



OFFICE OF THE CITY MANAGER  
City of Newport, Oregon  
169 S.W. Coast Hwy.  
Newport, OR 97365  
541-574-0603  
s.nebel@newportoregon.gov

## MEMO

DATE: January 29, 2020  
TO: Mayor and City Council  
FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Four-week Period Ending Friday, January 24, 2020.

We are off to a busy start for 2020. We are also recharging our water aquifer in a relatively big way, as well. Hopefully, the rains will abate a bit as we roll into February and we don't have further complications from rain with slides in the area.

### Highlights of activities over the last four weeks include the following:

- Spoke with Mike Clifford who owns a house on Alpine Street that has been used as a vacation rental. He acquired this property four years ago and indicated that he was not aware that the license did not automatically carry over to the new owner. As a result, he has been provided a notice to cease operations since he may not legally have been licensed at the time the new ordinance became effective. He has placed the property on the waiting list, and is hoping for Council consideration to expedite this issue. He indicated that he acquired this property both for his family's use and to rent as a vacation rental when the family is not using it. Part of his financial model depended upon renting it as a vacation rental. I indicated that the code is quite specific and that he cannot operate that unit as a vacation rental. I did explain when openings occur on the vacation rental list, he will be able to apply to use the property as a vacation rental. He is fairly high on the list, however, he will also be required to meet spacing standards that are included in the code. I indicated I would share his concerns with the Vacation Rental Implementation Group in February along with other similar requests.
- Prepared a year-end report for Council.
- Mayor Sawyer and I participated in a conference call with Ross Williamson to discuss the handling of the appeal on the Rogue Room Tax issue.
- Barb James and I participated in a call to Mark Wolf regarding mediation with the Newport Employees Association.
- Prepared agenda items for the January 6 Council meeting. This included compilation of all the materials for the reconsideration on the room tax decision for Rogue Ales.
- City Hall was closed on January 1 in observation of the New Year holiday.

- Participated in a final phone screen for candidates for the Parks and Recreation Director's position.
- Participated in mediation with a state mediator and the Newport Employees Association. This took most of the day. At the end of the day, there were still differences between the City's position and the NEA's position. The mediator has scheduled a follow-up session to see if we can resolve the differences.
- Participated in a routine Department Head meeting.
- Tim Gross, Peggy Hawker and I met with Robert Franz to discuss the upcoming Sunwest Motors trial. As Public Works Director, Tim Gross would be the primary witness on behalf of the City due to the engineering/public works nature of this litigation.
- Participated in a regular meeting of the Vision 2040 Advisory Committee. This meeting was to finalize a report for the City Council's goal setting session.
- Met with the Mayor to review the agenda for the January 6 meetings.
- Participated in a work session with Council on January 6. This meeting included the Sister City Committee interview, and discussion of a parking plan for the Bayfront, City Center and Nye Beach areas, and an executive session.
- Held a meeting for the second step of a grievance filed on behalf of the firefighters regarding a disciplinary action involving an engineer. After the meeting, I prepared a response denying the grievance.
- Participated in an ODOT stakeholders' interview regarding ODOT updating their statewide transportation highway plan.
- Held a bi-monthly meeting with Derrick Tokos.
- Met with Peggy Hawker, Richard Dutton and Gloria Tucker on a program offered by Granicus to send notifications of various meetings, and other communications, to people who request them. We currently have a system that Richard Dutton developed. The Granicus system has additional features that we would utilize not only for meeting notices, but also for publishing our E-Blast and other communications to the email list. This is something we will be looking at in the next fiscal year.
- Held bi-monthly meetings with Barb James, along with Mayor Sawyer and Derrick Tokos.
- Participated in an update on OSU's efforts to develop student housing. Steve Clark, Vice President of Marketing, indicated that it is important to remember that the Marine Studies Initiative is a project that will be implemented over the next decade, with the program intended to serve 500 students a year. Currently, Hatfield serves 100-120 summer students, primarily. It is anticipated that the maximum number of students participating in the Marine Studies Initiative would be 350 at any one time, once the program is completely built up. This would include 12-15 new faculty members with approximately two support staff for each faculty member. The MSI building is expected to open June 9. Sixty percent of this building will be occupied immediately.

University of Oregon's Chief Financial Officer indicated that the university has had a number of challenges, including current downward pressure on enrollment based on a smaller population of college-aged students. The university is addressing some of the same issues that cities are addressing with PERS, and other employee costs, causing the university to reduce their overall budget by \$40 million dollars.

In addition, with the cost of construction exceeding the available funding, a \$10 million dollar construction gap has been picked up by OSU, as well. The CFO indicated that student housing is run as a self-supporting auxiliary fund which has created some challenges in getting this project off the ground, since the cost of construction is substantially higher on the coast than what is incurred in Corvallis. Furthermore, the nature of this program is that students may be studying in Newport for just a semester. Dealing with temporary housing on this basis adds additional challenges, as well.

The good news is that they have laid out a plan to move forward with housing. This will be done in two phases. Phase 1 consists of five three or four bedroom duplexes which could house between 120-160 students. This first phase is approximately \$10 million dollars and is expected to be online by June 21. This will help address the housing needs of the first part of this program. The second phase would be more traditional residence student housing and would be timed with the growth of this program.

It was also indicated that the MSI programs will be initiated at OSU in the fall of 2022. It is anticipated that students in this program would participate in marine studies at the MSI building during their junior year which would be 2024. This would be the timing for addressing the second phase of housing. OSU indicated that they will try to keep the lines of communication open between the Newport community stakeholders and the university. They acknowledge that they have not done a good job of this since the kickoff of construction for the MSI building. I've attached a fact sheet on the MSI housing issues provided to us by OSU. Overall, it was good to have a good cross section of the OSU administrative team providing this update. It shows buy-in from top administration at OSU with the MSI program, which is particularly important with President Ray's upcoming retirement.

- Mayor Sawyer and I met with Judy Kuhl to discuss aspects of the agreement between the City and the Newport News-Times for Destination Newport services. There is another meeting with Judy and the Newport News-Times scheduled to discuss the status of services provided for under the agreement.
- Derrick Tokos, Tim Gross and I met with Mike Warren to review the appraisal of a parcel of property owned by Mike that the City has expressed interest in acquiring. We have had discussions with Council on this matter in executive session. We will be meeting with Mike again to share the Council's position on possible purchase of this property.
- Met with Chris Rampley of the fire department regarding concerns over the disciplinary process used within the department.
- Prepared various reports for the annual Council goal setting session.
- Met with City staff regarding issues relating to proceeding with grants without authorization. These are typically smaller grants, which in some cases, have required Council approval. We will be laying out a clear policy on approval steps when departments are requesting funding from outside sources. This is to ensure that liability issues, compatibility with other requests, and a general review of these requests occur before funding is applied for.
- Interviewed four candidates for the Parks and Recreation Director's position on Friday, January 10. This was followed by a community reception giving the public

an opportunity to meet the candidates for this position. Interviews were conducted by three separate panels, including a panel of department heads, a panel of Parks and Recreation and 60+ Advisory Committee members, and a third panel consisting of the Assistant Parks and Recreation Director from Corvallis, the Parks and Recreation Director from Lincoln City, and the Facilities Manager for the Lincoln County Schools District. I conducted a fourth interview of each of the candidates. In addition, a tour was provided of the City by Derrick Tokos and Laura Kimberly, as well as, candidates had to do a written exercise as part of the selection process. Finally, we gave the public an opportunity to provide comments on the candidates. Overall, a very strong group of candidates applied to fill this position. I was very pleased that our own internal candidate, Mike Cavanaugh, was deemed to be the best fit for this position. I made a job offer to Mike, and the City is currently conducting the background check that we utilize in screening candidates (this was not used at the time Mike was hired six years ago). Congratulations to Mike. I anticipate Mike will be starting in approximately three weeks. I would like to thank Judy Mayhew for serving as Acting Parks and Recreation Director during this time. Judy has done a good job in maintaining the department over the past five months.

