

REVISED MAY 15, 2014  
JOINT CITY/PORT COMMISSION MEETING  
THURSDAY, MAY 21, 2015  
6:00 PM

PORT OF CASCADE LOCKS REGULAR SESSION IMMEDIATELY FOLLOWING JOINT MEETING  
CITY OF CASCADE LOCKS COUNCIL CHAMBERS  
CASCADE LOCKS, OR

- 1) **Joint meeting called to order/Pledge of Allegiance**
- 2) **Roll Call**
- 3) **Declaration of Potential Conflicts of Interest**
- 4) **Modifications, Additions & changes to the agenda**
- 5) **City Council Business Action Items:**
  - a. **Second Reading and Adoption of Ordinance No. 438 Granting CATV Franchise to Gorge.Net.**
- 6) **Presentation by Dan Goldman - Hood River County School Superintendent**
- 7) **Other matters**
- 8) **Adjournment for City Council.**

**PORT REGULAR SESSION AGENDA**

- 9) **Items from the floor: (Special presentations, outside resource presentations and other reports not requiring action).**
  - a. **Comments from the General Public**
  - b. **Reports & comments from Government Officials**
  - c. **Commission member comments**
- 10) **Consent Agenda (Consent Agenda may be approved in its entirety in a single motion. Items are considered to be routine. Any Commissioner may make a motion to remove any item from the Consent Agenda for individual discussion).**
  - a. **Approval of Minutes dated April 2, 2015 and April 16, 2015**
  - b. **Approval of Bills in the amount of \$140,877.48**
  - c. **Approval of April 2015 payroll in the amount of \$47,782.12**
- 11) **Commission Business Action items:**
  - a. **Action on seeking approval on Port Commission operating procedures – IGM Koch**
- 12) **Staff Reports:**
  - a. **Interim General Manager Report including Department & Program reports – IGM Koch**
  - b. **Economic Development Report – Don Mann**
- 13) **Recess into Executive Session under ORS 192.660 2 (e) Real Property Negotiations:**
  - a. **Puff Factory**
  - b. **Heuker Bros**
- 14) **Any Action as a result of the Executive Session**
- 15) **Adjournment**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by contacting the Port of Cascade Locks office at 541-374-8619.*

**CASCADE LOCKS STAFF REPORT**

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Date Prepared: May 13, 2015

For City Council Meeting on: May 21, 2015

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Second Reading of Ord. No. 438 Granting CATV Franchise to Gorge.Net

**SYNOPSIS:** This is the ordinance which completes the sale of the cable TV system to Gorge.Net. This is the second reading by title only. The vote will occur at the joint City Council/Port Commission meeting on May 21, at 6:00 p.m. in the City Council Chambers.

One of the questions raised at the last Council meeting was if a standard time frame could be established for notification of customers prior to planned outages. The following is Gorge.Net's response:

"We can do an email to all customers with a contact email on file for all non-emergency service affecting maintenance. This is our standard practice. Emergency maintenance is sometimes planned but moved up in priority to avert longer service interruptions. We cannot limit when emergency maintenance can be performed. An example of this is when a component started failing and causing a 5-20 minute outages each time it happened until it was fully reset. We would plan to deal with it that night rather than have multiple days of mini outages."

**CITY COUNCIL OPTIONS:** Approve, modify, or reject the proposed ordinance.

**MOTION by Jeff Helfrich:** "I move to approve Ord. No. 438 granting a franchise for cable TV system to Gorge.Net."

**SECONDED by Richard Randall.**

ORDINANCE NO. 438

AN ORDINANCE GRANTING A FRANCHISE TO GORGE NETWORKS, INC., AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE AND MAINTAIN CABLE AND COMMUNICATIONS SYSTEMS IN THE CITY OF CASCADE LOCKS, AND SETTING FORTH THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

A. General Provisions

(1) Purpose and Intent. The purpose and intent of this Ordinance is to:

a. Comply with the provisions of the 1996 Telecommunications Act and Cable Communications Policy Act of 1984, as they both may be amended from time to time, and as they apply to local governments, cable and communications services providers and the services those providers offer;

b. Promote competition in the provision of cable and communications services on a competitively neutral basis;

c. Encourage the provision of advanced and competitive cable and communications services on the widest possible basis to businesses, institutions, and residents of the City;

d. Grant a non-exclusive Cable and Communications System franchise to Gorge Networks Inc., referred to as "Grantee" in this Ordinance;

e. Provide for generally applicable regulations and standards applicable to Grantee and other's use of the public rights of way for location of utility facilities; and

f. Comply with the requirements of Ordinance 435, Public Right of Way Management Ordinance. In the event of a conflict between this Ordinance and Ordinance 435, the provisions of this Ordinance will control, unless preempted by state or federal law as provided in Section O(3).

(2) Regulatory Fees and Compensation Not a Tax

a. The fees and costs provided for in this Ordinance, and any compensation

charged and paid for use of the public rights of way provided for in this Ordinance, are separate from, and in addition to, any and all federal, state, local and City taxes as may be levied, imposed or due from a cable or communication service provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of cable or communication services.

b. The City has determined that any fee imposed by this Ordinance is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners. These fees are not new or increased fees.

c. The fees and costs provided for in this Ordinance are subject to applicable federal and state laws.

(3) Definitions. For the purpose of this Ordinance, Ordinance 435, Section B and the meanings given to the following terms, phrases, words and their derivations apply, unless specifically defined below.

“Aboveground Facilities” - see "Overhead Facilities."

“Affiliated Interest”

“Basic Cable Services” means any service tier for any cable service provided by Grantee.

“Cable Facilities or System”

“Cable Service”

“City”

“City Council”

“City Property”

“Communications Facilities or System”

“Communications Provider”

“Communications Service”

“Conduit”

“Customer”

“Days”

“Duct”

“Effective Date” is the effective date of the franchise granted under this Ordinance which is July 1, 2015, or 30 days after final passage of the Ordinance by the City Council, whichever occurs first, unless Grantee fails to file a written acceptance of this franchise within 30 days of the date of final passage of this Ordinance, in which case the franchise shall be null and void.

“Facilit(y)ies”

“Franchise”

“Gross Revenues”

“Overhead Facilities” or “Aboveground Facilities”

“Public Right(s) of Way”

“Underground Facilities”

“User”

“Utility Easement”

“Utility facilities”

**B. Grant of Franchise**

(1) Rights Granted. Subject to the terms and conditions of this Ordinance, City hereby grants to Gorge Networks Inc., an Oregon corporation (“Grantee”) the non-exclusive right to own, construct, operate and maintain a Cable System and Communications System on, in, under and along the City’s public right of way within City limits in order to provide Cable and Communications Services. No right, title or interest in the public rights of way is conveyed by this Ordinance.

(2) Term of Grant. The term of the franchise granted by this Ordinance is from the Effective Date for a period of ten (10) years, unless extended or terminated as provided below. The term will be automatically extended for one additional five (5) year term if

neither party gives notice of intent to terminate the franchise no less than 12 months prior to the end of the initial term.

(3) Franchise Territory. The service area for the franchise granted under this Ordinance is limited to the corporate limits of the City.

(4) Proration of Programming Costs. City and Grantee shall prorate the programming costs associated with the Cable Service as of the Effective Date and Grantee shall reimburse City for any programming costs paid by the City and applicable after the Effective Date. Programming costs are those costs paid to programming providers under the programming contracts shown on Exhibit B of the Cable Network Operations Assumption Agreement dated June 3, 2014, between Grantee and City.

C. Franchise Fee As compensation for the benefits and privileges under its franchise, and in consideration of permission to use the City's rights of way, the grantee shall pay a franchise fee to the City during the term of its franchise, as follows:

(1) Establishment of Franchise Fee. The franchise fee shall be seven percent (7%) of Gross Revenue as defined by Ordinance No. 435. The franchise fee does not cover pole attachments or lease of equipment and facilities, both of which are provided for separately from this Ordinance. The franchise fee shall be calculated and collected in accordance with state and federal laws governing franchise fees.

