

PORT OF BROOKINGS HARBOR
Board of Commissioners
Regular Meeting Agenda

Previous Port Office
16340 Lower Harbor Road Suite 103
Harbor OR 97415

Wednesday, June 27, 2018 • 3:30 pm

Agenda

- 1. Call to Order, Pledge of Allegiance, and Roll Call**
- 2. Approval of Agenda**
- 3. Agenda Related Public Comments ***
- 4. Old Business**
 - a. No Old Buisness
- 5. New Business**
 - a. Accounts Receivable Write Offs
 - b. Property Listing with Dave Cardwell - Blue Pacific Reality
 - c. Length of time for leases.
- 6. Executive Session ORS 192.660 (2)(e) and ORS 192.660(2)(h)**
 - e. To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - h. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- 7. Commissioners Report**
- 8. Non-Agenda Related Public Comments ***
- 9. Adjournment**

* Limited to a maximum of three minutes per person. A "Public Comment Request", located near the entrance, must be completed and turned into the President prior to the beginning of the meeting.

FULL MEETING PACKET AVAILABLE AT www.portofbrookingsharbor.com

This Institution is an Equal Opportunity Provider.

Port of Brookings Harbor
6/30/2018 Year End Writeoffs/Adjustments

	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Review 6/20/2018 - NOTES and/or ACTIONS
Paez, Christina	1.00	1.00	1.00	27.00	30.00	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for Tent Site #160 2/16/18 totaling \$27.00 and finance charges totaling \$3.00.
Pritchard, Adrien		1.00	1.00	34.00	36.00	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for Site#57 12/15/17 at the Beachfront RV Park totaling \$32.00 and finance charges totaling \$4.00.
Blodgett, Leroy & Klein, Gary			6,581.01	6,581.01		WRITE OFF as bad debt. Vessel is Port owned and currently listed for sale on public auction site.
McCovkel, Michael K		31.00	31.00		31.00	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for Space Rental 9/17/17 Tent Site#161 for \$27.00 and finance charges totaling \$4.00.
Mann, Chris		274.76	274.76		274.76	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for 9/14/17 - 10/14/17 Basin 1, D- Sidetie on end totaling \$257.14 and finance charges totaling \$17.62.
Markey, Jake	7.25	168.21	175.46		175.46	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for Work Order #95533 Boat Pump Out, Rope & Labor 10/20/17 totaling \$158.00 and finance charges totaling \$17.46.
Mountain View Custom Cycles		121.60	121.60		121.60	WRITE OFF AS BAD DEBT - issue with billing. He owes for outside area for the months of May, June, July and August 2017 and finance charge of \$1.65.
Rondeau, Mark		-27.15	-27.15		-27.15	REFUND - Credit from overpayment on account, customer is no longer moored here
Coleman, Thomas & Danielle		652.73	652.73		652.73	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for monthly moorage for September and October 2017 totaling \$623.40. They owe for electrical charges associated with the months of moorage totaling \$.10. and they owe for finance charges totaling \$29.23.
Gardner, Dan		61.20	61.20		61.20	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for electrical charges totaling \$56.20 and finance charges totaling \$5.00.
Griffith, John		1,525.02	1,525.02		1,525.02	WRITE OFF & SUBMIT TO COLLECTION AGENCY - Customer owes for monthly moorage for June, July, August, September and October 2017 totaling \$1423.52. He owes for electrical charges associated with the months of moorage totaling \$7.16. and he owes for finance charges totaling \$94.34.
Mangono, Jerry		12.48	11.20	27.35	51.03	Request permission to Write off charges, electrical pedestal needs to be checked out. Owes for electrical charges
	8.25	14.48	13.20	9,476.73	9,512.66	

LISTING CHANGE OF STATUS Curry County Board of Realtors

Broker:

Blue Pacific Realty
16289 Hwy 101 S, Suite A
Brookings, OR 97415
Phone: (541) 412-8424
Fax: (541) 412-0334

Property Owner: PORT OF BROOKINGS HARBOR

Property Address: LOWER HARBOR ROAD

MLS# 17583134 BPR# _____

Status Change Date: 1/2/2018

Agent: DAVE CARDWELL

() Listing Expiration Date extended to: 7/2/2018

() Listing Price changed to \$ _____

() Property Canceled from market as of: _____

() Property Withdrawn from market as of: _____

() Change of terms, conditions, information: _____

() Seller requests listing NOT be included on Multiple Listing Service (MLS)

DocuSigned by:
Gary Dehlinger
548BC87DBAEB431
Seller

1/2/2018 | 11:53 AM PST

Date

Seller

Date

Principal Broker Initials: _____

May 16, 2017

**Comm. Patterson. Vote 4-1. Voting Yes: Davis, Gold, Hartung,
Patterson. Voting No: Thompson. Motion Passes.**

7. EXECUTIVE SESSION – PURSUANT TO ORS 192.660(2)(H)

Board dismissed from regular commissioner meeting at 8:30 p.m. and went into executive session.

