

**PORT OF NEWPORT  
MINUTES  
December 17, 2013  
Regular Meeting**

**I. CALL TO ORDER**

Commission President JoAnn Barton called the regular meeting of the Port of Newport Board of Commissioners to order on Tuesday, December 17, 2013 at 6:00 PM in the South Beach Marina Activities Room, 2120 SE Marine Science Drive, Newport, OR, the same being within the boundaries of the Port District.

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

**Port of Newport Management and Staff:** Don Mann, General Manager; Pat Albaugh, Director of Finance; Rick Fuller, NOAA Facilities Manager; Patty Benjamin, Administrative Assistant.

**Others Present:** Dennis Anstine, News Times; Bill Barton, Steve Beck, Wayde and Barb Dudley, Lee Fries, and Robert Smith, Newport residents; Dr. Richard Beemer, Newport City Council; Ken Brown, Commissioner-appointee; Yale Fogarty and Pat Ruddiman, ILWU Local 53; Erik Knoder, State of Oregon Employment Department; Mark Miranda, Newport Police Chief; Dave Morgan, News Lincoln County; Kiera Morgan, KYTE-KNPT; Jim Shaw, South Beach resident.

**II. MINUTES**

- A. Combined Work Session & Regular Meeting—November 19, 2013**  
**B. Special Meeting—December 12, 2013**

Commissioner Fleck moved to approve the minutes of the Combined Work Session and Regular Meeting of November 19, 2013 as submitted. Commissioner Chuck seconded the motion and it passed 4-0.

Commissioner Fleck moved to approve the minutes of the Special Meeting of December 12, 2013 as submitted. Commissioner Chuck seconded the motion and it passed 4-0.

**III. FINANCIAL STATEMENTS**

- A. Financial Reports.**  
**B. Accounts Paid.**

There were no questions or discussion on the financial reports and accounts paid.

Commissioner Fleck moved, Commissioner Jincks seconded, to approve the Financial Statements and Accounts Paid, Check Nos. 11734-11741/Construction Fund; Check Nos. 12270-12288/NOAA Checking-OCB; and Check Nos. 34912-35011/Operating Account. The motion passed 4-0.

**IV. PUBLIC COMMENT**

Police Chief Mark Miranda distributed emergency preparedness calendars, and reported that the City's facilities held up well during the recent cold weather.

**V. STAFF REPORTS (\* Indicates no questions or comments.)**

**A. Department Reports.**

- Kevin Bryant, Commercial Marina Harbormaster\*
- Jim Durkee, Terminal Operations Supervisor\*
- Rick Fuller, NOAA Facilities Manager\*
- Penny Gabrielson, South Beach Occupancy Report\*
- Chris Urbach, South Beach Marina Harbormaster\*

## **B. General Manager.**

General Manager Don Mann reported that attorney Mike Haglund would be in the area on Friday, December 20, and Monday, December 23, and would like to meet with Mann and two commissioners regarding Teevin Brothers' proposed development at the International Terminal. Commissioners Jincks and Chuck said they would be available on Friday; Commissioner Barton would not. Mann said he would follow up with Haglund and get back to the commissioners to confirm the date and time of the meeting.

## **C. Commissioners' Reports.**

Commissioner Chuck thanked the commission and staff for sending flowers to his wife, Rebecca, after a recent injury.

The chair asked for a report from Commissioners Chuck and Fleck, who had been appointed to the ad-hoc committee to review applications for the Port Commission vacancy, Position 4. Commissioner Fleck said this was the third time he had been involved in filling a commission vacancy and he had never seen so much community interest in the process. Three out of five applicants had been chosen for an interview. They were Steve Beck, Ken Brown, and Dennis McManus, and Fleck said all of them were talented individuals and would have been fine commissioners. He said the decision was difficult and not taken lightly, but they would recommend Ken Brown to fill the vacancy left by the death of Commission "Oly" Olson. Commissioner Chuck agreed that it had been a difficult decision and a sad duty, and he hoped the candidates not chosen would remain interested in working with the Port District and consider running again if another vacancy occurred. Commissioner Barton suggested that the high caliber of the candidates reflected the high caliber of the seated board. She called for a motion.

