



AGENDA & Notice of Regular Destination Newport Committee Meeting

The Destination Newport Committee of the City of Newport will hold a regular meeting, beginning at 2:00 p.m., Tuesday, July 15, 2014, City Manager's Conference Room, City Hall, 169 SW Coast Hwy., Newport, Oregon 97365. A copy of the meeting agenda follows.

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

The Committee reserves the right to add or delete items as needed and to discuss any other business deemed necessary at the time of the meeting.

DESTINATION NEWPORT COMMITTEE Tuesday, July 15, 2014, 2:00 P.M. A G E N D A

- I. Call to Order
- II. Additions/Deletions to the Agenda
- III. Consent Calendar
 - a. Minutes -June 12, 2014, meeting minutes review and approve
 - b. Review of Accts., June 2014
- IV. Other
 - a. Tourism Marketing Grant application for Oyster Cloyster
- V. Revision of Brochure
- VI. News-Times Marketing Campaign
- VII. Media Consideration
 - a. Central Coast and North Coast project that Travel Oregon is doing with Next Stop
 - b. OnDisplay Skyscraper
- VIII. Discussion and Action
- IX. Public Comment
- X. Adjournment

CALL TO ORDER

The June 12, 2014, meeting of the Destination Newport Committee was called to order at approximately 2:02 P.M. In attendance were John Clark, Steve Beck, Lil Patrick, Carrie Lewis, Ric Rabourn and Lorna Davis. Also in attendance were Cindy Breves, Executive Assistant. Visitors included, Randy Joss, Joe Van Ras, Jamie Rand, Leigh Deinert, Marty Staprons, Tim Park (by phone) and Michael Blakeley.

INTRODUCTIONS

Introductions were made.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Minutes of the May 15, 2014, meeting;
- B. Review of Account, May 2014

MOTION was made by Clark, seconded by Beck, to approve the consent calendar, as presented. The motion carried unanimously in a voice vote.

DEVELOPMENT OF FOCUS FOR ADVERTISING FOR FY 2014-15

Davis proved a spreadsheet of the FY 2013-14 advertising done by DNC. The committee reviewed what advertising had been done and discussed what they believed to be effective. They had consensus that the following expenses should be part of the FY 2014-15 advertising focus: Brochure Printing w/ News-times, Coast Com KEG Webcam, Certified Display, Madden Media Print, 1859 Magazine, KEZI Eugene TV Commercials, Scenic Byways-Media America, and Travel Oregon Guide-Media America.

Rand from the News-Times present his proposal for the printing of the DNC brochure which was the same as last year. \$22,000 for the printing of the 19.5" x 9" 4-panel brochure on 99# Sonoma matte stock with reply card. The price includes News-Times photos and hours spent revising and proofing. Payment is not due until placement of order which could be anytime within the FY 2014-15. The price also includes 100,000 brochures -Portland, 40,000 brochures to SeaTac, 10,000 brochures to PDX Welcome Center/Newport Chamber for a total of 150,000 brochures.

Rand then present the News-Times proposal for marketing production services for the 2014-15 FY. This is an expanded agreement from previous years. The total cost of \$28,500 would include the following:

1. Double-truck in Spring/ Summer + Fall/Winter Travel Newport. Valued at \$4,000.
2. Full page in Summer + Fall/Winter Vino. Valued at \$2,400.
3. Back page of the Oregon Coast Cultural Arts Visitors Guide. Valued at \$2,000.
4. Unlimited and unrestricted access to the News-Times photo library

Creative Services with include:

1. Develop new marketing campaign (conception, creative design, copywriting, graphic

- design and resizing, final mechanicals, and delivery) designed to address specific demographics based on previously defined print/outdoor marketing programs.
2. Photo shoot for print/outdoor campaign needs
 3. Creative/conception/production of print and outdoor added value enhancements
 4. Participate in full monthly committee meetings upon request in order establish a time frame for creative services for all upcoming media.

The Destination Newport Committee remains in control of all media buys, and content and direction of campaign. News-Times surrenders the right to propose any media buys to the Destination Newport Committee under the current services agreement.

The above services will be for the period beginning July 1, 2014 and ending June 30, 2015. The cost of the services and advertising outlined above is one payment of \$17,000 due to the News-Times no later than July 31, 2014 and the remainder when the concept drafts or drawings are approved. Three demographic concepts to the July meeting.

