

**AGENDA  
PORT OF SIUSLAW COMMISSION MEETING**

**Triangle Lake School Library  
20264 Blachly Grange Road  
Blachly, Oregon 97412**

**May 18, 2016 5:30pm**

1	Call to Order	Caputo
2	Public Comment (limited to 15 minutes/5 minutes per speaker)	
3	Approval of Minutes by Consent	Caputo
4	Financial Statement by Consent	McClure
5	Receive Public Comment for Resolution 5-18-16A	
6	Resolution 5-18-16A Seafood Seller & Guide Rates	Leskin
7	Resolution 5-18-16B Oregon Ethics Law Policy	Leskin
8	Resolution 5-18-16C Surplus Items	Leskin
9	Resolution 5-18-16D Distribution of Literature and Public Gatherings on Port Property	Leskin
10	Commissioner Reports	Board
11	Port News from around Oregon	Informational
12	Adjournment	Caputo

Up Coming Events:

June 15, 2016      7:00pm      Commission Meeting & Budget Hearing  
Port of Siuslaw Conference Room



## MINUTES

PORT OF SIUSLAW COMMISSION MEETING  
Wednesday, 20 April 2016, 7:00pm  
Port Office, 100 Harbor Street, Florence OR 97439

**Commissioners Attending:** Ron Caputo, Terry Duman, Nancy Rickard, Mike Buckwald; **Absent:** David Huntington

**Staff Attending:** Steven Leskin, Manager; Dina McClure, Administrative Assistant; Jason Wagner, Maintenance Supervisor

- 1. Commission President Caputo called the meeting to order at 7:00pm.**
- 2. There were no public comments.**
- 3. Presentation by Jack Aiken, Marine Engineer, Repair of Shore Banks:** Aiken presented the board with possible solutions to the erosion caused by the December storms on the east end of the port's campground property, now closed to the public. Aiken described using Geo-tubes made of woven material filled with dredged sand then covered with rip rap. Once sediment accumulated, vegetation growth would occur. Aiken said FEMA grants would cover 75% of the approximate \$400K of the project cost.
- 4. Presentation by Steve Swinney, Replacement of Fire Suppression System (7:30:00)** Jason Wagner told the board the two dry fire systems under the wharf and boardwalk need to be replaced. Wagner said in two years, the port has had 10 repairs costing \$8,450. Wagner introduced Steve Swinney from Omlid & Swinney. Swinney said system under the wharf was installed in 1987 with "schedule 40 galvanized" pipe which is past its 30 year life. The fire system under the boardwalk was installed in 2000 with thin wall black pipe which only has a 12-17 year life. Swinney said the cost to replace both systems would cost close to \$65K, but less if the port staff were used for some of the labor. Wagner said there are FEMA grants available.
- 5. The Minutes were approved by Consent (7:41:58)**
- 6. The Financials were approved by Consent (7:42:29)** McClure gave an overview of the Financial Reports. Commissioner Buckwald asked McClure to find out why property tax revenue is \$44K less compared to last year.
- 7. Resolution 4-20-16A Appropriation Transfer (7:51:50)** On the Motion, made by Commissioner Buckwald, and seconded by Commissioner Rickard, the board voted unanimously to approve Resolution 4-20-16A Appropriation Transfer.

8. **Resolution 4-20-16B Surplus Property** (7:55:54) On the Motion, made by Commissioner Duman, and seconded by Commissioner Buckwald, the board voted unanimously to approve Resolution 4-20-16B Surplus Property.
  
9. **Appoint Budget Committee Members** (7:58:12) On the Motion, made by Commissioner Rickard, and seconded by Commissioner Buckwald, the board voted in favor of appointing Dee Osborne and Joel Marks the Port of Siuslaw Budget Committee for three year terms.
  
10. **REPORTS** (7:59:44)
  - Commissioner Rickard attended City Council and Siuslaw Watershed meetings.
  - Commissioner Caputo attended two Florence Urban Renewal meetings and a meeting with Manager Leskin, Commissioner Rickard, Mayor Henry, and City Manager Reynolds.
  
11. **Port News from Around the State:** Manager Leskin shared news articles about the Port of Portland container shut down and the PERS deficit.
  
12. **Commission President Caputo adjourned the meeting at 8:04pm.**

4:55 PM

05/02/16

Accrual Basis

**Port of Siuslaw  
Balance Sheet  
As of April 30, 2016**

	<u>Apr 30, 16</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1001 · BB Checking - General Fund	38,611.46
1003 · BB SAV - Capital Reserve	85,073.60
1005 · BB MMA - General Fund	350,737.44
1050 · BB MMA - ICM	5,044.49
1070 · Petty Cash	800.00
<b>Total Checking/Savings</b>	<u>480,266.99</u>
<b>Other Current Assets</b>	
1220 · Accounts Receivable	6,174.06
1499 · Undeposited Funds	2,821.99
<b>Total Other Current Assets</b>	<u>8,996.05</u>
<b>Total Current Assets</b>	<u>489,263.04</u>
<b>TOTAL ASSETS</b>	<b><u>489,263.04</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
2000 · *Accounts Payable	5,695.37
<b>Total Accounts Payable</b>	<u>5,695.37</u>
<b>Credit Cards</b>	
2021 · Port Credit Card 1	3,405.62
2022 · Port Credit Card 2	203.95
<b>Total Credit Cards</b>	<u>3,609.57</u>
<b>Other Current Liabilities</b>	
2030 · Deposits Held	8,900.00
2040 · Gift Certificates	-277.00
2045 · Unearned CG Revenue (Hercules)	132,125.93
2150 · Payroll related Liabilites	270.59
<b>Total Other Current Liabilities</b>	<u>141,019.52</u>
<b>Total Current Liabilities</b>	<u>150,324.46</u>
<b>Total Liabilities</b>	150,324.46
<b>Equity</b>	
3000 · Opening Bal Equity	104,709.66
3900 · *Retained Earnings	120,444.84
Net Income	<u>113,784.08</u>

4:55 PM

05/02/16

Accrual Basis

**Port of Siuslaw  
Balance Sheet  
As of April 30, 2016**

	<u>Apr 30, 16</u>
Total Equity	<u>338,938.58</u>
TOTAL LIABILITIES & EQUITY	<u><u>489,263.04</u></u>

