AGENDA and Notice of
Special Meeting of the Newport City Council

The City Council of the City of Newport will hold a Special Meeting on Monday, December 7, 2015, at 5:15 P.M., in Council Chambers at City Hall, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the 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 City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

City Council Special Meeting
Monday, December 7, 2015 – 5:15 P.M.
Council Chamber

I. Call to Order
II. Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiation Updates on IAFF, NEA and NPA
III. Adjournment

CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD AGENDA
Monday, December 7, 2015 – 6:00 P.M.
Council Chambers

The Newport City Council and the Local Contract Review Board will hold a meeting on Monday, December 7, 2015, at 6:00 P.M. The meetings will be held in the Council Chambers of the Newport City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meetings 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 at 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

CITY COUNCIL MEETING AGENDA
Monday, December 7, 2015
Council Chambers

Anyone wishing to speak at a Public Hearing or on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

I. Pledge of Allegiance

II. Call to Order and Roll Call

III. Public Comment

This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others

IV. Consent Calendar

The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

A. Approval of City Council Minutes from City Council Work Session, and Regular Meeting of November 16, 2015 (Hawker)
B. Confirmation of Mayor's Appointments to the Bayfront Parking District

V. Public Hearing

This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person.

A. Public Hearing and Possible Adoption of Ordinance No. 2091. Updating References to State Building Codes Implemented by the City of Newport
B. Public Hearing and Possible Adoption of Ordinance No. 2089, an Ordinance Establishing Business License Endorsement Standards for Recreational Marijuana Facilities

VI. City Manager's Report

All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.

A. Consideration of Resolution No. 3731 Amending the Business Licenses and Business Service Fees and Charges
B. Consideration of Resolution No. 3733 , a Resolution to Temporarily Suspend Inflationary Adjustments to Newport System Development Charge Rates
C. Report on Willamette Valley Communication Center Service
D. Consideration of Resolution No. 3732, Rescinding Resolution No. 3553, and Approving a Process for Awarding the Remaining Tourism Facilities Grant Funds
E. Report on Budget Calendar for Fiscal Year 2016-17

VII. Local Contract Review Board

LOCAL CONTRACT REVIEW BOARD
Monday, December 7, 2015
Council Chambers

A. Call to Order
B. Consideration of Intent to Award a Contract for SCADA System Modification to The Automation Group (TAG) for Upgrades to the Wastewater Treatment Plant

C. Consideration of Intent to Award a Contract for SCADA System Modification to The Automation Group (TAG) for Upgrades to the Water Treatment Plant
D. Adjournment

VIII. Report from Mayor and Council

This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.

IX. Public Comment

This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to five (5) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

X. Adjournment

November 16, 2015
5:15 P.M.
Newport, Oregon

The Newport City Council met in a work session at the above time in the City Council Chambers of the Newport City Hall. On roll call, Allen, Saelens, Sawyer, Engler, Swanson, and Busby were present. Roumagoux was excused.

Staff present was City Manager Nebel, City Recorder Hawker, City Attorney Rich, Finance Director Murzynsky, Public Works Director Gross, and Assistant Finance Director Brown.

DISCUSSION REGARDING CAPITAL PROJECTS REPORTING

Nebel reported that Busby requested a work session to discuss capital projects reporting by the city. He stated that this is an issue that he has been working on with the Finance and Public Works Departments to develop a reporting format where the data from the city's financial software can be utilized to populate the financial status of each project. He noted that, at this meeting, he will show a potential format for providing this information to the Council for all projects based on two specific projects. He added that the two selected projects are the Aquatic Center and the Bay/Moore Storm Sewer Project. He stated that one of the challenges with these projects is that the financial resources and expenditures overlap different fiscal years. He noted that these projects are being used as the two pilot projects for the purposes of determining the cleanest and easiest way to report project costs. He stated that staff has discovered, and is addressing, some issues related to the account numbers utilized when a construction project bill is being processed for payment. He noted that this has been corrected to provide reports on these projects that are consistent with expenditures incurred on the projects

Nebel reported that this is something we had hoped to have in place during the last fiscal year, however, we have had to address a number of procedural and other issues in order to have actual data to be able to produce these types of reports. He stated that he believes staff is making significant progress on both of these fronts. He apologized for the delay in getting a system established to generate timely reports of this nature.

Nebel reported that, at this meeting, staff will show Council the information that we compiled in order to get feedback from Council as to whether this is the information that would be helpful for Council oversight of projects. He added that he thinks, from a staff standpoint, this will be very useful information that will be compiled in a regular format to track these projects.

Gross presented a brief overview of the anatomy of a project. He distributed, and explained, a handout regarding the Newport Aquatic Center payment draw package. He noted that the project is split into Phase A which includes the parking lot improvements; and Phase B – which is the Aquatic Center. Nebel reported that as the city receives pay estimates, they are coded and sent to the Finance Department for payment. He added that staff is looking for a way to track and provide regular reports on these projects. He stated that many project occur over more than one fiscal year,

and the goal is to be able to track these projects that occur over multiple fiscal years. Gross reported that this report tracks the original contract amount, and any changes that occurred afterward, and reflects the current contract amount. Nebel noted that this is a report that staff believes can be fairly easily sustained, and the intent is to produce this report for each capital project.

Busby stated that this report is a great step forward. He noted that project reporting helps with internal management, and allows people to know what is going on. He suggested that the website contain a project schedule and a chart indicating the progress of a project, along with some data analysis. Gross reported that the Aquatic Center schedule is currently on the website. Nebel noted that Gross is preparing and distributing a newsletter related to the South Beach project. It was suggested that the newsletters be posted on the website.

Allen noted that it would be beneficial to have a report like this for every project. Nebel stated that once the format is established, this information will be available for every major infrastructure project. Allen asked whether there will be another link on the website for capital projects reports, noting that this is a good way to get information out to the public. He further suggested a link from the home page for high visibility projects. Nebel reported that staff is working on a new format for the website to better manage information.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:40 P.M.

Margaret M. Hawker, City Recorder	Ralph Busby, Council President

November 16, 2015
6:00 P.M.
Newport, Oregon

The Newport City Council met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Engler, Busby, Swanson, Sawyer, and Saelens were present. Roumagoux was excused.

Staff present was City Manager Nebel, City Recorder Hawker, City Attorney Rich, Community Development Director Tokos, Public Works Director Gross, Police Chief Miranda, and Parks and Recreation Director Protiva.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Proclamation – Tree City USA – Annual Tree Planting. Busby proclaimed November 18, 2015 as Arbor Day in the City of Newport. Nancy Steinberg, from the Parks and Recreation Advisory Committee, accepted the proclamation.

Recognition of Completion of Community Emergency Response Team (C.E.R.T) Certification. Sawyer made a PowerPoint presentation on Central Coast CERT. He presented certificates of completion of the C.E.R.T. program to: Laura Bohlender, Peter Benjamin, Joe Frechette, Dianne Eckstein, Tracy Bohne, Carol Fisher, Crystal Fleming, Vicki Kish, Rick Masotto, Frank Miller, Willie Mortimer, Jane McWilliams, Elizabeth Golden, Rodney Loose, Valerie Koehn, Donald Teigen, Acia Woods, and Sharon Ray.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of City Council minutes from the special meeting, executive session, work session, and regular meeting of November 2, 2015.

MOTION was made by Engler, seconded by Allen, to approve the consent calendar with changes to the minutes as noted by Allen and Engler. The motion carried unanimously in a voice vote.

PUBLIC HEARING

Public Hearing and Possible Adoption of Ordinance No. 2089 Amending the Business License Code to Include Recreational Marijuana. Hawker introduced the agenda item. Nebel reported that for the past couple of years, cities and counties have dealt with various issues relating to both medical and recreational marijuana sales within the

state. He reviewed the following key dates and events that have occurred during the past two years:

March 1, 2014, HB 3460 became effective allowing medical marijuana dispensaries to sell medical marijuana as regulated by the Oregon Health Authority (OHA);

April 7, 2014, Council approved Ordinance No. 2063, which established a moratorium on the creation of medical marijuana dispensaries in the city in accordance with SB 1531 to evaluate rules that had not yet been issued by the Oregon Health Authority on these sales;

July 21, 2014, after reviewing published OHA rules, Council adopted Ordinance No. 2069 repealing the temporary moratorium, and allowing medical marijuana facilities in the city through a business license endorsement requiring those facilities to meet various local regulations;

October 21, 2014, Council adopted Ordinance No. 2071 establishing a tax on recreational marijuana, with the amount to be determined by resolution;

November 2014, Oregon voters approved the legalization of recreational marijuana;

July 2015, the last of the bills regulating the growing, processing, wholesale and retail sales of recreational marijuana were signed by the governor;

August 3, 2015, Council discussed various options and approaches to addressing the production, manufacture, wholesaling, and sales of recreational marijuana in the city;

August 17, 2015, Council held a public hearing on recreational marijuana, and expressed support to allow commercial activity relating to recreational marijuana in the city, citing the popular vote in Lincoln County, in 2014, to allow these sales, and Council referred the question of how to regulate recreational marijuana to the Planning Commission for review and recommendation;

August 31, 2015, a City Council work session was held to evaluate various approaches going forward; the OLCC issued draft rules to help evaluate the options going forward at this time;

September 8, 2015, Ordinance No. 2085 was approved by Council allowing medical marijuana dispensaries to sell recreational marijuana on a limited basis in accordance with state law, and OHA adopted rules, through December 2016;

October 1, 2015, recreational sales of marijuana were initiated from medical dispensaries in Newport;

October 22, 2015, OLCC adopts temporary administrative rules outlining how they intend to regulate recreational marijuana facilities in the state;

October 26, 2015, the Planning Commission considered the options at a work session and recommended that Council amend the city's business license code to require a business license endorsement for recreational marijuana facilities consistent with what was previously put into place for medical marijuana dispensaries

November 2, 2015, Council held a work session to review the findings and recommendations from the Planning Commission on regulating recreational marijuana activities in the city; also on November 2, 2015, Council provided administrative direction on how to handle a request for a land use compatibility statement from applicants to OLCC for various types of licenses that will be issued regarding recreational marijuana. Council directed staff to receive, time and date stamp, and hold any Land Use Compatibility (LUC) statements until local regulations become effective in the city;

November 16, 2015, Council will hold a public hearing and consider adoption of Ordinance No. 2089 which establishes business license endorsement standards for recreational marijuana facilities.

At the November 2, 2015, work session, Council reviewed the Planning Commission's evaluation of this issue and expressed general concurrence with the approach to handle any local regulations at the local level through a business license endorsement for recreational marijuana activities. Nebel stated that this would mirror the process that Council previously adopted for medical marijuana, and would give the Police Department the same types of enforcement tools currently in place for medical marijuana as those that may be required by the OLCC. He added that the Planning Commission also recommended that Council include a thousand foot spacing requirement for retail sales outlets for recreational marijuana. He noted that this would avoid a clustering of these types of businesses in any particular part of the city. He stated that it is the staff recommendation that Council consider any medical marijuana dispensary selling recreational marijuana, as a recreational outlet as it relates to the spacing requirements. He noted that as long as the recreational outlet is legally able to sell recreational marijuana under the OHA rules through December 2016, or converts prior to the expiration of this temporary provision, then no other recreational facilities would be able to locate within 1,000 feet of that dispensary. He added that if the dispensary chooses not to obtain an OLCC license after they no longer have the right to sell recreational marijuana as a medical dispensary, then another business could locate within that 1,000 foot radius.

Nebel reported that under state law, medical marijuana dispensaries and recreational retail stores cannot be housed in the same facility, and if a medical marijuana dispensary does not sell recreational marijuana, then a recreational facility could be located within 1,000 feet of that medical dispensary.

Nebel reported that the packet contains a map showing the various radii from schools, daycares, preschools, Head Start, and other facilities. He noted that under

the medical marijuana dispensary rules, schools are specifically defined as elementary and secondary schools. He added that based on the recommendation from the Planning Commission, that same definition is incorporated in Ordinance No. 2089. He stated that if Council wants to broaden the definition of schools, based on the recommendation from the Police Chief, then schools will need to be defined to include such things as preschools, daycares, and other similar activities. He noted that having a separate definition for medical and recreational marijuana retail outlets could create some confusion. He added that he supports the Planning Commission's suggestion to utilize the same definition that is provided by state law for medical dispensaries for recreational retail outlets as well.

Nebel reported that there is one additional area that Council needs to address related to whether Council wishes to enact the three percent local tax on the sale of marijuana products sold in the city. He stated that Council will need to act on this matter prior to the November 2016 general election, and if Council opts to impose the tax, the voters will decide that issue in November of next year. He noted that if approved then, the city would begin collecting a three percent tax on recreational marijuana sales.

Busby opened the public hearing at 6:37 P.M., and called for public comment. There were no comments, and Busby closed the public hearing at 6:38 P.M.

Allen asked where the school reference was incorporated into the code. Tokos noted that applicants have to provide a license from the state in order to get a registration. He added that when a business applies for a business license, the state has already vetted the applicant for the 1,000 foot school perimeter requirement. Nebel stated that OLCC has a 1,000 foot rule for schools. Allen asked whether OLCC and OHA use the same definition for schools, and Tokos reported that the definitions are not identical, but achieve the same objective. Allen asked whether some establishments, currently in radii, would be adversely impacted if the definition of schools was changed. Tokos reported that one of four would be within 1,000 feet of a pre-school. Nebel stated that if the city has a different definition for schools, it would have to be handled through the business license mechanism. Allen reiterated concern over adversely affecting an established business.

Swanson stated that she is in favor of including pre-schools into the 1,000 foot requirement. Allen noted that he had thought about what Swanson said at the last meeting, and is concerned about the impact on businesses established under the current rules. Swanson stated that she would like to look at how close to day care centers these businesses would be located. Saelens noted that the Newport Montessori School would not be covered under the state's current definition. Allen asked whether changing the rules for business licenses would only adversely impact one business at this time. He asked whether there would be an opportunity to grandfather the existing license. Rich noted that if you expand the definition of school, those concentric rings get bigger. He noted that a buffer zone of 900 feet or 850 feet would work, and could be imposed rather than 1,000 feet. He added that the goal was to be consistent with state rules. Busby stated that the definition of school needed to be considered. Saelens asked whether the recommendation is to forward this issue to a subcommittee. Nebel reported that the 1,000 foot issue was addressed by the Planning Commission, and the recommendation was to be consistent with the state's medical and recreational marijuana rules. It was asked whether there was any

urgency regarding action on the ordinance at this meeting. Tokos reported that the ordinance could safely be put over to the December 7 meeting, but that it would not be advisable to continue it further as the OLCC will begin accepting applications in January, and the rules should be in place at that time. Allen noted that he has not been talking about creating different buffers for medical and recreational marijuana sellers, but changing the buffer to apply to both in order to be consistent. Nebel noted that he did not recall how the state law dealt with educational circles, or whether the city has latitude. Tokos stated that the city has latitude, and that the Planning Commission and City Council agreed to adhere to the OHA definition. Swanson asked whether the matter could be referred back to staff to figure out whether pre-schools, daycares, etc. could be included. Nebel stated that staff could bring back information on that issue. Busby asked whether there is a consensus of Council to refer this issue to staff regarding distance, what constitutes a school, and the impact of one business being adversely impacted. Tokos noted that staff can follow up with the state, adding that schools are established periodically at various locations, and it is unclear how that impacts existing medical or recreational marijuana licenses. It was the consensus of Council to refer the issue back to staff for additional information related to the definition of schools and distance requirements from schools, for both types of marijuana vendors. Nebel noted that potentially there could be a 1,000 foot requirement for schools, and another requirement for daycare facilities.

CITY MANAGER'S REPORT

Consideration of an Extension of the Lease of the City's Seafood Processing Plant to Bornstein Seafoods. Hawker introduced the agenda item. Nebel reported that the lease that the city currently has with Bornstein Seafoods will expire on December 31, 2015. He stated that he, Rich, and Tokos met with representatives of Bornstein Seafoods, Inc. to discuss the lease. He noted that Bornstein's is interested in discussing longer term options with the city as it relates to the long-term use of this facility. He noted that the lease for this facility for the next 12 months will increase from $4,794.15 per month to $7,500 per month. Bornstein will continue to be responsible for maintenance of existing improvements in accordance with the lease terms.

MOTION was made by Engler, seconded by Saelens, by order of the Newport City Council, to authorize the City Manager to extend Bornstein Seafood's lease of city-owned property, located at 813 SW Bay Boulevard, for a period of one (1) year, because doing so is in the public interest. The new expiration date for the lease will be December 31, 2016. The motion carried unanimously in a voice vote.

Report on First Quarter Financials. Hawker introduced the agenda item. Nebel reported that the packet contains a report from Murzynsky regarding the status of revenues and expenditures through the first quarter of the fiscal year. He stated that the report outlines budget amendments that have been previously approved by Council, and provides a fund-by-fund analysis of the status of that fund as of the first quarter of the year. He noted that as a general rule of thumb, operations that have even expenditures throughout the course of the year should be at approximately 25% of budget at this point in the fiscal year.

Nebel reported that this report is followed by the detailed report showing revenues and expenditures for operational units of the city. He stated that expenditures appear to be running on track with the budget as it has been amended, and no further adjustments are recommended at this time.

Nebel reported that Murzynsky will have an amendment to adjust the various compiled outlay projects to reflect actual expenditures through June 30, 2015, and carry over unused funds in the Fiscal Year 2015/2016.

Busby stated that this report shows excellent progress. He noted that it is unclear which projects are ahead or behind to date. Murzynsky stated that it is his goal to have the capital project report for Council on a monthly basis. It was noted that there have not been expenditures on some capital projects, and the revenues are mostly in the beginning fund balance. He added that money has yet to be transferred from the various funds. It was agreed that project reports will help clarify the city's financial status.

Report on Parks and Recreation Fee Increases for 2016. Hawker introduced the agenda item. Nebel reported that Resolution No. 3656 provides that an annual increase in user fees be adjusted in accordance with the Bureau of Labor Statistics Consumer Price Index for Urban Consumers on January 1 of each year. He recommended that, due to the implementation of a comprehensive fee schedule, the Parks and Recreation fee schedule be adjusted to a fiscal year as well. He stated that in order to do that, Council could either implement the CPI cost of living increase for January 1, 2016, and then a second rate adjustment in conjunction with the budget process effective July 1, or continue the existing fees for an additional six months and then adjust the fees on July 1 using the 18-month CPI as part of the overall comprehensive fee schedule that will be reviewed at budget time. He added that with all of the construction activities going on with the pool and the inconveniences that will be created for users of the recreation center, it is his opinion that we should hold off on making any adjustments until the fiscal year fee schedule is approved on July 1, 2016. He stated that since Resolution No. 3656 calls for a calendar year adjustment in recreation fees, and with the establishment of the comprehensive fee schedule, he believes it would be appropriate for Council to approve a resolution maintaining the current rates through June 30, 2016, at which time fees for recreational services will be established by the comprehensive fee schedule.

MOTION was made by Saelens, seconded by Sawyer, to adopt Resolution No. 3730, a resolution continuing the fees established for the 2015 calendar year for the Recreation Center and Swimming Pool through June 30, 2016. The motion carried unanimously in a voice vote.

Report on the Nye Beach Town Hall Meeting on November 30, 2015. Hawker introduced the agenda item. Nebel reported on November 30, the City Council has scheduled a Town Hall meeting focused on the Nye Beach area. He stated that the meeting will be held at the Performing Arts Center at 6:00 P.M. He added that the packet contains a tentative agenda for this meeting. It was suggested that someone check in with Greg Morrow to find out whether he is interested in providing an update on the former laundry location.

REPORT FROM MAYOR AND COUNCIL

Busby reported that he attended a recent meeting of the Airport Committee. He stated that the RFP for airport operations has been issued, and a bidder's conference has been scheduled for December 8.

Engler congratulated Nebel on his ICMA Credentialed Manager status, and his rave reviews from ICMA.

Engler reported that the Nye Beach Merchants Association met recently, and that the banner auction was a big success. She noted that this fundraiser raised more than $6,500 for children's art programs and Art Fridays. She distributed a flyer on the programs.

Engler reported that the Library Advisory Board met recently. She noted that topics addressed included fundraising; the recent installation of security gates; and the Polar Express movies for elementary school children.

Allen requested that the portion of the November 2, 2015 minutes, related to the Percent for the Arts Program discussion, be shared with the Public Arts Committee at its upcoming meeting.

Swanson reported that she attended a recent open house at the Lincoln County adult behavioral and addiction health center. She noted that it is an impressive facility.

Saelens reported that he attended the Bicycle/Pedestrian Advisory Committee meeting last week.

Saelens noted that he will be unable to attend the Parks and Recreation Advisory Committee this week.

Saelens reported that he received a federal court jury summons, and that this service will be two days monthly for 18 months. He stated that due to this summons, he may need to be excused from meetings occasionally.

Sawyer reported that he attended the recent Samaritan House fundraiser at the Chalet Restaurant, adding that it raised more than $1,100.

EXECUTIVE SESSION

Consideration of Holding an Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiations for the Newport Employee's Association (NEA) and the Newport Police Association (NPA). Hawker introduced the agenda item. Nebel requested that the Council hold an executive session at the end of the regular meeting for an update on negotiations with the Newport Employees Association (NEA) and the Newport Police Association (NPA). He reported that no action is recommended on either of these contracts at this time.

Busby reported that the City Council will be meeting in executive session, and the televised portion of tonight's proceedings will end at this time.

MOTION was made by Allen, seconded by Sawyer, to enter into executive session, pursuant to ORS 192.660(2)(d) to discuss labor negotiations for the Newport Employee's Association (NEA) and the Newport Police Association (NPA) contracts. The motion carried unanimously and Council entered executive session at 7:22 P.M.

MOTION was made by Engler, seconded by Sawyer, to adjourn the executive session and return to the regular meeting. The executive session adjourned at 8:06 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:07 P.M.

