

**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, JUNE 3, 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 June 1, 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) CONSENT AGENDA

A) Liquor License Application: Jackson's Food Stores, Inc.

5) EXECUTIVE SESSION

A) ORS 192.660(2)(h): Current, Pending, or Potential Litigation

6) 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.

7) PRESENTATION

A) Proposed City Charter Amendments: Councilor Ken Hart

8) OLD BUSINESS

A) Resolution #2021-115: Commemorating the NESEI Soldiers in the 442nd Infantry Regiment Combat Team

9) NEW BUSINESS

- A) Merchant McIntyre: Contract Renewal
- B) Delinquent Utility Billing Accounts to Collections

10) DEPARTMENT HEAD UPDATES

- A) Fire & Rescue: Quarterly Report
- B) Finance: Monthly Report
- C) Community Development: Quarterly Report

11) DISCUSSION ITEMS

- A) Youth Advisory Council
- B) Status of N. Dorian Drive LID: Mr. & Mrs. Gehrman
- C) SE 5th Avenue Pedestrian Improvements: Contract for Engineering Services, Keller Associates
- D) Resolution #2021-117: GASB 54
- E) Resolution #2021-118: Clean Up End of Year
- F) Resolution #2021-119: Master Fee Schedule
- G) Proposed Change in Meeting Days: Councilor Ken Hart
- H) Civil Penalties Update
- I) Ordinance #2791-2021: Amend OMC 2-8-5 re Public Works Committee
- J) Homeless Services
- K) Municipal Courts
- L) SE 2nd & SE 3rd Street Noise Issues: Update

12) HAND-OUTS

- A) Minutes:
County Court - May 5, 2021; May 12, 2021; May 19, 2021; May 26, 2021
Public Works - March 9, 2021; April 13, 2021
- B) Monthly Stats:
Fire & Rescue May 2021
Public Works May 2021
Code Enforcement May 2021
Police May 2021
- C) Packet: V&C Board Meeting 06-04-2021
- D) Check Register: June 2, 2021

13) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

14) ADJOURN



**AGENDA REPORT
CONSENT AGENDA
June 3, 2021**

To: Mayor and City Council

FROM: Steven Romero, Police Chief

THROUGH: Adam J. Brown, City Manager

SUBJECT: LIQUOR LICENSE APPLICATION: JACKSON'S FOOD STORES, INC.

DATE: May 28, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE CHANGE OF OWNER OFF-PREMISES LIQUOR LICENSE APPLICATION FOR JACKSON'S FOOD STORES, INC.

SUMMARY:

The business located at 1218 SW 4th Avenue, Ontario, Oregon completed the "Change of Owner" liquor license sales through the Oregon Liquor Control Commission.

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

BACKGROUND:

Criminal record process was completed on new owners/corporation officers. The records returned meeting state and local requirement. The application forms have been filled out appropriately and required fees have been paid. All permit and license requirements have been met through the Oregon Liquor Control Commission as well as through the City of Ontario Planning Department.

CURRENT SITUATION:

The Ontario Chevron (Dart Inc) currently holds an Off-Premises liquor license at 1218 SW 4th Avenue, Ontario, Oregon. Dart Inc. has sold Ontario Chevron to Jacksons Food Stores Inc. The business will operate under the name of Extra Mile. The Oregon Liquor Control Commission requires a "Change of Ownership" application to change the liquor license ownership records for this establishment. Once this step is completed, the location will have the necessary license under the new owners which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This application is a general action item showing an ownership change of an already established business within the City of Ontario, therefore does not have a direct effect with the cities current strategic plan.
- B. **FINANCIAL** There is no financial impact for this action.
- C. **TIMING** Approval required to show new owners of this establishment.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not approve the license application.

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

RECOMMENDATION:

Staff recommends that the City Council approve the Change of Ownership off-premises liquor license for Jacksons Food Stores Inc.

ATTACHMENTS:

None

Summary of Changes Recommended by the City Charter Review Committee

Section 3.8 – Council: President.

Recommendation:

Add the following: “By majority vote, the council can remove the Council President as President and appoint another.

Section 4.1 – City Manager: Appointment and Qualifications.

Recommendation:

Changes the voting requirement for council to remove the City Manager from a two-thirds vote to a majority vote.

Section 4.2 – City Manager: Vacancy.

Recommendation:

Replaces the current section with the following: “When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

Section 5.2 – Municipal Judge: Appointment.

Recommendation:

Replaces the current section with the following: “A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.”

New Sub-Section Under Section 5 – City Attorney.

Recommendation:

Currently, there is no section regarding the City Attorney. The following will be added as section 5.5: “The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.”

Section 6.5 – Offices: Vacancies.

Recommendation 1:

Creates an additional point under 6.5(1) which outlines the circumstances under which an office becomes vacant. The language added states: “Ceasing to reside in the city.”

Recommendation 2:

Additionally, 6.5 would include the process by which a two-thirds majority of the entire Council could expel a member of Council for disorderly conduct in Council. This action would require notice and a hearing by the Council.

The detail of this recommendation requires additional research and consultation from the City Attorney.

New Section – Sales Tax

Recommendation:

Would add the following language: “Any proposal to implement or increase a city sales tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.

New Section – City Fees

Recommendation:

Would add the following language: “Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this Charter must be affirmed by a two-thirds vote of the entire Council.

New Section – Future Charter Revisions

Recommendation:

Adds language which requires the Council to have an ad hoc committee review the City Charter every 10 years.



RESOLUTION 2021-115

A RESOLUTION OF THE ONTARIO, OREGON CITY COUNCIL RECOGNIZING THE LEGACY OF SERVICE, COURAGE, AND SACRIFICE OF THE NISEI SOLDIERS IN THE 442nd INFANTRY REGIMENTAL COMBAT TEAM (RCT), THE 100th BATTALION, AND THE MILITARY INTELLIGENCE SERVICE DURING WWII

- WHEREAS** The 442nd Regimental Combat Team is the most decorated unit for its size and length of service in the history of the US military. The unit, totaling approximately 18,000 men, was awarded over 4,000 Purple Hearts, 4,000 Bronze Stars, 560 Silver Star Medals, and seven Presidential Unit Citations; and
- WHEREAS** 21 members of the 442nd/100th RCT received the Congressional Medal of Honor, the most received by any Army unit since the inception of this award in 1861; and
- WHEREAS** The 442nd/100th RCT rescue of the "Lost Battalion" is a battle of courage and sacrifice that many military historians consider one of the ten most significant battles in our history; and
- WHEREAS** The 552nd Field Artillery Battalion of the 442nd RCT was a principal liberator of the Dachau death camp; and
- WHEREAS** MIS soldiers interpreted and provided the key information leading to the shoot-down and death of Admiral Isoroku Yamamoto, Japan's brilliant strategist and the architect of the attack on Pearl Harbor; and
- WHEREAS** MIS soldiers translated and interpreted the Japanese master counter-attack plan in the Philippine Sea, leading to one of the decisive US victories in the Pacific, shortened the war in the Pacific, and saved thousands of lives; and
- WHEREAS** During this time of national crisis, the Mayor of Ontario invited citizens of Japanese ancestry to live in Ontario in freedom. At the end of WWII, the largest population of Japanese Americans in the United States lived freely in Ontario, with over 5,000 Isei, Nisei, and Sansei living in the Eastern Oregon community; and
- WHEREAS** At war's end the members of the 442nd, the 100th, and the MIS returned to their families and friends in their new home in Eastern Oregon. Here, along with their families, they mourned their brothers-in-arms; and here they became model citizens and leaders in the community, especially in agriculture.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE ONTARIO CITY COUNCIL:

The soldiers of the 442nd RCT, even though their American citizen families were interned in relocation camps, understood, lived and died united by the values of On (obligation), Giri (duty), Meiyo (honor), Chugi (loyalty), Ganbari (tenacity), and Gaman (perseverance). The Nisei soldiers of WWII leave us a legacy of service, courage, and sacrifice. For these soldiers, they were fighting to win two wars: the war against the Germans in Europe and the war against racial prejudice in America. Their story, their example, their legacy, are ones that should never be diminished by time. The City of Ontario is forever grateful for what these brave heroes achieved and sacrificed in the name of freedom.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 3rd day of June 2021, by the following vote:

AYES:
NAYES:
ABSENT:

APPROVED by the Mayor this 3rd day of June 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
June 3, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: MERCHANT MCINTYRE: CONTRACT RENEWAL

DATE: May 21, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE AN EXTENSION OF SERVICES FOR MERCHANT MCINTYRE FOR AN ADDITIONAL 12 MONTHS.

SUMMARY:

The City needs to discuss moving forward with our grant writers for another year. We have been successful in receiving \$173,805 in grant funding during this contract period. We have several grants for which we are waiting to hear about.

BACKGROUND:

In June of 2020 the City entered into an agreement with Merchant McIntyre to pursue federal grants and appropriations. Merchant McIntyre conducted an inventory of grant needs from the City and then aligned federal grant requests with the funding needs.

The City Council reviewed the contract for performance at 90 days and just over a year. Merchant McIntyre was successful at acquiring two grants for Ontario. The first was a Oregon Community Paths Grant for \$68,298 to conduct trail planning for the north-south connector. The second grant was for a Wildland Urban Interface Assistance Grant (WUI) for a total of \$105,507. The city has received a total of \$173,805 in grants from their work.

Additionally, we have two grants for fire protection in the amount of \$1.7 million which we are waiting to receive notification of award. Our large SE 2nd Avenue street project request, through the EDA, is going to be submitted this week or next as soon as the notification of funding availability is released.

CURRENT SITUATION:

The contract with Merchant McIntyre expired on May 31, 2021 and is before your for

consideration to extend the relationship. Staff sees this as a great benefit. They are aware of funding opportunities that we were not previously aware of. They have relationships with the funding agencies that gives them special insight into the needs required by those agencies to have successful applications.

The lag time on applying and receiving notifications for federal grant awards is long, usually between five to nine months from the time you submit until you are notified of funding. Consequently this makes it difficult to gauge the success of the relationship.

ANALYSIS:

- A. **STRATEGIC PLAN** The Strategic Plan includes a goal to increase grant capacity. This has certainly helped city staff to handle the additional workload that comes with applying for grant writing.
- B. **FINANCIAL** The annual cost for the contract with Merchant McIntyre is \$78,000, which is \$6,500 per month. This expense was budgeted for the next fiscal year (i.e. 2021-2022)
- C. **TIMING** Since the contract has expired and there are projects near ready to submit, we would especially like to keep them going through the submissions of the Economic Development Agency (EDA) grant for SE 2nd Street. We should also soon know about the status for the fire apparatus grant to which we applied. We believe it would be best to approve a contract for another year, with a review of successes during the budget process to determine if the city should proceed in the 2022-2023 fiscal year.
- D. **POLICY/LEGAL** The Council must authorize the city to continue this contractual relationships with Merchant McIntyre.

ALTERNATIVES:

Merchant McIntyre has been willing to work with us however the Council wishes to proceed, whether that be for a whole year or month to month.

RECOMMENDATION:

City staff recommend continuing work with Merchant McIntyre.

ATTACHMENTS:

- 1. MM-Ontario_Update Memo_May 28 2021A



MEMORANDUM

TO: Mr. Adam J. Brown, City Manager
City of Ontario

FROM: Mr. Brent Merchant, Principal and Mr. Will Hoing, Vice President

RE: Update

DATE: May 28, 2021

Thank you for the continued opportunity to serve the City of Ontario and your residents. We are pleased by our progress thus far and eager to realize more funding success for your priority projects. To that point, we are prepared this brief memo to capture the work we've accomplished together thus far, the grant applications currently underway, and the work we have planned moving forward.

Submitted Grants

- Oregon Community Paths Grant: Total project is \$75,000 - North-South Connector Planning Grant for **Awarded** for \$67,298
- Congressionally Directed Spending Request (formerly "earmarks"): River Trail Project. \$500,000
- National Endowment for the Arts' Our Town grant program: \$75,000
- FEMA's Assistance to Firefighters Grant (AFG): \$1 million
- FEMA's Staffing for Adequate Fire and Emergency Response (SAFER): \$757,503
- Oregon Office of State Fire Marshal's Wildland Urban Interface (WUI) Assistance Grant (for Ontario Fire & Rescue Department) – \$105,507 **Awarded**
- Oregon Office of State Fire Marshal's Wildland Urban Interface (WUI) Assistance Grant (for the Rural Fire District) – \$105,507

Grants Currently Underway

- Economic Development Administration; SE 2nd Street: \$1.76 million.
- National Endowment for the Arts' Our Town grant program (resubmission): \$75,000
- Oregon Parks and Recreation Department's
 - Recreational Trails Program: \$150,000
 - Land and Water Conservation Fund (LWCF): \$1.5 million max (actual request is more likely to be in the \$200,000-\$500,000 range)
 - Local Government Grant Program (LGGP): \$1 million

Planned Submissions – Summer and Fall 2021

- DOJ's Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies: up to \$2 million allowable, but capped at \$2,000 per BWC
- DOT's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program: maximum allowable request of \$25 million
- National Science Foundation's (NSF) Advanced Technological Education (ATE) program: maximum allowable request of \$300,000-\$600,000 total
- U.S. Environmental Protection Agency's (EPA) Brownfields and Land Revitalization Grant Program: maximum allowable requests range from \$200,000-\$800,000 total
- Ontario-Fruitland Second Bridge Crossing: MM is currently considering a number of potential federal funding mechanisms for this project, including the Economic Development Administration's Planning and Local Technical Assistance Grant, the Department of Transportation's RAISE Grant, and a Congressionally Directed Spending Request ("earmark").

In addition to our grants work, we have been pleased to provide updates on stimulus and appropriations legislation passing through Congress, including analyses of the CARES Act, 2021 Appropriations Continuing Resolution, and the American Rescue Plan Act (ARPA). We will continue to monitor funding legislation relevant to the city, highlighting new grant programs for which the city can apply.

We will also be preparing for next year's "earmarks" cycle earlier, now that new process has been better defined. We anticipate developing projects and beginning to communicate those needs to Congressional staff and Members in the Fall of 2021.

Once again, thank you for the opportunity to work on behalf of the City of Ontario. We look forward to continuing our partnership.

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**AGENDA REPORT
NEW BUSINESS
June 3, 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: June 1, 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:

This will be the last batch to catch up and get the delinquent accounts written off. Going forward this will be done quarterly.

The collections agency (Retail Credit) will be sent accounts of \$35,449.30 (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** \$35,449.30 utility bills are deemed uncollectible by the City and will go to

Retail Credit Collections Agency. The remaining interest of \$64,588.93 will be written off.

- C. **TIMING** Staff would like to get the utility accounts to collections as soon as possible. It would be best to get them cleaned up by the end of the year.
- 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 June 2021

JUNE 2021 LIST OF ACCOUNTS FOR COLLECTIONS

ACCOUNT	NAME	DATE FINAL	TOTAL DUE	INTEREST WRITE OFF	AMT TO SEND TO COLLECTIONS
003224-001	JUAN CANTU	9/4/2019	\$ 222.93		\$ 222.93
013713-000	ROBERT FOSTER	7/16/2020	\$ 173.31		\$ 173.31
014889-000	JERAMY GRIJALVA M/R	12/3/2020	\$ 1,207.34		\$ 1,207.34
014890-000	DUSTIN YORK M/R	1/22/2019	\$ 2,506.35	\$ 2,232.75	\$ 276.60
014923-000	GENEVEIVE \ EMELIE FEHLING \ MORALES M/R	2/26/2019	\$ 2,475.91	\$ 2,172.83	\$ 303.08
014924-000	EMILY OLSON M/R	5/31/2019	\$ 332.81	\$ 278.12	\$ 54.69
014938-000	BRYAN HANKEL M/R	12/2/2019	\$ 722.77	\$ 503.56	\$ 219.21
014956-000	BRANDI MARTINEZ M/R	5/20/2019	\$ 3,083.02	\$ 2,575.36	\$ 507.66
014959-000	KAELA MARTIN M/R	9/20/2018	\$ 2,668.35	\$ 2,474.14	\$ 194.21
014964-000	LEONEL MARTINEZ M/R	10/18/2018	\$ 4,330.90	\$ 4,019.11	\$ 311.79
014965-000	SABRINA HIGLEY M/R	8/5/2019	\$ 3,028.68	\$ 2,417.91	\$ 610.77
014967-000	TERRY HOOD M/R	12/21/2018	\$ 3,038.85	\$ 2,736.50	\$ 302.35
014995-000	EMILEE VICKERY M/R	7/17/2019	\$ 2,298.34	\$ 1,885.94	\$ 412.40
015002-000	JOSEPH DIONNE M/R	12/19/2018	\$ 3,632.65	\$ 3,268.81	\$ 363.84
015005-000	GABRIEL HERNANDEZ M/R	9/20/2019	\$ 986.31	\$ 744.12	\$ 242.19
015020-000	ELIZABETH REDDICK M/R	11/26/2018	\$ 2,115.66	\$ 1,926.01	\$ 189.65
015026-000	MICHAEL WHITE M/R	5/1/2019	\$ 1,952.13	\$ 1,663.42	\$ 288.71
015051-000	RACHEL BARRERA	3/19/2019	\$ 3,031.91	\$ 2,660.79	\$ 371.12
015068-000	WYATT CURREY M/R	3/20/2019	\$ 2,732.53	\$ 2,370.25	\$ 362.28
015071-000	CANDACE TRUNNELL M/R	5/31/2019	\$ 916.81	\$ 764.96	\$ 151.85
015076-000	RAYNE BAUER M/R	2/21/2019	\$ 1,912.26	\$ 1,681.68	\$ 230.58
015079-000	LORI KEETH M/R	3/20/2019	\$ 1,377.00	\$ 1,192.29	\$ 184.71
015093-000	MICHAEL NUTE	1/2/2020	\$ 299.20	\$ 196.14	\$ 103.06
015108-000	HAWA MOHAMMED	10/19/2020	\$ 50.66	\$ 4.92	\$ 45.74
015117-000	NOVEDADES LA MORENA LLC M/R	11/7/2019	\$ 418.14	\$ 288.66	\$ 129.48
015120-000	JOE WIGGINS	9/28/2020	\$ 172.76	\$ 31.08	\$ 141.68
015162-000	CATHY SZIVAN M/R	2/12/2019	\$ 3,335.02	\$ 2,965.98	\$ 369.04
015169-000	MELISSA BODDA M/R	3/20/2019	\$ 1,620.95	\$ 1,404.27	\$ 216.68
015171-000	RAYMOND MOYA * M/R	7/8/2019	\$ 1,787.44	\$ 1,461.17	\$ 326.27
015182-000	ELIAN RUST M/R	3/4/2019	\$ 492.77	\$ 432.92	\$ 59.85
015188-000	CASE WEEMS M/R	4/5/2019	\$ 762.13	\$ 660.34	\$ 101.79
015200-000	EDUARDO NUNEZ M/R	5/18/2020	\$ 527.26	\$ 264.49	\$ 262.77
015208-000	MIDORI MILLER M/R	10/4/2019	\$ 1,962.51	\$ 1,475.06	\$ 487.45
015209-000	MARY PEGRAM M/R	3/20/2019	\$ 1,172.88	\$ 1,014.90	\$ 157.98
015211-000	BRANDY THOMPSON	10/12/2020	\$ 297.82	\$ 53.87	\$ 243.95
015215-000	PURA CARDONA M/R	7/31/2019	\$ 719.69	\$ 576.69	\$ 143.00
015221-000	JAMES GROSS M/R	8/23/2019	\$ 1,435.06	\$ 1,128.40	\$ 306.66
015233-000	ROSA CASTILLO M/R	4/20/2020	\$ 780.33	\$ 430.16	\$ 350.17
015236-000	CONNELLY SCHLUPE M/R	11/16/2020	\$ 1,614.79	\$ 154.02	\$ 1,460.77
015238-000	LONDON ALEXANDER M/R	9/20/2019	\$ 1,219.19	\$ 920.72	\$ 298.47
015253-000	TRINA MAPANAO	11/12/2019	\$ 90.94	\$ 61.09	\$ 29.85
015258-000	KENADEE MILLER M/R	10/4/2019	\$ 209.65	\$ 151.87	\$ 57.78
015266-001	JACOB WIDMER	9/28/2020	\$ 589.55	\$ 106.66	\$ 482.89
015277-000	JACK LESTER M/R	8/20/2019	\$ 1,009.68	\$ 785.41	\$ 224.27
015307-000	KRISTIE WILLIAMS-LINK M/R	9/4/2019	\$ 1,981.76	\$ 1,539.66	\$ 442.10
015338-000	BRANDIE HUGHES M/R	3/4/2020	\$ 799.59	\$ 521.58	\$ 278.01
015350-000	ELIZABETH ADAMS	5/31/2019	\$ 1,005.43	\$ 821.23	\$ 184.20
015353-000	CARMEN ANDREA CISNEROS	5/6/2020	\$ 96.81	\$ 37.78	\$ 59.03
015360-000	MANDI GREEN-RODRIGUEZ M/R	7/22/2019	\$ 1,070.29	\$ 855.36	\$ 214.93
015376-000	DESTANEE HANKERSON M/R	9/14/2020	\$ 71.54	\$ 13.21	\$ 58.33
015385-000	CHANCE CLAY M/R	6/10/2019	\$ 729.73	\$ 596.00	\$ 133.73
015392-000	BRIAN BURKS M/R	3/2/2020	\$ 536.19	\$ 318.27	\$ 217.92
015420-000	EFREN MARTINEZ-RIOS M/R	11/19/2020	\$ 2,489.60	\$ 238.41	\$ 2,251.19
015421-000	JOSH GRIMES M/R	12/2/2019	\$ 1,344.48	\$ 941.00	\$ 403.48
015430-000	JAKE BECK	8/2/2019	\$ 368.04	\$ 292.94	\$ 75.10
015458-000	BREANNA PHILLIPS	2/4/2021	\$ 825.09		\$ 825.09
015466-000	SARAH HOUST M/R	9/18/2019	\$ 783.83	\$ 590.57	\$ 193.26
015467-001	DEEANN SINGLE	7/30/2020	\$ 305.23	\$ 99.11	\$ 206.12
015478-000	THOMAS MAYES M/R	8/23/2019	\$ 75.72	\$ 57.17	\$ 18.55
015522-000	SUSAN BEAVERS	12/23/2019	\$ 414.23	\$ 274.54	\$ 139.69
015566-000	SHAINA BOWMAN M/R	11/20/2019	\$ 1,843.32	\$ 1,230.24	\$ 613.08
015566-001	SHAINA BOWMAN M/R	1/15/2020	\$ 327.69	\$ 205.86	\$ 121.83
015570-000	BRITNI PAVLACKY	12/13/2019	\$ 284.25	\$ 188.42	\$ 95.83
015571-000	BILLIE JUNGERT M/R	12/2/2019	\$ 1,252.71	\$ 876.43	\$ 376.28
015579-000	KEENA STEWART M/R	3/9/2020	\$ 341.65	\$ 189.18	\$ 152.47

015588-000	PAUL MENCHACA	2/4/2020	\$	1,116.54	\$	663.75	\$	452.79
015607-000	TONYA MONTEITH	10/21/2020	\$	1,246.80	\$	119.58	\$	1,127.22
015650-000	AIDE MOORE M/R	3/5/2020	\$	376.47	\$	225.02	\$	151.45
015652-000	MICHAEL BESSEY M/R	3/3/2020	\$	172.93	\$	95.53	\$	77.40
015654-000	ESMERALDA'S STORE M/R	12/2/2020	\$	946.99			\$	946.99
015679-000	JERRY ALEXANDER M/R	12/31/2019	\$	455.69	\$	301.97	\$	153.72
015681-000	NOAH BANKS	12/3/2020	\$	2,114.37			\$	2,114.37
015704-000	SARAH REYES M/R	3/23/2020	\$	394.78	\$	217.56	\$	177.22
015720-000	JUSTIN DULING	11/13/2020	\$	1,361.73	\$	129.99	\$	1,231.74
015727-000	RODNEY BAKER	12/3/2020	\$	1,183.00			\$	1,183.00
015730-000	JOSE ZAMAGO M/R	12/3/2020	\$	492.66			\$	492.66
015734-000	TAMI KUNDERT	9/15/2020	\$	218.49	\$	56.87	\$	161.62
015750-000	XAVIER MENDEZ	11/6/2020	\$	162.01			\$	161.01
015762-000	CHRISTOPHER BYERS	12/3/2020	\$	1,859.34			\$	1,859.34
015763-000	LISA SIMMERS M/R	7/31/2020	\$	1,246.74	\$	409.80	\$	836.94
015804-000	TINA STONE M/R	12/3/2020	\$	1,887.58			\$	1,887.58
015820-000	BRADLEY BETTS	6/11/2020	\$	364.19	\$	142.33	\$	221.86
015822-000	DEANNE GAGLIO M/R	12/24/2020	\$	341.61			\$	341.61
015826-000	JAMES FORRESTER	11/17/2020	\$	406.12	\$	38.40	\$	367.72
015830-000	JESSICA/MATTAYS BEAVERS/STONE	9/24/2020	\$	23.83	\$	4.34	\$	19.49
015849-000	KELSEY MICHAEL	12/3/2020	\$	870.87			\$	870.87
015388-000	TRAVIS GUTCHER	4/14/2020	\$	289.23	\$	159.46	\$	129.77
015786-000	JOSE VELASQUEZ LOPEZ	12/18/2020	\$	241.84			\$	241.84

\$ 100,036.23	\$ 64,588.93	\$ 35,449.30
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ONTARIO
OREGON

Second Quarter Report

March 2021 – May 2021



OHS Boys Varsity Soccer Send Off



Got Pancakes?



Final Sign Off



RIP Retired OPD Officer Hartley



Station Tours





Fire Safety



Work Hard, Train Hard



Work Hard, Train Hard



The Learning Never Stops



Structure Fires



April 7, 2021



April 23, 2021
Mentally Exhausting Day



April 23, 2021

Mentally Exhausting Day



Inspections

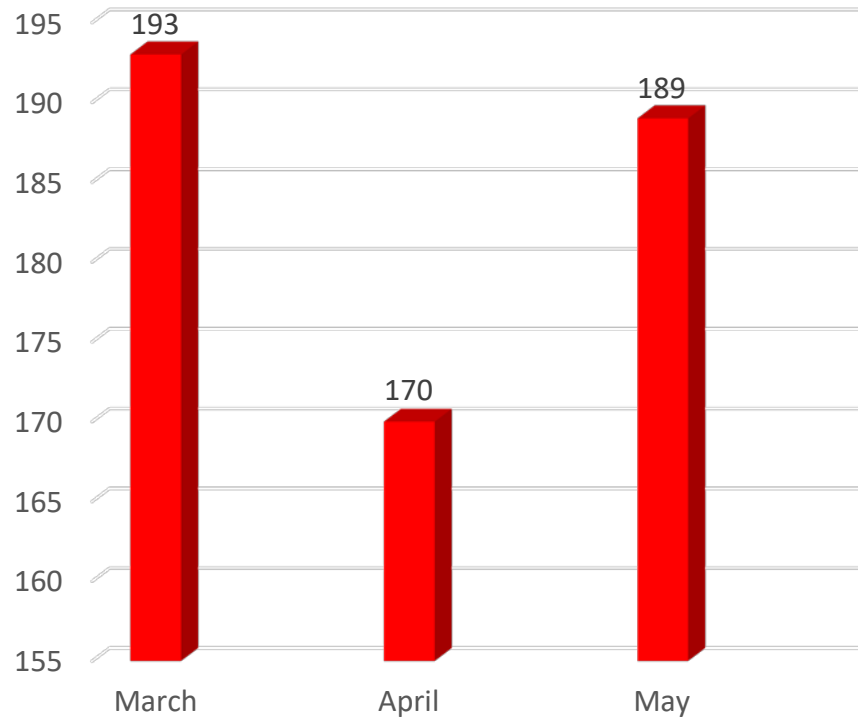
- OHS Vo-Tech Remodel
- West Park Plaza Remodel
- ODOT Offices fire alarm
- 8C Schools bi-annual with OSFM
- Hydrant flows for new Commercial Tire.



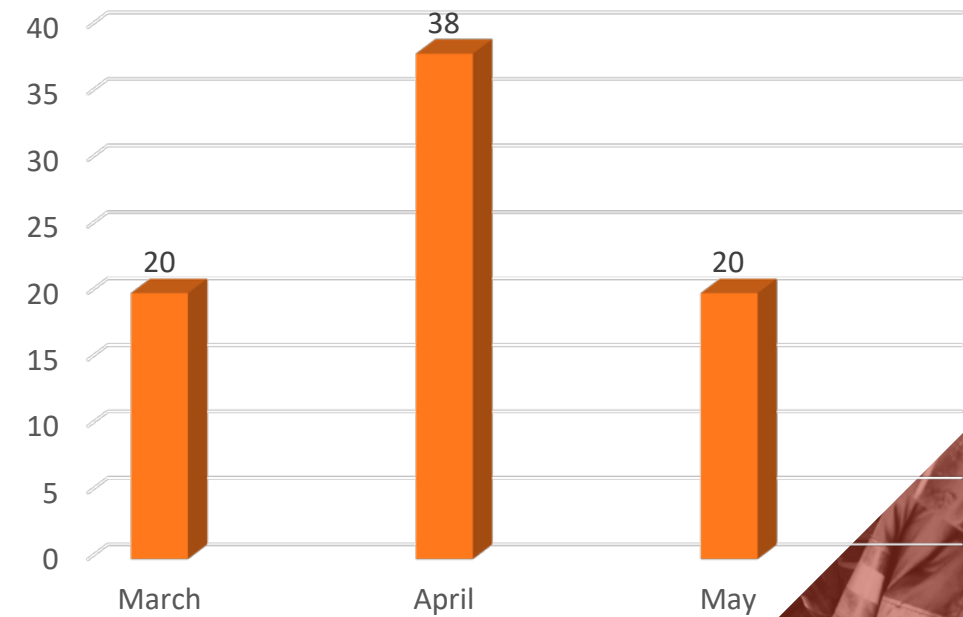
Medical & Fire Calls



MEDICAL



FIRE



109' Ladder Truck



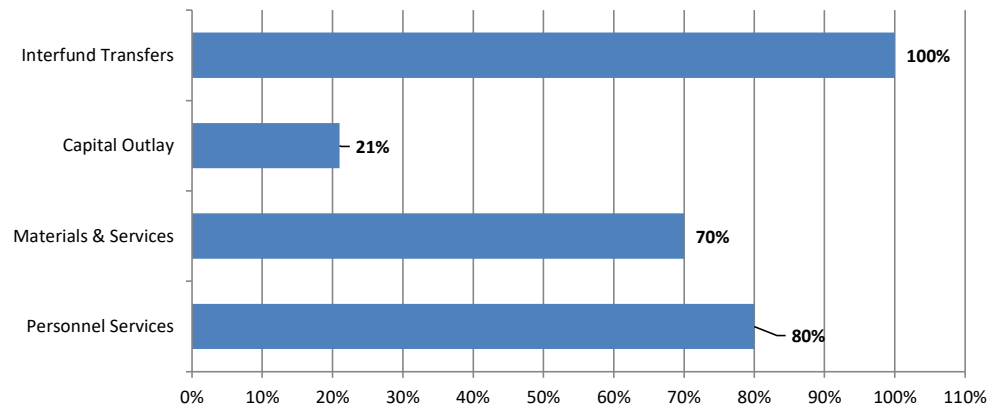


**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
APRIL 30, 2021**

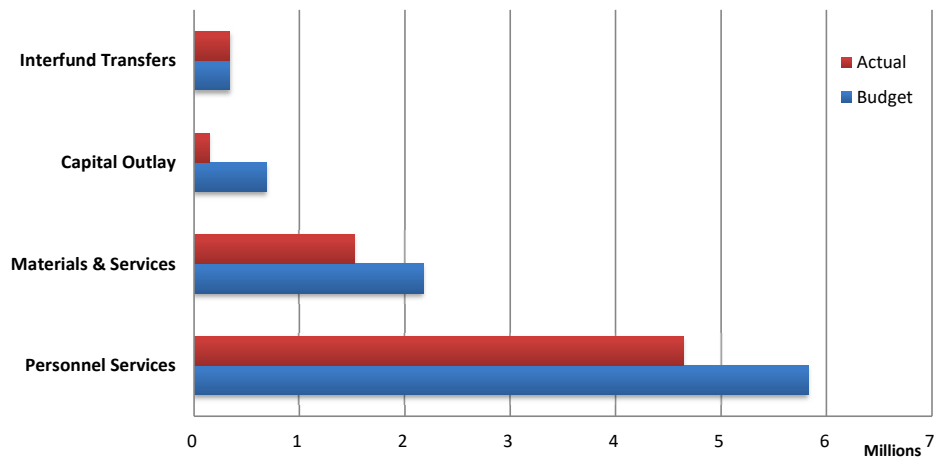
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	431,250	127,572	29.6%	
Parks & Recreation	431,250	127,572	29.6%	
Fire	1,672,809	1,366,828	81.7%	
Code Enforcement	244,722	156,054	63.8%	
Police	3,943,207	3,113,009	78.9%	
Police reserves	6,165	881	14.3%	
Emergency operations	338,502	305,435	90.2%	
Public Safety Total	6,205,405	4,942,206	79.6%	
Administration	497,012	382,628	77.0%	
City Council	25,362	11,502	45.4%	
Business Registration	1,100	562	51.1%	
Cemetery	174,381	101,020	57.9%	underground irrigation won't be done this year
Finance	245,849	185,233	75.3%	
Technology	175,051	115,064	65.7%	
General Government Total	1,118,755	796,009	71.2%	
Community development	217,248	147,784	68.0%	
Community Development	217,248	147,784	68.0%	
Administrative Overhead	734,494	387,487	52.8%	
Non-Departmental Contributions	80,000	10,000	12.5%	
Other Total	814,494	397,487	48.8%	
Operating Transfers Out	234,940	234,940	100.0%	
GENERAL FUND TOTALS	\$ 9,022,092	\$ 6,645,999	73.7%	
YTD BUDGET BENCHMARK			83.3333%	 9.7%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
APRIL 30, 2021**

