



PUBLIC MEETING: Port Commission Discussion Meeting


DATE: Tuesday **September 5, 2023, 6 PM**

LOCATION: Cascade Locks City Hall 140 Wa Na Pa St, Cascade Locks, OR 97014

<https://us02web.zoom.us/j/85806615790>

AGENDA


- 1)** Commission meeting called to order
 - a.** Pledge of Allegiance
 - b.** Roll Call
 - c.** Modifications, Additions and Changes to the Agenda
 - d.** Declarations of Potential Conflicts of Interest
- 2)** Presentations
 - a.** City Electrical System Upgrades – Jordon Bennett, City Administrator
 - b.** Commission Policy and Procedures Manual – Mark Knudson, SDAO – [Page 2](#)
- 3)** Discussions
 - a.** Joint Meeting Between Port of Cascade Locks and City of Cascade Locks
 - b.** Review Ordinance Regarding Alcohol Use on Port Property – [Page 52](#)
- 4)** Commissioner Comments
- 5)** General Manager Report
- 6)** Executive Session under ORS 192.660 (2)(h) Legal Counsel regarding Litigation or likely Litigation to be Filed
- 7)** Adjournment



PORT OF CASCADE LOCKS

Board Training & Commission Policies

September 5, 2023



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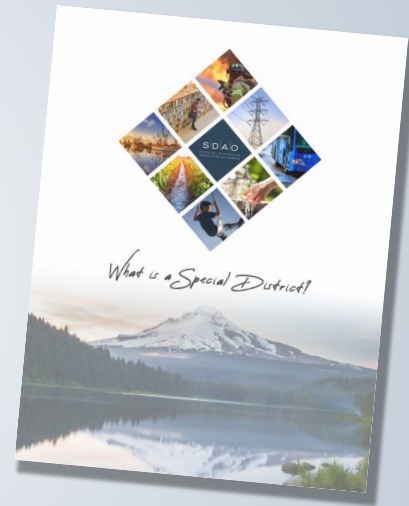
Today's Topics

- About Special Districts
- District & Board Authority
- Board & Staff Expectations
- Public Meetings
- Ethics
- Port Commission Policies



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About Special Districts



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About Special Districts

What is a Special District?

Local form of government (a public agency) created by the community to meet specific needs.

- Over 1,000 special districts in Oregon
- Currently 34 types of districts in Oregon
- Extend across city and county jurisdictional boundaries
- Statutory authority to ...
 - Sign contracts, employ staff, acquire real property
 - Issue bonds, impose taxes, levy assessments, charge fees
 - Sue and be sued

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About Special Districts

What is a Special District?

Types of Districts / SDAO Member Profile

• Airport: 1	✈️	• People's Utility: 13	🚢
• Ambulance: 5	🚑	• Ports: 22	🚢
• Cemetery Maintenance: 38	⚰️	• Predator Control: 1	🐾
• County Service: 19	🏛️	• Radio and Data: 2	📡
• Domestic Water Supply: 97	🏠	• Road Assessment: 14	🛣️
• Drainage: 25	🌊	• Sanitary: 46	🌿
• Emergency Communication: 6	📞	• Soil and Water Conservation: 45	🌱
• Fire Protection: 252	🚒	• Special Road: 70	🚌
• Health: 28	🏥	• Translator: 1	🗣️
• Highway Lighting: 1	🚦	• Transportation: 9	🚗
• Irrigation: 58	🌳	• Vector Control: 16	🦟
• Library: 24	📖	• Water Control: 24	💧
• Mass Transit: 2	🚝	• Water Improvement: 45	💧
• Park and Recreation: 53	🚲		

Weed control, metropolitan service, sand removal, diking, and weather modification are also types of special districts in Oregon but not represented in SDAO membership.

OREGON SPECIAL DISTRICTS MAP

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About Special Districts

About SDAO Consulting Services Program

- Experienced industry professionals
 - Range of experts and expertise
- Provides management advice, guidance, and support services
 - Does not include professional engineering, audit, or attorney services
- Provides guidance, oversight, training, and assessments
- Why?
 - To reduce risk, improve service, support future planning

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About Special Districts

About Mark Knudson



- Senior Consultant with SDAO Consulting Services
- Over 35 years of utility management experience
 - Retired CEO of Tualatin Valley Water District
 - Former Director of Operations & Maintenance for Portland Water Bureau
 - Professional Engineer (Civil & Environmental)
 - Certified Water Operator (WD4 & WT3)
- Former Board Member Business Oregon Infrastructure Finance Authority
- Former Board Member Oak Lodge Water Services

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District & Board Authority



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District & Board Authority District Authority

Expressed powers as provided by state statute:

- Principal Act of Ports - ORS 777
 - Statutory powers of a port; application of special district election laws
 - Duties, powers and meetings of Board of Directors / Commission
- Anchoring State’s Multimodal Transportation System
 - Independent local government, in one or more jurisdiction
 - Not restricted to marine sector – includes air terminals and railroads
 - Authority to build, manage and maintain essential infrastructure
 - Governed by five-member commission
 - Commissioners establish direction, purpose and mission of ports
 - Financial viability depends on success in private economic sector



District & Board Authority District Authority

Implied powers to carry out expressed powers:

- Purchasing supplies
- Employing staff
- Entering contracts
- Incidental tasks relating to exercise of authority

Districts have narrower authorities than cities or counties

- Do not have “home rule” charter authority



District & Board Authority

District Authority

Must comply with other applicable statutes such as:

- Intergovernmental Agreements (ORS 190)
- Public Records, Public Meetings (ORS 192)
- Election of Directors, Recall (ORS 198)
- Ethics (ORS 244)
- Elections (ORS 255)
- Contracts, Procurements, Public Improvements (ORS 279A, B, C)
- Budget (ORS 294)
- And many, many more

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District & Board Authority

Board Authority

- Serves the best interests of community and constituents
- Sets policy and direction of District by Board Action
 - Must be at a properly called public meeting
 - Requires a quorum of Board to be present
 - Requires approval by majority of the Board
 - Votes taken publicly - no secret ballots
- Hires Chief Executive Officer




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District & Board Authority

Board Authority

- Legislative authority to establish policy and direction of District
 - Establishing budget, capital plan, rates, rules & regulations, policies, contracts, inter-governmental agreements
 - Policy setting; can not be delegated
- Administrative authority to guide day-to-day administration
 - Financial procedures, HR practices, purchasing procedures, operating standards
 - Policy implementation; can be delegated by Board to staff or professionals
- SDAO Recommendation: *“Board members should use caution in exercising administrative power because of the potential of liability, workers’ compensation issues, staff morale issues, and other considerations.”*



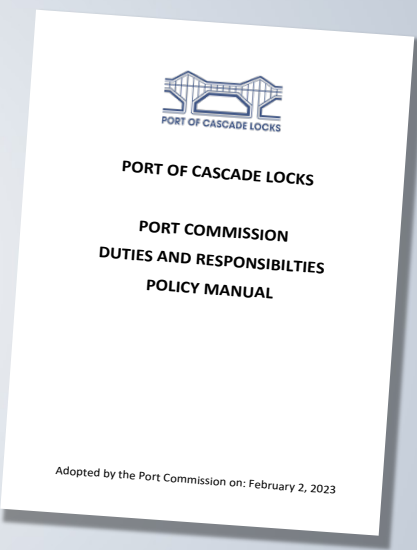
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District & Board Authority

Board Member Rights & Duties

Understand and adhere to Commission Policies

- Duties & Responsibilities of Commissioners
 - Oath, Term, Vacancies, Powers & Duties, Appoint ED
- Commission Officers
 - Officer Positions, Duties, Election of Officers
- Commission Meetings
 - Types of Meetings, Quorum, Order of Business, Minutes
- Committees
- Administration
- Board Member acknowledgement and commitment



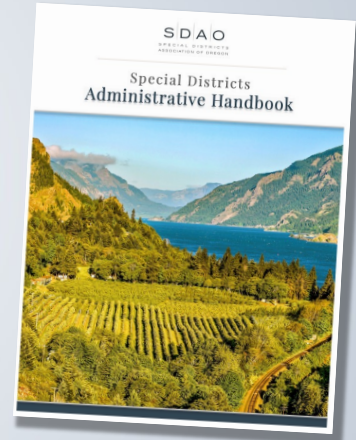


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District & Board Authority Board Member Rights & Duties

Understand Administrative Policies & Procedures

- Human Resources, Hiring
- Harassment, Discrimination & Retaliation
- Ethics & Conflicts of Interest
- Public Records; Retention & Access
- Public Engagement & Communication
- Travel & Expense Reimbursement
- Public Contracting & Procurement
- Information & Technology Security
- Financial Management Policies
- Accounting Systems, Accounting Policies & Procedures
- Internal Controls Polices & Procedures
- Audits & Financial Reports
- Budget Process & Documents



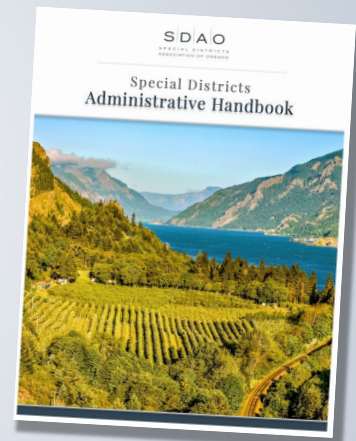
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District & Board Authority Board Member Rights & Duties

Really? We need all these polices?

- Policies provide structure & processes that support effective planning, informed decision-making & accountability
- Fiduciary responsibility rests with the Board
- Board Members can be found *personally* liable for repayment of unlawful expenditure of public funds (ORS 294.100)



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District & Board Authority Board Member Rights & Duties

Office becomes vacant if Board Member ...