Margaret M. Hawker, City Recorder	Ralph Busby, Council President

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #:IV.B.
Meeting Date: 12/7/2015

Agenda Item:
Confirmation of the Mayor's Appointment of to the Bayfront Commercial Parking District Advisory Committee

Background:
The Bayfront Commercial Parking District currently has one vacant position. Gary Ripka is no longer serving on the committee. The Mayor is appointing Sharon Snow to replace Gary Ripka on this committee with her term expiring on November 3, 2016.

Recommendation:

I recommend that the City Council confirm as part of the consent agenda the Mayor's appointment of Sharon Snow to the Bayfront Commercial Parking District Advisory Committee for a term expiring on November 3, 2016.

Fiscal Effects:
None by making these appointments

Alternatives:
None recommended.

Respectfully Submitted,

Spencer R. Nebel
City Manager

Cindy Breves

From: CommitteeApp@newportoregon.gov
Sent: Tuesday, November 03, 2015 6:48 PM
To: Cindy Breves; Peggy Hawker
Cc:
Subject: Committee Application

Application for City Council - Email Application
Date: 11/3/2015
Commission/Committee of Interest: Bayfront Commercial Parking District Advisory Committee
Name: Sharon Snow
Address:

Workphone:
Homephone:
Email:
Occupation: Office Manager
Employer: Trident Seafoods Corporation

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I work at a seafood processing facility on the Bay front and realize the issue that lack of parking is a concern of all entities that reside on the Bay front. Tourism, Restaurants, Fishing Charter operations and fish plants all need to be represented in order to obtain fair and equitable solutions to parking issues.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? My primary experience with bias issues are personnel related issues associated with hiring employees and promoting family members within our organization and adhering to company policies and state regulations regarding hiring and promoting practices.

Describe the process of how you make decisions. I review company policies and federal/state regulations in order to be compliant. We also utilize staff meetings to discuss the relevance of issues and come up with the fairest decisions that will work with all parties involved. Group/Committee discussions are very important to decision making.

What do you think about consensus decision making? What does the consensus decision making process mean to you? Consensus is very important in decision making. The needs of all parties need to be considered so that decisions are made to best benefit all parties involved.

I believe that all entities with issues need to be involved in decision making processes

Describe all other pertinent information/background for this position. I have lived in Newport since 1992 and have worked on the Bayfront the entire time.

I also have been serving as a Board Member and am the Treasurer for Surfland Homeowners Association for approximately 10 years.

Agenda#V.A.
Meeting Date: 12/7/15

Agenda Item:
Public Hearing and Possible Adoption of Ordinance No. 2091, an Ordinance Updating the Newport Municipal Code relating to State Building Codes and Standards Implemented by the City of Newport

Background:
As you may be aware the Building Department is in the process of implementing an electronic building permitting system that will allow individuals to apply for a building permit online.

As part of this effort, the City needs to update the Municipal Code to reflect the proper references to the various State codes that are adopted as City building codes. Furthermore, the ordinance creates a cross reference to the Oregon Administrative Rules that the Oregon Building Codes Division revises each time the code is updated. The Municipal Code would reference each of these specific building codes and add a provision to each of these codes that will automatically update the codes as the State revises the standards from time to time.

Recommended Action:
I recommend the Mayor conduct a public hearing and the adoption of Ordinance No. 2091, and ordinance which updates the Newport Municipal Code relating to State Building Codes and Standards implemented by the City of Newport. Following the public hearing, and considering any comments.

I recommend the City Council consider the following motion:

I move to adopt Ordinance No. 2091, which updates the Newport Municipal code relating to the Building Codes and Standards that are implemented by the City of Newport, be read by title only and placed for final passage.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is approved, the City Recorder will read the title of the ordinance.

A roll call vote on the final passage of the ordinance will then be requested by the Mayor, and taken by the City Recorder.

Fiscal Effects:
None

Alternatives:
None

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item # V.A
Meeting Date December 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Possible Adoption of an Ordinance Updating References to State Building Codes Implemented by the City of Newport

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: An ordinance amending Chapter 11.05 of the Newport Municipal Code to update the list of state building codes and standards that the City of Newport administers and enforces within its city limits.

STAFF RECOMMENDATION: Staff recommends the Council adopt the ordinance.

PROPOSED MOTION: I move the adoption of Ordinance No. 2091, updating the Newport Municipal Code relating to state building codes and standards implemented by the City of Newport, be read by title only and placed for final passage.

KEY FACTS AND INFORMATION SUMMARY: The City of Newport administers a building inspection program, pursuant to Oregon Revised Statutes (ORS) Chapter 455, that provides for the regulation of building construction and administration of standards, including enforcement of state building codes.

The Newport Municipal Code lists the state building codes and standards adopted and enforced by the City of Newport It is out of date, and changes contained in the proposed ordinance reference the current versions of the state building codes and standards. The ordinance amendments also cross-reference to the Oregon Administrative Rules that the Oregon Building Codes Division revises each time it rolls out an updated code. This is being done so that the City will not need to amend its municipal code every time the state updates its building codes and standards.

This ordinance is housekeeping in nature and is being brought forward at this time because the City is working with the Oregon Building Codes Division to implement an electronic building permitting system, and organizing and updating the City's codes and informational materials is part of that roll out.

OTHER ALTERNATIVES CONSIDERED: None. These codes are already being implemented by the City pursuant to an Operational Plan filed with the Oregon Building Codes Division.

CITY COUNCIL GOALS: Issues raised in this appeal are not related to any adopted Council goals.

ATTACHMENT LIST:

- Ordinance No. 2091

FISCAL NOTES: There are no fiscal impacts associated with these changes.

CITY OF NEWPORT

ORDINANCE NO. 2091

AN ORDINANCE AMENDING CHAPTER 11.05 OF THE NEWPORT MUNICIPAL CODE REGARDING ADOPTED BUILDING CODES AND STANDARDS

WHEREAS, the City of Newport administers a building inspection program, pursuant to Oregon Revised Statutes (ORS) Chapter 455, that provides for the regulation of building construction and administration of standards, including enforcement of state building codes, and

WHEREAS, the Newport Municipal Code lists the state building codes and standards adopted and enforced by the City of Newport; and

WHEREAS, it is necessary to update the listed codes and standards so that it is clear the City is using the most current versions of the state codes and standards, which are referenced in Oregon Administrative Rule (OAR) Chapter 918, and

WHEREAS, the Newport City Council recognizes that the State of Oregon updates building codes and standards listed in OAR Chapter 918 from time to time and that the amendments contained in this ordinance are intended to ensure that the City can use the most current versions of the state building codes and standards without further amendments to the Newport Municipal Code; and

WHEREAS, the ICBO Uniform Code for the abatement of dangerous buildings is no longer being updated; however, it remains an appropriate resource for addressing unsafe conditions in buildings. Therefore, it is appropriate that the 1997 edition, which is the last published version of the code, be specifically referenced in the Newport Municipal Code.

Now, therefore, the City of Newport ordains as follows:

Section 1. The above referenced recitals are hereby adopted as support for the amendments, below.

Section 2. Chapter 11.05 of the Newport Municipal Code is amended as follows:

11.05.080 Codes and Standards Adopted

The codes adopted in this section may be referred to as building codes. The following specialty codes, rules, and standards are adopted and enforced under this chapter:

A. The Oregon Structural Specialty Code, <u>as adopted by Division 460 of OAR Chapter 918, as amended or revised by the State of Oregon,</u> including the following optional provisions:

1. Appendix Chapter G Flood- Resistant Construction.

2. Appendix Chapter J Grading.

~~3. Appendix Chapter K Fire-Extinguishing Systems.~~

B. The Oregon Mechanical Specialty Code, as adopted by Division 440 of OAR Chapter 918, as amended or revised by the State of Oregon.

C. The Oregon Plumbing Specialty Code, as adopted by Division 750 of OAR Chapter 918, as amended or revised by the State of Oregon.

D. The Oregon Electrical Specialty Code, as adopted by Division 305 of OAR Chapter 918, as amended or revised by the State of Oregon.

E. The Oregon Residential Specialty Code, as adopted by Division 480 of OAR Chapter 918, as amended or revised by the State of Oregon.

F. The Manufactured Dwelling Park and Mobile Home Park Rules, as adopted by Division 600 of OAR Chapter 918, as amended or revised by the State of Oregon ~~adopted by OAR 918-600-0005 through 918-600-0110~~.

G. The Manufactured Dwelling Rules adopted by Division 500 of OAR Chapter 918, as amended or revised by the State of Oregon ~~500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020~~.

H. The Recreational Park and Organizational Camp Rules adopted by Division 650 of OAR Chapter 918, as amended or revised by the State of Oregon ~~650-0000 through 918-650-0085~~.

I. The State of Oregon Reach Code adopted by Division 465 of OAR Chapter 918, as amended or revised by the State of Oregon.

J. The State of Oregon Energy Efficiency Specialty Code adopted by Division 460 of OAR Chapter 918, as amended or revised by the State of Oregon.

~~I~~K. The ~~latest~~ 1997 edition of ICBO Uniform Code for the Abatement of Dangerous Buildings.

~~J. Appendix J of the Oregon Structural Specialty Code.~~

~~K. Any other code adopted by the state to be applicable throughout the state and administered by local building officials.~~

Section 3. Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2015.

_____

Sandra Roumagoux, Mayor

ATTEST:

_____

Margaret M. Hawker, City Recorder

Approved as to form:

_____

Steve Rich, City Attorney

Agenda#V.B.
Meeting Date: 12/7/15

Agenda Item:
Public Hearing and Possible Adoption of Ordinance No. 2089, an Ordinance Establishing Business License Endorsement Standards for Recreational Marijuana Facilities

Background:
At the November 16, 2015 City Council meeting, a public hearing was held on the adoption of Ordinance No. 2089 to establish business license endorsement standards for recreational marijuana facilities. There were no public comments received on the proposed ordinance. Following the close of the public hearing, the Council discussed the state required spacing of a 1,000 feet from any elementary or secondary schools. The Council discussed the possibility of also including a 1,000 feet buffer from childcare facilities as well as such childcare centers, certified family childcare home, nursey schools, preschools, and other similar facilities. Please note that while schools are generally fixed in location, license childcare facilities can open and close at various locations within the community complicating the location of the 1,000 feet set back from this types of facilities. Community Development Director Derrick Tokos has obtained the location of childcare facilities from the Oregon State University Extension Office Childcare Resource and Referral Program and the Lincoln County Housing Authority. These locations are shown on the attached map. Please note that the addition of setback requirement for childcare facilities places two of the existing locations within a 1,000 feet of a childcare facility.

Derrick Tokos has modified the language from the ordinance reviewed by the Council at the November 16th Council meeting in order to accommodate creating a 1,000 foot buffer from childcare facilities in addition to schools. The revised ordinance includes a finding that a 1,000 foot spacing should be required from established childcare facilities, that the city shall maintain a specific map indicating these limitations with the map being the determining factor as to the areas in which marijuana retail business could be established, defines what a childcare facility is and utilizes the state definition for measuring the 1,000 foot required set back. The ordinance also allows any existing marijuana retailers to remain in their locations if, in the future, a childcare facility is established within a 1,000 feet of the retailer where a business license endorsement has been issued. Also the four existing medical marijuana dispensaries would also be grandfathered in for the retail sales of marijuana under the revised provisions of the ordinance.

The Council will need to determine whether these additional restrictions will allow enough space for future medical marijuana retail outlets.

For the past couple of years, cities and counties have dealt with various issues relating to both medical and recreational marijuana sales within the State of Oregon. Key dates and events that have occurred during the past two years are as follows:

- March 1, 2014, House Bill 3460 became effective allowing the establishment of medical marijuana dispensaries to sell medical marijuana as regulated by the Oregon Health Authority;
- April 7, 2014, the City Council approved Ordinance No. 2063, which established a moratorium on the creation of medical marijuana dispensaries within the City of Newport in accordance with Senate Bill 1531 (2014) to evaluate rules that had not yet been issued by the Oregon Health Authority (OHA) on these sales;
- July 21, 2014, After reviewing published OHA rules, the City Council approved Ordinance 2069, which repealed the temporary moratorium and allowed medical marijuana facilities in the City of Newport through a business license endorsement requiring those facilities to meet various local regulations;
- October 21, 2014, the City Council approved Ordinance No. 2071, to establish a tax on recreational marijuana, with the amount being determined by resolution;
- November 2014 the voters of the State of Oregon approved the legalization of recreational marijuana;
- July 2015 the last of the bills regulating the growing, processing, wholesale and retail sales of recreational marijuana are signed into law by the governor;
- August 3, 2015, the City Council discussed various options and approaches to addressing the production, manufacture, wholesaling and sales of recreational marijuana within the City of Newport;
- August 17, 2015, City Council held a public hearing on recreational marijuana, and support is expressed to allow commercial activity relating to recreational marijuana to occur within the City of Newport, citing the popular vote within Lincoln County in 2014 to allow these sales, and the City Council referred the question of how to regulate recreational marijuana to the Planning Commission for their review and recommendation;
- August 31, 2015, a work session was held by the City Council to evaluate various approaches in going forward; the Oregon Liquor Control Commission (OLCC) issues draft rules to help evaluate the options going forward at this time; September 8, 2015, Ordinance No, 2085 was approved by the Council allowing medical marijuana dispensaries to sell recreational marijuana on a limited basis in accordance with State law and OHA adopted rules through December 2016;
- October 1, 2015, recreational sales of marijuana were initiated from medical dispensaries in Newport; October 22, 2015, OLCC adopts temporary administrative rules outlining how they intend to regulate recreational marijuana facilities in the State of Oregon;
- October 26, 2015, the Planning Commission considered the options at a work session and recommends that the Council should amend the City's business license code to require a business license endorsement for recreational marijuana facilities consistent with what was previously put into place for medical marijuana dispensaries;
- November 2, 2015, the City Council held a work session to review the findings and recommendations from the Planning Commission on regulating recreational marijuana activities within the City of Newport; also on November 2, 2015, the City Council provided administrative direction on how to handle a request for a land use compatibility statement from applicants to OLCC for various types of licenses that will be issued regarding recreational marijuana. The Council directed the administration to receive, time and date stamp, and hold any Land Use Compatibility (LUC) statements until local regulations become effective within the City of Newport;

- November 16, 2015, the City Council held a public hearing and consider adoption of Ordinance no. 2089, which establishes business license endorsement standards for recreational marijuana facilities. No public comments were received.
- December 7, 2015, the City Council will consider revisions to the ordinance proposed at the November 16, 2015 Council meeting.

At the November 2, 2015, work session, the Council reviewed the Planning Commission's evaluation of this issue and expressed general concurrence with the approach to handle any regulations at the local level for recreational marijuana facilities through a business license endorsement for recreational marijuana activities. This would mirror the process that the Council previously adopted for medical marijuana. This would give the Police Department the same types of enforcement tools currently in place for medical marijuana as those that may be required by the OLCC. Furthermore, the Planning Commission also is recommending that the City Council include a thousand foot spacing requirement for retail sales outlets for recreational marijuana. This would avoid a clustering of these types of businesses in any particular part of the City of Newport. Also, in discussing this at a staff level, it is our recommendation that the City Council consider any medical marijuana dispensary selling recreational marijuana, as a recreational outlet as it relates to the spacing requirements. As long as the recreational outlet was legally able to sell recreational marijuana under the Oregon Health Authority rules through December 2016, or converts prior to the expiration of this temporary provision then no other recreational facilities would be able to locate within in thousand feet of that dispensary. If the dispensary chooses not to obtain an OLCC license after they no longer have the right to sell recreational marijuana as a medical dispensary, then another business could locate within that 1000 foot radius.

Please note that under state law, medical marijuana dispensaries and recreational retail stores cannot be housed in the same facility. If a medical marijuana dispensary does not sell recreational marijuana then a recreational facility could be located within 1,000 feet of that medical dispensary.

Police Chief, Mark Miranda, provided a map showing the various radii from various schools, day cares, preschools, Head Starts, and other facilities. Please note that under the medical marijuana dispensaries, schools are specifically defined as elementary and secondary schools. The Planning Commission, recommended the narrower definition of schools as defined by the state.

There is one additional area that the City Council will need to address in the coming months that is related to whether the Council wishes to enact the 3% local tax on the sale of marijuana products sold within the City of Newport. The Council will need to act on this matter prior to the November 2016 general election. If the Council acts to impose the tax, then the voters of the City of Newport will decide that issue in November of next year. If approved, then the City would begin collecting a 3% tax on recreational marijuana sales.

I appreciate the efforts of the Planning Commission, Community Development Director, Police Chief, and City Attorney in keeping up with this very complex issue. I believe these actions will place the City of Newport in good stead in regards to dealing with these significant changes in how marijuana can be used and sold in the State of Oregon.

Recommended Action:
I recommend that the Mayor conduct a public hearing on the adoption of Ordinance No. 2089, an ordinance establishing business license endorsement standards for recreational marijuana facilities

Following the public hearing and considering any comments I recommend the City Council consider the following motion:

I move adoption of Ordinance No. 2089, authorizing recreational marijuana facilities within the City of Newport subject to business license endorsements be read by title only and placed for final passage.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is approved, the City Recorder will read the title of the ordinance.

A roll call vote on the final passage of the ordinance will then be requested by the Mayor, and taken by the City Recorder.

Fiscal Effects:
None directly by approving this ordinance. A resolution will be considered outlining the fees for the business license endorsement at the December 7, 2015, Council meeting for the Council's review. Furthermore, by the Council not prohibiting the production, processing, distribution and retail sales of recreational marijuana within the City of Newport, the City will be eligible for the local government share of taxes that the State is obligated to provide based on the population based formula included the legislation.

Alternatives:
Consider approval of ordinance without the addition of exclusionary zones for daycare, preschool, and other similar facilities or as suggested by the City Council.

Respectfully submitted,

Spencer R. Nebel, City Manager

Agenda Item # V.B
Meeting Date December 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Possible adoption of Ordinance No. 2089, establishing business license endorsement standards for recreational marijuana facilities

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest for the City of Newport to allow recreational marijuana facilities subject to business license endorsement standards regulating the location and manner in which such facilities operate within the city limits.

STAFF RECOMMENDATION: As requested by the City Council at the close of the November 16, 2015 hearing, the proposed ordinance includes new highlighted language that requires retail marijuana facilities to be at least 1,000 feet from established child care facilities. This is in addition to the 1,000 feet of separation between retail facilities recommended by the Commission. If the Council agrees with the changes then it should adopt the ordinance.

PROPOSED MOTION: I move the adoption of Ordinance No. 2089, authorizing recreational marijuana facilities subject to business license endorsement standards, be read by title only and placed for final passage.

KEY FACTS AND INFORMATION SUMMARY: Two new recitals have been added to the ordinance. The first provides a rationale for why retail marijuana facilities must be located at least 1,000 feet from child care facilities. That is that children receiving child care are just as impressionable as those attending elementary or secondary schools; therefore, it is appropriate that the 1,000 foot spacing requirement imposed by the state for schools should be extended to child care facilities. The second recital confirms that the Council has considered the impact of the additional buffer requirements and finds that there will be sufficient land outside the buffers for marijuana retailers to locate in a manner consistent with the City's Comprehensive Plan and Zoning Ordinance.

A definition for child care facility has been added. The definition is modelled after language contained in OAR 414-300-0005 and ORS 329A.250. Maps included with the Council packet illustrate the location of elementary schools, secondary schools, and child care facilities. They also show the location of existing medical marijuana facilities, all of which have been authorized by the Oregon Health Authority to conduct limited retail sales. The location of child care facilities depicted on the maps was obtained from the Oregon State University Extension Office Child Care Resource and Referral Program and the Lincoln County Housing Authority. Unlike schools, child care facilities open and close on a more frequent basis and it is unlikely that the City will always have the most current information regarding the whereabouts of such facilities. Recognizing this limitation, the code has been drafted to refer to those child care facilities depicted on an official map. The map will be updated periodically, but may not always be current. It will; however, serve as a specific resource that prospective retailers and staff can rely upon to identify whether or not a business license endorsement can be issued and avoids creating a circumstance where an endorsement is inadvertently issued because nobody was aware of a newly established child care facility.

A definition has been added to clarify how the 1,000 foot distance will be measured, which is consistent with language in the Oregon Liquor Control Commission administrative rules for measuring the distance between schools and prospective marijuana retailers (OAR 845-025-2840(5)). Lastly, a clause has been added to the ordinance clarifying that a marijuana retailer may continue to operate at its present location if a child care facility locates within 1,000 feet of the retail premises. The license can be extended but cannot be transferred to a new owner. This is consistent with language

in HB 3400 that applies to situations where a school locates within a 1,000 feet of a marijuana retailer (ref: Section 17, HB 3400 (pg. 12)).

OTHER ALTERNATIVES CONSIDERED: Adopting a spacing standard less than 1,000 feet; however, there does not appear to be a clear rationale to support a reduced standard.

CITY COUNCIL GOALS: There are no Council goals related to this agenda item.

ATTACHMENT LIST:

- Draft Ordinance No. 2089
- Table of regulatory requirements for child care providers, from the Child Care Resource and Referral Program
- Updated map of schools and child care facilities (prepared by the Community Development Department)
- Zoning map showing schools and child care facilities (prepared by the Community Development Department)

FISCAL NOTES: If the ordinance is adopted, a resolution will be brought forward to establish a fee to offset city administrative costs associated with reviewing the business license endorsements.

