

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



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, MAY 19, 2020, 6:00 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 ____

This Agenda was posted on May 15, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

2) PLEDGE OF ALLEGIANCE

3) 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.

4) MOTION TO ADOPT THE AGENDA

5) CONSENT AGENDA

- A) Minutes:
April 21, 2020 Council Meeting
April 28, 2020 Council Meeting

6) PRESENTATIONS

- A) Service Line Warranty Program

7) OLD BUSINESS

- A) Ordinance #2774-2020: Amend OMC 6-1-6 re Noise Issues (Final Reading)
- B) Bid Award: Ontario Skate Park Restroom Project

8) NEW BUSINESS

- A) Liquor License Application: The Devils Playground, LLC
- B) Resolution #2020-124: Revising Business Loan Fund COVID-19 Micro-Loan Program
- C) Grant Request Contract with Merchant McIntyre Associates with COVID Response Appropriation

9) PUBLIC HEARING

- A) CDBG Close-Out: Residential Housing Rehabilitation Project

10) HAND-OUTS

- A) Check Register: April 1 - May 14, 2020
- B) Minutes:
County Court 04-29-2020
County Court 05-06-2020

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- 12) EXECUTIVE SESSION**
A) ORS 192.660(2)(h): Current or Pending Litigation
- 13) NEW BUSINESS**
A) *Possible* Action Following Executive Session
- 14) ADJOURN**



CITY COUNCIL MEETING MINUTES April 21, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 21, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Norm Crume, Michael Braden, and Marty Justus. Dan Capron (6:08pm), Ramon Palomo (6:05pm), and Freddy Rodriguez (6:05pm), participated by phone.

Members of staff present were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, and Steven Romero. Peter Hall, Larry Sullivan, Kari Ott, Dan Cummings, Cliff Leeper, and Betsy Roberts participated by phone.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Request to add items to the Agenda: Resolution #2020-118, regarding a COVID-19 Regional Coordinator position, and an additional letter of support for a housing grant application. Both would be under New Business.

JUSTUS moved, CRUME seconded, **TO ADD AN EXECUTIVE SESSION** to the Agenda.

CRUME moved, JUSTUS seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-out; Braden-yes; Hill-yes. Motion carried 4/0/3.

Councilors Palomo and Rodriguez joined the meeting via telephone.

CONSENT AGENDA

CRUME moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE MINUTES FOR THE MARCH 5, 2020 WORK SESSION; MARCH 17, 2020 COUNCIL MEETING; MARCH 24, 2020 COUNCIL MEETING; MARCH 31, 2020 EXECUTIVE SESSION MEETING; RESOLUTION #2020-114: ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2019-2020; AND AMERESCO INVESTMENT GRADE AUDIT**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-out; Braden-yes; Hill-yes. Motion carried 6/0/1.

Councilor Capron joined the meeting via telephone.

NEW BUSINESS

Support for Veteran Housing Project

Adam Brown, City Manager, presented.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE A LETTER OF SUPPORT FOR VETERAN HOUSING IN THE CITY OF ONTARIO, COVERING THE ENTIRE PROJECT**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Support for 70-Unit Family Townhome Community Grant Application

Councilor Justus recused himself from the discussion due to his affiliation with the project.

Marty Justus presented an overview of the project.

Mr. Brown stated for the record that the letter of support for this project was not brought forward by Mr. Justus; it was requested by Community in Action.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE A LETTER OF SUPPORT FOR THE ONTARIO COMMONS HOUSING PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-recused; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/0/1.

Resolution #2020-113: Supplemental Budget Appropriating Unexpected Police Donation

Steven Romero, Police Chief, presented.

BRADEN moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-113, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND UNEXPECTED POLICE REVENUES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2020-117: Authorizing City Manager to Sign Community Development Block Grant Application Paperwork

Betsy Roberts, City Engineer, presented.

BRADEN moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-117, A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY PAPERWORK AS PART OF THE 2020 SANITARY SEWER REHABILITATION PROJECT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2020-118: COVID-19 Response Coordinator

Adam Brown, City Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2020-118, A RESOLUTION APPROPRIATING FUNDS FOR A COVID-19 RESPONSE COORDINATOR.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill read the resolution into the record: *Whereas, several local organizations, including the City of Ontario, has formed a Local Economic Recovery Team; and Whereas, the team would like to hire a COVID-19 Response Coordinator, with the costs being funded by multiple sources including the City, Poverty to Prosperity and possibly Malheur County; and Whereas, the Coordinator would manage the larger items in response to the Covid-19 pandemic and would be able to work on procuring funding for the City and county; and Whereas, the city desires to modify the 2019-2020 budget to appropriate the funding. Now, therefore, the City of Ontario resolves to approve the adjustments to the fiscal year 2019-2020 budget: \$15K out of General Fund Contingency and \$15K out of Public Safety Contingency.*

Mr. Brown informed the Council that he had spoken with both the City of Vale and the City of Nyssa and was told neither had funds to allocate for this action.

PUBLIC HEARINGS**Resolution #2020-115: Declare City's Intent to Receive State Revenues**

It being the date advertised for public hearing on the above stated matter, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance Director, presented.



The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-115, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2020-2021.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2020-116: Adopt City of Ontario's Annual 2020-2021 Budget

It being the date advertised for public hearing on the above stated matter, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance Director, presented.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-116, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2020-2021, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2020-2021.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Ordinance #2772-2020: Amending Title 10C-60-30 Designated Landmarks Register

It being the date advertised for public hearing on the above stated matter, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL ACCEPT AND APPROVE THE FINDINGS OF FACT, AS STATED IN THE REPORT AND THE APPROVAL AND RECOMMENDATION FROM THE PLANNING COMMISSION ON APRIL 13, 2020, TO APPROVE ORDINANCE #2772-2020.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2772-2020, AN ORDINANCE AMENDING TITLE 10C-60-30 DESIGNATED LANDMARKS REGISTERS ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2772-2020, AN ORDINANCE AMENDING TITLE 10C-60-30 DESIGNATED LANDMARKS REGISTERS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Accept Right-of-Way Along NW 12th Street and NW 8th Avenue as per the Approved Partition under Planning Action 2020-03-10 PTN (Poole, Kenneth and Noreen)

It being the date advertised for public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT-OF-WAY FOR A PORTION OF NW 12TH STREET AND NW 8TH AVENUE AS SHOWN ON THE PARTITION PLAT OF KENNETH AND NOREEN POOLE, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON MARCH 25, 2020, UNDER PLANNING FILE 2020-03-10PTN AND AUTHOIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT-OF-WAY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Mr. Brown stated he had just been discussing the addition of the Executive Session with the City Attorney, and the item does not fall under a protected statute.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Capron stated they needed to do something with the call-in system, maybe Zoom or Office 365. The call-in was not working very well.

Mr. Brown stated the city was working on getting Office 365 and believed it would be ready to use at the next meeting.

- Councilor Crume stated while he understood they had already approved the audit with Ameresco, he struggled with the theory of removing good fixtures, pumps, motors, etc. when they were not at the end of their service life and replacing them with something that was obviously more efficient, but where the investment made, whether a light fixture or a pump somewhere, where it had not gone through its full life, seemed to be a waste. He'd wait until those things failed on their own and then replace them with the upgraded technology. Also, at the end of the 12-year audit period, many of the items that would be installed would also be at the end of their service life. It appeared those would need to be changed out when the city should supposedly receive them for free. It appeared there would be millions of dollars involved, and he was not sure the city had to spend. Perfect example was the current heating/HVAC system in City Hall. It was not his intent to imply they would not do the job they agreed to do, he just struggled with tossing good fixtures before necessary.

Mr. Brown stated when the audit was complete, they would bring back a list of things that would self-fund, with a requirement that if it didn't self-fund, the city would not owe them anything. If it did self-fund, there was still a menu of options of things to do. Some of the pumps at the treatment plants were original to the plant, so there were some huge efficiencies that were available.

- Councilor Justus stated he asked for that Executive session, and what he wanted to discuss was decorum of Council members. At their last meeting, there was a Council member that was vocally abusive to a citizen and at the end of the meeting he was threatened physical violence, inside City Hall, and he wanted to say that he thought that was wrong, and that as Council members they had to have decorum and they had to hold themselves to the highest of standards. He knew that citizens could make you mad. He knew, also, that he, himself, had a temper. He was not trying to point fingers or say he was better than anyone else. What he witnessed was inappropriate and he felt the statement needed to be made.

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES

April 28, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 28, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Freddy Rodriguez, and Marty Justus. Ramon Palomo called in at 6:29 p.m.

Members of staff present were Adam Brown, Tori Barnett, Terry Leighton, Peter Hall, Dan Cummings, and Steven Romero. Larry Sullivan, Kari Ott, Cliff Leeper, and Betsy Roberts participated by phone.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 27, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

OLD BUSINESS**Recommendation of Award for South Oregon Street Improvements Project**

Betsy Roberts, City Engineer, presented.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL AWARD THE SOUTH OREGON STREET IMPROVEMENT PROJECT TO WARRINGTON CONSTRUCTION FOR \$716,225**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Rodriguez read a statement into the record regarding comments made at the previous Council meeting: (Typed verbatim from document) *In an effort to keep my promise of transparency and accountability to the community of Ontario, I find it imperative I address the events that took place after the Council meeting on April 9th as they have been intentionally confabulated into a tall-tale. As we already heard the initial accounts about what happened from my fellow Councilmember Justus last week, incorrect as they may be and appreciative of the focus on my actions by him as I am, they are 100% made-up or imagined, whatever the angle may be. There were only 4 people in the foyer outside council chambers when the events took place, the only elected official that was a present was myself. There was ZERO bullying and COMPLETE absence of anything resembling a threat of physical violence. Being our chief of police was a direct witness I would've imagined some sort of legal action to take place. Nothing of the sort arose as those accounts fabled are again.... Created. It is uncommon for an elected official to engage in a passionate discussion with a community member, but not unproductive when carried out with mutual respect. It is in fact completely unbecoming and frankly 100% untrustworthy of any elected official to use lies for anything, primarily to use lies to inform the constituency. That is something I as a citizen and a city elected leader find to be gross negligence of carrying out our oath of service to the community and shows clear disregard to our communities needs starting with the basic foundation of honesty. Lastly, I also spoke with the News Media source who published sensationalized words from Justus and confirmed there was ZERO attempt to seek to corroborate any part of these claims before running with it and pushing out lies to the community. You would expect a long-standing newspaper to take all avenues available to ensure their stories are at the very least close to reality. Any publishing body knows lies through known omissions are still lies. I hope that moving forward all council members can work together for the good of the people and refrain from pointless back and forth as I have been lured into doing and am guilty of also wasting time on addressing a lie. NO MORE!*



- Councilor Capron stated the Police Chief had been asking about the noise ordinance.

Chief Romero stated it had been anticipating some direction for adoption, but that had not been done yet. The City Attorney had reviewed the current proposed updated ordinance and had submitted an approved version.

Mr. Brown stated he had asked two weeks ago to have the proposed ordinance be brought back before Council for adoption. It should be presented at the next Council meeting.

- Mayor Hill asked for an update on the Airport.

Mr. Brown stated one benefit of the CARES Act was additional funding to the Federal Aviation Administration, who was able to arrive at an additional \$350K. The runway and taxi apron project was currently out for bid. It was all “free” money. There would also be \$2.5M for an upgrade to the BLM area. Plus, there was another \$30K for operations or, if they wanted to use it for something different, they would have to submit a plan. However, using it for operations would free up that amount in the General Fund, so it could be used towards an irrigation system for the grass runway.

- Mayor Hill stated he had received four calls regarding the asphalt patches that had not been done on Idaho, which had been open for quite a while. He believed there was some regulations the city had about patching those within a week, but wasn’t sure if that was factual. He assumed that was being taken care of.
 - Mayor Hill stated he had received some calls regarding a ditch on Dorian Drive that had been open and running full of water for over two weeks. Mosquitos were not out yet, but they would be. He had never seen it remain full like that before, but he wasn’t sure the city had jurisdiction over that.
 - Councilor Crume stated he had previously mentioned an issue about a place off North Oregon and 4th Street; had anything been done there? It was three quarters of a block off Oregon Street onto 4th, if turning West onto 4th, there were many vehicles that were junk and trailers parked in the road. Cars parked in the yard and around the house.
- Mr. Brown thanked him for the reminder; he’d look into it.
- Councilor Crume mentioned the weed situation at West Park Plaza.
 - Councilor Justus stated the question of “founded” or “established” for the City of Ontario might be coming to the forefront and wanted everyone to be prepared.

Councilor Palomo joined the meeting via telephone at 6:29 p.m.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)

An executive session was called under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened into regular session at 7:20 p.m.

NEW BUSINESS

Adam Brown, City Manager, asked if the Council was ready to pass the proposed resolution.

Mayor Hill stated he did not like passing items before actually seeing the wording.

Mr. Brown confirmed the action would be brought before Council at the next work session.

Councilor Braden stated because arbitration was the day after, he was prepared to act on it at the current meeting.



Councilor Justus suggested requesting to move arbitration maybe seven days. They were 99% in agreement with the proposal. That way, they could approve the verbiage as presented.

Councilor Braden stated how they could act now, they could state how they wanted item #4 amended, get it in writing, and then approve it as amended.

Councilor Crume stated they had done that in Executive Session.

Councilor Braden stated that was why they took that time. It was prepared to be acting on now if the Council wanted to do so.

Mr. Brown stated #4 would have to be changed to say the city was willing to offer a 12-month grace period, and that was the essence of it.

Councilor Capron stated it would be a 6-month, with an additional 6-month grace.

Mayor Hill reiterated he did not want to vote on it until he saw it in writing.

Councilor Capron stated they could always hold an emergency meeting. If needed, could they do an emergency meeting on Tuesday after the agenda meeting, maybe via telephone, to approve the resolution once the proposed change was in writing.

ADJOURN

CRUME moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Solutions for Aging Infrastructure

NLC Service Line Warranty Program

**NLC Service Line
Warranty Program**



Dennis Lyon
dennis.lyon@homeserveusa.com
412.266.9545

NLC NATIONAL
LEAGUE
OF CITIES

CITIES STRONG TOGETHER

NLC Service Line Warranty Program



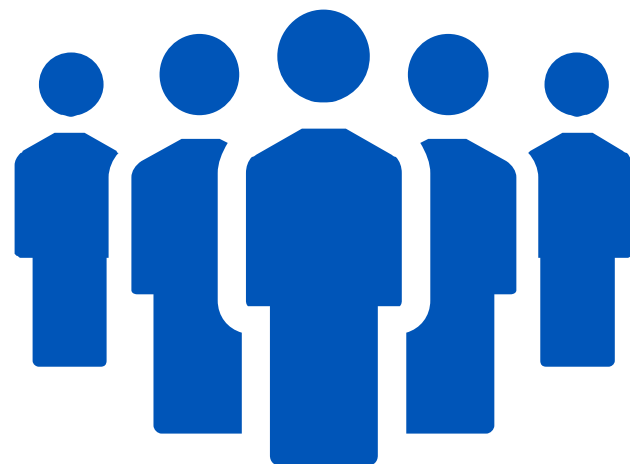
EXPERIENCE

Offering services
for over 17 years



REPUTATION

Accredited BBB
business A+ Rating



PARTNERSHIP

Endorsed by National
League of Cities since
2010



“The National League of Cities is proud to partner with this highly reputable and reliable program. Their exemplary record of customer service and transparency is what has driven the success of this partnership over the years.”



