



OFFICE OF THE CITY MANAGER
City of Newport, Oregon
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MEMO

DATE: July 3, 2019
TO: Mayor and City Council
FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Five-week Period Ending Friday, June 28, 2019

The past five weeks have been a period of time in which we were preparing for the implementation of new short-term rental regulations, single-use plastic bags regulations, implementation of new storm water rates, and to begin catching up with issues set aside during the preparation, and, ultimately, approval of the budget by the Budget Committee. I also took a few days of vacation during this time period to catch up with things at home that I was not able to get to earlier this year.

Highlights of activities over the last five weeks include the following:

Activities over the past five weeks include the following:

- City Hall was closed on Monday, May 27 in observation of Memorial Day.
- Held bi-monthly meetings with Jason Malloy and Rob Murphy.
- Met with Martin Desmond, Bill Kucha and Cyndi Karp regarding the request for funding a City Climate Change initiative. At the June 17 City Council meeting, Council approved an appropriation for funding with the use of those funds to be determined later.
- Met with Tim Gross to discuss the status of efforts to secure funding for design and environmental work regarding the Big Creek Dams. The efforts of Tim and Dig Deep Research are paying off, with the legislature approving \$4 million of funding in the lottery bond bill for the design permitting of the dams.
- Met with Laura Kimberly and Barb James regarding library staffing levels.
- Derrick Tokos, Tim Gross, and I met with Wayne Belmont regarding the County's decision on building new a new transit center and offices to house emergency management on the fairgrounds property, located east of Harney Street. We also discussed the status of the County Commons project in preparation for a report to the Urban Renewal Agency on this project.
- Barb James, Steve Rich, Tim Gross and I met to discuss preparations for our next negotiations session with the Newport Employees' Association.

- Met with Councilor Jacobi to discuss Council rules, vacation rental work group and other issues.
- Participated in various calls and communications regarding my responsibilities in hosting the OCCMA meetings, here in Newport, which begins July 9 and runs through the 12. I think we have a great program for the Oregon Managers. We've had super registration numbers for the conference. This is the first time the conference has been outside of Bend in many years. Hopefully, Newport will be a long-term location for hosting this annual conference.
- Met with Jim Protiva, Kathy Cline, Judy Mayhew, and Peggy O'Callaghan regarding alternatives for showers for our homeless community. We have a number of organizations that buy day passes to the Recreation Center, primarily for the use of shower facilities. This does pose conflicts with our regular customers. One of the recommendations being considered by the Homelessness Task Force, is to provide a portable shower which could be stationed on a regular basis in the community to offer showers for the homeless population. This would potentially free up pressures on the Recreation Center for this purpose.
- Prepared the Executive Summary for the Budget Message for final Budget Approval.
- Prepared agenda items for the June 3 Council meeting.
- Met with Steve Rich, Catherine Rickbone, and Wayne Belmont regarding the operating agreement for the PAC and VAC. This expired on June 30. We would like to have a report for Council consideration at the July 15 Council meeting.
- Participated in the negotiations with the NEA. We are still primarily working through language issues about incorporating MOAs into the contract language.
- Steve Rich, Derrick Tokos, and I met regarding the PUD franchise agreement. We've had a couple of meetings with the PUD on renewal of the franchise agreement, which has expired. We have requested specific information from the PUD, which we have not received yet. We will follow up with PUD to see about providing this information regarding street light inventory and other similar things, which are part of the discussions regarding the new franchise agreement.
- Met with John Lavrakas, Frank Geltner and Patti Ferry to finalize language for the Yaquina Bay Economic Foundation (YBEF) bylaws. The bylaws will be considered for a vote by the Foundation at their June meeting.
- Met with Mike Murzynsky and Jim Protiva regarding the supplemental budget for the Recreation Fund. This was to address a shortage of funding for part time and seasonal salaries paid out of this fund. The Council approved this as part of the supplemental budget at the June 17 meeting.
- Met with Public Works Operations Superintendent, Dave White, in our final meeting prior to his retirement from the City. Dave requested not to have any reception for his retirement. I thanked Dave for his long service to the City of Newport. Dave was responsible for consolidating streets, storm sewer, water distribution, and the sanitary sewer collection crews into an operating unit. A few years back these functions were separate departments within Public Works, with Dave heading up Streets and Storm Sewers, Lanny Schultz heading up Water Distribution, and the Sanitary Sewer collections being run out of the Wastewater Treatment Plant by John Ritchie. By consolidating all these operations which occur in the Streets Division under one supervisor, we have had greater efficiency, better use of

equipment, and sufficient manpower to focus on specific issues. While there is still specialization by folks within the department, Dave was able to use these folks to cover situations needing to be addressed regardless of the division it was in. Dave and his wife are going to be moving to Idaho. We wish them well.

- Met with Barb James, Lance Vanderbeck (in his role as head of the Safety Committee) and Jim Salisbury, to address items identified by Payne West at the safety inspection done as part of their annual audit. One of the bigger issues is dealing with outdoor stair markings. Payne West is recommending a differentiation in color on the edge of the steps. There are a number of tread products that we are looking at, as well as, painting a yellow strip on the edge of the steps.
- Continued to review our employee handbook with Barb James and Steve Rich. We had targeted having a draft employee manual ready for review by the end of the fiscal year. We are probably a couple of months out before we are at that point.
- I completed my obligation for jury duty on May 31. I only had to report once for jury duty and the trial was cancelled. (This was an unexpected complication relating to my May schedule!)
- Held a routine department head meeting.
- Peggy Hawker and I met with Ralph Breitenstein and Leslie Palotas to prepare for a visit by the Ford Family Foundation to consider possible assistance with the implementation of the Greater Newport Area Vision 2040. Leslie and Ralph have done an outstanding job in meeting the Committee and working with the Ford Family Foundation on this request.
- Participated in a work session with Council that included a report from Municipal Court Judge Pridgeon, discussion on the Council's goal for cultural competency training and audit, and a continuation of Council rules.
- Participated in the June 3 regular Council meeting.
- Held a bi-monthly meeting with Richard Dutton to discuss various IT issues.
- Held a bi-monthly meeting with Barb James to discuss HR issues.
- Participated in a conference call regarding the OCCMA fall workshop.
- Held a bi-monthly meeting with Derrick Tokos.
- Participated in a sister city planning meeting with Peggy Hawker, Councilor Parker and other members of the Committee to prepare for the sister city visit. This begins August 2 - August 6. There will be six junior high students and five adults on this trip. Council will be invited to participate in a reception and potluck dinner at City Hall on Friday, August 2. The delegation will be recognized by Council at the regular City Council meeting being held August 5. I appreciate the efforts of the Committee in pulling together the host families and the itinerary for this visit.
- Participated in the ribbon cutting for the Pacific Maritime Museum's new theatre. The theatre has been extremely well done and will be a great asset, not only to the museum, but to the community at large. The view from sitting in the theatre seats is very mesmerizing all by itself. If you have not had a chance to check out this new addition to the Maritime Museum, please do so.
- After working the morning on June 5, I took several days of vacation beginning that afternoon through Tuesday, June 11. I was able to catch up on a number of neglected projects in the yard at home. It was good to catch up with this!
- Held a bi-monthly meeting with Laura Kimberly to discuss various library issues.

- Met with Steve Rich, Tim Gross and Barb James to discuss issues related to NEA negotiations in preparation for our next negotiations session.
- Met with Derrick Tokos to review the short-term rental rollout program in preparation for the report to Council for the June 17 Council meeting.
- Prepared agenda items at the June 17 Council meeting.
- Peggy Hawker and I met with John Russell from Payne West Insurance regarding renewal of our insurance for the City of Newport. This was approved by Council at the June 17 Council meeting. I've attached some statistical information regarding our experience as it relates to other members of the insurance pool. Our worker's comp experience has resulted in a continued reduction of our worker's comp expenses. I appreciate the efforts of our employees to work safely to help reduce work incidents that cause lost time on the job.
- Met with Lance Vanderbeck, Tim Gross, and Steve Rich regarding fines assessed by the Department of Environmental Quality (DEQ) over storm runoff testing at the airport. We are a little confused about the fine assessed, because the DEQ has linked airport issues with sanitary sewer penalties previously imposed by them for overflows from the Agate Beach Wastewater collections system. Furthermore, the data that had been collected, was collected in accordance with a plan done by a consultant, which had been accepted by the department. In addition, we have been cited for one item, in which requests were made to the department for a variance in procedures because of a drought, due to not having any storm water to collect. We have initiated the appeal process to gain a better understanding of how they have assessed this particular fine. The one thing we have acknowledged is, that we did not keep records for training employees in collecting the storm water samples. Furthermore, the lab we used to analyze the samples had an error in their procedures which caused the samples to exceed limitations when, in fact, the readings were under limitations. Since the initial issues with the plan were pointed out by the DEQ, we have developed a new storm water plan that has been accepted by the department for monitoring storm water discharges at the airport. I will keep you informed as to the progress with our appeal.
- Peggy Hawker and I met with Ralph Breitenstein and Leslie Palotas to review information we will be presenting to representatives to the Ford Family Foundation presented at the end of June.
- Participated in The Boss radio show.
- Met with Derrick Tokos, Jason Malloy and Mike Murzynsky regarding issues relating to the rollout of the short-term rental administration procedures.
- Participated with Derrick Tokos, Jason Malloy and Mike Murzynsky in three demonstrations of third-party providers for monitoring short-term rentals, including Host Compliance, Lodging Revs, and Harmari. We are doing background checks on communities that are working with these three providers to help with a recommendation for the City Council's consideration at the July 15 meeting.
- Attended the Samaritan House gala. It was well-attended, and fundraising for Samaritan House continues to grow substantially from this event.
- Met with Mike Murzynsky in preparation for the budget hearings at the June 17 Council meeting.
- Held routine department head meetings.

