

PORT OF BROOKINGS HARBOR
Special Commission Meeting
Wednesday, December 8, 2021 • 10:00am
Teleconference / Meeting Room (limited capacity)
16350 Lower Harbor Road Suite 202, Harbor OR, 97415

Teleconference Call-In Number: 1 (253) 215-8782

Meeting ID: 771 205 4017 Passcode: 76242021 (to mute/unmute: * 6)

TENTATIVE AGENDA

1. CALL MEETING TO ORDER

- Roll Call
- Modifications, Additions, and Changes to the Agenda
- Declaration of Potential Conflicts of Interest

2. APPROVAL OF AGENDA

3. PUBLIC COMMENTS – (Limited to a maximum of three minutes per person. Please email your comments to portmanager@portofbrookingsharbor.com prior to the meeting, if you are calling in. ***Please wait to be called on before speaking***)

4. ACTION ITEMS

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6. COMMISSIONER COMMENTS

7. NEXT REGULAR MEETING DATE – Wednesday, December 15, 2021 at 2:00pm

8. ADJOURNMENT

A request for an interpreter for the hearing impaired, for those who want to participate but do not have access to a telephone, or for other accommodations for persons with disabilities should be made at least 48 hours in advance of the meeting to Port of Brookings Harbor Office at 541-469-2218.

ACTION ITEM - A

DATE: December 8, 2021
RE: General Counsel Services Request for Qualifications
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

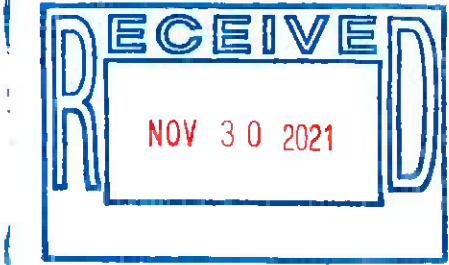
- Port received resignation letter October 25, 2021, from Martha D. Rice, Port General Counsel, providing the 60-day notice for termination of services. Services will end December 25, 2021.
- Public notices were placed in the Daily Journey of Commerce and Curry Coastal Pilot newspapers. RFQ was posted on the Port website. Port staff also contacted four legal firms informing them of the RFQ.
- Port received one response from Miller Nash LLP. Proposal is attached for review.
- With receiving one proposal, does the Board want to:
 - 1) Extend the search for more proposals,
 - 2) Schedule interview with James Walker from Miller Nash LLP,
 - 3) Proceed preparing a draft contract with Miller Nash LLP.
- If the Board chooses to extend the search for more proposals, the Port could be without general counsel for a period of time.

DOCUMENTS

- Miller Nash LLP proposal, 14 pages

COMMISSIONERS ACTION

- **Recommended Motion:**
Board discussion



Prepared for:



Port of Brookings Harbor

November 2021



James M. Walker
james.walker@millernash.com
503.205.2353 (direct)

November 30, 2021

VIA EMAIL

portmanager@portofbrookingsharbor.com

Gary Dehlinger, Port Manager
Port of Brookings Harbor
P.O. Box 848
Brookings, OR 97415

Subject: General Counsel Services – RFQ

Dear Mr. Dehlinger:

Thank you for the opportunity to submit a legal services proposal for the Port of Brookings Harbor (Port District) regarding general counsel services. We have read the request for qualifications and believe that our firm is uniquely qualified to serve the Port District's legal needs.

Miller Nash has had the privilege of providing legal services to public bodies throughout the Northwest for more than a century. We believe that no other law firm in Oregon offers the breadth and depth of our public law and experience, including [maritime](#) law. Our firm offers deep experience on a wide variety of legal issues facing public entities and have an excellent regional reputation for our work with public clients. We are familiar with the highly visible environment in which public entities operate, and have significant experience in resolving legal challenges in a manner that preserves important relationships and promotes the values and mission of the Port District.

We also understand the significant financial constraints within which special districts operate, and the rates listed in the proposal reflect our commitment to working with the Port District. We believe our rates are fair for the market and we provide our services as cost-effectively as possible. We do this by establishing project parameters, delegating work to associates and paralegals when appropriate, keeping close track of the amount of time billed, and always keeping the client informed of the work being performed. Our current public clients will confirm that they receive good value. Additionally, our attorneys are able to focus on and specialize in practice areas. Our ability to have specialists often results in a lower cost to an institution because our attorneys have knowledge and experience that makes responding to legal issues efficient and practical. We also have the support systems and resources to add value to our work, we have successfully transitioned to supporting our clients remotely and, when necessary for the client, safely in person.

Gary Dehlinger
November 30, 2021
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Finally, and perhaps most importantly, if you select us as your legal counsel, we believe that we will demonstrate (and that our other clients will confirm) that we are not just your lawyers, but part of your team. We understand and respect the work of the Port District and would take great satisfaction in helping the Port District achieve its goals.

Miller Nash would be proud to serve as your legal counsel. If you have questions, I am available to discuss any aspect of our proposal or to provide any additional information. I would welcome the prospect of meeting with the Port District and thank you for the opportunity to participate in the RFP process.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'James M. Walker'.

James M. Walker

Firm Overview

Miller Nash LLP
111 S.W. Fifth Avenue, Suite 3400
Portland, Oregon 97204
Phone: (503) 224-5858
www.millernash.com

Miller Nash LLP is headquartered in Portland, Oregon and has been providing legal services to Oregon public entities for more than a century. The firm also has offices located in Seattle and Vancouver, Washington, Long Beach, California, and Anchorage, Alaska. As a trusted and respected Pacific Northwest law firm, with over 140 attorneys, we offer comprehensive, responsive, and innovative services to a diverse group of businesses, financial institutions, nonprofits, public entities, and individuals.

Qualifications & Experience

Miller Nash is a regional law firm uniquely qualified to serve the legal needs of the Port of Brookings Harbor (“Port District”). No other Oregon law firm has the breadth of experience of our firm in the combined fields of public law, real estate, construction, litigation, maritime, and employment, and that also has the capability to provide high-level legal support for collateral legal issues in-house without having to search for outside specialists. This not only results in an efficient and high-quality legal product for our clients, but also ensures timely and coordinated responses to all your legal needs.

The firm has grown through the years to ensure that it provides its clients with outstanding legal service. We are proud to serve as counsel to many public bodies, nonprofits, and businesses. Our attorneys have served as counsel for numerous public entities, including:

- Beaverton School District
- City of Eugene
- City of Manzanita
- City of Newberg
- City of Ontario
- City of Salem
- City of West Linn
- City of Wood Village
- Clackamas Fire District #1
- Columbia Gorge Community College
- David Douglas School District
- Estacada Fire District
- Housing Authority of Yamhill County
- Marion County
- Metro
- Mt. Hood Community College
- Multnomah County Drainage District
- North Clackamas School District
- Northwest Regional ESD
- Ontario School District
- Oregon Institute of Technology
- Oregon State University
- Port of Astoria
- Port of Kalama
- Port of Longview
- Portland Community College
- Portland Public Schools
- Prosper Portland
- Rainier School District
- Scappoose Drainage Improvement Company
- Seaside School District
- Sherwood School District
- Silver Falls School District
- Springfield Public Schools
- Tigard-Tualatin School District
- TriMet
- Tualatin Hills Park & Recreation District
- University of Oregon

Public Law

To effectively represent a public body such as the Port District, an attorney must understand and value working with a mission-driven organization that is accountable to the public. Our firm has an extensive public law practice representing local government and special governmental entities, including transit districts, ports, cities, counties, special districts, urban renewal agencies, school districts, community college districts, public universities, and housing authorities. We serve as general counsel for a number of our public clients and work with in-house general counsel for others.

Several of the attorneys on the proposed Port District's team have municipal or special district backgrounds. Jeff Condit was in-house City Attorney of the City of Lake Oswego for eight years, and before that was in-house County Counsel and Assistant County Counsel in Benton County. Almost since joining the firm, he has served as the appointed City Attorney for the City of Wood Village. James Walker currently serves as outside City Attorney to the City of Manzanita and the City of Newberg. Souvanny Miller, at her previous Medford-based firm, acted as outside City Attorney for the City of Eagle Point. Many of our other lawyers work regularly with our public-sector clients.

Attorney Experience:

- Regularly advise public entities regarding governance issues, public records and meetings, public contracting, government ethics, legislation, statutory interpretation, policy drafting and implementation, bond and local option levy elections, and constitutional questions.
- Regularly work directly with elected boards, city councils, and Boards of Commissioners on policy, governance, ethics, election law, public meetings, hearing procedures, employment of the chief executive office, in addition to direct legal advice.
- For current port clients we provide and manage legal services related to real estate leasing and development, infrastructure needs, environmental cleanup and permitting, procurement contracts, open public meetings laws, public records requests, as well as drafting and negotiating contracts with agencies, tenants, and other parties.
- Drafted and negotiated legislation to establish a new special district for flood safety, water quality, and management of the Columbia River levee system in north Multnomah County.
- Assisted a city and park and recreation district in implementing its bond measures, including property acquisition, necessary land use approvals, and construction contracting.
- Provide advice on all aspects of public contracting, including procurement requirements, bidding exemptions, special procurements, insurance and liability, prevailing wage issues, defense of protests, drafting of form contracts, and managing the award and protest process.
- Advised cities, school districts, and special districts on compliance with local budget law, municipal audit law, and expenditure of public funds issues.
- Brought judicial validation proceedings to validate particular uses of bond funds and bond elections.
- Assisted public clients with ballot title drafting and defense, and general election law compliance.
- Advised on civil rights and free speech issues, including drafting and implementing diversity, equity, and inclusion policies, free speech policy, and policies and procedures designed to increase participation of minority-owned, women-owned, disabled veteran-owned, disadvantaged, and emerging small business on public contracts.
- Charter review, drafting, interpretation, and amendments.
- Negotiated successful resolutions of formal and informal legal claims, including tort claims and civil-rights issues for a larger variety of education and other public clients.
- Represented urban renewal agencies in acquiring and developing property, advising them on governance and tax-increment issues, and assisting them in accomplishing their urban renewal plans.
- Represented government bodies in state agency proceedings, at the Land Use Board of Appeals, at the Oregon Court of Appeals, and at the Oregon Supreme Court.

Litigation Experience

Our litigation lawyers help the firm's clients solve their legal problems favorably, promptly, economically, and professionally. We believe in approaching litigation the right way. This means that judges, arbitrators, and adversaries can trust what we say about the facts and the law. We are assertive and effective advocates with a strong reputation for credibility earned by many appearances before state and federal judges and local arbitrators and mediators. We believe in practical, commonsense, and cost-effective solutions to client problems. Many cases related to specific areas of law have already been mentioned prior, however, below are a few additional litigation examples.

Attorney Experience:

- Handled several investigations on behalf of public entities using forensic and public accounting experts, including investigations regarding employee theft, internal controls, officer and director duties, and accounting malpractice.
- Defended a public entity against indemnity claims asserted by former employee under the Oregon Tort Claims Act. We obtained summary judgment on all claims. Plaintiff appealed to the Oregon Court of Appeals and we obtained published opinion affirming the trial court's grant of summary judgment.
- Successfully represented fire district in a civil service appeal brought by a demoted firefighter. The civil service commission initially reversed the demotion and ordered reinstatement; on appeal to the circuit court, we obtained an order remanding the matter to the commission for rehearing, resulting in the commission's upholding the fire district's decision.
- Successfully defended the City of West Linn at the Land Conservation and Development Commission ("LCDC") against a request for an enforcement order involving the intergovernmental agreements for the urbanization of the Stafford Basin.
- Successfully assisted the Cities of Springfield and Medford in obtaining LCDC acknowledgement of urban growth boundary amendments through the public hearing process, avoiding appeals by 1000 Friends and other opponents.
- Assisted the in-house Springfield city attorney with judicial validation of an urban renewal agency plan extension.
- Successfully defended a ballot title challenge to a bond measure proposed by Enterprise School in Wallowa County Circuit Court.
- Defended a community college against a lawsuit filed by a former student who alleged race and national origin discrimination. Obtained summary judgment in favor of the college on all claims.
- Represented a public school in a high-profile case which garnered significant media attention. A school teacher filed a lawsuit against the school claiming religious freedoms and first amendment rights had been violated. The school decided not to renew his employment contract based on "unprofessional, intimidating and/or harassing behavior." We prevailed at summary judgement.

Real Estate and Land Use

Real Estate: Our transaction team brings focused diligence to help clients understand, structure, and avoid surprises related to real estate assets. We listen carefully, then guide our clients to their goals with our experience in organizing, negotiating, documenting, and managing real estate transactions. We have extensive experience in buying, selling, and leasing property for public entities, including acquisition and disposition of easements and rights-of-way. Our firm also represents clients in all types of real estate-related litigation, including disputes involving leases, contracts for the sale or purchase of real property, condemnation, quiet title, trespass, and environmental contamination.

Attorney Experience:

- Assisted school districts, cities, and special districts with property acquisition, land use, and construction of new schools, a new city hall, parks and sports fields, as well as working through neighborhood opposition arising from parking, traffic, and field lighting.
- Assisted Metro with implementing its zoo bond, including development of specialized form construction contracts for the veterinary center and the Elephant Lands habitat.
- Negotiated the purchase or sale of multiple properties for multiple public clients, including, when necessary condemnation sales.
- Prepared and negotiated real property purchase and sale agreements for properties in North Portland being acquired by a community college.
- Regularly advised Portland Public Schools on all aspects of real property ownership, including sales, leases, and licenses, including a 99-year lease to Concordia University of a jointly developed educational facility.
- Advised Prosper Portland on the redevelopment of property in and surrounding the Rose Quarter.
- On behalf of higher education clients, negotiated commercial leases and intergovernmental agreements for program space.
- On behalf of higher education clients, negotiated commercial leases to private entities for space in mixed-use college and university developments with a commercial component.
- Enforced leases on behalf of college and university clients, up to and including the eviction of tenants in breach of their lease.
- Advised Metro on selected issues related to the Convention Center Hotel.
- Draft and negotiate purchase and sale contracts and easement agreements for large postsecondary educational institution.

Land Use: Our attorneys have the knowledge and experience to assist with solving land use challenges. We routinely assist public clients with land use approvals, including urban growth boundary and comprehensive plan amendments to site high-profile public projects, including large high schools, university campus expansions, and community college campuses and centers. We understand the nature of the government process leveraging experience and insight to make that process work efficiently for our clients.

Attorney Experience:

- Assisted the cities of Medford and Springfield in successfully obtaining LCDC acknowledgement of amendment of their urban growth boundaries.
- Help a school district develop a significant sports complex, including land use appeals.
- Assisted Portland Community College with development projects on multiple campus sites as a result of the 2000, 2008, and 2017 bond measures.
- Assisted a school district with site due diligence and acquisition, and local permitting for construction of a new bus parking facility in Tualatin.
- Assisting a school district with multiple 2016 bond projects, including on-site rebuild of an elementary school and a middle school.
- Assisting Seaside School District with relocation of schools and school facilities outside the tsunami zone. The work includes evaluation of property purchases, urban growth boundary expansion, annexation, natural resource issues, and land use permitting.
- Assisting Sherwood School District with the siting of a new high school, including assemblage of four properties through negotiation and condemnation, urban growth boundary amendment, adoption of a Metro Title 11 concept plan, annexation to the City of Sherwood, and land use entitlements.

Public Construction Contracting & Construction Law

Our construction lawyers serve the public and private construction industry, representing owners, agencies, developers, general contractors, specialty subcontractors, suppliers, and testing laboratories in all aspects of construction law.

