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MEMO

DATE: May 4, 2023
TO: Mayor and City Council
FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Four-week Period Ending Friday, April 28, 2023

The majority my time during this past four weeks has been spent on preparing a proposed budget for review by the City Council and Budget Committee members. This process will begin on May 2. I want to express my great appreciation for the efforts of all department heads and staff that are involved in the development of this budget. I want to particularly thank Steve Baugher, Finance Director. Steve has jumped into the budget process after an extended audit process without having adequate backup in his office due to the Assistant Finance Director position remaining vacant. This has resulted in Steve having to postpone other critical functions in order to get through these two critical tasks. In addition, one of Steve's key staff members was out on a family issue for four weeks during the budget preparation time.

I would like to express thanks to Aaron Colette for compiling the capital outlay budget. This is a major task and we continue to evolve the way we do the budgeting for capital outlay.

Finally, I want to express thanks to Melanie Nelson who has prepared a number of reports including the 60-page budget message. This is a major effort and it always brings me great pleasure when I can send out those documents to the Budget Committee which occurred on Tuesday, April 25!

In addition to working on the budget, highlights of activities over the last four weeks include the following:

- Held a routine Department Head meeting.
- Participated with the City Council in a work session that included a presentation from Jason Holland, Executive Director of OCCA, on the potential of creating a cultural district in Newport, and a presentation from Mike Cavanagh on the fee schedule structure being utilized to determine fees for the 23-24 fiscal year. In addition, an interview of Richard O'Hearn was completed by the Budget Committee, and legislative priorities were also discussed. Finally, there was discussion on implementation of specific time

limits for work session items to assure that there is a gap between the work session and the regular City Council meeting.

- Participated in the regular City Council meeting at 6 PM on Monday, April 3.
- Met with the Department Heads to refine the capital projects list for the proposed budget, and again, I would like to thank Aaron Collette and Steve Baugher for muscling through this task.
- During budget preparation, I worked primarily from home on a number of days prior to submitting the budget to the Budget Committee. This allowed me to focus on specific components of the budget to get through this task.
- Erik Glover, David Allen and I worked to wrap up the policy on purchasing. We have had a number of discussions this month to complete this task. This is a big accomplishment that will certainly help guide the City in future years on addressing purchasing and public contracting in a legal and consistent way.
- Participated in a meeting with Paul Seitz, District Manager of the Lincoln County Solid Waste District, Roy Kinyon Lincoln County Public Works Director, Wayne Belmont former Lincoln County Counsel, David Allen Newport City Attorney, and David Powell, Newport Public Works Director. The Solid Waste Consortium has not had a recent meeting but is still the body that governs the finances and operations of the closed Agate Beach Landfill. There is also representation from the various Cities that utilized the landfill over the years. The landfill is on City property. The City, as do the other agencies, maintain a fund to assist with ongoing maintenance of the closed landfill. For the City, it is the Agate Beach Closure Fund.

It is important that we bring this group back together as we proceed with future work. This has fallen primarily on Wayne Belmont, and Wayne wants to make sure that he passes the torch on to continue efforts in addressing closure issues at the landfill. Paul Seitz will be taking the lead. The schedule provides for release of local governments from responsibilities for the closed landfill. The consultant retained by the Consortium will be developing plans for the next phase of this operation.

- I met with Rob Murphy, Tom Sakaris, and Barb James regarding the status of an employee in the Fire Departments who is on limited-duty. We have continued this status for an additional three months.
- Participated in a meeting with Steve Baugher and the representatives of OCCA on tracking of assets for improvements to the Performing Arts Center. During this meeting, we indicated that the Performing Arts Center is a City-owned facility. OCCA had included in their books the improvements to the Performing Arts Center as leaseholder improvements. We indicated that OCCA does not have a lease with the City, but they are the City's contractor for operating the facility. We indicated we will continue to maintain the assets at the Performing Arts Center on the City books, including improvements, as a City-owned building.
- Participated in an interview for the HR Specialist is a part-time position that was budgeted in the current fiscal year. We have offered the position to a candidate pending a background check. This will be a huge assistance to

Barb in keeping up with the historically significant number of vacancies that we are dealing with in the City organization.

- Participated in a conference call on HB 3211 which is the bill to allow for the transfer of water storage rights to the new reservoir that is proposed in the replacement of the Big Creek Dams. The legislative processes have continued with these provisions being approved by the House. When they went to the State Senate, WaterWatch had concerns about the plans for water flow into Big Creek after the new dam was constructed. In order to address this concern, City Council approved a letter assuring that water flow will continue in Big Creek following the construction of the new dam.
- Met over concerns about utility billing practices in the Finance Department. Over the years, there have been a number of practices that have been put into place and a number of issues that have not been adequately addressed. Erik Glover has worked to develop updated policies to address landlord-tenant issues which are being presented to the City Council at the May 1 work session. These are all important issues to address so that we can clean up our code provisions and practices so that they are consistent moving forward.
- Richard Dutton, Derrick Tokos, David Allen and I met to review our position with Central Lincoln PUD regarding the use of our underbay conduit. This has been an issue that we have been discussing for some time. Most recently, the State has indicated that there will be a significant easement fee that will be due if PUD utilizes one of the underwater conduits. We subsequently met with the PUD representatives and they are opting to utilize an overhead crossing east of the City across from Yaquina Bay to make this connection. PUD is trying to get off Yaquina Bay Bridge where their current connection exists.
- Derrick Tokos, Erik Glover and I participated in interviews of a candidate to fill the Urban Renewal Project Manager position. We had a good discussion with this candidate who has had various experiences in project management, although not directly with Urban Renewal. We have made an offer and are currently doing a background check. Hopefully this position will be filled soon.
- Hosted the City Coastal City Managers' meeting at City Hall.
- I participated in a panel for Leadership Lincoln at the OCCC campus in Lincoln City. Councilor CM Hall participated in a panel at the next session of Leadership Lincoln. Overall, it was a fun experience. We have a number of employees participating in Leadership Lincoln including Erik Glover, Sonia Graham, and Vanessa Clausing.
- Participated in an HB 4123 Homeless Pilot Project meeting as the consultant. Work continues to move forward with the development of a five-year strategic plan for the seven cities and Lincoln County.
- Prepared agenda materials for the April 17 City Council meetings.
- Held a bi-monthly meeting with Steve Baugher.
- Participated in a meeting with Paul Schuytema from the Economic Development Alliance of Lincoln County (EDALC), Paula Miranda from the Port and Lance Vanderbeck, Airport Director, to continue discussing the possibility of providing passenger air service to Newport. We reviewed a draft survey that EDALC will be issuing to gain a business perspective on the possible use of commuter flights between Portland and Newport. Commuter flights are a significant factor for NOAA. One of the deciding factors for

locating in Newport was the fact that there was air service at the time the decision was made. It would be very beneficial to a number of entities in the city should air service be resumed to Newport.

- Held my monthly meeting with Jason Holland, OCCA, to catch up on various issues with the PAC. Jason has had meetings with Representative Gomberg and Senator Anderson in order to secure gap funding for the PAC. The City Council has also endorsed this effort. If you see either Representative Gomberg or Senator Anderson put in a good word for this project.
- Participated in the dedication of the seed library at the Newport library. Library Director, Laura Kimberly, continues to expand the role of the Library "loaning" various items to people in the community beyond simply books. Representative Gomberg was present to help dedicate the Library. Mayor Sawyer, Councilors Hall and Jacobi were there. I appreciate the work that Anita Albrecht did in working with the Library to complete the seed beds behind the Library. If you have not had a chance to see it, I recommend you take a quick tour of the outdoor beds, as well as the seed library inside the Library to see what is currently available.
- Along with Mayor Sawyer, Councilors Hall and Jacobi, I participated in the Joint Committee of the Ways and Means that was held at the Performing Arts Center on Friday, April 14. Mayor Sawyer was able to give testimony on our need for funding for a homeless shelter in Newport. Councilor Hall provided testimony on funding for the wastewater treatment plant improvements, and Councilor Jacobi was prepared to give testimony on funding for a pilot project establishing a cultural district in the City of Newport. This testimony was submitted in writing following the close of the hearing. Overall, it was a full house at the Performing Arts Center, and the hearing was very well run with everyone, regardless of status, being cut off by the Chair at the two minute-mark. Mayor Sawyer and Councilor Hall were successful in completing their presentations within the two-minute window!
- Held a routine Department Head meeting.
- Participated in a Sister City meeting in preparation for the delegation that is coming to Newport from May 16 to May 19, and for the student delegation heading to Mombetsu at the end of June. We will be providing a schedule to Council for the activities relating to the City delegation which will include Mayor Miyagawa of Mombetsu. There will be two dinners that the Council will be invited to attend on Tuesday, May 16 and Thursday, May 18. A special City Council meeting will be scheduled at 11 AM. Work continues on both of these exchanges.
- Participated in a work session with the City Council which included a report and discussion on childcare issues in Newport, and a review of the housing production strategy which will be coming back to Council for formal adoption on May 15. An executive session was held on the Urban Renewal Agency to review property transactions.
- Participated in the regular City Council meeting on Monday, April 17 at 6 PM.
- Met with Jason Malloy and Erik Glover on incorporating language in the municipal code, and the City's role with liquor licensing. This was presented to the Council at the May 1 Council meeting.

