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MEMO

DATE: October 22, 2020

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Five-Week Period Ending Friday, October 16, 2020

During the beginning of this period, the third emergency for the City and Lincoln County was coming to a close as the Echo Mountain Complex Fire was still burning, but not expanding. During the week of September 14, the Recreation Center served as a housing center for the National Guard troops, used to maintain security in areas devastated by the fire. As we now know, 300 homes were lost in this area, and the fire burned right up to the Lincoln City city limits. Due to the quick action of the emergency personnel, who literally went door-to-door in the middle of the night getting people out of the area, there were no fatalities from the fire. The process for addressing the losses from the fire will continue for some time. Since the fire, our activity from a City standpoint has primarily focused on documenting costs for personnel and facilities utilized, to respond to various aspects of the fire. While the loss of homes was tragic, the fact that there was no loss of life was literally a miracle.

Once we catch our breath from dealing with this most recent emergency, the continuation of COVID-19, and developing plans to address water production issues at the water plant, we will do a wrap-up to identify items that went well in responding to the fire, and items needing improvement. We will share this information in a county-wide debriefing on the fire response. Clearly, the most significant problem related to communication was the power and internet loss for many folks, as well as, the loss of the radio stations due to their dependence on both power and the internet, in the initial phase of the fire. Furthermore, as part of the protocol for dealing with an emergency, which was not based directly in our community, we did not issue public updates regarding the fire. This can become problematic, since the official information should be coming from one source, which in this case, was through Lincoln County Emergency Management. In retrospect, it would have been appropriate for the City to provide updates indicating that the City of Newport was, at that time, not immediately impacted by the fires. People were alarmed by the smoke and it was not clear to any of us how Newport might be affected by the fires, although it was clear that the Echo Mountain Complex Fire would not have a direct impact on Newport. Emergency communications among response personnel were problematic due to lack of power in the fire zone, as communication lines were disabled and destroyed.

Finally, the fragility of our transportation network was illustrated with the closure of Highway 101 from trees, and later in the fire, the evacuees from Lincoln City, who had only one way out of town. I believe that the response by emergency personnel was exceptional, and the support we provided for sheltering and coordinating various aspects for evacuees went reasonably well. This fire emergency was a great test of our systems, and it is important that we analyze our experiences from this emergency to improve the next emergency response (this is still 2020!).

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

- On September 14 Chief Malloy and I were provided a tour by the Lincoln County Sheriff's Department of the fire damage that occurred in north Lincoln County. The destruction was significant with over 300 homes destroyed, power lines and poles laying across roads, the water pumping station for the water district serving the Otis area destroyed, and many domestic animals were wandering around the burned areas, particularly cats. The other thing that was surprising is that some homes survived in neighborhoods where all other homes were destroyed. The same was true with vehicles. Some vehicles were not touched, while others were destroyed. In one neighborhood on the west end of Otis, there was no evidence of fire sweeping through the neighborhood, however, five individual homes, significantly spaced apart, were burned during the fire. Reportedly, this was due to hot embers. The concentration of homes in Otis is much denser than I realized, and the challenges of getting people out of that area were significant, since there are a lot of dead-end roads which emergency personnel had to address. We all owe a great debt for those on the frontline of the initial phases of this fire for getting everyone out of that area safely. Fire Chief, Rob Murphy, and I indicated to the Council, this fire easily could have been 30 miles south and threatened the City of Newport. Creating access through areas east of the City would be an important way to improve the chances of stopping a fire before it would reach the City. It is clear with climate change that the coast will be facing longer periods of drought, and weather conditions that could spur fires in years ahead.
- Chaired a special OCCMA Board meeting to confirm our candidates for the OCCMA Board for 2021. This slate was later voted on at a Membership meeting in conjunction with the League of Oregon Cities meeting.
- Met with David Allen, Clare Paul, and Mike Murzynsky regarding the implementation of the National LOC Service Warranty Program. We are providing various information to the Lateral Line Warranty Program in finalizing review of the letters that will be sent out to our utility customers informing them of this program. The actual letters won't be sent out for a couple of months until utility service line program has identified contractors, and is prepared to provide these services.
- Mayor Sawyer, Community Development Director, Derrick Tokos, and I met with Paul Schuytema, Executive Director of the Economic Development Alliance of Lincoln County. Paul initiated his employment late this summer, and is assessing the role that the EDA has previously played in Lincoln County. Paul is soliciting input as to what role the organization should play in the future. He will be introducing himself to the City Council soon. Like me, Paul moved from Michigan's Upper Peninsula to take the job in Lincoln County. Paul is originally from Illinois.
- Mayor Sawyer, Councilors Goebel, Hall and Jacobi, Derrick Tokos, David Allen, and I participated in the dedication of the Habitat for Humanity homes on Pine

Street. The two housing units will be turned over to new homeowners as part of the Habitat program. There are several final steps that need to be taken before the property will be formally conveyed to Habitat. This has been a long haul and we congratulate Habitat for completing this project!

