

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



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, JUNE 15, 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 Friday, June 11, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

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

5) CONSENT AGENDA

- A) Minutes: Council Meetings 04-08-2021; 04-20-2021; 04-27-2021; 05-06-2021; 05-18-2021
- B) Hangar Lease: Koeppen Family Trust to Rob & Lisa Saunders (102 Hotel, 103 Hotel, 107 India)

6) OLD BUSINESS

- A) Resolution #2021-117: GASB 54
- B) Resolution #2021-118: Clean Up End of Year
- C) Resolution #2021-119: Master Fee Schedule
- D) Resolution #2021-120: City Council Rules and Regulations Policy- Meetings
- E) Ordinance #2791-2021: Amend OMC 2-8-5 re Public Works Committee (First Reading)
- F) Lease Renewal for Beck's Spray Service
- G) Charter Amendments

7) NEW BUSINESS

- A) Paul and Stacey Gehrman Half Street Construction - North Dorian Drive
- B) Mayor Appointments to Special Committees
- C) Create a Code Enforcement Ad-Hoc Committee
- D) STOL Presentation

8) PUBLIC HEARING

- A) Accept Right of Way Airport Way and SW 31st Street as per the Approved Partition under Planning Action 2020-06-24 PTN
- B) Accept Right of Way for SW 6th Avenue and SW 26th Street as per the Approved Subdivision of Wapato West Subdivision under Planning Action 2021-05-19 SUB

9) DEPARTMENT HEAD UPDATES

- A) Fire & Rescue: Quarterly Report

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

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10) DISCUSSION ITEMS

- A) Bid Award: Street Paving - Goodfellow Street
- B) Airport Hangar Incentive Program

11) HAND-OUTS

12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

13) ADJOURN



CITY COUNCIL MEETING MINUTES

April 8, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, April 8, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Michael Braden, Ken Hart, John Kirby, Freddy Rodriguez, and Eddie Melendrez. Sam Baker was excused.

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

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

Riley Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 6, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENT

Marc Garcia, Ontario: stated: *First of all, thank you for your time today. This will be quick and sweet, sweet and short. This is for the northeast neighborhood. It's been an issue for some time, the noise, and the semi-trucks over by Americold and Ore-Ida. It's pretty noisy because they park in front of residences and places of habitation so even the places that are businesses over there still had an issue with the noise or the semi-trucks blocking the traffic, parking in the middle of the street. It's been an issue for along time. The good thing is, one thing is how noisy is it? Well, it's very, very noisy, so from about two blocks away it's about 70 decibels. For comparison, 87 decibels is a vacuum cleaner in your home. Even with the best situation, the houses, the triple-plane glass, they're so close and the wall they're next to is all concrete going up about over 20 feet. It just echoes back into the neighborhoods. The other thing is really, if you're thinking about that like long term, there is some damage to hearing, anything over 60 decibels. It's 24/7. Last night they were waking up at 2:00 a.m., 3:00 a.m., trucks coming in, jack-knifing, air-braking, stuff like that. It's really just asking the city to maybe put some places where they could park away from those paces. And we have the space. So, the other question you may ask is how much will this cost? Really, there's no cost to it. Just paint. If there's any signage that needs to go up, we can pay for it, like we can donate that. Now I've been talking to Americold since last summer and I included the email from a Supervisor there. They are open to this; they just need direction. They're very cooperative. It isn't a cost or impact to them in any way. I think that's the biggest thing. We kind of worry because they are a big employer in Ontario, but they're on board. I mean, they want to be good neighbors. They're not just a local company anymore. They're pretty much a national/international company being Heinze and Americold. So, they want to do a public service, they want to do the right thing. It's just us directing them. I think there's a map there and I have a PowerPoint I'll email you, probably tomorrow, or tonight, and it's going to be seen a little bigger. You can see the first picture, there's three semis, there's a multi-family there with children housing. There's nobody parking back on 6th and 3rd Avenue North. Right? There's plenty of parking, but they never park there. They're always parking right by the office. It's not necessary. They're getting called by dispatch, by radio. Is there a reason for them to park there three or four days and then take off? There are other places they could park.*



I just want to bring that situation up. The other thing is the speeding on those roads too. I think if you added speedbump – again, we can pay. The residents are willing to pay the money, I’m willing to pay the money to put a speedbump in there. But basically, signage and addressing the issue. Today, I got pretty much everybody to sign, and I emailed that over to Tori. She can probably share with you guys, requesting that you guys are looking at right now. Basically, to put signage up. I think that’s going to go a long way to tell people who are not from the community or Treasure Valley who are truck driving in there that the city cares about what’s going on, the behavior as it happens there. I think that sometimes we get people from Texas or California driving in; they’re speeding through there, they don’t care, they will park in your yard, they will crash into your fence, they will take down your stop sign, stuff like that. Just respectful to people. There are kids there. The first thing I did when I pulled into town today, sure enough there’s a kid on a bike, maybe five years old, and there’s a semi-truck speeding, not paying attention, looking at his phone, trying to find the office. I don’t think that’s necessary. I think we can do a lot just by doing that. So, I’ll finish up real fast. Short term, what happens, or long term, what happens. If we don’t do anything about it, we’re still disadvantaging basic community. They got zones commercial industrial even though it’s one of the older neighborhoods in town. They were never asked to be zone commercial, but we’re okay with it. We understand Americold and Ore-Ida have to operate. We’re perfectly fine with that. We’re just asking for some city to kind of guide them, the truck and traffic in that area at little. I think a little bit of paint, signage, will go a long way. It’s very low cost for the quality of life for everybody there. Other benefits are there’s no impact to Americold operations. It’s very low cost, and you also have improved traffic and safety. That’s pretty much it. Again, I talked to Americold, and it seemed like they were going to cooperate. Thank you so much for your time. (Document attached)

Mayor Hill thanked Mr. Garcia for his presentation. It was clear he’d put some effort into this and there was neighborhood participation, and rarely did the city have someone come in and say they were willing to participate in the costs. He asked for a consensus from the Council to ask the Chief and the City Manager to look into these issues.

Council consensus to have the Chief and City Manager look into the items outlined by Mr. Garcia.

Marty Justus, Ontario, stated: *So, I wasn’t sure if any of you saw the Malheur Enterprise the week of March 24th, so I just wanted to come in and read that editorial to you so that’s part of the city record for perpetuity. An Editorial, Malheur Enterprise, March 24, 2021. Members of the Ontario City Council must break their silence over Councilor Freddy Rodriguez. They must lead, not dodge. They must show they care about safeguarding the community and its citizens. Community leadership demands more than showing up for Council meetings and reading briefing papers. As public officials, Councilors carry the weight of authority, and it’s not just their legal duty. They are expected to exemplify the best of the community – to exhibit integrity, morality, and courage in facing sometimes hard choices. Being a community leader means always acting in the best interests of all. Every citizen should feel Councilors represent them. Community leaders must inspire confidence that they are selfless in duty, articulate in decisions, and forthright in conduct. In the Rodriguez instance, Councilors have abstained. They may dismiss the Rodriguez imbroglio as some personal issue of no import to city government. Nonsense. Any issue that riles citizens and disrupts city functioning matters. They may conclude that attending to Rodriguez’s behavior is not their job, that is a task left to voters. Nonsense again. And they may argue they have limited legal authority to do anything. That’s escapism. The legal limits are clear. They can’t arbitrarily “fire” Rodriguez from his Council seat. They can’t impeach him. Councilors even lack technical authority to take away his title as Councilor President. But nothing in the City Charter or state law or the U.S. Constitution bars each Councilor and the Mayor from using their political and moral authority, vested in any public official. They can speak if they want. They are muzzled only by their own fear or excuses. At a minimum, the Council could act for the community to get at the truth of several matters. It could deputize investigators to address those issues swirling around Rodriguez. These include: Residency. There is the issue about where the Councilor lives. He testified under oath that he lives in a travel trailer with his daughter. Another witness said it’s parked outside city limits. Rodriguez has made the claim he went from homeless this year to simultaneously having residences in the country and in the city. Citizens expect Councilors to live in town. Political Pressure: The Councilor turned directly to Police Chief Steven Romero for help getting back a dog he had given away. Rodriguez may have tried to use his official city position, perhaps indirectly, to get special treatment from the police. Citizen Attack: Rodriguez used his Council seat to slander a citizen, making the vile accusation that the individual was a child*

molester. Rodriguez justified his remark by saying he heard it from a friend. That's not evidence and he knows that, given his experience with the justice system. Domestic Violence: Rodriguez said an arrest for spousal battery in 2003 in California resulted in a year-long domestic abuse coursework.

Mayor Hill stated they had read the article and it had been worked over to death. That was one person's opinion in the paper. They also had an opinion from legal counsel what the Council...