- Met with Andy Parker and Chris Rampley representing the IAFF Union regarding a number of concerns they have with staffing and other issues in the department.
- Participated with the Council in a day-long goal setting session. This year the Council based the goal session on the Vision 2040 strategies. Overall, it was a busy and productive day, and the Council developed a list of priorities to use as goals and objectives for the City. I will be refining the information that was compiled into a format that will reflect longer-term goals and specific objectives for the coming year.
- Met with Barb to compile the various results from the public session portion of the interview process for the Parks and Recreation Director position.
- Tim Gross, Peggy Hawker, Cheryl Atkinson and I participated in the jury selection for the Sunwest Motors trial in Lincoln County Circuit Court. The attorney representing the City of Newport, Robert Franz, and Sunwest Motors attorney, Dennis Bartoldus, interviewed prospective jurors for this trial. Robert Franz had us evaluate the responses to the jurors to determine which jurors should be excused from the pool. Each side could excuse a certain number of jurors. All other potential witnesses, including me, were excused from the trial at that time, since we may be asked to testify later in the trial, and witnesses should not be aware of earlier testimony. Following the first afternoon of testimony, the attorneys discussed settlement. Since the City is insured on this issue, the decision on settlement was made by CIS to resolve the claims related to this matter.
- Participated in a Coastal City Managers lunch meeting which was held here in City Hall. The city managers invited the superintendent of Lincoln County School District, Dr. Karen Gray, OCCC President, Birgette Ryslinge, and Tracy Anthony Bailey of the Siletz Tribe who is currently chairing the Economic Development Alliance, to discuss the future of that organization. With Caroline Bauman's retirement, Lincoln County and the Economic Development agency will need to discuss what direction they want to move in. Both Karen Gray and Birgette Ryslinge have had involvement with other economic organizations and have some thoughts on how this program could be constructed in the future. In addition, the Council of Governments presented information that they are compiling as part of

their efforts to develop data regarding housing issues within the region. I've attached preliminary information which has been pulled together for the City by the COG which is provided for your review.

- Met with Jason Malloy regarding the temporary transfer of Tony Garbarino from parking enforcement to patrol officer to help address the shortfall in staffing for the department. Tony has maintained his police certification. This shortfall is resulting from three of the newly-hired officers being in the academy at this time and two additional vacancies. The Newport Police Association concurred with this temporary assignment.
- Conducted a follow-up interview with Mike Cavanaugh who finished as the top finalist for the Parks and Recreation Director's position. Following this final interview, a job offer was made to Mike.
- Tim Gross and I met with Gerry Barrett regarding concerns with the 6<sup>th</sup> Street construction. I have provided a response to Gerry following this meeting, explaining the reasons for the design and indicating that we would be willing to consider some adjustments to the slope along 6<sup>th</sup> Street, if that is something Gerry wanted to pursue.
- Compiled the ideas generated by the Council into a report on goals for the 2020-2021 fiscal year. This was preliminarily approved by Council. I will be reformatting this information into goals and objectives for review by Council on March 3.
- Met with Mike Murzynsky to review the audit report from our auditors.
- Held a bi-monthly meeting with Richard Dutton.
- Along with Councilors Allen and Goebel, participated in an Audit Committee meeting. Our auditors presented their findings to the Audit Committee. As part of this review, it is the responsibility of the auditor to issue an opinion on the financial statements. Bradley Bingenheimer of Boldt, Carlisle and Smith, indicated that it is their opinion that the financial statements reflect the respective financial position in all material aspects for the City. This is the highest opinion that auditors can give in reviewing financial statements. There are a number of actions the Council will be asked to take to address a number of budgeting issues to close out the fiscal year. This will be presented to Council by the Audit Committee in an upcoming Council meeting.
- Met with Councilor Jacobi on a number of issues.
- Reviewed a FEMA Memorandum of Understanding with Lance Vanderbeck for the airport. This MOU is in preparation for a FEMA response to address a major natural disaster such as the Cascadia Subduction Zone event. It provides certain areas of the airport which FEMA would mobilize. I am happy that FEMA is recognizing the airport as a significant asset in addressing major emergencies for the central coast.
- Lance Vanderbeck and I met with Dan McCrea who is interested in building an executive hangar at the airport. Dan also has operated some FBO services, such as mechanic and airplane body repair, work that he is considering doing in Newport. Dan and his wife own and operate the Grocer Outlet store.
- Attended a board meeting for the Oregon Coast Aquarium. Overall, the aquarium continues to do well financially. As part of this meeting, the aquarium was able to refinance its long-term debt that had some restrictive provisions in it. The new financing has eliminated those restrictions which will give the aquarium more flexibility in its fundraising activities. The capital campaign for the aquarium has also done very well with over \$13 million pledged from various sources, including

the \$5 million state appropriation. The aquarium has just completed an audience research effort to determine who is visiting the aquarium. I have included a copy of the summary of that data for your review.

- City Hall was closed on Monday, January 20 in observance of Martin Luther King Jr. Day.
- Held a routine Department Head meeting.
- Tim Gross, Andrew Grant and I met regarding the status of Rogue compliance issues with discharged limits. We will be meeting with Rogue to discuss a compliance agreement next month.
- Participated in a Council work session that included a Budget Committee interview, a review of the Central Lincoln PUD proposal to extend high voltage power lines through the City's reservoir properties. This work session included an update to the Big Creek Dam project, as well as, executive sessions on labor negotiations, real property transactions, and review of the hiring process for the City Attorney. A field meeting is being set up to review the actual corridor for those Council members who could not participate earlier.
- Met with residents who live on US 20 regarding a number of concerns relating to their home and the impact of the homeless communities surrounding their residence. The homeowners provided video of a man urinating in their yard in broad daylight. Furthermore, they are suggesting it would be a benefit to reduce the height of hedges on the Momiji/Starbucks commercial site, since there is a lot of activity that goes on utilizing the hedges in an area out of site. We will be following up with both of these issues.
- Participated in an Emergency Preparedness Committee meeting. One of the items that the Committee is working on is an ordinance that would require hotels and motels to display specific information regarding evacuation routes from their facilities. Regina Martinez has had discussions with a variety of the hotel owners who seem generally supportive of this effort. We will be presenting this information to the Council at a future meeting.
- Participated with John Lavrakas, Frank Geltner and Judy Kuhl on our continued efforts at developing policies for YBEF.
- Along with Mayor Sawyer and Councilors Allen, Goebel and Jacobi, I participated in a roundtable discussion with Representative Schrader. The local officials appreciate these roundtable meetings in which elected and appointed officials throughout the county are invited to have a direct discussion with Representative Schrader. One thing that was particularly rewarding is that as the Congressman was going around the table, elected officials from Toledo and Yachats identified the Big Creek Dam as one of the big priorities for the region. We appreciate that other communities recognize the importance that this water shed has for the county. This is from both an economic standpoint and a resource standpoint. Congressman Schrader said despite appearances on national media, Congress is more functional than it may appear. There are a lot of good things underway that do not receive the attention that the more politically divided issues receive. Overall, it was a good discussion among the elected and appointed officials from around the county with Representative Schrader.
- Met with a customer of the Recreation Center who was issued a 30-day exclusion from the Recreation Center. She indicated she does not believe she deserves this exclusion. This exclusion was issued when the individual refused to leave the

Recreation Center after an altercation between herself and her instructor. By policy, the appeal process for an exclusion goes to the Municipal Judge