- Met with Mike Cavanagh on various Parks and Recreation issues.
- David Powell, Andrew Grant and I met to discuss the fines issued by the DEQ due to effluent discharge and not meeting the wastewater permit standards. Our residual chlorine remains higher than it should. We are in the process of taking a temporary step to address this issue. The permanent issue on dechlorination will be addressed in the upgrades that are planned for the north side station as part of future wastewater plant updates. I have requested that the penalty of \$50,000 be applied, in part, to the work that we need to do to bring the plant into compliance and/or to another environmental project in the area. We have communicated back with the DEQ our desire to do this based on the outcome of this meeting. I will keep you informed as to the next steps of this process.
- Participated in the Water Supply Management and Conservation Work Group meeting. This group is determining how to best accomplish the task outlined by the City Council.
- David Allen, Barb James and I participated in a call with Tamara Russell from CIS on an employee issue.
- I was the guest of Finance Director, Steve Baugher, on our Newport Today Radio Show. We discussed the upcoming budget.
- Derrick Tokos, Erik Glover and I met with Rev. Dr. Judith Jones of St. Stephens Episcopal Church. The church is having discussions about its role in addressing homelessness in Lincoln County, specifically, in Newport and Waldport. The church would like to move forward with a pallet home project in Newport. One of the key challenges is finding the space to do this type of development. They are thinking of doing a project that would have requirements for people living in the pallet homes versus a low-bar entry system. This would be a regulated and supervised program. We will be happy to work with the church to determine if there is a location where this could be established. There would be a need for electrical connections, plus a common shower/restroom that would be used by all the tenants living in the pallet homes.
- Met with representatives from Thompson Sanitation on the upcoming rate adjustment for Thompson Sanitation which would be effective on July 1. This year we are seeing a sizable adjustment based on inflationary costs of 9.7%. This will be presented to the City Council at the May 15 City Council meeting.
- Met with the staff from Finance and Public Works regarding adjusting our meter reading times for water billing. Now that a majority of our water customers are being read continuously, it is not necessary to have the weekly routes that we have utilized over the years. The advantage to the customer making this adjustment is, that some customers get a bill for water they used almost a month ago if they are in the first route. The folks that are in the last route get a more current bill. We will read meters for everyone two weeks out from the billing process, beginning with the May bill readings. Some people will have shorter or longer periods of time in which their meters were last read. A notice is going out in the utility bills on this change of routes.
- Steve Baugher and I met with Mike Cavanagh to finalize the Recreation rates for the fee schedule.

- Erik Glover and I met with a chaperone for the junior high student exchange. The chaperone is also a travel agent that will handle the arrangements for the junior high student group. There are a group of students who are interested in going. They will need to finalize their plans in the next couple of weeks in order to participate in the exchange that would occur at the end of June.
- Participated with Rob Murphy, Tom Sakaris and Mark Wolf in a meeting to prepare for mediation with the firefighters. We updated the City Council on negotiations on May 1 to determine our position going into mediation.
- Steve Baugher, Linda Wertman, Lance Vanderbeck, and I met to work through the audit findings regarding an FAA grant project. We are required to give the FAA a report on steps that have been taken to address the findings. I am hopeful that our procedures will avoid future findings as to the way this project is recorded.
- I met with Laura Kimberly and Leslie Palotas regarding Laura taking an organizational role for our DEI initiatives in the City. Laura has done a great job of outreach at the Library. I would like to see this extend through all our departments. We have funding to help for additional support for Laura to undertake this effort. I will update the Council on this, if we can figure out a way to make this occur.
- Met with Tia Cavender and Dave Powell on a future meeting (May 5) we are having with Business Oregon on funding for the wastewater treatment plant.
- Along with Councilors Goebel, Hall, Botello and Jacobi, Erik Glover and I participated in the League of Oregon City's Spring Conference in Seaside, Oregon. During this time, I was also working with Melanie to finish the budget message for submission on Tuesday; and completing the agenda packet for the first Budget Committee on May 2. In addition, I was participating remotely in a Senate Natural Resources Committee meeting on the water rights for the Big Creek Dam. It was a busy two days. The Conference was well-attended.
 - Attended the Managers' Workshop on finding a path forward for houselessness and community members in crisis. A panel of practitioners and state agencies discussed the issues of houselessness, opioids and the mental health crises that are impacting all of our communities. The facilitator, Sarah Singer Wilson, President of S.S.W Consulting will be providing a summary of the various thoughts that were accumulated during this morning session. Jerry Gillham, City Manager of Sutherlin, indicated that his community was divided between those that just want to get the homeless folks out of town versus that part of the community that wanted to help transition the homeless community back into a stable situation. This obviously creates a lot of controversy for many of our communities. The City of Sutherlin identified a site where campers could be directed to. This site started with about 19 campers and ran up to about 53 campers. The City faced a lot of backlash from neighboring property owners regarding this development. The initial site deteriorated rapidly, and the neighbors successfully convinced the City Council that this location and plan was not working. A second site was found with better oversight, and limits to the number of people that could camp there. The City worked with a nonprofit in order to get pallet-type temporary housing available to address the camping issue. The City is working with the

nonprofits to determine what the next step is as far as stabilizing the lives of those that are looking for a different pathway than living houseless.

Fred Voss from the Oregon Department of Justice, provided an overview of the opioid settlements that are being directed to communities 10,000 and over and in two counties. There is a series of settlements that have occurred with manufacturers, pharmacies and distributors. A number of these settlements are still forthcoming. The funding has all been distributed based on the methodology that was agreed to between the State of Oregon and other jurisdictions that approved the settlement. Mr. Voss indicated that the key on using these funds is to make sure that use complies with Exhibit E to the settlement (see attachments). The funding has to be used within five years of receiving the funding for operational costs, or within seven years for capital outlay projects. Collaboration with governments, private sector, nonprofits, and others, is encouraged in utilizing these funds to address aspects of the opioid crisis. Reports are required annually to the Department of Justice certifying how the funds have been used. The City Council has designated the first five years of these funds for the treatment center being proposed by Samaritan. This is, by all appearances, a perfect project for this type of funding.

Vahid Brown from Clackamas County indicated that the County Board has been working to develop navigation centers. Furthermore, they have emphasized building capacity of nonprofits to meet certain service levels. Clackamas County took a look at the top hundred individuals who had multiple arrests or ER visits and the cost of handling those hundred people amounted to \$4.1 million. The County focused on how these funds could be redirected to reduce these costs and have a better outcome with the individuals involved in these arrests. This has been the motivation behind the resources the County has put forth in trying to address these items.

Dr. Patrick Luedtke from the Lane County Health Department supported the concept of helping individuals navigate the system, particularly when they are seeking help. For individuals who are not mentally or physically stable, trying to piece together the services to help move beyond their current position in life can be very defeating. Lane County is working to hand-hold clients working through a variety of programs to help those that are truly ready to be assisted break out of the cycle of homelessness. For the individuals they have been able to help, they have seen over a 50% reduction in ER visits and arrests for those individuals from what was being experienced before. Dr. Luedtke believes that this helps make the case for addressing these systematic problems that individuals facing homelessness have to deal with.

- The keynote speaker at the luncheon was Andrea Bell, Executive Director of Oregon Housing and Community Services (OHCS). Ms. Bell indicated that Oregon has created more housing in the last five years than in previous years. She admitted that the State's interaction with local governments has not been good historically, and that one of her goals is

to address that issue. Another 580,000 homes are needed in the next 20 years, half of which need to be affordable housing. This will require a historic investment in housing that needs to be felt across the entire state. Behavioral Health needs to be at the table to address the housing issue. She indicated that Oregon was the first in the nation to utilize an 1115 Medicaid waiver to provide rental assistance as a Medicaid covered service for those who are houseless. She hopes that they are able to expand this to work with small towns and rural communities to make this service available to those who qualify. She also indicated that the Oregon Mayors Association request for funding is truly historic and has received national attention. While the legislature may not approve all aspects of this proposal, she believes that elements of this proposal will work its way through the legislative processes this session. She indicated it is a moment for all of us to be bold and step on toes, if needed, in order to make a difference in these very challenging problems.

- Attended a session on Successful Strategies to help Oregonians in Crisis. Mike Savara, Interim Chief Program Officer with the Oregon Housing and Community Services (OHCS), indicated that in 2022 there were 19,000 evictions across the state of Oregon. Rents continue to rise in this last year, with the average rents increasing from \$1700 a month to \$1800 a month. He indicated that the Energy Assistance Program there has some hanging fruit to assist both tenants and owners in addressing improvements to reduce the cost of energy through the Oregon Energy Assistance Program (OEAP). Currently the State is also trying to develop a similar program for water utility bill assistance. (this would be much-needed and a great help to folks to be able to afford to stay in their units). Oregon is also experimenting with navigation centers. HB 4123, (of which we been actively participating in with Councilors Kaplan and Jacobi, representing the City in the Lincoln County Project) will be experimenting with a number of pilot projects to develop the navigation centers, and other services, that will constitute a fusion of shelters with services to help folks navigate out of houselessness. These systems are built around the individuals. This is not a system where individuals need to work through multiple agencies to try to get the assistance they need. We are fortunate that Lincoln County is one of these pilot projects that has been funded in Oregon. I know from my involvement with this process, it is one of the first times that every City and the County have been regularly participating in discussions to try to figure a way to address certain aspects of homelessness in Lincoln County. With the funding, and the ability to develop a meaningful five-year plan, I think that something positive will come from this experience.
- Attended a session from Oregon Housing and Community Services (OHCS) Kim Travis, Housing Integrator Public Affairs Division. She indicated that there is currently a deficit of 140,000 homes right now in the state of Oregon. 36,000 homes are targeted per year. We are accomplishing about half of that amount. She advised people to reference the Oregon Affordable Housing Inventory (if you Google that, it will bring you to that site) for listing of housing developments that are part of their inventory. They have a five-year goal of adding 25,000 housing units per

year to the affordable housing pipeline. Most of the organizations that build this type housing are either private or nonprofit. It is important for Cities to understand the complexity of putting together the pieces to fund this type of housing. There are a variety of funding sources that developers can pull together to proceed with the Affordable Housing Project. Often, Cities are requested to consider making a direct or indirect contribution such as including a property tax exemption in order to make these projects pencil out. For these projects, it is important that they can demonstrate a readiness to proceed. This includes having site control, certification of zoning before an application can be made to the LIFT program. The project needs to be able to lease units within 36 months of funding being provided for these projects.

