



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

## MEMO

DATE: March 6, 2014

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the time period of February 10 – March 7, 2014

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### Highlights of Activities Over the Past Four Weeks Include the Following:

- Met with Richard Dutton to discuss various IT department updates.
- Met with Kathleen Palmer regarding the budget for the City Safety Committee.
- Bob Gazewood and I meet with Linda Brown to discuss various issues to address issues related to work load within the Finance Department. Bob and I are meeting with all Finance staff to get individual perspectives of what works and what does not work with the Department and to hear suggestion on how to make the operation more effective. There are a number of significant issues with the Finance Department. Some of the specific issues are accounts not being reconciled on a timely basis, limited segregation of duties to reduce the possibility of fraud and other activities, significant issues with the accounts receivable relating to collection efforts on unpaid receivables including problems with posting payments on accounts on a timely basis, practices of posting transfers at the end of the year then adjusting individual monthly totals retroactively and other similar activities. I believe there are several specific issues that need to be done in order to address this issues. The work load has to be segregated and divided more then what it is right now. Linda has worked very hard to try to keep things moving forward in the Finance Department through a series of Finance Directors. Instability in the Finance Director position has certainly been a significant problem for the department. Secondly, these responsibilities need to be shared with other employees to balance the workload within the Finance Department. Furthermore, the responsibilities need to be segregated so that individuals are not in charge of the entire process in any areas (payroll, utility billing, etc.). Bob Gazewood and I will be working with departmental personnel to address a number of this organizational issues in preparation for hiring a new Finance Director.
- The deadline has closed on the Finance Director applications on February 28, 2014. Supplemental questions need to be answered by March 15, 2014. We tentatively have interviews schedule for the first week in April. I am very hopeful that we will have the ability to select a good candidate out of this group of applications. There seem to be several strong candidates in this group of applicants.

- Mayor Roumagoux and I met with former City Manager Don Davis to gain perspective on various issues from Don Davis' tenure as City Manager. Don served as City Manager for the City of Newport for 27 years. During his tenure major improvements occurred with the community including the Aquarium, PAC, VAC, the first Recreation Center, the redevelopment of Nye Beach and the expansion of the City boundaries. Following our meeting in my office, Don Davis and I spent 2 hours touring various parts of Newport, giving his perspective on different developments and reasons those developments occurred over the years. Don is passionate about using good judgment in selling any of the properties that the City has acquired over the years. He cited a numbers of examples where this property was able to be used for significant purposes, primarily because the City had control of that property. The other recommendation that he made is not to give up ownership of the ravines. Don indicated that the ravines are the most cost effective a nature way to get rid of stormwater within the City of Newport. If you can convey the water through a nature channel, you avoid the expensive cost of building and maintaining stormwater system through the community. The ravines also provide significant green space for the community. In our tour, we only covered the northern parts of Newport, so Don has promised to give me the tour of the rest of the community at a later time. It was truly an enjoyable and interesting experience traveling with Don through the City of Newport.
- Derrick Tokos, Bob Gazewood, Olaf Sweetman and I met to review the status of Seal Rock Water District issues. Discussions have occurred with Seal Rock Water District and the County regarding various aspects of formally removing properties that are located within the City of Newport water service area from the Seal Rock Water District. The Seal Rock Water District is reviewing the legal description regarding the boundary changes. There has also been discussion in regards to future boundary changes of the water district as it relates to the Municipal Airport. As you may recall the city would likely be responsible for any General Obligation Bond debt occurring prior to 2008, relating to the properties within the City that would be removed from the Seal Rock Water District. It appears that the cost of the remaining general obligation debt from Seal Rock Water District on those properties already located within the City about \$64,000. In the future those properties currently located within the urban growth boundary but outside of the city, would be responsible to pay their portion of the debt and legacy cost with the Seal Rock Water District. For properties outside the city currently receiving city water service would pay double rates until annexed. We are looking into the possibility to organize a single action for the city to initiate a withdrawal from Seal Rock Water District for those properties currently located within the City, to address the current issues for city tax paying projects. We are anticipating a report coming back to City Council for the Council's consideration within the next five weeks.
- Participated in the monthly meeting of the Lincoln County Managers at the Tidal Waves Restaurant in Depot Bay.
- Participated in an Airport Committee Meeting. I am hopeful that we will be able to utilize the Airport Committee a bit more effectively than it has been used in the past.
- Attended a Business License work group meeting with Councilors Busby and Saelens. A second meeting has been held of the group as well. The group is working to define its overall scope of review and then determine how to provide public input with this process.
- Met with Bob Gazewood and Kay Keady regarding the various issues and opportunities in Finance Department.
- Also met with Bob Gazewood and Randi Siller on the Finance Department's issues and opportunities as well.
- Prepared agenda materials for the February 18, 2014 City Council Meeting.
- Participated in an exercise with various staff on a countywide tsunami simulation. This is primarily to test communications between the County Emergency office and local agencies throughout Lincoln County.
- Met with Mark Miranda to discuss various issues with the Police Department.

