

CITY OF NEWPORT

Resolution No. 3504

A Resolution Creating a Technical Advisory Task Force

Findings:

1. On March 15, 2010, the City Council adopted Resolution No. 3497, which approved an agreement allowing Georgia-Pacific Toledo, LLC (GP) to operate and maintain North and South pipelines within public right-of-ways (GP Agreement). The Agreement was signed by the parties and effective on April 5, 2010. Provisions in the GP Agreement provided for annual payments by GP for use of the public rights-of-way.
2. On April 19, 2010, the City Council adopted Resolution No. 3502, which directed that the fees paid by GP under the GP Agreement for years 2008, 2009 and 2010, totaling \$170,000 be used for the testing of ocean waters, habitat, beaches and animals near the GP outfall. Further, the Council directed that a Technical Advisory Task Force be established for the purpose of soliciting grant proposals for the testing of ocean waters, habitat, beaches and animals near the GP outfall. Resolution No. 3502 also directed that the award of grants be recommended by the Technical Advisory Task Force and approved by the Council.
3. Finally, Resolution No. 3502 stated that the City Council intended that the "Framework to Develop an Effluent Monitory Plan" developed by the Georgia Pacific task Force, dated May 24, 2009, be used as a resource in the review of grant proposals.

Based on these Findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. A Technical Advisory Task Force is hereby created which shall consist of no less than five (5) and no more than seven (7) members, approved by the City Council and appointed by the Mayor.

Section 2. The Technical Advisory Task Force will meet as necessary and be tasked with the following:

- a) Assist the City in drafting grant guidelines and process for the purpose of soliciting proposals for the testing of ocean waters, habitat, beaches and animals near the GP outfall;
- b) Review, evaluate and make recommendations to the City Council regarding grant awards;
- c) Monitor work performed under grant awards;

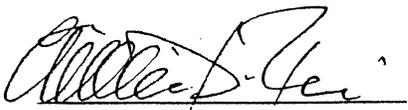
- d) Evaluate the process established under this Section 2 for future purposes; and,
- e) Perform such other tasks related to the subject matter herein as may be requested by the City Council.

Section 3. The Technical Advisory Task Force shall be in effect from the date all such task members are appointed by the Mayor and until January, 2012 or such other date as may be established by the City Council. The Technical Advisory Task Force shall be supported by City staff.

Section 4. The City Council directs the Technical Advisory Task Force to use the "Framework to Develop an Effluent Monitoring Plan" developed by the Georgia Pacific Task Force, dated May 24, 2009, as a resource in the activities described in this resolution.

Section 5. This Resolution is effective upon adoption.

Passed by the Newport City Council on 5/3, 2010.



Mayor

Attest:



City Recorder

CITY OF NEWPORT

Resolution No. 3502

A Resolution to Establish the Use of Funds Received From Georgia-Pacific Toledo, LLC. under the Agreement Dated April 5, 2010 Between The City of Newport and Georgia-Pacific Toledo, LLC.

Findings:

1. On March 15, 2010, the City Council adopted Resolution No. 3497 which approved an agreement allowing Georgia-Pacific Toledo, LLC (GP) to operate and maintain North and South pipelines within public right-of-ways (GP Agreement). This agreement culminated several years of discussions between the City and GP and endless hours of work performed the GP Task Force. The Agreement was signed by the parties and effective on April 5, 2010.
2. Provisions in the GP Agreement provided for an annual payment by GP for use of the public rights-of-way equaling \$55,000 for year 2008, \$56,650 for year 2009, \$58,350 for year 2010 and for subsequent years an increase of 3% annually. The Agreement is effective for a period of seven (7) years, beginning in the year 2010.
3. Recommendations of the GP Task Force included that testing of ocean waters, habitat, beaches, and animals near the GP outfall be performed, utilizing fees paid by GP under the GP Agreement.
4. The Council has determined that there is a city benefit to testing, monitoring and mitigating environmental impacts in, around and adjacent to the city and to utilize funds received from the GP Agreement for such purposes.
5. It is the Council's desire to consider recommendations of the GP Task Force by allocating GP Agreement funds received for years 2008, 2009 and 2010, totaling \$170,000, for the testing of ocean waters, habitat, beaches and animals near the GP outfall.
6. It is the Council's desire to publicly recognize and thank members of the GP Task Force for their dedicated and endless hours of volunteer work on this important issue to the citizens of Newport.

