

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**STUDY SESSION AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
THURSDAY, AUGUST 8, 2019, 12:00 PM, MT**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez _____ Marty Justus _____ Ramon Palomo _____ Dan Capron _____
Michael Braden _____ Norm Crume _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on August 6, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) OLD BUSINESS

- A) Applications for Appointment to Marijuana Ad-Hoc Committee:
Jim Mosier, Natalie Barlow, Eddy Thiel, Bruce Tuttle, Stormy Ray

6) NEW BUSINESS

- A) Hangar Lease Transfer: Michael Beus to Bryan Bair 344 Delta & 347 Charlie
B) Hangar Lease Transfer: Leon James to Kevin Berg 331 Echo & 326 Foxtrot
C) Housing Incentive Program: Agile Homes
D) Ontario Water Treatment Plant Electrical Service and Electrical Distribution System Evaluation and Control System Upgrade
E) Resolution #2019-129: Car Seat Grant
F) Ordinance #2759-2019: An Ordinance Amending Ontario Municipal Code 3-23-6 for Collection of the Retail Marijuana Tax, and Declaring an Emergency

7) DEPARTMENT HEAD UPDATES

- A) Monthly Financial Report

8) DISCUSSION ITEMS

- A) Discussion: Change of Time for the City Council Work Session
B) Fire Hydrant Painting Project
C) Public Smoking on City Campus, Public Parks, and Downtown
D) Issues with Birds Downtown
E) Marijuana Facility Employee Background Check Fee

9) HAND-OUTS

- A) Department Stats:
Ontario Fire & Rescue: July, 2019
Ontario Police: June, July, 2019
Code Enforcement: June, July, 2019
Public Works: July, 2019
- B) Agenda:
SREDA Aug 6, 2019
- C) Packet:
V&C Board Aug 1, 2019 w/Minutes of Jul 11, 2019
- D) Minutes:
SREDA Jul 2, 2019
County Court Jun 26, Jul 3, Jul 10, Jul 17, Jul 24, 2019

10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

11) ADJOURN

Committee/Council Liaison Appointments - 2019

<u>Committee</u>	<u>Term Expires</u>	<u>Current Member</u>	<u>Applicant-Interested</u>	<u>Appointed</u>
<u>Airport</u> <i>Full Board</i>				
<u>Audit</u> <i>Full Board</i>				
<u>Budget</u> <i>Full Board</i>				
<u>Diversity Advisory</u> <i>Full Board</i>				
<u>Marijuana Ad-Hoc</u> Vacancy Vacancy		Vacant Vacant	✓ Jim Mosier ✓ Natalie Barlow ✓ Eddy Thiel ✓ Bruce Tuttle ✓ Stormy Ray	
<u>Planning Commission</u> <i>Full Board</i>				
<u>Public Works</u> <i>Full Board</i>				
<u>V&C</u> <i>Full Board</i>				

Airport: 4th Monday each month, 6:00 p.m., @ the Airport

Audit: Annually or as needed @ City Hall

Budget: Annually or as needed @ City Hall

Diversity: 2nd Tuesday each month, 5:30 p.m., @ City Hall

Marijuana Ad-Hoc: As needed, 5:30 p.m., @ City Hall

Planning: 2nd Monday each month, 7:00 p.m., @ City Hall

Public Works: 2nd Tuesday each month, 3:00 p.m., @ City Shop

V&C: 1st Thursday each month, 7:00 a.m., @ Clarion Inn



RECEIVED

7-10-19

Feb

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Mosier James D.
Last First Middle Initial

HOME ADDRESS: 1237 SW 12th St Ontario 97914
Street City Zip Code

TELEPHONE: 541-881-6073 mosierjim@gmail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Marijuana ad hoc

1.

2.

3.

Community Activities/Civic Organization/Boards/Committees: (Past)

Activity / Organization:

Length of Service

Position(s) Held:

<u>City Council</u>	<u>2 terms</u>	<u>Councilman</u>
<u>Youth Services Commission</u>	<u>8 yrs</u>	<u>member</u>
<u>Local Public Safety Coordinating Council</u>	<u>4 years</u>	<u>Member</u>

Employment:

Self-employed in juvenile justice serving 17 Eastern Oregon Counties 1982 - 2002

Retired Episcopal Priest 1985 - 2015

Juvenile Justice director clerk of Multnomah Counties 1970 - 1982

Education:

BA U of Portland, (CPS) Church Divinity School of the Pacific

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

Personal interest due to long experience in Juvenile Justice

I have lived and worked in this community continuously since 1974
Our daughters are graduates of Ontario High School and have professional careers
For these reasons I have a continuing long term interest in the welfare of the community

James D Mosier
Signature:

10
July 8, 2019

Date:

Submit

Reset

CITY OF ONTARIO REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Barlow Natalie R
Last First, Middle Initial
HOME ADDRESS: 187 NW 2nd street Ontario 97914
Street City Zip Code
TELEPHONE: (541) 709-4700 natalie.solleveld@gmail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Ad Hoc Marijuana Committee
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
<u>Stormy Ray Cardholders</u>	<u>2017-Current</u>	<u>Volunteer</u>
<u>Veteran Advocates of Oregon</u>	<u>2016-Current</u>	<u>Volunteer</u>
<u>Eastern Oregon Cannabis Festival</u>	<u>2019-Current</u>	<u>Coordinator</u>

Employment:

<u>Golden Nugget CBD</u>	<u>Sales Consultant</u>	<u>April 27th - Current</u>
Current Employer:	Position:	Dates of Employment:

Education:

Associates degree in criminal Justice / 2009

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

I have a desire to promote education & positive benefits of Cannabis for the Community.

Additional Information you feel may be helpful in considering your request for appointment:

I have been involved in the Cannabis industry and events for 4+ years.

Natalie R. Barlow
Signature:

July 5, 2019
Date:

Submit

Reset



7-16-19
RECEIVED

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Thiel Eddy
Last First Middle Initial
HOME ADDRESS: 1338 S.W. 11th Ave Ontario 97914
Street City Zip Code
TELEPHONE: 541. 212-4967 etphn home@mail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Marijuana Ad Hoc Committee
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
<u>St. Peters Bingo</u> <u>Citizens Coalition of OR</u>	<u>29 years</u> <u>started 2019</u>	<u>Team leader / manager</u> <u>founder</u>
<u>Employment: - Retired</u>	<u>Sales for Eddy /</u> <u>Studio SICKLE</u>	
<u>Self-employed</u>	<u>Owner/operator</u>	<u>1980 - 2015</u>
Current Employer:	Position:	Dates of Employment:

Education:

Links Business College / Hollywood Beach College / Institute of Children
Literature

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

1st I was asked to apply and I think I would be an asset.

Additional Information you feel may be helpful in considering your request for appointment:

1- I'm a business woman 2- I'm a moderate 3- I'm well versed
w/ the marijuana community

[Signature]
Signature:

July 16, 2019

Date:

Submit

Reset

RECEIVED

7/26/19

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Tuttle Bruce E.
Last First Middle Initial
HOME ADDRESS: 237 N.W. 20th St. Ontario 97914
Street City Zip Code
TELEPHONE: 541-889-6633 b.e.tuttle@gmail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

AD-HOC
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
<u>City Council</u>	<u>2 yrs.</u>	

Employment:

Current Employer:	Position:	Dates of Employment:
<u>8-C School Dist.</u>	<u>Bus driver</u>	<u>2009 Present</u>

Education:

Assoc. Degree in Aviation

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

To even out the members Pro or Con

Additional Information you feel may be helpful in considering your request for appointment:

Bruce Tuttle
Signature:

July 26, 2019
Date:

Submit

Reset

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario – City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Ray Stormy G
Last First Middle Initial
HOME ADDRESS: 715 Canyon 2nd Ontario 97914
Street City Zip Code
TELEPHONE: (541) 709-0912 Sray1998@gmail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

1. marijuana Ad-Hoc 2. 3.
Committee

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
(S.R.C.F.) (free market) Got stuff event	2013 - 2019	producer
(S.R.C.F.) E.O. cannabis festival	4-20-2019 (4 mo. planning)	producer
Stormy Ray Cardholder	8-31-1995 - present	president
Employment: Foundation		

Current Employer:	Position:	Dates of Employment:
Disabled	1 volunteer	8-31-1995 - present

Education: Associate degree at Treasure Valley community college
2 yrs at ICS international correspondence school

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

over →

Additional Information you feel may be helpful in considering your request for appointment:

on Back →

Stormy Ray
Signature:

July 18, 2019

Date:

Submit

Reset

With 20 years past experience of talking to the marijuana supporters and marijuana objectors there have been a lot of soliciting feedback skills learned. I hope to use these communication skills to benefit our community. I have been a state volunteer for many years.

Bio: Stormy Ray has been active in the movement to legalize marijuana for the purposes of medical treatment for over a decade in Oregon. She was a Co-Chief Petitioner for M-67 that became the Oregon Medical Marijuana Act in 1998.

The Stormy Ray Cardholders' Foundation is a non-profit Oregon medical marijuana information and support organization dedicated to helping patients utilize this law.

Stormy has served on the Oregon Medical Marijuana Program (OMMP) Advisory Committee. She has served on the Oregon State Rehabilitation Advisory Council for two Governors (6 ½ years), and the Federal Disabilities Advisory Board for 4 years.

As president of Malheur Butte Productions, a non-profit disabilities awareness organization, Stormy worked to improve access, inclusion, and awareness for Oregonians with disabilities. The Foundation name has been changed to the Stormy Ray Cardholders' Foundation (SRCF).



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Daniel Beaubien, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **HANGAR LEASE TRANSFER: MICHAEL BEUS TO BRYAN BAIR 344 DELTA & 347 CHARLIE**

DATE: July 23, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LEASE TRANSFER FROM MICHAEL BUES TO BRYAN BAIR FOR AIRPORT HANGAR 347 CHARLIE AND 344 DELTA AS PRESENTED.

SUMMARY:

One single aircraft hangar, 347 Charlie, has been purchased by Bryan Bair from Michael Bues which requires a lease with the city. This particular hangar has a small garage door on the back, addressed as 344 Delta. Both numbers are included in the lease. It is the desire of the new owner to enter into a lease with the City of Ontario for this hangar.

BACKGROUND:

All hangar leases are subject to the approval by the city council.

CURRENT SITUATION:

The hangar presented is in new ownership and seeking a lease with the city.

ANALYSIS:

- A. **STRATEGIC PLAN** This item supports the Growth Strategic Goal, the Airport Strategy, and the Promote the Development of the Airport Activity.
- B. **FINANCIAL** To provide a lease to hangar owners provides a revenue stream to the city.
- C. **TIMING** Since the hangar has already been purchase it is necessary to provide them a lease as soon as possible.
- D. **POLICY/LEGAL** It is the responsibility of the city to grant a lease to those with a hangar

as long as they maintain ownership and remain in good standing.

ALTERNATIVES:

The city could choose not to grant the lease to the hangar owner.

RECOMMENDATION:

Staff recommends granting the lease to both hangar owners as presented.

ATTACHMENTS:

1. Brian Bair Hangar Lease 2019
2. Exhibit A Hanger Lease - 347 Charlie - 344 Delta
3. 347C Insurance Certificate - Bryan M. Bair
4. 347C Bill of Sale - Bryan M. Bair from Michael L. Beus



**LEASE AGREEMENT
344 Delta & 347 Charlie**

THIS AGREEMENT made and entered into this 30th **day of** June, **2019**, by and between the **City of Ontario, Oregon, a municipal corporation**, hereinafter referred to as "Landlord" and **Brain Bair** hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

- 1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of **TWENTY (20) years**, commencing on the **30th day of June, 2019**. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.
- 2) Tenant shall pay to the Landlord as yearly rent the sum of **fifteen cent (15.44) cents** per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is **(1,600) square feet** for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the **15th day of August each year and is payable each year in advance**.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.
- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor

and at Tenant's expense.

5) Any new construction or improvements made on the property are to be approved in writing prior to commencement of either, and the same to be constructed and operated in conformity with all ordinances and regulations of the City.

6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.

7) The Landlord covenants and agrees to spray or otherwise control weeds located on and around the leased premises.

8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.

9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.

10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.

11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.

12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by

Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of \$1,000,000 each occurrence with a \$2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. **Tenant is required to provide a copy of current insurance coverage to the city.**

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.

17) The following shall be events of default:

- a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is due.
- b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable

particularity. If the default is of such a nature that it cannot be completely remedied with the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good-faith to effect the remedy as soon as practicable.

c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.

18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.

19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.

20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.

24) Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord: City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant: Brian Bair
681 Cloverdale Ave.
Nyssa, Oregon 97913

or to such other address as may be specified from time to time by either of the parties in writing.

25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.

27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

CITY OF ONTARIO, OREGON

ATTEST

Riley J Hill, Mayor

Tori Barnett, MMC, City Recorder

TENANT

TENANT

Brian Bair

Exhibit "A"

Hanger Lease
347 Charlie & 344 Delta



City of Ontario
Municipal Airport,
Malheur County,
Oregon



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/17/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Bentz Insurance 122 A Street E Vale, OR 97918	CONTACT NAME: Karen Morcom PHONE (A/C, No, Ext): (541)473-4210 E-MAIL ADDRESS: info@bentzinsurance.com FAX (A/C, No): (541)473-4041
		INSURER(S) AFFORDING COVERAGE
		INSURER A : Liberty Mutual Insurance Company
		INSURER B :
		INSURER C :
		INSURER D :
		INSURER E :
		INSURER F :

COVERAGES

CERTIFICATE NUMBER: 00000000-186707

REVISION NUMBER: 3

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		A01 106472	12/01/2018	12/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is Additionally Insured on Liability policy above.

CERTIFICATE HOLDER

CANCELLATION

City of Ontario 444 SW 4th St Ontario, OR 97914	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE (KAM)
---	--

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OREGON PROPERTY BILL OF SALE

1. THE PARTIES

THE SELLER

Michael L. Beus
1894 Bellavista Dr.
Farmington, Utah 84025

THE BUYER

Bryan M. Bair
681 Cloverdale Ave
Nyssa, OR 97913

2. PROPERTY DETAILS

347 Charlie Runwy Ontario

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONE
18S4707	4100	A13	1	21 MISC/COMM/A1 ONLY	O-AD

3. TRADE/PURCHASE PRICE

Seller accepts monetary funds in the amount of \$27,500 to be paid on June 18th, 2019.

4. SELLER'S DISCLOSURE

SELLER DECLARES THE FOLLOWING STATEMENTS ARE TRUE AND HE/SHE:

- Has verified that the Personal Property details are correct and true;
- Is the lawful owner of the Personal Property and has the legal right to sell;
- Assumes no responsibility after the transfer of ownership has taken place;

SELLER'S SIGNATURE: Michael L. Beus

5. SIGNATURE AREA

As of this 18th day of June, 2019 the buyer and seller agree to the above described terms and conditions for the sale/trade/exchange of the Personal Property.

THE SELLER

SIGNATURE: Michael L. Beus PRINTED NAME: MICHAEL L. BEUS

THE BUYER

SIGNATURE: Bryan Bair PRINTED NAME: Bryan Bair



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Daniel Beaubien, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **HANGAR LEASE TRANSFER: LEON JAMES TO KEVIN BERG 331 ECHO & 326
FOXTROT**

DATE: August 2, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LEASE TRANSFER FROM LEON JAMES TO KEVIN BERG FOR AIRPORT HANGAR 331 ECHO AND 325 FOXTROT AS PRESENTED.

SUMMARY:

A single hangar, 331 Echo and 326 Foxtrot, has the ability to hold two aircraft. The two number are for doors that face in opposite directions and onto different taxiways. Kevin Berg purchased the hangar from Leon James as seeks a lease with the city of Ontario.

BACKGROUND:

All hangar leases are subject to the approval by the city council.

CURRENT SITUATION:

The hangar presented is in new ownership and seeking a lease with the city.

ANALYSIS:

- A. **STRATEGIC PLAN** Without the lease from the city the hangar has little value and can not be a revenue source for the city and it's airport.
- B. **FINANCIAL** To provide a lease to hangar owners provides a revenue stream to the city.
- C. **TIMING** Since the hangar has already been purchased it is necessary to provide a lease as soon as possible.
- D. **POLICY/LEGAL** It is the responsibility of the city to grant leases to those with a hangar as long as they maintain onership and remain in good standing.

ALTERNATIVES:

The city could choose not to grant the lease to the hangar owner.

RECOMMENDATION:

Staff recommends granting the lease to the hangar owner as presented.

ATTACHMENTS:

1. Kevin Berg Hangar Lease 2019
2. Exhibit A Hanger Lease - 331 Echo - 326 Foxtrot
3. 331E & 325F Insurance Certificate - Kevin Berg
4. 331E & 325F Bill of Sale - Kevin Berg from Leon James
5. 331E & 325F Assessor Data - Kevin Berg



**LEASE AGREEMENT
326 Foxtrot & 331 Echo**

THIS AGREEMENT made and entered into this 30th **day of** June, **2019**, by and between the **City of Ontario, Oregon, a municipal corporation**, hereinafter referred to as "Landlord" and **Kevin Berg** hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

- 1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of **TWENTY (20) years**, commencing on the **30th day of June, 2019**. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.
- 2) Tenant shall pay to the Landlord as yearly rent the sum of **fifteen cent (15.44)** cents per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is **(1,800) square feet** for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the **15th day of August each year and is payable each year in advance**.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.
- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor and at Tenant's expense.

- 5) Any new construction or improvements made on the property are to be approved in writing prior to commencement of either, and the same to be constructed and operated in conformity with all ordinances and regulations of the City.
- 6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.
- 7) The Landlord covenants and agrees to spray or otherwise control weeds located on and around the leased premises.
- 8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.
- 9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.
- 10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.
- 11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.
- 12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.
- 13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.
- 14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a

waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of \$1,000,000 each occurrence with a \$2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. **Tenant is required to provide a copy of current insurance coverage to the city.**

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.

17) The following shall be events of default:

- a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is due.
- b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied

with the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good-faith to effect the remedy as soon as practicable.

c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.

18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.

19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.

20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.

24) Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord: City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant: Kevin Berg
565 B ST. W.
Vale, Oregon 97918

or to such other address as may be specified from time to time by either of the parties in writing.

25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.

27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

CITY OF ONTARIO, OREGON

ATTEST

Riley J Hill, Mayor

Tori Barnett, MMC, City Recorder

TENANT

TENANT

Kevin Berg

Exhibit "A"

Hanger Lease
331 Echo & 326 Foxtrot



City of Ontario
Municipal Airport,
Malheur County,
Oregon



Coverage Is Provided In:
Ohio Security Insurance Company

Policy Number:
BKS (20) 60 03 53 11
Policy Period:
From 06/26/2019 To 06/26/2020
12:01 am Standard Time
at Insured Mailing Location

Commercial General Liability Declarations Schedule

Named Insured**Agent**

KEVIN BERG

(541) 372-5301
FIELD-WALDO INS. AGENCIES, INC -N

SUMMARY OF CLASSIFICATIONS - BY LOCATION

0001 326 Foxtrot
Vale
Ontario, OR 97914

Insured: KEVIN BERG

CLASSIFICATION - 68706

Warehouses - Private - For Profit

Products-Completed Operations Are Subject To The General
Aggregate Limit.

COVERAGE DESCRIPTION	PREMIUM BASED ON -	RATED / PER 1,000	PREMIUM
Premise/Operations	900 Square Feet Of Area	51.090	\$46.00
Minimum Premium Adjustment			\$121.00
<i>Total:</i>			<i>Included</i>

Commercial General Liability Schedule Total

\$167.00

To report a claim, call your Agent or 1-800-362-0000



Coverage Is Provided In:
Ohio Security Insurance Company

Policy Number:
BKS (20) 60 03 53 15
Policy Period:
From 06/26/2019 To 06/26/2020
12:01 am Standard Time
at Insured Mailing Location

Commercial General Liability Declarations

Basis: Occurrence

Named Insured	Agent
KEVIN BERG	(541) 372-5301 FIELD-WALDO INS. AGENCIES, INC -N

SUMMARY OF LIMITS AND CHARGES

Commercial General Liability Limits of Insurance	DESCRIPTION	LIMIT
	Each Occurrence Limit	1,000,000
	Damage To Premises Rented To You Limit (Any One Premises)	1,000,000
	Medical Expense Limit (Any One Person)	15,000
	Personal and Advertising Injury Limit	1,000,000
	General Aggregate Limit (Other than Products - Completed Operations)	2,000,000
	Products - Completed Operations Aggregate Limit	2,000,000

Explanation of Charges	DESCRIPTION	PREMIUM
	General Liability Schedule Totals	167.00
	Certified Acts of Terrorism Coverage	1.00

Total Advance Charges:

\$168.00

Note: This is not a bill

OREGON GENERAL BILL OF SALE

(FOR PERSONAL PROPERTY)

1. THE PARTIES

THE SELLER

NAME: Leon James Construction Co., Inc. DRIVER'S LICENSE NO: _____
ADDRESS: 940 SE 12th Ave CITY: Ontario
STATE: Oregon

THE BUYER

NAME: Kevin Berg DRIVER'S LICENSE NO: _____
ADDRESS: 565 B St. W. CITY: Vale
STATE: Oregon

2. PROPERTY DETAILS

Description: 2 Hangars located at 581 SW 33rd St. Ontario, OR 97914
Serial Number (SN) (if any): No. 331 Echo and 326 Foxtrot

County Record 7690

3. TRADE/PURCHASE PRICE

☒ - Seller accepts monetary funds in the amount of Forty thousand

Dollars (\$ 40,000.00) to be paid on;

- ☒ - The date of this bill of sale known as June 19th, 2019.
- ☐ - At a future date no later than _____.
- ☐ - Other _____.

☐ - Buyer is receiving the Personal Property as a Gift.

☐ - Seller accepts trade described as _____

4. SELLER'S DISCLOSURE

SELLER DECLARES THE FOLLOWING STATEMENTS ARE TRUE AND HE/SHE:

- Has verified that the Personal Property details are correct and true;
- Is the lawful owner of the Personal Property and has the legal right to sell;
- Has no knowledge of defects in the Personal Property other than _____;
- Assumes no responsibility after the transfer of ownership has taken place;

SELLER'S SIGNATURE: _____

5. SIGNATURE AREA

As of this 19th day of June, 2019 the buyer and seller agree to the above described terms and conditions for the sale/trade/exchange of the Personal Property.

THE SELLER

SIGNATURE: Leon James PRINTED NAME: Leon James Construction Co., Inc. by Leon James/President

THE BUYER

SIGNATURE: Kevin Berg PRINTED NAME: Kevin Berg

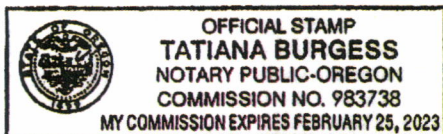
WITNESS

SIGNATURE: _____ PRINTED NAME: _____

ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF OREGON
MALHEUR County, ss.

On this 19th day of JUNE, 2019, before me appeared KEVIN BERG, as Buyer of this Bill of Sale who proved to me through government issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.



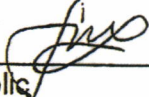
Notary Public
My commission expires: 2-25-2023

ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF OREGON
MALHEUR County, ss.

On this 19th day of JUNE, 20 19, before me appeared LEON JAMES, as Seller of this Bill of Sale who proved to me through government issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

OFFICIAL STAMP
TATIANA BURGESS
NOTARY PUBLIC-OREGON
COMMISSION NO. 983738
COMMISSION EXPIRES FEBRUARY 25, 2023


Notary Public

My commission expires: 02-25-2023

Notice: The information provided here is for convenience ONLY. The records located at Malheur County Assessor's office are the one and only legal instruments for assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Malheur County is not, in any way, liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Malheur County Assessor's Office, Vale, Oregon.

Date Web Site was last updated 7/13/2019

Value and tax information for tax year 2018

Ref#:7690 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONE
18S4707	4100	A5	1	21 MISC/COMM/A1 ONLY	O-AD

OWNER:	BERG, KEVIN
CONTRACT:	
ETAL(s):	
MAILING ADDRESS:	
	565 B ST W
CITY/ST:	VALE, OR ,97918

PROPERTY ADDRESS: 326 FOXTROT RUNWY ONTARIO

NOTES:
326 FOXTROT
331 ECHO

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$0	
STRUCTURES	\$31,520	
SUBTOT	\$31,520	\$9,912
TOTAL	\$31,520	\$9,912

PROPERTY TAX INFORMATION

Do not pay this amount! For current balance owing, contact our office.
Contact information may be found at this web page [Assessor/Tax Collector](#)

BASE TAX	\$147.72
TOTAL BASE TAX & SPECIAL ASSESSMENTS	\$147.72

STRUCTURES

	BLDG CLASS	DESCRIPTION	MAIN SQ FT	UPPR SQ FT	BSMT SQ FT	YEAR BLT	YEAR APPR	MKT VALUE	RE- MDL
1	681	AIRPLANE HANGARS	1,800	0	0	0	2017	\$31,520	0

NEW SEARCH



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: AGILE HOMES

DATE: August 1, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY AGILE HOMES FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

The City Council, under Resolution Number 2018-111, updated the City of Ontario Business Loan Fund codes under Section 11a Housing Incentive Program to promote new housing development with the city limits of Ontario.

BACKGROUND:

Agile Design Co – DBA Agile Homes is requesting approval of their application for the \$10,000.00 Incentive on a new home to be located at 851 Reiter Drive being Lot 9 of Sage Ridge Place Subdivision. The proposed dwelling will be 1,800 square feet with two (2) bathrooms, three (3) bedrooms, and a two-car garage. The application was deemed to be complete by the Community Development Director, and, meeting or exceeding the minimum requirements of Section 11 of the Business Loan Fund code, was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended approval of the application on July 25, 2019.

CURRENT SITUATION:

The Housing Incentive Program promotes growth and desirability in Ontario.

ANALYSIS:

- A. **FINANCIAL** If approved, the city would pay the funds from the Business Loan Fund. The \$10,000.00 would be paid back to the fund through the city portion of the property taxes collected on the property and dwelling approved under this

application.

- B. **TIMING** Time is of the essence on this application as the applicant wants to pull a building permit and start construction as soon as they receive their approval.
- C. **POLICY/LEGAL** The Business Loan Fund Committee makes recommendations to the City Council. If the City Council approves the action, the City Manager will have the Agreement signed by all parties authorizing the Building Department to issue a permit under this Agreement.

ALTERNATIVES:

Table the Action: The City Council could table the request and request further information from the Applicant.

Deny the Action: The \$10,000 payment would not be made.

RECOMMENDATION:

Staff has reviewed the application for completeness and find it meeting or exceeding the minimum requirements. The Business Loan Fund Committee sent a favorable recommendation to the City Council. Therefore, staff recommends that the City Council approve the Application by Agile Homes in the amount of \$10,000.00.

