AGENDA

1. Call to Order/Pledge of Allegiance

2. Additions to the Agenda

3. Presentations to Council/Citizens – Curry Health Network, Ginny Williams

5. Consent Calendar
   a. Approve Minutes of September 19, 2019 Workshop
   b. September 19, 2019 Council Meeting

6. Citizens’ Concerns (Sign Up Only for Old & New Business Items on the Agenda)

7. Departmental Reports
   • Administration
   • Police Department
   • Public Works
   • Finance
   • Planning Department
   • Mayor’s Report

   Liaison Reports
   • PORT
   • Chamber/TLT
   • Fire Board
   • Parks
   • Watershed/Health
   • Emergency Management

8. Old Business
   a. Webmaster – Denning Print Company
   b. Resolution 2020-03 Water Project PER

9. New Business
   a. Planning Commission – return to a seven-member board
   b. South Coast Development – Membership
   c. Class Action Notice – National Prescription Opiate Litigation

10. Continuing Action Items

11. Considerations
    a. Citizen    b. Staff    c. Councilor    d. Mayor

12. Future Meetings
    a. Thursday, November 21, 2019, Regular Council Meeting 3:30 p.m. at City Hall

13. Adjourn
CITY OF PORT ORFORD
CITY COUNCIL WORKSHOP MINUTES
IN THE GABLE CHAMBERS
THURSDAY, September 19, 2019

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Media Present:
Others Present:

Call to Order
Mayor Pogwizd called to order this Workshop of the Common Council of the City of Port Orford in the Gable Chambers on Thursday, September 19, 2019 at 2:03 p.m.

Subject for Discussion:
Water and Sewer: Mayor Pogwizd addressed figuring out what loss really is. Loss is now called “unaccounted for water.” He hears 49 percent loss, but the city does not know if that is a fact or not. It is unknown if meters are slow, there are leaks, if the city has 100 percent of people calculating and submitting the information such as contractors and fire department, etc. and how much is from unmetered buildings. Mayor Pogwizd suggests setting a timely goal to meter the buildings in Port Orford that are not metered.

Duane Eckhoff reports Knife River using 126,000 gallons on their Sixes River Bridge project. The county was also getting water from Port Orford and added to Knife River water usage was almost 200,000 gallons of treated water. Mayor Pogwizd suggests contractors use raw water instead of treated water. Mr. Eckhoff identifies two sources of raw water, one out of town, which will include a small fee of 50 dollars to the county. The other option is to use Port Orford water rights and draw water out of the lake for the county’s projects. Using outflow from sewer treatment is also suggested. This water can be used in areas that no people will contact. DEQ requires a permit.

Mayor Pogwizd suggested perhaps reusing the 8000 gallons a day for backwashing. Duane Eckhoff advises the 8000-gallon backwash is not every day. Eckhoff spoke of developing a sump at Gold Run, putting in a transfer pump, pumping it up to Deady and then installing a new four-inch delivery line down the hill with port for contractors to hook to. This would be non-potable water and would have to have a purple spout to prevent public from getting access. It is suggested this could be done by the fire department as an auxiliary supply on a fire department grant.
Mayor Pogwizd emphasizes the importance of getting something in place before 2021 at which time repaving of the highway will require a lot of water.

Mayor Pogwizd wants to continue with the meter exchange. Councilor Cox suggested identifying leaking main lines with spin meters. Leak detection is currently occurring, which will give more information on leakage areas.

Duane Eckhoff reported that where the city taps into the main line is in theory a leak point, but in reality, those are not as much a leak risk as the meter end. They are torqued down with a thick rubber gasket. Mayor Pogwizd asked if there was a way to dredge the impound. Duane Eckhoff reported he did a walk-through with someone to do that, otherwise the city will need to purchase a dredge for the impound. CA Richards advised that dredging occurs once a year. Councilor advised the cost was 80,000 years ago. Duane Eckhoff agrees that the city will need a dredge of some kind if continuing the use of Hubbard Creek. He suggested an alternative water source would be more important for the city. ODFW seems to be developing more interest and concern with Hubbard Creek and the use of it.

CA Richards will research the use of wells on the Oregon coast including ODFW concerns. Councilor Burns shared that Greg Wacker stated he felt the wells were risky. You might find water but might lose it when the ground shifts. It would take a well field. CA Richards shares that Eric Overbeek is a geologist and has volunteered his time to work with the watershed to help locate the areas more likely to have water. The city will need 315 gallons of water per minute at present time. Council agrees to work on a plan to establish a suitable location for wells. Councilor Williams advises of an underground stream. It is suggested a water-diviner might be considered due to affordability.

Watershed Council is discussing a well study and advised they will probably wait until next spring and summer due to the cost of test wells and time constraints. Councilor LaRoche reported that Bandon Wells has agreed to drill some holes to look for water; however, it is a large expense without guarantee of water. Test holes and grants to meet the costs are being addressed and discussed at the watershed meetings. Councilor LaRoche also reports they are discussing dredging needs at Hubbard Creek.

Councilor Burns asked about the fish ladder that was not put in correctly. Mr. Eckhoff reported the specs have been changed, and the fish ladder does not comply. There is a valve at the bottom of the reservoir that is broken and not functioning. There is a replacement valve in the public works shop. When the valve is opened in the winter it will pull silt out naturally. The pond will have to be drained for valve replacement. It could possibly be replaced by a diver. Fighting the water flow would be difficult.

New contact tank and settling tank status is discussed and councilors are updated. CA Richards will share a copy of the email update with councilors.

**Preliminary Engineering Report:** Councilor Cox addressed the resolution for priorities list. Grant was approved by council. PER accepted phase I and phase II in 2015. Deady street came in after the fact. PER was not redacted. It has not been addressed since. USDA will not loan money until these reports are finished. If the PER is approved phase I will be sent to the engineer. What is not in phase I will not be fixed. CA Richards has the latest Phase I from 2015, which includes meter replacement, leak detection, filter replacement and install air scour system
for water treatment plant (719,000 dollars in 2015), priority 1 water line replacement improvement (2,822,605 dollars in 2015). Priority 1 water lines are Lake Shore Drive, Hamlett, Lake Shore Drive section 2, Wyoming Street, Jackson Street, 9th Street, 7th Street, Pinehurst Drive. Also, priority 1 is water storage improvement (1,947,300 dollars in 2015). A Deady Street reservoir is suggested as one improvement. CA Richards agrees that what is on phase 1 will not take care of what is now needing replaced. Councilor Williams would like to see a workshop scheduled before the next council meeting to decide what to include in phase 1.

Councilor LaRoche requested a list of immediate necessary needs for the current year. CA Richards will ask Duane for that list. Councilor Cox requested at the February PER be emailed to the councilors. CA Ricahrdts will send the PER.

**Retiring Staff:** Mayor Pogwizd wants to prepare for retiring staff. Councilors agreed. Duane Eckhoff expresses his concern about hiring before retiring for training purposes. There is a training manual at the water plant.

**Future Meeting:** Mayor Pogwizd announced a workshop prior to the council meeting next month. CA Richards will do her research and get the list from Duane and distribute same prior to the meeting. Councilor LaRoche advised it is time to start working on a new bond and educating the community.

**Adjourn**
There being no further business Mayor Pogwizd adjourned the meeting at 3:17 p.m.

Attest:

Mayor Tim Pogwizd

City Recorder, Terrie Richards
City of Port Orford  
City Council Meeting Minutes  
In the Gable Chambers  
Thursday, September 19 at 3:30 P.M.

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Media Present: Port Orford News –  
Others Present:

1. **Call to Order**  
Mayor Pogwizd called to order this Regular Meeting of the Common Council in the City of Port Orford Gable Chambers on Thursday, September 19, 2019 at 3:30. He asked those present to rise and join him in the Pledge of Allegiance.

2. **Additions to the Agenda** – None.

3. **Special Presentation to Citizens / Council** –  
**Samuel Baugh, Executive Director South Coast Development:** Defines South Coast Development Council as economic development organization focused on helping the south coast from Florence to Brookings in service almost 20 years. Mr. Baugh is requesting the city of Port Orford to be part of the South Coast Development Council. South Coast Development has been working with Main Street providing public listening sessions. South Coast Development defines economic development as creating a community that children do not have to leave to find a better job, creating a community that the children want to live when they grow up, and creating a community that sustains the retired people.

Samuel Baugh introduced Live Culture Coast that is coming to Port Orford in October during the ten-day event to highlight the benefits of the entire coast from Reedsport to Brookings. Samuel Baugh is asking for financial assistance for their efforts in Port Orford. Most cities that are of comparable size are assisting with 2,500 dollars. which is enough funding to justify the manpower needed for the community. Councilor Cox asks for confirmation that South Coast Development is set up more for business promotion than housing. Mr. Baugh confirms. South Coast Development would like to keep the businesses open and operating. It is easier to build 200 businesses one job at a time than pull in an organization that needs 200 people to work. Business dictates housing needs. Trained workforce is required for business growth. Currently a low percentage of graduates return to Port Orford’s workforce. Port
Orford does not have adequate housing to support workforce growth. Mr. Baugh is involved in a housing development organization.

Mayor Pogzwd expressed appreciation to Mr. Baugh and the South Coast Development. Port Orford council will consider the request.

**Linda Maxon and Felix Jaramillo, Coast Community Health:** Ms. Maxon reports with an update on the work Coast Community Health is doing in the community. Mr. Jaramillo is the program and project director who is leading the renovation and construction projects with local contractors. Ms. Maxon presented with packets to council and the community to brief the community on the status of the project and the services Coast Community Health is bringing into the community. They have three projects currently.

1) **Umpqua Bank facility:** Umpqua Bank donated a facility two years ago. Coast Community Health chose to use the facility as an interim facility that will deliver primary care services, a pharmacy and licensed clinical social worker on a part time basis as well as a substance use disorder counselor. The facility is planning to open the pharmacy October 3, 2019. Medical services will be integrated into the facility after the permitting is completed. The facility will provide two exam rooms. The outreach office on Tichenor will be moving to the new facility. Facility will include a 340B pharmacy for patients and a retail pharmacy for non-patients. The pharmacy will be open five days a week to patients of Doctor Pitchford and all other doctors who have prescribing rights in the state of Oregon.

2) **Tichenor facility:** This facility is adjacent to and north of the elementary school. Over the next year the community will see site development for a full-service community health center to accommodate five exam rooms, procedure room and the services and pharmacy at Umpqua Bank will move to this facility. A separate building at this site will provide outreach services to accommodate showers, laundry, meeting rooms, counseling rooms and support rooms. Visiting medical specialist providers will be welcome to use the facility. The Umpqua Bank building will develop into other services as Coast Community Health defines what the need is. They are discussing dental.

3) **Oregon Health Science University relationship:** OHSU is a medical school. Coast Community Health supports OHSU students to come and study, a preceptorship. The students come into communities, including Port Orford in the future, to live. They study and they practice medicine. These students learn what it is like to be a doctor, nurse practitioner, PA or pharmacist in the community. A family has donated a second modular home. The two modular homes will be a dorm-style student housing. The students rotate monthly. Three students are coming this fall. In 2020 three additional students will be living in the community for one-month rotations. The modular homes are down the street from the Umpqua bank facility, which will be a campus for OHSU student housing.

Linda Maxon introduced Lindsey Woodward who is in her first year of medical school at OHSU. Ms. Woodward is interested in OB/GYN and intends to come back and practice in a rural community.
Ms. Maxon expresses appreciation for the investment through Health and Human Services through a grant to renovate the inside of the Tichenor building and the opportunity to work with Main Street Port Orford in receiving a grant to renovate the outside of the building. Coast Community Health is fortunate to have had Umpqua Bank donate their building. Through contract, the ATM will remain for three years and hopefully longer.

Mayor Pogwizd expressed appreciation for the name Auburn Center of Wellness as a dedication for Mayor Jim Auburn.

Mayor Pogwizd leads a moment of silence for Marvin Combs, police chief who passed September 11, 2019.

4. **Public Hearing – Zone Amendment**
   Mayor Pogwizd calls the hearing to order. Councilor Williams recuses from voting due to conflict of interest.
   Staff reports: Crystal Shoji reports zoning hearing does not need discussion. Council may need to adopt an ordinance for the change. Council is presented with recommendations of Planning Commission to City Council. The staff report includes application by applicant, map that shows zoning and property, and exhibits B through F that is testimony already received from neighbors and citizens.

Ms. Shoji reviewed Planning Commission recommendation with Council members. Planning commission looked at what the ordinances say and how they apply to this application. Planning Commission findings:

1) Purpose of title 17 zoning as the City of Port Orford municipal code is to encourage appropriate use and development of land within the city of Port Orford in a manner that does not have adverse effects on the community and its residents. Subject application requests to re-designate property on maps from the residential to 4C commercial.

