



**AGENDA & Notice of Work Session,
& Regular Meeting of Newport City Council (CC)
Including Acting in the Capacity as the
Local Contract Review Board (LCRB)
And Urban Renewal Agency (URA)**

The City Council of the City of Newport, also acting in the capacity as the LCRB and URA, will hold a work session on **Tuesday, February 22, 2011, at 12:00 Noon**, with a regular Council meeting beginning at **6:00 P.M.** on **Tuesday, February 22, 2011**. The work session will be held in Conference Room A at City Hall, and the regular meeting will be held in the Council Chamber, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The work session and meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder (541)574-0613.

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

Members of the media, not having attended a City of Newport executive session, may be asked to present credentials prior to attendance at an executive session.

WORK SESSION AGENDA
Tuesday, February 22, 2011 -- 12:00 Noon
CC – LCRB - URA
Conference Room A

- I. Budget Committee Interviews
(Council)
- II. Short report from Lakewood Hills Neighborhood Meeting
(Councilor Sawyer & City Manager Voetberg)
- III. Review of Topics for future work sessions – prioritize for April & May
(Mayor)

- IV. Establish Process for Business License/Room Tax Task Force/set date for first Meeting
(Mayor)
- V. Establish work groups for issues needing to be moved forward, timelines
(Mayor)
- VI. Finish review of Council Rules
(Mayor/Council)
- VII. Finish background review of Pension Plan, Health Insurance Benefits, and Reserve Policy
(City Manager/Finance Director)

REGULAR MEETING AGENDA
Tuesday, February 22, 2011 -- 6:00 P.M.
CC - LCRB – URA
Council Chamber

Anyone wishing to speak 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 Chamber. 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. Additions/Deletions and Approval of Agenda

IV. Public Comments

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise 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.

V. Consent Calendar

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

- A. Approval of minutes from the work session, regular meeting and executive session of February 7, 2011
(Hawker)
- B. Fire & Police Month Reports – January 2011
(Cole & Miranda)
- C. Report of Accts. Paid – January 2011
(Marshall)

VI. **Officers' Reports**

- A. Mayor's Report
 - 1. Appointment of Budget Committee Member
 - 2. Request received from Town & Country Fair & Rodeo Association For Sponsorship for County Geo-Coin
- B. City Manager's Report
- C. City Attorney's Report

VII. **Discussion Items and Presentations**

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

- A. Presentation by PAADA – Teen Court
- B. Presentation by Guy Faust on Community Development Block Grant
- C. Discuss attorney position – interim
- D. Discuss Amendment to Newport Municipal Code Chapter 7.05 --Solid Waste

VIII. **Action Items**

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

- A. Rocky Creek Water Supply Development (Voetberg/Ritzman)

Note: Must convene as the Local Contract Review Board to consider this item

- B. Revisions of Local Contracting Rules. (McCarthy/Ritzman)

Return to Regular Council Meeting

- C. Consideration of a Request for a Special Event Fee Waiver/Loyalty Days (Hawker)
- D. Deco Park Construction direction for Phase One at Hwy. 101 & Hurbert St. (Protiva/Ritzman)
- E. Appointment of an advisory committee for the City Center Commercial Parking District (Tokos)
- F. Notice of Intent to Award the Visitor Wayfinding Signs, Phase II (Ritzman)

IX. **Councilor's Reports and Comments**

X. **Public Comment**
(Additional time for public comment – 5 minutes per speaker)

XI. **Adjournment**

NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA

I. **Call to Order and Roll Call**

II. **Public Comments**

This is an opportunity for members of the audience to bring to the Agency's attention any item not otherwise 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.

III. **Consent Calendar**

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

A. Approval of minutes from regular URA meeting of January 18, 2011
(Hawker)

IV. **Discussion Items and Presentations**

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

A. Power Point Presentation on Urban Renewal 101
(Tokos/Ritzman)

V. **Adjournment**

Subject: Committee Application

Application for City Council - Email Application
Date: 1-13-2011
Commission/Committee of Interest: Budget Committee
Name: Joan Stanton
Address: [REDACTED]
Workphone: NA
Homephone: [REDACTED]
Email: [REDACTED]
Occupation: retired teacher
Employer: NA

Why do you think you are qualified to be a committee member? I have attended City Council meetings for the past 4 years, and have read the budget documents in the library. I have had basic accounting classes, and have helped my dad and husband with their private business budgets. I am not indebted to any special interests, but am involved in many groups, so have the opportunity to interact with people with diverse points of view.

Educational Background: BA, English Lit, Cal State San Bernardino California Standard Elementary Life Credential MS Ed, Univ. Southern California

Have you ever served on a community committee? If so what kind? Treasurer, CUETA (teachers. ass'n) Negotiating Committee, CUETA Grievance Committee, CUETA Music committee, local church Collections committee, local church Teach children and adult ed classes Kiwanis Invitational Track Meet, annual Budget committee, Sweet Adelines

Do you agree with consensus decision making? yes

Are you willing to attend regularly schedule meetings for your terms of office? yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? no

List all other pertinent information/background for this position:

Subject: Committee Application

Application for City Council - Email Application

Date: January 12, 2011

Commission/Committee of Interest: Budget Committee

Name: William D. (Bill) Bain

Address: [REDACTED]

Workphone: [REDACTED]

Homephone: [REDACTED]

Email: [REDACTED]

Occupation: Real Estate Appraiser

Employer: Self

Why do you think you are qualified to be a committee member? Been there; good understanding of the issues.

Educational Background: BS, Toola dn Product Design, School of Engineering, OSU; significant additional studies in R/E finance, law, brokerage, appraisal, enforcement.

Have you ever served on a community committee? If so what kind? Yes. Planning Commission, City Council, Mayor

Do you agree with consensus decision making? Yes.

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No.

List all other pertinent information/background for this position: Well-known in community, full-time resident since 1987, part-time since 1937.

Subject: Committee Application

Application for City Council - Email Application
Date: 12/31/10
Commission/Committee of Interest: Budget Committee
Name: Patricia Patrick-Joling
Address: [REDACTED]
Workphone: [REDACTED]
Homephone: [REDACTED]
Email: [REDACTED]
Occupation: Principal Real Estate Broker
Employer: Dolphin Real Estate LLC

Why do you think you are qualified to be a committee member? I have experience in this area and I am very familiar with the City Budget.

Educational Background: H.S. Graduate, Attended OCCC, Linn Benton CC

Have you ever served on a community committee? If so what kind? Destination Newport Committee, Budget Committee, Mayor's Committee on Water, Water Treatment Task Force Committee - Sister City Committee

Do you agree with consensus decision making? Yes, as long as everybody involved has had a equal chance to participate and express their opinions.

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No - but if one arises I will disclose them.

List all other pertinent information/background for this position: Newport City Council from 12/05 to 12/10 Chairman Newport Urban Renewal Agency Participated in Budget Process w/City of Newport Cascades West Financial Board, former Board Member

Date: January 14, 2010

List the Commission/Committee of Interest: Budget Committee

Name: Lloyd "Oly" Olson 

Address: 

Work Telephone Number: N/A

Home Telephone Number: 

Email Address: 

Occupation: Retired

Past Employer: US Department of Interior,
National Park Service

1. Why do you think you are qualified to be a Budget Committee member?

My wife and I currently own a home here in Newport that overlooks the bay, bridge, bayfront, and ocean. We both enjoy living in Newport and look forward to volunteer work that will benefit the community. I have previous experience in developing and managing budgets during times of diminishing Federal funding levels, and in making service level adjustments to field operations while maintaining core responsibilities to public services and safety.

Approximately 5 years ago I retired from a 30+ year career with the National Park Service of which 22 years I was an area manager responsible for coordination and management of the North Rim area of Grand Canyon National Park and for the Wawona area of Yosemite National Park. Both of these areas were equivalent to managing a small city where all services were provided by the National Park Service including: law enforcement, emergency medical services, wildland and structural fire protection, visitor services (hotel, food service, camping, recreational activities, etc.), road and trail maintenance, water and waste water operations, facility maintenance, etc.

For a 3 year period I was a voting member of the senior management team at Yosemite NP and developed a working understanding of consensus management and team building. As a member of senior management team at Yosemite NP, we were responsible for developing a distribution plan for park operating funds among the seven primary divisions within the park. This was approximately \$45 million of general operating, reimbursable, and substantial donation funds.

I have personally managed the annual budget process for Division-wide operations at levels of \$6.5 million; this included trouble shooting shortfalls in funding and making major adjustments to expenditures to balance the budget within ½ of 1% of authorized amounts.

During my career with the National Park Service, I had over 25 years of extensive experience in development and implementation of annual budgets(\$750,000) for operations that I directly supervised in the following type of activities: visitor safety and law enforcement, resource protection and environmental compliance, emergency medical services, search and rescue, recreational and backcountry use, and fee collection and campground management; and special accounts such as wildland fire rehabilitation, expanded fee collection operations, fee enhancement, regional construction funds, energy conservation, and emergency law and order funds.

I developed short and long range plans to implement these program activities along with studies, briefings and special reports concerning visitor services and resource protection goals and objectives, identified and evaluated new trends, and adjusted work program activities accordingly. I determined materials, equipment and facilities needed to complete operations and program activities; I prepared up to \$100,000 of requisitions annually including capitalized acquisitions; I was responsible as custodial officer for over \$300,000 of accountable government property and fee collection officer for over \$1.4 million of entrance and user fee revenues.

Additionally I was involved in the planning and development of a series of major construction projects and as either the onsite coordinator and/or park representative: \$800,000 bridge replacement; design team of \$2 million road reconstruction; \$2.9 million electrical distribution system rehabilitation; \$3.5 million historic structures rehabilitation; \$5 million road reconstruction project; \$7.5 million capitol improvement program; \$3.5 million program to upgrade elementary schools; and \$300,000 construction of new community library as a private donation.

2. State your educational background:

BS Degree (dual major) Environmental Resources (Park Management) and Fine Arts
Graduated from Sacramento State University, CA in 1974;

3. Have you ever served on a community committee? If so, what kind?

Yes. When I was an area manager at Yosemite NP, I was the park's representative member of the Wawona Town Plan Advisory Committee in establishing building ordinances for privately owned property within the park. I was also a member of the Mariposa County Advisory Committee for the adjacent community of Fish Camp, CA.

4. *Do you agree with consensus decision making?*

Yes

5. Are you willing to attend regularly scheduled meetings for your term of office?

Yes.

6. Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision?

Yes

7. Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships?

No.

8. List all other pertinent information/background for this position.

For a 6 year period, I was a member of a regional support office team as a Safety and Occupational Health Manager servicing 100 parks and 5,000 employees. During this time I provided team development training sessions to all senior managers within a large regional area based on the Managing Safety Excellence format. Implementation of this program resulted in a 50% reduction in employee lost time injuries.

While at Yosemite NP, I was responsible for the management of a large private property (inholding) area within the park. This area is a checkerboard of private and government property contained within one full section (640 acres) and includes 305 private properties with approximately 290 private residences, 49 reservation of use and occupancy residences, 55 park owned residences, 25 concessioner housing units, two cabin rental companies (120 homes/285 rooms), a small country store, public grade school, community library, and a community center.

Date: 1/11/12

**Application
For
City Council Commission/Committee
Appointment**

List Commission/Committee of interest: BUDGET COMMITTEE

Name: FRED SPRUNSTEIN

Address: [REDACTED]

Telephone Number: Work [REDACTED] Home: [REDACTED]

Occupation: COLLEGE INSTRUCTOR

Employer: VINCENNES UNIVERSITY

- (1) Why do you think you are qualified to be a Committee member?
35 yrs in BANKING
7 yrs in SMALL BUSINESS
5 yrs TEACHING ECON + FINANCIAL PLANNING
- (2) State your educational background.
BS. ECON PACIFIC UNIV.
PCBS 3YR U of W
LUCTF. 2YRS. BRYN MAWR (AMERICAN COLLEGE)
FINANCIAL PLANNING.
- (3) Have you ever served on a community committee? If so, what kind?
CTFA. 3YRS AMERICAN COLLEGE (WASH. DC.)
NO

- (4) Do you agree with consensus decision making? *YES*
- (5) Are you willing to attend regularly scheduled meetings for your term of office? *YES*
- (6) Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? *YES*
- (7) Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships?

No

- (8) List all other pertinent information/background for this position.

the City may have to do some heavy lifting, Budget wise, over the next few years, if I can help, I stand Ready-

Thank you in advance for your community spirit in offering to serve! Please return to

City of Newport
City Manager's Office
169 S.W. Coast Highway
Newport, OR 97365
or Send for E-mail

Date: 11-22-2010

**Application
For
City Council Commission/Committee
Appointment**

List Commission/Committee of interest: CITY COUNCIL MEMBER

Name: JIMMY RODRIGUEZ Budget Committee & Parks & Recreation

Address: [REDACTED]

Telephone Number: Work: [REDACTED] Home: [REDACTED]

Occupation: SELF EMPLOYED

Employer: EDEN SERVICES L.L.C.

(1) Why do you think you are qualified to be a Committee member?

I am a good listener and contributor to committees. My experience with committee work has been with military staff level meetings, ~~with~~ local and higher level decision making based on fact and research. levels,

(2) State your educational background.

In the past I've studied, construction graphics, industrial technologies and architecture.

As a member of the Armed Forces I achieved a position in operations and administration.

(3) Have you ever served on a community committee? If so, what kind?

No, however I have served as a Past President of Little League, Hebrew Overground Arizona League. I have also served two years with a small water users association in Arizona.

Locally I through a previous employer worked on a Tsunami committee in Dapoe Bay for WorldMark.

(4) Do you agree with consensus decision making?

Yes,

(5) Are you willing to attend regularly scheduled meetings for your term of office?

Yes,

(6) Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision?

Yes,

(7) Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships?

No

(8) List all other pertinent information/background for this position.

I was an active member of the Armed Forces from May 1978 to April 2009. With time and training I became a liaison sergeant with joint operations center and a contingency planner for Host Nation (HN) Operational Planning.

While assigned to 1st Cavalry's 3rd Infantry Brigade I worked as the battle sergeant and HN liaison, attending and

Thank you in advance for your community spirit in offering to serve! Please return to *coordinating future committee meetings.*

City of Newport
City Manager's Office
169 S.W. Coast Highway
Newport, OR 97365
or Send for E-mail

COUNCIL RULES:

REVISED COUNCIL RULES, INCLUDING BOTH REDLINE AND
CLEAN VERSIONS

City of Newport

COUNCIL RULES

EFFECTIVE JUNE 1, 2009

Revision draft: 02-14-11

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These rules are authorized by the City Charter. The Council shall review these rules periodically. Amendments shall be adopted by a majority of the entire Council. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the City Charter.

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If an interpretation of Council Rules is necessary, the interpretation will be provided by the City Council in consultation with city staff.

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RULES GOVERNING COUNCIL MEETINGS

TYPES OF MEETINGS

The Council may hold regular, special or emergency meetings. A regular meeting is one held on the Council's normal meeting schedule. A special meeting is one held at a time other than a regularly scheduled meeting time, but with at least 24 hours notice. An emergency meeting is one held on less than 24 hours notice.

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~~The Council has chosen to characterize some of its meetings as business sessions and some of its meetings as work sessions.~~ The anticipation is that most formal actions (ordinances, resolutions, orders and motions) will occur at business sessions. All Council meetings and sessions, including work sessions, shall be held in compliance with Oregon public meeting law.

All Council meetings shall be open to the public, except executive sessions ~~authorized by state public meeting law~~. The Council may, by motion, go into executive session at any regular, special or emergency meeting.

Regular Meetings

The Council will meet regularly on the first and third Mondays of each month in the Council Chambers. If a regularly scheduled Council meeting time is on a city holiday, the meeting will be held on the first day that is not a city holiday. The meetings will start at 6:00 P.M. In addition, the Council will hold a pre-meeting work session at noon on the day of each regular Council ~~session~~ meeting. The Council may from time to time hold additional work sessions to address major matters, at 5:00 P.M. on the day of a Council meeting. ~~Nothing in this section prevents the City Council or City Manager from calling a special or emergency session to be held at any time, consistent with state law.~~

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Special Meetings

A. Special meetings are called by:

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- The Mayor, or in the Mayor's absence, the President of the Council, at their discretion

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- ~~... may, or at the Council at the~~ request of two or more members of the Council,
~~or shall, call a special meeting~~
- ~~... of the Council. The City Manager may also call a special meeting of the Council.~~

~~BA.~~ Written notice of a special meeting shall be directed to each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally, telephonically, or ~~or~~ electronically, or if the Council Member is not found, left at his or her place of residence or business. ~~All notice requirements of state law shall be satisfied before any special meeting can be conducted.~~

~~B.~~ ~~Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Council Members shall keep the City Manager informed of their current telephone numbers.~~

~~C.~~ ~~Because of the possibility of special and emergency meetings, Council Members should normally advise the City Manager if they will be absent from the city for more than 24 hours. Advising the City Manager of absences is particularly important if the Council member will be in a location or involved in an activity that limits electronic communication.~~

Emergency Meetings

~~In the case of an emergency, a~~ An emergency meeting may be called by the City Manager, the Mayor, or two Councilors, consistent with state law. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. The city shall attempt to contact the media and other interested persons to inform them of the meeting.

~~Regular Meetings~~ Business Sessions and Work Sessions

~~Business sessions include any Regular meetings are regular, special, or emergency sessions at which the Council is expected to take formal action.~~ Work sessions are any regular, special or emergency sessions meetings used to present information to Council, to allow the Council to prepare for regular business sessions or to allow preliminary discussion on upcoming Council items. The Council may take formal action at a work session, but formal action items will not normally be scheduled for work sessions.

Executive Sessions

An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City

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Manager, City Recorder, City Attorney, news media representatives and others invited by the Council or City Manager may attend an executive session.

- B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects and actions under the state laws related to executive sessions and to keep the media informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.
- C. Minutes or a recording of executive sessions are required.
- D. Information discussed during an executive session and other privileged communications should not be disclosed to persons other than Council Members, the City Manager, City Recorder or City Attorney outside the executive session.

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MEETING PROCEDURE

Requirements of all Meetings

All notice requirements of state law shall be satisfied before any ~~special~~Council meeting can be conducted.

Council Members shall keep the City Manager informed of their current telephone numbers.

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Because of the possibility of special and emergency meetings, Council Members should normally advise the City Manager if they will be absent from the city for more than 24 hours. Advising the City Manager of absences is particularly important if the Council member will be in a location or involved in an activity that limits electronic communication.

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Adjournment, Continuance, and Breaks

In order to give fair consideration to all matters, if a meeting is still in progress at 10:00 P.M.~~pm~~, the Council may consider whether it should adjourn and continue unfinished agenda items to a future meeting. The decision whether to adjourn before the agenda has been completed should normally be made between agenda items, rather than in the middle of consideration of an item. If any hearings are postponed to a future meeting, the Council normally will give an opportunity to speak to anyone who wishes to participate in the hearing and is unable to attend the rescheduled hearing. Any member of the Council may request a short break at any time during a Council meeting.

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Agenda

The City Manager shall prepare a written agenda for all regular Council meetings, ~~including work sessions and business sessions~~. A packet including the agenda and materials on agenda items will normally be available to the Council at least three days before each regularly scheduled Council meeting. The City Manager or Mayor may change the agenda at any time prior to the start of the Council meeting, and the presiding officer may change the agenda after the start of the meeting. A change in the agenda after the start of the Council meeting is a procedural decision.

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A. A Councilor who wishes an item to be placed on the written Council agenda shall advise the City Manager ~~and/or the Mayor at least one week prior to the meeting~~. The City Manager ~~and/or the Mayor~~ shall determine whether the item is to be placed on the agenda as an action item or as a discussion item.

B. A Council ~~M~~member who wishes staff to undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager shall take direction from the Council as a whole. ~~The Council should consider requests from individual Council Members in light of Council goals and priorities and staff workload and availability~~. Direction to proceed with an item does not commit the Council or any individual Council ~~M~~member to supporting an action when it comes before Council for a final decision.

C. The agenda shall be in any form chosen by the City Manager, subject to direction by the Council.

Broadcasting Council Meetings

The Council wishes to have regular meetings of the Council broadcast on a public access cable television channel and anticipates possible radio broadcasts of Council meetings.

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The Council intends any broadcasting of Council meetings be unbiased and even-handed. Any televising of Council meeting should use camera shots that are appropriate for the Council, witnesses and audience members and are relevant to the discussion.

Video and audio shall be deleted only for the purpose of conforming ~~with~~ applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of recorded Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

Any time a Council meeting is broadcast under the control of the city, it shall be simultaneously recorded and may be rebroadcast.

Cell Phones and Pagers

Cell phones, pagers, and other communications shall be silenced during Council meetings.

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Consent Calendar Agenda

In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent calendar agenda. Any item placed on the consent calendar agenda shall be disposed of by a single motion "to adopt the consent calendar agenda" which shall not be debatable. Any Councilor or the Mayor can remove an item from the consent calendar agenda by voice request prior to the vote to adopt the consent calendar agenda. Any matter removed from the consent calendar agenda may be considered immediately after the consent calendar agenda or may be discussed and considered as an action item at the meeting.

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Decorum. (see also "Order")

All persons at Council meetings shall behave appropriately, considering the importance of Council meetings and the need to proceed with Council business. Except in case of injury, persons shall not rest their feet on chairs or tables, or stand on chairs or tables.

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The presiding officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the Council Rules. The presiding officer may request the assistance of a sergeant-at-arms to restore order at any meeting.

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Exhibits

Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit or a copy thereof shall be provided to the meeting recorder.

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Meeting Procedure

The presiding officer shall make all initial procedural decisions. The Council by majority vote may overrule the procedural ruling of the presiding officer. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

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Meeting Staffing

The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend all regular Council meetings unless excused, shall have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. ~~The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.~~ The City Recorder or designee shall attend all Council meetings, keep the official

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minutes, and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager or Council through the City Manager.

Minutes

Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

A. Council meeting minutes shall contain:

1. The name of Council Members and staff present.
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
3. The result of any votes, including ayes and nays and the names of the Council Members who voted.
4. The substance of the discussion on any matter.
5. Reference to any document discussed at the meeting.

B. The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council Members should read them and if possible submit any changes, additions or corrections to the city recorder in order that a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes the change by majority vote.

Motions

When a motion is made, it shall be clearly and concisely stated by its mover. Council Members are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The presiding officer will state the name of the Council Member who made the motion and the name of the Council Member who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the presiding officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

- A. A motion may be withdrawn by the mover at any time without the consent of the Council.
- B. If a motion does not receive a second, it dies. ~~Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.~~

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- C. A motion that receives a tie vote fails.
- D. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote. Debate on the main subject resumes if the motion fails.
- E. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- F. A motion to adjourn cannot be amended.
- G. A motion to amend an amendment is in order.
- H. Amendments are voted on first, then the main motion as amended.
- I. Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- J. The motion maker, presiding officer, meeting recorder, City Manager or City Attorney should repeat the motion prior to voting.
- K. A point of order, after being addressed by the presiding officer, may be appealed to the body.

News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station, or other electronic media; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

Order

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A law enforcement officer of the city may be sergeant-at-arms of the Council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the Council meeting.

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A. Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the presiding officer, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:

1. Use of unreasonably loud or disruptive language or noise.
2. Engaging in violent or disruptive action, including any violence towards any person.
3. Willful damage to city or private property.
4. Refusal to obey these rules or other applicable regulations, including limitations on occupancy and seating capacity.
5. Refusal to obey an order of the presiding officer or an order issued by a Councilor that has been approved by a majority of the Council present.

B. Before the sergeant-at-arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall normally be given a warning by the presiding officer to cease his or her conduct. A warning is not required in case of immediate threat to person or property. If a meeting is disrupted by one or more members of the audience, the presiding officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

Order of Business

The City Manager shall arrange the order of business to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

I. Roll Call

II. [Additions/Deletions to the Agenda](#)

III. Public Comment (Normal maximum per person 3 minutes, but may be adjusted based on number of persons wishing to comment. ~~Any person who does not get an opportunity to comment will be allowed to comment during Agenda Item VIII.~~)

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~~IV.~~ Proclamations, Recognitions, Special Presentations

IV. Consent Calendar

~~V.~~ [Council Members' Reports and Comments](#)

VI. —Officers' Reports will consist of reports from the Mayor, City Manager, and City Attorney.

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VII. Discussion Items (Items that do not require immediate Council action, such as presentations, discussion of potential future action items)

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~~VIII.~~ VIII. Action Items (Items expected to result in motions, resolutions, orders or ordinances)

Each action item that requires a public hearing shall be clearly identified as a public hearing. Public hearings shall be set before other items in this section of the agenda. Hearings will be noticed for 7 P.M.

~~IX.~~ X. Public Comment (Additional time for public comment - 5 minutes per speaker)

X. Unfinished Items from IV, V or VI

XI. Councilor's Reports and Comments

XII. —Adjournment

Ordinances and Resolutions

All ordinances and resolutions shall be prepared under the supervision of the City Manager or City Attorney. Any ordinance or resolution not prepared by the City Attorney shall be reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

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A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title or number of the resolution and shall be effective upon adoption. A roll-call vote is not required for resolutions unless it is unclear whether a majority favor the resolution.

B. Ordinances shall be adopted as provided by the City Charter. Failure to comply with post-adoption signature requirements shall not invalidate an ordinance.

C. Non-emergency ordinances shall be effective on the thirtieth day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, or safety may provide that it will become effective upon adoption or other time less than 30 days after adoption.

D. Ordinances shall be adopted by roll-call vote.

Planning Commission Testimony

The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the city. ~~In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the City Council back to the planning commission for review, the following rules are established.~~ For legislative land use matters before the Council, commissioners may testify as a commissioner, as a commission representative if so designated by the commission, or as a citizen.

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Presiding Officer

The Mayor shall be the presiding officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Mayor may ask the Council President to preside over all or part of a meeting at any time to provide the Council President with experience in presiding over Council meetings. The presiding officer shall not be deprived of any of the rights and privileges of a Council member. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote. The Mayor or Council President shall not be considered present if they are disqualified from participation in a matter.

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Public Comment at Council Meetings

The Council shall allow a general public comment period at each regularly scheduled meeting, but need not allow public comment at emergency and special meetings. Comments at the general public comment period should normally be limited to matters related to city government and that are properly the object of Council consideration. The presiding officer shall exercise discretion in controlling public comment. Comments relating to a public hearing that has been closed but not finally resolved are not properly the object of Council consideration. Any comments on an item on the Council agenda should be made during the discussion of the specific agenda item, rather than in the general Council session. The Council may allow comment on any Council action item other than an item on which comments have been received and the public testimony portion of the hearing or other agenda item has been closed. Comments on any item that are expected to come before the Council as a quasi-judicial land use matter shall not be permitted outside the scope of the land use hearing on the matter.

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Public Hearings and Participation.

Except when a public hearing is expressly required by applicable law, members of the public do not have the right to speak on items on the Council agenda. Nevertheless, the

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Council will normally allow public comment on action items, but is not required to do so. The Council may limit public comment and may disallow further public comment.

Different public hearings have different standards. If applicable law provides for a public hearing but does not regulate the type of hearing, the Council will allow any person with a right to a hearing to present written and oral testimony and argument. The Council may limit the time of oral testimony and argument.

Some public hearing law provides a right to a hearing to certain persons, but not to others. The Council shall allow persons with a right to a hearing to speak, but may prohibit or limit participation by others.

~~Land Use Public Hearings~~

~~A. Legislative Hearings:~~

- ~~1. The presiding officer shall announce the nature of the matter to be heard as it is set forth on the agenda.~~
- ~~2. Discussion of conflict of interest of Council Members.~~
- ~~3. The presiding officer will then declare the hearing to be open and invite members of the audience to be heard in the following order:~~
 - ~~a. Staff report of topic, including any material added to the record.~~
 - ~~b. Persons wishing to speak on the matter.~~
 - ~~c. Additional staff comments.~~
 - ~~d. Close of public hearing.~~
 - ~~e. Council deliberation and vote.~~

~~B. Quasi-Judicial Hearings: Conduct of quasi-judicial hearings shall conform to the requirements of state law and applicable ordinances. The procedure shall normally be as follows:~~

- ~~1. Announcement of the matter to be heard.~~
- ~~2. Statement of the procedure to be followed.~~
- ~~3. Notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.~~
- ~~4. Discussion of jurisdiction, impartiality, conflict of interest, ex parte contacts.~~

~~5. Staff introduction of appeal, including discussion of additional items included in the record.~~

~~6. Appellant's presentation.~~

~~7. Other testimony in support of the appeal.~~

~~8. Applicant's testimony, if not the appellant.~~

~~9. Testimony in opposition to the appeal.~~

~~10. Neutral testimony.~~

~~11. Staff response, if necessary.~~

~~12. Appellant's rebuttal testimony.~~

~~13. Applicant's rebuttal testimony (If not the appellant).~~

~~14. Questions from the Council to staff and others for clarification, with opportunity for rebuttal.~~

~~15. Closure of public hearing, no further information from the audience.~~

~~16. Initial discussion by Council.~~

~~17. Motion~~

~~18. Further discussion.~~

~~19. Decision.~~

~~The Council has the discretion to adopt findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting.~~

~~C. If there are objections to the jurisdiction of the City Council to hear a matter, the presiding officer may terminate or continue the hearing if the Council determines it lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met, or take other action as appropriate under the circumstances.~~

~~D. For quasi-judicial review hearings, all written arguments or other documents presented to Council for consideration must be submitted to the community development department by 5:00 P.M. on the date of the scheduled hearing. All other written materials must be presented in person at the hearing.~~

Public ~~Members~~ Addressing the Council

Each person addressing the Council shall submit a completed testimony form to the City Recorder. A separate form must be completed for each item desiring to be addressed.

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A. When called by the presiding officer, those wishing to address the Council shall come to the designated area and state their name. They shall limit their remarks to the time allocated by the presiding officer or Council. They should address all remarks to the Council as a body and not to any member thereof.

B. No person, other than the Council, the City Manager, the City Attorney, appropriate staff person, and the person having the floor, shall be permitted to enter into any discussion, without the permission of the presiding officer. Questions from the public shall be asked of a Councilor or staff through the presiding officer. ~~No public member will be allowed to speak more than once on a particular agenda item, except where rebuttal is required or authorized by law or leave to do so is granted by the Council.~~

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C. ~~Except when public testimony is allowed by right, the presiding officer will determine whether public comments will be allowed on specific agenda items. The decision whether to allow public testimony will be based on the subject matter, prior opportunity for comment, and the length of the particular agenda.~~ Any person making personal, offensive, or slanderous remarks, or who becomes threatening or personally abusive while addressing the Council may be requested to leave the meeting. ~~The presiding officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council Rules. The presiding officer may request the assistance of a sergeant at arms to restore order at any meeting.~~

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Comment [PWM1]: moved to Decorum

D. Testimony shall be relevant to the topic of the agenda item and not redundant. The presiding officer may terminate redundant and/or irrelevant testimony. Pre-hearing testimony on quasi-judicial land use actions that may come before the Council will not be permitted.

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E. The intent of this section is not to stifle public debate, but to provide guidelines to allow meaningful and productive comment and debate.

Quorum

The quorum requirement for the conduct of Council business is four Council Members.

Reconsideration of Actions Taken

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council. However, nothing in this

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section precludes a new motion on the same subject matter as a previous decision with the possibility of a different result.

Suspension of Rules

These rules may be suspended upon an affirmative vote of 75 percent of those voting when a quorum of the Council is present. Suspension of the rules should only occur in cases of extreme necessity.

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Voting

Every Council ~~e~~ ~~M~~members who may legally vote on a motion shall vote on a motion unless a majority of the Council present, for special reason, allows the Council ~~e~~ ~~M~~member to abstain. The Council ~~e~~ ~~m~~Member must declare the intent to abstain prior to the vote and explain the reason for the abstention.

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- A. No Council ~~e~~ ~~M~~member shall be permitted to vote on any subject in which he or she has an actual conflict of interest or is otherwise disqualified from participation.
- B. The concurrence of a majority of the Council ~~e~~ ~~M~~Members voting when a quorum is present at a Council meeting shall be necessary to decide any question before the Council.

MISCELLANEOUS GENERAL COUNCIL RULES

Annual Report of Boards, Commissions, ~~and~~ Committees, and Task Forces

At the request of the Council, boards, commissions, ~~and~~ committees and task forces will report to the Council on their activities.

Appointed Positions

The Council appoints and can remove the City Manager, the City Attorney, and the Municipal Judge. The Council shall evaluate the City Manager and the City Attorney in accordance with their respective contracts, but no less frequently than once a year. The Council may meet with the Municipal Judge once annually, but will not interfere with the Municipal Judge's exercise of judicial authority and discretion.

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Attendance and Presence in the City

Councilor Memberss will inform the Mayor and/or City Manager if they will be unable to attend any meetings. If the Mayor will be absent, the Mayor will inform the City Manager and the Council President. Under the Charter, a Council position becomes vacant if the Council member is absent from the city for more than 30 days without Council permission. The permission to be absent from the city must be requested before the absence, or in the case of a family illness or other unforeseen event, prior to the end of the 30-day absence.

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Communication with Staff

All Council Members shall respect the separation between the Council's role and the City Manager's responsibilities by:

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A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.

B. Working together as a team within a spirit of mutual confidence and support.

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C. Respecting the administrative functions of the City Manager, the City Attorney, and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager and City Attorney.

D. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager or City Attorney. Questions from individual Council Members requiring significant staff time or resources (generally, two hours or more) should normally require approval of the Council, although the City Manager or the City Attorney may determine to follow up on requests from ~~individual~~ Councilor Memberss. Written

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requests for information requested by an individual Council Member should normally be responded to in writing to the Council as a whole, with a notation as to which Council Member requested the information. Council Members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council Members acting in their individual capacity rather than as Council Members, or to questions regarding conflict of interest or similar issues particular to the Council member.

E. Limiting individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads, and other managerial and supervisory employees.

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F. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.

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Nothing in this section precludes Council Members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager or City Attorney.

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Conduct of Council Members.

A. *Non-Participation.* A Council member shall not participate in a quasi-judicial decision if the Council member is biased to the extent that the Council Member cannot decide the matter by applying the applicable standards and criteria to the facts of the situation as presented to the Council. A Council Member shall not participate in any quasi-judicial matter in which the Council Member has a personal interest in the outcome, unless that personal interest is shared by a class of persons. A Council Member shall not participate in any decision when participation in the decision is contrary to state law. Any person may challenge the participation of a Council Member at the start of the proceeding. If a challenge is made, the Council Member may choose to withdraw. If the Council Member does not withdraw, the remainder of the Council will decide by motion whether the Council Member will participate. A Council Member who is not participating shall not sit at the Council table.

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B. *Conflict of Interest.* ~~A Council member shall not participate in any matter where there is a financial conflict of interest.~~ Under state law, an actual conflict of interest is defined as one that would result in the private financial benefit or detriment of the a Council Member, a relative or a business with which the Council Member is associated. A potential conflict of interest is one that could result in private financial benefit or detriment. A Council Member must publicly announce potential and actual conflicts of interest each time the issue creating the conflict arises before the Council. , and, in the case of an actual conflict of interest, the Council Member must refrain from participating in debate on the issue and from voting on the issue unless allowed by state law. A Council Member who is

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not participating because of an actual conflict of interest shall leave the Council table after declaring the conflict.

C. *Ex Parte Contacts.* For quasi-judicial hearings, Council Members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are any contacts with persons other than staff outside the formal hearing process relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a Council Member has an ex parte contact prior to any hearing, the Council Member will reveal the contact at the beginning of the hearing. The Council Member shall describe the substance of the contact. After all declarations of ex parte contacts, the presiding officer shall announce the right of interested persons to rebut the substance of the communication or otherwise challenge the participation of the Council Member who had the ex parte contact.

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D. *Absence for Portion of a Hearing.* For quasi-judicial hearings, a Council Member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Council Member has reviewed all the evidence and testimony received.

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E. *Government Ethics Requirements and Reporting.* Council Members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Council Members shall give public notice of any ~~conflict of interest~~ actual or potential conflicts of interest and the notice will be reported in the meeting minutes. Council Members shall timely file annual statements of economic interest with the Government Ethics Commission.

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F. *Ethical Conduct and Fair Treatment.* In addition to matters of financial interest, Council Members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

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1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of these Council Rules.
4. Promoting relatives, clients, or employees for boards, ~~and commissions,~~ committees, and task forces.
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends.
6. Seeking employment of relatives with the city.

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7. Actions benefiting special interest groups at the expense of the city as a whole.
8. Expressing an opinion contrary to the official position of the Council without so stating.

G. *General Conduct.* In general, Council Members shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

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H. *Participation in Council Meetings.* Any Council Member desiring to be heard during a Council meeting should normally be recognized by the presiding officer and shall confine his or her remarks to the subject under consideration or to be considered. Council Members will speak one at a time, allowing one another to finish. The presiding officer may allow flexibility in the application of this rule.

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Conferences and Seminars

Council Members are urged to educate themselves about local government. To that end, and as funding allows, Council Members are urged to attend the League of Oregon Cities functions at city expense. Requests to attend other government-related conferences, training, seminars, and meetings will be presented to the Council for approval. Council Members who serve on committees or the boards of the League of Oregon Cities, the National League of Cities, or other similar associations of local governments will be reimbursed for reasonable expenses not covered by the respective body.

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Confidentiality

Council Members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the city's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Council Members, the City Manager, the City Attorney, or responsible department heads.

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A. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Council Member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion, except as authorized by Council.

B. All public statements, information, or press releases relating to a confidential matter will be handled by the City Manager or other person authorized by the Council.

C. The Council, by resolution or motion, may censure a member who discloses a confidential matter.

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Contacts with Organizations

The City Council will seek meetings with the Lincoln County Board of Commissioners, the Lincoln County School District Board, the Port of Newport, and other local governments, and groups, as needed to address issues of common interest. The City Council will allow local groups such as the Chamber of Commerce, and local business, neighborhood or citizens groups, to make presentations to the Council on matters of common interest.

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Expenses, Reimbursement and Compensation

Council Members shall receive no pay or other compensation for serving on the Council. Council Members will follow the same rules and procedures for reimbursement as those which apply to city employees, when seeking reimbursement for attendance at authorized conferences or other authorized reimbursement. The city does not reimburse Council Members for expenses incurred by their spouses and/or guests.

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Gifts by the Council

On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with city funds. Expenditures of this type shall require consensus approval of the Council.

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Legal Advice

Requests to the City Attorney for advice requiring extensive legal research shall not be made by an individual Council Member except with the concurrence of the majority of the Council.

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Liaison to Boards, Commissions and Committees

The Mayor may appoint Council Members to act as liaison to boards, commissions, committees, or other bodies that advise the Council. In the event a Council liaison is unable to attend a meeting of the board, commission, or committee, the liaison will either contact another Council member to act as liaison for the meeting or ask the Mayor to find a substitute.

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When attending a meeting of a city board, ~~commission, commission, or committee, or~~ task force as liaison, Council Members will:

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A. Not attempt to lobby or influence the board, commission, ~~or committee, or task force~~ on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them. However, nothing in this section precludes the Council ~~e~~ Mmember from asking questions, making comments, explaining what the Council expects from the board, commission, ~~or~~ committee, or task force or explaining Council policy.

B. Not vote at the body's meeting on any item.

This rule applies only when the Council ~~e~~ Mmember is acting as liaison; it does not apply when the Council ~~e~~ Mmember is a member of the board, commission, ~~or~~ committee, or task force and does not apply to non-city bodies when the Council ~~e~~ Mmember is the representative of the city.

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Litigation

The Council will meet in executive session with the City Manager and City Attorney within 30 days of the city's receipt of:

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A. A statutory notice of intent to sue, or

B. A summons and complaint for damages.

This requirement does not apply to cases in which the claim is covered by insurance.

The City Manager and City Attorney will provide the Council with a report of all claims filed against the city.

Public Records

The disposition of public records created or received by individual Council ~~e~~ Members shall be in accordance with Oregon ~~P~~public ~~R~~records ~~L~~law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos, and calendars (e.g., "Daytimers") are public records and are subject to disclosure under the public records law.

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Representing the City

When a member of the City Council represents the city before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council if there is one. Personal opinions and comments may be expressed only if the Council ~~e~~ Mmember clarifies that those statements do not represent the position of the Council.

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A. The effectiveness of city lobbying in Salem or in Washington, D.C., depends on the clarity of the city's voice. When Council Members represent the city in a "lobbying" situation, it is appropriate that the Council Members avoid expressions of personal dissent from an adopted Council policy.

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B. When Council Members attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Council Member is expected to report that fact.

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C. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

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Vacancies on Boards, Commissions and Committees

The Mayor, ~~subject to ratification by~~with the consent of the Council, shall appoint all members of boards, commissions, ~~and committees,~~ and task forces, and appoint persons to fill all vacancies. The City Manager will seek applications from interested candidates. The Council may, and normally will, interview applicants for the Planning Commission and Budget Committee.

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Vacancies on the Council

Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.

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City of Newport

COUNCIL RULES

EFFECTIVE JUNE 1, 2009

Revision Draft 02-14-11

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These rules are authorized by the City Charter. The Council shall review these rules periodically. Amendments shall be adopted by a majority of the entire Council. The Council Rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the City Charter.

If an interpretation of Council Rules is necessary, the interpretation will be provided by the City Council in consultation with city staff.

RULES GOVERNING COUNCIL MEETINGS

TYPES OF MEETINGS

The Council may hold regular, special or emergency meetings. A regular meeting is one held on the Council's normal meeting schedule. A special meeting is one held at a time other than a regularly scheduled meeting time, but with at least 24 hours notice. An emergency meeting is one held on less than 24 hours notice. All Council meetings and sessions shall be held in compliance with Oregon public meeting law.

The anticipation is that most formal actions (ordinances, resolutions, orders and motions) will occur at business sessions. All Council meetings shall be open to the public, except executive sessions. The Council may, by motion, go into executive session at any regular, special or emergency meeting.

Regular Meetings

The Council will meet regularly on the first and third Mondays of each month in the Council Chambers. If a regularly scheduled Council meeting time is on a city holiday, the meeting will be held on the first day that is not a city holiday. In addition, the Council will hold a work session on the day of each regular Council meeting. The Council may from time to time hold additional work sessions to address major matters. .

Special Meetings

A. Special meetings are called by:

- The Mayor, or in the Mayor's absence, the President of the Council, at their discretion
- The Council at the request of two or more members of the Council, or
- The City Manager

B. Written notice of a special meeting shall be directed to each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally, telephonically, or electronically, or if the Council Member is not found, left at his or her place of residence or business..

Emergency Meetings

An emergency meeting may be called by the City Manager, the Mayor, or two Councilors, consistent with state law. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. The city shall attempt to contact the media and other interested persons to inform them of the meeting.

Work Sessions

Work sessions are any regular, special or emergency meetings used to present information to Council, to allow the Council to prepare for regular sessions or to allow preliminary discussion on upcoming Council items. The Council may take formal action at a work session, but formal action items will not normally be scheduled for work sessions.

Executive Sessions

An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

- A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Manager, City Recorder, City Attorney, news media representatives and others invited by the Council or City Manager may attend an executive session.
- B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects and actions under the state laws related to executive sessions and to keep the media informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.
- C. Minutes or a recording of executive sessions are required.
- D. Information discussed during an executive session and other privileged communications should not be disclosed to persons other than Council Members, the City Manager, City Recorder or City Attorney outside the executive session.