(2) Franchise Payments; Interest on Late Payments. Subject to Subsection 6 below, fee payments shall be transmitted on an annual basis based on Gross Revenues for the prior calendar year. The supporting information and payment (if any) shall be made no later than 45 days following the end of the calendar year. If a franchise fee payment is not received by the City on or before the due date, or is underpaid, Grantee shall pay in addition to the payment or sum due interest from the due date at a rate equal to the statutory interest rate on judgments in the State of Oregon.

(3) Supporting Information. Each franchise fee payment shall be accompanied by a written report showing the basis for the franchise fee computation showing, at a minimum, service charges received, usage based charges, other charges included in Gross Revenues, and franchise fees collected whether or not billed as a separate line item on customer's bills. The written report must also provide detailed information regarding investment in the fiber plant upgrade supporting the franchise fee payment or credit (see Subsection 6 below). If a franchise fee credit is applicable, the report shall provide supporting information showing the basis for the credit computation.

(4) Inspection of Books and Records; Audit of Payments; No Waiver.

a. City, or its designee, may inspect Grantee's books of accounts relative to the franchise granted by the Ordinance at any time during regular business hours, including for purposes of an audit. City, or its designee, shall provide no less than 10 days prior written notice of its desire to inspect Grantee's books and records. Grantee may designate as confidential any information that it considers confidential. City shall take reasonable steps to protect the confidential nature of the information designated as confidential to the extent permitted by the Oregon Public Records Law.

b. City, or its designee, may conduct an audit of Grantee's books of accounts relative to the franchise granted by this Ordinance no more than once per year during the term of the franchise. Grantee shall cooperate in good faith and respond within a reasonable time to audit inquiries. City shall provide Grantee no less 30 days prior written notice of its intent to conduct an audit.

c. No acceptance of any payment shall be construed as City's agreement that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim City may have. Notwithstanding the foregoing, the period of limitation for recovery of any franchise fee payable under this Ordinance is 3 years from the date on which payment was due.

(5) Payment on Termination. If the franchise terminates for any reason, Grantee shall file with City within 60 calendar days of the date of termination the final franchise fee supporting information and payment (if any) for the period since the end of the previous calendar year.

(6) Franchise Fee Credit/Plant Investment. In consideration of the grant of this franchise, Grantee agrees to invest in the Cable and Communications Systems to convert all or a portion of the existing cable plant to a fiber optic system or to a later DOCSYS standard that supports higher internet speeds (either or both are referred to in this Ordinance as the fiber plant upgrade). A portion of the funding for this investment will come from franchise fee credits and a portion of the funding will come from Grantee's own funds. In order to be eligible for a franchise fee credit, Grantee must annually invest in fiber plant upgrade an amount equal to 200% or more of the total franchise fee due for that year. The franchise fee credit will expire after 7 years. If the annual accounting show that Grantee did not invest an amount equal to 200% of the total franchise fee due for the year, then Grantee shall be required to pay 100% of the amount of franchise fees that would have been due and payable for that year to the City and the City's obligation to reimburse franchise fees to Grantee shall be revoked. Investments by Grantee in excess of the total annual franchise fee shall be carried forward and measured as investments against franchise fees for subsequent years. For example, if Grantee invests \$50,000 in 2015, and total franchise fees for 2015 are \$10,000, Grantee will carry forward a credit equal to \$30,000 ( $\$50,000 - (200\% \times \$10,000) = \$30,000$ ) as investment in years 2016 and thereafter.

a. For purposes of this Section 6, the following qualify as fiber plant upgrade:

- (i) Upgrades to the CMTS to support higher DOCSYS standard;
- (ii) Adding fiber termination equipment to any portion of the network;
- (iii) Installing fiber as a replacement of existing cable plant;
- (iv) Installing fiber to locations not currently served by the cable plant;
- (v) Crossing the Bridge of the Gods with fiber;
- (vi) Other upgrades the parties agree in writing qualify as fiber plant upgrade.

**D. PEG Services; Government Access**

(1) PEG Access Channels. PEG Access Channels are video channels provided without charge for non-commercial public, educational, or governmental use for the transmission of video programming. At a minimum and at no cost to City, Grantee shall provide one dedicated PEG access channel for cable service customers. City, or its designee, will be responsible for administering any PEG access channels.

(2) PEG Connection and Transmission. Grantee shall provide, install and maintain in good working order the equipment necessary for transmitting the PEG programming video signals produced by City for transmission via a quality signal (per FCC regulations) to Grantee's customers. The headend location is currently at City Hall, but the City may change the headend location at any time at City's expense.

(3) Elimination of PEG Access; Alternative Means. The obligation to support PEG access channels may be eliminated on those sections of the network for which cable connections have been replaced with fiber. If PEG access channels are eliminated, GorgeNet shall provide an alternative means over the new network for the City to broadcast City programming, such as City Council meetings, Port District meetings, and other similar governmental programming. The alternative means must be available to the customer at such time as they are disconnected from the cable network and connected to the new network.

**E. Training Support** If Grantee requests training or other support services from City staff, Grantee shall pay for the training or support at an hourly rate agreed upon by the parties.

**F. Operational Standards/Customer Service** Subject to circumstances beyond Grantee's control, such as natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions, the services provided by Grantee shall comply with the following provisions.

(1) Operational Standards. Grantee shall operate and maintain the cable and

communications systems in full compliance with applicable standards set forth by the Federal Communications Commission. Grantee shall employ ordinary care and install and maintain in use commonly accepted methods and devices for preventing interruptions or outages, and failures and accidents which are likely to cause damage, injuries and nuisances to the public. All parts of the cable and communications systems shall at all times be kept and maintained in a safe and suitable condition, and in good order and repair.

(2) Cable Services. Grantee shall make available a variety content representing the three major networks and population center of Portland; Oregon Public Broadcasting; news, sports and programming of general interest; and a local weather channel. These services may be provided directly by Grantee or made available to customers via a third party programming provider.

(3) Communications Services. Grantee shall make available internet access at speeds competitive with other service offerings in available to the City.

(4) Customer Complaints. Grantee shall promptly resolve customer problems and complaints. Grantee shall keep a record of all customer complaints covering the most current 12 month period and provide a copy to City upon request for City's review. Customers must file complaints with the PUC when required by PUC guidelines or regulations.

(5) Telephone Availability. Grantee shall maintain a toll-free number to receive calls and inquiries from its customers and/or residents within the franchise area. Grantee representatives trained and qualified to answer questions related to the services provided must be available during normal business hours.

(6) Installation and Service Appointments. All installations must be made as promptly as possible and in accordance with FCC rules. Grantee must provide for the pick up or drop off of equipment free of charge in one of the following manners: (a) by using a mailer; (b) by having Grantee's representative going to the service location; or (c) by establishing a local business office within the franchise area.

(7) Billing and Rates. All rates and charged must comply with applicable law. Grantee's rates must be reasonable and may permit Grantee to earn profits sufficient to attract capital and provide a fair and reasonable return to Grantee. Grantee shall maintain a complete current schedule of rates and charges on file with City during the term of this franchise. Customer bills must be itemized to describe the services purchased and related equipment charges. Grantee must provide customers with the option of paying by: (a) check; (b) credit card; (c) on-line payment; or (d) drop box or pay station location within City limits that is ADA accessible. Based on credit history, Grantee may limit payment alternatives for a customer.

(8) Repair Requests. Grantee shall respond to repair requests and restore service promptly and as soon as practical.

(9) Service Interruptions. Grantee shall interrupt service only for good cause and for the shortest time possible. Grantee shall notify its customers in advance of any planned interruptions.

(10) Leased Capacity. Grantee may offer or provide excess capacity or bandwidth to third parties provided that Grantee notifies the City that such lease or agreement has been approved.

**G. Renewal of Franchise** To the extent that this franchise covers provision of cable service, the parties agree that renewals of this franchise will be governed by and comply with the provisions of Section 652 of the Cable Communications Act. The parties may agree to include renewal of the communications service franchise as part of the cable service renewal process, but either party may choose to sever the renewal process upon 5 business days written notice to the other party.