2) The residential zone 2R allows for various outright and conditional uses outlined in section 17.12.020. According to a statement in the rezone application provided by the applicant, the existing use of subject property is a heavy equipment shop for a road construction business. The existing commercial use is grandfathered under the non-conforming use provisions. At the time that Port Orford adopted their zoning and comprehensive plan, there was a thought that the city would grow a lot more than it did. There was a thought that residential would be needed. There was a thought that, that would be a good location for residential, but it has never been used for residential. It has had a nonconforming use for many years.

3) The proposed auction house use is consistent with the retailer service establishment use that is permitted in the outright 4C zone. They are applying for the zone change so they can have a specific retail use, which in this case is an auction barn use.

Ms. Shoji reminds council members that zoning is something permanent. The zoning is not for one use. It could be for other uses at a later date.
Planning Commission finding number 12: Population of the Port Orford has not grown at the rate that was expected when the comprehensive plan map designated subject property for residential use. The character of the area is that larger timber related industries that employed many people are not so plentiful as they were at the time that the initial comprehensive plan and zoning were put into place. Tourism has grown and unique retail uses are important to attract visitors and residents.

Planning Commission finding number 15: The applicant is proposing to utilize a site and structure that has been utilized for industrial use as a grandfathered use for many years. The structure that is proposed for commercial use already exists on the property. The property has been an industrial use in the past. The site appears to be suitable for a less-intensive use than industrial, which is commercial.

Planning Commission finding number 16: The proposed rezone will make it possible to utilize the space that is seeking a use. The proposed rezone will provide an opportunity for a use that will provide an economic benefit to the city. The proposed rezone and comprehensive plan amendments comply with the city’s policies for economic development. The applicant is proposing to utilize subject property for a commercial type use, the historic use, which in turn will continue to contribute to the city’s tax base and economic opportunities.

Planning Commission finding number 17: Surrounding zones and uses are mixed to the south, southeast and northwest surrounding properties are zoned 2R. To the southwest and west surrounding properties are zoned 1R. To the north, northeast and east properties are zoned public facilities and park zone 8PF. Adjacent to the east is a parcel zoned 8PF, identified as tax lot 1100, which houses an Oregon Department of Transportation maintenance yard. There is no site redevelopment or expansion proposed as part of this application. The proposed allowed uses appear to be more compatible with surrounding zoning than a heavy equipment shop, which is the traditional use of subject property.

Planning Commission finding number 18: Proposal from the applicant.

Planning Commission finding number 19: Subject property owned by Forest Acres Access, Inc is proposed for a rezoning to 4C commercial zone. Forest Acres Access, Inc also owns the properties to the west, which is tax lot 100. There is some question about whether tax lot 100 may be landlocked. It would take some proof if he wanted to split that lot off, because it is not apparent from the maps. Owner can not sell that lot off without due diligence to make sure it is not a landlocked property. That is only pertinent to this application to the applicant statement that he wants to use that lot as a buffer, because it is covered with trees. He cannot use that lot for commercial even if the zoning is changed, because he is not asking for a zone change on tax lot 160. He is only asking for a zone change on the larger lot.

Planning Commission finding number 20: Ms. Shoji received an email from the DLCD suggesting that city of Port Orford be careful with housing findings due to state organization involved in housing for cities since housing is needed in almost all cities in Oregon. The
Planning Commission finding is that this is not a major concern at this location. This property never was used for housing. It probably would not be used for housing even if the zoning does not change. There are several lots in the city of Port Orford that were approved for housing and unfortunately are not developed.

Ms. Kudlac with a note to the council: Council may agree with the planning commission recommendation or not agree, but any decision made will need findings to support that decision. If council makes a different decision than the Planning Commission findings will need adjusted today or ask the staff to come back with findings and carry the issue to the next meeting time. The decision the council makes needs findings. Council can change Planning Commission findings, toss out findings, make new findings, but all need to be based on criteria or council beliefs about the property from research. Council has 120 days to make the decision from application completion on 06/07/2019. Applicant had previously been willing to sign a waiver to allow more time.

The zone change will not be negative for possibilities for funding such as low-income housing or grants. Ms. Shoji advised that DLCD does not get involved in influencing how council decides on the rezone. The email was sent just to warn that the housing organization might be contacting Port Orford. DLCD does not want to see appeals in any city. DLCD is in support of city council decisions.

Councilor Cox addressed finding 17 stating there is a mixed use. Councilor Cox points out there is no commercial properties around the lot, only residential and public facilities. Ms. Shoji reminds there is a commercial industrial use by ODOT.

Public Testimony:
Lori Crosby introduces herself as being one of the representatives for the auction house. Ms. Crosby reports this property has historically been a commercial/industrial property since the 1940’s. This property has never been residential. The cost of the development fees is unfortunately too high and not affordable to try and develop the property for residential. Due to the cost of development the property would have to be high-end homes and not affordable housing. At the first Planning Commission meeting, Ms. Crosby presented a petition from those that could not attend the planning meeting in favor of the rezone. Mayor Pogwizd advised the petition is in the council packet.

Karen Jennings advises she lives at 2 Hamlet, which is at the very entrance to the Hamlet. The property is directly across the street from 2 Hamlet. Karen Jennings is against the zone change. She does not feel it is a unique retail experience. She feels the Hamlet is totally residential aside from the state highway garage. Ms. Jennings feels traffic to the property will be excessive in a quiet neighborhood. Ms. Jennings is concerned people will be bringing merchandise in at all hours of day and night. Ms. Jennings identifies neighbors opposed.
Sandra Anderson reports she has been a real estate broker in Port Orford for close to 30 years. She sees this property being by the park and schools as a good area for a residential zone. She thinks there are other properties that would be a better location for an auction house.

With no further citizen comments, Mayor Pogwizd closed the public testimony session.

Councilor Cox moved to deny the zone change with Councilor LaRoche as second. **Motion carried 3-2.**

Discussion: Ms. Kudlac reminds that the findings set out by the Planning Commission are what city council should be looking at to see what it is they do not agree with. The motion is to deny, so council will need to create findings to support the denial.

Councilor Cox wants council to work on another variance for the new use. It is viewed as always having been commercial but Councilor Cox states it has always been residential with a variance for commercial use. Ms. Kudlac clarifies that it is a non-conforming use, which means the use that it has existed prior to the zoning ordinance going in place. This property is not applicable to a variance, because a variance cannot change a use. Councilor Cox points out the lot is over three acres, which allows a planned unit development. That option will not be if the property is not residential. Councilor Cox wonders if an auction house is truly a retail facility. Councilor Cox addresses page 45, a notice attached to letter from Christine Roney, saying if current zoning does not change, the use could allow logging operation and heavy equipment. Ms. Shoji advised council to review uses in 4C. Councilor Cox states 4C does not allow a planned unit development, which conflicts with council declaring a housing emergency. Mayor Pogwizd clarifies that a 4C allows for housing in a conditional use.

Councilor Burns does not have a problem with the auction house but has a problem with the future uses that could be harmful to the park and residential area. Mayor Pogwizd uses his property on Port Orford Loop as an example. That property is the only commercial property on Port Orford Loop with the exception of the city yard across the street. His neighborhood has a positive reaction to the RV park in the neighborhood, as an example.

Councilor Cox asked about the cost to put the applicant property back to residential from nonconforming use being the same as changing the zoning to commercial. It is clarified there will not be a cost if they use the existing building. A future owner may make changes to the property within 4C at a cost.

Councilor LaRoche is concerned that the people that live in the neighborhood do not want the zone change. Councilor LaRoche feels that those that live in the neighborhood are concerned about future use of the property if rezoned.

Councilor Burns sees the auction house as a low impact type of business that will be an advantage to the community in bringing people in. Councilor Burns is also concerned about future use if the zone is changed to commercial use. He does not know of another way to
accommodate the auction house without the rezone to commercial. Councilor Burns asks if there is a way to have the auction house without the rezone to commercial. Ms. Kudlac informs that non-conforming use remains in the zone until the type of use is changed. The new use will have to be in conformance with the zone.

Mayor Pogwizd points out there are very few commercial areas in Port Orford. He understands it might be a good lot for an apartment project, but no developers have come forward. The cost of a housing project is high.

Ms. Kudlac defines 2R zone as allowing single family dwelling or duplex, manufactured home, multifamily dwelling, private stables, farming where building site is one acre or more, home occupation, child care facility, residential care home, residential care facility and then the conditional uses as mobile home park, church or school, grange hall, community building, public use facility defined as something like ODOT warehouse, city shop, etc.

Public Testimony Reopened: Mayor Pogwizd offers to reopen public testimony if council would like to hear Mr. Williams speak. Councilors Garratt and Cox requested the public testimony be reopened.

Mr. Travis Williams speaks as a citizen. Mr. Williams advises council this property is not his. He is working on purchasing the property from Forest Access, Inc. This property has had the nonconforming use. Mr. Williams does not want the 4C zoning as per say, but 4C is their only option for using the property. Due to nonconforming, there is not a conditional permit for this. Mr. Williams wants the property for an auction house. He cannot promise that the property would stay an auction house in the future. If the property is not purchased now, someone else will buy it and continue the nonconforming use. The nonconforming use makes it a valuable piece of property for someone to operate their logging equipment business or road construction business out of, which is also a concern in the future. The nonconforming use goes with the property regardless of who uses the property. The property will change in the future regardless of zoning changes. Mr. Williams informs council that his sole purpose for the zone change is for an auction house. It is not a good location for a retail store being far away from highway 101. Mr. Williams agrees it is an idealistic for housing; however, with development fees so high to put housing in, it would be exponential for the cost. Regardless of what happens with the property now, it will change hands and either the nonconforming use continues, or someone builds homes or apartments.

Councilor Garratt asks Mr. Williams what the odds are that the auction house will be a long-term business. Mr. Williams states that if the property is purchased the auction house is intended to be a lifetime business for him.

Diana Marmon, 28 Hamlet Street, did not know about this zone change until now. She wonders why she did not hear about this zone change request. Ms. Kudlac advised that perimeter for notice delivery is 250 feet from the property in question.
Daryl Fromm introduces himself as the owner of the property. He advised that he operated from that property for 30 years and never injured anybody. The neighbors did not complain about the traffic going in and out of the property. An auction house provides parking on the property off of the street. He does not see a safety issue with the auction house use.

Lisa Crosby addresses Caroline who stated all the opponents are at this meeting. She wants to remind council that she did turn in information that there are neighbors who agree with the change. She reiterates that they plan on a once-a-month Saturday auction. Traffic will be from 10 to 5 on a Saturday once a month. The auction house is a general merchandise auction and not heavy equipment auction. It is new merchandise and not junk. They are not bringing in junk. It will be a multi-state advertised auction to let people know there is good general merchandise. People attending the auction are not resale purchasers but will be purchasing new merchandise for their retail businesses.

Councilor LaRoche asks who the people are that support the zone change. She is advised that they have the signatures. Councilor LaRoche asks for statements from the citizens, not signatures.

Lisa Crosby spoke for those in favor, stating they want the buffer zone left and would like to see an auction house business rather than having apartments with the buffer zone torn down and apartment residents able to look into their back yards and into their houses. The neighbors in favor of the zone change stated they would rather have commercial zoning than lose their privacy with the removal of the buffer zone. The neighbors on 12th street stated it was not a big deal to them to have the auction house at the property.

Karen Jennings again speaks against the zone change and is concerned about when the merchandise will be brought into the property.

Tracy Fromm identifies doing business on the property for 20 years six to seven days a week that brought in heavy truck traffic. The traffic comes in on 14th Street. There are only two residences on 14th street. In all those years, six or seven days a week of heavy traffic, there was never an issue or complaint.

With no further citizen comments, Mayor Pogwizd, again, closed the public testimony session.

**Councilor Concerns:**

Councilor LaRoche points out that people that are in favor of the zone change do not live on the Hamlet. Mayor Pogwizd reminds council there is no requirement a person has to live in a certain location to support or be against the zone change.

Councilor Garratt states that pursuing the denial of this, the findings need to be modified. If the denial passes council needs to stop debating and modify the findings. Ms. Kudlac advised that the planning commission went through the findings and decided which findings they did not agree with to determine their findings. Ms. Kudlac recommends the process of discussing the findings that council does not agree with they should know which findings they support.
Councilor Burns summarized that the auction house will be gathering items to sell during the month, thus very limited traffic during the month. Once a month the public will come into the property for the auction. If the zoning to support the auction house does not get approved, then property would come up for sale. At that time, it is a nonconforming use, which means somebody can go in there and bring heavy equipment and do what has been done there in the past. The nonconforming use can be worse than an auction house for the next 30 years where there is no heavy equipment involved. A purchaser can turn the property into a farm with current zoning.

Councilors would like to see the nonconforming use ordinance to be clear on the uses that could be in the future. Councilor LaRoche asked if Mr. Fromm sold the property zoned R2 could the purchaser put trucks and stuff there. Ms. Kudlac replied that if nonconforming use has changed, it should be changed only to a use conforming with the zoning regulations. Once changed, it shall not be changed back again to the original nonconforming use. Change of ownership does not change the nonconforming use. This property can be used as R2 or a heavy equipment shop.

