

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



**STUDY SESSION AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
THURSDAY, MAY 6, 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 May 4, 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.

5) CONSENT AGENDA

- A) Proclamation: Drinking Water Week May 2-8, 2021
- B) Housing Incentive Program: BK Construction (30-2021)
- C) Housing Incentive Program: Rywest Homes (31-2021)
- D) Housing Incentive Program: Guardian Real Estate Management and Holdings LLC (32-2021)
- E) Housing Incentive Program: Guardian Real Estate Management and Holdings LLC (33-2021)
- F) Housing Incentive Program: Guardian Real Estate Management and Holdings LLC (34-2021)
- G) Housing Incentive Program: Guardian Real Estate Management and Holdings LLC (35-2021)
- H) Housing Incentive Program: Rywest Homes Inc (36-2021)

6) OLD BUSINESS

- A) Clyde Esplin: Airport Issues
- B) Resolution #2021-107: Establishing Fees for Non-Commercial Locations for Registration Beyond Three Dogs
- C) Resolution #2021-111: Bid Award for Technology Backup Services
- D) Civil Penalty Amnesty Program

7) NEW BUSINESS

- A) Delinquent Utility Billing Accounts to Collections
- B) Resolution #2021-114: Appropriating Funds for the Gazebo Relocation Project; Award Gazebo Relocation Contract to the Low Bidder, JLCC, Inc.; and issue a Notice To Proceed (NTP)

8) DEPARTMENT HEAD UPDATES

- A) Finance: Monthly Report
- B) Public Works: Quarterly Report

9) DISCUSSION ITEMS

- A) Staff Analysis of Bluebird Carwash Request to Modify Sewer Fees
- B) Snake River Water Trail Grant Support
- C) Additional Bridge between Oregon and Idaho
- D) Amend Establishing Ordinance: Public Works Committee to Review Public Works Department Budget Prior to Disbursing to Budget Committee
- E) Homeless Legislation

10) HAND-OUTS

- A) Check Register: March 1-April 30, 2021
- B) Agenda: Public Works Committee 05-11-2021
- C) SREDA:
Agenda 05-04-2021
Report 04-06-2021
Snap Shot 2021
- D) Minutes: County Court 04-14-2021
- E) Department Stats:
Public Works Apr 2021
Fire & Rescue Apr 2021
Police Apr 2021
Code Enforcement Apr 2021

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) EXECUTIVE SESSION

- A) ORS 192.660(2)(e): Real Property
- B) ORS 192.660(2)(h) - Potential or Pending Litigation

13) ADJOURN



- WHEREAS,** water is our most valuable natural resource; and
- WHEREAS,** only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and
- WHEREAS,** any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and
- WHEREAS,** we are all stewards of the water infrastructure upon which future generations depend; and
- WHEREAS,** each citizen of our city is called upon to help protect our source waters from pollution to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of our City, I do hereby proclaim May 2-8, 2021 as Drinking Water Week.



Riley J. Hill, Mayor



- CONSIDERANDO,** que el agua es nuestro recurso natural más valioso; y
- CONSIDERANDO,** que solamente el agua potable ofrece protección para la salud pública, protección contra incendios, apoyo para nuestra economía y la calidad de vida que disfrutamos; y
- CONSIDERANDO,** cualquier medida de una sociedad exitosa (tasas de mortalidad bajas, crecimiento económico y diversidad, productividad y salud pública) están de alguna forma relacionadas con el acceso al agua segura; y
- CONSIDERANDO,** Todos somos agentes de la infraestructura hídrica de la que dependen las generaciones futuras.; y
- CONSIDERANDO,** que se convoca a cada ciudadano de nuestra ciudad para ayudar a proteger nuestras fuentes de agua de la contaminación, para llevar a la práctica la conservación del agua y para que se involucre en los asuntos locales relacionados con el agua a través del conocimiento de su agua;

POR LO TANTO, en virtud de la autoridad conferida en mí, como alcalde de nuestra ciudad, por el presente proclamo la semana del 2 al 8 de mayo de 2021, Semana del Agua Potable.



Riley J. Hill, Mayor



**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION (30-2021)

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY BK CONSTRUCTION AT 767 SW 16TH STREET FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

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

The property is located at 767 SW 16th 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 767 SW 16th Street being Tax Lot 6 Brockside Subdivision. The proposed dwelling will be 1459 square feet with two (2) bathrooms and a three (3) car garage.

The application was deemed to be complete by the Community Development Director. Meeting or exceeding the minimum requirements of Section 11 of the Business Loan Fund cod, it was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 in the amount of \$10,000.00.

ATTACHMENTS:

- 1. Incentive Application 30-2021_BK Construction



City of Ontario, Oregon
Housing Incentive Program Checklist

Applicant: BK Construction Inc. Date: 04/05/2021

Site Address or Tax Lot: 767 SW 16th Street

Application Number: 30-2021
2021-30 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: _____
- ☒ Documentation showing funding: Self funded
- ☒ Within City Limits
- ☐ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - ✓ 1. House Square footage: 1459
 - ✓ 2. Number of Baths: 2
 - ✓ 3. Size of Garage: 3
- ☒ Description of Property of Home:
 - 1. Tax Lot map & Number: 185470801 - TL 1508
 - 2. Copy of Deed: LOT 6 BROOKSIDE SUBDIVISION
 - 3. Or written description: 767 SW 16th Street
- ☐ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: 4/12
- ☒ Community Development Director approval date: 4/23/21
- ☒ 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: _____

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Table 1. Mechanical properties of the polyimides.

Sample	Tensile strength (MPa)	Elongation at break (%)	Tensile modulus (GPa)	Impact strength (kJ/m ²)
PI-1	100.5	4.0	1.85	1.2
PI-2	105.0	4.5	1.90	1.5
PI-3	110.0	5.0	1.95	1.8
PI-4	115.0	5.5	2.00	2.0
PI-5	120.0	6.0	2.05	2.2
PI-6	125.0	6.5	2.10	2.5
PI-7	130.0	7.0	2.15	2.8
PI-8	135.0	7.5	2.20	3.0
PI-9	140.0	8.0	2.25	3.2
PI-10	145.0	8.5	2.30	3.5
PI-11	150.0	9.0	2.35	3.8
PI-12	155.0	9.5	2.40	4.0
PI-13	160.0	10.0	2.45	4.2
PI-14	165.0	10.5	2.50	4.5
PI-15	170.0	11.0	2.55	4.8
PI-16	175.0	11.5	2.60	5.0
PI-17	180.0	12.0	2.65	5.2
PI-18	185.0	12.5	2.70	5.5
PI-19	190.0	13.0	2.75	5.8
PI-20	195.0	13.5	2.80	6.0
PI-21	200.0	14.0	2.85	6.2
PI-22	205.0	14.5	2.90	6.5
PI-23	210.0	15.0	2.95	6.8
PI-24	215.0	15.5	3.00	7.0
PI-25	220.0	16.0	3.05	7.2
PI-26	225.0	16.5	3.10	7.5
PI-27	230.0	17.0	3.15	7.8
PI-28	235.0	17.5	3.20	8.0
PI-29	240.0	18.0	3.25	8.2
PI-30	245.0	18.5	3.30	8.5
PI-31	250.0	19.0	3.35	8.8
PI-32	255.0	19.5	3.40	9.0
PI-33	260.0	20.0	3.45	9.2
PI-34	265.0	20.5	3.50	9.5
PI-35	270.0	21.0	3.55	9.8
PI-36	275.0	21.5	3.60	10.0
PI-37	280.0	22.0	3.65	10.2
PI-38	285.0	22.5	3.70	10.5
PI-39	290.0	23.0	3.75	10.8
PI-40	295.0	23.5	3.80	11.0
PI-41	300.0	24.0	3.85	11.2
PI-42	305.0	24.5	3.90	11.5
PI-43	310.0	25.0	3.95	11.8
PI-44	315.0	25.5	4.00	12.0
PI-45	320.0	26.0	4.05	12.2
PI-46	325.0	26.5	4.10	12.5
PI-47	330.0	27.0	4.15	12.8
PI-48	335.0	27.5	4.20	13.0
PI-49	340.0	28.0	4.25	13.2
PI-50	345.0	28.5	4.30	13.5
PI-51	350.0	29.0	4.35	13.8
PI-52	355.0	29.5	4.40	14.0
PI-53	360.0	30.0	4.45	14.2
PI-54	365.0	30.5	4.50	14.5
PI-55	370.0	31.0	4.55	14.8
PI-56	375.0	31.5	4.60	15.0
PI-57	380.0	32.0	4.65	15.2
PI-58	385.0	32.5	4.70	15.5
PI-59	390.0	33.0	4.75	15.8
PI-60	395.0	33.5	4.80	16.0
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PI-64	415.0	35.5	5.00	17.0
PI-65	420.0	36.0	5.05	17.2
PI-66	425.0	36.5	5.10	17.5
PI-67	430.0	37.0	5.15	17.8
PI-68	435.0	37.5	5.20	18.0
PI-69	440.0	38.0	5.25	18.2
PI-70	445.0	38.5	5.30	18.5

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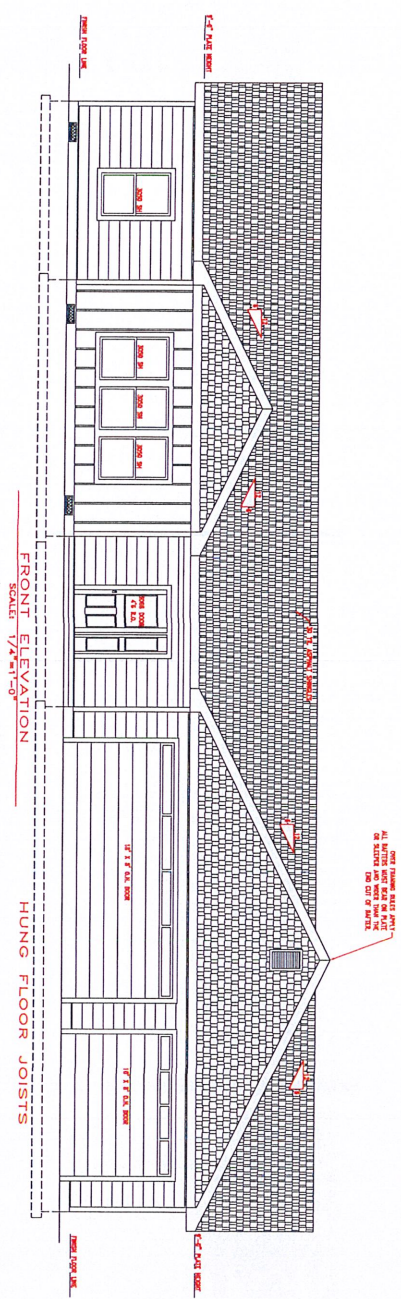
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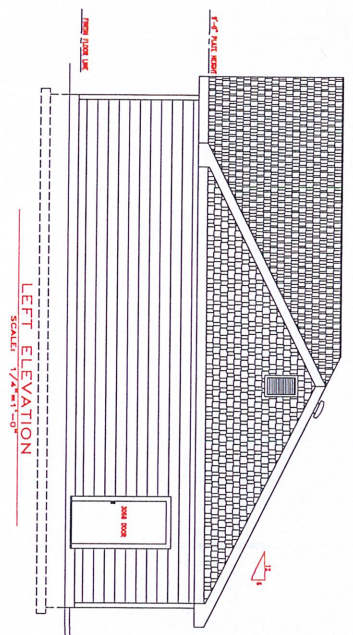
FLOOR PLAN
SCALE 1/4" = 1'-0"
1459 SQ. FT. LIVING
578 SQ. FT. GARAGE

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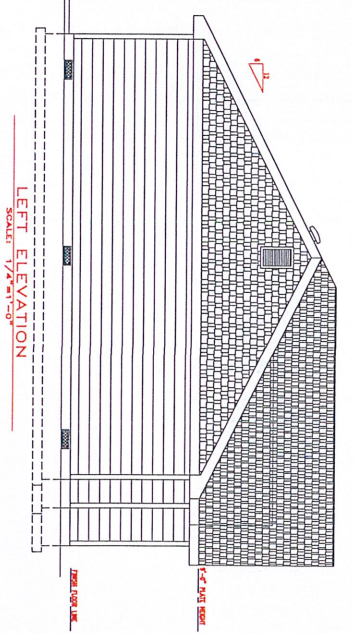


FRONT ELEVATION
SCALE: 1/4"=1'-0"

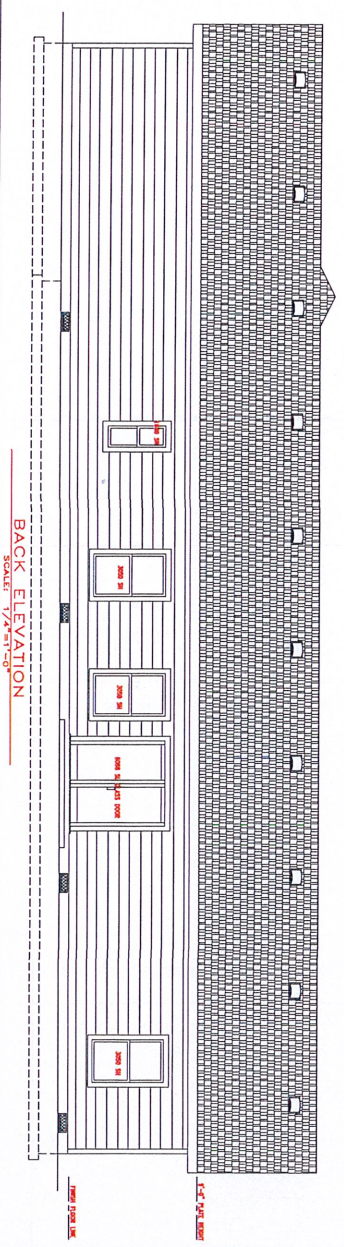
HUNG FLOOR JOISTS



LEFT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"



BACK ELEVATION
SCALE: 1/4"=1'-0"

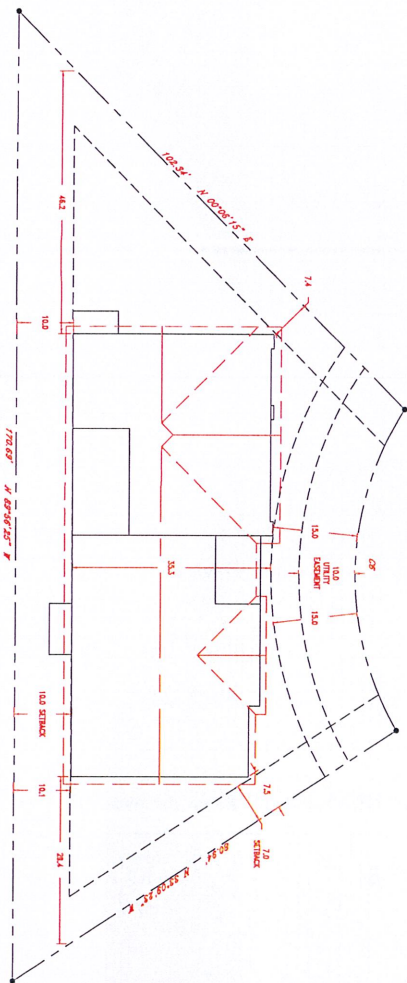
ALL MATERIALS TO BE USED
AS NOTED OR AS SHOWN
ON DRAWING OR AS NOTED
ON SPECIFICATIONS

ELEVATIONS



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

SW 16TH STREET



CURVE TABLE				
C#	LENGTH	RADIUS	DELTA	CH. BEARING
C1	100.85'	165.00'	35°01'12"	N23°33'32"E 99.29'
C2	59.26'	200.00'	16°58'34"	N14°32'12"E 59.04'
C3	31.42'	20.00'	90°00'49"	N44°53'26"W 28.29'
C4	31.41'	20.00'	89°59'11"	S45°06'34"W 28.28'
C5	55.96'	54.00'	59°22'32"	S29°48'15"W 53.49'
C6	59.59'	54.00'	63°13'36"	N88°53'41"W 56.61'
C7	52.03'	54.00'	55°12'22"	N28°40'39"W 50.04'
C8	75.12'	54.00'	79°42'11"	N37°46'40"E 69.21'
C9	20.86'	20.00'	59°46'06"	N47°44'43"E 19.93'
C10	6.19'	20.00'	17°44'41"	S08°59'19"W 6.17'
C11	31.42'	20.00'	90°00'49"	S44°53'26"E 28.29'
C12	8.25'	165.00'	2°51'54"	S07°28'52"W 8.25'
C13	92.60'	165.00'	32°09'19"	S24°59'29"W 91.39'
C14	25.40'	200.00'	7°16'31"	S26°39'44"W 25.38'

- NOTES:
- 1) ALL LOTS IN THIS SUBDIVISION ARE SINGLE-FAMILY RESIDENTIAL LOTS.
 - 2) ALL LOT LINES COMMON TO THE PUBLIC RIGHT-OF-WAY HAVE A PUBLIC UTILITY EASEMENT AS SHOWN.
 - 3) SEE PARTITION PLAT #19-12 (M.C. SURVEY #18-47-0969 FOR ADDITIONAL BOUNDARY INFORMATION.



PLOT PLAN

SCALE: 1"=10'

DATE: 4-14-2021
Kathy Brillingham - K-CAD, Inc.
Computer Aided Drafting Services
Ontario, OR 97914 - Phone: (541)889-3539



BEN MUSSER-PARADISE BLD. CO.
PO BOX 802, FRUITLAND, ID 83619
208-249-3850



**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: RYWEST HOMES (31-2021)

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 944 REITER DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 944 Reiter Drive.

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:

Rywest Homes is requesting approval of their application for the \$10,000.00 Incentive on a new home to be located at 944 Reiter Drive being Tax Lot 14 Sage Ridge Subdivision. The proposed dwelling will be 1768 square feet with two (2) bathrooms and a three (3) 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 Rywest Homes in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 31-2021_Rywest Homes (1)



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: Rywest Homes Date: 4-7-21
Site Address or Tax Lot: 944 Reuter Drive Ontario
Application Number: 31-2021 2021-31 (City Use Only) Tax lot 1609

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: _____
- ☒ Documentation showing funding: Self
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1768
 - 2. Number of Baths: 2
 - 3. Size of Garage: 763
- ☐ Description of Property of Home:
 - 1. Tax Lot map & Number: 1609 map 18474
 - 2. Copy of Deed: attached
 - 3. Or written description: _____
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: N/A
- ☒ Community Development Director approval date: 4/23/21
- ☒ 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: _____

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

SINGLE FAMILY GENERAL NOTES:

GENERAL: Changes can usually be noted on the drawings. Please contact E-CAD, Inc. if a modification to the plans is requested or required. The contractor shall be responsible for obtaining all necessary permits and for obtaining all necessary approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

Notes on the sheet:

1. See notes on the sheet for details of construction and materials. 2. See notes on the sheet for details of construction and materials. 3. See notes on the sheet for details of construction and materials.

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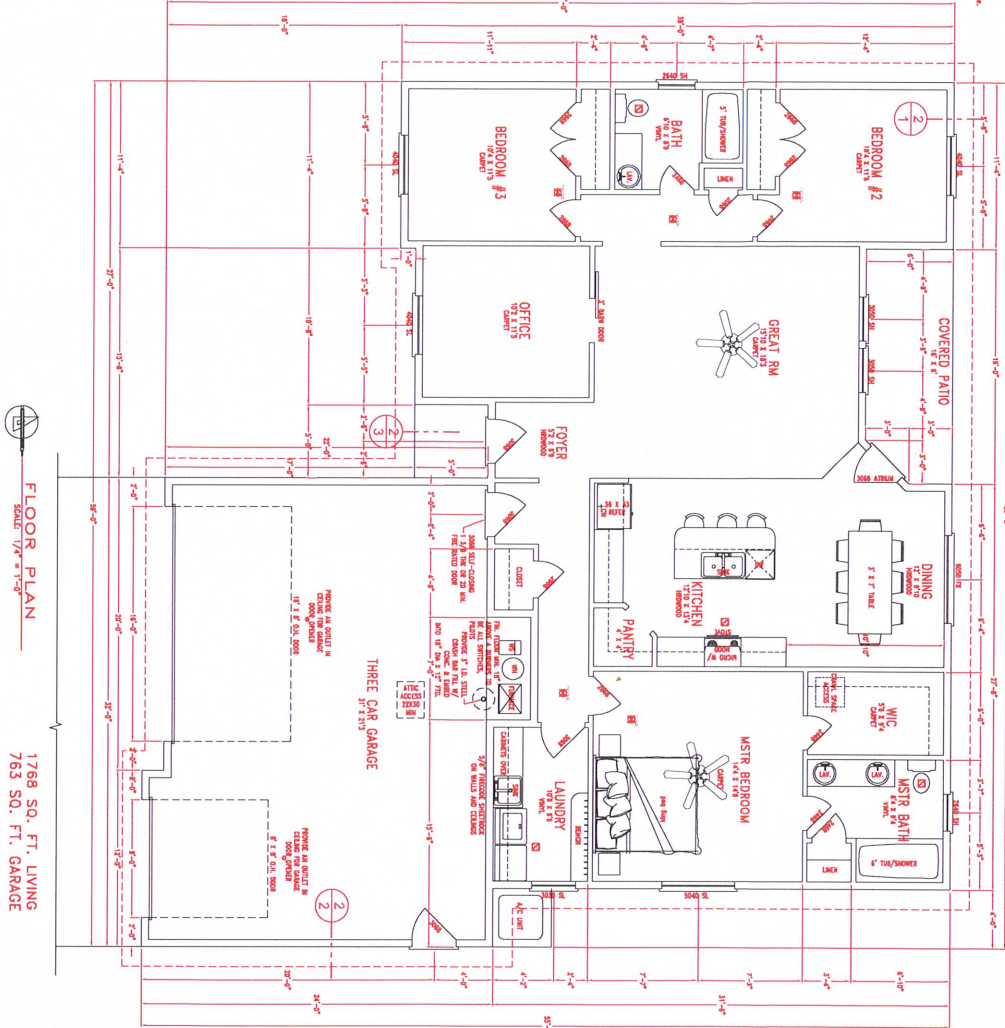
1. See notes on the sheet for details of construction and materials. 2. See notes on the sheet for details of construction and materials. 3. See notes on the sheet for details of construction and materials.

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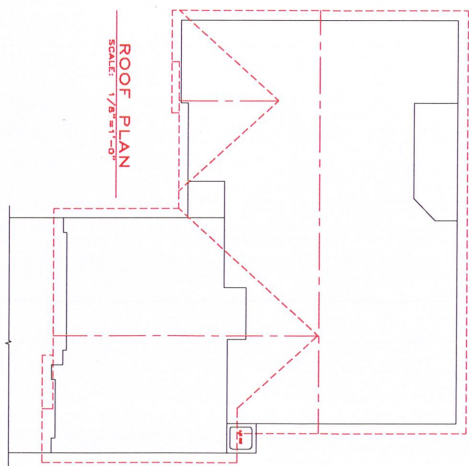
1. See notes on the sheet for details of construction and materials. 2. See notes on the sheet for details of construction and materials. 3. See notes on the sheet for details of construction and materials.

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1. See notes on the sheet for details of construction and materials. 2. See notes on the sheet for details of construction and materials. 3. See notes on the sheet for details of construction and materials.



FLOOR PLAN
SCALE: 1/8" = 1'-0"
1768 SQ. FT. LIVING
763 SQ. FT. GARAGE



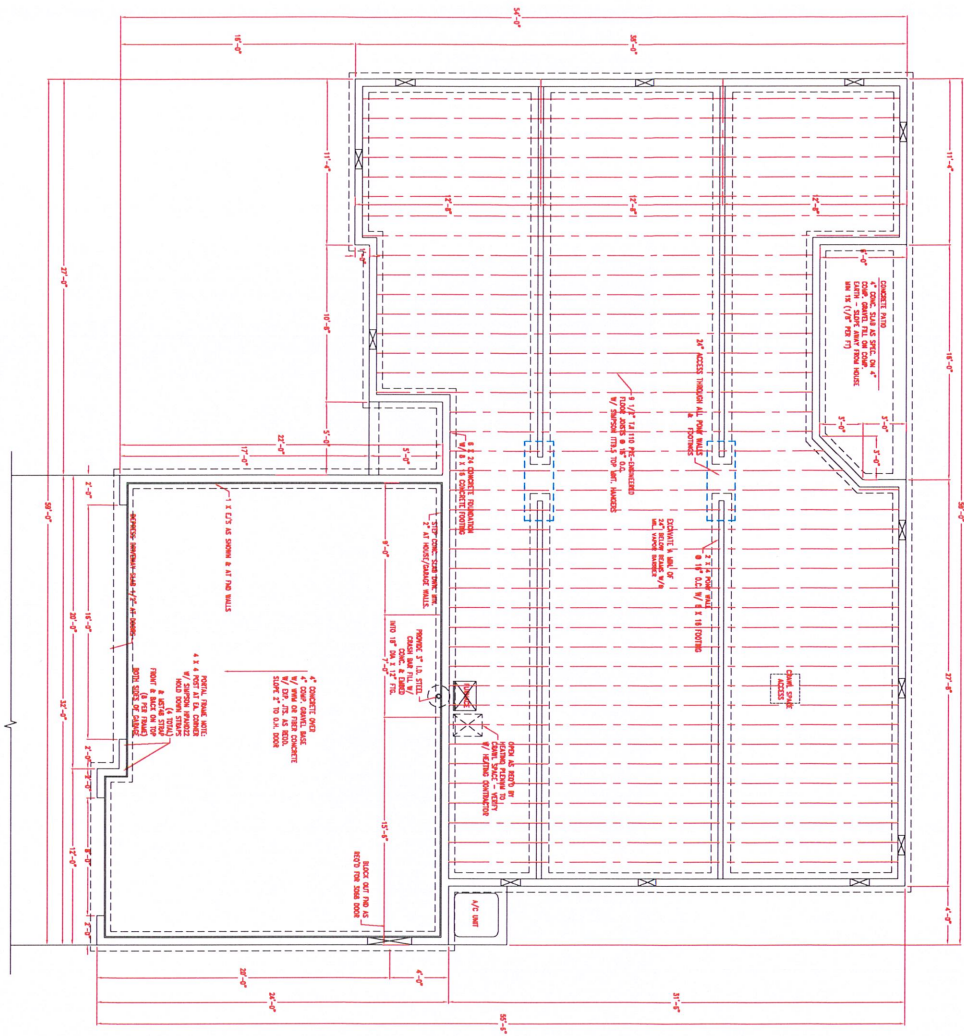
ROOF PLAN
SCALE: 1/8" = 1'-0"

WARRANTY DISCLAIMER
E-CAD, Inc. warrants that the drawings were prepared by a professional engineer or architect licensed in the State of Ohio. E-CAD, Inc. does not warrant that the drawings were prepared by a professional engineer or architect licensed in the State of Ohio.

NOTES:
1. See notes on the sheet for details of construction and materials. 2. See notes on the sheet for details of construction and materials. 3. See notes on the sheet for details of construction and materials.

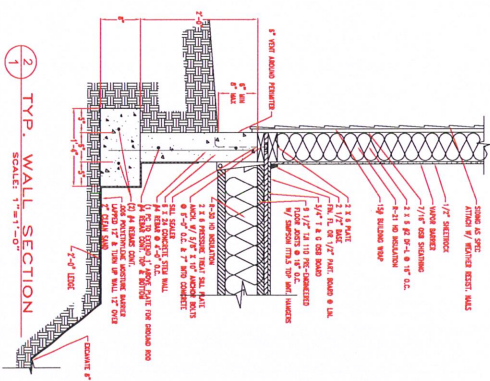
FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



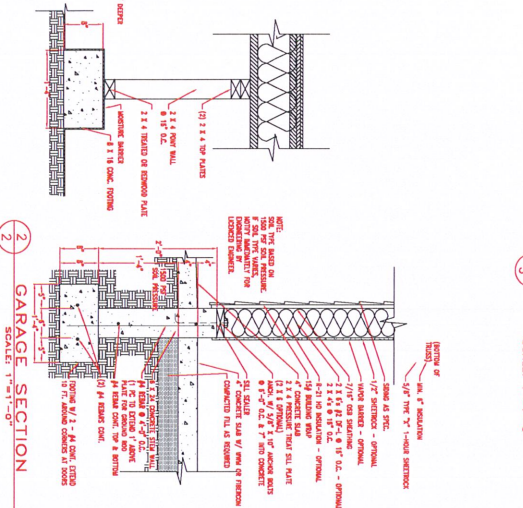
2 TYP. WALL SECTION

SCALE: 1" = 1'-0"



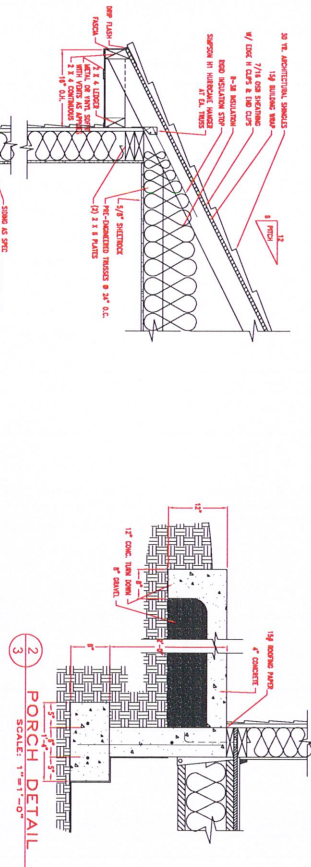
2 GARAGE SECTION

SCALE: 1" = 1'-0"



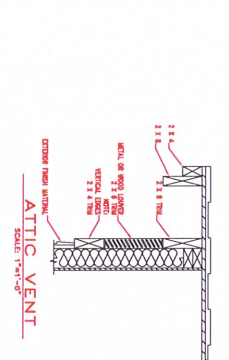
3 PORCH DETAIL

SCALE: 1" = 1'-0"



ATTIC VENT

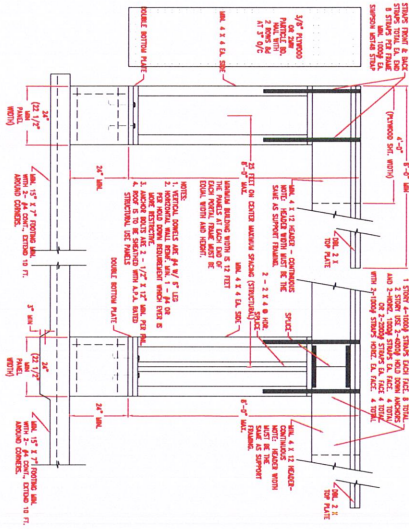
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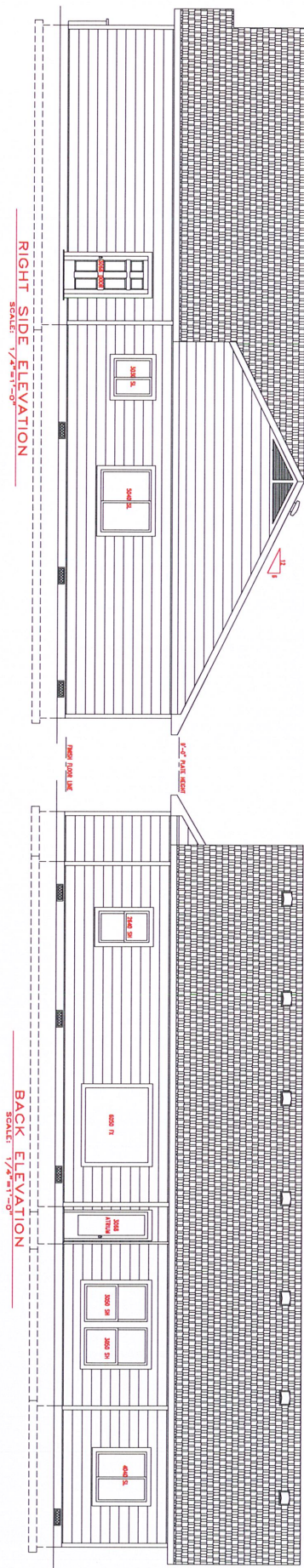
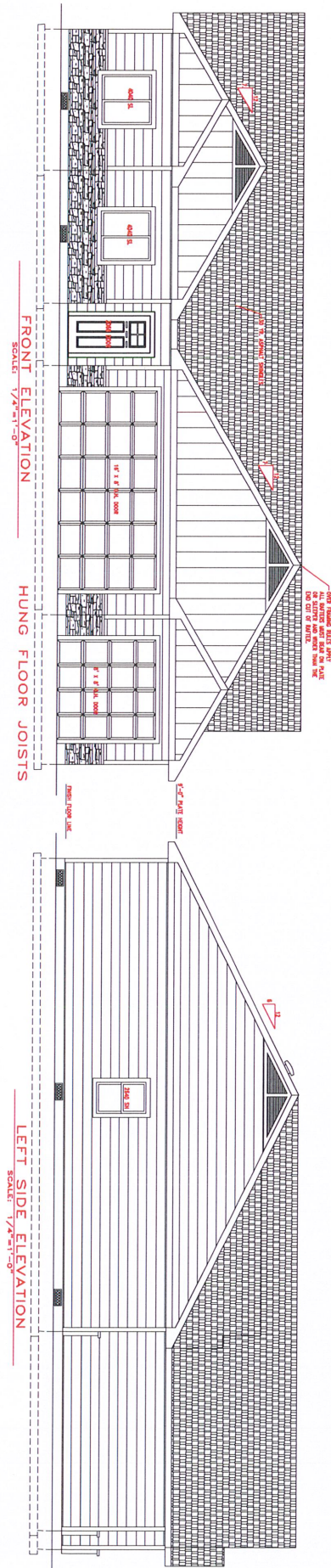


ONE STORY STRUCTURE

24" SHEAR WALL PANEL

STRUCTURAL INTERMEDIATE PORTAL FRAME PANEL





LOT 4 40.00

15



Compliments of
MALHEUR COUNTY
TITLE COMPANY, INC.
Map No. 18474
Tax Lot 1609
This sketch is furnished
to assist in property
location and the company
assumes no liability
for inaccuracies.

1603
7.62 AC

1

PLAT

95-16

POR PARCEL 2

NW 8TH AVE

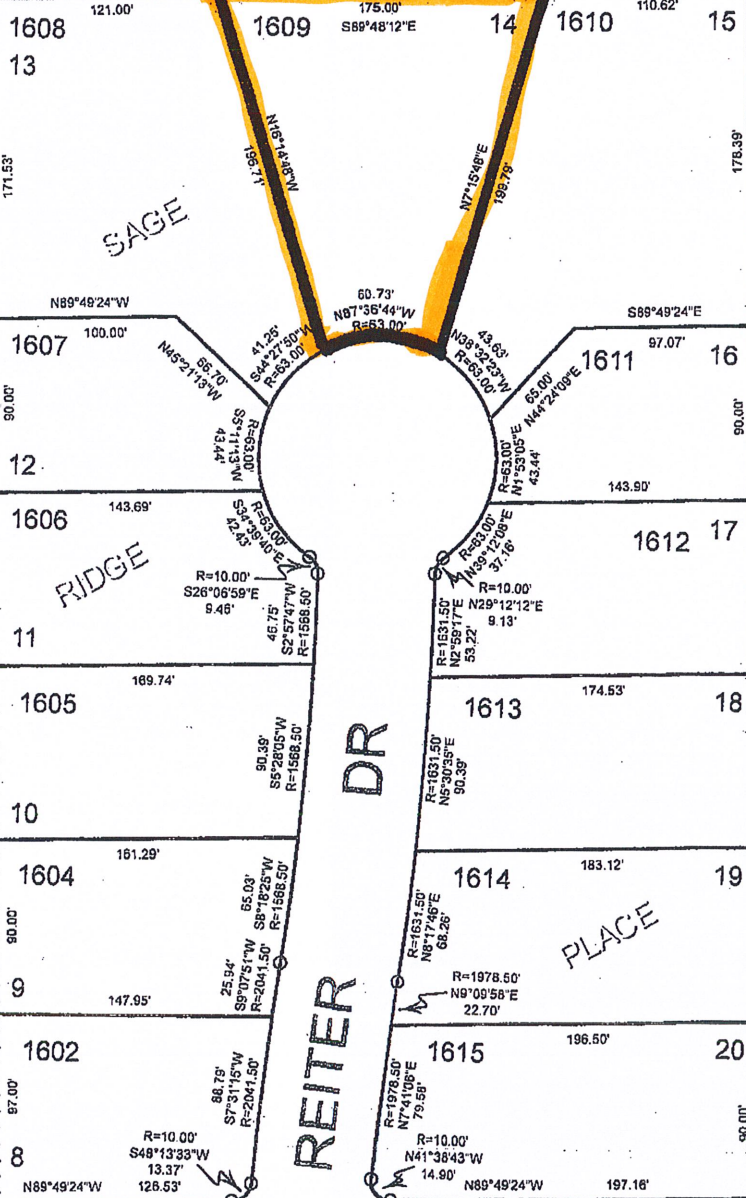
SAGE

RIDGE

DR

REITER

PLACE





**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC (32-2021)

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC AT 6TH AVENUE & NORTH OREGON TAX LOT 15 RIVERSIDE ADDITION FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 6th Avenue & North Oregon.