ORDINANCE No. 2089

AN ORDINANCE AMENDING TITLE IV OF THE NEWPORT MUNICIPAL CODE TO REQUIRE A RECREATIONAL MARIJUANA FACILITIES BUSINESS LICENSE ENDORSEMENT FOR COMMERCIAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, RETAILERS AND LABORATORIES OPERATING WITHIN THE CITY OF NEWPORT, OREGON

Whereas, in November of 2014, Oregon voters approved Measure 91, legalizing the sale and consumption of marijuana subject to Oregon law; and

Whereas, the Oregon Liquor Control Commission (OLCC) is tasked with developing and implementing state regulations for licensing businesses involved in the production, processing, transport, sales, testing, and delivery of marijuana for commercial recreational use (collectively "recreational marijuana facilities"); and

Whereas, OLCC adopted temporary administrative rules outlining how they intend to regulate recreational marijuana facilities on October 22, 2015 and is required to begin accepting applications for licenses on January 4, 2016; and

Whereas, HB 3400 was enacted by the 2015 Oregon Legislature, and was signed into law by the Governor on June 30, 2015, amending Measure 91; and

Whereas, HB 3400 provides that local governments may adopt ordinances that impose reasonable regulations on the operation of OLCC licensed premises, including authority to prohibit a premises for which a license has been issued from locating within 1,000 feet of another premises for which a license has been issued; and

Whereas, marijuana is classified as a Schedule I controlled substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under federal law; and

Whereas, this conflict between state and federal law creates uncertainty about cities' ability to regulate recreational marijuana facilities within their boundaries in compliance with both state and federal law; and

Whereas, pursuant to Article IX, Section 2 of the Oregon Constitution and the Newport Charter, the City of Newport is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

Whereas, the City Council requested that the Newport Planning Commission evaluate whether or not the City Council should regulate recreational marijuana facilities in light of HB 3400, administrative rules adopted by OLCC, and the City's home rule authority; and

Whereas, the Planning Commission considered the matter at a work session on October 26, 2015 and there was general consensus amongst the members present that the Council should amend the City's business license code to require a business license endorsement for recreational marijuana facilities comparable to what is currently in place for medical marijuana dispensaries; and

Whereas, the Planning Commission further believed that the City Council should put in place a 1,000 foot spacing requirement between marijuana retailers; and

Whereas, the Commission's rationale for such changes, with which the City Council concurs, is (a) the Newport Police Department needs the additional enforcement tools contained in the ordinance so that it can effectively navigate the difficult position it is in because of the difference between state and federal laws, and (b) allowing retail marijuana businesses to concentrate in a specific area, particularly one that is tourist-oriented, could change how residents and visitors experience the area in a manner that negatively impacts existing tourist-oriented businesses; and

Whereas, after conducting a public hearing, the City Council determined that a 1,000 foot spacing requirement should be put in place between marijuana retailers and established child care facilities, reasoning that children at such facilities are just as impressionable as those that attend an elementary or secondary school where the State has imposed a 1,000 foot spacing requirement; and

Whereas, given the level of investment that operators of existing medical marijuana facilities have made in their respective businesses, it is appropriate for the City to view such facilities, where licensed by the Oregon Health Authority to sell limited marijuana retail products, as recreational marijuana facilities. This will afford the business operators an opportunity to obtain an OLCC retail marijuana license without risk of being denied a Newport business license as a result of the 1,000 foot spacing requirement; and

Whereas, the City Council reviewed maps of established child care facilities, elementary, and secondary schools and determined that a reasonable amount of land exists outside of the 1,000 foot buffers for marijuana retailers to establish businesses in accordance with the City of Newport Comprehensive Plan and Zoning Ordinance.

Now, therefore, the City of Newport ordains as follows:

Section 1. The above referenced recitals are hereby adopted as support for the amendments, below.

Section 2. Title IV of the Newport Municipal Code is hereby amended to read as follows:

CHAPTER 4.20 RECREATIONAL AND MEDICAL MARIJUANA FACILITIES

4.20.010 Definitions

The following definitions apply within this chapter:

Child Care Facility: means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except care provided:

a. In the home of the child;

b. By the child's parent, or legal guardian;

c. By a person related to the child by blood or marriage;

d. On an occasional basis by a person not ordinarily engaged in providing child care;

e. By providers of medical services;

f. By a babysitter;

g. By a person who cares for children from only one family other than the person's own family;

h. By a person who cares for no more than three children other than the person's own children; or

i. By a person who is a member of the child's extended family, as determined by the State of Oregon, Office of Child Care.

Medical Marijuana Facility: a facility licensed by the Oregon Health Authority to:

1. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

2. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder; or

3. Sell limited marijuana retail product(s) consistent with state law and under rules promulgated by the Oregon Health Authority.

Medical Marijuana Facility Endorsement: a business license endorsement issued by the City of Newport to a Medical Marijuana Facility pursuant to the terms and conditions of this chapter.

Person Responsible for a Medical or Recreational Marijuana Facility: an individual who owns, operates, or otherwise has legal responsibility for a Medical or Recreational Marijuana Facility.

Recreational Marijuana Facility: a facility licensed by the Oregon Liquor Control Commission to produce, process, transport, sell, test or deliver marijuana for commercial recreational purposes.

Recreational Marijuana Facility Endorsement: a business license endorsement issued by the City of Newport to a Recreational Marijuana Facility pursuant to the terms and conditions of this chapter.

Registry Identification Card: a document issued by the Oregon Health Authority that identifies an individual authorized to engage in the medical use of marijuana and, if the individual has a designated primary caregiver under ORS 475.312, the individual's designated primary caregiver.

Registry Identification Cardholder: an individual who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

4.20.015 Business License Endorsement Requirement

No person shall establish, conduct, maintain, manage, or operate a Medical or Recreational Marijuana Facility in the City of Newport without a valid business license issued by the City of Newport pursuant to chapter 4.05 of this Title and a Medical or Recreational Marijuana Facility Endorsement issued by the City of Newport pursuant to this chapter.

4.20.020 Application Requirements

A. The Person Responsible for a Medical or Recreational Marijuana Facility must apply for a Medical or Recreational Marijuana Facility Endorsement on a form provided by the city. In addition to the information required by section 4.05.040 of this Title, an applicant for a Medical or Recreational Marijuana Facility Endorsement must provide the city with the following information:

B. The name and contact information (including at least a telephone number) of the Person Responsible for the Medical or Recreational Marijuana Facility;

C. The address or location of the Medical or Recreational Marijuana Facility;

D. Proof of registration with the State of Oregon.

1. For a Medical Marijuana Facility, proof of registration shall be obtained from the Oregon Health Authority at the location indicated on the application, including the Medical Marijuana Facility's registration number.

2. For a Recreational Marijuana Facility, proof of registration shall be a copy of a license issued by the Oregon Liquor Control Commission at the location indicated on the application, including the Recreational Marijuana Facility license number;

E. Criminal background check requests, on a form provided by the city, from the Person Responsible for the Medical or Recreational Marijuana Facility and any employees of the Medical or Recreational Marijuana Facility; and

F. The executed agreement required by section 4.20.025 of this Chapter.

4.20.025 Agreement

The city will not issue a Medical or Recreational Marijuana Facility Endorsement unless and until the Person Responsible for the Medical or Recreational Marijuana Facility submits an executed agreement, on a form required by the city, agreeing to the following conditions:

A. The Person Responsible for the Medical or Recreational Marijuana Facility and any employees working at the Medical or Recreational Marijuana Facility will cooperate with the city during an inspection authorized by section 4.20.050 of this Title;

B. The city will have the same access to any and all video surveillance records and recordings of a Medical Marijuana Facility as the Oregon Health Authority does pursuant to OAR 333-008-1180(2)(e) or of a Recreational Marijuana Facility that the Oregon Liquor Control Commission does pursuant to OAR 845–025-1430;

C. The city will have the same access to any and all documentation required to be maintained under rules adopted by the Oregon Health Authority as the Oregon Health Authority does pursuant to OAR 333-008-1210(5) or rules adopted by the Oregon Liquor Control Commission as the Oregon Liquor Control Commission does pursuant to OAR 845-025-1200 ;

D. The Person Responsible for a Medical or Recreational Marijuana Facility will direct the security company required by OAR 333-008-1150(4)(b) or OAR 845-025-1420(2)(b) to notify the City of Newport Police Department any time the alarm system required by OAR 333-008-1150 or OAR 845-025-1420 is triggered at the Medical or Recreational Marijuana Facility;

E. The Person Responsible for the Medical or Recreational Marijuana Facility understands and agrees that neither the issuance of a business license nor the issuance of a Medical or Recreational Marijuana Facility Endorsement constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory or license requirement imposed by the city or by any federal, state, or local law; and

F. The Person Responsible for the Medical or Recreational Marijuana Facility agrees to notify the city of any employees hired by the Medical or Recreational Marijuana Facility after issuance of the Medical or Recreational Marijuana Facility Endorsement and prior to their first day of employment, will provide the city with criminal background check requests, on a form provided by the city, from the new employees.

4.20.030 Background Checks

The City of Newport Police Department will conduct background checks pursuant to this chapter to determine whether an individual has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:

A. Once or more within the last five years; or

B. Twice or more in the individual's lifetime.

The City of Newport Police Department may accept a background check performed by the Oregon Health Authority or the Oregon Liquor Control Commission in lieu of conducting its own background check.

4.20.035 Fees

An applicant for a Medical or Recreational Marijuana Facility Endorsement must pay a surcharge in an amount established by resolution of the City Council in addition to the business license application fee established under section 4.05.020 of this Title.

4.20.040 Issuance

A. A Medical or Recreational Marijuana Facility Endorsement will only be issued if:

1. The application is complete and accurate;

2. The agreement required by section 4.20.025 is fully executed;

3. The Medical or Recreational Marijuana Facility has been registered and/or licensed by the responsible state agency at the location indicated in the application;

4. The applicant is otherwise eligible for a City of Newport business license issued under Chapter 4.05 of this Title;

5. The applicant has paid all the required fees;

6. Neither the Person Responsible for the Medical or Recreational Marijuana Facility nor any employee of the Medical or Recreational Marijuana Facility has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:

   a. Once or more within the last five years; or

   b. Twice or more in the individual's lifetime; and

7. In cases where a Recreational Marijuana Facility is involved in retail sales of marijuana items, such facility is located at least 1,000 feet from another Recreational Marijuana Facility that is engaged in retail sales of marijuana items. A Medical Marijuana Facility licensed by the Oregon Health Authority to sell limited marijuana retail products shall be considered a Recreational Marijuana Facility for the purposes of this requirement.

8. In cases where a Recreational Marijuana Facility is involved in retail sales of marijuana items, such facility is located at least 1,000 feet from an established child care facility identified and depicted on a map prepared by the City of Newport titled "Child Care Facilities in the City of Newport.

B. For the purpose of determining the distance between marijuana retailers or a marijuana retailer and child care facility, to establish compliance with the requirements of section 4.20.040(A) of this Title, "within a 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property of an established marijuana retailer or child care facility and the closest point of the licensed premises.

C. In the event that a child care facility is established within 1,000 feet of a marijuana retailer for which a business license endorsement has been issued, the marijuana retailer located at that premises may remain at that location unless the City of Newport revokes the endorsement pursuant to section 4.20.055 of this Title.

D. A Medical Marijuana Facility licensed by the Oregon Health Authority to sell limited marijuana retail products as of January 7, 2016 that later becomes a marijuana retailer regulated by the Oregon Liquor Control Commission may be located within 1,000 feet of a child care facility.

E. The endorsement issued by the city must include at least the address or other location of the Medical or Recreational Marijuana Facility and the name of the Person Responsible for the Medical or Recreational Marijuana Facility.

F. If an application for a Medical or Recreational Marijuana Facility Endorsement is denied, the city will notify the applicant in writing of the denial and the reasons for the denial as provided in section 4.05.050B of this Title.

4.20.045 Endorsement Non-Transferable; Notification of Change in Person Responsible

A. A Medical or Recreational Marijuana Facility Endorsement is not assignable or transferable.

B. A Medical or Recreational Marijuana Facility Endorsement authorizes the operation of the Medical or Recreational Marijuana Facility only at the location displayed on the endorsement.

C. If the Medical or Recreational Marijuana Facility notifies a state agency of a change in the Person Responsible for the Medical or Recreational Marijuana Facility the Medical or Recreational Marijuana Facility shall concurrently notify the city of the change and shall apply for a new Medical Marijuana Facility Endorsement.

4.20.050 Inspection

A. The city may conduct a complaint inspection at any time following the receipt of a complaint that alleges that a Medical or Recreational Marijuana Facility is in violation of any of the terms of this chapter;

B. The city may conduct an inspection at any time city staff have reason to believe that a Medical or Recreational Marijuana Facility is in violation of any of the terms of this chapter; and

C. If an individual at a Medical or Recreational Marijuana Facility fails to permit city staff to conduct an inspection, the city may seek an administrative warrant authorizing the inspection.

4.20.055 Revocation

A. The City Manager may revoke a Medical Marijuana Facility Endorsement if:

1. The Person Responsible for the Medical Marijuana Facility knowingly makes a material false statement or omission in connection with the issuance of the endorsement; or

2. The Oregon Health Authority revokes the registration of the Medical Marijuana Facility to which the endorsement has been issued; or

3. The Medical Marijuana Facility transfers usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver unless specifically authorized to do so by the Oregon Health Authority; or

4. The Medical Marijuana Facility accepts a transfer of usable marijuana or immature plants without a valid authorization from the patient; or

5. The Medical Marijuana Facility possesses a mature marijuana plant at the Medical Marijuana Facility; or

6. The Medical Marijuana Facility fails to notify the City Manager of a change in the Person Responsible for the Medical Marijuana Facility and to apply for a new Medical Marijuana Facility Endorsement; or

7. The Medical Marijuana Facility is in violation of any of the terms of the agreement required by section 4.20.025 of this chapter; or

8. City staff discover that the Person Responsible for the Medical Marijuana Facility or any employee of the Medical Marijuana Facility has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:

   a. Once or more within the last five years; or

   b. Twice or more in the individual's lifetime.

B. The City Manager may revoke a Recreational Marijuana Facility Endorsement if:

1. The Person Responsible for the Medical Marijuana Facility knowingly makes a material false statement or omission in connection with the issuance of the endorsement; or

2. The Oregon Liquor Control Commission revokes the license of the Recreational Marijuana Facility to which the endorsement has been issued; or

3. The Recreational Marijuana Facility imports into this state or exports from this state any marijuana items (i.e. marijuana, cannabinoid products, cannabinoid concentrates, or cannabinoid extracts); or

4. The Recreational Marijuana Facility gives marijuana items as a prize, premium or consideration for lottery, contest, game of chance or game of skill, or competition of any kind; or

5. The Recreational Marijuana Facility sells, gives, or otherwise makes available any marijuana items to any person who is visibly intoxicated; or

6. The Recreational Marijuana Facility misrepresents any marijuana item to a customer or to the public; or

7. The Recreational Marijuana Facility is operated in a noisy, disorderly or insanitary manner or supplies adulterated marijuana items; or

8. The Recreational Marijuana Facility fails to notify the City Manager of a change in the Person Responsible for the Recreational Marijuana Facility and to apply for a new Recreational Marijuana Facility Endorsement; or

9. The Recreational Marijuana Facility sells any marijuana item through a drive up window; or

10. The Recreational Marijuana Facility is engaged in the delivery of marijuana to a consumer off the licensed premises except as permitted by OAR 845-025-2880; or

11. The Recreational Marijuana Facility is in violation of any of the terms of the agreement required by section 4.20.025 of this chapter; or

12. The Recreational Marijuana Facility sells or offers to sell a marijuana item that does not comply with the minimum standards prescribed by

the stator laws of the State of Oregon; or

13. City staff discover that the Person Responsible for the Recreational Marijuana Facility or any employee of the Recreational Marijuana Facility, whether paid or unpaid, is under the influence of intoxicants while on duty; or

14. City staff discover that the Person Responsible for the Recreational Marijuana Facility or any employee of the Recreational Marijuana Facility has been convicted in any state of the manufacture or delivery of a controlled substance designated in Schedule I or Schedule II of Title 21, Chapter II, Part 1308 of the Code of Federal Regulations:

    a. Once or more within the last five years; or

    b. Twice or more in the individual's lifetime.

C. If a Medical or Recreational Marijuana Facility Endorsement is revoked, the city will notify the licensee in writing of the revocation and the reasons for the revocation as provided in sections 4.05.060B of this Title, except that revocation of a Medical or Recreational Marijuana Facility Endorsement will take effect immediately upon revocation of the Medical Marijuana Facility's registration by the Oregon Health Authority or Recreational Marijuana Facility license by the Oregon Liquor Control Commission.

D. Notwithstanding section 4.05.060 of this Title, a business license with a Medical or Recreational Marijuana Facility Endorsement will not be revoked solely for violation of federal laws regarding the manufacture, delivery, or possession of marijuana if the conduct that violates federal law is allowed under state law.

4.20.060 Appeal

The decision by the City Manager to deny or revoke a Medical or Recreational Marijuana Facility Endorsement may be appealed to the City Council as provided in Section 4.05.075 of this Title. Appeal of the City Council's denial or revocation of a Medical or Recreational Marijuana Facility Endorsement shall be by writ of review filed in the Circuit Court of Lincoln County.

4.20.065 Violation

Violation of any of the provisions of this chapter is a civil infraction with a maximum penalty of $500.00. Each day during which a violation occurs constitutes a separate offense. Violations of separate provisions of this

chapter constitute separate infractions. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the city.

Section 2. Severability

Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. Effective Date

This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2015.

_____
Sandra Roumagoux, Mayor

ATTEST:

_____
Margaret M. Hawker, City Recorder

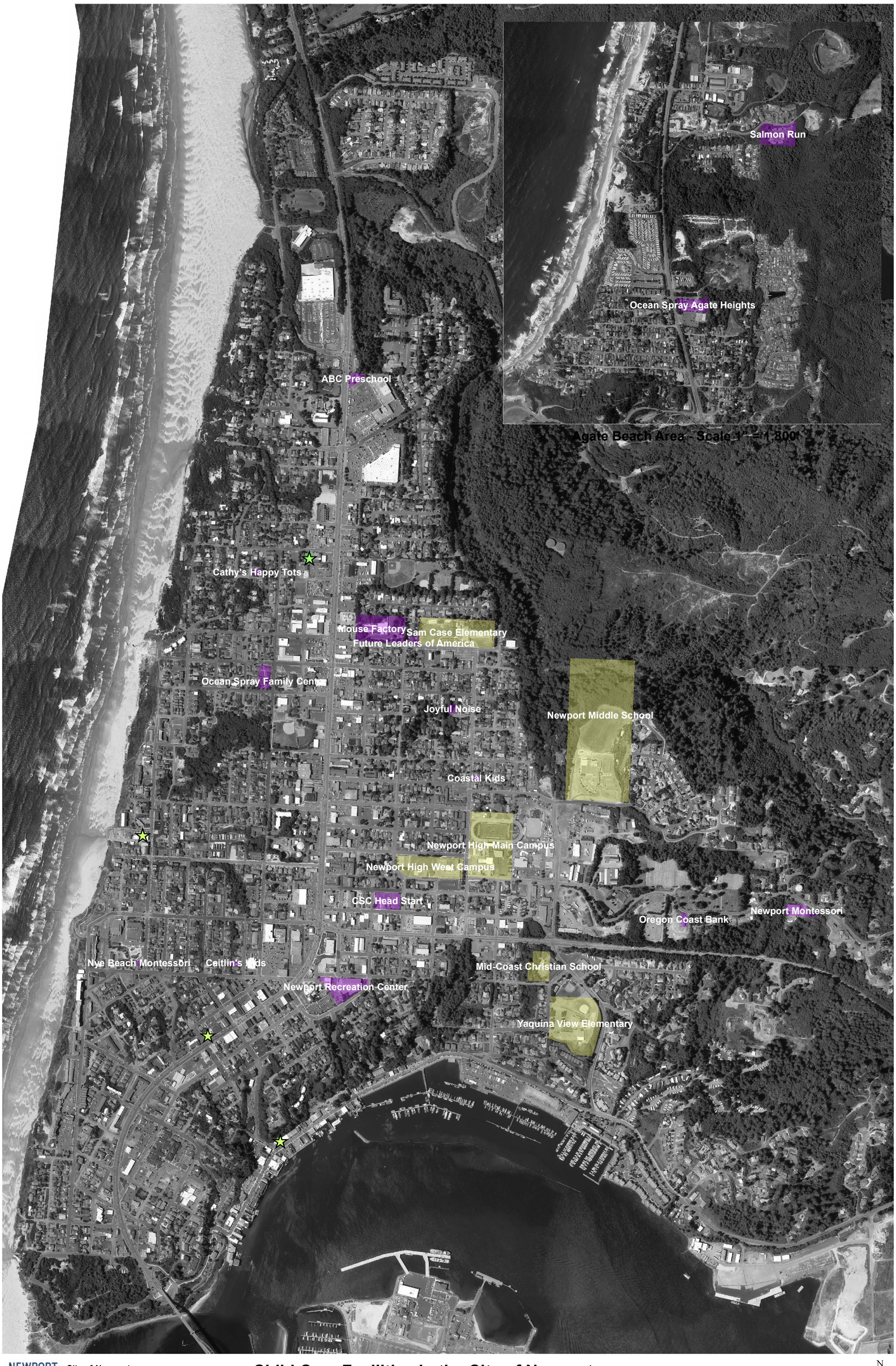
Approved as to form:

_____
Steve Rich, City Attorney

Child Care Options
Important Regulatory Requirements for Child Care Providers

	Regulated Child Care			*Unregulated Child Care*		
Types of Care	**Certified Child Care Center**	**Certified Family Child Care**	**Registered Family Child Care**	**Exempt Care**	**DHS Listed not CCD Certified or Registered**	**DHS Enhanced Listed not CCD Certified or Registered**
On-Site Inspection	At least annually (1 year licenses)	At least annually (1 year licenses)	At time of registration and renewal (2 year licenses)	None	Must meet listing health and safety requirements (Health & Safety Review only – no on-site inspection)	Must meet listing health and safety requirements (Health & Safety Review only – no on-site inspection)
Background Check	On all staff	On provider, staff, and others over 18	On provider, substitutes, and others over 18	None	On provider and others 16 and older	On provider and others 16 and older
First Aid/CPR	All teachers	At least provider	At least provider	None	None	At least provider
Capacity	13 or more	Capacity of 12, (16 with Office of Child Care approval)	Capacity of 10 including provider's own	Capacity of not more than 3 child care children	Capacity of not more than 3 child care children	Dependent on type of care
Preschool Program (optional)	N/A	N/A	N/A	Primarily educational and under 4 hours daily with children 36 months plus	N/A	N/A
Continuing Education	15 annual hours per Director, Head Teacher and Teachers	15 annual hours per staff and substitutes unless working less than 20 hours per year	10 hours every 2 years	None	None	8 hours every 2 years
Food Handlers	Anyone handling food	Provider and substitutes	Required for provider	None	None	Required for provider
Child Abuse & Neglect	Required for all teachers	Required for provider	Required for provider	None	None	Required for provider

For more information contact your local Child Care Resource & Referral program:
Family Care Connection at 541-265-2558 or 800-603-2728
or 503-325-1220 or 877-333-4960
or
Office of Child Care at 800-556-6616



City of Newport
Community Development Department
169 SW Coast Highway Phone:1.541.574.0629
Newport, OR 97365 Fax:1.541.574.0644

Child Care Facilities in the City of Newport

Child Care Buffer (pink) Existing Marijuana Facilities (stars)

Image Taken July 2013
4-inch, 4-band Digital Orthophotos
Davis Consulting Associates Inc. Roseburg, OR

0 600 1,200 2,400 Feet

N

Date: 11-30-15

City of Newport
Community Development Department
169 SW Coast Highway Phone:1.541.574.0629
Newport, OR 97365 Fax:1.541.574.0644

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Child Care Facility Buffers with Zoning

Child Care Buffer (pink) Existing Marijuana Facilities (stars)

Image Taken July 2013
4-inch, 4-band Digital Orthophotos
Davis Engineering Associates and Kittelson Inc.