Clarence Anthony
Executive Director
National League of Cities

Infrastructure Challenges – A National Problem

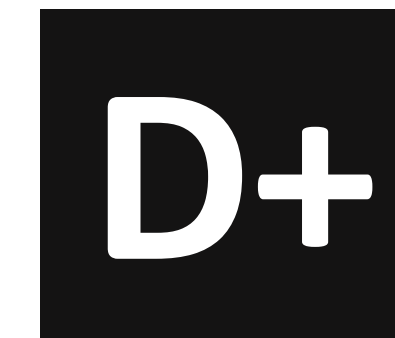
EPA estimates that cities will spend heavily on infrastructure over the next 20 years.

- \$77 billion for repair or replacement of public water distribution systems
- \$10 billion for wastewater collection system upgrades
- \$22 billion for new sewer construction
- \$45 billion to control combined sewer overflows
- \$7 billion to control municipal storm water

2017 ASCE report card grades for U.S. infrastructure are dismal.



drinking water
infrastructure



wastewater
infrastructure

There are 850 water main breaks per day in the U.S.

Aging Infrastructure Is Problematic For Cities And Homeowners

- Lateral lines subjected to same elements as public lines - ground shifting, fluctuating temperatures, tree root penetration, corrosion, and more
 - Public maintains & upgrades
 - Homeowners left behind
- Failed lines waste thousands of gallons of water, increase cost, and present an environmental hazard
- Common homeowner misconception is the municipality is responsible for maintenance of the water and sewer lines on their property, or repairs are covered by their homeowner's policy
 - Reduces wasted time, money, and resources for municipality
 - Reduces burden on city staff
 - Reduces frustration for homeowner



Homeowners Are Unprepared For Emergencies And Expect Solutions From The City/Utility

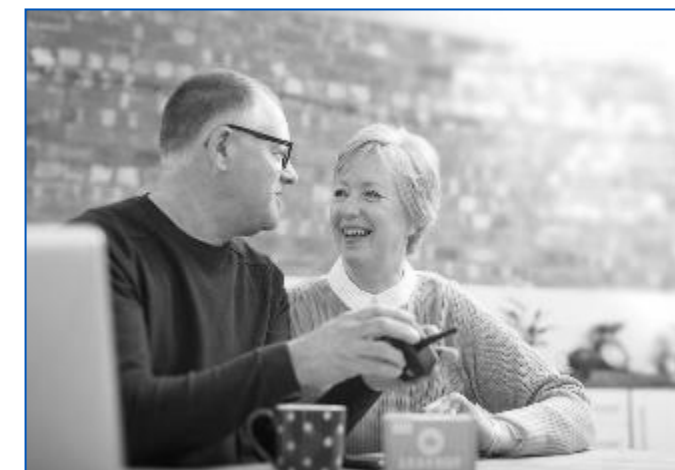
78% of homeowners surveyed believe the utility provider should educate them on repairs and preventative measures



59% of homeowners surveyed have had a home repair emergency in the past year



62% of Americans can't afford a \$500 emergency expense (and would have to sell something or take out a loan to cover it).*

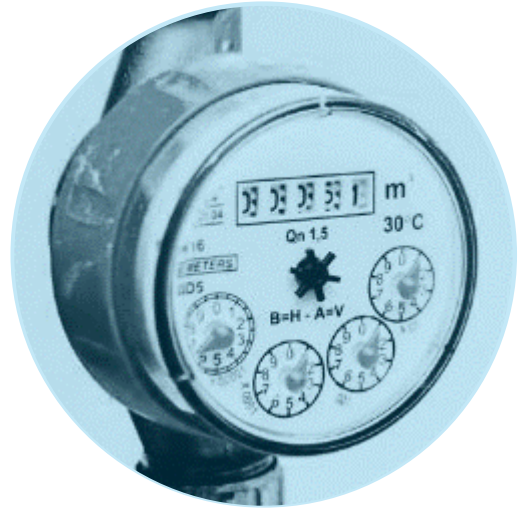


NLC Service Line Warranty Program Benefits



- Only Service Line Program endorsed by the National League of Cities and The League of Oregon Cities
- No cost to municipality & no public funds used; we administer completely
 - Marketing, billing, claims, customer service, contractors
- Optional revenue share for municipality
- Free public awareness campaign for municipality
- Educates residents on their lateral line responsibilities
- Peace of mind – with one toll-free call a reputable plumber is dispatched
- All repairs performed to code by local licensed contractor
- Contractors undergo rigorous vetting process to ensure quality service

Our Service (3 Separate Products)



WATER LINE
COVERAGE



SEWER LATERAL
COVERAGE



IN-HOME PLUMBING
COVERAGE

- Exterior water and sewer – up to \$8,500 coverage per incident for repair/replacement of broken, cracked, and leaking pipes; tree root penetration, thawing of frozen lines; clogs; from the point of utility connection to home exterior
- In-home plumbing - up to \$3,000 per incident on all water, sewer, and drain lines inside the home after the point of entry (clogged toilets)
- No annual or lifetime limits, deductibles, service fees, forms or paperwork
- Homeowner opt in or out at any time – no pre-inspection (30 day wait)
- Repairs made only by licensed, local area contractors (heavily vetted)

Optional Revenue Share

- Municipality receives \$.50 per month per paid warranty agreement
 - Paid as royalty each January
- Yours to use as you wish
 - Examples:
 - Supplement low income utility assistance program
 - Donate to charity
 - Use towards NLC/State League dues
- Can decline revenue
 - Savings passed directly to residents



Marketing Approach

- No Public Funds are used in marketing, distribution, or administration of the program
- Only market by direct mail, no telemarketing or door to door sales
- Limited to 3 mailing campaigns per year
- Would never mail without your review and approval of marketing material before each and every campaign
- Marketing clearly states city does not provide program & is voluntary for homeowner
- City role: logo & signature
 - Economy of scale & Transparency
 - Maximize proactive education of homeowner



Consumers can enroll one of three ways:

- Call our toll free number provided on the mailing
- Return the bottom of the letter in self addressed stamped envelope provided by us
- Visiting our consumer website www.slwofa.com at any time

Solutions For Municipalities And Homeowners



- 750+ Munis & Utilities participating
- Currently serving over 5 million customers
- 1.34 million jobs completed over the past 3 years (1 every 49 seconds)
- Saved customers over \$454 million in repair costs over the past 3 years
- Nearly 70% of homeowners would approve of a utility offering an optional emergency home repair plan to protect them from financial shock.
- 9 of 10 customers have recommended the program to friends, family, and neighbors

Current Oregon Partners (13)

- *City of Cottage Grove*
 - *City of Hermiston*
 - *City of Bandon*
 - *City of Hines*
 - *City of Coos Bay*
 - *City of Estacada*
 - *City of Winston*
 - *City of Umatilla*
 - *City of Reedsport*
 - *City of Glendale*
- *City of Aurora*
 - *City of Jefferson*
 - *City of Oakridge*
- More than 4,500 OR residents currently enrolled in program
 - Over \$750,000 paid in repair costs over the last 3 years



Mike Cully, Executive Director League of Oregon Cities



Following

Great reminder that waiting can be costly. This is why the @OregonCities and the @leagueofcities believe in this program. #bettersafethansorry

Dennis Lyon @DennisHomeServe

Aging Infrastructure Can Hit People Where They Live bit.ly/2WWQRLF
Let us take the punch for your residents! @UtilitySP and the National League of Cities Service Line Program can make a difference! @OregonCities @LeagueWIMunis @ULCTcitycafe @AWCities @CO_Municipal

2:13 PM - 7 Nov 2019



Following

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Dennis Lyon

Regional Director

dennis.lyon@homeserveusa.com

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**AGENDA REPORT
OLD BUSINESS
May 19, 2020**

To: Mayor and City Council

FROM: Steven Romero, Police Chief

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2774-2020: AMEND OMC 6-1-6 RE NOISE ISSUES (FINAL READING)**

DATE: May 13, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2774-2020: AN ORDINANCE REPEALING SECTION 6-6-6.1 OF THE ONTARIO MUNICIPAL CODE AND REPLACING THAT SECTION WITH SECTION 6-1-6.2, CONCERNING NOISE CONTROL, ON SECOND AND FINAL READING BY TITLE ONLY.

SUMMARY:

Currently, the Ontario Municipal Code (OMC) Section 6-1-6.1 regulates noise within the Ontario city limits by imposing decibel limits on noise. The Ontario Police Chief has received legal acceptance for a new noise control ordinance through the City Attorney and is awaiting approval through the Ontario City Council.

BACKGROUND:

The staff report was submitted to and heard by the Ontario City Council on May 7, 2020, as a first reading and is being brought to Council as a "second reading" this date for formal approval and adoption.

RECOMMENDATION:

Staff recommends the Council adopt Ordinance #2774-2020 on Second and Final Reading by Title Only.

ATTACHMENTS:

1. Ord #2774-2020 omc 6-1-6.2 noise-LAS draft12.27.2019



ORDINANCE #2774-2020

AN ORDINANCE REPEALING SECTION 6-6-6.1 OF THE ONTARIO MUNICIPAL CODE AND REPLACING THAT SECTION WITH SECTION 6-1-6.2, CONCERNING NOISE CONTROL

- WHEREAS,** Ontario Municipal Code (OMC) Section 6-1-6.1 regulates noise within the Ontario City limits by imposing decibel limits on noise; and
- WHEREAS,** The Ontario City Council finds that a city's noise ordinance should instead regulate the adverse impacts of noise by applying a reasonable person standard that does not require the measurement of decibel levels; and
- WHEREAS,** Using that new standard allows cities to avoid spending public funds on purchasing and maintaining noise measurement equipment; and
- WHEREAS,** The standard also allows enforcement officers to make subjective determinations on what noise is unreasonably loud or raucous under the circumstances; and
- WHEREAS,** This method of enforcement is simple and cost-effective; and
- WHEREAS,** Loud and raucous noise degrades the environment of the city to the degree that:
- (a) Is harmful to the health, welfare, and safety of its residence and visitors;
 - (b) Interferes with comfortable enjoyment of life and property;
 - (c) Interferes with the well-being, tranquility, and privacy of the home: and
 - (d) Both causes and aggravates health problems; and
- WHEREAS,** Both the effective control and elimination of loud and raucous noise are essential to the health and welfare of the city's residence and visitors, and to the conduct of the normal pursuits of life, including recreation, employment, and communication; and
- WHEREAS,** The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City; and
- WHEREAS,** Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City; and

WHEREAS, The obligation to draft regulations that affect speech in a content-neutral fashion is of paramount importance to protect the freedom of expression guaranteed by Article I, section 8, of the Oregon Constitution and the First Amendment of the United States Constitution. This ordinance enacts narrowly drawn, content-neutral regulations that are to be interpreted as such so as not to infringe upon constitutionally protected rights.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. Section 6-1-6.1 of the Ontario Municipal Code is hereby repealed.

Section 2. The Ontario City Council hereby enacts Section 6-1-6.2 as set forth in in Attachment A of this ordinance as a replacement for Section 6-1-6.1.

EFFECTIVE DATE: Effective 30 days upon passage.

PASSED AND ADOPTED by the Common Council City Council of the City of Ontario this _____ day of _____, 2020, 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

6-1-6.2 – Noise Control

(A) Purpose. The purpose of this Section 6-1-6.2 is to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Ontario, Oregon through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

(B) Scope. This Section 6-1-6.2 applies to the control of all sound originating within the jurisdictional limits of the City.

(C) Definitions. The following terms and definitions shall apply in this Section 6-1-6.2 unless the context requires otherwise:

EMERGENCY means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

CHIEF OF POLICE means the Police Chief or designee.

CITY means the “City of Ontario”.

CITY MANAGER means the City Manager or designee.

NOISE SENSITIVE AREA includes, but is not limited to; real property normally used for sleeping, or normally used as a school, church, hospital or public library.

DOMESTIC TOOLS means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawnmowers, garden equipment and snow removal equipment.

IDLING SPEED means that speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.

MOTOR VEHICLE means any land vehicle, which is, or is designed to be, self-propelled.

NOISE SENSITIVE means any use of a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit (single-family dwelling, duplex, triplex, multifamily dwelling, or mobile home) or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

PUBLIC RIGHT-OF-WAY means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

PUBLIC SPACE means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

RESIDENTIAL AREA means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's zoning ordinance.

PERSON means and includes, in addition to any individual, any public or private corporation, association, partnership or other legally recognized public or private entity.

PLAINLY AUDIBLE means unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words and vocal sounds other than speech, which are distinguishable as raised, or normal.

SOUND PRODUCING DEVICE means and includes but is not limited to:

1. Loudspeakers, public address systems;
2. Radios, tape recorders and/or tape players, phonographs, television sets, stereo system including those installed in a vehicle; on a motorcycle or any conveyance;
3. Musical instruments, amplified or unamplified;
4. Sirens, bells;
5. Vehicle engines or exhausts, when the vehicle is not on a public right-of-way, particularly when the engine is operated above idling speed;
6. Vehicle tires, when caused to squeal by excessive speed or acceleration;
7. Domestic tools, including electric drills, chain saws, lawnmowers, electric saws, hammers and similar tools, but only between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of the following day;
8. Heat pumps, air conditioning units and refrigeration units, including those mounted on vehicles.

(D) General Prohibition.

- (1) It is unlawful for any person to knowingly create, assist in creating, permit, continue or permit the continuance of any noise disturbance.
 - a. Any unreasonably loud or raucous noise; or
 - b. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or

c. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasionally create unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(2) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- a. The proximity of the sound to sleeping facilities, whether residential or commercial;
- b. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- c. The time of day or night the sound occurs;
- d. The duration of the sound; and
- e. Whether the sound is recurrent, intermittent, or constant.

(E) Specific Noise Disturbances Prohibited. Persons who perform the following acts are performing noise disturbances which are declared to be nuisances. This list is not exclusive.

(1) Dynamic Braking Devices. Using any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property. A dynamic braking device commonly referred to, as a Jake or Jacobs brake, is one used primarily on trucks and buses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

(2) Idling Engines on Motor Vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

(3) Motor Vehicle Repair and Testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

(4) Steam Whistles. Blowing any steam whistle attached to any stationary boiler.

(5) Sirens. Sounding a siren.

(6) Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device. Plainly Audible Sound.

(7) Producing or permitting the production of sound which is plainly audible:

- 1. Within a noise sensitive unit, which is not the source of the sound, at any time between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. the following day.

2. On a public right-of-way at a distance of fifty (50) feet or more from the source of the sound at any time.
- (8) Domestic Tools. Operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source of the sound.
- (9) Excessive Tire Noise. Operating motor vehicle on any public street or premises open to the public in such a manner as to cause any squealing or screeching noise from the tires of such motor vehicle as a result of unnecessarily rapid acceleration, regardless of whether or not the production of such noise was an intended result of said acceleration.

(F) Exemptions. Sounds caused by the following are exempt from the prohibitions set out in subsection (E) of Section 6-1-6.2.