- Met with Lance Vanderbeck, Susan Cunningham, Geoff Vaughn, Ian Bradshaw and Sean Callahan regarding the aviation easement and tree removal at the airport. The first phase of the environmental assessment has been completed on this project, and the second phase will be funded during 2021. Funding from the FAA to address obtaining the aviation easement and tree removal is also programmed for 2022. We want to get a final understanding of how this work will move ahead.
- Participated in a meeting of the ad hoc Landscaping/Beautification Work Group. Anita Albrecht has developed various priorities to continue addressing landscaping issues within the City. Also, Anita has been working with a group of volunteers to provide regular scheduled maintenance of certain public areas in the City, as well. I appreciate Anita's efforts, and the efforts of the volunteers, in addressing issues that we have not been able to adequately address with the reduced staffing.
- Held a bi-monthly meeting with Derrick Tokos to review Community Development projects and issues.
- Rob Murphy, Jason Malloy, Steve Stewart, and Justin Scharbrough met with me to discuss concerns regarding the use by the public of the Big Creek watershed during the emergency fire conditions. As a result, we had prepared an emergency declaration for the Council's consideration, allowing us to close the reservoir area to prevent the possibility of individuals lighting fires, which could create a wildfire. With weather conditions that subsequently occurred between this meeting and the City Council meeting on the 21st, it was not necessary to have Council act on that declaration. We are going to look at the development of Ordinance language that would allow us to make closures of certain wooded areas when fire conditions reach hazardous levels in the county. This would be similar to how other agencies and private forest lands are managed during extreme fire conditions. This is something we would like to present to Council early in 2021.
- Barb James and I met to begin the process of creating job descriptions for the Public Works Director and City Engineer positions. In the next few weeks, I will finalize plans for moving forward with recruitments for these positions. I have appointed Clare Paul to serve as Interim Public Works Director and Chris Janigo as Interim City Engineer to fulfill these responsibilities until the recruitment processes are completed, and we can hire individuals for these positions. I appreciate Clare and Chris for their willingness to step up to these new responsibilities.
- Participated in our Emergency Coordination Center meeting to continue discussions on COVID-19, as well as, updating folks on the other emergencies. These meetings have served us well to bring folks together to discuss the next policy steps. The biggest issue we dealt with at this meeting was moving into Phase 2 with the reopening of various City facilities.
- Prepared agenda items for the September 21st Work Session and City Council meetings.
- Participated in the City/Tribal/County Leadership meeting to update folks on both COVID-19 and the wildfire.

- Participated in a phone meeting with Patty Mulvilhill, Attorney for the League of Oregon Cities, regarding the process to fill vacancies on the LOC's Board of Directors when a local government manager position becomes vacant.
- David Allen, Clare Paul, Andrew Grant, and I met regarding the compliance agreement with Rogue. Rogue is in compliance for both the pH and TSS requirements. They failed, however, to comply with the BOD requirements. As part of the agreement, once notified by the City, Rogue has 14 calendar days to cure the violation. A notice of failure to meet BOD compliance was provided by Interim Public Works Director, Clare Paul, on October 9, 2020. Under Section 4 of the consent agreement. The 14-day clock starts ticking from the date of the mailing of this notice. If these violations are not cured within that time, then Rogue will be subject to a single, non-recurring civil penalty in the amount \$35,000. Beyond that, Rogue will be responsible for any daily fines for non-compliance. These could be substantial. Rogue is making efforts to address the BOD with a significant investment in wastewater equipment, however, they did not fully comprehend the processes needing to be in place to adequately treat this waste. If compliance is not reached by Friday, October 23, then we will initiate action in accordance with the consent agreement. Rogue will likely be looking for some relief beyond this point. They have hired Civil West to get this process working effectively to address the BOD requirements. It may be some time before they are able to comply. I will keep you informed of the next steps.
- I was tested, along with other City staff, by the health department due to my involvement in establishing the evacuation center at the Recreation Center. Several of us did not receive results back until 10 days after being tested. Parks and Recreation Director, Mike Cavanaugh, and I contacted both Samaritan and the health department to discuss this delay. Samaritan indicated that they will directly notify folks in these cases. I think part of the confusion was that these tests were strictly precautionary, versus tests being done when there is a known positive COVID-19 contact. Hopefully, our feedback will improve this process in the future for others being tested.
- Held a routine Department Head meeting.
- Mike Murzynsky, Steve Baugher, and I met to continue preparations for the Finance Work Group for the efforts to develop a long-term financial plan for the City of Newport. We are working on revised projections based on current expenditures, and looking at longer-term future needs for the City.
- Participated in a Council Work Session on September 21 on car camping within the City limits, and the use of volunteers for landscape/trash clean-up projects.
- Participated in the regular City Council meeting of September 21.
- Participated in bi-monthly meetings with Jason and Rob.
- Participated in the Lincoln County briefing for the Echo Mountain Complex Fire/Wind event as it relates to reimbursement.
- Participated in a bi-monthly meeting with Barb to discuss HR issues.
- Participated in a League of Oregon Cities training program evaluation facilitated by Alice Cannon, along with Martha Bennett, City Manager of Lake Oswego; Rachel Fuller, City Manager of Hood River; Steve Powers, City Manager of Salem; and Byron Smith, City Manager of Hermiston. The League is doing a comprehensive review of their training and education programs. I appreciate the opportunity to participate in this discussion.

- Met with Jerry Sabanskas regarding the Recreation Center not participating in the insurance program that pays for recreation center activity that he and his wife have. Currently, the Recreation Center participates with Silver Sneakers and Silver Fit. Mike Cavanaugh is exploring the addition of two other programs that reimburse the Recreation Center directly for participation by folks covered by their insurance program. He will be checking into the possibility of adding this program.
- Participated in a conference call with Ryan Vogt, the new executive director of the COG. Ryan was introducing himself, and obtaining information as to how the COG can best serve the needs of the City of Newport in the future. I appreciate Ryan's efforts to introduce himself to the various local governments who are part of the COG. I invited Ryan to participate in a City Council in the future.
- Participated in a Vision 2040 Advisory Committee meeting.
- Met with Lance Vanderbeck regarding an AIP Grant agreement for the airport.
- Participated in the Emergency Coordination Center meeting to continue planning for reopening City facilities. The reopening is going reasonably well, and people are generally willing to comply with the rules established for this purpose.
- Participated in negotiations with the firefighters. Negotiations are continuing to move along. At this point, the focus is on contract language.
- Following the negotiations, Mark Wolf from Speer Hoyt, Barb James, and I met to discuss a personnel issue in the Public Works Department.
- Participated in the OCCMA Audit Committee meeting. This was to review our financial statements and transactions for the past year. (for some reason, there are several meetings related to OCCMA that occur in September and October each year. I will be happy when my year as president ends at the end of this year!).
- Participated in the first virtual International City/County Management Association (ICMA) Annual Conference. This year's conference was originally supposed to be held in Toronto, Ontario. This was going to be an important conference. Under normal circumstances, OCCMA would be hosting the 2021 ICMA Conference Welcome Booth, promoting the ICMA Annual Conference, scheduled to be held in Portland next year. While there was some value to the virtual conference, it is a much different experience than attending an in-person conference. Overall, there were several good sessions.
 - Our first keynote speaker was retired Lieutenant General Nadia West. Lieutenant General West was the 44th U.S. Army Surgeon, and former Commanding General of the U.S. Army Medical Command. West was the first black Army surgeon general, and was the first black female active-duty Major General, and the first Army black female Lieutenant General. West indicated that these are turbulent times with COVID-19, racial and political division, coupled with natural disasters.