Attorney Experience:

- Assisted multiple public clients with drafting of Public Contracting Rules, preparing adoption and exemption resolutions, and implementing alternative contracting methods, such as construction manager/general contractor and design/build.
- Drafted custom services agreements for projects under a large 2017 bond, including Master Agreement and Purchase Order Form in connection with RFP for signage fabrication and installation services, and Goods and Services Agreement for Moving Services RFP.
- Revised AIA contract forms for public clients to comply with the Oregon Public Contract and are more owner-friendly than standard forms.
- Prepared intergovernmental agreements for Multnomah County Drainage District with the Cities of Portland, Gresham, Troutdale, Fairview, Multnomah County, Metro, and the Port of Portland.
- Drafted and negotiated Portland Community College's design-build contract for the Oregon Manufacturing Innovation Center.
- Currently providing property acquisition, land use, procurement, and construction contracting advice on the North Clackamas School District Bond (\$433 million), Portland Community College Bond (\$185 million), Tigard-Tualatin School District Bond (\$291 million), Sherwood School District Bond (\$247 million), and the Seaside School Bond (\$95 million.)
- Prepared intergovernmental agreements for Portland Community College with Clatsop Community College and Washington County.
- Created an intergovernmental entity to manage contracts for three drainage districts and a drainage improvement company.
- Assisted Portland State University with contract management of the \$185 million Robertson Collaborative Life Sciences Building project.
- Prosecuted multimillion-dollar construction-defect claim on behalf of Portland Community College related to construction of a new energy-efficient educational facility, resulting in settlement of over 80 percent of the cost of repair.
- Developed template construction and design contracts for bond projects that employ the traditional design-bid-build delivery method as well as design-build and construction manager/general procurement and delivery methods.
- Drafted intergovernmental agreements for special program services between K-12 school districts and large education service districts.
- Complete recovery for a public school district against a contractor's insurer arising from roof fire during a reroofing project, including victory against the insurer before Oregon Court of Appeals.
- Negotiated successful termination of a general contractor during construction of casino project and construction of a school project.
- Represented public bodies in obtaining prevailing wage determinations from the Oregon Bureau of Labor and Industries, and have advised public bodies on both the Oregon and federal prevailing wage laws.

Conflicts

All party or related entity names have been processed through the firm's conflict system, and our conflicts department has not detected any potential conflicts requiring a waiver. Moreover, we have not filed any litigation involving the Port District or its employees. We will be happy to supplement our initial conflict search with any additional entities that the Port District may request. In the future all party or related-entity names for a matter will be run through the firm's conflict system, and reviewed and approved by the designated conflicts attorney before proceeding to opening of a new client or matter. A conflict-of-interest check must be completed before a new client can be accepted or before accepting new work for an existing client. Conflict checks use full legal names of all parties and include such identifiers as individuals, corporations, affiliated companies, business entities, officers, directors, major shareholders, and DBAs. If an attorney determines that there is a potential conflict based on the report information, the attorney will refer to the client's conflict-of-interest policy and will contact the client immediately to discuss. A notation must be made on the form indicating whether the conflict was resolved before billing/filing numbers can be assigned.

Team & Lead Attorney

We propose that James Walker serve as the relationship lead for the Port District. He manages long-term relationships with other public clients, including acting as city attorney for the City of Manzanita and the City of Newberg. James recognizes the need for excellent, responsive, and practical legal advice that reflects the complex daily work of public entities. His role would be to ensure that coordinated, properly staffed legal services meet the Port District's needs. The Port District will be at liberty to reach out to any professionals on our team, however, in James' absence Jeff Condit would act as a go-to contact for the Port District.

Our public clients appreciate that when they have emergencies or unexpected developments, we can immediately respond, find the right people to assist, and work evening, weekends, cancel vacations, and do whatever else it takes to make sure that the client's needs are addressed. Clients often get to know other attorneys in the firm because of particular matters and are encouraged to contact them directly as needed and when they are comfortable doing so. We believe this helps with the continuity and stability of the client relationship and allows our firm and the client to weather any personnel changes. This has been demonstrated within our public law practice for many years as we have been fortunate to work with numerous clients over decades.

The members of the team described below have been specifically identified based on their in-depth knowledge of and experience with public entities and special districts; their understanding of federal, state, and local laws; their availability and responsiveness; and their strong academic backgrounds. We have additional support available to the Port District. One of the benefits of working with a larger firm is that we offer a deep bench of professionals under one roof in the areas that public entities require. This results in highly efficient and cost-effective delivery of services, because we can walk down the hall and ask another expert rather than having to spend hours of our time (and our clients' money) researching the law in an unfamiliar practice area. It also gives us a better understanding of the totality of your legal needs, which helps us to better understand the organization and be your partners and not just your lawyers. This approach allows us to identify and resolve legal issues before they become very expensive legal problems.

Each attorney selected for the Port District's team has a focused biography below. Miller Nash certifies that all of the attorneys proposed below are members in good standing with the Oregon State Bar.



James Walker (Point-of-Contact)

Direct: 503.205.2353 | **E-mail:** james.walker@millernash.com
Title: Partner | **Role:** Public Law, Real Estate, Construction, Public Contracting
Education: University of Michigan Law School, J.D., 2011
Oregon State Bar Admission: 2011 (OSB# 115454)
Years of Public Law Experience: 10 years

James is a transactional attorney who advises the firm's public clients on real estate, construction, public contracting, and governance and procurement matters. James has extensive experience in drafting and negotiating design and construction contracts for a variety of project owners in the public sector, including special districts, school districts, drainage districts, and municipalities. His real estate work includes drafting and negotiating purchase and sale agreements, leases, and easements. He also regularly advises public bodies on issues regarding compliance with Oregon's public contracting code and Oregon's public meetings and records law.



Jeffrey Condit

Direct: 503.205.2305 | **E-mail:** jeff.condit@millernash.com
Title: Partner | **Role:** Public Law, Public Contracting, Land Use
Education: Willamette University College of Law, J.D., 1982
Oregon State Bar Admission: 1982 (OSB# 822238)
Years of Public Law Experience: 39 years

Jeff's core practice is public law, with an emphasis on municipalities, K-12 and higher education, and special districts. He focuses on the governance and business side of this practice, including governing body advice and support, public records and meetings, government ethics, legislation and statutory authority, administrative law, public procurement and contracting including construction contracting and prevailing wage issues, intergovernmental agreements, public finance, land use, and election law. Prior to joining Miller Nash, Jeff served as in-house City Attorney for the City of Lake Oswego (eight years) and Assistance County Counsel and then County Counsel for Benton County (nine years).



Steven Hill

Direct: 360.619.7004 | **E-mail:** steve.hill@millernash.com
Title: Special Counsel | **Role:** Maritime, Environmental
Education: Lewis & Clark Law School, J.D., 1993 (USC, marine affairs, M.A.)
Oregon State Bar Admission: 1993 (OSB# 933064)
Years of Public Law Experience: 28 years

Steve is a results-oriented lawyer who seeks to solve complex environmental and maritime issues for clients. He brings decades of experience to each matter. Steve advises vessel owners, operators, ports and charters in maritime law and has provided local correspondent services for multiple international P&I Clubs and handled numerous vessel-related issues involving collisions, allisions, pollution claims, crew and longshore injuries, and cargo damage claims. Before beginning his legal practice, Steve worked in the port industry, including six years as special projects and environmental affairs manager for the Port of Vancouver, Washington.



Christine Taylor

Direct: 503.205.2417 | **E-mail:** christine.taylor@millernash.com
Title: Special Counsel | **Role:** Public Contracting, Public Records and Public Meetings Law
Education: Lewis & Clark Law School, J.D., 2012
Oregon State Bar Admission: 2012 (OSB# 124727)
Years of Public Law Experience: 9 years

Christi's practice focuses on government, municipal, and administrative law, including public records and meetings and public contracting. She is currently assisting a large public entity in creating their template solicitation documents and contracts, drafting new public contracting rules, and advising on issues as they arise. Christi also has a background in construction law and assists public clients through the process of building complex projects, including drafting and negotiating contracts for construction. Christi also has significant experience with public purchasing and contracting generally, including the drafting and negotiation of intergovernmental agreements. Additionally, Christi brings a unique experience to her work with government and public entities having spent several years practicing general business law and commercial litigation. Christi recently worked for the Oregon Department of Justice, General Counsel Division, Business Transactions Section.



Souvanny Miller

Direct: 503.205.2363 | **E-mail:** souvanny.miller@millernash.com
Title: Associate | **Role:** Regulatory Compliance, Public Records and Public Meetings Law
Education: Lewis & Clark Law School, J.D., 2017
Oregon State Bar Admission: 2017 (OSB# 174163)
Years of Public Law Experience: 4 years

Souvanny has represented municipalities in both advice and litigation matters. Through her previous law firm, Souvanny held the role of City Attorney for the City of Eagle Point. As the City Attorney, Souvanny attended and advised the City Council and staff at biweekly City Council meetings, and provided general counsel services including oral and written advice. Souvanny has advised multiple public entities relating to public meetings laws, public records laws, planning and zoning, First Amendment issues, franchises and franchise fees, contract disputes, and personnel matters. Souvanny also has experience preparing and presenting memoranda to City staff and City Council and preparing and reviewing ordinances and resolutions.

Souvanny's current practice is public-entity focused, and includes a mix of advising public entities in a wide variety of areas including regulatory compliance, constitutional law, and public records and public meetings law, handling litigation or administrative proceedings with respect to public employees, and the occasional land use matter. Souvanny understands and appreciates how legal decisions and strategies will impact the goals of mission-driven public entities and strives to provide her clients with practical solutions.

List of References

City of Newberg

Rick Rogers, Mayor
(503) 537-1276 | Rick.Rogers@newbergoregon.gov

City of Manzanita

Leila Aman, City Manager
(503) 368-5343 | laman@ci.manzanita.or.us

City of Wood Village

Greg Dirks, City Manager
(503) 489-6856 | GregD@woodvillageor.gov

Portland Community College

Linda Degman, Director, Planning & Capital Construction
(971) 722-4423 | ldegman@pcc.edu

Multnomah County Drainage District

Hong Huynh, General Counsel
(503) 281-5675 | hhuynh@mcdd.org

Fees

We work with clients to determine the most cost-effective use of legal services. We do this by establishing project parameters, communicating regularly, and delegating work to associates and paralegals when appropriate, keeping close track of the amount of time billed, and keeping the client informed of the work being performed.

We absorb minor costs and only pass on and bill the actual costs incurred for electronic discovery and document production, messenger and delivery service, and filing fees. Almost all the computerized research we perform is through subscriptions for which there is no time-based charge. We will not charge any portion of our subscription costs. When travel is necessary for a particular matter, we will charge for time spent in travel and the actual cost of reasonable expenses.

If selected as counsel, we would propose a planning meeting at no charge to the Port District to allow our attorneys to learn more about the Port District's projects and priorities. In addition to the meeting, we will allot eight hours of time to be billed at no charge to the Port District to assist in the transition of work so that the Port District does not incur costs associated with the firm getting up-to-speed.

Standard Rates

Below is a list of our team members' standard hourly rates, as well as discounted rates we propose for the Port District. We consider our rate structure to be a trade secret within the meaning of ORS 192.345(2). We respectfully request that the Port District not disclose the following records as authorized by this section of the Public Records Law.

Attorney	Position	2021 Standard Rates	Discounted Rates
James Walker	Partner	[REDACTED]	[REDACTED]
Jeffrey Condit	Partner	[REDACTED]	[REDACTED]
Steven Hill	Special Counsel	[REDACTED]	[REDACTED]
Christine Taylor	Sr. Counsel	[REDACTED]	[REDACTED]
Souvanny Miller	Sr. Associate	[REDACTED]	[REDACTED]

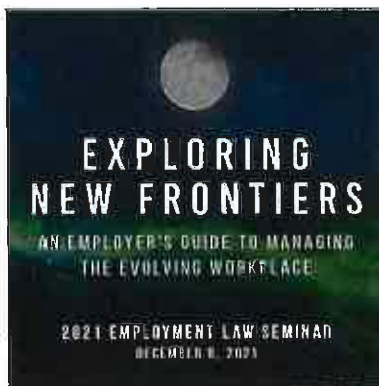
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If additional personnel are required to assist the Port District, the following discounted rates will be used:

Position	Discounted Rate
Partner/Sr. Counsel	[REDACTED]
Sr. Associate	[REDACTED]
Associate	[REDACTED]
Paralegal	[REDACTED]

Available Trainings

You are invited to join us on December 8 for our annual half-day seminar that will provide up-to-date information and insight to help attendees understand employer legal obligations, as well as strategies to address compliance while effectively managing the workforce. This virtual event is free. [\[link\]](#)



2021 Employment Law Seminar

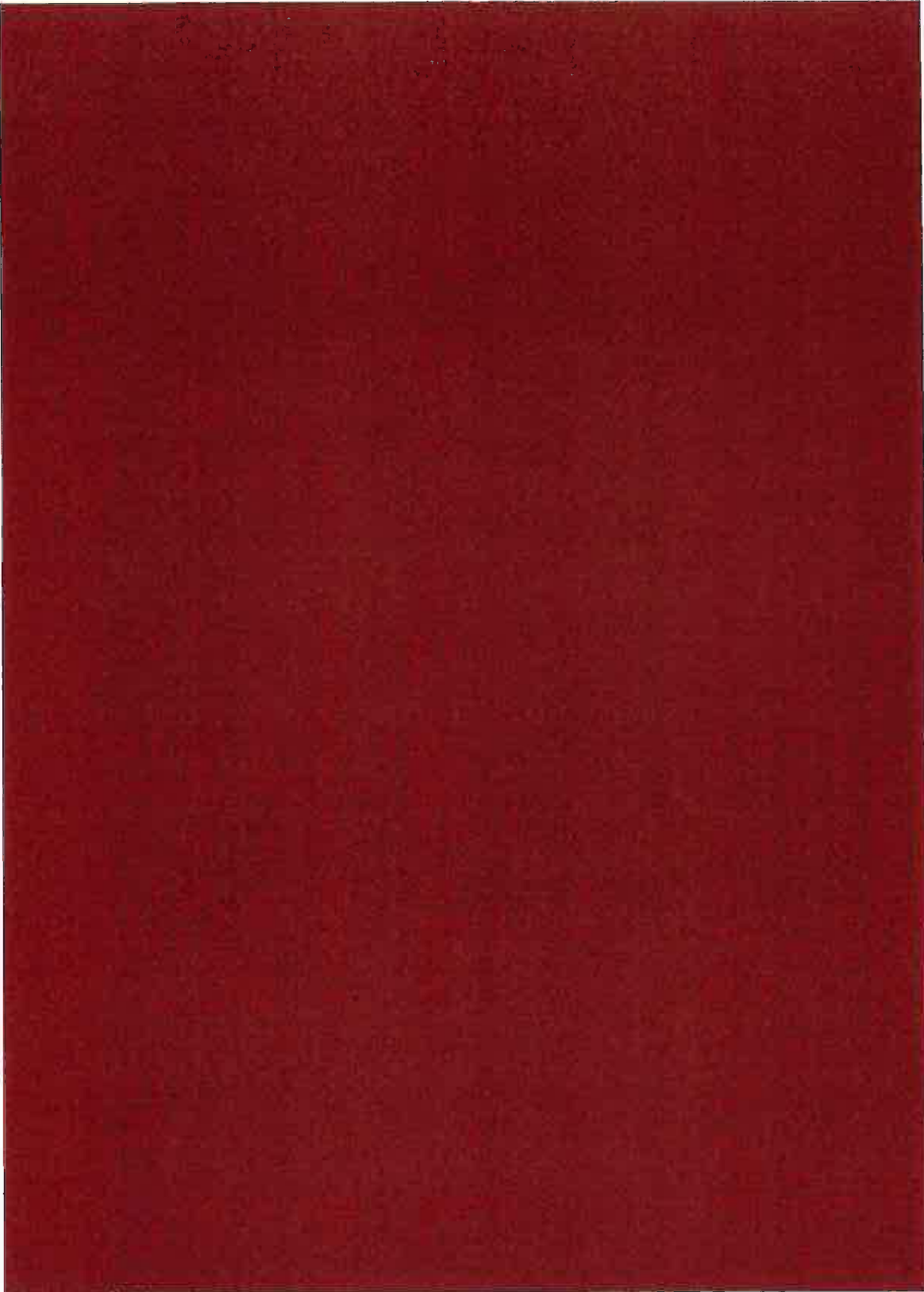
December 8, 8:30 a.m. -12:30 p.m.