% Expended by Category



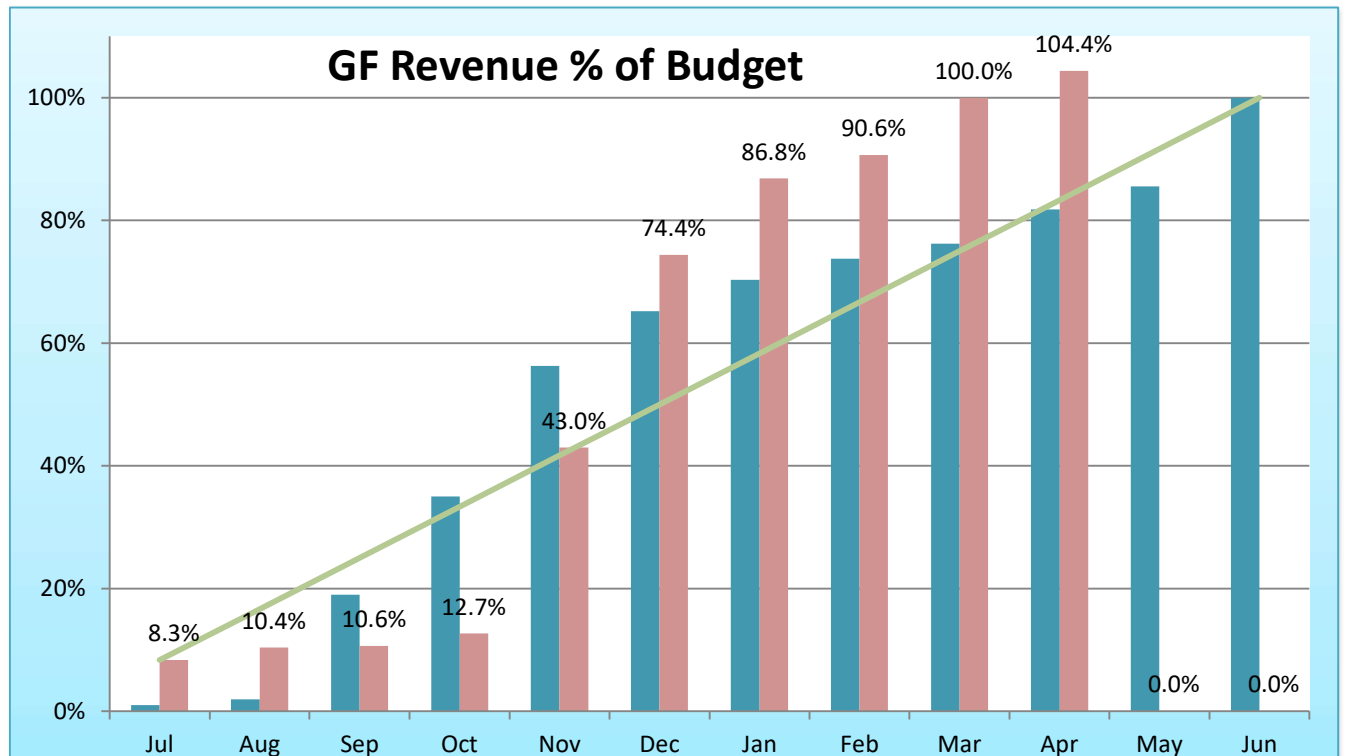
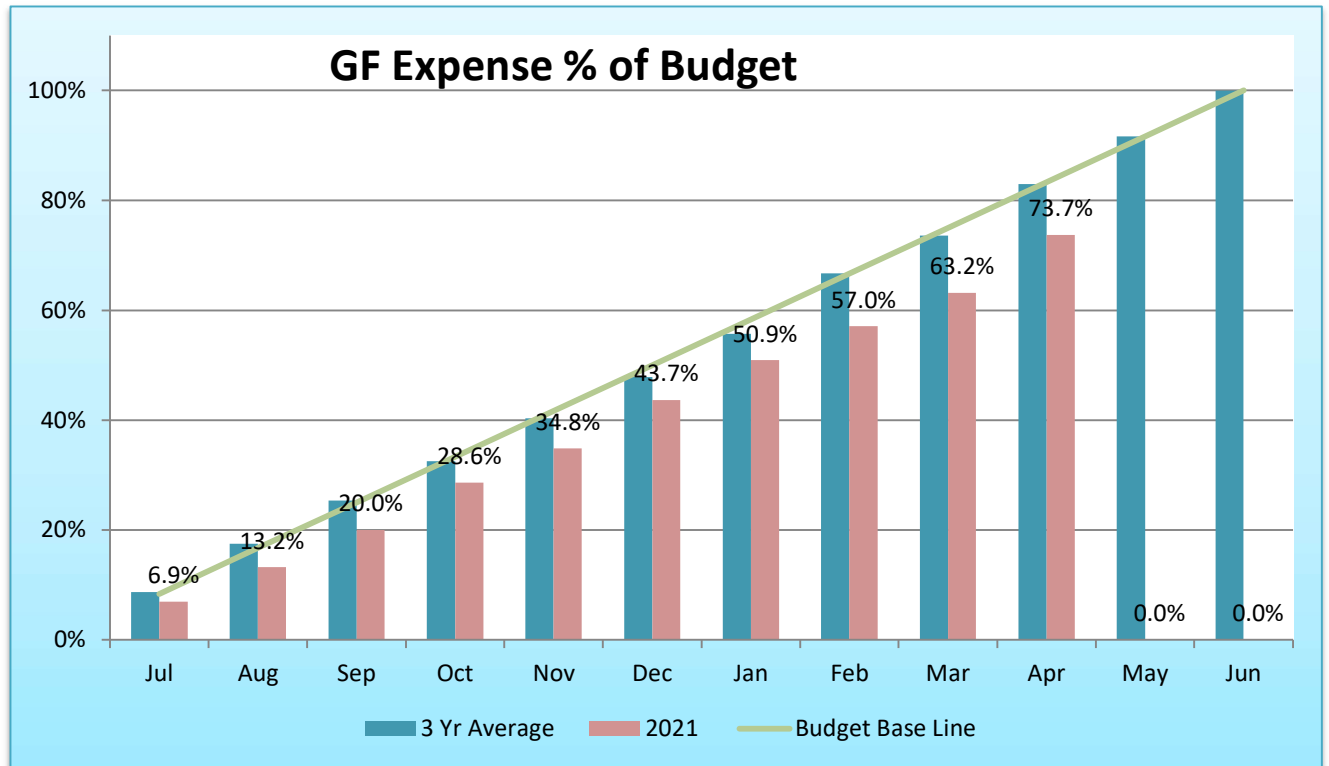
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
APRIL 30, 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	876	1.9%	
Parks & Recreation	47,000	876	1.9%	
Fire	134,572	113,332	84.2%	
Code Enforcement	48,800	113,117	231.8%	*Booking allowance monthly
Police	424,149	242,404	57.2%	
Dispensary Business License	43,400	68,200	157.1%	
COVID-19 Grant	338,502	291,784	86.2%	
Public Safety Total	989,423	828,837	83.8%	
Interest	65,000	19,958	30.7%	
State Revenue Sharing	136,635	81,387	59.6%	
Administrative Services	497,148	414,290	83.3%	
Other General Revenues	8,485	3,101	36.5%	
Property Taxes	3,755,617	3,742,656	99.7%	
Alcohol Bvg License & Fee	246,582	152,859	62.0%	
Cigarette tax	12,979	8,432	65.0%	
Marijuana tax	1,100,000	1,501,781	136.5%	2 payments out of 4
Franchise Fees	1,632,298	1,193,730	73.1%	
Business Registration	2,500	2,475	99.0%	
Cemetery	45,000	48,075	106.8%	
General Government Total	7,502,244	7,168,743	95.6%	
Planning & Zoning	4,450	11,158	250.7%	
Wayfinding Grant	-	22,000	#DIV/0!	
Community development	4,450	33,158	745.1%	
GENERAL FUND REVENUE TOTALS	\$ 8,543,117	\$ 8,031,613.83	94.0%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 1,385,615
YTD BUDGET BENCHMARK				83.3%  10.7%

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
APRIL 30, 2021**



**CITY OF ONTARIO
OTHER FUNDS - DEPARTMENT EXPENSES AND REVENUE
FOR THE PERIOD ENDED
APRIL 30, 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	224,510	104.2%
027 Building Fund	201,012	133,908	66.6%		385,352	483,862	125.6%
030 Capital Projects Fund	1,050,181	66,431	6.3%		3,449,111	3,646,798	105.7%
031 SDC Fund	485,615	6,425	1.3%		485,615	537,968	110.8%
045 Street Fund	2,609,042	1,716,994	65.8%		2,609,042	1,566,770	60.1%
050 Trust Funds	776,631	275,266	35.4%		776,631	682,926	87.9%
055 Reserve Funds	1,283,945	239,484	18.7%		2,536,446	2,615,510	103.1%
060 Revolving Loan Fund	422,667	237,040	56.1%		422,667	541,499	128.1%
105 Water Fund	3,588,687	2,379,119	66.3%		4,870,923	4,580,782	94.0%
110 Sewer Fund	5,307,394	3,827,822	72.1%		7,850,774	7,140,755	91.0%
115 Storm Sewer Fund	288,710	109,419	37.9%		557,305	502,908	90.2%
120 Airport Fund	383,386	160,466	41.9%		383,386	487,676	127.2%
125 Aquatic Fund **	100,000	110,151	110.2%		100,000	111,180	111.2%

Comments:

YTD BUDGET BENCHMARK

83.3%

**CITY OF ONTARIO
BUDGET RESOLUTIONS
FOR THE PERIOD APRIL 30, 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)	
2021-114	GENERAL FUND	PARKS	GAZEBO RELOCATION	\$ 46,000	\$ 46,000
2021-114	GENERAL FUND	CONTINGENCY	CONTINGENCY	\$ (46,000)	



Presentation by Dan Cummings
Thursday June 3rd 2021

CITY OF ONTARIO COMMUNITY DEVELOPMENT

Fiscal Year 2020-21
3rd Quarter

Building
Department

Economic
Development

Planning and Zoning

Building Department Statistics

Mechanical & Structural Permit Amounts and Fees

January – March 2021

Mechanical Permits and Fees Issued

- Mechanical Permits Issued **36**
- Mechanical Valuation Totals **\$ 351,604**
- Total Mechanical Fees **\$ 4,381**

Structural Permits and Fees Issued

- Structural Permits Issued **31**
- Structural Valuation Totals **\$ 6,065,017**
- Total Structural Fees **\$ 54,824**



Building Department Statistics

Mechanical & Structural Permit Amounts and Fees



January – March 2021

Total Permits and Fees Issued in 3rd Quarter FY 20-21

- Total Permits Issued **67**
- Valuation Totals **\$ 6,416,621**
- Total Permit Fees **\$ 59,205**



Planning & Zoning Department

January, February, March 2021

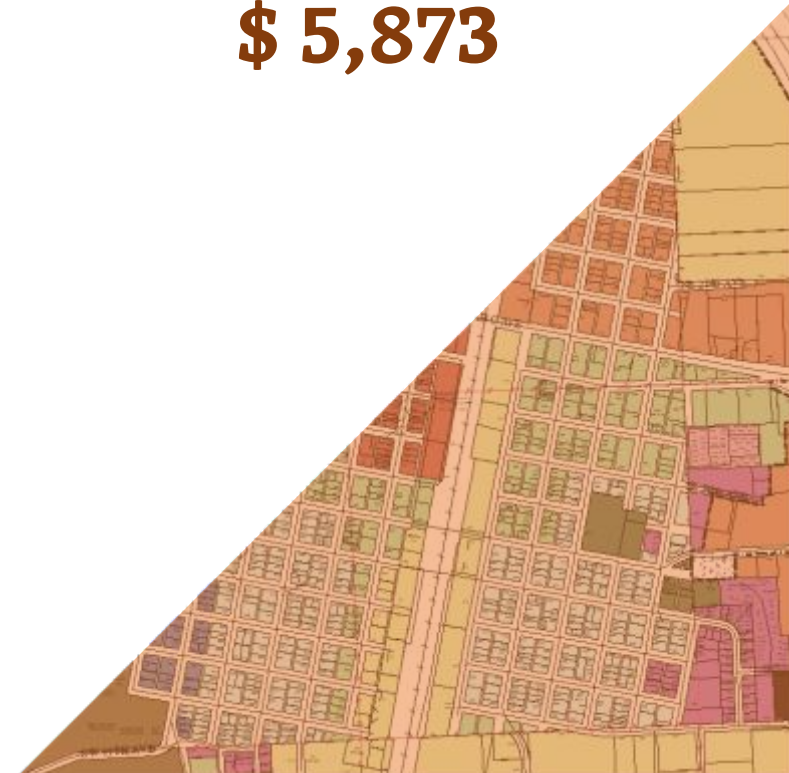


• Annexation	1
• Conditional Use Permits	2
• Zone Changes	1
• Site Developments	4
• Subdivisions	1
• Temporary Use Permits	1
• Variances	2
• Street Vacations	1

Total Land Use Actions for the Quarter	13
---	-----------

Total Fees

\$ 5,873



Phase II Façade Grant Program



- Taking applications along SW 4th Avenue
- Two initial applicants this quarter, in Phase II Grant
- \$18,286 worth of business
- \$8,700 of matching grant money awarded

Current Condition
Burger West
691 SW 4th Ave

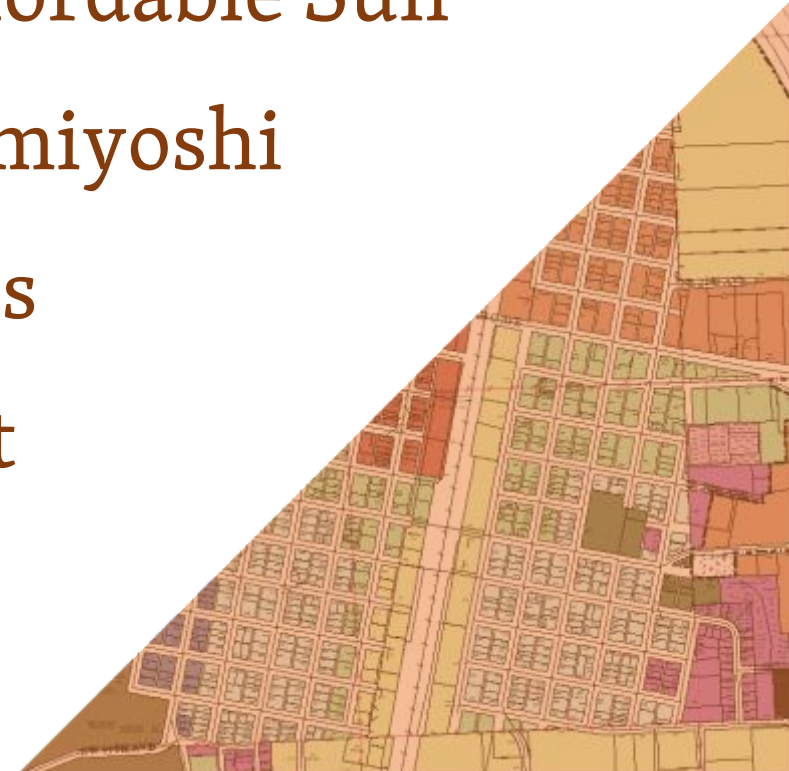


Ontario Economic Activity

January, February, March 2021



- Project Build Ontario
- Project West Park
- Project Grand Prix
- Project Gild-Gold
- Project Plus
- Project Champ
- Brownfield Grant Program
- Project Affordable Sun
- Project Tomiyoshi
- Project Otis
- Project Vet



Ontario Economic Activity



“Project Build Ontario”

- Single Family Residential Housing Incentive program promotes new housing within the City Limits

**Status: 10 new incentive applications submitted this quarter
29 total applications at the end of March 2021**

“Project Westpark”

- Redevelopment of the West Park Plaza Mall
- Creating business ownership of portions of existing building
- Creation of new building pad
- Consideration of 150-unit apartment complex

Status: On-going



Ontario Economic Activity

Continued



EPA Brownfield Grant Program

- \$600,000 in Brownfield grants to Ontario, Nyssa, Vale
- Redevelopment of Brownfields within Malheur County
- Phase I and Phase II studies ongoing

Status: Seeking a 6-month extension

Outreach coming summer 2021 (Online and Community)

“Project Affordable Sun”

- 15-acre project to produce power for affordable housing facilities

Status: City signed 21-year lease

GEOTEC Study in progress



Ontario Economic Activity

Continued



“Project VET”

- Affordable Mini Housing Development for Single Veterans and Seniors Citizens

Status: Site Design moving forward

Land use applications in progress

“Project Tomiyoshi”

- 56.33 acre tract of land
- 9.83 acres of UGA commercial class land
- 36.50 acres of UGA residential class land
- Looking at retail and mixed density development

Status: On-going



Ontario Economic Activity

Continued



“Project Grand Prix”

- Meter manufacturing looking for industrial lands
- Expected to hire 150-200 employees (5-8 acres)

Status: On-going

“Project Champ”

- Thermoformed packaging company (food, medical, retail products)
- \$10 million in equipment investment
- 33 employees to start
- 200 maximum employees at full buildout

Status: On-going



Ontario Economic Activity

Continued



“Project Guild Gold”

- Food manufacturing company
- Needing between 100 - 200 acres
- 200 - 300 employees at total buildout

Status: On-going

“Project Otis”

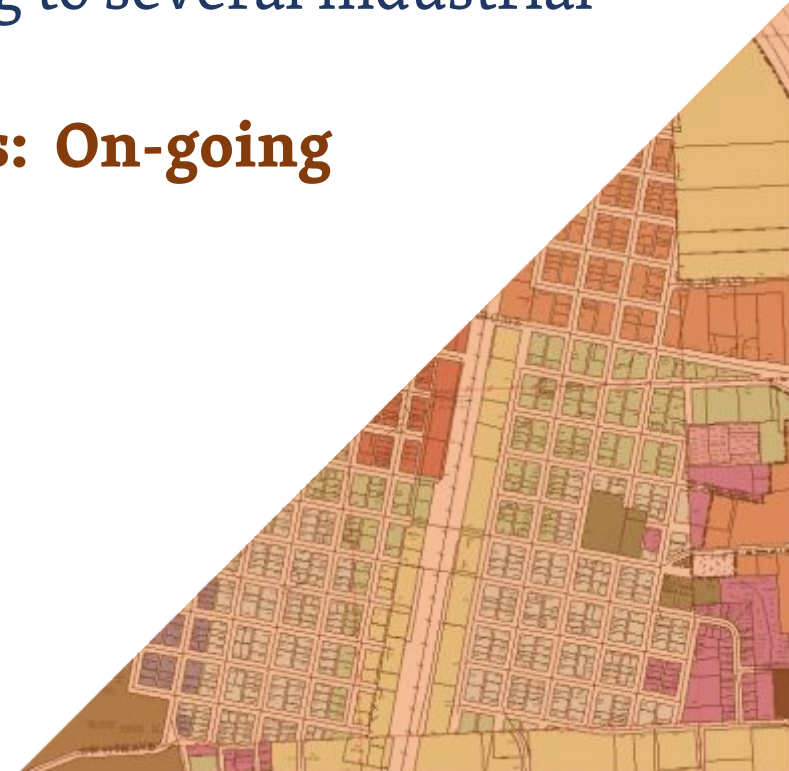
- 16-acre industrial property in Ontario
- Promoting to several industrial clients

Status: On-going

“Project Plus”

- Food Processing Company looking for 100-150 acres
- Will employ 500 - 670 employees and managers

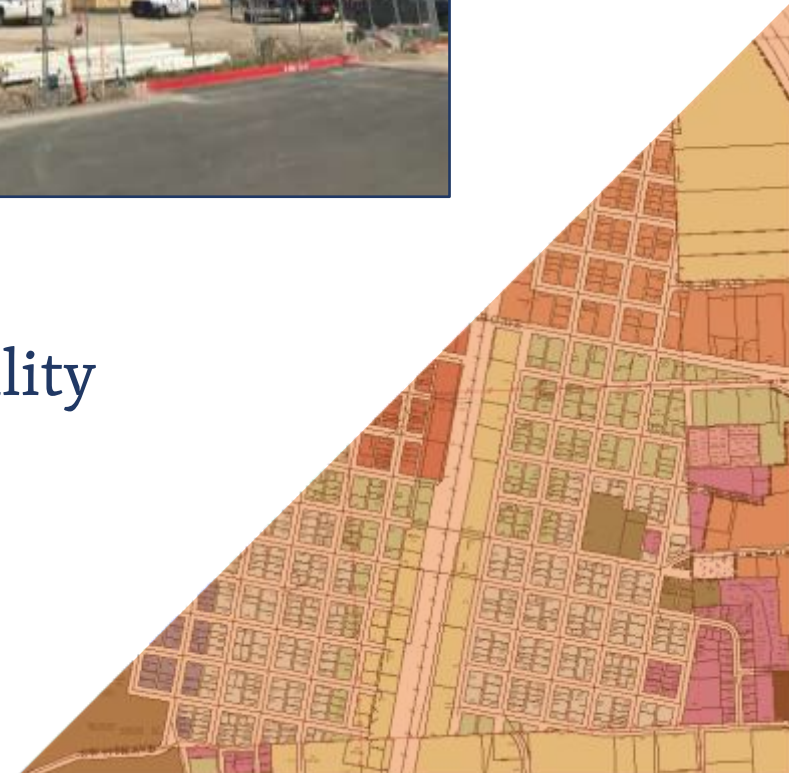
Status: On-going



Projects in Development



Sunset Estates Memory Care Second Facility
281 Sunset Drive



Projects in Development



Heinz Factory
Covid Room Addition



1642 SW 7th Avenue



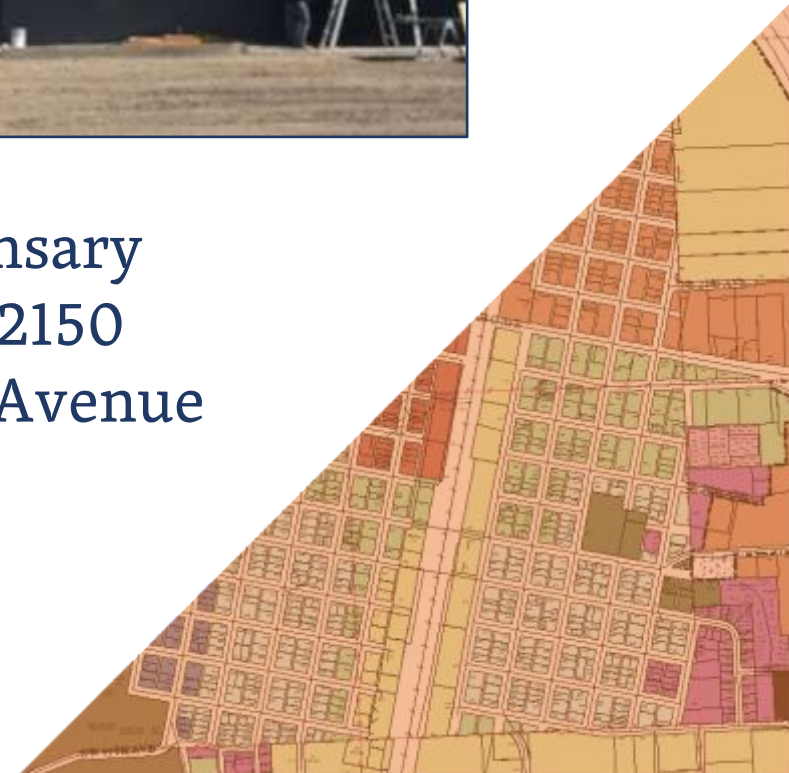
Projects in Development



Addition Constructed
Top Crop Ontario
297 SE 10th Street



New Dispensary
Elevation 2150
2880 SW 4th Avenue



Projects in Development



1128 NW 4th Avenue



865 Reiter Drive

RESIDENTIAL UPDATE

FIVE New Single Family Home Building Permits Issued this Quarter



Upcoming Construction

- River Point RV Park
- Commercial Tire
- Family Eye Center
- Goodfellow Street Extension
- Sunset Estates Memory Care II
- N. Oregon Townhouses

AFFORDABLE HOUSING DEVELOPMENTS

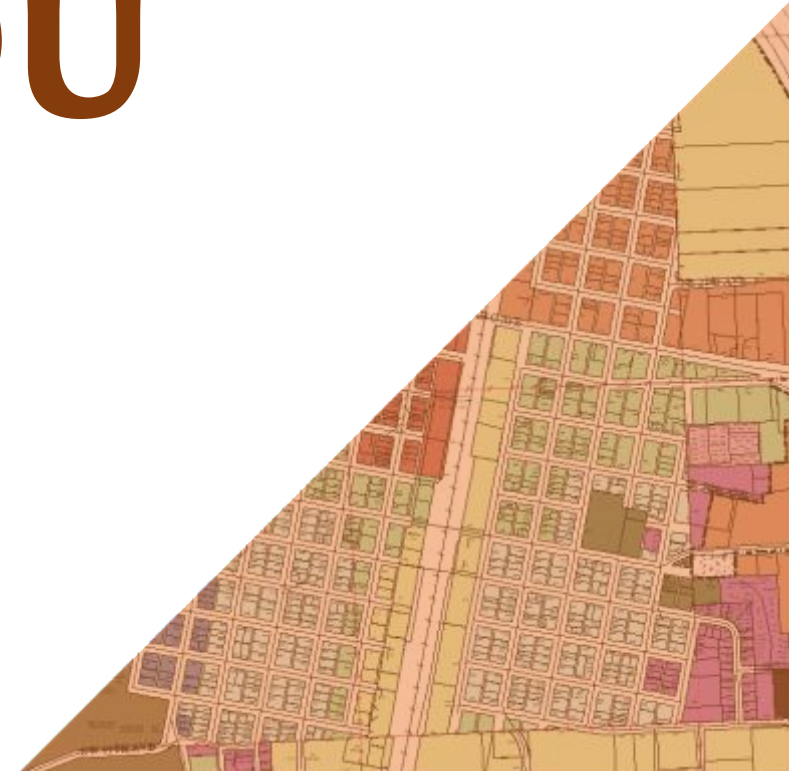
- 70 Units to be built on NE 3rd Ave (Nascosto)
- 56 Units to be built on Fortner Street (PCCC)



River Point RV Park
North of SE 5th Ave
Approved



THANK YOU





**AGENDA REPORT
DISCUSSION ITEMS
June 3, 2021**

To: Mayor and City Council

FROM: Paul Woods, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **SE 5TH AVENUE PEDESTRIAN IMPROVEMENTS: CONTRACT FOR ENGINEERING SERVICES, KELLER ASSOCIATES**

DATE: May 25, 2021

PROPOSED MOTION:

INFORMATION ONLY

SUMMARY:

The City was awarded an initial grant award from ODOT in the amount of \$912K in 2019 for pedestrian improvements on SE 5th Avenue and has received notification of an additional award of \$849K for work on the project. The project requires a Concept Design, Cost Estimate, and Phasing Plan to proceed with implementation. Staff recommends award of an engineering contract to Keller Associates in the amount of \$51,055. The City Manager will approve the contract under the prior budget authorization unless directed differently.

BACKGROUND:

The city was awarded an initial grant award from ODOT in the amount of \$912K in 2019 for pedestrian improvements on SE 5th Avenue and has received notification of an additional award of \$849K for work on the project.

CURRENT SITUATION:

The project requires a Concept Design, Cost Estimate, and Phasing Plan to proceed with implementation.

ANALYSIS:

- A. **STRATEGIC PLAN** The grant award and project are consistent with the Strategic Plan.
- B. **FINANCIAL** Monies expended on the project will be funded with grant funds.
- C. **TIMING** The project serves a community need and time is of the essence. The

proposed contract will be signed by the City Manager.

- D. **POLICY/LEGAL** The City Manager has the authority to sign as the item was approved by City Council in the approved budget and is within signature limitations

ALTERNATIVES:

The item can be placed on the City Council agenda as an action item.

RECOMMENDATION:

Allow the City Manager to sign on behalf of the City allowing the work to proceed immediately.

ATTACHMENTS:

1. Ontario SE 5th Ave_KA_Ontario_Agmt_2021-5-27

AGREEMENT FOR PROFESSIONAL SERVICES

This is an Agreement effective as of _____ ("Effective Date") between the **City of Ontario, Oregon** ("Owner") and **Keller Associates, Inc.** ("Consultant").

Owner's Project, of which Consultant's services under this Agreement are a part, is generally identified as follows: **SE 5TH Avenue Pedestrian Facilities** ("Project").

The Owner and the Consultant agree to the following Project scope, schedule, and compensation:

SCOPE: Consultant's services under this Agreement are generally identified in Attachment A.

SCHEDULE: The Agreement shall commence on the above written date. Consultant anticipates completing the scope of work as outlined in Attachment A.

COMPENSATION:

Basic Services. As compensation for services to be performed by Consultant for Tasks 1-3 as described in Attachment A, the Owner will pay Consultant a lump sum fee of \$51,055 (Fifty-One Thousand Fifty-Five dollars).

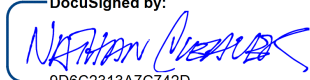
Additional Services. Compensation for performing Additional Services will be pursuant to a mutually agreed upon amendment to this Agreement.

In Witness Whereof, the parties hereto have executed this Agreement as of the date first above written. Owner further acknowledges that it has reviewed and accepted the attached Standard Terms and Conditions.

OWNER: ONTARIO, OREGON

Signature: _____
Name: _____
Title: _____
Address: 444 SW 4th Street, Ontario,
Oregon 97914
Telephone: 541-881-3201
Date: _____

CONSULTANT KELLER ASSOCIATES, INC.:

Signature:  _____
Name: Nathan Cleaver
Title: Principal
Address: 131 SW 5th Avenue,
Meridian, Idaho 83642
Telephone: 208-288-1992
Date: 5/27/2021

STANDARD TERMS AND CONDITIONS

1. **CONTRACT** – This document constitutes the full and complete Agreement between the parties and supersedes all prior negotiations, representations or agreements, whether written or oral. The Agreement may be amended only if both parties specifically agree in writing to such amendment of the Agreement.
2. **INVOICES AND PAYMENT** – Owner will make payment within 15 calendar days of the invoice date. Consultant shall keep accurate records of expenses. If Owner contests an invoice, Owner shall advise the Consultant within 15 days of receipt of invoice of the specific basis for doing so, may withhold only that portion so contested, and shall pay the undisputed portion.

Interest. If payment is not received by the Consultant within 30 calendar days of the invoice date, Owner shall pay interest at a rate of 1½% per month (or the maximum allowable by law, whichever is lower) of the past due amount. Payments will be credited first to interest and then to principal.

Suspension. If the Owner fails to make payments when due, the Consultant may suspend performance of services upon five (5) calendar days' notice to the Owner. Owner agrees to indemnify and hold Consultant harmless from any claim or liability resulting from such suspension.
3. **DOCUMENTS** – All documents prepared or furnished by Consultant are instruments of service, and Consultant retains ownership and property interest (including the copyright and the right of reuse) in such documents. Owner shall have a limited license to use the documents in and for the Project subject to full payment for all services relating to preparation of the documents. The Owner agrees to obtain prior written agreement for any reuse or modifications of the instruments of service, and understands that any unauthorized use of the instruments of service shall be at the Owner's sole risk and without liability to the Consultant.
4. **STANDARD OF CARE** – The standard of care for all professional engineering and related services performed or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. The Consultant makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with the Consultant's services. Consultant shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws, rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.
5. **CHANGES OR DELAYS** – The proposed scope of services, compensation, schedule, and allocation of risks reflect Consultant's understanding of the Project at the date of this Agreement. Costs and schedule commitments shall be subject to renegotiation for changed conditions, unreasonable delays caused by the Owner's failure, independent government agencies, acts of God, or causes beyond the reasonable control of Consultant. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made.
6. **TERMINATION** – The Owner and Consultant may terminate this Agreement in whole or in part at any time by giving 30 days written notice thereof. The Owner shall promptly pay Consultant for all services rendered to the effective date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on the Owner's behalf.
7. **SUSPENSION OF SERVICES** – If the Owner suspends services of the Consultant for any reason for more than thirty days, the Consultant shall be reimbursed for expenses incurred due to suspension of services, including costs associated with rescheduling or reassigning personnel, and commitments made to others on Owner's behalf.
8. **INDEMNITY AND LIMITATION OF LIABILITY** – Owner and Consultant each agree to indemnify and hold the other (including their respective officers, directors, employees, agents, owners, shareholders, members, partners, sub-consultants, subcontractors, and representatives) harmless from and against liability for all claims, losses, damages and expenses, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of Owner and Consultant, they shall be borne by each party in proportion to its negligence. Neither the Owner nor Consultant shall be liable for incidental, indirect or consequential damages. The Consultant's liability to the Owner and to all construction contractors and subcontractors on the Project, due to the Consultant's negligent acts, errors omissions, or breach of contractual obligations relating to or arising out of the Project shall not exceed the Consultant's total fee.

9. **OPINIONS OF COST** – Consultant’s opinions of probable cost represent Consultant’s judgment as an experienced and qualified design professional. Since Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Owner’s and other contractor’s methods of determining prices, or over competitive bidding or market conditions, the Consultant cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable cost prepared by the Consultant.
10. **CONSTRUCTION PHASE SERVICES** – If Consultant performs any services during the construction phase of the Project, Consultant shall not supervise, direct, or have control over Contractor’s work. Consultant shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. Consultant does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor’s failure to furnish and perform its work in accordance with the Contract Documents.
11. **MISCELLANEOUS**

Right of Entry: Unless otherwise noted in the scope of work, the Owner shall provide for Consultant’s right to enter the property owned by the Owner and others in order to fulfill the services to be performed hereunder.

