



PUBLIC MEETING: Port Commission Business Meeting

DATE: Tuesday **April 2, 2024, 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
- 2) Special Presentation and Reports by outside resources, staff, and Government Officials
 - a. easyCLIMB Improvements and New Trail Construction Progress Update – Ted Dodd, NW Trail Alliance
- 3) Discussions
 - a. Letter of Support for Special District Grant Accessibility Act (HR 7525) – [Page 2](#)
- 4) Executive Session under ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions, ORS 192.660 (2)(f) To consider information or records that are exempt by law from public inspection and ORS 192.660 (2)(h) Legal counsel regarding litigation or likely litigation to be filed
- 5) Business Action Items
 - a. Consider Intergovernmental Agreement Between City and Port – [Page 9](#)
 - b. Adopt Charge for Bridge of the Gods Centennial Celebration Advisory Committee – [Page 13](#)
 - c. Approve Updated Pricing for Campground – [Page 14](#)
- 6) Executive Director Report
- 7) Commission Comments
- 8) Adjournment

IMPORTANT DATES

Tuesday, April 9, 2024

Port Budget Committee Meeting

Monday, April 15, 2024

Deadline for SEI Filing

Tuesday, April 16, 2024

Port Committee Meeting

Tuesday, April 23, 2024

Port Budget Committee Meeting

PORT COMMISSION REPORT

TO: PORT COMMISSION

FROM: DAN MAHR, GOVERNMENT AFFAIRS CONSULTANT

**SUBJECT: LETTER OF SUPPORT FOR SPECIAL DISTRICT GRANT
ACCESSIBILITY ACT (H.R. 7525)**

DATE: APRIL 2, 2024

Introduction:

This month, the Special District Grant Accessibility Act was approved by the Federal House Oversight and Accountability Committee on a 38-2 vote. This is a bill the National Special Districts Coalition (NSDC) has been working on for several years. SDAO is a founding member of NSDC. While this is good news, Committee staff has indicated that it's unclear when House leadership will schedule the special district bill for a floor vote and without a significant push, bills like these can stall and die.

If the bill passes the House, a Senate companion bill would also need to be passed for the bill to reach the president's desk and eventually become law. Once established, this bill would set up a formal definition of "special district" in federal law, as well as require the Office of Management and Budget to issue guidance to federal agencies requiring special districts to be recognized as local governments for the purpose of federal financial assistance determinations.

This is a critical step forward in recognizing and supporting special districts, ensuring these districts are eligible for federal assistance and crucial grant programs, which will allow them to gain new eligibility for federal funding, enabling them to expand services, upgrade technology, and better meet community needs.

- ✘ At the federal level, there is no consistent and official definition of special districts, creating difficulties accessing funding and creating some confusion as to their purpose.
- ✘ Special districts are units of government created to deliver specialized services not provided by existing units like cities and counties.

- Ports (including POCL and all Oregon ports), fire districts, soil & water conservation districts, irrigation districts are all examples.
- ✘ The National Special Districts Coalition (NSDC) represents and advocates for special districts at the federal level.
 - Special Districts Association of Oregon (SDAO) is our state's chapter.
- ✘ To address the issue, NSDC has teamed up with Congressional sponsors to introduce the Special District Grant Accessibility Act which would codify a formal definition of "special district" and require federal agencies to recognize special districts according to that definition.
- ✘ The COVID-19 pandemic brought this issue into focus, as large federal relief packages did not recognize and support special districts along with other levels of government.
 - The CARES Act had just \$24 million set aside in support to special districts – a relatively small amount compared to the \$2 trillion package.
- ✘ The American Rescue Plan (ARPA) did not specifically allocate local relief funds to special districts, although states were able to pass through money to special districts.
- ✘ The Port of Cascade Locks received \$1.3 million in ARPA funding from the state.

Recommendation

SDAO is encouraging Special Districts to send letters of support to their relevant members of the U.S. House of Representatives and staff believes it would be beneficial to send a letter to Representative Blumenauer, requesting his support.

Approximately 35,000 special districts are local governments providing critical infrastructure and essential services in thousands of communities across the country. They exist when a community demands a service that another unit of government is not otherwise providing. These agencies are established and locally governed under an enabling act or special act of a state to provide a limited and specific set of public services.