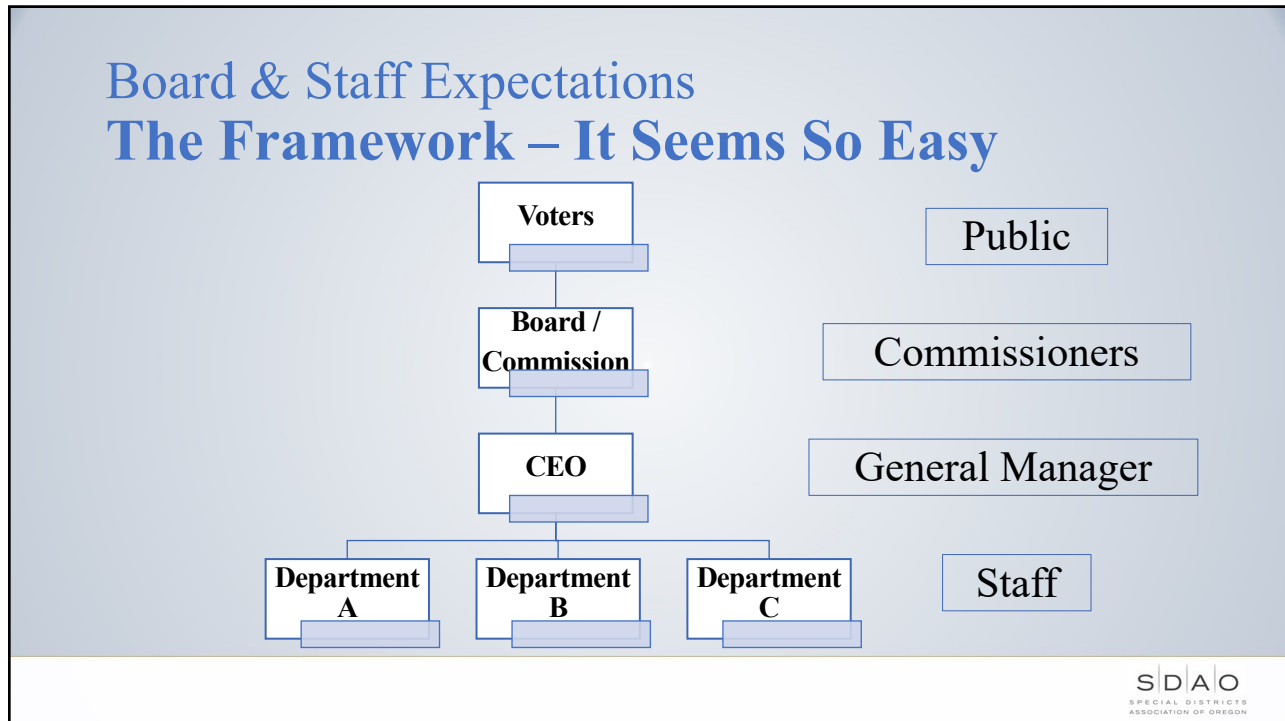
- Dies or resigns
- No long meets qualification required for position to which he/she was elected or appointed
- Convicted of an infamous crime, or any offense involving the violation of the oath of office
- Has election or appointment declared void by a competent tribunal
- Is found to be a mentally diseased person by a competent tribunal
- Is “a member of, or affiliated with, any organization which teaches the doctrine of, or advocates, the overthrow of the Government of the United States by force or violence.” (ORS 236.030)
- Agrees to engage in, or does engage in, a duel, or “curry a challenge” to a duel to another person (Or. Const. Art. II, Section 9)

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Board & Staff Expectations



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- ## Board & Staff Expectations The Framework – Key Roles
- 1. Public**
 - Elects/Appoints Board Members, holds Board accountable
 - Provides input and feedback on Board-established policies
 - 2. Board / Commission**
 - Establishes policy and direction of District by Board Action
 - Hires CEO, oversees CEO's performance, holds CEO accountable
 - 3. CEO / General Manager**
 - Implements Board-established policy
 - Collaborates with Board; provides timely information to support decisions
 - Hires staff, oversees staff's performance, holds staff accountable
 - 4. Staff**
 - Implements CEO's direction, collaborates with CEO
- SDAO
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Board & Staff Expectations

The Framework – Why We Get Confused

- Organizations with different governance frameworks
 - Charter authority of Mayor, Commissioners, Council, Board, Chair, or Commission
- Lack of staff capacity
 - “We don’t have a _____ ... and somebody needs to do it.”
- Individual motivations
 - “I am just trying to help” (or “... save us some money” or “... offer my expertise”)
 - “I was elected to make a change”
- Encouraged by public or staff
 - “A member of the public (or staff) suggested I look into this”
- We’ve always done it this way
 - “I’ve been on this Board for ___ years – I know this organization better than anyone”

Board Members’ authority comes through the Board

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Board & Staff Expectations

The Framework – Guiding Principles

1. The Board’s authority comes from the public
 - *The Board is accountable to the public*
2. Board Members’ authority comes through the Board
 - *Board Members generally do not have authority to act alone*
3. The Board has one employee: the CEO
 - *The CEO is accountable to the Board*
4. The staff works for the CEO
 - *Staff is accountable to the CEO*

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Board & Staff Expectations Characteristics of Effective Boards

Clarity and alignment with District's ...

- Vision, mission and values
- Strategic Plan

Creative and collaborative partners

- Mutual respect; all members as equals
- Respect for roles of Board & staff

Commitment to collective accountability

- Board performance
- CEO performance
- District performance

Commitment to communication; no secrets, no surprises



Public Meetings



Public Meetings

Application of the Law

Purposes of Public Meetings Law

- To open meetings of governing bodies to the public
- To give notice of the time and place of meetings
- To make meetings accessible to those wishing to attend

A Public Meeting is

- Any meeting where a quorum of the decision-making body is present and is discussing or “deliberating toward decision” on a matter of District business
- Any meeting of a body formed to advise a public body is a public meeting

Public Meetings

Board Meetings

Public Meetings must be appropriately noticed

- At least 24 hours before meeting: must include topics to be discussed (agenda)
- Public posting: at building entrance, website, bulletin boards, press releases
- Interested persons: mailing lists
- Paid advertising is NOT required

Limitations on communications between Board Members

- No decisions or deliberations leading to decision outside of public forum
- No serial meetings
- Limitations and risks of email and text messages

Public Meetings

Executive Sessions

- Executive sessions can be called only for topics identified in ORS 192.660
- Must be noticed, notice must identify applicable statutory authority – ORS 192.660 (2)(xx)
- Media is entitled to attend (exceptions include labor negotiations); can instruct media
- No decisions are made in executive session; all decisions must be made in public meeting
- Executive session materials and discussions protected from disclosure
- Take minutes

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Public Meetings

Tips for Success: Plan the Meeting

Plan the meeting ...

- Develop the agenda and organize the content
- Any Commissioner may request an item be added

Know and follow public meetings law ...

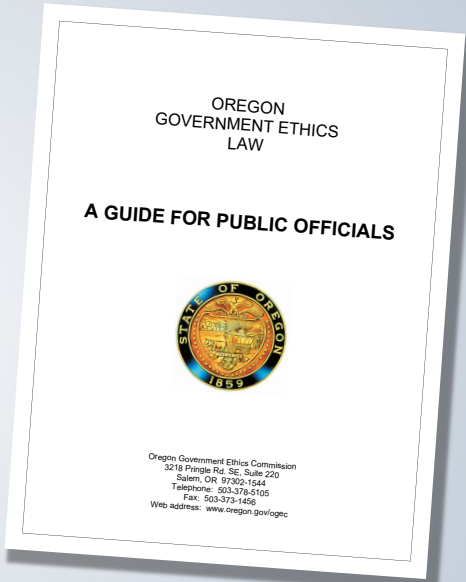
- Meeting notice appropriately posted / published
- Remote access available
- No meetings or deliberations outside the public forum


Be prepared ...

- Review the material in advance
- Ask clarifying questions in advance if possible

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Ethics





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Ethics

Application of the Law

Ethics laws apply to all Public Officials


- Elected, candidates, appointees, staff, volunteers, and relatives

Scope of “relatives” is extensive

- Spouse; parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law of the public official, or of the public official’s spouse; any individual for whom the public official has a legal support obligation; or who benefits financially from the public official’s employment with the public entity

Government Ethics Commission

- Governor Appointed (Peers)
- Oversight and enforcement role



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Ethics

Financial Gain

Public Officials may NOT:

- **Use or attempt to use** position or office to obtain a **personal financial gain or avoid a personal financial detriment** if the opportunity would not otherwise be available **but for their official position or office** ... including gain by public official's relatives, members of household, and businesses
- Accept gifts that exceed \$50 from a source that has a **legislative or administrative interest** in the public official's governmental agency

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Ethics

Gifts

Public Officials may NOT:

- Accept the payment of expenses for **entertainment** nor can a source offer such paid expenses (with exceptions)
- Solicit or accept **honoraria** (with exceptions)
- Solicit or accept the offer, pledge or promise of **future employment** based on any understanding that a vote, official action or judgment would be influenced by the offer
- Use or attempt to use **confidential information** gained through their position for financial gain (applies to former public officials)

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Ethics

Conflicts of Interest

Actual Conflict

- You and/or a close family member will benefit

Potential Conflict

- You and/or a close family member may benefit
- Perceived or assumed you might benefit

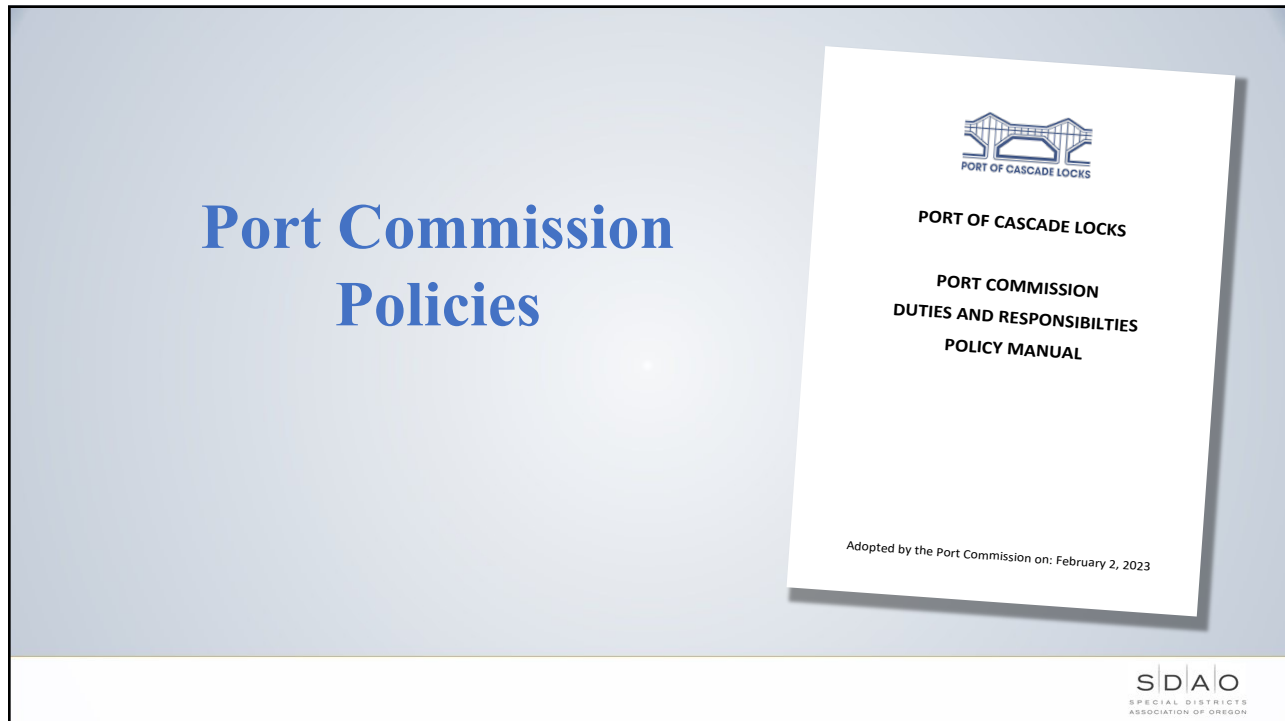
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Ethics