Dispute Resolution: Owner or its Contractor agree to notify Consultant of any claims against the Consultant within 10 days of discovery of any allegations, errors or omissions. Should a dispute arise, Owner and Consultant agree to negotiate disputes between them in good faith for a period of 30 calendar days from the date the dispute is raised in writing by either the Owner or Consultant. If the parties fail to resolve the dispute through negotiation, then the dispute shall be decided through non-binding mediation or other mutually agreed alternative dispute resolution technique. Fees and expenses for mediation shall be split equally between the parties. The Owner and Consultant agree non-binding mediation or other mutually acceptable dispute resolution technique shall precede litigation. This Agreement shall be governed by the laws of the State where the Project is located.

Hazardous Environmental Conditions: The scope of Consultant’s services does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead or other hazardous materials, as defined by Federal, State, and local laws or regulations. Consultant is not required to become an arranger, operator, generator, or transporter of hazardous substances, and shall have no responsibility for the discovery, handling, removal, disposal or exposure of persons to hazardous substances of any form.

Consultant Reliance: Consultant shall be entitled to rely, without liability or the need for independent verification, on the accuracy and completeness of any and all information provided by Owner, Owner’s consultants and contractors, information from public records, and information ordinarily or customarily furnished by others, including, but not limited to specialty contractors, manufacturers, suppliers, and publishers of technical standards.

Certifications: Consultant shall not be required to sign any documents that result in Consultant having to certify, warrant, or guarantee the existence of conditions whose existence Consultant cannot ascertain within its services for the Project.

Third Parties: Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or Consultant. Consultant’s services hereunder are being performed solely for the benefit of the Owner, and no other entity shall have any claim against Consultant because of this Agreement or Consultant’s performance of services hereunder.

Severability & Waiver: In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provisions will be stricken, and those remaining Contract Provisions shall continue in full force and effect. The failure of either party of this Agreement to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Agreement, shall not be construed as a waiver of such term, covenant or right.

Joint Drafting: The Parties expressly agree that this Agreement was jointly drafted, and that they both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms prior to execution. Therefore, this Agreement shall be construed neither against nor in favor of either Party, but shall be construed in a neutral manner.

Attachment A

CITY OF ONTARIO

SE 5TH AVENUE PEDESTRIAN FACILITIES

SCOPE OF WORK

PROJECT DESCRIPTION

City of Ontario (“Owner”) has requested that **Keller Associates** (“Consultant”) provide transportation engineering services. The Consultant’s scope of work has been developed based on the following project description.



Figure 1: Vicinity Map

The Owner has identified potential safety hazards for pedestrian traffic along SE 5th Avenue between the Railroad tracks and East Lane. A large portion of the existing street does not have pedestrian facilities (i.e. sidewalks or pathways). Many of the existing facilities do not meet ADA requirements, including the bridge that crosses Interstate-84. The intent of the project is to improve pedestrian routes utilizing grant funds from the State of Oregon.

Consultant’s services are limited to those services outlined in the following scope of work.

SCOPE OF WORK

TASK 1: PROJECT MANAGEMENT

Consultant Responsibilities:

- 1.1. General Project Management. Provide general project administration services including contract administration, project accounting, progress reports, scheduling, and internal project administration.

- 1.2. Quality Control. Provide QA/QC services, conduct management reviews and provide technical reviews of interim and final deliverables.

Owner Responsibilities:

- Provide meeting space for project meetings.

Assumptions:

- Project accounting
- A four-month project schedule
- QA/QC is considered integral to all deliverables

Deliverables:

- Monthly Progress Reports and invoices

TASK 2: EXISTING CONDITIONS

Consultant Responsibilities:

- 2.1. Data Collection. Gather mapping and GIS data for parcels, right-of-way, stormwater facilities, sewer facilities, and other utilities marked by utility owners in the project limits.
- 2.2. Site Visit and ADA Evaluation. Visit the site to document existing pedestrian facilities. Evaluate ADA compliance using the 2010 ADA Standards for Accessible Design, PROWAG guidance for best practices, and ODOT standard drawings RD910 thru RD919.
- 2.3. Existing Conditions Summary Drawing/Figure. Summarize the Existing Conditions in a drawing/figure. The following elements may be included:
 - Existing sidewalks/pathways
 - Planned sidewalks/pathways
 - Existing parcels/right-of-way from City GIS
 - Existing stormwater facilities

Owner Responsibilities:

- Provide the following data in GIS format, if available:
 - Aerial mapping
 - Parcels
 - Right-of-way
 - Stormwater, water, and sewer facilities
 - Utilities
- If available, provide survey data from previous projects/efforts
- Provide State of Oregon Grant documentation

Assumptions:

- There is not currently a city-wide ADA Transition Plan nor will one be developed as part of this scope of work. However, pedestrian improvements in the project corridor will be designed to comply with current State and Federal ADA requirements.
- Deliverables (drafts and final versions) will be submitted electronically. No hard copies will be printed or distributed.

Deliverables:

- Existing Conditions summary drawing/figure

TASK 3: CONCEPT DESIGN AND PHASING PLAN*Consultant Responsibilities:*

- 3.1. Concept Design. Utilize the information collected in Task 2 to provide a concept design for the 5th Avenue corridor. The Concept Design will include preliminary layouts in plan view of proposed improvements including ADA improvements, identified right-of-way needs, and required street and sidewalk improvements. The Concept Design will also include a review of the existing stormwater system with recommendations on proposed solutions for future improvements.
- 3.2. Opinion of Probable Cost. Provide a concept level opinion of probable costs for each phase identified in Task 3.2. Cost for proposed improvements will include opinions of cost for potential right-of-way acquisition.
- 3.3. Project Phasing. Utilize the Concept Design to prepare a phasing plan for the project. Phasing plan will incorporate known grant amounts, prioritized needs and potential future development. Phasing plan will include two to five phases of the project, pending needs and budgets. The phasing plan will include the Base Project plus Expanded Project limits, giving priority to the Base Project limits.
- 3.4. Review Meeting. Attend a meeting with the Owner to review the draft Concept Design, Phasing Plan and Opinion of Probable Costs deliverables.
- 3.5. ODOT Coordination. Consultant will facilitate in-person or virtual scoping meeting with ODOT representative to review project objectives, get input from ODOT regarding right of way, future plans for bridge, and initial concept design concepts. After addressing the Owner's review comments the Consultant will submit a courtesy copy of the concept plan and Phasing Plan to ODOT.
- 3.6. Revise Deliverables. Revise the deliverables per Owner's review comments. Submit final deliverables to the Owner.
- 3.7. Council Presentation. Present the Concept Design and Phasing Plan to City Council.

Owner Responsibilities:

- Review draft deliverables and provide comments.
- Attend review meeting(s).

Assumptions:

- Concept design for railroad crossing will not include permitting support, design coordination with the railroad, or design considerations for vertical elevation changes between the tracks or modifications to the crossing gates. These components will be addressed during the final design.

Deliverables:

- Concept Design and Phasing Plan drawings/figures
- Opinion of Probable Costs.
- City Council Presentation

As the project moves forward, some of the information may change or be refined, and additional information will become known, resulting in the possible need to change, refine, or supplement the scope of work.

TASK 4: Final Design – Not a part of scope, future task.

TASK 5: Bidding – Not a part of scope, future task.

TASK 6: Construction Administration - Not a part of scope, future task.

SCHEDULE

Consultant anticipates the following project schedule. The number of days associated with each of the tasks are approximate and assume timely delivery of requested information. Actual schedule may vary:

Task	Schedule	Comments
Task 2 Existing Conditions	45 Calendar Days	Existing Conditions summary will be submitted to Owner within 45 days from receiving Notice to Proceed.
Task 3 Concept Design and Phasing Plan Draft Deliverables	60 Calendar Days	Draft Deliverables will be submitted to Owner and Agency within 60 days of acceptance of Existing Conditions summary.
Task 3 Concept Design and Phasing Plan Final Deliverables	20 Calendar Days	Final Deliverables will be submitted to Owner and Agency within 20 days of receiving all Draft Deliverables comments.

COMPENSATION

As compensation for services to be performed by Consultant, the Owner will pay Consultant as described in the following table. Lump sum amounts shall include all costs for direct labor, indirect labor, overhead, reimbursable expenses, equipment, travel, per diem, and fixed fees.

Task	Type	Amount
Task 1 – Project Management	LS	\$ 5,420
Task 2 – Existing Conditions	LS	\$ 16,575
Task 3 – Concept Report and Project Phasing	LS	\$ 29,060
Task 4 – Final Design (not a part of scope)	LS	Future
Task 5 – Bidding (not a part of scope)	LS	Future
Task 6 – Construction Administration (not a part of scope)	LS	Future
TOTAL COST		\$ 51,055

LS = Lump Sum

ADDITIONAL SERVICES

The following services are not included in this scope of work or compensation. They will be performed by others or can be provided by Consultant as an additional service or in future tasks 4-6.

1. Environmental field work and/or permitting support.
2. Right of way acquisition support, records of survey, and/or legal descriptions
3. Grant funding support.
4. Public outreach and community engagement (beyond single Council meeting presentation)
5. Geotechnical investigations and/or reports
6. Preparation of an ADA Transition Plan
7. Coordination and/or review of Development plans
8. Planning and engineering support for modifications and/or pedestrian facilities for the bridge structure over Interstate-84.
9. Topographical and boundary survey



**AGENDA REPORT
DISCUSSION ITEMS
June 3, 2021**

To: Mayor and City Council
FROM: Kari Ott, Finance Director
THROUGH: Adam J. Brown, City Manager
SUBJECT: RESOLUTION #2021-117: GASB 54
DATE: May 27, 2021

PROPOSED MOTION:

NO MOTION: REQUEST COUNCIL APPROVAL ON JUNE 15

SUMMARY:

Attached is the following document:

Resolution #2021-117, A Resolution Establishing Policies Related to Ending Fund Balances of 2020-2021.

BACKGROUND:

Government Accounting Standards Board (GASB) No. 54 was adopted by the city during the fiscal year ended June 30, 2011. The City Council is required to formally establish spending policies for ending fund balances annually by formal resolution

CURRENT SITUATION:

The city needs to commit the 2020-2021 ending fund balances in the Revolving Loan Fund, Capital Project Fund, Trust Fund, and Reserve Fund for use in the 2021-2022 fiscal year. All commitments of ending fund balance are required to be approved on or before the end of the fiscal year.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** No financial impact.
- C. **TIMING** The resolution is required to be approved on or before June 30, 2020.
- D. **POLICY/LEGAL** An ending fund balance resolution is required per GASB No. 54.

ALTERNATIVES:

A. Take No Action-The Council could take no action on this matter; this would cause a finding in the audit.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-117 on June 15, 2021.

ATTACHMENTS:

1. RES_CC_Resolution GASB 54_6 2021



RESOLUTION 2021-117

A RESOLUTION ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2020-2021

WHEREAS, The City of Ontario promotes accounting practices in compliance with the Governmental Accounting Standards Board (GASB); and

WHEREAS, The City Council desires to establish fund balance policies to comply with GASB Pronouncement No. 54; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following policies as it relates to ending fund balances for 2020-2021 pursuant to GASB 54:

Authority

The Ontario City Council reserves the authority to establish and modify commitments of ending fund balance.

Commitments

In compliance with GASB 54, the Ontario City Council hereby makes the following commitments of 2020-2021 ending fund balance for specific uses in 2020-2021:

Special Revenue Funds

1. The unrestricted ending fund balance of the Trust Fund is committed to use for activities related to the specific department priorities as established by those who provided the monies held in trust.
2. The ending fund balance of the Revolving Loan Fund is committed to use for activities related to the specific activities defined by Council Resolution governing the revolving loan fund program and the grant program established through the collection of interest payments on outstanding loans.
3. The unrestricted ending fund balance of the Reserve Fund is committed to use for specific projects and equipment replacement related to the specific department priorities as established by those who provided the monies.

Capital Project Funds

1. The unrestricted ending fund balance of the Capital Projects Fund is committed to use for capital project activities as defined by each individual department, including fees collected that are required to be spent on defined activities.

Assignments

Authority to classify portions of ending fund balance as Assigned is hereby granted to the Ontario City Council, or their designee.

Spending as it Relates to Ending Fund Balance Policy

The Ontario City Council considers the spending of the restricted classification of fund balance in the following order:

1. Restricted Uses
2. Committed Uses
3. Unrestricted Uses

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15TH day of June, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of June, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
DISCUSSION ITEMS
June 3, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2021-118: CLEAN UP END OF YEAR

DATE: May 27, 2021

PROPOSED MOTION:

NO MOTION NECESSARY - ASKING FOR COUNCIL APPROVAL ON JUNE 15, 2021.

SUMMARY:

Attached is Resolution #2020-118.

BACKGROUND:

At the time the 2020-2021 budget was approved, there were some items that were unknown. Since these items are now known, a budget resolution is necessary to prevent over expenditures in various departments.

CURRENT SITUATION:

The following items need to be adjusted within the budget to prevent over expenditures of budget appropriations:

- Dispatch contract came in higher than expected
- Police and Code Enforcement weren't fully staffed through the year so the expenses are less than budgeted
- Street Fund beginning balances and Gas Tax Revenues are lower than expected; an additional transfer from the General Fund is necessary
- Legal services higher than budgeted
- Springbrook costs a little higher than budgeted
- Building received higher revenues than budgeted; accordingly more will need paid to the state
- Unexpected pass-through funding received and paid out

- FAA grant ended up in 2020-2021
- Utility bank charges higher due to Heinz paying with credit card
- Sewer electricity higher due to paying for SRCI power and then billing for it
- Unexpected grant for Airport Master Plan received
- Skate Park restrooms grant and expenditures higher than anticipated

ANALYSIS:

- A. **STRATEGIC PLAN** No direct impact on strategic plan.
- B. **FINANCIAL** An additional \$1,237,178 will be appropriated and the remaining budget changes are transfers between items already appropriated.
- C. **TIMING** Per Oregon Budget Law, the proposed resolution must be approved on or before June 30, 2021.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would cause budget over expenditures.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2021-118 at the June 15, 2021 Council meeting.

ATTACHMENTS:

1. RES_CC_2021-118 Clean Up End of Year Budget_Jun 2021



RESOLUTION 2021-118

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS

- WHEREAS,** The 2020-2021 budget was adopted without the knowledge of the fiscal impact on a few different items; and
- WHEREAS,** Street fund revenue balances came in lower than expected, Building Fund revenues were higher than budgeted, and unexpected grants were received; and
- WHEREAS,** There were some unexpected expenses that came up such as higher dispatch contract, bank charges, liability insurance, legal costs and higher software costs; and
- WHEREAS,** The City became a pass-through agency for Eastern Oregon Border Board and CDBG grant administered by Euvalcree; and
- WHEREAS,** The city desires to modify the 2020-2021 budget to receive and expend the unexpected items.

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

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-615600	Legal services	\$	\$15,000	
001-014-611900	Data processing	\$	\$3,000	
001-016-615550	Contract Services	\$ -	\$7,264	
001-024-615550	Contract Services	\$ -	\$38,455	
001-021-511000	Wages		(\$20,000)	
001-024-511000	Wages	\$	(\$50,000)	
001-004-832100	Transfer to Street Fund	\$	\$122,034	\$ -
001-003-618000	Professional Development	\$ -	(\$7,000)	
001-004-871000	Contingency	\$ -	(\$108,753)	
GRANT FUND				
010-000-458112	EOBB – OCF Grant	\$ -	\$184,000	\$184,000
010-038-714197	EOBB Grant Funds Payout	\$ -	\$184,000	\$184,000
010-000-456101	FAA Airport Grant	\$ -	\$693,027	\$693,027
010-000-456101	FAA Airport Grant Expenditures	\$ -	\$693,027	\$693,027
010-000-458113	EOBB Housing Incentive	\$ -	\$100,000	\$100,000
010-038-714197	EOBB Housing Incentive Payout	\$ -	\$100,000	\$100,000
010-000-458114	CDBG – Euvalcree	\$ -	\$50,000	\$50,000
010-038-714198	CDBG – Euvalcree Grants Payout	\$ -	\$50,000	\$50,000
BUILDING FUND				
027-010-617000	State Assessment	\$18,000	\$12,000	\$30,000
027-010-871000	Operating Contingency	\$184,340	(\$12,000)	\$172,340
STREET FUND				
045-000-458100	Transfer In	\$3,218	\$122,034	\$125,252

045-000-455000	Available Cash on Hand	\$267,247	(\$122,034)	\$145,213
SEWER FUND				
110-165-610500	Bank Charges	\$10,000	\$20,000	\$30,000
110-165-612400	Electricity	\$10,000	\$8,000	\$18,000
110-165-613900	Insurance Prem & Surety	\$66,515	\$3,499	\$70,014
110-165-719323	Biosolids Removal	\$2,300,000	(\$31,499)	\$2,268,501
STORM SEWER FUND				
115-170-610500	Bank Charges	\$500	\$850	\$1,350
115-170-871000	Operating Contingency	\$268,595	(\$850)	\$267,745
AIRPORT FUND				
120-000-441450	Grant	\$150,000	\$200,000	\$350,000
120-006-712105	Airport Master Plan	\$ -	\$200,000	\$200,000
AQUATIC FUND				
125-000-456100	Grants & Donations	\$ -	\$10,151	\$10,151
125-008-714121	Skate Park Restroom	\$100,000	\$10,151	\$110,151

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of June, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of June, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
DISCUSSION ITEMS**
June 3, 2021

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2021-119: MASTER FEE SCHEDULE

DATE: May 27, 2021

PROPOSED MOTION:

FOR DISCUSSION ONLY, COUNCIL APPROVAL WILL BE REQUESTED JUNE 15.

SUMMARY:

Attached is the Master Fee Schedule for 2020-2021 prepared by staff that combines city fees into one schedule.

BACKGROUND:

A Master Fee Schedule is being presented for approval in accordance with the Ontario 2021-2022 comprehensive budget process..

CURRENT SITUATION:

Beginning in June 2018 the city implemented an annual process to review and approve a master fee list. Prior to the master fee schedule, fees were only reviewed as issues arose that required adjusting a certain fee. Annually, staff now reviews the list for their respective departments to ensure that fees are set at a practical and competitive level.

There were the following changes from the prior year:

Changes to schedule:

Airport Commercial Usage Agreement Annual Fee - \$1,000

(Already in place, just not added on this schedule)

Columbarium -Reduced fee for Perpetual Care & Maintenance: \$400 decreased to \$150 (in-city rate) and \$450 decreased to \$150 (out-of-city rate). This would create an incentive to buyers to purchase a niche as opposed to a land plot.

Water meter fees:

(Already in place, just formalizing & adding to schedule)

3/4" meter \$1,115

1" meter \$1,465

1 1/2" meter \$5,840

2" meter \$6,415

There are no recommended increases in fees for 2021-2022.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** As staff reviewed the fee schedule, adjustments were made where it was determined an increase is merited based on staff's knowledge of the time and materials needed to cover the cost and impact of the service associated with the fee.
- C. **TIMING** It is best practice to approve a Master Fee Schedule in conjunction with the end of the fiscal year and should be approved by June 30, 2021.

Fees can be adjusted at any point during the year. Staff recommends that it be done with the budget so revenue changes associated with cost centers can be considered.

- D. **POLICY/LEGAL** The passage of a fee is subject to ORS 294. 160(1) which provides:
"The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated."

ALTERNATIVES:

Take No Action - The Council can choose to not take action on the fee schedule.

Amend the Fee Schedule - The Council can amend the fee schedule and adopt it as amended.

RECOMMENDATION:

City staff recommends approval of Resolution #2021-119.

ATTACHMENTS:

- 1. Resolution #2021-119 Master Fee Schedule
- 2. Master Fee List



RESOLUTION #2021-119

A RESOLUTION ADOPTING A MASTER FEE SCHEDULE FOR THE 2021-2022 FISCAL YEAR

- WHEREAS,** The City of Ontario charges various fees for services that need to be reviewed periodically; and
- WHEREAS,** A master fee schedule is a best practice for local governments; and
- WHEREAS,** A master fee schedule can be reviewed annually at the budget time to make adjustments comprehensively; and
- WHEREAS,** The Ontario City Council desires to amend and adopt fees annually by resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council adopts the attached fee schedule as amended.

EFFECTIVE DATE: Effective July 1, 2021.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of June, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of June, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Fire Department					
City Burn Permits (each)	\$15.00	\$15.00	0%	\$500	
City Burn Barrels	\$30.00	\$30.00	0%	\$300	
Fire Report Requests	\$5.00	\$5.00	0%	\$50	
Airport					
Single Weekly	\$20.00	\$20.00	0%	\$300	2018
Twin Weekly	\$40.00	\$40.00	0%	\$800	2018
Turbo/Jet Weekly	\$60.00	\$60.00	0%	\$480	2018
Single Monthly	\$50.00	\$50.00	0%	\$150	2018
Twin Monthly	\$100.00	\$100.00	0%	\$300	2018
Turbo/Jet Monthly	\$150.00	\$150.00	0%	\$300	2018
Single Yearly	\$500.00	\$500.00	0%	\$1,500	2018
Twin Yearly	\$1,000.00	\$1,000.00	0%	\$1,000	2018
Turbo/Jet Yearly	\$1,500.00	\$1,500.00	0%	\$1,500	2018
Commercial Usage Agreement Annual Fee	\$1,000.00	\$1,000.00	0%	\$3,000	2018
Administration					
Records Requests: 8.5x11 Per page	\$0.25	\$0.25	0%	\$6	2009
Records Requests: 11x17 Per page	\$0.50	\$0.50	0%	\$1	2009
Records Requests: DVD	\$10.00	\$10.00	0%	\$0	2009
Records Requests: Cassette	\$5.00	\$5.00	0%	\$0	2009
Business Registrations: New	\$25.00	\$25.00	0%	\$500	2015
Business Registrations: Renewal	\$10.00	\$10.00	0%	\$2,000	2015
General Government					
Transient Merchant Application	\$100.00	\$100.00	0%	\$0	2005
Transient Merchant: Daily Fee	\$500.00	\$500.00	0%	\$0	2005
Transient Merchant: Monthly Fee	\$1,000.00	\$1,000.00	0%	\$0	2005
Transient Merchant: Six-Month Fee	\$2,000.00	\$2,000.00	0%	\$0	2005
Christmas Tree Lots: Application	\$20.00	\$20.00	0%	\$40	2005
Christmas Tree Lots: Daily Fee	\$20.00	\$20.00	0%	\$0	2005



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Christmas Tree Lots: Season Fee	\$200.00	\$200.00	0%	\$400	2005
Firework Stands: Application	\$20.00	\$20.00	0%	\$40	2005
Firework Stands: Daily Fee	\$20.00	\$20.00	0%	\$0	2005
Firework Stands: Season Fee	\$20.00	\$20.00	0%	\$400	2018
Entertainment: Application	\$10.00	\$10.00	0%	\$0	2003
Entertainment: Annual	\$1,000.00	\$1,000.00	0%	\$0	2003
Entertainment: Daily	\$100.00	\$100.00	0%	\$0	2003
Garage/Yard Sale: Permit	\$5.00	\$5.00	0%	\$2,400	2003
Flea Market: Application	\$10.00	\$10.00	0%	\$0	2003
Flea Market: Daily Fee	\$10.00	\$10.00	0%	\$0	2003
Flea Market: Monthly Fee	\$200.00	\$200.00	0%	\$0	2003
Flea Market: Six-Month Fee	\$500.00	\$500.00	0%	\$0	2003
Peddler/Canvassers/Solicitors: Application	\$20.00	\$20.00	0%	\$40	2003
Peddler/Canvassers/Solicitors: Daily Fee	\$10.00	\$10.00	0%	\$0	2003
Peddler/Canvassers/Solicitors: Weekly Fee	\$40.00	\$40.00	0%	\$0	2003
Peddler/Canvassers/Solicitors: Monthly Fee	\$100.00	\$100.00	0%	\$0	2003
Peddler/Canvassers/Solicitors: Annual Fee	\$200.00	\$200.00	0%	\$400	2003
Sidewalk Food Vendor: Application	\$20.00	\$20.00	0%	\$80	2003
Sidewalk Food Vender additional emp	\$5.00	\$5.00	0%	\$10	
Sidewalk Food Vendor: Monthly Fee	\$25.00	\$25.00	0%	\$100	2003
Sidewalk Food Vendor: Annual Fee	\$75.00	\$75.00	0%	\$0	2003
Special Events: Application	\$10.00	\$10.00	0%	\$400	2003
Special Events: Park Pavilion	\$10.00	\$10.00	0%	\$1,200	2003
Special Events: Large Portion of Park	\$50.00	\$50.00	0%	\$100	2003
Special Events: Clean-Up Deposit 10<	\$25.00	\$25.00	0%	\$0	2003



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Special Events: Clean-Up Deposit 10 - 25<	\$50.00	\$50.00	0%	\$0	2003
Special Events: Clean-Up Deposit 25 - 50<	\$75.00	\$75.00	0%	\$0	2003
Special Events: Clean-Up Deposit 50 - 100<	\$100.00	\$100.00	0%	\$0	2003
Special Events: Clean-Up Deposit 100 - 250<	\$250.00	\$250.00	0%	\$0	2003
Special Events: Clean-Up Deposit 250>	\$500.00	\$500.00	0%	\$0	2003
Special Events: Damage from Equipment (Dep)	\$500.00	\$500.00	0%	\$0	2003
Special Events: Damage from Vehicles (Dep)	\$500.00	\$500.00	0%	\$0	2003
Special Events: Staff Pre/Post Inspection	\$66.00	\$66.00	0%	\$66	2003
Special Events: Staff Street Closure	\$100.00	\$100.00	0%	\$100	2003
Taxi Cab Application	\$20.00	\$20.00	0%	\$20	
Taxi Cab Per Vehicle	\$60.00	\$60.00	0%	\$60	
Dealer of Regulated Property Annual Fee	\$25.00	\$25.00	0%	\$25	
Social Gaming License Annual Fee	\$100.00	\$100.00	0%	\$100	2016
Social Gaming License Monthly Fee	\$50.00	\$50.00	0%	\$0	2016
Social Gaming License Weekly Fee	\$25.00	\$25.00	0%	\$0	2016
Social Gaming License Daily Fee	\$10.00	\$10.00	0%	\$0	2016
LIEN Search Fee	\$25.00	\$25.00	0%	\$6,000	2018
NSF	\$25.00	\$25.00	0%	\$800	
Community Development					
Appeals on any action	\$180.00	\$180.00	0%	\$0	2018
Change of Zoning Map	\$330.00	\$330.00	0%	\$660	2018
Comprehensive Plan Change	\$510.00	\$510.00	0%	\$510	2018
Conditional Use Permit	\$180.00	\$180.00	0%	\$360	2018
Grading and excavation permit	\$40.00	\$40.00	0%	\$0	2018
Non-Conforming Use exception	\$120.00	\$120.00	0%	\$120	2018



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Partition	\$390.00	\$390.00	0%	\$780	2018
Property Line adjustment	\$150.00	\$150.00	0%	\$600	2018
Site Development	\$50.00	\$50.00	0%	\$0	2018
Subdivision, Tentative Plat 30 lots<	\$530.00	\$530.00	0%	\$530	2018
Subdivision/Partition Final Plat-ROW	\$175.00	\$175.00	0%	\$350	2018
Subdivision for each lot over 30	\$10.00	\$10.00	0%	\$0	1988
Temporary Use Permit	\$120.00	\$120.00	0%	\$240	2018
Annexation/Zone change	\$390.00	\$390.00	0%	\$780	2018
Hearing body variance	\$145.00	\$145.00	0%	\$145	2018
Variance, administrative	\$45.00	\$45.00	0%	\$45	2018
Admin action notice/mailing	\$80.00	\$80.00	0%	\$1,280	2018
Planning Commision action notice/mail	\$220.00	\$220.00	0%	\$880	2018
Police					
Copy of Paper Report	\$10.00	\$10.00	0%	\$4,000	2014
Copy of Audio Report (CD/DVD)	\$10.00	\$10.00	0%	\$200	2014
Copy of Video/Photos on CD/DVD	\$10.00	\$10.00	0%	\$100	2014
Dog License Annually(spayed/neutered)	\$12.00	\$12.00	0%	\$840	
Dog License Annually (not spayed/neutered)	\$18.00	\$18.00	0%	\$700	
Replacement Dog Tag	\$5.00	\$5.00	0%	\$20	
Dog Release Form	\$35.00	\$35.00	0%	\$1,700	
Noise Variance Application	\$15.00	\$15.00	0%	\$150	2020
Fingerprint Card	\$15.00	\$15.00	0%	\$1,300	
Impounded Vehicle Release	\$100.00	\$100.00	0%	\$2,000	
Code Enforcement					
Derelict Structure Fees first 6 Months/month	\$250.00	\$250.00	0%	\$8,000	2018
Derelict Structure Fee Months 7 12/month	\$500.00	\$500.00	0%	\$4,000	2018
Derelict Structure Fee Months 13-18/month	\$750.00	\$750.00	0%	\$3,000	2018



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Derelict Structure fee Thereafter	\$1,000.00	\$1,000.00	0%	\$1,000	2018
Derelict Structure Appeal Fee	\$250.00	\$250.00	0%	\$1,000	2018
Abatement Administrative Fee	\$150.00	\$150.00	0%	\$1,000	2018
Public Works					
Water Deposit	\$170.00	\$170.00	0%	\$60,180	2018
Shut off fee	\$40.00	\$40.00	0%	\$12,000	2018
Turn on fee	\$40.00	\$40.00	0%	\$12,000	2018
After Hour Fee	\$50.00	\$50.00	0%	\$100	
Meter tampering	\$50.00	\$50.00	0%	\$200	2020
Per Gallon Septage Receiving Fee	\$0.10	\$0.10	0%	\$0	2018
Hydrant Stand One Time User Fee	\$35.00	\$35.00	0%	\$490	2018
Hydrant Stand Monthly Meter Fee	\$35.00	\$35.00	0%	\$175	
Frozen Meter Fee	\$50.00	\$50.00	0%	\$150	
Water Meter Charge 3/4"		\$1,115.00	0%		
Water Meter Charge 1"		\$1,465.00	0%		
Water Meter Charge 1 1/2"		\$5,840.00	0%		
Water Meter Charge 2"		\$6,415.00	0%		
Cemetery/City Adult Space	\$350.00	\$350.00	0%		2009
Cemetery/City Adult Space Perp. Care & Maintance	\$400.00	\$400.00	0%		2009
Cemetery/City Adult Space Open & Close	\$300.00	\$300.00	0%		2009
Cemetery/Non-City Adult Space	\$500.00	\$500.00	0%		2009
Cemetery/Non-City Adult Space Perp Care & Maintance	\$450.00	\$450.00	0%		2009
Cemetery/Non-City Adult Open & Close	\$350.00	\$350.00	0%		2009
Cemetery/City Infant Space	\$175.00	\$175.00	0%		2009
Cemetery/City Infant Perp. Care & Maintance	\$400.00	\$400.00	0%		2009
Cemetery/City Infant Open & Close	\$225.00	\$225.00	0%		2009



City of Ontario Master Fee List

Explanation of Fee (What is it for?)	2020 Fee	2021 Recommended Fee	% increase Recommended	Annual Amounted Revenues Expected 2021	Year Last Updated
Cemetery/Non-City Infant Space	\$225.00	\$225.00	0%		2009
Cemetery/Non-City Infant Perp. Care & Maintance	\$450.00	\$450.00	0%		2009
Cemetery/Non-City Infant Open & Close	\$250.00	\$250.00	0%		2009
Cemetery Adult Disinterment	\$1,000.00	\$1,000.00	0%		2009
Cemetery Infant Disinterment	\$600.00	\$600.00	0%		2009
Cemetery Cremains Disinterment	\$400.00	\$400.00	0%		2009
Cemetery Saturday Fee	\$350.00	\$350.00	0%		2009
Cemetery After 3:00 p.m. Weekday Fee	\$350.00	\$350.00	0%		2009
Cemetery Deed Transfer Fee	\$50.00	\$50.00	0%		2009
Columbarium Open & Close	\$125.00	\$125.00	0%		2020
Columbarium-Single	\$350.00	\$350.00	0%		2020
Columbarium - Perpetual Maintenance	\$400.00	\$150.00	-63%		2020



**AGENDA REPORT
DISCUSSION ITEMS
June 3, 2021**

To: Mayor and City Council

FROM: Paul Woods, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2791-2021: AMEND OMC 2-8-5 RE PUBLIC WORKS COMMITTEE**

DATE: May 28, 2021

PROPOSED MOTION:

INFORMATION ONLY. ACTION PROPOSED FOR JUNE 15, 2021 COUNCIL MEETING.

SUMMARY:

The Council requested changes to Public Works Committee duties as currently outlined by ordinance to include review of public works capital improvement projects.

BACKGROUND:

City Council requested that staff modify the Public Works Committee duties to include review and recommendation of Capital Improvement Projects related to street, storm sewer, water or other public works projects as part of the budget development process.

CURRENT SITUATION:

Currently the Public Works duties do not require review of Public Works Capital Improvement Projects as part of the annual budget process, although that has been the practice. Staff has listened to the public works committee and city council in trying to refine that process for presenting it to the committee and getting effective feedback.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** There are no financial impacts resulting from the proposed changes.
- C. **TIMING** Timing is at the discretion of the Council.
- D. **POLICY/LEGAL** The City Council is required to approve ordinances. Amending or establishing new ordinances requires two readings before approval.

ALTERNATIVES:

Take No Action - Without a change in the ordinance staff could feasibly stop presenting the public works capital projects to the Public Works Committee.

RECOMMENDATION:

The item is information only and will be up for consideration on June 15.

ATTACHMENTS:

1. Ord #2791-2021 OMC 2-8-5 PW Committee

After recording return to:
City Recorder
City of Ontario
444 SW 4th Street
Ontario, OR 97914



ORDINANCE #2791-2021

AN ORDINANCE AMENDING PROVISIONS OF ONTARIO MUNICIPAL CODE TITLE 2, CHAPTER 8, SECTION 5, TITLED "PUBLIC WORKS COMMITTEE"

- WHEREAS,** The Public Works Committee is charged with providing review and recommendations concerning Public Works matters to the Council; and
- WHEREAS,** Public Works Capital Improvement Projects are often complex in nature; and
- WHEREAS,** The Council benefits from the independent review of the Public Works Committee concerning proposed Capital Improvement Projects; and
- WHEREAS,** The Council deems it appropriate for the Public Works Committee to review and make recommendations on the proposed Capital Improvement Projects each year as part of the budget development process put forth for Budget Committee consideration.