- Met with Council President, David Allen, to review the agenda for the June 17 meeting. Because
- Participated in a Council work session covering two issues: one relating to Rocky Creek; and, two, looking at technology issuing tickets for vehicles running red lights at US Highway 101/US Highway 20.

It is clear from the historical reports that were written at the time, Big Creek had to be a regional effort, and not something the City could develop alone. Originally, Lincoln City and the City of Newport were financially collaborating on the initial feasibility study of developing Rocky Creek. Lincoln City opted to proceed in a different direction and develop Schooner Creek as a water source. As a result, they dropped out of the discussions in planning for Rocky Creek. Finally, Tim Gross indicated that Rocky Creek did not necessarily replace the need to maintain reservoirs on Big Creek. Adam Denlinger, General Manager of the Seal Rock Water District, indicated his support for developing the replacement dam at Big Creek as a more feasible project than Rocky Creek. Adam has been heavily involved in the place based water cooperation planning that has been ongoing for the past few years.

- Participated with the Council in an Urban Renewal meeting and a regular City Council meeting on June 17.
- Barb James and I met with Councilors Allen, Botello and Hall regarding the next steps toward cultural competency. We reviewed information that Barb had put together as a basis to initiate this discussion. A follow-up meeting was scheduled.
- Held bi-monthly meetings with Barb James and Mike Murzynsky to discuss their department operations.
- Worked with Peggy Hawker and Cheryl Atkinson regarding an event for the Managers' meeting. They have put together information for a scavenger hunt that families in the conference can participate in. It is quite creative and will add a nice touch for the families of managers involved in the conference at the Agate Beach Best Western in July.
- Met with our ad-hoc advisory committee regarding beautification which includes Councilor Goebel. We have hired Anita Albrecht as our part-time Landscape Specialist. Anita comes to us from the aquarium where she headed up their landscape operation for a number of years. I think this is going to be very helpful for us to make good landscaping decisions, and to prioritize work that needs to be done in improving the aesthetics of our various City parks and properties throughout the community. Anita reports directly to Peggy Hawker.
- I interviewed Peggy Hawker on the City's radio show on KNPT regarding the implementation of single-use plastic bags.
- Worked with the Finance Department to get notifications out regarding the implementation of equivalent service units (ESUs) for commercial and institutional properties within the City of Newport. These fees go into effect on July 1 and will be reflected in the utility bills received in early August. We also set up a process for individuals to appeal the calculation of ESUs. To date we have received a few requests for review of the calculations. The point of contact for any of these issues is the Finance Department, and they will refer the matter to other departments, as is necessary.

- Peggy Hawker developed a fact sheet on single-use plastic bags that we are including in the July 1 utility billings. In addition, we sent letters out to those large retailers with over 10,000 square feet of retail floor space, informing them of the July 1 start date. I have not received any requests from any of the major retailers asking for an extension in time to comply with the regulations, as of this date.
- Mike Murzynsky, Tim Gross and I resumed our efforts at reviewing code provisions regarding our utility billing and operations. There are a number of inconsistencies between practices and code, and there are a number of practices and/or code provisions that we will be reviewing as part of this overall effort. It is my hope that we would be able to hold a work session on a draft re-write of these provisions sometime this fall.
- Held bi-monthly meetings with Richard Dutton and Jim Protiva to review departmental issues.
- Met with Barb James on several employee issues.
- Participated in a Vision 2040 Advisory Committee meeting.
- Met with Barb James and Rob Murphy regarding the use of purchasing cards.
- Met with Mayor Sawyer to recap issues that occurred while he was on vacation.
- Along with Mayor Sawyer, Councilor Hall, Jason Malloy and Tim Gross, I attended the annual Chamber Dinner. Jovita Ballentine was the Chamber's City Employee of the Year. Jovita has done a great job in her short tenure with the City in addressing various property issues for the Police Department. Congratulations to Jovita on this honor.
- Lance Vanderbeck, Tim Gross, Steve Rich, and I met to follow up on a possible appeal to the DEQ for compliance fines at the airport. Steve has since drafted a letter initiating the appeal and we have an informal meeting that will be scheduled in late July or early August to discuss these fines.
- Steve Rich, Barb James, Tim Gross and I participated in NEA negotiations. At this meeting, we took a number of issues off the table to narrow the focus on the outstanding issues needing to be addressed. I think we are very close on some language issues, and we hope to be able to tentatively agree on a number of these items coming up at the next negotiations session.
- Met with Tim Gross to discuss the replacement position for Mike Eastman, who will be retiring in July. Originally, there was some discussion about creating a specific position for this signage job. Tim is of the belief we should hire a utility worker position, and allocate Mike's work out to the various folks within the department. While Mike specialized in the sign shop, he was a utility worker, so in filling that position, we will not make any changes to the position moving forward.
- Mike Murzynsky, Barb James, Steve Rich and I met to finalize a single retirement distribution form that can be used by the City, the financial institution who cuts retirement checks for the City and are actuaries in tracking all transactions relating to distribution of retirement payments.
- Participated, along with Steve Rich, Jim Protiva, Mike Cavanaugh and Kathy Cline in a meeting with Superintendent Gray and Rich Belloni from LCSD, regarding the facilities use agreement between the City and the school district. It has been a couple of months since our last meeting. We are approaching the agreement in two ways. We will have a general provision that covers our normal facilities that are made available by the schools/City for each other's programs. We are looking

at having separate provisions for Frank Wade Park for the main baseball diamond, and for the aquatic center, which fall outside of our normal processes for the other facilities. We are contemplating actually leasing the main ball diamond at Frank Wade Park to the schools. Traditionally, this field has been operated and run by a combination of the schools and the Booster Club. We see value in formalizing this relationship. For the aquatic center, the cost and operations are of a different nature than the rest of our facilities. Both the school district and the City are comfortable in developing an agreement for review by the City Council and school Board on these two specific issues, as well as, the general mutual use agreement.

- Held bi-monthly meetings with Jason Malloy, Rob Murphy, and Lance Vanderbeck.
- Participated in a meeting with Lance Vanderbeck, Steve Rich, Jennifer Beathe, and Randy Hereford, CEO, from Starker Forest. This is regarding access across the east side of airport for logging activities Starker is planning to pursue in the next couple of years. We discussed, conceptually, the idea of working with various property owners to develop an access route to these properties that would not require the crossing of the airport property. Starker is interested in having this discussion.
- Tim Gross, Steve Rich, Barb James and I met regarding the use of dash cams in City vehicles. We had a request from an employee to use a dash cam. The concern that we have in condoning this activity is, that without a policy, we could be setting up a number of issues regarding records retention, camera use, and other similar situations, particularly if the vehicle is involved in an accident. We have talked about the use of equipment where we have specific concerns about the driving of an employee, which would be done as part of a work improvement or disciplinary issue. We do not have any intention at this time in having mandatory placement of dash cams in City vehicles.
- I met with Ed Wiles regarding the storm water fee as it pertains to the former PUD property he acquired in South Beach. There are large parts of the yard that are gravel. He believes that the yard itself should not be subject to the calculations for ESUs. He has filed an appeal on this matter which we will review.
- Met with Councilors Allen, Botello and Hall to continue our initial discussion on cultural competency. One of the things that we will be doing this summer, is conducting a survey of our employees on cultural competency. We will use this as a baseline to discuss next steps on proceeding with a cultural competency policy for the City. Because of various schedules, we do not anticipate meeting until the fall, when Councilors Botello and Hall will be both available to continue this discussion. By that time we hope to have survey results to continue our review of this matter.
- Met with Stephen Webster regarding his project for 634 NE 3rd Street. He would like to develop a shelter-type structure for things such as produce sales, having prepared food availability, and having temporary facilities for other types of sales. He is requesting that the City take a look at our storm water policies because he would like to use some innovative methods for addressing storm water that is generated from the site. I indicated that we would discuss this internally to see how we might be able to address his desire to use some alternate methods for dealing with storm water.
- Held a bi-monthly meeting with Laura Kimberly from the library.