MEDIA CONSIDERATIONS

The following provided presentations to the committee on their advertising proposals for the 2014-15 FY:

- Leigh Deinert of CBS Outdoors
- Staprns presented the Concierge to Go Hospitality Vision
- Ras KFIR radio
- Voss from KEZI TV
- Park Northwest Travel Magazine
- Blakeley Driftworks Video Production

DISCUSSION AND ACTION

Media representatives departed, and the committee then discussed at length each of the media requests placed before them at this meeting, and the following was determined.

MOTION was made by Beck, seconded by Patrick, to approve News-Times Service Agreement for the FY 2014-15 printing of brochures for \$22,000 and marketing production services for \$28,500 with \$17,000 paid by July 31, 2014 and the remainder when the concept drafts or drawings are approved. The motion carried unanimously in a voice vote.

MOTION was made by Lewis, seconded by Rabourn, to approve renewal of the CBS outdoor Grande Ronde for \$15,950 with new vinyl and Newberg for \$15,950 with new vinyl. The motion carried unanimously in a voice vote.

Committee decided to pass on the Concierge to Go for this fiscal year.

MOTION was made by Patrick, seconded by Clark, to approve the KFIR radio advertising for \$300 monthly plan for a total of \$3,600 for the year. The motion carried unanimously in a voice vote.

MOTION was made by Rabourn, seconded by Clark, to approve KEZI TV advertising for \$15,000 for fall (September, October and November). The motion carried unanimously in a voice vote.

MOTION was made by Rabourn, seconded by Lewis, to approve Northwest Travel Magazine ½ page advertisement for \$12,708 for the year. The motion carried unanimously in a voice vote.

The committee decide to hold on the Driftworks proposal for RV Parks website Ad until they have expanded.

Next meeting will be July 15, 2014.

ADJOURNMENT

Having no further business, the meeting adjourned at approximately 5:04 P.M.



CITY OF NEWPORT
169 SW Coast Highway
Newport, Oregon 97365
541.574.0603
c.breves@newportoregon.gov

TOURISM MARKETING GRANT FUND APPLICATION

The purpose of the grant program is to promote tourism and increase stays in lodging establishments within the city limits of Newport. Funding for events/activities scheduled for the off and/or shoulder seasons, September 15 through June 15 will be given priority. Funding may not be provided for well established events/activities, although funding may be provided for expansion or changes of existing events if the city determines the changes will increase tourism.

Applications for grant funds must be submitted two months prior to an event to allow sufficient time for review by the Destination Newport Committee and the City Council at their regularly scheduled meetings.

The regular Destination Newport Committee meetings are held on the third Thursday of the month. Applications will be reviewed by the Destination Newport Committee and forwarded to the City Council with a recommendation for approval or denial. Applications must be submitted to the City Manager's Office.

The city reserves the right to grant all or a portion of a request; deny a request; or recommend no award regardless of availability of funds.

Please read the rules instructions on page 5. prior to completion.

General Information:

Name of Applicant Organization: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Principal Contact (If different from Applicant): _____

Mailing Address (If different from Applicant): _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Date(s) and Time(s) of Event: _____

Description of Event or Activity*: _____

Nature of Event or Activity:

Single Day Event _____

Multi-night local lodging event _____ days

Extended calendar event. _____ days

Amount of Funding Requested: \$ _____

Total Event/Activity Budget: \$ _____

What specific marketing expenditures will the granted funds be used for?*

Financial Reporting Requirements:

Please provide a proposed budget of revenues and expenditures in a form similar to the following:

PROPOSED REVENUES

Source #1	_____	Amount	\$_____
Source #2	_____	Amount	\$_____
Source #3	_____	Amount	\$_____
Source #4	_____	Amount	\$_____
Source #5	_____	Amount	\$_____

TOTAL REVENUES \$_____

PROPOSED EXPENDITURES

Use #1	_____	Amount	\$_____
Use #2	_____	Amount	\$_____
Use #3	_____	Amount	\$_____
Use #4	_____	Amount	\$_____
Use #5	_____	Amount	\$_____
Use #6	_____	Amount	\$_____
Use #7	_____	Amount	\$_____
Use #8	_____	Amount	\$_____
Use #9	_____	Amount	\$_____
Use #10	_____	Amount	\$_____

TOTAL EXPENDITURES \$_____

REVENUES MINUS EXPENDITURES \$_____

As a final condition to accepting granted funds, the applicant agrees to provide the City of Newport with a final report summarizing result of the event/activity (e.g., attendance, local and regional publicity, lodging occupancy, closing revenue and expenditure report, etc.), with a detailed and verified accounting.