Topics

- Hybrid workforce
- Accommodations
- Pay Equity
- Overlapping Leave Laws
- Wage & Hour
- Federal, State & Labor Updates

In June, our firm hosted a construction webinar on *Guidance on Contract Drafting & Negotiation in 2021*. This webinar is now available on-demand with no charge. [\[link\]](#)





877.220.5858
MILLERNASH.COM

ACTION ITEM - B

DATE: December 8, 2021
RE: Transient Dock Moorage
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- The Port of Brookings Harbor is considered by the US Coast Guard as a "Safe Haven Harbor". In the law of the sea, a safe haven is a **port in which a ship that is damaged or threatened by the weather may take refuge no matter what its nationality** (the alternative port of refuge is now also common).
- US Coast Guard told Travis the Port does not need dock space for compliance of the term "Safe Haven". If there is not space available, they will take a damage vessel to another nearby port.
- United States Army Corps of Engineers (USACE) said the Port is designated as "Port of Refuge". USACE has no policies or requirements for dock space availability, same as the Coast Guard. The term "Safe Haven" or "Port of Refuge" is a term mostly used in grant applications to describe a port to earn higher grant scores.
- The length of main transient dock is 391 feet. The Fuel Dock length adds another 112 feet.
- For many years, vessels Miss Sarah, Miss Emily and Prolifik use the main transient dock as paid moorage space. The Port has no other space for these vessels to moor and they consider this as their home port. Recently, for vessel Queen Corinne, the wood piling securing the dock finger broke and the moorage space is no longer usable. Queen Corinne was moved to the transient dock.
- Typically, only one vessel, Miss Sarah or Miss Emily is here and throughout past Port management decisions, either Miss Sarah or Miss Emily vessels would pay for one annual moorage. When both vessels are here at the same time, normally the second boat would pay for daily moorage.
- The owners of the vessels staying on the transient dock are asking for monthly rates or pro-rated annual rates from Port staff. Port staff is looking for direction on transient dock rates for vessels staying here for extended periods of time.

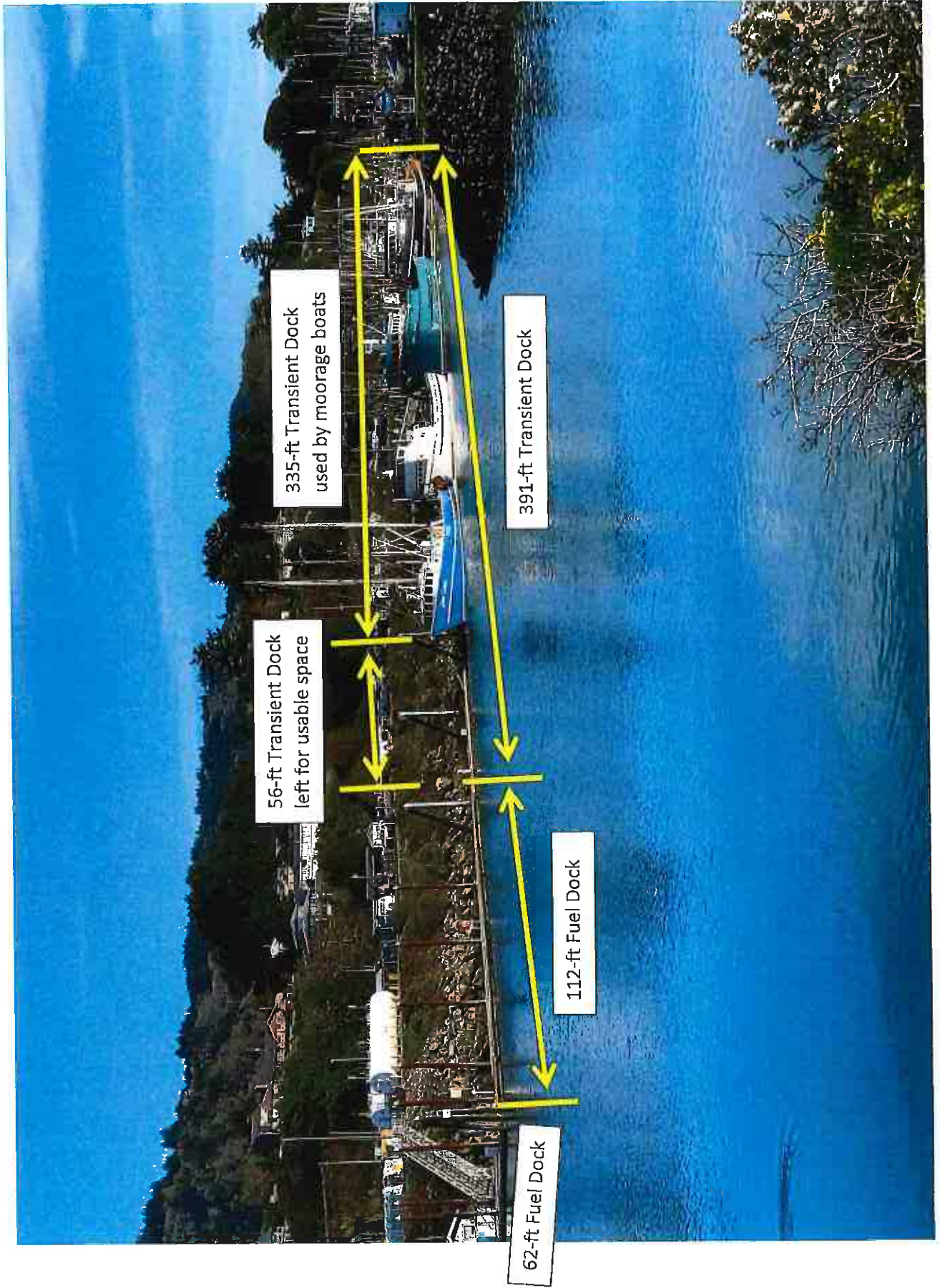
DOCUMENTS

- Transient Dock Space, 1 page
- Port Ordinance Definitions, 1 page

COMMISSIONERS ACTION

- **Recommended Motion:**
Motion to approve authorizing Port Manager or designee to allow moorage monthly rates to apply on longer stay transient vessels.

Transient Dock Space



- 1.21 **RECEIVING DOCK**: Shall mean a platform for the unloading of fish and gear from commercial fishing vessels.
- 1.22 **RESIDENT VESSEL**: Shall mean any vessel holding a long-term (annual or monthly) Port Use Agreement with the Port of Brookings Harbor.
- 1.23 **SEWAGE**: Shall mean water, chemical, or other liquid carried, human or animal wastes from vessels, motor vehicles, trailers, residences, buildings, industrial or commercial establishments or other places with such ground water infiltration and surface water as may be present.
- 1.24 **SHALL AND MAY**: "Shall" is mandatory. "May" is permissive.
- 1.25 **TRANSIENT MOORAGE**: Short-term berthage, for use of moorage facilities, whereby the vessel is granted authority to moor, but does not enter into a Port Use Agreement.
- 1.26 **TRANSIENT VESSEL OR GUEST VESSEL**: Any vessel using a Port moorage facility and which belongs to an owner/operator who does not have a Port Use Agreement with the Port. Transient vessels or guest vessels include, but are not limited to, vessels seeking a harbor of refuge, day(s) use or overnight(s) use of a moorage facility in a space on available basis.
- 1.27 **UNDERWAY**: Shall mean the condition of a vessel, not at anchor, without moorings, and not made fast to the shore or ground.
- 1.28 **VESSEL**: Shall mean every description of watercraft, other than seaplanes, in the water used or capable of being used.
- 1.29 **VESSEL OWNER/OPERATOR**: Shall mean any person who has or claims to have, expressly or otherwise, lawful care, custody, or control of a vessel by virtue of legal title or equitable interest therein which entitles him/her to possession.
- 1.30 **VIOLATION VESSELS**: Any vessel entering and remaining at the Port of Brookings Harbor without authorization; or remaining at the Port of Brookings Harbor after moorage has been terminated.

ACTION ITEM - C

DATE: December 8, 2021
RE: Local Government Investment Pool (LGIP) Bank Authorization Signatures
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Local Government Investment Pool (LGIP) account(s) hold most of the Port's funds for a better investment rate. Updating authorizations are needed when Board members or Port staff changes.
- Current authorized with permissions for Local Government Investment Pool (LGIP) account(s):
 - Roy Davis, permissions include View/Access pool account information, Add/Remove ACH/wire/transfer instructions, Open/Close pool accounts.
 - Sharon Hartung, permissions include View/Access pool account information, Add/Remove ACH/wire/transfer instructions, Open/Close pool accounts, Receive paper statements.
 - Gary Dehlinger, permissions include View/Access pool account information, initiate transactions, Add/Remove ACH/wire/transfer instructions, Manage permissions.
 - Kimberley Boom, permissions include View/Access pool account information, initiate transactions, Add/Remove ACH/wire/transfer instructions, Manage permissions.
- Port staff recommends adding all current commissioners to the account for permissions including View/Access pool account information, Add/Remove ACH/wire/transfer instructions, Open/Close pool accounts and also removing Roy Davis from the account.
- Updating authorization requires Board action.

DOCUMENTS

- Local Government Investment Pool LGIP Permissions, 2 pages

COMMISSIONERS ACTION

- **Recommended Motion #1:**
Motion to approve removal of Roy Davis as authorized signer for Port of Brookings Harbor LGIP account(s).

- **Recommended Motion #2:**
 Motion to approve addition of Joseph Speir, position #1, with authorization for the Port of Brookings Harbor LGIP account(s) with the following permission/s: View/Access pool account information and Open/Close pool account.
- **Recommended Motion #3:**
 Motion to approve retaining Sharon Hartung, position #2, with authorization for Port of Brookings Harbor LGIP account(s) with permissions to View/Access pool account information, Add/Remove ACH/wire/transfer instructions, Open/Close pool accounts, Receive paper statements.
- **Recommended Motion #4:**
 Motion to approve addition of Larry Jonas, position #3, with authorization for the Port of Brookings Harbor LGIP account(s) with the following permission/s: View/Access pool account information and Open/Close pool account.
- **Recommended Motion #5:**
 Motion to approve addition of Richard Heap, position #4, with authorization for the Port of Brookings Harbor LGIP account(s) with the following permission/s: View/Access pool account information, Add/Remove ACH/wire/transfer instruction, Open/Close pool account.
- **Recommended Motion #6:**
 Motion to approve addition of Kenneth Range, position #5, with authorization for the Port of Brookings Harbor LGIP account(s) with the following permission/s: View/Access pool account information and Open/Close pool account.
- **Recommended Motion #7:**
 Motion to approve retaining Gary Dehlinger with authorization for Port of Brookings Harbor LGIP account(s) with permissions to View/Access pool account information, initiate transactions, Add/Remove ACH/wire/transfer instructions, Manage permissions.
- **Recommended Motion #8:**
 Motion to approve retaining Kimberley Boom with authorization for Port of Brookings Harbor LGIP account(s) with permissions to View/Access pool account information, initiate transactions, Add/Remove ACH/wire/transfer instructions, Manage permissions.



Oregon State Treasury

LGIP Permissions

Use this form to add/modify/remove/retain permissions for pool Contacts. To register a new Contact or to modify an existing registration, complete and submit an LGIP Contact Registration form. Submit this form through EON, or fax or mail this form to the fax number or address at the bottom of the page.

Participant Information

Local Government Name Port of Brookings Harbor	Taxpayer Identification Number 93 - 6013807
---	--

List the pool account number(s) to which this form applies:

Pool Account 1 6017	Pool Account 2 6018	Pool Account 3 6020	Pool Account 4 6021
Pool Account 5 6254	Pool Account 6 6273	Pool Account 7	Pool Account 8
Pool Account 9	Pool Account 10	Pool Account 11	Pool Account 12

Add/Modify Permissions for the Listed Accounts (Contacts must be registered with the pool)

Contact Name Richard Heap			For the pool accounts listed above, this Contact may: <input checked="" type="checkbox"/> View/Access pool account information <input type="checkbox"/> Initiate transactions <input checked="" type="checkbox"/> Add/Remove ACH/wire/transfer instructions* <input checked="" type="checkbox"/> Open/Close pool accounts <input type="checkbox"/> Manage permissions <input type="checkbox"/> Receive electronic statements <input type="checkbox"/> Receive paper statements
<i>Complete the fields below only if the Contact is to receive statements.</i>			
ATTN Line			
Mailing Address			
City	State	ZIP Code	

Contact Name Larry Jonas			For the pool accounts listed above, this Contact may: <input checked="" type="checkbox"/> View/Access pool account information <input type="checkbox"/> Initiate transactions <input type="checkbox"/> Add/Remove ACH/wire/transfer instructions* <input checked="" type="checkbox"/> Open/Close pool accounts <input type="checkbox"/> Manage permissions <input type="checkbox"/> Receive electronic statements <input type="checkbox"/> Receive paper statements
<i>Complete the fields below only if the Contact is to receive statements.</i>			
ATTN Line			
Mailing Address			
City	State	ZIP Code	

*At least two Contacts must be authorized to Add/Remove ACH/wire/transfer instructions.

Oregon State Treasury | LGIP Permissions

Add/Modify Permissions for the Listed Accounts (Continued)

Contact Name Kenneth Range			For the pool accounts listed above, this Contact may: <input checked="" type="checkbox"/> View/Access pool account information <input type="checkbox"/> Initiate transactions <input type="checkbox"/> Add/Remove ACH/wire/transfer instructions* <input checked="" type="checkbox"/> Open/Close pool accounts <input type="checkbox"/> Manage permissions <input type="checkbox"/> Receive electronic statements <input type="checkbox"/> Receive paper statements
<i>Complete the fields below only if the Contact is to receive statements.</i>			
ATTN Line			
Mailing Address			
City	State	ZIP Code	

Contact Name Joseph Speir			For the pool accounts listed above, this Contact may: <input checked="" type="checkbox"/> View/Access pool account information <input type="checkbox"/> Initiate transactions <input type="checkbox"/> Add/Remove ACH/wire/transfer instructions* <input checked="" type="checkbox"/> Open/Close pool accounts <input type="checkbox"/> Manage permissions <input type="checkbox"/> Receive electronic statements <input type="checkbox"/> Receive paper statements
<i>Complete the fields below only if the Contact is to receive statements.</i>			
ATTN Line			
Mailing Address			
City	State OR	ZIP Code	

**At least two Contacts must be authorized to Add/Remove ACH/wire/transfer instructions.*

Remove All Permissions for the Listed Accounts

Contact Name Roy Davis
Contact Name
Contact Name
Contact Name
Contact Name

Retain All Permissions for the Listed Accounts

Contact Name Kimberley Boom
Contact Name Gary Dehlinger
Contact Name Sharon Hartung
Contact Name
Contact Name

Signature (The Contact signing below must already be authorized in the records of the pool to manage permissions)

Authorized Contact Signature X		Authorized Contact Name Kimberley Boom		Date 12/15/21
Title Financial Officer	Phone Number (541) 469-2218	Ext. 405	E-mail Address accounts@portofbrookingsharbor.com	

POOL USE ONLY		
	DATE	INITIALS
Processed		
Confirmed		

ACTION ITEM - D

DATE: December 8, 2021
RE: Rogue Credit Union Authorization Signatures
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- The Port uses Rogue Credit Union for its credit card. Two accounts are used, Saving and Ownership, with minimum amount of funds to keep the accounts open in order to use the credit card. Updating authorizations are needed when Board members or Port staff changes.
- Current authorized with permissions for Rogue Credit Union account(s):
 - Roy Davis, permissions include all permissions granted to authorized signer.
 - Joseph Speir, permissions include all permissions granted to authorized signer.
 - Sharon Hartung, permissions include all permissions granted to authorized signer.
 - Richard Heap, permissions include all permissions granted to authorized signer.
 - Kenneth Range, permissions include all permissions granted to authorized signer.
 - Kimberley Boom, permissions include account information.
 - Requesting to add Gary Dehlinger to the same permissions as Kim Boom, account information.
- Port staff is recommending removing Roy Davis from the account and adding Commissioner Larry Jonas as an authorized signer to the account.
- Updating authorization requires Board action.