- Met with Renee McCaslin and Bob Gazewood to discuss issues and opportunities within the Finance Department.
- Participated in City Employee Meeting
- Met with Mike Eastman regarding his experience previously with the Newport Municipal Airport.
- Participated in a weekly meeting with Richard Dutton updating various IT issues. You may have noticed that we are soliciting input from the public on the city's website. The IT department has been meeting with various stakeholders to determine improvements in the usability of the site.
- Met with OSU Federal Credit Union representatives for them to discuss various services that they can provide to the City of Newport.
- City Hall was closed on Monday, February 17, 2014 observation of Presidents' Day.
- Held a routine Department Head meeting.
- Bob Gazewood and I met with Julie Hanrahan and Sharon Capizio with Columbia Bank regarding services that they can provide to the City of Newport. Please note at some point it is Bob Gazewood's intent to proceed with a Request for Proposals for various banking services. It has been a number of years since we have done that.
- Met with Mayor Roumagoux to review the agenda for the February 18, 2014 City Council Meeting.
- Participated in the February 18, 2014, City Council Meeting.
- Participated in a Safety Committee meeting.
- Met with Phil Paige in a weekly status meeting on Fire Department issues. We are we are continuing to discuss transitional issues as Phil is winding down his tenure with the City of Newport.
- Met with Melissa Roman regarding airport reconstruction project that will be taking place later this year.
- Met with Bob Gazewood and Derrick Tokos on the recommendations for the infrastructure task force report that was presented to the Council during the goal setting session.
- Participated in a meeting with Fire Department staff on the transitional issues with Phil Paige. The Fire Department staff was very supportive of Rob Murphy filling in on an interim basis and many indicated that they would be supportive of Rob potentially filling in on a permanent basis. I indicated that with trying to fill Finance Director and HR position, proceeding with the budget and sorting through the other priorities that I have previously identified to the city Council including airport that I do not have the capacity to deal with the filling of this position at this particular point in time. Furthermore, this will give Rob opportunity to evaluate his comfort level with filling this position as well as for me to evaluate my comfort level with Rob filling this position. I also indicated that I had not had an opportunity to review various collaboration initiatives in Lincoln County with the fire departments. I was asked and explained that I did not anticipate a scenario in which we would not be filling a chief position here, however understanding the options of collaboration and any disadvantages for pursuing some level of collaboration with other departments is something I would not have any time to review until after the end of this current fiscal year. Overall I believe it was a good meeting with staff and I believe this transitional process will realistically address my time restrictions and will give the best result for the Department.
- Held a regular weekly meeting with Police Chief Mark Miranda.
- Participated in the retirement trustee meeting for the city's pension plan. Overall, the retirement plan has responded favorably to the significant growth in the market during this past year. This growth has erased the earlier losses that the pensions fund suffered from the stock market crash earlier.
- Met with Steve Schuster to discuss the airport. Steve keeps an aircraft FBO hangar. As you may be aware we had an issue with Steve's plane leaking fuel in the hangar. This was a slow leak that had not been addressed for some time. We had a bit of controversy, when a decision was made by Terry Durham to move plane out onto the apron because the leak had not been addressed. It was my understanding that this leak had been going on a number of months, and based on a pledge by Wally Sherman that the plane would be repaired I had the airport personnel the plane back into the hangar. The leaking issue has, at least temporarily, been addressed by Mr. Shuster for this plane. I also use this opportunity to collect Mr.

Shuster's thoughts with regards to how the airport should best be operated. I appreciated his cooperation in eventually addressing this fuel leak issue.

- Lincoln County Sheriff, Dennis Dobson met with me to introduce himself. We talked about various collaborative issues that have occurred between the city and the county in the past. He indicated that he hopes that the city will be able to assign a new member to the narcotics team soon since our current member has been promoted to Sgt. which required that he be pulled from that unit. The Chief intends to reassign someone to this unit once we have our staffing back up to speed. With having a couple of vacancies and having a new recruit on staff, the Chief is struggling with keeping sufficient bodies on the street at this point. The Chief believes that by mid-summer we should be in a position where we can move forward with direct involvement of providing an officer on the narcotics team.
- Had a second infrastructure task force report discussion with Tim Gross, Bob Gazewood and Derek Tokos to finalize the recommendations that were part of the goal-setting session last month.
- Participated in Library workgroup session on the future of the City of Newport Library. This was a facilitated session to review some of the preliminary findings that the consultants have collected regarding the strengths and weaknesses of the Library and the direction that the Library should be going in the future.
- Met with Mark McConnell to discuss Visual Arts Center. Mark McConnell had been facilitating group discussions on addressing various short-term and long-term concern about the financial liability of this facility and wanted to brief me on his involvement since he would not be attending the March 3<sup>rd</sup> Council meeting..
- Participated in weekly status meeting with Richard Dutton from the IT department.
- Had the opportunity to participate in my first Seafood and Wine Festival. Angela and I volunteered time working for City Recorder, Peggy Hawker in the beer booth on Friday night along with Tim Gross. (She is a tough boss!). There was not much rest for us in the beer booth on Friday night. I again volunteered to work for Peggy in the beer booth on Sunday with Peggy's husband David Hawker. This is quite an amazing event to be part of. I certainly have a lot of respect for the way the Chamber handles this event particularly with the significant weather issues that destroyed part of the tent and yet did not have any impact on the experience that people had at the festival. According to Lorna Davis they had great attendance with very few complaints this year. The requirement to purchase tickets in advance, allowed for much better planning, a reduction in lines and got more people through the event on Saturday. This change was considered to be a successful modification for this event. Lorna is definitely a very "burned out" on having to utilize tents for this event. She hopes that someday there would be an alternative for housing this significant Festival.
- Participated in the daylong goal setting session on Monday, February 24, 2014. I hope the Council felt their time was well spent with this year's format changes. If you have any thoughts for next year's goal setting session please let me know. With a few exceptions, I felt the format went well and that resulting information will be very beneficial in preparing the proposed budget for the Council. The report for the goal setting session was compiled and was accepted by the Council as proposed goals at the March 3, 2014 City Council meeting. There will be public comments received on the goals with the Council formally adopting these goals at the March 17, 2014 City Council meeting.
- Met with Linda Brown regarding retirement issue for a former employee who is evaluating his options for retirement.
- I have initiated weekly meetings with the airport staff to provide common direction for this facility. As I have indicated previously, one of my goals during the first six months of my employment is to sort out the long-term operational plans for Newport's Airport.
- Met with Rob Thompson and Ken Riley regarding the Curbside Compostables Program in preparation for the March 3, 2014 City Council meeting.
- Met with Mark Miranda, Tim Gross, Jim Protiva, and Derrick Tokos regarding the parking around City Hall campus. This was initiated in part due to the concerns expressed by the Senior Citizen Advisory

Committee and to discuss how parking will be addressed in the request for qualifications for the pool project that will impact existing and additional parking on the City Hall campus. We will be following up on this issue in the next couple of weeks.