MEETING PROCEDURE

Requirements of all Meetings

All notice requirements of state law shall be satisfied before any Council meeting can be conducted.

Council Members shall keep the City Manager informed of their current telephone numbers.

Because of the possibility of special and emergency meetings, Council Members should normally advise the City Manager if they will be absent from the city for more than 24 hours. Advising the City Manager of absences is particularly important if the Council member will be in a location or involved in an activity that limits electronic communication.

Adjournment, Continuance, and Breaks

In order to give fair consideration to all matters, if a meeting is still in progress at 10:00 P.M., the Council may consider whether it should adjourn and continue unfinished agenda items to a future meeting. The decision whether to adjourn before the agenda has been completed should normally be made between agenda items, rather than in the middle of consideration of an item. If any hearings are postponed to a future meeting, the Council normally will give an opportunity to speak to anyone who wishes to participate in the hearing and is unable to attend the rescheduled hearing. Any member of the Council may request a short break at any time during a Council meeting.

Agenda

The City Manager shall prepare a written agenda for all regular Council meetings. A packet including the agenda and materials on agenda items will normally be available to the Council at least three days before each regularly scheduled Council meeting. The City Manager or Mayor may change the agenda at any time prior to the start of the Council meeting, and the presiding officer may change the agenda after the start of the meeting. A change in the agenda after the start of the Council meeting is a procedural decision.

- A. A Councilor who wishes an item to be placed on the written Council agenda shall advise the City Manager and/or the Mayor. The City Manager and/or the Mayor shall determine whether the item is to be placed on the agenda as an action item or as a discussion item.
- B. A Council Member who wishes staff to undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager shall take direction from the Council as a whole. Direction to proceed with an item does not commit the Council or any individual Council Member to supporting an action when it comes before Council for a final decision.
- C. The agenda shall be in any form chosen by the City Manager, subject to direction by the Council.

Broadcasting Council Meetings

The Council wishes to have regular meetings of the Council broadcast on a public access cable television channel and anticipates possible radio broadcasts of Council meetings.

The Council intends any broadcasting of Council meetings be unbiased and even-handed. Any televising of Council meeting should use camera shots that are appropriate for the Council, witnesses and audience members and are relevant to the discussion.

Video and audio shall be deleted only for the purpose of conforming to applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of recorded Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

Any time a Council meeting is broadcast under the control of the city, it shall be simultaneously recorded and may be rebroadcast.

Cell Phones and Pagers

Cell phones, pagers, and other communications shall be silenced during Council meetings.

Consent Calendar

In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent calendar. Any item placed on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar" which shall not be debatable. Any Councilor or the Mayor can remove an item from the consent calendar by voice request prior to the vote to adopt the consent calendar. Any matter removed from the consent calendar may be considered immediately after the consent calendar or may be discussed and considered as an action item at the meeting.

Decorum (see also "*Order*")

All persons at Council meetings shall behave appropriately, considering the importance of Council meetings and the need to proceed with Council business. Except in case of injury, persons shall not rest their feet on chairs or tables, or stand on chairs or tables. The presiding officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the Council Rules. The presiding officer may request the assistance of a sergeant-at-arms to restore order at any meeting.

Exhibits

Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit or a copy thereof shall be provided to the meeting recorder.

Meeting Procedure

The presiding officer shall make all initial procedural decisions. The Council by majority vote may overrule the procedural ruling of the presiding officer. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

Meeting Staffing

The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend all regular Council meetings unless excused, shall have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Recorder or designee shall attend all Council meetings, keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager or Council through the City Manager.

Minutes

Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

- A. Council meeting minutes shall contain:
 - 1. The name of Council Members and staff present.
 - 2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
 - 3. The result of any votes, including ayes and nays and the names of the Council Members who voted.
 - 4. The substance of the discussion on any matter.
 - 5. Reference to any document discussed at the meeting.
- B. The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council Members should read them and if possible submit any changes, additions or

corrections to the city recorder in order that a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes the change by majority vote.

Motions

When a motion is made, it shall be clearly and concisely stated by its mover. Council Members are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The presiding officer will state the name of the Council Member who made the motion and the name of the Council Member who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the presiding officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

- A. A motion may be withdrawn by the mover at any time without the consent of the Council.
- B. If a motion does not receive a second, it dies.
- C. A motion that receives a tie vote fails.
- D. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote. Debate on the main subject resumes if the motion fails.
- E. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- F. A motion to adjourn cannot be amended.
- G. A motion to amend an amendment is in order.
- H. Amendments are voted on first, then the main motion as amended.
- I. Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- J. The motion maker, presiding officer, meeting recorder, City Manager or City Attorney should repeat the motion prior to voting.
- K. A point of order, after being addressed by the presiding officer, may be appealed to the body.

News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station, or other electronic media; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

Order

A law enforcement officer of the city may be sergeant-at-arms of the Council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the Council meeting.

- A. Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the presiding officer, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:
 - 1. Use of unreasonably loud or disruptive language or noise.
 - 2. Engaging in violent or disruptive action, including any violence towards any person.
 - 3. Willful damage to city or private property.
 - 4. Refusal to obey these rules or other applicable regulations, including limitations on occupancy and seating capacity.
 - 5. Refusal to obey an order of the presiding officer or an order issued by a Councilor that has been approved by a majority of the Council present.
- B. Before the sergeant-at-arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall normally be given a warning by the presiding officer to cease his or her conduct. A warning is not required in case of immediate threat to person or property. If a meeting is disrupted by one or more members of the audience, the presiding officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

Order of Business

The City Manager shall arrange the order of business to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

- I. Roll Call
- II. Additions/Deletions to the Agenda
- III. Public Comment (Normal maximum per person 3 minutes, but may be adjusted based on number of persons wishing to comment.)
- IV. Proclamations, Recognitions, Special Presentations
- V. Consent Calendar
- VI. Officers' Reports will consist of reports from the Mayor, City Manager, and City Attorney
- VII. Discussion Items (Items that do not require immediate Council action, such as presentations, discussion of potential future action items)
- VIII. Action Items (Items expected to result in motions, resolutions, orders or ordinances). Each action item that requires a public hearing shall be clearly identified as a public hearing. Public hearings shall be set before other items in this section of the agenda. Hearings will be noticed for 7 P.M.
- IX. Public Comment (Additional time for public comment - 5 minutes per speaker)
- X. Unfinished Items from IV, V or VI
- XI. Councilor's Reports and Comments
- XII. Adjournment

Ordinances and Resolutions

All ordinances and resolutions shall be prepared under the supervision of the City Manager or City Attorney. Any ordinance or resolution not prepared by the City Attorney shall be reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

- A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title or number of the resolution and shall be effective upon

adoption. A roll-call vote is not required for resolutions unless it is unclear whether a majority favor the resolution.

- B. Ordinances shall be adopted as provided by the City Charter. Failure to comply with post-adoption signature requirements shall not invalidate an ordinance.
- C. Non-emergency ordinances shall be effective on the thirtieth day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, or safety may provide that it will become effective upon adoption or other time less than 30 days after adoption.
- D. Ordinances shall be adopted by roll-call vote.

Planning Commission Testimony

The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the city. For legislative land use matters before the Council, commissioners may testify as a commissioner, as a commission representative if so designated by the commission, or as a citizen.

Presiding Officer

The Mayor shall be the presiding officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Mayor may ask the Council President to preside over all or part of a meeting at any time to provide the Council President with experience in presiding over Council meetings. The presiding officer shall not be deprived of any of the rights and privileges of a Council member. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote. The Mayor or Council President shall not be considered present if they are disqualified from participation in a matter.

Public Comment at Council Meetings

The Council shall allow a general public comment period at each regularly scheduled meeting, but need not allow public comment at emergency and special meetings. Comments at the general public comment period should normally be limited to matters related to city government and that are properly the object of Council consideration. The presiding officer shall exercise discretion in controlling public comment. Comments relating to a public hearing that has been closed but not finally resolved are not properly the object of Council consideration. Any comments on an item on the Council agenda should be made during the discussion of the specific agenda item, rather than in the

general Council session. The Council may allow comment on any Council action item other than an item on which comments have been received and the public testimony portion of the hearing or other agenda item has been closed. Comments on any item that are expected to come before the Council as a quasi-judicial land use matter shall not be permitted outside the scope of the land use hearing on the matter.

Public Hearings and Participation.

Except when a public hearing is expressly required by applicable law, members of the public do not have the right to speak on items on the Council agenda. Nevertheless, the Council will normally allow public comment on action items, but is not required to do so. The Council may limit public comment and may disallow further public comment.

Different public hearings have different standards. If applicable law provides for a public hearing but does not regulate the type of hearing, the Council will allow any person with a right to a hearing to present written and oral testimony and argument. The Council may limit the time of oral testimony and argument.

Some public hearing law provides a right to a hearing to certain persons, but not to others. The Council shall allow persons with a right to a hearing to speak, but may prohibit or limit participation by others.

Public Addressing the Council

Each person addressing the Council shall submit a completed testimony form to the City Recorder. A separate form must be completed for each item desiring to be addressed.

- A. When called by the presiding officer, those wishing to address the Council shall come to the designated area and state their name. They shall limit their remarks to the time allocated by the presiding officer or Council. They should address all remarks to the Council as a body and not to any member thereof.
- B. No person, other than the Council, the City Manager, the City Attorney, appropriate staff person, and the person having the floor, shall be permitted to enter into any discussion, without the permission of the presiding officer. Questions from the public shall be asked of a Councilor or staff through the presiding officer.
- C. Any person making personal, offensive, or slanderous remarks, or who becomes threatening or personally abusive while addressing the Council may be requested to leave the meeting.
- D. Testimony shall be relevant to the topic of the agenda item and not redundant. The presiding officer may terminate redundant and/or irrelevant testimony. Pre-hearing testimony on quasi-judicial land use actions that may come before the Council will not be permitted.

- E. The intent of this section is not to stifle public debate, but to provide guidelines to allow meaningful and productive comment and debate.

Quorum

The quorum requirement for the conduct of Council business is four Council Members.

Reconsideration of Actions Taken

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council. However, nothing in this section precludes a new motion on the same subject matter as a previous decision with the possibility of a different result.

Suspension of Rules

These rules may be suspended upon an affirmative vote of 75 percent of those voting when a quorum of the Council is present. Suspension of the rules should only occur in cases of extreme necessity.

Voting

Every Council Members who may legally vote on a motion shall vote on a motion unless a majority of the Council present, for special reason, allows the Council Member to abstain. The Council Member must declare the intent to abstain prior to the vote and explain the reason for the abstention.

- A. No Council Member shall be permitted to vote on any subject in which he or she has an actual conflict of interest or is otherwise disqualified from participation.
- B. The concurrence of a majority of the Council Members voting when a quorum is present at a Council meeting shall be necessary to decide any question before the Council.

GENERAL COUNCIL RULES

Annual Report of Boards, Commissions, Committees, and Task Forces

At the request of the Council, boards, commissions, committees and task forces will report to the Council on their activities.

Appointed Positions

The Council appoints and can remove the City Manager, the City Attorney, and the Municipal Judge. The Council shall evaluate the City Manager and the City Attorney in accordance with their respective contracts, but no less frequently than once a year. The Council may meet with the Municipal Judge once annually, but will not interfere with the Municipal Judge's exercise of judicial authority and discretion.

Attendance and Presence in the City

Councilor Members will inform the Mayor and/or City Manager if they will be unable to attend any meetings. If the Mayor will be absent, the Mayor will inform the City Manager and the Council President. Under the Charter, a Council position becomes vacant if the Council member is absent from the city for more than 30 days without Council permission. The permission to be absent from the city must be requested before the absence, or in the case of a family illness or other unforeseen event, prior to the end of the 30-day absence.

Communication with Staff

All Council Members shall respect the separation between the Council's role and the City Manager's responsibilities by:

- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- B. Working together as a team within a spirit of mutual confidence and support.
- C. Respecting the administrative functions of the City Manager, the City Attorney, and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager and City Attorney.
- D. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager or City Attorney. Questions from individual Council Members requiring significant staff time or resources (generally, two hours or more) should normally require approval of the Council, although the City Manager or the City Attorney may determine to follow up on requests from Councilor Members. Written requests for

information requested by an individual Council Member should normally be responded to in writing to the Council as a whole, with a notation as to which Council Member requested the information. Council Members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council Members acting in their individual capacity rather than as Council Members, or to questions regarding conflict of interest or similar issues particular to the Council member.

- E. Limiting individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads, and other managerial and supervisory employees.
- F. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.

Nothing in this section precludes Council Members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager or City Attorney.

Conduct of Council Members.

- A. *Non-Participation.* A Councilor shall not participate in a quasi-judicial decision if the Council member is biased to the extent that the Council Member cannot decide the matter by applying the applicable standards and criteria to the facts of the situation as presented to the Council. A Council Member shall not participate in any quasi-judicial matter in which the Council Member has a personal interest in the outcome, unless that personal interest is shared by a class of persons. A Council Member shall not participate in any decision when participation in the decision is contrary to state law. Any person may challenge the participation of a Council Member at the start of the proceeding. If a challenge is made, the Council Member may choose to withdraw. If the Council Member does not withdraw, the remainder of the Council will decide by motion whether the Council Member will participate. A Council Member who is not participating shall not sit at the Council table.
- B. *Conflict of Interest.* Under state law, an actual conflict of interest is defined as one that *would* result in private financial benefit or detriment of a Council Member, a relative or a business with which the Council Member is associated. A potential conflict of interest is one that *could* result in private financial benefit or detriment. A Council Member must publicly announce potential and actual conflicts of interest each time the issue creating the conflict arises before the Council. In the case of an actual conflict of interest, the Council Member must refrain from participating in debate on the issue and from voting unless allowed by state law. A Council Member who is not participating because of an actual conflict of interest shall leave the Council table after declaring the conflict.

- C. *Ex Parte Contacts.* For quasi-judicial hearings, Council Members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are any contacts with persons other than staff outside the formal hearing process relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a Council Member has an ex parte contact prior to any hearing, the Council Member will reveal the contact at the beginning of the hearing. The Council Member shall describe the substance of the contact. After all declarations of ex parte contacts, the presiding officer shall announce the right of interested persons to rebut the substance of the communication or otherwise challenge the participation of the Council Member who had the ex parte contact.
- D. *Absence for Portion of a Hearing.* For quasi-judicial hearings, a Council Member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Council Member has reviewed all the evidence and testimony received.
- E. *Government Ethics Requirements and Reporting.* Council Members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Council Members shall give public notice of any actual or potential conflict of interest and the notice will be reported in the meeting minutes. Council Members shall timely file annual statements of economic interest with the Government Ethics Commission.
- F. *Ethical Conduct and Fair Treatment.* In addition to matters of financial interest, Council Members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:
1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
 2. Making decisions involving business associates, customers, clients, and competitors.
 3. Repeated violations of these Council Rules.
 4. Promoting relatives, clients, or employees for boards, commissions, committees, and task forces.
 5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends.
 6. Seeking employment of relatives with the city.
 7. Actions benefiting special interest groups at the expense of the city as a whole.

8. Expressing an opinion contrary to the official position of the Council without so stating.

G. *General Conduct.* In general, Council Members shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

H. *Participation in Council Meetings.* Any Council Member desiring to be heard during a Council meeting should normally be recognized by the presiding officer and shall confine his or her remarks to the subject under consideration or to be considered. Council Members will speak one at a time, allowing one another to finish. The presiding officer may allow flexibility in the application of this rule.

Conferences and Seminars

Council Members are urged to educate themselves about local government. To that end, and as funding allows, Council Members are urged to attend the League of Oregon Cities functions at city expense. Requests to attend other government-related conferences, training, seminars, and meetings will be presented to the Council for approval. Council Members who serve on committees or the boards of the League of Oregon Cities, the National League of Cities, or other similar associations of local governments will be reimbursed for reasonable expenses not covered by the respective body.

Confidentiality

Council Members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the city's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Council Members, the City Manager, the City Attorney, or responsible department heads.

A. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Council Member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion, except as authorized by Council.

B. All public statements, information, or press releases relating to a confidential matter will be handled by the City Manager or other person authorized by the Council.

C. The Council, by resolution or motion, may censure a member who discloses a confidential matter.

Contacts with Organizations

The City Council will seek meetings with the Lincoln County Board of Commissioners, the Lincoln County School District Board, the Port of Newport, and other local governments, and groups, as needed to address issues of common interest. The City Council will allow local groups such as the Chamber of Commerce, and local business, neighborhood or citizens groups, to make presentations to the Council on matters of common interest.

Expenses, Reimbursement and Compensation

Council Members shall receive no pay or other compensation for serving on the Council. Council Members will follow the same rules and procedures for reimbursement as those which apply to city employees, when seeking reimbursement for attendance at authorized conferences or other authorized reimbursement. The city does not reimburse Council Members for expenses incurred by their spouses and/or guests.

Gifts by the Council

On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with city funds. Expenditures of this type shall require consensus approval of the Council.

Legal Advice

Requests to the City Attorney for advice requiring extensive legal research shall not be made by an individual Council Member except with the concurrence of the majority of the Council.

Liaison to Boards, Commissions and Committees

The Mayor may appoint Council Members to act as liaison to boards, commissions, committees, or other bodies that advise the Council. In the event a Council liaison is unable to attend a meeting of the board, commission, or committee, the liaison will either contact another Council member to act as liaison for the meeting or ask the Mayor to find a substitute.

When attending a meeting of a city board, commission, committee, or task force as liaison, Council Members will:

- A. Not attempt to lobby or influence the board, commission, committee, or task force on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them. However, nothing

in this section precludes the Council Member from asking questions, making comments, explaining what the Council expects from the board, commission, committee, or task force or explaining Council policy.

- B. Not vote at the body's meeting on any item. This rule applies only when the Council Member is acting as liaison; it does not apply when the Council Member is a member of the board, commission, committee, or task force and does not apply to non-city bodies when the Council Member is the representative of the city.

Litigation

The Council will meet in executive session with the City Manager and City Attorney within 30 days of the city's receipt of:

- A. A statutory notice of intent to sue, or
- B. A summons and complaint for damages.

This requirement does not apply to cases in which the claim is covered by insurance.

The City Manager and City Attorney will provide the Council with a report of all claims filed against the city.

Public Records

The disposition of public records created or received by individual Council Members shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos, and calendars (e.g., "Daytimers") are public records and are subject to disclosure under the public records law.

Representing the City

When a member of the City Council represents the city before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council if there is one. Personal opinions and comments may be expressed only if the Council Member clarifies that those statements do not represent the position of the Council.

- A. The effectiveness of city lobbying in Salem or in Washington, D.C., depends on the clarity of the city's voice. When Council Members represent the city in a "lobbying" situation, it is appropriate that the Council Members avoid expressions of personal dissent from an adopted Council policy.
- B. When Council Members attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual

views. If the City Council has an adopted policy relating to an issue under discussion, the Council Member is expected to report that fact.

- C. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

Vacancies on Boards, Commissions and Committees

The Mayor, subject to ratification by the Council, shall appoint all members of boards, commissions, committees, and task forces, and appoint persons to fill all vacancies. The City Manager will seek applications from interested candidates. The Council may, and normally will, interview applicants for the Planning Commission and Budget Committee.

Vacancies on the Council

Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.

February 7, 2011
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: McConnell, Bertuleit, Beemer, Brusselback, Allen, Sawyer, and Roumagoux

Staff present: Voetberg, Hawker, McCarthy, Marshall, Smith, and Miranda.

CONTINUED DISCUSSION ON COUNCIL RULES

Hawker reported that the red-lined draft of Council Rules contained some, but not all of the changes recommended by Council Members at the last meeting, and that the City Attorney had not reviewed this draft.

Council began the discussion of Council Rules with "Miscellaneous General Council Rules," and the section on "Communication with Staff." A discussion ensued regarding how to determine whether a question from an individual Council Member requires significant staff time or resources. It was suggested that if a Council Member had a small request to let the staff know that the information is not needed quickly. Voetberg reported that when he copies Council Members regarding questions from citizens, he typically copies all Council Members. Allen stated that he prefers to put his questions in written form. Allen asked McConnell to describe his approach to being Mayor. McConnell noted that he is trying to make sure that issues are followed through.

In the section entitled "Conduct of Council Members," subsection B., it was recommended that the first sentence be deleted. It was also suggested that the word "such" should be added between the words "in" and "private" in the third sentence, so it would read "A potential conflict of interest is one that could result in such private financial benefit." It was further suggested that the words "actual" and "potential," where referring to conflict of interest, be italicized.

A discussion ensued regarding whether a Council Member could, or should, speak as a citizen after recusing themselves from discussing an issue. McConnell suggested that actual and potential conflicts of interest should be declared each time a matter is discussed. Brusselback noted that a Council Member testifying as a private citizen may be seen as unduly influencing the remaining Council Members.

McCarthy noted that she would rework the conflict of interest paragraph.

It was noted that e-mails and personal contacts should be declared as ex parte contact.

Allen suggested adding the word "actual" to subsection E., in the second sentence, so it would read, "Council Members shall give public notice of any actual conflict of interest or potential conflict of interest, and the notice will be reported in the meeting minutes." McCarthy suggested adding "or detriment" at the end of the first sentence, so it would now read, "Council Members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain or detriment."

Brusselback addressed the e-mail that was received regarding McCarthy's resignation, noting that he had not read it on Sunday, and was called by a citizen on Monday, inquiring about what was occurring. He asked how the information was given to the press and whether it was appropriate. A discussion ensued regarding the difference between confidential issues, and issued confidential under law. It was suggested that there should be more certainty in the Council Rules.

It was agreed to continue the discussion of Council Rules at the next work session.

DISCUSS RETIREMENT, PENSION, HEALTH BENEFITS, COLLECTIVE BARGAINING, AND RESERVES POLICIES

A handout from the Government Finance Officers Association, containing information regarding defined benefit pension plans, was distributed. Marshall reported that the Tier 1 and Tier 2 PERS participants pension contributions would increase from 8.96% to 13.87%, and the Tier 3 participants would see an increase from 4.33% to 7.19%. He noted that this is in addition to the 6% the city pays, so the total pension increase for Tier 1 and 2 would be 19.87% for next year. A discussion ensued regarding the defined contribution plan for non-PERS employees, and it was reported that the city pays 6% on a payroll of approximately \$3,000,000. It was noted that the defined benefit portion of the plan is whatever the Budget Committee recommends, and that there is a large unfunded liability of 44%.

HEALTH BENEFITS

A discussion on health benefits will occur at the next work session.

RESERVE POLICIES

Marshall reported that the ending General Fund balance last year was \$846,000, and that the recommendation from investment professional is to get the amount to 15% or higher.

McConnell reported that the Retirement Trustee meeting will be held tomorrow at 10:00 A.M., at City Hall.

It was suggested that before a change is made to a pension plan, that an actuary define the actual change to the bottom line. It was noted that this service would cost approximately \$20,000 - \$25,000.

EXECUTIVE SESSION

MOTION was made by Roumagoux, seconded by Brusselback, to enter executive session, pursuant to ORS 192.660(2) (d) to discuss labor negotiations. The motion carried unanimously in a voice vote, and Council entered executive session at 1:08 P.M.

RETURN TO WORK SESSION

Council returned to its work session at 2:02 P.M., and having no further business, adjourned.

February 7, 2011
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, McConnell, Bertuleit, Brusselback, Allen, Beemer, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Public Works Director Ritzman, Senior Project Manager Gross, Finance Director Marshall, Airport Director Cossey, Acting Fire Chief Cole, Parks and Recreation Director Protiva, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

There were no additions or deletions to the agenda.

PROCLAMATIONS AND RECOGNITIONS

McConnell awarded the Elton Pier Award to Dustin Kittel. Miranda read the nomination for the award.

PUBLIC COMMENT

Rory Lehrman addressed Council regarding the current design of the Art Deco Heritage Park. He noted that he feels the pinnacle will be an eyesore, and proposed something more suitable to the city. He suggested additional community input before construction.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the City Council work session, regular meeting, and executive session of January 18, 2011; the work session of January 31, 2011; and the joint work session with the Lincoln County Commissioners;
- B. OLCC license approval - Ch'Boogie Jazz and Wine Bar.

Allen addressed corrections to the minutes of the January 18, 2011 work session, regular meeting, and executive session, and to the work session of January 31, 2011, and to the joint work session with the Lincoln County Commissioners. MOTION was

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

OFFICER'S REPORTS

Mayor's Report. McConnell reported that he had attended a recent meeting of the South Beach stakeholders meeting, at which it was noted that the main concern is the impact that the change in traffic patterns and lanes will have on the sport fishing opening. He added that the Port has requested the city participate in the planning process and help with implementation. Tokos reported that he has had a follow-up conversation with Don Mann, and developed two traffic alternatives.

McConnell reported that the Air Service Consortium met on February 4, and gave SeaPort a final subsidized flight date of March 12. He added that a final grant review and reconciliation will take place approximately two months beyond that date and then the Consortium will dissolve. He reported that he and Cossey have been negotiating with SeaPort to continue flights after the subsidy ends, and to develop interest in a voucher program.

Cossey stated that he has been talking with SeaPort regarding an agreement for continued use of the airport after the subsidy expires. The discussion has centered on airport usage fees, incentives for purchasing fuel, and standard contract language, with a focus on continued service to/from Newport/Portland. Allen asked whether Cossey and McConnell had been directed to negotiate with SeaPort for continued service. McConnell noted that the Air Sustainability Task Force asked that these contacts be made, and once a plan is available, that the information is to be reported to the Task Force. Cossey noted that the plan is that after preliminary negotiations, the contract would go to the city attorney for review, then to the city manager. Allen stated that he wanted to get a handle on procedural and substantive steps relative to this contract. Bertuleit noted that if another air carrier was interested, the city would have to offer the same agreement. He asked for ideas on how to make the airport more viable. McConnell stated that every effort would be made to bring the contract to the next Council meeting.

Beemer asked about the frequency of the South Beach project stakeholders meetings. McConnell reported that they occur every other Thursday, at 1:00 P.M., at the Guin Library, and there is a meeting this week.

McConnell reported that he had attended the COG and CWACT meetings, and that the annual dues will remain the same in the 2011/12 fiscal year.

McConnell reported that the Agate Beach neighborhood planning meeting was successful, and that the group is meeting again this week.

McConnell reported that he, Allen, and Roumagoux had attended a webinar on city manager evaluations. He added that Council needs to establish a work group soon to coordinate the information received from former Council Member Patrick and the webinar. He asked that anyone interested in the work group let him know.

McConnell reported that he had met with Senator Merkley's field rep, and that Merkley was also here touring the NOAA facility. He had talked with Merkley's staff about finishing the water system upgrades, assisting with continued flights by SeaPort, and additional funding to deal with urban flooding.

McConnell reported that he had participated in scholarship interviews at Newport High School.

McConnell asked for a discussion and a recommendation for staff on how best to proceed with obtaining legal services after March 15, and a human resources specialist. It was noted that the process of selecting a city attorney may extend beyond March 15, and that the city may need to look at transitional legal needs. Brusselback suggested that McCarthy might be willing to fill in as an interim at some level. Allen suggested looking for a law firm outside the Newport general area for a firm that has expertise in municipal law. Bertuleit noted that he likes the interim approach. McConnell suggested checking with similar sized cities to find out how others approach legal services. He added that there are also budgetary concerns. He asked whether it would be fair to ask staff for a report in two weeks. Voetberg noted that the city recorder had requested information from other communities, and 16 cities responded, and that none have an in-house attorney, and three have a dedicated human resources professional, and the other 13 have the human resources function performed by someone fulfilling other responsibilities as well. It was noted that an RFP may ultimately need to be issued. It was agreed that staff provide as much information as possible at the next meeting. Allen asked whether Council Members wanted staff to provide names of firms that could fill the city's short-term legal needs. McConnell asked whether staff could provide feedback to determine issues/needs/concerns regarding legal and human resources services.

McConnell reported that on February 15, at the Newport High School home game against Philomath, people are encouraged to bring a stuffed animal (preferably a bear) to toss onto the floor when the half-time buzzer rings. This is a fundraiser for the Police Department, Casa, and Children's Advocacy Center.

City Manager's Report. Voetberg reported that there is information in the packet from the COG that there may be trade-offs necessary on STIP projects.

Voetberg reported that this packet contains monthly departmental reports, and they should be more standardized in the future.

Voetberg reported that the Deco Park issue will be coming to the City Council on February 22. He noted that there are insufficient funds to build both the park and the pylon, and that the City Center Newport Association has informally voted to build the pylon. Gross reported that there are diagrams in the project manager's report.

Voetberg reported that the packet contains information on street naming. McConnell noted that the Winningstad family would be honored to have a street named for Norm Winningstad. Tokos noted that the next step is for the Planning Commission to consider the name change.

Voetberg reported that the packet contains a request from the Siletz Watershed Council. Don Larsen and John Sullivan, representing the Siletz Watershed Council, reported on its efforts to discourage use of gasoline powered boat motors on the upper Siletz. They have developed a voluntary program that discourages use of gasoline powered boat motors through use of signage, and asked whether Council Members would be willing to have the City of Newport added to the signage as a supporter of the voluntary program. Allen declared a potential conflict of interest, because an attorney at the law firm where he is of counsel is the city attorney in Siletz. MOTION was made by Bertuleit, seconded by Beemer, to support the voluntary program by including the City of Newport on the signs. The motion carried unanimously in a voice vote.

Voetberg reported that there is a brief report in the packet from Toby Cole, acting Fire Chief, regarding steps taken to advance relationships in the Fire Department. Voetberg reported that Cole is doing a great job, along with all members of the department. He stated that everyone is helping out, and that he feels positive that the department is headed in the right direction. He noted that there is a good working plan moving forward with support of all department members, he is confident this will correct communication and chain of command issues. Voetberg reported that the first step is to work on standard operating guidelines and procedures. Cole noted that reports had been received from two consultants, and that it is apparent that the department needs to work on policy procedures with a group comprised of volunteers, paid staff, and him, and to let the committee prioritize issues. Cole noted that the OSHA investigation should be concluded by 11:00 A.M. tomorrow.

Bertuleit suggested either extending Officer Dodds' (the Lincoln City police officer, and Newport resident, recently wounded in the line of duty) recreation center membership, or contributing a one year membership to him. MOTION was made by Bertuleit, seconded by Roumagoux, to extend Lincoln City Police Officer, Steve Dodds, recreation center membership for one year. The motion carried unanimously in a voice vote. McConnell reported that the fundraisers for Officer Dodds and the City of Aumsville tornado restoration were successful.

City Attorney's Report. McCarthy reported that she was designated as the city's labor negotiator on an interim basis. She has conducted an analysis of various negotiators, and Frank Forbes has met with staff and Council, and she recommended appointing Forbes as the city's labor negotiator. MOTION was made by Allen, seconded by Beemer, that Council designate Frank Forbes, a consultant for the Local Government Personnel Institute, to conduct labor negotiations on behalf of the city, in the city's 2011 collective bargaining negotiations; and that the Council authorize the city manager to execute an agreement between the city and the Local Government Personnel Institute, related to such representation. The motion carried unanimously in a voice vote.

McCarthy reported that she, Beemer, and Brusselback have been working on the contractor debris issue. She noted that a well-attended meeting was held with contractors, Thompson's Sanitary, and the city's code enforcement officer. She reported that an amendment to the solid waste code will be presented at the next Council meeting.

McCarthy reported that the developer of the Meritage complex has begun providing solid waste services for that development. She added that the city issued a citation and was notified by the developer's legal counsel that they will be preparing for trial. She recommended that the City Council direct the city attorney to work with Chris Minor on the municipal citation. McCarthy noted that the developer's arraignment is scheduled February 16, and that the hearing may be held as late as April or May. Allen asked whether Minor would perform these services and invoice the city monthly or whether a limited engagement contract is necessary. McCarthy suggested that a monthly invoice would be sufficient. McConnell reported that he had received a letter from CLOG that he believes is related to this matter. MOTION was made by Allen, seconded by Beemer, to authorize the city to engage the legal services of Chris Minor, on behalf of the city, to represent the city with respect to the citation issued against Meritage. The motion carried unanimously in a voice vote.

McCarthy reported that she and the city recorder had held two volunteer committee trainings regarding meetings, records and ethics. She will present the session to the Planning Commission next week and to the Retirement Trustees tomorrow.

DISCUSSION ITEMS AND PRESENTATIONS

Finance Department presentation. Marshall presented a PowerPoint presentation on the responsibilities, accomplishments, and challenges of the Finance Department. He recognized Linda Brown, Kay Keady, and Linda Sterling for their work during the past year. He reported that the department needs an integrated financial system.

Police presentation on Senate Bill 111 - Use of Force. Miranda made a presentation on SB 111 relative to use of force. He noted that the bill requires the creation of local comprehensive protocols to address the use of deadly force in the performance of police duties.

ACTION ITEMS

Initiate legalization of NW 68th Street. Tokos reported that the issue before Council is whether to initiate proceedings to legalize NW 68th Street. He noted that staff recommends Council initiate the legalization proceedings. He reported that the issue arose in 2005 when the city received a request from owners of property along NW 68th Street to address discrepancies between the mapped road right-of-way and the physical location of the road. He added that legalizing NW 68th Street would clarify the title for the neighboring properties and provides the city with clear authority to make future improvements to the road and sewer infrastructure. He noted that the county surveyor will charge \$4,000 to complete the required survey, and that some title work may need to be done at a nominal cost. He reported that the Public Works Department is prepared to cover these expenses with budgeted funds. MOTION was made by Brusselback, seconded by Bertuleit, to direct staff to initiate the statutory process to legalize NW 68th Street. The motion carried unanimously in a voice vote.

Replacement of the Performing Arts Center roof. Voetberg reported that the issue before Council is authorization from Council to proceed with bidding a project to replace the Performing Arts Center roof. He noted that staff recommends the roof be replaced. A discussion ensued regarding the initial projected budget of \$110,000, and it was noted that, at the time, it was believed that this was the amount left in the North Side URA fund, while in fact; it has turned out to be approximately \$168,000. Voetberg reported that this amount allows for a project contingency. MOTION was made by Roumagoux, seconded by Brusselback, to authorize staff to proceed with designing and bidding a project to replace the Performing Arts Center roof, with the understanding that funding will come from the Newport Urban Renewal Agency Fund and that the project cost will be included in a future supplemental budget. The motion carried unanimously in a voice vote.

Consideration of purchasing a 30-minute promotional Newport TV episode by Digital Video with a new show called "Next Stop." Lorna Davis, Destination Newport Committee

Chair, reported on the opportunity to purchase a 30-minute promotional Newport television episode created by Digital Video (PDXposed), with a new show called "Next Stop." This show will play to a much larger audience than PDXposed, and the cost is \$15,000. Allen asked whether the DNC recommendation was unanimous, and Davis reported that there were five "yes" votes, one "no" vote, and one abstention. He asked Davis what, from her perspective, this video would do that other forms of advertising might not do, and Davis responded that it gives the audience a 30-minute look into what is available in Newport, and it is reaching a broad market. MOTION was made by Bertuleit, seconded by Beemer, that the city enter into an agreement with Digital Video, in the amount of \$15,000 for the production of a new 30-minute Newport episode to be aired in the fall of 2011, and authorize the city manager to execute all necessary documents on behalf of the city. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Sawyer reported that CERT training starts next Thursday, and that interested persons should contact Toby Cole at the Fire Department.

Roumagoux reported that she had attended a contractors meeting at OCCC for the aquarium science building, and progress is being made.

Roumagoux reported that the Parks and Recreation Committee made two recommendations for committee vacancies from among seven applicants.

Roumagoux and Brusselback attended the Public Arts Task Force meeting.

McConnell appointed Nancy Steinberg and Jimmy Rodriguez to the Parks and Recreation Advisory Committee. MOTION was made by Bertuleit, seconded by Beemer, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

Brusselback noted that the minutes that were approved reflect that Ritzman could write to ODOT on crosswalk issues. He asked whether Ritzman needed direction, and Ritzman noted that he had gotten direction.

Brusselback reported that he had attended a Port meeting regarding the albacore treaty between the U.S. and Canada.

Brusselback reported that he attended a Port meeting at which there was an update from Day on the terminal and NOAA projects, and that Ginny Goblirsch will be the Port's liaison to the city.

Brusselback reported that he attended the solid waste meeting with the contractors regarding the construction debris issue.

Brusselback reported that he attended the Public Arts Task Force meeting, and that the RFP for the Deco Park pylon was issued this week, and the construction schedule for Coast Park is included in the packet. Ritzman noted that the Deco Park RFP will not be issued until an option is selected at the next meeting.

Brusselback reported that he had toured the NOAA facility during a visit by the undersecretary of commerce.

Bertuleit reported on a recent meeting of the Airport Committee at which the "through-the-fence" agreement was discussed, and will continue to be discussed. He reported that the foundation for the new rotating beacon has been installed, and that fuel sales are up. He noted that water and sewer service at the airport is an important issue.

Beemer reported that he had been discussing the solid waste issue with McCarthy, Brusselback, and contractors, and that a report is anticipated in two weeks.

Beemer thanked the Newport Police Department for its involvement and work following the shooting of Lincoln City Officer Dodds.

Allen reported that during the search for the police officer shooting suspect, he often saw Miranda on television.

Allen reported that OCZMA held a meeting in Salem on January 27 and 28, 2011. He reported that the group received legislative concepts and updates from different natural resource agencies, including ODF&W, DLCDD, DSL, ODOT, and DOGAMI. He noted that the handout he provided at the January 31, 2011 work session related to the use of transient room taxes for more traditional services.

McConnell reported that the LOC would hold a legislative update, via telephone, on Wednesday at 10:00 A.M.

Allen reported that a proposed house bill would increase the state transient room tax rate of 1% to 6.29%. He added that SB542 would expand the definition of tourism related facilities to include roads that serve tourism destinations.

Brusselback reported that all Council Members had received an e-mail from Linda Sterling indicating that the transient room tax collections were up by 19%.

Bertuleit noted that the minimum standard poses difficulty along the coastline in development, and asked whether there is any progress in getting the standard changed. Tokos noted that there is slow progress, and that it will move into the public engagement process on February 28.

Allen reported that SB541 would expand the definition of promotion to maintain health, safety, and welfare, and could include water, sewer, police, and fire services.

