

September 29, 2026
6:00 P.M.
Newport, OR

PORT OF NEWPORT COMMISSION MINUTES

This is not an exact transcript. The video of the session is available on the Port's website.

The Port of Newport Commission met on the above date and time at the Administration Building, 600 SE Bay Blvd., and virtually via Microsoft Teams. In attendance were Commissioners Sylvia, Retherford, Ruddiman, Dziak, and Osborne. Also in attendance were Executive Director Paula Miranda, Finance Director Mark Brown, Operations Director Aaron Bretz, and Administrative Assistant Gloria Tucker. Members of the audience included Laura Wilkeson, Curtis Bunch, Roy Hale, Nancy Hale, and Rex Capri. Bretz and Wilkeson attended online.

CHANGES TO THE AGENDA

Miranda noted Old Business and New Business needed to be switched on the agenda. The Commission agreed to switch the items.

PUBLIC COMMENT

Roy Hale, vessel owner, stated he salmon and tuna fishes out of Newport. He noted he came to speak about the limited fish seller license that he found about this year that was passed at some point. He indicated he wanted to know how he was supposed to know he needed to have one of these, pay \$500, and carry \$2 million worth of insurance. He added he found out while he was selling off the dock during tuna season.

Hale stated he went looking for the insurance and found he could not buy the insurance, and it was impossible to get. He noted he was expecting to be told he could start selling off the dock again, but what he was told was he can't and it is the board's policy to have insurance. He indicated other people were selling off the dock who did not have insurance because they could not buy the insurance. He added it probably cost him \$30-\$40,000, and his income can't take that hit. He explained he missed four weather windows to sell tuna, and now the tuna are a lot further offshore and his boat doesn't go that far.

Hale asked if the Commission could give the Director of Operations [permission] to let him sell, and to somehow notify him ahead of time of changes, maybe through a mailer. He stated if he would have known six months prior to this happening, he would have found out then that he couldn't get insurance and come to the Port at that point, instead of being shut down in the middle of his season.

Miranda noted this topic will be discussed during staff reports.

CONSENT CALENDAR

Osborne requested bringing out Item E. Approval of NOAA SLA 38 for discussion. He noted this is a very complex agreement, and, bottom line, the Port receives a one-time lump sum of \$304,000 due to the increased costs of the lease and that NOAA got behind. He asked is this

something already paid, a reimbursement, or is this a sum for the Port to do something with. Brown replied these are expenses the Port has already paid, and it is getting reimbursed. Osborne confirmed with staff it will fill holes already expended. He confirmed with Brown that he keeps track of this. Miranda added there has been a shift at NOAA, and they [lost] a whole real estate department in Seattle. She noted everything is handled in Maryland now, which caused delays. Osborne moved the item back to the Consent Calendar.

MOTION was made by Ruddiman, seconded by Osborne, to approve the consent calendar as presented. Sylvia, Retherford, Ruddiman, Dziak, and Osborne voted in favor.

OLD BUSINESS

Public Hearing and Approval of Ordinance No. 2026-01 Regarding Changes to the Facilities Code. Sylvia introduced the agenda item. Miranda noted the changes requested by the Commission at the last meeting have been incorporated. Bretz reported this is to add a customer code of conduct to the facilities code, similar to what many other public entities use. He stated when staff run into someone out of control, causing problems, disrupting operations in the office, they will have some structure to deal with the person. Osborne stated this is a good first step, and he doesn't want to see these things happening to staff. He noted if Commission moves forward, he would like see it brought back in a year to find out how it is working. Tucker stated she would bring a reminder.

MOTION was made by Osborne, seconded by Retherford, to read by title only and adopt Ordinance 2026-01 Regarding Changes to the Port Facilities Code. Sylvia, Retherford, Ruddiman, Dziak, and Osborne voted in favor.