## Port of Siuslaw Profit & Loss Budget Performance

April 2016

				Apr 16	Jul '15 - Apr 16	VARIANCE	Annual Budget
<b>Income</b>							
<b>4100 - Available Beginning Cash</b>							350,000.00
<b>4140 - Campground Revenue</b>							
		4141 - RV Sites- Taxable		15,830.31	216,634.52	20,365.48	237,000.00
		4142 - RV Sites -Non Taxable		3,542.46	91,058.79	13,941.21	105,000.00
		4143 - RV Site - Add'l revenue		222.77	4,376.28	-376.28	4,000.00
		4144 - Transient Room Tax		1,537.01	21,019.46	1,980.54	23,000.00
		4145 - Reservation Fees		920.00	17,060.72	-1,060.72	16,000.00
		<b>Total 4140 - Campground Revenue</b>		<b>22,052.55</b>	<b>350,149.77</b>	<b>34,850.23</b>	<b>385,000.00</b>
<b>4150 - Leases</b>							
		4151 - Building Lease - 1499 Bay St		1,150.00	11,500.00	2,300.00	13,800.00
		4152 - Building Lease - 080A Harbor St		1,200.00	12,000.00	2,400.00	14,400.00
		4153 - Wharf lease - ICM		4,129.90	41,299.00	8,260.00	49,559.00
		4154 - Wharf lease - Mo's		8,418.20	84,182.00	16,836.00	101,018.00
		4155 - Concessions		0.00	9,000.00	2,223.00	11,223.00
		4156 - Docking Lease		100.00	400.00	-400.00	0.00
		<b>Total 4150 - Leases</b>		<b>14,998.10</b>	<b>158,381.00</b>	<b>31,619.00</b>	<b>190,000.00</b>
<b>4160 - Moorage</b>							
		4162 - Commercial Moorage		1,608.95	16,645.02	-2,605.02	14,040.00
		4163 - Sport Moorage		1,847.44	63,603.36	-8,603.36	55,000.00
		4165 - Liveaboard Fees		119.96	1,159.10	-199.10	960.00
		<b>Total 4160 - Moorage</b>		<b>3,576.35</b>	<b>81,407.48</b>	<b>-11,407.48</b>	<b>70,000.00</b>
<b>4170 - Storage</b>							
		4171 - Outside storage		160.72	2,050.64	-250.64	1,800.00
		4172 - Indoor Storage		2,064.86	23,362.79	-3,162.79	20,200.00
		<b>Total 4170 - Storage</b>		<b>2,225.58</b>	<b>25,413.43</b>	<b>-3,413.43</b>	<b>22,000.00</b>
<b>4190 - Marine Fuel</b>							
		4191 - Diesel		0.00	5,473.03	4,526.97	10,000.00
		4192 - Gas, Non-ethanol		54.67	45,015.60	-15.60	45,000.00
		<b>Total 4190 - Marine Fuel</b>		<b>54.67</b>	<b>50,488.63</b>	<b>4,511.37</b>	<b>55,000.00</b>
<b>4200 - Other Facility Income</b>							
		<b>4210 - Parking Income</b>					
		4211 - Nopal Lot Long Term		0.00	0.00	300.00	300.00
		4210 - Parking Income - Other		261.14	12,553.53	-2,853.53	9,700.00
		<b>Total 4210 - Parking Income</b>		<b>261.14</b>	<b>12,553.53</b>	<b>-2,553.53</b>	<b>10,000.00</b>
		<b>4220 - Dump Station Fees</b>		<b>369.88</b>	<b>4,554.02</b>	<b>-554.02</b>	<b>4,000.00</b>
		<b>4230 - Gazebo Rental</b>		<b>0.00</b>	<b>175.00</b>	<b>-175.00</b>	<b>0.00</b>
		<b>4240 - Vending Sales</b>					

## Port of Siuslaw Profit & Loss Budget Performance

April 2016

				Apr 16	Jul '15 - Apr 16	VARIANCE	Annual Budget
			4242 · Boat Flush	22.25	1,000.70	-350.70	650.00
			4243 · Laundry	279.25	5,285.20	-285.20	5,000.00
			4244 · Soap/Bleach	18.00	187.00	113.00	300.00
			4245 · Tidebooks	7.00	123.00	-73.00	50.00
			<b>Total 4240 · Vending Sales</b>	<b>326.50</b>	<b>6,595.90</b>	<b>-595.90</b>	<b>6,000.00</b>
			4250 · Forklift & Hoist	0.00	220.00	-220.00	0.00
			4251 · Port Labor	0.00	1,030.00	-1,030.00	0.00
			4252 · Seafood Seller Permits	0.00	200.00	-200.00	0.00
			4253 · Charter/Guide Permit	0.00	450.00	-450.00	0.00
			4270 · Retail Sales				
			4271 · Mugs	0.00	25.00	35.00	60.00
			4272 · Clothing Sales	160.00	774.00	166.00	940.00
			4273 · 2 Cycle Oil	0.00	75.00	-75.00	0.00
			4274 · Pins	18.00	88.00	-88.00	0.00
			4275 · LED Pocket lights	0.00	40.00	-40.00	0.00
			<b>Total 4270 · Retail Sales</b>	<b>178.00</b>	<b>1,002.00</b>	<b>-2.00</b>	<b>1,000.00</b>
			4300 · Cash Over/Short	0.00	-27.32	27.32	0.00
			<b>Total 4200 · Other Facility Income</b>	<b>1,135.52</b>	<b>26,753.13</b>	<b>-5,753.13</b>	<b>21,000.00</b>
			4500 · Levied Taxes				
			4510 · Current Levied Taxes	936.77	272,339.35	27,660.65	300,000.00
			4515 · State Forest Sales	0.00	4,723.98	-423.98	4,300.00
			4520 · Prior Years Levied Taxes	317.97	3,857.00	-1,857.00	2,000.00
			4525 · Levied Tax Interest	61.24	571.34	-571.34	0.00
			<b>Total 4500 · Levied Taxes</b>	<b>1,315.98</b>	<b>281,491.67</b>	<b>24,808.33</b>	<b>306,300.00</b>
			4540 · Interest Income	23.81	256.62	543.38	800.00
			4550 · Maintenance Assistance Program	0.00	15,500.00	400.00	15,900.00
			4600 · Miscellaneous Income				
			4605 · NSF check service charge	0.00	60.00	-60.00	0.00
			4610 · Reimbursement Income	39.30	10,198.08	-10,198.08	0.00
			4615 · Late Fees	3.87	1,272.94	-1,272.94	0.00
			4625 · Other Income	3.00	7,646.49	-7,646.49	0.00
			4600 · Miscellaneous Income - Other	0.00	535.00	9,465.00	10,000.00
			<b>Total 4600 · Miscellaneous Income</b>	<b>46.17</b>	<b>19,712.51</b>	<b>-9,712.51</b>	<b>10,000.00</b>
			4650 · Sale of Surplus Equipment	0.00	375.00	-375.00	0.00
			4840 · Grants				
			4841 · OR State Marine Board Grant	0.00	32,229.68	102,639.32	134,869.00
			<b>Total 4840 · Grants</b>	<b>0.00</b>	<b>32,229.68</b>	<b>102,639.32</b>	<b>134,869.00</b>
			<b>Total Income</b>	<b>45,428.73</b>	<b>1,042,158.92</b>	<b>518,710.08</b>	<b>1,560,869.00</b>