The Problem

Despite the significant presence of special districts in the U.S., **Federal law lacks a consistent definition and reference to special purpose units of local government.**

As a result, special districts:

- May have difficulties directly accessing funding opportunities.
- Are commonly omitted as eligible in the definitions of “local government” for proposed legislation and laws intended to assist all local governments.
- Are mistaken for small businesses or nonprofit corporations.
- Lack official population figures, as they are not federally recognized as “geographic units of government.”

The Solution: H.R. 7525

The Special District Grant Accessibility Act

- Requires Federal agencies to recognize special districts as local government for the purpose of Federal financial assistance determinations.
- Codifies in Federal law a first-ever, formal definition of "special district."

“Special District” Defined

H.R. 7525 - The Special District Grant Accessibility Act, defines "special district" as follows:

“ The term “special district” means a **political subdivision of a State**, with specified boundaries and significant budgetary autonomy or control, created by or pursuant to the laws of the State, for the **purpose of performing limited and specific governmental or proprietary functions** that distinguish it as a significantly separate entity from the administrative governance structure of any other form of local government unit within a State. ”

Common Services Provided

- | | | |
|--------------------|------------------------|-----------------------|
| Water & Wastewater | Healthcare & Hospital | Road & Highway |
| Irrigation | Park & Recreation | Airport |
| Fire Protection | Port/Harbor/Navigation | Electricity |
| Ambulance | Library | Mosquito Control |
| Transit | Cemetery | Resource Conservation |

Quick Facts

35,000

Special District Governments

17%

All local government revenue

50 states

Connect & Engage on Solutions

NSDC is the only national organization representing and advocating for all types of special districts at the federal level.

jk@paragonlobbying.com

(877) 924-2732

118TH CONGRESS
2D SESSION

H. R. 7525

To require the Director of the Office of Management and Budget to issue guidance to agencies requiring special districts to be recognized as local government for the purpose of Federal financial assistance determinations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2024

Mr. FALLON (for himself and Ms. PETERSEN) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To require the Director of the Office of Management and Budget to issue guidance to agencies requiring special districts to be recognized as local government for the purpose of Federal financial assistance determinations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Special District Grant
5 Accessibility Act”.

1 **SEC. 2. AGENCY FINANCIAL ASSISTANCE GUIDANCE ON**
2 **SPECIAL DISTRICTS.**

3 (a) REQUIREMENTS FOR AGENCY ACKNOWLEDG-
4 MENT OF SPECIAL DISTRICTS AS GRANT RECIPIENTS.—

5 (1) OMB GUIDANCE.—Not later than 180 days
6 after the date of the enactment of this Act, the Di-
7 rector shall issue guidance that clarifies how an
8 agency recognizes a special district as a unit of local
9 government for the purpose of being eligible to re-
10 ceive Federal financial assistance.

11 (2) AGENCY REQUIREMENTS.—Not later than 1
12 year after the date on which the guidance is issued
13 pursuant to paragraph (1), the head of each agency
14 shall implement the requirements of such guidance
15 and conform any policy, principle, practice, proce-
16 dure, or guideline relating to the administration of
17 the Federal financial assistance programs of the
18 agency.

19 (3) REPORTING REQUIREMENT.—Not later than
20 2 years after the date of the enactment of this Act,
21 the Director shall submit to the Committee on Over-
22 sight and Accountability of the House of Represent-
23 atives and the Committee on Homeland Security and
24 Governmental Affairs of the Senate a report that
25 evaluates agency implementation of and conformity
26 to the guidance issued pursuant to paragraph (1).

1 (b) DEFINITIONS.—In this section:

2 (1) AGENCY.—The term “agency” has the
3 meaning given the term in section 552 of title 5,
4 United States Code.

5 (2) DIRECTOR.—The term “Director” means
6 the Director of the Office of Management and Budg-
7 et.

8 (3) FEDERAL FINANCIAL ASSISTANCE.—The
9 term “Federal financial assistance”—

10 (A) means assistance that a non-Federal
11 entity receives or administers in the form of a
12 grant, loan, loan guarantee, property, coopera-
13 tive agreement, interest subsidy, insurance, food
14 commodity, direct appropriation, or other as-
15 sistance; and

16 (B) does not include an amount received as
17 reimbursement for services rendered to an indi-
18 vidual in accordance with guidance issued by
19 the Director.

