



CITY COUNCIL MEETING MINUTES September 15, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, September 15, 2020, in the Council Chambers of City Hall. Council members present in person or via telephone were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Marty Justus, and Freddy Rodriguez. Ramon Palomo was excused.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Terry Leighton, Kari Ott, Dan Cummings, Steven Romero, Betsy Roberts, and Larry Sullivan.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on September 11, 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, CAPRON 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.

PUBLIC COMMENT

Kathy Harrod, Ontario, invited the City Council to come down to Mallard's Grocery on Saturday, 4-6pm to help serve food to those who were hungry. It was a great experience, and it would be good for the community to see the Council involvement.

Kaui Miller, General Manager, Treasure Valley Cannabis Company, Payette, stated they also wanted to engage with the community, and had many of their staff members assisting at Mallard's last weekend, where they distributed sanitizing essentials. They want to start making an impact on the community. A lot of their employees were local to the area.

Aaron Varela, Manager, Treasure Valley Cannabis Company, Boise, stated it was more than just talk, they truly wanted to help the community and not just on a one-time thing. He was gearing up to serve his 11th year on the Ski Patrol at Anthony Lakes, and he volunteered anywhere between 200-400 hours a year.

Eddie Melendrez, Ontario, introduced himself to the Council as a candidate running for a Council seat in the November election; he just wanted to put his face with his name.

CONSENT AGENDA

CRUME moved, BRADEN seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF AUGUST 6, 2020; AND COUNCIL MEETING MINUTES OF AUGUST 18, 2020**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESSResolution #2020-135: Sewer Service Rates for Car Washes

Kari Ott, Finance Director, presented.

CAPRON moved THE CITY COUNCIL APPROVE RESOLUTION #2020-135: A RESOLUTION SETTING SEWER SERVICE RATES FOR CAR WASHES. Action died for lack of second.

DISCUSSION ITEMSResuming Utility Shutoff Discussion

Adam Brown, City Manager, stated when the pandemic began last March, the Council made the decision in April to suspend shutoffs, and that had been consistent across Oregon. It had become common now for local governments to begin resuming shutoffs. The city had not had a huge decrease or increase in the number of accounts that were behind. Typically, it was the accounts that were usually behind. People were still struggling in many ways, but staff believed it was time to start enforcing the utility shutoffs. Before directing staff to begin, he wanted to speak with the Council and get their thoughts.

Councilor Rodriguez asked assistance in understanding this. When Mr. Brown stated it felt like the right time based on people resuming their jobs, was there any actual matrix that was being gauged on, where the Council could say that numbers on "x" had risen so they felt it was time. What matrix was this being gauged against?

Mr. Brown stated he spoke with Work Source Oregon, and there were jobs out there. Where families were struggling was that many families now needed a parent to remain home, which created unique challenges.

Councilor Rodriguez stated that might be a reason to maintain it a little longer, until people got settled in, especially with school just getting started.

Mr. Brown stated there were many reasons to maintain the shutoff, and many reasons to resume.

Councilor Rodriguez stated they were talking about \$13K less over the car wash issue, just for evaporation. This was more something they should want to consider.

Mayor Hill stated resuming the utility shutoffs, was it free water, or it built up? The account holder would still owe that at some point, correct?

Mr. Brown stated that was correct.

Councilor Justus stated along that same direction, as an example, say he hadn't paid his water bill since March, and now the city was going to begin the shutoffs. Was the city going to try to get them to pay all of their bill owed or shut off, or say they had to begin paying from October forward. Then arrangements would need to be made to get the balance paid off. Or, was the city saying, oh, \$1,000 since March, and if you don't pay the city \$999, the water would be turned off. He wanted to make sure to acknowledge the coverage was real, it was there, but the city could not continue to give away free water. He didn't want it to be that harsh to people. He understood turning the water back on, but they needed to figure out how to handle the back balances.

Mr. Brown stated the city offered a payment plan and work to accommodate account holders. Staff asked them to come in and speak with all of them to work something out. It would involve sending out letters indicating the date action would be resumed and asking the individual to come in and meet up with staff to establish a payment plan. When people signed up for a plan and made monthly payments, staff worked with them.

Councilor Justus asked if the plan was going to be a reasonable one? For example, if an average water bill was \$100 per house, where they going to be asked to pay \$10 towards the arrears, or \$50, or do a sliding scale, or what? It could get very complicated.

Mr. Brown agreed; however, staff was flexible. They started from a position of what could they do.

Councilor Justus asked if they'd reached out to Community in Action to see if they had any funds to help pay off these arrears?

Mr. Brown stated there were funds in several different organizations that helped with utilities.

Councilor Crume asked if they knew how many accounts were delinquent.