DOCUMENTS

- Draft Authorized Signature Letter to Rogue Credit Union, 1 page

COMMISSIONERS ACTION

- **Recommended Motion #1:**
Motion to approve removal of Roy Davis as authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.

- **Recommended Motion #2:**
Motion to approve retaining Joseph Speir, position #1, as an authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.
- **Recommended Motion #3:**
Motion to approve retaining Sharon Hartung, position #2, as an authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.
- **Recommended Motion #4:**
Motion to approve addition of Larry Jonas, position #3, as an authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.
- **Recommended Motion #5:**
Motion to approve retaining Richard Heap, position #4, as an authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.
- **Recommended Motion #6:**
Motion to approve retaining Kenneth Range, position #5, as an authorized signer for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.
- **Recommended Motion #7:**
Motion to approve addition of Gary Dehlinger with authorization to access account information for Port of Brookings Harbor Rogue Credit Union Business Saving Account #4000030600.
- **Recommended Motion #8:**
Motion to approve retaining Kimberley Boom with authorization to access account information for Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.



Port of Brookings Harbor

16330 Lower Harbor Road / PO Box 848
Brookings, Oregon 97415
Phone (541) 469-2218
Fax (541) 359-3999
www.portofbrookingsharbor.com

Board of Commissioners

Richard Heap, President
Joseph Speirs, Vice-President
Sharon Hartung, Secretary/Treasurer
Kenneth Range
Larry Jonas

Rogue Credit Union
P.O. Box 4550
Medford, OR 97501

To Whom It May Concern,

The Board of Commission approved removing Roy Davis as an authorized signer from the Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.

The Board of Commission approved adding Larry Jonas as an authorized signer to the Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.

The Board of Commission approved adding Gary Dehlinger with authorization for account information for the Port of Brookings Harbor Rogue Credit Union Business Savings Account #4000030600.

Please see approved motions from the enclosed minutes of the Board of Commission special meeting held on December 8, 2021.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,

Richard Heap
President, Port of Brookings Harbor Board of Commission

INFORMATION ITEM – A

DATE: December 8, 2021
RE: Wastewater Treatment Plant Information / Presentation
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- This information is being provided for better understanding on how the proposed wastewater treatment plant would operate at the Port.
- Jack Akin / Port Engineer has provided the presentation and will be present to answer any questions or concerns from the Board.
- If federal funding became available for this project, attached is a preliminary projected project schedule.

DOCUMENTS

- Preliminary Projected Project Schedule, 1 page
- Wastewater Treatment Plant presentation, 33 pages

WASTEWATER TREATMENT PLANT PROCESS



Northern Moraine Utility Commission, Wisconsin – Dome Covered Package Plants Retrofitted with Fixed Biofilm Media

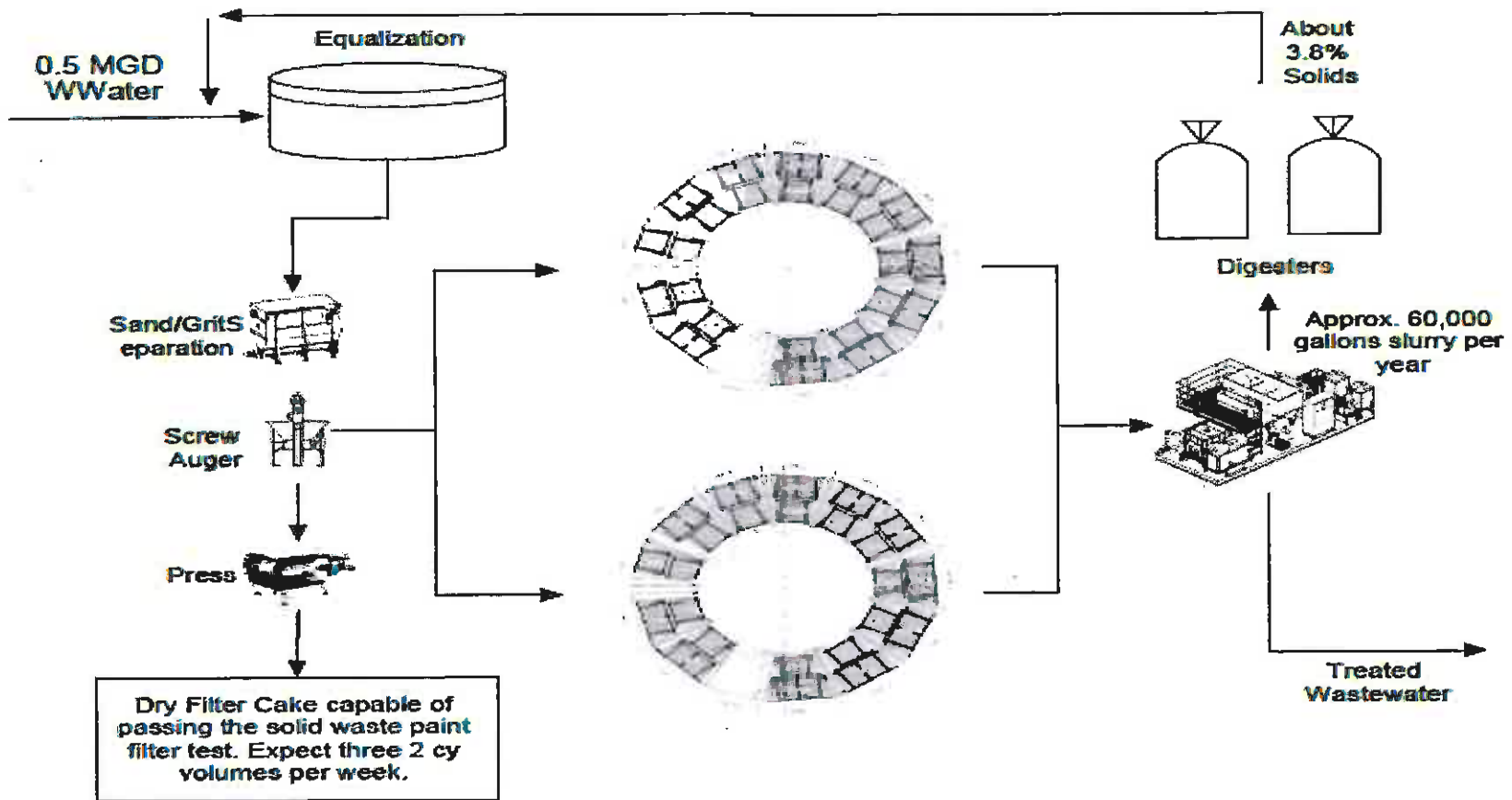
Conventional Wastewater Treatment Systems are evolving. Many if not most plants have added or increased the footprints of aeration basins, for example. But the costs for total replacement of units are expensive, and so retrofitting is often the option selected.