- (1) Sounds caused by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, including parks, schools, churches, athletic fields and waterways; provided, however, that said exception shall not impair the City's power to declare such events or activities otherwise to violate other laws, ordinances or regulations.
- (2) Sound made by an emergency vehicle, as defined in ORS 487.005, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.
- (3) Sounds caused by sources regulated as to sound production by federal law, including, but not limited to, sounds caused by railroad, aircraft or commercially licensed watercraft operations.
- (4) Sounds made by warning devices to protect persons or property from imminent exposure to danger; provided, however, that burglar or fire alarms shall not operate continuously for more than fifteen (15) minutes.
- (5) Sounds made by work necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger.
- (6) Sounds caused by industrial, agricultural or construction organizations or workers during their normal operations between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M.
- (7) Sounds made by activities by or on direction of the City in maintenance, construction or repair of public improvements in public rights-of-way or easements.
- (8) Sounds made between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. which are made by or in simulation of bells and chimes and whose purpose is to denote the time of day and which do not exceed three (3) minutes in length.
- (9) Noise resulting from emergency action to avoid imminent danger to a person or property.

(G) Variances. Any person who is planning the use of a sound-producing device, which may violate any provision of this Section 6.1.6-2, may apply to the Chief of Police for a variance from such provision.

- (1) Application. The application for a variance shall be in writing on a form provided by the City and shall include an application fee in the amount determined by Council resolution. The applicant shall submit information regarding the date, time and location of the activity or event that will generate the noise for which a variance is being sought, the reasons the variance is being requested and any other information requested by the Chief of Police. The application shall not be received until all the requested information and application fee has been submitted.
- (2) Review Considerations. The Chief of Police shall consider:
 - (a) The nature and duration of the sound emitted;
 - (b) Whether the public health, safety or welfare is endangered;
 - (c) The nature of the surrounding properties and the benefit to the community shall be considered in relation to the event;
 - (d) Whether compliance with the provision would produce no benefit to the public; and
 - (e) Whether previous permits have been issued and the applicant's record of compliance.
- (3) Time Duration of Variance. A variance may be granted for a specific time interval only.
- (4) Time for Decision. The Chief of Police shall within ten (10) days of receipt of the application, deny the application, approve it, or approve it subject to conditions.
- (5) Appeal. Within ten (10) days of the decision of the Chief of Police, The Chief of Police's decision may be appealed to the City Manager by written notice delivered to the City Recorder. The City Manager shall review the decision within fifteen (15) days of the appeal, and deny the application, approve it, or approve it subject to conditions.
- (6) The Chief of Police may at any time before or during the operation of a variance granted by the Chief of Police, revoke the variance for good cause. The City Council may at any time before or during the operation of any variance, revoke the variance for good cause.

(H) Administration and Enforcement. The Chief of Police for the City shall administer, supervise and perform all acts necessary to enforce this Section 6-1-6.2. The Chief of Police may appoint or assign persons, as he deems necessary to accomplish effective enforcement of this Section 6-1-6.2. Nothing in this Ordinance shall prevent the Police Chief from obtaining voluntary compliance by way of warning, notice or education.

- (1) Upon citation of a person for a violation of this Section 6-1-6.2, the person issuing the citation may seize the sound-producing device, which was the source of the sound as evidence. The sound-producing device, if seized, shall be impounded subject to disposition of the issued citation and determination by the court whether the sound-producing device shall be returned to the cited person or deemed contraband, subject to section I, subsection (2) of this Section. It is the intent of this Section 6-1-6.2 to avoid such seizures except where the person being cited has received a previous citation within the previous six (6) months for the use of the same or similar sound- producing device. The previous citations may, but need not, occur on the same date as the citation, which prompts the seizure.

- (2) In addition to any other enforcement procedures, the City Council may, upon its own motion, or upon receipt of a petition requesting hearing by the Council signed by no fewer than ten (10) persons residing in the vicinity of a property upon which is located an alleged violation of this Section 6-1-6.2, issue its order to the person producing or permitting to be produced the sound which allegedly violates this Section 6-1-6.2, to appear before the Council and show cause why the Council should not declare the sound a violation of this Section 6-1-6.2 and order the violation abated. Noncompliance with the order may result in the Council referring the order to the City Attorney for injunctive enforcement or prosecution.

(I) Penalties.

- (1) Violation of any provision of this Section shall constitute a Class A violation as prescribed in OMC Section 1-4-1(A).
- (2) In addition to the penalties prescribed in this Section, the court may order any sound producing device found to have been used to violate this Section seized, confiscated and destroyed as contraband or sold with the proceeds of sale to be deposited in the City general fund.
- (3) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(J) Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this Ordinance shall not affect the validity of the remaining parts to this Ordinance.

(K) Savings Clause. A prosecution which is pending on the effective date of this Section 6-1-6.2 and which arose from a violation of Section 6-1-6.1 repealed by Ordinance No. 2774-2020, shall be tried and determined exactly as if 6-1-6.1 had not been repealed.



**AGENDA REPORT
OLD BUSINESS
May 19, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: BID AWARD: ONTARIO SKATE PARK RESTROOM PROJECT

DATE: May 11, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AWARD THE SKATE PARK RESTROOM PROJECT TO HOLCOMB CONSTRUCTION FOR \$110,602, THE VALUE OF THE REMAINING GRANT FUNDING, IN PARTNERSHIP WITH THE ONTARIO RECREATION DISTRICT WHO WILL FUND THE REMAINING PORTION OF THE PROJECT.

SUMMARY:

The City of Ontario conducted an informal bid process and received one bid for the construction of a restroom that would serve the Skate Park at the Ontario Aquatic Center. The bid was in excess of the available grant funding, so the city, Public Works and the Ontario Recreation District staff worked together with the contractor to develop alternative ways to complete the project.

BACKGROUND:

The city received a grant from the Oregon State Parks that was split between the Splash Park and the Skate Park. The effort covered in the Skate Park was the design and construction of a restroom specifically dedicated to the Skate Park facility. The design was completed, the project was advertised, and one bid was received.

CURRENT SITUATION:

The one bid received was from Holcomb Construction. Their original bid came in at approximately \$133k. The available grant funding remaining is \$100k. Because there was only one bid, staff was able to work closely with the contractor on value engineering and scope reduction efforts that would help reduce the price of the contract. Additionally, the City Manager worked with the Ontario Recreation District to see if they could fund a portion of the budget overrun. The Recreation District agreed to contribute up to \$16k.

Staff worked with the contractor to get the scope and bid down to \$110,600. Scope reduction was achieved by Public Works staff taking on several activities, such as painting.

ANALYSIS:

- A. **STRATEGIC PLAN** This project certainly meets the goals of the strategic plan for livability, desirability and beautification. Adding a nice, neat restroom structure will fill in the corner of the Skate Park and add a touch of class, beautifying the area. It supports livability by providing full service park facilities. A very desirable feature in any community.
- B. **FINANCIAL** The Oregon State Parks grant has \$100,000 remaining, with a possibility of a few thousand more, but documentation needs to be completed in order to compute the exact amount of funding available. This is in progress. Staff are conservatively counting on the \$100,000 from the grant and up to \$16,000 from the Recreation District to cover the estimated \$110,600 quote from Holcomb Construction.

A supplemental budget will be prepared for the next meeting to appropriate funding.

- C. **TIMING** To receive the grant funding, the construction must be complete by October 30, 2020. Several of the items for construction have a somewhat long lead time and will need to be ordered quickly.
- D. **POLICY/LEGAL** Council approval of award and transfer of funds is needed.

ALTERNATIVES:

Not approving the award results in not completing this project. The grant funding can be used for a sunshade, so not all of the funding would be lost.

RECOMMENDATION:

Staff recommends approving the award of the project to Holcomb Construction with costs being covered by the Oregon State Parks Grant and support by the Ontario Recreation District.

ATTACHMENTS:

- 1. Holcomb skate park-04072020131421
- 2. Holcomb Cost Reduction V1

NOTE TO BIDDER: Use typewriter or **BLACK** ink for completing this Bid Form.

BID PROPOSAL

To: City of Ontario, Oregon

Address: 1551 NW 9th Street, Ontario, OR 97914

Project Identification: Aquatic Center Skate Park Restroom 2020

1.1 The undersigned Bidder proposed and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

1.2 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidder, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 10 days after the date of Owner's Notice of Award.

1.3 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

1.3.1 Bidder has examined and carefully studied the Bidding Documents and the following Addenda receipt of all which is hereby acknowledged:

<u>Addendum Number</u>	<u>Addendum Date</u>
<u>#1</u>	<u>4-6-2020</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

1.3.2 Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions- that may affect cost, progress, performance and furnishing of the Work;

1.3.3 Bidder is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the Work.

1.3.4 Bidder has carefully studied all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site. Bidder acknowledges that such reports and drawings are not Contract Documents and may

**ADDENDUM NO. 1
TO THE CONTRACT DOCUMENTS
for the
Aquatic Center Skate Park Restroom**

Date: April 6, 2020
Project No.: 496187CH

To All Plan Holders and/or Prospective Bidders:

The following questions were raised from prospective bidders and the City of Ontario is providing the following responses.

Question #1: We were asked to clarify the bid due date on the Invitation to Bid and if the bid due date could be extended.

City Response #1: The bid due date was extended to Tuesday, April 7th, at 2pm Mountain Time.

Question #2: We were asked in the Contract Agreement if the Substantial Completion and Final Completion dates could be extended due to the lead times required to obtain materials.

City Response #2: The Substantial Completion was changed to 120 days after the Notice to Proceed but no later than August 25, 2020. Final Completion must be achieved within 10 days after Substation Completion but no later than September 4, 2020.

Question #3: We were asked if the City would prefer to use paint versus staining of the CMU block walls to match the existing restroom facilities.

City Response #3: Replace Specification Section 09 90 04-3.07.B Table with Acrylic Latex Paint, 2 coats, and 1 coat block primer. The painting system and color shall match the existing restroom facilities and be approved by the City.



Steven J. Solecki



April 6, 2020

END OF ADDENDUM

Ontario Aquatic Center Skate Park Restroom 2020 - Addendum No. 1

From: Solecki, Steve (steve.solecki@jacobs.com)
To: holconst@yahoo.com
Cc: betsy.roberts@jacobs.com; al.haun@jacobs.com
Date: Monday, April 6, 2020, 12:19 PM MDT

Hi Brad,

Please see attached Addendum No. 1 for the Ontario Skate Park Restroom Project.

Thanks,

Steve

Steve Solecki

Steve.Solecki@Jacobs.com

Buildings & Infrastructure Group
D 1 208 383 6145

C 1 208 921 2690

From: Solecki, Steve
Sent: Friday, March 27, 2020 10:51 AM
To: 'holconst@yahoo.com' <holconst@yahoo.com>
Cc: Roberts, Betsy/BOI <Betsy.Roberts@jacobs.com>; Haun, Al/ONT <Al.Haun@jacobs.com>
Subject: RE: Ontario Aquatic Center Skate Park Restroom 2020 - Invitation to Bid

Good Morning,

The City of Ontario is extending the Bid Due date to **Tuesday, April 7th, 2020 at 2pm** for the Aquatic Center Skate Park Restroom Project.

The Bid Opening will be changed to **Tuesday, April 7th, 2020 at 3pm**. This will be changed by formal Addendum prior to the Bid Date.

Please email Al Haun and myself with any questions for clarification.

Thanks,

Steve

Steve Solecki

Steve.Solecki@Jacobs.com

Buildings & Infrastructure Group
D 1 208 383 6145

C 1 208 921 2690

Brad,

The City of Ontario/Jacobs is pleased to send you this Invitation to Bid on the Ontario Aquatic Center Skate Park Restroom Project 2020.

The project is being competitively solicited through the Intermediate Procurement process in accordance with the State of Oregon Department of Administrative Services.

Please email any questions you have on the project to myself and Al Haun at the City Public Works Department.

We look forward to hearing back from you.

Thank you,

Steve

Steve Solecki

Steve.Solecki@Jacobs.com

Buildings & Infrastructure Group
D 1 208 383 6145

C 1 208 921 2690

Jacobs

999 W Main St. Suite 1200

Boise, ID 83702

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Aquatic Center Skate Park Restroom ADDENDUM NO. 1_4-6-20.pdf

49.4kB

not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bidding Documents with respect to Underground Facilities at or contiguous to the site. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the determination of this Bid for performance and furnishing of the Work in accordance with the time, price and other terms and conditions of the Contract Documents.

1.3.5 Bidder is aware of the general nature of Work to be performed by Owner and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

1.3.6 Bidder has correlated the information known to Bidder, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

1.3.7 Bidder has given Engineer written notice of all conflicts, errors, ambiguities or discrepancies that Bidder has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Bidder, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

1.3.8 This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules or any group, associations, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion for itself any advantage over any other Bidder or over Owner.

2. BID ITEMIZATION

Except as modified within these Contract Documents, the various work items called for in the "Bid Proposal" shall be performed, measured, and paid for as indicated on the "Bid Proposal" and as provided in the 2018 Edition of the IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPMC), as amended including all supplements

and revisions, and the 2008 (Revised July 2011) City of Ontario Supplemental to the ISPWC.

BASE BID: Schedule A

Bid Item	Description	Unit	Amount	Unit Price	Extended Total Amount
1	Mobilization/Demobilization	LS	1	\$9,330	\$9,330
2	Civil	LS	1	\$28,940	\$28,940
3	Architectural	LS	1	\$59,958	\$59,958
4	Mechanical	LS	1	\$9,474	\$9,474
5	Plumbing	LS	1	\$17,000	\$17,000
6	Electrical	LS	1	\$8,470	\$8,470
TOTAL BID AMOUNT			133,172⁰⁰		

TOTAL BID AMOUNT

\$ One Hundred Thirty-Three thousand One hundred Seventy Two dollars
(Amount written out in words)

The Base Bid includes all items included in Schedule A as presented on the Project Drawings. Descriptions of each bid item are presented below. Bidder acknowledges that quantities are not guaranteed, and final payment will be based on actual quantities determined as provided in the Contract Documents. Bid amount shall be made based on Instructions to Bidders, Article 8. In comparison of bids, bids will be evaluated based on the Total Bid Amount.

BID ITEM DESCRIPTIONS

Item	Description	Item Description/Method of Payment
1	Mobilization/Demobilization	Mobilization/demobilization shall consist of preparatory work and operations. Items considered incidental to Mobilization include protection of existing utilities and vegetation not marked for removal, all materials testing, all site survey, and erosion control. The amounts allowed for in the partial payment to be made under the Contract will be made as follows:

Item	Description	Item Description/Method of Payment
		a. Sixty percent of the schedule unit price or 6 percent of the total schedule amount, whichever is less, will be paid on the first monthly progress estimate. b. Forty percent of the schedule unit price or 4 percent of the total schedule amount, whichever is less, will be paid on the second monthly progress estimate providing that productive work on the project has been initiated by the Contractor. c. Upon completion of all work on the project, payment of any amount bid for mobilization in excess of 10 percent of the total original schedule amount will be paid. Total contract amount is defined as the original total of all bid items awarded. Total schedule amount is defined as the original total of all schedule bid items. Pay unit is LUMP SUM.
2	Civil	Work includes but is not limited to removal and replacement of existing landscape rock; saw cutting, removal, and disposal of existing concrete; removal of existing fence and fence posts; excavation and removal of existing soil; subgrade preparation; importing fill material, subbase, and base aggregates; compaction; compaction testing; new concrete ramps, landings, and hand railings; connection to existing water and sewer services; extending new water and sewer services; trench bedding, backfill, and compaction; installing sewer cleanout and water valve and valve box; installing fence posts, concrete construction joints, control joints (score lines), and finishing; and all other items as shown on the Project Drawings and required per the Specifications. Work should also include all soils work required underneath the new restroom. Refer to General Sheet G-002, Civil Sheets CS-101, CS-102, CS-103, and CS-501. Pay unit is LUMP SUM.