Councilor Burns states the main question is, does the city want to take away that big of a residential piece or gamble that somebody is going to put a like business in that has not been there for 18 years. If turned into commercial the property could change to anything in the future. The city council is here to promote business.

Mayor Pogwizd advised if the change is approved council is finished with this item. If the change is not approved council has to have findings to support the denial. Options are to leave the hearing open and continue next month or continue the hearing at present time and make a decision.

Ms. Kudlac directs the councilors to page 36, item C, says the map and must be compatible with surrounding zoning. She is hearing that a commercial zone there is not compatible with the residential that is around it. That finding can be amended. Legal Council Shoji states correction that findings are on page 25. Finding 17 is the correct finding. Councilor feels the auction house is more compatible with the finding, and there were no complaints when it was a shop with 30 to 40 employees and heavy equipment.

Councilor Cox asked for clarification on finding 20 that states there is a small subdivision but wonders what the land partitioning is that will provide new opportunities for housing. Ms. Shoji thinks it was a small subdivision and there was a land partitioning also. The subdivision is four lots on Arizona. He also asked for clarification on finding 16, the proposed rezone will make it possible to utilize a space that seeking a use. He feels it already has a use. Councilor Garratt points out that it is not actively being a productive part of the community at this time. It is just sitting there.

Mayor Pogwizd interjects that he is not as concerned with removing the R2 status, because there are many lost is Port Orford ready to build on that are not being built on. Ms. Kudlac replies that council keeps talking about PUDs being available for that lot. She reminds council that a PUD
brings a lot of people, a lot of traffic, a lot of housing in one area. Does the city want to set that on that piece of property should be considered? Ms. Shoji advised that PUD is allowed in commercial and in residential as a conditional use.

Mayor Pogwizd stated he would much rather have an auction house than trucking type entity on the property.

With no further discussion offered, Mayor Pogwizd called for a vote on the motion.

<table>
<thead>
<tr>
<th>Councilor Cox</th>
<th>Yes</th>
<th>Councilor LaRoche</th>
<th>Yes</th>
<th>Councilor Williams</th>
<th>Recused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilor Burns</td>
<td>No</td>
<td>Councilor Garratt</td>
<td>No</td>
<td></td>
<td></td>
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</tbody>
</table>

Mayor Pogwizd addressed the tie. Based on the information that he has and knowing what that property can be in the future, Mayor Pogwizd is going to vote No, not to deny.

Shala Kudlac reads Title of ordinance as ordinance #2020-01 amending the city of Port Orford’s zoning map and comprehensive plan map from a residential 2R zoning designation to a commercial 4C designation for property identified as Curry County Assessor’s map description T33SR15W section 05AC tax lot 1200, 3.04 acres. The motion would be to pass it to a second reading.

Councilor Garratt moves to approve ordinance #2020-01 onto the second reading based on the findings with no second. Motion dies for lack of a second.

Councilor Garratt moves to table the zone change to the next meeting with Councilor Burns as second. Motion carried 4-0.

<table>
<thead>
<tr>
<th>Councilor Cox</th>
<th>Yes</th>
<th>Councilor LaRoche</th>
<th>Yes</th>
<th>Councilor Williams</th>
<th>Recused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilor Burns</td>
<td>Yes</td>
<td>Councilor Garratt</td>
<td>Yes</td>
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</tbody>
</table>

Council deliberation continues to the next council meeting on October 17, 2019 at 3:30 in the council chambers. Crystal Shoji will get the 120-day waiver.

After a five-minute break, Shala Kudlac explains that the proponent of the zone change has declined to sign the waiver of the 120-day rule, which means City Council needs to decide on this zone change by October 4. If the decision is not made today, a special meeting will have to be announced with date, time and place so the public knows when that meeting is going to occur. A decision will have to be made at that meeting to meet the deadline.

Mayor Pogwizd announced that people involved in the hearing have left, thinking it was over. This is not a technical problem; however, just a courtesy problem. Public comment has already been closed. A decision has to be made to table the decision to October 4 or make a decision now.
Councilor Cox moves to reconvene Wednesday the 2nd at 3:30 p.m. with Councilor Burns as second. *Motion carried 4-0.*
Discussion: None.

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<thead>
<tr>
<th>Councilor Cox</th>
<th>Yes</th>
<th>Councilor LaRoche</th>
<th>Yes</th>
<th>Councilor Williams</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Councilor Burns</td>
<td>Yes</td>
<td>Councilor Garratt</td>
<td>Yes</td>
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Mayor Pogwizd announced a meeting Wednesday the 2nd of October at 3:30 p.m. CA Richards will post the meeting. Persons attending this meeting will be notified of the continuance.

5. Consent Calendar
Minutes of August 15, 2019
Councilor Garratt moved to approve the Consent Calendar as presented with Councilor Burns as second. No Discussion. *Motion carried 5-0.*

<table>
<thead>
<tr>
<th>Councilor Cox</th>
<th>Yes</th>
<th>Councilor LaRoche</th>
<th>Yes</th>
<th>Councilor Williams</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councilor Burns</td>
<td>Yes</td>
<td>Councilor Garratt</td>
<td>Yes</td>
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6. Citizen's Concerns –
Teresa Kolibaba – Teresa wants to speak on a subject during the workshop. Mayor Pogwizd allows the topic. Teresa wanted to know why the city has to do more well testing since it has been four time in the past 20 years, and the information should be the same.

7. Department Reports –
Administration – Councilor Garratt speaks to CA Richards regarding the website inquiring the status and what is happening after the meeting with Denning Print LLC in regard to taking over the webpage, assuming meaning portorford.org. CA Richards replied that she has contacted four website builders that will work with the city. She has spoken with Denning, LLC and is waiting to hear back from the others. The city website is losing maintenance on the website December 31, 2019. Councilor Garratt volunteered to review anything CA Richards would like reviewed.

Councilor Cox asked for update on Small City Allotment grant. CA Richards reported they accepted the cities application. The city is now waiting to hear.

Councilor Cox asked if the city is simply doing standard valves and meters in leak detection or including Coast Guard Hill. CA Richards advises they are concentrating on the entire system, but Duane and CA Richards agree they need to spend a little extra time on Coast Guard Hill.

Police Department – Hank Hobart advising they are interviewing recruits on Saturday following the morning tests. If no candidates pass, another add will be passed.

Finance – Hearing no questions, Mayor Pogwizd released David.
PORT – Councilor Cox reports they are working on their preliminary funding still. CA Richards asks if they discussed anything about complaints about the construction noise. Councilor Cox did not hear any complaints. Mayor Pogwizd questioned why the crabbing dock is not being put down. Councilor Cox reports the water is too shallow. The PORT was trying to rehab that dock but was not able to.

Parks – CA Richards reports Battle Rock is still under discussion on whether or not to prohibit climbing.

Watershed/Health – Councilor LaRoche reported attending the meeting. It was a good meeting with visitors. She will request a report to add to the city council packets.

Emergency Management – Councilor Burns reported the emergency communication trailer is purchased and is now being outfitted with equipment. They have a radio that will work to communicate with law enforcement. This will be coordinated with the police chief. Water purification receptacles are for sale at cost and not for profit at the co-op.

Curry County – Christopher Posh asked Mayor Pogwizd to relay that there are several board seats in the county that need to be filled. They need people from the north county on the boards. Christopher Posh spoke on which boards are open and what their responsibilities are. Curry county would love to have Port Orford more involved. Curry county will have their Board of Commissioners meeting at 5:00 next Wednesday in Port Orford.

8. Old Business

a. PLC – CA Richards reports Dyer Engineering sent bids to four people who take care of PLCs and only received one back from Tag, the company that has been working with Port Orford to date. The others did not understand the old system and did not want to risk damage. The bid has been reviewed by Dyer Engineer and needs approved. The bid is 54,407.50 dollars. It is unknown if that includes the engineering costs. CA Richards will inquire about the engineering costs. David Johnson in finance agreed with the cost. Dyer will write into the contract that if the deadline is missed, Dyer will pay back some funds to Port Orford.

Councilor Garratt moved to approve the PLC contractor bid with Councilor Burns as second.

Discussion: CA Richards confirms the proposal is for 54,000 for Tag to come replace the PLC. Councilor Cox questions the clause pertaining to the deadline. Councilor’s are not able to locate the clause. Mayor Pogwizd would like to see the bid approved on contingency the clause be added.

Councilor Garratt rescinds his motion with Councilor Burns rescinding his second.

Councilor Garratt moved to accept the bid for the PLC contractor with the contingency that a deadline be place in the contract and Port Orford is paid if the deadline is not met with Councilor Burns as second. Motion carried 4-1. PLC bid is accepted under contingency. CA Richards will be responsible for the contingency and update.
Councilor Cox  No  Councilor LaRoche  Yes  Councilor Williams  Yes  
Councilor Burns  Yes  Councilor Garratt  Yes  

9. New Business:
   a. Resolution 2020-03, USDA funding for PER – This was discussed in the workshop. Councilor Cox moves to table 2020-03 until more information is received with Councilor Burns as second. Motion carried 5-0.
      Discussion: None.
      Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes  
      Councilor Burns  Yes  Councilor Garratt  Yes  
   
   b. Resolution 2020-04, Amending Council Rules
      Councilor Cox moves to approve 2020-04, amending council rules with Councilor Williams as second. Motion carried 5-0.
      Discussion: None.
      Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes  
      Councilor Burns  Yes  Councilor Garratt  Yes  
   
   c. Resolution 2020-05, Curry County Housing Emergency
      Councilor Williams moves to pass resolution 2020-05, Curry County housing emergency with Councilor Burns as second. Motion carried 5-0.
      Discussion: None.
      Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes  
      Councilor Burns  Yes  Councilor Garratt  Yes  
   
   d. Planning Assistant Grant (DLCD) – Possible 10MU zone review. This is a 1060 dollar grant that can be used for anything, not just the 10MU. Looking for authorization to sign. Councilor Garratt moves to authorize the signature for the planning assistant grant with Councilor Cox as second. Motion carried 5-0.
      Discussion: None.
      Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes  
      Councilor Burns  Yes  Councilor Garratt  Yes  
   
   e. Appointments to the Planning Commission: Kevin McHugh is proposed as a reappointment to the planning commission. Sandra Anderson is removed. Mayor Pogwizd reminded councilors that when there are five members, two members get to make a decision. Councilors ask to put this on the agenda for next month. By consensus this will be on the agenda next month. Motion carried 5-0
      Councilor Garratt moves to appoint Kevin McHugh to the planning commission with Commissioner Burns as second. Motion carried 5-0.
      Discussion: None.
      Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes
Councilor Burns  Yes  Councilor Garratt  Yes

f. Proclamation – Home Inventory Week.
Councilor Garratt moves to adopt the proclamation of Home Inventory Week with Councilor Burns as second. Motion carried 5-0.
Discussion: None.
Councilor Cox  Yes  Councilor LaRoche  Yes  Councilor Williams  Yes
Councilor Burns  Yes  Councilor Garratt  Yes

Councilor Burns  Yes  Councilor Garratt  Yes

10. Continuing Action Items: None.

11. Considerations:
Citizen – Sandra Anderson – Expresses concern for new home buyers being responsible for delinquent water bills. The city extended credit to a homeowner, and that homeowner charged up 2,300 dollars of water and sewer fees that the seller had to pay in escrow. This was a short sale, so this was a hardship. Ms. Andersson would like to see something in place to prevent this from happening in the future and to limit landlord liability three months. If the city extends credit past the three months, the city takes responsibility for that.
Mayor Pogwizd spoke with Patty and David, who reported they are implementing the landlord get notice the second month that their tenant is not paying their water bill. A broad statement in a mailer is a good idea. Councilors and Mayor Pogwizd would like to see this on the agenda for the water workshop and the Council’s agenda. It is agreed to put this on both agendas.

Kirk Hamrick, local citizen without address drawing some empowerment from the citizen’s guide to Oregon Coastal Management program. He reports that DEQ has forgivable grant money for materials management. Mr. Hamrick addresses accessory dwelling units and solid waste prevention. He states the state government makes the materials management money is available to the city. Mr. Hamrick mentioned a tool library and OSU internship program in sustainability with a phenomenal tool library, which is a focus in the auction paper provided. Mr. Hamrick’s purpose is to educate the city on funds. Mayor Pogwizd warned of the three-minute time limit. CA Richards will research the information.

Jack Pruitt thanks the city council for voting yes on the proclamation Suicide Prevention Awareness month. He would like gun control considered in support of suicide awareness. He is disappointed the council voted in denial of the state law that requires background check on gun purchases. Councilor Williams advised Jack Pruitt that council did not deny the
opportunity to make a letter. He reminded Mr. Pruitt that he brought council a resolution that was dated prior to the current resolution and asked the council to approve a resolution that was for a previous time. It was not for council to make a letter to provide the background check.