- a. **Claims made against the Port by Elaine Righetti through her attorneys:**
- b. **Port land appraisals for areas of possible sale:**

Board dismissed from executive session at 9:24 p.m and went back into regular commissioner meeting.

*Vice Chair Gold made the motion to accept the sale of Port properties as per the directions of the board in the executive session.
Seconded by Comm. Thompson. Voting yes: unanimous.*

Jame

8. PUBLIC COMMENTS

- a. **Jan Barbas:** Regarding section 8a Public Records Request Fee Schedule, suggests charging \$5 for electronic files i.e. cd's or email, and adjust the research fee.
- b. **Dan Fraser:** asked for clarification on some items in the rate fees.
- c. **John Brazil:** asked for clarification on some items in the rate fees. Also wanted to remind the Board of what their originally goal was with the ice house cold storage.

9. COMMISSIONERS REPORT

Nothing to report.

10. ADJOURNMENT

The meeting was unanimously adjourned at 9:30 p.m.

Port Commissioner

Ifa

Restructure Agreement

The Port of Brookings-Harbor (POBH) has requested to restructure the repayment of outstanding OPRF and SPWF loans. The Oregon Business Development Department Infrastructure Finance Authority (IFA) has approved a restructured repayment plan for outstanding OPRF and SPWF loans to POBH. The following considerations and priorities have guided development of the debt restructure proposal: 1) *Implement a repayment structure that is supported by Port cash flows,* 2) *Repay all loan Principal,* 3) *Minimize cost of recovery,* 4) *Minimize negative impacts to Port revenue producing assets,* and 5) *Collect Interest owed on outstanding loans.*

The following outlines key elements of the debt restructure agreement:

1. General Agreement

- a. Target agreement execution to be January, 2010.
- b. POBH is to repay SPWF loan L94005 (\$117K) and OPRF loan 040-095 (\$71K) principal by June 30, 2010 (total approx. \$188K). Port intends to make total payments of \$196,500 by FYE 2010 that will be applied to these loans accordingly.
- c. IFA will maintain regular communication with POBH and IFA staff will periodically attend Port commission meetings, particularly through the first three year period. POBH and IFA agree that all agreements will be memorialized in writing and signed by authorized persons in each organization.
- d. No prepayment penalty on loans.
- e. POBH shall not incur new debt without prior IFA approval.

2. Loan Restructure Terms

- a. Port is to make level quarterly installment payments of \$62,500 beginning September, 2010 through March, 2030.
- b. Interest is to accrue quarterly according to each Notes current interest rate.
- c. Any interest not satisfied in the current period will be deferred, non-compounding, until satisfied.
- d. Any interest not satisfied at the maturity of each Note may be forgiven, at the discretion of the IFA Director. Should interest be forgiven, the Port shall become ineligible to apply for IFA program loan assistance for a period of 5 years from the date that interest is forgiven.
- e. Loan repayment order will be to loan with earliest maturity first.
- f. Regular quarterly installment payments will be applied first to principal, then to current period interest, then to any deferred interest outstanding.
- g. Irregular payments are anticipated from property sales and other sources that will be applied first to deferred interest outstanding, then to current period interest, then to principal.

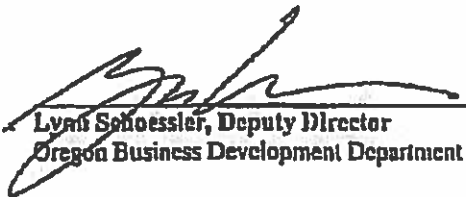
3. Security and Other Debt

- a. POBH is to pay in full upon agreement execution the notes to Curry County (Parcel V) and McVay (Parcel I, Tract B) of approximately \$86,512 and County to release the liens on those properties.
- b. POBH will, on a best-efforts basis, continue to pursue a restructuring of the \$300,000 note with CFCU which has a first lien on Parcel VIII. CFCU has expressed, informally, a willingness to do this. In the event a land swap for debt cannot be worked out with CFCU, IFA would be given first lien rights on Parcel VIII.
- c. POBH will grant IFA a first lien security interest in each real property parcel it owns, with the possible exception of the Smuggler's Cove parcel should POBH successfully negotiate a restructured agreement with CFCU that requires CFCU to obtain a lien on that parcel.

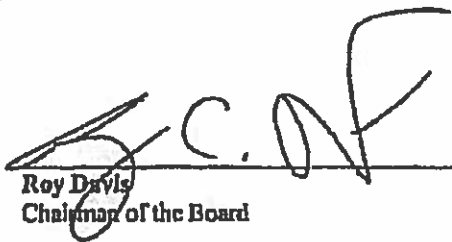
- d. IFA will not unreasonably withhold a partial lien release of any sold property parcel provided POBH delivers 80% of the net proceeds of any property sales to IFA for repayment of loans and POBH retains the remaining 20% in a restricted capital reserve account.