Item	Description	Item Description/Method of Payment
3	Architectural	Provide and install reinforced thickened edge building slab, dowels, CMU block walls, rebar, grout, anchors, wood members, lintels, skylight, flashing, roof deck, metal roof panels, doors, hardware, louvers, vents, grab bars, water closet, lavatory, trash receptacle, painting, sealant, signs, and all other items as shown on the Project Drawings and required per the Project Specifications. Refer to Architectural Sheets AR-001, AR-002, and AR-003. Pay unit is LUMP SUM.
44	Mechanical	Provide and install all ventilation equipment including but not limited to exhaust fans, hand dryer, transfer grill, and all other mechanical items as shown on the Project Drawings and required per the Project Specifications. Refer to Mechanical Sheet M-001. Pay unit is LUMP SUM.
5	Plumbing	Provide and install all floor drains, vents, traps, trap primer, vacuum breakers; solenoid valve, waste and vent piping, fittings, water closet, lavatory, reduced pressure backflow preventer, water heater, expansion tank, hose valves, hose bibs, water piping; fittings, anchors, brackets, and fasteners; and all other items as shown on the Project Drawings and required per the Project Specifications. Refer to Plumbing Sheets PL-001 and PL-002. Pay unit is LUMP SUM.
6	Electrical	Provide and install all electrical equipment including but not limited to power center, circuit breakers, conduit, conductors, grounding rod, indoor/outdoor light fixtures, GFCI receptables, light switches, outlet and device boxes, occupancy sensor, thermostat, fasteners, and all other items as shown on the Project Drawings and required per the Project Specifications. Refer to Electrical Sheet E-001. Pay unit is LUMP SUM.

3. SUBSTANTIAL AND FINAL COMPLETION

Bidder agrees that the Contract will be substantially complete within 50 calendar days from the start date listed on the Notice to Proceed and the date of Final Completion is 60 calendar days from the start date listed on the Notice to Proceed.

4. LIQUIDATED DAMAGES

Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times (substantially completed and completed for final payment) as specified in the Agreement.

5. SURETY

If Bidder is awarded a construction contract from this Bid, the surety who provides the Performance and Payment Bond(s) shall be:

North American Specialty Insurance Company whose address is

1450 American Lane Suite 1100 Schaumburg IL 60173
Street City State Zip

6. LICENSE

In compliance with ORS 671.530, no bid for a construction contract shall be received or considered by the public contracting agency unless the Bidder (Contractor and Subcontractors) is registered with the Construction Contractor's Board.

Bidders License No. 1581

Bidders Tax Identification No. 93-0593618

State of Incorporation, (if applicable): Oregon

7. BIDDER

If Bidder is:

An Individual

By: _____
Print name (Signature)

Doing business as _____

(Seal)

Business Address: _____

Phone No. _____

A PartnershipBy: _____
(Firm Name)

Signature of General Partner _____

(Seal)

Business Address: _____

Phone No. _____

A CorporationBy: Holcomb Construction Inc.
(Corporation Name)Oregon
(State of Corporation)

(Corporate Seal)

By: [Signature]
(Signature of Person Authorized to sign)Title: PresidentAttest: Scott Holcomb
(Secretary)Business Address: 407 S 4th St Nyssa OR 97913Phone No. 541-372-3806

Date of Qualification to do Business: _____

A Joint VentureBy: _____
Print name (Signature)

(Seal)

Address _____

Phone No. _____

By: _____
Print name (Signature)

(Seal)

Address _____

Phone No. _____

Phone Number and Address for Receipt of Official
Communications:

541-372-3806
407 S 4th St Nyssa OR 97913

(Each joint venture must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above).

Submitted on April 7, 2020.

END OF SECTION

BID BOND

Aquatic Center Skatepark Restroom 2020

KNOW ALL MEN BY THESE PRESENTS: that we, the undersigned,

Holcomb Construction Inc., as Principal
(Contractor)
and North American Specialty Insurance Company as Surety, are
(Surety)

hereby held and firmly bound unto the City of Ontario, Oregon (hereinafter referred to as Owner) in the penal sum of 5 percent of the total amount of the Bid for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns. The Condition of the above-obligation is such that whereas the Principal has submitted to the Owner a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing, for the construction of the SW 33rd Street Sanitary Sewer.

NOW, THEREFORE,

- (a) If said Bid shall be rejected, or in the same alternative,
- (b) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract Agreement attached hereto (properly completed in accordance with said Bid) and shall furnish bonds for his/her faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid.

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, on this 26th day of March, 2020.

CITY OF ONTARIO, OR

AQUATIC CENTER SKATE PARK RESTROOM

(Seal)

(Principal)

By: _____

Title: _____

Attest:

(Surety)

By: _____
Attorney-In-Fact

Attest:

IMPORTANT: Surety agent's must file with each bid bond a certified and effectively dated copy of their Power of Attorney.

END OF SECTION

RESIDENT BIDDER STATEMENT

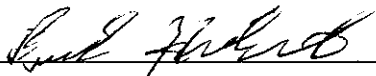
Aquatic Center Skate Park Restroom 2020
City of Ontario, Oregon

City of Ontario, Oregon
JACOBS
Public Works Department
Engineering Division
1551 NW 9th Street
Ontario, Oregon 97914

The Bidder submitting this bid shall indicate below if the Bidder is a resident or nonresident bidder as defined by ORS 279.029. A resident bidder is defined as a bidder that has paid unemployment taxes or income taxes in Oregon during the 12 calendar months immediately preceding submission of this bid and has a business address in Oregon.

☒ Resident Bidder

☐ Non-resident Bidder

Signed:  Date: 4-3-2020

END OF SECTION

OREGON BUSINESS REGISTRATION

Aquatic Center Skate Park Restroom 2020
City of Ontario, Oregon

City of Ontario, Oregon
JACOBS
Public Works Department
Engineering Division
1551 NW 9th Street
Ontario, Oregon 97914

To transact business in the State of Oregon, a Bidder must be registered with the State of Oregon Corporations Division. Please indicate your business' current registration type:

☒ Corporate Registration

☐ Assumed Business Name Registration

Signed:  Date: 4-3-2020

END OF SECTION

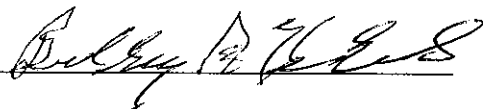
STATEMENT OF COMPLIANCE WITH ORS 279.350

Aquatic Center Skate Park Restroom 2020
City of Ontario, Oregon

City of Ontario, Oregon
JACOBS
Public Works Department
Engineering Division
1551 NW 9th Street
Ontario, Oregon 97914

Holcomb Construction Inc (Name of Contractor) acknowledges that provisions of ORS 279.350 (Prevailing Wage Rates) are to be complied with as set forth in Chapter 279 of the Oregon Revised Statutes.

- 1) Workers shall be paid prevailing wage rates.
- 2) The prevailing wage rate fee shall be paid to the Oregon Bureau of Labor and Industries (BOLI).
- 3) If the Contractor fails to pay for labor or services, the Owner can withhold these amounts from payments due the Contractor.
- 4) Daily/weekly/holiday/weekend overtime shall be paid.

Signed:  Date: 4-3-2020

END OF SECTION

EMPLOYEE DRUG TESTING PROGRAM STATEMENT

Aquatic Center Skate Park Restroom 2020
City of Ontario, Oregon

City of Ontario, Oregon
JACOBS
Public Works Department
Engineering Division
1551 NW 9th Street
Ontario, Oregon 97914

Holcomb Construction Inc (Name of Contractor) acknowledges that
pursuant to ORS 279.312 Section 2, CONTRACTOR has an employee drug testing
program in place.

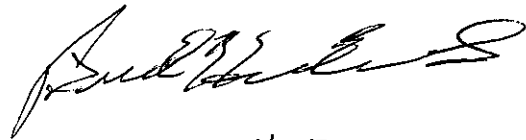
Signed: _____



Date: _____

4-3-2020

Note: Due to Coronavirus material is delayed,
Bidder completion date of project may need
adjusted.

A handwritten signature in black ink, appearing to read "Paul H. [unclear]".

4-3-2020



BID BOND

CONTRACTOR:

(Name, legal status and address)

Holcomb Construction, Inc. and Construction Management

407 South 4th Street, Nyssa, OR 97913

OWNER:

(Name, legal status and address)

City of Ontario

1551 SW 9th St, Ontario, OR 97914

BOND AMOUNT:

5% Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

City of Ontario Skate Park Restrooms

SURETY:

North American Specialty Insurance Company

1450 American Lane, Suite 1100

Schaumburg, IL 60173

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

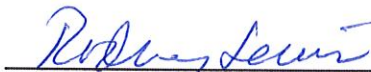
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 26th day of March, 2020


(Witness)


(Witness) Rodney Lewis

Holcomb Construction, Inc. and Construction Management

(Principal)

By:

(Title)

North American Specialty Insurance Company

(Surety)

By:

(Title)

Brenda J. Smith, Attorney-in-Fact



SWISS RE CORPORATE SOLUTIONS

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Kansas City, Missouri, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Kansas City, Missouri, each does hereby make, constitute and appoint: Brenda J. Smith

Principal: Holcomb Construction, Inc. and Construction Management Bond Number: Bid Bond
Obligee: City of Ontario Bond Amount: See Bond Form
Bond Description: City of Ontario Skate Park Restrooms

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION (\$50,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature]
Steven P. Anderson, Senior Vice President of Washington International Insurance Company
& Senior Vice President of North American Specialty Insurance Company

By [Signature]
Michael A. Ito, Senior Vice President of Washington International Insurance Company
& Senior Vice President of North American Specialty Insurance Company



IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 1st day of February, 2019.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook

ss:

On this 1st day of February, 2019, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and Michael A. Ito, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature]
M. Kenny, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 26th day of March, 2020.

[Signature]
Jeffrey Goldberg, Vice President & Assistant Secretary of
Washington International Insurance Company & North American Specialty Insurance Company

Ontario Skate Park Restroom 2020
Halcomb Construction - Cost Saving Options

City						
Item	Bid		Bid	Estimated	Total Cost	
No.	Section	Bid Item	Amount	Costs	Reduction	City Provided Work/Notes
1	Arch	Building Permit/Equipment	\$ 3,000	\$ 1,500	\$ 1,500	Waive City Permit Fee. Equipment rental
2	Arch	Paint	\$ 3,200	\$ -	\$ 3,200	City to provide materials/paint and labor
3	Arch	Door/Locks/Closures	\$ -	\$ -	\$ -	Alternate option for removing louver and undercutting door
4	Arch	Skylight	\$ 200		\$ 200	Remove Skylight
5	Civil	ADA Ramp Handrails	\$ 7,000	\$ -	\$ 7,000	City provides material/fab/powder coating/installation
6	Civil	Temp Restroom	\$ 250	\$ -	\$ 250	City to open the existing restroom (East Side) for workers
7	Civil	Fencing/Landscaping Rock	\$ 2,420	\$ -	\$ 2,420	City to remove/replace rock, remove fencing, rent and place temp fencing
8	Mech	Exhaust Fan	\$ 9,400	\$ 1,400	\$ 8,000	Replacing with roof mounted exhaust fan
					\$ 22,570	Total Savings
					\$ 133,172	Bid Amount
					\$ 110,602	Holcomb negotiated bid



**AGENDA REPORT
NEW BUSINESS
May 19, 2020**

To: Mayor and City Council

FROM: Steven Romero, Police Chief

THROUGH: Adam J. Brown, City Manager

SUBJECT: LIQUOR LICENSE APPLICATION: THE DEVILS PLAYGROUND, LLC

DATE: May 13, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LIMITED ON-PREMISES LIQUOR LICENSE APPLICATION FOR THE DEVILS PLAYGROUND LLC.

SUMMARY:

The Devils Playground L.L.C., known as The Devils Poker Room, located at 490 East Lane Suite 9, Ontario, Oregon completed the “New Outlet Limited On-Premises” liquor license sales through the Oregon Liquor Control Commission.

All necessary paperwork has been approved through the Oregon Liquor Control Commission office and is awaiting approval through the Ontario City Council.

BACKGROUND:

The Devils Poker Room, located at 490 East Lane Suite 9, Ontario, Oregon, under the ownership of The Devils Playground LLC has paid their business registration and received their gaming license through the City of Ontario. They are now applying for a Limited On-Premises Sales liquor license which will allow them to serve beer and wine.

Criminal record process was completed on LLC members Zachariah Brown and Justin Raney. Both records returned meeting state and local requirement. The application forms have been filled out appropriately and required fees have been paid. All permit and license requirements have been met through the Oregon Liquor Control Commission as well as through the City of Ontario Planning Department.

CURRENT SITUATION:

The Devils Playground LLC known as The Devils Poker Room, is requesting to add the sale of beer and wine. The Oregon Liquor Control Commission requires The Devils Playground LLC to complete the “New Outlet – Limited-On Premises sales” application in order to obtain this privilege. Once this step is completed, the location will have the necessary license which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council’s adopted Strategic Plan for Desirability and Lifestyle. With the approval of this license, the Devils Poker Room will be able to offer additional amenities to the clientele that visit their establishment making Ontario a desirable place to visit and live. Lifestyle is achieved as it will provide new community social activities which can be enjoyed at the establishment through a venue that offers card games; upon granting a Limited On-Premises Sales liquor license this new business will offer their patrons the ability to purchase beer and wine.
- B. **FINANCIAL** There is no financial impact for this action.
- C. **TIMING** Approval required prior to allowing the additional sale of beer and wine at this location.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not approve the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city’s objections to the action into consideration but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the limited on-premises liquor license for The Devils Playground LLC.

ATTACHMENTS:

None



**AGENDA REPORT
NEW BUSINESS
May 19, 2020**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-124: REVISING BUSINESS LOAN FUND COVID-19 MICRO-LOAN PROGRAM**

DATE: May 14, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-124: A RESOLUTION REVISING THE CITY OF ONTARIO BUSINESS LOAN FUND AND LOAN ALLOCATION PROCEDURES MOST RECENTLY REVISED BY RESOLUTION #2020-120.

SUMMARY:

The attached resolution is revising the Business Loan Fund to allow for a micro-loan program in response to the new Business Oregon Emergency Business Assistance Matching Fund.

BACKGROUND:

The Business Loan Fund Committee approved a micro-loan program with maximum loan amounts totaling \$150,000 which was approved by the City Council. Business Oregon has subsequently opened an Emergency Business Assistance Matching Fund that could potentially tie into the micro-loan program.

The state funding is a grant program and must have a city 1:1 match to provide emergency economic assistance to local small businesses from the city. The Micro-Loan program can qualify for the match with a few changes.