Mr. Justus stated: *I'm going to finish my statement, Mayor. I'm going to finish this if you don't mind. I'm going to put it into the city record. A 2010 arrest in Idaho for domestic battery led to a 12-week program called "Men's Healthy Relationship" and dismissal of the charge. A second 2010 arrest in Idaho for domestic battery resulted in a 52-week domestic battery treatment program. And in June 2020, a state judge found Rodriguez was a credible threat to an Ontario woman, restraining the Councilor from going near her. The city generally has a duty to confront all domestic violence, a persistent threat for many women in Ontario and Malheur County. Rodriguez tends to blame others for his trouble, to abdicate responsibility. That's his weakness. That weakness – abdicating responsibility – shouldn't be echoed by Ontario Councilors. They can act. They can each speak up. They can tell the community what they stand for – and what they won't tolerate. They can act individually and collectively. No legal authority to remove Rodriguez as President? Perhaps. But they have the political authority to speak one by one calling on him to resign the post. Nothing – nothing – prevents that. They can speak up on behalf of domestic violence victims. They can clearly condemn, not condone, any and all such abuse. Councilors Ken Hart and Michael Braden provided statements to the Enterprise generally doing so – but haven't spoken directly to the public during Council sessions. They can speak up against abuse of citizens who brave the spotlight and Rodriguez's wrath by appearing before Councilors. They should go on the record about the potential recall – do they support that or not? But the strongest signal they can send to the community – and Rodriguez – is to unite, one by one, for a call for Rodriguez to resign. Nothing – nothing – prevents Mayor Riley Hill or Councilors John Kirby, Eddie Melendrez, Sam Baker, Ken Hart, or Michael Braden from doing so. More is at stake than Rodriguez's reputation or conduct. Getting citizens involved in local government is a challenge. Getting citizens to have faith in government is essential to progress, stability, and popular support. That is all at risk in this moment. The Councilors can either rise to meet the moment with courage, or they can let their silence continue to erode community trust and support in Ontario's city government. Thank you. (Document attached)*

Councilor Rodriguez commented to Mr. Justus that it was his clear knowledge and understanding, based on what numerous people had indicated to him, that the very competent and extremely efficient Malheur County Sheriff's Department already investigated all of the things he'd stated that had been alleged about him committing in Malheur County. Months later, no arrest, no nothing. What did that tell him?

Mr. Justus stated that told him that the city....

Mayor Hill stated there would be not back and forth. They'd both made a statement, so it was done. The City Attorney had already presented the Council with their options.

CONSENT AGENDA

KIRBY moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED COUNCIL MEETING MINUTES OF FEBRUARY 4, 2021; FEBRUARY 16, 2021; AND FEBRUARY 23, 2021; AND HOUSING INCENTIVE PROGRAM: RYWEST HOMES (29-2021).** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



PRESENTATION**BLUEBIRD EXPRESS CAR WASH** (Attached)

John Fery, Operating Partner, stated: *Thank you guys for having me. I have to admit, I've never presented to this many people outside of my employees, but they're paid to listen to me, so I appreciate your guys' consideration. What brings me here is two studies that we've gotten done, but before we get into that, I thought I'd give you guys a little bit of background on Bluebird 'cuz not many people know a whole lot about us other than we have a bunch of pretty lights, soap, and a lot of whirly things, and a lot of people in bow ties. When I was 16, I started a detailing company as kind of a way to have a flexible summer job. Turns out I really liked that, and I was pretty busy. So, the next summer I hired my brother – don't tell the labor board, he was 12 - he now actually is the operations manager for Bluebird. Anyway, every summer we'd hire more and more kids because we got busier and busier and business and when I went off to college, my brother ran it remotely, or managed it remotely and when I got out of college, I was given the opportunity to kind of get back into the car wash business. Needless to say, I love it, and it kind of hooked me. I had my first wash in Denver and then we rebranded and created a new model, the Bluebird model, and Ontario is actually the first community that got to see that model. Jumping back into kind of why I'm here, so there's two professional and independent studies done on water usage in car washes and trying to figure out what we are here to talk about today. The conclusion of that is that the way that the sewer is billed to the wash is great for most organizations, but for the car wash it's actually overbilling for services that aren't provided by the sewer. To dive in, I jumped a little bit to the background, we are a family-owned company. We joined in 2019 when we opened. Our system is one of the largest, most environmentally friendly systems in the nation and our water reclamation system is actually one of the biggest in the U.S. One of the ways that we're able to be environmentally friendly was we recycled all of our water, and I'll kind of go into that for you. Despite being promised a five-year exemption by Greg Smith on our taxes before we started construction, which you can read about. The Enterprise did a lot of fun stuff on it. We've really worked hard to be a really positive and supporting member of the community. We employed anywhere from 10 to 15 people, we do guaranteed hours, medical insurance, 401K, 10 days PTO, our starting wage is \$14 an hour, we have a leadership program, tons of bonuses, and - we are proud of this – we never laid one person off during Covid for Covid related issues. That was something that was really important to me. The reason I bring it up is that we are very loyal to our people and again to this community. Each year we donate thousands of dollars to every organization out there. The last two years we've been doing a fundraiser for Giggles and Grace through our Tunnels of Terror, please come if you've never come. I think you'll really enjoy it. When you look at the demographics of who we draw from, we draw from about actually a 50-mile radius. Our customers come 50 miles to come into the community and use our services. Let's get into the nerdy stuff on car washing. What we do is we take the city water, then we soften it through a 3-tier industrial water softener, some of that water goes to a reverse osmosis system, to get that water clarity, and then we combine it with our biodegradable soap to wash your cars and do all the pretty things to make it shiny. What most people don't know is that we actually have to balance the pH of your car and we have to balance the pH of the water before it goes into our reclamation system. So, it's really important if you're a water nerd because if you balance water, it won't go septic, it won't smell, but also the finish of your car is perfect. Once the water goes through the wash, it's all collected and goes into a 20,000-gallon water reclamation system. The idea is that solids go to the bottom, the oils go to the top, the good waters in the middle, we pull that and recycle it. While the water is in there, we treat it with ozone so it's oxygenating it and constantly cycle it to keep it fresh, no bacteria growing, and pH balanced. Every few months we spend about \$3-5K pumping all the mud, the solids, out of the bottom and then that gets disposed of and recycled and reused sometimes for fill dirt and stuff like that. Any excess water that's not carried out by vehicle or evaporates goes through the sand and oil interceptor – which we pump that as well - and then it goes to the sewer. Generally, in just as good of shape as it was received. Those are all the big-picture things. Bringing into the two different studies that are attached in the hand-out. Since we've opened in 2019, using the facts and averages from the study, we've been overcharged by over \$17,700 and all that's doing is taking the average figures of how much water is lost to evaporation and carry-out and applying it to the sewer bill to show how much water was actually not returned to the sewer. In most circumstances how much water you use really goes into how much water goes back to the sewer. We have a really large discrepancy of how much water actually goes back to the sewer that we're being charged for. I know we're weird. Car washing is just its own little thing, but it's really important that we discuss some possible solutions. To dive into those things, evaporation, everyone in the study does things a lot differently than we do from the standpoint of they're smaller, they use less*

blowers, and no heat. We use 20 15-horsepower blowers, and two 1,000,000 BTU heaters and that's why we can achieve a finish unlike most people, which also means we have a tremendous amount of evaporation. In the summer it's 115° in the blower room. All the water, when you come into the blower room, gone. We like clean shiny dry cars, and that's one of the ways we achieve it. Most of the car washes in the study use about 7-10 and no heat. The other one is carry-out. Our highly processed, filtered, and treated water gets trapped in pickup beds, door jams, and trunk lids. If you opened your car door and saw a little water running between the seams and the exterior, this is what they call the carryout. On average, between the carryout and the evaporation, the different studies have found that about 6.3 gallons of water, on average, are carried out with the vehicle or they evaporate during that process. That equals – depending on how much fresh water you used – about 21%. That's where we get the figure of \$17K. The current billing structure was great for most organizations, but it's really unfair to the carwashes because we're being billed for a service that we're not using. If you guys want to go to page 3, just to walk you through really quickly, the table, they show the freshwater GPV (gallons per vehicle) and they show it that in the E&C (evaporation and carryout) and then the percentage. For reference, and why this is important is we use way less fresh water than all these organizations so the figures of 21% should be conservative. Here's what we're proposing, and I'd love your feedback in understanding how the process goes. We're proposing that we don't get repaying of the \$17K, but what we'd like to do is be able to have an adjustment factor for the water billing and how much we are billed on sewer. That would be on average if we used the averages, it would be 21% less because we are not giving that water back to the sewer, not to mention all the work we put into processing the water before we give it back. That is all I have. Are there questions?

Mayor Hill thanked him for his presentation. He asked the Council, because it was new to them, to maybe get a consensus to ask the City Manager and the Public Works Department to study this and present a recommendation to them.

Council consensus to have the City Manager and Public Works Department study the proposal and present a recommendation to the Council.

2019-2020 Audit (Attached)

Chelsie Hewitt, Owner/Member, Connected Professional Accountants, presented.

Skyline and Malheur Farms (Attached)

Paul Woods, City Engineer, gave a Power Point presentation.

OLD BUSINESS

Bid Award: Wayfinding System

Adam Brown, City Manager, presented.

HART moved, KIRBY seconded, **THAT THE CITY COUNCIL TABLE THE BID AWARD FOR THE WAYFINDING SYSTEM UNTIL COUNCIL RECEIVED CLARIFICATION.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Resolution #2021-110: Bid Award for Cultural Monitoring

Peter Hall, Assistant City Manager/HR Manager, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-110, A RESOLUTION REQUESTING TO AWARD CULTURAL MONITORING SERVICES TO BLUE MOUNTAIN CONSULTING AT A RATE OF \$1,108.80 PER DAY AND NOT TO EXCEED \$16,632.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



Liquor License Application: The Devil's Playground, LLC

Steven Romero, Police Chief, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE LIMITED ON-PREMISES LIQUOR LICENSE APPLICATION FOR THE DEVILS PLAYGROUND LLC.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Delinquent Utility Billing Accounts to Collections

Kari Ott, Finance Director, presented.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE LIST OF UTILITY BILLING WRITE OFFS AS PRESENTED AND AUTHORIZE SENDING THE APPLICABLE ACCOUNTS TO COLLECTIONS.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Application for Appointment to Airport Committee: Justin Kearns

Mayor Hill stated he was not familiar with the applicant but noted the phone number and address were in Nampa, Idaho.