## Port of Siuslaw Profit & Loss Budget Performance

April 2016

				Apr 16	Jul '15 - Apr 16	VARIANCE	Annual Budget
<b>Gross Profit</b>				45,428.73	1,042,158.92	518,710.08	1,560,869.00
<b>Expense</b>							
<b>5000 · Personal Services</b>							
5020 · Port Manager				5,208.34	49,232.43	15,767.57	65,000.00
5021 · Interim Port Manager				0.00	17,080.00	-17,080.00	0.00
5030 · Administrative Assistant				3,444.48	23,076.36	15,861.64	38,938.00
5036 · Project Coordinator				2,453.88	22,640.55	2,366.45	25,007.00
5045 · Services Lead				2,548.40	15,941.68	-15,941.68	0.00
5050 · Office Assistant				0.00	7,709.78	16,929.22	24,639.00
5061 · Campground Staff				1,693.68	16,219.18	6,602.82	22,822.00
5065 · Fuel Attendant				0.00	2,337.00	1,663.00	4,000.00
5075 · Maintenance I Lead				3,544.00	35,507.31	7,023.69	42,531.00
5076 · Maintenance II				2,590.72	25,580.23	5,028.77	30,609.00
5077 · Maintenance III				1,996.40	17,440.84	10,724.16	28,165.00
5078 · Groundskeeper				1,072.80	11,655.87	16,228.13	27,884.00
5110 · Payroll taxes				2,197.15	21,781.43	9,806.57	31,588.00
5180 · Health Insurance				4,531.43	35,356.63	19,973.37	55,330.00
5181 · Life Insurance				19.35	146.20	1,743.80	1,890.00
5182 · Dental Insurance				416.25	3,182.69	1,774.31	4,957.00
5190 · Workers Compensation Insurance				0.00	7,608.76	-608.76	7,000.00
5251 · Applicant Expenses				0.00	200.48	-200.48	0.00
5270 · Retirement				0.00	0.00	5,000.00	5,000.00
5275 · Compensated absences				0.00	1,528.58	3,471.42	5,000.00
5280 · Overtime				0.00	0.00	3,000.00	3,000.00
<b>Total 5000 · Personal Services</b>				<b>31,716.88</b>	<b>314,226.00</b>	<b>109,134.00</b>	<b>423,360.00</b>
<b>5300 · Material and Services</b>							
5260 · Employee Training				625.00	1,589.00	-359.00	1,230.00
<b>5310 · Grant Expenses</b>							
5313 · Dredging Permit				0.00	3,979.00	-3,979.00	0.00
5310 · Grant Expenses - Other				0.00	0.00	10,000.00	10,000.00
<b>Total 5310 · Grant Expenses</b>				<b>0.00</b>	<b>3,979.00</b>	<b>6,021.00</b>	<b>10,000.00</b>
5340 · Advertising				1,094.23	8,972.36	4,027.64	13,000.00
5345 · Web Site				0.00	919.43	-919.43	0.00
5350 · Office Supplies				1,009.74	3,450.13	549.87	4,000.00
<b>5360 · Operation Supplies</b>							
5361 · Safety Supplies				9.14	2,328.84	-228.84	2,100.00
5362 · Vehicle fuel				99.46	1,091.51	1,008.49	2,100.00
5360 · Operation Supplies - Other				367.47	8,131.02	7,668.98	15,800.00
<b>Total 5360 · Operation Supplies</b>				<b>476.07</b>	<b>11,551.37</b>	<b>8,448.63</b>	<b>20,000.00</b>