Business Oregon issued a request for proposals for the State of Oregon COVID-19 Emergency Business Assistance Matching Fund, with proposals due Monday, May 18, 2020.

The program requires the city implement a robust marketing program to historically disadvantaged population groups (Asian, Black, Hispanic, Native American, and Women Owned Businesses). The program also has a goal of issuing 50% or more of the grant funds to sole proprietors.

CURRENT SITUATION:

The Business Loan Fund Committee met on May 14, 2020, and approved changes to the Micro-loan program as follows:

- 1) The business must have 25 employees or less.
- 2) Businesses must certify that they have not received CARES Act, PPP or SBA EIDL assistance as of the date of the application.
- 3) In addition to the physical location in city limits requirement, the business must be headquartered with principal operations in Oregon.
- 4) The description of being affected by COVID will be used with the following requirements:
 - a) For-Profit businesses and 501(c)(3) corporations that were prohibited from operation as directed by Executive Order 20-12;

OR

- b) Those eligible for-profit businesses that can demonstrate a one month decline in revenue greater than 50% in the month of March 2020 or April 2020 as compared against sales in the month of January 2020 or February 2020. Those non-profit businesses limited to 501(c)(3) corporations) that can demonstrate a decline in revenue greater than 50% across the months of March 2020 and April 2020 as compared against the same period of time in 2019.
- 5) Businesses must show documentation of the number of employees as of February 29, 2020.

The Business Loan Fund Committee also recommended the following:

- 1) The maximum total loan amount change from \$150,000 to \$200,000.
- 2) The loan amounts will be changed from a maximum \$5,000 per loan to match the State Grant Program as follows:
 - a) 0-5 employees
 - \$2,500, or
 - 60-day fixed expenses up to a maximum of \$5,000
 - b) 6-10 employees
 - \$5,000, or
 - 60-day fixed expenses up to a maximum of \$10,000
 - c) 11-15 employees
 - \$7,500, or
 - 60-day fixed expenses up to a maximum of \$15,000
 - d) 16-20 employees
 - \$10,000, or
 - 60-day fixed expenses up to a maximum of \$20,000
 - e) 21-25 employees
 - \$12,500, or
 - 60-day fixed expenses up to a maximum of \$25,000

ANALYSIS:

- A. **STRATEGIC PLAN** No direct strategic plan impact.
- B. **FINANCIAL** This will remove a maximum \$200,000 from the Revolving Loan Fund. Currently, there is approximately a \$400,000 balance in the fund.
- C. **TIMING** Micro-loans and grants could be made to local businesses as soon as the city is approved for the grant process.
- D. **POLICY/LEGAL** Amendments to the Business Loan Fund rules and procedures must be approved by the City Council.

ALTERNATIVES:

Take No Action: If the Council chooses to take no action, the micro-loan program would stand as passed earlier and the city would not be able to access the grant funds.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-124.

ATTACHMENTS:

- 1. RES 2020-124 AMEND BLF PROCEDURES
- 2. EmergencyFundAnnouncement_05082020



RESOLUTION #2020-124

A RESOLUTION REVISING THE CITY OF ONTARIO BUSINESS LOAN FUND AND LOAN ALLOCATION PROCEDURES ESTABLISHED BY RESOLUTION NUMBER 87-103 AND REVISED BY RESOLUTION NUMBERS 00-128, 00-133, 2004-140, 2017-143, 2018-101, 2018-111 AND 2020-120

- WHEREAS,** The City of Ontario, by Resolution No. 87-103, dated March 2, 1987, established a Revolving Loan Fund (RLF) for the purpose of providing financing for the purchase of land, buildings, fixed equipment and machinery, research and development, and working capital to eligible small businesses in Ontario; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 00-128 to simplify the rules and procedures established by Resolution No. 87-103; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 00-133 establishing the City of Ontario Economic and Community Enhancement Grant Fund derived from fees and interests from the revolving loan fund; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 2004-140 to provide clarity for the geographic boundaries in which the fund could be spent; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 2017-143 to add a new home construction incentive program; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 2018-101 to revise the housing incentive program;
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 2018-111 to revise the housing incentive program to reduce the minimum square footage of the home; and
- WHEREAS,** The Revolving Loan Fund was revised by Resolution No. 2020-120 to provide some local businesses a short-term, low interest loan to help businesses through the COVID-19 shutdown.
- WHEREAS,** The City Council would like to revise the Revolving Loan fund to amend the micro-loan program to align it with the Business Oregon Emergency Business Assistance Matching Fund as recommended by the Business Loan Fund Committee.

NOW THEREFORE, BE IT HEREBY RESOLVED,

The following Sections of Resolution No 2020-120 are hereby amended by adding those portions that are underlined and removing those portions that are struck out:

Section 12. COVID-19 Micro Loan: The following conditions must be met for projects eligible for the COVID-19 Micro Loan Program.

- a. Sufficient proof must be submitted to satisfy the Business Loan Fund Committee to establish the requirements of the loans due to the COVID-19 shutdown.
- b. The loan amounts will match the Emergency Business Matching Fund as follows: The loan amount requested may not exceed \$5,000.00 (Five Thousand)
 - 0-5 employees
 - \$2,500, or
 - 60-day fixed expenses up to a maximum of \$5,000
 - 6-10 employees
 - \$5,000, or
 - 60-day fixed expenses up to a maximum of \$10,000
 - 11-15 employees
 - \$7,500, or
 - 60-day fixed expenses up to a maximum of \$15,000
 - 16-20 employees
 - \$10,000, or
 - 60-day fixed expenses up to a maximum of \$20,000
 - 20-25 employees
 - \$12,500, or
 - 60-day fixed expenses up to a maximum of \$25,000
- c. The program is only eligible for businesses affected by the COVID-19 shutdown as defined below:
 - For-profit businesses and 501(c)(3) corporations that were prohibited from operation as directed by Executive Order 20-12, or
 - Those eligible for-profit businesses that can demonstrate a one-month decline in revenue greater than 50% in the month of March 2020 or April 2020 as compared against sales in the month of January 2020 or February 2020. Those non-profit businesses (limited to 501(c)(3) corporations) that can demonstrate a decline in revenue greater than 50% across the months of March 2020 and April 2020 as compared against the same period of time in 2019.
- d. The payment deferral period is 6 months from issuance of check.
- e. After Deferral, repayment will be in 24 equal installments at a loan rate of 1% (one percent).
- f. The business must be headquartered with principal operations in Oregon and have a physical address within City of Ontario Limits.
- g. Businesses must certify that they have not received CARES Act, PPP or SBA EIDL assistance as of the date of the application.
- h. The Business must have a current City of Ontario Business registration prior to application submittal acceptance.
- i. The Loan may be used for Fixed debts, Payroll expense, Accounts payable and other business bills.
- j. The Loan may NOT be used for refinancing, expansion, growth or infrastructure improvements.
- k. No collateral will be required.

- l. The loans are limited to a total of ~~\$200,000~~ ~~\$150,000.00~~ balance in the program and will be based on first come first serve. Once the ~~\$200,000~~ ~~\$150,000.00~~ is depleted no more loans will be granted until funds are paid back into the fund
- m. Must submit a completed application to the City of Ontario with supporting documents including but not limited to the following:
- Copy of Drivers' Licenses
 - Profit and Loss Statements (or Tax Returns) for previous two years.
 - Brief description and history of the business including the year started.
 - Documentation of the number of employees as of February 29, 2020.

Section 13. Modifications: The Ontario City Council may review all or part of this resolution and may make appropriate changes as necessary upon Resolution of the City Council.

PASSED AND ADOPTED by the City Council of the City of Ontario this 19th day of May, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 19th day of May, 2020.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

State of Oregon COVID-19 Emergency Business Assistance Matching Fund Request for Proposals

ANNOUNCEMENT

The Oregon Legislature, in partnership with the Governor, allocated \$5 million from the State General Fund, which will be combined with \$5 million redirected from existing programs at the Oregon Business Development Department (Business Oregon), for the purpose of providing financial assistance to small businesses adversely affected by economic conditions associated with the COVID-19 pandemic that have not received federal emergency assistance under the federal CARES Act or other federal program for emergency pandemic funding.

Many small businesses in Oregon face cash flow shortfalls due to the economic conditions arising from efforts to reduce the number and severity of COVID-19 infections. Some businesses have been closed by executive emergency orders, while others have voluntarily closed or reduced operations to address health and economic concerns.

Many communities throughout Oregon are providing local assistance to small businesses, and this announcement provides up to a 1:1 match to augment these community-level assistance programs.

To fill gaps not reached by other programs, these state funds are directed to adversely affected businesses with 25 or fewer employees, and only those that have been unable to receive federal CARES Act funding, including the Small Business Administration's Paycheck Protection Program, Economic Injury Disaster Loan Emergency Advance program, or other federal programs for emergency pandemic funding to date. Businesses may use the proceeds for any business related operating expenses, particularly to support businesses that were closed as they move into the first phase of statewide reopening.

This announcement is for the first of three rounds of funding tied to this program, this round consists of \$2,500,000, available up to a 1:1 match to funds in community programs to provide emergency economic assistance to local small businesses. Awards will be made to public entities (cities, counties, economic development districts, council of governments) that have or will develop a community business assistance program in response to the COVID-19 crisis and are able to meet the parameters of this program.

Program awards made to public entities will be structured as forgivable loans. Forgiveness will be based upon a recipient's ability to meet the program values and priorities outlined below and in contract. Public entities will be required to make sub-awards from this program to eligible individual businesses as grants.

Awards for this round of funds will be based on a community program's ability to achieve the parameters, values, and goals of the program. If you have such a program that meets the State's program parameters, please submit a funding proposal.

Proposals for this round of funding are due Monday, May 18, 2020 by 5:00 PM.

Program Values

- Ensure that historically disadvantaged individuals that own businesses have access to these funds.
- Ensure these funds are supporting the small businesses unable to access or apply for federal funds.
- Ensure that these funds are reaching every corner of Oregon.
- Ensure that these funds are keeping businesses operational.

Eligible Applicants

Public entities (cities, counties, economic development districts, council of governments) that have or will develop a local business assistance loan or grant fund and are able to meet the parameters of this program as described below. Priority will be given to those public entities that were not allocated direct funding through the CARES Act.

Local Program Funding Priorities

Local assistance programs are expected to make one-time-only awards to businesses as follows:

- Businesses that have been adversely affected economically in one of the following two categories:
 - Those for-profit and non-profit (limited to 501(c)(3) corporations) businesses that were prohibited from operation as directed by Executive Order 20-12.
 - Those eligible for-profit businesses that can demonstrate a one month decline in revenue greater than 50% in the month of March 2020 or April 2020 as compared against sales in the month of January 2020 or February 2020. Those non-profit businesses (limited to 501(c)(3) corporations) that can demonstrate a decline in revenue greater than 50% across the months of March 2020 and April 2020 as compared against the same period of time in 2019.
- Businesses with 25 or fewer employees.
- Businesses that have been unable to access federal CARES Act funds including:
 - Small Business Administration's Paycheck Protection Program (PPP);
 - Economic Injury Disaster Loan Emergency Advance program (EIDL); or
 - Other federal programs to date for emergency pandemic funding.

Ineligibility Factors

- Passive real estate holding companies and others holding passive investments.
- Non-profit entities that do not have federal 501(c)(3) status.
- Businesses that are delinquent on federal, state or local taxes that were due before April 1, 2020.
- Businesses that do not comply with all federal, state and local laws and regulations. Businesses not headquartered and with principal operations in Oregon.

- Businesses not registered to do business in Oregon (Secretary of State Business Registry verification) if such registration is required.

Program Design

Awards to eligible businesses will be made as a grant. The amount of the grant will be the greater of two figures based on an applicant's ability and desire to submit support documentation: the first based on the number of employees before the COVID-19 crisis (as of February 29, 2020); or the second based on the documented amount of fixed operating expenses for the 60 day period of January 1 through February 29, 2020:

- 0-5 employees
 - \$2,500, or
 - 60-day fixed expenses up to a maximum of \$5,000.
- 6-10 employees
 - \$5,000, or
 - 60-day fixed expenses up to a maximum of \$10,000.
- 11-15 employees
 - \$7,500, or
 - 60-day fixed expenses up to a maximum of \$15,000.
- 16-20 employees
 - \$10,000, or
 - 60-day fixed expenses up to a maximum of \$20,000.
- 20-25 employees
 - \$12,500, or
 - 60-day fixed expenses up to a maximum of \$25,000.

Program Award Targets

The State will make awards to various local assistance programs designed to achieve geographical delivery across the state, with a target of at least 60% of awards reaching those in rural areas outside of the largest urban growth areas (see Award Process below). The State has set a target of 50% of these funds to be awarded to sole proprietors, where possible, by the local assistance program. The State will encourage outreach to historically disadvantaged population groups. The funds must be rapidly deployed to meet immediate business needs and applicants will be required to fully deploy the proceeds within 45 days of receipt.

Business Applications and Support Documentation

- Businesses must:
- Self-certify they have not received CARES Act PPP or SBA EIDL assistance as of the date of application.
- Demonstrate:
 - That they were prohibited from operation as directed by Executive Order 20-12; or

- That they had a sales or revenue decrease of 50% or more in the month of March or April 2020, as compared against the sales or revenues of January or February 2020, or as compared against the same period in 2019.
- Demonstrate they are headquartered and with principal operations in Oregon.
- Self-certify they are not subject to any of the ineligibility criteria.
- Self-certify that the business and its operations are, and will, remain compliant with all local, state and federal laws.
- Provide business, financial and ownership information necessary to determine and verify eligibility.

Other program details and next steps

Local entities administering COVID-19 business assistance programs (loan or grant programs, new or existing) may apply to receive an award under this announcement. If approved, the applicant will enter into a contract with Business Oregon in short order. During the contract process, Business Oregon will consult on the detailed operational steps proposed by the local assistance programs, and the basic reporting needed by the State.

Program Access

It is intended that these state funds are equally accessible to all Oregonians, so a robust marketing program that reaches out locally to businesses owned by members of historically disadvantaged population groups (Asian, Black, Hispanic, Native American, and Women Owned Businesses) is a requirement of this program. Only those applicants that can demonstrate such a marketing program and fair access procedures will be considered for funding. Local community program awardees will be required to:

- Have program marketing materials available in languages that are representative of the local population.
- Develop a stepped marketing program that reaches out and markets to members of historically disadvantaged population groups in advance of marketing to the general public.
- Deploy the awarded funds to eligible businesses within 45 days of the receipt of funds.
- Demonstrate, for loan forgiveness, that all agreed Program Access activities as described in the application and agreed upon in contract have been fulfilled.

Application Process

Local assistance programs should submit a written Proposal that describes the following:

- Amount of award requested to match new or existing local funds (state funds up to, but will not exceed, local funds).
- Description of your established or proposed small business support program responding to the COVID-19 crisis.