NEW BUSINESS

Approval Feasibility Study Contract for Rogue. Sylvia introduced the agenda item. Miranda presented her report included in the packet. She stated this allows the Port to look in the long run at what is the best and highest use for that building instead of just jumping to the first thing, and a tenant lasting a year or five years. She noted staff are trying to engage with a consultant to determine the most economically viable, legally permissible, physically possible, market supported use for the former Rogue building, maximizing its value while considering preservation, potential redevelopment opportunity and community impact. She explained the idea is the consultant will inspect the building, see its current condition, look at the location, community, and region, and try to come up with the best use. She indicated once they come up with three, four, or five uses, they will come up with what it would take to bring that building up to par and give some marketing suggestions. She added no matter what the Port does, there will be some cost.

Miranda reported this will allow the Port to go to the EDA with feasibility study [showing plans] are well thought through and ask for a grant. She noted she is working with Business Oregon for funding. She stated without a study it will be much harder to get redevelopment funds because they want to see why the Port is doing something. She noted the RFP got five submissions, ranging from \$61,500 to \$200,000. She added this is involving engineers, economists, and marketing analysis. She added staff chose the Soderstrom Architects/BST Associates team, and she is very familiar with them.

Miranda reported they have been doing things for ports for many years, and she heard good things about the architects. She noted she is still working with Business Oregon, and she may have to bring the grant back to a special meeting.

Dziak asked what is the difference in price at Rogue versus NIT. Miranda replied it is the scale. She noted at NIT, the biggest focus is analyzing the market and a market effort, even though staff still want someone who understands infrastructure. She stated at Rogue, the Port will have engineers and architects go there, inspect the property, see if things are at code, and have a more structural review. She added when you involve engineers and architects, the price goes up.

Osborne noted the Port still does not have possession of the building. He asked does staff have any idea when they are going to release it. Miranda replied staff talked to the bankruptcy attorney, and there are a few things we want the trustee to address on the Port's behalf more than anything else. She noted the holdback is things the Port are asking them to do, but the Port can start on this and give access. She added she would not feel comfortable signing a lease with a tenant until the Port has possession.

Sylvia asked for the largest bid of \$200,000, were they going to do more. Miranda replied the scope was the same, so she doesn't know if they were looking at more detail than others. Sylvia confirmed with staff there was nothing obvious. He added there will be alternatives that will come out of this that Commission will have to consider.

MOTION was made by Dziak, seconded by Ruddiman, to approve the Executive Director or her representative to execute a contract with the winning party [Soderstrom Architects/BST Associates] not to exceed \$61,500 plus 10% contingency. Sylvia, Retherford, Ruddiman, Dziak, and Osborne voted in favor.

Approval of Feasibility Study Contract for NIT. Sylvia introduced the agenda item. Miranda reported the Port received a couple of public comments [on this item]. She noted the company was in the fine line on their submission because most people had a hard time coming up with what the Port needs for \$30,000. She stated some folks did not feel they were qualified for the maritime side, but they felt, and she felt, like they were. She explained they said at \$30,000 they were already really slim and already had stakeholders not willing to participate and being controversial, so they withdrew. She indicated the next [submission] was \$44,000 from ECONorthwest and KPFF. She added that is above the budget.

Miranda reported she talked to Brown, and the Port should be able to move over some funds from South Beach. She stated this group is more than qualified (on the maritime side), and she has worked with ECONorthwest many times through ports. She noted KPFF has done lots of work at that site. She explained the idea for NIT is similar to Rogue, but they are looking at the whole site. She indicated the Port has struggled getting more users for the site, and the site is supposed to be multi-use. She added there is no intent to stop fishermen using the site, and the Port would like to get more cargo, but it needs to know what is feasible out there.

Miranda reported there is forestry business, but those have diminished. She noted the Port doesn't have rail, but maybe there is a niche out there. She stated staff need some professional help that would include some marketing effort as well. She explained the RFP [instructs them] to develop a target marketing strategy to attract more investment, more tenants, and more trade opportunities. She added she wants them looking at what the Port already has, how to enhance that, and what else the Port can do. She suggested switching her original selection to the team of ECONorthwest and KPFF for \$44,000 plus 10 percent contingency.

Retherford stated she knows the Port has Rogue and NIT it's trying to deal with. She noted the withdrawal for first proposal is done. She indicated it is time to get Rogue going, and she doesn't know if putting \$44,000 makes sense at this point. She added she thinks as the Port gets paving done, a new dolphin in, and the property set up, it might be able to market some of NIT. She explained the cash balance declined, and she doesn't feel comfortable doing two feasibilities at once.

