

**AGENDA**  
**PORT OF SIUSLAW COMMISSION MEETING**

Wednesday, January 17, 2024, 7:00pm  
Port of Siuslaw Conference Room  
100 Harbor St, Florence, OR 97439

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Terry Duman, President;  
Bill Meyer, 1<sup>st</sup> VP, Dale Edwards, Treasurer, Craig Zolezzi, 2nd VP  
Mike Buckwald, Secretary

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Join Zoom Meeting

<https://us06web.zoom.us/j/85907131750?pwd=dfCtzXK0PjYQ0s8CabMTTCawmJCGsl.1>

**Call to Order**

**Duman**

1. **Public Comment:** *This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the agenda. Comments will be limited to five (5) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.*
  
2. **Approval of the Agenda by consent** **Duman**
  
3. **Approval of the Minutes by consent** **Duman**
  
4. **Approval of the Financials by consent** **Stewart**
  - a. Checks printed in December were \$107,475.29
  - b. Occupancy for the Campground was down 1% from last year and moorage was up 10% from last year.
  
5. **Resolution 1-17-24** – Resolution to adopt finding of fact and conclusions of law in the matter of the Bordeaux appeal.

**6. Manager and Commissioner Reports**

**Upcoming Meetings and Conferences**

- **February 21, 2024, Commission Meeting 7:00pm**

**Adjourn**

**Duman**

**MINUTES**  
**PORT OF SIUSLAW COMMISSION MEETING**

Wednesday, November 15, 2023, 7:00pm  
Port of Siuslaw Conference Room  
100 Harbor St, Florence, OR 97439

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Present - Terry Duman, President;  
Bill Meyer, 1<sup>st</sup> VP, Mike Buckwald, Secretary  
Via Zoom - Dale Edwards, Treasurer, Via Phone - Craig Zolezzi, 2nd VP

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**Call to Order 7:00pm**

1. **Requested Board Hearing – Perry Bordeaux –** Bordeaux said he had sent in a letter to the Commissioners. He doesn't understand Huntington's refusal of moorage for him and his vessel and notice to vacate. He said he had talked to Port employees about moorage and they told him to just come in and provide paperwork and insurance. When he came in, he was told the Port was completely full and he said it's not. He was told to come in and talk to Huntington who he said cussed at him and refused to explain why he is denied moorage. Bordeaux said he was contacted by Oregon State Police and Coast Guard stating that Huntington had called them regarding an oil spill which he said they found no evidence of. He said it was very disturbing. He wants to bring commercial business back to the Port. Bordeaux said he asked Huntington if there were any past issues that happened and if there were, he would be more than happy to address the issue. He said Huntington didn't say if there were any issues. He just wants moorage for his vessel and he is disturbed by how this all went and the treatment of him. Duman asked if any Commissioners had questions. Meyer asked if Bordeaux had a current moorage certificate. Duman said he didn't for this vehicle. Bordeaux said he was denied a moorage. Meyer asked if he had made application for moorage and Bordeaux said Huntington denied him an application. Edwards asked what moorage space we would have for a vessel that size. Stewart said we don't have a space available for that size. Bordeaux said his vessel was in last year and that slip is still open. Buckwald asked him what "open" meant to him and if he knows that it is not under contract already? Bordeaux said he is not aware of what contracts the Port has and Buckwald said that answer is good enough for him. Duman said we will deliberate this at the next meeting. Duman closed the Board hearing.

**Public Comment:** *None*

2. **Approval of the Agenda by consent**

3. **Approval of the Minutes by consent**

4. **Approval of the Financials by consent – Stewart said** checks printed in October were \$105,472.73. and Occupancy for the Campground was 82% same as last year and moorage was up 11% from last year. Stewart also said moving the savings to an MMA account yielded \$900 plus in interest income for the first month.

5. **Discussion on "Recreational Immunity Ends for Improved Trails" -** Zolezzi said Public entities have enjoyed recreation immunity for a long time. That is not the case anymore and he said we need to address our trail down to the river. It either needs decommissioned or maintained. He asked Huntington if it was illuminated and Huntington said it is and we added railing and signs. Zolezzi said this will probably change but until then we should be aware of it. Meyer asked if a sign saying "use at your own risk" would be a good idea. Zolezzi said that is what they are looking for. Zolezzi said he has reached out to risk management and SDAO regarding signage and he will get specific answers shortly. Meyer said we should get Boomer on it. Buckwald asked if we are covered currently and Zolezzi said yes.

