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# MEMO

DATE: August 12, 2016

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the eight-week period ending Friday, August 19, 2016

The past two months have gone by very quickly, in part due to my vacation travels to Michigan from Monday June 27 through July 7, and then our Sister City travels to Mombetsu, which ran from Thursday, July 14, through Monday, July 25. In addition, a significant amount of time has been spent dealing with two major fires during this time period, including the fire on Saturday, July 9, which left the remains of a three story house located on SE 5th Street leaning over Bay Boulevard, and the tragic City Center Motel fire that occurred on Friday, August 5. This fire resulted in the death of four visitors to Newport. These are the first deaths attributed to fire in nearly two decades. The loss of life, through fire, is difficult for the community as a whole, and particularly for our emergency responders, who were on scene fighting this fire. Our thoughts and prayers go to the victims and their families, as well as other victims of accidents that have occurred this summer because of drowning and auto accidents.

**HIGHLIGHTS OF ACTIVITIES:**
Highlights of the following eight weeks, includes the following:

- Was on vacation from Monday, June 27 through Thursday, July 7. Spent some time with my parents and other family members in Michigan, and to attended my 40th Class Reunion in Municing, Michigan. It is amazing how much older everyone looked!
- Held weekly meetings with Richard Dutton and Barb James.
- Met with Luke Frechette from the South Beach Church to discuss possible locations for building a new facility in Newport. The Church had been looking at a site next to the Oregon Coast Community College; however, they have determined this site is not large enough to accommodate the church and required parking. Mr. Frechette is evaluating other property located further south. He inquired about the potential of the city establishing a Special Improvement District in order to extend roads and utilities to service the property in the city that is currently not served by streets and utilities. South

Beach Church is also looking at property off the road to the Wastewater Treatment Plant. I indicated Mr. Frechette that it may be possible for improvement districts to play a role in expanding street and utilities to serve additional property in the city to the extent that it would be in the city's best interest to finance those improvements and collect payments from benefitting property owners as assessments to pay for those improvements over time. I indicated I would meet with both Derrick and Tim to review the issues that we discussed regarding the potential church locations.

- Jim, Protiva, Tim Gross, Derrick Tokos and I met to initiate discussions on creating a tree plan and potentially modifying our tree ordinances as part of our "Tree City USA" status. It is our plan to develop a preliminary tree plan for review by the Tree Committee of the Parks & Recreation Advisory Committee. We will collect various sample plans from other coastal communities to identify various types of trees that can be planted in various rights-of-way and park locations within the city. It is also our desire this plan would be a guide in reviewing site plans proposed by developers to make sure that the vegetation they are proposing is compatible with the coastal conditions that trees face in Newport. This plan will eventually make its way through the Parks & Recreation Advisory Committee to the City Council for the Council's review and eventual approval.
- Peggy Hawker, Richard Dutton and I met to discuss videography issues for the Council Chambers. We anticipate getting a RFP out by the end of this month for a camera system for the Council Chambers. We are also continuing to work with Charter in order to have access to Charter from City Hall so that we can directly play Council meetings and other programs that are appropriate for placing on a PEG channel on cable TV.
- Met with Mayor Roumagoux, who was requesting feedback on various issues relating to her role as Mayor, including running of Council meetings, representing the City and any concerns or conflicts between her role as Mayor with city operations.
- I met with Barb James to review preliminary information regarding the Public Works Salary Study. The study was substantially complete by the end of July.
- Melissa Roman, Jayson Buchholz, Lance Vanderbeck, Steve Rich and I met to discuss the removal of trees from private property at the south end of the Airport. This meeting was in preparation for a future meeting with Will Emery, and Bonnie Serkin, and how to address the encroachment into air space of trees located on private property. In general, it appears we need to buy an avigation easement, in addition to compensating the property owners for the trees that would need to be removed.
- Derrick Tokos and I met with Wayne Belmont, and Fred Yeck regarding the potential of a property exchange in South Beach. There has been a desire from Parks & Recreation to establish a trail on an abandoned railroad right-of-way that runs through some valuable wetlands and properties that are privately owned, as is the railroad grade. Mr. Yeck owns a significant portion of the property in question. He is also located adjacent to other city owned property that he has an interest in swapping his properties for some of the city owned property. Mr. Yeck approached us after Chuck Forinash talked to Mr. Yeck about the potential desire to have this trail go through and to preserve some of the wetlands that are located on Mr. Yeck's current property. Mr. Yeck indicated he does have an interest in discussing this issue with the city and the county. The county also has an

interest in some of the bay wetland properties that Mr. Yeck owns. All parties indicated an interest in continuing these discussions.

- Participated in interviews for Assistant Fire Chief. An offer has been made to Robert Harvey, contingent upon successfully completing a background check. Mr. Harvey has experience in various fire positions, including Fire Chief in Colorado. He left his last job in Colorado following a political change by the Fire Board, which was precipitated by major wildland fires, in which his department was involved. Our overall evaluation has indicated that he will bring a wealth of knowledge to our department and be a great resource for Rob Murphy as Fire Chief, and for our current personnel in the department. This position has been vacant since Rob Murphy took over as Acting Fire Chief. This has been our third effort at hiring someone for this position.
- Hosted the Lincoln County Manager's meeting at City Hall on Tuesday, July 12.
- Participated in a regular meeting of the Airport Committee.
- Helped facilitate a special City Council meeting that included elected and appointed representatives from Yachats, Waldport, Toledo, Lincoln City, Lincoln County, the Siletz Tribe and the City of Newport to discuss housing issues. It is evident by the turnout that housing issues are impacting all the governmental entities in Lincoln County, including the Tribe. At the end of the meeting, it was suggested the Lincoln County Economic Alliance be charged with coordinating the policy discussion among the local units of government in Lincoln County. Also there will be a creation of a number of sub-committees composed of elected and appointed officials from the various communities to work on various topic areas. Their goal will be to create a number of county-wide policies to promote affordable and work force housing in Lincoln County. Overall, it was a good meeting, and I think there is some potential to develop a countywide collaboration that could be used to work with various developers in creating affordable/work force housing throughout Lincoln County.
- Met with Newport Police Association representatives to discuss options for filling the vacancy that will be created from Chief Mark Miranda's retirement in October. The Association representatives strongly favored proceeding with Jason Malloy as chief, instead of going through a more extensive search. They indicated that transition planning in the department has been focused on Lieutenant Malloy obtaining the education and skills to fill this position. They are confident that Jason will continue to advance the department in a very constructive way. I will be meeting with other staff members to invite any additional input into the selection process.
- On Saturday, July 9, a major house fire destroyed a structure located on SE 5th Street above Bay Boulevard. Fire crews limited the spread of the fire to other nearby structures. However, by the time the fire was substantially out, there were concerns that the remains of the structure could fall into Bay Boulevard. As a result of an on-site meeting with Tim Gross, Rob Murphy and me during the early morning hours of Sunday, we made a decision to keep Bay Boulevard closed and to expedite the removal of the remains of the house to eliminate the risk to vehicles and pedestrians on Bay Boulevard. Later that morning, Rob Murphy, Tim Gross, Mark Miranda and I met with Road & Driveway, as well as Kim Duty from Farmers' Insurance, who was the insurer of the home, to discuss mitigation of the remaining hazards from the fire. Farmers' Insurance was very responsive to addressing

all of these issues. Kim Duty received a preliminary go ahead on Sunday to facilitate immediate removal of the structure. She was not; however, able to formalize any agreements with Road & Driveway. As a result, after consulting with City Attorney, Steve Rich, we agreed to initiate the contract with Road & Driveway to stabilize the structure with Farmers' Insurance taking over for removing the house once it was stabilized. On Monday, when Road & Driveway was working to knock the house down, Farmers' Insurance took over the contract. Since that time, Kim Duty has dealt directly with Road & Driveway for their portion of the work, as well as the city's portion of the work. Farmers' Insurance indicated they would be responsible for all of the bills for Road & Driveway, and to my knowledge have paid these expenses. I certainly appreciated the great job the Fire Department, with assistance from other area fire departments, did in keeping this fire contained to one structure. This was a very difficult site to fight fire because of the significant elevation of the structure above Bay Boulevard, and the wind conditions that were occurring at that time. I also appreciate Farmers' Insurance for stepping up to the plate and facilitating immediate action to address the parts of the structure that remained after the fire. It was pretty amazing to have a house fire on Saturday and a vacant lot by the following Tuesday!

- Tim Gross, Derrick Tokos and I met regarding the future plans for the South Beach Church to identify property where a new church could be built. We discussed the long term plans to create connections south of the Wilder Subdivision, which will open up additional property for various uses. We talked about the potential of utilizing improvement districts for this type of work. We also expressed the potential risks or concerns about making sure that property owners who are assessed through a special improvement district have the capability of making the annual payments back to the city, if the city financed these improvements on behalf of the developers. We made it very clear to the South Beach Church that use of these districts is a new area that the City Council will need to weigh into, and that the Council has not taken any positions on any of these districts since the ordinance was improvised earlier this year.
- Prepared agenda items for the July 18 Council meeting. This was a meeting that both I and Councilor Engler were excused from since we were participating in the visit to Mombetsu.
- Met with Mike Murzynsky regarding various Finance Department issues relating to reorganization of duties in that department. This is to facilitate changes related to the resignation of Randi Siller in the department; as well as the addition of a position, and responsibilities relating to municipal court, and project management which is being shifted to the Finance Department in this current fiscal year.
- I met with Barbara James on various personnel matters within the city.
- Angela and I departed Portland Airport on Thursday, July 14 (along with Wendy Engler and Lon) to participate in the 50th Anniversary of the Sister City Agreement with Mombetsu. Our eleven-member delegation had an extraordinary time during our visit to Mombetsu. I provided a report that was part of the City Council meeting on August 15, for a more detailed record of this trip as part of my status report. I strongly encourage others to take advantage of other Sister City trips to Mombetsu, or hosting visitors coming

from Mombetsu to Newport. Our delegation flew back to the Portland Airport on Monday, July 25.

- Derrick Tokos, Steve Rich, Jayson Buchholz, Melissa Roman, Lance Vanderbeck and I met with Will Emery and Bonnie Serkin regarding the avigation easement, and tree removal from their destination resort property located at the south end of the Airport. Bonnie and Will both indicated they understand the need for going ahead with the project and are certainly willing to cooperate with the city on this effort.
- Met with Barb James to review the salary survey and various other compensation issues in preparation for finalizing the survey and releasing it to the Newport Employees' Association for their review.
- Met with Mark Miranda to review various operations in the Police Department.
- Participated in the Retirement Trust quarterly meeting. The Trust set up the annual employee meetings (this will be second year of holding these meetings in recent times) for November 3. One of the items that Mike Murzynsky presented to the Retirement Trust is that there a number of employees who retired with lump sum payments, who have residual amounts remaining in the retirement system. Some of the residual funds are fairly significant. We are having our new actuary review these amounts to make a final determination of funds that are owed to previous retirees so that these payments can be made to the retirees to close out these accounts. For a number of years, employees who elected to have a lump sum payment, were provided a check based on the estimate of the value of their pension. Sometimes these pensions predated their retirement by a number of months where additional contributions were made by the City, as well as additional investments occurred on those funds. Those funds have been continuing to earn income from the date of the various retirements that have occurred. At the Trust meeting, Finance Director, Mike Murzynsky, was also charged with developing a policy that will assure in the future all funds are paid out in a timely fashion to retirees. This might require a two-step payout process where the majority is paid off upon the employee's retirement, and the balance that is calculated and paid off 90 days later. Furthermore, to prevent a potential overpayment (i.e., the estimated amount is determined and a downturn in the market occurs after that is made, Columbia Trust has the capability of shifting those funds into a stable funding account once an employee makes a decision they are indeed going to retire). We have made a ton of progress in sorting through various Newport retirement issues. Cleaning up these residual amounts, and creating a clear policy on how the funds are to be paid out upon retirement are the two remaining steps that will help clean up the entire administration of the Trust. We are also very pleased with the work that we are seeing from our new actuary. By going to one actuary for both the defined benefit and the defined contribution programs, we should get better and more timely information relating to retirees, since preciously we have had deal with two separate actuaries for this work. Progress continues to be made on this front.
- Met with Tim Gross relating to the city receiving a determination that the city does have rights to store water in the Rocky Creek water shed. In a separate issue, we discussed a letter received from DEQ regarding assessing fines to the City of Newport for improper notification of overflow events within the city. There were several events in 2015 that

were not property noticed to the media and to the public in accordance with the appropriate rules. In reviewing this matter, we determined that staff did not utilize the proper protocols in these situations. These matters have since been corrected from a notification perspective. The DEQ is discussing with the city the possibility of a voluntary order for addressing the lift station overflow problems that we have been encountering with increasing frequency over the last couple of years. This would provide some relief for the city and the fines being received. Once we have evaluated, we will update the Council on how we want to proceed with this matter.

- I have granted a leave of absence for personal reasons for Richard Dutton, which will technically take place after he exhausts his vacation bank in September through the end of the year. During this time, he will not receive any compensation or benefits from the City. Tad Taylor will be serving as the Acting IT Manager during Richard's absence. In addition, we are talking to Peter Vince, who recently retired from the School District, to fill in on a part-time interim basis to assist Tad during this leave time. Peter would also be available to assist the city with the selection of the video systems that would be used to televise future Council meetings. Peter would also be able to assist in other IT matters on a part-time basis during Richard's absence.
- Jim Folmer, Steve Rich, and I met with Rob Thompson and Ken Riley, of Thompson Sanitary Services, regarding ongoing concerns from residents living in an around the Meritage condominiums and the location of trash containers. My predecessor arranged a deal whereby condo owners, who are at odds with the Meritage Home Owner's Association, could collectively put their trash for collection at a location in the public right-of-way across from the Meritage units. The homeowners, on the opposite side of the street from Meritage, have complained for a number of years about these garbage containers being placed at this location. More recently, there were complaints about the containers having overflowing garbage, and additional containers showing up at the street. We will be notifying the individuals using these garbage cans that only the two Thompson Sanitation cans may be stored on the street. Any other containers must be removed from the street. This is an issue that will not likely go away; however, if we can deal with some of the most egregious concerns, that will be a step in the right direction.
- Met with City Councilor, Wendy Engler, and Veronica Willemin to discuss the use of the beautification funds that were appropriated by the Council out of the Room Tax for the fiscal year that started July 1. They also shared concerns about Street Department brushing projects, particularly when they impact landscaped areas in the right-of-way. During our discussion, we thought it might be a good expenditure of funds to see if we can retain a landscape person who can help prioritize projects to maintain existing public landscaped areas, particularly those that are highly visible to tourists traveling through the community. Once this plan is identified, we could then use the funds to contract out additional maintenance over and above what is currently being provided by city staff. We agreed to have a follow-up meeting to discuss these concepts a little further. We will need to integrate this process with Jim Guenther and the Park's crew so that this work can occur in conjunction with the work that we are currently able to provide landscaped areas.

- Participated in a conference call with LGPI on the salary survey referencing the point factoring and differences in salary range structure. It is our intent to propose with Public Works a new salary and range structure. LGPI will be glad to work with us on this effort.
- Prepared agenda items for the August 1 City Council meeting.
- Held a regular department head meeting.
- Participated in a Council Work Session at noon on August 1.
- Met with the Mayor to review the agenda.
- Participated in the August 1 regular City Council meeting.
- Met with Lance Vanderbeck to discuss various Airport issues.
- Frank Geltner and I met with David Warren and Kendal Weeks from ODOT to discuss the placement of a memorial for Ernest Bloch that was originally located at the wayside near Roby's Furniture, and moved to the Performing Arts Center. The intent is to move the memorial back to the wayside, which is proposed to be named the Ernest Bloch Wayside. A location on the south side of the access road from US Highway 101 to NE Gilbert Way, along the Lucky Gap Trail was the location that was suggested by Frank Geltner for the monument. ODOT felt it was a good location. From the staff's standpoint, we have no problem with that location as well. David Warren will include that on the application that is going before the Transportation Commission on naming the wayside the Ernest Bloch Wayside.
- Barb James, Tim Gross, Steve Rich and I met with the Newport Employee's Association on our wage and call-pay reopeners. We discussed the Public Work's salary study to make sure everybody understood how it was structured. There were a few remaining questions, and those questions were going to be answered in a conference call with LGPI, with both the union representatives and the city being part of that conversation. The union is acceptable to reduce the salary steps, and also receptive to restructuring the salary scales. It appears that both the NEA and the city are on the same page in working through these issues.
- Met with Bill Schille regarding his ongoing concerns with his neighboring properties.
- Met with Barb James and Tim Gross regarding a conversation request about a temporary position for the city. We are reviewing this issue.
- Peggy Hawker and I met with the host committee for the Mombetsu Youth delegation to finalize plans for this visit. I appreciate the efforts of Ted DeWitt and Danielle Crowder to pull together host families and the very fun and entertaining itinerary for our students and adults that traveled from Mombetsu to Newport to celebrate the 50th Anniversary of the Sister City Agreement.
- Tim Gross, Rob Murphy, and I met with Bob Cohen, Maryann Mosely from Hatfield, the Emergency Planning Coordinator for OSU as well as an engineer for Hatfield to discuss the water purification system that Hatfield acquired as surplus property from the military. We had a good discussion on the potential benefits and limitations that this system would have. We did conclude that we need to, at least in the short run, store it in a location outside of the inundation zone at Hatfield where the equipment is currently being stored. Rob and Tim both believe that our immediate need for drinking water can be met with the portable units that we currently have in place throughout the city. The system

acquired by Hatfield is a production unit that would provide a high quantity of water, but doesn't include any filtration to that water. This plant may make some sense if part of the distribution system is intact, and the water could be filtered. In any case, the likely use of this equipment would be sometime after the immediate Cascadia event occurs. Both the city and Hatfield will be re-evaluating whether this is best equipment to have in Newport to deal with emergency water issues following a Cascadia type event. Hatfield indicated they could sell this unit to the main campus and utilize those funds for some other emergency needs in South Beach if that seemed to be a better long-term scenario. Both Hatfield and the city will be evaluating these options and will meet again to make a final decision on how to move forward.

- Participated in a KCUP hour long interview with Cheryl Harle,
- Met with Mark Miranda to review departmental issues.
- Met with Rob Murphy to review departmental issues.
- Participated in the Rotary meeting to give a report of our visit to Mombetsu and participating in a Mombetsu Rotary meeting. Following that meeting, I met with Rotary officials to discuss the proposed student exchange between Mombetsu and Newport through Rotary. This is apparently has been approved by the Japanese Rotary District. We will need to work through our local Rotary District to see if they will concur with a city to city exchange through the Rotary exchange program.
- While I did not attend it, a meeting was held with the residents on Golf Course Drive regarding the plans to rebuild the water main and reconstruct the street through this area. In discussing the meeting with both staff, and two of the property owners, it sounds like a plan is taking shape which property owners are more comfortable with as a result of the previous meetings.
- Met with Tad Taylor and Peggy Hawker regarding part-time IT services during the time that Richard is on leave. Peter Vince is willing to help us with the technical aspects of selecting a system to replace the video equipment in City Hall; however, does not feel he has either the time or the expertise to assist in other matters with IT. We are currently looking for other potential individuals that would be willing to work between ten or twenty hours a week to provide assistance in coverage for that department from now until the end of the year.
- Met with Barb James for our regular weekly meeting.
- Met with Barb James to review the impact that the new minimum wage has on our part-time salary schedule. Our lowest rates in our salary schedule are below minimum wage; however, we have nobody currently serving at that level as a part-time employee of the city. In reviewing this issue, and reviewing the problems we have had in keeping employees, I do believe we need to look at increasing our part-time salary schedule in order to be competitive and be able to retain employees. Taco Bell and Burger King are now starting their lowest employees at $11.00 at an hour. The Siletz Tribe has also adopted a minimum wage of $11/hr. to try address their competitiveness for entry level, part-time employees, as well. I will likely be bringing a recommendation to the Council on adjusting this scale.

- Jim Protiva, Jim Salisbury, Derrick Tokos and I met to continue our discussion on the "tree plan". Protiva has been in contact with a number of coastal cities to obtain information they have. None of the Oregon Coastal cities have a regular "tree plan" in place that he could find. We have also been in contact with the State of Oregon's Urban Forestry Department and were provided some leads for model plans that could be used as a basis for Newport. We will continue to work to put together an outline of a plan that can then be presented to the Parks & Recreation Tree Committee for their review. Ultimately this will come before the City Council as well.
- Mayor Roumagoux and I participated in the fifth annual Oregon Coast Economic Summit, which was held at the Mill Casino in North Bend, Oregon. This continues to be a very significant conference with over 500 registrants attending.
    - Brenda Meade, Chairperson of the Coquille Indian Tribe made remarks about the tribe's philosophy as part of the overall community. Native Americans living along the coast of Oregon have used the term called potlatch, which means a lifting of all communities. In other words, if the tribe helps local government to create a better community, the tribe benefits indirectly by being part of this stronger community. This has been a long held tribal philosophy that resources are to be shared to the broader community.
    - US Senator, Ron Wyden, also spoke. One of the programs he is working on in 2017 is the expansion of the tax credit to assist in sustainable housing issues across the United States. He also commented on the efforts they are working on to fund an early detection system for earthquake detection along the Pacific Coast. Finally, he indicated he will introduce a bill on rebuilding infrastructure as the first bill out of the Senate Finance Committee if the Democrats resume control of the US Senate.
    - The Coastal Caucus met as a panel to discuss various issues slated for 2017. One of the big issues is addressing the transportation funding issues in the State of Oregon. The Coastal Caucus has been very supportive of recreating a task force to develop a package for consideration by the legislature and governor in 2017. It was noted that one of the mistakes that was made in the last session was that the task force was not able to complete its task in a timely manner leaving very little legislative time going forward. There also were concerns that the governor's office had tacked on funding from the gas tax that would go towards carbon reduction programs instead of direct transportation projects. This provision mortally wounded what had been a bi-partisan effort to find a solution to this issue. Hopefully lessons were learned from the last legislative session that will translate into providing sufficient funding to adequately maintain transportation systems in Oregon. The Coastal Caucus is also strongly supporting resilience planning for a Cascadia event. This would include acknowledgment of the substantial number of tourists that can be on the coast at any given point and time. There was also discussion on the minimum wage with Representative Gomberg indicating that the market has determined that minimum wage in Lincoln City is $11 an hour (I believe the same is effectively true here in Newport as well). Continued efforts on addressing housing issues which impact the coast

as well as the Portland Metro area and other parts of the State as another key focus. It has been determined that 50% of perspective employees trying to relocate to the coast are challenged by housing costs. Furthermore, with a vacancy rate of less than 1% in many areas, available and affordable housing is also a critical deterrent to attracting employees to jobs on the coast.

- There was a panel on discussing the challenges and potentials of coastal and rural Oregon economies. Mark McMullen, State Economist for the State of Oregon, indicated that rural areas have not enjoyed the same robust growth as the three county Portland Metro area. Furthermore, the North Coast has seen some growth, with the South Coast still having significant issues. Trends indicate that the recovery on the coast has lagged the recovery for the Portland metro area, with construction employment bottoming out in 2011-12 in the recession. Just in the last two years, the north coast has seen a rebound in construction jobs. Average salary increases are higher in Oregon than in the rest of the nation. There is a gap in growth in the middle wage jobs, however. Most of the job growth on the coast has been in service type jobs. Unfortunately, service type jobs tend to have a low average wage, which depresses the overall come back on the coast. Mr. McMullen noted that one of the huge employment gaps on the horizon is in the health care industry where 40% of the employees are 55 or older. Attracting medical care professionals to the coastal areas continues to be a challenge, which will only increase in the next few years. The lack of medical services creates a further challenge to coastal economies in that most significant medical care is provided in the valley and not the coast. This results in transfer payments in health care not being fully realized in the rural communities from the residents living on the coast. Furthermore, there are clear trends that indicate a lot of the aged go to the valley as their medical needs increase, since those services are not readily available on the coast. Another trend is that the coast tends to lose the vast majority of its 25 to 35-year age population, with those individuals moving away from the coast. One exception to this trend seems to be Astoria, who is seeing a younger population moving in, since Astoria is considered a "cool" place to live. There is a lot going on, and it is a reasonable drive to the Portland metro area. It was also indicated that retirement communities are not the economic panacea that many communities see; since this segment of the population tends to benefit the lower wage service type jobs, and utilize housing that would otherwise be available for employees. One potential exception to the benefit of having retirees move into an area relates to philanthropy, which can really move the needle for improving the quality of life in the communities. Bend has also seen retirees starting small businesses.
- Brady Scott, who is President and CEO of Tribal One Broadband Technologies, has indicated the Tribes biggest issue is finding affordable housing for their workforce. They have a difficult time in recruiting individuals for good paying jobs because of the housing crisis. Also Gil Sylvia commented that OSU has had difficulties in attracting employees to live in Lincoln County due to past perceptions of the quality of the school system by folks working at Hatfield.

- It was also indicated that local communities need to continue to invest in culture and the arts. This is very important to attracting professionals to the coast. Also employers would do well to try to recruit employees from those coastal residents who have moved away after high school. Often times as these former residents are starting to establish a family, working back in the home community is desirable, and there is a better chance of retaining that employee as well. Some efforts have been successful in contacting this demographic, and asking the question: "Have you thought about moving back?" as part of a recruitment strategy.
- One problem statewide is having an adequate number of building officials to keep up with the growth in construction that is occurring throughout the State of Oregon. Pre 2008 the construction workforce was 105,000 people. It hit a low of 60,000 at the peak of the recession, and has recovered to about 80,000 jobs now. Delays in addressing permit issues can make a difference as to whether an economic development project goes forward or not. The State is working to assure that an adequate number of building officials are available to deal with the permitting issues based on the growth of construction. The State is also looking at building code issues. Mark Long, an administrator of State Building Codes, explained that the State is also looking at codes that unreasonably restrict the reuse of existing structures. Currently if a change of use is proposed for an existing building, the cost of converting that building may become too excessive and the building remains vacant. Determining the true safety issues is critical in order to address the code to allow for reuse without jeopardizing the safety.
- During the conference, Kerry Kemp, City Manager of Waldport, Rachel Cotton (who works as a part-time special projects coordinator for Waldport, and who Derrick Tokos has hired as an Associate Planner for the Community Development Department beginning in October), Caroline Bauman, from the Economic Development Alliance of Lincoln County, and I met to follow up on the discussion that was held among Lincoln County elected officials. This discussion was regarding the possible development of collective strategies for addressing affordable/workforce housing in Lincoln County. We will be developing three separate work groups, which we will ask elected officials to collectively participate. Each task force will be asked to review specific policies related to that subject area that could be implemented on a county wide basis if there is a consensus to move forward in that direction. Task Force members will also have the opportunity to suggest other strategies as well. It is our hope that these work groups can meet with the larger group of officials being convened in late fall to hear the three sub-committee reports, and make recommendations back to the various governmental jurisdictions involved with housing issues. We will be developing a communication that Caroline Bauman will distribute requesting interest from the elected officials to serve on these discussion groups. We will also attempt to provide administrative staffing from professionals working for various local governments for each of these sub-committees as well. This discussion will be housed in the Economic Development Alliance offices. We will

provide the overall logistical support to communicate with the elected officials from throughout the county. It is anticipated the invitation to elected officials to participate in these work groups will be issued by the end of the month.

- Attended a session on valuing ecosystems that was moderated by Louise Solliday, Executive Director of the Oregon Science Trust. The trust has been created (without any appropriations from the State Legislature), to develop a structure for addressing grants related to a number of areas of marine studies, and to solicit State and Federal, and or private funds for these projects. A number of areas of interest for the Oregon Science Trust is economic opportunities relating to ecological improvement strategies, how the marine environment is impacted by activities on the shore, ocean changes, opportunities and options for mitigation, and ocean health related to human dimensions. There is a poor understanding of how impacts from shore impact the Pacific Ocean. There is a much better understanding of the impacts on the Atlantic Coast and the Gulf. Stressors of the ocean environment include warm weather, creating warmer ocean waters and changing dwelling patterns throughout the ocean. There needs to be substantially more information about the causes and impacts of ocean acidification and hypoxia (lack of oxygen in water). Research has identified different variety of oysters that will thrive in more acidic waters. There needs to be further research on other species or varieties that can thrive in changing conditions. Oregon has no kelp or ocean vegetation inventories, so the development of these inventories are very important to measure changes off the coast of Oregon. As part of this discussion, Jack Barth gave a presentation on the importance of student education as it relates to increasing awareness and comprehension to changes in the marine environment focusing on all aspects of marine studies (science, business, arts, etc.) A wider audience will be created to help understand and communicate these issues through a variety of curriculums. Curt Melcher, Director or Oregon Fish and Wildlife, indicated that the value of commercial fishing has increased from $7 million in 1964 to $40 million in 2015. He indicated that the actual sustainable catch off the Oregon coast can be as much as $180 million. More work and effort needs to be invested in developing these future markets so that the species that have substantial capacity to be harvested are economically and sustainably caught, and those species that need protection are managed in a way so that the harvest does not negatively impact future catches.
- Tim Williams, Executive Director, Oregon Film, commented that the State is working to provide incentives for using Oregon as a location for films. He mentioned that Dungeon Cove, filmed out of Newport, is one of the projects that received tax credits. He believes that the use of the Oregon Coast as a filming backdrop for movies can increase awareness and tourism for these areas, in addition to the economic impact that this actual filming of movies has for the State.
- The final session on the first day of the conference was the business of craft breweries. A number of brewers, including Brett Joyce from Rogue Ales, were part of this panel. Interestingly enough, Oregon State University actually has a degree

in fermentation. There are 25 breweries in the State of Oregon. One of the basic problems that the brewers have is obtaining staffing and having housing available for the staff in their brewery locations. Nikos Ridge, owner of Ninkasi Brewing in Eugene, stated that one of the problems they have had is in dealing with the city for impacts on wastewater. This is a discussion we continue to have with Rogue Breweries in Newport. The nice thing about the last session was that samples of beer from each of the breweries was available during the session for participants. This proved to be an informative and enjoyable session!

- On Tuesday, I attended the session on the Oregon Legislative Joint Transportation preservation and modernization panel. Dr. Scott Ashford, Dean of the Oregon State University College of Engineering, indicated that it is time to start investing in a seismically sound transportation system in the State of Oregon. This includes connections to the coast. It is his estimation, that $5 billion is needed to create a seismically stable transportation network throughout the coast and valley that will be usable following a Cascadia Event. State Senator, Lee Beyer, noted that 50 cents on the dollar of gas tax revenues goes to local units of government. He referred to the study "One Oregon", which outlines seven transportation priorities in the State of Oregon. The first being sustaining a reliable system of transportation; two, the need to address the bottlenecks and traffic stoppage areas, three, identifies Highway 97 as the major corridor for freight and for backup in the event of a Cascadia Event; four identifies the transportation as the barrier in rural parts of the state; five focuses on increasing bike and pedestrian access to the transportation system; six looks at intermodal freight; and seven deals with seismic resiliency. Matt Garrett, Director, Oregon Department of Transportation, indicated the departments general philosophy has been to maintain what they have before they expand services. He explained that the transportation system is woefully prepared for a seismic activity. At current funding levels, ODOT is having difficulty maintaining overall pavement quality throughout the State. State Senator, Brian Boquist, said it is important for local leaders to provide support to State officials advocating an increase in transportation funding in the State. Without active support from local leaders, it will be very difficult for the legislature to pass a funding package that includes a hike in the gas tax.
- At the conference I met with Peter Vince, recently retired from Toledo Schools, to discuss utilizing his services during Richard Dutton's leave to help backup Tad. He is willing to help with the development of the specifications and in selection of a vendor for proceeding with the placement of cameras in the City Council Chambers. He did not feel was in a position, either skill wise, or time wise, to provide any other services to IT during the next few months. We appreciate his willingness to help with the audio/visual equipment and are looking part-time scenarios for some assistance to Tad until Richard returns in January.
- Attended a session on small business development. Delores Pigsley, indicated the Tribe has instituted an $11 minimum wage for all jobs at the Tribe. This was as much an economic decision, since they were having difficulties keeping employees for less than that amount of money. Delores said housing for employees is a major

problem in their service area. There were discussions combining multiple small food producers, so that their services can be networked as a larger group, instead of each company dealing with their own distribution issues.

- At the luncheon session, the Honorable Alex Kozinski, Judge, US Ninth Court of Appeals, provided a pretty provocative view of why he feels the criminal justice systems need an overall. Judge Kozinki indicated that today careful analysis of things that were thought to be a certain proof, such as fingerprints, DNA and hair are seriously flawed. In independent testing, the accuracy of using these methods to identify a specific person has been proven to be not nearly as reliable as what was thought. Furthermore, confessions can be questioned, depending on the methods and time that law enforcement agencies utilize to obtain a confession from a suspect. He further commented the way that eye witnesses respond to a question can be significantly shaped in how the question is asked. In independent studies, if a vehicle accident is referred to as a "crash", the eye witnesses estimate of speed was seven miles per hour higher than if the term "hit" was used. Judge Kozinski also indicated long accepted arson theories have been debunked in recent years. The pattern of burn was thought to be a reliable indicator of the source of the beginning of the fire. This has been determined to be not reliable at all as additional research has been done on this issue. The Judge further noted that Texas man was executed based on the testimony from an expert regarding origin of a fire that burned his wife and family. It was later determined, after his execution, that this individual did not start the fire. The USA has the highest percentage of its population in prison with Russia, Belarus, Kazakhstan, and other third world countries close behind. He explained a Federal task force will be issuing a report this fall discussing the strengths and weaknesses of the criminal justice system in the United States. Judge Kozinski was born in Bucharest, Romania in July 1950, and his parents are both holocaust survivors. Judge Kozinski was appointed to the 9th Circuit Court of Appeals by Ronald Regan.
- President Ray of OSU and President Schill from the University of Oregon provided an overview on higher education in the State. The significant trends that was noted was that PEL grants use to cover 80% of the cost of going to school in 1980. Today PEL grants cover 30% of that cost, which contributes to a substantially higher amount of debt for many students completing college.
- Jim Rue, Oregon Department of Land Conservation & Development, discussed whether Oregon was prepared for climate change adaption as part of State Goal 18. Mr. Rue noted there has an under investment in keeping up with all of the goals identified by the State of Oregon in the 1970's. It is clear that global warming will make hotter, dryer summers, increasing risks for more forest fires, and allowing invasive species to thrive in areas they have not before been seen. This also will tend to bring wetter, stormier winters. Ken Murphy, Regional Administrator for Region X, Department of Homeland Securities, Federal Emergency Management Agency, informed us that significant concerns with climate change will relate to the availability of fresh water. It may make some sense for the State to begin exploring the conversion of seawater into drinking

water to address these long term trends. Brad Avy, State Geologist with Oregon Department of Geology and Mineral Industries (DOGAMI) indicated that work continues on mapping the ocean's bottom contours three miles from shore with approximately 50% of this work being completed to date. This is helpful in refining models relating to tsunami impacts on shore. With climate change trends, issues of landslides, floods, and coastal erosion will likely increase in susceptible areas of the state. The State needs to be prepared to deal with these types of issues. There was also discussion on the challenges that local communities and property owners will have in developing property in flood plains. This is in part because of litigation against the Federal Government for not considering environmental impacts of development in flood plains.

- Overall this was an excellent conference. Mayor Roumagoux and I were happy to represent the City at this conference. I certainly would encourage others to participate in future conferences since it is an excellent time to touch base with various State and Federal officials that participate regularly in the Oregon Coastal Economic Summit.

- Worked on the agenda items for the August 15 City Council meeting.
- Met with Councilor Engler, JoAnne Barton, and Veronica Willemin to continue our discussions on use of the beautification funding that has been allocated by the City Council. Based on these conversations, it will be my recommendation that Council formally appoint a temporary group to help prioritize beautification efforts on public property and rights-of-way in the community. I am also putting together a RFP for contractual services to help identify a plan for moving forward and to implement that plan. It would be my hope that this plan could be put in place so that work on improving landscaped areas in public places could begin in late winter/early spring in preparation for the 2017 summer season. This is a program that we will be able to evaluate to determine its sustainability over time.
- Tim, Derrick, and I met with representatives from PUD to share capital outlay projects that the city will be looking at, and the PUD will be looking at within the city. This is to facilitate earlier awareness and better long term planning by both the city and the PUD for projects that will either impact city infrastructure by the PUD or where the PUD will be impacted going forward.
- Participated in a second meeting with PUD with Tim and Derrick regarding the undergrounding utility policy for the City of Newport. This will be an important issue to discuss with PUD going forward, particularly since our franchise agreement expires in the next couple of years. I think from a community stand point, we need to have further discussion on how far we want to go with undergrounding since there is a cost to the public for this purpose. We also discussed procedures to avoid problems with City/PUD customers relating to undergrounding of individual service lines. This has been a problem point in the past, and we want to work through those issues in a way that does not pit the PUD against the City or vice versa.
- Met with Mark Miranda and Rob Murphy for our normal weekly meetings.

- Derrick, Tim and I met with Wayne Belmont, County Counsel, and Roy Kinion, County Public Works Director, regarding the Bear Creek Road. The County has a number of concerns about future access for this road to the reservoir areas. The County also acknowledges the potential problems and risks that could occur to the city's water source if that raw water was contaminated by chemicals, fuels or other issues that could be accidental or not. We are putting a letter together to the County to outline our thoughts on this matter in order to help facilitate a decision with the County Commission on turning the road over to the city.
- Participated in a weekly meeting with Tad Taylor to review various IT issues. To dates things are going well for Tad. He has been able to contact Richard for a couple of quick questions to help facilitate issues.
- Met with William Chenoweth regarding the need for gravel on a road located in Nye Beach.
- Met with Barb James and Tim Gross regarding disciplinary action relating to an employee in Public Works.
- Met with Tom Webb of the VAC regarding their efforts to cost out the use of various facilities to determine rents and subsidies going forward.
- Participated in a routine department head meeting.
- Participated in the August 15 City Council work session.
- Met with the Mayor to review the agenda for the August 15 Council meeting.
- Met with Lance Vanderbeck to review operations at the Airport.
- Lance, Jayson Bucholz, Melissa Roman and I met to discuss upcoming Airport capital projects by FAA. The next major project would be to proceed with preliminary engineering for taxiway improvements at the Airport. The FAA has indicated their concurrence with developing this project. The actual work for this project would not be funded until July 2017, with work occurring either later in 2017 or 2018. This will also give us an opportunity to secure some additional funding to help cover a portion of the local match for this work.
- Participated in a review of project management software with Engineering and Finance Departments. It is our goal to identify a software package to assist both Engineering and Finance in dealing with the various aspects of a construction project. Furthermore, we want to try find a package that does not create so much additional effort that it proves not to be a sustainable system for use to manage these projects.
- Barb James, Mike Murzynsky, John DuBois and I, reviewed with the Police Department, a scheduling software package. Overall it looks like it is a fairly simple, straight forward package at a very reasonable cost that will help in scheduling for the Police Department.
- Participated in a Safety Committee meeting. The Safety Committee is working to reorganize itself after its longtime chair person, Kathleen Palmer, opted to step away from the Safety Committee. Kathleen did an excellent job of chairing the Safety Committee in helping to bring it to this point. It is also important to continue emphasizing the significance that the Safety Committee brings to the work environment within the city and to assure that department heads are wholly supportive of having members from their departments participate in the Safety Committee meetings.