**Staff** – None.

**Councilor** – Councilor LaRoche recommends that council writes a letter to oppose Jordan Cove. Mayor Pogwizd reports that would be a very controversial subject. By consensus, there is not enough support for the letter. Council members chose to do further research.

Councilor Williams would like for council to look at the 10-MU. This should be a workshop after water and sewer workshop.

Councilor would like to consider the SCDC’s proposal soliciting 2,500 dollars or another sum. Councilor suggests David prepare a statement as to how the city will come up with the 2,500. By consensus, this will be presented to David Johnson in finance for a statement preparation. This will be added to the agenda next month.

**Mayor** – Mayor Pogwizd is pleased with this meeting results.

12. **Future Meetings**

City Council Continuing Hearing > Thursday, October 2, 2019 > 3:30 > City Hall Council Chambers.
City Council Workshop for water and sewer > Thursday, October 2, 2019 > 2:00 > City Hall Council Chambers.
City Council Meeting > Thursday, October 17, 2019 > 3:30 > City Hall Council Chambers.

13. **Adjourned**

There being no further business, Mayor Pogwizd adjourned the meeting at _____ p.m.

Attest:

_________________________  __________________________
Mayor Tim Pogwizd           City Recorder, Terrie Richards
All office computers were down since the first week of October; David returned from vacation and did his magic and got us back up and running.

PARKS

- Goals and Mission Statement: The Parks Comm. has created a list of project goals and are creating a mission statement.
- The broken basketball backboard has been replaced.
- Battle Rock Educational Signage – The Commission feels that educational signs to deter climbing Battle Rock is the best way to go and strategically place the signs where they would do the best along the three entrances to the beach. The Commission recommend the council approve educational signage for the Battle Rock project.

OTHER

- Sept. 13, – Attended the quarterly SWACT meeting in Coquille.
- Sept. 17 thru 20, American Leak Detection was in town checking the system – see attached report.
- Sept. 20, - TAG installed the repeater system at the Cedar Terrace Fire Station; it is working great.
- Sept. 24, – Attended a meeting on Exploring Coastal Tourism Trends on Public Lands and Resources, small attendance but good meeting – educational.
- Sept. 25, - County Commissioner Meeting – good meeting – very impressed.
- Rules of Local Contract review – was not in the system – retyped with updates from 2005 inserted.
- Registered with Health Alert Network (HAN).
- Chief Marvin Combs – last month we had a moment of silence for the passing of Chief Combs. A bouquet of flowers from the city was sent to the service – attached is the thank you from Lisa Combs.
- Watershed Agenda attached – minutes available upon request.
- The old council chamber sound system has a new home at the community building.

THINGS TO REMEMBER

- Openings on the Planning Commission, Historic Preservation Commission and the TLT Committee.
- Union contract is coming up for discussion in 2020 – as of right now the only thing we see is some verbiage change in a couple of areas.
- Unaccounted for Water: September 2019 =47%
Summary Report  
City of Port Orford

Leak Detection Survey completed 9/17/19-9/20/19

A complete sonic survey of all meters, valves, hydrants and other contact points was performed by American Leak Detection technician, Justin Turlak on the City of Port Orford's water system.

ALD technician kept a written record of each contact point stating the type of contact, noise level and location on the Survey Test Point Records, which accompany this report. Types of contact included main valves, lateral or tee valves, fire hydrants, hydrant valves, curb stops and/or meters. Noise levels were recorded as "-" (a minus sign) for quiet, "+" (a plus sign) for slight system or background noise, "L" for low, "M" for moderate and "H" for high.

The survey was performed on approximately 18.25 miles of main line and 6 confirmed leaks and points of water loss were identified on the city system. Failing meters that were found not measuring water usage are listed below and counted as points of water loss or unaccounted water. Leak rate estimates are given by technician based on the sound generated by the leak, the size and type of the pipe and results given by the leak noise correlator. Please see the enclosed Survey Summary sheet and copies of the survey test point record sheets.

Leaks located during survey:

1. 9/17/19 - Contact #119 - 335 19th Street. Leak on Service – marked. 3-4 gpm
2. 9/18/19 - Contact #3 - 343 6th Street. Leak on Service. 1.5-2 gpm
3. 9/20/19 - Contact #27 - 20 Hamlet Street. Leak on Service. 2-3 gpm

Failing Meters – not registering usage:

1. 55 Hensley Hill Road
2. 436 Madrona Street - Madrona RV

City of Port Orford – Survey Report 9/30/19
**Possible Customer Side Leaks:**

1. 2025 Jackson Street
2. 2000 Jackson Street
3. 10 Hamlet Street
4. 1009 Lakeshore Drive
5. 1080 Lakeshore Drive

**Other Important Information:**

1. City Hall is unmetered – all usage is undocumented.
2. Blow off at end of Qua-To-Mah Lane – Customer using Blow off for personal water use.
3. Water department is not receiving estimated water usage for Fire Department Hydrant training and testing.

**Conclusion and Recommendations:**

A significant number of older water meters were observed throughout the system. As meters age the rate of water usage being recorded diminishes over time. The meter will not accurately record water usage and therefore appears as water loss in the system as the usage is unaccounted. The replacement of older and damaged meters will improve water accountability and reduce further loss.

Long sections of the system do not have contact points (valves, services, etc.) for sonic leak detection. Recommend isolation and pressure testing of lines in areas such as south California Street to test for loss on isolated systems.

In conclusion, the Port Orford water system appears to be in fair shape as a whole. The areas of concern listed above should be addressed and leaks found repaired. In the opinion of ALD technician, Justin Turlak, the repairs should save the Water District close to 375,000 gallons of water per month.
**SURVEY SUMMARY**

Client: City of Port Orford

Survey Dates: 9/17/19 – 9/20/19  Distance surveyed: 18.25 Miles

General Area Covered: Full System Survey – 4 days

**SURVEY INFORMATION**

<table>
<thead>
<tr>
<th></th>
<th># of Contact Points</th>
<th>Number of Leaks</th>
<th>Total Gallons Per Minute</th>
<th>Total Gallons Per Day</th>
<th>Total Annual Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Line</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrants</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valves</td>
<td>110</td>
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<td></td>
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</tr>
<tr>
<td>Meter</td>
<td>481</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curb Stop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service line</td>
<td>3</td>
<td>6.5 - 9</td>
<td>9,360 - 12,960</td>
<td>3,416,400 - 4,736,400</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>21</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>662</td>
<td>5</td>
<td>6.5 - 9</td>
<td>9,360 - 12,960</td>
<td>3,416,400 - 4,736,400</td>
</tr>
</tbody>
</table>

Completed by: Justin Turlak  Date: 9/30/19
# Survey Daily Log

Client: City of Port Orford  
Date: 9/17/19  
Client Rep: ______________________  ALD Technician: Justin Turiaf  
Area Surveyed: Northeast part of system  
Map Reference: ________________  
Street and Block Numbers: ________________

<table>
<thead>
<tr>
<th>Leak #</th>
<th>Survey Contact #</th>
<th>Location or Address of suspected leak</th>
<th>Agency or Customer</th>
<th>Leak Pinpointed</th>
<th>Leak to be Rechecked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>55 Hensley Hill Road - meter failing &amp; not recording use</td>
<td>City</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>96</td>
<td>463 Madrona St. – Madrona RV meter failing &amp; not recording use</td>
<td>City</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>102</td>
<td>2025 Jackson St. Possible customer side leak</td>
<td>Customer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>103</td>
<td>2000 Jackson St. Possible customer side leak</td>
<td>Customer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>119</td>
<td>335 19th Street – Leak on service – 3-4 gpm – leak marked</td>
<td>City</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Number of contact points: 120  
Miles of main surveyed: 3.75  
# leaks suspected: 3  
# leaks needing recheck: 0  
# leaks pinpointed: 3

REMARKS: Failing service meters are listed as leaks. Heavy rain and wind prevented complete log of all contact points.

City of Port Orford – Survey Report 9/30/19
## Surveys Daily Log

**Client:** City of Port Orford  
**Date:** 9/18/19  
**Client Rep:**  
**ALD Technician:** Justin Turlak  
**Area Surveyed:** South East part of system  
**Map Reference:**  
**Street and Block Numbers:**  

<table>
<thead>
<tr>
<th>Leak #</th>
<th>Survey Contact #</th>
<th>Location or Address of suspected leak</th>
<th>Agency or Customer</th>
<th>Leak Pinpointed</th>
<th>Leak to be Rechecked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>343 6th Street – on Hwy. 101 Leak on service 1.5-2 gpm</td>
<td>City</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**Number of contact points:** N/A  
**Miles of main surveyed:** 4  
**# leaks suspected:** 1  
**# leaks needing recheck:** 0  
**# leaks pinpointed:** 1  

**Remarks:** Heavy rain and wind prevented logging of contact points.
Client: City of Port Orford  
Date: 9/19/19

Client Rep: _______________________  ALD Technician: Justin Turlak

Area Surveyed: South West part of system  Map Reference: ______________________

Street and Block Numbers: ________________________________

<table>
<thead>
<tr>
<th>Leak #</th>
<th>Survey Contact #</th>
<th>Location or Address of suspected leak</th>
<th>Agency or Customer</th>
<th>Leak Pinpointed</th>
<th>Leak to be Rechecked</th>
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</table>

Number of contact points: 250  
Miles of main surveyed: 5.5

# leaks suspected: 0  # leaks needing recheck: 0  # leaks pinpointed: 0

REMARKS: ________________________________________________________________

City of Port Orford – Survey Report 9/30/19
# Survey Daily Log

**Client:** City of Port Orford  
**Date:** 9/20/19

**Client Rep:**  
**ALD Technician:** Justin Turlak

**Area Surveyed:** North West part of system  
**Map Reference:**

**Street and Block Numbers:**

<table>
<thead>
<tr>
<th>Leak #</th>
<th>Survey Contact #</th>
<th>Location or Address of suspected leak</th>
<th>Agency or Customer</th>
<th>Leak Pinpointed</th>
<th>Leak to be Rechecked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15</td>
<td>10 Hamlet Street - Possible customer side leak</td>
<td>Customer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>27</td>
<td>20 Hamlet Street - Leak on service 1-3 gpm</td>
<td>City</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>91</td>
<td>1006 Lakeshore Drive Possible customer side leak</td>
<td>Customer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>97</td>
<td>1080 Lakeshore Drive Possible customer side leak</td>
<td>Customer</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Number of contact points: 216  
Miles of main surveyed: 5

# leaks suspected: 1  
# leaks needing recheck: 0  
# leaks pinpointed: 0

**Remarks:**

City of Port Orford – Survey Report 9/30/19
Dear Friends,

Thank you so much for the beautiful flower arrangement that arrived at the Celebration of Life Ceremony for Marvin.

Marvin loved the time we spent in Port Orford. He likes small communities and getting to know the people, as you are all well aware.

I have so appreciated the overwhelming support that I have received, especially during this last two awful weeks.

Thank you for your card and sweet sentiments.

With a grateful heart,

[Signature]

[Signature]
Port Orford Watershed Council Wednesday, September 16th, 2019 6:30 - 8:00 PM

City Council Chambers

Agenda

6:30 Call to Order / Roll Call / Recognition of Visitors

Approval of the minutes of the September meeting

Business:
Reports and Old Business:

- Review of on-going initiatives
- Garrison Lake
- Waterfront property owner’s handbook
- Water wells- next steps

- Discussion:

New Business:
- Support for WRLT Teaching trees Property Acquisition
- Other topics as time allows
  Attendees’ announcements and concerns

8:00 Adjournment

Our Next Meeting is scheduled for Wednesday, Nov 20th
The City of Port Orford has vacancies on three Commissions and Committees.

Planning Commission – Meets the second Tuesday every month at 3:30 PM at City Hall. Currently they are working on modifying the Dark Sky ordinance.

Historic Preservation Commission – Meets the last Friday of every month at 9:30 AM in the police conference room at City Hall. They have been working on a walking brochure of our old homes and buildings.

TLT Committee (transient lodging tax) – Meets two times a year (or as necessary) starting in January. Help review and recommend to Council the beautification grant applications.

If you are interested in applying for any of these vacancies please stop by city hall and pick up an application. The council makes appointments at the monthly council meetings. Please submit your application the Thursday prior to the city council meeting or at your earliest convenience.
For the month of September, the total revenue and expenditures for all funds was $136,515.06 and $175,815.75 respectively. Following is a more detailed narrative of the activity per fund.