- Participated in a YBEF meeting. The primary activity was approval of new bylaws for YBEF that actually correspond with the way YBEF operates. I believe the new bylaws will serve a much better purpose in helping guide the operations of YBEF in the future.
- Steve Rich, Barb James and I met with Peggy O'Callaghan regarding an agreement that she would like to pursue with Compass Online Portal. There were several concerns that we had with this particular program, including the requirements of how to handle health data that is collected from individuals who participate in the program. Also, the friends of the 60+ Center have been providing financial support directly to an individual who has been providing this service. It may be more appropriate that the friends be the contractual entity with this program, not the City. Peggy was going to do some additional research so we can make a determination of how we should proceed, or not proceed, with this agreement.
- Barb James and I met with Laura Kimberly regarding staffing levels at the library. We currently have a full-time position that is vacant, a half-time position that is vacant, another half-time position that will become vacant this fall, and a full-time position right after the beginning of the year that will become vacant. Based on these vacancies, I have authorized moving forward with the full-time position, at this time, and holding on the part-time position until further notice. By the time the second full-time position is vacant, the City should be in a position to know whether we will be able to fill that position or not, after our financial review this fall.
- Barb James, Steve Rich and I met with Tamara Jones from CIS to discuss specific training on recruiting and hiring employees. There are a lot of misconceptions from staff participating in panels about the laws for hiring employees which need to be followed in hiring practices. Barb feels very strongly that we need some general training on how to proceed in certain situations and why it is necessary to proceed in that way. Tamara Jones will develop a training session with the intent of conducting the training in the fall. This training is for department heads, assistants, and others involved in the hiring and evaluation process of candidates for City positions.
- Had a conference call with the Host Committee co-chairs for OCCMA. There is a general Host Committee meeting in Newport during the Summer Conference in July.
- Met with Ralph Breitenstein to hear a recap of the meeting that Leslie and Ralph had with the Ford Foundation. Ralph felt very positive about the meeting. Ford has asked for some specific information that we need to compile, which would be part of the application of funding from Ford, in order to assist with the implementation of the City's Vision plan. We will pull that information together and submit it by the end of July to the Ford Family Foundation for their consideration. I appreciate the effort that Ralph and Leslie have put into this process.

Upcoming Events:

- I will be attending OCCMA's Summer Conference July 9-12, which will be held here in Newport for the first time. This conference, historically, is held in Bend.
- August 2 is the Mombetsu Sister City Potluck dinner at City Hall, which is part of the Sister City visit from August 2-6.
- August 5 Mombetsu presentation at the City Council meeting.
- September 26-28 is the LOC's Annual Conference in Bend, OR. Councilors Goebel, Allen, Parker, Jacobi, Hall and Mayor Sawyer have been registered, along with Peggy and myself. Please let us know if your plans change, so we can cancel without financial penalty prior to the conference.
- On September 30, the City Council will hold a town meeting at 6 PM. Location is yet to be determined.
- I plan on attending the 2019 ICMA Annual Conference in Nashville, Tennessee October 19-23.
- I will be taking a few vacation days following the end of the conference on October 23, before returning to Newport.
- I plan on attending the OCCMA Board Retreat on November 6-8 at Silver Falls Lodge. This will be the retreat in which we will plan activities for the Association for the year. I will be President of the Oregon City/County Management Association for the 2020 calendar year.

Attachments:

- ✚ Attached is the renewal report from Payne West showing how the City's experience with claims compares to the rest of the pool.
- ✚ Attached is the bond summary for the water revenue bond that was issued on June 11, 2019, in the amount of \$4.5 million dollars.
- ✚ Attached is the letter from the DEQ imposing a fine on violation of storm water reporting requirements at the airport.
- ✚ Attached is a summary of the Oregon Discrimination Claims changes that have been enacted by the state legislature. Perhaps the biggest issue is that the statute of limitations for employee discrimination claims have been increased from one year to five years. It can be tricky for employers to reconstruct an issue that occurred four or five years ago. We will need to spend some time in making sure our policies are consistent with this new state law.
- ✚ Attached is a letter expressing appreciation for the work that has occurred on Oceanview Drive from the Association of unit owners of Baywood Manner Condominiums.
- ✚ Attached is information on a special tax that was proposed for public safety in Eugene, Oregon.

✚ Attached is the City of Newport's Emergency Management newsletter for your review.

I hope everyone has an enjoyable and safe 4th of July.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "S. Nebel".

Spencer Nebel
City Manager

cc: Department Heads

City of Newport
2019-2020 Insurance Renewal

"To succeed in your mission, you must have single-minded devotion to your goal."

In a world where information comes quickly and challenges are many, it's hard to have a single-minded devotion to anything. But when it comes to our collective mission of preventing claims, the effort is worth it. And when CIS and members work together, it's a mission that's possible to achieve.

Below and on the facing page, you'll see data that reflects the collaboration between CIS and your entity over the past year. You'll also see a snapshot of coverage, claims, and participation by entity staff in key training and other CIS-sponsored events, and information about how your entity's performance stacks up against other members of the pool.

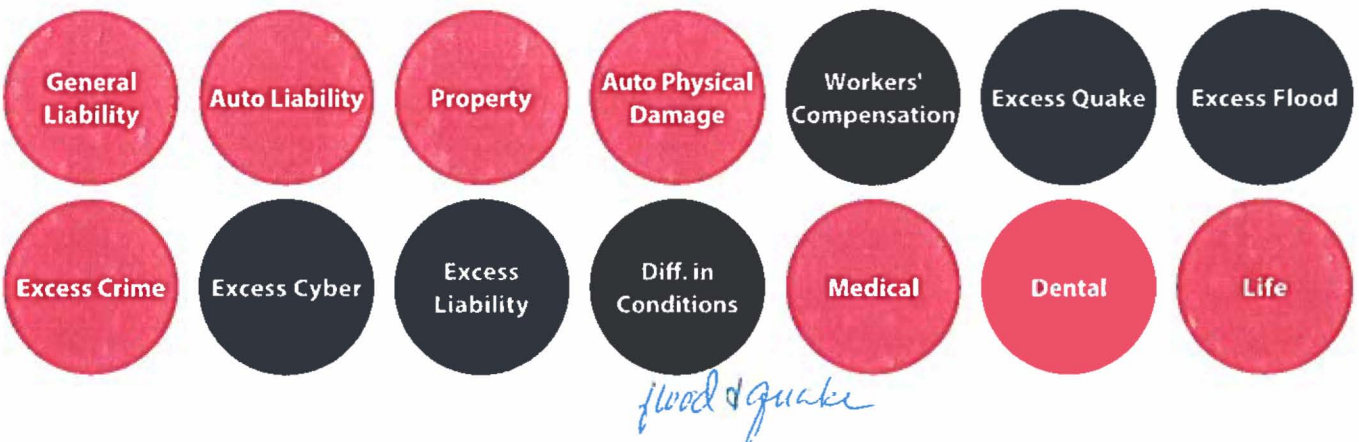
Based on the numbers, you may want to encourage greater participation in our no-or-low-cost training activities or taking greater advantage of our pre-loss services. Your CIS Risk Management Consultant, **Adrian Albrich**, is standing by to guide you. You'll find your consultant's contact information on the back page.

On behalf of our Board of Trustees and staff, please accept our thanks for **16 years** of continuous membership with our Property/Casualty program. We're committed to fulfilling our Mission: Possible — delivering Trust-worthy results in trustworthy ways — now, and into the future.

Lynn McNamara
 CIS Executive Director

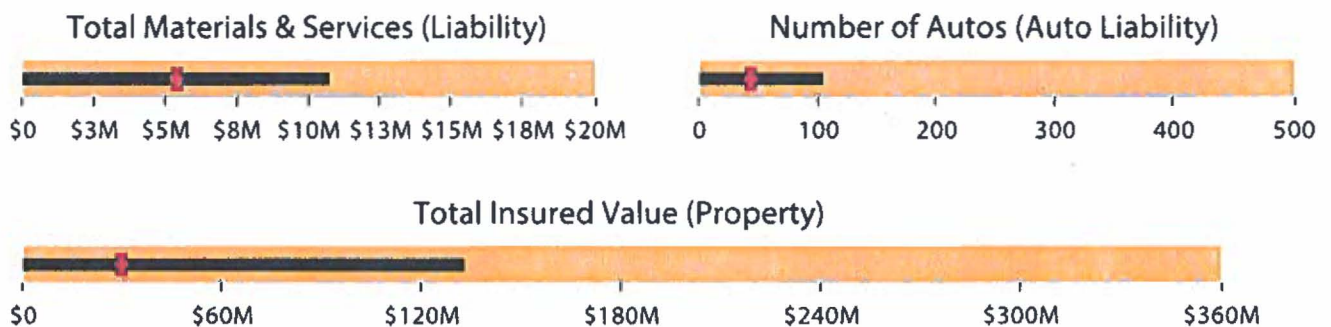
COVERAGE PARTICIPATION

Listed below are the various **lines of coverage your entity currently participates in** as a member-owner, and the **coverage line opportunities available** to you.



COVERED EXPOSURES (Tick mark = Pool average)

The below graphs represent your entity's covered exposures compared to the pool's average.