- I participated in a session on Building Equitable and Inclusive Cities sponsored by AARP. This session had a great panel which included Newport City Councilor, CM Hall. Bandana Shreshtha, State Director of AARP of Oregon, provided an overview of the demographics of an aging nation. By 2034, there will be more people 65 years and older than those 18 years or under. The nation's fastest growing population are those 85 or older. In 2015, 26% of this older population were people of color. It is anticipated that this will grow to 45% in 2050. Disparities for people of color continue into their senior years. Raahi Reddy, who is the Pacific Northwest Director of Estolano Advisors, talked about the essence of equity injustice. In society there are people that contribute, people that receive assistance, or favored treatment, and there are those that do not. She indicated it is important to focus on the benefit of helping underrepresented populations since creating a productive and healthy relationship will help the community as a whole. This is a fact that many people fail to see. As communities move forward with very various efforts, it is important to use an equity lens to determine who will benefit from this decision, who will be burdened by this decision, and what steps can be taken to mitigate burdens that are created on certain populations by decisions that are made at the local and state government level.

John McArdle, Mayor of Independence, indicated that it is important to have a constructive attitude about the process of continued learning. At this meeting, he was going to proceed without using a microphone. Councilor Hall indicated that over one quarter of the population age 65 and older have some difficulty in hearing, and that it is helpful to use a microphone, yet there is a level of pride for them to admit they are not hearing someone speak. Mayor McArdle said this is something new he learned today, and as the Mayor, he continues to learn about these issues. He talked about the need to go where people are in order to interact with underserved communities. Find venues such as Parks and Recreation facilities, St. Patrick's Spanish-speaking service, and other venues, that cater to the populations where outreach is being attempted. One thing that was very successful in Independence was coffee with a cop at a Mexican store. Independence City Council has one meeting a year at a high school during school hours. Students were given a question in advance which

was “what would make Independence a better place?” Many of these discussions are not comfortable but are critical to have.

Councilor Hall talked about the diversity that the Newport City Council has representing various populations within the community. She talked about her experience of moving to a small city and understanding how the LGBTQ community would be received in that town. CM shared with them the success of the LGBTQ celebration held in Newport. The LGBTQ community is often a forgotten or neglected group that faces many challenges, threats and other issues that impact their mental well-being. While Oregon has been a state that has embraced the needs of the LGBTQ community, on a nationwide basis, there are many threats and challenges. She encouraged municipal folks to reach out, ask questions, and work to incorporate this highly motivated segment of their population into the overall fabric of the community.

Keith Stahley, City Manager of Salem, outlined a number of the steps that the City of Salem has been taking regarding equity. Salem has a Human Rights Commission that deals with any challenges being faced by populations within the City of Salem. He indicated that DEI is not a program but needs to be a mindset for the entire organization. Salem looks at equity in how they fund certain things. The City has looked at placing fees on utility bills, however, that is not equitable since the same amount will be paid for the service no matter what the income bracket is. That is why the City of Salem is looking at a payroll tax. They view that as a more equitable tax to cover the costs that the existing revenues cannot support for that city. The building of trust is a first step in building an equitable situation. This requires a fair dose of vulnerability and admission that we do not know everything we need to about how to address various equity issues. He spoke of the Western States Center which envisions inclusive democratic movements and societies rooted in justice and equity as a great resource for communities. Finally, he said as leaders we need to call out bad behavior when it occurs and impacts various communities that make up our cities.

- Attended the League of Oregon Cities Legislative Update with Jim McCauley. He gave an update on the eight priorities that were identified by the League of Oregon Cities Board. He indicated that it is been a very challenging legislative year for municipalities with a legislature that has many new members, new Senate and House leadership, and a new governor. He outlined the challenges of reforming the transient room tax in the state of Oregon. While there was a sponsor identified, they could never find someone to support that effort, and the bill to increase flexibility in the use of transient room taxes failed to be considered. He indicated that this is a key issue for tourism communities to begin well in advance of the next full legislative session to gain support for meaningful reform of this funding source.
- Attended a session on the First Amendment impact on cities which was provided by Anit Jindal and Hannah Hoffman from Markowitz Herbold, PC. He indicated that the First Amendment provides a number of personal

freedoms and rights, including speech, which is what they were focusing on with this session. He also noted that the Oregon Constitution actually expands free speech issues in article 1 section 8 of the State Constitution. The First Amendment deals with Congress and governments. Cities and states are bound by the requirements of the First Amendment. The private sector is not. Social media has expanded the various challenges and uses of the First Amendment. One high-profile case was the President Trump's use of Twitter. This is a platform that he used before he was president continued using as president. He stated that he would often block negative comments or block negative commentators. This item was brought to Court and resulted in a ruling that he was violating the First Amendment by blocking negative comments since as President, his Twitter site had become a public forum. Any comments, whether in support or not, are allowable speech. Cities can place certain standards on comments, including personal threats or inappropriate language, but that policy needs to be clear and unambiguous. Cities can use the social media platforms as a bulletin board where no comments are taken. If you allow comments, then you need to allow all comments that meet the general policy requirements, except items such as threats and inappropriate language, as narrowly defined.

They strongly recommended that the elected and appointed individuals maintain separate sites, one public and one private, when using social media. On the private site, it should only go under your name, not your name as Mayor or City Manager of the city. The personal site needs to steer people away from commenting on public decisions that were made and focused on family, sports and other items that are not related to City policy. In this case, an individual can block and manage a site as they see fit. If they are using the site to discuss the policies, the decisions made, decisions that will be made, and other things, then blocking comments would be deemed illegal.

There are three questions asked of governmental clients regarding public sites: one, has the government made the page available for the public to comment on; two, does the government have a policy or practice of regulating the content of the page; three, is that policy clean and consistent in how it deals with comments received on that media site. For public comment the general rule is all or nothing at all. The site rules need to be posted on top of the page. Cities can limit posts to one per day as long as they are doing that consistently with all members using the site.

The speakers discussed protests and the City's right to challenge a noise issue. Cities can regulate noise coming from protests, if they have the policies in place regarding volume, amplification, and other similar issues relating to protests. Again, this needs to be consistent and needs to be content neutral. The Courts will take a look at whether the government has a legitimate purpose in controlling the protests that purpose needs to be narrowly tailored and leave open ample alternatives for individuals to be able to publicly protest. Hours of protest can be regulated.

Unfortunately, hate speech policies are usually deemed to be unconstitutional. Local governments can have rules of decorum for attending Council meetings. It is best to have a written policy to encompass nonverbal speech that can be seen at the meetings. It is appropriate for the presiding officer to restrict clapping, cheering, and other forms of group communication that may inhibit others from providing alternate thoughts on the issue. At a government meeting, it is important that everyone is comfortable expressing their views whether those views are consistent with the Council's views, or other people's views, within the meeting itself.

- At the luncheon meeting, various state officials shared with the attendees the top five things state agencies wish that City officials knew about them. Lisa Phipps, Oregon Coastal Program Manager for the Departmental Land Conservation Development (DLCD), gave an overview of land use in Oregon with the current model being adopted in 1973. In 1975, the first statewide goals were initiated and in 1976, the coastal chapter of the goals were adopted. Oregon's Coastal Management Plan was the second in the nation. The State sets general policies and provides assistance to local governments to make those policies occur. (Interestingly enough, Lisa Phipps was participating remotely from some closet in Newport!)

Travis Brouwer, Assistant Director of Revenue, Finance and Plans for the Oregon Department of Transportation described the challenges that ODOT will have in financing transportation issues in the future, based on the current model of using a fuel tax. As electric vehicles and hybrid vehicles are becoming a larger percentage of vehicles used, the revenue obtained from taxing fossil fuels will be going down. The Bipartisan Infrastructure Law (BIL) is going to provide an influx of funding over the next decade for transportation projects throughout the state and country.

Adam DeSemples, WSRF Coordinator for the Oregon Health Authority (OHA), talked about the drinking water revolving fund. This is a program that is receiving an influx of BIL funding that can be used for revolving loan funds and principal forgiveness. This will be important as regulations come down regarding certain contaminants in drinking water including PFAS, Manganese and other contaminants that will be regulated in the future. He recommended reaching out to Business Oregon for use of any of the revolving fund programs who do their one-stop meetings to help steer these projects.