McConnell noted that opposes changes to the transient room tax.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:18 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor

NEWPORT FIRE DEPARTMENT CITY REPORT JANUARY 2011

	CITY	RURAL		CITY	RURAL
FIRE CALLS:	5	2	PERMITS ISSUED:		
AUTOMATIC ALARMS:	11	1	BURN PERMITS:	31	41
MEDICAL CALLS:	43	8	FIREWORKS PERMIT:	0	0
MOTOR VEHICLE COLLISION	11	6	FIREWORKS DISPLAY:	0	0
HAZMAT STANDBY:	1	0	PERSON INSERVICES TOURS:	0	
MUTUAL AID RENDERED:	2	0	TOTAL INSPECTIONS:	14	
MUTUAL AID RECEIVED:	0	0	VIOLATIONS:	3	
AVIATION STANDBY:			ABATEMENTS:	12	
PUBLIC SERVICE	29	1	PLAN REVIEWS:	6	
HAZARDOUS CONDITION	12	0	CONSTRUCTION INSPECTIONS:	2	
OVERPRESSURE/RUPTURE:	0	0	VOLUNTEER HOURS	210	

OCCUPANCIES of Fires and Automatic Alarms

AIRCRAFT:	0	0	PROCESSING PLANTS:	0	0
BOATS:	0	0	PUBLIC BUILDINGS:	2	0
HOSPITAL/CARE CENTER:	0	0	REPAIR SHOPS:	1	0
HOTEL/MOTEL:	4	0	RESIDENTIAL:	6	1
LABORATORIES:	0	0	RESTAURANT:	1	0
LAUNDRAMATS:	0	0	SCHOOLS:	0	0
LAUNDRIES:	0	0	SERVICE STATION:	0	0
MANUFACTURING:	0	0	STORAGE:	3	0
MARINA:	0	0	STORES:	0	0
MISCELLANEOUS:	0	0	TAVERNS:	0	0
MOTOR VEHICLES:	1	0	TRAILERS:	0	0
NATURAL COVER:	0	0	UTILITIES:	0	0
OFFICES:	0	0	VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT CITY REPORT JANUARY 2011

CAUSES of Fires and Automatic Alarms

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	7	0	HEATING APPLICANCE:	0	0
CARELESS SMOKING:	0	0	INCENDIARY:	1	0
CHILDREN W/HEAT SOUR	0	0	MISCELLANEOUS:	0	0
CLEARANCE:	0	0	MISTAKEN ALARM:	2	0
ELECTRICAL:	0	1	OPEN FIRES:	1	0
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	0	0
FALSE ALARM:	4	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	1	0
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	0	1			
FRICTION:	0	0			
GAS LEAK:	1	0			

LOSS OF LIFE

CIVILIAN: 1 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0

NEWPORT FIRE DEPARTMENT YEAR END CITY REPORT 2010

	CITY	RURAL		CITY	RURAL
FIRE CALLS:	90	14	PERMITS ISSUED:		
AUTOMATIC ALARMS:	81	12	BURN PERMITS:	325	798
MEDICAL CALLS:	458	86	FIREWORKS PERMIT:	1	0
MOTOR VEHICLE COLLISION	43	22	FIREWORKS DISPLAY:	1	0
HAZMAT STANDBY:	1	0	PERSON INSERVICES TOURS:	1039	
MUTUAL AID RENDERED:	64	4	TOTAL INSPECTIONS:	303	
MUTUAL AID RECEIVED:	0	0	VIOLATIONS:	200	
AVIATION STANDBY:			ABATEMENTS:	141	
PUBLIC SERVICE	79	7	PLAN REVIEWS:	103	
HAZARDOUS CONDITION	23	1	CONSTRUCTION INSPECTIONS:	16	
OVERPRESSURE/RUPTURE:	1	0	VOLUNTEER HOURS	3027	

OCCUPANCIES of Fires and Automatic Alarms

AIRCRAFT:	0	0	PROCESSING PLANTS:	1	0
BOATS:	5	0	PUBLIC BUILDINGS:	20	0
HOSPITAL/CARE CENTER:	15	2	REPAIR SHOPS:	0	1
HOTEL/MOTEL:	15	0	RESIDENTIAL:	61	20
LABORATORIES:	1	0	RESTAURANT:	3	0
LAUNDRAMATS:	0	0	SCHOOLS:	9	0
LAUNDRIES:	0	0	SERVICE STATION:	0	0
MANUFACTURING:	1	0	STORAGE:	0	0
MARINA:	2	0	STORES:	7	0
MISCELLANEOUS:	6	0	TAVERNS:	0	0
MOTOR VEHICLES:	7	1	TRAILERS:	1	0
NATURAL COVER:	12	5	UTILITIES:	2	0
OFFICES:	5	0	VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT YEAR END CITY REPORT 2010

CAUSES of Fires and Automatic Alarms

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	17	1	HEATING APPLICANCE:	6	0
CARELESS SMOKING:	0	0	INCENDIARY:	4	0
CHILDREN W/HEAT SOUR	0	0	MISCELLANEOUS:	4	1
CLEARANCE:	7	0	MISTAKEN ALARM:	38	3
ELECTRICAL:	18	2	OPEN FIRES:	18	10
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	21	3
FALSE ALARM:	8	1	SPARKS:	0	0
FIREWORKS:	4	0	UNDETERMINED:	23	5
FLAMMABLE LIQUID:	1	0	WELDING/CUTTING:	3	0
FLUES:	3	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 1

Newport Police Department Monthly Statistical Review



SELECTED CALLS FOR SERVICE (CFS)	JANUARY 2011			ARRESTS
	THIS MONTH	LAST MONTH	SAME TIME LAST YEAR	
RAPE	1	0	1	0
ROBBERY	1	0	0	0
AGGRAVATED ASSAULT	0	0	0	0
BURGLARY (Residential)	3	1	3	2
BURGLARY (Business)	1	0	1	1
BURGLARY (Other)	1	0	1	0
THEFT	21	25	24	3
MOTOR VEHICLE THEFT	2	5	3	1
FRAUD	8	8	8	1
SIMPLE ASSAULT	10	9	9	8
VANDALISM	8	6	13	2
SEX OFFENSE	0	1	0	0
NARCOTIC/DRUGS	4	9	6	4
DOMESTIC DISPUTES	17	15	14	x
LIQUOR LAWS	2	0	3	2
DUII	10	7	5	10
DISORDERLY CONDUCT	19	6	13	13
TRESPASS/PROWLER	8	5	12	2
TRAFFIC CRASH/INJURY/FATAL	5	4	4	x
TRAFFIC CRASH/PROPERTY	8	4	13	x
HIT & RUN	9	11	8	1
ANIMAL PROBLEMS	9	10	17	x
SUSPICIOUS PERS/CIRCUM	93	81	61	0
VEHICLE IMPOUNDS	11	21	13	x
ALARMS	50	44	49	x

TOTAL CALLS FOR SERVICE **642** **575** **630**

88

Total CFS To Date	
This Year	Last Year
1	1
1	0
0	0
3	3
1	1
1	1
21	24
2	3
8	8
10	9
8	13
0	0
4	6
17	14
2	3
10	5
19	13
8	12
5	4
8	13
9	8
9	17
93	61
11	13
50	49

642 **630**

January Overtime Hours

Shift Coverage	158
Court	18
Investigations	134
Administration	21
Training	37
Other	72
TOTAL HOURS	439

Top 5 Traffic Citation Charges

Speeding	29
Prkng in Sp for Disable	15
Driving Susp/Revoked	10
Fail to Obey Trf Dev	9
No Operator License	8
TOTAL CITATIONS	97

PARKING CITATIONS **145**

WARNING CITATIONS **137**

Volunteer Hours **134**

CITY OF NEWPORT
Monthly Disbursements
 January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
ABECO	1/20/2011	10913	4830	27.71
ABECO	1/20/2011	10913	7005	6.25
Aboveboard Electric, Inc	1/14/2011	10812	4010	195.00
Aboveboard Electric, Inc	1/14/2011	10812	4520	779.14
Aboveboard Electric, Inc	1/14/2011	10812	7430	555.87
Aboveboard Electric, Inc	1/20/2011	10914	4510	227.71
Aboveboard Electric, Inc	1/20/2011	10914	4520	1,498.20
Aboveboard Electric, Inc	1/28/2011	10967	4520	322.75
Ace Alarms	1/7/2011	10728	1200	156.00
Ace Alarms	1/7/2011	10728	7005	66.00
Ace Alarms	1/7/2011	10728	7110	108.00
Ace Alarms	1/7/2011	10728	7430	180.00
Action Networks, Inc	1/20/2011	10915	1100	25.00
AFLAC	1/31/2011	11031	various	1,357.72
Airgas Nor Pac	1/28/2011	10968	1090	234.55
ALL- STAR ENGRAVING	1/14/2011	10814	1010	15.00
American Red Cross-Denver	1/14/2011	10815	4810	14.00
Analytical Laboratory & Consul	1/20/2011	10916	4010	620.00
Anderson, Tim	1/7/2011	10729	4870	333.75
Associated Business Systems	1/20/2011	10917	1610	1,154.32
Associated Cleaning Serv., Inc	1/7/2011	10730	1200	25.00
Associated Cleaning Serv., Inc	1/28/2011	10970	various	6,843.00
AT&T	1/20/2011	10918	7110	66.18
ATS Public Safety	1/14/2011	10816	1070	59.98
Barrelhead Supply, Inc	1/7/2011	10731	3850	41.35
Barrelhead Supply, Inc	1/7/2011	10731	4010	10.80
Barrelhead Supply, Inc	1/7/2011	10731	4020	30.80
Barrelhead Supply, Inc	1/7/2011	10731	4510	9.68
Barrett Business Svices, Inc	1/7/2011	10732	7110	250.00
Barrett Business Svices, Inc	1/7/2011	10732	8510	1,170.40
Barrett Business Svices, Inc	1/14/2011	10817	1610	994.84
Barrett Business Svices, Inc	1/14/2011	10817	7110	75.00
Barrett Business Svices, Inc	1/28/2011	10972	7110	250.00
Barrett Business Svices, Inc	1/28/2011	10972	8510	2,340.80
BASSIN, GARY STEPHAN &	1/14/2011	10818	4010	76.13
BAY MARKET/CORNAGEY	1/14/2011	10819	4010	1.52
Blumenthal Uniforms & Equipmnt	1/14/2011	10820	1070	139.90
BOLA CONSULTANTS	1/20/2011	10919	1090	708.00
Braxling & Braxling, Inc	1/20/2011	10920	3805	574.11
Braxling & Braxling, Inc	1/20/2011	10920	4020	83.45
BRENNTAG PACIFIC, INC	1/20/2011	10921	4010	3,083.00
Brown & Caldwell	1/7/2011	10733	4510	3,568.13
Brown & Caldwell	1/7/2011	10733	4520	223.50

CITY OF NEWPORT
Monthly Disbursements
January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
ABECO	1/20/2011	10913	4830	27.71
ABECO	1/20/2011	10913	7005	6.25
Aboveboard Electric, Inc	1/14/2011	10812	4010	195.00
Aboveboard Electric, Inc	1/14/2011	10812	4520	779.14
Aboveboard Electric, Inc	1/14/2011	10812	7430	555.87
Aboveboard Electric, Inc	1/20/2011	10914	4510	227.71
Aboveboard Electric, Inc	1/20/2011	10914	4520	1,498.20
Aboveboard Electric, Inc	1/28/2011	10967	4520	322.75
Ace Alarms	1/7/2011	10728	1200	156.00
Ace Alarms	1/7/2011	10728	7005	66.00
Ace Alarms	1/7/2011	10728	7110	108.00
Ace Alarms	1/7/2011	10728	7430	180.00
Action Networks, Inc	1/20/2011	10915	1100	25.00
AFLAC	1/31/2011	11031	various	1,357.72
Airgas Nor Pac	1/28/2011	10968	1090	234.55
ALL- STAR ENGRAVING	1/14/2011	10814	1010	15.00
American Red Cross-Denver	1/14/2011	10815	4810	14.00
Analytical Laboratory & Consul	1/20/2011	10916	4010	620.00
Anderson, Tim	1/7/2011	10729	4870	333.75
Associated Business Systems	1/20/2011	10917	1610	1,154.32
Associated Cleaning Serv., Inc	1/7/2011	10730	1200	25.00
Associated Cleaning Serv., Inc	1/28/2011	10970	various	6,843.00
AT&T	1/20/2011	10918	7110	66.18
ATS Public Safety	1/14/2011	10816	1070	59.98
Barrelhead Supply, Inc	1/7/2011	10731	3850	41.35
Barrelhead Supply, Inc	1/7/2011	10731	4010	10.80
Barrelhead Supply, Inc	1/7/2011	10731	4020	30.80
Barrelhead Supply, Inc	1/7/2011	10731	4510	9.68
Barrett Business Svices, Inc	1/7/2011	10732	7110	250.00
Barrett Business Svices, Inc	1/7/2011	10732	8510	1,170.40
Barrett Business Svices, Inc	1/14/2011	10817	1610	994.84
Barrett Business Svices, Inc	1/14/2011	10817	7110	75.00
Barrett Business Svices, Inc	1/28/2011	10972	7110	250.00
Barrett Business Svices, Inc	1/28/2011	10972	8510	2,340.80
BASSIN, GARY STEPHAN &	1/14/2011	10818	4010	76.13
BAY MARKET/CORNAGEY	1/14/2011	10819	4010	1.52
Blumenthal Uniforms & Equipmnt	1/14/2011	10820	1070	139.90
BOLA CONSULTANTS	1/20/2011	10919	1090	708.00
Braxling & Braxling, Inc	1/20/2011	10920	3805	574.11
Braxling & Braxling, Inc	1/20/2011	10920	4020	83.45
BRENNTAG PACIFIC, INC	1/20/2011	10921	4010	3,083.00
Brown & Caldwell	1/7/2011	10733	4510	3,568.13
Brown & Caldwell	1/7/2011	10733	4520	223.50

CITY OF NEWPORT
Monthly Disbursements
January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
Brown, Alan Tire Center	1/7/2011	10734	3805	560.76
BUCKLEY, STEVE	1/28/2011	10973	4010	62.34
Building Department, Llc , The	1/20/2011	10922	4610	7,134.08
BUSH, GARRETT	1/14/2011	10821	4010	38.51
C L POPE CO	1/7/2011	10735	4510	85.45
C L POPE CO	1/14/2011	10822	4510	68.56
Calhoun and DeJong, Inc.	1/20/2011	10963	7110	301.37
Calhoun and DeJong, Inc.	1/28/2011	10974	7110	191.88
Carson Oil Co	1/7/2011	10737	7005	567.00
Carson Oil Co	1/14/2011	10823	1200	101.76
Cascade Hydro-Air	1/28/2011	10975	1100	452.25
Cedar Creek Quarries, Inv	1/7/2011	10738	4520	241.41
Cedar Creek Quarries, Inv	1/20/2011	10923	4020	144.71
CEMEX	1/20/2011	10924	3805	1,160.64
Central Coast Excavating, Inc	1/14/2011	10824	4520	25,770.00
Central Lincoln P.U.D	1/7/2011	10739	various	1,554.90
Central Lincoln P.U.D	1/14/2011	10825	various	13,572.17
Central Lincoln P.U.D	1/20/2011	10925	various	54,345.97
Central Lincoln P.U.D	1/28/2011	10976	1600	1.00
Central Lincoln P.U.D	1/28/2011	10976	4010	260.47
Central Lincoln P.U.D	1/31/2011	11032	various	196.21
Charter Communications	1/7/2011	10740	4830	31.60
Charter Communications	1/14/2011	10826	4010	59.99
Charter Communications	1/28/2011	10977	4830	31.60
Cheek, Rebecca	1/7/2011	10741	4870	128.10
CHRIS REPAIR	1/7/2011	10742	4803	67.00
Civil West Engineering Service	1/20/2011	10926	4020	2,463.25
Civil West Engineering Service	1/20/2011	10926	4520	1,121.40
Clemons, Julia E.R	1/7/2011	10743	4870	98.00
Coast Range Equipment and Repa	1/14/2011	10827	4510	966.20
Coast Range Equipment and Repa	1/14/2011	10827	4520	1,067.97
Coast Telecomm	1/7/2011	10744	1090	625.65
Coastal Arts Guild	1/7/2011	10745	4040	80.00
Coastal Arts Guild	1/7/2011	10745	4540	80.00
Coastal Paper & Supply	1/14/2011	10909	4810	137.40
Coastal Paper & Supply	1/20/2011	10927	1100	723.90
Coastal Paper & Supply	1/20/2011	10927	1200	48.00
Coastal Paper & Supply	1/20/2011	10927	4805	513.27
Coastal Paper & Supply	1/20/2011	10927	4810	319.85
Coastal Paper & Supply	1/28/2011	10978	4803	272.65
Coastal Paper & Supply	1/28/2011	10978	4810	187.70
COASTCOM, INC	1/14/2011	10828	4805	550.00
COASTCOM, INC	1/14/2011	10828	7430	1,053.08

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Vendor Name	Check Date	Check Number	Dept	Amount
Complete Wireless Solutions	1/20/2011	10928	7005	105.00
Consolidated Supply Co	1/7/2011	10746	1090	819.74
Consolidated Supply Co	1/20/2011	10929	4020	7,179.30
Crime Prevention Outreach LLC	1/7/2011	10747	1070	59.00
CROMMETT, MARY P	1/14/2011	10829	4010	20.32
Curry Marine	1/20/2011	10930	4520	135.75
Curtis, L.N. & Sons	1/28/2011	10979	1095	8,933.14
Curtis, L.N. & Sons	1/28/2011	10979	8510	13,086.65
Day-Timers, Inc	1/14/2011	10830	4610	8.95
DCBS-Fiscal Services	1/14/2011	10831	4610	6,782.78
Degroot, Jenny	1/14/2011	10832	4010	84.79
Dell Financial Services	1/28/2011	10980	1025	5,577.00
Dell Marketing L.P	1/7/2011	10748	1025	7,065.59
Dell Marketing L.P	1/14/2011	10833	1025	16,521.98
Dell Marketing L.P	1/20/2011	10931	1025	1,550.58
Dept of Consumer & Business	1/20/2011	10932	1100	197.12
Dept of Consumer & Business	1/20/2011	10932	1200	197.12
Dept of Consumer & Business	1/20/2011	10932	7430	197.12
DHS- State of Oregon	1/14/2011	10834	4090	200.00
Dish Network	1/14/2011	10835	7110	12.99
DMV Driver & Motor Vehicle Ser	1/28/2011	10981	1090	90.00
DONYA MARIE'S BEYOND CHOCOLATE	1/14/2011	10836	4010	86.79
Doug's Electric	1/14/2011	10837	1200	2,688.00
Doug's Electric	1/14/2011	10837	3805	587.90
E2 Electric, Inc	1/20/2011	10933	7005	17,420.57
EDER, MICHELE LONGO	1/28/2011	10982	1100	33.90
Electronic Superstore	1/14/2011	10838	1070	369.00
EMBLEM ENTERPRISES, INC	1/7/2011	10749	1090	352.51
Emerald Springs	1/14/2011	10839	4510	51.00
EMERGENCY MEDICAL PRODUCT, INC	1/7/2011	10750	1095	297.80
Employment Department	1/14/2011	10840	1050	1,638.51
Englund Marine Supply	1/7/2011	10751	1090	2.75
Englund Marine Supply	1/7/2011	10751	4020	28.70
Englund Marine Supply	1/7/2011	10751	4510	39.28
Englund Marine Supply	1/7/2011	10751	4520	94.54
Englund Marine Supply	1/7/2011	10751	7430	24.00
Englund Marine Supply	1/14/2011	10841	4010	6.12
Englund Marine Supply	1/20/2011	10934	4510	7.70
Evans, David & Assoc, Inc	1/14/2011	10842	8510	72,981.96
Evans, David & Assoc, Inc	1/28/2011	10983	8510	13,812.50
FAS-AHM UTILITIES, LLC	1/28/2011	10984	4010	115.31
Fastenal Company	1/7/2011	10752	1610	18.52
Fastenal Company	1/7/2011	10752	4020	6.21

CITY OF NEWPORT
Monthly Disbursements
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Vendor Name	Check Date	Check Number	Dept	Amount
Fastenal Company	1/14/2011	10910	4020	28.77
Fastenal Company	1/28/2011	10985	1090	42.29
Fastenal Company	1/28/2011	10985	4510	36.02
GAMACHE, JULIE	1/7/2011	10753	4870	87.50
GARLAND, ASHLEY	1/14/2011	10843	4010	120.96
GE CAPITAL	1/7/2011	10754	4830	110.00
Grady Britton	1/14/2011	10844	7430	33,248.16
Graymont Capital Inc.	1/14/2011	10845	4510	3,150.00
Greater Newport Chamber of Crc	1/7/2011	10755	7430	37,500.00
Groth-Gates Heating & Sheet Me	1/28/2011	10986	7430	425.35
H.G.E. Inc., Architects, Engrs	1/7/2011	10756	8510	638.61
H.G.E. Inc., Architects, Engrs	1/14/2011	10911	8510	1,127.01
H.G.E. Inc., Architects, Engrs	1/28/2011	10987	various	2,166.00
Hach Company	1/14/2011	10846	4510	163.95
Hach Company	1/28/2011	10988	4510	110.95
HAEBLER, MICHAEL	1/14/2011	10847	4010	115.85
HAGGERTY, JENNIFER	1/7/2011	10757	1100	158.89
Halco Welding, Inc	1/14/2011	10848	4520	1,753.35
Hawker, Margaret	1/7/2011	10758	1020	28.75
HD Supply Waterworks, LTD	1/7/2011	10759	4020	3,244.00
HD Supply Waterworks, LTD	1/28/2011	10989	4020	882.75
HDR Engineering, Inc.	1/20/2011	10935	8510	38,669.10
HDR Engineering, Inc.	1/28/2011	10990	8510	54,144.83
HILLEBRAND, MATT	1/28/2011	10991	4010	110.98
HOWSDEN, MIKE & SARAH	1/14/2011	10849	4010	57.35
Ingram Library Services	1/7/2011	10760	1100	1,496.33
Ingram Library Services	1/20/2011	10936	1100	78.59
Ingram Library Services	1/28/2011	10992	1100	160.37
Integra	1/7/2011	10761	1090	1.77
Integra	1/7/2011	10761	4510	26.34
Itron, Inc	1/7/2011	10762	4040	375.55
Itron, Inc	1/7/2011	10762	4540	375.55
J&J COASTAL ELECTRIC INC.	1/14/2011	10850	4810	664.93
Javelina Trading Company	1/7/2011	10763	4020	132.56
K&L Gates LLP	1/28/2011	10993	1040	147.50
Keith's Sporting Goods, Inc.	1/7/2011	10764	1070	299.25
KPPT-AM/KPPT FM	1/20/2011	10937	4870	200.00
Krueger Medical Services	1/20/2011	10938	1090	294.79
KSHL Radio	1/14/2011	10851	7005	1,000.00
KSHL Radio	1/20/2011	10939	4870	150.00
Landmark Audiobooks	1/7/2011	10766	1100	10.00
Lazerquick	1/7/2011	10767	7005	737.00
LEAF	1/28/2011	10994	7005	119.48

CITY OF NEWPORT
Monthly Disbursements
January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
LEE, PETER S	1/28/2011	10995	4010	117.98
LEECH, GENE	1/14/2011	10852	4010	124.07
LEIGH, NINA L	1/7/2011	10768	4010	44.59
Lincoln Co Computer Services	1/14/2011	10853	1080	41,615.00
Lincoln Co Parole & Probation	1/14/2011	10854	1100	550.00
Lincoln Co Solid Waste Dist	1/14/2011	10855	7910	1,174.35
Lincoln Co Solid Waste Consort	1/28/2011	10996	7910	3,188.90
Lincoln County Clerk	1/14/2011	10856	1610	18.50
Lincoln County Comm Agency	1/7/2011	10771	1080	35,967.40
LINCOLN COUNTY DEPARTMENT OF	1/14/2011	10857	4010	65.00
Lincoln County Fleet Services	1/7/2011	10769	1090	146.94
Lincoln County Print Shop	1/20/2011	10940	1610	65.00
Lincoln County Print Shop	1/20/2011	10940	4805	65.00
Lincoln County Public Works	1/14/2011	10858	various	7,666.64
Lincoln County Public Works	1/20/2011	10941	4803	756.10
Lincoln County Public Works	1/20/2011	10941	7005	249.89
Lincoln County Public Works	1/28/2011	10997	1090	941.61
Lincoln County School District	1/7/2011	10770	1010	486.46
Lincoln Glass Company	1/14/2011	10859	4805	65.00
Lumbermens/ProBuild	1/7/2011	10772	1070	76.20
Lumbermens/ProBuild	1/7/2011	10772	1090	76.77
Lumbermens/ProBuild	1/7/2011	10772	7430	11.97
Lumbermens/ProBuild	1/14/2011	10860	4010	6.99
Lyle Signs, Inc.	1/28/2011	10998	1070	117.14
Lyle Signs, Inc.	1/28/2011	10998	1200	117.13
Lyle Signs, Inc.	1/28/2011	10998	7430	117.14
M & E Septic Service	1/14/2011	10861	4010	400.00
Mayer/Reed	1/20/2011	10942	7430	1,095.75
McCarthy, Penelope	1/14/2011	10862	1040	562.00
Med-Tech Resource, Inc	1/7/2011	10773	1090	70.12
Microflex Corporation	1/7/2011	10774	4510	188.90
Moore, Gail B	1/14/2011	10863	4010	69.51
NAGEL, GERALD L	1/28/2011	11000	4010	25.02
Nationwide Retirement Solution	1/31/2011	11033	various	12,708.30
NCL of Wisconsin, Inc	1/7/2011	10775	4510	617.41
NEWPORT AUTO PARTS, INC	1/7/2011	10776	1090	30.09
NEWPORT AUTO PARTS, INC	1/7/2011	10776	4510	44.39
NEWPORT AUTO PARTS, INC	1/7/2011	10776	4520	7.60
NEWPORT AUTO PARTS, INC	1/20/2011	10943	4510	19.07
Newport Diesel & Marine Co Inc	1/14/2011	10864	4020	1,613.25
Newport Diesel & Marine Co Inc	1/28/2011	11001	1090	135.95
NEWPORT EMPLOYEES ASSOCIATION	1/31/2011	11034	1200	722.00
Newport Fire Fighters Assn	1/31/2011	11035	1090	546.36

CITY OF NEWPORT
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January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
Newport Glass Compny, Inc	1/20/2011	10944	4510	32.65
Newport High School	1/28/2011	11002	4870	50.00
Newport Parks & Recreation	1/20/2011	10945	4830	50.00
Newport Police Association	1/31/2011	11036	1070	1,365.25
Newport Public Library	1/7/2011	10777	1100	37.21
Newport Public Library	1/20/2011	10946	1100	41.76
Newport Rental Service, Inc	1/7/2011	10778	4020	62.10
Newport Volunteer Fire Deparmt	1/7/2011	10779	1090	1,830.00
Newport Wireless Center	1/20/2011	10947	4510	39.90
News-Times	1/20/2011	10948	7005	1,499.00
Nextel Communications	1/14/2011	10865	1070	46.37
NICHOLS, JEFFREY	1/14/2011	10866	4010	80.55
Northern Safety Co., Inc.	1/14/2011	10867	4520	109.26
Northwest Vending Co	1/14/2011	10868	7110	35.82
NW Natural	1/7/2011	10780	7430	312.00
NW Natural	1/14/2011	10869	4520	50.66
NW Natural	1/28/2011	11003	various	7,521.29
OACP	1/7/2011	10781	1070	303.00
OAMR	1/28/2011	11004	1020	150.00
OCCA	1/7/2011	10782	7430	27,500.00
OCCA	1/28/2011	11005	7430	5,000.00
OCCMA	1/7/2011	10783	1020	195.03
Ocean Tire Factory	1/14/2011	10870	1070	3,982.15
Ocean Tire Factory	1/14/2011	10870	3805	511.20
Ocean Tire Factory	1/28/2011	11006	4020	36.95
OCPDA	1/14/2011	10871	1400	85.00
Oregon City Attorneys Assoc	1/14/2011	10872	1040	75.00
Oregon Coast Broadcast Center	1/14/2011	10873	7005	1,125.00
OREGON COAST TODAY	1/14/2011	10874	7005	180.00
OREGON DEPT OF FORESTRY	1/26/2011	10966	8510	770.00
Oregon Department of Justice	1/31/2011	11039	1070	442.00
Oregon Department of Justice	1/31/2011	11038	1090	458.00
Oregon Department of Justice	1/31/2011	11037	4020	400.00
Oregon Department of Revenue	1/31/2011	11040	4810	127.85
Oregon Department of Transport	1/14/2011	10875	1900	18.37
Oregon Mayors Association	1/7/2011	10784	1010	115.00
Oregon Water Resources Depart.	1/20/2011	10949	4010	1,000.00
Ozone Fine Art	1/25/2011	10964	1200	10,898.00
Pacific Coast Plumbing, Inc	1/7/2011	10785	8510	739.43
Pacific Coast Plumbing, Inc	1/28/2011	11007	4803	75.00
Pacific Office Automation	1/28/2011	11008	1100	98.08
Pape Machinery, Inc	1/7/2011	10786	4020	45.75
Parker, Andy	1/7/2011	10787	1090	17.94

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Vendor Name	Check Date	Check Number	Dept	Amount
Pauly, Rogers & Co., P.C.	1/14/2011	10912	1050	3,850.00
Peak Internet	1/14/2011	10876	7110	70.75
Peak Internet	1/28/2011	11010	1090	30.70
Pepsi-Cola Bottling Co. Eugene	1/14/2011	10877	4830	165.80
Pepsi-Cola Bottling Co. Eugene	1/28/2011	11011	4830	123.95
Pioneer Printing, Inc	1/20/2011	10950	1090	204.45
Pioneer Telephone Cooperative	1/14/2011	10878	1090	108.33
Pioneer Telephone Cooperative	1/14/2011	10878	4510	200.12
Pioneer Telephone Cooperative	1/14/2011	10878	7005	347.17
Pioneer Telephone Cooperative	1/14/2011	10878	7110	52.38
Pitney Bowes, Inc	1/20/2011	10951	1050	111.17
Pitney Bowes, Inc	1/20/2011	10951	4040	111.17
Pitney Bowes, Inc	1/20/2011	10951	4540	111.16
Pitney Bowes, Inc	1/28/2011	11012	1050	70.07
Pitney Bowes, Inc	1/28/2011	11012	4040	70.07
Pitney Bowes, Inc	1/28/2011	11012	4540	70.06
Platt Electric Supply	1/7/2011	10788	4520	270.49
Platt Electric Supply	1/14/2011	10879	7005	142.05
Polydyne, Inc	1/14/2011	10880	4510	4,738.00
POTTER, DYLAN M	1/28/2011	11013	4010	81.59
Precision Approach Engineering	1/7/2011	10789	7005	2,817.17
Pridgeon, Jeff	1/7/2011	10790	1030	1,200.00
PrintOregon	1/14/2011	10881	1900	204.00
Protean Technologies, Inc	1/7/2011	10791	1050	90.00
Public Works Supply, Inc	1/14/2011	10882	1610	56.00
Public Works Supply, Inc	1/20/2011	10952	4510	101.13
Qwest	1/7/2011	10792	various	3,184.20
Qwest	1/14/2011	10883	4020	79.24
Qwest	1/14/2011	10883	7430	39.26
Qwest	1/28/2011	11014	various	130.49
Rackowski, Shannon	1/7/2011	10793	4870	48.39
Rackowski, Shannon	1/14/2011	10884	4870	125.00
Rau Plumbing	1/20/2011	10953	1100	254.50
Recorded Books, Llc	1/14/2011	10885	1100	6.95
Reserve Account	1/7/2011	10794	various	2,985.98
Rowley's Towing	1/7/2011	10795	1070	74.50
Samaritan Occupational Med	1/14/2011	10886	4010	18.00
Samaritan Occupational Med	1/14/2011	10886	4510	18.00
SANCHEZ, KAREN	1/28/2011	11015	4830	50.00
Satcom Global FZE	1/7/2011	10797	1070	33.95
Seal Rock Water District	1/7/2011	10798	2450	5,000.00
Seal Rock Water District	1/14/2011	10887	4090	1,356.14
SeaWestern	1/7/2011	10799	1095	160.12

CITY OF NEWPORT
Monthly Disbursements
January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
Setere & Sons LTD	1/14/2011	10888	4510	760.50
SHELTON, MIKE	1/14/2011	10889	4010	81.64
Shelton Turnbull Solutions	1/28/2011	11016	1050	93.66
Siemens Water Technologies	1/7/2011	10800	4510	770.00
SMITH, TED J	1/25/2011	10965	1100	114.78
Solomonson, Mary	1/7/2011	10801	4870	333.75
South Lincon County Newspaper	1/20/2011	10954	4870	2.03
SPARKS, JONATHAN	1/7/2011	10802	4870	44.80
Staples	1/7/2011	10803	1050	79.24
Staples	1/14/2011	10890	1070	34.46
Staples	1/14/2011	10890	4510	36.99
Staples	1/14/2011	10890	4520	22.40
Staples	1/20/2011	10955	1610	228.82
Staples	1/28/2011	11018	various	1,754.95
Staples Advantage	1/7/2011	10804	1070	65.19
Staples Advantage	1/14/2011	10891	1070	47.92
Staples Advantage	1/20/2011	10956	1070	125.69
Staples Advantage	1/28/2011	11019	1070	161.45
Steen's Master Lube	1/7/2011	10805	4020	409.00
Stitchin Post, The	1/14/2011	10893	1070	5.00
Syn-Tech Systems, Inc.	1/7/2011	10807	7110	456.75
T&L Septic & Chemical Toilet	1/20/2011	10957	1090	63.50
T&L Septic & Chemical Toilet	1/20/2011	10957	7110	122.00
T&L Septic & Chemical Toilet	1/28/2011	11020	4803	131.80
TCB SECURITY SERVICES, INC.	1/20/2011	10958	1070	3,640.00
Technical Imaging Systems, Inc	1/14/2011	10894	4610	5,812.42
Thompson's Sanitary Serv., Inc	1/14/2011	10895	various	1,333.85
Thompson's Sanitary Serv., Inc	1/20/2011	10959	4803	318.70
Thompson's Sanitary Serv., Inc	1/20/2011	10959	4805	113.00
Thompson's Sanitary Serv., Inc	1/20/2011	10959	4830	318.70
Thompson's Sanitary Serv., Inc	1/20/2011	10959	7005	271.25
Thompson's Sanitary Serv., Inc	1/28/2011	11021	1090	139.00
Thompson's Transfer & Disposal	1/7/2011	10808	4510	30.60
Thompson's Transfer & Disposal	1/7/2011	10808	4803	25.20
Thompson's Transfer & Disposal	1/14/2011	10896	4510	669.60
Thyssenkrupp Elevator Corp	1/7/2011	10809	1100	598.98
Thyssenkrupp Elevator Corp	1/7/2011	10809	1200	672.99
Thyssenkrupp Elevator Corp	1/7/2011	10809	4805	670.47
Thyssenkrupp Elevator Corp	1/7/2011	10809	4830	672.99
Thyssenkrupp Elevator Corp	1/7/2011	10809	7430	621.72
Tim Green Electric, Inc	1/14/2011	10897	1100	247.06
TLC Credit Union	1/31/2011	11041	various	1,112.00
Toby Murry Motors	1/28/2011	11022	4520	36.95

CITY OF NEWPORT
Monthly Disbursements
January 2011

Vendor Name	Check Date	Check Number	Dept	Amount
Traffic Safety Supply Co., Inc	1/14/2011	10898	3805	442.22
Troyer's Marine Supply	1/14/2011	10899	4010	35.75
Troyer's Marine Supply	1/20/2011	10960	4510	129.83
TU TIENDA TENOCHTITLAN	1/14/2011	10900	4010	79.36
United Grocers	1/7/2011	10810	1090	171.45
United Grocers	1/7/2011	10810	1200	43.33
United Grocers	1/7/2011	10810	4510	188.63
United Grocers	1/7/2011	10810	4805	47.65
United Pipe & Supply	1/28/2011	11023	4520	360.39
UPS	1/28/2011	11024	1090	16.57
USAMOBILITY	1/14/2011	10901	4803	24.40
USAMOBILITY	1/14/2011	10901	7005	7.62
Vadim Municipal Software, Inc	1/14/2011	10902	1050	110.00
Vadim Municipal Software, Inc	1/14/2011	10902	4040	110.00
Vadim Municipal Software, Inc	1/14/2011	10902	4540	110.00
VerizonWireless	1/14/2011	10903	1070	1,466.26
VerizonWireless	1/14/2011	10903	1090	31.35
VerizonWireless	1/14/2011	10903	4020	30.62
VerizonWireless	1/14/2011	10903	7005	30.62
VerizonWireless	1/14/2011	10903	4610	30.62
VerizonWireless	1/20/2011	10961	1610	580.19
VerizonWireless	1/28/2011	11025	4803	18.45
Waldport Ready Mix	1/20/2011	10962	4520	125.00
WARNER, CRAIGE	1/28/2011	11027	4010	44.28
West Coast Linen	1/7/2011	10811	1090	12.50
West Coast Linen	1/14/2011	10904	1090	12.50
West Coast Linen	1/14/2011	10904	7005	40.96
West Coast Linen	1/28/2011	11028	1090	25.00
Western States Elect Const.	1/14/2011	10905	1900	409.95
Wiles, Vern Construction	1/14/2011	10906	3805	425.00
Xerox Corporation	1/14/2011	10907	various	1,101.19
Xerox Corporation	1/28/2011	11029	various	2,261.93
Young, Guy	1/14/2011	10908	4010	39.74
ZIMICK, MITCH	1/28/2011	11030	4010	9.54
TOTALS:				750,807.77

CITY OF NEWPORT
 Monthly Disbursements
 Check Amounts Over \$25,000
 January 2011

Vendor Name	Check Date	Check #	Dept.	Description	Amount
Central Coast Excavating, Inc	1/14/2011	10824	4520	repair sewer pipe 1311 n coast hwy	25,770.00
Evans, David & Assoc, Inc	1/14/2011	10842	8510	Eng services, Marine Science Drive	72,981.96
Grady Britton	1/14/2011	10844	7430	Acct Services-Media-Website-DecRadio-Brochure	33,248.16
Greater Newport Chamber of Crc	1/7/2011	10755	7430	Qtrly pymts per contract	37,500.00
HDR Engineering, Inc.	1/20/2011	10935	8510	Engineering svcs, New Water Treatment Plant	38,669.10
HDR Engineering, Inc.	1/28/2011	10990	8510	Engineering svcs, New Water Treatment Plant	54,144.83
Lincoln Co Computer Services	1/14/2011	10853	1080	NPD share of Alicance RMS Jul to Dec 2010	41,615.00
Lincoln County Comm Agency	1/7/2011	10771	1080	Lincoln Co 911 Services Jan 2011	35,967.40
OCCA	1/7/2011	10782	7430	OR. COAST CNCL FOR ARTS 3rd Qtr FY 2011	27,500.00
				TOTALS:	367,396.45

PURCHASES OVER \$25,000 REPORTED PURSUANT TO 2.30.060 OF THE NEWPORT MUNICIPAL CODE "PUBLIC CONTRACTING - DELEGATION OF AUTHORITY"

APPOINTMENT OF BUDGET COMMITTEE MEMBER
(Interviewed at Noon Work Session)

APPLICANTS:

JOAN STANTON

BILL BAIN

PATRICIA PATRICK-JOLING

LLOYD "OLY" OLSON

FRED SPRINGSTEEN

JIMMY RODRIGUEZ

Town & Country Fair & Rodeo Association

"Lincoln County - Our Playground"

Lincoln County Fairgrounds

July 8, 9 & 10, 2011

City of Newport
169 SW Coast Hwy
Newport OR 97366

RE: Sponsorship for County Geo-Coin

Dear Mayor:

Whether continuing your support or joining fellow city governments in this adventure, the Town and Country Fair & Rodeo Association, Inc. asks for your sponsorship in the amount of \$500.00 for our county geo-coin that will be available at this year's Lincoln County Fair held July 8, 9, 10, 2011.

We look forward to working with you as a vital community partner who symbolizes the "community spirit" of the fair. Through the support of Lincoln County's cities last year, approximately 7,000 fair goers had the opportunity to learn how to use a gps from the volunteers of the Central Oregon Coast Geocachers Association and locate various clues on the fairgrounds in their efforts to earn a coin. Below is a picture of last year's coin.



Plans are underway for the design of this year's coin. It is our goal to incorporate the very best of Lincoln County on our 3rd annual geo-coin.

If you have any questions, please do not hesitate to contact me on my cell phone at (541) 270-0888.

Respectfully,

Rebekah Goulet
T&CF&RAI Treasurer

Town & Country Fair & Rodeo Association, Inc.
PO Box 572 South Beach OR 97366



Jim Voetberg
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
j.voetberg@thecityofnewport.net

Manager's Report Meeting of February 22, 2011

Following is the Manager's Report for the City Council meeting of February 22, 2011:

Month Ending Financial Report, January 31, 2010. Attached for Council review are fiscal year-to-date expenditure reports through the end of January 2010 for key funds of the City.

Suggestion/Concern/Complaint update: Attached for Council review is the Suggestion/Concern/Complaint update through the end of January 2011. The update covers citizen comments to staff, citizen comments brought to staff's attention by Councilors, and citizen comments voiced at Council meetings. Closed items over 30 days old have been dropped off the list.

Project Update on Key City Projects: Attached is an update by Public Works on key City projects including the Water Treatment Plant, Naterlin Drive Sidewalk Improvements and the Marine Science Drive project.

Funding to Address Storm Water System Needs: This past wet winter has identified deficiencies in our storm water system that can only be addressed through system capital improvements. Given that funding for storm water capital improvements is essentially limited to General Fund monies, the ability to make these improvements is made difficult with competing General Fund needs.

As the Council may be aware, the City has adopted a Storm Water fee methodology but has chosen not to implement any fee. The methodology is based on impervious area identified on a property which, though last year's budgetary process, proved to be unpopular with many businesses. In preparation of next year's budget, staff is seeking direction from the Council if there is a desire to revisit the storm water fee issue in order to address storm water capital improvement needs. If there is consensus to discuss the possibility of implementing a storm water fee, it is suggested that; (1) a public hearing be held to hear public input prior to formal discussion by the Council and, (2) different storm water fee methodologies, such as a flat fee, be considered. Staff will be requesting Council direction on this issue.

