

PORT OF HOOD RIVER COMMISSION
Tuesday, November 1, 2016
Marina Center Boardroom

Regular Session Agenda

5:00 P.M.

1. Call to Order
 - a. Modifications, Additions to Agenda
 2. Public Comment (5 minutes per person per subject; 30 minute limit)
 3. Consent Agenda
 - a. Approve Minutes of October 18, 2016 Regular Session ([Laurie – Page 3](#))
 - b. Approve Use Agreement with Hood River Soaring for Temporary Storage Container at Ken Jernstedt Airfield ([Anne – Page 7](#))
 - c. Approve Addendum No. 2 to Lease with WyEast Laboratories, Inc. at Timber Incubator Building ([Anne – Page 13](#))
 - d. Approve Accounts Payable for Hood River County Property Taxes for \$180,090.57 ([Anne – Page 17](#))
 4. Reports, Presentations and Discussion Items
 - a. 2017 Bridge Toll Increase Alternatives ([Fred – Page 19](#))
 - b. Wasco Building Co-work Space Model Proposal ([Anne – Page 21](#))
 - c. Airport Utility Classification Change ([Anne – Page 25](#))
 5. Director’s Report ([Michael – Page 29](#))
 6. Commissioner, Committee Reports
 - Airport Advisory Committee, Commissioners Streich and Duckwall (Oct. 26)
 - Marina Committee, Commissioner Shortt (Oct. 27)
 7. Action Items
 - a. Approve Contract Amendment No. 1 with DKS Associates for Bridge Signage Plan Not to Exceed \$30,735 ([Michael – Page 39](#))
 - b. Approve Resolution No. 2016-17-3 Adopting Whistleblower Protections Policy ([Scholl – Page 45](#))
 8. Commission Call
-
9. Executive Session under ORS 192.660(2)(e) Real Estate Negotiations
 10. Possible Action
 11. Adjourn

If you have a disability that requires any special materials, services, or assistance, please contact us at 541-386-1645 so we may arrange for appropriate accommodations.

*The chair reserves the opportunity to change the order of the items if unforeseen circumstances arise. The Commission welcomes public comment on issues not on the agenda during the public comment period. With the exception of factual questions, the Commission does not immediately discuss issues raised during public comment. The Commission will either refer concerns raised during public comment to the Executive Director for a response or will request that the issue be placed on a future meeting agenda. People distributing copies of materials as part of their testimony should bring **10 copies**. Written comment on issues of concern may be submitted to the Port Office at any time.*

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Port of Hood River Commission
Meeting Minutes of October 18, 2016 Regular Session
Marina Center Boardroom
5:00 P.M.

THESE MINUTES ARE NOT OFFICIAL until approved by the Port Commission at the next regular meeting.

Present: Commissioners Fred Duckwall, Rich McBride, Brian Shortt, and Hoby Streich; Legal Counsel Jerry Jaques; from staff, Michael McElwee, Fred Kowell, Genevieve Scholl, Liz Whitmore, and Laurie Borton

Absent: Commissioner Jon Davies; and from staff, Anne Medenbach

Media: None

1. CALL TO ORDER: President Brian Shortt called the Regular Session meeting to order at 5:01 p.m.
 a. **Modifications, Additions to Agenda:** A new item regarding approval of a Release of Claim with Union Pacific was added as an Action Item; and documentation supporting the Century West environmental assessment services action item was provided.

2. PUBLIC COMMENT: John Herron, who recently vacated space in the Marina Park “Chamber Building” requested a release of his rent obligations under the terms of his lease agreement. Moorage tenants Chuck Shuster, Marc Lapierre, and Chris Ellison spoke about the continuing breaker trips on north C Dock and the need for a reliable electrical service with winter approaching. Executive Director Michael McElwee informed the Commission that with the installation of GFCI breakers in each pedestal the problem should be resolved or identify if there is a pedestal or boat system problem. McElwee commented that each weekday morning and evening the power is checked and outages reported to the Facilities Department emergency cell number are responded to. Upon the advice of the electrician, Megger testing of insulation resistance is not warranted at this time. Shortt thanked Shuster, Lapierre, and Ellison for their time and comments.

- 3. CONSENT AGENDA:**
- a. Approve minutes of October 4, 2016 Regular Session
 - b. Approve appointments of Mark Hickock and Bart Vervloet to the Waterfront Recreation Committee with terms ending June 30, 2018
 - c. Approve appointments of Ken Musser and James Stuart to the Airport Advisory Committee with terms ending June 30, 2019 and June 30, 2017 respectively and Jeremy Young as FBO ex-officio member
 - d. Approve contract with Griffin Construction LLC for exterior repairs to the Chamber Building for \$9,000 with a total contract amount not to exceed \$11,000
 - e. Approve accounts payable to Jaques Sharp Attorneys at Law in the amount of \$6,380

Motion: Move to approve Consent Agenda
Move: Duckwall
Second: McBride
Vote: **Aye:** Duckwall, McBride, Shortt, and Streich
Absent: Davies

MOTION CARRIED

4. REPORTS, PRESENTATIONS AND DISCUSSION ITEMS:
 a. **Annual Waterfront Report:** Liz Whitmore, Waterfront Coordinator, provided a summary of usage, site improvements, and events along the waterfront for the 2016 season. Whitmore’s report also included

information on Event Site parking receipts along with waterfront recreation revenue and expenditures. Shortt thanked Whitmore for the informative report and inquired about the possibility of including boat counts/launch numbers in next year's annual report.

b. Marine Deputy Services in 2016, Deputy Quinton Nelson and Sheriff Matt English: As required by the 2015 Intergovernmental Agreement, Marine Deputy Nelson provided a summary of 2016 incidents between June 15 and September 15, and a three-year comparison of law enforcement contacts and patrol and boat hour services provided. Sheriff English commented on his efforts to establish a division dedicated to visitor services (land search and rescue, water rescue, etc.) but said that identifying partners to assist with funding has proven to be problematic. McElwee noted the working relationship with HRSO has been very good and suggested that over the winter they could revisit a proposal that could significantly reduce man hours when refueling watercraft on land.

c. Accounting System Conference Report: Fred Kowell, Chief Financial Officer, briefed the Commission on a conference he, Melissa Child, and Janet Lerner attended in September where one-on-one training in areas of various expertises was received, troubleshooting changes that needed to be made, and looking at modules that could be integrated into the existing Great Plains system. Kowell also reported that "Positive Pay," a fraud prevention feature, has since been implemented.

d. FAA, Connect VI Project Update: Kowell reported on a Federal Aviation Administration policy change that requires an environmental assessment ("EA") on any Airport Layout Change ("ALP") and before any construction occurs regardless of the funding source. This change impacts the Ken Jernstedt Airfield due to the wetland located on the north side of the airfield and the FAA's review can take 12-18 months to complete. The FAA had an EA scheduled in 2018 for the north ramp project; however work was planned to begin in 2017. Staff worked with Hal Hiemstra of Summit Strategies, congressional staff, and the regional FAA to identify a more responsive schedule that has resulted in the FAA allowing the Port to initiate the EA process now which will keep the project on schedule per the Connect VI timeline. Kowell also reported the land trade with Terry Brandt that received Commission approval May 10 required FAA involvement, which is now being done; so the Port will be in compliance and future FAA project funding should not be in jeopardy.

5. DIRECTOR'S REPORT: A draft agenda for the November 15 Fall Planning Work Session was provided to the Commission for input. McElwee reported on his attendance at the October 12-14 Pacific Northwest Waterways Association conference. The ground faults that are occurring on north C Dock have continued after installation of replacement outlets; GFCI breakers for each pedestal should be installed by the end of October. Documentation has been kept on the issue and ongoing updates have been communicated to the tenants. McElwee informed the Commission that Key Development will be preparing an amendment to the Disposition and Development Agreement ("DDA") regarding use and exterior design changes to the 'Turtle Island Building' adjacent to Anchor Way; a draft should be available for review in November. Stafford Bandlow Engineers will be onsite October 27-29 to carry out magnetic particle testing and trunnion bearing inspections; bridge lifts will be required and notices about traffic delays have been communicated.

6. COMMISSIONER, COMMITTEE REPORTS:

a. Urban Renewal, Commissioners Streich and Davies: There was no meeting on October 10.

7. ACTION ITEMS:

a. **Approve Task Order 3 with Century West Engineering for Environmental Assessment Services at Ken Jernstedt Airfield Not to Exceed \$20,000:** This task is created under the existing Century West contract and will outline preliminary work needed to begin the environmental assessment for the north apron development at the airport. The assessment must be completed before work can commence on the *ConnectOregon* VI grant-funded site development project. An additional task order or amendment will be required once the final scope and fee are approved by the FAA, which should be determined within the next 30-60 days.

Motion: Move to approve Task Order No. 3 with Century West Engineering for environmental assessment services at the Ken Jernstedt Airfield not to exceed \$20,000.

Move: Duckwall

Second: Streich

Vote: **Aye:** Duckwall, McBride, Shortt, and Streich

Absent: Davies

MOTION CARRIED

b. **Approve Marina Fuel Pump Lease and Operations Agreement with Columbia Room, Inc., dba Hood River Shell and Marina Mart:** This action was initially approved August 16; however, the Agreement was not executed due to insurance questions, which have now been resolved. In addition to the general liability provisions, there is a new requirement for fuel tank pollution liability coverage and Hood River Shell has agreed to pay this additional coverage. Upon execution, Hood River Shell will pay a monthly \$25 fee to the Port plus a 20 cent per gallon fuel flowage fee.

Motion: Move to approve the Marina Fuel Operations Lease Agreement with Columbia room, Inc. dba Hood River Shell and Marina Mart subject to legal counsel review.