Chris Cummings, Deputy Director of Business Oregon, outlined the role that Business Oregon plays in pulling together various resources to help communities with specific issues and problems. The City of Newport has used these 'One Stops' regularly for figuring out ways to finance certain projects. It is an effective model.

Overall, this was a really solid conference filled with a lot of information in its two-day format. Seaside did a nice job of hosting the Spring Conference this year!

- Prepared the packet for the May 2 Budget Committee meeting. Prepared the agenda packets for the May 1 City Council meetings.
- Presented Anita Albrecht with a plaque thanking her for her service with the City. Anita is retiring from full-time service to the City. She is able to work a limited schedule going forward to help assist with a few specific projects.
- Participated in a meeting with County Commissioner Kaety Jacobson, County Administrator Tim Johnson, and Public Health Administrator Jane Romero, to discuss plans for winter housing of homeless individuals. The efforts of the City and County to fund the inclement weather nights in Newport and Lincoln City had many challenges this past winter. The County is looking at trying to coordinate the overnight sheltering in Newport and Lincoln City with the County providing the oversight for this program this year. This is an idea the County would like to discuss with the City of Newport and City of Lincoln City well in advance of this upcoming winter. The County also had some discussions with religious organizations who may be willing to provide space on a rotating basis to provide the service. There would be a cost of doing this on a governmental basis, which would require support from the Cities and the County. I would really like to have this concept discussed on a broader basis to the HB 4123 Homelessness Committee to see if other communities would be able to participate, in some fashion, in funding this effort. If we could get the costs affordable enough, I think we could provide a much better scenario for folks needing shelter during the winter months.
- Held a bi-monthly meeting with Steve Baugher to go through various departmental issues.
- Met with new Budget Committee member, Richard O'Hearn, to review the budget process. Unfortunately, we were unaware that Richard resides outside of the city and had to notify him on Tuesday that he was not eligible to serve in this capacity. He was very gracious and indicated that he was unaware of his residency requirement. Erik is going to make that known in future Committee announcements and on the application.
- Had a conference call with Jeff Sweet from CIS, David Allen and Barb James regarding an employee complaint that was received by BOLI. In this particular case, the employee has since retired from the City of Newport and did not file a tort claim, which may make this claim null and void at this point. We are determining the best way to move forward with this effort. I appreciate guidance from CIS on this matter.

Upcoming Events:

- The first Budget Committee meeting is May 2 at 5 PM.
- I will be taking a few vacation days from May 4-10 to catch up with a few items at home. Erik Glover will be Acting City Manager.
- Newport will be hosting an adult exchange from Mombetsu from May 16-19 which will include the Mayor and other City Officials, as well as residents of Mombetsu. Council members and guests will be asked to participate in a welcome dinner and a reception at City Hall to welcome the delegation on Tuesday, May 16, followed by a dinner at the Hallmark. On Thursday, May 18, there will be a special City Council meeting at 11 AM to formally receive

our guests. A farewell dinner will occur that evening. Erik Glover will be getting details to you. Please let Erik know what events you will be able to attend.

- The second Budget Committee meeting is May 23 at 5 PM.
- City offices will be closed May 29 in observation of Memorial Day.
- The final Budget Committee meeting is May 30 at 6 PM.
- I will be taking a few days off during the week of June 12 (Monday, Wednesday, and Friday) to host friends visiting Newport from the East Coast.
- City offices will be closed on Monday, June 19, in observation of Juneteenth. The Council meetings will be scheduled for Tuesday, June 20.
- Newport will be sending a student delegation to Mombetsu from June 26 through July 1.
- City offices will be closed Tuesday, July 4, in observation of Independence Day.
- I plan to attend the OCCMA Annual Conference taking place in Pendleton from Tuesday, July 18, to Friday, July 21.
- In late July or early August, a student group from Mombetsu will be hosted in Newport.
- City offices will be closed Monday, September 4, in observation of Labor Day.
- I plan to attend the ICMA Annual Conference in Austin, Texas, from Saturday, September 30 through Wednesday, October 4.
- The LOC Annual Conference will be held in Eugene from Wednesday, October 11 through Friday, October 13. Please contact Erik if you plan to attend.
- City offices will be closed Friday, November 10, in observation of Veterans' Day.
- City offices will be closed Thursday and Friday, November 24 and 25, in observation of Thanksgiving.
- City offices will be closed a half day on Friday, December 22 and a full day on Monday, December 25 in observation of Christmas Eve and Christmas Day.

Attachments:

- Attached is preliminary proposal for a county-wide winter sheltering program for Lincoln County. This is strictly conceptual at this point, but I wanted to share this with Council to get your thoughts on how to proceed with this matter.
- Attached is a letter from the Department of Environmental Quality indicating a notice of civil penalty assessment and order. As I indicated in the status report, this dates back to violations that occurred in 2021. We requested a hearing which was granted. We acknowledge the violations that occurred (these were self-reported) and we have forwarded a communication to the DEQ indicating that we would like to consider utilizing these projects to offset some of the expenses to bring our plant fully into compliance, or as an alternative, utilizing some of these funds to fund a local environmental project. I will let you know what we hear back from DEQ on this issue.
- Attached is a letter that the State acknowledges receipt of the opportunity to recycling report.

- Attached is an article from ODOT about the costs of maintaining parking spaces. This gets back to the fact that there is no “free parking”, either the general community is paying for that cost and/or users are paying for that cost. This is a good publication as we go about implementing a paid parking on the bayfront.
- Attached is Exhibit E to the opioid settlement agreement outlining uses of settlement funds received by the City of Newport and others.

I wish everyone well as we work our way through the budget processes for the fiscal year that will begin on July 1, 2023. Hope everyone has a great week and hopefully we will get some more spring weather!

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel, City Manager

cc: Department Heads

A Countywide Proposal for Winter Sheltering Lincoln County, Oregon

PROPOSAL: The purpose of this proposal is to request funding support from the cities/ municipalities/CTFI to, along with the County, contribute towards the development and operation of a daily winter shelter program. If adequate funding is generated, the proposed winter shelter program would be operated by the County, through its Health and Human Services Department, and be available October 1st through March 31st, in two locations in the county (ideally Newport and Lincoln City).

While the county, cities and tribe are working on a strategy for long-term solutions to homelessness, there is recognition that a plan is needed to address the more immediate needs that arise during severe weather conditions, specifically during the winter months.

This proposal identifies the items and funding needed to address this issue including logistical challenges, with overnight staffing, meal preparations, scheduling of facilities.

BACKGROUND: Information available through the National Weather Service suggests that a hypothermia risk exists an average of 90 days a year in Lincoln County. While the current number of unhoused individuals is unknown (the 2023 PIT Count is still being processed), it is known that there was a minimum of 414 unhoused individuals in 2020. In 2019 35% of the unhoused were experiencing chronic homelessness (vs 31% in Oregon) and 67% of our unhoused veterans were experiencing chronic homelessness (vs 43% statewide). And sadly, in school year 21-22, 12.1% (754) of youth aged birth through 12th grade experienced homelessness, with 152 being completely unsheltered. Emergency warming shelters have operated during extreme conditions in both Newport and Lincoln City by non-profit organizations. Both have identified challenges including, but not limited to, the unpredictable nature of the weather resulting in scheduling/volunteer commitment challenges, drug use/sales in the shelter, security issues stemming from conflicts among participants, problems reported by facility sponsors, and lack of overall funding support.

PROGRAM OVERVIEW: The winter shelter will operate from October 1st through March 31st. Proposed hours of operation are from 6:00 p.m. to 7:00 a.m. During the hours of operation, the shelter will be managed and supervised by paid county employees. Two employees will be always present. Through partnerships with churches and non-profit organizations, volunteers will be recruited to provide additional support and oversee specific services that will be made available to participants (e.g., showers, food/snack preparation and distribution, recreational activities). Support from community organizations will also be solicited to secure needed supplies (e.g., shampoo, laundry detergent, snacks, towels, paper products, food from the food banks, etc....). Partnerships with other government agencies will be developed such as with the County Jail (for food preparation support); County Probation and Parole (shelter cleaning and laundry by community service workers), Lincoln County Transit, local law enforcement (for referrals of unhoused individuals to the shelters, immediate response to disruptive/threat of violence situations, and ongoing safety sweeps of the perimeter), and the Health and Human Services Mental Health Crisis Response Team (for MH crisis situations). Translation and interpretation support will be provided as needed.

Of note, the shelter will provide low barrier/no barrier access to the program. Individuals will not be excluded because of substance use but will be prohibited from using or selling substances on site at the

shelter. Additionally, the shelter will not discriminate on the basis of race, gender identity, sexual orientation and/or religion.

FACILITY: The ability to find a facility that can be used a minimum of 6 months out of the year will be difficult in Lincoln County where facility space is limited. Ideally, if funding is sufficient, two facilities will be identified, one in Newport and one in Lincoln City. A review by county staff, determined that countywide, during the winter sheltering of 2022/23, there were a minimum of 50 to 60 people per evening that were supported in the warming shelters each evening. Therefore, each facility should have, at a minimum, capacity to support up to 50 people on any given night (75 if just one shelter is available), and have the ability to house families, and singles including women and men. The facilities will also need to meet ADA standards, and have adequate bathrooms, showers, community space, kitchen facilities, storage, and parking space. Ideally the facilities will be available, not only for the winter shelter, but also to provide office space for staff dedicated to this program and possible use as a year-round day shelter.