**H. Assignment or Transfers of Systems or Franchise** Ownership or control of the cable and/or communications systems or franchise may not directly or indirectly be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Grantee, by operation of law or otherwise, without the prior consent of the City, which consent may not be unreasonably withheld or delayed, and then only on the reasonable conditions as may be prescribed in the consent. Conditions may include, but are not limited to, the following:

(1) Grantee and the proposed assignee or transferee of the franchise or system agree, in writing, to assume and abide by all of the provisions of the franchise.

(2) No transfer will be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the system(s) pursuant to this Ordinance.

(3) Grantee reimburses the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign the franchise.

(4) Any transfer or assignment of this franchise, system or integral part of a system without prior approval of the City under this Section is void and is cause for revocation of the franchise.

**I. Revocation or Termination of Franchise** This franchise City may be revoked for any of the following reasons:

(1) Construction or operation in the City or in the public rights of way of the City without a construction permit.

(2) Construction or operation at an unauthorized location.

(3) Failure to comply with Section H with respect to sale, transfer or assignment of a system or franchise.

(4) Misrepresentation by or on behalf of Grantee in any application to the City.

(5) Abandonment of facilities in the public rights of way.

(6) Failure to relocate or remove facilities as required by City.

(7) Failure to pay taxes, compensation, fees or costs when and as due the City under this Ordinance.

(8) Insolvency or bankruptcy of Grantee.

(9) Violation of material provisions of this Ordinance.

**J. Notice and Duty to Cure.** In the event that the City believes that grounds exist for revocation of this franchise, the City shall give Grantee written notice of the violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing Grantee a reasonable period of time not exceeding thirty (30) days, to furnish evidence that:

(1) Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

(2) Rebutts the alleged violation or noncompliance; and/or

(3) It would be in the public interest to impose some penalty or sanction less than revocation.

(4) In the event that a grantee fails to provide evidence reasonably satisfactory to the City as provided above, the City Administrator may refer the alleged violation or noncompliance to the City Council. The City Council shall provide Grantee with notice and a reasonable opportunity to be heard concerning the matter. If persuaded that Grantee has

violated or failed to comply with one or more material provisions of this Ordinance, the City Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors. Whether: (a) the misconduct was egregious; (b) substantial harm resulted; (c) the violation was intentional; (d) there is a history of prior violations of the same or other requirements; (e) there is a history of overall compliance; or (f) the violation was voluntarily disclosed, admitted or cured.

**K. General Franchise Terms**

(1) Facilities. Upon request, Grantee shall provide the City with an accurate map or maps certifying the location of all facilities within the public rights of way. Grantee shall provide updated maps annually. Within 30 days of the effective date of this Ordinance, City shall provide Grantee with an accurate map that indicates which facilities are currently located within the City's right of way. If available, the parties shall provide each other with GIS maps.

(2) Damage to Grantee's Facilities. Unless directly and proximately caused by willful, intentional, or malicious acts of the City, the City shall not be liable for any damage to or loss of any facility within the public rights of way of the City, or for any consequential losses resulting directly or indirectly therefrom, as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights of way by or on behalf of the City, or by any other person working within the rights of way.

**L. Insurance; Indemnity; Performance Bond**

(1) Insurance.

a. Grantee shall maintain in full force and effect, at its own cost and expense, during the franchise term, a comprehensive liability policy naming the City as an additional insured and written by a company authorized to do business in Oregon, with combined single limits of not less than \$2,000,000 to cover the construction, operation and maintenance of the Cable and Communications Systems and the conduct of Grantee's Cable and Communicates Services in the franchise area. Grantee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this Ordinance. Upon written request, Grantee shall deliver to City a Certificate of Insurance showing evidence of the required coverage.

b. As an alternative to the insurance requirements of this Section, Grantee may provide evidence of self-insurance subject to review and acceptance by the City.

(2) Indemnification.

a. Grantee agrees to defend, indemnify, save, and hold the City and its officers, employees, agents and representatives harmless from and against any liability for damages or claims, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from, or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its facilities, and in providing or offering services, whether such acts or omissions are authorized, allowed or prohibited by this Ordinance.

b. Subject to the applicable Tort Claim Limits under Oregon law, City agrees to defend, indemnify, save and hold Grantee and its officers, agents, employees and representatives harmless from and against any liability for damages or claims resulting from the willful misconduct or negligence of the City, its officers, employees, agents, and representatives, or from any activity or function conducted by any person other than Grantee in connection with the PEG Channels.

c. If any claim is asserted against a party that would give rise to a claim by that party against the other for indemnification under this Section, then the party to be indemnified will promptly give written notice to the indemnifying party concerning such claim and the indemnifying party will, at no expense to the indemnified party, defend the claim.

(3) Performance Surety. Grantee shall provide a performance bond, or other security, in the amount of \$10,000 and in form and substance acceptable to the City, as security for the full and complete performance of the franchise granted under this Ordinance. Once Grantee invests a total of not less than \$50,000 in fiber plant upgrade, the requirement to provide performance surety shall automatically terminate.

**M. Construction Standards and Permits** All construction, installation, or operation of any facilities within a public right of way must be carried out in accordance with Ordinance No. 435, and consistent with all applicable codes, rules, and regulations.

**N. Location of Facilities** All facilities located within the public right of way shall be constructed, installed and located in accordance with Ordinance No. 435. This provision does not apply to any facilities that are not in compliance with Ordinance No. 435 as of the effective date of this Ordinance. However, if Grantee moves or alters noncompliant facilities, then the facilities shall be altered, replaced or relocated in compliance with Ordinance No. 435.

**O. Miscellaneous Provisions**

(1) Governing Law. The franchise granted under this Ordinance is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City.

(2) Nonexclusive Grant. The franchise granted under this Ordinance does not confer any exclusive right, privilege, license or franchise to occupy or use the public rights of way of the City for delivery of Cable or Communications Services or any other purposes.

(3) Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the Ordinance shall not be affected as a result, but shall be deemed as a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions of this Ordinance and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event the federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision of this Ordinance that had been preempted is no longer preempted, the provision shall then return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City.

(4) Other Remedies. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance.

(5) Captions. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained in this Ordinance. The captions shall not affect the meaning or interpretation of this Ordinance.

(6) Consent. Wherever the consent of either the City or of the Grantee is specifically required by this Ordinance, consent will not be unreasonably withheld.

(7) Confidentiality. The City agrees to use its best efforts to preserve the confidentiality of information contained in public records as specified and requested by Grantee,

to the extent permitted by the Oregon Public Records Law.

(8) Notices. All notices and other communications under this Ordinance must be in writing and will be deemed to have been given if delivered personally, sent by e-mail (with confirmation of receipt), mailed by certified mail, or delivered by an overnight delivery service (with confirmation) to the parties at the addresses first written above (or at such other address or facsimile number as a party may designate by like notice to the other parties). Any notice or other communication will be deemed to be given (a) on the date of personal delivery, (b) at the expiration of the 3rd day after the date of deposit in the United States mail, or (c) on the date of confirmed receipt by e-mail or overnight delivery service.

**ADOPTED** by the City Council this \_\_\_ day of \_\_\_\_\_, 2015.

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Tom Cramblett, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

First Reading Approved: \_\_\_\_\_; Ayes \_\_\_\_\_; Nays \_\_\_\_\_

Second Reading Approved: \_\_\_\_\_; Ayes \_\_\_\_\_; Nays \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Alexandra Sosnkowski  
City Attorney

ACCEPTED and agreed to by Gorge Networks Inc. this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2015, by Dan Bubb, its President.

\_\_\_\_\_

## Port of Cascade Locks

The Port of Cascade Locks Commission Work Session Meeting was held Thursday, April 2, 2015 at the City of Cascade Locks Council Chambers, Cascade Locks, OR 97014.