City of Newport

**Financial Report as of
31 JANUARY 2011**

**For Certain Funds,
Departments, and Cost Centers**

City of Newport

**Financial Report as of
31 JANUARY 2011**

**For Certain Funds,
Departments, and Cost Centers**



MONTHLY FINANCIAL REPORT

PERFORMANCE AT A GLANCE

As of 31 January 2011

Revenues and Expenses, Certain Select Funds
 Budget-to-Actual Expenses for Certain Selected Funds
 Forecast of Expenses, by Appropriation

	CURRENT MONTH	YEAR-TO-DATE	COUNCIL'S ATTENTION:	SEE PAGE	NOTES
	N/A	GOOD	Attn: Council	1 2 3	PLEASE NOTE THE DIFFERENCE BETWEEN "EARNED" REVENUE AND "TRUE" EXPENSES AND THOSE "BOOKED"
GENERAL FUND					
Expense to Revenue	GOOD	GOOD		4	
Revenue to Budget					
Property Taxes	GOOD	GOOD			\$5.235 budget; rcvd \$4.603, or 87.9%; Last Year: 90.7% Total FY10= \$4.36 \$703k budget; \$352k received \$185k of \$339k received \$154.7k budget; \$107.7 received \$126.3k budget; \$122.7k received
Franchise Taxes	GOOD	GOOD			
County Library Contribution	GOOD	GOOD			
Municipal Court Fines	NEUTRAL	NEUTRAL			
Business Licenses	NEUTRAL	NEUTRAL			
Budget to Actual Expenses					
Wages and Salaries	GOOD	NEUTRAL		4,5	Retirements of City Attorney and Exec Ass't will offset forecast overrun by Police
Materials & Services	GOOD	GOOD		4,5	Materials and Service may underrun by \$100k
Capital Outlay	GOOD	GOOD		4,5	
ROOM TAX FUND					
Revenue to Budget	WATCH	WATCH	Attn: Council	6	Forecast Revenue : \$2.285 million ... \$2.524 million budgeted
Expense to Appropriation	GOOD	GOOD		6	
Expense to Revenue	GOOD	WATCH	Attn: Council	6	\$18K More spent than received [with one month differential between receipts and expenses]
STREET FUND					
Street Maintenance	GOOD	WATCH	Attn: Council	7	
Storm Drain Maintenance	GOOD	WATCH	Attn: Council	7	The Street Fund began the year with a negative fund balance of \$648,000; to date, operating revenues are greater than operating expenses; but Newport Gas Tax collections remain unused
WATER FUND					
Expense to Appropriation					
Water Treatment Plant	NEUTRAL	NEUTRAL		8	
Water Distribution	NEUTRAL	NEUTRAL		8	Includes \$108k of carryover Elizabeth St/BayBlvd Capital Expenses
Water Customer Service	GOOD	GOOD		8	
Water Non-Departmental	GOOD	GOOD		8	
WASTEWATER FUND					
Expense to Appropriation					
Wastewater Treatment Plant	NEUTRAL	NEUTRAL		9	
Wastewater Distribution	GOOD	GOOD		9	
Wastewater Customer Service	GOOD	GOOD		9	
Wastewater Non-Departmental	GOOD	GOOD		9	
AIRPORT FUND					
Expense to Budget					
Aviation	GOOD	GOOD	Attn: Council	10	Those these two funds are notforecast to exceed their expense budgets this year, they did last year and should be watched carefully; in any event, they both began the year with negative fund balances
FBO	GOOD	GOOD	Attn: Council	10	
PARKS AND RECREATION FUND					
Revenue to Expenses					
Administration	GOOD	GOOD		11	
Parks	NEUTRAL	NEUTRAL		11	
Senior Center	GOOD	GOOD		11	
Swimming Pool	GOOD	GOOD		11	
Recreation Center	GOOD	GOOD		11	
Recreation Programs	GOOD	GOOD		11	
PAYROLL (GENERAL FUND)					
	Annual Budget	Year-End Fcst			
Wages & Salaries	\$ 3,965,073	\$ 3,793,385			
Health Insurance	\$ 944,927	\$ 916,100			
Retirement Expenses	\$ 580,498	\$ 516,863			
TOTAL PAYROLL	\$ 5,490,498	\$ 5,411,019			

**SUMMARY OF YTD REVENUES AND EXPENSES FOR CERTAIN SELECT FUNDS, DEPARTMENTS, AND COST CENTERS
AS OF 31 JANUARY 2011**

	<----- OPERATING RESULTS ⁽¹⁾ ----->			<----- GLOBAL RESULTS ----->		
	"Earned" Revenue	"Operating" Expenses	"Earned" Revenue > (<) Operating Expenses	Revenue Incl. Transfers "In"	All Expenses Including Transfers "Out"	All Revenue > (<) All Expenses
Administration	108,897	804,497	(695,600)	108,897	804,497	(695,600)
Public Safety	14,625	2,011,265	(1,996,640)	14,625	2,577,668	(2,563,043)
Library	190,737	516,901	(326,164)	190,737	516,901	(326,164)
Community Development	18,763	207,754	(188,991)	18,763	207,754	(188,991)
Maint., Public Works Eng & Admin	1,961	386,859	(384,898)	1,961	386,859	(384,898)
Non-Departmental	5,545,524	151,658	5,393,866	6,450,730	635,273	5,815,457
Total - General Fund	5,881,158	4,078,934	1,802,224	6,786,364	5,128,951	1,657,413
Streets	374,808	270,905	103,903	470,056	640,158	(170,102)
Water Fund	1,178,422	949,543	228,879	1,200,922	7,601,239	(6,400,317)
Wastewater Fund	1,529,343	820,435	708,908	1,529,343	2,007,119	(477,776)
Parks and Recreation:						
Administration	2,594	65,389	(62,795)	67,389	65,389	2,000
Parks (Maint)	(512)	119,208	(119,720)	88,490	119,208	(30,718)
Senior Center	5,036	59,376	(11,185)	53,679	59,376	82,309
Swimming Pool	48,191	158,028	18,982	141,685	158,028	153,927
Recreation Ctr	177,010	207,310	(106,771)	311,955	207,310	(30,531)
Programs	100,539	104,833	(4,294)	176,779	104,833	71,946
Projects - Senior Center	198,291	290,374	(92,083)	198,291	290,374	(92,083)
Parks and Recreation (Total)	332,858	714,144	(285,783)	839,977	714,144	125,833
Airport Ops	1,012,054	1,338,259	(326,205)	1,182,303	1,413,259	(230,956)
FBO	212,190	66,315	145,875	259,706	91,917	167,789
Airport Fund (Total)	1,224,244	1,404,573	(180,329)	1,442,009	1,505,175	(63,166)
Room Tax Fund	1,284,537	522,961	761,576	1,284,537	1,310,458	(25,922)
TOTALS	11,805,370	8,761,496	3,139,377	13,553,208	18,907,245	(5,354,037)

⁽¹⁾ "Operating Results" are those that would occur if there were no internal transfers of funds

**FISCAL YEAR 2011, BUDGET TO ACTUAL *EXPENDITURE* REPORT
AS OF 31 JANUARY 2011, FOR CERTAIN SELECT FUNDS**

PERCENT OF THE YEAR THAT HAS ELAPSED



58.20%

FUND	ANNUAL BUDGET	YTD BUDGET	YTD ACTUALS	YEAR-TO-DATE VARIANCE	PCT SPENT
101 - GENERAL FUND	10,720,776	6,037,801	5,128,951	908,850	47.8%
105 - STREETS FUND	1,490,639	750,279	640,158	110,122	42.9%
106 - WATER FUND	15,897,580	8,832,427	7,601,239	1,231,188	47.8%
107 - WASTEWATER FUND	4,545,649	1,841,004	2,007,119	(166,116)	44.2%
111 - PARKS & RECREATION FUND	2,746,212	1,601,957	714,144	887,813	26.0%
112 - AIRPORT FUND	2,226,012	1,113,006	1,505,175	(392,169)	67.6%
120 - ROOM TAX FUND	3,952,687	2,607,904	1,310,458	1,297,446	33.2%
TOTALS	41,579,555	22,784,379	18,907,245	3,877,134	45.5%

**Forecast of Appropriated Expenses
AS OF 31 JANUARY 2011 for Certain Select Funds**

	Appropriation	YTD 31Jan11	Forecast	Fcst Variance
General Fund				
City Administration	1,341,237	804,497	1,341,268	(31)
Public Safety	5,395,137	2,577,668	4,418,859	976,278
Community Development	377,040	207,754	356,150	20,890
Library	968,325	516,901	886,116	82,209
Public Works	756,713	386,859	663,186	93,527
Non-Departmental	1,882,324	635,273	1,089,039	793,285
Total General Fund	10,720,776	5,128,951	8,754,618	1,966,158
Street Fund				
Street Maintenance	367,145	133,973	229,668	137,477
Storm Drain Maintenance	262,374	136,932	234,741	27,633
Transfer to Capital Projects Fund	677,130	356,345	610,877	66,253
Transfer to Debt Fund	61,375	12,908	22,127	39,248
Contingency	27,615		-	27,615
Total Street Fund	1,395,639	640,158	1,097,413	298,226
Water Fund				
Water Treatment Plant	698,834	367,451	629,916	68,918
Water Distribution	611,976	327,611	561,619	50,357
Water Customer Service	19,350	10,520	18,034	1,316
Water General Debt	-	5,000	8,571	(8,571)
Water Non-Departmental	507,551	238,961	409,647	97,904
Transfer to Capital Projects Fund	13,238,900	6,619,450	11,347,629	1,891,271
Transfer to Debt Fund	64,693	32,247	55,280	9,413
Contingency	756,276		-	756,276
Total Water Fund	15,897,580	7,601,239	13,030,696	2,866,884
Wastewater Fund				
Wastewater Treatment Plant	818,428	480,357	823,468	(5,040)
Wastewater Distribution	406,107	347,212	595,220	(189,113)
Wastewater Customer Service	19,350	12,833	22,000	(2,650)
Wastewater Non-Departmental	831,194	626,254	1,073,578	(242,384)
Transfer to Capital Projects Fund	600,000	300,000	600,000	-
Transfer to Debt Fund	480,927	240,464	480,927	-
Contingency	1,389,643	-	-	1,389,643
Total Wastewater Fund	4,545,649	2,007,119	3,595,194	950,455
Parks and Recreation				
Parks Administration	140,230	65,389	112,095	28,135
Parks Division	207,701	119,208	204,357	3,344
Senior Center	162,565	59,376	101,788	60,777
Swimming Pool	315,730	158,028	270,904	44,826
Recreation Center	454,787	207,310	355,389	99,398
Recreation Programs	252,947	104,833	179,714	73,233
Parks Reserve	5,000		-	5,000
Transfer to Capital Projects Fund	1,114,500		1,114,500	-
Transfer to General Fund	60,000		60,000	-
Total Parks and Recreation Fund	2,713,460	714,144	2,398,747	314,713
Airport Fund				
Aviation	1,661,563	1,338,259	1,661,563	-
FBO	340,079	66,315	113,683	226,396
Transfer to Capital Projects Fund	150,000	75,000	150,000	-
Transfer to Debt Fund	51,203	25,602	51,203	-
Contingency	23,167		-	23,167
Total Aviation	2,226,012	1,505,175	1,976,449	249,563

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE GENERAL FUND, AS OF 31 JANUARY 2011**

58.2%

PERCENT OF THE YEAR THAT HAS ELAPSED

	Current Month Budget	1st Quarter Cumulative Expenses	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
CITY ADMINISTRATION										
1010 - Council and Mayor										
Materials and Services	3,167	3,787	7,748	1,098	2,069	22,167	12,633	9,534	38,000	33.2%
1020 - City Manager										
Personal Services	30,045	90,375	90,064	30,450	(405)	210,314	210,889	(575)	360,539	58.5%
Materials and Services	2,588	6,891	5,815	2,715	(127)	18,113	15,421	2,692	31,050	49.7%
1025 - Information Technology										
Personal Services	10,127	32,451	33,629	11,370	(27,923)	70,886	77,449	(6,564)	121,518	63.7%
Materials and Services	10,954	40,929	48,966	38,877	(2,465)	76,679	128,772	(52,093)	131,450	98.0%
Equipment				2,465			2,465	(2,465)		∞
1030 - Municipal Court										
Personal Services	1,026		2,891	1,410	(384)	7,183	4,300	2,882	12,313	34.9%
Materials and Services	1,608	4,222	4,529	1,494	114	11,258	10,245	1,013	19,300	53.1%
1040 - City Attorney										
Personal Services	13,470	34,280	35,645	11,881	1,589	94,289	81,806	12,484	161,639	50.6%
Materials and Services	2,975	625	5,815	3,308	(331)	20,825	9,747	11,078	35,700	27.3%
1050 - Finance										
Personal Services	29,319	82,594	86,504	29,047	272	205,233	198,145	7,088	351,828	56.3%
Materials and Services	6,492	30,488	15,908	6,229	263	45,442	52,625	(7,183)	77,900	67.6%
TOTAL CITY ADMINISTRATION	111,770	326,642	337,511	140,344	3,771	782,388	804,497	(22,109)	1,341,237	60.0%

PUBLIC SAFETY										
1070 - Police										
Personal Services	198,390	574,715	600,870	194,770	13,235	1,388,729	1,370,355	18,374	2,380,678	57.6%
Materials and Services	20,542	54,969	59,939	16,494	4,047	143,792	131,402	12,390	246,500	53.3%
Capital Expenditures	833	466			833	5,833	466	5,368	10,000	4.7%
1080 - Central Dispatch										
Materials and Services	46,048	143,870	85,396	126,699	(80,651)	322,337	355,965	(33,628)	552,578	64.4%
1090 - Fire										
Personal Services	76,930	227,301	228,398	74,123	2,807	538,507	529,822	8,685	923,154	57.4%
Materials and Services	14,846	34,863	31,047	10,166	4,680	103,921	76,076	27,845	178,150	42.7%
Capital Expenditures				287	(287)		287	(287)		∞
1095 - Fire Reserve										
Materials and Services	4,792	1,005	29,502		4,792	33,542	30,507	3,035	57,500	53.1%
Capital Outlay	2,083				2,083	14,583		14,583	25,000	8.2%
Transfers Out	84,298	252,894	252,894		84,298	505,789	87,788	423,001	1,011,572	8.2%
Contingency									10,000	
TOTAL PUBLIC SAFETY	448,761	1,290,082	1,288,046	422,540	145,816	3,057,032	2,577,668	479,364	5,395,137	47.8%

FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE GENERAL FUND, AS OF 31 JANUARY 2011

PERCENT OF THE YEAR THAT HAS ELAPSED

58.2%

	Current Month Budget	1st Quarter Cumulative Expenses	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
COMMUNITY DEVELOPMENT										
1400 - Community Development										
Personal Services	27,137	78,305	78,276	26,092	1,045	189,957	182,673	7,284	325,640	56.1%
Materials and Services	4,283	20,533	3,125	1,423	3,031	25,700	25,081	619	51,400	48.8%
TOTAL COMMUNITY DEVELOPMENT	31,420	98,838	81,401	27,515	4,076	215,657	207,754	7,903	377,040	55.1%
LIBRARY										
1100 - Library										
Personal Services	57,069	167,898	168,413	48,405	1,596	399,481	384,716	14,765	684,825	56.2%
Materials and Services	23,625	58,329	66,111	7,746	14,855	165,375	132,185	33,190	283,500	46.6%
TOTAL LIBRARY	80,694	226,227	234,523	56,151	16,450	564,856	516,901	47,955	968,325	53.4%
PUBLIC WORKS										
1200 - City Building Maintenance										
Personal Services	6,185	17,715	17,052	5,684	501	43,294	40,452	2,843	74,219	54.5%
Materials and Services	8,257	17,487	29,585	22,400	(5,947)	57,797	69,472	(11,675)	99,080	70.1%
Capital Expenditures	2,667	2,300	-	-	2,667	18,667	2,300	16,367	32,000	7.2%
1600 - Administration										
Personal Services	23,473	46,112	46,111	15,371	8,102	164,310	107,594	56,716	281,675	38.2%
Materials and Services	425	850	708	275	247	2,975	1,833	1,142	5,100	35.9%
Capital Expenditures	-	-	-	125	-	-	125	(125)	-	∞
1610 - Engineering										
Personal Services	20,709	60,950	67,010	26,276	1,681	144,964	154,236	(9,272)	248,509	62.1%
Materials and Services	1,344	3,574	3,461	3,811	323	9,409	10,847	(1,438)	16,130	67.2%
TOTAL GENL FUND PUBLIC WORKS	63,059	148,988	163,928	73,943	7,579	441,416	386,859	54,557	756,713	51.1%
1900 - Non-Departmental										
Materials and Services	35,290	151,658	-	-	35,290	247,033	151,658	95,375	423,485	35.8%
Transfer to Parks & Rec	67,128	-	402,769	-	67,128	402,769	402,769	-	805,538	50.0%
Transfer to Airport FBO	7,919	-	47,516	-	7,919	47,516	47,516	-	95,032	50.0%
Transfer to Streets	5,555	-	33,330	-	5,555	33,330	33,330	(0)	66,659	50.0%
Transfer to Capital Proj	-	-	423,000	-	-	-	-	-	-	-
Transfer to Debt Svc	40,968	-	82,789	-	-	245,805	-	245,805	491,610	-
Contingency	-	-	-	-	-	-	-	-	-	-
TOTAL NON-DEPARTMENTAL	156,860	151,658	989,403	156,860	156,860	976,452	635,273	341,180	1,882,324	33.7%
TOTAL GENERAL FUND	892,565	2,242,435	3,094,812	720,493	334,553	6,037,801	5,128,951	908,850	10,720,776	24.9%

FISCAL YEAR 2011, BUDGET TO ACTUALS REPORT
FOR THE ROOM TAX FUND
REVENUES AS OF 31 DECEMBER ... EXPENSES AS OF 31 JANUARY
PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

Current Revenue Month: Budget (Dec '10)	1st Quarter Cumulative Receipts and Expenses	2nd Quarter Cumulative Receipts and Expenses	Current Month Variance	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Rcvd, Spent to Date
\$ 114,947	\$ 1,016,889	\$ 349,268	\$ (3,244)	\$ 1,360,837	\$ 1,284,537	\$ (76,300)	\$ 2,524,000	-3.02%
90,937	159,308	238,411	21,748	636,560	513,610	122,950	1,091,245	47.07%
2,083	8,675	676	(2,720)	14,583	9,351	5,232	25,000	37.40%
63,878	384,136	384,136	(320,258)	383,270	384,136	(867)	766,539	50.11%
28,311	170,249	170,249	(141,938)	169,865	170,249	(384)	339,730	50.11%
22,083	128,762	128,762	(106,679)	132,500	128,762	3,738	265,000	48.59%
21,412	104,350	104,350	(82,938)	128,472	104,350	24,122	256,943	40.61%
17,353	-	-	17,353	104,115	-	104,115	208,230	0.00%
246,057	167,983	1,026,584	141,080	3,607,904	1,310,458	258,906	3,952,687	33.15%

ROOM TAX FUND (120)

7430 - Room Tax Fund
4002 (Estimated) Beginning Fund Balance
4140 Transient Room Tax Revenues

Materials and Services
Capital Expenditures
Transfer to General Fund
Transfer to Airport Fund
Transfer to Capital Projects
Transfer to Debt Service Fund
Transfer to Parks & Rec Fund
Unappropriated Ending Fund Balance

TOTAL ROOM TAX FUND

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE STREET FUND AS OF: 31 JANUARY 2011**

PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

	Current Month Budget	1st Quarter Cumulative Expenses	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
STREETS FUND (105)										
3805 - Street Maintenance										
Personal Services	15,830	34,477	24,331	10,677	5,153	110,812	69,485	41,327	189,963	36.58%
Materials and Services	14,765	11,979	12,057	33,418	13,234	103,356	57,454	45,902	177,182	32.43%
Capital Expenditures	-	7,034	-	-	-	-	7,034	-	-	-
Transfer to Capital Projects	-	169,283	169,283	-	-	338,565	338,565	-	677,130	50.00%
Transfer to Debt Service Fund	-	6,454	6,454	-	-	12,908	12,908	-	25,815	50.00%
Contingency	-	6,904	6,904	(13,808)	-	13,808	-	13,808	27,615	0.00%
Reserve for Future Projects	-	-	-	-	-	-	-	-	95,000	0.00%
3850 - Storm Drain Maintenance										
Personal Services	11,185	43,384	47,338	14,397	(4,546)	78,295	105,119	(26,824)	134,220	78.32%
Materials and Services	10,680	4,013	5,146	21,331	9,181	74,757	30,489	44,267	128,154	23.79%
Capital Expenditures	-	1,324	-	(0)	-	-	1,324	-	-	-
Transfer to Debt Service Fund	-	-	17,780	-	(17,780)	17,780	17,780	-	35,560	50.00%
TOTAL STREETS FUND	52,460	284,851	289,292	66,015	12,394	750,279	640,158	110,122	1,490,639	42.95%

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE WATER FUND, AS OF 31 JANUARY 2011**

PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

Current Month Budget	1st Quarter Cumulative Expenses	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
27,213	83,033	75,366	25,743	1,248	190,493	184,142	6,351	326,559	56.39%
27,273	110,323	55,730	17,256	9,698	190,910	183,309	7,601	327,275	56.01%
3,750	-	-	-	-	26,250	-	26,250	45,000	-
1,052,650	-	6,315,898	-	(5,263,248)	7,368,548	6,315,898	1,052,650	12,631,796	50.00%
34,465	89,097	78,091	25,932	8,373	241,253	193,120	48,133	413,576	46.70%
16,533	46,767	69,484	15,662	(5,580)	115,733	131,913	(16,180)	198,400	66.49%
-	2,578	(0)	-	-	-	2,578	(2,578)	-	-
50,592	-	303,552	-	(252,960)	354,144	303,552	50,592	607,104	50.00%
1,613	6,375	2,872	1,273	1,237	11,288	10,520	768	19,350	54.37%
-	5,000	-	-	-	-	5,000	(5,000)	-	-
42,296	5,129	59,575	174,257	(15,916)	296,071	238,961	57,110	507,551	47.08%
5,391	-	32,347	(100)	(26,955)	37,738	32,247	5,491	64,693	49.85%
-	-	-	-	-	-	-	-	756,276	-
1,261,775	348,302	6,992,914	260,023	1,163,804	8,832,427	7,601,239	1,231,188	15,897,580	47.81%

WATER FUND (107)

4010 - Water Treatment Plant

- Personal Services
- Materials and Services
- Capital Expenditures
- Transfer to Capital Projects

4020 - Water Distribution

- Personal Services
- Materials and Services
- Capital Expenditures
- Transfer to Capital Projects

4040 - Water Customer Service

- Materials and Services

4045 - Water General Debt

- General Debt Service

4090 - Non-Departmental

- Materials and Services
- Transfer to Debt Service Fund
- Contingency

TOTAL WATER FUND

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE WASTEWATER FUND, AS OF 31 JANUARY 2011**

PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

Current Month Budget	1st Qtr	1st Quarter Cumulative Expenses	Jan '11 Actuals	Current Monthly Variance to Budget	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance to Budget	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
25,469	71,447	72,965	24,890	1,256	178,283	169,303	8,980	305,628	55.39%
42,733	116,862	146,835	47,357	3,523	299,133	311,054	(11,921)	512,800	60.66%
16,009	47,824	51,824	19,692	(2,154)	112,062	119,340	(7,278)	192,107	62.12%
17,833	32,283	32,947	18,930	9,461	124,833	84,159	40,674	214,000	39.33%
50,000	104,621	6,940	32,151	(3,783)	350,000	143,713			0%
		300,000	-	(250,000)		300,000	50,000	600,000	50.00%
1,613	6,868	2,804	3,161	1,237	11,288	12,833	(1,546)	19,350	66.32%
69,266	69,133	52,549	504,572	60,402	484,863	626,254	(141,391)	831,194	75.34%
40,077	-	240,464	-	(200,386)	280,541	240,464	40,077	480,927	50.00%
								1,389,643	
263,001	449,038	907,328	650,753	(380,446)	1,841,004	2,007,119	(22,403)	4,545,649	44.15%

WASTEWATER FUND

4510 - WasteWater Treatment Plant

- Personal Services
- Materials and Services

4520 - WasteWater Distribution

- Personal Services
- Materials and Services
- Capital Expenditures
- Transfer to Capital Projects

4540 - WasteWater Customer Service

- Materials and Services

4590 - WasteWater Non-Departmental

- Materials and Services
- Transfer to Debt Service Fund
- Contingency

TOTAL WASTEWATER FUND

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE AIRPORT FUND, AS OF 31 DECEMBER 2010**
PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

Current Month Budget	1st Quarter Cumulative Expenses	Oct '10 Actuals	Nov '10 Actuals	Dec '10 Actuals	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Monthly Variance	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
15,534	44,678	15,144	15,093	15,092	45,379	15,936	440	93,202	105,943	(12,741)	186,404	56.84%
122,930	491,664	215,719	56,075	262,574	534,368	206,284	66,855	737,580	1,232,316	(494,736)	1,475,159	83.54%
12,500	18,750	-	-	18,750	18,750	37,500	32,500	75,000	75,000	-	150,000	50.00%
1,931	-	-	-	-	-	-	1,931	11,584	-	11,584	23,167	0.00%
8,088	15,206	2,904	2,050	10,019	14,973	5,228	6,037	48,525	35,407	13,118	97,050	36.48%
20,252	8,463	(3,833)	2,259	21,176	19,603	2,843	17,993	121,515	30,909	90,606	243,029	12.72%
4,267	12,801	-	-	12,801	12,801	0	4,267	25,602	25,602	(0)	51,203	50.00%
185,501	591,562	229,934	75,477	340,413	645,824	267,790	1,961	1,113,006	1,505,175	(392,169)	2,226,012	67.62%

AIRPORT FUND (112)

2005 - Aviation

Personal Services
Materials and Services
Transfer to Capital Projects
Contingency

2110 - Fixed Base Operations

Personal Services
Materials and Services
Transfer to Debt Service Fund

TOTAL AIRPORT FUND

**FISCAL YEAR 2011, BUDGET TO ACTUAL EXPENSE REPORT
FOR THE PARKS & RECREATION FUND, AS OF 31 DECEMBER 2010**

PERCENT OF THE YEAR THAT HAS ELAPSED

58.20%

Current Month Budget	1st Quarter Cumulative Expenses	2nd Quarter Cumulative Expenses	Jan '11 Actuals	Monthly Variance	Year to Date Budget	Year to Date Actuals	Year-to-Date Variance	Fiscal Year 2011 Annual Budget	Percent of Annual Budget Spent to Date
8,061	23,590	23,590	7,863	197	56,426	55,043	1,383	96,730	56.90%
3,625	5,873	4,257	216	3,242	25,375	10,346	15,029	43,500	23.78%
12,454	39,561	38,108	12,779	(82)	87,180	90,448	(3,269)	149,451	60.52%
4,854	11,383	13,959	3,418	(996)	33,979	28,760	5,219	58,250	49.37%
5,489	16,130	16,131	5,377	112	38,421	37,637	784	65,865	57.14%
8,058	6,199	10,837	4,703	3,806	56,408	21,739	34,669	96,700	22.48%
17,186	52,876	51,692	17,128	613	120,301	121,696	(1,395)	206,230	59.01%
9,125	10,779	18,801	6,751	1,012	63,875	36,332	27,543	109,500	33.18%
24,724	73,289	69,077	24,264	1,989	173,067	166,630	6,437	296,687	56.16%
13,175	15,178	19,967	5,535	8,172	92,225	40,680	51,545	158,100	25.73%
15,121	47,031	21,634	7,385	8,095	105,844	76,050	29,794	181,447	41.91%
5,958	13,023	11,871	3,889	3,304	41,708	28,783	12,925	71,500	40.26%
417	-	-	-	417	2,917	2,917	-	5,000	-
28,333	-	-	-	28,333	198,333	198,333	-	340,000	-
2,729	-	-	-	2,729	19,105	19,105	-	32,752	-
5,000	-	-	-	5,000	35,000	35,000	-	60,000	-
64,542	-	-	-	64,542	451,792	451,792	-	774,500	-
228,851	314,912	299,924	99,308	130,485	1,601,957	714,144	887,813	2,746,212	26.00%

PARKS & RECREATION FUND (111)

4801 - Administration

Personal Services

Materials and Services

4803 - Maintenance

Personal Services

Materials and Services

4805 - Senior Center

Personal Services

Materials and Services

4810 - Swimming Pool

Personal Services

Materials and Services

4830 - Recreation Center

Personal Services

Materials and Services

4870 - Programs

Personal Services

Materials and Services

4880 - Parks Reserve

Materials and Services

Transfer to Capital Projects

Reserve for Future Capital

4885 - Senior Center Reserve

Transfer to General Fund

Transfer to Capital Projects

TOTAL PARKS & RECREATION FUND

SUGGESTION/CONCERN/COMPLAINT FORM--CITY OF NEWPORT

Date City Notified	No. Assigned	Claimant	Suggestion/Concern/Complaint	Status
2/16/2010	18-Parks-2-16-10	Dr. Tom Kerns Diana Purdy Maxine Centala	Came before Council as Concerned Citizens for Clean Air-Suggested a pesticide/herbicide policy be created and offered their services as a resource	OPENED-2/16/10 -- Parks & Rec. is developing a draft Pesticide/Herbicide policy for Council review. Draft policy will be going before Parks & Rec. Advisory Committee for public input, and then recommendation will come back to Council Sent after April 5, 2010. A Subcommittee was appointed by P&R Advisory Committee to work on this matter. UPDATE: Subcommittee needs reorganization due to members on the subcommittee relocating. Two vacancies currently on Parks & Recreation Committee (17/11)
6/13/2010	65-P&R-6-13-10	Marie Turner	Was walking track at Recreation Center and was nearly hit by a soccer ball from the lower level. Asked why this was permitted.	OPENED-6-13-10 -- Staff contacted Ms. Turner on 6/15 and indicated they are working on this issue. UPDATE: Safety net has been ordered. Installation pending equipment arrival (1/7/11) UPDATE: Safety netting has been installed. CLOSED-2-14-11
12/18/2010	118-PW-12-18-10	Margaret Dailey	Alleged that her neighbor had altered the grade and slope of the roadway when contractor put down gravel on the street during construction. Mrs. Dailey indicated this had caused a drainage situation where water pools in her driveway	OPENED-12-18-10--Staff has concluded that the gravel did not create the drainage situation, as it has always existed because of the north to south slope of the property. CLOSED-1-6-11

Date City Notified	No. Assigned	Claimant	Suggestion/Concern/Complaint	Status
8/24/2010	119-PW-8-24-10	Helen Wood	Reported that she has lived in the same location for many years, and has noticed that through the years that NW 17th Street east of NW Nye Street, a graveled street has gradually moved to the south onto her property	OPENED-8-24-10-- City Attorney & Asst. City Engineer met with Mrs. Wood in November at the site. City Attorney did further research after which she contacted Mrs. Wood in mid-December letting her know she would need to consult an attorney and reestablish her property corners. CLOSED-1-6-11
1/13/2011	120-PW-1-13-11	Property Owner 275 NE 53rd	Reported runoff coming off of NE 54th Street and coming down onto his property flooding his foundation. He also reported erosion is occurring	OPENED-1-13-11 -- Staff met with property owner. Property owner wanted City to accept responsibility for drainage issue across his property. Discussed w/property owner and informed him it was a civil issue between he and the property owner to the north who changed the drainage. Provided property owner at 275 NE 53rd with paperwork regarding work that was performed and inspection records. CLOSED-1-20-11
1/27/2011	121-PW-1-27-11	Cheryl Atkinson	Reported a neighbor across the street from her property was digging in what appeared to be street right-of-way. Had a conversation with the property owner, and informed him she would speak with the street crew and ask them to contact him.	OPENED-1-27-11 -- Staff spoke with property owner and informed him he could tie into existing driveway culvert to assist him with his flooding issue. CLOSED-1/27/11
1/31/2011	122-PW-1-31-11	Linda Capshaw	Reported City crews had graded NW 5th St in front of her house-great job, but moved most of the rock off the edge of the street. Now is muddy and full of potholes. She requested more rock be put in those areas.	OPENED-1-31-11 -- Staff contacted Ms. Capshaw, and placed more rock down and graded it out. Ms. Capshaw gave her approval of the job done. CLOSED-2-1-11

Date City Notified	No. Assigned	Claimant	Suggestion/Concern/Complaint	Status
2/3/2011	123-PW-2-3-11	Larry Plum	<p>Inquired about the 2 catch basins in SW 13th Street behind the Port Dock 4 condos. Asked if the city did maintenance on them, and if so, can City check them out? If not, who is responsible?</p>	<p>OPENED-2-3-11--Staff met with Mr. Plum on drainage and could not see a problem. This is a private issue where they have filled the creek in and built over the top of Pine Street and SE 13. Mr. Plum understood & will speak with Eng. Department. Was told he needs to look into agreement, if any made, by the City at time of construction. No Agreement exists. CLOSED 2/4/2011</p>



Memo

To: Jim Voetberg, City Manager City Council
From: Timothy Gross, Senior Project Manager
Date: February 15, 2011
Re: Capital Projects Status Update

SW Waterlin Drive Sidewalk and Bicycle Improvements

The City has completed review of the 90% design plans and has sent them back to David Evans and Associates (DEA) for revisions. A draft of the US Coast Guard easement has been received and is being reviewed by the City Attorney. City staff have met with the Bike and Pedestrian Committee, the Coast Guard, and the Bayfront Association to discuss the project. The project is planned to be advertised beginning February 23, 2011.

Nye Beach Local Flooding/Nye Creek Watershed Assessment

City staff and DEA are preparing a presentation for a future council workshop on storm water issues and the flooding in Nye Beach.

South Beach Transportation Improvement Project

The Contractor is proceeding with construction which includes installing utility conduits and vaults, installing the irrigation system, and preparing the bike trail sub-grade.

Hwy 101 Sanitary Sewer Repairs Between NE 12th & 13th Streets

The City has signed a contract with W.W Construction of Newport, OR to do the repairs to the sewer. The repair will be started Monday, February 28th, following the Seafood and Wine Festival. The southbound lanes of Hwy 101 will be closed in this area for approximately 1 week during the construction.

Water Filtration Facility

The water treatment plant is progressing on schedule and within the allocated costs. The attachments have been provided by the Construction Manager/General Contractor (CM/GC). The schedule of activities for the next three months is attached. Also attached is a Construction Cost Tracking spread sheet that shows individual construction items.

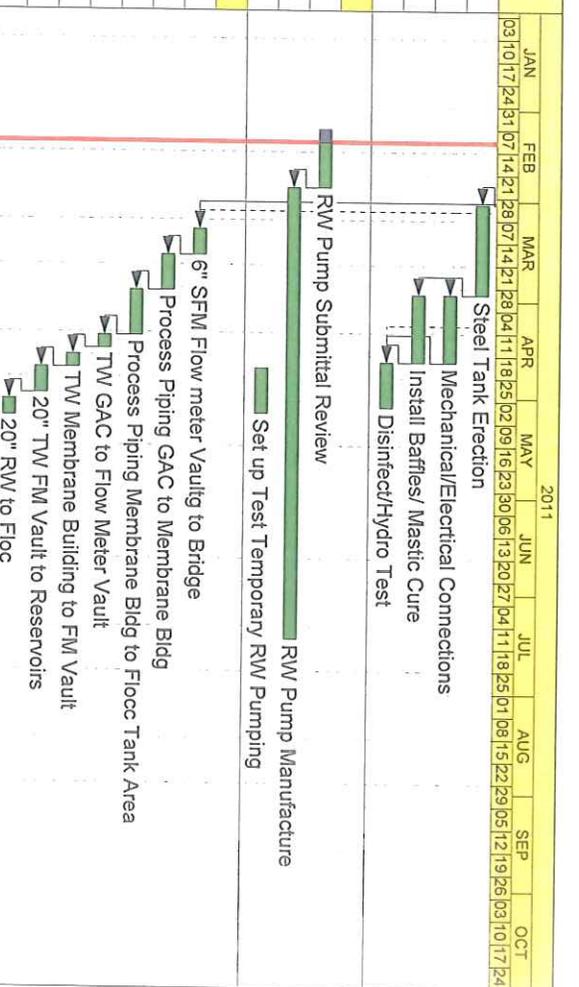
Deco Park

City staff have met with the City Center Association and consensus was reached to solicit proposals to construct only the pylon at this time due to budget constraints. The remainder of the park would be constructed under separate contract when additional funds become available. Please see separate staff report from Parks and Recreation on this project.

Coast Park

Final plans have been received for the Coast Park Project. City staff are completing the bidding documents. The advertisement date has been moved back to February 23, 2011,

Act ID	Activity Description	Early Start	Early Finish	2011																		
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT									
1000	Steel Tank Erection	02MAR11	29MAR11																			
1020	Mechanical/Electrical Connections	30MAR11	19APR11																			
5660	Install Baffles/ Mastic Cure	30MAR11	19APR11																			
5650	Disinfect/Hydro Test	20APR11	03MAY11																			
Intake Pump Station																						
3050	RW Pump Submittal Review	07FEB11 A	24FEB11																			
3060	RW Pump Manufacture	25FEB11	14JUL11																			
3080	Set up Test Temporary RW Pumping	22APR11 *	05MAY11																			
Site Process Piping																						
1540	6" SFM Flow meter Vaulting to Bridge	10MAR11	17MAR11																			
1520	Process Piping GAC to Membrane Bldg	18MAR11	28MAR11																			
1530	Process Piping Membrane Bldg to Flocc Tank Area	29MAR11	11APR11																			
1550	TW GAC to Flow Meter Vault	12APR11	15APR11																			
1560	TW Membrane Building to FM Vault	18APR11	21APR11																			
1570	20" TW FM Vault to Reservoirs	22APR11	29APR11																			
1580	20" RW to Flocc	02MAY11	06MAY11																			



Start date 15JUL09
 Finish date 29MAY12
 Data date 11FEB11
 Run date 10FEB11
 Page number 2A
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Slayden Construction Group, Inc.
Newport, OR-Water Filtration Facility
Project Schedule

**Newport Water Treatment Plant
Construction Cost Tracking**

Costs through: 1/31/11
Report Date: 1/31/11

A	B	C	<-----BUDGET----->				<---ENCUMBRANCES--->		<-----COSTS----->			
			D	E	F	G = D + E + F	H	I	J	K	L = J + K	M = L - G
Item	Description	UM	Project Budget	Budget Adjustments	Change Orders	Current Budget	Encumbrances to date*	Encumbrances to complete	Costs To-Date	Costs To Complete	Forecast Cost at Completion	Variance
001-008	Preconstruction Services		98,260.00	0.00	0.00	98,260.00	98,260.00	0.00	98,260.00	0.00	98,260.00	0.00
1000	Early Work Amendment #1 Allowance	All	225,335.74	0.00	0.00	225,335.74	221,995.87	0.00	221,995.87	0.00	221,995.87	(3,339.87)
100	General Conditions	MOS	90,000.00	0.00	0.00	90,000.00	90,000.00	0.00	90,000.00	0.00	90,000.00	0.00
101	GMP #1 Mobilization	LS	130,000.00	0.00	0.00	130,000.00	130,000.00	0.00	130,000.00	0.00	130,000.00	0.00
102	Advertising	LS	21,730.00	0.00	0.00	21,730.00	21,730.00	0.00	21,730.00	0.00	21,730.00	0.00
103	Reproduction Costs	ALL	12,500.00	0.00	0.00	12,500.00	0.00	0.00	0.00	0.00	0.00	(12,500.00)
104	General Housekeeping	MOS	10,086.00	0.00	0.00	10,086.00	10,086.00	0.00	10,086.00	0.00	10,086.00	0.00
105	Material Hoisting/Distribution	MOS	27,536.34	0.00	0.00	27,536.34	27,536.34	0.00	27,536.34	0.00	27,536.34	0.00
106	Temp Fencing/Barricades/Signs	LS	11,560.00	0.00	0.00	11,560.00	11,560.00	0.00	11,560.00	0.00	11,560.00	0.00
107	Temp Lay Down Area / Roads	LS	19,921.00	0.00	0.00	19,921.00	19,921.00	0.00	19,921.00	0.00	19,921.00	0.00
108	Waste Management	MOS	3,000.00	0.00	0.00	3,000.00	3,000.00	0.00	3,000.00	0.00	3,000.00	0.00
150	Surveying	ALL	5,000.00	0.00	0.00	5,000.00	1,500.00	1,500.00	1,500.00	1,500.00	3,000.00	(2,000.00)
2000	Soldier Pile Retaining Wall	LS	299,500.00	0.00	0.00	299,500.00	299,500.00	0.00	299,500.00	0.00	299,500.00	0.00
2001	Concrete Fascia	LS	176,500.00	0.00	0.00	176,500.00	176,500.00	0.00	176,500.00	0.00	176,500.00	0.00
2002	Excavation	LS	62,100.00	0.00	0.00	62,100.00	62,100.00	0.00	62,100.00	0.00	62,100.00	0.00
2003	Concrete Drainage Swale	LS	21,000.00	0.00	0.00	21,000.00	21,000.00	0.00	0.00	21,000.00	21,000.00	0.00
2004	6 Ft Vinyl Coated Chain Link Fence	LS	8,900.00	0.00	0.00	8,900.00	8,900.00	0.00	0.00	8,900.00	8,900.00	0.00
2010	Force Main Sewer Line & HDPE Conduit	LS	79,710.21	0.00	0.00	79,710.21	83,751.93	0.00	83,751.93	0.00	83,751.93	4,041.72
2020	Relocate Existing Piping at Clearwell	ALL	59,107.00	0.00	0.00	59,107.00	87,811.93	0.00	87,811.93	0.00	87,811.93	28,704.93
2030	Rammed Aggregate Piers	ALL	400,000.00	0.00	0.00	400,000.00	287,925.70	0.00	287,925.70	0.00	287,925.70	(112,074.30)
2072	Garage Demo	ALL	28,598.78	0.00	0.00	28,598.78	10,800.00	0.00	10,800.00	0.00	10,800.00	(17,798.78)
01100	GMP #2 General Conditions	MOS	300,000.00	0.00	0.00	300,000.00	60,000.00	240,000.00	60,000.00	240,000.00	300,000.00	0.00
01105	GMP #2 Reproduction Costs	ALL	7,500.00	0.00	0.00	7,500.00	0.00	5,000.00	0.00	5,000.00	5,000.00	(2,500.00)
01110	GMP #2 General Housekeeping	MOS	40,244.00	0.00	0.00	40,244.00	8,048.80	32,195.20	8,048.80	32,195.20	40,244.00	0.00
01115	GMP #2 Material Hoisting/Distribution	MOS	110,045.00	0.00	0.00	110,045.00	22,009.00	88,036.00	22,009.00	88,036.00	110,045.00	0.00
01120	GMP #2 Temp Fence Maintenance/Signs	LS	1,500.00	0.00	0.00	1,500.00	1,500.00	0.00	0.00	1,500.00	1,500.00	0.00
01125	Remove adn Restoration of laydown areas	LS	7,570.00	0.00	0.00	7,570.00	0.00	7,570.00	0.00	7,570.00	7,570.00	0.00
01130	Temporary Weather Protection	ALL	15,000.00	0.00	0.00	15,000.00	0.00	15,000.00	0.00	15,000.00	15,000.00	0.00
01135	GMP #2 Waste Management	MOS	12,000.00	0.00	0.00	12,000.00	2,400.00	9,600.00	2,400.00	9,600.00	12,000.00	0.00
01150	GMP #2 Surveying	ALL	7,000.00	0.00	0.00	7,000.00	0.00	7,000.00	0.00	7,000.00	7,000.00	0.00
02221	Membrane Bldg Encasements	LS	84,355.00	0.00	0.00	84,355.00	84,355.00	0.00	75,919.50	8,435.50	84,355.00	0.00
02222	Site Piping Material	LS	245,583.00	0.00	0.00	245,583.00	245,583.00	0.00	66,800.00	178,783.00	245,583.00	0.00
02223	Site Piping Placement	LS	360,389.27	0.00	0.00	360,389.27	360,389.27	0.00	0.00	360,389.27	360,389.27	0.00
02224	Structural Fill Placement & Grading	LS	81,038.00	0.00	0.00	81,038.00	81,038.00	0.00	40,519.00	40,519.00	81,038.00	0.00
02250	Earthwork Allowance	ALL	23,596.00	0.00	0.00	23,596.00	0.00	23,596.00	0.00	23,596.00	23,596.00	0.00
02272	Gravel Surfacing Allowance	ALL	24,750.00	0.00	0.00	24,750.00	0.00	24,750.00	0.00	24,750.00	24,750.00	0.00
02444	Chain Link Fence	LS	16,259.00	0.00	0.00	16,259.00	16,259.00	0.00	0.00	16,259.00	16,259.00	0.00
02950	Landscaping Allowance	ALL	2,500.00	0.00	0.00	2,500.00	0.00	2,500.00	0.00	2,500.00	2,500.00	0.00
03100	Form Materials	LS	44,971.00	0.00	0.00	44,971.00	44,971.00	0.00	22,485.50	22,485.50	44,971.00	0.00
03200	Concrete Reinforcement	LS	133,866.00	0.00	0.00	133,866.00	133,866.00	0.00	66,933.00	66,933.00	133,866.00	0.00
03300	Concrete & Concrete Pumping	LS	160,038.00	0.00	0.00	160,038.00	160,038.00	0.00	51,212.16	108,825.84	160,038.00	0.00
03310	Sidewalks	LS	52,378.00	0.00	0.00	52,378.00	52,378.00	0.00	0.00	52,378.00	52,378.00	0.00
03320	Membrane Bldg Concrete Placement	LS	138,912.00	0.00	0.00	138,912.00	138,912.00	0.00	48,619.20	90,292.80	138,912.00	0.00

03330	Clearwell Concrete Placement	LS	30,389.00	0.00	0.00	30,389.00	30,389.00	0.00	0.00	30,389.00	30,389.00	0.00
03350	GAC/Flocc Concrete Placement	LS	26,325.00	0.00	0.00	26,325.00	26,325.00	0.00	0.00	26,325.00	26,325.00	0.00
04200	Masonry	LS	349,677.00	0.00	0.00	349,677.00	313,787.00	35,890.00	0.00	349,677.00	349,677.00	0.00
05211	Steel Joists & Decking	LS	182,790.00	0.00	0.00	182,790.00	182,790.00	0.00	0.00	182,790.00	182,790.00	0.00
05500	Fabricated Metals	LS	167,393.00	0.00	0.00	167,393.00	128,618.00	38,775.00	0.00	167,393.00	167,393.00	0.00
07210	Building Insulation	ALL	7,500.00	0.00	0.00	7,500.00	0.00	7,500.00	0.00	7,500.00	7,500.00	0.00
07412	Metal Roofing	LS	147,662.00	0.00	0.00	147,662.00	147,662.00	0.00	0.00	147,662.00	147,662.00	0.00
08110	Metal Doors & Frames	LS	37,388.00	0.00	0.00	37,388.00	28,604.00	8,784.00	0.00	37,388.00	37,388.00	0.00
08220	FRP Doors & Frames	LS	28,066.00	0.00	0.00	28,066.00	23,032.00	5,034.00	0.00	28,066.00	28,066.00	0.00
08332	Overhead Doors	LS	16,675.00	0.00	0.00	16,675.00	16,675.00	0.00	0.00	16,675.00	16,675.00	0.00
08410	Storefront Windows & Glazing	LS	7,950.00	0.00	0.00	7,950.00	7,950.00	0.00	0.00	7,950.00	7,950.00	0.00
08700	Finish Hardware	LS	22,326.00	0.00	0.00	22,326.00	22,326.00	0.00	0.00	22,326.00	22,326.00	0.00
09110	Interior Framing	LS	15,677.00	0.00	0.00	15,677.00	15,677.00	0.00	0.00	15,677.00	15,677.00	0.00
09130	Acoustical Ceiling	LS	11,544.00	0.00	0.00	11,544.00	11,544.00	0.00	0.00	11,544.00	11,544.00	0.00
09250	Drywall	LS	31,353.00	0.00	0.00	31,353.00	31,353.00	0.00	0.00	31,353.00	31,353.00	0.00
09310	Ceramic Tile	LS	5,693.00	0.00	0.00	5,693.00	5,693.00	0.00	0.00	5,693.00	5,693.00	0.00
09660	Resilient Flooring & Base	LS	3,209.00	0.00	0.00	3,209.00	3,209.00	0.00	0.00	3,209.00	3,209.00	0.00
09905	Painting & Protective Coatings	LS	105,700.00	0.00	0.00	105,700.00	105,700.00	0.00	0.00	105,700.00	105,700.00	0.00
10400	Miscellaneous Specialties	LS	12,174.00	0.00	0.00	12,174.00	0.00	12,174.00	0.00	12,174.00	12,174.00	0.00
11000	Equipment Hoisting & Accessories	LS	28,000.00	0.00	0.00	28,000.00	28,000.00	0.00	0.00	28,000.00	28,000.00	0.00
11062	Chemical Submersible & Sampling Pumps	LS	5,200.00	0.00	0.00	5,200.00	5,200.00	0.00	0.00	5,200.00	5,200.00	0.00
11063	Floating Submersible Pump Station	LS	15,800.00	0.00	0.00	15,800.00	15,800.00	0.00	0.00	15,800.00	15,800.00	0.00
11072	Vertical Turbine Line Pumps	LS	108,000.00	0.00	0.00	108,000.00	108,000.00	0.00	0.00	108,000.00	108,000.00	0.00
11075	Vertical Turbine Can Pumps	LS	146,300.00	0.00	0.00	146,300.00	146,300.00	0.00	0.00	146,300.00	146,300.00	0.00
11076	Submersible Non-Clog pumps	LS	11,500.00	0.00	0.00	11,500.00	11,500.00	0.00	0.00	11,500.00	11,500.00	0.00
11082	Peristaltic Pumps	LS	69,900.00	0.00	0.00	69,900.00	67,400.00	2,500.00	0.00	69,900.00	69,900.00	0.00
11182	Chemical Storage Tanks	LS	59,200.00	0.00	0.00	59,200.00	59,200.00	0.00	0.00	59,200.00	59,200.00	0.00
11358	GAC System	LS	326,934.00	0.00	0.00	326,934.00	326,934.00	0.00	0.00	326,934.00	326,934.00	0.00
11359	Flocculation System	LS	109,500.00	0.00	0.00	109,500.00	109,500.00	0.00	0.00	109,500.00	109,500.00	0.00
11500	Storage Totes	LS	11,600.00	0.00	0.00	11,600.00	11,600.00	0.00	0.00	11,600.00	11,600.00	0.00
11601	Laboratory Accessories	LS	10,500.00	0.00	0.00	10,500.00	500.00	10,000.00	0.00	10,500.00	10,500.00	0.00
12356	Laboratory Casework & Fumehood	LS	36,323.00	0.00	0.00	36,323.00	36,323.00	0.00	0.00	36,323.00	36,323.00	0.00
12500	Furnishings	LS	2,731.00	0.00	0.00	2,731.00	855.00	0.00	0.00	855.00	855.00	(1,876.00)
13122	Prefabricated Wood Building	ALL	40,855.00	0.00	0.00	40,855.00	0.00	40,855.00	0.00	40,855.00	40,855.00	0.00
13216	Glass Fused Steel Reservoir	LS	279,700.00	0.00	0.00	279,700.00	279,700.00	0.00	0.00	279,700.00	279,700.00	0.00
13400	Install Pall Equipment	LS	79,400.00	0.00	0.00	79,400.00	79,400.00	0.00	0.00	79,400.00	79,400.00	0.00
13440	Instrumentation & Controls	LS	197,506.00	0.00	0.00	197,506.00	197,506.00	0.00	0.00	197,506.00	197,506.00	0.00
14240	Hydraulic Elevator	LS	43,750.00	0.00	0.00	43,750.00	43,750.00	0.00	0.00	43,750.00	43,750.00	0.00
15060	Process Mechanical Installation	LS	245,420.00	0.00	0.00	245,420.00	245,420.00	0.00	0.00	245,420.00	245,420.00	0.00
15061	Process Mechanical Materials	LS	417,815.00	0.00	0.00	417,815.00	417,815.00	0.00	0.00	417,815.00	417,815.00	0.00
15065	Mechanical Supports	LS	71,554.00	0.00	0.00	71,554.00	71,554.00	0.00	0.00	71,554.00	71,554.00	0.00
15100	Valves	LS	92,620.00	0.00	0.00	92,620.00	92,620.00	(2,399.00)	0.00	90,221.00	90,221.00	(2,399.00)
15300	Fire Protection	LS	37,102.00	0.00	0.00	37,102.00	37,102.00	0.00	0.00	37,102.00	37,102.00	0.00
15440	Plumbing	LS	129,550.00	0.00	0.00	129,550.00	129,550.00	0.00	16,193.75	113,356.25	129,550.00	0.00
15605	HVAC	LS	439,500.00	0.00	0.00	439,500.00	439,500.00	0.00	0.00	439,500.00	439,500.00	0.00
16000	Electrical	LS	1,433,094.00	0.00	0.00	1,433,094.00	1,433,094.00	0.00	71,732.00	1,361,362.00	1,433,094.00	0.00
17100	Intake Mechanical	ALL	297,612.00	0.00	0.00	297,612.00	0.00	297,612.00	0.00	297,612.00	297,612.00	0.00
17200	Electrical Creek Crossing	ALL	128,289.00	0.00	0.00	128,289.00	0.00	128,289.00	0.00	128,289.00	128,289.00	0.00
17300	Raw Water Line Replacement	ALL	200,000.00	0.00	0.00	200,000.00	0.00	200,000.00	0.00	200,000.00	200,000.00	0.00
18000	Owners Contingency	LS	260,252.00	0.00	0.00	260,252.00	0.00	0.00	0.00	0.00	0.00	(260,252.00)
20000	GMP #1 Fee	LS	102,672.45	0.00	0.00	102,672.45	94,987.03	728.00	94,987.03	728.00	95,715.03	(6,957.42)
20002	GMP #2 Fee	LS	633,100.00			633,100.00	38,701.05	594,398.95	38,701.05	594,398.95	633,100.00	0.00
	Totals		10,940,609.79	0.00	0.00	10,940,609.79	8,714,770.92	1,836,888.15	2,330,538.76	8,221,120.31	10,551,659.07	(388,950.72)

* Encumbrances include executed subcontract agreements, work bid by SCG and completed work billed to date.