20 (4) SPECIAL DISTRICT.—The term “special dis-
21 trict” means a political subdivision of a State, with
22 specified boundaries and significant budgetary au-
23 tonomy or control, created by or pursuant to the
24 laws of the State, for the purpose of performing lim-
25 ited and specific governmental or proprietary func-

1 tions that distinguish it as a significantly separate
2 entity from the administrative governance structure
3 of any other form of local government unit within a
4 State.

5 (5) STATE.—The term “State” means each of
6 the several States, the District of Columbia, each
7 commonwealth, territory, or possession of the United
8 States, and each federally recognized Indian Tribe.

○

PORT COMMISSION REPORT

TO: PORT COMMISSION

FROM: JEREMIAH BLUE, EXECUTIVE DIRECTOR

SUBJECT: CONSIDER INTERGOVERNMENTAL AGREEMENT BETWEEN CITY AND PORT

DATE: APRIL 2, 2024

Introduction:

As part of the requirements for the Economic Development Administration (“EDA”) grant, a legally binding agreement between the City and Port is necessary. This agreement guarantees the project’s intended function (providing power for economic development to the Business Park) for the life of the project (20 years). This draft intergovernmental agreement (“IGA”) fulfills all grant requirements. It was adopted by the City Council on February 26th and reviewed by the Port’s attorney.

Recommendation:

Approve the intergovernmental agreement between the City of Cascade Locks and the Port of Cascade Locks.

Commission Options:

1. Approve the IGA as presented.
2. Approve the IGA with minor modifications.
3. Do not approve the IGA.
4. Other action.

INTERGOVERNMENTAL AGREEMENT
Between the City of Cascade Locks and the Port of Cascade Locks
For Electrical Service to the Business Park

PARTIES: City of Cascade Locks (“City”)
 140 WaNaPa
 P.O. Box 308
 Cascade Locks, OR 97014

 Port of Cascade Locks (“Port”)
 355 WaNaPa
 P.O. Box 307
 Cascade Locks, OR 97014

RECITALS

- A. City and Port have the authority under ORS 190.010 to enter into intergovernmental agreements for the performance of functions and activities by each party.
- B. The parties desire to enter into an agreement whereby each agrees to perform the functions outlined below for the purposes of developing economic activities; enhancing existing and emerging businesses; and attracting new businesses and jobs within the City’s and Port’s overlapping boundaries.
- C. City owns and operates a municipal electric utility serving the City of Cascade Locks and surrounding areas.
- D. Port owns certain real property commonly known as the Business Park, which offers a variety of commercial and industrial spaces that are available for future economic development.
- E. The parties intend this agreement to facilitate the expansion and hardening of the City’s electrical utility infrastructure for the express purpose of supporting economic development within the City’s and Port’s overlapping boundaries.

NOW, THEREFORE, in consideration of the mutual agreements of the parties, the parties agree as follows:

Section 1. City’s Responsibilities.

- A. The City will develop sufficient electrical service to and within the Port’s Business Park necessary for the retention, recruitment, and support of economic development, while maintaining sufficient electrical service to accommodate growth within the City’s service territory.
- B. Subject to the City’s obligation to establish rates that are fair, just, reasonable, and non-discriminatory, the City agrees to coordinate with the Port to negotiate and to establish special electric rates designed to increase new businesses and to add jobs in the Business Park. Special electric rates may include, but are not limited to, phased rates or low initial rates. Notwithstanding the foregoing, the City shall not be required to establish rates that do not allow the City to recover the actual costs of the operation, including service of indebtedness, of its electric system.

- C. City agrees to use funds from the Economic Development Administration (EDA), Business Oregon, and the Port of Cascade Locks to expand the power capacity of the City's electrical system and harden the electrical infrastructure leading to the entrance of the Business Park.
- D. The City shall not be required to fund additional transformers to accommodate any electric user within the Business Park requesting over 10 megawatts of power, and such transformers, if necessary, will be funded through the City's established line extension policy, or through other means mutually acceptable to the parties and to the electric user.
- E. The City agrees to communicate and coordinate with the Port to provide a level of power capacity that facilitates the recruitment of all types and sizes of businesses.

Section 2. Port's Responsibilities.