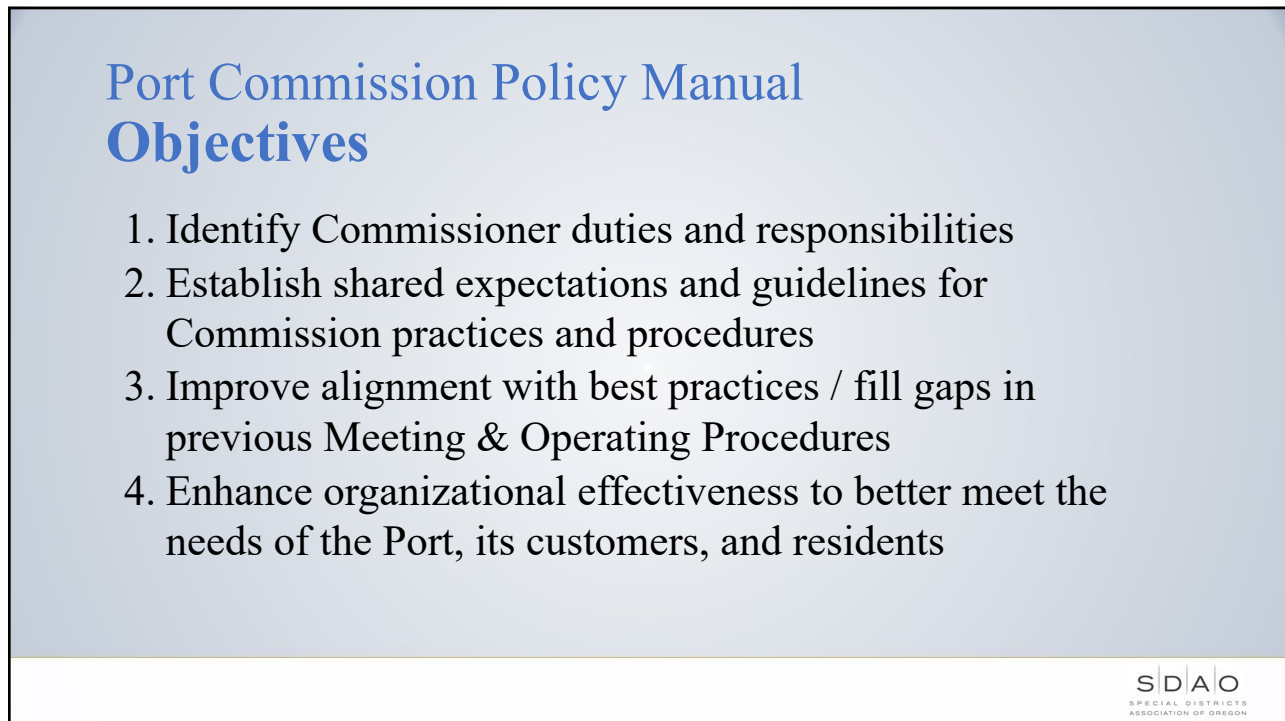
Penalties

- Most penalties \$5,000 per violation
- Fine for violation of executive session law \$1,000, but excused if decision made in reliance on advice of public body's legal counsel
- No penalty if official or candidate relied in good faith on Ethics Manual or Ethics Commission opinion

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Port Commission Policy Manual Overview

- Section 1: Overview
- Section 2: The Commission
- Section 3: Commission Meetings
- Section 4: Committees
- Section 5: Administration
- Section 6: Ethics
- Section 7: Communications
- Section 8: Budget
- Section 9: Commissioner Development and Training

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Port Commission Policy Manual Observations – The Commission

- Acknowledgement and Agreement to Comply – last page
- 2.1 – Each Commissioner serves an equal role. Commissioners have no individual authority except that expressly delegated by the Commission.
- 2.3 – Commission Officers:
 - **President** – Presides at Commission meetings; and confers with Manager to prepare meeting agenda. May call special meetings. Signs official Port documents when authorized by Commission.
 - **Vice-President** – Acts as President Pro Tempore in President’s absence.
 - **Secretary** – Ensures accurate minutes of proceedings are kept, transcribed, and distributed.
 - **Treasurer** – Ensure accurate accounting and financial records are maintained and Local Budget Law followed. Provides regular financial updates to Commission. Responsibilities may be delegated to a staff member by vote of the Commission, but under the supervision and responsibility of Treasurer.

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Port Commission Policy Manual Observations – The Commission

- 2.5.A – Commissioner representation of Port shall be approved by the Commission; Commissioner shall support Port’s official position; must state if statements reflect personal opinion, official position of the Port, or both.
- 2.5.B – Commission shall not, to the extent possible, involve itself in the day-to-day operations of the Port. Without prior approval of the Commission, no Commissioner may interfere with or engage in Port operations ... or other daily operations and responsibilities of the GM.
- 2.5.C – If the Commission asks a Commissioner to be involved in Port operations, the Commission will clearly state in writing the Commission’s objectives, assigned duties, and duration of assignment. The Commission shall consult with the GM prior to assuming said duties.
- 2.6 – Assignment as a Commission representative requires Commission approval.

Port Commission Policy Manual Observations - Committees

- 4.1.A – The Commission may approve creation of committees as needed. Policies in this Manual apply to all committees established to advise the Commission and subcommittees of the Commission. Committees, task forces, and other work groups established by the General Manager do not fall under these procedures.
- 4.1.B – Committees and committee members have no authority to represent the Port’s official position on any matter except by approval of Commission.
- 4.1.C – Types of committees:
 - Commission Subcommittees
 - Commission Advisory Committees
 - Task Forces
- 4.2 – Objectives, positions, appointment process, and staffing for each standing committee to be established in a “Committee Charge” approved by Commission.


**Port Commission Policy Manual
Observations - Administration**

- 5.1 – The primary responsibility of Commission is to make policy-level decisions for the Port, and to hire, evaluate, and manage the GM. Administrative authority for the daily operations of the Port and the management of all Port personnel is delegated to the GM.

No individual Commissioner may:

- Direct or order a staff member on matters of daily operations or administrative activities.
- Order, direct, or conduct review of record that is exempt under Public Records law.


If any Commissioner is delegated to exercise administrative authority, direction shall be in writing and state purpose and duration. The Commission shall consult with the GM and review delegation of administrative authority prior to Commissioner exercising said authority.



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**Port Commission Policy Manual
Observations - Administration**

- 5.2 – Management. The Commission shall be responsible for ...
 - A – Port General Manager –
 6. Provide advice and consultation to management on matters within purview of Commission’s responsibilities.



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Port Commission Policy Manual Observations - Communications

- 7.1 – Any official position or comment to any media representative or outlet shall be provided or authorized by the Commission President or President’s designee.
The General Manager may issue public information and media updates pertaining to the Port’s routine and operational matters that is consistent with previously established Commission positions and policies.

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Port Commission Policy Manual Observations - Communications

- 7.2 – Commission will respect separation between policy and administration by ...
 - A. Maintaining a spirit of mutual respect and support. This policy does not inhibit or preclude incidental communications between Commissioners and staff.
 - B. Will not attempt to influence employees or GM.
 - C. Will consult with the GM when initiating contact with Port staff so as not to influence staff decisions or recommendations, interfere with staff performance and priorities, undermine GM’s authority, or prevent the Commission from receiving information.
 - D. Commissioner concerns regarding staff matters will be directed to the GM.
 - E. Written materials or information requested of staff will be submitted to the entire Commission.
 - F. The Commission President will refer comments or questions regarding Port personnel to the GM.

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Additional Commission Policies

Commission Participation in Staff Hiring

- Commission Policy drafted in February 2023
- Allows for Commissioner participation in hiring process for key positions
- Unclear if finalized or adopted by the Commission



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Port Commission Policy Manual

Potential Refinements

1. Policy on Commission Participation in Staff Hiring Process
 - A. Research history and rescind policy if it was adopted
2. Commission Policy Manual
 - A. Simplify and eliminate redundancies
 - B. Confirm and/or refine role and duties of Officers
 - C. Refine & simplify delegation of authorities
 - D. Refine Commission administrative authority
 - E. Refine Commissioner communications

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Port Commission Policy Manual Potential Refinements - Process

1. Commissioners & staff complete review of policies
2. Conduct Commission work session to discuss questions, comments, and concerns
3. Draft proposed update
 - A. Staff review
 - B. Legal review
 - C. Commission review
 - D. Redraft as needed
4. Commission approval



Board Training & Commission Policies
September 5, 2023



PORT OF CASCADE LOCKS

PORT COMMISSION DUTIES AND RESPONSIBILITIES POLICY MANUAL

Adopted by the Port Commission on: February 2, 2023

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SECTION 1: OVERVIEW

It is the policy of the Port of Cascade Locks (the Port) that the Port Commission (the Commission) exercise those powers granted to it, and to carry out those duties assigned to it by law, in a manner that best meets the needs of the Port, its customers, and Port residents.

This Manual identifies the duties and responsibilities of Commission Members (Commissioners) of the Port of Cascade Locks. A Commissioner's signature on the Acknowledgment and Agreement to Comply page of this manual (pg. 26) constitutes the Commissioner's agreement to comply with the Commission policies as stated herein.