- Participated in the City's Emergency Planning Committee. This was an effort that was initiated last year but with the changes in city managers it has sat dormant for a period of time but has now been reactivated. This is important process. The overall consensus is that we are a little bit behind the curve from where we should be on emergency planning for the City of Newport, but a lot of effort is now being focused to catch up on a city wide basis.
- Participated in a second business license meeting with Councilors Busby and Saelens.
- Prepared agenda items for the March 3, 2014 City Council meeting.
- Toured the Visual Arts Center with OCCA Executive Director, Catherine Rickbone and VAC Director, Sally Houck I wanted to complete this process prior to making a recommendation for the Council's consideration at the March 3 meeting. We were supposed to have toured the VAC during my first meeting with Catherine but ended up running out of time during the tour and discussions of the PAC.
- Participated in a Volunteer Firefighter Association meeting. To discuss the transitional plan for the Fire Chief. I shared the same discussion I had with the Fire Department staff in the previous week. Again there seems to be good support for Rob filling in the role of interim Fire Chief and perhaps having the position permanently.
- Mr. Ray Woodruff requested a meeting with me, regarding the discussions that had taken place on potential collaboration at the county level of the various fire districts and services. I indicated to Mr. Woodruff that I had not had a chance to review any of these previous discussions and I would likely not be in a position to initiate this review until after July 1. He indicated that he would be glad to brief me at that time.
- Met with Don Jaschner regarding possible employment. He and his wife have relocated to Newport and he has direct management experience in the industry. He wanted to introduce himself and expressed his interest in any opportunities that might come along either at the airport or other locations.
- Participated in a weekly meeting with Richard Dutton of the IT department.
- Met with Frank Geltner regarding the city center sign project. The group made a presentation to the City Council at some point prior to my arrival. On the proposed sign the City Council had several comments, the group has been working on trying to address the comments that the Council had and will be preparing to meet back with the Council in the next month with an update on the report. Please note that as with the case with a number of other projects including tourism/facilities grants, there are no funds specifically earmarked in the current budget for this project. Bob Gazewood has indicated that there is sufficient fund balance available to fund \$90,000 which is what is thought to be remaining from the original appropriation for this project. Apparently there has been some engineering and/or planning work that had been occurred earlier for this project that should be charged against the project bringing the total down to \$90,000. Once this is presented to the City Council, the city administration and City Center Committee will need some direction as to how to proceed with this effort. There are perhaps other stakeholders involved with this project including the city's Park and Recreation Committee since the current site is part of the park system. If the Council feels that this project should move forward, it would be important to relay to the committee and staff as well.
- Met with Lance Vanderbeck regarding an inquiry from a biplane owner operator who expressed interest in moving his base of operations to the Newport airport. We provided cost information back to this operator. It would be nice to this type of service available for visitors to the City of Newport.
- Participated in an afternoon long tour of the city's water and sewer infrastructure including the wastewater plant and water plant, with PW Director Tim Gross. This tour was to have occurred earlier but there were scheduling conflicts and it had to be moved. We will schedule one more tour to go through the various PW facilities as well. Each time I participate in these types of tours I get a much better understanding of physical components of the city including infrastructure. Touring with Tim is

always fun because he has to looking down various sewer manholes and other facilities as well. I was certainly impressed by the maintenance level of the wastewater treatment plant which looks almost like new even though it's been in operation for more than 15 years. The crews obviously do a great job of maintaining that. It was beneficial to understand how our new water treatment plant functions which is quite different technology then what I am familiar with. I appreciated the opportunity to gain a better understanding of these facilities.

- Participated in a routine Department Head meeting.
- Met with Rob Connell, Derek Tokos, Jason Malloy, Dustin Kittel, and Kay Keady to discuss the business license and how it relates to medical marijuana dispensaries. By the end of this week we should know the final details of whether there are any additional options on the local regulation of medical marijuana dispensaries. In the meantime, we have received two applications which are at various stages of the review process with both of them currently in the Police Department pending clarification of local regulatory authority on these applications. I am drafting a letter to the two applicants to explain to them that the City of Newport is waiting for final legislative direction on how to proceed with the local regulation of medical marijuana dispensaries within the city. In addition, we are working on further clarification of the regulatory issues that the City will use for administering business licenses for medical marijuana dispensaries. One of the issues for the city related to having certifications from the state that a permit has been issued by the state and the party is eligible for a business license for operating a medical marijuana dispensary at a specifically proposed location in Newport. (This is a little bit of a chicken or egg scenario. We probably should not be issuing a business license to someone who has not been certified by the state to operate a medical marijuana dispensary.) Rob Connell is working with me to prepare a report for the City Council for the March 17, 2014 meeting on the status of this issue. At that time we can advise the Council as to whether or not there are any additional regulatory options that the Council may want to exercise in regards to medical marijuana dispensaries as a result of the current legislative session.
- Met with Mayor Roumagoux and Council President Swanson on the agenda for the March 3, 2014 City Council meeting. Laura participated since she will be taking over chairing of the meeting once the mayor recuses herself from the VAC discussion.
- Participated in March 3, 2014 City Council meeting.
- Had a routine Airport staff meeting.
- Bob Gazewood and I met with Greg Holmes who was a candidate we had previously interviewed for the Finance Director position. He has expressed an interest in doing a voluntary project for the city. We discussed having Mr. Holmes put together a fee schedule that would outline all of various existing fees that City of Newport currently has established by various resolutions. I have been utilized a comprehensive fee schedule as part of the budget process in the past so that departments and the elected officials are annually reviewing the various fees that are currently charged by the city. This provides a good check of the fees that are being charged as to whether they are necessary or, are adequate for the expenses that they need to be covering. I have traditionally included as part of the budget process a hearing on the proposed fee schedule for the next year. We don't know if we will have this completed in time for the budget process but I think this will lay the framework out for having a comprehensive fee schedule that the Council will be able to review and approve on an annual basis.
- Met with Wally Sherman as a stakeholder of the airport regarding his thoughts and ideas as to what's working and what's not working at the airport and his ideas of how the airport should be managed in the future.
- Met with Airport Committee member Doug Nebert regarding the same type issues for the long-term management of the airport.
- Participated in an interview on KCUP radio show.
- Met with Melissa Roman regarding a number of airport project issues.