ATTACHMENTS:

1. AGILE DESIGN CO



City of Ontario, Oregon
Housing Incentive Program Checklist

Applicant: Agile Design Co - DBA Agile Homes Date: 7/16/19

Site Address or Tax Lot: 851 Reiter Dr., T21604 Map 1854704 (D2)

Application Number: 07-2019 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: _____
- ☒ Documentation showing funding: Bank letter on file
- ☒ Within City Limits
- ☐ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1800 sq. ft.
 - 2. Number of Baths: 2
 - 3. Size of Garage: 2-CAR 504 sq. ft.
- ☒ Description of Property of Home:
 - 1. Tax Lot map & Number: 1854704D2 1604
 - 2. Copy of Deed: 2019-2335
 - 3. Or written description: LOT 9 SAGE RIDGE PARK SUB.
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: N/A
- ☒ Community Development Director approval date: 7/16/19
- ☒ Forwarded to Business Loan Fund Committee: 7/16/19
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council Approval: _____
- ☐ Application submitted to Finance for tracking: _____
- ☐ Certificate of Occupancy issued (within 2 yrs. of Council approval): _____
- ☐ Proof of Owner Occupancy (must be within 1 yr. of C of O): _____
- ☐ Payment made to Owner: _____

Return to: Dan K Cummings, Community Development Director, 458 SW 3rd Street, Ontario, OR 97914
541-881-3222 – dan.cummings@ontariooregon.org

GENERAL NOTES

1. UTILITY SERVICE PANELS SHOULD BE LOCATED OUTSIDE OF THE BUILDING AS REQUIRED BY THE CODE AND UTILITY COMPANIES' PRACTICE.
2. WATER HEATER, DETERGENT, KITCHEN AND BATHROOM SINKS MUST BE PROTECTED.
3. ALL PATIO AND SHOWER DOORS AND ANY GLASS WITHIN 2' HORIZONTAL DISTANCE OF ANY DOOR OR SINK OR ABOVE ANY BATHING SURFACE TO BE APPROVED SAFETY GLASS.
4. THE CONTRACTOR SHALL PROVIDE AN INITIAL HOME INSPECTION THROUGH 1 1/2" TALL AS REQUIRED BY THE CODE.

13" FROM BACK WALL FOR TUB/SHOWER UNITS,
136" FROM BACK WALL FOR SHOWER UNITS.

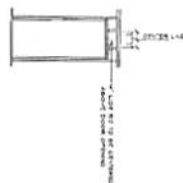


CABINET BACKING/
RANGE VENT DETAIL

47.9

ALL OPENINGS TO BE 83"
HEADER HEIGHT U.N.O

NO CORROSION METAL.



HVAC TRANSFER GRILL DETAIL

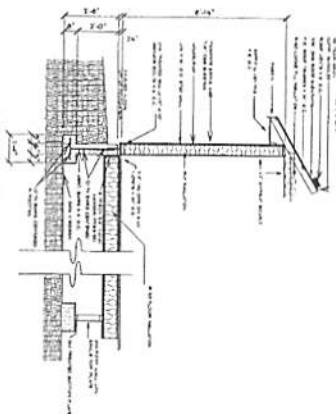
46.7.55

CHANGES FROM STANDARD

- | | |
|----|------------------------------|
| 1. | LUXURY |
| 2. | WALKED MASTER BEDROOM w/ PAN |
| 3. | W/IN PLANK FIB PLANK |
| 4. | FULL FENCING |
| 5. | ADDITIONAL LANDSCAPING |

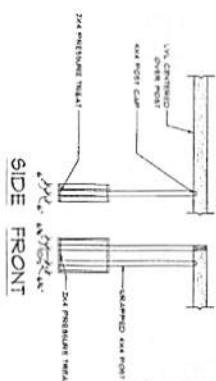
TYP. SINGLE STORY
WALL SECTION

(JOISTS INSIDE FOUNDATION)
N.T.S.

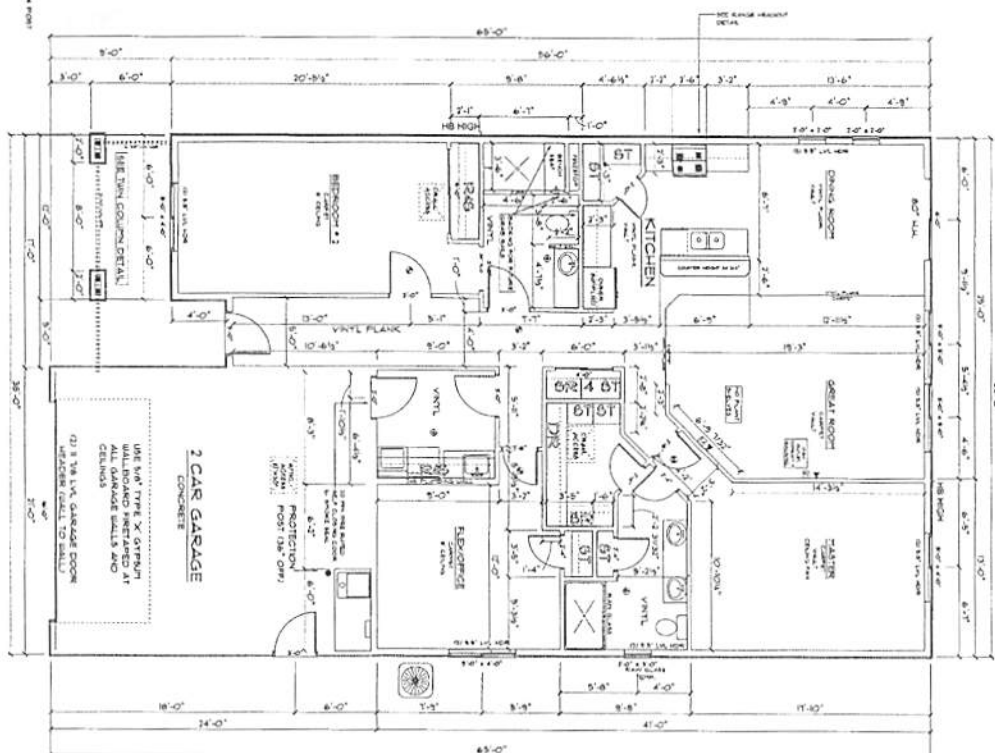


TWIN POST
COLUMN DETAIL

47.6



SIDE
FRONT



MAIN FLOOR PLAN

SQUARE FOOTAGE

MAIN FLOOR:	800	80 N
TOTAL:	800	80 N
GARAGE:	804	80 N

A4

SHEET:

DESIGNER:
Agile Homes
Brian Molthen
PO Box 844
Fruitland, Idaho 83619
(208) 953-1460
brian@agilehomes.com

CONTRACTOR:
Agile Homes
Mike Smith/Craig Smith
PO Box 844
Fruitland, Idaho 83619
(208) 695-4546
mike@agilehomes.com

FLOOR PLAN

SCALE: 1/4" = 1'

1800 S.F.

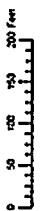
CLIENT:
Teler Residence
"The Titus" modifie
Lot 9 Block 1
~~TRD~~ Reiter Drive 851
Sage Ridge Place Subdivision
Ontario, Oregon

REVISION

10	PRELIMINARY	5
20	CHANGES PER PROCDN	5
30	ISSUED FOR PERMITS	7

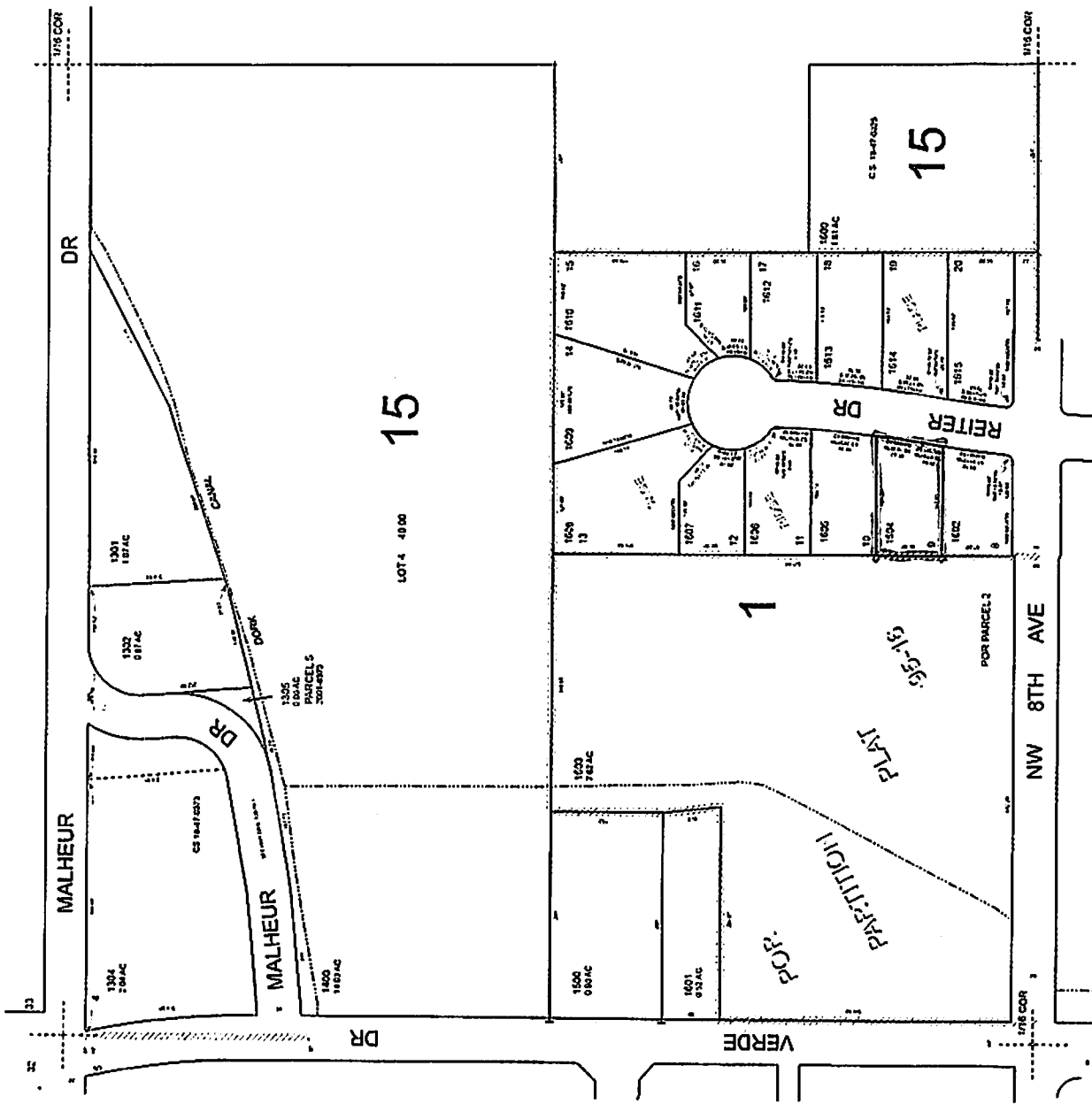
PROJECT:
SG009001

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



DETAIL MAP NO. 2
SEC. 4 T.18S. R.47E. WM.
MALHEUR COUNTY
1" = 100'

18S47E04
DETAIL MAP NO 2
ONTARIO



Revised: MA
03/21/2015

ONTARIO
DETAIL MAP NO 2
18S47E04



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: ONTARIO WATER TREATMENT PLANT ELECTRICAL SERVICE AND ELECTRICAL DISTRIBUTION SYSTEM EVALUATION AND CONTROL SYSTEM UPGRADE

DATE: July 29, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE TASK ORDER FOR THE ONTARIO WATER TREATMENT PLANT ELECTRICAL SERVICE AND ELECTRICAL DISTRIBUTION SYSTEM EVALUATION, AND CONTROL SYSTEM UPGRADE FOR \$14,500.

SUMMARY:

The purpose of this Task Order is to evaluate the capacity of the Ontario Water Treatment Plant (WTP) electrical service and electrical distribution system for the high service pumping, and the potential removal of the abandoned telemetry cabinets and equipment in the Plant control room.

BACKGROUND:

During pump repair and other routine maintenance activities, the Water Supervisor has been informed by various electricians that specific improvements can't be made due to the limited electrical power supply. In particular, the Water Supervisor has been reviewing an option to replace the two single speed pumps in the WTP clearwell with variable frequency drive pumps to better accommodate the changing water demands. When demand is low, the pumps tend to cycle on and off frequently.

This project was identified during the City's budgeting process and was approved as a budget item for up to \$20,000.

CURRENT SITUATION:

Jacobs has created a Task Order and is prepared to conduct an electrical system evaluation immediately; this will be the first step in preparing to develop a system of electrical improvements at the WTP.

As part of the Task Order, Jacobs will conduct up to two site visits to assess the condition and the capacity of the WTP electrical service and electrical distribution system(s) supplying the finished water pumping facility, and to assess the effort and impact of removing abandoned telemetry equipment in the Plant control room. Jacobs will conduct internal team meetings and quality control reviews. Jacobs staff will prepare an Order-of-Magnitude cost estimate for construction of the identified improvements and upgrades.

ANALYSIS:

- A. **STRATEGIC PLAN** This project supports the goal of growth by preparing for the expansion of the Water Treatment Plant, allowing for more community development.
- B. **FINANCIAL** The total project fee for Engineering Services will be a time and materials not to exceed \$14,500 cost. The Line Item number is 105-160-719289. The budget available is \$20,000.
- C. **TIMING** Completion of this evaluation will be incorporated into the Water Master Plan (WMP) that is currently underway. The WMP is scheduled for completion during the first quarter of 2020. Accordingly, completion within the next several months is essential.
- D. **POLICY/LEGAL** This item requires Council approval before the City Manager can sign on behalf of the City.

ALTERNATIVES:

- A. If approved, information collected from the evaluation can be incorporated into the findings and recommendations of the WMP. Similarly, improvements can be identified in the coming year's budget.
- B. If rejected, the improvements related to WTP capacity expansion may be delayed, as electrical requirements will not be clearly defined.

RECOMMENDATION:

Staff recommends that the City Council approve the Ontario Water Treatment Plant Electrical Service and Electrical Distribution System Evaluation, and Control System Upgrade to support the Water Master Plan and as identified in the approved budget.

ATTACHMENTS:

- 1. Jacobs Electrical and Controls Evaluation Task Order_Final



1999 Bryan Street, Suite 1200
Dallas, Texas 75201
United States
T +1.214.638.0145
www.jacobs.com

Ontario Water Treatment Plant Electrical Service and Electrical Distribution System Evaluation, and Control System Upgrade

PREPARED FOR: Adam Brown
COPY TO: Cliff Leeper
PREPARED BY: Betsy Roberts
DATE: July 29, 2019

The purpose of this Task Order is to evaluate the capacity of the Ontario Water Treatment Plant (Plant) electrical service and electrical distribution system for the high service pumping, and the potential removal of abandoned telemetry cabinets and equipment in the Plant control room.

Project Background

The City of Ontario Plant Supervisor has recently identified potential electrical system capacity deficiencies at the Plant. Currently, the Plant appears to have insufficient electrical system capacity needed to operate the Plant at increased hydraulic capacity. Increasing the pumping capacity would provide needed finished water pumping redundancy for the Westside finished water pumping and for backwashing the filters in the old plant. Additional process equipment upgrades, and various other improvements will need to be implemented to meet future water demands. These upgrades and improvements cannot be implemented until the Plant electrical power supply system(s) have been upgraded.

Over the years, the Plant has seen various levels of control system upgrades and improvements, including conversion of the Plant's original telemetry-based control system to a computer-based control system. Those upgrades and conversions have been completed with much of the original control system components and cabinetry abandoned in place. Removal of the old abandoned control systems and cabinetry will free up space in the control room to allow improved operator work stations and better utilize the Plant workspace.

To keep the Plant in working order, and in preparation for these needed future improvements, City staff recommend evaluation of the Plant electrical service and electrical distribution system(s) evaluation, and removal and cleanup of abandoned telemetry control systems in the Plant.



Scope of Work

Jacobs will conduct site visits to assess the condition and capacity of the Plant electrical service and electrical distribution system(s) supplying the finished water pumping facility; and assess the effort and impact of removing abandoned telemetry equipment in the Plant control room. Findings of the evaluation and assessment will be summarized in a technical memorandum. The technical memorandum will include recommendations for electrical improvements and their implementation; and outline an approach for removal of the abandoned telemetry equipment. The memorandum will include an Order of Magnitude cost estimate for construction and an allowance for engineering. Design of improvements and a plan for removal of the abandoned telemetry equipment will be handled under a separate future Task Order.

Assumptions:

1. Jacobs staff will perform up to two site visits at the Plant.
2. Jacobs staff will research and review available existing Plant electrical and control record drawings.
3. Jacobs staff will prepare an Order of-Magnitude cost estimate for construction of the identified improvements and upgrades.
4. Jacobs will conduct internal team meetings and quality control reviews.
5. We anticipate completing the work within 60 days of Notice to Proceed.

Deliverable:

Deliverable to the City includes one stamped final hard copy and one electronic pdf copy of the technical memorandum and a construction cost estimate.

Compensation:

Total Project Fee for Engineering Services outlined above: \$14,500. This is a Time & Materials, Not-To-Exceed Amount.



CH2M HILL Engineers, Inc.

City of Ontario

By: _____
Signature

By: _____
Signature

Date

Date



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2019-129: CAR SEAT GRANT

DATE: August 1, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION 2019-129: A RESOLUTION TO APPROVE THE CAR SEAT GRANT AND INCREASE APPROPRIATIONS TO PURCHASE CAR SEATS.

SUMMARY:

Attached is Resolution #2019-129: A Resolution to Approve the Car Seat Grant and Increase Appropriations to Purchase Car Seats.

BACKGROUND:

Historically, the City has received grant funding from the Oregon Department of Transportation to fund the car seat program administered by the Police Department. The City was informed there would be no grant funds available for 2019-2020.

CURRENT SITUATION:

The City received notification on July 29, 2019 from the Oregon Department of Transportation stating the City will be receiving \$1,493.50 in grant funding for the car seat program. The funds are restricted to be spent just on car seats.

ANALYSIS:

- A. **STRATEGIC PLAN** The car seat program supports the Lifestyle strategy and specifically the goal to obtain grants and increase grant writing capacity.
- B. **FINANCIAL** \$1,493.50 will be received and expended for car seat purchases.
- C. **TIMING** Staff will need to purchase car seats quickly, as the grant must be expended by September 30, 2019.

- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would not allow the grant funding to be utilized.

RECOMMENDATION:

Staff recommends approval of Resolution #2019-129.

ATTACHMENTS:

1. RES 2019-129_CC_CAR SEAT GRANT_08 2019



RESOLUTION 2019-129

A RESOLUTION TO APPROVE THE CAR SEAT GRANT AND INCREASE APPROPRIATIONS TO PURCHASE CAR SEATS

- WHEREAS,** During the approval of the 2019-2020 budget the City of Ontario was not supposed to receive grant funds for the car seat program; and
- WHEREAS,** The City was notified that the Oregon Department of Transportation is giving out Child Safety Seat mini grants; and
- WHEREAS,** The City of Ontario was awarded one of the largest grants and will be receiving \$1,493.50 which will need to be spent before September 30, 2019; and
- WHEREAS,** The City desires to modify the 2019-2020 Grant Fund budget in order to appropriate the funding for expenditure.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2019-2020 budget:

Line Item	Item Description	FY 19-20 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
010-000-456182	Police Safe Kids Project	\$ -	\$1,494	\$1,494
010-038-714182	Police Safe Kids Project	\$ -	\$1,494	\$1,494

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Common Council City Council of the City of Ontario this ____ day of _____, 2019, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 20__.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
August 8, 2019**

To: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2759-2019: AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE 3-23-6 FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY**

DATE: August 5, 2019

PROPOSED MOTION:

1. I MOVE THAT THE CITY COUNCIL APPROVE A FIRST READING BY TITLE ONLY OF ORDINANCE NO. 2759-2019, AN ORDINANCE AMENDING SECTION 3-23-6 OF CHAPTER 23 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY.

IF THE COUNCIL UNANIMOUSLY APPROVES THE FIRST READING:

2. I MOVE THAT THE CITY COUNCIL WAIVE A SECOND READING OF ORDINANCE NO. 2759-2019, AN ORDINANCE AMENDING SECTION 3-23-6 OF CHAPTER 23 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY.

SUMMARY:

In order for the City to enter into an Intergovernmental Agreement with the Department of Revenue ("DOR") to collect the 3% retail marijuana tax, the DOR requires the City to have established penalties and interest for a retailer's noncompliance that specifically refer to certain Oregon statutes. Representatives from the DOR have reviewed the City Code, and require language that is more specific than what appears in the current Code. Ordinance No. 2759-2019 incorporates the required language into OMC Section 3-23-6 by amendment.

BACKGROUND:

A 3% retail tax on marijuana sales was established by the voters as part of Initiative Ballot Measure #23-61 overturning the City's ban on retail marijuana sales.

CURRENT SITUATION:

The City's Finance Department lacks the resources to collect the 3% retail tax and has been in contact with the Oregon Department of Revenue to handle the marijuana tax collection for the City. Because the Department of Revenue is handling that tax collection for a number of Oregon cities, the DOR requires those cities to implement uniform tax penalties and interest provisions that are compatible with the DOR's computer software. Proposed Ordinance No. 2759-2019 meets those requirements.

ANALYSIS:

- A. **STRATEGIC PLAN** This proposed ordinance complies with multiple sections of the Plan: Lifestyle, to utilize the funds to enhance the quality of life; Desirability, to make Ontario a place businesses and citizens want to live; and Beautification, to aid in keeping Ontario clean, and bringing in culture and art.
- B. **FINANCIAL** Attached is sample contract language showing the charges imposed by the Department of Revenue for collecting the 3% tax. Staff believes those charges are substantially less than what it would cost the City to collect the tax on its own.
- C. **TIMING** Proposed Ordinance No. 2759-2019 includes an emergency clause. Because the City's first marijuana retailer opened its doors on July 26, 2019, and a number of other retailers are likely to open in the near future, it is in the City's interest to enter into the tax collection contract with the DOR as soon as possible to minimize the delay in receiving tax revenues under the contract.
- D. **POLICY/LEGAL** Proposed Ordinance No. 2759-2019 complies with Oregon law. It specifically cites the Oregon statutes giving the DOR the authority to collect penalties and interest as part of its retail marijuana tax collection activities. It adds language to OMC 3-23-6 developed by the Oregon League of Cities and approved by the DOR for intergovernmental contracts between the DOR and local governments.

ALTERNATIVES:

Disapprove Ordinance No. 2759-2019 and fund a program for staff to collect the 3% marijuana retail tax.

RECOMMENDATION:

Staff recommends that the City Council approve a first reading of Ordinance No. 2759-2019, and if the ordinance is approved unanimously, to waive a second reading so that the ordinance can go into effect immediately.

ATTACHMENTS:

- 1. Ord #2759-2019 Amend OMC 3-23-6 re Marijuana Tax (Emergency)
- 2. Sample DOR language



ORDINANCE NO. 2759-2019

AN ORDINANCE AMENDING SECTION 3-23-6 OF CHAPTER 23 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY

- WHEREAS,** The Ontario City Council enacted Ordinance No. 2747-2018 on November 27, 2018, effective January 1, 2019, which, among other things, amended Initiative Ballot Measure 23-61 dealing with the enforcement and collection of the 3% tax on the sale of retail marijuana items; and
- WHEREAS,** The City Council has authorized the City Manager to enter into a contract for the collection of the marijuana retail tax by the Oregon Department of Revenue; and
- WHEREAS,** Before the Department of Revenue will approve a contract to collect that tax on behalf of the City, The City must enact provisions dealing to the penalties and interest to be imposed by the Oregon Department of Revenue when collecting that tax; and
- WHEREAS,** One marijuana retailer already opened its business in July, 2019, and additional marijuana retailers are expected to open during the first quarter of the 2019-2020 fiscal year; and
- WHEREAS,** An emergency is hereby declared so that the Department of Revenue will begin collecting that tax as soon as possible in this fiscal quarter.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. Section 3-23-6 of Chapter 23 of Title 3 of the Ontario Municipal Code is hereby amended by deleting those provisions that are stricken out and by inserting those provisions that are underlined:

3-23-6 - Retail tax on marijuana items.

- (A) The City imposes a tax on each marijuana item sold to a consumer within the city by a marijuana retailer to be used for general government purposes. The tax shall equal three (3) percent of the retail sale price for each marijuana item sold.
- (B) The consumer shall pay the tax to the marijuana retailer at the time of the purchase or sale of the marijuana item. Every marijuana retailer shall collect the tax from the consumer at the time of the sale of a marijuana item. The marijuana retailer shall remit the tax to the tax administrator.
- (C) Every marijuana retailer must keep, preserve and make available to the tax administrator detailed records of all sales made and all taxes collected consistent with administrative regulations adopted by the City Manager.

(D) The City Manager shall adopt administrative rules to specify the amount of penalties and interest that a retailer must pay if the retailer fails to timely remit any tax imposed by this code. The amount of penalties and interest established by administrative regulation shall be consistent with comparable provisions of state law.

(E) When the retail marijuana tax is collected by the Oregon Department of Revenue on the City's behalf, penalties and interest shall be assessed and collected in accordance with the following:

(1) Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the Oregon Department of Revenue was originally required to be filed by the marijuana retailer to the time of payment.

(2) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400.

(3) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of Revenue.

(4) Taxes, interest, and penalties transferred to the city of Ontario by the Oregon Department of Revenue will be distributed to the City.

(5) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount in accordance with ORS 475B.700 to 475B.760, any agreement between the Oregon Department of Revenue and city of Ontario under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

(F) Every marijuana retailer shall maintain with the City the sum of seven thousand five hundred dollars (\$7,500.00) as a cash bond to guarantee compliance with this Section 3-23-6 as long as the marijuana retailer continues to engage in marijuana retail sales. The City Council may change the bond amount from time to time by Council resolution. In the event of noncompliance, the tax administrator is authorized to:

- 1) apply so much of the bond to the marijuana retailer's tax liability, penalties and interest as the tax administrator reasonably determines is owed by the marijuana retailer to the City; and
- 2) require the marijuana retailer to replenish any bond amount so applied. This is in addition to any other remedies available to the City for noncompliance.

(G) Any person aggrieved by any decision of the tax administrator under this code may appeal the decision in the manner provided in this subsection. The appeal shall be made by delivering a written notice of appeal to the City Manager within thirty (30) days of the adverse decision by the tax administrator. All appeals shall be conducted by a hearings officer as contested case proceeding pursuant to the provisions of Article V of Chapter 5 of Title 1 of the Ontario Municipal Code. However, if the City Manager contracts with the State of Oregon to administer the tax, then in lieu of processing an appeal as provided in this subsection, the city manager may provide that the appeal shall be processed in accordance with procedures adopted by the State.