This Manual supersedes and replaces the previous Port Commission Meeting and Operating Procedures as initially adopted by the Port Commission on May 21, 2015 and as revised on May 2, 2019.

SECTION 2: THE COMMISSION

2.1 Members of the Commission

The Commission of the Port of Cascade Locks shall be comprised of five (5) Commissioners, who are duly elected public officials generally serving a term of four (4) years. Each Commissioner is charged with serving the best interests of the Port and will exercise and carry out the powers and authority granted by the Oregon Revised Statutes, including ORS Chapter 198 (Special Districts Generally), and those statutes outlined in the Principal Act for Port of Cascade Locks, ORS Chapter 777.

Each Commissioner shall serve an equal role on the Commission, and the Commission shall operate as a whole. Commissioners have no individual authority except that expressly delegated by the Commission.

2.2 Oath of Office

Before assuming office, each Commissioner shall take an oath of office. The oath should be administered in a public meeting and signed by the Commissioner. Language of the oath shall be substantially similar to the following:

"I, [NAME], do solemnly swear that I will faithfully perform the duties of the office of Commissioner of the Port of Cascade Locks to the best of my abilities; that I will abide by the rules, regulations, and policies of the Port of Cascade Locks; and that I will uphold the laws and the Constitutions of the State of Oregon and the United States of America."

2.3 Commission Officers

The Commission shall elect annually, from among its members, officers as prescribed by the Principal Act of Port of Cascade Locks. Such election shall require formal approval by a majority

of the Commission. These officers shall include President, Vice-President, Secretary, and Treasurer, who shall hold their offices until the next election of officers. Officers shall have the general powers and duties outlined below:

President – The President of the Commission shall preside at Commission meetings and shall confer with the Port General Manager on preparation of the meeting agenda. The President is charged with conducting meetings, preserving order, and enforcing this Commission Policy Manual and other Port polices as established by the Commission. The President may call special meetings according to Oregon Public Meetings Law and shall sign official Port documents on behalf of the Commission when authorized to do so by a majority of the Commission. The President should also, when authorized to do so by a majority of the Commission, be the source of contact for the Port’s general counsel attorney on behalf of the Port. The President has the same right as other members of the Commission to move, second, debate, and vote.

Vice-President – In the President’s absence, the Commission Vice-President shall act as President Pro Tempore, and shall have the powers and duties of the President of the Commission as prescribed by this Commission Policy Manual and other Port policies.

Secretary – The Commission Secretary shall be responsible for ensuring that accurate minutes of Commission proceedings are kept, transcribed, and distributed to each Commissioner in a timely manner as required by Oregon law. The Secretary will maintain properly authenticated official minutes, to be kept in chronological order and on file in the Port’s records permanently. Responsibilities associated with meeting minutes may be delegated to a staff member by majority vote of the Commission, but in such a case are still under the supervision and responsibility of the Commission Secretary. In the absence of both the Commission President and Vice-President, the Secretary may act as President Pro Tempore.

Treasurer – The Commission Treasurer shall ensure that accurate accounting and financial records are maintained by the Port, and that applicable requirements of Oregon’s Local Budget Law are followed. The Treasurer should provide regular financial updates to the Commission, as the Commission deems appropriate. Responsibilities associated with accounting and financial records may be delegated to a staff member by majority vote of the Commission, but in such a case are still under the supervision and responsibility of the Commission Treasurer.

2.4 Vacancies

As provided by ORS 777.165 and ORS 198.320, any vacancy occurring on the Commission shall be filled by appointment to be decided by majority vote of the Commission. The Commission shall advertise the vacancy, solicit letters of interest in the position, interview interested parties, and select an individual to fill the vacant position.

If there are three or more vacant positions on the Commission, if there is not a quorum available to consider an appointment to the Commission, or if the Commission cannot agree on an appointment, the Board of County Commissioners for Hood River County will appoint a replacement. The appointed replacement shall serve until the next regular election of Commissioners.

As provided by ORS 777.135, if a Commissioner is absent from four or more consecutive regularly scheduled meetings of the Commission, the Commission may declare the Commission position vacant. The Commission may, at its discretion, grant a leave of absence for up to three months in the event of illness or other extenuating circumstances.

2.5 Commissioner Conduct

- A. Representative of the Port: If a Commissioner appears before another governmental agency or organization to give a statement on an issue relevant to the Port, that member must state whether the statement reflects personal opinion, is the official position of the Port, or both. Additionally, if the Commissioner is representing the Port, such representation shall be approved by a majority of the Commission and the Commissioner shall support and advocate for the official Port position on the issue.
- B. Governing Port: The Commission shall not, to the extent possible, involve itself in the day-to-day operations of the Port. Without prior approval by a majority of the Commission, no Commissioner may interfere with or engage in Port operations, including programs, maintenance, personnel management, administration, enforcement of facility rules, planning, training, or other daily operations and responsibilities of the Port General Manager.
- C. Assignment of Operational Duties. If the Commission sees a need for an exception and asks a Commissioner to become involved in Port operations, the Commission will clearly state *in writing* the Commission's objectives, the assigned Commissioner's operational duties or functions, and the duration of the assignment. The Commission shall consult with the Port General Manager and review said assignment prior to assuming said duties.

Commissioner conduct and expectations are more fully outlined in Section 6 (Ethics).

2.6 Commissioner Assignments

At least annually, the Commission will review the various organizations with whom the Port has relationships. Commissioners may volunteer for assignments to the entities based on areas of interest or the Commission President may assign Commissioners to serve as a liaison to specific entities. Assignment of a Commissioner to serve as a formal representative of the Port shall require formal approval by a majority of the Commission.

SECTION 3: COMMISSION MEETINGS

3.1 Required Meetings

As required by ORS 777.140, the Port Commission shall meet at least once per month, in accordance with Oregon Public Meetings Law as described in ORS 192.610 to 192.690. Regular meetings will be open to the public. Commissioners' attendance at meetings is expected. At minimum, a quorum of the Commission shall discuss, deliberate, and take action as appropriate on all agenda items. No decision shall be made without a quorum of the Commission present. Three Commissioners shall constitute a quorum.

The Commission typically meets at least twice per month; usually, the first and third Thursdays of the month, and other dates as established by the Commission. The first meeting of the month is generally be considered a work session and the second meeting of the month will serve as the formal business meeting of the Commission. Special meetings may be called as approved by the Commission and as allowed under statute. Formal actions by the Commission may be made at any meeting of the Commission.

3.2 Notice

Public notice for all meetings of the Port, including executive sessions, shall be provided in the following manner:

- A. Notice of regular meetings shall be provided at least four (4) calendar days prior to the meeting. Notice of any special meeting shall comply with the applicable provisions of Section 3.6.
- B. Notice shall include the key topics expected to be discussed or decided at the meeting.
- C. Public notice of Commission meetings shall include at least two of the following:
 1. Physical posting of written notice at a community bulletin board at the Cascade Locks Post Office,
 2. Publication on the Port's website,
 3. Publication on the Port's Facebook or other social media page,
 4. Email notification to any distribution list maintained by the Port of individuals who have requested to be notified, including members of the media.
- D. The proposed agenda for meetings will be available at the Port's website and shall include access to minutes of past meetings once minutes have been approved by the Commission, as well as reports and supporting materials provided to the Commission as part of a previous meeting agenda.

3.3 Agenda

The Commission President, in coordination with the Port General Manager, shall prepare an agenda for each regular Commission meeting, special meeting, and executive session. If the Commission President delegates responsibility to prepare the agenda to another Commissioner

or staff member, the Commission President shall review and approve the final agenda. The agenda shall specify all matters scheduled to come before the Commission at the meeting, under the following headings:

1. Call to order
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. Modifications to the Agenda
2. Public Comments
3. General Manager's Report
 - a. Financial Report
 - b. Informational Updates
4. Informational Presentations
5. Discussion Items
6. Consent Agenda
7. Commission Action Items
 - a. Old Business
 - b. New Business
8. Adjournment

Commissioners may request items to be placed on an agenda through the Commission President, or individual responsible for preparing the agenda. Agenda suggestions by Commissioners should be made at least five days in advance of meeting.

Commissioners should make every effort to ensure that agenda items they wish to be considered are submitted in a timely manner in advance of the meeting. However, a Commissioner may also move to add an item to the agenda at the beginning of a meeting, subject to Commission approval. If approved by the Commission, items added to agenda will be considered as the last item under New Business.

The Commission may place certain items on a Consent Agenda and approve them as one action. Any Commissioner may request to remove an item from the Consent Agenda for discussion, modification, and individual approval.

3.4 Meeting Packets

The Commission has directed the Port General Manager to provide a meeting packet, including the agenda and any attachments thereto, the General Manager's report, and financial reports, to be made available to Commissioners and to the public at least four (4) days before each regular Commission meeting. If this schedule cannot be met, the Port General Manager should consult with the Commission President to advise them of the delay and inform the Commission of the updated schedule for packet distribution.

Meeting packets shall generally be sent to Commissioners electronically; Commissioners requesting printed (hard-copy) packets will arrange for pickup at the Port’s office or a Commissioner may request the Port General Manager bring a copy to the Commission meeting. Commissioners are expected to bring their electronic or printed copy of the meeting packet to each Commission meeting.

3.5 Executive Sessions

The Commission may convene an executive session only for the specific statutorily authorized reasons outlined in ORS 192.660. Executive sessions shall be noticed in the same manner as regular Commission meetings and must include the specific authorizing statute under which the meeting is allowed. An executive session may be called as part of a regular, special, or emergency Commission meeting provided proper notice has been given. The Commission may also call a separate meeting that is exclusively an executive session. The Commission can also go into executive session if the need arises during a regular, special, or emergency meeting, provided that the presiding officer must announce the statutory authority for the executive session before going into executive session.

Executive sessions are closed to the public, but the media cannot be excluded from an executive session, with the exception of sessions regarding labor negotiations or regarding litigation to which the media representative or the media outlet is a party. The presiding officer should, however, instruct members of the media present in executive session not to report or disclose matters discussed at the session. The presiding officer should also instruct members of the media present in executive session not to record the executive session. If such instructions are not given, the media may disclose the discussion. The Commission may, at its sole discretion, invite persons not part of the Commission to attend executive sessions. The Commission should limit staff who are invited to attend executive sessions to the extent practicable.

Final action, decisions, and Commission action shall not be made in executive sessions.