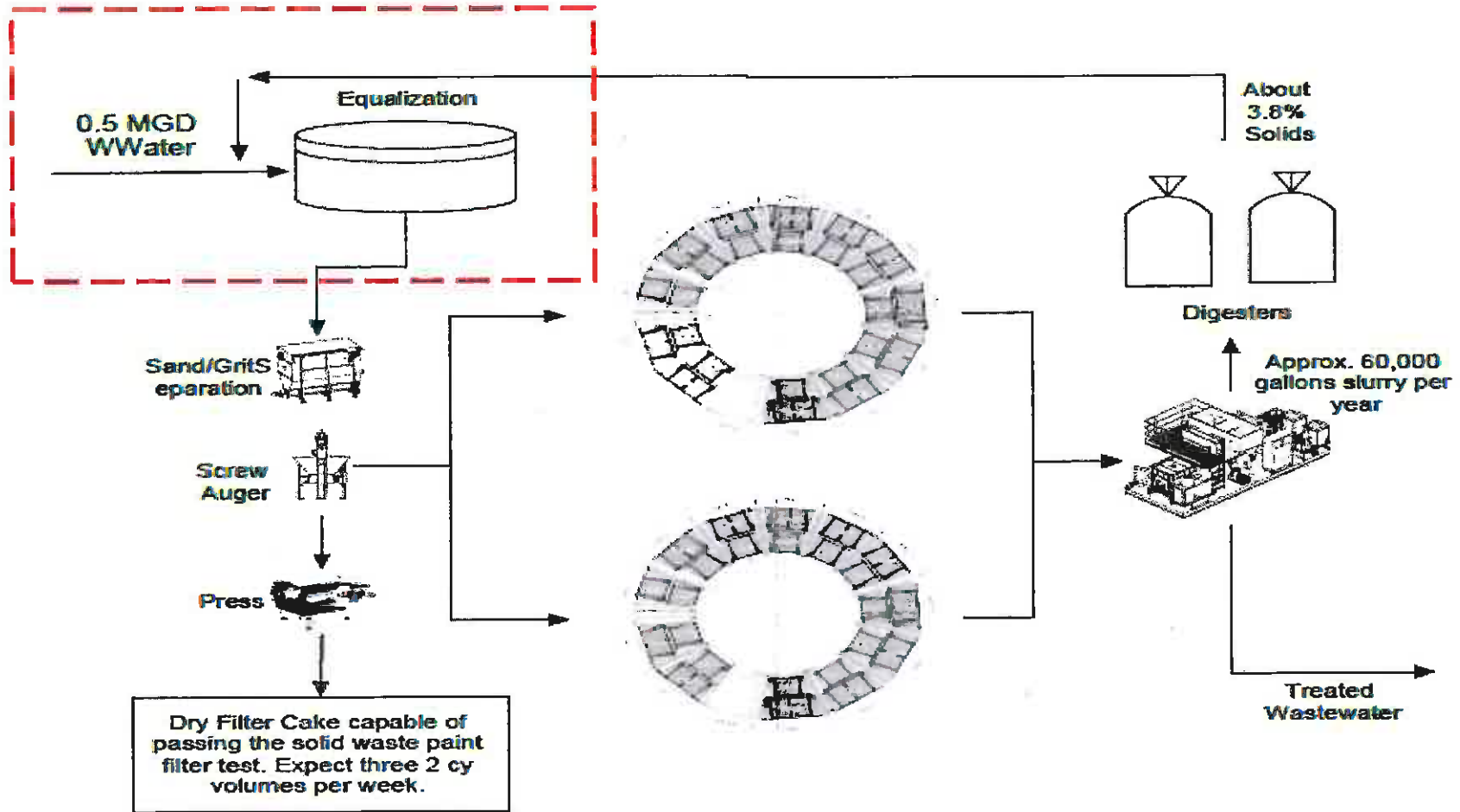
Bioreaction



Multistaged Activated Biological Process

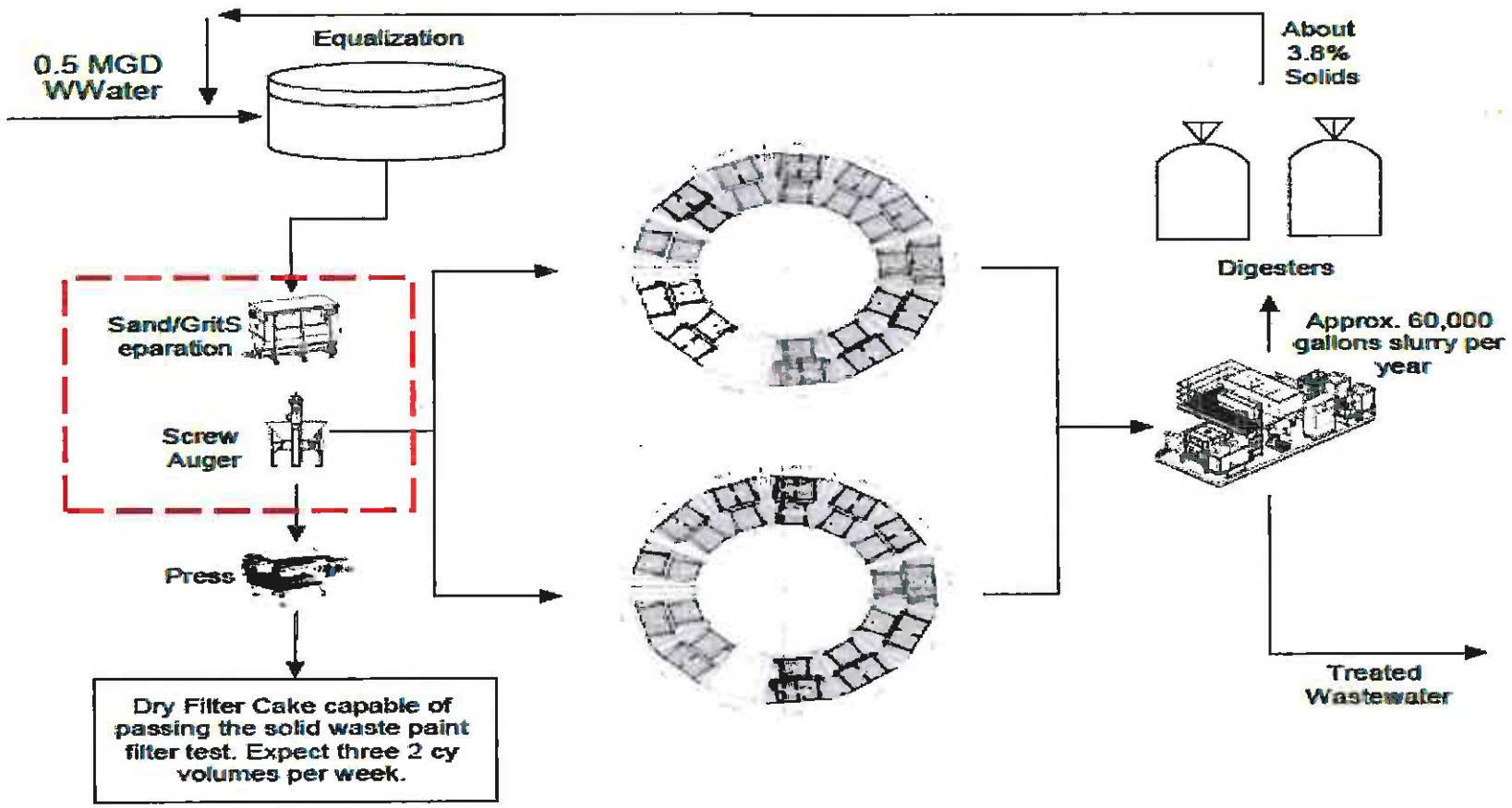


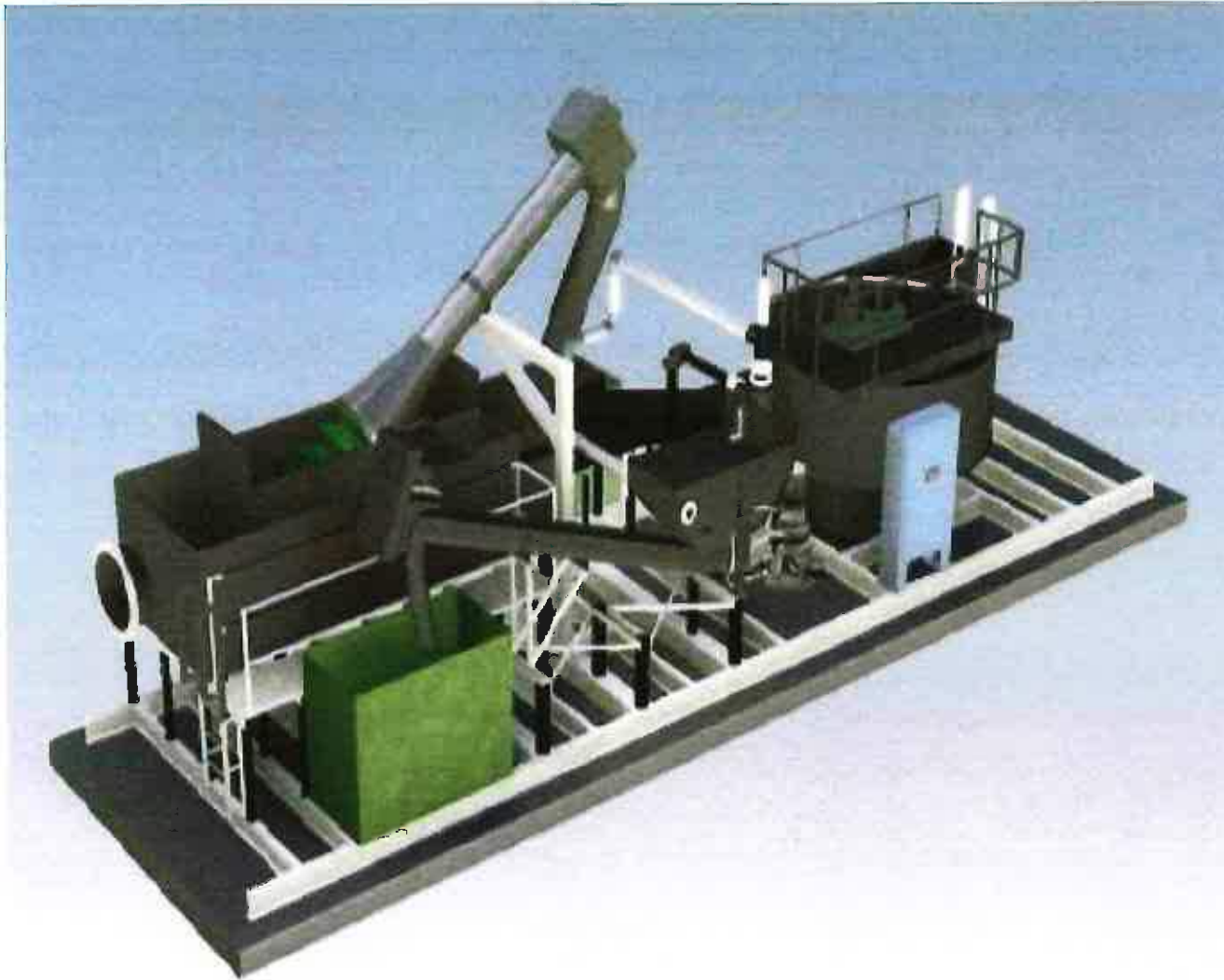
EQUALIZATION



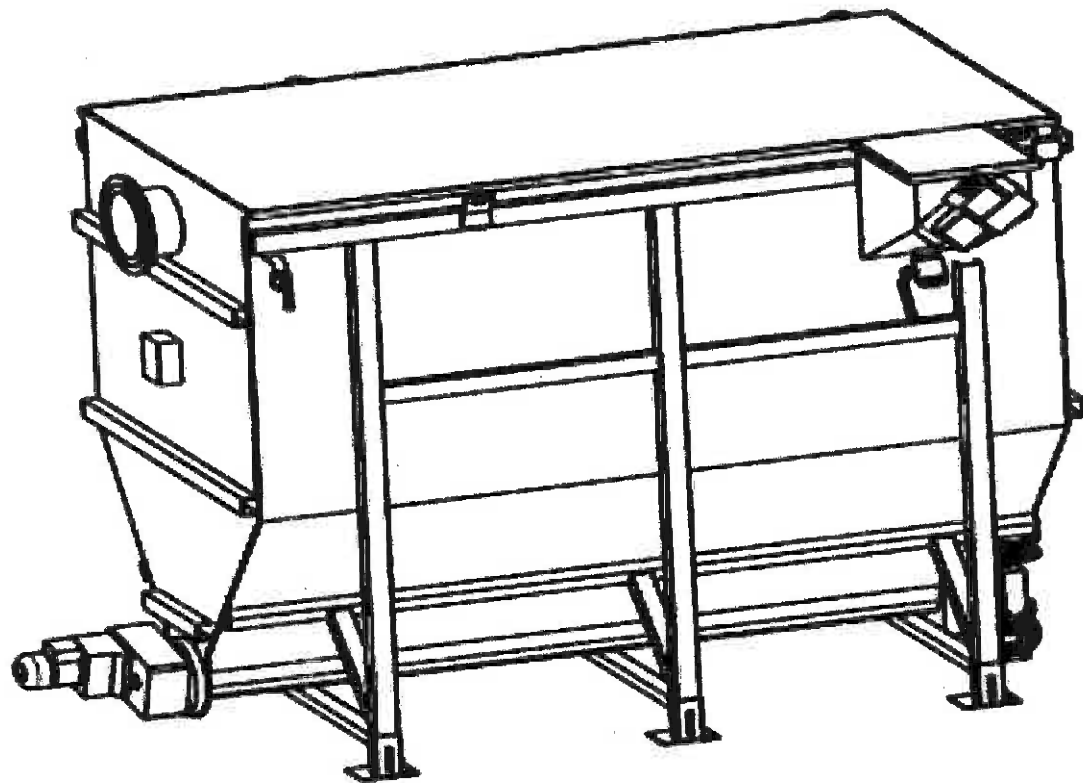


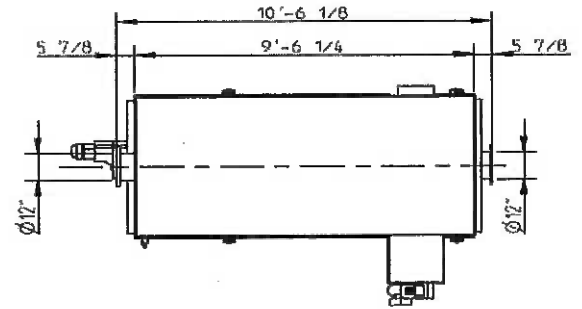
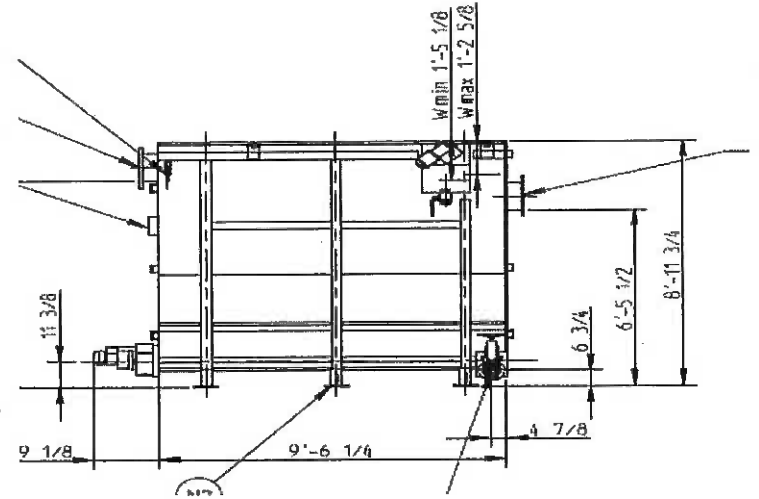
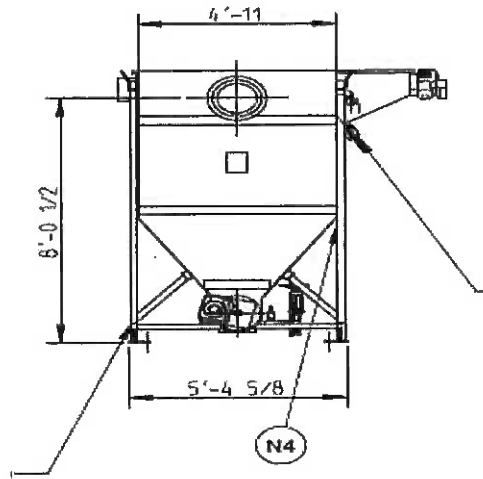
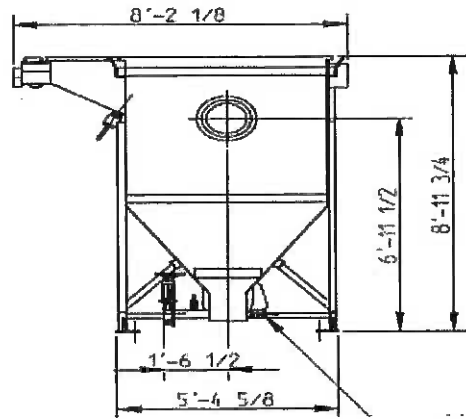
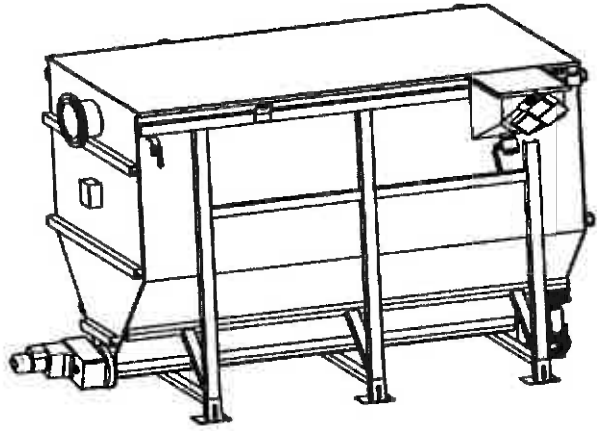
Sand/Grit Separation

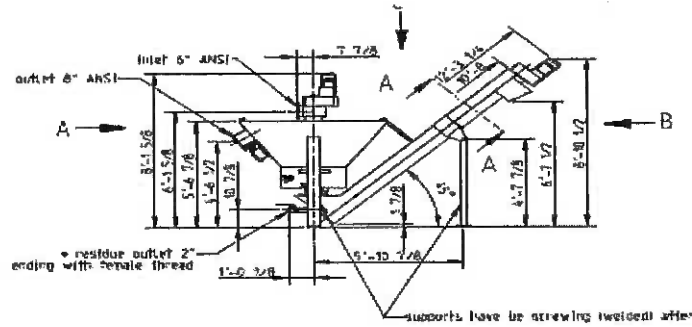
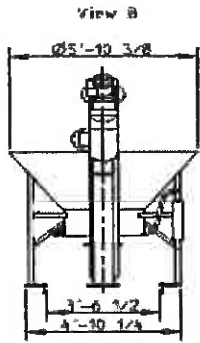




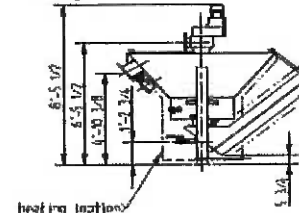
- Fine Screen
- Grit Removal System
- Grit Pump
- Grit Concentrator
- Grit Washer
- Control System



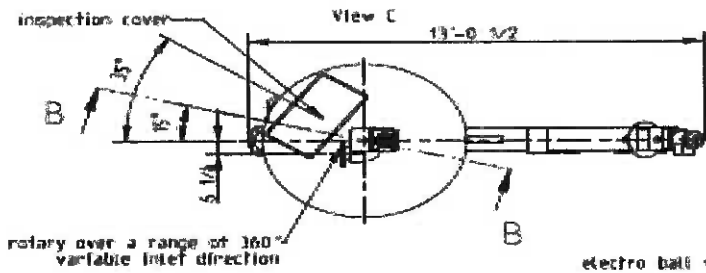




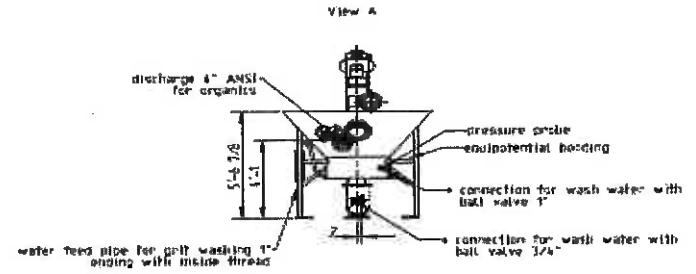
NOTE:
If the grit washing plant is heated,
the tank legs must be extended by
6" due to the brace loading
loading