- Barb James and I met again to review our hourly pay scales for part-time staff. Our turnover has doubled from previous years on an annual basis for these jobs. It makes it difficult, particularly in Parks & Recreation, who rely heavily on these part-time positions to be able to run programs and deal with things in an effective way. I will be bringing a recommendation to the Council on this issue at some point in the not too distant future for Council consideration.
- Participated in a Public Advisory Committee meeting on the Airport Master Plan. The discussions going forward now are much more long range for the development of Airport facilities and associated land uses around the Airport. These include some big ticket items, such as potential shifting of both the main runway, and the east/west runway. This would be done in order to clean up confusing traffic patterns for planes taxiing into the Airport. Some of these options would substantially reduce the tie-down areas for airplanes at the Airport. Another would have significant impact on adjacent property, particularly the Destination Resort property located on the south end of the runway. The Master Plan is focusing on the projected uptick of corporate jet travel as a future priority. Also important for us to be aware of what these plans may mean for adjacent properties in the future development of those properties,
- Met with Mark Miranda, Jason Malloy and Barb James regarding the sergeant promotions in the Police Department.
- Peggy Hawker, Derrick Tokos and I met with our consultant for the Newport Area Visioning Project from HDR Consulting in order to get this project underway. We have asked our consultant to submit a revised schedule based on current timing. We have also asked them to review the structure of our proposal evaluation committee to determine what modifications or changes or additions should be made in developing a steering committee to guide this process forward. We would like to have the City Council approve a steering committee structure at their first meeting in September, advertise for members to serve on this steering committee, and make appointments to this committee by the second meeting in September. We believe a majority of the earlier steering committee is interested in continuing on with this process. We had a great group of people to get us to this point, and I certainly would encourage the Council to reappoint any of those members that want to continue to serve to the new steering committee that will be developed in conjunction with our consultant.
- Participated in a demo of the Casselle Project Account module. Met with Mike Murzynsky to discuss a number of Finance Department issues.
- Lincoln County Superintendent, Steve Boynton, stopped by to provide an update on the lead testing that the district is doing in their different facilities. Yaquina View School has been one of their bigger problems to address. I had Tim Gross call Rich Belloni to sort through a number of issues. The problem they were having at the Yaquina View School is that some tests were coming back clean at certain points within the school building, and the next time they were coming back with a lead reading, including a reading that was obtained from water collected right at the meter. In reviewing their processes, the school has been collecting the samples in a different order every time. This allows water within the pipes and in the school building to mix leading to unreliable results. The school

needs a protocol where the samples are done the same way each time in order to isolate the problem areas. Also, the water at the meter was basically the water running back from within the school distribution system. Hopefully, they are able to address the concerns in this school building. In the short run, they plan to have bottle water in the school building for the children to drink.

**Upcoming Events:**

- We have not scheduled a Town Meeting for August 29. This will give us a chance to catch up with a number of specific projects during the three weeks between Council meetings. Please note that with the visioning process going forward, we will have a number of Town Hall type events as part of that overall effort. Following the visioning process, it will be important to get back on track with the Town Hall meetings on the 5th Mondays of the month.
- August 30, 2016 is the last day to file to be a candidate for Mayor or the City Council.
- City Hall will be closed on Monday, September 5 to celebrate Labor Day. The City Council meeting is scheduled for Tuesday, September 6 due to the holiday.
- I will be an attending the Annual ICMA Convention in Kansas City from Saturday, September 24 – Wednesday, September 28.
- The League of Oregon Cities Annual Conference will be held at the Salem Convention Center on September 29 through October 1st, 2016. Mayor Roumagoux, Councilors Allen, Sawyer, and Swanson, along with Steve Rich, Peggy Hawker and myself have signed up to attend.
- I will be on vacation the afternoon of October 4 through the 7. Angela and I are celebrating our 20th anniversary.
- I will be participating in the OCCMA Board Retreat on November 3 & 4 in Silverton, Oregon.
- November 8, 2016, is election day for the Mayor, and Council positions for City government, as well as for State and Federal officials.
- There is no Council meeting scheduled for Monday, December 19. The only regular meeting in December will be December 5, 2016.
- I will be on vacation on December 15, 16 and 19 for a quick trip to Michigan to see family before the holidays.
- City Hall will be closed on Friday, December 23 at noon, and Monday, December 26 for the Christmas holiday, since Christmas is on Sunday this year. City Hall will also be closed on Monday, January 2nd to observe the New Year's holiday (New Year's Day is on Sunday this year).

**Attachments:**

- Attached is a letter sent to David Warren regarding the city's support for establishing the Ernest Bloch Memorial Wayside, including commitment for the brown and white highway signs that would designate the wayside the Ernest Bloch Memorial Wayside.
- Attached is the letter from Police Chief, Mark Miranda, indicating this official retirement date is scheduled for Thursday, October 20, 2016. Chief Miranda will be closing out a long and solid career as Police Chief for the City of Newport. During this time, he has guided

the implementation of innovations for the department. We certainly will wish Mark and Sherry the health and happiness in their retirement coming up on October 20.

- Barb James has been busy updating a number of key documents to bring the city into compliance with Federal contracting rules related to the city employment application. In addition, Oregon has made changes in State law that have been implemented in this application process. Our veterans' preference policy has been updated to be compliant with both State and Federal requirements, and the provisions for the Viet Nam Veteran's Readjustment Act has also been addressed. I have attached these for your review.
- Attached is an e-mail from Tia Cavendar outlining the return on investment from our work with Chase Park grants. Fiscal Year 2016, the city received over $6 in outside money for every dollar invested with Chase Park grants.
- Attached is a proposed final order allowing the city to store for municipal use 4,330 acre – feet of water in Rocky Creek. This is an important step in securing the city's water rights at this location.
- Attached are work sheets from the Public Advisory Committee on the Airport Master Plan for your review.
- Attached is a letter from Habitat for Humanity indicating they are in the process of doing lot line adjustments to the property conveyed from the city to Habitat for portable housing. They have determined that a portion of the city property is not buildable due to geological/slide conditions on that part of the property.
- Attached is a letter from the Department of Environmental Equality indicating that Lincoln County has been awarded a 2% credit for 2015 due to the composting program. Expressions of appreciation to the City of Newport, Thompson Sanitary Service, and Lincoln County was indicated in the letter. A description fax sheet is attached outlining the update to waste prevention, recycling requirements and rules on the DEQ.
- Attached is a required notice from Hancock Forest Management indicating that from August 1 through October 30, 2016, they will be applying by backpack, chemical applications to control unwanted deciduous brush, and grasses in newly planted areas with the description of the herbicide included in this letter.
- Attached is a letter from Braulio Escobar urging the City Council to prohibit vacation rentals in areas that do not allow as an outright use a hotel or overnight accommodation.
- Attached are thank you notes from a student working on their thesis. Her research project is on the graying of the commercial fishing fleet.
- Attached is a thank you letter from OMSI for completing our contributions for the Discovery Center Financing Campaign.
- Attached is a letter from Richard and Gearga Brown, who thoroughly enjoyed the Newport Fireworks.
- Attached is letter from Fran and Phil Bailey that was copied to me complimenting the Captain's Reel Deep Sea Fishing for providing an excellent experience in Newport.
- Attached is an article from the Flathead Beacon.com provided to me by Jim Shaw regarding discussion on the closure of a city airport in Kalispell.
- Attached is a summary of several issues that we have been following, including license fees on certain utilities operating in rights-of-way, and the Supreme Court of Oregon gutting recreational immunity.

- Attached is an article from “Governing” that featured Lincoln County in Newport in a very positive way.
- I am also attaching an e-mail that was forwarded from the Regional Planning office back in Michigan that included Sault Ste. Marie. Don Stypala, Executive Director of the Michigan Association of Regions sent out a link to all the regions in Michigan talking about the collaboration between public, private and non-profit sectors and transitioning the local economy in Newport and Lincoln County. In Don’s e-mail to the various regional planning districts in Michigan, he gives me some credit contributing to this effort. I explained to Don that Newport and Lincoln County have long had a strong spirit of collaboration on important issues where there was consensus to move forward with those issues over many years, well before my time. In reading the article, and getting reactions about the article from back in Michigan, I think all the policy makers in the Newport area and Lincoln County can be proud of a reputation that shows that big things can get done, even in a rural parts of the county.
- Attached is an article from the Washington Post outlining a program that the Mayor of Albuquerque, New Mexico implemented relating to panhandlers in that city. It is an interesting concept that may be worthy of some discussion on our part.
- Attached is a 2016 Washington/Oregon water/wastewater rate study. I think the data for this rate study certainly indicates that, while Newport’s utility rates are higher than the average they are certainly the highest rates in the State.

I hope everyone enjoys the remaining days of summer and has an enjoyable Labor Day weekend.

Respectfully Submitted,

Spencer R. Nebel, City Manager
City of Newport

Spencer R. Nebel
City Manager
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July 14, 2016

David Warren
ODOT District 4 Manager
3700 SW Philomath Blvd
Corvallis, OR 97333

Dear Mr. Warren:

The City Council is in support of naming the Wayside located on U.S. Highway 101, south of Yaquina Head, the "Ernest Bloch Memorial Wayside." It is my understanding that ODOT is requesting that the City pay for the cost of the initial brown and white attraction signage that would be installed for north bound and south bound traffic on U.S. Highway 101. It is also my understanding that ODOT will maintain the signage once the signs are put into place.

The City of Newport is willing to pay the expense for the construction and placement of the brown and white directional signs as part of the effort to name the wayside after Ernest Bloch. Let me know if you need any additional information from the City in order to proceed with the naming of the wayside.

Respectfully Submitted

cc: Mark McConnell
Derrick Tokos
Tim Gross

Noble
Professional
Dedicated

Newport Police Department

# Memorandum

*One Team - One Future*

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**Date:** July 22, 2016

**To:** Spencer Nebel, City Manager

**From:** Mark J. Miranda, Chief of Police

**Subject:** **Retirement**

This is the official notice of my intent to retire 90 days from now. The specific date is Thursday, October 20, 2016.

Integrity – Excellence – Community – Employees – Teamwork – Commitment

# MEMO

DATE: June 27, 2016

TO: Spencer Nebel, City Manager

FROM: Barb James, Human Resources

SUBJECT: Federal Contractor and Legal Compliance related to the City Employment Application

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As a result of the below identified legal requirements, the City of Newport Employment Application has been revised effective 7-1-16.

Changes to the application for OFCCP compliance include the following:

1. Addition of the Voluntary Self-Identification form for Individuals with Disabilities
2. EEO Voluntary Reporting form
3. Referral Source Data –Voluntary form

<u>Additional changes include the following wording:</u>

1. Removed:
   "Are you a US Citizen?"
   "Have you ever been convicted of a crime?"

2. Added:
   "Are you lawfully authorized to work in the U.S.?"

3. Added a section specific for Law Enforcement Applicants (as they are exempt from House Bill 3025) which asks:
   "Are you a citizen of the US?"
   "Have you ever been convicted of a crime?"

4. Added I-9 and E-Verify notice:

   In compliance with federal law, all person hired will be required to verify identity and eligibility to work in the United States and to complete the required employment verification document form upon hire.

A presidential Executive order and subsequent Federal Acquisition Regulation (FAR) rule required federal contractors to use E-Verify to electronically verify the employment eligibility of employees working under covered federal contracts. The order and the rule reinforce Federal government policy that the Federal government does business only with organizations that have a legal workforce.

The City of Newport receives federal funding, and therefore, is considered a federal contractor by the Office of Federal Contract Compliance Programs (OFCCP). As the result, the City is required to comply with some specific employment related requirements to ensure compliance with the OFCCP regulations.

In addition, the City signs assurances for federal contracts stating that the City complies with Section 503 and Section 504 of the Rehabilitation Act AA policy statement (not a written policy), Title VI and Title VIII of the Civil Rights Act, Age Discrimination Act, and Title IX of the Education Amendments, and any other requirements for non-discrimination statues which applies.

Additionally, the City is required to report EEO (race and gender) information for the bi-annual EEO-4 report for all current employees. Collecting the data at the time of application vs. only at the time of hire would allow the City to track data to determine the effectiveness of outreach efforts.

Finally, the implementation of House Bill 3025 effective January 1, 2016, barred Oregon employers from including questions about criminal convictions on job applications (Ban-the-Box). Oregon is now the seventh state to prohibit the practice for all employers.

The new law makes it unlawful to inquire into or consider an applicant's conviction history on an application form or prior to a job interview. If no interview is conducted, then an employer may not inquire into or consider an applicant's criminal history prior to a conditional offer of employment. Under the new law, employers still retain the right not to ultimately hire an applicant due to criminal background issues.

The bill also creates an exemption for employers who are legally required to consider a job applicant's criminal background, such as **public safety** and criminal justice agencies. Additionally, applications for volunteer positions can still contain questions about an applicant's criminal background. Finally, the prohibition does not apply if federal and state laws allow consideration of an applicant's criminal background.

Oregon employment applications will need to be revised to comply with the new law. If an employer's job applications include a question regarding an applicant's criminal history, that question must be removed. Employers are still permitted to ask applicants about criminal history in job interviews, or to make a job offer contingent on a criminal background check. However, no questions regarding an applicant's criminal background should be asked, prior to either an interview or a contingent offer, unless the employer qualifies for one of the exceptions discussed above.

**FEDERAL REQUIREMENTS FOR CONTRACTORS**

Rehabilitation Act of 1973, Section 503: Section 503 requires that any contract in excess of $10,000 entered into by any Federal department or agency for the procurement of personal property and non-personal services (including construction) for the United States shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with disabilities.

Rehabilitation Act of 1973, Section 504: Section 504 states that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

On August 27, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced a Final Rule that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503), at 41 CFR Part 60-741.

Section 503 prohibits employment discrimination against individuals based on disability by federal contractors and subcontractors. Section 503 also requires that federal contractors and subcontractors take affirmative action to recruit, employ, train, and promote qualified individuals with disabilities.

The Final Rule introduces a variety of changes to the Section 503 regulations. Some of these changes revise the nondiscrimination provisions to incorporate the requirements of the ADAAA. Others are designed to strengthen the affirmative action provisions. The Final Rule:

1. Establishes, for the first time, a 7% utilization goal for individuals with disabilities. This utilization goal, applied at the job group level, is not to be used as a quota or a ceiling that limits or restricts the employment of individuals with disabilities. Instead, the goal is a management tool that informs decision-making and provides real accountability. Failing to meet the disability utilization goal is not a violation of the regulation and it will not lead to a fine, penalty or sanction.

2. Requires contractors to invite applicants to voluntarily self-identify as an individual with a disability at the pre-offer stage of the hiring process, in addition to the existing requirement that contractors invite applicants to voluntarily self-identify after receiving a job offer. This data collection should provide contractors with useful information about the extent to which their outreach and recruitment efforts are effectively reaching people with disabilities.

3. Requires contractors to invite incumbent employees to voluntarily self-identify on a regular basis. The status of employees may change and a regular invitation to self-identify provides employees a way to self-identify for the first time, or to change their previously reported status. Providing a regular invitation should contribute to increased self-identification rates. Improving data collection is important to assessing employment practices.

   What is a disability for purposes of invitation to self-identify?

   - Impairment that substantially limits a major life activity (ignoring positive effects of mitigating measures other than ordinary eyeglasses or contact lenses); or

- Record of such impairment

4. Requires contractors to maintain several quantitative measurements and comparisons for the number of individuals with disabilities who apply for jobs and the number of individuals with disabilities they hire in order to create greater accountability for employment decisions and practices. Having this data will enable contractors and OFCCP to evaluate the effectiveness of contractors' outreach and recruitment efforts, and examine hiring and selection processes related to individuals with disabilities.

5. Requires prime contractors to include specific, mandated language in their subcontracts in order to provide knowledge and increase compliance by alerting subcontractors to their responsibilities as federal contractors.

6. Implements changes necessitated by the passage of the ADA Amendments Act (ADAAA) of 2008 by revising the definition of "disability" and certain nondiscrimination provisions of the implementing regulations.

Required Form

The new government-approved form that federal contractors must use to invite job applicants and employees to voluntarily self-identify as individuals with disabilities was released by the Office of Federal Contract Compliance Programs (OFCCP) on January 22, 2014. Contractors must begin using the new form effective March 24, 2014, *unless* they have an affirmative action plan (AAP) in place on that date, in which case they "may maintain that AAP until the end of their AAP year and delay their compliance" with the new AAP requirements until the "start of their next AAP cycle."

Pre-Offer

Under the new disability AAP rules, a contractor must invite applicants to inform the contractor whether the applicant believes that he or she is an individual with a disability. This invitation must be provided to each applicant when the applicant applies or is considered for employment. The invitation may be included with the application materials for a position, but must be separate from the application.

Post-Offer

At any time after the offer of employment, but before the applicant begins his or her duties, the contractor must invite the applicant to inform the contractor whether the applicant believes that he or she is an individual with a disability.

Survey Current Employees

The contractor also must invite each of its employees to voluntarily inform the contractor whether the employee believes that he or she is an individual with a disability. The invitation must be extended the first year the contractor becomes subject to the requirements of the new disability AAP rules and at five year intervals thereafter. At least once during the intervening years between these invitations, the contractor must remind their employees that they may voluntarily update their disability status.

Must Use OFCCP Form

The contractor must invite applicants and employees to self-identify using the language and manner prescribed by the OFCCP. The OFCCP's required "Voluntary Self-Identification of Disability" form is available on its website.

Reasonable Accommodation

According to the OFCCP, "contractors are encouraged to provide additional information about reasonable accommodation at the same time they invite voluntary self-identification of disability. This may include the name and contact information of the official(s) responsible for processing requests for reasonable accommodation from applicants and employees with disabilities, and information about the contractor's reasonable accommodation procedures. Contractors may not alter the content of the OFCCP's voluntary self-identification form, but are encouraged to provide such reasonable accommodation information with the form."

Must Keep Confidential

Contractors must "keep all information on self- identification confidential, and must maintain it in a data analysis file (rather than in the medical files of the individual employees)." Contractors must "provide self- identification forms to OFCCP upon request" and "self- identification information may be used only in accordance" with AAP rules.

Doesn't This Violate the ADA?

Although contrary to most HR professionals' training and experience, according to the U.S. Equal Employment Opportunity Commission, the OFCCP's requirement that contractors invite applicants to self-identify as individuals with disabilities at the pre-offer stage is not a violation of the Americans with Disabilities Act.

**ACTIONS FOR HR**

The City meets federal affirmative action requirements. Begin the process of complying with the requirements of Section 503 and Section 504 of the Rehabilitation Act of 1973. As a result, we will need to develop a Policy Statement/Affirmative Action Plan (non-written). Tracking and reporting mechanisms will need to be put into place.

Implement the required OFCCP voluntarily self-identification form related to disability for the employment application and for completion by the individual after hire.

Implement a procedure for initial gathering of the required information and at 5 year intervals, as well as an annual reminder procedure.

Identify referral sources for recruitments to ensure that our outreach and recruitment efforts are effectively reaching people with disabilities.

Develop reporting mechanisms to run quantitative recruitment and outreach measurements and comparisons related to individuals with disabilities.

Survey current employees to voluntarily inform the City whether the employee believes that he or she is an individual with a disability.
Job Posting Language: "Equal opportunity employer" not good enough

This language to be added to all job postings: *Qualified applicants will receive consideration for employment without regard to their disability or protected veteran status*

Implement an Affirmative Action Policy Statement for the Employee Handbook.

# Information for Veterans

The City of Newport is a federal contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), as amended. Consistent with its obligations under VEVRAA, the City of Newport prohibits discrimination and takes affirmative steps to employ, advance in employment and otherwise treat qualified individuals without discrimination based on their status as a recently separated veteran, armed forces service medal veteran, disabled veteran or active duty campaign badge veteran. The City of Newport also complies with the Oregon Veterans' Preference in Public Employment law which provides qualifying veterans and disabled veterans with preference in employment.

In order to benefit from these laws, employees and applicants must be given the opportunity to self-identify as eligible veterans.

- If you are an employee who is a protected veteran for purposes of VEVRAA and wish to self-identify in order to benefit from the City's affirmative action program in hiring for protected veterans, please complete the Veterans and Individuals with Disabilities Self-Identification Form at any time and return it to Human Resources as directed on the form.

- If you are an applicant for employment (including current employees) you will be offered the opportunity to self-identify as a veteran or disabled veteran eligible for preference in employment under the **Oregon Veterans' Preference in Public Employment** law. The invitation to self-identify is part of the required Employment Application. If you are a current employee and you are applying for an internal only job posting, please complete and submit the Applicant Veterans Preference Form along with the supporting documentation to Human Resources.

# Vietnam Era Veterans' Readjustment Assistance Act

As a federal contractor, the City of Newport must adhere with the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), as amended. VEVRAA prohibits discrimination against protected veterans and requires that federal contractors and subcontractors take affirmative action to employ and advance in employment qualified protected veterans.

Applicable definitions under VEVRAA are as follows:

RECENTLY SEPARATED VETERAN
Any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

ARMED FORCES SERVICE MEDAL VETERAN
Any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation for which an Armed Forces medal was awarded pursuant to Executive Order 12895 (61 FR 1209).

DISABLED VETERAN
(1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or

(2) A person who was discharged or released from active duty because of a service-connected disability.

ACTIVE DUTY WARTIME OR CAMPAIGN BADGE VETERAN
A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

Definitions from 41 Code of Federal Regulations Part 60-300

If you are an employee who is a protected veteran as defined above, applying for an internal position, and would like to self-identify, please print and complete the **Veterans Preference Self-Identification Form** and return it to the Human Resources along with your completed application.

# Oregon Veterans' Preference in Public Employment

The Oregon Veterans' Preference in Public Employment (ORS 408.230) legislation requires that public employers grant a preference in employment to eligible veteran or disabled veteran applicants who meet minimum qualifications and any special qualifications for the position to which they apply. The required preferences do not compel a public employer to appoint a veteran or disabled veteran. However, they do require that an eligible veteran or disabled veteran be appointed when the veteran's or disabled veteran's application assessment, combined with the veteran's or disabled veteran's preference, is equal to or higher than that of a non-veteran.

Public employers in Oregon are also subject to the **Interviews of Veteran Applicants for Public Service Position Required (ORS 408.237)** legislation. Under ORS 408.237, public employers must interview each eligible veteran who:

A. Meets the minimum and special qualifications for the merit based, competitive open position; and
B. Submits application materials that the employer determines show sufficient evidence that the veteran has the transferable skills required and requested by the employer for the position.

In the context of these laws, the following definitions and terms apply (ORS 408.225 to 408.237):

A **Veteran** means a person who:

A. Served on active duty with the Armed Forces of the United States:
    i. For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;
    ii. For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;
    iii. For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;
    iv. For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or

v. For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;

B. Received a combat or campaign ribbon of an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or
C. Is receiving a non-service-connected pension from the United States Department of Veterans' Affairs.

A **Disabled Veteran** means a person:

A. Who has a disability rating from the United States Department of Veterans' Affairs;
B. Whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty, or
C. Who was awarded the Purple Heart for wounds received in combat.

A veteran is **eligible to use the preference** for a merit based, competitive open position for which application is made at any time after discharge or release from service in the Armed Forces of the United States.

**Notice to Eligible Veterans and Disabled Veterans**

To self-identify as a veteran or disabled veteran for purpose of preference in employment, please complete and return the Veteran's Preference Form along with your completed application.

Also please note the required supporting documentation to verify eligibility for the preference.

## Spencer Nebel

**From:** Tim Gross
**Sent:** Friday, July 15, 2016 11:03 AM
**To:** Spencer Nebel; Michael Murzynsky
**Subject:** FW: ROI for FY16

FYI, see below.

Timothy Gross, PE
Public Works Director/City Engineer
City of Newport
169 SW Coast Highway
Newport, OR 97365
P 541-574-3369
F 541-265-3301
C 541-961-5313

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**From:** Chase Park Grants [mailto:tia@chaseparkgrants.com]
**Sent:** Friday, July 15, 2016 10:00 AM
**To:** Tim Gross <T.Gross@NewportOregon.gov>
**Cc:** Jen Waltz <jenwaltz@chaseparkgrants.com>
**Subject:** ROI for FY16

Hi Tim,

Exciting news regarding the return on investment (ROI) for the City's investment in grants-related technical assistance in FY2016.

The ROI for FY16 is 6.06 to 1, meaning that for every $1 the City invested in grant services in FY2016 yielded $6.06 in return. (Calculations are listed below.)

Congratulations, and thanks for letting Chase Park be a part of Newport's growth! - Tia

**RETURN ON INVESTMENT CALCULATIONS FOR GRANTS-RELATED TECHNICAL ASSISTANCE IN FY2016**
Updated 7/14/16

**INVESTMENT**
Task 3 TA Services: $274,170
Task 1 General Services: $63,332
**Total FY16 Investment: $337,502**

**EARNINGS**

| | |
|---|---|
| CWSRF Interest Savings: | $1,699,218 (1% vs 3.8% APR) |
| OWRD 1069: | $ 250,000 |
| WEEG: | $ 300,000 |
| OWRD PBP: | $ 135,000 |
| **Total Earnings:** | **$2,384,218** |

**ROI CALCULATION**

Earnings - Investment / Investment

$2,384,218 - $337,502 = $2,046,716

$2,046,716 / $337,502 = 6.06

These calculations demonstrate that every dollar the City invested in grant services in FY2016 yielded $6.06 in return.

**HIT RATE FOR GRANT PURSUITS**

The City achieved a **100%** hit rate. Specifically, all three grant pursuits resulted in a successful grant award.

**Oregon Water Resources Department**
**Water Right Services Division**

Water Rights Application
Number R-88041

Prior to the issuance of a permit, the Department must receive documentation that the proposed use complies with the local acknowledged comprehensive land-use plan.

Please submit documentation from the relevant planning jurisdiction that either a) the proposed use is allowed outright or b) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Consistent with Oregon Revised Statute 537.248(1), you are not required to submit engineering plans and specifications before a permit is issued, if one is issued. However, you may not begin construction of the reservoir until the Department approves the engineering plans and specifications.

Please include the application number on any documents submitted.

## Proposed Final Order

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Findings of Fact*

1. On December 31, 2014, City of Newport submitted an application to the Department for the following water use permit:

   - Amount of Water: 4330.0 acre-feet (AF)
   - Use of Water: storage for municipal use
   - Source of Water: Rocky Creek, a tributary of Pacific Ocean
   - Area of Proposed Use: Lincoln County within Section 20, Section 21, and Section 28, Township 9 South, Range 11 West, W.M.

2. On March 13, 2015, the Department mailed the applicant notice of its Initial Review, determining that "*the diversion of 4330.0 AF of water from Rocky Creek, a tributary of the Pacific Ocean, for storage for municipal use is allowable December 1 through March 31 of each year.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

3. On March 17, 2015, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- any comments received

4. The Middle Coast Basin Program allows municipal use (OAR 690-518-0010).

5. Senior water rights exist on Rocky Creek, a tributary of Pacific Ocean, or on downstream waters.

6. Rocky Creek, a tributary of Pacific Ocean, is not within or above a State Scenic Waterway.

7. An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this calculation is in the file. This calculation determined that water is available for further appropriation (at a 50 percent exceedance probability) December 1 through March 31 of each year.

8. The Department finds that the amount of water requested, 4330.0 AF, is an acceptable amount.

9. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision is being pursued.

10. In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional

limitations or conditions of use be imposed on this application as follows:

A. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

B. The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices SHALL be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. This permit is subject to cancellation proceeding if water use begins before installation of fish screening and/or by-pass devices.

*Conclusions of Law*

1. Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

2. The proposed use requested in this application is allowed in the Middle Coast Basin Program.

3. Water is available for the proposed use.

4. The proposed use will not injure other water rights.

5. The application is in compliance with the State Agency Coordination Program regarding land use.

6. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

7. For these reasons, the required presumption has been established.

8. Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

   A. One or more of the criteria for establishing the presumption are not satisfied; or

   B. The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:

      a. The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and

      b. Specifically how the identified public interest would be impaired or detrimentally affected.

9. In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

10. The Department therefore concludes that the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

11. When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 5, 2016

E. Timothy Wall.

E. Timothy Wallin, Water Rights Program Manager
*for* Thomas M. Byler, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **August 19, 2016**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the Department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) the specific public interest in ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified public interest in ORS 537.170(8) would be impaired or be detrimentally affected;
- If you are the applicant, the protest fee of $350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of $700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **August 19, 2016**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of $200. If a hearing is scheduled, an additional fee of $500 must be submitted along with a petition for party status.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil

*This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0816.*

*If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:*

*Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*

STATE OF OREGON

COUNTY OF LINCOLN

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OR 97365

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88041

SOURCE OF WATER: ROCKY CREEK, A TRIBUTARY OF PACIFIC OCEAN

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MUNICIPAL

MAXIMUM VOLUME: 4330.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: DECEMBER 31, 2014

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 110.0 FEET

DAM LOCATION: SW ¼ NW ¼, SECTION 20, T9S, R11W, W.M.; 1700 FEET SOUTH AND 850 FEET EAST FROM NW CORNER, SECTION 20

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW ¼ NE ¼
SE ¼ NE ¼
NE ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SE ¼ SE ¼
SECTION 20

NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼

SW ¼ SW ¼
SE ¼ SW ¼
SECTION 21

NE ¼ NW ¼
NW ¼ NW ¼
SECTION 28
TOWNSHIP 9 SOUTH, RANGE 11 WEST, W.M.

Measurement devices, and recording/reporting of annual water storage conditions:

A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.

B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The permittee shall keep a complete record of the volume of water stored each month, and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director). Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may

require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices SHALL be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary. This permit is subject to cancellation proceeding if water use begins before installation of fish screening and/or by-pass devices.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Within three years of permit issuance, the permittee shall submit a Water Management and Conservation Plan, addressing use under this permit, consistent with OAR 690-086. The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within three years of permit issuance, unless an extension of this time has been approved.

**DAM CONDITIONS**

Prior to commencing construction activity, all design reports, drawings of the dam and critical appurtenant structures, specifications, and plans for construction administration must be approved by the State

Engineer as indicated by the State Engineer's stamp and a written letter of approval from the State Engineer.

**STANDARD CONDITIONS**

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction of the water system shall begin within ten years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

The permitted volume of water shall be stored within twenty years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager
*for* Thomas M. Byler, Director

# Newport Municipal Airport Master Plan

*PAC Meeting #4*

WHPacific

*August 17, 2016*

# Agenda

| | Topic | Presenter |
|---|---|---|
| 3:00 – 3:05 | Welcome & Introductions | -- |
| 3:05 – 3:10 | Project Update | -- |
| 3:10 – 3:20 | Summary of Chapter 4:<br>*Facility Requirements – Updated Information* | -- |
| 3:20 – 4:55 | Development Alternatives:<br>*Interactive Alternatives Discussion* | -- |
| 4:55 – 5:00 | Next Steps & Wrap Up | -- |
| 5:30 – 6:30 | Public Open House | -- |

# Project Update

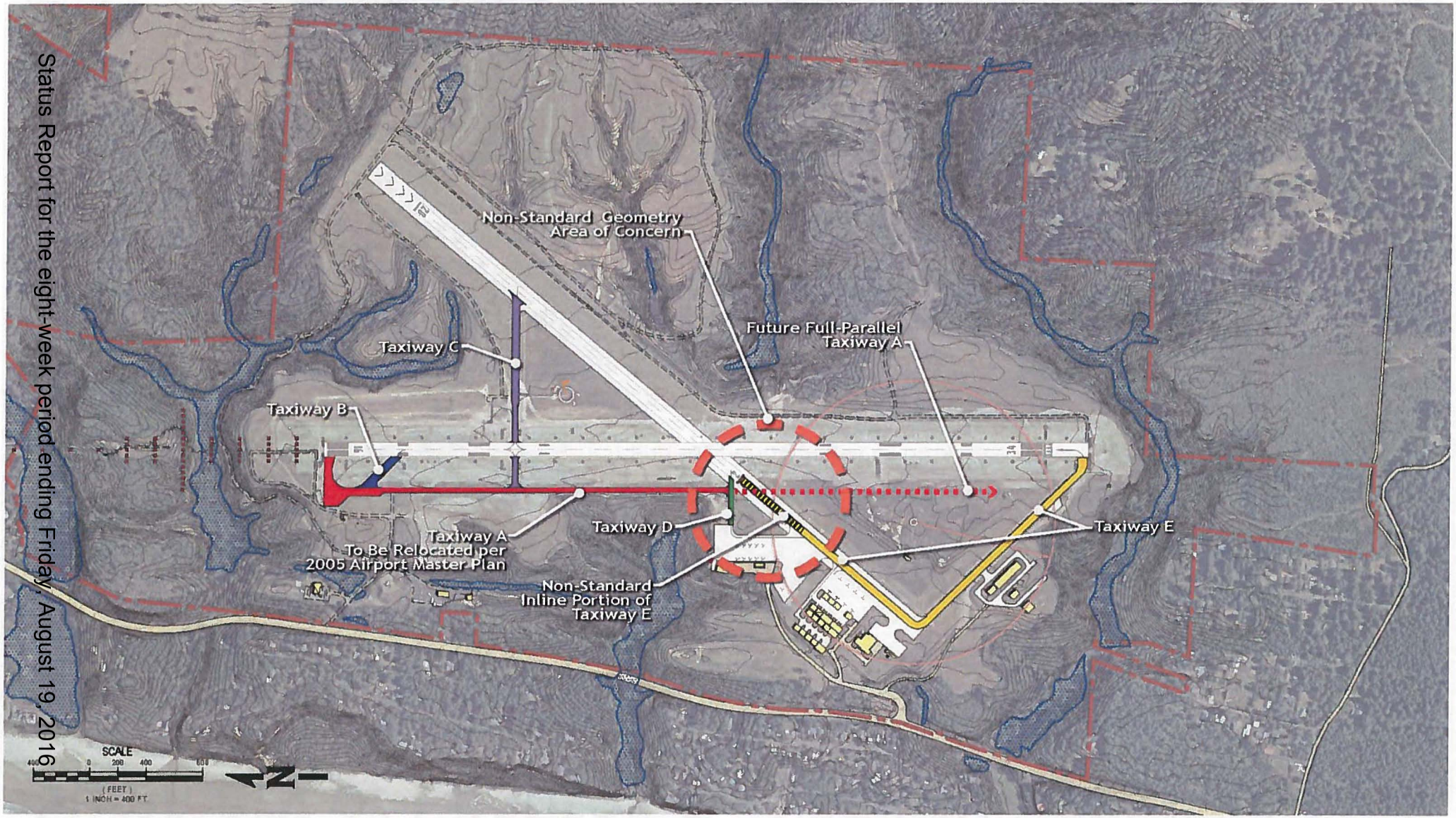
## *Project Components*

- Chapter 1 – Introduction
- Chapter 2 – Inventory
- Chapter 3 – Aeronautical Activity Forecast
- Chapter 4 – Facility Requirements
- Chapter 5 – Airport Development Alternatives
- Chapter 6 – Compliance Review
- Chapter 7 – Recycling and Solid Waste Management Plan
- Chapter 8 – Airport Layout Plan and Drawings
- Chapter 9 – Capital Improvement and Financial Plans

# Summary of Chapter 4 - Facility Requirements

## *Airside Requirements*

| | |
|---|---|
| Runway 16-34 | Upgrade Runway 16-34 Runway Design Code (RDC) from B-II to C-I to accommodate corporate jets.<br>Requires upgraded RSA, OFA, and longitudinal grade to meet C-I standards. |
| Runway 2-20 | Maintain existing Runway 2-20<br>Correct the non-standard inline taxiway on the Runway 2 end. |
| Non-Standard Geometry | Correct Non-standard geometry at intersection of TW A/TW D/RW 2 and non-standard tie-down apron. |
| Taxiway A | Relocate taxiway 10 feet away from Runway 16-34 to meet the RDC B-II and C-I standard . |
| Runway End Identifier Lights (REILS) | Install on Runways 2 and 20 to provide pilots a tool to easily identify runway ends. |
| Automatic Dependent Surveillance – Broadcast (ADS–B) transmitter | Investigate the feasibility of installing an ADS–B transmitter for integration with the US Next Generation Air Transportation System (NextGen). |
| Wind Indicators | Install supplemental wind indicators to provide pilots with additional methods of determining wind direction and velocity. |
| Automated Weather Observing System (AWOS) | Replace the existing AWOS with an AWOS-III or Automated Surface Observing System (ASOS) to provide enhanced precipitation reporting. |



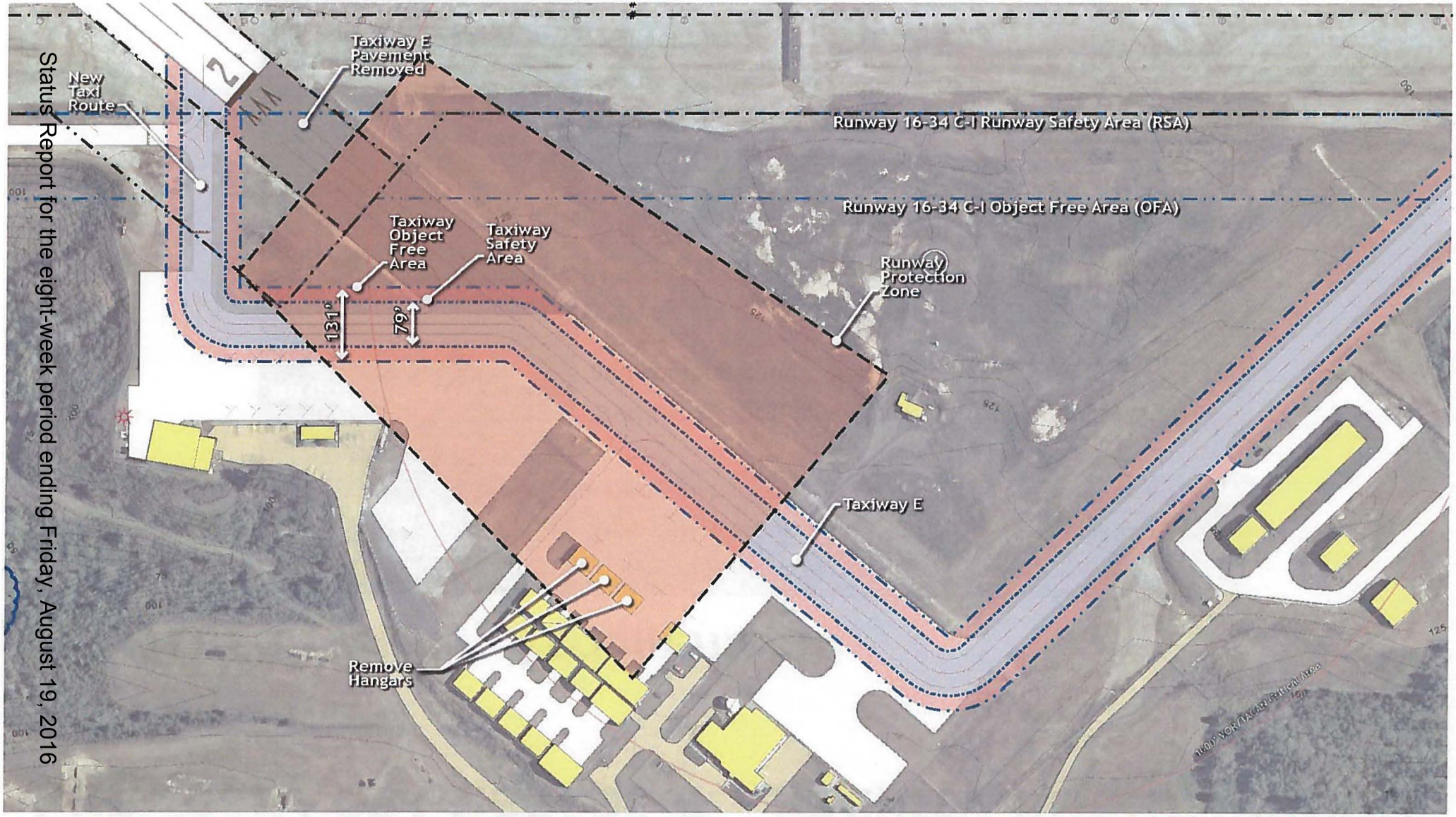

Status Report for the eight-week period ending Friday, August 19, 2016

59

# Summary of Chapter 4 - Facility Requirements

## *Landside Requirements*

| | |
|---|---|
| Hangars | Construct one additional T-hangar with six units and eight additional box hangars. |
| Apron | Expand or redesign the current apron to meet the demand for tiedown spaces outside of the Runway 20 RPZ. |
| Cargo Apron | Expand the current cargo apron to accommodate a third cargo aircraft and construct a modestly-sized cargo facility with an apron area for the exclusive use of cargo aircraft. |
| Fixed Base Operator (FBO) | Locate an area for potential future development of a second FBO facility. |
| Coast Guard | Reserve an additional one acre site for potential future expansion Coast Guard facilities. |
| National Guard | Identify ideal property for potential Oregon Army National Guard location. |


Taxiway E Pavement Removed
New Taxi Route
Runway 16-34 C-I Runway Safety Area (RSA)
Runway 16-34 C-I Object Free Area (OFA)
Taxiway Object Free Area
Taxiway Safety Area
131'
79'
Runway Protection Zone
Taxiway E
Remove Hangars