Miranda noted one is being paid by Business Oregon. Osborne stated he understands and thinks there is validity to those concerns. He noted the Port is in a situation with finances, but he is concerned the Port needs to move, do something. He indicated the feasibility at Rogue is five to six months, and in the meantime, the Port doesn't have income from that building. He added the Terminal has been sitting there for awhile, and Commission knows that it is not living up to its economic potential.

Osborne stated he doesn't see anything on the horizon financially a year from now that the Port will be in a better financial position. He explained grants are drying up. He noted he also has concern, but he is more concerned for the need to move and get started. Dziak stated people have talked about a mixed-use approach at NIT for number of years. He noted a feasibility study doesn't mean you have to do it, but just seeing what is possible. He indicated it seems like money well spent to him, especially with all this time that has passed with these discussions. He added let's get some concrete ideas and talk about it.

Dziak stated if Commission decides nothing should be done, that is ok. He noted without information, Commission can't make those decisions, and the feasibility study gives Commission that information. Ruddiman stated he feels helping to market the facility is key. He noted after the vote in 2017, [the Commission] put a big black mark on the Port's ability to have someone call [to do business].

Retherford asked are they going to market, or they are going to tell staff how to market. Miranda replied they will give staff the best way to market, but they will not be marketing it. She explained they will show staff who to go after and how to go after them. Sylvia noted four years ago, Commission made the decision to get the loaders, based on Miranda's conversations with the timber industry. He stated the Port has the loaders. He asked once the Port got the loaders, did Miranda have those conversations with those companies again. Miranda replied one company moved out of the area. She noted at another company up in Washington, the Port's main contact retired. She stated staff are still trying to get them engaged. She noted this effort may help with that as well. She explained it will tell staff if there is only forestry [in the region], how can staff work with them, who should staff reach out to. Sylvia confirmed with Miranda she did not go out and make a major marketing effort with a bunch of different companies once the Port got the loading equipment.

Sylvia stated he is a big believer in marketing. He noted Commission bought the loading equipment, and he knows it was controversial because it expressed the idea the Port wants to do cargo, primarily raw logs. He indicated the Port has got to figure this out, how to use that International Terminal and do it in a way that shares it with the fishing industry and other types of cargo that make sense. He suggested maybe it's not raw logs, maybe it's finished timber or mass timber. He added the Port may have presented the idea it is not open for business, and a major marketing effort will be critical to say the Port is open for business and ready to look at wide range of possibilities. He explained the Port needs to let the markets know that and aggressively pursue that in a way that is consistent with mixed use.

Retherford asked if the Port does the feasibility study, then will there be a cost for a marketing plan. Miranda replied not necessarily, she will put a marketing plan together. She noted she just needs direction. Retherford noted it would be nice to get a marketing company to make a plan. Miranda replied something like that would have to go to the \$100,000 cost route. She indicated she doesn't think \$44,000 is that much for what they are providing.

Sylvia asked who will do the action to follow the marketing plan. Miranda replied if she has direction, she can create a plan and follow up with those folks. She explained the Port doesn't have a real estate person; it's too small.

Sylvia asked if Miranda would have the time to follow up on marketing. Miranda replied she would commit to the time, and there may be other things that fall off. She noted she is in a lot of associations and if she needs more time, she will go to less meetings. She stated something needs to be done, and as far as creating jobs and revenues, she sees new [opportunities] as Rogue and NIT.

Retherford stated she is in agreement for a marketing plan and understands the need for revenue. She noted she is worried about timing and the negative general fund balance. Miranda added the cost of not doing anything is very costly. Osborne added the Port needs a target. He noted once Commission knows what the target is, a marketing plan can be developed and Commission controls that budget. Sylvia added if Miranda needs more time, that is a conversation she can have with Commission.