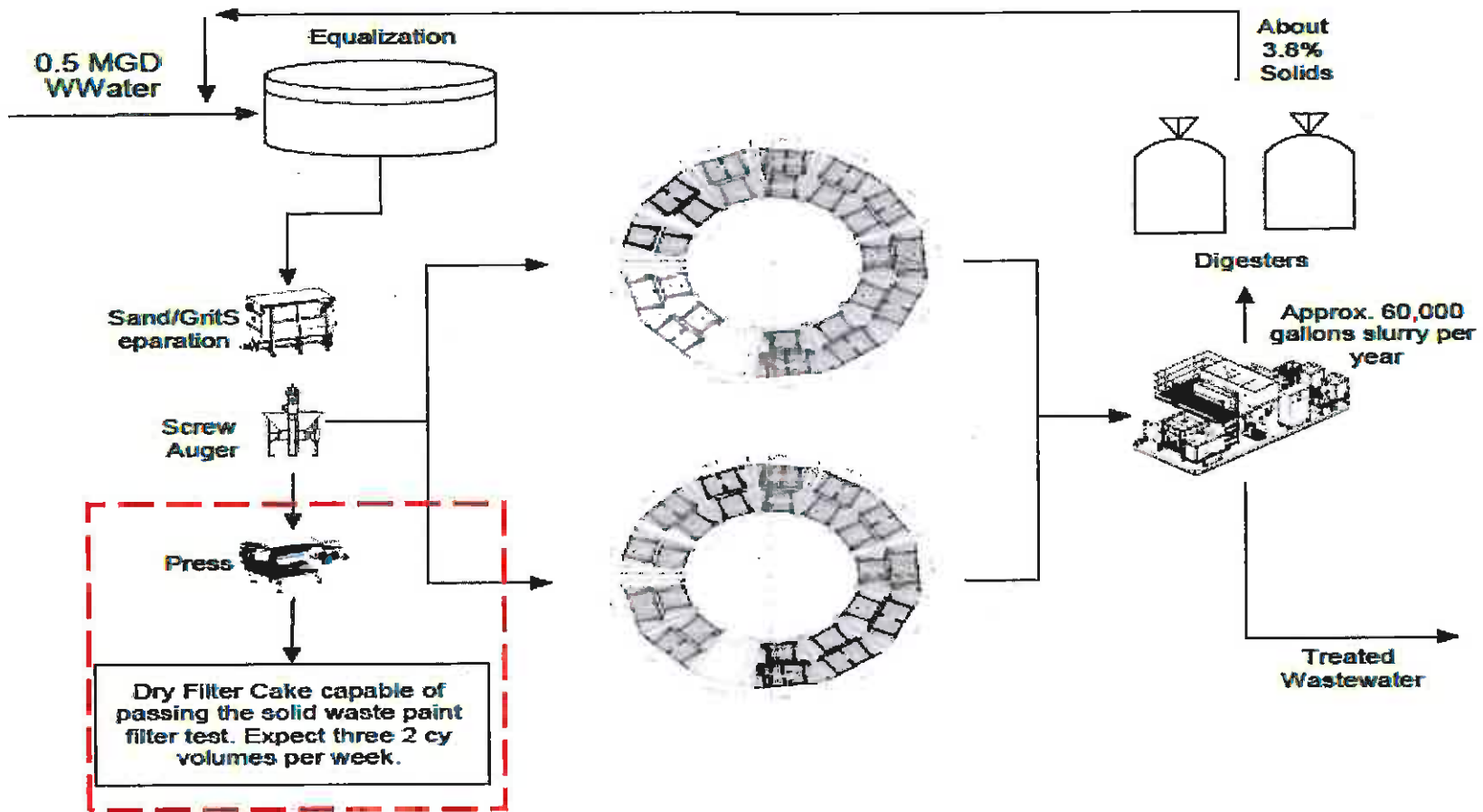
heating section



electro ball valve 4" ANSI-



Dry Caking

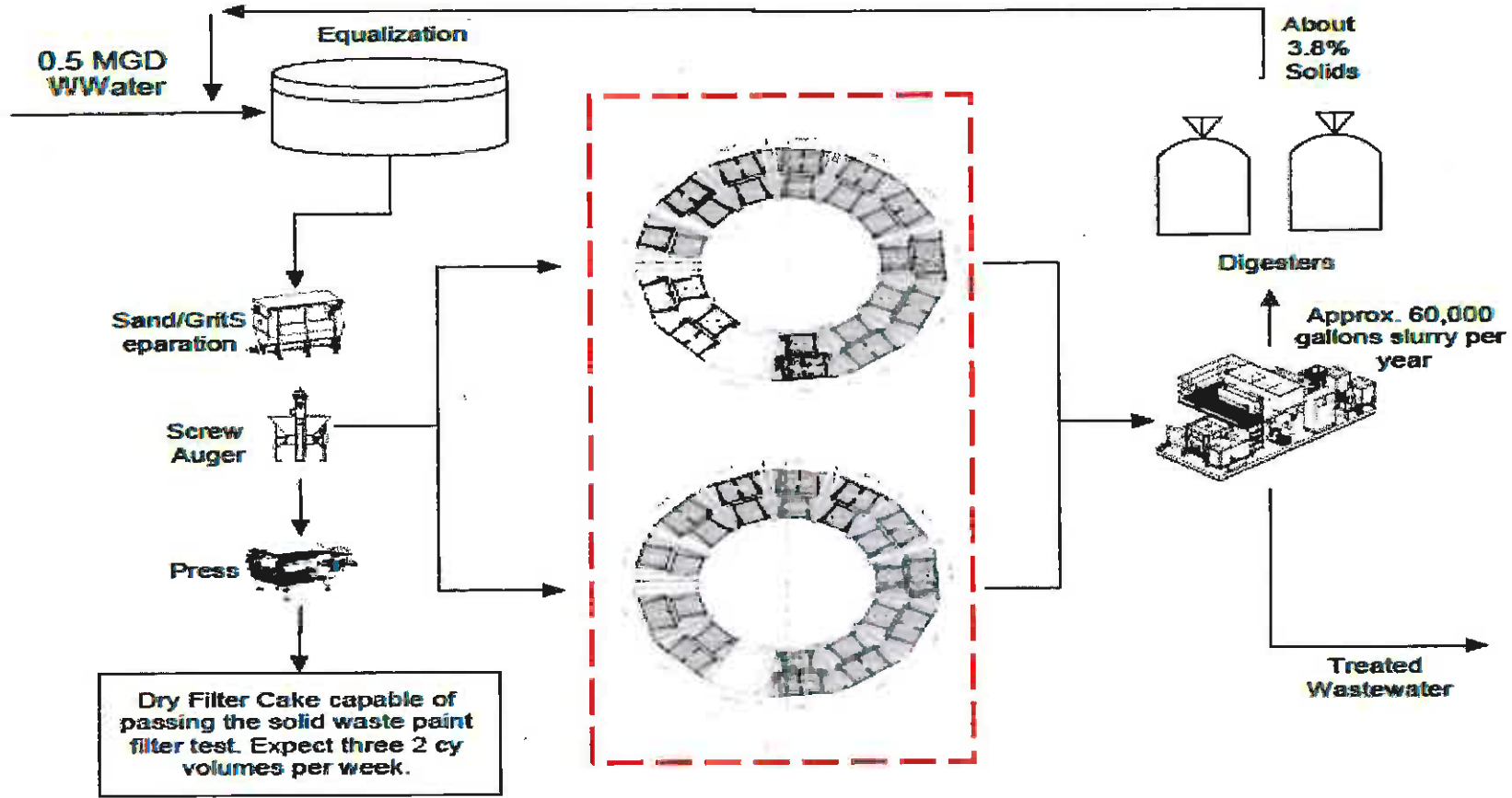








Biological Treatment



Bioreactor



Northern Moraine Utility Commission, Wisconsin – Dome Covered Package Plants Retrofitted with Fixed Biofilm Media



Aquarius Fine Bubble Diffused Aeration Provides High Oxygen Transfer Efficiency (OTE) and Media Scouring



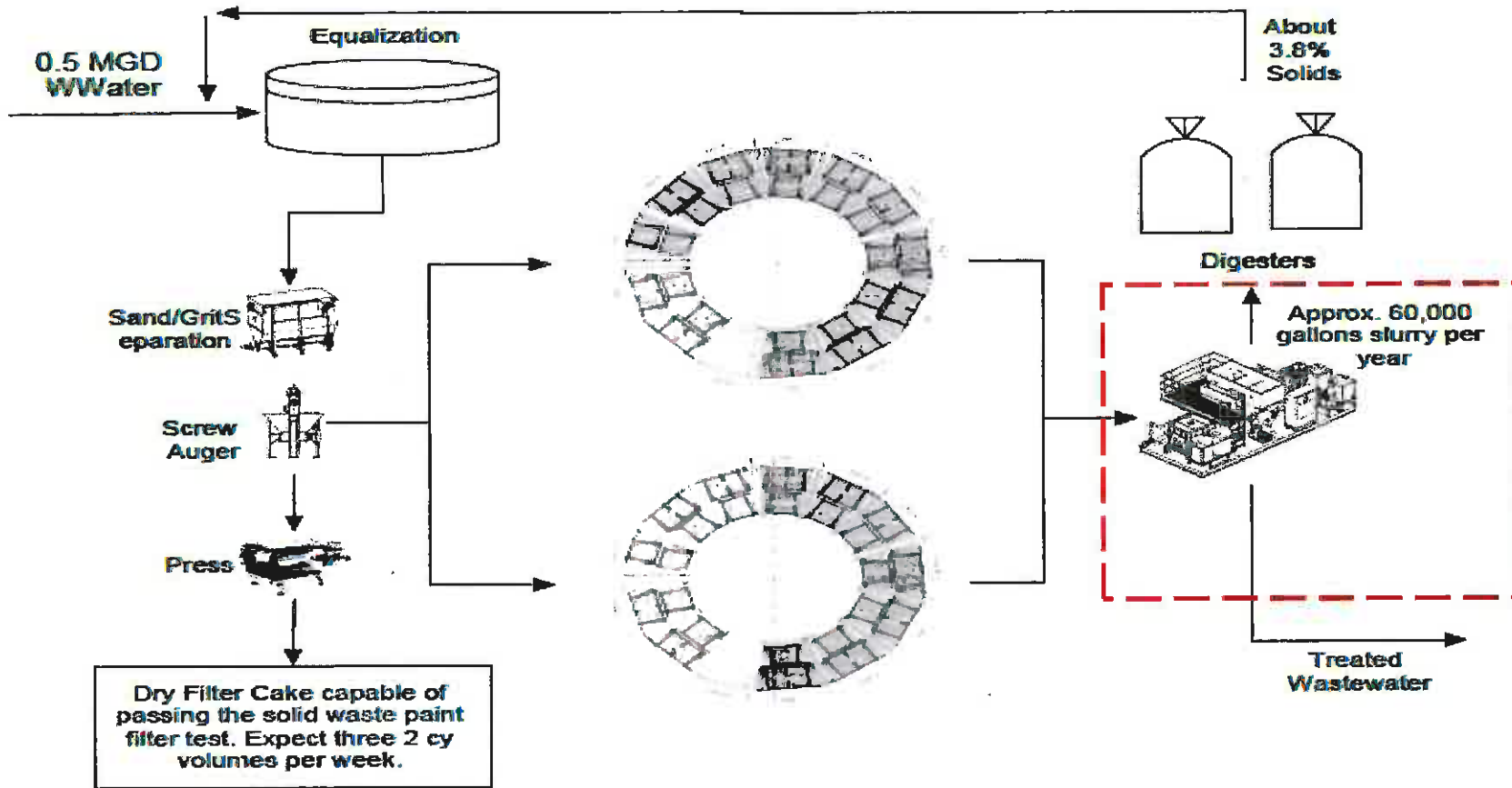
MultiStage Fixed Biofilm Media Installation

