

**PORT OF NEWPORT
MINUTES
May 22, 2014
Regular Meeting**

I. CALL TO ORDER

Commission President JoAnn Barton called the regular meeting of the Port of Newport Board of Commissioners to order at 6:00 pm. in the Board Room of the Central Lincoln Public Utility District, 2129 N Coast Hwy 101, Newport, OR 97365.

Commissioners Present: JoAnn Barton, President; David Jincks, Vice-President; Walter Chuck, Secretary; Dean Fleck, Assistant Secretary/Treasurer; Ken Brown, Treasurer.

Commissioners Absent: None

Port of Newport Management and Staff: Kevin Greenwood, General Manager; Pat Albaugh, Director of Finance; Darlene Webster, Administrative Assistant; Mike Goff, Port Security.

Others Present: Lee Fries, Local Resident; Mark Miranda, Newport Police Department; Dennis Bishop, FV Owner; Jerry Ashby, TPT US Ltd; Julie Hanrahan, Columbia Bank; Dave Morgan, News Lincoln County; Wayde Dudley, Local Resident; David Allen, Newport City Council Liaison.

II. Changes to Agenda: No comments or changes to the agenda were made.

III. Approval of Minutes, Financial Reports and Paid Accounts:

- A. Minutes
 - 1. Regular Meeting-April 22, 2014

Motion by Chuck, seconded by Fleck to approve the minutes of April 22, 2014 Motion carried 5-0.

- B. Financial Report-Albaugh, Director of Finance
 - 1. Financial Reports

There were no questions or discussion on the financial reports. Motion by Jincks, seconded by Chuck to approve the Financial Reports. Motion carried 5-0.

- 2. Accounts Paid-April 2014

List of accounts paid for April was reviewed. Brown noted that the Port has an account with his business. Discussion about conflicts of interest. The Commission noted that the Port's attorney had previously ruled that Commissioners with businesses used by the Port was not a conflict. General Manager to review opinion.

Motion by Jincks, seconded by Chuck to approve the Accounts Paid for April as previously submitted Motion carried 5-0.

- 3. Accounts Paid-May 2014

Jincks asked about accounts related to Lincoln County PUD.

Motion by Fleck, seconded by Jincks to approve the Accounts Paid for May as submitted Motion carried 5-0.

IV. Public Comment: Barton asked for any comments at this time and requested all commenter's to announce their name and to be aware that each would be limited to 3 minutes in order to allow time for others. Bishop brought to the board's attention that he felt he was being harassed by the Port. He felt he has been repeatedly singled out to move his vehicle at various times while using the parking area to load or unload. At times he himself has been blocked in for at least 45 minutes and could not move but was requested to do so. He has video taped others blocking the area for over 2 hours (fish

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trucks) and they are not asked to move. He mentioned that Local Ocean has a parking permit and question how do they qualify to have a fishermen's parking permit? He has requested a parking permit and said he was denied because he doesn't fall in to the requirements even though he is a boat owner. Bishop wanted resolution to this matter at the meeting but Barton requested that he take the matter up with the General Manager. Next presenter was Chief Miranda of the Newport Police Department. Miranda presented to the board the Police Department's annual report. It has been a busy year and they are fully staffed with 2 more coming on board. TCB Security discussed security issues his staff has encountered (stolen goods) and that crime reports from his staff are on the rise. Miranda added that drugs are on the rise as well and as such stolen goods are possibly being sold to others for money to purchase drugs. Also updated everyone about the "Click it or Ticket" program is underway as well as a "Distracted Drivers" program. Bishop requested to continue his comment again after Miranda made his presentation and was reminded that he already made his presentation and was beyond the 3 minute allowed time limit. Bishop left the meeting.

V. Correspondence/Presentations: None

VI. OLD BUSINESS:

A. Resolution Updating Tariffs:

All the revisions were made as requested from the last Tariff meeting. Greenwood asked for any further comments regarding this document and none were made.