MOTION was made by Osborne, seconded by Dziak, to approve the Executive Director or her representative to execute a contract with ECONorthwest, the winning party, not to exceed \$44,000 plus 10 percent contingency. The motion carried 4-1. Sylvia, Ruddiman, Dziak, and Osborne voted in favor. Retherford voted against.

STAFF REPORTS

Executive Director Report. Miranda reported the permit for fish selling started when some folks asked the Port for permission to sell fish in South Beach. She noted staff talked to the attorney who had some concerns about liability and selling food. She explained the Port created a permit with insurance [requirements] like it normally does. Bretz reported staff discussed it at several Commission meetings and took it to the Commercial Fishing User Group meeting as well. Miranda stated it is the responsibility of members of the Fishing Users Group to share information with their folks because if that is not happening, staff need to figure out a better way to communicate. She noted staff could send emails when code changes take effect. She explained, bottom line, no one can get this type of insurance when crossing from water to land.

Miranda reported staff thought about indemnification, but that is already required. She noted the attorney is concerned SDIS would not allow the Port to do this without insurance and make the Port liable for it, but [insurance] didn't say anything. She stated Bretz brought up to them that they need to understand, every port on the coast allows this practice, and the Port shouldn't have to require something they cannot get. She emphasized staff don't want to hurt the commercial fishermen and understands there are times of the year when that is their income.

Miranda reported in the past there were less lawsuits, and now people sue for every little thing, so the Port needs to protect itself but at the same time needs to allow business. She stated the Port will still require the permit, but remove the section about insurance, and just require they have moorage insurance which is already required. She added the Port also supports Shop at the Dock, which is the whole intent of that program.

Bretz reported staff went through the same process it uses for any license. He stated they contact other ports, contact some people who run those type of operations, contact the insurance company, talk to SDIS, and then the insurance develops a recommendation on the limit. He noted a couple of permits were issued due to staff error, and staff shouldn't have issued those. He explained the attorney's biggest concern is if someone gets poisoned or a group of folks get poisoned, the Port is the biggest thumb sticking out as the public entity whose facility is being used. He noted both SDIS and insurance companies do not currently provide that coverage. He indicated the Port is carrying the risk and carrying that risk right now.

Bretz reported the insurance agent said to make this decision based the Port's risk tolerance. He noted if someone made a claim, SDIS would cover it, but it will affect the Port's insurance and claims history. He emphasized there is no endless pot of insurance, and, ultimately, it can come down to rates. He stated right now the administration fee does not come close to equalizing any rate increase the Port would see if the Port got a bunch of claims on this.

Bretz reported, having said all that, it is important to have context. He explained this goes on everywhere in Washington and California. He noted he does not believe the Port has experienced any claims in regards to this, however, the first claim may be significant. He stated everyone's eyes need to be open. Miranda stated there is nothing here that is risk free, and Commission needs to realize why the Port is doing this. She noted a lot of families work out of the Port, and to stop folks from doing this would not be the best of interest of businesses working here. She added there are some risks the Port has to take at times, and this is one of them.

Retherford stated it saddens her this [issue] has been brought to this point without coming to the Commission. She noted they knew insurance was required for vessels, but had no clue Hale wasn't able to get insurance. She indicated that \$500 fee can always be put on some kind of payment plan. She said she doesn't understand why it was not brought sooner. She added the Port and Commission are connected, but Commission is not involved in the everyday, so there's no way for Commission to get involved unless this is brought. She thanked Hale for coming to the meeting.

Retherford stated Newport is a fishing port and should support its fishermen. Sylvia stated he was disappointed he didn't hear about this either. He noted he was in Newport in 1990 when a lot of issues about selling off the boat came up. He indicated he was an academic but worked with the seafood lab. He explained at the time, the state was thinking about coming down hard on boats but backed off. He indicated there were cases in early '90s with albacore creating illness.

Sylvia stated a lot of work was done to find a way to make sure a process was put in place and standards for handling albacore on boats. He noted the key was chilling and tracking temperatures. He noted he worked with FDA and NOAA to develop a hazard certificate. He asked Hale if he has a hazard plan for albacore. Hale replied yes and no because certain buyers do not require it, and it is not required to sell off the dock.