- For matching funds being requested for a new program, describe how the program will be operational no later than May 30, 2020, and how the local assistance program eligibility requirements comply with the requirements in this State of Oregon COVID-19 Emergency Business Assistance announcement.
- For matching funds for an established program, describe when the program was formed and how the local assistance program eligibility requirements comply with the requirements of the State of Oregon COVID-19 Emergency Business Assistance.
- For either, describe amount and source(s) of capitalization, the eligible applicants, the type(s) of awards made, award ranges, number of awards, amount deployed to date, and the amount remaining to be deployed.
- Describe marketing activities and outreach to encourage participation of businesses owned by members of historically disadvantaged populations groups in the applicant's jurisdiction(s). Describe any procedures to ensure equitable awards are made to those businesses owned by members of historically disadvantaged populations groups. (See Program Access above.)
- Describe the plans to market the grant program, including partnerships and marketing strategies with chambers, business associations, Small Business Development Centers, etc.
- Description of your grant/loan announcement and application process.
- Description of your grant/loan review and award process.
- Estimate geographic distribution of awards (list all municipalities and/or counties served):
 - The percent of allocation awarded to urban (cities with populations greater than 30,000) businesses, and
 - The percent of allocation awarded to rural (cities with populations of 30,000 or less, or unincorporated areas) businesses.
- Estimate the percent of allocation awarded to sole proprietors.
- Briefly describe the background of the executive in charge of the program, and description of any other key team members if desired, and description of any audit or oversight measures if desired. Provide contact information for a designated lead contact.

There is no minimum or maximum page limit for Proposals or other format requirements, except that the Proposal must be delivered electronically in a Microsoft Office compatible file type, less than 20 megabytes.

Proposals for this round of funding are due May 18, 2020 by 5:00 PM.

Please deliver your Proposal by email to:

Melisa Drugge, Regional Development Manager

melisa.drugge@oregon.gov

(503) 508-3147 for any questions

A GoToMeeting teleconference for questions and answers regarding this announcement will be held Monday, May 11 from 3:00-4:30 PM.

From your computer, tablet or smartphone: <https://global.gotomeeting.com/join/441110725>

From dialing in with your phone: : [+1 \(872\) 240-3412](tel:+18722403412) **Access Code:** 441-110-725

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/441110725>

Award Process

Business Oregon will coordinate an expeditious review process and may contact any proposer for further clarification or negotiation. Decisions will be made in the State's sole discretion, endeavoring to meet the objectives and targets described above and below:

- No less than 50% of the awards to be made to Sole Proprietors.
- No less than 60% of awards to be deployed in rural communities with population fewer than 30,000 per the last decennial census (2010) data including all areas outside of the following urban growth boundaries:
 - Albany
 - Bend
 - Corvallis
 - Eugene/Springfield
 - Grants Pass
 - McMinnville
 - Medford
 - Portland Metro (City of Portland, Multnomah and Washington County and communities in Clackamas County with populations of 30,000 or more)
 - Salem/Keizer
- To the extent possible, evenly balanced allocations to the following regions:
 - Central Region
 - Crook, Deschutes, Hood, Jefferson, Sherman and Wasco County
 - Coastal Region
 - Clatsop, Coos, Curry, Lincoln and Tillamook County, Lane and Douglas County west of Coastal Range
 - Eastern Oregon Region
 - Baker, Gilliam, Grant, Harney, Malheur, Morrow, Umatilla, Union, Wallowa, and Wheeler County
 - Metro Region
 - Multnomah, Clackamas, and Washington County
 - Southern Oregon Region
 - Jackson, Josephine, Klamath and Lake County and Douglas County east of Coastal Range
 - Valley Region
 - Benton, Clackamas, Columbia, Linn, Marion, Polk and Yamhill County and Lane County east of the Coastal Range

Grant fund deployment deadlines and reporting requirements

A final report is due the sooner of:

- 30 days from when the capital is deployed by the local assistance program to eligible businesses, or
- July 15, 2020.

Any proceeds not deployed by June 30, 2020 are to be repaid to Business Oregon on or before July 1, 2020, unless waived in writing by the department.

In the final report, the local assistance program will be required to report program and recipient information on a form prescribed by Business Oregon, including but not limited to:

- Number of applications received
- Number of awards made
 - Awards as #, \$ and % of allocation by voluntary reported demographic information
 - Award as #, \$, and % of allocation by region
 - Award as #, \$, and % of allocation by company size
 - Award as #, \$ and % of allocation to sole proprietors
- Sub recipient data
 - Name of company
 - Employer Identification Number (EIN)
 - Oregon Business Identification Number (BIN)
 - Business Owner(s) Social Security Number
 - Address of company
 - Industry/NAICS
 - Amount of award
 - Legal business structure
 - # of employees as of February 29, 2020



**AGENDA REPORT
NEW BUSINESS
May 19, 2020**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **GRANT REQUEST CONTRACT WITH MERCHANT MCINTYRE ASSOCIATES WITH COVID RESPONSE APPROPRIATION**

DATE: May 18, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE AGREEMENT WITH MERCHANT MCINTYRE ASSOCIATES.

SUMMARY:

The City of Ontario has expressed a desire to work with partners at the Small Business Development Center and Poverty to Prosperity to aggressively pursue recovery funding for our community from federal and state stimulus funds from the COVID-19 pandemic recovery bills.

BACKGROUND:

The City Council appropriated \$30,000 on April 21, 2020, for a COVID Response Coordinator. The COVID Response Coordinator concept was focused on a set of objectives that included having a presence in Washington, DC as a grant writer and also in Salem, Oregon.

As we have been evaluating options for using this money, we have come back to a previously vetted grant writing firm, Merchant McIntyre. The City's strategic plan included a goal of expanding our grant writing ability. Our leadership team formed a sub-committee to look at various options. That subcommittee came back to the City Council recommending Merchant McIntyre as the preferred alternative; however, we did not have funding for that role then.

CURRENT SITUATION:

The appropriation of funds was made because of the time sensitivity of money available in federal stimulus packages. Merchant McIntyre has had a long-term presence in Washington, DC and a very successful record in receiving federal grant dollars and appropriations in bills. They have already found success for their clients in federal COVID-19 stimulus dollars. They are currently representing the City of Hermiston, Oregon among other cities across the country.

At their request and prior to interviewing them again, they were provided a copy of projects ready for funding. We provided them the list that was submitted to the Greater Eastern Oregon Development Commission (GEODC) in 2019 to be included in the Comprehensive Economic Development Strategy (CEDS) a regional economic development strategic plan. Merchant McIntyre was quickly able to match up funding sources to many of the projects. They subsequently asked for other needs not in that plan. It was shared with them that the city has needs for newer fire apparatus, police officers, and homeless funding. They were also able to identify past and future funding possibilities for those items.

Following a call held with our local "Boots on the Ground" task force, Poverty to Prosperity, and City Staff on May 18, 2020, the group recommended that the city move forward working with Merchant McIntyre for representation at the federal level. Merchant McIntyre will do some grant writing at the local level also, if identified, but their primary specialty will be federal grants.

ANALYSIS:

- A. **STRATEGIC PLAN** The Ontario Strategic Plan contains a specific goal to expand grant writing capacity. Currently, staff are writing and administering grants themselves. Staff does not have a comprehensive knowledge of federal funding programs like a company of this nature would have. With this service we could turn to a more supportive role and pursue more opportunities.
- B. **FINANCIAL** Merchant McIntyre's fee is \$7,500 a month, or \$90,000 a year. This is the approximate cost of a professional level employee. Understand our community and financial constraints, Merchant McIntyre offered their cost at \$6,500, or \$78,000 a month, for the term of this one year contract.

The company already has a presence, existing relationships, and insight in Washington, DC with federal agencies and legislators. It is our opinion that we could not provide that same level of service by hiring one person.

The company has a 90-day audition assessment where the city can decide to end the agreement after 90 days if it does not see value. In that 90 days, Merchant McIntyre will conduct a needs assessment, a matching of grant possibilities, and a plan to pursue those options. They will also make applications as they come open during that 90-day audition assessment.

- C. **TIMING** Federal stimulus funding is available at this time. We have no presence in DC specifically looking out for Ontario or Malheur County. The breadth and complexity of grant opportunities is difficult to handle on top of the work load of the very few professional employees we have.

- D. **POLICY/LEGAL** The City Council has already budgeted this money and appropriated it towards this purpose. This will cover the 90-day audition assessment. Poverty to Prosperity has indicated that they are willing to donate another \$15,000, although they have not completely confirmed. We will still request the Malheur County Court to consider funding. We hope they will see value within that first 90-day period.

ALTERNATIVES:

Take No Action - There are other grant writers we could pursue. We have interviewed several others in the past, and this firm has risen above the other opportunities available.

As we have worked through the objectives of the COVID Response Coordinator it becomes more apparent that the scope of services is too broad for a single person to handle. The person that can function well at the federal level is not necessarily the insider needed in Salem. It would also be difficult to pursue both opportunities at the same time.

RECOMMENDATION:

Staff recommends approval of the agreement with Merchant McIntyre Associates.

ATTACHMENTS:

1. 05-18-2020 Agenda Merchant McIntyre Associates
2. Ontario-MM.ServiceAgreement.06.01.2020



Suggested Agenda

City of Ontario
Monday, May 18, 2020, 11:00AM MT

Participants from the City of Ontario: Adam Brown, City Manager; Riley Hill, Mayor; Ken Hart, Hospital CEO/President Poverty to Prosperity; Andrea Testi, SBDC Director; Michael Braden, SBDC Advisor and City Council; Bill Johnson, Poverty to Prosperity; Dan Cummings, City Community & Economic Development Director; Peter Hall, Assistant to the City Manager.

Participants from Merchant McIntyre Associates: Mark McIntyre, Co-Founder and Principal; Brent Merchant, Co-Founder and Principal; Julia Angelotti, Vice President and Director of Legislative Strategy; Brandon Bookout, Federal Grants Director.

I. Brief Background on Merchant McIntyre Associates

- A. Merchant McIntyre is the leading federal grants agency that specializes in serving municipalities, colleges and universities, hospitals and health systems, social service agencies, international NGOs, and other nonprofits.
- B. Relevant clients we've served include Williamsport (PA), Beaver Falls (PA), Village of Kiryas Joel (NY), Franklin Park (IL), Wilmore (KY), Marion (IN), Pleasanton (CA), Windsor (CA), Boone (IA), Green River (WY), Sedona (AZ), Washington County (TN), Salt Lake County (UT), El Paso (TX), El Campo (TX), Belton (TX), Churchill County (NV), Humboldt County (NV), Nye County (NV), Somerset County (ME), and Lexington (KY), and East Central Indiana Regional Planning District.
- C. In Oregon we currently serve Sky Lakes Medical Center (Klamath Falls) and Warner Pacific University (Portland). Last Monday Sky Lakes was awarded a \$900,000 HRSA Rural Health Network Development grant to improve access and quality of healthcare in the region.
- D. Our senior team in Washington consists of:
 - 1. Mark McIntyre co-founded MM after serving as the founding Director of the Russ Reid Washington Office for 18 years. He has worked in the Congress, the White House, and with Cassidy and Associates, the largest independently owned government relations firm ever established in Washington, DC.
 - 2. Brent Merchant co-founded MM after serving as Director of Client Services for a leading federal government relations agency. Brent has helped secure hundreds of millions of dollars in grant awards for municipalities, universities, hospitals, and other nonprofits.

3. Katie Peterson, J.D., has previously worked in the Congress, the Administration, the private sector, and on behalf of municipalities, universities, hospitals, and nonprofit organizations.
4. Julia Angelotti leverages nearly nine years of experience working in the Congress and has a deep understanding of the federal appropriations process, as well as experience in developing winning funding strategies and legislative solutions.
5. Brandon Bookout plays a leading role in planning for, conducting, and driving the follow-up action items for the Resource Inventory, the first step in preparing a comprehensive Federal Funding Strategy featuring a Federal Grants Grid.
6. Will Hoing has worked in the Congress and on behalf of municipalities, higher education, healthcare systems, and other nonprofits.
7. Drew Donaher assists the Merchant McIntyre team by researching potential federal grants programs for clients.
8. Jayme Cloninger is a seasoned government relations professional with a passion for serving municipalities, universities, hospitals, and other nonprofits. Prior to joining MM, Jayme helped establish the first-ever Feed the Children office in Washington, DC.
9. Steven Pattie has been engaged in fundraising on behalf of municipalities, higher education institutions, healthcare systems, social service agencies, and the arts for 35 years.
10. Dana Carr possesses 20+ years of writing federal grants, helping clients manage successful program design, development, and implementation activities.
11. David Lindeman has written and produced winning federal grants for 20+ years.
12. Stacy Ruble has written successful federal grant proposals totaling tens of millions of dollars. She has also won many state, local government, education, and foundation grants.
13. Tom Davis is a federal program design/grants expert who's helped clients win awards of \$10 million, \$22 million, and \$38 million.

II. The Process for Securing Federal Funding

- A. We would truly function as the City of Ontario's staff. Merchant McIntyre performs the lion's share of the work to identify, help write, submit, mobilize congressional support for, win, and comply with federal grants.

B. To help the City of Ontario win federal grants, MM performs these assessment and funding strategy development activities:

1. Conducts a Resource Inventory via Microsoft Teams to get to know your programs, priorities, and people.
2. Assesses internal capabilities and capacity to determine how best to leverage your strengths and address any gaps in critical areas including: staffing, technology, community needs, partnership development, and more.
3. Identifies grant opportunities and assess both eligibility and competitiveness, before grants are released to the public. (While Ontario may technically be eligible for a given grant, it's MM's job to ensure that you are truly competitive before we invest your resources in applying.)
4. Engages federal agency program managers and staff running the grant programs aligned with your priorities, and Congressional Members and senior staff whose support can push an application over the top.
5. Produces a Federal Funding Strategy that:
 - a. Aligns your priorities, programs, and priorities with specific grant targets; and
 - b. Presents a straightforward action plan for our work with your staff and partners to design proposals that are competitive for federal grants.
6. Manages the development of each grant application, to include:
 - a. Creation of timelines and deadlines management;
 - b. Clarification of writing roles and responsibilities;
 - c. Provide successful grant applications, templates, and/or abstracts from previous award winners;
 - d. Budget development;
 - e. Assess the need and availability of external subject matter experts to develop or improve program design and/or specific application components; and

C. Support all administration needs including federal grant submission portal requirements, forms, reporting, and compliance (as needed).

III. Discuss the City of Ontario's Priority Funding Needs

A. Review the projects described in Ontario's 10-year Economic Infrastructure Needs/CEDS plan.

B. Any other priority funding needs?

IV. Review Next Steps

A. Answer any remaining questions.

B. Discuss monthly retainer. (Our typical minimum monthly retainer is \$7,500.)

C. Explain the importance of timing.

D. What is the City of Ontario's decision-making process?

###



Service Agreement

The City of Ontario, OR (“Ontario” or the “City”) agrees to retain Merchant McIntyre & Associates, LLC, a Delaware limited liability company with a principal place of business in Washington, D.C. (“MM”) (together, the “Parties”), for government relations services commencing on June 1, 2020 and terminating on August 31, 2020 (the “Term”).

Fee. Ontario agrees to pay MM a total professional fee of \$6,500 per month, billed monthly in advance. Payment shall be made to MM on or before the first (1st) of each month at the address listed on the MM invoice(s). Federal funds may not be used to pay MM professional fees.

Renewal. At the end of the initial Term, the City reserves the right to renew this Agreement, commencing on September 1, 2020 and terminating on September 30, 2021 (the “Renewal Term”). All terms and conditions shall be reviewed and agreed upon in writing by both Parties prior to the commencement of the Renewal Term.