0 600 1,200 2,400 Feet

N

Date: 11-30-15

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VI.A.
Meeting Date: 12/7/15

Agenda Item:
Consideration of Resolution No. 3731, Amending the Business Licenses and Business Service Fees and Charges

Background:
The Community Development Department has been taking step towards implementing an electronic building permitting system that is tentatively scheduled to launch in February 2016. Part of the system requires that city fees be programed into the system. The building inspection program fee categories are slightly different than the way the city currently categorize those fees. In order to make our fee schedule consistent with the software, Derrick Tokos is recommending that we utilize the categories provided through the electronic building permitting system. In several cases we have not been charging a fee for certain activities even though we incur costs in providing those services. The fee schedule also establishes fees in those areas.

In addition, the resolution includes the application fee for a recreational marijuana facility endorsements which are proposed to be established at $25. This is consistent with the fee for marijuana dispensaries as well. Establishing the fee by resolution is required of the ordinance that City Council will have considered earlier in the Council meeting.

During the development of the fee schedule for the fiscal year begin July 1, 2016, these fees will be incorporated into the comprehensive fee schedule.

Recommended Action:
I recommend the City Council consider the following motion:

I move to adopt Resolution No. 3731, amending the City of Newport business licenses and business service fees and charges.

Fiscal Effects:
The permit fees are intended to cover costs incurred by the city to perform its business licensing and building service responsibilities.

Alternatives:
None recommended

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item _VI.A_____
Meeting Date December 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Resolution Amending City of Newport Business License and Building Service Fees and Charges

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: A resolution establishing fees for Recreational Marijuana Facility business license endorsements and for building permitting services that the City offers for which it has not established fees.

STAFF RECOMMENDATION: Staff recommends the Council adopt the resolution.

PROPOSED MOTION: I move to adopt Resolution No. 3731, amending City of Newport business license and building service fees and charges.

KEY FACTS AND INFORMATION SUMMARY: Ordinance No. 2089, scheduled for City Council consideration this evening, requires recreational marijuana facilities to obtain a Recreational Marijuana Facility Endorsement to its business license. The ordinance further requires the payment of a surcharge established by resolution of the City Council. This resolution establishes a $25.00 application fee for the endorsement along with a $25.00 fee for each employee that is subject to a background check. These are the same fees that the City currently charges for Medical Marijuana Facility Endorsements.

The other fees included in this ordinance are related to the building inspection program that the City of Newport administers pursuant to Oregon Revised Statutes (ORS) Chapter 455. The building program is fee supported and is not subsidized by the general fund of the City of Newport. The City of Newport and the Oregon Building Codes Division are in the process of implementing an electronic building permitting system that is tentatively scheduled to launch in February of 2016. This has required that fees the City charges be programmed into the system. In doing so, staff identified services that the building inspection program provides for which fees have not been adopted. This includes grading permits, manufactured dwelling placement permits, review of fire suppression systems (commercial/residential), review of solar photovoltaic systems, the cost of conducting compliance inspections for work performed without permits, and deferred plan submittals. In some cases the City has collected fees for this work using the closest corollary activity listed in its fee schedule; however, that approach is not consistent with current state methodologies for calculating such fees. In other cases, the City has not charged a fee even though it incurred costs, which is not sustainable for a fee supported program.

If this resolution is adopted, then the fees listed will be incorporated into the comprehensive fee schedule as part of an annual update that is envisioned to occur during the budgeting process (ref: Resolution No. 3715). A second set of changes to the City's building service fees will be presented prior to or as part of the comprehensive fee schedule update to account for the transfer of the Mechanical Permitting program form the County to the City and to update fee that are not covering the actual cost of services.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: None are applicable.

ATTACHMENT LIST:

Proposed Resolution 3731

FISCAL NOTES: Permit fees proposed are intended to cover costs incurred by the City to perform its business licensing and building service responsibilities.

CITY OF NEWPORT

RESOLUTION NO. 3731

A RESOLUTION AMENDING CITY OF NEWPORT
BUSINESS LICENSE AND BUILDING SERVICE
FEES AND CHARGES

Findings:

WHEREAS, Ordinance No. 2089 requires recreational marijuana facilities to obtain a Recreational Marijuana Facility Endorsement to its business license; and

WHEREAS, the Recreational Marijuana Facility Endorsement to a business license requires background checks of employees of recreational marijuana facilities, and the payment of a surcharge established by resolution of the City Council; and

WHEREAS, the City of Newport administers a building inspection program, pursuant to Oregon Revised Statutes (ORS) Chapter 455, that provides for the regulation of building construction and administration of standards, including enforcement of state building codes; and

WHEREAS, the building inspection program is fee supported and not subsidized by the general fund of the City of Newport; and

WHEREAS, the City of Newport is working with the Oregon Building Codes Division to implement an electronic building permitting system and, as part of that process, fees have been identified that need to be adopted by the City to comply with state law or to ensure that expenses incurred by the building inspection program are covered by the fees it charges.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The application fee for a Recreational Marijuana Facility Endorsement is $25.00.

Section 2. The fee for background checks of employees of medical marijuana facilities is $25.00 for each employee.

Section 3. Fees for grading permits subject to Appendix J of the Oregon Structural Specialty Code, as amended, shall be as follows:

A. 50 cubic yards or less: No Fee

B. 51 to 100 cubic yards: $65.00

C. 101 to 1,000 cubic yards: $65 for the first 100 cubic yards plus $25.00 for each additional 100 cubic yards or fraction thereof.

D. 1,001 to 10,000 cubic yards: $290 for the first 1,000 cubic yards plus $30.00 for each additional 1,000 cubic yards or fraction thereof.

E. 10,001 to 100,000 cubic yards: $560 for the first 10,000 cubic yards plus $50.00 for each additional 10,000 cubic yards or fraction thereof.

F. 100,001 cubic yards and above: $1,010 for the first 100,000 cubic yards plus $35.00 for each additional 10,000 cubic yards or fraction thereof.

G. Re-inspection fee: $65.00

H. Grading Plan Review Fees shall be 65 percent of the permit fee.

Section 4. Fees for placement of a Manufactured Dwelling subject to State of Oregon Manufactured Dwelling Rules, as amended, shall be as follows:

A. Manufactured Dwelling and Cabana Placement Permit Fee (includes plan review): $160.00

B. Earthquake-Resistant Bracing System Installation Permit Fee: $110.00

C. Manufactured Dwelling and Cabana installation State of Oregon administrative fee: $30.00

Section 5. Fees for the review and inspection of Residential Fire Sprinkler Systems subject to the Oregon Plumbing Specialty Code, as amended, shall be as follows:

A. Buildings up to 2,000 sq. ft.: $200.00

B. Buildings 2,000 to 3,600 sq. ft.: $250.00

C. Buildings 3,601 to 7,200 sq. ft.: $325.00

D. Buildings larger than 7,201 sq. ft.: $410.00

Section 6. Fees for the review and inspection of NFPA 13 Commercial Fire Suppression Systems referenced in the Oregon Structural Specialty Code, as amended, shall be as follows:

A. Plan Review: $200.00 + $50 per floor above three levels

B. Permit Fee: $1/sprinkler to a maximum of $500

Section 7. Fees for the review and inspection of solar photovoltaic (PV) system installations subject to the Oregon Structural Specialty Code, as amended, shall be as follows:

A. Solar Structural (prescriptive): $150.00
B. Solar Structural (non-prescriptive): By valuation

Section 8. Fees for the investigation of construction performed without permits otherwise required by building codes adopted and enforced by the City of Newport, pursuant to Newport Municipal Code Chapter 11.05 shall be as follows:

A. Investigation Fee: $65.00 per hour (min. 1hr).

Section 9. Fees for deferred submittals pursuant to building codes adopted and enforced by the City of Newport, pursuant to Newport Municipal Code Chapter 11.05 shall be as follows:

A. Deferred Submittal: $100.00

Section 10. This resolution is effective immediately upon adoption.

Adopted by a _____ vote of the Newport City Council on _____, 2015.

Signed on _____, 2015.

_____
Sandra Roumagoux, Mayor

Attest:

_____
Margaret M. Hawker, City Recorder

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VI.B.
Meeting Date: 12/7/15

Agenda Item:
Consideration of Resolution No. 3733, a Resolution to Temporarily Suspend Inflationary Adjustments to Newport System Development Charge Rates

Background:
Resolution No. 3579 provides that SDC rates shall be adjusted annually on or about January 1 of each calendar year based upon inflation as evidenced by the construction cost index. As you will recall, the City of Newport budgeted $25,000 to pay for a comprehensive upgrade to its system development charge methodology. This work will be done in conjunction with the information that will be made available as part of the storm water and sewer capital facility plans with draft information being available early in 2016. The system development charge rates are now reflected in the City's comprehensive fee schedule; however, Resolution No. 3579 still governs how these are to be adjusted. It is appropriate to leave that methodology in place that is defined by Resolution No. 3579 until such time that a new resolution is approved outlining the methodology for determining SDC rates in the future. Please note, that it makes the most sense to freeze the rates at this time with this study going forward. The new methodology will tie these adjustments to the fee schedule, which will be adjusted as of July 1 of each year going forward in the future.

Recommended Action:
I recommend the City Council consider the following motion:

I move to adopt Resolution No. 3733, suspending inflationary adjustments to the City of Newport's system development charge rates for a period of time not to exceed December 1, 2016.

Fiscal Effects:
Based on average revenue, the City would receive an additional $285 through the course of the next year with a 2.5% increase in rates based on construction costs, and increases during the past 12 months.

Alternatives:
Adjust the SDC rates as called for in Resolution No. 3579 for the 2016 calendar year, or as suggested by the City Council.

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item VI.B_____
Meeting Date December 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Temporary Suspension of Inflationary Adjustments to Newport System Development Charge Rates

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: A resolution temporarily suspending System Development Charge (SDC) rate adjustments while the City undertakes a comprehensive update to its SDC Methodology.

STAFF RECOMMENDATION: Staff recommends the Council adopt the resolution.

PROPOSED MOTION: I move to adopt Resolution No. 3733, suspending inflationary adjustments to the City of Newport's System Development Charge rates for one year.

KEY FACTS AND INFORMATION SUMMARY: Section 3(A) of City Council Resolution No. 3579, provides that SDC rates shall be adjusted annually on or about January 1st of each calendar year based upon inflation as evidenced by the Construction Cost Index (CCI) published in the Engineering News Record. It further provides that a resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1st of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).

In December of 2007, the City adopted an SDC methodology that utilizes cost estimates of projects listed in the City's Capital Improvement Plans, assumed population growth rates, and related factors to establish SDC rates that are based upon equivalent dwelling units (EDUs). The CCI in effect as of November 1st of each year is used to establish the percentage change in construction costs.

The City of Newport budgeted $25,000 of System Development Charge funds to pay for a comprehensive update to its System Development Charge methodology. Work on the methodology is dependent upon efforts that the City is undertaking to update its storm water and sewer capital facility plans, which are two of the five categories of public infrastructure projects funded with System Development Charges. Those facility plans are in the process of being developed, and cost estimates of SDC eligible projects for each of these categories are expected to be available by mid-January of 2016.

The proposed resolution suspends the inflationary adjustments for one year, which should be sufficient to allow an updated methodology and rate structure to be developed and presented to the City Council for adoption.

OTHER ALTERNATIVES CONSIDERED: Adjusting the SDC rates as called for in Resolution No. 3579. Since the City of Newport is in the process of undertaking a comprehensive update to its System Development Charge methodology it is appropriate to suspend the rate adjustments because the list of eligible projects for which those funds are being collected is likely to change in a significant way.

CITY COUNCIL GOALS: Updating the City's SDC Methodology is a Council goal.

ATTACHMENT LIST:

Proposed Resolution
Resolution No. 3699
Resolution No. 3579 w/o attachments

FISCAL NOTES: Construction costs increased about 2.5% over the last year. This would have resulted in a $285 increased in the SDC rates, from $11,454 to $11,739 per EDU. An updated SDC methodology will include current cost estimates for SDC eligible public infrastructure projects, so the City's "buying power" to fund capital projects with SDCs shouldn't be eroded to much as a result of this inflationary adjustment being suspended.

CITY OF NEWPORT
RESOLUTION NO. 3733

A RESOLUTION SUSPENDING INFLATIONARY ADJUSTMENTS TO SYSTEM DEVELOPMENT CHARGES RATES

Findings:

1. The City of Newport adopted Resolution No. 3579 (as amended by Resolution No. 3597) adopting a System Development Charge methodology and rates.

2. Section 3 of Resolution No. 3579 provides that System Development Charge rates shall be adjusted annually based upon the most recent Construction Cost Index published in the Engineering News Record as of November 1st of each year.

3. System Development Charge rates were last amended with Resolution No. 3699, effective January 1, 2015.

4. Inflationary adjustments are made to System Development Charge rates in order to account for changes in construction costs so that, over time, the revenue generated is adequate to finance eligible public infrastructure projects that are be needed to support new development.

5. Lists of eligible public infrastructure projects that the City of Newport funds with revenues received through the collection of System Development Charges were developed with the System Development Charge methodology in September of 2007, and the cost of those projects is a significant factor in setting System Development Charge rates.

6. City of Newport has budgeted $25,000 of System Development Charge funds to pay for a comprehensive update to its System Development Charge methodology.

7. Work on the methodology is dependent upon efforts that the City of Newport is undertaking to update its storm water and sewer capital facility plans, which are two of the five categories of public infrastructure projects funded with System Development Charges. Those facility plans are being developed, and lists and cost estimates of System Development Charge eligible projects for each of these categories are expected to be available by mid-January of 2016.

8. Since the City of Newport is in the process of undertaking a comprehensive update to its System Development Charge methodology it is appropriate to suspend rate

adjustments required by Resolution No. 3579 because the list of eligible projects for which those funds are being collected is likely to change in a significant way.

9. Given how development of the storm water and sewer capital facility plans is progressing, it is reasonable to expect that updates to the System Development Charge methodology will be completed prior to the end of calendar year 2016.

10. Suspending rate adjustments required by Resolution No. 3579 is preferable to repealing Resolution No. 3579 outright because such adjustments are envisioned in the City's existing System Development Charge Methodology. A one year suspension of the rate adjustments should be sufficient to allow an updated methodology and rate structure to be developed and, if ultimately adopted, Resolution No. 3579 and the existing System Development Charge methodology would be repealed.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The annual adjustment to System Development Charge rates required by Resolution No. 3579, using the Construction Cost Index published in the Engineering News Record as of November 1, 2015 with an effective date of January 1, 2016st is hereby suspended.

Section 2. System Development Charge rates last amended with Resolution No. 3699, and reflected in the Comprehensive Fee schedule adopted with Resolution No. 3715, shall remain in effect.

Section 3: This resolution is effective immediately upon adoption and shall remain in effect until December 1, 2016.

Adopted by a _____ vote of the Newport City Council on _____, 2015.

Signed on _____, 2015.

_____

Sandra Roumagoux, Mayor

ATTEST:

_____

Margaret M. Hawker, City Recorder

CITY OF NEWPORT
RESOLUTION NO. 3699

A RESOLUTION AMENDING CITY OF NEWPORT
SYSTEM DEVELOPMENT CHARGE RATES

Findings:

1. The City of Newport adopted Resolution No. 3579 (as amended by Resolution No. 3597) adopting a System Development Charge methodology and rates.

2. Section 3 of Resolution No. 3579 provides that System Development Charge rates shall be adjusted annually based upon the most recent Construction Cost Index published in the Engineering News Record as of November 1st of each year.

3. System Development Charge rates were last amended with Resolution No. 3659, effective January 1, 2014.

4. Adjustments to System Development Charge rates are needed to account for changes in construction costs so that, over time, the revenue generated is adequate to finance eligible public infrastructure projects that will be needed to support new development.

5. By making rate adjustments annually to account for inflationary impacts, future increases in System Development Charge rates should be modest in size.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Water System Development Charge eligibility identified in Section 1 of Resolution No. 3579, as amended with Resolution No. 3597, shall be amended to be $2,413 per Equivalent Dwelling Unit.

Section 2. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $3,969 per Equivalent Dwelling Unit.

Section 3. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $857 per Equivalent Dwelling Unit or $0.32 per square foot of new impervious surface.

Section 4. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $1,112 per Equivalent Dwelling Unit.

Section 5. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3597 shall be amended to be $2,643 per Equivalent Dwelling Unit.

Section 6. All previously adopted resolutions or enactments establishing System Development Charges, are hereby repealed to the extent that their provisions conflict with the System Development Charges set by this Resolution

Section 7: The effective date of this resolution is January 1, 2015.

Adopted by a 6-0 vote of the Newport City Council on December 1, 2014.

Signed on _____, 2014.

Sandra N. Roumagoux

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker

Margaret M. Hawker, City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3579

A RESOLUTION CONSOLIDATING SDC RESOLUTIONS AND READOPTING CITY SYSTEM DEVELOPMENT CHARGE METHODOLOGIES, RATES AND ADJUSTMENT PROCEDURES

Findings

A. HBH Consulting Engineers prepared a document entitled "Public Infrastructure System Development Charge Methodology" (Methodology), dated September 2007 that includes the City's methodologies and rates, as modified herein, for all City SDCs. This Methodology is attached as Exhibit A.

B. The Methodology and associated rates remain consistent with the standards imposed by ORS 223.304 and Newport Municipal Code (NMC) Chapter 12.15 System Development Charges.

C. The city followed all state and city procedural requirements for its prior adoption of the Methodology and associated SDC fees.

D. On December 18, 2007, the City Council for the City of Newport adopted Resolution No. 3431, adopting the Methodology and associated SDC fees.

E. On March 16, 2009, after public hearing, the Newport City Council adopted a 2008 Water System Master Plan prepared by Civil West Engineering Services, Inc. Section 8 of the 2008 Master Plan, attached and incorporated herein as Exhibit B, identified and removed four projects from the SDC Eligible Projects list, reflecting newly authorized GO bond funding.

F. By Resolution No. 3464, dated April 20, 2009, the City Council amended its SDC Projects Plan to replace the previously adopted water SDC Project Plan. The Council also lowered its Water SDC to $1,632 per EDU.

G. In June of 2010, Landwaves, Inc. dedicated a new park on SE 43rd Street within Phase 1 of the Wilder development. The Parks SDC Projects Plan identified development of a park site in the SE 40th Street area as eligible for SDC funds. The new park satisfied the development need and lowered acquisition needs in this area. Therefore, by Resolution No. 3523, on August 16, 2010, the Council reduced its Parks SDC eligible costs for the SE 40th Street Area Park Acquisition to $181,044.42, eliminated SE 40th Street Area Park Development from SDC eligible costs, and lowered its Parks Development Charge to $2,357 per EDU.

H. Since Council adoption of Resolution No. 3431, six amendments to Resolution No. 3431 have been adopted by the Council without repeal or replacement in full of Resolution No. 3431 or its ensuing resolutions.

I. The Council recognizes that incorporation of all SDC provisions into one resolution is a helpful housekeeping step which should provide clarity to city officials, staff and residents.

J. The City of Newport City Council has determined to modify the process by which it adopts annual SDC fee index adjustments and reviews Capital Improvement Plan (CIP) adjustments.

K. The city recognizes that it may adjust SDC fees periodically by inflation, based upon one or more specific cost indexes, per ORS 223.304(8).

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Methodology and CIP. The City of Newport hereby adopts the Methodology and associated CIPs, attached and incorporated herein as Exhibit A, as a basis for the City's desired SDC fees, per ORS 223.304, as modified as follows:

A. The SDC Project Plan for the Water SDC set forth in Table 3.4.1 of Exhibit A is hereby replaced with Table 8.4.1 (SDC Eligibility for CIP Projects) of the 2008 Water System Master Plan, attached as Exhibit B.

B. Table 7.5.1 - entitled "Stormwater Project SDC Eligibility Summary" is hereby renamed "Parks Project SDC Eligibility Summary" and replaced with Exhibit C, attached and incorporated by this reference.