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Adult & Youth Participation



WATCH THE VIDEO



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**2010 HIGHLIGHT SUMMARY
OREGON COAST COMMUNITY COLLEGE
SMALL BUSINESS DEVELOPMENT CENTER**

Business Advising

- 185 total clients (91 men / 94 women)
- 63 Long-term clients (more than 5 hours of counseling)
- 967 total hours (preparation and advising)
- 5.23 average hours per client
- 4.9 evaluation rating (1=low / 5=high)

Business Training

- 75 classes held
- 635 participants attended
- 8.4 average class size
- 3,920 training hours generated
- 4.25 evaluation rating (1=low / 5=high)

Economic Impact Data

- 33 jobs created
- 202 jobs retained
- \$980,000 growth in sales
- \$1,030,200 total capital formation

2009-10 CDBG Microenterprise Program

- 176 candidates screened
- 43 participants enrolled/graduated (22 males / 21 females)
- 41 adults
 - 2 youth
 - 7 minorities
- 18 pre-venture
 - 4 start-up businesses
 - 21 established businesses
- 30 low-income status
 - 7 moderate-income status
 - 6 above moderate-income status
- 18 average training hours per client
 - county regions – 17 north / 13 Central / 8 South / 5 East

2010-11 CDBG Project Year / First Microenterprise Report

(September 21, 2010 through December 31, 2010)

Preface

Our 2010 Community Development Block Grant (CDBG), Project # M10011, was fully executed by OBDD on June 22, 2010. Implementation of the grant was not started until mid-September. This report covers 3+ months of the project period through December 31, 2010. The funding for this project (\$45,000) came from a CDBG grant administered through the Infrastructure Finance Authority (IFA).

Contract Requirements

The 2010 CDBG contract calls for the OCCC/SBDC to serve 28 micro-entrepreneurs throughout Lincoln County within a 12-month period. At least fifty-one percent (51%) need to qualify as low or moderate income. These individuals can be at any stage of development from pre-venture to established. Of the 28 total clients, our Center's goal was to serve a majority of *new* clients and provide a lesser number with *improved* access to services. Also, of the 28 total, it was our goal to serve at least 6 young entrepreneurs and 4 minority clients. The CDBG contract does not require any specific number of service hours per client. The only stipulation is that for every \$2,500 of CDBG funding spent, we are required to "serve" at least one client.

Client Profiles

After completing over three (3) months of the contract period, we have screened **74** clients through our Small Business Development Center. (A counseling session usually lasted 1-3 hours.) During that time we answered questions and gave general business advice. At the initial meeting we determined if the participant was a regular *SBDC client* or a potential *Microenterprise client*. During the first three months of this grant period we have enrolled **43 Microenterprise clients**, this represents over 153% of our 2010-11 total client-served goal (28).

The main reason we accomplished our goal so quickly is because of this year's strategy. With the downturn in the economy we decided to enroll all of our Small Business Management clients into the CDBG program. We also decided to work with the *Neighbors for Kids* program in Depoe Bay to create a youth entrepreneurship program for the central part of the Lincoln County coast. Together, these programs account for **41** of our current clients.

The 43 micro-clients served represent the following areas of the county: Ten (10) were from the North region (along with an additional 10 from the youth program in Depoe Bay), twelve (12) from the Central region, six (6) from the South and five (5)

were from East Lincoln County. In all, eight (8) communities were represented during this ten month period. Thirty-three (33) clients were adults; ten (10) were youth. Eleven (11) businesses were at the pre-venture stage and zero (0) were in their start-up phase and twenty-one (21) were established businesses. Twenty-nine (29) clients were “low” income and five (5) were “moderate” income; combined they represented 79% of our contract goal. This figure is well over the 51% of low and moderate income clients required in our contract. Twenty (20) were males and twenty-three (23) were females; seven (7) were minorities. Of the total 43 clients served, thirty-three (33) received “new” services and ten (10) received “improved” services. Please see the following breakdown of specific characteristics:

Lincoln County Micro-Entrepreneur Characteristics

Total Clients	43
Adults	33
Youth	10
Females	23
Males	20
Minorities	7
Pre-venture	11
Start-up Businesses	0
Established Businesses	32
Low-income Status	29
Moderate-income Status	5
Above Mod.-income Status	9

During the 3+ months we served our clients, they averaged **16** hours of training. The most a client received was **35** hours and the least received was 2 hours.

Business Types

We have a wide variety of types of enterprises. Eight (8) are restaurants (enrolled in a special SBM program started this year), two (2) computer consultants, four (4) are retail sales shops, and three (3) hair salons. The other businesses represent an array of enterprises. Some clients have full-time businesses while others have started, or plan to start, “part-time” enterprises. Below, shows the variety of existing businesses and those in training to start a business:

Music (2)	Restaurant (9)	Sheet Metal/HVAC (2)
Computer Consulting	Landscaping	Motorcycle Repair
Marina	Sign-making Shop	Feed & Seed Store
Bookkeeping Service	Hair Salon	Manufacturing (2)
Health Food Product Line	Healthy Dog Treats	Construction (3)
Fireplace/Hot Tubs	Recreation	Dry Cleaning
Hair Salon	Acupuncture	Entrepreneurship (10) NFTE

Restaurant = Specialized SBM program.

NFTE = National Foundation for Teaching Entrepreneurship.

Training

Various training programs are set-up to serve the needs of our clients. Since each client is different, individualized *Work Plans* were developed to accommodate different individual needs. Our clients completed a total of **683** hours of training, an average of **16** hours per client. This figure does not take into account the hours spent on individual study via the SBA Free Online Training website. Three main options for training were offered:

- 1) OCCC Classes - Our clients have enrolled in various OCCC classes such as the Small Business Management program, Business Start-ups and Tune-ups, Shoebox Bookkeeping, and others.
- 2) Ed2Go Courses - On-line classes through Ed2Go are offered every month. Courses such as Accounting Fundamentals, Creating a Successful Business Plan, Start Your Own Small Business, and many others are available 24/7.
- 3) SBA's Free Online Training - Through the SBA's website, over 30 free classes are available. Visually and audio-friendly courses such as Small Business Primer, Starting Your Small Business, and Identify Your Target Market are all great learning options for microentrepreneurs.

Youth Entrepreneurship

On October 7, the OCCC-SBDC entered into a contract with the Neighbors for Kids (NFK) program in Depoe Bay to offer youth entrepreneurship. NFK enrolled 10 students from Taft High School, Taft Middle School and Career Tech in Lincoln City. Student attendance to the classes has been excellent. Already, 218 hours of student class time has been focused on the NFTE class. During the course of this training we anticipate some of the student will develop a business plan to actually start their own business by the summer of 2011. It may also be possible that the *Neighbors for Kids* program itself will develop a youth-based enterprise to help generate more income for the program. (See attached report from NFK.)

Summary

After more than three months of the project year we have met and exceeded our contract goals. We have a good geographic spread with clients represented from across Lincoln County; eight (8) separate communities are involved. This project represents the seventh year we have been involved with a CDBG Microenterprise project; this is also the smallest grant we have ever received. We are pleased with our accomplishments we have made to date for micro-entrepreneurs in Lincoln County during this economic down-turn. We plan to continue to enroll more clients during 2011 and expect to serve over 50 clients before the end of the contract year.

December 30, 2010

Ms. Louise Birk
Regional Coordinator
Oregon Business Development Department
775 Summer Street NE
Salem, OR 97301-1280

Enclosed is our first narrative report for the 2010-11 Community Development Block Grant project. The contract for Project #M10011 was executed on June 22, for \$45,000. Our office was not informed of this until mid-September; therefore, we got off to a slow start. We enrolled our first client on September 21, 2010.

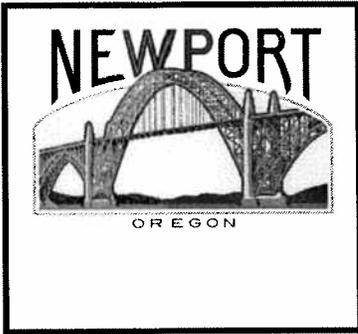
This report is through the first three and a half months of the project-year from September 21 through December 31, 2010. During this period we enrolled forty-three (43) total clients; all have completed an intake session and have a written individualized Work Plan. Our total project goal is to serve 28 clients. During this first reporting period we exceed our year-end project goal by enrolling an extra 15 clients; or 153% of our project goal.

If you have any questions please feel free to contact me.

Sincerely,

Guy Faust
Microenterprise Director

cc Wayne Belmont
Julie Kay
Greg Holmes
Valerie Plummer



Agenda Item # VII.D.
Meeting Date February 22, 2011

CITY COUNCIL ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Amendment to Newport Municipal Code Chapter 7.05 – Solid Waste

Prepared By: McCarthy Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Council:

Shall the Council amend Chapter 7.05 (relating to Solid Waste) of the Newport Municipal Code to allow an exception to the exclusive franchise for contractor debris?

Staff Recommendation: This is a policy decision, therefore staff makes no recommendation.

Key Facts and Information Summary:

This issue first came before the Council in October, 2010. At that time the City Attorney reported to the Council that the City had received about complaints from contractors regarding the City's enforcement of the solid waste code against contractors who were hauling their own debris. The City began issuing citations to contractors for a violation of the Code in the summer of 2010. Two citations have been issued.

Oregon state law and the Newport Municipal Code allow the City to contract with an exclusive franchisee for the transporting of solid waste. The City contracted with Thompson's Sanitary to act as the City's exclusive franchisee. The City's solid waste code currently contains three exceptions to the exclusive franchise agreement for the hauling of solid waste: property owners or tenants personally hauling their own solid waste; persons contracting with a federal agency (who obtain a franchise from the City); and non-profit charitable or civic organization who receive as a donation, source-separated recyclable materials at a designated location.

Since October 2010 the City Attorney has met with Thompson's Sanitary, City staff, and Councilors Brusselback and Beemer numerous times regarding this issue. On February 1, 2011, Councilors Brusselback and Beemer met publicly with a large group of contractors to hear their concerns. The issues raised by contractors were (generally):

- Contractor debris should be exempt from the prohibition on hauling
- Thompson's drop box is too expensive and 3 cubic yards is not big enough as an exclusion
- Thompson's drop boxes are not picked up in a timely manner which costs contractors money
- Thompson's drop boxes take up too much space at the work site
- Contractors often have their own equipment for hauling debris
- No permit requirement be included in any amendment to the Code

A list of contractors who attended the meeting and written testimony from contractors received by the City is attached.

Those jurisdictions that address contractor debris handle it in various ways. Please see the attached codes for some samples.

Other Alternatives Considered:

In working through this issue, Councilors Brusselback and Beemer considered allowing for a contractor debris exception up to 3 cubic yards and requiring contractors to obtain a permit before hauling. After the meeting with contractors, these items were removed from the draft amendment.

City staff researched requiring all persons self-hauling solid waste to dispose of the waste at Thompson's Landfill. Research shows that this kind of requirement would likely be struck down as violating the Interstate Commerce Clause.

Attachment List:

Draft amended code

Other jurisdiction codes: Bend; Bay City; Redmond; Cave Junction; Brookings; Wilsonville; Lincoln City; and Lincoln County

List of contractors who attended/participated in the February 1, 2011 meeting

Written testimony received by the City from contractors

Letter from Sheriff Dennis Dotson, Lincoln County dated February 14, 2011

Fiscal Notes:

Thompson's Sanitary is concerned that providing an exception for contractor debris may result in an increase in residential rates. Thompson's is required to provide an annual report to the council which is anticipated to be before the Council in April.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NEWPORT, AMENDING ~~CHAPTER 11.05, BUILDING CODES~~
~~AND AMENDING CHAPTER 7.05 SOLID WASTE~~

THE CITY COUNCIL OF THE CITY OF NEWPORT HEREBY ORDAINS AS FOLLOWS:

~~Section 1.~~ Chapter 11.05, Building Codes, is hereby amended to add a new section, Section 11.05.135, as follows:

11.05.135 Demolition Permit

A. Demolition

~~A. Permit Required. Before any person who is not an owner of a structure or part of a structure may demolish any structure or part of a structure, the person will obtain a permit from the Community Development Department.~~

~~B. If the demolition will generate a total of three cubic yards or less of solid waste and the person intends to remove, transport and dispose of the solid waste as allowed under Chapter 7.05.015 (B) (4), the person will provide an estimate of the amount of solid waste that will be generated by the demolition and the name and location of the site to which the solid waste will be taken for disposal. The disposal site must be approved by the Oregon Department of Environmental Quality or other governmental agency having jurisdiction. The person removing, transporting and disposing of the solid waste under this sub-section will maintain for a period of one year all records and receipts relating to and from the location of the site to which the solid waste was taken for disposal.~~

~~C. An application for a demolition permit will include measures to safeguard the public during construction as set forth in the Oregon Structural Specialty Code. The Community Development Department may charge a fee for a demolition permit.~~

~~D. Removal, transport, and disposal of solid waste, including demolition material, is subject to regulation under Chapter 7.05.~~

Section 12. Chapter 7.05, Solid Waste, is hereby amended to add a new sub-section (4) ~~(5) and (6)~~ to Section B, as follows:

7.05.015 Exclusive Franchise and Exceptions

A. The Council finds that the best way of achieving the purpose, policies and priorities of this chapter is to grant an exclusive franchise for service. The franchisee shall be required to enter into a franchise agreement with the city. Grants of franchises and approval of franchise agreements shall be by non-codified ordinances. The franchisee shall provide service throughout the city, and shall

provide at least one depot for depot-recyclable materials and two additional depots for container glass only.

1. Unless as otherwise provided by this chapter, no person shall provide service without a franchise issued by the city.

2. Unless as otherwise provided by this chapter, no person without a franchise issued by the city shall take, process, sort, transfer, compact or remove, whether for recycling, reuse, or otherwise, waste or solid waste materials placed out for collection.

3. Unless as otherwise provided by this chapter, no person without a franchise issued by the city, other than the person producing the materials contained therein, shall enter or interfere with any solid waste container, or remove any such container or its contents from the location where the same has been placed by the person producing the contents of such container without first obtaining written consent from the franchisee.

4. Any person with a franchise issued by the city, shall in addition to all other legal rights and remedies he or she might otherwise possess, have a cause of action for violations of this chapter or the franchise in any court of competent jurisdiction, including a claim for injunctive relief. *Damages recovered in such a case shall be trebled if reasonably necessary to deter continuing violations of this chapter or the franchise.*

The prevailing party in any such action shall be entitled to recover his or her reasonable costs, including attorney's fees and expert witness fees at the trial court level and on appeal.

B. Nothing in this chapter or a franchise issued pursuant to this chapter shall:

1. Prohibit any property owner or tenant from personally transporting solid waste generated by the property owner or tenant to an authorized disposal site or resource recovery facility. Solid waste generated by a tenant is owned by the tenant, not the landlord or property owner.

(Chapter 7.05.015(B.) (1.) adopted by Ordinance No. 1945 on January 7, 2008; effective February 6, 2008)

2. Prohibit any person from contracting with a federal agency to provide service to such agency, provided, however, such person shall apply for a franchise for that service only and shall comply with all applicable requirements imposed on the franchisee under this chapter and a franchise issued pursuant to this chapter with the exception of rates or terms of service set by written contract with such agency where they are in conflict.

3. Prohibit any non-profit charitable or civic organization having a recognized tax-exempt status, from receiving as a donation, source-separated recyclable materials at a designated location.

4. Prohibit a contractor licensed in the state of Oregon and employed to demolish, construct, or remodel a building or structure, including but not limited to, land clearing and construction operations, from hauling waste created in connection with such employment. Such waste will be generated only by the contractor in connection with the contractor's construction site and hauled in equipment owned by the contractor. licensed in the state of Oregon from transporting and disposing of waste as an incidental part of carrying on the business or service of the demolition, construction, or remodeling of a building or structure or in connection with land clearing and development. Such waste will be generated only by the contractor in connection with the contractor's construction site and hauled in equipment owned by the contractor. For purposes of this section, "incidental" is defined as a total of three cubic yards or less of solid waste for each City permit obtained for demolition, construction or remodeling as contemplated under this Section 4.

standards of this ordinance and may require terms and conditions as it deems necessary in the public interest.

Section 5. Practices Prohibited Without a Franchise. Unless exempted by Section 4 or franchised pursuant to Section 6 of this ordinance, no person shall:

- (a) Solicit customers for service; or
- (b) Advertise the providing of service; or
- (c) Provide service in the City.

Section 6. Grant of Exclusive Franchise. There is hereby granted to BEND GARBAGE COMPANY, INC. and CASCADE DISPOSAL, INC., the exclusive right, privilege and franchise to provide service within the City limits as of the date of this Ordinance and any area that may hereafter be annexed to the City and, for that purpose, to utilize the streets of the City. BEND GARBAGE COMPANY, INC., and CASCADE DISPOSAL, INC., will operate within the City in areas described on Exhibit "A," which are subject to change by the Dispute Committee's ruling and Commission approval.

[Section 6 amended by Ord. No. NS-1416, passed July 17, 1985]

Section 7. Franchise Term. The rights, privileges and franchise herein granted shall begin on April 15, 1980, and shall be considered as a continuing seven (7) year franchise. That is, beginning on April 15 of each year, the franchise will be considered renewed for an additional one (1) year term, unless at least thirty (30) days prior to March 15 of any year the Commission shall notify the Franchisee in writing of intent to terminate the franchise. Upon the giving of such notice of termination, the Franchisee shall have a franchise which will terminate six (6) years from the date of the notice of termination. The commission may after extend the term or reinstate continuing renewal upon mutual agreement with the Franchisee. Nothing in this section restricts the Commission from suspending, modifying or revoking the franchise for cause pursuant to Section 9 of this Ordinance.

Section 8. Franchisee Responsibility.

- (1) The Franchisee shall:
 - (a) Dispose of solid waste at the site approved by local government unit having jurisdiction and comply with all applicable laws, rules and regulations.
 - (b) Provide and keep in force public liability insurance in the amount of not less than \$500,000.00 for injury to a single person, \$500,000.00 to a group of persons and \$100,000.00 property damage, all relating to a single occurrence. In addition to the above-described insurance, Franchisee shall keep and maintain "umbrella coverage" in the

Section 4. Persons and Practices Exempt from Franchise. Nothing in this Ordinance requires a franchise from the following persons for the following businesses or practices:

- (1) The collection, transportation and reuse of repairable or cleanable discards by a private charitable organization regularly engaged in such business or activity, including, without limitation, Salvation Army, St. Vincent De Paul, Goodwill and similar organizations.
- (2) The collection, transportation and reuse or recycling of totally source separated materials or operation of a collection center for totally source-separated materials by a religious, charitable, benevolent or fraternal organization which organization was not organized or operated for any solid waste management purpose and which organization is using the activity for fund raising; including, without limitation, scouts and churches.
- (3) The collection, transportation or redemption of returnable beverage containers under ORS Chapter 459 and that portion thereof commonly known as the "Bottle Bill."
- (4) The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the State of Oregon; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body recovery; or septic tank pumping or sludge collection. "Janitorial service" does not include cleanup of accumulated or stored wastes.
- (5) The transportation by a person of solid waste generated or produced by such person to a disposal site, resource recovery site or market. The transportation by a landlord of residential property of solid waste generated or produced by tenants or occupants to a disposal site, resource recovery site or market.
- (6) The purchase of totally source separated solid waste for fair market value; however, the Commission may require that anyone making such purchase apply for an exemption as described in Subsection (9), below.
- (7) The providing of service to a state or federal agency under written contract with such agency.
- (8) The providing of service for wastes determined by competent authorities to be hazardous.
- (9) Any practice, business or activity may be exempted by the Commission after public hearing thereon. In considering whether the Commission shall exempt such practice, business or activity, it may consider the purposes and

- 3) Any person residing within the City may dispose of their own home solid wastes by hauling said wastes to an approved landfill or transfer station.
- 4) A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as such activity is conducted in compliance with applicable state and local laws.
- 5) A person may engage in the practice of pumping, transportation, and disposal of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state and local laws.
- 6) A person who engages in an occupation, such as gardener, landscaper, grounds keeper, or construction contractor for a property owner or tenant in the City and who produces thereby small volumes of solid waste in such person's own equipment where the solid waste produced is incidental to the particular job the person is performing.

Section 5. Franchise fee. As compensation for the right, privilege and franchise hereby granted, and for the length of this franchise, the franchise shall pay quarterly to the City Recorder of Bay City an amount equivalent to two (2%) percent of the grantee's "gross revenues" as defined herein. The term "gross revenues" as used herein shall mean and be construed as the amount of money actually collected by the Franchisee from its Bay City customers during the quarter of time in question except that portion of money collected on behalf of Tillamook County for the operation of the solid waste program. The Franchisee shall keep accurate books of account and the City shall have the right to inspect the same at all times during business hours and from time to time to audit the same for the purpose of determining such gross revenues. The City Council may set a fixed sum to be paid in lieu of the franchise fee percentage.

Section 6. Franchise responsibility. The franchise shall operate within the schedule of rates established by this franchise and shall exercise every effort to give the citizens of Bay City a prompt and efficient service at all times. The franchisee shall have the right of hearing at which he may have legal counsel in the event there is a dispute involving this franchise. The Franchisee shall:

- A. Dispose of wastes collected at a site approved by the City that is in compliance with Chapter 459, Oregon Revised Statutes and regulations promulgated thereunder.

enterprises, which due to volume, characteristics, or content is alleged by the franchise holder not to be compatible with its feasible, economical or practical operations, shall be exempted, if such allegation is found to be true by the City Council after a public hearing. The hearing shall be set as soon as practicable. Pending the Council's determination, the franchise holder shall not be obligated to accept nor process such material.

- 9) Demolition and construction wastes;
- 10) Pathological wastes;
- 11) Those materials and compounds above defined as solid waste which are precluded by an order of the Oregon Department of Environmental Quality or other states or federal regulatory agency from being permitted to be utilized by the franchise holder in the disposal or recycling process approved by the district and for which the franchise was granted;
- 12) Sewage sludge;
- 13) Septic tank and cesspool pumpings;
- 14) Used batteries; and
- A. Used plumbing and used major kitchen appliances.

I. Council. The City Council of Bay City.

Section 4. Exclusive franchise.

- A. There is hereby granted to R. Sanitary Service of Garibaldi, Oregon, the privilege and franchise to conduct a solid waste collecting and hauling business in the City of Bay City, State of Oregon, for a period of ten (10) years, ending June 1, 2007. The franchise shall be subject to the terms and conditions contained in this ordinance as well as subject to any state or federal law or rule which may effect the provisions herein. This franchise shall be an exclusive franchise to George Reding dba R. Sanitary Service.
- B. Exceptions. The exclusive right, privilege and franchise granted under this section is subject to the following exceptions:
 - 1) Collection drives of public services organizations approved by the City after application is made to the City and found by the City not to materially alter or affect operations or profit of the franchise holder and which are conducted on a noncontinuous basis.
 - 2) A prior written notice of such activity shall be prepared and signed by the person intending to engage in such activity or an authorized representative and delivered to the City, which notice shall specify the geographic areas and times in which such activities are intended to take place.

- (c) "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.
 - (d) "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.
- (9) Service: The collection, transportation or disposal of or resource recovery from solid waste.
- (10) Solid waste: it means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals, infectious waste as defined in ORS 459.386 and other wastes; but the term does not include:
- (a) Hazardous wastes as defined in ORS 466.005.
 - (b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.
- (11) Solid Waste Management: The prevention of or reduction of solid waste; management of service; and, facilities and equipment necessary or convenient to such activities.
- (12) Waste: Material that is no longer directly useable by the source, generator or producer of the material, which material is to be disposed of or to be resource recovered by another person.
- (a) The fact that all or any part of the material may have value and thus be recovered does not remove them from this definition.
 - (b) The fact that the source, generator or producer of materials has separated or segregated such material from other waste does not remove the materials from this definition.

DIVISION II. FRANCHISE AND EXEMPTIONS

Section 2A. Persons and Practices Exempt from Franchise. Nothing in this ordinance requires a franchise from the following persons for the following businesses or practices:

- (1) The collection, transportation and reuse of repairable or cleanable discards by a private charitable organization regularly engaged in such business or activity including, without limitation, Salvation Army, St. Vincent De Paul, Goodwill and similar organizations.

- (2) The collection, transportation and reuse or recycling of totally source separated materials or operation of a collection center for totally source separated materials by a religious, charitable, benevolent or fraternal organization which organization was not organized for any solid waste management purpose and which organization is using the activity for fund raising; including, without limitation, scouts and churches.
- (3) The collection, transportation or redemption of returnable beverage containers under ORS Chapter 459 and 459A and that portion thereof commonly known as the "Bottle Bill."
- (4) The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the State of Oregon; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body recovery; or septic tank pumping or sludge collection. "Janitorial Service" does not include cleanup of accumulated or stored wastes.
- (5) The transportation by a person of solid waste generated or produced by such person to a disposal site, resource recovery site or market. In the case of non-owner occupied property, the waste is generated or produced and is owned by the occupant and not by the landlord, property owner, or association of property owners, or the agent of such landlord, property owner or association.
- (6) The purchase of totally source separated solid waste for fair market value.
- (7) The providing of service to a state or federal agency under written contract with such agency, provided, however, that the provider shall apply for a franchise for that service only, shall pay the franchise fee on such service; shall comply with all requirements imposed on the franchisee by this ordinance and shall, unless the written contract with such agency provides otherwise, charge the rates and adhere to the terms of service imposed on the franchisee by this ordinance and attached schedules.
- (8) The providing of service for hazardous wastes.
- (9) Any other practice, business or activity which is withdrawn by the Council after public hearing thereon and upon a resolution and order finding that withdrawal has no substantial impact on service, consumer rates or the purposes stated in Section 1B of this ordinance.

Section 2B. Practices Prohibited Without a Franchise. Unless exempted by Section 2A or franchised pursuant to Section 2C of this ordinance, no person shall:

- (1) Solicit customers for service; or
- (2) Advertise the providing of service; or
- (3) Provide service in the City.

SECTION 2
GRANT OF AUTHORITY AND GENERAL PROVISIONS

- 2.1 **Franchise** – Subject to the conditions and reservations contained in this Agreement, the City hereby grants to Southern Oregon Sanitation, Inc., the right, privilege, and exclusive franchise to collect, dispose, sell and transport solid waste and recyclable material generated within the City Franchise Area as defined.
- 2.2 **Term** – This franchise Agreement and the rights and privileges granted herein shall take effect on the Effective Date of this Agreement and remain in effect for a term of 7 years. At each Effective Anniversary Date, this Agreement will be automatically renewed for an additional one year added to the end of the Term. If the City desires to terminate this Agreement, it will notify the Contractor in writing prior to the Effective Anniversary Date that the automatic annual renewals have been terminated. The Agreement will then terminate 6 years after the next Effective Anniversary Date.
- 2.3 **Other Extensions** - In addition to the conditions above in Section 2.2, the City reserves the right to extend the term of the Agreement for any period up to one year in the event of termination by the City for default of this Agreement in accordance with Section 8.2.
- 2.4 **Termination of Prior Franchise Agreement** - Immediately upon this Agreement becoming effective, the prior Franchise Agreement shall be terminated and replaced and superseded in all respects by this Agreement.
- 2.5 **Ownership of Waste** – Unless otherwise stated, solid waste properly placed out for collection is the property of the Contractor. Under no circumstances shall Hazardous Waste collected by the Contractor become the property or responsibility of the Contractor.
- 2.6 **Infectious Waste** – As defined by ORS 459.386, infectious waste is to be included in the definition of solid waste, and therefore, becomes the property of the Contractor once properly placed for collection.
- 2.7 **Hazardous Waste** – Except as otherwise provided in this Agreement, the Contractor is not required to store, collect, transport, dispose of or resource recover hazardous waste.
- 2.8 **Franchise Exemptions** – Nothing in this Agreement requires a franchise or permit for the following:
- 2.8.1 The collection, transportation and reuse of repairable or cleanable discards by a private charitable organization regularly engaged in such activity.
- 2.8.2 The collection, transportation, and reuse or recycling of totally source separated materials by a Qualified Nonprofit Agency or Qualified Rehabilitation Facility in accordance with ORS 279.835.

- 2.8.3 The collection, transportation, and reuse or recycling of totally source-separated materials or operation of a collection center for totally source-separated materials by a religious, charitable, benevolent or fraternal organization, provided the organization is using the activity for fund raising. These organizations shall not collect more than 20 tons of recyclables per year or conduct their recycling operations for more than 3 months per year without the City's authorization. If such organizations request that they be allowed to collect or operate above these limitations, the City will notify the Contractor of the request and will allow at least 30 days for the Contractor to comment on the proposal. Organizations engaged in these activities shall make periodic reports in a form as the City may reasonable require.
- 2.8.4 The collection, transportation or redemption of returnable beverage containers under ORS Chapter 459 and that portion commonly known as the "Bottle Bill".
- 2.8.5 The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business of auto wrecking to the extent licensed by the State of Oregon; janitorial service; septic tank pumping, sludge collection or disposal service; or gardening or landscape maintenance. "Janitorial service" does not include primarily collecting wastes generated by a property owner or occupant.
- 2.8.6 The transportation of solid waste by an individual, produced by such individual or the individual's household, to a disposal site or recycling site. In the case of non-owner-occupied property, the waste is produced and owned by the tenant and not by the landlord, property owner or agent.
- 2.8.7 The purchase of totally source-separated solid waste for fair market value; provided, the person engaging in this practice or business obtains a permit from the City for this service prior to commencing business in the Franchise Area.
- 2.8.8 A contractor registered under ORS Chapter 701 for hauling waste created in connection with the demolition, construction, or remodeling of a building or structure or in connection with land clearing and development. Such waste shall be generated by the contractor in connection with the contractor's construction site and hauled in equipment owned by the contractor and operated by the contractor's employees.
- 2.8.9 Government employees providing solid waste and recycling collection services to City operations and facilities. Government agencies acting as their own contractor in the demolition, construction, or remodeling of a building or structure.
- 2.8.10 Unless exempted by subsections above, or granted an exclusive franchise pursuant to this Agreement, no person shall solicit customers for service, or advertise the providing of service, or provide service in the City.

Brookings

11-510.1.I

Brookings Ordinances

11-510.2.A

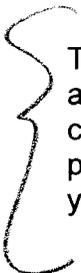
I. "Recyclable Materials" shall have the definition set forth in ORS 459.005 (19). The initial list of Recyclable Materials is set forth with particularity in Section 9 of this Ordinance.

J. "Residential" shall mean premises consisting of two dwelling units or less, under the same ownership.

K. "Self Hauler" shall mean any Residential Generator who chooses to deliver all or any part of his or her Solid Waste or Recyclable Materials to the appropriate in-county Transfer Station.

L. "Solid Waste" shall mean all putrescible and nonputrescible solid and semisolid wastes, including without limitation: garbage; trash; refuse; paper; cardboard; rubbish; ashes; industrial wastes; demolition and construction wastes; wood wastes; grass clippings; yard wastes; compost; tires; discarded home and industrial appliances; manure; vegetable or animal solid and semisolid Wastes; and other discarded solid and semisolid waste. Solid Waste excludes Hazardous Waste and Infectious Waste. Solid waste does not include:

- (1) Environmentally hazardous waste as defined in ORS 466.055.
- (2) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste.
- (3) Reusable beverage containers as defined in ORS 459.005(18)(b).



This section shall not be construed to prohibit Oregon licensed contractors from collecting and transporting demolition and construction waste, wood waste, concrete rubble, manure, contaminated soils, and fill dirt incidental to such person's business or occupation; or to prohibit yard maintenance persons from collecting and transporting grass clippings and yard debris produced as part of that person's business or occupation.

M. "Transfer Station" shall mean any of the in-county facilities operated by Franchisee, where Solid Waste or Recyclable Materials are disposed of, recycled, or transferred for disposal or recycling.

SECTION 2: GRANT OF FRANCHISE. The City hereby grants to Franchisee the following rights, privileges, and franchise, subject to the terms, obligations and responsibilities on the part of Franchisee as set forth in this ordinance:

A. SOLID WASTE AND INFECTIOUS WASTE COLLECTION. The exclusive right to provide all Solid Waste and Infectious Waste collection services within the Franchise Area, and the exclusive right to use the streets of the City for that purpose. For that purpose Franchisee shall provide curbside collection of Solid Waste to all Generators, including residences and business establishments, within the Franchise Area. Franchisee shall also provide Infectious Waste collection to all Infectious Waste Generators within the

Wilsonville

service for any person on any real property in the City.

(b) Except as provided in paragraph (3) of this subsection, the following person are declared the holders of an exclusive franchise to conduct solid waste collection, solid waste management and resource recovery within the City:

(1) For all territory located within the City, except for property lying east of the Interstate 5 freeway and north of the Tualatin River and further excepting property east of SW 50th Avenue and south of the Tualatin River, United Disposal Service, Inc., 9500 SW Boechman Road, Wilsonville, Oregon 97070.

(2) For all territory located within the City limits, east of the Interstate 5 Freeway and north of the Tualatin River, and east of SW 50th Avenue and south of the Tualatin River, Rossman Sanitary Service Inc., 100 S. Wilda Road, West Linn, OR 97034.

(3) The holder of an exclusive franchise within the City to conduct a drop box pickup and disposal service is Keller Drop Box, Inc., 10295 SW Ridder Road, Wilsonville, Oregon 97070.

(c) Regulations may be adopted by resolution of the City Council to administer this ordinance.

(d) The exclusive right, privilege, and franchise granted under subsection (a) is subject to the following exceptions:

(1) A person may engage in the collection of source separated materials for recycling or resource recovery, but only for the purpose of raising funds for a charitable, civic or benevolent activity under the following conditions:

(A) Such activity shall be conducted in accordance with the terms and conditions in this ordinance, regulations adopted under this ordinance and the notice submitted to the City as required.

(B) A prior written notice of such activity shall be prepared and signed by the person intending to engage in such activity, or an authorized representative and delivered to the City, which notice shall specify the geographic areas and times in which such activities are intended to take place.

(2) A person may transport solid waste that such person produces, directly to an authorized disposal site or recycling or resource recovery facility. The solid waste produced by a tenant, licensee, occupant or person other than the owner of the leased, occupied or licensed premises shall be considered produced by the tenant, licensee, occupant or person and not produced by the landlord or property owner.

(3) A person may contract with the State or a federal agency to provide service to such agency under a written contract with such agency.

(4) The Council may grant an exclusive franchise to provide drop box service.

(5) A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts of vehicles, so long as such activity is conducted in compliance with applicable state and local laws.

(6) A person may engage in the practice of pumping, transportation, and disposal of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state and local laws.

(7) A person who engages in an occupations, such as gardener, landscaper, grounds keeper, or construction contractor for a property owner or tenant in

3

the City and who produces thereby small volumes of solid waste as a result of such work for a property owner or tenant in the City may transport such solid waste in such person's own equipment where the solid waste produced is incidental to the particular job the person is performing.

Section 5. Franchise term.

The rights, privilege and franchise granted by this ordinance is considered as a continuing five-year franchise, subject to termination as follows:

(a) Unless grounds exist for suspension, modification or revocation of the franchise under this ordinance, the franchise is granted for a continuing five-year term. Upon the fifth anniversary of the grant or renewal of the franchise, the particular franchise shall be renewed for an additional five-year term unless the City sends written notice of termination to the franchisee. The City may give notice at any time, however, termination may not occur prior to five years following the notice of termination.

(b) If a franchisee desires to terminate service or solid waste management service under this ordinance, the franchisee shall give the City and any other franchisees not less than two years prior written notice of its intent to terminate service and obligations under the franchise and this ordinance.

(c) When a franchisee gives notice to voluntarily terminate the franchise, the remaining franchisees shall have the first right and option to purchase all or part of the equipment and geographic territory of the terminating franchisee at a price to be agreed upon by the parties. The remaining franchisees shall exercise this first right and option within six months following the notice by the terminating franchisee.

Section 6. Franchise fee.

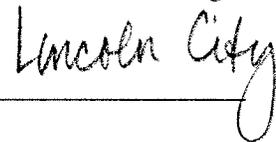
(a) In consideration of the rights, privileges and franchise granted by this ordinance, the franchisee shall pay to the City three percent of the gross receipts collected each year by the franchisees for service, for solid waste management service, and for the sale of recycled materials within the City. Provided that the City gives at least 60 days advance written notice to the franchisee, the City may adjust the amount of the franchise fee by resolution in an amount not prohibited by law.

(b) Payment shall be made according to the following schedule: For the period from January through March, payment shall be made in the immediately following April; for the period from April through June, payments shall be made in the immediately following October; and for the period from October to December, payment shall be made in the immediately following January.

(c) Payments shall be accompanied by a complete statement setting forth the gross receipts collected during the preceding quarter. Upon request from the City, the franchisee shall provide written confirmation or other acceptable means of substantiation of particular items or information being submitted.

Section 7. Franchise responsibility.

(a) The franchisee shall dispose of solid waste collected at a site approved by the



Chapter 8.16 SOLID WASTE

Sections:

- 8.16.010 Policy – Finding.
- 8.16.020 Definitions.
- 8.16.030 Exceptions.
- 8.16.040 Prohibited acts.
- 8.16.050 Responsibilities of persons receiving and providing service.
- 8.16.060 Required subscription – Owner ultimately responsible for payment.
- 8.16.070 Billing and payment.
- 8.16.080 Nonsubscription and nonpayment – Termination of service – Water shutoff.
- 8.16.090 Billing disputes.
- 8.16.100 Minimum level of service.
- 8.16.110 Residential reduction or elimination of service.
- 8.16.120 Exemption from service.
- 8.16.130 Violation – Penalty.
- 8.16.140 Severability.
- 8.16.150 Administration.

Prior legislation: Ords. 87-6, 87-14, 88-2, 89-14, 97-2 and 98-3.

8.16.010 Policy – Finding.

- A. It is declared to be the policy of the city to regulate solid waste management to:
1. Ensure safe, economical and comprehensive solid waste service;
 2. Ensure that rates are just, fair, reasonable and adequate to provide necessary public service; and to prohibit rate preferences and other discriminatory practices;
 3. Provide for technologically and economically feasible recycling and resource recovery by and through a franchisee in a coordinated county-wide program;
 4. Protect public health and the environment;
 5. Provide public service standards;
 6. Protect against improper and dangerous handling of hazardous wastes;
 7. Provide a basis and incentive for investment in solid waste equipment, facilities, sites and technology.

B. The achievement of this policy requires that the whole city be treated as a single service area for solid waste management service; that there be a single provider of solid waste management service within the city; and that there be compulsory and universal participation in solid waste collection and disposal within the city. (Ord. 2003-19 § 1)

8.16.020 Definitions.

As used in this chapter:

“City” means the city of Lincoln City.