Miranda stated the permit requires the proper permits from the state, ODFW's limited seller permit, and Department of Agriculture's permit as well. She stated she would be more concerned if insurance was not willing to continue covering the Port when it has this practice, but the fact they will cover the Port makes her more comfortable. She noted they understand if they refuse to cover the Port of Newport, they would have to do that to the entire state of Oregon.

Hale stated there has been movement on the state side to give sport people the right to sell tuna off the boat, even though there is no way they carry enough ice to do what is required. Discussion ensued on sport fishing and sales.

Bretz noted the Port does need a permit system. He explained most ports do, but in laissez-faire style, and it has been that way for a long time. He stated staff are trying to make sure the Port addresses risk and makes the decision consciously. Sylvia stated he worries about if prices go high, then a lot of boats go out, and the Port gets an incident, it will ruin it for everyone. Miranda replied providing a permit gives the Port a little more control.

Bretz stated he also laments the amount of time for this to come around. He stated this is an exercise of passing an ordinance, and that it doesn't mean much until it gets enforced. He noted lack of ability to enforce because of lack of resources is a problem. He indicated this underscores the importance of reading the moorage license agreement every year when signing it. He emphasized the importance of knowing the rules. He added the last three Commercial Fishing User Group meetings didn't make a quorum and that affects how information reaches fishermen. He added the Port needs people to come to these meetings.

Sylvia clarified with staff the liability if recreational fishers sell directly to buyers. Miranda noted the Port will have some liability, but it will be limited because of direct sales. Discussion ensued on the Hazard Analysis Critical Control Point system. Miranda noted the Port does require people to follow all state and federal laws, but it is vague. Bretz stated the trick is how to enforce all this stuff. He explained adding the point system requires checking for the log. He asked do they present that at the time of application. He asked how do staff scrutinize it. He added that takes more work and time to figure out.

Sylvia stated the Port needs to know what is the requirement for legal due diligence. Retherford added commercial fishermen generally take care of their fish because they want to continue in the business, but there is not enough manpower to micromanage sport fishing industry.

Hale noted he looked at his Moorage License Agreement, looked at the facility code, and the version he downloaded doesn't say anything about it. He added he couldn't find it on the website. Bretz noted the current version is on there, and he read the section of code. Hale said he is not a retail sales business, so this does not apply to him. Miranda suggested taking the conversation offline and discussing it further in the office.

Miranda presented her report included in the packet. She requested moving the December meeting to December 14. The Commission agreed to move the meeting.

Brown reported finances are holding steady, not gaining ground, not losing ground, in cash. He noted the Port has gained assets, which makes it look better. He stated until the Port gets the International Terminal built up or Rogue running again, the Port will just maintain. He added he provided Commission the debt schedule. Sylvia suggested bringing discussion on the aging report to another meeting.

Dziak asked about Miranda's tsunami advisory group meeting. Miranda replied she did not attend because she hosted a delegation from Iraq.

COMMISSIONER REPORTS

Retherford stated she attended the OPPA meeting online. She noted what Miranda is doing at these conferences is so important. She stated her interaction with legislation on issues is overlooked. She emphasized the value of these meetings. She indicated what the Association is doing for ports will be the only thing that saves fishing ports.

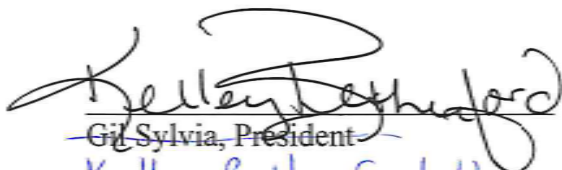
Retherford stated OPPA expects the transportation department to suck up a lot of money going forward that should be coming to ports. She noted they don't see a lot of room for anything, and it will continue to get worse.

Sylvia noted he and staff attended the state infrastructure conference, and it was not an inspiring conference. He stated there were a lot of economic issues, and nothing about ports. He indicated the state is not planning well for infrastructure needs, and the state faces a lot of constraints.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:00 p.m.

ATTESTED:



~~Gil Sylvia, President~~

Kelley Retherford, Vice President



Pat Ruddiman, Secretary/Treasurer