUT NOT LIMITED TO, LIABILITY FOR INFRINGEMENT OF TRADEMARKS, TRADE NAMES, COPYRIGHTS, INVASION OF RIGHTS OF PRIVACY, DEFAMATION, ILLEGAL COMPETITION OR TRADE PRACTICES, AS WELL AS ALL REASONABLE COSTS, INCLUDING ATTORNEY'S FEES, IN DEFENDING ANY SUCH ACTION OR ACTIONS.
6. IF THIS CONTRACT IS PLACED IN THE HANDS OF AN ATTORNEY FOR COLLECTION, ADVERTISER AGREES TO PAY ONDISPLAY'S REASONABLE ATTORNEY'S FEES, EVEN THOUGH NO SUIT OR ACTION IS FILED. IF A SUIT OR ACTION IS FILED, THE AMOUNT OF SUCH REASONABLE ATTORNEY FEES SHALL BE FIXED BY THE COURT OR COURTS IN WHICH THE SUIT OR ACTION, INCLUDING ANY APPEAL THEREIN, IS TRIED, HEARD OR DECIDED, AND SHALL INCLUDE AN AMOUNT ESTIMATED BY THE COURT AS THE REASONABLE COSTS AND FEES TO BE INCURRED IN COLLECTING ANY MONETARY JUDGEMENT OR ENFORCING ANY OTHER ORDER ENTERED IN THE SUIT OR ACTION.
7. THIS AGREEMENT AND THE RIGHTS AND OBLIGATIONS OF THE PARTIES SHALL BE GOVERNED BY AND ENFORCED IN ACCORDANCE WITH THE INTERNAL LAWS OF THE STATE OF OREGON. ANY SUIT OR ACTION BASED UPON THIS AGREEMENT SHALL BE COMMENCED IN AND DECIDED BY EITHER THE DISTRICT COURT OR THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY, AND THE PARTIES CONSENT AND AGREE TO SUCH COURTS' PERSONAL JURISDICTION OVER THE PARTIES FOR THAT PURPOSE.
8. THIS CONTRACT IS NOT ASSIGNABLE BY THE ADVERTISER OR BY THE ADVERTISING AGENCY
9. ANY BILL RENDERED TO THE ADVERTISER OR TO THE ADVERTISING AGENCY SHALL BE CONCLUSIVE AS TO THE CORRECTNESS OF THE ITEMS THEREIN SET FORTH AND SHALL CONSTITUTE AN ACCOUNT STATED UNLESS WRITTEN OBJECTION IS MADE THERETO BY THE ADVERTISER OR ADVERTISING AGENCY WITHIN THIRTY (30) DAYS FROM THE RENDERING THEREOF.
10. ADVERTISER AND THE ADVERTISING AGENCY, IF ANY, ARE BOTH INDIVIDUALLY AND SEVERALLY RESPONSIBLE FOR PAYMENT UNDER THIS CONTRACT. THIS CONTRACT CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES, AND NO REPRESENTATION OR PROMISE NOT SET FORTH HEREIN SHALL AFFECT THE OBLIGATIONS OF EITHER PARTY HEREUNDER.
11. THE ADVERTISING AGENCY, IF ANY, REPRESENTS AND WARRANTS THAT IT IS AUTHORIZED TO EXECUTE THIS AGREEMENT ON BEHALF OF THE ADVERTISER AND TO LEGALLY BIND THE ADVERTISER TO THE PAYMENT AND PERFORMANCE OF THE OBLIGATIONS PROVIDED IN THIS AGREEMENT.
12. ADVERTISER ACKNOWLEDGES AND AGREES THAT NO PAYMENT MADE TO THE ADVERTISING AGENCY SHALL CONSTITUTE SATISFACTION OF A PAYMENT OBLIGATION UNDER THIS AGREEMENT UNLESS AND UNTIL ONDISPLAY ACTUALLY RECEIVES THE PAYMENT.

INITIAL:

CONTACT: TED SMITH

**PORTLAND:** 1800 Blankenship Rd, Ste 200 • West Linn, Oregon 97068 • P: 503-650-7132 • F: 503-650-7134

**CORPORATE:** 245 Edison Rd, Ste 250 • Mishawaka, Indiana 46545 • P: 574-296-5684 • F: 574-296-5983

**www.ondisplayads.com**

**CITY OF NEWPORT  
RESOLUTION NO. 3688**

**ESTABLISHING FEES FOR  
MEDICAL MARIJUANA FACILITIES ENDORSEMENT APPLICATIONS  
IN THE CITY OF NEWPORT**

**Findings:**

1. During the 2013 Special Legislative Session, the Oregon Legislature passed HB 3460 which allows for the establishment and registration of medical marijuana facilities; and
2. HB 3460 became effective on March 1, 2014, and the Oregon Health Authority began accepting applications for registration of medical marijuana facilities on March 3, 2014; and
3. SB 1531 allows cities to impose moratoria on the operation of medical marijuana facilities within the jurisdiction of the city until May 1, 2015; and
4. On April 7, 2014, the Newport City Council adopted Ordinance No. 2063 declaring a moratorium on the operation of medical marijuana facilities in the City of Newport; and
5. The City Council requested that the Planning Commission and Business License Ordinance Work Group conduct public meetings to determine how the regulatory options outlined in SB 1531 should be exercised, and recommendations from each of these groups have informed the development of Ordinance No. 2069 which amends the Newport Municipal Code to include Chapter 4.20 related to medical marijuana facilities.
6. Ordinance No. 2069 requires medical marijuana facilities to obtain a Medical Marijuana Facility Endorsement to its business license;
7. The Medical Marijuana Facility Endorsement to a business license requires background checks of employees of medical marijuana facilities, and the payment of a surcharge established by resolution of the City Council.

**THE CITY OF NEWPORT RESOLVES AS FOLLOWS:**

- Section 1. The application fee for a Medical Marijuana Facility Endorsement is \$25.00.
- Section 2. The fee for backgrounds checks of employees of medical marijuana facilities is \$25.00.
- Section 3. This resolution becomes effective on the effective date of Ordinance No. 2069, which is August 20, 2014.

Adopted by the Newport City Council on July 21, 2014.

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Sandra N. Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder



Agenda Item #  
Meeting Date

VIII.B  
July 21, 2014

## CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Consideration and possible adoption of a Memorandum of Understanding between the Lincoln Community Land Trust, City of Newport, City of Lincoln City, and Lincoln County relating to workforce housing

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

**ISSUE BEFORE THE COUNCIL:** Consideration of whether or not entering into a Memorandum of Understanding (MOU) with the Lincoln Community Land Trust, Lincoln City and Lincoln County to facilitate construction of work force housing furthers the City's adopted housing goals and is consistent with the public interest.

The Lincoln Community Land Trust, City Council for Lincoln City and the Lincoln County Board of Commissioners have signed on to the MOU. The Newport Planning Commission has reviewed the MOU and unanimously approved a letter recommending the City follow suit.

**STAFF RECOMMENDATION:** Staff recommends you accept the Planning Commission recommendation and proceed in partnership with Lincoln City and Lincoln County in entering into this Memorandum of Understanding.

*(DISCLOSURE: As I have publicly disclosed to the Planning Commission and City Council on several occasions, I serve as the City of Newport's Community Development Director but also as a member of the Board of Directors of the Lincoln Community Land Trust. The Trust is a non-profit entity and none of the Board members are compensated. A copy of the Trust's Board of Directors roster is enclosed. Toledo's representative, Michelle Amberg, resigned and was recently replaced with former Toledo Mayor Rod Cross.)*

**PROPOSED MOTION:** I move that the City Council enter into a Memorandum of Understanding with the Lincoln Community Land Trust, Lincoln City and Lincoln County, as presented.

**KEY FACTS AND INFORMATION SUMMARY:** In 2010 and 2011, in partnership with the State of Oregon and local stakeholders, the City of Newport undertook a comprehensive update to the Housing element of its Comprehensive Plan. That analysis demonstrated that the City lacks an adequate supply of affordable workforce housing units, making it difficult for workers to find housing within the city limits, which negatively influences long term growth of the economy; the ability of area business's to attract and retain employees; emergency response times by emergency personnel living outside the city; and reinvestment in the economy by community members who spend more money on housing.

The City adopted recommendations in the study for how it could help facilitate the creation of workforce housing. In 2012 it established a revolving loan fund for construction of affordable housing units using one-time funds from the sale of City owned property. It is also amended its zoning ordinance to make available additional housing options (i.e. Accessory Dwelling Units, Park Model RVs, etc.). Another recommendation of the study calls for the City to establish a "land bank," offering property out of its inventory for the construction of workforce housing. A narrowly tailored agreement between the Lincoln Community Land Trust and Newport to put a land bank program in place was considered in 2013, with action being deferred in the hope that a broader coalition could be brought together.

The proposed MOU establishes a broader coalition of public partners (i.e. Newport, Lincoln City and Lincoln County) to provide base funding for administrative services that are to be provided by the Trust in supporting its mission to provide permanently affordable homeownership for working individuals and families within Lincoln County. Specifically, each partner will provide \$30,000 a year beginning July 1, 2014 and continuing through June 30, 2017. The funding will support a full time staff person for the Trust and associated support services. In addition, the public

partners, without a specific commitment of resources or properties, agree to give a high priority to providing surplus or foreclosed land held by them and/or revolving loan funds to the Trust for housing development. While there is no commitment to a specific number of homes in specific locations, the Trust agrees in the MOU to make the equitable distribution of units throughout the County a high priority. Funding provided pursuant to the MOU is intended to be temporary in nature, with the expectation that the Trust will work towards full budgetary self-sufficiency. The MOU also provides that the Trust will provide annual reports to the funding partners.

**OTHER ALTERNATIVES CONSIDERED:** A more narrowly tailored agreement between the City of Newport and Trust. This has been tabled in favor of the multi-jurisdictional partnership outlined in the MOU.

**CITY COUNCIL GOALS:** Facilitating the creation of workforce housing and implementing the land bank program is a Council goal.

**ATTACHMENT LIST:**

- Letter from the Newport Planning Commission, dated July 14, 2014
- Draft Memorandum of Understanding
- Newport Comprehensive Plan Housing Goals, Policies, and Implementing Measures
- Lincoln Community Land Trust 2013 Board of Directors

**FISCAL NOTES:** Funds are budgeted for FY 14/15 to cover the City of Newport's contribution under this MOU.

CITY OF NEWPORT  
169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629  
fax: 541.574.0644  
[thecityofnewport.net](http://thecityofnewport.net)

mombetsu, japan, sister city

To: Newport City Council  
From: Newport Planning Commission  
Date: July 14, 2014

**RE: Support for Development of Workforce Housing**

Dear Council Members,

It is our understanding that on July 21<sup>st</sup> you will be considering a Memorandum of Understanding (MOU) between the Lincoln Community Land Trust, City of Newport, Lincoln City and Lincoln County that outlines a three year partnership to provide the Trust with funding to facilitate construction of workforce housing. This effort to address a critical need within our community has our full support and we strongly recommend that you move forward with the agreement.

As a Commission we have invested considerable time and energy in updating the City's housing inventories. We have worked collaboratively with area employers, residents, and other stakeholders to better understand housing needs within our community and with your help and support the City has taken meaningful steps to fulfill its obligation to ensure adequate housing is available and affordable to Newport workers at all wage levels. Much of what we have accomplished to date has been through changes to City zoning regulations to make available additional housing options (i.e. Accessory Dwelling Units, Park Model RVs, etc.). However, in order for the City to realize an adequate supply of workforce housing, it must pursue more proactive and creative strategies.

That is how we view this agreement. The more narrowly focused agreement between the City and Trust that we recommended you support in 2013 would have resulted in at least six (6) owner occupied workforce housing units being constructed over a five (5) year period utilizing land from the City's real property inventory and revolving loan funds that it has put in place to finance the construction. This approach expands the partnership and potential for additional land and financial resources that over the long term could result in a more meaningful impact on what is truly a county-wide challenge.

Oregon State University's initiative to expand its student enrollment by 500 at the Hatfield Marine Science Center campus is an example of the exciting growth opportunities our community may experience in the coming years. It also places additional demands on our limited supply of affordable workforce housing. We want our community to achieve its full economic potential and see the partnership established with this MOU as playing an important support role, establishing a framework that can be built upon to expand the supply of workforce housing that will be needed to support economic growth such as the OSU initiative.



The \$30,000 per year over a three-year period is a modest investment of City resources. The Trust has a bit of experience, and there is room for the partners to experiment and see what works. There is also ample oversight, with each of the partner jurisdictions being represented on the Trust's Board of Director's. Also, requests for additional resources such as land or revolving loan funds will be subject to approval by the affected jurisdiction on a case-by-case basis.

The Commission recognizes that it will take time for the Trust to develop its inventory of workforce housing. Near-term expectations should be measured and commensurate to the level of investment that is being made. The real benefit here is the development of an organizational structure and multi-jurisdictional partnership that will begin to chip away at this challenging issue over time.

We are excited about this opportunity for our City to begin to take modest steps toward addressing this critical need within our community and are encouraged that Newport, Lincoln City, and Lincoln County are pooling their respective resources to expand the availability of affordable workforce housing.

Sincerely,



Jim Patrick, Chairman  
On behalf of the Planning Commission

Attachments:

Draft Memorandum of Understanding  
News-Times article titled "Marine Science Center Exploring Expansion," dated June 20, 2014

Memorandum of Understanding  
By and Between  
Lincoln Community Land Trust, a 501(c)(3) nonprofit  
and  
the City of Newport, the City of Lincoln City and  
Lincoln County

This Memorandum of Understanding (MOU) is entered into by **The Lincoln Community Land Trust (LCLT)**, a 501(c)(3) nonprofit organization and the **City of Newport**, the **City of Lincoln City and Lincoln County (together the Public Partners)** pursuant to ORS Chapter 190. It is intended to establish base funding by the **Public Partners** for administrative services to be provided by **LCLT** in supporting **LCLT's** mission to provide permanently affordable homeownership for working individuals and families within Lincoln County.

The **Public Partners**, subject to annual appropriations through their individual local budget processes, will each annually on July 1 provide **\$30,000** to **LCLT** beginning July 1, 2014 and continuing through June 30, 2017 (total of **\$90,000** per public partner and **\$270,000** by all the Public Partners for the three fiscal years). The funding will support a full time staff person for the **LCLT** and associated administrative support services. It is intended that the funding will cover all costs associated with the position and services and **LCLT** will be responsible for covering any shortfalls between actual costs and the funding provided. If **LCLT** should for any reason not be able to fulfill its obligations, any remaining funds will be returned to the **Public Partners**.

In addition to the funding support for **LCLT's** mission, the **Public Partners**, without a specific commitment of resources or properties, agree to give a high priority, within requirements under law, to providing surplus or foreclosed land held by them and/or revolving loan funds to the **LCLT** for housing development. Without committing to a specific number of homes in specific locations, **LCLT** commits to making a priority to distribute housing units throughout the county with as much equity as possible.

It is intended that the funding provided by this MOU is temporary in nature and that **LCLT** will work towards full budgetary self-sufficiency by the end of this funding allocation. Towards that end, **LCLT** shall provide annual reports by July 1 of each year and a final report to the **Public Partners**, no later than December 1, 2016, detailing its accomplishments to that date, funding for services after July 1, 2017 and how it intends to be fully funded for services thereafter.

The parties understand that the law reserves certain decisions to the governing bodies of the respective parties, and nothing in this agreement shall divest those governing bodies of their authority.

So Understood and Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2014:

Lincoln Community Land Trust

Lincoln County

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Chair

City of Lincoln City

City of Newport

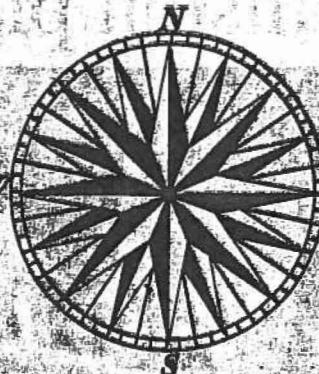
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

NEWPORT'S HAPPY HITTER SEE SPO

# NEWS

Lincoln County's Leading Newspaper



TI

newport

Newport, Oregon

GROWING

## Marine science center exploring expansion

BY DANI PALMER  
Of the News-Times

NEWPORT — With students from nearly every Oregon State University college involved in some type of marine work, and enrollment expected to increase, Hatfield Marine Science Center is looking to expand.

Director Robert Cowen said the campus is considering the addition of a 100,000-square-foot build-

ing for new classrooms and labs that would host additional programs.

He added that officials are "being optimistic" about getting the approval and funding needed to break ground in 2016.

"Several different things came together to create the opportunity," he said.

Nearly each of OSU's 12 colleges have some individual

SCIENCE CENTER on Page A7

ACCESS DENIED

## Lincoln City withdraws report

BY RICK BEASLEY  
Of the News-Times

LINCOLN CITY — A voluminous list of public barriers to disabled people has been withheld from a citizen committee charged with recommending improvements.

The decision to hold back the findings of a report on widespread municipal deficiencies under the Americans with Disabilities Act (ADA) perplexes and bothers one member of the citizen group, known as the ADA Public Advisory Team.

"Without knowing what the problems are, we can't tell the city what we think their priorities should be," said Jim Hoover, a general contractor and self-described "small government guy" who has emerged as an unlikely champion of ADA rules. "There are only two reasons I can see for not making the data available. One, there are so many things listed they don't want people to know how big a problem it is, and two, they don't want people

WITHHOLDING on Page A5

YACHATS

## Covered bridge costs escalate

County to pay additional funds

SCHOOL DISTRICT

## LCSD keeps pushing



**SCIENCE CENTER**

Continued from page 1

involved in the marine field in some way, whether it be through economics in regard to fisheries or marine focused art and music.

Officials want to "bridge together" those multiple disciplines at Hatfield, and with Gov. John Kitzhaber's 40-40-20 goal - to have 40 percent of adult Oregonians with a bachelor's degree or higher, 40 percent with an associate's degree or other certificate and the other 20 percent with at least a high school diploma - they expect enrollment to increase in the years to come.

The estimated \$50 million building would accommodate up to 500 additional students over a 10-year period. Hatfield currently has about 50 in residence "so that's significant growth," Cowen said.

More students also means more faculty - about 25 over a period of time added to the 12 Hatfield has now.

Officials are seeking funding for the building and additional staffing now in the form of grants, state money and philanthropy.

To accommodate the increased student load, they're also looking to add about 75 new courses at Hatfield in new majors and minors. Cowen said they would be a mix of highly specialized interdisciplinary courses that are both new to OSU and already in existence at the Corvallis campus; courses that would relate to areas such as

shipping, port business, fishing and energy, and be built around need.

The goal is to "engage as many interests as possible," he said.

"It's a huge opportunity for OSU and for the coast in terms of developing programs that would be pretty much unique in the world," Cowen added.

He said students already have access to resources on and off campus. With entities like the National Oceanic and Atmospheric Administration (NOAA) in Newport, the fishing fleet and access to coastal habitats for experiential learning, there's much to take advantage of.

There's "no doubt" issues to still deal with, he added. Officials are determining needed partners, and building housing for all those new students will be a big task.

It won't be happening on campus, Cowen said they will be looking to the community for help in developing affordable rental housing, acknowledging that there's already a shortage.

But, he added, Hatfield officials expect the expansion to become an economic development opportunity that will bring more revenue into the local economy.

Those entities officials have talked to about the project have been supportive.

Lincoln County commissioners have sent a letter of support to OSU Foundation President and CEO Mike Goodwin.