6. **Ordinance 13 – 2023 Declaring an Emergency and Establishing an Immediate Effective Date.**  
Huntington said this amendment to the ordinance is for the safety of staff and public. This would allow us to do background checks for long term moorage and liveboards. Huntington said we should be able to deny moorage to felons, drug users and sexual offenders to keep people, family, friends and staff safe.
  - a. Addendum to moorage agreement
  - b. Addendum to liveboard authorization – Motion made by Meyer to pass the ordinance and addendums was second by Buckwald and the vote was unanimous.
7. **Manager and Commissioner Reports** – Huntington said he doesn't have anything to report.
  - **December 20, 2023, Commission Meeting is cancelled.**

**Adjourn 7:34 pm**

**Port of Siuslaw**  
**Combined Balance Sheet**  
As of December 31, 2023

	Dec 31, 23
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1006 · Umpqua General Checking	33,366.52
1008 · Capital Reserve MMA	330,135.58
1009 · Umpqua MMA General Fund	2,830,422.42
1011 · Umpqua MMA ICM	5,365.81
1070 · Petty Cash	1,000.00
<b>Total Checking/Savings</b>	3,200,290.33
<b>Other Current Assets</b>	
1130 · Inventory - Gas	11,130.30
1140 · Inventory - Diesel	13,429.10
1220 · Accounts Receivable	33,505.42
1250 · Taxes receivable	14,639.00
1450 · Prepaid insurance	27,494.50
1499 · Undeposited Funds	959.63
<b>Total Other Current Assets</b>	101,157.95
<b>Total Current Assets</b>	3,301,448.28
<b>Fixed Assets</b>	
1510 · Land	2,367,874.00
1515 · Land Improvements	2,013,036.50
1520 · Buildings & Docks	8,037,139.56
1525 · Equipment & Vehicles	761,055.71
1600 · Accumulated Depreciation	-1,290,853.00
1615 · Accum Depr - Land Improvements	-1,321,558.70
1620 · Accum Depr - Buildings & Docks	-4,731,734.33
1625 · Accum Depr - Equip & Vehicles	-706,731.44
<b>Total Fixed Assets</b>	5,128,228.30
<b>TOTAL ASSETS</b>	<b>8,429,676.58</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
2000 · *Accounts Payable	5,498.14
<b>Total Accounts Payable</b>	5,498.14
<b>Credit Cards</b>	
2021 · Port Credit Card 1	7,096.36
<b>Total Credit Cards</b>	7,096.36
<b>Other Current Liabilities</b>	
2030 · Deposits Held	7,360.00
2040 · Gift Certificates	427.79
2045 · Unearned CG Revenue (Hercules)	317,890.25
2050 · Deferred Compensation Plan NRS	14,460.63
2160 · Accrued Interest	9,482.00
2420 · Lease Payable #9608	17,142.00
<b>Total Other Current Liabilities</b>	366,762.67
<b>Total Current Liabilities</b>	379,357.17
<b>Long Term Liabilities</b>	
2390 · OBD Loan L0004 Bdwk	42,664.00
2440 · OBD Loan 524016 Dredging	38,411.96
2491 · OBD Loan 525186 MSLTD	317,713.57
2492 · OBD Loan 525196 Wharf	250,372.69
<b>Total Long Term Liabilities</b>	649,162.22

12:48 PM

01/09/24

Accrual Basis

**Port of Siuslaw**  
**Combined Balance Sheet**  
As of December 31, 2023

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	<u>Dec 31, 23</u>
<b>Total Liabilities</b>	1,028,519.39
<b>Equity</b>	
3300 · Invested in Capital Assets	4,565,124.40
3900 · Fund Balance	-456,022.41
Net Income	<u>3,292,055.20</u>
<b>Total Equity</b>	<u>7,401,157.19</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>8,429,676.58</u></u>