Move: McBride

Second: Streich

Vote: **Aye:** Duckwall, McBride, Shortt, and Streich

Absent: Davies

MOTION CARRIED

c. **Approve Union Pacific Release of Claim** [agenda addition]: A claim for repairing weld cracks on the Interstate Bridge deck and cost to replace containment booms was submitted to Union Pacific Railroad related to the June 3 Mosier redirection of traffic. A claim for lost cash revenue during the traffic diversion was also submitted but denied by the railroad. Kowell recommended approval of the settlement, which has been reviewed by legal counsel with changes made by Jerry Jaques incorporated into the Release language.

Motion: Move to approve the Union Pacific Railroad Company Property Damage Release Agreement in the amount of \$13,390.

Move: Duckwall

Second: McBride

Vote: **Aye:** Duckwall, McBride, Shortt, and Streich

Absent: Davies

MOTION CARRIED

8. COMMISSION CALL: None.

9. EXECUTIVE SESSION: None.

10. POSSIBLE ACTION: None.

11. ADJOURN: At 7:05 p.m. President Shortt entertained a motion from Commissioner Duckwall to adjourn the meeting.

Respectfully submitted,

Laurie Borton

ATTEST:

Brian Shortt, President, Port Commission

Jon Davies, Secretary, Port Commission

Commission Memo



Prepared by: Anne Medenbach
Date: November 1, 2016
Re: Hood River Soaring Temporary Storage

Hood River Soaring is growing and would like to continue their concession for another season. Their season ends in October and restarts in May. They do not yet have an off-airport location to store their gliders. They have two gliders that they would like to store at the Airfield in a temporary structure (container).

This storage would be allowed on a temporary, one-time basis only; from November 2016 through May 2017 with no renewal options. Staff feels that supporting Hood River Soaring through their first winter is reasonable, but a permanent solution will have to be found by the club for future winters. The Port does not want to set a precedent of allowing containers on the airport long term.

The Airport Advisory Committee (AAC) voted to allow this, as long as it was temporary and expressed the feeling that this will help the club during their building year.



RECOMMENDATION: Approve Use Agreement with Hood River Soaring for temporary storage container at the Ken Jernstedt Airfield.

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**USE AGREEMENT
BETWEEN THE PORT OF HOOD RIVER AND HOOD RIVER SOARING**

1. **Agreement:** Subject to the terms of this Use Agreement (“Agreement”) the Port of Hood River (“Port”) grants to Hood River Soaring, a 501(c)3 organization (User) permission to temporarily park a storage container (“Storage”) on the southeast side of the Ken Jernstedt Airfield, a Port-owned property located Hood River, Oregon. Storage is designated on Exhibit ‘A’. User shall utilize the Storage for the storage of no more than 2 gliders.
2. **Fee:** User shall pay \$1.
3. **Term:** This Agreement shall commence on November 5, 2016 and continue through April 30, 2017 (“Term”).
4. **Laws:** User shall comply with all federal, state and local laws, codes, regulations and ordinances applicable to its occupancy or use of Port property, and shall comply with all Port ordinances, rules or requests regarding use of the area during the term of this Agreement. During the Term, User agrees to comply with all applicable FAA and airport regulations. This is not a concession agreement and no flight operations or concessionary use is allowed under this agreement.
5. **User’s Insurance:** User shall hold the Port, its employees, agents and Commissioners harmless from and indemnify them against any claims or liability for damage to persons or property in any way related to User occupancy or use of Port property. During the term of this Agreement User shall carry and keep in effect a Commercial General Liability insurance policy covering bodily injury and property damage in a form reasonably acceptable to the Port issued on an occurrence basis in an amount not less than \$1,000,000 combined single limit per occurrence (“Commercial Insurance”), and shall keep in effect motor vehicle insurance coverage for all vehicles located on Port property (“Vehicle Insurance”). Before User uses the Storage, User shall provide the Port with proof of insurance coverage with a certificate naming the Port, its employees, agents and Commissioners as an additional insured, and requiring that insurance coverage shall not be canceled without thirty (30) days written notice from the insurance company to the Port.
6. **Port’s Insurance:** Oregon law (ORS 87.686) requires that rental agreements which pertain to Storage space provide certain notifications about the application of insurance to the personal property stored in such space. Lessor hereby notifies Lessee that the personal property stored in the Storage unit(s) is not protected by Lessor’s insurance. By signing below, Lessee acknowledges receipt of this notice.
7. **Covenants:** User shall not do anything which damages Port property. User shall keep the Storage in at least as good condition as it was in at the outset of the Agreement term. At the expiration of the term, User shall promptly remove all personal property from the Storage and shall return it to the Port in good, clean condition.
8. **Attorney Fees:** In any action or proceeding for the collection of any sums or charges which may be payable hereunder, User agrees to pay, in addition thereto, a reasonable sum for Port’s attorney fees and court costs before suit, at suit or on appeal.

9. **Signing Authority:** Each person signing this Agreement on behalf of the Port and User represents and warrants they have the right to do so.

Dated: _____, 2016.

HOOD RIVER SOARING

PORT OF HOOD RIVER

By: _____

By: _____
Michael S. McElwee

Its: _____

Its: Executive Director

Address:
Hood River, OR 97031
Phone:
Email:

Address: 1000 E. Port Marina Drive
Hood River, OR 97031
Phone: (541) 386-1645
Email: porthr@gorge.net

Exhibit A



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Commission Memo



Prepared by: Anne Medenbach
Date: November 1, 2016
Re: WyEast Laboratories Addendum No. 2

WyEast Laboratories, Inc. has been a tenant at the Timber Incubator since 2013. They would like to extend their lease for another year with one additional extension option. They lease 5,000sf for storage and office use as well as for deliveries and shipping.

RECOMMENDATION: Approve Lease Addendum No. 2 with WyEast Laboratories, Inc. at the Timber Incubator building, subject to legal counsel review.

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ADDENDUM NO. 2 TO LEASE

Whereas, the Port of Hood River ("Lessor") and WyEast Laboratories, Inc. ("Lessee") entered into a lease of 5,000 square feet at 3875 Heron Drive, Suite 100 and 200, Odell, Oregon, effective July 1, 2013 ("Lease"); and,

Whereas, Lessee has exercised Lessee's one year renewal option to extend the Lease term to June 30, 2015; and

Whereas, Lessee exercised Lessee's option to renew the lease through June 30, 2016 via written email notice; and

Whereas, Lessee would like to add 2 additional renewal periods of one year each to the original lease term through June 30, 2018;

Therefore, Lessor and Lessee agree as follows:

1. The Lease term shall be renewed and the Lease shall remain in effect through June 30, 2017.
2. An additional renewal year from July 1, 2017 through June 30, 2018 will be available with written notice from Lessee.

Except as modified by Addendum No.1 and this Addendum No. 2 to Lease, all terms and conditions of the Lease shall remain in full force and effect.

DATED THIS _____ DAY OF _____ 2016.

By: _____
Michael S. McElwee, Port of Hood River, Executive Director

By: _____
Jeannette Kreft-Logsdon, President, WyEast Laboratories, Inc.

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Commission Memo



Prepared by: Fred Kowell
 Date: November 1, 2016
 Re: Accounts Payable Requiring Commission Approval

Hood River County	
<i>Property tax statements</i>	
Airport Hangars & Land	\$ 3,702.99
Big 7 Building	19,501.56
Halyard Building	56,110.85
Jensen Building	42,151.04
Marina Office & DMV Buildings	11,848.24
Marina Park, HR Yacht Club	1,351.85
Maritime Building	15,520.99
Timber Incubator Building	7,071.95
Wasco Building	22,831.10
Total Property Taxes to Pay	<u>\$ 180,090.57</u>
TOTAL ACCOUNTS PAYABLE TO APPROVE	<u>\$ 180,090.57</u>

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Commission Memo



From: Fred Kowell
Date: November 1, 2016
Re: 2017 Bridge Toll Increase Alternatives

Below are four scenarios that need to be discussed related to the tolls for the upcoming year. Since toll increases are tied directly to spending levels and the timing of such spending, it will be important to look at several options.

This memo focuses on just four options, but there could be more scenarios that would perhaps be a combination of those below. Staff will provide more detailed information on these four options for further discussion and specific Commission direction during the upcoming Fall Planning session.

Option 1: Keep Tolls at Current Level. This would be in line with the thinking that the Port will not move forward with a large amount of capital spending regarding the Bridge or anywhere else in the Port district. This option would take a “wait and see” approach on how to move forward with a partner, if there is a partner in the replacement of the bridge replacement. The downside would be existing capital spending that is included in the financial forecast (i.e., tolling system, land improvements, etc.) will need to be deferred or reduced for another year.

Option 2: Fund Near-term Bridge Needs. Raising the cash toll by \$0.25 would allow some additional revenues to be focused toward immediate needs to the existing Bridge like the auxiliary truss, trunnion repair, and tolling system replacement (license plate recognition). Toll customers, especially during the summer season, would pay a higher toll. More local customers would likely switch to electronic tolling.

Option 3: Fund Bridge Replacement Tasks & Near-Term Bridge Needs. Increase the cash toll up to \$2. This \$1 increase would allow the Port to contribute match funds toward completion of a Final Environmental Impact Statement (FEIS) or pay for some tasks without state or federal assistance. It has several benefits. It will allow more time to develop the partnerships and possible business model that will be necessary under a replacement bridge scenario. The time it takes to prepare an FEIS plan will be about 20-24 months. Moving the cash toll up to \$2 will allow the Port to pay for the FEIS plan and/or other tasks and demonstrate a significant financial commitment. Since the Port has already completed a refunding of its current bridge bonds, it cannot refinance its debt. It can issue parity debt but it would be expensive in legal, bond rating, and other issue costs. The \$1 increase will allow the Port to

continue on schedule with the payoff of its existing debt by December 2018. It will also provide more time in developing the correct amount of debt, the timing of that future debt issuance for the existing bridge, as well as for the replacement bridge. Moving the “cash toll” to \$2 will align with the current non-local toll at the Bridge of the Gods. It is likely that significant numbers of additional local residents would move to electronic tolling.