"These efforts are about education and better un-

derstanding the Pacific, the world's largest ocean, and how it relates to all our futures. Acidification, global warming and increased competition between new and traditional ocean users present great challenges for policy makers at every level," Commissioner Terry Thompson said in a press release. "Strong science can guide rational solutions that produce the best outcomes for all of us."

In late April, the county commissioners committed \$15,000 to an economic study of the historical and projected future impacts of marine research and education on coastal communities to help determine the viability of an expansion at Hatfield.

"This is an important first step in establishing the economic case for adding a branch to the OSU campus," Thompson added. "We would expect to see many benefits to coastal economies and labor forces as OSU continues to grow and expand."

If expansion becomes reality, Cowen said the addition of students, faculty and programs will be gradual.

"It's exciting," he added, but officials want to make sure anything done maintains Hatfield's mission to serve the entire Oregon coast through academics and research.

Contact reporter Dani Palmer at 541-265-8571, ext. 217, or danielle@newport-newstimes.com. Follow her on Twitter @thedanipalmer.

**COVERED BRIDGES**

Continued from page 1

cause ODOT can come back to haunt you, and we don't want the bridge to fall into disrepair."

The project will begin soon and will be completed by the

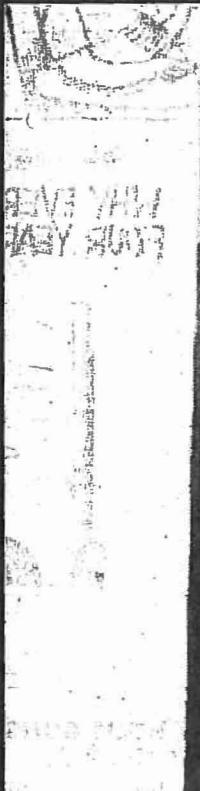
flationary measure, but it was partnering with the state on the project and had no input on the ODOT estimate.

The "detour" bridge, which is one of four covered spans in the county, was last overhauled in 1989 at the cost of \$135,000. During that proj-

In order to receive the federal funding, earlier this year the county "legalized" about 175 feet of the county road as it extends north of the bridge.

An adjacent property owner had challenged the county's claim that the small por-

# Now best a new gas



Memorandum of Understanding  
By and Between  
Lincoln Community Land Trust, a 501(c)(3) nonprofit  
and  
the City of Newport, the City of Lincoln City and  
Lincoln County

This Memorandum of Understanding (MOU) is entered into by **The Lincoln Community Land Trust (LCLT)**, a 501(c)(3) nonprofit organization and the **City of Newport, the City of Lincoln City and Lincoln County (together the Public Partners)** pursuant to ORS Chapter 190. It is intended to establish base funding by the **Public Partners** for administrative services to be provided by **LCLT** in supporting **LCLT**'s mission to provide permanently affordable homeownership for working individuals and families within Lincoln County .

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The parties understand that the law reserves certain decisions to the governing bodies of the respective parties, and nothing in this agreement shall divest those governing bodies of their authority.

So Understood and Agreed this \_\_\_\_ day of \_\_\_\_\_, 2014:

Lincoln Community Land Trust

Lincoln County

---

Chair

---

Chair

City of Lincoln City

City of Newport

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Mayor

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Mayor

## **HOUSING GOALS, POLICIES, AND IMPLEMENTATION MEASURES**

### **Goals:**

**Goal 1: To provide for the housing needs of the citizens of Newport in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Newport households.**

**Goal 2: To provide adequate housing that is affordable to Newport workers at all wage levels.**

**Policy 1:** The City of Newport shall assess the housing needs and desires of Newport residents to formulate or refine specific action programs to meet those needs.

**Implementation Measure 1.1:** The City of Newport shall establish a set of verifiable and empirically measurable metrics to track trends in housing development and affordability. The metrics should be based on readily available data sets that are available on an annual basis and should include income and housing cost trends, housing sales, building permits by type and value, as well as others.

**Implementation Measure 1.2:** The Community Development Department shall prepare annual housing activity reports that include data on residential building permits issued, residential land consumption, and other indicators relevant to housing activity.

**Implementation Measure 1.3:** The Community Development Department shall conduct an assessment of the housing needs of Newport residents and workforce every five years. This assessment shall focus on the implementation measures and related housing programs as described in the Housing section of the Newport Comprehensive Plan.

**Implementation Measure 1.4:** The City of Newport shall assess the use of creative funding and land use tools to facilitate the development of government-assisted housing and workforce housing. Tools to be evaluated include urban renewal, lodging tax revenues, system development charge structures, in lieu fees, and others.

**Policy 2:** The city shall cooperate with private developers, nonprofits, and federal, state, and local government agencies in the provision and improvement of government assisted and workforce housing.

**Implementation Measure 2.1:** The City shall establish a residential land bank program with the intent of facilitating the development of government-assisted and workforce housing.

**Policy 3:** The city shall encourage diversity and innovation in residential design, development and redevelopment that is consistent with community goals.

**Implementation Measure 3.1:** The City shall review the potential for establishing policies and locations for transitional housing in ORS 446.265.

**Implementation Measure 3.2:** The City shall review options for allowing innovative housing design including pre-approved housing plans. The review shall consider impacts on government assisted or workforce housing on innovative design and should include consideration of innovative options that would result in an increase of workforce or government-assisted housing.

**Implementation Measure 3.3:** The City shall evaluate how the zoning code can be modified to create more flexibility for innovative housing design, such as form-based code options, or modifications to the conditional use process.

**Policy 4:** The City of Newport shall designate and zone land for different housing types in appropriate locations. Higher density housing types shall be located in areas that are close to major transportation corridors and services.

**Implementation Measure 4.1:** The City of Newport shall review the comprehensive plan and zoning maps to ensure that low- and high-density residential lands are located in areas that are appropriate to associated housing types.

**Implementation Measure 4.2:** The City of Newport shall review the Newport Zoning Code to identify potential amendments related to facilitating the development of needed housing types. The review shall, at a minimum, include the following elements: (1) reduced minimum lot size in the R-1 and R-2 zones; (2) allowing small homes under certain circumstances; (3) adoption of an accessory dwelling unit ordinance; and (4) street width standards. Any proposals to reduce minimum lot sizes shall consider building mass and the potential need to reduce lot coverage allowances.

**Policy 5:** The City of Newport shall coordinate planning for housing with provision of infrastructure. The Community Development Department shall coordinate with other city departments and state agencies to ensure the provision of adequate and cost-effective infrastructure to support housing development.

**Implementation Measure 5.1:** The Community Development Department shall review functional plans (e.g., water, wastewater, transportation, etc.) to identify areas that have service constraints or will be more expensive to service. This review shall occur in conjunction with the five-year housing needs evaluation described in Implementation Measure 1.3.

**Policy 6:** The City of Newport shall discourage, and in some cases, prohibit the development of residences in known environmentally hazardous or sensitive areas where legal and appropriately engineered modifications cannot be successfully made. In support of this policy, the city shall inventory, and to the greatest extent possible, specifically designate areas that are not buildable or require special building techniques.

**Policy 7:** As much as possible, the City of Newport shall protect residential development from impacts that arise from incompatible commercial and industrial uses; however, the city also recognizes that some land use conflicts are inevitable and cannot be eliminated. Where such conflicts occur, the uses shall be buffered, where possible, to eliminate or reduce adverse affects. Residences that develop next to objectionable uses are assumed to be cognizant of their actions, so no special effort by the adjacent use is required. The residential development will, therefore, be responsible for the amelioration of harmful affects.

**Implementation Measure 7.1:** The City of Newport shall investigate and evaluate housing programs that may reduce the costs on renters and home buyers.

**Implementation Measure 7.2:** The City of Newport shall eliminate any unnecessary review processes.

**Policy 8:** The City of Newport recognizes that mobile homes and manufactured dwellings provide an affordable alternative to the housing needs of the citizens of Newport. The city shall provide for those types of housing units through appropriate zoning provisions.

**Implementation Measure 8.1:** The City of Newport shall review the mobile home park inventory maintained by the Oregon Department of Housing and Community Services to identify parks that may be at risk of transition to commercial uses. Mobile home parks represent a low-cost housing alternative for lower income households. The City should consider strategies to mitigate the conversion of mobile home parks into other uses including working with park owners or managers.

**Implementation Measure 8.2:** The City of Newport shall review the zoning code to allow and encourage "park model" RVs as a viable housing type. This review should include establishing appropriate definitions for Park Model RVs, establishing appropriate development standards, reviewing minimum lot sizes, and establishing a set of pre-approved Park Model plans.

**CITY OF NEWPORT**  
**RESOLUTION NO. 3689**  
**A RESOLUTION ESTABLISHING**  
**A REGIONAL AIRPORT REVIEW TASK FORCE**

**Findings:**

1. The City of Newport owns and operates a municipal airport; and
2. The Newport Municipal Airport serves a region greater than the City of Newport; and
3. It has been determined that the Newport Municipal Airport will be extremely important, and possibly the only functional airport on the Oregon coast, in the event of a Cascadia Subduction Zone earthquake and subsequent tsunami; and
4. The City Council wishes to explore various options for the long-term support and development of the Airport recognizing its importance to the region.

The City of Newport resolves as follows:

- Section 1. The City Council establishes a Regional Airport Review Task Force with the following composition to be appointed by the Mayor and confirmed by the City Council:
- 2 City Councilors from the City of Newport;  
1 Lincoln County Commissioner;  
3 Representatives from other Lincoln County cities;  
1 Port of Newport representative;  
1 Confederated Tribes of the Siletz Indians representative;  
1 Representative from the Greater Newport Chamber of Commerce;  
1 Representative with economic development expertise;  
2 At-large members.
- Section 2. The Task Force will consult with the appropriate city staff, as needed, in studying the issue.
- Section 3. The Task Force will forward recommendations to the City Council for consideration and a potential plan of action.
- Section 4. The Task Force will complete its task by the regular City Council meeting of March 16, 2015.
- Section 5. This resolution is effective upon adoption.

Adopted by the Newport City Council on \_\_\_\_\_, 2014.

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Sandra N. Roumagoux, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder



Agenda Item # IX.B  
Meeting Date July 21, 2014

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title: Approval of Addendum No. 1 to Task Order No. 8, Bay-Moore Drainage Improvements - Environmental Issues, with Civil West Engineering Services, Inc.

Prepared By: TEG

Dept Head Approval: TEG

City Manager Approval:

**Issue Before the Council:**

Approval of Addendum No. 1 to Task Order No. 8, Bay-Moore Drainage Improvements - Environmental Issues, with Civil West Engineering Services, Inc.

**Staff Recommendation:**

Approve Addendum No. 1 to Task Order No. 8, Bay-Moore Drainage Improvements - Environmental Issues, with Civil West Engineering Services, Inc. in the amount of \$65,000.

**Proposed Motion:**

I move to approve Addendum No. 1 to Task Order No. 8, Bay-Moore Drainage Improvements - Environmental Issues, with Civil West Engineering Services, Inc. in the amount of \$65,000 and authorize the City Manager to execute the addendum on behalf of the City of Newport.

**Key Facts and Information Summary:**

The Bay-Moore Drainage Improvement Project is intended to correct drainage issues in the regions of SE Moore Drive and SE Bay Boulevard, and SE Fogarty Street and SE Bay Boulevard. City Staff and the City's consultants, Civil West Engineering Services, Inc., and Chase Park Grants, have been pursuing State Revolving Loan Funding (SRF) through the Oregon Department of Environmental Quality (DEQ) to fund the improvements.

Because the storm sewer in this region discharges directly to the Bay and a portion of the improvements will require some dredging in the Bay, the environmental permitting requirements have been extensive. The original scope of work did not anticipate the level of permitting that is actually required and this addendum adjusts the original contract to allow more hours to complete this permitting. Specific details of the additional work is more specifically defined in the attached scope of work.

**Other Alternatives Considered:**

None.

**City Council Goals:**

None.

**Attachment List:**

- Standard Addendum Form, Task Order No. 8, Addendum No. 1
- Addendum No. 1 to Task Order No. 8, Bay-Moore Drainage Improvements - Environmental Issues Scope of Services

**Fiscal Notes:**

This addendum No. 1 increases the total contract value by \$65,000 for a total Task Order No. 8 value of \$408,888. This project is proposed to be funded through a low interest SRF loan through the DEQ. Debt service on the SRF loan would be paid through revenues from the Infrastructure Fee. This project has been identified and funded in the Capital Improvement Plan as part of the FY2014-15 budget.

**STANDARD ADDENDUM FORM**  
TASK ORDER NO. 8 - ADDENDUM NO. 1  
Bay/Moore Drainage Improvements – Phase 2 Design

This Addendum to Task Order No. 8 to the Engineering Services Agreement dated August 17, 2011, hereinafter called Agreement, between the City of Newport, (CITY), and Civil West Engineering Services, Inc., (ENGINEER).

- Change in schedule:
- Change in fee: An increase of \$65,000 to Task Order No. 5 to for a total contract amount of \$408,888. These changes are in accordance with the Bay-Moore Drainage Improvements – Amendment No. 1 – Environmental Issues Scope of Service dated May 7, 2014.
- Modifies the Agreement in the following manner:

**CITY OF NEWPORT:**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**CIVIL WEST ENGINEERING SERVICES, INC.**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



486 'E' Street, Coos Bay, OR 97420  
609 SW Hurlbert Street, Newport, OR 97365

## SCOPE OF SERVICES AMENDMENT No. 1

Date: May 7, 2014

Work Order Number:

To: Mr. Tim Gross, PE, Public Works Director, City of Newport

From: Garrett Pallo, PE, Principal, Civil West Engineering Services, Inc.

RE: **Bay – Moore Drainage Improvements – Amendment No. 1 – Environmental Issues**  
Civil West Project Number: 2302-021

This memorandum summarizes the proposed scope of work, fee, schedule and other project issues related to the first amendment to the scope of work for the Bay-Moore Drainage Improvements project for the City of Newport.

### Background Summary

The City of Newport has undertaken planning and preliminary design for the construction of extensive roadway and in the vicinity of Bay Street and Moore Ave. This work is necessary due to a significantly degraded and deficient Stormwater system in the area and to provide improved traffic conditions in the area in anticipation of industrial development in the vicinity.

During the predesign process and coordination with regulatory agencies, we were directed by the agencies to provide additional environmental planning and investigations in order to obtain permits for the planned work. As the extent of environmental planning and permitting support was not known at the time of original scoping, it was not included as part of the original scope of work.

The purpose of this amendment is to document the services that have been requested by the regulators and to amend the project budget to account for these additional services. As much of the services required under this addendum are to be performed by subconsultants, we have obtained quotes from at least two to ensure that the budgets were reasonable and responsible.

### Part A: AMENDMENT NO. 1 – Environmental Support

The following tasks are to be added to the project to address the change in conditions, expand the budget, and provide the necessary resources to complete the remainder of the project.

#### I. Bay-Moore Drainage Improvements – Amendment No. 1

1. **Task A1.1 – Wetland Delineation** – This task will include services to complete a wetland delineation, report, and evaluation. The information will be used by Civil West to address potential wetland issues in the environmental report and the final design. The majority of this work will be completed by a subconsultant.

2. **Task A1.2 – Biological Assessment** – This task will result in the completion of a biological assessment for the project sites. This will include field work, a final report, and other activities required by the agencies. The majority of this work will be completed by a subconsultant.
3. **Task A1.3 – Fish Passage Plan** – Because the agencies consider the culverts and streams to be potentially fish bearing, they are requiring the development of a fish-passage plan. The majority of this work will be completed by a subconsultant.
4. **Task A1.4 – Cultural Survey** – This task will include the completion of a cultural survey for the impacted areas. This will result in a report detailing areas to avoid or where special construction techniques may be required. The majority of this work will be completed by a subconsultant.
5. **Task A1.5 – Sediment Evaluation Framework (SEF)** – This task will result in the completion of an SEF for the dredging work that is planned for the bay near the outfalls. This will result in a report outlining the handling, disposal, and process for dredging bay sands and muds. The majority of this work will be completed by a subconsultant.
6. **Task A1.6 – Coordination and Preparation of Environmental Report** – The original scope of services included a task to coordinate with and work through the administrative process of determining what would be required from an environmental perspective on this project. That budget will not be adequate to manage and prepare an environmental report for this project. Therefore, this task will provide the resources necessary to administer the environmental process and prepare the environmental report document.

The above tasks will be necessary to complete the environmental reporting task for this project to obtain the necessary permits and clear the project for construction.

#### **Part B: Project Fee Proposal**

We have obtained fee proposals from several subconsultants and developed the following fee structure for this Addendum to the original budget.

1. Wetland Delineation .....	\$ 7,500
2. Biological Analysis.....	\$ 8,500
3. Fish Passage Plan.....	\$ 6,000
4. Cultural Survey.....	\$ 6,500
5. Sediment Evaluation Framework (SEF).....	\$ 6,500
6. Environmental Project Preparation .....	<u>\$ 30,000</u>
<b>7. Total .....</b>	<b>\$ 65,000</b>

The above task budgets are estimated to cover the costs of each activity and will be billed on a time and materials basis to a maximum.

#### **Part C: Project Schedule**

We have already waded into the environmental effort to a degree and can continue to move the goal forward to completion on a rapid basis. We have staff prepared to begin this work now and only wait for your approval to direct our subconsultants to proceed with this work. Once we are given a notice to proceed, we will provide the

City of Newport – Bay/Moore Drainage Improvements – Amendment No. 1

City with a schedule detailing when the consultant work will be undertaken and the time we anticipate for completion.

We are grateful for this opportunity to serve the City of Newport and to be able to provide engineering services on the Lakewood Hills project. Please feel free to contact me if you have any questions.

Sincerely,  
**Civil West Engineering Services, Inc.**



J. Garrett Pallo, PE  
President



Agenda Item # IX.C  
Meeting Date July 21, 2014

**CITY COUNCIL AGENDA ITEM SUMMARY**  
**City Of Newport, Oregon**

**Issue/Agenda Title:** Approval of Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC

Prepared By: TEG

Dept Head Approval: TEG

City Manager Approval:

**Issue Before the Council:**

Approval of Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC in the amount of \$144,256.

**Staff Recommendation:**

Approve the Amendment.

**Proposed Motion:**

I move to approve Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC in the amount of \$144,256 and authorize the City Manager to execute the amendment on behalf of the City of Newport.

**Key Facts and Information Summary:**

This amendment adjusts the services and pricing structure provided in the general services agreement per the attached Exhibit A - Scope of Work. The City has contracted with Chase Park Grants, LLC since July of 2012. This amendment increases the number of hours provided by the consultant from what was proposed in the original contract to provide additional strategic grant planning and research.

The attached Scope of Work describes these tasks in detail, and include ongoing research for specific grant prospects, research associated with renovations to the Fire Station, development of a corporate sponsorship program for infrastructure and park improvements, and assistance in grant preparation for FEMA emergency grants.

**Other Alternatives Considered:**

None.

**City Council Goals:**

None.

The grants and low interest infrastructure funding acquired through Chase Park Grant's services are consistent with the infrastructure funding goals as identified through the Infrastructure Task Force recommendations which were included in the 2014-15 Council Goals packet.

**Attachment List:**

- Amendment No. 1 to Grant Consulting Services Agreement with Chase Park Grants, LLC
- Exhibit A - Scope of Work, City of Newport - FY2015 Grant Services
- Grant Consulting Services Agreement, July 2012

**Fiscal Notes:**

This work has been identified and funded as part of the CIP in the FY2014-15 budget.