- Tim Gross, Claire Paul and I met with Chuck Forinash regarding Chuck's desire to build a driveway off of Ferry Slip Road for his property located on the corner of Ferry Slip and 35<sup>th</sup> Street. At the time of construction, Chuck was advocating for filling a ditch and creating a driveway at that location. The decision was made not to address that as part of that project. A driveway was put into place for possible future use at that location. With the status of this street as a major arterial that will become more significant with the signal relocation at 35<sup>th</sup> and US 101, Tim has concerns about a driveway being constructed on Ferry Slip Road. At this point, Chuck does not have specific plans except trying to improve the value of his property by building a driveway at this location for future sale and redevelopment. We will discuss options internally of this request.
- Richard Dutton, Peggy Hawker, Gloria Tucker and I participated in a demonstration of govDelivery. As indicated earlier, this program would be a new method to allow citizens to request notification of activities the City is engaged in, either meetings, through our E-Blast, or other similar types of distribution from other departments. Overall, it seems like a good solution for the future. We will be looking at this as part of our budgeting process.
- Met with Denise Doerfler. She is requesting a "No Outlet" sign be posted on NW Wade Way and Cherokee Lane. They get a surprising number of vehicles that pull in and the turnarounds are very limited. I do believe this would be an appropriate spot for this sign to be placed. I will be reviewing this with Public Works.
- Participated in a meeting of the Yaquina Bay Managers meeting. This is an opportunity to discuss issues on an informal basis among all of those who are appointed by an elected board along the Yaquina Bay, including the two ports, Toledo and Newport, the school district, the college, the county and PUD.
- Conducted interviews for a Safety Officer. This is a 20-hour per week position that will focus on employee safety issues.
- Mike Murzynsky and I participated in a conference call with Mark Shepard, City Manager of Corvallis, regarding their efforts to identify new revenues to address various city services. In 2015, the Corvallis City Council pulled together a Finance Work Group to identify the financial issues that would need to be addressed by the City to provide services desired by the citizens. This group provided a final report in December 2016. There were a number of recommendations that were included in this effort, including establishing a fee on the utility bills to support Police and Fire services, having a special tax levy to support Parks and Recreation and Library, and identify increase funding for the streets. In addition, the City took a look on the expense side of the issue and was successful in reducing expenses city-wide by about \$1 million dollars. The City did a community survey through OSU to gauge community opinions and support for various efforts. In reviewing the finance issue, it was determined that the City needed to simplify the story and the message to help the voters understand the choices they would need to make. Furthermore, the survey indicated that citizens were interested in looking at a property tax increase to help support critical services. There was a local option tax that was expiring, which was at a rate of \$.81 per \$1000 of value which funded Parks and Recreation, Library and Police. To simplify the message, the City focused on breaking up these decisions into three distinct groups which they called

their “three-legged financial stool”. The first leg was placing costs for maintaining and adding to Police and Fire services a monthly service fee on the utility bill. The second leg of the stool was to go out for a new local option tax that would fund specifically Parks and Recreation and Library. This levy also included continuation of the City’s social services support program of \$360,000 per year which is funding provided by the City to local non-profits. The third leg of the stool was shifting the financial responsibility for 911 emergency services, primarily from the City to all users. This was proposed at a county-wide election to address these issues. The first part of the financial plan established a Police and Fire monthly service fee on the utility bill in 2018 with the first collection of the fee being implemented on July 1, 2019. The second part of this plan was passing the local option tax which was approved by Corvallis voters in May 2019 with 73% of the voters approving this levy. The final part of the plan involved passing the 911 service district which reduced the financial burden on the City of Corvallis in providing these services. This was approved by the voters in the district in November 2019.

Corvallis was assisted by a political action committee that was formed to communicate and advocate for the millages. The committee was headed up by a retired public relations executive and was very effective in advocating for these financial changes. In addition, the City received “safe harbor” approval for the information that the City provided regarding the issues that went before the voters. This included 4X8 signs, flyers, and other election information that was printed and circulated at the City’s expense for this effort. Mike and I appreciated the time that Mark Shepard spent with us providing an outline of how Corvallis addressed their long-term financial issues. Mark was forwarding some information with details of what was enacted by the Corvallis City Council for our review.

- Met with Mike Murzynsky, Steve Baugher, and Linda Wertman regarding the use of collective bidding through ORPAT, or other systems as it relates to our draft purchasing policy. This policy is, in part, to address an error that we made in purchasing the fuel tanks at the airport through a state contract. It is our intent to implement a centralized purchasing process as part of the new purchasing policy effective with the new fiscal year.
- Met with Mike Murzynsky and Peggy Hawker in their bi-monthly departmental meetings. We are finalizing an agreement with Grace Wins Shelter for support related to the shower facility now in use at that location, as well as, a request for financial support from Lincoln County for homelessness issues. We hope to have that completed very soon.

#### Upcoming Events:

- I will be out of the office for the day attending the OCCMA Board meeting in Salem on Friday, January 31.
- City Attorney interviews by Council and the interview panels will be held on February 7. Please reserve Friday for this process.
- I will be on vacation from February 10-12. (I will be out of town from Saturday, February 8 through Wednesday, February 12).
- The annual joint work session with Lincoln County will be held February 12, 2020, at 6 PM in Council Chambers.



- City Hall will be closed on February 17 in observance of Presidents Day. The City Council meeting will be held on Tuesday, February 18, with a work session at 4 PM.
- I will be taking a couple of vacation days on Thursday, February 20 and Friday, February 21. I will be in town hosting visiting family from Michigan this week.
- The Newport Seafood and Wine Festival will begin Thursday, February 20 with a reception that evening which Council will be invited to. The festival runs through Sunday, February 23.
- The Preliminary Budget Committee meeting is March 3 at 6 PM.
- I plan to attend the NW Regional Managers meeting in Vancouver, Washington, from March 18-20.
- There will be a Town Hall meeting on March 30 at 6 PM. Location is to be determined.
- The first Budget Committee meeting is April 21 at 5 PM.
- The League of Oregon Cities Spring Conference is April 24 in Hermiston. Those who are registered are Councilors Goebel, Jacobi, Parker, Mayor Sawyer, Peggy Hawker and myself.
- The second Budget Committee meeting is May 12 at 5 PM.
- The third Budget Committee meeting is May 19 at 6 PM.
- I plan to attend the OCCMA Summer Conference in Bend from July 7-10.
- There will be a Town Hall meeting held Monday, August 31 at 6 PM. Location will be announced.
- I plan to attend the Annual ICMA Conference in Toronto, Ontario, from September 23-26.
- The LOC Annual Conference will be held October 14-16 in Salem. Please let Peggy know if you plan to attend.

#### Attachments:

- ✚ Attached is copy of Governor Brown's Resiliency Agenda. Please note that a portion of this program relates to the \$2 million dollars that was requested by the Governor from the Legislature during the 2019 session but not funded by the Legislature. This was the reason stated by the Governor to veto the Big Creek Dam funding. The Governor's office has since asked Mayor Sawyer to testify on behalf of this funding during the 2020 short session at the Legislature.
- ✚ Attached is a "frequently asked questions" sheet about Oregon State University's Marine Studies Initiative housing that was distributed at the meeting which Mayor Sawyer, Derrick Tokos and I attended.
- ✚ Attached is information filed by the Council of Governments regarding various population and housing issues for the City of Newport. This is preliminary information, however, it does show trends that are important regarding the demographics of our community regarding housing issues. I think the work the COG is doing on this will be a benefit to the entire COG and communities within the COG.
- ✚ Attached is a fact sheet that the Oregon Coast Aquarium compiled regarding a study that was done of visitors to the aquarium. The aquarium is using this

information to help tailor future modifications to exhibits, as well as, better understanding of the customer base visiting the aquarium.

- ✚ Attached is an Oregon Court of Appeals decision on ex parte contacts as it related to a LUBA appeal. In this case, the Portland City Council member conversed briefly with a person in the audience who later was determined to be an interested person in this particular land use issue. The Petitioner in this case filed an appeal to LUBA that indicated an ex parte contact was made and not disclosed on record as a result of this communication during a recess of the Council. Through an extensive appeal process through LUBA, which eventually went to the Court of Appeals, the City was required to go through this entire process again because of the non-disclosure of information that occurred between an interested party and the City Councilor during a brief conversation during a recess in the Council meeting.
- ✚ Attached is a letter from Mayor Miyakawa from our sister city of Mombetsu, wishing a prosperous year for the City of Newport. Mayor Sawyer previously sent a letter to Mayor Miyakawa outlining a number of steps we are currently taking in the City of Newport, and wishing the Mayor and Mombetsu a very happy new year.

I hope everyone has a great week.

Respectfully submitted:



Spencer R. Nebel  
City Manager

cc: Department Heads



STATE OF OREGON  
Office of the Governor  
**KATE BROWN**

**Resiliency Agenda Legislative Proposal**  
**February 2020**

**Overview**

An earthquake on the Cascadia subduction zone, a 600-mile long fault zone that sits off the Pacific Northwest coast, can create a Cascadia tsunami that will reach the Oregon coast within 15 to 20 minutes. Communities along the Pacific coast and along estuaries are at greatest risk. The Governor proposes \$12.7 million in a combination of investments to enhance public safety and disaster preparedness.

The purpose of this investment is to build infrastructure, improve citizen awareness and education, and ultimately ensure that more Oregon families are supplied in for an eventual Cascadia subduction earthquake, and other large-scale natural disasters.