# Summary of Chapter 4 - Facility Requirements

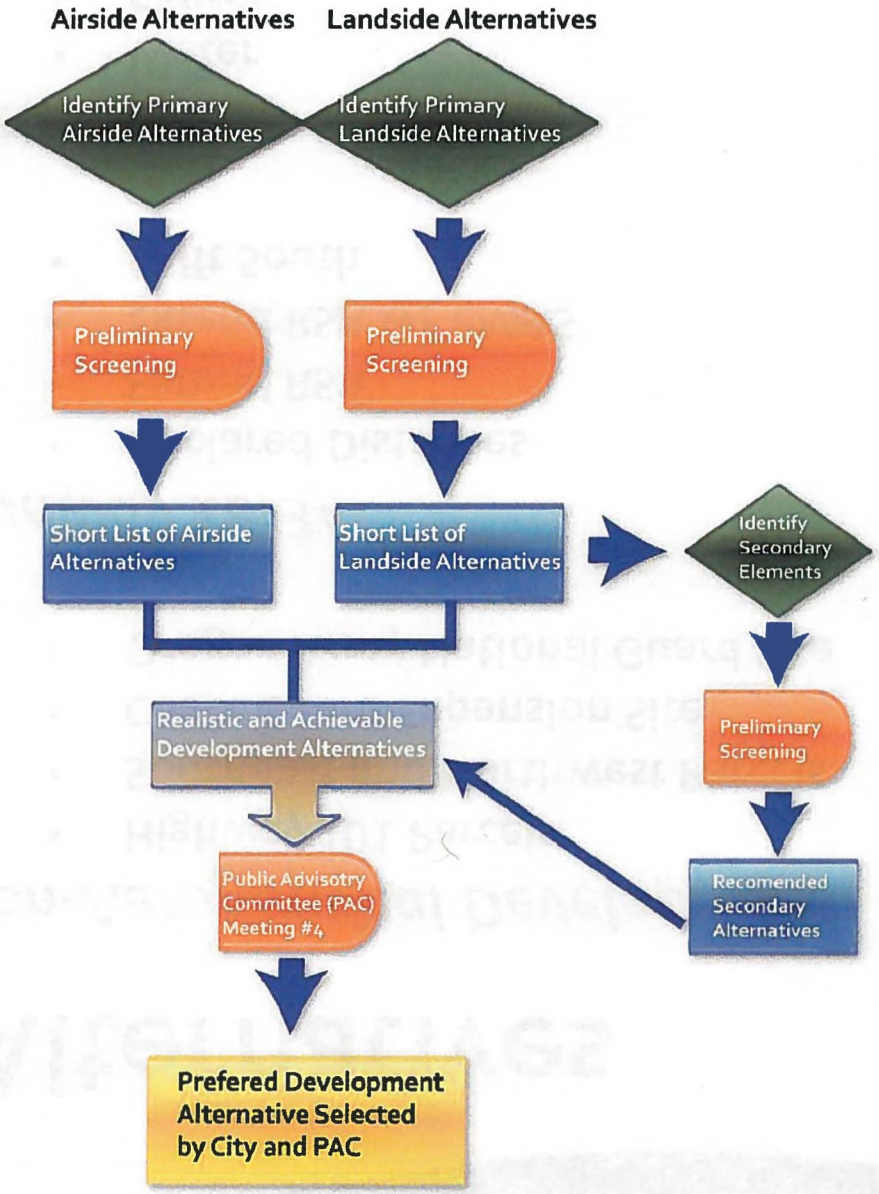
## *Support Facility Requirements*

| | |
|---|---|
| Aircraft Rescue and Fire Fighting (ARFF) | Keep and maintain current ARFF facilities and vehicles. |
| Airport Security | Consider integrating and enforcing community watch and passenger identification. |
| Utilities | Upgrade and expand utilities, particularly water and sanitary sewer, as development occurs. |
| Fuel Tanks | Replace and move Fuel Tanks to an area of easier access, such as near the FBO building or a new maintenance building. |

# Development Alternatives Process

## *Primary/Secondary Elements*

- **Primary Elements**
  - Determined and selected based on criteria in the Facility Requirements Chapter
  - Potential improvements with complex and challenging issues
  - May require large contiguous land areas or unique solutions
- **Secondary Elements**
  - Improvements that have greater planning flexibility
  - Fill-in around and/or support primary elements



# Development Alternatives

## *Taxiways/Runway 2-20*

- Non-Standard Geometry
- Non-Standard Inline Taxiway E
- Runway 2-20
  - No Change
  - Shift Northeast
  - Downgrade and Shift Southwest
  - Close Runway

## *GA Development Areas*

- Infill Existing GA Areas
- Relocate Entrance Road and Expand GA Area West
- Infill Existing GA Areas with Smaller Runway 2 RPZ
- Infill Existing GA Areas with No Runway 2 RPZ

## *Non-Aeronautical Development*

- Highway 101 Parcels
- Southeast and Northwest Parcels
- Coast Guard Expansion Site
- Oregon Army National Guard Site

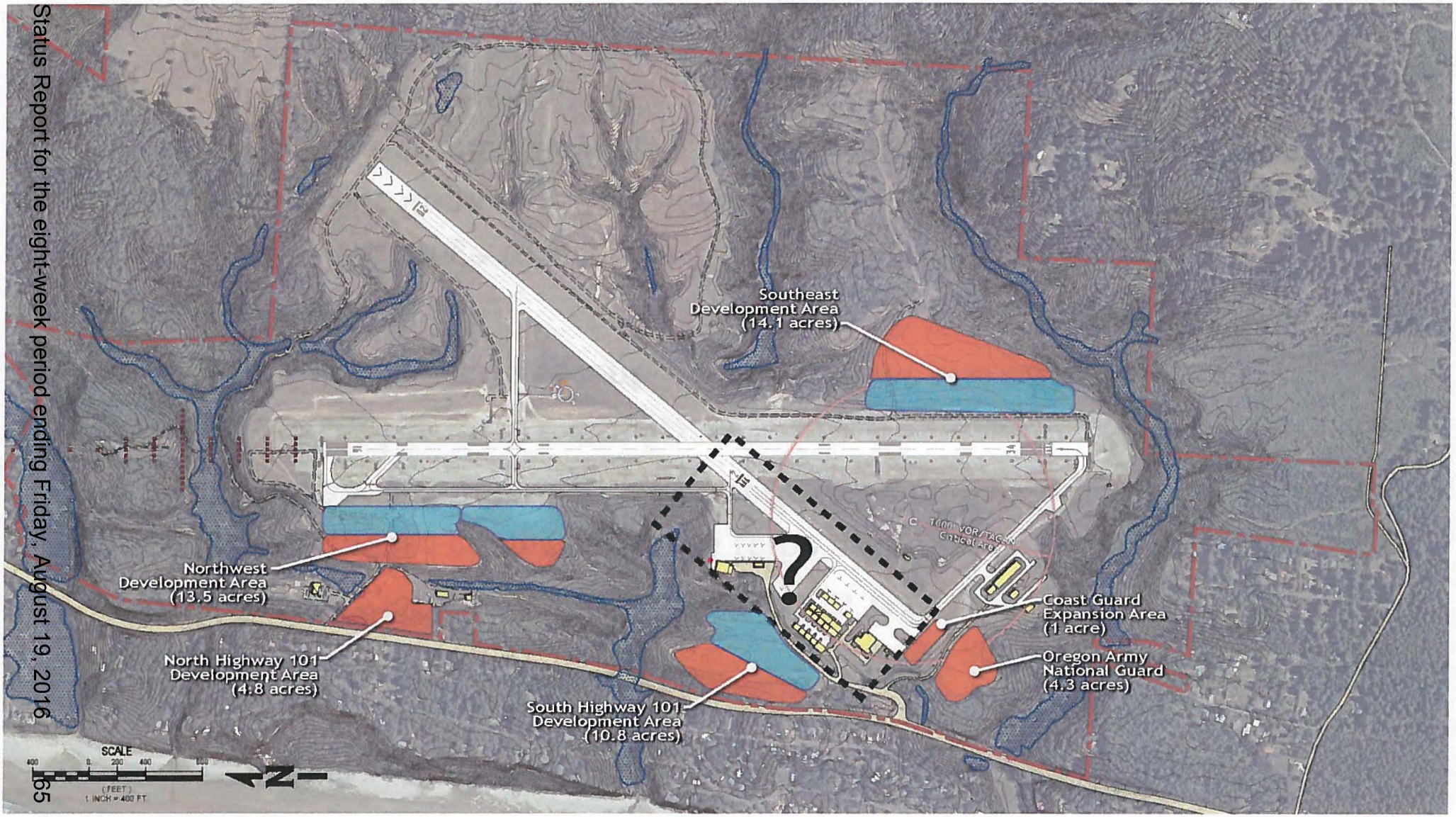
## *Runway 16-34*

- Declared Distances
- Extend RSA
- Extend RSA w/ EMAS
- Shift South

## *Utilities*

- Water
- Sewer

# Impacts of Runway 2-20 on GA Development Area

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# Taxiways / Runway 2-20

## *Non-Standard Taxiway Geometry - Intersection of Taxiways A, D, E with RW 2 and Apron access between*

- Non-Standard geometry needs to be addressed.
- Non-Standard inline taxiway needs to be addressed.

## *Runway 2 RPZ Impact on Apron*

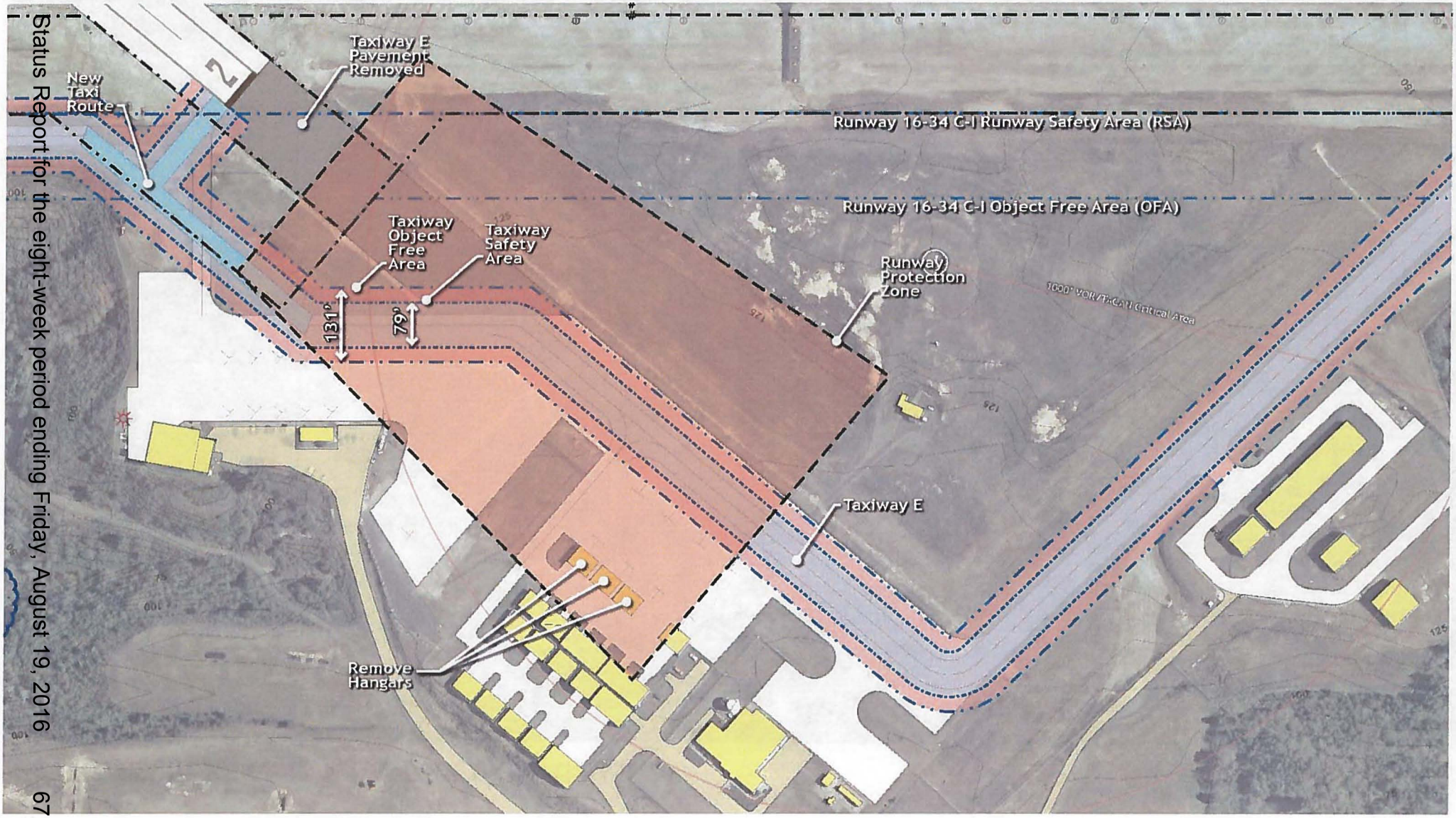
- Existing RPZ limits potential development and efficiency

## *Runway 2-20*

- CR1 - No Change to Runway 2-20
- CR2 - Shift Runway 1100' Northeast
- CR3 - Downgrade Runway to B-I (small) and Shift 200' Southwest
- CR4 - Close Runway 2-20

## CR1 - No Change to Runway 2-20 & Remove Non-Standard Portion of Taxiway E

**Exhibit 5E**



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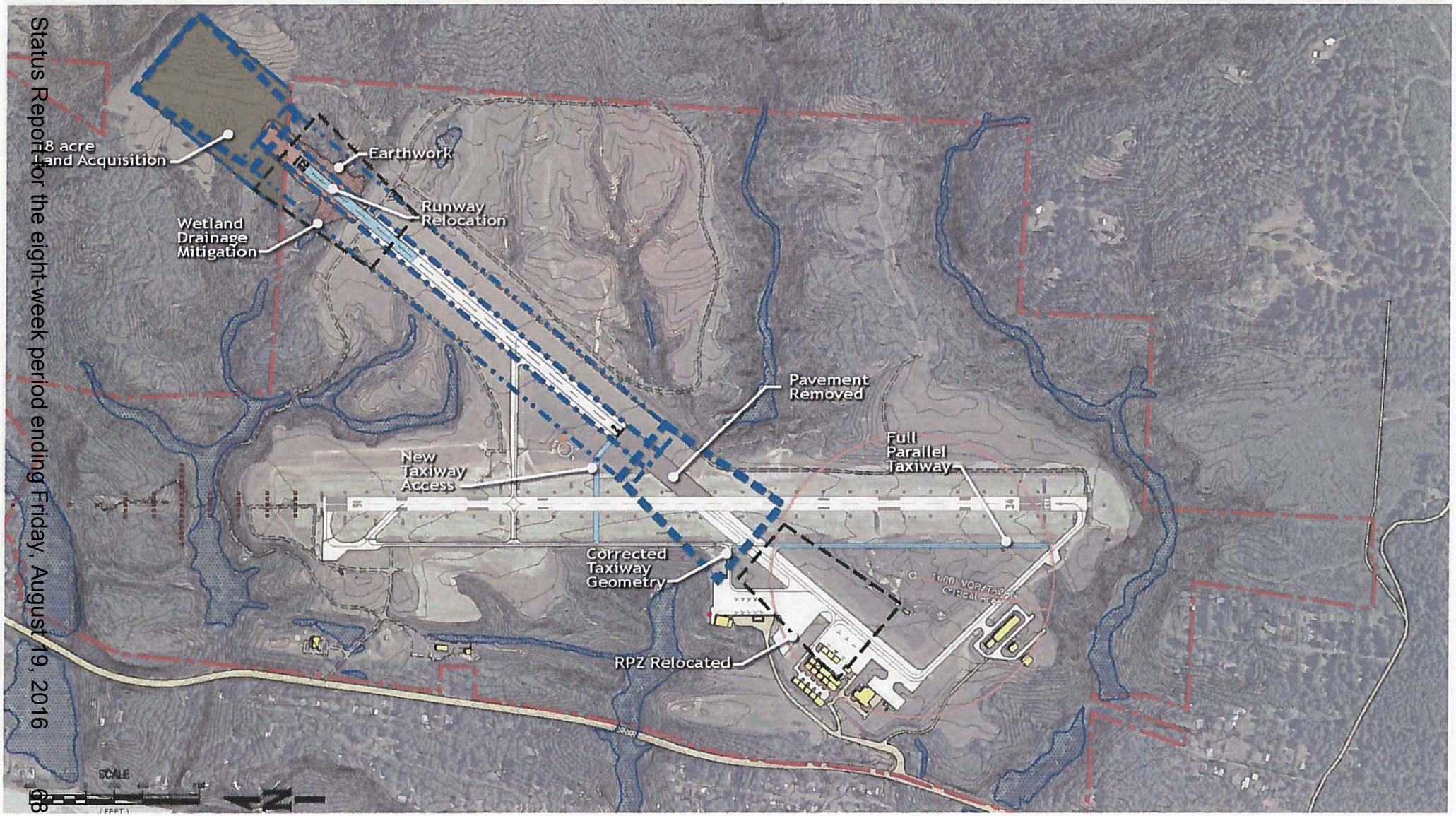
## CR2 - Shift Runway 1,100 Feet to Northeast

**Exhibit 5F**



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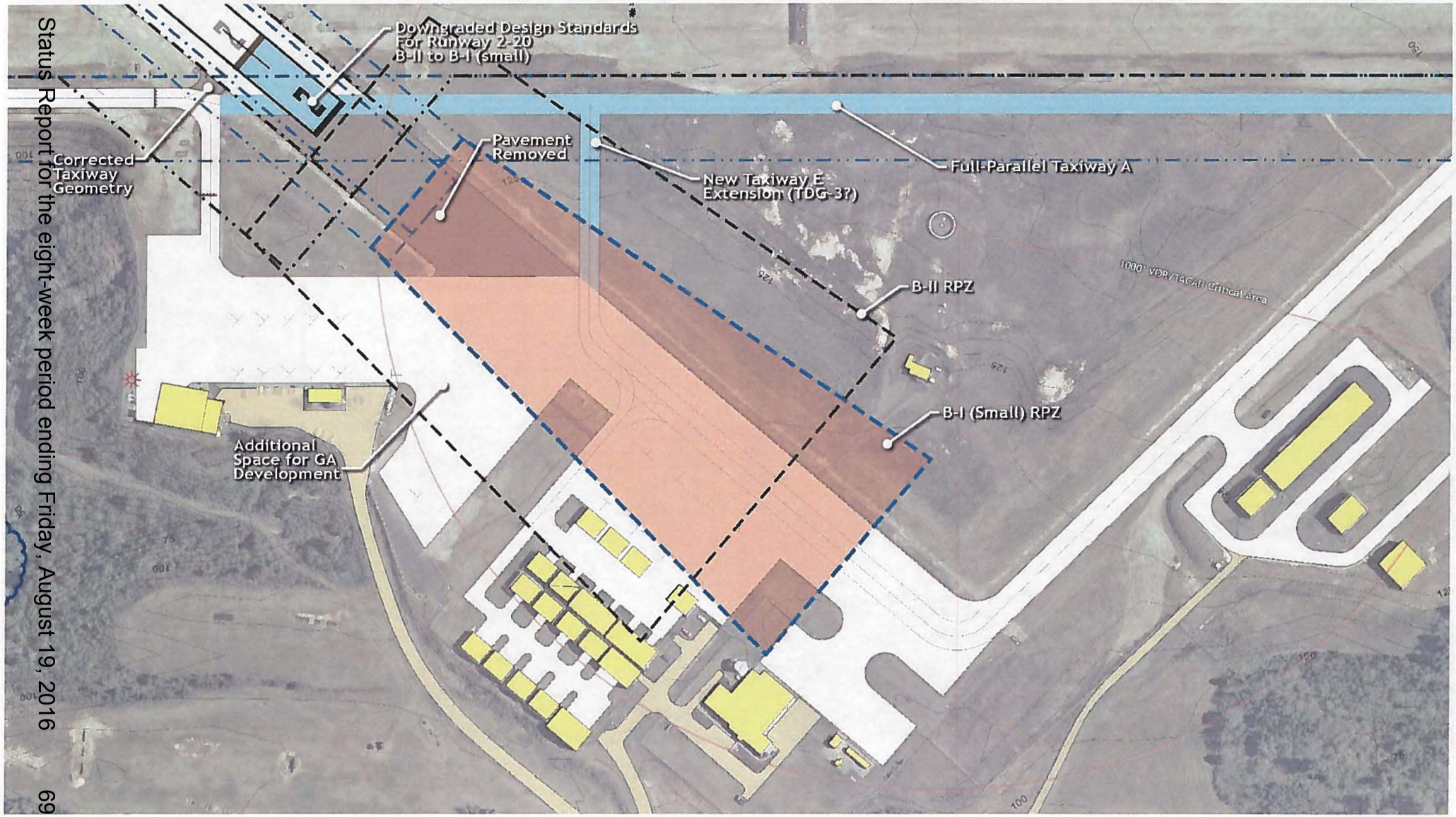
## CR3 - Downgrade Runway to B-I (small) and Shift 200 Feet to Southwest

**Exhibit 5G**



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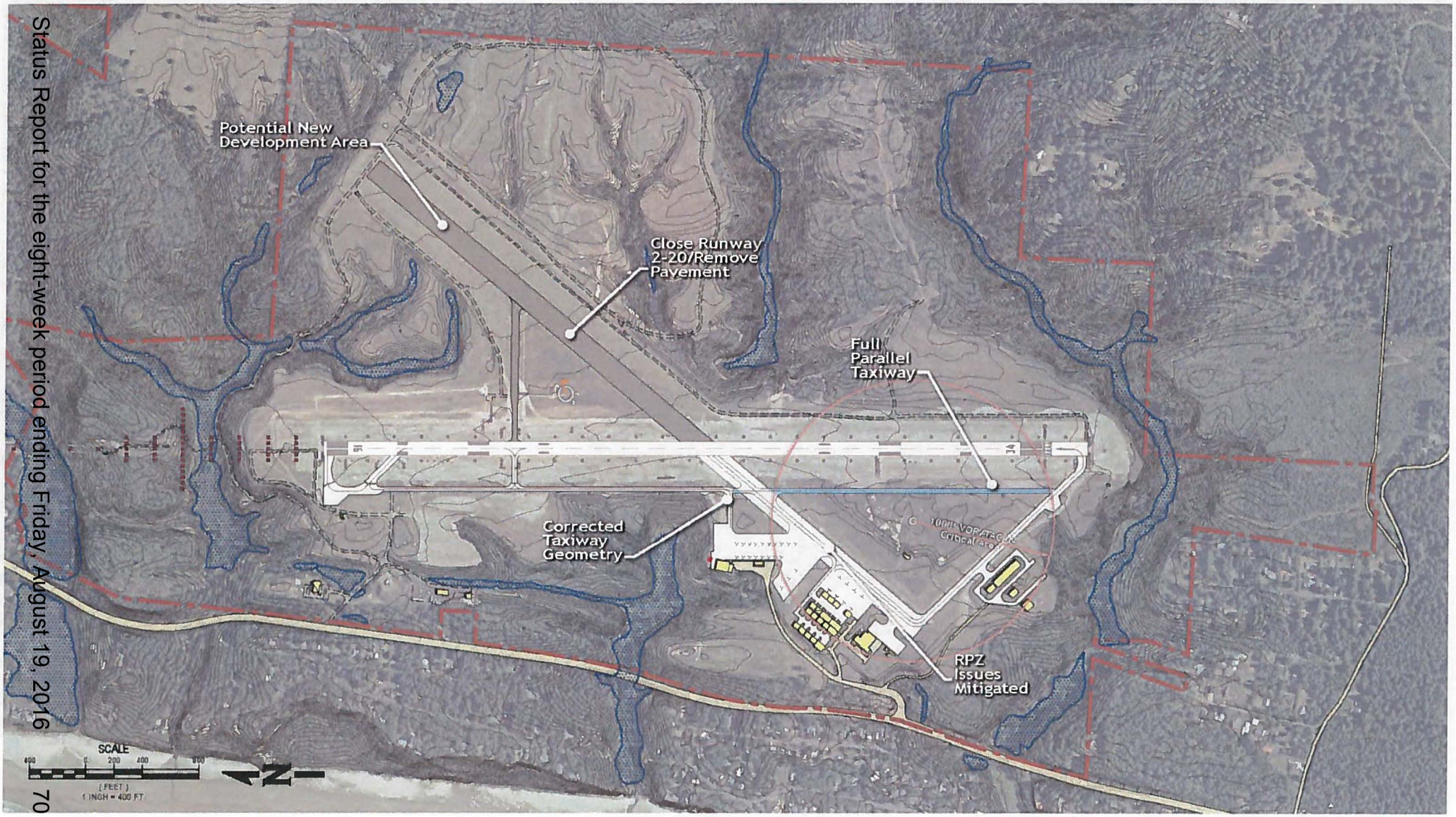
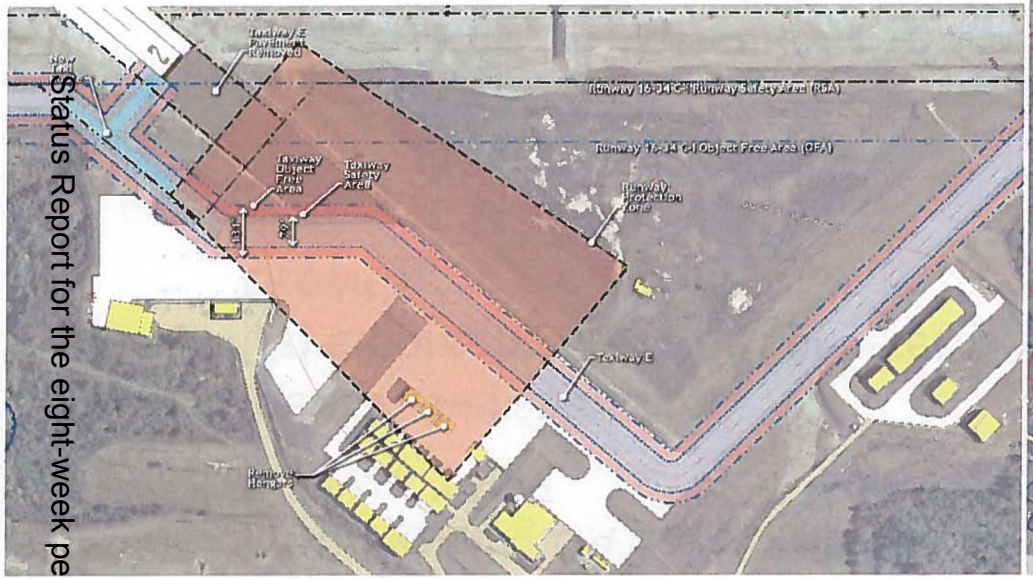
## CR4 - Close Runway 2-20

**Exhibit 5H**

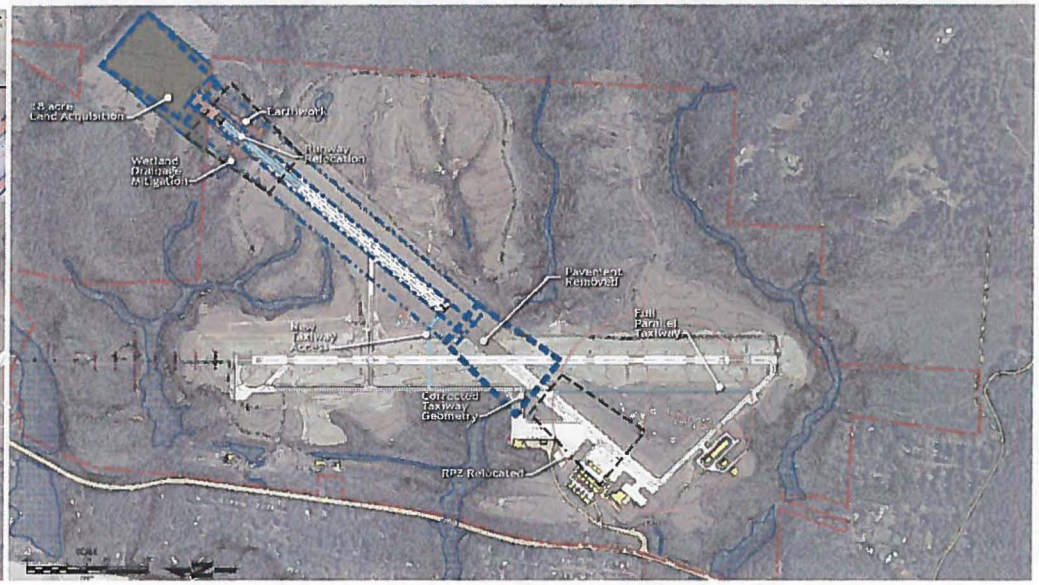


# Discussion

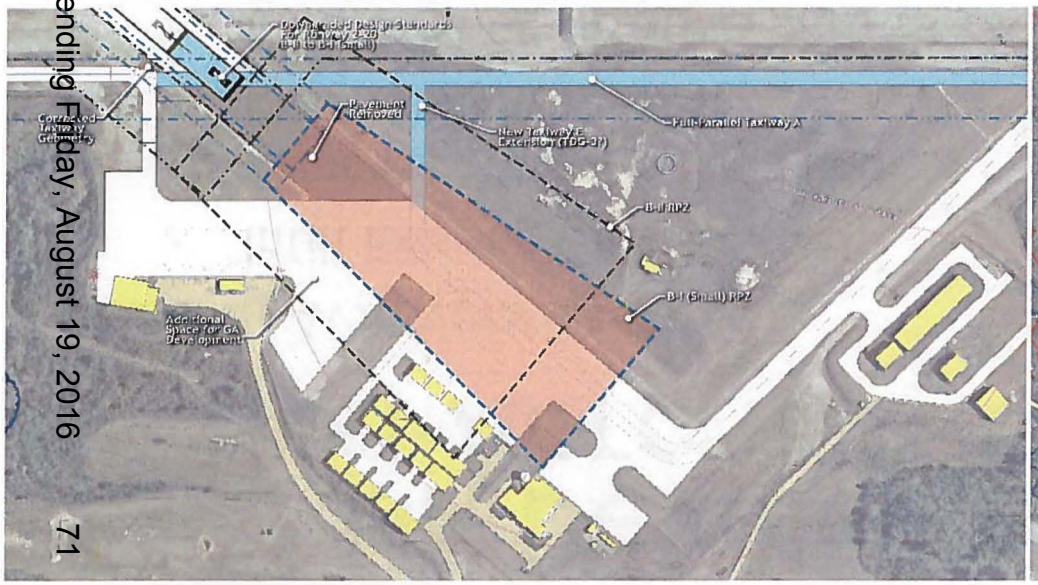
CR1 - No Change to Runway 2-20 & Remove Non-Standard Portion of Taxiway E — Exhibit 5E



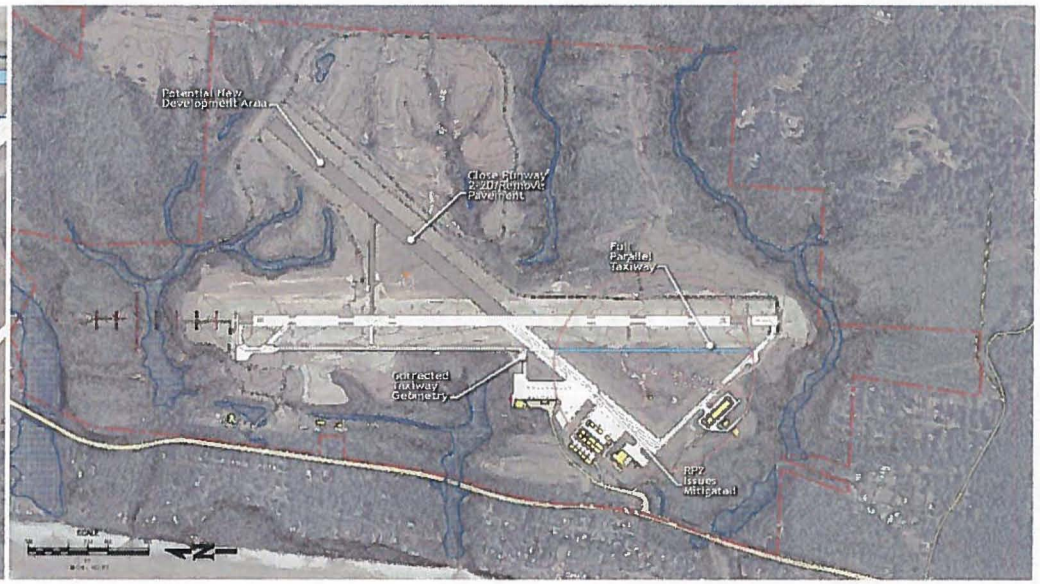

CR2 - Shift Runway 1,100 Feet to Northeast — Exhibit 5F




CR3 - Downgrade Runway to B-I (small) and Shift 200 Feet to Southwest — Exhibit 5G




CR4 - Close Runway 2-20 — Exhibit 5H



# GA Development Area and Non-Aeronautical Development

## *General Aviation/Aprons*

- Infill Existing GA Areas
- Relocate Entrance Road and Expand GA Area West
- Infill Existing GA Areas with Smaller Runway 2 RPZ
- Infill Existing GA Areas with No Runway 2 RPZ
- Identify Aeronautical Development Area for Long-term Growth

## *Non-Aeronautical and/or Aeronautical Development*

- Highway 101 Parcels
- Southeast and Northwest Development Areas
- Coast Guard Expansion Area
- Oregon Army National Guard Site

# Runway 16-34

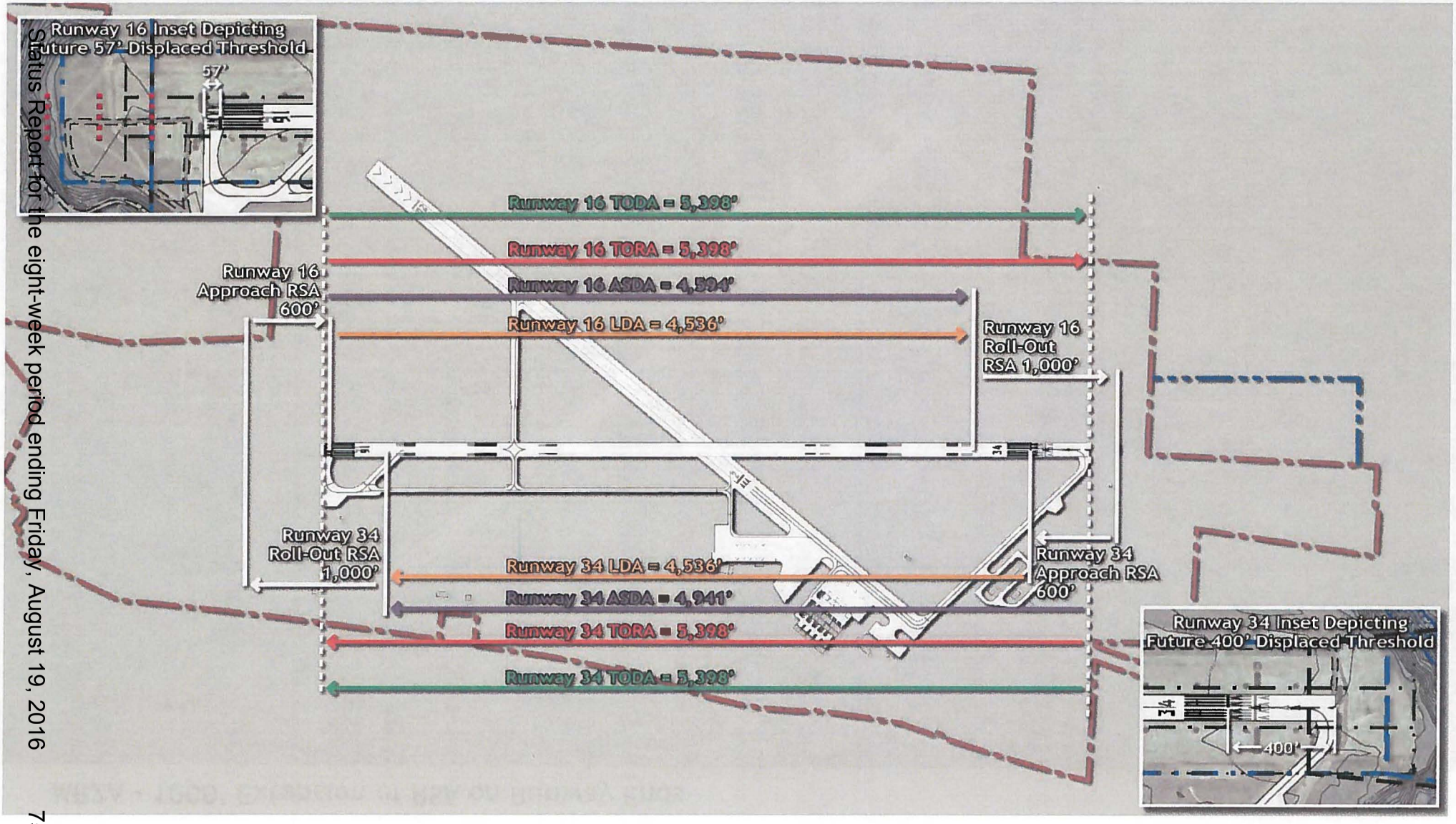
## *Alternatives to Address Runway 16-34 Upgrade to ADG C-I*

- **MR1 – Declared Distances**
- **MR2A - Extend RSA 1000'**
- **MR2B - Extend RSA 600' and Construct EMAS**
- **MR3 – Shift Runway South 600'**

## MR1 - Declared Distances

**Exhibit 5A**

## MR1 - Declared Distances



## MR2A - 1000' Extension of RSA on Runway Ends

**Exhibit 5B**

## MR2B - 600' Extension of RSA & Addition of EMAS to Runway Ends

**Exhibit 5C**

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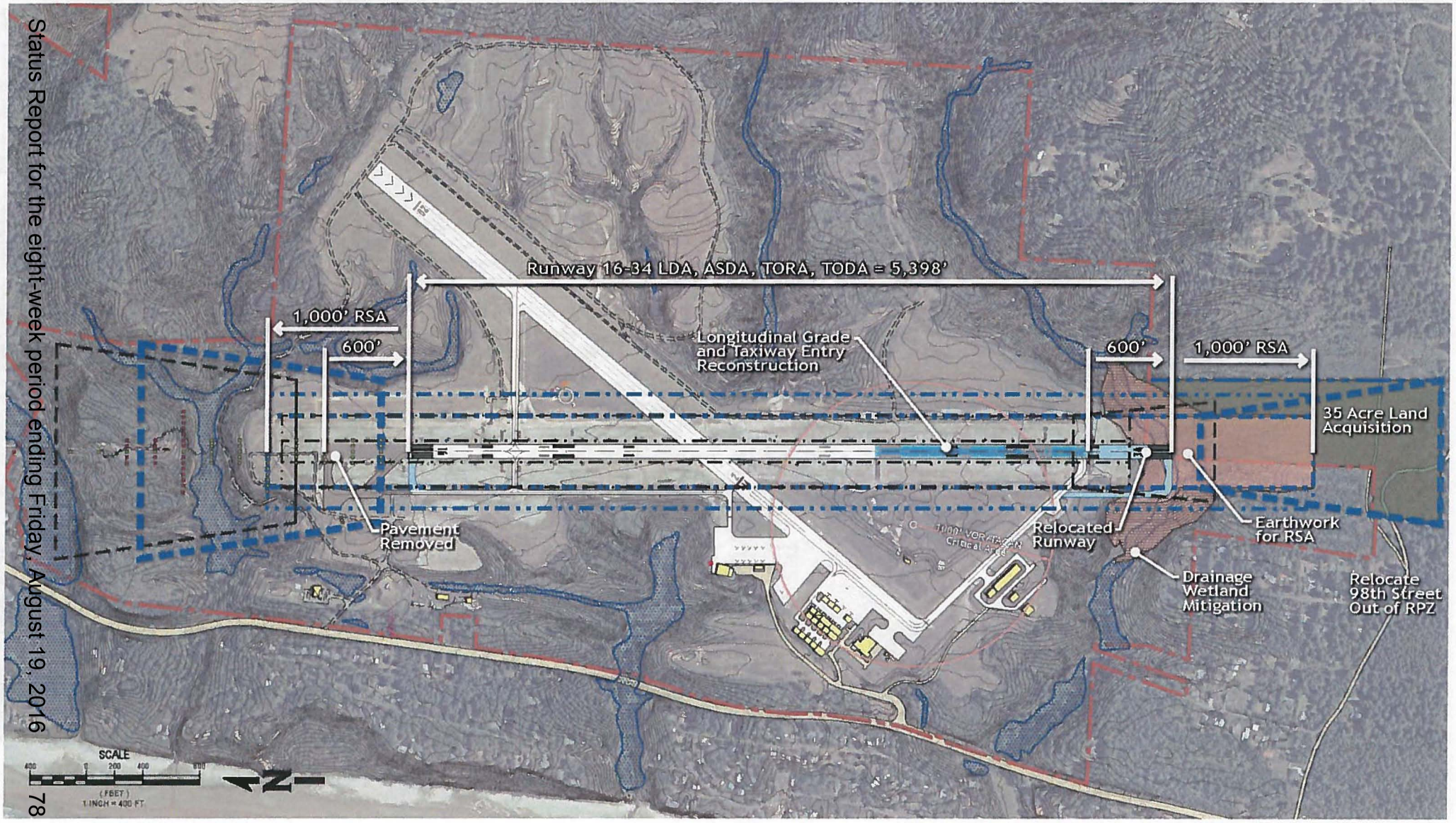
## MR3 - Shift Runway South 600 Feet