Councilor Kirby stated he had attended the previous Airport Committee meeting, and he believed that the only current member with an Ontario address was Gary Taylor. It had been discussed about the various city committees that there be city residency or possibly within the school district. But with this one, there was vested interest in aircraft ownership or being in the industry that provided that service. They were working on a Master Plan that was proposed to increase the capacity and there was a lot going on. What was before them currently had not been presented prior to the Airport Committee. He thought it was possible that Mr. Kearns be put on the committee, but maybe have some review of the policy as it pertained to the Airport Committee as to who could be a member.

Mr. Brown stated in reviewing the Airport Committee, there were four members with an Ontario address, one Vale, one Nyssa, and one Weiser.

Councilor Hart stated the argument that just because someone had a plane in Ontario, they could be on the committee, he didn't agree with. He would ask, before considering people who didn't live at least in the school district and paid taxes, see if there were others, or ask the Airport Manager, to get some folks from Ontario. If, and/or when that route was exhausted, then reconsider others.

Councilor Kirby was not opposed to that; he just thought a review of the overall policy should be done.

Council consensus that instead of rejecting the application, it would be put in abeyance until they had the opportunity to study the policy for the airport and what they wanted to do regarding appointment people to committees.

DEPARTMENT HEAD UPDATES**Finance: Monthly Report** *(Document attached)*

Kari Ott, Finance Director, presented.

Police: Quarterly Report *(Document attached)*

Steven Romero, Police Chief, presented.



DISCUSSION ITEMS**Memorial Day Activity**

Councilor Rodriguez wanted to speak about the hydrant repainting project he'd been involved with over the past few years. Last year it was taken out by COVID; they'd still painted, but not as many as they'd have like to. This year, on Saturday, May 15th, they'd be gathering at 11:00 a.m. at Lion's Park to paint. The day they were doing it this year – May 15th – was also Peace Officer Memorial Day. They would be painting from 11:00-3:00, and around 3:30 they would be doing a commemoration of local, state, and federal peace officers who had died or been disabled in the line of duty with a moment of silence. They were also working on putting together a bar-b-que to feed the local officers. After the year this nation had endured, officers being put in danger, it would be a positive gesture for Ontario to show the dedicated, honorable, and community-driven law enforcement officers and their fellow fallen brothers and sisters this love. They were still looking for teams or individuals to sign up to help paint. He was also working with local businesses to fund the bar-b-q and to provide some painting equipment. He was looking to acquire some PPE, so they were covered on that end. He would appreciate some participation and direction from the city's own police department. He also encouraged the Mayor, other City Councilors, and city staff to participate and attend. Anyone interested could contact him directly. There was a Facebook page about the painting project.

18th Avenue River Crossing in the Transportation Plan

Mayor Hill stated he was seeking to amend the Transportation Plan to include a river crossing on 18th Avenue. He had thought about the Ontario underpass – what if a truck went through there and wrecked or there was a fire, and the crews could not get through. The railroad already closed off the 6th crossing. He was concerned about fire and safety issues on the other side of the tracks. Also, the traffic that had picked up on Idaho Avenue over the past year. It was significant. The city needed another route. He was asking the Council to consider that and for the Public Works and Community Development Departments consider that and put it in the Transportation Plan. Further, the Fruitland City Council was going to address this issue at their meeting on Monday night. They had already been thinking along those lines. He had also already spoken to both Senator Merkley and Senator Wyden's office and let them know this would be brought up to the Council for discussion.

Paul Woods, City Engineer, stated the Transportation System Plan was scheduled to go before the Planning and Zoning Commission this coming Monday.

Dan Cummings, Community Development Director, stated they have to handle it at a different meeting as it was too late to add it to the upcoming meeting. It would be out of the scope of the consultant who was doing the project. He recommended that staff get together and review it. That crossing had been in the Master Plan quite some time ago. To get it in the Master Plan, it would have to have some type of cost associated with it. It would really be giving them two bridges – one over I-84 that continued over the Snake River, the other met up with the downtown street, giving two ways into Idaho. It would just be an addendum or an addition to the Master Plan.

Council consensus to proceed with getting this action in the Master Plan.

Ordinance Truck to Airport

Mayor Hill stated he had noticed the Ordinance truck sitting in the parking lot, and the Council had added into the budget the funds to purchase another truck for the Airport. It seemed that the city should be able to change the decals on the Ordinance truck and the airport could purchase it from the General Fund and the city could keep \$25K in the treasury. He'd like to see it on the next agenda if the Council supported his idea.

Mr. Brown stated staff had spoken with Chief Romero about the condition of the truck, and it was in great condition, with about 50K miles on it.

Councilor Braden like the idea. The extra Ordinance truck sitting there, and during the Budget Committee meetings one thing that had not passed was \$14K for a fence to the Malheur County Fairgrounds. He'd like to consider using some of the truck savings to fund the request for the Fairgrounds fencing.



Hangar Incentive Program

Mr. Brown stated this had been discussed with the Airport Manager. It had been discussed with the Airport Committee last Monday, who supported the proposal going before Council. This was for hangar development at the Airport. The more ground leases, the more sustainable. Airplane hangars paid a ground leases and purchased fuel. They were still discussing the size of the issue and were just seeking permission to review it further.

Mayor Hill asked if they were looking at it monetarily, or forgiveness of the ground lease for a few years, or was it all still open?

Mr. Brown stated it was open, but any of those would be possible. The hangar renters paid a ground lease, but also a city and county tax on property improvements.

Golf Course Clubhouse Lease

Mr. Brown stated there needed to be corrections to the lease. It had been revised last year when their business model changed. They initially intended to put up large greenhouses and do seedlings for the farmers to plant. That didn't make sense in the current environment in their business model, so they let the city know they didn't need the land. The lease had been revised to eliminate the nine acres down to one acre, but there were script errors in the contract, however, the version submitted by them to the city did not match the communication that had occurred between them. It was enough of an error that he believed it needed to be set before Council for approval. The intent was all there, but he didn't feel comfortable just making the changes.

Another piece of the issue was that they were behind in rent, possible three months. Staff had been speaking with them about several different issues, but the Mayor wanted this brought to the Council's attention. Delinquency notices had been sent, but it was now to the point that it could be considered if they city wanted to enforce the contract regarding delinquency.

Mayor Hill stated he drove out there and saw several doors blown off of the golf storage units and were beginning to fall into severe disrepair. He continued to think that was a good location for the homeless population.

Councilor Hart stated they needed to be consistent regarding enforcement of contracts. It could become awkward being questioned about enforcing some, but not all. As a government, it was important to abide by city contracts, as well as those who were in contracts with the city. It seemed it should be the default to enforce the contracts.

Mayor Hill agreed, also because the city spent \$84K upgrading the facility.

Malheur River Trail

Mr. Brown stated there had not been any funds put into the water trail, but someone had been working on determining how to place a dock, but he hadn't heard back. Now, in speaking with DEQ yesterday, following a conversation they had with the Argus Observer, it was determined that the Malheur River had problems. It was not bad where the other tributaries entered into it, but from there down to the Snake, DEQ was worried about the bacteria levels at that point. DEQ had a list of rivers, which a link would be sent to him, to see which they were. The Trail could easily be moved near the Water Plant where there was already a natural trailhead. Last week, he reached out to the Snake River Water Trail Association, and it was mostly comprised of organizations in Idaho, but there were some upstream in Oregon. He had been seeking support from them in going after grant monies. He was told they'd like them to be part of the Association, which could be a benefit to the city. As of today, it would be easy to move that project over to the Snake River, just south of the Water Plant. There was a natural take-out at the state park, where the city wouldn't have to do anything to it.

Councilor Hart asked if was an absolute that this shouldn't be done, or was it more that they needed additional research?

Mr. Brown stated he was told by DEQ that it should not be used for the water trail.



American Rescue Plan Act

Mr. Brown stated Councilor Hart had asked this be added to the Agenda for discussion. He had distributed some documents about two different items. First, the document titled "Frequently Asked Questions". There were questions about ARPA (American Rescue Plan Act). The first four questions gave the city additional guidance, and the understanding was that half of the funds would come quickly, but the other half farther off. Four areas, first, respond to the pandemic where it's negative economic impacts including assistance to households, small businesses and non-profits, or aid to impacted industries such as tourism, travel, and hospitality. Second, for premium pay to eligible workers performing essential work as determined by recipient government during the pandemic, providing up to \$13 an hour above regular wages; Third, for the provision of government services to the extent of the reduction in revenue due to the pandemic. Regarding that particular item, Ontario had not been affected much, but there were communities across the US who had been; fourth, to make necessary investments in water, sewer, or broadband infrastructure. That was probably one of the best ones the city had funded recently, the engineering of the Treasure Valley 200 and the Navarrette utility extension. They were making the community more resilient, which was one of the governor's priorities or principles, as outlined in the criteria for American Rescue Plan Funds. He believed the city's allocation was \$2.240950M. In thinking about this, with broadband, the city had it here but there were some opportunities to incentivize the four companies that were already here, none of which blanketed the city. But also, the fund the implementation or match for other governmental funds for extending utilities. Also, with the first one, if Council wanted, that could be added under the travel and hospitality industries, it was possible that could be used for Wayfinding implementation.

Mayor Hill stated they were also waiting to see if the city were going to receive a grant to out on 2nd, and the match of that would be \$1.6M.