1. **Meeting called to order/ Pledge of Allegiance:** Commission President Groves called the meeting to order at 6:00 pm.
2. **Roll Call:** Port Commissioners Groves, Caldwell, Cramblett, Mohr & Haight were present.
  - **Others Present:** Port Secretary Sally Moore, Marketing & Development Manager Holly Howell, Interim Economic Development Manager Don Mann, Port Attorney Tommy Brooks, Recreation Coordinator Mayah Frank, Maintenance & Construction Manager (M&C) Todd Mohr, Lisa Hartley with BCI Insurance, Betty Rush Camera Operator, Accounting Specialist Melissa Warren and Patrick Mulvihill, reporter with the Hood River News.
3. **Declaration of Potential Conflicts of Interest:** None
4. **Modifications, Additions to Agenda:** None
5. **Items from the floor: (Special presentations, outside resource presentations and other reports not requiring action).**
  - a. **Commission member comments** - Commissioner Cramblett stated the Sternwheeler will be back at the Port marina next Saturday. Commissioner Mohr stated she paid \$5.50 for tolls one way going to Bremerton, WA and is appreciative of the Bridge of the Gods (BOG) toll fee. Commissioner Caldwell attended the last Mid-Columbia Economic Development District (MCEDD) Board Meeting and discussed the Comprehensive Economic Development Strategy (CEDS). They discussed the top ten priorities for Oregon and Washington Economic Development Priorities. Cascade Locks Business Park is categorized as number three, and the Hood River Bridge and Bridge of the Gods are categorized at a four. She added the Port has been paying dues for many years and Cascade Locks needs to be represented as it has had no growth in 40 years. CP Groves said that Port Commissioner Joeinne Caldwell was appointed as a voting member at MCEDD. He added there should be a Port Commissioner from both sides of the river sitting on the Executive Board. The OneGorge Coalition had a big part in driving the CEDS list. Commissioner Haight thanked Ken and Mary Hutton for volunteering to clean the flowers beds in front of the cemetery. She stated the flower beds at the Port Park look great and thanked M&C Manager Todd Mohr, and the Maintenance Crew for all of their hard work. CP Groves asked for an accounting of the paper usage at the Port Office, and stated the Commission will talk to IGM Koch when he gets back, to direct staff to print the agenda on both sides of the paper. CP Groves asked Secretary Sally Moore to bring only one extra copy of the agenda to the meetings. Commissioner Haight

asked for costs for paper and ink for 2012 - 2015. Account Specialist will get those costs to the Commission. There is an ODOT Transportation Advisory and the Commission has been asked to appoint a commissioner to attend. CP Groves volunteered to attend those meetings. There was a consensus to appoint CP Groves to the ODOT Transportation Advisory Committee. CP Groves stated Mayor Cramblett and himself met with Curt Melcher of ODFW last week in Salem.

b. **Reports & Comments from the General Public** (Comments regarding items on the Agenda) - None

c. **Comments from the General Public** – None

6. **Work Session Discussion Items:**

a. **Update on medical insurance options including Special Districts Association of Oregon (SDAO)** – Lisa Hartley with BCI was at the March 19, 2015 Port Commission and was asked to bring the two additional medical insurance options for the Commission to review. She stated SDAO is comparable to the Port's present and renewable MODA plan. She also presented all of the updated options on dental coverage. She did not have any information on disability coverage, however as soon as she receives the information she will relay it to the Commission. She believes there will be around a \$2 increase for the long and short term disability programs. Lisa will contact SDAO about the options for disability coverage programs. The Commission discussed each option in detail. The deadline to make a decision is April 17, 2015.

**COMMISSIONER MOHR MADE A MOTION TO GO WITH OPTION 4 REGENCE BCBSO. SECONDED BY COMMISSIONER CALDWELL. The motion was unanimous. 5-0.**

**Dental coverage options were discussed in detail.**

**COMMISSIONER CALDWELL MADE A MOTION TO ADOPT ASSURANT OPTION 2 IF PEDIATRIC DENTAL IS AVAILABLE. IF IT IS NOT AVAILABLE ADOPT THE MODA RENEWAL PLAN. SECONDED BY COMMISSIONER CRAMBLETT. The motion was unanimous. 5-0.**

b. **Verbal Report on 4<sup>th</sup> of July Operations** – Recreation Coordinator Mayah Frank and Maintenance and Construction Manager Todd Mohr gave a brief report on the plans for parking, ingress, egress, maintenance and money collection for the 4<sup>th</sup> of July celebration. They will come back to the Commission with a more detailed plan closer to the date. There will be a three dollar charge per car this year. Plans include to exclude parking charges for patrons at Thunder Island Brewing. Staff is working with Jeff Caldwell with the Portland Spirit on a plan for Sternwheeler employees to get to work. Jeff suggested that employees parking off site. Guests on the Sternwheeler will be asked to show a paper reservation at the entrance of the Park.

c. **Verbal status report on Information Technology (IT) RFP's** – Sally Moore reported to the Commission the Port has received three proposals for IT. These

will be reviewed with IGM Koch and staff next week. Staff will then come back to the Commission with a recommendation. Sally reported the Port has not received any proposals on the Bridge of the Gods toll technology, however the closing date was extended from April 9, 2015 to April 16, 2015.

- d. **Verbal status report on Audit RFP's** – Melissa Warren reported to the Commission that the Port has received two proposals. The prices were comparable. This will come back to the Commission for Action on April 16, 2015.
- e. **Introduction on possible Board trainings on “2015 Best Practices Program” with SDAO to receive credits on insurance premiums** – Melissa Warren reported that SDAO has a longevity credit incentive program to save money on premiums. The Port could save up 10% annually by taking courses, reviewing videos and other methods. They have some board trainings available. Melissa stated the Commission could watch the videos all together. This year by participating in the program, the Port saved \$3130.00. Melissa will let the Commission know if the trainings are free. They have until November to complete the trainings. CP Groves stated this will be good for any new Commissioners as well.

**7. Commission Business Action Items –**

- a. **Approval of Event Partner Status for Marcus Nobel** – Recreation Coordinator Mayah Frank reported back to the Commission asking for Event Partner status for the Marcus Nobel Event. She explained even though it does not fit the Event Partner Category, she feels this is a very good event and will grow and be beneficial for the Port and the Community. It will be kept small purposely the first year. Commissioner Mohr stated she did not feel they fit into the Event Partner Category and there should be consideration for creating another category for smaller first time events. This would allow them to build a “history” with the Port and enable them to grow into an Event Partner Status. Commissioner Haight stated this is a new process and the first year will be a learning process. Commissioner Cramblett stated that the policy may have to change some to adjust. Mayah stated she will bring back some different options for a new category catered to a smaller event.

**COMMISSIONER CALDWELL MADE A MOTION TO ACCEPT MARCUS NOBEL AS AN EVENT PARTNER. SECONDED BY COMMISSIONER HAIGHT. COMMISSIONERS GROVES, CALDWELL HAIGHT AND CRAMBLETT VOTED YES. COMMISSIONER MOHR VOTED NO. 4-1.**

**The Commission recessed out of regular session at 7:25pm**

Before going into Executive Session, CP Groves read for the record, ORS 192.660 (4) that states “Representatives of the news media shall be allowed to attend Executive Sessions other than those held under subsection (2) (d) of this section relating to labor negotiations or Executive Session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed”. This was read to allow Hood River County News Reporter, Patrick Mulvihill to stay for the Executive Session.

- 8. **Executive Session under ORS 192.660 (2)(e) Real Property Negotiations**
  - a. Ongoing negotiations with Puff Factory

- b. The Commission did not go into Executive Session under ORS 192.660 2 (h) Legal Counsel or ORS 192.660 2 (f) Exempt Public Records.

The Commission recessed into Executive Session at 7:30pm.

The Commission came out of Executive Session at 9:02pm, and returned to Regular Session at 9:03pm.