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:

Guardian Real Estate Management and Holdings, LLC, is requesting approval of their

application for the \$10,000.00 Incentive on a new home to be located at 6th Avenue & North Oregon being Tax Lot 15 Riverside Addition. The proposed Dwelling will be 1662 square feet with two and one-half (2½) bathrooms and a one (1) 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 Guardian Real Estate in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 32-2021_Guardian Real Estate Management (1)



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC

Date: 4/13/21

Site Address or Tax Lot: 6TH AVE & N OREGON 14600 / Lot 15

Application Number: 32-2021 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: 4/13/21
- ☒ Documentation showing funding: Letter From Bank
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A.
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1662
 - 2. Number of Baths: 2.5
 - 3. Size of Garage: 1 Car
- ☒ Description of Property of Home:
 - 1. ☒ Tax Lot map & Number: 18S47E03BC / 14600 / Lot 15
 - 2. ☒ Copy of Deed: 2021-1068
 - 3. ☒ Or written description: + Plot Plan
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: 2/24/21
- ☒ Community Development Director approval date: 4/23/21
- ☐ Forwarded to Business Loan Fund Committee: 4/23/21
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____

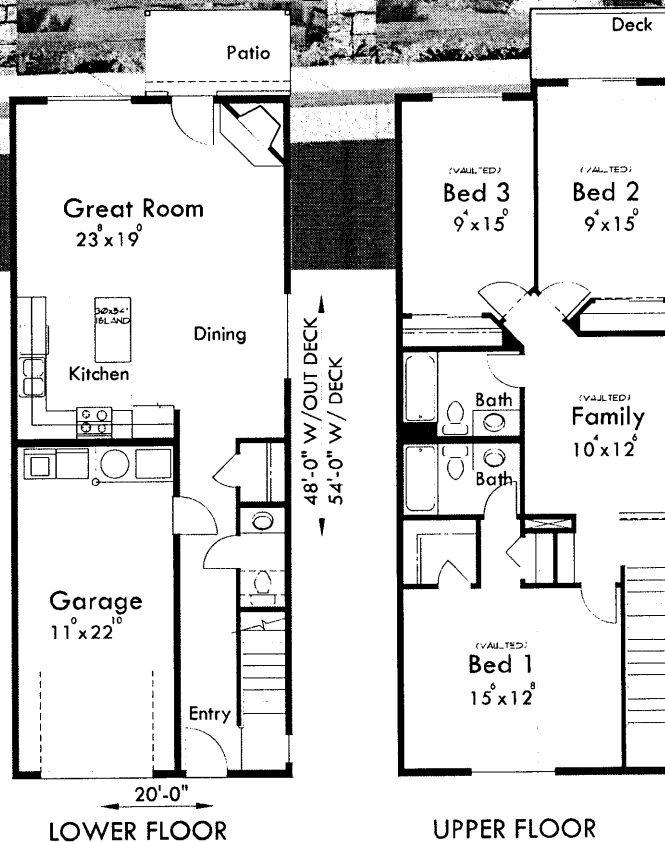
- ☐ Application submitted to Finance for tracking: _____
- ☐ Certificate of Occupancy issued (**within 2 yrs. of Council approval**): _____
- ☐ Proof of Owner Occupancy (**must be within 1 yr. of C of O**): _____
- ☐ Payment made to Owner: _____

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



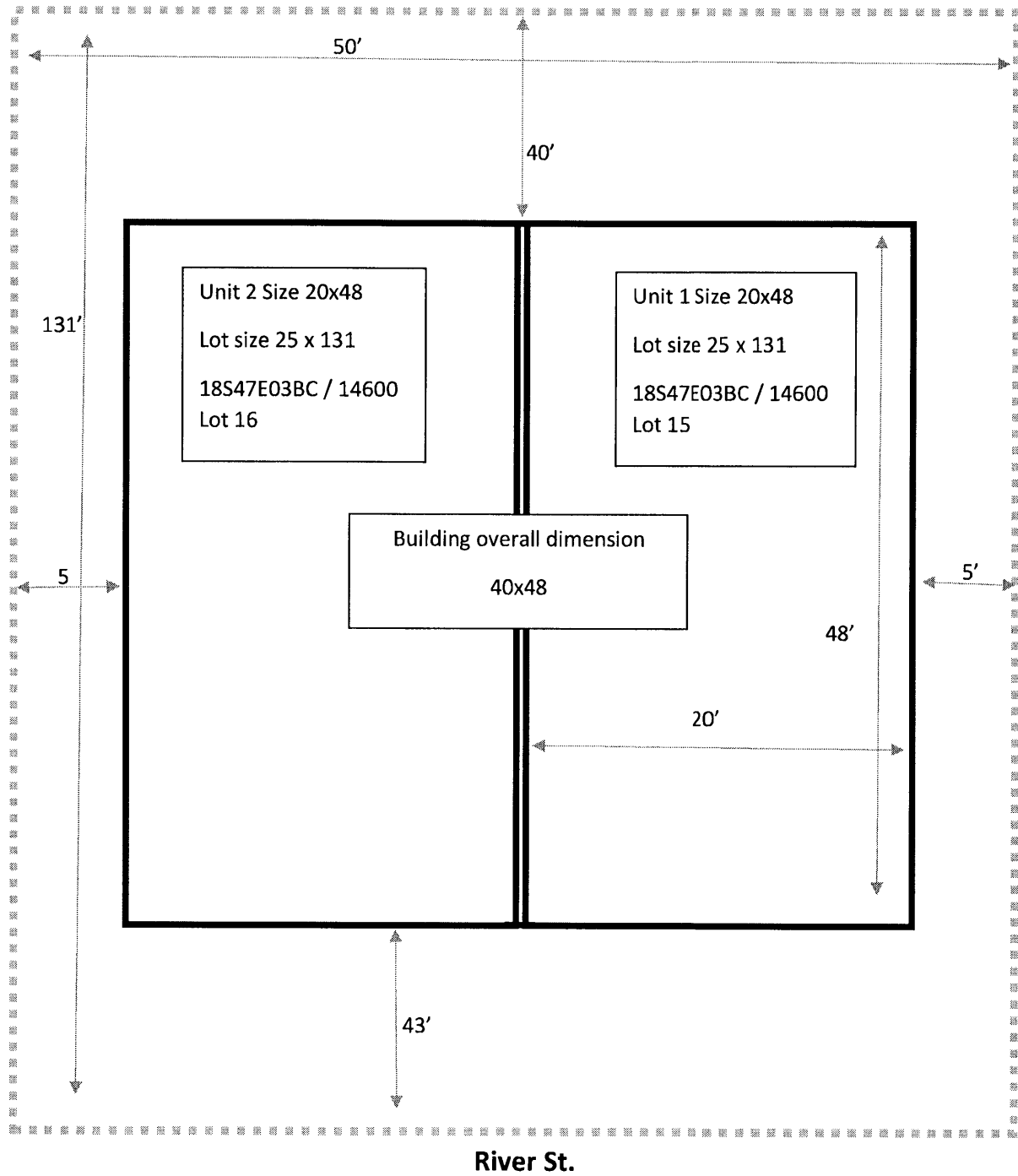
PLAN #D-568

MAIN FLR. 692 SQ. FT.
 UPPER FLR. 970 SQ. FT.
 TOTAL 1662 SQ. FT.
 GARAGE 268 SQ. FT.
 DECK 52 SQ. FT.



Bruinier & associates, inc. building designers
 503-246-3022 www.houseplans.pro & www.bruinier.com
 1304 SW BERTHA BLVD. PORTLAND OREGON 97219 ©

Oregon St.



N →



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

AmeriTitle

70 SW 3rd Avenue

Ontario, OR 97914

Until a change is requested all tax statements shall be sent to the following address:

Guardian Real Estate Management and Holdings LLC

P.O. Box 451

Ontario, OR 97914

File No. 442292AM

MALHEUR COUNTY, OR

2021-1068

D-ST WD

03/15/2021 01:01:03 PM

Cnt=1 Pgs=2

\$97.00

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

STATUTORY WARRANTY DEED

Glen R. Dodson and Clarita Dodson, husband and wife

Glen R. Dodson, Trustee of the Glen R. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest and Carita D. Dodson, Trustee of The Carita D. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest, as tenants in common ,

Grantor(s), hereby convey and warrant to

Guardian Real Estate Management and Holdings LLC,

Grantee(s), the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 15, 16.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 17, 18.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Fractional Lot(s) 19 and 20.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

18S4703BC 14600

18S4703BC 14700

18S4703BC 14800

The true and actual consideration for this conveyance is \$64,067.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:



**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

**SUBJECT: HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT
AND HOLDINGS LLC (33-2021)**

DATE: April 29, 2021

PROPOSED MOTION:

**I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY GUARDIAN REAL ESTATE
MANAGEMENT AND HOLDINGS LLC AT 6TH AVENUE AND NORTH OREGON LOT 16 FOR THE
ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.**

SUMMARY:

Rywest Homes submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 6th Avenue & North Oregon Lot 16.

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:

Guardian Real Estate Management and Holdings, LLC, is requesting approval of their application for the \$10,000.00 Incentive on a new home to be located at 6th Avenue & North

Oregon being Tax Lot 16 Riverside Addition. The proposed dwelling will be 1662 square feet with two and one-half (2½) bathrooms and a one (1) 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council April 28, 2021.

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 Guardian Real Estate in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 33-2021_Guardian Real Estate Management (1)



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC

Date: 4/13/21

Site Address or Tax Lot: 6TH AVE & N OREGON 14600 / Lot 16

Application Number: 33-2021 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: 4/13/21
- ☒ Documentation showing funding: Letter From Bank
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1662
 - 2. Number of Baths: 2.5
 - 3. Size of Garage: 1 Car
- ☒ Description of Property of Home:
 - 1. ☒ Tax Lot map & Number: 18S47E03BC / 14600 / Lot 16
 - 2. ☒ Copy of Deed: 2021-1068
 - 3. ☒ Or written description: + Plot Plan
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: 2/24/21
- ☒ Community Development Director approval date: 4/23/21
- ☒ Forwarded to Business Loan Fund Committee: 4/23/21
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____

☐ Application submitted to Finance for tracking: _____

☐ Certificate of Occupancy issued (**within 2 yrs. of Council approval**): _____

☐ Proof of Owner Occupancy (**must be within 1 yr. of C of O**): _____

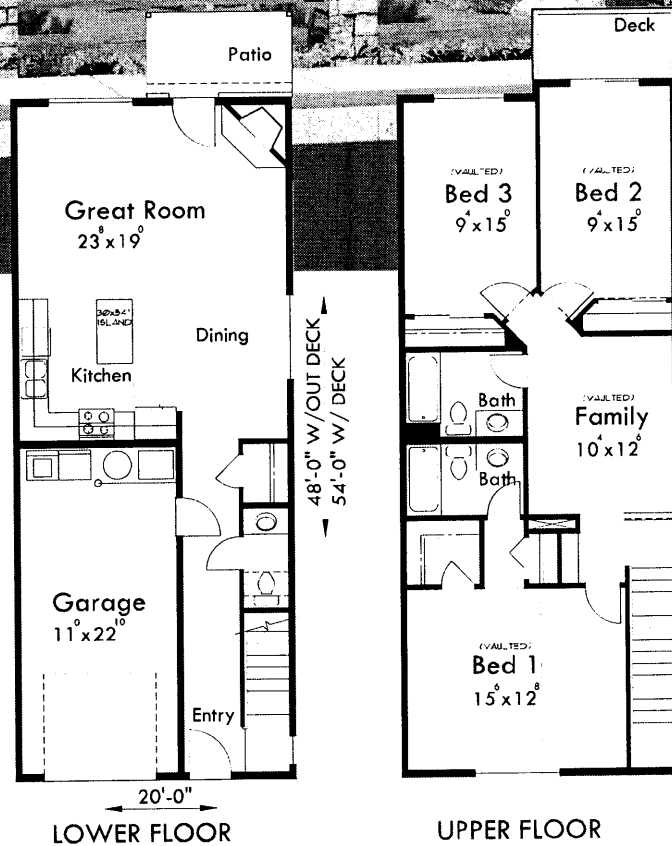
☐ Payment made to Owner: _____

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



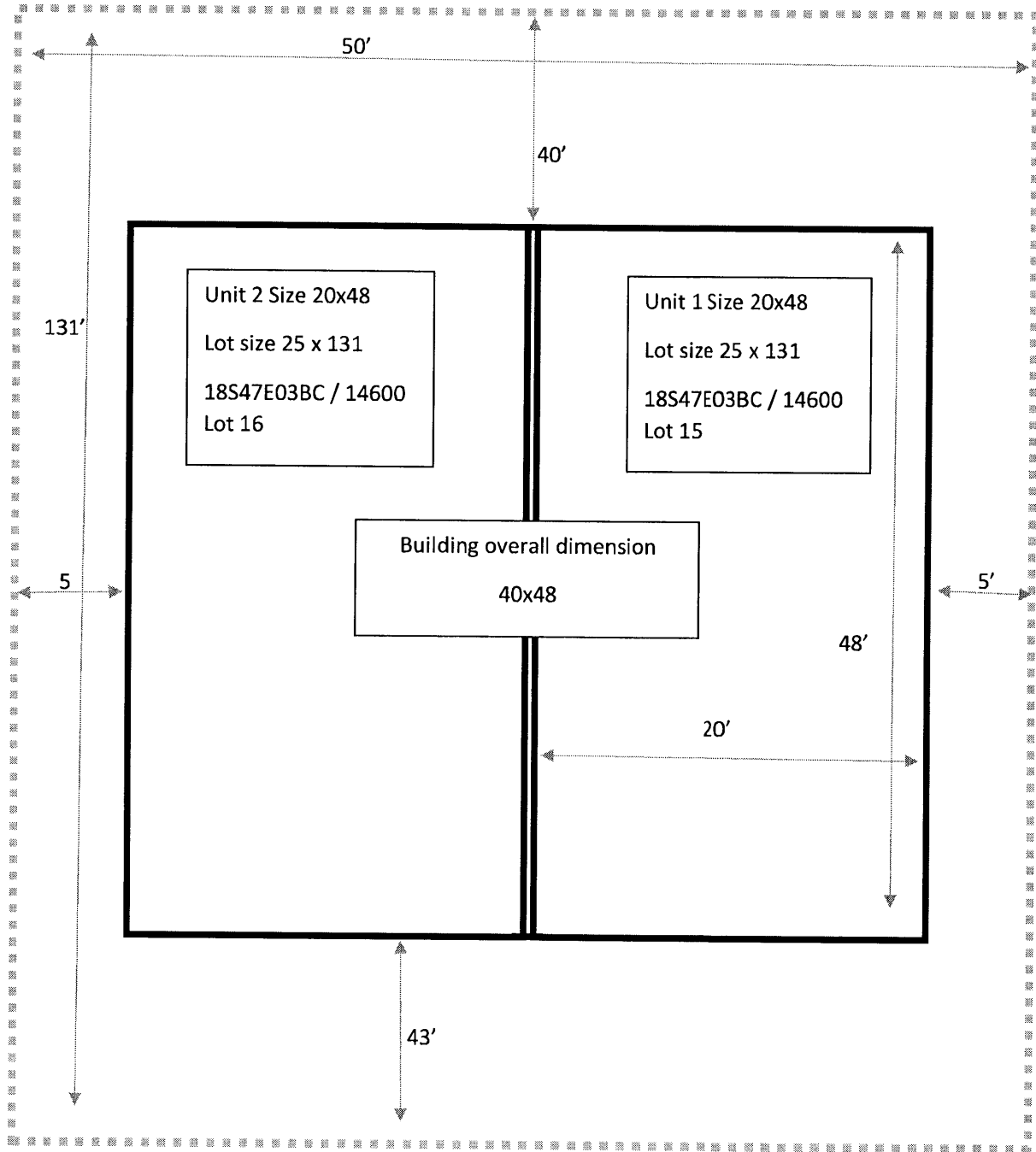
PLAN #D-568

MAIN FLR. 692 SQ. FT.
 UPPER FLR. 970 SQ. FT.
 TOTAL 1662 SQ. FT.
 GARAGE 268 SQ. FT.
 DECK 52 SQ. FT.



Bruinier & associates, inc. building designers
 503-246-3022 www.houseplans.pro & www.bruinier.com
 1304 SW BERTHA BLVD. PORTLAND OREGON 97219

Oregon St.



River St.





**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

**SUBJECT: HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT
AND HOLDINGS LLC (34-2021)**

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 6TH AVENUE AND NORTH OREGON LOT 17 FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 6th Avenue & North Oregon Lot 17.

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:

Guardian Real Estate Management and Holdings, LLC, is requesting approval of their application for the \$10,000.00 incentive on a new home to be located at 6th Avenue & North

Oregon being Tax Lot 17 Riverside Addition. The proposed dwelling will be 1662 square feet with two and one-half (2½) bathrooms and a one (1) 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 Guardian Real Estate in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 34-2021_Guardian Real Estate Management



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC

Date: 4/13/21

Site Address or Tax Lot: 6TH AVE & N OREGON 14700 / Lot 17

Application Number: 34-2021 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: 4/13/21
- ☒ Documentation showing funding: Letter From Bank
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1662
 - 2. Number of Baths: 2.5
 - 3. Size of Garage: 1 Car
- ☒ Description of Property of Home:
 - 1. Tax Lot map & Number: 18S47E03BC / 14700 / Lot 17
 - 2. Copy of Deed: 2021-1068
 - 3. Or written description: + Plot Plan
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: 2/24/21
- ☒ Community Development Director approval date: 4/23/21
- ☒ Forwarded to Business Loan Fund Committee: 4/23/21
- ☐ BLF Committee forwards recommendation to City Manager:
- ☐ City Council Approval or Denial:
- ☐ City Manager signs application signifying Council **Approval**:

☐ Application submitted to Finance for tracking: _____

☐ Certificate of Occupancy issued (**within 2 yrs. of Council approval**): _____

☐ Proof of Owner Occupancy (**must be within 1 yr. of C of O**): _____

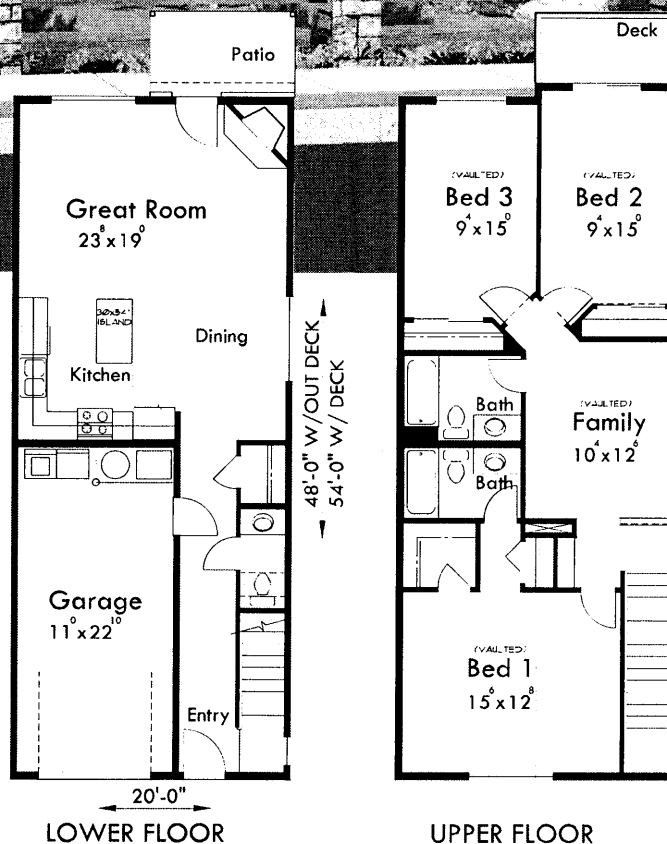
☐ Payment made to Owner: _____

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



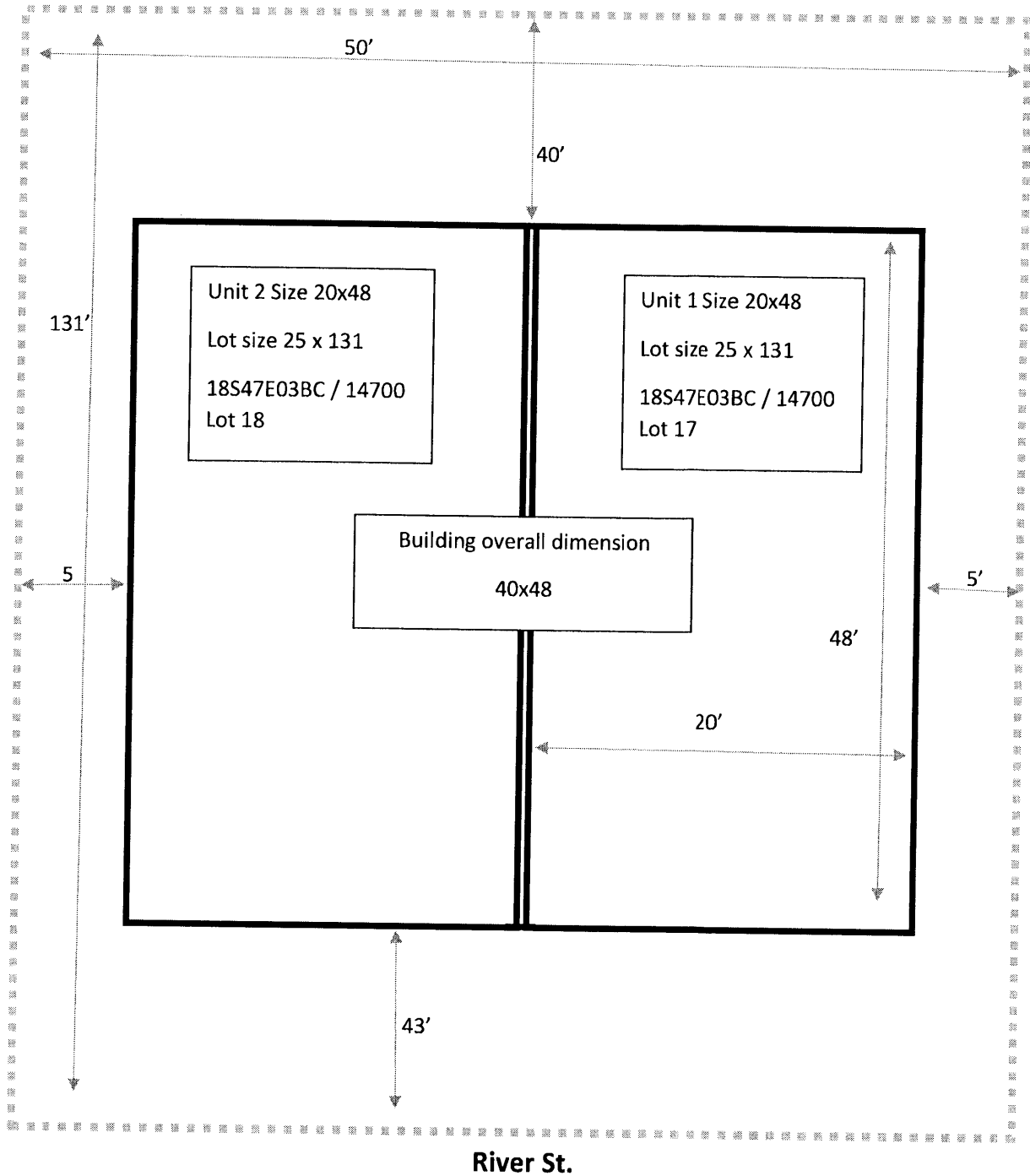
PLAN #D-568

MAIN FLR. 692 SQ. FT.
 UPPER FLR. 970 SQ. FT.
 TOTAL 1662 SQ. FT.
 GARAGE 268 SQ. FT.
 DECK 52 SQ. FT.



Bruinier & associates, inc. building designers
 503-246-3022 www.houseplans.pro & www.bruinier.com
 1304 SW BERTHA BLVD. PORTLAND OREGON 97219

Oregon St.



N →



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

AmeriTitle

70 SW 3rd Avenue

Ontario, OR 97914

Until a change is requested all tax statements shall be sent to the following address:

Guardian Real Estate Management and Holdings LLC

P.O. Box 451

Ontario, OR 97914

File No. 442292AM

MALHEUR COUNTY, OR

D-ST WD

2021-1068

03/15/2021 01:01:03 PM

Cnt=1 Pgs=2

\$97.00

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

STATUTORY WARRANTY DEED

Glen R. Dodson and Clarita Dodson, husband and wife

Glen R. Dodson, Trustee of the Glen R. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest and Carita D. Dodson, Trustee of The Carita D. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest, as tenants in common ,

Grantor(s), hereby convey and warrant to

Guardian Real Estate Management and Holdings LLC,

Grantee(s), the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 15, 16.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 17, 18.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Fractional Lot(s) 19 and 20.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

18S4703BC 14600

18S4703BC 14700

18S4703BC 14800

The true and actual consideration for this conveyance is \$64,067.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:



**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC (35-2021)

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC AT 6TH AVENUE AND NORTH OREGON LOT 18 FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Guardian Real Estate Management and Holdings LLC submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 6th Avenue & North Oregon Lot 18.

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:

GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC is requesting approval of their

application for the \$10,000.00 Incentive on a new home to be located at 6TH AVE & N OREGON being Tax Lot 18 RIVERSIDE ADDITION. The proposed Dwelling will be 1662 Square feet with two and one-half (2 ½) bathrooms and one (1) 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 Guardian Real Estate Management and Holdings in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 35-2021_Guardian Real Estate Management



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC

Date: 4/13/21

Site Address or Tax Lot: 6TH AVE & N OREGON 14700 / Lot 18

Application Number: 35-2021 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: 4/13/21
- ☒ Documentation showing funding: Letter from Bank
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A
- ☒ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1662
 - 2. Number of Baths: 2.5
 - 3. Size of Garage: 1 Car
- ☒ Description of Property of Home:
 - 1. Tax Lot map & Number: 18S47E03BC / 14700 / Lot 18
 - 2. Copy of Deed: 2021-1068
 - 3. Or written description: + Pbt Plan
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: 2/24/21
- ☒ Community Development Director approval date: 4/23/21
- ☒ Forwarded to Business Loan Fund Committee: 4/23/21
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____

☐ Application submitted to Finance for tracking: _____

☐ Certificate of Occupancy issued (**within 2 yrs. of Council approval**): _____

☐ Proof of Owner Occupancy (**must be within 1 yr. of C of O**): _____

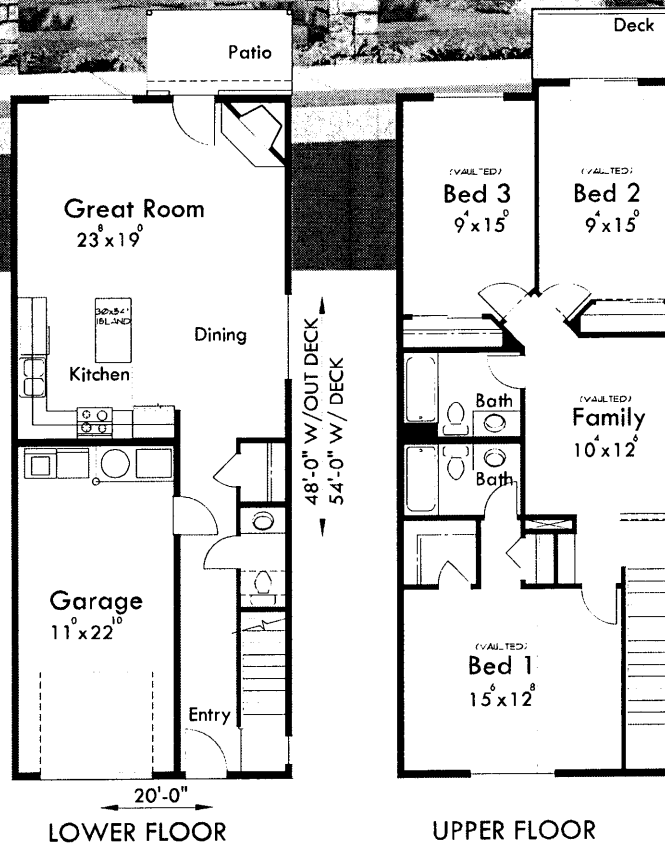
☐ Payment made to Owner: _____

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



PLAN #D-568

MAIN FLR. 692 SQ. FT.
 UPPER FLR. 970 SQ. FT.
 TOTAL 1662 SQ. FT.
 GARAGE 268 SQ. FT.
 DECK 52 SQ. FT.



Bruinier & associates, inc. building designers
 503-246-3022 www.houseplans.pro & www.bruinier.com
 1304 SW BERTHA BLVD. PORTLAND OREGON 97219



N →



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

AmeriTitle

70 SW 3rd Avenue

Ontario, OR 97914

Until a change is requested all tax statements shall be sent to the following address:

Guardian Real Estate Management and Holdings LLC

P.O. Box 451

Ontario, OR 97914

File No. 442292AM

MALHEUR COUNTY, OR

2021-1068

D-ST WD

03/15/2021 01:01:03 PM

Cnt=1 Pgs=2

\$97.00

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

STATUTORY WARRANTY DEED

Glen R. Dodson and Clarita Dodson, husband and wife

Glen R. Dodson, Trustee of the Glen R. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest and Carita D. Dodson, Trustee of The Carita D. Dodson 1996 Revocable Trust, u/t/a dated September 25, 1996, an undivided one-half interest, as tenants in common ,

Grantor(s), hereby convey and warrant to

Guardian Real Estate Management and Holdings LLC,

Grantee(s), the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 15, 16.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Lot(s) 17, 18.

Land in Riverside Addition, City of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:

In Block 7: Fractional Lot(s) 19 and 20.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

18S4703BC 14600

18S4703BC 14700

18S4703BC 14800

The true and actual consideration for this conveyance is \$64,067.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. James A Grissett	
	2 Business name/disregarded entity name, if different from above GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS LLC	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☒ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions. P.O. Box 451	Requester's name and address (optional)
	6 City, state, and ZIP code Ontario OR 97914	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	Social security number <table border="1"><tr><td>5</td><td>2</td><td>9</td><td>-</td><td>0</td><td>4</td><td>-</td><td>5</td><td>3</td><td>4</td><td>3</td></tr></table> or Employer identification number <table border="1"><tr><td></td><td></td><td></td><td>-</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	5	2	9	-	0	4	-	5	3	4	3				-							
5	2	9	-	0	4	-	5	3	4	3													
			-																				

Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► 4/19/2021
------------------	--	------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



**AGENDA REPORT
CONSENT AGENDA
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: HOUSING INCENTIVE PROGRAM: RYWEST HOMES INC (36-2021)

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 1248 SW 14TH AVENUE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 1248 SW 14th Avenue.

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:

Rywest Homes is requesting approval of their application for the \$10,000.00 Incentive on a new home to be located at 1248 SW 14th Avenue being Tax Lot 300 McBain-Nielsen Addition. The proposed dwelling will be 1807 square feet with two (2) bathrooms and a 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 was forwarded to the Committee for their review and recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on April 28, 2021.

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 Rywest Homes in the amount of \$10,000.00.

ATTACHMENTS:

1. Incentive Application 36-2021_Rywest Homes



City of Ontario, Oregon Housing Incentive Program Checklist

Applicant: Rywest Homes Inc Date: 4/27/21

Site Address or Tax Lot: 1248 SW 14th Ave Ontario

TAX Lot 300

Application Number: 36-2021 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: 4/27/21
- ☒ Documentation showing funding: on Record
- ☒ Within City Limits
- ☒ In Urban Growth Boundary Annexation Application filed: N/A
- ☐ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1809
 - 2. Number of Baths: 2
 - 3. Size of Garage: 814 2-CAR 1-RV
- ☒ Description of Property of Home:
 - 1. ☒ Tax Lot map & Number: 1854709CC 300
 - 2. ☒ Copy of Deed: _____
 - 3. Or written description: _____
- ☒ Completed W-9 Taxpayer Form. ON FILE

Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: N/A DKC
- ☒ Community Development Director approval date: 4/28/2021 DKC
- ☒ Forwarded to Business Loan Fund Committee: 4/28/2021
- ☐ 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: _____

SINGLE FAMILY GENERAL NOTES:

GENERAL

1. All construction shall be in accordance with the applicable provisions of the International Building Code (IBC) and the applicable provisions of the applicable local codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

2. The owner shall provide all necessary site information, including but not limited to, survey, topography, and existing conditions. The contractor shall be responsible for verifying the accuracy of the site information and for obtaining all necessary permits and for complying with all applicable codes and ordinances.

3. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

4. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

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19. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

20. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

21. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

22. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

23. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

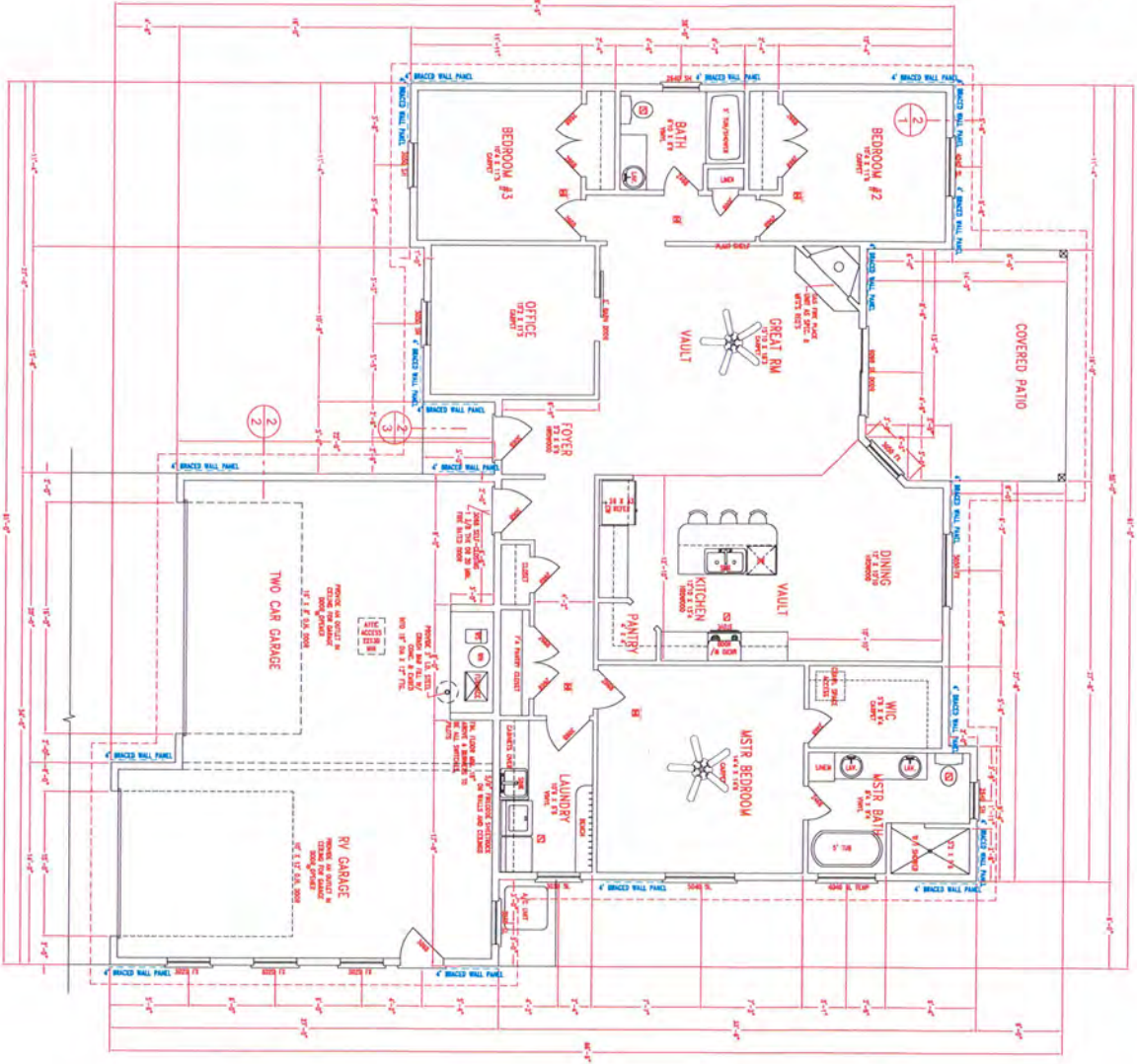
24. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

25. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

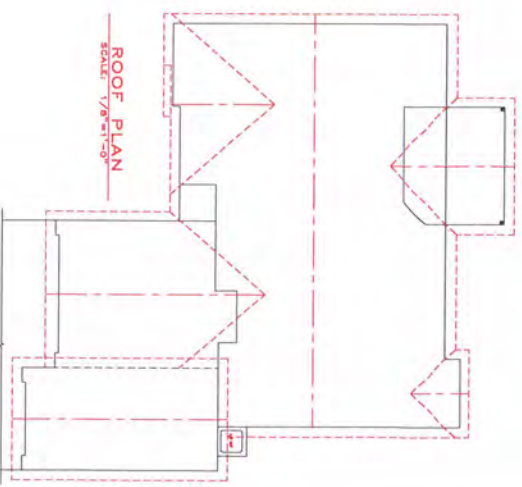
26. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

27. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.

28. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and ordinances.



FLOOR PLAN
1809 SQ. FT. LIVING
814 SQ. FT. GARAGE



ROOF PLAN
SCALE: 1/8" = 1'-0"



NOTES:
1. OWNER TO PROVIDE ALL NECESSARY PERMITS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE APPLICABLE LOCAL CODES AND ORDINANCES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.

ENERGY PATH
1. OWNER TO PROVIDE ALL NECESSARY PERMITS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE APPLICABLE LOCAL CODES AND ORDINANCES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND ORDINANCES.

WARRANTY DISCLAIMER
THESE DRAWINGS AND SPECIFICATIONS ARE PREPARED BY THE ARCHITECT AND THE CONTRACTOR. THE ARCHITECT AND THE CONTRACTOR MAKE NO WARRANTY, EXPRESS OR IMPLIED, FOR THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT AND THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR NEGLIGENCE IN THE DESIGN OR CONSTRUCTION OF THE PROJECT.

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Malheur County Title Company, Inc.
81 South Oregon Street
Ontario, OR 97914

Until a change is requested all tax statements shall be sent
to the following address:

Rywest Homes, Inc.

File No.:34616 E
Date: March 26, 2021

STATUTORY WARRANTY DEED

NASSER SHOAE AND TERRI L. CHANDLER, Grantor, conveys and warrants to, **RYWEST HOMES, INC., an Idaho corporation, Grantee**, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION.