**CITY OF NEWPORT**  
**AMENDMENT NO. 1**  
**TO GRANT CONSULTING SERVICES AGREEMENT**  
**(CONSULTANT OF RECORD)**

This AMENDMENT NO. 1 to the Grant Consulting Services Agreement dated July 23, 2012 hereinafter called Agreement, between the City of Newport, (CITY), and Chase Park Writing Services, LLC (dba Chase Park Grants, LLC)., (CONSULTANT).

**A. CONTRACT EXTENSION**

Modify ***CONSULTANT'S OBLIGATIONS, Section 1, Scope of Project***, as follows:

This Contract is hereby extended through June 30, 2015.

**B. FEE ADJUSTMENT**

Modify ***CONSULTANT'S OBLIGATIONS, Section 2, Payment, Paragraph A***, as follows:

Delete Paragraph A and replace with the following:

*(A) Payment for the services described in paragraph 1(A) of this agreement will be made by the City to the Consultant in monthly installments, not to exceed \$12,267 per month.*

*Reimbursable expenses associated with Tasks 1 and 2, in amounts not to exceed those listed in Exhibit A, will be paid upon receipt of an invoice from Consultant as provided in paragraph C of this section.*

*The City is eligible for a discounted rate for pre-payment of Task 1 and 2 services for a yearly pre-payment.*

**B. Scope of Work**

Replace *Exhibit A: Scope of Work* with the attached *Exhibit A: Scope of Work*, dated XX/XX/XX.

## **CITY OF NEWPORT:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

## **Chase Park Grants, LLC:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

## GRANT CONSULTING SERVICES AGREEMENT

THIS AGREEMENT is entered into this 23rd day of July, 2012, by and between the City of Newport, a municipality of the State of Oregon, hereinafter called City, and Chase Park Writing Services, LLC (doing business as Chase Park Grants, LLC), hereinafter called Consultant.

WHEREAS, City has need for the services of a contractor with the particular training, ability, knowledge, and experience possessed by Consultant; and

WHEREAS, City conducted a procurement pursuant to its duly adopted public contracting rules; and

WHEREAS, Consultant was chosen as the most highly qualified consultant, best suited to meet the City's needs, from all the proposals submitted to the City; and

WHEREAS, City has awarded the contract to Consultant;

NOW THEREFORE, the parties agree as follows:

### CONTRACT EXHIBITS

The following Exhibits are hereby incorporated by reference into this agreement:

- Exhibit A: Scope of Work
- Exhibit B: City's Request for Qualifications for Grant Consulting Services, issued June 18, 2012, and Consultant's Proposal for Grant Consulting Services, dated July 5, 2012
- Exhibit C: Consultant's Schedule of Rates and Charges
- Exhibit D: Oregon Personal Services Public Contracting Code Requirements

### CONSULTANT'S OBLIGATIONS

#### 1. Scope of Project.

Consultant agrees to perform, during the period from August 1, 2012 through July 31, 2013, unless earlier terminated in accordance with the terms of this agreement, the following personal services, as more particularly described in Exhibits A and B to this agreement:

- (A) Monthly Research and Reporting [Task 1] and Develop & Advance the Strategic Funding Plan [Task 2]: Each month this agreement is in effect, Consultant will research applicable grants, corresponding

timelines, and grant criteria, compile the material into a written report, and submit the report to the City. Further, Consultant will develop and regularly update and advance the strategic funding plan for the City. Consultant will participate in monthly conference calls with city staff to discuss report details and specific grant opportunities, and provide ad-hoc grant-related technical assistance;

(B) Project Specific Grant Services [Task 3]: The City may direct the Consultant to prepare an additional scope of work that may be adopted by the City as a work task to allow the Consultant to respond to, or to aid city staff in responding to specific, identified grant opportunities pursuant to this agreement;

2. Payment.

(A) Payment for the services described in paragraph 1(A) of this agreement will be made by the City to the Consultant in monthly installments, not to exceed \$5,330 per month. This monthly rate includes a flat fee of \$2,690 for Task 1 activities, and an estimated, not-to-exceed fee of \$2,640 for Task 2.

Reimbursable expenses associated with Tasks 1 and 2, in amounts not to exceed those listed in Exhibit A, will be paid upon receipt of an invoice from Consultant as provided in paragraph C of this section.

The City is eligible for a discounted rate for pre-payment of Task 1 services (i.e., 3% discount for quarterly pre-payments; 5% discount for a yearly pre-payment). Task 2 activities are not eligible for the discount.

(B) Payment for the services described in paragraph 1(B) of this agreement will be made by the City to the Consultant as provided in the scope of work for that work task and in accordance with the rate schedule attached to this agreement as Exhibit C.

(C) Payments shall be based upon monthly invoices that Consultant shall submit to the City, detailing the previous month's fees and costs. The City will review Consultant's invoice and within ten (10) days of receipt, notify Consultant in writing if there is a disagreement or dispute with the invoice. If the City does not dispute the amount of the invoice, the City will pay the invoice amount in full within 30 days of the invoice date.

(D) Upon request, Consultant will provide the City Manager with supporting documents, records and draft programs evidencing the services provided pursuant to this agreement.

3. Consultant is an independent contractor and for all purposes and is not entitled to any compensation other than the compensation provided for under this agreement. While the City reserves the right to set various schedules and evaluate the quality of Consultant's completed work, City cannot and will not control the means or manner of Consultant's performance. Consultant is responsible for determining the appropriate means and manner of performing the work required by this agreement. Consultant is responsible for all federal and state taxes applicable to payments made to Consultant pursuant to this agreement. City will not withhold any amounts to cover Consultant's tax obligations. Consultant is not eligible for any City fringe benefit plans.

4. If payments made pursuant to this agreement are to be charged against federal funds, Consultant certifies that Consultant is not currently employed by the federal government and the amount charged does not exceed Consultant's normal charge for the type of service provided.

5. Consultant is not currently employed by City, and will not be under the direct control of City.

6. Consultant will not be eligible for any federal Social Security, state Workers' Compensation benefits, unemployment insurance, or Public Employees Retirement System benefits from this contract payment, except as a self-employed individual.

7. Consultant is not a member of the Oregon Public Employees Retirement System, nor employed for a total of 600 hours or more in the calendar year by any public employer participating in the Retirement System.

8. Consultant shall comply with all federal, state and local laws and ordinances applicable to the work under this agreement, including, without limitation, applicable provisions of the Oregon Public Contract Code including ORS 279B.020, 279B.220, 279B.230, and 279B.235, as more particularly set forth in Exhibit D, attached hereto and incorporated herein by this reference.

9. Consultant shall maintain during the life of this agreement and provide certification of the following insurance, naming City as an additional insured, which shall protect City and Consultant from claims which may arise from the performance of work under this agreement:

(A) Statutory workers' compensation and employer's liability insurance for the State of Oregon.

(B) Consultant shall also maintain and provide certification of professional liability insurance with limits of not less than \$500,000 during the life of this agreement.

Insurance policies shall not be canceled or terminated without 30-days prior written notice to the City.

10. Access to Records. The Consultant shall maintain, and the City and its duly authorized representatives shall have access to the books, documents, papers, and records of the Consultant that are directly pertinent to this agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for cost of copies is reimbursable by the City.

11. Subcontracts and Assignment. Consultant shall not subcontract, assign or transfer any of the work scheduled under this Agreement, without the prior written consent of the City. Notwithstanding City approval of a subcontractor, the Consultant shall remain obligated for full performance under this agreement, and the City shall incur no obligation other than its obligations under this agreement. The Consultant agrees that if subcontractors are employed in the performance of this agreement, the Consultant and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

12. Errors. The Consultant shall perform such additional work as may be necessary to correct errors in the work required under this agreement without undue delays and without additional cost.

13. Confidentiality. Consultant shall maintain the confidentiality of any of City's information that has been marked as confidential, unless withholding such information would violate the law, create the risk of significant harm to the public, or prevent Consultant from establishing a claim or defense in an adjudicatory proceeding. Consultant shall require similar agreements from any subcontractors to maintain the confidentiality of information provided by the City.

#### CITY'S OBLIGATIONS

14. City shall pay Consultant the payments described in paragraph 2 of this agreement upon Consultant's submission of monthly invoices, and satisfactory progress and performance made in accordance with the Scope of Work attached as Exhibit A to this agreement and/or specific work tasks agreed to by City and Consultant. Payments shall reflect the services provided pursuant to this agreement to date.

15. The City may terminate this agreement, with or without cause, upon thirty (30) days written notice to Consultant. Upon termination, City will pay Consultant for services rendered prior to the date of termination.

16. City will report the total amount of all payments made to Consultant, including any expenses, in accordance with federal Internal Revenue Service and State

| of Oregon Department of Revenue regulations.

## **GENERAL PROVISIONS**

17. **Arbitration.** If any disputes, disagreements, or controversies arise between the parties pertaining to the interpretation, validity, or enforcement of this agreement, the parties shall, upon the request of either party, submit such dispute to binding arbitration. Except as otherwise provided in this agreement, arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the Lincoln County Circuit Court, upon the request of either party submitted in accordance with ORS 36.310. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties.

City and Consultant agree to a consolidated arbitration of such claims, disputes, and other matters in question between themselves regarding the work performed pursuant to this agreement, with claims, disputes, and other matters in question regarding work performed pursuant to this agreement between and among the City, Consultant and the City's third party designees and contractors and anyone else under contract with the City or any other party to perform work or services related pursuant to this agreement.

Notwithstanding any dispute under this agreement, whether before or during arbitration, the Consultant shall continue to perform its work pending resolution of a dispute, and the City shall make payments as required by the agreement for undisputed portions of work.

18. **Indemnification.**

A. Consultant agrees, to the fullest extent permitted by law, to indemnify and hold the City and its officers, employees, agents, and volunteers harmless from any damage, liability or cost (including reasonable attorney fees and costs of defense) to the extent caused by the intentional or negligent acts, errors, or omissions of Consultant, or its officers, employees, or agents in the performance of this contract.

B. The standard of care applicable to Consultant's service will be the degree of skill and diligence normally employed by professional consultants performing the same or similar services at the time such services are performed. Consultant will re-perform any services not meeting this standard without additional compensation.

19. Ownership of Work and Documents. All work performed by Consultant and compensated by City pursuant to this agreement shall be the property of City upon payment of full compensation for the work. Consultant hereby conveys, transfers, and grants to the City all rights of reproduction and the copyright to all such documents.

20. Attorney Fees. If either party commences any arbitration, suit, or proceeding against the other to rescind, interpret or enforce the terms of this contract, the parties agree that the prevailing party shall be awarded reasonable attorney's fees and costs incurred in any such arbitration, action, suit or proceeding and in any later appeals filed as a consequence thereof. Such costs shall bear interest at the maximum legal rate from the date incurred, until the date paid by losing party.

21. Applicable Law. This agreement shall be construed in accordance with Oregon law.

22. Severability. If any part, term, or clause of this agreement is held by a court or arbitrator to be unenforceable, of no effect, or in conflict with any law, the validity of the remaining provisions and clauses shall not be affected and the rights and obligations of the parties shall be construed and in force as if the contract did not contain the particular part, term or clause held to be unenforceable.

23. Waiver. No waiver by either the City or Consultant of a breach of any provision of this agreement will not operate or be construed as a waiver of any other provision of this agreement or of any subsequent breach of the same provision of this agreement.

24. Entire Agreement. This agreement represents the entire understanding of City and Consultant as to those matters contained herein. No prior oral or written understanding shall be in force or effect with respect to those matters covered hereunder. This agreement may not be altered except in writing signed by both parties.

25. Headings. Paragraph headings are provided solely for convenience and are not to be used in construing or interpreting this agreement.

26. Notice. All notices provided for pursuant to this agreement shall be in writing and shall be deemed to be served: on the date of delivery, if delivered in person; when receipt of transmission is generated by the transmitting facsimile machine, if delivered by facsimile transmission; on the day after deposit, if delivered by overnight courier; or three days after deposit, if delivered by placing in the U.S. mail, first-class, postage prepaid. Any notice delivered by facsimile transmission shall be followed by a hard copy. All notices shall be addressed as follows:

City: Timothy Gross, Director of Public Works/City Engineer  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
Phone: (541) 574-3369  
Fax: (541) 574-0609

Consultant: Tia A. Cavender, Principal Grants Consultant  
Chase Park Grants, LLC  
2521 Alton Street, Denver, CO 80238  
Phone: (303) 284-9098 (o) or 720.785.4155 (m)

27. Authority to Execute. Each person executing this agreement on behalf of a party to this Agreement hereby covenants that he or she is duly authorized by that party to bind that party to this agreement.

CONSULTANT:

By:   
Printed Name: Tia A. Cavender  
Title: Chase Park Grants, LLC  
Address: 2521 Alton Street  
Denver, CO 80238  
Date: 7/23/12  
Federal Tax ID # 27-2862919

CITY OF NEWPORT:

By:   
Jim Vøetberg  
City of Newport City Manager  
Address: 169 SW Coast Highway  
Newport, OR 97365  
Date: 7/26/12

## EXHIBIT A – SCOPE OF WORK

The following section outlines the objectives, approach, and deliverables involved to conduct the planned work.

### **Task 1: Monthly Research and Reporting (Retainer)**

Objectives: To provide on-going monitoring of relevant funding opportunities; to provide an updated inventory of grant opportunities specific to the City's capital needs; to keep the City informed of timelines relevant to their targeted grant pursuits; and to provide grant-related technical assistance on an ad-hoc basis.

Approach:

- Review background materials including, but not limited to: City of Newport's 5-year Capital Improvement Plan, 2008 Water System Master Plan, 2012 SCADA System Master Plan, 2008 Pedestrian and Bicycle Master Plan, and Transportation System Plan.
- Assess fundable features of each project and identify key opportunities; assign priority based on current funding trends and construction timelines.
- Conduct a query of the Chase Park capital grants database. The query will capture government (i.e. federal, state, county, and local) and private funding opportunities (i.e., corporate foundations, family foundations, and corporate giving programs) that match with the City's projects.
- Evaluate the identified grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.
- Generate a prospect list of viable grant opportunities.
- Conduct in-depth research to advise the City about top prospects.
- Collect research data for prospects and make recommendations about priority.
- Identify leverage opportunities and ways to maximize competitiveness.
- Respond to technical assistance requests on grant-related matters.

Deliverables:

- Kickoff meeting materials (agenda, handouts, grant summaries)
- Kickoff meeting memo documenting meeting outcomes and final scope of work
- Prospect report (electronic version; in Excel or PDF format) on a monthly basis
- Monthly progress meeting/conference call to update work plan

### **Task 2. Develop & Advance the Strategic Funding Plan (Retainer)**

Objective: To conduct in-depth research about the City's top prospects and to develop a long-term strategic funding plan for the City's capital improvements; to make recommendations about the most fundable projects in the capital improvement plan; and to identify ways to maximize grant competitiveness and leverage opportunities

**Approach:**

- Compile comprehensive research data for top prospects (i.e., grant application materials, guidance documents, list of past awards, technical assistance materials).
- Interview program officers to gather insight about targeted programs.
- Interview key informants (e.g., successful awardees, grant program) to gather information to help maximize the competitiveness of the City's grant applications.
- Help establish and cultivate relationships with key prospects (including grant-making organizations and individual donor prospects).
- Participate in planning meetings with City staff and engineering team.
- Recommend tactics to improve the City's grant success.
- Explore strategies to raise capital funds (i.e., designing a demonstration project).
- Identify, research, and make recommendations about leverage opportunities.
- Research and compile grant materials for the City's use.

**Deliverables:**

- Strategic Funding Plan (updated quarterly at minimum) with recommendations for pursuing top prospects.
- Grant application materials, grant guidance documents, and technical assistance materials for the top three prospects (updated quarterly).

**Task 3. Project Specific Grant Services (Task Order)**

Objective: To support the City in pursuing its top funding prospects.

**Approach:**

- Participate in the pursuit of key grant opportunities (e.g., facilitating meetings with program officers, etc).
- Provide grant-related technical assistance and consultation to City staff as needed.
- Advise City staff about eligibility determination and grant-specific technical issues.
- Analyze competitiveness and likelihood of success.
- Correspond with engineering team, technical advisors, subcontractors, and City staff.
- Conduct in-depth research about grant programs to help create the pursuit strategy.
- Identify ways to broaden the funding pool (e.g., designing a demonstration project as a funding strategy) and tap into unique sources of funding.

**Deliverables:**

- Draft versions with comments, edits, and recommendations about competitiveness
- Project-specific Scope of Work and Fee Estimate

## COST OF SERVICES

### **Task 1 – Monthly Research and Reporting**

Based on our approach and methodology, we will provide retainer services for Task 1 (Monthly Research and Reporting) on a flat monthly rate of \$2,690 per month. This monthly retainer was based on an estimated 21 consultant team hours per month (see Table 1).

### **Task 2 – Develop & Advance the Strategic Funding Plan**

Activities related to Task 2 (Advance the Strategic Funding Plan) will be provided and billed as incurred. Monthly fees for Task 2 activities will not exceed \$2,640 per month without written approval from the City.

We will monitor hours twice per month to take reasonable action to maintain the budgeted hours and/or adjust upcoming work plan. Combined fees for both tasks combined will not exceed \$5,330 per month.

<b>Table 1.</b> <b>Fee Estimate for Task 1: Monthly Research and Reporting</b> <b>(8/1/12 to 7/31/13)</b>			
<b>Team Member &amp; Name</b>	<b>Hourly Rate</b>	<b>Est. Hrs per Month</b>	<b>Est Monthly Fee</b>
Principal-in-Charge (Cavender)	\$200	4	\$800
Sr. Project Manager (Shumar)	\$135	8	\$1,080
Research Assistant (Secord)	\$85	8	\$680
Technical Advisor (Winter)	\$130	1	\$130
<b>Monthly Fee for Task 1:</b>			<b>\$2,690</b>

<b>Fee Estimate for Task 2: Advance the Strategic Funding Plan</b> <b>(8/1/12 to 7/31/13)</b>			
<b>Team Member &amp; Name</b>	<b>Hourly Rate</b>	<b>Est. Hrs per Month</b>	<b>Est Monthly Fee</b>
Principal-in-Charge (Cavender)	\$200	4	\$800
Sr. Grant Strategist (Hood)	\$160	4	\$640
Sr. Project Manager (Shumar)	\$135	6	\$810
Technical Advisor (Winter)	\$130	2	\$260
<b>Monthly Estimate for Task 2 (Not-to-Exceed):</b>			<b>\$2,640</b>
<b>Estimated Monthly Total for Tasks 1 and 2: (Not-to-Exceed):</b>			<b>\$5,330</b>

Estimated reimbursable expenses will include costs associated with traveling to the City of Newport three times throughout the year. Associated expenses are listed in Table 2 below. These costs are subject to change based on the final approved scope of work, and are based on Tasks 1 and 2, exclusive of Project Specific Grant Services.

**Table 2. Reimbursable Expenses for Tasks 1 & 2 – 8/1/12 to 7/31/13**

Expense Item	Qty	Each	Total
Airfare for site visits (3 per year)	3	\$450	\$1,350
Hotel (2 nights @ \$125/each - 3 trips p/year)	3	\$250	\$750
Rental car (\$110/trip - 3 trips/year)	3	\$110	\$330
Meals (2.5 days @ \$66/per diem for 3 trips/year)	3	\$165	\$495
Airport parking (\$48/trip for 3 trips)	3	\$48	\$144
		<b>Total:</b>	<b>\$3,069</b>

Exhibit B, Part 1



REQUEST FOR QUALIFICATIONS FOR GRANT CONSULTING SERVICES  
Grant Consultant of Record (Price Agreement)  
Issued June 18, 2012

DEADLINE FOR RECEIPT OF PROPOSAL: July 6<sup>th</sup>, 2012 by 5:00 P.M.