Deliverables. MM shall produce the following deliverables during the Term of this Agreement:

1. Conduct a Resource Inventory via Microsoft Teams conference calls to identify specific federal funding objectives and potential federal funding requests for the City.
2. Prepare a comprehensive Federal Grants Strategy featuring a detailed Federal Grants Grid and a specific Action Plan so Ontario’s leadership can review and assess federal funding opportunities firsthand and evaluate MM’s strategies to secure that funding.
3. At the City’s discretion, arrange substantive Congressional and Executive Branch meetings (via conference call) with the federal program officers who have jurisdiction over the funding MM targets for Ontario, based on forecasted federal grants and the timing of the City’s federal grant submissions.
4. At the City’s discretion, work on grant applications for competitions that are open.

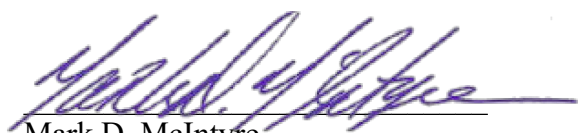
Scope of Work. In its capacity as a consultant, MM shall make its best effort to assist Ontario in pursuing its federal funding and government relations objectives. The nature of these objectives shall be determined by Ontario’s leadership with the advice and assistance of MM. In this role, MM shall plan and implement all government relations strategies designed to accomplish Ontario’s federal funding objectives; assist in the preparation of grant applications and supporting materials for the initiatives; develop meetings with Members of Congress, congressional staff, and federal agency decision-makers to advance the funding initiatives; and serve as liaison to federal agencies relevant to the funding initiatives. Ontario agrees to frequent communication with MM and to provide MM the necessary information in real time to help MM plan and implement strategies.

Indemnification. Ontario agrees to indemnify and hold MM harmless from and against all liability, including all actions, claims, damages, costs, and attorneys' fees, which MM may incur (or to which MM may be a party), arising out of actions taken or statements made by MM at Ontario's direction or based upon information provided by Ontario, except in the event of wrongful acts or omissions on MM's part.

Assignment. No other party shall assign any of its rights or delegate any of its duties or obligations under this Agreement without the express written consent of the other party.

* * *

IN WITNESS THEREOF, the parties hereto have executed or approved this Agreement on the dates below their signatures.



Mark D. McIntyre
Principal and Co-Founder
Merchant McIntyre & Associates, LLC

Date: 05/18/2020

The Honorable Riley J. Hill
Mayor
City of Ontario, OR

Date: _____

Notice of Public Hearing

The City of Ontario is completing a Residential Housing Rehabilitation project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project was various residential locations within the city limits of Ontario. It is estimated that the project has benefited at least 57 persons of whom 100% are low or moderate income. A public hearing will be held by the Ontario City Council at 6 p.m. on May 19th at 444 SW 4th Street in the council chambers. The purpose of the hearing is for the City of Ontario to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by May 18th at 444 SW 4th Street, Ontario, OR 97914. Both oral and written comments will be reviewed by the Ontario City Council. The location of the hearing is accessible to the disabled. Please let Tori Barnett at 541-881-3232 know if you need any special accommodations to attend or participate in the hearing. More information about the Oregon Community Development Block Grant program and the project is available for public review at Ontario City Hall during regular office hours. Advance notice is requested.

This notice was published in the Argus Observer on May 10th in both English and Spanish.



May 15, 2020

CDBG #17012 – Report to Ontario City Council - Final

The City of Ontario CDBG #17012 grant has made improvements to 25 homes within the city limits. Of those 25 homes, there are 3 that will be completed this week and 1 in the next couple of weeks. Due to COVID19, contractors stopped working on interiors and concentrated on the exterior work and are now working the interior portions of the projects. Due to this set back the city did apply for a 30 day extension from May 30th and was granted a 90 day extension. Our intent is to have this grant administratively closed out by June 30th.

Rehabilitation projects included: walk in showers, new tub and surrounds, walk in tub, plumbing repairs and upgrades, electrical repairs and upgrades, new roofs, repairing steps for entry and exits to home, upgrades to heating systems and repairs, windows, exterior doors, insulation, flooring replacement, rails for entry and exit of homes and basement stairs, handicap toilets and bathroom handles, exhaust fans in kitchen and bathrooms, smoke detectors and carbon monoxide detectors.

Statistical Information for City of Ontario CDBG Grant # H17012 – May 19, 2020

25 homes within the city limits of Ontario are rehabilitated with this grant.

38 adults and 18 children benefitted from the rehabilitation to their homes.

Males – 19 Females – 37

Disabled – 9 Veteran – 5 Seniors - 17

Head of Household Race/Ethnicity:

American Indian or Alaskan Native -

Hispanic or Latino – 12

Asian or Pacific Islander

Multi race -

White – 25

Not Hispanic - 13

Head of Household Gender:

Male – 10 Female - 15

Households Receiving Food Stamps – 10

Income of Households: Income Limits Based on Malheur County Median Income.

Persons in Family (effective June 1, 2019)

	1	2	3	4	5	6	7	8
Extremely Low Households	\$12,490 2	\$16,910 1	\$21,330 1	\$25,750 2	\$30,170 1	\$33,350	\$35,650	\$37,950
Very Low (50%) Households	\$20,150 4	\$23,000 6	\$25,900 2	\$28,750	\$31,050 1	\$33,350	\$35,650	\$37,950
Low (80%) Households	\$32,200 3	\$36,800	\$41,400	\$46,000 2	\$49,700	\$53,400	\$57,050	\$60,750

Respectfully Submitted,



Kathy Markee
Residential Housing Rehabilitation
541-709-8856
541-889-9555 ext. 102
kathy@cina.team

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 5/14/2020 1:40 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	PRFED	PAYROLL TAXES	04/01/2020	245.22
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	04/01/2020	1.60
ACH	PRPERS	OREGON PERS	04/01/2020	622.17
Total for 4/1/2020:				868.99
125880	&525	American Staffing, Inc.	04/03/2020	130.41
125881	037600	AT&T	04/03/2020	21.80
125882	626400	Campo & Poole Distributing, LLC	04/03/2020	3,284.00
125883	879451	CDR Labor Law, LLC	04/03/2020	6,344.00
125884	270285	Enhanced Telecommunications & Data, Inc	04/03/2020	48.50
125885	285646	Field-Waldo Insurance Agencies, Inc.	04/03/2020	3,512.75
125886	634311	Frazier Aviation, LLC	04/03/2020	425.00
125887	360015	Home Depot Credit Services	04/03/2020	131.00
125888	376000	Idaho Power	04/03/2020	1,936.10
125889	878915	Jacobs	04/03/2020	15,001.97
125890	879329	JEM Auto Glass	04/03/2020	195.00
125891	&509	Matsy's Restaurant & Catering	04/03/2020	60.00
125892	602320	NAPA Auto Parts	04/03/2020	65.96
125893	572000	Ontario Sanitary Service, Inc.	04/03/2020	313.06
125894	608001	Pitney-Bowes, Inc.	04/03/2020	104.97
125895	642093	Red's Automotive Repair, Inc.	04/03/2020	889.38
125896	878931	Tire Factory of Ontario	04/03/2020	2,226.00
125897	788402	TransUnion Risk & Alternative Data Soluti	04/03/2020	50.00
125898	774001	Wtechlink	04/03/2020	300.00
125899	UB*11723	EMILY CARSON	04/03/2020	74.59
125900	&260	Four Rivers Cultural Center	04/03/2020	12,517.30
125901	539200	Ontario Area Chamber of Commerce	04/03/2020	8,839.50
125902	879461	Palmer House Rose Garden	04/03/2020	7,500.00
125903	UB*11724	THE PROSPECTORS INC	04/03/2020	184.06
125904	UB*11722	JEANNINE WOOD	04/03/2020	122.20
Total for 4/3/2020:				64,277.55
125905	242083	State of Oregon Department of Transportati	04/08/2020	105.00
125906	242083	State of Oregon Department of Transportati	04/08/2020	34.50
Total for 4/8/2020:				139.50
125907	032000	Andrews Seed Co., Inc.	04/10/2020	326.51
125908	879130	Ani-Care Animal Shelter, Inc.	04/10/2020	1,370.08
125909	033300	Argus Observer	04/10/2020	475.20
125910	130624	B & W Car Wash	04/10/2020	6.00
125911	626400	Campo & Poole Distributing, LLC	04/10/2020	102.39
125912	637830	Century Link	04/10/2020	478.12
125913	637828	Century Link Communications, LLC	04/10/2020	109.70
125914	216000	D & B Supply Company	04/10/2020	370.66

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125915	879247	Day Wireless Systems	04/10/2020	97.50
125916	520400	Dorman's, Inc.	04/10/2020	62.04
125917	878915	Jacobs	04/10/2020	441,385.16
125918	413204	Kenworth Sales Company, Inc.	04/10/2020	1,692.58
125919	436000	Lindsay Eco Water	04/10/2020	12.50
125920	22427	Murrysmith, Inc.	04/10/2020	580.00
125921	879301	Net Assets Corporation	04/10/2020	384.00
125922	500400	Norco, Inc.	04/10/2020	1,661.22
125923	501200	Norm's Auto Electric	04/10/2020	51.96
125924	242083	State of Oregon Department of Transportati	04/10/2020	22.60
125925	641142	The Radar Shop, Inc.	04/10/2020	76.00
125926	642093	Red's Automotive Repair, Inc.	04/10/2020	122.93
125927	130950	Sparklight Business	04/10/2020	361.04
125928	879425	Springbrook Software, LLC	04/10/2020	771.00
125929	879138	Stantec Consulting Services, Inc.	04/10/2020	10,988.00
125930	879151	Waste-Pro	04/10/2020	40.05
Total for 4/10/2020:				461,547.24
125931	033300	Argus Observer	04/17/2020	80.64
125932	144000	Cascade Natural Gas Corporation	04/17/2020	297.87
125933	180798	CIS Trust	04/17/2020	793.84
125934	183201	CK3, LLC	04/17/2020	5,462.50
125935	270205	Emergency Responder Services, Inc.	04/17/2020	349.99
125936	303800	Frank's Extinguisher Service	04/17/2020	453.77
125937	333852	Graphic Impressions	04/17/2020	40.00
125938	456402	Malheur County Clerk	04/17/2020	112.00
125939	451750	Malheur County Sheriff's Office	04/17/2020	61,598.17
125940	457799	Malheur Drainage District	04/17/2020	3,075.34
125941	879103	Online Solutions, LLC	04/17/2020	7,200.00
125942	516494	State of Oregon Department of Transportati	04/17/2020	144.15
125943	528405	Oster Professional Group, LLC	04/17/2020	24,264.33
125944	626654	The Police and Sheriffs Press, Inc.	04/17/2020	50.10
125945	879339	PSI Water Technologies, Inc.	04/17/2020	20,000.00
125946	&357	Larry A. Sullivan	04/17/2020	3,552.50
125947	879146	Toshiba Financial Services	04/17/2020	1,721.89
125948	842030	Warrington Construction	04/17/2020	13,443.00
125949	832852	Wells Fargo Business Elite Card	04/17/2020	5,750.10
125950	UB*11655	LENNIE / CAROLYN ABLES *	04/17/2020	84.71
125951	879462	Rosa Barnhill	04/17/2020	20.00
125952	UB*11735	MARTHA BEITZ	04/17/2020	47.50
125953	UB*11743	BENSON GLASS CO	04/17/2020	48.11
125954	UB*11729	CALDWELL- ONTARIO ORTHODONTI	04/17/2020	77.64
125955	UB*11730	DAIRY QUEEN/WES EDGAR	04/17/2020	199.79
125956	UB*11742	JOHN EASLY	04/17/2020	33.97
125957	UB*11736	BRUCE ERLEBACH	04/17/2020	101.21
125958	UB*11727	CARLO/GUYLA FENICOTTERO	04/17/2020	44.79
125959	UB*11725	LARINDA & STEVE FERREIA	04/17/2020	1.04
125960	UB*11738	JAMES FRANKLIN	04/17/2020	170.00
125961	UB*11745	CHARLIE GILLESPIE M/R	04/17/2020	46.00
125962	UB*11732	ORALIA HANSON -	04/17/2020	5.52
125963	UB*11731	ISERI JOINT VENTURES &	04/17/2020	70.08
125964	UB*11733	JOHN LAKE	04/17/2020	84.69
125965	UB*11741	MALHEUR COUNCIL ON AGING	04/17/2020	65.85
125966	UB*11746	MALHEUR COUNCIL ON AGING	04/17/2020	121.95
125967	UB*11737	MERAKI SPA	04/17/2020	6.72
125968	UB*11726	PVPM &	04/17/2020	43.63