Account No.: 2781	Code No.: 1	Map No.: 18S4709CC	Tax Lot No.: 200
Account No.: 2782	Code No.: 1	Map No.: 18S4709CC	Tax Lot No.: 300

This property is free from liens and encumbrances, EXCEPT:

Current general taxes, easements, restrictions and rights of way, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$110,000.00**(Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this _____ day of _____, 2021.

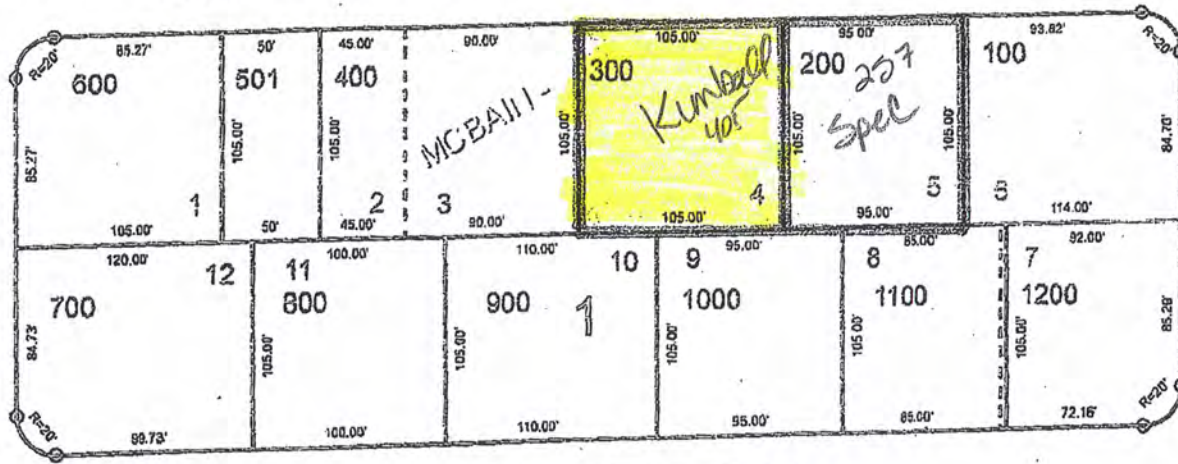
Nasser Shoaee

Terri L. Chandler

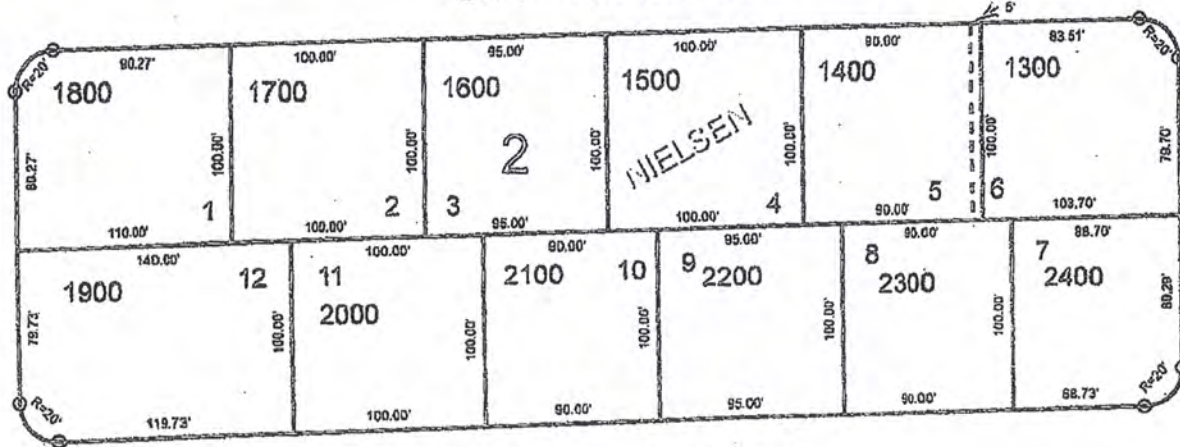
SEE MAP 18S 47E 09

1/16 COR.

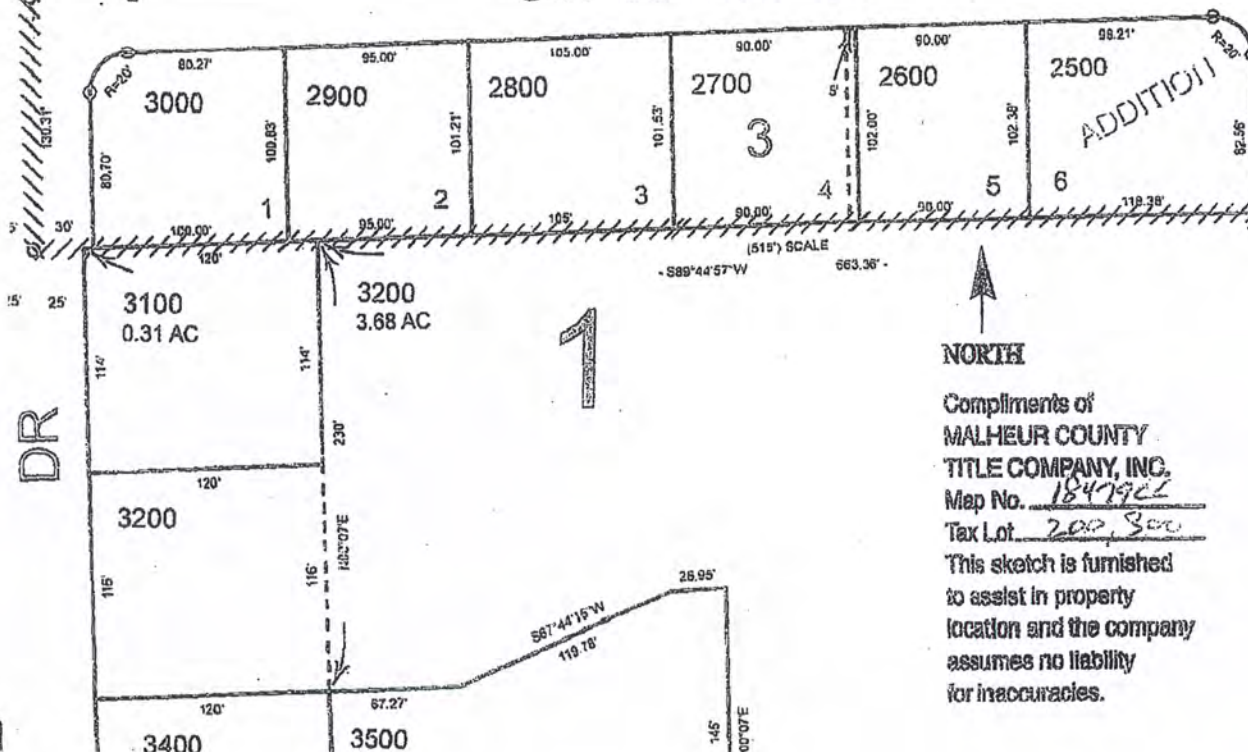
SW 14TH AVE



SW 15TH AVE



SW 16TH AVE



SEE MAP 18S 47E 09CD

SW 12TH ST

NORTH

Compliments of
MALHEUR COUNTY
TITLE COMPANY, INC.

Map No. 1847962

Tax Lot 200, 300

This sketch is furnished
to assist in property
location and the company
assumes no liability
for inaccuracies.

Bain — Nielsen Addition to

by

G.&W. Engineering

Ontario, Oregon

LATTED

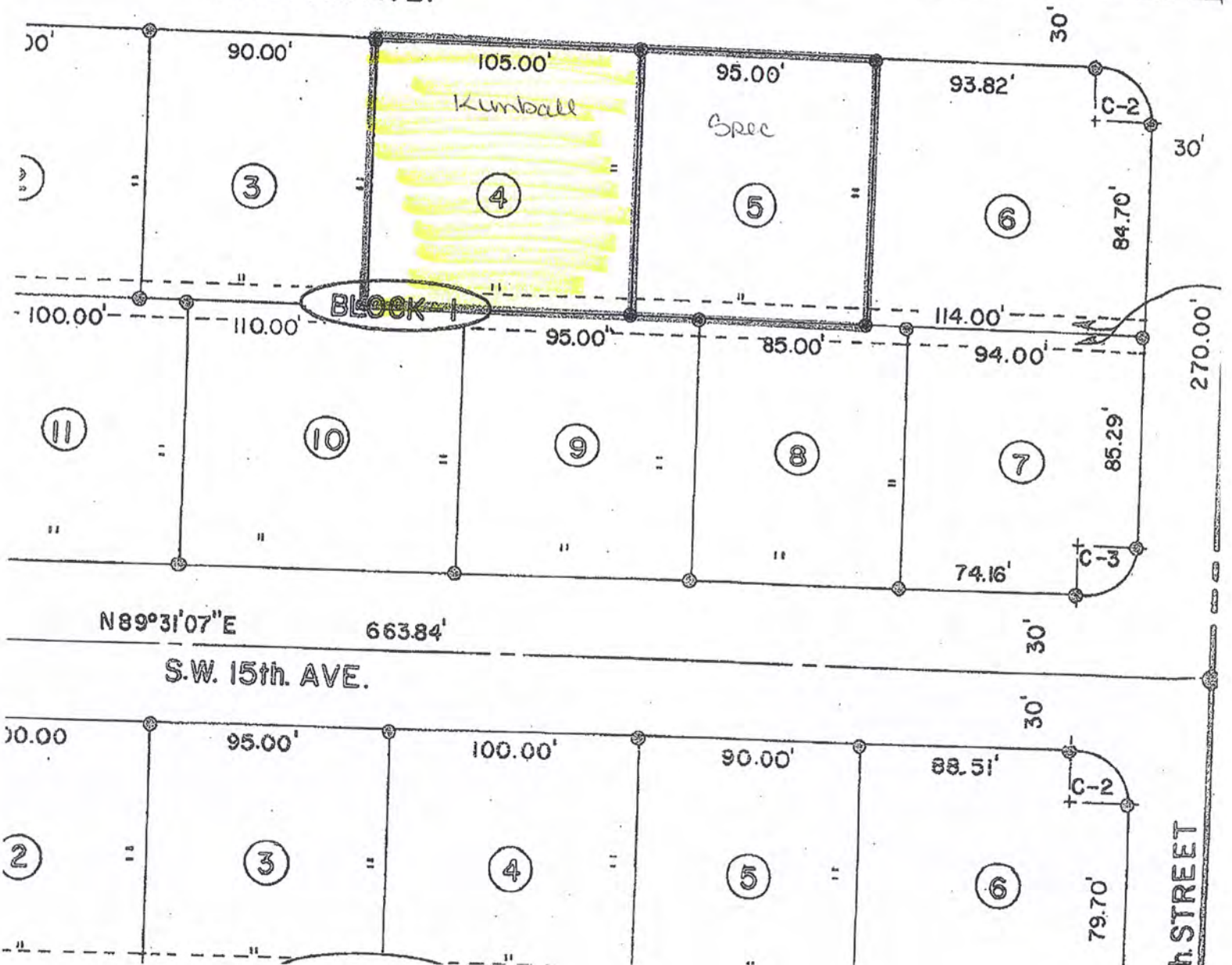


$0^{\circ}31'07''E$

664.15'

INITIAL POINT

S.W. 14th. AVE.



JACOBS



Engineering Division
1551 NW 9th St
Ontario, OR 97914
Voice (541) 889-8572
Fax (541) 766-2902
morgan.gipson@jacobs.com

April 1, 2021

Kimball

RE: New Address in Ontario, Oregon

On behalf of the City of Ontario, please be advised of the following new as well as change of address created in Ontario, Oregon:

**Map and Tax lot
18S 47E 09CC TL 300**

Existing Address
None

New Address
1248 SW 14th Ave

For questions regarding the creation of addresses, please contact Jacobs GIS Technician Morgan Gipson at 541-889-8572.

Effective Date: April 1, 2021

Thank you,

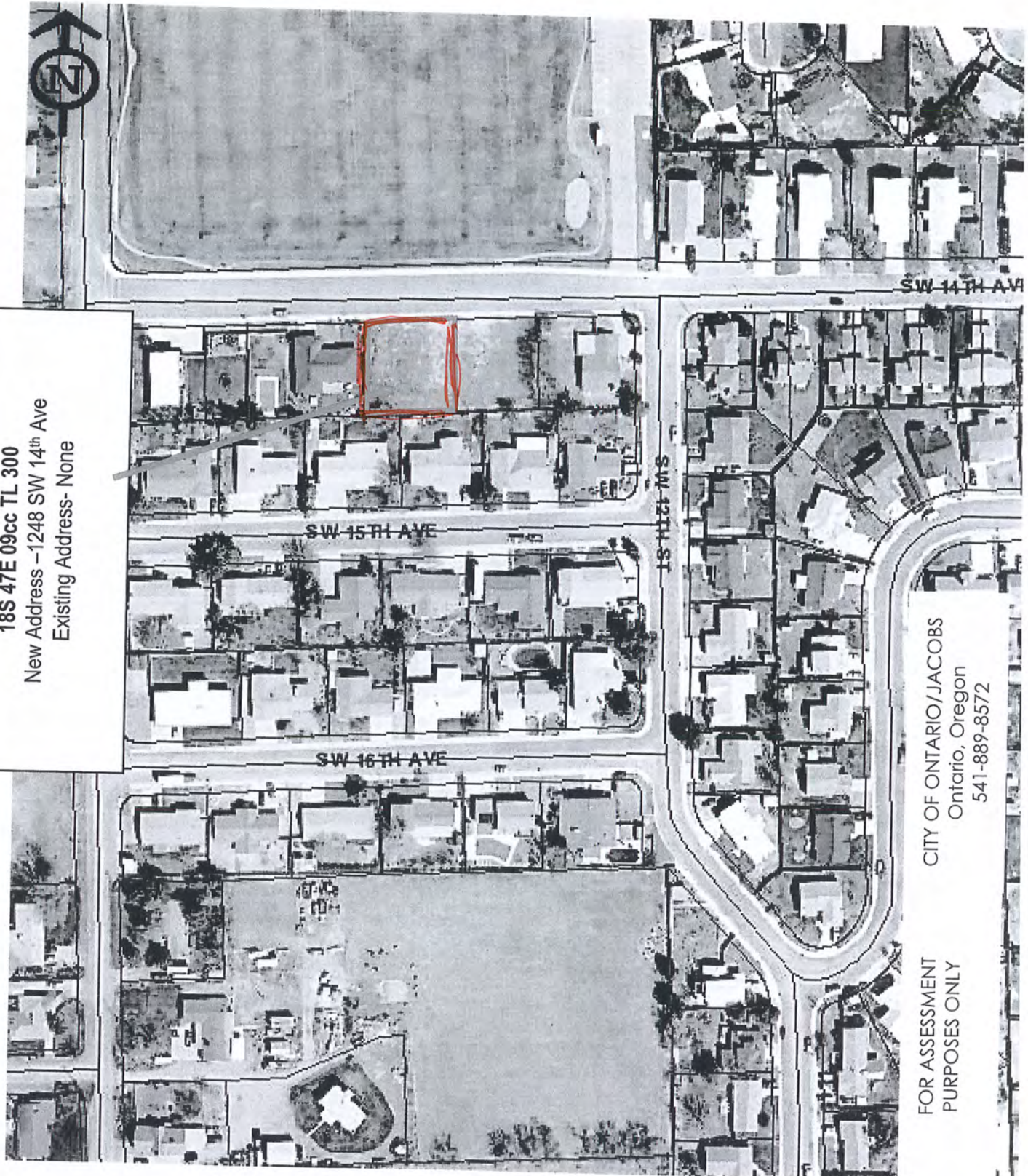
Morgan Gipson
GIS Technician
JACOBS

Cc: Cascade Natural Gas
Cable One
Idaho Power Company
Malheur County Assessor
Malheur County Planner

Malheur County Recorder
Malheur County Sheriff
Ontario Fire Department
Ontario Police Department
Ontario Post Office

Jacobs Public Works
Ontario Sanitary Service
Ontario Water Department
Property Owner(s)
Ontario Building and Planning

18S 47E 09cc TL 300
New Address - 1248 SW 14th Ave
Existing Address- None



CITY OF ONTARIO/JACOBS
Ontario, Oregon
541-889-8572

FOR ASSESSMENT
PURPOSES ONLY

**First American Title Co.
of Malheur County**

158 S. W. First Street
Ontario, Oregon 97914

**DIVISION 4 RESTRICTIVE COVENANTS
COLLEGE GREEN ESTATES**

**Dated: Sept. 12, 1972
Recorded: Sept. 13, 1972
Instrument No. 137610**

KNOW ALL MEN BY THESE PRESENTS. That Itami-Yost, Inc. an Oregon Corporation, pursuant to resolution of its Board of Directors, collectively being the owners and in fee of the hereinafter described real property, herein known as the dedicators, and who have heretofore in the Office of the County Clerk of Malheur County, Oregon, a subdivision plat thereof, to-wit:

Land in COLLEGE GREEN ESTATES, Division 4 of City of Ontario, Malheur County, Oregon, according to the Official Plat, recorded Mar. 9, 1972 thereof as follows:

- In Block 1: Lots 1 through 9, inclusive.
- In Block 2: Lots 1 through 35, inclusive.
- In Block 3: Lots 1 through 3, inclusive.
- In Block 4: Lots 1 through 23, inclusive.

do hereby establish the following restrictions and covenants as to said property, as follows:

The Dedicators do hereby declare that there is established a general plan for the development, improvement, maintenance and protection of the real property above described and herein referred to as the Plat, of which the above described real property is all or part, and the Dedicators do hereby establish the protective restrictions and covenants as set forth in each of these paragraphs. The protective restrictions and covenants shall attach to and shall pass with the real property herein above described and shall bind all persons who may at any time hereafter and from time to time own or claim any right, title or interest in and to said real property and the successors in title, and any interest in said real property whether acquired through voluntary act or operation of law. All instruments of conveyance shall contain a reference to these protective restrictions and covenants by reference to book and page of record of the County Clerk of Malheur County, Oregon, and by such reference all provisions herein shall be deemed to be a part of such conveyance as though fully set out therein.

Itami-Yost, Inc. of the dedicators herein shall be known as the Grantor and the term Grantee shall refer to any person, corporation, or association who hereafter shall assert or claim any right, title, claim or interest in and to said real property whether as successors in title or in any other manner, whether voluntary or by operation.

LAND USE AND BUILDING TYPE:

- Lots 1-35, Inclusive, Block 2
- Lots 1-3, Inclusive, Block 3
- Lots 1-23 Inclusive, Block 4

No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than three cars.

LOTS 1-9, INCLUSIVE, BLOCK 1

No lot shall be used except for residential purposes. No building shall be erect, altered, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than three cars, or a duplex not to exceed two rentals. Said duplexes shall not be less than 1400 square feet (700 square feet per unit) for one-story duplex nor less than 1200 square feet (600 square feet per unit) for duplex of more than one-story.

ARCHITECTURAL CONTROL:



**AGENDA REPORT
OLD BUSINESS
May 6, 2021**

To: Mayor and City Council

FROM: Steven Romero, Police Chief

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2021-107: ESTABLISHING FEES FOR NON-COMMERCIAL LOCATIONS FOR REGISTRATION BEYOND THREE DOGS

DATE: March 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2021-107, A RESOLUTION TO ESTABLISH FEES FOR NON-COMMERCIAL LOCATIONS FOR REGISTRATION BEYOND THREE DOGS.

SUMMARY:

Currently, Ontario Municipal Code (OMC) Section 6-2-3 delineates city mandates for dog license requirements, exceptions, and issuance of tag and collar. The Ontario Police Department has received two special applications for a dog license beyond the three allowable dogs per any one premises; however, OPD is unable to complete the application approval process, as a resolution establishing a multitudinous dog license application fee has not been developed.

BACKGROUND:

Effective animal control and regulation of dog ownership is essential for ensuring the community's accountability for responsible dog ownership and other categories of dog control such as vaccinations against rabies, procedures for declaring dogs 'dangerous,' and controlling excessive dog barking, and odors. The City of Ontario previously enacted OMC 6-2-3, subsection (B) which grants a 3-dog maximum per any one premise, unless the owner makes a special application to do so to the city for non-commercial purposes. Research of other cities within our region illustrate a more comprehensive ordinance approach to non-commercial dog registration applications. Fees, processes, and granted administrative authority for the application process vary.

CURRENT SITUATION:

The current OMC 6-2-3 subsection (B) states: *“A fee to be determined by City Council Resolution shall accompany application.”* However, the city does not currently have any written resolution for non-commercial, multitudinous dog registration special- applications, specifying the amount of the fees that are to be levied for the application. Further, there is no fee designated for an appeals process should that action be needed.

Considering feedback that was garnered during the March 4, 2021 Council Work Session, staff is proposing the Council adopt a fixed application fee and appeal fee that falls within contemporary norms.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council’s adopted Strategic Plan for Lifestyle. Lifestyle is achieved through working with our community partners to enhance their quality of life through added opportunities while ensuring the peace and general health of all community members.
- B. **FINANCIAL** There is no financial impact for this action beyond any monies not collected for current or future special permit applications.
- C. **TIMING** With two pending applications and the likelihood of future applicants, the need for adopting resolution # 2021-107, a resolution for non-commercial multitudinous dog licensing is immediate. There is a need to establish the fees now, or there will be no way to move forward with the application process, without this resolution in place.
- D. **POLICY/LEGAL** Resolution #2021-107, will close the legal gap that currently exists for the processing of applications for non-commercial multitudinous dog licensing.

ALTERNATIVES:

Deny Fee Resolution: This will result in the inability to complete the pending applications or the ability to process any new applications, and leave the city absent of a resolution for fee collection for this process.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution #2021-107.

ATTACHMENTS:

1. Reso #2021-107 Multitudinous Dogs Licensing



RESOLUTION # 2021-107

**A RESOLUTION ESTABLISHING FEES FOR NON-COMMERCIAL
MULTITUDINOUS DOG LICENSING**

- WHEREAS,** Ontario Municipal Code (OMC) section 6-2-3 (B) regulates dog ownership within the Ontario City limits by imposing an application process for non-commercial multitudinous dog licensing; **and**
- WHEREAS,** The City finds it necessary to establish a fee for non-commercial dog licensing applications; **and**
- WHEREAS,** The City finds it necessary to establish a fee for an application denial / appeal for non-commercial dog licensing.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council:

1. To establish a nonrefundable application fee of \$ 75.00 for non-commercial dog licensing permits above three dogs for any one premise.
2. To establish an appeal fee of \$150.00 per application-case.

EFFECTIVE DATE: Effective immediately upon passage.

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

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
OLD BUSINESS
May 6, 2021**

To: Mayor and City Council

FROM: Peter Hall, Human Resources Manager
Kenneth Monson, Technology Specialist
Sheri Smith, OPD Office Manager/IT Supervisor

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-111: BID AWARD FOR TECHNOLOGY BACKUP SERVICES**

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-111, A RESOLUTION REQUESTING TO AWARD TECHNOLOGY BACKUP SERVICES TO MICRO TECHNOLOGY SYSTEMS, INC FOR ONE YEAR AT A RATE OF \$2,946 PER MONTH AND A ONE-TIME ONBOARDING FEE OF \$4,600.

SUMMARY:

Information technology backup and support services are being sought to meet the increasing use and demands from City Hall without increasing personnel costs from hiring an additional employee.

After receiving no bids from the initial invitation for proposals, staff worked with representatives from Xerox and Micro Technology Systems, Inc. to find a services solution.

Staff also reached out to 8C School District, Treasure Valley Community College, and Malheur County Education Service District (ESD) on the recommendation of Councilor Hart. While none of these entities were interested, an employee from ESD reached out and offered a bid from his private business, Marlin Computer Consulting, LLC.

BACKGROUND:

City Council approved \$30,000 in the fiscal year 2020-2021 budget for backup and support services for the Information Technology Department. The specific purpose of these services is to provide backup services to the IT Specialist should vacation or sick time be taken. Additionally, the services would provide support and resources for other IT projects.

The city sent out an invitation for proposals for technology backup and support in November

2021. Although no bids were initially received, two companies came into contact with the city and worked with staff to submit proposals.

CURRENT SITUATION:

Micro Technology Services will provide 15 support hours per month with unused hours rolling into the following month. These hours can be used for projects or to cover for sick or vacation time on an as-needed basis. Additionally, MicroTech will provide services from the TechCare Protection Suite (Antivirus Protection, Internet Security, etc.), site monitoring, and local server backup. The agreement from MicroTech would span for one year, at which time, the agreement would be re-visited.

Xerox offers blocks of hours to be purchased based on the level of expertise required. Staff requested additional information regarding the same services offered by MicroTech; however, Xerox officials did not respond to this request.

Marlin Computer Consulting provides server backup, anti-virus, and server monitoring services and on-site or remote support.

ANALYSIS:

- A. **STRATEGIC PLAN** IT provides internal services which are not listed specifically in the strategic plan; however, these services are a vital part of city functions.
- B. **FINANCIAL** MicroTech charges \$4,600 for a one-time onboarding. This includes installation of remote monitoring software, antivirus software, internet security software, and backup software. Onboarding will also include documentation of our network and systems, a network audit findings report, and a network findings meeting.

The TechCare Protection Suite will be billed at \$930 per month, site monitoring at \$115 per month, and local server backup at \$175 per month. The 15 hours of care will be billed at \$115 per hour or \$1,725 per month.

Initial set up fees and the two months of the contract will fall under FY 20-21 with costs totaling \$10,492. The remaining 10 months of the agreement will last through FY 21-22 totaling \$29,460.

It is important to note that the city will save approximately \$6,000 in FY 21-22 by eliminating the need for it's antivirus licenses.

Xerox's pay-as-you-go model would be billed based on purchase quantity and the level of expertise required. Service costs outside of work hours were not provided after staff requested them. 10-49 hours are billed at \$135 per hour. 50-99 hours are billed at \$130 per hour. 100+ hours are billed at \$125 per hour. A desktop technician

is billed at 0.5 units per hour, project manager at 0.75 units per hour, engineers at 1.0 units per hour, and senior engineers at 1.5 units per hour.

The number of hours provided during the year could range from 160 to 480.

Services for Marlin Computer Consulting includes an RMM Bundle, Physical server for \$1,750, RMM Bundle, Virtual Machine for \$5,100, RMM Bundle, Workstation for \$18,425, Cloud Backup for \$26,400, and Physical Server Support for \$6,000 for a grand total of \$57,675. Additional costs for hourly support would include on-site support billed at \$115/hour and remote support billed at \$90/hour.

C. **TIMING** Either agreement would begin May 1, 2021.

D. **POLICY/LEGAL** There are no policy/legal implications.

ALTERNATIVES:

Not Award - The Council could take no action and not award a contract for IT services. City staff believes this would continue to expose the risk level that currently exists without any backup IT service provider. Having a private sector backup service allows us to provide depth without adding employees and legacy costs.

RECOMMENDATION:

Staff recommends awarding the bid to Micro Technology Systems based on the broader level of service provided at a lower cost.

ATTACHMENTS:

1. Services Agreement_MicroTech
2. Services Agreement_Xerox
3. IFB_Vendors_Technology Backup_11 2 2020
4. Res 2021-111 Bid Award for IT Backup and Support
5. Services Agreement_Marlin

Micro Technology Systems, Inc.
TechCare Services Agreement

This Agreement is made this 13th day of April, 2021, by and between MicroTechnology Systems, Inc. (MicroTech), with its principal place of business at 125 E. 50th St., Garden City, Idaho, 83714, and **City of Ontario** (Client), with its principal place of business at **444 SW 4th Street, Ontario, Oregon, 97914**.

The Parties agree as follows:

1. Term. The effective date of this Agreement will be **May 1, 2021** and shall be for an initial term of twelve (12) months, unless otherwise terminated earlier as provided herein. Thereafter, this Agreement shall automatically renew for an additional term for twelve (12) months on each and every anniversary date of this Agreement, unless either party provides the other with written notice thirty (30) days prior to the end of the then existing term of their intent to terminate this Agreement.

2. Services.

(a) TechCare Services. MicroTech shall provide the services described on Schedule 1 which is attached to this Agreement and incorporated herein (collectively the “TechCare Services”).

(b) Charges and Rates for Service. The charge for TechCare Services during the Term of this Agreement shall be those set forth on Schedule 1-A – TechCare Service Schedule of Charges. MicroTech may increase its monthly service rate or hourly rate by up to ten percent (10%) on each anniversary date of this Agreement with a 30-day notice.

3. Additional Services. In addition to the TechCare Services, MicroTech shall provide any additional services set forth on Schedule 2 – Additional Services Schedule of Charges which is attached to this Agreement and incorporated herein. Additional Services and Licensing fees are resold from third party vendors and costs are subject to change.

4. Regular Business Hours. Services covered under this Agreement will be performed during regular business hours, which are defined as Monday through Friday, between 8:00 AM and 5:00 PM Mountain Time, unless otherwise defined herein. Services performed outside the definition of regular business hours (“Extended-hour services”) will be invoiced to Client at the designated hourly rate listed in Schedule 1-A.

5. Cancellation. Client and/or MicroTech may cancel this Agreement for any reason upon thirty (30) days advanced written notice, at any time during the first one hundred and twenty (120) days from the effective date of this Agreement. Thereafter, this Agreement may be terminated only as follows.

(a) Termination by Client.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has breached any term of this Agreement. If Client determines that MicroTech has breached any term of this Agreement, Client shall first provide written notice to MicroTech of such breach of this Agreement (Notice of Breach). Thereafter, MicroTech shall have fifteen (15) days from date of receipt of the Notice of Breach to meet with Client and attempt to cure such breach. If after such fifteen (15) day period Client in its sole discretion does not believe that the breach has been cured, Client at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Client may terminate this Agreement at any time for no reason by providing MicroTech with thirty (30) days prior written notice that it is terminating this Agreement. If Client elects to terminate this Agreement pursuant to this Section 5(a), Client shall within thirty (30) days of the Termination Notice pay

to MicroTech fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-half. I.e: Early Termination fee will be 50% of the remaining contracted services.

(b) Termination by Microtech.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has determined a problem or issue with Client or Client’s IT systems that is obstructing Microtech from effectively performing services as defined in Schedule 1, Schedule 1-A, and Schedule 2. If Microtech determines termination for cause is necessary, Microtech shall first provide written notice to Client of such problem or issue (Notice of Obstruction). Thereafter, Client shall have fifteen (15) days from date of receipt of the Notice of Obstruction to meet with Microtech and attempt to cure such problem or issue. If after such fifteen (15) day period Microtech in its sole discretion does not believe that the obstruction has been cured, Microtech at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Microtech may terminate this Agreement at any time for no reason by providing Client with thirty (30) days prior written notice that it is terminating this Agreement. If Microtech elects to terminate this Agreement pursuant to this Section 5(b), Microtech shall within thirty (30) days of the Termination Notice pay to Client fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-half. I.e: Early Termination fee will be 50% of the remaining contracted services

6. Disclaimers.

(a) Causes Beyond MicroTech’s Control. MicroTech shall provide standard information technology computer networking or infrastructure support. MicroTech shall not be liable for failure to provide those services if such failure is due to any cause or condition beyond MicroTech’s control.

(b) No Warranty for Error-Free Service. MicroTech does not warrant the uninterrupted or error-free operation of any of Client’s machines or software products.

(c) Limit of Responsibility. MicroTech makes every attempt to safeguard and protect client data from damage, loss, or altered files. Because of events that can occur that are beyond MicroTech’s control, due to hardware and software failures, and acts of third parties, MicroTech is not responsible for damaged, lost, or altered client data.

(d) Limited Warranty. MicroTech warrants to Client that, during the term of this Agreement, MicroTech will perform the Services in a professional and workmanlike manner (the “Limited Warranty”). In the event of any breach of the Limited Warranty that is reported to MicroTech during the term of this Agreement, MicroTech’s sole obligation and Client’s sole right and remedy for such breach shall be the re-performance by MicroTech of the services that were not performed in a professional and workmanlike manner, unless such re-performance of the services by MicroTech fails to correct such breach within fifteen (15) days, in which case the Client may, after providing written notice to MicroTech in accordance with Section 5(a)(i) above, terminate this Agreement for cause. Notwithstanding the foregoing, the failure to correct or replace hardware devices and/or software programs that were not provided by MicroTech; and/or the delayed timeframe by suppliers of replacement hardware devices/components and/or software programs that are delayed through no fault of MicroTech shall not be deemed to be a breach of the Limited Warranty.

(e) Services As Is. Except for the limited warranty expressly described above, all services, software, and products provided to client under this agreement are provided on an “as is” basis and without any express, implied, statutory, or other warranties of any kind whether oral or in writing, or arising by usage of trade or course of dealing. Without limiting the generality of the foregoing, MicroTech disclaims any and all implied warranties (including, without limitation, any implied warranties of merchantability, fitness for a particular purpose, and non-infringement). The Limited Warranty provided hereunder extends only to Client and Client’s permitted assigns.

(f) No Warranty for Third Party Products. Client acknowledges that Client may purchase, lease or license certain products, programs, software, equipment, services, or hardware from third parties associated with Client’s informational technology systems (“Third Party Products”), some or all of which may be recommended by MicroTech. Further, Client acknowledges that MicroTech, as part of its TechCare Services may purchase, lease or license Third Party Products. MicroTech shall not be responsible to Client for any damage or loss resulting from such Third Party Products for, including but not limited to, transmission or communication errors, use or failure of hardware or equipment, use or failure of software, failure of delivery or courier services, or for any act, error, omission, or circumstance associated with such Third Party Products beyond MicroTech’s reasonable control. Further, MicroTech shall have no obligation or responsibility under this Agreement for the use of any Third Party Products regardless if MicroTech recommends, installs or monitors such Third Party Products.

(g) Force Majeure. Neither party shall be in default for failing to perform under this Agreement (other than a failure to make payment when due or to comply with restrictions upon the use of the products and services) if such failure arises out of any act, event, or circumstance beyond the reasonable control of such party, whether or not predicted or foreseeable. The party so affected will resume performance as soon as reasonably possible.

(h) Disclaimer. Except as provided in this Agreement and any related agreements, MicroTech specifically disclaims any and all warranties of any kind, express, implied or statutory, including, but not limited to, any WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

7. Limitations on Damages. Under no circumstances shall MicroTech be liable for any losses or damages that are not brought to its attention by client in writing within thirty (30) days of the event giving rise to the alleged liability, and no action arising out of the agreement may be brought by client more than one (1) year after the occurrence of the event giving rise to the alleged liability. MicroTech shall not be liable for any incidental, consequential, special, indirect, delay, economic or property damages whatsoever (including any damages for loss of profits, data or goodwill, business interruptions, damaged or corrupted data, or other commercial, economic, or pecuniary loss) arising out of or relating to this agreement, even if MicroTech was advised of the possibility of such damage. In no event shall MicroTech’s aggregate liability for damages under this agreement (regardless of the form of action, whether in contract, tort, strict liability or otherwise) exceed the amount paid by client for services during the twelve (12) months immediately prior to the claim giving rise to the alleged damages.

8. Proprietary Information.

(a) Safeguards of Client Information. All information related to Client’s business which is required to be submitted by Client to MicroTech pursuant to this Agreement shall be safeguarded by MicroTech to the same extent that MicroTech safeguards information relating to its own business. If, however, such information is publicly available, already known by MicroTech, or is rightfully obtained from third parties, MicroTech shall bear no responsibility for its disclosure, inadvertent or otherwise.

(b) Safeguards of MicroTech Information. Client shall safeguard all proprietary MicroTech information as it would its own. MicroTech’s proprietary information includes this Agreement and any other documents from MicroTech that are identified as MicroTech’s proprietary information.

9. MicroTech Obligations. MicroTech shall perform all services which it agrees to perform pursuant to this Agreement in a workmanlike manner consistent with industry standards. If MicroTech breaches the provision, its sole obligation shall be to re-perform the services in question promptly and properly.

10. Attorney's Fees. If either party defaults or initiates any legal action under this Agreement (including appeal), the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

11. Non-Solicitation. Neither party shall hire or solicit for hire or engage as an independent contractor or employee of the other during the term of and for one year after the termination of this Agreement, without the express written consent of the other party. If Client breaches this Section 11, Client agrees to pay MicroTech within thirty (30) days of hiring the MicroTech employee an amount equal to 28% of the employee's first year salary.

12. Invoicing. TechCare Services agreement will be invoiced at the end of each month for agreement services provided in the following month. Terms are net twenty (20) days on all invoices. Services provided above, or in addition to, the hourly allotment will be invoiced at time of service. All invoices will be mailed to the Client address listed in paragraph 1 of this Agreement. In the event that the billings address changes, the Client agrees to notify MicroTech in writing within thirty (30) days of effect at the following address:

MicroTechnology Systems, Inc.
125 E. 50th St.
Garden City, ID 83714

13. Late Fee Charges. In the event MicroTech has not received payment in full for the charges under this Agreement when due, a service charge shall be added to the amount due in an amount equal to one and one-half percent (1 ½ %) per month.

14. Successors and Assigns. This Agreement may be assigned by either party and shall be binding upon the successors and assigns of the parties.

15. Choice of Law. This Agreement will be interpreted in accordance with the laws and statutes of the State of Idaho and each party specifically agrees to the application of such laws to such party and his rights, duties, obligations and agreements, hereunder or arising out of the subject matter hereof.

16. Attachments. Every attachment or schedule attached and referred to in this Agreement is hereby incorporated in this Agreement.

The appropriate authorized signatures below indicate acceptance of this Agreement.