PROPOSAL MUST BE PHYSICALLY RECEIVED BY THE CITY BY THE DEADLINE

PROPOSAL MAY BE MAILED OR PHYSICALLY DELIVERED

SUBMIT MAILED PROPOSAL TO: Timothy Gross, Dir. of Public Works/City Engineer  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

DELIVER PROPOSAL TO: Public Works Counter  
Newport City Hall  
169 SW Coast Highway  
Newport, OR 97365

INFORMATION CONTACT: Timothy Gross, Dir. of Public Works/City Engineer  
(541) 574-3369  
[t.gross@newportoregon.gov](mailto:t.gross@newportoregon.gov)

This request for proposal may be cancelled or any or all qualifications may be rejected for failure to comply with procedures or requirements or if the City determines it is in the public interest to do so.

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## **SECTION 1 – INTRODUCTION**

### ***INTRODUCTION***

The City of Newport (City), Oregon is located on the central Oregon Coast at the mouth of the Yaquina River. The City has approximately 10,000 permanent residents and many vacation properties and seasonal visitors. In addition, the City of Newport hosts a significant fishing industry, the Rogue Brewery, and a large marine research community including the NOAA Pacific Fleet Headquarters, Hatfield Marine Science Center, and the Oregon Coast Aquarium. Additional information on the City of Newport can be obtained on the City of Newport's webpage: <http://www.thecityofnewport.net/>, and at the City of Newport Chamber of Commerce webpage: <http://www.newportchamber.org/>.

The City owns and operates a number of public facilities including the following:

1. 5 MGD water treatment plant and distribution system including 6 water booster stations and 9 water storage tanks
2. 5 MGD wastewater collection, treatment, and disposal system including 25 pump stations
3. Transportation system including roadways, sidewalks, bridges, trails, etc.
4. Stormwater system including catch basins, culverts, outfalls, etc.
5. Municipal airport
6. Recreation Center
7. Performing Arts and Visual Arts Centers

The City requires the services of a professional grant consultant to assist City staff in identifying and procuring grants for various municipal projects. The emphasis of the grant assistance will focus on capital improvement projects; however assistance in procuring funding for parks, police, fire or other essential City services and functions may be occasionally required.

The City has a 5 year Capital Improvement Plan (Attached as Exhibit A), updated yearly, which forecasts and prioritizes needed public works improvements.

### ***RFQ SCHEDULE***

Qualifications must be physically received by the City of Newport by no later than July 6<sup>th</sup>, 2012 by 5:00 P.M. Qualifications that are delivered to the City on the last day for submittal must be physically received at the Public Works Counter in Newport City Hall, 169 SW Coast Highway, Newport, Oregon, by 5:00 pm. Faxed or electronic submittals will not be accepted.

Each firm shall submit four copies of its proposal. The proposal shall list the firm's capabilities and ability to meet the needs of the City as described within this solicitation.

The outside of the envelope containing the proposal shall be clearly marked "Grant Consultant of Record Qualifications" and addressed to:

Timothy Gross, Director of Public Works/City Engineer  
City of Newport  
169 SW Coast Hwy  
Newport, OR 97365

The approximate schedule for the RFQ is as follows:

Advertisement of RFQ .....	Tuesday, June 19 <sup>th</sup> , 2012
RFQ Available online .....	Tuesday, June 19 <sup>th</sup> , 2012
Qualifications due .....	Friday, July 6 <sup>th</sup> , 2012
Notice of Intent to Award.....	Monday, July 16 <sup>th</sup> , 2012

The selection committee will review qualifications and recommend a consultant for award. A notice of intent to award shall be issued based on the decision of the selection committee. A notice of award shall be issued after the Council decision.

Any amendments to this RFP will be in writing and will be issued to all persons or businesses that have indicated an interest to receive RFP amendments. No proposal will be considered if it is not responsive to any issued amendments.

#### ***REIMBURSEMENT***

All costs for preparing qualifications, attending interviews (if applicable), and other efforts in pursuit of this RFQ are the proposer's responsibility.

#### ***FURTHER INFORMATION***

Additional information may be obtained from:

Timothy Gross, Director of Public Works/City Engineer  
City of Newport  
169 SW Coast Hwy  
Newport, OR 97365  
(541) 574-3375  
(541) 265-3301 fax  
[t.gross@newportoregon.gov](mailto:t.gross@newportoregon.gov)

#### ***PROPOSAL WITHDRAWAL***

Any proposer may withdraw its proposal prior to the final deadline for submission by providing the City with a written request stating the desire to withdraw. Withdrawal of a proposal will not prejudice the right of a firm to file a new proposal before the deadline.

## ***REJECTION OR ACCEPTANCE OF QUALIFICATIONS***

The City expressly reserves the right to:

1. Reject any or all proposals.
2. To assign any work to any proposer that it enters into a price agreement with, based on the City's discretionary determination as to which contractor is best suited for the particular work, considering capability, capacity and price.
3. Engage consultants in projects less than \$5,000 without formal advertising as defined within the City's procurement policy.

Publishing this RFQ does not commit the City to any contract, project award, or financial obligation to any of the respondents. The City reserves the right to use whatever means it considers appropriate and prudent when determining which firm is selected.

## ***PROTESTS***

Protests are subject to and must comply with the City's Public Contracting Rules.

## ***PUBLIC RECORDS***

Any information submitted through this RFQ process shall be a public record. However, during the evaluation period, the qualifications shall be considered as confidential information. If any proposal contains information that is considered a trade secret under ORS 192.501(2), each sheet containing proprietary information should be marked as follows:

*"This data constitutes a trade secret and shall not be disclosed except in accordance with Oregon Public Records Law, ORS Chapter 192."*

The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and claims arising out of any public record request for such information shall be at the consultant's expense.

Identifying the proposal in whole as a trade secret is not acceptable. Failure to identify a portion of the proposal as a trade secret shall be deemed a waiver of any future claim of that information as a trade secret.

## ***TAX ID NUMBERS***

Proposers must provide their Federal and State of Oregon Taxpayer ID Number.

### ***RECYCLED PRODUCTS STATEMENT***

In accordance with ORS 279 A.125, respondents shall use recyclable products to the maximum extent economically feasible in the performance of the contract work under this RFQ.

### ***LOCAL/STATE/FEDERAL REQUIREMENTS***

The selected proposer(s) shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279 A, B & C. In addition, the proposers agree to comply with: (1) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1991 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Proposer is subject to the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires the provision of Worker's Compensation coverage for all employees working under any contract resulting from this RFQ. The City of Newport's programs, services, employment opportunities and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability or political affiliation.

## **SECTION 2 – SCOPE OF WORK**

### ***PROJECT OVERVIEW***

The City of Newport requires assistance in researching and applying for Grant opportunities to fund future Capital Improvements projects. Beginning in July of 2012 (FY2013), the City has initiated an aggressive 5-year plan to increase utility rates for the purpose of upgrading and replacing the City's aging infrastructure systems. In FY2013, water rates have increased 15%, sewer rates 20%, and a storm water utility fee of \$6.80 per meter was initiated for the purposes of funding the City's storm water program. This fiscal year's rate increases and the increases proposed over the next 5 years places a significant strain on the budgets of the residents and businesses of the community. The City Council of Newport has set a goal to "pay as you go" for regular infrastructure replacement and upgrades, rather than finance improvements through loans. The purpose of acquiring a Grant Consultant of Record is to regularly research additional funding sources to supplement the revenue created by rates, and to potentially offset some of the rate increases for future fiscal years necessitated by capital improvements.

### ***DRAFT SCOPE OF WORK***

This draft scope of work represents the City's best estimate of the work needed to accomplish the objectives for this project. The City is open to alternative approaches that may deviate from this scope to better meet project objectives.

#### **A. Project Kick-off.**

Staff will provide Consultant with relevant background information in an electronic format, where available. This may include, but is not limited to:

1. 5 year Capital Improvement Plan
2. 2008 Water System Master Plan
3. 2012 SCADA System Master Plan
4. 2008 Pedestrian and Bicycle Master Plan
5. Transportation System Plan

Consultant shall review the background materials and arrange a conference call with City staff to clarify objectives and goals, confirm background information that could inform the work, and any other issues necessary to clarify the scope and schedule. Following this meeting, Consultant will prepare a memo documenting the decisions and any refinements to the scope and schedule.

Product: Memo documenting meeting outcomes and final scope of work.

#### **B. Monthly Research and Reporting (Retainer)**

Consultant shall conduct research for applicable grants, corresponding timelines, and grant criteria on a monthly basis. This information shall be compiled in a written report and submitted to the designated City contact monthly. Consultant and the City shall hold a regular progress meeting/conference call the following week to discuss report details and specific opportunities that may exist. This

conference call shall also serve as the opportunity for the City to update the Consultant on revisions to the CIP and/or upcoming projects that may be added to the scope of work. This task shall be performed on a monthly retainer basis.

**Deliverables:**

- Monthly Grant Report
- Monthly Progress Meeting/Conference Call

**C. Project Specific Grant Services (Task Order Basis)**

As specific grant opportunities are identified as part of the monthly retainer services, the City may require assistance in writing and/or procuring the grant based upon City staff workloads and the complexity of the grant application process. If so directed, Consultant shall prepare a scope of work that may be adopted as a specific task order to provide the services required for the specific grant writing/procurement. The City shall provide engineering and administrative support as necessary and as identified within the project specific scope of work.

**Deliverables:**

- Project Specific Scope of Work and Cost Schedule (as applicable)

## SECTION 3 – PROPOSAL CONTENT REQUIREMENTS

Proposals should be organized in the following format:

**A. Cover Letter**

Provide a cover letter, signed by a duly constituted official legally authorized to bind the proposer to both its proposal and cost estimate. The cover letter must include the name, address, and telephone number of the proposer submitting the proposal and the name, title, address, telephone number, fax number, and email address of the person, or persons, to contact whom are authorized to represent the proposer and to whom correspondence should be directed.

**B. Project Approach and Understanding**

Provide a detailed description of the Consultant's proposed approach demonstrating how the City's objectives will be accomplished as outlined in the above draft Scope of Work. Clearly describe and explain the reason for any proposed modifications to the methods, tasks and products identified in the draft Scope of Work outlined in Section 2 of this RFP.

**C. Project Organization and Team Qualifications**

Identification of all services to be provided by the principal firm and those proposed to be provided by subcontractors and information regarding the firm(s) assigned to the project including size of firm(s) and overall capabilities of each as considered relevant to this project. Provide information regarding all personnel assigned as team members to this project including names, prior experience, position, role and level of responsibility in the project. The City reserves the right to reject any proposed firm or team member or to request their reassignment. The project manager shall be identified by name and shall not be changed without written approval by the City. The principal consulting firm must assume responsibility for any sub-consultant work and shall be responsible for the day to day management and direction of the project.

**D. Project Timeline**

Proposed timeline for accomplishing the project, including critical paths and milestones, and specific consulting staff by task based on the draft Scope of Work.

**E. Project Coordination and Monitoring**

Describe the process for ensuring effective communication between the Consultant and the City, and for monitoring progress to ensure compliance with approved timeline, budget, staffing and deliverables.

**F. Proposed Cost of Services**

**• *Monthly Research and Reporting (Retainer)***

Provide a budget summary broken down by task, time, personnel, and hourly rate, number of hours and cost for each team member including those employed by subcontractors. It is expected that the monthly

services will be performed on a fixed monthly retainer basis. Fee information should be formatted to correspond to tasks identified in this RFP; however, this format may be modified to suit the consultant's approach to this project. The summary shall include a budget for reimbursable expenses. The final cost of consulting services may be based on a negotiated detailed scope of work. The budget summary shall also include all required materials and other direct costs, administrative support, overhead and profit that will apply.

- ***Project Specific Grant Services (Task Order Basis)***

Provide a 2012 fee schedule outlining a list of the commonly recommended key personnel, staff categories, individuals, or sub-consultants making up the project team. Include a forecasted 2013 listing of individual billing rates that would be used for the 2013 calendar year. The City understands that annual increases are expected. The proposal should describe how annual fee adjustments are to occur.

#### **G. Similar Project Experience**

Specific examples of comparable work which best demonstrate the qualifications and ability of the team to accomplish the overall goals of the project within the financial and time constraints. Provide names, addresses and telephone numbers of clients associated with each of these projects. Through submission of a proposal, all respondents specifically agree to and release the City of Newport to solicit, secure and confirm information provided.

## **SECTION 4 - SELECTION OF PROPOSALS**

Proposals will be evaluated based on the following criteria:

Thoroughness, quality and conciseness of submittal.	20 pts.
Project understanding and approach for accomplishing the City's objectives.	20 pts.
Qualifications of the project manager and project team, and proven ability to successfully complete projects of similar scope.	20 pts.
Proposed cost of services.	20 pts.
References from past and present clients.	20 pts.
Total	100 pts.

## APPENDIX A – 2012-13 CAPITAL IMPROVEMENT PLAN

Request for Qualifications  
Grant Consultants of Record  
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APPENDIX A – 2012-13 CAPITAL IMPROVEMENT PLAN