Option 4: Build Significant Bridge Replacement Reserves. Increase both the cash and electronic tolls. The advantage to this option is that the Port starts down a specific path that will accumulate reserves to be used for a future bridge. The disadvantage is that it’s unclear who will be the Port’s partner under this scenario and whether the Port will be successful in acquiring a federal grant in its application process. If the Port moves forward under this scenario, the Port will need to develop a business model that can use its existing and future non-bridge assets to operate from.

Under Options 3 and 4, the Port should split the Bridge Repair and Replacement Fund. It will need to become two separate funds, the Bridge Repair Fund (for the existing Bridge), where under the current \$1 toll, \$0.50 is sent to this fund, and the new Bridge Replacement fund.

RECOMMENDATION: Discussion.

Commission Memo



Prepared by: Anne Medenbach
Date: November 1, 2016
Re: Wasco Building Co-Work Space Proposal

Co-working is becoming a popular office real estate model for growing, start-up, and single-person businesses. Co-working allows flexibility to shrink and/or expand office space on a short or longer term basis; networking; access to typical office amenities; social interaction and exposure to potential new clients and business contacts. The Port has received significant interest in providing flexible and co-working space. Staff toured three very different models in Portland in September.

Gorge Innoventure (GI) currently offers memberships that include access to desks, a conference room, and event space in a model that is somewhat similar to co-work. However, the membership is based on services, not real estate. GI's business model is changing and they will be merging with Gorge Owned (GO) this year. GO has also tried a co-work type of model based on services. Port staff believes that the demand for work space versus business services are very different, and by separating the two much needed flexible work space could be provided with easy access to business services.

One issue with co-work space is the administration of short term space rentals and the need for some onsite management. Staff is proposing this role be filled by GO. In exchange for that service, GO would have one permanent desk in the reception area, access to all co-work amenities, and potentially some portion of the income.

Development Concept:

- Provide companies with co-working space AND access to small business/start up services
- Connect GO with companies that may not have utilized their services
- Provide better utilization of the space and increase revenues for the Port

Structure of the space

The space will be divided into:

- Private offices
- Dedicated desks
- Hot desks
- Boardroom
- Common areas

Private Offices: (9-11) monthly to annual rates

These offices have locking doors and individual power sources. The lease terms will be 1 year minimum with up to a 3 year commitment. The Port would hold leases with these tenants and manage their terms. Boardroom time will be 2 hours per week.

Dedicated Desks: (4-6) monthly rates

These are desks that will be located in the classroom area. They will be semi-private. The lease term will be month to month and will come with 1 hour of boardroom time per week.

Hot Desks: (6-10) Daily/weekly rates

These are desks located in the bull pen. They are week to week and come with 30 minutes of boardroom time per week.

Board Room: Hourly rate

The board room comes equipped with: a projector and screen, white board, large table and 10 chairs. After all commitments to tenants, there will be between 8-15 hours of board room time available weekly to rent to the public.

Amenities

- Internet via secure Wi-fi
- Kitchen
- Board room
- Private Phone booths
- Desks
- Chairs
- Access to pay copy machine on site
- On-site and on-street parking
- Convenient location
- Key card access
- Janitorial
- Utilities
- Taxes
- Insurance
- Maintenance

Improvements Needed

Co-working spaces are fun, creative and open spaces typically with good design concepts incorporated into both the layout and furniture. The Wasco Building space is a very nicely suited floor plan but is lacking some key components. The following improvements would need to be made at Port expense:

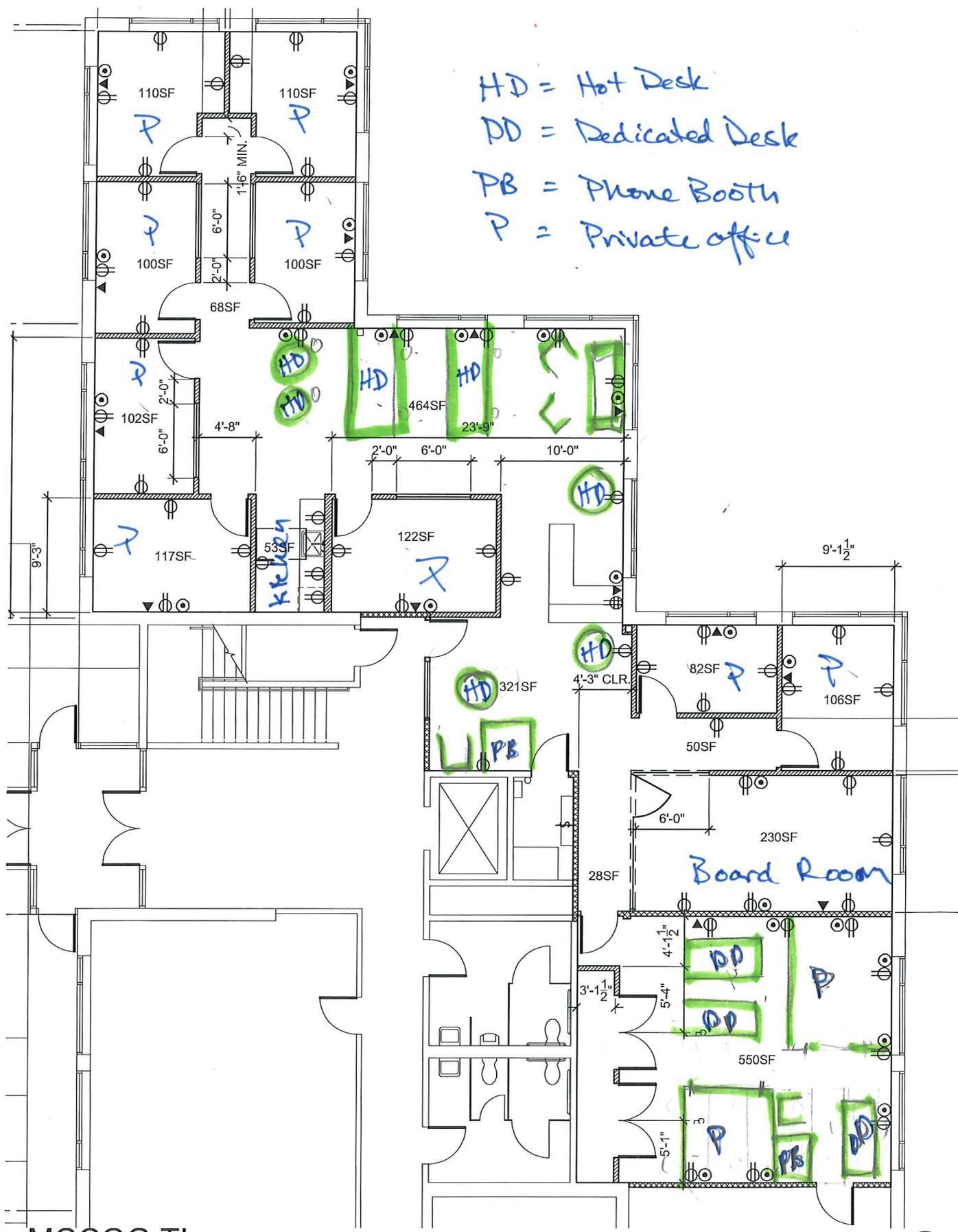
- Wi-Fi installation
- Construction of 2 additional private offices
- Construction/purchase of 2 phone booths
- Purchase of furniture (couch, chairs, desks, stand desks, table, chairs and stools)
- Re-tooling of printer to be wireless and paid via GoCardless type technology
- Web portal installation for space payments

Total estimated cost \$15-20,000

Timeline

The space, agreements, and all web portal could be ready for use in February 2017.

RECOMMENDATION: Discussion.



MCCOG TI
di loretoARCHITECTURE

FLOOR PLAN
SCALE: 1" = 10'-0" 

Commission Memo



Prepared by: Anne Medenbach
Date: November 1, 2016
Re: Non-Utility to Utility Runway Classification Change

There are multiple airport designations for the type of aircraft that its facilities (runways, taxiways, and buildings) should be designed for and ultimately funded by the FAA. The Ken Jernstedt Airfield (Airfield) is classified as a **B2** (having to do with runway weight), **ADG2** (Aircraft Design Group, having to do with wingspan) **General Aviation** (GA) airfield. The Airfield runway is 3,040 ft long and is designed to handle all kinds of operations, but take-off weights of no more than 12,500 lbs are the target.

Runway designations are based on the Aircraft Design Group and determine: width of runway, size of setbacks and thickness of pavement. Runway designations also determine whether an airport can have instrument approach.

Instruments allow pilots to navigate a pre-set, consistent landing approach and land in inclement weather when visibility is severely impaired. An instrument approach airport needs to have a designated approach programmed with the AWOS and connected to the Pilot computer through the FAA. An instrument approach typically requires a longer runway and less inhibited approach (i.e. no mountains in the way) and is an involved FAA process. Our consultants feel it is not likely that the Airfield would be granted an instrument approach.

A Utility Runway Airport is designed for smaller, B2 and below aircraft. It does not allow an instrument approach. Non-Utility Airports are for larger aircraft and do have instrument approaches.

In 2004, our Master Plan designated our runway as a non-utility, meaning that we wanted to have the instrument approach option. A few weeks ago, a contractor discovered that because of this designation, hangar development, as depicted by the current Master Plan on the south side and northeast side, would not be allowed due to the large runway setback requirements the restrict building height. If development is not allowed, we cannot meet the current or future growth needs. The attached figure depicts the setbacks and building height allowances for both the Utility and Non-Utility designations.