MICROTECH

CLIENT

Bill Mogensen
Print Name

Print Name

Bill Mogensen

Signature

Signature

Account Manager

Title

Title

4/13/2021

Date

Date

Schedule 1
TechCare Services

Remote Monitoring and Reporting • Agent Provided by third party vendor • Agents send selected data back to management console • Console monitored by MicroTech • Reports configured to send to Client	Patch Management Patch Management for Microsoft software provided in one of three ways: • Third party vendor remote monitoring tools • Microsoft Windows Server Update Services • Windows updates services on local systems
Antivirus Monitoring & Threat Hunting Antivirus / threat hunting software agent provided by third party vendor(s). Systems monitored through third party management console for: • Virus pattern file updates • Virus system scan completion • Virus activity reporting • Malicious hacking activity	DNS Protection Services DNS Protection agent provided by third party vendor. Systems monitored through third party management console for: • Protects users against known malicious websites • Provides web & content filtering • DNS reporting
Backup Monitoring • If service selected by client, local backup provided by Windows backup application or Third Party Vendor ◦ Backup success or failure monitored by MicroTech through remote monitoring console • If service selected by client, remote offsite online backup services provided by Third Party Vendor ◦ Backup encryption provided by Third Party Vendor ◦ 30 file version history ◦ Daily synchronization with offsite servers ◦ Backup success or failure monitored by MicroTech through remote monitoring console	
TechCare Support Hours Included as part of the TechCare Services are TechCare hours (“TechCare Hours”). TechCare Hours are charged each month for performing regular maintenance, troubleshooting, user requests, or ongoing support for information technology hardware, software, or line of business applications existing on Client’s systems, including but not limited to items such as Microsoft server and desktop operating systems, Microsoft productivity software, antivirus software, backup software, other third party software, infrastructure hardware, and line of business applications. Line of business applications is to include but not limited to, accounting or industry software. Support services can be delivered remotely (not on premise) or on-site (on premise). If in any month Client exceeds the TechCare hours or for matters not included in TechCare Hours, Client shall be charged at rate specified in schedule of charges. Remote support TechCare Hours are billed in fifteen-minute increments; onsite support TechCare Hours are also billed in fifteen-minute increments with a one (1) hour minimum.	
TechCare Services Exclusions Certain projects are excluded from TechCare Services and are not part of TechCare Hours; those projects excluded are additions, changes, or removal from existing operating/software systems on the network. Some examples include but are not limited to: 1) Installation and implementation / configuration of new hardware, operating systems, or software. 2) Upgrades to existing hardware, operating systems, or software. 3) Training on hardware, operating systems, or software. 4) Removal of existing hardware, operating systems, or software.	

Schedule 1-A
TechCare Service Schedule of Charges

Monthly TechCare Hours

- Monthly rate for monthly block hours -- **\$1,725.00** per month
- Monthly rate for monthly hours block is based on **15** support hours per month.
- Block Hourly rate is **\$115.00**
- Monthly rate for site administration is **\$115.00** (1 hour non- useable)
- Extended support hours charged at time plus one half to monthly hour allotment
- Remote support hours billed in 15-minute increments
- Onsite support hours, 1 hour minimum and 15-minute increments thereafter
- Travel billed in 15-minute increments
- Monthly hours not used roll into the following month through the term of This Agreement
- Monthly hours not used through the term of This Agreement expire upon the anniversary date and have no dollar value. Hours will not be refunded.

Scheduled Onsite Visits – No Scheduled Onsite Time

One time setup / onboarding service fee – **\$4,600.00**

Additional future services

- Additional hours used over allotted hours will be billed at the current time and material rate.
- Additional extended support hours will be billed at the current time and material rate + ½ per hour

Projects

- Projects will be proposed on an individual basis based on a) estimated number of hours to complete and will be billed at a determined hourly rate, or b) an agreed upon flat rate.

Schedule 2
Additional Services Schedule of Charges

TechCare Essentials Protection Suite Nodes

- **\$10.00** per node per month
- Antivirus agents provided by third party
- Advanced threat hunting agent provided by third party
- DNS Protection Services provided by third party
- Remote monitoring agents provided by third party

Backup Software Licensing Rates – Optional

Shadow Protect local backup agents provided by Storage Craft

- Shadow Protect server license -- **\$44.00** per server per month

Microsoft Office 365 Accounts

- Microsoft Office 365 accounts resold through Pax8
- Hosted Exchange -- **\$4.00** per account per month
- Business Basic -- **\$5.00** per account per month
- Business Standard -- **\$12.50** per account per month
- Business Premium -- **\$20.00** per account per month

Listed Fees above

- Additional Services and Licensing fees listed on this page are resold from third party vendors and costs are subject to change.

Xerox IT Services NetKare Contract

What is NetKare?

NetKare provides customer access to Xerox IT Services technical break/fix skill sets to support their IT needs, purchased in “unit blocks” (10-unit minimum purchase.)

- One-unit minimum charge on all calls
- Billed in quarterly increments thereafter
- Units charged dependent on skill set utilized (see modifiers below)
- Can be used for project-based services (dollar value, not unit)

By purchasing unit blocks in advance, Xerox IT Services provides a discounted fixed rate (off T&M) and a monthly NetKare usage report for review. NetKare used for project-based work will be deducted at dollar value, not unit count.

Purchase Quantity	Unit Cost	Desktop Technician	Project Manager	Engineer	Senior Engineer
10 -49	\$135.00				
50 - 99	\$130.00	Billed @ 0.50 U	Billed @ 0.75 U	Billed @ 1.0 U	Billed @ 1.5 U
100 +	\$125.00				

What is Time and Materials Pricing?

Xerox IT Services T&M offerings provide customers access to our technical skill sets to support their IT infrastructure. T&M rates include the following caveats:

- Flat hourly rate with a two-hour minimum charge
- Billed in quarterly increments after the first 2 hours
- The rate is dependent on skill set utilized
- Rates do not include parts

Time and material pricing does not include the discount to hourly rates available with NetKare units.

How do I Request Service?

Phone: 1-877-XEROXIT

Email: XIT-Dispatch@xerox.com

Desktop Technician	Project Manager	Engineer	Consultant
\$95.00	\$175.00	\$200.00	\$275.00

What are the Available Operating Hours and SLAs?

Xerox IT Services’ technical resources are available between 8:00AM and 5:00PM Monday through Friday (except holidays.) After hours and weekend support is available by request and pending engineer availability – overtime charges will apply. We will guarantee an engineer will reach out to the ticket’s point of contact within 4 hours of ticket creation to

Xerox IT Services NetKare Contract

arrange next steps. We cannot guarantee any SLAs on issue remediation with or without a NetKare contract. Best effort will be utilized to schedule ticketed work at the earliest possible date.

Engineer Service Tiers (Example Services and Products)

Desktop Tech (T1):	PC (desktop and laptop) peripheral and printer support including break-fix, upgrades, software installation and patching Other PC/client related business needs Staging and non-technical labor
Project Manager:	Project management and coordination efforts of Xerox IT Services' resources sub-contractors and 3rd party vendors client-based augmentation available project planning risk assessments scheduling quality management
Engineer (T2):	Server installation Microsoft Exchange/Server VEEAM Symantec Backup Allworx O365 migrations Watchguard UTM appliances Basic Networking VMware ESXi/Horizon Hyper V Active Directory Barracuda Archiving/Web/Backup ASA 5506 Simplivity Hyper Converged Solutions Data migration (cloud/SAN) Aruba switching Controller-less wireless APs Meraki switching and firewalls Azure Cloud based technologies SAN implementations (3PAR/MSA/EqualLogic) Disaster Recovery (SRM/VEEAM/Zerto Brocade IPX
Consultant (T3):	Advanced Routing and Switching Brocade VDX Cisco and Microsoft Advanced Unified Communication & Collaboration WAN and LAN design and implementation Advanced Security solutions (FirePower/Palo Alto) Security design and implementation (Edge/ISE/ClearPass) Telepresence/CMS/TMS (Cisco) Controller-based wireless technology

Terms and Conditions

- All work will be completed remotely unless service remediation forces on premise work. Travel time will bill at same engineering rates per hour if greater than 30 miles from Xerox IT Services offices.
- Research time, troubleshooting, and RCA will be billed at same hourly rate as service.
- All open tickets that carry over a month end will be billed in full and a new ticket created for the next month.
- Service requests that exceed a client's NetKare balance will bill at T&M rates.
- A signature or email approval upon work complete will close the service call.

Approval Authority	
Company Name:	Units Purchased:
POC Name:	Ph#:
Signature:	Date:



Bid Number: 11-2020-01
444 SW 4th St.
Ontario, OR 97914

Invitation for Proposals

Bid for Technology Backup and Support

BID INFORMATION

Proposal Title:..... Bid for Technology Backup and Support
Soliciting Department: Technology
Proposal Number: 11-2020-01
Proposal Issue Date: November 2, 2020
Proposal Due Date:..... November 27, 2020
Proposal Due Date Time: 3:00 pm
Proposal Opening Location: City Council Chamber
Proposals to be delivered to: Sheri Smith
444 SW 4th Street
Ontario, OR 97914

PURPOSE

The purpose of this invitation for bid is to retain an entity to support the City of Ontario Technology Department in various projects and to provide backup to the Technology Specialist during leave. Duties include technical backup for the Technology Department and project support.

BACKGROUND

The City is seeking backup for the position of Technology Specialist to provide redundancy and ensure the city employee has flexibility to take vacation and sick leave as necessary without losing IT support for the City.

PROPOSAL SPECIFICATIONS

Definitions and Abbreviations:

City – The City of Ontario which includes each department of the City (e.g. the Ontario Technology Department).

Contractor - The selected bidder will be referred to as the contractor.

Issuing Office: **Ontario Technology Department**

Sheri Smith
444 SW 4th St.
Ontario, OR 97914
541-881-3238

Proposal Scope:

Location: The City is requesting technical support for all facilities; this includes City Hall, Airport, Community Development Center, Cemetery, Water Treatment Plant, Wastewater Treatment Plant, City Shop, and Fire Station 2.

Work to be Done: The City is looking for technical backup and occasional project support.

Service Level Expectation: The expectation of the awarded bidder is to be familiar with all technical aspects and responsibilities of the City Technology Department. Services will include providing necessary assistance in the event the City Technology Specialist is on leave or requires additional guidance beyond their knowledge.

The bidder is also expected to provide up to 40 hours of time to work on projects at the direction of the Technology Specialist and Technology Supervisor each month.

Contracted employees should have technical knowledge related to Ubiquiti, Sophos UTM, Microsoft Windows Server, Microsoft Windows 10, Microsoft Office 365, HP Enterprise, pfSense, Apple iOS, VMware ONE.

City assets include 8 interconnected sites, 1 data center with 5 hosts/16 guest vms, 15 switches, 12 wireless access points, 5 edge firewalls, 15 P2P wireless radios, 80 end users, 30 iOS mobile devices.

Contracted employees will be required to become CJIS certified to have access to the Police Department.

The proposal should include a project cost estimate for use in putting together a financial proposal.

The physical location of City Hall is 444 SW 4th Street, Ontario, OR 97914.

Start Date: It is hoped that contracted services will begin as early as December 1, 2020. Services can begin after award of contract by the Ontario City Council and execution of the contract.

Length of Contract: The contract will expire on June 30, 2021 and be re-evaluated based on available funding.

Equipment: Contractor must provide basic hand tools and ladders or lifts.

Authority: This contract is solicited under the authority of the City of Ontario.

Ownership and Availability of data: The proposals will be public documents.

Applicable Law: The solicitation and any resulting contract shall be governed in all aspects by the laws of the State of Oregon. All entities both public and private shall comply with applicable Federal, State, and local laws and regulations.

Ethics in Contracting: By submitting their proposals, proprietors certify that their proposals are made without collusion or fraud and they have not offered or received any kickbacks or enticements from any other offer, supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, or services.

Insurance: Contractors working for the City of Ontario shall maintain insurance coverage as stated in policy #5100. The following are the minimum acceptable limits of liability:

- A. \$1,000,000.00 per occurrence of bodily injury and/or property damage.
- B. \$1,000,000.00 per offense of personal and advertising injury.
- C. \$1,000,000.00 Annual Aggregate for products/completed operations.
- D. \$2,000,000.00 General Aggregate
- C. \$50,000.00 Fire Damage Liability

Ownership of Proposal Documents: All proposals and other materials submitted will become the property of the City of Ontario. Failure to complete the Design Build Proposals as outlined above may preclude consideration of the bid/proposal.

Indemnity: The Proposer will indemnify, hold harmless and exempt the City, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims demands, damages, cost, expenses, and attorney fees incident to any work done in the performance of the contract. The Proposer will not be liable for any claims, demands, damages, cost, expenses, or attorney fees arising out of an act or omission on the part of the City, its officers, agents, servants, and employees.

Reserved Rights: The City of Ontario reserves the right to reject any and all proposals for any reason(s).

Termination of Agreement:

Cancellation of the contract by the City may be for:

- a. Default by the contractor
- b. Lack of financing

Default is defined as the failure of the contractor to fulfill the obligations of their quotation or contract. In the case of default by the contractor, the City may cancel the contract immediately and procure the articles or services from another source and hold the contractor responsible for any excess costs occasioned thereby. In the event that the City no longer needs the service or commodity specified in the contract due to relocation of offices, or lack of funding, the City may cancel the contract by giving 30 day notice of cancellation without penalty or fine.

The City may terminate this agreement if any condition of the contract is not met. The City shall offer the proprietor a reasonable amount of time, 30 days, to come into compliance with the conditions of the contract. If the conditions are not corrected, the City will give 30-days' notice for the proprietor to vacate. The proprietor may terminate this agreement upon written 60-days' notice.

Payment: Payments for services shall be paid by the City within 30 days of billing.

PROPOSAL INSTRUCTIONS

All proposals must be sealed and addressed to the Ontario Technology Supervisor. Proposals must include an original and 3 copies and be received by the proposal date and time to be considered. Proposals must address the following information.

Letter of Interest – A brief letter stating your interest in participating in the project.

Description of Business – Tell the City about your business and experience in supporting technology infrastructure and user support.

Experience – Describe your level of experience working in supporting technology infrastructure and user support.

Bid: Please outline your cost for performing these services.

Implementation Schedule – Please describe your schedule for using the property and the important timelines you need to make this lease work.

Case Resolution – Please provide evidence of response time for answering calls for service and minimizing network outages.

EVALUATION OF PROPOSALS

The proposals will be evaluated by Ontario staff based upon the proposal instructions.

- Proprietor's Business
- Proposed Use
- Proposed Area of Use
- Experience
- Project Cost and Pro Forma
- Implementation Schedule
- Case Resolution

Alternatives may be presented to the Ontario City Council, at the discretion of the City Manager, prior to a recommendation being made by city staff. The proprietor may be asked to meet with city staff to discuss the proposal and negotiate the terms of the contract. A contract will be reviewed by the City of Ontario counsel.

Acknowledgement

Agreement: I, _____, representing _____ certify that I offer to furnish materials or services in strict accordance with the requirements of this bid including terms and conditions listed in the bid specifications. I certify that the prices quoted are correct and he/she agrees that this proposal is valid for a period of 30 days from due date noted above.

Authorized Signature (In Ink) _____ Title _____

Date Signed _____

PROPOSAL FORM – Technology Backup and Support Proposal

Company Name: _____

Company Address: _____

City: _____ State: _____ Zip Code _____

Company Contact Name: _____

Phone Number: _____ Fax: _____

Email: _____

☐ Yes ☐ No	Acknowledgement Form Signed	
☐ Yes ☐ No	Proposal Form complete	
☐ Yes ☐ No	Proposal Attached including all sections under Proposal Instructions Complete	
	Cost	Expected Frequency per year.
Remaining 2020	\$	
2021	\$	
Hourly Rate for out-of-scope maintenance	\$	

Signature of Authorized Representative

Date



RESOLUTION #2021-111

A RESOLUTION REQUESTING TO AWARD TECHNOLOGY BACKUP SERVICES TO MICRO TECHNOLOGY SYSTEMS, INC FOR ONE YEAR AT A RATE OF \$2,946 PER MONTH AND A ONE-TIME ONBOARDING FEE OF \$4,600.

- WHEREAS,** The City of Ontario continues to experience an increase in dependency on information technology services; and
- WHEREAS,** Cybersecurity threats continue to rise worldwide; and
- WHEREAS,** The city has limited staff and resources to match the increasing demands; and
- WHEREAS,** The city FY 20-21 and FY 21-22 budgets appropriate \$30,000 each for technology backup services; and
- WHEREAS,** the City wishes to award the bid to Micro Technology Systems, Inc. for technology backup services at a rate of \$2,946 per month and a one-time onboarding fee of \$4,600.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to award technology backup services to Micro Technology Systems, Inc.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 20th day of April 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 20th day of April 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Marlin Computer Consulting, LLC

695 Skyhawk Drive
 Ontario, OR 97914 US
 541-709-5975
 support@marlincomp.com
 MarlinComp.com

**Estimate**

ADDRESS
 City of Ontario

ESTIMATE 1012
 DATE 04/27/2021
 EXPIRATION DATE 05/26/2021

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
04/28/2021	On-site Support	On-site visit for end-user support; break-fix; Vacation/sick leave coverage as on-call. Price per hour, pay as you go contract pricing invoiced monthly	0	115.00	0.00
04/28/2021	Remote Support	Remote end-user support; break-fix; Vacation/sick leave coverage as on-call. Price per hour, pay as you go contract pricing invoiced monthly	0	90.00	0.00
04/28/2021	RMM Bundle, Physical Server	Annual RMM bundle for physical servers includes monitoring, management, enterprise level antivirus, AI-based antivirus/malware, remote access tool for IT [Windows Only]	5	350.00	1,750.00
04/28/2021	RMM Bundle, Virtual Machine	Annual RMM bundle for virtual servers includes monitoring, management, enterprise level antivirus, AI-based antivirus/malware, remote access tool for IT [Windows Only]	17	300.00	5,100.00
04/28/2021	RMM Bundle, Workstation	Annual RMM bundle for workstations includes monitoring, management, enterprise level antivirus, AI-based antivirus/malware, remote access tool for IT [Windows Only]	67	275.00	18,425.00
04/28/2021	Cloud Backup	Up to 500 GB pooled storage for file & system state backup; per protected machine/OS [Windows Only]. Includes semi-annual testing/verification. 22 = 11 TB pooled storage	22	1,200.00	26,400.00
04/28/2021	Cloud Backup Overage	Per GB over pool allowance, monthly	0	0.10	0.00
04/28/2021	Local Backup	Included with Cloud Backup; local storage/NAS separate	1	0.00	0.00
04/28/2021	Computer Inventory Management	Maintain inventory tracking, end of warranty, recommend/assist with replacement at end-of-life	1	0.00	0.00
04/28/2021	Physical Server Support	Annual support for physical servers; includes one new server setup,	1	6,000.00	6,000.00

migration of VMs to new server at
physical server end-of-life

04/28/2021	Server Work	Basic to intermediate server work, such as: install software, manage print server, disable account at employment termination. Hourly, pay as you go	0	145.00	0.00
04/28/2021	Advanced Server work	Advanced or Complex server-based services, such as: scripting, automation, restructure Active Directory/Group Policy, O365 config, Azure/SSO/SSPR, RADIUS. Hourly, pay as you go	0	225.00	0.00
04/28/2021	Admin Training	For in-house IT Administrator; training per hour	0	300.00	0.00
04/28/2021	IT Staff RMM Access	Provides in-house IT access to RMM portal: tools, reports, data, backups; per user	0	900.00	0.00

1-year contract required;
MCC technicians to remain CJIS compliant/certified;
Requires admin rights in necessary systems for full support

TOTAL

\$57,675.00

Accepted By

Accepted Date



**AGENDA REPORT
OLD BUSINESS
May 6, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: CIVIL PENALTY AMNESTY PROGRAM

DATE: April 30, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AUTHORIZE STAFF TO MOVE FORWARD WITH THE CIVIL PENALTY AMNESTY PROGRAM AS PRESENTED

SUMMARY:

The City Council gave staff permission to move forward with creating an amnesty program for civil penalties. The City Manager worked with Finance, Code Enforcement, and the Assistant City Manager to put together a plan to run an amnesty program in the month of June.

BACKGROUND:

The city has more than \$1.1 million in civil penalties outstanding among 75 accounts. The City Council has directed staff to develop a plan for citizens to satisfy the violations without exercising liens or excessive fines.

CURRENT SITUATION:

Following Council direction, a staff work team came up with the attached amnesty program for civil penalties.

ANALYSIS:

- A. **STRATEGIC PLAN** One of the city's strategic goals is Beautification. Previous City Councils have directed staff to be strict on civil penalties to encourage compliance. Staff always seeks out an opportunity to achieve compliance prior to levying fines. As of this past year's strategic plan retreat, the City Council asked staff to put together a less punitive system for addressing code enforcement issues. Staff presented that plan for moving forward. This plan addresses clearing up excessive fines that go beyond the means of most to resolve.

- B. **FINANCIAL** Staff universally accepts that the fines levied are mostly uncollectable. Consequently, we are not perceiving this as lost revenue. It was never intended to be profitable.
- C. **TIMING** Staff can handle the public communication and mailing to make June the amnesty month for addressing fines.
- D. **POLICY/LEGAL** Council will need to approve writing off the fines eliminated by this program.

ALTERNATIVES:

Take No Action - Large punitive fines are not achievable for many who find themselves in the condition of trying to correct issues and address fines.

RECOMMENDATION:

Staff recommends that Council approve the amnesty program as drafted and presented.

ATTACHMENTS:

1. PP_Amnesty Program_5 6 2021



Fine Amnesty Program v2

May 6, 2021



Current Situation

- 75 Accounts with civil penalties
- Over \$1 million in outstanding fines



Framework of the Amnesty Program



Accounts with penalties would be notified by certified mail 10 days prior to the start of the amnesty period.

We would put an ad in the newspaper also.



Framework of the Amnesty Program



- Civil Penalty Amnesty Program would be for the whole month of June 2021. People with outstanding fines can call in to find out what they owe.



CITY HALL
POLICE DEPARTMENT
FIRE & RESCUE

Framework of the Amnesty Program

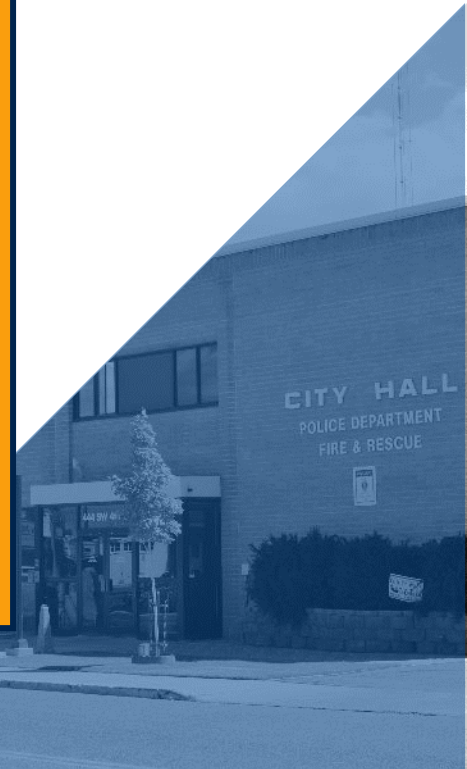
- A list of fines will be kept at the front desk.
- Someone comes into pay the fine
 - After payment, Code Enforcement would have 45 days to determine compliance with infractions
 - If Code Enforcement ensures compliance, all other fines and liens will be erased



Payment Responsibility

The lowest of either the:

- Initial Fine;
- Two months of derelict building fines (\$500); or
- Cap of \$1,500 (maximum fine under amnesty program)



Staff Outreach / Summary

- Direct Mailing 10 days prior to June 1, 2021
- Newspaper Advertisement
- June 1 through June 30 staff at the front counters will accept payments
- Code Enforcement will follow-up within 45 days of payment to attest to conformity
- Accounts will be cleared with sign-off by Code Enforcement
- If account is not cleared, Officer will notify property owner of necessary measures needed to be taken within 30 days



**AGENDA REPORT
NEW BUSINESS
May 6, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: DELINQUENT UTILITY BILLING ACCOUNTS TO COLLECTIONS

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LIST OF UTILITY BILLING WRITE OFFS AS PRESENTED AND AUTHORIZE SENDING THE APPLICABLE ACCOUNTS TO COLLECTIONS.

SUMMARY:

Attached is the following document:

List of utility billing accounts over 120 days old proposed to write off and send to collections.

BACKGROUND:

As required by the Allowance for Bad Debts and Write Offs policy the Council needs to approve accounts to write-off before they are written off and/or sent to collections. The list of accounts proposed to write off are attached to the report, and are all over 120 days past due.

CURRENT SITUATION:

The City Council haven't seen write-offs of utility billings recently. With COVID, staff put the amounts going to collections on hold. There will be a few more to catch up and then the Finance Department will provide the City Council delinquent account write-off listings quarterly.

The collections agency (Retail Credit) will be sent accounts of \$21,859.40 (which includes the allowable interest). Remaining interest not allowed to go to collections will be written off.

ANALYSIS:

- A. **STRATEGIC PLAN** Doesn't directly affect the strategic plan.
- B. **FINANCIAL** \$21,859.40 utility bills are deemed uncollectible by the City and will go to Retail Credit Collections Agency. The remaining interest will be written off.
- C. **TIMING** Staff would like to get the utility accounts to collections as soon as possible.
- D. **POLICY/LEGAL** These write-offs need to be approved by the Council per the allowance for doubtful accounts policy.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would leave the past due accounts on the city books.

RECOMMENDATION:

Staff recommends the City Council approve the utility billing accounts to send to collections.

ATTACHMENTS:

- 1. UB Write-Off List May 2021

<u>ACCOUNT</u>	<u>NAME</u>	<u>DATE FINALED</u>	<u>TOTAL DUE</u>	<u>INT TO W/O</u>	<u>SEND TO COLLECTIONS</u>
015306-000	BARTENDERS BOOTS & BUCKLES	12/21/2020	\$ 1,418.34	\$ -	\$ 1,418.34
009936-000	KELLY DOUGHTY	12/7/2020	\$ 390.12	\$ -	\$ 390.12
013315-000	OELEIS BRANDY	3/20/2019	\$ 1,284.92	\$ 1,112.27	\$ 172.65
013316-000	SYLVIA GARCIA	11/2/2020	\$ 482.11	\$ -	\$ 482.11
013405-001	BRUCE & COLLEEN THOMAS	5/10/2019	\$ 304.74	\$ 253.26	\$ 51.48
013452-000	JOHN WALLACE	2/1/2019	\$ 823.82	\$ 734.36	\$ 89.46
013494-000	RONALD HASTING	1/16/2019	\$ 2,212.94	\$ 1,986.39	\$ 226.55
013542-001	MERCEDES STELL	12/3/2020	\$ 1,643.72	\$ -	\$ 1,643.72
013645-000	KELLY NICKELL	5/1/2019	\$ 1,085.91	\$ 922.81	\$ 163.10
013687-000	ADAM ALLEN	1/2/2020	\$ 1,206.30	\$ 802.05	\$ 404.25
013849-000	RAMON GUARDADO	10/13/2020	\$ 322.51	\$ 57.74	\$ 264.77
013849-001	RAMON GUARDADO	5/6/2020	\$ 634.21	\$ 318.61	\$ 315.60
013929-000	JENNIFER CORDERO	3/18/2020	\$ 536.71	\$ 319.99	\$ 216.72
013981-000	HONEY AGUILAR	12/19/2018	\$ 6,234.72	\$ 5,618.03	\$ 616.69
013986-001	NATASHA REYES	6/27/2019	\$ 1,251.01	\$ 1,024.17	\$ 226.84
013990-000	WEST ALAMEDA APARTMENTS	10/24/2019	\$ 819.87	\$ 576.80	\$ 243.07
013994-000	MELISSA KAMPPILA	10/17/2018	\$ 2,525.79	\$ 2,318.78	\$ 207.01
014031-001	UPPER COUNTRY MOTORS	12/19/2018	\$ 1,240.44	\$ 1,116.32	\$ 124.12
014047-000	WILLIAM PETTY	5/13/2019	\$ 1,477.91	\$ 1,251.95	\$ 225.96
014089-000	MIRANDA/CHARLES HAMMAR/BAKER	9/4/2019	\$ 628.00	\$ 485.22	\$ 142.78
014105-000	LISA MEDINA	11/26/2019	\$ 1,659.50	\$ 1,159.77	\$ 499.73
014142-001	JILLIANN FLORES-KUBITSCHKE	12/19/2018	\$ 3,396.42	\$ 3,059.87	\$ 336.55
014159-000	GARRETT SCOTT	12/10/2018	\$ 1,747.91	\$ 1,592.68	\$ 155.23
014173-000	2ND CHANCE ANIMAL SHELTER	9/22/2020	\$ 13.54	\$ 2.48	\$ 11.06
014214-001	JOSE BARRERA	6/19/2019	\$ 2,495.50	\$ 2,086.57	\$ 408.93
014253-000	BRENDA GONZALES	5/1/2019	\$ 1,866.23	\$ 1,589.93	\$ 276.30
014363-000	JULIA LEYVA	10/17/2018	\$ 3,049.37	\$ 2,824.06	\$ 225.31
014376-000	SOREN / JO BEACH / BRUNK	7/26/2019	\$ 1,054.83	\$ 842.41	\$ 212.42
014387-000	AMANDA THOMPSON	12/3/2020	\$ 1,741.84	\$ -	\$ 1,741.84
014402-001	TRISHA ROMERO - DIRSCOLL	8/5/2019	\$ 2,662.14	\$ 2,131.64	\$ 530.50
014405-000	NEIL MOSES	9/20/2019	\$ 1,239.01	\$ 935.74	\$ 303.27
014446-000	CAROL MCSWEENEY	12/19/2018	\$ 5,518.41	\$ 4,972.72	\$ 545.69
014473-000	KAITLIN NELSON	2/12/2019	\$ 245.47	\$ 216.44	\$ 29.03
014485-000	DALLAS SHORT	2/24/2020	\$ 193.07	\$ 112.35	\$ 80.72
014545-001	JANNEATTE ORTEGA	12/3/2020	\$ 720.68	\$ -	\$ 720.68
014563-000	MICHAEL MILLER	2/12/2020	\$ 376.34	\$ 233.97	\$ 142.37
014566-000	OXFORD HOUSE MALHEUR BUTTE	5/14/2020	\$ 266.08	\$ 104.92	\$ 161.16
014577-000	PENNY SAMS GENTRY	8/13/2019	\$ 2,761.62	\$ 2,210.43	\$ 551.19
014578-000	JESSE VELA BERNAL	1/15/2019	\$ 3,047.47	\$ 2,749.67	\$ 297.80
014589-000	TYANNA SCHMERBER	9/13/2019	\$ 742.69	\$ 576.70	\$ 165.99
014591-000	SHAWN JAKE	1/17/2019	\$ 3,659.81	\$ 3,260.03	\$ 399.78
014595-000	BYRDIE REYES	12/19/2018	\$ 7,753.12	\$ 6,991.95	\$ 761.17
014610-000	ROCHELLE FIGUEROA	2/2/2021	\$ 1,945.32	\$ -	\$ 1,945.32
014635-000	MARLY ROSS	5/21/2019	\$ 2,147.81	\$ 1,823.54	\$ 324.27
014650-000	JERRY INGALLS	8/20/2019	\$ 755.01	\$ 568.85	\$ 186.16
014669-000	PAT BUTSON	3/2/2020	\$ 70.45	\$ 38.40	\$ 32.05
014695-000	RENEE DURRETT	10/5/2018	\$ 835.58	\$ 767.51	\$ 68.07
014696-002	AMERICAN CANNE INSTITUTE-IDAHO	2/20/2019	\$ 930.86	\$ 827.13	\$ 103.73
014706-000	TERRI LAWRENCE	2/21/2019	\$ 1,158.16	\$ 1,016.77	\$ 141.39
014735-000	DANYELLE VARGAS	11/20/2019	\$ 2,452.31	\$ 1,718.24	\$ 734.07
014750-000	GUADALUPE NUNEZ JR	10/17/2018	\$ 2,434.85	\$ 2,234.96	\$ 199.89
014755-000	HANNAH MARTINEZ	3/4/2020	\$ 385.95	\$ 227.77	\$ 158.18
014761-001	CASANDRA THOMPSON	5/6/2020	\$ 85.86	\$ 33.40	\$ 52.46
014762-000	OMAR ELGUEZABAL	6/28/2019	\$ 849.29	\$ 693.10	\$ 156.19
014772-000	KATELYN COLEMAN	5/20/2019	\$ 1,973.98	\$ 1,683.61	\$ 290.37
014773-000	SAVANNAH COSTNER	5/20/2019	\$ 2,001.36	\$ 1,671.41	\$ 329.95
014796-000	JACK VANDERWALL III	9/9/2019	\$ 576.88	\$ 444.59	\$ 132.29
014813-000	BLACK DIAMOND PHOTOGRAPHY STUDIO	8/5/2019	\$ 358.23	\$ 281.75	\$ 76.48
014843-000	TIFFANY ELSER	2/5/2019	\$ 1,087.65	\$ 969.47	\$ 118.18
014859-000	VANESSA LOVELL	8/15/2019	\$ 503.68	\$ 401.21	\$ 102.47
014877-000	DAVID NAVARRETE	6/3/2019	\$ 818.71	\$ 685.49	\$ 133.22
014886-000	CYNTHIA GAYLORD	5/20/2019	\$ 1,793.45	\$ 1,501.12	\$ 292.33
014887-000	IVETE CHRISTIAN	3/28/2019	\$ 759.00	\$ 658.73	\$ 100.27
			\$96,659.53	\$ 74,800.13	\$ 21,859.40



**AGENDA REPORT
NEW BUSINESS
May 6, 2021**

To: Mayor and City Council

FROM: Al Cablay, Public Works Director
Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-114: APPROPRIATING FUNDS FOR THE GAZEBO
RELOCATION PROJECT; AWARD GAZEBO RELOCATION CONTRACT TO THE
LOW BIDDER, JLCC, INC.; AND ISSUE A NOTICE TO PROCEED (NTP)**

DATE: April 29, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AWARD THE BUILDING FOUNDATION BID TO JLCC, INC FOR \$30,700, APPROVE RESOLUTION #2021-114 APPROPRIATING FUNDS FOR GAZEBO RELOCATION PROJECT, AND ISSUE A NOTICE TO PROCEED.

SUMMARY:

A donation of an existing gazebo to the city has been made by a private party. The structure is currently located at 797 SW 12th Street and has been inspected by city staff from both Community Development and Public Works. The structure was determined to be in sound condition and suitable for relocation. The destination location for the structure is in the downtown area on "Moore Park".

BACKGROUND:

The following actions are listed (in chronological order) documenting all of the activities that have taken place to bring this project to its present state:

- Offer by Homeowner.....*December 2020*
- Coordination of structure removal with Homeowner....*January 2021*
- City Management direction.....*January 2021*
- City Staff Field review.....*February 2021*
- Solicitation of Structure Relocation Contractors.....*February 2021*
- Project feasibility review with City Staff.....*March 2021*
- Structural Analysis conducted.....*March 2021*
- Solicitation of Building Contractors.....*April 2021*

- City Council Update and Bid Award.....*May 6th*
- Deadline for Structure Removal.....*May 10th*

CURRENT SITUATION:

Public Works staff have prepared site drawings and structural details necessary for the proper issuance of the following permits:

1. Encroachment/Transportation Permit
2. Building Permit
3. Electrical Permit

There were two bids received for the building foundation and two companies declined to bid. The low bidder was JLCC, Inc at a cost of \$30,270.

ANALYSIS:

- A. **STRATEGIC PLAN** This project supports two of the five-(5) Strategic Goals, which are:

- Desirability and Beautification

- B. **FINANCIAL** The following costs are associated with the project:

1. Gazebo.....No Cost
2. Relocation.....\$ 7,100.00
3. Structural Analysis and Design.....\$ 6,500.00
4. Building Foundation.....\$30,270.00 (Low Bidder)
5. Electrical.....\$ 2,000.00

Total Cost = \$45,870.00, or \$46,000.00

A grant application was also submitted by City Management to the Visitors and Convention Board for \$5,000.00 to put toward the relocation of this Gazebo.

- C. **TIMING** For use as a comparison, the park gazebo recently installed at Lions Park was \$35,000.00 for the manufactured kit alone. The installation costs for labor (Contractor, Public Works crews and materials) of that project installation was \$27,500.00 for a total project cost of \$62,500.00.

The Gazebo Relocation Project's estimated cost of \$46,000.00 is in Public Works staff experience and opinion extremely reasonable. Also, the visual and aesthetic values this project will generate is additional evidence and support that this project should be given serious consideration.

D. **POLICY/LEGAL** None.

ALTERNATIVES:

A. Take no Action, this would cause the city to turn down the donation of the gazebo.

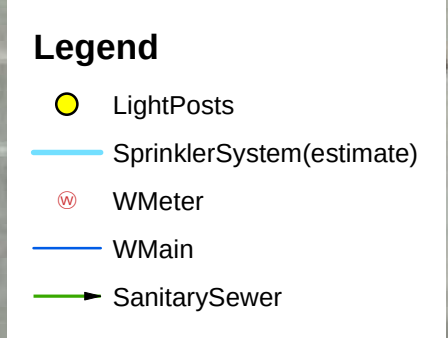
RECOMMENDATION:

Staff recommends the City Council award the building foundation bid to low bidder JLCC, INC in the amount of \$30,270.00, approve Resolution #2021-114 Gazebo Relocation Project, issue a Notice To Proceed (NTP) and authorize city staff to move forward with the project.