3.6 Special and Emergency Meetings

- A. Special Meetings: If a need arises to address, deliberate, or take action on a given topic and cannot wait until the next regular Commission meeting, the Commission may convene a special meeting to address the issue. Special meetings are open to the public and require a minimum of 24 hours’ notice. The agenda for a special meeting shall only include the particular item for which the special meeting is being called, and the meeting shall address *only* that agenda item, and then adjourn.
- B. Emergency Meetings: The Commission may convene an emergency meeting with less than 24 hours’ notice, if necessary, when unforeseen circumstances arise. An actual emergency must exist that requires immediate action of the Commission. Notice must be appropriate to the circumstances and should include a reasonable attempt to contact

the media and other known interested persons. An emergency meeting shall relate only to the urgent items in question and does not permit consideration of any additional Port business.

3.7 Minutes

Written minutes shall be taken at every meeting of the Commission. Minutes do not need to be a verbatim transcript of the proceedings but should accurately reflect the matters discussed and views of the participants. The Commission Secretary is responsible for ensuring that accurate minutes are transcribed and distributed to Commissioners and available to the public within a reasonable time after the meeting. The Secretary shall also keep official copies of properly authenticated minutes, in chronological order, on file with the Port in conformance with applicable public records requirements.

Tape or video recordings of meetings are not required, but may be utilized at the Commission's discretion, and will be subject to the same retention requirement. Minutes of an executive session will be kept in the form of written minutes, and such minutes are generally not considered public records. Executive session minutes shall be labeled and stored separately from public meeting minutes to avoid inadvertent disclosure.

Meeting minutes shall comply with ORS 192.650 and, at minimum, contain the following:

- A. Name of Commissioners and staff present
- B. All motions, resolutions, orders, measures, and ordinances proposed and their disposition
- C. The result of any votes, including the names of each Commissioner and how they voted;
- D. The substance of the discussion on any matter, and
- E. Reference to any document discussed at the meeting

Meeting minutes may be amended as necessary. Upon receipt and review of the minutes, Commissioners may propose corrections or additions so that a corrected copy may be issued to the Commission and public prior to the next meeting for Commission approval. The Commission must authorize any changes to the meeting minutes.

3.8 Procedural Rules

To ensure focused and efficient meetings, the Commission will adhere to the following procedures and meeting protocol. In the event a parliamentary procedure issue is not addressed by this policy, the Commission will use Robert's Rules of Order to guide such procedures.

- A. Motions - General
 - 1. All Commissioners have the right to make motions, discuss questions and vote on any issue before the Commission.

2. Commissioner motions will be clearly and concisely stated. The President will state the name of the Commissioners making the motion and the second.
 3. The President will repeat the motion prior to a Commission vote.
 4. Motions for withdrawal of a motion, agenda order, roll call vote, or point of order do not require a second.
 5. Motions requiring a second and not receiving such will die.
 6. Discussion of a motion is open to all Commissioners wishing to address it. A member must be recognized by the President prior to speaking on the motion.
 7. The President may ask for a voice vote, but a roll call vote will be taken on all decisions that are not unanimous. All members will vote on each motion unless legally disqualified. A member abstaining from a vote must state the basis for any conflict of interest or other disqualification. The clerk will maintain a record of the votes.
 8. The President will announce the results of any vote. Commissioners may explain their votes but must do so succinctly.
- B. Approval: A motion passes if approved by a majority of the Commission. Votes taken when less than all Commissioners vote shall require approval by a quorum of the Commission, regardless of the number of Commissioners voting.
 - C. Ties: A motion receiving a tie vote fails.
 - D. Withdrawal: A motion may be withdrawn by the motion maker at any time without consent of the Commission.
 - E. Table: a motion to table is not debatable and precludes any amendment or further debate. If the motion carries, the item may only be taken from the table by adding it to a future agenda for continued discussion.
 - F. Postpone: A motion to postpone may be made to either postpone to a certain date or to postpone indefinitely. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
 - G. Amendment: A motion to amend may be made to a prior motion that has been seconded but not voted on. Amendments will be voted on first, prior to the motion being amended (or not amended) and voted on. Motions to adjourn, table, take from table, reconsider, for point of order and agenda order may not be amended.
 - H. Call for Question: A motion calling for the question ends debate on the item and is not debatable. A second is required, and each Commissioner who wishes it should have one opportunity to speak before the motion is called. Once called, the presiding officer will inquire if any objection is raised. If there is an objection, the matter will be put to vote and either pass with a majority vote or fail. Debate may continue if the motion fails.

- I. Reconsideration: When a motion has been decided, a Commissioner who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion was approved.
- J. Adjournment and Recess: Any meeting of the Commission may be continued or adjourned with a motion and majority vote of the Commissioners present. A motion to adjourn will be in order at any time except while a vote is being taken or when made as an interruption of a member who is speaking. Upon the request of a Commissioner, a short recess may be taken during a Commission meeting.
- K. Control of Meeting: The presiding officer shall have the authority to keep order and impose reasonable restrictions necessary for the orderly and efficient conduct of a meeting. Persons who fail to comply with such reasonable regulations or who otherwise disturb the meeting may be asked to leave, and upon failure to do so, may be treated as a trespasser.

3.9 Order and Decorum

Commissioners will assist the Commission President in preserving order and decorum during Commission meetings and will not delay or interrupt proceedings. Commissioners will comply with any ruling of the President or Commission, and the following rules will be observed to maintain order and decorum during meetings:

- A. Commissioners will review necessary information, including the agenda and meeting materials, before meetings, and will come to meetings prepared.
- B. Any Commissioner desiring to be heard will request to the President to be heard. Commissioners will be given an opportunity to speak at least once on any pending motion or agenda item. Once recognized, the speaker will confine their remarks to the subject under consideration.
- C. When speaking on behalf of the Commission or Port, Commissioners will represent the Commission's official position, not their own personal opinion.
- D. Commissioners will be open and candid and should be succinct in stating their views. Commissioners should focus on a single issue or topic and any one time and allow one another to finish speaking without interruption.
- E. Commission discussions are to focus on Port issues; Commissioners should avoid becoming involved with non-Port issues that are not relevant to the current discussion.
- F. Commissioners should keep discussions moving and adhere to established time limits on discussions.
- G. Commissioners will refrain from criticizing or berating each other, staff, or members of the public.

3.10 Public Participation & Public Comment

To help foster an atmosphere of cooperation and transparency, and to better serve the interests of the community, it is the policy of Port of Cascade Locks to allow public comment at all open Commission meetings, under the following structure:

- A. Public testimony sign-up forms will be available at each regular Commission meeting. The Commission will provide audience time at the beginning of each regular meeting, according to the agenda (see Section 3.3, item 2, Public Comment). During this time members of the public may speak to the Commission about Port items that are not already included on the agenda. Once recognized by the Commission President, members are encouraged to begin their comments to the Commission by stating their name and indicating if they are a property owner or resident within the Port district. The Commission may set time limits for the duration of comments by an individual, may request that individuals and groups with similar comments or issues choose a spokesperson to present joint remarks, and may set time limits for the duration of comments on a similar topic or issue.
- B. Commissioners should generally not respond to comments made during Public Comments except to ask clarifying questions. Any public requests for Commission action will be referred to staff for review before being placed on the agenda for a future Commission meeting.
- C. The Port is under no obligation to take public comment on any agenda item under discussion but may choose to do so at the discretion of the Commission. The Commission may also limit duration or subject matter at the Commission's discretion.

3.11 Virtual Attendance

In-person public meetings of the Port Commission shall also allow for remote attendance by any member of the public who wishes to attend in such a manner. In order to comply with this regulation, the Port will accommodate remote/virtual attendance as follows:

- A. The Commission shall designate the Port General Manager or other such staff person as deemed appropriate to oversee requests for remote accommodation.
- B. Meeting notices will include an instruction that directs any person wishing to attend the meeting by virtual means to contact the Port (and will include a phone number and/or email at which to do so) at least 48 hours before the scheduled meeting. The Port manager or delegee will monitor the requests.
- C. If a request is received, the requestor will be provided with the appropriate link, virtual meeting invite, etc.
- D. Requests for remote attendance received with less than 48 hours' notice may be accommodated at the discretion of the Port, and a reasonable effort will be made to accommodate such requests.

- E. If remote attendance requests have been received, the Commission will delegate a Commissioner or staff attendee responsible to set up the device at the meeting (laptop, desktop computer, etc., with functional camera, speakers, and microphone), start the virtual meeting, monitor any remote attendees, technical issues, etc., and end the feed upon adjournment of the Commission meeting.
- F. The presiding officer will have the same authority for control of the meeting for virtual attendees as addressed in Section 3.7.
- G. Virtual attendees will have the same opportunity as in-person attendees for public comment, if requested. The delegate in charge of monitoring the remote aspect of the meeting shall, upon starting the virtual meeting, receive any requests for Public Comment. Virtual attendees who wish to provide public comments will be added to the public testimony sign-up form. Once recognized by the Commission President, virtual attendees are encouraged to begin their comments to the Commission by stating their name and indicating if they are a property owner or resident within the Port district.

SECTION 4: COMMITTEES

4.1 General

- A. The Commission may approve the creation of committees as needed to support the Commission and Port on various matters. The policies set forth in this Manual apply to all committees established to advise the Commission and subcommittees of the Commission. Committees, task forces, and other work groups established by the General Manager do not fall under these procedures.
- B. Committees and individual committee members have no authority to represent the Port's official position on any matter except by express and explicit written approval of the Commission.
- C. The types of committees established by the Commission include:
 - 1. Commission Subcommittees. These committees consist exclusively of existing Commission members and may be formed to support the Commission's work on topics such as finances and human resources. Commission subcommittees shall be established and organized as follows:
 - Role: Provide input to the Commission on specific topics.
 - Membership: Consists exclusively of one or more existing Commissioners. The Commission appoints all members of each subcommittee.
 - Term: Subcommittee appointments are subject to reappointment annually by the Commission.