Section 2. Establishment of City SDCs. Based upon the Methodology adopted above, and accounting for inflation since Methodology development (relying upon the November 1, 2012 ENR CCI), the following SDC fees are hereby imposed pursuant to NMC Chapter 12.15:

A. The Water System Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3464, shall be amended to be $1,755 per Equivalent Dwelling Unit (EDU).

B. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $3,675 per EDU.

C. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $793 per EDU or $0.29 per square foot of new impervious surface.

D. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $1,029 per EDU.

E. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3523, shall be amended to be $2,447 per EDU.

Section 3. Annual Adjustments.

A. The SDC rates adopted herein for each SDC shall be adjusted annually on or about January 1st of each calendar year, based upon inflation as evidenced by the Construction Cost Index published in the Engineering News Record. The adjustment shall be based on the most recent Construction Cost Index available as of November 1st. A resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1st of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).

B. Prior to placing the annual indexed adjustment resolution on the Council agenda, staff shall review city improvement and planning needs for new improvement projects and projects which have either been completed or are no longer needed. Staff shall analyze the impact of updating adopted CIPs and fees and shall present such differentials, if any, to the Council for a determination of whether such adjustments should be incorporate into the city's CIP and fees. Any such adjustments directed by Council shall be included within the annual index adjustment resolution, as described in Section 3(A), above.

Section 4. Repeal. Resolution Nos. 3574, 3530, 3523, 3488, 3464, 3454 and 3431 are hereby repealed.

Section 5. Effective Date. The effective date of this Resolution is February 21, 2012.

Adopted by the Newport City Council on February 21, 2012.

Signed on May 1, 2012.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VI.C.
Meeting Date: 12/7/15

Agenda Item:
Report on Willamette Valley Communication Center Service

Background:
At the November 2, 2015, City Council meeting, Marletta Noe addressed the Council expressing concerns regarding an incident report she had made to the Willamette Valley Communication Center (WVCC). Ms. Noe was trying to report that she had seen an erratic driver, and was not successful in communicating with the dispatcher as to the location in which she witnessed this behavior. In reviewing that specific complaint, the dispatcher was unable to locate Hurbert Street, in part due to its unusual spelling. In this particular case, the call taker that received the dispatch was new and not familiar with the unusual spelling of Hurbert Street.

At this same meeting, the Council suggested a review take place on the status of the City's experience with the Willamette Valley Communication Center providing dispatch services for the Police and Fire. Both the Police and Fire Departments discussed their experiences with WVCC with regards to each of their shifts. Attached are reports from Police Chief, Mark Miranda, and Fire Chief, Rob Murphy, summarizing those comments.

I am also enclosing a memo from Robert "Bob" Fuller, who recently called on behalf of the Public Works Department on the non-emergency line for Central Dispatch. This call did not get responded to in a proper way. I have heard other complaints about the use of the non-emergency number from others as well.

In summary, both Police and Fire cited specific issues they have experienced during the transition to WVCC. They both indicated that the scope of the service problems experienced initially have improved over time. It is noted when we have had an issue with WVCC and brought it to their attention, they are usually quick to respond and thorough in their review of those situations. It was also noted that local dispatch was far from being error free with the previous system. In addition, emergency response agencies dealt with two complete failures of the system prior to switching to WVCC. With the nature of emergency dispatch, there are going to be challenges and issues from time to time.

I will set up a meeting with Police, Fire and WVCC to discuss some of the issues that have been outlined in the attached reports. Following that meeting, I will report back to the Council regarding those discussions.

Recommended Action:
None at this time.

Fiscal Effects:
None.

Alternatives:
None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager

Noble
Professional
Dedicated

Newport Police Department

Memorandum

One Team - One Future

Date: December 1, 2015

To: Spencer Nebel, City Manager

From: Mark J. Miranda, Chief of Police

Subject: **Dispatch Review**

At the November 2nd 2015 City Council meeting, Marletta Noe complained about a call she had recently made to Willamette Valley Communication Center (WVCC). Ms. Noe stated that we would get better service if we switched to Toledo Police for dispatching services. She made the recommendation that we do so.

The City Council expressed an interested in reviewing our relationship with WVCC. Members of the Police Department and Fire Department were polled with the following questions: 1) What is working; 2) What is not working; and 3) What improvements can be made. Attached is the response from Fire Chief Rob Murphy. Police Department comments are as follows:

A. The dispatchers do not provide all of the information to the officers over the radio that is listed in the CAD screen by the call takers. This is important for officers who do not have access to MDT or the CAD screens, to officers who's MDT and not working or updating, and to officers who do not have time to read their CAD screens because they are occupied with driving or performing other important task.

B. The call takers do not seem to take or ask enough information from the callers when they receive a call. Suspect description, direction of travel, location of suspect, etc. I am always hearing officers asking dispatch for additional information over the radio and the dispatcher replies that they will either have to check with the call taker or re-contact the complainant for that information.

C. Officer status checks are sporadic and not consistent.

D. There still seems to be a long wait times reaching a call taker on the non-emergency line at times. I am always hearing about complaints from citizens on this issue.

E. It is very inconvenient not having dispatchers that are capable of entering stolen items into LEDS / NCIC because of their lack of LEDS entry certification.

F. The dispatchers have been a great help to me with resources whenever I do call and ask. They are always willing to perform extra database checks or research something when I need it. They are always patient with me on the phone even when they are busy with other task.

G. What is working with WVCC is that their personnel are courteous and respectful with a few exceptions below

H. What is not working with WVCC is that the Computer Assisted Dispatch program we use is very slow and not user friendly when searching for events or names.

I. What improvements are recommended – It is very frustrating as a citizen to make a call as they have to give an exact address. If they do not know it by location, call takers get agitated and persistent until one is given. The caller may say next to Walgreens and that is not good enough. Or the call taker asks for a Mile Post Number, of which most of the public do not know. In addition placing people on hold, of what seems a long period of time, without the call taker asking if this is urgent first.

J. 911 calls are put on hold

K. Would like to see improvement in searching, for better customer service

L. A fix in the speed of movement through the program.

M. Have the ability to run a Response Abstract report without LEDS entries.

N. When I do have to call WVCC they are always courteous.

O. More often than not the CAD system is very slow.

When we switched over to WVCC several years ago, LINCOM was failing. In fact it failed twice that I'm aware of. LINCOM's equipment was old and there was no money available to upgrade and/or replace the equipment. With technology, it was possible to have WVCC dispatch for us. WVCC has been in existence for over 20 years. They have vetted policies and procedures in place. WVCC has an intensive/comprehensive training regimen. At the time, neither the Lincoln City Police nor Toledo Police could provide the same level of service as does WVCC.

We experience a cost savings when we joined WVCC. This was due to the Lincoln County Sheriff's Office also moving over to WVCC along with most of the Fire agencies in Lincoln County.

Every dispatch center across the country has problems. WVCC is no different. Both the Police and Fire comments do not show me that there is a serious problem with WVCC. A benefit with WVCC is that there are Police, Fire and Administration committees. Concerns are discussed and solutions are developed that cover all of WVCC clients. Even though WVCC belongs to the Salem Police Department, the organization does listen, and works on making their dispatch systems as effective as possible. We have brought several issues up with both the Administrative Committee and the Police Services Committee. After discussion and review, most of our requests have been granted.

My recommendation is for the Newport Police and Fire Departments to remain with WVCC. The service we have received has been good in my view. I have not seen the problems that we experienced with LINCOM. We are much better off because of the change in dispatch centers.

Attachments:
1. Newport Fire Department memo
2. Noe complaint memo
3. Service agreement with City of Salem

NEWPORT
FIRE DEPARTMENT

Tuesday, December 01, 2015

TO: Mark Miranda, Chief of Police

FROM: Rob Murphy, Fire Chief

SUBJECT: Fire Dept. Issues with Willamette Valley Communications Center (WVCC)

The transition to using WVCC (a.k.a. Salem Dispatch) has been, at times, trying and rocky. However, the overall experience with Salem Dispatch has improved. After the initial transition, there were lots of mistakes in addressing. Those have markedly decreased. We have been asked to submit a list of ongoing issues with WVCC and possible solutions. To this end, I have asked each shift Captain to discuss this with their crews and report back to me. This is a summary of their observations.

1. **Being dispatched to the wrong location**. In the beginning, it was not uncommon to be dispatched to a call, only to show up and find no call. Then, dispatch would tell us that the call was actually in another city. One time, the call was for a cardiac arrest and CPR was in progress. Our crews spent 9 minutes looking for the address only to be told the call was actually in Lincoln City. One minute later we here North Lincoln Fire and Rescue dispatched to the call. That was a delay of 10 minutes. Much too long for someone in cardiac arrest.
    a. Fortunately this type of error has decreased in frequency, and is now a rare occurrence. A possible solution is to have WVCC correct the address error in their CAD system whenever this happens.
2. **Not getting a business name or apartment/space # upon dispatch.** When we are dispatched to a call that is at a business, or an apartment, or at one of our State Parks or trailer parks, we are not given a business name or an apartment or space number. Even when we go in route, we usually are not given the information over the air. We have to get it from on our MDT's (if we have one) from the CAD. We usually have to ask for it.
    a. I know we have asked WVCC to give us this, but so far that does not usually happen. The solution would be a training issue with WVCC dispatchers. They should train them to tell us the business name or apartment/ space number whenever it is applicable.
3. **Delay in getting call details when we go in route.** When we get dispatched, we are normally told the call type, the unit # that has been dispatched, and the

245 NW 10TH ST, NEWPORT OR 97365 – (541)-265-9461 – FAX (541) 265-9463

12-1-15

address of the call. Then, only when all units that are recommended on the CAD go in route, does the dispatcher give the call details. Since, our response times are often only a couple of minutes. Often we are close to arriving on scene, or have already arrived on scene before we get the call details. This is usually too late and can pose a safety issue.

   a. Again, I think this is a training issue with dispatcher's. We have two possible solutions. First is to give a modified form of the details (i.e. an abridged version) during the dispatch. The second is to repeat the call details to the first couple of units that go in route.

4. **Call priority levels.** WVCC utilizes priority dispatching. While it is good in concept, we don't feel it is utilized very effectively. Basically, the idea is, when the call taker gets the initial information from the complainant, they assign it a dispatch code and priority level (1-4, 1 being the highest priority). The idea with the priority level is to give the responding units some idea as too the severity of the complaint. What we find happens in practice, however, is that, all too often, the call taker just assigns everything a priority 1 and moves the call onto the dispatcher, so they can answer the next call. So what happens, is we often go code 3 (lights a sirens) to a priority 1 medical call, only to find the patient not in any distress or not injured.
   a. The solution to this would be either to employ more call takers so they have the time to correctly assign a priority level, two train the call takers to properly code priority levels, or three do away with priority dispatching. I personally do not believe they should do away with it; just make a better effort in correctly assigning the priority level.
5. **Frequencies jamming up with radio traffic.** This is partially a dispatch issue, but also is an issue of the responding agencies. We are normally dispatched on one frequency (L.C. Fire 1) and run the call on a second frequency (L.C. Fire 2). What happens sometimes, is when there are multiple calls in the county going on simultaneously, it can be difficult to get on LC Fire 2 to talk to dispatch when there are several calls going on.
   a. There are a couple of solutions to this. First, the dispatcher can assign units responding on 2nd, 3rd or 4th calls to work the call on LC Fire 1 instead of two, or they can move their operations radio traffic to a tactical channel. Second, the units themselves can instruct distich they are going to work their call on a frequency other than LC Fire 2. The third option is to go ahead and build out the regional repeater drop down channels that have planned as part of the county radio simulcast system. This will take time and money to pay for the system.
6. **Dispatchers not hearing us.** Sometimes when we are trying to get ahold of dispatch, we have to call for them multiple times. Then when they do answer us, we usually hear "Last unit, repeat. I was on another frequency". This is another safety issue. If we are asking for help because of a violent patient and dispatch is not listening to our radio channel, or personnel could get hurt.
   a. The solution to this is to limit the number of channels any one dispatcher has to monitor.

7. **Information is not always 'parroted' back to us.** Radio etiquette dictates that the dispatcher is supposed to repeat back whatever is said on the radio. That way everyone can hear what was said. This is especially important when a unit arrives on a fire or a motor vehicle accident, so incoming units can know what the actual situation is and what additional resources are needed. What we have found is some dispatchers are better at this than others.
    a. The solution to this is a policy/training issue. WVCC needs to ensure/train dispatchers that they need to parrot/repeat back important size-up information.
8. **Clear codes not working with dispatch CAD system.** The dispatch CAD system requires a clear code to close out a call. The clear code is given by the primary responding unit. We were given a list of clear codes to use by WVCC. The issue with this, is sometimes we give them a clear code from the list that they gave us only to have the dispatcher tell us the CAD system won't accept the clear code.
    a. The solution to this is a QA/QI issue. Someone at WVCC needs to take the clear code guide and go through the CAD software and either update the guide or update the CAD so they match.
9. **Automatic Aid Agreements not being utilized.** We have several automatic aid agreements with our neighboring agencies. Depending on the call type and location (usually near a common border) units from both agencies are supposed to be dispatched at the same time. Despite the fact that we have given WVCC copies of the auto-aid agreements they have not been put into the CAD system.
    a. There is not a clear solution to this problem. Short of continuing to ask WVCC to update the run cards in the CAD system, the only thing that will help is to make sure the units sent know what the auto-aid agreement calls for and have them ask dispatch to tone out those units.

In closing, I want to add a couple of positive things about WVCC. First, I have seen an improvement in delivery and a decrease in mistakes by WVCC since the transition. Second, the ability to have MDT's (something that was not possible under Lin-Com) is has enhanced our capabilities and safety. Third, when we do have an issue with WVCC and have brought it to their attention, they are usually quick to respond and friendly. I hope our relationship with WVCC continues to improve and we can work together to find solutions to the problems we have.

245 NW 10TH ST, NEWPORT OR 97365 – (541)-265-9461 – FAX (541) 265-9463

Noble
Professional
Dedicated

Newport Police Department

Memorandum

One Team - One Future

Date: December 1, 2015

To: Spencer Nebel, City Manager

From: Mark. J. Miranda, Chief of Police

Subject: Noe Complaint

At the November 2nd, 2015 City Council meeting, Marletta Noe complained to the Council about how Willamette Valley Communications Center (WVCC) handled her complaint on a drunk driver. She related that she observed a possible drunk driver on SW Hurbert Street. She waited until she was in the park at the south end of the bridge. The call taker needed to identify a location before the call could be dispatched. Ms Noe could not provide the name of her current location. When she stated that the drunk driver was last seen on SW Hurbert, the call taker could not find the street in the GIS mapping system.

I contacted the WVCC supervisor and obtained a copy of the recorded call. The call only lasted 2:15 minutes. The supervisor also checked to see what happened. It turns out that the call taker was new and was not aware that we spell Hurbert a little bit different.

9-1-1 EMERGENCY REPORTING SYSTEM SERVICES AGREEMENT ("*Agreement*")

between

THE CITY OF SALEM,
an Oregon municipal corporation
("Provider"),

and

CITY OF NEWPORT,
an Oregon municipal corporation, providing police and fire protection services
("Subscriber")

RECITALS

A. This Agreement is entered into pursuant to Oregon Revised Statutes (ORS) Chapter 190.

B. The purpose of this Agreement is to jointly plan the installation, maintenance, operation and improvement of a 9-1-1 emergency reporting system where Provider furnishes basic 9-1-1 emergency reporting system services as defined in Schedule A to Subscriber through its public safety answering point.

AGREEMENT

NOW THEREFORE, in consideration of the mutual benefits, promises and covenants set forth herein, the Parties agree as follows:

1. DEFINITIONS. As used in this Agreement:
9-1-1 Call means a telephone call for service received over a 9-1-1 line.
9-1-1 Emergency Reporting System Services ("9-1-1 Services") means those services particularly described in Schedule A, which is attached hereto and incorporated herein by this reference.
Advisory Board means the WVCC Advisory Board created pursuant to this Agreement.
Business/Service Call means a telephone or radio call for service handled by Provider for the Subscriber, and which is not a 9-1-1 Call.
E-Reports means incidents where reports are taken by WVCC about criminal activity rather than dispatching a police officer.
Field-initiated Request means a communication which is handled by Provider from one of Subscriber's service units in the field.
Incident means either a 9-1-1 Call, a Business/Service Call, or a Field-initiated Request as those terms are herein defined, that generate an entry in CAD for the Subscriber.

Public Safety Answering Point ('PSAP') means a 24-hour communications facility established as an answering location for 9-1-1 calls originating within a given service area.

Subscriber, where used in the plural or generic context (not capitalized), means any public agency subscribing to 9-1-1 Emergency Reporting System Services from Provider under an agreement similar to this Agreement.

Willamette Valley Communications Center ('WVCC") is the name used by Provider to refer to Provider's Public Safety Answering Point which provides 9-1-1 Emergency Reporting System Services.

2. COMMUNICATIONS LINKAGE AND MAINTENANCE. Subscriber shall independently, and at its own expense, provide or arrange for installation, implementation, maintenance and support of all lines and equipment necessary to transmit telephone, radio and radio microwave signals to and from Provider's equipment and lines located at WVCC as necessary. Provider's responsibility is limited to accepting communications at WVCC and generating communications from WVCC compatible with Subscriber's communication links at WVCC. Provider shall have no responsibility for maintenance or support of communications lines and equipment except to contract with 9-1-1 network provider(s), or approved contractors for 9-1-1 and E-9-1-1 lines and equipment, and to provide for maintenance of other equipment and software internal to Provider's operation of WVCC.

3. DISPATCH PROCEDURES.

3.1 Subscriber shall furnish Provider a complete copy of any proposed new or revised procedure which would affect Provider's operations no later than fourteen (14) days prior to such procedure's effective date, . Within fourteen (14) days after receipt, Provider shall notify Subscriber of any provision which is incompatible with Provider's operating needs. Unless Provider gives such notice, any such new or revised procedure shall be accepted and implemented by Provider no later than fifteen (15) days after its receipt.

3.2 Notwithstanding paragraph 6.1, Subscriber may designate a particular procedure change as critical where that change is required by court order or other exigent circumstances. Provider shall, to the extent possible, implement immediate procedures which accommodate the change. If any such procedure is incompatible with Provider's operating needs, Provider shall notify Subscriber of the reasons therefore while still implementing the change to the greatest extent possible.

3.3 If Subscriber and Provider cannot informally resolve any dispute under paragraph 6.1 or 6.2 as to dispatch procedures, either party may request that the dispute be reviewed by the Advisory Board as provided in paragraph 8.8.

3.4 Provider shall train its personnel in Subscriber's procedures and regulations which Provider deems necessary for effective dispatch of and communications with Subscriber's personnel.

3.5 Subscriber shall provide and continuously update Provider with current personnel work schedules and information necessary for Provider to contact Subscriber's

on-call personnel according to procedures established through the Advisory Board.

4. ADMINISTRATIVE RESPONSIBILITIES.

4.1 Provider shall have full authority and responsibility over hiring, training, discipline, scheduling, and assignment of personnel assigned to perform and to supervise 9-1-1 Services provided under this Agreement. Provider shall have full discretion and authority to assign priority service among conflicting service demands at any given time.

4.2 Provider may contract to provide services to other agencies in its discretion; provided, however, Provider shall undertake no such obligation which has the effect of diminishing or degrading the level of 9-1-1 Services provided to Subscriber.

5. ADVISORY BOARD. To assure the best possible 9-1-1 Services to Subscriber and to other subscribers of 9-1-1 Services and to provide an avenue for operational and budgetary input from all subscribers of 9-1-1 Services, Subscriber shall be entitled to participate with other subscribers in an Advisory Board having the authority, responsibility and functions described in this Section 5.

5.1 SERVICE COMMITTEES: Two permanent committees are hereby formed to assist the Advisory Board: the Fire Service Committee and the Police Service Committee.

5.1.1 The Police Service Committee shall consist of one representative from each subscriber which provides law enforcement services, designated by the subscriber. The Fire Service Committee shall consist of one representative from each subscriber which provides fire protection services or ambulance services, designated by the subscriber.

5.1.2 Each subscriber agency shall select one alternate member for its designated service committee member. Alternates shall have the authority of the regular member at any meeting in the absence of the member for whom he or she is the alternate.

5.1.3 Each service committee shall elect a Chair for a one-year term; the Chair shall appoint a Vice-Chair.

5.1.4 The service committees shall meet as determined by their members, but they shall meet no less than quarterly.

5.1.5 Each service committee shall perform the following functions consistent with all applicable laws, ordinances, other agreements, and sound management practices:

A. Recommend phone answering and dispatch protocol, procedures and policies related to 9-1-1 Service delivery.

B. Recommend communications operator training criteria and program related standards.

C. Recommend equipment replacement and improvement in order to maintain a progressive standard within WVCC.

D. Recommend general dispatch standards including timeliness, unit designator, and radio language.

5.2 COMPOSITION:

5.2.1 The Advisory Board will consist of one member from each subscriber agency, and one representative chosen by Provider's Chief of Police.

5.2.2 The WVCC Director shall be the administrative staff person serving the Advisory Board, and shall act as a resource to all Advisory Board and Service Committee members to aid in establishing policies, procedures and dispatching protocol.

5.3 OFFICERS: The Advisory Board shall elect the following officers to serve one-year terms:

5.3.1 CHAIR: The chair will call and conduct all Advisory Board meetings. It is the responsibility of the Chair to notify all members of a meeting, select a site, and deliver all necessary materials.

5.3.2 VICE-CHAIR: If the Chair is from the police service, the Vice-Chair shall be from the fire service and vice-versa. The Vice-Chair shall preside in the Chair's absence.