Mr. Brown stated yes, and the city currently had \$800K in the 2021-22 budget, and they'd need to find another \$800K in the 2022-23 budget. This match could cover the local match.

Mayor Hill stated it was in the county, so the county should participate in that match.

Mr. Brown stated that day a meeting had taken place with the Regional Solutions Team, who was reaching out for requests for the state's share of the ARPA funds. There were \$2.6B coming to Oregon from ARPA. The state would be using a lot for their own projects, but they were considering other projects. The guidelines for how to spend it would be included in the principles and the 10-point economic recovery plan. By next Wednesday, they wanted the city to submit projects they'd like to submit, with only one to two projects per community. But they wanted them shovel ready. The city's most shovel ready was SE 2nd Street. Also, the funds had to be expended by 2024. He believed that was doable. There was an opportunity to use that money to match the federal money that was going to be a 20/80 split. Given the short deadline for the two projects, he'd like to submit the water plan and the road project.

Mayor Hill stated if they took \$2.3B divided by the Oregon population, multiplied by 12,000 Ontario residents, what did that equate to? Ontario needed to ask for their share.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he had people asking him, so he wanted to add Business Requisition on the Agenda for discussion.
- Mayor Hill stated they had discussed the magistrate court a few times, so he'd like to have that come back for discussion.
- Mayor Hill asked for an update on two grant the city had received. It appeared that around \$68K came in for the trail design, and \$150K for the airport. This showed that the money being expended for Merchant McIntyre was giving results.



Mr. Brown stated he would put the Business Registration on the next Agenda for discussion. Regarding the funds, the city was notified they would be receiving the Oregon Community Pass grant, federal money run through Oregon Parks & Recreation, the Oregon Bike Pedestrian Trail was recommending funding by the Oregon Commission on Transportation. It would go to the OCT in May for approval, then the city would receive official notice, but they had already published notice of their recommended funding projects and Ontario was on there. That was \$75K with a \$10K match. That was the project that would connect the trail that came across from the state park over the highway and ended by the Horseshoe Restaurant. This would connect that near the Public Works Shop, Beck Park, the Fairgrounds and find a way to connect that to Lion's Park. That would create a trail from the state park to the end of 14th and 4th. Also, the city had received \$150K for the Master Plan, which already had the city's share budgeted, which was around \$30K. The \$150K for the airport was a surprise as it was not in the regular five-year funding plan.

- Mayor Hill stated the city had all the land under control for the Tater Tot Trail except for one piece that was over by Ore-Ida that Americold had an issue that needed solving. What was the status on that?

Mr. Brown stated Community Development had been working on that and was in constant contact with them. He, himself, had reached out to Americold and was able to speak with the General Manager. His recollection was that Americold had asked for some amendments and then passed it back to Heinz. That was shared with Community Development.

Dan Cummings, Community Development Director, contacted them because the attorneys for Heinze were telling him that it was Americold holding things up. He contracted the Heinze attorney who told him that it was back with Heinze, and they were working on finalizing it. Her understanding was that it was good enough to let Americold sign the consent, but Americold was not signing anything until they had the agreement with Heinze in place. It was not back in the Heinze ballpark.

Mayor Hill informed them all that the city was not eligible for any grants, state, or federal money until they had control of the entire trail.

Mr. Cummings stated there were other benefits to getting this completed. In the agreement with Heinze to vacate those roads, they were going to have to construct 5th Street, from 3rd to 2nd, which was currently a gravel road. Heinze would develop that and connect it as a city street and improve their gravel parking lot. That was all in the agreement. That would clean up a lot of that area and provide better traffic flow. Getting this project done would help with a lot of the truck traffic that had been address earlier in the meeting by a resident of the area. He would stay on top of the situation.

- Councilor Melendrez stated he was interested in looking into some type of forgiveness programs for fines. In the five-year strategic plan, it had talked about a sentiment to make people pay, but it hadn't worked out. He'd like to see it discussed again.

Mr. Brown stated staff would bring that back on a future Agenda.

HAND-OUTS

Minutes: *(Attached)*

County Court: Mar 10, 2021; Mar 17, 2021

Monthly Department Stats *(Attached)*

Fire & Rescue, Police, Public Works, Code Enforcement



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

An executive session was called at 8:33 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council entered into a second executive session at 8:52 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(a)

An executive session was called at 8:52 p.m. under provisions of ORS 192.660(2)(a) to discuss a contracting agent. The Council entered into a third executive session at 8:59 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(h)

An executive session was called at 8:59 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened back into regular session at 10:06 p.m.

ADJOURN

HART moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:**ATTEST**

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



CITY COUNCIL MEETING MINUTES

April 20, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 20, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Michael Braden, Sam Baker, Ken Hart, John Kirby, Eddie Melendrez, and Freddy Rodriguez.

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

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 16, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

BRADEN moved, BAKER seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Marty Justus, Ontario, stated: *Mayor and Council, I want to give you an update on the recall. We have over 400 signatures collected and need 497. We should have those, hopefully, by the end of this week or the beginning of next week. You can sign up at my office; you can sign at * supply place on NW 4th; Romio's Restaurant; or at two more locations and I'll make those public on Facebook as soon as I have. The reason I gave you all washcloths is so you can wipe the brown off your nose. You all should be ashamed of yourself for letting that man say what he said about me. I'm going to be here and I'm going to make sure you hear from me on a regular basis because what you've done, what you've allowed him to do, I'm going to do back to you. Do you understand? I want to make sure that I'm clear. Thank you.*

Councilor Freddy Rodriguez stated: Christopher Plummer said those things about you. What have you told him? Have you made him accountable? What have you, why haven't you said anything to him? Because it's true, is that why? Is that why, Marty? I wasn't planning on saying anything, but obviously I need to. I've had enough of his fake attacks, especially from someone like Marty Justus. I have way, way reason to believe that things that I said about you were 100% accurate. You have not made any move to try to discredit or disprove what I said. All you have done is jump on this recall that is based on fake news. You want to say something? Why haven't you addressed that with Christopher Plummer? He came up here and he said that I said those things to him. And then he went on the newspaper and said he lied. So, have you said anything about him? So, he lied to me. Why haven't you said, hey Chris, why did you lie to Freddy? You haven't said anything, have you.

Marty Justus: *Mayor, you going to let me respond? You going to let me respond to him?*

Mayor Hill stated no, he'd had his three minutes and he had his signs. That was good enough.

Councilor Rodriguez: *You need to attack the source bro. Make signs about him. Abuser!*

Anthony Kalindo, Ontario, voiced his concern about the conditions of the homeless and the disabled.

Lynelle Christiani, Ontario, stated: *Good evening Councilmen, Mayor. I'm here on behalf of the Fairgrounds, again. I'm hoping that my appearance here in March might have swayed some of your opinions as far as helping the Fairgrounds with the different events and different projects that we have going on. As you know, the Fairgrounds are one of the hubs of the community. We have 20,000 people that come through the Fairgrounds during fair, another 30,000 the remainder of the year. That's 50,000 people. With even a \$35 per person impact, the economical impact, that's \$1.5M annually. The Fair Board does not get any tax money as we discussed when I was here last month. We have to generate our own revenue and unfortunately 2020 was darn harsh on us because instead of having 100 events, we had three events. In May, when we decided not to have a fair, the Fair Board decided they couldn't afford a caretaker and an office person, so I split my time between the office and maintenance. I get the mowing and irrigating as well as taking care of any incidents, anything that is necessary in the office. In the big picture, we are financially solvent and fiscally responsible, yet we do struggle to make ends meet. Every penny that we make, we put back into the facility. Even with careful budgeted, we, like other fairgrounds in the state, struggle to make ends meet. We are unable to do any major improvements and critical repairs are left undone. The two projects the Fair Board would appreciate consideration on are one, the fencing replacement that we discussed in March, and the second one is an additional one that we would appreciate consideration is ADA, our grandstands were built in 1908, for folks that didn't know that. In the fall, we went in with a cultural grant and did upgrade the restrooms for ADA, so the concern we have now, we only have one access to the grandstands themselves to the restrooms. We would like to, so additionally from the restrooms themselves down under the tunnel and to the front of the grandstands to actually have an inclusive area for folks with mobility constraints. That's one of the things, the grandstands are ADA accessible, but in my opinion, it's tough to use the grandstands. I was in a boot and on a knee brace for six months, and I appreciate those things more than I used to, but that is one, the other thing that we're looking at. We're always asking, the Fair Board's always asking for help and last year, the city, with COVID money, one of the grants that I was able to receive was the utility forgiveness. We appreciated that more than you probably can imagine because three months of not having to pay our utility bill was truly a Godsend last year. So, thank you for that, and thank you for allowing us to come here and speak to you this evening. I appreciate that as well. The Fair Board would like to be a benefit to the community rather than a burden to the community. We would like to be part of this team that is trying to bring Ontario back around and making it a strong, vibrant city. Any questions of anyone tonight? Eddie?*

Councilor Melendrez stated his support for the Fairgrounds. He'd seen firsthand the work and projects, and working with his boxing kids over there, and he hoped the city could help out.

Ms. Christiani: *Thank you. And for the folks that don't know Eddie, I mean really know Eddie with the boxing group that he's come with, it is such a joy to work with him and his kids because he is such an inspiration to me to be a better person, to work with the kids he works with. It's always a joy to have you and your kids at the Fairgrounds, always. Anything else? Can I do one quick, like an advertisement? The question I keep hearing around the community is whether we're going to have a fair. We are slated to have a fair, I mean, judges are hired, everything is in a go mode, it will just depend on where we are with the COVID situation, what it's going to look like. But we are a go, so anyone asks, I keep trying to get this information out, and keep getting asked the same question.*

Councilor Melendrez thanked everyone who had come to speak. Speaking to Mr. Kalindo, he understood he hadn't eaten or had anything to drink that day, so he'd like to offer his water. Mr. Kalindo declined the offer. He wanted to buy his own things with his own money, not have to have somebody's leftovers.