**Port of Siuslaw**  
**Profit & Loss Budget vs. Actual - General Fund**  
July through December 2023

								TOTAL	
	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Year to Date	Budget	Variance
<b>Income</b>									
4100 - Available Beginning Cash	2,446,647.00	0.00	0.00	0.00	0.00	0.00	2,446,647.00	2,446,647.00	0.00
4140 - Campground Revenue	138,713.52	128,944.33	114,871.12	68,157.83	34,481.80	28,107.29	513,275.89	800,000.00	-286,724.11
4150 - Leases	17,059.70	16,909.70	15,859.70	15,059.70	14,966.34	14,878.58	94,733.72	176,302.00	-81,568.28
4160 - Moorage	12,022.12	15,325.28	16,654.15	10,693.16	5,294.00	5,411.89	65,400.60	75,000.00	-9,599.40
4190 - Marine Fuel	3,604.41	7,521.77	19,226.78	3,604.87	82.25	0.00	34,040.08	22,000.00	12,040.08
4200 - Other Facility Income	5,566.71	6,210.01	4,268.62	5,839.16	721.95	567.45	23,173.90	21,200.00	1,973.90
4500 - Levied Taxes	202.24	830.32	516.89	477.63	242,165.85	113,201.30	357,394.23	372,000.00	-14,605.77
4515 - State Forest Sales	10,026.20	0.00	0.00	0.00	9,682.81	0.00	19,709.01	10,000.00	9,709.01
4540 - Interest Income	8,342.64	9,280.97	9,380.00	10,465.19	10,483.77	12,253.26	60,205.83	4,000.00	56,205.83
4550 - Maintenance Assistance Program	0.00	0.00	0.00	0.00	38,000.00	0.00	38,000.00	21,350.00	16,650.00
4555 - Bulkhead Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00	-500,000.00
4600 - Miscellaneous Income	19,703.69	6,100.00	205.50	10,257.11	5,037.92	299.16	41,603.38	30,000.00	11,603.38
<b>Total Income</b>	<b>2,661,888.23</b>	<b>191,122.38</b>	<b>180,982.76</b>	<b>124,554.65</b>	<b>360,916.69</b>	<b>174,718.93</b>	<b>3,694,183.64</b>	<b>4,478,499.00</b>	<b>-784,315.36</b>
<b>Gross Profit</b>	<b>2,661,888.23</b>	<b>191,122.38</b>	<b>180,982.76</b>	<b>124,554.65</b>	<b>360,916.69</b>	<b>174,718.93</b>	<b>3,694,183.64</b>	<b>4,478,499.00</b>	<b>-784,315.36</b>
<b>Expense</b>									
<b>5000 - Personal Services</b>									
5020 - Port Manager	3,758.33	7,516.66	7,516.66	7,516.66	10,000.00	10,163.66	46,471.97	99,220.00	-52,748.03
5030 - Administrative Assistant	2,160.02	5,130.40	5,385.46	4,664.00	5,424.52	5,267.25	28,031.65	60,632.00	-32,600.35
5045 - Services Lead	1,526.40	3,578.08	3,771.22	3,252.80	3,755.97	3,751.91	19,636.38	42,058.00	-22,421.62
5061 - Campground Staff	1,503.00	2,939.20	2,939.20	2,755.50	2,796.58	3,102.86	16,036.34	38,584.00	-22,547.66
5075 - Maintenance I Lead	2,287.50	4,784.00	4,420.00	4,576.00	4,784.00	4,739.66	25,591.16	55,120.00	-29,528.84
5077 - Maintenance IV	1,386.00	3,168.00	3,312.00	2,880.00	3,312.00	3,331.66	17,389.66	39,685.00	-22,295.34
5079 - Maint II/ Staff	1,780.80	4,083.20	4,268.80	3,712.00	4,268.80	4,246.86	22,360.46	48,506.00	-26,145.54
5080 - Maint III / groundskeeper	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37,482.00	-37,482.00
5110 - Payroll taxes	1,539.57	3,125.48	3,157.59	2,914.28	3,347.20	3,198.35	17,282.47	42,129.00	-24,846.53
5180 - Health Insurance	4,020.00	4,020.00	4,020.00	4,020.00	4,020.00	4,020.00	24,120.00	64,320.00	-40,200.00
5181 - Life Insurance	14.22	14.22	14.22	14.22	14.22	14.22	85.32	228.00	-142.68
5182 - Dental Insurance	329.10	329.10	329.10	329.10	329.10	329.10	1,974.60	5,266.00	-3,291.40
5190 - Workers Compensation Insuranc	0.00	0.00	4,510.72	0.00	1,590.41	0.00	6,101.13	20,000.00	-13,898.87
5270 - Retirement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,000.00	-17,000.00
5275 - Compensated absences	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,500.00	-8,500.00