- Participated in to tour with Dustin Kittel of various problem areas that he deals with from a code enforcement standpoint. Dustin brought me to an area where an effort was done in a while back to put individuals on notice about moving off the park property located behind the skateboard park. There is a substantial litter and debris up in this area which has been used by homeless people at the campsite. We checked other areas that he regularly deals with complaints from as well.
- Met with Derek Tokos and Tim Gross regarding legal services. They were seeking clarification the memo I issue to Department Heads on the use of legal services. I indicated to them that Rob Connell, Mayor Roumagoux, Councilor Allen and I were meeting on revisions to take legal services resolution next Tuesday and obtaining some clarification on the couple of issues relating to this matter. I think we've made significant progress on addressing the goals as outlined by the original resolution that the Council approved. We need to work on several practical issues in order to best accomplish the guidelines going forward which we will be talking about on Tuesday.
- Participated in a meeting of the Audit Committee with Councilors Allen, Swanson and Saelens to review the audit for the fiscal year that ended June 30, 2013. The audit committee will be giving a report to the City Council and the Urban Renewal Agency. We are proposing to do a joint Urban Renewal Agency/City Council/Audit Committee meeting starting at 5:30 PM before the regular City Council meeting.
- Participated in a routine weekly meeting with Mark Miranda to discuss Police issues.
- Had a routine weekly meeting with Phil Paige and Rob Murphy to discuss Fire issues. I will be meeting with Rob sometime next week to finalize our interim arrangements.
- Met with Rob Thompson, Ken Riley and Estel Harlan to review the questions submitted by the City Council in preparation for Tuesday's work session. I anticipate having the questions and responses e-mailed out to the City Council members at the end of the day Monday for Councils review in preparation for the noon work session to be held on Tuesday.
- Met with Richard Dutton to review activities within the IT department.
- Bob Gazewood and I met with Department Heads to review capital outlay requests for the 2014-2015 fiscal year.
- Mayor Roumagoux and I attended a Yaquina Bay Economic Foundation meeting at the Pacific Maritime Heritage Center. YBEF had a request from funding from Friends of The Aquatic Center and schedule them for the next meeting for a brief presentation. The Pacific Maritime Heritage Center has done extensive work on this rather impressive facility. We had a good opportunity to tour the facility.

#### Upcoming Events:

- Monday, March 10, 2014, 2:30 to 5 PM, Congressman Kurt Schrader will be holding a roundtable meeting at the Depot Bay Community Hall
- Tuesday, March 11, 2014, at 12 PM, there will be a City Council work session to discuss the Curbside Compostables Collection Program.
- Wednesday, March 12, 2014, at 6 PM, will be the preliminary meeting of the Budget Committee.
- March 19, 20 and 21, 2014 Bob Gazewood and I will be meeting with individually Department Head to discuss their budget request for the 2014-2015 fiscal year. Following these initial meetings with the Department Heads, and through Friday, April 18 when the proposed budget is distributed, much of my time will be limited by necessity on the development of the recommended budget. This will be a very busy time for me and I certainly will appreciate everyone's patience in dealing with other issues.
- March 25-28, 2014, I am planning to attend the Northwest Regional Manager's Conference in Stevenson, Washington.
- Friday, April 18, 2014, a proposed budget will be distributed to the Budget Committee.
- Wednesday, April 30, 2014, at 6 PM, the first Budget Committee meeting will be held.
- Wednesday, May 7, 2014, at 6 PM, the second Budget Committee meeting will be held.

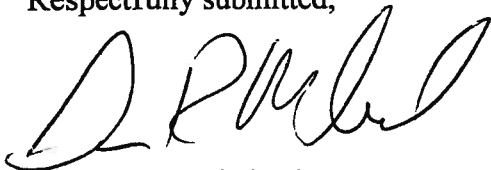
- Wednesday, May 14, 2014, at 6 PM, the third Budget Committee meeting will be held.

**Attachments:**

- Memo sent to department heads defining the role of the City Attorney and use of other attorney firms for consenting services.
- A closing report on claim that had been forwarded by the city to the city insurance from an applicant for a city job which has been settled by the CIS, as the cities insurer.
- Additional information about the document presented by Jim Holly showing the importance of the Newport airport in the case of a major Cascadia fault event. Col. Thompson used information published in Modern Military Geography to Emphasize the Planning and Execution of a Large-Scale Disaster Response Operation on the Oregon Coast.
- Copy of the survey that can be taken online regarding the city's websites. We do request people that are interested in providing a response to complete this survey to help guide the future development of the city's website.
- Preliminary response analysis that has been done for the Library for the session that I attended last month as part of the Library future visioning exercise.
- Attached is a copy of a letter that was sent to city Council members inviting them to participate in the March 10 meeting with Congressman Kurt Schrader.

Hope everybody has a great week.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Spencer R. Nebel', written in a cursive style.

Spencer R. Nebel, City Manager

Cc: City Attorney  
Department Heads



**TO:** Department Heads  
**FROM:** Spencer Nebel, City Manager  
**SUBJ:** Legal Services  
**DATE:** February 24, 2014

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City Attorney Rob Connell's contract with the City Council for services as the City Attorney and General Counsel provided for a three-month review of the volume of work that is being performed under this contract, as well as a potential amendment and extension of the contract. As you may be aware, the City's RFP for legal services, and Rob's contract, contemplated a ten (10) hour per week engagement. In recognition of the variability of the volume and nature of legal services which may be provided, and as noted at Appendix A of the contract, the amount of time spent in identified work areas may vary from month to month.

The contract also refers to Resolution No. 3624, dated April 15, 2013, which was developed prior to Rob's contract, at a time when the Speer Hoyt firm was the law firm providing legal services to the city. By its terms, the resolution established a City Manager/Mayor model for communication with the City Attorney, and for flexibility to allow the Council President to contact the City Attorney and to initiate legal services. The resolution also provides that communication with the City Attorney by staff, other than the City Manager, requires permission of the City Manager.

As outlined below, the Council and Rob have considered updating the resolution to reflect that local counsel (not Speer Hoyt) is the City Attorney and General Counsel, who is charged with coordinating legal services with the city's contract attorneys (Speer Hoyt and others).