**Exhibit 5D**

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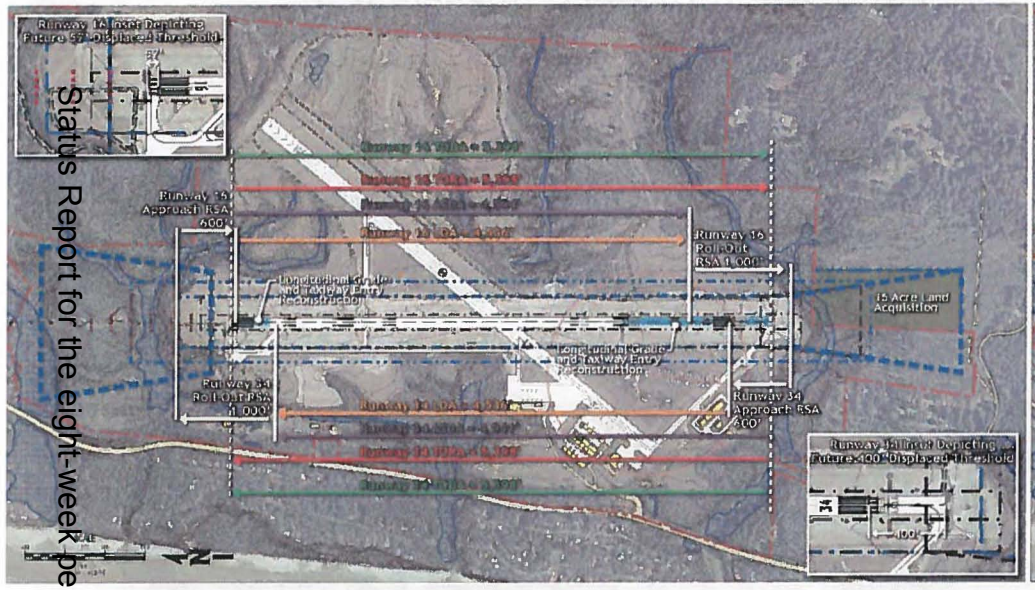
# Discussion

MR1 - Declared Distances

Exhibit 5A




MR2A - 1000' Extension of RSA on Runway Ends

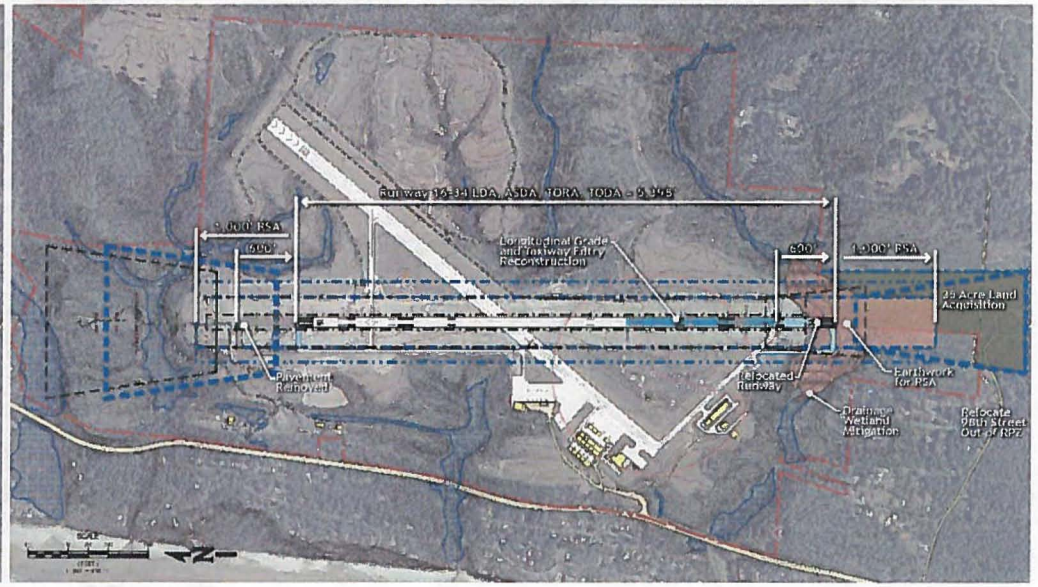
Exhibit 5B


MR2B - 600' Extension of RSA & Addition of EMAS to Runway Ends

Exhibit 5C


MR3 - Shift Runway South 600 Feet

Exhibit 5D

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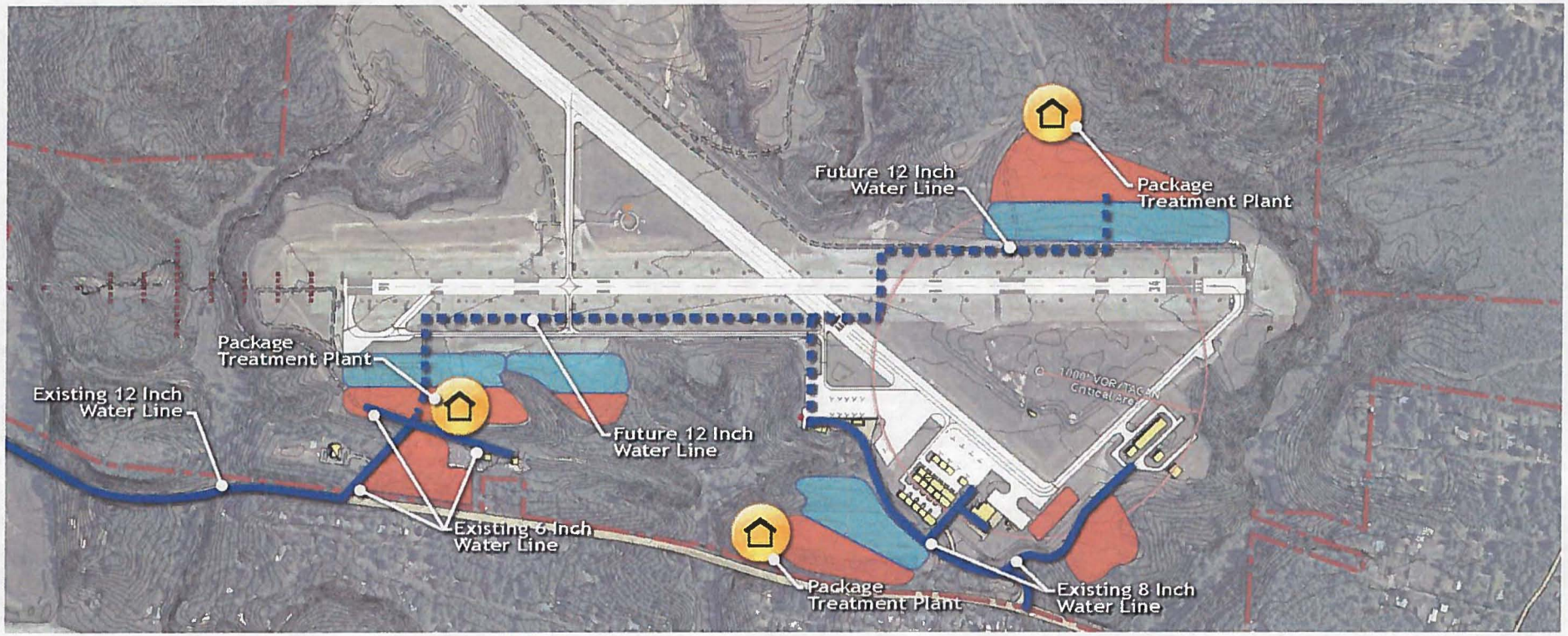
# Utilities




## Water

- Consistent with City of Newport Water Master Plan
- Independent of Seal Rock Water District
- Proposed 12" lines serve all GA Development Areas with City Water

## Sewer

- Airport alone does not necessarily warrant extending sewer to the airport.
- Short-term: Drain Fields are still a viable option on the airport
- Long-term: Small package treatment plant(s) on airport property

# Preferred Alternative

*Runway 16-34 - ???*

*Taxiways/Runway 2-20 - ???*

*Apron/GA Development - ???*

*Non-Aeronautical Development - ???*

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# The Next Steps

- **Draft Chapter 5 - Airport Alternatives**
  - *Complete Chapter 5 Report and Include Preferred Alternative*
- **City Council Alternatives Approval**
  - **...**
- **Draft Chapter 6 – Compliance Review**
  - *A proactive approach to achieving compliance and avoiding noncompliance with FAA grant assurances by examining existing and potential compliance issues and recommending a corrective action plan.*
- **Draft Chapter 7 – Recycling and Solid Waste Management Plan**
- **Draft Chapter 8 – ALP Drawing Set**
- **Draft Chapter 9 – Capital Improvement Plan**
- **Conduct Final PAC Meeting #5 and Open House**
  - *Dates???*

# Contact Us

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*WHPacific*

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*Project Website*

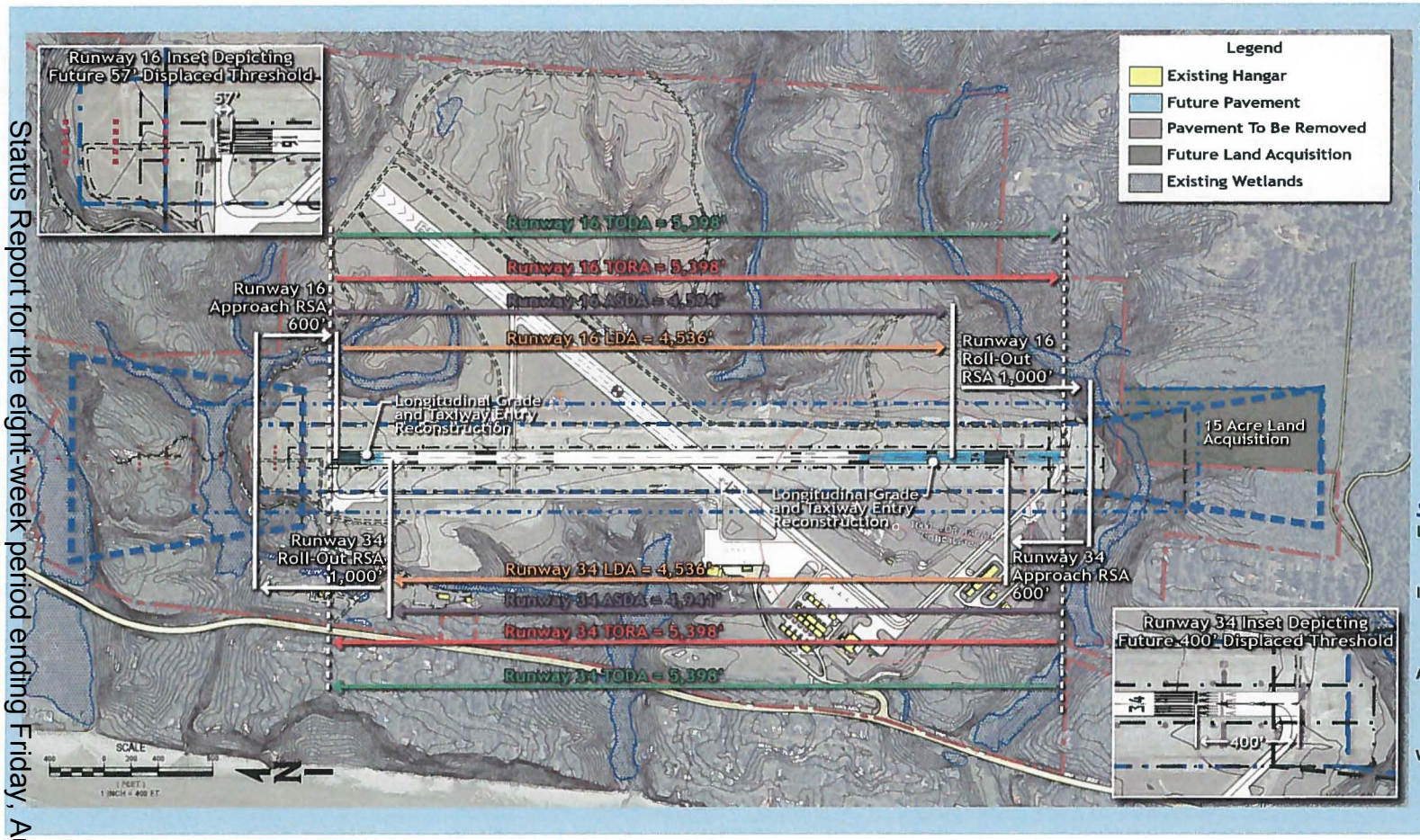
http://newportoregon.gov/dept/onp/MasterPlanUpdate2015.asp

# Open House

*5:30 - 6:30 pm*

# MR1 - Runway 16-34 Declared Distances

# Exhibit 5A




## Primary Elements

**RSA (Runway 16-34)**

- Extend and widen the RSA to C-I standards (600' length beyond approach end by 500' wide).
- Utilize available runway pavement and space within existing site constraints of the existing topography.

**Runway 16-34**

- Add 100' to the existing 300' displaced threshold on Runway 34 end and a new 57' displaced threshold included on Runway 16.
- Reconstruct 1,500' of the runway's south end and 400' of the north end and taxiway entries to meet longitudinal grade.
- Use of Declared Distances:
  - Takeoff Run Available (TORA)
  - Takeoff Distance Available (TODA)
  - Accelerate-Stop Distance Available (ASDA)
  - Landing Distance Available (LDA)

## Secondary Elements

**Land Acquisition**

- 15 acre land acquisition for Runway 34 RPZ.

**Instrument Approaches**

- ILS equipment will need to be relocated and approach procedures will need to be redesigned and reissued.

**Approach Lighting (MALSR)**

- Approach Lights need to be shifted 57' south to account for the displaced Runway 16 threshold.

**Visual Approach**

- PAPIs for Runway 34 will be relocated 100' north upon relocation of the displaced threshold.

## Planning Principles/Land Use

- Reduced safety due to more variables in pilot flight planning, which could lead to errors not associated with a normal runway design.
- Does not satisfy future demand requirements
- Provides flexibility for change.

## Operational Considerations

- Capability reduced due to shortened LDA and ASDA.

## Fiscal Factors

- Estimated project cost: $5 - $6 Million.
- May result in lost economic growth and revenues due to reduced runway distances.

**In terms of hard dollar costs, this alternative is the lowest cost option presented.**

## Environmental Considerations

- Temporary impacts from construction:
  - Air and water quality.
  - Noise, dust and traffic.
  - Erosion and material spills.
- Solid waste removal.

**In terms of overall environmental impact, this alternative has the least impact to the existing natural and built environments.**

08/03/16

# MR2A - 1000' Extension of RSA

# Exhibit 5B


## Primary Elements

**Runway 16-34**

- No changes to the thresholds to maintain the present runway length.
- Reconstruct 1,500' of the runway's south end and 400' of the north end and taxiway entries to meet longitudinal grade.
- Correct Runway 34 displaced threshold by relocating the 34 threshold farther south.

**RSA**

- Extend and widen the RSA to C-I standards (1000' length beyond pavement end by 500' wide).

## Secondary Elements

**Land Acquisition**

- Minor acquisition (15 acres) of the Runway 34 RPZ and additional land to allow for construction and placement of embankment.

**Instrument Approaches**

- No changes to existing instrument approach procedures are required.
- The localizer and critical area on the south end of the airport will be relocated 710' south due to longer RSA.

**Approach Lighting (MALSR)**

- No change to the locations of approach lights, however the height of several stanchion bases will need to be readjusted.

**Visual Approach**

- PAPIs for Runway 34 will be relocated 300' south upon removal of the displaced threshold.

## Planning Principles/Land Use

- Meets FAA Standards:
  - Gradient
  - Safety Areas
  - Dimensions
- No declared distances.
- Conforms to sponsor's strategic vision.

## Operational Considerations

- Capacity is not an issue.
- Capability is expanded by accommodating "C" aircraft.

## Fiscal Factors

- Estimated project cost: $28 - $30 Million.
- Funding availability.
- Phased development.
- FAA participation is unknown.

**In terms of hard dollar costs, this alternative is the second most expensive option presented.**

## Environmental Considerations

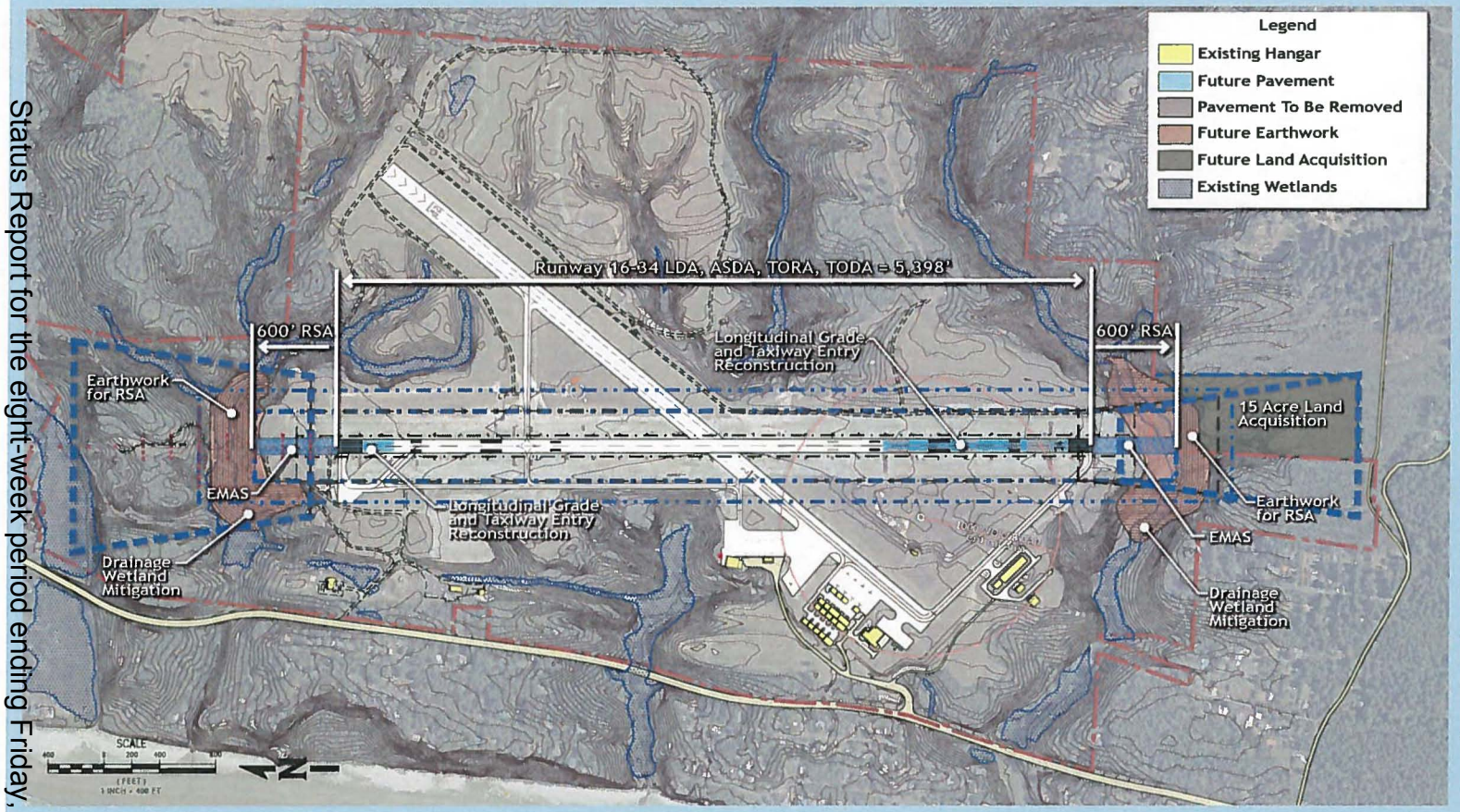
- Wetlands, trees, and earthwork.
- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.
- Increased impervious surfaces.
- Change in Airport character.

**In terms of overall environmental consideration, this alternative has the most impact to the existing natural and built environments.**

08/03/16

# MR2B - 600' Extension of RSA with EMAS

# Exhibit 5C




## Primary Elements

**RSA**

- Extend and widen the RSA on the north and south ends of the runway to reduced C-I standards (600' length beyond pavement end by 500' wide) for EMAS

**EMAS**

- Install EMAS on both runway ends.

**Runway 16-34**

- No changes to the thresholds to maintain the present runway length.
- Reconstruct 1,500' of the runway's south end and 400' of the north end and taxiway entries to meet longitudinal grade.

## Secondary Elements

**Land Acquisition**

- Minor acquisition (15 acres) of the Runway 34 RPZ and additional land to allow for construction and placement of embankment.

**Instrument Approaches**

- No changes to existing instrument approach procedures are required.
- The localizer and critical area on the south end of the airport will be relocated 310' south due to the longer RSA.

**Approach Lighting (MALSR)**

- No change to the locations of approach lights, however the height of several stanchion bases will need to be readjusted on new RSA grade.

**Visual Approach**

- PAPIs for Runway 34 will be relocated 300' south upon removal of the displaced threshold.

## Planning Principles/Land Use

- Meets FAA Standards:
  - Gradient
  - Safety Areas
  - Dimensions
- No declared distances.
- Provides flexibility for change.
- Provides growth beyond planning horizon.
- Conforms to sponsor's strategic vision.

## Operational Considerations

- Capacity is not an issue.
- Capability is expanded by accommodating "C" aircraft.

## Fiscal Factors

- Estimated project cost: $30 - $32 Million.
- Funding availability.
- Phased development.
- FAA participation is unknown.

**In terms of hard dollar costs, this alternative is the most expensive option presented.**

## Environmental Considerations

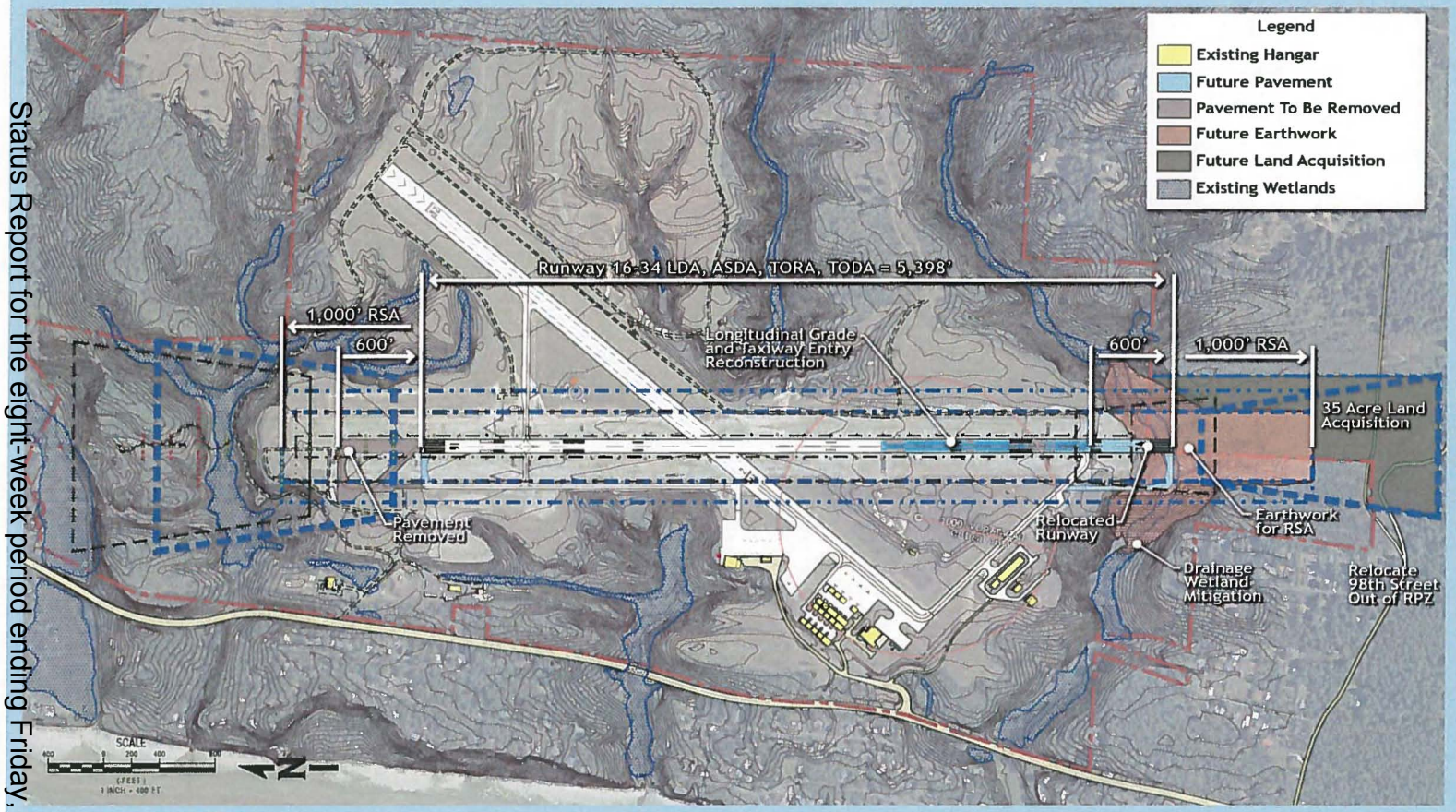
- Wetlands, trees, and earthwork.
- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.
- Increased impervious surfaces.
- Change in Airport character.

**In terms of overall environmental consideration, this alternative has the third least impact to the existing natural and built environments.**

08/03/16

# MR3 - Shift Runway South 600 Feet

# Exhibit 5D




## Primary Elements

**RSA**

- Extend and widen the RSA to C-I standards (1000' length beyond pavement end by 500' wide).

**Runway 16-34**

- Thresholds shifted 600' south. Reconstruct 1,500' of the runway's south end and taxiway entry to meet longitudinal grade.

## Secondary Elements

**Land Acquisition**

- 35 acre land acquisition south of the airport which includes much of the Runway 34 RPZ as well as the additional land necessary to construct embankments.

**Instrument Approaches**

- ILS equipment will need to be relocated and the approach procedures updated.

**98th Street and RPZ**

- 98th street alignment south of the airport will need to be relocated prior to the relocation of Runway 16-34 due to the incompatible use of the road in the RPZ.

**Approach Lighting (MALSR)**

- Shift approach lights 600' south in 200' increments and adjust height of stanchion on several towers.

**Visual Approach**

- Relocate PAPIs for Runway 34 900' south upon relocation of threshold.

## Planning Principles/Land Use

- Meets FAA Standards:
  - Gradient
  - Safety Areas
  - Dimensions
- Security provided.
- No declared distances.
- Conforms to sponsor's strategic vision.

## Operational Considerations

- Capacity is not an issue.
- Capability is expanded by accommodating "C" aircraft.

## Fiscal Factors

- Estimated project cost: $19 - $21 Million.
- Funding availability.
- Phased development.
- FAA participation is unknown.

**In terms of hard dollar costs this alternative is the third most expensive option presented.**

## Environmental Considerations

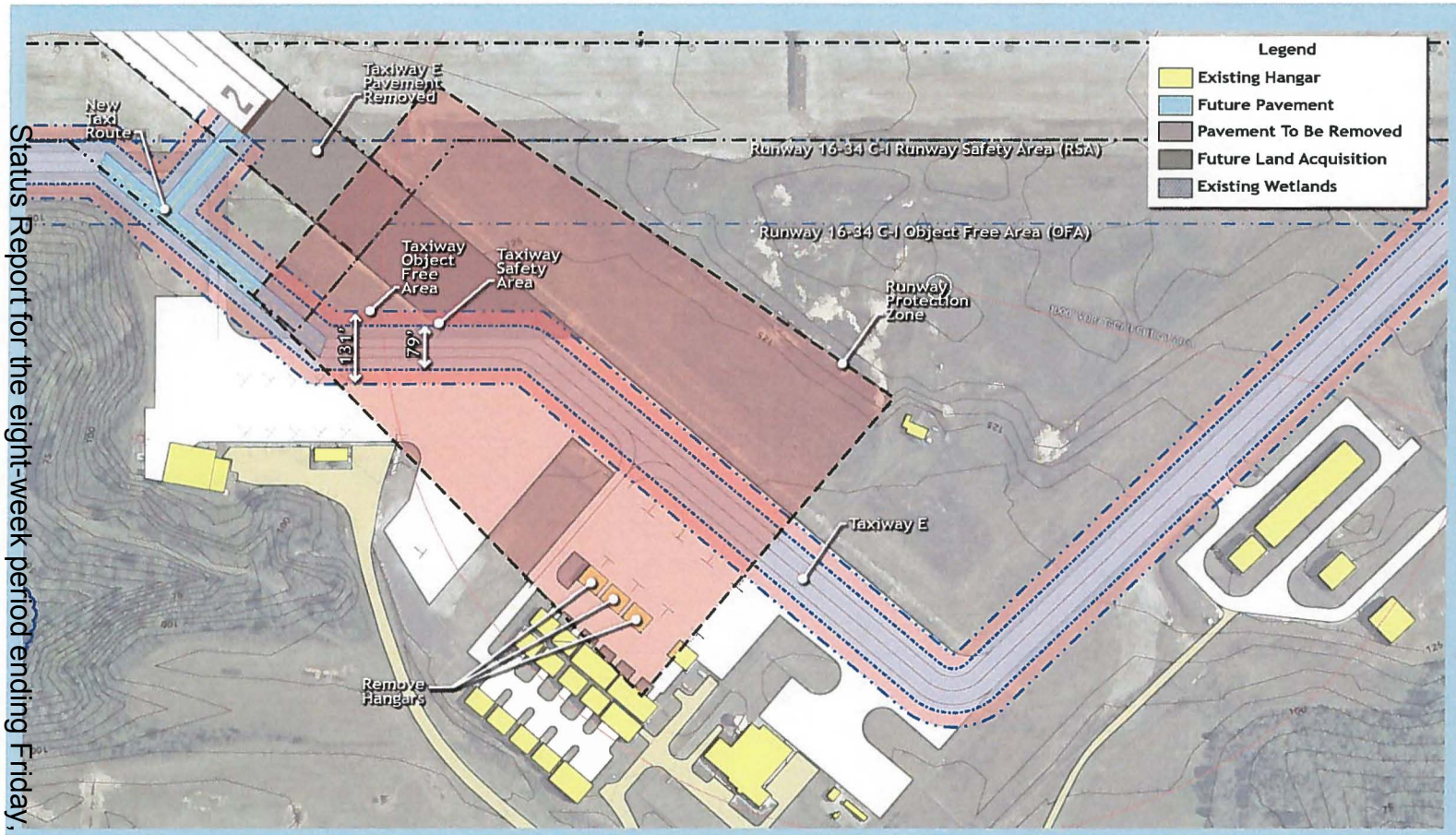
- Wetlands, trees, and earthwork.
- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.
- Increased impervious surfaces.
- Change in Airport character.

**In terms of overall environmental consideration, this alternative has the second least amount of impact to the existing natural and built environments.**

08/03/16

# CR1 - No Change to Runway/Remove Taxiway

# Exhibit 5E




## Primary Elements

**Runway 2-20**
- Maintain B-II status.
- No change to runway thresholds.

**Taxiway Intersection**
- Remove non-standard inline portion of Taxiway E.
- Non-standard geometry of Taxiway D, E, and Runway 2 corrected with new taxi route through apron area that includes a standard taxiway entry to Runway 2.

**RPZ**
- B-II RPZ remains and prevents future GA development and apron expansion.
- RPZ is incompatible with existing hangars and aircraft tie-downs.

## Secondary Elements

**Apron**
- Apron space is lost.
- Existing tiedown spaces are lost.

**Hangar**
- Several existing hangers must be removed.

**Taxiway**
- Taxiway A cannot be extended to full-parallel length if Runway 2 threshold remains.

**GA Development**
- Alternative sites must be considered for landside facilities expansion.

## Planning Principles/Land Use

- Incompatible with strategic vision to accommodate business jets.
- Addresses safety issues.
- Conforms to FAA design standards.
- Does not easily allow for forecast growth or satisfy demand for landside facilities.
- Does not provide for highest and best use of on-airport land use.
- Technically feasible.

## Operational Considerations

- Capacity decreased due to lost tie-downs and lost apron space.
- Capability decreased due to difficult taxi route to Runway 16 for C130 and other larger business aircraft .
- Inefficient taxi routes that involve taxing through apron area decrease operational efficiency.

## Fiscal Factors

- Estimated project cost: $750,000 - $1,000,000
- Lost revenue due to loss of space for apron expansion.
- Cost to expand GA Development in another location.

**In terms of hard dollar costs, this alternative is the least expensive option presented.**

## Environmental Considerations

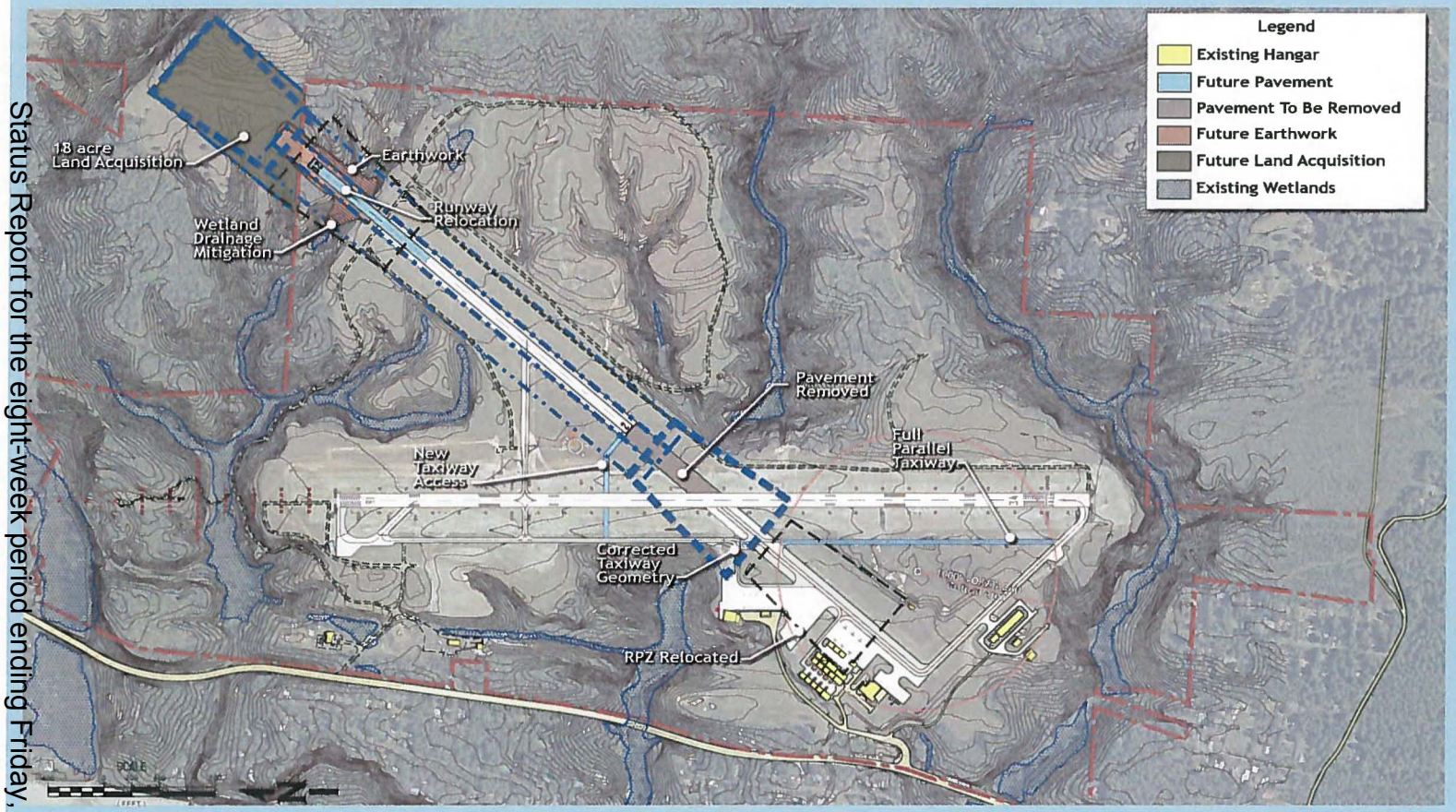
- Temporary impacts from construction
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal

**In terms of overall environmental consideration, this alternative has the second least amount of impact to the existing natural and built environments.**

08/03/16

# CR2 - Shift Runway 1,100 Feet to Northeast

# Exhibit 5F




## Primary Elements

**Runway 2-20**
- Maintain B-II status.
- Shift runway threshold 1,100' to NE.

**Taxiway Intersection**
- Remove non-standard inline portion of Taxiway E.
- Correct non-standard taxiway geometry of Taxiway A, D, and Runway 2.
- Opens apron and terminal area for development.

**RPZ**
- Runway 2 RPZ is relocated and issues are mitigated.

## Secondary Elements

**Land Acquisition**
- 18 acre land acquisition north east of the airport which includes much of the Runway 20 RPZ as well as the additional land necessary to construct embankments.

**Taxiway A**
- Allows for a full parallel Taxiway A.

**Apron**
- Apron and terminal area open for development.

**Hangars**
- Existing hangars can remain.

**GA Development**
- With relocated RPZ, existing terminal area will likely satisfy future demand.

## Planning Principles/Land Use

- Addresses safety issues.
- Conforms to FAA design standards.
- Highest and best uses of Airport land.
- Provides for growth beyond the planning horizon.
- Provides flexibility to adjust to unforeseen changes.

## Operational Considerations

- Capacity satisfies future activity levels.
- Capability meets objectives by accommodating design guidelines and apron expansion.
- Efficient taxi system.

## Fiscal Factors

- Estimated project cost: $4.5 - $6 Million.
- Most expensive cross wind option.
- FAA participation is uncertain.
- Reduces cost of relocating GA development to another location.