An example of how to configure a facility given previous pandemic public health spacing suggests it would require an estimated 350 square feet for 9 people, or approximately 2500 square feet for 50 people in any composition of singles, or families. With the need for restrooms and showers along with kitchen and office space, the need for 5,000 to 7,000 square feet for each facility is reasonable.

PERSONNEL: It is proposed to have a permanent, full time "Housing and Human Services Coordinator," that manages all shelter activities. While full time throughout the year, primary responsibilities will focus on operating winter shelter facilities between the months of October and through the end of March. April through September will be focused on volunteer recruitment, developing community partnership, supply donations, grant writing, and developing operational policies and procedures.

Additionally, the Housing and Human Services Manager will coordinate the facility personnel. This will include the need for eight (8) additional part time staff per facility (at 2 per shift, 2 shifts per evening, 7 days/week, with each person working 3 to 4 shifts per week). They will be comprised of "Shelter Hosts," who oversee the shelter operations and act as hosts on day or night shifts, greet guests at the door and provide facility information, and security. Others, along with volunteers, will act as "Meal Coordinators," arranging for meals for shelter guests and/or "Logistic Coordinators" assigned the task of providing services in support of the shelter operations from shopping for shelter necessities, arranging transportation, etc....

PROJECTED PROGRAM COST: The cost of standing up one facility serving 50 individuals per night is estimated at \$344,000. The cost of standing up two facilities is estimated at \$580,000 or \$291,000 per facility. Spreading the coordinator position expense across two facilities lowers the cost per facility.

Overview of Budgeted Expenses:

- The program coordinator is proposed to be budgeted at \$107,034 (salary plus benefits), based on a preliminary County pay equity education/skills/responsibilities assessment.
- The PTNB staff are budgeted at \$21/hour, plus applicable payroll taxes (\$146,628 per shelter)
- Food expense is budgeted at \$25,000 per facility.
- Miscellaneous expenses are budgeted at \$15,000 (e.g., translation expenses, office supplies, supply needs not met by donations, etc., per facility.
- An additional estimate of \$50,000 per facility per year is budgeted to cover rent/utilizes.

Spencer Nebel

From: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Sent: Friday, April 21, 2023 9:16 AM
To: Spencer Nebel; David Allen
Cc: David Powell; Andrew Grant; Clare Paul; Aaron Collett; Erik Glover; GASIK Jon * DEQ; NOMURA RANEI * DEQ; EAGLESON Bradley * DEQ
Subject: RE: DEQ Civil Penalty Resolution

Mr. Nebel: Thanks for your response. DEQ is available to meet to discuss resolution of these issues between 1-5, May 2; 3-5, May 11 and 10-5 on May 19. We are still doing the majority of our meetings by video conference. Our preferred platform is MS Teams, but we could also do Zoom or Webex. Please let me know if any of these times will work for city.

Jeff Bachman
Oregon Department of Environmental Quality Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503 229 5950 (o)
503 708 8077 (c)

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

From: Spencer Nebel <S.Nebel@NewportOregon.gov>
Sent: Friday, April 21, 2023 8:27 AM
To: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>; David Allen <D.Allen@NewportOregon.gov>
Cc: David Powell <D.Powell@NewportOregon.gov>; Andrew Grant <A.Grant@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Erik Glover <E.Glover@NewportOregon.gov>; GASIK Jon * DEQ <Jon.GASIK@deq.oregon.gov>; NOMURA RANEI * DEQ <RANEI.NOMURA@deq.oregon.gov>; GLASER Gus * DEQ <Gus.GLASER@deq.oregon.gov>
Subject: RE: DEQ Civil Penalty Resolution

Dear Mr. Bachman:

The City has reviewed your email and met internally to discuss the issues and the options available. The purpose of this email is to summarize our discussion and put forth our preferred option going forward. The City acknowledges the violations that have occurred in the recent past and appreciates DEQ's efforts to bring these matters to a conclusion. The City will accept the offer to consolidate the past violations into a comprehensive resolution. It is our understanding there are several ways to accomplish payment:

1. Pay the penalty in full directly to DEQ.
2. Seek a reduction in payment through an environmental restoration project (Mid Coast Watershed Council)
3. Prepare an MAO and apply all, or a portion of the penalty towards the de-chlorination project currently underway. This temporary stop-gap project will address any ongoing chlorine residual violations.

The City's goal is to complete the temporary de-chlorination project before June 1, 2023. This project will effectively eliminate the violations of chlorine residual until such time as a permanent solution is designed, funded and constructed over the next two years or so. In the interim, the City requests a stay on further penalties caused by excursions from the chlorine limit in our discharge.

There is another matter we would like to discuss, and that is correcting your records on a violation related to disconnecting a chlorine pump. This noted violation is mischaracterized, and may have an effect on the determination of penalty assessment.

The City's preferred option is the MAO, as we have incurred and continue to incur significant costs repairing and maintaining our systems. We have commissioned a wastewater master plan that will be wrapping up soon that addresses both immediate and long term wastewater treatment issues, and will result in significant impacts to our rates and SDCs. We feel the money is best invested in our local community to address compliance issues.

We look forward to talking with you at your earliest opportunity.

Thank you.

Spencer R. Nebel
City Manager
City of Newport, Oregon 97365
541-574-0601
s.nebel@newportoregon.gov

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

From: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Sent: Tuesday, March 21, 2023 9:58 AM
To: David Allen <D.Allen@NewportOregon.gov>
Cc: David Powell <D.Powell@NewportOregon.gov>; Andrew Grant <A.Grant@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Peggy Hawker <P.Hawker@NewportOregon.gov>; Erik Glover <E.Glover@NewportOregon.gov>; GASIK Jon * DEQ <Jon.GASIK@deq.oregon.gov>; NOMURA RANEI * DEQ <RANEI.NOMURA@deq.oregon.gov>; GLASER Gus * DEQ <Gus.GLASER@deq.oregon.gov>
Subject: RE: DEQ Civil Penalty Resolution

Mr. Allen: Since I last communicated with you regarding the city's violations of its wastewater permit, the city has continued to violate the residual chlorine and fecal coliform limits in the permit. DEQ has a new proposal to resolve all violations to date. Last July, DEQ offered to resolve all violations for a total civil penalty of \$42,400. DEQ now proposes to resolve all known violations to date for \$50,000. The difference between the current and prior offers is that DEQ now proposes to assess a penalty of \$9,600 instead of \$4,800 for exceedances of the chlorine limit and adding a penalty of \$2,400 for exceedances of the fecal coliform limit. The city's options for resolving these violations are the same as detailed in the email below.

To assist in navigating the evolution of this case, I've attached DEQ's notice of civil penalty assessment and order issued on April 9, 2021, a spread sheet with known violations, including those cited in the Notice and those occurring subsequent to the Notice's issuance, and civil penalty exhibits showing how the new penalties and revisions to penalties in the Notice were arrived at.

Please let me know by April 28 how the city wishes to proceed. DEQ is available to meet in the interim if the city wishes to discuss DEQ's proposal.

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

From: BACHMAN Jeff * DEQ

Sent: Wednesday, July 27, 2022 9:26 AM

To: David Allen <D.Allen@NewportOregon.gov>

Cc: David Powell <D.Powell@NewportOregon.gov>; Andrew Grant <A.Grant@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Peggy Hawker <P.Hawker@NewportOregon.gov>; Erik Glover <E.Glover@NewportOregon.gov>; GASIK Jon * DEQ <Jon.GASIK@deq.oregon.gov>; NOMURA RANEI * DEQ <RANEI.NOMURA@deq.oregon.gov>; GLASER Gus * DEQ <Gus.Glaser@deq.oregon.gov>

Subject: RE: DEQ Civil Penalty Resolution

Mr. Allen since I sent you the email below, DEQ has learned that the city had a raw sewage discharge on July 15-17 and violations of the bacteria water quality standard on July 19 and 20. DEQ needs to review the violations and determine whether civil penalties are appropriate for these violations, and if so, revise our offer accordingly. I will be off next week so it will likely be the weeks of August 8 or 15 before I can get back to you. That communication will set a new deadline for a response from the city. Please call or write should you have any questions.

Jeff Bachman

Oregon Department of Environmental Quality Office of Compliance and Enforcement

700 NE Multnomah Street, Suite 600

Portland, OR 97232

503 229 5950 (o)

503 708 8077 (c)

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

From: David Allen <D.Allen@NewportOregon.gov>

Sent: Monday, July 18, 2022 9:41 AM

To: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>

Cc: David Powell <D.Powell@NewportOregon.gov>; Andrew Grant <A.Grant@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Peggy Hawker <P.Hawker@NewportOregon.gov>; Erik Glover <E.Glover@NewportOregon.gov>

Subject: Re: DEQ Civil Penalty Resolution

Thanks, Jeff ... I've been out of state this past week, but have forwarded the attached materials for review by city staff. --
David

From: BACHMAN Jeff * DEQ [Jeff.BACHMAN@deq.oregon.gov]

Sent: Friday, July 15, 2022 3:43 PM

To: David Allen

Subject: DEQ Civil Penalty Resolution

[WARNING] This message comes from an external organization. Be careful of embedded links.