Rob's contract also provides that his General Counsel duties (including but not limited to coordinating legal services with the city's contract attorneys, as well as the Council, City Manager, department heads and staff) may require revision of the resolution. Specifically, it provides that the Council and Rob shall meet from time to time to insure that the resolution sets forth an effective and flexible model for ordering legal services, and for effective communication among the persons named above. Finally, the contract provides that the resolution may be amended, after consultation with Rob.

As provided for in the contract, a review of these matters occurred on February 24 between Rob and the City Council.

In preparation for the review of Resolution No. 3624 contemplated by Rob's contract, Rob, Mayor Roumagoux, Councilor Allen and I met last week. Our goal was to discuss how to best utilize legal services under the terms of his contract going forward, in consideration

of the legal work Rob may choose to perform personally, and in consideration of the administrative needs for various legal services.

Section 35 of the City Charter provides that the office of City Attorney is established as the chief legal officer of the city government. In this position, the City Attorney reports to the Council, but has jurisdiction over all legal affairs of the entire city (City Council and city administration). As indicated above, Rob's contract with the city specifically provided that he is tasked with the coordination of legal services provided by Speer Hoyt and any other legal services retained by the city. Finally, Resolution No. 3624 provided a mechanism for Councilors to access City Attorney services and provided that City Attorney access by staff be through the express permission of the City Manager.

In light of our discussions last week, and based upon the direction provided by the City Charter and City Council, the protocol for requesting and obtaining legal services for department heads and staff will be as follows:

1. The City Manager will be contacted by the appropriate department head for any requests for legal services. This initial contact will be followed by an e-mail with a brief description of the need and any relevant deadlines. This e-mail will be forwarded by the City Manager to legal counsel when it is determined by the City Manager that legal services are required.
2. All requests will be forwarded by the City Manager to City Attorney Rob Connell, except for the following:
  - A. The City Manager will forward requests relating to land use to Speer Hoyt with a copy of that transmission to the City Attorney. This process acknowledges Rob's preferences as to legal work he will perform, and in recognition of recent practice with Speer Hoyt.
  - B. The City Manager will forward requests relating to public works contracts to Speer Hoyt with a copy of that transmission to the City Attorney. This process again acknowledges Rob's preferences as to legal work he will perform, and in recognition of recent practice with Speer Hoyt.
  - C. Speer Hoyt will keep the City Manager and City Attorney advised as to the status of any reviews that they are conducting, and copy Spencer and Rob on e-mails of significance involving all matters for which the firm provides legal service.
3. The City Attorney will advise the requesting department and the City Manager by e-mail as to whether he will be handling any legal matter referred to him, or whether he will be referring that matter to other legal counsel.
4. The department heads can deal directly with legal counsel once legal services have been authorized for that project.

5. Legal review work which has been initiated on a specific project to Speer Hoyt prior to the date of this memo by individual departments will continue as initiated through the completion of that project with the City Attorney being advised by Speer Hoyt (and the department) throughout the completion of that project.
6. All ordinances will have evidence of legal review by the appropriate legal counsel included with departmental agenda reports prior to placing the ordinance on the City Council agenda for approval.
7. All bills for legal services performed by Speer Hoyt, or other outside counsel, will be reviewed by the City Attorney and signed off by the City Manager prior to payment. The City Attorney's invoices will continue to be reviewed directly by the City Council.

Please share this information with any of your staff that may utilize legal services. If you have any questions regarding our processes for accessing legal services, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Spencer R. Nebel', written in a cursive style.

Spencer R. Nebel  
City Manager

cc: Mayor and Council  
City Attorney, Rob Connell  
Speer Hoyt, LLC

## **Spencer Nebel**

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**From:** Mark Williamson <mwilliamson@cisoregon.org>  
**Sent:** Tuesday, February 11, 2014 5:01 PM  
**To:** Spencer Nebel; Peggy Hawker  
**Subject:** Newport-Day-Closing Report

### **Closing Report**

February 11, 2014

City of Newport  
169 SW Coast Hwy.  
Newport, OR 97365

Attn: Spencer Nebel and Peggy Hawker

**Claimant:** Brooke Day  
**Claim #:** GLNPT2012059687  
**Date of Loss:** 6/26/2012

The above listed claim has been submitted to our office for handling. We have settled the claim and the lawsuit has been dismissed. We have therefore closed our file. Please contact us if you have any questions.

### **Alleged Facts**

Claimant alleges disability discrimination during her application for an Accountant position within the Finance Department.

Accident Location: Newport, Oregon

Claims Representative: Mark Williamson

cc: s.nebel@newportoregon.gov; p.hawker@newportoregon.gov



**Mark Williamson** | P/L Senior Litigation Specialist  
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## Spencer Nebel

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**From:** Peggy Hawker  
**Sent:** Thursday, January 23, 2014 8:10 AM  
**To:** Spencer Nebel  
**Subject:** FW: Infrastructure Vulnerability in a Catastrophic CSZ Event and Implications on Disaster Response for the Oregon Coast  
**Attachments:** Thompson Modern Military Geography Chapter\_18.pdf

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

From: Thompson, Wiley C COL MIL USA USMA [mailto:Wiley.Thompson@usma.edu]  
Sent: Thursday, January 23, 2014 4:33 AM  
To: Peggy Hawker  
Subject: RE: Infrastructure Vulnerability in a Catastrophic CSZ Event and Implications on Disaster Response for the Oregon Coast

Ms. Hawker,

I have attached a copy of the chapter you asked about as it was published in the book entitled Modern Military Geography. For this book, the base manuscript was modified to emphasize the planning and execution of a large scale disaster response operation during a CSZ rupture. Militarily, disaster response and aviation operations are my "specialty". From an academic perspective I focus on the geography of disasters and development.

If anyone has questions or needs additional information, please feel free to share my contact information. I am also personally invested in this area as we will live just west of Philomath when I retire from the military in a few years. You may also wish to contact Dr. Nate Wood at the USGS. He is really the expert on hazards and vulnerability in this area. Jim Hawley may know Nate.

Can I ask what the context of the interest in my work was and how it may be used?

Thank you and have a nice day.