5.3.3 SECRETARY: The secretary will be a non-voting staff member of the WVCC and will compile the minutes of all Advisory Board meetings, generate correspondence at the Advisory Board's direction, prepare meeting agendas as directed by the Chair, and maintain all records of the Advisory Board.

5.4 MEETINGS: The Advisory Board will meet on a quarterly basis. The next regular meeting date and location shall be established prior to adjourning each regular meeting. The Chair may call a special meeting at any time following a minimum of twenty-four (24) hours notice to all members. The Chair must call a special meeting within seventy-two (72) hours following a request to do so either by two or more members of either Service Committee or by the Provider's Chief of Police.

5.5 ELECTIONS: Elections shall be held at the regularly scheduled meeting in the second quarter of each calendar year, for terms beginning the following July 1.

5.6 RECORDS: The records of the Advisory Board will be kept by the Secretary. A location will be provided by WVCC as a permanent and accessible depository for all Advisory Board records. All Advisory Board correspondence will be in written form and copies of all correspondence shall be maintained with the Advisory Board's records.

5.7 ADVISORY POWERS: The Advisory Board and its service committees shall act in an advisory capacity to the Provider's Chief of Police and to the governing bodies of all 9-1-1 Services subscribers. Consistent with all applicable laws, ordinances, and other agreements, the WVCC Director shall comply with

recommendations regarding service delivery from the Advisory Board, after written approval from Provider's Chief of Police.

6. DISPUTE RESOLUTION:

6.1 An individual subscriber, having a concern affecting its service, may go directly to the WVCC Director to resolve the situation. If the issue is not resolved to the satisfaction of the subscriber, the subscriber may then go to its respective service committee.

6.2 If the issue is not resolved to the satisfaction of the subscriber before the service committee, the subscriber may bring the matter before the Advisory Board, which shall investigate and recommend a resolution to the subscriber and to the Provider's Chief of Police.

6.3 Should an individual subscriber raise a concern that substantially affects other subscribers or the overall functioning of WVCC, the WVCC Director shall refer the concern to the appropriate service committee. If the service committee cannot resolve the issue, the service committee Chair shall request a special meeting of the Advisory Board and bring the issue before the Advisory Board. The Advisory Board shall recommend a resolution to the Provider's Chief of Police and to all subscribers who may be affected.

6.4 The Advisory Board's responsibility is to review the facts surrounding any dispute or issue and attempt to mediate or resolve the dispute or issue. Should the Advisory Board fail to resolve the dispute or issue to the satisfaction of Provider and the Subscriber, the Advisory Board shall forward a complete report of its findings and its efforts at mediation to the governing bodies of the Provider and the Subscriber. Neither party shall initiate any action at law, nor resort to any other legally available remedy without first having followed the procedure required by this Section 6.

7. ANNUAL BUDGET RECOMMENDATION:

7.1 The WVCC Director shall seek the advice and recommendations of both the Fire Service Committee and the Police Service Committee prior to preparation of the WVCC proposed budget, including the desired service levels and subscriber assessments for each ensuing fiscal year. Prior to submitting the WVCC's proposed budget to Provider's budget officer, the WVCC Director shall submit a proposed budget to the Advisory Board for its approval and recommendation to Provider's budget officer. Failure of the Advisory Board to approve a proposed budget for WVCC within forty-five (45) days following its submission to the Advisory Board shall relieve the WVCC Director of the obligation to seek the Advisory Board's approval prior to submitting WVCC's proposed budget to Provider's budget officer for inclusion in the City of Salem's annual budget document as required by Oregon Local Budget Law.

7.2 The portion of Provider's budget document relating to WVCC shall be presented to the Advisory Board for its review no later than March 1 of each year and prior to it's presentation to Provider's City Council and Budget Committee. The Advisory Board

may recommend an alternate budget for WVCC to Provider's City Council no later than April 1 of each year.

7.3 The Advisory Board and the WVCC Director shall abide by the budget adopted by Provider's City Council with respect to any and all fiscal matters affecting the financial responsibility of subscribers to 9-1-1 Emergency Reporting System Services. Any program or operational changes having expenditures requiring a supplemental budget under Oregon Local Budget Law must go through all budget preparation and review stages involving the Advisory Board and the service committees as set forth herein.

8. SELECTION AND EVALUATION OF THE WVCC DIRECTOR:

8.1 The Advisory Board will provide input into the selection process and actual selection of the WVCC Director, and may, from time to time, provide the Salem Chief of Police comment and criticism relating to the Director's job performance.

8.2 The Advisory Board shall annually report to the Salem Chief of Police its evaluation of the WVCC Director's performance during the preceding year, at a time just before the Director's continuous service date.

9. QUORUM: For purposes of voting on any issue, a quorum of the Advisory Board shall consist of six (6) members, a majority of which (4 or more) shall be required to approve any motion or other action.

10. FEES. Subscriber shall pay an annual fee for 9-1-1 Services under this Agreement. That fee shall be computed as provided in Schedule D which is attached hereto and incorporated herein by this reference. Fees shall be due and payable in advance in equal quarterly installments as set forth in Schedule D. Should Subscriber be in arrears in payment of its fees hereunder, such default shall not be deemed a material breach of this Agreement unless Subscriber's entire account balance is still unpaid more than forty-five (45) days after written notice is given by Provider of its intent to terminate this Agreement.

11. RISK ALLOCATION. Neither party nor its officers or employees shall be considered the agents of the other for any purpose. Each party agrees to indemnify the other from each and every claim related to or arising out of this Agreement which the indemnitor would be legally liable to pay if: (a) a claim asserting the same loss or injury were made directly against the indemnitor, whether or not such a direct claim is actually made, and (b) the loss or injury sustained by the claimant resulted from the acts, errors, or omissions of the indemnitor or those for whose actions the indemnitor is legally responsible. This mutual right to indemnity is in addition to and not in lieu of any other right of contribution or indemnity which may exist in favor of either party under Oregon law; the right to indemnity extends to the officers, employees and agents of the indemnified party for claims made against them because of their actions or capacity as such. "Indemnify," as used herein, means to indemnify, defend, and save harmless.

12. TERM AND TERMINATION. This Agreement shall be in effect commencing July 1, 2012 (*Effective Date*), and shall continue in full force and effect until terminated by either party as provided herein. Either party to this Agreement may terminate the Agreement as of July 1 of a calendar year following written notice of its intent to terminate, with or without cause, by giving written notice of its intent to so terminate to the other not less than two hundred and seventy (270) days' prior.

13. AMENDMENTS. The parties may, from time to time, agree to amend the provisions of any schedule attached to this Agreement; provided, however, that the method used to compute Subscriber's annual fee as set forth in Schedule D shall not be amended unless all other subscribers agree to a like amendment. Costs associated with expansion of services (except E9-1-1 as provided in paragraph 2 of Schedule D) or new (not replacement) equipment shall not be included in the calculation of the basic service fee without the consent of a majority of all subscribers. All amendments shall be in writing and shall be signed by the parties' duly authorized representatives. As used in this section, "replacement equipment" means equipment which replaces a function previously performed by other equipment owned or leased by Provider and which must be replaced because its repair or maintenance cost equals or exceeds its fair market value.

14. COMPLETE AGREEMENT.

14.1 Schedules A, C and D, referenced herein, are hereby incorporated into this Agreement as though fully reproduced herein.

14.2 This Agreement represents the complete and integrated understanding of the parties with respect to all particulars covered herein. All prior agreements, written and oral, are hereby cancelled. No prior written or oral representation, negotiation, or statement which conflicts with the terms of this Agreement shall be considered to in any way modify, abridge, or invalidate any provision hereof, and no evidence of such shall be admitted in any proceeding in which the terms and application of this Agreement are at issue.

15. INSURANCE. Subscriber agrees to obtain and maintain in full force at all times during the term of this Agreement, a policy of general liability insurance with liability limits of at least three million dollars ($3,000,000). Each policy of such insurance shall be per "occurrence" and not on a "claims made" form, and shall list as additional insured "the City of Salem, Oregon, its officers, agents and employees" with respect to any claims arising out of this Agreement. Subscriber, as a government body, may fulfill the insurance obligation listed above through a program of self insurance, provided that such self-insurance program complies with all applicable laws and provides insurance coverage equivalent to both type and level of coverage as that listed above.

16. WORKERS' COMPENSATION. All subject employers working under this Agreement are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.

17. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Oregon without regard to conflict of laws principles. Exclusive venue for litigation of any action arising under this Agreement shall be in the Circuit Court of the State of Oregon for Marion County unless exclusive jurisdiction is in federal court, in which case exclusive venue shall be in the federal district court for the district of Oregon.

18. UNENFORCEABLE PROVISIONS. In the event any provision of this Agreement is held to invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties.

19. FORCE MAJEURE. Neither party shall hold the other responsible for damages or delay in performance of this Agreement caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's officers, employees or agents.

20. NOTICE. Whenever notice is required or permitted to be given under this Agreement, such notice shall be in writing and shall be given by: 1) personal delivery; 2) by sending via a reputable commercial overnight courier; or 3) by mailing using registered or certified United States mail, return receipt requested, postage prepaid. All notices shall be sent to the address(es) set forth below or to such other address as each party may specify in writing:

IF TO PROVIDER:

Chief of Police
City of Salem
555 Liberty Street SE, Room 130
Salem, Oregon 97301

IF TO SUBSCRIBER:

City Manager
City of Newport
169 SW Coast Highway
Newport, Oregon 97365

Notice delivered by personal delivery shall be deemed to be given upon actual receipt. Notice sent by overnight courier shall be deemed to be given five (5) days after dispatch. Any notice sent by United States mail shall be deemed to be given five (5) days after mailing.

IN WITNESS WHEREOF the parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

CITY OF SALEM, OREGON (PROVIDER)

By:_____
Linda Norris, City Manager

Date:_____

CITY OF NEWPORT, OREGON (SUBSCRIBER)

By: Jim Voetberg

Printed Name: Jim Voetberg

Title: City Manager

Date: 6/13/12

Approved:

_____
Salem Chief of Police

SCHEDULE A
9-1-1 EMERGENCY REPORTING SYSTEM SERVICES

NOTE: "Mutual Assistance" as used herein means that Subscriber shall provide timely revisions and changes as such revisions or changes come to Subscriber's attention, and Subscriber shall, upon request, assist in researching information relative to files and schedules maintained by WVCC.

Provider shall deliver the following services pursuant to the Agreement:

1) Answering Business/Service Calls and 9-1-1 Calls.

2) Dispatching Business/Service Calls and 9-1-1 Calls.

3) Computer-Aided Dispatching Services: Computer-Aided Dispatching (CAD) is the computerized program that allows communication capabilities between a call-taker and dispatcher for the assignment of the event, or call for service, to a field unit. The objectives of CAD are to:
   a. Increase the speed and accuracy of dispatching field units, therefore reducing response times.
   b. Increasing officer safety by improving the information available to field units.
   c. Collecting and supplying information concerning calls for service, supporting unit response and decision making.
   d. Maintaining location and response time information pertaining to each call for service, providing a faster and more accurate record keeping and retrieval system.
   e. Supplying each subscriber agency with current "management" and incident" reports.

4) Notification services for "public safety purposes." (District Attorney, Medical Examiner, Chaplains, department heads/supervisors for administrative purposes, etc.)

5) Radio broadcasts of "attempts to locate," "all point bulletins," and "administrative messages," including the screening of teletypes and supplying information to the proper jurisdiction.

6) Respond to requests made by field units for information from: the Department of Motor Vehicles (DMV), National Crime Information Center (NCIC), and Oregon Law Enforcement Data Systems (LEDS), as well as police Records Management Systems (RMS) such as PRIORS or CopLink, as applicable to Subscriber.

7) Maintaining (with mutual assistance as described above) an equipment resource file, responsible persons file, personnel call-up list and a department personnel work schedule.
   a. Equipment resource file. (Tows, public works or private emergency capabilities and mutual aid programs).
   b. Responsible persons file. (Maintenance of information allowing notification of responsible persons when private property is involved in an incident requiring the owner or Responsible Person's presence to conduct an investigation).
   c. Maintain department personnel call-up roster for emergency call back purposes.

8) Facilitate field officers to receive and request public safety telephone messages via WVCC.

9) Maintain Geographic Information System (GIS) data layers: These layers will be established by each subscriber agency in conjunction with WVCC to cover geographic requirements within the

CAD system. These layers contain street, block and intersection information which will be coded with police response information. The GIS data enables the CAD system to:

a. Verify locations.
b. Identify jurisdictional responsibility.
c. Assign reporting area and district numbers to the dispatch data record.
d. Support the Enhanced 911 program by providing current and accurate information for jurisdictional responses.

10) Maintain and update (with mutual assistance) an "Enhanced 9-1-1 Telephone Service" as defined in ORS 403.105(5).

11) Maintain backup and/or redundant radio and telephone equipment; also providing backup emergency power for radio and telephone service for WVCC.

12) Maintain digital recordings of all telephone and radio communications, providing easy retrieval at the subscriber's request. Digital copies of radio transmissions or telephone calls will be provided upon request.

13) Monitor emergency "direct line" phones terminating at WVCC, if provided by Subscriber. All such direct phone lines shall be purchased and maintained by the Subscriber.

14) Monitoring of specific types of "Alarm Systems" for public safety facilities such as panic alarms at the appropriate county jail. Systems so monitored shall be confined to those approved by the WVCC Director and the scope of such monitoring shall be limited to alarm response notifications. Access and maintenance of connectivity to the "Alarm Systems" is the responsibility of the Subscriber.

15) Monitoring and dispatching over a Law Enforcement Frequency, Emergency Management Frequency, Search and Rescue Frequency or Local Government Frequency is for public safety purposes. There shall be no additional fee charged by the Provider for this service; however, the Subscriber shall provide all necessary equipment, connectivity, licensing and/or approval to use the frequency at its own expense.

16) WVCC will act as a support unit during the activation/operation of Subscriber's emergency operations center.

17) Provide Subscriber data from CAD records related to Subscriber's incidents. Such data shall be limited to that information captured by CAD during normal conduct of operations and reasonable effort shall be made to provide data in a form usable by Subscriber, as determined by the WVCC Director.

18) Establishing, by the Effective Date of the primary Agreement, Performance Standards for the handling of emergency and non-emergency calls for service and determining through random review that such Standards are being met.

SCHEDULE C
EXPANDED 9-1-1 EMERGENCY REPORTING SYSTEM SERVICES

1. **EXPANDED SERVICES:** None.

SCHEDULE D
FEE SCHEDULE FOR 9-1-1 EMERGENCY REPORTING SYSTEM SERVICES
As Amended in March 2007

1. **SUBSCRIBER'S FEES:** Subscriber's 9-1-1 Services Fees shall be allocated by Provider as a proportionate share of Provider's adopted budget for WVCC operations according to the standards set forth in this Schedule D. Within WVCC's adopted budget, certain controls are set, known as "Cost Distribution Factors." Regardless of the size of the adopted budget, if that budget contains "resource units" beyond the levels allowed herein, the *assumed budget* to be used for the purposes of fee calculation shall be based only upon the Cost Distribution Factors as set and modified pursuant to this Section 1. .

1.1 Cost Distribution Factors: "Minimum" and "work" or "calls" figures for resource units known as "positions," "consoles," "terminals," and "lines" necessary to support the operation of WVCC, shall be computed annually and allocated to "cost centers." "Minimum" resources are those assumed to be necessary to provide service to one subscriber generating only one call or incident per shift each day and is based on the population served by subscriber. "Work" and "call" resource units may be increased or decreased where necessary to maintain an acceptable level of 9-1-1 Service during the ensuing fiscal year.

1.2 Cost Allocation Factors: The Subscriber's basic 9-1-1 Service fee shall be based on the total of all applicable fees from those fees set forth below. The individual fees shall be computed as follows:

A. **9-1-1 Call Taking Minimum Fee:** WVCC's annual budget for 9-1-1 Call Taking divided by the total service area population of all subscribers to 9-1-1 Services, averaged over the previous three (3) calendar years, multiplied by the Subscriber's service area population averaged over the previous three (3) calendar years shall equal the Subscriber's 9-1-1 Call Taking Minimum Fee. For subscribers providing law enforcement, fire and ambulance service within a given service area (e.g. when a subscriber provides **both** police and fire protection), the subscriber's service area population used in the calculation shall be doubled. For subscribers providing law enforcement and either fire or ambulance service (but not both) within a given service area, the subscriber's service area population used in the calculation shall be multiplied by a factor of one and one-half (1.5). For subscribers providing **only** fire or only ambulance service within a given service area (e.g. a fire district that does not respond to medical calls), the subscriber's population used in the calculation shall be reduced by one half (50%).

B. **9-1-1 Call Taking Work Fee:** WVCC's annual budget for 9-1-1 Call Taking Work divided by the total of 9-1-1 Calls processed by WVCC, averaged over the previous three (3) calendar years, and then multiplied by

the total number of 9-1-1 Calls received from Subscriber's service area, averaged over the previous three (3) calendar years, shall equal the Subscriber's annual 9-1-1 Call Taking Work Fee. The number of 9-1-1 Calls used in this fee calculation shall be based upon the best available information.

C. **Business/Service Calls Fee:** WVCC's annual budget for Business/Service Calls divided by the total of Business/Service Calls processed by WVCC, averaged over the previous three (3) calendar years, multiplied by the Subscriber's number of Business/Service Calls, averaged over the previous three (3) calendar years, shall equal the Subscriber's annual Business/Service Calls Fee. The number of Business/Service Calls used in the fee calculation shall be based upon the best available information.

D. **E-Reports Fee:** WVCC's annual budget for E-Reports divided by the total of E-Reports processed through WVCC, averaged over the previous three (3) calendar years, multiplied by the Subscriber's number of E-Reports, averaged over the previous three (3) calendar years, shall equal the Subscriber's annual E-Report Fee. The number of E-Reports used in this fee calculation shall be based upon the best available information.

E. **Police Dispatch Minimum Fee:** WVCC's annual budget for *police dispatch position minimum* divided by the total police population served by the position, multiplied by the Subscriber's police population served by the position shall equal the annual Police Dispatch Minimum Fee. The police population used in this fee calculation shall be the average of the previous three (3) calendar years.

F. **Police Dispatch Work Fee:** WVCC's annual budget for *police dispatch position work* divided by the total annual police incidents served by the position, multiplied by the Subscriber's annual police incidents served by the position shall equal the annual Police Dispatch Work Fee. The number of police incidents shall be based upon the best available information. The annual incidents used in this fee calculation shall be the average of the previous three (3) calendar years.

G. **Fire/Ambulance Dispatch Minimum Fee:** WVCC's annual budget for *fire dispatch position minimum* divided by the Subscriber's total fire and ambulance service population served by the position, multiplied by the Subscriber's fire and ambulance population served by the position shall equal the annual Fire Dispatch Minimum Fee. The population used in this fee calculation shall be the average of the previous three (3) calendar years. For subscribers providing only fire or only ambulance service within a service area, the subscriber population used in the calculation should be reduced by one half (50%).

H. **Fire Dispatch Work Fee:** WVCC's annual budget for *fire dispatch position work* divided by the total annual fire incidents served by the position multiplied by the Subscriber's annual fire incidents served by the position shall equal the annual Fire Dispatch Work Fee. The number of fire incidents used in this fee calculation shall be based upon the best available information. The annual incidents used will be the average of the previous three (3) calendar years.

I. **Ambulance Dispatch Work Fee:** WVCC's annual budget for *ambulance dispatch position work* divided by the total annual ambulance incidents processed by the position, multiplied by the Subscriber's annual ambulance incidents shall equal the annual Ambulance Dispatch Work Fee. The number of ambulance incidents used in this fee calculation shall be based upon the best available information. The annual incidents used will be the average of the previous three (3) calendar years.

1.3 **Population Determination:** Population shall be determined by the most recent Portland State University census. For political boundaries not recognized by said census, Subscriber shall seek an alternate source for population figures and shall submit such population figures and the source thereof to WVCC for approval.

1.4 **Other Agreements:** Provider warrants to Subscriber that it will enter into no agreement with any other subscriber which provides for a different method of calculating basic service fees for Provider's 9-1-1 Services than the methods set forth herein.

2. **EXTENDED SERVICE FEE:** Subscriber may annually request renewal or modification of the extended services contained in Schedule C. Provider shall quote a fee for such request based on the cost to Provider in extending those services. Provider's "cost" shall take into consideration the total cost of providing such services to other subscribers requesting similar service so as to distribute the cost equitably among all such subscribers.

3. **SURPLUS CREDIT:** If the actual cost of operating WVCC is found to be less than the total subscriber fees paid by each subscriber (including an amount equal to the premium Provider would have paid as a subscriber), after the accounts of WVCC's operation are closed and audited following any fiscal year, the surplus shall be applied to reduce the current year's fees of all subscribers who were also subscribers during the year in which the surplus was generated, by the proportion each such subscriber's fee contributed to the total fees collected from all such subscribers during the year for which the surplus was generated.

4. **PAYMENT SCHEDULE:** Subscriber shall pay its total 9-1-1 Services Fees in advance in equal quarterly installments. Quarterly installment payments shall be due

and payable on the following dates: July 30, September 30, December 31, and March 31.

The City of Newport Public Works
169 S.W. Coast Highway
Newport, OR 97365
Coast Guard City, U.S.A.

phone: 541.574.3366
fax: 541.265.3301
www.newportoregon.gov
Home Port of NOAA Pacific Fleet
Sister City: Mombetsu,Japan

MEMO

Date: December 2, 2015

To: Spencer Nebel, City Manager

From: Robert Fuller, Public Works

Subject: Willamette Valley Communications Center

Per your request, I've detailed two incidents with WVCC that were of concern to me.