ATTACHMENTS:

1. Donated Gazebo.Final
2. MoorePark080221
3. Bid tracking form-Moore Park Gazebo
4. Resolution #2021-1114 GAZEBO RELOCATION
5. VC Application and Criteria_Gazebo_5 4 2021







City of Ontario

444 SW 4th Street
Ontario, OR 97914

Bid or Quote Tracking Form

Item: Moore Park Gazebo Project

Item On State Bid List? Yes ☐ No ☒

City Representative: Al Haun

Budgeted Amount: _____

Date: 04/14/21

Line Item: _____

Vendor #1 Name: Holcomb Construction

Contact Person: Brad Holcomb Phone # 541-823-2202

First Attempt: Contact Date: 4/14/21 Contact Time: 11:30AM Response? Yes ☒ No ☐

Second Attempt: Contact Date: _____ Contact Time: _____ Response? Yes ☐ No ☐

Bid Attached? Yes ☒ No ☐ Verbal Quote? ☐ Written Quote? ☒ Amount: \$38,840.00

Notes:

Brad Holcomb stopped by and picked up the set of plans

Vendor #2 Name: Warrington Construction

Contact Person: Brooks Warrington Phone # 208-739-3344

First Attempt: Contact Date: 4/15/21 Contact Time: 9:55AM Response? Yes ☒ No ☐

Second Attempt: Contact Date: _____ Contact Time: _____ Response? Yes ☐ No ☐

Bid Attached? Yes ☒ No ☐ Verbal Quote? ☐ Written Quote? ☒ Amount: _____

Notes:

Emailed 4/15/2021 at 9:55AM

Vendor #3 Name: Finecrete

Contact Person: Miguel Sanchez Phone # 208-230-5472

First Attempt: Contact Date: 4/15/21 Contact Time: 9:57AM Response? Yes ☒ No ☐

Second Attempt: Contact Date: _____ Contact Time: _____ Response? Yes ☐ No ☐

Bid Attached? Yes ☐ No ☒ Verbal Quote? ☐ Written Quote? ☐ Amount: _____

Notes:

Email 4/15/2021 at 9:57AM

Bid Attached? Yes ☒ No ☐ Verbal Quote? ☐ Written Quote? ☒ Amount: \$30,270.00

--

Bid Attached? Yes ☐ No ☐ Verbal Quote? ☐ Written Quote? ☐ Amount: _____

--

Bid Attached? Yes ☐ No ☐ Verbal Quote? ☐ Written Quote? ☐ Amount:

--



RESOLUTION #2021-114

A RESOLUTION TO APPROPRIATE FUNDS FOR THE GAZEBO RELOCATION PROJECT

- WHEREAS,** The City received a donation of a Gazebo by a private party and would like to relocate the structure to Moore Park; **and**
- WHEREAS,** The City has cost associated with relocation, structural analysis, foundation and electrical work associated with the relocation; **and**
- WHEREAS,** The City has a deadline to move the structure of May 10, 2021; **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				
001-020-714127	Gazebo Relocation	\$ -	\$46,000	\$46,000
001-004-871000	Operating Contingency	\$171,833	(\$46,000)	\$125,833

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 6th day of May 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 6th day of May, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce

251 SW 9th St.

Ontario, OR 97914

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

info@ontariochamber.com

PROMOTION AND EVENT FUND APPLICATION

GENERAL INFORMATION:

Name of Applicant Organization: City of Ontario

Complete Mailing Address: Relocation of Gazebo

Telephone: 541-881-3223 Fax: 541-889-7121 E-Mail: adam.brown@ontariooregon.org

Principal Contact Adam Brown

Complete Mailing Address: 444 SW 4th St., Ontario, OR 97914

Telephone: 541-709-4001 Fax: 541-889-7121 E-Mail: adam.brown@ontariooregon.org

Name of Event and Date and Time Event Will Be Held: Gazebo Relocation Downtown

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

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

Yes No / \$

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

Yes No

Description of Promotion or Event:

The City has had on its downtown plan and parks plan to add a shade structure to Moore Park.

This could serve our community in several ways. Downtown can get pretty hot in the summer months, and so a shade structure offers shoppers a respite from the heat. Additionally it works as an outdoor performance area with a lawn for downtown concerts. The City continues to look at ways to increase and renew downtown Ontario. This shelter has the potential to be iconic. For our downtown unlike a packaged shelter kit, that would cost the same or more and not have the same visual impact as this customized structure.

NATURE OF PROMOTION/EVENT: Downtown Gazebo Relocation

X Tourism based capital project _____ Multi-night local lodging event
_____ Special media promotion _____ Education and/or training project

Amount of Funding Support Requested: \$5,000

Total Promotion/Event Budget: \$38,950

What specific expenditures will the granted funds be used for?*:_____

The specific expenditures for the grant funds to be used to aid in the new slab for the shade structure which will cost approximately \$30,000. This cost was a little above what was expected.

List promotion/event supporters or partners**: The Gazebo is generously being donated by our local YouTuber stars The Garden Answer. The Garden Answer has over 1 million subscribers. Run by Aaron and Laura LeBoutillier, the Garden Answer actually brings fans into Ontario for live visits to their home and garden annually.

PROJECTED PROMOTION/EVENT IMPACT:

Describe how the promotion/event will impact the Ontario economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.): _____

This project goes towards improving the visitor experience for people attending any events in the community. People will be judging our community based on its curb appeal and community offerings. This will have an immediate visual impact to both pedestrians and vehicular traffic coming through our community.

FINANCIAL REPORTING REQUIREMENTS:

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

PROPOSED REVENUES

Source #1	<u>City General Fund</u>	Amount	<u>\$34,865</u>
Source #2	<u>In-kind Services</u>	Amount	<u>\$1,000</u>
Source #3	<u></u>	Amount	<u>\$</u>
Source #4	<u></u>	Amount	<u>\$</u>
Source #5	<u></u>	Amount	<u>\$</u>
TOTAL REVENUES			<u>\$35,865</u>

PROPOSED EXPENDITURES

Use #1	<u>Slab, bracing, support, and connections</u>	Amount	<u>\$30,840</u>
Use #2	<u>Engineering</u>	Amount	<u>\$7,000</u>
Use #3	<u>Electrical</u>	Amount	<u>\$2,025</u>
Use #4	<u>Sprinkler Relocation (in-kind)</u>	Amount	<u>\$1,000</u>
Use #5	<u></u>	Amount	<u>\$</u>
Use #6	<u></u>	Amount	<u>\$</u>
Use #7	<u></u>	Amount	<u>\$</u>
Use #8	<u></u>	Amount	<u>\$</u>
Use #9	<u></u>	Amount	<u>\$</u>
Use #10	<u></u>	Amount	<u>\$</u>

TOTAL EXPENDITURES \$40,865
REVENUES MINUS EXPENDITURES \$35,865

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

5/4/2021
Date


Signed

Adam J. Brown
Printed Name of Applicant

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



QUALIFYING CRITERIA FOR V&C FUNDS REQUESTS

- 1) The project is a tourism-based capital project such as, but not limited to, beautification. Examples of such potential projects might include coordinated refuse bins in shopping areas or enhancements to the highway arterial entrances to the City of Ontario such as shrubs, lighting or signage.
- 2) Multi-night events that would attract attendees from out of the area. Such events should be of a nature that would necessitate overnight lodging in the Ontario area rather than merely being events that would bring local persons into Ontario only to return to their homes the same day.
- 3) Projects consisting of special area media promotions. These could include, among others, special brochures or videos or advertising co-op projects designed to extol the virtues of Ontario as a tourism, convention, cultural, or recreational destination.
- 4) Projects related to the education and/or training of the Visitors and Convention Director or Board members.



INSTRUCTIONS AND PROCEDURES

FOR

V&C FUND REQUEST APPLICATION

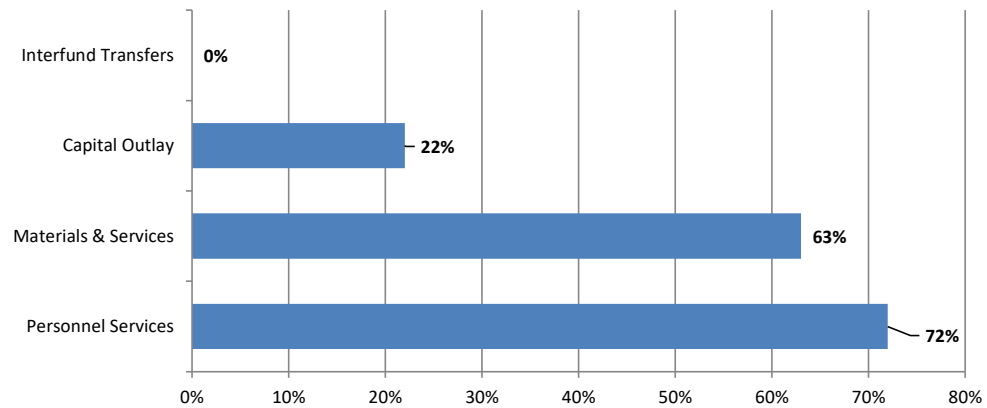
- 1) Fill out the prepared application for request for funds. The forms can be obtained from the Ontario Area Chamber of Commerce office or on the Ontario Area Chamber website www.ontariochamber.com. The application and instructions can also be e-mailed or sent regular mail at applicant's request. Do not use any other form for your request.
- 2) Applications for the request for funds from the V&C Board are due Wednesday during the week preceding the week of the Board Meeting. The V&C Board meets the first Thursday of every month; therefore applications are due to the President/CEO of the Ontario Area Chamber of Commerce a week prior. From time to time, the Board will schedule a special meeting, so please check with the President/CEO of the Chamber of Commerce.
- 3) Applications will be reviewed by the Chamber of President/CEO prior to placement in the V&C Board packets. Applicants may need to meet with the President/CEO to discuss requests.
- 4) It is imperative that the applicant, or applicant's representative, attend the Board meeting to ensure any questions that the Board may have can be answered. . If no representative is present for the meeting, the application will be tabled with no action being taken or denied.
- 5) It is important to include a phone, email address and fax number, if available, on applications. The Principal Contact person will be contacted to notify them of their placement on the agenda, and the date and time of the meeting.
- 6) Applicants will be notified by the Chamber President/CEO of funds awarded and will be requested to pick up their check at the Ontario Chamber of Commerce office. Further instruction may be stipulated by with the granted funds.
- 7) Applications submitted **after** an event is held will be rejected.
- 8) Applicants are required to provide the V&C Board with a final report summarizing results of the promotion/event within 90 days after the event (e.g., attendance, local and regional publicity, hotel/motel overnight occupancy, closing revenue and expenditure report, etc.)
- 9) If there are any questions regarding the application procedure, deadlines, or comments or questions in general, please contact the President/CEO, Ontario Area Chamber of Commerce at 541-889-8012.

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
MARCH 31, 2021**

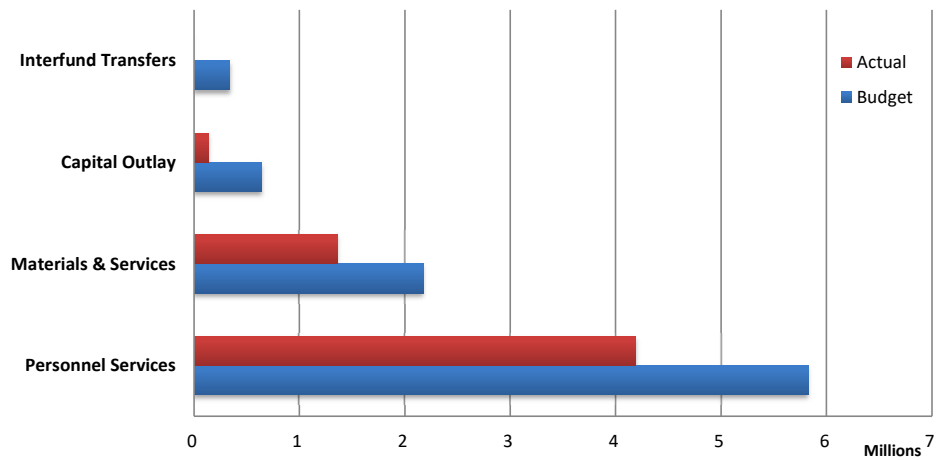
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	385,250	124,994	32.4%	
Parks & Recreation	385,250	124,994	32.4%	
Fire	1,672,809	1,188,786	71.1%	
Code Enforcement	244,722	142,289	58.1%	
Police	3,943,207	2,736,308	69.4%	
Police reserves	6,165	831	13.5%	
Emergency operations	338,502	298,558	88.2%	
Public Safety Total	6,205,405	4,366,772	70.4%	
Administration	497,012	337,381	67.9%	
City Council	25,362	9,906	39.1%	
Business Registration	1,100	560	50.9%	
Cemetery	174,381	101,018	57.9%	underground irrigation won't be done this year
Finance	245,849	166,122	67.6%	
Technology	175,051	106,259	60.7%	
General Government Total	1,118,755	721,246	64.5%	
Community development	217,248	131,492	60.5%	
Community Development	217,248	131,492	60.5%	
Administrative Overhead	734,494	344,221	46.9%	
Non-Departmental Contributions	80,000	10,000	12.5%	
Other Total	814,494	354,221	43.5%	
Operating Transfers Out	234,940	-	0.0%	
GENERAL FUND TOTALS	\$ 8,976,092	\$ 5,698,726	63.5%	
YTD BUDGET BENCHMARK			75.0000%	

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
MARCH 31, 2021**

% Expended by Category



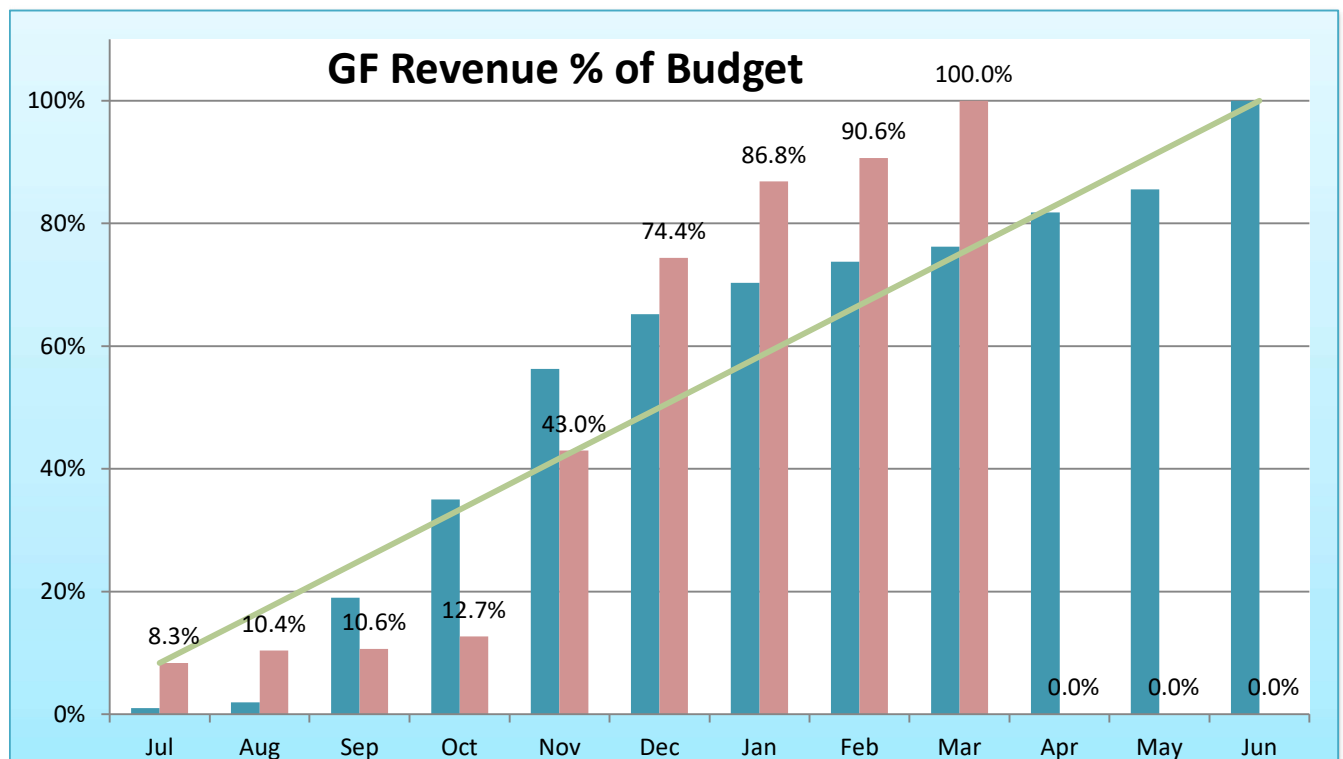
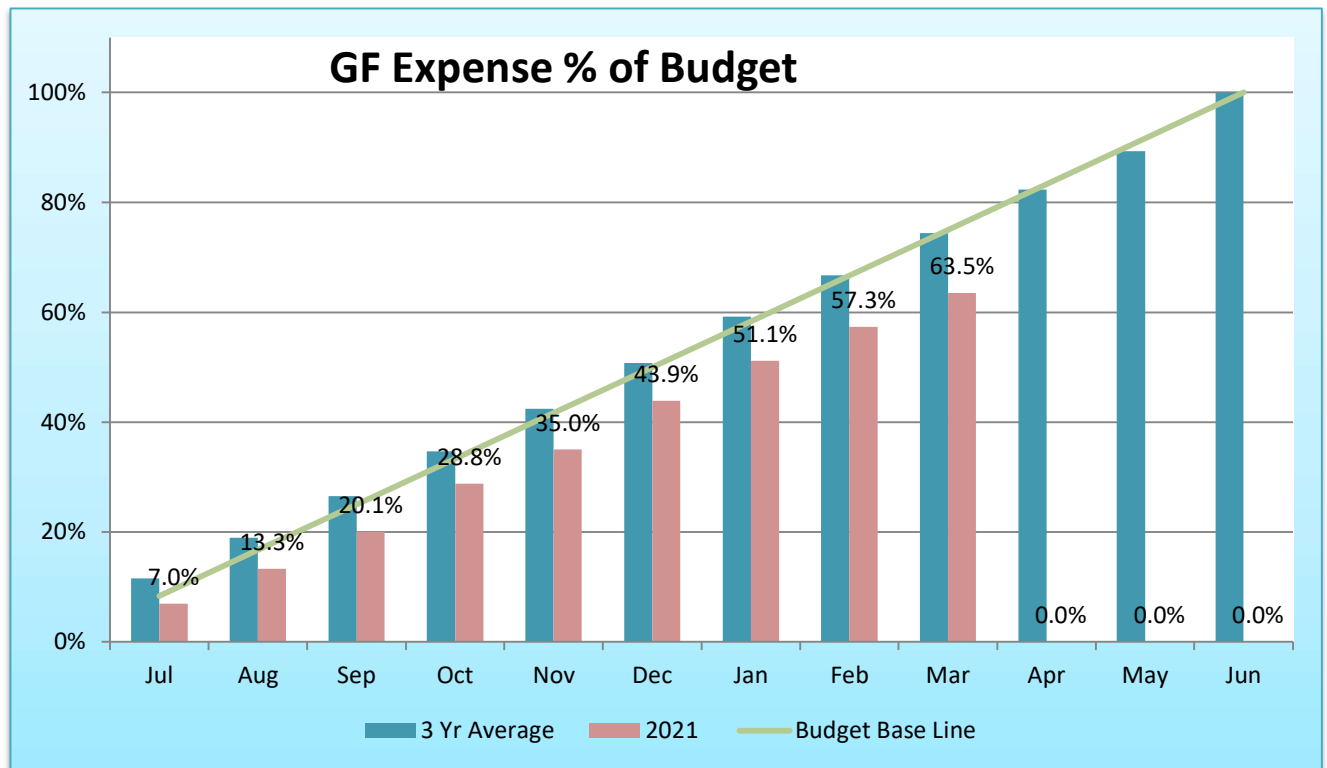
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
MARCH 31, 2021**

DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	2,104,808	3,084,708	146.6%	(not calculated in totals)
Parks	47,000	340	0.7%	
Parks & Recreation	47,000	340	0.7%	
Fire	134,572	81,241	60.4%	
Code Enforcement	48,800	108,896	223.1%	*Booking allowance monthly
Police	424,149	214,124	50.5%	
Dispensary Business License	43,400	68,200	157.1%	
COVID-19 Grant	338,502	291,784	86.2%	
Public Safety Total	989,423	764,245	77.2%	
Interest	65,000	18,283	28.1%	
State Revenue Sharing	136,635	81,387	59.6%	
Administrative Services	497,148	372,861	75.0%	
Other General Revenues	8,485	2,657	31.3%	
Property Taxes	3,755,617	3,718,886	99.0%	
Alcohol Bvg License & Fee	246,582	136,580	55.4%	
Cigarette tax	12,979	7,792	60.0%	
Marijuana tax	1,100,000	1,501,781	136.5%	2 payments out of 4
Franchise Fees	1,632,298	770,357	47.2%	
Business Registration	2,500	2,370	94.8%	
Cemetery	45,000	34,975	77.7%	
General Government Total	7,502,244	6,647,930	88.6%	
Planning & Zoning	4,450	8,881	199.6%	
Wayfinding Grant	-	22,000	#DIV/0!	
Community development	4,450	30,881	694.0%	
GENERAL FUND REVENUE TOTALS	\$ 8,543,117	\$ 7,443,395.99	87.1%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 1,744,670
YTD BUDGET BENCHMARK				75.0%  12.1%

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
MARCH 31, 2021**



**CITY OF ONTARIO
OTHER FUNDS - DEPARTMENT EXPENSES AND REVENUE
FOR THE PERIOD ENDED
MARCH 31, 2021**

DEPARTMENT/FUND	EXPENDITURES				REVENUES		
	BUDGET	ACTUAL	% EXPENDED		BUDGET	ACTUAL	% REALIZED
002 Marijuana Enforcement Fund	50,000	44,256	88.5%		50,000	44,256	88.5%
010 Grant Fund	215,500	622,491	288.9%		215,500	223,375	103.7%
027 Building Fund	201,012	120,624	60.0%		385,352	435,045	112.9%
030 Capital Projects Fund	1,050,181	62,582	6.0%		3,449,111	3,463,457	100.4%
031 SDC Fund	485,615	6,425	1.3%		485,615	496,119	102.2%
045 Street Fund	2,609,042	1,694,864	65.0%		2,609,042	1,412,665	54.1%
050 Trust Funds	776,631	216,505	27.9%		776,631	645,992	83.2%
055 Reserve Funds	1,283,945	164,861	12.8%		2,536,446	2,323,437	91.6%
060 Revolving Loan Fund	422,667	237,040	56.1%		422,667	541,119	128.0%
105 Water Fund	3,588,687	2,243,907	62.5%		4,870,923	4,289,220	88.1%
110 Sewer Fund	5,307,394	3,723,546	70.2%		7,850,774	6,866,096	87.5%
115 Storm Sewer Fund	288,710	104,398	36.2%		557,305	493,752	88.6%
120 Airport Fund	383,386	138,486	36.1%		383,386	381,338	99.5%
125 Aquatic Fund **	100,000	110,151	110.2%		100,000	111,180	111.2%

Comments:

YTD BUDGET BENCHMARK

75.0%

**CITY OF ONTARIO
BUDGET RESOLUTIONS
FOR THE PERIOD MARCH 31, 2021**

RESOLUTION #	FUND	DEPARTMENT	ACCOUNT	BUDGET CHANGE	NET CHANGE
2020-133	RESERVE FUND	PUBLIC SAFETY FUND	BALLISTIC TRAUMA PLATES	\$ (8,245)	\$ -
2020-133	RESERVE FUND	PUBLIC SAFETY FUND	RADIO EQUIPMENT	\$ 8,245	
2020-134	STREET FUND	STREET FUND	STREET SEALING	\$ (60,000)	\$ -
2020-134	STREET FUND	STREET FUND	CRACKFILL	\$ (27,541)	
2020-134	STREET FUND	STREET FUND	ADA COMPLIANCE PROJECT	\$ 87,541	
2020-134	STORM SEWER FUND	STORM SEWER FUND	CONTINGENCY	\$ (12,000)	\$ 12,000
2020-134	STORM SEWER FUND	STORM SEWER FUND	DOWNTOWN STORM DRAINS	\$ 12,000	
2020-136	GENERAL FUND	EMERGENCY OPERATIONS	GENERAL SUPPLIES & MAINT	\$ 45,502	\$ 338,502
2020-136	GENERAL FUND	EMERGENCY OPERATIONS	CONTRACT SERVICES	\$ 88,000	
2020-136	GENERAL FUND	EMERGENCY OPERATIONS	COMMUNITY SUPPORT PROGRAM	\$ 205,000	
2020-136	GENERAL FUND	EMERGENCY OPERATIONS	COVID RELIEF FUND	\$ 338,502	
2020-137	GENERAL FUND	POLICE	MISC POLICE REVENUE	\$ 350	\$ 3,350
2020-137	GENERAL FUND	CONTINGENCY	CONTINGENCY	\$ (3,000)	
2020-137	GENERAL FUND	POLICE	STORAGE UNIT	\$ 3,350	
2020-141	SEWER FUND	SEWER FUND	DEQ PERMIT MODIFICATION	\$ 24,617	\$ 24,617
2020-141	SEWER FUND	SEWER FUND	CONTINGENCY	\$ (24,617)	
2020-144	GENERAL FUND	ADMIN OVERHEAD	TRANSFER TO AIRPORT FUND	\$ 9,500	\$ 9,500
2020-144	GENERAL FUND	ADMIN OVERHEAD	CONTINGENCY	\$ (9,500)	
2020-144	AIRPORT FUND	AIRPORT	CARES ACT FUNDING	\$ 30,000	39,500
2020-144	AIRPORT FUND	AIRPORT	IRRIGATION SYSTEM	\$ 39,500	
2020-144	AIRPORT FUND	AIRPORT	TRANSFERS IN	\$ 9,500	
2020-146	WATER FUND	WATER	BENCH RESERVOIR IMPROVEMENTS	\$ 21,250	\$ 9,500
2020-146	WATER FUND	WATER	CONTINGENCY	\$ (21,250)	
2020-148	GENERAL FUND	ADMIN OVERHEAD	FIBER LINES	\$ 16,244	\$ 91,244
2020-148	GENERAL FUND	ADMIN OVERHEAD	CONTRACT SERVICES	\$ 65,000	
2020-148	GENERAL FUND	PARKS	PLAYGROUND MATCH	\$ 10,000	
2020-148	GENERAL FUND	GENERAL	AVAILABLE CASH ON HAND	\$ 91,244	
2020-148	GRANT FUND	GRANT	CDBG GRANT	\$ 13,000	
2020-148	GRANT FUND	GRANT	CDBG GRANT EXPENSES	\$ 13,000	
2020-148	WATER FUND	WATER	WATER MASTER PLAN	\$ 4,125	41,625
2020-148	WATER FUND	WATER	SOLIDS REMOVAL	\$ 37,500	
2020-148	WATER FUND	WATER	AVAILABLE CASH ON HAND	\$ 41,625	
2020-148	SEWER FUND	WASTEWATER	ADMINISTRATIVE SERVICES	\$ 218,361	218,361
2020-148	SEWER FUND	WASTEWATER	OPERATING CONTINGENCY	\$ 218,361	
2021-103	GENERAL FUND	CONTINGENCY	OPERATING CONTINGENCY	\$ (14,000)	\$ 59,000
2021-103	GENERAL FUND	PARKS	BECK - BATHROOM REHAB	\$ (96,000)	
2021-103	GENERAL FUND	PARKS	TENNIS COURT RESURFACE	\$ 155,000	
2021-103	GENERAL FUND	PARKS	DONATIONS	\$ 45,000	
2021-105	GENERAL FUND	ADMIN OVERHEAD	LOBBYING	\$ 24,000	\$ 24,000
2021-105	GENERAL FUND	CONTINGENCY	CONTINGENCY	\$ (24,000)	
2021-108	SEWER FUND	SEWER	TAPADERA LIFT STATION	\$ 58,000	\$ 58,000
2021-108	SEWER FUND	SEWER	CONTINGENCY	\$ (58,000)	
2021-109	CAPITAL PROJECTS	UCF	UTILITIES EXTENSION - TREASURE 200	\$ 65,500	\$ 141,000
2021-109	CAPITAL PROJECTS	UCF	UTILITIES EXTENSION - NAVARETTE	\$ 75,500	
2021-109	CAPITAL PROJECTS	UCF	CONTINGENCY	\$ (141,000)	



ONTARIO
OREGON

Public Works Quarterly Presentation

January - March 2021

Presented by:

Jacobs

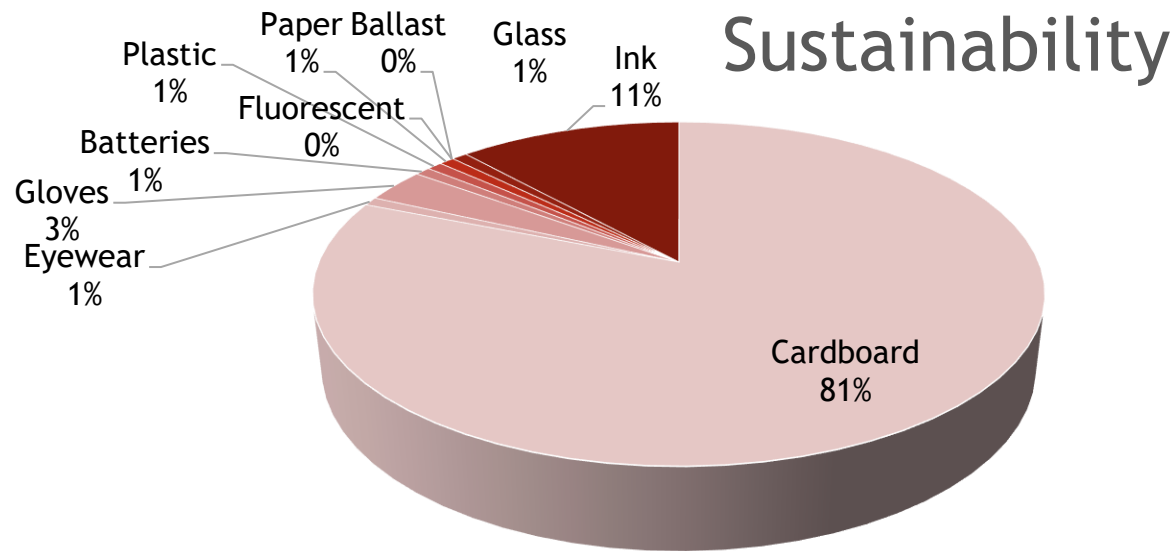


Sustainability Review



ONTARIO
OREGON

- Plastic and Ballast has been added to our Recycling list
- Continuing our search for sustainability opportunities



■ Cardboard ■ Eyewear ■ Gloves ■ Batteries ■ Plastic ■ Paper ■ Fluorescent ■ Ballast ■ Glass ■ Ink

Champion Tools



OMFS Sustainability



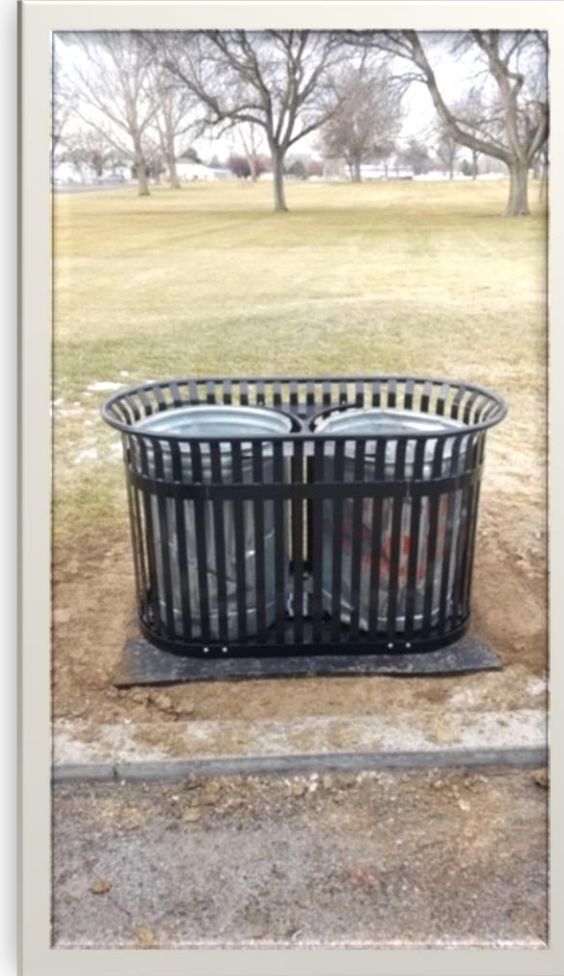
Facilities, Parks & Cemeteries



ONTARIO
OREGON



Installing Trash
Can Holders



Facilities, Parks & Cemetery



ONTARIO
OREGON

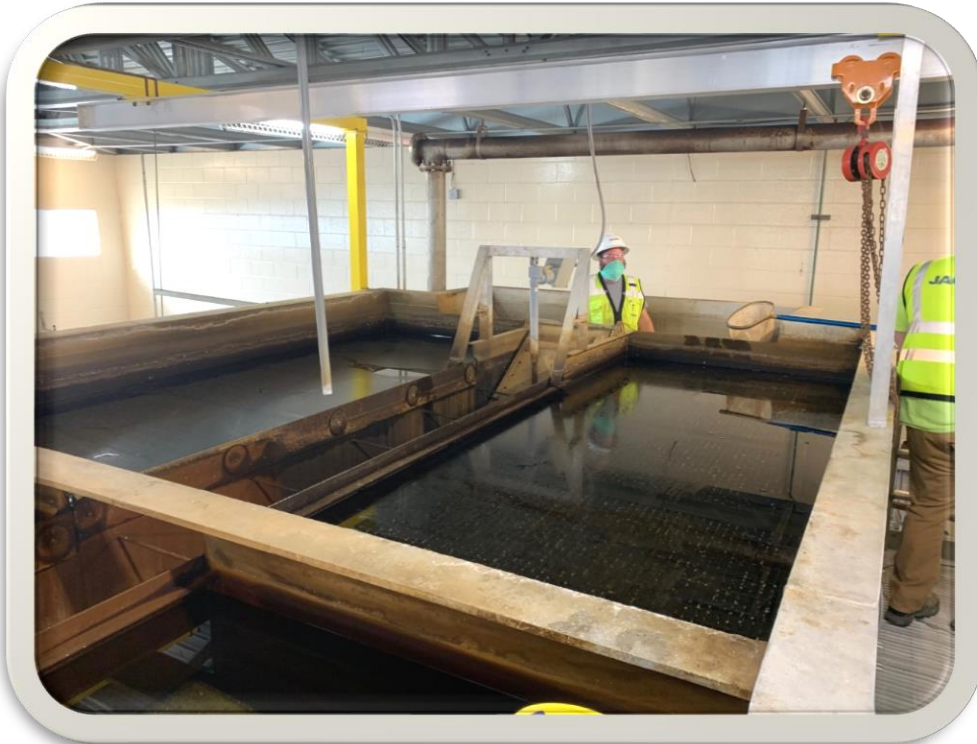
Installation of
Glass dividers.



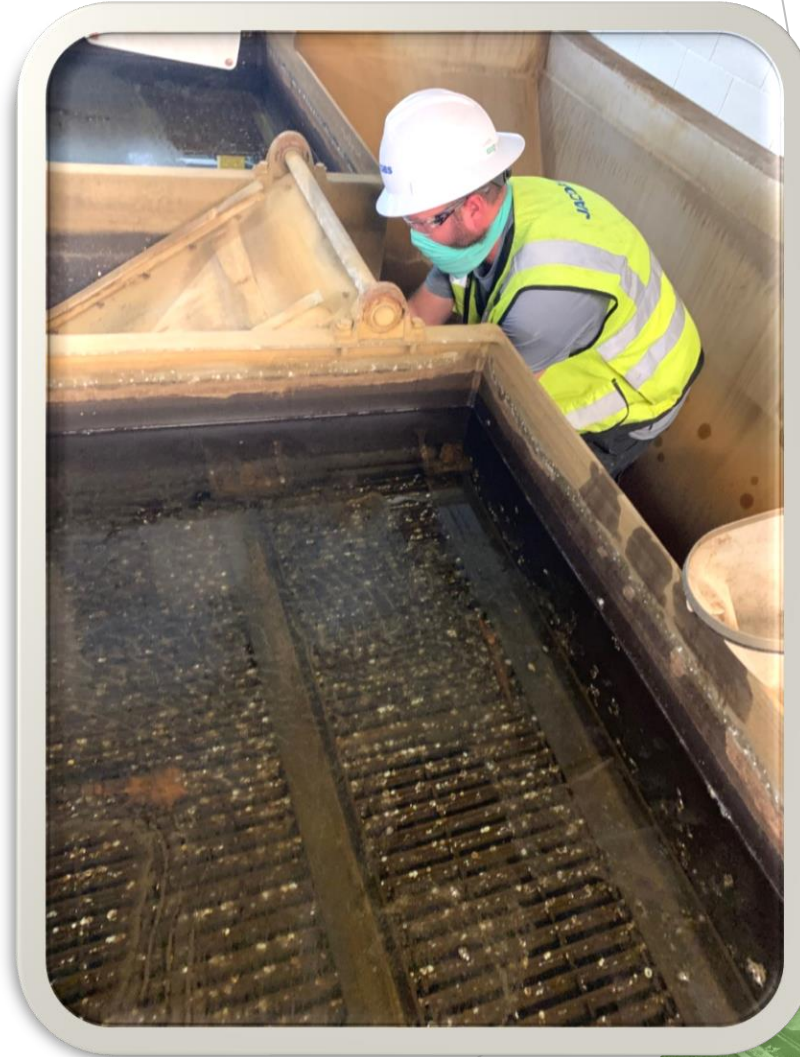
Water & Wastewater Plants



ONTARIO
OREGON



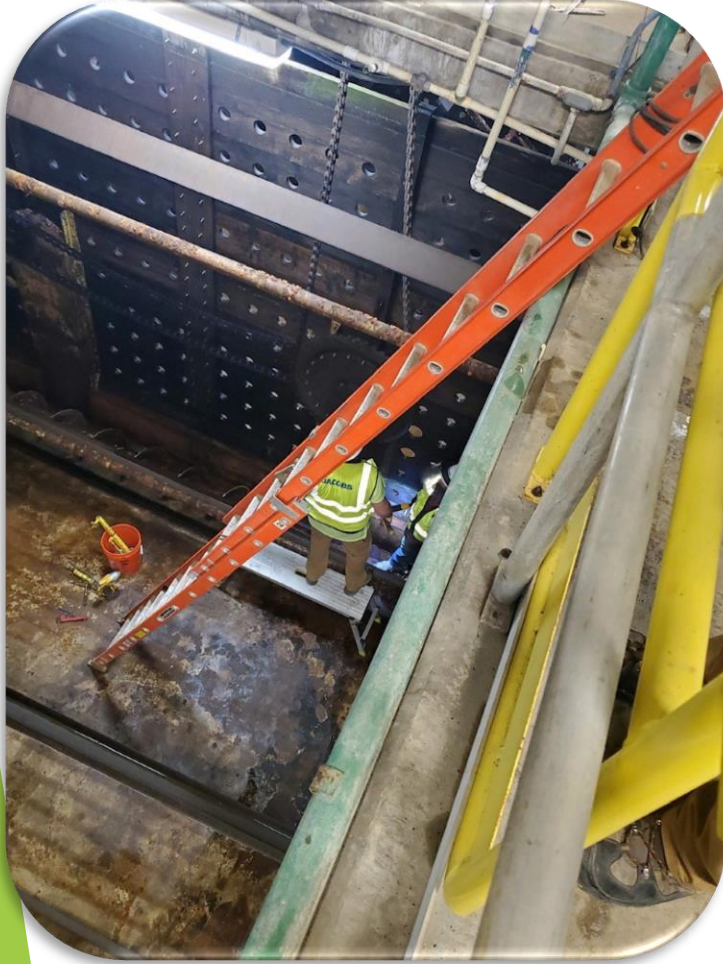
Inspecting Wes Tech water treatment train.