**Governor's Recommended Investments**

- Earthquake Early Warning System and Public System Outreach and Education
  - Shake-Alert seismic stations provide real-time monitoring for seismic activity. In case of a seismic event, the system gives seconds to many tens of seconds of warning before strong shaking arrives, providing preparation time that can save lives and help prevent some kinds of property damage. ShakeAlerts can trigger reactions in key infrastructure, such as utility shutdown to prevent gas fires, or alert lighting on bridges and roads. Oregon seismic stations will contribute to an onshore earthquake early warning system along the West Coast, improving public safety for Oregon's coast and I-5 corridor as well as the Pacific Northwest region.
  - *\$7.5 million in debt to the University of Oregon*
  - *\$375,000 to OEM to fund an educational outreach campaign by the Office of Emergency Management (OEM) to raise public awareness of ShakeAlert earthquake early warning system and educate the public on protective measures*
- 2-Week Ready Oregon
  - In the aftermath of a major earthquake, Oregonians will have to count on each other in the community, in the workplace, and at home in order to be safe until responders can reach them. Oregon's Office of Emergency Management (OEM) now encourages people to be prepared to be on their own for a minimum of two weeks to lessen the strain on emergency responders who need to focus limited resources on injured and other vulnerable populations immediately following a disaster.

Funding will allow the agency to hire eight dedicated staff to work with local governments, counties, tribes, non-profits, and targeted populations to ensure 250,000 homes have 2-Week Ready supplies. The additional team members will run trainings and exercises, provide technical assistance, geographical coordination for mitigation, planning, and recovery efforts and to provide greater situational awareness to local, tribal, state and federal partners directly to the State Emergency Coordination Center. These resources will also provide technical support to establish state staging bases and additional incident management teams that play a critical role during emergencies and disasters.

- *\$2.7 million to the Oregon Office of Emergency Management*
- **Dam Safety**
  - There are dozens of aging dams across the state. In order to prioritize repairs for those dams in most urgent need, each needs an assessment of its potential earthquake, flood, and structural safety issues.
  - *\$2 million appropriation to the Water Resources Department*
- **Updating the Oregon Resilience Plan and Coastal Plan**
  - To ensure that preparedness efforts are moving forward on a strategic plan based on best available information, data, and current resources, the State Resilience Officer will coordinate the updating of the Oregon Resilience Plan and the Coastal Communities Plan in conjunction with the Oregon Seismic Safety Policy Advisory Commission (OSSPAC) and an institute of higher education. There are currently no resources allocated within the Office of the State Resilience Officer to update the coastal and Oregon Resilience Plan.
  - *\$125,000 to the Office of the State Resilience Officer*

## **Background**

### **[Governor Brown's Resiliency Policy Agenda](#)**

## **MSI HOUSING FAQs:**

### **■ What is Oregon State University's Marine Studies Initiative?**

The MSI is a university-wide initiative that fosters innovative approaches to solving societal challenges for our ocean and coasts through teaching, research, and collaboration with partners and communities. The MSI is built upon three major goals: to provide a new transformational educational experience, highlighted by a new undergraduate major and minor in marine studies; advance leadership in transdisciplinary marine research and scholarship through a variety of research focus areas; and increase societal impact in Oregon and beyond via expanding partnerships and increasing access to education in marine studies. The Marine Studies Initiative will have local-to-global impact on the economy and environment.

### **■ Where is it located?**

The MSI is headquartered on Oregon State University's Corvallis campus, and builds upon the excellence in marine programs that exist throughout OSU, including in Corvallis, Newport, along the Oregon coast and within other university facilities throughout the state.

### **■ What role does the Hatfield Marine Science Center have in the Marine Studies Initiative?**

A new marine studies teaching and research building is under construction and will open in June 2020 at the Hatfield Marine Science Center. In the years ahead, 300 to 500 students are anticipated over the course of any one year to be enrolled in MSI academic programs in Newport. These courses will add to the education of students occurring in Corvallis, elsewhere throughout the university and presently at HMSC. Courses now offered at HMSC cover topics such as marine/estuarine birds, marine mammals, marine invertebrates, aquatic invasions, and ecology courses. HMSC also provides student internships ranging from atmospheric science to invertebrate and marine mammal biology to management and policy. HMSC also provides research opportunities, where students work and study alongside state, federal and OSU research professionals.

■ **How much did the Marine Studies Building located at HMSC cost?**

The building is a new facility located at HMSC and will support critical marine studies research, education, administrative and technical support, and outreach and engagement. The building's cost of construction is \$61.7 million. The building was designed and constructed with globally cutting-edge attention to earthquake and tsunami resilience and provides a vertical tsunami evacuation route and center for HMSC and those who frequent the Yaquina Bay area around HMSC.

■ **How was the new building paid for?**

The building has been funded by donor philanthropy, state paid bonds and OSU revenue bonds.

■ **How many students are expected to be part of the Marine Studies Initiative?**

Marine Studies Initiative courses are offered at OSU's Corvallis campus, the Hatfield Marine Science Center in Newport, and online through OSU's Ecampus and Open Campus programs. The MSI program offers an exciting array of field, research and study abroad programs. Over time, it is anticipated that there will be 700 or more marine studies students taking courses in Corvallis and elsewhere throughout OSU, and a total of 300 to 500 students, who over the course of a year, will participate in marine studies academic and research programs offered in Newport.

■ **Will OSU provide student housing to serve this Newport-area enrollment?**

OSU already provides housing for approximately 110 students, OSU faculty and other scholars within the HMSC campus. The university is planning to replace this housing and, serve current and emerging student enrollment by building student housing on property in South Newport that is owned by the university and is located outside of the tsunami inundation zone. Additional student housing will be added in the future to serve evolving year-round academic growth and needs.

■ **Where and when will this housing be built?**

The housing will be built on property in South Newport that is owned by OSU and is located above the tsunami inundation zone. Construction of the first phase of this housing could commence in summer 2020 with completion of the first phase occurring sometime in mid to late 2021, pending approval by the university's Board of Trustees and any necessary local land use and building permit approvals.

■ **What phases of housing development are planned?**

Housing will support marine studies academic program goals. Phase One development of housing will satisfy current and evolving student needs, and will feature as many as five two-story duplexes, with a community building and manager building.

Phase Two will satisfy evolving year-round academic enrollment growth and needs.

■ **Will there be any housing provided for OSU employees?**

OSU employee housing may possibly be built in the future. OSU's plans call for a portion of the housing development site owned by the university to be designated as a future location for public-private housing. This style of housing could serve needs of OSU faculty and staff, who are based along the Oregon coast.

■ **Housing is in short supply in the Lincoln County community. Will the OSU housing plan be able to serve any employees of Lincoln County government, education or non-profit institutions?**

The housing development site owned by OSU possibly could provide employee housing for Newport area government, education and non-profits. Design and construction would follow once a viable partnership structure is in place.

- **Will the existing housing at HMSC continue to be used while new housing is being developed?**

Existing housing at HMSC will no longer serve as student housing once the first phase of new OSU student housing is developed.

- **What will happen to the existing housing at HMSC once the new housing is open?**

These buildings could be used as office space, a small recreational facility or for meeting rooms that serve student academic programming, as well as other operations and program priorities of HMSC and the Marine Studies Initiative at Newport. These units may include usage as intermittent, short-term surge housing for non-students.

- **Why did it take so long for OSU to announce its housing plan?**

OSU undertook a deliberative process to evaluate Marine Studies Initiative academic, enrollment and financial models. Once this evaluation was completed, and a viable plan was developed, the university announced its student housing plans.