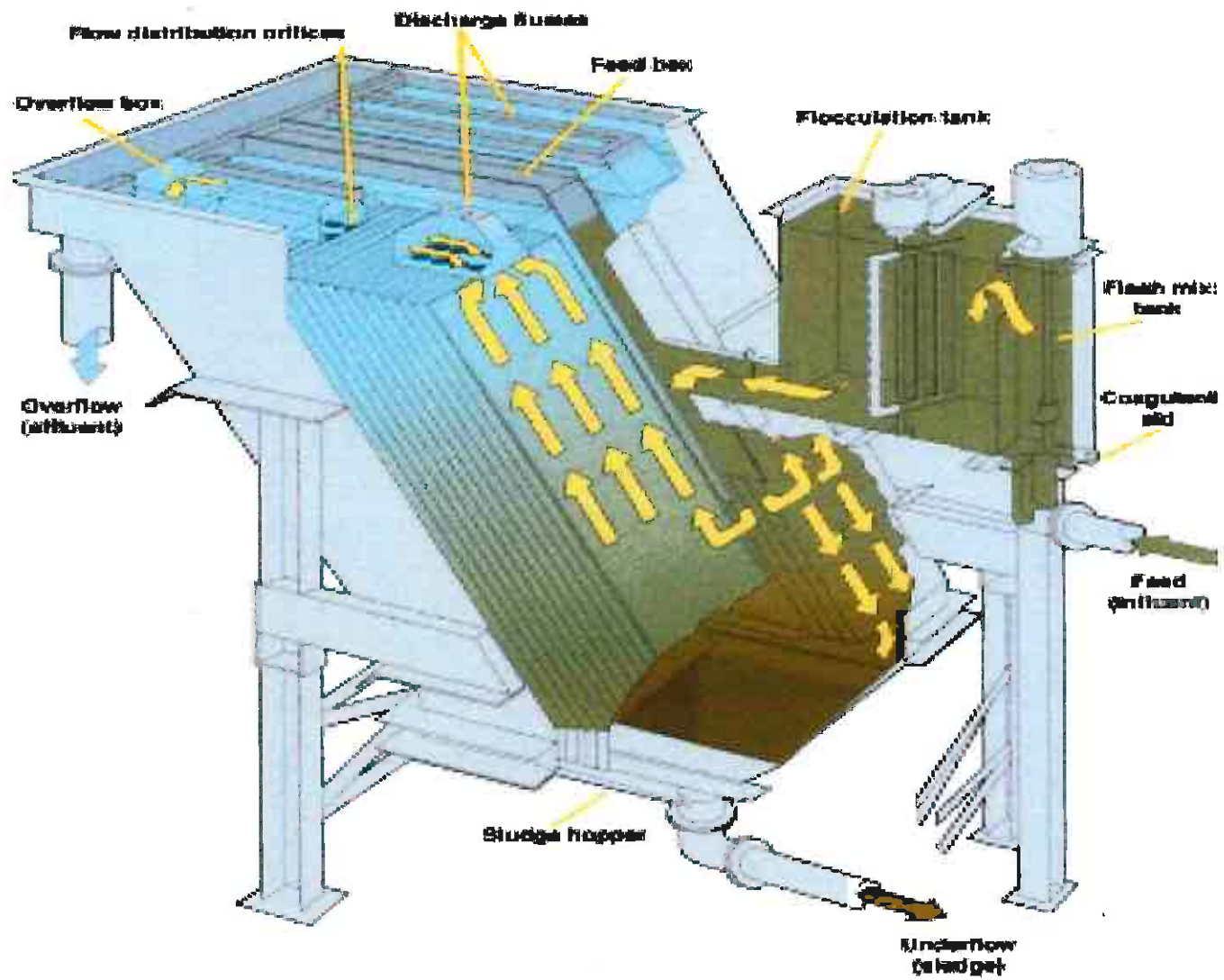


Treatment Stages with Fixed Biofilm Media

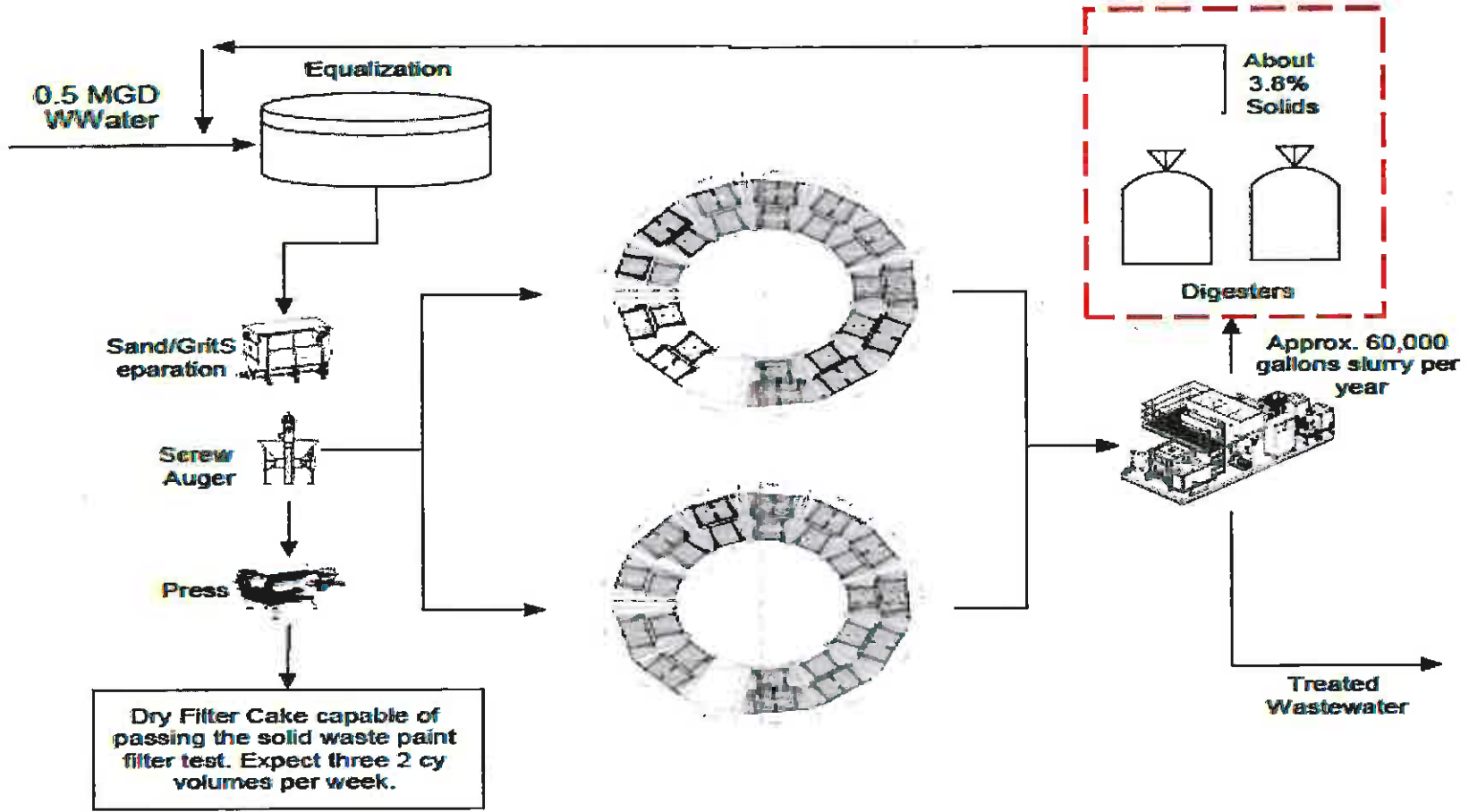


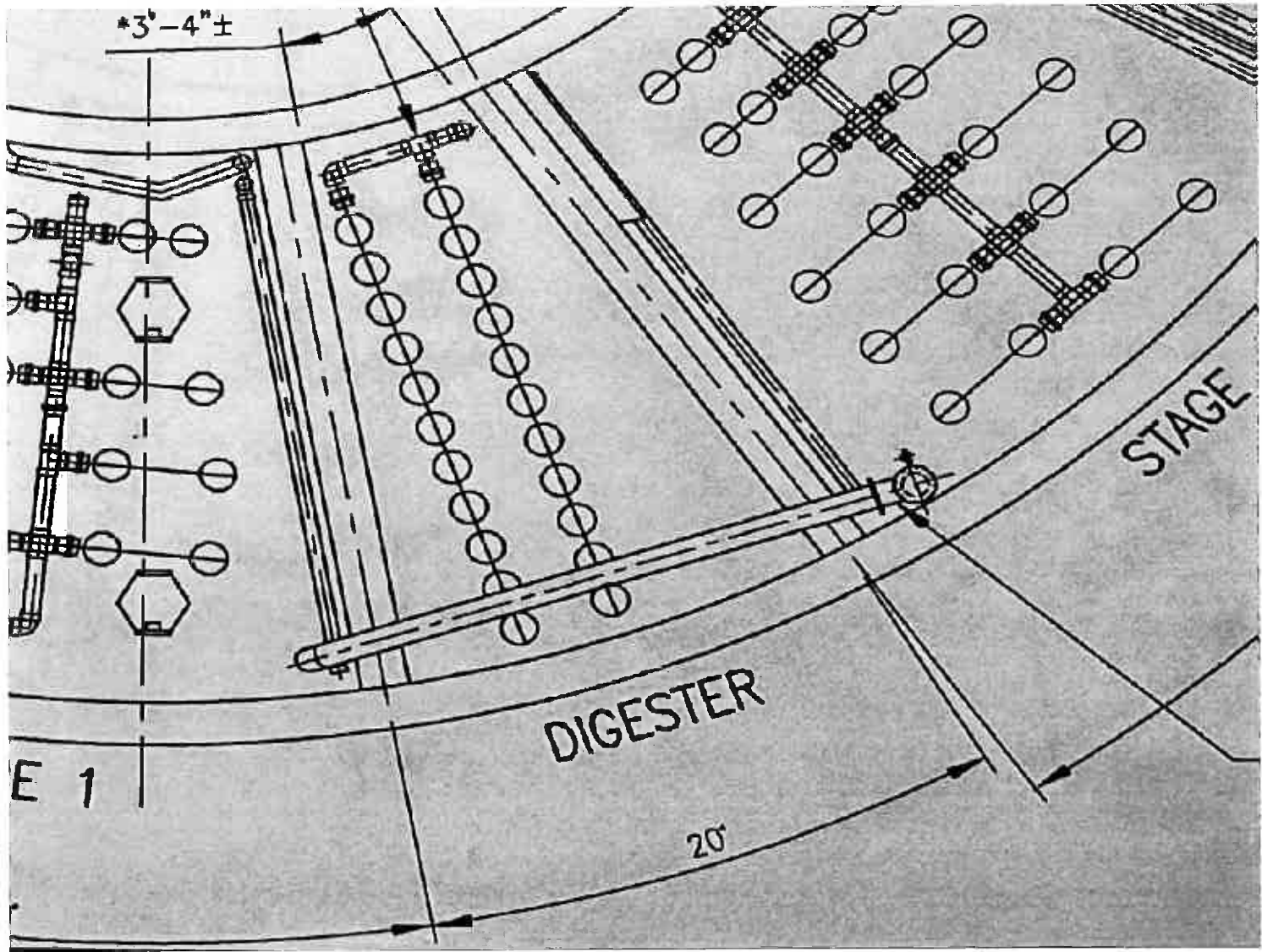
Secondary Clarification





Digestion





Sludge Recycling

(back to the beginning)

INFORMATION ITEM – B

DATE: December 8, 2021
RE: FEMA DR-4432 and DR-4452 Schedule and Updated Information
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- FEMA has approved the additional engineering & permitting funding. The original amount was \$120,000 and is now increased to \$337,538.61. The Port is waiting on OEM/FEMA to provide the contract changes.
- The approval for Scope of Work is dependent upon core sampling results. Core sampling is schedule for this weekend December 4 and 5. Laboratory results should be available in a few weeks. We are anticipating Scope of Work approval in January or February.
- Jack Akin / Port Engineer for the FEMA Project is working on alternative recommendations for disposing the sediment and some construction methods at the gear storage areas. If the dredging material falls under the criteria for washed sand, concrete suppliers in this area would take the material, as much as the Port could produce. If that is the case, dredge material fill and grading at gear storage would not be necessary. Only minor grading would be needed to make sure proper stormwater flows would be met. Plans for the boat yard and Kite Field areas should not change.

DOCUMENTS

- Preliminary Project Bar Schedule, 1 page

INFORMATION ITEM – C

DATE: December 8, 2021
RE: Storage Buildings Concept and Funding Opportunities
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

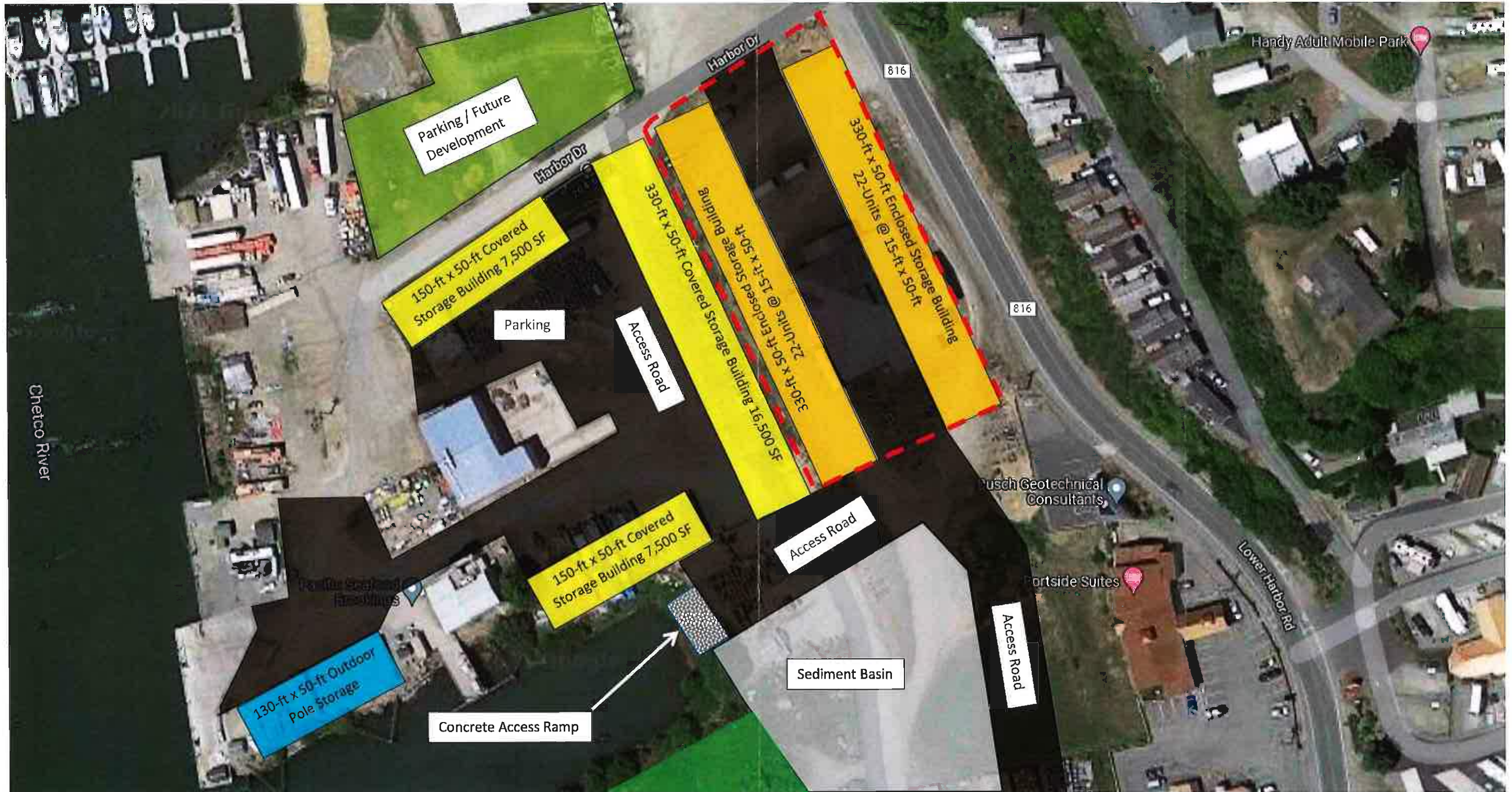
OVERVIEW

- Per our discussion on storage buildings from the last meeting and our upcoming FEMA Project, I started looking into the possibility of building storage units at the Green Building and other areas in the Port.
- Using last year's quote for the size of building, two 330-foot by 50-foot buildings could be placed on the exiting Green Building land. Another building could be built by Catalyst Seafood and Motorcycle Shop. Additional open-sided buildings could be built to provide more storage for commercial fishing gear.
- A preliminary conceptual drawing was created showing the FEMA Project upgrades, new enclosed storage buildings and open-sided storage buildings for commercial fishing gear.
- It's possible the FEMA Project could pick up the cost for the open-side buildings under the mitigation funding.
- Several metal building companies were contacted for quotes on enclosed and open-side buildings. Also made inquiries on tilt-up and CMU type buildings. So far, only one metal building supplier provided a quote and because the market is so unstable, the quote is only good for 7 days.
- Using some data from last year, I started working on projecting an estimated cost for the storage building project. Right now, the estimate is near \$2 million for three enclosed storage buildings and the associated work.
- If the Port wanted to fully fund this project, without any private business partnership, the Port would be looking at a \$2.5 million loan. The idea was presented to Business Oregon which showed some interest and wanted to see a financial analysis or return on investment (ROI). Also contacted Umpqua Bank and they were interested in seeing the same information.

DOCUMENTS

- Preliminary Conceptual Drawing, 2 pages
- Draft Financial Analysis / Return on Investment (ROI), 13 pages

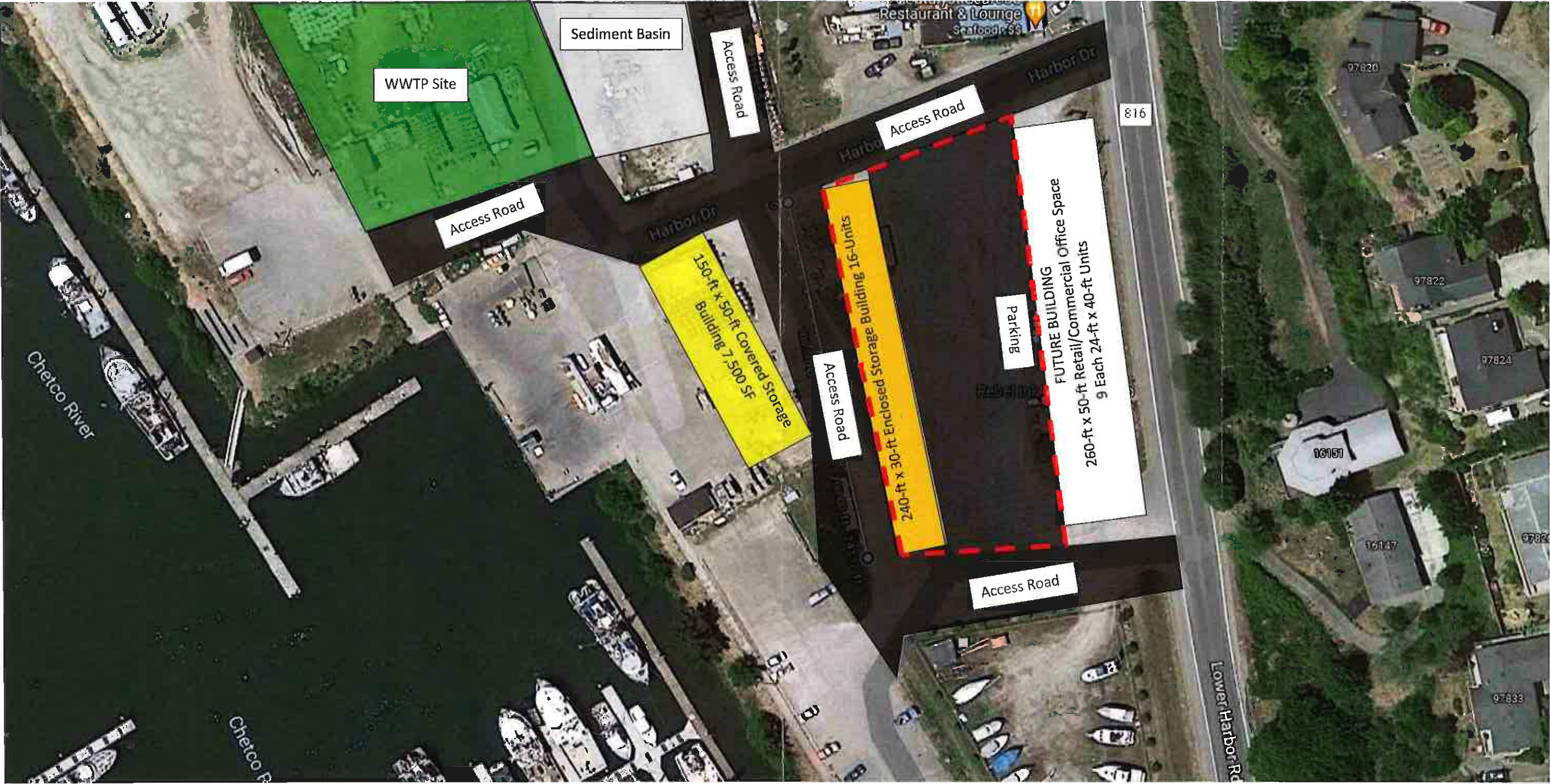
OPTION No. 2.1



Pole Storage = 6,500 SF
 Covered Storage Space = 23,400 SF
 Enclosed Storage Building Units = 44 / 15-ft x 50-ft = 750 SF/Unit / 80-ft space between buildings

--- Non-FEMA Areas

OPTION No. 2.1



Enclosed Storage Building Units = 16 / 15-ft x 50-ft = 750 SF/Unit / 80 to 100-ft between buildings

- - - - - Non-FEMA Areas

The Port of Brookings Harbor is investigating the opportunities of state or private funding source to build enclosed storage buildings for commercial or recreational use.

Background

The Port currently has 96,453 square feet of outdoor gear storage space that provides for 45 commercial fishing businesses. Has 78,000 square feet of outdoor boat storage for 116 customers this past year. These areas are mostly dirt and gravel as shown below.

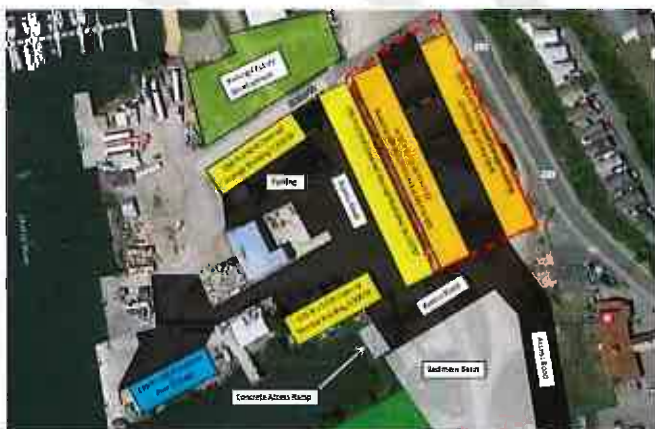


Early 2019, the Port received notice from Oregon Department of Environmental (ODEQ) to submit a 1200-Z NPDES Industrial Stormwater general permit. Subsequently, the Port industrial stormwater testing has failed the ODEQ pollution benchmarks which shows the need to develop the gear storage areas.