She defined leadership as influencing others to lead to an end. Leadership can be for both good and evil. While everyone knows what their specific job is, sometimes folks within an organization forget what the overall mission is intended to be. It is important that individuals know how to act to continue meeting the mission of the organization. Leaders must be competent, know who their constituents are, and know the people within the organization who are providing those direct services. Understanding core values are critical

for leaders. This provides a better chance that proper direction is obtained by folks.

Leaders need to possess integrity, honesty, loyalty and empathy. These qualities need to be balanced. For example, loyalty should not override integrity. This can cause problems. Leaders must understand the individuals they are leading. This gives people the motivation to serve.

It is also important to understand that each human being is unique, precious, and motivated by different things. One size does not fit when managers respond within an organization. Leaders must tailor their approach to get the best from people that may help the effectiveness of that organization. To build trust, you must communicate, communicate, and communicate some more. Transparency is the key, not being secretive or exclusive.

Empathy is a key leadership value. It is important to consider many points of view before making decisions that could impact the organization in the future. It is important to remember that everyone communicates differently. Today, more than ever, leaders need to be creative in how they communicate with different people in different ways. This entire effort has been particularly challenging during social distancing.

Humility is a very important quality in effective leaders. It is also very important for leaders to expect folks with the organization to tell the truth without retribution. Leaders must maintain a positive and creative optimism, but not in a pollyanna way. General Colin Powell indicated that “Leadership is solving problems; the day soldiers stop bringing their problems to you, is the day you have stopped leading them. They have either lost confidence that you can help them, or conclude you do not care. Either case is a failure of leadership.”

- Attended the president’s colloquium outline “Lessons Learned on One City’s Racial Equity Journey - Size Doesn’t Matter; Commitment Does.” Heard from the City of Boulder, Colorado, City Manager, Jane Brautigam; Equity Program Manager, Aimee Kane; and other staff members Boulder is a city of 100,000 people and has, over the years, found that its diversity training had minimal impacts on advancing racial equity issues within the organization and the community. Through a community engagement process, a racial equity plan was brought to the City Council for their review. The plan called for bias and microaggression training to be implemented. This included acknowledgement that being white and having a position with the city, are all positions of advantage in the community. To truly move forward, it is critical to have intentional efforts, an invitation to folks from disadvantaged sectors who are ready to speak, and then implement ideas to see what happens. It was noted that part of this process involves taking steps both forward and backward, and repeated false starts that ultimately lead to learning, growth and understanding about the real change in advancing racial equity. Two projects were initiated by the City. This included the development of a police oversight task force. A charter was developed to clearly identify the scope of the Committee’s work. The

Committee had a majority membership of people of color. The City hired a facilitator to work with the Committee, with the goal of developing authentic relationships between the police and various community members. Police members were there for information, not directing the overall process. The same was true with the City Manager's office. Bringing folks together from communities that have not historically had positive relationships with the police department, result in complex relationships. It is important to acknowledge the power in the room, and acknowledge individuals who had negative experiences with the police. The task force had regular reports to the City Council to brief the Council on activities and direction of the task force. The original term of the task force was nine months, but it was determined that this was not an adequate amount of time. A preliminary ordinance was developed. As a result, a police monitor was hired to deal with complaints, review training, other work necessary in the department, and serve as an ombudsman to various disenfranchised communities.

A second project that was handled in the city of Boulder, was equity and COVID-19 recovery. Lifting disadvantaged people impacted by COVID-19, lifts the entire community. Boulder could not afford to designate multiple staff members to this effort. They were able to designate one full-time employee to work through the COVID-19 outreach program.

- Listened to a session with Robin DiAngelo, author of "White Fragility; Why it is so Hard for White People to Talk About Racism". DiAngelo is currently with the University of Washington. She has published several books regarding racism, including the book that this session was based on, which for over a year, has been on the New York Times best seller list. DiAngelo indicated that it is always awkward to talk about her race, and she is white. It seems more natural to talk about other races. Whiteness is hard for the majority to see. In her studies she has found that the dynamics of this discussion is the same whether you are in the U.S. or other countries. It is difficult to understand what it means to be white. This makes it very challenging to educate white people about racism. As white people, we see ourselves as unique individuals unaffected by the culture we live in. We don't understand the nature of systemic racism. We understand that everyone has a racial bias, as human beings we act upon this bias.

Systemic racism is collective racial prejudice which is backed by legal authority and institutional control. Systemic racism is embedded in media, family, religion, education, language, economic and criminal justice. White people tend to live within the white power structure. Movies and television shape our cultural values as we grow up. DiAngelo noted that this is reinforced by the fact that of the top 100 films worldwide of all time, 99% of those films were directed by men, and 95% are white (white men make up 31% of the population). These movies reinforce the culture that we live in and the development of perceptions and biases as it relates to other races; whether it is Asian, Latino, or African American. DiAngelo argues that in the white mind, black people are the ultimate racial other. This bias has been spread worldwide. Built on 300 years of enslavement in North America.