## Port of Siuslaw Profit & Loss Budget Performance

April 2016

				Apr 16	Jul '15 - Apr 16	VARIANCE	Annual Budget
<b>5370 - Marine Fuel</b>							
			5371 - Non-ethanol Gas	-117.80	32,083.00	7,917.00	40,000.00
			5372 - Diesel	-73.70	1,994.71	8,005.29	10,000.00
			<b>Total 5370 - Marine Fuel</b>	<b>-191.50</b>	<b>34,077.71</b>	<b>15,922.29</b>	<b>50,000.00</b>
			<b>5410 - Audit</b>	0.00	7,750.00	250.00	8,000.00
			<b>5420 - Accounting Service</b>	0.00	1,152.75	1,847.25	3,000.00
			<b>5430 - Legal Services</b>	500.00	13,190.00	-3,190.00	10,000.00
			<b>5436 - Cost of Retail Items</b>	40.00	914.47	85.53	1,000.00
			<b>5450 - Insurance - General</b>	0.00	47,217.00	7,783.00	55,000.00
			<b>5455 - Insurance Claims Paid</b>	0.00	2,700.00	-2,700.00	0.00
			<b>5470 - Contracted Services</b>	1,602.12	10,216.32	9,983.68	20,200.00
			<b>5510 - Travel &amp; Meeting Expense</b>	1,364.79	3,862.92	6,137.08	10,000.00
			<b>5520 - Dues/Subscriptions</b>	221.20	15,124.74	1,175.26	16,300.00
			<b>5530 - Public Relations</b>	360.00	5,149.00	-1,649.00	3,500.00
			<b>5550 - Telephone Expense</b>	638.39	6,585.70	2,414.30	9,000.00
			<b>5610 - Property Taxes</b>	0.00	13,224.82	775.18	14,000.00
			<b>5620 - Transient Room Tax</b>	1,609.15	20,999.94	0.06	21,000.00
			<b>5630 - Property</b>				
			5631 - Wilbur Property	0.00	11,177.98	-2,177.98	9,000.00
			5632 - Port Rhody Property	0.00	1,300.00	-1,300.00	0.00
			<b>Total 5630 - Property</b>	<b>0.00</b>	<b>12,477.98</b>	<b>-3,477.98</b>	<b>9,000.00</b>
			<b>5700 - Facilities</b>	10,029.48	45,211.90	16,288.10	61,500.00
			<b>5701 - MAP Repairs</b>	1,565.73	10,753.83	-303.83	10,450.00
			<b>5730 - Tool &amp; Equipment Purchase</b>	19.78	3,484.24	1,515.76	5,000.00
			<b>5750 - Equipment Rental</b>	91.00	5,976.84	2,023.16	8,000.00
			<b>5790 - Equipment Repairs</b>	3,155.99	5,677.24	2,322.76	8,000.00
			<b>5800 - Utilities</b>				
			5810 - Electric	2,732.46	37,178.24	821.76	38,000.00
			5820 - Water/Sewer	1,509.34	28,418.85	1,581.15	30,000.00
			5830 - Trash Service	842.33	17,397.32	602.68	18,000.00
			5840 - TV Cable	2,121.27	20,334.75	3,665.25	24,000.00
			5850 - Propane	0.00	530.22	-530.22	0.00
			5870 - Sani-Star dump fee	150.00	1,500.00	-1,500.00	0.00
			<b>Total 5800 - Utilities</b>	<b>7,355.40</b>	<b>105,359.38</b>	<b>4,640.62</b>	<b>110,000.00</b>
			<b>5900 - State Lease Fees</b>	11,279.56	16,647.73	-2,647.73	14,000.00
			<b>5950 - Miscellaneous</b>				
			5953 - Online Transaction Fees	56.10	857.91	-857.91	0.00
			5954 - Bank CC Charges	560.64	12,868.19	-868.19	12,000.00
			5955 - Employee Clothing	895.53	2,238.29	-238.29	2,000.00
			5950 - Miscellaneous - Other	0.00	6,181.19	-1,181.19	5,000.00

## Port of Siuslaw Profit & Loss Budget Performance

April 2016

				Apr 16	Jul '15 - Apr 16	VARIANCE	Annual Budget		
				Total 5950 · Miscellaneous	1,512.27	22,145.58	-3,145.58	19,000.00	
				5960 · NSF Check	0.00	60.00	-60.00	0.00	
				Total 5300 · Material and Services	44,358.40	440,421.38	73,758.62	514,180.00	
				6000 · Capital Outlay					
				6050 · Office Equipment	-180.00	4,709.76	-4,709.76	0.00	
				6060 · Operations Equipment					
				6064 · Security Cameras	1,122.74	1,122.74	2,677.26	3,800.00	
				6068 · CG & Marina Software	0.00	0.00	5,500.00	5,500.00	
				Total 6060 · Operations Equipment	1,122.74	1,122.74	8,177.26	9,300.00	
				6130 · Land					
				6143 · Nopal Parking Lot Lights	0.00	0.00	14,000.00	14,000.00	
				Total 6130 · Land	0.00	0.00	14,000.00	14,000.00	
				6170 · Marine Facilities					
				6178 · Floating Restroom	6,825.88	23,764.85	101,235.15	125,000.00	
				6181 · Security Cameras/Gates	0.00	0.00	4,369.00	4,369.00	
				Total 6170 · Marine Facilities	6,825.88	23,764.85	105,604.15	129,369.00	
				6610 · Capital Reserve Future Exp's	0.00	0.00	15,000.00	15,000.00	
				Total 6000 · Capital Outlay	7,768.62	29,597.35	138,071.65	167,669.00	
				6700 · Contingency	0.00	0.00	60,000.00	60,000.00	
				7000 · Debt Service					
				7215 · MNIF (Dredging) #524016	0.00	5,876.15	3.85	5,880.00	
				7216 · PRLF (MSLTD) #525186	11,599.93	46,399.72	0.28	46,400.00	
				7220 · PRLF (Nopal Devel) #520130	7,416.36	29,509.44	-49.44	29,460.00	
				7225 · Banner Bank (PVIP) 1000214241	1,499.92	14,999.20	3,000.80	18,000.00	
				7230 · PRLF Loan (Wharf) #525196	0.00	22,274.82	7,675.18	29,950.00	
				7270 · SPWF (Bdwc Prj) L0004	0.00	15,961.07	8.93	15,970.00	
				Total 7000 · Debt Service	20,516.21	135,020.40	10,639.60	145,660.00	
				Total Expense	104,360.11	919,265.13	391,603.87	1,310,869.00	
				Net Income	-58,931.38	122,893.79		250,000.00	