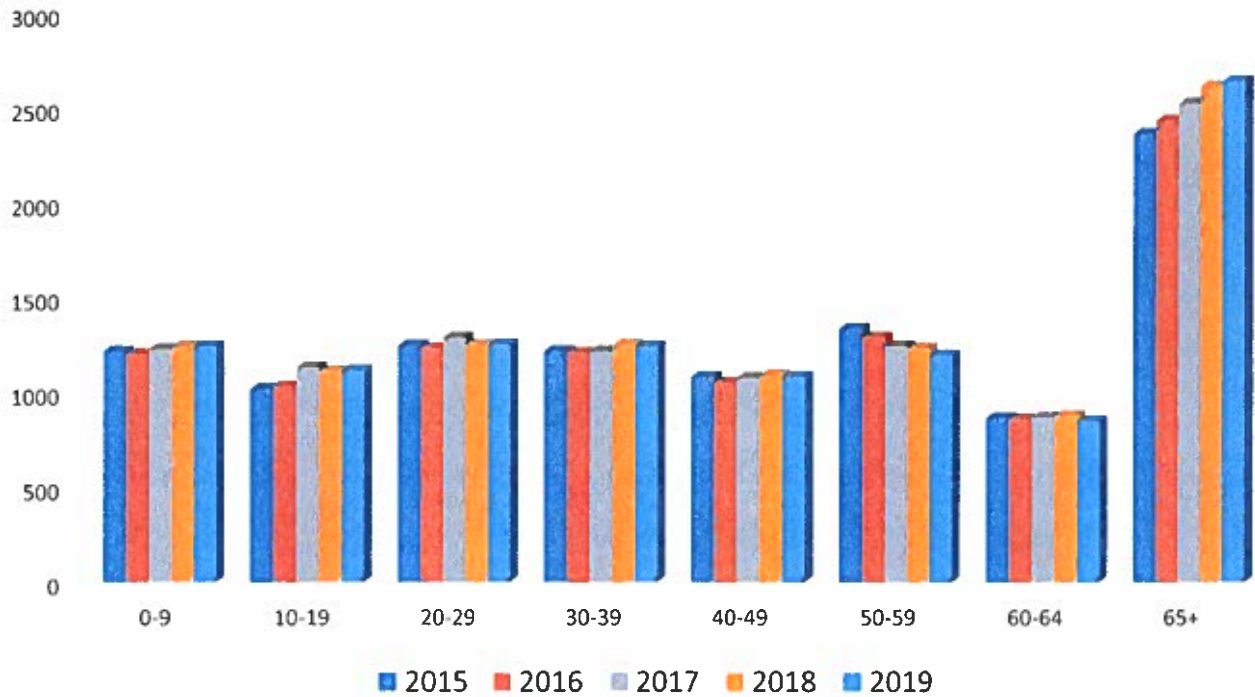
- **How will OSU keep Lincoln County community members, institution leaders and others informed of progress on this housing plan?**

OSU is holding meetings with leaders from the city of Newport, Lincoln County, education institutions and other state, federal and community organizations. The university will engage in on-going and regular communications regarding the progress of these housing plans with coastal leaders and organizations, community members, OSU faculty, staff and students, and the media.

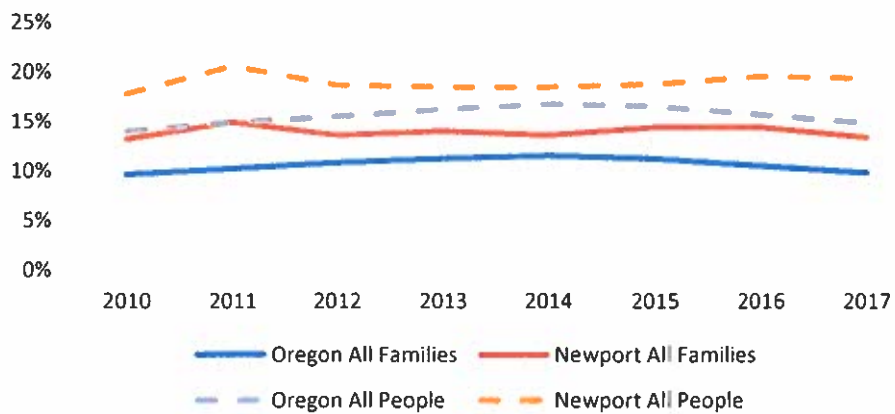


# Newport

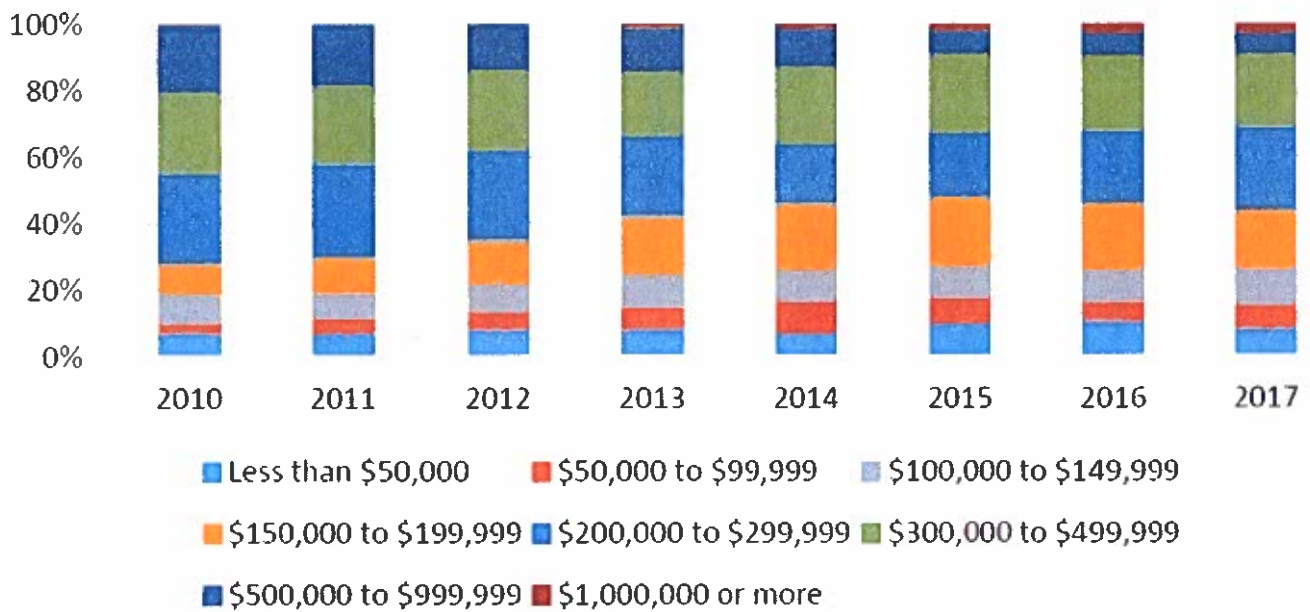
## Newport - Age Distribution



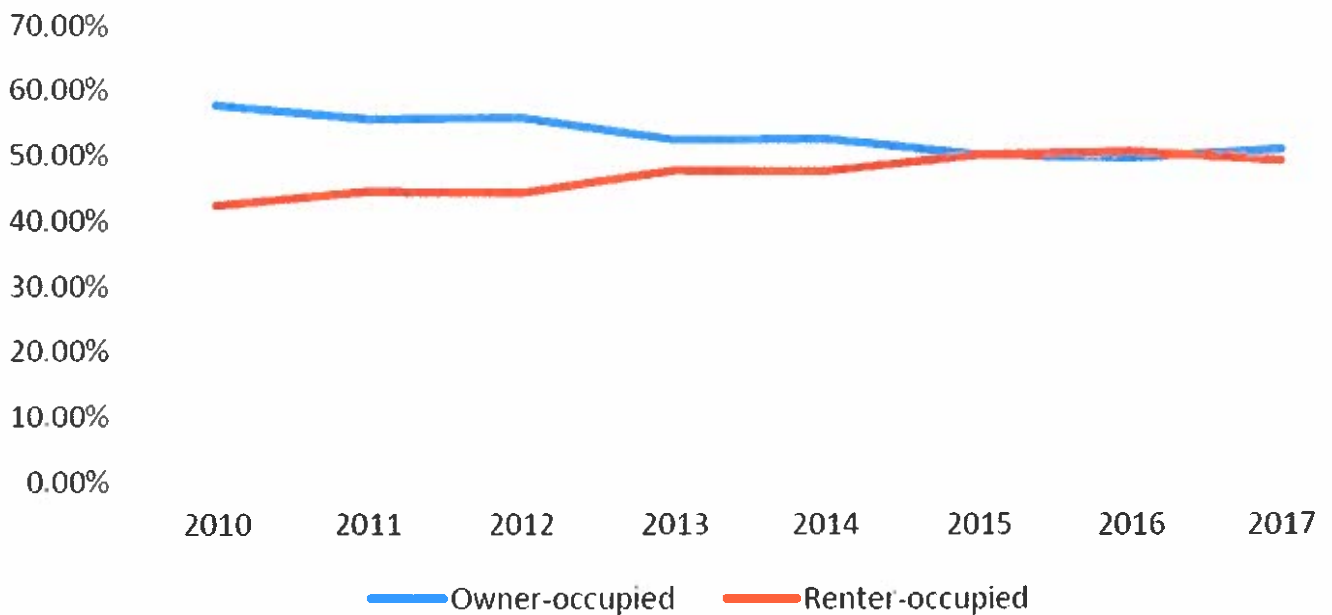
## Newport - Percentage whose Income in past 12 Months is Below Poverty Level