RISK MANAGEMENT SERVICES BY THE NUMBERS

1.75

Hours of risk management activity provided by CIS staff on behalf of your entity

4

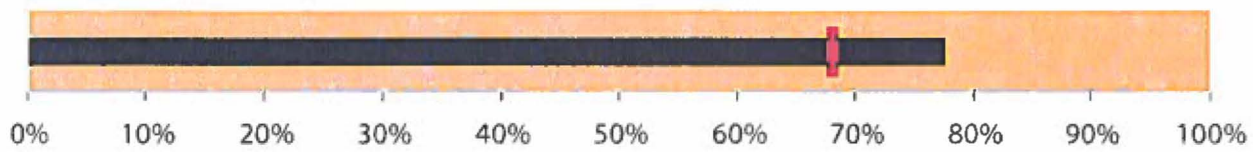
Number of Pre-Loss Legal consultations

3 / 0 / 1

Number of: Learning Center course completions / webinars / Annual Conference attendees

Percentage Correct On Most Recent Best Practices Survey

(Tick mark = Pool average)

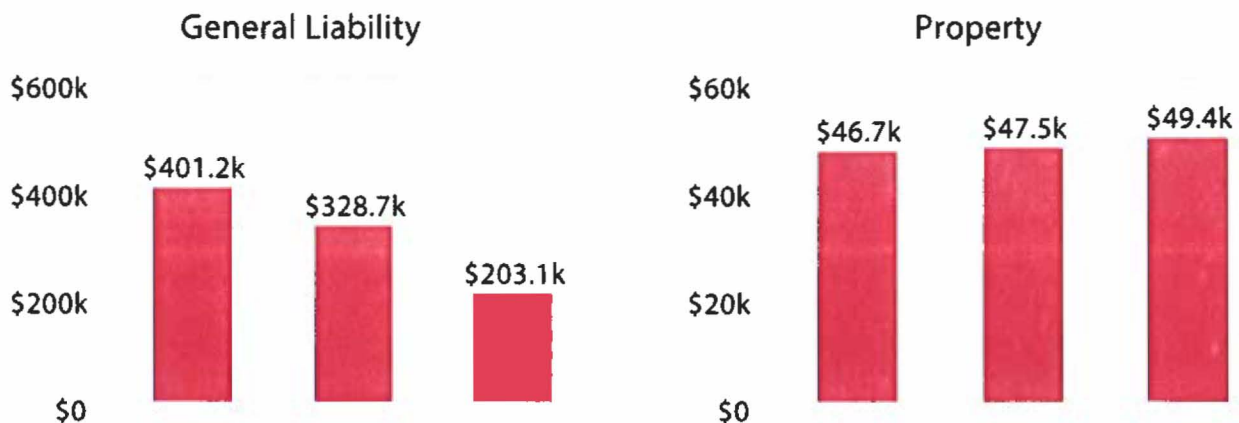


CLAIMS SUMMARY FY 2013-14 TO FY 2018-19 (AS OF 12/31/2018)

COVERAGE	COV. YEARS	CLAIMS	LOSSES	AVG. COST PER CLAIM	% OF LOSSES	LOSS RATIO
AUTO LIABILITY	6	17	\$88,614	\$5,213	14%	37%
AUTO PHYSICAL DAMAGE	6	32	\$99,635	\$3,114	16%	47%
GENERAL LIABILITY	6	51	\$401,240	\$7,867	63%	39%
PROPERTY	6	8	\$46,746	\$5,843	7%	7%
TOTAL		108	\$636,235		100%	AVG: 29%

LOSS COMPARISON FY 2013-14 TO FY 2018-19 (AS OF 12/31/2018)

Comparing Newport to Cities w/ Pop. 10K to 25K and all CIS members



**CITY OF NEWPORT
2019-20 PREMIUM
BREAKDOWN**

Line of Business	2018-19 Premium	2019-20 Premium	Difference
General Liability	\$173,219.62	\$179,818.30	\$6,593.68
Auto Liability	\$39,816.73	\$39,377.98	-\$438.75
Auto Phys. Dam	\$35,083.17	\$37,990.99	\$2,907.82
Property	\$116,518.42	\$118,686.38	\$2,167.96
Excess Crime	\$990.90	\$990.90	\$0.00
TOTAL	\$365,628.84	\$376,864.55	\$11,235.72
Workers Comp	\$117,656.00	\$109,158.00	-\$8,498.00
PayneWest Service Agreement Fee	\$30,000.00	\$30,000.00	\$0.00
ANNUAL TOTAL FOR ALL LINES	\$513,284.84	\$516,022.55	\$2,737.72
Workers Comp rate based on:	2018-19 Estimated Payroll: \$9,167,167	2019-20 Estimated Payroll: \$9,312,220	

BOND SUMMARY STATISTICS

City of Newport Water Revenue Bond, Series 2019 Final Numbers

Dated Date	06/11/2019
Delivery Date	06/11/2019
Last Maturity	06/01/2034
Arbitrage Yield	2.460063%
True Interest Cost (TIC)	2.460063%
Net Interest Cost (NIC)	2.460000%
All-In TIC	2.666730%
Average Coupon	2.460000%
Average Life (years)	7.029
Weighted Average Maturity (years)	7.029
Duration of Issue (years)	6.275
Par Amount	4,558,000.00
Bond Proceeds	4,558,000.00
Total Interest	788,193.56
Net Interest	788,193.56
Total Debt Service	5,346,193.56
Maximum Annual Debt Service	632,261.00
Average Annual Debt Service	357,074.15

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Bond Component	4,558,000.00	100.000	2.460%	7.029	2,811.99
	4,558,000.00			7.029	2,811.99

	TIC	All-In TIC	Arbitrage Yield
Par Value	4,558,000.00	4,558,000.00	4,558,000.00
+ Accrued Interest	-	-	-
+ Premium (Discount)	-	-	-
- Underwriter's Discount	-	-	-
- Cost of Issuance Expense	-	-57,800.00	-
- Other Amounts	-	-	-
Target Value	4,558,000.00	4,500,200.00	4,558,000.00
Target Date	06/11/2019	06/11/2019	06/11/2019
Yield	2.460063%	2.666730%	2.460063%

BOND PRICING

City of Newport
Water Revenue Bond, Series 2019
Final Numbers

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Bond Component:					
	06/01/2020	523,000	2.460%	2.460%	100.000
	06/01/2021	533,000	2.460%	2.460%	100.000
	06/01/2022	546,000	2.460%	2.460%	100.000
	06/01/2023	215,000	2.460%	2.460%	100.000
	06/01/2024	220,000	2.460%	2.460%	100.000
	06/01/2025	225,000	2.460%	2.460%	100.000
	06/01/2026	231,000	2.460%	2.460%	100.000
	06/01/2027	237,000	2.460%	2.460%	100.000
	06/01/2028	242,000	2.460%	2.460%	100.000
	06/01/2029	248,000	2.460%	2.460%	100.000
	06/01/2030	255,000	2.460%	2.460%	100.000
	06/01/2031	261,000	2.460%	2.460%	100.000
	06/01/2032	267,000	2.460%	2.460%	100.000
	06/01/2033	274,000	2.460%	2.460%	100.000
	06/01/2034	281,000	2.460%	2.460%	100.000
		4,558,000			

Dated Date	06/11/2019		
Delivery Date	06/11/2019		
First Coupon	12/01/2019		
Par Amount	4,558,000.00		
Original Issue Discount	-		
Production	4,558,000.00	100.000000%	
Underwriter's Discount	-	-	
Purchase Price	4,558,000.00	100.000000%	
Accrued Interest	-		
Net Proceeds	4,558,000.00		

SOURCES AND USES OF FUNDS

City of Newport
Water Revenue Bond, Series 2019
Final Numbers

Sources:

Bond Proceeds:	
Par Amount	4,558,000.00
	<hr/> 4,558,000.00 <hr/> <hr/>

Uses:

Project Fund Deposits:	
Project Fund	4,500,000.00
Cost of Issuance:	
Bond Counsel - Hawkins (est.)	21,000.00
Placement Agent - Piper	30,000.00
MDAC	800.00
Bank Counsel	<hr/> 6,000.00
	57,800.00
Other Uses of Funds:	
Additional Proceeds	200.00
	<hr/> 4,558,000.00 <hr/> <hr/>

BOND DEBT SERVICE

City of Newport
Water Revenue Bond, Series 2019
Final Numbers

Dated Date 06/11/2019
Delivery Date 06/11/2019

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/01/2019	-	-	52,948.76	52,948.76	-
06/01/2020	523,000	2.460%	56,063.40	579,063.40	632,012.16
12/01/2020	-	-	49,630.50	49,630.50	-
06/01/2021	533,000	2.460%	49,630.50	582,630.50	632,261.00
12/01/2021	-	-	43,074.60	43,074.60	-
06/01/2022	546,000	2.460%	43,074.60	589,074.60	632,149.20
12/01/2022	-	-	36,358.80	36,358.80	-
06/01/2023	215,000	2.460%	36,358.80	251,358.80	287,717.60
12/01/2023	-	-	33,714.30	33,714.30	-
06/01/2024	220,000	2.460%	33,714.30	253,714.30	287,428.60
12/01/2024	-	-	31,008.30	31,008.30	-
06/01/2025	225,000	2.460%	31,008.30	256,008.30	287,016.60
12/01/2025	-	-	28,240.80	28,240.80	-
06/01/2026	231,000	2.460%	28,240.80	259,240.80	287,481.60
12/01/2026	-	-	25,399.50	25,399.50	-
06/01/2027	237,000	2.460%	25,399.50	262,399.50	287,799.00
12/01/2027	-	-	22,484.40	22,484.40	-
06/01/2028	242,000	2.460%	22,484.40	264,484.40	286,968.80
12/01/2028	-	-	19,507.80	19,507.80	-
06/01/2029	248,000	2.460%	19,507.80	267,507.80	287,015.60
12/01/2029	-	-	16,457.40	16,457.40	-
06/01/2030	255,000	2.460%	16,457.40	271,457.40	287,914.80
12/01/2030	-	-	13,320.90	13,320.90	-
06/01/2031	261,000	2.460%	13,320.90	274,320.90	287,641.80
12/01/2031	-	-	10,110.60	10,110.60	-
06/01/2032	267,000	2.460%	10,110.60	277,110.60	287,221.20
12/01/2032	-	-	6,826.50	6,826.50	-
06/01/2033	274,000	2.460%	6,826.50	280,826.50	287,653.00
12/01/2033	-	-	3,456.30	3,456.30	-
06/01/2034	281,000	2.460%	3,456.30	284,456.30	287,912.60
	4,558,000		788,193.56	5,346,193.56	5,346,193.56