Two severe storms occurred in 2019 causing enough damage in Curry County and to the Port to activate FEMA disaster relief protocol for which the Port submitted storm damage to Basin 2 slopes and approximately 38,000 cubic

yards of sediment depositing in Basins 1 and 2. FEMA 406 Mitigation measures will provide infrastructure to reduce future storm related damages to Port facilities and industrial stormwater related issues.

In conjunction with the FEMA project, the Port would be building enclosed storage units with outside funding. Port is anticipating FEMA to fund the open-sided storage buildings for crab pots and boat gear. The FEMA project is expected to begin next year with the gear storage work to be completed in 2023. Below are preliminary drawings of proposed FEMA mitigation and storage buildings in the gear storage areas. FEMA engineered drawings are in production and expected to be completed in early 2022.



Storage Building Construction Method and Cost

Port received metal building quote in March 2020 for a 30'x330'x16' building with roll-up and walk-in doors. Received one quote recently without doors, insulation, erection costs. Combined the two quotes and then divided the total in half for this estimate. Other costs are based on experience and past construction expenses. We are waiting on couple more quotes from other metal building suppliers. We are also looking at other construction methods such as tilt-up concrete or CMU buildings for comparisons.

Construction costs for 3 buildings:

Description	Estimated Unit Cost	UOM	QTY	Cost
Metal Enclosed Building 330'x50' - 44 Units	321,378	EA	2	642,756
Metal Enclosed Building 240'x30' - 16 Units	206,900	EA	1	206,900
Engineering Plug Price	20,000	LS	1	20,000
Electrical Plug Price	100,000	LS	1	100,000
Insulation	100,000	LS	1	100,000
Plumbing	-			-
Storm Drain Plug Price	100,000	LS	1	100,000
Street Improvements Plug Price	-			-
Concrete	100	CY	900	90,000
Asphalt	5	SF	45,000	225,000
Permits	20,000	LS	1	20,000
Erection of Metal Buildings	5	SF	40,200	201,000
Drywall (firewall insulation between units)	2	SF	139,000	278,000
	Subtotal			1,983,656
	10% Contingency			198,366
	Estimated Total			2,182,022
	Adjustment for Inflation @ 6.2%		1.062	2,317,307

Construction costs for 2 buildings:

Description	Estimated Unit Cost	UOM	QTY	Cost
Metal Enclosed Building 330'x50' - 44 Units	321,378	EA	2	642,756
Engineering Plug Price	20,000	LS	1	20,000
Electrical Plug Price	75,000	LS	1	75,000
Insulation	75,000	LS	1	75,000
Plumbing	-			-
Storm Drain Plug Price	100,000	LS	1	100,000
Street Improvements Plug Price	-			-
Concrete	100	CY	610	61,000
Asphalt	5	SF	30,000	150,000
Permits	20,000	LS	1	20,000
Erection of Metal Buildings	5	SF	33,000	165,000
Drywall (firewall insulation between units)	2	SF	100,000	200,000
	Subtotal			1,508,756
	10% Contingency			150,876
	Estimated Total			1,659,632
	Adjustment for Inflation @ 6.2%		1.062	1,762,529

Construction costs for 1 building:

Description	Estimated Unit Cost	UOM	QTY	Cost
Metal Enclosed Building 330'x50' - 22 Units	321,378	EA	1	321,378
Engineering Plug Price	10,000	LS	1	10,000
Electrical Plug Price	50,000	LS	1	50,000
Insulation	50,000	LS	1	50,000
Plumbing	-			-
Storm Drain Plug Price	100,000	LS	1	100,000
Street Improvements Plug Price	-			-
Concrete	100	CY	310	31,000
Asphalt	5	SF	45,000	225,000
Permits	10,000	LS	1	10,000
Erection of Metal Buildings	5	SF	16,500	82,500
Drywall (firewall insulation between units)	2	SF	50,000	100,000
	Subtotal			979,878
	10% Contingency			97,988
	Estimated Total			1,077,866
	Adjustment for Inflation @ 6.2%		1.062	1,144,693

Storage Building Expenses

The web-based amortization calculator provided the total payments with the interest rate at 3%.

Monthly expenses include the loan, electric, insurance, overhead (office) and maintenance costs. Depreciation costs are excluded from the totals but are shown as a reference.

Expenses for 3 buildings at a \$2.5 million loan:

Monthly Expenses				
Loan to Finance Construction	11,855			
Electrical Monthly	600			
Insurance Monthly	1,200			
Overhead Monthly	500			
Maintenance Monthly	850			
Estimated Monthly Expenses	15,005			
Annual Expenses	180,060			
Expenses 20 Years	3,601,200			
Expenses 25 Years	4,501,500			
Description	Estimated Unit Cost	UOM	QTY	Cost
Depreciation for 1-Building @ 50 years Annually	6,420	EA	3	19,260
Depreciation for 1-Building @ 50 years 25-years	160,500	EA	3	481,500

Expenses for 2 buildings at a \$2 million loan:

Monthly Expenses				
Loan to Finance Construction	9,484			
Electrical Monthly	400			
Insurance Monthly	800			
Overhead Monthly	300			
Maintenance Monthly	600			
Estimated Monthly Expenses	11,584			
Annual Expenses	139,008			
Expenses 20 Years	2,780,160			
Expenses 25 Years	3,475,200			
Description	Estimated Unit Cost	UOM	QTY	Cost
Depreciation for 1-Building @ 50 years Annually	6,420	EA	2	12,840
Depreciation for 1-Building @ 50 years 25-years	160,500	EA	2	321,000

Expenses for 1 building at a \$1.25 million loan:

Monthly Expenses				
Loan to Finance Construction	5,928			
Electrical Monthly	200			
Insurance Monthly	400			
Overhead Monthly	300			
Maintenance Monthly	400			
Estimated Monthly Expenses	7,228			
Annual Expenses	86,736			
Expenses 20 Years	1,734,720			
Expenses 25 Years	2,168,400			
Description	Estimated Unit Cost	UOM	QTY	Cost
Deprecation for 1-Building @ 50 years Annually	6,420	EA	1	6,420
Deprecation for 1-Building @ 50 years 25-years	160,500	EA	1	160,500

Revenue for 3 Buildings

Initial designs for one 50'x330'x16' enclosed building would provide 22 individual spaces for 750 square feet per storage unit. The 30'x240'x12' building would provide 16 spaces at 450 square feet per unit. Below is a spreadsheet calculating the costs per square foot per month. Storage spaces in similar sizes in Brookings range from 37 to 52 cents per square foot. We have chosen 50 cents per square foot at this time for our calculations.

# Units	Units / SF	Price / SF / Month							
		0.15	0.20	0.25	0.30	0.35	0.40	0.45	0.50
Option No. 2.1									
Enclosed Storage Buildings 15-ft x 50-ft Space / 15-ft x 30-ft Space									
1	750	112.50	150.00	187.50	225.00	262.50	300.00	337.50	375.00
44	750	4,950	6,600	8,250	9,900	11,550	13,200	14,850	16,500
16	450	1,080	1,440	1,800	2,160	2,520	2,880	3,240	3,600
Total Monthly Income Option No. 2.1							\$ 20,100.00		100% Occupancy
							15,075.00		75% Occupancy
							12,060.00		60% Occupancy
Annual Income							\$ 241,200.00		100% Occupancy
							180,900.00		75% Occupancy
							144,720.00		60% Occupancy
Income 20 Years							\$ 4,824,000.00		100% Occupancy
							3,618,000.00		75% Occupancy
							2,894,400.00		60% Occupancy
Income 25 Years							\$ 6,030,000.00		100% Occupancy
							4,522,500.00		75% Occupancy
							3,618,000.00		60% Occupancy

Revenue for 2 Buildings

Removing the 30'x240'x12' building and with two 50'x330'x16' buildings the income would be:

# Units	Units / SF	Price / SF / Month							
		0.15	0.20	0.25	0.30	0.35	0.40	0.45	0.50
Option No. 2.2									
Enclosed Storage Buildings 15-ft x 50-ft Space									
1	750	112.50	150.00	187.50	225.00	262.50	300.00	337.50	375.00
44	750	4,950	6,600	8,250	9,900	11,550	13,200	14,850	16,500
Total Monthly Income Option No. 2.2				\$ 13,200.00			100% Occupancy		
				9,900.00			75% Occupancy		
				7,920.00			60% Occupancy		
Annual Income				\$ 158,400.00			100% Occupancy		
				118,800.00			75% Occupancy		
				95,040.00			60% Occupancy		
Income 20 Years				\$ 3,168,000.00			100% Occupancy		
				2,376,000.00			75% Occupancy		
				1,900,800.00			60% Occupancy		
Income 25 Years				\$ 3,960,000.00			100% Occupancy		
				2,970,000.00			75% Occupancy		
				2,376,000.00			60% Occupancy		

Revenue for 1 Building

Build one 50'x330'x16' building the income would be:

# Units	Units / SF	Price / SF / Month							
		0.15	0.20	0.25	0.30	0.35	0.40	0.45	0.50
Option No. 2.3									
Enclosed Storage Buildings 15-ft x 50-ft Space									
1	750	112.50	150.00	187.50	225.00	262.50	300.00	337.50	375.00
22	750	2,475	3,300	4,125	4,950	5,775	6,600	7,425	8,250
Total Monthly Income Option No. 2.3				\$ 8,250.00			100% Occupancy		
				6,187.50			75% Occupancy		
				4,950.00			60% Occupancy		
Annual Income				\$ 99,000.00			100% Occupancy		
				74,250.00			75% Occupancy		
				59,400.00			60% Occupancy		
Income 20 Years				\$ 1,980,000.00			100% Occupancy		
				1,485,000.00			75% Occupancy		
				1,188,000.00			60% Occupancy		
Income 25 Years				\$ 2,475,000.00			100% Occupancy		
				1,856,250.00			75% Occupancy		
				1,485,000.00			60% Occupancy		

Return on Investment (ROI)

Return on investment (ROI) is a financial ratio used to calculate the benefit an investor will receive in relation to their investment cost. It is most commonly measured as net income divided by the original capital cost of the investment. The higher the ratio, the greater the benefit earned.

We have included the total estimated monthly expenses to reflect the net profit.

ROI for the 3 buildings at 100% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Gain	\$1,528,500.00
ROI	33.96%
Annualized ROI	1.18%
Investment Length	25.00 years



ROI for the 3 buildings at 75% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Gain	\$21,000.00
ROI	0.47%
Annualized ROI	0.02%
Investment Length	25.00 years



ROI for the 2 buildings at 100% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Gain	\$484,800.00
ROI	13.95%
Annualized ROI	0.52%
Investment Length	25.00 years



ROI for the 2 buildings at 75% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Loss	\$505,200.00
ROI	-14.54%
Annualized ROI	-0.63%
Investment Length	25.00 years



ROI for the 1 building at 100% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Gain	\$306,600.00
ROI	14.14%
Annualized ROI	0.53%
Investment Length	25.00 years



ROI for the 1 building at 75% occupancy:

Return on Investment (ROI) Calculator

Amount Invested

Amount Returned

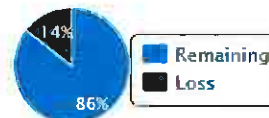
Investment Time:
 Use Dates Use Length

Investment Length years

Calculate

Result

Investment Loss	\$312,150.00
ROI	-14.40%
Annualized ROI	-0.62%
Investment Length	25.00 years



Financial Analysis Summary

The demand for large storage space is apparently abundant in this region. The waiting list for large storage spaces is over 6 months or more. The Port's ability to rent more than 75% occupancy could be achievable within the first year after construction.

3 Building Estimate – 60 Units

A loan for \$2.5 million amortized in 25 years to build three storage buildings including the monthly expenses could have costs at \$15,005 per month. The break-even profit to expense ratio for occupancy at 50 cent per square foot is 74.6%. 45 out of the 60 units would need to be rented the entire year to break-even.

If 100% of the units were rented all year for 25 years, the net income would be \$1,528,500 or \$61,140 per year

2 Building Estimate – 44 Units

A loan for \$2 million amortized in 25 years to build two storage buildings including the monthly expenses could have costs at \$11,584 per month. The break-even profit to expense ratio for occupancy at 50 cent per square foot is 87.75%. 38 out of the 44 units would need to be rented all year to break-even.

If 100% of the units were rented all year for 25 years, the net income would be \$484,800 or \$19,392 per year.

1 Building Estimate – 22 Units

A loan for \$1.25 million amortized in 25 years to build one storage building including the monthly expenses could have costs at \$7,228 per month. The break-even profit to expense ratio for occupancy at 50 cent per square foot is 87.6%. 19 out of the 22 units would need to be rented all year to break-even.

If 100% of the units were rented all year for 25 years, the net income would be \$306,600 or \$12,264 per year.

INFORMATION ITEM – D

DATE: December 8, 2021
RE: Fiscal Year 2020-21 Annual Audit Review
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Every year the previous fiscal year audit must be completed and submitted to the State of Oregon by December 31.
- We are anticipating receiving the final report documents next week to complete the FY 2020-21 Annual Audit.
- Our plan is to have the report available at our regular commissioner meeting for approval.

DOCUMENTS

- None

INFORMATION ITEM – E

DATE: December 8, 2021
RE: Cat Houses at the Port
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- The Port received two emails from the caretaker that the feral colonies at the boat yard and ice house were removed.
- The cat houses at the boat yard were removed and work is going on now to secure the boat yard area.

DOCUMENTS

- Emails from Jan Henault, 2 pages

portmanager@portofbrookingsharbor.com

From: Danielle King <danielle@portofbrookingsharbor.com>
Sent: Wednesday, December 1, 2021 11:39 AM
To: Gary Dehlinger
Subject: Fwd: Cat at Ice House

----- Forwarded message -----

From: Danielle King <danielle@portofbrookingsharbor.com>
Date: Wed, Dec 1, 2021 at 11:39 AM
Subject: Re: Cat at Ice House
To: Jan Henault [REDACTED]

Thank you for letting us know.

On Wed, Dec 1, 2021 at 11:00 AM Jan Henault [REDACTED] > wrote:
We've relocated the cat, named Face, who lived at the Ice House. All cats that we've cared for are no longer at the Port. Good luck in the future, I hope the Port management will develop a plan to humanely deal with cats that are abandoned or that find their way to Port property in the future.

Jan Henault

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From: Danielle King <danielle@portofbrookingsharbor.com>
Sent: Friday, November 12, 2021 3:42 PM
To: Gary Dehlinger
Subject: Fwd: Colony cats

----- Forwarded message -----

From: Danielle King <danielle@portofbrookingsharbor.com>
Date: Fri, Nov 12, 2021 at 3:41 PM
Subject: Re: Colony cats
To: Jan Henault <[REDACTED]>

Thank you for the update, we will be in contact before the Port does anything to the houses.

On Fri, Nov 12, 2021 at 3:24 PM Jan Henault <[REDACTED]> wrote:

Hi Danielle,

We got the last of 5 cats at the feral colony next to the Boat Yard on Boat Basin Road. Please be aware that there is 1 cat at the colony near the Ice House. I'm working to catch him and relocate him to the safe place we have on private property. I will let you know as soon as I get him. He may take a while (he's smart!).

We will be removing as much of the infrastructure as possible as soon as things can dry out a bit and it is safe to do so. Much of it was built over the years by Port employees for the care of the cats. We will need help to disassemble it all for removal. I'd appreciate talking to you before the Port takes any action.

Please let me know you've received this message.

Jan Henault
[REDACTED]



INFORMATION ITEM – F

DATE: December 8, 2021
RE: New Fire Hydrant at Basin 2 Eastside
TO: Honorable Board President and District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- McLennan Excavation will begin construction to install the new fire hydrant at Basin 2. Expect some traffic control and possible short delays when they cross Lower Harbor Road.

DOCUMENTS

- None