- Committee Officers: There are no formal officers of Commission subcommittees.
 - Meetings: As scheduled by the subcommittee members based on assignments from the Commission.
 - Decisions: A subcommittee is not empowered to take formal action without express authorization by the Commission.
 - Support: Subcommittee members may request the Port General Manager provide staff as needed to support a subcommittee.
2. Commission Advisory Committees. These committees are intended to make recommendations to the Commission on specific topics of interest. Members may include Commission representatives and members of the public with demonstrated interest or knowledge related to the scope and purpose of the advisory committee. Standing advisory committees are identified in Section 4.2 below. Each advisory committee shall have a Commission-approved charge that defines the purpose, scope, and membership of the committee. Advisory committees shall be established and organized as follows:
- Role: Provide recommendations to the Commission on specific topics as defined in committee charge.
 - Membership: Consists of one or more existing Commissioners and members of the public representing designated interests or expertise. Members are appointed by the Commission, subject to the committee charge.
 - Term: Commission representatives are subject to reappointment annually by the Commission. Terms of public representatives are as designated in the committee charge.
 - Committee Officers: Typically includes a chair to be appointed by the advisory committee members. Other offices and the appointment process for such offices, if any, are to be determined by the Commission through the committee charge.
 - Meetings: Meetings will be conducted as public meetings, including public notice and posting of agendas. Executive sessions may be allowed subject to ORS 192.660. Minutes shall be taken of all advisory committee meetings.
 - Decisions: Decisions regarding recommendations to the Commission shall be made by majority vote of the advisory committee members.
 - Support: The Commission may request the Port General Manager provide Port staff to serve in an ex-officio, non-voting role, and to provide staff as needed to support the advisory committee.

3. Task Forces. These committees are intended to be advisory to the Port General Manager and may include members with demonstrated interest or knowledge related to the scope and purpose of the task force. Task forces shall be established by the Port General Manager in consultation with the Commission and organized as follows:
 - Role: Advisory to the Port General Manager.
 - Membership: As defined by the Port General Manager in consultation with the Commission.
 - Term: At the discretion of the Port General Manager.
 - Committee Officers: There are no formal officers.
 - Meetings: As scheduled by the Port General Manager.
 - Decisions: A task force is not empowered to take formal action. Recommendations to the Port General Manager shall be made by consensus of the task force members.
 - Support: Staff provides support as directed by the Port General Manager.

4.2 Standing Commission Advisory Committees

The Commission has established the following standing advisory committees to advise the Commission on defined topics:

- A. Sternwheeler: This committee advises the Commission on activities and contracts related to the operation and maintenance of the sternwheeler and on capital improvements to the sternwheeler and associated facilities.
- B. Economic Development Sub-Committee (EDSC): This committee advises the Commission on potential new projects and economic development opportunities, and this committee monitors existing projects.
- C. Joint Workgroup for Economic Development (JWGED): This committee is a joint committee of the City and the Port, with additional seats for community members, and other organizations, such as community college, school district, and non-profit organizations. The purpose of this committee is to share information and discuss issues as they relate to economic development.
- D. Marine Park Committee: This committee monitors issues affecting the Marine Park and makes recommendations to the Commission.

Additional details describing the specific objectives, positions, appointment process, and staffing for each standing advisory committee will be established in a “Committee Charge” to be approved by the Commission.

4.3 Ad Hoc Advisory Committees

The Commission may create ad hoc advisory committees as needed to assess the needs of the Port, evaluate existing programs and/or facilities, recommend long-range goals and plans, or any other needs as determined by the Commission. Any ad hoc advisory -committees formed will follow the organization and procedures as set forth in Section 4.1 of this Manual, will operate for such time as determined by the Commission to accomplish the assigned purpose, and may be discharged after their recommendations to the Commission or at any other time at the discretion of the Commission.

SECTION 5: ADMINISTRATION

5.1 Delegation

The primary responsibility of the Commission is to make policy-level decisions for the Port, and to hire, evaluate, and manage the Port’s General Manager. Administrative authority for the daily operations of the Port and the management of all Port personnel shall be delegated to the Port General Manager to the extent reasonably possible. No individual Commissioner may direct or order a staff member on any matter that relates to the daily operations or administrative activities of the Port unless expressly authorized by the Commission. No individual Commissioner may order, direct, or conduct any review of personnel records of any staff member or any other record that is exempt under Public Records law unless expressly authorized by the Commission.

If any Commissioner should be delegated by the Commission to exercise any administrative authority for the Port, that direction shall be in writing and shall state the express purpose for which authority is being granted and for what duration. The Commission shall consult with the Port General Manager and review the delegation of administrative authority prior to the Commissioner exercising said authority.

Any Commission communications relative to Port business will be directed to the Commission President, who will then communicate the question, request, or concern to the Port General Manager.

5.2 Management

The Commission shall be responsible for the following oversight and administrative duties:

- A. Port General Manager
 1. Hire the Port General Manager.
 2. Define the duties and responsibilities of the Port General Manager.
 3. Approve the General Manager’s compensation plan, including form and amount of salary, benefits, bonuses, vacation, travel, and other compensation.

4. Evaluate the Port General Manager's performance at least annually.
 5. Approve programs for management development.
 6. Provide advice and consultation to management on matters within the purview of the Commission's responsibilities.
 7. With the assistance of legal counsel, engage in any necessary disciplinary action as relates to the Port General Manager, up to and including termination.
- B. Financial
1. Monitor the finances of the Port and otherwise acting as fiduciary, setting policy or taking action to ensure the fiscal integrity of the organization.
 2. Act as the Local Contract Review Board for the Port.
 3. Approve contracts for professional services required by and for the Commission, and any other contracts binding the Port.
 4. Approve the form and amount of compensation and reimbursement for Commissioners as set forth in Section 5.3.
 5. Approve specific important projects.
 6. Review and approve the annual budget.
 7. Review and approve any employee benefit plans.
 8. Select the Port's independent municipal auditor and receive the annual audit findings.
- C. Port Plans and Objectives
1. Become familiar with and abide by all laws and policies governing the operation of the Port.
 2. Approve any significant departure from established plans or policy.
 3. Review and approve major changes in the Port's organization or structure.
 4. Develop and approve long-range plan of growth and development for the Port.
 5. Ensure that program objectives are assigned to the proper planning or implementing subgroups or committees.
 6. Receive, discuss and take action on committee or other planning body recommendations.
 7. Pass Port resolutions and adopt ordinances.
- D. Compliance and Legal
1. Select legal counsel for the Port.
 2. Request advice from legal counsel as needed. Requests to legal counsel for advice requiring legal research may not be made by a Commissioner without the concurrence of the Commission. Before requesting research or other action by legal counsel, the Commission should, if appropriate, consult with the Port General Manager to determine if the request or action can be accomplished cost-effectively. Outside a Commission meeting, the Commission should make

requests of legal counsel through the Port General Manager, with the exception of issues related to performance of the Port General Manager.

3. Ensure that the Port is in compliance with all federal, state, and local laws.

5.3 Professional Services and Consultants

- A. Legal Counsel. The Commission shall select general or other legal counsel for the Port. Legal counsel shall advise the Commission on specific legal matters. Requests for legal counsel by individual Commissioners shall be subject to approval or consensus of the Commission. The Commission President and General Manager are authorized to consult with the Port's legal counsel on matters related to Port issues. The Port General Manager shall not consult with the Port's legal counsel on matters related to the hiring, termination, or performance of the Port General Manager.
- B. Auditor. The Commission shall select the auditor for the Port. This selection will be done in a manner to allow the auditor to prepare the annual audit and render an opinion as required by law. The Port General Manager shall fully cooperate with the Port's auditor and provide access to all requested documents and records as required to support the auditor. The auditor shall make recommendations to the Commission, in coordination with the Port General Manager, concerning the Port's accounting records, procedures, and related activities.
- C. Other Professional Services. Unless otherwise directed by the Commission, professional service providers, including but not limited to consulting engineers, planners, lobbyists, and other professionals, will report to the Port General Manager in consultation with the Commission. The Port General Manager will schedule and coordinate the professional service providers to consult with and brief the Commission as needed to allow for efficient delivery of the consultants' services and assure timely information updates to the Commission.

5.4 Commissioner Expenses and Compensation

- A. Compensation. At this time, the Commission does not authorize Commissioner compensation for performance of duties by individual Commissioners in service to the Commission. In the future, the Commission may consider Commissioner compensation pursuant to ORS 198.190 and other applicable state law by passage of a resolution establishing Commissioner compensation. Future compensation of Commissioners shall apply to Commissions empaneled after approval of the resolution for Commissioner compensation.
- B. Reimbursement. Commissioners will be reimbursed for authorized expenses incurred in the service of the Commission. Reimbursable expenses pertain only to the Commissioner and do not include the spouse, children, other relatives, or companions. Reimbursable expenses include:

1. Transportation (e.g., mileage, rental car, air fare, transit, parking, and other reasonable transportation expenses)
2. Lodging
3. Meals
4. Registration fees for conferences, conventions, and seminars, and
5. Other actual and necessary expenses related to the official business of the Commissioner as the Commission deems appropriate.

Commissioners should exercise good judgment so as to avoid unnecessary Port expenses and should not undertake any Commission business that will generate reimbursable expenses without the express approval of the Commission.

Commissioners will be reimbursed for actual costs of eligible expenses. Mileage will be reimbursed at the mileage rate published by the Internal Revenue Service in effect at the time the expense was incurred. Expenses are subject to review by the Commission. Eligible and reasonable expenses will be reimbursed upon completion of the relevant assignment, within a reasonable amount of time after submittal of documentation of expenses.

SECTION 6: ETHICS

Commissioners are considered public officials and public representatives of the Port and will conform to the expected high standards of ethical conduct, including but not limited to the following expectations as outlined in this Section.

6.1 Governing Statutes

Commissioners will review and observe the requirements of the Oregon Ethics Law Guide for Public Officials, and all requirements of the Oregon Revised Statutes governing ethics for public officials, ORS 244.010 to 244.390. Liability for violation of Oregon's Ethics Laws for Public Officials is personal to the public official. It is not covered by the Port's liability coverage, and the costs of investigation, defense, and any penalty issue are the responsibility of the Commissioner.

6.2 Conflicts of Interest

Commissioners are strictly prohibited from using a position in public office for private financial gain. Commissioners must give public notice of any actual or potential conflict of interest at a public Commission meeting, and such notice will be reported in the meeting minutes. The disclosure shall be repeated and recorded in the meeting minutes in each instance where the matter is discussed.

- A. Potential Conflict of Interest: Exists when a decision being deliberated by the Commission could result in financial gain or avoidance of financial loss to the Commissioner, a relative of the Commissioner, or a business with which the Commissioner or a relative of the Commissioner is associated. A potential conflict must be disclosed, but the Commissioner may still participate in the discussion and vote on the issue.
- B. Actual Conflict of Interest: Exists when a decision by the Commission will result in a financial gain or avoidance of financial loss to the Commissioner, a relative of the Commissioner, or a business with which the Commissioner or a relative of the Commissioner is associated. An actual conflict must be disclosed, and the Commissioner may not participate in discussion of the matter or vote on the issue.