DiAngelo argues that we are all on a continuum of racism from more to less. She indicates that nothing has exempted herself from the racial hierarchy. Like everyone, she lives with biases. Most unconscious. Like others, she thinks in terms of good people versus bad people. Racism is complex, and it is not necessary to understand all the concepts of racism. She also indicates that awareness without action is meaningless.

- Heard from the world's leading urbanist Richard Florida, who is a researcher and professor serving as a professor at the University of Toronto. Mr. Florida spoke on the impact that pandemics have on cities. Mr. Florida argues that once in a century there are opportunities to build our cities back up, fiscally and economically better than they were before the pandemic.

The COVID-19 pandemic has not been nearly as impactful as other historic pandemics. Communities will survive. This type of crisis will tend to accelerate current trends. The virus has reinforced the divides of race and class in the United States. As an example, blacks and Latinos are four times more likely to be hospitalized than non-blacks and non-Latinos. This is caused, in part, to a workplace divide. There 40 million people who work in high-risk frontline jobs and cannot isolate, as many white-collar workers can. These populations also experience overcrowding and housing conditions, whether in cities or rural areas.

If COVID-19 wraps up in about a year, the impact on our communities will be minor. Mr. Florida argues that second and third-tier cities will have a great opportunity to attract remote workers because of the advances made by many employees to be able to work from a remote location. These smaller urban centers will likely see growth and expansion due to a general fear of utilizing transit, and other services where populations are concentrated. The post COVID-19 period will be a great time to reset our communities to take advantage of the mobilization of the workforce.

Florida indicates that the communities of interest, many of these with more workforce mobility, will be where folks can live, work, and play all within 15 minutes of each other.

To address some of the equity issues, jobs need to be upgraded for frontline workers. Seventy million now work in a low-wage job. We need to make these jobs better in the future. This has been done in the past following the depression, when assembly line jobs became higher wage jobs where someone could fully support their family. It will be important to focus on closing the equity gap on racial and ethnic bases to help life communities. Communities will need to focus on livable city-center areas since traditional retail and office space needs will likely decline in the future. Online education may provide a cost-effective way to bring high-quality education for those who are disadvantaged. Conventional education needs to be reworked, since it is too expensive to sustain the coming years.

- Attended a session on defund, reform and rethink police services. Dr. Bernard Melekian, retired police chief of Pasadena, indicated that decisions on the level of police services need to be based on data and not emotions.

It is important to understand the true workload being handled by the police department, and to determine an acceptable level of staffing. Chief Melekian indicated that COVID-19 has killed more officers than other causes in 2020. As of September 2, on-the-job COVID-19 infections were responsible for at least 100 officer deaths. More than gun violence, car accidents, and all other causes combined, according to the Officers Down Group.

Chief Melekian indicates that police work has become much more complex over time. He argues that the continued expansion of growth, and use of 911 is a contributing factor to this added complexity. He outlined how police reforms have occurred over the years. In the 1970s, a professional model of policing was to make law enforcement a profession, free of corruption. This is a time for "just the facts", no racial issues were considered since the attempt was to treat everyone the same. In the 1980s, police work included solving social problems, diffusing domestic disputes, and providing empathy for sexual assault victims. In the 1990s, there were several calls colliding narratives, including the drug wars, community policing, and development of the COPS Program. Several trends happened because of these issues, including the federal government hiring additional officers as part of these reforms. The intent of the COPS Program was to establish relationships, and change the culture of police organizations. The culture change of police organizations is one that largely has not been achieved. Community policing largely was a program but not a philosophy for police departments.

By 2000, the focus was on homicide reduction, prevention, intervention and enforcement. Chief Melekian argues that community policing needs to be the philosophy of the department and the city organization, not just a program. He indicated that by 2005, true dissatisfaction with the police began to emerge. Maurice Clark was killed in Pasadena, California. As chief, he was armed with facts about law enforcement, but found the bigger issue was the economic conditions of the minority population in Pasadena. As part of the process to heal from this issue, the chief brought in Eldridge Cleaver, to speak to the police department. Cleaver indicated that we don't hate cops, we hate the government. The cops are the link to the government. In 2009, Chief Melekian was named the director of the U.S. COPS Office. While this program was really to build community policing across the country, most departments used the program to get more police officers for their departments. Also, federal direction limited his role in truly moving policing to a different level. He also indicated that officers living outside cities they serve, is a big trend that has occurred over recent decades. This tends to create more separation between the officers and the community. He indicated that the "Eight Can't Wait" police reform policies are reasonable, and important to implement to help evolve police cultures and relationships within the community they serve.

- The final session I attended was with Chris Gardner, who was the focus of the movie "The Pursuit of Happiness". Gardner indicated that the pandemic is like a worldwide earthquake affecting the entire earth...but, it impacts

different people in different ways. The movie focused on one year of his life. However, this person was developed over the first 27 years of his life. His mother built the strength to keep ties to his son, even though he was homeless during this time. His mother also encouraged him to be able to dream and instructed him that “whatever you do in your life, you should be the best at it.”

Gardner went into the Navy. This gave him structure in his life. This structure has benefitted many people in the country. Unfortunately, seven out of ten cannot make the first cut for the military due to criminal records, a history of drug use, and similar things, which cripple their ability to gain this type of structure. Gardner asked all of us what we were going to do with the rest of our lives. He indicated that we have an opportunity to create a new version of the American dream, which would focus on empowerment -- not entitlement - backbone, cornerstone and bedrock. Everyone should have permission to dream. The American dream has now gone global. He indicated that if you cannot walk, you need to crawl, but the bottom line is that it is important to keep moving.