CONSENT AGENDA

HART moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED CITY COUNCIL MINUTES OF MARCH 4, 2021; MARCH 16, 2021; AND MARCH 23, 2021; AND AIRPORT LEASE TRANSFER OF OWNERSHIP-Vera HOLTON TO STEPHEN MEYER (330 ECHO).** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION**Proclamation: Arbor Day 2021 – Friday, April 30, 2021**

Al Cablay, Public Works Director, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL PROCLAIM FRIDAY, APRIL 30, 2021, AS NATIONAL ARBOR DAY IN THE CITY OF ONTARIO, OREGON.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARINGS**Resolution #2021-112: State Revenue Sharing**

It being the date advertised for public hearing on the matter of Resolution #2021-112, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance Director, presented.

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

HART moved, KIRBY seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2021-112, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2021-2022.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2021-113: Adopt City of Ontario 2021-2022 Budget

It being the date advertised for public hearing on the matter of Resolution #2021-113, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance Director, presented.

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

KIRBY moved, BAKER seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2021-113, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2021-2022, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2021-2022.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.



Ordinance #2786-2021: Amending Title 10A of the Ontario Municipal Code, which Addresses the State Requirements within Oregon House Bill 2001; Code Changes will Comply with Requirements on Duplex Provisions, Accessory Dwelling Units, and Siting of Manufactured Homes on Individual Lots, and Declaring an Emergency (Planning Action 2020-01-02CPAMD)

It being the date advertised for public hearing on the matter of Ordinance #2786-2021, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE THE FINDINGS OF FACTS AS OUTLINED IN ATTACHMENT 1 FOR THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE AS SET FORTH IN PLANNING ACTION 2020-01-02CPAMD.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

MELENDREZ moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2786-2021, AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. THE FOLLOWING CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS. SET FORTH BY PLANNING ACTION 2020-01-02CPAMD. ON FIRST READING BY TITLE ONLY AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BAKER moved, BRADEN seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2786-2021, AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. THE FOLLOWING CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS. SET FORTH BY PLANNING ACTION 2020-01-02CPAMD AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Ordinance #2787-2021: A Request by the City of Ontario to Adopt the Ontario Active Transportation Plan as Refinement to the Transportation System Plan and Amend Title 10 – Comprehensive Plan, title 10A – Substantive Zoning Regulations, and Title 10C – Substantive Regulations for Land Development of the Ontario Municipal Code to Implement the Active Transportation Plan and Declaring an Emergency (Planning Action 2021-02-07-CPAMD)

It being the date advertised for public hearing on the matter of Ordinance #2787-2021, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL ACCEPT THE PLANNING COMMISSION RECOMMENDATION TO APPROVE THE FINDINGS OF FACTS AS OUTLINED IN ATTACHMENT 1 FOR THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10 – COMPREHENSIVE PLAN, TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, AND TITLE 10C – SUBSTANTIVE REGULATIONS FOR LAND**



DEVELOPMENT OF THE ONTARIO MUNICIPAL CODE AS SET FORTH IN PLANNING ACTION 2021-02-07 CPAMD. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

MELENDREZ moved, HART seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2787-2021 AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS. ON FIRST READING BY TITLE ONLY AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2787-2021, AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

OLD BUSINESS

Transitional Homeless Shelter (PowerPoint Attached)

Barb Higinbotham, Community in Action, presented.

Good evening Mayor Hill and City Council members. I'm Barb Higinbotham, the Executive Director for Community in Action, and I'm here to talk about the shelter project that we have been working on for the last couple of years. I have this PowerPoint that I'm going to try and multitask on it. First of all, I just wanted to let you know what is on our agenda today. We want to do a general update for the Ontario Shelter Project; we want to talk about the awareness of the shelter committee and partnerships; we want to talk about the shelter resident demographics; we want to talk about some testimonials from our shelter residents and some information from Community Action and the staff; we want to compare the new shelter operations versus other shelters that we've experienced in our area; we want to talk about security and neighborhood input; we have two asks – we want to ask you to extend the shelter, the current shelter, through June 30th of this year; and we would like to ask for a Conditional Use Permit based on this model including the rules, policies, rights, and responsibility documents that we have established.

First of all, I just wanted to recognize the partnership. We have been an active shelter committee for probably a year and a half or maybe closer to two years now. We have a partnership between the City of Ontario, Community in Action, Origins Faith Community, community churches, and the Ontario Shelter Committee that includes faith-based members, city officials, Department of Human Services, non-profit entities, local businesses, and private citizens interested in the wellbeing of others, and invited guests that come on occasion to talk about current events. If you have any questions, please just stop me, or let me know.

Introduction to Shelter in Ontario – Community in Action and its partners have had two years of experience in piloting a shelter project in Ontario. As some of you would remember, in February of 2020 is when we started the first shelter project. It was very brief. It lasted about 30 days, and we were able to move 38 families into what we call step-up up housing. So, we literally took them from the streets and helped them with whatever their gaps or their needs were and helped them to find housing that was suitable for them. The second pilot started in December of 2020 and is currently running through April 30, 2021. The preliminary results of the second pilot are positive and support the need for case management and continued work with intervention staff who are trained to assist homeless residents.

The goal of the shelter is to provide a temporary and safe place to live for those who are literally homeless; we are maintaining 16 units of shelter, and I want to remind everybody that we have over 300 homeless residents in our county; we want to ensure that the shelter participants actively work on case management plans that are designed to help them attain an improved living situation, and that is a requirement for everybody that enters the shelter; there are a variety of requirements or gaps in things that we identify in the beginning and then we help those customers work on whatever those case plan details are; another goal is to provide care and services for residents



who need it the most; and improve the health of the community by providing cameras, supervision, and continuing to be receptive to community feedback and needs.

Just some quick slides to talk about demographics. 90% of our residents are adults; 10% are children. Ethnicity, if anybody is interested in that – information that wasn't given was 10%; Hispanic or Latino residents were 13%; and the remaining 77% were non-Hispanic or non-Latino.

This is a 2020 shelter siting. I just wanted to reiterate that the lot was prepped, weed-free, leveled, ready to go and that took a lot of work by community members and Community in Action and folks that we hired to come in and do electrical work and that type of thing. The contrast is a nice-looking shelter that looks like the picture on your left and the picture on your right is a shelter that is just a made shelter by somebody who needed shelter, and this was in the Argus a couple of years ago, so you might remember that picture. There were a series of pictures that showed what a shelter looks like currently when it's not managed well. This is just a picture to show the inside of the units. The units are 8x10, they are very small, they're very manageable for our residents. They are meant for short-term and temporary use, and you can see that there are cots and sleeping bags, microwaves, mini fridge. Depending on how many cots you have, you may have a chair. Each of them has a lock and a window and heat. These are some customers sharing their personal story and I'm just going to read a few of them.

"For the past few years, I was living outside, feeling really ill and sick. When I moved into the shelter I was provided with support and assistance to get me back to decent health. I have had help with food, clothes, and getting me back on track with my doctors and prescriptions. I have been homeless for the last few years and have not had a lot of luck finding my own place. I know that I am a little more difficult to house due to some past mistakes. It's great to have a group of people helping me and not turning me away."

Some important thing to remember that our shelter residents have long history with homelessness, some have short history. Either way, it's a very difficult thing to deal with. The next slide, other folks that were sharing their personal stories:

"I think the tiny homes really help. I was homeless and they allowed me to stay until I could get into an apartment. If you are homeless and you follow the plan, you benefit and are able to help yourself. When I was there, I helped people as they came in and have seen another person get their apartment. I think they should stay open as long as they can. There are a lot of people that need them and need to be able to have a spot so they can help themselves."

This other story is a 19-year-old homeless youth. They were a resident of the shelter for about three months and needed some assistance applying for jobs. We did that, we provided that assistance for them. They are now working and enrolled at Treasure Valley Community College for this current year. So that was a huge improvement from living on the streets and not knowing how you're going to eat or if you are going to be safe.

Another story, an elderly woman who had been homeless on and off for the past year had been applying for subsidized housing in the area. And I don't know if you all know, but the Section 8 waiting lists are very long. It could be six to eight months or six to twelve months before you actually get a Section 8 voucher, and then you have to find a home that is suitable. Within three weeks of staying at the shelter, she had been approved for a senior subsidized unit and she had been on the waitlist for almost a year.

The Shelter Committee helps to address the needs of the homeless. A couple came into the shelter and had been homeless for the past six months. They spent two months in the shelter. In that time, they were able to get back on track with medical appointments, find a job, and had been approved for subsidized housing. This picture was taken at a prayer dedication in December of 2020.

A 21-year-old homeless man sought services at the tiny homes shelter. He had no family in the area and did not know where to find resources. Case managers were able to assist with housing at the shelter while connecting him with the resources he needed. His case manager reached out to an Idaho program for adults, and long story short is this person was able to contact with services that they need and become successful in his own apartment. That was through a short term stay and case management folks who understand their jobs and are able to help.

This is a picture of the vaccination clinic that they had a couple of weeks ago, showing volunteers and some of the resident so the shelter, how they're helping out, just to a really cool human-interest story that shows that people are willing and some of the able. Not everybody's able to help out in this way, but those who are, generally do.