Section 2. Any emergency having been declared, this ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of August, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor on this _____ day of August, 2019.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

(5) Costs. In order to recover its costs to collect and transfer the Local Tax as provided in this Agreement the Department shall be paid the following three fees:

(a) “Administrative Services Fee”: Pays for the establishment and maintenance of financial systems needed to administer and distribute Local Taxes. The fee shall be calculated annually as a percentage of the equivalent of 60 hours of work conducted for the Department of Revenue by the Department of Administrative Services, divided among the Local Governments in proportion to the number of Marijuana Taxpayers in each Local Government.

(b) “Business Fee”: Pays for the Local Tax administration activities set forth in this Agreement. The fee shall be calculated as a percentage of the Department’s Business Division annual expenses for the administration of all marijuana taxes, with the total fee increasing in direct proportion to the number of Local Taxpayers. The total amount per Local Taxpayer billed to [City/County] under the Business Fee shall not exceed 0.05 percent of the Department’s Business Division expenses for the administration of all marijuana taxes;

(c) “Core Systems Replacement fee”: Charged only one time after execution of this Agreement and calculated as a flat fee per Local Taxpayer. The total Core Systems Replacement Fee shall not exceed two hundred dollars (\$200.00) per Local Taxpayer in the first full quarter following execution of this Agreement.

FOR EXAMPLE, in a hypothetical with the following assumptions:

250 Marijuana Taxpayers

50 Local Taxpayers in the City of Mainville

2 Local Taxpayers in the City of Middletown

Business Division’s Marijuana Expenses: \$500,000 per year

Hourly DAS rate: \$99/hour

The fees would be calculated as follows:

Administrative Services Fee = $(\$99/\text{hour} * 60 \text{ hours}) / 250 \text{ Marijuana Taxpayer} = \$23.76 \text{ per Local Taxpayer per year}$

Business Fee = $\$500,000 \text{ in marijuana expenses per year} * 0.05\% = \$250 \text{ per Local Taxpayer per year}$

Core Systems Replacement Fee = \$200 per Local Taxpayer, one time

City of Mainville, year 1: $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business Fee} + \$200 \text{ Core Systems Replacement Fee}) * 50 \text{ Local Taxpayers} = \$23,688 \text{ in costs}$

City of Mainville, subsequent years: $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business Fee}) * 50 \text{ Local Taxpayers} = \$13,688 \text{ in costs}$

City of Middletown, year 1: $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business Fee} + \$200 \text{ Core Systems Replacement Fee}) * 2 \text{ Local Taxpayers} = \947.52 in costs

City of Middletown, subsequent years: $(\$23.76 \text{ Administrative Services Fee} + \$250 \text{ Business Fee}) * 2 \text{ Local Taxpayers} = \547.52 in costs

(e) In addition to the Fees described above, the Department may withhold or invoice [City/County] for the Department's costs to administer extraordinary services not described in this Agreement related to the Local Tax; such extraordinary costs may include, without limitation, requests for audits from [City/County] that exceed the scope of the Department's normal audit procedures, requests for research or advice from the Department or the Oregon Department of Justice attorneys, or specially appointed counsel, regarding the Local Tax.

(f) If the Department determines that its costs cannot be covered by the maximum fees outlined in this Section 5, the Department will notify [City/County] of the amount by which the Department has determined the Fees must increase. If the Department and [City/County] do not agree upon a Fee increase and related amendment to this Agreement, then this Agreement may be terminated by either party in accordance with Section 16 of this Agreement.

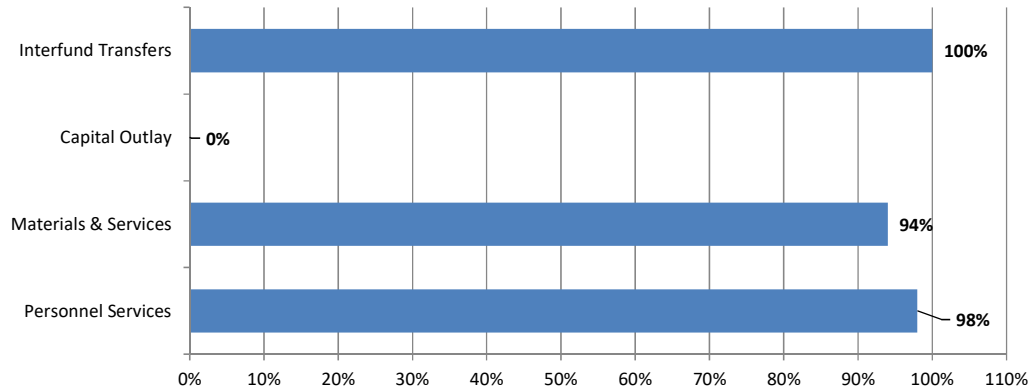
(g) The Department shall not collect more in fees than its costs to administer the Local Tax, per ORS 305.620(5). It is using the above formula in the interests of producing its best estimate of costs.

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
JUNE 30, 2019**

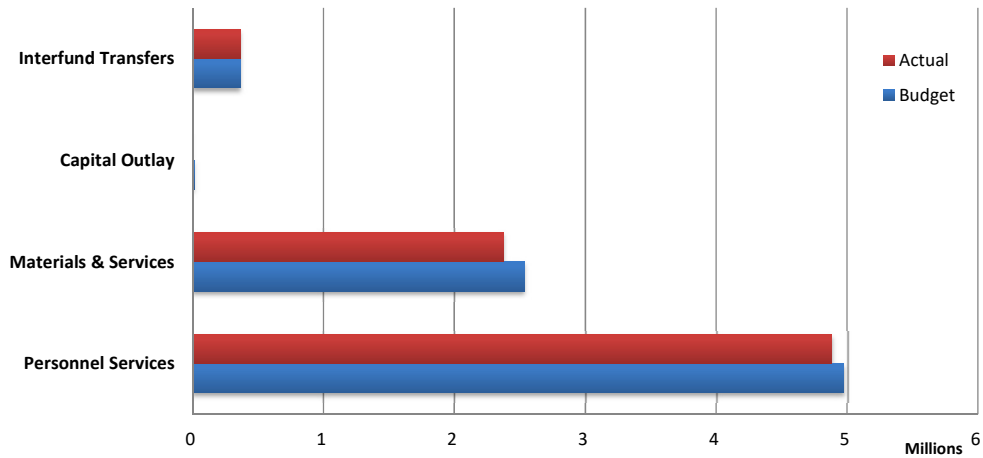
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	130,374	117,854	90.4%	
Splash Pad Operations	7,000	8,082	115.5%	
Recreation	182,208	192,423	105.6%	vacation & sick buyouts
Parks & Recreation	319,582	318,358	99.6%	
Fire	1,436,598	1,420,289	98.9%	
Code Enforcement	126,154	117,526	93.2%	
Police	3,287,632	3,187,443	97.0%	
Police reserves	2,000	1,723	86.1%	
Public Safety Total	4,852,384	4,726,980	97.4%	
Administration	470,084	419,365	89.2%	
City Council	25,292	11,707	46.3%	
Business Registration	1,100	401	36.5%	
Cemetery	116,418	109,311	93.9%	
Finance	234,857	233,305	99.3%	
Technology	108,606	90,793	83.6%	
General Government Total	956,357	864,883	90.4%	
Community development	163,760	143,340	87.5%	
Community Development	163,760	143,340	87.5%	
Administrative Overhead	1,259,111	1,232,722	97.9%	
Other Total	1,259,111	1,232,722	97.9%	
Operating Transfers Out	337,458	337,458	100.0%	
GENERAL FUND TOTALS	\$ 7,888,652	\$ 7,623,740	96.6%	
YTD BUDGET BENCHMARK			100.0000%	 3.4%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
JUNE 30, 2019**

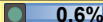
% Expended by Category



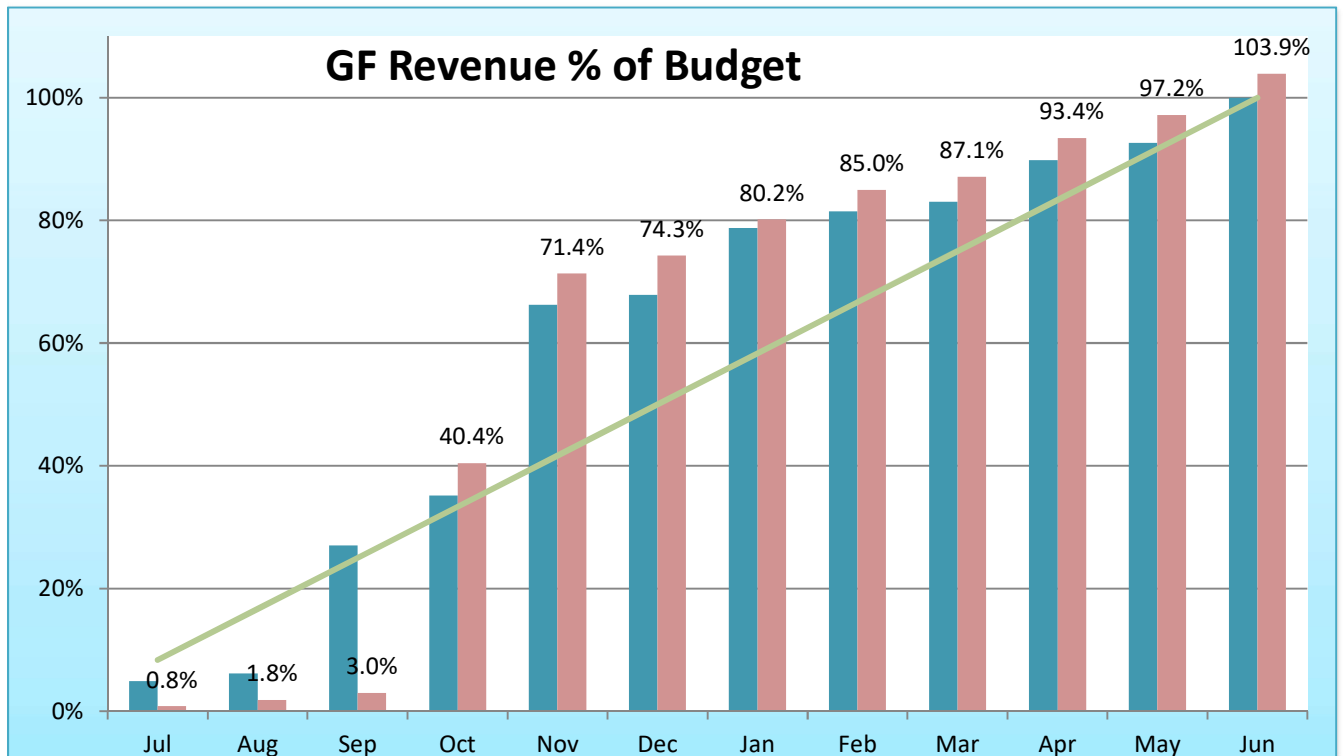
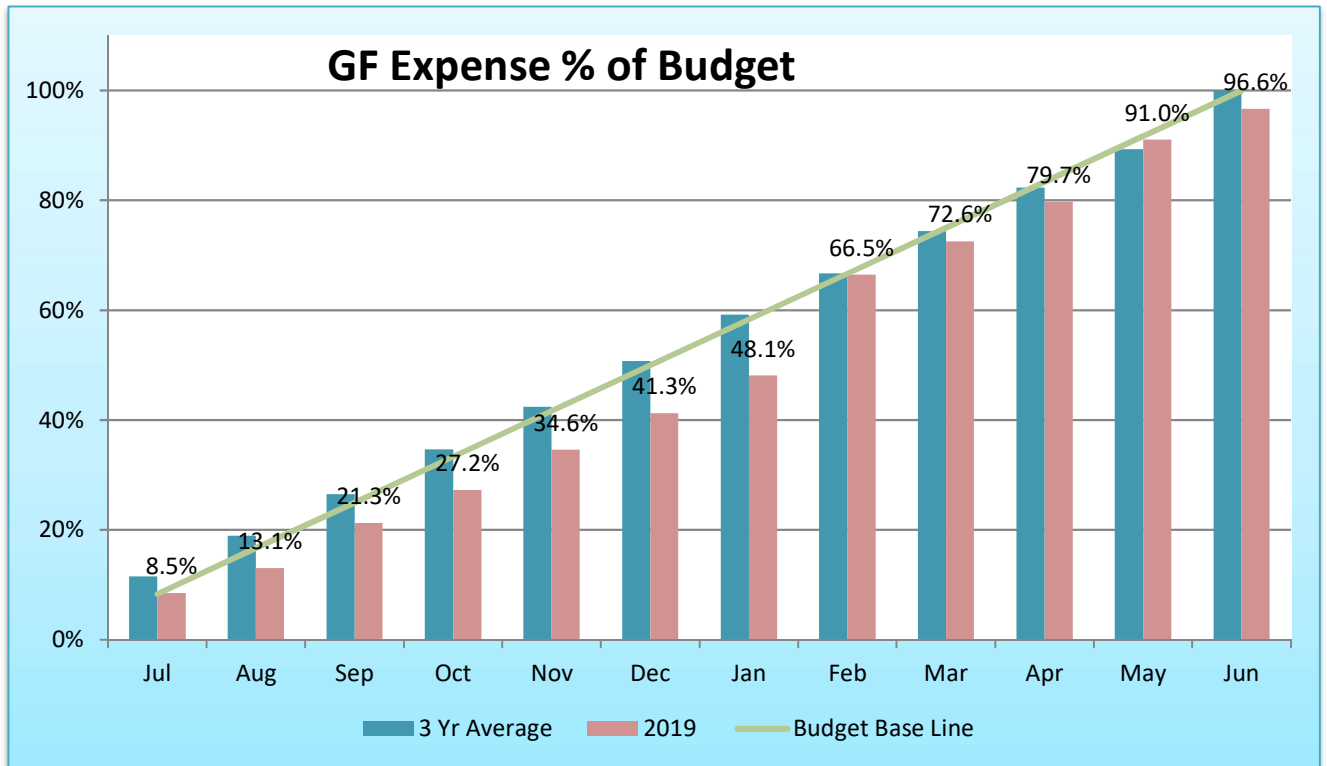
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
JUNE 30, 2019**

DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	2,449,445	2,779,170	113.5%	(not calculated in totals)
Parks	1,900	3,775	198.7%	
Recreation	79,465	78,278	98.5%	
Splash Pad	-	80	#DIV/0!	
Parks & Recreation	81,365	82,133	100.9%	
Fire	134,372	119,748	89.1%	Less hazmat revenue
Code Enforcement	21,050	111,537	529.9%	Civil penalties & derelict buildings higher
Police	420,860	421,348	100.1%	
Dispensary Business License	-	6,200	#DIV/0!	
Public Safety Total	576,282	658,833	114.3%	
Interest	35,000	67,821	193.8%	Interest rates keep raising
State Revenue Sharing	124,887	97,120	77.8%	Quarterly payments
PERS Allocation Transfer	146,480	146,480	100.0%	
Administrative Services	497,148	497,148	100.0%	
Other General Revenues	12,655	8,203	64.8%	
Property Taxes	3,634,901	3,640,207	100.1%	
Alcohol Bvg License & Fee	188,355	175,864	93.4%	
Cigarette tax	14,362	13,192	91.9%	
Marijuana tax	-	8,264	#DIV/0!	
Franchise Fees	1,648,374	1,609,894	97.7%	Few Quarterly payments left to receive
Business Registration	1,700	2,720	160.0%	
Cemetery	51,750	34,815	67.3%	less spaces
General Government Total	6,355,612	6,301,729	99.2%	
P&Z Hearings	4,000	17,920	448.0%	
Application Fees	300	450	150.0%	
Community development	4,300	18,370	427.2%	
GENERAL FUND REVENUE TOTALS	\$ 7,017,559	\$ 7,061,065	100.6%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ (562,675)
YTD BUDGET BENCHMARK				100.0%  0.6%

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
JUNE 30, 2019**



**CITY OF ONTARIO
OTHER FUNDS - DEPARTMENT EXPENSES AND REVENUE
FOR THE PERIOD ENDED
JUNE 30, 2019**

DEPARTMENT/FUND	EXPENDITURES				REVENUES		
	BUDGET	ACTUAL	% EXPENDED		BUDGET	ACTUAL	% REALIZED
005 Golf Course Fund	6,000	5,999	100.0%		6,000	5,999	100.0%
010 Grant Fund	628,976	550,660	87.5%		628,976	429,176	68.2%
027 Building Fund *	181,475	145,434	80.1%		192,475	375,684	195.2%
030 Capital Projects Fund	1,541,704	1,257,381	81.6%		3,875,536	3,938,618	101.6%
031 SDC Fund	340,221	-	0.0%		340,221	375,216	110.3%
035 Debt Service Fund	58,674	58,673	100.0%		81,380	66,174	81.3%
045 Street Fund	2,244,985	1,861,708	82.9%		2,244,985	2,369,974	105.6%
050 Trust Funds	636,825	365,810	57.4%		793,480	788,035	99.3%
055 Reserve Funds	698,284	318,909	45.7%		2,360,576	2,609,028	110.5%
060 Revolving Loan Fund	546,834	35,700	6.5%		546,834	543,424	99.4%
065 Aquatic Donation Fund	25,814	25,814	100.0%		25,814	25,814	100.0%
105 Water Fund	3,176,064	2,961,925	93.3%		4,516,458	4,714,537	104.4%
110 Sewer Fund	3,127,885	2,819,872	90.2%		5,338,610	5,880,544	110.2%
115 Storm Sewer Fund	233,720	136,510	58.4%		615,981	613,940	99.7%
120 Airport Fund	172,976	171,082	98.9%		172,976	207,075	119.7%
125 Aquatic Fund	864,934	763,476	88.3%		864,934	584,855	67.6%
Comments:							
YTD BUDGET BENCHMARK			100.0%				



**AGENDA REPORT
DISCUSSION ITEMS
August 8, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **DISCUSSION: CHANGE OF TIME FOR THE CITY COUNCIL WORK SESSION**

DATE: July 18, 2019

PROPOSED MOTION:

NO ACTION NEEDED TO MAINTAIN THE SAME TIME.

I MOVE THE CITY COUNCIL CHANGE THE TIME OF THE WORK SESSION MEETING FROM NOON TO 5:30 PM ON THE SAME SCHEDULED DAY.

I MOVE THE CITY COUNCIL CHANGE THE TIME OF THE WORK SESSION MEETING FROM NOON TO 6 PM ON THE SAME SCHEDULED DAY.

SUMMARY:

The City Council has discussed, on several occasions over the last year, changing the City Council Work Session to a different time. A City Council person has requested that the item be discussed again.

BACKGROUND:

The Council has conducted work sessions for 20+ years at noon, typically on the first Thursday of the month. At various times the Council has discussed the merits of having the work session in evening hours instead of day hours.

CURRENT SITUATION:

The Council currently holds meetings at noon. This differs from the regular business meetings which are on Tuesday evenings at 7 pm on the 3rd Tuesday and the 4th Tuesday if needed.

The noon meeting gives an alternate opportunity for the community to be involved in their city government who might otherwise be obligated in the evening. Many members of our community work 2nd and 3rd shifts in industry, retail, and medical work and may not have the ability to attend meetings in the evening.

Without having concrete data to back this up, most of our participants in the work sessions tend to be corporate citizens rather than resident citizens. That is to say, it would be professional services such as engineers, auditors, or business owners.

For people that have a 9-5 job, the work session makes it difficult to attend meetings except for the Tuesday evening meetings. We have typically had very low participation in work session or business meetings, but our evening meetings tend to be more resident citizens.

ANALYSIS:

- A. **STRATEGIC PLAN** One of the Strategic priorities is Council Participation, specifically *"More Council exposure in the community."* An argument can be made for both alternatives. The work session gives some citizens the opportunity to participate that might not be able to in the evening. Conversely, the day meeting may prevent others from being involved in the work session. If all of our meetings are in the evening, we exclude the opportunity for people who only can participate during the day.
- B. **FINANCIAL** Senior staff will be required to attend Council meetings regardless of the time. If staff beyond department heads are needed, the city will incur overtime for those staff to attend. Also, any contractors, beyond Public Works and Finance may charge more for evening meetings. As we look at that over an annual basis it has a relatively minimal impact on the budget.
- C. **TIMING** The discussion has been brought up previously. The subject was again requested to be discussed. There is no timing impact. The Council can change the meeting time to whatever they deem best for the community at any point in time. Staff will adapt to whatever the City Council deems best for the community.
- D. **POLICY/LEGAL** Only the City Council has the authority to change the time of the meetings.

ALTERNATIVES:

If the Council chooses to move the time of the meeting, the work session could be held earlier in the evening such as 5:30 or 6 pm which would allow more time to conduct the Council's business.

RECOMMENDATION:

Staff recommends maintaining the same time and schedule; however, staff is committed to adapting to whatever the pleasure of the City Council is to hold their meetings.

ATTACHMENTS:

None



July 2019 ACTIVITY REPORT



July 2019



Emergency Medical:

(Types of medical calls responded to: Falls with injury, fall lift assists, medical emergencies, medical alarms, assaults, etc.)

CITY	120
RURAL	23

2 of these emergency calls required back-up crews to be called in to respond to 2nd call.

Hazmat Team Calls:

0

Fire Related Emergency Calls:

(Types of fire related calls responded to: Rescue calls, building fires, vehicle fires, smoke detector/fire alarm activation, unauthorized burning, etc.)

	TOTAL	General	Mutual Aid
CITY	20	0	0
RURAL	15	9	2

2 of these emergency calls required back-up crews to be called in to respond to 2nd call.

TOTAL CALLS FOR MONTH

CITY	140
RURAL	38

FIREFIGHTER TRAINING:

6/26-29/19 Oregon Volunteer FF conference in Redmond 3 members attended
7/2/19 Creepy Crawly things Bugs and Snakes precautions, bites and treatment
7/9/19 Vehicle Extrication Hands on
7/16/19 Getting to know Electric Vehicles
7/23/19 Driving Rodeo at TVCC



July 2019



PERMITS ISSUED:

City Open Burns 4

City Burn Barrels 0

Rural Open Burns 36

Rural Burn Barrels 2

INSPECTIONS:

7/1/19 11406 SW 4th Ave.

7/1/19 Blue Bird Car Wash

7/2/19 H&R Block

7/5/19 Calvary chapel school building

7/10-12/19 SRCI with State Fire Marshall

7/12/19 Hydrant install @ 400 NE 4th ave.

7/18, 25/19 Church of Christ fire sprinkler system replacement

7/24/19 Children's Relief Nursery with State Fire Marshall

COMMUNITY INVOLVEMENT:

6/26/19 Presentation at Middle school summer session Career in the fire service.

7/4 Red White and Blue Breakfast at Fire Station

7/15 /19 Public Safety and Survival at Middle school summer session.

7/18/19 Public education Aiken elementary Pre-K carnival

7/20/19 Air Fair Fly-in.

7/25/19 Photo shoot of community servants for a billboard on SW. 4th ave.





July 2019



Summary of Calls of Interest:

City Incidents:

6/26 Sugar ave. and Butler legal burn trash fire occupant forgot to call in beforehand.

6/28 502 NW. 1st St. Illegal burn trash fire.

6/29 1112 Oak Cir. Juvenile Fire setter some boys poured gasoline on some tree trimmings and lit them. The fire burned into an evergreen tree, a fence and was extending to a work shed.

6/29 7124 N. Oregon Illegal burn, the occupant was burning without a permit and not approved materials in a pit.

7/5 E. Idaho and the Snake River. Homeless person burning trash under the bridge.

7/13 1264 SW. 14th ave. Smoke scare. This was a legal burn in pit in the back yard called in by a neighbor.

7/14 1082 SW. 30th St. Illegal burn trash fire.

7/21 700 SE. 10th St. Grass fire.

7/23 1775 E. Idaho Wal-Mart They had a small grease fire and the staff pulled the extinguishing system in the hood to put out the fire.

7/23 1000 block of SE. 5th ave. and SE. 9th ave. had more than one grass fire.

7/24 1098 SE. 9th ave. Grass fire.

7/25 272 NW. 8th St. Gas line cut in residential yard.





July 2019



Rural Incidents:

6/30/19 4318 S. Grandview Ln. Trees and brush in a canyon threatening some houses at the top of the hill.

7/1/19 1029 East Lane Grass fire.

7/3 1699 Malheur Dr. Grass fire suspected fireworks

7/4 4419 Bellows Ln. Trash and grass fire.

7/9 1000 Foothill Dr. Mutual Aid Vale fire to be water supply for a hay stack fire.

7/12 East Island Rd. Grass and brush fire.

7/12 Railroad and Clark Blvd. Two car motor vehicle crash multiple injuries some patients were sent in air ambulance.

7/14 Little Willow Rd. Mutual Aid to Payette Fire multiple hour and agency wildland fire.

7/16 2425 Laurel Dr. Illegal burn they did not have a permit and were burning garbage.

7/17 602 Stanton Blvd. Grass fire

7/17 2670 NW. 4th ave. Illegal burn burning garbage.

7/21 I-84 MP 372 Grass fire along the freeway and traveled into a gravel pit.

7/22 4518 Oak Rd. Total loss on a barn fire started by the occupant grinding some metal.