9. Any action as a result of the Executive Session.

Port Attorney Brooks suggested the motion to state: TO DIRECT STAFF TO COMMUNICATE WITH PUFF FACTORY TO ACKNOWLEDGE THEIR REENGAGEMENT IN THESE NEGOTIATIONS AND TO FURTHER DIRECT STAFF TO COME UP WITH AN OFFER THAT IS CONSISTENT WITH THE PORT'S PRIOR OFFER WITH THE EXCEPTION OF CHANGES TO A RENT FREE PERIOD AS THE COMMISSION HAS DISCUSSED. COMMISSIONER MOHR SO MOVED. SECONDED BY COMMISSIONER CALDWELL. The motion was unanimous. 5-0.

10. Adjournment: COMMISSIONER CALDWELL MOTIONED TO ADJOURN THE MEETING. SECONDED BY COMMISSIONER MOHR. The motion was unanimous. 5-0. The meeting adjourned at 09:05pm.

Port of Cascade Locks:

Attest:

\_\_\_\_\_  
Jess Groves, President  
Port Commission

\_\_\_\_\_  
Donna Mohr, Secretary Treasurer  
Port Commission

DATE APPROVED:

\_\_\_\_\_  
Prepared by: Sally Moore

## Port of Cascade Locks

The Port of Cascade Locks Commission Business Meeting was held Thursday, April 16, 2015, at the City of Cascade Locks Council Chambers, Cascade Locks, OR 97014.

1. **Meeting called to order/ Pledge of Allegiance:** Commission President Groves called the meeting to order at 6:00 pm.
2. **Roll Call:** Commissioners Groves, Cramblett, Mohr, and Caldwell. Commissioner Haight was excused.
  - **Others Present:** IGM Paul Koch, Port Attorney Tommy Brooks, Secretary Sally Moore, Marketing and Development Manager Holly Howell, Accounting Specialist Melissa Warren, Caroline Park with Thunder Island Brewery and camera operator Betty Rush.
3. **Declaration of Potential Conflicts of Interest:** None
4. **Modification, Addition & changes to the agenda:** IGM Koch asked to delete Executive Session items 9a and 9b.
5. **Items from the floor:** (Special presentation, outside resource presentations and other reports not requiring action).
  - a. **Comments from the General Public** – Caroline Park, co-owner of Thunder Island Brewing came forward and expressed her concerns over negative press regarding Nestle. She asked two questions regarding the recent news on the Nestle water project regarding the City and ODFW. She stated she recently attended the Governors Tourism Conference and she had a lot of questions asked to her about Nestlé that she was unable to answer. She stated she realizes that at this point is only a proposal. She wanted to know how the project may affect her home and business, as well as tourism; as it accounts for 80% of her business. Her first question was, what securities are put in place by the Port to ensure that the introduction of Nestlé or any other industrial business will not negatively impact tourism assets and growth potential. The second question was in what way will the Port facilitate and help answer and create a dialog about some of these concerns and questions moving forward. CP Groves thanked Caroline for asking these questions and stated there have been several documents and meeting regarding Nestle in the last few years. He added it is a City project and Nestlé will most likely be on Port property, as any business can be on Port property. He stated he does not see adverse effects. It may employ up to 54 people. Nestle will buy water just like any other business buys water, including the brewery. CP Groves explained that Under ORS 777 it is the job of the Port Commission to create economic development. Cascade Locks presently has an 18% unemployment. The Port has been working on Tourism and supports it through sailing etc. The Port supports “lunch box” jobs which would have benefits, vacations, retirement programs and a living wage. CP Groves added the City has a serious lack of these types of jobs. This year Cascade Locks stands the chance of losing K-5 schools. The City need jobs for people to be able to live here and raise children. Caroline stated her business is discussing health insurance options and 401k retirement options for their staff. She stated two years ago, Thunder Island Brewery did not exist. They presently have a staff of 14. She is still hiring. Her concern is tourism and how it will be affected. Commissioner Mohr asked Caroline how she thinks it will impact the community.

Caroline stated she was recently at a Tourism Conference, and was asked how two hundred trucks a day will impact tourism. She stated she was unable to answer that question and would like to find out. CP Groves stated he does not know the truck routes; however, no matter who comes in there will be more trucks. Caroline stated there are walkability issues downtown, and as a community asked how the traffic will be addressed; adding that she saw crosswalks being painted this week. . Caroline stated small businesses are a great option. The money stays here locally. Caroline asked if there will there be a Community Forum on the Nestle project. CP Groves stated that public meetings will be held. Commissioner Caldwell said the media should be here to report to the general public, and stated the meeting was being televised. She added there is so much misinformation and stated people in tourism do need to have the facts. The City has put out a new fact sheet. Caroline stated she would like more specific answers in a public setting. Caroline is asking the same thing of the City as well. IGM Koch stated there is a joint city/port work group that meets monthly and they are public meetings. They are the last Thursday of the month at 7pm and are generally at City Council Chambers. IGM Koch stated there is no proposal from Nestle at this point. It is an agreement between the City and ODFW. Commissioner Caldwell said when she grew up in Cascade Locks, there was a lumber company that employed 80% of the City. There were 40-50 business; in both tourism and industry and they worked hand in hand. Commissioner Cramblett stated in the 1980's and 1990's that 20 businesses and a school were lost, because there were is no industry and very few businesses. Tourism alone cannot support a town she stated. Commissioner Cramblett agreed and stated the State needs to work on slowing down the traffic on Wa NA Pa. The State of Oregon (ODOT) owns Wa Na Pa Street. CP Grove sees car traffic increasing as well and sees a need to develop a parking plan. He stated he was appointed to the Oregon Department of Transportation (ODOT) committee recently and will be addressing this issue to them. CP Groves added it is a transportation corridor. There are some plans to divert traffic and they are working on that. The community needs to have a public community meeting. Caroline reiterated that her specific concerns relate to tourism. She fears tourism will be undermined, and would like to know what the guarantees are. CP Groves and the Commission thanked Caroline for her input. The most recent fact sheet "pamphlet" incited more questions stated Caroline. She would like answers in a public setting. She is asking the City and the Port to answer these questions. Caroline stated she would like to learn more and work on parking issues downtown as more businesses moves to the downtown area. CP Groves stated that in order to build and maintain an infrastructure you have to have businesses to pay for this. It includes road maintenance and parking as well. Caroline encouraged the Commission to create a public opportunity to have the citizens questions answered. She stated she understands industry is very important including Bear Mountain and Puff Factory, however she does not want projects undermined because of the scale of the Nestle project. She wants to know what the guarantees are for her business. CP Groves stated that the Commission will be happy to have more public meetings to address concerns. He is supportive of tourism and always have been. CP Groves stated that the three new businesses in Cascade Locks were all supported by the Commission.

- b. **Reports & comments from Government Officials** - None
- c. **Commission Member Comments** – Commissioner Caldwell stated she attended the Gorgeous Night Out with members of the legislature in Salem; and nine people from Cascade Locks attended. Commissioner Cramblett extended sympathy to the family of Arnie Kononen who passed away last week. CP Groves stated he attended the hiker series presentation at Thunder Island Brewing. He really enjoyed it. The

Commission has worked with the Connect Cascade Locks Plan as well. CP Groves stated that the Port has paid for many projects including \$10,000 for the disc golf program as well as beach expansion for sailing. He stated Staff Holly Howell was instrumental in the EasyClimb trail and disc golf program that the Port paid for.

- d. **Verbal status report on sign plan for Marine Park** – Staff Holly Howell reported that IGM Koch, Commissioner Caldwell and herself met with Rock Cove Designs this week and reviewed some preliminary signage for Marine Park. The signs are designed to create a brand for the Park. The logo or “brand” represents the Gorge and the Park. Address labeling was reviewed for buildings and new entry way signage. The signs will have icons for those who do not speak English. She asked for feedback from the Commission and direction. She will have a meeting with Portland Spirit staff and Thunder Island Brewing to determine if they would like to be a part in the funding of the project. One main goal is to address all park buildings as soon as possible. The building number and the road name (Portage Road) will be placed on each building in the Park. No action was taken.