Gardner indicated that local government is Ground Zero during this COVID-19 period. He indicated no one in local government, or on other levels of government, is going to be thought of as doing a great job during these very challenging times. We are all doing things differently, such as the virtual conference for ICMA. If it was suggested in January that we would be having a virtual ICMA conference, most people would have laughed at that concept. Gardner indicated that we need to embrace the moment and accept the fact that this has happened before and we will get through these days, and do better in the future.

I enjoyed the sessions that were very timely and helpful to explore, especially the difficult issues of racial equity facing our country. I am hopeful that next year OCCMA will be able to host a live ICMA Conference in Portland, as the plan has been for the last eight years.

- Along with members of the Council, participated in dedication of our Street Resurfacing Projects, the Yaquina Heights Water Main replacement, and the construction of new sanitary lift stations and force main to address overflow issues at various locations in Agate Beach.
- Met with Mitch Rohse on Gilbert Way, regarding better control of parking on his street, particularly dealing with surfers camping on the street. The street is relatively narrow, and the camping causes safety issues. In discussing it with Tim Gross and Jason Malloy, we are going to look at the possibility of time limits for parking on Gilbert Way. This would be enforced on the complaint basis in the future. Mr. Rohse felt that it might be an effective way to try to control the long-term camping that is taking place.
- Met with staff to discuss possible revisions to the COVID-19 Return to Work Policy, to meet current laws and guidelines.
- Mike Cavanaugh, David Allen, and I met to review various 60+ Center and Recreation Center agreements. We need to clean up prior agreements, and

develop policies for safeguarding personnel health information being collected for programs in the 60+ Center.

- Participated in an STR Ordinance Implementation Work Group meeting. This information was reported to the City Council at the October 5 Council meeting.
- Participated in a meeting with David Allen, Peggy Hawker, and Tim Gross on Longview Hills litigation over the ownership of the utility system.
- Held a bi-monthly meeting with Laura to discuss Library issues.
- Participated in a meeting with Councilors Goebel and Jacobi on addressing cold weather homeless issues for this winter. Grace Wins Shelter will be making application for funding to house homeless individuals in hotel rooms through the course of this winter. Lola Jones will be assisting with the development of the grant application. Congregate housing is problematic during this COVID-19 pandemic. The City has made funding available as a match to this grant.
- Met with various City staff to finalize an RFP on a fire alarms and security systems monitoring proposal. We want to consolidate these into a City-wide contract instead of having individual contracts for City facilities.
- Participated in an Emergency Coordination Center meeting.
- Provided the Rotary program on October 1 with an update on various City issues.
- Participated in an orientation tour of Public Works facilities with Tim Gross and Councilor Collett. We had a chance to bring Aaron to several of the major Public Works facilities and show him several major components of the City's infrastructure system.
- Met with Chief Malloy regarding the possible MOU to address the salary schedule for Officer Kittel, who is a former police officer who we have hired back. Jason will be talking to the Police Association regarding a possible adjustment to his schedule due to his level of experience.
- Met internally to discuss various issues related to the firefighters. We are utilizing Mark Wolf from Speer Hoyt, to assist with labor negotiations.
- Prepared agenda item reports for the October 5 Work Session and City Council meeting.
- Participated in a routine Department Head meeting.
- Participated in a Work Session on the 2021 water supply emergency report, and on biosolids. The next steps were forwarded to Council to implement these recommendations.
- Participated in the October 5 City Council meeting.
- Leslie Palotas, Peggy Hawker, and I met to discuss the Vision 2020 website development. For a variety of reasons, including the desire to have citizen participation in building the website, we, in collaboration with IT, have concluded that it is better to do this outside of the City's website, due to the inflexibility of our site, and potential security issues by allowing access to others to develop the website. This also helps give the 2040 Vision Advisory Committee a more "Greater Newport Area" feel than the "City of Newport" focus.
- Met with Nancy Steinberg on the possibility of the City developing a diversity and inclusion statement. I believe this would be an appropriate step for Counsel to consider. The Mayor, Police Chief, and others made various statements about racial inequity issues in our society, however, the City has not made a formal statement regarding this. Nancy has drafted several ideas which she has forwarded to me. This statement will also outline several things that we may want

to consider doing as a city to continue understanding issues of racial inequity, and identify proactive steps to continue addressing this issue within our own organization and community.

- Held a bi-monthly meeting with Peggy Hawker.
- Met with Mike Murzynsky on the Service Line Warranty Program and the City audit.
- Met with Mike Cavanaugh on review of our updated memorial bench policy.
- Lance Vanderbeck, David Allen, and I met with representatives of our airport consulting firm, PAE and the FAA, regarding the tree removal issues at the south end of the runway. It appears that the FAA is comfortable with us restricting our initial project to certain air space issues minimizing impact to the residential neighborhood at the south end. We will try to finalize this in the coming weeks.
- Held a bi-monthly meeting with Barb James to discuss HR issues.
- Mike Murzynsky, Steve Baugher, and I met to continue efforts to prepare for the Finance Work Group meeting.
- Held a bi-monthly meeting with Mike Cavanaugh to discuss Parks and Recreation issues.
- Held a bi-monthly meeting with Laura to discuss Library matters.
- Mike Murzynsky, David Allen, Dawn Smalley, Municipal Court Clerk, and I met to discuss the processes for collection of fees and fines issued by the Court. Finance has done a good job in cleaning up this process in the past year.
- Met with Chief Jason Malloy, Police Lieutenant, Brent Gainer, and Mike Murzynsky regarding pursuing a taser lease. Our tasers are reaching the point they will no longer be serviceable. Jason has explored the option of entering into a lease to replace the department's tasers with new equipment. Tasers have advanced significantly, lending various safety measures over the previous tasers we have used. This is an item that will ultimately come before the City Council for their action.
- David Allen, Andrew Grant, Clare Paul, Stephanie Kerns, and I met to view the status of Rogue's compliance with the consent agreement. Because of the meeting, a 14-day notice of non-compliance of the BOD requirements was provided to Rogue. Under the consent agreement, Rogue had 14 days to cure any problems after the date of the notice. While Rogue has met the other two criteria in the consent agreement, prior to the October 1 deadline, they had not yet met the Criteria for BOD requirements. Rogue has since provided data that they are now in compliance with the five-day BOD requirements. We are in the process of confirming the testing. Rogue will have satisfied the terms of the agreement, however, there will be issues where individual days they may not meet one or more of those requirements, which will still require enforcement action on the part of the City. We will continue to review this effort.
- Held a bi-monthly meeting with Mike Murzynsky to discuss Finance issues.
- Participated in negotiations with the firefighters (IAFF). We are continuing to work through disciplinary issues and grievance language.
- I took a vacation day on Monday, October 12.
- Participated in an OCCMA Host Committee meeting with ICMA to discuss hosting of ICMA in Portland in 2021. Currently, we have more discussions than answers due to the pandemic.