1:46 PM

05/12/16

Accrual Basis

**Port of Siuslaw**  
**Profit & Loss Prev Year Comparison**  
**July 2015 through April 2016**

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
<b>Income</b>				
4140 · Campground Revenue	350,149.77	345,492.79	4,656.98	1.4%
4150 · Leases	158,381.00	152,998.26	5,382.74	3.5%
4160 · Moorage	81,407.48	66,384.23	15,023.25	22.6%
4170 · Storage	25,413.43	22,739.44	2,673.99	11.8%
4190 · Marine Fuel	50,488.63	56,712.56	-6,223.93	-11.0%
4200 · Other Facility Income	26,753.13	24,171.26	2,581.87	10.7%
4500 · Levied Taxes	281,491.67	325,466.62	-43,974.95	-13.5%
4540 · Interest Income	256.62	609.33	-352.71	-57.9%
4550 · Maintenance Assistance Program	15,500.00	15,900.00	-400.00	-2.5%
4600 · Miscellaneous Income	19,712.51	13,389.07	6,323.44	47.2%
4650 · Sale of Surplus Equipment	375.00	2,075.00	-1,700.00	-81.9%
4840 · Grants	32,229.68	0.00	32,229.68	100.0%
<b>Total Income</b>	<b>1,042,158.92</b>	<b>1,025,938.56</b>	<b>16,220.36</b>	<b>1.6%</b>
<b>Gross Profit</b>	<b>1,042,158.92</b>	<b>1,025,938.56</b>	<b>16,220.36</b>	<b>1.6%</b>
<b>Expense</b>				
5000 · Personal Services	314,226.00	336,894.54	-22,668.54	-6.7%
5300 · Material and Services	440,421.38	421,960.26	18,461.12	4.4%
6000 · Capital Outlay	29,597.35	10,568.25	19,029.10	180.1%
6700 · Contingency	0.00	0.00	0.00	0.0%
7000 · Debt Service	135,020.40	134,968.40	52.00	0.0%
<b>Total Expense</b>	<b>919,265.13</b>	<b>904,391.45</b>	<b>14,873.68</b>	<b>1.6%</b>
<b>Net Income</b>	<b>122,893.79</b>	<b>121,547.11</b>	<b>1,346.68</b>	<b>1.1%</b>

	Campground 2012/2013			Campground 2013/2014			Campground 2014/2015			Campground 2015/2016		
	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights
JULY	58%	58%	1835	61%	61%	1989	72%	72%	2318	79%	79%	2448
AUG	74%	66%	2326	84%	73%	2728	90%	81%	2890	91%	85%	2812
SEPT	86%	73%	2605	83%	76%	2619	90%	84%	2795	88%	86%	2651
OCT	33%	63%	1083	38%	67%	1242	45%	74%	1462	49%	77%	1527
NOV	12%	53%	388	18%	57%	567	24%	64%	753	26%	67%	770
DEC	9%	45%	288	17%	50%	550	23%	57%	748	17%	58%	514
JAN	12%	41%	394	26%	47%	860	29%	53%	920	20%	53%	621
FEB	12%	37%	361	25%	44%	734	34%	51%	939	22%	49%	634
MAR	16%	35%	492	27%	42%	875	39%	50%	1211	23%	46%	729
APR	21%	33%	643	29%	41%	910	38%	48%	1134	28%	44%	838
MAY	26%	33%	835	34%	40%	1100	37%	47%	1130		44%	
JUN	34%	33%	1070	39%	40%	1210	45%	47%	1362		44%	
TL YTD	33%	33%	12320	40%	40%	15384	47%	47%	17662	44%		13544
REV YTD	\$301,812			\$350,021			\$408,911			\$346,427		

	Hiker/Biker 2014/15		2015/16	
	Guest	\$	Guest	\$
JULY	40	\$550	51	\$677
AUG	48	\$660	27	\$372
SEPT	29	\$324	19	\$346
OCT	6	\$60	26	\$326
NOV	3	\$32	2	\$16
DEC	1	\$16	2	\$24
JAN	0	\$0	6	\$88
FEB	1	\$8	1	\$8
MAR	8	\$80	0	\$0
APR	9	\$72	9	\$88
MAY	21	\$316		
JUN	20	\$160		
Total	186	\$2,278	143	\$1,945

	Moorage 2014/15			Moorage 2015/16		
	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights
JULY	39%	39%	1378	45%	45%	1669
AUG	61%	50%	2165	71%	58%	2635
SEPT	82%	61%	2842	95%	70%	3394
OCT	67%	62%	2268	75%	72%	2752
NOV	33%	56%	1121	32%	64%	1132
DEC	30%	52%	2804	31%	58%	1140
JAN	29%	49%	1104	31%	54%	1144
FEB	29%	46%	961	31%	51%	1052
MAR	31%	45%	1155	31%	49%	1153
APR	33%	43%	1174	30%	47%	1058
MAY	34%	43%	1245		47%	
JUN	33%	42%	1187		47%	
TL YTD	42%	42%	19404	47%		17129
REV YTD	\$69,337			\$91,559		

**Port of Siuslaw  
Resolution No. 05-18-16A**

**RESOLUTION AMENDING THE SERVICE RATES FOR SEAFOOD SELLER  
PERMITS & CHARTER/TOUR BOAT OPERATORS**

WHEREAS, Ordinance #2, establishes that all rates changes shall be instituted by Resolution; and

WHEREAS, monthly rates (\$25 per month for a Seafood Seller Permit, Charters, Guides, and Tour Boat Operators) generate onerous paperwork and correspondence during the busy months of June to October, and

WHEREAS, an annual rate (\$100 for a Seafood Seller Permit, Charters, Guides, and Tour Boat Operators) would increase convenience and efficiency for Operators and staff, and

WHEREAS, the public was given opportunity to comment, per ORS 294.160, at the meeting this Resolution was reviewed,

THEREFORE, BE IT RESOLVED the Port of Siuslaw Commission amends Section 5 Service Rates in the Port of Siuslaw Rate and Fee Schedule and adopts an annual rate of \$100 for a Seafood Seller Permits, Charters, Guides, and Tour Boat Operators, payable at the time the permit is issued, effective 1 June 2016:

Approved and adopted by the Port of Siuslaw Board of Commissioners on the 18th day of May 2016.

By: \_\_\_\_\_  
Ron Caputo, Commission President

ATTEST:

By: \_\_\_\_\_  
David Huntington, Commission Secretary

**Port of Siuslaw  
Resolution 5-18-16B**

**A Resolution Adopting an Oregon Ethics Law Policy**

WHEREAS, the Port of Siuslaw Commissioners and public employees endeavor to practice the highest ethical standards; and

WHEREAS, the Port of Siuslaw participates in the Special Districts Insurance Services Best Practices program which provides an opportunity for districts to earn an annual discount on property/casualty contributions; and

WHEREAS, this year’s Best Practices include adopting an Oregon Ethics Law Policy; and

THEREFORE, BE IT RESOLVED the Port of Siuslaw Board of Commissioners hereby adopts ORS Chapter 244, in its present form (see Exhibit A) and as it may be from time to time amended, as its Ethics Policy.