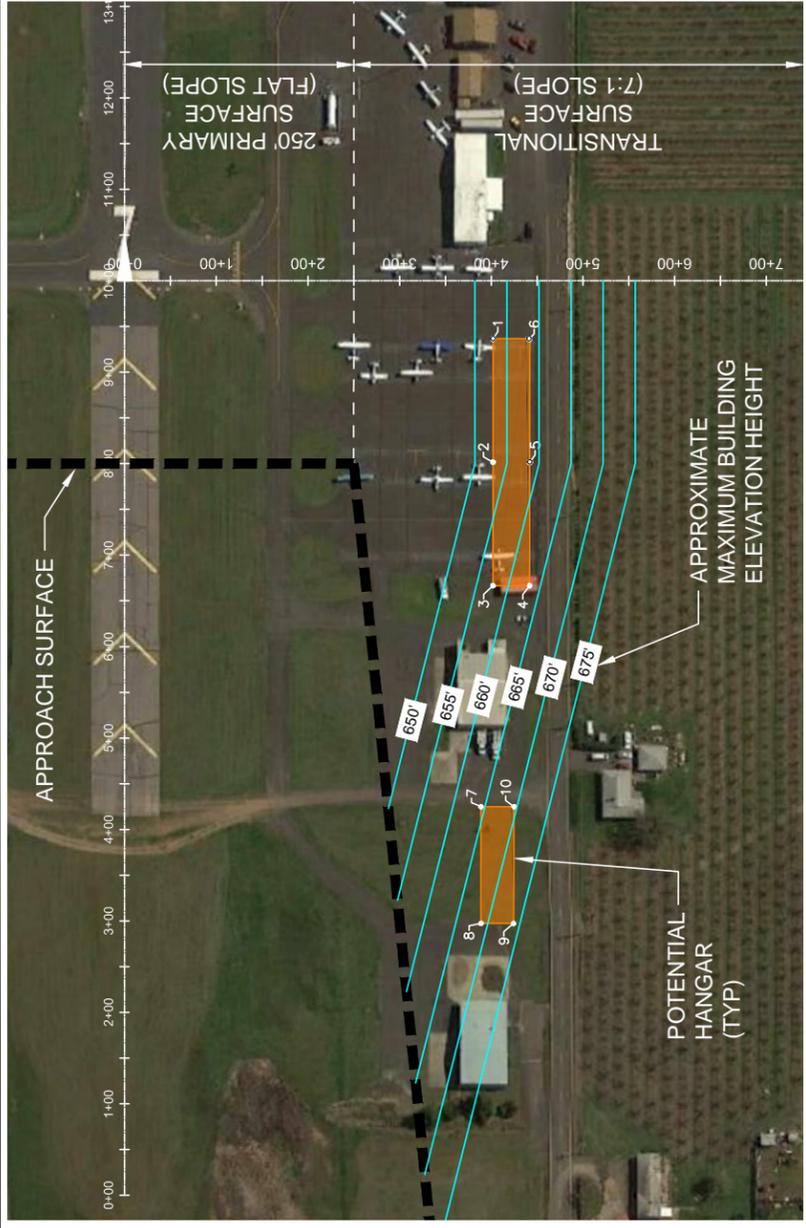
History: The current Airport Master Plan (AMP) kept the Non-Utility designation because there was some desire to keep the option of an instrument approach. This was reasonable at the time. Current analysis of based aircraft and future projections lend much better support for a Utility designation. The aircraft using the Airfield are light weight, single piston engines or small turbo props mostly without instruments. There are many gliders, with wing spans in the Non-Utility category. Occasionally, the Airfield does receive larger jets, but most of those are under 12,500 lbs. Helicopters are over 12,500 lbs but do not utilize the runway. Most

business jets utilized in the Gorge are also under the weight target and the new jets are designed to be smaller and more nimble than the current fleet. Being a Utility runway does not preclude occasional larger aircraft operations. The Airfield's runway length and challenging approach (mountains on both sides) inhibit the size of aircraft that can land here to mostly B2 aircraft.

Proposed Solution: Staff recommends the Port change the Airfield classification to Utility. The AMP is still under review and now is a convenient time to make the change with the FAA. The AAC and FBO voiced concern at the October 26 AAC meeting about a potential future change to Non-Utility. Aviation is always changing as are these designations. If a change would need to be made in a future master plan or update, then that change would be addressed at the time in the same way it is being addressed now. Exceptions could be made for development that has already occurred.

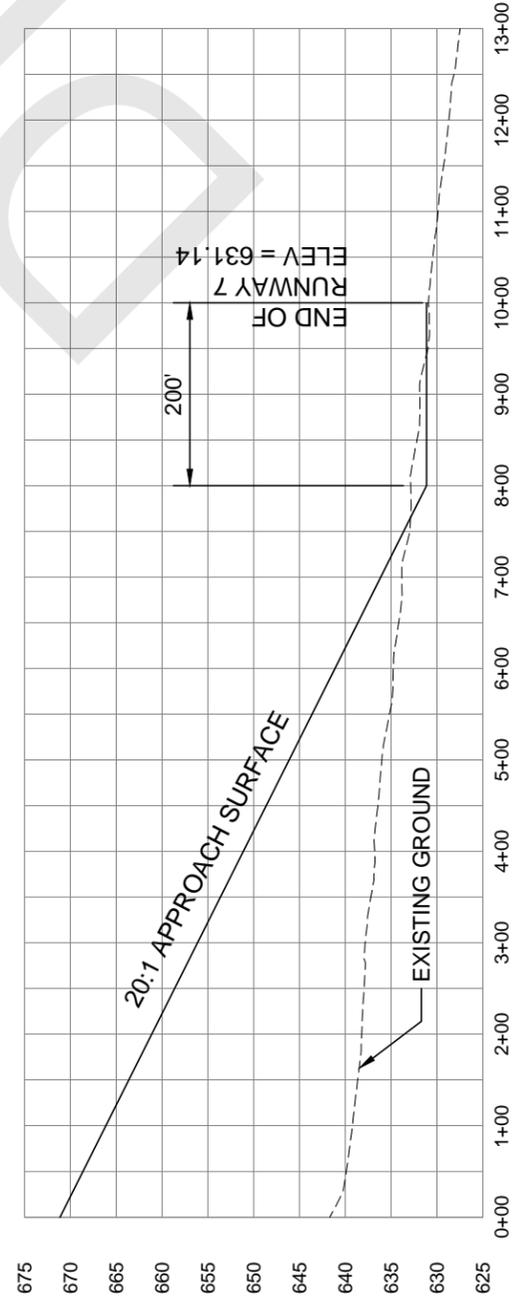
The AAC and FBO both agreed that a change of classification to a Utility runway was the correct way to proceed. The change is of no cost to the Port and will accommodate current and future need for development on the south side of the airport.

RECOMMENDATION: Discussion and consensus to pursue a Utility Runway designation in the current Airport Master Plan.



NOTE: SEE BUILDING ELEVATION TABLE FOR APPROXIMATE MAXIMUM BUILDING HEIGHTS AT EACH LOCATION.

RUNWAY PLAN
SCALE: 1" = 100'



RUNWAY PROFILE
SCALE: 1" = 100' HORIZ
1" = 10' VERT



VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING.
0" IF NOT ONE INCH ON THIS SHEET. ADJUST SCALES ACCORDINGLY.

NO.	DATE	BY	APPR	REVISIONS

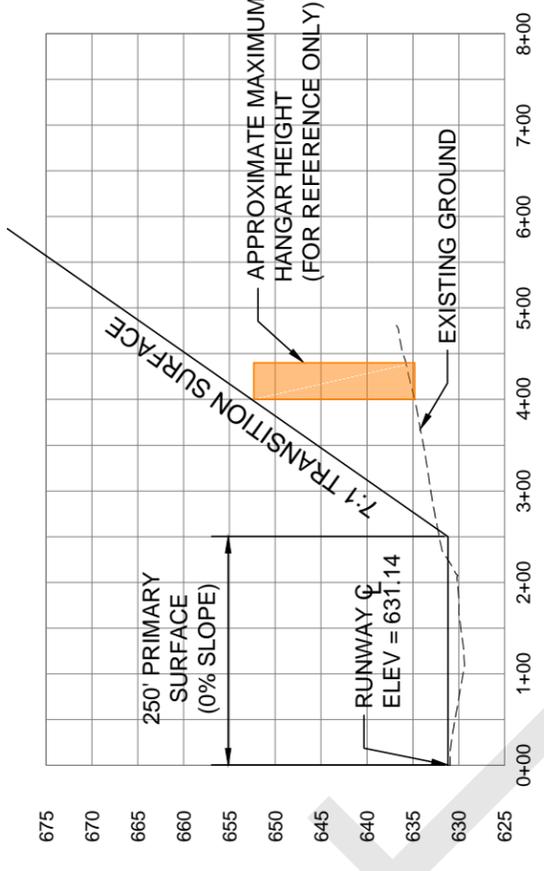
CENTURY WEST ENGINEERING
BEND OFFICE: 1020 SW EMKAY DRIVE, #100 BEND, OR 97702
541.322.8962
541.382.2423 FAX

DESIGNED BY: GJR
DRAWN BY: GJR
CHECKED BY: JAK
SCALE: AS NOTED

DATE: OCTOBER 2016
PROJECT NO:

PORT OF HOOD RIVER
KEN JERNSTEDT AIRFIELD
SOUTH APRON HANGAR DEVELOPMENT
500'-WIDE PRIMARY SURFACE

DRAWING NO.