PROOF OF ARBITRAGE YIELD

City of Newport
Water Revenue Bond, Series 2019
Final Numbers

Date	Debt Service	Present Value to 06/11/2019 @ 2.4600630014%
12/01/2019	52,948.76	52,340.92
06/01/2020	579,063.40	565,460.58
12/01/2020	49,630.50	47,875.74
06/01/2021	582,630.50	555,201.58
12/01/2021	43,074.60	40,547.99
06/01/2022	589,074.60	547,783.61
12/01/2022	36,358.80	33,399.42
06/01/2023	251,358.80	228,094.12
12/01/2023	33,714.30	30,222.11
06/01/2024	253,714.30	224,670.57
12/01/2024	31,008.30	27,125.01
06/01/2025	256,008.30	221,226.19
12/01/2025	28,240.80	24,107.39
06/01/2026	259,240.80	218,608.53
12/01/2026	25,399.50	21,158.24
06/01/2027	262,399.50	215,927.53
12/01/2027	22,484.40	18,277.51
06/01/2028	264,484.40	212,386.22
12/01/2028	19,507.80	15,474.81
06/01/2029	267,507.80	209,625.43
12/01/2029	16,457.40	12,739.71
06/01/2030	271,457.40	207,582.37
12/01/2030	13,320.90	10,062.66
06/01/2031	274,320.90	204,705.23
12/01/2031	10,110.60	7,453.11
06/01/2032	277,110.60	201,792.23
12/01/2032	6,826.50	4,910.66
06/01/2033	280,826.50	199,558.69
12/01/2033	3,456.30	2,426.24
06/01/2034	284,456.30	197,255.61
	<hr/>	
	5,346,193.56	4,558,000.00
	<hr/>	

Proceeds Summary

Delivery date	06/11/2019
Par Value	4,558,000.00
	<hr/>
Target for yield calculation	4,558,000.00

FORM 8038 STATISTICS

City of Newport
Water Revenue Bond, Series 2019
Final Numbers

Dated Date 06/11/2019
Delivery Date 06/11/2019

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Bond Component:						
	06/01/2020	523,000.00	2.460%	100.000	523,000.00	523,000.00
	06/01/2021	533,000.00	2.460%	100.000	533,000.00	533,000.00
	06/01/2022	546,000.00	2.460%	100.000	546,000.00	546,000.00
	06/01/2023	215,000.00	2.460%	100.000	215,000.00	215,000.00
	06/01/2024	220,000.00	2.460%	100.000	220,000.00	220,000.00
	06/01/2025	225,000.00	2.460%	100.000	225,000.00	225,000.00
	06/01/2026	231,000.00	2.460%	100.000	231,000.00	231,000.00
	06/01/2027	237,000.00	2.460%	100.000	237,000.00	237,000.00
	06/01/2028	242,000.00	2.460%	100.000	242,000.00	242,000.00
	06/01/2029	248,000.00	2.460%	100.000	248,000.00	248,000.00
	06/01/2030	255,000.00	2.460%	100.000	255,000.00	255,000.00
	06/01/2031	261,000.00	2.460%	100.000	261,000.00	261,000.00
	06/01/2032	267,000.00	2.460%	100.000	267,000.00	267,000.00
	06/01/2033	274,000.00	2.460%	100.000	274,000.00	274,000.00
	06/01/2034	281,000.00	2.460%	100.000	281,000.00	281,000.00
		4,558,000.00			4,558,000.00	4,558,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	06/01/2034	2.460%	281,000.00	281,000.00	-	-
Entire Issue	-	-	4,558,000.00	4,558,000.00	7.0295	2.4601%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	57,800.00
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00

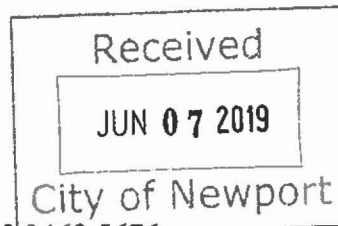


Oregon

Kate Brown, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

June 5, 2019



CERTIFIED MAIL: 7016 0750 0000 ~~3469 5676~~

City of Newport
c/o Spencer Nebel, City Manager
Newport City Hall
169 SW Coast Hwy
Newport, Oregon 97365

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/SW-WR-2018-145

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$13,480 for failing to monitor for statewide benchmark pollutants during the 2014-2015 through 2017-2018 monitoring years as required under the NPDES 1200-Z General Permit for the Newport Municipal Airport located at 139 SE 84th Street in Newport, Oregon.

DEQ issued this penalty because monitoring is an important condition of the Permit and you failed to monitor for benchmark pollutants on some of the required occasions over the course of four monitoring years. In addition, your Grant Creek sampling location during those four years was not representative of your industrial stormwater discharge. Monitoring may reveal the presence of harmful levels of pollutants that pose a threat to waters of the state. In addition, monitoring allows Permit registrants and DEQ to gauge the effectiveness of stormwater controls and best management practices at reducing levels of pollutants in industrial stormwater discharges.

DEQ appreciates your efforts to ensure that the monitoring violations will not be repeated by developing an updated Stormwater Pollution Control Plan (SWPCP) that includes a map of the drainage areas at your facility and identifies seven required monitoring locations. DEQ considered these efforts when determining the amount of civil penalty. Specifically, you have increased the number of monitoring locations from two to seven. You have also corrected the Grant Creek monitoring location to ensure that you are collecting a representative sample of the facility's stormwater discharge. DEQ approved the updated SWPCP on March 26, 2019 and expects that from that date forward you have been monitoring and reporting your industrial stormwater discharge at all seven of the required monitoring locations.

In addition to the monitoring violations, the attached Notice cites the City, without penalty, for violating other conditions of the 1200-Z permit. Specifically, you failed to conduct employee education during the three years prior to DEQ's June 26, 2018 inspection, failed to conduct adequate monthly facility inspections during the three years prior to DEQ's June 26, 2018 inspection, failed to develop and maintain an updated SWPCP that reflects actual site conditions, and failed to certify during the 2017-2018 permit year you do not use pavement deicers containing urea at the facility. DEQ appreciates your efforts to address these violations since DEQ's June 26, 2018 inspection by documenting recent employee education and facility inspections, updating your SWPCP, and certifying that you do not use pavement deicers containing urea at the airport.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.state.or.us

Via fax – 503-229-5100

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty by sending a check or money order to the above address.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Becka Puskas at 503-229-5058 or toll free in Oregon at 800-452-4011, extension 5058.

Sincerely,



Kieran O'Donnell, Manager
Office of Compliance and Enforcement

Enclosures

cc: Lance Vanderbeck, Airport Director, 135 SE 84th St., Newport, OR 97366
Kathy Jacobsen, DEQ
Zach Loboy, DEQ
Accounting, DEQ
John Koestler, WQ, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 OF THE STATE OF OREGON

3 IN THE MATTER OF:)
4 CITY OF NEWPORT,) NOTICE OF CIVIL PENALTY
5 Respondent.) ASSESSMENT AND ORDER
6 CASE NO. WQ/SW-WR-2018-145

7 I. AUTHORITY

8 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
9 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
10 ORS 468B, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012,
11 and 045.

12 II. FINDINGS OF FACT

13 1. Respondent is registered under the National Pollutant Discharge Elimination System
14 Stormwater Discharge General Permit No. 1200-Z (the "Permit") for the Newport Municipal Airport
15 located at 120 SE 84th Street in Newport, Oregon (the "Facility").

16 2. The Permit was in effect at all material times.

17 3. Schedule B.1.a of the Permit requires registrants to monitor for the benchmark pollutants
18 identified in Schedule A.9 of the Permit: Total Copper, Total Lead, Total Zinc, pH, Total Suspended
19 Solids (TSS) and Total Oil & Grease.

20 4. Schedule B.2.f of the Permit requires registrants to monitor for benchmark pollutants four
21 times per monitoring year (July 1 through June 30), with two samples before December 31 and two
22 samples after January 1.

