

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, FEBRUARY 16, 2021, 6:00 PM, MT
[Zoom Link](#)**

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 ____ Sam Baker ____ John Kirby ____ Ken Hart ____
Michael Braden ____ Eddie Melendrez ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on February 12, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

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

A) Letters of Support for Aquatic Center

5) CONSENT AGENDA

- A) Minutes:
01-07-2021 Study Session
01-19-2021 Council Meeting
- B) Proclamation: Gambling Awareness Month
- C) Housing Incentive Program: BK Construction, Inc. (23-2021)

6) OLD BUSINESS

- A) Appointments to City Boards
- B) Merchant McIntyre
- C) Charter Amendments
- D) Resolution #2021-103: Approval of the Tennis Court Bid and Agreement with Four Rivers Charter School for the Sponsorship and Use of the Beck Park Tennis Courts
- E) Façade Improvement Grant Boundaries
- F) Four Rivers Cultural Center Funding
- G) Federal Coronavirus Paid FMLA Sick Leave Extension
- H) Resolution #2021-105: A Resolution to Appropriate Funds and Approve Proposal for a Lobbyist

7) NEW BUSINESS

- A) Resolution #2021-104: Border Board Legislative Support for Rural Housing Development

8) PUBLIC HEARING

- A) Ordinance No. 2785-2021: Comprehensive Plan Amendment & Rezone of Property

- 9) **HAND-OUTS**
 - A) Minutes:
County Court: 01-20-2021; 02-03-2021
 - B) Check Register: January 1, 2021 to February 12, 2021
- 10) **CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**
- 11) **EXECUTIVE SESSION**
 - A) ORS 192.660(2)(h) - Current or Pending Litigation
- 12) **ADJOURN**

February 2, 2021

Ontario City Council
444 S.W. Fourth Ave.
Ontario OR 97914

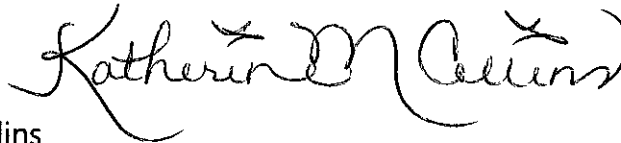
Mayor Hill and Councilors:

Ontario needs to have a swimming pool again. It is a great asset and a selling point for Realtors and those trying to recruit professionals to our community. However, we believe the key message a pool sends is that its citizenry cares about the children in that community. Teaching children to swim is critical in our region where there is so much water, which is why it is so important that our City Council supports the Ontario Recreation Department's efforts to build and maintain a swimming pool.

Our youngest son nearly drowned in a friend's pool at the age of 4. He took swimming lessons later that summer at the Ontario Pool. Another reason the pool was particularly important to our family is that at the age of 8, our daughter was diagnosed with Legg-Calve-Perthes Disease. It's a condition in which the ball of the hip doesn't fit into the socket of the pelvis and eventually is worn down. Telling a child to be inactive is the worst possible punishment, but it hurts her to run or jump with this condition; even walking is painful. However, while in the water, our daughter was free from the chronic pain for a while. Because Ontario had a swimming pool at the time, she also was able to be part of a competitive swim team. Our daughter was able to participate in sports just like other children while living with this painful condition, and also was able to make some good friends as part of the Ontario Swim Team – another great benefit.

Our children are grown – and they all know how to swim. However, we voted for the Ontario Recreation District and are willing to pay those additional taxes because we know how important it is that children learn to swim and that they have every possible opportunity to participate in athletics, as both an individual and as part of a team. We strongly encourage you to show your understanding of this as well and vote to allocate a significant amount of money to the pool fund. As international swimming champion Sabir Muhammad once noted, "No one dies from not being able to play basketball."

Thank you for your genuine consideration,



Joseph and Katherine Collins
1081 N.W. Second Ave.
Ontario OR 97914

Dinsmore.
Chiropractic
Clinic, P.C.
Todd A. Dinsmore, D.C

Feb. 5, 2021

To: Ontario City Council
Re: Swimming Pool Construction

Dear City Council Members,

Growing up, I spent many weeks visiting my grandparents in Ontario and went to the Municipal outdoor pool often. In 1986, my wife and I moved to Ontario and chose to make a life here and raise a family. On numerous occasions we spent many days swimming at the indoor pool as a family. Our children have grown and have also decided to live locally and we presently have four grandchildren. They must travel out of the area to enjoy a public pool.

It appears currently that the means are available to build a new outdoor pool, and with the city's assistance this may occur sooner than later. Having a public swimming pool in Ontario is a benefit to those families that have chose to reside in, and support, this community. It also is a draw for the many families relocating to the area and trying to decide whether to live in Ontario, or somewhere else.

As city "leaders", I encourage you to assist in any way possible in order to facilitate the building of a new pool. The community has put in a major effort towards this cause thus far and your support is warranted, and needed.

Sincerely,



Todd A. Dinsmore, D.C.
TAD/rn

Ontario City Council,

I am writing this letter regarding the Ontario Recreation District Pool Project.

The first step was taken two years ago, with the splash park. This was a great addition to our city, attracting not only Ontario youth, but our surrounding community who enjoyed countless hours of fun and sun. It just makes sense to add to that outdoor activity and to bring the pool back as an outdoor facility. Andrew Maeda has researched all the details: cost, construction, communities interest and use, indoor versus outdoor facility and countless other variables. This project is for our community – a health community – and the city should consider this a priority, a springboard to creating a health, safe environment for the citizens here! The city needs to support this project monetarily.

Sincerely,

Mary M. Echanis

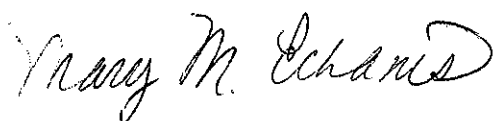
Ontario City Council,

I am writing this letter in regards to the pool project.

The first step was taken two years ago, with the water park. This was a great addition to our city, attracting not only Ontario youth, but our surrounding community who enjoyed countless hours of fun and sun. It just makes sense to add to that outdoor activity and to bring the pool back, as an outdoor facility. Andrew Maeda has researched all the details: cost, construction, communities interest and use, indoor versus outdoor facility and countless other variables. This project is for our community--a healthy community--and the city should consider this a priority, a springboard to creating a healthy, safe environment for the citizens here! The city needs to support this project monetarily.

Sincerely,

Mary M. Echanis

A handwritten signature in cursive script that reads "Mary M. Echanis". The signature is written in dark ink and is positioned below the typed name.

February 4th, 2021

Jon and Lynne Buck
144 SW 19th St.
Ontario, OR 97914

Ontario City Council,

First, we would like to thank you for all your hard work. We very much appreciate it. We realize that everyone will not always agree with your decisions and choices, but we do appreciate that you all make decisions based on what you think is best for our community. That leads us to our second and main point of this letter.

We think that getting the Ontario pool back up and running is a great endeavor for our community. We are very grateful for the Ontario Recreation District and all the people involved with reopening the pool. We would like to endorse, encourage, plead with the City Council to vote to make a significant monetary contribution from city money to help make this happen.

Your words of encouragement are great but showing the community the importance of the pool reopening with a contribution from the city would be significant.

Thanks for taking the time to read this and we hope you will seriously consider significant monetary support towards the Ontario pool.

Sincerely,
Jon and Lynne Buck

February 4th, 2021

Jaime L. Taylor-Blumer & Gerald Blumer Jr.
2356 Andrew Avenue
Ontario, OR. 97914

Dear Ontario City Council Members,

I appreciate the time you will give to review this letter as it means a lot to me, my family, and our community. I have been an Ontario resident most of my life. I have grown to love and care for this community through my work and volunteering on different committees and through organizations. I truly love our town and the people, like yourselves, that take pride in continuing to make it a better place to live, raise a family, and grow old with lifelong friends. I believe making the aquatic center a main goal in the next year will help the town prosper in ways we could never imagine!

I am requesting all of you to review the goals you have placed in our strategic plan for the city. You will quickly recognize how each of those goals can be met by contributing to the success of a community pool. For instance, the town would be more desirable if the heart of it, our pool, was up and running. It is a sad empty shell that shows a broken town as you drive through. A pool would add a sense of pride for all of us and draw people from all over to utilize it. Also, you talk about education in the goals. The pool could be utilized for different educational opportunities, which could ultimately save their lives. Learning to swim is an essential skill for many. I remember growing up and taking swim lessons at the pool, I met many friends, gained confidence, strived to be healthy, and learned a great deal about the power of water. It was one of the first times my parents were able to watch me compete and have fun in little swimmer's class. The pool was always a place you could go to have fun with friends on a weekend. It was safe, sporty, energizing, a place we could be ourselves and laugh, and enjoy just being kids. That is far from the town we will live in now, but we/you can change that.

As we know, lifestyle can be defined as "a typical way of life of an individual, group, or culture". You want to influence a positive, healthy, thriving, community engaged culture in our town? Then funding the pool is perfect to invest in this future culture shift we so desperately need. We also look at beautifying the city and as the pool is our center, we could really make a splash! There are so many simple things we can do once it is up and running and making money to continue to invest in our community and beyond. Finally, we need growth. We need influential people and engage members of the community to be able to refocus our town. I can tell you by all the doctors I met while working at the hospital, many of them were disappointed because it is a primary focus when they tour the town for opportunity to destress and relax. I know we would have had more influence in them living in Ontario if we had a pool to entice them. We are working on creating a more positive environment for people to live and grow and your investment in the pool will be here long after you are gone.

Again, thank you for listening to me and my requests. I sincerely hope you decide to invest in the aquatic center and know it will bring great joy and prosperity to our community! I know my son is looking forward to spending time outside with his friends in our hometown and not having to travel to Idaho or beyond to find something to do as a group. Please reach out to me if you have any further questions.

Sincerely,
Jaime L. Taylor-Blumer & Gerald Blumer Jr.

Nicole Adamson

1215 SW 3rd Ave
Ontario, OR 97914
(208) 739-8420

4th February 2021

Ontario City Council

444 SE 4th St
Ontario, OR 97914

Dear City Council,

Having healthy activities and healthy opportunities is something that every parent strives to provide for their children. Swimming is one of those activities. Swimming can help children develop their fine and gross motor skills, coordination, strength, confidence, and cognition. Swimming can also lower stress levels, reduce anxiety and depression and improve sleep patterns.

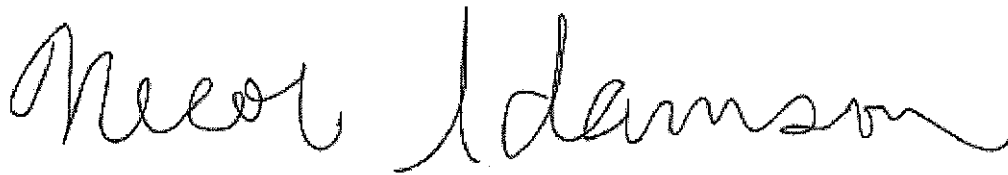
A community pool has the opportunity of bringing diverse people together. Swimming does not discriminate from athletic ability, physical or mental disabilities, it is an activity that allows everyone to participate and have the opportunity to participate in a low impact activity. Swimming is an activity that can give you a full body workout. It is an activity that benefits all generations, from physical therapy, muscle development and balance.

The benefits of having a community pool is something that can not be ignored. Having a pool here in Ontario gives families a healthy entertainment opportunity to do with their kids. Instead of driving to Vale or Payette to go swim or take lessons, families could do that here, and money would be staying in Ontario verses in other communities. A pool is a great way to encourage fitness for the whole family.

We cannot deny that during this pandemic community members are facing unknown times that take a toll on mental health. It is a community's responsibility to provide support for our fellow community members. Something as simply as going for a swim can relieve stress and help relax people. With the abundant amount of screen time, we as a community have had to adapt to, can greatly take a toll as well. Putting down the screens and giving resources for activities that do not involve electronics is essential.

As a community member and a health educator, our youth, and our families need the opportunity for healthy community activities. Helping support the re-opening of the aquatic center is a great step in that direction.

Sincerely,

A handwritten signature in black ink, reading "Nicole Adamson". The signature is written in a cursive, flowing style. The first name "Nicole" is written with a large, looped 'N' and the last name "Adamson" follows in a similar cursive script.

Nicole Adamson

February 6, 2021

Dear Ontario City Council Members,

My name is Jose Delgado, my wife Joni and I have lived in Ontario over 30 years. We were first introduced to Ontario Rec. when our oldest son was 1 year old in 1995. Ontario Rec. has been instrumental in developing skills for our 5 children and for youth throughout the Treasure Valley. We were thrilled when Ontario Recreation District (ORD) was formed and approved by voters. Ontario residents saw the importance and need of a reliable funding source to finance youth programs for our community. We are also thrilled to have Ontario High School graduates Andrew Maeda and Riley Helmick at the helm. They are energetic, dedicated and invested in the development of our youth programs.

I write this letter in support of (ORD) and the Pool Committee's determination to get our pool reopened. Ontario needs their pool back! Our children, adults and senior citizens deserve better and need their pool open as soon as possible. ORD has committed a substantial amount of their budget to start the process. Ontario City Council now has an opportunity, and many feel an obligation to help fund the reopening of the city pool. ORD should not have to assume the entire financial burden alone. This would delay the opening for years. The city's financial support will signal to our community that you are committed and make opening the pool a priority. I look forward to an essential partnership between ORD and city leaders to work together to help revive our community.

February 5, 2021

Dear Ontario City Council,

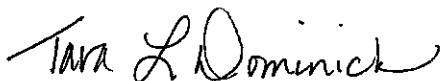
I am writing to show my support for the city to help finance reopening the pool here in Ontario. I have been a long-time resident of Ontario. I grew up here, graduated from Ontario High School, and moved back after college to work as a teacher in the district and now at the college so I am very vested in the community and want to see it grow and prosper.

The Ontario Recreation Department has been doing such an amazing job bringing activities back to our youth. As a child in Ontario, I have fond memories of going swimming at the pool, golfing at the Ontario Golf Course, taking art and calligraphy classes as well as playing all the sports offered. It was a fabulous childhood and I want the same for my nine-year-old daughter who is growing up in Ontario as well as for all the other kids living here.

A city swimming pool is such a positive addition to any community. It allows the kids a safe, fun place to go in the hot summers and it will bring more economic growth to the surrounding stores and restaurants. It really is sad to me that being the "big town" in the area that we have to go either to Vale or into Idaho to go swimming and take lessons. This is something that shouldn't be and we need to fix it.

The Rec Department has done a fantastic job raising funds, but it would be a tragedy if the City of Ontario doesn't help contribute to making our town a better place to live, not to mention improving the life of the youth in our community. I hope that you take this to heart and really see the benefits to all of us in Ontario and do the right thing by proving funds to this project.

Sincerely,

A handwritten signature in black ink that reads "Tara L. Dominick". The signature is fluid and cursive, with the first name "Tara" and last name "Dominick" clearly legible.

Tara Dominick

tdominick@tvcc.cc

taradominick@gmail.com

541.515.2247

Ontario Pool Committee

February 4, 2021

To whom it may concern:

I am writing this letter in support of a proposal for reopening our public swimming pool.

Our City has been losing income, not to mention losing a great activity for the health-conscious individuals as well as one less outlet for our youth. I believe it is imperative that this community pull together and stand for the rights of the citizens to have a public pool for all to use.

I would hope that the City of Ontario would be willing to fund such an asset to this community, as they in turn will reap the rewards.

It is very important that we implement ways to build this Community back up after such a devastating year, the effect has been astronomical on this Community and this would be one positive step forward for the future of our great Community.

Sincerely,

Victor and Rosario Machuca
Graphixwear
541-881-0005

Dear Members of the City Council,

As a kid my parents would always tell me to go outside and play. "Get some fresh air, make friends, explore". I didn't know it at the time, but those moments, playing with my friends, riding bikes, walking to the pool, would be some of the best memories that I look fondly back on.

I had an advantage, though. I got to go to the pool more often than most kids. I would go to work with my parents, and then after a reasonable amount of time working, I would have the privilege of going to the swimming pool. It was when there was just an outdoor pool, and quite the place to gather, I might add. I remember the music blasting, and there was always this one young man who enjoyed dancing to the music. Aww..Things you remember....swimming lessons, crushes, good friends, going off the high dive for the first time. What a joyous time!

Some of you may know that my family's business is located directly across the street from the Lions Park. We have been residents of Ontario since 1967. And have been in business for almost 54 years. Ontario has changed dramatically in those said years, but, we can still have that small town feel. Where everyone could know your name, and potentially become your friend, or at least an acquaintance. I still know people that I met at the pool.

So often we forget that the opportunities we had as children are just as important to our own children and, yes, grandchildren. I would love to see my grandkids learning how to swim, making new friends, experiencing what our community has to offer. They really do deserve a place to enjoy the summer, like generations before them. And, hopefully, all seasons in the future.

I urge you to please consider partnering with the Ontario Recreation Department to make this project a priority, to bring back a little piece of what I would call nostalgia to our community. What an opportunity we have to make our city a recreation destination.

Sincerely,

Melody Davis
Burger West
Co-Owner

February 5, 2021

City of Ontario
444 S.W. 4th Street
Ontario, Oregon

REF: Pool Committee

Mayor & Council Members:

We need to revitalize the City of Ontario. We no longer have a golf course or swimming pool. Ontario needs these types of amenities to attract new families and maintain current residents.

We now have Ontario Recreational Department that is spearheading an effort to bring an outdoor swimming pool to Ontario. Even though the Ontario Recreational Department has a tax base, the City of Ontario needs to participate financially to speed up the process.

Since Ontario does not have a golf course, swimming pool, outsources our city maintenance to Jacobs, outsources our bookkeeping Oster Professional Group, the city should have funds to help towards the pool. Point being, we have fewer city employees and are paying less wages and benefits. We also have a new source of revenue from the sales of marijuana.

I urge the Mayor and Council Members to help in the process, it is definitely for the good of the citizens of Ontario and our community.

Thank you,


Mike Miller
718 Reiter Drive
Ontario, Oregon

Dear Ontario City Council,

My name is Avery Cook and I am 11 years old. I like to play softball and I also like to swim. In Ontario I like to play softball with my friends and sometimes I go to my father's work. I have always wanted a pool here in Ontario because I love swimming. Recently Covid-19 has affected us all very strongly and I have been staying active by playing with friends and helping my parents around the house. I sometimes go to Vale in the Summer to go swim but that is a half-hour drive and it gets boring. If we do install a pool here it is going to cost a lot of money though, like 3.125 million dollars! That is a lot of money! But I think that we could install it in no time if the City Council donated from its funds. Since the people in the city would like a pool, I think it is only right to put some of it towards something that the people who pay taxes want. If you put in enough funds into this, then we could make the process of this pool faster and easier. This pool would be an amazing way to get the kids in Ontario active and not shut away in a zoom class. Thank you for your time and consideration.

Sincerely,
Avery Cook

Dear Mayor and City Council,

I think our community needs a giant pool. I love splashing, swimming, and jumping in the pool. It would be good for the people who do not know how to swim.

I think our community needs something fun to do like swimming. This is a way for people to get together. Having a pool can help other people learn how to swim. There can be learning hours and fun hours at the pool. A community pool can offer exercise to the community. You can help yourself get fit.

Mayor Riley Hill, thank you for reading the letter and please put the community money towards a community pool.

Sincerely,
Evan Cook 8yrs old

February 5, 2021

To the members of the City Council of Ontario,

We are writing in support of city funding to help with the renovation for the Ontario Aquatic Center. We live in Fruitland and have a 1st grader and a 3rd grader that attend Fruitland Elementary. I (Sara) grew up in Ontario, taking swimming lessons, going to birthday parties, and enjoying many hours of fun in the water at Ontario Aquatic Center. We would love to have a place for our children to be able to take swimming lessons and play in the water locally.

There are also many community advantages to having the pool open. It provides a place for children and adults to take classes. Since we live in an area with a lot of agriculture, there are plenty of ditches and irrigation water that could be a hazard for children who have not had proper lessons in how to behave and survive in the water. The water is also a great opportunity for adults to stay active. The ease of movement in the water for people with joint problems makes it ideal for staying active for any age adult.

A public pool facility would have other positive benefits also. It would provide jobs, including teaching young people the valuable life-saving and water safety skills in lifeguard training. Having a public pool would improve the desirability of living in Ontario and would help bring families and businesses to the community. We have enjoyed the splash pad since it was built and are looking forward to many more hours and memories at a public pool in Ontario.

Sincerely,

Brad and Sara Holland
Fruitland, ID



CITY COUNCIL MEETING MINUTES January 7, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, January 7, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Norm Crume, Freddy Rodriguez, Ramon Palomo, Marty Justus, Michael Braden, and Ken Hart. Also present were Councilors-Elect John Kirby, Sam Baker, and Eddie Melendrez.

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

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

Special guest Colton Slinker led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on January 5, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HILL moved, JUSTUS seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 7/0/0.

SPECIAL ACTION

OUTGOING CITY COUNCILORS: NORM CRUME, MARTY JUSTUS, AND RAMON PALOMO

Adam Brown, City Manager, presented each outgoing City Councilor with a plaque, thanking them all for their service to the City of Ontario.

SWEARING IN NEW CITY COUNCILORS EDDIE MELENDREZ, SAM BAKER, AND JOHN KIRBY

City Recorder Tori Barnett swore Eddie Melendrez, Sam Baker, and John Kirby into their positions as Ontario City Councilors.

ELECTION OF COUNCIL PRESIDENT

HART moved, BRADEN seconded, **TO APPOINT COUNCILOR FREDDY RODRIGUEZ TO THE POSITION OF COUNCIL PRESIDENT**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

APPOINTMENTS TO CITY BOARDS, COMMITTEES, COMMISSIONS, AND COUNCIL LIAISONS

Mayor Hill recommended moving Luke Kellar, currently the Alternate on the Airport Committee, to a regular position on that Committee; and appointing Councilor John Kirby to the position of Council Liaison to the Airport Committee; Councilor Ken Hart to the Audit Committee; Judy Snyder and David Sullivan to the Budget Board; Councilor Eddie Melendrez to the Business Loan Fund Committee; Janet Komoto to the Diversity Advisory Committee; Councilor John Kirby to remain a member, in addition to Council Liaison, to the Marijuana Ad-Hoc Committee; Lynn Johnson and David Goldthorpe to the Parks Committee; John Breidenbach to the Planning Commission; Scott Wilson to the Public Works Committee; Councilor Sam Baker as Liaison to the Public Works Committee; Debbie Blackaby to the Visitors



& Conventions Bureau Board, and Councilor Ken Hart as the voting member representing the Council on the V& C Board.

BRADEN moved, RODRIGUEZ seconded, **TO APPROVE THE APPOINTMENTS AS PRESENTED BY THE MAYOR**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

BRADEN moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED A HANGAR LEASE TRANSFER TO DARRELL LATHAM, 246 DECATHLON: AND A HOUSING INCENTIVE GRANT TO GARCIA**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

OLD BUSINESS

COMMERCIAL LAND LEASE: JIM BAIN, #245 ERCOUBE

Adam Brown, City Manager, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE LEASE AS PRESENTED FOR JIM BAIN AT #245 ERCOUBE**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

SAFE ROUTES TO SCHOOL AWARD: AUTHORIZATION TO SIGN CONTRACT

Adam Brown, City Manager, presented.

BRADEN moved, KIRBY seconded **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN THE OREGON DOT GRANT AGREEMENT ACCEPTING GRANT FUNDS OF \$358,931.28 AND CONFIRMING CITY MATCH FUNDS OF \$89,728 TO BE INCLUDED IN FY22 BUDGET**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

RESOLUTION #2021-102: WAIVE UTILITY FEES FOR RESTAURANTS AND BARS THAT WERE REQUIRED TO CLOSE PART OF THEIR SERVICE DUE TO EXECUTIVE ORDER 20-65

Adam Brown, City Manager, presented.

Councilor Baker asked what would be done if the businesses were required to be closed longer.

Mayor Hill replied that the Council would revisit the issue at that time.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-102, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, APPROVING A FORGIVENESS OF UTILITY BILLS FOR THE MONTHS OF DECEMBER (2020), JANUARY (2021), AND FEBRUARY (2021) FOR BUSINESSES THAT WERE REQUIRED TO EITHER BE CLOSED COMPLETELY OR TO BE CLOSED TO DINE-IN SERVICE BECAUSE OF EXECUTIVE ORDER 20-65**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

JOINT CITY COUNCIL – PLANNING COMMISSION REGARDING THE TRANSPORTATION SYSTEM PLAN FOR EAST IDAHO AVENUE

Planning Commission Chair Ralph Poole called roll for the Planning Commission, who were all attending via telephone. Those present were Ralph Poole, Cindy McLeran, John Hall, Max Twombly, Blu Fortner, and Cydney Cooke. John Breidenbach was absent.

Nick Foster, Kittleson & Associates, addressed the PowerPoint presentation (attached).



Councilor Hart requested that they be provided a document which outlined current to new, so the changes were easily identifiable. Also, when mentioning Oregon standards, was that referring to rural Oregon standards, or Portland standards?

Dan Cummings, Community Development Director, they would. There was a document which would show the existing code. Anything proposed as a change would be struck out and new items would be underlined. Also, it was being recommended to reduce the parking requirements to reduce driving and promote walking and biking to the businesses.

Mr. Brown stated there should be graphics included in that document.

Councilor Kirby asked if the proposed housing development behind Walmart was aware of this proposal.

Mr. Cummings stated no; they had to rezone from High Density Commercial to General Commercial. The proposed code on C2H would allow the same thing to occur, but under a conditional use permit. It gave the city more control. Instead of turning the entire commercial area into a parking complex, they could control how many spaces and set some rules.

Mayor Hill stated he noticed a lot of green spaces on the proposal, along with some areas for draught spaces. His concern was the maintenance and what the cost would be to the city. He did see that there was rock or bark in some areas, but the bark could blow away and the rocks collected cigarette butts and trash. It always looked nice when first installed. All that green looked nice but was concerned about the cost to the taxpayers.

Mr. Foster stated that was something that could, and should, be addressed during the design.

Commissioner Poole stated if this moved forward as wanted, and the trail system went along the Snake River ending at the Oregon State Park, there was no parking anywhere other than commercial already developed parking. There was parking in front of Big 5, but that was their parking. There was parking at Walmart, but that was their parking. If the city was going to entice people to use these multi-use trails, won't the city need to provide parking? He believed people would want to park there and unload their bikes or whatever and then hit the trails. What was the plan?

Mr. Cummings stated the plan was that near the Water Treatment Plant at the end of SE 5th Avenue, the city had a piece of property that would become the trailhead for this end of the trail.

Commissioner Poole questioned some of the areas in town where there were narrow streets, no curbs or sidewalks, and some open drain ditches. Those were supposed to be addressed so there could be pedestrian and bicycle traffic. How high were those prioritized? Or was all the funding going to go on Idaho Avenue?

Mr. Foster stated there was a drawing showing the areas that were being proposed for improvement. That was included in their outline.

Councilor Hart stated there still road in Ontario that were not all paved, something that had been brought up in a previous Council meeting.

Mr. Cummings stated this grant was focused on the East Idaho side; it was not town wide.

Mr. Brown stated they all saw the city from a different perspective, so everyone's ideas were important. He encouraged them all to get them to staff or Chairman Poole.



Chairman Poole stated he wasn't trying to direct funds into a specific place, but they were spending a lot of grant money in an area to improve the looks of things. He liked that, but to him, there were areas in town that were safety hazards because of no curbs, no sidewalks, and even open ditches. He wasn't trying to downplay beautification and the accessibility for walking and biking on East Idaho Avenue, because that would be great, but he was also aware that there were other areas in the city with half streets, unfinished streets, lack of curbs, gutters, and sidewalks. There was a 20% match on this grant, so make sure the use of those funds was going in the proper direction.

Councilor Kirby stated East Idaho Avenue was busy, and he knew proponents of the bike paths. They wanted to go where the others were. But those streets were designed a long time ago, and they weren't going to get any wider. Same thing downtown – instead of the bike path going down South Oregon, it would be on SE 1st Street over by the Train Depot. On this project, the parallel street would be SE 5th, which ran that entire length of where they wanted to be. It was congested now, and he saw no benefit to putting bikes in the middle of it.

Mr. Foster stated the East Idaho project would go in in conjunction with widening East Idaho Avenue. It would allow space for the walkers and bikers to get off the road they were using now.

Commissioner McLeran stated she wasn't seeing the timeframe on the project for East Idaho Avenue.

Mr. Foster stated it wasn't currently programed for funding by ODOT, so it was probably at least five years out.

FORTNER moved, HALL seconded, **TO ADJOURN THE PLANNING COMMISSION PORTION OF THE MEETING.** Roll call vote: Cooke-yes; McLeran-yes; Fortner-yes; Breidenbach-out; Hall-yes; Twombly-yes; Poole-yes. Motion carried 6/0/1.

NEW BUSINESS

ADOPTION OF 2021 MEETINGS CALENDAR

Councilor Kirby asked if the calendar was provided electronically so they had notice of updates.