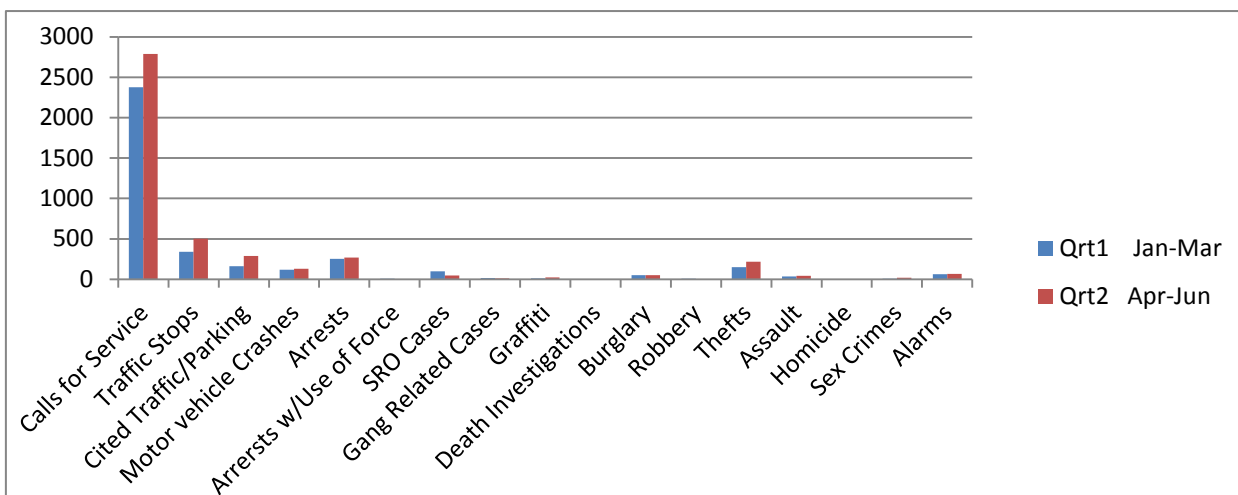


Chief Steven Romero
Ontario Police Department
 444 SW 4th Street, Ontario, OR 97914

Police Stat Report

2019

Activity	Month of July	Month of June	Year to Date	Qrt1 Jan-Mar	Qrt2 Apr-Jun	Qrt3 Jul-Sept	Qrt4 Oct-Dec
Calls for Service	1053	907	6222	2379	2790		
Traffic Stops	230	142	1072	341	501		
Cited Traffic/Parking	66	60	513	160	287		
Motor vehicle Crashes	29	22	273	116	128		
Arrests	97	89	619	254	268		
Arrests w/Use of Force	3	0	12	5	4		
SRO Cases	0	0	147	100	47		
Gang Related Cases	1	4	26	13	12		
Graffiti	2	9	38	12	24		
Death Investigations	2	1	6	1	3		
Burglary	15	21	116	51	50		
Robbery	0	2	9	6	3		
Thefts	72	65	437	149	216		
Assault	11	17	90	35	44		
Homicide	0	0	2	2	0		
Sex Crimes	1	3	24	6	17		
Alarms	33	30	161	63	65		



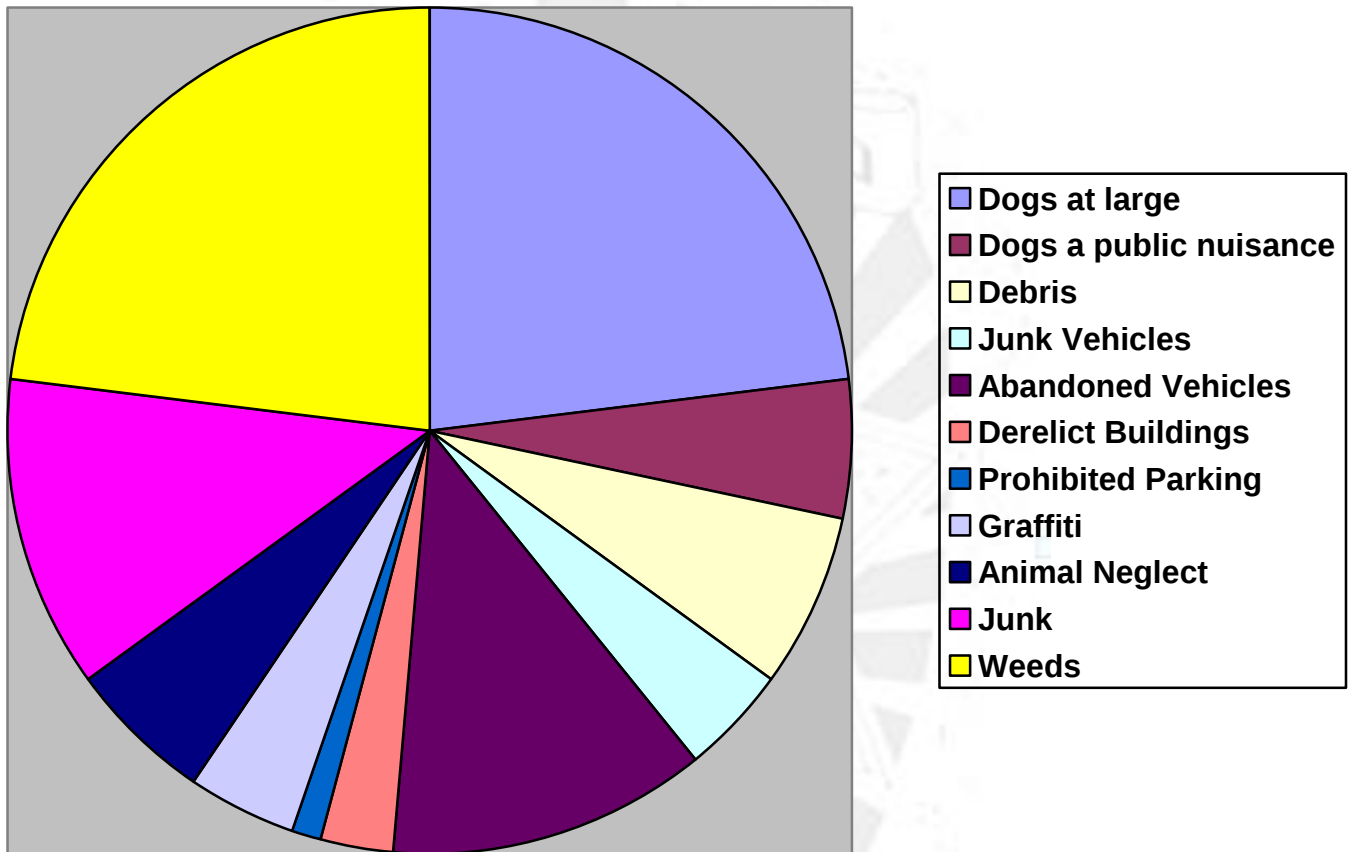


ONTARIO POLICE DEPARTMENT

444 SW 4TH STREET, ONTARIO, OR 97914

OFFICE: (541) 889-7684 DISPATCH: (541) 473-5125 FAX: (541) 889-3026

Code Enforcement Stats June 2019



Total Cases	113
Debris (Garbage, junk, scrap, debris)	5
Dogs running at large	17
Dogs taken to Ani-Care	6
Junk Vehicles	3
Junk	9
Weeds	17
Derelict Buildings Registered	2

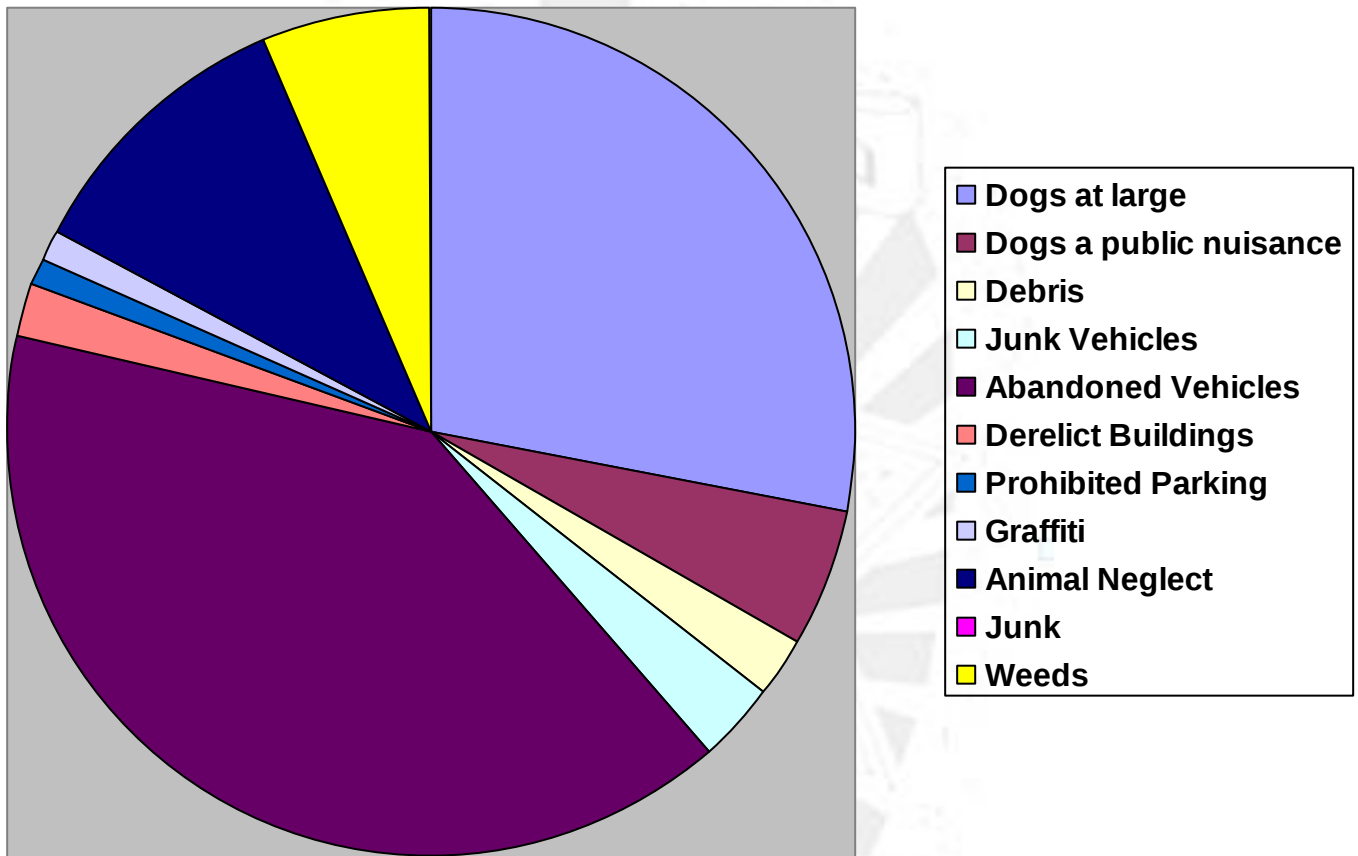


ONTARIO POLICE DEPARTMENT

444 SW 4TH STREET, ONTARIO, OR 97914

OFFICE: (541) 889-7684 DISPATCH: (541) 473-5125 FAX: (541) 889-3026

Code Enforcement Stats July 2019



Total Cases	125
Debris (Garbage, junk, scrap, debris)	2
Dogs running at large	26
Dogs taken to Ani-Care	2
Junk Vehicles	0
Junk	0
Weeds	6
Derelict Buildings Registered	2

JACOBS
June 21 – July 26

The top photograph shows two workers in safety gear using high-pressure water hoses to clean a large concrete channel at a water treatment facility. The channel is bordered by concrete walls, and a body of water is visible in the background under a clear blue sky.

2019 Report

The bottom photograph depicts two workers in safety vests and hard hats performing maintenance on a residential street. One worker is using a hose, while the other is near a bucket. A white utility truck is parked nearby, and the scene is set against a backdrop of trees and houses under a cloudy sky.

July
2019

Prepared by JACOBS for
CITY OF ONTARIO/PUBLIC WORKS DEPARTMENT

Monthly Business Review

PUBLIC WORKS DEPARTMENT

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FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- Crack fill operation began and will continue throughout Summer and Fall.
- Crews worked on the 24" storm line that runs from TVCC to the river, root intrusion is extreme and is causing the system to back up.
- Crews received training on new sewer line camera system.
- Swept the taxi way, provided barricades, cones and water truck in preparation for the Air Show.
- Swept downtown, underpass SW 4th Ave., and Idaho Ave.
- Weed spraying on various streets throughout the community and the police gun range.
- In house vehicle maintenance performed as mandated by our CMMS program.
- Second round of City-Wide street sweeping is complete.
- Hot taping cross walks started and will continue the next few weeks.
- Began painting yellow curb on SW 4th Ave., Idaho Ave., and school zones.
- Flooding was manifested on the combined storm water line we share with the Malheur irrigation district; the line was run multiple times with our drain cleaning truck to clear a debris plug. Most likely the cause was root intrusion that allowed debris to partially damn the pipe and cause a backup. It was cleared, and water is running normally again.



Top: Crews crack sealing in NW part of town.

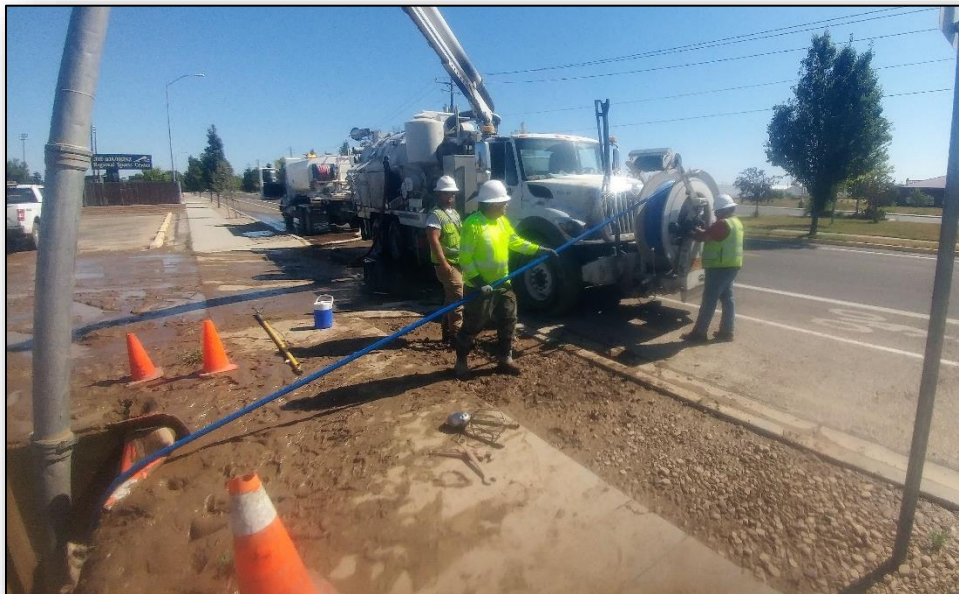
Bottom: Crews receiving training on new camera system.



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

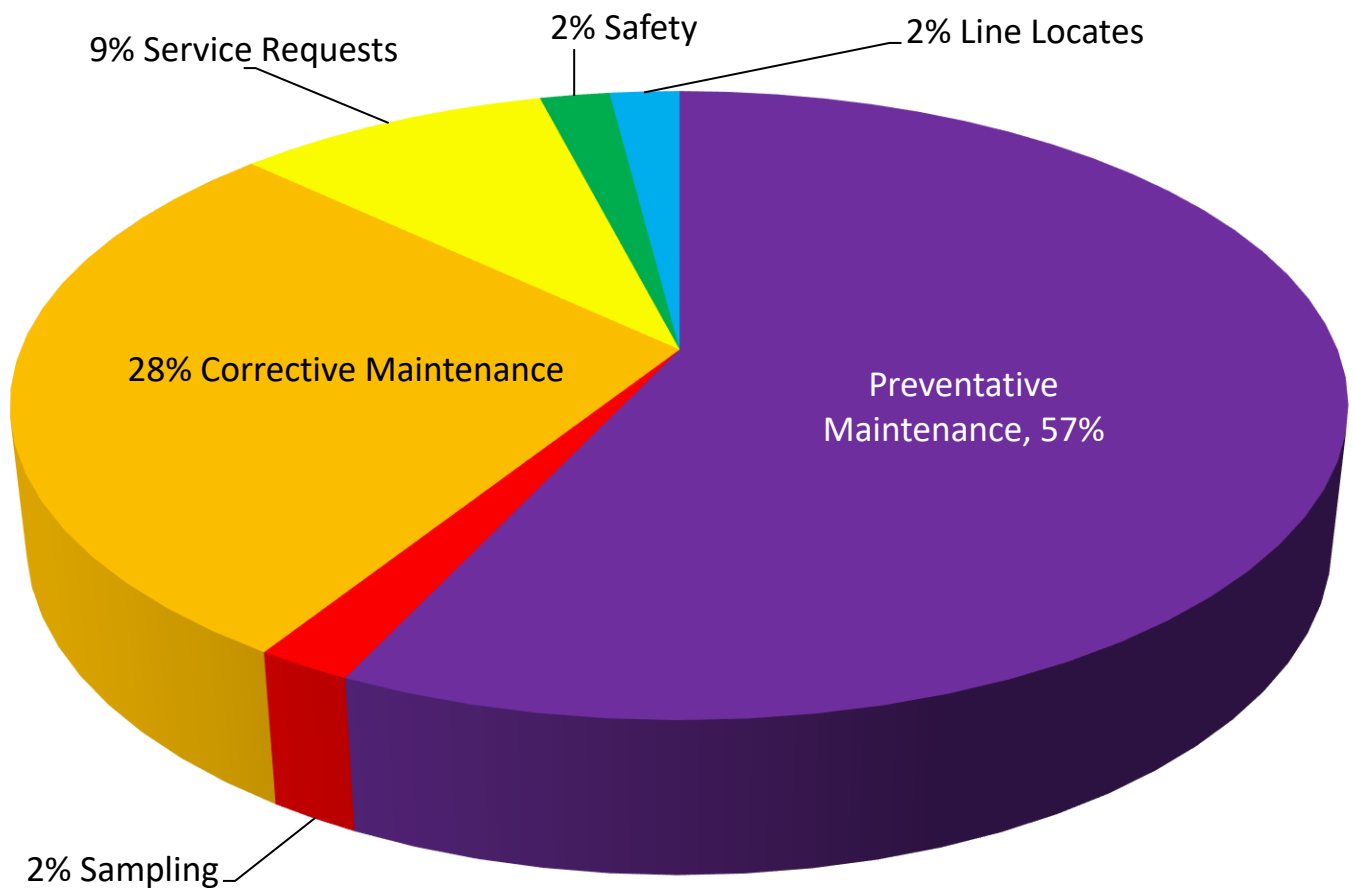
- Staff supported the construction of new tie downs at the airport. The holes w
- ADA parking at the Golf Course was paved and painted as per mandates by Oregon law.
- Normal operations city wide with street cleaning, pot hole patching.
- Water maintenance – leaking setters, broken angle stops, and broken boxes were repaired through-out town.
- 1 new water services were installed.
- 33 water services were turned on per customer request.
- 16 water services were shut off per customer request.
- 62 water services were read-only on/off per customer request.
- 11 water services were checked for leaks per customer request.
- 12 water services were shut off for repairs per customer request.
- 5 water services were checked to verify leaks had been repaired by customer.
- 11 water services were checked for consumption issues.
- 31 water meters were changed out for non-functioning.
- 52 water services were shut off for non-payment.
- 41 water services were turned on for payment received.
- 10 water services were checked to verify still off from non-payment list.
- 17 utility locates were completed.



Jacobs Staff clearing storm system debris at TVCC.

FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

**Work Orders
June 21 – July 26
Actual Hours by Work Order Type**



WATER TREATMENT PLANT SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- The plant is operating well with no issues, inventory amounts at target levels.
- Snake river flows are finally decreasing, and river levels have begun falling.
- Solids removed during the treatment process that have accumulated at the water treatment plant continue to be removed.
- River pump #1 was removed, serviced, and reinstalled.
- Interior painting was completed for hallways and a new floor installed on the main section of the operations building, this work was all done in house.
- Well #6 was taken off line for service.
- Well house #6 was broken in to, the gate latch was damaged, the well house door was pried open. The Fire Extinguisher was stolen. A police report was filed; modifications were made to the well house to prevent access.

Jacobs staff working on the painting and floor modifications at the Water Treatment Plant.



WATER TREATMENT PLANT SUMMARY

ACTIVITIES JUNE 21 – JULY 26:



Left: Newly painted entrance and hallway at the Water Treatment Plant

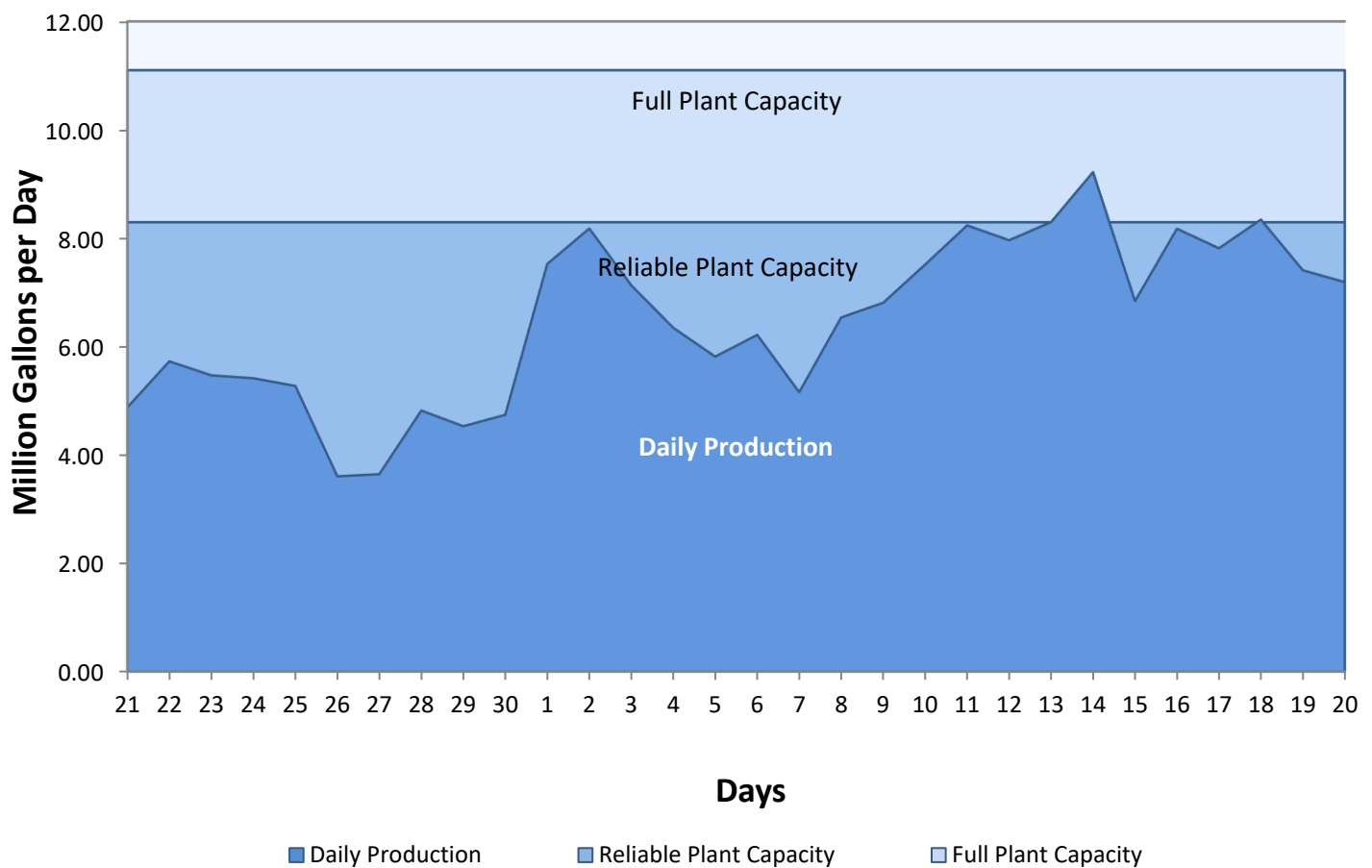
Right: Employee re-installing doors at Water Treatment Plant after painting.



WATER TREATMENT PLANT SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

Demand vs. Availability



WASTEWATER TREATMENT PLANT SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- All wastewater effluent flows are being sent to the skyline farms for irrigation use. Our permit requires we do not discharge into the river from May 1 through October 31.
- Flow was diverted to off line chlorine contact basin, the basin taken off line was drained and cleaned and staged ready to be used again.
- An inhouse review of the new NPDES permit was held with senior staff, time was spent reviewing new sampling requirements and updating milestones for the life of the permit.
- Work was done by volunteers at our Skyline property; including mowing of some area of the property to increase habitat potential for wildlife. The Oregon Department of Fish & Wildlife provided input and suggestions for the improvements to the property.
- Annual maintenance on aerators continues to be performed.
- Staff members continue weed control around the facilities.
- Crew members performed annual maintenance on the step screen trash conveyor belt and bearings.
- Crews cleaned both sides of the chlorine contact basin.
- Farmer has harvested three pivots of grain and three pivots of alfalfa from Skyline Farms.

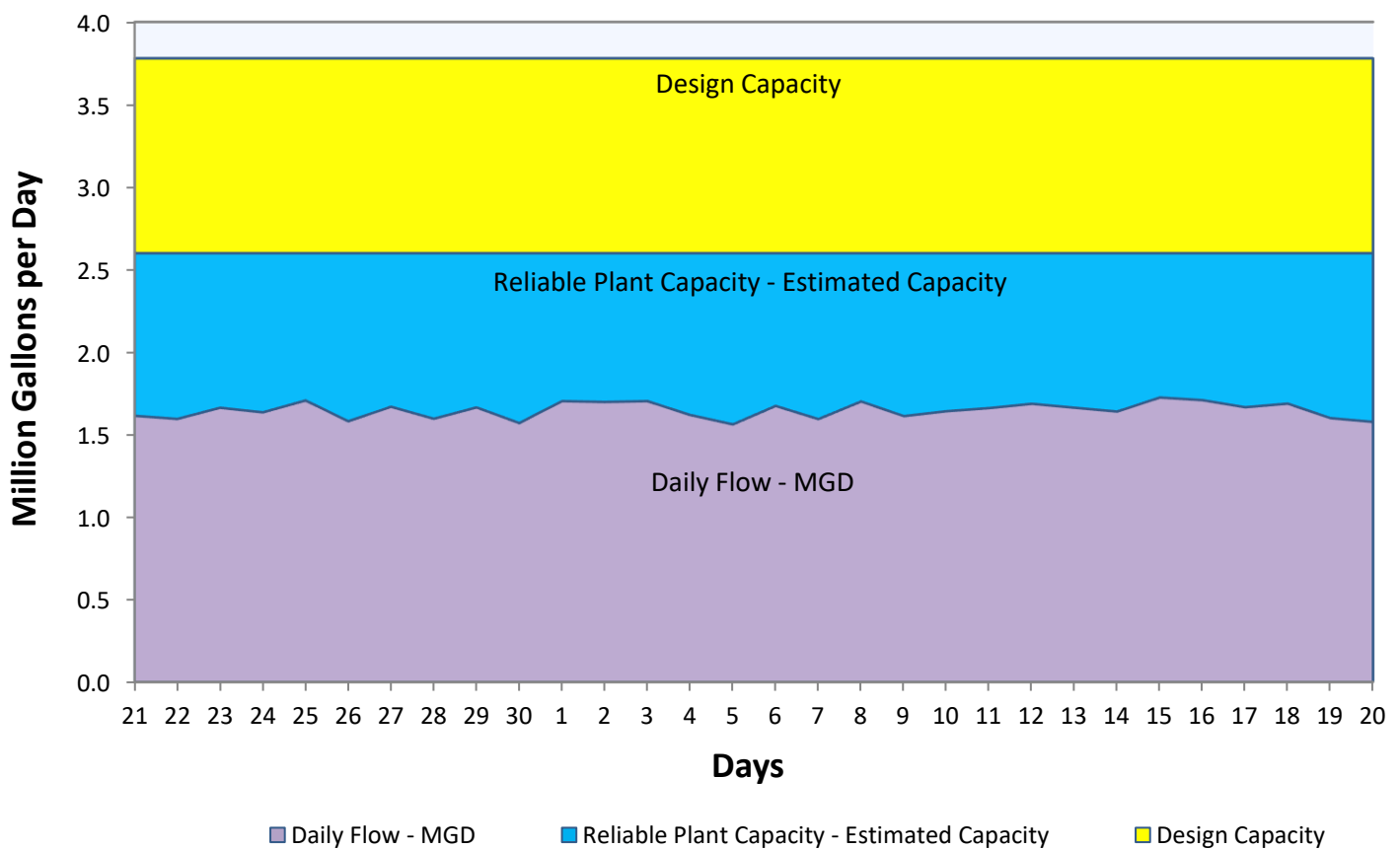
Repairs to the bar screen waste conveyor belt at Waste Water Treatment Plant.