SECTION
SCALE: 1" = 100' HORIZ
1" = 10' VERT



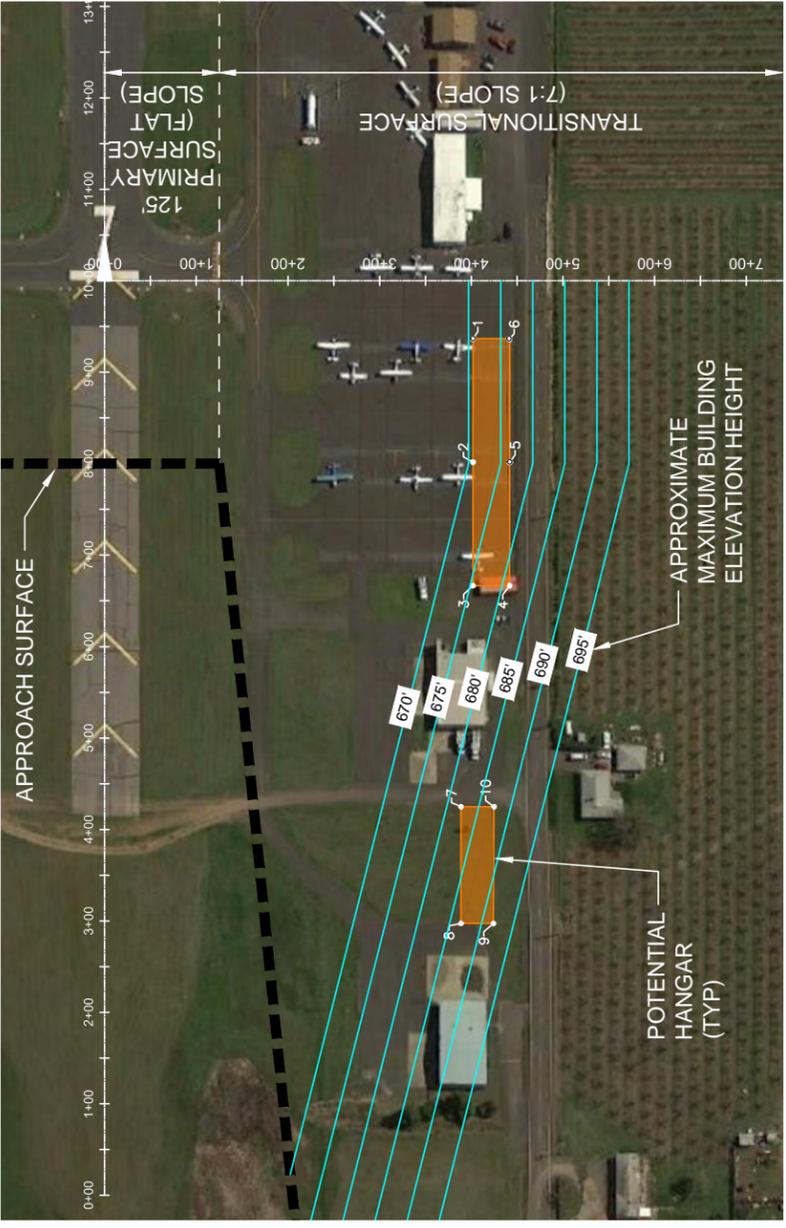
POINT LOCATION	APPROXIMATE EXISTING GROUND ELEVATION	APPROXIMATE PART 77 SURFACE ELEVATION	APPROXIMATE MAXIMUM BUILDING HEIGHT*
1	636'	653'	17'
2	638'	653	15'
3	639'	657'	18'
4	640'	663'	23'
5	639'	664'	25'
6	637'	664	27'
7	643'	664'	21'
8	646'	669'	23'
9	646'	674'	28'
10	644'	669'	25'

*SEE NOTE 1 BELOW.

NOTES:

- BUILDING ELEVATIONS ARE APPROXIMATE BASED ON AVAILABLE DATA. THE FAA WILL MAKE THE FINAL DETERMINATION OF BUILDING HEIGHTS IN THE 7460 FORM SUBMITTAL PROCESS.
- DEPICTED HANGAR LOCATIONS ARE BASED ON THE AIRPORT LAYOUT PLAN. BUILDING HEIGHTS WILL VARY BASED ON THE PROPOSED LOCATION OF THE HANGAR DEVELOPMENT.
- THE EXISTING GROUND ELEVATIONS ARE BASED ON AVAILABLE TOPOGRAPHIC DATA. THE GROUND ELEVATION IN THESE LOCATIONS MAY VARY AFTER CONSTRUCTION OF THE SOUTH APRON PROJECT.
- PART 77 TRANSITIONAL SURFACE ELEVATIONS ARE ONLY SHOWN FROM THE APPROACH SURFACE TO THE RUNWAY THRESHOLD FOR REFERENCE.

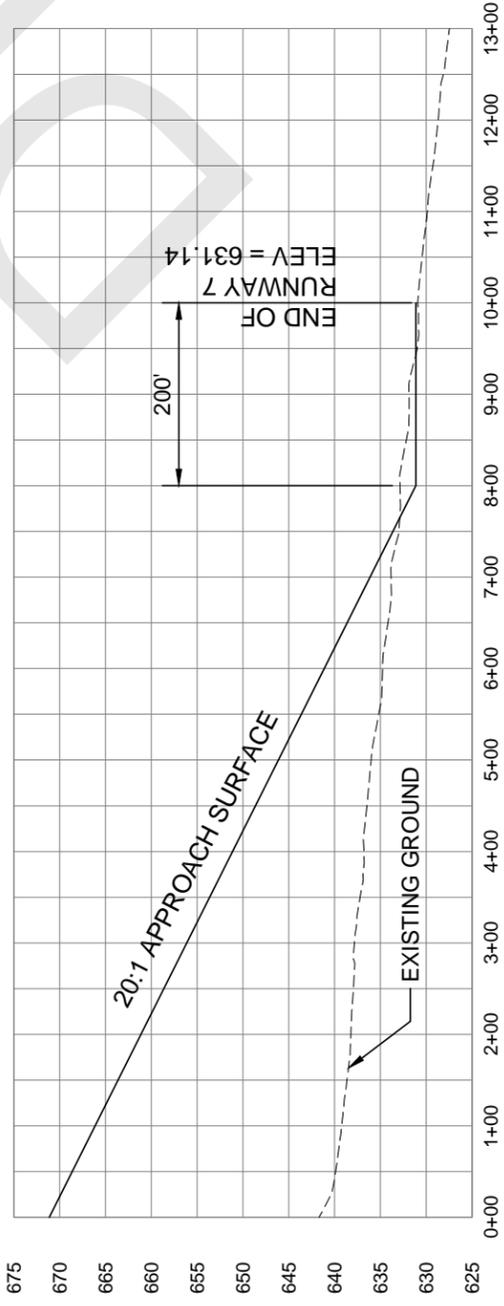
CONCEPTUAL DRAWING NOT FOR CONSTRUCTION



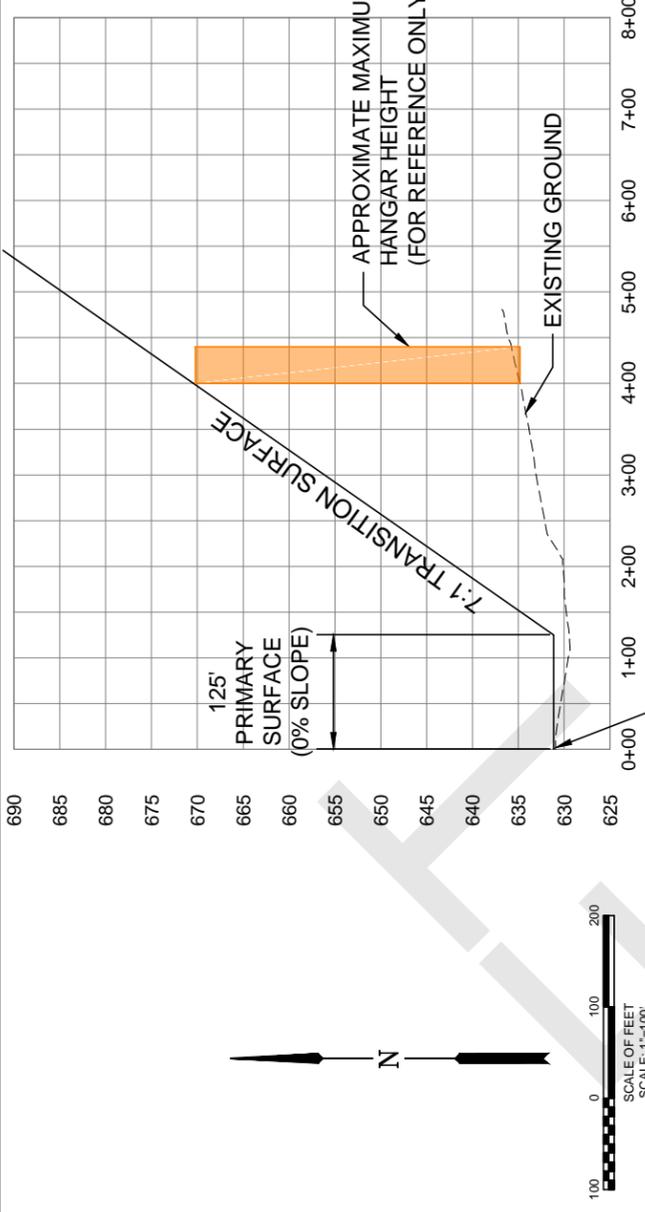
NOTE: SEE BUILDING ELEVATION TABLE FOR APPROXIMATE MAXIMUM BUILDING HEIGHTS AT EACH LOCATION.

RUNWAY PLAN
SCALE: 1" = 100'

SECTION 1/2



RUNWAY PROFILE
SCALE: 1" = 100' HORIZ
1" = 10' VERT



SECTION
SCALE: 1" = 100' HORIZ
1" = 10' VERT

POINT LOCATION	APPROXIMATE EXISTING GROUND ELEVATION	APPROXIMATE PART 77 SURFACE ELEVATION	APPROXIMATE MAXIMUM BUILDING HEIGHT*
①	636'	671'	35'
②	638'	671'	33'
③	639'	675'	36'
④	640'	681'	41'
⑤	639'	676'	37'
⑥	637'	676'	39'
⑦	643'	682'	39'
⑧	646'	687'	41'
⑨	646'	692'	46'
⑩	644'	687'	43'

*SEE NOTE 1 BELOW.