Mr. Brown stated staff would accommodate whichever medium the Council wanted. Meetings could be pushed on their calendars via their city mail, or whatever they wanted.

Councilor Braden stated the committee appointments read that the Airport Committee met on the fourth Monday of every month, which was what had been done in the past, but it now read the first Monday of the month.

Ms. Barnett stated she had been informed that the Committee wanted to move their meetings to the first Monday of the month.

Councilor Hart suggested tabling this issue to the next meeting so everyone could sync their calendars.

Councilor Braden stated this just set the regularly scheduled calendar in a format that could be viewed. Why weren't they approving it now?

Mayor Hill stated it was at the pleasure of the Council.

Councilor Kirby stated he just wanted it more accessible; make it an easy tab.

KIRBY moved, MELENDREZ seconded, **TO TABLE THE CITY CALENDAR UNTIL THE NEXT MEETING.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-no; Melendrez-yes; Hill-yes. Motion carried 6/1/0.



APPROVAL OF AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE OREGON COMMUNITY FOUNDATION

Adam Brown, City Manager, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE OREGON COMMUNITY FOUNDATION FOR THE CITY TO ACT AS A FIDUCIARY FOR CERTAIN LOAN AND GRANT PROGRAMS ADMINISTERED BY THE EASTERN OREGON ECONOMIC DEVELOPMENT BORDER BOARD.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

RESOLUTION #2021-101: GRANT ADMINISTRATION PROPOSAL AWARD

Adam Brown, City Manager, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-101, A RESOLUTION TO AWARD GRANT ADMINISTRATION, LABOR STANDARDS, AND RELATED SERVICES TO DUCOTE CONSULTING, LLC, FOR A TOTAL NOT TO EXCEED THE AMOUNT OF \$25,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

WALMART EASEMENT

Adam Brown, City Manager, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE EASEMENT AGREEMENT AND COMPENSATION BETWEEN THE CITY OF ONTARIO AND WALMART REAL ESTATE BUSINESS TRUST.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/1/0.

DEPARTMENT HEAD UPDATES**Finance: Monthly Report** *(Attached)*

Kari Ott, Finance Director, presented.

City Recorder: Annual Report *(Attached)*

Tori Barnett, City Recorder, presented.

Police: Quarterly Report *(Attached)*

Steven Romero, Police Chief, presented.

Code Enforcement: Quarterly Report *(Attached)*

Steven Romero, Police Chief, presented.

DISCUSSION ITEMS

Councilor Kirby stated he noticed the new visual package they were seeing that night. He appreciated what had been done. He hoped to bring in better sound quality for just telephoning in.

Mayor Hill stated he signed a check last week for \$7,500 worth of equipment, and then paid \$1,000 a meeting to have someone look over it. He thought the meeting fee was a bit excessive. He wanted to ensure that when they reviewed contracts, more attention was paid before approving.



HAND-OUTS**Minutes:** *(Attached)*

County Court: 11-05-2020; 12-09-2020; 12-23-2020; 12-30-2020

SREDA *(Attached)*

Agenda 01-05-2021

2020 Snapshot

2021 Budget

Monthly Department Stats *(Attached)*

Fire & Rescue

Public Works

Police

Code Enforcement

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he signed a check last week for \$17,000 for floor covering that went to the gun range. When they approved that, he thought it was for improvements for the gun range itself, not for carpet inside the building. Again, they needed to pay more attention to the contacts brought before them.

EXECUTIVE SESSIONS**EXECUTIVE SESSION: ORS 192.660(2)(h)**

An executive session was called at 8:30 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council entered a second executive session at 8:58 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(d)

An executive session was called at 8:58 p.m. under provisions of ORS 192.660(1)(d) to discuss labor negotiations. The Council reconvened into regular session at 9:27 p.m.

NEW BUSINESS FOLLOWING EXECUTIVE SESSION**COLLECTIVE BARGAINING AGREEMENT**

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE ONTARIO POLICE ASSOCIATION WHAT IF PROPOSAL DATED 12-21-20**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ADJOURN

RODRIGUEZ moved, BAKER seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES January 19, 2021

NO SOUND RECORDING UNTIL DOUG STIPE WAS ALREADY SPEAKING.

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, January 19, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Freddy Rodriguez, Michael Braden, Ken Hart, Eddie Melendrez, and John Kirby. Sam Baker arrived at 6:47 p.m.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, and Laura Reyes.

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 January 15, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Doug Stipe:...and things that went good and what we need to do, and Jerry Elliott mentioned to me that he would like to maybe do some changes in our lease to try to better utilize the upper properties on the Skyline Farm because some of them fields on the upper part have irrigation systems on them and had not been used in the past. Used, but not thoroughly. And I said to Jerry, I said no, I would rather I fulfill my obligation to the City of Ontario with the agreement we made, but what I would like to do is raise winter wheat for a crop up there and handle it just like all the other crops that you raised up there, it cannot go into the food chain production. It has to go to livestock feed. And Jerry said I don't see any problem with that. So, in the fall of 2015, I planted winter wheat. We grew that winter wheat 2016 and harvested in the summer of 2016 and then we planted winter wheat again, the fall of 2016 for the next year's crop 2017. I don't remember the exact date, but sometime maybe February or March, the Wastewater Department came to me and told me I had to destroy my wheat crop up there because it was not okayed with the DEQ. So, we did. We did destroy our wheat crop up there and replanted again with a different crop. So, anyway, that is why I withheld rent for 2017. Then, in 2018, I withheld rent again, and the reason for withholding rent in 2018 was because the reservoirs were not filled. When I say reservoirs, I'm talking about the Skyline Reservoir and the lagoons. That's where the water comes from to irrigate the property on the Skyline Farm. It's wastewater. Anyway, the reservoirs were not filled to full capacity. Every year, and when I say this, I'm going back to 2016 because 2015, when I came on, was kind of late due to the previous renter not fulfilling his contract and leaving early, so we were late getting going that year. Anyway, every year in March me and one of the personnel from the Wastewater Department would get together and we would evaluate the incoming flows coming into the wastewater facility and where the reservoir levels are at that time. The reason we would do that, we wanted to target full reservoirs, lagoons, and reservoirs, to have the maximum irrigated irrigation water available for the Skyline Farm. Typically, in this area, and this is a lot of the dates we would target for, would be April 15th, because that's most the time when we start



irrigating. So, we needed to have full pools to have as much irrigation water as possible by April 15th. In 2018, the reservoirs were not filled to a safe capacity. After I had brought it to their attention that it would financially be a big detriment by not having these reservoirs full, I begged and pleaded to have them full and they didn't get filled. That is why I withheld the rent for 2018. Now, there was also damages from our running short of water in 2019. I paid the full rent in 2019 and because the city, well, I'll just back up here. 15, 16, and 17 we were partners. Worked good together, things fell apart in 18. 19 great partners, great working relationship, everything went good so I felt that even though I took a loss again in 19, they did everything they could to work with me, so I was very appreciative then. Anyway, that is why I withheld rent to the City of Ontario. Thank you.

Mayor Hill stated the Council could not negotiate with him, but how much did he withhold in 2017 and 2018.

Mr. Stipe stated in 2017 he withheld \$12,500, which was half of the rent, and in 2018 he didn't pay anything.

Mayor Hill asked the reasoning behind not paying anything was because there hadn't been enough water to water the crops?

Mr. Stipe stated no. There was some crop, but production was cut short because they began to run out of water in late June. By July, it was bad. In early July, they had to shut down. They did some regrouping and in late July tried to go again, but they were unable to get the crop to wake up again with the small amount of water they had.

Peggy Hawkins, Fruitland: *Good evening. I understand we're having a pool thing tonight, so I was asked to talk about my experiences with the pool. I guess I would start as a child. My mother was afraid of the water, so she made sure we all had swimming lessons, which is vital, I think, for children to have, and right now I feel we have a whole generation of kids that are never going to have swimming lessons 'cuz they don't have the opportunity to go to other cities. It's so important that USA Swimming had done a "Make a Splash" program and I had the swim team here in Ontario and they approached us. They will go into your community; they will find sponsorships; and they would give free programs or free lessons to children. They do that in the Boise YMCA area and like in the State of Florida, they cut the drowning rates in half the first year that they offered this, so it's a nationwide program and they've had a huge success and it's really important to have swimming lessons in a local community. Water is also great for rehab. I have had to use it for a back injury. I have used it for knee injuries. In 2017, due to snowmageddon, I developed lymphoma because I've had cancer, and I totally forgot you're not supposed to be doing continuous activities, lifting heavy things, snow's not light, so I had to go to physical therapy and the first thing they did was send me to the water because water compresses. It gets the circulatory system moving, flowing, it's great for the body, so it's really good for seniors who have arthritis, can't do like, some of them can't even walk, but they can get in the water and they can exercise. It's good for the joints, good to keep the heart pumping, moving, so I know Ontario, before they shut down, had a huge water aerobics program in the morning. They had a couple of really big classes in the evening. They had a really big class, so there's a lot of seniors right now who are losing out on good exercise. Lastly, I would like to talk about coaching. Ken's children swam on my swim team, I coached for 20+ years. Tori's daughter swam on my swim team; I think she might have even helped me coach! There are so many kids that don't do team sports, aren't very coordinated, so they're not good at running, not good at soccer, but love the water. It's just a good program. Whether they wanted to be competitive or not, I think it teaches them really good life skills, how to set goals, how to achieve those goals, how to work hard to get what they want. I still have kids that come to me and thank me for pushing them beyond their comfort limits so they know as they get older, this is what, I can do this. I even had one child that thanked me for having swim team available after school because she had gang members that wanted her to come with them and do drugs, and she said, this gives me an out. This is saving my life. It was really important for her, and she loved the competition and when we moved to Payette, she went over there, too. I would love – I had to quite doing swim team in Payette because their water was getting too hot and it was getting very dangerous. You can't have hot water and compete at the same time, so unfortunately, I've had to give up the swim team. I still have my 501c3 for a USA Team, so if and when we ever get the pool back up, we've got money in our account. I'm still keeping what I need to be able to get swim team back up and running. Hopefully, you'll help support the pool and get it back into our community and get people back in the water where they should be. Thank you.*



(Hard to hear on Zoom, bad echo)

Bob Kemble: Good evening. Sorry I couldn't be there in person. I'm a business owner in Ontario. When the swimming pool was in existence, it was a very big part of our family's life. Three of my four children learned to swim there. Not only did my children learn to swim, they were part of the swim team and traveled all around the Treasure Valley and beyond to represent Ontario in swim meets. (Could not understand what he was saying) Overall, supported the Aquatic Center.

Jackson Fox, Ontario: Honorable Mayor and Councilors, in 2017, seven Councilors enacted a sales tax in an obvious effort of non-transparency without a vote of the people. Only seven people. This action enraged citizens and a non-profit group was formed to gather enough signatures for a referendum to enable the citizen's voices to be heard. More than enough signatures were gathered, thus forcing a vote of the people. At that point, Oregon law referred the drafting of the ballot measure language to those same seven Councilors to create language and place it on the ballot for an up or down vote. Acting with the same low-level of public concern, those same seven Councilors, with the help of staff, created reverse language. A no vote would mean support of the sales tax. This was either illegal or improper verbiage according to Oregon law. A lawsuit had to be filed against the City of Ontario to force proper language on the ballot. The sales tax was defeated in 2018 by nearly a two to one vote of the citizens. In my opinion, this kind of non-transparent improper action treats the people of Ontario like lesser citizens. The action taken by the Council in 2017 should have never happened. I believe the only way to ensure that future Councils do not attempt to surpass the citizens on such an important matter as imposing a local sales tax, I rise to present a written petition to the Council to consider an amendment to the City Charter. The City Charter should be amended to require a direct vote of the citizens of Ontario if a sales tax should ever be considered in the future. It is unfortunate that this step is necessary; however, given the actions of those seven members of the Council and city staff to disregard the will of the people, and react to the will of the people, not with acceptance but with further deceit, makes an amendment to the Charter necessary. Honorable Mayor and Council, I thank you and I'll leave that petition with you.

Mayor Hill read Mr. Fox's petition into the record: I am requesting that the Ontario City Council consider an amendment to the City Charter to require any further reconsideration of a local sales tax to be decided by a vote of the citizens of Ontario. When was the last time the Charter was amended or adopted?

Councilor Kirby stated it was 35 years ago, and 31 years prior to that.

Mr. Fox asked when it was last amended.

Larry Sullivan, City Attorney, stated it hadn't been done since he had been there. It required an election.

Mr. Fox stated it was voted on at the last odd year election. The Charter amendment he was speaking of would have limited it to a 1% sales tax. The City of Ontario put it on the ballot.

Mr. Sullivan stated it wasn't amended; it failed.

Mayor Hill stated he did not believe it was amended.

Adam Brown, City Manager, stated the ballot language was that if it passed, then it would also include a Charter amendment to restrict it from raising any more beyond the 1%, to a vote of the people.

CONSENT AGENDA

HART moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED 12-03-2020 COUNCIL WORK SESSION MINUTES; 12-15-2020 COUNCIL MEETING MINUTES; HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (20-2021); HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (21-2021); AND HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (22-2021).** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



PRESENTATION**Ontario Recreation District Pool Renovation Presentation** (Attached)

Andrew Maeda, Recreation District Director, gave a PowerPoint presentation to the Council.

Councilor Members, Mayor, my name is Andrew Maeda. I'm the Director for the Ontario Recreation District. I'm here on behalf of the entire Recreation District. The Ontario Recreation District is a full committee, and the community members of Ontario. I'm here to night to present to you the good news about the Ontario Aquatic Center Renovation Project. As many of you know about this facility, the Ontario Aquatic Center, built in 1982-83, very similar to what you'll see in Baker City, Oregon, was built at the time as a state-of-the-art facility. It included a nematically controlled HVAC, beautiful laminated inside which make the building immaculate. It's much larger than a normal pool. Within the pool itself is much deeper, which costs a lot more at the time. That being said, that actually helps us now, which I'll explain in a little bit. This facility provided decades of opportunities for our community, from learning to swim, to team, to simple open swim. The benefits to this across the board were amazing for our community. This facility impacted our community in ways that we most likely did not recognize at the time and maybe don't recognize today as to why we are where we are. Unfortunately, in 2013, this facility was closed. That was a tough decision that our Council had to make at the time because this facility faced years of deferred maintenance. This included deferred maintenance on the mechanical room, in the pool itself, within the staffing and operations, and unfortunately the funding in the budget for it. When this pool was built the understanding of the future costs and maintenance and operations wasn't known. It wasn't known that in 2020 it was estimated to be about \$500,000 for an indoor pool. And that was only expected to go higher. Those things unfortunately were unknown at the time, and most likely were unable to be seen at that time. So unfortunately, this pool was closed and with that, the many programs that our community members benefited from.

Since the creation of the Ontario Recreation District, this has been our primary focus of this project. Within this project, we've created a pool committee. This pool committee was formed by our community members, not by any one specific that we pursued, but actually a committee that had formed prior to me even being hired on or brought here. These are committee members that are from this community. They are in small businesses, they are in our schools, they're in our community every single day. They see the ins and outs as they interact with our community members every single day. Once we formed this committee, our goal was to create rules, guiding laws, as to when we pursued this project, we made sure that we're staying within these guiding laws, so we didn't let our own opinions, our own thoughts of what we personally wanted, to become part of this project. We wanted to make sure it served our community. Those guiding laws include local business support, community transparency, cost efficiency, we want to make sure this is a good faith effort, and at the end of the day, we want to make sure that we let our community know, as we pursued this project, it's for them. After establishing these laws, we jumped into the research, which many of you know, and have served on previous pool committees or Friends of the Aquatic Center, is a lot, from studies to assessments, information, all the way back to when it was first built in '82-'83, to the original pool, which was an outdoor for our community, everything that went into that. Many pool committees came and gone between now and then. They pursued many different options, different approaches to this project, different assessments, trying to understand the complexities of this project, which there are many.

From that, we created a project scope, which was, in our most recent survey, Option #6 for our community, which included an outdoor pool with a breezeway. It was a close first to the indoor pool option, and the uniqueness to this survey was that we included information that was tied to the maintenance and operations of this facility, not simply what does our community want, with the understanding that if we pursued this option, that this cost was associated with and these are the potential pros and cons with that. That survey pushed us to that outdoor pool option, with a breezeway within that. This allowed us to maintain and operate this facility partially, which drops the cost of operations dramatically. Something you will see, or are seeing currently in the Payette pool, and many indoor pools around our country, is closures because of the maintenance and operation cost with aquatic facilities. As they continue to rise, we want to make sure that we learn from previous decisions that were made for this facility, and what we learned from the aquatic trends reports is that we need to pursue an outdoor pool option to make sure that

we can maintain the facility from the Recreation District's budget every single year. Again, that goes into our sustainability guiding law.

We pursued community partnerships because at the end of the day that's what this facility is for. To making sure that one, that this facility is built, that we get as many people from our community inside to benefit from it, from Saint Alphonsus to TVCC, to our school district and hopefully our city. That means our city staff, that means our school district students, our TVCC students, that means our rehab personnel, as many people can benefit from this facility as possible, and the goals of this partnership is to make sure that we have our community benefitting from it as much as possible to keep this facility up and running as long as possible. Again, within our sustainability.

Our future operations are tied in with the YMCA. That's a goal that we are pursuing right now in speaking with the YMCA and trying to learn as much as we can about operations so that once the doors open, we can hit the ground running. We don't have this learning curve with aquatic centers that tend to cost a lot of money when it comes to operations and maintenance.

Currently, our estimated cost for this project is \$2.77M, with a 10% built in at \$3.125M project. So again, our rough estimate right now. This does not include a guaranteed maximum price from the general contractor or construction manager which we are in the process of hiring. It is a rough estimate of \$3.125M.

The benefits of the project, again, across the board and to your face you probably understand the majority of them, from essential life skills like learning how to swim for our youth, or just swimming in general, to our health and wellness benefits that are tied into our community. Some of the things that might not be known when it comes to the benefits to our community are things that we see every single day and they might go over our head. Something as simple as we do have a larger population of our community Latino community members, that's anywhere between 34-44% of our community. Within that, there is a 50% higher chance for Latino children to develop childhood obesity, a stat from the Oregon Health Authority, as well as the fact that our county, in relation to the rest of the state, leads in death due to heart disease. This is a preventable disease. A disease that we can prevent through healthy, regular exercise, but unfortunately those habits start as a youth, they start as a child. It starts at a young age. Instead of being reactive to these problems, or these health diseases, we want to be proactive. Teach children the importance of healthy exercise. Nutrition, understanding and instilling those habits in the youth in order for those habits to grow and develop as they grow older and become adults and seniors. As well as opportunities that we see in how they impact our senior population and our adults. This is something that across the board our Recreation District feels very highly is important to our community, which is adult and senior programs. We do serve a lot of youth programs; that's a primary focus of ours, and that's been the primary focus of the Recreation Department, but our focus is also adults and seniors. A large portion of our community that really does need an opportunity to have access to a facility they can exercise in. Also, a facility they can exercise in with low impact on their bones and joints. Unfortunately, if we dig ourselves a hole and we are being reactive to the health diseases, we are having to be reactive to things like heart disease, things like obesity. In order to be proactive, in order to be able to combat that, we need exercise opportunities that limit impact on our bones and joints. Swimming, in general, is just that. A great cardiovascular exercise that limits impact on our bones and joints for the beginning.

The benefits for the City of Ontario are very well known. In looking at the City of Ontario's Strategic Plan, we looked at our five areas of Desirability, Lifestyle, Growth, Beautification, and Education, and we had a hard time figuring out where this wouldn't fit into that. From simply more things to do to improving existing infrastructure of our community. A facility that sits in the middle of our town, right along a major road, in a major park for our community, that sits empty every single day. Every single day that I arrive to work, I look at a facility that I once learned how to swim in, I used to work out in in the old school way that they used to have when I was in high school, but it was still a place I could go to exercise. Me, by myself. If that doesn't speak to the habits that you can develop in a youth, then I'm not sure what does.

The need: a major study done in Australia, which was done in a rural, low-income community, was done on a community that had an existing pool and closed in 2007. From this, this study cited multiple benefits to that

community: socio-economic benefits, a safe and secure community space, which we'll note in a YMCA study from our survey that we'll show you in a minute, and just general health and social benefits for the community. This study ultimately showed not only the health benefits that it had for the community in offering those youth the opportunity to learn how to exercise correctly and healthily, but also give them a safe community space to go. The benefits that we tend to ignore about social inclusion sometimes aren't as aware, but I believe many of us grew up in visiting a public pool, visiting a public pool, or going to these events with our friends. The social developments that come along with a facility that you can go to with your friends, you go to because your friends are there, or you go to to interact with your friends, are things that we tend to ignore. We don't necessarily see as important in our community because it's not necessarily a result, but they do result as people grow older. They don't learn how to communicate well. They don't learn how to interact with their peers well. In fact, they tend to ignore. They're more likely to stay at home, be away from people. These are benefits they noted in this study as important to their community, aside from the health benefits. A facility that anyone in our community can visit, regardless of your socio-economic background. A facility that no matter what your family makes, or where you come from, or anything about you that makes you different from your peers, you can visit and enjoy with your friends and family.

The need: this was a very obvious fact that started jumping out at us as we looked through these surveys that were given to the community. These surveys, one utilized for the current City of Ontario Parks Master Plan, a survey done by Ballard-King, and one done by Moore. The Master Plan survey notes that 77.3% of community members, in relation to the rest of the options above it, gymnasium, shelters, sand volleyball, basketball courts, etc., outstandingly was voted by our community as important and something we should pursue immediately. Within the Ballard-King study at the very bottom, it was at 69% of individuals in our community believed that improvements to the Rec Center/Aquatic facility, should be a priority to our community over other improvements. And in a survey done by Moore that was not about the pool, 50% of individuals cited the Ontario Aquatic Center or the pool in their response as a needed improvement to our community.

A survey done most recently in Fruitland, Idaho, which included community members from Nyssa, Vale, Ontario, Payette, Weiser, and New Plymouth. This survey is done by the YMCA not to identify if they should come and build a YMCA for your community; that's not what they do. But they want to understand if your community truly needs what that facility will offer. As we all know, the YMCA offers things like a pool, weight room, exercise rooms, aerobic rooms, that facility, though, to the YMCA, offers more to that community than just a building where you can come exercise in. It offers these benefits, and in their survey's, they don't look at do you want a pool, they don't ask you do you want a weight room; do you want a place to exercise, they ask you is it important to you that your community has a safe and secure community space, and how satisfied are you with it. From that survey, they identified these top three areas as our community, meaning those responding to the survey, identified as important overall to our community. A service engaging the entire family; a place to practice positive health habits; and a safe and secure community space for our citizens, conveniently located on one of the largest parks in town, right in the center of town, along one of the busiest roads in town.

Finally, a survey done by the Ontario Recreation District, we included this question with our survey regarding the options that we were going to pursue for our project. This included a question of should the Ontario Recreation District receive funding from the City of Ontario for this project? Of our respondents, 83% believe the ORD should receive funding for this. 7% did not believe we should receive funding for this. 10% of the respondents did not want the city involved for fear of mismanagement of funding. This presents a unique situation that is very apparent on my return to Ontario and in my position currently with the Recreation District is the relationship with our community and the City of Ontario. I'm not separating recreation from that, even though we are separate, we are still viewed as the same. I understand we are separate, but people still view the Recreation District the same as the City of Ontario. With that, I've become very aware of the relationship that people have with us, whether that's we used the wrong language in explaining something, whether we maybe don't share the information that they want to see, or we haven't told them everything that they want to hear, or they weren't given all the information they wanted. That relationship exists because of that transparency that we believe is important to us. This is a relationship that we also note is between the City of Ontario and its community and residents.

Councilor Rodriguez asked if any of the comments from the 83% that the city should be involved?

Mr. Maeda: *Some of the comments included if they have the funding, they should. Why not? A lot of them cited words the most recent tax on dispensaries and believing that that money was designated for this. I think there was a miscommunication on the voting of the approval of the Ontario Recreation District and that tax, in that that tax money would go to the Ontario Recreation District and that's not the case, obviously.*

Mr. Maeda continued: *What we're asking for today is a three-year commitment of \$900,000, meaning \$300,000 every year for the next three years, and following that, year four, \$50K every year after that. And lastly, a successful partnership between the Ontario Recreation District and the City of Ontario. This money, we believe, primarily the three-year commitment of \$900,000, is important to the Recreation District in getting this project done. A project that has been long-standing in our community for quite a while and in making sure, in the annual commitment of \$50K, that we can continue to improve this facility for our community and ensure that nothing like this ever happens again. We hope that the City of Ontario understands this, and I ask you Councilors to truly speak with our community members about this.*

These are current project for the City of Ontario has within their Strategic Plan, totaling \$475,000. Areas that address your Strategic Plan within Education, Lifestyle, Beautification, Growth, and Desirability.

So, I am here today as the Director of the Ontario Recreation District, but also as a community member of Ontario. Born and raised here, and returned here, having left to pursue a degree in exercise science and understanding the importance of health in our life. Having family members who are no longer here, very close to me who have died because of a poor relationship with health and exercise. I'm here to again ask you to give our community a safe community space where they can safely visit, recreate, improve their own personal health, and social benefits from that. We also talk about our community as having a tremendous amount of potential and with the current relationship that I see, or the relationship that previously existed with our city, I truly believe that's not the case. In speaking with many of you about this project, it's very obvious that our community is improving because of our city efforts, because of the individuals in this room, and I truly believe that's the case. And I also want to be able to stand up and explain the improvements that our community has seen because of our City Councilors, and because of our Mayor. And this project, I believe, is a perfect opportunity for the City of Ontario and the Ontario Recreation District to give the community a very big asset that has been missing for the last seven to eight years; to improve the relationship that we have with our community members; and to truly change that potential for these added benefits.

Thank you for your time; any questions?

Councilor Rodriguez stated that Mr. Maeda and Peggy Hawkins had spoken towards risk and the health of youth, to keep youth safe from gangs, so was there going to be, maybe in the future, any type of compressive low-income or migrant program, to truly encompass all of the community? There were some in the community who would not even have money for the Splash Park. If the city were to designate funds, he wanted to have a say in how those cracks were sealed to keep the youth from falling through cracks. Or what about at-risk youth?

Mr. Maeda stated yes, and there was another program they were aware of which was that all the 2nd graders in the community were taken through a learn-to-swim program. They have also created a youth scholarship fund, which would provide money for the youth to participate in the offered programs. Currently, they worked with Work Source Oregon, which was out of Burns, to identify at-risk youth in the community and give them specific jobs during the summer, to be exposed to professionally developed projects. That could be with police or fire, BLM, just to get them involved and provide them skills for future employment.

Councilor Rodriguez reiterated there were some youth in the community who would not be able to pay at all for participating in activities. Would there be any type of option to provide something for no-cost?

Mr. Maeda stated yes; the sports scholarship fund was for youth to participate free of cost.



Councilor Melendrez stated for the youth who could not pay, was Mr. Maeda saying there would be some way to “earn” the scholarship, or was it just given?

Mr. Maeda stated earning a scholarship hadn’t been viewed; it was more of the individual receiving the funds would be asked to provide a thank you and photo to whichever business provided funds. That let the businesses know they had impacted a youth within the community.

Councilor Melendrez stated he wanted every child to be able to attend and not have to pay, but there was something to be said for earning it. He remembered going to the Payette pool in his youth and they all got a bag of cans gathered up to raise the money to go. That also taught life skills. He had experience with running a non-profit boxing club for three years, and the first year was free. After that, he charged a small fee, and he realized that those who paid the fees stuck around longer and were more dedicated, which surprised him. But the kids who received a free ride didn’t stick around.

Mayor Hill stated in the survey put out, he indicated that 80% said the city should provide money, was that survey done with just residents of the City of Ontario, or was it sent out to a broader audience?

Mr. Maeda stated he believed a broader audience could have been a part of it, but most, if not all, of the individuals on the survey were from Ontario, unless they chose to be anonymous.

Mayor Hill asked if it was explained to them in the survey that the City of Ontario previously provided \$200K, but now those funds had been absorbed into the budget. Also, was it explained the Rec District now had a \$650K budget?

Mr. Maeda stated they made it clear about their budget for the Aquatic Center. Not \$650K, more \$600K, but out of that, 50% (or \$300K) of that would go towards the pool. They also wanted to continue offering other recreational programs, not just a pool. Rec sports was the majority of their programs.

Councilor Rodriguez confirmed that the Rec District had enough money to make this project happen, but didn’t have enough money to make it happen now, or within the next three years.