NOW, THEREFORE, this Common Council for the City of Ontario ordains as follows:

Ontario Municipal Code 2-8-5 shall be amended to read:

- (b) The Public Works Director shall bring any and all proposed changes to the Ontario Municipal Code that affects the Public Works Department to the Public Works Committee for their review and recommendation prior to being presented to the City Council. This shall include, but not be limited to, any standard drawings and specifications, utility charges, fees or SDC changes or additions, Master Plans or Studies, and Major Capital Improvement Projects. ~~This requirement shall not mean that the Public Works Department will bring the Public Works Department Budget to the Public Works Committee, as the Public Works Department budget is the responsibility of the Budget Committee.~~
- (c) Each year as part of the Public Works budget development process, the Public Works Director shall bring the proposed capital improvement budgets for Public Works projects to the Public Works Committee for review and recommendation to the Budget Committee. Such review and recommendation shall be limited to budgets for public works capital improvement projects only.

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

AYES:
NAYS:
EXCUSED:

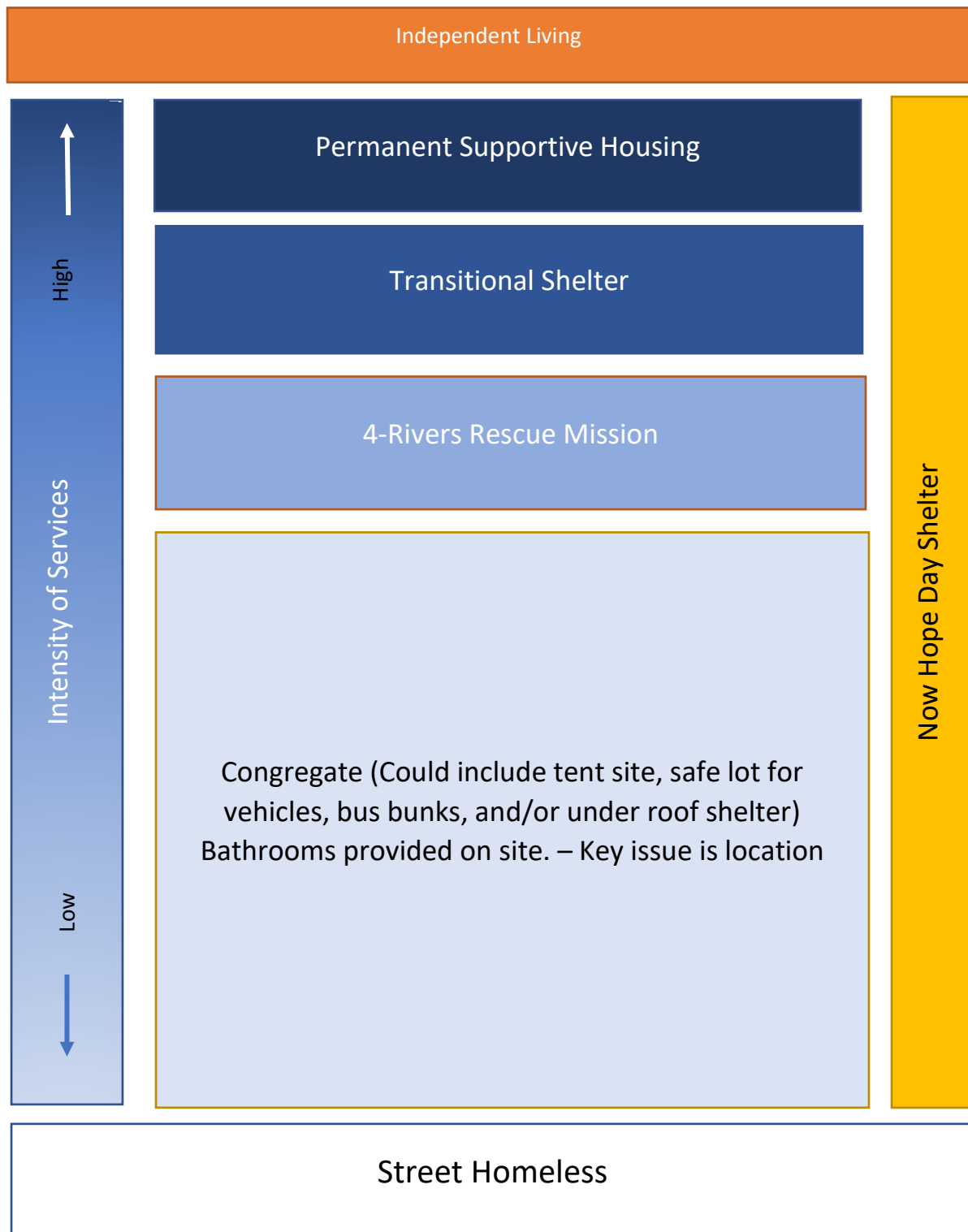
APPROVED by the Mayor this ____ day of June 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Homeless Services Plan



MAY 30 2001

INTERGOVERNMENTAL AGREEMENT

BY AND BETWEEN MALHEUR COUNTY AND CITY OF ONTARIO
MUNICIPAL COURT SERVICES

DEBORAH R. DE LONG County Clerk
By *Deborah R. De Long*
Deputy

This Agreement is made and entered into by and between the County of Malheur, a political subdivision of the State of Oregon, hereinafter referred to as COUNTY, and the City of Ontario, a municipal corporation, organized and existing under and by virtue of the laws of the State of Oregon, hereinafter referred to as the CITY. Collectively, CITY and COUNTY are the "Parties".

RECITALS:

1. This agreement is entered into under the authority of ORS Chapter 190 and ORS 221.315.
2. The CITY and COUNTY desire to cooperate and provide efficient municipal court services at the lowest cost to taxpayers in both entities.

AGREEMENT:

NOW, THEREFORE, AND PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq., THE CITY AND COUNTY (PARTIES) AGREE AS FOLLOWS:

1. **PURPOSE:** The purpose of this Agreement is to enable the COUNTY to provided municipal court services to the CITY through the Malheur County Justice Court, hereinafter referred to as JUSTICE COURT.
2. **DEFINITION OF COURT SERVICES:** The COUNTY will provide all municipal court functions as set forth in the Oregon Revised Statutes and the City Code for the City of Ontario, including but not limited to disposition of all violations of Ontario City Code. It is expressly understood by the Parties that pursuant to the current charging practices of the Malheur County District Attorney's Office, all violations of law classified as "A", "B", and "C" Misdemeanors involving non-traffic matters and all "A" Misdemeanor Traffic Crimes are filed in District Court and nothing in this agreement shall be construed to alter this practice or limit the sole discretion of the District Attorney in charging criminal matters in any way.

3. JUSTICE OF PEACE

- 3.1 The elected Justice of Peace for the Malheur County Justice Court District will act as Municipal Judge for the City of Ontario, with all the rights and duties and responsibilities as set forth herein and pursuant to ORS 221.145.

4. CITY'S RESPONSIBILITIES

- 4.1. CITY will reimburse COUNTY for all costs incurred by COUNTY in performing municipal court services for CITY. These costs include, but are not limited to, attorney fees (both prosecution and defense), witness fees and jury fees. It is contemplated by the Parties that little or no costs of indigent defense or jury trials will result under the District Attorney's present charging policies. The Parties agree that law enforcement officers of the Ontario Police Department will be instructed to file all criminal misdemeanors and "A" traffic crimes in the District Court, and file all municipal code infractions and "B" and "C" traffic crime violations in the JUSTICE COURT.

Any costs so billed to the CITY shall, to the extent permitted by law, be added to the amount owing by the defendant in whose prosecution those costs are incurred, in addition to any fines imposed as part of a defendant's sentence.

- 4.2 CITY will provide a current copy of its City Code to the JUSTICE COURT.

5. COUNTY'S RESPONSIBILITIES:

- 5.1 COUNTY will pay the salary and benefits of the Justice of the Peace and staff in the JUSTICE COURT. In addition, the COUNTY will provide office space, office supplies and all other materials necessary for operation of the JUSTICE COURT, except as specifically set forth in this Agreement.
- 5.2 All duties of the JUSTICE COURT shall be performed at the Office of the JUSTICE COURT located in Ontario. COUNTY will maintain complete records in all JUSTICE COURT cases, and make these records available to the representatives of the CITY upon reasonable request.

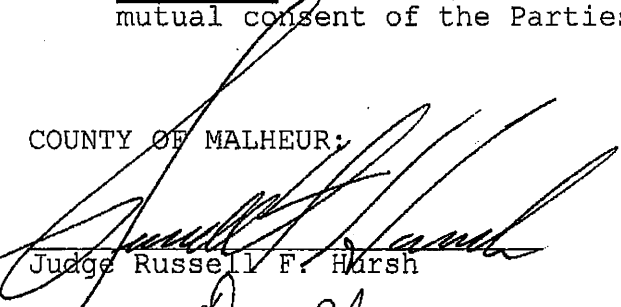
- 5.3 The Justice of the Peace will provide judicial services to the CITY and exercise all jurisdiction, authority, powers, functions, rights and duties of a Judge of the Municipal Court of the CITY with respect to violations of the CITY CODE or CITY CHARTER.
- 5.4 The JUSTICE COURT shall be open to the public at least five days per week, 7 hours a day, excluding holidays observed by the COUNTY and weekends.
- 5.5 COUNTY will pay to CITY on a monthly basis one-half of the net revenues collected from fines and forfeitures collected in CITY municipal matters. Net revenue will not include payments for statutory fees or assessments, such as DPSST, Crime Victims Assistance, DUII diversion fees and other monies from which the CITY does not receive a share.
- 5.6 COUNTY will bill CITY for all costs incurred by COUNTY in performing duties for CITY to include attorney fees (both prosecution and defense), witness fees, and jury fees on a semi-annual basis on January 10th and July 10th of each year this agreement remains in effect. The bill will itemize all costs incurred by COUNTY pursuant to this agreement.
- 5.7 COUNTY will provide a Deputy District Attorney to appear in JUSTICE COURT prosecutions at the discretion of the District Attorneys' Office. Cost of prosecution appearance will be itemized at the rate of \$20.00 per hour. It is understood by the Parties that appearance will be reserved for serious matters, primarily contested proceedings where the opposing party is represented by counsel. Notwithstanding anything herein to the contrary, City may chose, at its own expense, to have the City Attorney prosecute a proceeding in Justice Court in which case County shall not be responsible for providing prosecution.
6. **DURATION:** This agreement shall commence January 1, 2001 and shall renew automatically each year, until terminated by either party as set forth below.
7. **TERMINATION:**
- 7.1. **Mutual Termination.** This agreement may be terminated by mutual consent of the Parties.

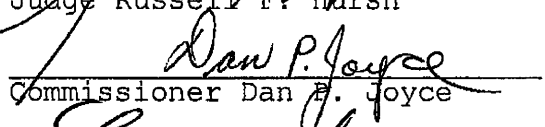
- 7.2 Termination by either party. Either party upon 60 days written notice to the other party may terminate this agreement, without cause.
- 7.3 Termination for default. Either party may, upon material default by the other party within 15 days written notice to the defaulting party, terminate the agreement unless the claimed default is corrected to the satisfaction of the party claiming the default.
- 7.4 COUNTY to terminate. COUNTY may terminate this Contract, in whole or in part, effective upon delivery of written notice to CITY or at such later date as may be established by COUNTY, under the following circumstances;

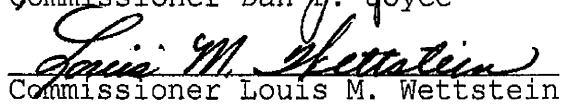
(A) if COUNTY funding from CITY, State, Federal or other sources is not obtained and continued at levels sufficient to allow for the municipal court services.

8. AMENDMENT: This agreement may be amended in writing by mutual consent of the Parties at any time.

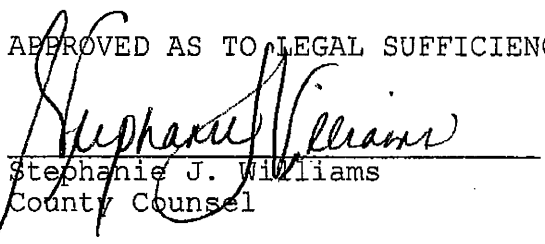
COUNTY OF MALHEUR:


Judge Russell F. Harsh

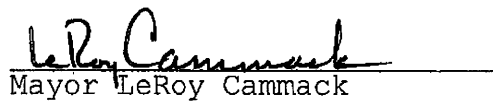

Commissioner Dan P. Joyce


Commissioner Louis M. Wettstein

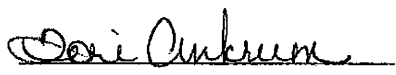
APPROVED AS TO LEGAL SUFFICIENCY:

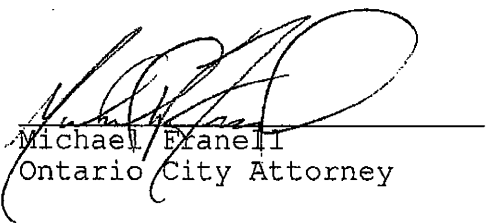

Stephanie J. Williams
County Counsel

CITY OF ONTARIO:


Mayor LeRoy Cammack

ATTEST FOR CITY:




Michael Franeli
Ontario City Attorney

Oregon Municipal Handbook

CHAPTER 6: MUNICIPAL COURTS



Chapter 6:

Municipal Courts

This chapter addresses the role that municipal courts play in cities across Oregon. Part I covers the authority that cities have to create municipal courts through their local charter or by ordinance. Part II provides an overview of the jurisdiction that municipal courts possess to hear violations and misdemeanors under state and local law. Part III then turns to the process of hearing these types of cases, with a particular focus on when and where criminal procedure, aspects of which are guaranteed by the Oregon and U.S. Constitutions, might be required in municipal court. Finally, Part IV covers the intricacies of appealing a municipal court decision and, ultimately, how to enforce municipal court judgments against defendants.

Table of Contents

I. Creating Municipal Courts.....	4
II. Jurisdiction.....	5
III. Court Process	7
A. Transfers to Circuit Court	8
i. Establishing a Municipal Court of Record.....	8
i. Right to Transfer in Certain Cases	9
B. Criminal Proceedings.....	11
C. Civil Violation Proceedings.....	12
i. ‘Criminal’ Civil Violations.....	13
IV. Appeals and Judgments	19
A. Appeals	19
B. Enforcing Judgments	21

I. CREATING MUNICIPAL COURTS

As with city charters, the authority for cities to create municipal courts exists under the Oregon Constitution.¹ Article VII, Section 1, which states, “Municipal Courts may be created to administer the regulations of incorporated towns, and cities.”² Unlike city charters, however, municipal courts are authorized under the original Oregon Constitution, ratified in 1857, not the 1906 home rule amendments.³ Prior to 1906, municipal courts were conferred jurisdiction by special laws of the Oregon Legislature.⁴

Under state law, a municipal court may be created either “by charter *or* by ordinance.”⁵ For many cities, municipal courts are established by charter.⁶ Municipal courts must comply with a number of state and federal requirements that govern the judicial process, but are also subject to local laws.⁷ Cities that establish a municipal court must decide whether its judges will be elected or appointed and also how long its judges will serve in office.⁸ Some cities go further and prohibit judges from practicing law while serving on the bench, for example.⁹ Others develop their own sets of local court procedures, provided these procedures comply with all state and federal requirements.¹⁰

As an alternative to creating a municipal court, any city may enter into an agreement with a justice court, such as one operated by a county, or another municipal court to provide the city with court services.¹¹ Cities may also contract with the local county circuit court for these services through the state court administrator.¹² Contracting with these other courts for them to serve as a city’s municipal court does not constitute the holding of two public offices for the judge or judges who work in this capacity.¹³

¹ Or Const, Art VII, § 1.

² *Id.*

³ *Id.*

⁴ *See* Grayson v. State, 249 Or 92, 101 (1968).

⁵ ORS 221.336 (emphasis added).

⁶ *See, e.g.*, EUGENE, OR., CHARTER Ch. 5, § 17 (2019); *see also* LEAGUE OF OREGON CITIES, MODEL CHARTER FOR OREGON CITIES 7-9 (2018), <https://www.orcities.org/application/files/3015/7228/7626/ModelCharterUpdate03-15-19.pdf> (last accessed Sept. 2, 2020).

⁷ *See, e.g.*, SALEM, OR., CODE § 4.001 (2020);

⁸ *Id.* at § 4.020.

⁹ *Id.*

¹⁰ *See, e.g.*, EUGENE, OR., CODE § 2.785 (2020);

¹¹ ORS 221.355; *see also* ORS 51.037.

¹² ORS 221.357.

¹³ *Id.*

For cities with a population of more than 300,000 — Portland being the only such city — the circuit court must serve as the city’s municipal court.¹⁴ Significantly, Portland is not prohibited from holding quasi-judicial hearings to investigate violations of Portland laws, nor is it prohibited from enforcing local laws through civil penalties or other relief.¹⁵ However, the city cannot exercise this quasi-judicial authority for “any traffic or parking offense.”¹⁶ These latter offenses are reserved for the Multnomah County Circuit Court.¹⁷

State law does not specify a process for cities to **abolish** their municipal courts.¹⁸ Unfortunately, unless their local charter or ordinances say otherwise, cities are left without much guidance when terminating the operation of their municipal court. That said, state law does provide a process for abolishing justice courts, if a county seeks to do so.¹⁹ The main requirement for counties when abolishing a justice court is to send “the docket and files of that court” to the clerk of the county circuit court.²⁰ While it does not appear to be statutorily required,²¹ the LOC strongly encourages cities to do the same with their court records if any choose to abolish their municipal court. Failing to do so could present due process concerns over pending or past litigation.

II. JURISDICTION

Under the Oregon Constitution, municipal courts possess jurisdiction over local “regulations.”²² At a minimum, this means that municipal courts have jurisdiction to hear cases involving its city’s ordinances.²³

In addition, state law vests municipal courts with jurisdiction over “all violations” and most misdemeanors that are “committed or triable in the city.”²⁴ This means municipal courts also have jurisdiction to hear cases involving violations or misdemeanors *under state law*.²⁵ One

¹⁴ ORS 3.136.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *See generally* ORS 221.336 to ORS 221.358.

¹⁹ ORS 51.130.

²⁰ *Id.*

²¹ In the context of hearing state offenses, state courts have held that municipal courts act as justice courts. *See, e.g., City of Salem v. Bruner*, 299 Or 262, 265 (1985). Arguably, this provides a legal framework to find that municipal courts are also “justice courts” in the context of a city’s decision to abolish its municipal court, particularly where that municipal court has tried defendants for state offenses.

²² Or Const, Art VII, § 1.

²³ *See* ORS 221.339.

²⁴ *Id.*

²⁵ *Id.* Arguably, there is a limit on the civil jurisdiction of municipal courts. On multiple occasions, Oregon courts have found that municipal courts operate as “justice courts” under ORS Chapter 51 when adjudicating state offenses.

exception to this is “designated drug-related misdemeanors” under ORS 423.478, which are expressly excluded from the jurisdiction of municipal courts.²⁶ Municipal courts also are clearly limited to hearing misdemeanor cases; in that sense, municipal courts cannot hear any cases that involve felony charges, nor may cities adopt their own felony criminal ordinances.²⁷ Felonies are any crimes punishable by more than a year in prison, and the punishment of these crimes is exclusive to state law and state courts.²⁸

Municipal courts have what is known as **concurrent jurisdiction** over violations and (most) misdemeanors that happen within their city limits.²⁹ The circuit court for the county in which the city is located, as well as any justice courts established by the county, have jurisdiction over the same set of violations and misdemeanors.³⁰

Cities may decide to limit the jurisdiction of their municipal courts to certain subjects, thereby leaving jurisdiction over those matters to the circuit court or a justice court in their county.³¹ There are exceptions, however.³² If a city establishes a municipal court, that court must retain jurisdiction over two types of laws. First, a city cannot ever restrict the court’s jurisdiction over any “misdemeanors created by the city’s own charter or by ordinances.”³³ Second, a city cannot restrict its court’s jurisdiction over state “traffic crimes as defined in ORS 801.545,” meaning that all municipal courts that are established must hear traffic crimes if they are filed in the court.³⁴

Jurisdiction of Municipal Courts

Municipal courts may hear any of the following types of cases under state or local law, if authorized by the city’s charter or by ordinance:

- 1) All violations committed or triable in the city; and
- 2) Misdemeanors committed or triable in the city, except for designated drug-related misdemeanors.

Municipal courts must hear the following types of cases:

- 1) Misdemeanors created by the city’s own charter or by ordinance; and
- 2) Traffic crimes, as defined under ORS 801.545.

See, e.g., City of Brookings v. Harmon, 86 Or App 534, 535 (1987). Under Chapter 51, the civil jurisdiction of justice courts is limited to “the recovery of any penalty or forfeiture ... not exceeding \$10,000. ORS 51.080(1)(c).

²⁶ ORS 221.339(3).

²⁷ *Id.*

²⁸ *Id.*

²⁹ ORS 221.339(1)-(2).

³⁰ *Id.*

³¹ ORS 221.339(4).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

Local violations and misdemeanors generally are enforced in municipal court, though a city may choose to enter into an agreement with the district attorney to prosecute these offenses in circuit court.³⁵ State violations and misdemeanors that occur within a city can appear either in circuit court or in municipal court. These offenses can be prosecuted either by the district attorney or a city attorney.³⁶ Absent a written agreement with a city, the district attorney does not have superior authority over city attorneys to prosecute state violations or misdemeanors that occur within the city.³⁷ By law, city attorneys have equal authority to prosecute; as such, whether state violations and most state misdemeanors are decided in municipal court or circuit court often comes down to where the citing officer files the matter.³⁸

Finally, state law does not prohibit cities from creating private rights of action that allow individuals to sue other individuals in municipal court.³⁹ On one occasion, the Oregon Court of Appeals upheld a Portland law that created a private right of action for an individual to sue a local business under an anti-discrimination ordinance.⁴⁰ In general, most cities have not taken the steps to create private rights of action under state law; therefore, almost all cases that are heard in municipal courts are filed by local prosecutors enforcing state or local offenses.

III. COURT PROCESS

Assuming a municipal court has jurisdiction to hear a case, the next step for the court is determining what procedures to follow in adjudicating the case. In many cases, the first potential issue is a motion to transfer the case to circuit court. This is an option for defendants in certain circumstances.⁴¹ If there is no transfer, then municipal courts proceed under the rules for civil or criminal cases under ORS chapter 153 and the Oregon Criminal Code, respectively.⁴² Cities may modify these processes under local law, provided these laws do not conflict with state law.⁴³ Finally, the classification of certain offenses as “violations” does not always absolve municipal courts of the need for criminal procedure when trying the offense.⁴⁴ On appeal, courts may look at several factors to determine whether a so-called violation should have been treated as a crime

³⁵ ORS 221.315.

³⁶ ORS 221.339(5); *see also* Clatsop County Dist. Attorney v. City of Astoria, 266 Or App 769, 782-83 (2014).

³⁷ *Id.*

³⁸ *Id.* at 784.

³⁹ *See* Sims v Besaw’s Cafe, 16 O App 180, 185 (2000).

⁴⁰ *Id.* at 183.

⁴¹ *See, e.g.,* City of Brookings v. Harmon, 86 Or App 534, 535 (1987).

⁴² *See* ORS 153.030 *et. seq.*; *see also* ORS Chapters 131-138, 142, 146, 147, and 151.

⁴³ *See, e.g.,* SALEM, OR., CODE § 4.001 (2020).

⁴⁴ *See* Brown v. Multnomah Cty. Dist. Ct., 280 Or 95, 102-108 (1977).

in municipal court, including the nature and enforcement of the offense, the size of the fine, and whether any other punitive measures were taken against the defendant.⁴⁵

A. Transfers to Circuit Court

Under state law, some cases in municipal court may be transferred to state court, meaning that the case will be heard by the circuit court for the county in which the city is located rather than by the city's municipal court.⁴⁶ A case in municipal court may be transferred to state court if: **(1)** the defendant is charged with certain offenses under state law and **(2)** the municipal court is not a **court of record**.⁴⁷ If a case can be transferred, the municipal court must notify the defendant of this right to transfer at their arraignment.⁴⁸

i. Establishing a Municipal Court of Record

A court of record is a standard set by state law for municipal courts and justice courts.⁴⁹ To become a court of record, municipal courts must meet certain requirements.⁵⁰ First, the municipal judge or judges must be members of the Oregon State Bar.⁵¹ This is not required for municipal courts that are not courts of record, though many municipal judges meet this requirement anyway.⁵² Second, the city must provide a court reporter or some audio recording device for its municipal court.⁵³ Third, the city's governing body must adopt an ordinance that approves making the municipal court a court of record.⁵⁴ Fourth, the city must then file a declaration with the Oregon Supreme Court stating that it meets these requirements.⁵⁵ The declaration must also provide the address and the telephone number for the clerk of the municipal court and the date on which the municipal court will "commence operations" as a court of record.⁵⁶ The Oregon Supreme Court cannot charge a fee for this declaration.⁵⁷ Fifth and finally, upon reviewing this declaration, the Oregon Supreme Court must enter an order that acknowledges the city's municipal court as a court of record.⁵⁸

⁴⁵ *Id.*

⁴⁶ *Harmon*, 86 Or App at 535; *see also* ORS 51.050(2).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ ORS 221.342; ORS 51.025.

⁵⁰ ORS 221.342.

⁵¹ ORS 221.342(6).

⁵² *See, e.g.*, SALEM, OR., CODE § 4.015(b) (2020); *see also* FLORENCE, OR., CODE § 1-5-2-3 (2020).

⁵³ ORS 221.342(4).

⁵⁴ ORS 221.342(1)(a).

⁵⁵ ORS 221.342(2).

⁵⁶ *Id.*

⁵⁷ ORS 221.342(3).

⁵⁸ ORS 221.342(1)(b).

For the most part, municipal courts in Oregon are not acknowledged courts of record.⁵⁹ At present, only six cities have taken the steps needed to establish municipal courts of record, those cities being West Linn, St. Helens, Lake Oswego, Beaverton, Florence and Milwaukie.⁶⁰ For these cities and any other cities that choose to declare their municipal court a court of record, there is a process for reversing that declaration in the future.⁶¹ To cease operating a court of record, the city must file a declaration with the Oregon Supreme Court and specify the date this change will take effect.⁶²

i. Right to Transfer in Certain Cases

The significance of establishing or not establishing a court of record is that it can affect the right of individuals, under state law, to transfer a case out of municipal court.⁶³ Note that whether a municipal court is a court of record also affects the way in which an individual may appeal the court's decision.⁶⁴ This issue is addressed in the section below on municipal court appeals.

Defendants in municipal court who are charged with a **state misdemeanor** have a statutory right to transfer their case into the circuit court for the county in which the municipal court is located.⁶⁵ State violations, such as traffic offenses, generally do not grant defendants a right to transfer.⁶⁶ Also, as noted above, this right created by ORS

Establishing a Local Court of Record

- 1) The municipal judge or judges must be members of the Oregon State Bar;
- 2) The municipal court must have a court reporter or some form of audio recording device;
- 3) The city must adopt an ordinance approving the court of record;
- 4) The city must file a declaration with the Oregon Supreme Court that provides a start date for the court of record; and
- 5) The Oregon Supreme Court must acknowledge this declaration in an order.

⁵⁹ *Oregon Justice/Municipal Court Registry*, Oregon Judicial Department, https://www.courts.oregon.gov/courts/Documents/rpt_JP-Muni_Court_Registry_by_County.pdf (last accessed Nov. 13, 2020).

⁶⁰ *Other Courts*, Oregon Judicial Department, <https://www.courts.oregon.gov/courts/pages/other-courts.aspx> (last accessed Nov. 13, 2020).

⁶¹ ORS 221.343.

⁶² *Id.*

⁶³ ORS 51.050(2).

⁶⁴ ORS 221.342(5).

⁶⁵ ORS 51.050(2).

⁶⁶ *Id.* (noting that the statute only applies to “a defendant charged with a misdemeanor”). However, note that defendants have a right to transfer a civil case to circuit court under ORS 52.320 if they present counterclaims that exceed \$10,000 in damages, thereby exceeding the jurisdiction of “justice courts” under ORS Chapter 51. *See* ORS 52.320; *see also* ORS 51.080(1)(c). This could be relevant for municipal courts because Oregon courts have found that municipal courts operate as “justice courts” under ORS Chapter 51 when adjudicating state criminal offenses. *See, e.g., City of Brookings v. Harmon*, 86 Or App 534, 535 (1987). Arguably then, a municipal court adjudicating a

51.050(2) extends only to instances where the municipal court is not a court of record.⁶⁷ If a municipal court is a court of record, state law does not provide a right to a transfer and the case is heard in municipal court.⁶⁸ It also is unlikely that a city could create a right to transfer under local law, either for defendants of state violations or whose cases are being heard in a court of record, because by doing so the city would be expanding the jurisdiction of Oregon’s circuit courts.⁶⁹ Cities do not have the authority to compel a state court to hear cases arising in municipal court; this power lies with the legislature.⁷⁰

Under state law, if a defendant has a right to transfer their case to circuit court, then the municipal court is statutorily required to notify the defendant of this right at the arraignment, with the notice coming “immediately after” a plea of not guilty.⁷¹ For example, a defendant who is charged with the offense of driving under the influence (DUI), a class A misdemeanor under state law, has a right to transfer their case out of a municipal court that is not a court of record.⁷² If a city prosecutes this case in municipal court and the defendant enters a plea of not guilty, the municipal court must notify the defendant of their right to transfer the case to circuit court.⁷³

By contrast, defendants who are charged in municipal court with a local misdemeanor cannot transfer their case to circuit court under state law.⁷⁴ The statute in question, ORS 51.050, only creates this right for individuals charged with state misdemeanors because that is the only capacity in which a municipal court acts as a “justice court.”⁷⁵ Just as a city cannot create a right to transfer for municipal court cases arising under state law, a city also cannot create a right to transfer for cases of local offenses.⁷⁶ Doing so would impermissibly expand the jurisdiction of the circuit court.⁷⁷

state *civil* offense is likewise a justice court and thus subject to the jurisdictional limitations under ORS Chapter 51 and the right to transfer for defendants created under ORS Chapter 52.

⁶⁷ ORS 51.050(2).

⁶⁸ *Id.*

⁶⁹ *See City of Brookings v. Harmon*, 86 Or App 534, 535 (1987) (holding that “a city cannot enlarge the jurisdiction of a state court beyond that provided by state law.”).

⁷⁰ *Id.*

⁷¹ ORS 51.050(2).

⁷² ORS 813.010(4).

⁷³ ORS 51.050(2).

⁷⁴ *Id.*; *see also Harmon*, 86 Or App at 535.

⁷⁵ ORS 51.05(2); *see also City of Milton-Freewater v. Ashley*, 214 Or App 526, 531 (2007) (holding that “when a municipal court that has not become a court of record prosecutes state misdemeanor offenses ... the municipal court is exercising its authority as a justice court.”).

⁷⁶ *Harmon*, 86 Or App at 535.

⁷⁷ *Id.*

B. Criminal Proceedings

Whenever a municipal court hears a misdemeanor case, whether it is under state or local law, the municipal court must follow the process for a criminal case that is established by the Oregon Constitution and Oregon statutes. State law defines a misdemeanor as a “crime” because a misdemeanor carries a possible sentence of up to one year of imprisonment.⁷⁸ Under state law, any crime that is punishable with a term of imprisonment is a crime.⁷⁹ As such, any defendant who is charged with a misdemeanor in municipal court is entitled to the procedural rights of a criminal defendant.⁸⁰

Many of these rights are provided by Article 1, Sections 11 and 12, of the Oregon Constitution.⁸¹ This section grants every defendant of a criminal prosecution: **(1)** the right to a public trial in the county where the offense is alleged to have been committed; **(2)** the right to appear in court with counsel and know the charges against them; **(3)** the right to meet witnesses face to face; **(4)** the right to subpoena their own witnesses; **(5)** the freedom from self-incrimination; **(6)** and the freedom from being tried for a local or state offense if they already have been acquitted of the charge.⁸² This section also grants criminal defendants the right to choose a trial by court, with the judge as the trier of fact, instead of a trial by jury.⁸³

In addition to these protections, federal constitutional case law provides another layer of rights in a criminal proceeding in municipal court. The rights of criminal defendants under the U.S. Constitution are incorporated against the states under the 14th Amendment.⁸⁴ For cities, one of the most significant rights is the right of indigent defendants to court-appointed counsel.⁸⁵ If any defendant cannot afford to hire an attorney to represent them in municipal court on criminal charges, that court must provide the defendant with the option of selecting an attorney appointed to them by the court.⁸⁶ The rights of criminal defendants under the federal constitution, as well as the Oregon Constitution, make it all the more important for municipal courts to follow the right procedures when hearing a criminal case.

Beyond these constitutional provisions, the Oregon Criminal Code specifies procedures for how criminal cases are to be heard.⁸⁷ ORS Chapter 135, for example, addresses how courts

⁷⁸ ORS 161.545.

⁷⁹ ORS 161.515

⁸⁰ *See, e.g.*, Or Const, Art I, § 11-12.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *See* Argersinger v. Hamlin, 407 U.S. 25, 27 (1972).

⁸⁵ *Id.* at 36.