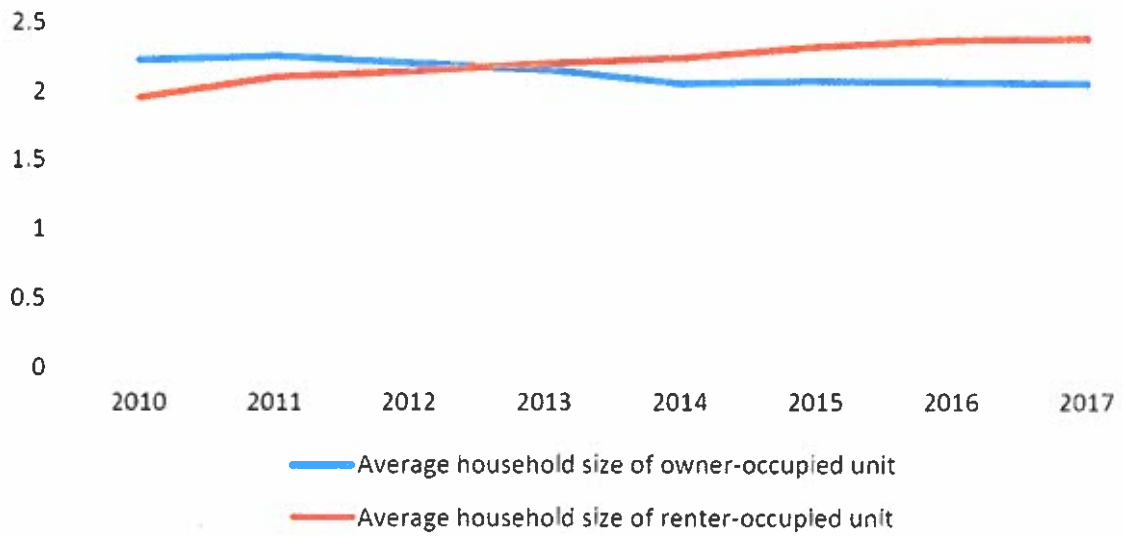
## Newport - Value of Owner-Occupied Unit



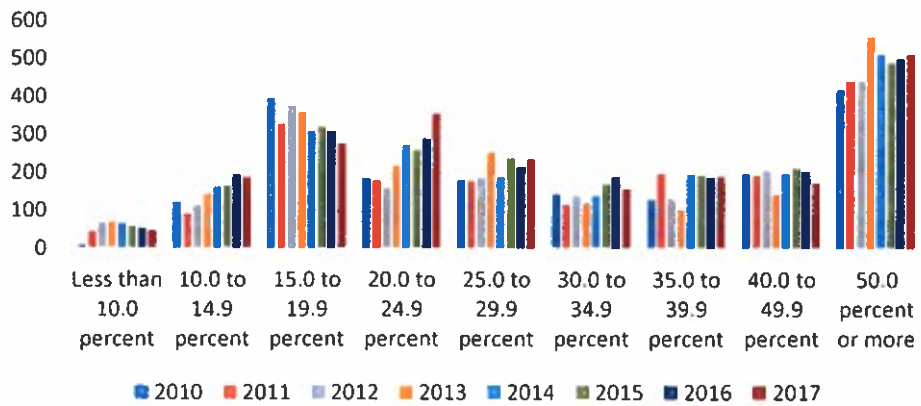
## Newport - Housing Tenure



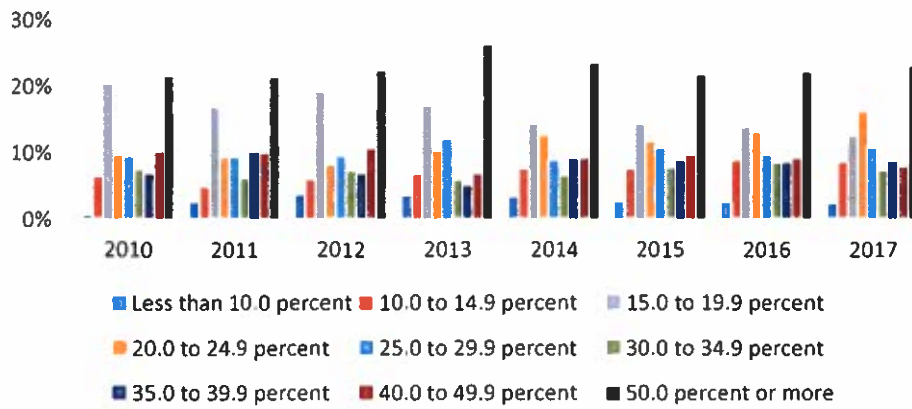
## Newport - Average Household Size of Unit



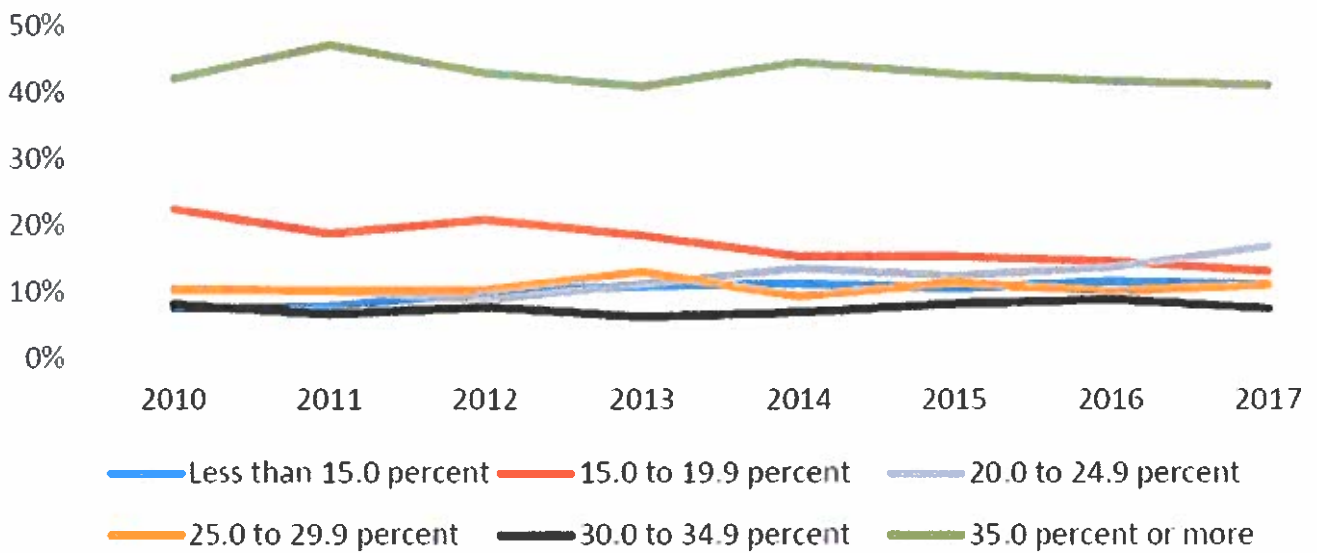
## Newport - Gross Rent as a Percentage of Income Renter-occupied housing units