Project No.	Project Name	Start Date	End Date	Duration	Budget (INR)	Actual Cost (INR)	Status	Last Update	Financial Status		Risk Status		Performance Status	
									Budget Utilization (%)	Actual Cost Utilization (%)	Risk Score	Performance Score		
PJ-001	Project Alpha	2023-01-01	2023-06-30	5 months	1000000	950000	On Track	2023-05-15	95%	90%	Low	85	High	90
PJ-002	Project Beta	2023-02-01	2023-07-31	6 months	1200000	1150000	At Risk	2023-04-15	92%	88%	Medium	78	Medium	82
PJ-003	Project Gamma	2023-03-01	2023-08-31	6 months	1500000	1400000	At Risk	2023-05-15	90%	85%	Medium	75	Medium	78
PJ-004	Project Delta	2023-04-01	2023-09-30	6 months	1800000	1700000	At Risk	2023-06-15	88%	82%	Medium	72	Medium	75
PJ-005	Project Epsilon	2023-05-01	2023-10-31	6 months	2000000	1900000	At Risk	2023-07-15	85%	78%	Medium	68	Medium	72
PJ-006	Project Zeta	2023-06-01	2023-11-30	6 months	2200000	2100000	At Risk	2023-08-15	82%	75%	Medium	65	Medium	68
PJ-007	Project Eta	2023-07-01	2023-12-31	6 months	2500000	2400000	At Risk	2023-09-15	80%	72%	Medium	62	Medium	65
PJ-008	Project Theta	2023-08-01	2024-01-31	6 months	3000000	2800000	At Risk	2023-10-15	78%	68%	Medium	58	Medium	62
PJ-009	Project Iota	2023-09-01	2024-02-28	6 months	3500000	3300000	At Risk	2023-11-15	75%	65%	Medium	55	Medium	58
PJ-010	Project Kappa	2023-10-01	2024-03-31	6 months	4000000	3800000	At Risk	2023-12-15	72%	62%	Medium	52	Medium	55
PJ-011	Project Lambda	2023-11-01	2024-04-30	6 months	4500000	4300000	At Risk	2024-01-15	70%	58%	Medium	48	Medium	52
PJ-012	Project Mu	2023-12-01	2024-05-31	6 months	5000000	4800000	At Risk	2024-02-15	68%	55%	Medium	45	Medium	48
PJ-013	Project Nu	2024-01-01	2024-06-30	6 months	5500000	5300000	At Risk	2024-03-15	65%	52%	Medium	42	Medium	45
PJ-014	Project Xi	2024-02-01	2024-07-31	6 months	6000000	5800000	At Risk	2024-04-15	62%	48%	Medium	38	Medium	42
PJ-015	Project Omicron	2024-03-01	2024-08-31	6 months	6500000	6300000	At Risk	2024-05-15	60%	45%	Medium	35	Medium	38
PJ-016	Project Pi	2024-04-01	2024-09-30	6 months	7000000	6800000	At Risk	2024-06-15	58%	42%	Medium	32	Medium	35
PJ-017	Project Rho	2024-05-01	2024-10-31	6 months	7500000	7300000	At Risk	2024-07-15	55%	38%	Medium	28	Medium	32
PJ-018	Project Sigma	2024-06-01	2024-11-30	6 months	8000000	7800000	At Risk	2024-08-15	52%	35%	Medium	25	Medium	28
PJ-019	Project Tau	2024-07-01	2024-12-31	6 months	8500000	8300000	At Risk	2024-09-15	50%	32%	Medium	22	Medium	25
PJ-020	Project Phi	2024-08-01	2025-01-31	6 months	9000000	8800000	At Risk	2024-10-15	48%	28%	Medium	18	Medium	22
PJ-021	Project Chi	2024-09-01	2025-02-28	6 months	9500000	9300000	At Risk	2024-11-15	45%	25%	Medium	15	Medium	18
PJ-022	Project Psi	2024-10-01	2025-03-31	6 months	10000000	9800000	At Risk	2024-12-15	42%	22%	Medium	12	Medium	15
PJ-023	Project Omega	2024-11-01	2025-04-30	6 months	10500000	10300000	At Risk	2025-01-15	40%	18%	Medium	8	Medium	12
PJ-024	Project Epsilon'	2024-12-01	2025-05-31	6 months	11000000	10800000	At Risk	2025-02-15	38%	15%	Medium	5	Medium	8
PJ-025	Project Zeta'	2025-01-01	2025-06-30	6 months	11500000	11300000	At Risk	2025-03-15	35%	12%	Medium	2	Medium	5
PJ-026	Project Eta'	2025-02-01	2025-07-31	6 months	12000000	11800000	At Risk	2025-04-15	32%	9%	Medium	-1	Medium	2
PJ-027	Project Theta'	2025-03-01	2025-08-31	6 months	12500000	12300000	At Risk	2025-05-15	30%	6%	Medium	-3	Medium	1
PJ-028	Project Iota'	2025-04-01	2025-09-30	6 months	13000000	12800000	At Risk	2025-06-15	28%	3%	Medium	-5	Medium	0
PJ-029	Project Kappa'	2025-05-01	2025-10-31	6 months	13500000	13300000	At Risk	2025-07-15	25%	0%	Medium	-7	Medium	-1
PJ-030	Project Mu'	2025-06-01	2025-11-30	6 months	14000000	13800000	At Risk	2025-08-15	22%	-3%	Medium	-9	Medium	-2
PJ-031	Project Nu'	2025-07-01	2025-12-31	6 months	14500000	14300000	At Risk	2025-09-15	20%	-6%	Medium	-11	Medium	-3
PJ-032	Project Omicron'	2025-08-01	2026-01-31	6 months	15000000	14800000	At Risk	2025-10-15	18%	-9%	Medium	-13	Medium	-4
PJ-033	Project Pi'	2025-09-01	2026-02-28	6 months	15500000	15300000	At Risk	2025-11-15	15%	-12%	Medium	-15	Medium	-5
PJ-034	Project Rho'	2025-10-01	2026-03-31	6 months	16000000	15800000	At Risk	2025-12-15	12%	-15%	Medium	-17	Medium	-6
PJ-035	Project Sigma'	2025-11-01	2026-04-30	6 months	16500000	16300000	At Risk	2026-01-15	10%	-18%	Medium	-19	Medium	-7
PJ-036	Project Tau'	2025-12-01	2026-05-31	6 months	17000000	16800000	At Risk	2026-02-15	8%	-21%	Medium	-21	Medium	-8
PJ-037	Project Phi'	2026-01-01	2026-06-30	6 months	17500000	17300000	At Risk	2026-03-15	5%	-24%	Medium	-23	Medium	-9
PJ-038	Project Chi'	2026-02-01	2026-07-31	6 months	18000000	17800000	At Risk	2026-04-15	2%	-27%	Medium	-25	Medium	-10
PJ-039	Project Psi'	2026-03-01	2026-08-31	6 months	18500000	18300000	At Risk	2026-05-15	-3%	-30%	Medium	-27	Medium	-11
PJ-040	Project Omega'	2026-04-01	2026-09-30	6 months	19000000	18800000	At Risk	2026-06-15	-6%	-33%	Medium	-29	Medium	-12
PJ-041	Project Epsilon''	2026-05-01	2026-10-31	6 months	19500000	19300000	At Risk	2026-07-15	-8%	-36%	Medium	-31	Medium	-13
PJ-042	Project Zeta''	2026-06-01	2026-11-30	6 months	20000000	19800000	At Risk	2026-08-15	-10%	-39%	Medium	-33	Medium	-14
PJ-043	Project Eta''	2026-07-01	2026-12-31	6 months	20500000	20300000	At Risk	2026-09-15	-12%	-42%	Medium	-35	Medium	-15
PJ-044	Project Theta''	2026-08-01	2027-01-31	6 months	21000000	20800000	At Risk	2026-10-15	-14%	-45%	Medium	-37	Medium	-16
PJ-045	Project Iota''	2026-09-01	2027-02-28	6 months	21500000	21300000	At Risk	2026-11-15	-16%	-48%	Medium	-39	Medium	-17
PJ-046	Project Kappa''	2026-10-01	2027-03-31	6 months	22000000	21800000	At Risk	2026-12-15	-18%	-51%	Medium	-41	Medium	-18
PJ-047	Project Mu''	2026-11-01	2027-04-30	6 months	22500000	22300000	At Risk	2027-01-15	-20%	-54%	Medium	-43	Medium	-19
PJ-048	Project Nu''	2026-12-01	2027-05-31	6 months	23000000	22800000	At Risk	2027-02-15	-22%	-57%	Medium	-45	Medium	-20
PJ-049	Project Omicron''	2027-01-01	2027-06-30	6 months	23500000	23300000	At Risk	2027-03-15	-24%	-60%	Medium	-47	Medium	-21
PJ-050	Project Pi''	2027-02-01	2027-07-31	6 months	24000000	23800000	At Risk	2027-04-15	-26%	-63%	Medium	-49	Medium	-22
PJ-051	Project Rho''	2027-03-01	2027-08-31	6 months	24500000	24300000	At Risk	2027-05-15	-28%	-66%	Medium	-51	Medium	-23
PJ-052	Project Sigma''	2027-04-01	2027-09-30	6 months	25000000	24800000	At Risk	2027-06-15	-30%	-69%	Medium	-53	Medium	-24
PJ-053	Project Tau''	2027-05-01	2027-10-31	6 months	25500000	25300000	At Risk	2027-07-15	-32%	-72%	Medium	-55	Medium	-25
PJ-054	Project Phi''	2027-06-01	2027-11-30	6 months	26000000	25800000	At Risk	2027-08-15	-34%	-75%	Medium	-57	Medium	-26
PJ-055	Project Chi''	2027-07-01	2027-12-31	6 months	26500000	26300000	At Risk	2027-09-15	-36%	-78%	Medium	-59	Medium	-27
PJ-056	Project Psi''	2027-08-01	2028-01-31	6 months	27000000	26800000	At Risk	2027-10-15	-38%	-81%	Medium	-61	Medium	-28
PJ-057	Project Omega''	2027-09-01	2028-02-28	6 months	27500000	27300000	At Risk	2027-11-15	-40%	-84%	Medium	-63	Medium	-29
PJ-058	Project Epsilon'''	2027-10-01	2028-03-31	6 months	28000000	27800000	At Risk	2027-12-15	-42%	-87%	Medium	-65	Medium	-30
PJ-059	Project Zeta'''	2027-11-01	2028-04-30	6 months	28500000	28300000	At Risk	2028-01-15	-44%	-90%	Medium	-67	Medium	-31
PJ-060	Project Eta'''	2027-12-01	2028-05-31	6 months	29000000	28800000	At Risk	2028-02-15	-46%	-93%	Medium	-69	Medium	-32
PJ-061	Project Theta'''	2027-01-01	2028-06-30	6 months	29500000	29300000	At Risk	2028-03-15	-48%	-96%	Medium	-71	Medium	-33
PJ-062	Project Iota'''	2027-02-01	2028-07-31	6 months	30000000	29800000	At Risk	2028-04-15	-50%	-99%	Medium	-73	Medium	-34
PJ-063	Project Kappa'''	2027-03-01	2028-08-31	6 months	30500000	30300000	At Risk	2028-05-15	-52%	-102%	Medium	-75	Medium	-35
PJ-064	Project Mu'''	2027-04-01	2028-09-30	6 months	31000000	30800000	At Risk	2028-06-15	-54%	-105%	Medium	-77	Medium	-36
PJ-065	Project Nu'''	2027-05-01	2028-10-31	6 months	31500000	31300000	At Risk	2028-07-15	-56%	-108%	Medium	-79	Medium	-37
PJ-066	Project Omicron'''	2027-06-01	2028-11-30	6 months	32000000	31800000	At Risk	2028-08-15	-58%	-111%	Medium	-81	Medium	-38
PJ-067	Project Pi'''	2027-07-01	2028-12-31	6 months	32500000	32300000	At Risk	2028-09-15	-60%	-114%	Medium	-83	Medium	-39
PJ-068	Project Rho'''	2027-08-01	2029-01-31	6 months	33000000	32800000	At Risk	2028-10-15	-62%	-117%	Medium	-85	Medium	-40
PJ-069	Project Sigma'''	2027-09-01	2029-02-28	6 months	33500000	33000000	At Risk	2028-11-15	-64%	-120%	Medium	-87	Medium	-41
PJ-070	Project Tau'''	2027-10-01	2029-03-31	6 months	34000000	33500000	At Risk	2028-12-15	-66%	-123%	Medium	-89	Medium	-42
PJ-071	Project Phi'''	2027-11-01	2029-04-30	6 months	34500000	34000000	At Risk	2029-01-15	-68%	-126%	Medium	-91	Medium	-43
PJ-072	Project Chi'''	2027-12-01	2029-05-31	6 months	35000000	34500000	At Risk	2029-02-15	-70%	-129%	Medium	-93	Medium	-44
PJ-073	Project Psi'''	2027-01-01	2029-06-30	6 months	35500000	35000000	At Risk	2029-03-15	-72%	-132%	Medium	-95	Medium	-45
PJ-074	Project Omega'''	2027-02-01	2029-07-31	6 months	36000000	35500000	At Risk	2029-04-15	-74%	-135%	Medium	-97	Medium	-46
PJ-075	Project Epsilon''''	2027-03-01	2029-08-31	6 months	36500000	36000000	At Risk	2029-05-15	-76%	-138%	Medium	-99	Medium	-47
PJ-076	Project Zeta''''	2027-04-01	2029-09-30	6 months	37000000	36500000	At Risk	2029-06-15	-78%	-141%	Medium	-101	Medium	-48
PJ-077	Project Eta''''	2027-05-01	2029-10-31	6 months	37500000	37000000	At Risk	2029-07-15	-80%	-144%	Medium	-103	Medium	-49
PJ-078	Project Theta''''	2027-06-01	2029-11-30	6 months	38000000	37500000	At Risk	2029-08-15	-82%	-147%	Medium	-105	Medium	-50
PJ-079	Project Iota''''	2027-07-01	2029-12-31	6 months	38500000	38000000	At Risk	2029-09-15	-84%	-150%	Medium	-107	Medium	-51
PJ-080	Project Kappa''''	2027-08-01	2030-01-31	6 months	39000000	38500000								

**APPENDIX A – 2012-13 CAPITAL IMPROVEMENT PLAN**

Project No.	Project Name	2012-13 Estimated Project Cost	Major Capital Projects	Maintenance Capital Projects	Maintenance Capital Projects	2012-13 Estimated Workforce	2012-13 Estimated Workforce								
<b>STRUCTURES AND IMPROVEMENTS</b>															
<b>Structures and Equipment</b>															
2012-13	2013-14	2014-15	2015-16	2012-13	2013-14	2014-15	2015-16	2012-13							
				\$55,000	\$55,000	\$55,000	\$55,000								
<b>Facilities</b>															
<b>Land Acquisition</b>															
<b>Equipment</b>															
<b>Other Structures</b>															
<b>2012-13 Total</b>															
				\$1,793,046	\$1,213,136	\$1,202,514	\$1,000,000								
<b>2013-14 Total</b>															
<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
<b>2012-13 Total</b>															
<b>2013-14 Total</b>															
<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
<b>2012-13 Total</b>															
<b>2013-14 Total</b>															
<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
<b>2012-13 Total</b>															
<b>2013-14 Total</b>															
<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
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<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
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<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
<b>2012-13 Total</b>															
<b>2013-14 Total</b>															
<b>2014-15 Total</b>															
<b>2015-16 Total</b>															
<b>2012-13 Total</b>															
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<b>2014-15 Total</b>															
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Exhibit B, Part 2



July 5, 2012

Timothy Gross  
Director of Public Works  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

**RE: Qualification Statement for Grant Consultant of Record -- City of Newport**

Dear Tim:

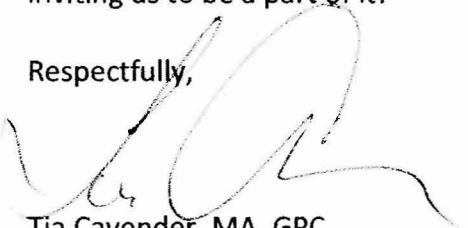
Thank you for inviting Chase Park Grants to submit this proposal for specialized consulting services. We would be pleased to help the City advance its grant-seeking efforts to fund upcoming capital improvement projects.

In response to your request for qualifications, we have assembled a proposed scope and strategy. Our qualified team of grant professionals are *ready* and *available* to begin work for Newport immediately—an important step if you'd like to pursue grant opportunities in 2012.

As a national research firm that specializes in government grant-seeking for capital and infrastructure projects, Chase Park Grants is uniquely qualified to provide these specialized services.

Together, we can accomplish many “funding firsts” for Newport – successes that will quickly benefit the City of Newport, its citizens, local industries, businesses, and visitors. Thank you for inviting us to be a part of it!

Respectfully,

  
Tia Cavender, MA, GPC  
Principal and Founder

Serving as the authorized representative for: Chase Park Grants, LLC, 2531 Alton Street, Denver, CO 80238; (w) 303.284.9098; (m) 720.785.4155; [tia@chaseparkgrants.com](mailto:tia@chaseparkgrants.com).

## GRANT CONSULTANT OF RECORD PROPOSAL

PREPARED BY: CHASE PARK GRANTS, LLC

PREPARED FOR: TIM GROSS, PUBLIC WORKS DIRECTOR, CITY OF NEWPORT

JULY 6, 2012

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### INTRODUCTION

To help the City Council of Newport decrease its reliance on loans to finance infrastructure replacement and upgrades, the City of Newport (City) is hiring a Grant Consultant of Record.

Chase Park Grants (Chase Park) is uniquely qualified to provide these services to the City, and can provide it with resources unavailable anywhere else in the grants industry. Specifically, our **Strategic Grants Planning services** will help the City identify creative funding solutions, execute leverage opportunities, diversify the City's funding portfolio, and decrease its reliance on rate revenues for capital improvements.

Together, the City of Newport and Chase Park Grants will devise and execute an assertive approach to identifying and securing capital funding to supplement existing revenue sources and to help pay for capital improvements for years to come.

### PROJECT APPROACH AND UNDERSTANDING

The following section outlines our recommended approach to advancing the City's grant-seeking objectives.

First, we recommend the City receive ongoing Strategic Grant Planning services, which will help the City:

- 1) Identify grant prospects fitting its capital improvement plans;
- 2) Seek technical assistance on grant-related matters (e.g., determining eligibility, analyzing fit, and analyzing competitiveness);
- 3) Explore creative funding solutions that have not yet been considered;
- 4) Identify savvy approaches to maximizing competitiveness; and
- 5) Recommend leverage opportunities related to funding.

Second, we recommend maintaining a prospect list, and to regularly update it with fresh and updated application information. Maintaining this type of prospect list will allow the City to evaluate the grant opportunities from a holistic, planning perspective, rather than “reactive” approach that many small municipalities are forced to use in times of urgency.

The Chase Park Consultant Team will help the City build and maintain this grant prospect list (see Attachment A for an initial list), first by conducting an iterative process of canvassing and screening relevant opportunities, then evaluating prospect for “fit,” and eliminate prospects that are unlikely to succeed – saving the City a substantial amount of time, money, and hassle.

*By selecting Chase Park as the Grant Consultant of Record, the City will gain access to a proprietary database of nearly 3,000 capital and infrastructure grants.*

During the data collection phase, we collect details about each grant program (i.e., maximum grant amount, geographic restrictions, grant purpose, eligibility, deadline) to produce prospect reports and comparison charts, which will help the City determine which grants to pursue – and when to pursue them.

Finally, we will conduct in-depth research to guide the decision-making process about which “fundable features” are worthy of the City’s investment of resources. Results during this phase will yield useful, “inside scoop” guidance that will help the City craft a winning application.

The following section outlines the objectives, approach, and deliverables involved in our proposed methodology.

## **Task 1: Monthly Research and Reporting (Retainer)**

Objectives: To provide an updated inventory of grant opportunities specific to the City’s capital needs; to keep the City informed of timelines relevant to targeted grant prospects; and to provide ad-hoc grant-related technical assistance.

### Approach:

- Review background materials, such as the: 1) City of Newport’s 5 year Capital Improvement Plan, 2) 2008 Water System Master Plan, 3) 2012 SCADA System Master Plan, 4) 2008 Pedestrian and Bicycle Master Plan, and 5) Transportation System Plan.

- Assess fundable features of top 3 priority projects.
- Assess prospect priority based on current funding trends and construction timelines.
- Conduct a query of the Chase Park capital grants database to capture government and private funding opportunities matching with the City's projects.
- Evaluate the identified grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.
- Generate a prospect list of viable grant opportunities; draft prospect list is included in Attachment A.
- Conduct in-depth research to advise the City about top prospects.
- Collect research data for prospects and make recommendations about priority.
- Identify leverage opportunities and ways to maximize competitiveness.
- Respond to technical assistance requests on grant-related matters.

Deliverables:

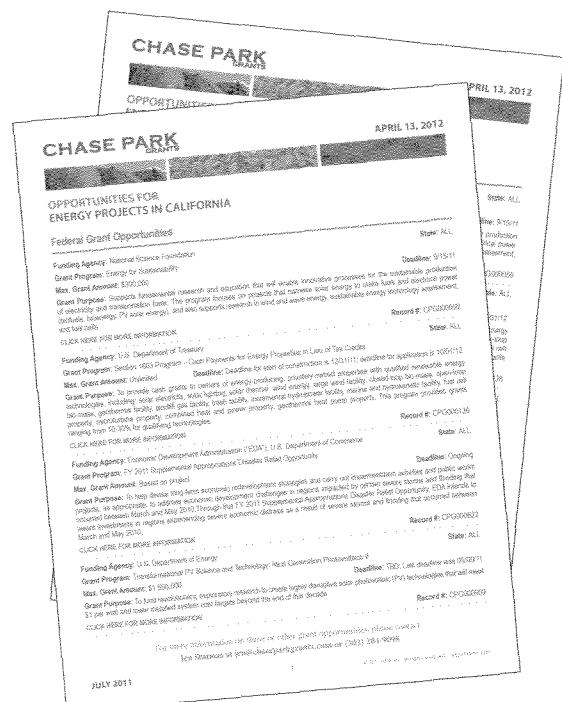
- Kickoff meeting materials (agenda, handouts, grant summaries)
- Kickoff meeting memo documenting meeting outcomes and final scope of work
- Prospect report (electronic version; in Excel or PDF format) on a monthly basis
- Monthly progress meeting/conference call to update work plan

## Task 2. Develop a Strategic Funding Plan (Retainer)

Objective: To conduct in-depth research about the City's top prospects; to develop a long-term strategic funding plan for the City's capital improvements; to identify ways to maximize grant competitiveness and leverage opportunities.

Approach:

- Compile comprehensive research data for top prospects (i.e., grant application materials, guidance documents, list of past awards, technical assistance materials).
- Interview program officers to gather insight about targeted programs.
- Interview key informants (e.g., successful awardees, grant program) to gather information to help maximize the competitiveness of the City's grant applications.
- Help establish and cultivate relationships with key prospects (including grant-making organizations and individual donor prospects).
- Participate in planning meetings with City staff and engineering team.



- Recommend tactics to improve the City's grant success.
- Explore tactics/strategies to raise capital funds (i.e., designing a demonstration project).
- Identify, research, and make recommendations about leverage opportunities.
- Research and compile grant materials for the City's use.

**Deliverables:**

- Strategic Funding Plan (updated qrtly) with recommendations for pursuing top prospects.
- Grant application materials, grant guidance documents, and technical assistance materials for the top three prospects (updated quarterly).

**Task 3. Project Specific Grant Services (Task Order)**

Objective: To support the City in pursuing top funding prospects in fiscal year ending 2013.

**Approach:**

- Participate in planning meetings for priority grant pursuits.
- Facilitate meetings with program officers and key informants.
- Provide grant-related technical assistance and consultation to City staff.
- Advise City staff about eligibility determination and grant-specific technical issues.
- Analyze competitiveness and likelihood of success.
- Correspond with engineering team, technical advisors, subcontractors, and City staff.
- Conduct in-depth research about grant programs to help create the pursuit strategy.
- Identify ways to broaden the "funding pool" and tap into unique sources of funding. For example, designing a demonstration project as a funding strategy.

**Deliverables:**

- Draft versions with comments, edits, and recommendations about competitiveness
- Project-specific Scope of Work and Fee Estimate

**ORGANIZATION AND CONSULTANT TEAM QUALIFICATIONS**

Chase Park Grants (Chase Park) is a national research firm that specializes in government grant-seeking for capital and infrastructure projects. Services available at Chase Park include grant research, strategic grants planning, and critical review and analysis. Associates at Chase Park have helped clients find and secure millions of dollars by providing grant-related technical assistance.

In response to the City's request for qualifications, we have assembled a qualified team of grant professionals and technical advisors to team with the City. The following section describes the Consultant Team and the expertise they bring to this project (see also Attachment B).

Chase Park will be responsible for the day-to-day management and direction of the project, and will assume full responsibility for all sub-consultant work.

## The Chase Park Consultant Team

### Tia A. Cavender, MA, GPC Principal Grant Strategist

In her twelve years of grant experience, Tia Cavender has collaborated with technical experts in every field of sustainable development. As principal and lead consultant for Chase Park Grants, Tia counsels municipal and state agencies, as well as engineering and environmental firms on innovative ways to secure funding.



Before forming her own consultant firm, Tia was president of BOCA Grants Solution, a program evaluator and grant writer at the University of Colorado, and Grants Director at Metro Health Hospital Foundation in Grand Rapids, Michigan. A frequent presenter at professional conferences, Tia has designed and led numerous grant development seminars. She is a Certified Grants Professional (GPC) and member of the Grants Professionals Association (GPA). She holds two master's degrees from the University of Colorado in Industrial Psychology and Clinical Psychology.