Date

Applicant Signature

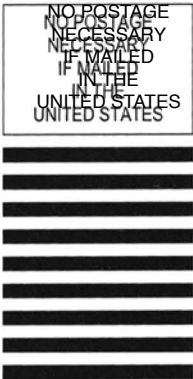
Applicant Printed Name

INSTRUCTIONS AND PROCEDURES FOR EVENT/ACTIVITY GRANT APPLICATION

1. Complete the prepared application for event/activity grant funding. The forms can be obtained from the city manager's office at the Newport City Hall or on the city website at www.newportoregon.gov. Use only the city form when preparing an application.
2. Applications for grant funds should follow this timeline:

Applications must be submitted a minimum of two months prior to the scheduled event. The Destination Newport Committee will consider applications at their regular monthly meetings. Applications for events that have already occurred will not be accepted.
3. Applications for funding will be reviewed by the Destination Newport Committee and recommendations will be forwarded to the City Council for final approval. Incomplete applications will be returned to applicant for correction, and may not be considered if the delay creates a late application.
4. The applicant, or applicant's representative, may attend the Destination Newport Committee meeting at which the application will be considered. No applicant presentation is required, but applicant should be prepared to respond to questions.
5. Applications submitted after an event/activity occurs will be rejected.
6. Applicants are required to provide the city with a final report summarizing the results of the event/activity (e.g., attendance, local and regional publicity, lodging occupancy resulting from the event, closing revenue and expenditure report, etc.). This information must be submitted to the city manager's office no later than one month from the final day of the event/activity. Samples of all marketing materials and acknowledgements should be attached to this report. Failure to provide a final report to city shall jeopardize future applications
7. The purpose of the grant program is to promote tourism and increase stays in lodging establishments within the city limits of Newport. Funding for events/activities scheduled for the off and/or shoulder seasons, September 15 through June 15 will be given priority. Funding may not be provided for well established events/activities, although funding may be provided for expansion or changes of existing events if the city determines the changes will increase tourism.
8. Preference will be given to events/activities that have taken place for three years or less, or new components/improvements to existing events/activities.

9. Events/activities may not be considered for funding more than three times. Applicant should plan for other funding sources beyond the third request.
10. Funding is contingent upon available monies, and the process is competitive. There is no guarantee that funding, if granted, will be available for an event/activity in subsequent years.
11. Acknowledgement must be given to the City of Newport in all promotional materials, and programs associated with the event/activity.



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 7 NEWPORT OR
BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 7 NEWPORT OR
POSTAGE WILL BE PAID BY ADDRESSEE
GREATER NEWPORT
CHAMBER OF COMMERCE
555 S.W. COAST HIGHWAY
NEWPORT OR 97365
GREATER NEWPORT
CHAMBER OF COMMERCE
555 SW COAST HWY
NEWPORT OR 97365-9975

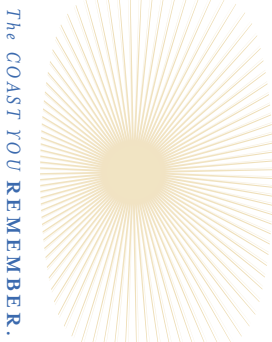


...the START of an ADVENTURE



- LEGEND
- 1 Yaquina Head Lighthouse & Interpretive Center
 - 2 Historic Wye Beach
 - 3 Visual Arts Center
 - 4 Fairgrounds
 - 5 Don Davis Park
 - 6 Performing Arts Center
 - 7 Library
 - 8 Courthouse
 - 9 Post Office
 - 10 Recreation Center
 - 11 City Hall/Police Station
 - 12 Historical Museums
 - 13 Chamber of Commerce & Visitor Information
 - 14 Historic Bayfront
 - 15 Hospital
 - 16 Bus Depot
 - 17 Coast Guard Station
 - 18 Yaquina Bay Lighthouse
 - 19 Marine Science Center
 - 20 Oregon Coast Aquarium
 - 21 Airport

Cliff St.



The COAST YOU REMEMBER.

Newport is alive. A town that touches the parts of you that love being immersed in authentic moments you won't forget. Even when your visit's over, Newport doesn't leave you.

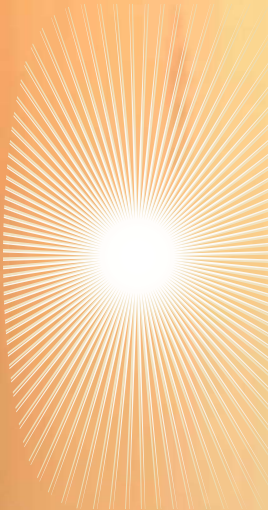
NEWPORT. The COAST YOU REMEMBER.