The parties hereto have caused this debt restructure agreement to be duly executed as of the latest dates set forth beside their respective signatures.

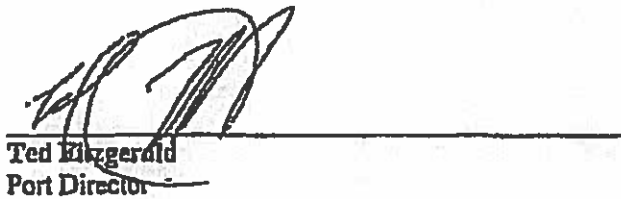
Signed:


Lynn Schoessler, Deputy Director
Oregon Business Development Department

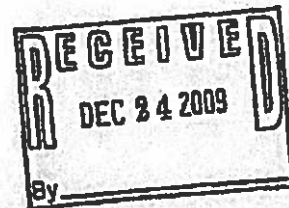
12/13/09
Date


Roy Davis
Chairman of the Board

12.22-09
Date


Ted Fitzgerald
Port Director

12-22-09
Date



DRAFT

RESOLUTION NO. 496

PORT OF BROOKINGS HARBOR

A RESOLUTION BY THE PORT OF BROOKINGS HARBOR AUTHORIZING THE SALE OF PORT REAL PROPERTY

WHEREAS, the Port of Brookings Harbor is a port district, organized and operated under the provisions of ORS Chapter 777, and has the authority to adopt resolutions; and

WHEREAS, the Board of Commissioners of the Port of Brookings Harbor now finds that it is necessary to adopt a resolution to authorize the sale of certain vacant real property owned by the Port of Brookings Harbor, said real property located on Lower Harbor Road, Brookings, OR, being further described as a portion of Tax Lot 41-13-08A, lot 1300; and to authorize Interim Port Manager Kathy Lindley Hall to sign all sale documents.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Port of Brookings Harbor, Curry County, Oregon as follows:

1. The above recitals are true and accurate and are hereby incorporated herein by this reference.
2. That the Board of Commissioners hereby authorizes the sale of the vacant real property located on Lower Harbor Road, Brookings, OR, being further described as a portion of Tax Lot 41-13-08A, lot 13600; to Harbor Sanitary District for the total amount of \$45,000.00
3. That the Board of Commissioners hereby authorizes Interim Port Manager, Kathy Lindley Hall to sign all sale documents on behalf of the Port of Brookings Harbor.
4. This resolution shall be effective upon its passage by the Board of Commissioners of the Port of Brookings Harbor.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE PORT OF BROOKINGS HARBOR THIS 27th DAY OF JUNE 2018

ATTEST:

Roy Davis, Board President

Ken Range, Board Secretary

Harbor Sanitary District

P.O. Box 2457
Brookings, OR 97415
(541) 469-5225
(541) 469-5646

June 20, 2018

Port of Brookings Harbor
Board of Commissioners
P.O. Box 848
Brookings, OR 97415

Re: Meeting

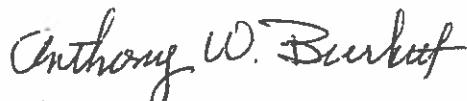
Dear Port Board of Commissioners,

The Board of Directors of the Harbor Sanitary District would like to schedule a full Board to Board meeting to discuss our pending land purchase with the Port. We would also like to discuss some additional infrastructure items affecting both entities.

Please provide us with a list of dates your Board would be available to meet with our Board.

We look forward to meeting the new Commissioners.

Respectfully,

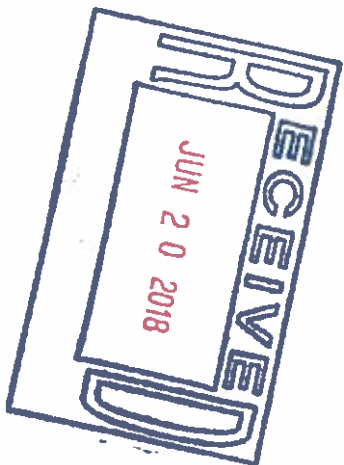


Anthony Burkett
Harbor Sanitary District
Board Chair

Harbor Sanitary District

P.O. Box 2457
Brookings, OR 97415

Port of Brookings Harbor
Board of Commissioners
P.O. Box 848
Brookings, OR 97415



Executive Session

This executive session of the Port of Brookings Harbor Board of Directors is called pursuant to ORS 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions and ORS 192.660 (2) (h) to consult with counsel concerning legal rights and duties regarding current litigation and litigation likely to be filed.

Any member of the media that is here may remain. However, the Board will require that any information derived from this meeting may not be disclosed pursuant to ORS 192.660(4).