Regards,

Wiley Thompson

COL Wiley C. Thompson  
Professor, USMA & Head  
Department of Geography &  
Environmental Engineering  
West Point - 845.938.4035

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

From: Peggy Hawker [mailto:P.Hawker@NewportOregon.gov]  
Sent: Wednesday, January 22, 2014 7:28 PM  
To: Thompson, Wiley C COL MIL USA USMA

Subject: Infrastructure Vulnerability in a Catastrophic CSZ Event and Implications on Disaster Response for the Oregon Coast

Good Afternoon Dr. Thompson,

During last night's City Council meeting, the former emergency manager for Lincoln County, Jim Hawley, presented a large document with images and maps with the above title. Is this document, rather than the entire PowerPoint presentation, available electronically?

Thanks so much.

Peggy Hawker, MMC

City Recorder/Special Projects Director

City of Newport

169 SW Coast Highway

Newport, Oregon 97365

541.574.0613

p.hawker@newportoregon.gov





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## City of Newport

### Website Feedback Form

February 2014

The City is in the process of updating and redesigning its website and we want to hear from you! What do you like, what don't you like, what things would you like to see added or improved....How do you use the site? How would you *like* to use the website?

Please take a moment to fill in the form below as completely as possible - thanks!

What is your age?

☐ 18-24  
☐ 25-32  
☐ 33-45  
☐ 46-55  
☐ 56-64  
☐ 65+

Are you a resident of Newport?

☐ Newport resident  
☐ Seasonal Newport resident  
☐ Lincoln Co. resident  
☐ Visitor

How often do you visit this website?

☐ Regularly (several times per week)  
☐ Often (once or twice per month)  
☐ Rarely (once or twice a year)  
☐ First time visitor

Was it easy to find the information you needed during today's visit?

☐ Very easy to find  
☐ Easy to find  
☐ Fair  
☐ Difficult to find  
☐ Very difficult to find  
☐ Did not find

Please provide additional information regarding items you were looking

for.

What are your main reasons for visiting the website?

- ☐ General information on services and programs  
☐ City Council Agendas and Minutes  
☐ Latest news and press releases  
☐ Documents and Forms  
☐ Employment opportunities  
☐ Other (please describe)

	<div></div>
Which parts of the website are most useful to you?	<div><input type="checkbox"/> Home page News <input type="checkbox"/> Home page Events <input type="checkbox"/> Upcoming Meetings <input type="checkbox"/> Department specific pages (please specify) <input type="checkbox"/> City Council Meeting Information <input type="checkbox"/> Recreation Center pages <input type="checkbox"/> Pages about Doing Business <input type="checkbox"/> Pages about Things to do in Newport <input type="checkbox"/> Other (please specify)</div>
	<div></div>
What do you like about the website?	<div><input type="checkbox"/> The site contains helpful information <input type="checkbox"/> Extensive information <input type="checkbox"/> Interesting information <input type="checkbox"/> Information that is easy to find <input type="checkbox"/> Other (please specify)</div>
	<div></div>
What could be improved about the website?	<div><input type="checkbox"/> Information does not meet my needs <input type="checkbox"/> Information is not complete <input type="checkbox"/> Information is hard to find <input type="checkbox"/> Information is hard to understand <input type="checkbox"/> Other (please specify)</div>
	<div></div>
How would you rate the website overall?	<div><input type="radio"/> Excellent <input type="radio"/> Very Good <input type="radio"/> Good <input type="radio"/> Fair <input type="radio"/> Poor</div>
Are there additional features or online services you would like to see included on the website?	<div></div>

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**Satisfy Curiosity:** Lifelong learning. Residents will have the resources they need to explore topics of personal interest and continue to learn throughout their lives.

*What We Have/Do Now*

Plan and offer programs on a variety of topics to various age groups in the community; display items created by local residents or items from personal collections; create and support blogs in areas of interest

*Staffing:* dispersed as all staff brings their various subject and collection knowledge to bear in responding to general interest and hobby, business opportunities and career, and personal development inquiries

*Collections:* adequate. Should look at circulation by subject code; Science reading is a huge interest

*Programs:* are of a cultural nature; we offer group classes (for what?) We aren't especially strong in partnering with other entities in programming for this service response

*Technology:* the basics

*Facility:* the facility is lacking for larger collections, for people space, for programming

*What Else Might We Do (for this to rate as a service response?)*

Work with local organizations to co-sponsor demos on topics of interest to various age groups? Mount rotating exhibits? Provide access to adult education course through distance learning or video-on-demand? A "Satisfy Your Curiosity" webpage? Collaborate with local Humanities council to present programs?

Electronic pathfinders to help people find information on topics of interest?

Partner with clubs and organizations, educational entities, museums, parks and rec, senior centers, teen centers, national organizations like Library of Congress, NASA, NEH?

Blog and wiki software; Computers configured for downloading of licensed digital content; Software to manage program registration and reminders?

More than one small group meeting room? Comfortable seating? Display shelving to merchandise selected portions of the collections; secure display space for rotating collections?

---

Stimulate Imagination: Reading, viewing, and listening for pleasure. Residents will have materials and programs that excite their imaginations and provide pleasurable reading, viewing, and listening experiences.

*What We Have/Do Now*

Readers' advice -- what to read  
Novelist online database  
Place holds online  
Display new materials  
Summer reading program  
Adult programs  
Teen programs  
Newport Reads! Program  
User-contributed "good reads" online  
Comments on the Library's blog  
Downloadable books  
Programs--new books, genre, author visits

*Staffing:* about 100% there

*Collections:* about 95% there

*Technology:* about 95% there

*Facility:* about 50% there. People space is limited; Collection has to be weeded to make room for new; programming space limited; teen space limited

We partner with a lot of entities, such as....

*Other ideas to support this service response?*

mailing items?  
online reading club?  
listening/viewing stations ?  
comic book groups?  
Host game tournaments?  
Faster fill rate on requested items?

Partnering with local arts and literary communities, performance centers, science centers, teen centers, senior centers, retail stores that feature books, music, news media?

Games? Added to the collection?

Self check out that works well?

Self pick up of holds?