⁸⁶ *Id.*

⁸⁷ *See, e.g.*, ORS Chapters 135 and 136.

are to proceed with arraignment, pleadings, and pretrial motions.⁸⁸ ORS Chapter 136 governs the criminal trial and covers jury selection, the conduct of the trial, and the process of seeking and obtaining witnesses by subpoena.⁸⁹

Finally, cities may establish local laws that pertain to their municipal court hearing criminal cases.⁹⁰ While these laws cannot conflict with statutory requirements, they can provide additional requirements.⁹¹ For example, in addition to the eligibility requirements for jurors under state law, the city of Salem requires that any juror in its municipal court must have been a resident of the city for no less than three months preceding their jury summons.⁹²

C. Civil Violation Proceedings

Whenever a municipal court hears a case that is not a misdemeanor but rather a violation, the judicial process is different.⁹³ Civil violations include traffic-related offenses, nuisances, and land use zoning offenses, among others. Unlike misdemeanors, defendants who are charged with violations are not seen as criminal defendants and so the constitutional safeguards mentioned in the preceding section generally do not apply.⁹⁴ Instead, municipal courts proceed under a set of civil trial standards that are found under ORS Chapter 153.⁹⁵

Violations must be enforced by a citation that includes information about the alleged violation and a summons that directs the person cited to appear in court.⁹⁶ If the person requests a trial, the trial must be conducted in the following way. First, the city must provide the defendant with the date, time, and place where the trial will occur and must do so at least **five days** before the date set for the trial. Second, the trial must be scheduled at least **seven days** from the date of the initial citation.⁹⁷ Third, state law prohibits a trial by jury for a violation; all violations, if they go to trial, must be tried by the court sitting without a jury.⁹⁸ Fourth, the burden of proof for the prosecutor is a preponderance of the evidence, which means that the court must find it is more likely than not that the defendant is guilty of the alleged violation.⁹⁹

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *See, e.g.*, SALEM, OR., CODE § 4.001 (2020).

⁹¹ *Id.*

⁹² *Id.* at § 4.

⁹³ ORS 153.030.

⁹⁴ *See*, Or Const, Art I, § 11-12 (providing that a defendant's rights apply in "*criminal* prosecutions.") (emphasis added).

⁹⁵ *Id.*

⁹⁶ ORS 153.045.

⁹⁷ ORS 153.073; *see also* ORS 153.076.

⁹⁸ ORS 153.076(1).

⁹⁹ ORS 153.076(2).

Fifth, state law prohibits a defendant from receiving court-appointed counsel in a case where only violations are charged.¹⁰⁰

On one hand, violation proceedings are clearly subject to a more lenient standard than criminal cases, as demonstrated by the lower burden of proof, the lack of a trial by jury, and the absence of court-appointed counsel.¹⁰¹ On the other hand, violation proceedings do encompass some of the rigor of criminal proceedings.¹⁰² For example, the defendant in a violation proceeding still may not be required to testify against themselves in a trial.¹⁰³ Moreover, pretrial discovery is governed by the same rules as a criminal case.¹⁰⁴

As with criminal cases, cities may adopt local procedures that change how municipal courts hear violations, as long as these local laws do not conflict with what is required under state law.¹⁰⁵ One common way for cities to expedite the violations process is by establishing a violations clerk within their court who can assist the municipal court in processing violations.¹⁰⁶ Violation clerks are optional under state law and generally have authority to accept the following from individuals who have been cited for a violation: (1) written appearances; (2) waivers of trial; (3) pleas of no contest; and (4) payment of fines, costs, and assessments.¹⁰⁷

i. ‘Criminal’ Civil Violations

Simply characterizing an offense as a “violation” under local law does not make it one. Oregon appellate courts have the authority to find, upon review, that criminal procedure should have been required in municipal court for a violation.¹⁰⁸ For courts, the most obvious factor in this analysis is identifying whether the purported violation carried a potential sentence of imprisonment.¹⁰⁹ If a violation is punishable by imprisonment, it falls within the statutory definition of a “crime” under state law and triggers the need for criminal process.¹¹⁰ With that aside, a court will also consider other factors when deciding whether criminal process should have been required.¹¹¹ These other factors are discussed in detail here.

¹⁰⁰ ORS 153.076(5).

¹⁰¹ ORS 153.076.

¹⁰² *Id.*

¹⁰³ ORS 153.076(4).

¹⁰⁴ ORS 153.076(3).

¹⁰⁵ *See, e.g.,* SALEM, OR., CODE § 4.070 (2020).

¹⁰⁶ ORS 153.800.

¹⁰⁷ *Id.*

¹⁰⁸ *See Brown v. Multnomah Cty. Dist. Ct.*, 280 Or 95, 102-108 (1977).

¹⁰⁹ *Id.*

¹¹⁰ ORS 161.515.

¹¹¹ *Brown*, 280 Or at 102-108.

Oregon courts rely on five factors when deciding whether an “ostensibly civil penalty proceeding” is a criminal proceeding for the purposes of the U.S. and Oregon Constitutions.¹¹² These factors originated in *Brown v. Multnomah County District Court* (1977). In *Brown*, a defendant accused of drunk driving was charged with a non-criminal “traffic infraction” that was subject only to “civil penalties,” namely a fine.¹¹³ The defendant petitioned for an order that would appoint him counsel and require a trial by jury with proof beyond a reasonable doubt.¹¹⁴ The district court refused to grant this order and the lawsuit ensued.¹¹⁵ The *Brown* court rejected the court’s argument that criminal process was unnecessary because imprisonment was not at stake; instead, the court held that “the absence of potential imprisonment does not conclusively prove a punishment non-criminal.”¹¹⁶ For such a conclusion, the court established five key factors: (1) type of offense; (2) penalty; (3) collateral consequences; (4) punitive significance; and (5) arrest and detention.¹¹⁷ Outlined below, these factors apply to municipal offenses in the following ways.

Five Factors of a Criminal Proceeding

- 1) The type of offense;
- 2) Whether the defendant was arrested or detained beyond the time needed to identify and cite the individual;
- 3) The severity of the penalty;
- 4) The punitive significance of the penalty; and
- 5) Collateral consequences of the penalty.

a. Nature of the Offense

A local offense that is a crime under state law, or otherwise resembles a crime, likely will require criminal process, regardless of whether it is classified as a misdemeanor or a violation. The *Brown* court identified this as a factor because it realized non-criminal offenses could be “procedural short-cuts” to punishing criminal conduct.¹¹⁸ Therefore, the court reasoned that a criminal proceeding might be warranted for offenses that exist as crimes at common law or are criminalized under the Oregon Criminal Code.¹¹⁹

Since *Brown*, Oregon courts have applied considerable weight to this factor, especially where the offense is defined as a crime under state law.¹²⁰ In *State v. Benoit* (2013), for instance,

¹¹² See *Brown v. Multnomah Cty. Dist. Ct.*, 280 Or 95, 102-108 (1977).

¹¹³ *Id.* at 97.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 103.

¹¹⁷ *Id.* at 102-108.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ See *State v. Benoit*, 354 Or 302, 312-13 (2013).

the Oregon Supreme Court found that the type of offense was among “the most significant factors” as applied to those particular facts.¹²¹ That case involved a charge of criminal trespass stemming from an “Occupy” protest.¹²² Following the defendant’s arrest, the state chose under ORS 161.566¹²³ to prosecute the charge as a violation instead of a misdemeanor.¹²⁴ The court found this move unconstitutional; citing *Brown*, the court held that because the conduct was expressly criminal under state law, it remained “a criminal offense for constitutional purposes.”¹²⁵

Many offenses under local law duplicate existing crimes under Oregon law.¹²⁶ Other offenses have always been considered criminal and were crimes at common law well before the enactment of the Oregon Criminal Code.¹²⁷ For these types of offenses, cities should always prosecute them as crimes, i.e., misdemeanors, not as violations.

b. Arrest and Detention

Enforcement of a municipal offense, coupled with an arrest and search of the defendant, also will trigger criminal process requirements. In *Brown*, the court reasoned that any use of detention “beyond the needs of identifying, citing and protecting the individual or ‘grounding’ him ... comports with criminal rather than civil procedures.”¹²⁸ The court found this to be true especially where bail is required.¹²⁹ As applied to the facts, the court found it persuasive that “traffic offenses” under state law at the time retained pretrial practices, such as the arrest, search, and booking of a person, indicating that the traffic hearings provided for under the law were in truth criminal proceedings.¹³⁰

ORS Chapter 153 prohibits the arrest and search of individuals who are only cited for violations. For violations, officers may detain individuals only briefly to “establish the identity of the person,” “conduct any investigation reasonably related to the violation,” and “issue a citation.”¹³¹ If local police were to arrest, search, and book an individual for a violation, these actions would by definition be more affiliated with a criminal proceeding than the one outlined

¹²¹ *Id.*

¹²² *Id.* at 304.

¹²³ Theoretically, a city might use this provision when enforcing statutory misdemeanors. *See* ORS 221.339 (2017). This is a bad idea based on the Court’s ruling in *Benoit* and its companion case, *State v. Fuller*, 354 Or 295, 300 (2013). These cases appear to preclude its use, at least for misdemeanors that are based in common law.

¹²⁴ *Benoit*, 354 Or at 304.

¹²⁵ *Id.* at 308.

¹²⁶ *See, e.g.*, SALEM, OR., CODE § 95.040 (2020) (prohibiting assault).

¹²⁷ *See, e.g.*, PORTLAND, OR., CODE § 14A.40.050 (2020) (prohibiting unlawful prostitution).

¹²⁸ *See Brown v. Multnomah Cty. Dist. Ct.*, 280 Or 95, 108 (1977).

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *See* ORS 153.039.

under ORS Chapter 153. It also is worth noting that such an arrest clearly would violate state law and likely would violate due process provisions in the U.S. and Oregon Constitutions.¹³²

c. Non-imprisonment Penalties and Punitive Significance

Where a penalty does not carry a sentence of imprisonment, the nature of the penalty in a civil proceeding often is not a decisive factor in determining whether the proceeding is truly a criminal proceeding. In *Brown*, the court noted that determining whether a particular judgment carries a stigmatizing effect is a test that “has been criticized for its difficulty.”¹³³ Decisions of later courts similarly have avoided deciding what proceedings are criminal proceedings based on the amount of the monetary penalty.¹³⁴

In the forty years since *Brown*, the Oregon Legislature enacted laws that restrict the ability of cities to impose certain penalties, particularly fines and civil forfeitures. Where statutes do not prohibit a type of penalty, the possibility remains that a non-imprisonment penalty could transform a proceeding into a criminal proceeding if it is “so strikingly severe as to carry the same punitive significance” as a crime.¹³⁵ In *Brown*, the court applied this analysis to a traffic violation and found that the “\$1,000 fine for driving under the influence [to] be at the margin of legislative discretion.”¹³⁶ The court went on to find that the “magnitude of the potential fine” and other sanctions indicated that the traffic violation proceeding constituted a criminal proceeding.¹³⁷ Obviously, a \$1,000 penalty in 1977 dollars is much more than \$1,000 in today’s dollars.

The following penalties are common alternatives to imprisonment for defendants found guilty of municipal offenses, including fines, forfeitures, and other penalties.

1. Fines.

State law today places a ceiling on the size of fines that cities can establish for municipal offenses.¹³⁸ Municipal penalties that stay within the maximum fines established for violations under state law will avoid triggering a criminal proceeding under *Brown* or violating state law.

¹³² Citizens are protected against unreasonable searches and seizures. *See generally* U.S. CONST. amend. IV. An arrest of an individual for a mere violation, a practice not authorized by state law, seems to qualify as unreasonable.

¹³³ *Brown*, 280 Or at 106.

¹³⁴ *See* State v. Benoit, 354 Or 302, 312-13 (2013); *see also* State v. Fuller, 354 Or 295, 300 (2013).

¹³⁵ *Brown*, 280 Or at 104-105.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ ORS 153.018.

The maximum fine for a class A violation in Oregon is \$2,000 for an individual and \$4,000 for a corporation.¹³⁹ Cities may impose any fine for an ordinance that is within these limits.

2. Civil Forfeitures

State law also limits the ability of municipalities to use civil forfeiture proceedings as a penalty for municipal violations.¹⁴⁰ Under ORS Chapter 131A, a city may forfeit real or personal property in connection with a municipal offense, but only where that offense “constitutes the commission of a crime” under state law and only where the person or an accomplice “has been convicted of a crime.”¹⁴¹ The conviction element is required under the Oregon Constitution as a result of a ballot measure titled the Oregon Property Protection Act of 2000.¹⁴² A common example of a civil forfeiture is the seizure of money that was gained as part of an illicit transaction. Whenever a municipal offense constitutes a crime and the defendant has been convicted of the crime, the city may proceed with a civil forfeiture proceeding without any need to provide the person court-appointed counsel.¹⁴³ Using the same factor analysis under *Brown*, the court found in *Selness* that a forfeiture proceeding is not a criminal proceeding for purposes of double jeopardy under the Fifth Amendment and the Oregon Constitution.¹⁴⁴ From this case, it is apparent that Oregon courts do not view civil forfeiture proceedings as tantamount to criminal proceedings under *Brown*.

3. Suspension or Revocation of a License

Unlike forfeitures, proceedings to suspend or revoke a local license are not subject to constitutional restrictions. Where a city is free to impose this as a penalty, the proceeding to enforce it likely will not trigger one’s rights to a criminal proceeding. The court consistently has held that revocation of a person’s license — either directly or indirectly as a result of a judgment — does not carry the same punitive significance as an excessive fine or jail sentence.¹⁴⁵ The *Brown* court reached this finding in a case that involved a person’s driver’s license.¹⁴⁶ The same conclusion has been reached for a professional license; the court held in *In re Conduct of Harris* that revocation of an attorney’s bar license did not amount to a criminal proceeding.¹⁴⁷ Based on

¹³⁹ See ORS 153.018. By comparison, the maximum fine for a misdemeanor is \$6,250. See ORS 161.635. Lower classes of violations carry even lower fines. For class B violations, the maximum fine is \$1,000. ORS 153.018. Class C and D violations carry fines of \$500 and \$250, respectively. *Id.*

¹⁴⁰ ORS 131A.010.

¹⁴¹ See ORS 131A.010, 131A.255.

¹⁴² Or Const Art. 15, § 10.

¹⁴³ See *State v. Selness*, 334 Or 515, 536 (2002).

¹⁴⁴ *Id.*

¹⁴⁵ See *Brown v. Multnomah Cty. Dist. Ct.*, 280 Or 95, 105 (1977); see also *In re Conduct of Harris*, 334 Or 353, 358 (2002).

¹⁴⁶ *Brown*, 280 Or 95 at 105.

¹⁴⁷ *Harris*, 334 Or at 358. The Court found the attorney did not possess a right to counsel as a result. *Id.*

these cases, it seems likely that a penalty impacting a locally issued license would not amount to a criminal proceeding either. It should be noted, of course, that an individual is entitled to due process prior to the suspension or revocation of their license. A licensed individual possesses a property interest in their license and the privileges associated with the license. As such, a license is property in the same way that money is property, and a civil license penalty entitles a person to due process in the same way that a monetary fine would.

4. Community Service

Finally, enforcement of an ordinance with a penalty of community service might constitute a criminal proceeding in extreme cases under the *Brown* factors. This outcome would on the amount and type of community service authorized by the local ordinance. Essentially, a court could at some point find that a particular sentence of community service resembles a criminal penalty because it “carries stigmatizing or condemnatory significance,” just as the nominally civil traffic offense did in *Brown*.¹⁴⁸

While courts have yet to address the punitive significance of community service, at least one court has found that service on a “work crew” is a stigmatizing penalty.¹⁴⁹ In *Langford*, a defendant who refused to serve on a work crew was found not to be in contempt of a court order requiring 10 days of community service.¹⁵⁰ In *Langford*, the state argued that the contempt conviction did not carry any “stigmatizing collateral consequence” because the defendant’s conduct was only punishable by hours on a work crew, not by a sentence of imprisonment. The Court of Appeals rejected this argument, finding in part that “assignment to a work crew arguably carries with it a social stigma even greater than confinement because work crew is served in view of the general public.”¹⁵¹ Based on this reasoning, it is at least possible that a future court could conclude that an order of community service is similar to a work crew order in that it requires a defendant to carry out the sentence requirements in public. Conversely, it is possible a court could find that community service is less stigmatizing than work crew, particularly where the individual is able to perform the work on their own and through an entity of their choice, rather than at an assigned location where only sentenced individuals work.

5. Collateral Consequences

Collateral consequences are the indirect and adverse results of a judgment on a person. In *Brown*, the collateral consequence at issue was the revocation of a driver’s license.¹⁵² While the

¹⁴⁸ *Brown*, 280 Or 95 at 105-106.

¹⁴⁹ See *State v. Langford*, 260 Or App 61, 66-68 (2013).

¹⁵⁰ *Id.* at 63.

¹⁵¹ *Id.* at 66-68.

¹⁵² *Brown*, 280 Or 95 at 105.

court found this was an indirect result of the traffic offense proceeding, the court also found that no punitive significance attached to this revocation.¹⁵³ Subsequent courts have refused, or simply not had the opportunity, to use this factor when analyzing cases.¹⁵⁴ For these reasons, no more information can be provided about this factor, other than to say that it appears to be much less significant than the factors mentioned above.

IV. APPEALS AND JUDGMENTS

Once a case is decided, a municipal court judgment may be challenged in an appeal. If a judgment is appealed, the process depends (1) on whether the municipal court that entered the judgment is a court of record and (2) on whether the case involved a state offense or a local offense.¹⁵⁵ If the municipal judgment is not appealed or the judgment ultimately is affirmed, then the city has several options to enforce the judgment, including judgment liens and a number of judgment proceedings under ORS Chapters 221 and 18.¹⁵⁶

A. Appeals

Under Oregon law, municipal court decisions are appealable either to the circuit court for the county in which the city is located or to the Oregon Court of Appeals, depending on whether the municipal court is a court of record.¹⁵⁷ If the municipal court is a court of record, any appeal proceeds directly to the Oregon Court of Appeals and the municipal judgment is treated essentially as if it were entered by a circuit court.¹⁵⁸ Significantly, the standard of review in the court of appeals is the standard for a criminal judgement, regardless of whether the defendant was charged with a misdemeanor or a violation.¹⁵⁹

On the other hand, if the municipal court is not a court of record, then a defendant who is convicted in that court of violating a local law or a state violation may appeal the case to the circuit court for the county in which the city is located.¹⁶⁰ Such an appeal must be made exactly according to rules laid out by statute for such appeals.¹⁶¹ For example, when making the appeal,

¹⁵³ This issue — specifically the “indirect” revocation of a license as a result of a judgement — is addressed above.

¹⁵⁴ See *State v. Benoit*, 354 Or 302, 312-13 (2013); see also *State v. Fuller*, 354 Or 295, 300 (2013).

¹⁵⁵ ORS 221.342(5); see also ORS 138.035.

¹⁵⁶ See, e.g., ORS 221.351.

¹⁵⁷ ORS 138.035; ORS 221.359.

¹⁵⁸ ORS 221.342; see also ORS 138.035.

¹⁵⁹ ORS 138.057(1)(a).

¹⁶⁰ ORS 221.359; see also ORS 53.010 and ORS 157.020. While the later two chapters address appeals from justice courts, Oregon courts have held that municipal courts that are not courts of record act as “justice courts” when enforcing state violations and misdemeanors, and state law as such provides the defendants with a statutory right to appeal. See *City of Milton Freewater v. Ashley*, 214 Or App 526, 532-533 (2007).

¹⁶¹ ORS 138.057(1)(b); see also ORS 53.030.

the defendant must file with the municipal court the *original* notice of appeal that was served on the adverse party.¹⁶² Oregon courts have held that failure to file this original document deprives the circuit court of jurisdiction to hear the matter.¹⁶³ In addition to the requirements under ORS Chapter 138, the defendant must also comply with requirements under ORS Chapter 221, a chapter that applies generally to cities.¹⁶⁴ Unlike courts of record, when a municipal court case is appealed to the circuit court in this manner, the circuit court conducts the trial *de novo*.¹⁶⁵

Once this second trial is conducted and a judgment is reached by the circuit court, a further appeal to the Oregon Court of Appeals is often allowed, but it is not guaranteed for all defendants who are convicted under local law.¹⁶⁶ For state violations and misdemeanors, defendants have a statutory right to appeal to an appellate court under ORS Chapters 53 and 157, respectively.¹⁶⁷ Similarly, for local violations and misdemeanors, defendants have a statutory right to an appeal under ORS Chapter 221, provided the municipal court is a court of record.¹⁶⁸ However, if the municipal court is not a court of record, the question becomes much less clear if a defendant can appeal their case to the Oregon Court of Appeals from the circuit court.

For instance, if the defendant raised a constitutional claim during trial by arguing that the local charter provision or ordinance violates the Oregon Constitution, then the defendant has a clear right to appeal their case to the state's appellate courts.¹⁶⁹ But several Oregon courts have held that these are the only circumstances that a defendant can appeal their case from a municipal court that is not a court of record.¹⁷⁰ That said, recent case law casts doubt on these decisions.¹⁷¹ In *City of Eugene v. Hejazi*, the Oregon Court of Appeals stated in a footnote that other statutes appear to vest appellate courts with jurisdiction over municipal court cases based in local law, regardless of whether that municipal court is a court of record.¹⁷² Therefore, while the right to an appeal is not a guarantee for defendants who are convicted of a local offense in a municipal court that is not a court of record, it appears there could be a strong case for such a right going forward.

¹⁶² *Id.*

¹⁶³ *Ashley*, 214 Or App at 532-533.

¹⁶⁴ See ORS 221.359(1)-(3).

¹⁶⁵ See ORS 221.390(1); see also *City of Salem v. Bruner*, 299 Or 262, 264 (1985). A *de novo* trial is one that retries the case from the lower court. A circuit court hearing a municipal court case *de novo* will conduct its own trial on the alleged conduct and reach its own verdict.

¹⁶⁶ See, e.g., *City of Lowell v. Wilson*, 197 Or App 291, 299 (2005).

¹⁶⁷ ORS 53.010; ORS 157.010.

¹⁶⁸ ORS 221.342(5).

¹⁶⁹ ORS 221.360.

¹⁷⁰ See *Wilson*, 197 Or App at 299; see also *Bruner*, 299 Or at 264.

¹⁷¹ See *City of Eugene v. Hejazi*, 296 Or App 204, 207 n.2 (2019).

¹⁷² *Id.*

B. Enforcing Judgments

Once a municipal court enters its judgment and any and all appeals have been resolved, the question often becomes how to enforce the court's judgment. For this, cities have two main avenues. First, a city may file a judgment lien against real property that is owned by the defendant or defendants.¹⁷³ Second, a city can file an enforcement proceeding against the defendant to collect the judgment through garnishment or a writ of execution to seize a defendant's personal property.¹⁷⁴ Note that these laws do not apply to parking violations.¹⁷⁵

As a prerequisite to enforcing any judgment, the municipal court first must register with the Oregon Department of Revenue (DOR).¹⁷⁶ The court does this by contacting the DOR and providing the agency with the name and address of a person who is authorized to act on behalf of the municipal court.¹⁷⁷ Once registered, municipal courts must then maintain an electronic court docket that tracks daily activity in the court.¹⁷⁸

As a registered municipal court, judgments are eligible to be enforced. First, judgment liens are able to be filed against defendants.¹⁷⁹ To create a lien, a judgment must exceed \$3,000, or else there must be two or more judgments against the same defendant that exceed \$3,000.¹⁸⁰ To file the lien, the judgment or judgments must be filed with the county clerk in the county in which the defendant's real property is located.¹⁸¹ In general, once a lien is filed on real property, it can be collected when the real property is sold or foreclosed.

Alternatively, a municipal court that is registered with the DOR can proceed with enforcement proceedings against a defendant.¹⁸² Depending on the circumstances, these might include writs of execution for real or personal property or proceedings to garnish the defendant's wages.¹⁸³ For more information on these options, cities should consult with their legal counsel.

¹⁷³ ORS 221.351.

¹⁷⁴ ORS 221.346.

¹⁷⁵ ORS 221.344(6).

¹⁷⁶ ORS 221.344.

¹⁷⁷ *Id.*

¹⁷⁸ ORS 221.252.

¹⁷⁹ ORS 221.351.

¹⁸⁰ ORS 221.351(1).

¹⁸¹ ORS 221.351(2).

¹⁸² ORS 221.346.

¹⁸³ *Id.*

MALHEUR COUNTY COURT MINUTES

May 5, 2021

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. County staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff were present electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2021-1996](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of April 28, 2021 as written. Commissioner Jacobs seconded and the motion passed unanimously.

BUDGET MEETING MINUTES

Commissioner Jacobs moved to approve Budget Meeting Minutes of April 20 and April 21, 2021 as written. Commissioner Hodge seconded and the motion passed unanimously.

NATIONAL DRUG COURT MONTH

Present electronically for the signing of the proclamation in support of National Drug Court Month were Circuit Court Judge Erin Landis, Trial Court Administrator Marilee Aldred, and Management Assistant Lydia Machuca. Judge Landis explained that drug court has been in place in Malheur county for a number of years (known as SAFE Court in Malheur county); Judge Landis read the proclamation:

MALHEUR COUNTY PROCLAMATION

SUPPORT OF NATIONAL DRUG COURT MONTH

WHEREAS treatment courts have been restoring lives and families for more than three decades; and

WHEREAS there are now nearly 4,000 treatment courts nationwide; and

WHEREAS treatment courts are the cornerstone of justice reform sweeping the nation; and

WHEREAS treatment courts have served 1.5 million individuals; and

WHEREAS they are now recognized as the most successful justice system intervention in our nation's history; and

WHEREAS they save an average of \$6,000 for every individual they serve; and

WHEREAS treatment courts significantly improve substance use disorder treatment outcomes, substantially reduce addition and related crime, and do so at less expense than any other criminal justice strategy; and

WHEREAS treatment courts improve education, employment, housing, and financial stability, promote family reunification, reduce foster care placements, and increase the rate of addicted mothers delivering babies who are fully drug free; and

WHEREAS treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals; and

WHEREAS treatment courts demonstrate that when one persons rises out of substance use and crime, we all rise.

THEREFORE, BE IT RESOLVED that Malheur County does hereby recognize May 2021 as

National Drug Court Month

Which recognizes practitioners and participants who make drug courts work, and the significant contributions drug courts have made, and continue to make, in reducing drug usage and crime in Malheur County and throughout the nation.

IN TESTIMONY WHEREOF, the County Judge and the County Commissioners of Malheur County have hereunto subscribed their names on this 5th day of May 2021.

Commissioner Jacobs moved to proclaim the month of May as National Drug Court Month. Commissioner Hodge seconded and the motion passed unanimously. The Court signed the proclamation.

LETTER - DISASTER PEAK RANCH

Commissioner Jacobs moved to submit correspondence to Senator Lynn Findley and Representative Mark Owens regarding Western Rivers Conservancy's proposed transfer of Disaster Peak Ranch to Division of State Lands as well as Oregon Department of Fish and Wildlife's grant request to the US Fish and Wildlife Service seeking permanent funding for various species-specific restoration projects on Disaster Peak Ranch. The proposed transactions do not comply with the County's Natural Resource Management Ordinance. The County Court is opposed to the donation to the State of Oregon and the grant submission; and finds that it would be in the public's best interest to first explore land sale or exchanges with private parties, Western Rivers and the State in an effort to benefit watershed health, promote and enhance wildlife habitat and at the same time keep the net acres

owned by the State in Malheur County at the current amount. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-1997](#) for the complete letter.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

May 12, 2021

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. County staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff were present electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2021-2237](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of May 5, 2021 as written. Commissioner Jacobs seconded and the motion passed unanimously.

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #16-21 for Idaho Power to close the south bound lane for its crew to safely perform power line maintenance on the west side of Hyline Road #911. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

PROCLAMATION - OLDER AMERICANS MONTH

Tom Longoria from MCOA&CS presented the Older Americans Month proclamation:

Proclamation of 2021

Malheur Council on Aging & Community Services strives to raise community awareness about Older Americans Month. Malheur Council on Aging & Community Services assist older Americans of Malheur County of Oregon by serving home delivered & congregate meals, family caregiver support, transportation & much more.

Older Americans Month 2021

Whereas, Malheur County of Oregon includes a growing number of older Americans who enrich our community through their diverse life experiences; and

Whereas, Malheur County of Oregon is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and

Whereas, Malheur County of Oregon recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and

Whereas, Malheur County of Oregon can enhance the lives of older Americans in our community by:

- promoting home and community-based services that support independent living;
- involving older adults in community events and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

Now, therefore, we of Malheur County of Oregon do hereby proclaim May 2021 to be Older Americans Month. We urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

The Court signed the proclamation.

AMENDMENT - IGA #159822

Commissioner Jacobs moved to approve Nineteenth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Public Health Services (original IGA (Intergovernmental Agreement) is recorded as instrument #[2019-3374](#)). Commissioner Hodge seconded and the motion passed unanimously. Exhibit A "Definitions", Section 18 "Program Element" is amended to add Program Element titles and funding sources. A copy will be returned for recording.

ARPA - AUTHORIZED REPRESENTATIVE

Commissioner Jacobs moved to designate Ms. DuBois as the County's authorized representative and contact person for the American Rescue Plan Act (ARPA) funds. Commissioner Hodge seconded and the motion passed unanimously. U.S. Treasury is using the ID.met platform for counties to request Recovery Funds and has opened the portal for requesting the funds.

ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

May 19, 2021

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff were present electronically. Notice of the meeting was posted on the County website, Courthouse bulletin board, 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 # [2021-2341](#)

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R21-19. Notice of the hearing was published in the Argus Observer. A public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund. No public comments were received. The hearing was closed. Commissioner Hodge moved to approve Resolution R21-19: In the Matter of Fiscal Year 2020/2021 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate additional ODVA (Oregon Department of Veterans Affairs) funds in the CVSO (County Veterans Service Officer) Expansion Fund that were not anticipated when the adopted budget was prepared; these are State Veterans' funds for services for Malheur County's veterans to assist with their benefits. See instrument # [2021-2342](#)

DROUGHT DECLARATION

Lieutenant Rich Harriman met with with the Court and presented a resolution declaring a state of emergency within Malheur County due to severe drought conditions. Nine other Oregon counties have filed drought declarations. Commissioner Jacobs moved to sign Resolution R21-21: In the Matter of Declaring a State of Emergency within Malheur County. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-2340](#)

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of May 12, 2021 as written. Commissioner Hodge seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #17-21 to Idaho Power Company to install overhead bank of transformer on Owyhee Avenue #1036; Permit #18-21 to Track Utilities for a road bore on Clark Boulevard #857; Permit #19-21 to Idaho Power Company to perform power line maintenance on SW 18th Avenue #887; and Permit #20-21 to Idaho Power Company for power line maintenance on N Verde Drive #899. Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

MCDC BOARD

Randi Svaty resigned from the Malheur County Development Corporation (MCDC) Board. Ms. Svaty represented the financial sector on the Board and the Court will need to fill the vacancy.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(h) with Judge Joyce presiding and Commissioner Hodge and Commissioner Jacobs present. Also present was County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during the session.

OPIOIDS LITIGATION

Commissioner Jacobs moved the the Malheur County Court delegate to County Counsel authority to negotiate an agreement with the entities that have already filed opioid litigation on behalf of Oregon local entities (Clackamas County, Clatsop County, Columbia County, Curry County, Jackson County, Josephine County, Lane County, Multnomah County, Washington County, Yamhill County and the City of Portland) that will require settlement funds from that litigation intended for local entities be paid directly to the local entities and not pass through the State of Oregon. County Counsel will bring any proposed agreement to this body for final approval. Commissioner Hodge seconded and the motion passed unanimously.

FACE COVERINGS

Oregon Health Authority (OHA) recently released new Statewide Reopening Guidance regarding face coverings and Interim Guidance for Fully Vaccinated Individuals. Under the Guidance document businesses and employers that have a policy for requesting and checking for proof of vaccination and requests and reviews proof of vaccination may permit fully vaccinated individuals with proof of vaccination to go without a face covering and does not need to enforce physical distancing requirements for such individuals. However, Oregon OSHA has not yet released any updates to its COVID-19 workplace rules. County Counsel is reviewing the matter and possible vaccination/face covering/physical distancing policy for employees and visitors. Consensus of the Court was that Judge Joyce could sign and disseminate an updated policy when available. At this time the County's face covering requirements for all County offices, buildings and workplaces are still in effect.

ANNUAL JAIL INSPECTION

The Court performed the annual jail inspection with Lieutenant Reyna. See instrument # [2021-2347](#) and [2021-2373](#)

MALHEUR COUNTY COURT MINUTES

May 26, 2021

The regularly scheduled meeting of the County Court was called to order by Commissioner Ron Jacobs at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge present. Judge Dan Joyce was absent. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff were present electronically. Notice of the meeting was posted on the County website, Courthouse bulletin board, 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 # [2021-2580](#)

ROAD DEPARTMENT - EQUIPMENT PURCHASE

Road Supervisor Dave Tiffany met with the Court and discussed the need to replace snowplows. Mr. Tiffany explained that he is working to develop a schedule for replacing equipment; some equipment is in dire need of replacement. Mr. Tiffany is using the procurement system Sourcewell and considering purchasing a Peterbilt truck; total purchase price of the complete unit is \$242,048 (a savings of approximately \$87,000 by using Sourcewell). Mr. Tiffany proposed putting \$50,000 cash down and financing the remainder. Consensus of the Court was for Mr. Tiffany to work with Ms. DuBois on the purchase; Commissioner Hodge will coordinate the financing component.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #21-21 for Probst Electric to replace two Idaho Power poles on the south side of Park Avenue #768; a lane of traffic will be used for equipment while replacing the poles. Commissioner Jacobs seconded and the motion passed. The original permit will be kept on file at the Road Department.