Mr. Allen: I am sorry that I haven't been able to connect with you by phone this week. I thought I would write and lay out DEQ's civil penalty settlement proposal, give you some time to review, and then we can talk.

In April 2021, DEQ issued the city the attached Notice assessing a civil penalty of \$28,400 for water quality violations. DEQ met with the city last summer to discuss the violations and penalties. Since the notice was issued, there have been additional violations, most recently in January 2022. The attached spreadsheet lists the violations cited in the Notice and those occurring after issuance of the Notice. DEQ proposes that we resolve all outstanding violations in one agreement.

Regarding the violations in the Notice, DEQ proposes to withdraw the \$8,400 civil penalty for Violation 3 based on our determination that the sewer overflow was beyond the city's reasonable control. DEQ also proposes to withdraw Violation 5, for which no penalty was assessed, for similar reasons. These changes would reduce the civil penalty from \$28,400 to \$20,000.

For the new violations, DEQ proposes to assess penalties of \$17,600 for the two additional discharges of undisinfected effluent (causing pollution) and \$4,800 for the multiple violations of the chlorine effluent limit. The calculation of these penalties is attached as Exhibits 4 and 5. We also propose that the agreement will resolve violations of bacteria effluent limits without penalty. The total civil penalty for all outstanding violations would be \$42,400.

The city's options are these:

- * Agree to DEQ's proposal and either pay the penalty in full or seek reduction through a Supplemental Environmental Project. Department of Environmental Quality : Supplemental Environmental Projects : Regulations : State of Oregon <<https://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>>
- * Agree to the proposed resolution of the violations in the Notice, but reject resolving the proposed penalties for the additional violations. In this event, the city could pay the \$20,000 penalty in full or seek further reduction through a Supplemental Environmental Project. DEQ would issue a new Notice of Civil Penalty for the new violations.
- * Reject DEQ's proposal in full. DEQ would then amend the existing Notice to incorporate the new violations and penalties and refer the case to the Oregon Office of Administrative Hearings for scheduling of a contested case hearing.

Please let me know by August 9 whether the city accepts DEQ's proposal, rejects the proposal, or wishes to discuss the matter further.

Jeff Bachman
Oregon Department of Environmental Quality Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503 229 5950 (o)
503 708 8077 (c)



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

April 9, 2021

CERTIFIED MAIL: 7017 0530 0000 7760 5073

City of Newport
c/o David Allen, City Attorney
169 SW Coast Hwy
Newport, OR 97365

Re: Notice of Civil Penalty Assessment and Order
Case No. TYPE #

DEQ is committed to balancing its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 outbreak. We understand the outbreak may impact your ability to timely appeal, pay the assessed civil penalty, or comply with this order. You may submit to DEQ documentation identifying whether COVID-19-related disruption affects your ability to comply with this order. Visit our webpage <https://www.oregon.gov/deq/Pages/covid-19.aspx> for more information about documenting specific COVID-19 disruptions your facility may be encountering and how that affects your ability to comply. DEQ will exercise reasonable discretion regarding settlement of this order.

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$28,400 for causing pollution of waters of the state when the city discharged non-disinfected wastewater to the Pacific Ocean on December 21 and 22, 2019, and for disconnecting backup chlorine pumps from its wastewater treatment system without prior DEQ approval. Your disconnection of the backup pumps resulted in a non-disinfected wastewater discharge when the primary chlorine pump failed. In addition, DEQ penalized you for discharging raw sewage to the Pacific Ocean on January 12, 2021 in violation of a state water quality standard. Finally, DEQ cited you, without penalty, for an additional discharge of non-disinfected wastewater to the Pacific Ocean on January 29, 2021, discharging raw sewage to the ground surface on February 16, 2021 and for exceeding the chlorine effluent limit in your permit on February 13, 2021.

Wastewater must be disinfected in order to kill human disease-causing bacteria present in wastewater that is discharged to public waters. Discharge of non-disinfected wastewater and raw sewage by Newport created a public health risk as the Pacific Ocean off Newport's beaches is used for water-contact recreation. These violations, taken together, cause concern about Newport's management of its wastewater collection, treatment and disposal system.

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

City of Newport
Case No. WQ/M-WR-2020-168
Page 2

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 Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,



Kieran O'Donnell, Manager
Office of Compliance and Enforcement

Enclosures

cc: Steve McMillan, Western Region, DEQ
Ranei Nomura, Western Region, DEQ
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 CITY OF NEWPORT,) ASSESSMENT AND ORDER
5 a municipality of the state of Oregon,)
6 Respondent.) CASE NO. WQ/M-WR-2020-168

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 Chapters 183 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011 and
11 012.

12 II. FINDINGS OF FACT

13 1. At all relevant times, Respondent operated a domestic wastewater collection, treatment and
14 disposal system authorized by a National Pollutant Discharge Elimination System Permit (Permit)
15 issued and administered by DEQ.

16 2. The Permit authorized Respondent to operate the system and discharge to waters of the state
17 adequately treated wastewater only in conformance with all requirements, conditions and limitations of
18 the Permit.

19 3. As part of its treatment process, Respondent uses chlorine to kill bacteria in its wastewater
20 (disinfect) prior to discharge.

21 4. At some time prior to December 18, 2019, Respondent disconnected from its system back
22 up chlorine pumps that were intended to ensure wastewater disinfection in the event its primary
23 chlorine pump became inoperable.

24 5. On December 18, 2019, Respondent's primary chlorine pump became inoperable and due to
25 the backup pumps being disconnected, Respondent's treatment system was incapable of disinfecting
26 wastewater prior to discharge to the Pacific Ocean on December 21 and 22.

27 ///

1 6. Respondent's Permit limits the concentration of fecal coliform bacteria in its discharged
2 wastewater to a daily maximum of 406 organisms per 100 milliliters (mL) and a monthly geometric
3 mean of 126 organisms per 100 mL.

4 7. Fecal coliform is limited in wastewater discharges because it is indicator of the presence of
5 human disease-causing bacteria in treated domestic wastewater.

6 8. Fecal coliform bacteria is present in non-disinfected domestic wastewater at concentrations
7 of approximately 1,000,000 organisms per 100 mL

8 9. Schedule F, Condition D.1 of the Permit states: "No construction, installation, or
9 modification involving disposal systems, treatment works, sewerage systems, or common sewers shall
10 be commenced until the plans and specifications are submitted to and approved by the Department."

11 10. Respondent did not obtain DEQ approval prior to disconnecting its backup chlorine pumps
12 from its treatment system.

13 11. On January 12, 2021, Respondent discharged approximately 730 gallons of raw sewage
14 from its Nye Beach Pump Station to the Pacific Ocean.

15 12. OAR 340-045-0009(3) states: "Raw Sewage Prohibition: No sewage may be discharged into
16 in a manner the Department approved or otherwise allowed by these rules."

17 13. On January 29, 2021, a chlorine pump discharge check valve in Respondent's treatment
18 system failed causing a loss of chlorination that led to a discharge of non-disinfected wastewater to the
19 Pacific Ocean.

20 14. On or about February 16, 2021, a landslide damaged a sewage collection line in the vicinity
21 of NW 73rd Court in Newport resulting in a discharge of raw sewage to ground surface.

22 15. ORS 468B.050(1) states: "...[W]ithout holding a permit from the Director of the
23 Department of Environmental Quality ... a person may not: ... (b)Construct, install, modify or operate
24 any disposal system or part thereof or any extension or addition thereto."

25 16. ORS 468B.005(1) states disposal system "means a system for disposing of wastes, either by
26 surface or underground methods and includes municipal sewerage systems, domestic sewerage
27 systems, treatment works, disposal wells and other systems."

1 17. ORS 468B.005(7) states that sewerage system “means pipelines or conduits, pumping
2 stations, and force mains, and all other structures, devices, appurtenances and facilities used for
3 collecting or conducting wastes to an ultimate point for treatment or disposal.”

4 18. Schedule A, Condition 1.a(3) of the Permit limits the chlorine concentration in
5 Respondent’s effluent to 0.47 milligrams per liter (mg/L).

6 19. On February 13, 2021, Respondent discharged effluent with a chlorine concentration of 0.48
7 mg/L

8 III. CONCLUSIONS

9 1. Respondent violated ORS 468B.025(1)(a) by causing pollution of waters of the state.
10 Specifically, Respondent discharged human disease-causing bacteria, a pollutant pursuant to ORS
11 468B.005(5), to the Pacific Ocean, waters of the state pursuant to ORS 468B.005(10), in concentrations
12 far in excess of those allowed in its Permit, as described in Section II, Paragraphs 3-8. These are Class
13 I violations, according to OAR 340-012-0055(1)(a). DEQ assesses a \$10,400 civil penalty for these
14 violations.

15 2. Respondent violated ORS 468B.025(2) by violating a condition of its Permit. Specifically,
16 Respondent violated Schedule F, Condition D.1 of its Permit by disconnecting its backup chlorine pumps
17 from its treatment system without prior approval from DEQ. This is a Class I violation according to OAR
18 340-012-0055(1)(g). DEQ assesses a \$9,600 civil penalty for this violation.