23 5. Schedule B.2.b of the Permit requires that: samples be representative of the discharge
24 (Schedule B.2.b.i), monitoring locations be identified in Respondent's Stormwater Pollution Control
25 Plan (SWPCP) (Schedule B.2.b.ii), and that all samples must be taken at discharge points located
26 before the stormwater joins or is diluted by stormwater from a different drainage area of the facility or
27 areas outside the facility, or any other body of water, including groundwater (Schedule B.2.b.iii).

1 6. Schedule B.2.c of the Permit requires that each discharge point at the Facility be monitored
2 unless the discharge serves an area without exposure of stormwater to industrial activities (Schedule
3 B.2.c.i) or the discharge point has effluent that is substantially similar to the effluent of a monitored
4 discharge point, with a determination of substantially similar effluent based on past monitoring data or
5 analysis included in Respondent's SWPCP (Schedule B.2.c.ii).

6 7. During the 2014-2015, 2015-2016, 2016-2017 and 2017-2018 monitoring years, Respondent
7 sampled for benchmark pollutants at two discharge points, identified as "Grant Creek" and "Moore
8 Creek" in Respondent's SWPCP and Discharge Monitoring Reports.

9 8. During the 2014-2015 monitoring year, Respondent sampled at Grant Creek and Moore
10 Creek on three occasions during the first half of the monitoring year (July 1 – December 31), but only
11 sampled on one occasion during the second half of the monitoring year (January 1 – June 30).

12 9. During the 2016-2017 monitoring year, Respondent sampled at Grant Creek and Moore
13 Creek for benchmark pollutants on three out of the required four occasions.

14 10. During the 2017-2018 monitoring year, Respondent sampled at Grant Creek and Moore
15 Creek for benchmark pollutants on two out of the required four occasions.

16 11. DEQ inspected the Facility on July 26, 2018. On the day of the inspection, DEQ observed
17 the "Grant Creek" monitoring location identified in Respondent's SWPCP and Discharge Monitoring
18 Reports, which is located after industrial stormwater discharged from the Facility joins and is diluted by
19 Grant Creek.

20 12. Schedule A.1.j of the Permit requires Respondent to develop and maintain an employee
21 education and orientation program to inform personnel on the pertinent components of the Permit and
22 the SWPCP; the education and training must be documented and must occur on an annual basis for
23 existing employees and no later than 30 days after hiring or a change in duties for new employees.
24 Schedule B.10.1 requires Respondent to maintain employee education materials and records of training
25 on site at the Facility for at least three years.

26 13. On July 26, 2018, there were no employee education records on site at the Facility.

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1 14. On October 15, 2018, Respondent submitted to DEQ documentation of employee education
2 conducted on October 12, 2018.

3 15. Schedule B.7 of the Permit requires Respondent to conduct monthly inspections of areas
4 where industrial materials or activities are exposed to stormwater and areas where stormwater control
5 measures, structures, catch basins and treatment facilities are located. Schedule B.7.f requires that the
6 monthly inspections be documented, including the inspection date and time (Schedule B.7.f.i), control
7 measures and treatment facilities needing cleaning, replacement, maintenance, reconditioning or repair
8 (Schedule B.7.f.iii), the condition of drainage and conveyance system and need for maintenance
9 (Schedule B.7.f.iv), previously unidentified sources of pollutants (Schedule B.7.f.v), stormwater
10 discharge visual observations (Schedule B.7.f.vi), and any corrective action, source control or
11 maintenance taken or scheduled to remedy problems found (Schedule B.7.f.viii).

12 16. On July 26, 2018, DEQ requested to review Respondent's monthly facility inspection
13 reports. Respondent's reports did not contain: the time of the inspection, information about the
14 condition of the Facility's control measures or drainage and conveyance systems, or documentation of
15 stormwater discharge visual observations.

16 17. On October 15, 2018, Respondent submitted to DEQ documentation of monthly facility
17 inspections conducted on August 17, 2018 and September 26, 2018 according to the requirements of
18 the Permit.

19 18. Schedule A.6 through A.8 of the Permit require Respondent to develop and maintain an
20 updated SWPCP that reflects actual site conditions. Specifically, among other required elements, the
21 SWPCP must include: a site map that identifies all discharge points at the Facility, with an outline of
22 the drainage area for each discharge point (Schedule A.7.b.i(4)-(5)); a description of industrial activities
23 conducted at the site and significant materials stored, used, treated or disposed of in a manner which
24 exposes those activities or materials to stormwater (Schedule A.7.b.ii); and for each area of the site
25 where a reasonable potential exists for contributing pollutants to stormwater runoff, a description of the
26 potential pollutant sources that could be present in stormwater discharges and if associated with a co-
27 located SIC code (Schedule A.7.b.v).

1 19. On or about February 23, 2018, Respondent submitted a SWPCP, dated February 23, 2018,
2 to DEQ (the "2018 SWPCP").

3 20. Respondent's 2018 SWPCP does not accurately describe all of the discharge points and
4 monitoring locations at the Facility. Specifically, Section 6.0 of the 2018 SWPCP, describes nine
5 outfalls described as HC-1, HC-2, HC3, GC-4, GC-5, GC-6, GC7, HC8, and HC-9 and indicates that
6 only GC-4 is monitored. Section 6.0 also states that six discharge points (HC-1, HC-2, HC-3, HC-8,
7 HC-9 and GC-7) are "Similar to GC-4" but does not include data or analysis to support a determination
8 of substantially similar effluent as required by Schedule B.2.c.ii. Figure 3 of the 2018 SWPCP
9 describes nine outfalls labeled as HC-1, HC-2, HC-3, GC-4, GC-5, GC-6, GC-7, MC-8, and MC-9 but
10 does not indicate which of these outfalls are monitored by Respondent. Respondent's DMRs submitted
11 to DEQ for monitoring years 2014-2015 through 2017-2018 indicate that Respondent monitored at two
12 locations identified as "Grant Creek" and "Moore Creek" on the DMRs. However it is not clear from
13 the 2018 SWPCP which outfalls described in Section 6.0 and indicated on Figure 3 the "Grant Creek"
14 and "Moore Creek" monitoring points correspond with.

15 21. Respondent's 2018 SWPCP discusses co-located airport tenants but does not describe the
16 potential pollutant sources that could be present in stormwater discharges associated with those co-
17 located activities.

18 22. Respondent's 2018 SWPCP discusses firefighting tasks but does not detail equipment,
19 methods or significant materials used for this task which may be exposed to stormwater.

20 23. On February 28, 2019, Respondent submitted an updated SWPCP to DEQ that addressed
21 and corrected the issues described in Section II, Paragraphs 20-22, above (the "2019 SWPCP"). DEQ
22 approved the 2019 SWPCP on March 26, 2019.

23 24. Schedule E.S.7.1 of the Permit (August 1, 2017 Renewal), requires Respondent to either (1)
24 certify annually on the annual report that it does not use pavement deicers containing urea, or (2)
25 monitor its industrial stormwater to demonstrate compliance with the effluent limitation for Ammonia
26 as Nitrogen, 14.7 mg/L daily maximum.

27 \\\

1 25. During the 2017-2018 monitoring year, Respondent did not monitor for Ammonia as
2 Nitrogen and did not certify that it did not use pavement deicers containing urea.

3 26. Respondent's 2019 SWPCP includes a certification that Respondent does not use pavement
4 deicers containing urea at the Facility.

5 III. CONCLUSIONS

6 1. Respondent violated ORS 468B.025(2) and Schedule B.1 and B.2 of the Permit by failing to
7 monitor for statewide benchmark pollutants as described in Section II, Paragraphs 3-11, above.
8 Specifically, during the 2014-2015 through 2017-2018 monitoring years, Respondent failed to monitor
9 at the "Grant Creek" location because the samples taken at Grant Creek were not representative of the
10 Facility's industrial stormwater discharge. In addition, during the 2014-2015 monitoring year, at the
11 Moore Creek monitoring location, Respondent sampled on three occasions during the first half of the
12 monitoring year (July 1 – December 31), but only sampled on one occasion during the second half of
13 the monitoring year (January 1 – June 30). During the 2016-2017 monitoring year, Respondent sampled
14 for benchmark pollutants at the Moore Creek monitoring location on three out of the required four
15 occasions. During the 2017-2018 monitoring year, Respondent sampled for benchmark pollutants at the
16 Moore Creek monitoring location on two out of the required four occasions. These are twenty (20)
17 Class I violations according to OAR 340-012-0055(o). DEQ hereby assesses a \$13,480 civil penalty for
18 these violations.

19 2. Respondent violated ORS 468B.025(2) and Schedule A.1.j of the Permit but failing to
20 conduct employee education during the three years prior to DEQ's June 26, 2018 inspection, as described
21 in Section II, Paragraphs 12-13, above. These are three (3) Class II violations according to OAR 340-012-
22 0053(2). DEQ has not assessed a civil penalty for these violations.

23 3. Respondent violated ORS 468B.025(2) and Schedule B.7 of the Permit but failing to conduct
24 adequate monthly facility inspections during the three years prior to DEQ's June 26, 2018 inspection, as
25 described in Section II, Paragraphs 15-16, above. Specifically, Respondent's inspection reports did not
26 include the time of the inspection, information about the condition of the Facility's control measures or
27 drainage and conveyance systems, or documentation of stormwater discharge visual observations.