CONTRACT - ANI-CARE

Commissioner Hodge moved to approve Contract with Ani-Care Animal Shelter, Inc. Commissioner Hodge seconded and the motion passed. Ani-Care will accept delivery, custody, and responsibility of care and disposition for abandoned or stray canines located within the confines of Malheur County (not city limits); Ani-Care is not responsible for the initial capture and transportation of the abandoned or stray canines. Financial consideration is \$3083.33 per month; the contract expires June 30, 2022. See instrument #[2021-2581](#)

FACE COVERINGS POLICY FOR FULLY VACCINATED EMPLOYEES AND VISITORS WITHIN COUNTY BUILDINGS

Ms. Williams explained to the Court the draft face coverings policy she had prepared at the Court's request. Under the new CDC guidelines there are some circumstances vaccinated individuals no longer need to wear a face covering. The State of Oregon also came out with rules that said under certain circumstances, fully vaccinated employees and visitors in public buildings no longer have to wear face coverings. In order to permit fully vaccinated individuals to go without a face covering, businesses/employers must have a policy for requesting and checking for proof of vaccination and request and review proof of vaccination of individuals who wish to go without a face covering. The draft policy was shared with department heads/elected officials and a brief meeting was held. There is a difference of opinion within the courthouse regarding face coverings for employees and visitors. There is not a person at the entrance to the courthouse to review proof of vaccination of individuals entering the courthouse. (In other County buildings such as the Sheriff's Office, Health Department, Building Department, Goodfellow building, Community Corrections, Justice Court there is a person available upon entry.) The draft policy provides that County employees who do not want to wear a face covering may voluntarily show proof of their vaccination status with their department head/elected official and it is reviewed. Visitors to standalone County buildings can also have the face covering exemption if they voluntarily show proof of their vaccination status to the supervisor or department head/elected official and it was reviewed. In the courthouse visitors would be required to wear face coverings in the common areas; when fully within a particular office or department and the visitor wishes to voluntarily show proof of vaccination status to the department head/elected official or supervisor and such proof of vaccination status is reviewed then the visitor may go without a face covering while in that office/department. The majority of department heads/elected officials within the courthouse want visitors to wear face coverings at all times. State offices are not checking vaccination status at this time and all employees and visitors must wear face coverings regardless of vaccination status. Various department heads and elected officials shared their thoughts on the policy with the Court members. After discussion the Court tabled the matter until Judge Joyce's return.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of May 19, 2021 as written. Commissioner Jacobs seconded and the motion passed.

COURT ADJOURNMENT

Commissioner Jacobs adjourned the meeting.



PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, March 9, 2021, 3:00 p.m. MT

Jacobs

The scheduled meeting of the Public Works was called to order by Vice Chairman Scott Wilson at approximately 3:20 p.m. on Tuesday, March 9, 2021 in the Council Chambers of City Hall. Committee members present in person or attended via Teams were Scott Wilson, Pat Woodcock, and Jake Galeener; Jackson Fox and Bernie Babcock were excused.

Others present in person or via Teams were Al Cablay, Paul Woods, Kim Lord, Suzanne Mulvany and Hewitt Griffin. The press was notified and in attendance.

This meeting was recorded; copies are available at City Hall and Public Works Headquarters.

ADOPTION OF MINUTES – FEBRUARY 2, 2021

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. GALEENER, SECONDED BY MR. WOODCOCK TO ADOPT THE MINUTES OF THE PREVIOUS MEETING, FEBRUARY 2, 2021: MOTION PASSED UNANIMOUSLY.

ELECTION OF OFFICERS

RESOLUTION, ACTION &/OR MOTION:

DEFERRED TO THE NEXT SCHEDULED MEETING, APRIL 13, 2021.

CAPITAL IMPROVEMENT PROJECT UPDATE



PLW – Thank you Mr. Chairman, members of the Commission. I think what we wanted to do is come back to you, and we appreciate the opportunity to present to you on the draft of the capital improvement plan. I think going forward we got some good comments about how we can structure that a little differently. I think you all received a copy of the final budget. And now in the spirit of what you said is take a few of these things and kind of look at the big picture of what our strategy is. I want to start out with wastewater improvements.



The big picture - The rates that the city currently has is on average a residential customer is about \$53 a month in Ontario, and that's pretty high. I don't think we want to see that go any higher. We're at kind of what the affordability criteria is, the regulatory agencies look at is 2% of median household income and we're above that by quite a bit. So, we made an argument with DEQ, that any additional regulatory burden needs a long schedule of compliance, and we

really shouldn't be trying to raise the rates any more than what they are. And so that's kind of our overall strategy here. I'll be going through just some of these projects to give you a little bit more detail what we proposed.

Tapadera Lift Station



- Lift Stations are a critical component of the City's Sewer Collection System;
- The Tapadera Lift station is one of 6 lift stations in the overall system;
- The lift station conveys sewer flow from areas east of Interstate 84 and to the wastewater treatment plant;
- The lift station is at capacity and scheduled for upgrading in next year's budget;
- The timing of the proposed Nascosto Development requires exceleration of the upgrade timeline.

One of the items that we needed to move up was supposed to be another year out, but we moved up. We talked to you and we've actually gone to go to the council. We briefed them last week on the 16th we're asking for them to expedite a contract to do the design on the Tapadera Lift Station. Just by way of background, we have six lift stations in our overall collection system. We have about just under 70 miles of collection pipe. Lift stations obviously take wastewater from a gravity situation, pressurize it and push it so they can get back to the plant. The Tapadera Lift Station is really being driven by a proposed development which is called Nascosto.



Tapadera LS Drainage Basin

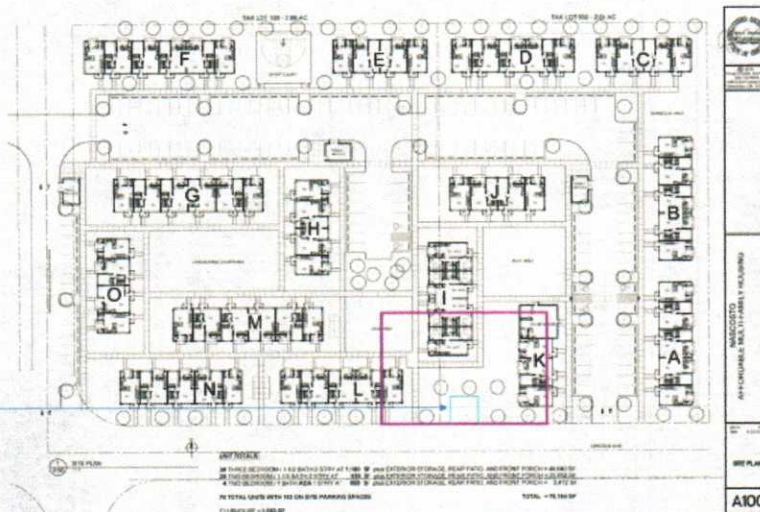
Just to let you know where the drainage area is, it's East of I-84. I wish this showed up a little bit more in red, but the Tapadera Lift Station collects and then pressurizes it, and the line you see going to the West under Interstate 84, that's all under pressure for the Tapadera Lift Station.

Nascosto Affordable Housing Project



- 70 Multi-family Unit Project
- Located in NE quadrant of Ontario on NE 3rd Ave.

Tapadera Lift Station



We had this development application come in for the city that's been approved. It's called Nascosto; it's a 70-unit multifamily project. The lift station that is right here right now, and what's expediting this is we need to expand this lift station, we need to acquire property from the developer and quite frankly, we've had to have them hold off on this building. I kind of wanted them to move that a little bit further to the North but have had some resistance to that. But you know what we're talking about. We've got to keep this system flowing while we're doing this. Otherwise, we're going to have to do bypass pumping. We can do bypass pumping that's not impossible, but it's expensive. So, what we're talking about is moving it, and building a new wet well. We've negotiated with them to acquire additional property but if we have to use that existing wet well, it's just going to increase the need for bypass pumping, and we need to be careful we don't create a situation where it's going septic. This whole development kind of came up quickly and forced our hand to move forward with this project. So, at this point we're going forward with the contractor design and upgrade this. And then we're also evaluating, but as kind of a separate project the need to upsize the pipes downstream.

SW – Years and years ago we collected System Development Charges around the City to fund so that there would be capital money for growth. Is there any system development money left in the wastewater department? I don't know if this falls under that definition but when I was on that committee that was the sole purpose of collecting those fees was so that when growth came there was already money paid into a program that helped fund what the city needed to expand as the city grew.

PLW – Let me answer that a couple different ways. Number one, this absolutely fits that definition. This is a project that's not being driven by the wear and tear of the system and needing a replacement? This is a project being driven by growth of flow, which is being driven by growth in the community. So, we only have \$40,000 in system development charges and currently system development charges are not imposed on residential units. I think this project is probably \$600,000 by the time you get done, and the existing rate basis essentially funding that expansion. So, whether that's a policy matter that this committee would like to pick up and advise on? I think there is the ability to do that.

SW – That's what I didn't know is how much money. There was not a lot of growth when those fees were being imposed.

PLW – Well, in this case the direction of the council was to apply the system development charges to this project to offset costs is \$40,000. That's why we're moving forward with this project expeditiously.

Facility Plan Update



City of Ontario, Oregon
Sanitary Sewer Master Plan Update
Addendum No. 1 - April 2010



Task No.	Issue	Due By	Task Description	Deliverable
			how the specific actions will be initiated.	
13	Assess	May 1, 2024	The permittee must update and revise the reduction program to maintain current reduction efforts and implement additional reduction measures (if identified). Facility Permit Study Analysis The permittee must submit a study analysis to EPCO as required in section 6 of the Facility Permit. The study analysis must include a description of the current reduction program, a description of the permittee's current reduction program, and a description of the permittee's current reduction program. The study analysis must also include a description of the permittee's current reduction program, a description of the permittee's current reduction program, and a description of the permittee's current reduction program.	The permittee must submit a study analysis to EPCO as required in section 6 of the Facility Permit. The permittee must also submit a description of the permittee's current reduction program.
14	Analyze	May 1, 2024	Facility Monitoring Plan The permittee must submit a monitoring plan to EPCO as required in section 6 of the Facility Permit. The monitoring plan must include a description of the permittee's current monitoring plan, a description of the permittee's current monitoring plan, and a description of the permittee's current monitoring plan.	The permittee must submit a monitoring plan to EPCO as required in section 6 of the Facility Permit. The permittee must also submit a description of the permittee's current monitoring plan.

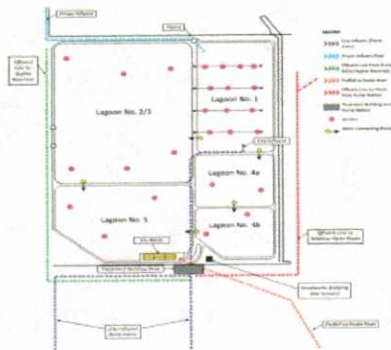


The other project that we're moving forward with is to do a Facility Plan. The City has done a lot of positioning for our growth. And just a little bit of background here, the rated capacity of the Wastewater Treatment Plant today is just over 3,000,000 gallons (3.06). Our average monthly flows are in the 1.7 - 1.8 million gallons per day range. So, if you look at historic growth there's still quite a bit of room for growth. But 1.3 million gallons per day is not in the grand scheme of things that big. If you're going to bring in a food processor, let's say a Marigold came through they are going to want at least a million gallons a day of capacity. So, on the water side we've updated the water system master plan in the last year, and on the street side we just did the transportation system master plan. We haven't updated our master plan here and the last time it was done was in 2010, and that was primarily focused on the collection system. The original master plan of which this was an addendum to goes back to 2001, so we want to pull that forward. It's a requirement of our permit. This is our permanent that went into effect in 2019. An outline of it is due in May of 2024, but quite frankly we think it's a good idea to move forward so you got water, streets, sewer for any economic development; and you've got the whole package together. There are some other recommendations like to upgrade the aerators but quite frankly, we think should be held off until we look at how the lagoon system is going to function, maybe up as high as 5 million gallons.

Therefore, this is a process which we would like to undertake starting in July if the budgets approved, and have frequent feedback from the Public Works Commission on should the City look at maybe getting out of the River? One of the biggest challenges we have with the new NPDES permit is the arsenic limit. The arsenic limit we have to meet is a 2 even though the safe drinking water standard is a 10. The arsenic issue would go away. Maybe because of the arsenic we may just want to get out year-round. It would be a lot bigger additional storage but even if we stay in the river that lagoon system might need to be modified somewhat to get better nitrogen removal.

SW – Talking about getting out of the river completely is not a new conversation. We've talked about that in the past.

Treatment Plan Upgrades

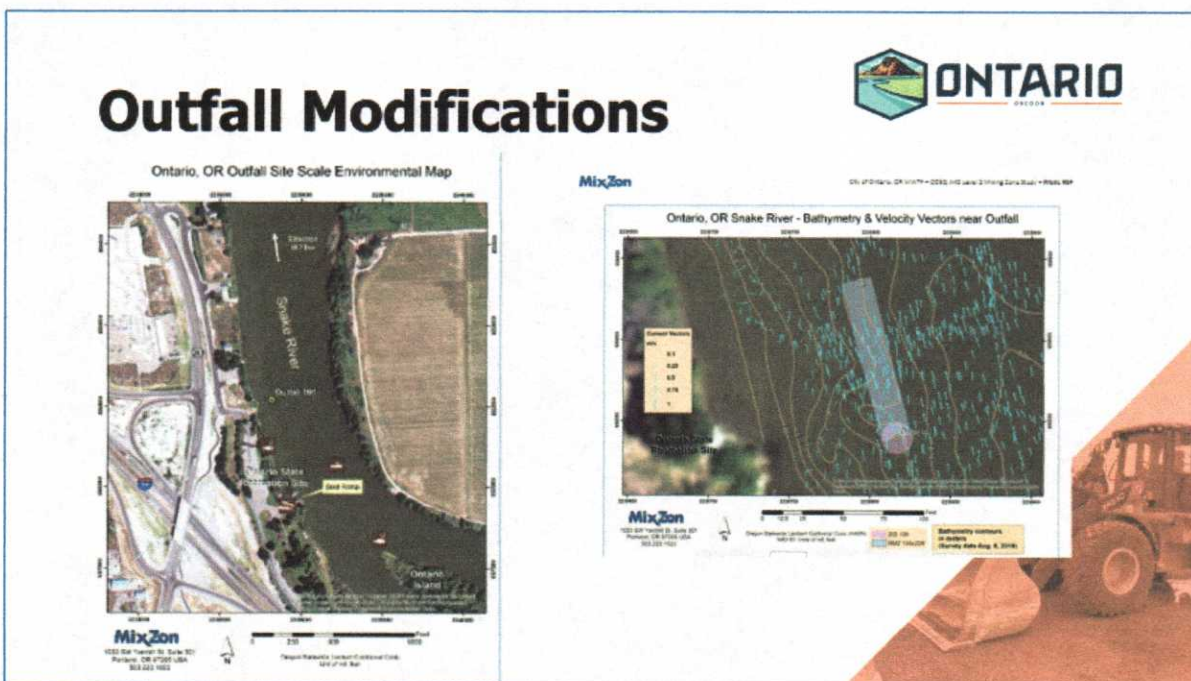


PLW – The way the lagoon system goes right now you've got the intake from SRCI, the city influent, and the aerators. And it's not just about getting air into the system, but it's utilizing real big bacteria that rely on carbon. So, the Ameresco folks had looked at replacing these aerators, which are kind of vintage like 1990. We do have to do some maintenance on them, they work but newer ones consume less energy and have less maintenance. The system they are talking about is you put the blower, an air blower on the bank, and you run piping out. But that's a \$1.8 million investment that takes 12 to 15 years to pay back and if you ask, "is this system going to work in that configuration for 12 to 15 years?" I don't know. That's why we want to do the Facility Plan so that we know that what we're investing in really makes sense.

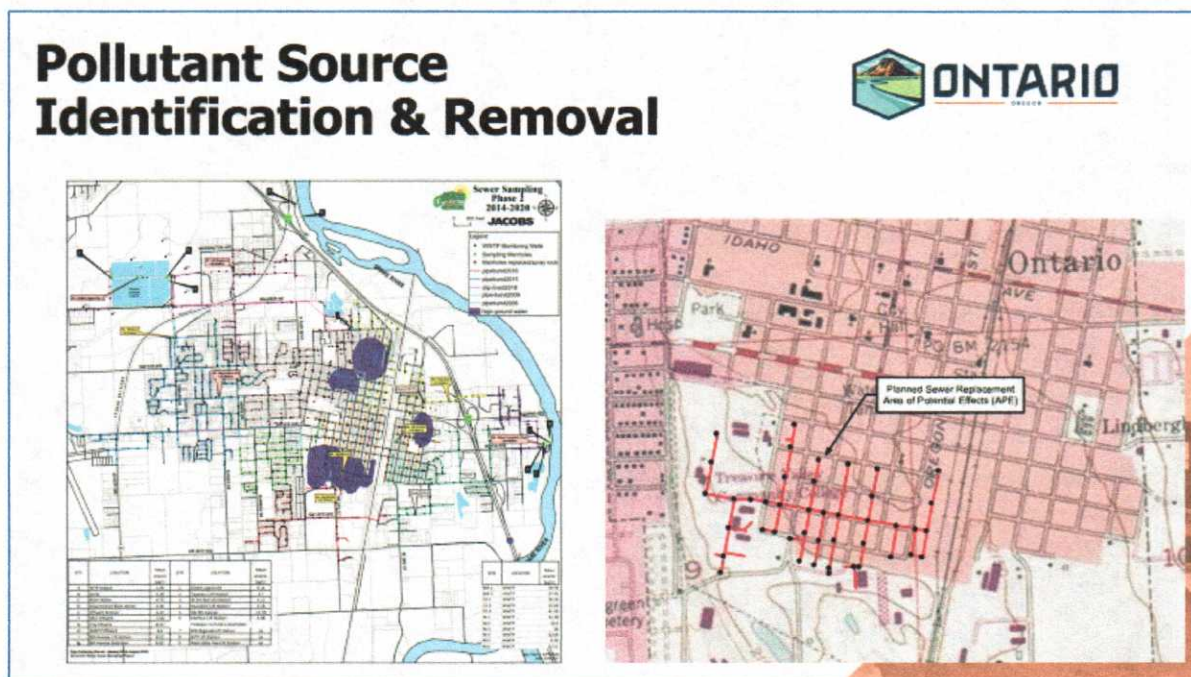
Skyline and Malheur Irrigation Upgrades



As I mentioned we have investments in both the Skyline & Malheur Pivot Systems and our pipeline that runs up there; there's a big old valve down here at the wastewater treatment plant that kind of carries all that pressure. It's a big old Zurich valve, a check valve that runs off water pressure. It is starting to leak and as we look at that there is no redundancy. So, part of the money that we put in the capital improvement plan is to replace that valve because it is leaking, and if it doesn't work it is a real problem.



One of the things that I think we talked about, and maybe didn't daylight enough is the City's current wastewater treatment outfall into the Snake River. It's used November through April and is really only a single pipe that goes out and just goose necks up and that's it. In a more modern way to configure that is you have a pipe with a header, and you have what's called these duckbills on there where water goes out it tends to fully mix more. This was a requirement of the City to do a mixing zone analysis and design an outfall, which we've done and submitted. But as a result of that it's enabled us to ask for a permit modification to remove the ammonia limit in the permit. Which is really important to us because ammonia can be a very expensive capital investment to make to do that. So, this project is scheduled to move forward over the next two years. One of the things that we need to do is just go in and actually get and secure at lease from the Department lands for the area that we're going to put our diffuser. That's part of why that process takes so long.



When it comes to arsenic, which has been the major driver in our permit, our approach that we negotiated and talk to DEQ about, is the fact that there's no authorized source of arsenic in the system? It doesn't come from an industry, and it doesn't come from ... (*inaudible*). It's coming from either private wells', which we need to go out and identify all sewer only customers and investigate. We have places that need to be put on the domestic water supply instead of the private wells, but we also have these areas where we've monitored where we have high arsenic and it tends to be in the old part of town and have old pipes that are not in very good shape. With the CDGB grant, these are the sewer lines we're going to be replacing this year, and again that's \$2.5 million of funding from the CDGB program and then the match from the City is \$200,000. But that is going to take a good chunk of where we are really seeing a problem with these old lines.



Sorry I don't have any fancy slides here. But our focus in the water plant we've got some upgrades to the pressure reservoirs and some pumps. The big thing is just upgrading for the next WesTech cassette to add more capacity but there is a bit of an interesting element that we want to look at first. That is that the wellfield appears to be pretty much tapped out. So, growth and water supplies are going to have to come from the Snake River. Which is going to change the blending a little bit that's gone into that WesTech system, so we want to make sure that's not going to create a problem. Therefore, we'll make sure that the expansion of the WesTech system is eyes wide open and make sure we understand all of the components.

JG – I do have a question about water and maybe nothing can be done, but is there anything in the works to improve the quality of the taste of the City's water?

PLW – Not Currently. But we can definitely take a look at that. I mean, right now the water treatment is the recipe. The recipe meets the regulatory and health aspects, but...



On the streets and stormwater as we get into sort of pavement management, that is something we want to take some of your time and get some feedback on. What do you guys think about pavement management? We have some different ideas were bringing forward; the use of maybe some unique funding ideas, and then we're going to have a meeting tomorrow increasingly using the acronym LID, Local Improvement District and that kind of gets to be not just the public works thing, but city attorney and finance, etc. There are some areas where LID's work to bring improvements forward in time. I think if it's at all shifting the cost right then that's a Loser idea, but if it's just keeping people whole on what they would have paid anyway, but bringing those improvements forward in time maybe LID's works.

And then with respect to the SE 5th St, this is a big \$1.7 million pedestrian improvement. We want to kick that off in a way that we don't come to you with one idea, with one focus area and say what you think? We want to get your input early on. The opportunities for improvement exceed the available funding, so that's always the key. How do you focus? Where do you focus? On what side of the corridor or what gets the biggest bang for the Buck? We definitely appreciated the comment on lighting. Because that's not what people are thinking so we've carried that forward on all of our representations. And throughout the year we will be coming back to you with updates on that.

AC – Any closing thoughts or questions?

SW – One comment I'd like to make is that this was quite interesting to read. Very Nice. It was really interesting to see how it plays out through all of the departments and not just a few.

AC – The next three evenings we'll be with the City Council and City Management going through and ironing out their priorities.

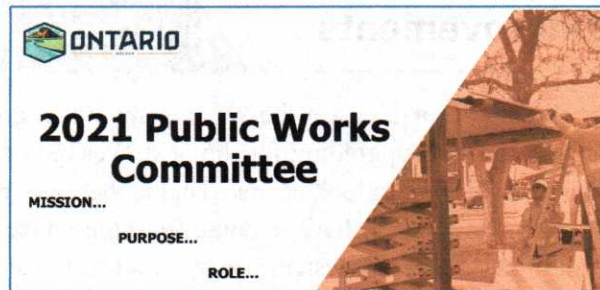
SW – Do you this committee to make a motion to approve this or is it okay with you just presenting it to us? I cannot remember what we've done in the past.

AC – I think it would be safe to go ahead and just get a consensus.

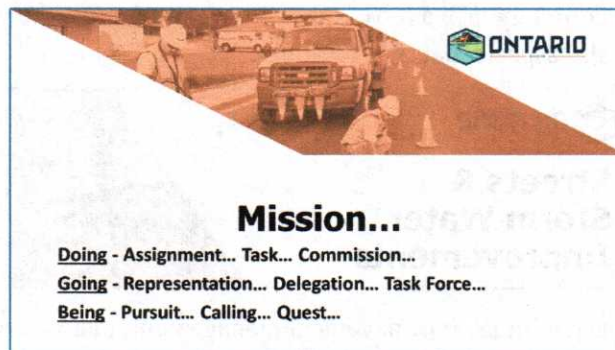
RESOLUTION, ACTION &/OR MOTION:

NONE

MISSION, PURPOSE, ROLE



AC – In your notebook are the Mission and Core Values that the City Council, in their past retreat was reminded of and they were requested to give their reaffirmation of the five strategic goals for the City to keep in mind as they move forward in their decisions. The strategic goals I'm referring to are Desirability, Lifestyle, Growth, Beautification, and Education. These are all listed in the City's Budget and I just wanted to give you the proper context as we move forward.



Also included in your notebook is the actual municipal code section for Public Works, and we've gone ahead and highlighted what we thought were the key sections. The first page is pretty straight forward. There's a chair, vice chair and secretary. So, that's what we'll be voting on in April. On the next page, and in regards to the mission, the purpose and the roles, the first parts Commission and in doing so, I thought I would lay the groundwork of what the... and this is what the City Attorney Larry Sullivan actually read in the Council meeting and what he read was the Purpose.

I'll go ahead and read the highlighted portions on section 2-8-5 here. *"The purpose of the Public Works Committee shall be to advise the City Council and the Public Works Director regarding matters in the Public Works area, including but not limited to, street construction and maintenance, water, sanitary sewer and storm sewer line construction and maintenance. In addition, the Committee may advise the Council and/or Public Works Director on any matter upon which the Council and/or Public Works Director requests guidance; provided, however, that the Committee shall not engage in any engineering practices..."* and I'll stop there.



Purpose ...

- American Public Works Association (APWA)
- ✓ 2021 Theme "STRONGER TOGETHER"
- Ontario Muni Code changes to Public Works Department
- ✓ Review and Recommendation
- City Council and Public Works Director
- ✓ Provide Advice

Skipping down to (b) *"The Public Works Director shall bring any and all proposed changes to the Ontario Municipal Code that affects the Public Works Department to the Public Works Committee for their review and recommendation prior to being presented to the City Council."* That's pretty straight forward. And the last part *"This requirement shall not mean that the Public Works Department will bring the Public Works Department Budget to the Public Works Committee, as the Public Works Department Budget is the responsibility of the Budget Committee."*

So, I thought that this would be a good time to... (inaudible). There are no preconceptions as far as how this should be run. I guess my point is we're here to listen. We're here to try to coalesce how the committee feels what they need to do, and how they need to move forward in light of new players and sort of a new direction with you all, based on these five core values.



Role...

- **BOISE Public Works Commission** - Provide recommendations policies and provide direction to Public Works Department. They will provide Guidance and Feedback~
- **NAMPA Wastewater Design Review Committee** - Provide perspectives and input to evaluate cost effective and reasonable design assumptions.
- **MERIDIAN Solid Waste Advisory Commission** - Recommend to Mayor and City Council any new or amended rules, regulations, policies and fees...Automated Solid Waste Collection System. **Transportation Commission** - A forum for Transportation Planning and project development...advocates and promotes multi-modal transportation network.
- **CALDWELL Traffic Commission*** - The commission is formed for the purpose of making recommendations to the Mayor and City Council in all matters pertaining to Traffic Safety.
- **NYSSA No Commission or Committee**. Separate Streets, Water and Wastewater Departments.
- **VALE Public Works Commission** - Limited information at this time.

So, with that I thought before we would start some discussion, I did a little bit of homework. These are the cities that I did some real quick research. I've never been a member of a Public Works Committee. I worked for only two other cities that had actual committee... (inaudible).

- BOISE Public Works Commission - Provide recommendations policies and provide direction to Public Works Department. They will provide Guidance and Feedback~
- NAMPA Wastewater Design Review Committee - Provide perspectives and input to evaluate cost effective and reasonable design assumptions.
- MERIDIAN Solid Waste Advisory Commission - Recommend to Mayor and City Council any new or amended rules, regulations, policies and fees...Automated Solid Waste Collection System. Transportation Commission - A forum for Transportation Planning and project development...advocates and promotes multi-modal transportation network.
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- NYSSA No Commission or Committee. Separate Streets, Water and Wastewater Departments.
- VALE Public Works Commission - Limited information at this time.

SW – Questions? Comments? - (No response).

AC – This is just in essence to broach the topic and I think it's timely. I think the Mission, Purpose and Role would be a very beneficial discussion to have and I just thought this would be a good beginning. (Handout)



"Where Do We Go From Here?"

- ✓ List Top Three- (3)
- ✓ Review and Discuss at April 13th meeting

SW – So, list top three is as far as what we think the PWC is? Or?... *(inaudible)*.

AC – What you'd like to see out of it... I really wanted to make this more of an open-ended gesture. You know, Overture. Maybe at this point it's just worth broaching and letting the committee think about it, and at the April 13th meeting maybe you'll be prepared. And at that time, we move forward and maybe set some expectations on a timeline and how the committee sees... developing a mission statement, aligning yourself with one of the cities that I mentioned... No preconceived notions on this end. Just want us to be on the same page most importantly.

AB – I think this is a good time to discuss or refine what your mission should be, what you think you are fine with or the top three things you want to do.

SW – I know what we've historically done. Looking at a mission and what's important to us is an exercise we haven't done in quite a while. So, it would be good but would be good to have all five members here.

AB – I think in that discussion you'd want to go back to the ordinance that establishes the Public Works Committee because it defines what it is right now.

SW – Honestly, I haven't read it in quite a while.

AC – I think last of all then what we can do is set this for the April 13th meeting and hopefully we'll have a full quorum.

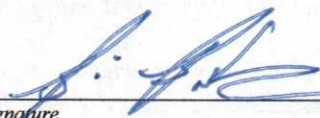
RESOLUTION, ACTION &/OR MOTION:

REVIEW AND DISCUSS TOP THREE AT THE NEXT MEETING.

ADJOURN

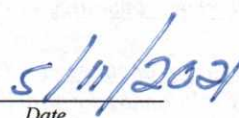
THE MOTION WAS MADE BY MR. WOODCOCK SECONDED BY MR. GALEENER TO ADJOURN: MOTION PASSED UNANIMOUSLY.

APPROVED:



Signature

(Bernie Babcock, Chairman / Scott Wilson, Vice-Chairman)



Date



PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, April 13, 2021, 3:00 p.m. MT

The scheduled meeting of the Public Works was called to order by Chairman Bernie Babcock at approximately 3:07 p.m. on Tuesday, April 13, 2021 in the Council Chambers of City Hall. Committee members present in person or attended via Teams were Bernie Babcock, Scott Wilson, and Jackson Fox; Pat Woodcock and Jake Galeener were excused.

Others present in person or via Teams were Al Cablay, Paul Woods, Suzanne Mulvany, Adam Brown, Sam Baker, Bruce Hunter, and Andrea Buchholz.

The press was notified. This meeting was recorded and copies are available at the Public Works Headquarters and on the city's website at www.ontariooregon.org.

ADOPTION OF MINUTES – MARCH 9, 2021

RESOLUTION, ACTION &/OR MOTION:

TABLED UNTIL THE NEXT SCHEDULED MEETING, MAY 11, 2021.

ELECTION OF OFFICERS

RESOLUTION, ACTION &/OR MOTION:

- Mr. Wilson nominated **Mr. Babcock for Public Works Committee Chairman**; Mr. Fox seconded the motion. **Motion passed unanimously** (Woodcock and Galeener -excused).
 - Mr. Babcock nominated **Mr. Wilson for Public Works Committee Vice-Chairman**; Mr. Fox seconded the motion. **Motion passed unanimously** (Woodcock and Galeener -excused).
 - Mr. Babcock nominated **Mr. Woodcock for Public Works Committee Secretary**; Mr. Fox seconded the motion. **Motion passed unanimously** (Woodcock and Galeener -excused).
-

ALAMEDA ELEMENTARY TRAFFIC ISSUES



Andrea Buchholz, Alameda Elementary Principal – Thank you for allowing me to be here today. We just wanted to bring the matter of our traffic flow issues in the back of our building during our parent drop-off and pick-up times to your attention. We reached out to the City about a year ago to talk about some of the incidents we've had regarding the flow pattern behind our school. We actually had a couple of accidents last year and in response to that the City put up some stop signs, which have been pretty helpful. But we're still having some issues with our parent pick-up congesting the roadway, and if anybody is parked alongside the roadway (parking on either or both sides) it narrows it down to a one lane path. Therefore, during that time where we're having parents' pick-up or drop-off students behind the school, it really does create a nuisance and a hazard for the residents that live right behind Alameda Elementary School.

Bruce Hunter – Parents are actually lined up almost all the way down to 10th Ave. I spoke to Adam about a year and a half ago and led me to believe that they went to the traffic engineer and they put stop signs up that didn't help at all. In fact, sometimes I think it creates more congestion. But because I was working all the time, it didn't bother me but now I'm retired and there during that time. If you look at your picture. Those cars line up and if they were clear against the curb it wouldn't be quite so bad, but some of them get four or five feet away from the curb. And then you get one or two cars parked on the opposite side and it creates a one-way street. I actually got hit during one of those things, I said we're going to change this, and I'm not going to let it die. So that's why I've been a proponent of it. So, Andrea, Al and I met, discussed it, and we came up with a couple of things.

AnB – I did present the plan of switching the busing to back and the parent pick-up to the front. But our transportation manager said it would be very difficult for the buses to navigate to get out of the back of the school. But I didn't know if that would then just be placing another burden on Alameda Dr., which Alameda Dr. is a very well used, highly traveled road, and I didn't want to create an issue on Alameda Dr. before I talk to you guys.

BH – One of the proposals was that we put up "No Parking" signs on the East side of the road between the hours of noon and three/four o'clock. I have talked to one resident on the corner of Southwest 12th St. and 12th Ave. and he has no problem with that. He said he has plenty of parking on 12th Ave. That way if we enforce that at least we have a little bit less traffic congestion. The other one that we alluded to is running the buses instead of in the front of the school run them in the back of the school. However, the bus supervisor sounds like he is not in favor of that. The third one, if you're aware of the Park. The school and the City have a joint park with a rope that goes along the back of our houses. It's gated so that people can't just make that a through Street. So, the third proposal then would be to open those gates and have the parents come in and then leave and that would put him down on Southwest 14th when they come out. That way there wouldn't be a traffic jam right there at the school. The thing that Andrea was concerned about if you had the parents pick the kids up in front they would have to park in the gravel along Alameda to be off the road; you could do something similar to what Aiken has done. There'd be one way in and one way out and the parents would have to come in and somehow get around to the South end of Alameda.

Our Mail lady and I talked the other day extensively and it's a joke to get through there. I'm surprised more kids haven't been hit there and it does create real problems. I'd appreciate it as a citizen from Ontario we do something to get this fixed up. Any questions?

BB – Has there been any prioritization? There has obviously been a considerable amount of discussion, but there hasn't been anything really formalized in terms of what the implemented solution is going to be. Is that correct? – *Yes*

As Public Works Chairman (and parent of kids that went to Alameda) I would certainly be in support of a solution.

JF – Does the City have heartburn with them using that driveway along the park?

AC – Not that I can tell.

JF – I'm no traffic expert but that seems like the safest place for kids. Away from those other traveled streets.