WASTEWATER TREATMENT PLANT FLOWS

ACTIVITIES JUNE 21 – JULY 26:

Wastewater Treatment Flows



PARKS AND CEMETERY SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- There were 4 burials at Evergreen Cemetery and 1 at Sunset Cemetery.
- Lawn mowing at all City Parks and trash removal.
- Repairs were made to the old city shop's irrigation system for the new tenant.
- Normal activities including regular maintenance of parks and cemeteries; weed spraying.
- Two leaks were identified and repaired.
- We received the bids for the new side by side for Parks Department. Edge Performance Sports was awarded the bid.

FACILITIES SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- Replaced AC wall unit in apartment #3.
- Installed door covers on the well houses at the water treatment plant.
- Repaired water pump on emergency generator at Fire Station #2.

ENGINEERING SUMMARY

ACTIVITIES JUNE 21 – JULY 26:

- Issued 3 Right-of-Way permits.
- Issued 1 Encroachment Permit.
- Attended 4 PDAC meetings to discuss the alteration of a church, a future development of a property, and the addition of a new business with alterations to the existing building.
- Issued 7 New Addresses to new residential lots.
- Attended a meeting with ODOT regarding SE 2nd construction.
- Inspected an abandoned backflow device and sprinkler system.
- Updated zoning maps.
- Signed off on 2 C of O's.
- Attended monthly safety meeting.
- Attended S. Oregon St. budget review.

APPENDIX

FIELD SERVICES

Collection and Distribution staff is responsible for Sewer Collection and Water Distribution throughout the City. Water distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services that include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the city. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from SRCl. The city has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout city limits. Duties include storm drain maintenance and repair, cleaning of approximately 11 miles of storm drain lines, and cleaning the catch basins.

*COLLECTION AND DISTRIBUTION STAFF MAINTAINS
78 MILES OF SANITARY SEWER LINES
56 MILES OF STORM DRAIN COLLECTION LINES,
AND 1,450 CATCH BASINS THROUGHOUT
CITY LIMITS*

The Street Maintenance Division maintains more than 122 lane miles of improved streets and more than 9 miles of alleys. The Street Division is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, and repairing all established pavement markings. The division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the Chamber of Commerce by putting decorations on street lights during the Christmas season and replacing them with regular decorations when the season is over.

*STREET MAINTENANCE DIVISION MAINTAINS MORE THAN
122 LANE MILES OF IMPROVED STREETS
9 MILES OF ALLEYS
CHIPSEALS LAST A MINIMUM OF 8 YEARS,
AND PUBLIC WORKS CHIPSEALS 7 MILES PER YEAR*

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer months to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging resulting from water and sun, provides a moisture barrier, and corrects existing pavement problems by sealing cracks. A chipseal application provides

substantial savings to taxpayers and should last a minimum of 8 years with minimal maintenance required. The city chipseals approximately 7 miles of streets per year.

APPENDIX CONTINUED

Water treatment plant staff is responsible for treatment of the city's drinking water supply. They must reliably produce high-quality water in adequate volume to meet city needs. Besides the daily laboratory checks, there are monthly, quarterly and yearly reports.

There are two sources of water for Ontario's estimated 11,090 residents: 80 percent comes from the Snake River and 20 percent comes from wells. Two plants treat the City's water. One is a conventional filtration plant and the other is an upflow clarifier. The steps for treatment are flocculation, sedimentation, filtration and disinfection, which meet the compliance of the Oregon Health Authority.

The Oregon Health Authority requires an operator be on duty 365 days a year. Ontario customers account for 3,845 water services, not including SRCl.

The water treatment plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 mgd and a maximum capacity of 11 mgd. The water treatment plant average production is 6 mgd and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 million gallons (MG) of that water.

THE WATER TREATMENT PLANT HAS A RELIABLE CAPACITY OF 8.3 MGD AND A MAXIMUM CAPACITY OF 11 MGD.

APPROXIMATELY 80 PERCENT OF WATER COMES FROM THE SNAKE RIVER, THE OTHER 20 PERCENT FROM WELLS.

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (cfs), 24.71 mgd for municipal use.

All of the City's potable water is treated and disinfected at the water treatment plant. The plant has an original 8-mgd design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

WASTEWATER TREATMENT PLANT

The wastewater treatment plant collects wastewater from the entire city and SRCl. The prison accounts for approximately 16 percent of the flow to the plant.

Wastewater treatment plant operators use a conventional treatment system of aerated lagoons and secondary chlorination treatment. Effluent from the treatment process is used to irrigate forage crops during the growing season. Nine lift stations transport sanitary sewer waste to the Wastewater Treatment Plant. Wastewater is screened and the flow measured at the headworks. Five cells (lagoons) with 25 mechanical aerators assist with biological treatment. Onsite generation of chlorine is used for disinfection.

Average discharge volume is approximately 1.5 mgd. Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm.

APPENDIX CONTINUED

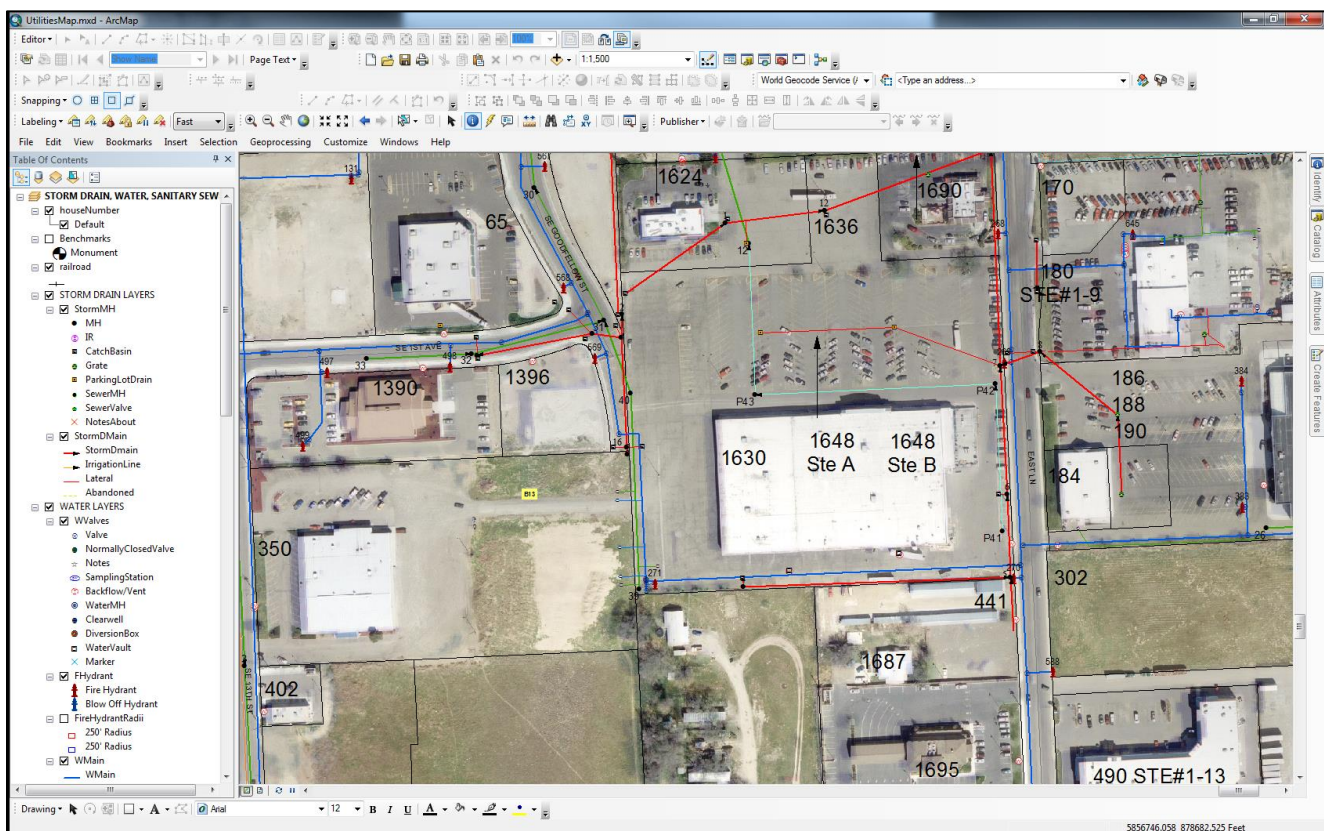
PARKS DEPARTMENT

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park, and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The city also owns the Wayne King Skateboard Park.

ENGINEERING DIVISION

The Engineering Division reviews plans for construction of public improvements, maintains the city's mapping system, and manages the engineering projects within both the Capital Improvements and Maintenance Programs. The department provides technical support to residents, developers, builders, other city departments, consulting engineers, and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects, and provide project management for public improvements.

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also provides support to the city by creating, analyzing, and maintaining the city's geographical digital data. They provide updates to the record maps for all city utilities, right-of-way, easements, land division plots, and city base maps.





BOARD OF DIRECTORS
Meeting Agenda
August 6, 2019 – 7 am TUESDAY
St. Luke's Fruitland, Idaho

1. Call meeting to order Chair Patrick Nauman
2. Introduction of attendees
3. Approval of July minutes
4. Financial update - Sandy Hemenway, Treasurer
5. City and Community Highlights
Fruitland, Payette, Ontario, Weiser, New Plymouth, Nyssa, Vale
6. County Highlights
Payette County, Washington County, & Malheur County
7. Idaho Leakage Report - Kalyn Hochstrat
8. Executive Director Report
 - i. Projects & activities
9. Round Table Discussion
10. Adjourn

Calendar of EVENTS

2019

August 6	Tuesday – SREDA Monthly meeting – St. Luke's, Fruitland
September 3	Tuesday – SREDA Monthly meeting – Teton Machine, Payette
September 7-12	Kit on vacation to the Oregon Coast
September 13-17	Sand Sports Super Show, Costa Mesa, CA
October 1	SREDA Monthly meeting – Agile Homes, Fruitland
October 15-16	Southwest Idaho Manufacture's Alliance "2019 Made Here"
October 27-29	OEDA Annual conference – Salem
November 5-7	IEDA Annual conference - Boise

*****All SREDA monthly meetings are open to the public*****

AGENDA
ONTARIO VISITORS AND CONVENTIONS BUREAU BOARD
AUGUST 1, 2019 - 7:00 a.m. M.T.
ONTARIO AREA CHAMBER OF COMMERCE OFFICE

- 1) Call to order:
This agenda was emailed: July 30, 2019
 - (a) Roll Call:
Debbie Blackaby____ Cheryl Cruson____ Doug Dean____ Terry Dols____
John Hall____ Bob Quinn____ Dan Capron____

City Manager Adam Brown____
V&C Director John Breidenbach____
- 2) New Business
 - a) Grant Request: Center for Nonprofit Stewardship
- 3) Motion to adopt V&C Meeting Minutes of July 11, 2019 meeting
- 4) Review Financial Report – John Hall
- 5) V&C Director Report – John Breidenbach
- 6) Adjourn

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, if you contact the City at 889-7684 at least one working day prior to the need for services, we will make every reasonable effort to accommodate the need. T.D.D. available by calling 889-7266.



VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce

251 SW 9th St.

Ontario, OR 97914

541-889-8012 (Voice) 541-889-8331 (Fax)

info@ontariochamber.com

PROMOTION AND EVENT FUND APPLICATION

GENERAL INFORMATION:

Name of Applicant Organization: Center for Nonprofit Stewardship (CNS)

Complete Mailing Address: 2021 NW Grant Ave., Corvallis, OR 97330

Telephone: 541-230-1036 Fax: _____ E-Mail: jclemo@nonprofitsteward.or

Principal Contact Jenn Clemo, Executive Director

Complete Mailing Address: 2021 NW Grant Ave., Corvallis, OR 97330

Telephone: 541-514-2383 Fax: _____ E-Mail: jclemo@nonprofitsteward.c

Name of Event and Date and Time Event Will Be Held: September 25 & 26 2019

Has organization applied for a V&C Grant Before: _____ Yes XXX No

**If yes was the V&C grant request approved and for what amount:*

_____ Yes _____ No / \$ _____

**If grant request was approved did the organization give their 90 day follow-up report*

_____ Yes _____ No

Description of Promotion or Event: <https://www.nonprofitsteward.org/eonc/>

In partnership with Four Rivers Healthy Community, CNS will coordinate more than a
dozen expert speakers to provide informative talks and interactive workshops alongside
opportunities for networking. We expect upwards of 200 attendees representing
communities from Bend, OR to Boise, ID.

NATURE OF PROMOTION/EVENT: _____

_____ Tourism based capital project

XXX Multi-night local lodging event

_____ Special media promotion

XXX Education and/or training project

Amount of Funding Support Requested: \$ 2,000

Total Promotion/Event Budget: \$ 31,470

What specific expenditures will the granted funds be used for?: V&C funds will be applied toward facility and catering (Four Rivers Cultural Center and Matsy's Catering).

List promotion/event supporters or partners**: Four Rivers Healthy Community, Adrian 2040, Euvalcree, The Ford Family Foundation, the Oregon Cultural Trust, and Nonprofit Association of Oregon.

PROJECTED PROMOTION/EVENT IMPACT:

Describe how the promotion/event will impact the Ontario economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.): Conference attendees will likely stay at least one night in local lodging and likely eat two dinners in the area. If 150 of our 200 attendees pay approximately \$110 per night for lodging and \$40 for two dinners out, then the total dollar value is $150 \times 200 = \$22,500$.

FINANCIAL REPORTING REQUIREMENTS:

For established groups, please provide two years of P & L Statements, a current Balance Sheet, and a proposed budget for this year's promotion/event. For newly formed groups, please provide a proposed budget of revenues and expenditures in a form similar to the one below:

PROPOSED REVENUES

Source #1 <u>Registration fees</u>	Amount \$ <u>14,850</u>
Source #2 <u>Sponsorships/Vendor fees</u>	Amount \$ <u>1,620</u>
Source #3 <u>The Ford Family Foundatio</u>	Amount \$ <u>10,000</u>
Source #4 <u>Ontario Area V&C</u>	Amount \$ <u>2,000</u>
Source #5 <u>Other Grantors</u>	Amount \$ <u>3,000</u>

TOTAL REVENUES \$ 31,470

PROPOSED EXPENDITURES

Use #1 <u>Personnel</u>	Amount \$ <u>11,150</u>
Use #2 <u>Speaker fees</u>	Amount \$ <u>3,600</u>
Use #3 <u>Marketing/Recruitment</u>	Amount \$ <u>850</u>
Use #4 <u>Catering & Facilities</u>	Amount \$ <u>11,500</u>
Use #5 <u>Participant Materials/Supplies</u>	Amount \$ <u>550</u>
Use #6 <u>Transportation/Mileage</u>	Amount \$ <u>500</u>
Use #7 <u>Lodging/Meals</u>	Amount \$ <u>990</u>
Use #8 <u>Shared expenses</u>	Amount \$ <u>2,330</u>
Use #9 _____	Amount \$ _____
Use #10 _____	Amount \$ _____

TOTAL EXPENDITURES \$ 31,470

REVENUES MINUS EXPENDITURES \$ 0

As a final condition to accepting granted funds, the applicant agrees to provide the Ontario Visitors and Conventions Board with a final report summarizing results of the promotion/event (e.g., attendance, local and regional publicity, hotel/motel occupancy, closing revenue and expenditure report, etc.) within 90 days of the event/promotion.

July 22, 2019

Date


Signed _____

Jenn Clemo

Printed Name of Applicant

Date Received: _____ Ontario Area Chamber President/CEO: _____

V&C GRANT CRITERIA CHECKLIST

Applicant/Event: Center for Nonprofit Stewardship

Criteria		Meets No Criteria - Point Value 0	Partly Meets Criteria - Point Value 1	Sufficiently Meets Criteria - Point Value 3	Exceeds Criteria - Point Value 5
1	The project is a capital project, which enhances tourism such as, but not limited to, beautification. Examples of such potential projects might include coordinated refuse bins in shopping areas or enhancements to the highway arterial entrances to the City of Ontario such as shrubs, lighting or signage.				
2	Events that would attract attendees and participants from out of the area and would promote local tourism and business. Extra consideration will be given to multi-night events that necessitate over night lodging in the Ontario area.				
3	Projects consisting of special area media promotions. These could include, among others, special brochures or videos or advertising co-op projects designed to extol the virtues of Ontario as a tourism, convention, cultural, or recreational destination.				
4	Projects related to the education and/or training of the Visitors and Conventions Director or Board members.				

ADDITIONAL QUESTIONS

YES

NO

Is this a not for profit project?			X
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TOTAL POINTS

--	--	--	--

POINT SYSTEM

0	Unable to provide funding.
1 through 3	May provide funding with or without contingencies.
4 through 5	May provide funding with or without contingencies.

Date: 08/01/19

Ontario V&C Minutes
July 11, 2019
7:00 am
Clarion Inn

Meeting called to order at 7:00 am by Bob Quinn.

Roll Call – Debbie Blackaby, Cheryl Cruson, Doug Dean, Terry Dols, John Hall, Bob Quinn, Dan Capron, Peter Hall on behalf of City Manager Adam Brown, V&C Director John Breidenbach

Absent: City Manager Adam Brown

NEW BUSINESS

Grant Request: Revitalize Ontario!'s 2020 Tater Tot Festival

Charlotte Fugate presented the grant request for Revitalize Ontario!'s 2020 Tater Tot Festival. The Tater Tot Festival became an idea due to the tater tot originating in Ontario, Oregon. The event is currently scheduled for October 19, 2020 in the downtown area and will be done in collaboration with Heinz. Promotion for the upcoming event will be done at the Malheur County Fair. An electronic survey will be given to fair attendees in order to gather feedback about community needs. There will be a t-shirt giveaway as well. The marketing will target the entire Treasure Valley. Funds will be used for promotional materials such as a logo design, pencils, t-shirts, and other marketing materials.

Funds in the amount of \$3,105.00 were approved for Revitalize Ontario!'s 2020 Tater Tot Festival. Moved by Doug Dean and seconded by Debbie Blackaby. Terry Dols recused himself. Motion carried.

Grant Request: Treasure Valley Community College's New Student Orientation

Cathy Yasuda presented the grant request for Treasure Valley Community College's New Student Orientation. Last year's new student orientation was a great success and they welcomed 172 students along with their family and friends. The food booths were extremely popular and well-received. Treasure Valley Community college will be adding a Spanish parent session this year. There will be a financial literacy workshop as well. They hope to meet a goal of 200 students at this new student orientation. Funds will be used to provide vendor grants to local businesses who want to promote at the event.

Funds in the full amount of \$1,500.00 were approved for Treasure Valley Community College's New Student Orientation. Moved by Doug Dean and seconded by Dan Capron. John Hall and Cheryl Cruson recused themselves. Motion carried.

MINUTES/FINANCIALS

The June 2019 minutes were reviewed; it was moved by John Hall and seconded by Dan Capron to approve the minutes as presented. Motion carried. Financials were presented by John Hall. It was moved by Debbie Blackaby and seconded by Dan Capron to approve the financials as presented. Motion carried.

V&C DIRECTOR'S REPORT

John Breidenbach received a phone call concerning an October event similar to Pumpkin Palooza.

The Airport Appreciation Day and Fly-in is on July 20th. Volunteers are needed to help sell Pepsi and water at the event. There is a big push to make this an annual event as the Ontario airport currently has potential.

The first Saturday of December is the Winter Wonderland Parade and there is currently talk of adding more to the event in order to make it more engaging. A cookie contest and downtown events in the evening are being considered.

The farm loop map has been finished and Eastern Oregon Visitors Association has hired a new executive director. A board retreat will be held at the end of July in John Day.

The presentation to the City Council was well-received and push back was received from only one member of the City Council.

Meeting adjourned.

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
PROMOTIONS AND EVENT FUND
BALANCES THROUGH
DRAFT JULY 2019**

2018	RESOURCES	EXPENSES	BALANCE
BALANCE FORWARD	\$672,814.15	\$648,724.98	\$24,089.17
JULY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$4,674.62	\$21,914.55
AUGUST <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
SEPTEMBER <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
OCTOBER <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
NOVEMBER <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
DECEMBER <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
2019			
JANUARY <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
FEBRUARY <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
MARCH <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
APRIL <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
MAY <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
JUNE <i>T.O.T. Disbursement -\$2500</i>			\$21,914.55
TOTAL FISCAL	\$2,500.00	\$4,674.62	
ACCRUALS FROM JULY 1997 TO PRESENT	\$675,314.15	\$653,399.60	\$21,914.55

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
ACTIVITY SUMMARY
BEGINNING SEPTEMBER 1997**

DATE	REQUESTOR	REQUESTED	GRANTED	DISBURSED
AUG 2018	NO NEW ACTIVITY	\$ -	\$ -	\$ -
SEP 2018	NO NEW ACTIVITY	\$ -	\$ -	\$ -
OCT 2018	V & C BREAKFAST MEETING (10/04/18) <i>**Check #123765 dated 10/12/18**</i>	\$ 69.62	\$ 69.62	\$ 69.62
OCT 2018	TREASURE VALLEY COMMUNITY COLLEGE RODEO TEAM 2018 TVCC CHUKAR RODEO	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
NOV 2018	NO NEW ACTIVITY	\$ -	\$ -	\$ -
DEC 2018	V & C Breakfast Meeting (12/06/18) <i>**Invoiced 12/27/18 to be paid 12/28/18**</i> <i>Paid 12/28/19 - Check #124059</i>	\$ 69.62	\$ 69.62	\$ 69.62
JAN 2019	NO NEW ACTIVITY	\$ -	\$ -	\$ -
FEB 2019	V & C Breakfast Meeting (02/07/19) <i>**Invoice Received 2/25/19 - Scheduled for 3/1/19 Payment**</i> Paid 03/01/19 - Check #124342	\$ 69.62	\$ 69.62	\$ 69.62
MAR 2019	V & C Breakfast Meeting (3/8/19) Paid 3/29/19 - Check #124459	\$ 69.62	\$ 69.62	\$ 69.62
MAR 2019	Four Rivers Cultural Center Tradition Keepers	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
MAR 2019	Malheur County Fair Board 3rd Annual County Fair Concert Series	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00
MAR 2019	Ontario Area Chamber of Commerce Splash Pad Project	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
APR 2019	NO NEW ACTIVITY	-	-	-
MAY 2019	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JUN 2019	V & C Breakfast Meeting (6/6/19) Paid 6/7/19 - Check #124766	\$ 69.62	\$ 69.62	\$ 69.62
JUL 2019	Revitalize Ontario 2020 Tater Tot Festival	\$ 3,105.00	\$ 3,105.00	\$ 3,105.00
JUL 2019	Treasure Valley Community College New Student Orientation	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
JUL 2019	V & C Breakfast Meeting (07/11/19) Invoice Dated 7/11/19 - Received 7/22/19 Scheduled to be paid wk of 7/29/19	\$ 69.62	\$ 69.62	\$ 69.62
7/29/2019		\$ 764,028.04	\$ 637,632.77	\$ 637,632.77



**SREDA Board Meeting
July 2, 2019
Payette Senior Center, Payette, Idaho**

Directors and Members present: Dan Cummings, Riley Hill, Andy Oyervides, John Breidenbach, Dan Greig, Sandy Hemenway, Adam Brown, Patrick Nauman, Cathy Yasuda, Jeff Williams, Bob Komoto Georgia Hanigan, Tammie Boven, Angie Goodwin, Jennifer Huff, Kathy Patrick, Karie Boone, Laura Gross, and Tina Newsome

1. Chairman Patrick Nauman called the meeting to order at 7:07 a.m. Patrick welcomed everyone to the Tuesday meeting.

2. Introductions of Attendees: Chairman Nauman asked everyone present to introduce themselves and the business or entity they were representing. This month's meeting was held at the Payette Senior Citizens Center, where we enjoyed some delicious fresh homemade cinnamon rolls.

3. Approval of the June 4, 2019 Board Minutes: Chairman Nauman then asked if anyone had any questions or corrections to the June minutes as emailed out. Hearing none, Chairman Nauman asked for a motion to approve the minutes. Tina Newsom made a motion to approve the minutes as presented, second by John Breidenbach. The motion passed unanimously.

4. Chairman Nauman then asked for the Financial Report which was presented by Sandy Hemenway.

Sandy went over in detail the financial snap shot for the month of June discussing balances at the end of the month in both the checking and money market accounts and total for month end. Income for the month of June was \$8,508.33. Total operational expenses for June were \$6,921.72. Chairman Nauman asked if anyone had any questions on the financial report. Hearing none, a motion to approve by Dan Greig and seconded by John Breidenbach. The motion passed unanimously.

5. City and Community reports:

City of Fruitland: Rick Watkins was on vacation so no report given.

City of Payette: Mayor Jeff Williams reported that building permits were up 10% over last year and that the Montessa subdivision on the North end of town was progressing. He noted that when the subdivision went into its second phase, they would have to annex and that a sewer lift station would need to be built. The life station will open up more property. He said that the City is still working on their motel project.

Laura Gross informed us that their Farmers market will be starting soon and will be in operation every Tuesday from 4 to 7 PM.

City of Ontario: City Manager Adam Brown stated that Ontario has launched their new website and encouraged everyone to check it out. He noted that the splash pad is in full operation and that the Rec District officially took over operation of that facility yesterday. He reminded us that the census is under a year away from starting and that all cities should have a "complete count" committee set up in preparation for that census, noting that it is very important that everyone be counted because it will affect many things for the next ten years,



just as grant funding, census tract zones and more. He told us that Oregon survived the Cap and Trade Bill, mostly thanks to Senator Bentz, noting that Senate Republicans took some extreme measures to ensure the defeat of that bill. He also stated that the City has had a lot of economic activity lately, particularly in the area of East Idaho, but also around the city.