Tia will direct the Consultant Team, will provide subject matter expertise, and will coordinate and correspond with City staff, technical advisors, and engineering consultants on grant pursuits. She will develop the Strategic Funding Plan and lead its implementation. Tia will collaborate with City personnel and its consultants to create unique funding strategies.

### Rachel Hood, Senior Grant Strategist Specializing in Water



Rachel has been working in the industry for over 12 years in a variety of settings related to environmental education and advocacy, community development, and community health care. In addition to serving as a Senior Associate at Chase Park Grants, Rachel also serves as the Executive Director at the West Michigan Environmental Action Council (WMEAC) in Grand Rapids, MI. Rachel holds a B.A. in Social Relations from Michigan State University.

Rachel will lend her expertise in the area of water treatment and infrastructure projects for those particular aspects of the City's Capital Improvement Plan. She will participate in qualitative data collection and analysis and will make industry-specific recommendations to assist with long-range planning.

### Jen Shumar, MPA, Senior Project Manager

Jen is a highly-organized project manager and researcher with more than a decade of managing teams and projects. Jen earned a Master's of Public Administration and a B.S. in History from Ball State University in Muncie, Indiana.



*Jen will be the team's communication hub, and will support all aspects of the day-to-day functioning of the project. She will supervise the research team, conduct quality assurance tasks, coordinate project meetings, and produce deliverables and reports.*



### **Verena Winter, PE, Technical Advisor**

Verena Winter, with HDR Engineering Inc., has ten years experience in the design of water and wastewater infrastructure including 2½ years assisting the City of Newport with the water treatment plant expansion. Her experience ranges from preliminary design through services during construction. Her projects encompass the design of conveyance pipelines, stormwater improvements, pump stations, and water and wastewater treatment facilities. Verena also has access to HDR's 240 engineers and professional staff in Oregon who bring expertise in roadway design, traffic planning, green street design, environmental permitting, construction administration, and architecture.

*Verena will provide technical assistance from an engineering perspective. Her input will be particularly useful when considering creative funding strategies (Task 2) and when preparing competitive grant applications (Task 3).*

### **LeAnn Secord, Research Assistant**

LeAnn has worked as a prospect researching, database administrator, and fundraising coordinator for over six years. Her savvy, industry-specific internet research skills make her a strong asset in the grants profession. LeAnn holds a B.A. in Psychology and Sociology from Aquinas College in Grand Rapids, Michigan.



LeAnn will serve as primary data collector and research assistant for the project, and she will research and abstract technical data specific to identified prospects.

## **PROJECT TIMELINE**

The projected timeline is for a minimum of twelve (12) months, starting on 7/15/12 and ending on 7/14/13, based on the general scope outlined below. See also Attachment C – Project Timeline Chart for a visual illustration of the proposed schedule.

### **Task 1: Monthly Research and Reporting (Retainer)**

- 1.1 Kickoff meeting—July 2012
  - 1.1.1 Agenda & handouts—July 2012
  - 1.1.2 Kickoff meeting memo—July 2012
- 1.2 Monthly Grant Report—Ongoing / Monthly

- 1.2.1 Generate prospect list—Delivered in monthly report
  - 1.2.2 Conduct database query—Ongoing
  - 1.2.3 Review project materials—Ongoing
  - 1.2.4 Assess fundable features—Ongoing
  - 1.2.5 Generate a prospect memo— Delivered in monthly report
  - 1.2.6 Evaluate identified opportunities—Ongoing
  - 1.2.7 Conduct research on top prospects—Ongoing
  - 1.2.8 Make recommendations on priority—Delivered in monthly report
  - 1.2.9 Identify leverage opportunities—Delivered in monthly report
- 1.3. Monthly progress meeting—Conducted monthly via conference call

#### Task 2. Develop a Strategic Funding Plan (Retainer)

2.1 Strategic Funding Plan—delivered quarterly; V1 scheduled for Dec 2012, V2 Mar 2013, V3 Jun 2013

- 2.1.1 Interview program officers—Ongoing
- 2.1.2 Interview key informants—Ongoing
- 2.1.3 Cultivate relationships with key prospects—Ongoing
- 2.1.4 Participate in planning meetings—Ongoing
- 2.1.5 Recommend tactics to improve success—Delivered in quarterly report
- 2.1.6 Explore feasibility strategies—Ongoing
- 2.1.7 Research leverage opportunities—Ongoing
- 2.1.8 Recommend leverage opportunities— Delivered in quarterly report

2.2 Materials for the top three prospects

- 2.2.1 Conduct research on top prospect—Ongoing
- 2.2.2 Compile comprehensive research data— Delivered on an ad-hoc basis, or in quarterly report

## PROJECT COORDINATION AND MONITORING

The following section describes the process we will use to ensure effective communication between the Consultant Team, the City, and its project partners.

The City will designate a primary point of contact with whom Chase Park will communicate about project-related activities (Client Liaison). The Consultant Team will work collaboratively with the City staff to execute the required deliverables. At the beginning of each month, the Consultant Team will coordinate with the Client Liaison to review and prioritize the work plan for the upcoming month.

We will employ several different methods of team correspondence and coordination, such as:

- Project Kickoff meeting;
- Monthly update meetings to discuss progress, recommendations, and key milestones;
- Monthly progress reports (written);

- On-call technical assistance; and
- Grant-related project deliverables, including project-specific prospect reports, database query reports, grant program fact sheets, and grant toolkits.

Additionally, we will share monthly reports and update memos on a regular basis, often with our web-based project management system called Basecamp. This web-tool will enable City staff to view draft deliverables and milestone dates, and to keep informed about work plan revisions.

The Consultant Team will handle correspondence with funding prospects and their representatives, except in cases where the City's presence is warranted. We will also handle technical assistance correspondence to the funding agency, such as in the example listed in Fig. 1.

**Fig. 1. Technical Assistance Example – USDA Grants for Rural Utilities.** There are several grants available through the USDA Rural Utilities Program similar to the water and wastewater infrastructure projects the City has planned. (See Attachment D.) However, the City should conduct initial research to determine if Newport's population will qualify before deciding whether to pursue. The Chase Park Consultant Team will conduct the research necessary to confirm Newport's eligibility.

## PROPOSED COST OF SERVICES

### **Monthly Research & Reporting (Task 1) and Develop a Strategic Funding Plan (Task 2)**

Based on our proposed approach and methodology, we anticipate using an average of 112 consultant team hours per quarter to conduct Tasks 1 and 2. We created this estimate based on the most current and best information available to date. However, the final scope is subject to change based on information collected during the kick-off meeting.

**Table 1. Fee Estimate for Tasks 1 & 2 (7/15/12 to 7/14/13)**

<b>Monthly Research and Reporting (Task 1 - Retainer)</b>			
<b>Team Member &amp; Name</b>	<b>Hourly Rate</b>	<b>Est. Hrs/Qtr</b>	<b>Est Qrtly Fee</b>
Principal-in-Charge (Cavender)	\$200	12	\$2,400
Sr. Grant Strategist (Hood)	\$160	18	\$2,880
Sr. Project Manager (Shumar)	\$135	24	\$3,240
Technical Advisor (Winter)	\$130	6	\$780
Research Assistant (Secord)	\$85	24	\$2,040
<b>Subtotal for Task 1:</b>		<b>\$11,340</b>	
<b>Develop a Strategic Funding Plan (Task 2 - Retainer)</b>			
<b>Team Member &amp; Name</b>	<b>Hourly Rate</b>	<b>Est. Hrs/Qtr</b>	<b>Est Qrtly Fee</b>
Principal-in-Charge (Cavender)	\$200	12	\$2,400
Sr. Grant Strategist (Hood)	\$160	6	\$960
Sr. Project Manager (Shumar)	\$135	6	\$810
Technical Advisor (Winter)	\$130	6	\$780
<b>Subtotal for Task 2:</b>		<b>\$4,950</b>	
<b>Estimated Quarterly Total:</b>			<b>\$16,290</b>

We will monitor hours regularly (i.e., twice per month) to take reasonable action to maintain the quarterly budgeted hours and/or adjust upcoming work plan.

Estimated reimbursable expenses will include costs associated with traveling to the City of Newport three times throughout the year. Associated expenses are listed in Table 2 below. These costs are subject to change based on the final approved scope of work, and are based on Tasks 1 and 2, exclusive of Task 3 expenses.

<b>Table 2. Reimbursable Expenses for Tasks 1 &amp; 2 – 8/1/12 to 7/14/13</b>			
<b>Expense Item</b>	<b>Qty</b>	<b>Each</b>	<b>Total</b>
Airfare for site visits (3 per year)	3	\$450	\$1,350
Hotel (2 nights @ \$125/each - 3 trips p/year)	3	\$250	\$750
Rental car (\$110/trip - 3 trips/year)	3	\$110	\$330
Meals (2.5 days @ \$66/per diem for 3 trips/year)	3	\$165	\$495
Airport parking (\$48/trip for 3 trips)	3	\$48	\$144
		<b>Total:</b>	<b>\$3,069</b>

## Project Specific Grant Services (Task Order Basis)

The following table outlines consulting rates for the City of Newport during 2012 (valid 7/15/12 to 12/31/12) and 2013 (valid 1/1/12 to 12/31/13).

<b>Table 3. Fee Schedule (2012 &amp; 2013)</b>		
<b>Associate Level</b>	<b>2012 Hourly Rates</b>	<b>2013 Hourly Rates</b>
Principal Grant Strategist	\$200	\$205
Senior Grant Strategist	\$160	\$165
Senior Project Manager	\$135	\$140
Research Associate	\$115	\$120
Research Assistant	\$85	\$90

## SIMILAR PROJECT EXPERIENCE: EXAMPLES OF COMPARABLE WORK

*Trend Analysis, McKinstry - Rocky Mountain Region, Golden, Colorado.* Chase Park is working with McKinstry to identify funding opportunities relevant to key initiatives in Utah, Wyoming and Colorado. Chase Park's role includes: leading research efforts, analyzing research data, and



making recommendations to guide planning efforts. *Client contact: Leslie Larocque, Director of Business Development, 112 Rubey Drive, Golden, CO 80403, 303-215-4040, lesliel@mckinstry.com*

*Brownfield Redevelopment of the Lower Capital Basin, City of Cheyenne, Wyoming.* Chase Park is working with the City of Cheyenne to identify funding opportunities specific to future stormwater management and redevelopment efforts in the downtown area. Chase Park's role

includes: providing technical assistance, identifying relevant funding programs, and developing a long-term funding plan. *Client contact: Gene McDonald, PE, Project Manager, Ayres Associates, 214 W. Lincolnway, Suite 22, Cheyenne, WY 82001, 307-634-9888, macdonaldg@ayresassociates.com.*



**Water for Irrigation, Streams, and Economy (WISE) Project, Oregon.** Chase Park is working with WISE and partnering irrigation districts to identify grant opportunities for upcoming Environmental Impact Statement activities and implementation. Chase Park's role includes identifying and screening relevant grant opportunities, and making recommendations for the Committee. *Client contact: Ronan Igloia, PE, Project Manager, HDR Engineering, Inc., 1001 SW 5<sup>th</sup> Avenue, Suite 1800, Portland, OR 97204-1134, 503-423-3770, ronan.igloia@hdrinc.com.*

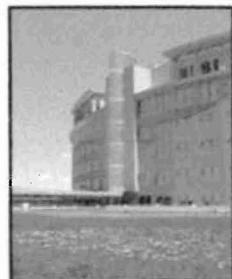


**Wastewater Treatment Facility, International Port of Coos Bay, Coos Bay, Oregon.** Chase Park helped the Port of Coos Bay to identify and research grant opportunities that fit with the implementation of a new industrial wastewater treatment facility and related activities. Specifically, projects related to: renewable energy, wetlands restoration, habitat protection, energy efficiency, and advanced wastewater treatment. *Client contact: M. Donna Nichols, Chief Financial Officer, 125 Central Avenue, Suite 300, P.O. Box 1215, Coos Bay, OR 97420-0311, dnichols@portofcoosbay.com.*

**Sustainability Initiatives and City-wide Water Reclamation and Reuse Project, City of Meridian, Idaho.** Chase Park helped the City develop a long-term, strategic funding plan to support capital projects in its Public Works Department. *Client contact: Mollie Mangerich, Environmental Division Manager, Public Works Department, 33 E. Broadway, Avenue, Meridian, ID 83642, 208-489-0379, mmangerich@meridiancity.org.*



**Stormwater Management Program, Metro Health Hospital and Health Village, Wyoming, Michigan.** Led the grant seeking efforts that supported the design, construction, and evaluation of a campus-wide storm water management program, including the installation and maintenance of a 58,000 square foot green roof and a dozen bioretention swales. We successfully secured over two-thirds of the project from a range of funding sources (i.e., government grants, foundation grants, and corporate sponsorships) to support the project. *Client contact: Laura Staskiewicz, Executive Vice President, 5900 Byron Center Avenue, Wyoming, MI 49519, 616-252-5001, laura.staskiewicz@metrogr.org.*



## TAX ID NUMBERS

Federal Tax Identification Number (Employer Identification Number): 27-2862919

State (Colorado) Identification Number: 20101312039

D-U-N-S Number: 034589918

## RECYCLED PRODUCTS STATEMENT

This Request for Qualification was printed on 100% post-consumer recycled paper with a third-party FCS© CO14722 eco-label validating the use of 100% recycled fiber and a Green-e logo indicating that 100% of the electricity used to manufacture this paper is offset with wind energy.

## LOCAL/STATE/FEDERAL REQUIREMENTS

Chase Park Grants will comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279 A, B & C. In addition, we agree to comply with: (1) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1991 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. We understand we will be subject to the appropriate Worker's Compensation Law and shall comply with local ordinances, which requires the provision of Worker's Compensation coverage for all employees working under any contract resulting from this RFQ.

Chase Park Grants is a woman-owned small business. Its services, employment opportunities and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability or political affiliation.

**Attachment A: Initial Prospect Report for Newport 07.06.2012**



## INITIAL PROSPECT REPORT PREPARED FOR City of Newport, Oregon

### Grants for Community Planning

Funding Agency: Oregon Infrastructure Finance Authority

Grant Program: Special Public Works Fund

Max Grant Amount: \$500,000

Grant Purpose: Provides funds for publicly owned facilities that support economic and community development in Oregon. Funds are available to public entities for: planning, designing, purchasing, improving and constructing publicly owned facilities, and emergency projects as a result of a disaster.

For More Information: <http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Special-Public-Works-Fund/>

Funding Agency: U.S. Dept of Commerce - Economic Development Administration (EDA)

Grant Program: Public Works and Economic Development Facilities

Max Grant Amount: \$2,000,000

Grant Purpose: To support the construction or rehabilitation of essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote regional competitiveness, including investments that expand and upgrade infrastructure to attract new industry, support technology-led development, accelerate new business development, and enhance the ability of regions to capitalize on opportunities presented by free trade.

For More Information: [www.eda.gov/PDF/FY\\_2012\\_EDAP\\_FFO\\_11-18-11\\_FINAL.pdf](http://www.eda.gov/PDF/FY_2012_EDAP_FFO_11-18-11_FINAL.pdf)

Funding Agency: U.S. Department of Homeland Security - FEMA

Grant Program: Hazard Mitigation Grant Program (HMGP), a FEMA Hazard Mitigation Assistance (HMA) Program

Max Grant Amount: \$150,000

Grant Purpose: Programs provide funding for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages. Mitigation projects may include property acquisition and structure demolition, property acquisition and structure relocation, structure elevation, dry floodproofing of historic residential structures, dry floodproofing of non-residential structures, minor localized flood reduction projects, structural retrofitting of existing buildings, non-structural retrofitting of existing buildings and facilities, safe room construction, infrastructure retrofit , soil stabilization, wildfire mitigation and post-disaster code enforcement.

For More Information: <http://www.fema.gov/library/viewRecord.do?id=4225>

## **Grants for Water and Wastewater Projects**

Funding Agency: U.S. Department of Homeland Security - FEMA

Grant Program: Repetitive Flood Plans (RFC), a FEMA Hazard Mitigation Assistance Program

Max Grant Amount: \$1,000,000

Grant Purpose: Mitigation projects may include property acquisition and structure demolition, property acquisition and structure relocation, structure elevation, dry floodproofing of historic residential structures, dry floodproofing of non-residential structures and minor localized flood reduction projects.

For More Information: <http://www.fema.gov/library/viewRecord.do?id=4225>

Funding Agency: Oregon Dept of Environmental Quality

Grant Program: Water Quality - Nonpoint Source Pollution

Max Grant Amount: Based on project costs

Grant Purpose: To fund projects that address nonpoint sources (NPS) of pollution affecting coastal, river, lake, drinking and ground-water resources of the state of Oregon.

For More Information: <http://www.deq.state.or.us/wq/nonpoint/grants.htm>

Funding Agency: Oregon Infrastructure Finance Authority

Grant Program: Water/Wastewater Financing Program

Max Grant Amount: \$750,000

Grant Purpose: For the design and construction of public infrastructure needed to ensure compliance with the Safe Drinking Water Act or the Clean Water Act.

For More Information: <http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Water-or-Wastewater-Improvement-Project/water-wastewater-financing/>

**Attachment B: Project Team Matrix**

## Attachment B - Project Team Matrix

	Tia A. Cavender, MA, GPC Principal Grant Strategist	Rachel Hood Senior Grant Strategist Specializing in Water	Jen Shumar, MPA Senior Project Manager	Verena Winter, PE Technical Advisor	LeAnn Secord Research Assistant
Task 1: Monthly Research and Reporting	Lead kickoff meeting.	Participate in kickoff meeting.	Kickoff meeting materials (agenda, handouts, grant summaries)	Participate in kickoff meeting.	Conduct in-depth research about top prospects.
	Kickoff meeting memo documenting meeting outcomes and final scope of work	Review background materials.	Deliver kickoff meeting memo documenting meeting outcomes and final scope of work	Review background materials.	
	Review background materials.	Evaluate the identified grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.	Review background materials.	Evaluate the identified grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.	
	Assess fundable features of each project and identify key opportunities.	Make recommendations about priority.	Report query parameters using search criteria documentation.	Make recommendations about priority.	
	Assign priority based on current funding trends and construction timelines.	Identify ways to maximize competitiveness.	Conduct a query of the Chase Park capital grants database.	Participate in monthly progress meeting.	
	Review query parameters.		Generate a prospect list of viable grant opportunities; a draft prospect list is included in Attachment A.		
	Evaluate the identified grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.		Collect research data for prospects		
	Make recommendations about priority.		Deliver prospect report (electronic version; in Excel or PDF format) on a monthly basis		
	Identify leverage opportunities and ways to maximize competitiveness.		Coordinate monthly progress meeting/conference call to update work plan		
	Lead monthly progress meeting/conference call to update work plan				
Task 2: Develop a Strategic Funding Plan (Retainer)	Help establish and cultivate relationships with key prospects (including grant-making organizations and individual donor prospects).	Interview program officers to gather insight about targeted programs.	Compile comprehensive research data for top prospects (i.e., grant application materials, guidance documents, list of past awards, technical assistance materials).	Participate in planning meetings with City staff and engineering team.	Collect comprehensive research data for top prospects (i.e., grant application materials, guidance documents, list of past awards, technical assistance materials).
	Participate in planning meetings with City staff and engineering team.	Interview key informants (e.g., successful awardees, grant program) to gather information to help maximize the competitiveness of the City's grant applications.	Compile grant materials and respond to technical assistance requests as needed.	Recommend tactics to improve the City's grant success.	Research grant materials as needed.
	Interview program officers to gather insight about targeted programs.	Recommend tactics to improve the City's grant success.	Deliver strategic Funding Plan (updated quarterly) with recommendations for pursuing top prospects.	Participate in site visits.	Research leverage opportunities as needed.
	Interview key informants (e.g., successful awardees, grant program) to gather information to help maximize the competitiveness of the City's grant applications.		Deliver grant application materials, grant guidance documents, and technical assistance materials for the top three prospects (updated quarterly).		
	Recommend tactics to improve the City's grant success.				
	Explore feasibility strategies to raise capital funds (i.e., designing a demonstration project).				
	Identify and make recommendations about leverage opportunities.				
Task 3: Project Specific Grant Services (Task Order)	Write strategic Funding Plan (updated quarterly) with recommendations for pursuing top prospects.				
	Participate in the pursuit of key grant pursuits (e.g., facilitating meetings with program officers, etc.).	Participate in the pursuit of key grant pursuits is applicable to water expertise.	Deliver Draft versions of grant applications	Participate in the pursuit of key grant pursuits as needed	Conduct in-depth research about grant programs to help create the pursuit strategy.
	Make comments, edits, and recommendations about how to increase the competitiveness on draft versions of grant applications.		Respond to Project-specific requests as needed (with Scope of Work and Fee Estimate)		
	Advise City staff about eligibility determination and grant-specific technical issues.		Coordinate grant-related technical assistance and consultation to City staff as needed.		
	Correspond with engineering team, technical advisors, subcontractors, and City staff.		Correspond with engineering team, technical advisors, subcontractors, and City staff.		
Analyze competitiveness and likelihood of success.					
Identify ways to broaden the funding pool (e.g., designing a demonstration project as a funding strategy) and tap into unique sources of funding.					