Mr. Maeda stated they had enough money to maintain and operate the facility. He did not believe the tax base the Recreation District initially pursued would have made sense to pursue a tax base that would cover a \$3M project when they would only need a portion of that to maintain the facility afterwards. If they were to pursue this project on their efforts alone, it would be another ten years for them to reach the project number of \$3.12M from the \$300K budget. At that time, they could probably include additional inflation of maybe 1.75%, which would be another two years, or \$600K on top of construction. That was being optimistic, so maybe 12-15 years from now, if the Recreation District tried to pursue this on their own. The idea would be that the District would maintain and operate the facility on their efforts alone. This was an opportunity for the city to be a part of the project in a different way, more than just financially.

Councilor Hart thanked Mr. Maeda for appearing before them and let him know they had done a fantastic job with the resources they’d been given. He also wanted to let everyone know that his wife was still the Treasurer for the OSCAR swim team, but there was no compensation involved. He and Andrew had spoken, so his comments wouldn’t be a surprise. Someone made some good points on Facebook previously that he wanted to bring out. Where did the funding from the Rec Center come now? Where did the funding come from?

Mr. Maeda stated their funding was from a tax base.

Councilor Hart asked where that tax base was.

Mr. Maeda stated it was the community members of Ontario, which matched the Ontario School District boundary.



Councilor Hart stated the citizens of Ontario were paying the Rec District now, through taxes, and he gladly paid that. One reason he supported it was because he wanted the city to have to have a pool and thought if they could put money separate from the city directly to the Rec District, \$600K a year would sure give a chance to get the programs up and running along with reopening the pool. The money that the city would give the Rec District came from the citizens of Ontario. This was all citizen of Ontario money, and it would be giving additional money from the same taxpayers that were already paying the tax base for the District. That was one of his concerns. Had they considered debt at all to build the facility?

Mr. Maeda stated yes, they had. In looking at loan options for this, over the next three years, the Rec District would be able to put \$1M towards the project, maybe a bit more. A \$2.5M loan outside of that, in looking at general estimates from local banks, could run around \$88K-\$115K a year to pay off the loan. That, in addition to what he previously explained, was the maintenance and operations, which was the biggest worry with any pool. Currently, they were looking to structure their maintenance and operations off an outdoor facility in Pendleton, who were subsidized between \$150-200K a year. If the District were to include the loan payoff, that would reach, or exceed, the \$300K limit for the Aquatic Center. That would lead to worry of deferred maintenance. In looking at loan options again, with a city contribution and a \$2.5M approach, would be to pursue a \$625K loan, which would be between \$22K-36K a year, which would be within the annual budget. That could be considered towards the end of the project. That was not being removed from the table in order to close the project, but when it was a \$2.5M loan, that was something they were risking the facility. His concern was bringing back the facility only to see it close again.

Councilor Hart appreciated the comments because right now, money was cheap. They'd all love to see the pool open tomorrow, and what a great way to help the local economy to get that going. The City of Ontario has debt, a significant amount of PERS debt to pay back employees for their retirement benefits. They had to be careful. If they were taking money away from paying down city debt because the Rec District was afraid of debt, so he wanted to use as much money as possible to pay of the existing debt for existing obligations. He wanted to do something, and he wanted to support the pool, but the citizens of Ontario were already significantly helping to get the pool open through their current tax base. As the Mayor noted, there were way for the city, if it would help the District leverage money from Fruitland or Nyssa or a city that didn't have a pool, some of those others to say if they could get that city to pitch in an amount, maybe they could get a match from another city. He wanted to support in some way, but really thought they had to look at debt as a way to get the pool open and operating.

Councilor Kirby stated there was a Transient Occupancy Tax in Ontario, who supported the V&C who ran a majority of their operation, other than dues, through that. When he was on the Cultural Center Board, they had the opportunity to go to the voters to ask for an additional 1% that was administered by the city, collected from the motels, for the Cultural Center. He was looking for \$50K per year to assist in maintenance and operation of the pool, that would be something that was not taxing the citizens of Ontario, but those who were passing through. If they were to ask for an additional ½% on that tax, authorized by the voters, that would give operational money. The V&C and the Cultural Center were two entities that were visibly benefited by that type of tax. Also, that tax was very restrictive in that it had to be used for tourism. There were a few things that would qualify for that. Everyone was looking at the marijuana tax, and there was only one state in the union that didn't have legal marijuana of any type, and that was Idaho. Should Idaho ever fall, the cash cow that Ontario had would be gone.

Mayor Hill stated that cash cow, with Ballot Measure 110, which limited the return to cities and counties to \$44M, so the city would not be getting a lot of money.

Mr. Maeda stated those were fair points. But the cash cow being referenced, was said to be used on something that wouldn't be there long term. The goal of the "gift" from the city would be for the instance. Regarding the TOT, the pool committee felt that pursuing the community for an increase of any type of tax during this pandemic, or any type of bond, was a bad idea.

Mayor Hill asked what other grants they had applied for?



Mr. Maeda stated there were two sub-committees on the pool committee. One was working on gifts, the other focusing on grants. Some grants had been moved over to be used for Covid relief or the Black Lives Matter movement. Locally, the Border Board, would follow the completion of the construction document phase of the design. They would be pursuing Fruitland and Nyssa because of their major interest in a facility like this, but also because they didn't offer them in their areas. The goal would be to seek a donation with the understanding that their citizens would receive either a discounted or in-district rate to use the facility. They were also looking at the major businesses in Ontario that had foundations or grants, like Walmart, Home Depot, Simplot, WinCo, Albertson's/Kroger, and McDonalds. There were also some banks who were big on giving back to their communities.

Introduction: Chamber of Commerce and Visitors & Conventions Bureau

John Breidenbach, Chamber of Commerce CEO, briefly explained the role of the Chamber of to the Council.

Malheur County Health Department: Vaccination Distribution Update

Terry Leighton, Fire Chief, stated he had been involved with the COVID actions since the beginning. Recently, drive-through vaccine stations had been done at Station 2. Last week, they provided 461 vaccines to the community. The week before, it was 100. This coming Thursday, there would be another 100 vaccines available. The problem was in that rules were constantly changing. There were also other entities, such as Saint Alphonsus and Valley Family Health Care, providing vaccines. Some stations were sign ups; others, first come, first served. This Thursday, beginning at 8:45 a.m. would be first come, first served. He, himself, had received both his shots, and had very little reaction.

OLD BUSINESS

ADOPTION OF 2021 CITY MEETINGS CALENDAR

HART moved, BRADEN seconded, **TO APPROVE THE 2021 CITY COMMITTEE MEETINGS CALENDAR AS PRESENTED.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

COMMITTEE/COUNCIL LIAISON APPOINTMENTS TO CITY BOARDS

Mayor Hill recommended the following appointments: Lee Newman: Budget Board; Pat Woodcock: Public Works Committee; Ruben Hernandez: Planning Commission; Councilor Melendrez: Planning Commission Liaison; Councilor Ken Hart: V&C Board Councilor Representative.

BRADEN moved, HART seconded, **THAT THE COUNCIL APPROVE THE MAYOR'S COMMITTEE APPOINTMENTS OF LEE NEWMAN TO THE BUDGET BOARD; PAT WOODCOCK TO THE PUBLIC WORKS COMMITTEE; AND RUBEN HERNANDEZ TO THE PLANNING COMMISSION.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill appointed Councilor Melendrez as the Planning Commission Liaison and Councilor Ken Hart as the V&C Board Councilor Representative.

NEW BUSINESS

LOBBYIST FOR MARIJUANA BILLS

Adam Brown, City Manager, presented.

He and the Mayor had been speaking with legislators, and they recommended that there be someone on the city's behalf in Salem to follow the bills and to reach out to legislators to ensure they received the attention they needed to be successful. He reached out last week to the other City Managers across Oregon and received a response back from other managers who said they, or their Councilors, might be interested in helping pay for that lobbyist expense. One had their own lobbyist who they had high confidence in. Through contacts the Mayor had with Representative Owens and Senator Findley, he was recommended a name, too. Staff wanted to bring the question to Council as to if they wanted to have a lobbyist to follow the Bills – HB114 and HB115 – and the one Ontario would do jointly with



the two cities he had been contacted by would be HB115. For HB114 there were potential partners because that included the entire Salem and Portland metro statistical area. They would have a strong interest in pursuing that Bill. He had not contacted those cities yet but did know the manager in Salem. He'd also reach out to Portland.

Mayor Hill asked Mr. Brown to explain the Bills. One Bill had been introduced by Representative Owens, for a statewide increase of up to 10%, a local option tax.

Mr. Brown stated that was House Bill115.

Mayor Hill stated HB114 was a carve out. It would carve out Ontario area with the metropolitan statistical area including Boise, and the other side of the state also included Portland/Vancouver WA area. Ontario was not getting their fair share of the money because the issue was based on population of the town where sold versus the statistical area that was being sold to.

Councilor Hart asked how the city would pay for the lobbyist.

Mr. Brown stated they could use the marijuana money to fund it. They could also use General Fund Contingency money. There were enough funds in either area to fund to cover the estimated cost.

Councilor Rodriguez asked for complete copies of both Bills.

ADDENDUM TO THE COMMERCIAL LAND LEASE EAA: #315 & #317 GOLF

Dan Cummings, Community Development Director, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE ADDENDUM TO THE LEASE AS PRESENTED FOR EAA AT #315 & 317 GOLF AT THE ONTARIO MUNICIPAL AIRPORT AT THE CORRECTED AMOUNT OF 24,444 SQUARE FEET.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING(S)

REQUEST TO TABLE THE ADVERTISED MEETING ON PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10 OF THE ONTARIO MUNICIPAL CODE, ADDRESSING THE STATE REQUIREMENTS OF OREGON HOUSE BILL 2001 REGARDING REQUIREMENTS ON DUPLEXES, ACCESSORY DWELLING UNITS, AND MANUFACTURED HOMES

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, or any declaration of a conflict of interest.

Dan Cummings, Community Development Director, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL TABLE THE ADVERTISED MEETING ON PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND OF MANUFACTURED HOMES TO A TIME UNCERTAIN.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.



ORDINANCE #2784-2021: PLANNING ACTION 2020-11-41RZ AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL (C-2) TO HIGH DENSITY RESIDENTIAL (RM-10) ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO FIRST/SECOND READING BY TITLE ONLY

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, or any declaration of a 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.

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL ACCEPTS THE RECOMMENDATION OF THE PLANNING COMMISSION AND THE FINDINGS OF FACTS AS SET FORTH IN ACTION 2020-11-41RZ, AND THE CITY COUNCIL APPROVE ORDINANCE #2784-2021 APPROVING SAID REZONE, ON FIRST READING BY TITLE ONLY, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202, BEING A PORTION LOTS 29-32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BRADEN moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2784-2021 A REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, AS SET FORTH IN PLANNING ACTION 2020-11-41RZ, ORDINANCE #2784-2021 AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202, BEING A PORTION LOTS 29-32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS

EXTEND CONTRACT WITH MERCHANT MCINTYRE *(list attached)*

Adam Brown, City Manager, stated the Council, as part of the pandemic response, hired Merchant McIntyre for an initial three-month period. When that period expired, they had made some applications and asked what the city wanted them to do. The Council continued the contract for an additional three months. It had now been six months, and he had created a list of projects they'd been working on. They had met with all the departments and Council to establish a list of needs. They had been attempting to develop a strategy for addressing those needs. A list had been distributed to the Council of the grants that had been applied for which was attached to the minutes.

Councilor Braden asked if any of the grants had cash-flowed yet.

Mr. Brown stated no. The only one they'd actually applied for to date was the Our Town Grant. The EDA ones were being massaged and having meeting with the Director of the EDA.

Councilor Kirby asked if the city was paying an up-front contractual fee.

Mr. Brown stated it was a monthly fee of \$6,500. It was difficult to judge on a short-term basis. He recommended giving it a year.



Councilor Hart stated \$52K over eight months with nothing to show. He would have a hard time supporting a renewal.

Mayor Hill stated he had done extensive work with the government, and nothing happened in a year.

Councilor Braden asked if it was feasible to see a list of approved grants or grant applications by June 30, 2021?

Mr. Brown stated yes.

ACTING CITY MANAGER

Mayor Hill stated the Charter read that the Council was the one who appointed the Acting City Manager in the absence of the City Manager. That hadn't been traditionally done.

Larry Sullivan, City Attorney, stated he read the Charter provision, and it read that when the City Manager was absent from the city and the narrowest construction of that was that he was outside the city limits. If he traveled to Idaho, the City Council had to appoint a pro-tem manager. He did not believe that was what the charter intended. He believed the phrase "absent from the city" was intended to mean that he was not in a position to exercise any decision-making authority on behalf of the city and someone else, who had that decision making authority, needed to be appointment so the Council had someone to call upon to manage the day-to-day affairs. He construed it to mean an extended absence or an absence in which even a week-long camping trip outside of cell phone range would probably qualify. That would be the time to invoke the Charter provision, not when he crossed the river.

Mayor Hill stated he believed they would all think that was reasonable, but the point that was brought to his attention was that when the City Manager appointed an acting City Manager, that was outside the Charter.

Mr. Sullivan agreed, but if the City Manager said he was going to be gone and wanted to have Dan Cummings step in and make decisions if he were unable, he agreed that the Council would do. One way to deal with that was if the City Manager was going to be gone, "this" is the City Council's first choice to have act as the replacement while he was unavailable. Then that person would automatically become the acting City Manager.

Mr. Brown stated he was unsure where the Council wanted to go with this, but to construe it like that and want to exercise it like that, would be completely unorthodox from any practical application he'd seen over three states and twenty years of city management. Some may have noticed that he didn't always select the same person, because he wanted all the department heads have the experience. That selection was based on how long he would be out or the potential for something to happen. He had been out of the area over the weekend, but there was somewhere he read that required him to let the Council know when he was leaving and to appoint someone. That was why every time he was out, he sent a notice to the Council. That person would not have a lot of rights to make changes. The direction was to hold the fort down.

Mayor Hill stated he understood his arguments, but if the Council decided, as asked, to review the City Charter, that might be something that needed to be addressed in the Charter.

Councilor Kirby stated the Charter was 35 years old, and 31 years before that, but this year's a prime example of how governments were acting or not acting due to Covid. Everyone had gone electronic. He questioned quorums, voting, was there a contractual obligation they were entering and it was being done electronically, those provisions were not in the Charter. They needed to establish a review. Everyone was redoing their Charter. What he had been seeing on Facebook was that the Council wanted to change the Charter so they could run the City Manager out of town, which was distressing. The city had changed and the method by which business was conducted was definitely changed. Why not review the Charter- it was time.

Mayor Hill ensured Mr. Brown that was never his goal. He had told him that personally and was not stating it publicly.



Mr. Brown stated if that was the direction of the Council, he supported that.

Councilor Hart stated it might be a matter of semantics. The term “acting” City Manager, and it was a term that had been used. Maybe that’s where they needed to make a tweak. Maybe say, while I’m out of town, Dan has the phone. Word it that way until they could review the wording. That meant the City Manager was out, but they knew was going to deal with something that occurred.

Councilor Rodriguez stated he would like to see the same person step in every time, the one with the most experience, not one who was just learning. Using different people could create inconsistencies in service to Council. He was all for sharing the experience for the staff, but he felt consistency was what they would expect from a municipal staff.

Mayor Hill stated the Charter continued to come up, so would the Council like that item added to the next Agenda for discussion or direction.

Councilor Braden asked what the precedent was for a city updating its Charter.

Mr. Sullivan stated Ontario was about one version behind in terms of what other cities had done. The LOC had created a new model Charter that was distributed a few years ago, which might warrant a review. There were some anachronisms and other oddities in the current Charter. The Council had to recognize they had no authority at all to change the Charter. It was a vote of the people. The Council would have to have him draft the language to go before the voters and the changes would have to be such that the average person reading it understood it.

Mayor Hill stated initiation would come from the Council, who would recommend different changes and give instructions to the City Manager or attorney to rewrite that. It would then to before the voters for their approval or denial.

Councilor Kirby stated there should be citizen input in the draft.

Councilor Hart asked to have it on the Agenda for the next meeting. He would like to see a timeline on how it would occur, so maybe staff could look into that.

Mr. Brown stated it was typical to have some type of citizen committee involved; a committee that would include a few of the Councilors as well, who would make a recommendation to the Council as a whole. On a side note, the term “acting City Manager” was not in the Charter. It read “pro-tem manager”.

Mayor Hill asked that the Council be provided a model Charter.

Council consensus to have the item placed on the next Agenda.

HAND-OUTS

SDC Annual Report *(Attached)*

Check Register: Dec 1-2020 / Jan 13, 2021 *(Attached)*

Minute:

SREDA 01-05-2021; County Court 01-06-2021

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS



- Mr. Brown stated the new Airport Manager had started that day. He would have him at the next meeting.
- Mayor Hill stated Council had received a letter from Sandra Shelton, Director of the Malheur County on Aging, where she thanked the Council for their donation as it would assist many seniors in the community.
- Mayor Hill stated on the last check register, the city had submitted their payment of \$482K for the PERS contribution for this quarter. The city was \$10.6M behind about two years ago and were now about \$16M or more behind.

Kari Ott, Finance Director, stated she had review it that day and between the side payments made last year, and the measurement date of June 30, 2019, the city was approximately \$11M behind.

Mr. Brown stated that was due to the Council's diligence in paying down the debt.

- Mayor Hill stated the city had received a grant for \$950K that Nyssa couldn't use, and he recalled being told that the \$950K could only be used on a pedestrian bridge and some work on 5th. Now there were other negotiations going on that the city was not a party to. The state was now negotiating with Anderson-Perry to cover a mistake. The state was saying maybe take some of the \$950K to fix that error. That could result in not enough money to build the pedestrian bridge. If Anderson-Perry didn't step up and get it taken care of, the city should reexamine their relationship with them.

Mr. Cummings stated he had been in contact with Anderson-Perry, and told them of the Council's feelings about the errors there. Anderson-Perry committed to him that they were going to step up and take care of that, but before they did they were negotiating with ODOT and the contractor because they did not believe it was 100% their fault. When that was brought up at the SEACT and NEACT meetings, ODOT made the comment they had placed \$24K aside to take care of some of that issue on SE 2nd. The next day he sent an email to Anderson-Perry verifying that ODOT had set some money aside to take care of that, but the Council was not going to be happy if that was where the money came from. Anderson-Perry reassured him that they were still negotiating with the contractor and ODOT and told him it would NOT come out of those funds.

ADJOURN

BRADEN moved, RODRIGUEZ seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





City of Ontario Proclamation



- WHEREAS: The National Council on Problem Gambling has designated March 2021 as Problem Gambling Awareness Month; and
- WHEREAS: Problem gambling is a public health issue impacting approximately 800 Malheur County residents of all ages, races, economic and ethnic backgrounds, as well as their friends and families; and
- WHEREAS: Problem gambling has a significant societal and economic cost for individuals, families, businesses and communities; with an estimated cost to Oregonians of more than \$500 million annually in higher rates of bankruptcy, loss of relationships, criminal activity, loss of productivity in the work force, and other mental health and addiction problems; and
- WHEREAS: Problem gambling is treatable, and treatment is effective in minimizing this harm to both individuals and society as a whole; and
- WHEREAS: Numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment; and Oregon has been recognized by the World Lottery Association as a world leader in responsible gaming; and
- WHEREAS: The National Council on Problem Gambling, and Malheur County Prevention invite all residents of Ontario, Oregon to participate in Problem Gambling Awareness Month.

NOW, THEREFORE, I, Riley Hill, Mayor, do hereby proclaim the month of March 2021 as

Problem Gambling Awareness Month in Ontario Oregon

and encourage all citizens to support the National Council on Problem Gambling, and Malheur County Prevention in their efforts to implement problem gambling Awareness Plus Action with friends, family, patients, clients, and all Ontario residents about gambling addiction.

Riley J. Hill, Mayor



**AGENDA REPORT
CONSENT AGENDA
February 16, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (23-2021)

DATE: February 12, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY BK CONSTRUCTION, INC AT 1542 SW 7TH STREET FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

BK Construction, Inc submitted an application for \$10,000 from the housing incentive program.

The property is located at 1542 SW 7th Street.

The Business Loan Committee is the reviewing and recommending authority for the City of Ontario Business Loan Fund and as such the Committee is tasked with reviewing and providing a recommendation to the City Council on all applications submitted for loan requests and Housing Incentive payments. The City Council is the final authority for approval of the applications. The City Manager, Finance Director and Community Development Director are responsible for insuring all requirements are met prior to payment of the approved application.

BACKGROUND:

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

CURRENT SITUATION:

BK CONSTRUCTION INC. is requesting approval of their application for the \$10,000.00 Incentive on a new home to be located at 1542 SW 7TH AVE being Tax Lot 1 BROCKSIDE SUBDIVISION. The proposed Dwelling will be 1350 Square feet with two (2) bathrooms and two (2) car

garage. The application was deemed to be complete by the Community Development Director and meeting or exceeding the minimum requirements of Section 11 of the Business Loan Fund code and is being forwarded to the Committee for their review and recommendation.

ANALYSIS:

- A. **STRATEGIC PLAN** The Housing Incentive Program promotes growth and desirability goals of the Ontario Strategic Plan. It specifically addresses the activities to build a variety of housing options and add fill-in housing.
- B. **FINANCIAL** If approved, the city would pay the funds from the Business Loan Fund. The \$10,000.00 would be paid back to the fund through the city portion of the property taxes collected on the property and dwelling approved under this application.
- C. **TIMING** Time is of the essence on this application as the applicant wants to pull a building permit and start construction as soon as they receive their approval.
- D. **POLICY/LEGAL** The Business Loan Fund Committee makes recommendations to the City Council. If the City Council approves the action, the City Manager will have the Agreement signed by all parties authorizing the Building Department to issue a permit under this Agreement.

ALTERNATIVES:

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

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Incentive Application 23-2021_BK Construction



City of Ontario, Oregon
Housing Incentive Program Checklist

RECEIVED
JAN 26 2021

Applicant: BK Construction Inc. DBA: Paradise building Company Date: 1-25-21

Site Address or Tax Lot: 1542 SW 7th Ave Ontario, OR 97141

Application Number: 2021-23 (City Use Only)
23-2021

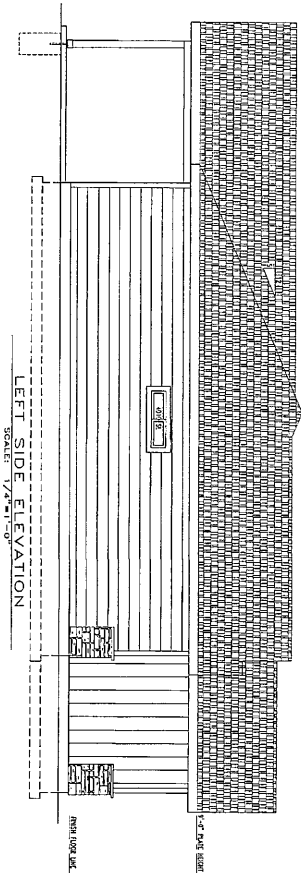
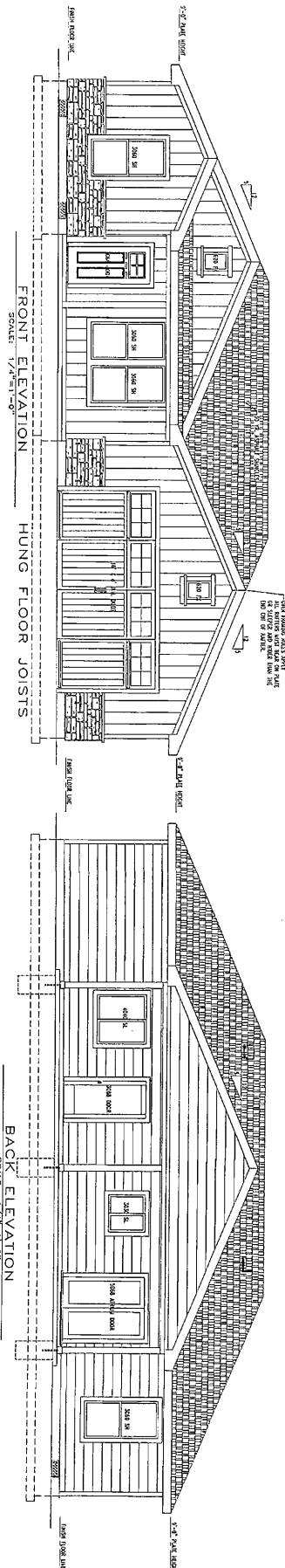
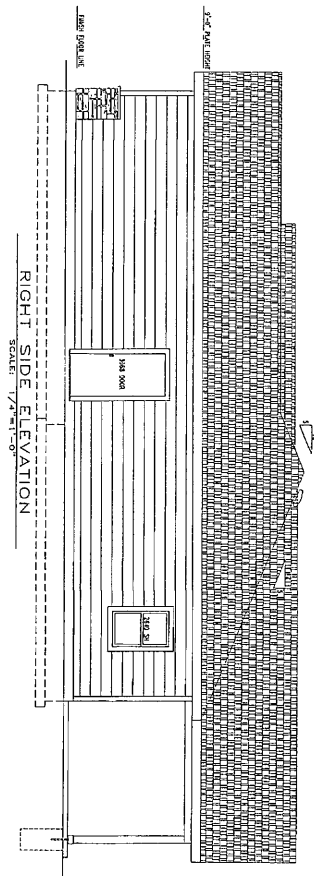
Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: _____
- ☒ Documentation showing funding: Self funded (Fourth home)
- ☒ Within City Limits
- ☐ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1350
 - 2. Number of Baths: 2
 - 3. Size of Garage: 592 / 2 car
- ☐ Description of Property of Home:
 - 1. Tax Lot map & Number: Lot 1 BROCKSIDE SUB.
 - 2. Copy of Deed: _____
 - 3. Or written description: Tax Lot 1503 1854708 D1
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: N/A
- ☒ Community Development Director approval date: 12/27/2021
- ☒ Forwarded to Business Loan Fund Committee: _____
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____
- ☐ Application submitted to Finance for tracking: _____
- ☐ Certificate of Occupancy issued (**within 2 yrs. of Council approval**): _____
- ☐ Proof of Owner Occupancy (**must be within 1 yr. of C of O**): _____
- ☐ Payment made to Owner: _____





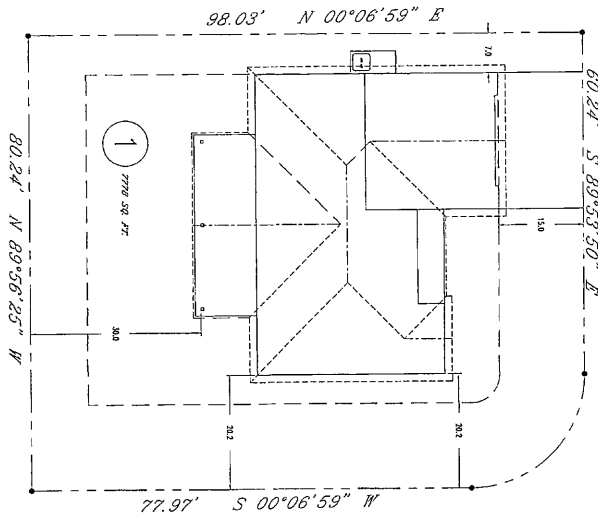
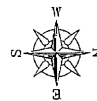
BEN MUSSER-PARADISE BLD. CO.
PO BOX 502, FORTLAND, O 97124
503-241-5555

ELEVATIONS

Drawn By: Kathy Brighthouse - K-CO, Inc.
Computer Aided Drafting Services
Durham, NC 27714 Phone: (919) 293-3333



BROOKSIDE SUBDIVISION
 BEING A REPLAT OF PARCEL #3 OF PARTITION PLAT #19-12
 WITHIN THE SW1/4NE1/4 OF SECTION 8,
 TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.
 CITY OF OREGON, MALHEUR COUNTY, OREGON



Committee/Council Liaison Appointments - 2021

Committee	Term Expires	Current Member	Applicant-Interested	Appointed
Airport [4 year term]				
Public Member	12/20	Jerry Trolard	Gary Taylor	_____
Public Member (Alternate)	12/23	Vacant		_____
Diversity Advisory [3 year term]				
Public Member	12/20	Angela Machuca	Julianna Hernandez Lynelle Christiani	_____
V&C [3 year term]				
Public Member - Agriculture Rep	12/20	John Hall	Brad Bailey Lynelle Christiani	_____
Parks Commission [3 year term]				
Lions Club Rep	12/22	Michelle Grimaldo	Blu Fortner	_____

Airport: 1st Monday each month, 6:00 p.m. @ City Hall

Audit: As needed @ City Hall

Budget: As needed @ City Hall

Business Loan Fund: As needed @ City Hall

Diversity Advisory: 3rd Wednesday each month, 5:30 p.m., @ City Hall

Marijuana Ad-Hoc: As needed, Evenings @ City Hall

Parks: 3rd Thursday each month, 5:30 p.m. @ City Hall

Planning: 2nd Monday each month, 6:00 p.m. @ City Hall

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

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

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RECEIVED

01/21/21

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

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

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

NAME: Bailey Brad R
Last First Middle Initial

HOME ADDRESS: 1860 W. Idaho Ave Ontario 97914
Street City Zip Code

TELEPHONE: 541-823-4830 bradb@argusobserver.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

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

VISITORS AND CONVENTIONS BUREAU

1.