6.3 Prohibited Actions

In representing the best interests of the Port and its constituents, and in avoidance of pursuing individual agendas, Commissioners will refrain from:

- C. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
- D. Promoting or advocating for promotion of Commissioner's relatives, clients, or employees of Commissioner's business interests without making appropriate disclosures.
- E. Seeking employment of relatives with the Port without making appropriate disclosures.
- F. Accepting a gift or gifts exceeding \$50 in total value within any single year from any source with a legislative or administrative interest in the Port.
- G. Taking an action that benefit special interest groups at the expense of the Port as a whole.
- H. Any other action or request for preferential treatment that places the interests of the Commissioner, a Commissioner's relatives, associates, co-workers, clients or friends above the best interests of the Port.

SECTION 7: COMMUNICATIONS

7.1 Communications with the Media

Any official position or comment by the Commission to any media representative or media outlet shall be provided or authorized by the Commission President or the Commission President's designee. Any other communication with the media by Commissioners shall be considered unauthorized and shall not represent the official position of the Port.

It is appropriate for the Port General Manager to issue public information and media updates pertaining to the Port's routine and operational matters, and to issue public information that is consistent with previously established Commission positions and policies. To the extent practicable, the Port General Manager shall coordinate with the Commission President, the President's designee, or the full Commission before issuing such public communications.

7.2 Communication with Staff

The Commission will respect the separation between policymaking and administration as outlined in Section 5.1 (Delegation) by observing the following communication policies with respect to Port staff:

- A. The Commission will work with the Port staff as a team in the spirit of mutual respect and support. This policy does not inhibit or preclude incidental communications between Commissioners and Port staff.
- B. Outside of Commission meetings, Commissioners will not attempt to influence a Port employee or the Port General Manager, or advocate for a certain outcome in regard to personnel matters, purchasing issues, the award of contracts or the selection of consultants. It is appropriate for Commissioners to discuss such matters with staff outside of Commission meetings in a manner that is not coercive directive, or instructive toward a specific outcome.
- C. Commissioners will consult with the Port General Manager when initiating individual contact with Port staff to allow the Port General Manager to designate staff to respond to such requests so as not to influence staff decisions or recommendations, interfere with staff performance and priorities, undermine the Port General Manager's authority, or prevent the Commission as a whole from receiving information.
- D. Commissioner concerns regarding staff matters, including but not limited to staff performance and/or staff actions, will be directed to the Port General Manager. Commissioners will avoid directing criticism to staff, either at a public meeting or through other communication. Commissioners will be professional and mindful of the role and responsibility of staff members.
- E. Any written materials or information requested of staff by Commissioners will be submitted to the entire Commission and include a notation stating who requested the information.
- F. The Commission President will refer comments or questions regarding Port personnel or administration to the Port General Manager. The Port General Manager may, at their discretion, reply to the inquiry directly or instruct the appropriate staff member to do so.

7.3 Confidentiality

- A. Commissioners will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the Port position is not compromised. No mention of the information read or heard should be made to anyone other than the Commissioners, Port General Manager, or legal counsel.
- B. All public statements, information, or media releases relating to a confidential matter will be handled by the Port General Manager, legal counsel, or a Commissioner designated by the Commission.
- C. Unless required by law, no Commissioner may make public or otherwise disclose the discussions or information obtained in executive session to any person who was not part of the executive session.

SECTION 8: BUDGET

8.1 Governing Statutes and the Budget Process

The Commission will be responsible for reviewing and approving the annual budget. The process for preparing and approving the Port's annual budget is more fully described in the Local Budget Laws for Oregon, ORS Chapter 294. Commissioners will familiarize themselves with these statutes and with Local Budgeting Manual published by the Oregon Department of Revenue. The Local Budgeting Manual will be the primary reference for all budgeting issues, but for purposes of this policy manual, the Port's budget process is summarized as follows:

- A. The Commission appoints a budget officer (ORS 294.331)
- B. The Commission appoints a budget committee consisting of all Commissioners plus an equal number of electors of the Port (ORS 294.414).
- C. Vacancies on the budget committee shall be filled by appointment following the process outlined in Section 2.4 of this Manual, including advertising the vacancy, soliciting letters of interest, and appointment by a majority of the Commission.
- D. The budget officer prepares (or supervises preparation of) a budget message, explaining the proposed budget and any significant changes to the Port's fiscal policy or financial position, and a proposed budget to present to the budget committee.
- E. The budget officer gives public notice of the budget committee meeting as required by ORS 294.401.
- F. The budget committee meets, and the budget officer delivers the budget message. The committee will meet thereafter as needed to revise and complete the budget. At least one meeting must provide the opportunity for questions and comments from any interested person. (ORS 294.426)

- G. The budget committee considers the budget and any comments made by the public and makes any changes. Once satisfied the budget committee, by motion, second, and majority vote, approves the budget and the amount or rate of any relevant tax. The approval/results of the vote are recorded in the minutes of the meeting. (ORS 294.428)
- H. The budget committee schedules a hearing, and the budget officer publishes a summary and Notice of Budget Hearing and Financial Summary 5 to 30 days before the scheduled hearing (ORS 294.448).
- I. The Commission will hold one or more budget hearings on the date specified by notice, to listen to public testimony on the budget approved by the committee. (ORS 294.453).
- J. The Commission adopts the budget, makes appropriations, imposes, and categorizes taxes. The Commission may make changes to the approved budget before it is adopted. (ORS 294.456)
- K. The Commission certifies taxes to the county assessor.

Upon submission of the budget to the Commission, the budget committee has completed its duties as required and no further meetings of the budget committee shall take place prior to the next budget cycle unless the Commission directs otherwise. It should be noted that budget committee members are public officials as defined in Oregon’s Ethics Laws for Public Officials and are subject to conflict-of-interest disclosure and other ethics requirements.

SECTION 9: COMMISSIONER DEVELOPMENT AND TRAINING

9.1 General

Commissioners are encouraged to attend relevant educational and professional conferences, seminars, and other training programs that pertain to issues relevant to the Port and as related to Commissioners’ roles and assignments. Examples of such training includes SDAO Board and Management Training and training related to financial oversight of public agencies, grants and funding strategies, state and federal legislative matters, and similar topics.

In addition, all Commissioners will read and be familiar with:

- A. The Oregon Ethics Guide for Public Officials.
- B. The Local Budgeting Manual published by the Oregon Department of Revenue.
- C. The Commission Duties and Responsibilities Policy Manual.

Any proposed training or attendance at a conference or training event requiring a registration fee or travel-related expenses to be paid by the Port must be authorized by the Commission.



Port of Cascade Locks

COMMISSION DUTIES AND RESPONSIBILITIES POLICY MANUAL

RECEIPT ACKNOWLEDGMENT FORM

As a duly elected Commissioner of the Commission of Port of Cascade Locks, I hereby acknowledge that I have been provided a copy of the Commission Duties and Responsibilities Policy Manual, and that it contains important information regarding my role as a Commissioner. I have read and understand the policies contained in the Manual and have asked the currently presiding Commission President or President Pro Tempore for clarification of any information that I did not understand or had further questions regarding.

By my signature below, I agree to observe and comply with all policies and guidelines contained in the manual for the duration of my position on the Commission.

Commissioner's Name (Print)

Commissioner's Signature

Date

PORT COMMISSION REPORT

TO: PORT COMMISSION

FROM: JEREMIAH BLUE, GENERAL MANAGER

SUBJECT: **ORDINANCE Nº 2021-1 SECTION 5.7**

DATE: SEPTEMBER 5, 2023

Introduction

The current Port of Cascade Locks Ordinance states the following regulation regarding alcohol use on Port property:

5.7 ALCOHOL

5.7.1 No person shall possess open containers of alcohol anywhere on Port property except to transport the alcohol to or from moored boats or as allowed by Special Permit by the Port.

Provided is an excerpt and documents from other Ports to serve as comparison.

Excerpt from the Port of Newport Facilities Code (Ordinance 1-2013):

2.35 Consumption/Use of Alcoholic Beverages/Controlled Substances.

Consumption of alcoholic beverages or possession of open containers of alcoholic beverages, except on OLCC (Oregon Liquor Control Commission) licensed premises or private vessels, is prohibited. Using or possessing unlawful controlled substances on Port property is prohibited.

In respect to Port-owned property that is within the City Limits and whether the City has an ordinance against drinking in public spaces, the City currently does not have an ordinance in place that regulates where alcoholic drinks are allowed.

Attachment: Port of Hood River Event Alcohol Control Policy
Port of Cascade Locks Permit Agreement Form - 2023



Port of Hood River
1000 E. Port Marina Drive ♦ Hood River Oregon 97031 ♦ (541) 386-1645

EVENT ALCOHOL CONTROL POLICY

The Port of Hood River accepts no responsibility for you or your guests/customers. It is the sole responsibility of the renter to control the event, protect the people present, maintain required insurance, and comply with all applicable laws and regulations. As the Renter of the Port's facilities, you are accepting all liability for damage and for the safety of your guests and customers. If you will be serving alcohol at your event:

WE REQUIRE THAT YOU:

- ✓ Have an appropriate Oregon Liquor Control Commission (OLCC) license or permit before selling alcohol.
- ✓ Use OLCC licensed servers, following all OLCC rules and guidelines, to dispense all alcohol at your event. Do not allow your guests/customers to bring unauthorized alcohol to your event.
- ✓ Do not have any self-service alcohol available. This includes wine and bottled or keg beer.

Most events make use of their catering company for any alcohol service. Caterers usually have OLCC licensed servers and normally carry their own host liquor liability insurance.

WE RECOMMEND THAT YOU:

- ✓ Terminate alcohol service 30 minutes or more before your event ends.
- ✓ Age-check and monitor your younger guests. It is a crime to supply, or allow access to alcohol to to anyone under the age of 21.
- ✓ Designate one or more adults to remain alcohol-free to oversee the event and cleanup process.
- ✓ Contact Maija Yasui of the "Hood River Prevents" coalition prior to your event to review your alcohol control plan. Mrs. Yasui can be reached at maija.yasui@co.hood-river.or.us.
- ✓ Not involve children in events that are primarily related to adult alcohol consumption; and not permit children in event areas where alcohol is being consumed by adults.