General Fund:
The General fund received $29,035.56 in revenue of which $1,256.51 was from property tax receipts, $23,121.13 from citations, $244.50 from the State Cigarette Tax, $1,603.03 from OLCC tax, $789.72 in interest, $1,311.50 in Business License, $546.00 in Planning fees, and $163.17 in court administrative fees. For the month of September, the General Fund disbursed $42,355.30 of which $13,225.40 was for wages, $6,588.60 in citation reimbursements and assessments, $242.26 for custodial services, $1,200.00 for legal services, $878.78 for office supplies, $300.00 for the municipal judge, $366.80 in bank fees, $1,724.32 for planning services, $223.20 for postage, $522.97 for repairs to City Hall, $1,626.86 for three new computers, $319.00 in Professional Fees for work to maintain the city’s website, $142.42 payment for the copier lease, $48.68 for custodial supplies, $8,465.82 was the General Funds share of software maintenance fees, $7.70 service charge, $5,880.00 was the General Funds share of a partial payment for audit work, $162.74 for mileage reimbursement for travel to and from the bank and post office, $334.77 for telephones, and $94.98 for internet service.

Parks:
Parks received $899.56 in revenue of which $153.60 in Visitor Center donations, $566.05 in TLT receipts, $50.00 in Visitor Center rent, and $129.91 in interest. For the month of September, $8,437.01 was disbursed for Parks of which $3,951.48 was for payroll, $194.79 for fuel, $324.48 for electricity, $490.00 was the Park Funds share of the audit work, $712.22 for maintenance at Battle Rock Park, $26.98 for maintenance at the A-Frame, $20.85 for maintenance at the Community Building, $215.62 for maintenance at the Visitor Center, $561.96 for maintenance at Buffington Park, $62.54 for maintenance at the American Legion Hall, $66.55 for maintenance at the 12th Street Boat Ramp, $310.79 for vehicle maintenance, $30.53 for telephone service, $35.97 for internet service, $124.51 for shed at the mini golf course, and $1,307.74 for custodial services.

Public Safety:
$36,538.27 was disbursed for the Police Department of which $30,121.60 was for payroll, $76.96 for office supplies, $841.15 for fuel, $1,120.00 was Public Safety’s share of the audit work, $3,848.65 for new TaserS and computers, $75.00 for Kings Online, $0.55 for postage, and $454.36 for telephone service. Public Safety received $1,583.99 in revenue of which $1,051.45 was from property tax receipts, $10.00 for burn permits, $16.59 in interest, $65.35 in miscellaneous receipt, and $440.60 for a grant from ODOT for seat belt enforcement.

Water Enterprise:
The Water Department received $42,537.34 in revenue of which $42,296.95 was from the August utility billing of which $3,850.15 is designated to be set aside for Water Capital Reserves, and $330.39 in interest. The Water Enterprise Fund paid out $44,918.29 of which $25,888.29 was for payroll, $40.80 for office supplies, $126.98 for postage, $449.20 for telephone services, $39.99 for internet service, $865.46 for electricity, $2,625.55 for utility billing software maintenance, $500.00 for contact services, $3,920.00 for partial audit work, $1.79 for maintenance of water lines, $5.69 for pump station repairs, $305.00 registration for the fall OAWU conference, $2,839.58 for maintenance of the treatment plant, $1,042.00 for new meters and boxes, $104.02 for minor equipment, $5,214.00 for the engineers work on the new PLC, $210.00 for vehicle maintenance and $739.94 for lab supplies.

Water Capital Reserves:
The Water Capital Reserve Fund received $281.72 in interest. The Water Capital Reserve Fund balance is now $140,198.75.
Sewer Enterprise:

The Sewer Enterprise Fund received $52,401.33 in cash receipts which consists of $590.52 in interest, and $51,810.81 was from the August utility billing of which $3,072.82 is designated to be set aside for Sewer Capital Reserve. The Sewer Enterprise fund outflow for September was $36,230.89 of which $20,970.80 was for payroll, $2,012.45 for electricity, $219.45 for telephone service, $793.67 for fuel, $59.99 for internet service, $1,832.87 to maintenance to the Treatment Plant, $2,851.46 for repair to lift station, $2,625.55 for utility billing software maintenance, $2,590.00 for partial work on the audit, $994.31 for training, $97.66 for minor equipment, $1,055.70 for vehicle maintenance, and $126.98 for postage.

Sewer Capital Reserves:

The Sewer Capital Reserves received $272.57 in interest. The Sewer Capital Reserve Fund balance is now $135,648.83.

Street Fund:

For September the Street Fund received $8,039.69 of which $7,908.98 was from the State Highway tax, and $130.71 in interest. $7,335.99 was disbursed for Streets, of which $5,949.76 was for wages, $99.00 for the port-a-pott, $253.30 for fuel, $634.92 for a new pole trimmer, $99.77 for electricity, $197.24 for vehicle maintenance, and $102.00 for sign posts.

Streets Capital Improvement Fund

The Streets Capital Improvement Fund received $84.42 in interest and the new balance in now $42,011.55.

Equipment Replacement Fund:

The Equipment Replacement Fund received $110.30 in interest. The balance of the Equipment Replacement Fund is $54,890.32.

Water and Sewer SDC:

The Water SDC Fund received $757.40 in interest and the Sewer SDC Fund received $511.18 in interest for the month of September. The balances of the SDC funds are as follows:

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David Johnson
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Date Range: 07/01/2019 - 09/30/2019

Total Activity: 10,763.47
Total Credits: 10,763.47
Ending Balance: -10,607.70
### Detail Report

**Account**
- 030-00-44109

**Name**
- Designated for Reserves - Continued

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**Total Fund: 030 - WATER ENTERPRISE FUND:**

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**Date Range:** 07/01/2019 - 09/30/2019
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Total Fund: 035 - SEWER ENTERPRISE FUND: 0.00 -8,899.24 214.42 9,113.66 -8,899.24
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Date Range: 07/01/2019 - 09/30/2019

Grand Totals:

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- Total Activity: -19,506.94
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- Total Credits: 19,877.13
- Ending Balance: -19,506.94
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### Bank Transaction Report

**City of Port Orford**

**Transaction Detail**

Issued Date Range: 09/01/2019 - 09/30/2019

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**Total Checks** 103,323.33

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**Total EFT** 41,818.94
City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION 10/17/19

SUBJECT: Webmaster  ITEM NO:  7

BACKGROUND:
Prior to my coming to Port Orford Michelle Duarte was involved with the city website. Designing, creating, managing and maintaining; all pro-bono. The City would send via email council packets, minutes, announcements etc. and almost instantly she would have our request posted to the website.

Michelle very patiently worked with me as I learned the very necessary codes she needed to make posting go smoothly.

Michelle gave the city six months’ notice that she was stepping down as webmaster.

I searched out four webmasters, two responding with a thank you but no, one did not respond at all and we received one proposal from Denning Print Company – see attached proposal.

Denning Print Company, Jessie Denning is a local company from Langlois. Visit the website denningprint.com to see all of the services she offers.

FISCAL IMPACT:
First year: $475.00 includes website clean-up and redesign
Year two and beyond: $300.00 per year

RECOMMENDATION:
Move to approve Denning Print Company as the City of Port Orford’s new webmaster.

SUBMITTED BY:
Terrie Richards
Terrie Richards, City Recorder
Website Maintenance & Update Proposal
City of Port Orford

September 13, 2019
Prepared by Jessie Denning
Prepared for Terrie Richards

www.denningprint.com
Introduction

Thank you for this opportunity to submit a proposal for the reorganization and updating of the website for the City of Port Orford. I believe we can work together to create a site that is easier for users to navigate.

Needs & Solutions

Based on my initial meeting at your office, I have identified the needs of the city website as follows:

Website clean-up
The website has numerous broken links and unnecessary text. Working closely with the city administrator and other employees, Denning Print Company LLC will remove and/or update any text as needed, as well as fix any broken links.

Website redesign
Although the current design of the site is modern and pleasing to the eye, there are some navigational difficulties for site users. Denning Print Company LLC will reconfigure the menu bar to make it easier to use. We will also remove and/or update various buttons and sidebars throughout the site, as directed by city employees.

Website maintenance
There are several documents that must be uploaded in a timely manner to the site, at a frequency of once per month. Denning Print Company LLC will configure these documents to display on the website and upload them promptly.

Fee Summary

Website clean-up: $50
Estimated time of two hours (at $25/hour).

Website redesign: $125
Estimated time of five hours (at $25/hour).

Website maintenance: $300
One hour per month (at $25/hour), for 12 months.

PROJECT TOTAL: $475
Fee Schedule

If the City of Port Orford wishes Denning Print Company LLC to move forward with this project, the schedule of payment can be found below:

- 50% upon acceptance of this proposal
- 50% upon completion of the project

Terms and Conditions

- Denning Print Company LLC assumes that the City of Port Orford has permission from the rightful owner(s) to use any images or design elements that are provided by the City of Port Orford for inclusion in the website, and will protect Denning Print Company LLC from any claim or suit arising from the use of these elements.
- Denning Print Company LLC retains the right to display graphics and other web content elements as examples of their work in their portfolio.
- The agreement contained in this contract constitutes the sole agreement between Denning Print Company LLC and the City of Port Orford regarding all items included in this agreement.

Next Steps

To proceed with the project, the City of Port Orford is required to do the following:

1. Accept the proposal "as is" or discuss any desired changes. Changes to the scope of the project can be made at any time (for example, to make the site mobile-friendly or do an entire site redesign), but additional charges will apply.
2. Finalize and sign contract.
3. Submit initial payment of 50% of total project fee.
4. Provide login information and all other information necessary for Denning Print Company LLC to access the current website.

Examples of Work and References

The following are some websites have been created by Denning Print Company LLC.

www.denningprint.com
http://polibrary.org/
www.masonmarshall.com/store/

References available upon request.
From: Bob Swartzlander <rms8085@gmail.com>
Sent: Friday, September 20, 2019 10:30 AM
To: Terrie Richards <trichards@portorford.org>
Subject: Re: City of Port Orford Website

Thank you for your email! Judy did contact me about this opportunity and I wish I could take it on. Since the last time Judy and I spoke, I was promoted into a new position and unfortunately do not have the time to take on any new projects at this time.

I'll look around and see if I know anyone that I can refer you to.

Thanks again, and have a great weekend!
Bob

On Wed, Sep 18, 2019 at 1:41 PM Terrie Richards <trichards@portorford.org> wrote:

The City of Port Orford is in need of a webmaster. Judy Taylor recommended you since she no longer does this type of work.

Our site was created and maintained by a local citizen, Michelle Duarte of Wild Springs Habitat (great place you should check it out), her background was in marketing before retiring. Michelle was kind and was our webmaster pro bono.

I realize we will have to pay for a webmaster so I am asking if you would be interested in submitting a proposal to freshen up our current webpage, portorford.org, and help maintain and post as needed. Currently we send everything to Michelle and she posts it to the website.

If you are interested, please send your proposal to trichards@portorford.org. If you are not interested would you have a name of someone who might be interested in this service?

Thank you and looking forward to hearing from you.

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents, or take any action in reliance on the information it contains.
City of Port Orford

CITY COUNCIL ADMINISTRATION REPORT

SUBJECT: RES 2020-03 Grant Approval – 10MU Review

BACKGROUND

The Council has had several meetings/workshops to discuss the required PER (Preliminary Engineering Report) allowing the city to apply for grants for improvements to the water system. It is required the PER is created by an Engineer working with the city to understand the current needs of the city’s water system.

The current cost for a PER for the water system is $25,000 and the PER for the sewer system needs is $17,900 for a total of $42,900. The city contacted USDA; they have a 75% to 100% grant depending on the city’s ability to pay.

The electronic application is all but done – waiting for approval of the resolution to apply.

The needs of the sewer system are as great as the water system. The equipment is aging and failing and should be discussed for repairs.

FINANCIAL IMPACT:

Possibly up to 25% of the cost of the project

RECOMMENDATION:

Move to approve Resolution 2020-03 authorizing application for the Preliminary Engineering Report to update the priorities of the water and sewer master plan.

SUBMITTED BY:

Terrie Richards

Terrie Richards, City Administrator
RESOLUTION 2020-03
A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD, AUTHORIZING APPLICATION FOR THE PRELIMINARY ENGINEERING REPORT TO UPDATE THE PRIORITIES OF THE WATER AND SEWER MASTER PLANS

WHEREAS, Rural Development Oregon is accepting applications for the SEARCH (Special Evaluation Assistance for Rural Communities and Household) grant program; and

WHEREAS, the City of Port Orford desires to participate in the grant program to the greatest extent possible as means of providing needed updated priorities to the 2014 Water and Sewer Master Plan; and

WHEREAS, the Port Orford City Council and City Staff have identified improvements within the water and sewer system as a priority need in the City of Port Orford; and

WHEREAS, the Preliminary Engineering Report is a required document to apply for funding to make repairs to our water and sewer system; and

WHEREAS, the City of Port Orford hereby certifies that the matching share for this application is readily available at this time,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Port Orford, that City Staff is authorized to apply for a SEARCH grant from Rural Development Oregon for the completion of the water and sewer Preliminary Engineering Report.