- Held a Department Head meeting to review our financial situation, and asked department heads to provide information for the Finance Work Group review that will occur later this month.
- Participated in a virtual meeting of the Lincoln County City Managers. This was our first meeting since COVID-19.
- Derrick Tokos, Jason Malloy, Jim Folmar, Jovita Ballentine, and I met regarding short-term rental enforcement issues. At the last Short-term Rental Work Group meeting, there were a few statements made regarding enforcement activities which required further evaluation and discussion. The biggest issue was a clarification of the responsibility of the property owner, whether they live here or elsewhere on enforcement responsibilities. The property owner is responsible for any strikes a vacation rental may have received due to a code violation, as outlined in the Newport Municipal Code, even if they did not commit the violation themselves.
- Barb James and I met on a Public Works personnel issue.
- Derrick Tokos and I participated in a conference call with Brett Fox who is looking at developing property at the corner of Angle and the west side of Highway 101. This is a site that would require the City to consider vacating the dead-end portion of 2nd Street that runs into the Antique Mall parking area. In addition, there is a triangle of property owned by ODOT. We will be working with ODOT to see if that can be conveyed to the City to help expedite the utilization of this space.
- Chaired an OCCMA Board meeting, and conducted the Annual OCCMA Membership meeting in conjunction with the League of Oregon Cities Annual Conference.
- Participated in an Audit Committee meeting to review the process that the City's auditors are using to complete much of the work virtually. The auditors gave the Finance Department high praise for being prepared to conduct an audit virtually. This required scanning of a lot of material, as requested by the auditors. The auditors did do some field work in some of the more complicated accounts. Overall, things seem to be going well with the audit and financial statements for the fiscal year ending June 30, 2020.
- Participated in a Winter Shelter meeting with Lola Jones, Betty Kamikawa, Traci Flowers, Wayne Belmont, Kaety Jacobson, Jeff Blackford, and Peggy Hawker. Jeff's organization has available funding for Lincoln County to help in the housing of homeless individuals this winter. Betty Kamikawa is proceeding with the application process for funding. Again, the emphasis is on securing rooms for homeless individuals through the course of this winter. Hopefully, these pieces will come together to help meet this need during these COVID-19 times.
- Derrick Tokos, Clare Paul, and I met regarding the Tim Roth storm sewer situation. We are looking for any alternatives to address the differences between what Mr. Roth is willing to do and what needs to be done as part of the development of property on Spring Street.
- Mike Murzynsky, Barb James, and I met regarding the issuance of the second batch of retirement checks. These are being sent to retirees who were paid 85% of their actuarial retirements by a lump sum the previous year. Last year there were several issues with the actuarial reports, and it took several months before we were able to issue these second checks. I was very pleased how clean everything was this year, and these second checks should be issued on a timely basis to the individuals who retired the previous year. The second check is being issue due the

actuarial information being calculated each year on June 30th. This allows for any gains or losses to be factored into the final payment to those retirees, based on the performance of the pension fund during the fiscal year they retire.

- Met with Barb James to address staffing requests at the Library, and add back one full-time position instead of three part-time positions. We also discussed the finalization of job descriptions for Interim City Engineer and Interim Public Works Director.
- Participated in a number of sessions for the League of Oregon Cities as part of the virtual conference on Wednesday, October 14 and Thursday, October 15. Again, I think the League did a good job putting together a virtual conference during COVID-19, however, it was not the same as the value of meeting in person.
 - Attended the OCCMA workshop, followed by the Membership meeting. The workshop focused on the role of managers amid a global pandemic, and period of immense social change. As professionals, our emotional bandwidth is stretched very thin, yet our teams and communities need leadership now more than ever. This is coupled with the uncivil discourse playing out on social media. How do managers best provide the support to staff during these times? How do we take care of ourselves so we can fulfill the needs of our organization and communities?

Empathy and compassion are two terms that are often mentioned during these critical times. Empathy is the ability to understand and share the feelings of another. Compassion is acting on those concerns. A panel was pulled together for this session to share experiences during these challenging times. The City of McMinnville has instituted city-wide training on diversity, equity, and inclusion for staff and Counsel. It is noted that Washington County does implicit bias training for all interview panels that are involved in the recruitment of candidates. To deal with the economic impacts of COVID-19, McMinnville closed 3rd Street for the entire weekend for dining-out activities. This was viewed favorably by the business community, and community members, as well.