Water & Wastewater Plant



ONTARIO
OREGON



Left: Performing maintenance checks on the primary and secondary flocculator drive chains in main plant clarifier



Right: Taking samples at the WWTP



ONTARIO
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Field Services: Streets & Collection/Distribution

Below: Compacting gravel section of road that was graded.



Above: Installing a 2" water service on Washington





ONTARIO
OREGON

Field Services: Streets & Collection/Distribution



Chip Sealing NW area of town



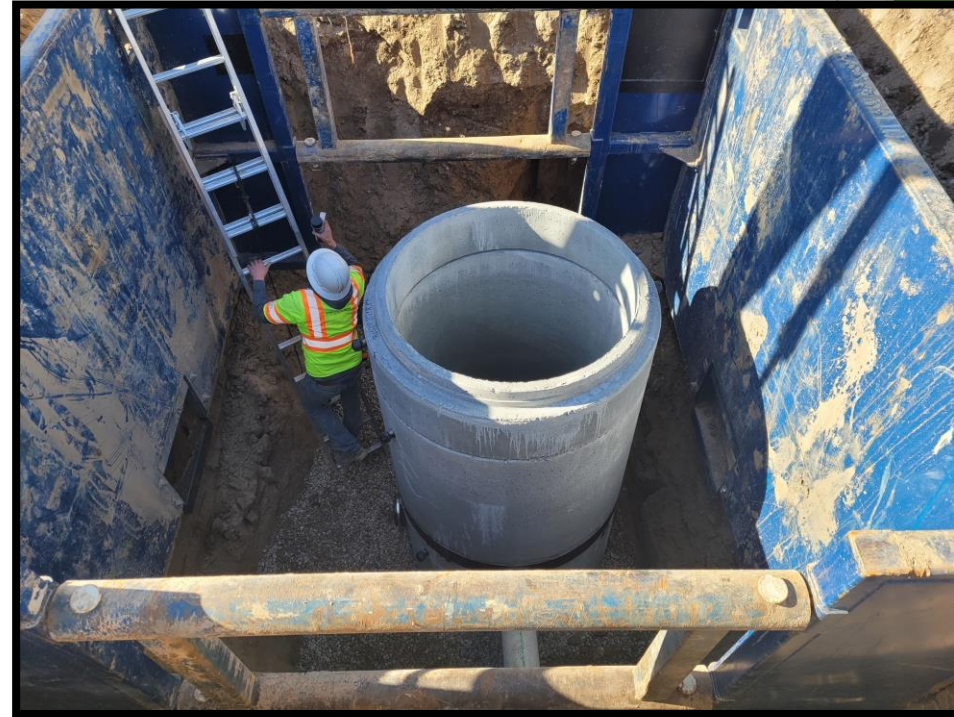
Tiny Homes



Development Review



ONTARIO
OREGON



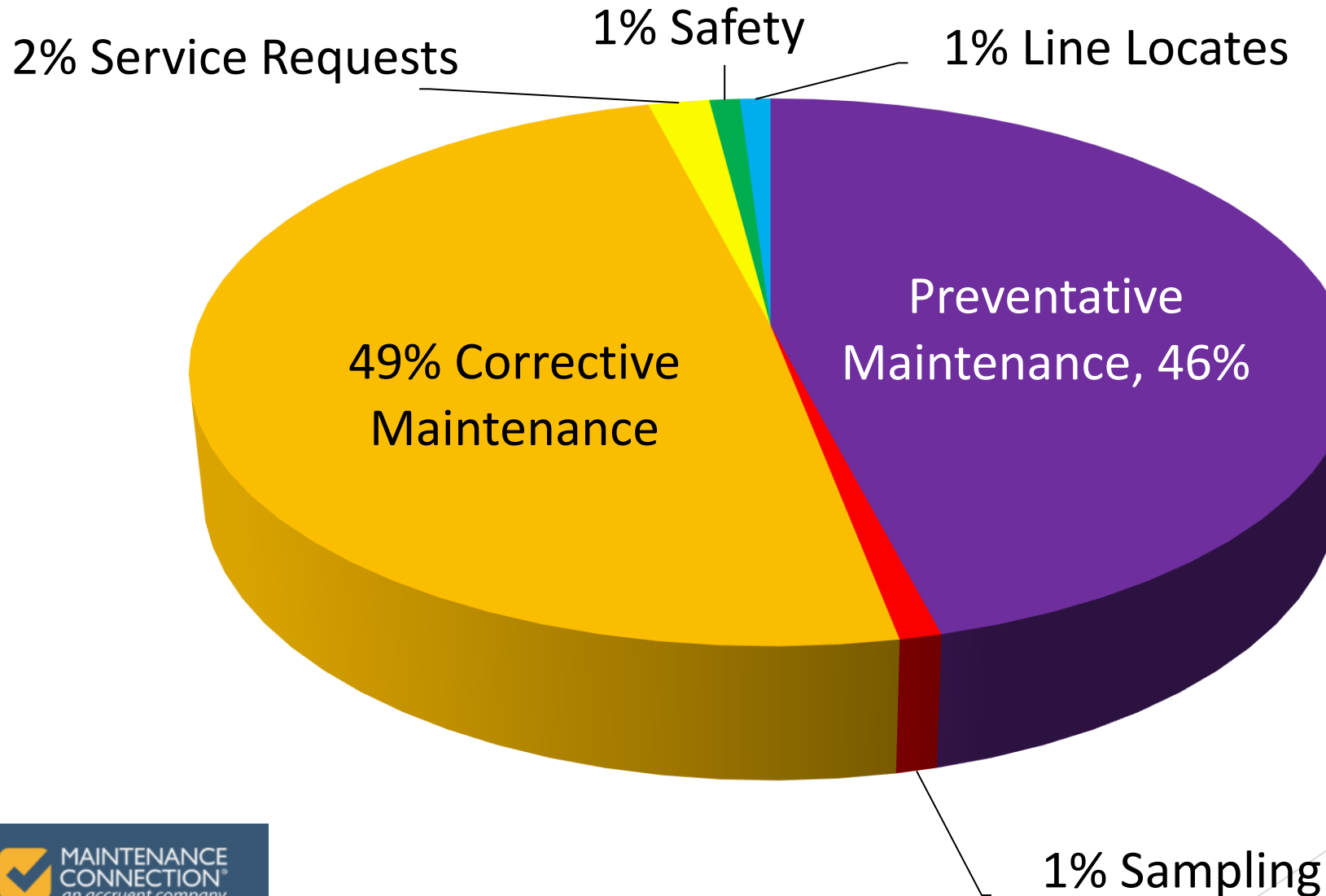
Inspecting new sewer manhole



All Departments Summary



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OREGON

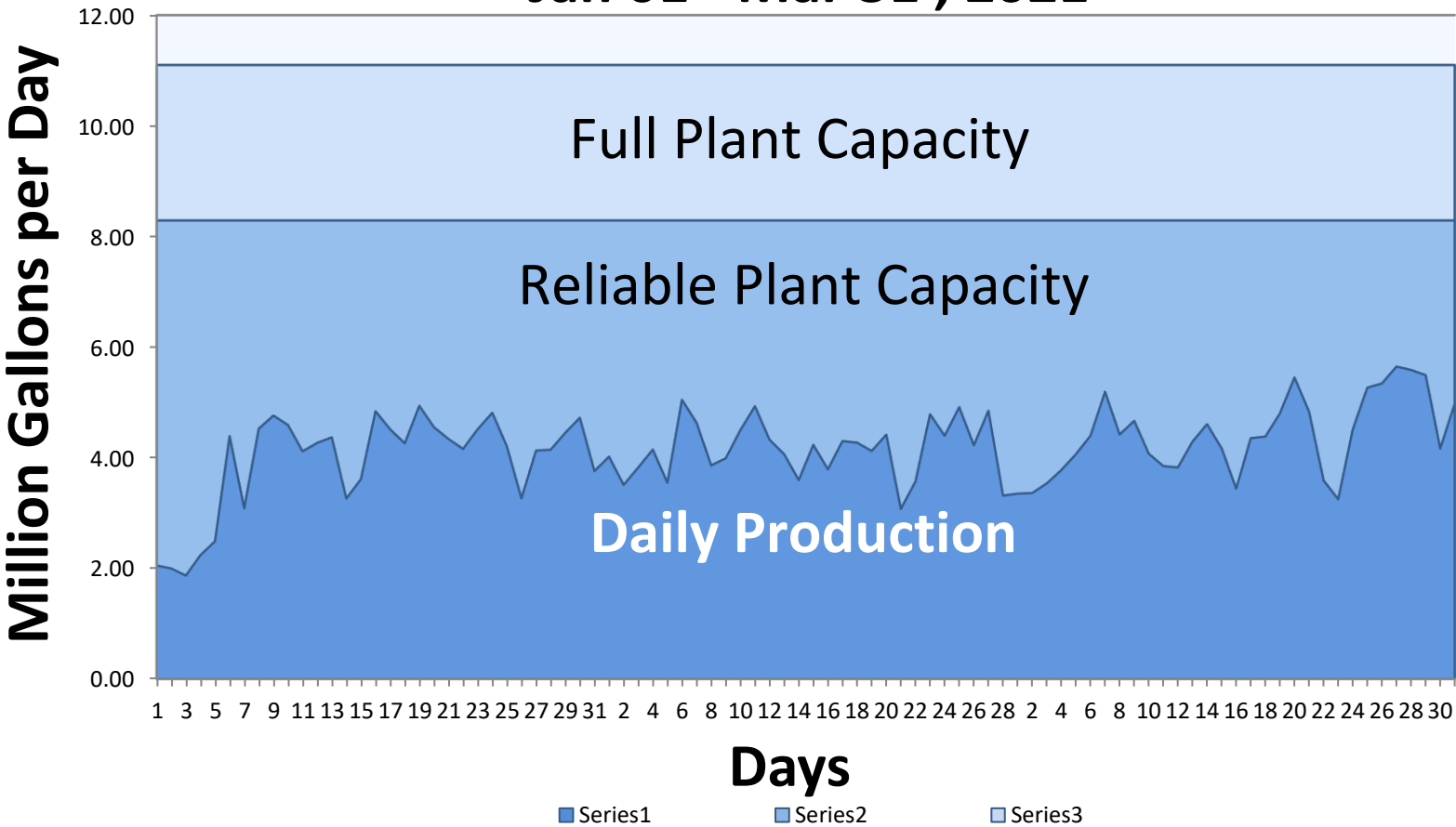


Water Treatment Plant Summary



ONTARIO
OREGON

Demand vs. Availability
Jan 01 - Mar 31 , 2021

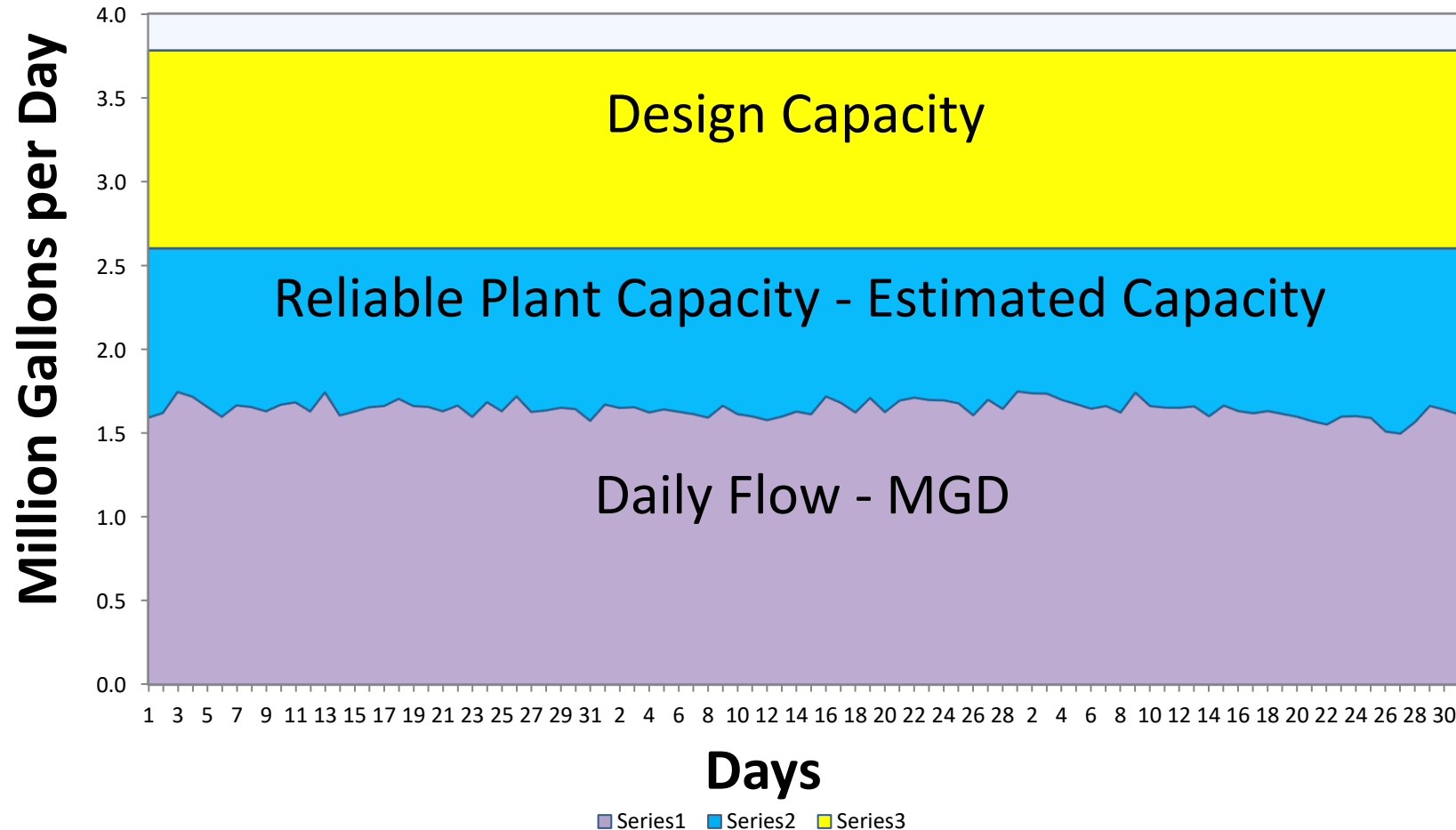


Wastewater Treatment Plant Flows



ONTARIO
OREGON

Wastewater Treatment Flows Jan 01 - Mar 31, 2021



Quarterly Achievements



ONTARIO
OREGON

Facilities, Parks and Cemeteries

- Pre-emergent sprayed for the weeds
- Cemeteries cleaned up after winter
- Assembling picnic tables

Field Services

- Holiday decorations and banners throughout town removed
- Removed snow and ice from primary and secondary routes within 12hours of each storm
- Installed new public works signs with the new City Logo on the building, both sides of the entrances and on the Field Service Vehicles





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Quarterly Achievements

Water Treatment Plant

- Transition from winter into spring minimum overtime due to river screens plugging, causing the need to have crews come in to flush screen multiple times over night
- Canyon booster station power connection to allow the simplicity for connection to emergency power or the ability to pump water at canyon booster station
- Dustin Mosher for his license to level 2 for water treatment and distribution



Quarterly Achievements



ONTARIO
OREGON

Wastewater Treatment Plant

- Aerators/Blowers in lagoon #1 all the aerators in lagoon #1 are in operation, 2 blowers have been removed for service and one has been placed back into service
- Malheur farm pivot roads have been “road bossed” which will allow the travel along the roads to be much more pleasant
- NO ODORS!!!! This time last year we were trying to figure out why the WWTP was omitting odors, this plant does not have a septic smell and for the springs of 2019 and 2020 the plant had a very strong hydrogen sulfite odor over night.





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Public Works Department

Quarterly Presentation January – March 2021



Tater Tots Trail along the Snake River

Council Update May 6, 2021





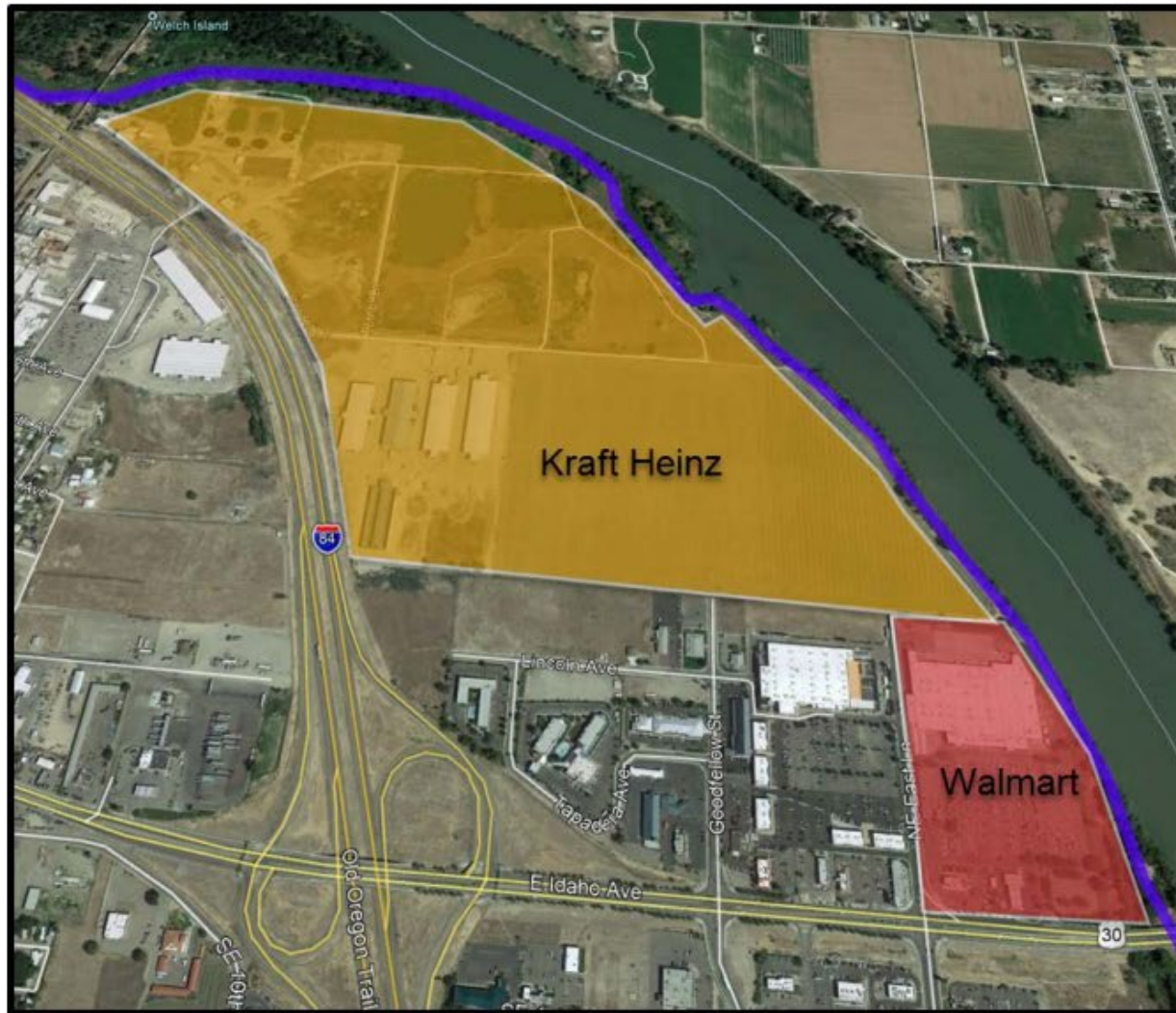
TATER TOTS TRAIL ALONG THE SNAKE RIVER

CONCEPTUAL PLAN - TRAIL HEAD AND SOUTH END

PREPARED BY ADAM BROWN, CITY MANAGER



ONTARIO
OREGON
THE GATEWAY TO ADVENTURE



FOUR PROPERTY OWNERS

- TWO PUBLIC
 - CITY OF ONTARIO
 - STATE OF OREGON
- TWO PRIVATE
 - WALMART – ACQUISITION IN PROGRESS
 - KRAFT HEINZ – ACQUISITION IN PROGRESS

TATER TOT TRAIL ALONG THE SNAKE RIVER

CONCEPTUAL PLAN - TRAIL SCAPE

PREPARED BY ADAM BROWN, CITY MANAGER



ONTARIO
OREGON
THE GATEWAY TO ADVENTURE

Implementation Strategy

- Now that it is a trail head for a water trail it has immediate use and can be eligible for grants, which will help us cut down on the long-term costs of the Tater Tot Trail;
- Pursue Federal Recreational Trails Program grant application;
- Pursue State grant funds through Oregon State Parks, Oregon Marine Board and other state agencies;
- Community Directed Funding Opportunities
- Grant funding success increases if engineering design and permitting is done in advance.



OFF RAMP FROM THE
HIGHWAY

TRAIL HEAD

RESTROOMS



NATURAL TRAIL HEAD

OREGON

Snake River



Funding Opportunities



\$40,000 in funding exists for the water trail slip in the current budget year along with another \$150,000 in funding for the trail.

Any engineering done 18 months in advance of the award can be considered match money.

RTP Program provides up to \$150,000

At the next Council meeting, a contract for engineering services to design and permit the Tater Tots trailhead facility will be on the agenda for your consideration.

Questions?



A-Engrossed House Bill 2006

Ordered by the House March 15
Including House Amendments dated March 15

Sponsored by Representative KOTEK; Representatives CAMPOS, FAHEY, GRAYBER, KROPP, MARSH, MEEK, MORGAN, NERON, NOBLE, WILDE, WILLIAMS, ZIKA

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.

Defines "emergency shelter." Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws and regulations. Sunsets requirement July 1, 2022.

Expands description of transitional housing accommodations to include motor-vehicle camping. *[Removes three-vehicle limit on motor-vehicle camping on religious institution property.]* **Expands motor-vehicle camping that political subdivisions may allow.**

Expands uses of Emergency Housing Account to include developing technical assistance regarding emergency shelters or transitional housing accommodations.

Authorizes Housing and Community Services Department to use Emergency Housing Account to fund grants and technical assistance for organizations to develop or operate low-barrier emergency shelters, develop supportive facilities or provide rapid rehousing services and support.

Authorizes Oregon Department of Administrative Services to distribute funds to develop navigation centers that must be operating on or before July 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to housing; creating new provisions; amending ORS 203.082, 446.265 and 458.650; and declaring an emergency.

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 197.

SECTION 2. (1) As used in this section, "emergency shelter" means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

(2) A building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

(3) An approval of an emergency shelter under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.

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.

SECTION 3. (1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in section 2 of this 2021 Act, on any property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

(e) Has adequate transportation access to commercial and medical services; and

(f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5) The approval of an emergency shelter under this section is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

SECTION 4. (1) Section 3 of this 2021 Act is repealed on July 1, 2022.

(2) The repeal of section 3 of this 2021 Act by subsection (1) of this section does not affect an application for the development of land for an emergency shelter that was completed and submitted before the date of the repeal.

SECTION 5. ORS 446.265 is amended to read:

446.265. (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to *[persons]* **individuals** who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations, **as well as areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters.** The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

(4) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

SECTION 6. ORS 203.082 is amended to read:

203.082. *[(1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.]*

[(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:]

[(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and]

[(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.]

(1) Any political subdivision may allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.

(2) A political subdivision may impose reasonable conditions upon offering camping space under this section, including establishing a maximum number of vehicles allowed.

(3) Entities providing camping spaces under this section must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

SECTION 7. ORS 458.650 is amended to read:

458.650. (1) The Emergency Housing Account *[shall be]* **is** administered by the Housing and Community Services Department to assist homeless *[persons]* **individuals** and those *[persons]* **individuals** who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure for assistance to veterans who

are homeless or at risk of becoming homeless. For purposes of this section, “account” means the Emergency Housing Account.

(2) The Oregon Housing Stability Council, with the advice of the Community Action Partnership of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:

(a) To provide to low and very low income *[persons]* **individuals**, including but not limited to, *[persons]* **individuals** more than 65 years of age, persons with disabilities, farmworkers and Native Americans:

(A) Emergency shelters and attendant services;

(B) Transitional housing services designed to assist *[persons]* **individuals** to make the transition from homelessness to permanent housing and economic independence;

(C) Supportive housing services to enable *[persons]* **individuals** to continue living in their own homes or to provide in-home services for such *[persons]* **individuals** for whom suitable programs do not exist in their geographic area;

(D) Programs that provide emergency payment of home payments, rents or utilities; or

(E) Some or all of the needs described in subparagraphs (A) to (D) of this paragraph.

(b) To align with federal strategies and resources that are available to prevent and end homelessness.

(3)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization has the capacity to deliver any service proposed by the organization.

(b) Any funds granted under this section *[shall]* **may** not be used to replace existing funds. Funds granted under this section may be used to supplement existing funds. An organization may use funds to support existing programs or to establish new programs.

(c) The council, by policy, shall give preference in granting funds to those organizations that receive grants from the Housing Development Grant Program established under ORS 458.625.

(4) The department may expend funds from the account for:

(a) **The** administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department.

(b) **The development of technical assistance and training resources for organizations developing and operating emergency shelters as defined in section 2 of this 2021 Act and transitional housing accommodations as described in ORS 446.265.**

SECTION 8. Section 9 of this 2021 Act is added to and made a part of ORS 458.600 to 458.665.

SECTION 9. (1) As used in this section, “low-barrier emergency shelter” means an emergency shelter, as defined in section 2 of this 2021 Act, that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.

(2) The Housing and Community Services Department shall award grants and provide technical assistance to organizations to fund:

(a) The construction, purchase or lease of facilities to be used as low-barrier emergency shelters;

(b) The operation, use or staffing of low-barrier emergency shelters, including the costs to provide clients with access to the shelters;

(c) The development or use of amenities or facilities that provide no-cost services to individuals and families who are homeless, including restroom and hygiene facilities, laundry

1 facilities, dining facilities, storage for personal property, meeting or gathering spaces and
2 facilities providing case management services; or

3 (d) Rapid rehousing services and supports for individuals and families.

4 (3) In awarding grants and providing technical assistance under this section, the depart-
5 ment shall:

6 (a) Ensure that funds are distributed among different regions of the state; and

7 (b) Prioritize funding areas of highest need as identified in the August 2019 Oregon
8 Statewide Shelter Study.

9 (4) Grants under this section must be awarded:

10 (a) Through a competitive process that emphasizes collaborative proposals; or

11 (b) To one or more community action agencies.

12 **SECTION 10.** (1) As used in this section, “navigation center” means a low-barrier emer-
13 gency shelter, as defined in section 9 of this 2021 Act, that is open seven days per week and
14 connects individuals and families with health services, permanent housing and public bene-
15 fits.

16 (2) The Oregon Department of Administrative Services may award grants to local gov-
17 ernments to:

18 (a) Plan the location, development or operations of a navigation center;

19 (b) Construct, purchase or lease a building for use as a navigation center;

20 (c) Operate a navigation center that has been constructed, purchased or leased under
21 paragraph (b) of this subsection; or

22 (d) Contract for the performance of activities in this subsection.

23 (3) The department shall require that each local government receiving a grant under this
24 section agree to return all moneys granted unless the local government has developed a
25 navigation center that is operating on or before July 1, 2022.

26 **SECTION 11.** Notwithstanding ORS 458.650 (2) and (3), the Housing and Community Ser-
27 vices Department may expend funds from the Emergency Housing Account to award grants
28 and provide technical assistance under section 9 of this 2021 Act.

29 **SECTION 12.** Sections 9, 10 and 11 of this 2021 Act are repealed on January 2, 2024.

30 **SECTION 13.** This 2021 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
32 on its passage.
33

House Bill 2367

Sponsored by Representative CAMPOS; Representatives GRAYBER, PHAM (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**.

Establishes Oregon Right to Rest Act. Makes violation unlawful practice enforceable by Commissioner of Bureau of Labor and Industries or by civil action.

A BILL FOR AN ACT

Relating to rights of persons experiencing homelessness; creating new provisions; and amending ORS 659A.885.

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

SECTION 1. Sections 2 to 6 of this 2021 Act are added to and made a part of ORS chapter 659A.

SECTION 2. Sections 3 to 6 of this 2021 Act shall be known and may be cited as the Oregon Right to Rest Act.

SECTION 3. (1) The Legislative Assembly finds that:

(a) Many persons in Oregon have experienced homelessness as a result of economic hardship, a shortage of safe and affordable housing, the inability to obtain gainful employment and a disintegrating social safety net system; and

(b) Decriminalization of rest allows local governments to redirect resources from local law enforcement activities to activities that address the root causes of homelessness and poverty.

(2) It is declared to be the public policy of Oregon to guarantee persons experiencing homelessness participation in the social and economic life of this state, remunerative employment, use of and free movement within public spaces, participation in and receipt of the benefits of the services, programs and activities of state government and local governments and housing accommodations of the person's choice, without discrimination.

SECTION 4. As used in sections 3 to 6 of this 2021 Act:

(1) "Harassment" means a knowing and willful course of conduct directed at a person experiencing homelessness that a reasonable person would consider as seriously alarming, tormenting or terrorizing of the person experiencing homelessness.

(2) "Housing status" means the residential status of a person experiencing homelessness.

(3) "Local government" has the meaning given that term in ORS 174.116.

(4) "Motor vehicle" has the meaning given that term in ORS 801.360.

(5)(a) "Persons experiencing homelessness" means persons who lack, or are perceived to lack, a fixed, regular and adequate nighttime residence.

(b) "Persons experiencing homelessness" includes persons who:

(A) Share the housing of other persons due to loss of housing, economic hardship or a

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.

1 similar reason;

2 (B) Live in motels, hotels, trailer parks or campgrounds due to the lack of alternative
3 adequate accommodations;

4 (C) Live in emergency or transitional shelters;

5 (D) Are abandoned in hospitals;

6 (E) Are awaiting foster care placement;

7 (F) Have a primary nighttime residence that is a public or private place not designed for
8 or ordinarily used as a regular sleeping accommodation for human beings;

9 (G) Live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or
10 train stations or similar settings; or

11 (H) Are migratory and otherwise experiencing homelessness as described in this sub-
12 section.

13 (6)(a) "Public space" means any property that is owned, in whole or in part, by state
14 government or a local government, or upon which there is an easement for public use, and
15 that is held open to the public.

16 (b) "Public space" includes but is not limited to plazas, courtyards, parking lots, side-
17 walks, public transportation facilities and services, public buildings and parks.

18 (c) "Public space" does not mean a private business establishment.

19 (7) "Recreational vehicle" has the meaning given that term in ORS 650.300.

20 (8) "Rest" means the state of sleeping or not moving or the state of holding certain
21 postures that include but are not limited to sitting, standing, leaning, kneeling, squatting or
22 lying on the ground or other surface.

23 (9) "State government" has the meaning given that term in ORS 174.111.

24 **SECTION 5.** (1) In enacting sections 3 to 6 of this 2021 Act, it is the intent of the Legis-
25 lative Assembly that:

26 (a) Persons experiencing homelessness be permitted to use public spaces in the same
27 manner as any other person without discrimination based on their housing status;

28 (b) A person experiencing homelessness has a privacy interest and a reasonable expect-
29 ation of privacy in any property belonging to the person, regardless of whether the property
30 is located in a public space; and

31 (c) Every person in this state, including persons experiencing homelessness, have the
32 rights set forth in subsection (2) of this section to be exercised without being subject to
33 harassment, citation or arrest by law enforcement officers, public or private security per-
34 sonnel or employees of local governments.

35 (2) Notwithstanding any other law or regulation of state government or local govern-
36 ment, a person experiencing homelessness has the following rights:

37 (a) To use and move freely in public spaces without discrimination and time limitations
38 that are based on housing status.

39 (b) To rest in public spaces and seek protection from adverse weather conditions that are
40 unsuitable for human exposure in a manner that does not obstruct human or vehicle traffic.

41 (c) To eat, share, accept or give food in any public space in which having food is not
42 prohibited.

43 (d) To pray, meditate, worship or practice religion in public spaces without discrimination
44 based on housing status.

45 (e) To occupy a motor vehicle or a recreational vehicle provided that the vehicle is legally

1 parked on public property or on private property with the permission of the private property
2 owner.

3 (3) Subsection (2) of this section does not apply if the public space is closed to the general
4 public or requires a fee for entry. When this subsection applies, and it is legal and reasonable
5 to do so, law enforcement or local officials shall clearly designate and provide an appropriate
6 alternative place for persons experiencing homelessness to rest without time limitations in
7 the near vicinity.

8 (4) An affirmative defense is available to a person experiencing homelessness to a civil
9 or criminal charge related to use of public spaces that the person was exercising the rights
10 set forth in this section.

11 **SECTION 6.** (1) It is an unlawful practice for any person to deny, refuse, restrict or
12 withhold from a person experiencing homelessness any of the rights listed in section 5 of this
13 2021 Act.

14 (2) Complaints alleging an unlawful practice under this section may be filed by the
15 aggrieved person, or by a person lawfully acting on behalf of the aggrieved person, with the
16 Commissioner of the Bureau of Labor and Industries in the manner provided by ORS
17 659A.820. The commissioner shall enforce this section in the manner provided in this chapter
18 regarding other unlawful practices.

19 (3) Violation of this section subjects the violator to the civil remedies and penalties pro-
20 vided in this chapter.

21 **SECTION 7.** ORS 659A.885, as amended by section 7, chapter 343, Oregon Laws 2019, section
22 7, chapter 463, Oregon Laws 2019, and section 12, chapter 701, Oregon Laws 2019, is amended to
23 read:

24 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
25 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
26 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
27 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
28 court may order back pay in an action under this subsection only for the two-year period imme-
29 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
30 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
31 year period immediately preceding the filing of the action. In any action under this subsection, the
32 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
33 cept as provided in subsection (3) of this section:

34 (a) The judge shall determine the facts in an action under this subsection; and

35 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
36 review the judgment pursuant to the standard established by ORS 19.415 (3).

37 (2) An action may be brought under subsection (1) of this section alleging a violation of:

38 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,
39 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,
40 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to
41 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,
42 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,
43 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.370 or 659A.421 **or section 6 of**
44 **this 2021 Act;** or

45 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.370 or 659A.421:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(8) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this subsection:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory and punitive damages;

(b) The operator or manager of the place of public accommodation, the employee or person acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all damages awarded in the action;

(c) At the request of any party, the action shall be tried to a jury;

(d) The court shall award reasonable attorney fees to a prevailing plaintiff;

(e) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails only if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court; and

(f) Upon any appeal of a judgment under this subsection, the appellate court shall review the

judgment pursuant to the standard established by ORS 19.415 (1).

(9) When the commissioner or the Attorney General has reasonable cause to believe that a person or group of persons is engaged in a pattern or practice of resistance to the rights protected by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner or the Attorney General may file a civil action on behalf of the aggrieved persons in the same manner as a person or group of persons may file a civil action under this section. In a civil action filed under this subsection, the court may assess against the respondent, in addition to the relief authorized under subsections (1) and (3) of this section, a civil penalty:

(a) In an amount not exceeding \$50,000 for a first violation; and

(b) In an amount not exceeding \$100,000 for any subsequent violation.

(10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to the commissioner if the commissioner prevails in the action. The court may award reasonable attorney fees and expert witness fees incurred by a defendant that prevails in the action if the court determines that the commissioner had no objectively reasonable basis for asserting the claim or for appealing an adverse decision of the trial court.

(11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) "Aggrieved person" includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

(12) In any action under subsection (1) of this section alleging a violation of section 6 of this 2021 Act, the court may award, in addition to the relief authorized under subsection (1) of this section:

(a) Compensatory damages or \$1,000 per violation, whichever is greater; and

(b) A civil penalty in the amount of \$1,000.

SECTION 8. ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463, Oregon Laws 2019, and section 13, chapter 701, Oregon Laws 2019, is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-

cept as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or section 6 of this 2021 Act**; or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater.

(6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$250, whichever is greater.

(7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092, the court may award, in addition to the relief authorized under subsection (1) of this section, a civil penalty in the amount of \$720.

(8) Any individual against whom any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action against the operator or manager of the place, the employee or person acting on behalf of the place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-

1 section:

2 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
3 compensatory and punitive damages;

4 (b) The operator or manager of the place of public accommodation, the employee or person
5 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
6 damages awarded in the action;

7 (c) At the request of any party, the action shall be tried to a jury;

8 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

9 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
10 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
11 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
12 and

13 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
14 judgment pursuant to the standard established by ORS 19.415 (1).