**Port of Siuslaw**  
**Profit & Loss Budget vs. Actual - General Fund**  
July through December 2023

								TOTAL	
	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Year to Date	Budget	Variance
5280 - Overtime	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,000.00	-3,000.00
5281 - HRA Employee Benefit	6,017.70	267.70	17.70	17.70	35.40	0.00	6,356.20	7,000.00	-643.80
<b>Total 5000 - Personal Services</b>	<b>26,322.64</b>	<b>38,956.04</b>	<b>43,662.67</b>	<b>36,652.26</b>	<b>43,678.20</b>	<b>42,165.53</b>	<b>231,437.34</b>	<b>588,730.00</b>	<b>-357,292.66</b>
5300 - Material and Services	75,744.04	56,298.33	48,174.07	65,523.80	23,160.94	52,523.93	321,425.11	651,000.00	-329,574.89
<b>6000 - Capital Outlay</b>									
6060 - Operations Equipment									
6063 - Vehicle Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,000.00	-60,000.00
<b>Total 6060 - Operations Equipment</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>60,000.00</b>	<b>-60,000.00</b>
6130 - Land									
6146 - Landscape and Rock	0.00	0.00	0.00	1,120.00	60.00	4,400.93	5,580.93	10,000.00	-4,419.07
6147 - Mapleton and E Dock Repair	0.00	31.88	0.00	0.00	0.00	0.00	31.88		
6148 - New RV sites - spoils pit	0.00	0.00	0.00	256.50	2,150.00	0.00	2,406.50	250,000.00	-247,593.50
<b>Total 6130 - Land</b>	<b>0.00</b>	<b>31.88</b>	<b>0.00</b>	<b>1,376.50</b>	<b>2,210.00</b>	<b>4,400.93</b>	<b>8,019.31</b>	<b>260,000.00</b>	<b>-251,980.69</b>
6150 - Facilities									
6101 - Fuel Dock Pedestal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,500.00	-6,500.00
6151 - Mo's Building	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,000.00	-60,000.00
6155 - Wharf/Bdwk Fire System	0.00	0.00	0.00	0.00	0.00	0.00	0.00	132,000.00	-132,000.00
<b>Total 6150 - Facilities</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>198,500.00</b>	<b>-198,500.00</b>
6170 - Marine Facilities									
6177 - Bulkhead	0.00	0.00	0.00	84.28	5,313.52	400.08	5,797.88	500,000.00	-494,202.12
6180 - West Basin Repairs	4,000.00	0.00	0.00	0.00	0.00	0.00	4,000.00	8,000.00	-4,000.00
6183 - F Dock electrical	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00	-10,000.00
6184 - ICM Dock Power Supply	6,900.00	0.00	0.00	0.00	0.00	0.00	6,900.00	15,000.00	-8,100.00
<b>Total 6170 - Marine Facilities</b>	<b>10,900.00</b>	<b>0.00</b>	<b>0.00</b>	<b>84.28</b>	<b>5,313.52</b>	<b>400.08</b>	<b>16,697.88</b>	<b>533,000.00</b>	<b>-516,302.12</b>
<b>Total 6000 - Capital Outlay</b>	<b>10,900.00</b>	<b>31.88</b>	<b>0.00</b>	<b>1,460.78</b>	<b>7,523.52</b>	<b>4,801.01</b>	<b>24,717.19</b>	<b>1,051,500.00</b>	<b>-1,026,782.81</b>
6700 - Contingency	0.00	0.00	0.00	0.00	0.00	0.00	0.00	900,000.00	-900,000.00
7000 - Debt Service	11,599.93	7,424.94	66,635.90	11,599.93	7,424.94	0.00	104,685.64	139,713.00	-35,027.36
7600 - Unappropriated Ending Fund Bal	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,097,556.00	-1,097,556.00
7700 - Transfer to other funds	0.00	0.00	0.00	50,000.00	0.00	0.00	50,000.00	50,000.00	0.00
<b>Total Expense</b>	<b>124,566.61</b>	<b>102,711.19</b>	<b>158,472.64</b>	<b>165,236.77</b>	<b>81,787.60</b>	<b>99,490.47</b>	<b>732,265.28</b>	<b>4,478,499.00</b>	<b>-3,746,233.72</b>
<b>Net Income</b>	<b>2,537,321.62</b>	<b>88,411.19</b>	<b>22,510.12</b>	<b>-40,682.12</b>	<b>279,129.09</b>	<b>75,228.46</b>	<b>2,961,918.36</b>	<b>0.00</b>	<b>2,961,918.36</b>