**In terms of hard dollar costs, this alternative is the most expensive option presented.**

## Environmental Considerations

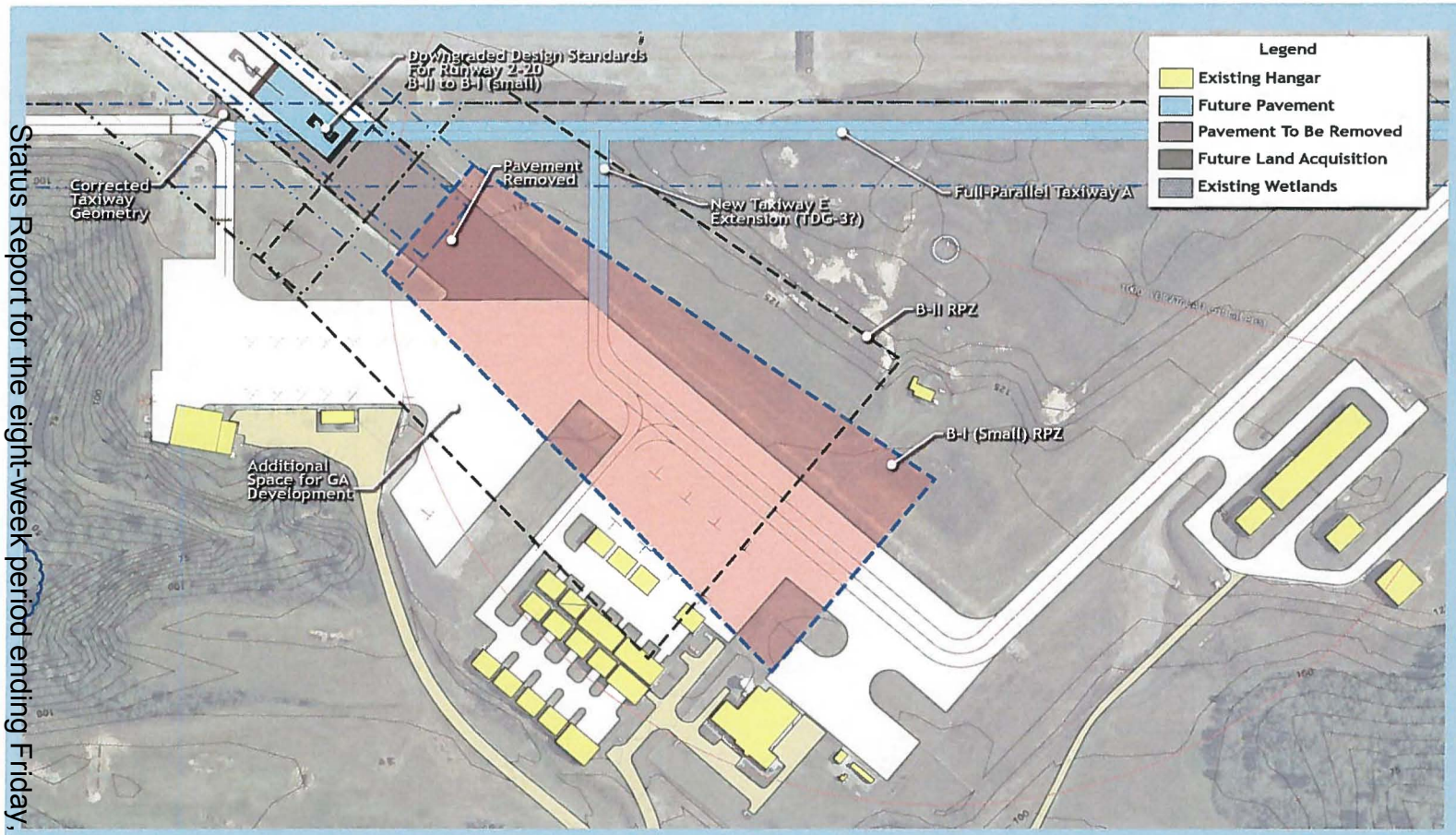
- Wetlands, trees, and earthwork.
- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.
- Increased impervious surfaces.

**In terms of overall environmental consideration, this alternative has the most impact to the existing natural and built environments.**

08/03/16

# CR3 - Downgrade to B-I (small) and Extend 200'

# Exhibit 5G




## Primary Elements

**Runway 2-20**

- Runway downgraded to B-I (small).
  - Typical aircraft accommodated:
    - Beech Baron
    - Cessna 402, 421
    - Piper Navajo
    - Metroliner
    - Cessna Caravan (FEDEX)
- Extend Runway 2 end additional 200'.

**Taxiway Intersection**

- Remove non-standard inline portion of Taxiway E.
- Correct non-standard taxiway geometry of Taxiway A, D, and Runway 2.

**RPZ**

- Reduces size of Runway 2 RPZ over apron and terminal area.

## Secondary Elements

**Taxiway A**

- Allows for a full parallel Taxiway A.

**Apron**

- Redirects larger aircraft operations around parking area.
- Additional tiedown spaces gained.

**Hangars**

- Existing hangars can remain.

**GA Development**

- Alternative sites should be considered for long-term landside facilities expansion.

## Planning Principles/Land Use

- Best practices for safety and security.
- Conforms to FAA design standards.
- Satisfies user needs to keep cross wind runway.
- Does not provide for highest and best uses of on-airport land use over the long-term.

## Operational Considerations

- Landside capacity decreased due to RPZ.
- Airside capacity is satisfactory.
- Efficient taxi system.
- May satisfy long-term demand for hangars, however additional space will be required for apron space.
- B-I (small) accommodates FEDEX freight aircraft.

## Fiscal Factors

- Estimated project cost: $2 - $3.5 Million
- Cost of expanding GA development in another location.

**In terms of hard dollar costs, this alternative is the second most expensive option presented.**

## Environmental Considerations

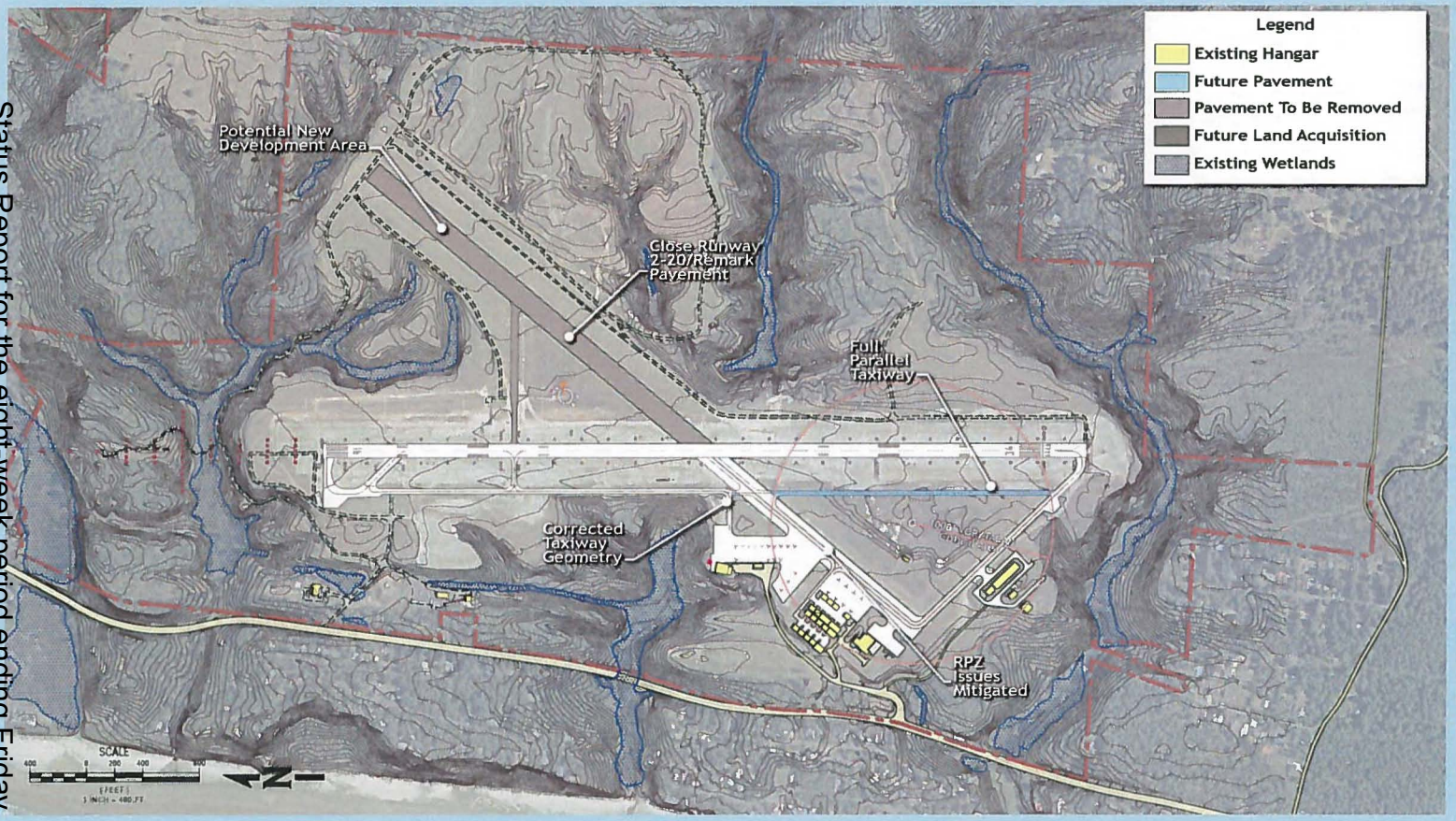
- Wetlands, trees, and earthwork.
- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.
- Increased impervious surfaces.

**In terms of overall environmental consideration, this alternative has the third most amount of impact to the existing natural and built environments.**

08/03/16

# CR4 - Close Runway 2-20

# Exhibit 5H




## Primary Elements

**Runway 2-20**
- Close Runway 2-20.

**Taxiway Intersection**
- Remove non-standard inline portion of Taxiway E.
- Correct non-standard taxiway geometry of Taxiway A, D, and Runway 2.

**RPZ**
- Runway 2 RPZ issues mitigated
- Removal of RPZ opens existing terminal area for expansion.

## Secondary Elements

**Taxiway A**
- Allows for a full parallel Taxiway A

**Apron**
- Apron and terminal area open for development

**Hangars**
- Existing hangars can remain

**GA Development**
- Existing terminal area will satisfy future demand.

## Planning Principles/Land Use

- Fails to satisfy user needs by closing cross wind runway.
- Does not conform to sponsors strategic vision.
- Allows for forecast growth.
- Provides greater flexibility for unseen changes.

## Operational Considerations

- Capacity is satisfactory.
- Capability is decreased due to loss of cross wind runway.
- Efficient taxi system.
- Capability for future development and expansion is satisfactory.

## Fiscal Factors

- Estimated project cost: $1 - $2 Million includes:
  - Cost to remark pavement.
  - Cost to construct parallel taxiway.

**In terms of hard dollar costs, this alternative is the third most expensive option presented.**

## Environmental Considerations

- Temporary impacts from construction:
  - Air and water quality
  - Noise, dust and traffic
  - Erosion and material spills
- Solid waste removal.

**In terms of overall environmental consideration, this alternative has the least amount of impact to the existing natural and built environments.**

08/03/16

Habitat for Humanity® of Lincoln County

RECEIVED
AUG 08 2016
CITY OF NEWPORT

Now More Than Ever.
Help Build It!

August 4, 2016

City of Newport

Newport City Council

110 SE 2nd St

Newport, Oregon 97365

Newport City Council Members,

Habitat for Humanity of Lincoln County would like to update the Newport City Council on our upcoming home builds on land donated to us by the City of Newport. After waiting several months for an available Surveyor, Gary Nyhus with Nyhus Surveying was able to get out to the property and survey it for us to determine property lines etc.

Habitat for Humanity of Lincoln County will be submitting a lot line adjustment to adjust the driveways to enter off of Pine Street, rather than on SE 10th Street, which is a much busier thoroughfare. Habitat for Humanity of Lincoln County is looking at building a duplex on lots 13 and 14, and the build will begin as soon as the lot line adjustment is completed and a General Contractor has been secured. My intention is once the build is underway, to come before the Newport City Council with a build update. Once we begin building, the duplex build should be completed within 9 – 12 months, then an Occupancy Permit will be issued, and the City of Newport will transfer ownership of these lots to Habitat for Humanity of Lincoln County to be sold to a qualifying, low-income homeowner.

Habitat for Humanity of Lincoln County would like to thank the Newport City Council for investing in the building affordable housing for low-income families in Newport. This investment, will make a tremendous difference in our communities.

Thank you for helping us build it.

Warm regards,

Sally Bovett

Sally Bovett

Executive Director

Habitat for Humanity of Lincoln County

Po Box 1311, Newport, OR 97365

Phone: (541) 574-4437 Fax: (541) 574-4421 www.habitatlincoln.org

Oregon
Kate Brown, Governor



**Department of Environmental Quality**
**Western Region Salem Office**
4026 Fairview Industrial Dr SE
Salem, OR 97302
(503) 378-8240
FAX (503) 373-7944
TTY 711

July 20, 2016

Spencer Nebel, City Manager
City of Newport
169 SW Coast Hwy
Newport OR 97365

Re: Approval of Lincoln County's
2015 Opportunity to Recycle Programs

Dear Mr. Nebel:

This letter acknowledges the receipt of Lincoln County's 2015 Opportunity to Recycle Report. The report is complete and the recycling programs in the City of Newport were found to be in compliance with all requirements of the Oregon Administrative Rules 340 Division 90. In addition, the Department has reviewed the 2015 recovery rate credit form for the two-percent credit programs. Lincoln County has qualified for the Composting Program and therefore is awarded 2% credit for 2015.

As you may know, last year Senate Bill 236 was signed by the Governor, making changes to Oregon's Recycling Opportunity Act. DEQ is currently in the process of writing rules to implement these statutory changes. Numerous local governments will be affected by these changes and may be required to implement new recycling or waste prevention programs. After the rules are completed and approved by the EQC, I will be in contact with the city to discuss the changes that may affect the recycling programs in Newport and Lincoln County. For your reference I have attached a fact sheet summarizing Senate Bill 263.

We appreciate the City of Newport, Thompson's Sanitary Service and Lincoln County's effort in expanding waste reduction and recovery programs. If you have any questions regarding this letter, please call me at (503) 378-5089.

Sincerely,

Cathie Rhoades
Waste Reduction Analyst
Western Region

Electronic cc: Mark Saelens, Lincoln County Wasteshed Representative
Rob Thompson, Thompson's Sanitary Service

Fact Sheet

# SB 263 updates waste prevention, recycling requirements and goals

Senate Bill 263 (2015) modernizes Oregon's decades-old recycling and waste prevention laws to guide state, local and private actions to increase and improve material recovery and prevent waste.

Despite steady increases in material recovery, these updates were necessary because many high-value materials are still thrown away, and materials collected for recycling are often contaminated. Furthermore, opportunities to reduce waste in the first place are often missed. SB 263:

- Adds 4 new recycling opportunities (in addition to existing options) to the list of program elements that cities and counties are required to choose from. They are:
  - A food-waste collection program for residential customers.
  - A commercial recycling program that requires businesses that generate large amounts of recyclables to recycle those materials.
  - A recovery program for construction and demolition debris that separates material for recovery.
  - A commercial food-waste program that requires generators of large amounts of food waste to separate the waste for recovery.
- Increases the number of recycling opportunities that certain cities and counties must provide.
- Revises one of the existing recycling elements to better address problems associated with contamination of source separated recyclables.
- Replaces "2%" waste prevention credits used to meet wasteshed recovery goals with new waste prevention and reuse program elements.
- Ensures that tenants of multi-family and commercial multi-tenant properties get opportunities to recycle by 2022.
- Updates voluntary local waste-recovery goals for 2025, using new goals identified by each county.
- Establishes alternative, outcome-based wasteshed recovery goals by rule as an option for meeting local waste recovery goals.
- Updates statewide goals:
  - Increases waste recovery goal from 50% to 52% by 2020, and to 55% by 2025.
  - Sets new recovery goals for high (environmental) impact materials: 25% of food and plastics by 2020 and 25% of carpet by 2025.
  - Strengthens waste-generation goal to 15% below 2012 levels by 2025, and to 40% below 2012 levels by 2050.

## Public involvement

DEQ developed SB 263 with extensive input from over 100 stakeholders during 22 meetings over 14 months. DEQ also held more than 30 meetings with interested parties in most of Oregon's counties to develop new local waste recovery goals now incorporated into SB 263.

Rulemakings to implement these changes are scheduled to begin in 2016 and continue through 2017. The public is encouraged to participate.

## Why add new recycling program elements?

Changing the list of elements encourages communities to take a fresh look at new services that might better meet their needs. For example, local governments may improve recovery by adopting new program elements that address construction and demolition debris, commercial recycling and commercial/residential food waste collection. Adding new elements also provides more flexibility for local governments to meet requirements to provide recycling opportunities.

## Why have voluntary goals?

Goals identify priorities and are powerful tools to encourage working together to achieve shared outcomes.

Voluntary goals allow local governments to look ambitiously at new programs they may adopt and the results they might achieve when setting new goals. If failure to meet goals had regulatory consequences, local governments might be less likely to propose ambitious goals and programs.

There are no penalties if waste recovery goals are not met, but DEQ will analyze why goals weren't met, what steps could help achieve the goals, and whether the goals should be revised. SB 263 requires DEQ to report to the Legislature if the statewide goals for food waste, plastic or carpet are not met.

DEQ
State of Oregon Department of Environmental Quality

**Materials Management Program**
811 SW Sixth Ave.
Portland, OR 97204
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
*www.oregon.gov/DEQ*

***DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.***

Contact: Craig C. Filip
Solid Waste Reduction Analyst
541-686-7868

Last Updated: 10/19/15
By: C. C. Filip

## Does SB 263 impose new requirements on local governments?

Yes. The new requirements include additional recycling program elements required for cities near Portland, and additional waste prevention and reuse program elements for cities with populations above 50,000, or for cities with populations between 10,000 and 50,000 that are within counties with populations above 100,000. These requirements also apply to the counties that serve the unincorporated areas inside the urban growth boundaries of these cities.

Smaller cities and counties further removed from recycling markets will not have new requirements, but will have increased flexibility in meeting existing requirements. In almost all cases, cities and counties required to implement new programs are already implementing programs that will meet the new requirements.

The table below summarizes the changes to the number of recycling program elements required of cities and counties:

| Population | Cities within the Metro UGB† | Cities outside Metro UGB but close to Portland* | Cities further from Portland** |
|---|---|---|---|
| 50,000+ | • Add 3 recycling elements, so:<br>• Any 8 elements, or first 3 plus any other 4 elements | • Add 2 recycling elements, so:<br>• Any 7 elements, or first 3 plus any other 3 elements<br>* ≤ 150 mi. from Portland | • No new recycling elements<br>• Any 5 elements, or first 3 plus any other 1 additional element<br>** > 150 mi. from Portland |
| 10,000 – 50,000 | | • Add 1 recycling element, so:<br>• Any 6 elements, or first 3 plus any other 2 elements<br>* ≤ 150 mi. from Portland | • No new recycling elements<br>• Any 5 elements, or first 3 plus any other 1 additional element<br>** > 150 mi. from Portland |
| 4,000 – 10,000 | | • Add 1 recycling element, so:<br>• Any 4 elements<br>* ≤ 120 mi. from Portland | • No new recycling elements<br>• Any 3 elements<br>** > 120 mi. from Portland |
| Less than 4,000 | | • No requirements – regardless of distance from Portland | • No requirements – regardless of distance from Portland |

†Urban Growth Boundary

## Why replace the 2% credit programs with waste prevention and reuse program elements?

Oregon created the 2% credit program in 1997 to incent local waste prevention programs. It allowed local governments to get "credit points" toward recovery rates if they promote prevention, reuse or home composting, although these actions don't actually increase recovery.

This creates confusion when communities try to understand and compare their actual recovery rates with other communities.

Eliminating the 2% credit program will result in recovery rates measuring only actual recovery. Adding effective waste prevention and reuse programs as required elements for larger cities and counties will emphasize these important programs. Most communities subject to this new requirement are already satisfying it with existing programs. Smaller communities are encouraged (but not required) to offer waste prevention and reuse programs.

The table below summarizes these changes:

| Cities of 50,000 population or within the Metro UGB† | Cities with 10,000 to 50,000 populations in a county with more than 100,000 populations: | All other cities: |
|---|---|---|
| Must implement 5 WP&R program elements | Must implement 3 WP&R program elements | No WP&R elements required |

†Urban Growth Boundary

## How does SB 263 affect recycling in apartments and commercial multi-tenant buildings?

The 1983 Recycling Opportunity Act intended that everyone in Oregon should be given the opportunity to recycle. In cities with populations above 4,000, anyone with garbage service must also be offered recycling service. Many of these cities have adopted programs to provide recycling for apartment dwellers and tenants of multi-tenant buildings, but some have not.

SB 263 sets a target date of July 1, 2022 for apartment dwellers to receive recycling services similar to what single-family housing residents enjoy now, and for commercial tenants of multi-tenant buildings to have access to the recycling services extended to their landlords. Prior to 2022, DEQ will work with stakeholders to identify and support best practices for recycling in apartments and multi-tenant buildings.

To ensure accountability, SB 263 requires DEQ to submit a 2019 interim report to the Legislature on the state's progress toward meeting the 2022 target.

## For more information please contact:

Craig C. Filip, Eugene, 541-686-7868

## Alternative formats

Alternative formats of this document can be made available. For more information call 503-229-5696, Portland, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.

Hancock Forest Management®

*A Division of Hancock Timber Resource Group,*
*A Manulife Asset Management Company*

955 N. Main Street
Independence, OR 97351

(503) 838-1610
(503) 838-6907 fax
www.hancocktimber.com

July 26, 2016

City of Newport
Attn: City Manager
169 SW Coast Hwy
Newport, OR 97365

RE: Neighbor Notification Reserview Unit# NE00741, 10S11W34

This letter is a voluntary notification of our plans to apply herbicides on selected units of Hancock Forest Management Inc. (HFM), managed lands, between August 1, 2016 and October 30, 2016. Our records indicate that you are a close neighbor to one of these units and we want you to be aware of our plans.

We will be applying forestry labeled herbicides by backpack application to control unwanted deciduous brush, grasses and forbs in newly planted areas. The primary herbicides to be utilized this season will be:

| | |
|---|---|
| Metsulfuron Methyl | Imazapyr |
| Glyphosate | Methlyated Seed Oil |

The specific date and time of application is dependent upon weather and vegetation conditions. We use experienced and properly licensed applicators and follow state and federal regulations that are very specific regarding herbicide application on Oregon forest land. The herbicide(s) are legally registered and specifically suited for this use. Streams are buffered to meet or exceed the Oregon Forest Practices Act and a Stewardship Forester from the Oregon Department of Forestry is notified and invited to monitor our operations. An experienced, professional forester closely monitors the operations at all times.

If you have questions concerning the Oregon Forest Practices Act or herbicide use on forestland, you may call the Oregon Department of Forestry Lincoln County office.

Should you have any questions about our activities, you may call Rudy Frazzini at (503) 838-1610.

Sincerely,

Rudy Frazzini

*Rudy Frazzini*
Forester

Hancock Forest Management®

*A Division of Hancock Timber Resource Group, A Manulife Asset Management Company*

# Herbicide Application Contract Map

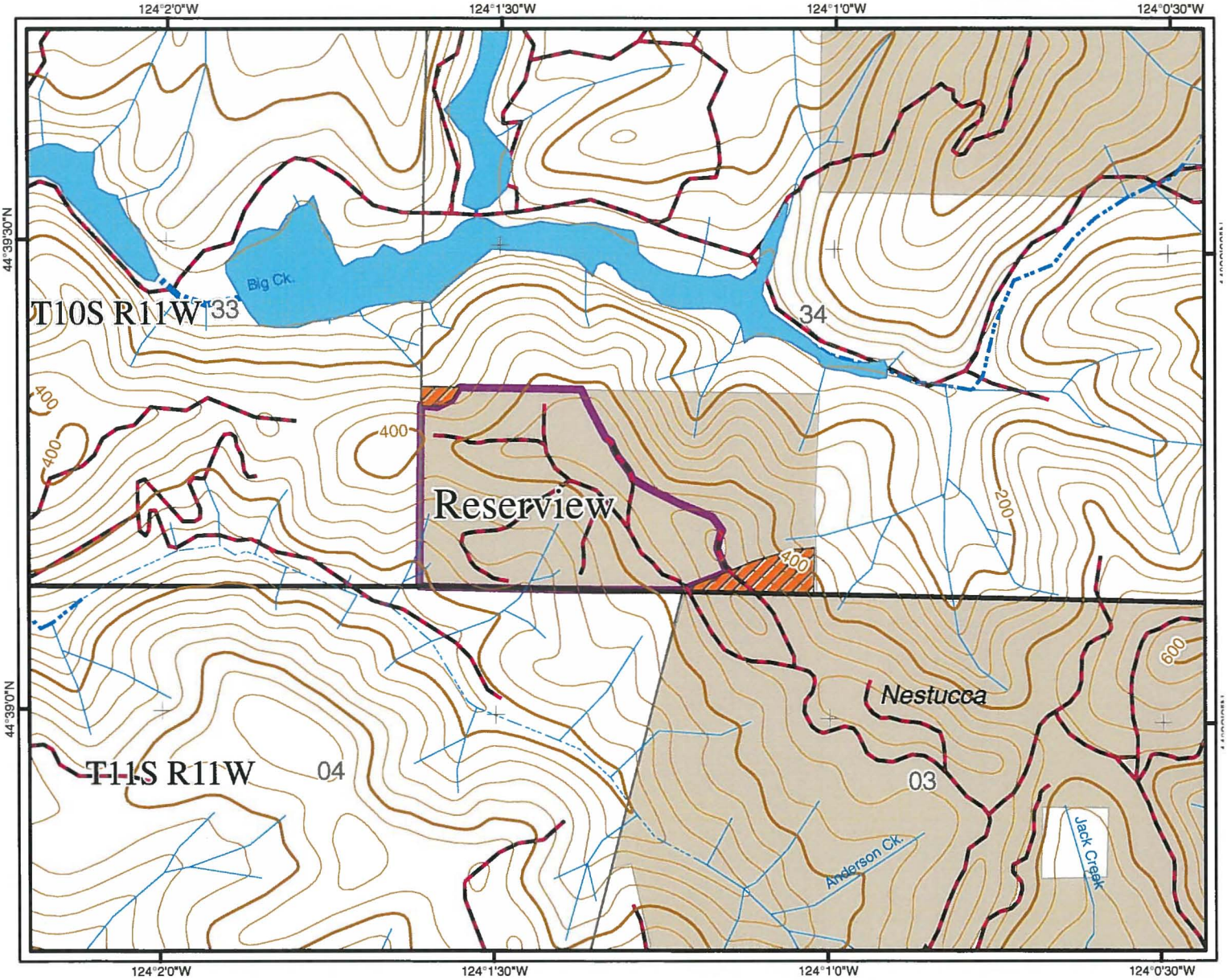
## Reserview

Harvest Unit #: 00741

**Emergency Medical Evacuation**

| Latitude | Longitude |
|---|---|
| 44 39 14.43, | -124 1 19.21 |

| | |
|---|---|
| Call | 911 |
| Lifeflight | (800) 452-7434 |
| Coast Guard(Astoria) | (503) 861-2242 |
| Coast Guard(North Bend) | (541) 756-9240 |




0 750 1,500 3,000 Feet

1:12,000

**Legend**

- Lg F Streams
- Lg N Streams
- Me F Streams
- Me N Streams
- Sm F Streams
- Sm N Streams
- Gates
- Roads
- End of Fish Use
- Townships
- Sections

**ChemAppl**

- Application Area
- LeaveArea
- NoCut
- RiparianZone
- WetlandMgmt

| Property Name | Setting ID | Acres |
|---|---|---|
| CC: Golden Pond Timberlands, Inc. | - | - |
| FR: Hancock Timberland X, Inc. | - | - |
| HV: Hoskins Valley Timber, LLC | - | - |
| LN: John Hancock Life Insurance Company(U.S.A.) | - | - |
| MN: System Global Timberlands, LLC | - | - |
| NE: Nestucca Forests, LLC | NE00741 | 45.30 |
| SL: Tristar NW Oregon Timberlands, LLC | - | - |
| SZ: Hancock Timberland XI, Inc. | - | - |
| TR: AP Timber, LLC | - | - |
| VZ: Boston Timber Opportunities, LLC | - | - |
| WM: Iron Horse Timber, LLC | - | - |
| | Total Acres | 45.30 |

7/26/2016

# *Braulio Escobar, Attorney at Law*

PO Box 747
530 NW 3rd, Suite F
Newport, Oregon 97365
(541) 265-7717
Fax (541) 265-7415

June 21, 2016

Ms. Wendy Engler
c/o City of Newport
169 SW Coast Hwy
Newport, Oregon 97365

Re: Vacation Rentals/City of Newport

Dear Ms. Engler,

I am resident of the City of Newport and recently read in the local news media that you were attempting to get the City Council to be proactive in limiting vacation rentals within our community. I was surprised that other members of the City Council appeared to, according to the media, want to defer any action until there was a problem.

I hope that with your leadership you'll continue to press the Council to pass an ordinance that would hopefully prohibit vacation rentals in areas that do not already allow as an outright use a hotel or other overnight accommodation. Waiting until vacation rentals present a problem is like closing the barn door after the cows have left.

Please continue to fight for the integrity of our residential neighborhoods.

Thank you for your consideration.

Best regards,

Braulio Escobar

xc: Mayor Roumagoux

Dear Mr. Nebel,

Thank you so much for participating in an interview as part of my research project on the graying of the fleet. I truly appreciate your willingness to share your thoughts and insights. It will help me greatly. Thanks again!

Sincerely,
Courtney

Dear Mayor Roumagoux,

Thank you so much for participating in an interview as part of my research project on the graying of the fleet. I truly appreciate your willingness to share your thoughts and insights. Your contribution will go a long way toward helping me complete my thesis. Thanks again!

Sincerely,
Courtney

OMSI™ Outdoors
Coastal Discovery Center
at Camp Gray



June 20, 2016

Sandy Roumagoux
City of Newport
169 SW Coast Highway
Newport, OR 97365

Dear Mayor Roumagoux,

Thank you for the City of Newport's pledge payment of $15,000, received June 6, 2016, for the OMSI Coastal Discovery Center campaign! We are honored by your contribution and by your dedication to delivering hands-on learning experiences in science, technology, engineering, and mathematics (STEM) to youth and families across Oregon. This payment completes your original pledge of $150,000, made May 13, 2015.

With support from extraordinary donors like you, we have built a truly unique science camp and marine science living laboratory for children and families. We will also provide scholarships for students to participate in outdoor science learning and prepare 90,000 future leaders for job opportunities in natural resources and science and technology fields over the next 20 years.

Thank you again for your generosity! Together, we will continue to realize John Gray's vision for the OMSI Coastal Discovery Center in Newport and create a legacy for Oregon for years to come.

Thank you!

Sincerely,

Catherine Ingvaldsen
Director of Development

*OMSI's federal identification number is 93-0402877.*
*This letter is your receipt and should be kept for tax purposes.*
*No goods or services of any monetary value were or will be given to you in connection with this gift.*

July 08

City Hall
City of Newport
Newport, Oregon



To Whom It May Concern

We live in Salem, Oreg and we come to Newport regularly

We always come to Newport for 4th of July

We love your fireworks!

We've been coming over 10-15 years because we enjoy it so much

Keep up the fabulous work!

We just felt we needed to send kudos for your tireless 4th of July fireworks

Thank you
Richard Brown
Georgia Lockhart-Brown

NOTES

Fran & Phil (Sarge) Bailey
El Rancho Pacifico
14016 South Edgehill Dr
Harrison, Idaho 83833
208 689-3819

01 July 2016

Barb: Fran and I would like to thank you and your staff at Captain's Reel Deep Sea Fishing for a great fishing vacation.

It is easy to write a letter when you have a complaint or are disgruntled about something but in all the years we have been going with you that has never been the case. We always look forward to visiting and fishing with you.

We got home Sunday and now it's work until next year when we will see you again about the same time. Once again thank you and all your staff at Captain's Reel Deep Sea Fishing.

We Rode The River
Semper Fi

Copy To: Mr. Spencer Nebel, City Manager
169 south West Coast Hwy
Newport, Oregon 97367

KALISPELL

## Hobby Lobby to Build Store

Hobby Lobby, a nationwide arts and crafts retailer, is moving forward with building a new 55,000-square-foot store in Kalispell.

Developers received approval from the city's architectural review committee June 28 to build the $2.4 million site, Kalispell Planning Director Tom Jentz said.

The new store will break ground this summer on the far west corner of the latest Spring Prairie development next to Kidsports Complex along U.S. 93. Crews are currently installing infrastructure at the 28-acre plot, which is emerging as the latest large-scale commercial expansion on the north end of town.

Developers are dividing the land into 14 parcels, or building pads, that will resemble the layout of the nearby phase of commercial expansion involving Cabela's.

When it's completed, Hobby Lobby will be the largest commercial anchor site in the fourth phase of Spring Prairie.

Hobby Lobby Stores, Inc., headquartered in Oklahoma City, Oklahoma, operates over 600 stores across the nation. The retailer, which offers arts, crafts, hobbies and seasonal products, has been included in Forbes' annual list of America's largest private companies.

The new store will join a growing list of businesses moving into the Spring Prairie Commons. SpringHill Suites by Marriott opened this spring. An initial site plan has been submitted for a one-story 8,100-square-foot building at the corner of Old Reserve and U.S. 93 where multiple businesses will reside. Krispy Kreme Donuts, Costa Vida Fresh Mexican Grill and Mattress Firm are also signed up as new tenants.

KALISPELL

## Council Pushes Back Contentious City Airport Decision

Faced with a potentially historic decision, the Kalispell City Council will wait until August to vote on whether to permanently close the 88-year-old municipal airport.

The council was tentatively scheduled to decide the matter at its July 5 meeting, but councilors Kari Gabriel and Sandy Carlson were unable to attend that meeting. At its work session on June 27, the council agreed that everyone should be in attendance for a vote of this magnitude and agreed to wait until a meeting in August before settling the matter.

"It's important with an issue this big that everybody be there," Ward 4 Councilor Phil Guiffrida said afterward.

The council will vote on a resolution of intent to adopt the South Kalispell Urban Renewal Plan at its July 5 meeting. The council will then review the complicated and controversial airport issue at a work session on July 11.

An exact date when the council will vote on the closure will be decided after the work session.

"With an issue this big, you want to make sure you've looked at everything," Guiffrida said. "There are pretty long-lasting effects either way."

After decades of debate and indecision and six major studies costing over $1 million, the city is approaching a watershed moment that could settle one of its longest running disputes. The council plans to vote on a resolution to either close the airport along U.S. 93 South or move forward with trying to make it financially sustainable. Neither option would be without its sizable long-term challenges but the council appears ready to at least pick a direction.

In light of the upcoming decision, the city has received a significant amount of public input from both sides of the debate. Airport supporters showed up to a work session earlier this month and spent over an hour defending the facility while a campaign opposing further upgrades at the site has restarted, similar to 2013, when residents voted on a ballot referendum.

Some recent ideas have resurfaced that could keep the airport intact but significantly changed its operational setup, such as making users pay month-by-month leases at the site and for maintenance, similar to the city's policy for Buffalo Hill Golf Club.

The latest airport study, an urban renewal blueprint for south Kalispell completed by CTA Architects Engineers, identified significant deferred maintenance and safety issues at the facility. The firm also found the airport loses money on an annual basis. The airport operated at an average net loss of $99,499 per year from 2010 to 2014, according to CTA. That includes depreciation, which is not a direct cash expense and represents the decline in value of an asset that has already been paid for.

To keep the airport operational, the city would need to invest $900,000 over five years to address overdue maintenance needs and safety issues, according to CTA's report. After the initial investment, the site would operate at an ongoing loss of $300,000, the report stated.

CTA's report mentions the site offers "economic benefit for the community by way of jobs and local tax base" but does not provide details of the prospective finances.

Closing the airport "has the possibility of being a complicated and costly alternative," CTA stated. It would cost the city at least $2.9 million to buy out the on-site leases.

POLSON

## City Council Votes to Increase Sewer Rates

The Polson City Council voted unanimously on June 20 to raise rates for usage of the city municipal sewer system. The monthly bill for a 5,000-gallon user will increase by an average of $14.09, according to City Finance Officer Cindy Dooley.

The increase is the second step of a three-tiered plan to raise funds for a $17.2 million dollar project to replace the city's wastewater treatment system. Sewer bills first went up an average of $40 after the initial increase in 2014. The final tier will likely go into effect in 2018, according to Mayor Heather Knutson.

"When we first started this, we knew the rates were going to be fairly substantial for the ratepayers," Dooley said.

The tiered system aims to "ease the burden a little bit," she continued.

Water/Sewer Superintendent Tony Porrazzo said at the meeting that "very few" residents had difficulty paying their bills after the first tier was approved. He expects that the majority of ratepayers will be able to accommodate the new increase.

"Most people are complaining about it but they're figuring out a way to do it," he said.

Though the increase will go into affect July 1, it won't appear on ratepayers' bills until the end of August.

*news@flatheadbeacon.com*

Status Report for the eight-week period ending Friday, August 19, 2016 123

SUMMER 2016

# GOV-LAW CONNECTION

BEH ATTORNEYS AT LAW

IN THIS ISSUE:



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441 North Beach Road
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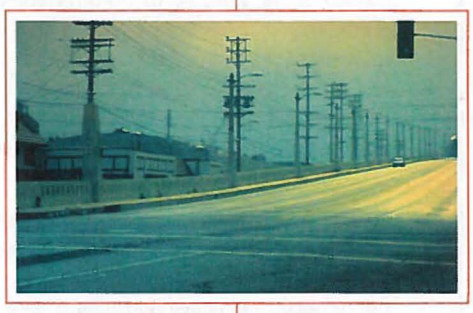
Eastsound, WA 98245
t 360.376.4704

www.gov-law.com

# Cities Can Raise License Fees on Certain Utilities Operating in Rights of Way

**THE OREGON SUPREME COURT** issued its opinion recently in *NW Natural v. Gresham*, holding that ORS 221.450 does not impose a limit on the license fee that the City of Gresham could collect for use of the city rights of way and that Gresham had the authority to raise that fee from 5% to 7% on private utilities. However, it also found that while Gresham could collect the 7% fee from the private utility plaintiffs, NW Natural and Portland General Electric, it did not have express statutory authority to impose a higher tax on another governmental entity, third plaintiff, Rockwood Water People's Utility District (Rockwood PUD).



In 2011, each plaintiff utility was operating under a utility license with the City of Gresham (City) when the City adopted a resolution, authorized by its Code, raising its license fee from 5% to 7% primarily to avoid service reductions in the fire and police departments. After the resolution was adopted, the plaintiff utilities filed an action for a declaratory judgment that Gresham's resolution was preempted by state law, namely ORS 221.450. They argued that ORS 221.450, which allows a city to levy and collect a privilege tax from a utility if the utility is operating for a period of 30 days within the city without a franchise, limits the privilege tax to 5% of the gross revenues earned within the city. Rockwood PUD also argued that as a people's utility district, it could not be taxed more than 5% by a city without explicit statutory authority.

The trial court agreed with the plaintiffs and found that ORS 221.450 preempted the City's ability to impose a privilege tax of more than 5%; it did not reach Rockwood PUD's alternate argument. The Oregon Court of Appeals did not agree and found that the plaintiffs were operating under a franchise and as a result ORS 221.450 did not apply and thus did not limit the City's ability to charge the fee. The issue of whether Gresham had home-rule authority to enact the ordinance or whether the license fee in question was a "privilege tax" was not addressed.

As noted above, the primary issue in this case is whether ORS 221.450 preempted the city from imposing a license fee that exceeds 5% of a utility's gross revenue. The Oregon Supreme Court (Court) held that, with respect to PGE and NW Natural (the non-municipal utilities), 221.450 does not impose a limit on the license fee. The Court focused on two preliminary issues related to this argument: (1) was the license fee a "privilege tax" and (2) were the utilities operating without a franchise. The Court established that the fee at issue is the type of charge the legislature intended to be considered a "privilege tax" and that the plaintiff utilities were operating without a franchise (i.e. a license was not the same thing as a franchise).

Taking the text, context, and legislative history of ORS 221.450 into account, the Court could not conclude that the Legislature intended for the statute to be the exclusive means by which a city could charge privilege taxes or license fees for use of its rights of way and that ORS 221.450 does not preempt the a city from adopting a higher rate. Specifically, Gresham could impose the 7% license fee as applied to the private utilities.