ADOPTED by the Port of Siuslaw Board of Commissioners on the 18th day of March 2016.

By: \_\_\_\_\_

Ron Caputo, Commission President

ATTEST:

By: \_\_\_\_\_

David Huntington, Commission Secretary

PORT OF SIUSLAW

RESOLUTION 5-18-16B Ethics Law Exhibit A

ORS Chapter 244 as it Pertains to Financial Gain, Gifts, and Conflict of Interest

**Financial Gain**

**244.040 Prohibited use of official position or office; exceptions; other prohibited actions.**

(1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.

(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

(6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.

(7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120.

## Gifts

**244.025 Gift limit.** (1) During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

(2) During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

(3) During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

(4) This section does not apply to public officials subject to the Oregon Code of Judicial Conduct.

## Conflict of Interest

**244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.



**244.130 Recording of notice of conflict; effect of failure to disclose conflict.** (1) When a public official gives notice of an actual or potential conflict of interest, the public body as defined in ORS 174.109 that the public official serves shall record the actual or potential conflict in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided to the Oregon Government Ethics Commission within a reasonable period of time.

(2) A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest.

**Port of Siuslaw  
Resolution 5-18-16C**

**A Resolution to Declare Surplus Items**

WHEREAS, the Board of Commissioners may declare unused equipment or materials as "surplus" if it is not needed for public use; and

IT IS HEREBY RESOLVED that the Board of Commissioners hereby finds that the following items are not needed for public use and are surplus, and further authorizes the Port Manager to dispose of the items in the manner that is most advantageous to the Port of Siuslaw;

Item #	Description
1	2002 Nissan Altima (port vehicle)
2	SS Bean (artistic boat structure)

Approved and adopted by the Port of Siuslaw Board of Commissioners on the 18th<sup>th</sup> day of May 2016.

By: \_\_\_\_\_  
Ron Caputo, Commission President

Attest: \_\_\_\_\_  
David Huntington, Commission Secretary

**Port of Siuslaw  
Resolution 5-18-16D**

**A Resolution for the Distribution of Literature and  
Public Gatherings on Port Property**

WHEREAS, the Port of Siuslaw does not have guidelines for people or organizations who wish to distribute literature or conduct public gatherings on Port property,

BE IT RESOLVED that the Board of Commissioners hereby adopt the following guidelines:

**Covering Distribution of Literature and Public Gatherings on Port Property**

- 1) Any person or organization which wishes to distribute literature on Port Property must obtain a Use Permit.
- 2) Any person or organization which wishes to conduct a public gathering, rally, demonstration, assembly or meeting must obtain a Use Permit.
- 3) The Use Permit must contain a specific day, time and location for the distribution of literature and for public gatherings.
- 4) Port hours for the distribution of literature and for public gatherings are 8:00 AM to 8:00 PM every day.
- 5) Any public gathering must comply with City of Florence noise regulations.
- 6) For public gatherings, the Use Permit must contain the anticipated number of attendees. In situations which require additional staff time, a condition for the approval of the Use Permit maybe the pre-payment for reimbursement of Port staffing fees.
- 7) Individuals or organizations which espouse hatred, bigotry, or call for harm directed towards any particular ethnic, political, religious, racial, or gender group shall not be permitted to use Port Property for public gatherings or as a place from which to distribute literature. Any candidate for public office which has the endorsement of a major Oregon political party shall presumptively not be considered to engage in hate speech. The Port shall err on the side of inclusion.
- 8) In no event may leaflets of any kind be distributed in the parking lots or in the RV campground directly or left on vehicle windshields.

Approved and adopted by the Port of Siuslaw Board of Commissioners on the 18th<sup>th</sup> day of May 2016.

By: \_\_\_\_\_

Ron Caputo, Commission President

Attest: \_\_\_\_\_

David Huntington, Commission Secretary

Resolution 5-18-16D Distribution of Literature and Public Gatherings on Port Property



Via e mail

Scott.C.Brewen@osmb.state.or.us

April 25, 2016

Mr. Scott C. Brewen  
Director, Oregon State Marine Board  
435 Commercial Street, NE, Suite 400  
Salem, OR 97309

Dear Mr. Brewen:

The Port of Siuslaw is currently preparing for the 2016 fishing season. As part of that preparation, I asked staff to develop a list of the documentation necessary for a guide or charterer to take a paying customer fishing or sight-seeing on the Siuslaw up river or west out to the Pacific. When I started pulling the statutes, what I found was a disheartening, and dare I say, incomprehensible tangle of state statutes.

I phoned OSMB to ask for assistance. The assistance reflected the jumble of state statutes and regulations. Staff certainly was as helpful as always. However, the clarifications and materials the Port was provided did not always correspond to ORS.

With this letter, I hope to call to your attention to the fact that ORS 830 and ORS 704 are not consistent and do not provide anything near a clear framework for the regulation of Oregon's waterways for charters, guides and outfitters. I hope you will consider an evaluation of these sections so that there is clarity for users and other agencies- like the Port districts. This is important to the Port as part of our mission to encourage use of the waterways for recreation and economic development while encouraging safe boating.

I would like to point out some of the difficulties I have with ORS 830 and 704. The best explanation I found was a Power Point presentation provided by Mervin Hee and used to educate law enforcement personnel. I will use this as a starting point.

Slide 17 defines "charter guide" carries 6 or fewer passengers on the Pacific. A "guide" carries 6 or fewer on the federal inland waters of the state.

"Charter guide" is defined in ORS 701.010(1), the Outfitter and Guide section. The definition does not include any mention of a passenger limit. There is no definition of "guide" either in ORS 704 or ORS 830. The notes to this slide read "a charter guide will basically allow the guide to go anywhere in Oregon." This is not consistent with the definition found in ORS 701.010(1) which limits a "charter guide" to the Pacific Ocean and the lower Columbia.

The Authority for OSMB to issue an outfitter's license is found in ORS 704.015. However, ORS 830.110, the Powers and Duties of the Marine Board section, does not cover any land based activities. ORS 704.065 and 704.070 cover decals for boats and boat safety equipment. It is confusing why these are in the outfitting section when they are clearly nautical issues. I considered that perhaps "outfitters" were confined to non-navigable state waters, but that is not the distinction. "Waters of this state" is defined under ORS 830.005(13) and includes both federal navigable waters and non-navigable waters.