PASSED AND ADOPTED by the Common Council of the City of Port Orford this 17th day of October, 2019

Tim Pogwizd, Mayor

ATTEST:

______________________________
Terrie Richards, Recorder
City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION 07/18/19

SUBJECT: South Coast Development - Membership

ITEM NO: 9a.

BACKGROUND:
September 19, 2019 Sam Baugh of the South Coast Development Council presented the council the benefits to the city of becoming a member of the SCDC. Sam has been coming to Port Orford and hosting a “Listening Session” for citizens to discuss needs and work on solutions for those needs.

At that time the City Council thought that from what they heard it might not be a bad idea and wanted to come to the October meeting for a vote.

FINANCIAL IMPACT:
Unknown - $2,500 to $50,000 per year

RECOMMENDATION:
Motion to become a member of the South Coast Development Council at the amount of $$ per year.

OR

Motion to deny

SUBMITTED BY:

Terrie Richards, City Recorder
The South Coast Development Council, Inc. is a 501(c)3 non-profit economic development organization with a vision “to build a thriving and diversified business community on Oregon’s South Coast.”

I would like to become a SCDC Member/Investor at an annual commitment level of:

☐ Keystone Investor $50,000
☐ Sustaining Member $25,000
☐ Platinum Underwriter $10,000
☐ Gold Investor $7,500
☐ Silver Investor $5,000
☐ Bronze Investor $2,500

☐ Affiliate Investor $500

I am interested in...

☐ Serving as a voting member on the SCDC Board of Directors. (One meeting per month, on the first Thursday of each month. Term of two years; elections are held in June.)

☐ No, I am not able to serve as a voting board member at this time.

☐ Serving on the SCDC Executive Committee (Term of one year; elections held in June.)

☐ Sponsoring events.

☐ Not at this time.

Company Name: ________________________________

Representative Name and Title: ________________________________

Mailing Address: ________________________________

Physical Address (if different): ________________________________

Telephone: (Office) __________________ (Cell) __________________

Email: ________________________________

Website: ________________________________ Preferred Billing Month: ________________

Signature: ________________________________

Our mission is to promote and support businesses that provide quality jobs through responsible development on Oregon’s South Coast.

06/17/2019
## South Coast Development Council Benefits

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<th>Individual $150</th>
<th>Affiliate Investor $500</th>
<th>Bronze Investor $2,500</th>
<th>Silver Investor $5,000</th>
<th>Gold Investor $7,500</th>
<th>Platinum Underwriter $10,000 or greater</th>
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### Board Seats
- Number of Board seats available for each investor grouping is shown above.
- Investors within the stated groups nominate and vote to fill the stated board seats from within their investor group.
- There are no term limits at the Board level.
- Elections are held annually with position changes taking place as of July 1 of every year.

### Voting
The member must be a paying investor in order to vote at the Board level.

### Executive Committee
- Members: Chair, Vice Chair, Secretary, Treasurer, Immediate Past Chair, and two “at large” positions.
- Two “at large” positions will be voted on by the Board. One from the Public Sector and one from the Private Sector. In order to hold an “at large” position, the person must represent a paying investor.
- Executive Committee is nominated by and voted on by the general Board.
- Executive term limits are two years. However, a person can move from one position to another, if elected.
- Elections are held annually with position changes taking place as of July 1 of every year.
- The Board Attorney and Board Accountant will serve as ex-officio members of the executive committee.

### Ex Officio
- The Board may request representation by partner agencies or selected businesses in the community to advise the board and provide broader community participation.
- Ex Officio members are not required to be paying investors and are non-voting positions. Ex-officio members may elect to become paying investors. Paid membership supersedes Ex Officio voting and benefit limits.
## Council Investors / Members

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<td>Bandon Dunes</td>
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<td>Southwestern Oregon Community College</td>
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<tr>
<td>City of Coos Bay</td>
<td>Jordan Cove LNG</td>
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| Silver Level           |                      |                      |
| City of Florence       | Pacific Power        | Confederated Tribes (CTCLUSI) |

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<td>Douglas County</td>
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<td>Oregon Pacific Bank</td>
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<td>Pam de Jong</td>
</tr>
<tr>
<td>Charlie Yancey</td>
<td>Jim Berg</td>
<td>Port of Brookings-Harbor</td>
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<tr>
<td>Dick Leshley</td>
<td>Jodi Fritts-Matthey</td>
<td>Rachel Richardson</td>
</tr>
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<td>Executech</td>
<td>John Briggs</td>
<td>Rodger Craddock</td>
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<tr>
<td></td>
<td>Jon Barton</td>
<td></td>
</tr>
</tbody>
</table>

**Where to find us:**
If you would like more information please contact Sam at 2110 Newmark Avenue, Suite 201, Coos Bay, 541-888-7003, Email: info@sccdinc.org. Connect with us on the web: [www.sccdinc.org](http://www.sccdinc.org), Facebook: [https://www.facebook.com/SCDCInc/](https://www.facebook.com/SCDCInc/) or on Twitter: #GrowSouthCoast

**EIN:** 93-1287230
BACKGROUND:
In 2017 the Council voted to change the Planning Commission board from seven to five. Changing the UGB allowed from two to one. The reason for the change was that it is difficult to find seven volunteers but five is easier. Councilor Auborn was very much against this idea because it allowed that only two people would be making decisions for the city in the area of planning.
The current Planning Commission is at four.
Posted notices were not drawing interest so I sent a notice via email to several groups and have two interested individuals respond.

FISCAL IMPACT:
Unknown

RECOMMENDATION:

Motion to stay with a five-member Planning Commission allowing one of the five-member board from the UGB (Urban Growth Boundary)

OR

Motion to go to a seven-member Planning Commission and allow two of the seven-member board from the UBG (Urban Growth Boundary).

SUBMITTED BY: **Terrie Richards**  Terrie Richards, City Administrator
City of Port Orford

CITY COUNCIL ADMINISTRATION REPORT

SUBJECT: Class Action Lawsuit - Opioids

Date: 10/17/19

ITEM NO: 9c.

BACKGROUND:

Occasionally the city receives notice of class action lawsuits that do not required a response or do not involve the city. We look them over and if it is not clear to us we send them to Legal Counsel to review and advise. However, this notice does require a response; it was sent to Legal Counsel who advises the council make a vote on this particular lawsuit.

The question: Does the City want to stay in this class action lawsuit?

FISCAL IMPACT:

Unknown

RECOMMENDATION:

Motion to stay with the class action lawsuit In re: National Prescription Opiate Litigation OR
Motion to Exclude the City from the Class Action Lawsuit In re: National Prescription Opiate Litigation and allow the City Administrator to fill out the Exclusion Request Form and return it to the appropriate office.

SUBMITTED BY: Terrie Richards

Terrie Richards, City Administrator
CLASS ACTION NOTICE AND FREQUENTLY ASKED QUESTIONS ("FAQs")

To: All U.S. Counties, Cities, and Local Governments as listed at www.OpioidsNegotiationClass.info

A court authorized this notice. This is not a solicitation from a lawyer.

- Counties and cities across the country have sued manufacturers, distributors, and retailers of prescription opiate drugs seeking, among other things, reimbursement for monies spent addressing the opioid crisis. All federal actions have been centralized into one court in Ohio and are entitled, In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio). Additional cases are pending in state courts.

- The Court in In re: National Prescription Opiate Litigation has certified a voluntary “Negotiation Class” (“Class”). The Class is defined as: all counties, parishes, and boroughs (collectively, “counties”); and all incorporated places, including without limitation cities, towns, townships, villages, and municipalities (collectively “cities”). The Class includes all counties and cities, whether they have filed a lawsuit or not. The complete current list of Class Members is available at the Class website: www.OpioidsNegotiationClass.info. This list may be updated as the Court may order.

- **NO SETTLEMENT HAS BEEN REACHED. HOWEVER, IF YOUR COUNTY OR CITY STAYS IN THE CLASS, it will be bound if a Class settlement is approved in the future.** Your county or city will likely **NOT** be provided another opportunity to be excluded from this Class action, so you should read this notice carefully and consult with your counsel regarding your county or city’s rights.

- The Court has certified two Racketeer Influenced and Corrupt Organizations Act (“RICO”) claims under Rule 23(b)(3) and two Controlled Substances Act (“CSA”) issues under Rule 23(c)(4). (see FAQ 7). The Class is certified solely to consider and vote on any future settlement offers made to the Class by one or more of 13 defendants (see FAQ 5). The purposes of the Class are (a) to unify cities and counties into a single negotiating entity to maximize their bargaining power and (b) to provide finality to opioids litigation for any settling Defendant.

- This Negotiation Class will not decide any claims or defenses in opioids litigation on the merits. It is certified as a Negotiation Class only, to facilitate Class Members’ approval or rejection of proposed settlements. There are no proposed settlements at this time, and no guarantee that there will be in the future. **However, your legal rights are affected and it is recommended that you consult with counsel regarding the choice you have to make now.**
<table>
<thead>
<tr>
<th><strong>Stay in the Class.</strong> Stay in the Class. Await the negotiation outcome, but retain the right to pursue your own lawsuit in the meantime. Give up certain rights if a Class settlement is reached and approved by the Class and Court, but get a share of any Class settlement.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>By taking no action in response to this Notice, you remain in the Class. As a Class Member, you will still retain your right to pursue your own case unless and until any possible Class settlement is approved by the Court. As a Class Member, you have the right to vote on any settlement proposed to the Negotiation Class. A settlement will not be accepted unless supported by 75% of the voting Class Members, counted by number, population, and allocation, for both litigating and non-litigating entities, and approved by the Court. Settlement funds will be distributed at the county level and each county's share – and city's suggested share – can be viewed now by utilizing the Allocation Map at the Class website, <a href="http://www.OpioidsNegotiationClass.info">www.OpioidsNegotiationClass.info</a>. If the Court approves any settlement, that judgment will prohibit Class Members from suing the settling Defendant(s) about the claims and issues in the litigation.</strong></td>
</tr>
<tr>
<td><strong>Remove Yourself From The Class.</strong> Get out of the Class. Get no portion of any settlement. Keep rights.</td>
</tr>
<tr>
<td><strong>Those who exclude themselves from the Class cannot vote on, will not have the right to be paid under, and will not be bound by, any Class settlement. You keep any rights to negotiate separately about the same legal claims in this lawsuit, even if the Court approves a settlement for the Class. Class Members may exclude themselves from (“opt out” of) the Class by having an authorized officer or employee complete and sign the Exclusion Request Form enclosed here and submit it on or before November 22, 2019 by email or mail in accordance with the instructions in FAQ 26 below.</strong></td>
</tr>
</tbody>
</table>

- Class representatives and Class counsel will represent the Class in negotiations with Defendants who choose to do so. You may enter an appearance through an attorney (at your own expense) if you desire, but it is not required. Class Membership does not eliminate existing agreements with individual counsel. The procedure for payment of Class/common benefit attorneys’ fees/costs in connection with any Class settlement must be approved by the Court. Details of the proposed options and procedures for fees and costs are posted on the Class website.

- For complete information on the Class, the settlement allocation formulas, the Class certification motion and Order, the list of included Class Members, the voting process to be used by the Class in accepting or rejecting any Class settlement offer, and an Allocation Map determining your allocation of any proposed settlement, go to [www.OpioidsNegotiationClass.info](http://www.OpioidsNegotiationClass.info). Important information on the Opioids-related litigation, including all pertinent Orders and Schedules, and Frequently Asked Questions, will be available on the Class website on an ongoing and current basis.

**Your rights and options are further explained below.**

**Any questions? Read on and visit [www.OpioidsNegotiationClass.info](http://www.OpioidsNegotiationClass.info).**

**DO NOT WRITE OR CALL THE COURT OR THE CLERK’S OFFICE FOR INFORMATION**

Questions? Visit [www.OpioidsNegotiationClass.info](http://www.OpioidsNegotiationClass.info)
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BASIC INFORMATION

1. Why is a Negotiation Class being formed? What is its purpose?

The purpose of the Negotiation Class is to create a cohesive group of cities and counties to negotiate Classwide settlements, on a voluntary basis, with Defendants who make, distribute, or sell opioids nationwide. Class Representatives and Class Counsel will represent the Negotiation Class. Class Members will vote on any Class settlement proposal. If 75% of those Class Members who vote (as described in FAQ 18 and 19 below) support a proposed Settlement, Class Counsel will ask the Court to approve it. The ultimate purpose of the Negotiation Class is to make settlement easier to obtain.

2. Is this the first Negotiation Class Action?

Yes. This is a new use of the Class action mechanism under Federal Rule of Civil Procedure 23, reflecting the unique nature of the national opioids litigation. Unlike any mass litigation before, thousands of cities and counties nationwide are pursuing claims against major defendants. The goal is to recover money to help fight the opioids epidemic, provide prevention and treatment services going forward, and change Defendants' practices.