During these times of many priorities, managers must, in effect, triage work. As difficult as it may be, we can't do everything that everyone wants during these times. It is critical to identify the most important issues, even if it means you can't deal with other less consequential issues. The manager panel dealt with the challenges of social media. It is simply not possible to deal with the critical issues that communities need to deal with, and keep up with every issue on social media. One manager indicated that dealing with chronic complaints on social media is like wrestling with a pig in the mud. You get dirty, and the pig enjoys the fight!

- Attended the keynote session with Walidah Imarisha on why the black population in Oregon is so small. Ms. Imarisha indicated that deep transformation institutional change is needed beyond statements of support for changes. She argues that Oregon was rooted in the notion of a utopia for white people, and that the system is not broken, it is operated as it was intended to, to maintain white control. Her first takeaway is that racism is institutional. Everybody is culpable including government.

She indicates that communities of color have been leaders in pushing to reimagine Oregon looking forward. Ms. Imarisha provided a review of Oregon black history. In 1844, slavery was eliminated but black citizens were not allowed to live in the territory. A lash law was instituted that provided that black people would be whipped every six months to encourage black people to leave Oregon. In 1850, Oregon donated land which gave away indigenous property to white people to create a white utopia. In 1859, Oregon was admitted into the union as a free state with a black exclusion law in the state constitution. Language remained in the state constitution referring to the state's white population, free negroes and mulattos, until Oregon Measure 14 in 2002 eliminated that language from the constitution. Nearly 30% of the state's population voted against the elimination of those references. In 1868, the 14th Amendment to the U.S. Constitution providing equal protection of the laws to all citizens, was ratified by the state. Then the state de-ratified the amendment. It was not re-ratified until 1973. The state settlers at the time embraced the notion of manifest destiny, which was a belief of the expansion of the U.S. throughout the North American continent, was both justified and inevitable. Ms. Imarisha argues that this notion was based on a belief that God gave the land to white people since the indigenous people were not utilizing the land properly.

Oregon's 20th Century efforts regarding race has not necessarily been so good, either. Ms. Imarisha indicated that the war on drugs has effectively been used to focus on criminalization to maintain the white culture. 1994 Measure 11 (mandatory sentences) resulted in an explosion in folks going to prison disproportionately affecting the populations of color. Once someone has a prison record they are permanently challenged in providing for their families. She recounted an incident in 1902 where a black man was accused of killing a white woman in Coos Bay. He was tortured, shot and hung from a bridge, witnessed by over 300 people. Nobody was charged in this lynching and death. In 1921, the KKK was widespread with 15% of white men being card-carrying members. Oregon has the largest percentage of members in the nation. During this time, there are photos with city officials in Portland pictured with KKK members. In 1922 Walter Pierce was elected governor supporting many KKK initiatives. In 1965 there were still sundown towns which were cities that had laws and practices to restrict blacks from living in white towns. Oregon had 25 towns identified as sundown towns.

Housing policies have had a profound impact on people of color. Housing policies were one-way, in which the white population was able to limit where people of color resided. Ms. Imarisha argues that the institutional structures that have been created through the history of Oregon are still limiting people of color from realizing equity in the state of Oregon.

She indicated that despite these challenges, the black community has had pockets of success dating back from the 1800s. In 1867 the black community in the city of Salem raised funds to build a school for black children. The school was built, opened, and the group successfully pressured the school district to take over the school as part of the public-school system. In 1923 in

eastern Oregon, strong black communities were formed as part of logging towns. The Black Panther organization had two chapters in Oregon (Eugene and Portland). The Black Panthers have often been misunderstood. The only mandatory program that they had was free lunch for all children regardless of color. This model ultimately was adopted by the federal government as the subsidized school lunch program. She concluded that history is judged by both by what we did, and what we didn't do.

- Attended a session on the 1st Amendment impact on cities related to protests. The right to protest is well-protected by the 1st Amendment. It is also treasured. The 1st Amendment protects various conduct or speech. Most protests happen on traditional public forums where protestors have the greatest rights. There are some limited regulations that have been protected by the Courts. These include time, place, and manner restrictions, if they are content neutral, narrowly tailored to serve significant government interests, and leave open alternative channels of communication. The bottom line is that the 1st Amendment provides citizens the right to say (mostly) whatever they want. Protests must act peacefully and lawfully.

There are some limits on protestors as it relates to free speech, including obscenity, fighting words, incitement to promote lawless activities, true threats, solicitations to commit crimes, blackmail, defamation, child pornography, and perjury. Generally, it is not legal to stop a protest beforehand. This includes protests where the message may be offensive to many. Public safety concerns about listeners possible reactions to this speech, are not enough to ban speech. The only option to stop a protest ahead of the protest, is if there is credible evidence that protestors plan or intend to commit violence or disorder, or that there is a true threat of an act of unlawful violence to a particular individual or group of individuals.

Please note that advocacy of violence (which is protected) is not the same thing as incitement to imminent lawless action. Localities must allow "spontaneous demonstrations" without a permit. Permits should not be required for events that do not implicate public safety, traffic safety, or free use of the public right-of-way. Permits may be required when a march or parade does not stay on the sidewalk, or events that require blocking traffic or street closures, a large rally requiring the use of sound amplifying devices, or a rally at certain designated parks or plazas. Armed people engaging in protests, has been an issue to various protests in Oregon. In Oregon, local ordinances may ban people who lack a concealed carry permit from carrying a loaded firearm into a public place. If an ordinance is in place, police officers may ask to see a permit. If no permit, no gun can be carried. Most states, including Oregon, disallow paramilitary activity. This includes assemblies of one or more persons for training with, practicing with, or instructing the use of any firearm, explosive, incendiary device, or technique capable of causing injury or death to persons with the intent to unlawfully employ these items in a civil disorder.

A riot is defined in Oregon as a person who acts with five or more other persons, to engage in violent conduct that intentionally or recklessly a risks

public alarm. Fortunately, the protests that we've had locally have been peaceful and have not caused any problems. They have operated fully within the rights people have to express themselves.