**Port of Siuslaw**  
**Profit & Loss Budget vs. Actual - Capital Maint Fund**  
 July through December 2023

								TOTAL	
	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Year to Date	Budget	Variance
<b>Income</b>									
<b>4100 - Available Beginning Cash</b>	276,401.00	0.00	0.00	0.00	0.00	0.00	276,401.00	276,401.00	0.00
<b>4540 - Interest Income</b>	0.00	0.00	0.00	939.88	1,372.14	1,423.82	3,735.84	20.00	3,715.84
<b>4700 - Incoming Transfer</b>	0.00	0.00	0.00	50,000.00	0.00	0.00	50,000.00	50,000.00	0.00
<b>Total Income</b>	<b>276,401.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,939.88</b>	<b>1,372.14</b>	<b>1,423.82</b>	<b>330,136.84</b>	<b>326,421.00</b>	<b>3,715.84</b>
<b>Gross Profit</b>	<b>276,401.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,939.88</b>	<b>1,372.14</b>	<b>1,423.82</b>	<b>330,136.84</b>	<b>326,421.00</b>	<b>3,715.84</b>
<b>Expense</b>									
<b>6000 - Capital Outlay</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00	-200,000.00
<b>7600 - Unappropriated Ending Fund Bal</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126,421.00	-126,421.00
<b>Total Expense</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>326,421.00</b>	<b>-326,421.00</b>
<b>Net Income</b>	<b>276,401.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,939.88</b>	<b>1,372.14</b>	<b>1,423.82</b>	<b>330,136.84</b>	<b>0.00</b>	<b>330,136.84</b>



	Campground 2020/2021			Campground 2021-2022			Campground 2022-23			Campground 2023-24		
	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights
JULY	77%	78%	2939	96%	96%	3660	91%	91%	3476	93%	93%	3554
AUG	88%	83%	3357	97%	97%	3705	93%	92%	3553	97%	95%	3689
SEPT	88%	84%	3243	92%	95%	3408	90%	91%	3313	91%	94%	3362
OCT	47%	75%	1780	51%	84%	1948	52%	82%	1966	47%	82%	1773
NOV	20%	64%	752	34%	74%	1258	30%	71%	1117	27%	71%	994
DEC	18%	56%	680	25%	66%	957	26%	64%	995	24%	63%	925
JAN	20%	51%	742	32%	61%	1210	32%	59%	1222			
FEB	22%	48%	763	37%	58%	1270	31%	56%	1073			
MAR	30%	46%	1143	37%	56%	1400	32%	53%	1227			
APR	36%	45%	1324	41%	54%	1521	37%	51%	1350			
MAY	40%	44%	1522	46%	53%	1756	52%	51%	1963			
JUN	69%	46%	2528	60%	54%	2214	67%	53%	2479			
TL YTD	46%	46%	20773	54%	54%	24307	53%	53%	23734			
REV YTD	\$756,828.00			\$795,908.00			\$836,299.00			\$ 516,420.00		

	Moorage 2021-22		
	% Occ.	YTD %	Nights
JULY	51%	51%	1850
AUG	64%	58%	2339
SEPT	78%	64%	2759
OCT	47%	60%	1725
NOV	26%	53%	929
DEC	26%	49%	932
JAN	26%	45%	965
FEB	25%	43%	840
MAR	24%	41%	870
APR	26%	39%	906
MAY	29%	38%	1068
JUN	40%	39%	1412
TL YTD	39%	39%	16595
REV YTD	\$97,804.00		

	Moorage 2022-23			Moorage 2023-24		
	% Occ.	YTD %	Nights	% Occ.	YTD %	Nights
JULY	53%	53%	1929	52%	52%	1885
AUG	58%	56%	2121	67%	60%	2453
SEPT	58%	56%	2055	78%	66%	2770
OCT	33%	51%	1194	49%	62%	1802
NOV	26%	46%	920	32%	56%	1128
DEC	25%	42%	904	31%	52%	1116
JAN	23%	39%	837			
FEB	23%	37%	770			
MAR	24%	36%	872			
APR	24%	35%	850			
MAY	28%	32%	1030			
JUN	38%	34%	1334			
TL YTD	34%	34%	14816			
REV YTD	\$111,687.00			\$ 67,706.00		