I would question where the authority lies for OSMB to issue a "guide" permit if such a thing is not specified in ORS, and more to the point, how one would be penalized for violating a statute which does not authorize the creation of such a permit.

Moving on, Slide 18 draws a distinction between "guides" with non-motorized vessels and guides with motorized vessels. Maybe this distinction is imported from federal law, but the distinction does not exist in ORS. Slide 18 also references a decal for "state waters", defined at ORS 830.005(12). If there is intended to be a permit for operators solely in Oregon waterways, it seems to me that it should be explicitly authorized by ORS since an operator on a solely Oregon waterway would not be subject to federal jurisdiction.

Slide 24 deals with "Charter Vessels." "Charter boat" is defined in ORS 840.430 as a boat that carries seven or more passengers. The definition goes on:

Charter boat does not include a passenger vessel or small passenger vessel, as defined by the State Marine Board by rule, that:

- (a) Has been inspected and documented by the United States Coast Guard;
- (b) Carries more than 12 passengers for hire; and
- (c) Operates east of the demarcation lines described in the International Collision Regulations at Sea of 1972 on waters identified by the board by rule.

"Inland Charter" is not defined in the statute.

Slide 25 deals with decals for "Charter Vessel License." It appears from ORS 830.435 that a "charter boat" carrying 7 or more passengers "on the waters of this state" is required to have a Charter Vessel License.

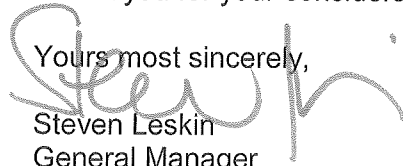
In any event, I can continue on, but I am perplexed by the Spinozian complexity of these sections. I also find it curious how the outfitting section came to be under the jurisdiction of the state marine board. I would think it better that outfitters who were land based be permitted through the State Parks Department.

And, this certainly does not include all of the licensing required of an Oregon waterways user: there are still the ODFW licensing requirements and commercial fishing requirements under ORS 506. I really think we can offer better clarity for Oregon boaters.

I offer my comments here just to outline the statutory confusion. If I am in error on specifics, and I expect I am, I hope that my confusion will be taken as an indication of how complicated these sections are and how ineffectual they are at working together. I certainly do not expect a point by point reply or any form of rebuttal letter from DOJ.

Thank you for your consideration.

Yours most sincerely,

A handwritten signature in cursive script, appearing to read "Steven Leskin". The signature is written in a light grey or blue ink and is positioned to the left of the typed name.

Steven Leskin  
General Manager  
Port of Siuslaw

## Steve Leskin

---

**From:** Port of Siuslaw Admin <dina@portofsiuslaw.com>  
**Sent:** Wednesday, April 27, 2016 10:34 AM  
**To:** Port of Siuslaw Manager; Kelly  
**Subject:** FW: Marine Board Outfitter Guide & Charter Program

For you.

*Dina McClure*  
Administrative Assistant  
Port of Siuslaw  
100 Harbor St  
PO Box 1220  
Florence OR 97439  
541-997-3426  
[www.portofsiuslaw.com](http://www.portofsiuslaw.com)

Member, South Coast Ports Coalition

Public Records Law Disclosure: This is a public document. This email is subject to the State Retention Schedule and may be made available to the public.

**From:** Henry, Randy [mailto:randy.h.henry@state.or.us]  
**Sent:** Wednesday, April 27, 2016 10:28 AM  
**To:** Port@portofsiuslaw.com  
**Cc:** Bolduc, Cynthia <cynthia.m.bolduc@state.or.us>; Hee, Mervin <mervin.w.hee@state.or.us>; Brewen, Scott <scott.c.brewen@state.or.us>  
**Subject:** Marine Board Outfitter Guide & Charter Program

Hello, Steve

Sorry about this large response but as you note, nothing is simple when it comes to the Outfitter and Guide program, or the Charter Program. I have reviewed your letter to Director Brewen and prepared this response. I appreciate your questions and interest and will be glad to work with you to better understand the program. Call me on my cell any time at (503) 930-6727 as I'm doing a lot of traveling the next three weeks.

I understand the complexity of the statute as they are something that evolved over many decades and came from different agencies. We have worked extensively through the Guide Advisory Committee since 2010 to address numerous issues within these statutes and the administrative rules. We are now engaging charter operators on a parallel process to address charter regulations. We are actively reviewing ideas to simplify them. Until then, I do believe that they are functional and with some explanation, comprehensible.

First, you note that ORS 830 and 704 are not consistent. They are not intended to be. ORS 830 is for only boats (this is boating statute after all) that carry 7 or more passengers for hire. The 7-person designation was to address Coast Guard Inspected Passenger Vessels, but we provided latitude to create rules to address the inland charters loophole that would allow an uninspected passenger vessel to operate with many passengers aboard on sole-state waters with no inspections whatsoever. A situation unfolded at the time of the legislation that could have been disastrous, thus the added language. ORS 830 address the registration of the vessel used to carry passengers and is entirely separate from the outfitter guide program. It should be read separately. One way to think of it is that long before OSMB inherited the

Outfitter Guide Program, the legislature directed us to license charter boats using our boating authority outlined in ORS 830. It seemed a logical place to put it at the time.

ORS 704 clearly defines terrestrial guiding activities or boat guiding when 6 or few passengers are involved. The US Coast Guard licenses operators on federally navigable waters but doesn't inspect their vessels or require special equipment, thus it falls to the state to provide a higher level of enforcement and management. Because we used the guide advisory committee process to develop this language, and because legislators had a keen interest in this re-write, finer points of this language were "negotiated" to the satisfaction of the participants. It was an extensive process but getting public participation was like pulling teeth. One key issue that arose is that in the past we designated charters as those boats that go into the ocean (under ORS 830). A charter could do anything a guide could do (under ORS 704). We could revoke a guide license for various reasons and they could continue to operate with impunity under their charter license. This was a real issue, thus the clear line between the "charter" world and the "outfitter guide" world was clearly needed. It then became clear that certain individuals operating 6-packs were angry that they would lose their "charter" designation, mostly from a PR standpoint, so we developed the term "Charter Guide" to denote outfitter guides who go out in the ocean. This also solved a problem of operating on the lower Columbia River where Washington has a limited entry program for charters and guides and we don't, thus there was a very "tense" negotiated settlement and this term was necessary to maintain the terms of the reciprocity agreement.