---

## **Understand How to Find, Evaluate, and Use Information:**

Information fluency. Residents will know when they need information to resolve an issue or answer a question and will have the skills to search for, locate, evaluate, and effectively use information to meet their needs.

### *What We Have/Do Now*

We generally focus on adults and seniors for our classes

Basic internet and database classes

2 Intermediate database classes are occasional

Teachable moment 1-on-1 instruction

Direct people to existing online tutorials

Classes on software

Senior outreach: help with computers, irregular, on request

*Staff:* semi-knowledgeable, would need additional training

*Collections:* software manuals, online tutorials

*Technology:* New technology and web trends (about 50% there)

*Facilities:* have the laptop space but have to set up and break down to share programming space

### *Other ideas to support this service response?*

Offer classes on new technologies and web trends as they happen? Regular series of short programs on using both print and electronic resources to find information?

Partner with local middle and high schools to ensure that teens know how to find reliable information?

Partner with the community college? Partner with OSU, OMSI? Partner with computer clubs, retailers?

---

## Connect to the Online

**World:** Public Internet access. Residents will have high-speed access to the digital world with no unnecessary restrictions or fees to ensure that everyone can take advantage of the ever-growing resources and services available through the Internet.

### *What We Have/Do Now*

Provide public access computers and printers; high speed access to the Internet; wireless access to the Internet; 60-90 mins per day on on library computers; welcome personal computers, tablets, etc. People can sometimes download; no library card needed for using computers and wireless.

*Staff:* Most staff Knowledgeable re: navigating Internet; most staff can help with portable storage devices, and library policies re public access computers; how to log on, the wireless network; staff can keep Internet access and networks up and running; have helpdesk or Till? Classes setting up email; Basic hardware trouble-shooting; Help make people feel comfortable with the online world; One-on-one tutorials; staff is approachable.

*Collections:* online learning tools, tutorials.

*Facilities:* Need improvement; Electrical outlets deficient in number--plug ins too few; Electrical power cords tripping hazard; Work stations - some ergonomic but not all; Lighting not great--not terrible.

### *Other ideas to support this service response?*

Easily accessible electrical outlets; more computers? Petting zoo of technology devices for staff and public?

PC reservation system that works well

Computers configured for downloading by the public of licensed digital content?

---

**Create Young Readers:** Early literacy. Children from birth to age five will have programs and services designed to ensure that they will enter school ready to learn to read, write, and listen.

*What We Have/Do Now*

Regularly scheduled interactive story programs; story programs in off-site locations; summer reading program includes a "read to me" component; theme packets for parents, caregivers, and teachers to use with children (in process); computers with age appropriate programs for preschool children. Community presentations and programs offered at other-than-library locations.

*Staffing:* 4-5 people whose primary job has to do with youth (all ages) About 3 FTE or almost. We do outreach to 23 sites each month We do in-house programs—a goodly number of them. Not all children's services staff are knowledgeable about early literacy and early childhood development.

*Collections:* picture book collection is very good. English/Spanish early readers (ER) could improve ; ER AV could improve ER digital could improve (especially Spanish/English); Parenting/Ed good—in adult non-fiction collection; Have a rotating display Board books (many/get a beating!) Probably need more media for this age group.

Technology: 3 kids computers  
Website; Infobits; Homework help; Learning Express

Facility: Generally inviting, but cramped; Good line of sight; Clifford! Family restrooms

—And parents, caregivers, and service providers who work with children ages newborn to five.

*Other ideas to support this service response?*

Dolly Parton's *Imagination Library*?

Sponsor a Born to Read program?

Puppet shows?

Blog for new parents?

e-books for kids?

Classes on early literacy for parents and caregivers?

Teach parents and caregivers the skills needed to support early literacy?

Partner with community college preschool provider students, new parent groups, pediatricians, home school groups?

Produce podcasts or videocasts on early literacy for parents and caregivers?

Recruit and train Volunteer force to help?

Dedicated space for family use; more comfortable and child-sized seating; bring parenting collection with the childrens' materials



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## Visit a Comfortable Place:

Physical and virtual spaces. Residents will have safe and welcoming physical places to meet and interact with others or to sit quietly and read and will have open and accessible virtual spaces that support networking.

### *What We Have/Do Now*

We have everything one might expect in a public library, but the facility is cramped for people, collections, and programs, and technology is limited by the physical plant--electrical outlets, space for technology training--with people space overtaken by the collection; the collection has been weeded and continues to be to make space for new purchases.

The facility is inflexible, seating is limited, and programming space is too limited

No afterhours access--don't have the resources

Have our own web space, staff for it

We have huge fluctuations in the number of people attending programs

Not a quiet space in the entire building

Only 1 public meeting room

Only 1 small study room

### *Other ideas to support this service response?*

More programming space?

Comfortable seating throughout the library?

Café or vending area?

"Sustainability" gallery or exhibit space?

Performance space?

Maker space? (we are an arts and culture community and a scientific community)

Electronic gaming?

Library events web page?

Variety of blogs, wikis, other social networking?

Role for the Libra WHO WOULD BENEFIT?		WHAT WOULD BE ACHIEVED?	Strengths and Opportunities	Weaknesses/Threats
Secondary-- informational	Families builders government taxpayers consumers	Sustainability smaller "footprint" per capita e.g. housing using technology to accomplish more tech makes life different better using our resources more compact, efficient, economical housir smart houses	Locally grown products market exists location is a plus wave energy generation scientific community awareness housing stock commercial inventory older....coming up for renewal food-sharing program being implemented by restaurants	water infrastructure aged water/sewer system revitalization is ongoing
	Primary--  Digital "trailers"	Digital literacy in our community population is able to use the technology in businesses, e-commerce timely information access	library provides training	resistance, fear over-reliance on digital digital energy consumption electronic recycle costly training and education limited constant change
	Taxpayers	more sharing of resources between communities, e.g. rec centers, government buildings (both inside and outside Newport) e.g. shared water filtration, swimming pool--why does everyone have to have their own?	consolidation digital technology--a way to way to improve communication in the region--to get the word out about what is available?	consolidation low income residents no single entity is watch-dogging this
	all residents students low-mobility residents visitors from "the valley"	more/easier public transportation and pedestrian-friendly walkways and bikeways--covered better connectivity	could help low-income low-mobility residents reduce the impact of consolidation already have bus system to build on	lack of money
Secondary	Small businesses big businesses--manufacturi businesses	Environment conducive to job creation that attracts and supports businesses	manufacturing businesses would not be a conflict	difficult to attract big biz without losing small biz lack of flat land--built out