19 3. Respondent violated ORS 468B.025(1)(b), which prohibits the discharge of wastes to waters of the
20 state that cause a violation of a state water quality standard, by discharging raw sewage, a waste pursuant
21 to ORS 468B.005(9), to the Pacific Ocean, a water of the state pursuant to ORS 468B.005(10), in violation
22 of the water quality standard codified as OAR 340-041-0009(3) as described in Section II, Paragraphs 11
23 and 12, above. This is a Class I violation, according to OAR 340-012-0055(1)(b). DEQ assesses an \$8,400
24 civil penalty for this violation.

25 4. Respondent violated ORS 468B.025(1)(a) by causing pollution of waters of the state.
26 Specifically, Respondent discharged human disease-causing bacteria, a pollutant pursuant to ORS
27 468B.005(5), to the Pacific Ocean, waters of the state pursuant to ORS 468B.005(10), in concentrations

1 far in excess of those allowed in its Permit, as described in Section II, Paragraph 13. This is a Class I
2 violation, according to OAR 340-012-0055(1)(a). DEQ does not assess a civil penalty for this violation.

3 5. Respondent violated ORS 468B.025(2) by violating a condition of the Permit by discharging raw
4 sewage to the ground surface as described in Section II, Paragraphs 14-17. Respondent's Permit does not
5 authorized discharge of raw sewage to ground surface. This is a Class II violation pursuant to OAR 340-
6 012-0053(2). DEQ does not assess a civil penalty for these violations.

7 6. Respondent violated ORS 468B.025(2) by violating a condition of the Permit. Specifically, on
8 February 13, 2021, Respondent discharged effluent with a chlorine concentration of 0.48 mg/L in violation
9 of Schedule A, Condition 1.a(3) of the Permit. This is a Class I violation pursuant to OAR 340-012-
10 0055(1)(l). DEQ does not assess a civil penalty for this violation.

11 IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

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

14 1. Pay a total civil penalty of \$28,400. The determination of the civil penalties are attached as
15 Exhibits 1, 2, and 3 and are incorporated as part of this Notice.

16 If you do not file a request for hearing as set forth in Section V below, your check or money
17 order must be made payable to "State Treasurer, State of Oregon" and sent to the **DEQ, Business**
18 **Office, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232.**

19 2. Within 180 days of the effective date of this Order, submit to DEQ an Emergency
20 Response and Notification Plan (ERNP) that includes measures to protect public health from overflows,
21 bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms
22 to: a) ensure the permittee is aware, to the greatest extent possible, of such events, and b) ensure
23 notification of appropriate personnel and ensure they are immediately dispatched for investigation and
24 response.

25 3. Within 45 dates of receiving DEQ comments to the ERNP, revise the plan consistent
26 with DEQ comments and resubmit to DEQ.

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 exhibits, 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 contact the Oregon State Bar at 1-800-
18 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
19 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
20 Department does not have a toll free telephone number.

21 If you fail to file a timely request for hearing, the Notice will become a final order by default
22 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
23 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the
24 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates

25 ///

26 ///

27 ///

1 the relevant portions of its files, including information submitted by you, as the record for purposes of
2 proving a prima facie case.
3
4
5

6 4/9/2021

7 Date

Kieran O'Donnell

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 Causing pollution of waters of the state in violation of ORS 468B.025(1)(a).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(a).
- 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)(i) because Respondent's facility has a permitted flow of more than 2 million gallons per day (mgd) but less than 5 mgd.
- "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 receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of more than 9 Class I equivalent violations as established in Case Nos. WQ/M-WR-2018-145, WQ/M-WR-2018-133 and WQ/M-WR-15-204.
- "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 2 according to OAR 340-012-0145(4)(b) because there were two occurrences of the violation, on December 21 and 22, 2019.
- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The standard of care requires Respondent to have backups for all critical systems, including the chlorination system. By disconnecting its back up chlorine pumps from its system, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"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 \$0 as DEQ has insufficient information to arrive at a reasonable estimate of any avoided or delayed compliance costs.

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 \times \$4,000) \times (10 + 0 + 2 + 4 + 0)] + \0
 $= \$4,000 + (\$400 \times 16) + \$0$
 $= \$4,000 + \$6,400 + \$0$
 $= \$10,400$

EXHIBIT 2

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

- VIOLATION 2: Violating a condition of a wastewater permit (Schedule F, Section D, Condition 1 of the Permit) in violation of ORS 468B.025(2).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(g).
- 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)(i) because Respondent's facility has a permitted flow of more than 2 mgd, but less than 5 mgd.
- "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 receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of more than 9 Class I equivalent violations as established in Case Nos. WQ/M-WR-2018-145, WQ/M-WR-2018-133 and WQ/M-WR-15-204.
- "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 0 according to OAR 340-012-0145(4)(a) because DEQ has insufficient information as to when the backup chlorination pumps were disconnected to determine the number of days of violation.
- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The requirement to receive DEQ approval before modifying Respondent's treatment system is an express condition of the Permit. In failing to take action to comply with the requirement, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"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 \$0 as DEQ has insufficient information to arrive at a reasonable estimate of any avoided or delayed compliance costs.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (10 + 0 + 0 + 4 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 14) + \$0 \\ &= \$4,000 + \$5,600 + \$0 \\ &= \$9,600 \end{aligned}$$

EXHIBIT 3

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

- VIOLATION NO. 3 Discharging a waste that caused an exceedance of the state water quality standard for bacteria in violation of ORS 468B.025(1)(b).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(b).
- 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)(i) because Respondent's facility has a permitted flow of more than 2 million gallons per day (mgd) but less than 5 mgd.
- "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 receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of more than 9 Class I equivalent violations as established in Case Nos. WQ/M-WR-2018-145, WQ/M-WR-2018-133 and WQ/M-WR-15-204.
- "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 0 according to OAR 340-012-0145(4)(a) because there was once occurrence of the violation. The violation occurred on January 12, 2021.
- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. By failing to timely replace the pump drives in the pump station that caused the violation, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative efforts to minimize the effects of the violation. Respondent posted warning signs in the affected areas.

"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 \$0 as DEQ has insufficient information to arrive at a reasonable estimate of any avoided or delayed compliance costs.

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 + 0 + 4 + (-3))] + \$0
= \$4,000 + (\$400 x 11) + \$0
= \$4,000 + \$4,400 + \$0
= \$8,400

Do it Direct

① 80/20%
②

Prop

Apply

Stay on first violation

Tamp project
Dech.

FY Jun 30

North side → DEQ *Camp Years out*

1st phase

Grant @ Solidkade.com



Oregon
Tina Kotek, Governor

Department of Environmental Quality

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

April 27, 2023

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

Re: Approval of Lincoln County's
2022 Opportunity to Recycle Report

Dear Mr. Nebel:

This letter acknowledges the receipt of Lincoln County's 2022 Opportunity to Recycling Report. Thank you for submitting the report in a timely manner. The City of Newport and the County have chosen the following recycling programs to implement to be in compliance with OAR 340-90-0040.

Recycling Program Elements - OAR 340-90-0040

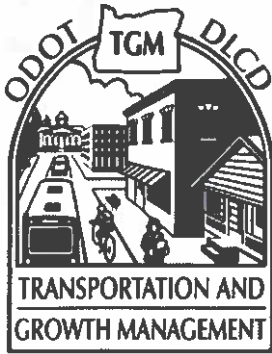
- a) Provision of at least one durable recycling container.
- b) Provision of weekly same-day-as-garbage residential curbside recycling collection service.
- c) Provision of an expanded education and promotion program.
- e) Provision of a residential curbside yard debris collection program.
- f) Provision of a commercial/institutional recycling program.
- g) Provision of an expanded recycling drop-off depot system.
- i) Implementation of a commercial and institutional food waste collection system.
- k) Implementation of a monthly or more frequent residential on route collection of food.

The report is complete and the recycling programs in the City of Newport were found to be in compliance with all requirements. We appreciate the City, County and Thompson's Sanitary Service's efforts to continue expanding waste reduction and recovery programs in Lincoln County. If you have any questions regarding this letter, please call me at (503) 378-5089.

Sincerely,

Cat Rhoades, Regional Specialist
Western Region

cc: Paul Seitz, Lincoln County Solid Waste
Rob and Aimee Thompson, Thompson's Sanitary Service



PARKING MANAGEMENT

A Powerful Tool to Meet Community Goals

The Costs of Mismanaged Parking

Storing cars is an expensive challenge

Lost Business

Customers want to get to businesses. If parking is poorly managed, and all the spots are taken, customers may choose to shop elsewhere. Too much parking can also harm businesses by degrading the pedestrian environment in local business districts. Setting time limits or pricing centrally-located parking can help ensure spots turn over and are available for more people who want to buy products, supporting the local economy. Business customers, visitors, employees, and residents appreciate clear systems that simplify decision-making and make their visit effortless and efficient. When the parking system lacks order, people can get frustrated and may decide not to return.