Based on these Findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Council directs that fees paid by GP under the GP Agreement as stated in Section 2 of the Findings for years 2008, 2009 and 2010, totaling

\$170,000, be utilized for the testing of ocean waters, habitat, beaches, and animals near the GP outfall.

Section 2. The Council directs that the City establish a Technical Advisory Task Force for the purpose of soliciting grant proposals which will be funded from fees paid by GP under Section 1. Award of the grant shall be recommended by the Technical Advisory Task Force and approved by the Council. The Council intends that the "Framework to Develop an Effluent Monitoring Plan" developed by the Georgia Pacific Task Force, dated May 24, 2009, be used as a resource in the review of grant proposals referred to herein.

Section 3. The Council will review and approve the expenditure of fees paid by GP under the GP Agreement for years 2011 and beyond.

Section 4. The Council intends that fees paid by GP be utilized for testing, monitoring, or mitigating environmental impacts in, around, and adjacent to the city, which may but are not required to include, but with priority given to, the testing of ocean waters, habitat, beaches and animals near or adjacent to the GP outfall.

Section 5. By this resolution, the Council publically recognizes and thanks members of the GP Task Force for their dedicated and endless hours of volunteer work on this important issue for the citizens of Newport.

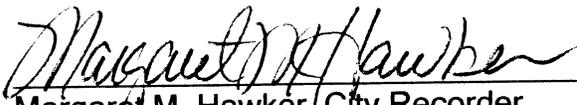
Section 6. Effective Date. This Resolution is effective upon adoption.

Passed by the Newport City Council on April 19, 2010.



William D. Bain, Mayor

Attest:



Margaret M. Hawker, City Recorder

CITY OF NEWPORT
RESOLUTION 3497

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NEWPORT AND
GEORGIA-PACIFIC TOLEDO, LLC.**

Findings:

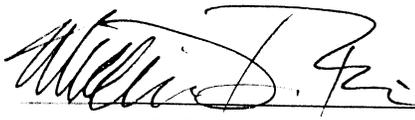
1. The City of Newport holds Rights-of-way in trust for the public and has the responsibility and right to manage and conserve the capacity of such Rights-of way and to secure fair and reasonable compensation for permitting the use of Rights-of-way. The City is authorized by state statutes, its charter and ordinances to regulate Persons desiring to occupy Rights-of-way within the City.
2. In 1956, the City granted an easement to Georgia-Pacific Toledo, LLC (GP) for the installation and use of a pipeline to run through the City to the Pacific Ocean. Within the easement, GP constructed one pipeline in 1957 ("First Pipeline"; which was subsequently abandoned by GP) and a second pipeline in 1965 ("North Pipeline"). In 1983, a third pipeline was constructed by GP primarily outside the easement area ("South Pipeline"). GP desires to continue to operate the North Pipeline and the South Pipeline.
3. Historically, use of the public Rights-of-way by Georgia-Pacific occurred through ordinances passed by the Council which established franchises allowing for such use. All franchises between GP and the City have expired.
4. The City and GP have been working together for some time to establish an appropriate agreement to govern GP's use of the North and South Pipelines within the public Rights-of-way. The City and GP have agreed to use Newport Municipal Code Chapter 9.05 as a basis for that agreement. The agreement is attached to this Resolution.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

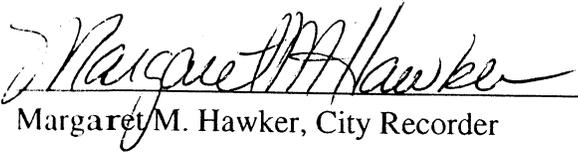
Section 1. Agreement Adopted by City Council. The Agreement between the City of Newport and Georgia-Pacific Toledo, LLC. attached to this Resolution is hereby adopted by the City Council and approved for signature by the City Manager.

Section 2. Effective Date. The effective date of this resolution is March 15, 2010.



William D. Bain, Mayor

ATTEST:



Margaret M. Hawker, City Recorder