6. **Consent Agenda (Consent Agenda may be approved in its entirety in a single motion. Items are considered to be routine. Any Commissioner may make a motion to remove any item from the Consent Agenda for individual discussion).**

- a. Approval of minutes for March 12, 2015 and March 19, 2015.
- b. Approval of bills in the amount of \$89,804.28
- c. Approval of March 2015 payroll in the amount of \$42,323.37

**COMMISSIONER MOHR MADE A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED. SECONDED BY COMMISSIONER CALDWELL. The motion was unanimous. 4-0.**

7. **Commission Business Action items:**

- a. **Action to approve document shredding proposal for certain Port documents** – Account Specialist Melissa Warren asked for a motion to send shredding to be done, stating it has not been done for two years. There is \$300 in the budget, however it may cost \$100-150. Timecards have been added since the report was done. The Port would like to use Opportunity Connections, a local company for disabled persons in Hood River.

**COMMISSIONER MOHR MADE A MOTION TO APPROVE THE DOCUMENT SHREDDING WITH THE ADDITIONS OF THE TIMECARDS. SECONDED BY COMMISSIONER CALDWELL. The motion was unanimous. 4-0**

- b. **Action on proposed smoking/alcohol limitation in Marine Park and other Port facilities** – IGM Koch stated there is a recommendation to authorize a policy to prohibit no smoking, vaping or alcohol use in and near the playground. This was originally brought to the Commission on February and at the time the Commission asked for more information. CP Groves asked how the staff came up with this option. IGM stated talking to other communities and tourism had a lot
- c. to do with this. Staff has suggested taking it one step at a time to measure full implications in time. CP Groves asked Caroline with Thunder Island Brewing. She said it impacts cultural sensitives. and does not think banning the entire park a certain amount from away buildings and is thankful that IGM Koch reached out to her. She stated smoking has not been a problem for the brewery. Outlawing smoking and vaping includes the use of marijuana generically stated Staff Howell.

**COMMISSIONER CALDWELL MADE A MOTION THAT THE PORT ADOPTS A POLICY OF NO SMOKING, VAPING OR ALCOHOL AREA IN AND NEAR THE PLAYGROUND AND DIRECT STAFF TO CREATE A formal RESOLUTION for commission action. SECONDED BY COMMISSIONER CRAMBLETT.**

CP Groves asked what area around the playground will be banned. IGM Koch stated that the resolution states it is a 50 feet radius around the children's playground.

**The motion was unanimous. 4-0**

**8. Staff Reports:**

- a. Interim General Managers Report** – IGM Koch reported that the Information Technology (IT) Request for Proposal (RFP) has been extended to May 15, 2015. The Commission stated they would like Sally and IGM Koch to review and score the IT RFP. He reported he several dates available to meet with Friends of the Gorge (FOG) in order to form a relationship, and work together for full implementation of the Scenic Act, and to strengthen the local economy. This may determine if the Port wants to create a Memorandum of Understanding (MOU) with FOG. IGM Koch stated that Sally will print out agenda packets on both sides of the paper. IGM will ask IT consultant RadComp to see if the tablets can be set up to view the pages easier. The list of items in inventory that is recommended to be surplus was addressed. There was a consensus that IGM Koch will create a formal resolution that meets State requirement to be able to surplus the items. Melissa stated the wheelchair can be given to the Portland Spirit if it is in working order. Commission guidelines were discussed in order to create a more formal procedure. He suggested to designate Commissioners wanting to speak and address the Commission President before speaking and adopt guidelines that general public will be able to address items on the agenda. This will happen after the Commission addresses the staff report and then call for formal action after discussion. CP Groves suggested putting timelines on the General Public speaking and to address items on the agenda only. This will make a meeting timelier if there is a large crowd. Commissioner Caldwell agreed. CP Groves stated three to five minutes would work best depending on the length of the agenda. IGM Koch stated the Commission can always extend the time allotted. By adopting guidelines the Commission is being fair to all. The Commission directed staff to come back with recommendations. The Port may add a timer as well to keep track of time; this is what the City does. CP Groves stated all comments want to be heard. Commissioner Cramblett asked about the sign at the Pavilion. The rental sign has the wrong phone number on it. IGM Koch will talk to Todd Mohr about it. IGM Koch stated April 30, 2015 is set for the Community Meeting to discuss the toll booth technology, the 10 year Bridge of the Gods plan and the Bridge funds for repair and maintenance of the bridge as well as tolls. CP Groves suggested having it in the Pavilion as the crowd may be large. One concern relayed on Facebook is the concern that the Port will get rid of toll takers. Commissioner Caldwell stated this is not the case. A few months ago the attorney was asked to look into trademarking the bridge. He stated he can get proposals for it and an attorney needs to specialize in this. He has no idea on what it would cost. IGM Koch stated he will work with Port Attorney Brooks and report back to the Commission

- 9. **Recess into Executive Session under ORS 192.660 2 (e) Real Property Negotiations**  
Executive Session was not held.
- 10. **Any Action as a result of the Executive Session** – None (no Executive Session was held).
- 11. **Adjournment: COMMISSIONER CALDWELL MADE A MOTION TO ADJOURN THE MEETING. SECONDED BY COMMISSIONER CRAMBLETT.** The meeting adjourned at 7:35pm.

**Port of Cascade Locks:**

**Attest:**

\_\_\_\_\_  
Jess Groves, President  
Port Commission

\_\_\_\_\_  
Donna Mohr, Secretary  
Port Commission

DATE APPROVED: \_\_\_\_\_  
Prepared by: Sally Moore

**Agenda Item # 10b.**

**PORT COMMISSION REPORT**

---

**DATE:** May 13, 2015

**TO:** Port Commission **For Commission meeting of May 21, 2015**

**FROM:** Melissa Warren, Accounting Specialist

**SUBJECT:** **Approval of bills**

**SYNOPSIS:** Attached is a copy of the Bill List dated May 21, 2015. This listing provides the Commission with the expense and budget item that these funds come from.

This Bill List is for a full month. With one business meeting a month you will be seeing higher dollar amounts that represent a full month.

This bill list contains a payment to Cable Huston in the amount of \$5,287.50 for Port legal counsel services for January and March 2015.

Also on this bill list is your leases to Union Pacific Railroad for the Industrial Road to the marina and parking for \$10,317.54.

Also on this bill list is your payment to ODOT for the Marine Park Overpass Project at \$40,260.00. You will see \$11,842.00 in the Budget for 2015-2016 to meet your match on this project.

This Bill List has payments to the Development Fund for.

- Dennis Snyder Jr. Contractors for pulling trees, grinding and mowing in the Business Park at \$6,905.00.
- Terra Surveying topo for Nestle site at \$1,200.00.
- Rockranch Enterprises for the Project Manager in the Business Park at \$1,125.00.

Should you have any questions please feel free to contact me.