Kari Ott, Finance Director, stated on average, staff sent about 100 letters for shutoffs, so there would be less than that. There were some bills nearing \$800. They had also discussed pushing the utility forgiveness program with businesses. The actual shutoffs per month average around 45 accounts.

Councilor Rodriguez verified the information would be put out in a letter that the utility forgiveness was going to be ending, and for anyone having problems with payment should approach the city to discuss a plan. He, however, did not feel that would be adequate. A good example for how it should be done would be Idaho Power and their level pay program, among other programs. Maybe also some clips on the city's website.

Councilor Capron stated they needed to provide for some type of leniency if a family member on one of the accounts was diagnosed as positive for Covid or for family members who had to be quarantined and could not go to work. Idaho Power also had a program for people to make a donation to go towards someone who might be struggling to pay their bill.

Councilor Crume stated whatever the arbitrary date was that they started asking customers to begin catching up their accounts, it would have to occur soon, but he had no idea what that date might be. He had no issues with starting now, but to use some type of leniency as mentioned earlier.

Mayor Hill stated there were programs in the community to assist people that were struggling, and he was sure that Community in Action, the Department of Human Services, and Lifeways had lifelines for people in this situation. He was in favor of starting now and would like to see consensus for staff to work out a plan for repayment if the lifelines could not be accessed. He'd like a consensus on the issue.

Consensus: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes.

Merchant McIntyre Grant Services

Adam Brown, City Manager, stated the city had a three-month experiment with Merchant McIntyre. It was a one-year contract, but if, at three months, the city did not believe it was getting a return on investment, they would void the contract. He provided an update on current projects or those coming up. He recommended staying with the contract for at least another three months.

Councilor Crume asked how much money had already been expended, and how much more would be?

Mr. Brown stated it was \$6,500 per month, so \$19,500 total so far, and the same for the next three months.

Mayor Hill stated governments didn't work in weeks or months, they worked in years, so receiving any results in three months would not happen. They might never get a positive result. He agreed they should extend it another three months.

Consensus: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes.

JUSTUS moved, CAPRON seconded, **TO AMEND THE AGENDA TO ADD THE EXTENSION OF MERCHANT MCINTYRE.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CAPRON moved, JUSTUS seconded, **TO EXTEND THE CONTRACT WITH MERCHANT MCINTYRE FOR THREE MONTHS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Ontario Fire Department and Ontario Rural Fire Protection District

Adam Brown, City Manager, stated the recent work staff had been involved with had them down a path of analyzing the Rural contract with the Ontario Fire & Rescue Department. The contract expired next year, and the city needed to start thinking now about negotiations for that contract. In reviewing the contract, they searched for the contract language for what was included that the city was going to provide services for, and it read, summarily, that included were facilities, training, ancillary support, and there were a lot of things about personnel and equipment and insurance for fixed assets, vehicles, and mobile equipment. The document in their packet was a breakdown of all those different areas. Then a percentage was applied of what the rural district was responsible for. For items that were generally used for every call or service, 11.3% was applied, which was the amount of rural calls versus total calls that Ontario Fire and Rescue handled. Some for the items were fully burdened on the Rural District, and some were not. It was the same for the equipment. In summary, when reviewing all the things that were said to be included in the contract, then adding in what the capital cost would be to maintain the fleet they currently had, it showed that the annual cost to operate the Rural Fire District and everything in it, was \$307K per year. The current contract between the Rural Fire District and the City of Ontario was \$111K. The District also had often offered to pay for capital items. Averaging the capital items over the past ten years, it was roughly adding another \$30K. That brought it to roughly \$140K. The actual cost for services was \$307K, so the city was at a deficit in supporting the Rural Fire Protection District by \$166K. These numbers were arrived at by him, the Fire Chief, the Human Resources Director, and the Finance Director. The Mayor suggested having a third-party do a fact-check before the contract was up for renewal, just to verify. He agreed with that suggestion to validate the cost share that the city was subsidizing the District; however, while he did agree they might be off a bit, but not \$166K.

Mayor Hill stated he suggested that because there were negotiations taking place between the Rural Fire District and SRCI. That would have a direct effect between what the Rural District pays the city, and what the city was providing for services that SRCI would have to reimburse the District.

Councilor Justus stated his concern in the current contract was that there was not an automatic inflation factor. It didn't consider employee salaries increase every year. He would like to include some type of inflation clause in the new contract so that by year five, when our costs have increased, the District's had been frozen.

Mr. Brown stated they had done a financial forecast was for 20 years and had applied about eight different inflation numbers based on fire equipment, personnel, insurance, and many other inflation factors.

Mayor Hill stated the Council should authorize the City Manager, with a limit on what he could spend, if necessary, to get a third-party fact check on the proposed contract, so he would have that information when he entered negotiations with the District. The City Manager would need to figure out where to pull that money from.

Councilor Crume asked if there was time to do that.