1 These are thirty-six (36) Class II violations according to OAR 340-012-0053(2). DEQ has not assessed a
2 civil penalty for these violations.

3 4. Respondent violated ORS 468B.025(2) and Schedule A.6 through A.8 of the Permit by
4 failing to develop and maintain an updated SWPCP that reflects actual site conditions, as described in
5 Section II, Paragraphs 18-22, above. Specifically, Respondent's 2018 SWPCP did not accurately
6 describe or locate on a site map all of the required monitoring points at the Facility. In addition, the
7 2018 SWPCP did not describe the potential pollutant sources that could be present in stormwater
8 discharges associated co-located activities at the Facility and did not detail equipment, methods or
9 significant materials used for firefighting at the Facility, which may be exposed to stormwater. This is
10 one (1) Class II violation according to OAR 340-012-0053(2). DEQ has not assessed a civil penalty for
11 this violation

12 5. Respondent violated ORS 468.025(2) and Schedule E.S.7.1 of the Permit by failing to
13 certify during the 2017-2018 permit year that it does not use pavement deicers containing urea at the
14 Facility, as described in Section II, Paragraphs 24-25, above. This is one (1) Class II violation according
15 to OAR 340-012-0053(2). DEQ has not assessed a civil penalty for this violation.

16 IV. ORDER TO PAY CIVIL PENALTY

17 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
18 hereby ORDERED TO:

19 1. Pay a total civil penalty of \$13,480. The determination of the civil penalty is attached as
20 Exhibit 1 and is incorporated as part of this Notice.

21 If you do not file a request for hearing as set forth in Section V below, your check or money
22 order must be made payable to "**State Treasurer, State of Oregon**" and sent to the **DEQ, Business**
23 **Office, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**. Once you pay the penalty,
24 the Notice becomes final.

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26 \\\

27 \\\

1 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

2 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
3 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
4 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
5 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered
6 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
7 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
8 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
9 it to **503-229-5100** or email it to **DEQappeals@deq.state.or.us**. An administrative law judge
10 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
11 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
12 represented by an attorney at the hearing, however you are not required to be. If you are an individual,
13 you may represent yourself. If you are a corporation, partnership, limited liability company,
14 unincorporated association, trust or government body, you must be represented by an attorney or a duly
15 authorized representative, as set forth in OAR 137-003-0555.

16 Active duty service-members have a right to stay proceedings under the federal Service
17 Members Civil Relief Act. For more information, please call the Oregon State Bar at 1-800-452-8260
18 or the Oregon Military Department at 1-800-452-7500. Additional information can be found online at
19 the United States Armed Forces Legal Assistance (AFLA) Legal Services Locator website
20 <http://legalassistance.law.af.mil/content/locator.php>.

21 \\\n22 \\\n23 \\\n24 \\\n25 \\\n26 \\\n27 \\\n

1 If you fail to file a timely request for hearing, the Notice will become a final order by default
2 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
3 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the
4 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates
5 the relevant portions of its files, including information submitted by you, as the record for purposes of
6 proving a prima facie case.

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10 June 3, 2019

11 Date



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Kieran O'Donnell, Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION No. 1: Violating ORS 468B.025(2) and Schedule B.1 and B.2 of the Permit by failing to monitor for statewide benchmark pollutants.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(o).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has coverage under a NPDES General Permit.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and initially receives a value of 14 according to OAR 340-012-0145(2)(a)(C) and (D), because Respondent has one Class I violation in Expedited Enforcement Offer No. WQ-SW-WR-053, issued on September 26, 2014, eleven Class I violations in Mutual Agreement and Order No. WQ/M-WR-2015-204, issued on April 6, 2017, and one Class I violation in Case No. WQ/M-WR-2018-033, issued on March 22, 2018. According to OAR 340-012-0145(2)(b), the value of P will not exceed ten, therefore the P factor is reduced to 10.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. During the 2014-2015 through 2017-2018 monitoring years, Respondent failed to monitor at the "Grant Creek" location because the samples taken at Grant Creek were not representative of the Facility's industrial stormwater discharge. Four years of missed monitoring times four missed samples per year equal sixteen occasions of missed monitoring. In addition, during the 2014-2015 monitoring year, at the Moore Creek monitoring location, Respondent sampled on three occasions during the first half of the monitoring year (July 1 – December 31), but only sampled on one occasion during the

second half of the monitoring year (January 1 – June 30). This is one occasion of missed monitoring. During the 2016-2017 monitoring year, Respondent sampled for benchmark pollutants at the Moore Creek monitoring location on three out of the required four occasions. This is one occasion of missed monitoring. During the 2017-2018 monitoring year, Respondent sampled for benchmark pollutants at the Moore Creek monitoring location on two out of the required four occasions. This is two occasions of missed monitoring. Thus, during the 2014-2015 through 2017-2018 monitoring years, there were a total of twenty (20) occasions of missed monitoring.

- "M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent failed to act intentionally with actual knowledge of the requirement. As a Permit registrant, Respondent is presumed to have knowledge of the Permit's conditions requiring stormwater monitoring, including the requirement that samples must be representative of the discharge and not co-mingled with other surface waters, and the requirement to sample four times per year, with two samples before December 31 and two samples after January 1. During an April 6, 2014 inspection of the Facility, DEQ notified Respondent that the samples being taken at the Grant Creek monitoring location were not representative of the discharge. Therefore, Respondent had actual knowledge of this requirement since at least April 2014. In addition, on September 26, 2014, DEQ issued Expedited Enforcement Offer No. WQ-SW-WR-053 for at least one missed monitoring violation during the 2013-2014 monitoring year. Therefore, Respondent had actual knowledge about the Permit's frequency requirements for monitoring. By failing to re-evaluate and adjust its monitoring practices following DEQ's April 2014 inspection and September 2014 EEO and by failing to collect the required number of representative stormwater samples during the 2014-2015 to 2017-2018 monitoring years, Respondent failed to act with actual knowledge of the Permit's monitoring requirements.
- "C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure the violation would not be repeated by updating its SWPCP to identify the seven discharge points and monitoring locations at the Facility.
- "EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$1,480. This is the amount Respondent gained by avoiding spending \$488 to analyze two samples for benchmark pollutants during the 2016-2017 monitoring year, and \$976 to analyze four samples for benchmark pollutants during the 2017-2018 monitoring year. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$4,000 + [(0.1 x \$4,000) x (10 + 0 + 3 + 8 + -1)] + \$1,480
= \$4,000 + (\$400 x 20) + \$1,480
= \$4,000 + \$8,000 + \$1,480
= \$13,480

Spencer Nebel

From: David Allen
Sent: Wednesday, June 19, 2019 7:27 PM
To: Rich Sumner; Tim Gross; Spencer Nebel
Cc: City Council
Subject: Re: Safety improvement on Oceanview Drive - thank you

Thanks, Rich ... I've included the council on this for their information as well. --David

From: Rich Sumner [richardrsumner@comcast.net]
Sent: Wednesday, June 19, 2019 1:45 PM
To: David Allen; Tim Gross; Spencer Nebel
Subject: Safety improvement on Oceanview Drive - thank you

Hello David, Tim and Spencer,

Thank you for your continued support for roadway safety improvements along Oceanview Drive near the Agate Beach Wayside. The recent addition of "fog lines" and the repair of ruts along the gravel roadway shoulder are well appreciated by pedestrians in the area. Regularly scheduled vegetation and ditch management along the shoulder also helps pedestrian use of the busy roadway. Of course, occasional police monitoring of traffic speed in the area has had a beneficial effect. I still believe that the addition of "Slow for Pedestrians" signs posted in both directions leading to the Wayside would provide additional safety for local and visitor pedestrians. Lastly, occasional police monitoring of traffic speed in the area has had a beneficial effect.

Kind regards, and have a happy and safe summer!

Rich Sumner
Association of Unit Owners of Baywood Manor Condominiums

-----Original Message-----

From: Rich Sumner [richardrsumner@comcast.net]
Sent: Tuesday, January 2, 2018 10:51 AM
To: David Allen <D.Allen@NewportOregon.gov>
Subject: RE: Oceanview Drive status

Hello David,

Thank you for reaching-out to Spencer and Tim about the status of short term improvements planned for Oceanview Drive. The newly installed "radar speed indicator" sign near the Agate Beach Wayside crosswalk seems to be effective at calming north-to-south moving traffic along that reach of roadway. Interestingly the "Have a Nice Day" text on the indicator acts as part of that calming process along with the flashing lights. I am curious to see whether local travelers "adapt" to the new sign and over time resume higher speeds.

As for other short-term improvements, I am hoping to next see the installation of "fog lines" and a rehabilitation of roadway shoulders along the roadway reach from the Agate Beach Wayside up the hill toward NW 33rd Street (with its

four condo complexes). A "Watch for Pedestrians" sign on the south-to-north approach to Agate Beach Wayside should also help the situation.

All and all, the City's continuing and timely attention to solve the traffic problems on Oceanview Drive is very much appreciated.

Kind regards and a Happy New Year to you!