**Port of Siuslaw**  
**Profit & Loss Prev Year Comparison**  
**July through December 2023**

	<u>Jul - Dec 23</u>	<u>Jul - Dec 22</u>	<u>\$ Change</u>	<u>% Change</u>
<b>Income</b>				
4100 · Available Beginning Cash	2,723,048.00	1,717,373.00	1,005,675.00	58.6%
4140 · Campground Revenue	513,275.89	497,266.72	16,009.17	3.2%
4150 · Leases	94,733.72	90,430.22	4,303.50	4.8%
4160 · Moorage	65,400.60	51,161.33	14,239.27	27.8%
4190 · Marine Fuel	34,040.08	22,471.98	11,568.10	51.5%
4200 · Other Facility Income	23,173.90	17,066.22	6,107.68	35.8%
4500 · Levied Taxes	357,394.23	345,697.79	11,696.44	3.4%
4515 · State Forest Sales	19,709.01	2,357.67	17,351.34	736.0%
4540 · Interest Income	63,941.67	124.64	63,817.03	51,201.1%
4550 · Maintenance Assistance Program	38,000.00	0.00	38,000.00	100.0%
4600 · Miscellaneous Income	41,603.38	80,617.05	-39,013.67	-48.4%
4700 · Incoming Transfer	50,000.00	0.00	50,000.00	100.0%
<b>Total Income</b>	<u>4,024,320.48</u>	<u>2,824,566.62</u>	<u>1,199,753.86</u>	<u>42.5%</u>
<b>Gross Profit</b>	4,024,320.48	2,824,566.62	1,199,753.86	42.5%
<b>Expense</b>				
5000 · Personal Services	231,437.34	232,049.30	-611.96	-0.3%
5300 · Material and Services	321,425.11	263,163.80	58,261.31	22.1%
6000 · Capital Outlay	24,717.19	17,061.15	7,656.04	44.9%
7000 · Debt Service	104,685.64	71,486.89	33,198.75	46.4%
7700 · Transfer to other funds	50,000.00	0.00	50,000.00	100.0%
<b>Total Expense</b>	<u>732,265.28</u>	<u>583,761.14</u>	<u>148,504.14</u>	<u>25.4%</u>
<b>Net Income</b>	<u><b>3,292,055.20</b></u>	<u><b>2,240,805.48</b></u>	<u><b>1,051,249.72</b></u>	<u><b>46.9%</b></u>

Port of Siuslaw  
Resolution 1-17-24

A Resolution to Adopt Findings of Fact and Conclusions of Law  
in the Matter of the Bordeaux Appeal

**WHEREAS**, the Port Manager properly delivered to Perry Bordeaux a NOTICE TO VACATE PORT OF SIUSLAW FACILITIES; and

**WHEREAS**, Mr. Bordeaux appealed the Port Manager's decision to this Commission; and

**WHEREAS**, the Commission held a properly noticed hearing on November 15, 2023, during which the Appellant provided: a) pre-hearing written testimony copied to individual Commissioners, along with Appellant's emailed correspondence directed to the Port Manager, also copied to individual Commissioners; and b) written and oral testimony provided at the hearing; and

**WHEREAS**, the Commission having reviewed the email records and the written testimony and having considered Appellant's oral presentation and Appellant's and Staff's responses to Commission questions;

The Commission adopts the following Findings of fact and Conclusions of Law:

1. The Commission finds that the Appellant entered the Port facility on October 4, 2023.

2. The Commission finds that the Appellant entered without a berthing agreement and without submitting an application for a berthing agreement.

3. The Commission finds that Port Staff directed Appellant and his vessel to the transient dock for temporary use up to 72 hours, as no berths were available to Appellant.

4. The Commission finds that Appellant exceeded the 48 hours provided by Port Ordinance and the additional 24-hour extension authorized by staff. The Commission is unpersuaded by Appellant's arguments to the contrary. As Appellant himself admits, he did not submit a berthing application. The Commission acknowledges that Port staff correctly authorized the up-to-72-hours temporary use rather than 48 hours, due to inconsistency between signage at the facility and the express provisions of the Ordinance.

5. The Commission finds that Appellant presented no persuasive evidence or argument to justify violating the Ordinance and the direction of Port authorities. The Commission notes that Appellant presented photos purportedly showing empty berths. The Commission notes that a vacant berth is not an available berth. A berth under contract remains unavailable for re-berthing even when a vessel is out to sea, out for pleasure or out for repair.

6. The Commission finds the Port Manager's action barring the vessel and giving notice for its removal to be proper and correct.

Accordingly, the Commission concludes that the Port Manager properly enforced the Port's Rules and Regulations and thus DENIES the Appeal.

**ADOPTED** by the Port of Siuslaw Board of Commissioners this 17<sup>th</sup> day of January, 2024.

By: \_\_\_\_\_  
Commission President

Attest: \_\_\_\_\_  
Commission Secretary