So in a nutshell, "Charter Guide" designation is for outfitter guides who operate in the ocean or lower Columbia, but their operation is not limited to this area. They can also operate inland. There is nothing in 704.010 that limits "charter guide" to ocean waters, it just recognizes that they have the USCG credentials to do so. Functionally there is very little difference between a "charter guide" and a "guide" except that we won't give a "charter guide" decal to a fishing guide who doesn't have USCG credentials.

There is not a specific definition of "guide" but there are specific definitions of "Outfitter and Guide". Those two words are synonymous in Oregon. During the development process we discussed extensively the idea of adopting a structure like Idaho where "guides" work for "outfitters", but the Guide Advisory Committee was very much against adopting this structure. Thus we clarified previous language by referring to "outfitting and guiding" and "outfitter and guide" together. There is no difference. A big part of the definition of outfitter and guide is what the activities DON'T include, as noted in ORS 704.010 (5).

On page 2 of your letter, you note that 830.110 provides no authority for land-based activities. True, because chartering is an exclusively water-based activity, totally separate from the definitions of outfitting and guiding, and because ORS 830 is solely about boating. Remember, this precedes handing ORS 704 to the Marine Board. Terrestrial activities are thus limited to ORS 704.

I don't understand your confusion that ORS 704.065 and ORS 704.070 decal language is a concern. The legislature directed us starting in about 1987 I believe to mark vessels used for guiding. The issue is clear – why require liability insurance and first aid and require state oversight if there is no way to identify non-guide activities from guide activities. Guides went to the Oregon Legislature in 1985 specifically to gain state oversight because they sought professional credentials. I should note that OSMB didn't ask for, or want, the outfitter guide program since a lot of the activity is non-boating, but guides didn't want it to go back to ODFW, so here it landed. There is a whole interesting history here I'd love to share with you at length some other time. As part of the growing process, guides felt that having a decal would help the public as well because it was a sign that the individual had the proper insurance and such. ORS 704.020 addresses decals for terrestrial activities. ORS 704.030(3) addresses decals on boats in federally navigable waters, and 704.065 requires decals affixed to boats used to carry passengers for hire on all waters of the state.

Regarding motorized and non-motorized: The decals matter because a guide operating a motorboat on a federally navigable waterway must be licensed by the US Coast Guard. This has an enforcement benefit and again was suggested by the outfitter guide community. We use an oval decal to denote a guide who carries a US Coast Guard License. If other guides or enforcement officers see a guide with a square decal (no USCG license) guiding on federally navigable waterway, that guide is in violation of state and federal law. Certainly a USCG licensed guide can operate on sole state



waters as there is no USCG license requirement there. One reason we differentiate between motorized and non-motorized guides is because the US Coast Guard does not care about guides operating non-motorized boats in federally navigable waters. Thus a guide with no motor could oar his drift boat on the lower Siuslaw if he wants and no violation is committed. There are lots of sea kayaks and other non-motorized guides operating on federally navigable waterways so this distinction is important. And since part of the statutory charge is to ensure compliance with state and federal laws, we work to clarify this point using the decals.

Regarding “inland charters”: We don’t define inland charter in statute, we also don’t define “ocean charter.” A charter is simply a vessel that carries 7 or more passengers for hire. OAR 250-015-001(2) defines “inland charter boat” as a subset of the charters. It matters because the USCG doesn’t require any USCG license for sole-state operation. ORS 830.437 states the OSMB will adopt rules for licensing requirements for operators of charter boats and safety standards for charter boats. The OARs accept a USCG inspection and license as adequate for operating on all waters of the state – federal or sole state. But for a vessel that doesn’t qualify for USCG inspection, the rules establish a secondary process of inspection through certified marine surveyors.

To wrap it up, you state that you’re not sure why OSMB got the outfitter guide program. We’re not either. The program was handed to us in 1985 and languished for 15 years with little outfitter guide engagement and no enforcement or oversight. We tried to give it away and no one wanted it. In 2010 as part of our strategic plan process, guide organization leaders came to us and asked for help. The rules were confusing and full of loopholes. We revoked maybe one guide license in the history of the program. In 2010 under my request we activated the Guide Advisory Committee (ORS 704.525) to start a ground-up review. We engaged leaders from various outfitter guide organizations, ODFW, parks, OSP, USFS, USCG and many others to help in the review. Over the course of several years we held dozens of public meetings, have done multiple rounds of rulemaking, negotiated with legislators and established a close working relationship with Oregon State Police to address a variety of offenders. We continue to engage the guide advisory committee and have now formed additional committees with charter interests to update that part of the statute. Our goal is to refine the laws to encourage legal behavior and sanction illegal behavior. The statutes are complex but statutes evolve over time, piece by piece and bit by bit, which is why we have such an aggressive outreach effort including annual meetings with outfitter guides all over the state, and regular rule review processes. We have an excellent, collaborative working relationship with outfitters and guides, and our relationship with charter operators is improving given our new round of efforts. It’s a work in progress.

The fact is, nobody else wants to manage outfitters and guides, but as an Oregonian concerned about how badly the system was abused in the pasts, I’m very proud that we’ve closed loopholes and we’re holding guides accountable at a level never before seen in this state. We are providing a much level of service as well. We no longer consider the outfitter guide license a simple business license, it’s a credential that indicates they are fit to serve the public in a unique capacity, and if they fail to do so, there are meaningful ramifications. That said, we are always open to good ideas to improve the program, but understand that improvements aren’t written by an academic but through an open public process that often leads to complex nuance to address many shades of gray.

I would be glad to come meet with you at any point in the future, schedule allowing. My next few weeks are extremely busy but in late May or June I should have time to drop by.

Let me know if you have additional questions.

Randy Henry  
Oregon Boating Law Administrator ~ Boating Safety Manager  
Oregon State Marine Board  
[Randy.H.Henry@state.or.us](mailto:Randy.H.Henry@state.or.us)  
(503) 378-2612