Rich Sumner
Baywood Condominiums

4 OF 5 ARTICLES

Special tax for public safety proposed for residents and businesses in Eugene

by Tom Adams and KVAL.com Staff

5/25/2019 11:00 AM



[Search Site](#)



FUNDING HIGHLIGHTS

- 40 patrol officers, 5 detectives, 4 sergeants and lieutenant
- 10 community service officers, sergeant and lieutenant
- 9.5 staff for 911
- Animal welfare and traffic safety officers
- Evidence control and forensic analysts



Special tax for public safety proposed for residents and businesses in Eugene

EUGENE, Ore. - Residents and businesses in Eugene may be asked next year to start paying a special tax for public safety. That's what the city council is taking a look at this week.

Public safety managers and Police Chief Chris Skinner say the Eugene Public Safety System is under stress. This has been under study for about a year.

The repair plan that's on the table is a proposed payroll tax system.

Managers of the Eugene Police say the police department, municipal court system, and the rest of public safety is stressed out.

Search Site

"The needs are increasing and our police systems, municipal court systems and other services are falling behind," said Laura Hammond, the City of Eugene Information Officer.

Response times have risen 40 percent in the last four years at EPD. Hammond says the fix is a proposed city payroll tax. The tax is set up to raise \$23.6 million a year.

Funds would keep or add 40 officers to the ranks at EPD, plus 5 more sergeants and 5 more detectives.

"Some of those livability calls that are really important to how our neighborhoods and our community looks & feels," said Hammond. "Those are important and we want to be able to respond to those."

The 911 center would add nearly ten employees. Municipal Court would get a third courtroom, plus more support for mental health court & community court programs.

Emergency shelter options would expand, and much more. The city is talking about a payroll tax, either all paid by employees, or hybrid plans to involve Eugene businesses.

"For an employee who's making about \$15 an hour that contribution would be about ten dollars per month," said Hammond.

ises would pay \$83 a month.

53°

70°

74°

All this will be discussed on Wednesday by city councilors, with a public hearing soon.

"If it does move forward it could be up and running probably within a year," said Hammond.

Hammond says financial audits would be required each year on the new public safety fund.

To be clear, funds from the tax would also support the EPD Street Crimes unit that started this year.

That program is being supported by bridge funding approved by the council last year, but that money due to run out in mid 2020.

Search Site

MORE TO EXPLORE

Eugene Street Crimes Unit arrests three, seizes drugs and over \$10K cash

Sheriff: Meth found in home of man who fired gun at girlfriend in house as child watched

Oregon State student falls to her death on Oregon Coast

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Total Restore Supplement

7 Sneaky Symptoms That Could Be Lung Cancer

HealthCentral.com

Firemen Save Puppies But Realize They Aren't Actually Dogs

WHAT'S GOING ON IN OUR COMMUNITY?

NEW!

NVS TSUNAMI APP



Download the NVS Tsunami app to your cell phone for a quick look at where you are relative to the tsunami hazard zones and the tsunami assembly areas.

STOP BY AND SAY HELLO

- *June 8th, Saturday*

Emergency Management booth at
Newport Farmers Market 9-1pm



- *July 4th - 6th Thursday – Saturday*

Emergency Management booth at
Lincoln County Fair

- *July 27th, Saturday*

Emergency Management booth at
Newport Farmers Market

- *July 3 – August 28th, Wednesday's*

Emergency Management table at
Newport Aquarium 10 - 4pm

HISTORY OF WILDFIRES IN OUR AREA

The Oregon Coast experienced numerous catastrophic fires between 1849 and 1951, including the Yaquina Fire of 1849, which burned over 500,000 acres from Philomath to Florence. The Nestucca Fire, was a 300,000+ acre wildfire which extended from Nestucca down to Siletz Bay. The Tillamook fires, 4 separate wildfires which occurred between 1933 - 1951, each burning more than 100,000 acres! All of these fires are believed to have been caused by people (as opposed to lightning strikes).

Not a single wildfire event of this magnitude has occurred on the North West Oregon Coast since 1951. Possible reasons for that include

- public education
- Improve firefighting technologies
- dramatic increases in road-building and clearcutting from the '40s through the '70s
- increased reliance on fossil fuels and electricity for heating homes

City of Newport Emergency Management Newsletter

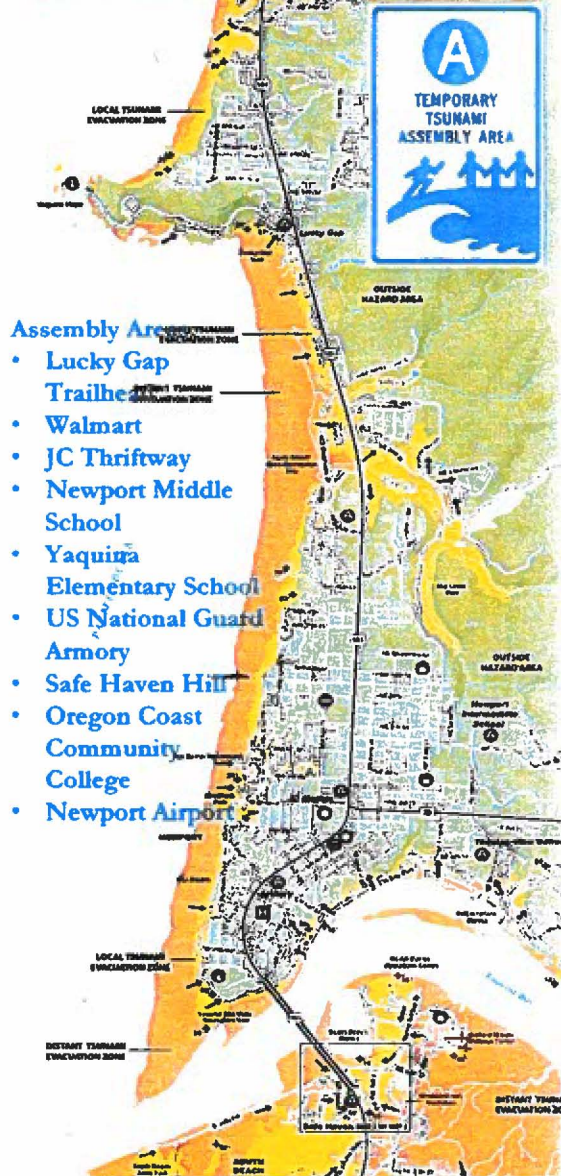
Volume 1, Issue 2

June 2019



Regina Martinez
Emergency Management Coordinator
Office. 541-265-5332 Cell. 541-272-4573
r.martinez@newportoregon.gov

Do you know where to go after you evacuate?



- Assembly Areas**
- Lucky Gap
 - Trailhead
 - Walmart
 - JC Thriftway
 - Newport Middle School
 - Yaquina Elementary School
 - US National Guard Armory
 - Safe Haven Hill
 - Oregon Coast Community College
 - Newport Airport

Tsunami Evacuation Maps available at www.oregongeology.org/tsuclearinghouse

**LOCAL TSUNAMI:
THE EARTHQUAKE IS
YOUR WARNING!**

BEFORE YOU BURN!

CONDITIONS AND STIPULATIONS FOR DEBRIS BURNING, RECREATIONAL FIRES AND ALTERNATE COOKING:

Burning Bans:

Are announced after Lincoln County fire agencies have discussed fire control capabilities in light of high temperature, low humidity, high winds, drought, Red Flag warnings, low fuel moisture and/or regional conditions. During a burning ban all outdoor charcoal or wood fires are banned. Gas grill use is allowed.

Recreation Fires:

Firewood-based outdoor fires used for cooking, pleasure, religious, ceremonial, warmth or other such purposes. No burning of construction materials is allowed.

- Must be attended at all times
- Must be >25' from structures or other combustible materials
- Must be < 3' in diameter and < 2' in height

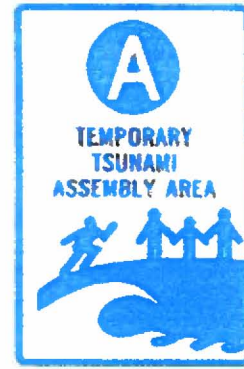
Burning Permit/Yard Debris:

Yard debris burning piles have the same restrictions as recreation fires but additionally require the following.

- A water source to extinguish the fire must be present at all times during burning.
- All material being burned must be from the property where the burning is taking place.
- Burn barrels must be > 15' from structures or other combustible material.
- Newport Fire Department must be contacted each day before initiating yard debris burning. (541) 265-9461

Burning Suspension:

Burning suspensions relate to yard debris burning by permit, to reduce the risk of controlled fires becoming wildfires. Check the Newport Fire Department website, Facebook page, or call the Newport Fire Department at 541-265-9461 to see if a suspension is in effect.



Assembly Area Signs
Coming soon to all designated areas

WILDFIRE SAFETY: PROTECTING YOUR HOME AND FAMILY

Learn more about ...

- Preparing your home and property from wildfire threats from the National Fire Protection Association (NFPA) www.nfpa.org/Public-Education/By-topic/Wildfire
- Preparing for Wildfire Evacuation www.ReadyForWildfire.org

Keep up to date on **EMERGENCY MANAGEMENT** matters in our area, **LIKE** the 'Newport Oregon Emergency Management' Facebook Page Register to receive emergency alerts at