1. About a year ago (I don't recall the exact date), I was enroute to my workplace at Newport City Hall from my residence near MP 10 on Yaquina Bay Road. The time was approximately 7:30 AM. At about MP 2, I encountered and began following a large black SUV that was having problems maintaining the lane of travel, and seemed to have problems maintaining a constant speed. After a short period of time, I was concerned enough to call 9-1-1, because the vehicle's driver was still having issues, and was headed towards Newport and a more populated area, including schools. Once I made contact with WVCC, I advised the calltaker that I was following a suspected impaired driver, I began to described the vehicle and direction of travel, and provide license plate information. I was interrupted several times by the calltaker who said repeatedly, "Just a minute" as she was apparently trying to enter the information into a CAD system. This became somewhat frustrating because in my experience the calltaker would normally focus on getting the information to the dispatcher, who would then alert units in the area as soon as possible since this is a potentially dangerous situation. Then details could be relayed as they became available (a usual process, in my experience as a dispatch supervisor with OSP for several years, would have been for the dispatcher assigned to the area to alert all units that the dispatch center is on the phone with a complainant following a possible impaired driver and provide location and direction of travel and that details were forthcoming). As we approached John Moore Drive, I advised the calltaker that we were now headed northbound

toward the school zone. At this point the calltaker terminated the call and said something like, "OK thanks we will get this out, thanks for calling". Again, I was frustrated because, in my experience, it would have been appropriate to ask the caller (me) if they would be willing to stay on the phone and advise further information as to the subject vehicle's progress and location. However, WVCC terminated the call, and the subject vehicle proceeded through the light at Hwy 20 and John Moore, on to NE Harney St. and towards the school. I don't know the outcome of this incident.

2. A more recent incident occurred last week. I received a call from one of our Public Works employees (Melissa Román) who is managing a project on Ferry Slip Road. At about 8:45 AM, she called me to say she had asked for a police officer at her location because there was an incident developing regarding criminal mischief and an area resident who was possibly involved. She advised she was concerned because no one had responded as yet. She asked me to call WVCC and get an ETA for an officer. I called WVCC at about 8:50 AM. The calltaker appeared to have problems finding the call, so I described to her what I had been told by our employee. WVCC advised they had the call up for dispatch but had not assigned it as yet. About 9:40 AM, our employee called again and asked if I could call WVCC and get a time frame for a responding officer; the people involved were apparently on-scene and were creating a disturbance and were interfering with construction activities. I called WVCC to get an ETA. She said they still had not assigned the call. I asked her to please call back with an ETA. She said she would call me back as soon as possible with this information. After about half an hour, I again called WVCC for an ETA as I had not heard back and our employee at the site was calling me asking if I had heard anything about a response. WVCC did not have any information regarding a response.

I don't want to paint with a broad brush, but there have been other more minor issues I have experienced with WVCC as well. For example, I live near the Port of Toledo boat launch. I've called in a couple of incidents of concern at the boat launch and both times I was told to call Toledo Police Dept. since it's their jurisdiction. The boat launch is actually well outside of Toledo city limits and is the jurisdiction of the Lincoln County Sheriff's Office.

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VI.D.
Meeting Date: 12/7/15

Agenda Item:
Consideration of Resolution No. 3732, Rescinding Resolution No. 3553, and Approving a Proposed Process for Awarding the Remaining Tourism Facilities Grant Funds

Background:
The City Council has awarded $974,000 of an original $1,000,000 allocation that was initially earmarked for an event center that did not come to fruition. Twenty-six thousand dollars ($26,000) remains in this fund. At the August 17, 2015, City Council meeting, the Council approved a motion to proceed administratively with the solicitation of applications from previous grantees of the tourism facilities grant funds with the City Council approving both the administrative process and the recommendations for funding for these remaining funds. City Recorder, Peggy Hawker, has revised the grant rules and application process to reflect the Council's desire that the remaining funds would be made available to previous recipients of the tourism facility grant funds by competitive application. Each entity receiving funding previously will have an opportunity to apply for additional funding. The applications will be evaluated and as City Manager, I will make a decision on how to appropriate the funds. This report will be brought to the City Council for the Council's final concurrence. This will conclude the commitment for the tourism facilities grant funds.

Since Resolution No. 3553 remains on the books and established a committee to evaluate these applications, I would recommend that the Council approve Resolution No. 3732 rescinding Resolution No. 3553. Also, I would ask the Council approve by motion the rules that have been redrafted in order to proceed with this final step to complete the expenditure of the remaining $26,000 in funding.

Recommended Action:
I recommend the City Council consider the following motions:

I move to adopt Resolution No. 3732, rescinding Resolution No. 3553, which established a committee for the allocation of the event center funding.

I move to approve the Tourism Facilities Grant Program – Final Grant Round Rules and the Tourism Facilities Grant Application instructions that are included in the packet in use for soliciting, reviewing, ranking and recommending applications to the City Council for approval on an administrative basis, with the applicants being limited to those receiving tourism facility grant funds in past cycles.

Fiscal Effects:
$26,000 remains in the Tourism Facilities Grant Funds for this purpose.

Alternatives:
Utilize the Tourism Grant Committee for the remaining $26,000, open up applications to other groups, or as suggested by the City Council.

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item:
VI.D

Meeting Date:
12/7/15

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Process for Awarding the Remainder of the Tourism Facility Grant Funds

Prepared By: Peggy Hawker Dept. Head Approval: ph City Mgr. Approval: _____

Issue Before the Council: The issue before Council is consideration of a formal process for awarding the remainder of the tourism facility grant funds in the amount of $26,000.

Staff Recommendation: This is entirely a Council decision, although Council authorized, at its meeting of August 17, 2015, the City Manager to solicit applications from previous grantees of Tourism Facility Grant Funds.

Proposed Motions: I move to approve the process that authorizes the City Manager to solicit applications, from previous grantees of tourism facility grant funds, and make recommendation(s) to Council, for an award of some or all of the remaining $26,000 of tourism facility grant funds.

I further move to approve the "Tourism Facilities Grant Program - Final Grant Round Rules," and the "Tourism Facilities Grant Application Instructions" that are included in the packet, for use in soliciting, reviewing, ranking, and recommending applications to the City Council for approval.

Key Facts and Information Summary: The Tourism Facilities Grant Review Task Force was created by Resolution No. 3553 and charged with developing an application and recommending award(s) for a tourism facilities grant program. The source of this funding is the Room Tax Fund. This funding was created by a $1,000,000 allocation that was initially earmarked for an event center that did not come to fruition. In previous years, the Task Force recommended funding totaling $974,000. There is $26,000 remaining in the fund.

At the August 17, 2015 City Council meeting, a motion was made and approved "to authorize the City Manager to solicit applications from previous grantees of Tourism Facilities Grant Funds for an award of the remaining $26,000 of Tourism Facility Grant Funds with administrative review and recommendations for funding being forwarded to the City Council for approval."

The grant rules and application process have been revised to reflect the direction of Council from the August 17, 2015 Council meeting, and are attached for Council review.

The following entities would be eligible to participate in the final grant round as recipients of past Tourism Facilities Grant Funds.

RECIPIENT	TOTAL AWARD
Performing Arts Center	$250,000
Oregon Coast Aquarium	$250,000
Lincoln County Historical Society	$214,000
OMSI	$150,000
Sea Lion Docks Foundation	$ 60,000
Pacific Communities Health District Foundation	$ 50,000

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Excerpt from August 17, 2015 City Council Minutes
Draft Tourism Facilities Grant Program - Final Grant Round Rules
Draft Tourism Facilities Grant Application Instructions
Res. No. 3553 Establishing the Tourism Facilities Grant Review Task Force
Res. No. 3732 Repealing Res. No. 3553

Fiscal Notes: If Council authorizes award of the remaining monies earmarked for the event center, and the remaining funds of $26,000 are awarded, there would be no additional tourism facility grant funds unless additional funds are appropriated by the City Council.

Consideration of a Process for Awarding the Remainder of the Tourism Facilities Grant Funds. Hawker introduced the agenda item. Nebel reported that in 2011, the City Council approved a resolution creating a Tourism Facilities Grant Review Task Force to appropriate $1 million in funding, which had been earmarked for an events center that was not constructed, for tourism facility grants. He stated that over the years, $974,000 has been awarded to projects for the Preforming Arts Center, the Oregon Coast Aquarium, Lincoln County Historical Society, OMSI, the Sea Lion Docks Foundation, and Pacific Communities Health District Foundation.

Nebel reported that $25,000 had been reserved for Salmon for Oregon, however that organization could not meet the requirements outlined in the grant guidelines regarding the financial sustainability of the program. He stated that Salmon for Oregon has formally withdrawn its grant application. He noted that in July, the City Council discussed the possibility of adding a limited grant funding round allowing those organizations which were previously funded to submit a request for the remaining $26,000. He added that because of the small amount of funds that are remaining, it was suggested that this could be done administratively.

Nebel reported that a second alternative would be to utilize the remaining $26,000 for city-owned tourism facilities project such as the Agate Beach Wayside or the aquatic center.

Nebel reported that a third option would be to reconvene the Task Force for either a limited grant round, allowing only organizations which have received funds in the past to reapply for funds, or hold an open application process.

MOTION was made by Engler, seconded by Swanson, to authorize the City Manager to solicit applications from previous grantees of Tourism Facilities Grant Funds for an award of the remaining $26,000 of Tourism Facility Grant Funds with administrative review and recommendations for funding being forwarded to the City Council for approval. The motion carried unanimously in a voice vote.

CITY OF NEWPORT

TOURISM FACILITIES GRANT PROGRAM

FINAL GRANT ROUND RULES

I. Purpose

This policy is intended to guide the City Manager in accepting applications; reviewing and rating applications; and recommending applications to the City Council for consideration of award of the remaining $26,000 in Tourism Facilities Grant Program. The Tourism Facilities Grant Program is funded by local transient room tax revenues, so state law controls the types of projects to which grants may be provided. If a project cannot meet legal requirements, it will not be awarded a grant.

At the conclusion of this grant round, there will be no funding remaining for the Tourism Facilities Grant Program unless reinstated by Council at a later date.

II. Title

These provisions shall be known as the "Tourism Facilities Grant Program - Final Grant Round Rules."

III. Policy

It is the policy of the City Council to make the remaining Tourism Facility Grant Funds available to applicants who have previously been awarded funding through the Tourism Facilities Grant Program.

IV. Definitions

A. "Applicant" means any 501(c) organization or government entity that has previously been awarded funding through the Tourism Facilities Grant Program.

B. "City" means the City of Newport.

C. "City Manager" means the City Manager of the City of Newport or the City Manager's designee.

D. "Council" means the City Council of the City of Newport.

E. "Grant Agreement" is the legally binding contract between the City and the grant recipient. The Grant Agreement consists of the conditions specified in these rules, special conditions enumerated in the agreement, if applicable, and the grant application recommended by the City Manager.

F. "Grant Funds" means the funds requested by an Applicant, and/or the funds awarded to a grantee, through the Tourism Facilities Grant Program.

G. "Match" is any contribution to a project made up of funds other than Grant Funds. Match may include:

1. Cash on hand or cash that is pledged to be on hand prior to commencement of the project;

2. Secured funding commitments from other sources; or

3. Pending or potential commitments of funding from other sources. In such instances, Tourism Grant Program funding will not be released prior to securing the other funds. Pending commitments of the funding must be secured within the time provided in the Grant Agreement.

V. <u>Definitions for "Tourism-Related Facilities"</u>

A. "Conference center" means a facility that:

1. Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

2. Meets the current membership criteria of the International Association of Conference Centers.

B. "Convention center" means a new or improved facility that:

1. Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including but not limited to banquet facilities, loading areas and lobby and registration areas;

2. Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

3. Generates a majority of its business income from tourists;

4. Has a room-block relationship with the local lodging industry;

5. Is owned by a unit of local government, a governmental agency or a nonprofit organization.

C. "Tourism" means economic activity resulting from tourists.

D. "Tourism-related facility" means:

1. A conference center, convention center or visitor information center;

2. Means other improved real property that has a useful life of ten or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

E. "Tourist" means a person who, for business, pleasure, recreation, or participation in events related to the arts, heritage, or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from, and unrelated to the person's community of residence, and that trip:

1. Requires the person to travel more than 50 miles from the community of residence; or

2. Includes an overnight stay.

F. "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

VI. Application Requirements

A. Applications not in compliance with the requirements in this section will not be considered.

B. Applications must be submitted on a form provided by the City.

C. Applications for this final grant cycle are due by 3:00 P.M. on Friday, January 8, 2016. All applications must be submitted electronically to Peggy Hawker, at p.hawker@newportoregon.gov. Applications submitted in any other format will not be considered.

D. Applicants shall provide the following information:

1. Name of Applicant;

2. Amount(s) and date(s) of previous award of tourism facility monies;

3. Is this application for a continuation of a project for which a grant was previously awarded; or a new project by an organization previously receiving tourism facilities grant monies;

4. Name, mailing and e-mail addresses, and telephone numbers of the Applicant's contact person(s) and, if applicable, the Applicant's fiscal officer(s);

5. The name and a description of the proposed new project or expansion of previously awarded project;

6. Estimated line item budget for the project;

7. Identification of specific project elements for which Grant Funds will be used;

8. A list of any non-Grant Funds, services or materials available or secured for the project and any conditions which may affect the completion of the project or this phase of the project;

9. A description of the previously funded project accomplishments;

10. A project schedule including times of project beginning and completion; and

11. Any information requested by the Tourism Facilities Task Force or the Council in order to evaluate the project.

E. All Applicants shall demonstrate how a dollar for dollar match will be achieved, based on the total Grant Funds request, at the time of application.

F. Description of how the Grant Funds requested will be used to fund Tourism-Related Facilities.

G. Applications must include the following attachments:

1. If applicable, documentation from the Internal Revenue Service confirming that the Applicant is a 501(c) tax exempt organization;

2. Three years of year-end revenue/expense summaries and current balance sheet, or feasibility study;

3. An executive summary of the business plan for the project, including a budget;

4. A time frame for fundraising, if applicable;

5. A time frame for project completion.

H. Clarification of information submitted may be sought from the Applicant during the evaluation process.

VII. Application Processing

A. Submission of an application does not ensure funding. Decisions to award Grant Funds will be made based on the criteria and rating schedule attached to these rules as Exhibit A.

B. The City Manager will review all applications that comply with the application requirements included in these rules, and rank the qualifying applications based on the criteria and rating schedule attached as Exhibit A.

C. Based on the application materials submitted, the City Manager will make recommendations to Council on the award(s) of the remaining grant funds ($26,000).

D. The City Manager may require additional information from the Applicant to aid in evaluating an application.

E. The decision of the City Council is final.

G. Applicants will be notified, in writing, of award by the City Council. Written notifications will be sent by e-mail to the address provided in the application.

VIII. Grant Agreement Conditions

A. If a grant is awarded, the City Manager, on behalf of the City, will enter into a Grant Agreement with the grantee.

B. The terms of the Grant Agreement may be tailored to fit the project for which the Grant Funds are awarded. Grantees shall comply with all Grant Agreement conditions.

C. Grantee shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under the agreement.

D. Grant Funds may not be used to refinance existing debt.

E. Grantee is responsible for all the expenses of the operation and maintenance of the project, including but not limited to adequate insurance, any taxes or special assessments applicable to the project, and any requirements of the City, including, but not limited to permitting.

F. Grantee shall comply with all prevailing wage laws applicable to the project.

G. Grantee must demonstrate total financial resources that are adequate to ensure completion of the project, prior to the release of funds by the City.

H. Upon written notice to the grantee, the City Manager may terminate funding for projects not in compliance with the terms of the Grant Agreement. The money allocated to the project but not used will be absorbed by the transient room tax fund.

I. Grantee will obtain all required permits and licenses from local, state, or federal government entities.

J. The City may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the Tourism Facilities Grant Program, including any provisions that

the City Manager considers necessary to ensure the expenditure of funds for the purposes set forth in the application.

IX. Distribution of Funds

A. The City will not reimburse grantee for any expenditures incurred prior to the signing of the Grant Agreement by all parties.

B. Prior to disbursement of Grant Funds, the grantee must provide proof that the dollar for dollar required Match, based on the total Grant Funds awarded, has been secured.

C. Funds shall not be disbursed until the City Manager receives satisfactory evidence that necessary permits and licenses have been granted and documents required by the City have been submitted.

D. The City shall retain ten percent of the Grant Funds until the final project report, as required by the Grant Agreement, has been approved by the City. Final reports are due within 60 days of project completion. Any unexpended Grant Funds must be returned to the City with the final report. Upon receipt of the final report, the City shall have 90 days to approve the completed report or notify the grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved the final payment shall be promptly provided to grantee.

CITY OF NEWPORT
TOURISM FACILITIES GRANT APPLICATION INSTRUCTIONS

Answer questions completely within the page limitations provided below. Applications will be considered based the criteria outlined in the City of Newport, Tourism Facilities Grant Program - Final Grant Round Rules. Applicants may be contacted to provide more information. All applications are to be submitted by e-mail to: Peggy Hawker, at p.hawker@newportoregon.gov. The application deadline is Friday, January 8, 2016, at 3:00 P.M., PST. Applications submitted in another format will not be accepted. Only one application per entity allowed.

Please Note:

1. These funds were created by transient room tax collections. There are legal restrictions on how the money may be spent, and if the project cannot meet the legal requirements, the project cannot be funded. Definitions are included in the Tourism Facilities Grant Program - Final Grant Round Rules.
2. The Newport City Manager has established policies governing the final round of the Tourism Facilities Grant Program. A copy of those policies is attached to this application.
3. Applicants will be selected for funding based on information included in the application materials.
4. A one-to-one funding match is required.
5. Applicants must be a 501(c) organization or government entity, and have previously received Tourism Facilities Grant funding.

Currently, there is $26,000.00 in the Room Tax Fund of the City of Newport budget to be used for the Tourism Facilities Grant Program. Once these funds are distributed, the program will cease unless the City Council budgets monies for it to continue. The City Manager has established a process for distributing these final funds.

Once grant applications are received, the City Manager will review and rate the applications and make a recommendation(s) regarding award of the remaining funds to the City Council for consideration of the recommendation(s). After approval of recommendation(s) by the City Council, the City Manager, on behalf of the City of Newport, will enter into an agreement with the grantee that will spell out the terms of the grant and the time frame in which the grant funds will be released. Each agreement will be tailored to fit the grantee's proposed project. The grantee will be required to indemnify the City of Newport from financial liabilities incurred by the project. The grant funds will not be distributed until the matching dollars for a project have been raised.

Each application will be considered on its own merits. Each application will be judged by the criteria attached to the City of Newport Tourism Facilities Grant Program - Final Grant Round Rules, as Exhibit A.

Submission of an application does not ensure funding. Funding decisions will be made based on the criteria in Exhibit A of the City of Newport Tourism Facilities Grant Program - Final Grant Round Rules.

The City Manager will review and rate all applications and make a recommendation(s) regarding award of the remaining funds to the City Council for consideration of the recommendation(s). After approval of recommendation(s) by the City Council, the City Manager, on behalf of the City of Newport, will enter into an agreement with the grantee that will spell out the terms of the grant and the time frame in which the grant funds will be released. Each agreement will be tailored to fit the grantee's proposed project. The grantee will be required to indemnify the City of Newport from financial liabilities incurred by the project. The grant funds will not be distributed until the matching dollars for a project have been raised.

The applicant should respond via e-mail to p.hawker@newportoregon.gov. The application deadline is Friday, January 8, 2016, at 3:00 P.M., PST.

PREVAILING WAGE

Please note that use of City funds in a public works project may subject your project to prevailing wage laws. You may wish to consider whether acceptance of Tourism Facilities Grant Funds will subject your project to prevailing wage and review the project budget in light of that determination.

City of Newport
169 SW Coast Highway
Newport, Oregon 97365
541.574.0613

CITY OF NEWPORT
TOURISM FACILITIES GRANT APPLICATION

Name of Applicant/Organization: _____

Mailing Address & City: _____

Contact Person: _____

Contact Phone No.: _____

Contact E-Mail Address: _____

Project Title: _____

Total Project Budget: $ _____

Amount Requested: $ _____

Submitted by: _____

Title: _____

I. General

Check the appropriate boxes below.

Is the project proposed by a government agency? Yes ☐ No ☐

OR

Is the project proposed by a non-profit organization? Yes ☐ No ☐
(A non-profit agency is defined as a 501(c) organization)

Will the project encourage people to travel to Newport from more than 50 miles away? Yes ☐ No ☐

Will the project encourage people to spend the night in Newport? Yes ☐ No ☐

Is the reason the project encourages visitors due to one or more of the following? (Check all that apply):

Business ☐
Pleasure ☐
Recreation ☐
Arts ☐
Heritage ☐
Culture ☐

Are you requesting funding for improved real property with a useful life of at least ten years? Yes ☐ No ☐

II. Project Description

In this section, describe the project and how it meets the criteria outlined in Exhibit A of the City of Newport Tourism Facilities Grant Program - Final Grant Round Rules. First review the heading and questions, then check all boxes that apply to the project or give short answers. Finally, provide a narrative explaining how the project addresses the questions. The length of the answer to any question is optional, however, the applicant should attempt to answer all questions. Applicants are encouraged to be as concise as possible.

A. Summary description of the project (summarize the project so that reviewers have a general sense of the project)

B. Business Plan and Budget: (25 points)

What is the total cost of the project? _____

What is the amount requested from the city? _____

What is the ratio of the request to the total cost? _____

What funds have already been raised for the project? (Include the source of funds, i.e., cash on hand, grants awarded, grants committed.) _____

What funds remain to be raised for the project? _____

How are the remaining funds to be raised? (Other grants, pledges, etc.)

Does the project provide a service that the city currently funds? Yes ☐ No ☐

Does the project require continued support from the city? If yes, explain. Yes ☐ No ☐

When do you anticipate completion of the project?

What is the plan for operations over a 3 - 5 year period?

How does the project demonstrate financial stability?

How does the project demonstrate a viable business plan?

C. Tourism Spending: (15 points)

How does the project encourage overnight stays?