Role for the Libra Who?		What?	Strengths and Opportunities	Weaknesses/Threats
Primary	arts and cultural community, quality of life; opportunities for artists, and for children		variety of arts + culture humanities, organizations and venues Doing well in this area-- a community strength	
Primary	students K-12 higher education	Better education distance, online learning classes smaller class sizes broader range of class content	community college dedicated teachers recent bond has resulted in new/remodeled schools limited token musical orientation, education provided by some arts/cultural organizations	some facilities still outdated lack of money lack of understanding of the value of teachers elimination of arts classes due to budget cuts lack of available lessons drop in language instruction drop in trades instruction
Secondary	young people, young professionals young families	Want to live here; jobs here; housing affordable daycare, after school care, affordable	OSU satellite campus OMSI Marine science NOAA	hospitals expanding + professional training to encourage young professionals to stay
	Housing consumers	affordable housing		Now at whim of property owners supply/demand
Primary	children 0-5 years	daycare, consistent, quality, organized social skills development and assessment encourage reading early literacy ready for school	vacant venues where day care centers could locate job opportunities possible expansion opp for existing businesses	highly variable budget cuts in schools and city park and rec

Meeting with City Manager	
Date:	02.21.14

**Updates:**

1. ITD
  - a. Website
    - i. Website feedback form
    - ii. Design Options meeting 2/26/14
    - iii. RFPs for Tourism, Big Creek – pending Pool
  - b. Generators (EOC)
    - i. Western States scheduled 2/28/14
  - c. Budget FY14-15
    - i. Lease items (server, workstation)
    - ii. WiFi upgrade
    - iii. Security camera upgrade
2. Department Updates
  - a. FIN
    - i. Sleuth - BF set up
  - b. LIB
    - i. Library consultant meeting.
    - ii. Staff moves
  - c. PAR
    - i. Moving staff around (DV, SR etc.)
  - d. NPD
    - i. Ofc.Humphreys
  - e. NFD
  - f. CDD
  - g. PWK
    - i. Embarcadero PS fiber
  - h. OCM
    - i. Records request (The Landing Business License)
  - i. PAC/VAC
  - j. ONP
    - i. New temp
  - k. FAPM
    - i. Thermostat control

**Questions:**

1. Goal setting meeting Monday?

**Concerns:**

- 1.

**Accomplishments**

Date	
1.20.14	• Establish Replication to DR Site
1.1.14	• Migrate VMs to FC-based Hosts on new SAN.
12.20.13	• New unified WiFi deployed at LIB.
10.13.13	• Move Exchange server to DR/BC
9.1.13	• Migrate City phone system to LYNC 2013
7.12.13	• E911 set up with Intelpeer
6.30.13	• Exchange 2010 SP3 RU1 installed
5.24.13	• Deploy SCCM 2012
5.10.13	• Fixit website built for FAPM
4.25.13	• Microsoft LYNC 2013 Pilot deployed
2.21.13	• Major server update for improved management
1.25.13	• Kanguru Secure Thumb drive implemented
	• Mayor/Council voicemail phone tree
1.14.13	• Forefront Online Protection for Exchange implemented

HOUSE COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON  
HORTICULTURE, RESEARCH, BIOTECHNOLOGY, AND  
FOREIGN AGRICULTURE (RANKING MEMBER)  
SUBCOMMITTEE ON  
CONSERVATION, ENERGY, AND FORESTRY  
SUBCOMMITTEE ON  
LIVESTOCK, RURAL DEVELOPMENT, AND CREDIT  
HOUSE COMMITTEE ON THE BUDGET  
HOUSE COMMITTEE ON SMALL BUSINESS  
SUBCOMMITTEE ON  
HEALTH AND TECHNOLOGY  
SUBCOMMITTEE ON  
AGRICULTURE, ENERGY, AND TRADE

The 113th Congress  
U.S. House of Representatives

Washington, DC 20515

February 14, 2014

KURT SCHRADER  
FIFTH DISTRICT, OREGON

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OREGON CITY, OR 97045  
503-557-1324  
FAX: 503-557-1981

Mr. Spencer Nebel  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

Dear Mr. Nebel:

As we work through the second session of the 113<sup>th</sup> Congress, I would like to invite you to join me for my annual Community Leader Roundtable meeting. As a local leader, your input is essential as I work to best represent our mutual constituents in Congress. Since I was first sworn in, I have focused on reducing the federal deficit so we are able to fund our priorities, increasing lending opportunities for small businesses to spur the economic recovery, and creating much needed jobs along the coast.

After a challenging few years, Oregon's economy is slowly improving. Congressional inaction on issues ranging from the Water Resources Development Act to the federal budget to immigration reform has the potential to slow that meager growth. As we debate the future of these, and other, very important federal policies and programs, it is essential that I hear from you about what is and what is not working in your community. On March 10th, I will again be hosting my annual Community Leader Roundtable meeting, and I invite you to attend. As in years past, this roundtable will provide us with an opportunity to have an open discussion about our shared priorities moving forward.

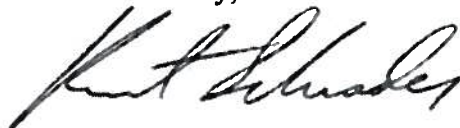
**WHEN:** Monday, March 10<sup>th</sup>, 3:30 to 5:00 pm

**WHERE:** Depoe Bay Community Hall  
220 SE Bay Street  
Depoe Bay, OR 97341

**RSVP:** Megan McKibben; (503) 588-4486 or [megan.mckibben@mail.house.gov](mailto:megan.mckibben@mail.house.gov)

I look forward to seeing you there and I encourage you to contact me if I can be of assistance. It is a privilege to serve you in the United States Congress.

Sincerely,



KURT SCHRADER  
Member of Congress