2.

3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
<u>Kiwanis Club of Sunbury, also Poconos</u>	<u>2003-2012</u>	<u>many, including President</u>
<u>PA Newspapers Board of Directors</u>	<u>2019-2020</u>	
<u>Interstate Advertising Managers Association</u>	<u>1999-2017</u>	<u>board member; Dir of Communications</u>

Employment:

<u>Argus Observer</u>	<u>Publisher</u>	<u>since 09/2020</u>
Current Employer:	Position:	Dates of Employment:

Education:

Bachelor's degree in Advertising, Pennsylvania State University

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

New to the area, but invested in its success as the publisher of the local newspaper.

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

Previously held position of publisher of Pocono Record newspaper, a tourist-reliant region of Pennsylvania so I understand the importance of this committee

Brad R. Bailey

Signature:

January 19, 2021

Date:

Submit

Reset

Please Type or Print
With Blue Ballpoint

Please Type or Print
with Blue Ballpoint

CITY OF ONTARIO REQUEST FOR BOARD OR COMMISSION APPOINTMENT

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

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

NAME: Hernandez Julianna
Last First Middle Initial
HOME ADDRESS: 4442 Casa Rio Dr Ontario 97914
Street City Zip Code
TELEPHONE: Cell: (208)405-9590 jhernandez@tvcc.cc
Home, Work, Cell, or Business (Include Area Code) E-mail Address

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

Ontario Diversity Advisory Committee
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:

Employment:

Treasure Valley Community College Recruiting Coordinator Nov. 2020-Present
Current Employer: Position: Dates of Employment:

Education:

BS of Business Administration (Eastern Oregon University, 2019)
In progress: Masters of Business Administration (Eastern Oregon University, June 2021)
Please indicate why you are requesting appointment to this Board (s) / Commission (s):

I am requesting appointment to the board for the reasons that diversity is important to our community and should be regularly & equally celebrated.

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

One of my goals once starting my educational career was to use my knowledge and experiences to serve the Community of Ontario. Although I am young with little experience, I think that this is a great place to start creating a better community.
Signature: [Signature] Date: January 20, 2021

Submit

Reset

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

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

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

NAME: Christiani Lynelle R
Last First, Middle Initial

HOME ADDRESS: 385 NW 5th St Ontario 97914
Street City Zip Code

TELEPHONE: 208-230-2720 or 541-889-3431 lynelle.christiani@yahoo.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

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

1. Diversity Advisory Committee 2. Visitors & Convention Board 3. Marijuana Ad-Hoc Committee

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
Blessed Sacrament R Education	4 years	Volunteer
Blessed Sacrament , MS Dances	4 years	Entrance / Money Handling
Ontario Middle School	1 year	Reading Buddy

Employment:

Malheur County Fair Board	Facility Manager	Dec 2015-Current
Current Employer:	Position:	Dates of Employment:

Education:

OSU grad / TVCC grad / Nyssa HS grad

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

I would like to serve my community.

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

Lynelle R Christiani

Signature:

January 25, 2021

Date:

Submit

Reset

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

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

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

NAME: Fortner Blu
Last First, Middle Initial

HOME ADDRESS: 1007 Fortner Street Ontario 97914
Street City Zip Code

TELEPHONE: 2088606779
Home, Work, Cell, or Business (Include Area Code) E-mail Address

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

Parks Committee
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
Kiwanis	<1 Year	Vice President

Employment:

Medicinal Botanical Seed	Partner	12/18 - Present
Current Employer:	Position:	Dates of Employment:

Education:

HS Diploma plus some college

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

I like to help the city progress in the right direction

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

Filling seat from Lion's Club on the Parks Commission vacated by Michelle Grimaldo

Blu Fortner January 27, 2021
Signature: Date:

Submit

Reset

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 881-3232 FAX (541) 889-7121

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

NAME:
Last First Middle Initial

HOME ADDRESS:
Street City Zip Code

TELEPHONE:
Home, Work, Cell, or Business (Include Area Code) E-mail Address

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

1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:

Length of Service

Position (s) Held:

Employment:

Current Employer:

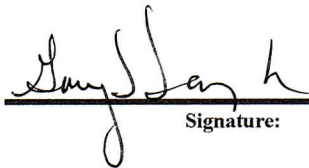
Position:

Dates of Employment:

Education:

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

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


Signature:

Date:

Submit

Reset



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: MERCHANT MCINTYRE

DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL CONTINUE THE CONTRACT WITH MERCHANT MCINTYRE THROUGH THE END OF THE FIRST YEAR AND APPROVE THE NECESSARY FUNDS TO CONTINUE THE CONTRACT.

SUMMARY:

As a strategic initiative and in response to COVID challenges that our city would be facing, the City of Ontario sought out third party grant writing services. The result of that procurement search was a contract with Merchant McIntyre, a firm based out of Washington DC, that would submit grants on the city's behalf.

BACKGROUND:

The contract for grant writing services with Merchant McIntyre began in June of 2020. It was a one year contract, however, Merchant McIntyre gave us a 90-day window to end services if we did not feel it was of value. The Council reviewed the service in September and agreed to extend the contract another three months. We brought it to the council's attention in January that we needed to look at extending it again.

CURRENT SITUATION:

I have spoken with Merchant McIntyre who has agreed to go month to month if necessary. They expressed their willingness to be accommodating to whatever the council wanted. They have been incredibly helpful to staff in writing grants. They are able to add value through the relationships they have in Washington DC. They continue to bring opportunities to the City to fund our priorities. They have not limited funding pursuits to the City of Ontario, but they have helped us pursue grants on behalf of local schools and non-profits alike.

None of the grants for which they have assisted the community with have had awards

announced, so it is difficult to evaluate success until award deadlines pass. Every grant we have worked on has at least a 6 month timeline between submission and award announcements. Several months go into preparing the grants and establishing the relationship's on behalf of the city with the federal agencies.

A single award that is in process could be over \$3 million. Another one that is close to being submitted is for between \$600,000 and \$1 million. The next grant for which an award will be announced is the Our Town Grant which will be for around \$75,000.

ANALYSIS:

- A. **STRATEGIC PLAN** Expanding the City's grant writing capacity fulfills a very specific activity in the City's strategic plan.
- B. **FINANCIAL** The cost of the grant writing services for Merchant McIntyre are \$6,500 a month, or \$78,000 annually.
- C. **TIMING** The one year contract will end in June. I would like to see the council see the contract through to the end of one year prior to making a judgement on how effective the service is so that we do not have to keep addressing it.
- D. **POLICY/LEGAL** The contract was for one year; however, the grant writer has been extremely flexible in allowing us to continue for whatever duration the Council would like to go.

ALTERNATIVES:

End the Contract: There are several grants individually worth more than a million dollars a piece that would cease prior to submission.

RECOMMENDATION:

I recommend the council continue the contact through the end of the 1 year agreement.

ATTACHMENTS:

None



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council
FROM: Adam J. Brown, City Manager
THROUGH: Adam J. Brown, City Manager
SUBJECT: CHARTER AMENDMENTS
DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE COUNCIL ESTABLISH A CHARTER REVIEW COMMITTEE AND ADVERTISE FOR THE PUBLIC MEMBERS AS RECOMMENDED BY STAFF.

OR

SUBMITTED BY COUNCILOR HART

THE ONTARIO CITY CHARTER HAS NOT BEEN MODIFIED SINCE 1985.

I MOVE THAT THE ONTARIO CITY COUNCIL SHALL ESTABLISH AN AD HOC CITY CHARTER COMMITTEE CONSISTING OF THREE CITY COUNCILORS AND TWO ONTARIO CITIZENS, APPOINTED BY THE MAYOR, TO STUDY POSSIBLE CHANGES IN THE CITY CHARTER INCLUDING A POSSIBLE CHANGE RELATED TO THE IMPOSITION OF A LOCAL SALES TAX AS REQUESTED BY A WRITTEN CITIZEN PETITION PRESENTED TO THE COUNCIL ON JANUARY 19, 2021 BY JACKSON Q. FOX.

THE AD HOC CHARTER COMMITTEE SHALL BEGIN MEETING NO LATER THAN MARCH 15, 2021 AND SHALL REPORT OUT TO THE COUNCIL NO LATER THAN JULY 20, 2021.

THE AD HOC CITY CHARTER COMMITTEE SHALL CONDUCT AT LEAST ONE PUBLIC HEARING TO GATHER FEEDBACK FROM THE VOTERS OF ONTARIO ON THE PROPOSED CHARTER REVISIONS.

IN ADDITION, THE ONTARIO CITY COUNCIL DIRECTS STAFF AND LEGAL COUNSEL TO ASSIST THE AD HOC CITY CHARTER COMMITTEE IN RESEARCHING AND DRAFTING OF POSSIBLE

CHANGES TO THE CHARTER. THE CHARTER REVISIONS, IF APPROVED BY THE ONTARIO CITY COUNCIL, WOULD BE FORWARDED ON FOR A VOTE OF THE CITIZENS OF ONTARIO.

SUMMARY:

A City Charter represents the constitution of a local government. As "creatures of the state" local governments are granted authority to act from the state by incorporating and having a charter. During their strategic planning session, the City Council requested that staff look at a process for a charter review and return their findings for discussion at the February work session.

BACKGROUND:

The City Charter and incorporation are the establishing elements which grants the City its power, authority, and structure. The charter was last revised in 1985, which means it has not changed in the last 36 years. The League of Oregon Cities has a model charter for use by its members who wish to align their charters with best practices throughout the state.

The City Council asked us to look at and propose a procedure for reviewing the charter and if warranted amending it. The Charter can only be amended the way it was established, which is by a vote of the people of the City of Ontario.

CURRENT SITUATION:

The Council asked that we find a method for reviewing the City Charter. After conducting some research on other local governments who have revised their charter recently, staff has a model that we believe would serve Ontario well.

We recommend a charter review committee be established by the Council which would be comprised of two city council members, 7 public appointees, and two ex-officio members namely the City Attorney and City Manager. City staff would provide administrative support to the committee.

We recommend that the committee review the charter section by section comparing the existing charter with the model charter. After review and discussion of each section, the committee could recommend 1) keeping what currently exists, 2) going with the model charter, or 3) coming up with their own language. See the table below as an example.

Section #	Existing Language	Model Charter	Proposed Change
1	Existing	Model	Existing
2	Existing	Model	Model
3	Existing	Model	New

Lastly, the committee would make a recommendation to the city council. The city council would then revise and/or endorse the recommendations of the committee and put the revisions on the ballot. It is reasonable to expect that the City Council would take some time to review the proposals themselves since the council has the authority to put it on the ballot.

ANALYSIS:

- A. **STRATEGIC PLAN** Ideally, the charter should not restrict the City from accomplishing its strategic plan. The charter, as currently written, does not hold us back from achieving the goals of Beatification, Lifestyle, Growth, Education, and Desirability. The strategic plan; however, is not the only consideration for amending the charter.
- B. **FINANCIAL** We can accomplish the review of the charter with the committee without imposing much expense. The largest expense in the review will be for the City's attorney, which should hold an essential advisory support to the committee.

The other expense for amending the charter will be to have a special election. If we need a special election in which there would not already be an election of city voters, then we would be expected to cover the additional costs for an election. If it is planned for a general election, we can avoid special election costs.

This will require a considerable amount of additional staff time on top of what is already a heavy workload shared by few. Staff; however, will do as the council directs. It would not be unreasonable to expect that some things may not get done or may be delayed as a result of this additional workload.

- C. **TIMING** Creating the review committee, going through the process and then coming back to council could take easily at least 6 months. Realistically it just depends on the frequency the committee is willing to commit to the process. It's not unreasonable to expect that the entire process could take the better part of a year to go through each section with the ideal amount of research conducted to prepare for each committee meeting. Then, the Council would take time to deliberate the recommendations of the committee.
- D. **POLICY/LEGAL** Only the voters can approve charter amendments. It is the council's responsibility to approve proposed amendments to be put on the ballot.

ALTERNATIVES:

Take No Action: With no action, the City Charter will remain as is without change.

RECOMMENDATION:

Having worked under the current charter, I can say it has not hindered the city in making visible improvements for its residents. Checks and balances are built into the charter and state law that allow the citizens to hold the city accountable. As City Manager, I am not opposed to reviewing the charter, but I would really like to spend time and resources in helping the city be

more desirable, beautiful, growth oriented, focused on improving lifestyle, and supporting education. I'm not sure reviewing the charter helps us in any of those areas. Nonetheless, I will defer to the direction of the City Council, and staff will support the council in whatever direction they choose to go.

ATTACHMENTS:

1. ModelCharterUpdate03-15-19



MODEL

LEAGUE OF OREGON CITIES

Model Charter for Oregon Cities

**SEVENTH EDITION
JANUARY 2018**



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FOREWORD

This is the 7th edition of the Model Charter for Oregon Cities. It is the second published by the League of Oregon Cities. Previous versions were published by the Bureau of Governmental Research and Service at the University of Oregon.¹

The purpose of the Model Charter is to serve as a guide for charter drafting by city officials and citizens by providing a foundation for meeting different needs and policy choices about city government structure. It is not intended for submission to community voters without discussion. Each city that undertakes charter revision or the preparation of a new charter must consider provisions and procedures that best serve its unique community.

This 2018 version contains several minor changes from the 6th edition of 2004. The format continues as one document. All models prior to 1988 had two separate versions: one for the mayor-council form of government and one for the council-manager form of government. Language for the council-manager form is now presented in the text. Except for the city manager section 8.1, this model is useful for cities without a city manager. Alternative mayor-council language is included in the footnotes.

This edition makes numerous clarifications, simplifications and style changes from previous versions including the addition of a table of contents and an updated section numbering system.

¹ The first Oregon Model Charter was published in 1947; revisions were published in 1951, 1959, 1967, 1988 and 2004.

PREAMBLE

We, the voters of _____, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.²

Section I NAMES AND BOUNDARIES

Section 1.1. Titles. This charter may be referred to as the 20____ Charter.³

Section 1.2. Names. The City of _____, Oregon, continues⁴ as a municipal corporation with the name City of _____.⁵

Section 1.3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Section II POWERS

Section 2.1. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant⁶ or allow⁷ the city, as fully as though this charter specifically enumerated each of those powers.⁸

Section 2.2. Construction. The charter will be liberally construed⁹ so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as

² This uses the “voters” language of Article XI, section 2 of the Oregon Constitution and makes clear the intent to use all the home rule power.

³ Insert the year the charter is adopted and the city name. For convenience, this may be used as the charter’s short title.

⁴ The continuity of a city’s existence is not broken by the adoption of a new charter.

⁵ If this section changes the name of the city, it may read: “The municipal corporation previously known as the City of _____ continues under this charter as a municipal corporation with the name ‘City of _____.’”

⁶ The city home rule amendments to the Oregon Constitution reserve powers to city voters. Oregon Constitution, Article XI, section 2 (1906, 1910). The Oregon Supreme Court has said that the amendments are a “continuous offer” of “all powers properly belonging to municipal government.” *Robertson v. City of Portland*, 77 Or 121, 127 (1915). The offer is conditional. City voters may accept the offer by adopting charter terms. This general grant of power accepts the offer completely.

⁷ The US Constitution does not mention cities, but does not restrict city actions. The Oregon Constitution imposes some restrictions, but also authorizes city actions. Federal and state statutes impose many requirements and restrictions on cities, but still authorize or allow them a wide range of action. “Allow” in this section is intended to provide a basis for city authority to act even though the city cannot identify clear statutory authority for the city action. It assumes the authority is municipal in nature and not prohibited by federal or state law.

⁸ Appendix A discusses the legal basis for general grants of authority.

⁹ This requirement that the charter be liberally construed is intended to negate the effect of a rule of strict construction of city charters known as Dillon’s Rule.

to all municipal legislation to city voters.¹⁰ This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.¹¹

Section III COUNCIL

Section 3.1. Council. The council consists of a mayor¹² and six councilors¹³ nominated and elected from the city at large.¹⁴

Section 3.2. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.¹⁵

- a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The mayor must sign all records of council decisions.¹⁶
- c) The mayor serves as the political head of the city government.¹⁷

¹⁰ Article IV, section 1, subsection (5) of the Oregon Constitution.

¹¹ While part of federal and state government structures, separation of powers is rarely found in cities. The council has powers analogous to those of the three branches of the federal government and the three departments of the Oregon government. The context, substance and form of council decisions determine the nature of the power exercised. Only the council may adopt ordinances and exercise its legislative authority. Only its legislative authority is subject to voter initiative and referendum. The council may by ordinance delegate its administrative and quasi-judicial authority.

¹² Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. Section 3.2 states that the mayor is a voting member of the council. If the mayor is not to have a council vote, then section 3.1 should state that the council consists of a specified number of councilors elected from the city at large.

¹³ Some Oregon cities have five-member councils. If the council is to have five members, “six” needs to be changed to “four.” A city may want a larger council of nine members or more. If so, “six” needs to be changed accordingly.

¹⁴ Most Oregon cities nominate and elect councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: “The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by districts with the boundaries fixed by ordinance.” District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.

¹⁵ Some charters permit the mayor to vote only to break a tie. If the mayor’s vote is to be so limited, this section needs to be changed accordingly.

¹⁶ The council may assign by ordinance or council rules additional duties to the mayor for authenticating ordinances, resolutions, orders, and other council documents.

¹⁷ This section adds facilitator and political leader to enhance the role of the mayor. It makes specific the apparent and inherent authority of the office of mayor. It also parallels the administrative authority of city manager in section 8.1. It follows the example of the 8th edition of National Civic League (NCL) Model Charter (2011).

Section 3.3. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.^{18, 19}

Section 3.5. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.

Section 3.6. Quorum. A majority of the council members is a quorum to conduct business.²⁰ In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly.²¹ In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.²²

Section 3.7. Vote Required. The express²³ approval of a majority of a quorum of the council is necessary for any council decision,²⁴ except when this charter requires approval by a majority of the council.²⁵

Section 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.²⁶

¹⁸ Council meetings must comply with the requirements of the Oregon Public Meetings Law. ORS 192.610 –192.710. Council rules should be considered administrative and adopted by resolution. They are easier to keep updated and less formal than if adopted by ordinance. Also, they are not subject to initiative and referendum.

¹⁹ The League has published a set of Model Rules of Procedure for Council Meetings available at: <http://www.orcities.org/Portals/17/Library/Model%20Procedures%20for%20Council%20Meetings%203-1-17.pdf>.

²⁰ A majority is more than half of the council. For a seven-member council, a quorum is four or more.

²¹ For example, if a seven-member council has one vacant position due to resignation or other events, the quorum remains at four. If there are two vacant positions, the quorum is reduced to three. If a five-member council has one vacant position, the quorum remains at three. If there are two vacant positions, the quorum is reduced to two.

²² For example, council rules may state that the members present may order a city police officer to find and bring an absent member to the meeting. The rules may also provide a penalty for the absent member.

²³ “Express” is used here to clarify the effect of abstention from voting. At common law abstention from voting was regarded as concurrence with the decision. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. “Express” is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively; it amounts to a “no” vote. Use of the word “express” means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

²⁴ A “decision” is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, orders and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A seven-member council thus may act through three councilors; its quorum is four. A five-member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is four councilors, and one councilor is absent.

²⁵ Some charter sections require a vote of a majority of the council to make certain decisions. In this model, they are sections 4.2(a), 7.9, 8.1(b) and (d), 8.2 and 8.3(a). Section 4.2(b) requires a unanimous vote of at least a council quorum to adopt an ordinance at one meeting.

²⁶ The Oregon Public Meetings Law, ORS 192.650, requires cities to provide for sound, video, digital recording or the taking of written minutes. This section provides an independent requirement for council records and authorizes the council to adopt requirements in addition to those of state law.

Section IV

LEGISLATIVE AUTHORITY²⁷

Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of _____ ordains as follows:”.

Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.²⁸
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council,²⁹ provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
- d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian’s name and title.

Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.³⁰

²⁷ The most significant power granted to cities is the authority to adopt legislation. Legislation is local law that applies throughout a city. Legislative authority is properly exercised in the form of ordinances. City charters traditionally prescribe specific requirements for adoption of ordinances, and no provisions for approval of resolutions (administrative) or orders (quasi-judicial). Only using ordinances for legislation and using other forms for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation.”

²⁸ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is calculated on the temporarily diminished membership. However, action by a majority of a quorum (e.g. three votes when quorum of four is present) is not sufficient to enact an ordinance under this section. See note 21 above.

²⁹ This section requires the presence of at least four councilors and a unanimous vote to adopt an ordinance at one meeting when there is a seven-member council. The presence of three councilors and a unanimous vote is required when the council has five members.

³⁰ Ordinances containing an emergency clause take effect immediately and are not subject to referendum. Legislation may not take effect when it is subject to referendum. Procedures for city initiative and referendum are found in ORS 250.255 to 250.355, and city ordinances. Emergency clauses are legislative and not subject to judicial review. *Kaddery v. City of Portland*, 44 Or 118 (1903). City use of an emergency clause preventing a referendum on the ordinance is not subject to federal court review as a violation of civil rights. *Stone v. City of Prescott*, 173 F3d 1172 (9th Cir 1999).

Section V

ADMINISTRATIVE AUTHORITY³¹

Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions.³² The approving clause for resolutions may state “The City of _____ resolves as follows:”

Section 5.2. Resolution Approval.

- a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.³³
- b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.

Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.³⁴

³¹ Councils formally exercise their administrative authority in the form of resolutions. Administrative decisions normally implement requirements of city ordinances and state statutes. Examples include city budgets, budget amendments, financial transfers, public contracts, fees and charges, council rules, and city personnel rules. Administrative decisions often are “internal” and relate to the city government. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative), and include no provisions for approval of resolutions (administrative). This model suggests that charters specifically recognize council resolutions as the proper form for the exercise of its administrative authority. Use of this form for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation”, but not municipal administration.

³² The preferred method for the council to exercise its administrative authority is by resolution. However, “normally” is used in this sentence to allow the council to approve contracts and other documents, give direction to the city manager, city attorney and city employees, and make other administrative decisions by approving a motion without adopting a resolution.

³³ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve a resolution under this section. See note 19 above.

³⁴ ORS 221.310(3) applies to cities of 2,000 or more. It provides that a resolution may take effect any time after passage by the city council. The resolution must state the resolution effective date in a separate section.

Section V

QUASI-JUDICIAL AUTHORITY³⁵

Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state “The City of _____ orders as follows:”

Section 6.2. Order Approval.

- a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.³⁶
- b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.

Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Section VII

ELECTIONS

Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.³⁷ At each general election after the adoption, three councilors

³⁵ Quasi-judicial authority is normally exercised in the form of orders. Under this authority, the council holds hearings and is required to make decisions. The most common examples are land use matters and nuisance proceedings. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative) and include no provisions for adoption of orders (quasi-judicial). This model suggests that charters specifically recognize council orders as the proper form for the exercise of quasi-judicial authority. Use of this form for non-legislative decisions helps make clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation,” but not municipal quasi-judicial decisions.

³⁶ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve an order under this section. See note 22 above.

³⁷ This sentence anticipates the charter vote at a primary or special election. If the charter vote is at a general election, the words “or is elected at the time of adoption” should be added.

will be elected³⁸ for four-year terms.³⁹

Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.⁴⁰

Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.⁴¹

Section 7.4. Qualifications.

- a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.⁴²
- b) No person may be a candidate at a single election for more than one city office.
- c) Neither the mayor nor a councilor may be employed by the city.⁴³
- d) The council is the final judge of the election and qualifications of its members.

Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.⁴⁴

Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and

³⁸ Oregon Constitution, Article II, section 14a requires cities to hold their regular elections for officers at the same time as the general biennial elections for state and county officers are held. ORS 254.035 implements this provision. ORS 254.056 states that general elections are held on the first Tuesday after the first Monday in November of even-numbered years. It further states that primary elections may be held on the third Tuesday in May of even-numbered years.

³⁹ This language assumes that adoption of the charter will not affect the council size or terms of office. It does provide a transition from the city government before charter adoption to the city government under the charter.

⁴⁰ A four-year term for the mayor and four-year staggered terms for an even-number of councilors gives the voters an opportunity to vote for a majority of the council positions at every other general election. It may also be necessary to change “first” to “second” in the first sentence. A mayor elected to a four-year term when this charter provision is adopted would serve until the beginning of the second odd-numbered year after adoption. If the mayor is to have a two-year term, the second sentence of this section needs to be changed. The mayor is appointed from the council by the councilors under the Incorporation Act, ORS 221.130. If this is to continue under the charter, then the second sentence of section 7.2 needs to be replaced by the sentence: “At the first meeting of the council in each odd-numbered year, the council must appoint one of its members to serve as mayor for a term of two years.” If the mayor is appointed from the council, the council should have an odd number of members, and section 3.1 should be changed.

⁴¹ The last sentence of this section makes specific the Oregon tradition that local government elections are nonpartisan. This provision is included in the county model home rule charter and county charters. It is also consistent with the 8th edition of the NCL Model Charter (2011).

⁴² Courts have consistently invalidated residency qualifications of more than 12 months.

⁴³ This prohibition is intended to avoid certain conflicts of interest in city service. It bars full-time or part-time employees from serving as mayor or councilor. It does not, however, prevent the mayor or a councilor from receiving reimbursement of expenses for services.

⁴⁴ This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.

assumes the office.⁴⁵

Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 7.8. Vacancies. The mayor or a council office becomes vacant:

a) Upon the incumbent's:

- 1) Death;
- 2) Adjudicated incompetence;⁴⁶ or
- 3) Recall from the office.⁴⁷

b) Upon declaration by the council after the incumbent's:

- 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
- 3) Ceasing to reside in the city;⁴⁸
- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 8.1(i).

Section 7.9. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members.⁴⁹ The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a

⁴⁵ These words allow for a successor to be appointed as well as elected, and require that the successor meet the necessary qualifications for the office at the time of election or appointment. Some charters have provisions limiting the number of terms or years that a citizen may serve in an elected office.

⁴⁶ "Adjudicated incompetence" means inability or unfitness to manage one's affairs because of mental condition determined in a court proceeding.

⁴⁷ Recall of elective officers is governed by Oregon Constitution, Article II, section 18, and ORS 249.865 to 249.877.

⁴⁸ Section 7.4 requires each member to be a qualified voter and resident of the city. Under subsections (3) and (4) of section 7.8(b), moving outside the city or allowing voter registration to lapse permits the council to declare a council position vacant.

⁴⁹ Normally a single vacancy is filled at one time. This section permits the council to fill multiple vacancies at the same time. Most vacancies are created in positions filled by election. However, this section also applies to appointments to fill vacancies created in positions previously filled by an appointee to the council.

disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.⁵⁰

Section VIII APPOINTIVE OFFICERS

Section 8.1. City Manager.

- a) The office of city manager is established as the administrative head of the city government.⁵¹ The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.⁵²
- b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.⁵³
- c) The manager need not reside in the city.⁵⁴
- d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- e) The manager must:
 - 1) Attend all council meetings unless excused by the mayor or council;
 - 2) Make reports and recommendations to the mayor and council about the needs of the city;
 - 3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;

⁵⁰ A member's disability under this section is usually temporary. If the disability is permanent, it often results in the resignation of the disabled member. A permanent disability does not create a vacancy unless the member resigns. However, the council may appoint a pro tem councilor, and the appointment may continue until a successor to the disabled member is elected and takes office.

⁵¹ The city manager exercises the administrative authority delegated by the city charter and the city council. The manager and the council both exercise administrative authority. Only the council may exercise legislative authority.

⁵² This gives the manager a role in policy development consistent with the 8th edition of the NCL Model Charter (2011). It makes the manager responsible for carrying out city policy adopted by council resolution or ordinance.

⁵³ This section adds more specific qualifications for city manager consistent with the 8th edition of the NCL Model Charter (2011).

⁵⁴ If the city wants the charter to require the manager to live in the city, the following may be added: "but must become and remain a resident of the city while manager." In the alternative, if a residency requirement is desired but is not practicable due to a housing shortage or other condition, the following may be added: "but must live within 30 miles of the city." Either requirement can be imposed more flexibly by ordinance or contract.

- 4) Appoint, supervise and remove city employees;⁵⁵
 - 5) Organize city departments and administrative structure;
 - 6) Prepare and administer the annual city budget;
 - 7) Administer city utilities and property;
 - 8) Encourage and support regional and intergovernmental cooperation;
 - 9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;⁵⁶
 - 10) Perform other duties as directed by the council; and
 - 11) Delegate duties, but remain responsible for actions of all subordinates.
- f) The manager has no authority over the council or over the judicial functions of the municipal judge.⁵⁷
 - g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
 - h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.
 - i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts.⁵⁸ Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.⁵⁹

⁵⁵ Note that the manager appoints, supervises and removes city employees. The council appoints, supervises and removes city officers.