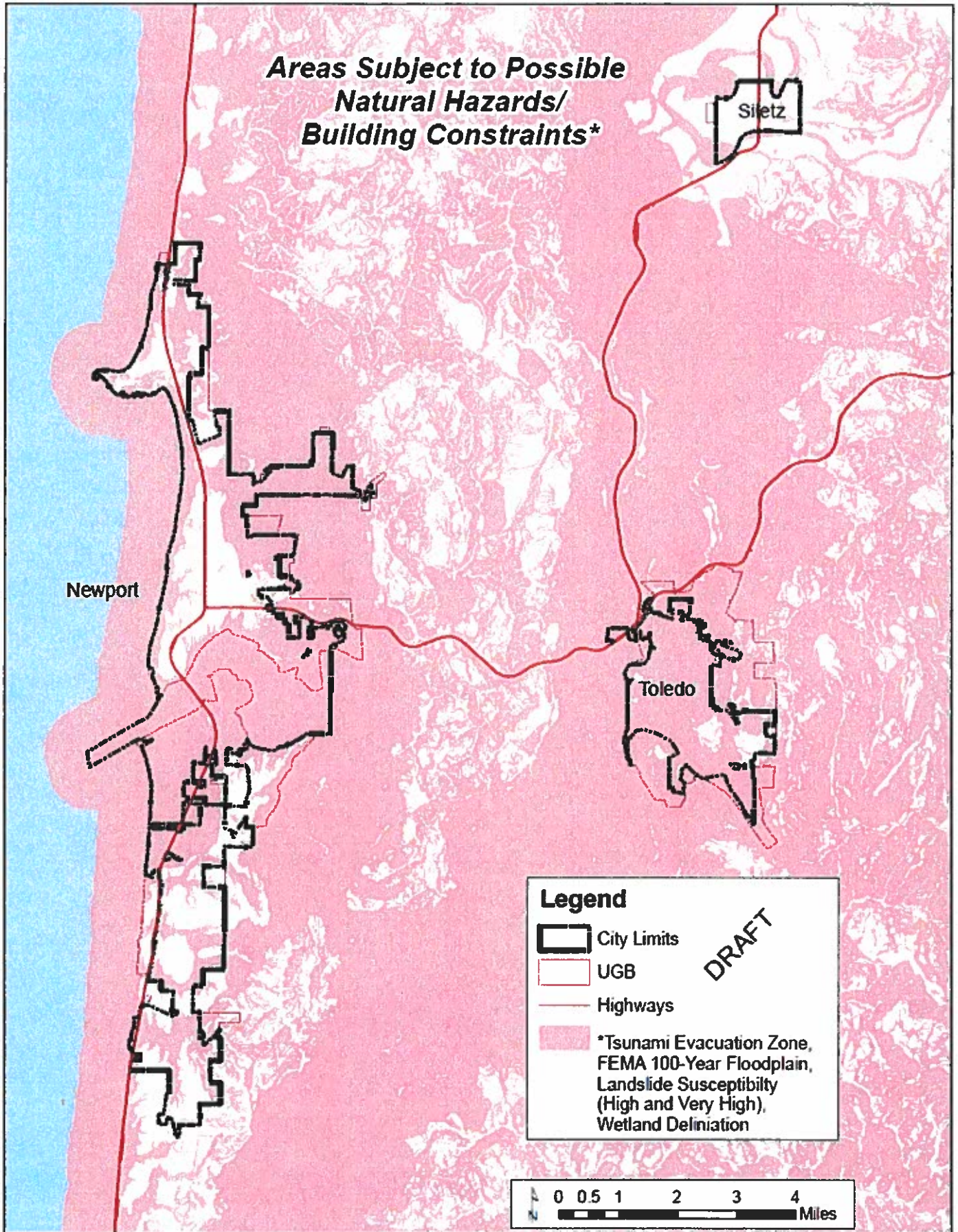
### Newport - Gross Rent as a Percentage of Income Renter-occupied housing units



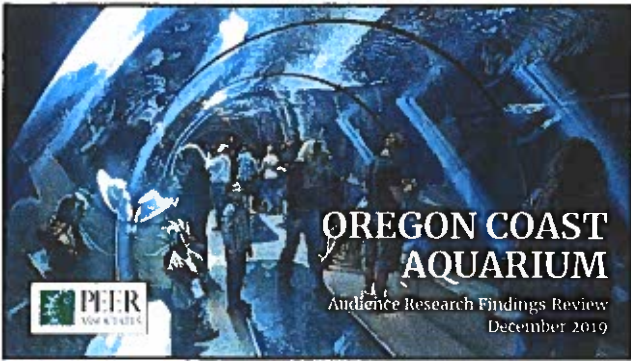
### Newport - Gross Rent as Percentage of Household Income











## Research Overview

Guiding Questions	Who is currently coming to the Aquarium?	
	To what extent do current visitors reflect Oregon's demographics?	
	What are the motivations and expectations of current Aquarium visitors?	
Methods	What are current visitors' prior knowledge of ocean issues and Oregon Coast natural history and ecology?	
	Visitor Survey	N = 656
	Visitor Interviews	N = 25
	Visitor Focus Groups	N = 22

**Key Takeaway #1:**  
Most visitors are coming for a social experience at an important coastal destination.

**Key Takeaway #2:**  
The Aquarium is drawing people to the coast.

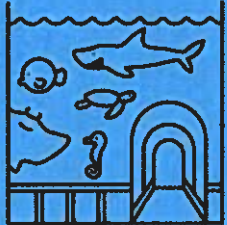
**Key Takeaway #3:**  
Most visitors were non-members who come to the Aquarium every few years.

**Key Takeaway #4:**  
Aquarium visitors roughly mirror Oregon demographics.

**Key Takeaway #5:**  
Visitors prioritize high-profile conservation issues that they can do something about.



**Key Takeaway #6:**  
Aquarium visitors have little knowledge about Oregon Coast ecology and conservation issues, but are open to learning.



**Key Takeaway #7:**  
The Aquarium experience offers an opportunity to connect visitors to the real ecosystems on the Aquarium's doorstep.



**Key Takeaway #8:**  
A Pacific Rim exhibit will not feel out of place to most visitors.



# Opp v. City of Portland

FILED: December 13, 2000

IN THE COURT OF APPEALS OF THE STATE OF OREGON

ROSE MARIE OPP,

Petitioner,

v.

CITY OF PORTLAND,

Respondent.

(LUBA No. 2000-001; CA A110946)

Appeal from Land Use Board of Appeals.

Submitted on record and briefs November 3, 2000.

Rose Marie Opp filed the briefs pro se for petitioner.

Kathryn S. Beaumont filed the brief for respondent.

Before Haselton, Presiding Judge, and Deits, Chief Judge, and Wollheim, Judge.

HASELTON, P. J.

Affirmed.

HASELTON, P. J.

In November 1996, the Portland City Council approved a conditional use permit for a community center in a public park area. During a recess in the council's proceedings on the permit application, Mike Lindberg, then a member of the council, conversed briefly with a person in the audience, Cooley. Petitioner, an opponent of the application, appealed to LUBA. She contended, *inter alia*, that Lindberg's conversation with Cooley constituted an *ex parte* contact that was not disclosed on the record and that opponents were not given an opportunity to rebut. LUBA remanded the case to the city council to determine if Cooley was a person interested in the outcome of the proceedings



under the applicable city code provision and, if so, to provide "petitioner an opportunity to rebut the substance of [Lindberg's] communication with Mr. Cooley[.]" Opp v. City of Portland, 33 Or LUBA 654, 657 (1997), aff'd 153 Or App 10, 955 P2d 768, rev den 327 Or 620 (1998).

The present controversy arises out of petitioner's subsequent appeal to LUBA from the city council's action in the proceedings on remand. Those proceedings began with a determination that Cooley was an interested person. Thereafter, as described by LUBA:

"Lindberg then made a disclosure regarding the substance of the ex parte conversation with Cooley. Lindberg testified that he did not recall the nature of his discussion with Cooley, although he did not think he obtained information from Cooley that influenced his vote or the votes of the council. Following Lindberg's disclosure testimony, the council offered the parties an opportunity to rebut that testimony. The parties offered no rebuttal, on the grounds that Lindberg's statement had failed to disclose the substance of the communication, and there was nothing that could be rebutted. The parties then requested a plenary rehearing on the conditional use permit application. The council denied the request for a plenary rehearing, concluding that it 'heard nothing at the remand hearing that could lead the Council to question or reconsider the correctness of its earlier decision.'" (Footnotes omitted.)