15 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
16 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
17 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
18 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
19 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
20 manner as a person or group of persons may file a civil action under this section. In a civil action
21 filed under this subsection, the court may assess against the respondent, in addition to the relief
22 authorized under subsections (1) and (3) of this section, a civil penalty:

23 (a) In an amount not exceeding \$50,000 for a first violation; and

24 (b) In an amount not exceeding \$100,000 for any subsequent violation.

25 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
26 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
27 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
28 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
29 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
30 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
31 appealing an adverse decision of the trial court.

32 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
33 or 659A.421 or discrimination under federal housing law:

34 (a) "Aggrieved person" includes a person who believes that the person:

35 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

36 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
37 occur.

38 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
39 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
40 tifies that the case is of general public importance. The court may allow an intervenor prevailing
41 party costs and reasonable attorney fees at trial and on appeal.

42 **(12) In any action under subsection (1) of this section alleging a violation of section 6 of**
43 **this 2021 Act, the court may award, in addition to the relief authorized under subsection (1)**
44 **of this section:**

45 **(a) Compensatory damages or \$1,000 per violation, whichever is greater; and**

(b) A civil penalty in the amount of \$1,000.

SECTION 9. ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463, Oregon Laws 2019, section 58, chapter 700, Oregon Laws 2019, and section 13, chapter 701, Oregon Laws 2019, is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 657B.060 and 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or section 6 of this 2021 Act;** or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060 and 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

(a) The court may award, in addition to the relief authorized under subsection (1) of this section, compensatory damages or \$200, whichever is greater, and punitive damages;

(b) At the request of any party, the action shall be tried to a jury;

(c) Upon appeal of any judgment finding a violation, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (1); and

(d) Any attorney fee agreement shall be subject to approval by the court.

(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a violation of ORS 652.220, the court may award punitive damages if:

(a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted with malice or acted with willful and wanton misconduct; or

(b) An employer was previously adjudicated in a proceeding under this section or under ORS 659A.850 for a violation of ORS 652.220.

(5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or

1 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-
 2 tion, compensatory damages or \$200, whichever is greater.

3 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574
 4 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this
 5 section, compensatory damages or \$250, whichever is greater.

6 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
 7 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
 8 penalty in the amount of \$720.

9 (8) Any individual against whom any distinction, discrimination or restriction on account of
 10 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual
 11 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS
 12 659A.400, by any employee or person acting on behalf of the place or by any person aiding or
 13 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator
 14 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor
 15 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-
 16 section:

17 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 18 compensatory and punitive damages;

19 (b) The operator or manager of the place of public accommodation, the employee or person
 20 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
 21 damages awarded in the action;

22 (c) At the request of any party, the action shall be tried to a jury;

23 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

24 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
 25 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
 26 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
 27 and

28 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
 29 judgment pursuant to the standard established by ORS 19.415 (1).

30 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
 31 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
 32 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
 33 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
 34 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
 35 manner as a person or group of persons may file a civil action under this section. In a civil action
 36 filed under this subsection, the court may assess against the respondent, in addition to the relief
 37 authorized under subsections (1) and (3) of this section, a civil penalty:

38 (a) In an amount not exceeding \$50,000 for a first violation; and

39 (b) In an amount not exceeding \$100,000 for any subsequent violation.

40 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
 41 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
 42 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
 43 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
 44 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
 45 determines that the commissioner had no objectively reasonable basis for asserting the claim or for

appealing an adverse decision of the trial court.

(11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145 or 659A.421 or discrimination under federal housing law:

(a) “Aggrieved person” includes a person who believes that the person:

(A) Has been injured by an unlawful practice or discriminatory housing practice; or

(B) Will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(b) An aggrieved person in regard to issues to be determined in an action may intervene as of right in the action. The Attorney General may intervene in the action if the Attorney General certifies that the case is of general public importance. The court may allow an intervenor prevailing party costs and reasonable attorney fees at trial and on appeal.

(12) In any action under subsection (1) of this section alleging a violation of section 6 of this 2021 Act, the court may award, in addition to the relief authorized under subsection (1) of this section:

(a) Compensatory damages or \$1,000 per violation, whichever is greater; and

(b) A civil penalty in the amount of \$1,000.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 5/4/2021 2:14 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
127057	&525	American Staffing, Inc.	03/05/2021	210.99
127058	033300	Argus Observer	03/05/2021	449.85
127059	037600	AT&T	03/05/2021	23.55
127060	130624	B & W Car Wash	03/05/2021	12.00
127061	626400	Campo & Poole Distributing, LLC	03/05/2021	3,286.12
127062	637828	Century Link Communications, LLC	03/05/2021	128.83
127063	T110	Coley's Glass Company, LLC	03/05/2021	4,689.39
127064	520400	Dorman's, Inc.	03/05/2021	52.08
127065	879530	Nicholas Ducote	03/05/2021	517.50
127066	879479	Electric Beach Salon, LLC	03/05/2021	4.57
127067	303800	Frank's Extinguisher Service	03/05/2021	34.49
127068	879191	Kristy Lynn Janti	03/05/2021	16.00
127069	440000	L.N. Curtis and Sons	03/05/2021	922.00
127070	430997	Life-Assist, Inc.	03/05/2021	194.90
127071	879225	Malheur Media, LLC	03/05/2021	125.00
127072	602320	NAPA Auto Parts	03/05/2021	259.84
127073	879301	Net Assets Corporation	03/05/2021	480.00
127074	572000	Ontario Sanitary Service, Inc.	03/05/2021	318.06
127075	582200	Oregon Association Chiefs of Police	03/05/2021	129.00
127076	110805	State of Oregon Bureau of Labor & Industri	03/05/2021	560.12
127077	598220	Owyhee Irrigation District	03/05/2021	3,588.00
127078	879166	Pitney Bowes Global Financial Services, LI	03/05/2021	953.25
127079	614087	PORAC LDF	03/05/2021	390.00
127080	642093	Red's Automotive Repair, Inc.	03/05/2021	1,910.90
127081	879145	Silver Signet, LLC	03/05/2021	122.00
127082	516825	Smith's Pack & Ship, LLC	03/05/2021	29.78
127083	788402	TransUnion Risk & Alternative Data Soluti	03/05/2021	75.00
127084	288897	Verizon	03/05/2021	1,947.35
127085	774001	Wtechlink	03/05/2021	300.00
Total for 3/5/2021:				21,730.57
ACH	878915	Jacobs Engineeering Group, Inc.	03/10/2021	445,107.97
Total for 3/10/2021:				445,107.97
127086	879192	Annas Consultants, Inc.	03/12/2021	433.68
127087	034240	Art's Service, Inc.	03/12/2021	906.00
127088	637830	Century Link	03/12/2021	466.49
127089	285646	Field-Waldo Insurance Agencies, Inc.	03/12/2021	5,257.99
127090	634311	Frazier Aviation, LLC	03/12/2021	425.00
127091	368200	Hughes Fire Equipment, Inc.	03/12/2021	674.12
127092	879247	Idaho Communications, LLC	03/12/2021	940.00
127093	879191	Kristy Lynn Janti	03/12/2021	8.00
127094	436000	Lindsay Eco Water	03/12/2021	36.00
127095	456402	Malheur County Clerk	03/12/2021	209.00
127096	879163	McCurry Ontario Motors, LLC	03/12/2021	117.97

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127097	22427	Murysmith, Inc.	03/12/2021	14,024.25
127098	500400	Norco, Inc.	03/12/2021	84.32
127099	527000	Ontario Animal Hospital	03/12/2021	168.92
127100	516494	State of Oregon Department of Transportati	03/12/2021	1,322.17
127101	528405	Oster Professional Group, CPA's PC	03/12/2021	24,822.42
127102	644210	Roadrunner Towing, Inc.	03/12/2021	240.00
127103	879145	Silver Signet, LLC	03/12/2021	35.00
127104	130950	Sparklight Business	03/12/2021	104.41
127105	702008	Staples Business Credit	03/12/2021	65.59
127106	879340	Teskey, Inc.	03/12/2021	1,507.18
127107	879146	Toshiba Financial Services	03/12/2021	1,722.02
127108	879151	Waste-Pro	03/12/2021	40.05
127109	UB*11851	TERRA CURTIS	03/12/2021	109.57
127110	&260	Four Rivers Cultural Center	03/12/2021	10,622.77
127111	UB*11855	NATHAN HANLON	03/12/2021	197.88
127112	879532	Todd Harnden	03/12/2021	262.99
127113	UB*11852	MINISTERIOS CASA DE GRACIA M/R	03/12/2021	41.19
127114	539200	Ontario Area Chamber of Commerce	03/12/2021	7,123.52
127115	878974	Revitalize Ontario!	03/12/2021	2,065.00
127116	UB*11853	AUBREY STEINBRUEGGE	03/12/2021	115.75
Total for 3/12/2021:				74,149.25
127117	UB*11859	AKTAN	03/19/2021	170.00
127118	UB*11857	JAMES CLOUSE	03/19/2021	267.49
127119	UB*11858	BETHANY COOPER	03/19/2021	85.71
127120	&260	Four Rivers Cultural Center	03/19/2021	1,266.47
127121	UB*11854	NANCY GARCIA	03/19/2021	247.96
127122	UB*11856	LAWRENCE & KIMBERLY KRESSLY	03/19/2021	140.69
127123	879533	Diana Llona	03/19/2021	300.00
127124	451350	Malheur County Fair Board	03/19/2021	5,000.00
127125	879988	Nyssa Fire Department	03/19/2021	50.00
127126	539200	Ontario Area Chamber of Commerce	03/19/2021	1,147.28
127127	879535	Ontario Train Depot	03/19/2021	3,495.82
127128	879470	Western Treasure Valley Rotary Club	03/19/2021	1,427.50
127129	&525	American Staffing, Inc.	03/19/2021	194.76
127130	033300	Argus Observer	03/19/2021	114.08
127131	144000	Cascade Natural Gas Corporation	03/19/2021	879.48
127132	879209	Elite Extrication & Equipment	03/19/2021	650.00
127133	376000	Idaho Power	03/19/2021	639.81
127134	441140	Looks Nu, Inc.	03/19/2021	235.00
127135	879464	Merchant McIntyre Associates, LLC	03/19/2021	6,500.00
127136	879534	Public Affairs Counsel	03/19/2021	6,000.00
127137	879469	SBRK Finance Holdings, Inc.	03/19/2021	1,108.00
127138	878977	Snake River Valley Chief's Associaton	03/19/2021	200.00
127139	879138	Stantec Consulting Services, Inc.	03/19/2021	475.00
127140	&357	Larry A. Sullivan	03/19/2021	3,524.70
Total for 3/19/2021:				34,119.75
127142	012397	Agile Design Company, Inc.	03/26/2021	10,000.00
127143	&525	American Staffing, Inc.	03/26/2021	205.58
127144	879536	BK Construction, Inc.	03/26/2021	80,000.00
127145	879076	Blue Ground Northwest, LLC	03/26/2021	14,184.33
127146	879494	Bruneel, LLC	03/26/2021	382.24
127147	626400	Campo & Poole Distributing, LLC	03/26/2021	2,801.31
127148	637830	Century Link	03/26/2021	733.76

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127149	UB*11858	BETHANY COOPER	03/26/2021	52.00
127150	270285	Enhanced Telecommunications & Data, Inc	03/26/2021	208.25
127151	879537	Sheryl J. Garcia	03/26/2021	10,000.00
127152	376000	Idaho Power	03/26/2021	2,828.72
127153	879191	Kristy Lynn Janti	03/26/2021	20.00
127154	879417	LightSpeed Networks, Inc.	03/26/2021	1,130.16
127155	UB*11860	DIONICIO MARTINEZ	03/26/2021	93.74
127156	22427	Murrysmith, Inc.	03/26/2021	3,030.00
127157	532000	Ontario Bearing & Hydraulic, Inc.	03/26/2021	83.28
127158	T242	State of Oregon Secretary of State	03/26/2021	350.00
127159	642093	Red's Automotive Repair, Inc.	03/26/2021	460.50
127160	879538	Ryan & Lisa Reeser	03/26/2021	10,000.00
127161	879406	Rywest Homes, Inc.	03/26/2021	10,000.00
127162	738002	Symbol Arts, LLC	03/26/2021	577.50
127163	T770949	David Thompson	03/26/2021	10,000.00
127164	288897	Verizon	03/26/2021	1,957.03
Total for 3/26/2021:				159,098.40
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	03/31/2021	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	03/31/2021	225.00
ACH	PRCCIS	E B S TRUST	03/31/2021	73,457.79
ACH	PRCOLONI	COLONIAL LIFE	03/31/2021	1,113.13
ACH	PRFED	PAYROLL TAXES	03/31/2021	68,316.76
ACH	PRICMA	I C M A RETIREMENT TRUST 457	03/31/2021	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTION	03/31/2021	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	03/31/2021	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	03/31/2021	277.18
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	03/31/2021	11,016.09
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	03/31/2021	3,000.00
ACH	PRPERS	OREGON PERS	03/31/2021	96,633.03
127165	PRLINC	LINCOLN NATIONAL LIFE INS CO	03/31/2021	600.00
127166	642320	RETAIL CREDIT SERVICES ,INC.	03/31/2021	119.04
127167	PRSFIRE	UMPQUA BANK	03/31/2021	360.00
Total for 3/31/2021:				257,324.24
127168	005000	A-1 Key and Lock Service	04/02/2021	53.50
127169	879516	Absolutte Exhibits, Inc.	04/02/2021	377.50
127170	033300	Argus Observer	04/02/2021	55.20
127171	037600	AT&T	04/02/2021	23.96
127172	130624	B & W Car Wash	04/02/2021	15.00
127173	626400	Campo & Poole Distributing, LLC	04/02/2021	4,662.30
127174	637828	Century Link Communications, LLC	04/02/2021	126.68
127175	336784	G.W., Inc.	04/02/2021	318.00
127176	376000	Idaho Power	04/02/2021	2,100.16
127177	432000	Les Schwab Tires - Warehouse Center	04/02/2021	85.98
127178	477523	Municode	04/02/2021	272.42
127179	572000	Ontario Sanitary Service, Inc.	04/02/2021	313.06
127180	879422	State of Oregon Department of Administration	04/02/2021	1,000.00
127181	879145	Silver Signet, LLC	04/02/2021	61.00
127182	788402	TransUnion Risk & Alternative Data Solutions	04/02/2021	75.00
127183	879541	U.S. Department of Homeland Security	04/02/2021	151,500.00
127184	879470	Western Treasure Valley Rotary Club	04/02/2021	2,214.91
127185	774001	Wtechlink	04/02/2021	300.00
Total for 4/2/2021:				163,554.67

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127186	&525	American Staffing, Inc.	04/12/2021	724.94
127187	879631	Applied Concepts, Inc.	04/12/2021	3,143.00
127188	033300	Argus Observer	04/12/2021	609.08
127189	879494	Bruneel, LLC	04/12/2021	642.88
127190	190220	Commercial Tire, Inc.	04/12/2021	933.08
127191	216000	D & B Supply Company	04/12/2021	362.89
127192	634311	Frazier Aviation, LLC	04/12/2021	425.00
127193	360015	Home Depot Credit Services	04/12/2021	39.98
127194	879247	Idaho Communications, LLC	04/12/2021	470.00
127195	879301	Net Assets Corporation	04/12/2021	480.00
127196	500400	Norco, Inc.	04/12/2021	250.00
127197	528405	Oster Professional Group, CPA's PC	04/12/2021	24,822.42
127198	879149	Pro Force Law Enforcement	04/12/2021	7,245.37
127199	879534	Public Affairs Counsel	04/12/2021	6,000.00
127200	879540	Rockwood Flooring	04/12/2021	993.00
127201	879469	SBRK Finance Holdings, Inc.	04/12/2021	1,212.00
127202	130950	Sparklight Business	04/12/2021	104.41
127203	831840	Valley Paving & Asphalt, Inc.	04/12/2021	14,509.33
127204	879151	Waste-Pro	04/12/2021	40.05
127205	&260	Four Rivers Cultural Center	04/12/2021	10,507.49
127206	UB*11862	ALICIA MENDOZA**	04/12/2021	87.24
127207	539200	Ontario Area Chamber of Commerce	04/12/2021	7,018.62
127208	642080	Petty Cash	04/12/2021	242.58
127209	UB*11863	RICHARD RICH	04/12/2021	71.92
127210	UB*11861	TONJA WARD	04/12/2021	123.83
Total for 4/12/2021:				81,059.11
127211	545001	William J Snyder	04/16/2021	213.50
Total for 4/16/2021:				213.50
127212	559200	Allied Business Solutions, Inc.	04/20/2021	115.00
127213	UB*11865	GRACIE ALMARAZ	04/20/2021	90.32
127214	&525	American Staffing, Inc.	04/20/2021	324.60
127215	879076	Blue Ground Northwest, LLC	04/20/2021	1,565.00
127216	879494	Bruneel, LLC	04/20/2021	135.80
127217	144000	Cascade Natural Gas Corporation	04/20/2021	330.65
127218	637830	Century Link	04/20/2021	470.96
127219	879544	Coffman Associates	04/20/2021	3,250.00
127220	879445	Connected Professional Accountants, LLC	04/20/2021	21,800.00
127221	UB*11867	KAREN DENNIS	04/20/2021	949.49
127222	520400	Dorman's, Inc.	04/20/2021	154.44
127223	270201	Emergency Services Marketing Corp., Inc.	04/20/2021	735.00
127224	879191	Kristy Lynn Janti	04/20/2021	8.00
127225	UB*11868	KRISTI KEHOE	04/20/2021	60.10
127226	436000	Lindsay Eco Water	04/20/2021	7.00
127227	441140	Looks Nu, Inc.	04/20/2021	310.00
127228	&509	Matsy's Restaurant & Catering	04/20/2021	10.00
127229	879464	Merchant McIntyre Associates, LLC	04/20/2021	6,500.00
127230	879543	State of Oregon Department of Human Ser	04/20/2021	175.00
127231	582152	State of Oregon Department of Aviation	04/20/2021	75.00
127232	516494	State of Oregon Department of Transportati	04/20/2021	1,174.06
127233	642093	Red's Automotive Repair, Inc.	04/20/2021	59.43
127234	UB*11864	THERESA RICHARDSON	04/20/2021	42.15

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127235	702008	Staples Business Credit	04/20/2021	319.74
127236	842040	Warrington Irrigation, Inc.	04/20/2021	11,110.00
127237	UB*11866	MARIA ZAMBRANO	04/20/2021	134.91
Total for 4/20/2021:				49,906.65
ACH	878915	Jacobs Engineering Group, Inc.	04/22/2021	9,284.17
127238	879189	Chief Terry Leighton	04/22/2021	160.50
127239	879388	Chief Steven Romero	04/22/2021	297.00
127240	738001	James Swank	04/22/2021	396.50
Total for 4/22/2021:				10,138.17
127242	UB*11869	RALPH ASTLE	04/26/2021	29.22
127243	879494	Bruneel, LLC	04/26/2021	828.50
127244	626400	Campo & Poole Distributing, LLC	04/26/2021	4,522.31
127245	UB*11872	AMY COPPER	04/26/2021	46.00
127246	UB*11870	EAGLE CAP CONSULTING LLC	04/26/2021	101.51
127247	879546	Fetch This Kennels	04/26/2021	1,898.00
127248	376000	Idaho Power	04/26/2021	2,655.11
127249	879191	Kristy Lynn Janti	04/26/2021	80.00
127250	420000	John Deere Financial	04/26/2021	102.98
127251	879417	LightSpeed Networks, Inc.	04/26/2021	1,130.16
127252	451750	Malheur County Sheriff's Office	04/26/2021	50,653.57
127253	879422	State of Oregon Department of Administrat	04/26/2021	200.00
127254	879393	PortaPros, LLC	04/26/2021	50.00
127255	879149	Pro Force Law Enforcement	04/26/2021	660.00
127256	UB*11864	THERESA RICHARDSON	04/26/2021	80.99
127257	644210	Roadrunner Towing, Inc.	04/26/2021	150.00
127258	689005	Chad Sombke, Ph.D., PC	04/26/2021	400.00
127259	&357	Larry A. Sullivan	04/26/2021	5,099.35
127260	879146	Toshiba Financial Services	04/26/2021	1,721.89
127261	UB*11871	ALICIA/JOSE VELASQUEZ	04/26/2021	45.04
Total for 4/26/2021:				70,454.63
127241	832852	Wells Fargo Business Elite Card	04/30/2021	6,505.82
127262	010500	Tori Barnett	04/30/2021	284.50
127263	879442	Adam Clinton	04/30/2021	233.99
127264	&260	Four Rivers Cultural Center	04/30/2021	17,700.40
127265	879299	Dwayne Allen Holloway	04/30/2021	646.25
127266	539200	Ontario Area Chamber of Commerce	04/30/2021	13,534.30
127267	876400	Youngberg Heating	04/30/2021	195.32
127268	&525	American Staffing, Inc.	04/30/2021	908.88
127269	879525	ARAMARK Uniform & Career Apparel Gr	04/30/2021	84.80
127270	130624	B & W Car Wash	04/30/2021	6.00
127271	637830	Century Link	04/30/2021	735.44
127272	183201	CK3, LLC	04/30/2021	3,225.00
127273	376000	Idaho Power	04/30/2021	2,015.03
127274	879191	Kristy Lynn Janti	04/30/2021	32.00
127275	879163	McCurry Ontario Motors, LLC	04/30/2021	2,742.12
127276	879545	Miller Nash Graham & Dunn, LLP	04/30/2021	798.00
127277	602320	NAPA Auto Parts	04/30/2021	56.94
127278	572000	Ontario Sanitary Service, Inc.	04/30/2021	313.06
127279	642093	Red's Automotive Repair, Inc.	04/30/2021	62.94
127280	879548	Treasure Valley Cannabis	04/30/2021	10.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127281	288897	Verizon	04/30/2021	1,955.33
127282	879007	Weidner Fire	04/30/2021	90.00
Total for 4/30/2021:				52,136.12
Report Total (239 checks):				1,418,993.03

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



**PUBLIC WORKS COMMITTEE AGENDA
CITY OF ONTARIO OREGON
TUESDAY, MAY 11, 2021, 3:00 PM, MT
[Zoom Link](#)**

1) CALL TO ORDER

Roll Call: Bernie Babcock ____ Pat Woodcock ____ Jackson Fox ____
Scott Wilson ____ Jake Galeener ____

City Council Ex-Officio ____ City Manager ____
PW Director ____ City Engineer ____

This Agenda was posted on May 04, 2021. Copies of the Agenda are available from the Public Works Headquarters and on the city's website at www.ontariooregon.org.

2) MOTION TO ADOPT MINUTES

- A) March 09, 2021
- B) April 13, 2021

3) PRESENTATIONS

- A) Proclamations for:
 - ARBOR DAY - April 30th
 - NATIONAL DRINKING WATER WEEK - May 2nd thru May 8th
 - NATIONAL PUBLIC WORKS WEEK - May 16th thru May 22nd

4) OLD BUSINESS

- A) Alameda Elementary Traffic Issue Update

5) NEW BUSINESS

- A) City Wide Annual Chip Seal Program

6) DISCUSSION ITEMS

- A) Cemetery Complaints
- B) Gazebo Relocation Project

7) HAND-OUTS

- A) 03/09/2021 PWC Minutes
- B) 04/13/2021 PWC Minutes
- C) Chip Seal Program Map

8) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

9) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation /Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) Labor Negotiations.

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



BOARD OF DIRECTORS

Meeting Agenda

May 4, 2021 – 7 am TUESDAY

Live at FMTC, Fruitland, Idaho or ZOOMED to you!

1. Call meeting to order Chair Patrick Nauman
2. Introduction of attendees
3. Approval of April meeting minutes
4. Financial update for April – Sandy Hemenway
5. City and Community Highlights
Fruitland, Payette, Ontario, Nyssa, Weiser, New Plymouth, Vale
6. County Highlights
Payette County, Washington County, & Malheur County
7. Staff Report
 - i. Project updates
 - ii. Office & Computer update
 - iii. Other
8. Round Table Discussion
9. Adjourn

All SREDA monthly meetings are open to the public

SREDA Staff Report April 6, 2021

SREDA COMMITTEES

Membership/Marketing Committee: Sandy Hemenway, Larry Hogg, Andy Oyervides, Alicia Cavazos, and Adam Brown

Sandy will be reviewing the membership with the committee. If you are interested in assisting this committee, please let Sandy or Kristen know.

Hiring Committee: Patrick Nauman, Dan Cumming, John Breidenbach, Ken Hart, Dan Greig, Jenny Hemly, and Ken Bishop

Kit has been working with other Economic Development groups and Jenny Hemly from the state to gather job descriptions for this type of position. She will be pulling info out of them and making them fit our region. Kit will present the committee with a draft of the job announcement in April. If you are interested in assisting this committee, please let Patrick or Kit know.

PROJECTS

Project Idaho Power – working with Idaho Power to identify and submit information on potential sites that are or almost shovel ready for small to medium sized data centers. Ontario's Treasure 200 site has been selected to receive a site visit from a site selection company based out of Chicago. This company has a strong relationship with data centers as well as with Business Oregon's Jill Miles (Recruitment Officer). They have been retained by Idaho Power to assist in marketing the properties for data centers. The site visit was originally scheduled for March and then postponed until June.

Project Kamino – update: This project was a Canadian firm looking to do a green energy plant in the USA. We submitted property for this project, but they have chosen Texas for their first one. They found that the power was cheaper in Texas. They are, however, going to look at the Pacific NW for their next plant.

Project Adam – Carl Hagan from AFC Finishing Systems, the company from northern California that is moving to the old feedlot south of Weiser, contacted SREDA for assistance with hiring new welders and fabricators. He wanted to connect with TVCC and others in the valley who might have welders, etc. They do not have to be certified. He is hoping to have their initial startup in April. The company will start with 2-3 employees and go up to 10. Great opportunity with potential of advancement. We contacted TVCC's Dave Bowers and Sandy Porter on a Friday afternoon. Dave immediately contacted Carl and by Monday had a meeting at the new facility. We appreciate the quick response from TVCC on this project.

Project Ruby – contacted this project to see what the latest status was. We are still in the running with both the Fruitland and Ontario sites. The company is doing their due diligence on all sites that were submitted.

Project Housing #1 – Prior and Associates contacted SREDA to obtain housing information and demographic data for their housing assessment in Ontario.

Project Ice Age – This was a new project for a plug and play call/info center which anticipated 200 employees. We submitted the Truckstop.com building in New Plymouth to the state as a potential building for this project as they have approximately 40,000 sq ft. for lease. However, the company was interested in the Boise Valley.

Project Peregrine (Idaho) - This project needed 80-100 acres and an \$800 million dollar investment and with approx 100 employees. A property by Fruitland was submitted.

Project 121 Main – This project in downtown Payette was funded in part by a GEM grant from the State of Idaho, as well as many local donations and the City of Payette. They have renovated an old building that will be used as an incubator for remerging businesses. The project is almost finished. They are still looking for a few donations for the interior of the offices, as well as tenants.

Project Jaguar – SREDA, the City of Ontario and Malheur County Economic Development met with the new owners of the Oregon Eastern Shortline Railroad. Jaguar Transportation purchased the local Vale/Ontario shortline along with several other entities. They are looking at being involved in more projects. Kristen followed up with this company and available properties in Vale.

Project CW – This is a company moving from Baker to Payette. Interestingly, this company was another one that I had met at the Shot Show 3 years ago. The owner, Clayton, said he remembered he was walking along and I approached him. We visited about business and then he said I invited him to come take a look at our area – so he did. Jim Smith had a spot open for him in the old Boise Cascade Building. Clayton is thrilled to have enough power to run all his machines! In his current facility he was only able to run a couple at a time. He is hoping to get moved over in April.

Project Cabinet 2 – Jim Smith has another potential new business moving from the Meridian area into Payette.

Project Exit 17 – SREDA is working with Payette County and Fulcher Trucking on their new location that will include a dispatch center and other back office operations. The project will involve some infrastructure upgrades. SREDA is reaching out to ITD and Commerce to assist on this project.

Project Housing #2 – Working with land owner and the potential of doing a 55+ and Veteran's housing project on their acreage. Sent the owner demographic and housing data. They will not qualify for the Ontario Housing Incentive as their homes are smaller. So sent them info on the Eastern Oregon Border Board's program.

Project Specialty Crop – SREDA was contacted by a business looking to produce specialty mushrooms and micro greens over in the New Plymouth area. This company has been working with the local SBDC at TVCC on their business plan. I talked with them about the Idaho State Dept. of Agriculture's Crop Specialty Grant. Unfortunately we have missed the deadline for this year. I also introduced them to Ron Amarel and he gave them some great suggestions.

Project Sage Hollow – the owners of this project contacted SREDA for assistance and a letter of support. This is a great new project in Malheur County about 1 mile north of Ontario. The owners will be submitting an application to the Eastern Oregon Border Board.



Business retention and expansion projects (BRE) – Assisted a number of businesses with connections with city, county and state governments. Kristen met with Erik Hartley, new Ontario Airport Manager and Senator Findley’s office staff. We are still seeing a large demand for employees in all industries as well as commercial & retail businesses. This is a national problem for businesses, not just here in our region.

OTHER

Trade Show:

Glens Ferry Economic Development, Lemhi County Economic Development, Custer County Economic Development and SREDA attended the Central Oregon Sportsmen show with a booth in Redmond in March. This is in place of the Pacific NW Sportsmen show in Portland. This show was a four day show. Set up was Wednesday and the show ran Thursday through Sunday. Due to Covid there were fewer vendors because of spacing and attendance was also limited to three to four time slots each day. There were lots of contacts made with visitors and vendors at the show.

In discussing future endeavors with our trade show partners, we talked about rotating annually our Rec Tech shows between Oregon, Salt Lake, and maybe Nevada to broaden our marketing efforts. We are still looking at attending the Las Vegas Shot Show in 2022.

Meetings and Trainings:

Kit and Kristen have attended numerous Virtual meetings and trainings including CEDS Planning for Idaho’s Region 3; Ontario Main Street Hub Workshop; the Peer Learning Network with Idaho, Montana and Wyoming; BSU’s Community Input Program’s Rebecca Morgan to discuss opportunities in Payette County and the region; Local Boots on the Ground meeting; Payette County Comp Plan; SBA training for PPP; Idaho Tourism Coffee Connect event; Idaho Economic Development Association Education Meeting; Idaho Dept of Labor updates; and Idaho Commerce’s ED Pro virtual trainings.

SREDA MONTHLY SNAP SHOT 2021

Account Balances	Feb 28 2021	Mar 31 2021	Apr 30 2021		
Checking ICB	\$ 39,469.36	\$36,228.76	\$ 28,399.42		
Money Market	\$ 45,984.90	\$35,654.90	\$ 35,655.54		
Total checking/savings	\$ 85,454.26	\$ 71,883.66	\$ 64,054.96		
INCOME SOURCES				YTD ACTUAL	Budget 2021
PRIVATE	\$ 5,700.00	\$ 250.00	\$ 1,150.00	\$ 14,150.00	\$ 18,500.00
LOCAL PUBLIC				\$ -	\$ 37,700.00
GRANTS - State Commerce	\$ 11,375.00			\$ 11,375.00	\$ 22,000.00
GRANTS - Other	\$ 10,330.00			\$ 10,330.00	\$ -
VISITOR CENTER GRANT				\$ -	\$ 25,000.00
	\$ 27,405.00	\$ 250.00	\$ 1,150.00	\$ 35,855.00	\$ 103,200.00
Expenses & Projects					
RECRUITMENT & MARKETING					
Advertising Global				\$ -	\$ 500.00
Local Ad/promotion				\$ 111.00	\$ 700.00
Trade shows		\$ 427.01		\$ 427.01	\$ 1,000.00
Trade show travel		\$ 558.14		\$ 558.14	\$ 800.00
Conferences /Training				\$ -	\$ 500.00
Site Visits				\$ -	\$ 500.00
WEB SITE				\$ -	\$ 200.00
Total Recruitment & Marketing	\$ -	\$ 985.15	\$ -	\$ 1,096.15	\$ 4,200.00
Total Operating	\$ 424.31	\$ 286.13	\$ 104.30	\$ 1,443.96	\$ 4,000.00
TOTAL Payroll Expenses	\$ 6,517.82	\$ 7,070.54		\$ 20,004.93	\$ 82,500.00
TOTAL OPERATIONAL	\$ 6,942.13	\$ 8,341.82	\$ 8,751.04	\$ 31,191.78	\$ 90,700.00
Other projects					
Visitor Expenses					\$ 12,500.00
TOTALS	\$ 6,942.13	\$ 8,341.82	\$ 8,751.04	\$ 31,191.78	\$ 103,200.00

MALHEUR COUNTY COURT MINUTES

April 14, 2021

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 10:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. County staff present was Administrative Officer Lorinda DuBois and Planner Eric Evans. 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 # [2021-1581](#)

OWYHEE PUMPED STORAGE PRESENTATION

Matthew Shapiro, CEO of rPlus Hydro LLLP met with the Court and gave a presentation on the Owyhee Pumped Storage proposed project (concept). Mr. Shapiro is the CEO of rPlus Hydro and Gridflex Energy and is based in Boise and focuses on pumped storage hydropower development. rPlus Hydro was formed through a partnership between Gridflex Energy and rPlus Energies. rPlus Energies was formed as a renewable energy developer and financed by the Salt Lake-based KC Gardner Company, one of the largest developers of commercial real estate and active in the Salt Lake, Boise, and Las Vegas areas. Interest in the Owyhee Reservoir site started ten years ago and in terms of the market things are looking more interesting for these types of projects. Pumped storage projects basically involve two reservoirs, one at a lower level and one at an upper level and they serve as large scale energy storage projects. These projects have been used around the world for 100 years. A good pumped hydro energy storage site has a high vertical drop over a short distance and sometimes an existing reservoir can be used for either the upper or the lower reservoir. In this proposed project, Owyhee Reservoir would be the lower reservoir. Most of these types of projects in the US were constructed prior to 1993; there are 43 projects operating in the US and they were built by utilities or the federal government in the days of nuclear development; they had a lot of extra nuclear generation in the middle of the night and they would use that less valuable energy to pump water from the lower reservoir to the upper reservoir and then when power was needed during the day, during a high demand period, they would reverse it, and water would flow downhill into the lower reservoir generating power through the hydro turbines. The interest in those types of projects dwindled in the 90's and early 2000's as there wasn't a need for large-scale energy storage. The need is changing now because of all of the wind and solar on the grid. Mr. Shapiro's companies have been actively looking for the best new sites in the country and initiating the study process on some of those sites and the very long-term permitting timeline on those projects. The Owyhee project is 1 of 10 that is currently being focused on.

The Owyhee pumped storage project would involve construction of a new 100 acre upper reservoir more than 1600 feet above Owyhee Reservoir. The size of the project being considered is 600 megawatts - which is standard for pumped storage projects. This amount of power might represent one-half to one-third of the Treasure Valley's peak power demand on a hot summer day. Projects of this scale are sought to provide the right economics for these types of projects. However, the amount of water involved for 600 megawatts and eight hours of energy storage is quite small. Because of the high vertical drop, only 3500 acre feet of water is needed, which would be cycled up and down between the reservoirs; this represents about 1/3 of 1% of the full capacity of Owyhee Reservoir.

Numerous different aspects of this concept (proposed project) are being considered such as, how to build it and minimize disturbances to reservoir visitation during the construction phase. Once operational, the only thing anybody would see if they were on the upper side would be the upper reservoir and a transmission line coming out on the upper side that would head towards the transmission corridor. Other than that, there would be no noise or visual impact; and fluctuation to the reservoir would be very small.

These types of projects require licensing from the Federal Energy Regulatory Commission (FERC) and a preliminary permit, which is really just a placeholder, has been filed and received. The project would be a \$1.2 billion investment that would last 75-100 years; these types of projects last a very long time and this project would have minimal negative impact.

How does pumped storage work?: When you have excess solar energy in the middle of the day or wind energy in the middle of the night that is not valuable or needed, utilities can use that energy to pump water from the lower reservoir to the upper reservoir and then when power is needed flexibly flip a switch and within seconds power is generated that is going to the grid to meet power demands - so it's basically a giant battery. There is some efficiency loss in the cycle, about 20-25%, so the overall efficiency is 75-80%; it is the best proven form of large-scale energy storage that utilities currently use.

Owyhee Pumped Storage Project Features: Construction of a new upper reservoir (surface area of 100 acres) with a 130 foot high by 1300 foot dam; 3500 acre-feet total capacity. Owyhee Reservoir would be the lower reservoir. There is over 1600 feet of vertical drop and about 15,000 feet of horizontal distance of tunnels which would be roughly 22 feet in diameter connecting the upper reservoir to a powerhouse; and then the underground powerhouse with another tunnel going to the existing reservoir (the powerhouse would have the generating units which reverse and serve as pumps). A transmission line would be built from where the transmission line would come out of the ground from the underground powerhouse and that would lead to the existing 500KV transmission corridor and head east, most likely to the Hemingway Substation near Melba, Idaho (about a 35-mile line through an existing designated transmission corridor).

Owyhee Reservoir is an existing reservoir of significant size; there is a very high head site (vertical drop); the topography at the upper reservoir site is a natural draw and minimizes the size of the dam that would need to be built to obtain the desired storage capacity; the steep and rocky shoreline is good as it means that what minimal fluctuations there would be would have less impact on shoreline life; and there is a major transmission corridor near the site.

The project would require a one-time fill of 3,500 acre-feet with an estimated evaporation of 200-acre feet makeup water needed for the upper reservoir site. 3,500 acre-feet is about 1/2 of 1% of the active storage volume and a very small percentage of the equivalent of the amount that's released every year for irrigation.