Driving Directions:

From the North: From Portland, take I-5 south to Corvallis, Exit #228 to Hwy 34 west. Head west on Hwy 20 to Newport. Or take Hwy 99 west to Hwy 18 through Lincoln City. Head south on Hwy 101 to Newport.

From the South: From Eugene or further south, take I-5 North to Corvallis, Exit #228 to Hwy 34 west and then take Hwy 20 to Newport.

www.discovernewport.com



EST.

1882

the EDGE of a CONTINENT..



LET'S START WITH YOUR HANDS. They'll be doing lots of touching. From stroking a prickly sea star, to pulling in a pot teeming with crab, to raising a pint of one of our own craft brews, the options are too many to count with your fingers.



The SEA isn't all THAT'S in CONSTANT MOTION here.

STROLL WEST. Nye Beach greets the wild Pacific with miles of sandy beach with nearby shopping.



SAVOR

Dungeness crab, oysters, shrimp, salmon and more.

MEET

some of Newport's most entertaining citizens.

SAMPLE

award-winning microbrews, handmade right here.

DISCOVER

lighthouses that have guided sailors for 100+ years.

Imagine: there are people here who know what makes a wave.

HEAD EAST. Downtown's historic Deco District sets the stage for a step back in time. **HANG SOUTH.** The Bayfront will be bustling with whale watchers, private charters, and one of the coast's largest commercial fishing fleets bringing in the day's bounty. **CROSS THE BRIDGE.** The wild and wet Oregon Coast Aquarium and Hatfield Marine Science Center are just waiting to engage, educate and entertain.



HUNGRY? The daily catch was swimming just hours ago—that inspires local chefs and menus at some of Oregon's most delectable dining destinations. **MAKING A TRIP OF IT?** From bed and breakfasts, to elegant condominiums, to friendly hotels, stay for a night, a week, or a season. **R & R?** Rest and relax, recharge and revive, revel and reconnect—you choose.

ENCOUNTER

one of the nation's top ten aquariums

DIG

for clams, sand dollars, shells, China.



THINGS TO DO IN NEWPORT

- Newport Seafood & Wine Festival (Feb)
- Nye Beach Murder Mystery Weekend (Mar)
- Loyalty Days & Seafair Festival (May)
- Coast Hills Classic Mountain Bike Race (May)
- Saturday Farmer's Market (May-Oct)
- Newport Marathon (June)
- Newport Celtic Festival & Highland Games (June)
- Fireworks over the Bay (July)
- Lincoln County Fair and Rodeo (July)
- Quilt Show (Aug)
- Wild Seafood Weekend (Sept)
- The Gathering Surf Competition (Sept)
- Oregon Coast Jazz Party (Oct)
- Oyster Cloyster (Nov)
- The Sea of Lights & Lighted Boat Parade (Dec)

- The Oregon Coast Aquarium
- Yaquina Head Interpretive Center
- Yaquina Bay Lighthouse
- Historic Bayfront
- Historic Nye Beach
- Hatfield Marine Science Center
- Lincoln County Museums
- Vietnam Memorial Park & Veteran's Memorial Commemorative Walk at Don Davis Park
- Visual Arts Center
- Yaquina Art Center
- Performing Arts Center

- Art
- Galleries
- Jewelry
- Antiques
- Books
- Apparel
- Gifts
- Candy
- Fresh Seafood

- Yaquina Bay
- Yaquina Head with tidepools and a black rock beach
- Newport Beach
- Nye Beach
- Beverly Beach
- Agate Beach
- South Beach
- Miles of beautiful sand beaches for kite flying, beachcombing and sunsets

- Public golf course
- Picnic areas
- Bicycling
- Hiking
- Fishing
- Crabbing & clamming
- Sailing
- Surfing and diving
- Wildlife viewing
- Bird & storm watching

- Whale watching
- Fishing
- Bay, river and ocean tours
- Sunset cruises
- B.Y.O.B.-Bring your own boat, many marinas to assist you

- Condos
- Hotels
- Motels
- Bed & Breakfasts
- Campgrounds
- RV parks
- Vacation Rentals
- Restaurants and cafes

Plan your visit online at: discovernewport.com

YES! Tell me more about all the genuine ways to have fun in Newport. Send me my information kit right away.

Name _____
Street _____
City _____
Country _____
Email _____

Apt. # _____

State _____

Zip or Postal Code _____

Where did you pick up this brochure?