The second argument raised by Rockwood PUD, that a municipality lacks authority to tax another municipality in the absence of express statutory authority as that action would be an impermis-

– continued on page 4

MANAGING PARTNER'S MUSINGS

## *from Paul's desk...*

*As you may know, the partners here at BEH are given a chance to write something for the newsletter and so I took a shot at writing something. I hope my musings find everyone well and enjoying summer.*

*When we are asked to write something for this column, it is suggested we write about what we have been pondering that may be of interest to the clients and others who get this newsletter. Well ... for me ... I was thinking about the firm ... Beery, Elsner & Hammond, LLP ... and that it is in its 18th year. Eighteen years. Wow. I never expected that. It's nice ... really nice ... but I didn't see that coming.*

*Pam Beery and I started the firm in January 1998 with a lot of hope, no clients and a nice smallish space on the Portland waterfront.*

*We, our friends, staff and our son did a lot in those first few lean years: put furniture together, got a really expensive telephone system, tried to figure out the fax machine, put together firm resumes, drank coffee, stayed late, paid the bills and slowly got – and more importantly, kept – local government clients as we grew from two lawyers to three, from three to four, from four to six...*

*The clients – all of them – have been good to us and for us. They placed their trust in our abilities to offer good legal advice and counsel and provide advice and counsel at a reasonable cost. I truly believe we do that here. That is one of our core missions. I also believe all the folks we deal with either as clients or otherwise know the firm's lawyers and staff deeply care about local government in Oregon and Washington and*

# Public Meetings Redux

**LAST YEAR**, in *Handy v. Lane County*, the Oregon Court of Appeals decided that a series of discussions among a quorum of a governing body may implicate the Oregon Public Meetings Law under some circumstances. That decision was appealed to the Oregon Supreme Court but in the meantime the Court of Appeals has issued two more decisions that begin to address some of the issues left unresolved in *Handy: Tri-Met v. Amalgamated Transit Union Local 757, and Rivas v. Board of Parole and Post-Prison Supervision.*

In *Handy*, the court held that a series of discussions between the county administrator and a quorum of the Board of County Commissioners is subject to the Public Meetings Law, specifically ORS 192.630(2), if the purpose of the discussions was to deliberate on an issue for which a decision by the public body was required. The court specifically concluded that a contemporaneous gathering by a quorum of the Board was not necessary to invoke the Public Meetings Law—a series of discussions among a quorum for the purpose of deciding on a decision, whether directly or through an intermediary (in this case the county administrator), is sufficient. Conversely, if the discussions are merely for the purpose of "information-gathering," a meeting or series of discussions on issues relevant to the public body is not subject to the law. Ultimately, the court remanded the case back to the circuit court to determine whether the discussions were "deliberation" for purposes of ORS 192.630(2).

Three months after its decision in *Handy*, the court issued a decision in *Tri-Met v. Amalgamated Transit Union Local 757*. The issue in *Tri-Met* was whether the agency's collective bargaining negotiations with the union are subject to the Public Meetings Law. Under ORS 192.660(3), labor negotiations may be held in executive session but only if both sides agree to do so in executive session and, in this case, the union declined.

Tri-Met conducts the negotiations through an eight-person team headed by its labor relations and human resources director and seven other people selected by the director. When the union declined to conduct the negotiations in executive session, Tri-Met sought a ruling that the negotiating team's discussions with the union representatives were not subject to the law. The trial court ruled in favor of Tri-Met and the union appealed.

In its decision, the Court of Appeals determined that the negotiating team was not subject to ORS 192.660(1) because its meetings are not "meetings" of the governing body of a public body. The statute defines a "meeting" as the convening of the governing body of a public body for which a quorum is required" (ORS 192.630(5)). Because the negotiating team does not have minimum number of members necessary to conduct business (i.e. a quorum), its meetings are not required to be held in public under ORS 192.630(1).

However, the court went on to conclude that just because a quorum is not necessary for the negotiating to team to conduct business, does not mean that there is no such thing as a "quorum" of the team. Relying on the dictionary, the court ruled that a quorum is simply a minimum number of members necessary for the group to conduct business, usually but not necessarily a majority. According to the court, "If Tri-Met's negotiating team is, in fact, a governing body, that number exists." Because ORS 192,630(2) prohibits a "quorum of a public body" from meeting in private to deliberate toward a decision, if the negotiating team meets the definition of a governing body, there is a minimum number of members that can be considered a quorum and a gathering of that number of members cannot meet in private to deliberate. Here it is worth noting that a "public body" includes an advisory group or other "agency" of the local government appointed to make recommendations, and "governing body" means the members of a public body who have authority to make the recommendations.

In the end, the court sent the case back to the trial court to determine whether Tri-Met's negotiating team is a governing body. If so, it is likely that its meetings must be held in public.

In *Rivas v. Board of Parole and Post-Prison Supervision*, the issue was the Parole Board's "file-pass" system for making certain decisions about individual offenders. Under the system, a staff member includes a form in the offender's file that identifies the specific issue the Board needs to decide. The file is then passed to the individual board members, who write their comments on the form and pass the file to the next Board member. The last member then returns the file to the staff, who prepares a written decision consistent with the Board's comments.

*Rivas* argued that the series-review was a "meeting" open to the public under ORS 192.630(1), and they Board violated ORS 192.630(2) by deliberating in private. The court rejected both claims.

The court held that the "open to the public" requirement of ORS 192.630(1) only applies to a "meeting" of the public body which, under ORS 192.630(5), means a "convening" of the public body. The court then relied on *Handy*, which determined that "convene" means "to meet in formal session" or to "assemble in a group or

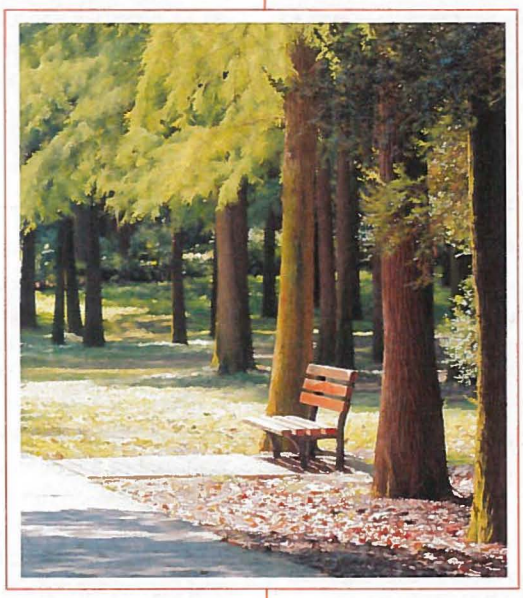
– continued on page 4

# SUPREME COURT GUTS RECREATIONAL IMMUNITY

**LOCAL GOVERNMENTS** often make significant portions of their property available to the public free of charge for recreational use. To encourage such uses of property, the Oregon Legislature provided protection from lawsuits to property owners through what is commonly known as the legal concept of recreational immunity. This spring, the Oregon Supreme Court gutted this protection when it ruled recreational immunity does not extend to city employees.

## BACKGROUND

The legislature enacted the Oregon Public Use of Lands Act, ORS 105.672-105.700, to provide certain immunities to owners of property who make their land available to the public to use for recreational purposes free of charge. Specifically, the Act shields an owner of land from liability in contract or tort for any personal injury, death or property damage that arises out of the use of the owner's land for recreational purposes, when the owner either directly or indirectly permits any person to use the land for recreational purposes free of charge.



In addition, due to the Oregon Tort Claims Act, ORS 30.260-ORS 30.302, as well as other legal principles, it was presumed that the legal protections that came with recreational immunity extended to city employees. Under the OTCA, cities are required to defend and indemnify employees who are acting within the scope of their employment or duties.

## THE DECISION: *JOHNSON V. GIBSON*

This case arose when Johnson, who is legally blind, was injured when she stepped into a hole while jogging in a city park. Johnson sued the city and its employees, Gibson (the city park technician primarily responsible for maintenance of the park, who created the hole that caused Johnson's injury while fixing a malfunctioning sprinkler head), and Stillson (Gibson's supervisor), for negligence.

The city claimed the employees were immune from any liability for negligence due to the recreational immunity protections provided by the Public Use of Lands Act. The Oregon Supreme Court rejected these claims, concluding that the Act did not extend to city employees, but rather was limited to the city itself as the "owner" of the park.

The court also recognized that the liability of a city as landowner was distinct from the liability of employees and agents of the city. The court expressly noted that whether a principal's immunity is personal to the principal or may extend to an agent is a matter of legislative choice subject to constitutional bounds, and that the legislature simply did not extend the Act to provide immunity to the city's employees. Thus, while the city could enjoy the benefits of recreational immunity under the Act, its employees could not. As a result, if the employee acted negligently, the city would be required to indemnify the employee for costs and expenses under the OTCA.

The court's decision could very well impact local governments' ability to continue to keep various lands open to the public for recreational use. In order to guard against similar claims in the future, insurance companies will likely raise rates as their exposure is much higher. With any luck, the Oregon Legislature will amend the Act to clearly provide the immunity to employees of the owner.

For now, local governments in Oregon should work closely with their legal counsel and risk managers to determine what can be done to provide additional protections from liability due to the loss of recreational immunity for employees. In addition, local governments are encouraged to work with their respective advocacy groups (League of Oregon Cities, Special Districts Association of Oregon, etc.) to seek a legislative fix to this decision.

*David Doughman*



*know that we will try to do what we can to make sure that is done every day.*

*Pam and I really enjoyed the serendipity and natural course the firm took as it grew and matured (not without some anxious moments). What we really – really – like was and is the process of attracting – and keeping – really good, really smart (and increasingly younger) lawyers and staff who share our goals and our sensibilities about local government and the real pride that can and should be taken in representing those bodies. When new lawyers and staff came to work for us, they became "family" as they adopted and adapted the values Pam and I wanted for the firm: client-based usable advice that offered fair and honest options to the individuals charged with addressing legal and other issues facing local government.*

*When I turn to the lawyers and staff here, I always get a smile. They are good folk, good at what they do, enjoy this place and the work. They are wonderful colleagues and friends.*

*And our current lawyers – Ashley, Chad, Chris, David, Heather, Nancy and Tom – make BEH a really good place to be. With the exception of Tom Sponsler and me, they are young, smart and savvy. They give good advice and good counsel. I like that and I am very proud of all of them.*

*So … what does one do when the thing you helped nurture and create hits 18?*

*Like any good parent, you provide advice and counsel but you step back a bit and watch it grow.*

*Have a wonderful summer. Take care.*

*Let us know about any interesting projects happening in or planned for your community! We'd love to feature you in our next Client Corner segment.*

*BEH provides this newsletter and its content solely for informational purposes. It is not intended to be and should not be construed as legal advice or as a solicitation for work or business. If you have any questions about the newsletter or its content, please contact an attorney in our office.*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## LABOR & EMPLOYMENT NEWS

# New FLSA Overtime Rule published by the Department of Labor

**THE LONG AWAITED** new overtime rules related to the Fair Labor Standards Act (FLSA) have been finalized by the Department of Labor (DOL) and will become effective December 1, 2016. Under the FLSA, certain employees are classified as exempt, meaning their employers do not have to pay them overtime if their position meets certain requirements. Currently, workers who are exempt are those paid on a salary basis, earn at least $455 per week ($23,600 a year), and are employed in a bona fide executive, administrative, or professional capacity (each category has a specific definition in the regulations).

The new Final Rule is an attempt by DOL to redefine who qualifies for overtime exemptions as a white collar worker and to bring the salary level in line with today's earnings; the salary rate has been raised only one time (2004) since 1970.

The Final Rule:

- Sets the standard salary basis at $913 a week or $47,476 for a full-year worker. This figure sets the salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South;
- Sets the annual compensation requirement for highly compensated employees (HCE) at $134,000, an increase from $100,000. HCEs are white collar workers who fail the standard duties test but are "highly compensated" and meet a minimal duties test; and
- Establishes a mechanism whereby the salary and compensation levels will be updated every three years (beginning January 1, 2020).

It is also important to note that under the new rule, employers are allowed to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10% of the new standard salary level. Previously, only the actual salary could be considered when determining whether the salary basis test was met.

Local governments should review all exempt employee salaries to ensure they are at $47,476 or above as of December 1, 2016. If not, there are several immediate options available to employers: 1) pay overtime, 2) raise salaries to the appropriate level, or 3) limit workers' hours to 40 hours a week.

*License Fees – continued from page 1*

sible intergovernmental tax, was found to be valid by the Court. The Court explained that the license at issue here was a "tax" rather than a "fee" because its primary purpose was not to cover the costs associated with Rockwood PUD's use of the City's streets, rather it funds core city-wide services such as police, park, and fire services.

While the City had express statutory authority to impose a "privilege tax" on a PUD, that express authority was found in ORS 221.450 which contains an explicit limitation (5%) on the amount of privilege tax that could be assessed.

On one hand, this case creates more certainty for cities who want to impose a higher license fee on private utilities operating in their rights of way. On the other, because the Court did not rule on whether a municipality has home rule authority to tax another municipality (and Gresham did not argue this point), there is no definitive answer to that question from this case. Taken together, cities should be cognizant of the difference when raising or imposing fees on different types of utilities. Further, when imposing charges on other governmental entities, how those charges are used (i.e. general public purposes vs covering the associated costs) is important in order to determine whether it is a tax or fee, and whether there are express limits on those charges under state law.

*Heather Martin*

*Public Meetings Redux – continued from page 2*

body." Accordingly, because the file-share system does not require the Parole Board to meet "in formal session or assemble as a body," it is not subject ORS 192.630(1).

The *Tri-Met* case is a reminder that, absent an express exemption, an advisory group appointed to act on a local government's behalf is subject to the Public Meetings Law, including the notice and open meeting requirements. The *Rivas* case clarified that, while a contemporaneous gathering of a public body may not be subject to the open meeting requirement of ORS 192.630(1), a private meeting of the body for the purpose of conducting business is nonetheless still prohibited under ORS 192.660(2).

*Chris Crean*

# GOVERNING

THE STATES AND LOCALITIES

August 2016

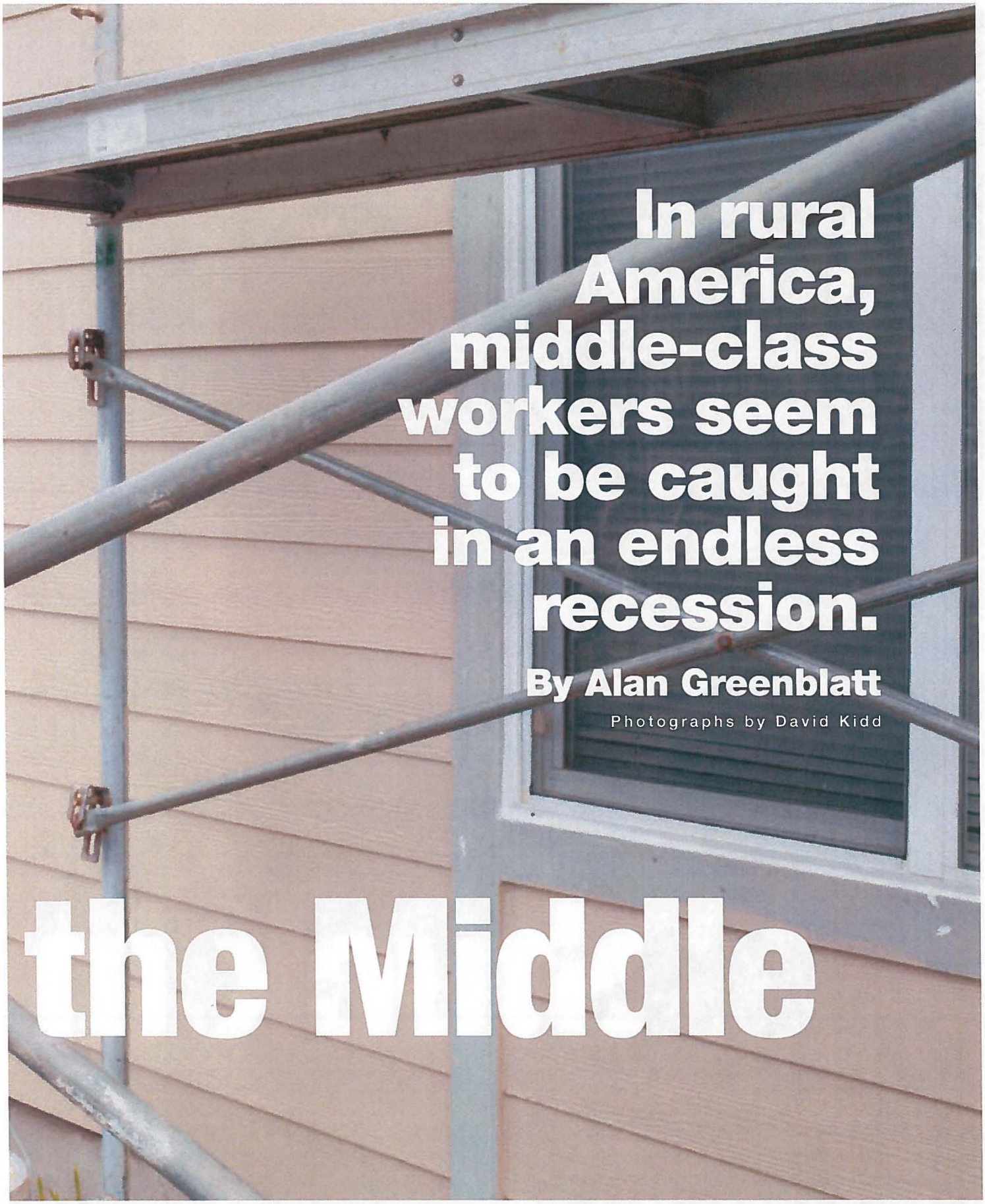

# Left Out

## What's going to happen to the rural middle class?

Terry Ayres is trying to raise three daughters on seasonal work in Newport, Ore.


# Stuck in

Terry Ayres of Newport, Ore., says he's able to find decent-paying construction jobs. But it's still a struggle to support his family.



# In rural America, middle-class workers seem to be caught in an endless recession.

# the Middle

By Alan Greenblatt

Photographs by David Kidd

A blower arches several stories into the sky, spraying enough wood chips to form a small mountain. It's part of the Georgia-Pacific paper mill in the small Oregon town of Toledo, a hundred miles southwest of Portland. The plant processes wood chips and recycled materials into 2,500 tons of cardboard every day. About 400 people work there, most of them unionized, pumping $42 million annually into the local economy through wages.

The only thing unusual about the mill is that it exists at all. It's the last paper mill on the Oregon coast, a vestige of a timber industry that was a dominant force in the state just a couple of decades ago. Earlier this year, a paper mill was closed for good in Newberg, which is not far outside of Portland. About 200 workers were eligible for retraining under a federal program that helps people whose jobs were lost due to foreign competition (although the decline in Oregon's timber industry has as much to do with federal land management policies as overseas competition).

Some residents have grown cynical about efforts to retrofit workers to fit the shifting economy. "The big joke along the coast used to be that the loggers ran into trouble, so they trained them to be fishermen," says Harry Roby, who owns a radiator shop in Newport, a few miles from the Georgia-Pacific mill. "Then fishing got into trouble and they trained them to be loggers."

Job training is all well and good, in other words, but it doesn't serve much purpose if there aren't any jobs to be had. Last year, Oregon was tied with California as having the fastest-growing economy of any state, but almost all the action was in Portland. Half of the jobs in the state are now in a three-county metropolitan area. In four out of 10 rural counties in the state, employment remains substantially below where it was prior to the recession.

There's a similar problem throughout rural America. While some metro areas are thriving, two out of three rural counties have experienced a net loss in their total number of businesses since 2010, after the recession had technically ended. According to a recent report by the Economic Innovation Group, half the new businesses started throughout the nation since 2010 were created in just 20 counties, out of more than 3,000 nationwide.

Urban America recovers from recessions, but rural America no longer seems able to. "You look all across this country and some of these places are dying," says Seth McKee, an expert on rural politics at Texas Tech University. "They're either going to be wiped off the map, or they're getting smaller and smaller and there's nothing to sustain them."

That may be overstating the case, but it's no longer far-fetched to talk about permanent, Appalachian-style poverty spreading across rural America. There just aren't enough jobs. By now, it's a familiar story that many manufacturing plants have shut down or moved and taken their jobs with them. The prevailing fear of the moment—that robots are going to take over all the work—has already happened in agriculture. A machine knows more about the exact fat and protein content of the milk from every cow it touches than a human hand ever would. Farmers are becoming almost as likely to plant sensors as seeds, helping them map out where their drones should apply fertilizer. Already, farms account for less than 1 percent of employment, but the number of agriculture jobs is projected to decline another 6 percent by 2024.

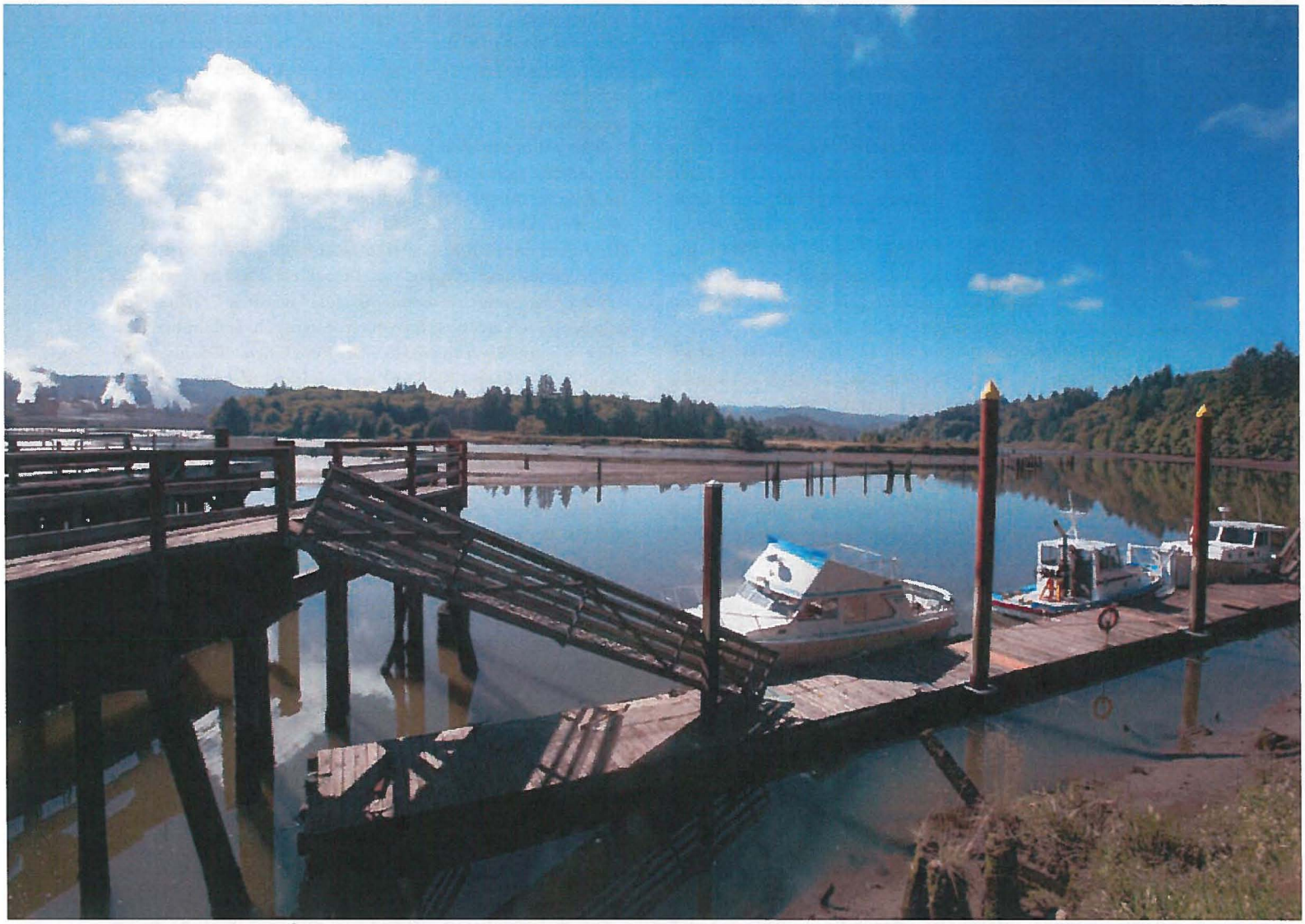
The old notion that jobs in timber, farming and small-town manufacturing are secure and will last for life is not just outdated but antique. Appalachia itself has been hit hard by the recent steep decline in coal jobs, with production down nationwide by 40 percent since 2008. As working-class jobs have dried up, rural communities have emptied out. Lots of rural towns around the country have come to resemble villages in wartime. Practically the only people left are those too young or too old to feel the magnetic pull of the city. Even an area like Oregon's Lincoln County, which includes Toledo and Newport and can boast of a mix of surviving old and burgeoning new industries, struggles with an aging population, drug abuse and homelessness.

Already, a majority of the country lives in metropolitan areas of more than 1 million people. If current trends continue, rural America will lose population between now and 2060, even as the country gains another 100 million residents, says Rolf Pendall, who directs economic development and housing studies at the Urban Institute. "The people who grow up in these communities who are most capable of having a strong income trajectory, they leave, they go somewhere else," Pendall says. "It's true in struggling neighborhoods in cities and it's true in rural America as well."

This is putting a strain on rural governments. Along the Oregon Coast, counties that once shared in rich revenues from timber royalties and federal subsidies have seen those funds dry up. Douglas County, roughly 150 miles south of Lincoln County and traditionally the heart of the state's timber industry, once shared an average of $134 million each year in timber royalties. Last year, the figure was down to $11 million. The county itself has lost a third of its workforce over the past decade, but it's still in better shape than a lot of its neighbors. Counties can't just cease operations, but some in Oregon have just about given up on programs such as running jails and juvenile services or enforcing building codes. "Those kinds of services that are shared services, you just declare you can't do them and literally hand them back to the state," says Tim Freeman, a Douglas County commissioner.

The anxiety caused by diminished prospects is starting to play out politically. People wondering what happened to their good-paying jobs have been drawn to Donald Trump's message that bad trade deals are to blame for their struggles, or to Bernie Sanders' complaint that the economic system is rigged. Abroad, the resentment of rural residents who feel passed over by the global economy was a primary driver of the recent vote in the United Kingdom to leave the European Union.

Democrats used to be the party of working people, but it's now the party of educated professionals who are part of technology or finance or other expanding industries, along with racial and ethnic minorities (who do make up a substantial share of the working class). Republicans have long been the party of business, but Trump's anti-trade stance has him drawing swords with the U.S. Chamber of Commerce and other business groups. "The Repub-



**Steam rises from the paper mill just beyond the harbor in Toledo, the last paper mill on the Oregon coast.**

licans are more and more the party of the unsuccessful," says Eric Schnurer, president of Public Works, which consults with state and local governments. "You're either in this international, networked economy, or you're not. The nonurban centers are largely being left out of the global economy. It's not surprising that they feel an extreme antipathy toward it."

The decline in rural prospects is not only feeding political resentment, but causing serious social problems. Nationwide, the number of deaths among working-class whites at most age levels has been increasing, the sad result of a combination of preventable causes such as suicide and abuse of illegal or prescription drugs. Oregon has the second-highest rate of opioid abuse of any state, an epidemic so bad that the Oregon Medical Association devoted its entire annual meeting to the topic this spring. Oregonians also die from alcoholic liver disease at twice the national average. The economic strain can play out in other ways, too: The rate of child abuse in Lincoln County is double the rest of the state.

Lincoln County actually has a lot of things going for it. Local officials have been able to leverage the presence of the coast not only to promote tourism and maintain a sizable fishing fleet, but also to develop marine science as an economic driver. What was at one time home to a single oceanographer's lab has become the nexus for a range of enterprises that constitute a growing share of the local economy. Oregon State University (OSU) runs the Hatfield Marine Science Center, which houses an alphabet soup of state and federal agencies. There's an aquarium next door that pairs well with the town's beaches as a tourist magnet. A few years ago, Newport's harbor became the headquarters for the National Oceanic and Atmospheric Administration's Pacific fleet, nabbing the ships from Puget Sound.

All of these projects, along with many others, came about because the Newport area has managed to build a collaborative culture, with city, county, port and state officials pulling together

with private-sector actors to make things happen. "This cluster didn't happen by accident," says Gil Sylvia, an economist at the Hatfield center. "You start with something small and you build out the components."

All the players in town seem to belong to one another's boards—which is not unusual—but everyone, from Georgia-Pacific executives to county commissioners, also meets routinely through the Yaquina Foundation and the Lincoln County Economic Development Alliance. In many struggling communities, various jurisdictions will jealously fight over every scrap. In Lincoln County, a couple of calls is enough to start people working on ways of lining up financing to get a project going. The different local entities have learned that scratching each other's backs and putting up money for projects of shared interest can end up benefiting everyone.

The latest example of their collaborative effort paying off is an expansion of the boatyard at the port of Toledo, across Sturgeon Bend from the Georgia-Pacific mill. Thanks to help from a variety of county and state funds, the port just brought in the first of a series of lifts that will allow boatmen to repaint and repair large, ocean-going ships. It's 63 feet wide and six stories tall and came in pieces from Italy, arriving in seventeen 40-foot containers. It's a huge step up from the type of lifts that have been in place at the boatyard, and it's projected to increase the number of jobs involved repairing and painting boats from 20 to 160.

Experts in the rural economy say what separates the winners from the many losers is inspired leadership on the ground, whether that's a plant owner who figures out a way to modernize and stay profitable, or economic development officials able to find a niche by building on successful enterprises or attractions that are already in place.

Other towns on the Oregon Coast have ports, but they don't have anything like the burgeoning marine science sector that Newport has managed to create. Areas with other natural assets that might easily attract rich retirees or remote workers need to figure out how to sell themselves. Plenty of places have snowy mountains, but they aren't all successful ski resorts. "There are rural areas that are doing quite well, particularly those with natural amenities," says Brian Depew, director of the Center for Rural Affairs in Nebraska. "They have aggressive leaders that have figured out how to make their places winners, despite having to swim upstream."

There's no magic formula, nothing you can bottle, when it comes to turning around a rural area. Rural economies once ran on commodities—timber, corn, cattle, coal—that by their nature were essentially the same regardless of where they came from. In today's economy, though, places have to find a way to offer something that other similar places can't.

In Newport, local officials hope marine science will continue to grow into something that puts more than a few researchers to work. The Hatfield center links local fishermen who know the waters with telecommunications companies looking for the best spots to lay Trans-Pacific cables. It's also partnering with the community college and local businesses to put more people to work making specialized nets that avoid catching protected species—a product that grew out of research at the center.

The initiative that's drawn the most attention, however, has to do with seaweed. Researchers at the center developed a new strain of red seaweed called dulse. It tastes a bit like bacon, enough so that it's become popular enough to be worth patenting. A for-profit company is being spun off to grow dulse in Newport and process it into things like flavor powders and salad dressing—a total of 15 value-added products in all. "This city always had a more solid mix of industries than other coastal communities that relied on a single industry," namely timber, says Sylvia, the Hatfield economist.

Having a cutting-edge research center with an annual budget of $55 million is quite a coup for a town of 10,000, but it's no panacea. Marine research remains a small share of the overall Lincoln County economy, which is still led by tourism and fishing—industries that provide work that is seasonal or part-time in nature, meaning jobs that don't pay all that well. The average age of minimum-wage workers in the county is 31. Half the income there comes from Social Security and other transfer payments. The poverty rate remains higher than the state average, which in turn is higher than the national average. "It does look like we're in an upturn," says Dee Teem of the Community Services Consortium in Newport, "but we're still seeing a huge number of people in poverty."

Relying on jobs that require high levels of education presents two problems for rural communities. The first is that most such jobs won't go to locals. Although there are efforts in and around Lincoln County to get students engaged in marine science from at least the eighth grade on up, most of the academic hires will come from outside the county. And attracting educated professionals to rural areas remains a challenge. People with MBAs, Ph.D.s or actual medical degrees often don't want to relocate to smaller communities, for fear there will be nowhere else for them to go if they ever want to change jobs. There also might not be available work for their spouses. "A job for a spouse is a big, big problem," says Caroline Bauman, executive director of the Economic Development Alliance of Lincoln County. "It comes up all the time."

But there's also the problem of what might be called rural gentrification. As professionals move in, that raises prices and puts a squeeze on all the people making a living pumping gas or selling hand-dipped candles to tourists across the bay from the Hatfield center. Lincoln County has a particularly acute problem because so much of its property is now tied up as vacation or rental housing. As a result, even decent-paying jobs might not be enough to cover a family's needs. Many residents work two or three jobs to make ends meet, sometimes driving long distances to get there. "I've never had trouble finding work," says Terry Ayres, a construction worker who is raising three daughters in Newport, "but the living expenses are just outrageous."

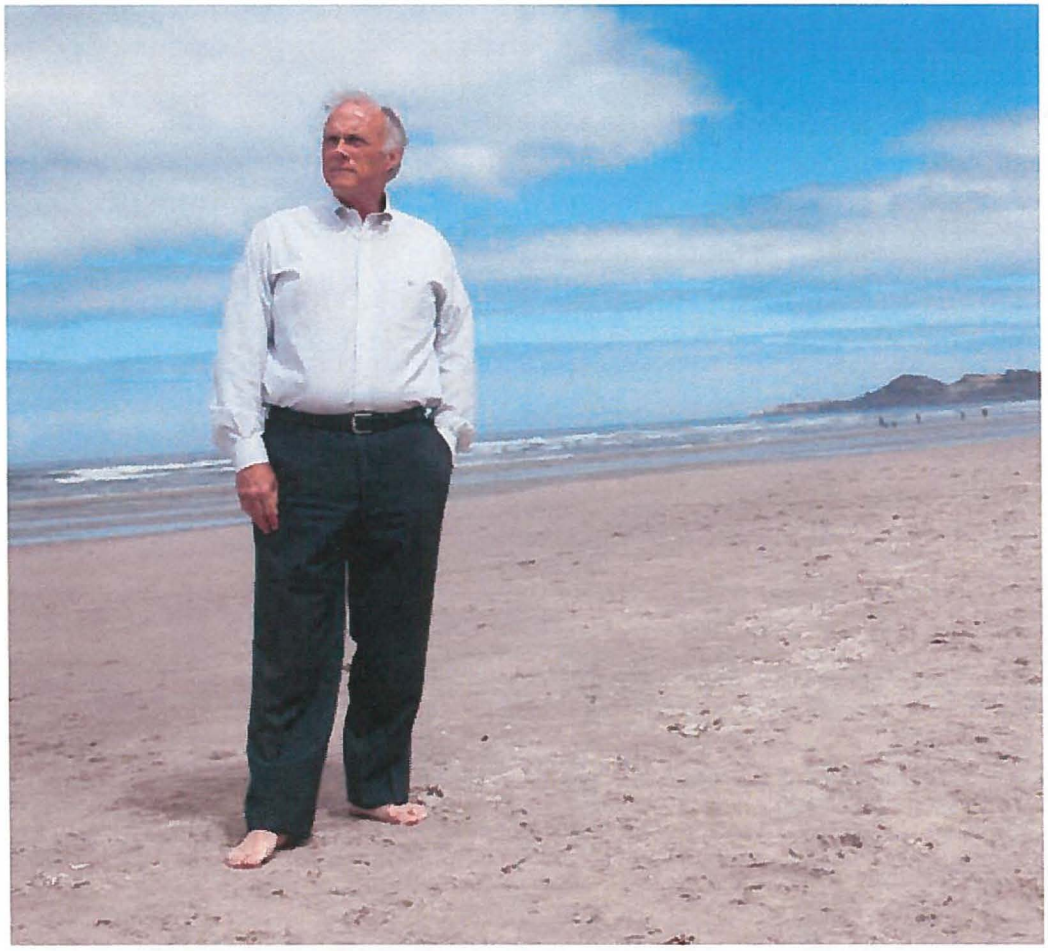
You wouldn't expect this to be the case in big rural counties that can run the size of the state of Connecticut, but there are housing shortages all over the West and, indeed, much of rural America. For decades leading up to the recession, housing starts averaged nearly 1.6 million units per year. Over the past seven years, that number has been cut in half. Even last year, after

Mike Walters makes a living painting and doing odd jobs. He's being evicted from the trailer park he's called home for the past two years.

things picked up, housing starts were still a half-million short of the historical average. Starter and trade-up home inventory has dropped by more than 40 percent since 2012, according to Trulia, the online real estate listing service. That's a big barrier of entry against homeownership. The percentage of households that are renting is now at its highest level since the 1960s. One out of six families spends more than half its income on housing.

Housing markets are squeezed tight in thriving metros, but a different convergence of forces is at work in rural areas. Lenders often don't like to do business outside the metro markets they're already familiar with. Builders are so busy putting up apartment buildings in places like Portland that they can't be bothered making long drives out to places like Lincoln County unless a dozen or more units are involved. The federal government owns half the land in Oregon, while a good share of the rest is tied up by land preservation programs and zoning restrictions.

For all these reasons, some Lincoln County residents are nervous about a planned expansion at the Hatfield center. What has been primarily a research facility is becoming a campus, with 500 undergraduates expected to arrive from OSU in the coming years. Most people welcome the development, but wonder where they're going to put all those students, even though the university is building housing for half of them. There's already more demand than there is supply. Given the cliffs that line the Pacific Ocean and the mountains that separate Lincoln County from the Willamette Valley to the east, there's not a lot of land left that's flat. It's difficult to insure much of the land that is available, due to growing concerns about tsunamis. As a result, the value of residential retail sales in the county shot up by 22 percent in May over last year's numbers.



**"We can look optimistically toward the future," says Lincoln County Commissioner Doug Hunt. The port and a growing marine science sector have helped pull the county out of recession.**

About 10 percent of the schoolkids in Lincoln County are now homeless. But the issue of rural gentrification doesn't affect only the poor, it affects the middle class, too: Every year, a few teachers cancel their contracts in Lincoln County over the summer because they can't find housing. Anecdotally, lack of available housing has also been a recruiting problem for the county's two hospitals.

The problems that plague Lincoln County—and most of America's rural working class—are daily facts of life for a guy like Mike Walters.

For the past two years, he's been living in a trailer park outside of Depoe Bay, a few miles north of Newport, but he recently received an eviction notice. At 52, he's followed a career path that's become common in rural America, stitching together a living by working a few hours here and there painting houses or providing home assistance to the elderly. Working for "people with money," he's able to scrape together his monthly rent, but he usually pays in dribs and drabs throughout the month rather than paying in full on the first of the month. His landlord got tired of that and told Walters he'd have to clear out.

Walters has been barely getting by as it is. He could find more work if he had a car, but he has to rely on his bike and buses to get around. Transportation and access to services and jobs are huge issues in rural America. Walters admits he's "freaking out," but his situation doesn't seem to keep him down for long. Riding his bike on the shoulder of Highway 101, he flashes two fingers to passing cars, wishing them either victory or peace. "All these people on the highway got to be going to work to make money," he says. "I gotta catch up." G

*Email agreenblatt@governing.com*

## Spencer Nebel

**From:** Angela Nebel (Summit Public Relations Strategies) <angela@summitprstrategies.com>
**Sent:** Tuesday, August 02, 2016 3:23 PM
**To:** Spencer Nebel
**Subject:** FW: The push to revive rural America

Your head will swell when you read Don Stypula's message below....

Ang

---

**From:** Jeff Hagan [mailto:jshagan@eup-planning.org]
**Sent:** Tuesday, August 2, 2016 2:35 PM
**To:** Angela Nebel
**Subject:** Fwd: The push to revive rural America

Hmm some times iPhone not so smart! I said include original message!!!!

*Sincerely,*
*Jeff Hagan*
*EUP Planning | 906.635.1581*
*Michigan Works is...UPWARD | 906.635.1752*
*Cell: 906.630.4311*
*jshagan@eup-planning.org*

Sent from my iPhone

Begin forwarded message:

> **From:** Don Stypula <don.stypula@collaboration-matters.com>
> **Date:** August 2, 2016 at 1:43:08 PM EDT
> **To:**
> **Subject: The push to revive rural America**
>
> Good afternoon MAR Board members and friends!
>
> When you have a few moments, follow the link below to an interesting read in Governing Magazine regarding the economic challenges facing many parts of rural America. This focuses primarily on Lincoln County, OR and the reviving City of Newport, OR, where a collaboration between public, private and non-profit sectors is transitioning the local / county economy. While not all of the changes are good for many people, it is a snapshot at how collaborative and effective local leadership in all sectors can transition a region into a growing economic powerhouse.
>
> Not mentioned is the fact that these changes really ramped-up with the arrival of Newport City Manager Spence Nebel, a very talented and affable UP born and raised fellow, who was the long-time manager of the City of Sault Ste Marie, and assistant at Marquette for many years.

http://www.governing.com/topics/mgmt/gov-rural-america-recession-oregon.html?utm_term=Can%20Counties%20Fix%20Rural%20America%27s%20Endless%20Recession&utm_campaign=Can%20Counties%20Fix%20Rural%20America%27s%20Endless%20Recession&utm_content=email&utm_source=Act-On+Software&utm_medium=email

Be well, my friends!