“Franchisee” means the person granted the exclusive right, privilege and franchise to provide solid waste management service within the city by an ordinance adopted by the city council and accepted by such person, or a subcontractor of such person.

“Hazardous waste” means any waste:

1. As defined by ORS 466.005; or
2. Defined as hazardous waste by another governmental unit having jurisdiction; or

3. Found to be hazardous to service workers, to service equipment, or to the public by the franchisee.

“Person” means an individual, partnership, association, corporation, trust, firm, estate, or other private legal entity.

“Recyclable materials” means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

“Resource recovery” means the process of obtaining useful material or energy resources from solid wastes, including energy recovery, materials recovery, recycling and reuse of solid wastes.

“Service” means:

1. Collection service – The collection and/or compaction of residential, commercial, drop box and demolition solid waste together with the collection of recyclable materials.
2. Disposal service – Transportation and disposal of solid waste at a disposal site.
3. Resource recovery service – All services incidental to resource recovery.

“Solid waste” means all putrescible and nonputrescible waste, including but not limited to garbage, rubbish, refuse, ashes, and swill; waste paper and cardboard; grass clippings; compost; residential, commercial, industrial, demolition and construction wastes; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicle parts and vehicle tires; manure, vegetable or animal solid or semisolid waste; dead animals; infectious waste as defined by Oregon Revised Statutes; and all other wastes not excepted by this definition. Solid waste does not include:

1. Hazardous waste;
2. Sewer sludge and septic tank and cesspool pumping or chemical toilet waste;
3. Beverage containers as defined in ORS 459.700;
4. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowl or animals.

“Solid waste management” means the prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; and facilities necessary or convenient to such activities.

“Waste” means material that is no longer directly usable by the source, generator or producer of the material, which material is to be disposed of or to be resource-recovered by another person. The fact that all or any part of the material may have value and thus be recovered or that the source, generator or producer of material has separated or segregated such material from other waste does not remove the material from this definition. (Ord. 2006-12 § 1; Ord. 2003-19 § 1)

8.16.030 Exceptions.

Nothing in this chapter shall:

A. Prohibit any person from transporting residential wastes the person produces to an authorized disposal site or resource recovery facility, providing the person complies with LCMC 8.16.050(B), (E), and (F) and 8.16.110;

B. Prohibit any person from contracting with a state or federal agency to provide service to such agency; provided, however, such person shall apply for a city franchise for that service only and shall comply with all applicable requirements imposed by franchise on the franchisee defined in LCMC 8.16.020 with the exception of rates or terms of service set by contract with such agency where they are in conflict;

C. Prohibit any person from engaging in a charitable, civic or benevolent activity;

D. Prohibit the generator or producer from transporting and disposing of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the state; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body recovery; or septic tank pumping or sludge collection. "Janitorial service" does not include cleanup of accumulated or stored wastes or solid wastes. (Ord. 2003-19 § 1)

8.16.040 Prohibited acts.

Except for a franchisee, no person shall:

A. Provide collection service or offer to provide or advertise for the performance of collection service;

B. Unless as otherwise provided by this chapter, take, process, sort, transfer, compact or remove, whether for recycling, reuse or otherwise, solid waste materials placed out for collection;

C. Unless as otherwise provided by this chapter, other than the person producing the materials contained therein, enter or interfere with any solid waste container, or remove any such container or its contents from the location where the same has been placed by the person producing the contents of such container without first obtaining written consent from the franchisee of the city;

D. Unless as otherwise provided by this chapter, supply his or her own containers other than 20- and 32-gallon containers and mechanical compactor containers;

E. Perform collection service to any tenant, lessee or occupant of any real property owned, operated or managed by such person. (Ord. 2006-12 § 1; Ord. 2003-19 § 1)

8.16.050 Responsibilities of persons receiving and providing service.

In addition to compliance with ORS Chapters 459 and 459A and regulations promulgated pursuant thereto:

A. To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:

1. No garbage can shall exceed 60 pounds gross loaded weight nor 32 gallons in size. Cans shall be tapered with a smaller bottom than top opening.

2. Sunken refuse cans or containers shall not be used.

3. To protect against injuries to users or collectors, to protect against damage and spilling during cold weather and to protect against rodent hazards, only garbage cans meeting standards set forth by the State Accident Prevention Division shall be used.

4. The user shall provide safe access to the pickup point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the city manager or city manager's designee finds that a private bridge, culvert or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road. The user shall provide a safe alternative access point or system.

B. Every person who generates or produces solid waste or wastes shall remove or have removed all putrescible wastes at least every 14 days. More frequent removal may be required where a facility or service involves the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances, or pollution.

C. To protect the privacy, safety, pets and security of customers and to prevent unnecessary physical and legal risk to the collectors, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.

D. No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation limit of the collection vehicles

(2) The committee shall, upon request by the Board, review any proposed changes in the rates charged for service by solid waste franchisees in accordance with the factors in section 2.1120(5), and reach a determination as to the reasonableness of the proposed rates under review and provide a written report to the Board concerning the same. The Board shall thereafter act upon the committee's recommendation in accordance with the provisions of this title. [1983 o.199 §1]

2.1025 Regional Solid Waste Committee

The Board may appoint one or more members of the committee to serve on any regional solid waste committee. [1983 o.199 §1]

2.1030 Regulation of Solid Waste Management

Upon its own motion, or upon the recommendation of the committee, the Board may adopt rules implementing the provisions of this title. [1983 o.199 §1]

2.1035 Prohibitions

(1) Unless exempted by subsections (2) through (7) of this section, no person shall solicit, advertise for, or provide service, except as authorized by a franchise issued pursuant to LCC 2.1060 to 2.1075.

(2) Nothing in this title requires a franchise of the following persons or for the following business or practices:

(a) The collection, transportation, and reuse of repairable or cleanable discards by a private charitable organization regularly engaged in such business or activity including, without limitation, Salvation Army, St. Vincent DePaul, Goodwill, YMCA, and similar organizations.

(b) The collection, transportation, and reuse or recycling of totally source separated materials or operation of a collection center for totally source separated materials by a religious, charitable, benevolent, or fraternal organization, which organization was not organized or operated for any solid waste management purpose and which organizations using the activity for fund raising including, without limitation, scouts and churches.

(c) The collection, transportation, or redemption of returnable beverage containers under ORS chapter 459 and that portion thereof commonly known as the "Bottle Bill."

(d) The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business of: Auto wrecking, to the extent licensed by the State of Oregon; Janitorial service; Gardening or landscaping service. "Janitorial service" does not include primarily or solely accumulating or collecting wastes created, generated, or produced by a property owner or occupant.

(e) A contractor employed to demolish, construct, or remodel a building or structure, including, but not limited to, land clearing operation and construction wastes, when hauling waste created in connection with such employment in equipment owned by contractor and operated by the contractor's employees as employees.

(f) Transportation by a person of solid waste generated or produced by such person to disposal sites, resource recovery sites, or market so long as such person complies with this title, other county ordinances, and ORS chapter 459 relating to solid waste management and regulations promulgated under any of the foregoing. For purposes of this subsection, waste is "generated or produced by" the individual owner or occupant of a residential dwelling unit, whether the unit is individually owned, nonowner occupied, or grouped through an association or cooperative of

CONTRACTORS ATTENDING FEBRUARY 1, 2011, MEETING
HELD AT NEWPORT CITY HALL

Ryan	McNees
Anthony	McNees
Bernie	Stoll
Richard	Holland
Mike	Warren
Clyde	Smith
Tom	Nickerson
Mark	Paulisick
Dan	Heckert
Keith	Johnson
Mark	Hanrahan
Bill	Lightner
Lenn	Johnston
Joe	Bilodeau
David	Hansman
James	Patrick
Kevin	Almas
Ralph	Hawley
Ted	Liedes

~OFFICE~
(541) 928-8253
~FAX~
(541) 924-9825



P.O. Box 623
Albany, OR 97321
~E Mail~
steve@maierroofing.com
CCB# 32989

October 18, 2010

I've come over from Albany tonight to speak to you about an ordinance that I feel is unfair and unnecessary. I was not aware of this law until we were given a ticket of \$1,000.00 for non compliance. My company, Maier Roofing has been in business for 70 years and I am the third generation family owner. I have 38 years of roofing experience and just finished a three year stint on the board of directors for the Western States Roofing Contractors association. Maier Roofing is licensed in Oregon, Washington, Idaho California, Hawaii and New Mexico. and I have personally worked in at least twelve states and numerous cities. In all that time an in all of those places I have never run across any law similar to this one.

There are many reasons for that. The State of Oregon already has laws which prohibit illegal dumping. When I called to ask about this ordinance I was told the reason for it was to help control illegal dumping. I doubt that this ordinance helps much with that as most people foolish enough to dump illegally are not likely to obey the law anyway and like myself, most don't even know about it.

There are many more reasons NOT to have this ordinance than reasons to have it. I'd like to outline a few of those reasons.

1. I feel strongly that this law runs counter to our freedom to choose reasonable options as a property owner. I am quite sure that if you polled your constituents that most have never heard of this law and would also be offended by the fact that they are forced into using one option for any demolition projects.

2. This ordinance makes contractors all do the same thing in regard to servicing the customer. Maier Roofing has invested in expensive equipment that allows us to differentiate our services from those of others less qualified or unwilling to offer other options. This is unfair to those of us who wish to give outstanding customer service and meet the needs and wants of our customers. Often the customer does not want a large box to block the driveway. Some customers don't want an unsightly large box on the property for several days or weeks. This was the case on our project at the Sacred Heart Catholic Church. We had assured them that we could move our trucks easily and not have them in the way when funerals or services were going on. With our dump trucks we could meet these needs.

3. The use of containers adds a lot to the expense of the projects and that cost must be passed on to the consumer. I doubt that people would be happy to learn of a law like this one that added more expense to their projects. In these bad economic times this kind of unreasonable ordinance is a hardship on working people. For example, the added expense to the church for the use of containers would have been about \$2,000.00 to \$3,000.00 extra not to mention the inconvenience.

4. There are times when we can use roofing material for clean fill and we try to keep as much from the land fill as possible. The one kind of roofing that lends itself to this is concrete tile. We try to find some legal area that needs fill and then use the torn off clean concrete for fill to help both the environment and the owners. Since concrete is so heavy the cost to send it to the land fill is very high. We are charged \$.05 per pound so that can add up quickly. Maier Roofing just completed such a job. The cost just for the tile at a nickel a pound would be \$3,200.00 on this job. That does not include the box fees of at least \$815.50 and if the job takes more than 7 days there are fees for that too. In this case we saved our customer about \$2,000.00 by using our trucks and using the concrete for fill.

5. often these large containers can't be put close to the roof and they can damage the sidewalks and driveways as well.

6. Since you have to wait for them to move the container access is often limited to the house for the purpose of loading material and it often takes hours or even days for the refuse company to respond and move the containers.

7. If the weather turns bad and the project must wait for a period of time there could be unexpected expenses that can't be calculated for bids. Again, this impacts the cost to the customer.

8. If the container can't be moved close enough to the roof then the debris must go to the ground and be handled again when often a small truck can get in close. This can cause damage to landscaping and property not to mention the danger and wasted time.

9. Since there is no dump on the coast, all of the debris from containers is sent to a transfer station and must be loaded and sent to the land fill at Coffin Butte. This can cost more wasted time and gas.

In conclusion, I would like to say that I believe that this ordinance is unfair and unnecessary. There are enough laws in place to protect the public lands already.

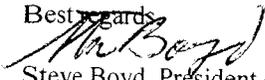
If this law is not repealed I would suggest that at the very least some provisions should be made to get a variance when a business or a home owner wish for one. There should be a means to let the customer get the price and service that he wants. As in the examples I have given, there can be a significant difference in price for a lower tier of service. That plus the inconvenience and the unsightly appearance, should be enough for the council to consider a waiver for those people who request one.

Maier Roofing does about 15-20% of our work on the coast now due to poor choices for contractors in the area. We work for some of the most prominent citizens in your city who are very discerning and interested in service and quality. We can't do the job the way they want it done if we are required to do it the same way as less concerned and qualified companies. This kind of law limits my company's ability to compete and that is a dangerous attitude for the City of Newport to take.

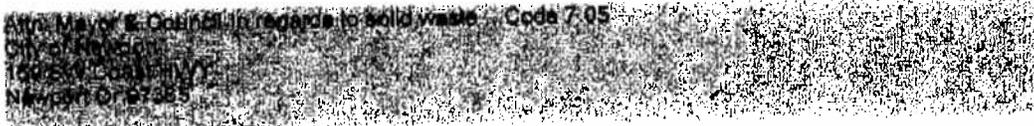
When Maier Roofing comes to town there is a lot of money spent there by the company and our workers for food, gas, hardware, lumber products, lodging and many other items that put money into the local economy. Just like tourist dollars, these monies are spent and stimulate the local area by adding new dollars. If Maier Roofing can't compete due to regulations that drop the bottom line, these dollars will not be spent.

Thank you for your time and consideration I hope you will do the right thing and change this ordinance to make sense for us all.

Best regards,



Steve Boyd, President of Maier Roofing



To who it may concern,

I am writing this letter to voice my concern over recent development about the disposal of solid waste materials produced by my work as a contractor. Specifically being told which dump I have to use on jobs in Newport.

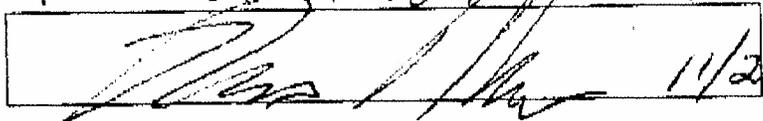
There are some things I think violate my civil rights and others which don't seem fair to me.

The way I understand the waste disposal issue I am concerned about, is if the waste is generated from a job in Newport, then the waste must be taken to Thompsons Sanitary.

This is not cost effective or convenient for me or the homeowners I am working for. I live in east county and unless the job in Newport is north of Thompsons it is out of my way. Other inconveniences include the difficulty of unloading at Thompsons because of the steep incline which is dangerous while unloading, and hard to navigate with a trailer. The cost can add up quickly if the waste must be removed daily for the homeowners.

The next issue is that it is my right to use, or not use whatever business I choose. Like I mentioned it is usually more convenient for me to not use Thompsons, but sometimes it is convenient. This being said I should, be able to decide who I want to patronize.

Finally, it doesn't seem right for the city to impose a monetary judgment against someone for not using a business in which they benefit from the revenue.

Sincerely,
Thomas Nickerson Const. LLC
 11/24/10

Penelope McCarthy

From: woodhill@peak.org
Sent: Wednesday, February 02, 2011 1:09 PM
To: Penelope McCarthy
Subject: mandatory drop boxes

Penelope McCarthy
City Attorney
City of Newport

Hello Penelope,

I am David Wood, owner of Woodhill Contruction in Waldport, Oregon. I was unable to attend the council meeting Tuesday morning regarding mandatory drop boxes and am against the ruling.

I was shocked when I learned contractors were being fined for not using drop boxes but dumping their own construction debris. I did not know of the mandatory ruling.

It is not efficient to use the drop boxes. According to Thompson's Sanitary Service I would need to first get paper work from them to fill out, and send back and forth, prior to obtaining a drop box. When all the paper work is completed I will need to call for a drop box before 2:00 PM the day prior to have the drop box for the following day. I can request an early time but Thompson's can not guarantee when it will arrive. I could be waiting on the job, with my crew, for a drop box, to tear off a roof. I am also unable to move the drop box around and reposition it as I do with my dump truck. After the drop box is filled I will need to call before 11:00 AM to get the same day service. If I call after 11:00 AM I will have to wait for the next day to have the drop box picked up. I could order two drop boxes but the deposits range from \$300.00, \$400.00 and \$500.00 for a drop box. When the drop boxes are delivered and picked up lawns are easily dug up or the pavement scratched. My dump truck doesn't damage my clients property. At night I can move my dump truck out of the driveway or yard. The drop box can not be moved to allow the homeowner (several elderly) nighttime use of the garage and driveway. In case of fire or other emergencies access may be limited. Some houses are located in such a manner to not allow for a dumpster to be dropped, such as too steep of a driveway or too small of an area. Drop boxes make it so my roof loads cannot be delivered.

I have been in business in Lincoln County for 21 years and these drop boxes are not efficient for small contracting jobs and residential roofing. I feel it is wrong for another entity to have a monopoly, and make it so I cannot use my truck I paid for so I can take my own refuse to their dump. I can see the drop boxes used efficiently on big construction jobs. These are a few of the reasons I am against mandatory drop boxes.

Sincerely,
David Wood

Penelope McCarthy

From: steve@maierroofingcompany.com
Sent: Monday, October 11, 2010 4:55 PM
Subject: Contact Us - Web Form

Contact Us - Web Form

The following information was submitted on 10/11/2010 at 4:54:37 PM

To: Penelope McCarthy
Name: Steve Boyd
Email: steve@maierroofingcompany.com
Subject: Debris Ordinance

Message: I have never seen this kind of law anywhere else in the State or any other state. I have been doing this for 38 years and never thought of such a law. There is certainly no need for this kind of law and it could cause legal problems for the City as well. The State already has laws regarding waste and disposal transportation so for the city to force the use of a drop box is not necessary. It is simply a way for the garbage people to increase revenue. This kind of law increases costs to consumers when times are already tough. If I were a property owner in your city I would be very upset that I was forced to increase my cost and inconvenience just to line another companies pockets. Maier Roofing has the means to legally dispose of our debris.

Penelope McCarthy

From: steve@maierroofingcompany.com
Sent: Monday, October 11, 2010 3:59 PM
Subject: Contact Us - Web Form

Contact Us - Web Form

The following information was submitted on 10/11/2010 at 3:58:54 PM

To: Penelope McCarthy
Name: Steve Boyd
Email: steve@maierroofingcompany.com
Subject: Debris Ordinance

Message: Dear Madam,

This is a note regarding a contact that was made by you community services officer, Dustin Kittle. We have contracted with the Catholic church to install a new roof. This includes the removal of the old roofing and removal of the debris. The church did not want any debris or containers left on site as they have services for the weekend. Maier Roofing assured the church that we had our own trucks so that no drop box or other container would be left. This is common as it is often difficult to get other companies to move the containers when needed and they can block access to properties as well.
On Monday afternoon October 11, 2010 a community services officer came by and informed our crew that we could not use our own trucks.

Penelope McCarthy

From: Jim Voetberg
Sent: Tuesday, October 26, 2010 7:50 AM
To: Penelope McCarthy
Subject: FW: Contact Us - Web Form

Penelope,

Could you please respond to Mr. Vevers.

Thanks,

Jim

-----Original Message-----

From: r.v1926@earthlink.net [<mailto:r.v1926@earthlink.net>]
Sent: Monday, October 25, 2010 8:44 PM
Subject: Contact Us - Web Form

Contact Us - Web Form

The following information was submitted on 10/25/2010 at 8:44:13 PM

To: Jim Voetberg
Name: Robert Vevers
Email: r.v1926@earthlink.net
Subject: Solid Waste Ordinance

Message: Mr. Voetberg,

I own a small Landscape Company. We operate from Yachats to the North end of Lincoln City. We hold a business license in Newport, and provide service to some prominent places in the community. I recently read an article in the News Times; Newport Solid Waste Rule Comes Under Fire Oct. 22, and wanted to ask you to clarify the City's position.

My company hauls brush, from our pruning activities, to several locations in Lincoln County, respective to where we are working. When we do our pruning in Newport, we take our brush and clippings to the recycling program at Dahl, in Toledo. Is it the City's position that my company can not continue to do this?

I appreciate your time.

Rob

Penelope McCarthy

From: Jim Voetberg
Sent: Wednesday, November 03, 2010 9:02 AM
To: 'mark@markhanrahanconstruction.com'
Cc: Penelope McCarthy
Subject: RE: Contact Us - Web Form

Mark,

I am in receipt of your e-mail and have forwarded it to our City Attorney who is working on this issue.

Thanks,

Jim

-----Original Message-----

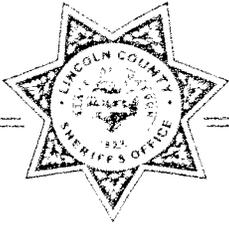
From: mark@markhanrahanconstruction.com [<mailto:mark@markhanrahanconstruction.com>]
Sent: Tuesday, November 02, 2010 9:20 PM
Subject: Contact Us - Web Form

Contact Us - Web Form

The following information was submitted on 11/2/2010 at 9:20:04 PM

To: Jim Voetberg
Name: Mark Hanrahan
Email: mark@markhanrahanconstruction.com
Subject: Thompsons Sanitary Franchise Agreement

Message: This message is to inform you that I wanted to attend the meeting last night to speak about the issue involving the franchise agreement between the city and Thompson Sanitary Service. I came down with pneumonia and could not be there. I have been a self employed contractor in the City of Newport since 1990. I have paid taxes here and provided jobs in Newport for 20 years. I have volunteered in the community to make it the great place that it is. I unlike many of my peers was aware of the requirements to obtain a dumpster and take construction debris from the City of Newport only to Thompsons Sanitary. I would like to be included on the task force to address this issue. Please email me the next step in this process.



Lincoln County Sheriff's Office

Dennis L. Dotson, Sheriff

"The only limits are those of vision."

Administration

February 14, 2011

Mark McConnell, Mayor
City of Newport
169 SW Coast
Newport, OR 97365

Dear Mayor McConnell:

It is my understanding that the city council for the City of Newport will be considering a proposal to remove construction debris from being regulated under the solid waste code for Newport. My purpose in writing is to share some concerns and provide some additional information to the council.

My understanding from two independent sources is that this change will reduce the tonnage that Thompson's Sanitary currently transports resulting in reduced revenue. I have been advised that the transporting and tonnage of construction debris significantly impacts local residential rates and while rates are controlled by the city council, reduced revenue from construction debris will dictate residential and business rate increases.

Revenue reductions for Thompson's Sanitary will also directly impact payments to the Lincoln County Solid Waste District (LCSWD). This will result in reduced revenue provided to the LCSWD which provides 50% of the annual funding for a Forest Deputy position in your Sheriff's Office. The remaining 50% is provided by private timber owners who own timber land in Lincoln County.

A major component of the goal of this deputy position is to protect our environment. Detecting illegal dumping and then attempting to determine the responsible party(s) and initiate criminal and possible civil action is an effective tool in curbing the incidence of illegal dumping and contamination of our environment.

The theft of forest products, trespassing, and criminal mischief are just several of the other types of other crimes that occur on private timberlands in Lincoln County. Private timberlands are important to the citizens of Newport and the entire county. These lands are generally opened to hunting, hiking, and other recreational activities year-round. The private timber owners continue to allow this public access largely because the incidences of trespass, theft, criminal mischief, and illegal dumping have abated in recent years due to the efforts of our forest deputy.

The environmental impact of illegal dumping and the theft of forest products have been devastating in the past. Hillsides exposed due to the removal of forest products have resulted in excessive soil erosion and contamination of fish-bearing creeks. The dumping of petroleum products always has the potential to pollute our watersheds.

Your Forest Deputy has encountered individuals who were paid to transport materials to Thompson's Sanitary only to illegally dump the debris on timberlands and pocket the money. It can be debated that some contractors will likely continue to pay Thompson's for transport, others will likely transport debris themselves on occasion, and others will likely pay a third party to transport and properly dispose of the debris. With no city code in place, a fourth possibility is that some contractors will act in an unscrupulous manner and illegally dump the debris on our timberlands.

Any reduction in revenue to the LCSWD creates the risk of inadequate funding for the Forest Deputy position; a position that benefits all Lincoln County citizens.

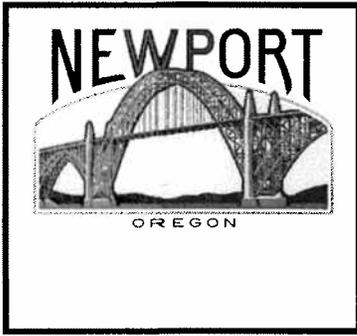
It would be appreciated if this letter was distributed or shared in some other manner with the entire Newport City Council prior to any vote on this issue. We encourage the council to hold firm to the rules that protect our community and our environment.

Sincerely,

A handwritten signature in black ink, appearing to read 'D L Dotson', with a long horizontal stroke extending to the right.

Dennis L. Dotson, Sheriff

cc: ✓ Jim Voetberg, Newport City Manager



Agenda Item # VIII.A.
Meeting Date Feb. 22, 2011

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Rocky Creek Water Supply Development

Prepared By: LRR Dept Head Approval: _____ City Mgr Approval: AV

Issue Before the Council: Should the City Council authorize up to \$125,000 over the next 12 months to continue the application process for procurement of water rights on Rocky Creek?

Staff Recommendation: Staff recommends authorization, jointly with Lincoln City, to continue the application process for water rights on Rocky Creek with the intent of Rocky Creek becoming a future supplemental water source for cities and water districts within the coastal area of Lincoln County. Approximately ¼ of the expenditures will be in the 2011/12 fiscal year.

Proposed Motion: I move to authorize the expenditure of up to \$125,000 over the next 12 months to continue the application process for water rights on Rocky Creek, subject to Lincoln City making an equal commitment.

Key Facts and Information Summary: City water plans for many years have recognized the need for a supplemental raw water storage facility. Analyses of water supplies along the Oregon coast still agree that summer availability of surface flows is extremely limited and that filling reservoirs in winter provide a critical back-up supply for coastal communities to tap during the summer months.

A water rights application was prepared and submitted jointly by the cities of Newport and Lincoln City – representing the Central Coast Water Council (CCWC) – to the Oregon Water Resources Department (OWRD) but has been placed on administrated hold at the request of the CCWC. Recently an additional and final administrative hold through February 1, 2012 was granted by OWRD. OWRD indicated that they are interested in issuing a Proposed Final Order (PFO) on the applications soon after the hold ends. Should the water rights application not be completed by February 2012, OWRD will remove the project from review. Any subsequent application would need to start at the beginning again.

Preliminary design and geotechnical investigations were performed to support the initial dam and reservoir design. A “fatal flaw analysis” was performed to see if there were any issues from a geologic, geotechnical, or seismic perspective that might make the Rocky Creek site unworkable.

Additional work already accomplished includes collection and summarization of water rights data, work with Oregon Department of Fish and Wildlife (ODFW) to evaluate potential impacts to fisheries resources, evaluation of water supply needs from CCWC members, and meeting with environmental organizations.

The proposed work over the next 12 months will be in three phases. First will be to determine if the project is still feasible and supported by the project partners. This will include re-establishment of the CCWC, updating the project, and developing a mitigation strategy and a funding strategy.

The second phase will update the OWRD application. This will include land use approvals, a current needs assessment for each partner, update of the preliminary project design, updated agreement between the partners, a mitigation strategy, and updated alternatives analysis.

The third phase will be application submission and review, including response to added information requested by OWRD and response to protests.

Attached is a cost breakdown and work plan. Lincoln City will be considering proceeding with a joint application at their meeting on February 28th. In preliminary discussions with Lincoln City, there is indication they may pursue the permitting of Rocky Creek should Newport also participate. Funding for this year would come from Water Fund reserves and the balance would be budgeted in next year's Water Fund budget.

Other Alternatives Considered: Other alternatives to Rocky Creek have been considered. Rocky Creek only works as a regional plan – if other partners do not participate, it is not practical for the City of Newport to do the project. The next feasible alternative would be to build a new larger reservoir in Big Creek.

The other alternative to continuing the application process would be to let OWRD issue a PFO that denies the water right.

City Council Goals: The City Council Goals for 2010-11 include the following: Continue working with the Central Coast Water Council to develop a long range water supply source including further evaluation of Rocky Creek as a regional water source.

Attachment List Technical Memorandum from Jennifer Miller to Lee Ritzman
E-mail from Jennifer Miller to Jim Voetberg
A power point presentation will be given at the City Council meeting to familiarize newer officials with the Rocky Creek project background.

Fiscal Notes: If approved, the continuation of the Rocky Creek application process would be included in the Water Fund budget.



DAVID EVANS
AND ASSOCIATES INC.

TECHNICAL MEMORANDUM

DATE: September 30, 2010
TO: Lee Ritzman, City of Newport
FROM: Jennifer Miller
SUBJECT: **Project Update and Recommended Next Steps**
PROJECT: NWPT0000-0023 – Rocky Creek Water Supply Project
COPIES: file

INTRODUCTION

Faced with growing populations, economic growth and the need to protect coastal salmon, Central Oregon Coast communities are evaluating options to meet future water supply needs. The Rocky Creek Regional Water Supply Project (Rocky Creek Project) has been identified to provide Central Oregon Coast communities with greater flexibility in their water supply options while maintaining and restoring instream flows. In fact, the use of Rocky Creek Project as a long-term regional water supply remains one of the most feasible and environmentally preferable alternatives for a regional water supply on Oregon's central coast.

A water rights application was prepared and submitted jointly by the cities of Newport and Lincoln City – representing the Central Coast Water Council (CCWC) – to the Oregon Water Resources Department (OWRD) but has been placed on administrated hold at the request of the CCWC. Recently, an additional and final administrative hold through February 1, 2012 was granted by OWRD. On behalf of the City of Newport, DEA met with OWRD on September 22, 2010 to confirm the requirements to complete the water rights applications. As part of this meeting OWRD indicated that they are interested in issuing a Proposed Final Order (PFO) on the applications soon after the hold ends. Should the water rights application not be completed by February 2012, OWRD will remove the project from review. This could substantively impact not only the potential development of Rocky Creek but also the central coast's long term water supply options.

The purpose of this memo is to provide the City of Newport with a brief history of the Rocky Creek Project (Background Overview), review relevant new information and regulations (Project Updates), and provide a strategy for developing the necessary technical, regulatory, political, and financial requirements to secure a water-use permit (Recommended Work Plan).

BACKGROUND OVERVIEW

Based on the documents reviewed (see References), the following provides a brief chronological overview of project efforts to date:

1997 – Fuller and Morris report (1997) identifies the need for additional future water supplies. Rocky Creek identified as a potential source.

1998 – The City of Newport and the City of Lincoln City submit water rights application to OWRD for a permit to construct a reservoir on Rocky Creek – R-83810 and S-83809. Priority date of April 15, 1998.

1998 – Oregon Trout submits a letter to OWRD commenting on the Rocky Creek water rights applications. Request a transfer of surface water rights to instream rights as a part of the project and more aggressive water conservation measures among the participating communities (letter from Oregon Trout to OWRD, September 3, 1998).

2000 – First administrative hold requested to OWRD (Davis Wright Tremaine LLC [DWT] 2000a). OWRD approves administrative hold until July 31, 2000 (OWRD 2000a). Second administrative hold requested to OWRD (DWT 2000b). OWRD requests the applicants submit additional information by September 15, 2000 to justify the additional administrative hold (OWRD 2000b). Third administrative hold requested to OWRD on December 11, 2000 (DWT 2000c).

2001 – The Cities of Newport, Lincoln City, Siletz, Toledo, Waldport and Yachats, the Seal Rock Water District, the Kernville, Gleneden Beach, Lincoln Beach Water District and the Southwest Lincoln County Water District form the Central Coast Water Council (CCWC) to investigate the Rocky Creek Regional Water Supply Project as a means of meeting future water needs for the central coast region.

2001 – Second request for a third administrative hold to OWRD on February 14, 2001 (DWT 2001). OWRD approves administrative hold with conditions on June 5, 2001 (OWRD 2001). Conditions were to be satisfied by December 27, 2002.

2002 – The Rocky Creek Regional Water Supply Project - Preliminary Water Management Plan (CH2M Hill, et al 2002) and the CCWC Intergovernmental Agreement (IGA) (CCWC 2001) were submitted to OWRD on February 1, 2002.

As part of the development of this submittal, the following efforts were also conducted:

- Collected and summarize water rights data from OWRD - Summarized permitted vs. certificated water rights for each of the CCWC partners
- Conducted several site visits to evaluate watershed conditions and threats/opportunities
- Worked with Oregon Department of Fish and Wildlife (ODFW) to evaluate potential impacts to fisheries resources in Rocky Creek Basin

- Evaluated potential over-appropriation and Endangered Species Act (ESA)/water quality constraints on mid-coast streams
- Met with CCWC members to define their water supply needs
- Met with environmental organizations (WaterWatch and Oregon Trout) to understand their concerns with the Project and to negotiate win-win solutions
- Presented the project to the Siletz Tribal Council on August 17, 2002

2002 – Refinements to the Preliminary Water Management Plan were submitted to OWRD on December 30, 2002. Refinements included:

- Expansion of the conservation element requirements
- Updated population and demands assessment, supply-side and demand-side conservation included, addresses overlapping demands between utilities
- Updated operational plan
- Sections describing an Alternatives Analysis, Reservoir Development in the Rocky Creek Watershed and the Potential for Anadromous Fish Restoration

2003 – Lincoln City began pursuing surface water rights on Drift Creek and was financially unable to pursue both water rights efforts. As a result, the Rocky Creek Project lost momentum and other members of the CCWC began exploring alternative water supply alternatives.

2005 – As a result of House Bill 3038, OWRD requests the City of Newport and City of Lincoln City submit a statement indicating the number of years they will need to commence and complete construction of the Rocky Creek Project – not to exceed 20 years.

2008 – City of Newport Water System Master Plan developed to meet Oregon Department of Human Services Drinking Water Program regulations (Civil West 2008). The Master Plan includes the following elements: description of the existing water system, water demands analysis (for the 20-year planning period), supply alternatives and recommendations, Capital Improvement Plan, conservation planning, and financing and rate analysis. The Master Plan also confirmed the City's need to explore future water supply options as soon as possible.

2010 – OWRD inquires about project status (February 1, 2010). Additional administrative hold requested on March 29, 2010 (DWT 2010) and, on the same day, OWRD approves a final administrative hold through February 1, 2012 (OWRD 2010a)

PROJECT UPDATES

This section summarizes relevant changes and new information that have arisen since 2002, when the project was last evaluated, and describes how these changes potentially affect the Rocky Creek Project.

Water Right Applications – OWRD has extended the administrative hold on the applications until February 2012 and would like to issue a PFO soon after the hold ends. An initial review and public comment period have been completed and OWRD will not conduct another public review until the PFO is issued. Previous work needs to be reviewed and updated as needed. OWRD application requirements are summarized as follows (OWRD 2010b):

- Land use planning approvals from all participating entities
- Completed Form M from all participating entities
- Point-of-use map
- ODFW documentation that project is consistent with Division 33 Rules

Other information that is considered by OWRD to support the PFO, but is not part of OWRD's criteria, includes an updated alternatives analysis, a mitigation strategy, an agreement between the project partners, and updated project costs and preliminary design.

Water Supply Need –Analyses of water supplies along the Oregon coast still agree that summer availability of surface flows is extremely limited and that filling reservoirs in winter provides a critical back-up supply for coastal communities to tap during the summer months (CH2M Hill, et al. 2002, Civil West 2008, Bob Buckman, ODFW pers. comm. 2010).

The City of Newport's 2008 Water Management Plan (Civil West, 2008) confirmed the City's need to explore future water supply options as soon as possible. Existing supply is adequate for the current maximum daily demand (MDD = 4.1 million gallons per day). The 2008 Plan provided a preliminary supply deficit analysis, but further analysis is required to determine the MDD for 2030 and beyond. The City of Newport and other municipalities have conservation programs; however, it's not anticipated these programs will substantively alter the overall need for future water. As stated in the 2008 Water Management Plan, "Perhaps the most critical long-term issue facing the City of Newport is that of raw water supply."

With the understanding that the issue of water supply is paramount along the Oregon coast, especially given the need to restore instream flows to restore coastal salmon runs and meet water quality standards, the Institute for Natural Resources (INR) prepared the "Oregon Coastal Community Water Supply Assessment" (INR 2005). The purpose of this study was to better understand the challenges and opportunities facing coastal community water suppliers as a whole and to ultimately improve the prospects for meeting future water needs. The study found that despite popular beliefs, it may be difficult for state economic development officials to match businesses and industries interested in relocating to the Oregon coast with community water supply availability and reliability (INR 2005).

Potential Project Competition – Since 2002, members of the CCWC have been evaluating a variety of water supply options but it is unclear how these evaluations may affect water supply alternatives or the future demands scenarios presented in the Rocky Creek Preliminary Water Management Plan (CH2M Hill et.al. 2002). For example, a potential study may be underway to evaluate the feasibility of the Valsetz Water Supply Project (Valsetz Project), which has the potential to serve the needs of both Polk and Lincoln Counties. Central coast municipalities could likely not afford to develop both Valsetz and the Rocky Creek Project; therefore, municipalities and other stakeholders may view these projects as competing efforts. To date OWRD has not received a permit application for the Valsetz Project; however, resolution of the Valsetz Project may be required for the Rocky Creek Project to progress through the permitting process.

Developing Water Rights – Based on the analysis of water rights and existing fish habitat and water quality conditions, it appears that many of the undeveloped water rights presently held by many central coast municipalities will still be difficult to fully develop. Even though these municipalities may hold water right permits, the actual ability to develop those rights is not certain. Virtually all of the surface water bodies for which there are outstanding (undeveloped) water right permits still have substantive constraints because of federal Endangered Species Act listings, critical fish habitat and water quality limitations. Several rivers, such as the Siletz and the Yaquina, have been designated as core areas for salmon habitat and restoration. Successful development of water rights in these subbasins has only become more difficult in the last decade.

Project Design and Costs – Preliminary design and geotechnical investigations were performed to support the initial dam and reservoir design. From a geologic, geotechnical and seismic perspective, the dam site and reservoir areas were deemed suitable. The preliminary designs and geotechnical investigations should be evaluated in light of current seismic standards and OWRD requirements. Preliminary transmission and treatment alternatives should be reviewed and re-evaluated if necessary. In addition, cost estimates for the Rocky Creek Project are no longer valid and will need to be updated.

Regulatory Environment – The regulatory environment has experienced some changes since the original work was conducted on the Rocky Creek Project; however, much of the findings described in the 2002 Preliminary Water Management Plan remain the same. Resource agencies see the value in developing the Rocky Creek Project because of the large amount of storage available and the subsequent flexibility it can provide. Entities concerned with fish populations on the central coast understand the Rocky Creek Project can alleviate late summer, low flow pressures currently experienced by those rivers and streams designated as core areas for salmon restoration (Bob Buckman, ODFW pers. comm. 2010).

Rocky Creek itself has been considered for anadromous fish restoration, though existing fish barriers and ongoing watershed logging practices presented substantive limitations to successful restoration. While restoration of anadromy to Rocky Creek is not off the table (Bob Buckman, ODFW pers. comm. 2010), it is expected to be a very expensive endeavor and the region will still be faced with meeting future water supply needs. The Oregon Coast Coho Conservation Plan (ODFW 2007), which was

prepared to improve the status of coastal coho, does not mention the potential to restore anadromy on Rocky Creek.

Project impacts and the potential for mitigation are consistent with descriptions in the 2002 Preliminary Water Management Plan. Though there will be impacts to forested, wetland and riparian areas, the impacts will not eliminate resources unique within the central coast ecoregion and there will be no impact to anadromous fish species.

An alternatives analysis was prepared as part of the original submittal; however, an updated alternatives analysis will be required as part of the permitting process but will also be important in terms of developing support for the project and communicating with all stakeholders.

Mitigation – OWRD is required to coordinate with Oregon Department of Fish and Wildlife (ODFW) as part of the permit process. Through this coordination, ODFW will clarify their mitigation requirements, which will include a response to their Division 33 Habitat Mitigation Policy. Mitigation opportunities are available to compensate for the impacts. Mitigation for the impacts to the on-site resident fisheries and habitats will most likely be off-site with the intent of improving fisheries habitat and/or passage along a core salmon-bearing stream along the central coast.

In addition, similar to prior discussions, the resource agencies and other environmental stakeholders continue to indicate they will expect mitigation in the form of decreased pressure on core salmon-bearing streams during low flow periods. These specific mitigation measures were not provided in the prior submittals to OWRD. Mitigation beyond ODFW's requirements is optional according to OWRD and the state water rights permitting process; however, the Rocky Creek Project partners may elect to coordinate with other environmental stakeholders to minimize the potential for future legal action. As part of the September 22, 2010 meeting, OWRD suggested that a mitigation strategy be developed and submitted to support the PFO. A preliminary operating plan for the Rocky Creek Project, which demonstrates how the Project will decrease late season pressures on core streams, may be an essential component of a mitigation strategy that can be supported by the environmental stakeholders.

CCWC – The CCWC has not met in approximately eight years and the participating municipalities have likely seen leadership and staffing changes during this period. For this analysis, it is assumed that the Rocky Creek Project is only financially viable through the partnership of the CCWC – particularly the cities of Newport and Lincoln City. It is likely the CCWC partners are still interested in the Rocky Creek Project as a future regional water supply but this should be confirmed.

The Siletz Tribe has expressed an interest in participating in the Rocky Creek Project. The Tribe is not a unit of local government and it may not be possible under ORS Chapter 190 for it to be a member of the CCWC; however, there may be other ways in which the Tribe can participate.

Moving forward, a communications plan may help facilitate the re-establishment of the CCWC by ensuring a consistent message among the partners and the public. In addition, OWRD would like to see

some documentation of a partnership, such as an updated Intergovernmental Agreement (IGA), to support the PFO.

Water Management and Conservation – In 2002, the Oregon Water Resources Commission adopted new administrative rules governing municipal water use permit extensions. Particularly relevant to the Rocky Creek Project is the rule pertaining to water management and conservation plans (OAR Chapter 690, Division 86). Division 86 was reorganized to clarify the tie between municipal permit extensions and development of water management and conservation plans. The revised rule also set forth detailed and specific requirements for the contents and approval of the plans. As a condition of approval of the Rocky Creek water right applications, water management and conservation plans may need to be developed and implemented in each of the municipalities benefiting from the Rocky Creek Project within three years of permit issuance. It's recommended the cost associated with this effort be included in the overall project costs.

It's predicted that environmental stakeholders will scrutinize the needs assessments for the partners by evaluating the status of water management and conservation plans. While plans that meet the Division 86 requirements are only required as a condition of the permit, it may benefit the partners to summarize the status of their water management and conservation plans in support of their needs assessments.

Project Financing – A strategy to finance the project has yet to be established. The current IGA states that CCWC members will pay their portion of project costs based on proportionate water use. Member financing strategies should be explored. Moreover, state and federal sources of funding should be explored to help minimize CCWC member project costs. For the PFO, OWRD needs to understand that the project is financially feasible based on general project cost and funding sources.

RECOMMENDED WORK PLAN

The objective of the following work plan is two-fold. First is to determine if the project is still feasible and supported by the project partners. Second is to obtain the PFO for the Rocky Creek Water Supply Project. To provide flexibility, the work plan has been structured in three phases.

Phase 1 – Project Feasibility

Phase I of the work plan is primarily intended to confirm that the Rocky Creek remains a financially viable and technically sound project. Phase I is intended to answer the following questions:

- Is there still a need for a regional water supply project like Rocky Creek?
- Are the project partners still interested in developing Rocky Creek?
- What will the Rocky Creek Project look like and what will it cost?
- What is the anticipated mitigation?
- How will Rocky Creek be paid for?