How does the project encourage increased spending at local businesses?

How does the project increase the capacity for tourism?

D. Facility Usage: (Check all that apply) (10 points)

Is the project open year round: Yes ☐ No ☐
If yes:

Daily _____
Weekdays _____
Weekends _____
Once a week _____

Is the project seasonal: Yes ☐ No ☐

Daily _____
Weekdays _____
Weekends _____
Once a week _____

Is the project off-season: Yes ☐ No ☐

Daily _____
Weekdays _____
Weekends _____
Once a week _____

Is the project monthly: Yes ☐ No ☐

Daily _____
Weekdays _____
Weekends _____
Once a week _____

Is the project open on holidays: Yes ☐ No ☐ Only ☐

Other: _____

Will the project attract repeat visits:

during a single stay? Yes ☐ No ☐
during a single season? Yes No ☐
over a single year? Yes ☐ No ☐
over multiple years? Yes ☐ No ☐

What is the potential for repeat business?

What is the regularity of usage?

Does the project allow for multiple activities or uses? State size and types of events.

Is there a particular new demographic that the project is intended to reach? (Check all that apply)

Children _____
Families _____
Adults 21+ _____
Seniors _____
Groups _____
Business _____
Pleasure _____
Arts _____
Heritage _____
Cultural _____
Sports _____
Other _____

E. Economic Impact: (20 points)

Are project funds to be spent locally on:

Planning	Yes ☐	No ☐
Design	Yes ☐	No ☐
Construction	Yes ☐	No ☐
Post-Completion	Yes ☐	No ☐

How does the project create local jobs in all phases?

What is the projected economic impact?

Will the project create spin-off businesses?

F. Other: (5 points)

How does the location relate to the current tourism hubs?

How is the project energy efficient or environmentally friendly?

What is the effect of the project on local livability components?

Is there any additional information that you would like the committee to consider?

G. Overall Project (25 points)

H. Required Attachments

1. IRS determination letter for 501(c) - if applicable;
2. Executive Summary of the business plan for the project, including a budget;
3. Timeframe for fundraising;
4. Timeframe for project construction/completion.

Optional Attachments

1. Drawings of any facility and floor plan to be constructed or renovated with the requested funds

RESOLUTION NO. 3553

A RESOLUTION ESTABLISHING A
TOURISM FACILITIES GRANT REVIEW TASK FORCE
FOR THE CITY OF NEWPORT

FINDINGS:

1. The City of Newport has funds for tourism facilities for which the City Council desires to establish a grant program for distribution of the funds; and

2. The City of Newport recognizes the importance of allocating these funds to non-profit agencies for the improvement or construction of tourism facilities through a grant process.

NOW, THEREFORE, THE CITY OF NEWPORT RESOLVES:

Section 1. The City Council creates a Tourism Facilities Grant Review Task Force that will be comprised of seven members; two of which may be from outside the city with an interest in economic development.

Section 2. The Task Force will be responsible for developing criteria for distribution of tourism facilities funds.

Section 3. The Task Force will be responsible for reviewing grant applications for the tourism facilities funds.

Section 4. The Tourism Facilities Grant Review Task Force will be responsible for forwarding recommendations on the grant criteria and funding recommendations for tourism facilities funding to the City Council for approval.

Section 5. This resolution shall be effective immediately upon passage.

Adopted by the Newport City Council on July 18, 2011.

Signed on July 20, 2011.

CITY OF NEWPORT

Mark McConnell

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

RESOLUTION NO. 3732

A RESOLUTION REPEALING RESOLUTION NO. 3553
WHICH ESTABLISHED A TOURISM FACILITIES GRANT REVIEW TASK FORCE
FOR THE CITY OF NEWPORT

Findings:

1. The City Council of the City of Newport adopted Resolution No. 3553, establishing a Tourism Facilities Grant Review Task Force, for the City of Newport, on July 18, 2011; and

2. At the time Resolution No. 3553 was adopted, the City of Newport had $1,000,000 that it wished to allocate to non-profit agencies for the improvement or construction of tourism facilities through a grant process; and

3. At the August 17, 2015 City Council meeting, the Council authorized the remaining tourism facility grant funds, in the amount of $26,000, be awarded administratively, and

4. An administrative process for the award of the remaining tourism facility grant funds has been developed; and

5. The Tourism Facilities Grant Review Task Force has accomplished its task.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Resolution No. 3553, establishing a Tourism Facilities Grant Review Task Force, is repealed.

Section 2. This resolution shall be effective immediately upon passage.

Adopted by the Newport City Council on December 7, 2015.

_____
Sandra N. Roumagoux, Mayor

ATTEST:

_____
Margaret M. Hawker, City Recorder

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VI.E.
Meeting Date: 12/7/15

Agenda Item:
Report on Budget Calendar for Fiscal Year 2016-17.

Background:
We will soon begin the process to develop a budget for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017. The calendar was developed shortly after the completion of the budget process for last year in order to determine the best timing to prepare the budget for the 2016-17 Fiscal Year. This process will be initiated by the middle of this month with the distribution of personnel, capital outlay and fee schedule forms for the department heads to begin developing their request and recommendations for the next fiscal year.

Several key dates that are important for the City Council are as follows:

- Goal Setting Session – Monday, February 8, 2016 from 10 AM through 3 PM
- Public hearing on proposed Council goals for 2016-17 at 6 PM on March 7, 2016
- Preliminary meeting of the Budget Committee at 6 PM, Wednesday, March 16, 2016
- First meeting of the Budget Committee at 5 P M on Wednesday, April 27, 2016
- Second Budget Committee meeting at 5 PM on Wednesday, May 11, 2016
- Third Budget Committee meeting at 5:30 PM on Wednesday, May 18, 2016

Upon approval of a budget by the Budget Committee, the City Council will schedule a public hearing for Monday, June 20, 2016, at 6 PM to hear any final comments on the budget, and then will adopt the budget and make appropriations for both the City and the Newport Urban Renewal Agency.

Overall, I believe this schedule has allowed us to develop the budget in a logical sequence and provides adequate review by the Budget Committee and preparation on final adoption of the budget by the City Council. Please let me know if you have any questions or suggestions for any modifications to the budget calendar for the development of the budget for the 2016-17 Fiscal Year.

Respectfully submitted,

Spencer R. Nebel
City Manager

CITY OF NEWPORT
Budget Calendar - Detailed
For Fiscal Year 2016-17

Preliminary Personnel, Capital Outlay and Fee Schedule (City and NURA)
Distributed to Department Heads ……...Tuesday, December 15, 2015

Preliminary Budget Worksheets (Six months, City and NURA)
Distributed to Department Heads ……Tuesday, January 19, 2016

- ***Personnel Forms ……...…Return to Finance by February 5, 2016***
- ***Fee Schedule ……....Return to Finance by February 5, 2016***
- ***Capital Outlay***
  Equipment ($5,000) and up) ……...Return to Finance by March 1, 2016
  Projects ……Return to Finance by March 8, 2016

Goal Setting Meeting with City Council and Department Heads - (10:00am to 3:00pm) Monday, February 8, 2016

Final Budget Worksheets for Proposed Budgets with
Eight-Month Actuals (maybe seven) through February 2016.....Monday, March 7, 2016

Submit Department Proposed Budgets and Narratives to Finance……Friday, March 11, 2016

Public Hearing on Proposed Council Goals for 2016-17…….… (6:00pm) Monday, March 7, 2016

Finance Completes Department Budget Requests Process and
Makes Final Requests Available …….……Friday, March 21, 2016

Department Heads' Group Meeting on Capital Outlay (Projects & Equipment)
Review of Requests and Prioritizing Projects ……...Thursday, March 17, 2016

Preliminary Meeting of the Budget Committee…… (6:00pm) Wednesday, March 16, 2016

Department Heads' Meetings with Budget Officer to Review, Revise
and Balance Budgets (City and NURA) ……..…Wednesday, March 22 through March 24, 2016

Final (wrap-up) Meeting on Capital Projects (City and NURA) …….Friday, March 25, 2016

Publish First Notice of Budget Committee Meetings (City and NURA) …….Friday, April 1, 2016
(Finance only….To paper on March 29, 2016)
Budget Officer Completes Budget Message ……Monday, April 11, 2016

Completed Proposed Budget to Printer ……..Friday, April 15, 2016

Revised December 3, 2015

Publish Second Notice of Budget Committee Meetings (City & NURA) …..Wednesday, April 13, 2016
(Finance only….To paper on April 8, 2016)

Distribute Proposed Budgets to Budget Committee & Department Heads …Wednesday, April 20, 2016

First Budget Committee Meeting …… (5:00pm) Wednesday, April 27, 2016

- ***Appoint/Elect Presiding Officer***
- ***Receive City and NURA Budgets and Budget Message***
- ***Public Hearing on Possible Uses of State Shared Revenues***
- ***Review Budget Documents and Discuss Relevant changes***
- ***Respond to Questions from the Budget Committee***
- ***Provides for Members of the Public time for Input, Questions and Comments***
- ***Present Report on Financial Policy of UEFBs and Contingencies***

Second Budget Committee Meeting …… (5:00pm) Wednesday, May 11, 2016

- ***Budget Committee Deliberations***
- ***Respond to Questions from First Meeting***

Third Budget Committee Meeting …… (5:30pm) Wednesday, May 18, 2016

- ***Respond to Questions from Second Meeting***
- ***Budget Committee approval of the Budget Documents (City and NURA)***
- ***Approval of Ad Valorem Property Tax Amount or Rate for City General Fund and City Debt Service Funds and the NURA***

Publish Notice of Budget Hearing (only one notice required) ……Wednesday. June 8, 2016
(Finance only….To paper on June 3, 2016)

- ***Publish Financial Summaries (separate City and NURA)***

Budget Public Hearing …… (6:00pm) Monday, June 20, 2016

- ***Public Hearing on Proposed Uses of State shared Revenues***
- ***Separate Public Hearings on City Budget and NURA Budget***
  Adopt Budgets and Make Appropriations (City and NURA)
  Impose and Categorize Taxes for City and NURA

Transmit Tax Certification Documents ..……Wednesday July 15, 2016

- ***To County Assessor by July 15, 2016***
- ***File Budget Document with County Recorder and Designated Agencies.***

Revised December 3, 2015

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VII.B.
Meeting Date: 12/7/15

Agenda Item:
Approval of an Agreement with the Automation Group (TAG) for Supervisory Control and Data Acquisition Software System Upgrades at the Wastewater Treatment Plant

Background:
In the current year's budget, funds were appropriated for the upgrade/replacement of the supervisory control and data acquisition (SCADA) software system for the Wastewater Treatment Plant. As you are aware, we have been developing a city wide SCADA system for the control of the Wastewater Plant facility, as well as the various lift stations. This allows for remote monitoring and controlling of various operations within the wastewater system. The cost for the upgrade will be $83,604.

Recommended Action:
I recommend the City Council consider the following motion:

I move approval of an agreement with the Automation Group for supervisory control and data acquisition software system upgrades at the Wastewater Treatment Plant in the amount of $83,604 and authorize the City Manager to execute the agreement on behalf of the City of Newport.

Fiscal Effects:
A total of $124,000 has been made available for this project from the Wastewater Fund.

Alternatives:
None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item # VII.B
Meeting Date Dec. 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approval of agreement with The Automation Group (TAG) for SCADA system upgrades at the Wastewater Treatment Plant

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Approval of contract with The Automation Group (TAG) for SCADA system upgrades at the Wastewater Treatment Plant

Staff Recommendation:

Approve the agreement

Proposed Motion:

I move to approve the agreement with The Automation Group for SCADA system upgrades at the Wastewater Treatment Plant in the amount of $83,604 and authorize the City Manager to execute the agreement on behalf of the City of Newport.

Key Facts and Information Summary:

This agreement for professional services with TAG is for upgrading the SCADA software and servers for the Wastewater Treatment Plant and various wastewater pump stations. The existing SCADA system was installed 15 years ago with the original construction of the plant and is still running on the original computer. The software is functionally obsolete and needs to be replaced. This work will upgrade the software and servers in accordance with the attached scope of work.

Other Alternatives Considered:

None.

City Council Goals:

None.

Attachment List:

- Newport WWTP - SCADA System Upgrade Scope of work from TAG dated Sept. 22, 2015

Fiscal Notes:

$82,000 was appropriated in fiscal year 2016 from the Wastewater Fund for project number 15-027 WWTF SCADA Improvements. An additional $42,000 was appropriated from the Wastewater Fund for project 15-028 Wastewater Collection System SCADA Improvements. This project involves the upgrade of SCADA systems that operate the WWTF and the collection system. These two appropriations provide sufficient funding for this project.

Q150922G
Sept. 22, 2015

John Ritchey

RE: Newport WWTP - SCADA System Upgrade

WWTP Scope Of Work :

TAG will be working with the City to Design and implement an upgrade to the existing SCADA System at the WWTP. The system will be a Server Client system that will be locally deployed. A second Client will be installed on one workstation to allow the operators to view the collection SCADA system. New reporting software and alarm dialer software will be installed at the time of conversion to allow for future setup.

Newport WWTP Design & PM

- Put Project Schedule together and coordination with Owner
- Specify and work with City on PC's To Purchase
- Coordinate networking backbone with Richard
- Procurement of system parts
- Install VNC Server on one Workstation for Remote Viewing of SCADA System
- Develop SOP for adding or removing an operator from security login and Alarm Dialout including step by step video
- Training

PC 1&2 – Workstations

- Workstation PCs (*Plug Pricing only for Budget… City to Provide*)
- Setup Windows 7 Operating system to Rockwell Software Specs.
- Purchase and Install Factory Talk View Client for WWTP Server Connection
- Purchase and Install Factory Talk View Client for Dist/Col Server Connection
- Connect Clients to their respective Server
- Reinstall PLC Programming software
- Test System and Place into service

PC 3 – SCADA HMI Server

- Setup Windows Server Operating system to Rockwell Software Specs.
- Purchase and Install Factory Talk View Server (250 Screen)
- Purchase and Install Factory Talk View Client for WWTP Server Connection
- Purchase and Install Logix 5000 for Programming of New Remote Sites
- Setup SQL Tag Database for view
- Install and Setup Alarm & Event SQL Database

- Convert Old RSView 32 Application (*Test Convert left minimal required work*)
- Load Converted SCADA/HMI Program
- Purchase and install XLReporter Software for Reports
- Purchase and Install SQL for Reporting Software
- Purchase install & Setup Win911 Alarm Dialer System (Phone line connections are not included in this Budget)
- Test Systems and Place into service

Newport Collection Design

- Put Project Schedule together and coordination with Owner
- Specify and work with City on PC To Purchase
- Coordinate networking backbone with Richard for Northside
- Procurement of system parts

PC 1 – Workstation (Northside)

- Workstation PCs (*Plug Pricing only for Budget… City to Provide*)
- Setup Windows 7 Operating system to Rockwell Software Specs.
- Purchase and Install Factory Talk View Client for WWTP Server Connection
- Connect Client to Server
- Test System and Place into service

Schedule of Cost:

Site	***Description/Task***	***Budget Price***
WWTP	Server PC (1) (Provided by City)	$0
	Client PCs (2) (Provided by City)	$0
	Software - SCADA/Alarming/Reporting/Databases/PLC	$30,719.00
	Labor - Design/Management/Programming/Setup/Training	$31,925.00
	Report Building	$12,000.00
Collections	Client PC (Provided by City) - Northside	$0
(Northside)	Software – SCADA Client	$1,750.00
	Labor - Design/Management/Programming/Setup/Training	$7,210.00

Total Price……$83,604.00

Thank you,

Gary Jenks

Gary Jenks
Office: 541-359-3755
Cell: 541-912-3766
Fax: 541-982-2266
gjenks@tag-inc.us

CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#VII.C.
Meeting Date: 12/7/15

Agenda Item:
Approval of an Agreement with the Automation Group (TAG) for Supervisory Control and Data Acquisition Software System Upgrades at the Water Treatment Plant

Background:
In the current year's budget, funds were appropriated for the upgrade/replacement of the supervisory control and data acquisition (SCADA) software system for the Water Treatment Plant. As you are aware, we have been developing a city wide SCADA system for the control of the Water Plant facility, as well as the various pump stations. This allows for remote monitoring and controlling of various operations within the water system. The cost for the upgrade will be $65,427.

Recommended Action:
I recommend the City Council consider the following motion:

I move approval of an agreement with the Automation Group for supervisory control and data acquisition software system upgrades at the Water Treatment Plant in the amount of $65,427 and authorize the City Manager to execute the agreement on behalf of the City of Newport.

Fiscal Effects:
$73,000 was appropriated in the current fiscal year for this work.

Alternatives:
None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager

Agenda Item # VII.C
Meeting Date Dec. 7, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approval of agreement with The Automation Group (TAG) for SCADA system upgrades at the Water Treatment Plant

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Approval of contract with The Automation Group (TAG) for SCADA system upgrades at the Water Treatment Plant

Staff Recommendation:

Approve the agreement

Proposed Motion:

I move to approve the agreement with The Automation Group for SCADA system upgrades at the Water Treatment Plant in the amount of $65,427 and authorize the City Manager to execute the agreement on behalf of the City of Newport.

Key Facts and Information Summary:

This agreement for professional services with TAG is for upgrading the SCADA software and servers for the Water Treatment Plant. The existing SCADA system installed with the plant construction in 2010 is obsolete and needs to be replaced. This work will upgrade the software and servers in accordance with the attached scope of work. This software modification conforms the SCADA software to the same version used on other systems throughout the City. The modifications will also allow the Water Treatment Facility operators to monitor water system pump stations.

Other Alternatives Considered:

None.

City Council Goals:

None.

Attachment List:

- Newport WTP - SCADA System Upgrade Scope of work from TAG dated Sept. 24, 2015

Fiscal Notes:

$73,000 was appropriated in fiscal year 2016 from the Water Revenue Bond for project number 15-026 SCADA system Upgrade Project - Water Plant. This appropriation provides sufficient funding for this project.

Quote

Q150924G
Sept. 24, 2015

Steve Stewart
Newport WTP

WTP Scope Of Work :

TAG will be working with the City to Design and implement an upgrade to the existing SCADA System at the WTP. The system will be a Server Client system that will be locally deployed. A second Client will be installed on one workstation to allow the operators to view the Distribution SCADA system. New reporting software will be installed at the time of conversion and reports generated to mimic existing inductive automation reports to keep a standard platform across the City.

Newport WTP Design & PM (Steve)

- Put Project Schedule together and coordination with Owner
- Specify and work with City on PC's To Purchase
- Coordinate networking backbone with Richard
- Procurement of system parts
- Install VNC Server on one Workstation for Remote Viewing of SCADA System
- Develop SOP for adding or removing an operator from security login and Alarm Dialout including step by step video
- Training

PC 1&2 – Workstations

- Workstation PCs (*Plug Pricing only for Budget… City to Provide*) – Existing PCs would be usable but I would recommend purchasing new ones as development could be done and deployed while leaving the existing system in place for a seamless cutover.. Also you would have Like Hardware throughout the system with RAID Drive Setups.
- Setup Windows 7 Operating system to Rockwell Software Specs.
- Purchase and Install Factory Talk View Client for WTP Server Connection
- Purchase and Install Factory Talk View Client for Dist. Server Connection
- Connect Clients to their respective Server
- Reinstall PLC Programming software Logix 5000
- Test System and Place into service

PC 3 – SCADA HMI Server

- Setup Windows Server Operating system to Rockwell Software Specs.
- Purchase and Install Factory Talk View Server (250 Screen)
- Purchase and Install Factory Talk View Client for WTP Server Connection
- Setup SQL Tag Database for view

The Automation Group, Inc – www.tag-inc.us
CCB #172838
Phone: 541/359-3755
Certification: State of Oregon Tier-2 Emerging Small Business Cert# 6023

- Install and Setup Alarm & Event SQL Database
- Convert Old RSView 32 Application (*Test Convert shows extended conversion due to original configuration of PALL tagging system*)
- Load Converted SCADA/HMI Program
- Purchase and install XLReporter Software for Reports.. Replaces Inductive automation reporting to keep standard with WWTP & Dist/Col System
- Purchase and Install SQL for Reporting Software
- Existing Alarm dialer will stay in service as it is ran from PLC
- Test Systems and Place into service

Schedule of Cost:

Site	***Item***	***Description/Task***	***Budget Price***
WTP	2	Server PC (1) – Supplied by City	$0
	2	Client PCs (2) – Supplied by City	$0
	2	Software - SCADA/Alarming/Reporting/Databases	$21,502.00
	2	Labor - Design/Management/Programming/Setup/Training	$31,925.00
	2	Report Building	$12,000.00
		TOTAL	*$65,427.00*

General Notes

- **Existing SCADA System will be left in operation during conversion to allow for seamless switch over as all new hardware and software will be utilized**
- **Existing Rockwell License will be deactivated after system is complete to allow for lower pricing of new software.. using the Step Forward Rockwell Program**
- **System is a one for one replacement.. Additional changes will be addressed on a case by case quote.**
- **All PC's to be provided by City of Newport**
- **TAG does not recommend Windows updates after HMI Install as updates may conflict with Rockwell initial settings.**
- **TAG does not recommend installing Antivirus software on the PC's as in the past with new updates to the security profiles have quarantined by accident .dll files that are needed to run the SCADA/HMI programs.**
- **TAG recommends that no external devices be plugged into usb ports thus eliminating spreading of viruses.. backups to an approved thumb drive only should be allowed.**
- **If the Owner requires updates with no exceptions then TAG recommends all updates be done manually and a System Integrator be present to fix any problems that may occur from updates.**
- **TAG will utilize City's Support Contract to upgrade and reload PLC Programming Software**

Thank you,

Gary Jenks

Gary Jenks
Office: 541-359-3755
Cell: 541-912-3766
Fax: 541-982-2266
gjenks@tag-inc.us