- Participated in a session on city strategies for shelter and housing development. Hope Village was created in Medford by a local non-profit Rogue Retreat. This included construction of 14 units, at a cost of \$450,000. Finding a place for this was a problem, however, after a couple of years of operation of Hope Village, only one complaint had been received regarding residents trespassing on private property. In addition, a homeless campground has been established. This was established on an industrial site. It is being operated during COVID-19 for a cost of \$30,000 per month. It is indicated that the city may be able to reduce staffing to reduce these costs. \$90,000 was appropriated from the CARES Act funding, with this funding ending in January. During the time it is established, 125 people have camped there. The city of Medford receives direct allocation of CDBG funds, which have been used for community support for some of these homeless initiatives. During the siting of Hope Village, there were concerns from the schools about the selected location. Hope Village was built right next to a car dealership.

Coos Bay gave a program about increasing housing stock in that community. The 2007 property crash virtually stopped construction in Coos Bay, and they had a number of years with no housing starts, or huge increases in foreclosures, with some properties being vacant for months or years. The City Council took several actions, including placing a moratorium on SDC charges. They revised a process reducing permit times for new residential starts from eight weeks to two weeks, implemented a new development code, ended unnecessary reviews, reduced the zoning designations throughout the community, and implemented clear and objective language facilitating housing starts with less regulatory overview. The city has used clean water dollars to address a brown field site at an old school that had been purchased privately and burned. This site was cleaned with the funds, and a non-profit will develop low-income housing on this site. Coos Bay has participated on the house bill 2001 and 2003 rule-making process. Derrick Tokos serves on that work group, as well. Coos Bay recognizes that geographic impacts on coastal cities creates a major flaw on inventory of lands available for development. The cost of developing land on the coast is very expensive.

- Attended the session of how small cities are approaching equity inclusion. This was a panel discussion that included Councilor Botello, as well as, representatives from other small to mid-size communities in Oregon. Councilor Botello indicated how the Newport Vision 2040 gave an opportunity for Latinex community members to play an active role in defining division for Newport in the future. She indicated that mentorship is very important for folks that have not traditionally been part of the governing process. Beatrice shared how the task force on homelessness brought together people from many unique backgrounds, to work toward a plan to try and make a difference for our homeless population. She indicated Newport has made changes in providing more information bilingually for the community, including the City's newsletter. She shared our experiences with Listos in bringing the Latinex community to the table for emergency preparedness. Beatrice also shared

the initial police forum that was held in the Latinex community, with both the City police and sheriff's department. Beyond that, Beatrice talked about the cultural exchanges that the City of Newport has had over half a century with Mombetsu. The Philomath Mayor talked about their city's effort at passing an inclusivity resolution that was discussed, modified, and ultimately approved by Council. Part of this resolution calls for increasing awareness of equity issues within their community. Philomath has had the Oregon Black Pioneers from Salem share some of the history of racism in the State of Oregon. He indicated it is important to ask at the table, and make sure everyone has a voice. The City has reserved some funds for diversity committees in the future. It is important for society to avoid "tokenism" as a representation for special occasions. The ultimate goal is for communities to work on true inclusion at all levels of the community for all members of the community.

The City of Newport had quite a presence at this year's annual meeting, with Mayor Sawyer serving on the Board of Directors of LOC, and Councilor Botello serving as a panelist in one of the breakout sessions. Beatrice did an excellent job in representing Newport, and showed the progress that we have been making in reaching out to under-represented communities within the City of Newport. Councilor Hall served on the Nominating Committee, and at the Annual LOC meeting. Nominations from the floor were made to serve on the Board of Directors, in addition to the slate nominated by the Nominating Committee. They capably defended the recommendations of the Nominating Committee, and were ultimately approved by the membership.

Thanks to all for playing a significant role in this important state organization!

Upcoming Events:

- The first meeting of the Finance Work Group will meet at 6 PM on Tuesday, October 27.
- November 3 is election day.
- City Hall will be closed on Wednesday, November 11, in observation of Veteran's Day.
- The second meeting of the Finance Work Group will meet at 6 PM on Tuesday, November 17.
- City Hall will be closed on Thursday, November 26 and Friday, November 27 for the Thanksgiving holiday.
- There is no City Council meeting scheduled for December 21.
- City Hall will be closed at noon on Thursday, December 24 and Friday, December 25 in observation of the Christmas holiday.
- City Hall will be closed on January 1, 2021 for the New Year's holiday.
- The organizational meeting for City Council will be held on Monday, January 4, at 5 PM. The new City Council will be sworn in at that time.

Attachments:

- ✚ Attached is an email from Oregon PERS indicating, due to lack of state funding, that they have rescinded the match to the City of Newport. We will be on a waiting list for future funding. We had not planned to take advantage of this due

to our COVID-19 budget during the current fiscal year. We have not withdrawn our request for funding. Based on the state's action, we will not formally drop from the program. This may keep the option open should additional funding become available.

- ✚ Attached is a communication from Library Director, Laura Kimberly, indicating that the Library is eligible to receive a grant of \$9,111. We are proceeding with the grant request on this.
- ✚ Attached is the transient room tax revenue report compiled by Finance. Room tax revenues are down in both July and August from previous years. They have recovered significantly from March, April and May. The numbers for August may rise a bit, if there are any late payments received for that period. The good news is that July and August are performing ahead of what we utilized for projections in the 2021 Fiscal Year budget.
- ✚ Attached for your review, is the program launch presented to City staff for the League of Oregon Cities Service Line Warranty Program.

It is hard to believe that we are just over two months from the end of 2020. Let's hope the remaining part of the year is uneventful!

Respectfully submitted,



Spencer R. Nebel
City Manager

cc: Department Heads