⁵⁶ Subsections (8) and (9) of this section add provisions that update the charter by recognizing the increasing importance of regional and intergovernmental issues, and the participatory nature of policy development. They are consistent with the 8th edition of the NCL Model Charter (2011).

⁵⁷ Municipal judges have administrative duties incidental to their judicial functions such as record keeping and accounting for certain funds. These administrative duties may be supervised by the city manager.

⁵⁸ A similar charter restriction was the basis for damages in *Still v. Benton*, 251 Or 463, 445 P2d 492 (1968). The court found that the mayor did not act within the scope of his authority in pressuring the manager to discharge the police chief. The chief was awarded punitive as well as general damages.

⁵⁹ This does not affect the ability of a council member to obtain information from the manager or other city employees. Council members also have at least as much right to public records as other members of the public under the Oregon Public Records Law, ORS 192.311 to 192.431.

Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.⁶⁰

Section 8.3. Municipal Court and Judge.

- a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.⁶¹
- e) The municipal judge may:
 - 1) Render judgments and impose sanctions on persons and property;
 - 2) Order the arrest of anyone accused of an offense against the city;
 - 3) Commit to jail or admit to bail anyone accused of a city offense;
 - 4) Issue and compel obedience to subpoenas;
 - 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - 6) Penalize contempt of court;
 - 7) Issue processes necessary to enforce judgments and orders of the court;
 - 8) Issue search warrants; and
 - 9) Perform other judicial and quasi-judicial functions assigned by ordinance.

⁶⁰ If a city attorney office is established by the charter, it is independent of the wishes of the council or manager. This language places office employees under the supervision of the attorney rather than the manager. The charter could establish the office and provide for appointment by the manager. If not created by charter, the city attorney office may be created by ordinance. The ordinance may provide for city attorney appointment by the council or manager. Attorney duties may be assigned by ordinance and contract.

⁶¹ ORS 221.339 gives municipal courts jurisdiction over violations and misdemeanors committed or triable in the city. Municipal courts do not have jurisdiction over felonies or designated drug-related misdemeanors as defined in ORS 423.478. The section provides that jurisdiction over misdemeanors may be limited by city ordinance.

- f) The council may appoint and may remove municipal judges pro tem.
- g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.⁶²

Section IX PERSONNEL

Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.⁶³

Section 9.2. Merit Systems. The council⁶⁴ by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.⁶⁵

Section X PUBLIC IMPROVEMENTS

Section 10.1. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement.⁶⁶ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Section XI MISCELLANEOUS PROVISIONS

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law.⁶⁷ A charter amendment is not required to authorize city indebtedness.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it

⁶² ORS 51.035.

⁶³ ORS 294.388(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: "However, no councilor may receive compensation for serving in that capacity." This prohibition does not prevent reimbursement for expenses.

⁶⁴ If there is a city manager, the manager may be substituted for the council. Rules adopted by the manager may be made subject to council approval. The council may also delegate authority to the city manager or city administrator to adopt rules.

⁶⁵ "Merit and fitness" allows wide discretion in the interpretation and application of personnel rules and practices.

⁶⁶ Few procedures applicable to cities appear in state statute. ORS 223.387 to 223.401 apply to assessments for local improvements. ORS 223.805 to 223.845 relate to city motor vehicle parking facilities. ORS 271.080 to 271.230 apply to vacation of certain public property.

⁶⁷ Bancroft bonds may not "exceed .03 of the latest true cash valuation of the city." ORS 223.295(1).

takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.⁶⁸

Section 11.4. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 11.5. Time of Effect. This charter takes effect _____, 20____.

⁶⁸ It may be necessary to continue unusual charter provisions such as bond approvals, special levies or annexations.

APPENDIX A

GENERAL GRANTS OF POWER

The first version of the Model Charter for Oregon Cities was published in 1947. It was drafted to confer powers on cities in general terms rather than by a detailed enumeration of specific powers. All subsequent revisions have continued this practice.

Since about 1910, a city charter has been viewed as a city constitution. For this reason, city powers have generally been stated in general, comprehensive terms. The charter should deal only with the basic, broad fundamentals of city government. The charter should be as concise as possible, and adaptable to changing conditions to avoid the need for frequent amendment.

Most Oregon cities have charters that grant authority for their activities under general grants of powers. In 1934, Huntington adopted a general powers charter quite similar to the 1947 model charter. Since then, almost all Oregon cities have adopted charters that resemble this model.

The Oregon Incorporation Act (now ORS 224.010-221.100) provides that cities without a home rule charter have comprehensive power and need no grants of specific powers.

A general grant of power allows a city to assume extraterritorial powers granted by statute and conditioned upon the existence of charter authority. ORS 225.020 authorizes a city to own and operate utilities outside city limits if its charter allows it such power. *Kassel v. City of Salem*, 34 Or. App. 739, 579 P.2d 875 (1978) construes this section and states that Salem's charter "accepts this offer [of extramural powers] in broad terms." These broad terms were more specific than the general grant of powers in the model. No city with a general grant has been challenged in its exercise of the power offered by ORS 225.020.

Constitutional Grants in General Terms

The 1906 home rule amendments to the Oregon Constitution empower "the legal voters of every city * * * to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State."^a They also empower "the qualified voters of each municipality" to exercise the powers of initiative and referendum "as to all local, special and municipal legislation of every character in or for their municipality[.]"^b These grants of power are general in terms.

Specific Power Derived from General Grants

Courts have often held that a general grant of power confers a particular power not specified in the grant. Such specific powers include the following:

- 1) To regulate amusement devices.^c

^a Or. Const. art. XI, sec. 2.

^b Or. Const. art. IV, sec. 1a (1906), sec. 1(5) (1968).

^c *Terry v. City of Portland*, 204 Or 478, 269 P2d 544 (1955); 33 Or Op Atty Gen 174 (1967).

- 2) To levy special assessments.^d
- 3) To develop a program of free parking using tax revenues.^e
- 4) To govern labor relations with public employees.^f
- 5) To license certain businesses or occupations.^g
- 6) To levy license taxes for revenue.^h
- 7) To provide police protection.ⁱ
- 8) To control disposal of refuse.^j
- 9) To regulate the storage of gasoline and kerosene.^k
- 10) To control streets.^l
- 11) To levy taxes in the form of licenses.^m
- 12) To adopt taxes on sales and incomes.ⁿ
- 13) To supply water.^o
- 14) To impose registration and license fees.^p
- 15) To impose fees and regulatory requirements on telecommunications providers.^q

^d *Paget v. City of Pendleton*, 219 Or 253 346 P2d 1111 (1959).

^e *Jarvill v. City of Eugene*, 289 Or 157, 613 P2d 1 (1980), US cert den at 449 US 1013 (1980). Although the majority opinion in this case relies on a specific grant of power stemming from a 1973 amendment to the Eugene city charter, this charter has been repealed. At the court of appeals level, the majority opinion relied on the general grant of power in the 1976 revised city charter to explain the city's ability to levy taxes. "In those cases, it was held that a general grant of powers in a city charter, like that contained in the Eugene charter, carries with it the power to impose revenue taxes." 40 Or App 185, 198-99, 594 P2d 1261 (1979).

^f *Beaverton v. International Assoc. of Firefighters*, 20 Or App 293, 531 P2d 730 (1975).

^g *Davidson Baking Co. v. Jenkins*, 216 Or 51, 337 P2d 352 (1959).

^h *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd, 13 Or App 431 (1973).

ⁱ *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^j *Dunn v. Gray*, 238 Or 71, 392 P2d 1018 (1964); *City of Tigard v. Werner*, 15 Or App 335, 515 P2d 934 (1973).

^k Cf. *Leathers v. City of Burns*, 251 Or 206, 444 P2d 1010 (1968).

^l *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^m *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd 13 Or App 431 (1973).

ⁿ *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd 13 Or App 431 (1973).

^o *Paget v. City of Pendleton*, 219 Or 253, 346 P2d 1111 (1959).

^p *AT & T Communications v. City of Eugene*, 177 Or App 379 (2001), *rev den*, 334 Or 491 (2002). The court held that a general power charter gave the city power to impose registration and license fees. The court relied on *Multnomah Kennel Club v. Department of Revenue*, 295 Or 279 (1983), a case that involved a general power county home rule charter that provided authority to impose a business income tax.

^q *Sprint Spectrum v. City of Eugene*, 177 Or App 417 (2001), *rev den*, 334 Or 491 (2002). The court found that home rule authority includes the taxation of businesses that conduct business within city boundaries.

APPENDIX B

PROVISIONS NOT INCLUDED IN THE MODEL CHARTER

This model charter omits many provisions contained in city charters granted by the Oregon Legislature prior to 1906, and charters adopted soon after the 1906 home rule amendments took effect. A general grant of powers replaced specific grants of authority. Subjects and procedures covered by state statutes are generally no longer included in charters. The model charter also omits provisions better left to adoption by ordinance.

Annexation Procedure

An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute.⁸⁶ City power under the home rule amendments is only intramural in character.⁸⁷ A city may only exercise extramural power delegated by the Legislature.⁸⁸ A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures.

Elections

Elections in Oregon are generally under the control of the Secretary of State. The conduct of elections is governed by ORS chapter 254. Many duties relating to the conduct of elections are delegated to county clerks. Time of elections, wording of ballot titles, printing of ballots and fixing of precinct boundaries are examples of matters governed by state law. City initiative and referendum requirements and process are found in ORS Chapter 250. Therefore, the model charter contains no sections relating to elections in general. Sections 7.2 and 7.5 do authorize the council to govern certain election matters by ordinance.

Subjects Covered by State Law

This model charter contains no provisions on several other subjects covered by state law:

Budgeting.....ORS 294.305 to 294.565
Public contracts.....ORS Chapters 279A, 279B and 279C
Assessments bonding and lien enforcement...ORS 223.205 to 223.295 and 223.505 to 223.650
Tort liability.....ORS 30.260 to 30.300

⁸⁶ *Thurber v. Henderson*, 63 Or 410, 415-16, 128 P 43 (1912); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 19-20, 154 P 399 (1916); *Morsman v. City of Madras*, 203 Or App 546 (2006) (holding that the state has the authority to decide whether residents of an area subject to annexation get to vote on the annexation); and *Costco Wholesale Corp. v. City of Beaverton*, 343 Or 18, 25 (2007) (stating that cities lack “inherent home-rule authority to impose * * * obligations on those outside their borders.”).

⁸⁷ *Kiernan v. City of Portland*, 57 Or 454, 464, 111 P379, 112 P 402 (1910); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 18-19, 154 P 399 (1916); *Curtis v. Tillamook City*, 88 Or 443, 454-55, 171 P574, 172 P 122 (1918).

⁸⁸ *Couch v. Marvin*, 67 Or 341, 136 P 6 (1913); *McBee v. Town of Springfield*, 58 Pr 459, 114 P 637 (1911); *Landess v. City Cottage Grove*, 64 Or 155, 129 P 537 (1913).

Debt limitations.....	ORS 223.295
Ethics.....	ORS Chapter 244
Public meetings and records.....	ORS 192.311 to 192.710
Land use planning and regulation.....	ORS Chapters 92, 197, 197A and 227
Street vacation.....	ORS 271.080 to 271.230
Condemnation.....	ORS Chapter 35; 223.005 to 223.105, 226.310 to 226.380 and 227.300.
Collective bargaining.....	ORS 243.650 to 243.782
Public Employee's Retirement System.....	ORS Chapter 238 and 238A

Other Subjects

The model charter contains no provisions on a number of other subjects that may be covered as well or better by ordinance. Such subjects include council rules, personnel rules, procedures for local improvements, levying and collecting special assessments and city commissions and committees.

Municipal Judge as Ex Officio Justice of the Peace

Some Oregon charters enacted as special legislative acts prior to 1906 provide that the municipal judge has the jurisdiction and authority of an ex officio justice of the peace. This model charter contains no such provision. A home rule charter may not grant such authority to a municipal judge; such authority may only be granted by state statute.

The decision in *In re Application of Boalt*⁸⁹ suggests that once a municipal judge is given the jurisdiction and authority of an ex officio justice of the peace by a special legislative act, it continues regardless of a subsequent home rule charter. It may be withdrawn by the Legislature. A city in this situation may retain its charter provisions conferring jurisdiction and authority of an ex officio justice of the peace on its municipal judge by enacting its new charter as an amendment to its former legislative charter. A municipal judge may continue to exercise this authority under this Supreme Court decision.

⁸⁹ 123 Or 1, 260 P 1004 (1927).



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-103: APPROVAL OF THE TENNIS COURT BID AND AGREEMENT WITH FOUR RIVERS CHARTER SCHOOL FOR THE SPONSORSHIP AND USE OF THE BECK PARK TENNIS COURTS**

DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THAT THE CITY APPROVE RESOLUTION NO 2021-103, A RESOLUTION BUDGETING ADDITIONAL MARIJUANA REVENUE IN THE AMOUNT OF \$110,000 TOWARDS THE BECK PARK TENNIS COURT CONSTRUCTION, APPROVE AN AGREEMENT WITH FOUR RIVERS COMMUNITY SCHOOL FOR FINAL CONTRIBUTIONS AND USAGE RIGHTS TO THE BECK PARK TENNIS COURTS, AND AWARD THE BID TO CASCADE FAMOUS FENCES & TENNIS COURTS IN THE AMOUNT OF \$196,900, PLUS A CONTINGENCY OF \$3,100 FOR PICKLEBALL AND BASKETBALL STRIPING.

SUMMARY:

The Tennis Court Resurfacing project was approved in the 2020 budget and carried over to the 2021 budget. The city was not successful in getting any bids for the first procurement attempt. After seeking out bidders and partnerships we have been able to come up with a purchasing opportunity to complete the project.

BACKGROUND:

The city budgeted \$45,000 for tennis court resurfacing based on a nearby project at Nyssa High School for their new tennis courts. That amount turned out to be entirely insufficient.

A solicitation was put out for bids to resurface four tennis courts at Beck Park on August 3, 2020. Contractors that do tennis courts were provided the bid documents directly by city staff. No bids were received at the close of the bid time.

After not receiving any bids, city staff sought out bids directly from contractors who had done work in Eastern Oregon. Beynon Sports provided a bid proposal for \$377,000. That exceeded

our ability to fund the project. The funding was carried over to the 2021 Fiscal Year.

In the meantime as we sought out other bids that were affordable. Four Rivers Community School approached us with a proposal to partner on the tennis courts. They offered to provide \$45,000 towards the project which gave us a project total of \$90,000.

We reached out to a Boise contractor that builds tennis courts. After working with the contractor we got a turn key proposal of \$196,500 to complete the project. That leaves a hole of \$100,500.

The attached pictures show the condition of the tennis courts. They are completely unusable as they exist. I suspect that they were worn out over time and reached the lifespan of the surface. It comes under the contract with Jacobs to keep the tennis courts in playable condition except when the asset becomes fully depreciated and is in need of a major renovation as this one is. The disrepair of the tennis courts preceded my tenure with the City as well as Jacobs. Moving forward annual inspections should be conducted to make sure the maximum lifespan is achieved. Additional surface coatings and crack grooving and fill can extend the courts for optimal use.

The Beck Park tennis courts belong to the City of Ontario. The Recreation District requested to have the Lion's Park tennis courts along with the pool, splash park, and skate park so we do not anticipate having to continue with maintenance or repair of those courts.

CURRENT SITUATION:

We believe this is the best price we can get to complete the project. We believe the partnership with the community school should be treated like a grant in leveraging our city funds to complete projects. What the city would grant the school for contributing to the project is priority scheduling for the schools tennis team. This is consistent with our past practice working with the 8C School District at the Alameda Park. We grant the school priority scheduling for the Ontario High School Soccer in return for their maintenance of the park.

Jacobs will use their proprietary project management system to schedule annual reviews and maintenance projects with the tennis courts going forward.

At the request of the City Council, we have increased the amount to include striping for a basketball hoop and striping.

ANALYSIS:

- A. **STRATEGIC PLAN** This addresses the Lifestyle strategy and goal of having things to do.
- B. **FINANCIAL** We have several options for funding of this project for the funding gap. Without additional revenue it will not get done and the cost will increase.

1) We have been saving \$45,000 each year for the last two years to save up for the Beck Park Bathroom rehabilitation. We are planning for the final funding in 2021-2022. Rather than having neither project get done, staff recommends that we could use the Beck Park project funds to finish the tennis court supplemented by 14,000 out of contingency or additional revenue.

2) The second option would be to pay for the difference by budgeting additional revenues from marijuana sales that were underestimated for the year. We could budget \$110,000 from new revenue to complete the funding of the project.

3) The last way that we could fund it is with the general fund contingency. This would cut the contingency by more than half.

Staff recommends option 2: funding additional marijuana revenues.

C. **TIMING** The project can be completed this spring.

D. **POLICY/LEGAL** The Council has the authority to make the award of contract and move the funding as desired. A resolution will be brought to the next council meeting.

ALTERNATIVES:

Funding Alternatives: The Council can choose from the three alternatives. We recommend using new revenues.

Take No Action: I fear that the courts have become an attractive nuisance for nefarious activity because of the degradation. They have no current recreational value in their current state. Revitalizing this recreation space will bring more residents to the park and discourage some of that activity.

RECOMMENDATION:

Staff recommends the funding of the tennis courts by approving Resolution #2021-103 using \$45,000 already budgeted and budgeting another \$45,000 from Four Rivers Community School, and \$106,500 from local unrecognized marijuana tax revenues.

ATTACHMENTS:

1. City of Ontario Proposal tennis proposal from Beynon sports 2019
2. City of Ontario Proposal tennis proposal from Cascade 2020
3. IMG_1990
4. IMG_1994
5. IMG_1993
6. Four Rivers Tennis Court Agreement_FRCS-Final
7. Resolution #2021-103 TENNIS COURTS

12/12/19

TO: Adam J. Brown, CM - Adam.Brown@ontariooregon.org
 City Manager
 Work: 541-881-3223

FROM: Cody Taylor - CTaylor@beynonsports.com
 Tennis Operations Manager
 Beynon Sports Surfaces
 503-539-7930

City of Ontario, Oregon

Beynon Sports is pleased to present this proposal. BOLI wages are included. If bonds are required please add 1% to total.

SCOPE #1 – BECK KIWANIS TENNIS COURTS REBUILD POST TENSIONED CONCRETE	
Scope:	- Saw cut and remove necessary perimeter asphalt and prepare for post tensioned concrete beam area. Remove existing fence and dispose of properly. - Supply and install 3" of road base to achieve separation, laser grade and compact. - Supply and install 4 industry standard post tensioned concrete tennis courts, 4000 PSI design, edges thickened to 12" inches, reinforced with ½" steel tendons placed as engineered. - Supply and install 4 complete sets of Douglas tennis equipment. - Supply and install 10' foot high black vinyl coated chain link fence with 2 man gates. Top and bottom rails to be vinyl coated 1 5/8" "LG-40" pipe or equivalent. Corner Posts, Terminal Posts and Line Posts to be 2-7/8" inches "LG-40" pipe or equivalent. All fabric to be 1¾" vinyl coated 9- gauge core, 8- gauge finish fused and bonded. - Supply and install 4 coat textured acrylic surfacing system with tennis striping.
Cost:	<u>\$ 377,831.00</u>
Add Alternate:	<u>Eastside Park Futsal Court – 63'x 115'</u>
	- Excavate approximately 8" of existing materials and haul away. - Supply and place 4" structural fill, grade and compact. - Supply and place 4" road base, laser grade and compact - Supply and install an industry standard post tensioned concrete tennis court, 4000 PSI design, edges thickened to 12" inches, reinforced with ½" steel tendons placed as engineered. - Supply and install 4 coat textured acrylic surfacing system with futsal striping. - Does not include fencing or goals.
Cost:	<u>\$ 139,231.00</u>
Total Cost:	<u>\$ 517,062.00</u>

SCOPE #2 – BECK KIWANIS TENNIS COURTS REBUILD ASPHALT	
Scope:	• Remove existing fencing, asphalt and necessary footings. • Remove existing base, up to 6”. • Supply, place and prep and compact 6” of road base. • Install 2.5” depth of asphalt. • Provide and install 4 complete sets of Douglas tennis equipment. • Supply and install 10’ foot high black vinyl coated chain link fence with 2 man gates. Top and bottom rails to be vinyl coated 1 5/8” “LG-40” pipe or equivalent. Corner Posts, Terminal Posts and Line Posts to be 2-7/8” inches “LG-40” pipe or equivalent. All fabric to be 1¾” vinyl coated 9- gauge core, 8- gauge finish fused and bonded. • Supply and install 5 coat textured acrylic surfacing system with tennis striping.
Total:	\$ 386,507.00
Add Alternate:	<u>Eastside Park Futsal Court – 63’x 115’</u>
	• Excavate approximately 8” of existing materials and haul away. • Supply, place, prep and compact 6” of road base. • Supply and install 2.5” depth of asphalt. • Supply and install 4 coat textured acrylic surfacing system with futsal striping. • Does not include fencing or goals.
Cost:	<u>\$ 111,014.00</u>
Total Cost:	<u>\$ 497,521.00</u>

Exclusions:

- This quotation excludes any site restoration, haul roads, construction entrances, erosion control, SWPPP, design costs, traffic control, testing, bonds, union or labor law levies, agency approval or associated fees, protection of sports surface after completion, permits(owners responsibility), moving/removal/replacing any utilities to include sprinklers, remediation of unsuitable soils, multiple mobilizations, logos or other unforeseen costs.
- Asphalt is manufactured with gravel, sand, and liquid petroleum. Most plants produce asphalt using gravel mined from hillsides. Mined gravel may contain clay balls and iron causing small insignificant voids and rust spots that may migrate to the acrylic surface. Since the producer’s source of aggregate may vary from time to time, it is impossible to predict whether a particular batch of asphalt from a producer will contain clay balls or iron. If clay balls and or rust spots develop they will not hinder play or hurt the structural integrity of the court and are almost always eliminated after the first resurfacing. The most common problem with asphalt tennis courts is pavement cracking. Cracking in asphalt is caused, at least in part, by the natural tendency of asphalt to shrink as it weathers, oxidizes and ages. In addition, asphalt loses its flexibility as it ages, making it more brittle. Since shrinking and becoming more brittle with age are properties of the material, cracking in asphalt tennis courts is inevitable. This condition is beyond the control of Beynon Sports, its suppliers and sub-contractors. Therefore Beynon Sports will not assume any responsibility if such conditions appear.
- Quote valid for 30 days.
- *Cracks not treated with Riteway will appear/reappear with ground movement and freeze/thaw cycles. Yearly maintenance on your part will be required to re-seal small cracks. Cracks may outgrow Riteway membrane.
- There is no warranty on standard crack repair.
- Suitable water source must be provided by owner.
- Pricing does not include removal of boulders, foundations or any other buried unforeseen impediments.



If you have any questions, please call me at 503-539-7930.

Sincerely,

Cody Taylor
Tennis Operations Manager
Beynon Sports Surfacing, Inc.



If you agree with the terms and conditions of this proposal please initial next to approved option(s), indicate total contract value below, sign and fax/mail back.

We hereby accept the conditions of this offer stipulated herein.

CONTRACT \$

NAME OF PROJECT:

Signed this _____ day of _____, 2019

Signature: _____

Printed Name: _____

Billing Name (if different): _____

Billing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Colors

Inside

Outside

Beynon Sports Surfaces, Inc.

Signed this _____ day of _____, 2019

Accepted by: _____

Printed Name: _____

Materials remain property of Beynon Sports Surfaces, Inc. (BSS) until paid in full.

Purchase orders/Contracts should be sent to:

Beynon Sports Surfaces, Inc.

Attention: Lori Johnson

19600 SW 129th Avenue Suite A

Tualatin, Oregon 97062

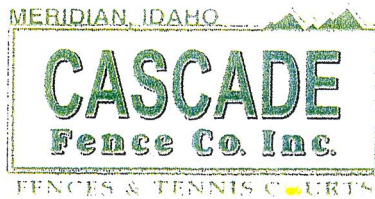
Tel: 800-423-5875 ext. 238 Fax: 503-692-0491

ljohnson@beynonsports.com

The purchase price shall be payable to the contractor by way of check in accordance with the payment schedule. Contractor will issue an invoice to customer upon the occurrence of each of the events listed above, and payment of each invoice is due within ten (10) days following the date of the applicable invoice.

Be sure to visit our website at www.beynonsports.com.

19600 SW 129th AVENUE Ste A, TUALATIN, OREGON 97062 ☎ 503.691.2484 ☎ FAX 503.692.0491 ☎ WWW.BEYNONSPORTS.COM



151 N. Linder Rd.
Meridian, ID 83642
President, Anthony Wingett
Contractors RCE 6455

Phone: 208-887-6570

Fax: 208-887-5451

Email: cascadefence@gwestoffice.net

State of Idaho Public Works 11852-AA-4

12-8-20

Jacobs Engineering

Att. Betsy Roberts

Beck Park Tennis Court Reconstruction – 4- tennis courts

We are pleased to offer the following revised quotation for your consideration.

Remove and reinstall 220' of existing chain link mesh for construction access reusing same materials.

Saw cutting already completed by City. Removal of asphalt and top grade material down to sub grade & haul off. Re-compact as needed, place geo textile fabric, and 8" +- of pit run material grade & compact, add 4" +- of $\frac{3}{4}$ " road mix fine grade & compact. Place approximately 29,900 sq. ft. of new 2 $\frac{1}{2}$ " asphalt pad, flood check for bird paths, & $\frac{3}{4}$ " saw cut expansion joints in alleys and under tennis nets.

Furnish and install 4- sets of new tennis net equipment [sleeves, posts, center anchors, & nets]

Furnish & apply new Plexipave color surfacing system over the new asphalt in a 3- coat system, 1- acrylic re-surfacer filler coat, and 2- coats of fortified color in an all 1- color scheme, complete with white tennis play lines.

Total \$ 196,900.00

*Add for pickleball lines per court

Add \$ 650.00 ea.

No new chain link fence mesh or any curbing included

Please let me know if you have any questions.

Sincerely Bill Fittje

Manager









AGREEMENT BETWEEN THE CITY OF ONTARIO AND FOUR RIVERS COMMUNITY SCHOOL FOR BECK KIWANIS PARK TENNIS COURT IMPROVEMENT PROGRAM

I. PARTIES:

The City of Ontario, Oregon, an Oregon Municipal Corporation hereinafter referred to as the “**City**”; and

The Four Rivers Community School hereinafter referred to as the “**School**”.

II. PREMISES:

- A. The purpose of this Agreement is to fund, make improvements to, and provide for the joint use of, certain tennis courts (hereinafter “Tennis Courts”) which are owned by the City and located in Beck Kiwanis Park in the City. The Tennis Courts are more particularly identified in Exhibit “A” attached hereto.
- B. The School is partnering with the City to help improve the Tennis Courts in a project referred to hereinafter as the “Tennis Court Improvement Project”.
- C. The parties intend this Agreement to constitute a valid Intergovernmental Cooperation Agreement as allowed under ORS 190.003.

III. AGREEMENT:

- A. **Consideration.** The consideration for this Agreement is the mutual promises contained in this Agreement and the performance by the parties of the obligations imposed by this Agreement.
- B. **Duration of Agreement; Early Termination.**
 - 1. The duration of this Agreement shall be for twenty years from the date of execution of this Agreement by both parties. If either party desires to extend the agreement beyond its termination date, the parties shall negotiate in good faith for an extension.
 - 2. The Agreement may be terminated early, either by mutual agreement of the parties in writing, or for cause.
 - 3. If a party substantially fails to perform that party’s obligations under this Agreement for which the aggrieved party seeks a termination for cause, the

aggrieved party shall give the defaulting party at least 60 days written notice to cure the default before unilaterally terminating this Agreement.

4. If the parties disagree as to whether the default is cured during the 60 days notice period, the parties may mutually agree to terminate the Agreement provided that the City reimburses the School a pro-rata portion of the costs paid by the School to the City. If the parties do not mutually agree to terminate the Agreement under this subsection, the parties will in good faith mediate the disagreement with a mediator mutually agreed upon by both parties.

C. Tennis Court Improvement Project. The Tennis Court Improvement Project consists of the resurfacing of the Tennis Courts and miscellaneous other improvements agreed to between the parties during the life of this Agreement. Prior to the commencement of the Tennis Court Improvement Project, the School shall pay \$45,000 to the City. This payment constitutes the School's share of the cost of one resurfacing of the Tennis Courts. If the Tennis Courts require more than one resurfacing, or if other substantial repairs or improvements are necessary during the term of this Agreement, the parties shall negotiate in good faith to share that cost, in proportion to the use of the Tennis Courts by the public and by the students and patrons of the School.