NOTES:

- BUILDING ELEVATIONS ARE APPROXIMATE BASED ON AVAILABLE DATA. THE FAA WILL MAKE THE FINAL DETERMINATION OF BUILDING HEIGHTS IN THE 7480 FORM SUBMITTAL PROCESS.
- DEPICTED HANGAR LOCATIONS ARE BASED ON THE AIRPORT LAYOUT PLAN. BUILDING HEIGHTS WILL VARY BASED ON THE PROPOSED LOCATION OF THE HANGAR DEVELOPMENT.
- THE EXISTING GROUND ELEVATIONS ARE BASED ON AVAILABLE TOPOGRAPHIC DATA. THE GROUND ELEVATION IN THESE LOCATIONS MAY VARY AFTER CONSTRUCTION OF THE SOUTH APRON PROJECT.
- PART 77 TRANSITIONAL SURFACE ELEVATIONS ARE ONLY SHOWN FROM THE APPROACH SURFACE TO THE RUNWAY THRESHOLD FOR REFERENCE.

CONCEPTUAL DRAWING NOT FOR CONSTRUCTION



VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING.
0" IF NOT ONE INCH ON THIS SHEET. ADJUST SCALES ACCORDINGLY.

NO.	DATE	BY	APPR	REVISIONS

CENTURY WEST ENGINEERING
BEND OFFICE
1020 SW EMKAY DRIVE, #100
BEND, OR 97702
541.322.8962
541.382.2423 FAX

DESIGNED BY: GJR
DRAWN BY: GJR
CHECKED BY: JAK
SCALE: AS NOTED

DATE: OCTOBER 2016
PROJECT NO:

PORT OF HOOD RIVER
KEN JERNSTEDT AIRFIELD
SOUTH APRON HANGAR DEVELOPMENT
250'-WIDE PRIMARY SURFACE

DRAWING NO.

Executive Director's Report

November 1, 2016

Staff & Administrative

- Attached is the final draft agenda for the fall planning meeting on November 15.
- The November Commission Calendar is attached. Due to the Thanksgiving Holiday there will be numerous staff absences on November 25.
- Hood River County Emergency Management was awarded a grant to host Integrated Emergency Management classes on Dec. 12-15. FEMA will teach a team-based approach to disaster response to help recovery from a major incident or disaster. Port staff will attend all or most of the sessions. The Port's land and facilities can play a positive role in regional emergencies.
- Genevieve is facilitating signature gathering for a OneGorge letter in support of a modest funding increase request of the Gorge Commission for \$250,000 from each state in the next biennium (see attached). The proposed increase seeks to fund two new positions at the Commission; one tribal liaison that will work with the four treaty tribes to engage them in management plan review, and one technical planner to work with communities on developing the Commission's Vital Signs program and measure economic and other indicators on behalf of the region. If you would like to add your signature to the letter, please contact Genevieve before close of business Monday, October 31.

Recreation/Marina

- Installation of .03 mA GFCI breakers at each pedestal on north C Dock began on Wednesday, October 26. The .05 mA breakers had been delivered but installation was delayed for several days. Staff will provide an update at the meeting.
- In light of the electrical issues on north C Dock, Legal Counsel has begun a review of our Moorage Rental Agreements to identify if language changes are warranted.
- The Seabird, a National Geographic vessel, will dock overnight one last time for the 2016 season on November 3. The Pastime, which is currently in Portland for a service appointment, will return on November 15 and remain at the commercial dock until she departs for Alaska early next spring.
- A Marina Committee meeting was held on October 27. President Shortt will provide a brief report at the November 1 meeting.
- The Marina Green Electrical Project is complete. Staff will prepare a letter of thanks to Pacific Power for their significant help and financial contribution.

- A risk manager from SDIS will evaluate the path conditions under and east of the Bridge on November 1. This is the location where the accident occurred on Labor Day weekend.
- The Oregon Division of State Lands has issued final updated rules for leasing of waterways owned by the State. The rules establish a Submerged Lands Enhancement Fund and authorize DSL to remove abandoned and derelict structures. The updated rules also increase leasing and licensing fees for structures. They should have a minimal impact on the Port but we will assess the rules further to confirm.
- The Hood River Valley Harvest Fest, held on October 14, 15 and 16, was successful despite the heavy rain.

Development/Property

- Staff met with the City Manager and Police Chief on Oct. 26 to discuss implementation of the waterfront parking plan. The City is in the process of purchasing parking pay stations from Cale America, Inc. Staff met with Cale on Oct. 27 to discuss the Port's potential purchase. The parking plan will be a discussion item at Fall Planning.
- Gorge Electric is addressing electrical issues remaining from the last remodel at the Chamber of Commerce Building that affect suite tenants. Staff is installing new flooring, painting, and doing minor touch ups to the suite recently vacated by John Herron for releasing. The suite has been marketed to local brokers and is listed on the Port's website.
- REECE Security continues to work through key card building access issues related to hardware. Staff is confident that these building access issues will be fixed this year.
- Griffin Construction began repair of the Chamber Building's siding this week. The repair will ensure that the roof and siding are sealed for the winter. Painting will occur in the spring as weather allows.

Airport

- Staff has submitted a grant application to the State of Oregon COAR program in the amount of \$103,500 with a pledged Port match of \$11,500 to help meet the local match for the South Taxiway FAA Project. This funding is available from the recent increase in the State's aviation fuel tax.
- An Airport Advisory Committee meeting was held October 26. Commissioners Streich and Duckwall will provide a report at the November 1 meeting.
- Anne attended the WRAPM conference in Bend and the OAMA conference in Medford. Both conferences were airport management related. Anne reports both provided valuable information regarding agreements terms as well as the opportunity to make good contacts.

- The Port has enlisted the services of outside counsel, Robert Sullivan, to assist with upcoming agreements and negotiations at the airport. Mr. Sullivan has significant experience in all types of land use and real estate matters. He will be working on an hourly fee basis.

Bridge/Transportation

- The Settlement Agreement with Union Pacific has been executed.
- Final paperwork is being completed for the new bridge lighting. The specific installation schedule is uncertain, but we expect to see the work completed in November.
- Stafford Bandlow Engineers (SBE) will carry out magnetic particle testing, trunnion bearing inspections, and additional strain gauge tests on Oct 27, 28 and 29. We expect substantial traffic delays and notification has been made multiple times in various formats. The original press release is attached, and Genevieve reports “shares” and “retweets” of the social media traffic alerts reached more than 7,000 people. Staff will provide an update on the results of the testing at the Nov. 1 meeting. It should be noted that Facilities staff has spent considerable hours successfully removing the eight trunnion caps and four rack/pinion shaft caps in preparation for SBE’s inspection. One trunnion had no grease and displayed some visible damage and one rack/pinion shaft cap had no grease and is believed to be a significant cause of the operating friction found in the strain gauge testing.



Port of Hood River
2016
Fall Planning Work Session

November 15, 2016 – 12:30 P.M.
Marina Center Boardroom

Agenda

Discussion Lead

- | | | |
|------|--|--|
| I. | Overview/Objectives | <i>Shortt</i> |
| II. | Financial Summary <ul style="list-style-type: none">• 10-year Financial Model | <i>Kowell</i> |
| III. | Focus Area/Discussion Topics | |
| | A. Hood River Bridge <ul style="list-style-type: none">• Capital Planning<ul style="list-style-type: none">○ 30-Yr. Financial Model○ 2017-19 Capital Project Work Plan• 2017 Toll Increase• Replacement Planning | <i>McElwee</i>

<i>Kowell</i>
<i>Scholl</i> |
| | B. Real Estate <ul style="list-style-type: none">• Near-term Development Options• Lower Mill: Plan, Development Goals, Schedule• Lot #1: Urban Renewal Vision Plan & Project List• | <i>Medenbach</i>
<i>Medenbach</i>
<i>McElwee</i> |
| | C. Waterfront <ul style="list-style-type: none">• 2017 Marina Lease Rates• Marina Electrical• Parking Plan Implementation | <i>Kowell, Borton</i>
<i>Mann</i>
<i>McElwee</i> |
| | D. Airport <ul style="list-style-type: none">• Business Model• Capital Projects Timeline• Through-the-Fence Access | <i>Medenbach</i>
<i>Medenbach</i>
<i>Medenbach</i> |
| | E. Special Projects <ul style="list-style-type: none">• OneGorge Collaborative Legislative Advocacy• Economic Trends & Future Role of Port• Communication Plan and Related Policies | <i>Scholl</i>
<i>Shortt</i>
<i>Scholl</i> |

Adjourn (Regular Session to follow upon conclusion of Work Session)

NOVEMBER 2016 Commission Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																		
		1 Commission Mtg 5pm	2	3 Sea Bird (last stop for 2016)	4	5																																																																																																		
6 Daylight Saving	7	8	9	10	11 Veterans Day OFFICE CLOSED	12																																																																																																		
13	14 URA Board	15 Fall Planning, 12:30pm (followed by Reg Sess.)	16	17	18	19																																																																																																		
20	21 KIHR Radio, 8am	22	23	24 Thanksgiving OFFICE CLOSED	25 OFFICE CLOSED	26																																																																																																		
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<p>Notes: Pastime returns Nov. 15 from service appointment in Portland and at commercial dock through spring 2017.</p>																																																																																																								

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October 26, 2016

The Honorable Jay Inslee, Governor of Washington
The Honorable Kate Brown, Governor of Oregon

Dear Governors Brown and Inslee:

OneGorge is a regional advocacy group that supports the public, private and non-profit sectors in collaborative efforts to increase awareness of our region, advocate for regional needs, and support a strong and sustainable Gorge economy. We are comprised of private and public sector leaders working together to understand and advocate for the unique needs of our individual communities and the regional community as a whole. We are collaborating to advocate for the investments and support that our communities need to build and sustain a thriving economy in this unique and beautiful region shared by Washington and Oregon. The undersigned participants of One Gorge wish to express their strong support on behalf of the Columbia River Gorge Commission to urge you to provide the modest funding increase needed to support their work for their 2017-2019 biennium budget request. We recognize that this is a challenging period for your states' respective budgets, but believe that a \$250,000 increase from each Oregon and Washington would greatly increase the Commission's capacity at a critical time and not significantly impact either state's budget.