**Attachment C: Project Timeline Chart**

## **ATTACHMENT C: DETAILED TIMELINE**

- Indicates a deliverable item or event
- Indicates a time period of ongoing work

**Attachment D: Technical Assistance Example – USDA Grants**



Committed to the future of rural communities.

## Rural Utilities Programs

# Water and Environmental Programs

USDA Rural Development administers a water and wastewater loan and grant program to improve the quality of life and promote economic development in rural America. This assistance is available through Rural Development's Rural Utilities programs.

### ***Water and Waste Disposal Direct and Guaranteed Loans***

#### ***Direct loans***

Offered to develop water and wastewater systems, including solid waste disposal and storm drainage, in rural areas and in cities and towns with a population of 10,000 or less. Funds are available to public entities such as municipalities, counties, special-purpose districts, and Indian tribes. In addition, funds may be made available to corporations operated on a not-for-profit basis.

Priority is given to public entities, in areas with less than 5,500 people, to restore a deteriorating water supply, or to improve, enlarge, or modify a water facility or an inadequate waste facility. Also, preference is given to requests which involve the merging of small facilities and those serving low-income communities.

Applicants must be unable to obtain funds from other sources at reasonable rates and terms. The maximum term for all loans is 40 years; however, no repayment period will exceed State statutes or the useful life of the facility. Interest rates are adjusted quarterly and may be obtained from any Rural Development office.

#### ***Guaranteed loans***

Available for the same purpose as direct loans. Guaranteed loans are made and serviced by lenders such as banks and savings and loan associations. Normally, guarantees do not exceed 90 percent on any loss of interest and principal on the loan.

### ***Water and Waste Disposal Grants***

Reduce water and waste disposal costs to a reasonable level for users of the system. Grants are made, in some instances, for up to 75 percent of eligible project costs. Eligibility requirements are the same as for direct loans.

### ***Technical Assistance and Training Grants***

Made to private nonprofit organizations to provide technical assistance and/or training to associations located in rural areas and to cities and towns with a population of 10,000 or less.

Grant assistance is available to qualified applicants to identify and evaluate solutions to water and waste disposal problems, to improve the operation and maintenance of existing water and waste disposal facilities, and to assist associations in preparing applications for water and waste disposal facilities.

## **Solid Waste Management Grants**

Made to public and private nonprofit organizations to provide technical assistance and/or training to associations located in rural areas and to cities and towns with a population of 10,000 or less.

Grant assistance must be used to reduce or eliminate pollution of water resources, and/or to improve planning and management of solid waste facilities.

Grants are made to enhance operator skills in operations and maintenance, identify threats to water resources, and reduce the solid waste stream.

## **Rural Water Circuit Rider Technical Assistance**

Provides on-site technical assistance to help assure cost-effective operation of rural water systems. USDA Rural Development Circuit Rider can provide assistance with day-to-day operational, financial, and management problems.

The assistance is available at no charge and may be requested by officials of rural water systems or by Rural Development personnel. It complements supervisory assistance provided by Rural Development personnel.

## **SEARCH Grants**

Provides grants for predevelopment planning for water and waste projects in financially distressed rural communities with populations of 2,500 or less. The SEARCH program provides financial assistance to the most eligible communities based on need. The predevelopment planning grant funds can be used for feasibility studies, technical assistance, and design assistance for water and waste disposal infrastructure needs. The maximum grant amount is \$30,000. No matching funds are required.

## **Applications**

Information about the Water and Environmental Programs and advice on how to assemble information to determine engineering feasibility, economic soundness, cost estimates, organization, financing, and management matters, may be obtained from Rural Development field offices. These offices are usually listed in local telephone directories under "U. S. Department of Agriculture."

## **For More Information**

See the Water and Waste Disposal Programs Web site at [http://www.rurdev.usda.gov/UWEP\\_HomePage.html](http://www.rurdev.usda.gov/UWEP_HomePage.html).

Or write your local or State USDA Rural Development office (see the U.S. Government listing of your phone directory under U.S. Department of Agriculture), or the National Office at:

USDA Rural Development  
Water and Environmental Programs  
STOP 1548  
Washington, D.C. 20250-1548

Phone: (202) 690-2670  
FAX: (202) 720-0718

PA 1806  
December 2004  
Reprinted June 2008  
Revised August 2010  
Supersedes PA 1611, *Water and Waste Disposal Programs*, last revised July 1997.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

## EXHIBIT C – CONSULTANT’S SCHEDULE OF RATES & CHARGES

The following table outlines consulting rates for the City of Newport during the first year of services (valid 8/1/12 to 7/31/13). Prices are subject to increase after 7/31/13, as estimated in the following table.

Fee Schedule for Project Specific Grant Services (2012 & 2013)		
Associate Level	Hourly Rates 8/1/12 to 7/31/13	Hourly Rates 8/1/13 to 7/31/14
Principal Grant Strategist	\$200	\$205
Senior Grant Strategist	\$160	\$165
Senior Project Manager	\$135	\$140
Technical Advisor	\$130	\$135
Research Associate	\$115	\$120
Research Assistant	\$85	\$90

## EXHIBIT D

### **ORS CHAPTER 279B PUBLIC CONTRACTING REQUIREMENTS FOR THE PURCHASE OF GOODS AND SERVICES**

- (1) Consultant shall pay promptly, as due, all persons supplying labor or materials for the prosecution of the work provided for in the contract, and shall be responsible for such payment of all persons supplying such labor or material to any Subcontractor. ORS 279B.220(1).
- (2) Consultant shall promptly pay all contributions or amounts due the Industrial Accident Fund from such Consultant or Subcontractor incurred in the performance of the contract. ORS 279B.220(2).
- (3) Consultant shall not permit any lien or claim to be filed or prosecuted against the Contracting Agency on account of any labor or material furnished and agrees to assume responsibility for satisfaction of any such lien so filed or prosecuted. ORS 279B.220(3).
- (4) Consultant and any Subcontractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.617. ORS 279B.220(4).
- (5) Consultant agrees that if Consultant fails, neglects or refuses to make prompt payment of any claim for labor or materials furnished to the Consultant or a Subcontractor by any person in connection with the contract as such claim becomes due, the City may pay such claim to the persons furnishing the labor or material and charge the amount of payment against funds due or to become due Consultant by reason of the contract. The payment of a claim in the manner authorized hereby shall not relieve the Consultant or his surety from his or its obligation with respect to any unpaid claim. If the City is unable to determine the validity of any claim for labor or material furnished, the City may withhold from any current payment due Consultant an amount equal to said claim until its validity is determined and the claim, if valid, is paid.
- (6) Consultant shall promptly, as due, make payment to any person, copartnership, association, or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to employees of such Consultant, of all sums which the Consultant agrees to pay for such services and all monies and sums which the Consultant collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. ORS 279B.230(1).
- (7) All subject employers working under the Consultant are either employers that will comply with ORS 656.017, or employers that are exempt under ORS 656.126. ORS 279B.230(2).
- (8) Consultant shall pay employees for overtime work performed under the contract in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29

USC 201, *et seq*). ORS 279B.235(3).

- (9) The Consultant must give notice to employees who work on this contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and the days per week that the employees may be required to work. ORS 279B.235(2).
- (10) All sums due the State Unemployment Compensation Fund from the Consultant or any Subcontractor in connection with the performance of the contract shall be promptly so paid. ORS 701.430.
- (11) The contract may be canceled at the election of City for any willful failure on the part of Consultant to faithfully perform the contract according to its terms.
- (12) Consultant certifies compliance with all applicable Oregon tax laws, in accordance with ORS 305.385.
- (13) Consultant certifies that it has not discriminated against minorities, women or emerging small business enterprises in obtaining any required subcontractors. ORS 279A.110.
- (14) As used in this section, "nonresident contractor" means a contractor that has not paid unemployment taxes or income taxes in the state of Oregon during the 12 calendar months immediately preceding submission of the bid for the contract, does not have a business address in this state, and stated in the bid for the contract that it was not a "resident bidder" under ORS 279A.120. When a public contract is awarded to a nonresident contractor and the contract price exceeds \$10,000, the contractor shall promptly report to the Department of Revenue on forms to be provided by the department the total contract price, terms of payment, length of contract and such other information as the department may require before the bidder may receive final payment on the public contract. ORS 279A.120.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/31/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## PRODUCER

**Brunswick Companies**  
2857 Riviera Drive

## CONTACT

NAME: Kathryn Barclay

PHONE: (330) 864-8800

FAX: (330) 864-8661

(A/C, No, Ext):

E-MAIL: kbarclay@brunswickcompanies.com

**Akron** OH 44333

## INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: United States Liability

## INSURED

**Chase Park Writing Services, LLC**  
2521 Alton St

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

**Denver** CO 80238

## REVISION NUMBER:

## COVERAGES CERTIFICATE NUMBER: 12-13

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR L/T/R	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
<b>GENERAL LIABILITY</b>						
COMMERCIAL GENERAL LIABILITY						
<b>A</b>	<input checked="" type="checkbox"/> CLAIMS-MADE      OCCUR		SP1550968	7/30/2012	7/30/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	<input checked="" type="checkbox"/> Professional Liability					MED EXP (Any one person) \$
	<input checked="" type="checkbox"/> \$5,000 Deductible					PERSONAL & ADV INJURY \$
GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY PRO- JECT LOC			7/30/12 Retro Date		GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$
<b>AUTOMOBILE LIABILITY</b>						
ANY AUTO						COMBINED SINGLE LIMIT (\$) (Ea accident) \$
ALL OWNED AUTOS	SCHEDULED AUTOS					BODILY INJURY (Per person) \$
HIRED AUTOS	NON-OWNED AUTOS					BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (\$) (Per accident) \$
UMBRELLA LIAB	OCCUR					EACH OCCURRENCE \$
EXCESS LIAB	CLAIMS-MADE					AGGREGATE \$
DED RETENTION \$						\$
<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	(Mandatory in NH)	Y/N	N/A			WC STATUTORY LIMITS OTH- ER
If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
30 Days Notice Cancellation

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

## AUTHORIZED REPRESENTATIVE

Todd Stein/RENEE



## EXHIBIT A – SCOPE OF WORK

### CITY OF NEWPORT – FY2015 GRANTS SERVICES

Prepared for: Tim Gross, PE, Public Works Director, City of Newport

Prepared by: Tia A. Cavender, MA, GPC, President, Chase Park Grants, LLC

Date submitted: June 16, 2014

## BACKGROUND

Based on results from the first year of launching the City of Newport's new grant program, we recommend the City advance the tasks listed below during its next fiscal year (FY2015).

### TASK 1: PROJECT MANAGEMENT, REPORTING AND COST ESTIMATING

#### OBJECTIVES

To monitor top funding opportunities, to keep the City informed of key milestones and outcomes, and to estimate costs involved in pursuing top prospects or emerging grant programs.

#### APPROACH

- Continue to review project materials relevant to capital improvement planning.
- Assess fundable features and identify key opportunities.
- Assign funding priority based on construction timelines, budgets, and available grants.
- Evaluate new and upcoming grant opportunities to determine fit with project scope, eligibility, grant purpose, deadline, and budget.
- Continually update the list of top prospects.
- Make recommendations about priority, competitiveness, and leverage potential.
- Respond to technical assistance questions.

#### DELIVERABLES

- Grant-specific resources, including: grant program summary, pursuit plan, funding report, sample applications, technical assistance documents, etc.
- Coordination of up to four “funder cultivation meetings” with targeted funders
- Updated versions of the top prospect list
- Quarterly progress reports
- Scope of work documents and cost estimates for targeted pursuits

## TASK 2. GENERAL RESEARCH & ELIGIBILITY DETERMINATION

### OBJECTIVE

To conduct quality research about the top funding prospects, to confirm applicant and project eligibility, and to evaluate project competitiveness.

### APPROACH

- Compile comprehensive research data for top prospects (i.e., grant application materials, guidance documents, list of past awards, technical assistance materials).
- Interview program officers to gather information about targeted grant programs.
- Help establish and cultivate relationships with key prospects.
- Participate in planning meetings with City staff and engineering team.
- Recommend tactics to improve the City's grant success.
- Explore strategies to raise capital funds (i.e., designing a demonstration project).
- Identify, research, and make recommendations about leverage opportunities.
- Research and compile grant materials for the City's use.

In addition to the general services outlined above, we will implement several specific subtasks under this task order, as summarized in Table 1.

**Table 1. Subtasks included in Task 2.0 (July 2014 to June 2015)**

Subtask	Activities	Deliverables
2.01 Ongoing Research for Top Grant Prospects	<ul style="list-style-type: none"> <li>- Continue to evaluate &amp; prioritize Tier I and Tier II prospects</li> <li>- Make recommendations about 2015 and 2016 pursuits</li> <li>- Prepare Task 3 work order and scope</li> </ul>	<ul style="list-style-type: none"> <li>- Updated Top Prospect Report</li> <li>- Written "Pursuit Plan" documents</li> <li>- Grant application materials, grant guidance documents, and technical assistance materials</li> </ul>
2.02 Fire Station Relocation Project	<ul style="list-style-type: none"> <li>- Research competitiveness and eligibility of project expenses</li> <li>- Research grant opportunities for relocation (in lieu of retrofit)</li> </ul>	<ul style="list-style-type: none"> <li>- Technical memo with recommendations</li> </ul>
2.03 Corporate Sponsorship Program	<ul style="list-style-type: none"> <li>- Revise sponsorship materials</li> <li>- Coordinate with designer &amp; parks planner</li> <li>- Produce renderings of design concepts</li> <li>- Prepare list of recognition benefits and funding levels</li> <li>- Prepare wish list of sponsored / named spaces / projects</li> <li>- Identify corporate sponsors for Agate Beach Park, Sam Moore Skate Park, and Hwy 101 Pedestrian Crossings</li> </ul>	<ul style="list-style-type: none"> <li>- Final Corporate sponsorship package</li> <li>- Renderings</li> <li>- List of corporate prospects</li> </ul>
2.04 IFA Emergency Grant for 7th & Iler Repairs	<ul style="list-style-type: none"> <li>- Advance the FEMA funding for repairs at 7<sup>th</sup> &amp; Iler</li> <li>- Compile application materials and manage pre-award process</li> <li>- Prepare and submit grant application for IFA Emergency Funds</li> </ul>	<ul style="list-style-type: none"> <li>- Completed grant application</li> </ul>

## TASK 3. TECHNICAL ASSISTANCE FOR GRANT PURSUITS

Activities conducted under the Task 3 work orders are specific to pursuing grant or loan funds to support the City's capital and infrastructure projects, specifically: Wastewater/Sanitary Sewer Infrastructure (Task 3.01); Storm Sewer Infrastructure (3.02); Public Facilities (3.03); Water Supply and Storage (3.04); and Water Quality Improvement Projects for the Nye Beach Area (3.05)

Descriptions of Task 3 approach, activities, deliverables, and cost estimates are included in the attached Task 3 Work Orders document.

## **COSTS AND TERMS**

Cost to provide the general services outlined in Task 1 and Task 2 for fiscal year 2015 (7/1/14 to 6/30/15) is \$147,200, including \$138,200 in consultant services and \$9,000 in travel expenses.

The City may opt for monthly invoicing terms, billed at \$12,267 per month, or it may accept our pre-payment terms, which include a one-time payment for the full amount minus a 2% pre-payment discount. Should the City opt for the pre-payment option, the one-time invoice amount will be \$144,256, which reflects a discounted amount of \$2,944.

Activities related to Task 3 projects will be billed on a time and materials basis as outlined in the individual Task 3 Work Orders.



Agenda Item # IX.D  
Meeting Date July 21, 2014

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

**Issue/Agenda Title:** Approval of Task 3 Project Specific Task Orders for FY 2015 Technical Assistance Services, Chase Park Grants, LLC

Prepared By: TEG

Dept Head Approval: TEG

City Manager Approval:

**Issue Before the Council:**

Approval of Task 3 Project Specific Task Orders for FY 2015 Technical Assistance Services with Chase Park Grants, LLC

**Staff Recommendation:**

Approve Task Orders

**Proposed Motion:**

I move to approve Task Order 3.01 for Technical Grant Assistance for Wastewater/Sanitary Sewer Infrastructure with Chase Park Grants, LLC in the amount of \$19,300 and authorize the City Manager to execute the Task Order on behalf of the City of Newport.

I move to approve Task Order 3.02 for Technical Grant Assistance for Storm Sewer Infrastructure with Chase Park Grants, LLC in the amount of \$16,800 and authorize the City Manager to execute the Task Order on behalf of the City of Newport.

I move to approve Task Order 3.03 for Technical Grant Assistance for Public Facilities with Chase Park Grants, LLC in the amount of \$30,300 and authorize the City Manager to execute the Task Order on behalf of the City of Newport.

I move to approve Task Order 3.04 for Technical Grant Assistance for Water Supply and Storage with Chase Park Grants, LLC in the amount of \$69,800 and authorize the City Manager to execute the Task Order on behalf of the City of Newport.

I move to approve Task Order 3.05 for Technical Grant Assistance for Water Quality Projects with Chase Park Grants, LLC in the amount of \$55,260 and authorize the City Manager to execute the Task Order on behalf of the City of Newport.

### **Key Facts and Information Summary:**

These task orders, described in detail in the attached Task 3 Work Orders memo and signature sheets, are for project specific tasks.

Task Order 3.01 is for project funding for wastewater and sanitary sewer projects. Specifically Chase Park Grants and City Staff are pursuing additional State Revolving Loan Funding (SRF) for wastewater project associated with cross connections. These projects would serve as the point source “sponsor” portion of an SRF application which, when partnered with a non-point source project such as the Bay-Moore Storm Sewer Improvements, can yield financing as low as 1% for both projects.