D. Use of Tennis Courts. The parties shall annually agree in writing on a schedule for the use of the Tennis Courts by the School based upon the following considerations:

1. During the School's Tennis Season, as set by the Oregon School Activities Association, the School shall have the right to the use of the Tennis Courts as the home field courts of the School. This shall allow the School to have the first scheduling rights for the use of the Tennis Courts during the Tennis Season for School practices and scheduled tennis matches.
2. At times that do not conflict with School's scheduled use of the Tennis Courts during Tennis Season, The City will allow the Tennis Courts to be used by the general public as a park for athletic events, athletic play, and exercise.
3. During the Tennis Season the School shall have the right to collect an admission charge for spectators at the Tennis Courts attending School-sponsored activities.
4. The School may maintain a lockable storage container (approximately 10'x10') in a location mutually agreed upon by the parties on or near the Premises.

5. During the Tennis Season, the School may place signs on the Premises for such reasons as identifying the School and its tennis team, identifying sponsorships, and other similar purposes.

E. Maintenance of Tennis Courts. The City shall be primarily responsible for performing routine maintenance and making minor repairs to the Tennis Courts. The School shall be responsible for cleaning the Tennis Courts after their use by the School. The School shall promptly notify the City of any damage to the Tennis Courts resulting from the School's use of the Tennis Courts or damage done prior to the School's use of the Tennis Courts.

1. The parties may from time to time agree to use in-house labor, equipment, and materials to maintain the Tennis Courts.
2. Either party that contributes in-house labor, equipment or materials shall be solely responsible for all expenses for the cost of all labor, equipment and materials contributed, except as may otherwise be agreed to by the parties.
3. Either party contributing in-house labor, equipment or materials shall indemnify and hold the other party harmless for all claims, demands or causes of action arising out of or in any manner connected with the use of that party's in-house labor, equipment or materials. Each party providing in house labor, materials or equipment shall provide workers compensation insurance to all workers and volunteers acting under the supervision of that party.
4. It is agreed that this Agreement relating to the maintenance and use of the Tennis Courts is proprietary in nature and is not the delegation of a governmental function.

F. Insurance. Each party will maintain an independent liability insurance policy covering activities on the Tennis Courts in an amount of at least \$1,000,000 general liability for each occurrence and \$2,000,000 aggregate. Each party will, upon request, provide proof of such coverage in which the other party is also a named insured.

G. Miscellaneous.

1. It is agreed that the terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of each party.
2. Each party's rights and obligations under this Agreement may not be assigned without the written consent of the other party in advance.

3. No change in or modification of or discharge of this Agreement in any form shall be valid or enforceable unless it is in writing and signed by the party to be charged therewith.
4. This Agreement does not confer any rights upon any third parties, and no third party may claim to be a third-party beneficiary of this Agreement.

Four Rivers Community School:

By:

Pam Wettstein, Chair

Date: _____

City of Ontario:

By:

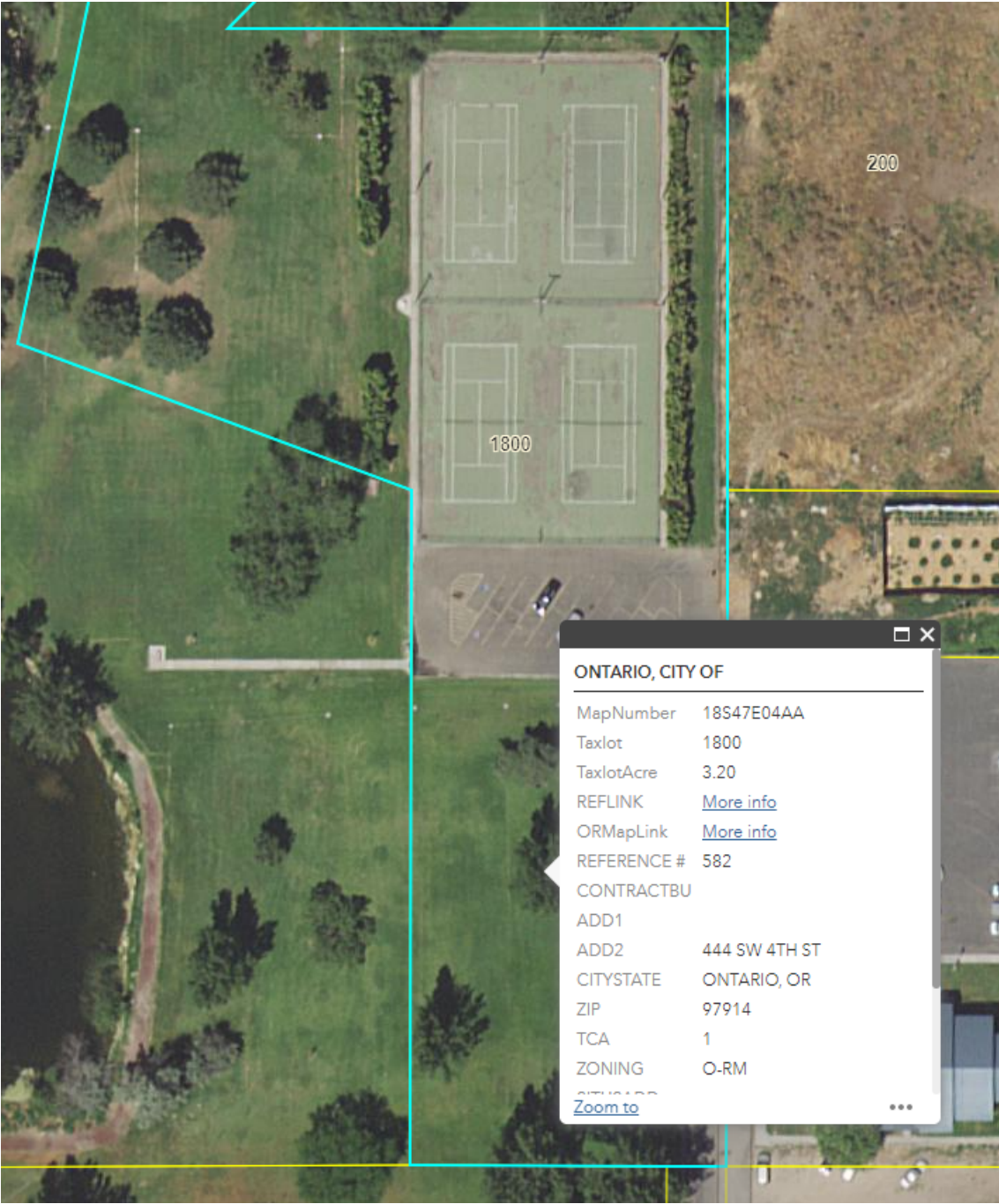
Riley J. Hill, Mayor

Date: _____

Attest:

Tori Barnett, City Recorder

Exhibit A





RESOLUTION #2021-103

**A SUPPLEMENTAL BUDGET TO APPROPRIATE FUNDS FOR TENNIS COURT
RENNOVATION**

- WHEREAS,** The City budgeted \$45,000 for Beck Park Tennis Court renovation in 2020-2021;
and
- WHEREAS,** Four Rivers Community School is willing to contribute \$45,000 for this project;
and
- WHEREAS,** The City projects to receive more local marijuana tax revenues than budgeted;
and
- WHEREAS,** The City desires to modify the 2020-2021 budget in order to appropriate the funding.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustment to the fiscal year 2020-2021 budget:

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-000-455901	Local Marijuana tax	\$ 1,100,000	\$110,000	\$1,210,000
001-020-714122	Tennis Court Resurface	\$45,000	\$155,000	\$200,000
001-000-469202	Donations	\$ -	\$45,000	\$45,000

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 16th day of February 16, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 16th day of February, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: FAÇADE IMPROVEMENT GRANT BOUNDARIES

DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT THE MAP OF STREETS ELIGIBLE FOR THE SECOND PHASE OF THE FAÇADE IMPROVEMENT MATCH GRANTS AS SHOWN ON ATTACHMENT 1 AND THE GRANT PROGRAM GUIDELINES AS SHOWN ON ATTACHMENT 2.

SUMMARY:

The City administered a very effective façade grant program between 2016 and 2017 which lead to the revitalization of many buildings downtown. The City Council appropriated another \$25,000 to the façade grant program. To maximize visual impact, staff recommends targeted areas for eligibility for this grant opportunity.

BACKGROUND:

The city's façade grant match program offered up to \$5,000 in dollar for dollar match for improvements to the exterior of the building. The purpose of the program was to improve the visual experience of patrons to our business community. This was a very effective program. All \$50,000 of the originally allocated funds were used.

The City Council budgeted another \$25,000 to fund the façade grant program for the Fiscal Year 2020-2021. It was staff's stated goal and shared with the budget committee that we add another \$25,000 in Fiscal Year 2021-2022.

CURRENT SITUATION:

With the limited availability of funds and it's primary purpose to make a visual impact, staff recommends targeting this round of façade grant eligibility along the following area. Staff recommends the properties facing the following streets within the city limits:

- SW 4th Avenue from Yuturri Beltline to SW 1st Street

- Idaho Avenue from NW 10th Street to Interstate 84
- SW 1st Street from West Idaho Avenue to SW 5th Avenue
- SE 2nd Street from East Idaho Avenue to SE 5th Avenue

We believe that even this broadly expanded area will provide more opportunities than we have funding. All our highly visible areas.

ANALYSIS:

- A. **STRATEGIC PLAN** This supports the city's Lifestyle Strategy in the Council's strategic plan, Focus on Downtown Goal, and the Replenish façade grant funding activity.
- B. **FINANCIAL** The funds are already budgeted for the current fiscal year in the amount of \$25,000. We expect to propose another \$25,000 in the next fiscal year to be added to the fund.
- C. **TIMING** Funding is available and just awaits direction on targeting use.
- D. **POLICY/LEGAL** The Council sets the parameters of the program unless it is otherwise directed to staff.

ALTERNATIVES:

Take No Action - The Council could choose not to target funding and open opportunities for the whole city. This may not have the desired impact of improving properties that may not otherwise get improved.

RECOMMENDATION:

Staff recommends approving the attached map for the targeted eligibility for the grant match program.

ATTACHMENTS:

1. MAP_CC_Phase II Facade Grant Program_1 16 2021 (1)
2. Ontario Phase II Facade Grant Program Guide Lines

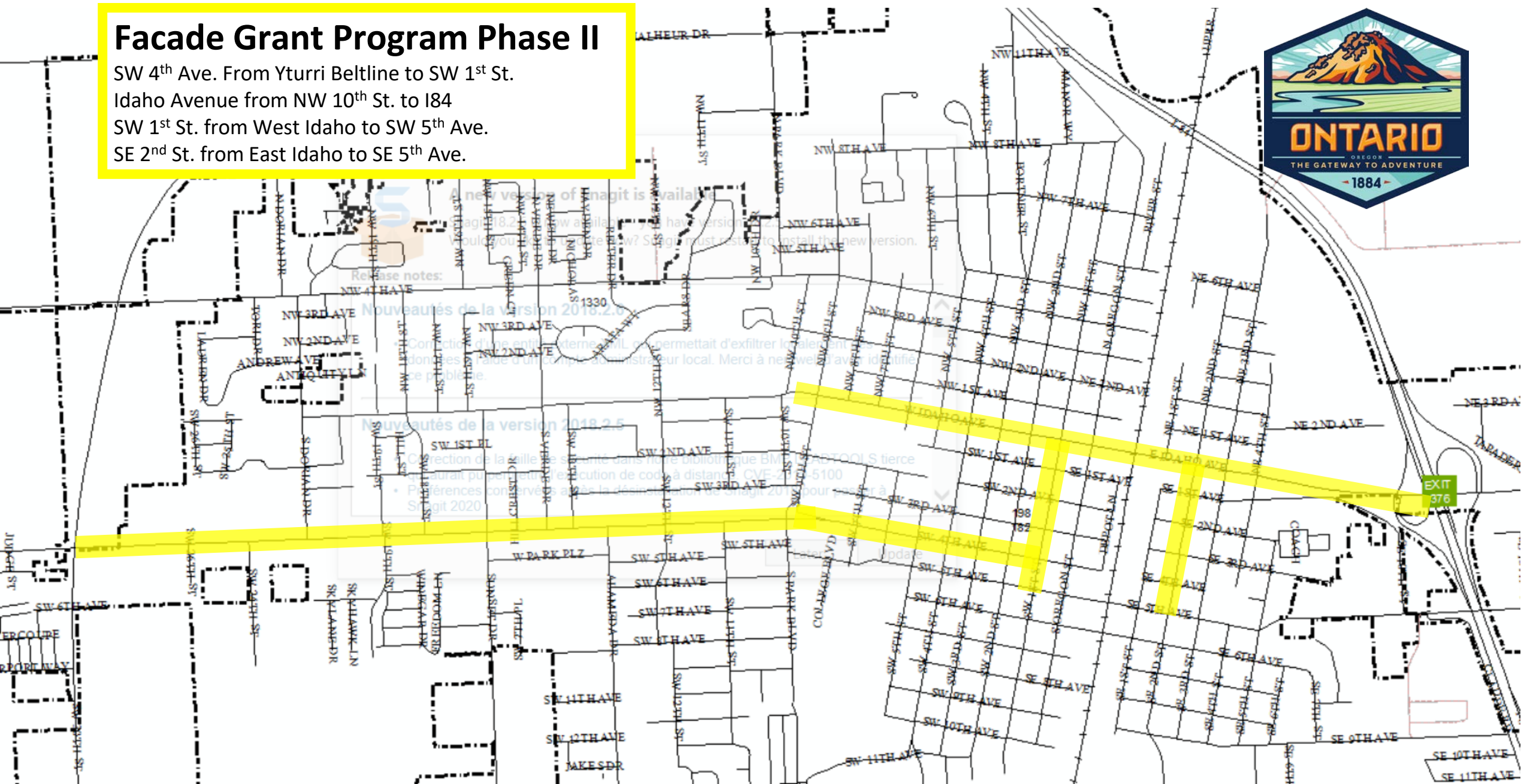
Facade Grant Program Phase II

SW 4th Ave. From Yturri Beltline to SW 1st St.

Idaho Avenue from NW 10th St. to I84

SW 1st St. from West Idaho to SW 5th Ave.

SE 2nd St. from East Idaho to SE 5th Ave.



Phase II Ontario Facade Grant Program Guidelines

February 2021

The Revitalize Ontario and the City of Ontario are in partnership to a revitalization program which is mirrored after the nationwide Main Street Program. The Main Street program is based on the preservation of historically significant structures and is designed to bring economic revitalization to downtown areas. To this end, the Ontario Façade Grant Program was established in 2015 to encourage property owners in their restoration and preservation efforts by providing financial incentives.

The last of the monies assigned to the Façade Program the Council established ran out in February of 2019. In the Budget for 2020-2021 the Budget Committee approved new funding for the project. **The new boundaries for the Phase II project will be the properties facing along the commercial corridor of SW 4th Avenue from Yturri Beltline to SW 1st Street, Idaho Avenue from NW 10th Street to Interstate 84, SW 1st Street from West Idaho Avenue to SW 5th Avenue and SE 2nd Street from East Idaho Avenue to SE 5th Avenue being the Commercial store fronts facing the above described Street.**

The Facade Grant Program is specifically designed for the preservation and/or restoration of historic building facades. The program utilizes public funds to entice private investment by property and business owners interested in rehabilitating and restoring downtown commercial structures, stressing their historic significance. The goals of this program are: 1) to encourage historic preservation through restoration of the town existing structures, 2) to abate any continued deterioration of city by restoring the uniqueness, character and integrity of city structures to the period of their construction.

To qualify for assistance an applicant must comply with the Historic Downtown Facade Improvement Program guidelines. Projects must be approved by the Certified Local Government Commission (CLGC) established by the City of Ontario.

All property owners of existing commercial buildings located in the Commercial zones C-1, C-2, C-2H and C-3 within the above described corridor are eligible for this program.

Eligible Activities: (items included but not limited to)

- 1. Repair to building exterior facades**
- 2. Masonry repair**
- 3. Cleaning of building exterior**
- 4. Exterior painting**
- 5. Repairing or replacing cornices, entrances, doors, windows, decorative detail, awnings**
- 6. Signage and sidewalks**
- 7. Other repairs that may improve the esthetic quality of the exterior of the building**

Ineligible Activities: (items included but not limited to)

- 1. Interior Improvements**
- 2. Roofing**
- 3. Inappropriate cleaning methods, repairs, replacements or alterations**

Program Implementation:

- Applications and guidelines for the program are available on the City Web Site or at the Community Development Center at 458 SW 3rd Street.
 - The applicant can apply up to \$5,000 with a match of \$5,000. All projects will be assessed a \$150 administrative fee due with submittal of application.
- Completed facade improvement program is an on-going grant program with limited funds. Application packets will be submitted to the City Community Development Center and date/time stamped. First come, first served. Application packets must include; completed application, drawings and plans of the building which illustrate all proposed work, including any structural repair, awnings (plus sample of the material), cost estimates, construction schedules and paint colors.
- The CLGC will consider all applications which comply with the design guidelines.
- Applicants requesting funds must sign an agreement with City of Ontario. The applicants will be required to abide by the CLGC's guidelines and rules regulating the use of Oregon labor Standards.
- Grant funds will be distributed to the applicant upon completion of the approved phases and inspections conducted by the CLGC.
- Applications must be completed and approved prior to any construction activity.
- During construction, the CLGC will monitor the progress of the project.
- Changes in originally approved work specifications must be approved by the CLGC prior to any changes being made to the building façade.
- Approved changes in the work verification will be attached to the original applications dated and signed by the CLGC.
- Deviations from an approved plan may disqualify the applicant from this grant program.

The goal of this program is to encourage improvements, which stress the historic significance and uniqueness of city structures through building restoration and beautification.

ROCO FACADE GRANT GUIDELINES

1. BASIC PRINCIPLES

The purpose of design guidelines for Revitalize Ontario and the City of Ontario Facade Grant Program shall heretofore be known as ROCO (Commercial zones) area, is to protect and enhance the unique, irreplaceable architectural, visual and historic character of this area.

The Ontario City Council, and Revitalize Ontario have each stated their purpose and intent to preserve the character of the ROCO area in the best interest of the entire community. These guidelines carry out their intent by defining the most important elements of that character and by stating the best means of preserving and enhancing them.

The basic principle, in respect to existing buildings, is to preserve and enhance their original design, material and architectural detail, specifically the exterior.

The basic principle, in respect to new or infill construction, is to preserve the unity of scale, material, set-back, roofline and proportion of window/door space to wall space as shown in the original buildings.

2. APPLICATION OF THE GUIDELINES

- A.** The guidelines apply within the ROCO area (Commercial zones).
- B.** The guidelines apply to commercial, commercial/residential mixed-use, and to multiple unit residential buildings.
- C.** The guidelines apply to rehabilitation, remodeling, addition or demolition, changes to exterior appearance, and new or infill construction when the land, the building or the work receives financial assistance through the ROCO Facade Grant Program.
- D.** These guidelines are not hard and fast regulations. They are flexible criteria. They assure property owners that design review will be based on clear, public and uniform standards. Consideration will be given to the amount and quality of original materials and design remaining in the building. Consideration will also be given to clear cases of economic hardship or deprivation of reasonable use of the owner's property. All Existing Oregon Structural Specialty Building Codes shall apply.

3. THE GUIDELINES

- A. For Preservation and rehabilitation of Structures and Materials**

- 1. The original features of a building should not be destroyed.** The removal, alteration or covering-up of original material or design shall be avoided.
 - a. The original material and design can be determined by physical inspection, old photographs, consultation with prior owners and building records.
 - b. In some cases, alterations have been made with materials or designs which become irreplaceable or representative of unique architectural style or period. Such alterations shall be respected.
 - c. Alterations which have totally removed the original material, but not done with irreplaceable materials or representative of a unique style, may be removed, replaced or covered.
- 2. Deteriorated features should be repaired rather than replaced.** Repairs should maintain the design, texture, material and other appearances of the original.
- 3. Alterations which conceal the original design and materials, or which are not appropriate for the age of the building, should be removed.**
- 4. Missing material or features should be replaced if possible.** Replacement should be based on evidence from historic, physical or pictorial sources. Only if evidence for the specific building is not available, may replacement be based on similar buildings of the same age. The replacement material or feature should duplicate the design, material texture and appearance of the original to the extent possible.
- 5. Clean original materials as gently as possible.** Chemical stripping rather than Sandblasting shall be the preferred method of paint removal from masonry. Unpainted Masonry should be cleaned with low pressure water and soft bristle brushes. Heat guns or StepEze should be used on painted wood.
- 6. Mortar should be repointed only when there is evidence of water standing in joints or a significant amount of mortar is missing.** Replacement mortar should match the color, texture, coefficients of expansion and contraction, and ingredient ratio of the original mortar. Original joint size, method of application and profile shall be duplicated.
- 7. The original or early color and texture of masonry surfaces should be retained.**
 - a. Unpainted masonry should not be painted. It can be sealed, but with a water proofing which breathes.
 - b. Masonry surfaces may have been painted for maintenance or appearance. Paint should not be removed if the building was originally painted, or if the removal will damage the surface. Most

paint traps moisture inside soft bricks. Special masonry paints should be used.

- c. Cement based paint or tinted slurry may be used to protect deteriorated masonry.
- d. The roofing, parapet, cornice, coping, scuppers and gutters should always be inspected, cleaned and repaired before painting or other masonry work.

8. Original window and door openings should be retained.

- a. New windows and doors should not be added, particularly on the major or visible sides of the building.
- b. Original windows and door openings should not be expanded, reduced or in filled.
- c. Original windows and doors should be retained. If the original is gone, or must be replaced, the replacement should closely match original pane size, mullions, sash and frames. Replacement should completely fill the original opening.

B. For Design of Restoration or Remodeling

1. In general, it is recommended that buildings will be restored to their original or early appearance.

- a. All buildings should be recognized as products of their own time. Remodeling should not borrow designs, materials or colors from other eras.
- b. When complete restoration to original appearance is not possible, or extensive replacement is not necessary, remodeling for compatibility with the character of downtown should be considered.

2. In general, it is expected that restoration or remodeling will contribute to the visual unity of the building, neighboring building and the neighborhood.

- a. Restoration or remodeling should not exclude or isolate portions of the building. The entire front, sides and back should be considered as a whole design.
- b. Contemporary design for replacements, additions, or remodeling should for replacements, additions, or remodeling should not be discouraged when such designs do not destroy or cover original material and are compatible with the building and its neighbors in the respect to size, scale, color, and material or character.

3. The traditional elements of a commercial building should be retained, restored or replaced.

- a. The decorative cornice should be repaired and maintained or replaced if necessary.
- b. Windowsills and hoods should be repaired and maintained.

- c. Decorative patterns of masonry should be repaired and maintained.
- d. Windows should fill the entire opening.
- e. The lintel should be uncovered.
- f. Transom panes should be uncovered.
- g. Storefronts should have the largest possible window area in keeping with the original opening.
- h. The bulkhead should be no more than about two feet high. Original bulkheads were wood panel, not brick. They may be replaced with wood or painted metal to simulate wood panels.
- i. The entrance should reflect the original design when possible.
- j. The door should be commercial in style and typical for the period.
- 4. **Historic paint colors appropriate to the age of the building should be used.**
- 5. **Canvas or treated cloth awnings are recommended where they are compatible with the age of the building and the character of downtown.**
 - a. Aluminum or plastic material and flat, horizontal canopies are not consistent with the appearance of older buildings.
 - b. Colors should complement the colors of the building.
 - c. Awnings should not cover distinctive architectural details. However, awnings may be used to cover alteration which are not original to the building.
 - d. Awnings may be fixed or retractable. They should be appropriate to the shape of the window or storefront.
- 6. **Grills, air conditioners and exhaust fans should not be mounted on the front of the building if it can be avoided.** They should be incorporated in filler panels and painted the same color as the panel. They should not extend over the sidewalk or entrance to the building.
- C. **For New and Infill Construction**

New construction means totally new structures, moved-in structures and new additions to existing structures undergoing restoration and rehabilitation.

 - 1. **Generally, any new construction should be consistent with the character of the immediate surrounding area.**
 - a. The important elements of the character of the area are defined by the following guidelines.
 - b. The reproduction of historic design is recommended only for infill on a small scale or for additions to the original building.
 - c. Contemporary design for new construction is not discouraged. These guidelines focus on general rather than specific elements in order to encourage new design compatible with the character of the area.

- 2. The height and width of the facade should reflect the average proportions of the surrounding building in the specific area.**
- 3. The new facade should be flush with the sidewalk, or if adjacent buildings are not, then flush to its neighbors.**
- 4. Where located in the area containing older, historic buildings, the exterior material should be brick or stone masonry, similar in color or texture to these older buildings.**
- 5. Infill buildings should reflect some of the detailing of neighboring buildings in window shapes, cornice lines and brick work.**
- 6. Where possible and reflective of the surrounding historic flavor, infill buildings should retain a similar proportional amount of solid wall to window and door openings on the facade.**



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: FOUR RIVERS CULTURAL CENTER FUNDING

DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL GRANT THE FOUR RIVERS CULTURAL CENTER \$10,000 FROM THE CITY GENERAL FUND FOR CORONA VIRUS ECONOMIC RELIEF.

SUMMARY:

The City received over \$330,000 in coronavirus relief funds that were used to virtualize city surveys and also to assist local businesses. The Four Rivers Cultural Center was not eligible for assistance from the coronavirus relief funds that the city received other than an electrostatic sprayer we provided for cleaning.

BACKGROUND:

Not only was the city not eligible for city coronavirus relief funds, but they were also not eligible for the County Coronavirus relief funds. Additional funds that we were not eligible to allocate directly were able to go to our city general fund to cover police and fire overtime.

The city was able to help the County Agency on Aging with additional meals on wheels. We were able to help community members with rental and utility assistance. Lastly we were able to provide some private businesses with tents and heaters to serve patrons outside.

The state awarded grants to performance centers across the state, but the Cultural Center was not automatically awarded funds with the first round of relief to performance centers.

CURRENT SITUATION:

City staff recommends awarding \$10,000 to the Four Rivers Cultural Center (FRCC) out of the city general fund. With the coronavirus relief funds covering overtime costs, we would have sufficient funds to assist the FRCC. This is roughly one half of one months operating expenses.

ANALYSIS:

- A. **STRATEGIC PLAN** The Cultural Center is an integral part of the fabric of this community. It impacts the Lifestyle and Desirability strategic goals. Specifically it addresses the activity of "Having things to do".
- B. **FINANCIAL** With additional funds to cover fire and police overtime, we will have sufficient funds to cover a one time donation of \$10,000 to help the FRCC. The Cultural Center staff have been great partners with the city in helping us with recent grant applications and meeting space.
- C. **TIMING** The FRCC is continuing to operate with limited ability to rent out space. They have lost staff and have had to go without to continue operations without the revenue they can normally generate from the nearly 100,000 square feet of programming space.
- D. **POLICY/LEGAL** The Council has to approve a non-departmental appropriation.

ALTERNATIVES:

Take No Action: Taking no action will retain all of the funding within the city's general fund.

RECOMMENDATION:

City staff recommend funding a one-time donation to the Cultural Center to assist with operations in the amount of \$10,000.

ATTACHMENTS:

None



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council
FROM: Kari Ott, Finance Director
THROUGH: Adam J. Brown, City Manager
SUBJECT: FEDERAL CORONAVIRUS PAID FMLA SICK LEAVE EXTENSION
DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE EXTENSION OF THE FEDERAL CORONAVIRUS PAID SICK LEAVE BENEFITS.

SUMMARY:

The City has an option to to extend Coronavirus paid leave benefits. This will not increase the amount of time eligible to be used, but will extend the time in which the eligible amount may be used if it has not already.

BACKGROUND:

The Families First Coronavirus Response Act required employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

Generally, the act provides that covered employers must provide the following to all employees:

1. Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate. This is if the employee is quarantined and/or experiencing COVID-19 symptoms and seeking medical diagnosis.
2. Two weeks (up to 80 hours) of paid sick leave at two-thirds regular pay. This is used if a family member is affected by COVID-19.

The city qualifies for dollar-for-dollar reimbursement through tax credits on quarterly payroll tax returns. The City is reimbursed for wage cost, employer social security and medicare cost. The only out of pocket cost would be worker's compensation and PERS.

CURRENT SITUATION:

Congress passed legislation December 21, 2020 that was signed by the president December 27, 2020 extending the federal coronavirus paid leave benefits and tax credits associated with this leave from January 1, 2021 through March 31, 2021.

This extension of the leave is optional by the employer. Staff is asking council if the leave should be extended.

The extension does not give each employee an additional 80 hours of each type of leave. If an employee had hours remaining after 2020, those hours would extend until March 31, 2021.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct strategic plan impact.
- B. **FINANCIAL** The financial impact is not readily estimated. The financial impact would come from worker's compensation and PERS costs and also any potential future buyout/use of sick leave.
- C. **TIMING** The City needs to have a decision as soon as possible in order to record and pay the hours correctly.
- D. **POLICY/LEGAL**

ALTERNATIVES:

The council could take no action. This would cause the leave program to end effective December 31, 2020. Employees would be required to take sick leave when affected by COVID-19.

