

CITY OF COOS BAY CITY COUNCIL

Agenda Staff Report

MEETING DATE	AGENDA ITEM NUMBER
July 21, 2026	5.a

TO: Mayor Benetti, Council President DiNovo, and City Councilors

FROM: Jennifer Wirsing, Public Works Director

THROUGH: Nichole Rutherford, City Manager

ISSUE: Consideration to Approve the After-the-Fact Emergency Contract to Remove the Sunken Vessel *Commando*

SUMMARY:

After-the-fact approval of an emergency time-and-materials contract with Billeter Marine for the removal of the sunken fishing vessel *Commando*.

ACTION REQUESTED:

If it pleases Council, approve the after-the-fact emergency contract with Billeter Marine on a time-and-materials basis pursuant to Resolution No. 24-13, Section 11, *Emergency Contracts*.

BACKGROUND:

On July 2, 2026, the fishing vessel *Commando* sank while moored at the City of Coos Bay Marina. As the vessel settled and broke away from the dock, the stern shifted underneath the floating dock structure. On July 3, 2026, City staff observed a negative +0.7-foot tide, in which the dock was resting on the vessel's stern, causing the dock to lift upward. This indicated that the vessel was directly impacting the structural integrity of the marina.

Over the following week, City staff made multiple attempts to work with the vessel owner to resolve the situation. Despite repeated communications, the owner took no meaningful action to remove or stabilize the vessel.

Staff reviewed the upcoming tide forecasts (attached) and identified a series of increasingly lower tides beginning the weekend of July 11, 2026. Predicted tides ranging from -1.0 to -2.1 feet would significantly increase the forces exerted on the dock system if the vessel remained lodged beneath it. Staff was concerned that these tidal conditions could result in substantial structural damage or even catastrophic failure of the dock system. This information and the urgency of the situation were communicated to the vessel owner; however, no corrective action was taken.

Staff contacted the Port of Coos Bay to determine whether its equipment could assist with the removal effort. Unfortunately, the Port's available equipment was not capable of safely handling a vessel of this size. Given the approaching low tides, staff immediately contacted several marine contractors. The primary challenge was locating a contractor with the specialized equipment, qualified personnel, and ability to mobilize on or before July 11. Billeter Marine responded immediately and confirmed it had both the equipment and personnel necessary to perform the emergency work within the required timeframe.

Prior to authorizing the work, staff consulted with the Oregon Department of State Lands (DSL), which provided the applicable Oregon statutes confirming the City's authority to remove the vessel because it posed an imminent threat to public property. Staff also consulted with the City's legal counsel, Nate

McClintock, regarding the City's legal authority and potential liability. Based on the applicable statutes and the circumstances, legal counsel advised that the City should take all reasonable measures necessary to protect its property. Staff further consulted with the City's insurance provider, CIS, which provided similar guidance and recommended that the City take reasonable action to preserve the marina infrastructure.

Staff also recognized that simply relocating the vessel elsewhere within the waterway was not a viable option. Any relocation would have required the City to ensure the vessel did not create a navigational hazard and would ultimately necessitate removal from the water. Given the imminent threat to public infrastructure, the approaching extreme low tides, the potential for environmental impacts, the hazard posed to navigation, and the unresponsiveness of the Commando owner, staff determined that immediate emergency action was necessary.

On July 10, 2026, the City executed a time-and-materials emergency contract with Billeter Marine to remove the vessel from beneath the dock, refloat it, and tow it to Billeter Marine's facility. Due to the urgent nature of the situation, the work was divided into two phases. The first phase (see attached email agreement) consisted of removing the vessel from beneath the dock, refloating it, and transporting it to Billeter Marine's facility. The second phase, which is still pending, will include temporary moorage and the work necessary to properly decommission and dispose of the vessel after the appropriate approvals have been obtained.

Resolution No. 24-13, Section 11 (Emergency Contracts), authorizes the City to enter into a public contract exceeding \$100,000 without competitive bidding when circumstances that could not reasonably have been anticipated require prompt contracting to preserve public property. Staff believes the circumstances surrounding the Commando fully satisfy the criteria established under the City's emergency procurement provisions.

The City's insurance provider is actively working with staff regarding this incident. Staff anticipates that insurance will reimburse approximately one-half of the emergency removal costs and will assist the City in pursuing cost recovery from the vessel owner. In addition, staff is investigating potential financial assistance through the U.S. Coast Guard and the Oregon Department of State Lands to further offset the City's costs.

BUDGET IMPLICATIONS:

The estimated cost of the first phase of the emergency response is between \$150,000 and \$200,000. Staff recommends funding this work from Fund 45 – Capital Fund.

Staff will continue pursuing all available avenues for cost recovery, including reimbursement through the City's insurance provider, recovery from the vessel owner, and potential assistance from state and federal agencies.

Once additional information is available regarding the moorage and decommissioning and/or disposal of the vessel, including estimated costs and potential funding sources, staff will return to the City Council with a subsequent request for authorization and any necessary budget adjustments.

ATTACHMENT(S):

- July Tides
- Email Contract for the COMMANDO