In her appeal to LUBA, petitioner argued, as summarized in LUBA's opinion,

"that Lindberg's inability to recall the substance of the ex parte contact amounts to a failure to disclose, thereby denying petitioner her substantive right to a full and fair hearing. Petitioner argues that the city's conduct in this case violates ORS 227.180(3), because the city failed to disclose the substance of the ex parte contact at the first hearing following the communication, as the statute requires, or at any time thereafter. Accordingly, petitioner argues, the city erred in refusing petitioner's request for a plenary rehearing of the application, as required by Horizon Construction, Inc. v. City of Newberg, 114 Or App 249, 834 P2d 523 (1992)." (Footnotes omitted.)  
(1)

Petitioner relied on our statement in Horizon Construction that "[f]ailure to comply with ORS 227.180(3) requires a remand to the city council and a plenary rehearing on the application." 114 Or App at 254. It is not wholly clear whether petitioner understands Horizon Construction to establish a remedy that applies in every case where a city has failed to comply with ORS 227.180(3) or whether she simply regards this particular case to call for the same remedy that we prescribed in that case. In either event, petitioner construes our phrase "plenary rehearing" as meaning that the city council or other deciding entity must repeat its proceedings on the permit application in their entirety, including, for example, taking evidence and hearing arguments anew on all issues. Petitioner specifically contends that new presentations limited to any issues that are directly implicated by the ex parte contact, coupled with a reevaluation of the original record as it bears on other issues, cannot suffice.

LUBA agreed with petitioner that the city's proceedings after the first remand had not been adequate, and it again remanded the city's decision. However, LUBA did not agree with the more expansive aspects of petitioner's understanding of ORS 227.180(3) and Horizon Construction. After discussing case authority of its own and from this court, LUBA stated:

"In sum, the Court of Appeals' decision in Horizon Construction, Inc., \* \* \* makes it clear that it is the party's right to a full and fair hearing that is protected under ORS 227.180(3) \* \* \*. Where the city makes a decision in violation of ORS 227.180(3), Horizon Construction, Inc. requires that the local government provide a plenary rehearing. As discussed above, the scope of that rehearing must be sufficient to ensure that the city makes a decision that is untainted by uncured ex parte communications or, stated more broadly, a decision based solely on publicly disclosed evidence and testimony that is subject to rebuttal or the opportunity for rebuttal.

"What remains is to apply the foregoing to the city's decision on remand in the present case. We agree with petitioner that former Commissioner Lindberg's inability to recall the substance of his communication with Cooley effectively nullifies petitioner's right to an opportunity to rebut that communication or, stated differently, to a decision untainted by undisclosed ex parte communications. The city adopted findings concluding, essentially, that nothing that was known or could be surmised about that communication showed that it affected the city's decision. However, the fact is that little, if anything, of the substance of that communication is known, which belies the city's confidence that it did not affect the city's original decision. More importantly, ORS 227.180(3) prohibits undisclosed ex parte communications, whether or not those communications in fact influence the city's original decision. Even more to the point, the integrity of the city's original decision is not the issue. As stated above, to comply with or remedy a violation of ORS 227.180(3), the city must make a decision based solely on publicly disclosed evidence and testimony that is subject to rebuttal or the opportunity for rebuttal. The city's original decision did not meet the standard at the time it was adopted, and its integrity cannot be restored by undertaking a procedural exercise on remand. The city's only recourse on remand is to adopt a new decision on the application that is based solely on publicly disclosed evidence and testimony that is, or was, subject to rebuttal or the opportunity for rebuttal. However, the city failed to do so. It simply concluded that what was known or could be surmised about the ex parte communication gave it no reason to revisit its original decision, and then ended the proceedings. That is insufficient to satisfy the remedial purpose of ORS 227.180(3) or Horizon Construction, Inc."

At a more mechanical level, LUBA also indicated in its opinion that the proper procedure to be followed by a city on remand of a decision made in violation of ORS 227.180(3) would be to provide a fair opportunity for the interested persons to develop and present evidentiary and argumentative responses to the matter disclosed by the recipient of the contact; to consider the responsive matter, if any, together with all of the evidence in the existing record; to make any additional or different findings that may be indicated from those in the original decision; and to reach a decision based on the original evidence and findings as supplemented in that manner. See

Schwerdt v. City of Corvallis, 163 Or App 211, 216, 987 P2d 1243 (1999); on appeal following remand, \_\_\_ Or LUBA \_\_\_ (LUBA No. 99-201, June 8, 2000).

Petitioner now seeks our review and argues that LUBA erred by not ordering the city to conduct the ab initio proceedings that she understands ORS 227.180(3) and Horizon Construction to require. Summarily put, we agree with LUBA's opinion, insofar as we have summarized and quoted from it. We acknowledge that our choice of the word "plenary" in Horizon Construction may have been unfortunate, insofar as it might suggest that a complete reiteration of the local proceedings should ever be required to remedy a failure to disclose a contact that, in substance, does not pertain to all of the matters that were the subject of evidence and argument in the original proceedings. Be that as it may, however, nothing in Horizon Construction suggests that that or any other remedy should be the exclusive one in all cases where the city deciding body has failed to comply with ORS 227.180(3). Rather, the remedy should be tailored to rectify the evil at which it is directed, in the light of the particular circumstances of the case.

As a general proposition, an adequate remedy is a remand that assures (1) that interested persons be made aware of the substance of the ex parte communication; (2) that they be afforded the opportunity to prepare and present evidentiary and rhetorical responses to the substance of the communication; and (3) that the deciding body reevaluate its original decision, and issue an appropriate new written decision, taking into account the evidence and argument in the original record viewed together with the evidence and argument presented on remand. Seldom, if ever, would it be likely that the substance of the improper communication would be so pervasive that it would affect all of the issues in the case, and only in those rare instances would a new presentation going to all of the issues--as distinct from a new evaluation of the original record with respect to the unaffected issues--be an essential part of the remedy or of the proceedings on remand.

Petitioner maintains, however, that the broadest possible remand is in order here, because of the "impossibility of disclosure of the substance of [the] ex parte communication, and hence of rebuttal." As an abstract proposition, we might agree with petitioner that, if the substance of a communication cannot be recalled and disclosed, it cannot be known what issues it did or did not relate to; hence, rebuttal is impossible, and the past or present ability of the deciding body to base its disposition solely on the original evidence and argument, uninfluenced by the communication, cannot be categorically guaranteed. Of course, it is equally true, as an abstraction, that the more difficult it is to recall the substance of a communication, the less likely it is that the communication was regarded as significant by or influenced the hearer at the time it was made.

It may become necessary for us to resolve that conundrum on some later occasion when the two abstract possibilities are in equipoise. In this case, however, they are not. While Lindberg was not able to remember the substance of his communication with Cooley, he did affirmatively state in his testimony his recollection that he did not impart the communication to his fellow council

members, at least three of whom--a majority independently of Lindberg--voted to approve the permit in the original proceeding. (2)

The nature and scope of the remand ordered by LUBA were adequate under the circumstances of this case.

Affirmed.

1. ORS 227.180(3) provides:

"No decision or action of a planning commission or city governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

"(a) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

"(b) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related."

LUBA noted in its opinion that it was somewhat questionable whether ORS 227.180(3), rather than the local code provision, was apposite. However, LUBA concluded that the city did not challenge petitioner's premise that the state statute was applicable, and it proceeded to decide the appeal on the statutory ground. The city has not cross-petitioned to us from LUBA's treatment of that issue.

2. Because Lindberg is no longer on the council, there is no tangible possibility that the substance of the communication can now be imparted to the present members of the council.

# *City of Mombetsu*

*Office of the Mayor*

*2 Saiwai-Cho, Mombetsu, Hokkaido*

January 1<sup>st</sup>, 2020

Mr. Dean Sawyer  
City of Newport  
169 SW Coast Hwy.  
Newport, OR 97365

Dear Mayor Sawyer,

New Year's greetings from Mombetsu.

In summer of 2019, a group of Mombetsu junior high school students and chaperons had an opportunity to pay a friendly visit to Newport and had a great experience with your people. Once again I would like to thank you very much for the cordial hospitality you and all those involved extended to them throughout their stay.

I am very delighted to know that your sister city committee is to be reorganized early this month. I believe it will help deepen the relationship between Mombetsu and Newport and promote further exchanges amongst the people of the two cities. I especially look forward to having a visit of you and the members of your committee to our city.

I would also like to thank you very much for the beautiful banner sent from your city. I am going to discuss the possible participation for the banner exhibition with Mombetsu International Exchange Committee.

With the coldest time of a year approaching, please pay very good attention to your health. I sincerely hope that 2020 will be a prosperous year for you, your family and all our friends in Newport.

With my best wishes for a happy new year,

宮川 良一  
Yoshikazu Miyakawa



Mayor  
City of Mombetsu