RECOMMENDATION:

Staff recommends approving extension of the leave for a few reasons:

- 1. Some employees are not eligible for vaccination at this point.
- 2. The City gets a tax credit back for the wages and social security and medicare wages.

ATTACHMENTS:

- 1. Families First Coronavirus Response Act...eave Rights _ U.S

Wage and Hour Division

Families First Coronavirus Response Act: Employee Paid Leave Rights

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[1] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Eligible Employees: *All employees of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. Employees employed for at least 30 days are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.*[2]

Notice: Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:^[3]

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period). ^[4]

^[1] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).

^[2] Under the Act, special rules apply for Health Care Providers and Emergency Responders.

^[3] Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

^[4] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

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**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-105: A RESOLUTION TO APPROPRIATE FUNDS AND APPROVE PROPOSAL FOR A LOBBYIST**

DATE: February 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-105 TO APPROPRIATE \$24,000 TOWARD LOBBYIST SERVICES FOR HB 2014 AND HB 2015 AND AWARD A CONTRACT TO PUBLIC AFFAIRS COUNSEL INC.

SUMMARY:

Representative Mark Owens has introduced and sponsored two bills that would improve the marijuana revenue to the City of Ontario. HB2014, which changes the state revenue sharing formula to more accurately reflect the taxes collected here and paid back to other local governments, would dramatically change the city's tiny share of what we are sending across the state.

HB 2015 would authorize all cities, which allow dispensaries, to increase the local option tax from 3% to 10%.

BACKGROUND:

House Bill 2014 and House Bill 2015 have been submitted by Representative Mark Owens. House Bill 2014 changes the distribution formula for the state revenue sharing to allow the taxes collected in Ontario and Portland to be based on actual sales, not on the current state formula which is based on population and the number of dispensaries. House Bill 2015 gives cities the option to increase the local option tax up to 10%.

The City Council approved a budget of \$20,000 for lobbyist services on February 4, 2021. The City Manager reached out to several lobbying firms.

CURRENT SITUATION:

After speaking with several firms, I have a proposal from Public Affairs Counsel, Inc. who will represent the city well with this matter. Their fee is \$24,000.

ANALYSIS:

- A. **STRATEGIC PLAN** Additional revenue would allow the city to pursue the goals of Desirability, Growth, Lifestyle, and Beautification at a more aggressive pace. Additionally, the City Council established financial goals of paying down PERS liability at an accelerated rate to protect the city's financial future.
- B. **FINANCIAL** The funds to cover these services will have to come out of the general fund contingency.
- C. **TIMING** Time is of the essence. These bills have been introduced and could be thrown out at any time. There is an urgency if we wish to have someone specifically backing these bills and making contact with legislative staff.
- D. **POLICY/LEGAL** This is a policy issue that only the City Council can direct. First, the Council needs to decide if this issue is supported by the new Council cohort. Second, if the new Council supports the legislation, does it support it enough to pay for a lobbyist in Salem.

ALTERNATIVES:

Do Not Hire a Lobbyist - If we do not hire a lobbyist we will be on our own. The Mayor and myself were invited to speak to the committee where the bill was referred to. The bill was ultimately not successful. The Council could still direct that staff support the legislation with the help of City Councilors during the hearings process.

RECOMMENDATION:

City staff recommends that we allocate \$24,000 toward lobbyist services and award a contract to Public Affairs Counsel, Inc.

ATTACHMENTS:

1. Resolution #2021-105 LOBBYIST



RESOLUTION #2021-105

A RESOLUTION TO APPROPRIATE FUNDS FOR LOBBYIST

WHEREAS, The City would like to hire a lobbyist to support House Bills 2014 & 2015 to change the marijuana tax state revenue sharing and to increase local option taxes to 10% 2020-2021; **and**

WHEREAS, The City council would like to approve a proposal with the Public Affairs Counsel, Inc. for \$24,000; **and**

WHEREAS, The City desires to modify the 2020-2021 budget in order to appropriate the funding.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustment to the fiscal year 2020-2021 budget:

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-615700	Lobbying	\$ -	\$24,000	\$24,000
001-004-871000	Operating Contingency	\$209,833	(\$24,000)	\$185,833

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 16th day of February 16, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 16th day of February, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
February 16, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-104: BORDER BOARD LEGISLATIVE SUPPORT FOR RURAL HOUSING DEVELOPMENT**

DATE: February 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION NO 2021-104. A RESOLUTION SUPPORTING SENATE BILL 16 ADVOCATING FOR RURAL HOUSING DEVELOPMENT IN UNFARMABLE RURAL LAND.

SUMMARY:

The Eastern Oregon Economic Development Border Board (the Border Board) lobbied for a bill in the last general session of the state legislature to allow housing in rural areas that were deemed unfarmable.

BACKGROUND:

This bill had legislative support last year; however, the walkout at the end of the session prevented it from being moved through the end of the process.

CURRENT SITUATION:

The Border Board was successful in getting it re-initiated in this session and would appreciate the city's support. Rural homesteads outside the city would benefit the city too by bringing additional retail, medical care, and other related jobs within the city.

ANALYSIS:

- A. **STRATEGIC PLAN** This broadly addresses the council's strategic goal of growth.
- B. **FINANCIAL** The city would benefit by services consistent with the support of additional population in close proximity to the city.
- C. **TIMING** The session is underway and support is needed immediately.

- D. **POLICY/LEGAL** Only the City Council can express support of the city. This cannot be done by staff.

ALTERNATIVES:

Take No Action: The bill will move without the city's expressed support.

RECOMMENDATION:

Staff recommends the council approve a resolution of support for Senate Bill 16.

ATTACHMENTS:

1. SB16 Testimony
2. SB16
3. Resolution #2021-104 Support SB16

Senate Committee on Energy and Environment

Public Hearing, February 9, 2021

Testimony in support of Senate Bill 16

Shawna Peterson, Executive Director - Eastern Oregon Border Economic Development Board

Background:

The Oregon legislature recognized the unique situation of the communities situated on the state's far eastern border in unanimously passing HB 2012 in the 2017 Regular Session. That legislation created and funded a mechanism for identifying barriers and creating opportunities for our small slice of Oregon to more effectively compete with neighboring Idaho, respectively the Border Board and the Border Fund.

We in the Border Region live in the shadow of Idaho's booming growth, made possible in large part by the relatively lax policies and regulations espoused in that state. Correct or not, Idaho is perceived in our area as being more friendly to business, supportive of development, and appealing to residents. The Border Board has worked diligently over the past three years to identify areas of opportunity and to address barriers inhibiting economic development in the Border Region in response to this issue and as directed by this legislature when you created the Border Board.

Executive Summary:

Payette County, Idaho, mere miles from the Border Region, is enjoying explosive residential growth. On our Oregon side of the river, residential growth is relatively nonexistent. Even the people who still work in the Border Region do not live in Oregon. Consider, for example, the fact that more than 75% of the employees at Oregon's largest prison, the Snake River Correctional Institute located in the Border Region, choose to live in Idaho. The result is a stagnant tax base, little opportunity, and stymied civic involvement. The Border Board has identified the lack of rural residential housing as a key contributor to this problem.

It is critical to note that we do recognize and appreciate the many benefits of Oregon's regulations and policies in contrast to Idaho's approach. Our communities are rooted in agriculture and we watch with deep concern as Idaho farm ground is transformed into a haphazard patchwork of residential and commercial development. Growth is best balanced with careful, long-term planning, and the structure surrounding Oregon's land use generally affords that. However, we in the Border Region are literally surrounded by the reality that balance must also be reached with market demand as we see prosperity thrive just across the river and stagnancy on the Oregon side.

Please note that this same bill, brought as House Bill 2456 in the 2019 session, passed in the Oregon House of Representatives by a vote of 37-20. This favorable outcome is because it is a good bill that does not erode Oregon's well founded land use system. Unfortunately, that bill did not advance in the Senate as the legislators grappled with carbon legislation. We ask that this well-researched, well-drafted bill be given a chance, in effect giving the Eastern Oregon Border Region a chance, this session.

Senate Bill 16 As Introduced: Allows rezoning of limited, nonviable land within Eastern Oregon Border Economic Development Region from exclusive farm use to residential use.

Highlights of SB 16:

- Subject to a county review board process, EFU land in the Border Region may be rezoned to rural residential, allowing the development of one residential unit per parcel, provided that:
 - The land has not been farmed in the prior three years;
 - The land is not high-value farmland, predominately composed of Class I, II or III soils, or viable for reasonably obtaining a profit through farm use;
 - Rezoning will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - If the water source is a well, the lands are not within a critical ground water area or within any area in which ground water withdrawals have been restricted by the Water Resources Commission;
 - The property owner agrees, as a condition of approval of rezoning to sign and record an irrevocable deed restriction acknowledging the protected rights of farm and rangeland practices in the area;
 - The rezoning complies with any other criteria adopted by the county;
 - Minimum lot size of 2 acres and no more than 200 acres total could be rezoned by the county under this Bill;
 - The rezoning has received a public hearing and a written opinion from a review board;
 - In the preceding 10 years, the lands have not been assessed for property tax purposes as: open space use, riparian habitat, wildlife habitat, or a conservation easement.
- Review board - 4 members appointed by the county:
 - One member who represents the interests of the farming community;
 - One member who represents the Eastern Oregon Border Economic Development Board;
 - One member who is a member of the planning body of the County;
 - One member who is a member of the governing body of the County.
- Continues any applicable farm use tax deferral and valuation on properties in region until redeveloped for sale or five years after rezoning.

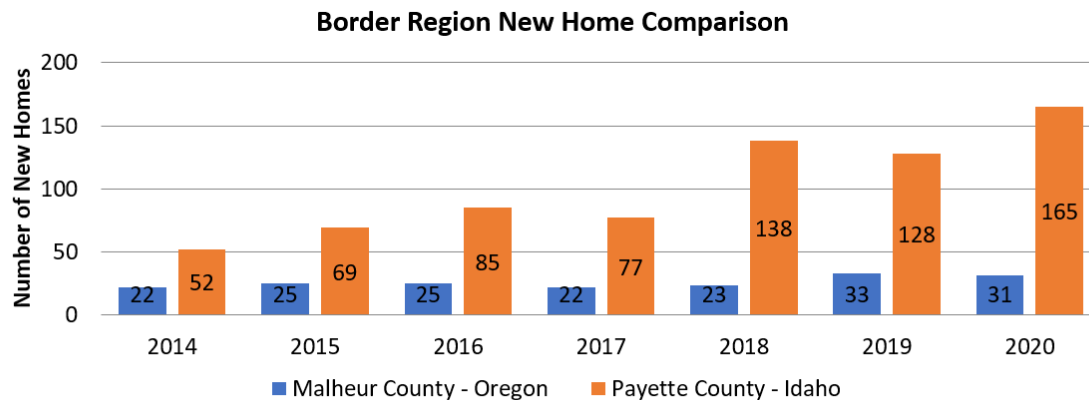
Why SB 16 is needed:

- The Border Region is unable to meet demand for rural housing. Employers, residents and prospective residents consistently point to housing availability, including desirable housing “in the country,” as an issue in the Border Region.
- The lack of housing negatively impacts economic development, workforce attraction and retention, and tax base stability in the Border Region.
- A majority of the higher wage earners working in the Border Region live in neighboring communities in Idaho and cite the availability of rural residential housing as one factor. (The Border Board is addressing multiple other factors through legislative action and grant/loan programs; SB 16 is just one facet of the board’s efforts.)
- Payette County, Idaho has fast outpaced the Border Region in housing opportunities.
- It is significantly easier to develop rural residential property in Idaho.
- The Eastern Oregon Border Economic Development Board’s commitment to preserving and protecting the region’s valuable agricultural ground from the lax regulations of Idaho is complemented by limited rural housing on non-viable land in the Border Region.

By the numbers:

Updated numbers for 2019 and 2020 are pending and will be provided in supplemental testimony, but the disparity continues to worsen.

New Home Construction Comparison



Note:

- The Malheur County numbers represent the entire county, of which the Border Region is a small slice along the Idaho border.
- Of the homes built in Payette County in 2020, more than 30% (50 homes) were rural residential.
- The Malheur County numbers reflect an uptick related to Ontario's housing incentive program, including 7 new participating homes built in 2019 and 9 in 2020.

Stakeholders:

SB 16 has strong support within the Border Region from agriculturists, property owners, residents, prospective residents, business owners, and local governments. That is an important distinction to remember as you hear from outside groups who are concerned in general about protecting Oregon lands. Those local to the Border Region, including those serving on the Eastern Oregon Border Economic Development Board seeking passage of this bill, are acutely aware of the vital role of agriculture in the region. Careful analysis of this bill will reveal that protection of viable farm ground and farming practices remain paramount and can indeed be balanced with a reasonable amount of well-planned and well-regulated rural residential development.

Call to Action:

On behalf of the Eastern Oregon Border Economic Development Board, I invite you to get to know our small part of Oregon. This legislature acknowledged the uniqueness of the Border Region and charged our group with creating opportunity in the face of challenge. SB 16 is a critical part of the board's work toward that end and, accordingly, we respectfully respect your support of the bill.

Senate Bill 16

Sponsored by Senator FINDLEY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows counties to partition and rezone up to 200 acres of lands within Eastern Oregon Border Economic Development Region from exclusive farm use to residential uses.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to Eastern Oregon Border Economic Development Region housing; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 215.

SECTION 2. (1) Notwithstanding any land use planning goal related to urbanization or agricultural lands, a county that has established a review board described in section 3 of this 2021 Act may rezone, and if necessary partition, lands that are zoned for exclusive farm use and within the Eastern Oregon Border Economic Development Region, as defined in ORS 284.771, for the development of one residential unit per lot or parcel of two acres or more, provided that:

(a) The rezoned lands have not been employed for farm use in the prior three years;

(b) The rezoned lands are not:

(A) High-value farmland, as defined in ORS 195.300;

(B) Predominantly composed of Class I, II or III soils; or

(C) Viable for reasonably obtaining a profit through a farm use;

(c) Rezoning will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

(d) If the water source for the rezoned lands is a well, the lands are not within a critical ground water area as designated under ORS 537.730 to 537.740 or within an area where ground water withdrawals have been restricted by the Water Resources Commission;

(e) The property owner agrees as a condition of approval of the rezoning to sign and record in the county deed records an irrevocable deed restriction in the form prescribed by the county acknowledging the protected rights of farm, forest and rangeland practices in the area and prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from any farming, forest or rangeland practices if no claim or action is allowed under ORS 30.936 or 30.937 or otherwise protected by law as a farming, forest or rangeland practice;

(f) The rezoning complies with all other criteria adopted by the county;

(g) The approval would not result in a cumulative total of more than 200 acres rezoned

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

by the county under this section;

(h) The rezoning has received a public hearing and a written opinion from a review board established under section 3 of this 2021 Act; and

(i) In the prior 10 years, the rezoned lands have not been assessed for property tax purposes as:

(A) Open space land under ORS 308A.300 to 308A.330;

(B) Riparian habitat under ORS 308A.350 to 308A.383;

(C) Wildlife habitat under ORS 308A.403 to 308A.430; or

(D) A conservation easement under ORS 308A.450 to 308A.465.

(2) Upon rezoning lands under this section, the county shall file with the county assessor a statement listing the tax lots to which the change in zoning applies and the applicable date of the change.

SECTION 3. (1) A county with lands within the Eastern Oregon Border Economic Development Region, as defined in ORS 284.771, may establish a review board that consists of four members appointed by the governing body of the county.

(2) The members of the review board shall serve terms of no more than four years and may be reappointed by the governing body.

(3) The review board must include:

(a) One member who represents the interests of the farming community of the county;

(b) One member who represents the Eastern Oregon Border Economic Development Board;

(c) One member who is a member of the governing body of the county; and

(d) One member who is a member of the planning body for the county.

(4) The review board shall review, and conduct at least one public hearing for, each petition filed under section 2 of this 2021 Act to rezone, and if necessary partition, land and shall provide a written opinion to the county.

(5) The opinion developed by the review board is not a land use decision and is not subject to appeal.

SECTION 4. Sections 2 and 3 of this 2021 Act are repealed on January 2, 2030.

SECTION 5. The repeal of sections 2 and 3 of this 2021 Act by section 4 of this 2021 Act does not invalidate, or provide any basis for challenging, the rezoning of lands under section 2 of this 2021 Act.

SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.



RESOLUTION #2021-104

A RESOLUTION IN SUPPORT OF SB16

- WHEREAS,** the Oregon Legislature created the Border Region, described in ORS 284.771(1), which includes the City of Ontario; and
- WHEREAS** the Eastern Oregon Border Economic Development Board (“Border Board”) was created by the Oregon Legislature to identify and advance policies and programs to promote economic and workforce development in the Border Region; and
- WHEREAS,** the Border Board has determined that limited rural residential housing opportunities inhibits economic and workforce development in the Border Region; and
- WHEREAS,** the Border Board participated in drafting and is supporting SB 16 in the Oregon Legislature, which would permit the rezoning of non-viable, non-high value agricultural property currently zoned for Exclusive Farm Use to permit limited rural residential development; and
- WHEREAS,** SB 16 imposes limitations on qualifying land to ensure the preservation of the Border Region’s rich agricultural resources; and
- WHEREAS,** it is the intent of the Ontario City Council to support economic and workforce development as promoted by the Border Board.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows that the City implores Governor Kate Brown and the Oregon State Legislature to increase opportunities for rural residential development in the Border Region defined by ORS 284.771(1) by adopting SB 16.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 16th day of February 16, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 16th day of February, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
February 16, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE NO. 2785-2021: COMPREHENSIVE PLAN AMENDMENT & REZONE OF PROPERTY**

DATE: February 12, 2021

PROPOSED MOTION:

A. APPROVAL:

I MOVE THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H), AS RECOMMENDED BY THE PLANNING COMMISSION AND AS OUTLINED IN THE AGENDA REPORT IN ATTACHMENT 2 OF THIS REPORT.2.I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2785-2021 "AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H) FOR A PROPERTY KNOWN AS TAX LOT 1901 ON TAX MAP 18S47E10AB, IDENTIFIED AS; PARCEL 1 OF PARTITION PLAT 2019-06 AND STREETS ADJACENT THERETO" ON FIRST READING BY TITLE ONLY.

IF THE VOTE TO APPROVE IS UNANIMOUS THE COUNCIL MAY WAIVE THE SECOND READING IF SO INCLINED:

I MOVE THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2785-2021 "AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H) FOR A PROPERTY KNOWN AS TAX LOT 1901 ON TAX MAP 18S47E10AB, IDENTIFIED AS:PARCEL 1 OF PARTITION PLAT 2019-06 AND STREETS ADJACENT THERETO."

B.DENIAL:

I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H), AS SET FORTH IN

ATTACHMENT 2 BE DENIED, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH BELOW. (NEED TO ADD LEGAL FINDINGS FOR DENIAL).

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4710AB, Tax Lot 1901, which said Tax Lot 1901 is currently zoned in the City under High Density Residential (RM-10) and the owner's land to the East of this Tax Lot is zoned Heavy General Commercial (C-2H). This action is to rezone Tax Lot 1901 to the same zoning as the owner's adjacent land which is C-2H so that the property can be developed together as one planned development that will require the same zoning.

BACKGROUND:

The Owner of the the parcel known as tax lot 1901 on Assessor Map 18S4710AB also owns the adjacent 9 acres of land (Tax Lot 1900) that is zoned C-2H and along with the Applicant are planning on developing an Recreational Vehicle Park (RV Park), as shown in Attachment 2 of this report, and wants to include the parcel known as tax Lot 1901 as part of the RV Park. To do so all properties will need to be zoned the same.

The Community Development Director as Economic Development Director has been working for several years to promote the development of an RV Park in Ontario to provide the need for the traveling recreational public to stay and shop in Ontario and to provide for a need for an RV Park for longer term stays by citizens using Recreational Vehicles as their homes, most commonly know as "Snow Birds". This proposed Development will meet these needs.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from RM-10 High Density Residential to C-2H Heavy General Commercial for the development of an Recreational Vehicle Park.

On February 8, 2021 the Planning Commission approved the Findings of Facts as outlined in the Agenda Report in attachment 2 of this report and sent a recommendation to the City Council to Approve the Findings of Facts and the Rezoning of the property.

CURRENT SITUATION:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

For the Finding of Facts and Conclusion of law see the Planning Commission Staff Report in

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the applicants may proceed with their planned development of a much needed RV Park.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The City Council could table the action until a time certain if more information is needed to make a decision.

The City Council could table the action and remand it back to the Planning Commission to address the concerns of the City Council.

The City Council could deny the rezone and provide legal findings of fact for the denial.

RECOMMENDATION:

Staff recommends that the City Council approve and adopt the findings of facts and recommendation of the Planning Commission by approving Ordinance #2785-2021 an Ordinance for the rezoning of property from RM-10 to C-2H.

ATTACHMENTS:

- 1. Ord #2785-2021
- 2. 2020-12-45RZ_Hilbig-H2MK_RezoneSRpt_PLANNING COMMISSION



ORDINANCE #2785-2021

AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H) FOR A PROPERTY KNOWN AS TAX LOT 1901 ON TAX MAP 18S47E10AB, IDENTIFIED AS; PARCEL 1 OF PARTITION PLAT 2019-06 AND STREETS ADJACENT THERETO.

WHEREAS, Paul Hilbig as Applicant representing the owner H2MK, LLC, has initiated a zone change request for the property in the City for rezoning of the property from “High Density Residential (RM-10)” to “Heavy General Commercial (C-2H)”, which property is described in Exhibit “A” and

WHEREAS, After giving the notice required by law, the City Planning Commission held a public hearing on Planning Action 2020-12-45RZ a request for a zone change on February 8, 2021, after which the Ontario Planning Commission made findings of fact and conclusions of law and recommended that the Ontario City Council approve the zone change request for the subject property; and

WHEREAS, After giving the notice required by law, the Ontario City Council held a public hearing on the zone change request on February 16, 2021, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law with respect to the subject property:

- A. The City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicant has demonstrated in their application that this request is consistent with Statewide Planning Goals.
- B. The findings show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
- C. The applicant states that there has been a change in the property use due to the need for alternative housing as Recreational Vehicle (RV) Park to meet this need. The impact to the City's overall Comprehensive Plan is minimal due to the requested C-2H zone allows for the alternative affordable residential housing. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met.

- D. The proposed re-zone would bring the applicant's existing use of adjacent property into conformance with the City Zoning Code to not allow cross zoning parcels. Rezoning to a zone to match the adjacent properties to the southeast would not be considered as the granting of a special privilege for a single property or group of property owners.
- E. The subject property size is more than adequate to demonstrate consistency with this criterion and allow all the owner's property to be developed under the same zoning.
- F. The properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided.
- G. The findings show that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for Mixed uses. The proposed use that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone.

WHEREAS, the above findings have met the Criteria's of the City code Section 10B-20-30 REQUIRED FINDING, DECISION CRITERIA.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. The Ontario Comprehensive Plan and Zoning Map are amended by changing the zone from "High Density Residential (RM-10)" to "Heavy General Commercial (C-2H)" for the property described on Exhibit "A" attached hereto and made a part hereof.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2021 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
February 8, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2020-12-45RZ: A REQUEST BY PAUL HILBIG REPRESENTING H2MK, LLC FOR A REZONE OF PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H). TO MATCH THE LANDS TO THE EAST OWNED BY H2MK, LLC .**

DATE: January 2, 2021

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H), AS SET FORTH IN ACTION 2020-12-45RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

2. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H, AS SET FORTH IN ACTION 2020-12-45RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H, AS SET FORTH IN ACTION 2020-12-45RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4710AB, Tax Lot 1901, which said Tax Lot 1901 is currently zoned in the City under High Density Residential (RM-10) and the owner's land to the East of this Tax Lot is zoned Heavy General Commercial (C-2H). This action is to rezone Tax Lot 1901 to the same zoning as the owner's adjacent land which is C-2H so that the property can be developed together as one planned development that will require the same zoning.

BACKGROUND:

The Owner of the the parcel known as tax lot 1901 on Assessor Map 18S4710AB also owns the adjacent 9 acres of land (Tax Lot 1900) that is zoned C-2H and along with the Applicant are planning on developing an Recreational Vehicle Park (RV Park), as shown on Attachment 5 of this report, and wants to include the parcel known as tax Lot 1901 as part of the RV Park. To do so all properties will need to be zoned the same.

The Community Development Director as Economic Development Director has been working for several years to promote the development of an RV Park in Ontario to provide the need for the traveling recreational public to stay and shop in Ontario and to provide for a need for an RV Park for longer term stays by citizens using Recreational Vehicles as their homes, most commonly know as "Snow Birds". This proposed Development will meet these needs.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from RM-10 High Density Residential to C-2H Heavy General Commercial for the development of an Recreational Vehicle Park.

The last Planning Commission actions on this property was on the adjacent lands when it was annexed into the City and rezoned to C-2H under Planning Action 2018-12-21AZ and the Hearings Officer approval of the Partition Plat 19-06 under Planning Action 2019-19-01PTN.

CURRENT SITUATION:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to

support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings: By the Applicant:

1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The Land owner is a citizen of the community and has been highly involved in the use of the property over the years (Goal 1). The zone conforms with the Comprehensive Plan (Goal 2). The Rezone will allow the development of an Recreational Vehicle Park that will meet the high demand for such a use (Goal 8). The site will improve the Economy by bringing in visitors (Goal 9) and provide housing (Goal 10).

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The existing and proposed zone are both residential in nature and conforms with the

Comprehensive Plan.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

Market conditions have changed and there is currently a High Market demand for RV Parks. Changing the zone will allow the applicant to meet the demand.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

We have conducted significant market research and analysis which has led us to propose developing an RV Park. There is a need for the development. The rezone will allow us to include the property along with the adjacent ground already zoned C-2H.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

We have completed several draft site plans. Each plan shows that we can fit the required spacing for several stalls, including buffers and open space.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The property is adjacent to existing and proposed Right of Way (600'). Since this ground will be part of a larger project, it will tie into utilities from within the site.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

We expect to buffer existing neighbors with landscaping and fencing. Street lights will be strategically placed as to not affect surrounding properties. Our proposed use does not produce dust, vibration, odor, heat or glare, or an unusual amount of noise.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed

rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. With the approval of this rezone Goal 8 is met by meeting the high demand for a much needed RV Park, Goal 9 is met again by providing improvement to the local economy by providing a place for the traveling visitors to stay and to shop and eat in Ontario and Goal 10 is met by providing for sections in the Park for the Short term traveling Public, and longer stay sections to accommodate for people or families displaced by acts of mother nature such as fire and floods, as well as for providing longer term stay for Construction workers during construction projects filling another housing need in the community. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.

CRITERION IS MET

b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The applicant states in finding 3, that there has been a change in the property due to change in the Market and high demand for RV Parks. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met. **CRITERION IS MET**

d. The proposed re-zone would bring the applicant's proposed use of the property in this manner into conformance with the City Zoning Code and allow for growth. Rezoning to a zone to match the adjacent property would not be considered as the granting of a special privilege for a single property or group of property owners. **CRITERION IS MET**

e. As noted in the findings 5, the subject properties sizes are adequate to demonstrate consistency with this criterion and allow for the development of a much needed RV Park. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets as well as internal development and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

g. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The proposed use do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “Findings:” and “Conclusion:” for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.