BH – We've toyed with having the bus swing in and go out that way, but that's kind of narrow for them. And I think the school has put a curb up along there and we might have to do some work with that curb and then maybe do a little enlargement of that corner there.

JF – What is the safest solution?

AC – Taking them down that road. That's the safest; it takes the conflicts of the pedestrians (kids) and the vehicles out from the roadway.

BB – Let me ask a point of clarification. So, basically what's kind of emerged is the prominent potential solution is to come off of Southwest 14th, drive along and the parent traffic would use that route and pick up the kids out of the parking lot on the East side of school; then the buses would continue to use the North. Is that correct?

Once again, what I'm hearing is essentially that the top recommended solution is to have parent traffic enter from SW 14th Ave...

BH – No they exit that way.

BB – OK. The parent traffic enters from 12th and exit on 14th; the buses would continue to use Alameda and load in front. Correct?

BH – Yes. And I would suggest that we put the signs up "No parking" anyway.

BB – It looks like it's really narrow. Is that wide enough to support? It's going to be a one way. Correct?

BH – Yes. And they would open it up and close it; it would only be open during the times that they pick the kids up.

JF – What are you calling that option?

AC – Option 3. If we call the 1. No parking only, 2. being rerouting of the buses, and this would be number 3.

BB – We've had enough discussion and I think we will....

SW – I just have a couple comments. This is not a new discussion by any means. When my kids went to school, we picked the kids up in the front of the school and the buses in the back. So, it's not a new problem. We've discussed it before over the years. And I like the idea that if you're going to keep parents in the back that they have that threw away. However, we also have to remember that someone has to be responsible for opening and closing the gates, and it does have to be an all-weather road.

AC – Mr. Chairman and Committee Members, we wanted to get a firm, clear direction with the participation of Mr. Hunter and Ms. Buchholz and with that come back with an option that would have all of these details laid out like the issues of snow plowing, the issues of closing the gates, which primarily those aren't major obstacles. We can get past those but come back to the committee with that recommendation. This is really a lot clearer direction that we thought we could get.

BB – So you're asking us to conceptually approve? – *Yes*.

AnB – I see a couple other potential things that we would need to do if we were going to use that as a Thruway. We would probably need to make sure that there was some sort of speed bumps because it is a pretty straight stretch, and we have parents that are rather quick drivers. And also, I know both Leagues use that parking lot to store the soccer goals during certain times of year. That would probably create a hazard that we wouldn't want to have there. So, I think we need to probably talk to the city about where they would store those soccer goals, and I'm sure they store them on the asphalt because they don't want to kill the grass. Those were just two things that as an observer I see we probably need to address. Besides maybe moving that gate.

BB – Andrea I have a question for you about snow removal. Snow removal might become an issue, and obviously when the City does snow removal, their priorities are different streets than would be a route for the school. So, it might be a situation where the school district might have to accept responsibility for it. I mean if you're having school then obviously that would be something that would need to be addressed.

AnB – Right, I actually took note of that, and I know that we've purchased some additional snow removal equipment at the district level. But I would definitely need to run that by our Superintendent and the maintenance manager before I could say.

BH – One other thing that I'm going to bring up for Andrea's sake is we did have a student get hit on Alameda, and Andrea is very concerned. The City needs to put some lights, warning lights up on that road so that people know to slow down, at least it might help.

AnB – And our response to the student getting hit about a month ago was we actually put a person up there at the crosswalk with a vest and a stop sign, which has helped a little bit. But the lights that you guys put in front of Aiken that flash during dismissal and entrance times for the students would be super helpful. People go by Alameda Drive I

watch him all day long right out my window here and they go by Alameda Dr upwards of 50/60 miles an hour. It's like the school being offset from the road. They forget we're here. It's pretty concerning.

BB – Do you have any other discussion?

JF – I move that the committee recommends to the City Council Option 3 As well as have the City Council workout these other smaller issues.

BB – Do we have any other further discussion? I would recommend in addition to that, and for our motion to include Jacobs and the City come back to us with the plans so we get some feedback on what was formally decided.

SW – I'll second that.

BB – It's been moved and seconded.

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. FOX SECONDED BY MR. WILSON THAT THE PUBLIC WORKS COMMITTEE RECOMMEND TO THE CITY COUNCIL OPTION #3, AS WELL AS HAVE THE CITY COUNCIL WORKOUT THE OTHER SMALLER ISSUES; THAT JACOBS AND THE CITY COME BACK TO THE PUBLIC WORKS COMMITTEE WITH THE FORMALLY DECIDED PLAN: Motion passed unanimously.

MISSION, PURPOSE, ROLE

AC – Mr. Chairman and Members of the Committee I'll have on the board a short slide presentation and it will look really familiar as I used some of the same slides. And then if I could Mr. Chairman, I'll just take a moment to give a little bit of background. The reason for this is and couldn't have been better shown and displayed right in front of us in real time. That Purpose, Mission and Role is precisely what the elementary school and Mr. Hunter as a resident brought up as a sounding board. Respected from the committee. He got us a direction on items such as safety; in this case it was school safety.

In looking at the history of what the Public Works Committee has done in the past and ya know that old, saying "To understand where you're going, you have to understand where you've been", and in this case it hasn't been a clear cut path. At the last meeting we had ordinances that we also passed out to the committee members; on those ordinances it laid out really what the mission, purpose and role is for the committee. So that's why I did this. I ended that presentation as 'where do we go from here'? And in light of that I asked the committee members to send what they feel may be the top three and we could discuss them today.

The committee's mission is to advise the City Council, City Manager, and the Public Works Director in matters regarding public works area. The Committee may advise the City Council, City Manager and/or the Public Works Director on any matter which their guidance is requested.

So basically, it's a pretty broad umbrella of which that's what the committee just provided. This was lifted almost word for word out of the current ordinance. So, I thought I would daylight that with the committee and see if there were any issues? If I may digress a little bit... the prior presentation also showed the cities of Boise, Meridian and Nampa, and of course Nyssa and Vale and all those others as far as what do they do with their communities? And it was pretty similar. Their missions were broad based. I think we have the advantage of having our City Engineer, Paul Woods with his experience with some of the Idaho cities with their committees and commissions too. And he would support the broad umbrella that the Public Works Committees or Advisory Committees have. So, I'll stop there and see if there's any feedback or comments on what I just read to you.

JF – Do you have a copy of that ordinance? I don't recognize all this verbiage.

AC – So it's under purpose under 2-8-5a. Again, my intent is really to just daylight it. And to see if there is something that you don't like or would like more clarity on?

So, the purpose again is lifted out of the actual ordinance, Section B. To review and recommend any all public works related changes to the municipal code prior to approval by the City Council, and this is what it lists. And it uses that term, that catchall "to include, but not limited to", so this is just what they list specifically standard drawings, utility

charges, fees or what they call SDC's (System development charges), changes or additions, master plans or studies and the last major Capital Improvement program or CIP projects.

Lastly, is the Role. This one, to me is up to interpretation. In the prior presentation I gave I talked about was more specific objective of what is that we're doing in our mission and in our purpose. In this case, and the last section listed under the ordinance and specifications adopted. I'm not sure if you're aware; I was sort of enlightened about it that we actually use Idaho specifications for public works construction. I understand that because of where we're at here. What it does is augment that with the City of Ontario supplement. The City Engineer and I have not had a chance to discuss it, but essentially Idaho specifications are 2017 and the City of Ontario are 2007. We need to update those. If nothing else daylight it, let's bring it out, does it apply? I think we have some really good projects and construction that we've been waiting on to say that these are standards that are either applicable or not applicable. I think what I hear is that they are so let's go ahead and bring them up to date.

BB – I just have a couple of questions or points of clarification. So, in reviewing this and looking at the mission and actually the ordinance for the Public Works Committee, have there been any action since you've been involved with us that you feel is outside of the framework or the guidance of the Public Works Ordinance?

AC – No. However, one area in the code and the ordinance does speak to is budgetary. It was very clear that is not the purpose of the committee. So, if I were to answer that with some clarity and that would be getting involved in the budget part is something that I wasn't familiar with and had not had experience doing that with other City boards and commissions. And so, as it turns out that's not what the committee should have been doing. Other than that, no, I don't see anything that the committee has either acted on in the past or in my brief experience is not appropriate, other than the budget.

BB – So, for clarification the ordinance specifically directs the Public Works Committee to review the CIP budget, which is what we've done. And obviously we don't have authority or oversight or an advisory role with the Public Works Departmental Budget, and so, just as a point of clarification, and I'm going to put it in a nutshell and I've been on the Public Works Committee for quite some time and Scott's been on the committee longer than I have. I view a role as advisory, and I view our roll, I mean we are a committee we're not elected we are appointed, and my take is our role is to assist Jacobs and the City in addressing, identifying, and providing advise because we essentially represent the citizens of the City of Ontario. And so that's how I view it. We are truly advisory. There're times where you may not agree, and we may not agree but the point is that we have the discussion.

AC – Yes sir. I was curious to find out because again, in reading the ordinance, in my experience in other cities, you don't find one where it actually says when there is a disagreement, what to do between the Public Works Director and the Committee.

BB – My comment is that the reality is the City of Ontario has hired Jacobs to perform the Public Department Works projects and run the Department, and you're at risk for that. Again, that gets to the fact that we're purely advisory. You guys have to make the final decision and do what you feel is in the best interest and run that through the City Manager and the City Council. But again, you know we would never, or we shouldn't participate in engineering or anything outside of an advisory role.

JF – So what brought this on? Did the City Council send this to you and say change this ordinance or something? Because your verbiage does not line up with the verbiage in this ordinance.

AC – No sir. The City Council did not. That's all on me as your Public Works Director. I felt there needed to be some clarity on our part as we rolled out the CIP, as we do our public works duties. I felt some clarity was needed. If I may remind the committee, we didn't even have a quorum for the first two meetings or the first two months I was here. So, it was a challenge to hear and to implement working through every day without hearing the main advisory if you will. The direction, the vision that I need to see and be part of to try to implement on behalf of the City Manager and City Council. So that's where I thought perhaps, we could have an opportunity to revisit. And again, I didn't mean to take literary license. I did this to just show what is in the ordinance as best as I could and here from the committee what they want to do and help and to daylight these issues so that we can go forward and trying to in our day-to-day tasks and in our master planning and everything else that we do on behalf of the City and Public Works. And to adhere to your ordinances and what the perspectives are that the committee represents.

JF – We work at the pleasure of the Council. I don't have an understanding of what is in front of us. What you're asking us to do?

AC – I hear you. Let me go back, regroup, and come back to you with what I thought I heard. In response to the mission, purpose, and role. Again, I needed clarity. I felt I'm hearing it now. Despite not having two of the members here, I think as a whole. We make better decisions when there's a greater whole. So, let me do that, allow me the time to come back in the next meeting and I'll articulate what I believe I heard.

BB – I'd like to hear from Scott a little bit too on the matter.

SW – The only comments I have are similar to what has already been said. I've been on the committee longer than anybody and we've never looked at the Public Works budget. The only time we ever looked at the Public Works budget was when we were asked to review was when you guys were hired, when you were CH2MHill. That was the contract and the budget was brought to the Public Works Committee for review. The only reason we ever asked for a CIP budget was because we were always given this list of CIP projects that were multiple pages long and our response was if you don't tell us how much money is available, how can we prioritize the list? And that's the only budget that we have ever seen. If you just at least tell us how much money is going to be available for CIP's, so we don't recommend projects that are three times more than the budget. That would be kind of a waste of effort on everyone's part.

And in looking back when this ordinance was written and this committee was formed the number one question that came from the Council when either of you came with a Public Works project, question, or idea was "Have you ran it by the Public Works Committee first?" And most of the time their response was "bring it back after you ran it by them." So, we've been the sounding board, we've been the place to ask questions you might not want to ask in a public council meeting. You can have feedback and most of the time, in my experience, is the Public Works Director and City Manager went to the Council and said "I've already ran this by the Public Works Committee", they're good with it. Or these were their concerns. It strengthens your position. That's what we spent a lot of time doing in the past. Is going through details helping you with ideas and projects you want to do, so that when it gets to the Council you've already had it ran through one punch. It's like this thing with the school when you take something to the Council you can say we've already gone through this with the Public Works Committee, this is the idea they like and this is the idea we like. So, our role and responsibilities have always been a little bit broad. But that's just the way it's always evolved and been. Realistically we are here to help, not to criticize, we're here to help.

(Continued general discussion)

PIW – Mr. Chairman, if I could just on the CIP, what I would like to request is that throughout the year I would like to request an opportunity to come before you let's say 30 minutes, one meeting to just talk about the water fund. How much money we collect, what are our water operating expenses, what is the CIP focused on and give us a chance to throughout the year, go through the Water fund one meeting. Another meeting we have the Wastewater fund for 30 minutes, Street fund, and so on so as we get towards that time next year, it's not just all coming as something that we haven't revisited for 11 months and get the opportunity to look at that. And you included in there not just once, but you know what we need so you guys understand.

If that's okay with you Mr. Chairman, we'll work to schedule those on the agendas throughout the year.

BB – You would work with Al on getting those on the agenda, and I certainly think that's a good approach.

JF – I agree.

RESOLUTION, ACTION &/OR MOTION:

NONE

ODOT NEWS RELEASE

AC – There was an email that was sent out from ODOT and we wanted to share it with the committee and welcome you to make comments as well. Those are included in your packet, and you are able to get online.

***Online open house begins March 29 for U.S.
30 Snake River (Ontario) Bridge***

March 25, 2021

*More information: Tom Strandberg ODOT Public Information Officer, 541-963-1330, thomas.m.strandberg@odot.state.or.us ONTARIO - The Oregon Department of Transportation will be repairing the U.S. 30 Snake River (Ontario) Bridge that connects Oregon and Idaho, between Ontario and Fruitland. The bridge is located less than a mile north of Interstate 84 Exit 376. To collect feedback about the upcoming project we are holding an **ONLINE OPEN HOUSE** from March 29 through April 9. Local residents, businesses, bridge users and other interested parties are encouraged to visit the website and review project plans, pictures and traffic impacts information, and then provide feedback. The online open house will be available for viewing March 29 at the following web address: <https://odotopenhouse.org/u-s-30-snakeriver-ontario-bridge>.*

The Snake River Bridge provides important access between Oregon and Idaho. Built in 1967, the structure is in need of repairs and upgrades. Without them, the bridge will continue to deteriorate. We will design the project this year and construct it in 2022. Your comments will help us build a better, safer project.

*Oregon Department of Transportation
355 Capitol Street NE, MS 11
Salem, OR, 97301-3871 USA*

RESOLUTION, ACTION &/OR MOTION:

NONE

OREGON PW EMERGENCY RESPONSE COOPERATIVE AGREEMENT

AC – Mr. Chairman and members of the committee, this is an item that was last approved in the mid-2000. I spoke to Lucy Moore at length about it. This is one of those projects that in the Covid that now her staff have kind of focused on. And said, “Oh my gosh, we have all these agencies that have not renewed.” Now, that doesn't mean that the agreements are null and void. They are still valid but need to be updated. So, rather than just bring this up before the City Council, the City Manager gave direction to bring it up to the Public Works Committee. Essentially what this agreement does is, and we may, or may not... again we're not forced to do it, but it is a Cooperative Emergency Agreement. It is very common in many DOT's throughout the nation; it just says that we'll cooperate. I can tell you from my own experience. When you have an agreement, it puts you up to the front of the line, bringing in the money faster, and with cooperation with my colleagues, fellow directors, and other Departments across the state it works well. So, I would encourage it obviously, but it is discretionary. Questions?

SW – Does the City Attorney go through this too?

AdB – When any item goes to the City Council and it is a contract item, we have a routing process that goes through the City Attorney. So yes, it will go through the Attorney.

BB – I'm pretty familiar with these kinds of agreements and working with the school. We signed several of these with the County in the event of Emergency X and obviously it's pretty vague in regard to personnel, equipment, and everything else. I think that's pretty standard, but obviously we want to be well prepared in the event of an emergency.

SW – Do we need to make a motion on this or is it going to be just a recommendation?

BB – What are you asking? I think it was listed as just a discussion item.

AC – Yes. How the staff report will be written is that it has gone before the Public Works Committee for review.

RESOLUTION, ACTION &/OR MOTION:

NONE

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

SW – I just have one comment. When we were listening to the presentation about the school. I'm a little unclear... Where does the school district responsibility for traffic control end and the City's begin? I'm just unclear because they're kind of asking for like a partnership. Part of what they want to direct traffic on is their property, part is on City property, and I'm just a little unclear on who's responsible for what?

JF – That is why, in my motion, I put in there that the City Council needs to work out those little details as they have an attorney.

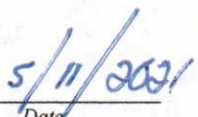
ADJOURN

THE MOTION WAS MADE BY MR. FOX SECONDED BY MR. WILSON TO ADJOURN: MOTION PASSED UNANIMOUSLY.

APPROVED:



Signature



Date

(Bernie Babcock, Chairman / Scott Wilson, Vice-Chairman)



May 2021 ACTIVITY REPORT



May 2021



Emergency Medical:

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

CITY	172
RURAL	17

6 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	16	6	0
RURAL	4	1	1

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

TOTAL CALLS FOR MONTH

CITY	188
RURAL	21

FIREFIGHTER TRAINING:

4/27 – Hose loads and hose deployments, Haz-Mat.

5/4 – Child abuse recognition, and what to do if you become aware of abuse on an emergency response.



May 2021



5/11 – Physical agility practical exercise.





May 2021



5/8-16 – Chief attended the National Fire Academy in Emmitsburg Maryland.

5/18 – Wildland fire shelters and deployment.



5/25 – Wildland hand tool techniques and Haz-Mat decontamination refresher.

PERMITS ISSUED:

City Open Burns 5

City Burn Barrels 2

Rural Open Burns 34

Rural Burn Barrels 12



May 2021



INSPECTIONS:

4/26/21 – West Park Plaza fire wall and fire sprinkler systems.

4/27, 5/4/21 – Hydrant flows for the new Commercial Tire Store SE. 5th Ave.

4/30/21 – Inspection of a couple of sites for a new retail food business.

5/5/21 – Hydrant flows at West Park Plaza.

5/5/21 – State Fire Marshal and Chief did 2 large daycare centers, and 2 adult care facilities, and follow up on 3 schools.

COMMUNITY INVOLVEMENT:

4/28/21 – Malheur County National Building safety day.

4/28/21 – Candidate's forum at FRCC for 8c school and TVCC board elections.

5/6/21 – Covid-19 vaccines at FRCC.

5/8/21 – Mother's Day Community Breakfast feed.





May 2021



COMMUNITY INVOLVEMENT CONTINUED:

5/17/21 – New 109' Rosenbauer Ladder Truck demonstration.



5/6 & 5/7 Station Tours





May 2021



5/6 & 5/7 Station Tours Continued



Summary of Calls of Interest:

City Incidents:

5/2 1377 Nadine Dr. Rescue 1 was dispatched for a pull station alarm. R-1 arrived on scene and contacted the occupant, he stated he was cooking breakfast and caused the smoke detectors to activate. He ventilated the kitchen, and all is well.

5/3 591 E. Idaho R-1 dispatched to Weedology for a jeep that caught fire but has been put out. Upon arrival R-1 contacted owner. Owner extinguished fire with ABC extinguisher. R-1 told owner to disconnect battery so it will not reignite.



May 2021



5/6 & 5/13 311 East Lane R1 was called numerous times for a commercial fire alarm. They were having malfunctions with the alarm and dry fire sprinkler systems. Before arriving on scene MCSO cancelled R1 due to employee error. No fire, code 4.

5/7 525 SW 11th St. R1 was called for grass on fire; approximately 100 sq foot area of grass was burning. R1 extinguished the fire with tank water. Info was gathered by the neighbor. No owner was found at the residence of the fire. The fire cause was undetermined.

5/9 341 SE 5th St. Rescue 1 was called to the scene of a fence on fire. On scene the occupant had almost extinguished the fire with a garden hose. The fire started from a cooking fire and spread to patio furniture and then to the fence.

5/17 1802 SW. 4th Ave. R1 was dispatched to Ontario Auto Ranch for report of a water flow alarm. Rescue 1 has responded to this business several times this year for this alarm system failing. On scene there was a small amount of water flow coming from the overflow. Rescue 1 reset the alarm and the responsible party stated that the air compressor has been shut off for unknown reasons. The compressor was turned back on. A valve was stuck open. Rescue 1 staff worked to get the valve to close. The responsible party stated that they had the alarm company fix an area that had a leak. They have not had a false alarm in several weeks. The RP stated that he will have the alarm company come out in the AM to replace the valve.

5/23 500 Block NW 8th St. Dispatched to a vehicle on fire in front of May Roberts Elementary School, by the apartments. Upon arrival, there was a 2005 Mercury Sable, fully engulfed. The fire was extinguished soon after arrival. The fire appeared to have started in the front driver side engine compartment, where the battery is located. A bystander in the area stated that he heard an explosion and did not see anyone in the area. An OPD Officer stated that upon his arrival, the fire was contained to the engine compartment before spreading to the rest of the vehicle. Most of the burn appeared to be around the battery. The owner of the vehicle stated that the car has been parked since Friday night, and no recent work done to the vehicle. The cause of the fire is unknown.

5/25 88 SW. 3rd Ave. R1 was dispatched a couple of times for the system having issues at one zone with one sensor. Alarm company is aware, and they are going to work with responsible party to fix the system.

5/25 537 SE 2nd St. R1 was called twice this week to assist M1 lift very large pt. An engine company was requested to respond to help lift. 3 personnel responded to the fire station and responded in 156. 5 OF&R personnel assisted EMS with pt. lift from ambulance to pt. bed. Pt was code 4 in bed. OFR crews were able to clear scene.



May 2021



Rural Incidents:

4/29 I-84 MP 371 Rescue 1 was dispatched to the area of I-84 MP 371 for possible fire. Rescue arrived on scene to find a farmer burning ditches along his field. R1 allowed the farmer to continue burning.

5/4 644 Ontario Heights 156 was dispatched for report of a controlled burn that got out of hand quickly and got into an evergreen bush. The bush quickly ignited and caught a power pole on fire. The occupant and her neighbor that had stopped and helped extinguish some of the fire. Upon our arrival they had most of the fire knocked down including the power pole. 156 extinguished the remaining spot fires and mopped up the power pole and area. The owner stated that she was cleaning up some leaves and burned them in an area that had cheat grass which ignited and took off. She did not have a burn permit. As 156 was wrapping up, Idaho power arrived to inspect the pole.

5/6 SW 4th Ave. & Yturri Beltline R 1 responded on a controlled burn of a farmer burning some ditches. He was allowed to continue.

5/15 3620 Lincoln Dr. Ontario fire dispatched for grass fire. Prior to arrival 156 requested general page for fire. Upon arrival 156 found about 5-acre grass fire. 156 started extinguishing fire on west side. Upon arrival of 157, Command directed them to go to south end to extinguish fire. 102 checked on east side and controlled fire on north side. At 19:00 all crews had perimeter extinguished and controlled. All units cleared the scene at 19:16.

Jacobs May 2021 Report



Jacobs



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 DEVELOPMENT REVIEW
- APPENDIX



PARKS, FACILITIES & CEMETERIES SUMMARY

ACTIVITIES: May 2021

- Fertilized dog park area at Lions park.
- Slide repaired at Laxson Park
- City Hall drinking fountain repaired
- Downtown flowerpots are being watered twice a week
- Routine Parks and Cemeteries maintenance, mowing, trash removal, sprinkler repairs, trimming and edging around sidewalks.
- Two Funerals at Evergreen Cemetery and One at Sunset Cemetery



WATER TREATMENT PLANT SUMMARY

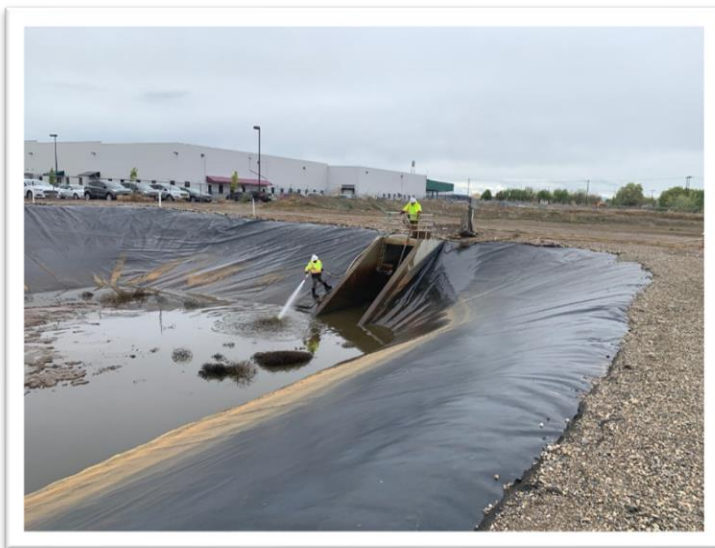
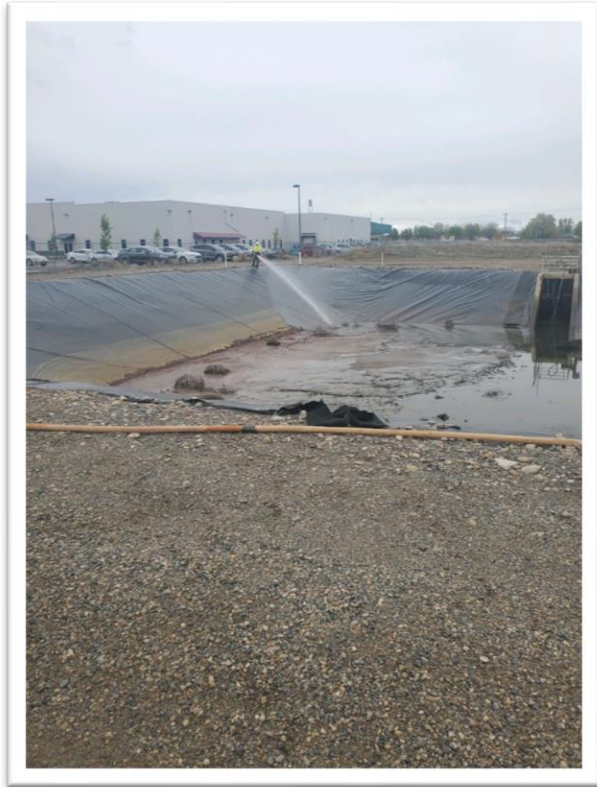
ACTIVITIES: MAY 2021

- Monthly Bacterial samples taken
- Main plant filter effluent valve controllers rebuilt and back into service
- Increased cleaning of the river screens to remove debris
- Drying beds refilled with solids from wash water recovery basins 3 & 4
- Water treatment staff conduct diagnostic checks (jar testing) to ensure correct chemical dosing is to maintain proper river water quality
- Solids washed out of WWRBs #3 & 4, both sludge pumps were inspected
- Brush is being removed from slough in preparation for cleaning
- Weed control at the Water treatment plant, booster stations, well field and reservoirs has begun and will continue throughout the growing season



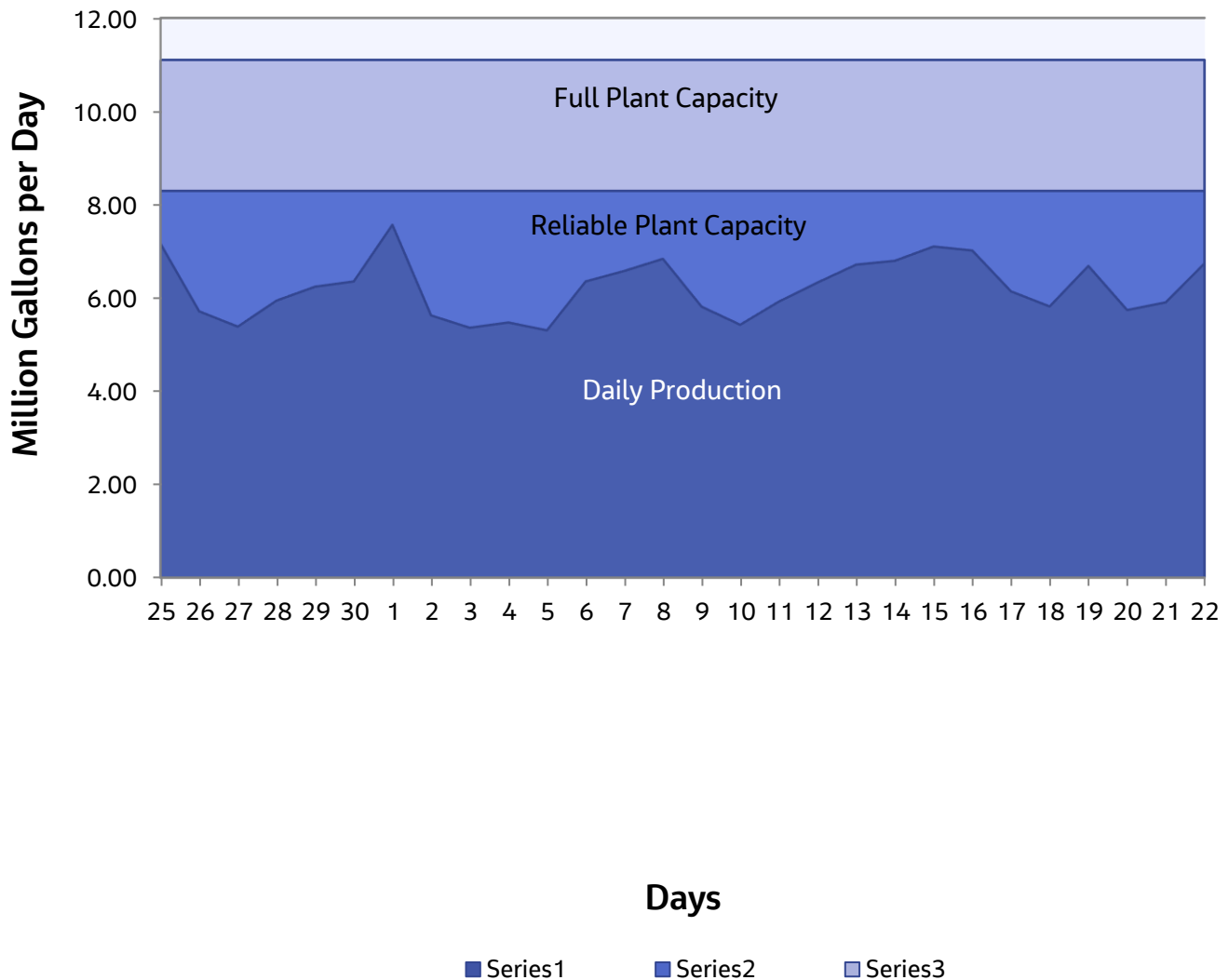
WATER TREATMENT PLANT SUMMARY

ACTIVITIES: MAY 2021



WATER TREATMENT PLANT SUMMARY

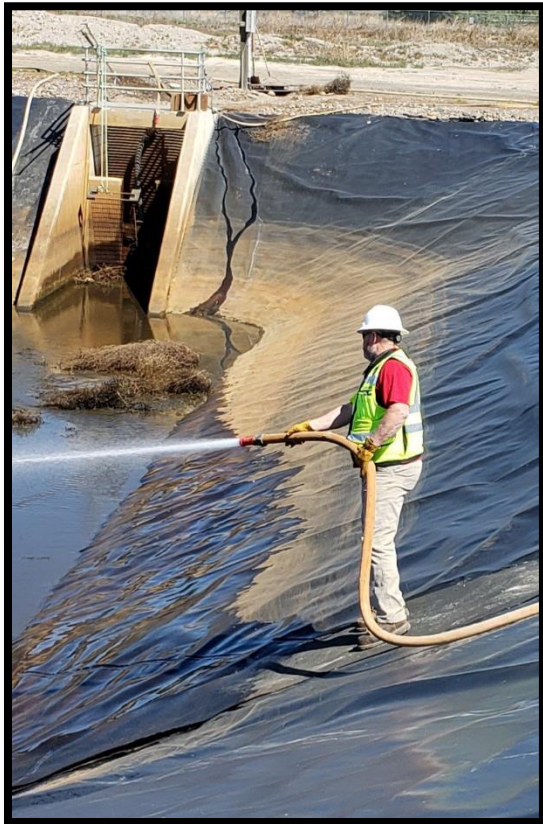
Demand vs. Availability Apr 25 - May 22, 2021



WASTEWATER TREATMENT PLANT SUMMARY

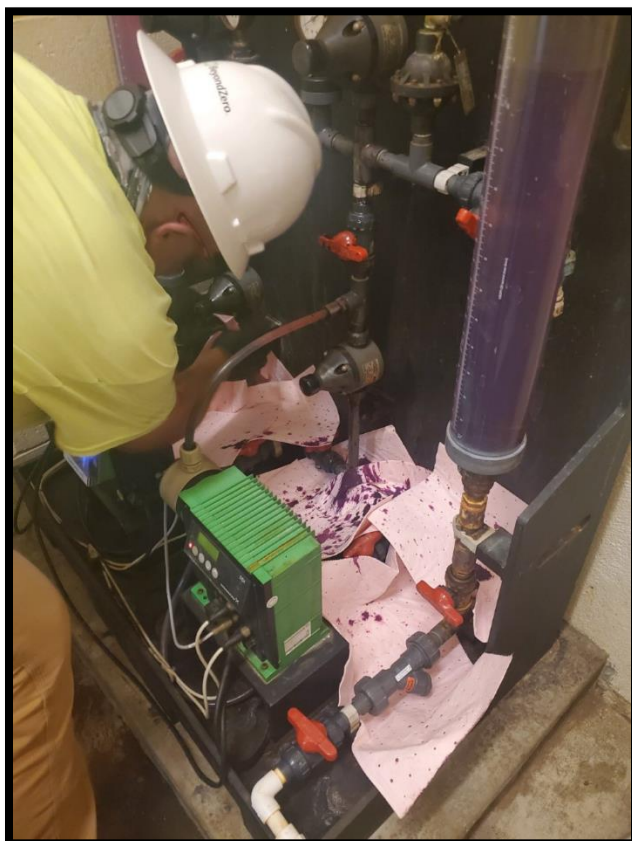
ACTIVITIES: MAY 2021

- Tour conducted with Mayor Hill, Counselors-John Kirby and Ken Hart to the city manager and three City Council members
- Discharge to the Snake river season ended (March 31st) All discharge water being pumped to the Skyline farms for ground application
- Wastewater treatment plant effluent feed line to Skyline flow main valve repaired and back in service
- Wastewater treatment plant, All Aerators serviced, and valves exercised
- Weed control and mowing continue throughout the growing season
- Additional sampling per the 2019 NPDES permit taken