Commissioner Chuck moved to fill the vacancy on the Port Commission with Ken Brown, as recommended by the ad-hoc committee. Commissioner Fleck seconded the motion.

The chair called for discussion.

Commissioner Jincks submitted a friendly motion for discussion purposes and moved that applicant Dennis McManus's name be added to that of Ken Brown for a commission vote.

Commissioner Chuck, as the maker of the main motion, accepted the friendly motion.

By way of discussion, Commissioner Jincks acknowledged the tremendous talent of the commission vacancy applicants. He said it had been his experience that fishermen don't usually react until they see something wrong, but he had received a great deal of input from the commercial fishing community in favor of applicant Dennis McManus, and he felt the need to listen and understand why that was brought forward. He said supporting something was easy but representing it was difficult. He said in order to represent something, it had to be thoroughly understood and he felt that McManus would bring an understanding of the commercial fishing industry to the commission in a way that would be helpful during the transition period ahead. He also suggested that the Commission Duties and Responsibilities document should be updated, since it had been published in May of 1993, so that issues, such as a commission vacancy, could be dealt with more easily through a set of updated by-laws. The other three commissioners agreed. Commissioner Barton thanked Jincks for bringing his motion forward and added that it was important to vet such issues publicly as a commission.

Commissioner Barton called for a vote on the friendly motion to add applicant Dennis McManus to that of Ken Brown for a commission vote. Commissioners Fleck and Brown were opposed; Commission Jincks was in favor; Commission Barton abstained.

Commissioner Barton called for a vote on the original motion to confirm Ken Brown to fill the commission vacancy, Position No. 4, left by the death of "Oly" Olson. Commissioners Chuck, Fleck, and Barton were in favor; Commissioner Jincks abstained. The motion passed.

Commissioner-appointee Brown will be sworn in at the regular meeting in January 2014.

**VI. OLD BUSINESS**

**A. Terminal Renovation Project, Frank Berg, Day CPM Services, Post Construction Activities .**

Frank Berg, Day CPM Services, was not present for the meeting but had submitted a written report that was included in the commissioner's packets. General Manager Don Mann said he would meet with Dave Harlan, Oregon Business Development Department, on amending the Marine Navigation Improvement to include mitigation costs for the project. In answer to a question from Commissioner Jincks, Mann said the early cost estimate on mitigation was \$200,000-\$250,000. In answer to a question from Commissioner Barton, Mann said the Port would apply for an extension to the in-water work window through the end of February 2014, as soon as the joint permit for the dredging revisions was in hand. He said he had asked Oregon's congressional delegation to contact the Army Corps of Engineers (ACOE) and National Marine Fisheries Service (NMFS) in an effort to move up the timing on issuing the permit, although NMFS has indicated that their review would probably take a full 135 days and the Port would need to submit another Biological Assessment based on the desired additional three feet of dredging. Natt McDougall Company had estimated the dredging would take seven to eight weeks. Mann said another series of questions had been received from the agencies the day before, and many of them had already been answered.

**VII. NEW BUSINESS**

**A. Cascades West Area Commission on Transportation Nomination of Members.**

At the noon work session, Commissioners Barton and Jincks had volunteered to serve on the Cascades West Area Commission on Transportation.

**VII. MEETING RECESS at discretion of the chair.**

There was no meeting recess.

**IX. OTHER**

There was no other business.

**X. PUBLIC COMMENT**

Referring to Commissioner Jincks' comments about the difference between representation and support, Steve Beck, who had been a candidate to fill the commission vacancy, said he believed the Board of Commissioners represented the voters and supported certain industries, such as tourism, fishing, timber, and marine science.

**XI. UPCOMING MEETINGS/EVENTS**

- A.** New Year's Holiday, January 1, Port Office Closed
- B.** Fishermen's Forum, Port Dock 7 Operations Shop, January 8, 8:30 – 9:30 a.m.
- C.** Marina Users meeting, South Beach Marina, January 15, 8:30-9:30 a.m.
- D.** Combined Work Session & Regular Meeting, South Beach Marina Activities Room, January 28, 6:00 p.m.

**XIII. ADJOURNMENT**

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 6:38 p.m.

ATTEST:

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JoAnn Barton, President  
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Walter Chuck, Secretary