The above Summary and Findings of facts are presented to the Commission for consideration to adopted and/or amend as needed.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the applicants may proceed with their planned development of a much needed RV Park.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

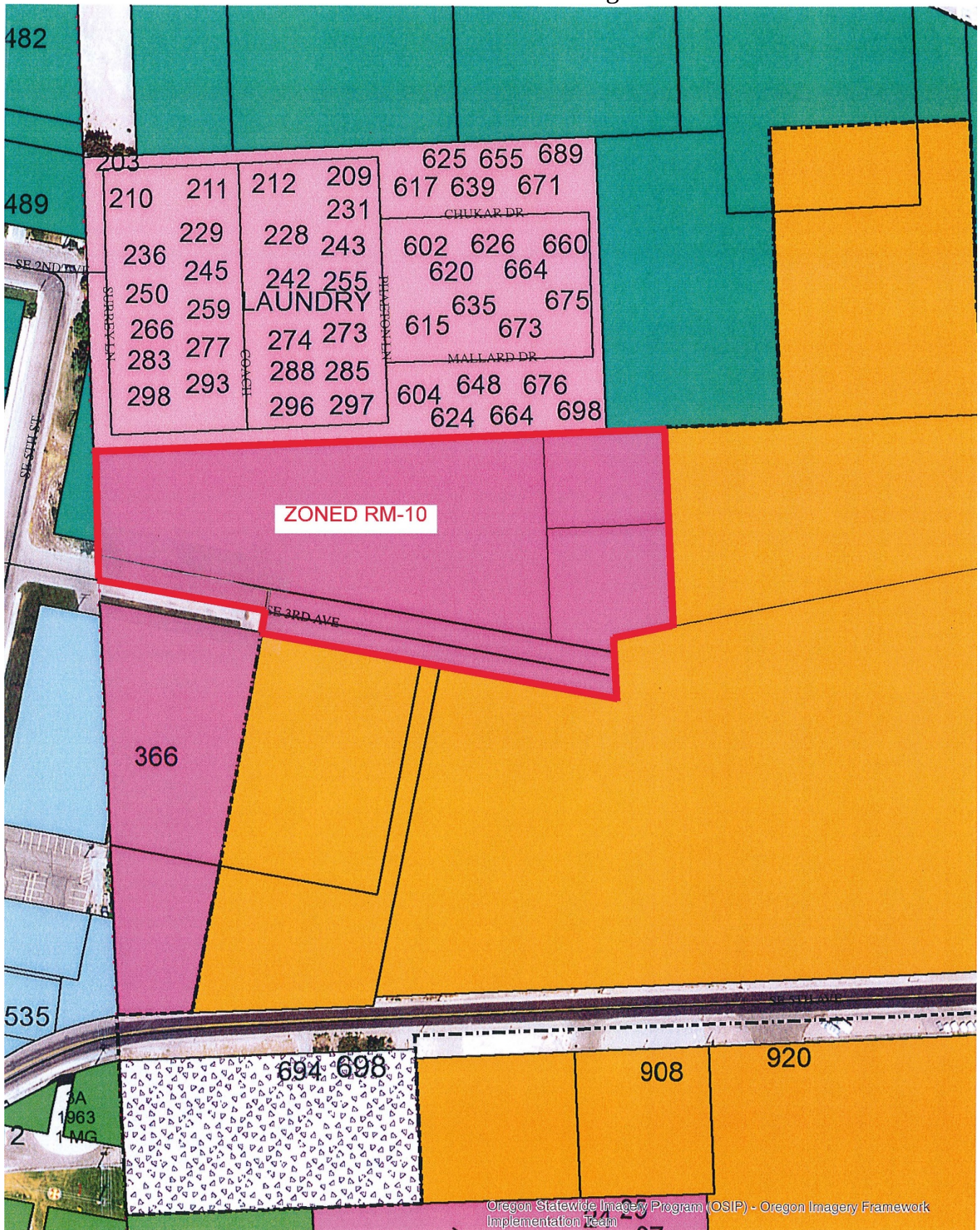
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the rezone from RM-10 to C-2H of the subject property.

ATTACHMENTS:

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4
5. Attachment 5

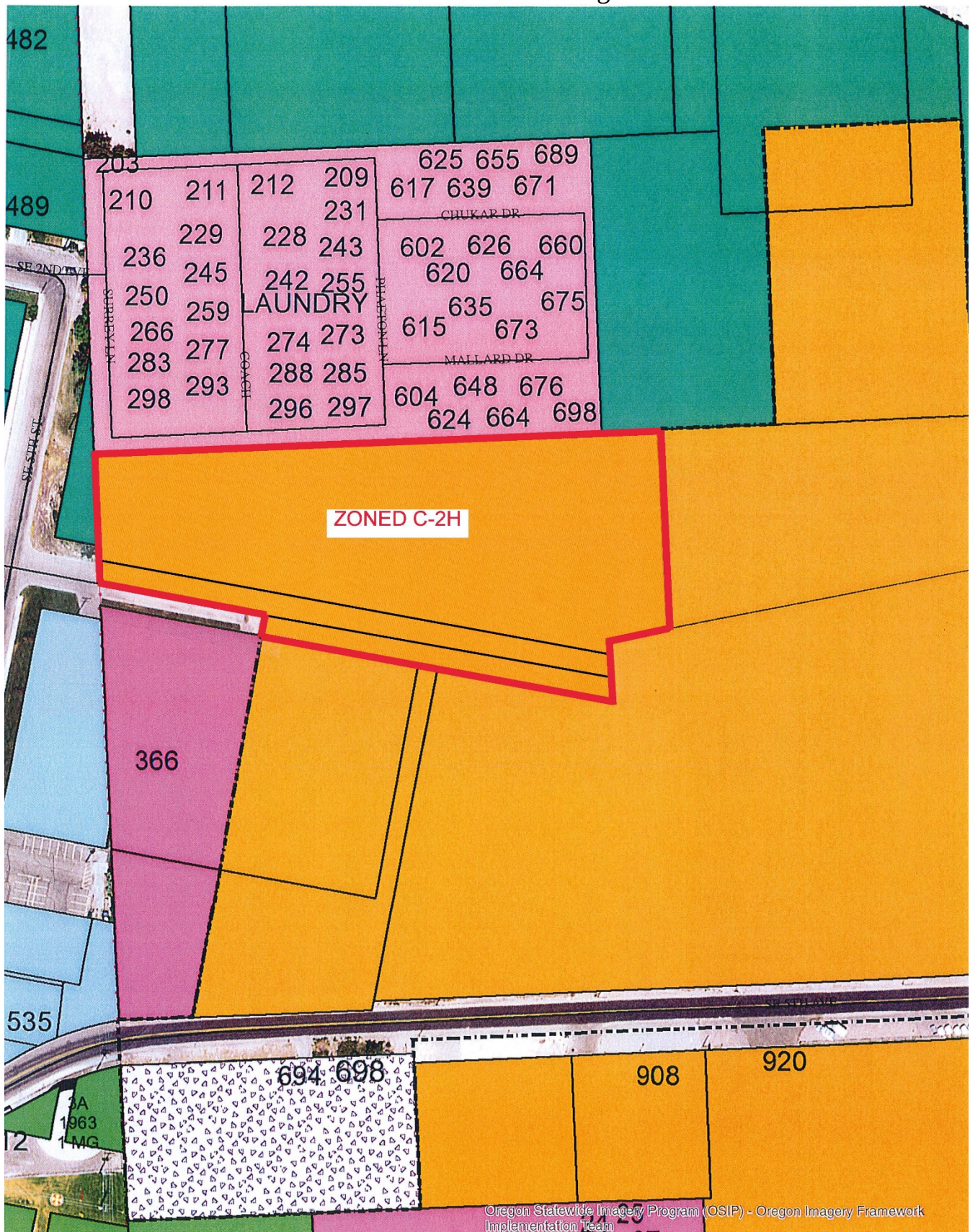
Attachment "1"

Parcel Before Rezoning



Attachment "2"

Parcel After Rezoning



Tax Lot Map of Area

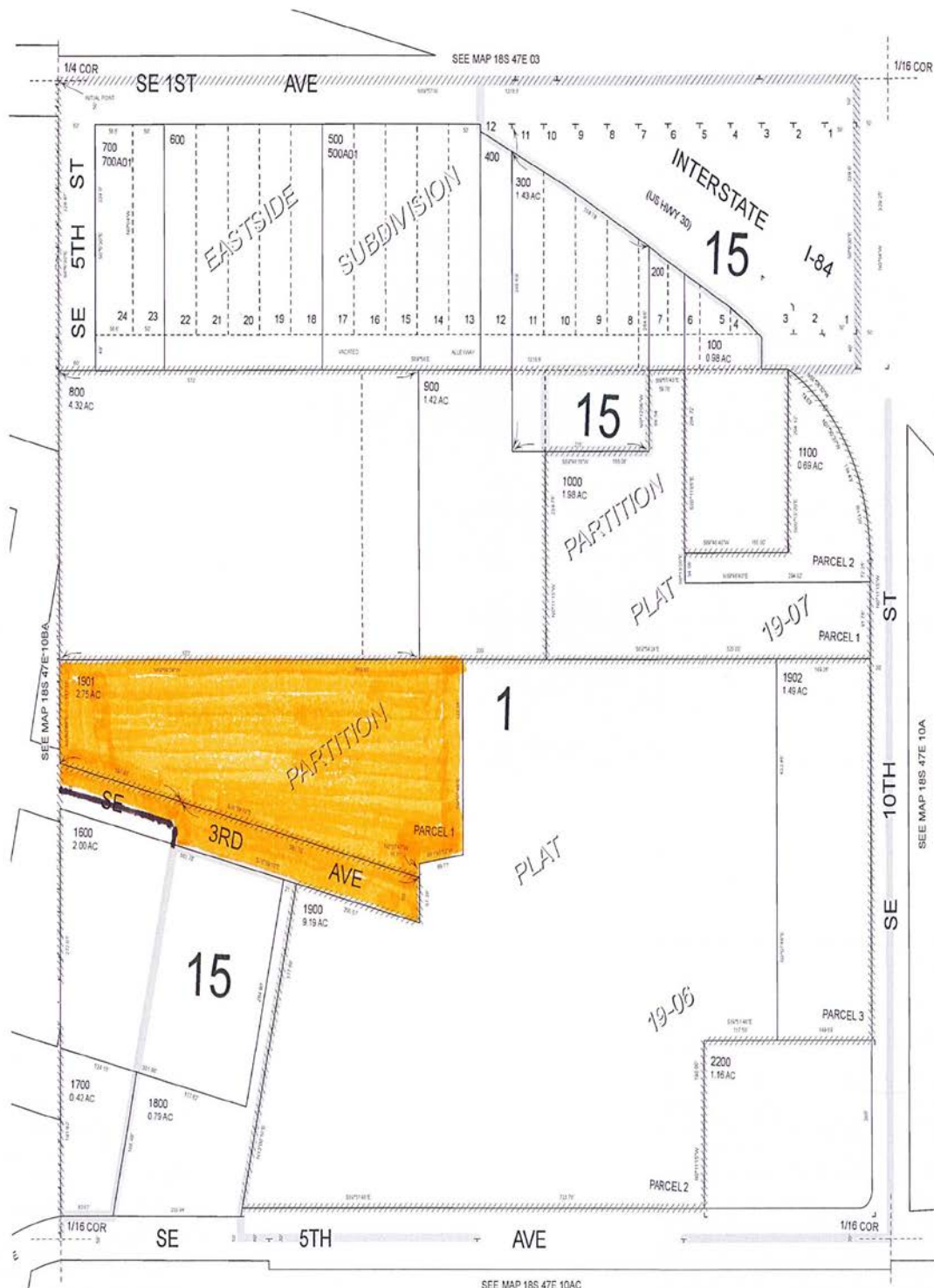
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.W.1/4 N.E.1/4 SEC.10 T.18S. R.47E. W.M.
MALHEUR COUNTY
1" = 100'

18S47E10AB
ONTARIO

Cancelled
1200
1300
1400
1500
2000
2100

Revised: MA
05/22/2019

ONTARIO
18S47E10AB

[illegible]

MALHEUR COUNTY COURT MINUTES

January 20, 2021

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 and Commissioner Ron Jacobs present. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media, and staff were present 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 # [2021-0271](#)

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R21-05. 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. The hearing was closed. Commissioner Jacobs moved to approve Resolution R21-05: In the Matter of Fiscal Year 2020/2021 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 Bureau of Land Management (BLM) Fire Grant funds in the Weed Department budget in the amount of \$277,103 that were not anticipated when the adopted budget was prepared; the funds are to be used to meet the goals as stated in the BLM Fire Grant Plan. See instrument # [2021-272](#)

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of January 13, 2021 as written. Commissioner Hodge seconded (to form only as he was not present on January 13, 2021) and the motion passed unanimously.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #03-21 to Oregon Trail Cattle Feeders to bury pipeline for waterline along 12th Avenue East #736. Commissioner Jacobs seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

EMPLOYMENT AGREEMENT - DALTON

Commissioner Hodge moved to approve Maintenance Supervisor - employment of PERs retiree Employment Agreement with Don Dalton. Commissioner Jacobs seconded and the motion passed unanimously. The agreement is effective April 1, 2021 - December 31, 2021. See instrument # [2021-0273](#)

STATEWIDE TRANSPORTATION IMPROVEMENT FUND (STIF) PLAN AND PROJECTS

Malheur Council on Aging & Community Services (MCOA&CS) Transportation Manager Brittany White met with the Court and reviewed the proposed Biennium 2021-2023 STIF Plan and application. Projects recommended for funding by the STIF Advisory Committee are:

Operations Projects

- Preserve and Maintain Fixed Route Hours Expansion \$30,750
- Demonstration and Preservation of Commuter Route Optimization Plan \$35,750
- Demonstration and Preservation of Fixed Route Optimization Plan and Expansion \$517,040
- Contractor Staffing \$85,684
- Saturday Service Expansion \$30,800

Capital Projects

- Technology Upgrades \$91,294
- Construction Plans \$20,000

Student Transportation

- Free Fares for Students on Fixed and Commuter Routes \$10,000

Administrative

- Administrative Expenses \$20,000

Operations Reserve

- \$36,996

2021-2023 Grant Total = \$878,314

Ms. White answered questions from the Court members. The STIF Advisory Committee has reviewed the STIF Plan and application and the funding recommendations and recommends the Court approve and submit the Plan and application.

Commissioner Jacobs moved to approve the Statewide Transportation Improvement Fund (STIF) Plan and application for the 2021-2023 Biennium and the recommended list of projects as approved by the STIF Advisory Committee. Commissioner Hodge seconded and the motion passed

unanimously. Ms. DuBois will submit the STIF Plan and application to ODOT. See instrument # [2021-0288](#) for the Executive Summary of Projects.

COURT ADJOURNMENT

The meeting was adjourned.

******On January 25, 2021 the Court received correspondence from Malheur Council on Aging detailing there were errors in the budget and executive summary provided to them on January 20th. The updated Executive Summary of Projects is as follows:

Operations Projects

- Add Contractor Staff \$161,899
- Contractor Incentive/Benefits \$50,000*
- Preserve and Maintain Fixed Route Hours Expansion \$30,750
- Demonstration and Preservation of Commuter Route Optimization Plan \$35,750
- Demonstration and Preservation of Fixed Route Optimization Plan and Expansion \$517,040
- Saturday Service Expansion \$30,800

Capital Projects

- Technology Upgrades \$91,294*
- Construction Plans \$20,000

Student Transportation

- Free Fares for Students on Fixed and Commuter Routes \$15,121*

Administrative

- Administrative Expenses \$20,000

Operations Reserve

- \$45,996*

2021-2023 Grant Total = \$1,018,650

*The budget for these tasks include amounts that go beyond the 2021-2023 STIF revenue forecast. If revenues do not exceed the projected forecast, these tasks may not be fully funded. Student transportation services will still meet the 1% required by STIF regulations if revenues do not exceed forecasts.

See instrument # [2021-0365](#) for the written correspondence and County Court approval of the changes; and instrument # [2021-0362](#) for the updated Executive Summary.

MALHEUR COUNTY COURT MINUTES

February 3, 2021

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 and Commissioner Ron Jacobs present. Various members of the public, media, and staff were present 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 # [2021-0488](#)

AUDIT - MCDC

Jordan Zwygart of Millington Zwygart, Certified Public Accountants, met with the Court and reviewed the Malheur County Development Corporation (MCDC) 2019-2020 Audit. The financial statements of MCDC, which comprise the state of financial position as of June 30, 2020, and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements were audited. In the opinion of the auditor, the financial statements referred to present fairly, in all material respects, the financial position of MCDC as of June 30, 2020, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. The balance at year-end of cash was \$301 and held in a noninterest checking account. Accounts receivable is money due from ODOT and other agencies for the development of the Treasure Valley Reload Center; all receivables were current and collectible.

Greg Smith thanked the professionals at Millington Zwygart for their work in completing the audit as well as County staff and MCDC board members. See instrument # [2021-0500](#) for the audit document.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of January 20, 2021 as written. Commissioner Jacobs seconded and the motion passed unanimously.

CHECK REGISTER

Commissioner Jacobs moved to approve the Accounts Payable book for October, November, and December 2020. Commissioner Hodge seconded and the motion passed unanimously.

AOC DUES

Commissioner Jacobs moved to approve payment of Association of Oregon Counties (AOC) 2021 Membership Dues in the amount of \$21,890.65. Commissioner Hodge seconded and the motion passed unanimously.

UPDATED COUNTY TELEPHONES POLICY

County Counsel Stephanie Williams presented an update to County Policy 111 - Telephones. The land-line telephones paragraph is updated to provide that employees using the picture contact identification screen on the internal phone system must leave it blank, display a professional photograph of the employee or display a professional work/county-related symbol, logo or insignia approved by the employee's department head/elected official. Commissioner Jacobs moved to approve the updated policy. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-0489](#)

TEMPORARY COUNTY COVID-19 PAID LEAVE POLICY

Commissioner Hodge moved to approve Temporary Malheur County COVID-19 Paid Leave Policy. Commissioner Jacobs seconded and the motion passed unanimously. The County's COVID-19 Emergency Leave Policy enacted in March 2020 ended December 2020. To date, a new or extended policy has not been adopted by the State or Federal governments and as such the County is enacting its own temporary policy retroactive to January 1, 2021. COVID-19 paid leave is only available to employees who have been employed more than six months and is available one time. (Employees who used the paid leave in 2020 are not eligible in 2021 under this temporary policy.) The temporary paid leave policy does apply to first responders. See instrument # [2021-0491](#)

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #04-21 to Utility Technologies Inc./Robert Ackerley for work on Park Avenue #768; and Crossing Permit #05-21 to Idaho Power Company to replace a capacitor bank on Onion Avenue #1102. Commissioner Jacobs seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R21-06: In the Matter of Fiscal Year 2020/2021 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 Oregon Health Authority (OHA) Grant funds in the Health Department budget that were not anticipated when the adopted budget was prepared; the funds are to be used for the Family Connect program. See instrument # [2021-0490](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 2/12/2021 1:58 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
126864	879211	Imaging Center of Idaho, LLC	01/05/2021	330.00
Total for 1/5/2021:				330.00
126865	879516	Absolulte Exhibits	01/08/2021	515.00
126866	033300	Argus Observer	01/08/2021	197.60
126867	037600	AT&T	01/08/2021	23.00
126868	130624	B & W Car Wash	01/08/2021	15.00
126869	879449	Baum Smith, LLC	01/08/2021	4,850.00
126870	879515	Beus Excavation, LLC	01/08/2021	312,531.76
126871	626400	Campo & Poole Distributing, LLC	01/08/2021	2,236.34
126872	879451	CDR Labor Law, LLC	01/08/2021	152.50
126873	637828	Century Link Communications, LLC	01/08/2021	120.40
126874	879247	Idaho Communications, LLC	01/08/2021	470.00
126875	520400	Dorman's, Inc.	01/08/2021	88.95
126876	UB*11832	LUIS DURAN	01/08/2021	201.73
126877	UB*11829	RHYAN GARDNER	01/08/2021	96.86
126878	360015	Home Depot Credit Services	01/08/2021	151.90
126879	879346	Hughey & Phillips	01/08/2021	178.55
126880	UB*11830	BRITTANY JONES	01/08/2021	7.97
126881	440000	L.N. Curtis and Sons	01/08/2021	218.33
126882	UB*11833	MALHEUR CO FAIRBOARD	01/08/2021	10.69
126883	602320	NAPA Auto Parts	01/08/2021	44.49
126884	151001	City of Ontario	01/08/2021	10.00
126885	UB*11831	JAMES PEELER	01/08/2021	42.97
126886	642093	Red's Automotive Repair, Inc.	01/08/2021	132.32
126887	666190	Sassy Software Solutions, LLC	01/08/2021	468.00
126888	130950	Sparklight Business	01/08/2021	112.89
126889	879469	SBRK Finance Holdings, Inc.	01/08/2021	1,149.00
126890	702008	Staples Business Credit	01/08/2021	539.89
126891	788402	TransUnion Risk & Alternative Data Soluti	01/08/2021	50.00
126892	774001	Wtechlink	01/08/2021	300.00
126893	879518	Adrian 2040	01/08/2021	3,000.00
126894	879520	Nyssa Chamber Of Commerce and Ag	01/08/2021	25,000.00
126895	879519	Red Rock Ag Products, LLC	01/08/2021	25,000.00
126896	879517	Wiggles & Giggles Childcare	01/08/2021	100,000.00
126897	&260	Four Rivers Cultural Center	01/08/2021	13,274.83
126898	539200	Ontario Area Chamber of Commerce	01/08/2021	9,529.24
Total for 1/8/2021:				500,720.21
126899	879521	Wal-Mart Stores, Inc.	01/11/2021	10,000.00
Total for 1/11/2021:				10,000.00
126900	&525	American Staffing, Inc.	01/15/2021	773.63
126901	879525	ARAMARK Uniform & Career Apparel Gr	01/15/2021	342.91

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126902	144000	Cascade Natural Gas Corporation	01/15/2021	1,067.96
126903	878956	Centro Print Solutions	01/15/2021	2,510.73
126904	637830	Century Link	01/15/2021	466.49
126905	879268	Civic Plus	01/15/2021	7,788.00
126906	634311	Frazier Aviation, LLC	01/15/2021	425.00
126907	408200	J-U-B Engineers, Inc.	01/15/2021	24,732.81
126908	436000	Lindsay Eco Water	01/15/2021	7.00
126909	441140	Looks Nu, Inc.	01/15/2021	185.00
126910	456402	Malheur County Clerk	01/15/2021	117.00
126911	879301	Net Assets Corporation	01/15/2021	468.00
126912	879509	Ontario Veterans Memorial Hall	01/15/2021	1,065.54
126913	&690	Oregon City/County Management Associati	01/15/2021	258.75
126914	516494	State of Oregon Department of Transportati	01/15/2021	4,190.99
126915	528405	Oster Professional Group, CPA's PC	01/15/2021	49,644.84
126916	879524	Potlach No 1 Financial Credit Union	01/15/2021	15.00
126917	642093	Red's Automotive Repair, Inc.	01/15/2021	144.54
126918	879145	Silver Signet, LLC	01/15/2021	326.25
126919	&357	Larry A. Sullivan	01/15/2021	1,315.00
126920	879146	Toshiba Financial Services	01/15/2021	1,721.89
126921	879151	Waste-Pro	01/15/2021	40.05
126922	640058	Western Oilfields Supply Company	01/15/2021	4,276.70
Total for 1/15/2021:				101,884.08
126923	879526	Erik Hartley	01/20/2021	1,711.48
126924	879328	Malheur County GIS	01/20/2021	20.00
Total for 1/20/2021:				1,731.48
126925	005000	A-1 Key and Lock Service	01/21/2021	7.50
126926	21409	Big Sky Sportswear	01/21/2021	1,385.73
126927	626400	Campo & Poole Distributing, LLC	01/21/2021	3,019.04
126928	879455	Carquest Auto Parts	01/21/2021	61.06
126929	COOPJ	Jason Cooper	01/21/2021	133.00
126930	334222	Victor Grimaldo	01/21/2021	133.00
126931	879225	Malheur Media, LLC	01/21/2021	150.00
126932	879464	Merchant McIntyre Associates, LLC	01/21/2021	6,500.00
126933	22427	Murrysmith, Inc.	01/21/2021	4,151.00
126934	532000	Ontario Bearing & Hydraulic, Inc.	01/21/2021	4.14
126935	716380	State of Oregon Corporate Division-Notary	01/21/2021	40.00
126936	879406	Rywest Homes, Inc.	01/21/2021	10,000.00
126937	879138	Stantec Consulting Services, Inc.	01/21/2021	3,278.25
126938	832852	Wells Fargo Business Elite Card	01/21/2021	45,450.86
Total for 1/21/2021:				74,313.58
126939	879506	Scott W. Windom	01/26/2021	19,750.00
126940	879526	Erik Hartley	01/26/2021	788.52
126941	376000	Idaho Power	01/26/2021	5,809.62
126942	879417	LightSpeed Networks, Inc.	01/26/2021	1,130.16
Total for 1/26/2021:				27,478.30
ACH	878915	Jacobs Engineering Group, Inc.	01/29/2021	442,245.32
ACH	878915	Jacobs Engineering Group, Inc.	01/29/2021	25,195.89
126943	&525	American Staffing, Inc.	01/29/2021	497.72

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126944	033300	Argus Observer	01/29/2021	180.00
126945	879449	Baum Smith, LLC	01/29/2021	287.50
126946	637830	Century Link	01/29/2021	741.17
126947	420000	John Deere Financial	01/29/2021	39.98
126948	879328	Malheur County GIS	01/29/2021	20.00
126949	451750	Malheur County Sheriff's Office	01/29/2021	56,006.07
126950	572000	Ontario Sanitary Service, Inc.	01/29/2021	313.06
126951	242083	State of Oregon Department of Transportati	01/29/2021	0.35
126952	642093	Red's Automotive Repair, Inc.	01/29/2021	947.23
126953	644210	Roadrunner Towing, Inc.	01/29/2021	320.50
126954	716553	Saint Luke's	01/29/2021	598.00
126955	682406	Sister Cities International	01/29/2021	440.00
126956	288897	Verizon	01/29/2021	1,967.05
126957	UB*11835	BAKER CONSTRUCTION & DEV	01/29/2021	127.44
126958	UB*11837	COIN STOP	01/29/2021	108.02
126959	UB*11834	MARTHA JAIMES & JULIO ALVARADC	01/29/2021	124.80
126960	UB*11838	DAVID MALONE	01/29/2021	110.17
126961	879528	Jose B. Mosqueda	01/29/2021	170.00
126962	879527	Ryan Trenkel	01/29/2021	1,280.00
126963	UB*11836	BARTOLO TRINIDAD	01/29/2021	170.00
Total for 1/29/2021:				531,890.27
126967	&260	Four Rivers Cultural Center	02/05/2021	9,912.21
126968	539200	Ontario Area Chamber of Commerce	02/05/2021	6,479.50
126969	554401	Ontario Police Association	02/05/2021	390.00
126970	879470	Western Treasure Valley Rotary Club	02/05/2021	1,650.00
126971	879516	Absolutte Exhibits	02/05/2021	262.00
126972	&525	American Staffing, Inc.	02/05/2021	411.16
126973	879525	ARAMARK Uniform & Career Apparel Gr	02/05/2021	348.57
126974	037600	AT&T	02/05/2021	23.55
126975	130624	B & W Car Wash	02/05/2021	3.00
126976	626400	Campo & Poole Distributing, LLC	02/05/2021	2,598.11
126977	192273	CBA Lighting & Controls, Inc.	02/05/2021	205.16
126978	879451	CDR Labor Law, LLC	02/05/2021	91.50
126979	192000	CDW Government	02/05/2021	1,296.12
126980	637828	Century Link Communications, LLC	02/05/2021	93.06
126981	645195	Fire Rescue Equipment NW, LLC	02/05/2021	1,360.00
126982	299998	Four Seasons Roofing, Inc.	02/05/2021	7,922.00
126983	333852	Graphic Impressions	02/05/2021	75.00
126984	879247	Idaho Communications, LLC	02/05/2021	1,314.71
126985	408200	J-U-B Engineers, Inc.	02/05/2021	11,091.32
126986	879301	Net Assets Corporation	02/05/2021	324.00
126987	501200	Norm's Auto Electric	02/05/2021	259.90
126988	&690	Oregon City/County Management Associati	02/05/2021	145.93
126989	242083	State of Oregon Department of Transportati	02/05/2021	132.00
126990	718000	State of Oregon Employment Department	02/05/2021	85.58
126991	642093	Red's Automotive Repair, Inc.	02/05/2021	711.59
126992	879507	Synagro Technologies, Inc.	02/05/2021	1,177,723.50
126993	788402	TransUnion Risk & Alternative Data Soluti	02/05/2021	87.20
126994	774001	Wtechlink	02/05/2021	300.00
Total for 2/5/2021:				1,225,296.67
126995	480000	911 Supply	02/12/2021	533.00
126996	&525	American Staffing, Inc.	02/12/2021	248.86
126997	058226	Batteries Plus	02/12/2021	399.84

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126998	626400	Campo & Poole Distributing, LLC	02/12/2021	908.11
126999	144000	Cascade Natural Gas Corporation	02/12/2021	788.32
127000	637830	Century Link	02/12/2021	466.49
127001	520400	Dorman's, Inc.	02/12/2021	46.94
127002	634311	Frazier Aviation, LLC	02/12/2021	425.00
127003	333895	Grant Mechanical, Inc.	02/12/2021	719.77
127004	456402	Malheur County Clerk	02/12/2021	112.00
127005	879404	Ontario Recreation District	02/12/2021	165.00
127006	516494	State of Oregon Department of Transportati	02/12/2021	503.83
127007	528405	Oster Professional Group, CPA's PC	02/12/2021	24,822.42
127008	642093	Red's Automotive Repair, Inc.	02/12/2021	151.58
127009	879469	SBRK Finance Holdings, Inc.	02/12/2021	1,207.00
127010	879424	Benjamin Henry Schlupe	02/12/2021	96.00
127011	130950	Sparklight Business	02/12/2021	104.41
127012	&357	Larry A. Sullivan	02/12/2021	5,422.45
127013	774300	T-N-T Signs & Graphics	02/12/2021	15.00
127014	879146	Toshiba Financial Services	02/12/2021	1,714.80
127015	879151	Waste-Pro	02/12/2021	40.05
Total for 2/12/2021:				38,890.87
Report Total (151 checks):				2,512,535.46