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125969	UB*11739	JACOB & ELIZABETH REDDICK	04/17/2020	40.18
125970	UB*11728	DAVID & OLGA RUSSELL	04/17/2020	6.03
125971	UB*11747	DAVID & OLGA RUSSELL	04/17/2020	6.03
125972	UB*11740	EDDY THIEL	04/17/2020	19.70
125973	UB*11744	JAMIE TRINKLE	04/17/2020	170.00
125974	UB*11734	LINDA WILSON	04/17/2020	40.00
125975	UB*11722	JEANNINE WOOD	04/17/2020	96.00
Total for 4/17/2020:				150,041.33
ACH	PRFED	PAYROLL TAXES	04/21/2020	471.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	04/21/2020	3.08
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	04/21/2020	17.50
ACH	PRPERS	OREGON PERS	04/21/2020	1,195.03
Total for 4/21/2020:				1,686.61
125976	879240	Advanced Control Systems, LLC	04/24/2020	3,227.60
125977	626400	Campo & Poole Distributing, LLC	04/24/2020	1,589.94
125978	637830	Century Link	04/24/2020	750.40
125979	01503	Riley Hill	04/24/2020	1.00
125980	376000	Idaho Power	04/24/2020	2,649.57
125981	420000	John Deere Financial	04/24/2020	94.25
125982	441140	Looks Nu, Inc.	04/24/2020	210.00
125983	582200	Oregon Association Chiefs of Police	04/24/2020	38.00
125984	642093	Red's Automotive Repair, Inc.	04/24/2020	1,699.99
125985	842030	Warrington Construction	04/24/2020	12,107.20
125986	UB*11748	MICHAEL BRYSON	04/24/2020	106.47
125987	879133	Community in Action	04/24/2020	37,965.00
125988	UB*11750	ALLYSANDRA LOPEZ	04/24/2020	121.80
125989	UB*11749	ARELI/CHRISTIAN NAVARRETE	04/24/2020	170.00
125990	684622	Marcy Siriwardene	04/24/2020	290.00
Total for 4/24/2020:				61,021.22
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	04/30/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	04/30/2020	225.00
ACH	PRCCIS	E B S TRUST	04/30/2020	71,992.16
ACH	PRCOLONI	COLONIAL LIFE	04/30/2020	1,263.38
ACH	PRFED	PAYROLL TAXES	04/30/2020	67,189.31
ACH	PRICMA	I C M A RETIREMENT TRUST 457	04/30/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	04/30/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	04/30/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	04/30/2020	269.43
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	04/30/2020	20,010.06
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	04/30/2020	2,200.00
ACH	PRPERS	OREGON PERS	04/30/2020	88,763.24
126006	PRLINC	LINCOLN NATIONAL LIFE INS CO	04/30/2020	600.00
126007	PRSFIRE	UMPQUA BANK	04/30/2020	360.00
Total for 4/30/2020:				255,078.80
125991	879455	Carquest Auto Parts	05/01/2020	160.52
125992	637828	Century Link Communications, LLC	05/01/2020	151.71
125993	879408	Sam D'Addabbo	05/01/2020	125.00
125994	270205	Emergency Responder Services, Inc.	05/01/2020	226.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125995	270201	Emergency Services Marketing Corp., Inc.	05/01/2020	735.00
125996	303800	Frank's Extinguisher Service	05/01/2020	147.48
125997	376000	Idaho Power	05/01/2020	1,587.12
125998	408200	J-U-B Engineers, Inc.	05/01/2020	3,325.00
125999	602320	NAPA Auto Parts	05/01/2020	83.88
126000	878978	National Hose Testing, Specialties, Inc.	05/01/2020	4,188.90
126001	572000	Ontario Sanitary Service, Inc.	05/01/2020	313.06
126002	582530	Oregon Corrections Enterprises	05/01/2020	25.00
126003	642093	Red's Automotive Repair, Inc.	05/01/2020	126.34
126004	288897	Verizon	05/01/2020	1,976.90
126005	774001	Wtechlink	05/01/2020	300.00
Total for 5/1/2020:				13,471.91
126008	037600	AT&T	05/08/2020	21.52
126009	130624	B & W Car Wash	05/08/2020	12.00
126010	879449	Baum Smith, LLC	05/08/2020	1,125.00
126011	626400	Campo & Poole Distributing, LLC	05/08/2020	2,119.36
126012	879451	CDR Labor Law, LLC	05/08/2020	5,978.00
126013	152005	Century West Engineering Corp	05/08/2020	3,000.00
126014	216000	D & B Supply Company	05/08/2020	434.02
126015	230001	Daily Journal of Commerce	05/08/2020	254.10
126016	&260	Four Rivers Cultural Center	05/08/2020	12,691.82
126017	634311	Frazier Aviation, LLC	05/08/2020	425.00
126018	333852	Graphic Impressions	05/08/2020	150.00
126019	376000	Idaho Power	05/08/2020	1,413.02
126020	716050	The Idaho Statesman	05/08/2020	123.36
126021	392200	Interstate Business Forms	05/08/2020	525.85
126022	436000	Lindsay Eco Water	05/08/2020	7.00
126023	456402	Malheur County Clerk	05/08/2020	112.00
126024	879301	Net Assets Corporation	05/08/2020	324.00
126025	539200	Ontario Area Chamber of Commerce	05/08/2020	8,997.67
126026	879163	Ontario Auto Ranch	05/08/2020	2,835.80
126027	242083	State of Oregon Department of Transportati	05/08/2020	1.15
126028	642093	Red's Automotive Repair, Inc.	05/08/2020	236.77
126029	130950	Sparklight Business	05/08/2020	375.92
126030	879425	Springbrook Software, LLC	05/08/2020	979.00
126031	702008	Staples Business Credit	05/08/2020	114.34
126032	&357	Larry A. Sullivan	05/08/2020	6,184.20
126033	UB*11724	THE PROSPECTORS INC	05/08/2020	98.89
126034	878931	Tire Factory of Ontario	05/08/2020	132.00
126035	788402	TransUnion Risk & Alternative Data Soluti	05/08/2020	50.00
126036	879400	Treetop Products, Inc.	05/08/2020	5,380.00
126037	842040	Warrington Irrigation, Inc.	05/08/2020	20.00
126038	863995	White Cloud Communications-Boise, Inc.	05/08/2020	325.50
Total for 5/8/2020:				54,447.29
Report Total (178 checks):				1,062,580.44

MALHEUR COUNTY COURT MINUTES

April 29, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge present; Commissioner Larry Wilson was present initially by telephone and then in person. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media, and staff were present at various times of the meeting electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2020-1502

PROCLAMATION - BUILDING SAFETY MONTH

Building Official Adele Schaffeld met with the Court and presented a proclamation declaring the month of May as Building Safety Month. Present for the proclamation signing electronically were David Spencer, ICC Board of Directors, Washington Liaison; Kraig Stevenson, Government Relations Department of the International Code Council (ICC); Jim Sayers, ICC Board of Directors, Clackamas County; Casey Kump, Regional State Fire Marshal; Glenn Geiger, Deputy State Fire Marshal; Mark Redmond, Malheur County ESD Superintendent; Bob Phillips, Vale High School Construction Instructor; and Laurie Hays from the County Building Department.

Ms. Schaffeld read the proclamation:

PROCLAMATION**BUILDING SAFETY MONTH - MAY 2020**

Whereas, our County is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

Whereas, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

Whereas, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

Whereas, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

Whereas, "Safer Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and;

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, We, the County Court of Malheur County do hereby proclaim the month of May 2020 as Building Safety Month. Accordingly, we encourage our citizens to join with their communities in participation in Building Safety Month activities.

Commissioner Hodge moved to proclaim the month of May 2020 as Building Safety Month. Commissioner Wilson seconded and the motion passed unanimously.

The County Building Department has issued 128 permits for the month of April; valuation for investment in the communities is tracked on manufactured homes, residential structures, and commercial structures and in the month of April \$5.3 million of valuation (added investment into Malheur county, not including the City of Ontario) was permitted.

This school year there has been a Nyssa High School CTE Construction Program student intern working with the Building Department; this student will be taking her residential building inspector certification exam when the COVID-19 restrictions lift.

Ms. Schaffeld presented copies of the 2018 International Building Code, 2018 International Residential Code, and the 2018 International Fire Code to the Vale and Nyssa High School construction programs. The Building Department recently hired an electrical inspector; he is a master electrician in Idaho, a signing supervisor in Oregon, and he will be available to present in the school construction programs.

Mr. Redmond expressed appreciation for the work Ms. Schaffeld has done for the high school student and the construction program.

Mr. Phillips expressed his appreciation and his excitement to have the building department staff speak in the

classroom and for possible future student opportunities; and expressed thanks for the code books.

Electrical inspections are now available five (5) days a week; the electrical inspector will offer the local electrical apprentices a question and answer session one afternoon each month; and the Building Department plans to have a booth at the County Fair.

LIQUOR LICENSE APPLICATION

Commissioner Hodge moved to recommend that the Oregon Liquor Control Commission (OLCC) Liquor License Application for A4 Quality Property LLC (Applicant)/TA Huntington (Business Name/Address: 5945 Hwy 30, Huntington) for Off-Premises with Fuel Pumps be granted. Commissioner Wilson seconded and the motion passed unanimously.

BYLAWS - EXTENSION SERVICE DISTRICT

Commissioner Hodge moved to approve the Malheur County Agricultural Educational Extension Service District Advisory Board bylaws. Commissioner Wilson seconded and the motion passed unanimously. See instrument # 2020-1497

AMENDMENT - IGA #159822

Commissioner Wilson moved to approve Eighth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement (IGA) # 159822 for the Financing of Public Health Services. Commissioner Hodge seconded and the motion passed unanimously. (Original IGA is recorded as instrument #2019-3374) The amendment adds \$65,617 to Program Element (PE) 12-02 COVID-19 Response. A copy of the amendment will be returned for recording.

COST SHARE PROGRAM

Ms. DuBois explained that a request was received to add an additional \$5,000 to the current fiscal year's budget for the County's cost share program for predator control. Commissioner Hodge moved to authorize the allocation of an additional \$5,000 to the program. Commissioner Wilson seconded and the motion passed unanimously.

POVERTY TO PROSPERITY REQUEST

The Court received a request at budget meetings last week to contribute \$40,000 to support a county-wide COVID-19 recovery response development program/position. The Court had several questions concerning the project and asked Greg Smith to seek answers to their questions. The Court requested the matter be tabled today as they are still waiting on a response to their questions.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of April 15, 2020 as written. Commissioner Hodge seconded and the motion passed unanimously.

IGA - EASTERN OREGON BORDER FUND

Commissioner Hodge moved to approve Intergovernmental Agreement, Eastern Oregon Border Fund, between State of Oregon, by and through its Eastern Oregon Border Economic Development Board and Malheur County, cities of Ontario, Nyssa, Vale and Adrian, and numerous special taxing districts. Commissioner Wilson seconded and the motion passed unanimously. The programs referenced within the IGA are the Competitive Housing Incentive Program (CHIP) and the Property Improvement Rebate Program (PIRP). A copy of the IGA will be returned for recording.

IGA - EASTERN OREGON BORDER FUND/EXTENSION SERVICE DISTRICT

Acting as the Governing Body of the Malheur County Agricultural Educational Extension Service District, Commissioner Hodge moved to approve Intergovernmental Agreement, Eastern Oregon Border Fund, between State of Oregon, by and through its Eastern Oregon Border Economic Development Board and Malheur County, cities of Ontario, Nyssa, Vale and Adrian, and numerous special taxing districts. Commissioner Wilson seconded and the motion passed unanimously. The programs referenced within the IGA are the Competitive Housing Incentive Program (CHIP) and the Property Improvement Rebate Program (PIRP). A copy of the IGA will be returned for recording.

CROSSING PERMIT

Commissioner Wilson moved to approve Crossing Permit #19-20 to Track Utilities LLC for work on Outlook Drive #1507. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

PLAN FOR REOPENING

Commissioner Wilson moved to approve the Plan for Reopening Malheur County, dated April 28, 2020, and prepared based on Governor Kate Brown's *Reopening Oregon: A Public Health Framework for Restarting Public Life and Business*. Commissioner Hodge seconded and the motion passed unanimously. The plan was drafted by Health Department Director Sarah Poe with assistance from the local COVID-19 Taskforce members and others. Malheur County is requesting a reopen date for Phase One effective May 8, 2020. The plan will be submitted to the Governor's Office. See instrument #2020-1498

COMMENTS FROM THE COURT MEMBERS

Commissioner Wilson noted he and Greg Smith were working with a prospective purchaser for a business in Nyssa and noted that Mr. Smith had been a tremendous help with the financing piece of the project.

Commissioner Hodge noted in had a Community in Action board meeting on Thursday.

Commissioner Wilson noted he would participate in a phone call Friday morning with Representative Owens and Senator Findley.

COURT ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

May 6, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:02 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media, and staff were present at various times of the meeting electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument #[2020-1633](#).

HEALTH DEPARTMENT - COST ANALYSIS; COVID-19 UPDATE

Health Department Director Sarah Poe explained that the department is currently going through its Triennial Review with the State and presented the department's cost analysis report. The report breaks down the cost of public health for Malheur County - cost of staff and services and what the reimbursement rate is of different entities versus the actual cost. See instrument #[2020-1640](#).

A drive-up COVID-19 testing site was held last week in Ontario; 39 symptomatic individuals were tested and all test results were negative. Additional testing sites will be held in Nyssa and Vale next week. The County did experience a significant increase in positive tests last week; however even with the increase there has been the capacity to do the case investigations (working with health care providers and making sure the positive cases have been contacted and are following the guidelines). One positive case requires approximately 20 hours of followup and contact by a case investigator. The County's reopening plan follows State and CDC guidelines and is a cautious safe approach and it is hoped that the Governor will approve the plan. Partners are doing everything they can to both protect the health of the public and try to reopen as quickly as possible.

Additionally, yesterday the Oregon Health Authority (OHA) released the COVID-19 data by zip code. Malheur County has 15 zip codes but zip codes that have a population less than 1,000 are combined and the aggregate case count is reported. Zip codes that have less than 10 cases will be reported as "1-9" cases.

The Court expressed their appreciation to Ms. Poe for her work during this COVID-19 pandemic; Ms. Poe expressed appreciation to the COVID-19 taskforce team.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of April 29, 2020 as written. Commissioner Wilson seconded and the motion passed unanimously.

BUDGET TRANSFER RESOLUTION

Commissioner Hodge moved to approve Resolution R20-17: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Wilson seconded and the motion passed unanimously. \$5,000 is transferred from Contingency to Predatory Animal Control; and funds are transferred in the Healthy Start Fund. See instrument #[2020-1637](#).

UPDATED PLAN FOR REOPENING

Commissioner Wilson moved to approve updated Plan for Reopening Malheur County, dated May 4, 2020 and prepared based on Governor Kate Brown's *Reopening Oregon: A Public Health Framework for Restarting Public Life and Business and Prerequisites for Phased Reopening of Oregon*. Commissioner Hodge seconded and the motion passed unanimously. Malheur County is requesting a reopen date for Phase One effective May 15, 2020. The plan will be submitted to the Governor's Office. See instrument #2020-1638.

CROSSING PERMIT

Commissioner Wilson moved to approve Crossing Permit #20-20 to Track Utilities LLC to replace a damaged repeater on King Avenue #866. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

QUITCLAIM DEED - KUMM

Commissioner Hodge moved to approve Quitclaim Deed to Michael Kumm for Ref. #3875; purchase price is \$7,890. Commissioner Wilson seconded and the motion passed unanimously. The property was previously offered for sale at a County Land Sale and did not sell. See instrument #[2020-1632](#).

RESOLUTION - APPROVING LOAN FROM BANK OF EASTERN OREGON

Commissioner Hodge moved to approve Resolution No. R20-18 - In the Matter of: Resolution Approving Loan/Borrowing Monies from Bank of Eastern Oregon for the Purpose of Financing the Purchase of a 2012 John Deere 772GP Motor Grader for the Malheur County Road Department. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2020-1636](#).

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R20-15. Notice of the hearing was published in the Argus Observer. A public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund. No public comments were received. Judge Joyce closed the hearing. Commissioner Hodge moved to approve Resolution R20-15: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate insurance proceeds that were received but not anticipated when the adopted

budget was prepared; these funds were for snow damage done to Horse Barn A and C and are in the County Fair Fund budget. See instrument #[2020-1634](#)

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R20-16. Notice of the hearing was published in the Argus Observer. A public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund. No public comments were received. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution R20-16: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate State Opioid Response funds that were received but not anticipated when the adopted budget was prepared; these funds are to be used to implement the HB 4143 expansion project and are in the Health Department budget. See instrument #[2020-1635](#)

POVERTY TO PROSPERITY (P2P) REQUEST

The Court noted that they had received correspondence from City of Ontario Manager Adam Brown answering questions that they had regarding the Poverty to Prosperity request to contributed \$40,000 to support a county-wide COVID-19 recovery response development program/position. Mr. Brown was present electronically and offered to answer any further questions the Court might have. Commissioner Hodge moved to table the matter until next week in order to have time to review Mr. Brown's correspondence; Commissioner Wilson indicated he would followup with the Malheur County Recovery Team members if needed; Commissioner Hodge stated the Court would make a decision on the request next week. See instrument # *** for the Poverty to Prosperity request; questions from the Court; letter from Bill Johnson, and response from Adam Brown.

COMMENTS

Ms. DuBois noted the courthouse would be disinfected Friday. Commissioner Wilson inquired if individuals would be required to wear masks as part of the reopening process and suggested that the Court make a statement that they highly recommend wearing a mask when in a public setting and thank the stores that have employees wearing masks; Commissioner Wilson also expressed appreciation to Senator Findley and Representative Owens for the efforts to reopen the County; Commissioner Hodge requested that persons cooking/preparing food wear gloves and a mask; these thoughts were relayed to the Argus Observer and Malheur Enterprise staff that were present electronically

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.