Djs

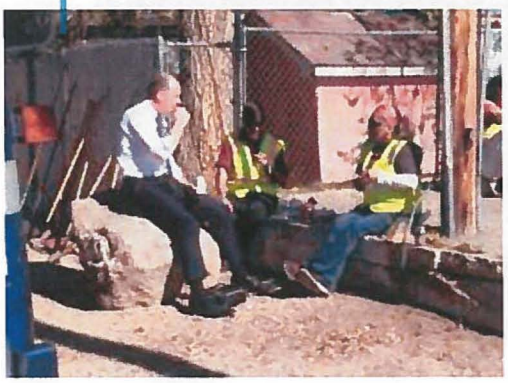
**Donald J. Stypula, Executive Director**
**Michigan Association of Regions**


**4858 Havana SW**
**Wyoming, MI 49509**
**don.stypula@collaboration-matters.com**
**616-450-4217**
**www.miregions.org**

# This Republican mayor has an incredibly simple idea to help the homeless. And it seems to be working.

The Washington Post
Colby Itkowitz
1 day ago





© City of Albuquerque Mayor's Office
Albuquerque Mayor Richard Berry takes a lunch break with residents participating in There's a Better Way program.

Republican Mayor Richard Berry was driving around Albuquerque last year when he saw a man on a street corner holding a sign that read: "Want a Job. Anything Helps."

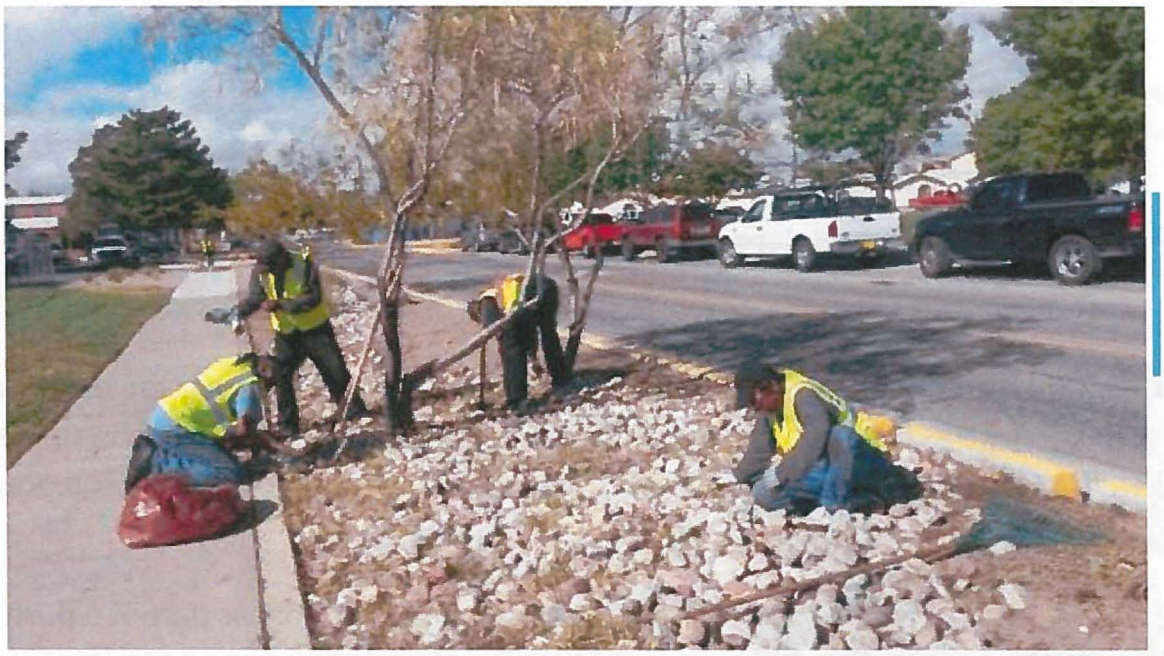
Throughout his administration, as part of a push to connect the homeless population to services, Berry had taken to driving through the city to talk to panhandlers about their lives. His city's poorest residents told him they didn't want to be on the streets begging for money, but they didn't know where else to go.

Seeing that sign gave Berry an idea. Instead of asking them, many of whom feel hopeless, to go out looking for work, the city could bring the work to them.

Next month will be the first anniversary of Albuquerque's There's a Better Way program, which hires panhandlers for day jobs beautifying the city. In partnership with a local nonprofit that serves the homeless population, a van is dispatched around the city twice a week to pick up panhandlers who are interested in working. The job pays $9 an hour, which is above minimum wage, and provides a lunch. At the end of the shift, the participants are offered overnight shelter as needed.

In less than a year since its start, the program has given out 932 jobs clearing 69,601 pounds of litter and weeds from 196 city blocks. And more than 100 people have been connected to permanent employment.

"You can just see the spiral they've been on to end up on the corner. Sometimes it takes a little catalyst in their lives to stop the downward spiral, to let them catch their breath, and it's remarkable," Berry said in an interview. "They've had the dignity of work for a day; someone believed in them today."



© City of Albuquerque Mayor's Office Panhandlers are hired to beautify the city.

Berry's effort is a shift from the movement across the country to criminalize panhandling. A recent National Law Center on Homelessness & Poverty report found a noticeable increase, with 24 percent of cities banning it altogether and 76 percent banning it in particular areas.

There is a persisting stigma that people begging for money are either drug addicts or too lazy to work and are looking for an easy handout.

But that's not necessarily the reality. Panhandling is not especially lucrative, but for some people it can seem as if it's the only option. When they've been approached in Albuquerque with the offer of work, most have been eager for the opportunity to earn money, Berry said. They just needed a lift. One man who told him no one had said a kind word to him in 25 years.




Kellie Tillerson, director of Employment Services at St. Martin's Hospitality Center, the organization that facilitates the city's program, said the way to dispel people of the negative associations with panhandlers is for them to do what the mayor did and engage on a human level.

"Genuinely ask why they are in the predicament they are," Tillerson said. "Many have medical conditions, they don't have the proper identification — you can't get a job without one. They don't have a Social Security card. Those little things we take for granted prohibit people from getting a job. Don't assume they are lazy."

The There's a Better Way van employs about 10 workers a day but could easily take more. When the van fills, people have begged to get a spot next time, she said. That's why the city has increased funding for the program to expand it to four days a week. And it inspired St. Martin's to start its own day labor program, connecting the jobless to employers in the area who could offer side jobs.

Tillerson said a lot of the people who get picked up by the van were not aware of all the services available to them. One man who recently got out of prison returned to St. Martin's

the day after taking one of the city's jobs. She said it enrolled him in the day-labor program, told him about behavioral health services and are helping him get an ID.

"He now has a support system he didn't know he needed and definitely didn't know existed," she said. "It's life-changing for them. He was one that said, 'I would much rather earn my money than have someone hand it to me.' "

Dozens of cities around the country have reached out to Berry wanting to copy the program. It's a testament, he said, to the work mayors do regardless of political party.

He was the first Republican mayor elected in Albuquerque in 30 years, and he's proactively tackling homelessness.

The program hasn't weeded out all panhandling in the city, and supporters say that's not really the point. It's connecting people who would otherwise not seek help to needed services. And it's showing them when they are at their lowest that they have real value, and that others are willing to show them kindness to help them have a better life.

"It's helping hundreds of people," Berry said, "and our city is more beautiful than ever."

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RAFTELIS
FINANCIAL CONSULTANTS, INC.

## 2016 WASHINGTON/OREGON

# WATER & WASTEWATER RATE SURVEY

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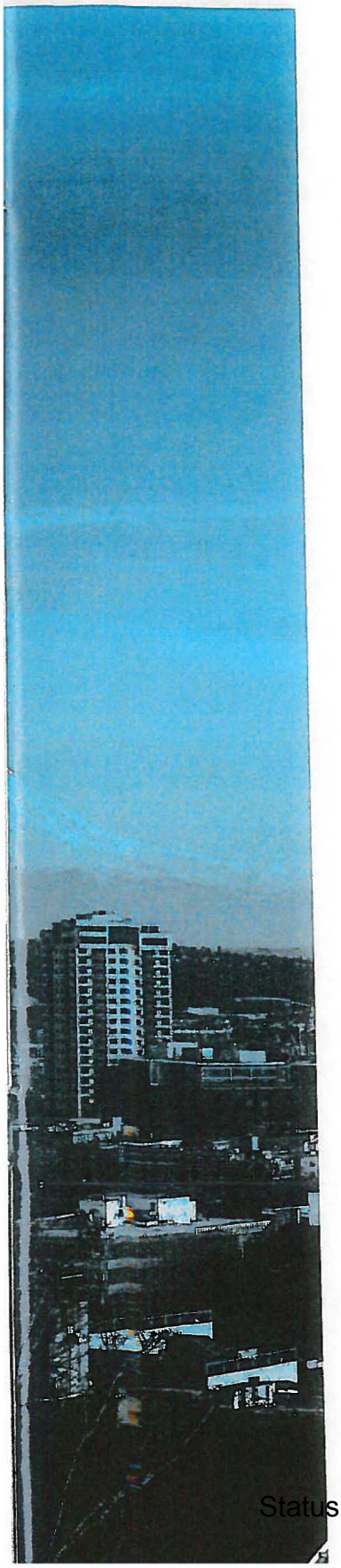


# Foreword

The 2016 Washington/Oregon Water and Wastewater Rate Survey conducted by Raftelis Financial Consultants, Inc. (RFC) provides a description of water and wastewater rates and charges in the states of Washington and Oregon. RFC conducts a biennial national water and wastewater rate survey in partnership with the American Water Works Association (AWWA), a nonprofit professional association dedicated to providing high-quality technical information to its water utility members and general public. RFC also conducts a biennial water rate survey in California and Nevada in collaboration with the California-Nevada section of AWWA, as well as water rate surveys in Florida and Arizona. RFC is nationally recognized for its financial and management consulting practice for water, wastewater, and stormwater utilities.

The 2016 survey provides valuable insights into pricing practices embraced by utilities across Washington and Oregon. Specifically included in this year's survey are:

- A total of 66 Washington water and wastewater agencies and 50 Oregon agencies with diverse ownership and operating characteristics
- Rate calculations and pertinent data grouped by county and sorted by city

This survey is also a powerful tool for comparative benchmarking. Drawing conclusions from rate comparisons, however, should be done only after evaluating several community characteristics, such as geography, climate, and service area, as well as the use of taxes, subsidies, and grants. The determinants of utility rates are varied and complex and do not necessarily reflect the true cost of service. A low rate or a high rate does not necessarily mean that a utility is more or less efficient, respectively. As a result, the survey findings alone should not be used to judge the performance of any individual utility or to generalize about all water-sector utilities. In addition, our rate survey uses a sample that is not statistically random. Even with these constraints, the information contained in this survey is beneficial to utilities throughout Washington and Oregon. At a minimum, it can be used to identify utilities that have similar characteristics to include in a more in-depth benchmarking effort.

The reliability of the information received for this survey is dependent upon the accuracy of the data we collected from the agencies. Please notify us if you have any updates or corrections to the information.

Sincerely,
***RAFTELIS FINANCIAL CONSULTANTS, INC.***

**Sudhir Pardiwala, PE**
*Executive Vice President*

**Hannah Phan**
*Senior Consultant*



1100 Dexter Avenue North, Suite 100, Seattle, WA 98109 / P: 714.300.8129 / F: 213.262.9303 / www.raftelis.com

**GROWING INFRASTRUCTURE NEEDS:** Much of the original water infrastructure in the Northwestern United States is going to need replacement in the near future. In many cases, this will be the first time that utilities will face significant capital needs that are not funded by growth in the customer base. In addition, this existing infrastructure repair and replacement will likely be more costly than placing comparable new infrastructure in service in undeveloped areas. This factor is going to significantly impact utilities in the coming years and will likely be a major driver of rate increases.

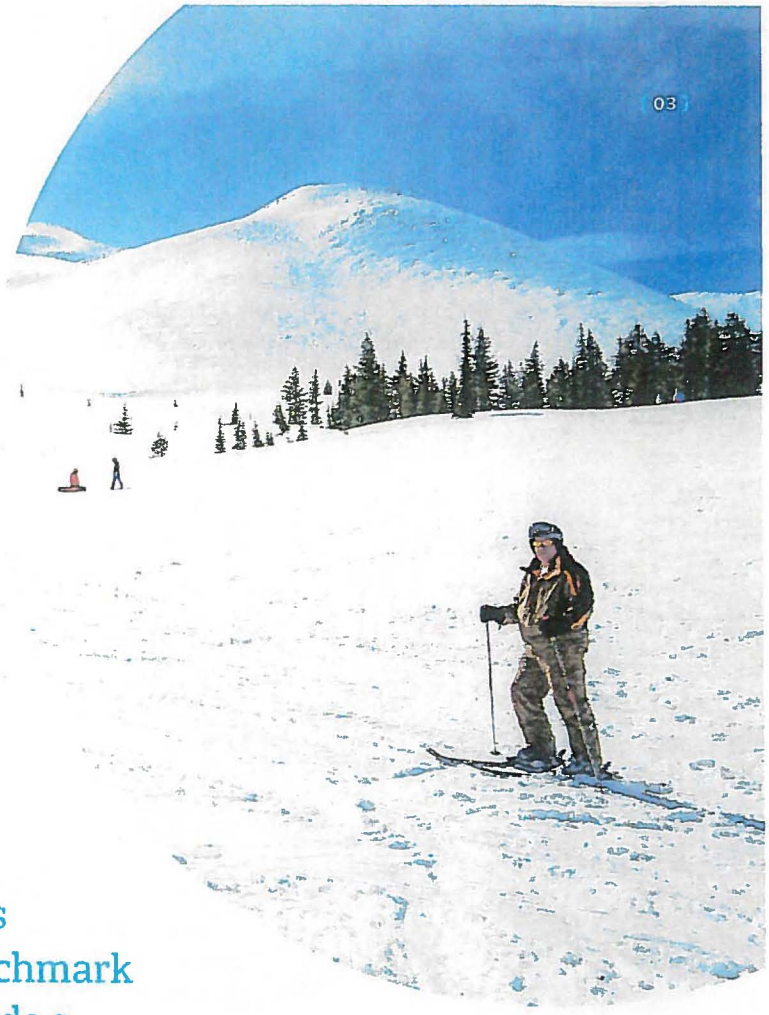
**INCREASING REGULATORY STRINGENCY:** While it is unclear how water regulations will be promulgated in the future, it is our expectation that standards will continue to become more stringent. As the ability to measure water quality improves and technology for producing "cleaner" potable water and effluent advances, regulations will inevitably follow, and utilities will need to spend resources to acquire the new technology and/or reconfigure existing treatment processes. We believe that increasing regulatory stringency driven by these advances in technology will drive rates higher.

**DECREASING PER CAPITA CONSUMPTION:** An increasing number of the utilities that we serve are facing declining per capita consumption. We believe there are two primary reasons for this trend. The first reason is that each generation of new home appliances is characterized by increasing water efficiency. The second reason is that the conservation message has been internalized by much of the population. Nowadays, while we brush our teeth or shave our face, many of us don't let the water run like we once did. We believe this shift has been accomplished through public education efforts and often reinforced by the pricing structure. In addition, many utilities have faced droughts or capacity issues due to growth, which has forced additional efforts to reduce per capita consumption. We believe that while this factor will continue to impact rates in the future, its impact will diminish over time because there is a level below which per capita consumption will not drop.

**TECHNOLOGICAL IMPROVEMENTS:** As we mentioned earlier, water and wastewater treatment technology is constantly improving. Certain technological improvements have a lowering impact on rates. Supervisory control and data acquisition (SCADA) systems allow for operations with fewer employees and help to minimize power loads. As a result, the cost of producing potable water and treating wastewater is decreasing with all other variables remaining the same. We believe technology will continue to improve and benefit customers.

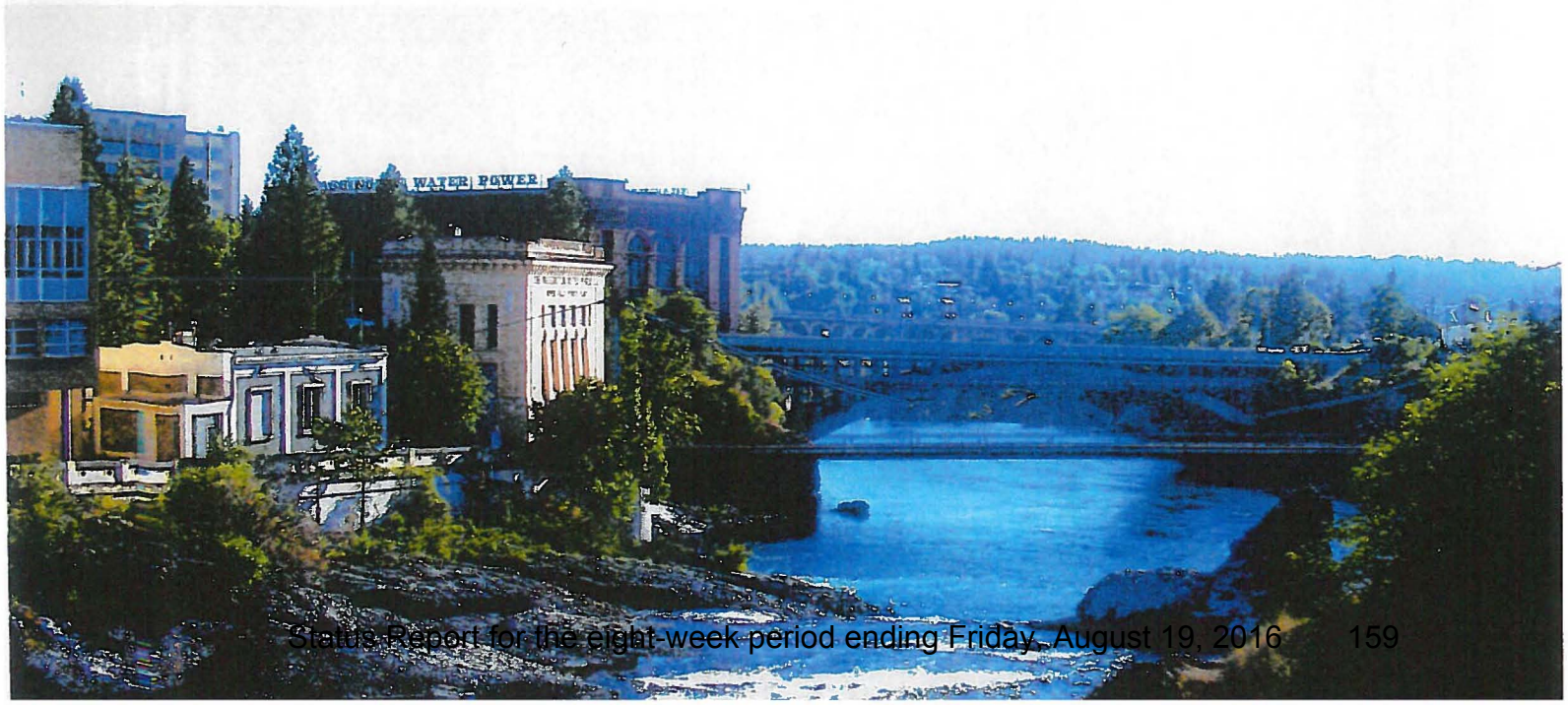
**EFFECTIVE UTILITY MANAGEMENT:** Municipal utilities no longer see themselves as governmental monopolies. Elected officials and governing boards increasingly require utilities to operate as efficiently as possible. The growth of contractor operations has also caused utilities to become more efficient. In fact, many utilities have gone through some sort of formal optimization process. We believe that these efforts will continue to have a lowering effect on water rates.

**POLITICAL ACTIONS:** The strongest force in limiting rate increases has been the political process. Whereas optimization efforts are beneficial to the utility, politically limited rate increases may not be. It would be unfair to say that political influence does not have some positive effects, as it does often force utilities to be as efficient as possible. However, when a rate increase is obviously needed and that increase is not allowed due to political issues, there can be severe future ramifications. We believe this will continue to have a significant impact on limiting rate increases.



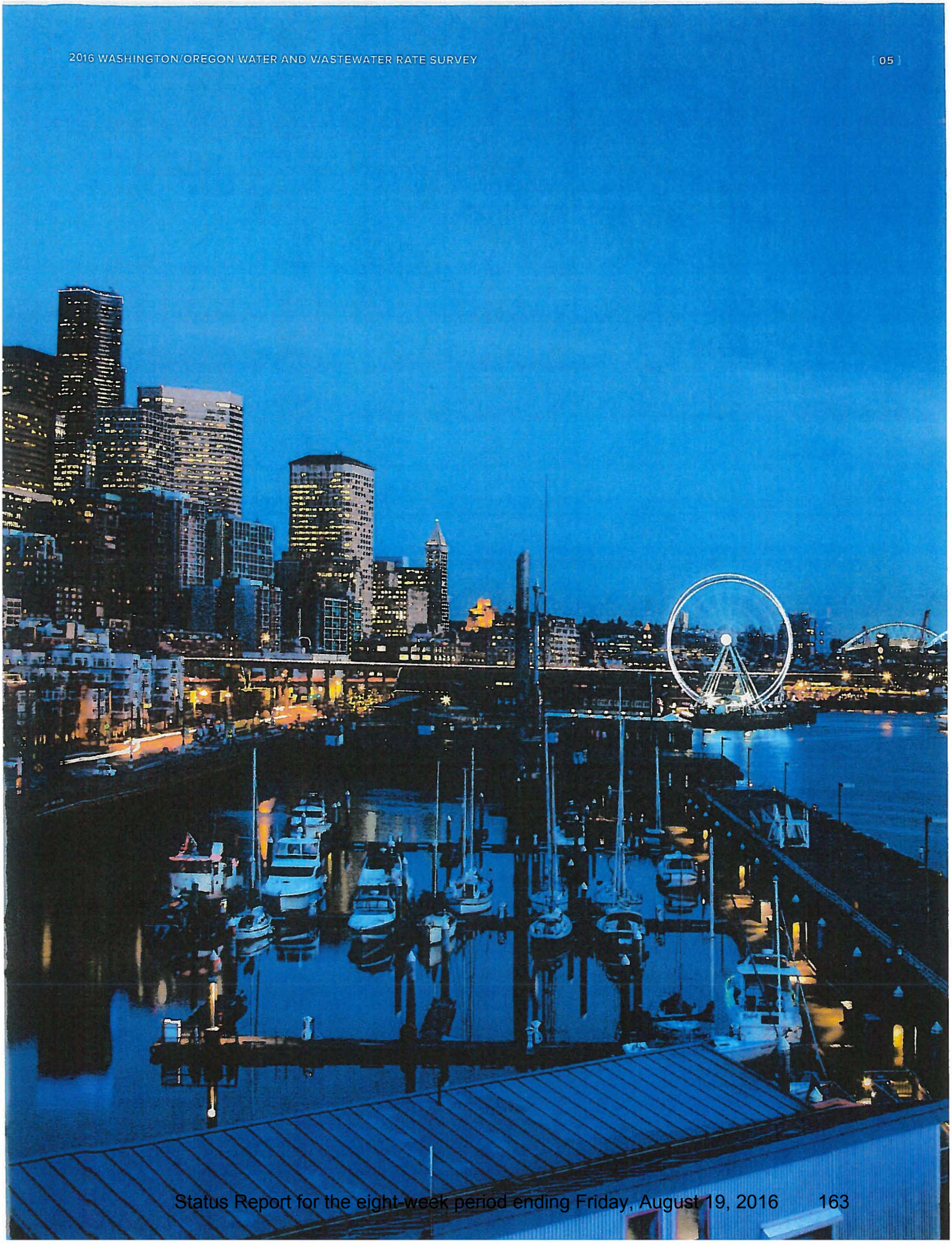
# Overview of the Survey

The survey provides data on 116 water and wastewater service providers (66 in Washington and 50 in Oregon). Because water usage varies widely among cities and regions, a benchmark water usage amount is needed to provide a basis to compare water and wastewater rates. This survey relies on 15 ccf (hundred cubic feet), or 11,220 gallons, of water consumption per month and 8 ccf, or 5,984 gallons, of wastewater flow as that benchmark.



# WASHINGTON RATE SURVEY RESULTS

56 AGENCIES IN WASHINGTON REPORTED WATER RATES IN THE 2016 SURVEY, AND 55 AGENCIES REPORTED WASTEWATER RATES.



## WATER BILLING FREQUENCY

As shown in Figure A, 49% of the agencies in our sample bill monthly, and roughly 51% have a bi-monthly rate structure. In our experience, monthly billing is becoming more popular as it helps convey information on consumption and pricing to the agency's customer base faster. Also, as rates increase and bills get larger, customers may find it easier to pay smaller monthly bills than larger bi-monthly bills.

## WATER RATE STRUCTURE

Figure B demonstrates that inclining and uniform rate structures combine to constitute approximately 93% (35% uniform and 58% inclining) of the rate structures among utilities in this year's survey. The "other" category includes rate structures such as flat and seasonal. While uniform, inclining, and declining rate structures are well known and have been in use by agencies for many years, the number of agencies utilizing water budget-based rate structures is increasing, especially in agencies that target water conservation and efficiency. Water budget-based rate structures are a type of inclining rate structure in which the block definition is different for each customer based on an efficient level of water use by that customer. The tiers are typically set based on efficient indoor and outdoor use allocations. Please contact RFC if you need additional information on rate structures.

## WATER CHARGES

Figure C displays the year in which the 2016 survey's utilities have most recently updated their rates. A clear majority of respondents, 83%, have updated their rates within the past two years (2014 and 2015).

As mentioned previously, all charges in this survey are based on the assumption that the utility residential customer uses 15 ccf[1], or 11,220 gallons, per month. For utilities that do not bill monthly, the charge was calculated on the assumption of 15 ccf per month usage. It should be noted that the average usage can vary significantly from agency to agency. Thus, an agency with a lower average usage than 15 ccf per month will have higher bills since the rate structure of that agency was designed for their level of usage.

Figure D shows the average monthly water charges for 15 ccf by county. Based on our survey, the highest charges are found in Island County, while the lowest charges are in Spokane County. Only one agency responded for Island County.

**FIGURE A:**
2015 WATER BILLING FREQUENCY

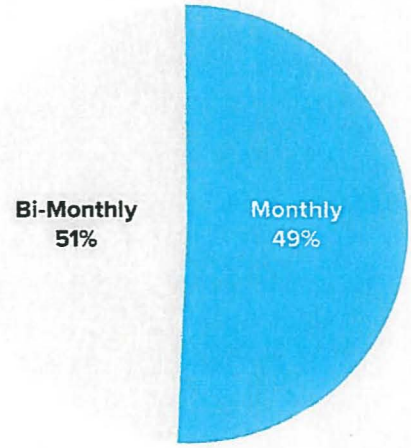



**FIGURE B:**
2015 WATER RATE STRUCTURE

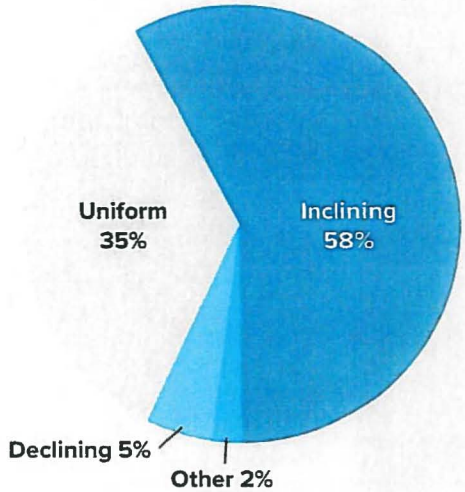
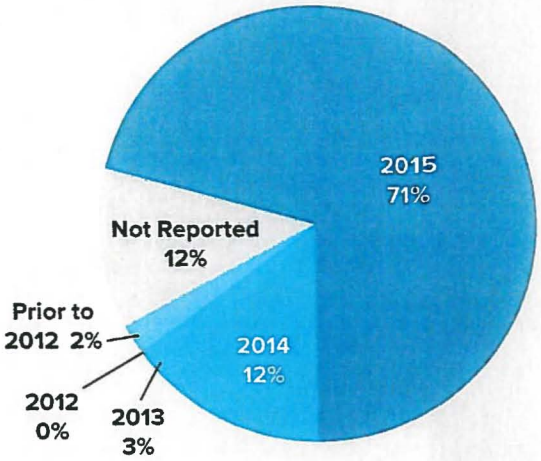


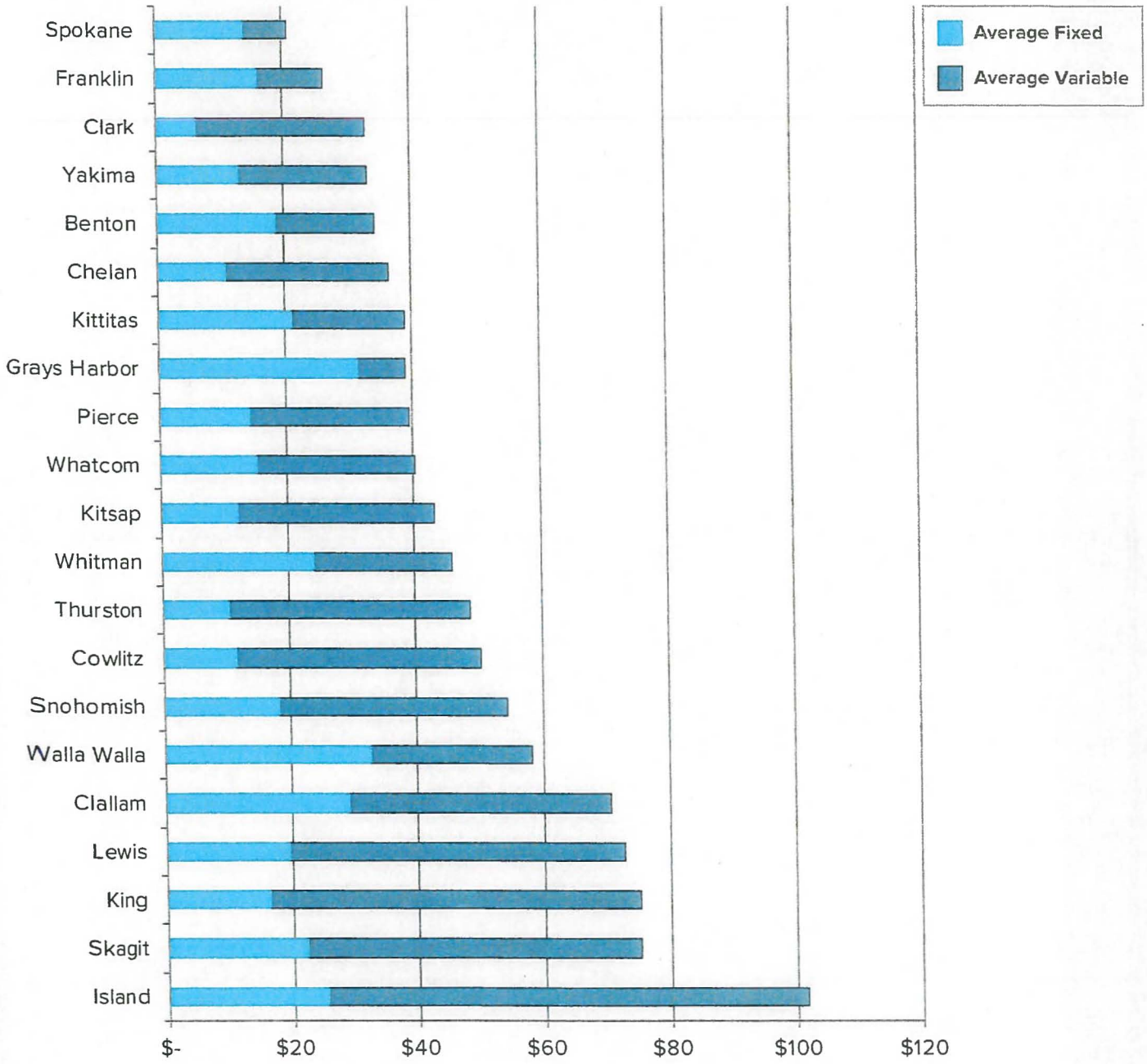

**FIGURE C:**
RATE UPDATE FREQUENCY




[1] 1 ccf = 100 cubic feet = 748 gallons of water

**FIGURE D:**

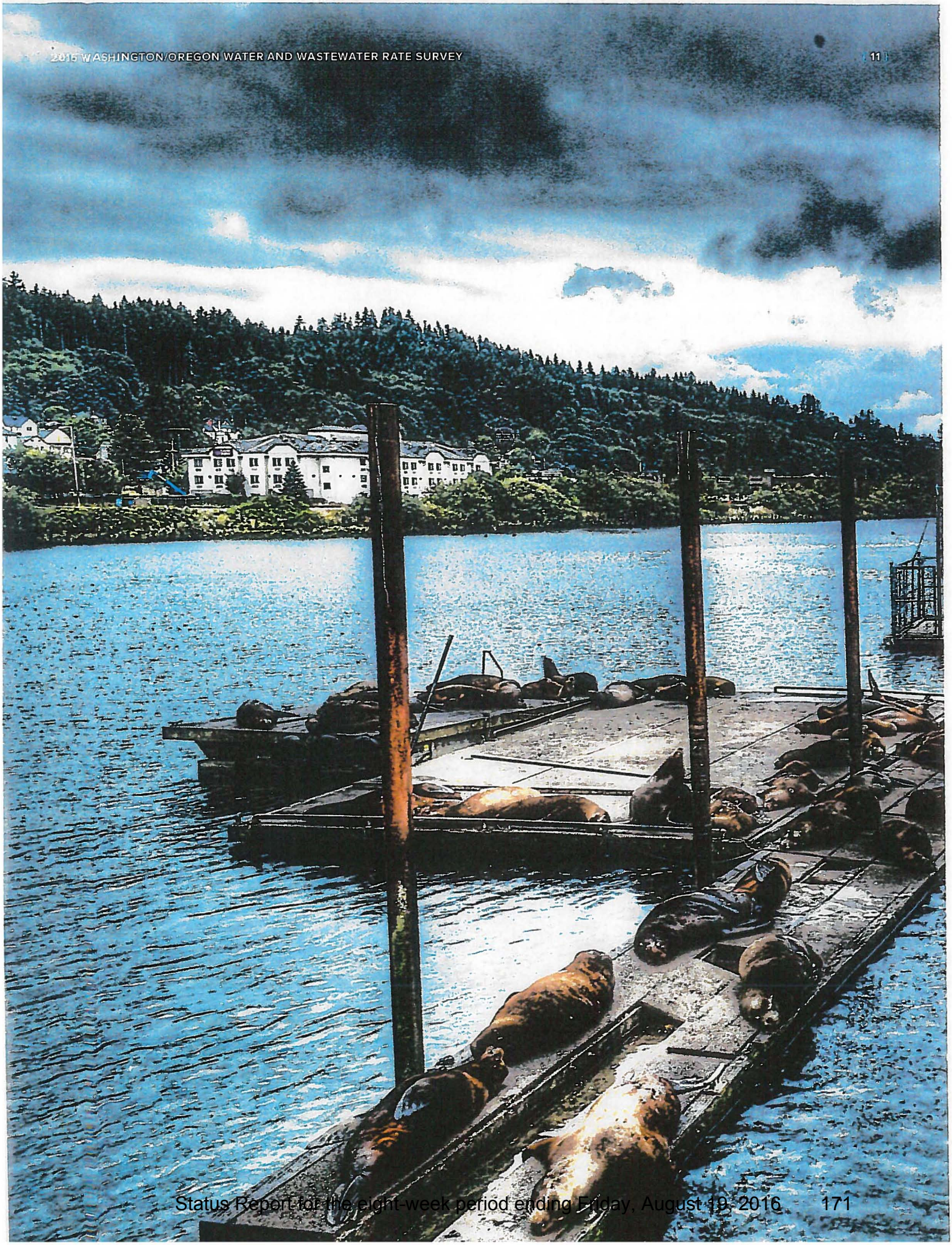
## 2015 AVERAGE MONTHLY WATER CHARGES COMPARISON BY COUNTY




**For Spokane County, utilities with no variable charge were not included in "average variable" charge calculation.*

# OREGON RATE SURVEY RESULTS

41 AGENCIES IN OREGON REPORTED WATER RATES IN THE 2016 SURVEY, AND 41 AGENCIES REPORTED WASTEWATER RATES.



## WATER BILLING FREQUENCY

As shown in Figure I, a large majority, 81%, of the utility survey's respondents has a monthly billing structure. Monthly billing is predominantly becoming more popular as it helps convey information on consumption and pricing to the agency's customer base faster. Also, as rates increase and bills get larger, customers may find it easier to pay smaller monthly bills than larger bi-monthly bills.

## WATER RATE STRUCTURE

Figure J demonstrates that inclining and uniform rate structures combine to constitute approximately 93% (48% uniform and 45% inclining) of the rate structures among utilities in this year's survey. While uniform, inclining, and declining rate structures are well known and have been in use by agencies for many years, the number of agencies utilizing water budget-based rate structures is increasing, especially in agencies that target water conservation and efficiency. Water budget-based rate structures are a type of inclining rate structure in which the block definition is different for each customer based on an efficient level of water use by that customer. The tiers are typically set based upon efficient indoor and outdoor use allocations. Please contact RFC if you need additional information on rate structures.

## WATER CHARGES

Figure K displays the year in which the 2016 survey's utilities have most recently updated their rates. A clear majority of respondents, 81%, have updated their rates within the past two years (2014 and 2015).

As in the Washington Rate Survey Results section, all charges in this survey are based on the assumption that the utility customer uses 15 ccf, or 11,220 gallons, per month. For utilities that do not bill monthly, the charge was calculated on the assumption of 15 ccf per month usage. It should be noted that the average usage can vary significantly from agency to agency. Thus, an agency with a lower average usage than 15 ccf per month will have higher bills since the rate structure of that agency was designed for their level of usage.

Figure L shows the average monthly water charges for 15 ccf by county. Based on our survey, the highest charges are found in Columbia County, while the lowest charges are in Malheur County. Only one agency responded for Columbia County.