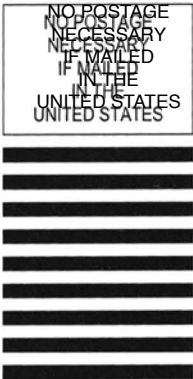
☐ Sign me up for email updates on fun things happening in Newport (we respect your privacy; see discovernewport.com/privacy/ for more information).

Return this card via postage paid mail, fax to (541) 265.5589, call 1.800.coast.44 or visit us at discovernewport.com.

Greater Newport Chamber of Commerce
555 SW Coast Highway
Newport, OR 97365

WHEN IN NEWPORT VISIT...





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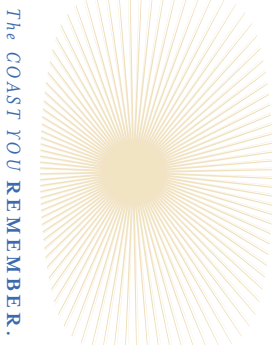


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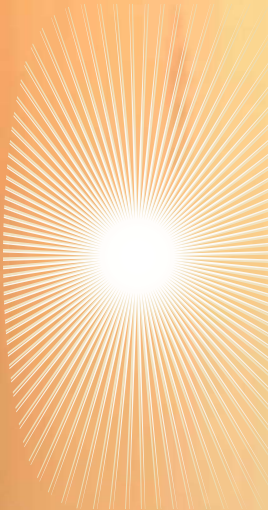
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THINGS TO DO IN NEWPORT

ANNUAL EVENTS

- Newport Seafood & Wine Festival (Feb)
- Nye Beach Murder Mystery Weekend (Mar)
- Loyalty Days & Seafair Festival (May)
- Coast Hills Classic Mountain Bike Race (May)
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- Lincoln County Fair and Rodeo (July)
- Quilt Show (Aug)
- Wild Seafood Weekend (Sept)
- The Gathering Surf Competition (Sept)
- Oregon Coast Jazz Party (Oct)
- Oyster Cloyster (Nov)
- The Sea of Lights & Lighted Boat Parade (Dec)

VISIT

- The Oregon Coast Aquarium
- Yaquina Head Interpretive Center
- Yaquina Bay Lighthouse
- Historic Bayfront
- Historic Nye Beach
- Hatfield Marine Science Center
- Lincoln County Museums
- Vietnam Memorial Park & Veteran's Memorial Commemorative Walk at Don Davis Park
- Visual Arts Center
- Yaquina Art Center
- Performing Arts Center

UNIQUE SHOPPING

- Art
- Galleries
- Jewelry
- Antiques
- Books
- Apparel
- Gifts
- Candy
- Fresh Seafood

OUR BEACHES

- Yaquina Bay
- Yaquina Head with tidepools and a black rock beach
- Newport Beach
- Nye Beach
- Beverly Beach
- Agate Beach
- South Beach
- Miles of beautiful sand beaches for kite flying, beachcombing and sunsets

OUTDOOR ACTIVITIES

- Public golf course
- Picnic areas
- Bicycling
- Hiking
- Fishing
- Crabbing & clamming
- Sailing
- Surfing and diving
- Wildlife viewing
- Bird & storm watching

YEAR-ROUND CHARTERS

- Whale watching
- Fishing
- Bay, river and ocean tours
- Sunset cruises
- B.Y.O.B.-Bring your own boat, many marinas to assist you

LODGING & FOOD

- Condos
- Hotels
- Motels
- Bed & Breakfasts
- Campgrounds
- RV parks
- Vacation Rentals
- Restaurants and cafes

Plan your visit online at: discovernewport.com

YES! Tell me more about all the genuine ways to have fun in Newport. Send me my information kit right away.

Name _____ Apt. # _____
Street _____ State _____
City _____ Zip or Postal Code _____
Country _____ Email _____

Where did you pick up this brochure?

☐ Sign me up for email updates on fun things happening in Newport (we respect your privacy; see discovernewport.com/privacy/ for more information).

Return this card via postage paid mail,
fax to (541) 265.5589, call 1.800.coast.44
or visit us at discovernewport.com.

Greater Newport Chamber of Commerce
555 SW Coast Highway
Newport, OR 97365

WHEN IN NEWPORT VISIT...



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



Prepared For: Ted Smith
Agency:
Advertiser: City of Newport
City: Portland, OR

PRODUCTION/INSTALL CONTRACT

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

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

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

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

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

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

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

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

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

ACCEPTED BY:

ACCEPTED BY:

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

Date

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

Date

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

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

www.ondisplayads.com

ADDITIONAL TERMS AND CONDITIONS OF ADVERTISING DISPLAY CONTRACT

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

INITIAL:

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