Motion by Fleck, seconded by Brown to approve Resolution 2014-03 Updating the Tariffs for the Port of Newport Motion carried 5-0.

B. To Read An Ordinance Creating By-Laws for the Port of Newport Board of Commissioners by Title Only (ORS 198). Ordinance No.100

Motion by Chuck, seconded by Brown to Read an Ordinance Creating By-Laws for the Port of Newport Board of Commissioners by title only. Motion carried 5-0. Greenwood read Ordinance title into the record.

C. To Adopt an Ordinance Creating By-Laws for the Port of Newport Board of Commissioners (ORS 198)

Commission discussed staff report presented by Greenwood for adding a Consent Calendar to the agenda. Jincks objected to the consent calendar being added into the bylaws as it is already allowed in public meeting laws. Others felt that it could be used by future boards and could be an option. Jincks originally voted to oppose the ordinance adoption, but after Greenwood reminded that if the Ordinance vote was not unanimous, he'd be forced to read the 20-page ordinance in its entirety, Jincks agreed to vote along with the Commission.

Motion by Fleck seconded by Chuck to Adopt an Ordinance Creating By-Laws for the Port of Newport Board of Commissioners to include language adding a consent calendar. Motion carried 5-0.

D. Seafarer Lease Renewal

Greenwood noted that all leases in the International Terminal have the same square footage lease rate. Motion by Chuck, seconded by Jincks to approve the Renewal of the Lease agreement with Seafarer and the Port of Newport. Motion carried 5-0.

E. Resolution Adopting Rates, Fees and Charges

Documents regarding the rates were presented to the Board but noted that information had been shared with Chris Olson but not the balance of the fleet. These rates will be presented with the Charter members for their input; this has been presented to Chris Olson who is actively involved with these Charters for his input and review. A possible policy change may be necessary to formally adopt the policy into the facilities code. Draft rates were discussed and compliments to Greenwood and Albaugh from Commissioners for a well done job in gathering all this information. Possible adoption of these rates will be scheduled for June.

VII. NEW BUSINESS:

A. One-Year Lease Extension of Yaquina Bay Fruit Processing (YBFP)

Greenwood discussed that the one-year extension will give YBFP two years to develop a plan that meets the City's zoning requirements. He cautioned the Commission that the current operation is currently out of compliance and he cautioned extending a lease for a use that is not in compliance with local laws. The City is considering an Intergovernmental Agreement with the Port to allow YBFP two years to come into compliance. City Council will consider the IGA in June to be considered for adoption by the Port Commission.

B. J. Lamb Marine Electronics Lease Renewal

Motion by Jincks, second by Brown to authorize the General Manager to approve a lease renewal with J.Lamb Electronics. Motion carried 5-0.

C. Resolution Amending Facilities Code to Change Rules Pertaining to Insurance and Dock Storage.

Greenwood noted that the two of the four sections in this resolution had been considered last year however the code requires edits by resolution. Compliments were made from Greenwood to Barb Martin in bringing everyone into compliance and following up on all others. Motion by Fleck, second by Chuck to approve Resolution 2014-04 Amending the Facilities Code to Change Rules Pertaining to Insurance and Dock Storage. Motion carried 5-0.

D. Broker of Record from Servco Pacific Insurance

Manager noted that Wells Fargo had split with their insurance business unit. Albaugh added that Servco insures only the Port's water-based assets. Motion by Chuck, second by Brown to authorize the General Manager to enter into an agreement with Servco Pacific Insurance as Broker of Record. Motion carried 5-0.

E. Resolution Adopting Compensation Plan

Discussion on Commission's effort to normalize compensation annually based upon budget availability and annual performance reviews. Motion by Chuck, second by Brown to Adopt Resolution 2014-05 Adopting a Compensation Plan. Motion carried 5-0.