Dan Cummings told us that a good portion of the activity was centered around the marijuana industry. He is working on 49 land use actions, and in a normal year there are about 20 to 25 land use actions, this year about half of the 49 actions are related to the marijuana industry. Cummings also indicated that he is getting a lot of interest in businesses relocating to the West side of town again.

John Breidenbach reminded us of the 4th of July fireworks starting at 10:20 Thursday night. He also told us to put July 20 on our calendar for the Airport appreciation day. As part of that event there will be a breakfast, car show, bike show and, of course, a fly in with aircraft on display. It will be a fun day with music and will wrap up at 2:00 PM. On the economic development side, there will be a Governor's marketplace roadshow at Four Rivers Cultural Center on July 25, so if you want to do work with the State of Oregon government, you will want to come to that trade show that morning. John also reminded us that this is the Vale 4th of July rodeo with the suicide race at eight o'clock Friday night, so plan on their being a lot of traffic between Ontario and Vale.

Cathy Yasuda stated that on the morning of the Fourth there will be a breakfast at the Ontario Fire Hall. This event is put on by Four Rivers Healthy Community. Breakfast is free for Veterans and children under five. The breakfast runs from 8 to 11.

City of Weiser: Chairman Patrick Nauman stated that the Ridley's market new store project is moving along with a target opening date in August. He noted that there have been a lot of inquiries about pad sites in adjacent areas to the new store. There is also a potential motel project in the area. Nauman informed us that the Robert Weed Plywood Company has closed down their operation with only two weeks' notice to employees. They are consolidating their operations into the Twin Falls facility.

Weiser Community: Jennifer Huff, Weiser Chamber, reported that on the 4th there is a Breakfast at the community park at 7:00 AM, and then at 10:30 they will have a Veterans march starting at the train depot and march up State Street. The mayor has arranged for a fly over about 11:30 AM in remembrance of a Veteran John Walker. In the evening, there will be a fireworks show up at the golf course. The Weiser Valley roundup rodeos seventy fifth anniversary will be July 11-13 at the Weiser rodeo grounds. There will also be a goat roping event at Mann's Creek Café July 13 at 7 pm. They are going to try and do that once a month. The last week of July and into the beginning of August will be the Washington County Fair in Cambridge at the Fairgrounds.

Chairman Nauman reminded us that there will be many county fairs happening around that same time period. He noted that at the Washington County fair there will be a cake decorating contest.

No reports for the cities of Nyssa, New Plymouth or Vale

6. County:



Payette County: Commissioner Georgia Hanigan reported that the county is reviewing some small rural subdivisions, working on property tax appeals and preparing for budget time.

Washington County: Patrick indicated that they covered those activities above.

Malheur County: No report given, but some discussion on the gold mine and the permitting process with the county ensued.

7. Executive Director Kit Kamo:

SREDA presentations for this last period included the Payette County. Kit also met and visited with the mayor of Vale on several topics including some city land that might be available for potential projects.

Kit attended the Four Rivers Charter School's strategic planning process.

Kit met with Rural Development Initiative (RDI) from western Oregon to discuss their BRE program for Rural Oregon.

The Idaho Department of Commerce for the state's Rural Economic Development Professional grant program in the amount of \$20,000 was approved. We are awaiting the MOU so that we can request the first \$10,000.

SREDA has submitted the request for payment from the Idaho Tourism for managing the Visitor Center. This is a once a year payment after July 1, the beginning of a new fiscal year for the state.

SREDA did letters of support for lottery bonding for cities and counties in Oregon.

Kit worked with Energy Trust of Oregon and their local connections.

Kit attended the Oregon Economic Development Association's summer conference and training in Cottage Grove. Additionally, she participated in several conference board meeting calls.

Projects:

Project Salsa – BRE visit to their current site; updated progress; toured with Commerce.

Project Wagon Wheel – worked with the local land owners on submitting their site for a state RFP.

Project Evenstar – submitted building to the State of Idaho's RPF.

Project Adam – worked with the land owner, realtor, and DEQ on a few remaining issues. Owner is working with a bank and trying to finalize the bank's corporate paperwork.



Project Accurate – assisted in building search with local business that would like to expand.

Project Fiber – working with a group on getting their community connected!

8. Round Table Discussion:

John Breidenbach reminded everyone that Senator Cliff Bentz will be speaking at the Ontario Area Chamber of Commerce meeting on Monday.

Chairman Nauman told us that Ridley's is working on redeveloping their old lot downtown into future commercial space plus some community activity space.

Karie Boone, Idaho State University Extension, spoke about the Community Food Assessment project. The assessment is looking at assets to promote local producers and farmers products and assess the underserved in the region. The program is moving forward and they are looking for more folks who might be interested in working on this. Please contact the Payette County Extension Office.

Cathy Yasuda informed us that Treasure Valley Community College's summer and fall enrollment numbers are up! TVCC is also looking for someone on the Oregon side of the river to serve on the College Board. Anyone interested can submit a letter to Gina Roper, the President's assistant.

Kathy Patrick, Payette City Councilwoman and director of the Payette Senior Center, reported that on August 2nd, the Payette Chamber will be having live music at Dillabaugh's Floor Covering from 5 pm to 8 pm. The Payette Senior Center will be celebrating their 45th Anniversary on Saturday August 3rd from noon to 2 pm.

Jeff Williams informed us that Waste Connections, the company that purchased Harding Sanitation, has now been awarded the bid to handle waste collection for rural Ada County in Idaho. They will operate that service from their headquarters in Payette.

Adam Brown mentioned that there will be a community forum, sponsored by the citizen's coalition, July 17th, 6 pm. Discussion will include land use, budget, and more.

Bob Komoto told us about upcoming events at the Four Rivers Cultural Center, including a Garden sculpture exhibit, and another exhibit at the Harano gallery of narrative textiles made by Idaho refugee newcomers telling their story. He also spoke of several children's theater events happening over the summer including the Missoula Children's Theater. The children will do "Snow White and the Seven Dwarfs" Saturday July 13th. There will be two Live After 5 events on July 10 and 24. Kids Summer Ballet starts July 9 and July 26th begins the Gail Greco watercolor exhibit.

The August SREDA meeting will be held at the St Luke's conference room, Fruitland, on the second floor, August 6, 7 am.



9. Adjournment: With no other business discussion, Chairman Nauman then adjourned the meeting at 7:42 a.m. and networking continued.

Minutes prepared by Bob Komoto and Dan Greig, Co-Secretaries.

Calendar of events:

ALL meetings will be on the first Tuesday of the month unless otherwise stated!

August 6	Tuesday – SREDA Monthly meeting – St. Luke’s, Fruitland
September 3	Tuesday – SREDA Monthly meeting – Teton Machine, Payette
September 7-14	Kit on vacation to the Oregon Coast
September 27-30	Off Road Expo, Pomona, CA
October 1	SREDA Monthly meeting – Agile Homes, Fruitland
October 15-16	Southwest Idaho Manufacture’s Alliance “2019 Made Here”
October 27-29	OEDA Annual conference – Salem
November 5-7	IEDA Annual conference - Boise

MALHEUR COUNTY COURT MINUTES

June 26, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present County Counsel Stephanie Williams.

Also present was Larry Meyer of the Argus Observer.

PUBLIC HEARING - SAGE GROUSE RULE PERMIT/CALICO RESOURCES

Owner of Record/Applicant: Calico Resources USA Corp.

Applicant's Representative: Garrett Stephenson, Schwabe Williamson & Wyatt

Proposed Action: Sage Grouse Rule Permit pursuant to Oregon Administrative Rule (OAR) 660-023-0115 for an underground gold and silver mine located approximately 22 miles south of Vale on 62 acres of private property in the Exclusive Range Use (ERU) zone. (Property Identification: Tax Lot 101 of Malheur County Assessor's Map 22S44E)

Planning Department File No. 2019-01-001

Present for the quasi judicial public hearing for a Sage Grouse Rule Permit for Calico Resources were: Planner Eric Evans, Environmental Health Director Craig Geddes, Applicant's Representative Garrett Stephenson, Oregon Department of Fish & Wildlife (ODFW) District Biologist Philp Milburn, Bureau of Land Management (BLM) Wildlife Biologist Megan McGuire, BLM Geologist Andrea Bowen, and public member Jennifer Applegate. Notice of the hearing was published in the Argus Observer and on the County's website.

Judge Joyce opened the hearing and asked for abstentions, potential or actual conflicts of interest from the members of the Court; and asked for any ex parte communications or site visits to be divulged; all three members of the Court said they had been on the site.

Judge Joyce asked if there were any objections to the jurisdiction; there were none. Judge Joyce asked if there were any objections to any member of the County Court hearing the matter; there were none. Judge Joyce stated that "Failure to raise an issue may preclude raising it before LUBA"; and stated that "Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County Court to respond to the issue may preclude an action for damages in Circuit Court".

Judge Joyce asked for a staff report.

Planner Eric Evans: Today we have in front of us a proposed Sage Grouse Rule Permit; that is kind of a new thing here in the state of Oregon, new for us, this will probably be the first one to make it all the way through the County in the state; tomorrow we will have the second one in the County. This is state statute that talks about, that has requirements for mitigation and everything with this. This has gone through the Malheur County Planning Commission; we approved the conditional use permit and it didn't receive any appeals and they made a recommendation for you guys to approve the Sage Grouse Permit.

Judge Joyce: That's your staff report - okay.

Mr. Evans: Yes

Judge Joyce asked for proponent testimony from the Applicant.

Garrett Stephenson: Good morning, my name is Garrett Stephenson, I'm an attorney with Schwabe Williamson & Wyatt, my address is 1211 SW 5th Avenue, Suite 1900, Portland, Oregon 97204, here representing Calico Resources Corp. USA. Thank you for holding this meeting, I know that there's been a lot of work behind the scenes by your staff who are brilliant and also very charitable because they allowed this meeting to happen today instead of during my vacation this last week so I appreciate that. I'm going to make some very short remarks and then make myself available to any questions you might have. But I wanted to start with where we're at in the process and what this permit really is all about. Last month the Planning Commission approved a conditional use permit for the Grassy Mountain Mine and that conditional use permit is specific to the privately owned land that is surrounded by BLM land and the reason why we had to do that is because privately owned land within the County, even if it's surrounded entirely by federal land, is subject to County land use regulations. So what went before the Planning Commission was an application for a conditional use permit where we talked about, as much as we could, the activities that were going to be on the patent parcel, which is that privately owned piece of land, and we also talked about some of the surrounding uses that are proposed but we haven't actually submitted a permit for. That conditional use was approved last month; it was not appealed. So for our purposes that conditional use permit is effective. What the Planning Commission did in terms of the sage grouse piece of this, because the sage grouse rules are not in the County's regulations - those apply by force of State law and to my knowledge this is one of the first times that they've ever been applied to a large scale project and when we looked at those rules there in OAR 660-023-0115, when we looked at those rules it seemed clear to us that the best way to implement the new sage grouse rules were to have the County Court actually make the final decision on whether or not the criteria in those rules are met for this project. So that's basically why we decided to bifurcate the process to put before the Court the sage grouse piece of this. The County regulations are clear that the Planning Commission can approve as a matter of final decision a conditional use permit. So essentially we split this into two parts - the Planning Commission approved the CUP and made a recommendation to the County Court, we had essentially one combined application for the two applications, so we submitted our burden of proof in one packet addressing both permits and we wanted to give the Planning Commission the opportunity to review our application for the Sage Grouse Rule Permit and make a recommendation to the Court. So, that's what's before you today; what we have done in terms of working with ODFW, because ODFW is ultimately the body that decides whether and what kind of sage grouse mitigation we have to do for the whole project. So, almost a year ago my client and myself met with representatives from a number of state agencies, ODFW, DLCD, DOGAMI, and we said look it's clear that we're going to have to apply the Sage Grouse Rule for the project as a whole; now remember the patent parcel is where the actual minerals are and it's underneath the patent parcel where the

mine is actually going to be but there's going to be processing facilities outside of that on federal land subject to federal permitting; and the Sage Grouse Rule applies both in County jurisdiction and on the federal pieces that are going to be developed for the mine. The reasons why it applies on federal land are somewhat complex and I don't think we need to talk to much about them today but suffice it to say the Sage Grouse Rule applies to the project as a whole. So what we thought, since ODFW was going to have to look at the sage grouse compliance of the project both on private and on BLM land, we thought it was most efficient to have them do that as a sort of holistic broad based look. So instead of trying to tailor certain mitigation requirements just for this 62 acre piece that is private land, what we wanted them to do is look at the habitat impacts as a whole for the project and have one set of mitigation requirements going forward and those will be imposed through a process that's called a consolidated permit with DOGAMI. The permitting process is of course very complicated but to simplify it a bit what we have to do is obtain a conditional use permit from the County in order to apply for this consolidated permit from DOGAMI; and what that consolidated permit does is it applies every relevant state law to the mine as a whole and the processing facility. So that's what's going on in the background. The idea was let's defer to ODFW for the mitigation requirements instead of attempt to tailor them specifically to the 62 acre parcel and so you will see in the Staff Report and in our application a condition that ODFW recommended that basically requires us to comply with whatever mitigation requirements they ultimately impose. We had no specific problem with that so we recommended that the Court apply that condition of approval; it's in the Staff Report - it's somewhat long and lengthy, it's a condition that ODFW itself developed, that language is ODFW's, but in principal it basically says, yes, we're okay with the County approving the sage grouse permit on the condition that the applicant, Calico, is going to come back, we're going to take a look at this project from the standpoint of sage grouse and impose any necessary mitigation. So that's basically what this permit application does. In terms of the findings that the County Court needs to make, basically those are related to whether or not the project can be located elsewhere where sage grouse habitat is not present; obviously in this case the minerals are where they are, there's really no way to relocate the mine; and I would just add that - two things - number one: the only sage grouse habitat that ODFW has mapped on the patent parcel itself is kind of a small sliver along the west side of the patent parcel and that's habitat of a kind of secondary quality, so we don't have a substantial amount of sage grouse mapped on the patent parcel, we do have enough though to where we need to address the criteria; the other thing from a factual standpoint is Calico went out and did a number of habitat analyses over the last five years or so and they haven't found any evidence of sage grouse leks, which are these strutting grounds for the sage grouse, or sage grouse themselves within two miles of the project boundary itself, so not just outside of the patent parcel but outside of the broader project boundary which is hundreds of acres around the patent parcel. So we have no reason to believe that there are sage grouse here, nevertheless we have to address the criteria. That's what this process is about. We talked about the criteria a lot before the Planning Commission; ONDA submitted a pretty substantial packet of testimony as did ODFW and DLCD, raising some, well specifically with ONDA, ONDA was raising objections, and I think ODFW and DLCD were raising some of their own clarifications about how they viewed the operation of this rule. So we had a lot of time to go through this, we went ahead and provided a packet to the Planning Commission of responsive testimony going through argument by argument about how the sage grouse rule ought to work; we think that this is a really reasonable, and frankly, the only practical way to proceed because it just simply doesn't make sense to look at habitat on the 62 acre parcel in isolation; what we wanted to do is make sure that ODFW and we were looking at it for the project as a whole. So, to sort of summarize the findings in the Planning Commission decision and the proposed findings in the Staff Report in simple terms say there's really no way to relocate this use to avoid sage grouse habitat, there's really no way to redesign it, and the fact of the matter is really the only things we have on the patent parcel itself is the mine portal, some mine shafts, and some circulation roads in order to access those things. There's some other smaller facilities on it, that's detailed in the Staff Report and the application. But those are the findings that's incumbent upon the County Court to make with the condition of approval that says we're going to defer to ODFW on the types of mitigation that we need, if any. So that's the broadest overview I can give you in one breath but I am happy to answer any other questions you may have. Obviously we think that it's a good application; we encourage you to approve it.

Judge Joyce asked for proponent testimony; there was none.

Judge Joyce asked for opponent testimony. Jennifer Applegate asked if she could ask questions; Judge Joyce indicated yes and asked if she was an opponent. Ms. Applegate indicated she thought she was opposed to it but had some questions.

Jennifer Applegate: My name is Jennifer Applegate, I'm a local resident and I'm really late in the game on trying to figure out what's going up out there. And so I just want to make sure I'm understanding correctly that all waste from the mine will be transported by truck out of the mine to a processing facility, or am I misunderstanding that?

G. Stephenson: If I may, Judge, I can answer that question.

Judge Joyce: Yes.

G. Stephenson: So, two things, first this hearing is not about the processing facility on the mine...

J. Applegate: Right - I just want to know how much ground is covered in between, BLM, private or otherwise.

G. Stephenson: So basically the way it works, and I'm happy to talk to you offline about this, but the way it will work is you'll have the patent parcel - which is where the underground mine is going to be, there's going to be a portal that allows mining equipment to go underground; once they come out they'll have ore, the ore will go into a processing center that's located probably less than a quarter mile of the facility. So we want to get that processing center as close to the mine as possible. The processing facility itself is completely enclosed, it's more like a factory than anything else, the ore is processed, the gold is removed, and the resulting tailings are deposited in a tailings storage facility that's slightly farther away.

J. Applegate: How much further?

G. Stephenson: I'm not sure of the actual distance but I can show you a site plan at some point.

J. Applegate: I kind of tried to look (inaudible)

G. Stephenson: So basically I think the entire, I'm nervous about misstating this, but, especially because it's even earlier in the morning for me than it is for you, but I think that the entire fenced area is something, and maybe you can correct me if I'm wrong (directed towards audience member), but I think the entire fenced area is something like 500 acres, there's not going to be anything going on outside of that fenced area.

J. Applegate: So the tailings is what would be considered the waste - where does it go after its contained at that location? How does it get out of the county? Does it ever leave the county?

G. Stephenson: It doesn't leave the county. It is encapsulated in the containment storage facility. If it were to leave the county you'd have a substantial amount of truck traffic and costs, which of course we want to avoid.

J. Applegate: And contamination if there was a problem while traveling with it; that's my fear, throughout the rest of the public lands. I just didn't understand where, so it's just going to stay in Malheur county.

G. Stephenson: Everything that is mined is going to stay within that fenced area.

J. Applegate: Okay, thank you.

Judge Joyce: Okay. A little off track there but that's okay. So any other opponent testimony?

Judge Joyce: How about public agency testimony, irrigation, irrigation districts, drainage, road districts, sanitation, ODFW?

Philip Milburn: Unless you have some questions for me Judge and Court, Mr. Stephenson presented I think what we submitted pretty accurately.

Judge Joyce: Okay, hearing none, summary from staff and recommendation?

E. Evans: At this point I would recommend that the County Court approve the application with the condition of approval that he eluded to.

Judge Joyce: Okay. Any rebuttal? Proponents or opponents, any other things to add Garrett?

G. Stephenson: Nothing unless you have questions - the only other thing I would add is, well I think we should probably talk after you vote, just in terms of procedure about adopting findings, we have public testimony that we may want to address in those findings but maybe, what I think you could do is have a vote on whether or not to approve and then we could take a three minute break and talk about whether or not it makes sense to vote on the proposed findings that you have in your packet; we might want to revise those to address Ms. Applegate's testimony.

Judge Joyce: So hearing no more rebuttals are we ready to close the public hearing? When that happens no public testimony can be heard after this point unless the hearing is reopened or continued.

Judge Joyce: Okay, we will close the public hearing and deliberate.

Commissioner Wilson stated he did not have any problems with the application and the recommendation to approve it; and that the applicant and ODFW are working together on the matter. Commissioner Hodge and Judge Joyce indicated they did not have any concerns with the application.

Commissioner Wilson moved to approve the Application with the Condition recommended by the Planning Commission. Commissioner Hodge seconded and the motion passed unanimously.

Staff conferred with Mr. Stephenson and it was decided that Findings and an Order would be presented to the Court next week.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of June 12, 2019 as written. Commissioner Wilson seconded and the motion passed. (Commissioner Hodge was not present on June 12, 2019.)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of June 19, 2019 as written. Commissioner Wilson seconded and the motion passed unanimously.

VOLUNTEER RESOLUTION

Commissioner Hodge moved to approve Resolution No. R19-15: A Resolution Extending Workers' Compensation Coverage to Volunteers of Malheur County Effective for the Policy Period July 1, 2019 - June 30, 2020. Commissioner Wilson seconded and the motion passed unanimously. Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in the resolution, noted on CIS payroll schedule, and verified at audit. See instrument #[2019-2353](#)

COMMITTED FUND BALANCES

Commissioner Wilson moved that the Malheur County Court hereby report the 2018/2019 ending fund balances of the following Special Revenue Funds as "Committed Fund Balances." These committed fund balance amounts can only be used for the specific purposes for which they were imposed unless the Malheur County Court removes or changes the specified use by taking the same type of action (legislation, resolution, or ordinance) it employed to previously commit those amounts.

The Special Revenue Funds are: Major Bridge, Surveyor Corner Preservation, Community Corrections, Law Library, Boat License, Corrections Assessment, DA Enforcement, Taylor Grazing, Task Force, Ambulance Service District, Juvenile Crime Prevention, Wolf Depredation Fund, Economic Development, Agricultural Educational Extension Service District, 911 Fund, Traffic Safety, Court Facilities Security, State Drug Court, State Mediation, CVSO (County Veterans Service Officer) Expansion, Search & Rescue, GIS (Geographical Information System) Maintenance, Clerk's Record Fund, Special Transportation Fund, Work Release Construction, Federal Forfeitures Fund, and 45 Parallel Fund.

Commissioner Hodge seconded and the motion passed unanimously. This motion is effective as of June 26, 2019.

IGA #159173 - COMMUNITY MENTAL HEALTH

Commissioner Hodge moved to approve 2019-2021 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services, Agreement #159173. Commissioner Wilson seconded and the motion passed unanimously. Services will be provided through Lifeways. A copy will be returned for recording.

COUNTY POLICIES

Commissioner Wilson moved to approve updates to County Policy 106 - Travel and Employee Incurred Expenses, Recorded as Instrument #[2019-2355](#); 302 - Paid Personal Leave Benefit, Recorded as Instrument #[2019-2356](#); 307 - Bereavement Leave, Recorded as Instrument #[2019-2357](#); 308 - Paid Vacation Benefits, Recorded as Instrument #[2019-2358](#); 311 - Retirement/Employment of PERS Retirees, Recorded as Instrument #[2019-2359](#); and new Policy 324 - Paid Leave to Attend Health and Welfare Seminars, Meetings or Lectures, Recorded as Instrument #[2019-2360](#). Commissioner Hodge seconded and the motion passed unanimously.

CONTRACT - ELECTRICAL INSPECTIONS/NEWMAN

Commissioner Wilson moved to approve Personal Service Contract for Commercial Electrical Inspections with Rick Lewis Newman dba Electrical Inspection Services Inc. Commissioner Hodge seconded and the motion passed unanimously. The term of the contract is July 1, 2019 through June 30, 2020. See instrument #[2019-2354](#).

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #15-19 to Idaho Power Company to replace crossarms on Cassia Road #953 and Pheasant Road #958. Commissioner Wilson seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

AMENDMENT - IGA #154122

Commissioner Wilson moved to approve Fifteenth (15th) Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Public Health Services, Agreement #154122 (Original IGA is Recorded as Instrument #[2017-2409](#)). Commissioner Hodge seconded and the motion passed unanimously. Funding for the Tobacco Prevention & Education Program was modified for fiscal year 2018 and 2019. A copy will be returned for recording.

EMPLOYMENT AGREEMENT - HARRIMAN

Commissioner Hodge moved to approve Lieutenant Malheur County Sheriff's Office - Employment of PERS Retiree Employment Agreement with Rich Harriman. Commissioner Wilson seconded and the motion passed unanimously. The County will employ Mr. Harriman as the Lieutenant/Malheur County Emergency Services Manager after his date of retirement acknowledged by PERS through December 31, 2019. See instrument #[2019-2391](#).

AMENDMENT - IGA #153131

Commissioner Hodge moved to approve Thirteenth (13th) Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Mental Health, Substance Use Disorders, and Problem Gambling Services Agreement #153131. Commissioner Wilson seconded and the motion passed unanimously. (Original IGA is Recorded as Instrument #[2017-2514](#)) A copy of the amendment will be returned for recording.

TORT LIABILITY COVERAGE AS PROVIDER FOR PSRB IGA; LIFEWAYS CONTRACT

Commissioner Wilson moved to approve Intergovernmental Agreement #159208 Tort Liability Coverage as a Provider for Psychiatric Security Review Board (PSRB). Commissioner Hodge seconded and the motion passed unanimously. The agreement expires June 30, 2021. A copy will be returned for recording.

Commissioner Wilson moved to approve Amendment No. 4 to County Contract No. [2013-3013](#) between Malheur County and Lifeways Inc.; County Third Party Amendment for Tort Liability Coverage to provide services for persons under the jurisdiction of the Psychiatric Security Review Board. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording.

PLANNING DEPARTMENT

Planner Eric Evans met with the Court; Mr. Evans provided his tenth monthly report to the Court as the Court has required.

NATURAL HAZARDS MITIGATION PLAN

Lieutenant Harriman met with the Court and presented a resolution adopting updates to the natural hazards mitigation plan. Commissioner Wilson moved to approve Resolution No. R19-17: Recognizing and Adopting the Updated Natural Hazards Mitigation Plan. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2019-2351](#).

SECOND PUBLIC HEARING - ORDINANCE 220

Staff present for the second public hearing regarding Ordinance No. 220: Occupancy of Recreational Vehicles and Declaring an Emergency were: Planner Eric Evans, County Counsel Stephanie Williams, Surveyor/Engineer Tom Edwards, Environmental Health Director Craig Geddes, Undersheriff Travis Johnson, and Sergeant Bob Speelman. Public members present included: Kevin Curfman, Karen York, Linda and Patrick Ford, Larry and Bonnie Stuart, Lewis Jones, Eugene Cole, Frances Rempel, Amy Gluch, Robert Lawrence, Susan Thaler, Roy Obermeier, Shelli Monroe, William

Bayes, and Cora Voigt. Notice of the hearing was published in the Argus Observer and posted on the County's website.

Judge Joyce opened the hearing, asked if all public members had signed in, and directed that the time limit for testimony would be three minutes and that all testimony and questions should be directed through and to the Court and not to staff or directly to witnesses.

Judge Joyce asked for a Staff Report.