The National Scenic Area Act requires the Commission to review – and revise if necessary – its management plan every ten years. Because of budget constraints, the Commission's mandatory review is now two years overdue. Most of the management plan, which implements the Act, is 30 years old. The Commission's review must be a comprehensive process that engages the Gorge's many state agencies and local governments, four Treaty Tribes, the business community, landowners, and non-governmental organizations. In 2004, when the Commission last reviewed and revised its plan, it took four years and a staff of ten. The Commission now has a staff of six. As a bi-state compact agency, working on behalf of both states and serving as a regional planning agency, a \$500,000 increase over last biennium's budget, half from Oregon, half from Washington, would allow the Commission to more effectively engage its constituents in a public process that would address the economic and environmental issues now facing our communities. It will also provide the resources needed to allow the Commission to finally monitor and measure the Vital Sign Indicators which will be helpful information for all of us to measure our progress in the National Scenic Area.

Sincerely,

The Undersigned, facilitated by OneGorge



Michael S. McElwee, Executive Director
Port of Hood River



Frank Cox, Mayor
City of Stevenson, WA

Tammara Toppel

Tammara Toppel, Executive Director,
Mt. Adams Chamber of Commerce



T-K-K-D

Tamara Kaufman, Branch Office Administrator
Edward Jones

Melody Johnson

Melody Johnson, VP Business Development
Artnova SPC



Cheryl L Park

Cheryl Park
Ascendente Winery

Maria Foley

Maria Foley, Member
Rotary Club of White Salmon-Bingen

Gordon Zimmerman

Gordon Zimmerman, City Administrator
City of Cascade Locks



Jon Davies

Jon Davies, Partner
Columbia River Insurance





INTERMITTENT BRIDGE CLOSURES COMING OCTOBER 27-29 FOR CRITICAL MECHANICAL SYSTEM TESTING

The Port of Hood River will carry out multiple lifts of the Hood River Interstate Bridge lift span throughout the daylight hours of October 27-29. The lifts are required for the Port's contract engineers to inspect the bridge's trunnions and conduct magnetic particle testing of the rack pinion shafts. The trunnions are critical mechanical systems of the bridge's lift span, with four located on each of the two bridge towers. The magnetic particle testing is required to determine their condition and expected longevity of key components.

Engineers expect to carry out a total of at least eight (8) bridge lifts over the course of the three days. Each lift will require closure of both lanes on the bridge, each up to 30 minutes in duration. Closures will occur between the hours of 7:00am and 4:00pm Thursday, Friday, and Saturday, October 27-29. Bridge users are strongly encouraged to plan for up to 40 minute delays or seek alternate routes during those hours.

For more information, visit the Port of Hood River website at portofhoodriver.com, call the Port of Hood River at (541) 386-1645, or email porthr@gorge.net.

Port of Hood River

1000 E. Port Marina Drive, Hood River, OR 97031

portofhoodriver.com

(541) 386-1645

Email: porthr@gorge.net

See what's happening on our social media sites



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Commission Memo

Prepared by: Michael McElwee
Date: November 1, 2016
Re: Bridge Signage Plan Implementation



At the June 7 meeting, the Commission approved a contract with DKS Associates (DKS) to prepare a signage plan for the Hood River Bridge. The plan was intended to identify a coordinated system of signage that would increase motorist awareness of the bridge's weight limit, tolling, and narrow lanes, and meet current USDOT design guidelines.

The plan is now complete. The expectation is that many signs will be ordered and installed over the winter months directly by Port staff with minimal consultant assistance. However, signs to be located within ODOT and WSDOT rights-of-way will require preparation of engineered plans and specifications and coordination with both agencies to obtain permits. DKS has prepared the attached scope and fee proposal that describes the work to be carried out in more detail. The proposed contract amendment is also attached.

RECOMMENDATION: Authorize Amendment No. 1 to the contract with DKS Associates for bridge signage engineering services not to exceed \$30,735 plus reasonable reimbursable expenses.

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AMENDMENT NO. 1
TO PERSONAL SERVICES CONTRACT

This Amendment No. 1 to the Personal Services Contract (“Contract”) is entered into this **1st day of November, 2016** by and between DKS Associates, Inc. (“Contractor”) and the Port of Hood River (“Port”), an Oregon Special District.

RECITALS:

WHEREAS, Contractor and Port entered into a Contract dated July 7, 2016 for signage planning services associated with the Hood River Bridge (“Project”); and

WHEREAS, the Port desires that additional engineering services by Contractor as described in the Scope of Work attached as **Exhibit ‘A’**

WHEREAS, all terms used in this Amendment No. 1 have the meaning given to them in the Contract, as amended hereby, unless otherwise defined herein.

NOW THEREFORE, Port and Contractor agree to carry out the additional services for an amount not to exceed **\$30,735** for a total contract amount not to exceed **\$53,335** plus reasonable reimbursable expenses.

IN WITNESS WHEREOF, the parties hereto have caused Amendment No. 1 to be duly executed the day and year first above written.

DKS Associates, Inc.

Port of Hood River

Chris Maciejewski, P.E.
Principal
725 SW Washington St.
Suite 500
Portland, OR 97205

Michael S. McElwee
Executive Director
1000 E. Port Marina Drive
Hood River OR 97031



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

October 28, 2016

Exhibit A

Michael S. McElwee
Port of Hood River
1000 E. Port Marina Way
Hood River, Oregon 97031

Subject: Scope of Services – Hood River Bridge Signing Plan

A16x06-129

Dear Michael:

DKS Associates is pleased to present you this proposal to assist the Port in implementing the Hood River Bridge Signing Plan. The following scope of services is based on discussions between DKS and Port staff on October 7, 2016.

SCOPE OF SERVICES

Task 1: Signing Plans

DKS will development Final Plans, Specifications, and Estimate for signs identified in the plan as being installed within ODOT right-of-way. DKS will lead the coordination effort with ODOT to gain approval of the PS&E package, and obtain the necessary permits for working within ODOT right-of-way. Plans will be developed to ODOT and MUTCD standards, and will include the following plan sheets:

- Signing Plans (2 sheets, 1" = 100')
- Signing Legend (1 sheet, NTS)
- Signing Details (1 sheet, NTS)

DKS will meet with ODOT staff to discuss the scope of the project, and identify any special needs or concerns that will need to be addressed as part of the PS&E package.

DKS will also assist Port staff in developing concepts for getting the "Port of Hood River" listed as a destination on the freeway signing. This could include facilitating discussions with ODOT, or other destinations to determine what design works for all stakeholders. The preferred concept will be included in the plans developed as part of this task.

Task 1 Assumptions:

- Basemap will be developed using aerial images, and no survey work will be completed.
- Bid Package will be assembled by Port of Hood River, with technical information (PS&E) provided by DKS.
- Two (2) review cycles with ODOT are included as part of this task.
- Up to two (2) meetings with ODOT are included as part of this task, and the meetings will last two (2) hours each.

Task 1 Deliverables:

- *Attendance at meetings with ODOT staff*



- *Signing Plans, Specifications, and Estimate*

Task 2: Bidding Assistance

DKS will provide assistance to the Port during the pre-bid and bidding period of the project, as requested by Port of Hood River staff. Assistance is anticipated to include the following items:

- Respond to bidder questions
- Plan revisions or design changes
- Evaluating Contractor bids

Task 2 Assumptions:

- Up to two (2) plan revisions are included as part of this task.
- Responses to bidder questions will be provided within two business days after questions are received.

Task 2 Deliverables:

- *Bidder question responses*
- *Plan revisions*

Task 3: Signing Assistance

DKS will provide assistance to Port staff to develop a detailed list of signs to be purchased by the Port for installation by Port Crews. The list will include the following items:

- Appropriate sign sizes and materials
- MUTCD code
- Mounting type

DKS will also assist the Port in identifying sign manufacturers, and reviewing proposals from sign manufacturers.

Task 3 Assumptions:

- No detailed plans will be developed as part of this task
- Bid Package will be assembled by Port of Hood River, with technical information (PS&E) provided by DKS.

Task 3 Deliverables:

- *Sign table*

Task 4: WSDOT Coordination

DKS will support Port of Hood River staff as needed in coordinating with WSDOT staff to implement the elements of the Master Signing Plan within WSDOT right-of-way. Based on discussions with WSDOT staff, it is anticipated that signs within their right-of-way will be designed and installed by WSDOT crew, with input from DKS/Port of Hood River. Payment for this work will be made by Port of Hood River through an agreement with WSDOT, which will be developed during this task. DKS will attend meetings with WSDOT and Port of Hood River staff to provide technical input to WSDOT designers, and discussion of the project objectives and background.



October 28, 2016
 Scope of Services – Hood River Bridge Signing Plan Implementation
 Page 3 of 3

Task 4 Assumptions:

- Up to two (2) meetings with ODOT are included as part of this task, and the meetings will last two (2) hours each.
- No design work or signing plans are included as part of this task.

Task 4 Deliverables:

- *Attendance at meetings with WSDOT staff*
- *Technical support/review of WSDOT produced designs*

BUDGET

In consideration of the performance of these services, DKS Associates will be compensated on a time and materials basis in accordance with the hourly billing rates set forth in the attached fee schedule, subject to revision January 1, 2017, for a maximum fee of **\$30,735**. This fee is based upon the scope of services and level of effort presented above.

DKS will invoice monthly based upon the time and materials expended. Payments are due on a net 30 day basis. A service charge of 1-1/4 percent per month compounded will be assessed on billings not paid when due. If payment of our invoices is not made within 45 days of the due date, DKS reserves the right to cease work on this project until such time as payment is received. In the event of any litigation between the parties to this agreement arising from this agreement, the prevailing party shall be reimbursed for its reasonable attorney's fees and costs.