The following is an outline of the tasks required to complete Phase 1:

Task 1 – Re-Establish Partnerships

- **Communications Plan** – Develop communications plan to foster project support
- **Partnerships** – Confirm Lincoln City and others as partners
- **CCWC** – Re-establish the CCWC and update the IGA

Task 2 – Update Project

- **Project Design** – Review conceptual project design and alternatives evaluation (e.g. dam, treatment, transmission, operations). Should updates be required, develop scope of work (SOW) to be completed in Phase 2.
- **Form M Needs Assessment** – Review needs assessments to prepare Form M. Should updates be required, develop SOW to be completed in Phase 2.
- **Water Management and Conservation** – Evaluate status of water management and conservation strategies for project partners (will include rough cost estimate for Division 86 compliance)
- **Land Use** – Review land use approval requirements for each partner (will include SOW for Phase 2 deliverables)
- **Operations** – Develop SOW for conceptual operating plan in support of optimization and mitigation
- **Project Costs** – Update overall project costs

Task 3 – Develop Mitigation Strategy

- **Coordination** – Coordinate with the partners and environmental stakeholders to evaluate expectations and opportunities
- **Strategy** – Prepare preliminary mitigation strategy (will include SOW for Phase 2 deliverables)

Task 4 – Establish Funding Strategy

- **Funding Opportunities** – Evaluate partners’ funding strategies and explore state and federal funding sources to minimize partner costs
- **Funding Strategy** – Identify potential funding actions for Phase 2

The deliverables from Phase 1 are expected to include the following:

- Communications plan
- Updated IGA
- Updated conceptual project design, operating plan and project costs
- Evaluation of needs assessment, water management and conservation plans and land use approval process

- Preliminary mitigation strategy
- Preliminary funding strategy

Phase 2 – Update Application

Should it be determined through Phase 1 that Rocky Creek is still feasible, the goal of Phase 2 will be to prepare the remaining materials required to satisfy OWRD's requirements. Based on recent conversations with OWRD and resource agencies we expect the following submittals to be required for the February 1, 2012 OWRD deadline:

- Land Use Approvals
- Form M (requires current needs assessment for each partner)
- Map(s) of Service Area

The following deliverables are not required as part of OWRD's criteria but have been suggested by OWRD to support the applications and the PFO:

- Preliminary Project Design
- Agreement between project partners
- Mitigation strategy
- Updated alternatives analysis

Phase 3 – Application Submission and Review

The application review process will involve the following steps:

- Submit application material
- Application completeness review (30 days)
- Issuance of Proposed Final Order
- Protest Period (45 days)
- Issuance of Final Order and Permit

REFERENCES

Literature

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- Davis Wright Tremaine LLC (DWT). 2000c. Letter to Oregon Water Resources Department requesting third administrative hold to water rights applications R-83810 and S-83809. December 11, 2000.
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- Oregon Department of Fish and Wildlife (ODFW). 2007. The Oregon Coast Coho Conservation Plan.
- Oregon Trout. 1998. Letter to Oregon Water Resources Department regarding water rights applications R-83810 and S-83809. September 3, 1998.
- Oregon Water Resources Department (OWRD). 2000a. Letter to Davis Wright Tremaine LLC approving administrative hold on water rights applications R-83810 and S-83809. February 10, 2000.
- Oregon Water Resources Department (OWRD). 2000b. Letter to Davis Wright Tremaine LLC requesting additional information to justify the request for a second administrative hold on water rights applications R-83810 and S-83809. September 1, 2000.
- Oregon Water Resources Department (OWRD). 2001. Letter to Davis Wright Tremaine LLC approving administrative hold on water rights applications R-83810 and S-83809 with conditions on June 5, 2001.
- Oregon Water Resources Department (OWRD). 2010a. Letter to Davis Wright Tremaine LLC approving a final administrative hold on water rights applications R-83810 and S-83809. through February 1, 2012. March 29, 2010.
- Oregon Water Resources Department (OWRD). 2010b. Letter to David Evans and Associates providing a list of items required to proceed with the Proposed Final Order. September 28, 2010.
- Page1, M.O. 2000. The Intersection of Federal ESA Regulations and State Water Law. *Proceedings of the Oregon Water Law Conference, The Seminar Group, October 2000.*
- Stewards of Rocky Creek. 1999. Restoration Documentation for the Rocky Creek Project.
- USFWS. 1998. Federal Register. Vol. 63 No. 55/ Monday, March 23, 1998. Listing Endangered and Threatened Species and Designating Critical habitat: Petition to List Sea-Run Cutthroat Trout and Designate Critical Habitat Throughout Its Range in California, Oregon and Washington.

Personal Communications

- Buckman, Bob. District Fish Biologist, Oregon Department of Fish and Wildlife. September 8, 2010.
- French, Dwight and Jeana Eastman. Oregon Water Resources Department. September 22, 2010.

Cheryl Atkinson

From: Lee Ritzman
Sent: Thursday, February 17, 2011 2:44 PM
To: Cheryl Atkinson
Subject: FW: Rocky Creek - Draft Budget

From: Jennifer Miller [<mailto:Jdho@deainc.com>]
Sent: Wednesday, October 27, 2010 4:56 PM
To: Jim Voetberg
Cc: Lee Ritzman; Penelope McCarthy; Tom Puttman
Subject: Rocky Creek - Draft Budget

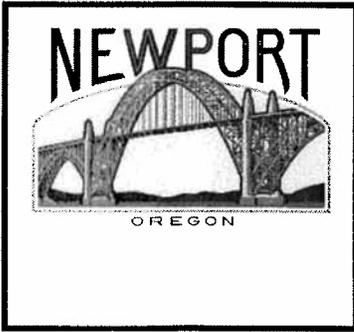
Hello Jim~

I've put together some draft numbers to assist you in your meeting with Lincoln City. It's challenging to budget this effort at this stage because there are so many variables that could change during the feasibility analysis, but I've made assumptions in order to develop the following draft budgets for each phase:

Phase 1, Feasibility Analysis: ~\$80,000
Phase 2, Submittal Preparation: ~\$110,000
Phase 3, Agency/Permit Coordination: ~\$25,000

These budgets include engineering fees, but do not include legal fees. The schedule that we developed and submitted to you at our last meeting provides the timing for these phases. I look forward to any questions you might have.

Jennifer Miller
Sr. Project Manager | Associate
Water Business Unit
David Evans and Associates, Inc.
2100 SW River Parkway | Portland, OR 97201
direct: 503.499.0576 | fax: 503.223.2701



Agenda Item # VIII.B.--LCRB
Meeting Date February 22, 2011

LOCAL CONTRACT REVIEW BOARD
ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Revisions to Local Contracting Rules

Prepared By: McCarthy Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Board: Amendment of the City's Local Contracting Rules

Staff Recommendation: Staff recommends that the Board amend the City's Local Contracting Rules

Motion

I move the Board approve amendments to the City's Local Contracting Rules as attached.

Key Facts and Information Summary:

The City Attorney began working with City staff on the City's Local Contracting Rules some time ago as dictated by conflicting and inconsistent provisions in the Rules, modifications to the Attorney General's Model Public Contracting Rules (Model Rules) and City practice. The City may follow Model Rules or may adopt its own Rules. The City adopted its own Local Contracting Rules in 2007. Modification to the Rules reflects the insights and efforts of two members of Public Works, the City Manager, the Executive Assistant and the City Attorney.

The basic concept of public contracting rules is that the City should acquire goods, services and improvements at the lowest possible price, with appropriate consideration of quality and terms. Competition is normally the best way to keep prices low and quality high. Very generally, the Rules include the following:

1. Formal competitive process – either a bid or request for proposal process. Must be used for all contracts over \$100,000 (unless exempt); may be used for any contract
2. Competitive quotes – may be used for contracts under \$100,000, after the City makes good faith efforts to obtain three competitive quotes
3. Direct awards – may award contracts under \$5,000 directly to a contractor known to provide goods or services
4. Exemptions to competitive process – allowed for certain types of contracts; e.g. price regulated items; library periodicals, advertising contracts, equipment maintenance and repair, investments, insurance, employee benefits, IT purchases, single seller, contract amendments.
5. LCRB may authorize additional exemptions – written findings are required
6. Processes – for solicitations, proposals, bids, awards, contracts.

Other Alternatives Considered: None

Attachment List:

Local Contracting Rules, as amended

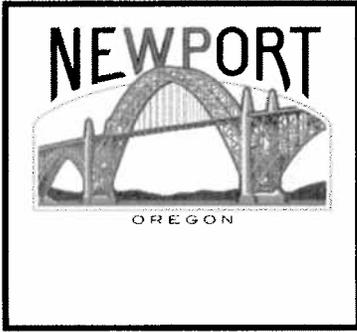
Fiscal Notes:

None

Local Contract Rules Red-lined Version

Was too large to post with agenda, so will be

Adding as a separate item



Agenda Item # VIII.C.
Meeting Date 2/22/11

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Consideration of a Request for a Special Event Fee Waiver - Loyalty Days

Prepared By: ph Dept Head Approval: Peggy Hawker City Mgr Approval: [Signature]

Issue Before the Council: The issue before Council is the consideration of a request for a special event fee waiver for services provided by the city during Loyalty Days.

Staff Recommendation: This is entirely a City Council decision.

Proposed Motion: I move to approve the fee waiver requested by the Newport Loyalty Day and Sea Fair Festival Association, Inc., in the amount of \$8,405, for this event to be held on Saturday, April 30, 2011, and that the general fund be reimbursed by the transient room tax fund in the amount of \$4202.50.

Key Facts and Information Summary: The Newport Loyalty Day and Sea Fair Festival Association, Inc. have scheduled the 55th annual Newport Loyalty Day parade for Saturday, April 30, 2011. The association has requested the support it traditionally receives from the city which includes assistance from the Newport Police and Public Works Departments. The Police Department estimated costs are \$6,000, and the estimated costs of the Public Works Department are \$2,405. Recognizing that this is a combination of a local and tourism event, it is believed that an equitable division of costs is 50% to the General Fund and 50% to the Transient Room Tax Fund. The proposed motion recommends splitting the cost accordingly.

Section 9.80.015 of the Newport Municipal Code states:

- A. Applicants may request a full or partial fee waiver of special event permit fees. A request for a fee waiver must be submitted with a special event permit application. The city may, in its discretion, approve all, part, or none of a fee waiver request. The following will be considered in the city's review of a request for a fee waiver:
1. Whether the event is a benefit to the community.
 2. Whether the event creates positive publicity for the city.
 3. The city's cost of providing services for/to the event.
 4. Whether there are revenues that can be used to offset the impact of a fee waiver on the general fund.

5. Whether the event promotes education, public health, or public safety.
 6. Whether the event is operated by a non-profit organization.
 7. Whether the event has in the past or is likely in the future to take action that, if taken by a governmental entity, would be unconstitutional. The city will not provide a fee waiver for any special event or entity that takes action in regard to the special event that, if taken by the city, would be unconstitutional.
- B. Unless waived, all fees required for the special event must be paid prior to the issuance of a permit. In no event, will the fee waiver be more than the city's cost of providing service to the event.

Other Alternatives Considered: None

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

Attachment List: Attached are the special event permit application request from the organizers of the Newport Loyalty Day and Sea Fair Festival Association, Inc., and a memo from the Police Department regarding costs.

Fiscal Notes: Because the event attracts tourists, a portion of the waived fees may be offset by transient room tax revenues.



NEWPORT LOYALTY DAY and SEA FAIR FESTIVAL
ASSOCIATION, INC.

P.O. Box 1531

Newport, Oregon 97365

The City of Newport
Attn: Mr. Jim Voetberg, City Manager
169 So. Coast Hwy
Newport, OR 97365

RE: 55th Annual Newport Loyalty Days and Sea Fair Festival

Dear Mr. Voetberg,

The Newport Loyalty Day and Sea Fair Festival Association, Inc. have begun preparations for the 55th annual Newport Loyalty Days & Sea Fair Festival. This year it has been scheduled for Thursday, April 28th through Sunday, May 1st, 2011. With this year's theme: "Heart of America" we are delighted to honor our local Fire, Police and Sheriff's departments with their respective Chief's (and Sheriff Dodson) as our Grand Marshals.

Among the weekend's activities is the annual two hour parade scheduled for Saturday, April 30th beginning at 12:00 pm. As in years past this parade begins at the intersections of Hwy 101 and N.E. 20th street. The line of march follows Hwy 101 South and begins to disburse at or around Hwy 101 and Fall street.

We are formally requesting the support we have traditionally received from The City of Newport for the annual parade. This includes assistance from the Newport Police Department and Public Works Department. Along with this support we are also requesting a waiver of all fees which might be associated with this level of support.

We look forward to speaking before the Newport City Council in regards to our request. Our insurance coverage has been submitted for renewal and our ODOT permit is pending, awaiting council approval and your signature.

Sincerely,

A handwritten signature in cursive script that reads "Patty Louisiana".

Patty Louisiana (541) 961-1466
Newport Loyalty Day Parade Chair
Teena Power, Co-Chair
Newport Loyalty Days and Sea Fair Festival Assoc., Inc.

SPECIAL EVENT APPLICATION

Submit to: City Recorder
City of Newport
169 SW Coast Highway
Newport, OR 97365
Email: p.hawker@thecityofnewport.net
541.574.0613

This application must be completed, signed and submitted 90 days before the first day of the event. Late applications may be accepted, but the city cannot assure that late applications will be processed in time to issue the permit. Misrepresentation in the application is ground for denial or revocation of the permit. The city may withdraw the permit if the actual event differs from the description in the application materials.

If you cannot answer in the space provided, submit additional sheets

EVENT

Event Name: Newport Loyalty Day Parade

Event Date: Saturday, April 30th, 2011 Time: 12:00 - 2:00 pm

Location: ___Hwy 101 & NE 20th Street to Hwy 101 & S.W. Fall Street

Facilities to be used: Park _____ N/A

(Be specific)

Street - See above

Sidewalk - Along parade route

Other City Property - N/A

Private Property - N/A

Set-up dates and start time: Saturday, April 30th, 2011 9:00 am

Take-down dates and end time: Saturday, April 30th, 2011 2:00 pm

Estimated crowd size: Participants (including vendors and volunteers)

2500

Spectators; 10,000 - 15,000

Has event occurred previously? Yes What dates? Annually for 55 years

Any changes from previous events? No (If yes, list changes on separate sheet)

APPLICANT

Name: Newport Loyalty Day & Sea Fair Festival Assoc.

Mailing Address: PO Box 1531, Newport, Oregon 97365

Phone: (541) 961-1466

Email: lanorthwest@hotmail.com

Fax: N/ A

Contact Person (must be authorized to sign for entity):Patty Louisiana

Contact Person Address, Phones, Email (541) 961-1466

lanorthwest@hotmail.com

Status of Applicant (Type of Entity, For Profit/Nonprofit) Non profit

DEPOSIT/REQUEST FOR WAIVER

The City of Newport requires payment for the services it provides to special events, unless a waiver is granted. To process an application, the city requires either submission of a \$25 deposit to be credited against the fees that will be charged or submission of a fee waiver request.

 A \$25 deposit is submitted with this application.

 X A fee waiver request is submitted with this application.

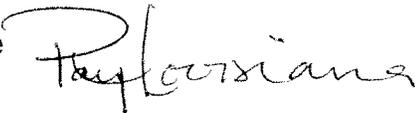
DETAILED DESCRIPTION OF EVENT

Provide a detailed description of activities associated with the event, including a detailed description of city services requested. In the description, state whether food, drink, and/or alcoholic beverages will be served. To the extent that the event involves use of parks, streets or other city facilities, provide a description of how and when the facilities will be used and a diagram of the areas that the event will use. To the extent applicable, provide a parking plan, security plan, medical assistance plan, litter control and disposal plan and any other information that would be useful to the city. Use additional sheets as necessary to provide complete information.

INSURANCE INFORMATION

If a special events permit is granted, evidence of insurance must be provided to the city at least 15 days before the event. A certificate of insurance showing the City of Newport as an additional insured is required in most situations, although the requirement can be waived. Minimum limit is \$1,000,000 commercial general liability or equivalent. The approval of the permit is tentative until the proof of insurance is submitted or waiver granted.

Patty Louisiana / Original signature / Original document sent under separate cover

Applicant's Signature 

Date: January 25th, 2011



NEWPORT LOYALTY DAY and SEA FAIR FESTIVAL ASSOCIATION, INC.

P.O. Box 1531

Newport, Oregon 97365

2011 Newport Loyalty Day Parade, Saturday, April 30th, 2011

The Newport Loyalty Day and Sea Fair Festival Association, Inc. have scheduled the 55th annual Newport Loyalty Day parade for Saturday, April 30th, 2011.

The Loyalty Day Festival has been a part of the City of Newport and its citizens for the past 55 years, with its inception dating back to the Crab Festival of the 1930's. First as a way to entice tourism during the slower months of the year and second to show our patriotic support for our veteran's, honoring those who have served and those who are currently serving their country. As a 501 c 3 non-profit we look to organize and implement certain events during this festival as we rely on the Newport businesses and citizen's to step forward and use this weekend for their own expression of Loyalty Days. Charity Auto Show's, Veteran's receptions, Service Medal Ceremonies, Field of Honor sites are some of the ways the citizens of Newport offer a way to simple say thank you for your service to our veteran's.

Along with the wide support this parade receives from its citizen's, the increase of visitors, some for the first time, spend the day or the weekend and enjoy the hospitality Newport and it's businesses are famous for. We estimate upwards of 2500 participants in the parade itself with estimates of 10,000 -15,000 individuals lining the parade route come rain or shine.

As we do not charge to view this event, (we do charge a \$15.00 parade entry fee to assist with our insurance costs) it can be a bit difficult to determine the actual dollar amount which benefits the city and its businesses. However, we do know when an out of town band comes to Newport and spends the weekend, they budget \$20,000.00 for Newport hotel rooms and meals for their trip. When the many car club members drive over from the valley to attend, they normally reserve a block of rooms at one of Newport's fine hotels for the weekend, host Show and Shines to benefit local charities and enjoy the area restaurants.

I have personally heard many times over the years, how someone was "just driving through" on the day of the parade. They decided to stop to watch and ended up spending the entire day, playing tourist, shopping and eating in one of our many restaurants. The thousands of parade spectators have either picked up something to eat prior to the parade, during the parade or head out to find a restaurant after the parade is finished. So, when the restaurants and shops are full, the hotels see an increase in room stays, when visitors come to see what Newport is all about on this weekend, we see this as a benefit to the entire Newport business community.

As in years past, we are implementing with your approval the following to insure a safe and fun parade for all;

The hwy closure request for the Newport Loyalty Day parade will be identical as in years past, with the parade route beginning at NE 20th Street (Pacific Plaza Shopping Center) and Hwy 101 -- entries marching South down Hwy 101 with the parade entries being directed off Hwy 101 approximately at S.W. Fall Street.

The Newport Public Works Department established the detour route and traffic flow diagrams for all intersections. We ask that this plan continue to be used and the required barricades and cones be set out prior to the parade to assist the Newport Police Department personnel in implementing the traffic control plan. We also ask that the Newport Public Works Department makes available any additional barricades and cones the Newport Police Department determines it may need for this event.

Grandstands have in years past been erected on the corner of Hwy 20 (Olive Street) and Hwy 101 and in the parking lot of the Newport Armory. At the request of the City Council last year an additional grandstand was erected in front of City Hall. These serve as grandstands for our visiting and local dignitaries. At this time we are again asking for these grandstands to be erected at least one day prior with to the parade with tear down after the event at the discretion of Newport Public Works Department personnel. Last year the Oregon National Guard 224th Engineers assisted in set up and offer their assistance once again.

We have requested a two hour closure with ODOT from 11:45 a.m. to 1:45 p.m. on parade day. We appreciate the leeway of 15 minutes on either side of this time frame they give us, though what we typically see is the Newport Police Department slows traffic and begins to reroute traffic at 11:30 am and by 1:30 p.m. Hwy 101 begins to open up behind the last of the parade entries under the direction of Newport Police Department with Hwy 101 fully opened to traffic before 2:00 p.m. We leave the actual closing and opening times of the hwy to the discretion of the Newport Police Department. By limiting the commercial entries to 90 as per our rules, we feel this gives us a great parade and keeps us within the ODOT Hwy closure timeframe.

Interagency cooperation:

As in the past the Newport Police Department will be heading up traffic control with interagency cooperation from the Lincoln County Sheriff's Department, Oregon State Police, Lincoln County Ham Radio volunteers and Lincoln County Emergency Management. The Lincoln County Search and Rescue team stages the beginning of the parade with the assistance of the Lincoln County Sheriff's Mounted Posse. All agencies do a tremendous job in conducting this annual event. The Newport Police Department has a traffic control procedure on file for this event and conducts a morning briefing the day of the parade. We leave it up to the Newport Police Department as to the number of officers needed, while we assist in recruiting volunteers from USCG, Station Yaquina Bay and the Oregon Army National Guard to assist at various points along the parade route.

Upon receipt of the signed ODOT permit and our annual liability insurance coverage, copies are distributed to these agencies for their files.

Staging the parade:

With permission, we utilize portions of the parking lots at Central Lincoln PUD, Fred Meyer for bands. Atonement Lutheran Church for the USCG Station Yaquina Bay float, Oregon National Guard vehicles, large floats or oversized vehicles, behind Safeway/Rite Aid and also portions of the Wal-Mart parking lot. A portion of the front parking lot at Pacific Plaza is used as the Parade Check-in for all entries. We understand the need to keep customers and employees happy and each year we strive to minimize any congestion. The staging begins at 9:00 am with the parade starting at 12:00 p.m.; we anticipate the need for these lots until all entries are on the parade route. (9:00 am – 1:00 pm)

Letters and fliers go out to all businesses located in and around the staging area the week of the parade as a courtesy. We appreciate the use of these areas. We also bring in port a potties for the morning and stage them around these areas as well.

Medical Plan:

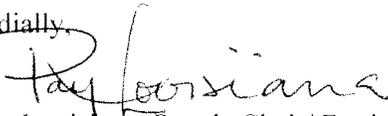
Safety has always been first and foremost a top priority. We stage the Lincoln Co. volunteer Ham Radio operators along the parade route for any emergency alerts. We stage all Newport Emergency Vehicles and visiting emergency agency vehicles directly behind the walking Color Guard who start off the parade. In case of any emergency, the required vehicles can exit the line of march quickly. An alternate traffic route North and South of the city has been established to allow drivers access in and around Newport during the temporary closure of Hwy 101.

Clean-up

As an extended courtesy, we also provide the services of a street sweeper to clean up all parking lots and place them as the last entry of the parade to clean up the parade route on hwy 101. We also request the use of the street sweeper from the City of Newport to work along side this vehicle. We request from each parade entity to not throw candy or any item during the parade. We also ask each equestrian unit to have a wheelbarrow and shovel at the ready. During this event, we do not host any vendors along the parade route and do not offer any food or drink for sale.

We look forward to assisting the City with any further questions you may have. We appreciate the assistance we have received in the past from the City of Newport's personnel and we again ask for a waiver of all City fees associated with this event. As in the past, we list the City of Newport as an additional insurer under our event insurance coverage.

Cordially,

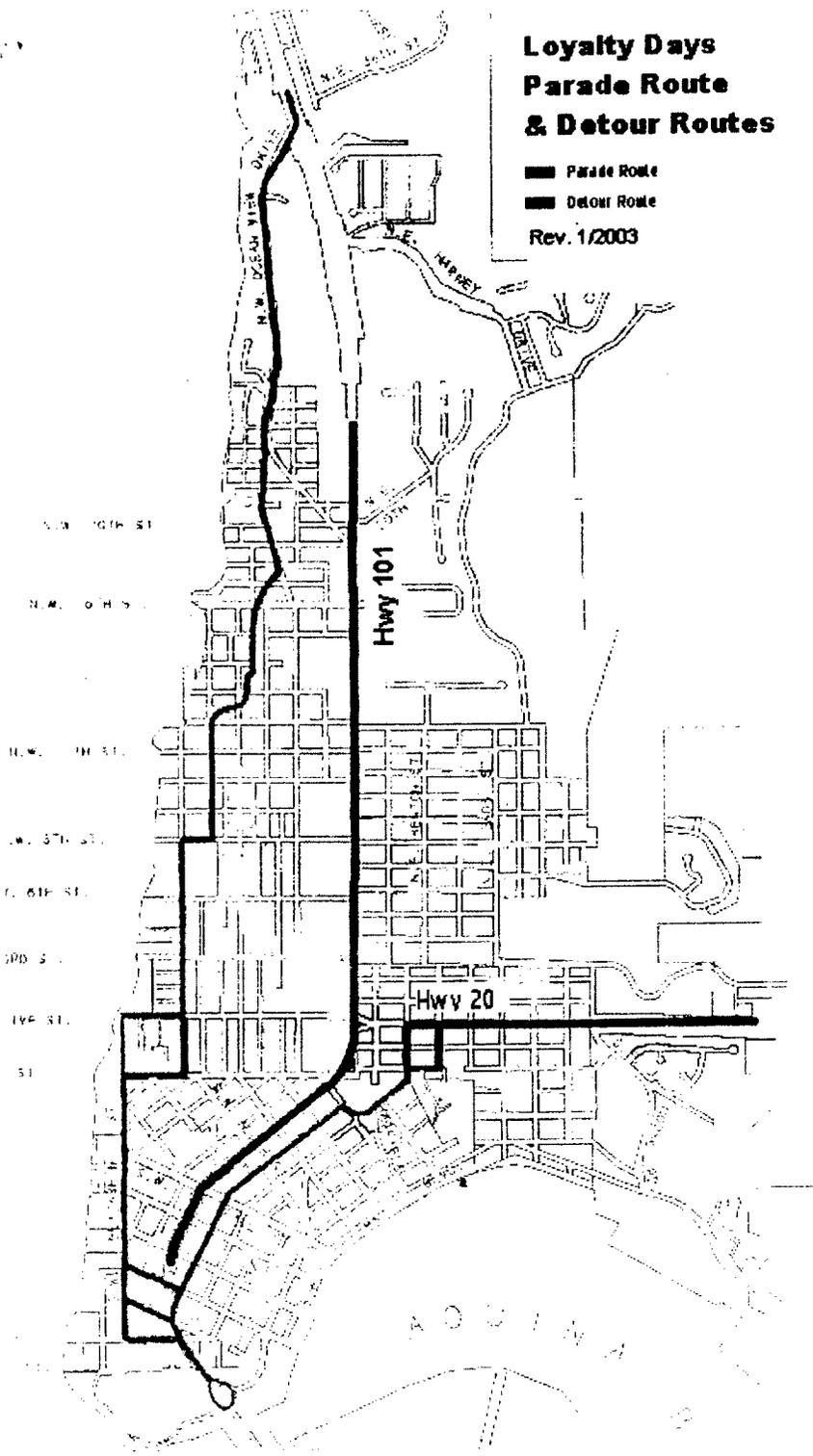


Patty Louisiana, Parade Chair/ Festival Co-Chair
Newport Loyalty Days and Sea Fair Festival Association, Inc.
(541) 961-1466

Teena Power, Festival Co-Chair
Newport Loyalty Days and Sea Fair Festival Association, Inc.
(541) 336-0120

Loyalty Days Parade Route & Detour Routes

■ Parade Route
■ Detour Route
Rev. 1/2003



Loyalty Days Parade - 2

Saturday

8:00 Deliver signs and barricades to locations

10:00 Briefing at City Hall

10:30 Put signs in place on detour route

Drop off NPD cones at intersections along Hwy 101

	Location	Sign(s)	
1	Hwy 20 @ Fogarty	Parade 500'	Stand
2	E Olive & Benton (Hwy 20)	< Hwy 101 N < Hwy 101 S	
3	SE 10 th & 2 nd	Detour >	Barricade
4	SE 2 nd & Coos	< Detour	
5	SW 10 th & Angle	< Detour Detour >	2 barricades
6	SW 9 th & Angle	< Detour Detour >	2 barricades
7	SW 9 th & Hurbert	Temp. Stops [4-way]	2 stands
8	SW 9 th & Abbey	Temp. Stops [4-way]	2 stands
9	SW 9 th & Bay	Detour >	
10	SW Bay & Hwy 101		6 barricades
11	SW Bay & Elizabeth	< 101 S -101 N >	Barricade
12	SW Bayley & Elizabeth	^Hwy 101 S/Hwy 20 E ^ Detour >	2 barricades
13	SW Minnie & Elizabeth	< Detour	Barricade
14	SW Minnie & Hwy 101	101 S Left Lane (Century 21)	Barricade
15	101 @ Bay Bridge Shops	20 E Right Lane	Barricade
16	101 in gore area	< South East >	Barricade
17	Entrance to Park	< Detour	
18	Top of Naterlin Dr	< Detour	Barricade
19	South end of bridge	Parade ½ mile	Stand
20	Merge island (N bound)	20 E Right Lane 101 N Left lane	2 barricades
21	SW 9 th & Hwy 101	< Hwy 101 N Hwy 20 E >	
22	SW Elizabeth & 2 nd	Detour >	Barricade
23	SW 2 nd & Coast	< Detour	Barricade
24	SW Coast & W Olive	Detour >	Barricade
25	NW Coast & 8 th	< Detour Detour >	
26	NW Spring & 12 th	< Detour Detour >	Barricade
27	NW Oceanview & Edenview	Detour >	2 barricades
28	Hwy 101 & Oceanview Dr	Hwy 101 S > Hwy 20 E >	
29	Hwy 101 @ 48 th	Parade ½ mile	Stand
30	Hwy 101 @ 42 nd	Parade 500'	Stand
31	Hwy 101 @ NE 36 th	Detour >	Barricade
32	Hwy 101 @ NE 31 st	Detour >	Barricade
33	Hwy 101 @ Holiday Inn	< Detour	Barricade

Loyalty Days Parade - 3

Revised 4/23/2003

34	NW 25 th & Hwy 101		2 barricades
35	NW 20 th & Hwy 101		2 barricades
36	W Olive & Nye		1 barricade

Totals:

Barricades: 21 + 35

Cones: 10

Detour > 12

< Detour 10

Tools & Materials:

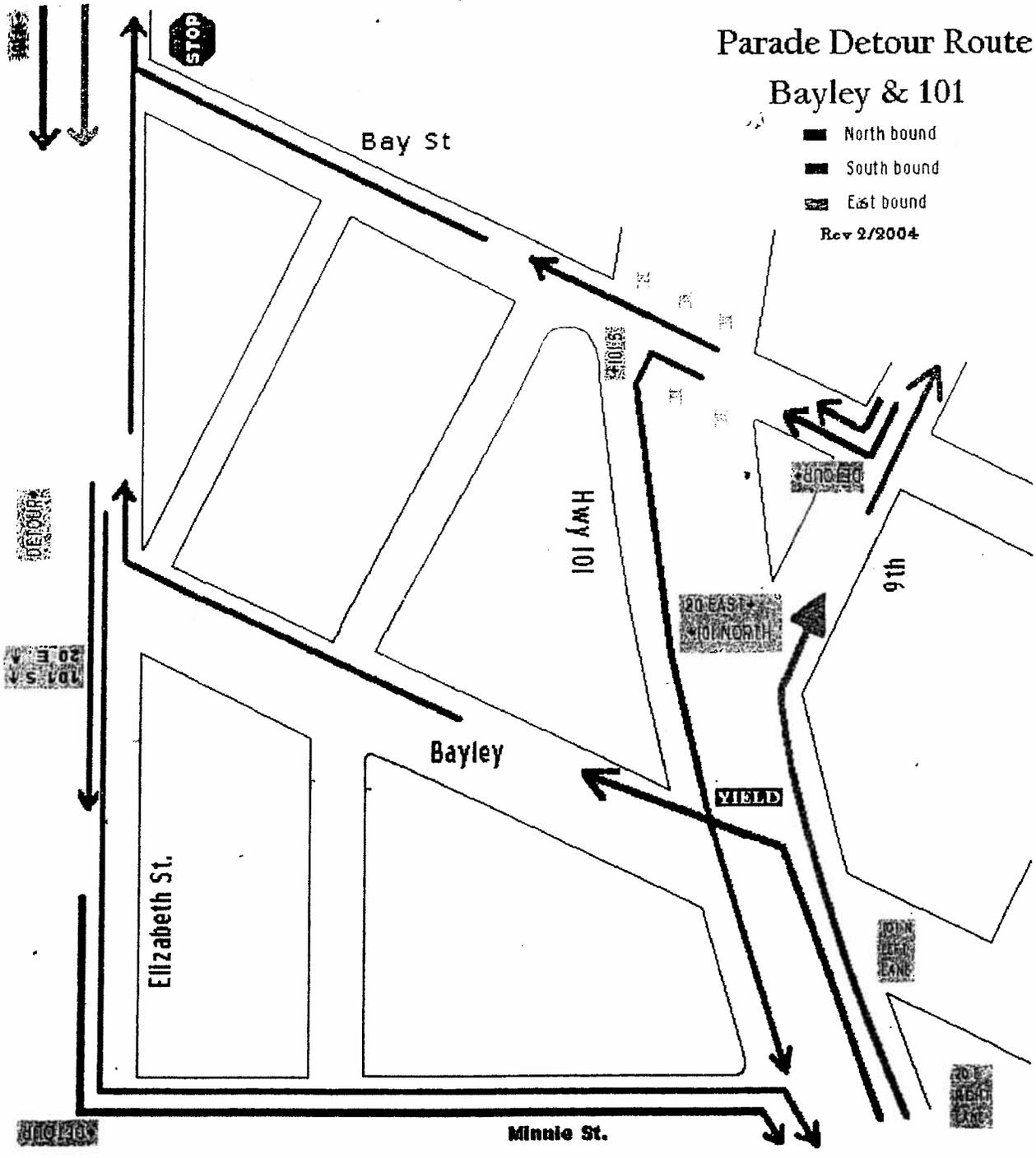
Hammer

Nails

Sign brackets

Parade Detour Route Bayley & 101

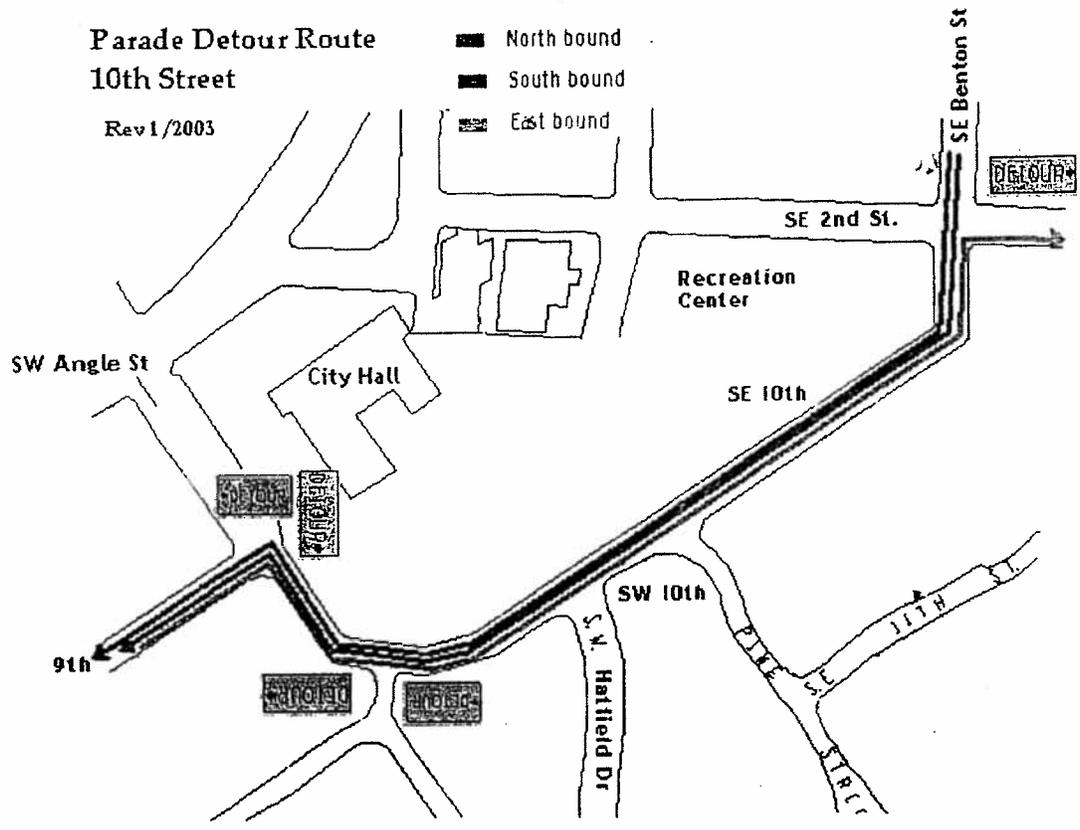
-  North bound
 -  South bound
 -  East bound
- Rev 2/2004



Parade Detour Route 10th Street

Rev 1/2003

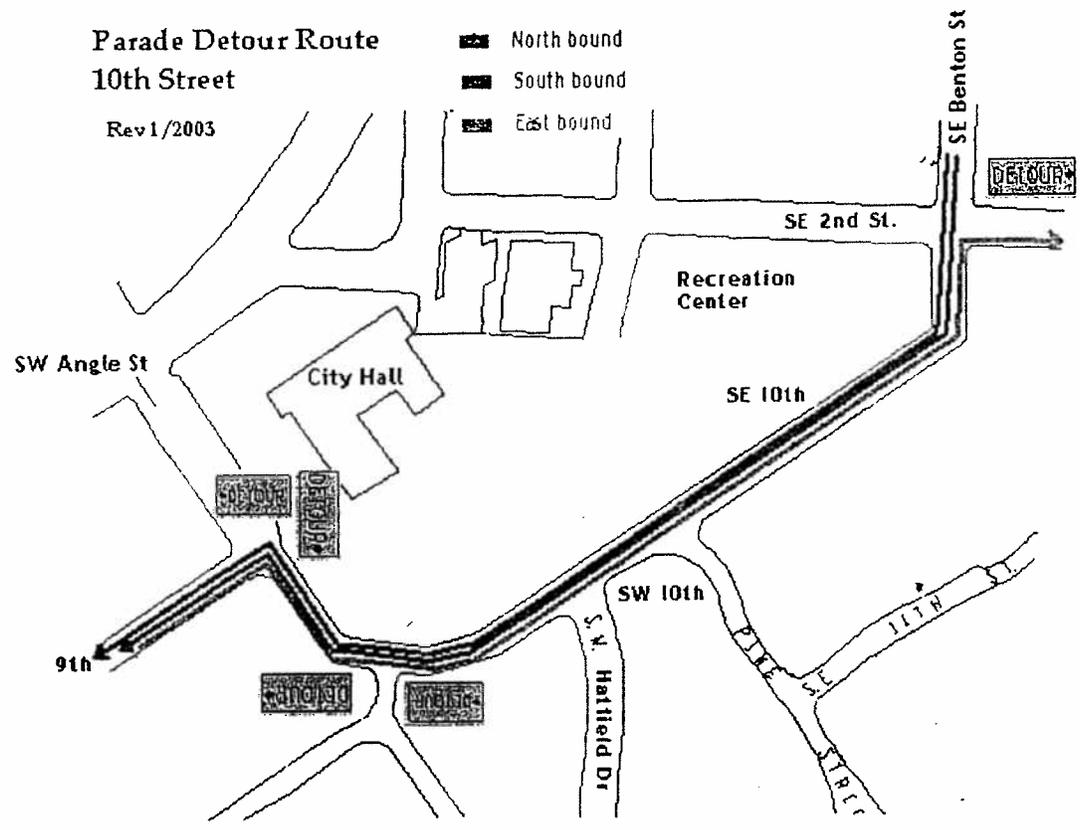
- North bound
- South bound
- East bound



Parade Detour Route 10th Street

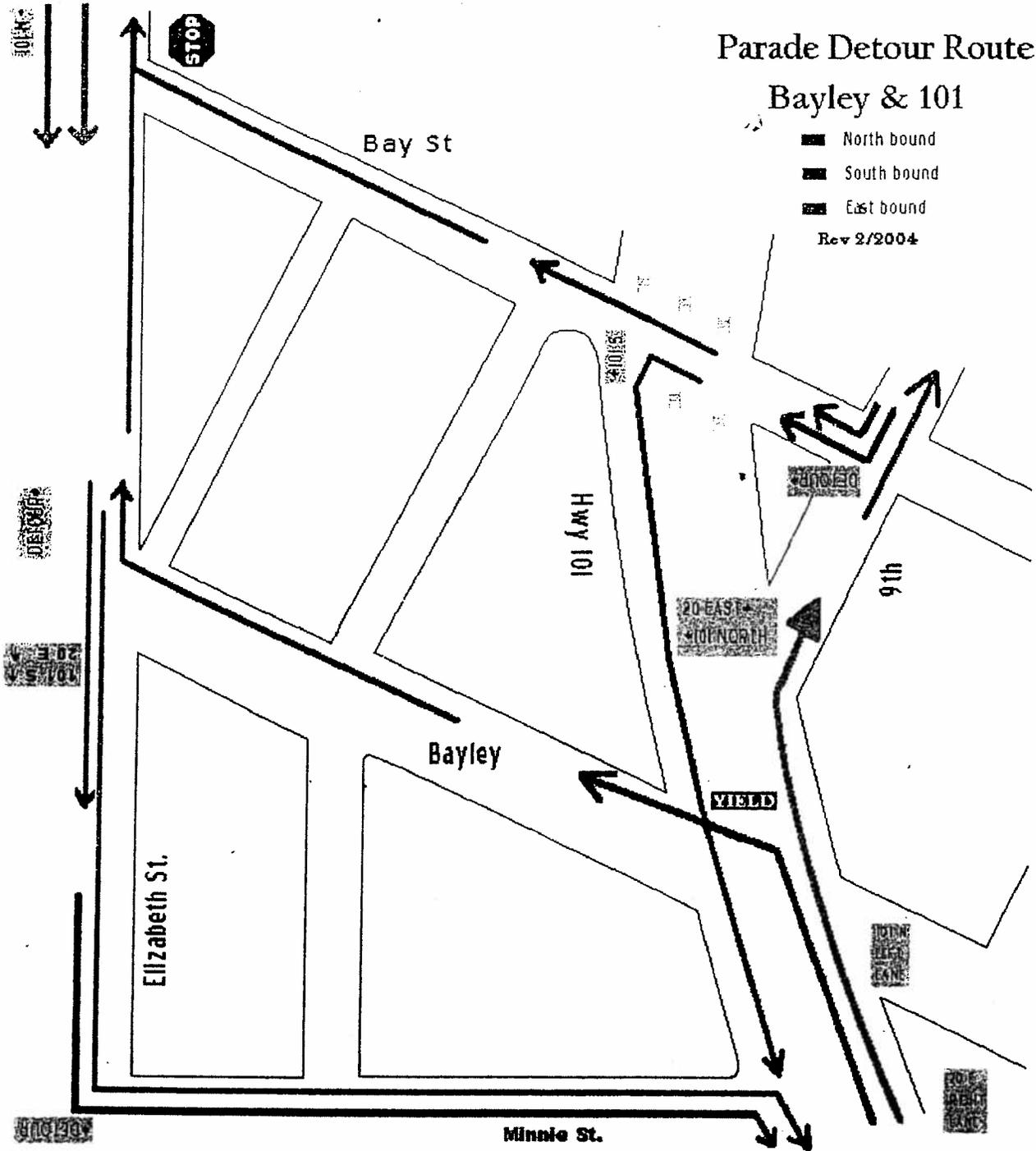
Rev1/2003

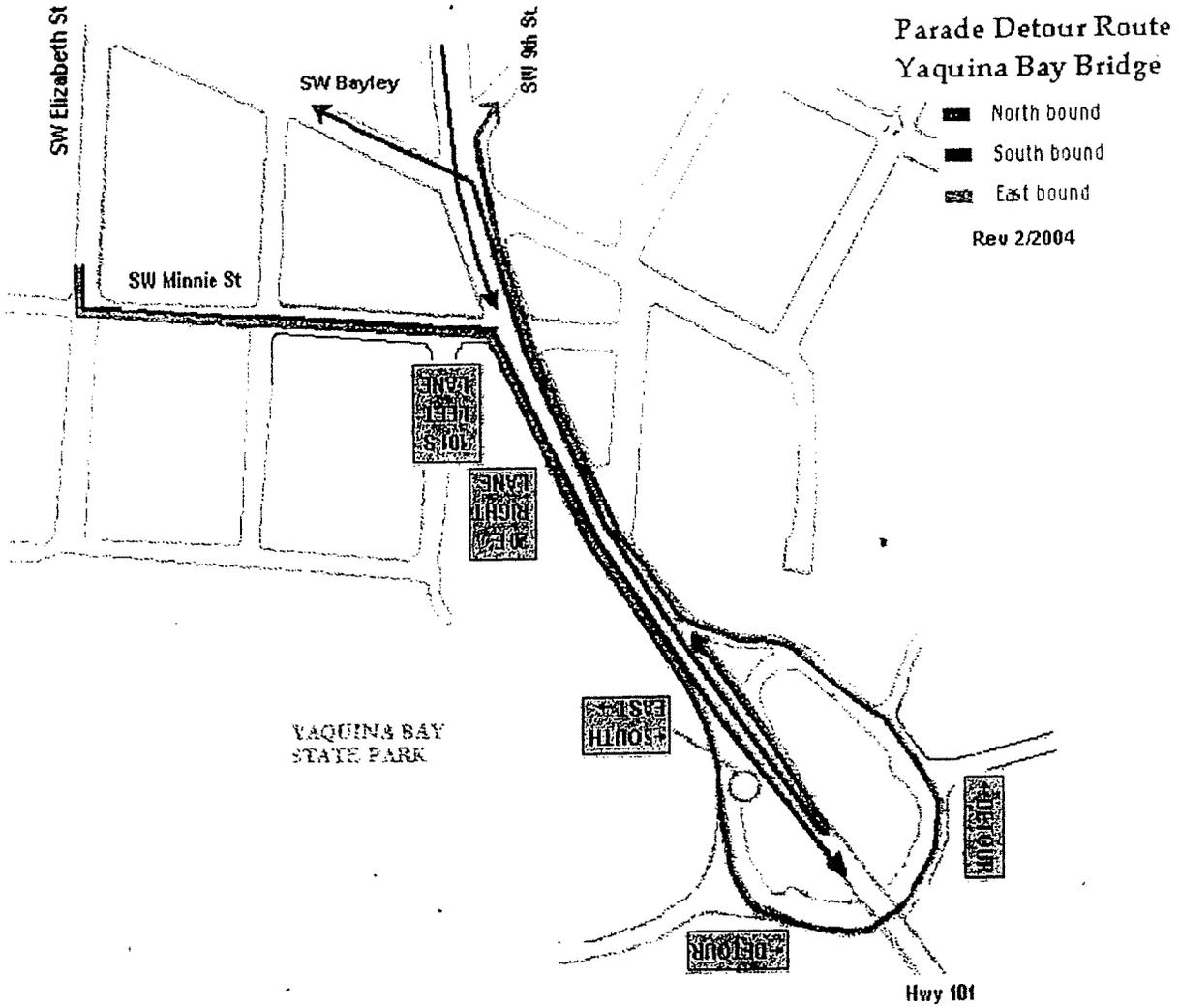
- North bound
- South bound
- East bound