Task Order 3.02 is the continuation of work on the SRF application for the Bay-Moore Storm Sewer Improvements.

Task Order 3.03 is for pursuing the Infrastructure Finance Authority (IFA) grant for seismic retrofit of the City's Fire Station on NW 10<sup>th</sup> Street.

Task Order 3.04 is for the pursuit of an addition Oregon Water Resources Grant under the SB839 program for funding of improvements at the Big Creek Dams.

Task Order 3.05 is for grant acquisition to fund water quality improvements at Sam Moore Creek to for the purpose of improving the water quality of the Nye Beach outfall.

### **Other Alternatives Considered:**

None.

### **City Council Goals:**

None.

The grants and low interest infrastructure funding acquired through Chase Park Grant's services are consistent with the infrastructure funding goals as identified through the Infrastructure Task Force recommendations which were included in the 2014-15 Council Goals packet.

### **Attachment List:**

- Task 3 Work Orders - City of Newport - FY2015 Technical Assistance Services

### **Fiscal Notes:**

Funding for each of these task orders has been budgeted in the CIP as part of the FY2014-15 budget process.

- Task Order 3.01 has been budgeted as part of project number 2014-010, Cross Connection Correction Project funded through wastewater rates.

- Task Order 3.02 is budgeted through project number 2012-015, SE Bay-Moore Storm Sewer Improvement funded partly through the Newport Gas tax, partly through Storm Water SDC's, and partly through SRF funding.
- Task Order 3.03 is budgeted as part of project 2014-005 funded through revenues from the general fund.
- Task Order 3.04 is budgeted as part of project 2011-025, Big Creek Dam Assessment (Phase II & III), paid through water rate revenues.
- Task Order 3.05 is budgeted as part of project number 2013-020, Sam Moore Creek Water Quality & Trail Improvements funded through revenue from the Infrastructure Fee.

## TASK 3 WORK ORDERS

### CITY OF NEWPORT – FY2015 TECHNICAL ASSISTANCE SERVICES



Prepared for: City of Newport, OR Public Works Department  
 Prepared by: Tia A. Cavender, MA, GPC, President, Chase Park Grants, LLC  
 Date submitted: June 15, 2014

#### SUMMARY

Since July 2012, the City of Newport (City) and Chase Park Grants (Chase Park) have partnered to identify and implement a series of creative strategies for external funding to help pay for capital and infrastructure projects. The resulting Strategic Funding Plan helped the City secure more than \$9.4M in grants and low-interest loans in FY2014.

In addition to the Grants Services outlined in Exhibit A – Scope of Work, Chase Park will work with the City to further advance its funding strategy in FY2015 to help pay for planned capital and infrastructure projects. Based on prior research and experience, we are targeting funding in the following areas:

- Wastewater/Sanitary Sewer Infrastructure (Task 3.01)
- Storm Sewer Infrastructure (Task 3.02)
- Public Facilities (Task 3.03)
- Water Supply and Storage (Task 3.04)
- Water Quality Improvement Projects for the Nye Beach Area (Task 3.05)

#### GENERAL SCOPE

For all Task 3 pursuits, Chase Park will provide technical assistance, writing, and project management services to advance the City's efforts to obtain external funding for specific capital and infrastructure projects. Specific responsibilities and deliverables are detailed in the individual scopes of work for each task order. The table below summarizes the maximum cost and expense for each task order.

Wastewater/Sanitary Sewer Infrastructure	\$17,500	\$1,800	\$19,300
Storm Sewer Infrastructure	\$15,000	\$1,800	\$16,800
Public Facilities	\$30,000	\$300	\$30,300
Water Supply & Storage	\$68,000	\$1,800	\$69,800
Water Quality Projects	\$55,000	\$260	\$55,260
<b>Total</b>	<b>\$185,500</b>	<b>\$5,960</b>	<b>\$191,460</b>

## ASSUMPTIONS

The following task orders represent the *current* strategic funding plan for each task order, and the corresponding cost of services are based on this plan. In the event that an identified funding opportunity cannot or should not be pursued, Chase Park will work to identify other funding prospects for that project or other projects more appropriate for the identified funding prospect. For example, a project may be delayed or Chase Park could determine that the City's likelihood of an award isn't high enough. In addition, new opportunities for funding may be identified during the course of implementing Task 2 activities, which could supplant the current planned pursuits.

Any delay in submitting, or decision not to submit, an application to the funding agency after the work has been completed will not affect the terms of this Agreement, including the fee for services.

## TASK ORDER NO. 3.01

### TECHNICAL ASSISTANCE – WASTEWATER INFRASTRUCTURE PROJECTS

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#### OBJECTIVE

Obtain low-interest loans or grant funds to support wastewater infrastructure projects.

#### APPROACH

Activities related to Task Order 3.01 will be executed in two phases. Costs associated with the first phase are included as part of this scope of work. Tasks associated with the second phase of work may be optioned by the City at a later date at which time the parties will execute an addendum outlining phase 2 costs and activities.

##### Phase 1

- Pursue low-interest loan/s from the Oregon Department of Environmental Quality's (DEQ) Clean Water State Revolving Fund (CWSRF) program to support completion of the City-wide Cross Connection Identification and Remediation project.
- Maximize the City's low-interest potential by leveraging DEQ's Loan Sponsor Option, which will fund two projects (one point source and one non-point source) at interest rates between 1% and 2%.
- Coordinate between funding agency representatives, the City's Public Works Department, and its technical advisors.
- Facilitate planning meetings and obtain technical information from engineers and other consultants.
- Provide technical assistance to City staff and its technical advisors.
- Complete and submit loan application.

##### Phase 2

- Provide ongoing support and project management during the review and award process.
- Assist with completion of required federal crosscutting authorities.
- Work with the City's financial representatives to finalize loan application materials.
- Compile and submit required auxiliary materials not included with original loan application.
- Identify and pursue external funds to support other wastewater infrastructure projects.

#### DELIVERABLES

##### Phase 1

- Pursuit Plan detailing activities and strategies to maximize the City's competitiveness for grant or loan funds.
- Grant Program Summary detailing application requirements, review criteria, key milestones, and award process.
- Draft and final iterations of grant and/or loan application forms and supplementary materials.
- Attend one in-person funder meeting or site visit.

##### Phase 2

- Technical memos providing status updates on post-submission requirements (e.g. final exhibit documentation, crosscutting, etc.).
- Deliverables related to funding opportunities to support other wastewater infrastructure projects (e.g. grant summary, pursuit plan, application).

## CITY INVOLVEMENT

- The City's financial department will assist in providing financial documents and consultation as needed.
- The City's Public Works Director and associated engineering and legal consultants will participate in the planning process, review and approve draft and final versions of loan applications.
- The City's engineering vendor/s will provide technical expertise, engineering reports, and environmental reports as needed.
- City staff will assist in obtaining and compiling supplementary application materials, letters of support, and other materials as needed.

## PROJECT SCHEDULE

This work order spans the City's 2015 fiscal year – beginning July 1, 2014 and ending June 30, 2015. The timeline of activities will vary depending on the funding agency, application deadlines and City staff availability.

## COST OF SERVICES

We expect to use 189 consultant team hours to conduct the work as described in this scope. Based on a consultant team rate of \$185/hour, the cost to conduct the work in this scope is \$17,500. Direct expenses are estimated to be an additional \$1,800, which includes \$1,500 for travel and \$300 for printing and delivery of completed applications, for a total of \$19,300. Work and expenses will be invoiced monthly, based on a time and materials basis.

CONSULTANT:

By: \_\_\_\_\_

Tia A. Cavender  
President, Chase Park Grants, LLC  
9089 E. 23<sup>rd</sup> Avenue  
Denver, CO 80238

Date: 7/14/14

CITY OF NEWPORT:

By: \_\_\_\_\_

City of Newport  
169 SW Coast Highway  
Newport, OR 97365

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

## TASK ORDER NO. 3.02

### TECHNICAL ASSISTANCE – STORM SEWER INFRASTRUCTURE PROJECTS

#### OBJECTIVE

Obtain low-interest loans or grant funds to support storm sewer infrastructure projects.

#### APPROACH

Activities related to Task Order 3.02 will be executed in two phases. Costs associated with the first phase are included as part of this scope of work. Tasks associated with the second phase of work may be optioned by the City at a later date at which time the parties will execute an addendum outlining phase 2 costs and activities.

##### Phase 1

- Pursue low-interest loan/s from the DEQ's CWSRF program to support completion of the Bay-Moore Storm Sewer upgrades.
- Maximize the City's low-interest potential by leveraging DEQ's Loan Sponsor Option, which will fund two projects (one point source and one non-point source) at interest rates between 1% and 2%.
- Coordinate between funding agency representatives, the City's Public Works Department, and its technical advisors.
- Facilitate planning meetings and obtain technical information from engineers and other consultants.
- Provide technical assistance to City staff and its technical advisors.
- Complete and submit loan application.

##### Phase 2

- Provide ongoing support and project management during the review and award process.
- Assist with completion of required federal crosscutting authorities.
- Work with the City's financial representatives to finalize loan application materials.
- Compile and submit required auxiliary materials not included with original loan application.
- Identify and pursue funding opportunities to support projects emanating from the City's Storm Sewer System Master Plan.

#### DELIVERABLES

- Pursuit Plan detailing activities and strategies to maximize the City's competitiveness for grant or loan funds.
- Grant Program Summary detailing application requirements, review criteria, key milestones, and award process.
- Draft and final iterations of grant and/or loan application forms and supplementary materials.
- Attend one in-person funder meeting or site visit.

##### Phase 2

- Technical memos providing status updates on post-submission requirements (e.g. final exhibit documentation, crosscutting, etc.).
- Deliverables related to funding opportunities to support projects emanating from the City's Storm Sewer System Master Plan (e.g. grant summary, pursuit plan, application).

## CITY INVOLVEMENT

- The City's financial department will assist in providing financial documents and consultation as needed.
- The City's Public Works Director and associated engineering and legal consultants will participate in the planning process, review and approve draft and final versions of loan applications.
- The City's engineering vendor/s will provide technical expertise, engineering reports, and environmental reports as needed.
- City staff will assist in obtaining and compiling supplementary application materials, letters of support, and other materials as needed.

## PROJECT SCHEDULE

This work order spans the City's 2015 fiscal year – beginning July 1, 2014 and ending June 30, 2015. The timeline of activities will vary depending on the funding agency, application deadlines and City staff availability.

## COST OF SERVICES

We expect to use 162 consultant team hours to conduct the work as described in this scope. Based on a consultant team rate of \$185/hour, the cost to conduct the work in this scope is \$15,000. Direct expenses are estimated to be an additional \$1,800, which includes \$1,500 for travel and \$300 for printing and delivery of completed applications for a total of \$16,800. Work and expenses will be invoiced monthly, based on a time and materials basis.

### CONSULTANT:

By: \_\_\_\_\_

Tia A. Cavender  
President, Chase Park Grants, LLC  
9089 E. 23rd Avenue  
Denver, CO 80238

Date: 7/14/14

### CITY OF NEWPORT:

By: \_\_\_\_\_

City of Newport  
169 SW Coast Highway  
Newport, OR 97365

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

## TASK ORDER NO. 3.03

### TECHNICAL ASSISTANCE – FACILITIES & GENERAL FUND PROJECTS

#### OBJECTIVE

Acquire external funding to support seismic safety improvements to the Newport Fire Station from the Oregon Infrastructure Finance Authority's (IFA) Seismic Retrofit Grant Program.

#### APPROACH

- Conduct in-depth research about the IFA grant program to establish an appropriate pursuit strategy.
- Conduct key informant interviews, including an in-person meeting with the program officer.
- Create an interview guide in preparation for key informant interviews.
- Assess score and ranking criteria, and identify ways to maximize competitiveness.
- Confirm eligibility status and verify eligible project expenses.
- Coordinate between funding agency representatives, the City's Public Works Department, and its technical advisors.
- Facilitate planning meetings and obtain technical information from engineers and other consultants.
- Liaise between grant team, IFA program officer, City staff and City consultants.
- Complete application, budget documents, letters of support, and auxiliary materials.
- Provide ongoing support during the application submission, review, and award process.

#### DELIVERABLES

- Pursuit Plan detailing activities and strategies to maximize the City's competitiveness for grant funds.
- Grant Program Summary detailing application requirements, review criteria, key milestones, and award process.
- Draft letters of support to accompany application submissions as needed.
- Draft and final iterations of grant and/or loan application forms and supplementary materials.

#### CITY INVOLVEMENT

- The City's financial department will assist in providing financial documents and consultation as needed.
- The City's Public Works Director and associated engineering and legal consultants will participate in the planning process, review and approve draft and final versions of loan applications.
- The City's engineering vendor/s will provide technical expertise, engineering reports, and environmental reports as needed.
- City staff will assist in obtaining and compiling supplementary application materials, letters of support, and other materials as needed.

#### PROJECT SCHEDULE

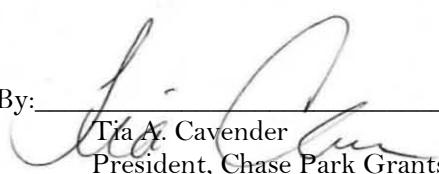
This work order spans the City's 2015 fiscal year – beginning July 1, 2014 and ending June 30, 2015. The timeline of activities will vary depending on the funding agency, application deadlines and City staff availability.

## COST OF SERVICES

We expect to use 162 consultant team hours to conduct the work as described in this scope. Based on a consultant team rate of \$185/hour, the cost to conduct the work in this scope is \$30,000. Direct expenses are estimated to be an additional \$300 for printing and delivery of the completed application for a total of \$30,300. Work and expenses will be invoiced monthly, based on a time and materials basis.

### CONSULTANT:

By: \_\_\_\_\_



Tia A. Cavender  
President, Chase Park Grants, LLC  
9089 E. 23<sup>rd</sup> Avenue  
Denver, CO 80238

Date: 7/14/14

### CITY OF NEWPORT:

By: \_\_\_\_\_

City of Newport  
169 SW Coast Highway  
Newport, OR 97365

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

## TASK ORDER NO. 3.04

### TECHNICAL ASSISTANCE – WATER SUPPLY AND STORAGE PROJECTS

#### OBJECTIVE

Advance grant pursuits to help pay for design and construction activities for the restoration of Big Creek Dams #1 and #2 via the Oregon Water Resources Department's (OWRD) new SB839 grant program and other relevant funding programs.

#### APPROACH

- Conduct in-depth research about the OWRD SB839 grant program to establish an appropriate pursuit strategy.
- Identify other external funding opportunities for which the Dam Remediation project may be eligible.
- Conduct key informant interviews, including an in-person meeting with the program officer.
- Assess score and ranking criteria, and identify ways to maximize competitiveness.
- Confirm eligibility status and verify eligible project expenses.
- Coordinate between funding agency representatives, the City's Public Works Department, and its technical advisors.
- Facilitate planning meetings and obtain technical information from engineers and other consultants.
- Liaise between grant team, IFA program officer, City staff and City consultants.
- Complete application, budget documents, letters of support, and auxiliary materials.
- Provide ongoing support during the application submission, review, and award process.

#### DELIVERABLES

- Pursuit Plan detailing activities and strategies to maximize the City's competitiveness for grant funds.
- Grant Program Summary detailing application requirements, review criteria, key milestones, and award process.
- Draft letters of support to accompany application submissions as needed.
- Draft and final iterations of grant and/or loan application forms and supplementary materials.

#### CITY INVOLVEMENT

- The City's financial department will assist in providing financial documents and consultation as needed.
- The City's Public Works Director and associated engineering and legal consultants will participate in the planning process, review and approve draft and final versions of loan applications.
- The City's engineering vendor/s will provide technical expertise, engineering reports, and environmental reports as needed.
- City staff will assist in obtaining and compiling supplementary application materials, letters of support, and other materials as needed.

#### PROJECT SCHEDULE

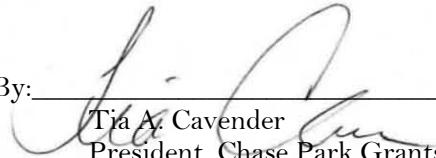
This work order spans the City's 2015 fiscal year – beginning July 1, 2014 and ending June 30, 2015. The timeline of activities will vary depending on the funding agency, application deadlines and City staff availability.

**COST OF SERVICES**

We expect to use 368 consultant team hours to conduct the work as described in this scope. Based on a consultant team rate of \$185/hour, the cost to conduct the work in this scope is \$68,000. Direct expenses are estimated to be an additional \$1,800, which includes \$1,500 for travel and \$300 for printing and delivery of completed applications for a total of \$69,800. Work and expenses will be invoiced monthly, based on a time and materials basis.

CONSULTANT:

By: \_\_\_\_\_



Tia A. Cavender  
President, Chase Park Grants, LLC  
9089 E. 23<sup>rd</sup> Avenue  
Denver, CO 80238

Date: 7/14/14

CITY OF NEWPORT:

By: \_\_\_\_\_

City of Newport  
169 SW Coast Highway  
Newport, OR 97365

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

## TASK ORDER NO. 3.05

### TECHNICAL ASSISTANCE – WATER QUALITY PROJECTS

#### OBJECTIVE

Acquire external funding for water quality improvements at the Nye Beach Outfall.

#### APPROACH

- Conduct in-depth research into non-point source grant programs, such as the Meyer Memorial Trust, to establish an appropriate pursuit strategy.
- Develop strategic and conceptual plans for tracking and monitoring water quality initiatives.
- Conduct key informant interviews, including an in-person meeting with the program officer/s.
- Assess score and ranking criteria, and identify ways to maximize competitiveness.
- Confirm eligibility status and verify eligible project expenses.
- Coordinate between funding agency representatives, the City's Public Works Department, and its technical advisors.
- Facilitate planning meetings and obtain technical information from engineers and other consultants.
- Liaise between grant team, program officer/s, City staff and City consultants.
- Complete application/s, budget documents, letters of support, and auxiliary materials.

#### DELIVERABLES

- Pursuit Plan detailing activities and strategies to maximize the City's competitiveness for grant funds.
- Grant Program Summary detailing application requirements, review criteria, key milestones, and award process.
- Draft letters of support to accompany application submissions as needed.
- Draft and final iterations of grant and/or loan application forms and supplementary materials.

#### CITY INVOLVEMENT

- The City's financial department will assist in providing financial documents and consultation as needed.
- The City's Public Works Director and associated engineering and legal consultants will participate in the planning process, review and approve draft and final versions of loan applications.
- The City's engineering vendor/s will provide technical expertise, engineering reports, and environmental reports as needed.
- City staff will assist in obtaining and compiling supplementary application materials, letters of support, and other materials as needed.

#### PROJECT SCHEDULE

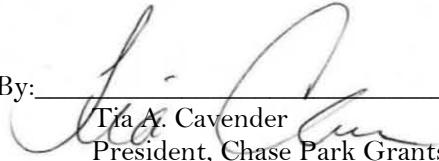
This work order spans the City's 2015 fiscal year – beginning July 1, 2014 and ending June 30, 2015. The timeline of activities will vary depending on the funding agency, application deadlines and City staff availability.

## COST OF SERVICES

We expect to use 297 consultant team hours to conduct the work as described in this scope. Based on a consultant team rate of \$185/hour, the cost to conduct the work in this scope is \$55,260, including \$260 for printing and delivery costs. Work and expenses will be invoiced monthly, based on a time and materials basis.

### CONSULTANT:

By: \_\_\_\_\_



Tia A. Cavender  
President, Chase Park Grants, LLC  
9089 E. 23<sup>rd</sup> Avenue  
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