Planner Eric Evans: My name is Eric Evans, I'm the Planning Director here in Malheur County, if you guys weren't here last week or earlier today even. This is a proposed ordinance that really kind of clarifies our policies and how we've been enforcing this throughout the years. We already have an ordinance that says you can't live in an RV in any zone in Malheur County and this is clarifying that, putting some dates out there about how long you can, and really making it possible to live in an RV while you're constructing your home and all of those things, clarifying those issues that we know that happen and we want to allow; right now it's really not allowed, we just kind of let it happen. This is a very common ordinance that pretty much, probably every county in the state of Oregon, I haven't gone and looked at every county yet, has an ordinance similar to this or a lot of them, some of them are a lot more stringent. We currently receive a lot of complaints on this through my office, lots and lots and lots of complaints and it's really not about, it's about cleaning up the people that don't have sanitation, don't have garbage service, and are allowing garbage and even sewer to be on the ground, and some of the complaints when they're talking to me talk about lowering the price of their property just based on it being next door to where the enforcement action is. It doesn't involve anything inside RV parks, anything inside city limits, this is only in the County.

Judge Joyce asked for proponent testimony from the applicant/law enforcement.

Undersheriff Travis Johnson: Here's some pictures I'll enter in if you guys want to look through these, these are kind of some current issues that we've had complaints on so you can kind of see what we're looking to be able to go in and enforce. Like Eric said, we get a lot of complaints about these from neighbors and locals that are having trouble with garbage, sewage, maybe an excessive number of guests staying in these. We have camps where you're getting, six, eight, ten people living in RVs in someone's backyard; you guys are welcome to look at these pictures, you can kind of see that they're not neat and tidy and nice places. Also what we are finding is an increase in thefts, an increase in drug activity, and criminal activity associated with these camps because many of these people are not employed, they're here for various reasons, some not even local, I would say many of them coming from out of state for various reasons. So really we need to be able to clean some of these up, this isn't something we just pulled out of the thin blue air, this is something that has come to us from people in our community who are complaining about it and want some action and so we need, like he said, we need something, this is a common practice, there's nothing out of the ordinary from a city or county throughout this state or throughout the country. Our goal is not to be heavy handed to come in to write everybody tickets, we're a pretty understanding sheriff's office and county government, however we have a duty to protect all residents of this county, whether they're living in a camp trailer or whether they're living in a home. So we need to be able to come in with the ability to take action and enforce some of these situations where they're getting out of control. We also fully recognize people live in these RVs while they're building a house, temporarily for a number of reasons. Our goal is not to be heavy handed in those situations but to be able to have the teeth to do something when something's warranted. And you can see several pictures in there of what we're dealing with, a lot of garbage buildup, unsafe conditions, you have barbeque grills sitting out there in areas where in a couple of weeks are going to be bone dry, sewage, just general issues that come along with that so our goal is to help keep the county clean, there are rules for a reason, it's to keep our county clean and like I say, support all community members, not just those in a camp trailer. We've got a lot of people that we have to take care of and that's our goal.

Sergeant Bob Speelman: Can I add something to that?

Judge Joyce: Yes.

Sgt. Speelman: I'm Sergeant Bob Speelman, I'm a Detective Sergeant, I work major crimes and dope within the county and the cities. What we have seen since Ontario has really cracked down on them is these little camp encampments that have been in the city have now been forced out in the county. We're looking at two camps right now, they are on private property with residences, they have a large number of people camping in campers and tents, we've had information coming from sources that there's a large amount of dope coming from both these places, that's primarily the two hot spots, firearms are being traded amongst them, and stolen property is being stored and traded in these places. And that's just two of them that we're, it's right close to the city, I'm not going to give the addresses, but they're right close to the City of Ontario. And since Ontario has really cracked down on them it's pushed that element out to the county where they can gather in one or two spots and conduct business as they did inside the city. So this is going to help us alleviate part of that problem in getting that criminal element away from these neighborhoods and try and give us some bite to it that we can actually take action. In the dope game we can't do anything really until we have somebody, a confidential informant, that's willing to work for us and it's hard to get anymore.

Undersheriff Johnson: I might add to, this isn't just around the city, we're having issues along the Owyhee River, we have one of the most pristine rivers in the country right here in our backyard and these folks are rolling their RVs up there and just creating a mess along the river and in places that are just beautiful places to go recreate and you drive by and you're like that's disgusting. So it's county-wide, it's on public lands, it's on private ground, and it's from north to south.

Judge Joyce asked for further proponent testimony.

Bonnie Stuart: Bonnie Stuart. I have a feeling we live right next door to what he is talking about and when we were here before we didn't get a chance to really say that, it's a lot, it is not an acreage where all of these campers and trailers and RVs and tents have been and they've got to be doing drugs and stuff, I mean there used to be about nine or ten, I think since we were here some of them have moved out mostly (inaudible) the law enforcement is there a lot, it's nothing to see a sheriff's officer there, the other day on our lunch hour they had two men down on the ground with their hands behind their heads so it is a dangerous place. I mean, there is still no sanitation of any kind, no electricity, no water, there's piles of trash which is really kind of scary, because like you said, this land has not been watered or mowed so it's very unkempt and they barbeque out there, they burn their trash at night, so it's just a matter of a fire, a little short time until there's going to be a fire; it is a health hazard. There's cars that pull in and out day and night, I mean it's scary, even the mail lady, she said she will not go up in there because she is afraid. Malheur county workforce was out there last Saturday and Sunday working for two days, I can't actually see that they have cleaned up much because of the way all the RVs and trailers and stuff are parked, there's so much brush that we can't really tell and I'm not going over there because I'm afraid. We have our place for sale and this issue has really been a big

problem for us. But it has cleaned up a lot in the last two weeks.

Undersheriff Johnson: I might just add onto that, just real briefly, the dumpster that's been there has been paid for out of the Sheriff's Office budget to try and help remedy that issue because it's out of control and the homeowners and people living there aren't going to do it so we're trying to do our part, but that comes at a cost to everybody in the County.

B. Stuart: I think the other police officer that was there said that nobody had been using that dumpster and I can't see the dumpster because it's way back in the back.

Karen York: I live right behind them and I'm a widow so I'm by myself and I live just across the road and it's pretty scary. (several persons requested Ms. York state her name) Karen York, and I live right behind Stuarts and the owner has come and talked to me and promised he'd get them moved out, it's really scary, I have a good source that told me that they're bad drug dealers, keep your doors locked, and it's really scary for me being by myself.

Sgt. Speelman: I think we've been in your driveway a time or two.

K. York: Yeah, for sure. But they cuss and they holler and scream their going to kill each other, and it's really scary.

B. Stuart: And there's gun shots all the time.

Judge Joyce: Other testimony, like minded testimony.

Amy Gulch: Hi, my name is Amy Gulch, I'm a realtor, and this lot in question here, I'm actually in contact with the Benjamin family who owns this lot and we are trying to sell it, but, and I also have the house next door listed for sale. Because of this activity, one we can't get it sold, two its become really a huge safety issue for me because when I'm required to go to the property for any reason I have take someone with me just for my own protection. And I'm here to support the neighbors in our situation.

Judge Joyce: Okay, other proponents.

Susan Thayer: Susan Thayer. I am for this one hundred percent, except for the issue - I fall through the cracks. I think maybe we need to do a blight ordinance in conjunction with this. I lost two house in California because of drugs; people moving into my homes that cost me more to get them fixed up as a result of the drugs. It cost me my retirement. I am exactly for this, I think it's wonderful, except I fall through the cracks. I've worked, as I told you at the last meeting what I've put into my property, blood, sweat and tears. It's the only choice I have to live the way I want to live right now. And the County's done wonderful protecting me and my rights. I have people on both sides of me that do the drugs, that do the garbage, and they live in regular stick houses, not an RV. I've had so much stuff walk off because of people; it's just not an RV problem. It's the drugs and it's everything else, I mean, the Sheriff's Department, I don't call them often but when I do they come out and they see me. You guys take care of me, I'm out there alone, I also am a widow. But I don't think it's just the RVs. I think we need to do something with the regular blight and get rid of the trash, you get rid of the trashy ground you get rid of the trashy people.

Undersheriff Johnson: We agree wholeheartedly, several County departments and the Sheriff's Office have got together and with the support of the County Court we have an ordinance deputy position that is funded as of July 1; now I'm in the hiring process for that, and that will take care of several issues, not just RVs. We're not (inaudible)

S. Thayer: I'm just wondering, I still fall through the cracks here.

Undersheriff Johnson: There are garbage issues, whether it's a stick built home or a RV, and weeds and other problems that we will be taking care of in conjunction with that as well as updating the RV issues...

S. Thayer: I'm just scared to death that in five years you guys are going to tell me...

(multiple talking)

Judge Joyce: Time out

Planner Evans: We're not going to be coming at all

County Counsel Stephanie Williams: Yeah, we know about it; in fact you're listed as living in a mobile home in the Assessor's Office, we understand, and no, you're fine.

Frances Rempel: My name is Frances Rempel and I am representing my daughter who lives on Dustin Drive in the Shadow Butte Subdivision just about a mile out of town and our situation is similar but different because we have a lady that purchased a piece of property down there on the end of the street and she put two containers in and they have told her she could not live in those containers so then she brought a RV in to live in that and of course she could not live in it because she didn't have any utilities and so she was issued a building permit and when they issued that building permit she proceeded then to find a trailer house that was probably worth \$500, she moved that in and put it on blocks, and I have pictures to support this, and she has now been there with a permit for at least six months; she has done nothing, she comes every, oh maybe every two or three weeks, takes something out of the containers and then leaves. And it is a fire hazard, there are ditches that have been dug for utilities that are now covered with weeds and it is, if a child were to go onto that property and that can happen because there are no gates or anything to this and you know kids like to be nosy, or an adult could fall into this ditch that has been dug for her for one of her utilities and it's three feet deep and it is dangerous and now, because of our dryness it has become a fire hazard. But that woman should never been issued a building permit until she had some of those services put in and okayed by inspection, and I'm not blaming Eric or anyone else that's in charge of those building permits, but those sites should be checked before they are allowed to do these things and she did nothing about moving those containers and I am in accord with having an ordinance officer and I am in accord with getting rid of some

of this stuff that you guys deal with and I know there are people who cannot afford a house, so yes, they have a trailer house, or they have a RV that they can live in, but over in the Bend-Redmond area people are living in those trailers or their little motorhome and they move it, maybe down the street two blocks, maybe over three blocks, and then they, of course then they've moved it. So I really just think we need to do something and we need to do something about building permits, a building permit issued to these people that are buying these little lots and doing just what they've done with some of these other places. Anyway, I do have pictures that I can leave the Court so they can look at them.

Judge Joyce: Thank you. Any other proponents?

Linda Ford: Pat and Linda Ford; we do not want our names in the paper, thank you.

Unknown: We don't either.

Planner Evans: Me either.

laughter, multiple talking

Patrick Ford: We have to live across (inaudible)

L. Ford: We are the most recent residents of the area

P. Ford: We live in the brick house

L. Ford: And when we moved in there were very few, there was one trailer and the old motorhome in the area and it was tolerable, and then after, evidently Karen was saying

Unknown: The father died

L. Ford: The father died then everything started changing and then when Amy was able to, through the property owner, to negotiate the removal of those multitude of RVs they somehow ended up in the individuals front yard. Well we weren't notified that he applied for a RV park or business permit; we never saw any ditches being dug for waste or utilities or anything so we're kind of uncertain about the climate

P. Ford: The whole atmosphere for all that, it's a junkyard, it's actually a city dump and the whole problem with that piece of property and the people that are living there in RVs and the activities that are going on is it's right across the street from an elementary school. It's pretty bad, the vulgarity (inaudible)

L. Ford: I'm a retired school teacher and that really bothers me that it's right across the street from Alameda Elementary School, right across the street, it's in the city but this property is in the county (inaudible)

P. Ford: The county line is right there

Judge Joyce: Is it UGB?

Sgt. Speelman: For some reason they know where the county line is.

multiple talking

Judge Joyce: Other proponents?

Kevin Curfman: My name's Kevin Curfman, I actually live in Chehalis Washington but we've run a wildfire business out of the Ontario area here for 15 years, working along with BLM, and I just retired recently from 30 years on the Chehalis fire department as a structural firefighter, along side of running our business, worked along side of law enforcement in many of these situations and I certainly appreciate everyone's concerns and the health issues and all there. The only reason that I am here is that I have a concern for, I guess, people that slip through the cracks the other way, is that while I'm down here this year I'm living in a 5th wheel, friends have allowed me to park it here, I am the only one of my crew that needs housing, others are local and it doesn't warrant me renting an apartment, which is very hard to find, we looked for a couple of months, trying to find housing, finally found a house that's maybe an option if I needed to, but by staying in my 5th wheel I can stay there until we get dispatched; it's fully self-contained, it's only five years old, it's a \$20,000 travel trailer, or 5th wheel; not a drop of sewage, no garbage anywhere, perfectly fine, and no problems with the neighbors or anything. And I think there's a lot of people around that do live in situations like that and this, as I understand it, even where it's mentioned the farm labor, technically because the definition you look at, we fall under farm labor workers, or farm workers. So this would exclude that from being an option. The other thing is my wife and I, in our off season we are members of a group called ROAM, RVs on a Mission, we travel around and we do projects, (inaudible) we're onsite for a month and with this in place, if there were to be a project come up in this county we would not be able to do that, as I read it, because it limits us to two weeks at a time. Where were at those usually have hookups available or else they bring a sewer truck around to pump the RVs as necessary and provide water, so it is certainly in sanitary conditions. My wife and I also have what we call Firelight Ministries where we work at places after disasters, specifically where we can go and help out on a volunteer basis. Last year we went to Calistoga California and worked for just over three weeks at a resort ranch that had been burned over by the Tubbs Fire and we were able to park there and stay there and help them out; again, fully self-contained, and if that were to happen to this area and we saw something where we could come and help out or even bring some of farm background I have, (inaudible) farmer was injured or heaven forbid killed, where we could come and just help out for a few weeks, we'd lack the ability to do that. And again as I see it that this would exclude us from going to do that. And then there's also the situation where you've got senior folks that are snow birding, maybe they live in their RVs fulltime and come back north to this area to maybe stay on a child's property or on their own property, and again this would exclude them from doing that. So just kind of a concern there and wondering if there's something that could be done to allow for that. Also recently my father-in-law had some serious health issues, this was up in Washington, we took our 5th wheel to the farm, parked it there, we were able to stay there a few weeks, help out while he recovered. But again, unless this would fall into the medical hardship dwelling, I don't know if it would or not,

we would not have been able to do that in this area. So I just want to point out, again, I certainly understand the situation you're dealing with and it obviously needs to be cleaned up but I just wonder if something could be in there to allow for these other cases, to go through a permitting process or something like that; sometimes that's kind of lengthy, I don't know what that would be but just please consider there are other options besides the situation that you folks are all dealing with.

Planner Evans: Do you want me to address some of those?

Judge Joyce: Okay, go ahead.

Planner Evans: With this new proposed ordinance, we are allowing 30 days, that's by this ordinance, 30 days in a 12 month period. So I don't know if that affects any of what you were addressing but

K. Curfman: 30 consecutive days

Planner Evans: 30 days in a 12 month period. Some of that may have missed what you were talking about, so anything more than 30 days we also have other code ordinances that talk about temporary permits for some of these and if you came to me in my office I would issue a temporary permit for I think everything that you said just now.

County Counsel Williams: And that can be done right in the Planning office; it doesn't go to a hearing

Planner Evans: It's Administrative, and I think it's the same fee - \$100

F. Rempel: But we also have a nice RV center over here that they can stay in also, not just on your own peoples property or inside their

Planner Evans: RV parks

F. Rempel: Yes, RV parks

K. Curfman: And you're donating your labor for a month or so, 30, 40, 50 dollars a night is kind of expensive when you're already donating your labor in terms of all your expenses for volunteering like that too.

Undersheriff Johnson: We're going to be pretty lenient on volunteers if we're in a natural disaster.

laughter - multiple talking

Undersheriff Johnson: I understand that people get worried about government overreach and too many rules and things like that. I fully get that. And our goal, like I said earlier, is not to be heavy handed, its to be, its for people to be responsible and us to have some ability when they're not being responsible about those uses to actually do something about it instead of; we have several people from one neighborhood and that's just one example of what's going on. And those are the situations we're going to be eyeing. If we have a disaster and we have somebody here volunteering and they talk to Eric, they go talk to Eric and get a permit, or we come up there and you tell us what's going on, that's a whole different ball game and we have some pretty commonsense deputies, I feel like they're going to be able to make those decisions pretty easily.

Commissioner Hodge: Yeah, like Travis was saying, I think where you're talking about being commonsense, well you can look at these pictures and that, that doesn't pertain to these pictures, that's, just like you said, that's disgusting to look at that stuff and you know.

Judge Joyce: Other proponents. Hearing none, I don't think that part's going to change, so how about opponent testimony, state your name for the record.

Shelli Monroe: Good morning, my name is Shelli Monroe. I have been a citizen of Malheur county for over 20 years. I have raised three children and have mentored many children in this community. It is my philosophy that education is key to success which brings me here today. This Court is about to pass a law that is a violation of the 14th amendment which states: all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state where they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of liberty, life, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. It is my opinion that if this law is passed, it will set Malheur County up for a lawsuit which in turn will cost the taxpayers of this county undue financial harm. These changes will prevent innocent citizens who may be homeless and/or poor from using their vehicles, RVs, trailers, tents etc. as shelter for their self and/or their family. Malheur county has a shortage of housing for low income families and shelter space. In the court case of Steven Jacobs Elstein and 5 other plaintiffs versus the City of Los Angeles 2014, the City passed a law that prohibited the use of a vehicle, RV, etc. as living quarters either overnight, day by day, or otherwise. You could not park on any public street, lot, public garage, etc. Mr. Jacobs Elstein and the other plaintiffs were not only cited but also arrested for leaving their personal items in the vehicles while sleeping at a homeless shelter and/or traveling thru Los Angeles. This law denied them their constitutional rights according to the 14th amendment. They were singled out and persecuted for being homeless and/or poor. The law enforcement officers were placed in a position of using subjectivity. This position was not only unfair to the ordinance officers but led to the abuse of discretion. This is no different than the English Feudal poor laws which led to the round-up of undesirables. The 9th Circuit Court ruled in favor of Mr. Jacobs Elstein and the plaintiffs stating that it was a violation of the due process clause of the 14th amendment and it was an unconstitutional statute. I understand that clarification of the current law is necessary. However, we need to tread carefully in how these changes may be interpreted by those enforcing the law in the future. In summary, this law, if passed, will pave the way for law enforcement to target the homeless and innocent citizens of this community and it is my opinion therefore unconstitutional. It is also my opinion that it opens the door for discriminatory enforcement against the homeless and poor of our community. It violates the due process clause of the 14th amendment. For many homeless persons, their automobile, their RV, their tent, etc. may be their last major possession that can provide shelter for their self and/or their family from the elements. It may be the only means they have to be able to look for work and/or seek social services. Selectively preventing the homeless and the poor from permanently using their vehicles, RVs tents, campers, etc. for activities that many other citizens may use on a temporary basis is wrong. No one should be singled out and/or penalized because of their living situation. Let it be noted that I, Shelli Monroe, as a

citizen of the United States of America, of the State of Oregon, and Malheur County am opposed to this law. Thank you.

Judge Joyce: Other opponents.

William Bayes: My name's Williams Bayes and I basically grew up in Ontario and from Ontario was moved over to Boise through the MEPS center and to the military, fought for this country and the people for their rights, not only their opinions, or warm fuzzy feelings or desires, but their rights. And all the things that I've heard here today is in an attempt to squash what we want or that warm fuzzy feeling. There is existing laws currently that will prohibit or take care of or fine these individuals. As far as the real estate and property values there is petitions that could be petitioned that they cannot sell their home because of this property, they need to get it cleaned up, they need to do whatever, EPA can watch their property, any of this garbage blows off of their property therefore it's littering, it's a \$5000 maximum fine in the state of Oregon. There's so many different laws that can be taken care of to do this, sewage, sanitation, like I said EPA, all of these are fines that could be imposed on them. And go on long enough they'll either have to leave and so forth like that. As far as drugs, there's federal funding, state funding, so forth for them to do their job. I understand we don't want drugs around our kids, around our families, around our so forth, but the garbage issue is a byproduct it is not a cause of the drugs and so forth. As far as the ordinance control and code enforcement, I understand we haven't had one for a while, on Facebook blog there's a lot of people saying that they have called, they've complained, and nothings happened. Well, you know, my father was a Eldorado County sheriff deputy down in California and he always was upset because somebody didn't do their job correctly; it's called dereliction of duty, whether we want to approach or call it what it is. People that don't want to do their job and look for other easier ways to throw a blanket over the situation, that's not how things are done. There are also vagrancy and trespassing laws that could be used and utilized, which nobody's even mentioned or anything like that. As far as private property, the state law that says regarding the use and prohibiting of any local government to basically impose a code like this says that you guys are very limited in what you can do. Oregon Statute 197.493 states that a state agency or local government may not prohibit the placement or the occupancy of a recreational vehicle or impose any limit of length of occupancy of a recreational vehicle solely on the grounds that the occupancy is in a recreational vehicle. If the recreational vehicle is located in a manufactured dwelling park, a mobile home park, and your pretense to this code is that even the RV park out here with the way the code's written, they can only stay there fourteen days.

Planner Evans: It actually says, nothing herein however shall be construed to violate ORS 197.493.

multiple talking

W. Bayes: It says you can only be in one spot for fourteen days. That's the cut blank and then you've got to move from that spot over to like the next spot right next to it or across the other RV park, but the same spot for fifteen days. It doesn't matter because this law, state law, says you can't do that. It says if it's occupied as a residential dwelling, so there's people, you want to say six months and then we can revisit if your house is taking longer to build, then we, depending on our administrative discretion will give you a permit. The law says No. It says there is no length of time of which you can prohibit them on living on that. This all comes down in what I am looking at is the County Assessor's loss of revenue for money because a RV sitting on a piece of property is not worth as much taxes as if there's a house sitting there. So, it also says if the RV is lawfully connected to water and electrical supply system and sewage disposal system, which the majority of the RVs now days are self-contained, so therefore it meets that criteria no matter where it's parked, even in front of the Sheriff's Office, across the street in the public road, there's nothing you can do about it. We need to use the laws that we have, such as the burn bans, we can require other codes or amend other codes that if you have a barbeque or so forth like that it needs to be, you know, so far from any rubbish or shrubs, sagebrush, whatever, have bricks laid around it, something to that fact if you're worried about fires. Again, this is not, like this lady here had said, it's against civil rights you know for life, liberty, and pursuit of happiness anyway. This whole 9th Circuit Court has opposed Oregon to make this law 197.493 so that people, say for myself as I said earlier was a military person and when I got out I had a transition between civilian life and my disability and being able to afford to live. I had to live in my RV. And a lot of people don't know of it but when you go in to getting Social Security, even though you qualify, you have six months before you can even get a penny. So what are these people going to do? Let's say it's in November, December, you're going to put them out in the street. Housing in this area is so small and then when you do find a place they want a fortune for it and all of our issues and problems here can be pointed towards one area and that is the prison. When the prison opened it up to an overall instead of a sex offenders prison it brought a lot of people here that are as the term used is undesirables and their families and so forth like that and if you look at the timeframe and so forth that's when we started having our problems, that's when a lot more gangs came into Ontario, that's when a lot more drug use has been used, that's why Ontario has beefed up their police force and if I'm not mistaken, even budgets for law enforcement in this area has been raised a bit in order to battle these things. So we just can't throw a blanket over a fire and say okay that's good because it's going to come back and bite us one way or another in civil suits, county pay for it, people, problems, I think this is not only illegal but it is wrong.

Judge Joyce: Is there any other opponent testimony that's any different than what we've already heard?

Robert Lawrence: I'm not going to say I'm totally different, I wrote out a page and half about this here, I just want to add (Judge Joyce asked for the speaker's name; Robert Lawrence from Ontario). I think people have said a lot of what I want to say, I've got to say one thing, there's one of those pictures that the sheriff handed, it's a picture of a camper with a bunch of boards and stuff in front of it, those boards don't have anything to do with that camper that's setting behind there. Anyway, I did a tour of a piece of property or close to a piece of property that I own in the north part of Ontario, I counted 18 campers that were occupied, within those 18 campers I estimate about 24 people living there and that includes children. So, okay, you've said you'll have discretionary enforcement and so forth but you're passing a law here for crying-out-loud you don't spot enforce a law. These people are not dangerous, they are only trying to get by. If you ask them why they're there they say because they are poor, maybe they don't have a job or whatever. I did a little scan around the outer rims of the range of my property and I found three more campers. You realize the city mayor of the City of Ontario has a person living on his business property in a camper; maybe he's a watchman or a maintenance man but he's just living there, he's not hurting anybody, are you going to make him homeless like all the other people that are living in these campers. I would suggest instead of sending in the police enforcement - hey get some social workers, get in and help these people, don't add to the problem by making a law that throws people out of their only home they have to live in right now. Discretionary law enforcement is wrong. It puts everyone who might be at the edge of the law or even violating this law in a case of nervousness; they are afraid of this law. And I'm sure that these kind of ordinances and laws are complaint driven, somebody complains, the law enforcement has to go out and if law enforcement doesn't do their job according to this law that complainant has a right to complain and complain and even hold law enforcement accountable for this not getting taken care of. It's not an emergency, the only emergency in this county and town and area is homelessness which is caused by poverty; the number one killer of human beings on this earth is poverty; we got it here, it needs to be addressed and the drugs and the goofy's that are living out there, they can be dealt with without having such a strict law on top of everybody, it's like he

said don't throw a blanket over the fire, do something about the fire. That's it.

Judge Joyce: Thank you.

Lewis Jones: Lewis Jones. I came to the area about a year ago; broke down, no place to go. Back in December I bought a trailer, a 15 foot trailer, been living in one since then. I received an \$18,000 settlement check, and I was going to buy a house or even get myself in a home. You can't buy one here. So I'm still living in one. If you guys changed some rules or regulations where people could even get into a place, get out of these trailers or even off people's property, then maybe some people can change their lives. I came to the area, my wife and I did, and we like the neighborhood, we like the place, that's why we stayed. And we're still fighting to stay here. We're not giving up. And I'm still looking for a place. Like I said, I came here five years ago and I still want to be here. And I even had the police check me out, no warrants on me, I don't use drugs, all I want to do is just to remain the rest of my life here because I like the area. I came here sick as a dog - I'm healthy as a horse. Just change the laws, get people off the streets, give them each a home. Build a halfway house, that'd get them off, that's what we did back in (Georgia?), you know we changed some lives back there, we could do it here. But all what the mayor or the city or the county have to do is change the law, do that and we can get the bad people out of here, give the people a job. You know it doesn't take a genius to do all of this. You know I've seen it done too many times. And we could do it here. That's all I have to say.

Judge Joyce: Okay, thank you. Other comments.