Resident commitment to the community and the program – the following rights and responsibilities are agreed to in writing by each shelter resident. When we came back several months ago it was important that we were able to convey that there are rules and regulations and expectations for folks. These are just a few of them. Rights and responsibilities that each resident agrees to is to conduct yourself in a safe and reasonable manner; be responsible for yourself, your actions, and the actions of your children; treat others with respect and dignity; take care of your personal belongings. Some things that could be considered policies and procedures violations of the shelter would be if they were possessing weapons on the site; if they brought drugs or alcohol on site; no items are permitted that pose a threat; and there will be no smoking in areas other than designated areas. Keeping those things in mind, we had three folks that were asked to leave the shelter because of violations of the rights and responsibilities, and we had zero violations of actual shelter policy. That's good to know that out of the 31 residents that we have worked with so far. Ten out of 31 shelter residents have found permanent transitional housing during this difficult time where COVID has affected so many. That is awesome news. It's really tough to find housing in our area because there is a huge lack of safe and affordable housing and if you find it, it's hard to attain. Wait list for subsidized housing, as I said before, can be six to twelve months. Section 8 wait list has over 250 families currently that are waiting for assistance. Landlords have expressed to us that per one unit opening, they can receive up to 70 applications. That kind of tells you how quickly units come and go. COVID 19 has created difficulties for those seeking housing. I think that's probably pretty obvious to all of us as we work through this pandemic.

I'm going to get to the ask, but before I do that, I want to have Priscilla Garcia come up and say a few words about the current shelter project and the work that they've done in the community.

Priscilla Garcia, Community in Action, stated: *Hello, good evening everyone. I kind of wanted to touch base regarding how the shelter project's going and how we're moving forward. We do understand compared to last year's numbers they're a little different; however, we are in the midst of the pandemic. The moratorium program is holding up a lot of evictions, people moving, we are actively trying with our clients and having them follow their case plans whether that be looking for housing, looking for employment, just to find any step-up housing. Right now, housing is very sparse, so we are doing the best that we can between our partnership with Origins and our case managers at Community in Action. We did hold a public meeting for our neighbors last Friday. Unfortunately, we probably got about five neighbors to show. Moving forward, we definitely will probably adjust times to get a better idea of when more neighbors can come and voice their opinions, concerns. We did get a lot of positive feedback; we also did get a lot of voices of concern; however, we did try to build relationships, providing contact information for myself, my case managers, and also Origins staff as well. Moving forward, we are hoping to strengthen those relationships with neighbors. I'm going to pass it over to Heather. Her and her team have done a great job of neighbors coming to the site with concerns, with questions, and just coming to tour the area, so she'll be up in just a minute. Is there any questions on behalf of where I stand?*

Councilor Melendrez asked for clarification on step-up housing. He believed it was from homeless to an actual house or apartment.

Ms. Garcia: *That definition can vary. We could do transitional housing; we can do step-up affordable housing for the client. We have in the past helped our youth or any type of homeless person who has a safe place to go to provide like bus tickets over to family, so it can honestly vary. If we can find more appropriate housing, reach out to family out of the area, and sometimes that's worked and they're willing to take, or not take but have us send over their family member or loved one to go live with them for a while.*

Councilor Melendrez asked her to speak to some of the stigmas associated with some of the residents that lived in the shelters, like they might stay there for free, or they weren't doing anything to get on their own. Some of the experience he had with working with homeless youth was the barriers to just completed an application, or the credit checks or reference check, those type of things. He saw barriers that the youth dealt with, the 16–24-year-olds. If someone didn't have the best credit or any references, they couldn't get into a place. Like stated either, for one place open, there were a lot of applications. He'd like her to address the stigmas.

Ms. Garcia: *Yes, I can assure you if they are staying in the shelter, they are actively working on their case plan. Now, everyone plans may be different, but they are actively working towards their one main goal, to find more permeant supportive housing. Obviously, there are steps to take into that. Some people need to find employment in order to afford housing afterwards; some people need to work on budgeting skills because maybe they're just living off a fixed income of Social Security, so we work up towards that. We work towards applying applications daily, whenever there is something that comes available. Getting everyone on the Section 8 wait list that's eligible. If there's barriers with getting information like a birth certificate, ID, we will step in and assist and pay for those things. If they are staying at the unit, they are working on a case plan to better themselves. So, I'll pass it along to Heather.*

Heather Echeveste, Community in Action, stated: *I'd just like you to know that all of the people that are staying at the shelter would enjoy meeting here because it's currently 78° in this building right now. My name's Heather Echeveste, I'm the Executive Director of the Origins Outreach Initiative, and we provide oversight for the tiny shelter project. We also run the New Hope Kitchen that provides a meal daily, Monday through Friday, and various other programs. We deal with food insecurity, and we have case managers that can help assist with just about anything that somebody brings to us. Our experience, I was actually with Community in Action when the initial project was launched last year, April of last year. We had great success with that. That was right when COVID was hitting so that was a strange time. Now, I'm over on the oversight side of it. So far, I feel like although things have been shutdown due to COVID, we're still very successful. There have been people that have been asked to leave the program because they weren't following their case plan. There have been police presence. Most of those have been medical at the shelters directly. I just want to remind everyone that we are surrounded by a whole neighborhood, so sometimes the police are there in the area, but it's not necessarily for the shelters, although sometimes it has been. They were present today for a dog at large, so we made sure to communicate with neighbors that were outside that that might be concerns to, that the police were actually there. It was actually the Ordinance Officer. I did expect a few other neighbors, although they said they were going to try to make it, they were unable to make it to the meeting that we had this past Friday at Origins due to time, work, so they were going to try to make this evening, but the neighbors that we'd received, or that you had received letters from that were in the newspaper. They have assured us that they support us fully. I know, Eddie, you actually went around and talked to some of them yourself directly. I don't want that to be a rumor that I'm starting because they're not here. I don't know how else to share that with you if they've been unable to attend. I'm really actually glad that you were able to do that. It's not all fun, it's not pretty every day, but it's definitely rewarding and it's working.*

Councilor Melendrez stated when he spoke with the people, they were concerned about police presence, some thought some things were missing, and some other concerns, but they understood that the residents of the tiny homes needed a place to stay and didn't want to throw them out somewhere they didn't have access to services. Everyone came to an agreement that they understood that people needed a place to stay and have access to services in the community. He thought there was a feeling of unison that they wanted to feel safe, but they also wanted to help people in the community who needed help.

Ms. Echeveste: *Absolutely. I would never try to present that everyone is excited about it, not at all. But, yes, willing to allow us to help? Absolutely. Where at the beginning there was a lot more of we don't want any part of that. Now, they were seeing and understanding through conversations and things why we're doing it. I think that's a big shift, in my opinion, to be completely opposed to oh we don't love it, but we understand why so we're not necessarily against it, either. I'll take that.*

Councilor Melendrez stated it was great when she spoke about taking some of the neighbors around and touring the shelter so they could see who was living there. That created more awareness and education. Hopefully, they continued to do that.

Councilor Rodriguez thanked everyone for attending and speaking. He asked if they had some type of faith-based services available to the residents?

Ms. Echeveste: *I myself work for the outreach initiative. I don't work with Origins, the church side, so I can't say what they have right now. They had shut down, I know, due to COVID. They did have a reopening plan, although as many of you may know, the pastors of the church resigned and stepped down and they are moving in different directions. Currently, there's a Spanish-speaking church that takes place there three times a week. That gathering is growing weekly. But, again, grants and faith-based don't always go hand in hand so I don't dabble in their business so to speak.*

Councilor Rodriguez stated she knew she would agree that having some type of service helped provide direction. Like the Boise Rescue Mission, if he recalled correctly, a person had to attend church. He knew both sides of the issue. Not wanting to go somewhere that forced you to do that, but also the benefits of going to those services when they were available. He highly recommended seeking out a partnership with faith-based organizations to ask if anyone was willing to provide that. He also asked about the units. There was another extreme coming up, being the heat. The units had heaters, but was there a plan to get them cooled?

Ms. Echeveste: *Absolutely. First of all, the difference, I would say, between as you probably know the Boise Rescue Mission and our operation is that they are privately funded and so they can require those things. We work under some federal, some state funds, some local funds, donations, the funds that we work under come from many different places. What I can tell you is we have a very strong group of faith-based people, faith-based leaders, that are in our shelter group, and they would be, I'm sure, more than happy to come and provide those things. As you see, they came and blessed the shelter site; they make the meetings weekly, without fail, so I think that if that was something that we wanted to see implemented, I know that we could go right in tomorrow at 3:00 o'clock and ask for that and have an outpouring of offers as needed.*

Councilor Rodriguez stated that would be amazing. He understood that there wouldn't really be a requirement for that, but once a week, if there was just one meeting that allowed anyone to voluntarily attend, would create direction.

Ms. Echeveste: We actually do have to, very quickly, Tom Greco attends weekly. He comes and volunteers. Tim Brewer is also a member of our shelter group. Tom Greco attends and helps distribute meals every Wednesday. He helps handout water; he speaks with them. I can't say, honestly, that that has been openly offered, but they are there, they are present, and so I think that would be a very easy thing to transition into. As for the cooling, we've talked, we are looking at what's best. The windows are very small and that's for the safety so people aren't crawling in or out, so the window units are very small so we're actually in the midst of researching what the best way would be to cool them. We do have funds available to provide those because we certainly don't want anybody to overhead. We have a lot of elderly and/or disabled on many medications, and they just simply can't be in the heat in that manner, so yes, we're working on that now.