**FIGURE I:**
2015 WATER BILLING FREQUENCY

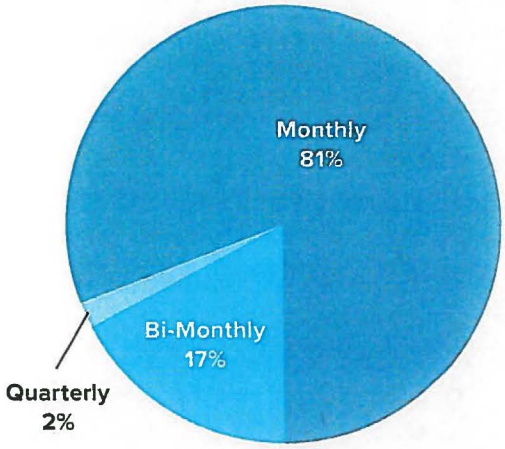



**FIGURE J:**
2015 WATER RATE STRUCTURE

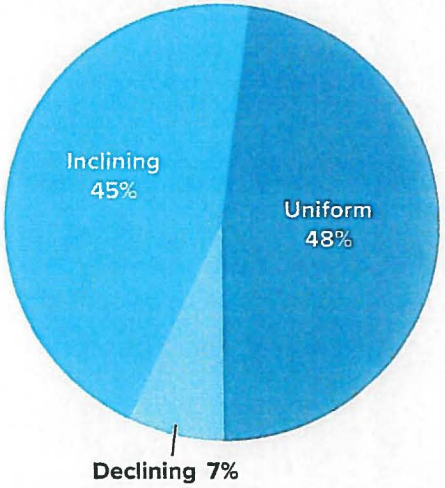



**FIGURE K:**
RATE UPDATE FREQUENCY

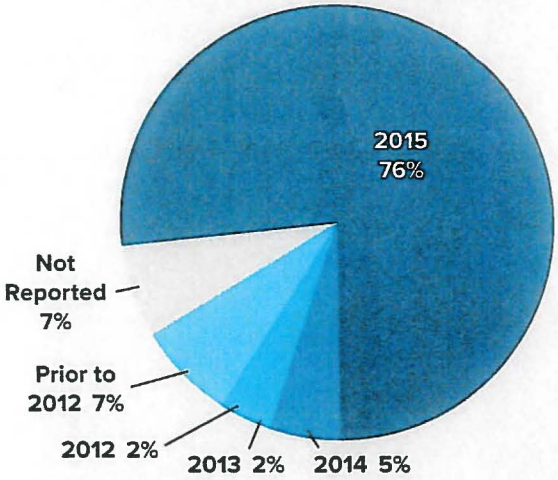
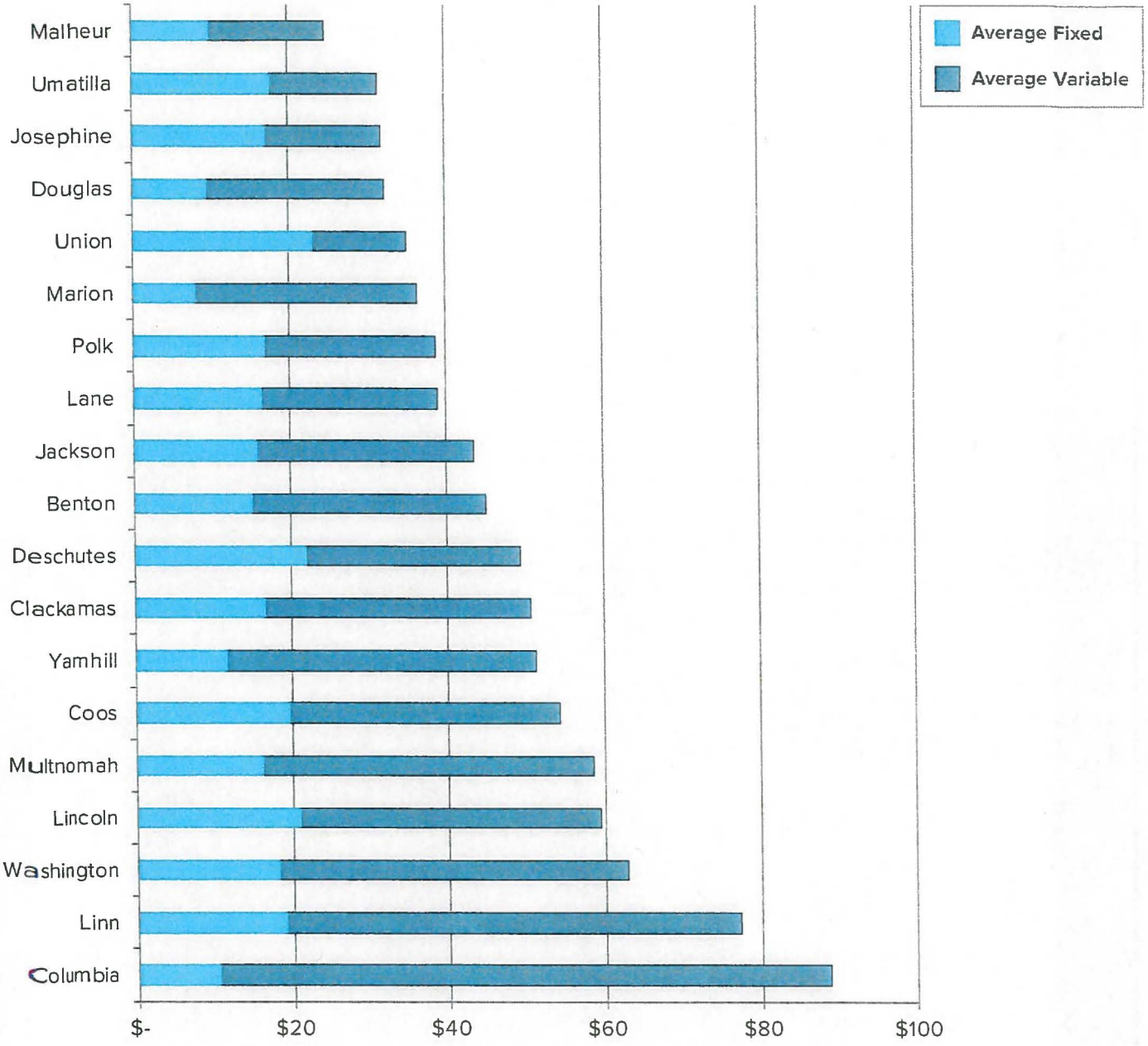



*Figure K: Total may not add to 100% due to rounding*

**FIGURE L:**

## 2015 AVERAGE MONTHLY WATER CHARGES COMPARISON BY COUNTY




**For Multnomah County, utilities with no fixed charge were not included in "average fixed" charge calculation.*

**FIGURE M:**
2015 WASTEWATER BILLING FREQUENCY

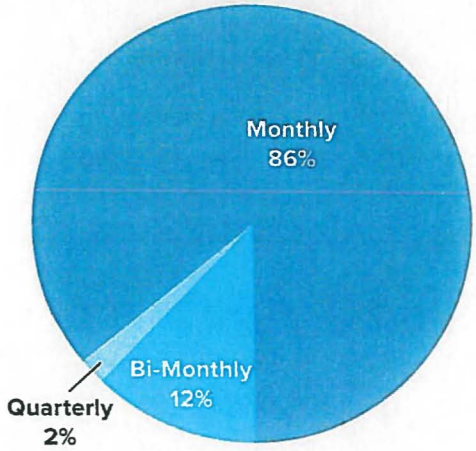



**FIGURE N:**
2015 WASTEWATER RATE STRUCTURE

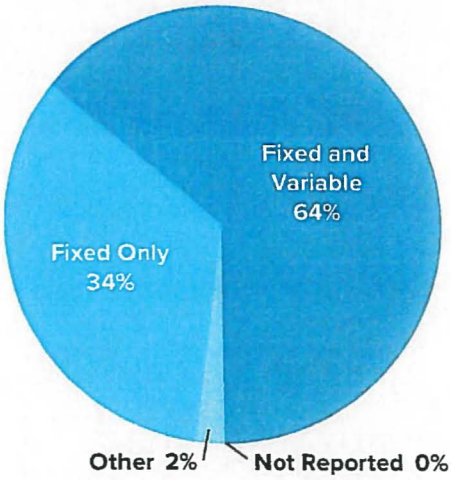
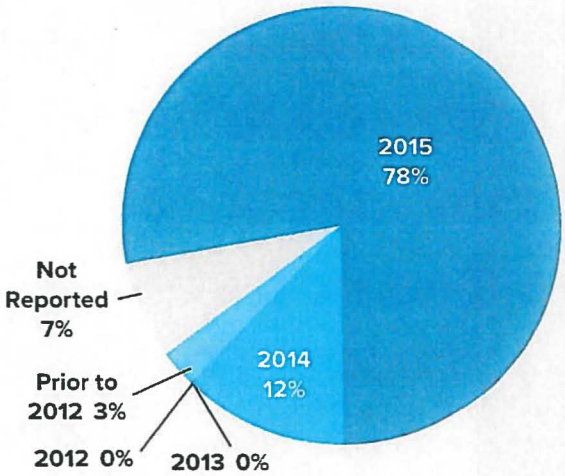



**FIGURE O:**
RATE UPDATE FREQUENCY




## WASTEWATER BILLING FREQUENCY

As shown in Figure M, a large majority, 86%, of the utility survey's respondents has a monthly billing structure.

## WASTEWATER RATE STRUCTURE

Figure N demonstrates that fixed rate structures and fixed and variable rate structures combine to constitute 98% (34% fixed only and 64% fixed and variable) of the rate structures among utilities in this year's survey.

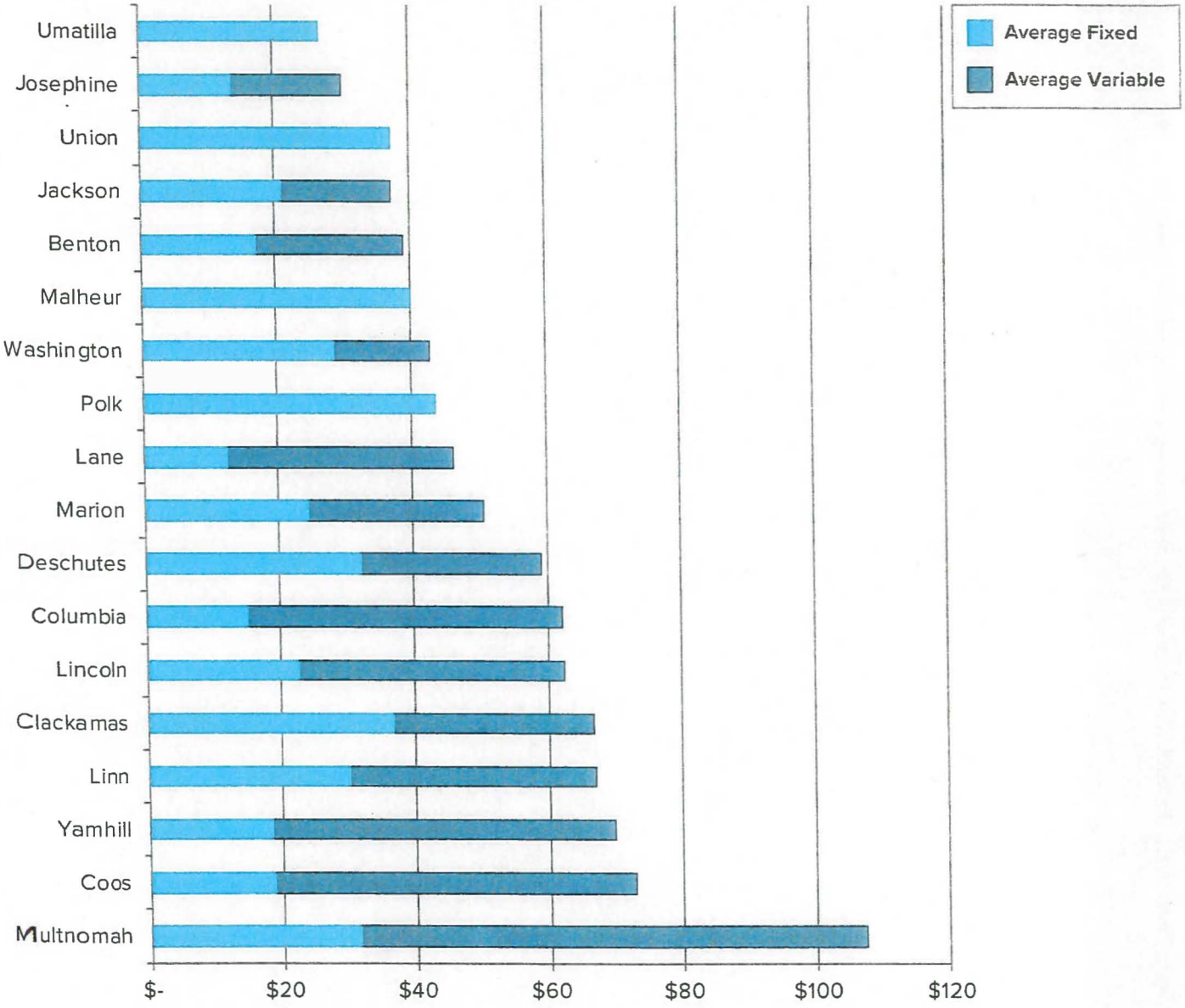
## WASTEWATER CHARGES

Figure O displays the year in which the 2016 survey's utilities have most recently updated their rates. A clear majority of respondents, 90%, have updated their rates within the past two years (2014 and 2015).

As in the Washington section, all charges below are based on the assumption that the utility customer uses 8 ccf, or 5,984 gallons, per month. For utilities that do not bill monthly, the charge was calculated on the assumption of 8 ccf per month usage.

Figure P shows the average monthly wastewater charges for 8 ccf by county. Based on our survey, the highest charges are found in Multnomah County, while the lowest charges are in Umatilla County.

**FIGURE P:**
2015 AVERAGE MONTHLY WASTEWATER CHARGES COMPARISON BY COUNTY




**For Multnomah County, utilities with no fixed charge were not included in "average fixed" charge calculation.*

***For Union, Umatilla, Polk, Clackamas, Jackson, Malheur, and Multnomah Counties, utilities with no variable charge were not included in "average variable" charge calculation.*

# Washington Water Survey Participants

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| BENTON | Kennewick | City of Kennewick | 1/1/2015 | Bi-Monthly | 10.27 | 17.51 | 27.78 | Uniform |
| | Richland | City of Richland | 4/1/2015 | Monthly | 27.25 | 14.25 | 41.50 | Uniform |
| CHELAN | Wenatchee | City of Wenatchee's Water Resource Division | | Bi-Monthly | 10.68 | 25.95 | 36.63 | Uniform |
| CLALLAM | Port Angeles | City of Port Angeles | 1/1/2015 | Monthly | 29.26 | 41.35 | 70.61 | Inclining |
| CLARK | Vancouver | City of Vancouver | 1/1/2015 | Bi-Monthly | 6.35 | 26.70 | 33.05 | Uniform |
| COWLITZ | Longview | City of Longview | | Monthly | 11.45 | 39.02 | 50.47 | Inclining |
| FRANKLIN | Pasco | City of Pasco | 4/1/2015 | Monthly | 16.25 | 10.50 | 26.75 | Uniform |
| GRAYS HARBOR | Aberdeen | City of Aberdeen | 10/1/2015 | Monthly | 31.58 | 7.56 | 39.14 | Declining |
| ISLAND | Oak Harbor | City of Oak Harbor | 12/20/2014 | Monthly | 25.50 | 76.20 | 101.70 | Inclining |
| KING | Auburn | City of Auburn | 1/1/2015 | Monthly | 15.05 | 50.13 | 65.18 | Inclining |
| | Bellevue | City of Bellevue | 1/1/2015 | Bi-Monthly | 20.10 | 63.57 | 83.67 | Inclining |
| | Bothell | City of Bothell | | Bi-Monthly | 12.01 | 51.50 | 63.51 | Inclining |
| | Burien | Highline Water District | 1/1/2015 | Monthly | 14.40 | 53.25 | 67.65 | Uniform |
| | Covington | Covington Water District | 3/6/2015 | Bi-Monthly | 21.50 | 67.85 | 89.35 | Inclining |
| | Des Moines | Highline Water District | 1/1/2015 | Monthly | 14.40 | 53.25 | 67.65 | Uniform |
| | Federal Way | Lakehaven Utility District | 1/1/2015 | Bi-Monthly | 12.35 | 31.73 | 44.08 | Inclining |
| | Issaquah | City of Issaquah | 12/1/2011 | Bi-Monthly | 12.78 | 81.35 | 94.13 | Inclining |
| | Kenmore | Northshore Utility District | 3/15/2015 | Bi-Monthly | 15.00 | 63.75 | 78.75 | Inclining |
| | Kent | City of Kent | | Bi-Monthly | 13.10 | 55.60 | 68.70 | Inclining |
| | Kirkland | City of Kirkland | 12/1/2014 | Bi-Monthly | 19.05 | 63.70 | 82.75 | Inclining |
| | Maple Valley | Covington Water District | 3/6/2015 | Bi-Monthly | 21.50 | 67.85 | 89.35 | Inclining |
| | Maple Valley | Cedar River Water & Sewer District | 11/18/2014 | Monthly | 16.23 | 55.35 | 71.58 | Inclining |
| | Mercer Island | City of Mercer Island | | Bi-Monthly | 13.20 | 74.05 | 87.25 | Inclining |
| | Redmond | City of Redmond | 1/1/2015 | Bi-Monthly | 13.80 | 52.70 | 66.50 | Inclining |
| | Renton | City of Renton | 1/1/2015 | Monthly | 17.60 | 52.12 | 69.72 | Inclining |
| | Sammamish | Sammamish Plateau Water & Sewer District | 7/20/2015 | Bi-Monthly | 25.89 | 33.60 | 59.49 | Inclining |
| | Seatac | King County Water District #125 | 2/21/2015 | Bi-Monthly | 13.00 | 54.06 | 67.06 | Inclining |
| | Seattle | Seattle Public Utilities | 1/1/2014 | Bi-Monthly | 13.75 | 74.85 | 88.60 | Uniform |
| | Shoreline | Seattle Public Utilities | 1/1/2014 | Monthly | 16.70 | 90.75 | 107.45 | Uniform |

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| KING | Shoreline | North City Water District | | Bi-Monthly | 25.71 | 59.37 | 85.08 | Inclining |
| | Tukwila | City of Tukwila | 1/1/2015 | Monthly | 16.00 | 42.00 | 58.00 | Uniform |
| KITSAP | Bremerton | City of Bremerton | 1/1/2015 | Monthly | 12.11 | 31.35 | 43.46 | Uniform |
| KITTITAS | Ellensburg | City of Ellensburg | 1/1/2015 | Monthly | 21.17 | 17.93 | 39.10 | Inclining |
| LEWIS | Centralia | City of Centralia | 1/1/2015 | Monthly | 19.51 | 53.40 | 72.91 | Inclining |
| PIERCE | Bonney Lake | City of Bonney Lake | 1/1/2015 | Monthly | 14.71 | 24.25 | 38.96 | Inclining |
| | Lakewood | Lakewood Water District | 1/1/2015 | Bi-Monthly | 14.79 | 16.98 | 31.77 | Inclining |
| | Puyallup | City of Puyallup | 2/1/2015 | Bi-Monthly | 8.16 | 35.51 | 43.67 | Inclining |
| | Tacoma | Tacoma Public Utilities | 4/1/2015 | Monthly | 19.60 | 24.68 | 44.28 | Uniform |
| SKAGIT | Mount Vernon | Skagit Public Utility District | 1/1/2015 | Bi-Monthly | 22.35 | 52.91 | 75.26 | Other |
| SNOHOMISH | Arlington | City of Arlington | 1/15/2013 | Monthly | 32.15 | 36.08 | 68.23 | Inclining |
| | Edmonds | Edmonds Utilities | 1/1/2015 | Bi-Monthly | 13.16 | 41.10 | 54.26 | Uniform |
| | Everett | City of Everett | 7/1/2015 | Bi-Monthly | 18.95 | 37.90 | 56.85 | Uniform |
| | Lake Stevens | Snohomish County Public Utility District | 1/1/2015 | Monthly | 21.64 | 49.65 | 71.29 | Uniform |
| | Lynnwood | City of Lynnwood | 1/1/2015 | Bi-Monthly | 19.38 | 22.20 | 41.58 | Inclining |
| | Marysville | City of Marysville | 1/1/2015 | Bi-Monthly | 10.90 | 36.92 | 47.82 | Inclining |
| | Mill Creek | Alderwood Water & Wastewater District | 10/1/2013 | Bi-Monthly | 14.95 | 35.20 | 50.15 | Inclining |
| | Monroe | City of Monroe | 1/1/2015 | Monthly | 22.92 | 30.25 | 53.17 | Uniform |
| | Mukilteo | Mukilteo Water and Wastewater District | 1/1/2015 | Bi-Monthly | 11.70 | 35.86 | 47.56 | Uniform |
| SPOKANE | Spokane | City of Spokane | 1/1/2015 | Monthly | 14.92 | 8.19 | 23.11 | Inclining |
| | Spokane Valley | Modern Electric Water Company | 10/1/2015 | Monthly | 10.95 | 6.00 | 16.95 | Uniform |
| | Spokane Valley | Vera Water & Power | 1/1/2014 | Monthly | 16.00 | 0.00 | 16.00 | Declining |
| THURSTON | Lacey | City of Lacey | 1/1/2015 | Monthly | 13.41 | 32.46 | 45.87 | Inclining |
| | Olympia | City of Olympia | 1/1/2015 | Bi-Monthly | 10.96 | 46.67 | 57.63 | Inclining |
| | Tumwater | City of Tumwater | | Monthly | 7.32 | 35.73 | 43.05 | Inclining |
| WALLA WALLA | Walla Walla | City of Walla Walla | 1/1/2015 | Monthly | 32.90 | 25.50 | 58.40 | Uniform |
| WHATCOM | Bellingham | City of Bellingham | 1/1/2015 | Bi-Monthly | 15.42 | 25.05 | 40.47 | Uniform |
| WHITMAN | Pullman | City of Pullman | 11/1/2015 | Monthly | 24.25 | 22.00 | 46.25 | Inclining |
| YAKIMA | Sunnyside | City of Sunnyside | 1/1/2015 | Monthly | 16.88 | 19.35 | 36.23 | Declining |
| | Yakima | City of Yakima | 1/1/2014 | Bi-Monthly | 8.77 | 21.90 | 30.67 | Uniform |

*Commodity charge based on the usage of 15 ccf, or 11,220 gallons, per month*

# Washington Wastewater Survey Participants

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| BENTON | Kennewick | City of Kennewick | 1/1/2015 | Bi-Monthly | 21.22 | 0.00 | 21.22 | Fixed Only |
| | Richland | City of Richland | 1/1/2010 | Monthly | 25.60 | 0.00 | 25.60 | Fixed Only |
| CHELAN | Wenatchee | City of Wenatchee's Water Resource Division | | Bi-Monthly | 23.92 | 0.00 | 23.92 | Fixed Only |
| CLALLAM | Port Angeles | City of Port Angeles | 1/1/2015 | Monthly | 71.45 | 0.00 | 71.45 | Fixed Only |
| CLARK | Vancouver | City of Vancouver | 1/1/2015 | Bi-Monthly | 13.47 | 22.45 | 35.92 | Fixed and Variable |
| COWLITZ | Longview | City of Longview | | Monthly | 31.85 | 40.32 | 72.17 | Fixed and Variable |
| FRANKLIN | Pasco | City of Pasco | 4/1/2015 | Monthly | 24.80 | 0.00 | 24.80 | Fixed Only |
| GRAYS HARBOR | Aberdeen | City of Aberdeen | 10/1/2015 | Monthly | 35.37 | 0.00 | 35.37 | Fixed Only |
| ISLAND | Oak Harbor | City of Oak Harbor | 12/20/2014 | Monthly | 57.50 | 0.00 | 57.50 | Fixed Only |
| KING | Auburn | City of Auburn | 1/1/2015 | Monthly | 65.72 | 0.00 | 65.72 | Fixed Only |
| | Bellevue | City of Bellevue | 1/1/2015 | Bi-Monthly | 42.03 | 29.12 | 71.15 | Fixed and Variable |
| | Bothell | City of Bothell | | Bi-Monthly | 56.76 | 22.56 | 79.32 | Fixed and Variable |
| | Burien | Southwest Suburban Sewer District | 1/1/2015 | Bi-Monthly | 29.50 | 0.00 | 29.50 | Fixed Only |
| | Covington | Soos Creek Water & Sewer District | | Bi-Monthly | 59.53 | 0.00 | 59.53 | Fixed Only |
| | Des Moines | Midway Sewer District | 1/1/2015 | Bi-Monthly | 25.00 | 0.00 | 25.00 | Fixed Only |
| | Federal Way | Lakehaven Utility District | 1/1/2015 | Bi-Monthly | 12.41 | 36.80 | 49.21 | Fixed and Variable |
| | Issaquah | City of Issaquah | 12/1/2014 | Bi-Monthly | 43.76 | 17.36 | 61.12 | Fixed and Variable |
| | Kenmore | Northshore Utility District | 3/15/2015 | Bi-Monthly | 56.70 | 1.88 | 58.58 | Fixed and Variable |
| | Kent | City of Kent | 1/1/2015 | Monthly | 60.71 | 0.00 | 60.71 | Fixed Only |
| | Kirkland | City of Kirkland | 12/1/2014 | Bi-Monthly | 55.05 | 21.70 | 76.75 | Fixed and Variable |
| | Maple Valley | Soos Creek Water & Sewer District | | Bi-Monthly | 59.53 | 0.00 | 59.53 | Fixed Only |
| | Mercer Island | City of Mercer Island | | Bi-Monthly | 59.15 | 28.55 | 87.70 | Fixed and Variable |
| | Redmond | City of Redmond | 1/1/2015 | Bi-Monthly | 55.93 | 0.00 | 55.93 | Fixed Only |
| | Renton | City of Renton | 1/1/2015 | Monthly | 70.26 | 0.00 | 70.26 | Fixed Only |
| | Sammamish | Sammamish Plateau Water & Sewer District | 7/20/2015 | Bi-Monthly | 74.22 | 0.00 | 74.22 | Fixed Only |
| | Seatac | Valley View Sewer District | 1/1/2015 | Bi-Monthly | 54.05 | 0.00 | 54.05 | Fixed Only |
| | Seattle | Seattle Public Utilities | 1/1/2015 | Bi-Monthly | 11.84 | 82.88 | 94.72 | Fixed and Variable |
| | Shoreline | Ronald Wastewater District | | Bi-Monthly | 53.50 | 0.00 | 53.50 | Fixed Only |

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| KING | Tukwila | City of Tukwila | 1/1/2015 | Monthly | 71.03 | 0.00 | 71.03 | Fixed Only |
| KITSAP | Bremerton | City of Bremerton | 1/1/2015 | Monthly | 33.49 | 35.92 | 69.41 | Fixed and Variable |
| KITTITAS | Ellensburg | City of Ellensburg | 1/1/2015 | Monthly | 33.26 | 0.00 | 33.26 | Fixed Only |
| LEWIS | Centralia | City of Centralia | 1/1/2015 | Monthly | 63.50 | 17.92 | 81.42 | Fixed and Variable |
| PIERCE | Bonney Lake | City of Bonney Lake | 7/1/2015 | Monthly | 53.45 | 26.56 | 80.01 | Fixed and Variable |
| | Lakewood | Pierce County | 1/2/2015 | Monthly | 44.18 | 0.00 | 44.18 | Fixed Only |
| | Puyallup | City of Puyallup | 2/1/2015 | Bi-Monthly | 16.98 | 41.20 | 58.18 | Fixed and Variable |
| | Tacoma | City of Tacoma | 1/1/2015 | Monthly | 21.50 | 32.40 | 53.90 | Fixed and Variable |
| SKAGIT | Mount Vernon | City of Mount Vernon | 1/1/2013 | Bi-Monthly | 30.65 | 22.80 | 53.45 | Fixed and Variable |
| SNOHOMISH | Arlington | City of Arlington | 1/15/2013 | Monthly | 70.15 | 0.00 | 70.15 | Fixed Only |
| | Edmonds | Edmonds Utilities | 1/1/2015 | Bi-Monthly | 30.36 | 0.00 | 30.36 | Fixed Only |
| | Everett | City of Everett | 7/1/2015 | Bi-Monthly | 39.25 | 0.00 | 39.25 | Fixed Only |
| | Lake Stevens | Lake Stevens Sewer District | 1/1/2015 | Monthly | 80.00 | 0.00 | 80.00 | Fixed Only |
| | Lynnwood | City of Lynnwood | 1/1/2015 | Bi-Monthly | 40.30 | 0.00 | 40.30 | Fixed and Variable |
| | Marysville | City of Marysville | 1/1/2015 | Bi-Monthly | 40.60 | 0.00 | 40.60 | Fixed Only |
| | Mill Creek | Alderwood Water & Wastewater District | 10/1/2013 | Bi-Monthly | 54.00 | 0.75 | 54.75 | Fixed and Variable |
| | Monroe | City of Monroe | 1/1/2015 | Monthly | 94.51 | 0.00 | 94.51 | Fixed and Variable |
| | Mukilteo | Mukilteo Water and Wastewater District | 1/1/2015 | Bi-Monthly | 61.86 | 0.00 | 61.86 | Fixed Only |
| SPOKANE | Spokane | City of Spokane | 1/1/2015 | Monthly | 28.06 | 0.00 | 28.06 | Fixed Only |
| | Spokane Valley | Spokane County Utilities | 1/1/2014 | Monthly | 47.01 | 0.00 | 47.01 | Fixed Only |
| THURSTON | Lacey | City of Lacey | 1/1/2015 | Monthly | 54.10 | 0.00 | 54.10 | Fixed Only |
| | Olympia | City of Olympia | 1/1/2015 | Bi-Monthly | 55.73 | 0.00 | 55.73 | Fixed Only |
| | Tumwater | City of Tumwater | | Monthly | 51.51 | 0.00 | 51.51 | Fixed Only |
| WALLA WALLA | Walla Walla | City of Walla Walla | 1/1/2015 | Monthly | 52.10 | 0.00 | 52.10 | Fixed Only |
| WHATCOM | Bellingham | City of Bellingham | 1/1/2015 | Bi-Monthly | 37.24 | 0.00 | 37.24 | Fixed Only |
| WHITMAN | Pullman | City of Pullman | 11/1/2015 | Monthly | 38.15 | 0.00 | 38.15 | Fixed Only |
| YAKIMA | Sunnyside | City of Sunnyside | 1/1/2010 | Monthly | 40.65 | 18.05 | 58.70 | Fixed and Variable |
| | Yakima | City of Yakima | 1/1/2014 | Bi-Monthly | 20.62 | 24.08 | 44.70 | Fixed and Variable |

*Commodity charge based on the usage of 8 ccf, or 5,984 thousand gallons, per month*

# Oregon Water Survey Participants

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| BENTON | Corvallis | City of Corvallis | 7/1/2014 | Monthly | 15.04 | 29.90 | 44.94 | Inclining |
| CLACKAMAS | Canby | Canby Utility | 11/11/2015 | Monthly | 19.81 | 25.24 | 45.05 | Inclining |
| | Damascus | Sunrise Water Authority | 7/1/2011 | Bi-Monthly | 14.00 | 36.00 | 50.00 | Inclining |
| | Gladstone | City of Gladstone | 7/1/2015 | Bi-Monthly | 15.80 | 15.75 | 31.55 | Uniform |
| | Happy Valley | Sunrise Water Authority | 7/1/2011 | Bi-Monthly | 14.00 | 36.00 | 50.00 | Inclining |
| | Lake Oswego | City of Lake Oswego | 7/1/2015 | Monthly | 24.96 | 47.35 | 72.31 | Inclining |
| | Milwaukie | City of Milwaukie | 7/1/2015 | Monthly | 7.15 | 48.60 | 55.75 | Uniform |
| | Oregon City | City of Oregon City | 7/1/2015 | Monthly | 14.70 | 36.90 | 51.60 | Uniform |
| | West Linn | City of West Linn | 1/1/2015 | Monthly | 19.48 | 17.92 | 37.40 | Uniform |
| | Wilsonville | City of Wilsonville | 1/1/2015 | Monthly | 19.56 | 42.77 | 62.33 | Uniform |
| COLUMBIA | St. Helens | City of St. Helens | 12/1/2015 | Bi-Monthly | 10.48 | 78.29 | 88.77 | Uniform |
| COOS | Coos Bay | Coos Bay - North Bend Water Board | | Monthly | 19.63 | 34.69 | 54.32 | Uniform |
| DESCHUTES | Bend | City of Bend | 7/1/2015 | Monthly | 22.02 | 27.30 | 49.32 | Uniform |
| DOUGLAS | Roseburg | City of Roseburg | 7/1/2013 | Monthly | 9.55 | 22.80 | 32.35 | Uniform |
| JACKSON | Ashland | City of Ashland | 7/1/2015 | Monthly | 23.50 | 48.22 | 71.72 | Inclining |
| | Medford | Medford Water Commission | 3/1/2015 | Monthly | 8.00 | 7.28 | 15.28 | Inclining |
| JOSEPHINE | Grants Pass | City of Grants Pass | 1/1/2015 | Monthly | 17.10 | 14.75 | 31.85 | Inclining |
| LANE | Eugene | Eugene Water & Electric Board | 2/1/2015 | Monthly | 19.20 | 20.92 | 40.12 | Inclining |
| | Springfield | Springfield Utility Board | 1/1/2015 | Monthly | 13.80 | 23.88 | 37.68 | Inclining |
| LINCOLN | Newport | City of Newport | 7/1/2015 | Monthly | 20.85 | 38.50 | 59.35 | Uniform |
| LINN | Albany | City of Albany | 7/1/2015 | Monthly | 17.93 | 46.71 | 64.64 | Declining |
| | Lebanon | City of Lebanon | 7/1/2015 | Monthly | 20.00 | 69.75 | 89.75 | Uniform |
| MALHEUR | Ontario | City of Ontario | | Monthly | 10.00 | 14.85 | 24.85 | Uniform |
| MARION | Keizer | City of Keizer | 1/1/2015 | Bi-Monthly | 5.01 | 19.50 | 24.51 | Uniform |
| | Salem | City of Salem | 1/1/2015 | Monthly | 6.32 | 38.70 | 45.02 | Uniform |
| | Woodburn | City of Woodburn | 12/1/2006 | Monthly | 12.81 | 26.85 | 39.66 | Inclining |
| MULTNOMAH | Gresham | City of Gresham | 7/1/2015 | Bi-Monthly | 20.70 | 33.90 | 54.60 | Inclining |
| | Portland | Portland Water Bureau | 7/1/2015 | Quarterly | 11.91 | 59.10 | 71.01 | Uniform |
| | Troutdale | City of Troutdale | 7/1/2015 | Monthly | 0.00 | 33.99 | 33.99 | Uniform |

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| POLK | Dallas | City of Dallas | 6/1/2015 | Monthly | 16.90 | 21.84 | 38.74 | Uniform |
| UMATILLA | Hermiston | City of Hermiston | 7/1/2015 | Monthly | 17.14 | 10.40 | 27.54 | Declining |
| | Pendleton | City of Pendleton | 4/1/2014 | Monthly | 18.15 | 17.25 | 35.40 | Inclining |
| UNION | La Grande | City of La Grande | 8/1/2015 | Monthly | 23.14 | 12.00 | 35.14 | Declining |
| WASHINGTON | Beaverton | City of Beaverton | | Monthly | 13.00 | 44.55 | 57.55 | Uniform |
| | Cornelius | City of Cornelius | 7/1/2015 | Monthly | 25.85 | 47.10 | 72.95 | Inclining |
| | Forest Grove | City of Forest Grove | 7/1/2015 | Monthly | 22.04 | 26.79 | 48.83 | Inclining |
| | Hillsboro | City of Hillsboro | 10/1/2015 | Bi-Monthly | 13.71 | 31.63 | 45.34 | Inclining |
| | Sherwood | City of Sherwood | 7/1/2015 | Monthly | 19.49 | 59.40 | 78.89 | Inclining |
| | Tigard | City of Tigard | 1/1/2015 | Monthly | 25.83 | 63.96 | 89.79 | Inclining |
| | Tualatin | City of Tualatin | 7/1/2015 | Monthly | 7.34 | 39.00 | 46.34 | Uniform |
| YAMHILL | McMinnville | McMinnville Water & Light | 10/1/2012 | Monthly | 12.11 | 23.05 | 35.16 | Inclining |
| | Newberg | City of Newberg | 1/1/2015 | Monthly | 11.48 | 55.95 | 67.43 | Uniform |

*Commodity charge based on the usage of 15 ccf, or 11,220 gallons, per month

# Oregon Wastewater Survey Participants

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| BENTON | Corvallis | City of Corvallis | 7/1/2014 | Monthly | 17.24 | 21.92 | 39.16 | Fixed and Variable |
| CLACKAMAS | Canby | City of Canby | 7/1/2015 | Monthly | 46.20 | 0.00 | 46.20 | Fixed Only |
| | Gladstone | City of Gladstone | 11/1/2008 | Bi-Monthly | 11.65 | 0.00 | 11.65 | Fixed Only |
| | Happy Valley | Clackamas County Service District # 1 | 7/1/2015 | Monthly | 43.50 | 0.00 | 43.50 | Fixed Only |
| | Lake Oswego | City of Lake Oswego | 7/1/2015 | Monthly | 51.25 | 15.12 | 66.37 | Fixed and Variable |
| | Milwaukie | City of Milwaukie | 7/1/2015 | Monthly | 37.21 | 21.76 | 58.97 | Fixed and Variable |
| | Oregon City | City of Oregon City | 7/1/2015 | Monthly | 49.83 | 0.00 | 49.83 | Fixed Only |
| | West Linn | City of West Linn | 1/1/2015 | Monthly | 36.08 | 0.00 | 36.08 | Fixed Only |
| | Wilsonville | City of Wilsonville | 1/1/2014 | Monthly | 19.84 | 53.10 | 72.94 | Fixed and Variable |
| COLUMBIA | St. Helens | City of St. Helens | 12/1/2015 | Bi-Monthly | 15.27 | 46.92 | 62.18 | Fixed and Variable |
| COOS | Coos Bay | City of Coos Bay | | Monthly | 18.86 | 54.08 | 72.94 | Fixed and Variable |
| DESCHUTES | Bend | City of Bend | 7/1/2015 | Monthly | 32.24 | 27.04 | 59.28 | Fixed and Variable |
| JACKSON | Ashland | City of Ashland | 7/1/2015 | Monthly | 27.41 | 16.36 | 43.77 | Fixed and Variable |
| | Central Point | Rogue Valley Sewer Services | 7/1/2015 | Monthly | 18.30 | 0.00 | 18.30 | Fixed Only |
| | Medford | City of Medford | 7/15/2015 | Monthly | 17.82 | 0.00 | 17.82 | Fixed Only |
| JOSEPHINE | Grants Pass | City of Grants Pass | 1/1/2015 | Monthly | 13.62 | 16.68 | 30.30 | Fixed and Variable |
| LANE | Eugene | City of Eugene | 7/1/2015 | Monthly | 12.33 | 27.26 | 39.59 | Fixed and Variable |
| LANE | Springfield | City of Springfield | 7/1/2015 | Monthly | 12.33 | 40.74 | 53.07 | Fixed and Variable |
| LINCOLN | Newport | City of Newport | 7/1/2015 | Monthly | 22.90 | 39.60 | 62.50 | Fixed and Variable |
| LINN | Albany | City of Albany | 7/1/2015 | Monthly | 37.38 | 21.08 | 58.46 | Fixed and Variable |
| | Lebanon | City of Lebanon | 7/1/2015 | Monthly | 22.98 | 52.56 | 75.54 | Fixed and Variable |
| MALHEUR | Ontario | City of Ontario | | Monthly | 40.27 | 0.00 | 40.27 | Fixed Only |
| MARION | Keizer | City of Keizer | 1/1/2015 | Bi-Monthly | 12.60 | 26.64 | 39.24 | Fixed and Variable |
| | Salem | City of Salem | 1/1/2015 | Monthly | 16.59 | 25.84 | 42.43 | Fixed and Variable |
| | Woodburn | City of Woodburn | 7/1/2014 | Monthly | 44.64 | 25.95 | 70.59 | Fixed and Variable |
| MULTNOMAH | Gresham | City of Gresham | 7/1/2015 | Bi-Monthly | 27.49 | 0.00 | 27.49 | Fixed Only |
| | Portland | Bureau of Environmental Services | 7/1/2015 | Quarterly | 0.00 | 76.00 | 76.00 | Other |
| | Troutdale | City of Troutdale | 7/1/2015 | Monthly | 35.73 | 0.00 | 35.73 | Fixed Only |

| County | City | Water Service Provider | Effective Date | Billing Frequency | Fixed Charge | Commodity Charge* | Total Charge | Rate Format |
|---|---|---|---|---|---|---|---|---|
| POLK | Dallas | City of Dallas | 6/1/2015 | Monthly | 43.93 | 0.00 | 43.93 | Fixed Only |
| UMATILLA | Hermiston | City of Hermiston | 7/1/2015 | Monthly | 23.56 | 0.00 | 23.56 | Fixed Only |
| | Pendleton | City of Pendleton | 4/1/2014 | Monthly | 30.45 | 0.00 | 30.45 | Fixed Only |
| UNION | La Grande | City of La Grande | 8/1/2015 | Monthly | 37.34 | 0.00 | 37.34 | Fixed Only |
| WASHINGTON | Beaverton | City of Beaverton | | Monthly | 28.63 | 14.16 | 42.79 | Fixed and Variable |
| | Cornelius | City of Cornelius | 7/1/2015 | Monthly | 33.97 | 14.22 | 48.19 | Fixed and Variable |
| | Forest Grove | City of Forest Grove | 7/1/2015 | Monthly | 30.55 | 14.20 | 44.75 | Fixed and Variable |
| | Hillsboro | City of Hillsboro | 7/1/2015 | Bi-Monthly | 26.63 | 14.16 | 40.79 | Fixed and Variable |
| | Sherwood | City of Sherwood | 7/1/2015 | Monthly | 27.27 | 14.16 | 41.43 | Fixed and Variable |
| | Tigard | City of Tigard | 7/1/2015 | Monthly | 26.63 | 14.16 | 40.79 | Fixed and Variable |
| | Tualatin | City of Tualatin | 7/1/2015 | Monthly | 27.44 | 14.66 | 42.10 | Fixed and Variable |
| YAMHILL | McMinnville | City of McMinnville | 7/1/2014 | Monthly | 17.73 | 40.64 | 58.37 | Fixed and Variable |
| | Newberg | City of Newberg | 1/1/2015 | Monthly | 19.43 | 62.16 | 81.59 | Fixed and Variable |

*Commodity charge based on the usage of 8 ccf, or 5,984 gallons, per month

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