3. Why use a Class mechanism?

Joining all cities and counties together as a Negotiation Class gives them maximum negotiating power, makes the negotiation of comprehensive settlements a more practical process, enables Defendants to know the group with which they are negotiating, and enables Class Members to vote on resulting settlement offers.

4. Who are the Class Representatives?

The Court has authorized the following 49 counties and cities to serve as the Negotiation Class’s Class Representatives: (1) County of Albany, New York; (2) City of Atlanta, Georgia; (3) Bergen County, New Jersey; (4) City of Baton Rouge/East Baton Rouge Parish, Louisiana; (5) Broward County, Florida; (6) Camden County, New Jersey; (7) Cass County, North Dakota; (8) City of Chicago, Illinois; (9) Cobb County, Georgia; (10) City of Concord, New Hampshire; (11) Cumberland County, Maine; (12) City of Delray Beach, Florida; (13) Denver, Colorado; (14) Escambia County, Florida; (15) Essex County, New Jersey; (16) County of Fannin, Georgia; (17) Franklin County, Ohio; (18) Galveston County, Texas; (19) County of Gooding, Idaho; (20) City of Grand Forks, North Dakota; (21) County of Hennepin, Minnesota; (22) City of Indianapolis, Indiana; (23) County of Jefferson, Alabama; (24) Jefferson County/City of Louisville, Kentucky; (25) Jersey City, New Jersey; (26) Kanawha County, West Virginia; (27) King County, Washington; (28) City of Lakewood, Ohio; (29) City of Los Angeles, California; (30) City of Lowell, Massachusetts; (31) City of Manchester, New Hampshire; (32) Maricopa County, Arizona; (33) Mecklenburg County, North Carolina; (34) The Metropolitan Government of Nashville and Davidson County, Tennessee; (35) Milwaukee County, Wisconsin; (36) Monterey County, California; (37) City of Norwalk, Connecticut; (38) County of Palm Beach, Florida; (39) Paterson City, New Jersey; (40) City of Phoenix, Arizona; (41) Prince George’s County, Maryland; (42) Riverside County, California; (43) City of Saint Paul, Minnesota; (44) City of Roanoke, Virginia; (45) County of Rockland, New York; (46) City and County of San Francisco, California; (47) County of Smith, Texas; (48) County of Tulsa, Oklahoma; and (49) Wayne County, Michigan.

Questions? Visit www.OpioidsNegotiationClass.info
5. Who are the Defendants?

The Court has authorized the Negotiation Class to negotiate with 13 Defendants (including their affiliates): (1) Purdue, (2) Cephalon, (3) Endo, (4) Mallinckrodt, (5) Actavis, (6) Janssen, (7) McKesson, (8) Cardinal, (9) AmerisourceBergen, (10) CVS Rx Services, Inc., (11) Rite-Aid Corporation, (12) Walgreens, and (13) Wal-Mart. The Negotiation Class is authorized to negotiate settlements with any of these 13 Defendants, on any of the claims or issues identified below in FAQ 7, or other claims or issues arising out of the same factual predicate. If Class Counsel seek to negotiate for the Class with any other defendants, they can file a motion asking the Court to amend the Class certification order.

6. Has a Class settlement been reached with Defendants yet?

No. No Class settlement has been reached yet with any Defendant. But the existence of a Negotiation Class makes the possibility of Class settlement more feasible because a Defendant will know the group with which it is negotiating. There is no guarantee, however, that there will be a Class settlement and it is possible that there will be settlements that do not encompass the Class, such as settlements between one or more Class Members and one or more Defendants.

THE CLASS CLAIMS AND ISSUES

7. What claims and issues are certified for the Negotiation Class?

In this Negotiation Class, the Court certified two federal Racketeer Influenced and Corrupt Organizations Act ("RICO") claims and two federal Controlled Substances Act ("CSA") issues. The RICO claims and the issues related to the CSA are similar across the country and the Class. The first RICO claim alleges that five Defendants misled physicians and the public about the need for and addictiveness of prescription opioids, all in an effort to increase sales. The second RICO claim alleges that eight Defendants ignored their responsibilities to report and halt suspicious opioid sales, all in an effort to artificially sustain and increase federally-set limits (quotas) on opioid sales. The CSA issues allege that the CSA required Defendants to create systems to identify, suspend, and report unlawful opioid sales, and that Defendants failed to meet those obligations. As noted in FAQ 5, above, the Negotiation Class is authorized to negotiate Class settlements concerning these claims and issues or other claims or issues arising out of the same factual predicate. However, this Negotiation Class does not involve claims by State governments against the Defendants and no Class settlement will release or otherwise interfere with any State government’s current or future litigation. This Negotiation Class concerns claims only of counties and cities. You can read more about these claims and issues in the Court’s Memorandum Opinion certifying this Class, which is posted at www.OpioidsNegotiationClass.info.

8. Has the Court decided any claims or issues?

No. The Court has not decided any Classwide claims or defenses on the merits and the Court will not render any Classwide decisions on the merits of any claims asserted by the Class or individual Members of it. By establishing this Negotiation Class and issuing this notice, the Court is not suggesting the Class would win or lose this case. This Class has been certified for negotiation purposes only.

Questions? Visit www.OpioidsNegotiationClass.info
WHO IS IN THE CLASS

9. What entities are included in the Negotiation Class?

The Negotiation Class is defined as:

All counties, parishes, and boroughs (collectively, "counties"); and all incorporated places, including without limitation cities, towns, townships, villages, and municipalities (collectively "cities").

A complete current list of Class Members is available at www.OpioidsNegotiationClass.info. The list may be updated as the Court may order.

The terms "counties" and "cities" are used only as shorthand. The Class includes political subdivisions with other names, such as parishes, villages, towns, townships, etc. The list of Class Members was devised primarily from the U.S. Census Bureau lists of governmental entities that provide services to their residents. Check the Cities and Counties lists posted on the Class website to confirm whether you are a Negotiation Class Member.

10. Are counties and cities with state court-filed actions considered part of the Negotiation Class?

Yes. Counties and cities that sue in state court are Members of this Negotiation Class, with the option to opt out. However, nothing about Membership in the Negotiation Class interferes with the rights of any federal or state court plaintiffs to proceed with their own cases for litigation, trial, or individual settlement. Only if and when a Class settlement has been reached, has been approved by 75% of the voting Class Members as described in FAQ 19, and has been approved by the Court, would Class Members lose their ability to proceed on their own, in exchange for the settlement benefits that they would receive.

11. Will the Negotiation Class end the opioid litigation that my County or City has filed?

Not now and only if a Class settlement is later reached and approved. Your county’s or city’s Membership in the Negotiation Class will not immediately affect any opioid suit it has filed, whether in federal or state court. It also will not stop your county or city from filing or pursuing a lawsuit, and it will not affect any scheduled hearings or trials in any lawsuit. However, if there is a final Class settlement, approved by the required 75% of the voting Class Members and by the Court, the final settlement will likely end all other opioids-related litigation brought by Class Members. In the meantime, you do not need to opt out of the Class to file, continue to prosecute, or settle your own case, and you may keep any settlement or judgment you obtain. If any county or city obtains a judgment or settlement with a Defendant before the Negotiation Class does, however, it will not receive additional compensation through any later Negotiation Class settlement. But by remaining in the Class, your county or city does risk foregoing its own lawsuit (although it would obtain money from a Class settlement) if a Class settlement is reached and approved.

12. How does the Negotiation Class affect other types of opioid plaintiffs that are not counties or cities?

The Negotiation Class does not directly affect the litigation or settlement of the claims of other types of plaintiffs, such as Indian Tribes, third party payors, and others, that are proceeding in federal or state courts. These plaintiffs can organize themselves as groups or propose their own Classes, for trial or settlement purposes.

Questions? Visit www.OpioidsNegotiationClass.info
THE NEGOTIATION CLASS PROCESS

13. Now that the Court has approved this process, what will happen next?

The creation of the Negotiation Class has these next steps:

- On September 11, 2019, Judge Polster, the federal judge overseeing all of the national opioids litigation, certified the Negotiation Class to go forward.

- On or before September 20, 2019, Class Action Notice will be sent via First-Class mail and posted to the Class website www.OpioidsNegotiationClass.info to all Class Members.

- Class Members have until November 22, 2019 to decide whether to participate or to opt out of the Class. This is the “opt-out period.” All Class Members are automatically included in the Class. If a Class Member wants to participate, it does not need to do anything at this point. Only Class Members that wish to exclude themselves (“opt out”) and not participate in the Class must act: they must submit a copy of the enclosed Exclusion Request Form on or before November 22, 2019, using the instructions in FAQ 26.

- After the close of the opt-out period, the Court will enter an order confirming the Membership of the Class, saying who is in and who is out of the Class.

- After that, the Class will operate if, and only if, one or more of the Defendants wishes to negotiate with the Class as a whole through the Negotiation Class mechanism.

- If a proposed Class settlement is reached, the proposal will be submitted to the entire Class Membership for its approval or rejection in accordance with the voting formula (described in FAQ 18 and 19 below). If no proposed settlement is reached, the Class will not vote and will have no other role.

14. If my County or City chooses to participate in the Negotiation Class, how will it know when there is a proposed Class settlement?

All Negotiation Class Members will be given advance notice of any Class settlement offer, including details on its terms and conditions, and they will have an opportunity to vote on each settlement offer. Class Members will be able to cast their vote securely, through the Class website, which will establish a voting identity and portal for each Class Member. Only Class settlements achieving 75% approval votes, by number, by allocation, and by population, of the litigating and non-litigating Class Members that vote (as described in FAQ 19) will be submitted to the Court, which will make the final determination of whether to approve the settlement.

15. If there is a proposed Class settlement, does the Court still have to approve it?

Yes. If there is a proposed settlement that is approved by 75% of the voting Class Members, as described in FAQ 18 and 19, the Court will review and decide whether to approve it, under the Class action settlement approval process set forth in Federal Rule of Civil Procedure 23(e). Generally, the Court will assess whether any settlement is fair, reasonable, and adequate. All applications for fees and costs also require court approval under Rule 23 procedures. (See https://www.law.cornell.edu/rules/frcp/rule_23.)

16. If there is a proposed settlement and my County or City is included in the Negotiation Class, but it disapproves of the settlement terms, can my County or City object to the settlement?

Yes. As a Negotiation Class Member, you will be entitled under Rule 23(e) to object to any settlement, even if it has received approval from the Class. However, as described in FAQ 27, you

Questions? Visit www.OpioidsNegotiationClass.info
will likely not be able to exclude yourself from the Class at that time. An objection explains your
concerns to the Court for its consideration but does not remove you from the Class.

17. How long will the Negotiation Class last?

The Negotiation Class will last for 5 years from the date it is certified by the Court. The Court
certified the Class on September 11, 2019 and the Negotiation Class will last until September
11, 2024. After that date, the Class will not exist as an entity with which a Defendant can negotiate.
However, the Negotiation Class will continue to exist with regard to: (1) any Class settlements
presented to the Negotiation Class for a vote before that date, to carry out the voting and approval
process; and (2) any Class settlements reached before that date, to complete settlement administration
and enforcement.

VOTING

18. If there is a proposed Class settlement, how will the voting be done?

Each Class Member will vote only once on any particular Class settlement proposal. The vote will
simply be yes-or-no, in favor of or against the proposed settlement. Class Members that do not vote
will not be counted as either yes or no votes; as with an election for government office in the United
States, the only votes that are counted are those of the voters who actually cast votes. Class Members’
votes will be tabulated mechanically within each applicable voting pool, to make sure that 75% of
each pool is in favor of the proposed settlement before it is presented to the Court. The voting pools
are described in FAQ 19. Voting tabulation does not require any effort by the Class Members. The
requirement of 75% support of voting Class Members across the different voting pools ensures that
no settlement will go forward without a wide cross-section of support from cities and counties of all
sizes and interests.