Mayor Hill stated it was clear there were 300+ homeless in town and 16 little units didn't solve that problem, but it did help. He had hoped to hear that some type of long-term plan, other than just the 16 units in the spot that was supposed to be a pilot program, but he hadn't heard that. He thought they should ask those others in the audience if they wanted to speak on this issue.

Ms. Higinbotham: I just want to mention that, first of all, we do have a couple of asks up here, and I'll get to your question through the asks. The first ask is, we would like to extend the shelter through June 30th and part of the reason we would like to do that is because our second ask is to ask for a Conditional Use Permit for this particular shelter. Now, with the Conditional Use Permit, and Dan is the expert on that so I appreciate him being here because he might have to answer some questions, and my understanding of the Conditional Use Permit is that we would be able to have two such models like this within the Urban Growth Boundary, I think is the rule. So, we would like to have that Conditional Use Permit based on this model, based on our policies and procedures, rights, responsibility and the permit will express any additional rules or requirements for this type of a shelter. Again, my understanding that two of these types of shelters can be within the Urban Growth Boundary, so what the second shelter looks like is a little bit up to interpretation. It would be up to funding, it could be an expanded shelter, it could be a lot of different things. I mentioned earlier that we have guests that speak at our shelter committee meetings and one of the guests that we had was pastor Bill Rosco from the Boise Rescue Mission and so there is another, well, it's our group, but there's another push to explore that piece of it further and to determine if there are some options with the Boise Rescue Mission and we think that there are some options, but that would be in addition to what we're doing here. So, the ask is to please let us extend through June 30th so that we can hopefully get that Conditional Use Permit that will allow us to function under these current rules, policies, rights, responsibilities, and terms.

Councilor Hart asked why this was the best long-term location? It had been somewhere else and his first vote as a Councilor had been to approve this facility as a temporary facility for the winter emergency. He was concerned that in Ontario, was that location for this wonderful program. He wanted to hear why where it was located now as better than where it had been located before, or some of the other options in the community. There were many open spaces throughout the community. The people that it impacted the most were those who lived next to the site, wherever it was, and that was going to be an issue. Even his church had a large field behind it – could it go there?

Ms. Higinbotham: I think one of the things that I would answer is that we have an awesome relationship with the landowner. Stephanie happens to be here and I think Wayne is in the back there somewhere and they have been instrumental in helping us get the units sited, to be partners that are offering the property free of charge; we've made improvements to the property so that it looks like; we've added fencing; we've added security cameras; our goal, actually, for that community, is to make it a safer place for all the residents that are near the establishment and I think we are going to be able to accomplish that. The first siting was really to get our feet under us and to figure out how to run the shelter and we were lucky that the City of Ontario was able to provide that property. Moving it to a location where the person that owns the land also owns apartments and we have step-up housing there so the

transition is really nice and easy for us if we can find units that are available there. Again, we couldn't ask for a better partnership than what we have with Stephanie and Wayne. They are here if you want to ask them questions about that, but really, this is a model, be it a small model, it's a model that we think works and works really well and can be replicated somewhere else. In your field or wherever the second location needs to be, we're still interested in talking and having those discussions.

Councilor Hart stated the question was was it near services, near a kitchen, explain the services it was connected to so he could feel good telling the neighbors why it needed to be there.

Ms. Higinbotham: *The answer to the services question is part of the convenience of that location is that our service provider that is providing the oversight and management is a contract through Origins Faith Community and they are right across the alley so we're able to use that facility. That facility has a kitchen, that facility has outreach workers, it has people that are actively managing, they have shower units, they have a washer and dryer available. Our long-term plan for that particular lot is to build a center in the middle of it, a small community center that would have a shower and that would have restroom facilities and laundry facilities and just a place to get of the elements. So, yes, location wise it is ideal. It's also within walking distance to grocery stores, within walking distance to other services, the bus route is right near that location so people can have transportation to and from so it checks a lot of those basic boxes about where it actually is location. So, yes, very much of the heart of where services are provided. Did that answer your question fully?*

Pastor Tim Brewer stated: *There's been some dialogue with Reverend Bill Rosco, the Director of the Boise Rescue Mission. He came and toured our community, saw the great need for the homeless situation, he came to our community and Reverend Greco took him on tour, he was overwhelmed at the need that we have here and so they have done several things to partner with us. He has met with our committee that meets every Wednesday. He and Tom are speaking at one of our churches this weekend. We're proceeding to try to find a location that we can set up some type of rescue mission. It would be, and they are willing, Boise Rescue Mission is willing to be a consultant with us and their now current director, board direction, board chair, is coming off the board in October and he wants to donate his time with us to help organize that as well. So, Tom and I are working on a variety of things to help make that happen. I don't want to overpromise, but we are moving in that direction that there could be some form of a rescue mission. As a pastor to this community, I would say as well that what excites me about 2021-2022 is that there is a variety of things that are going on from transitional housing, these tiny houses, the rescue mission, Love in the Name of Christ working at reengaging that, but we also have these low-income houses that are coming in. That is 125 units – that's huge for us. I've been here 14 years and this need has been great and I'm glad to see us moving this direction. There's a holistic approach being looked at this.*

Councilor Kirby stated the city was going to be faced with a challenge based on Martin vs. City of Boise. The Oregon legislature has taken that on. House Bill 3115 passed the House. Basically, people who were homeless that could set up a tent on public property; however, if the city had an alternative place, even for a tent, then they would get off city property. Currently, with the ruling by the 9th Circuit, people could go to Lion's Park and put up a tent. The city would have no authority to remove them.

Pastor Brewer: *Let me speak for a bit. None of what we're looking at meets that need, so you're right, that's a significant need that needs to be brought to our attention. But, Councilor Rodriguez, you talked about Boise Rescue Mission. I think one of the things that people would need to know is that it's not some place that you show up and you get to spend the night. You have to become part of the program and that's one of the reasons they don't take federal funds. They are not just about supplying a place to sleep; they're trying to help people to get to the next step for them if that makes sense at all. I want to make sure we understand that.*

Councilor Rodriguez agreed, but what he was trying to exemplify from their program was that it was strict, and it was effective because of that. He wasn't suggesting it for their area, but it should be looked at as an option.

Pastor Brewer: *That's what we're pursuing, and they are really consultants in the process.*

Allan Vincent, Ontario: *My name's Allan Vincent. I live next door to Origins Faith. I've lived there since 1973. This soup kitchen and little houses are by far the worst thing that's happened to my neighborhood since 1973. We've had a continuing problem with trash, dumpster divers walking the alley, needles, cop calls, parking, thefts, trespassers, campers on our property. I've had to build taller fences, I've had to put in a locking dumpster, and it devalued our property. I urge the City Council not to extend the Conditional Use Permit or allow it to be open in the summer. The winter months, I'll put up with it for that point where people could freeze outside, but I don't think it should be there anymore than that. Thank you.*

Maria (**), Ontario, stated: *(Using an interpreter) Good afternoon. My name is Maria **. We are the neighbors to the tiny houses. This is my worry. I have babysat children for twenty years. Since we have moved in, since they have moved in, my husband and I have noticed the accumulation of garbage. My husband has seen people smoking outside on the sidewalk. I have children in my care. They don't have anything against them. My worry is...she's worried that families have stopped coming to her house. We did everything that we could to make sure that that house was safe for childcare. That's her permit from the state. She has no more children to take care of. The single daughter, she's at college. Is my daughter going to be safe outside my house? We hear lots of swear words outside. Our family isn't like that. We don't yell at each other, we don't do drugs, we don't swear. We've only been there about a year, a little over a year, but I had children that I took care and now they're not there. I had to get a permit so that I could take care of older, disabled people because I have to work. My husband and I really don't know what to do. How do I keep my family locked up inside for nine hours? We can't have them outside seeing these things. That is my worry. My daughter and the children I take care of. Thank you for your attention.*

Councilor Melendrez asked if things had improved since the communication with Community in Action or Origins, or was it an ongoing issue and they still were in fear?

Ms. Maria: *(Using an interpreter) We do feel safer. Her main concern is having the kids outside that she's taking care of. Somebody walks by, says something bad to the little children, but she said yes, communication has been better. They do feel safer with the camera. She is worried just about people coming by and the children and the safety of her daughter. She's concerned that a child is going to hear something that they wouldn't normally hear at home and that, even though the police response is very quickly, the cameras are on, that child has already been affected. They have thought about selling the property, but the real estate agent they used previously had informed them that because of the tiny houses that the property value has decreased.*

Mayor Hill verified that previous to the tiny houses, she had a thriving business with taking care of children, but after the tiny houses were put in, the business went away.

Ms. Maria: *(Using an interpreter) She's always had between 8 and 10 children, and now she doesn't have any.*

Susan Vincent, Ontario: *I am Susan Vincent and I live next door to the tiny houses. One of my main concerns was that I don't feel safe. Mrs. Cook was there at the meeting as well, and you know, they say that the police presence hasn't been at the tiny houses, but it's still at her residence as well. There have been disputes between the people at the tiny houses and the townhouses. There are people there all the time. This place attracts the homeless, which is a good thing during the day when they're serving meals. I get up, we have a young puppy, I get up several times a night now to take him out and there are people, no matter what time I go outside, there are people walking up and down the*



street and up and down our alley. As I had told, in my letter to the committee, that I don't even feel safe going out to my own garbage can at night to put garbage in it. I realize a great deal of people are mentally ill and I worked for two and half years for National Alliance for the Mentally Ill while I was going to college. I know that mentally ill people off of their meds, you don't know how they are going to react or respond. I could say something, or I could move the wrong way and it would set them off. You don't know and they can't help it. I agree that we need tiny houses. I agree, Mr. Mayor, that it's only 16 and we have a much bigger problem in Ontario, but I don't feel safe. Even with the cameras, it's a little better, but I still don't feel safe.