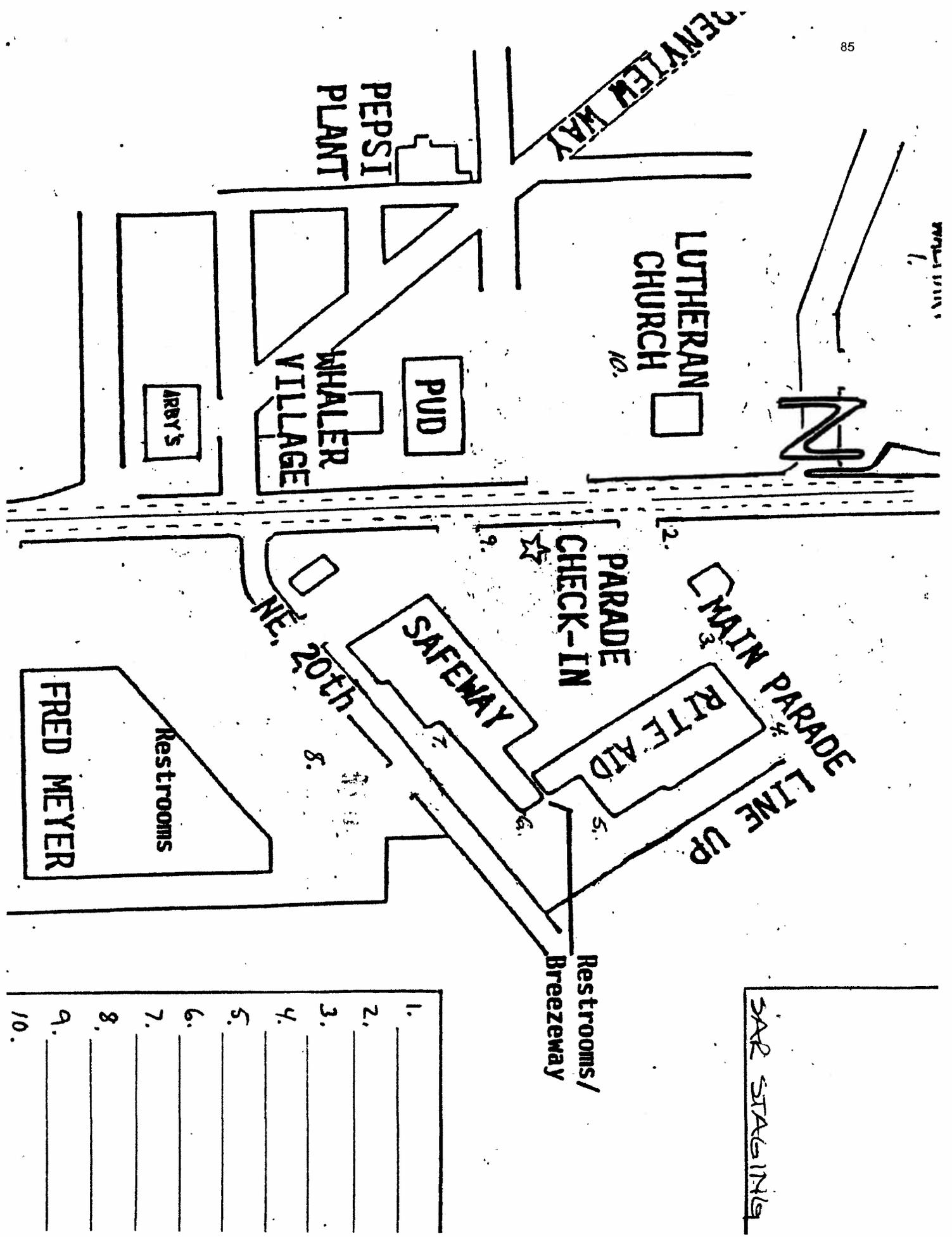


Parade Detour Route Bayley & 101

-  North bound
 -  South bound
 -  East bound
- Rev 2/2004







- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

SAR STAGING

GENERAL ENTRIES**BAND ENTRIES - TROPHIES**GRAND SWEEPSTAKES1ST PLACE HIGH SCHOOLQUEEN'S TROPHY2ND PLACE HIGH SCHOOLMAYOR'S TROPHY3RD PLACE HIGH SCHOOLJUDGE'S TROPHY1ST PLACE MIDDLE SCHOOLCOMMITTEE TROPHY2ND PLACE MIDDLE SCHOOL**HORSES****SPECIAL AWARD - RIBBONS**BEST MOUNTED GROUP1)BEST MOUNTED INDIVIDUAL2)BEST MOUNTED COURT3)**CARS**BEST PRE 19504)BEST PRE 19605)BEST PRE 19706)BEST 1970 TO PRESENT7)BEST CAR CLUBBEST INDIVIDUAL CAR

NEWPORT LOYALTY DAY PARADE INSTRUCTIONS

PLACE ONE WHITE NUMBERED CARD ON
THE RIGHT FRONT SIDE (PASSENGER SIDE)
**THIS CARD MUST BE VISABLE AT ALL
TIMES. !!**

PLACE THE OTHER WHITE NUMBERED CARD
ON THE LEFT FRONT SIDE (DRIVER'SIDE) –
FOR PARADE ANNOUNCER.

CHECK YOUR MAP FOR THE GENERAL
LOCATION OF YOUR LINE-UP AREA.

FOR ASSISTANCE – CONTACT ANY PERSON
IN AN ORANGE VEST.

NO SUPPORT VEHICLES WILL BE ALLOWED
BEHIND PAYLESS/SAFEWAY STAGING AREA.

HELP US MAKE THIS A SAFE AND FUN
PARADE FOR EVERYONE.

**APPLICATION AND PERMIT TO OCCUPY OR
PERFORM OPERATIONS UPON A STATE HIGHWAY**

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

CLASS: KEY#

GENERAL LOCATION				PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)			
HIGHWAY NAME AND ROUTE NUMBER Oregon Coast Highway - Hwy. 101				<input type="checkbox"/> POLE LINE	TYPE		MIN. VERT. CLEARANCE
HIGHWAY NUMBER 009		COUNTY 21 = LINCOLN		<input type="checkbox"/> BURIED CABLE	TYPE		
BETWEEN OR NEAR LANDMARKS Between NE 20th Street and SW Alder Street				<input type="checkbox"/> PIPE LINE	TYPE		
HWY. REFERENCE MAP AML		DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> NON-COMMERCIAL SIGN	FEE AMOUNT \$0.00
APPLICANT NAME AND ADDRESS Newport Loyalty Day and Sea Fair Festival PO Box 1531 Newport, OR. 97365				MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW			
Contact: Patty Louisiana 541-961-1466				<input checked="" type="checkbox"/> BOND REQUIRED		REFERENCE: OAR 734-55-035(2)	AMOUNT OF BOND \$0.00
				<input checked="" type="checkbox"/> INSURANCE REQUIRED		REFERENCE: OAR 734-55-035(1)	SPECIFIED COMP. DATE

DETAIL LOCATION OF FACILITY(For more space attach additional sheets)

MILE POINT TO	MILE POINT	ENGINEERS STATION TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
					CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	
139.32 NE 20th St.	140.73 SW Alder St			BOTH					

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS FACILITIES Permit allows applicant to conduct the Newport Loyalty Day and Sea Fair Festival Parade upon portions of Highway 101, Saturday, April 30, 2011 from 12:00 p.m. to 2:00 p.m. in accordance with all provisions and attachments.

SPECIAL PROVISIONS (FOR MORE SPACE ATTACH ADDITIONAL SHEETS)

- TRAFFIC CONTROL REQUIRED - OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?
- ◆ YES [OAR 734-55-025(6)] NO ◆ YES [OAR 734-55-100(2)] NO [OAR 734-55-100(1)]
- ◆ AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE AT TELEPHONE NUMBER: 541-757-4211
- OR FAX A COPY OF THIS PAGE TO THE DISTRICT OFFICE AT: 541-757-4290 SPECIFY TIME AND DATE IN THE SPACE BELOW.
- ◆ A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.
- ◆ ORS 757.54 TO 757.571 REQUIRES EXCAVATORS TO LOCATE AND PROTECT ALL EXISTING UNDERGROUND UTILITIES. YOU MAY BE HELD LIABLE FOR DAMAGES. CALL FOR UTILITY LOCATES. CALL BEFORE YOU DIG. 1-800-332-2344

COMMENTS - ODOT USE ONLY SEE ATTACHED ADDITIONAL PROVISIONS

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE		TITLE		DATE
<i>Xc</i>				
APPLICANT SIGNATURE	APPLICATION DATE	TITLE	TELEPHONE NO.	
<i>X Patty Louisiana</i>		<i>Parade Chair</i>	<i>541-961-1466</i>	
When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached; and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.			DISTRICT MANAGER OR REPRESENTATIVE	APPROVAL DATE
			<i>X</i>	

EVENT _____ DATE _____

APPLICANT'S SIGNATURE _____

LOCAL JURISDICTION SIGNATURE _____

**PROVISIONS FOR A PARADE PERMIT IN DISTRICT 4
(Call for locates before digging (1-800-332-2344))**

1. The applicant shall provide complete traffic control by means of qualified police officers at each end of the parade and at street intersections. Applicant shall provide a description and map of the parade and detour routes including temporary sign placement. All temporary traffic control devices shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
2. The applicant shall be responsible for all clean-up of debris deposited on or along the highway as a result of the parade.
3. It is the responsibility of the applicant to obtain written permission to use city streets and county roads for traffic detours, if required, from the respective Cities and Counties. The Oregon Department of Transportation has no authority to grant permission to detour traffic over city streets and county roads.
4. Parade Permits issued by ODOT will only cover that portion of a parade that takes place on a State Highway.
5. The applicant shall be responsible and liable for all accidents, damages, injuries to persons or property, that are a direct result of the parade.
6. Approval for the parade will be at the discretion of the District Manager.



Noble
Professional
Dedicated

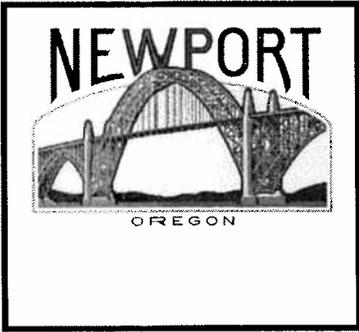
Newport Police Department
Memorandum

One Team - One Future

Date: January 31, 2011
To: Peggy Hawker, City Recorder
From: Mark J. Miranda, Chief of Police 
Subject: Loyalty Days Police Cost Estimate

Based on past years experience, the cost estimate for Police Department involvement in the Loyalty Days Parade this year is \$6,000.00. This includes both personnel and equipment usage (vehicles) cost. This is an estimate only and can vary depending on actual time involvement and involved officers wages.

The mission of the Newport Police Department is to consistently invest available resources toward our City's reputation as a safe place to live, work, play, learn and visit.



Agenda Item # VIII.D.
Meeting Date February 22, 2011

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Deco Park construction direction for phase one at Hwy 101 and Hurbert St.

Prepared By: Jim Protiva/Tim Gross Dept Head Approval: Jim Protiva/Lee Ritzman City Mgr Approval: [Signature]

Issue Before the Council: Consideration of construction of partial park design at Deco Park

Staff Recommendation: Staff recommends construction of option A or B.

Proposed Motion: I move to proceed with construction option A (pylon) for phase one.
Or
I move to proceed with construction option B (flat work) for phase one.

Key Facts and Information Summary: Conceptual design work and engineering has been completed with discussions and community input received over the past two years. Most notably the City Center Newport Association Inc. has been involved with discussions for almost four years. Construction estimates have determined that costs for the entire build will exceed the budgeted amount for entire project as conceptually designed. Staff has considered phasing the project to move forward with construction utilizing available funds at this time.

Option A would allow for the construction of a deco style pylon. This option would be less user friendly but provide the first step in completion of the design as proposed. This is what the merchants choose as their preference.

Option B would allow for the construction of the level flat area with retaining walls and a bench. This would have to be partially deconstructed if a deco style pylon were to be added at a future date.

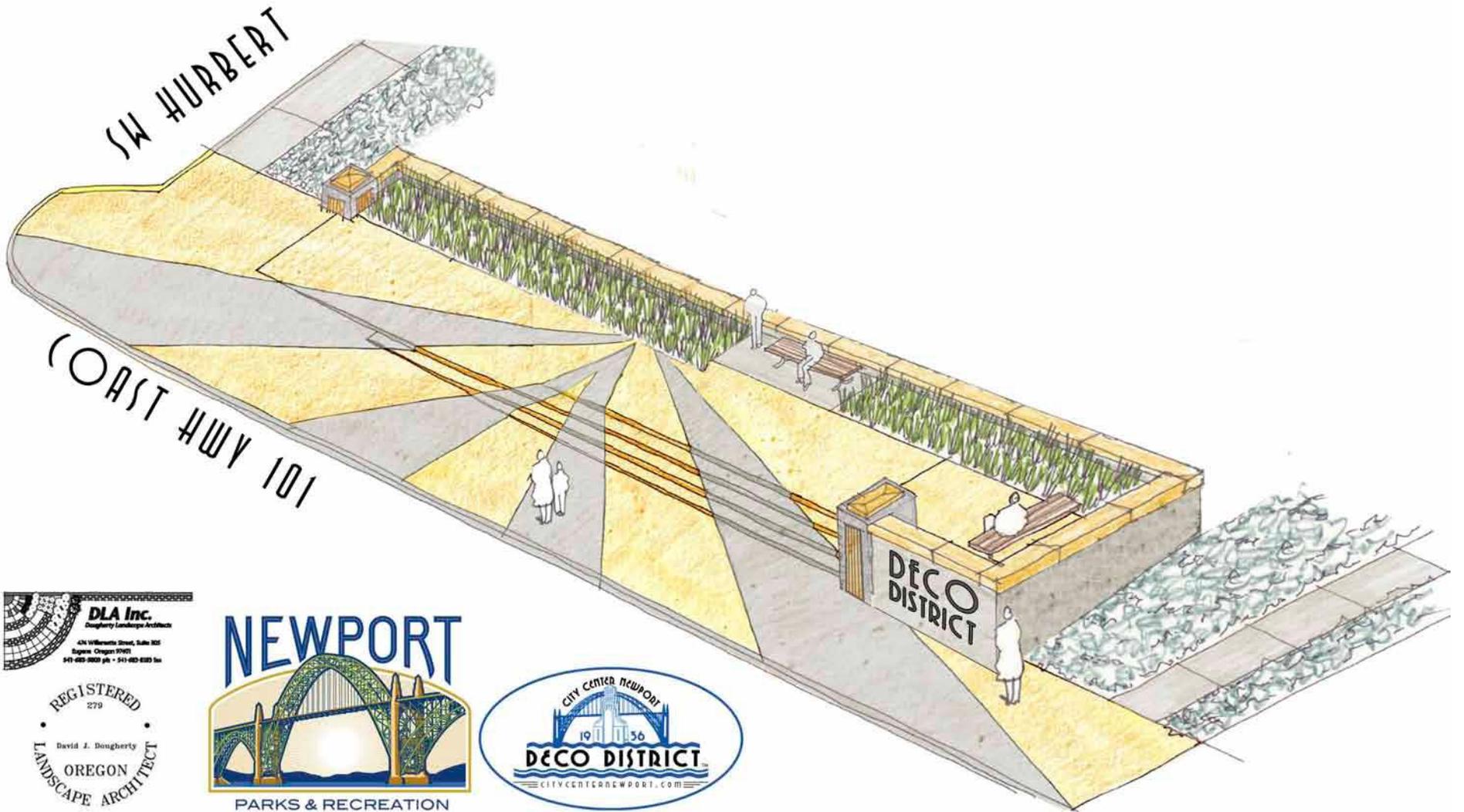
Other Alternatives Considered: Not proceeding with any construction. Seek additional funding and completing the entire project without phases.

City Council Goals: Provide safe and attractive publicly owned properties that enhance the community

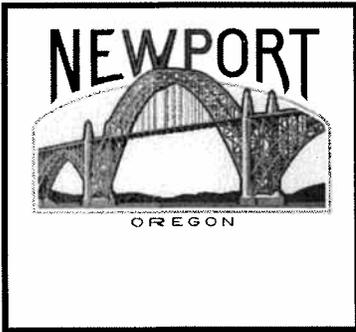
Fiscal Notes: This project has been budgeted and approved utilizing room tax dollars since 2009/10. The conceptual design funding was budgeted in 2008/09.











Agenda Item # VIII.E.
Meeting Date February 22, 2011

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Appointment of advisory committee for the City Center Commercial Parking District

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

ISSUE BEFORE THE COUNCIL: Consideration of a resolution appointing Jim Weir, Frank Geltner, and Bill Bain as the advisory committee for the City Center Commercial Parking District.

STAFF RECOMMENDATION: Staff recommends the Council adopt the resolution.

PROPOSED MOTION: I move the Council adopt Resolution _____, a resolution appointing Jim Weir, Frank Geltner, and Bill Bain as the advisory committee for the City Center Commercial Parking District.

KEY FACTS AND INFORMATION SUMMARY: On December 6, 2010, the Common Council of the City of Newport adopted Ordinance No. 2009 establishing an economic improvement district for parking system improvements in the City Center area and assessing a surcharge on business license fees for businesses within the district to fund said improvements. The new district, identified as the "City Center Commercial Parking District," went into effect on January 5, 2011.

When creating the City Center Commercial Parking District the Council established that an advisory committee was to be formed to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan.

A press release was sent out by the City on January 13, 2011 seeking applications from citizens interested in serving on the advisory committee for the City Center Commercial Parking District. Three responses were received. The applicants are Jim Weir, Frank Geltner, and Bill Bain. Ordinance No. 2009 does not specify the number of individuals that can serve on the advisory committee, only that there must be representation by business interests from within the district. That requirement has been met. Three is the minimum number of individuals needed to form an advisory committee, and the Council may want to appoint at least two more members in the future should applications be received. That could be accomplished in accordance with the City's committee policy. At this time, it would be appropriate for the City Council to appoint all of the applicants to serve so that the advisory committee can begin its work. The appointments would be for the period of time that the district is in effect, that being until January 5, 2016.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: Adoption of this resolution is consistent with the City Council's interest in helping business owners in the City Center, Nye Beach, and Bayfront areas pursue the formation of parking district to address parking needs.

ATTACHMENT LIST:

- Draft Resolution
- Ordinance No. 2009
- Citizen Advisory Committee Applications

FISCAL NOTES: There will be a cost to the city to provide administrative and professional staff support to the committee.

RESOLUTION NO. _____

**A RESOLUTION APPOINTING AN
ADVISORY COMMITTEE FOR THE
CITY CENTER COMMERCIAL PARKING DISTRICT**

FINDINGS:

1. On December 6, 2010, the Common Council of the City of Newport adopted Ordinance No. 2009 establishing an economic improvement district for parking system improvements in the City Center area and assessing a surcharge on business license fees for businesses within the district to fund said improvements; and.
2. The new district, identified as the “City Center Commercial Parking District,” is effective January 5, 2011; and
3. When creating the City Center Commercial Parking District the Council established that an advisory committee was to be formed to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan; and
4. A press release was sent out by the City on January 13, 2011 seeking applications from citizens interested in serving on the advisory committee for the City Center Commercial Parking District; and
5. Applications were received from three (3) individuals, Jim Weir, Frank Geltner, and Bill Bain and this is a minimum number of individuals that can serve in the capacity of an advisory committee; and
6. Two (2) of the applicant’s operate businesses within the economic improvement district, consistent with Ordinance No. 2009 and state law which require representation by affected businesses; and
7. The Council may elect to appoint at least two (2) additional members to the committee should applications be received from interested persons, as that would provide for greater representation and flexibility should a member not be able to make a meeting. Such appointments will be made in accordance with the City’s committee policy.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Jim Weir, Frank Geltner, and Bill Bain are hereby appointed as the advisory committee for the City Center Commercial Parking District.

Section 2. The foregoing appointment is for a five (5) year period ending January 5, 2016.

Section 3. This resolution shall be effective immediately upon passage.

Adopted by a _____ vote of the Newport City Council on _____, 2011.

Signed on _____, 2011.

Mark McConnell
Mayor

ATTEST:

City Recorder

CITY OF NEWPORT
ORDINANCE NO. 2009

**AN ORDINANCE AMENDING ORDINANCE NO 2007, ESTABLISHING AN
ECONOMIC IMPROVEMENT DISTRICT PURSUANT TO ORS 223.144 IN THE CITY
CENTER AREA FOR PARKING SYSTEM IMPROVEMENTS AND ASSESSMENT OF
A SURCHARGE ON BUSINESS LICENSE FEES FOR BUSINESSES
WITHIN THE DISTRICT**

WHEREAS, the Newport Zoning Ordinance allows businesses in the Nye Beach, Bayfront, and City Center areas to pay an annual fee of \$175 per space “in lieu” of providing an off-street parking space that would otherwise be required for new development or redevelopment that increases the demand for parking on a property (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980’s and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and, on February 4, 2008, temporarily set aside the Task Force recommendations to allow the work to proceed.

WHEREAS, the City subsequently sponsored workshops on the basics of forming parking districts and City staff met with interested individuals in the City Center area to answer questions and assist in preparing materials. This effort led to the development of an economic development plan, prepared by business owners in the City Center area, which was offered to the City as the basis for forming an economic improvement district for parking system improvements.

WHEREAS, proponents of the City Center area’s economic development plan contend that ample parking exists in the City Center area, and that the issue is a lack of effective parking management and utilization of existing spaces that can be addressed through the imposition of a modest annual business license surcharge of \$35 rather than \$7,500 per space.

WHEREAS, the City Council met on September 7, 2010 to consider the economic development plan and associated business license surcharge fee and chose to initiate the process of forming an economic improvement district in the City Center area for parking system improvements by adopting Ordinance No. 2007.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council adopts the following findings of fact:

- (a) The City Council held public hearings on September 7, 2010 and December 6, 2010 regarding the establishment of an economic improvement district for parking improvements in the City Center area;
- (b) Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- (c) Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;
- (d) Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- (e) Lands within the boundaries of the proposed district include properties that are zoned for commercial or industrial use;
- (f) A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is \$2,500 to \$3,500 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- (g) The business license surcharge to be assessed is in proportion to the benefit that each business may derive from the district.

Section 2: Establishment of a City Center Commercial Parking District.

- (a) The City Council hereby approves and creates the "City Center Commercial Parking District" ("District").
- (b) The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the City Center area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - i. Installation of signage, parking time limitations, new striping, repair of parking surfaces and similar activities to improve the functionality of publicly accessible parking spaces;
 - ii. Streetscaping, crosswalk improvements and related enhancements to public areas that make it more desirable for the traveling public to utilize available parking;

iii. Other activities deemed by the District Advisory Committee as needed to improve the availability and functionality of existing publicly accessible parking spaces.

(b) The boundaries of the District are depicted on Exhibit A to this ordinance.

Section 3: Enactment of a Business License Surcharge Fee.

(a) Businesses within the District shall be assessed a business license surcharge of \$35.00 per business license.

(b) Surcharges shall be assessed annually on a fiscal year basis, commencing July 1 and ending June 30 of the following year, or such other timeframe as provided in the Newport Municipal Code.

(c) City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.

Section 4: Establishment of a District Advisory Committee.

(a) Council shall establish an advisory committee to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan. An association of persons conducting business within the District may be designated to serve in the capacity of an advisory committee.

(b) In appointing members to a committee, the Council shall include persons conducting business within the District.

(c) An association of persons conducting business within the District (“Association”) may be designated to serve in the capacity of an advisory committee. If this occurs the City and the Association will execute an agreement describing each party’s respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements.

(d) The advisory committee or Association may request that the City perform improvements. Should the City elect and be allowed under law to perform improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the business license surcharge.

Section 5: Reporting Requirements: An Association or advisory committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City when requested.

Section 6: Availability of Parking Fund Revenues:

- (a) In addition to monies generated through a business license surcharge, an Association or advisory committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- (b) The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 7: Payment in Lieu of Parking Fees.

- (a) As allowed under NZO Section 2-3-6.050, businesses in existence as of the date the District is formed shall not be subject to payment in lieu of parking fees.
- (b) All agreements for payment in lieu of parking fees between the City and existing businesses within the district shall terminate as of July 1, 2011.
- (c) City shall provide a final invoice to each existing business with a balance due for payment in lieu fees prior to July 1, 2011. Notwithstanding the termination of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.
- (d) For new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces, such off-street parking spaces shall be provided in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.

Section 8: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 9: Exemptions. The provisions of this Ordinance shall not apply to the following:

- (a) Residential real property or any portion of a structure used primarily for residential purposes;
or
- (b) Businesses operated on an occasional basis for not more than one or two days per week or one month a year.

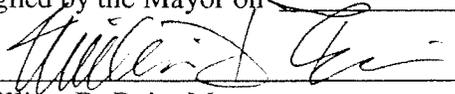
Section 10: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

Section 11: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 12: Effective Date: This ordinance shall take effect 30 days after passage.

Date adopted: December 6, 2010

Signed by the Mayor on _____, 2010.



William D. Bain, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

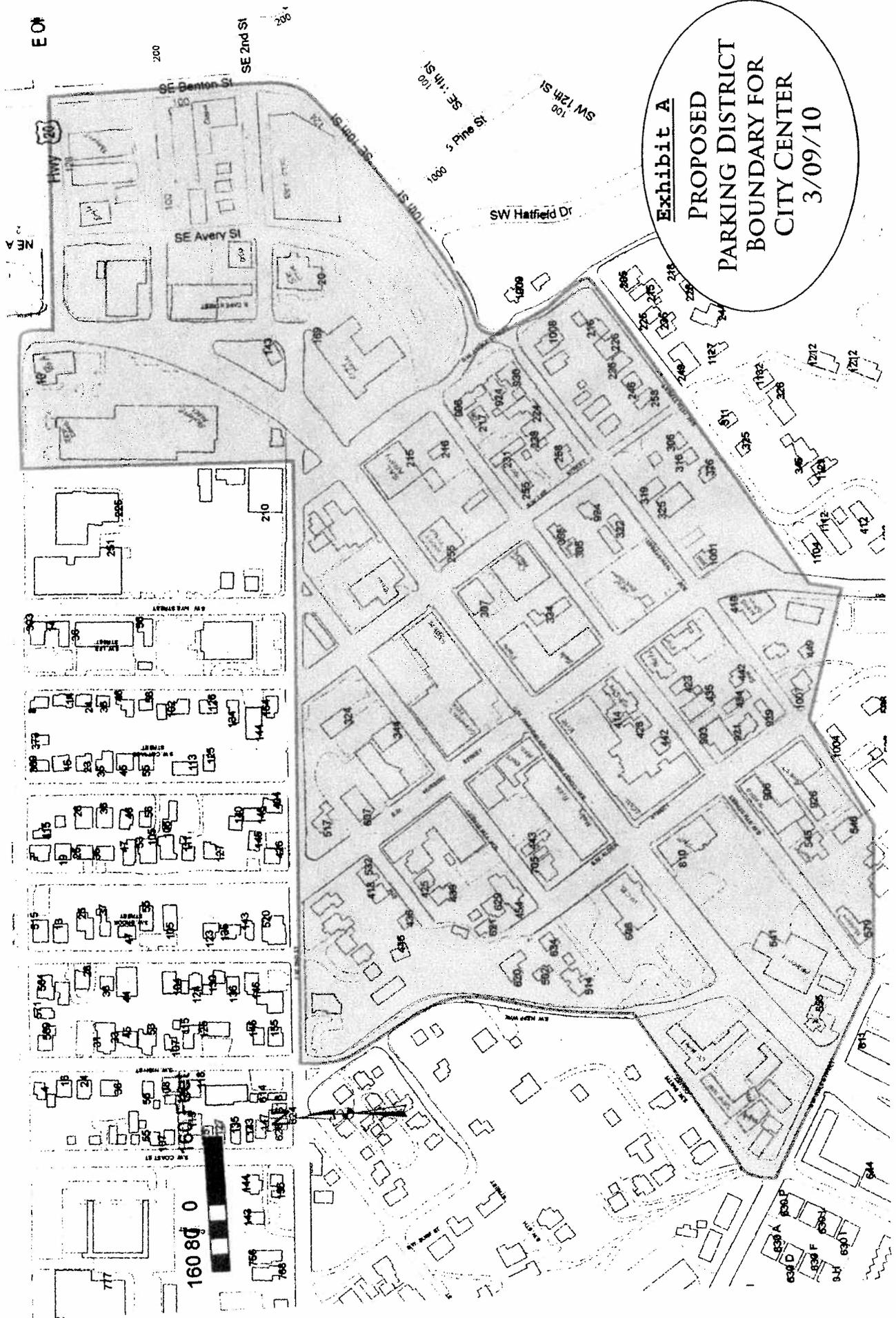


Exhibit A
PROPOSED
PARKING DISTRICT
BOUNDARY FOR
CITY CENTER
3/09/10

160.8' 0

EA

NEA

Hwy 20

200

SE 2nd St

SE 10th St

S Pine St

SW Hatfield Dr

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SE 100th St

Subject: Committee Application

Application for City Council - Email Application

Date: February 2, 2011

Commission/Committee of Interest: THE CITIZEN ADVISORY COMMITTEE TO THE CITY CENTER
COMMERCIAL PARKING DISTRICT

Name: Frank Geltner

Address:

Workphone:

Homephone:

Email:

Occupation: Retired

Employer:

Why do you think you are qualified to be a committee member? We own a business in City Center. I have served on City committees before. Former Executive Director of the Oregon Coast Council for the Arts. Chaired Blue Ribbon Committee for Events. Currently chair the Lincoln County Fair Board.

Educational Background: High school, college, graduate school, Ph.D., Oxford, England.

Have you ever served on a community committee? If so what kind? I have worked with many different committees over the past ten years: Nye Beach, Ernest Bloch, Events, City Center, County Blue Ribbon Committee on County Fairgrounds, Greater Newport Chamber of Commerce board.

Do you agree with consensus decision making? As a Professional Registered Parliamentarian and a professor who has taught all forms of decision making, including a ten week course on Parliamentary Procedure, I have an understanding of consensus decision making in all of its various forms.

Are you willing to attend regularly schedule meetings for your terms of office? Yes. As a retired person I do some travelling, but I am fairly flexible in scheduling.

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes.

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? Not that I can foresee. My wife is the principle in a business located in City Center, but that would not influence my decisions.

List all other pertinent information/background for this position: I have done a walking survey of the district and all of the parking signage. I have produced a report for the City Center group in that regard.

Subject: Committee Application

Application for City Council - Email Application
Date: February 16, 2011
Commission/Committee of Interest: Parking Committee, City Center
Name: William D. Bain
Address: [REDACTED]
Workphone: [REDACTED]
Homephone: [REDACTED]
Email: [REDACTED]
Occupation: Appraiser
Employer: Self

Why do you think you are qualified to be a committee member? Citizen; long time association with city center and issues, many year business locations in city center; recent experience on city council and planning commission with parking issues.

Educational Background: BS, OSU '60, Tool and Product Design, School of Engineering; Training and continuing education as an appraiser, from 1965 to present.

Have you ever served on a community committee? If so what kind? Yes. Planning Commission, Chamber Board, etc

Do you agree with consensus decision making? Yes

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimte decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No

List all other pertinent information/background for this position:

Subject: Committee Application

Application for City Council - Email Application

Date: 1/27/2011

Commission/Committee of Interest: THE CITIZEN ADVISORY COMMITTEE TO THE CITY CENTER
COMMERCIAL PARKING DISTRICT

Name: Jim Weir

Address:

Workphone:

Homephone:

Email:

Occupation: Business owner

Employer: Self

Why do you think you are qualified to be a committee member? I have a business that is directly impacted by the decisions of the City Center Parking District.

Educational Background: Graduated high school, 2 years tech school.

Have you ever served on a community committee? If so what kind? Yes, the Event Advisory Committee

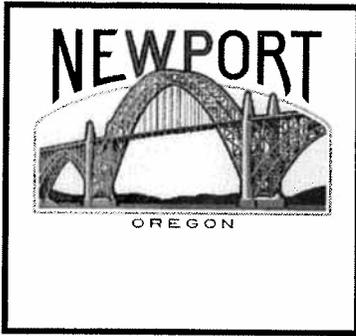
Do you agree with consensus decision making? For the most part.

Are you willing to attend regularly schedule meetings for your terms of office? Yes

Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision? Yes

Do you anticipate having many conflicts of interest that may disqualify you in making decisions, due to personal and/or business relationships? No

List all other pertinent information/background for this position: Business owner/operator in Newport for the past 22 years.



Agenda Item # VIII.F.
Meeting Date February 22, 2011

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Notice of Intent to Award the City of Newport Visitor Wayfinding Signs, Phase II

Prepared By: Greg Schaecher Dept Head Approval: Lee Ritzman City Mgr Approval: Jim Voetberg

Issue Before the Council:

Notice of Intent to Award for the City of Newport's Visitor Wayfinding Signs, Phase II.

Staff Recommendation:

It is recommended to issue the Notice of Intent to Award for the City of Newport's Visitor Wayfinding Signs, Phase II to the low bidder, ES&A Sign and Awning Company of Eugene, Oregon, in the amount of \$52,074.00.

Proposed Motion:

I move to authorize the Public Works Department to issue a Notice of Intent to Award for the City of Newport's Visitor Wayfinding Signs, Phase II, to ES&A Sign and Awning Company of Eugene, Oregon in the amount of \$52,074.00.

Key Facts and Information Summary:

Last year, the City of Newport contracted with Mayer/Reed, a Portland sign consultant to develop sign standards for the City's Visitor and Wayfinding Signs. As part of this project, a citizen advisory group was also formed for input on these signs. There are five districts in the City where these signs are to be installed: Agate Beach, Bayfront, Deco District, Nye Beach, and South Beach.

During the bidding of the first phase of the Visitor Wayfinding Signs, the City made an effort to quickly install these signs by putting out bids for the Agate Beach and Nye Beach Districts only. The City sent bid packets to local, in-state, and out-of-state sign companies. Only three sign companies submitted bids, all in-state, but not local. The bid was awarded to ES&A Sign and Awning Co. of Eugene, Oregon. It is to note that it took this sign company 6 months to actually get the sign drawing submittals approved and manufacture the signs. The City has recently received the signs and the Streets Division has almost completed their installation.

This bid is intended to complete the final phase of the Visitor Wayfinding signs project by providing signs for the remaining City districts: the Bayfront, Deco, and South Beach Districts. Bid packages were sent to the three sign companies who originally submitted bids during the first phase of the project. Of the three, the City received two bids. Bids were opened Tuesday, February 8, 2011 at 2:00 p.m. The bid results are shown below.

<u>Bidder</u>	<u>Location</u>	<u>Bid Amount</u>
ES&A Sign and Awning Company	Eugene, Oregon	\$52,074.00
Sign Wizards	Portland, Oregon	95,606.00

Similarly to the first phase, it is the City's intent that once the second phase signs are made and delivered, the City Streets Division sign crew will install the signs. Some of the signs will be installed on existing sign posts while others will be installed on new sign posts. The sign posts will be colored according to the District they are in; the Bayfront sign posts will be colored brown while the rest of the sign posts will be colored black. Of the five Districts, the Nye Beach and the Bayfront Districts have the largest number of signs. The bid documents did not contain a provision stating a completion date for delivery because there is no longer an immediate need to get them erected. It is hoped that since the same sign company will be making the signs that have previously made them, the manufacturing and delivery process will go smoothly and quickly.

Of particular note, there are a total of nine (9) signs that are needed to be erected in the South Beach District. Of these nine signs, only one would be located within a City public right-of-way. Five signs are to be located on two different private properties and the remaining three signs are to be placed within two different public right-of-ways other than the City of Newport's. The Public Works Department has not had an opportunity to talk with the various responsible parties about receiving permission to erect these signs on/in their facilities. Also, construction is on-going with the City's South Beach Transportation Improvement Project and erecting these signs now may interfere with the Project. Therefore, it is the Public Works Department recommendation that all nine of the South Beach District's Visitor Wayfinding Signs be deleted from the bid, through a change order, and those signs be included in the next fiscal year's budget. There would be a cost savings of \$9,700 if the signs were deleted.

Other Alternatives Considered:

Do Nothing/Do Not Award This Bid: Only the Agate Beach and Nye Beach Districts would have the Visitor Wayfinding signs installed.

Rebid the Project: There is a chance that the bids would come in higher.

City Council Goals:

Economic Development: Develop a list of potential projects to revitalize all business/commercially zoned districts.

Attachment List:

None.

Fiscal Notes:

The funding for the project will come from the appropriate fund.

NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA

I. Call to Order and Roll Call

II. Public Comments

This is an opportunity for members of the audience to bring to the Agency's attention any item not otherwise 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.

III. Consent Calendar

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

- A. Approval of minutes from regular URA meeting of January 18, 2011
(Hawker)

IV. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

- A. Power Point Presentation on Urban Renewal 101
(Tokos/Ritzman)

V. Adjournment

January 18, 2011
8:32 P.M.
Newport, Oregon

The Urban Renewal Agency of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, McConnell, Bertuleit, Brusselback, Allen, Beemer, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, and Police Chief Miranda.

ELECT URBAN RENEWAL AGENCY CHAIR

MOTION was made by Brusselback, seconded by Sawyer, to elect Bertuleit as Chair of the Newport Urban Renewal Agency. The motion carried unanimously in a voice vote. MOTION was made by Roumagoux, seconded by Sawyer, to elect Beemer as Vice Chair. The motion carried unanimously in a voice vote.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the regular meeting of December 6, 2010;
- B. Report of accounts paid for November and December 2010.

MOTION was made by McConnell, seconded by Brusselback, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

DISCUSSION ITEMS AND PRESENTATIONS

Update and Discussion on the Marine Science Drive project. Ritzman reported that the contractor started last week, and is constructing trenches for conduits for electrical systems by the pathway. He noted that the contractor is working with the Chamber of Commerce in an effort to not interfere with the Seafood and Wine Festival. He reported that a contract had been worked out with the PUD for the undergrounding of utilities. McConnell reported that he had attended the last stakeholder meeting, and expects more involvement later. He complimented the newsletter that Melissa Roman is sending. A discussion ensued regarding curbing on the outside of the shoulders. Tokos will review the curbing issue and report back to the URA. Sawyer asked whether there is room for semis and delivery trucks to use the roundabout, and Ritzman noted that turning templates were used for various sizes of trucks. Bertuleit reported that Rotary may be interested in a project in the interior of the roundabout.

Ritzman reported that there was a wetland mitigation project on Ash Street in the past, and that the area has now been declared a wetland again. He noted that mitigation

is not required, but an application process is required, and the additional cost will be approximately \$50,000.

Ritzman reported that he is meeting with the consultants regarding a water and sewer project on the east side of 101 in South Beach. He discussed bike and pedestrian and utility easements, and noted that the plan is to build the project this fall. McConnell asked Bertuleit whether he owns property in the project area. Bertuleit stated that he owns 13 acres, with approximately 1,000 feet of highway frontage, at 101 and 40th Street on the west side of the highway. Ritzman reported that the sewer line on the west side of the highway has been installed, but that this project will provide a better source of water for Bertuleit's property.

ACTION ITEMS

Authorization to proceed with bidding a project to replace the Performing Arts Center roof. Voetberg explained that the issue before the Agency is a request for authorization to proceed with bidding a roof replacement project for the Performing Arts Center. Allen requested a copy of the intergovernmental agreement between the City of Newport and the URA relative to this request. It was explained that the proposed roof replacement would cost approximately \$165,000, and this amount would include a 15% contingency for underlayment if necessary. It was noted that the project will require a future supplemental budget. A discussion ensued regarding whether this is a URA or city project, and McCarthy suggested deferring a decision until the next meeting. It was noted that the city manager could do some of the work associated with the project. It was the consensus of the Agency to bring this matter to the next meeting.

Bertuleit asked that staff review with the URA the urban renewal plan and potential projects.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:59 P.M.

Margaret M. Hawker, City Recorder

Jeff Bertuleit, Chair