Mr. Brown stated he could not speak to the current mediation process, but in anticipation of the city and the District contact expiring next year, but they didn't have to wait a year to do that. Mediation might or might not work, but he believed they'd be done with mediation this week.

JUSTUS moved, CAPRON seconded, **TO AMEND THE AGENDA TO ADD A MOTION TO THE AGENDA TO AUTHORIZE THE CITY MANAGER TO OBTAIN A THIRD-PARTY ANALYSIS OF THE CURRENT CONTRACT WITH THE RURAL FIRE DISTRICT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

JUSTUS moved, CAPRON seconded, **TO HAVE THE CITY ENGAGE A CPA FIRM TO PERFORM A THIRD-PARTY ANALYSIS OF THE COSTS BETWEEN THE CITY OF ONTARIO AND THE RURAL FIRE PROTECTION DISTRICT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Corona Virus Relief Fund Budget

Adam Brown, City Manager, stated the city had been notified regarding the distribution of funds from the federal government, passed through the state, and apportioned by population. Ontario's portion was \$337K. He was seeking direction on the expenditure of the funds. The funds had to be completely expended by December 31, 2020, and spent in services rendered. He would like to propose a budget to the Council, and was up for amendment by the Council. Some funds had already been expended on some PPE items for around \$8K, an electrostatic sprayer, and some UV lights for the blowers of the HVAC system in each city building. In speaking with the Council on Aging to see if they needed some type of assistance, he was told they'd seen a surge over the past five months - due to restaurants closed or closing - the requests for Meals on Wheels. He believed some funds could be expended for the purchase of a van to deliver meals. Further, the temporary Council meeting virtualization was money for paying the videographer services they'd been using. The intent was to make that into semi-autonomous so there was no need for a crew on site to run the meeting. That one had already been approved and given direction on. Another one that had been discussed in his Friday updates was about making City Hall a 21st Century city. It was taking all the forms, applications, registrations, licenses, and virtualizing all of them so they were fillable that could be completed and sent off to the city, creating a work path. Staff had reviewed three vendors and were now going to seek input from the front-line workers. For that \$40K, with the particular vendor staff was leaning towards, the contract could be prepaid for three years. The ongoing expense would be around \$10K a year.

He spoke with Community in Action to see what their needs might be and was told they'd almost exhausted their rental assistance funds, but the funds could also be used for electric or gas payments. Water utilities was not an option.

Staff was ready to roll out the 30-49% program. The first round was for businesses that lost over 50% of their revenue, but had not received the Payment Protection Program or the EIDL Program, and there was still money available there. In round three, the city was able to get funding for people that lost over 50% of their revenues, but the restriction was removed of having PPP or EIDL funding, except if you *did* received that funding, you had to subtract it from what you were asking for. This third round was the local boots-on-the-ground team, which was the Community Development Director, SREDA Director, and SBDC Director, and several other partners, including City Councilor Braden. That group came back that there were many businesses that lost just under that 50%, but were still hurting. There was still funding left in round one, and funds left in round three.

Lastly, was the Boys & Girls Club, but he had not visited with their Director yet. One of the largest issues with the pandemic was the kids being at home, but having working parents. The Boys & Girls Club could handle more kids at the Club if they could pay for supervision or staff. This might be able to fund staff for a few months.

HAND-OUTS**Check Register:** (Attached)

Aug 1 → Sep 9, 2020

Minutes: (Attached)

County Court: 8-26-2020; 09-02-2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Rodriguez stated he had been in contact the Oregon Firearm's Foundation, and he wanted to make a presentation to the Council at a future meeting to discuss declaring the city a Second Amendment Sanctuary City. This would preclude the city from facing any unfair firearm regulations that were established at the federal level.
- Mr. Brown stated the city had received notification from the FAA of grant monies awarded.
- Mayor Hill stated BLM confirmed they would set aside \$2.5M for the Ontario Airport and would be able to carry that over to the next year.

EXECUTIVE SESSION(S)Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:15 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council entered the second executive session at 7:30 p.m.

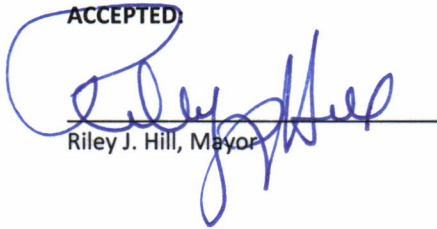
Executive Session: ORS 192.660(2)(d)

An executive session was called at 7:30 p.m. under provisions of ORS 192.660(1)(d) to discuss labor negotiations. The Council reconvened into regular session at 7:55 p.m.

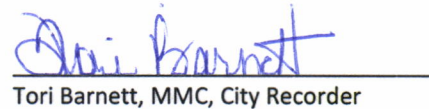
ADJOURN

CAPRON moved, RODRIGUEZ seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder