

PORT OF HOOD RIVER

Resolution No. 2016-17-2

RESOLUTION ADOPTING OREGON ETHICS LAW POLICY

PURPOSE

WHEREAS the Port of Hood River Commission and staff are committed to practice the highest ethics standards; and

WHEREAS the Port of Hood River participates in the Special Districts Insurance Services (SDIS) Best Practices program which provides an opportunity for special districts to earn an annual discount on insurance rates; and

WHEREAS the SDIS Best Practices recommendations for this year include the adoption of an Oregon Ethics Law Policy;

THEREFORE, BE IT RESOLVED that the Port of Hood River Board of Commissioners hereby adopts the Oregon Ethics Law Policy attached as Exhibit A as the Port of Hood River Ethics Law Policy.

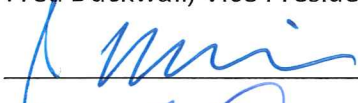
ADOPTED by the Port of Hood River Board of Commissioners on this 20th day of September, 2016.



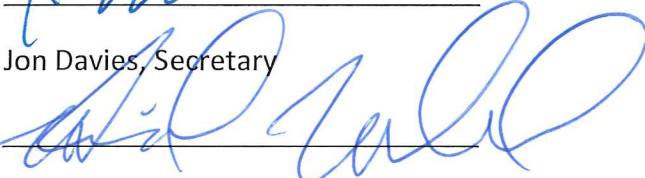
Brian Shortt, President



Fred Duckwall, Vice President



Jon Davies, Secretary



Rich McBride, Treasurer

(Absent)

Hoby Streich, Commissioner

EXHIBIT A

Oregon Ethics Law Policy

Overview

Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees and volunteers
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

Purpose

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics law.

Financial Gain

Each public official is prohibited from using the position as a public official to receive certain financial benefits if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of the public official's household, or for a business with which the public official, a relative, or a member of the public official's household is associated.

The following is a list of financial benefits that may be received. These include:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Some gifts

Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflict of interest and potential conflict of interest.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.”

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated.

A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

- Potential Conflict of Interest: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

If a public official is met with an actual conflict of interest and the public official’s vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member’s absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

- g. The property owner must pay the costs to build and maintain any infrastructure necessary to provide access to the airfield from their residential property adjacent to the airfield;
- h. The property owner must maintain the property for residential, noncommercial, use for the life of the agreement;
- i. The property owner must adhere to the distance and height restrictions of any structure on their property from the center line of the runway to the property as outlined in the FAA guidelines above;
- j. Any infrastructure or structure must be approved by the Port;
- k. The property owner will prohibit others from accessing the airport from their property; and
- l. The property owner is prohibited from refueling on the property, except when refueling their own aircraft;
- m. Commercial use of the access is prohibited.

B. Commercial

- 1. Access to the Airport from a commercial business will be permitted only if the property is zoned for commercial or industrial use and the Port determines such access is consistent with FAA regulations. The Port will seek advice from the FAA in interpreting any commercial access conditions.

C. Existing Easement Access

- 1. Notwithstanding the access restrictions stated above, direct access is allowed from the north side of the Airport under the provisions of the September 14, 1994 Easement between the Port of Hood River and Terry E. Brandt, recorded in Hood River County official records in 1995 as instrument # 95026.

II.ENFORCEMENT

A. Ordinance

- 1. Port Ordinance 23, dated May 24, 2011 describes Airport conduct, access restrictions and specific enforcement mechanisms.



PORT OF HOOD RIVER
AIRPORT ACCESS POLICY
KEN JERNSTEDT AIRFIELD
Adopted September 20, 2016

INTRODUCTION

The Ken Jernstedt Airfield (Airport) is owned and has been operated by the Port of Hood River (Port) since 1976. The Port is a special district in the State of Oregon and operates under ORS Chapter 777 and other state and federal laws. The Port's mission is promoting economic development and a high quality of life in the Columbia Gorge Region. The Airport is a public facility and supports agriculture, tourism, recreation, economic development and aviation training in the Hood River Valley. The Federal Aviation Administration (FAA) provides significant capital funding for the Airport.

To insure continued financial support and consistency with its policies, the FAA has directed the Port to adopt a policy that clearly describes and limits the circumstances upon which private property owners residing on property zoned as residential may access the Airport. The Port's Airport Master Plan describes current access points to the airport.

I. AIRPORT ACCESS

A. Residential

1. Access to the Airport from a property zoned as residential must follow the FAA guidelines for Residential Through-the-Fence (RTTF) outlined in (78 Fed. Reg. 2013-16917; July 16, 2013). Compliance guidance can be found under (CGL) 2013-01, *FAA Review of Existing and Proposed Residential Through-the-Fence Access Agreements*. The Port is required to submit to the FAA district office any new RTTF agreement that creates an access point not listed on the current Airport Layout Plan (ALP) as approved by the FAA. The Port will need to submit a copy of the revised ALP showing the proposed access along with a draft RTTF document. The RTTF agreement must meet the terms and conditions contained in the law to the maximum extent possible. The law requires that all RTTF property owners must:
 - a. The property owner must possess a current pilot license;
 - b. The property owner executes a Residential Through The Fence Access Agreement prepared by the Port and approved by the Port Commission;
 - c. The term will be for five years with a possibility of renewal based upon the Port's discretion.
 - d. Specific aircraft associated with the property are identified and are registered with the Port.
 - e. The property owner aircraft liability insurance satisfactory to the Port.
 - f. The property owner will pay to the Port charges comparable fees charged to other airport tenants and operators making similar use of the airport. Currently, this is the equivalent of a monthly tie down rate. However the Port may change at its discretion another comparable fee.

PORT OF HOOD RIVER

RESOLUTION No. 2016-17-1

ADOPTING AIRPORT ACCESS POLICY

WHEREAS, The Port of Hood River ("Port") owns and manages the Ken Jernstedt Airfield ("Airport"); and
WHEREAS, in 2012 Congress passed a law (P.L. 112-95, "Act") that authorizes general aviation airport sponsors, such as the Port, to allow aircraft owners who are adjacent property owners to the Airport, to enter into a residential through the fence agreement for direct airport access, and the Federal Aviation Agency ("FAA") has adopted policies consistent with the Act; and


WHEREAS, the Port Airport Access Policy is consistent with the Act; now, therefore

BE IT RESOLVED that the Port hereby approves the September 20, 2016 Airport Access Policy.

ADOPTED BY THE BOARD OF COMMISSIONERS this 20th day of September 2016.



President – Brian Shortt



Vice President – Fred Duckwall



Secretary – Jon Davies



Treasurer – Rich McBride

(Absent)

Commissioner – Hoby Streich