Preliminary analysis were run of what fluctuations might be in an 8-hour cycle at 600 megawatts emptying and filling the upper reservoir during both a normal water year and a low water year. In an average water year, the maximum rate of elevation change in the course of the day was 3.9 inches; maximum rate of change in elevation was approximately .5 inch per hour. In an extreme low water year it was a bit higher with a 6 inch fluctuation in each direction; the rate of change was almost 1 inch per hour, which is something that requires more studying and discussion with Bureau of Reclamation

and other parties to make sure that the level of impact is acceptable to normal operations and recreation.

The upper reservoir (forebay) water may get a little warmer but should not have any noticeable impact on the temperature of Owyhee Reservoir. The primary impacts to the surface area would be seen during the construction period of the upper reservoir - which would not be visible from the recreation areas below; and also the transmission line routing and building the substation.

The pumped storage cycling may help to reduce algae blooms and oxygenation problems in Owyhee Reservoir - a potential benefit of the project.

Strategies to minimize impacts during the construction period are being considered. Proposed construction sequence is: Construction of the access tunnel from a point within the state park; excavation of the underground powerhouse cavern; construction of water tunnels and upper reservoir; installation of powerhouse equipment and construction of the intake/outlet in Owyhee Reservoir; and construction of the transmission line. Almost all of the construction, except for the upper reservoir and transmission line, is underground. In order to minimize the construction phase impacts all the heavy equipment would be brought in during the off-peak season (November-March); access tunnel construction would begin during off-peak season; Fisherman's Road would be improved to allow light vehicle access for staff; and use of a conveyor type system for delivery of material from the lower area to the upper area.

A variety of permits would be required for the project.

Construction phase employment would probably be at least 300 full-time employees over a period of 4 years; during operation of the project it would employ approximately 20 full-time staff.

Mr. Shapiro answered questions from the Court members.

See instrument # [2021-1580](#) for the written presentation.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 7, 2021 as written. Commissioner Hodge seconded and the motion passed unanimously.

BUDGET TRANSFER RESOLUTION

Commissioner Jacobs moved to approve Resolution No. R21-12: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed unanimously. Funds are transferred within the Health Department budget. See instrument # [2021-1578](#)

BUDGET COMMITTEE

Commissioner Jacobs moved to appoint Bob Skinner as a member of the County Budget Committee. Commissioner Hodge seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET

Commissioner Jacobs moved to approve Resolution No. R21-14: 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 funds from selling the Ford Ranger in the Surveyor Corner Preservation fund. See instrument # [2021-1579](#)

EMPLOYMENT AGREEMENT AMENDMENT - BOND

Commissioner Hodge moved to approve Accounting Technician - employment of PERS retiree First Amendment to Employment Agreement (recorded with Malheur County Clerk as instrument number [2020-4719](#)) with Judy Bond. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2021-1582](#)

PROCLAMATION - PUBLIC SAFETY TELECOMMUNICATIONS WEEK

The Court signed a proclamation declaring April 11-17, 2021 as Public Safety Telecommunicator's Week.

PROCLAMATION PUBLIC SAFETY TELECOMMUNICATIONS WEEK

APRIL 11-17, 2021

BY THE MALHEUR COUNTY COURT, OREGON

WHEREAS, since 1981 the Congress of the United States, and the President of the United States have established one week in April as National Telecommunicators Week; and

WHEREAS, Malheur County considers the services of the public safety telecommunicators to be critical to the interest of the community; and

WHEREAS, emergencies can occur at any time of the day and night. They can range from a serious medical emergency, to an active fire or need for law enforcement assistance. Often when an individual encounters an emergency they reach for the phone and dial 911. The men and women who answer these calls for help are trained to gather essential information, dispatch the proper resources and provide vital information and instructions to a caller in distress; and

WHEREAS, public safety telecommunicators are more than a calm and reassuring voice at the end of the phone. They are knowledgeable and skilled professionals who work closely with law enforcement, fire and medical personnel; and

WHEREAS, our County enjoys a high standard of public health and safety and we owe a great deal of gratitude to them. During this special observance we extend a profound thank you to each operator who answers our request for help -- Tom, Brittany, Robin, Kathy, Tauni, Carissa, Charlotte, Brooke and Ashley.

NOW THEREFORE, the Malheur County Court Proclaims the week of April 11th-17th to be Malheur County Public Safety Telecommunicator's Week. We invite all residents to observe this week in honor of our telecommunicators who help protect our health and safety.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Jacobs April 2021 Report



Monthly Business Review

Public Works Department

Contents:

- PARKS AND CEMETERY/FACILITIES SUMMARY
- WATER TREATMENT PLANT SUMMARY
- WASTEWATER TREATMENT PLANT SUMMARY
- FIELD SERVICES STREETS AND COLLECTION/DISTRIBUTION SUMMARY
- ENGINEERING DIVISION SUMMARY
- APPENDIX

PARKS AND CEMETERY/FACILITIES SUMMARY

ACTIVITIES APRIL 2021

- Two funerals at Evergreen cemetery sold one Pre- need space at Evergreen.
 - finished installing the new trash can holders in the parks
 - finished assembling new picnic tables placed in the parks.
 - Assisted Andrew seed in removing shrubs out of downtown flowerpots.
 - Andrew seed donated Shrubs at Evergreen Cemetery.
 - Weed abatement conducted for golf course & Parks and Cemeteries.
 - Sprayed for weeds in the parks and Cemetery.
-
- One drinking fountain at city hall Drained and Cleaned.
 - Fixed outside lighting at Evergreen Cemetery
 - Fixed indoor lighting in the Permit building

Donated Shrubs Planted at Evergreen Cemetery



WATER TREATMENT PLANT SUMMARY

ACTIVITIES APRIL 2021

- Water treatment staff ran weekly diagnostic checks (jar testing) to ensure correct chemical dosing for river water quality
- Monthly Bacterial sampling conducted
- Quarterly Disinfection by Product (DPB) and Total Organic Carbon (TOC) sampling conducted
- Increased cleaning of the river screens remove debris
- Brush being removed from around the slough in preparation for cleaning operation
- Main plant filter effluent valve controllers installed
- Drying beds cleaned out to prepare for wash water recovery basins clean out



WATER TREATMENT PLANT SUMMARY

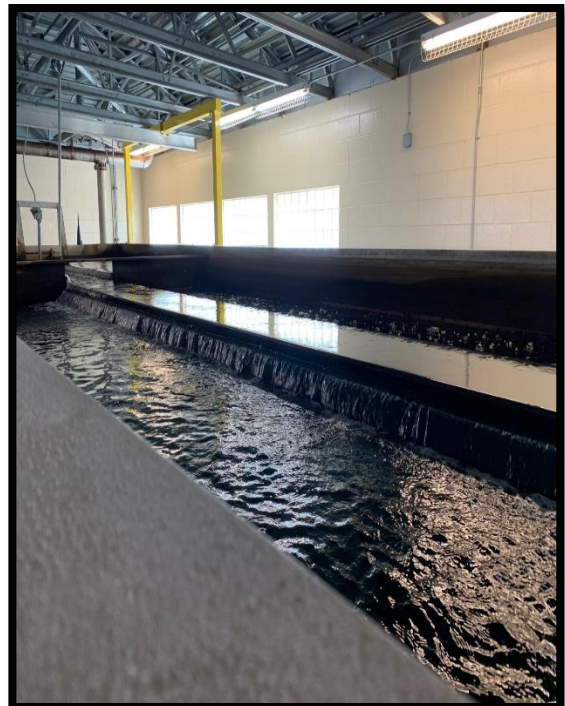
ACTIVITIES APRIL 2021



Above: Newly Painted River Pump
Below: Filter #2 effluent Valve Removed for Service

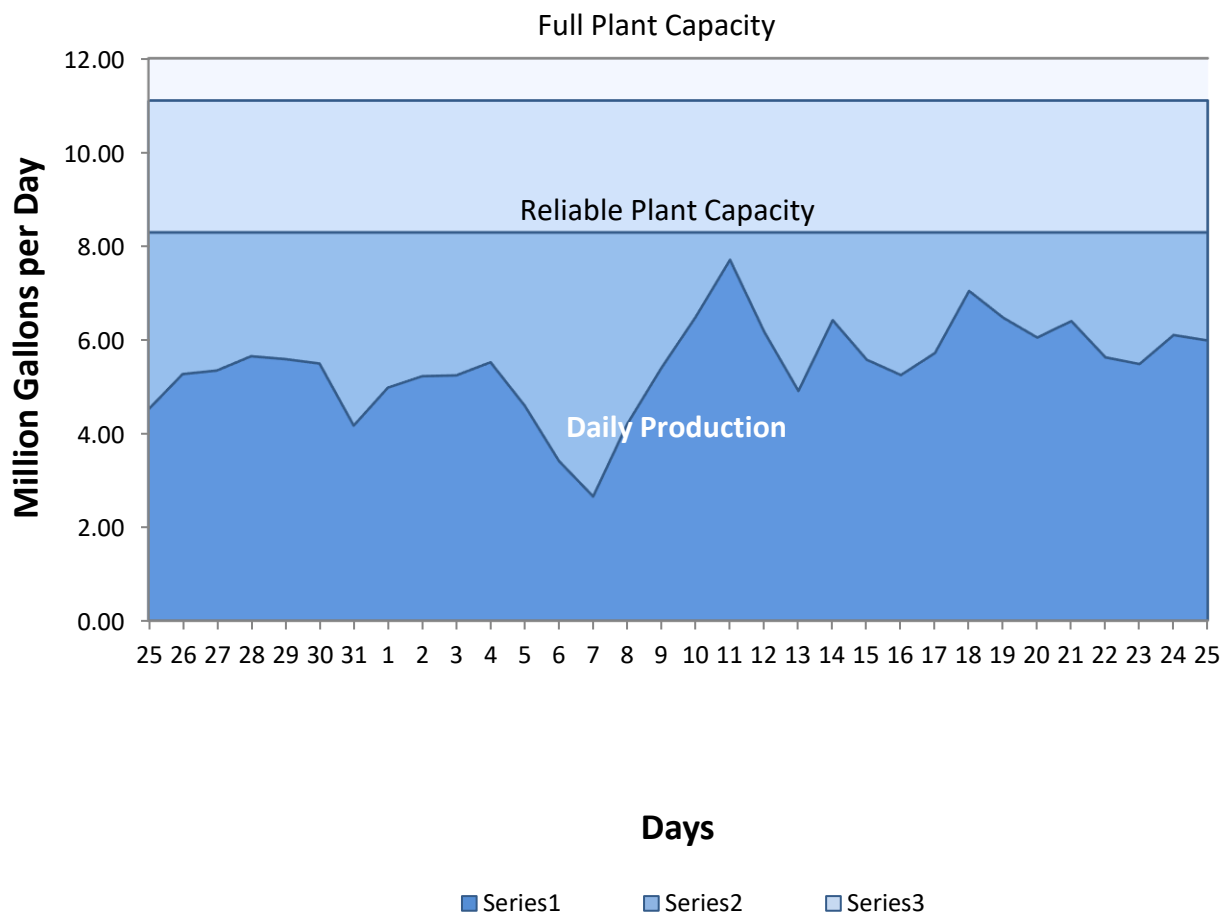


Above: Filter #2 Effluent Valve Removed for Service.



WATER TREATMENT PLANT SUMMARY

Demand vs. Availability Mar 25 - Apr 25, 2021



WASTEWATER TREATMENT PLANT SUMMARY

ACTIVITIES APRIL 2021

- All additional sampling per the 2019 NPDES permit conducted
- Weed control and mowing continuing
- Wastewater treatment plant effluent feed line to Skyline flow main valve has been taken out of service for repairs
- Lagoon #1 blower number 1 repaired, and placed back into service
- Lagoon #5 aerator #25 repaired and placed back into service
- East chlorine contact basin cleaned
- 6" trash pump used to recirculate water in Lagoon #5 to decrease Biological Oxygen Demand (BOD), Total Suspended Solids (TSS) and Turbidity prior to the chlorine contact basin

Chlorine Contact Chambers
at WWTP



WASTEWATER TREATMENT PLANT SUMMARY

ACTIVITIES APRIL 2021

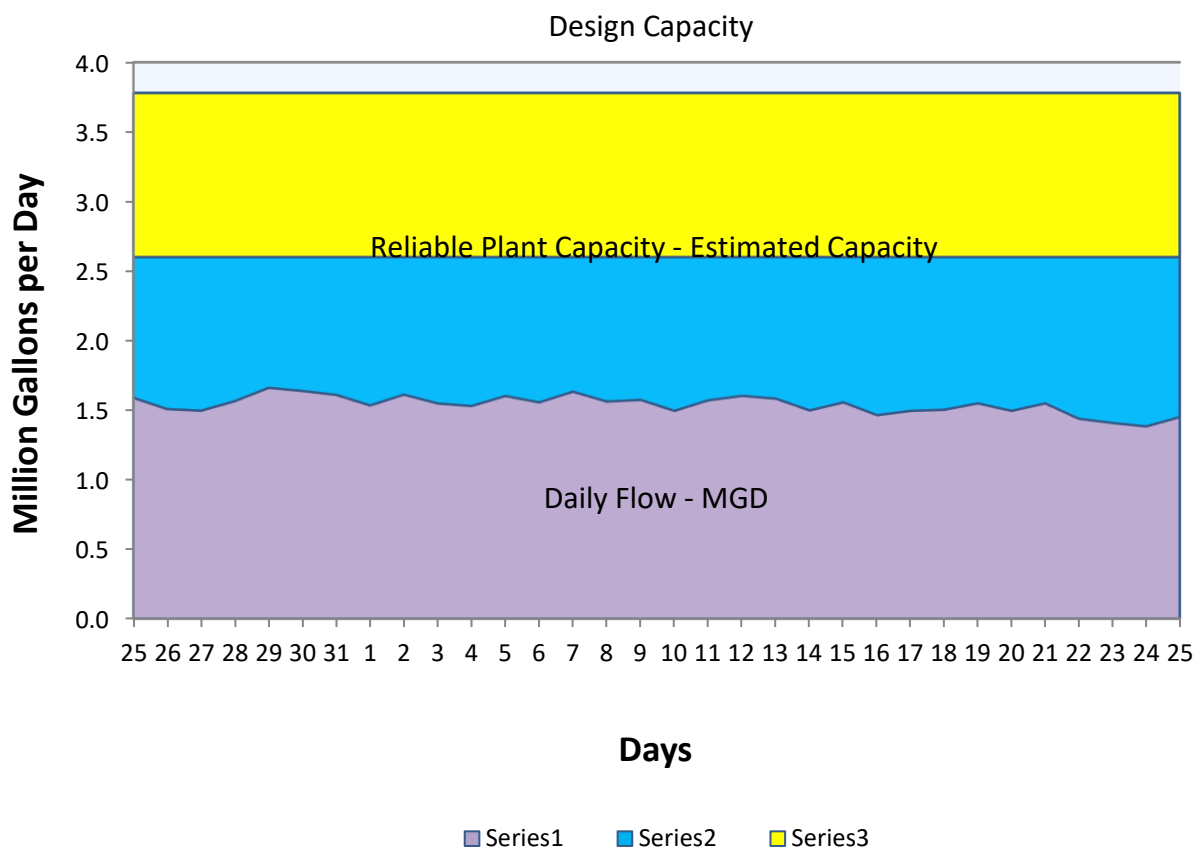
Repairing Fence on the Eastside of
the WWTP



Recirculating water at WWTP

WASTEWATER TREATMENT PLANT FLOWS

Wastewater Treatment Flows Mar 25 -Apr 25, 2021



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES APRIL 2021

- 3 Staff members attended training for their state issued certifications
- 6 Staff members recertified their flagger certificates
- Continued crack sealing in the NW area
- Completed a full town sweeping
- Swept the downtown area and underpass 2 additional times
- Collected decommissioned equipment for the spring auction
- Installed 3 new water services
- Cleaned problem spots in the Storm system prior to irrigation water being turned on
- Picked up trash on E. Idaho
- Applied herbicide to weeds in City owned right of ways
- 3 staff members attended training for their state issued certifications
- 6 staff members recertified their flagger certificates
- Sign maintenance throughout town
- Filled potholes throughout town
- Replaced the batteries in the LED flashing crosswalk signs
- Installed new candlesticks in the no parking zone at the middle school on SW 4th St.
- Tested 15 City owned Backflow assemblies for irrigation systems that were due
- Trimmed the weeds on E. Idaho along the back of City owned sidewalk
- Cleaned off the center median concrete on E. Idaho

Cleaning Storm Water Hot Spots prior to Irrigating.



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES APRIL 2021



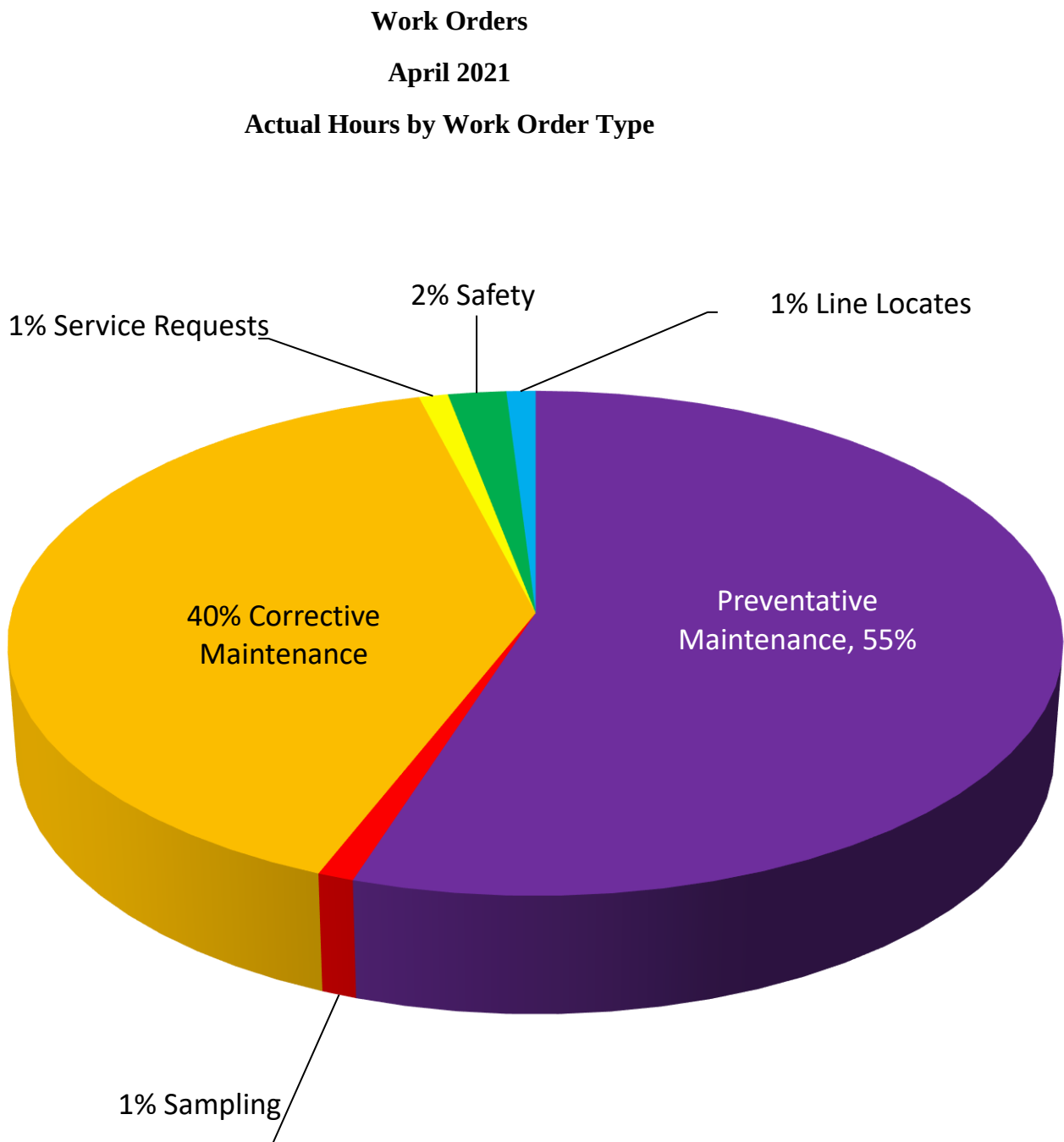
Cleaning Storm Hot Spots prior to Irrigation.

Changing out Batteries in the
Solar Powered LED Street Signs



PROJECT WORK ORDER SUMMARY

ACTIVITIES APRIL 2021



ENGINEERING SUMMARY

ACTIVITIES APRIL 2021

- Issued 9 ROW Permits
- Issued 3 New Addresses to new residential lots.
- Issued 2 New Address to Commercial lot.
- Attended 1 PDAC meetings to discuss the expansion of a business.
- Attended 2 PDAC meeting to discuss new businesses.
- Attended 2 PDAC meetings to discuss the addition of residential housing.
- Attended the Jacobs monthly safety meeting.
- Inspected the abandonment of 0 Backflow devices on irrigation systems.
- Multiple plan reviews for new construction
- Multiple construction inspections
- Continuous updating of the GIS mapping
- Moore Park Gazebo Project



APPENDIX

FIELD SERVICES

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

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

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

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

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

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

pavement problems by sealing cracks. A chip seal application provides substantial savings to taxpayers and should last a minimum of 8 years with minimal maintenance required. The city chip seals approximately 7 miles of streets per year.

APPENDIX CONTINUED

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

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

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

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

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

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

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

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

WASTEWATER TREATMENT PLANT

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

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

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

APPENDIX CONTINUED

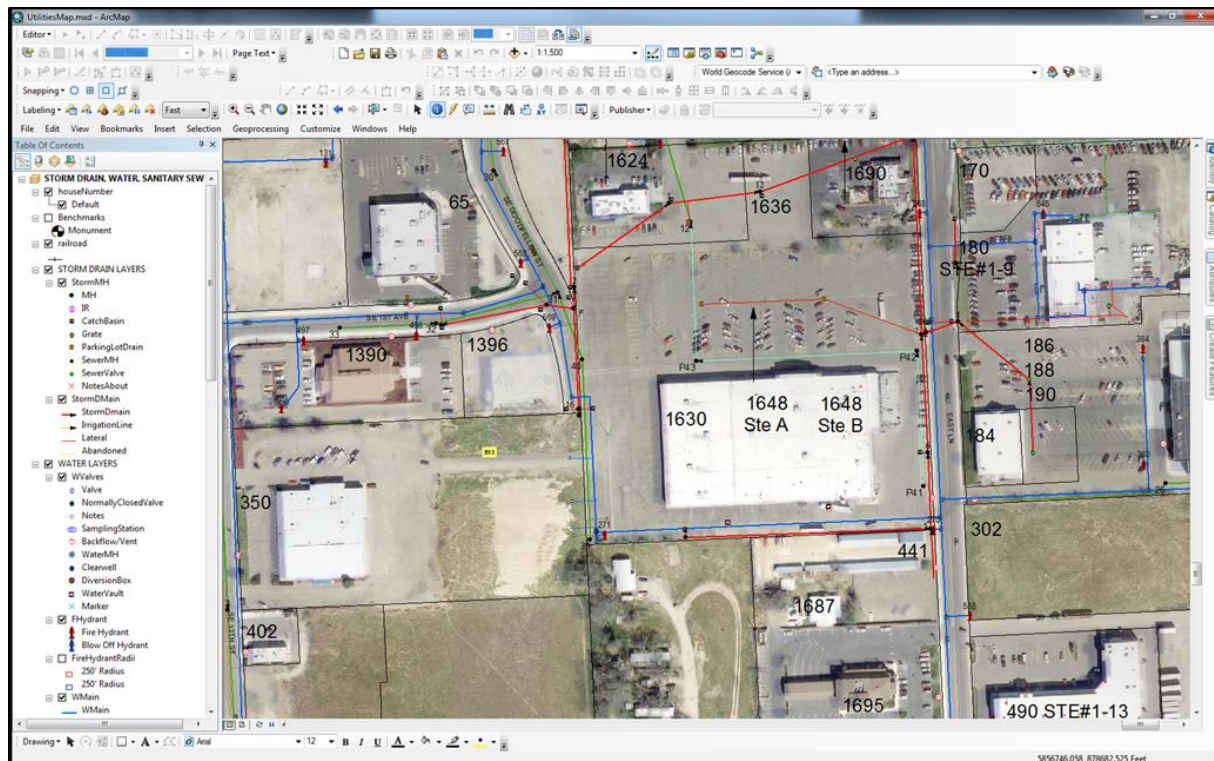
PARKS DEPARTMENT

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

ENGINEERING DIVISION

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

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





April 2021 ACTIVITY REPORT



April 2021



Emergency Medical:

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

CITY	153
RURAL	17

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

Hazmat Team Calls:

0

Fire Related Emergency Calls:

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

	TOTAL	General	Mutual Aid
CITY	23	3	3
RURAL	15	4	3

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

TOTAL CALLS FOR MONTH

CITY	176
RURAL	32

FIREFIGHTER TRAINING:

3/30 – Circuit drills, wildland equipment, ropes and knots, Haz-Mat.

3/31, 4/9 – IWorQ Online permitting.

3/31, 4/20 – City council audio visual system.

4/1,6,13 – Pre-Fire Plan program.

4/7 – Gas Pipelines.

4/12 – Oregon Office of Emergency management, Hazard mitigation grant program and natural hazards planning.

4/13 – Treasure Valley Extrication tour and planning.



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4/14 – Driver Operator Ladder Evolutions.

4/20 – Engine company operations, hose lays and fire streams.

4/21 – Fire Prevention equipment and systems forum.



PERMITS ISSUED:

City Open Burns 9

City Burn Barrels 2

Rural Open Burns 64

Rural Burn Barrels 10

INSPECTIONS:

3/26/21 – West Park Plaza.

3/26/21 – ODOT offices fire alarm final.

4/7/21 – New Oregon childcare approvals and small property improvements.

COMMUNITY INVOLVEMENT:

3/23,31/21 – Covid vaccines at Heinz.

3/27,4/1,8,15,22/21 – Covid vaccines at Four Rivers Cultural Center.

4/6/21 – Ontario High School Boys Varsity Soccer Team send off.





April 2021



COMMUNITY INVOLVEMENT CONTINUED:

4/10/21 – Ray Hartley Celebration of Life.

4/13,14/21 – Hose and ladder testing.



Summary of Calls of Interest:

City Incidents:

4/7 233 Lauren Way Rescue 1 crew responded to an automatic alarm, they arrived, and the alarm had been reset and they were not able to locate an issue.

4/9 1425 Central Dr. R1 responded to a complaint of burning trash. They put out the fire and advised the occupant of the burning regulations.

4/10 1802 SW 4th Ave. Rescue 1 crew responded twice to Ontario Auto Ranch for an automatic alarm, they found a leak in the fire sprinkler air system and had the occupant call the service tech.



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4/14 I-84 MP 376 R1 was dispatched for a grass fire alongside the freeway. The arrived to find approximately one acre of grass burning between the Snake River and the freeway. There was a man on scene attempting to stomp the fire out. The crew spoke with the man who admitted to starting the fire for pest control. We have had issues with this subject illegally burning in the past. He was reminded about the City's burn permit requirements. We used a one-inch booster line to extinguish the edges of the fire and the trees.

4/15 986 NW 4th St. R1 crew responded to a fully involved dumpster fire. The booster line was used to extinguish the fire.

4/19 375 Dorian Rescue 1 responded twice to false commercial alarms due to system failure. The system was reset back to normal.

4/20 I-84 MP 375 R1 responded to a smoldering stump that was just about burnt out.

4/21 1372 Brookdale Rescue crew responded to a commercial alarm and found the facility has been having alarm malfunctions. The alarm was reset to normal.

4/21 581 SW 33rd St. R1 responded to a small grass fire near the end of the airport runway. The fire was put out for the airport staff.

4/22 800 block of SE 4th St. Rescue 1 was responded to find a small scrap 4x4 post smoldering inside of an abandoned concrete house foundation clear of debris. A lighter and two hotdogs were found nearby. Rescue smothered the post with dirt from inside the foundation.

Rural Incidents:

3/29 Lincoln and Railroad Rescue 1 was dispatched for a report of a small fire started by an Oregon eastern railroad engine. They tried to put it out with fire extinguishers. Rescue arrived to find two very small smoldering fires. Rescue used about 25 gallons of water to put the fires out and mop up the area.

4/1 4463 Hwy 201 R1 was dispatched to a fence post on fire reported by a passerby. Rescue arrived to find a single fence post on fire. The weeds along the highway were burnt from a controlled burn earlier. Rescue used about 15 gallons of water to put out the fire. The homeowner thought the fire was out and did not know a post was on fire. The fence was reinforced with wire and rescue cleared.



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4/2 1775 SW 30th St. Ontario Fire was dispatched to for a lawn mower fire at Campbell Tractor Company a John Deere dealer. The lawn mower was on fire inside the gated fence and other lawn mowers are exposed near the fire. R-1 arrived on scene and the lawn tractor closest to the gate was fully involved and one other lawn tractor adjacent to it was starting to ignite. Lt. Grimaldo used the booster hose to suppress the fire from the outside perimeter. Firefighter Rico gained access to the compound by cutting the lock with bolt cutters. Once inside Lt. Grimaldo was able to fight the fire from a closer proximity. The fire was controlled at 23:43.

4/3 863 Morgan R1 paged for a brush fire, on scene R1 found a fire burning up a wooded draw, fire crews stood by and the fire burned itself out.

4/7 3103 Matts Way Rescue 1 was dispatched for a house fire and all occupants were out. Flames were visible. 156 responded and found that it was a shed fully involved adjacent to a residential house. 156 crew pulled two hose reels and stopped the fire from spreading to the north and to the residence to the east. Fire was then contained to the fully engulfed shed until other units arrived. Once 103 was on scene the fire was knocked down and adjacent burning





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materials were extinguished. There were piles of lumber and railroad ties. The property owner said that he had been burning a stump next to the shed.



4/11 2300 Echo Ave Parma 155 was dispatched for mutual aid to Parma for an agricultural fire. Arrived on scene and IC gave us the assignment to assist with salvage and overhaul. 155 crew pulled metal and other debris.

4/16 I-84 MP 371 R-1 was dispatched to the area for a fire burning near a cell phone tower. 156 arrived and was met on scene by the property owner, he stated he put the fire out. He was trying to burn some weeds and was unaware of burn permit requirements. He stated he would get a burn permit next time.

4/17 830 SE 13th St. Rescue 1 was dispatched for a tree on fire near a residence. Arrived to find a cooking fire in the back yard of the residence.

4/19 3773 Lincoln Dr. R1 was called for a woodshed that is burning. RP stated that they were burning a pile near the shed yesterday and when the wind picked up today the fire must have reignited. Upon arrival R1 found that the shed had burned to the ground and the adjoining wood fence, trampoline, and mechanical log splitter were involved or partially lost to fire. The remaining logs that were stacked in the shed were burning and crews from R1 and 155 worked to extinguish them. The owner stated they would put a sprinkler on the pile of logs and leave it on there for the rest of the evening.

4/21 900 Foothill Dr. Vale 157 responded to mutual aid Vale fire with a grass fire.



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4/22 King Rd and Alameda Nyssa 156 responded to assist Nyssa fire with a large grass and brush fire by the Snake River.



4/23 500 Block Claude Rd. Rescue 1 was dispatched to I-84 MP 376 EB. for a vehicle fire that was really on Claude Rd. R1 arrived to find a Ford Escort with flames coming from under the hood and starting into the passenger compartment. The driver door was open and the flames in the cab was quickly knocked down. The hood was pried open and the flames in the engine compartment were knocked down. The driver stated that he was turning around and got stuck just off the side of the road. After a few minutes of spinning his wheels, he noticed that a fire had started under the car. He thought that the hot muffler might have started weeds on the side of the road on fire.

4/23 Hwy 20/26 MP 102 R1 was dispatched for a vehicle fire, this was updated to a two-car vehicle MVC with patients trapped, extrication needed. Rescue called for a general alarm for extrication. Medic 1 arrived on scene and updated that two vehicles are involved. First car is fully involved. As rescue arrived TVP had just removed the patient from vehicle #2 and set her on the ground. Rescue started knocking down the flames. Medic 1 loaded the patient into the ambulance and called for life flight. At 03:58 Rescue declared the fire is knocked down. Rescue began mop up operations and assisted OSP with crash investigation and prepared for body extrication.



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4/23 646 Eureka Ave. Nyssa 155 responded and provided mutual aid and water supply to Nyssa Fire for a fully involved 2 car garage and covered shed with a horse trailer inside. All the buildings and contents were destroyed. The crew supplied 1500 gallons water and five firefighters for suppression and mop up. Chief Terry Leighton relieved Kevin Smith, the Chief assisted with the fire investigation along with Deputy State Fire Marshal Kump and it was determined that the fire was electrical caused.





Police Stat Report 2021

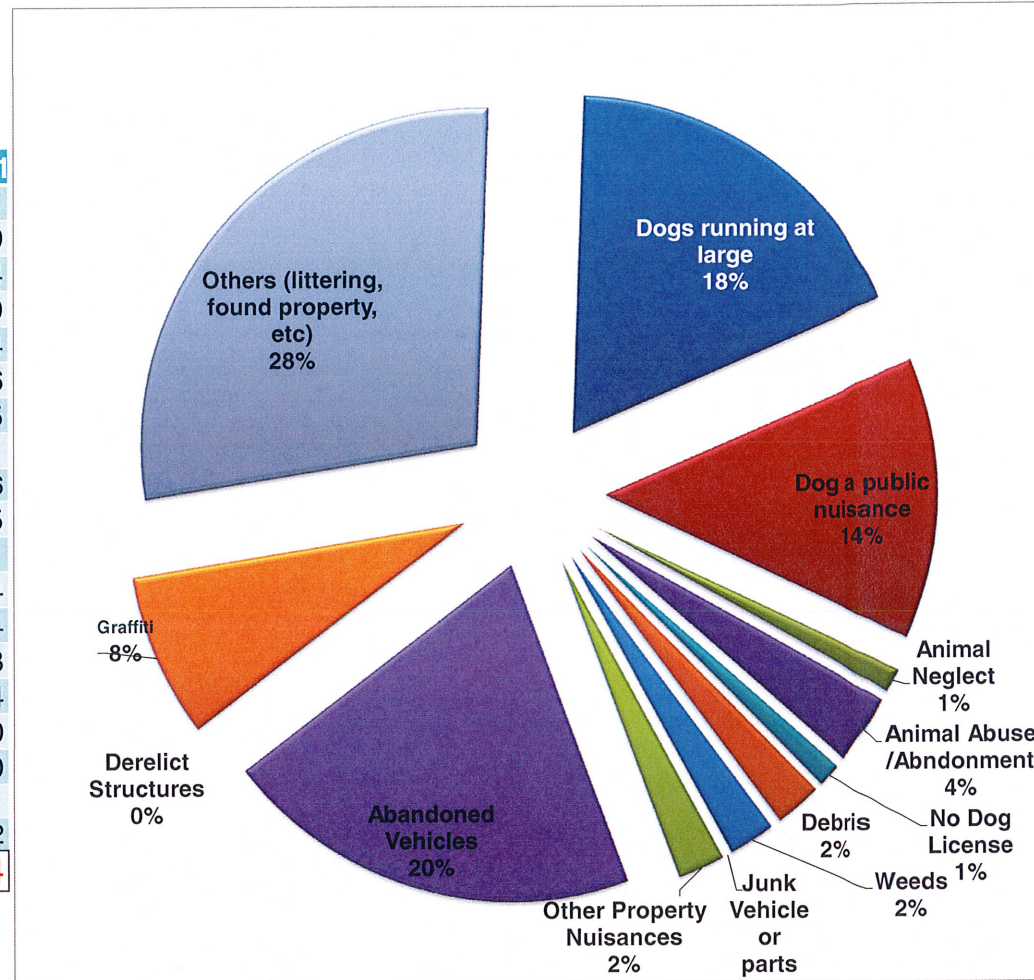
Activity	2021			YTD 2021
	February	2021 March	2021 April	
Calls for Service	665/1155	951/1509	826/1290	1415/2489
Murder	0	0	0	0
Manslaughter	0	0	0	0
Robbery	1	4	1	6
Sex Crimes	1	7	9	17
Burglary	15	12	16	43
Assault	18	15	11	44
Arson	0	2	0	2
UUMV / Auto Theft	7	12	5	24
Arrests	74	93	113	280
Arrests w/Use of Force	1	3	2	6
Gang Related Cases	6	16	6	28
Graffiti	6	28	8	42
Death Investigations	1	0	0	1
SRO Cases	5	14	21	40
Thefts	48	52	45	145
Traffic Stops	117	85	80	282
Cited Traffic/Parking	132	74	54	260
Traffic Crashes	32	52	41	125
Alarms	17	22	26	65

CODE ENFORCEMENT

APR 2021 Stats

APR 2021 Stats

Violation	Aprl-21	Column1
Dogs running at large	16	51
Dog a public nuisance	12	9
Animal Neglect	1	4
Animal Abuse /Abndonment	3	0
No Dog License	1	4
Debris	2	16
Weeds	2	5
Junk Vehicle or parts	0	11
Other Property Nuisances	2	26
Abandoned Vehicles	18	25
Derelict Structures	0	1
Graffiti	7	4
Others (littering, found property, etc)	25	34
Dogs taken to (Fetch This Kennel)	0	13
Civil Penalties Issued	0	4
C.P. Amount Sent	\$0	\$8,900
Total Parking Citations	0	0
Total Violations	128	202
Total Cases	128	134



Notes: CODE ENFORCEMENT HAS BEEN MAKING MORE VERBAL CONTACT WITH PROPERTIES THAT HAVE VIOLATIONS
NO ABTAELEMENTS ARE BEING DONE /WITH NO CIVIL PENALTIES BEING SENT AT THIS TIME. CODE ENFORCEMENT HAS BEEN
VERY LUCKY AND HAVE BEEN GETTING COMPLIANCE FROM THE BUISNESS AND RESIDENCE WITH CLEANING UP THEIR PROPERTIES.