Port of Cascade Locks

Bill List

May 21, 2015

VENDORS	PC - Port Commission	T - Toll Booth	A - Administration	M - Maintenance	ED - Economic & Development	BUDGET	AMOUNT
PERS						Personal Services	5,882.31
Adams Barkdust			Barkdust		Grounds & Parking Lot/M		1,040.00
Bussard Engineering			Business Park		Contracted Services/ED		4,296.00
Cable Huston			Lobbing Services		Legal Services/PC		5,287.50
Dennis Snyder Jr. Contractors			Business Park		Contracted Services/DF		1,930.00
Holly Howell			Expense Report - Mileage		Mileage & Phone/ED		234.59
Joinne Caldwell			Expenses Report - Mileage		Mileage/PC		103.50
Ring Central			Phone Services		Phones/A		603.48
Staples Business Advantage			Office Supplies		Office Supplies/A		345.19
Terra Surveying			Topo for Nestle site		Contracted Services/DF		1,200.00
Ditmore, Jarrod			Marina Key Refund		Park Rentals/ M		25.00
Friends of the Columbia Gorge			Event Refund		Park Rentals/ M		57.50
Oregon Department of Revenue			Payroll Taxes 2 Payrolls		Personal Services		2,867.26
United States Treasury			Payroll Taxes 2 Payrolls		Personal Services		11,959.64
Valic			Differed Comp 2 Payrolls		Personal Services		60.00
Paul Koch Consulting			Consulting Services 2 Payrolls		Contracted Services/A		7,500.00
Moda Health			Insurance		Personal Services		10,534.43
Century Link			Phone Services		Phones/A		778.13
Guardian			Disability Insurance		Personal Services		610.66
Jean Pearson			Expense Report - Cell		Phones/T		100.00
Jessie Groves			Expenses Report - Cell & Travel		Mileage & Phone/PC		148.80
Melissa Warren			Expenses Report - Cell & Mileage		Mileage & Phone/A		318.50
Rockranch Enterprises			Project Manager/ Business Park		Contracted Services/DF		1,125.00
Summit Strategies			Lobbing & Strategic Counsel - Nestle		Contracted Services/PC		6,102.50
Mayah Frank			Expenses Report - Cell & Mileage		Mileage & Phone/ED		238.13
Betty Rush			Camera Operator		Contracted Services/A		55.00
City - Cascade Locks			Utilities for April		Utilities/M		4,221.51
Columbia Hardware			Maint Supplies		Grounds & Parking Lot/M		1,163.52
Dennis Snyder Jr. Contractors			Business Park		Contracted Services/DF		4,975.00
DJC			RFP Ad for Bridge of the Gods Technology		Advertising/A		200.10
DOGAMI-Mined Land Reclamation			Time Period 5/1/15 to 4/30/16		Licenses & Fees/M		635.00
Donald Mann			Consulting Services for April		Contracted Services/ED		5,085.60
First Bankcard 1			Postage, Sandwich Boards, Ad		Postage/ED Community Services/ED		1,362.10
HNTB			5-10 Year Bridge Maint Plan		Bridge Fund		567.49

**Port of Cascade Locks**

**Bill List**

May 21, 2015

Home Depot	Maint Supplies	Sm Tools & Supplies/M	520.23
Hood River Garbage Service	Garbage Service for April	Utilities/M	499.71
Hood River Supply	Maint Supplies	Sm Tools & Supplies & Fuel/M	178.88
Krieg Millwork & Building Supply	Maint Supplies	Building Maint/M	67.20
Lorang Fine Art	Plaque for Gene Miller	Promotions/ED	75.00
Morgan Paint	Maint Supplies	Grounds & Parking Lot/M	466.36
NAPA Hood River Auto Parts	Maint Supplies	Sm Tools & Supplies/M	6.44
Optimist Printers	Toil Receipts \$.75	Office Supplies/T	44.00
Oregon Corrections	Sign	Sm Tools & Supplies/M	28.00
PBS Engineering	Trail Scoping Survey - CLIMB Trail	Community Services/ED	750.00
Platt	Maint Supplies	Sm Tools & Supplies/M	454.99
RADCOMP Technologies	Monthly Plan Fee - April	Contracted Services/A	997.00
Ricoh USA,	Expenses Report - Cell & Travel	Contracted Services/A	418.61
Safeway	Port Supplies	Sm Tools & Supplies/A	148.54
Skamania County Pioneer	Display Ads	Marketing/ED	180.00
Todd Mohr	Expense Report - Cell & Mileage	Mileage & Phone/M	405.32
Union Pacific Railroad Co	Industrial Lease 15-16	Leases/ED	10,317.54
US Postmaster-Cascade Locks	Stamps	Postage/A	245.00
Westwind Frame & Gallery	Matting Lindbergh Poster	Promotions/ED	19.94
Ledesma, Bernadette	Event Refund	Park Rentals/ M	40.00
Lorang, Debora	Event Refund	Park Rentals/ M	40.00
Lions Club	Sternwheeler Days Ad	Marketing/ED	300.00
Pat Albaugh	Special Projects Coordinator	Contracted Services/A	201.05
Angie Wilson	QB Bookkeeping Services	Contracted Services/A	867.00
Cascade Locks Business Association	Dues 2015	Dues/ED	25.00
CM & WO Sheppard	Maint Supplies	Equipment Maint/M	296.71
Coburn Electric	Replace Lighting on Bridge	Building Maint/M	502.32
Gorge Portable Sanitation	Monthly Rental & Service	Contracted Services/M	220.00
H2Oregon	Monthly Rental & Water	Sm Tools & Supplies/M/A/T	73.50
Hood River News	Notice of Budget Committee Meeting	Advertising/A	36.00
John's Equipment Repair	Maint Supplies	Equipment Maint/M	67.43
ODOT	Fuel	Fuel/M	181.63
Print It	Name Plate for Holly	Office Supplies/A	12.00
Ridgeline Plumbing	Plumbing in the VC	Building Maint/M	318.64
ODOT	Marine Park Overpass Project	Capital/M	40,260.00

**TOTAL**  
**\$ 140,877.48**

## Agenda Item No. 11a

### **PORT COMMISSION REPORT**

---

**DATE:** May 13, 2015

**TO:** Port Commission For Commission meeting of May 21, 2015

**FROM:** Paul Koch, IGM

**SUBJECT:** **Action to adopt Commission Meeting and Operating Procedures**

**SYNOPSIS:** At the Commissions May 7 Work Session, the Commission reviewed a draft proposal for the establishment of some meeting and operating procedures. Following the report and discussion, the Commission directed the IGM to come back with a final proposal for formal action. The document has been updated based on suggestions and comments made at the May 7 meeting.

This policy document will need to be upgraded periodically and should assist the Commission in conducting more effective and efficient meetings. The Commission will find other policy areas to document that can be added to this general approach.

This matter comes to the Port Commission for formal action at this time.

**COMMISSION OPTIONS:** The Commission has the following options available at this time.

- A. Adopt the Procedures as recommended.
- B. Make desired changes then adopt the policy.
- C. Do not adopt the policy.
- D. Take other action as may be desired by the Commission.

**RECOMMENDATION:** **That the Port Commission, by motion, adopt the Port Commission Meeting and Operating Procedures.**

**LEGAL ANALYSIS:** The Ports attorney has reviewed these procedures and may have comments to make at the meeting.

**FINANCIAL ANALYSIS:** N/A

**BACKGROUND INFORMATION:**

A copy of the proposed policy document is attached for Commission review and action.

Port of Cascade Locks  
Commission Meeting Procedures  
May 21, 2015

Port of Cascade Locks

**PORT COMMISSION MEETING  
and  
OPERATING PROCEDURES**

Adopted by the Port Commission on \_\_\_\_\_ 2015.

## **INTRODUCTION:**

These procedures are established by the Port Commission to ensure that the Port operates in an open and transparent way. Additionally, it is the policy of the Port Commission that public comment, involvement and debate is encouraged at all meetings held by the Commission while conducting Port business.

These procedures may be reviewed periodically and adjusted to changing needs and times. All Port Commission meetings are open to the public except Executive Sessions. Although public participation is encouraged, the Commission may limit public involvement or comment in the interest of ensuring that all have a chance to participate and that meetings are conducted in an efficient and effective manner.

## **1. APPLICATION:**

These procedures apply to the Port Commission and all sub-committees as the Commission may establish. Committees, task forces or other work groups that may be created by the General Manager do not fall under these procedures.

All meetings of the Port Commission and its sub-committees will be conducted under these procedures.

## **2. AUTHORITY:**

The Port Commission has the authority to establish such procedures and may change or alter them over time as necessary.

## **3. PRESIDENT AND COMMISSIONERS:**

The Commission President shall preside over Commission meetings. In the Presidents absence, the Vice President shall preside. In the absence of the President and Vice President, the Commission members remaining shall designate a senior member to serve as Presiding Officer. The Commission President or Presiding Officer shall have broad discretion in the conduct of meetings within these guidelines.

#### **4. POLICY MAKING:**

The Commission is the policy making body of the Port. The Commission speaks on adopted policy with one voice. Commission decisions may not be unanimous, but once voted upon, define the policy position of the Port, even though individual Commission member's opinions may differ.