- A. The Port agrees to provide \$110,000 in financial assistance to the City no later than December 31, 2024, to be used for the expansion and hardening of the City's electrical utility infrastructure leading to, and in, the Business Park. Once received by the City, the financial assistance stated herein shall be the property of City and is not refundable to Port if this agreement is terminated; provided, the financial assistance shall be used by City only for the purpose stated herein, regardless of termination.
- B. Port agrees to keep the City apprised of recruitment efforts to locate or expand businesses in the Business Park, and the Port will share with the City the expected energy demand of any business being recruited.

Section 4. Effective Date, Term. This Agreement becomes effective upon signing and shall remain in effect for a period of twenty-five (25) years. Either party may terminate this Agreement at any time by delivery of written notice to the other party at the address above, given no less than thirty (30) days prior to the intended termination date.

Section 5. Liability and Indemnification: Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney's fees and costs) arising from the indemnitor's performance of this agreement where the loss or claim is attributable to the negligent acts or omissions of that party. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

Section 6. Insurance: Each party agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this Agreement, at levels necessary to protect against public body liability as specified in ORS 30.270. This agreement is expressly subject to the tort limits and provisions of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

Section 7. Compliance With Laws: Each party agrees to comply with all local, State and Federal ordinances, statutes, laws and regulations that are applicable to the services provided under this agreement.

Section 8. Attorney Fees: In the event of any action or proceeding to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees, in addition to costs and disbursement, at arbitration, trial, and on appeal.

Section 9. Final Agreement; Modification: This writing is intended both as the final expression of the agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. Although this Agreement may be changed by

subsequent review, amendment or modification, such changes must be in writing and signed by both parties' duly authorized representatives.

CITY

PORT

By: Mayor Cathy Fallon

Date: _____

By: President Brad Lorang

Date: _____

PORT COMMISSION REPORT

TO: PORT COMMISSION

FROM: JEREMIAH BLUE, EXECUTIVE DIRECTOR

**SUBJECT: ESTABLISH BRIDGE OF THE GODS CENTENNIAL CELEBRATION
ADVISORY COMMITTEE AND APPOINT MEMBERS**

DATE: APRIL 2, 2024

Introduction:

The Bridge of the Gods will be celebrating its 100 years of service. This presents a remarkable occasion to:

- **Honor its Extraordinary Past:** Celebrate the Bridge’s rich history as a vital community asset.
- **Communicate the Power of the Present:** Showcase the Bridge’s ongoing impact on connecting people and places.
- **Envision a Promising Future:** Look ahead to the Bridge’s continued role in shaping the region’s prosperity.

The Centennial Celebration Committee is entrusted with the critical task of commemorating this significant milestone.

Recommendation:

Establish the Bridge of the Gods Centennial Celebration Advisory Committee and appoint two (2) Commissioners as members.

Commission Options:

1. Move to establish the Bridge of the Gods Centennial Celebration Advisory Committee and appoint Commissioners.
2. Do not establish the Bridge of the Gods Centennial Celebration Advisory Committee.
3. Other action.

PORT COMMISSION REPORT

TO: PORT COMMISSION

FROM: PARKER NELSON, OPERATIONS MANAGER

SUBJECT: APPROVE UPDATED PRICING FOR CAMPGROUND

DATE: APRIL 2, 2024

Introduction:

During the March 5th and 19th Commission meetings, the Commission considered a staff proposal to increase campground rates. The purpose of the proposed increase would be to ensure the continued quality of the campground experience for our valued guests, investment in future improvements, and revenue generation that would contribute to reduction of toll-revenue subsidy of the campground and the Marine Park.

By implementing a modest rate increase, the Commission would help to ensure the long-term sustainability of the campground and continue to provide an enjoyable camping experience for our guests.

Recommendation:

Approve to increase the campground rates [specify amount] from their current rate; implement a yearly increase of 5%, to be reviewed and approved by the Commission annually; implement a \$7.00 processing fee for all first night stays, set the PCT Hiker/Biker rate to \$10.00, set the Gorge Racing Association group camping rates at \$25.00, and include shower service with all camping.

Commission Options:

1. Approve to increase the campground rates as described in the staff recommendation.
2. Do not approve to increase the campground rates or PCT Hiker/Biker rate.
3. Other action.