F. Rempel: I might add too, some of these, and I understand our gal that's in real estate because when you have a mess on a piece of property and you own one side and somebody else owns it on the other side your property value just goes in the toilet, because no one wants to buy something that is living next to this mess, and in my daughters case that's just what has happened and her neighbor lady on the other side of this mess is in the same boat and I mean, something yes, something has to be done. My daughter builds a big long fence, didn't want to but had to because she didn't want to look at this mess every night when she came home from work and I wouldn't either, I just don't think, I think we need have a little more, maybe a sheriff's patrol like for fire hazard, this particular subdivision the owner of the subdivision died so it was left to another family member, they've done nothing, they have lots that have not been weeded, mowed down, or taken care of, and so it has become a very bad fire hazard. So I think that we need some moderation of people, of law enforcement or county officials to look at this issue of weeds and take care of some of our weed control, especially in a housing area.

Judge Joyce: Okay, one more time, any new testimony that has not been heard before or said or repeated.

W. Bayes: Well I think there is a comment or an idea here and that is people's property. You own something, that means you've worked for it or it's family given, something like that, I made the comment on the blog that if I was given a ten million dollar home and its residence was in a HOA I wouldn't live there, because I'm not going to allow any one person or a group of people to tell me how I'm going to live, what color my house can or can't be, what color my garbage can can or can't be, what I will park or won't park in my driveway, or how long my grass has to be, and if that's what Malheur County's idea of coming up with code is maybe we need to understand what people's property is to them and the laws that govern the overstepping of what you can do on my property. So I mean, unless the police are there on official business, they're just another guy; they have no jurisdiction on my property unless I'm doing something illegal by the state. So it's a very fine line between what we want and what we can actually do and we need to find that.

S. Thayer: I think if the County would enforce a really strong blight ordinance, it worked in California, California's not the best example, but if you put in some really stiff fines to property owners that allow this kind of vehicle being parked on a, they'll take care of it, you put a five or ten thousand dollar fine (inaudible) on the property owner for allowing this to happen on their property they're going to take care of it.

Unknown: There's no jurisdiction.

R. Lawrence: Just a quick question to the sheriff's office. The new officer that you have coming in, the ordinance officer, under the existing law would they be able to go in on these properties, like these folks are living next to, and actually get some action done there? Under the existing law because you say there's already a no live in a camper law.

Undersheriff Johnson: Yes and no. We're working on one right now and it's just a slow process, there's a reason there's a lot of people here because it's taking so long to get anything done. There just aren't any teeth in it.

R. Lawrence: Is this new ordinance going to make it any faster for you because I know the bureaucracy that goes on with enforcing ordinances.

Undersheriff Johnson: It should, it allows us to go in and cite people and then allows them due process. It's not (inaudible)

R. Lawrence: You mean don't have that under the present laws or ordinances?

Undersheriff Johnson: We can cite under the County code right now

R. Lawrence: So this ordinance is unnecessary.

Undersheriff Johnson: This codifies what we have right now.

County Counsel Williams: The time limits in the ordinance are necessary, it's clarification of the time

Planner Evans: Right now if you're building a house in Malheur county you can't live in your RV. So parts of this actually expands (inaudible) so if you're building a home on your property you can live in an RV for six months

R. Lawrence: As I'm understanding it that isn't the problem here, the problem is junky people and undesirables living there

Planner Evans: But right now under current ordinance it doesn't allow those types of practices so

R. Lawrence: So law enforcement can go in right now, I mean right now

Planner Evans: Potentially they could but it's been our common practice that we don't do that so

R. Lawrence: It sounds like spotty law enforcement to me. If you have that rule now why not enforce it now not add this other high handed

County Counsel Williams: Well you know the blight ordinances and the public nuisance ordinances are effective but what happens is that, and you know I really appreciate everything that you said about poverty, because what would have to happen is that, these ordinances that we are looking at, they're not criminal, they're civil; they're civil violations where you're issued a ticket to pay a fine and you go to justice court; there's no jail time associated with violations. What happens is that the people that are marginalized and disadvantaged right now, they can't afford the fine, they can't afford to cleanup their residence, so the County would have to go in and clean it up and put a lien on the property in order to get reimbursed for doing it. So it's just kind of a vicious circle (inaudible)

R. Lawrence: So this new ordinance

Judge Joyce: Time out, wait a minute, let her finish.

County Counsel Williams: and really what this does is too for people, absentee landowners when people move in and squat on their property, it tells the landowner and not necessarily the people who are living there, this is your responsibility, you own the land, this is how long people can be there.

R. Lawrence: So it throws all that back on the landowner.

County Counsel Williams: It is the landowners (inaudible)

R. Lawrence: What it will do is it will criminalize

County Counsel Williams: It doesn't criminalize anything, these are not vagrancy laws, these are not trespassing laws, those are criminal laws

R. Lawrence: Doesn't sound like, excuse me I'm

County Counsel Williams: you're fine

R. Lawrence: It doesn't sound much like a change in the present code except that it covers

Sgt. Speelman: It clarifies it

County Counsel Williams: It sure does, right.

Sgt. Speelman: It clarifies it for us to enforce.

County Counsel Williams: And it gets rid of the subjectiveness that law enforcement is maybe doing now.

R. Lawrence: I'm associated with an Ontario city councilman, he said Ontario city code, they went through this, having to put a lien on the property and all that stuff, but that's the way it's done in this country, law enforcement just has to step up and do that, take the time.

S. Monroe: I believe in the state of Oregon we already have a law in place to help with hostile takeovers of private property because I believe that after a certain amount of time when somebody has lived on a piece of private property they then become a tenant and so you have to go through the eviction process of a tenant. Why not go down the path instead of passing this.

County Counsel Williams: The landowner does that and the landowner is not doing it.

S. Monroe: But why not go down the path of this tenancy and the eviction process and move that eviction process faster when there's a situation where there are drugs and criminal activity happening on the property but its been proven.

Undersheriff Johnson: Well if the landowner doesn't want to do it we have no right to force them

County Counsel Williams: And the time limits are mandatory under the statute.

W. Bayes: We could urge all landowners that if they're leaving for a prolonged period of time to sign a waiver of trespass to the sheriff's department that they can go out there on that person's property and say you're trespassing, he's given us authority to kick you out of here, instead of him sitting there

Sgt. Speelman: And we have done that, we have trespassed people that are squatting on other people's ground

W. Bayes: Well yeah but you need the landowners

multiple talking

W. Bayes: that's what I'm saying but that's another avenue rather than

multiple talking

W. Bayes: I mean just put it in the newspaper, put it out there, have the forms available, make signs available.

County Counsel Williams: This is another tool that goes contemporaneously with all the other tools that you mentioned

W. Bayes: Passing a code that is in opposition of state law is not a tool, it's illegal

County Counsel Williams: The code is not in opposition of state law.

W. Bayes: Yes it is, I just read the law, it says you cannot put time limits on it.

County Counsel Williams: Right - in a mobile home park

W. Bayes: No. Period. Anywhere in the state.

County Counsel Williams: No sir, and also the ordinance says that nothing in the ordinance, it flat out says it in number one, nothing herein however shall be construed to violate ORS 197.493. It's right in the code that we wrote.

W. Bayes: Okay let me read it again so

County Counsel Williams: No, I don't need to hear it again

W. Bayes: because the first time was maybe spontaneous, people weren't listening maybe

Judge Joyce and Commissioner Wilson: We've already heard it.

W. Bayes: If you've heard it then why are we here?

County Counsel Williams: And Judge if you want to we could admit the law right into the record if you want.

Judge Joyce: We could admit it, we'll admit it, yes

Judge Joyce: Is there anything new? That's what I'm trying to get at.

S. Monroe: The City of Boise had passed a ordinance or a law that would not allow people to sleep on the street and it went all the way to the 9th Circuit Supreme Court and was found unconstitutional because you cannot prevent people from doing just that, so in light of that by doing this here you're still going to be in violation of the constitution, and I believe they went under the 4th, 5th, and 14th amendments.

Sgt. Speelman: And that is under appeal right now, that lawsuit's under appeal.

S. Monroe: And they're going to lose.

multiple talking

W. Bayes: The prime definition of it right here, life, liberty and the pursuit of happiness; that's what this man did right here and that's what we're all after; we're going about it different ways but it's our right, right there.

Undersheriff Johnson: And just for the record, the Sheriff's Office, we understand the poverty in this county, there are some very sad situations, but we also understand the people in the community that are in these other situations where that's affecting their property and their right to pursuit of happiness. And you guys have used the term undesirables, I want to make very clear, we are not calling these people undesirable, that is not a word that the County has used; the situations might be undesirable and difficult but you guys are the ones calling these people undesirable.

L. Jones: You guys saying that everybody out here that is homeless is drug addicts; I'm saying not everybody that is homeless (inaudible)

Sgt. Speelman: If you'll recall I said we're looking at two specific spots that we know that the drug activity, stolen property, and firearms are being traded, and the problem is getting in to them properties.

L. Jones: Because I'm just trying to say not everybody is.

Sgt. Speelman: And we agree, not everybody is, and I would say the majority probably isn't.

L. Jones: Because my wife and I, we (inaudible) still living in a 15 foot trailer, because like I said when I got my \$18,000 from my attorney back in December I bought an \$8000 truck so we had a decent vehicle, but I was being denied in every apartment in town and every place else that we tried but I had the money to get us a place but that didn't count. But we're still living in this 15 foot trailer because I'm not giving up. I don't know how to give up.

Undersheriff Johnson: We just want the record to indicate that the homeless situation and those that are in poverty, we recognize that it's a problem and our goal is not to make that worst but we also recognize there are those who it affects their pursuit of happiness as well. So it's a balancing act and I get what you guys are saying; I'd love to be able to draw a black line in the sand and know you can't cross this line but from my perspective unfortunately life's not that way.

S. Monroe: The one thing that I say with the passage of this is the fact that it puts the officers in a position like what happened in Los Angeles where you're placed into a position of subjectivity, of having to look at each individual situation and make a decision, which could potentially put you and your job and your career at risk, along with other people because of the civil

Undersheriff Johnson: I believe that's why there's the due process that goes through court; we don't have the final say.

R. Lawrence: One more little thing, the sheriffs, undersheriff here, do you think if you kick these undesirables, there I said it, out of those campers where

they're trading guns and doing drugs and stuff, are they going to quit trading guns and stealing and doing drugs?

Sgt. Speelman: Therein lies the problem. They're going to move to another location whether it be in our county, another county, or back somewhere in the city. And that's an age old thing, when you start pressuring one specific area, they pack up and move to another area and until we get complaints in that area, they're doing what they want to do. A lot of it's complaint driven.

Undersheriff Johnson: It's not going to fix it completely but just because it doesn't fix it completely do we just give up and let them just run wild? You look at what's going on in Seattle and Portland and San Francisco and some of these places, it's incredibly sad. I feel terrible for these people but at the same time do we just give up and let everything go that way or do we put up a fight and try to keep our community clean and try to continue to improve our economic development and try to get bettering it so that people can continue to improve; it's not going to be overnight. But if we just allow these people to keep camping and staying, what that says is, if you build it they will come. And I can tell you right now people are coming to Oregon because we have reduced sentencing on drug crimes, all drug possession crimes are misdemeanors. We have abundant welfare, we have certain policies in place that attract these difficult situations. And we don't take it lightly, I guess is where I'm going with that. And I appreciate your concern, like Ms. Williams said, it's sad, my heart goes out to some of these people but I'm not just going to give up and allow that to come crashing down and it to continue to get worse.

R. Lawrence: But, is allowing law enforcement to enter people's property without due process

Undersheriff Johnson: There is due process. I guess that's where

K. York: Am I supposed to go to bed every night scared to death and I'm scared to leave my home to go anywhere.

Undersheriff Johnson: This is not authorizing us to go in, throw cuffs on everybody and put them in jail. This is going to be a process where they receive a civil citation and then they have an opportunity to go before the justice of the peace.

Judge Joyce: Okay, I don't think we're going to get anything new here right now so I think it's time to move on. Our next step is to ask for summary for the staff report; we've got some other assignments coming up later on in the day.

Planner Evans: I really don't have a summary but it would be my recommendation to approve Ordinance Number 220.

Judge Joyce: That's your recommendation?

Planner Evans: Yes.

Judge Joyce: Okay, so then we're going to close the public hearing; no public testimony can be heard after this point unless it's reopened or continued; and so at this point we're going to take a recess and then we will deliberate and we'll take it under advisement for our options.

HEALTH DEPARTMENT

Health Department Director Sarah Poe met with the Court. Ms. Poe requested authorization to temporarily contract with a person to fulfill the role and duties of the Tobacco Prevention and Education Program (TPEP) Coordinator from July 1 through September 30, 2019. The State is restructuring their TPEP funding for the next biennium and program funding availability will not be known until October 1; the County's funding is precarious at this time as its action plan was not completed this last biennium. Bridge funding is available for the next 90 days (July-October); and it is proposed to contract with an experience intern for the next three months to bring the program into compliance. (25 hours a week for 3 months)

Additionally, Ms. Poe is working with Ms. DuBois regarding the Public Health Emergency Preparedness Coordinator position; options are being explored.

Commissioner Wilson moved to approve the requested contract position for three months for TPEP. Commissioner Hodge seconded and the motion passed unanimously.

ORDINANCE 220

The Court requested that Ordinance 220 be put on the agenda for next week as they wished to consider the testimony they had heard. Ms. Williams explained the possible options included: adoption of the ordinance as proposed; adopt the ordinance with amendments; or not adopt it.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

July 3, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Juvenile Department Director Susan Gregory, Sergeant Bob Speelman, and Planner Eric Evans.

Public present was Bonnie and Larry Stuart and Jennifer Applegate; also present was Larry Meyer of the Argus Observer; and John Braese, employee of Gregory Smith & Co. whom the County contracts with for Economic Development.

ORDER/FINDINGS - CALICO RESOURCES

Planner Eric Evans presented the Order and Findings of Fact approving the application from Calico Resources pursuant to the Sage Grouse Permit; the hearing on the matter was held last week, June 26, 2019. Commissioner Hodge moved to approve Order No. GO-05-19: An Order Approving a quasi-judicial land use application by Calico Resources USA Corp. pursuant to OAR 660-023-0115 (the "Sage Grouse Permit" or "SGP") for an underground gold and silver mine located on tax lot 101 of the Malheur County Assessor's Map 22S 44E; and Final Findings of Fact and Conclusions of Law. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-2477](#)

Jon Dennis from the Oregon Law Center briefly joined the meeting.

ORDINANCE 220

Commissioner Hodge moved to approve Ordinance Number 220: Occupancy of Recreational Vehicles; and Declaring an Emergency. Commissioner Wilson seconded and the motion passed unanimously. Hearings on the matter were held June 12 and June 26, 2019. See instrument #[2019-2478](#)

IGA WITH MARION COUNTY - DETENTION

Commissioner Hodge moved to approve Intergovernmental Agreement between Marion County and Malheur County. Commissioner Wilson seconded and the motion passed unanimously. The Agreement establishes the terms and conditions under which Marion County will provide Juvenile Detention care services to Malheur County. The agreement expires June 30, 2021; the daily rate is \$162. See instrument #[2019-2480](#)

County Counsel Stephanie Williams joined the meeting.

LETTER - OTC

Commissioner Wilson moved to execute a letter to the Oregon Transportation Commission (OTC) requesting the Commission act on the Treasure Valley Reload Center with a recommendation for funding at their July 18, 2019 meeting. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2019-2479](#)

ODOT AGREEMENT/ SUBAGREEMENT - MCOA&CS

Commissioner Hodge moved to approve Rail and Public Transit Division, Oregon Department of Transportation, Agreement No. 33585, Operating 5310. Commissioner Wilson seconded and the motion passed unanimously. Funding is for purchased service to provide public transportation to seniors and individuals with disabilities, and the general public, in Malheur County and to support the administrative costs required to manage the service contract; grant funds will not exceed \$208,778; the agreement expires June 30, 2021. A sub-agreement with MCOA&CS will be entered into to provide the services. A copy will be returned for recording.

Commissioner Hodge moved to approve Sub-Agreement with Malheur Council on Aging and Community Services (MCOA&CS) (to provide public transportation to seniors and individuals with disabilities, and the general public, in Malheur County, and to support the administrative costs required to manage the service contract) Pursuant to State Agreement Number 33585, Operating - 5310. Commissioner Wilson seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Hodge moved to approve the following four (4) Crossing Permits to Idaho Power: No. 16-19 to replace a pole on Enterprise Avenue #662; No. 17-19 to replace a pole on Jefferson Drive #946; No. 18-19 to replace a pole on Grand Avenue #562; and No. 19-19 to replace a pole on Ivanhoe Avenue #1115. Commissioner Wilson seconded and the motion passed unanimously. The original permits will be kept on file at the Road Department.

Ms. Applegate and Mr. Braese left the meeting.

IGA AMENDMENT - JCP PREVENTION FUNDING

Commissioner Wilson moved to approve Amendment No. 2 to Intergovernmental Agreement No. 11082. Commissioner Hodge seconded and the motion passed unanimously. Funding is not to exceed \$60,000 for JCP (Juvenile Crime Prevention) Prevention; the agreement expires June 30, 2021. See instrument #[2019-2481](#)

EMPLOYMENT AGREEMENT - JAENSCH

Commissioner Wilson moved to approve Malheur County A-Level Commercial Plumbing Inspector Employment Agreement with Tim Jaensch. Commissioner Hodge seconded and the motion passed unanimously. The agreement expires June 30, 2020. A copy will be returned for recording.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of June 26, 2019 as written. Commissioner Hodge seconded and the motion passed unanimously.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

July 10, 2019

County Court met with Commissioner Don Hodge presiding with Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams.

BURN BAN

Commissioner Wilson moved to approve Order No. GO-06-19: Order Prohibiting Outdoor Open Burning in Unincorporated Areas of Malheur County Located Outside a Fire District. Commissioner Hodge seconded and the motion passed. The ban begins July 19, 2019. See instrument#[2019-2551](#)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of July 3, 2019 as written. Commissioner Hodge seconded and the motion passed.

CROSSING PERMIT

Commissioner Wilson moved to approve Crossing Permit No. 20-19 to Idaho Power Company for general lines maintenance on Oak Road #1066 and Jacobsen Gulch Road #1067. Commissioner Hodge seconded and the motion passed. The original permit will be kept on file at the Road Department.

CONTRACT - HOLCOMB CONSTRUCTION

Commissioner Wilson moved to approve Personal Service Contract with Holcomb Construction Inc. for the Malheur County Juvenile Detention Facility - Remodel for Waiting Room Project. Commissioner Hodge seconded and the motion passed. The project amount is \$39,600. See instrument #[2019-2552](#)

COURT ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

July 17, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

COMMUNITY IN ACTION (CinA)-GRANT APPLICATION

Community in Action Housing Programs Manager Heather Echeveste met with the Court and requested support for their Emergency Solutions Grant (ESG) application; grant funding will assist with day shelter services and homeless services. Commissioner Wilson moved to support Community in Action's grant application. Commissioner Hodge seconded and the motion passed unanimously. See instrument # ***

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of July 10, 2019 as written. Commissioner Hodge seconded and the motion passed. (Judge Joyce was not present on July 10, 2019.)

LEASE AMENDMENT - BROGAN COMMUNITY SOCIETY

Commissioner Hodge moved to approve Second Amendment to Lease by and between Brogan Community Society and Malheur County Recorded with Malheur County Clerk on August 30, 2006 as Instrument Number [2006-6441](#), First Amendment Recorded on February 22, 2017 as Instrument Number [2017-0544](#). Commissioner Wilson seconded and the motion passed unanimously. See instrument # ***

EMPLOYMENT AGREEMENT - RAYON

Commissioner Wilson moved to approve Malheur County Juvenile Department - Employment of PERS Retiree Second Temporary Employment Agreement with Julie Rayon. Commissioner Hodge seconded and the motion passed unanimously. The agreement expires August 20, 2019. See instrument # ***

FUND EXCHANGE AGREEMENT

Commissioner Wilson moved to approve 2019 Fund Exchange Agreement No. 33717, Malheur County Various Chip Seals and Paving Projects with Oregon Department of Transportation. Commissioner Hodge seconded and the motion passed unanimously. Projects include a 1 inch scrub on .25 miles of Cemetery Road, .35 miles of Kimberly Road, 1 mile of Grey Boulevard, 1 mile of Cloverdale Road, 2.5 miles of Fairview Road, 1.7 miles of Heritage Drive, 2 miles of Owyhee Avenue, .5 miles of Beet Dump Road, and 1.5 miles of Toombs Road; and chip sealing on .25 miles of Sarazin Road, 3 miles of Juniper Road, 2.5 miles of Pioneer Road, 1.5 miles of Highway 52, 1.5 miles of Boatlanding Road, .5 miles of Douglas Road, 2.8 miles of Butler Boulevard, 2 miles of Sugar Avenue, and 4.5 miles of Valeview Road. A copy will be returned for recording.

ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

July 24, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

ROAD VACATION PETITION

Surveyor/Engineer Tom Edwards met with the Court and presented information on a proposed vacation of a portion of 2nd Street and an Alley in Juntura. Mr. Edwards reviewed his Engineer's Report with the Court members. The petition was signed by all adjoining landowners - Tammy Lyon, Joe McKay and Verdean Clark. A hearing date was set for August 28, 2019 at 10:00 a.m. See instrument #[2019-2726](#) for the Engineer's Report.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of July 17, 2019 as written. Commissioner Hodge seconded and the motion passed unanimously.

CHECK REGISTER

The Court signed the Accounts Payable (AP) Register for April and May 2019.

Sheriff Brian Wolfe joined the meeting.

MAP AGREEMENT

Commissioner Hodge moved to approve Malheur County Allocation Certification Agreement Maintenance Assistance Program (MAP) FY20 with Oregon State Marine Board. Commissioner Wilson seconded and the motion passed unanimously. Funding is in the amount of \$8,812.50 for fiscal year 2019/2020 and is to be used to maintain the facilities at Beulah Reservoir, Bully Creek Reservoir, and Malheur Reservoir. A copy will be returned for recording.

LEASE AMENDMENT - BULLY CREEK

Commissioner Hodge moved to approve Supplement No. 2 to Lease Agreement between the United States of America, Bureau of Reclamation and Malheur County, Oregon; Contract No. 14-06-100-6597. Commissioner Wilson seconded and the motion passed unanimously. The lease agreement expiration date is extended to September 30, 2020 in order to prevent a gap in administration, and to provide a period of time for the development of a new management agreement. A copy will be returned for recording.

ODFW - UPDATE

Philip Milburn from Oregon Department of Fish and Wildlife (ODFW) and Oregon State University PhD student Lindsey Perry met with the Court and gave an update on wildlife activities in the County. Mr. Milburn explained that most of the big game herds are still suffering the effects of the 2016/2017 winter; the spring fawn mule deer ratio is 22 fawns per 100 does (maintenance level is 35 per 100). Tags have been cut significantly and the buck ratio has been maintained near the district's management objective; tag cuts are proposed again for the Owyhee and Beulah areas. Antelope also has a low recruitment number of kids but the buck ratio is 23 per 100. Elk is about the only species that continues to do well in the district - mostly in the Beulah area but Whitehorse and Owyhee both have increasing herds; no changes are proposed for the coming year. The Mule Deer Initiative continues; work is mainly on federal lands, juniper was cut in the national forest, and more winter range treatments are being done with BLM locally. ODFW assisted with the Currey Canyon annual grass spraying project; 68 pounds of bitterbrush seed was collected off the Shumway Road, it will be grown out and planted in the Currey Canyon area in two years. Additionally, ODFW is working to address the deer/vehicle collisions on Hwy 20 between Harper and Juntura. There have been several cougar reports locally. ODFW continues to try and monitor wolves in the county; it has been unable to document established wolves but know that wolves pass through the area. There have been three reports through ODFW's reporting site submitted in 2019 and no requests to investigate mortalities. Last summer more public submitted game camera photos were received than in the past - most were outside of the county boundaries. The sage grouse population looks to be down approximately 17% for the Vale district.

Ms. Perry explained about the OSU Sage-Grouse, Raven & Songbird Research project she is a part of; Ms. Perry is working on ravens and raven ecology. The study areas are focused on the Sage Grouse Priority Areas of Conservation (PAC); the project started due to the sharp decline in sage grouse in the Baker PAC. There is documentation that an increase in raven abundance is associated with a decrease in sage grouse lek attendance. A lethal raven removal in the Baker PAC was implemented. The OSU research project has been collecting data on sage grouse and raven in five study areas (Baker, Cow Lakes, Bully Creek, Crowley, and Soldier Creek) for the past three years. The study is attempting to identify the most cost effective and sustainable way of diverting ravens out of sensitive areas. Ms. Perry has been capturing ravens and putting on satellite GPS backpacks for data collection.

Mr. Milburn also noted that the Riverside Wildlife Area Management Plan is being updated; the first plan was written ten years ago.

EARLY LEARNING HUB BOARD APPOINTMENTS

Eastern Oregon Early Learning Hub Director Kelly Poe met with the Court. Ms. Poe explained that the name of the Hub was previously the Eastern Oregon Community Based Services Hub and it was changed last fall to the Eastern Oregon Early Learning Hub; cradle to career partnerships still exist in each of the three counties (Wallowa, Baker, Malheur). The Eastern Oregon Early Learning Hub bylaws ask that board appointments be made by each county's Board of Commissioners/County Court. Malheur County has 4 board members, one alternate, and one at large member representing the Hispanic population. The cradle to career partnerships have made the board membership recommendations for the biennium as follows: Suzanne

Bolyard (TVCC); Sara Bryne (Ontario School District); Wendy Hill (DHS); Mark Redmond (ESD); Becky Padilla - alternate (MCCDC); and Angelica Fuentes - at large member representing the Hispanic population (OCDC Head Start). Commissioner Hodge moved to appoint those members as presented above. Commissioner Wilson seconded and the motion passed unanimously.

Ms. Poe also showed a YouTube video that is a trailer to the No Small Matter documentary that was presented at summer institute.

ORDER TO ABATE ROAD HAZARD

County Counsel Stephanie Williams met with the Court. Ms. Williams explained that there is a cyclone fence in the right-of-way on SE 14th Avenue, Ontario. The placement of the fence will prevent the City of Ontario and County from improving/paving the right-of-way. Notification to the property owner, Marlene Tinoco, to remove the fence was made in June and the fence was not removed. Commissioner Wilson moved to sign Order No. GO-07-19: Order of Malheur County Court to Abate Road Hazard and Remove Encroachment/Fence in Right-of-Way of SE 14th Avenue, Ontario; and Notice of Hearing. Commissioner Hodge seconded and the motion passed unanimously. The fence is to be removed out of the right-of-way by 5:00 p.m. on July 31, 2019. If the fence is not removed a hearing will be held on August 7, 2019 at 9:00 a.m. in which the Court can determine the person responsible for violation of ORS 368.256. If the County abates the road hazard the costs for performing the abatement will be sought against the owner. See instrument #[2019-2725](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.