Should the services not be authorized in thirty (30) days; or should changes occur in the scope or level of effort; or should the completion date extend beyond June 30, 2017 due to circumstances beyond DKS's control; we reserve the right to revise the scope, our billing rates, budget and schedule to reflect then current conditions. Such revisions will be effected through amendments to this agreement.

Two originals of this letter have been provided. If this agreement is acceptable, please have a duly authorized official of your company sign below and return one original for our files. That signature will constitute formal authorization to proceed with the services according to the terms outlined.

Sincerely,
 DKS Associates

Approved By:
 Port of Hood River

Chris Maciejewski, P.E.
 Principal

By: _____

 Title Date

Commission Memo

Prepared by: Genevieve Scholl
Date: November 1, 2016
Re: Whistleblower Protections Policy



The Port received notification from the Special Districts Association of Oregon (SDAO) that Oregon House Bill 4067, passed during the 2016 legislative session, requires all public and nonprofit employers in Oregon to adopt a Whistleblower Protections policy by January 1, 2017, and distribute a printed copy of that policy to all employees. SDAO provided a model policy that member Districts could use to develop their own policy to be in compliance with the law by the deadline. The attached policy is closely modelled on the SDAO policy (attached Exhibit A).

Staff recommends adoption of Port Resolution No. 2016-17-3 adopting the Port of Hood River Whistleblower Protections Policy. Printed copies of the new policy will be distributed to all employees in the next two weeks.

RECOMMENDATION: Approve Resolution No. 2016-17-3 adopting the Port of Hood River Whistleblower Protections Policy.

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PORT OF HOOD RIVER**Resolution No. 2016-17-3****RESOLUTION ADOPTING OREGON WHISTLEBLOWER
PROTECTIONS**

WHEREAS the Port of Hood River Commission and staff are committed to practice the highest lawful and ethical standards; and

WHEREAS the State of Oregon legislature passed House Bill 4067 to protect employees who act on good faith and objectively reasonable belief to report a violation of federal, state, or local law, rule, or regulation by their employer; and

WHEREAS House Bill 4067 requires all public employers to establish and implement a whistleblower policy by January 1, 2017 that delineates all rights and remedies provided to employees and employers;

THEREFORE, BE IT RESOLVED that the Port of Hood River Board of Commissioners hereby adopts the Oregon Whistleblower Protections Policy attached as Exhibit A as the Port of Hood River Whistleblower Protections Policy.

ADOPTED by the Port of Hood River Board of Commissioners on this 1st day of November, 2016.

Brian Shortt, President

Fred Duckwall, Vice President

Jon Davies, Secretary

Rich McBride, Treasurer

Hoby Streich, Commissioner

EXHIBIT A

Oregon Whistleblower Protections Policy

Purpose

To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- I. The Port encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent Port activity to report it to the Executive Director or designee. The employee may also provide the information to another Port manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the Port may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the Executive Director.
- II. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.
- III. Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The Port will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Executive Director or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- IV. All reports of illegal and dishonest activities will be promptly submitted to the Executive Director or designee who is responsible for investigating and coordinating corrective action.

CHAPTER 73

AN ACT

HB 4067

Relating to employee whistleblowers; creating new provisions; and amending ORS 659A.200, 659A.203 and 659A.885.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 659A.200 to 659A.224.

SECTION 2. (1) An employee's good faith and objectively reasonable belief of a violation of federal, state or local law, rule or regulation by the employer shall be an affirmative defense to a civil or criminal charge related to the disclosure by the employee of lawfully accessed information related to the violation, including information that is exempt from disclosure as provided in ORS 192.501 to 192.505 or by employer policy, if the information is provided to:

- (a) A state or federal regulatory agency;
- (b) A law enforcement agency;
- (c) A manager employed by the public or nonprofit employer of the employee; or

(d) An attorney licensed to practice law in this state if a confidential communication is made in connection with the alleged violation described in this section and in furtherance of the rendition of professional legal services to the employee that are subject to ORS 40.225.

(2) An employee may not assert the affirmative defense described under subsection (1) of this section if the information described in subsection (1) of this section:

(a) Is disclosed or redisclosed by the employee or at the employee's direction to a party other than the parties listed in subsection (1) of this section;

(b) Is stated in a commercial exclusive negotiating agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer; or

(c) Is stated in a commercial nondisclosure agreement with a public or nonprofit employer, provided that the agreement is not related to the employee's employment with the employer.

(3) The affirmative defense described in subsection (1) of this section is available to an employee who discloses information related to an alleged violation by a coworker or supervisor described in subsection (1) of this section if the disclosure relates to the course and scope of employment of the coworker or supervisor.

(4) The affirmative defense described in subsection (1) of this section may not be asserted by an employee who is an attorney or by an employee who is not an attorney but who is employed, retained, supervised or directed by an

attorney if the information disclosed pursuant to subsection (1) of this section is related to the representation of a client.

(5) This section and ORS 659A.203, including disclosures under subsection (1) of this section, are subject to the rules of professional conduct established pursuant to ORS 9.490.

(6) Public and nonprofit employers shall establish and implement a policy regarding employees who invoke their rights under this section or ORS 659A.203. The policy shall delineate all rights and remedies provided to employees under this section and ORS 659A.203. The employer shall deliver a written or electronic copy of the policy to each employee.

(7) Subject to the rules of professional conduct established pursuant to ORS 9.490, a public employee who is an attorney may report to the Attorney General the employee's knowledge of a violation of federal, state or local law, rule or regulation by the public employer.

(8) Disclosure of information pursuant to subsection (1) of this section does not waive attorney-client privilege or affect the applicability of any exemption from disclosure of a public record under ORS 192.501 to 192.505.

(9) Notwithstanding subsection (1) of this section, information protected from disclosure under federal law, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), may be disclosed only in accordance with federal law.

SECTION 3. ORS 659A.200 is amended to read: 659A.200. As used in ORS 659A.200 to 659A.224:

(1) "Disciplinary action" includes but is not limited to any discrimination, dismissal, demotion, transfer, reassignment, supervisory reprimand, warning of possible dismissal or withholding of work, whether or not the action affects or will affect employee compensation.

(2) "Employee" means a person:

(a) Employed by or under contract with the state or any agency of or political subdivision in the state;

(b) Employed by or under contract with any person authorized to act on behalf of the state, or agency of the state or subdivision in the state, with respect to control, management or supervision of any employee;

(c) Employed by the public corporation created under ORS 656.751;

(d) Employed by a contractor who performs services for the state, agency or subdivision, other than employees of a contractor under contract to construct a public improvement; [and]

(e) Employed by or under contract with any person authorized by contract to act on behalf of the state, agency or subdivision[.];

(f) Employed by a nonprofit organization; or

(g) Serving as a member of a board of directors of a nonprofit organization who is not otherwise considered an employee.

(3) **“Information” includes public and private records, documents and electronically stored data.**

(4) **“Knowledge” means actual knowledge.**

(5) **“Nonprofit organization” or “nonprofit” means an organization or group of organizations that:**

(a) **Receives public funds by way of grant or contract; and**

(b) **Is exempt from income tax under section 501(c)(3) of the Internal Revenue Code.**

[(3)] (6) **“Public employer” means:**

(a) **The state or any agency of or political subdivision in the state; [and]**

(b) **Any person authorized to act on behalf of the state, or any agency of or political subdivision in the state, with respect to control, management or supervision of any employee; or[.]**

(c) **An employer who employs an employee described in subsection (2)(a) to (e) of this section.**

SECTION 4. ORS 659A.203 is amended to read:

659A.203. (1) Subject to ORS 659A.206, except as provided in ORS 659A.200 to 659A.224, it is an unlawful employment practice for any public **or nonprofit** employer to:

(a) Prohibit any employee from discussing, [*in response to an official request,*] either specifically or generally with any member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district, the activities of:

(A) The state or any agency of or political subdivision in the state; or

(B) Any person authorized to act on behalf of the state or any agency of or political subdivision in the state.

(b) Prohibit any employee from disclosing, or take or threaten to take disciplinary action against an employee for the disclosure of any information that the employee reasonably believes is evidence of:

(A) A violation of any federal, [*or*] state **or local** law, rule or regulation by the [*state, agency or political subdivision*] **public or nonprofit employer;**

(B) Mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the [*state, agency or political subdivision*] **public or nonprofit employer;** or

(C) Subject to ORS 659A.212 (2), the fact that a person receiving services, benefits or assistance from the state or agency or subdivision, is subject to a felony or misdemeanor warrant for arrest issued by this state, any other state, the federal government, or any territory, commonwealth or governmental instrumentality of the United States.

(c) Require any employee to give notice prior to making any disclosure or engaging in discussion de-

scribed in this section, except as allowed in ORS 659A.206 (1).

(d) Discourage, restrain, dissuade, coerce, prevent or otherwise interfere with disclosure or discussions described in this section.

(2) [*No*] **A public or nonprofit employer [shall] may not** invoke or impose any disciplinary action against an employee for employee activity described in subsection (1) of this section or ORS 659A.212.

(3) **The remedies provided by this section are in addition to any remedy provided to an employee under ORS 659A.199 or other remedy that may be available to an employee for the conduct alleged as a violation of this section.**

(4) **A violation of this section is a Class A misdemeanor.**

SECTION 5. ORS 659A.885 is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.233, 476.574, 652.355, 653.060, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.355, [*or*] 659A.421, [*or ORS*] 653.547 [*and*] **or** 653.549.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, **659A.203**, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, [*or*] 659A.421, [*or ORS*] 653.547 [*and*] **or** 653.549:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574[, 659A.203] or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(7) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for as-

serting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1).

(8) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

(a) In an amount not exceeding \$50,000 for a first violation; and

(b) In an amount not exceeding \$100,000 for any subsequent violation.

(9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

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