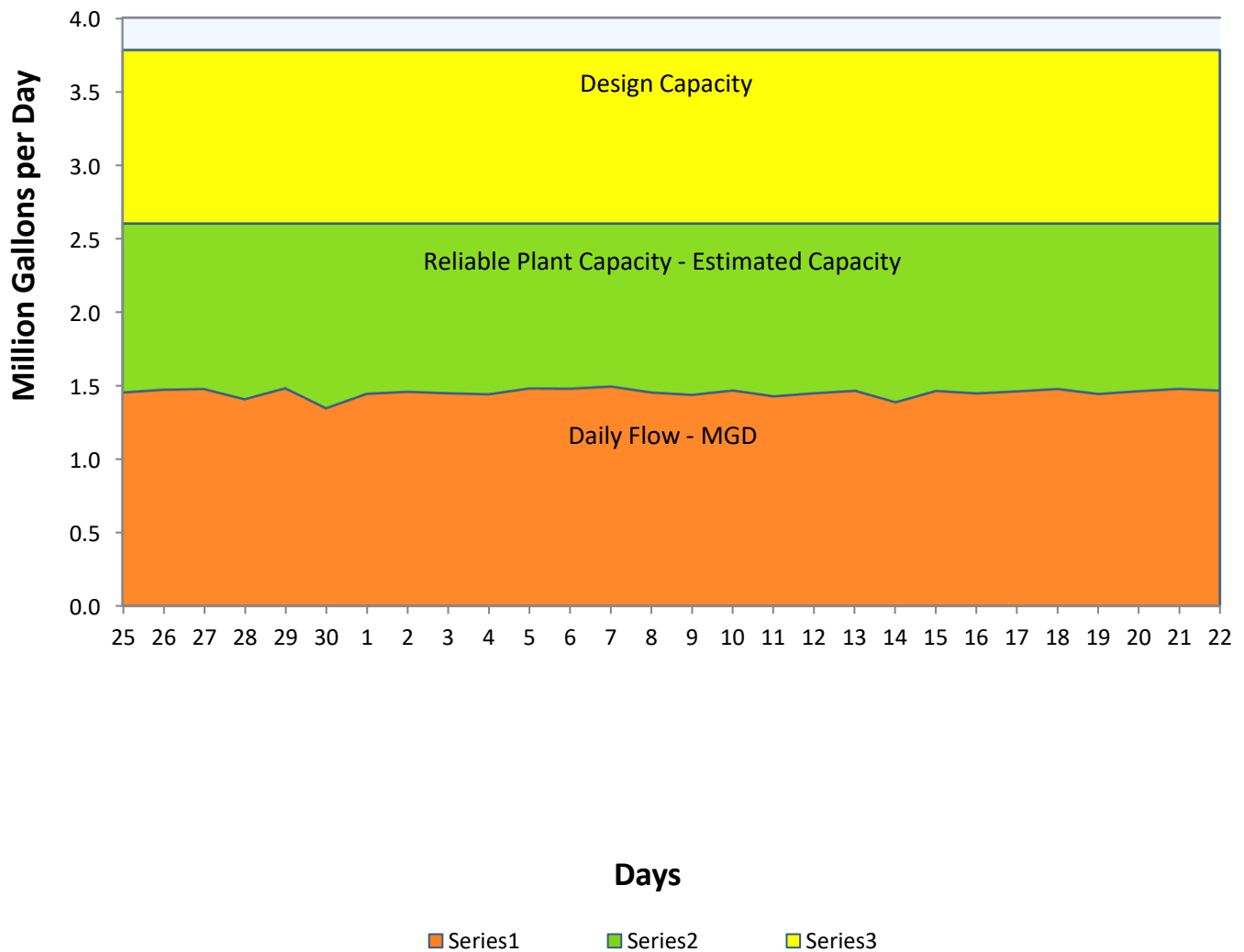
WASTEWATER TREATMENT PLANT SUMMARY

ACTIVITIES: MAY 2021



WASTEWATER TREATMENT PLANT FLOWS

Wastewater Treatment Flows Apr 25 - May 22, 2021



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES: MAY 2021

STREETS:

- Continued crack sealing in the NW part of town west of NW 9th St.
- Swept downtown and the underpass 2 additional times
- Applied herbicide on City owned ROW
- Trimmed weeds along the back of sidewalk along E. Idaho and Verde Dr.
- Sign maintenance throughout town
- Paved back utility patches from the winter-time maintenance and Water main leaks
- Assisted in the Gazebo moving to the PW yard, add additional bracing prior to moving
- Picked up trash along E. Idaho Ave in the ODOT swells
- Cleaned off the sand, rock, and other debris off the center island from the Snake river west to East Ln.
- Covered Graffiti that was passed along from the City's Ordinance officer
- Cleaned debris from the underpass tunnels that was left by homeless people
- Changed out the underpass banner for a downtown even
- Equipment maintenance, Sweeper, paving machine, roller all serviced for the upcoming season

Water:

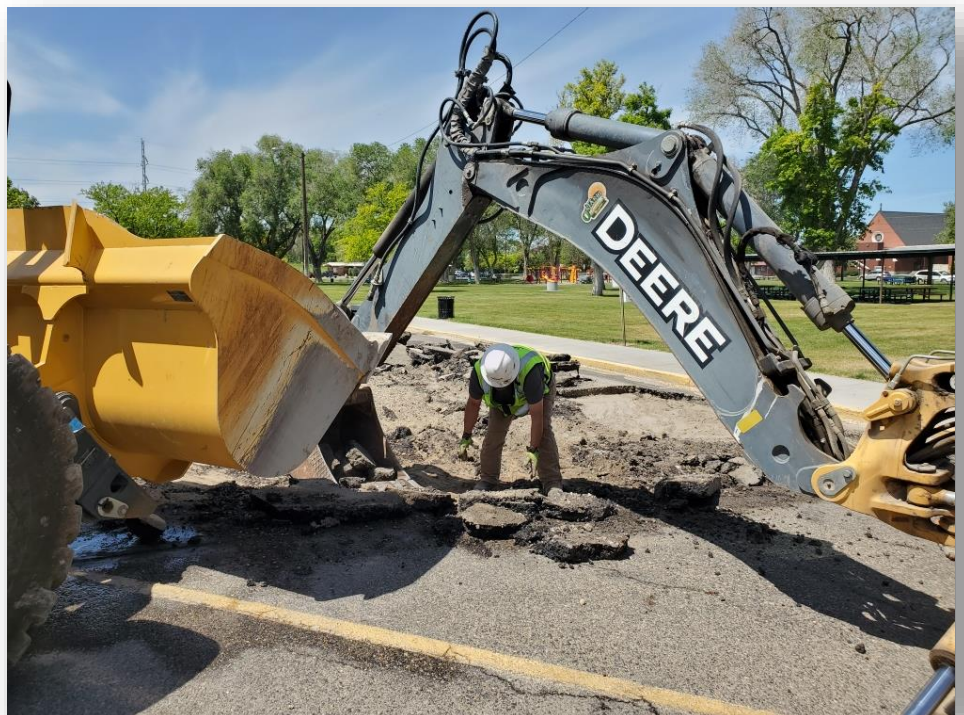
- Installed 3 new water services
- Water system maintenance, replacing broken meter boxes, leaking angle stops, and replacing old iron services
- Built a cover for the Verde irrigation pump trying to reduce the noise to the resident on the corner of NW 4th Ave/Verde Dr.

WASTEWATER:

- Cleaned Sewer lines
- Cleaned the Hydro-excavation pit out at the WWTP
- Repaired a leaking force main at Tapadera Lift Station
- Installed the spare pump for Regional LS
- Pulled and serviced pump #2 at 8th Ave LS, changed out the moisture chamber oil.

FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES: MAY 2021



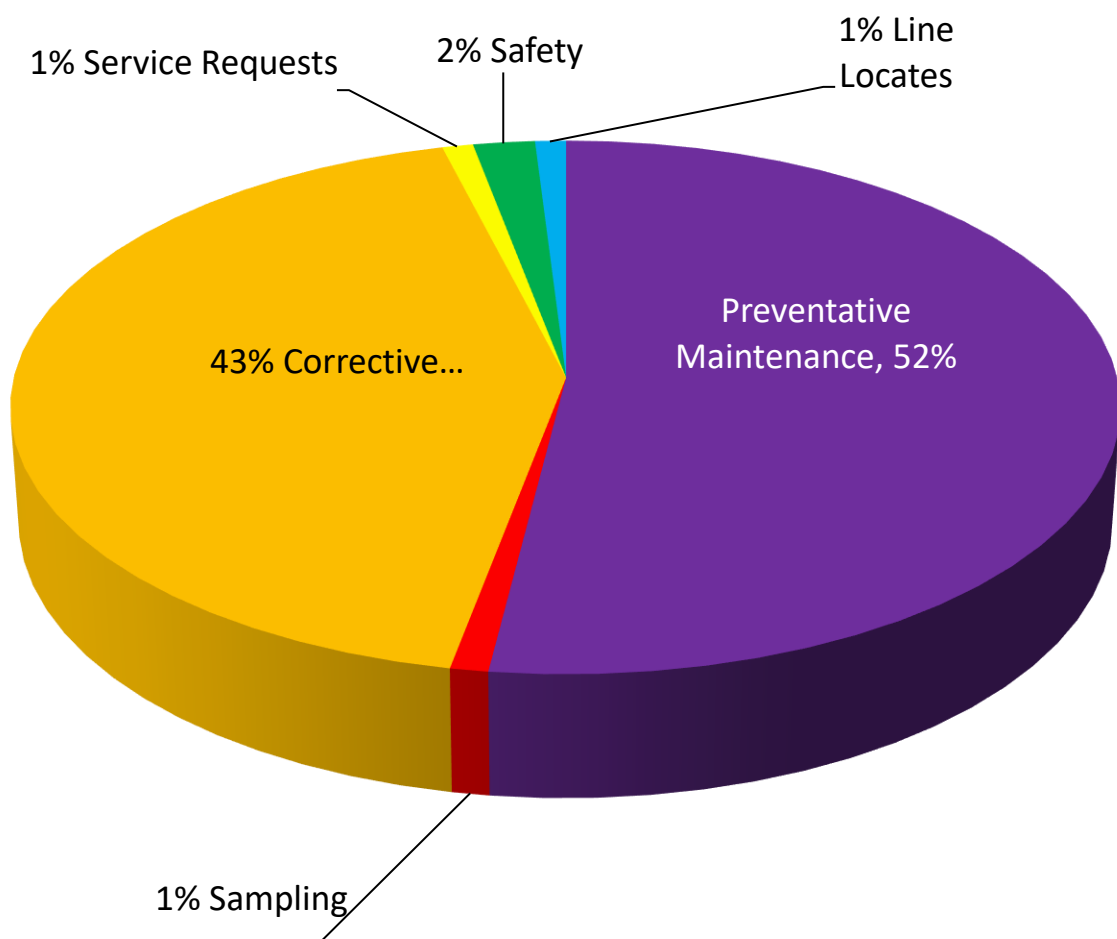
FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES: MAY 2021

Work Orders

May 2021

Actual Hours by Work Order Type



DEVELOPMENT REVIEW

ACTIVITIES: MAY 2021

- Issued 9 ROW Permits
- Issued 1 New Addresses to new residential lots.
- Attended 1 PDAC meetings to discuss the expansion of a business.
- Attended 2 PDAC meeting to discuss a new hanger.
- Attended 1 PDAC meeting to discuss new businesses.
- Attended 2 PDAC meetings to discuss the addition of residential housing.
- Attended the Jacobs monthly safety meeting.
- Multiple plan reviews for new construction
- Multiple construction inspections
- Continuous updating of the GIS mapping
- Moore Park Gazebo Relocation Project- structure has been placed at Maintenance Facility



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

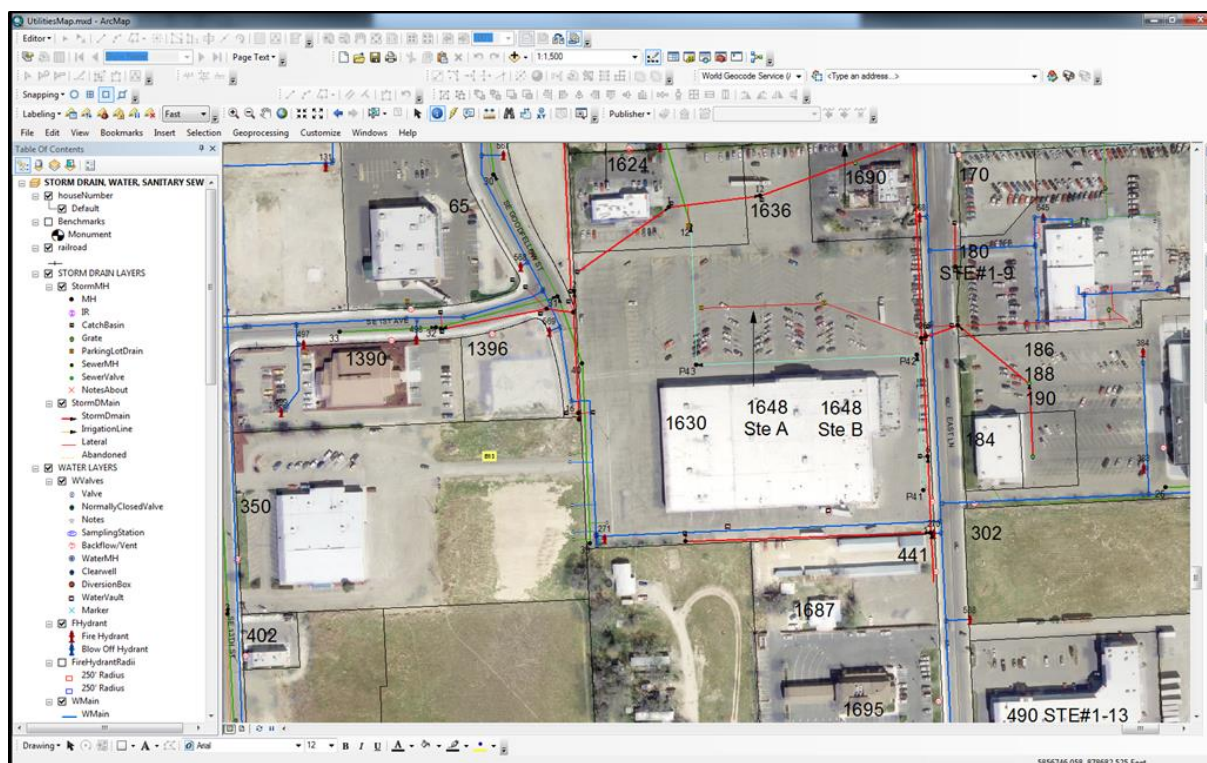
PARKS DEPARTMENT

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.

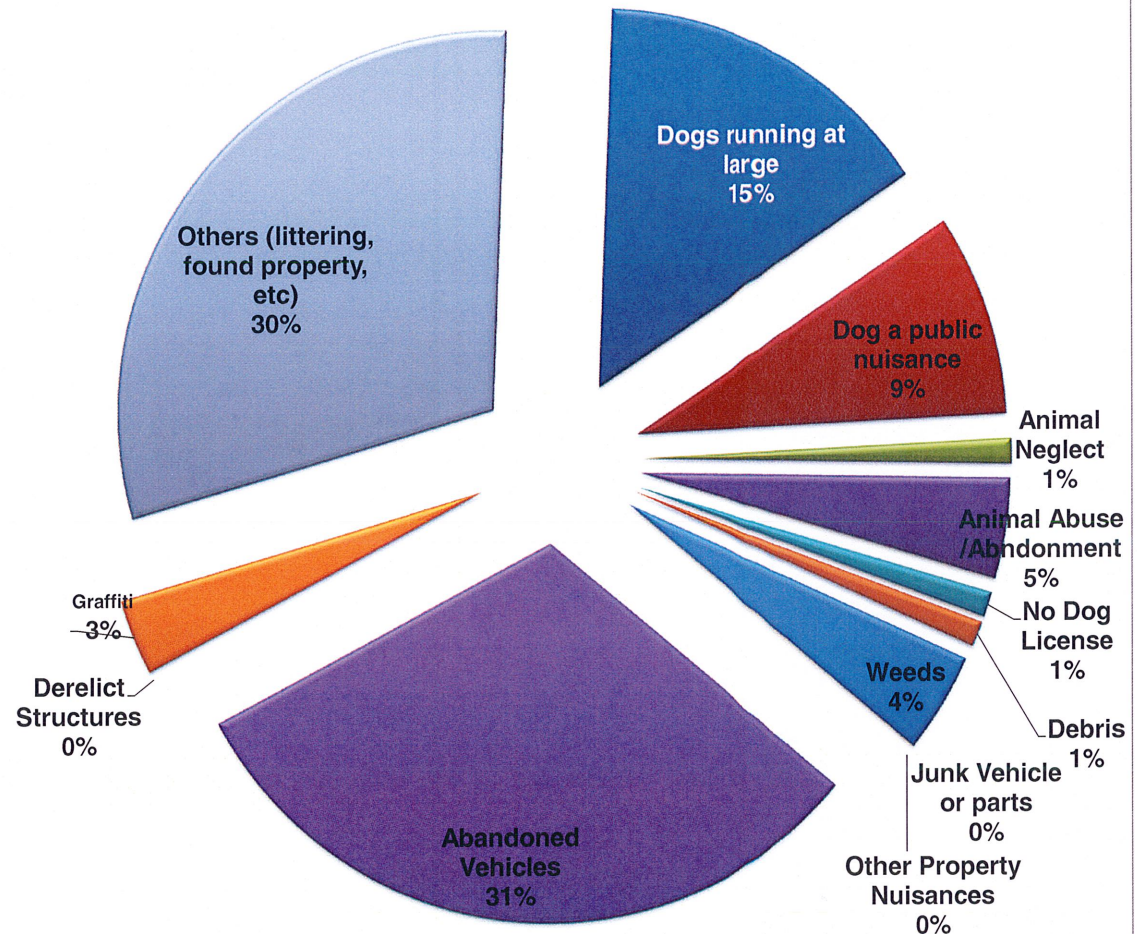
The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also provides support to the city by creating, analyzing, and maintaining the city's geographical digital data. They provide updates to the record maps for all city utilities, right-of-way,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



CODE ENFORCEMENT

MAY 2021 Stats

Violation	May-21	Column1
Dogs running at large	14	
Dog a public nuisance	8	
Animal Neglect	1	
Animal Abuse /Abndonment	4	
No Dog License	1	
Debris	1	
Weeds	4	
Junk Vehicle or parts	0	
Other Property Nuisances	0	
Abandoned Vehicles	29	
Derelict Structures	0	
Graffiti	3	
Others (littering, found property, etc)	28	
Dogs taken to (Fetch This Kennel)	0	
Civil Penalties Issued	0	
C.P. Amount Sent	\$0	
Total Parking Citations	0	
Total Violations	93	
Total Cases	93	



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.





Police Stat Report 2021

Activity	2021 March	2021 April	2021 May	YTD 2021
Calls for Service	951/1509	826/1290	874/1381	4066/6669
Murder	0	0	0	0
Manslaughter	0	0	0	0
Robbery	4	1	1	8
Sex Crimes	7	9	5	28
Burglary	12	16	15	72
Assault	15	11	11	64
Arson	2	0	0	2
UUMV / Auto Theft	12	5	7	38
Arrests	93	113	75	457
Arrests w/Use of Force	3	2	4	10
Gang Related Cases	16	6	3	31
Graffiti	28	8	6	52
Death Investigations	0	0	3	4
SRO Cases	14	21	2	60
Thefts	52	45	70	267
Traffic Stops	85	80	105	512
Cited Traffic/Parking	74	54	36	372
Traffic Crashes	52	41	33	182
Alarms	22	26	33	121

AGENDA
ONTARIO VISITORS AND CONVENTIONS BUREAU BOARD
June 3, 2021 - 7:00 a.m. M.T.
ONTARIO AREA CHAMBER OF COMMERCE OFFICE

Call to order:

This Agenda was emailed: May 27, 2021

Roll Call: Chairman Bob Quinn____
Debbie Blackaby____ Lynelle Christiani____ Cheryl Cruson____
Doug Dean____ Terry Dols____ Ken Hart____

City Manager Adam Brown____
V&C Director John Breidenbach____

New Business

Grant Request: City of Ontario -Relocation of Gazebo
Ontario Chamber – Oregon Veterans Motorcycle Ride

Motion to adopt V&C Meeting Minutes of March 4, 2021 meeting

Review Financial Report – Terry Dols

V&C Director Report – John Breidenbach

Adjourn

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



VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce
251 SW 9th St.
Ontario, OR 97914
541-889-8012 (Voice) 541-889-8331 (Fax)
info@ontariochamber.com

PROMOTION AND EVENT FUND APPLICATION

GENERAL INFORMATION:

Name of Applicant Organization: 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

☒ 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: 5/4/2021 Ontario Area Chamber President/CEO: 



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: Ontario Chamber

Complete Mailing Address: 251 SW 9th ST

Telephone: 541-889-8012 Fax: _____ E-Mail: ceo@ontariochamber.com

Principal Contact John Breidenbach

Complete Mailing Address: _____

Telephone: _____ Fax: _____ E-Mail: _____

Name of Event and Date and Time Event Will Be Held: June 27 2014 Ontario welcome to the Oregon vet motorcycle ASSN

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: Motorcycle Ride on the POW-MIA Hwy 26th ride will end at Lion's Park Ontario. we will host a community event to welcome them to town.

NATURE OF PROMOTION/EVENT: _____

X Tourism based capital project

X Multi-night local lodging event

_____ Special media promotion

_____ Education and/or training project

Amount of Funding Support Requested: \$ 2000.00

Total Promotion/Event Budget: \$ 2000.00

What specific expenditures will the granted funds be used for?*: Meals For Riders
and Band

List promotion/event supporters or partners**: city of ontario

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.):

The group will be stay over night in
Ontario about 100+ people

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 _____	Amount \$ _____
Source #2 _____	Amount \$ _____
Source #3 _____	Amount \$ _____
Source #4 _____	Amount \$ _____
Source #5 _____	Amount \$ _____

TOTAL REVENUES \$ _____

PROPOSED EXPENDITURES

Use #1 <u>meal</u> _____	Amount \$ <u>1200.00</u>
Use #2 <u>Band</u> _____	Amount \$ <u>800.00</u>
Use #3 _____	Amount \$ _____
Use #4 _____	Amount \$ _____
Use #5 _____	Amount \$ _____
Use #6 _____	Amount \$ _____
Use #7 _____	Amount \$ _____
Use #8 _____	Amount \$ _____
Use #9 _____	Amount \$ _____
Use #10 _____	Amount \$ _____

TOTAL EXPENDITURES \$ 2000.00
 REVENUES MINUS EXPENDITURES \$ 2000.00

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.

5/26/2024
 Date

[Signature]
 Signed

John Breidbach
 Printed Name of Applicant

Date Received: 5/26/2024 Ontario Area Chamber President/CEO: [Signature]

Ontario V&C Minutes
March 4, 2021
7:00 am
Ontario Area Chamber of Commerce Office

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

Roll Call – **Board Members present** Bob Quinn, Debbie Blackaby, Cheryl Cruson, Doug Dean, Terry Dols, Ken Hart

Board Members absent: Doug Dean.

Ex-Officio Members Present: V&C Director John Breidenbach, City Manager Adam Brown

Welcome New Members

Ken Hart (Council Representative), Lynelle Christiani (Agriculture).

NEW BUSINESS

Grant Request: Revitalize Ontario 2021 Wine And Chocolate Walk- Charlotte Fugate

Charlotte Fugate presented the grant request for the 2021 Wine and Chocolate Walk to be held on May 1, 2021. It was Moved by Debbie Blackaby and seconded by Ken Hart. The Grant be awarded for \$2065.00. The Motion Carried. Terry Dols did not vote as a member of Revitalize Ontario Board.

Appointment of Board Treasurer. With John Hall leaving the Board, Cheryl Cruson nominated Terry Dols for Treasurer. Terry accepted the nomination. It was moved by Cheryl Cruson and seconded by Ken Hart. That Terry Dols hold the office of Treasurer. The Motion Carried.

MINUTES/FINANCIALS

The September 3, 2020 minutes were reviewed. It was moved by Debbie Blackaby and seconded by Ken Hart, The Motion Carried.

Chairman Bob Quinn presented the Financials. It was moved by Debbie Blackaby and seconded by Ken Hart that the Financials be approved as submitted, The Motion Carried.

V&C Director Report- John Breidenbach

The funding from a grant request for the Malheur county fair in April of 2020 was never issued due to covid the fair was canceled. The Board decided that the fair did not need to come back in 2021 and resubmit a grant application the \$5000.00 could be disbursed with a letter from the Fair Board, stating that the funds could be used for the 2021 Fair entertainment. Ken Hart made a Motion to approve the Disbursement seconded by Cheryl Cruson, the Motion Carried.

Meeting adjourned. 8:20 am

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

DATE	REQUESTOR	REQUESTED	GRANTED	DISBURSED
FEB 2020	Revitalize Ontario! Tater Tot Festival	\$ 11,925.00	\$ 11,925.00	\$ 11,925.00
MAR 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
APR 2020	Palmer House Rose Garden Garden Area Preparation	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00
MAY 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JUNE 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JULY 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
AUG 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
SEP 2020	Palmer House Rose Garden Garden Area Preparation	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
SEP 2020	Treasure Valley Community College New Student Orientation	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
OCT 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
NOV 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
DEC 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JAN 2021	NO NEW ACTIVITY	\$ -	\$ -	\$ -
FEB 2021	NO NEW ACTIVITY	\$ -	\$ -	\$ -
MAR 2021	Revitalize Ontario! 2021 Chocolate & Wine Walk	\$ 2,065.00	\$ 2,065.00	\$ 2,065.00
MAR 2021	Malheur County Fair Board 2021 Malheur County Fair Concerts	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
APR 2021	NO NEW ACTIVITY	\$ -	\$ -	\$ -
MAY 2021	NO NEW ACTIVITY	\$ -	\$ -	\$ -
5/24/2021		\$ 804,518.04	\$ 675,622.77	\$ 675,622.77

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
PROMOTIONS AND EVENT FUND
BALANCES THROUGH
DRAFT MAY 2021**

2020	RESOURCES	EXPENSES	BALANCE
BALANCE FORWARD	\$702,814.15	\$679,824.60	\$22,989.55
JULY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$25,489.55
AUGUST <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$27,989.55
SEPTEMBER <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$4,500.00	\$25,989.55
OCTOBER <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$28,489.55
NOVEMBER <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$30,989.55
DECEMBER <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$33,489.55
2021			
JANUARY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$35,989.55
FEBRUARY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$38,489.55
MARCH <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$7,065.00	\$33,924.55
APRIL <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$36,424.55
MAY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$38,924.55
JUNE <i>T.O.T. Disbursement -\$2500</i>			
TOTAL FISCAL	\$27,500.00	\$11,565.00	
ACCRUALS FROM JULY 1997 TO PRESENT	\$730,314.15	\$691,389.60	\$38,924.55

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 6/2/2021 3:16 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
127286	037600	AT&T	05/07/2021	25.52
127287	879494	Bruneel, LLC	05/07/2021	62.75
127288	626400	Campo & Poole Distributing, LLC	05/07/2021	4,168.75
127289	637828	Century Link Communications, LLC	05/07/2021	113.33
127290	520400	Dorman's, Inc.	05/07/2021	55.28
127291	879530	Nicholas Ducote	05/07/2021	1,687.50
127292	360015	Home Depot Credit Services	05/07/2021	181.41
127293	879247	Idaho Communications, LLC	05/07/2021	470.00
127294	412500	Keller Associates, Inc.	05/07/2021	6,650.00
127295	879469	SBRK Finance Holdings, Inc.	05/07/2021	1,170.00
127296	879138	Stantec Consulting Services, Inc.	05/07/2021	1,346.00
127297	&357	Larry A. Sullivan	05/07/2021	4,013.90
127298	788402	TransUnion Risk & Alternative Data Soluti	05/07/2021	75.00
127299	879470	Western Treasure Valley Rotary Club	05/07/2021	243.25
127300	774001	Wtechlink	05/07/2021	300.00
Total for 5/7/2021:				20,562.69
127301	&525	American Staffing, Inc.	05/14/2021	454.44
127302	144000	Cascade Natural Gas Corporation	05/14/2021	151.71
127303	637830	Century Link	05/14/2021	468.91
127304	284000	Farmers Supply Co-Op	05/14/2021	8,375.66
127305	634311	Frazier Aviation, LLC	05/14/2021	425.00
127306	UB*11873	LUIS HIGAREDA	05/14/2021	75.02
127307	879547	J & B Flatbed Service, LLC	05/14/2021	3,700.00
127308	408200	J-U-B Engineers, Inc.	05/14/2021	3,054.44
127309	441140	Looks Nu, Inc.	05/14/2021	5.00
127310	457799	Malheur Drainage District	05/14/2021	3,075.34
127311	879301	Net Assets Corporation	05/14/2021	672.00
127312	UB*11874	JERRY OGAWA &	05/14/2021	143.74
127313	879269	Open Gov, Inc.	05/14/2021	9,000.00
127314	516494	State of Oregon Department of Transportati	05/14/2021	710.10
127315	879349	State of Oregon Public Retirement System	05/14/2021	282,864.21
127316	528405	Oster Professional Group, CPA's PC	05/14/2021	24,822.42
127317	879534	Public Affairs Counsel	05/14/2021	6,000.00
127318	130950	Sparklight Business	05/14/2021	104.41
127319	879146	Toshiba Financial Services	05/14/2021	1,721.89
127320	879151	Waste-Pro	05/14/2021	200.05
Total for 5/14/2021:				346,024.34
ACH	878915	Jacobs Engineeering Group, Inc.	05/17/2021	21,140.74
Total for 5/17/2021:				21,140.74
127322	480000	911 Supply	05/21/2021	562.70
127323	&525	American Staffing, Inc.	05/21/2021	789.86

Check No	Vendor No	Vendor Name	Check Date	Check Amount
127324	033300	Argus Observer	05/21/2021	449.28
127325	879542	Atlas Land Surveying	05/21/2021	510.45
127326	130624	B & W Car Wash	05/21/2021	15.00
127327	BENSON	Clint Benson	05/21/2021	210.00
127328	UB*11875	ELIAS CACHO	05/21/2021	82.45
127329	626400	Campo & Poole Distributing, LLC	05/21/2021	3,502.58
127330	879550	Albert L. Christiani Construction, LLC	05/21/2021	6,000.00
127331	270205	Emergency Responder Services, Inc.	05/21/2021	2,707.00
127332	879549	Switzer Hannah	05/21/2021	25.00
127333	879191	Kristy Lynn Janti	05/21/2021	8.00
127334	420000	John Deere Financial	05/21/2021	123.89
127335	412500	Keller Associates, Inc.	05/21/2021	16,200.00
127336	879328	Malheur County GIS	05/21/2021	200.00
127337	UB*11876	SKYLER MATHES	05/21/2021	170.00
127338	879163	McCurry Ontario Motors, LLC	05/21/2021	50.39
127339	879545	Miller Nash Graham & Dunn, LLP	05/21/2021	2,622.00
127340	270333	State of Oregon Employment Relations Bo	05/21/2021	500.00
127341	642093	Red's Automotive Repair, Inc.	05/21/2021	60.06
127342	716553	Saint Luke's	05/21/2021	64.00
127343	UB*11877	DOUGLAS SHARP	05/21/2021	24.33
127344	879138	Stantec Consulting Services, Inc.	05/21/2021	1,841.50
127345	823500	Vale Electric, Inc.	05/21/2021	735.55
Total for 5/21/2021:				37,454.04
127346	&525	American Staffing, Inc.	05/28/2021	270.50
127347	033300	Argus Observer	05/28/2021	21.60
127348	879497	Gus Bezates	05/28/2021	4,450.00
127349	637830	Century Link	05/28/2021	735.44
127350	879550	Albert L. Christiani Construction, LLC	05/28/2021	2,000.00
127351	183201	CK3, LLC	05/28/2021	7,220.00
127352	&260	Four Rivers Cultural Center	05/28/2021	22,084.23
127353	UB*11878	MATTHEW GILMAN	05/28/2021	81.68
127354	376000	Idaho Power	05/28/2021	4,349.13
127355	879471	JLCC, Inc.	05/28/2021	9,300.00
127356	879417	LightSpeed Networks, Inc.	05/28/2021	1,130.16
127357	441140	Looks Nu, Inc.	05/28/2021	155.00
127358	456402	Malheur County Clerk	05/28/2021	2,642.00
127359	&509	Matsy's Restaurant & Catering	05/28/2021	50.00
127360	22427	Murrysmith, Inc.	05/28/2021	4,379.00
127361	539200	Ontario Area Chamber of Commerce	05/28/2021	17,506.48
127362	572000	Ontario Sanitary Service, Inc.	05/28/2021	313.06
127363	879552	Oregon Veterans Motorcycle Association	05/28/2021	200.00
127364	879551	Painter Holdings & Business Ventures, Inc.	05/28/2021	7.00
127365	642093	Red's Automotive Repair, Inc.	05/28/2021	57.75
127366	879145	Silver Signet, LLC	05/28/2021	50.00
127367	21014	Snake River Economic Development Allian	05/28/2021	10,000.00
127368	288897	Verizon	05/28/2021	1,955.33
Total for 5/28/2021:				88,958.36
Report Total (83 checks):				514,140.17