Space Costs

Using space for parking consumes land that could support more productive business activities. Constructing surface parking lots can cost \$1,500 to \$5,500 per space, and parking garages can cost \$18,000 to

Please see *Mismanaged Parking* on page 2

Managed Parking Benefits

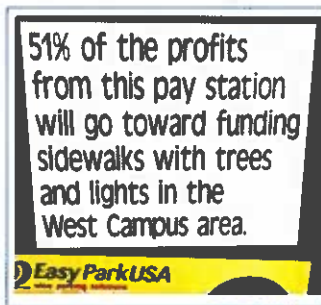
Improving parking rules can boost business revenues, decrease household costs, improve health, and lead to cleaner air and water

Financial Benefits

Well-managed business district parking means higher customer turnover and more revenue for retail businesses. Decreased parking requirements can cut costs for new development and building renovation, making housing and commercial rents more affordable. Right-sized and priced parking can mean people drive less, freeing up money spent on transportation for other uses. Finally, revenue from priced parking can be used for local area improvements like street trees, signage, improved sidewalks, or other priorities.

Please see *Parking Benefits* on page 3

If parking is poorly managed, and all the spots are taken, customers may choose to shop elsewhere



WHAT'S INSIDE

- 1 The Costs of Mismanaged Parking
- 1 Managed Parking Benefits
- 2 Right Sizing Parking – Finding the Tools to Fit Your Community
- 4 Resources

Cities Taking Action

In **Tigard**, businesses and citizens agreed short-term visitors should get priority for on-street parking, so the City implemented on-street time limits.

Springfield stakeholders agreed on-street employee parking should be moved from the downtown core to its periphery.

Hillsboro studied demand and supply in 2010, adjusting parking requirements in transit-supported areas.

Eugene, Hood River, McMinnville, Portland and Salem have all established parking benefit districts.

In the San Francisco Bay area a nonprofit developed a database of various developments and their use of parking, allowing future developers to right-size built parking. See database.greentrip.org

King County, Washington initiated a right-sizing parking project and is working with cities to set locally credible and context sensitive standards.



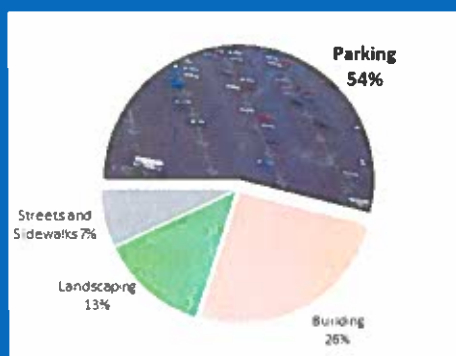
Right Sizing Parking Requirements

For cities interested in optimizing parking, there are two major issues: parking requirements in zoning codes and management of existing on and off-street parking

To improve parking management, a good place to start is a review of the zoning code for outdated or inappropriate parking standards. For example: requiring off-street parking makes housing more expensive; areas near transit lines and good walking districts use less parking and should have lower parking requirements; and zoning codes should have parking maximums to foster an environment friendly to walking.

The best parking policies are based on local conditions and data and avoid two common practices: reliance on parking standards used by other communities without regard to unique local conditions; or adoption of generic parking standards from the Institute of Transportation Engineers, which are based on peak counts in auto-dependent environments. For more on the problems of how parking standards are commonly set, see vtpi.org/shoup.pdf

Please see *Right Sizing* on page 3



A typical commercial development uses 54% of its land area for parking – a significant cost.

Data source: City of Olympia, WA and Washington Department of Ecology

Mismanaged Parking from page 1

\$45,000 per space in construction costs alone. Add in the costs of permits, design, land and maintenance, and the bill adds up. Laws requiring millions of dollars to be spent providing parking mean significantly higher residential and commercial rents, and therefore higher prices. Up to a third of an apartment's rental cost can be attributed to parking. Free parking is anything but free.

Increased Stress and Anxiety

Searching for a parking space is just no fun. Some studies estimate on average 30% of congested downtown traffic is people circling the block looking for parking – slowing traffic and adding anxiety for everyone trying to get around.

Right Sizing from page 2

Finding the Tools to Fit Your Community

Improving parking management can be a big task. Parking reform is often controversial with stakeholders having many different perceptions and needs.

An effective parking management program typically grows out of a consensus-building process through which the major interests affected – business owners, developers, residents, employees and officials of local institutions – help shape the community's parking policies. Many communities create local advisory committees and bring in outside experts to explore the pros and cons of various strategies. Such a process can help build a local consensus around specific policies and strategies. Business and neighborhood associations can also play a part in implementing the locally developed program.



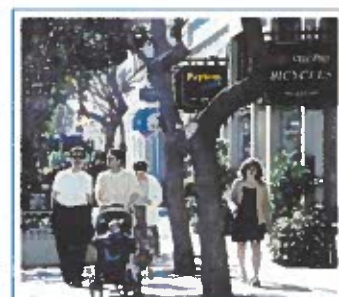
Experts can help communities tailor their parking solutions for success.

Parking Benefits from page 1

Preserved Historic Buildings, Cleaner Air and Water

Historic building owners often have a hard time meeting minimum parking requirements, and may have to raze adjacent structures to meet standards. Well-designed parking rules can mean less damage to historic buildings and preservation of cohesive main streets.

Managing parking well can mean less land paved over with impermeable asphalt, less toxic runoff in rivers and streams where it may pollute drinking water, less air pollution, and more trees.



Being a pedestrian for part of every trip has multiple benefits.

Quality of Life Benefits and Healthier People

Areas less dominated by huge parking lots are more walkable, attractive, and healthful. Better designed communities can mean shorter, walkable distances between destinations, and less need to drive and sit in traffic. Less parking means fewer heat islands caused by acres of heat-absorbing asphalt. And less public space for parking can mean more trees, which beautify communities, provide shade, and make sidewalks more comfortable. Well-designed parking programs decrease time wasted searching for parking.

Household Savings and Improved Consumer Choice

Like the price of gas, the price and availability of parking can influence our travel decisions. But unlike gas prices or bus fares, parking costs are usually hidden for users. Instead, they are embedded in housing costs and merchandise prices. That means people consume more parking than they would if asked to cover its cost separately – and people can't pay less for parking by using less of it.

Bundling the cost of parking into other items skews travel choices toward solo driving and away from transit, walking, and bicycling. Unbundled parking, where the consumer pays for the parking he or she uses, makes the cost of parking – and the savings achieved by using non-auto modes – more transparent and fair.

To help reach daily recommended activity levels, the US Centers for Disease Control and Prevention recommends: "Park farther away and walk"

Resources: We're Here to Help!

The Transportation and Growth Management team is here to help you amend zoning codes for parking. We also offer planning grants, parking study workshops, and a *Model Development Code for Small Cities*. For more guidance on common challenges from parking minimums to parking design, see our 82-page publication, *Parking Management Made Easy*. If you're ready to do more, contact our Education and Outreach team to request a free parking management workshop in your community. Call (503) 373-0050 or visit www.oregon.gov/LCD/TGM/pages/contact_us_directory.aspx

To learn more about specific strategies, start with our in-depth guide – *Parking Made Easy*.

Parking Made Easy: A Guide to Managing Parking in Your Community by Rick Williams Consulting (Oregon Transportation & Growth Management Program, 2013). A guide to parking management with advice on how to evaluate local parking supply and demand.

Oregon Sustainable Transportation Initiative Toolkit. Two-page fact sheets on parking management and parking pricing, including thoughts on effectiveness.

Oregon Transportation and Growth Management Program. Free workshops on parking management for local governments. www.oregon.gov/LCD/TGM/Pages/outreach.aspx

The High Cost of Free Parking by Donald Shoup (Planners Press, 2011). The comprehensive, oft-cited treatise on the hidden costs of free parking and the benefits of well-calibrated parking standards and policies. Provides advice on ways to improve local parking policies.

Oregon Bicycle and Pedestrian Design Guide. People on bikes need parking, too! ODOT's design guide includes guidance on how to provide it.

Parking Management: Strategies, Evaluation and Planning by Todd Litman (Victoria Transport Policy Institute, 2013). A review of best practices and how reducing requirements has significant benefits.

Parking Spaces/Community Places: Finding the Balance through Smart Growth Solutions (U.S. Environmental Protection Agency, 2006). A 70-page report on innovative parking management techniques and case studies.

Parking Reform Made Easy by Richard Willson (Island Press, 2013). A guide for practitioners on how to reform parking requirements, with case studies and discussion on working with stakeholders to succeed.

Sustainable Transportation Planning: Tools for Creating Vibrant, Healthy, and Resilient Communities by Jeffrey Tumlin et al. (Wiley & Sons, 2012). Includes a chapter on parking describing the "top ten" parking management strategies.

Walkable City: How Downtown Can Save America, One Step at a Time by Jeff Speck (Farrar, Straus and Giroux, 2012). This book includes a chapter on parking.



For on-line links to the above resources, visit
www.oregon.gov/LCD/TGM/Pages/parking.aspx

The Oregon Transportation and Growth Management Program is a partnership between
 the Oregon Department of Land Conservation and Development and
 the Oregon Department of Transportation

June 2015

EXHIBIT E

List of Opioid Remediation Uses

**Schedule A
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies ("*Core Strategies*").¹⁴

A. NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. MEDICATION-ASSISTED TREATMENT ("MAT") DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

¹⁴ As used in this Schedule A, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs.

C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”) / Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

Schedule B
Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (“OUD”) and any co-occurring Substance Use Disorder or Mental Health (“SUD/MH”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:¹⁵

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“MAT”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“ASAM”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“OTPs”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹⁵ As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 ("*DATA 2000*") to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARR*”);
 2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
 3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
 5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTI”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs ("PDMPs"), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“*ADAM*”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.