I agree that I have read, understand and accept the Event Alcohol Control Policy of the Port of Hood River as it applies to my event. I hereby confirm that my event will be covered by Host Liquor Liability Insurance and I will provide proof of insurance to the Port of Hood River. I understand that this coverage can either come from the policy of the licensed servers, my own insurance, or that of the renting organization, if appropriate.

Signature of Renter

Date

**Site Reserved:
Date of Use:**



50 SIGNS OF VISIBLE INTOXICATION

Serving alcohol to a Visibly Intoxicated Person (VIP) is against the law. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. Servers are not expected to know a customer's blood alcohol content (BAC) as determined by a blood, breath, or urine test, but they are required to recognize visible intoxication.

Here are some common signs of visible intoxication. If a person shows just one or two of these signs that does not necessarily mean the person is intoxicated. But if a person shows a combination of several signs, or has a sudden change in behavior, that could be a strong indication that the person is intoxicated. Remember that intoxication can result from the use of drugs other than alcohol. ***If you're not sure, don't serve.***

Appearance

1. Bloodshot, glassy eyes
2. Flushed face
3. Droopy eyelids
4. Dazed look
5. Body tremors
6. Blank stare
7. Disheveled clothing

Speech

8. Thick, slurred speech
9. Loud, noisy speech
10. Speaking loudly, then quietly
11. Rambling train of thought
12. Slow response to questions or comments
13. Bravado, boasting
14. Making irrational statements

Attitude

15. Annoying other guests and employees
16. Argumentative
17. Aggressive or belligerent
18. Obnoxious or mean
19. Inappropriate sexual advances
20. Overly friendly to other guests or employees
21. Boisterous

Behavior

22. Swaying, staggering, or stumbling
23. Unable to sit straight
24. Careless with money

Behavior (Cont'd)

25. Difficulty making change
26. Restless
27. Depressed or sullen
28. Crying or moody
29. Extreme or sudden change in behavior
30. Overly animated or entertaining
31. Crude, inappropriate speech or gestures
32. Drowsiness
33. Lack of focus and eye contact
34. Difficulty standing up
35. Unusual walk
36. Falling off of chair
37. Falling asleep
38. Can't find mouth with glass
39. Falling down
40. Difficulty lighting cigarettes
41. Lighting more than one cigarette
42. Clumsy
43. Difficulty remembering
44. Spilling drinks
45. Disoriented
46. Agitated, anxious
47. Grinding teeth

Other

48. Odor of alcohol, marijuana or chemicals
49. Excessive perspiration
50. Repeated trips to rest room or outside area

OREGON LIQUOR CONTROL COMMISSION
9079 SE McLoughlin Blvd. • Portland, OR 97222-7355
Ph (503) 872-5070 • Fax (503) 872-5074 • toll free (800) 452-6522
www.oregon.gov/OLCC

(rev. 3/2012)

Hood River is the highest ranked county in the state of Oregon in 2012 for 18-25 year old binge drinking. It is a nationwide problem with local solutions. The Hood River County Commission on Children & Families has formed a "Hood River Prevents" coalition to address this issue. Please help reduce this statistic! If you have any questions or need assistance with your event where alcohol will be served, please contact maiya.yasui@co.hood-river.or.us.



PORT OF CASCADE LOCKS

Port of Cascade Locks FACILITY USE PERMIT & AGREEMENT

INSTRUCTIONS

Read both the front and back of this agreement. Fill in all blanks. Make check payable to the Port of Cascade Locks. This agreement, for Port property only, is authorized only after all signatures are made and payment is received.

Return completed form and payment to:

Port of Cascade Locks
427 Portage Road, Cascade Locks, OR 97014
P.O. Box 307 | Cascade Locks, OR 97014
Phone: 541-374-8619
After hours emergency contact: 541-806-5959

<input type="checkbox"/> Pavilion	<input type="checkbox"/> House 3	<input type="checkbox"/> House 3 Grounds
<input type="checkbox"/> East Event Tent	<input type="checkbox"/> East Grill Hut	<input type="checkbox"/> West Grill Hut
<input type="checkbox"/> Thunder Island	<input type="checkbox"/> Thunder Island -Fern Glen	<input type="checkbox"/> Thunder Island -Red Bluff
<input type="checkbox"/> Bridge of the Gods	<input type="checkbox"/> Marina Beach Area	<input type="checkbox"/> Marine Park
<input type="checkbox"/> Platinum Package (Friday-Sunday)		<input type="checkbox"/> Diamond Wedding Package (Monday – Thursday)
<input type="checkbox"/> Business Park: (Specific Area) _____ _____		

Date(s) _____ Time _____

Name of Event: _____

Number of Guests Attending: _____ Estimated Number of Cars _____

I hereby certify that I am an authorized representative of the organization noted below and that the above statements are true to the best of my knowledge. I have read and agree to be bound by the regulations, policies, and conditions on the back of this agreement. I understand that violation of any of these agreements may result in forfeiture of deposit, jeopardize further use of the facility, and result in immediate termination of event. I (and the organization I represent) agree to indemnify, defend, and hold harmless the Port of Cascade Locks and employees from and against any claims, damages, losses, and expenses, including legal fees arising from or in connection with the event. Event changes – Should dates, times or other elements of your event change, immediately file an Event Change Form (Permit Form 4) with Port at least 48 hours in advance of Event.

Permittee Name: _____ Organization (if applicable): _____

On Site Contact Name: _____ Day Time/Cell Phone: _____

Address _____ City/State _____ Zip _____

Email address _____ Home/Message phone _____

Signature _____ Date _____

PLEASE HAVE PERMIT PRESENT AT TIME OF RENTAL

I UNDERSTAND AND ACKNOWLEDGE THE REGULATIONS AND POLICIES – INITIAL _____

FOR PORT USE ONLY

STAFF REVIEW Admin _____ Rec _____ M&C _____ Action _____	FEES Rental \$ _____ Deposit \$ _____ Total \$ _____ Booking \$ _____	PAYMENT <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Amount _____ Ref. # _____ Date _____	<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Amount _____ Ref. # _____ Date _____
		Facility Inspection No Damage <input type="checkbox"/> Damage <input type="checkbox"/>	Damage Deposit Refunded <input type="checkbox"/>
CONDITIONS OF USE OLCC Permit Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Health Permit Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Security Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No CLFD Propane Permit Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No (if used) <input type="checkbox"/> Dumpster <input type="checkbox"/> Generator <input type="checkbox"/> Parking Directors <input type="checkbox"/> Certificate of Insurance Liquor Liability Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Noise Waiver Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Health, social distance, and covid safety plan <input type="checkbox"/> Yes <input type="checkbox"/> No Vendor Permit Required _____ <input type="checkbox"/> Yes <input type="checkbox"/> No Additional Conditions Required. See Attached _____ <input type="checkbox"/>			

EVENT & RESERVATION REGULATIONS AND POLICIES

HOURS—The hours of the permittee’s reservation use shall be those stated on the event application. **The user must adhere to the hours stated on the application, including the time necessary for setup and cleanup.**

1. RESERVATION CHANGES, REFUNDS & FORFEITURE OF FEES—

- a. **The Port reserves the right to cancel any scheduled facility due to unforeseen circumstances or emergency situations. If the reservation is canceled by the Port, the applicant may choose a full refund or request to be rescheduled.**
- b. **Changes to an existing reservation made by the permittee will result in a rebooking fee of \$25 and are subject to availability.**
- c. **If a permit cancellation is made 31 days or more in advance of the reservation date, all fees except 50% of the Booking Fee will be returned to the permittee.**
- d. **If a permit cancellation is 30 days or less before the reservation date, the Booking Fee will be forfeited.**
- e. **Cancellations of reservations and resulting refund requests must be made in writing to the Port 48 hours prior to event.**

2. LIABILITY—Depending on the type, size, and nature of the activity, the Port may require the permittee to provide proof of insurance naming the Port as additionally insured in an amount specified by the Port.

All persons and groups to whom a “Use” permit has been granted agree to hold harmless and indemnify the Port of Cascade Locks from all liability for injury to persons or property occurring as a result of this permit’s activity. Permittee agrees to be liable to Port for all damage to any park, facility, building, equipment, furniture, or other property owned or controlled by the Port, which results from the activity or permittee, or which is caused by any participant in said activity.

NOTICE—Oregon law (ORS 105.682 et seq.) provides that the owner of land is not liable in contract or tort for injury or death or property damages that arises out of the use of the land for recreational purposes. That immunity from liability may not apply if the owner of land charges a fee for permission to use the land. The fee charged for the use of the facility listed on this form is for the use of the facility only. Any use of property located outside of the facility is not subject to a charge, and therefore, the Port of Cascade Locks is not liable for any injury, death or property damage arising out of such use of property for which no specific charge has been made. By issuance of this permit, the Port does not waive any immunity it has under the law.

3. ALCOHOL— Insurance is required anytime alcohol is present during a permitted event or rental.

- a. Liquor Liability insurance naming the Port as additionally insured for a minimum of \$500,000 per occurrence is required for any event in which alcohol will be present. The Port will determine if additional coverage is required based on the size and nature of the event.
- b. OLCC Permits are required whenever alcohol is sold or exchanged for something of value. Alcohol vendors must follow standard OLCC requirements when choosing to serve or sell alcohol and may need to have a permit approved by Cascade Locks Council.

4. SOUND EQUIPMENT/NOISE— City of Cascade Locks quiet hours are at 10:00pm. If you are seeking an extension, contact the City of Cascade Locks at (541) 374-8484.

5. VIOLATIONS, DENIAL & REVOCATION OF PERMITS— The Port reserves the right to deny any permit. Any organization that violates Port regulations, violates local/ state law, damages Port property, disrupts businesses, or causes a disturbance to the Cascade Locks community will have its permit revoked and must vacate Port premises immediately upon request by Port GM or designee

PLEASE HAVE PERMIT PRESENT AT TIME OF RENTAL

I UNDERSTAND AND ACKNOWLEDGE THE REGULATIONS AND POLICIES – INITIAL _____

6. CLEANUP/DAMAGE— *Each permittee shall be responsible for the physical condition in which the facility is left.* The expenses resulting from any damage or maintenance which is above the normal level of service shall be charged to the permittee. Failure of the permittee to meet this obligation within 30 days of billing may be cause for cancellation of future privileges, as well as legal action.

PLEASE HAVE PERMIT PRESENT AT TIME OF RENTAL

I UNDERSTAND AND ACKNOWLEDGE THE REGULATIONS AND POLICIES – INITIAL _____