#### **5. FILLING COMMISSION VACANCIES:**

Any vacancy occurring on the Commission will be filled by the filing of letters of interest as submitted by residents of the Port District and reviewed by the Commission. The Commission shall interview interested parties and select a person to fill any vacancy that may exist. The person filling the vacancy may only serve until the next election for that Commission seat.

In all cases where a Commission vacancy exists, the Commission shall advertise for letters of interest and encourage members of the District Community to apply.

The same procedure will be used in filling vacancies on the Ports Budget Committee.

#### **6. COMMISSION MEETINGS:**

The Commission shall meet at least twice per month. Normally, the first Thursday of the month and the third Thursday of the month. The meeting on the first Thursday will serve as a work session although necessary formal actions may also be made at the Work Session if identified and listed on the meeting agenda. The second meeting of the month will serve as the formal business meeting of the Commission each month. Special meetings may be called as approved by the Commission and as allowed under Oregon State Law.

Public notification of meetings shall take place at least 4 days prior to the meeting. In the case of emergency meetings, 24 hours' notice must be provided.

Executive Sessions may be called by the Commission at any time during a meeting. The Executive Session will usually occur after the regular meeting or

Work Session. The media may sit in but cannot report the discussions held in an executive Session.

**6A. Executive Sessions may be called for the following reasons:**

- ORS 192.660(2) (a) - Employment of specific public officers, employees or agents.
- ORS 192.660(2) (b)- Discipline or dismissal of individual public officers and employees.
- ORS 192.660(2) (i)- Performance evaluations of public officers and employees.
- ORS 192.660(2)(d)- Labor negotiations consultants.
- ORS 192.660 (2) (f)- Discussion of exempt public records.
- ORS 192.660(2)(h)- Legal counsel regarding litigation or likely litigation to be filed.
- ORS 192.660(2)(e)- Real property transactions.
- ORS 192.660(2)(j)- Public investments.

Commission members and staff should not discuss executive session matters following an executive session because doing so may permit the media to report on the matter. This restriction on disclosure does not to any formal action that may be taken following the executive session.

**7. CONDUCT OF MEETINGS:**

Commission meetings shall be conducted in the following manner.

- A. Commissioners wishing to speak should get the Presidents attention and be recognized before speaking.
- B. The general public will be encouraged to speak on any item of interest under Items from the Floor. (Comments from the general public). It is the policy of the Commission to encourage participation and involvement. Speakers may be limited to 3 minutes. Members of the general public will be asked to sit at the table to address the Commission. Anyone wishing to speak at the meeting should use the sign in sheet at the front of the room.
- C. The general public will be encouraged to participate in the discussions

during the Business Action Items portion of the meeting. The general public wishing to speak at this time should get the presiding officers attention.

- D. For every item on the Agenda, the Presiding Officer shall call upon the General Manager or appropriate staff member to give the Commission Report.
- E. Following the staff report, the Presiding Officer shall open the floor for discussion, questions and clarifications. The general public may participate in this discussion as recognized by the Presiding Officer.
- F. Following general discussion, the Presiding Officer shall call for a motion and second in order to take formal action on a matter before the Commission.

### **8. Meeting Notices:**

Meeting notices shall appear at the Post Office, on City Channel 23, the Ports web site and other locations deemed to be of value for the posting. The meeting notice shall also be provided to local media for posting and public information. The Ports web page will include meeting agendas, minutes of past meetings once the minutes have been approved by the Commission and reports that were included as a part of an agenda, along with past meeting minutes.

### **9. AGENDA PACKETS:**

Agenda's and packets are generally distributed the Thursday or Friday in advance of the meeting. In emergency's the agenda and packets may not be distributed until the Monday before the Thursday meeting.

#### **9A: Packets:**

Packets, reports and materials are to be printed back to back to save paper.

All packets and reports are to be sent to the Commissioners electronic/notebook system.

Commissioners desiring to have a hard copy should pick up those at the Port Offices from the Commissioners mail box.

One extra copy of the Agenda Packet will be available at the

Commission meeting.

Commissioners shall be expected to bring either their electronic copy of the agenda or the hard copy.

Items may be added to the agenda at the meeting at the request of the General Manager and as approved by the Commission.

Agenda Item # 12a

**Interim General Managers Report**

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**DATE:** May 13, 2015

**TO:** Port Commissioners For Commission Meeting of May 21, 2015

**FROM:** Paul Koch, Interim General Manager

**SUBJECT:** Interim General Managers Report #44.

The purpose of this report is to keep the Port Commission informed of critical issues dealing with Port business. Items with +++ require direction from the Port Commission.

**1. Bridge of The Gods:** This past week, we finished the spring welding on the BOG. At the same time (From May 12-22) David Evans Engineers had an inspection team on the bridge doing their inspection under contract with ODOT. The inspection will include the deck as well as all the above ground and water elements. The underwater inspection is now scheduled for September of this year. The deck will be a particular issue for us to pay close attention to as it is showing signs of wear. The deck replacement project (Scheduled for 2024-25 in the 10 Year Plan) will cost \$2,107,000 according to the engineers. The plan now is to have ODOT and the inspectors make formal presentation of their findings to the full Commission in July when this inspection is done and the report written. After that presentation, it will be time for us to review the 10 Year Plan and make adjustments based on the inspection. The 10 Year Plan could also be impacted by the September underwater inspection.

With regard to the bridge engineer, I have received a proposed contract from HDR and David McCurry regarding bridge engineering services. David was the original engineer the Port hired in 2013 to help with the weight limitation issue. At the time, he was with HNTB but then moved over to HDR. HDR is the bridge engineer for Port of Hood River and is also the firm doing the pedestrian/bike option for the BOG for PCT Association. David wrote the Ports STIP grant in two days which allowed the BOG project to get the \$1.4 million.

Tommy and I are reviewing the proposed contract and I plan to bring a recommendation forward to the Commission in the next month or so.

**2. Friends of the Gorge:** Plans are moving forward with the June 2 dinner meeting with the Friends of the Gorge Board. Right now the event is planned for the Char Burger at 6 pm. The idea for having the dinner as a starting place came from the Port Commission and we seem to be getting good positive feedback from the FOG.

**3. Gorge Commission:** The Gorge Commission has just released the position announcement for a new Director to replace the recently departed Darren Nichols. OneGorge is recommending the Gorge Commission involve all the stakeholders in the Gorge in the selection process, much like the City did when selecting its new City Administrator. Many view this selection process as a way to begin to improve the working relationships between the Gorge Commission and the communities in the Gorge.

**5. Toll Booth Park:** As we are seeing in so many parts of town, parking is becoming a big issue. We have noticed an increase in parking along the roadway to the Toll Booth. As a result, we have asked for a meeting with the USFS to discuss parking and general use of Toll Booth Park. With much increased traffic on the BOG, more pedestrian and hikers, we can see some problems being developed. In the 10 Year BOG Plan, there are some projects listed that would enhance the exit point from the Pacific Crest Trail (2017) as well as re-engineering the pedestrian crossing point along WaNaPa Street (2022).

**6. Portland Spirit:** A few weeks ago, I provided you all with a copy of the letter and packet of information we received from Dan Yates in response to the Ports request for a meeting and including the topics to be discussed. At this point, we are waiting for Dan to indicate when his “partners” can be present for the meeting with the Ports Sub-Committee. I am seeking some direction so that we can achieve the goal of the Port Commission.

**MEETINGS OF INTEREST:** Here is a list of meetings of interest.

May 19	6 PM	Budget Committee meeting at City Hall
May 21	12 N	Action Team at Ale House
	6 PM	Port Commission regular meeting (Joint meeting with City Council with County School Supt. Dan Goldman)
May 26	6 PM	Budget Committee meeting at City Hall
	7 PM	Downtown Business Association meeting at Best Western.
May 27	6:30 PM	Community meeting with School Board at School
May 28	7 PM	JWGED at City Hall

Thank You.