19. If there is a proposed Class settlement, how many votes are needed to approve it?

The agreement to be bound by a supermajority vote means that no settlement can be reached that
would bind the Negotiation Class without the approval of 75% of the voting Class Members, defined
in several ways. To be binding, 75% of those voting in each of the following six categories must
approve a proposed settlement:

- 75% of the total number of voting Class Members that had filed suit as of June 14, 2019
  ("litigating entities"). This number is based on all individual Class Members who had suits
  on file regardless of size, so that each voting entity has one vote;

- 75% of the total number of voting Class Members that had not filed suit as of June 14, 2019
  ("non-litigating entities"). This number is based on all individual Class Members who had
  not filed suit, regardless of size, so that each voting entity has one vote;

- 75% of the total population of all voting Class Members that had filed suit as of June 14,
  2019. For this computation, the vote of the county or city is weighted according to its
  population, with each person in a voting city and each person in a voting county equal to one
  vote. Thus, by way of example, if a county votes yes and has a population of 20,000, and a
  city within the county votes yes and has a population of 10,000, the county’s vote is weighted
  as 20,000 votes in favor, and the city’s vote is recorded as 10,000 votes in favor. The
  population for each County or City will be based on current census data. The current data is
  presented on the Class website, www.OpioidsNegotiationClass.info. Individual residents
  in this category may be counted twice, once as a resident of a municipality, and once as a
  resident of a county;

Questions? Visit www.OpioidsNegotiationClass.info

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• 75% of the total population of all voting Class Members that had not filed suit as of June 14, 2019. For this computation, the vote of the county or city is weighted according to its population, with each person in a voting city and each person in a voting county equal to one vote. Thus, by way of example, if a county votes and has a population of 20,000, and a city within the county votes yes and has a population of 10,000, the county’s vote is weighted as 20,000 votes in favor, and the city’s vote is recorded as 10,000 votes in favor. Again, the population for each County or City will be based on current census data. The current data is presented on the Class website, www.OpioidsNegotiationClass.info. Individual residents in this category may be counted twice, once as a resident of a municipality, and once as a resident of a county;

• 75% of the litigating Class Members casting votes, weighted by their settlement fund allocations as shown at the Allocation Map posted at opioidsnegotiationclass.info; and

• 75% of the non-litigating Class Members casting votes, weighted by their settlement fund allocations as shown at the Allocation Map posted at opioidsnegotiationclass.info.

For purposes of counting votes, only votes cast will be considered. In order for a proposed settlement to be binding on the Negotiation Class, 75% of those Class Members who cast votes in each of these six categories must be in favor. No settlement will be submitted to the Court for final approval unless 75% of those voting in each of the six categories are in favor. No county or city that is not a Class Member as of the deadline for a vote on a proposal will be allowed to vote on that proposal.

ALLOCATION OF CLASS SETTLEMENT FUNDS

20. If there is a Class settlement, how will my County or City’s share of the settlement be determined?

Any Class settlement funds will be distributed in three steps:

Step 1: Each county’s share of the settlement will be distributed in accordance with an “allocation model.” The allocation model uses three factors, based on reliable, detailed, and objective national data, to determine the share of a settlement fund that each county will receive. These factors address the most critical causes and effects of the opioids crisis, and are each weighted equally: (1) the amount of opioids distributed within the county, (2) the number of opioid deaths that occurred in the county, and (3) the number of people who suffer opioid use disorder in the county. This model is designed not to favor either small or large counties based solely on population. Ultimately, the model allocates settlement funds in proportion to where the opioid crisis has caused actual harm.

Step 2: Counties and their constituent cities, towns, and boroughs may distribute the funds allocated to the county among all of the jurisdictions in any manner they choose. If the county and cities cannot agree on how to allocate the funds, the Class website reflects a default allocation that will apply. The default allocation formula uses historical federal data showing how the specific county and the cities within it have made opioids-related expenditures in the past. Any of the affected jurisdictions may ask a Special Master to apply a different formula.

Step 3: If the default allocation is used and a city’s share is less than $500, then that amount will instead be distributed to the county in which the city lies to allow practical application of the abatement remedy. Affected cities could seek recovery through intra-county allocation described in Step 2, or from the Class Members’ Special Needs Fund (see FAQ 24). In the rare circumstance that a city with a share of less than $500 lies in a county that does not have a county government, the amount would instead go to the Class Members’ Special Needs Fund, and Class members could seek recovery from that Fund.

Further information about the allocation formulas and their data sources are available at the Class website.

Questions? Visit www.OpioidsNegotiationClass.info
21. What happens if a county and its constituent cities make different decisions about staying in the Class?

- If a county and all of its constituent cities remain in the Class, each entity’s share will be determined as explained in FAQ 20.
- If a county remains in the Class, but one or more cities within the County are not in the Class, there are a variety of ways that a Class settlement might address that situation, but it is possible that a Class settlement would require that the County’s allocation be reduced.
- If a county is not in the Class, but cities within that county remain in the Class, there are a variety of ways a Class settlement might address that situation. One possibility is that a city would receive no direct monetary allocation because its county has opted out, but that it could seek monetary relief through the Special Needs Fund (see FAQ 24). If a settlement provides a city no possibility of monetary relief because its county has opted out, Class Counsel anticipates the city would not be required to release its claims against the settling Defendant.

22. If there is a settlement between a Defendant and a State or States, what impact will this Negotiation Class have on the division of monies between a State and the cities and counties within the State?

The Negotiation Class process does not interfere with a Defendant’s ability to settle directly with one or more States. If a Defendant reaches a settlement directly with a State, nothing about this Negotiation Class process would affect the distribution of those settlement funds between the State and its own cities or counties. The Court has explicitly ordered that the Class’s lawyers not involve themselves or the Class in the process of allocating monies secured by States between themselves and their counties and cities.

23. Will Negotiation Class Representatives receive anything more than other Class Members?

Negotiation Class Representatives do not receive preferential treatment under any settlement simply for serving as Class Representatives. Their allocation will be calculated in precisely the same manner as every other Class Member’s. However, they can apply to the Court for reimbursement of costs and expenses incurred by reason of serving as Class Representatives. Also, courts often award a modest amount to Class Representatives, called an incentive or service award, so as to encourage Class Representatives to step forward on behalf of others. Any such awards are subject to Class notice and Court approval.

24. What is the Special Needs Fund?

Fifteen percent (15%) of any Class settlement fund will be put into the “Special Needs Fund.” Any Class Member may apply for a distribution from the Special Needs Fund: (1) to recover its costs of litigating its own opioids lawsuit, if that case was filed before June 14, 2019; and/or (2) to obtain additional relief for any local impact of the opioids crisis that is not captured by the Class Member’s allocation. Applications will be made to and approved by a court-appointed Special Master, on a case-by-case basis. Any unawarded amount remaining in this Special Needs Fund would revert to the Class.

YOUR RIGHTS AND OPTIONS

25. Can my county or city exclude itself from the Negotiation Class?

Yes. You have a one-time opportunity to exclude your county or city from the Class and you must do so before November 22, 2019. You must follow the procedure set forth in FAQ 26 below to Questions? Visit www.OpioidsNegotiationClass.info
exclude your county or city. As explained in FAQ 27, you will likely not be given a second opportunity to exclude your county or city from the Class if a settlement is later reached and you should not count on such an opportunity being available at that time.

26. How does my county or city exclude itself from the Negotiation Class?

You may exclude your county or city ("opt out") by signing and sending, either by email or by first-class U.S. mail, the enclosed Exclusion Request Form.

- If submitted by email, the form must be sent to info@OpioidsNegotiationClass.info on or before November 22, 2019.
- If submitted by mail, the form must be postmarked on or before November 22, 2019 and sent by first-class U.S. mail to:

NPO Litigation  
P.O. Box 6727  
Portland, OR 97228-6727

The Exclusion Request Form must be signed by an authorized official or employee of the county or city itself, under penalty of perjury pursuant to 28 U.S.C. § 1746, and is subject to verification by the Court. If you exclude your county or city from the Negotiation Class, your county or city will not be bound by any Orders or Judgments regarding the Class, and it will have no right to share in any settlement reached by the Class.

27. If my county or city stays in the Negotiation Class, can it exclude itself later if it doesn’t like a proposed settlement?

Not under the current Court Order. The Court’s Order certifying the Negotiation Class provides only one opportunity for a county or city to exclude itself from the Class. The exclusion deadline ends on November 22, 2019. If a settlement is reached and proposed to the Class for its approval, Class Members who do not support the settlement may (1) vote against it and/or, (2) if the settlement is nonetheless approved by the Class votes, file objections with the Court. Rule 23 permits a court to offer a second opportunity for Class Members to opt out when a settlement is proposed, but the Rule does not require the Court to give Class Members a second opportunity to opt out. In this case, it is anticipated that the Court will not give Class Members a second opportunity to opt out. Therefore, Class Members should not rely on that possibility. Class Members should expect that there will be no opportunity to opt out of the Class after November 22, 2019.

THE LAWYERS REPRESENTING THE CLASS

28. Who are the Class Counsel?

The Court has authorized the following six lawyers to jointly represent the Negotiation Class: Jayne Conroy and Christopher A. Seeger are Co-Lead Negotiation Class Counsel and Gerard Stranch, Louise Renne, Mark Flessner, and Zachary Carter are Negotiation Class Counsel. Each of these six lawyers represents only cities or counties in Opioids-related litigation.

29. How do Class Counsel get paid?

Class Counsel will apply to the Court for approval of fees and costs under Rule 23(h). As a Class Member, you will receive notice and have an opportunity to object to any such application. The Court may appoint fee committees to make recommendations of any fee awards, to avoid duplication of payment, and to ensure appropriate compensation of those whose efforts provided a common benefit. The Court will make the final decision about all fees paid out of the Class’s recovery to any lawyer.

Questions? Visit www.OpioidsNegotiationClass.info
30. Under this proposal, what happens to my County or City’s current fee agreement with outside counsel?

The current fee agreement that a county or city has with its outside counsel remains in effect. Membership in the Negotiation Class does not change that. In the event of any settlement that achieves Class and Court approval, there would be a “Private Attorneys Fund” from which outside counsel for Class Members that had signed retainer agreements for opioid epidemic-related litigation before June 14, 2019 could apply for fees and costs in lieu of any current fee agreement. That would be a voluntary decision between the county or city and its outside counsel. A total of up to 10% (maximum) of any approved Class settlement amount will be held in the Private Attorneys Fund. Any unawarded amount remaining in this Fund would revert to the Class. The Court must approve all payments from this Fund.

GETTING MORE INFORMATION

31. How can my County or City keep up with what’s going on in this case?

Pertinent news and information will be posted at the Class website, www.OpioidsNegotiationClass.info on an ongoing basis. As a Class Member, you also will have the opportunity to sign up, through the Class website, for email notices alerting you to the fact that new information has been posted to the Class website.

DO NOT WRITE OR CALL THE COURT OR THE CLERK’S OFFICE FOR INFORMATION

DATE: September 11, 2019.
IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019

EXCLUSION REQUEST FORM
Read this page carefully then turn to Page 2 if you want to sign and send

Complete this form ONLY if your County or City does NOT want to remain a Class Member and does not want to share in any potential negotiated Class settlement. If your County or City does not complete and submit this form, it will be deemed to be a Class Member so long as it is a County or City in the United States as those terms are described in the Class Notice and is on the list of Class Members found at www.OpioidsNegotiationClass.info.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

__________________________

In re NATIONAL PRESCRIPTION
OPIATE LITIGATION

__________________________

1:17-md-2804 (DAP)

Class Notice Administrator
NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

Dear Class Notice Administrator:

My County or City does NOT want to be a member of the Negotiation Class certified in the In re National Prescription Opiate Litigation. I understand that by completing the information requested on page 2, signing, and submitting a copy of this form by email (to the email address on page 2) sent on or before November 22, 2019 OR by first-class U.S. mail (to the mailing address on page 2) postmarked on or before November 22, 2019, I am opting my County or City out of the Negotiation Class and it will NOT be a Class Member. I understand that by timely submitting this form, my County or City is foregoing the right to share in any Class settlement that may be obtained. I understand that my County or City is NOT guaranteed an opportunity to opt back in if there is a Class settlement, so this is our final decision. I also understand that by opting out, my County or City will not be bound by any judgment entered as part of any Class settlement.

I understand that if my jurisdiction is a Class Member and wants to remain a Class Member, it does not need to do anything now. I understand that I should NOT return this Exclusion Request Form if my jurisdiction wants to remain a Class Member.

I understand that, if I have any questions, I may contact Class Counsel at 1-877-221-7468, or visit www.OpioidsNegotiationClass.info BEFORE I mail this form to you and BEFORE November 22, 2019.

TURN TO PAGE 2 IF YOU WANT TO SIGN EXCLUSION/OPT-OUT FORM
AND FOR EMAIL AND MAILING ADDRESSES
IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019

EXCLUSION REQUEST FORM
Read Information on Page 1 carefully before signing

Having read and understood the information on page 1, the County or City (circle one) entitled

__________________________________ in the State of ___________________ hereby excludes itself

from the Negotiation Class certified by the United States District Court in the Northern District of
Ohio in In re National Prescription Opiate Litigation, MDL 2804. Under penalty of perjury and in
accordance with 28 U.S.C. § 1746, I declare that I am an official or employee authorized to take legal
action on behalf of my County or City.

Signature:  __________________________________________________________

Print name:  _______________________________________________________

Title:  _____________________________________________________________

City or County Represented: ________________________________ (Circle one): City / County

Address:  __________________________________________________________

City:  ________________________________ State:  ___________ Zip Code:  ___________

Phone:  ________________________________ Email:  ________________________________

Date:  ________________________________

BY NOVEMBER 22, 2019

EMAIL TO:  info@OpioidsNegotiationClass.info

OR         SEND BY
FIRST CLASS MAIL TO:

NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727