F. South Beach Diesel Line Repair Contract

South Beach diesel line failed annual inspection. Both the diesel and gasoline lines were installed in the 1970s and should be upgraded together. An RFQ has been distributed with a closed bid date of May 29, 2014 and a special meeting is scheduled for May 30, 2014 at noon at the South Beach Activities Meeting Room to review and approve bids received. Expediency of this matter is of the utmost importance due to the summer season starting and already the diesel fuel line at the Bay Front is getting double usage.

G. Contract with Tough Construction to Repair Roof

Commission noted significant cost savings with Tough Construction and that the Port knows their work. Motion by Fleck, second by Jincks to authorize the General Manager to enter into a contract with Tough Construction to Repair the Roof. Motion carried 5-0.

H. Contract with gLAs Architects for Administration Building

Commission requested conceptual drawings be open to a local architect and to re-submit this request when they could receive another option. This will be reviewed at the next meeting.

Noting that time is of the essence in this matter as temporary use permits for both the Port administration building and the US Customs building are expiring soon.

- I. Updating Signature Cards at All Port of Newport Bank Accounts (Umqua, Columbia and Oregon Coast Bank)

Motion by Chuck, second by Jincks to Authorize Current Board of Commissioners and the General Manager to be Signers on all Port of Newport Bank Accounts. Motion carried 5-0.

VII. STAFF REPORTS:

A Departmental Reports comments:
Barton recognized the great job that Rick Fuller has done and continues to do at the NOAA facility.

- B. General Manager's Report

Greenwood reported on the Safety Task Force is still continuing to move forward and that it would be a good idea to make a presentation to the public when Alcan brings a debarker into Toledo. A franchising of a public fish dock services is being discussed but is far from being recommended. Any franchise would include rates approved by the Port and an advisory board made up of fishermen/buyers in the industry. A discussion about poundage fee was made. Commission reviewed analysis on NOAA reserve funds. Commission could use reserves from the back end of the lease if the funds were replenished during the life of the lease. Discussion about using the fund to finance the construction of the administration building was one idea.

VIII. COMMISSIONER REPORTS:

Chuck reported his attendance at a SDAO training seminar and recommended other commissioners attend as well. The Port would get a 5% savings off the Liability Insurance for every commissioner who attends. Chuck also attended FINE meeting and also ODFW recreational fishing meeting with Fleck. Brown attended the Rogue ground breaking ceremonies. Jincks and Barton attended Business Oregon and the Oregon DEQ presented another award to the Port for the Terminal project.

X. PUBLIC COMMENT:

Fries commented on some ideas for potential Port revenue. A suggestion was made regarding charging a dock fee from the fish buyers, charging them by the weight of fish coming off the boats. Fries also mentioned a safety hazard for citizens using the docks late at night. He has witnessed at times families with very young children going down to the docks to crab late at night on Port Dock 1. A recommendation was made to possibly put a closed sign of some kind after a certain time at night to detour citizens from harming themselves. Ashby wanted to compliment the board for their assistance in passing the Tariff and security plans that were needed for his company to move forward and what a pleasure it has been working with Greenwood and the Commission.

XI. UPCOMING MEETINGS/EVENTS:

- A. Commission Special Meeting, May 30th, 12:00pm
- B. ODFW, Free Fishing Weekend June 7th
- C. Fishermen's Forum, Port Dock 7 Operations Shop, June 11th, 8:30am
- D. Clam's Against Cancer Relay for Life, June 11th
- E. Celtic Festival & Highland Games, June 14th
- F. Father's Day, June 15th

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- G. South Beach Marina Users Meeting, June 18, 8:30am
- H. Annual Chamber Awards Banquet, Best Western Agate Beach, June 20th
- I. Regular Commission Meeting, SB Marina Activities Room, June 24, 6pm

XII. ADJOURNMENT

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 8:25 pm

ATTEST:

JoAnn Barton, President

Walter Chuck, Secretary/Treasurer