Stephanie Cook, Caldwell, Idaho, stated: My name's Stephanie Cook, thank you Mayor and Councilmen for hearing us. I am the property owner on which the tiny homes are on and also the one next door. I've owned that property since 2013 and I have been on that property every week for the last seven years. I now have a relationship with Chief Romero, and I've had the police on the property on numerous occasions over the years. The property is not in the best part of town and the officers that have come out on numerous occasions, and we stood on my property, and he said I can stand here and there are four drug dens that I can see from this property. Four. And the are known drug dens where drugs are traded consistently all the time. I understand that's now legal in this state, but the property is not where all of those issues are coming from. You have those people, and you've had the drug issues in the area for many, many years. When I bought that property, it was a drug-infested garbage dump, and I have personally, with my own blood, sweat, and tears over this last seven years, worked really hard to clean up that property, to renovate every single unit, and to provide people who struggle with housing, a safe environment to live in that is clean and well-maintained. When Dan Cummings came over after we looked at doing a lot split last year, he said to me, I am astonished at the work that you've done. That property is not even recognizable compared to what it was seven years ago. My hands are tied right now in getting rid of troublesome tenants because of COVID. This particular year has been a struggle, not because of the homeless people that are, but because I cannot evict tenants that are causing problems for my other tenants, for the neighbors, and for the tiny homes. There's nothing I can do until then. As soon as I am able to get rid of those troublesome tenants, and right now there are about four or five of them, they will be gone, and if there is anything that I can do to do that, I will get rid of them. But the complaints, and I hear them, and I recognize them. I am on that property every single Tuesday afternoon. You can come by and see me, and I pick up every single cigarette butt and every piece of garbage that I can find from the middle of the street all the way around that block, all the way down the alley, in front of Mr. Vincent's property. I go through there, I go all around there, pretty much that whole block, and I am there every single week picking up the garbage every single cigarette butt that I can find and anything bigger than that. You can come by anytime and see me there. That property is not full of garbage because I personally pick it up. It is clean, it is well-maintained. I want this to be a model for other communities to copy so that they can come to Ontario and say this is a fantastic project, how can we do it in our community and I want to partner with you, I want to partner with Origins, I want to partner with the neighbors, I want to partner with the Police Chief, with Dan, with everybody, to make this something that other cities can come to and recognize and say you guys have done an amazing job on this and we want to replicate this because then the homeless population will do down. I'm in this for the long-term, I am in this so that we can improve the lifestyle of every single person in this community. That we can come alongside these people that are struggling and help them get to the next step because we are only as good as how we treat the poorest in our community and I want us to be the ones where other people look at it and say we want to do what Ontario's doing because you guys rock. If you have any questions for me specifically about the property or the project or my other tenants or anything, I am happy to take those questions.

Councilor Rodriguez stated she stated multiple times that she was doing this to make sure those who were struggling with housing, she wanted to help them rise up and empower them, which was good, but she also said that she had four or five tenants that were being troublesome, and she'd evict them if she could. It sounded like there were four



or five struggling tenants. If she were to remove them, where would they go? He'd guess those struggling people didn't have anywhere ready to go when she evicted them. They'd probably go next door. It appeared she had an opportunity to help people that were homeless or at risk, so was there anything in place, or had she spoken with any of the organizations she worked with to provide the same help that she was looking to provide so adamantly for the people that were homeless, to the ones she was ready to kick out?

Ms. Cook: *My understanding is that there are people who want help and there are people that don't, and when somebody does not want help, then it is very, very difficult to help them. And there is only so much you can do when somebody refuses it. I have done everything I can to work with these tenants, and I'll just give you an example. We had a family come in off the street and they had children and he came in on the lease with his two children and his wife was not on the application or on the lease. After he moved in, she moved in, and it appears that there's drug dealings going on and things like that, but she's not on the lease. I took him outside one day and there was multiple calls to the police because of this particular family and they were, there appeared to be domestic violence and an unsafe environment for the children, and just a whole list of things. I worked with him to get in there with their paperwork and everything else, and I took the tenant outside one day and there didn't happen to be anybody else around and I took him aside and I said, listen, I said, what you are creating in your home is not acceptable. It's an unsafe environment for your children and I explained to him about boundaries and how boundaries required that there is a code of conduct when somebody is your presence or in your home or on your property, and I said to him, I am happy for you to be here, and I happy for your wife to be here even though she is not on the lease; however, her behavior not only causes an unsafe environment for you and your family, but it also causes an unsafe environment for everybody else in the community, and that is not okay. And so, if you cannot enforce those boundaries within your home and that she can understand and be a part of that and play by the rules, then I'm going to have to ask you leave. And the astonishing thing to me was the following week, everything changed in that home. Everything. And there's a little sign over the door now that says Love Grows Here, and all of those different things. Those things changed overnight because I had a conversation with him. And those are the kinds of conversations that I have with my tenants. I'm interested in their well-being, but I have to create a safe environment not only for them, but I can't put the rest of my tenants at risk as well. As long as they're willing to be a part of that, then I will do that, so I do everything I can. The ones that I'm turning out are the ones who refuse help and consistently insist on creating unsafe environments for everybody else. I'm not looking to turn somebody out because they don't pay their rent or because they had a disagreement with somebody. I'm looking to turn people out who consistently and long-term over a long period of time, create unsafe environments for those people around them.*

Councilor Rodriguez understood that, but she stated she knew, and continued to know, that the area was bad, so she would have to agree with the type of people that would be interested in renting in that area. Especially with housing designed for people with situations like that. Would she agree?

Ms. Cook: *Absolutely, but I also have a whole lot of tenants who are happy to be there. I have a woman who's been there for over five years, she's a recovering meth addict.*

Councilor Rodriguez stated he wasn't arguing that there wasn't anyone there that wanted to be there; his concern was that he knew that there were property owners in town who were actively creating homeless situations because they want to make sure they kept a property paying tenant. Be honest – she wanted people in there who were paying. Owners he knew in this area who had a large pool of people eager and willing to pay any amount of money to have a place to live, people would be churned out who didn't want to play or be safe, to get someone in who would. Property owners in this community are creating a large homeless situation. Could she promise them that instead of churning out more, like the other bad property owners, that she would try to work with those who were her tenants before turning them over to next door.

Ms. Cook: *I think Barb will attest to the fact that every time I have an empty unit, the first person that I go to is Barb and her committee to try to pull those people off the street. Every single time I have an empty unit, I go to Barb, do I not?*

Ms. Higinbotham: *Yes, you do.*

Ms. Cook: *That is my goal.*

Councilor Rodriguez stated it was a cycle.

Ms. Cook: *Not it's not. For some tenants it is a cycle. For others, it's been a long-term successful thing.*

Councilor Rodriguez stated they needed to stop the cycle.

Ms. Cook: *Absolutely, and I'm trying to be a part of that solution.*

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL ALLOW THE TRANSITIONAL HOUSING SHELTER TO STAY IN OPERATION THROUGH THE END OF THE FISCAL YEAR, JUNE 30, 2021. No vote.**

Councilor Kirby stated they obviously needed to give some certainty to their operational year. But they also needed to be concerned about families who have lost their livelihood. This social situation that country was in had every community on the ropes. They needed to find a solution that allowed the neighbors to not lose their business, or their home value, and they didn't have to live in fear.

Councilor Hart stated there wasn't one negative thing said about the program taking place with the tiny houses. It was a wonderful program, and she cared deeply and was helping people. But he would vote no because of what he voted for originally, which was an emergency shelter for the winter to make sure that people were housed. He wanted the city to continue to figure this out that if this failed, what could be done long term for people in the community. They owed the citizens to have discussions about where they would house the most vulnerable in the community.

Councilor Melendrez thanked everyone for coming to speak, and he'd vote yes on the extension, but a different location needed to be researched and discussed.

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL ALLOW THE TRANSITIONAL HOUSING SHELTER TO STAY IN OPERATION THROUGH THE END OF THE FISCAL YEAR, JUNE 30, 2021.** Roll call vote: Rodriguez-no; Baker-no; Kirby-yes; Braden-yes; Hart-no; Melendrez-yes; Hill-no. Motion failed 3/4/0.

From the audience: *Are you going to come help us move everybody out and tell them they have to be in the streets? Thanks! Mr. Hill, why don't you give us your address and we'll take these homeless people and we'll put them in that lot right next to you because the end of this month, you guys are making 16 families homeless. I hope you sleep well at night.*

NEW BUSINESS

Resolution #2021-111: Bid Award for Technology Backup Services

Peter Hall, Assistant City Manager/HR Manager, presented. He would be bringing an actionable item back to the Council at a later date.

Approve Agreement: Oregon Department of Transportation/ODOT Public Works Emergency Response Cooperative Assistance Agreement

Al Cablay, Public Works Director, presented.

BRADEN moved, HART seconded, **THE CITY COUNCIL APPROVE ODOT'S PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY COUNCIL.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

HOMELESS SITUATION

Mayor Hill stated he wanted to go back to the homeless situation. He had been told earlier that they were going to ask for an extension through May, not a two-month extension. In retrospect, a 10-day period to make them move out and close the program might be too short an order. He was seeking a consensus before a motion was proposed, asking if anyone on the Council would be okay taking the program through the end of May.

BRADEN moved, KIRBY seconded, **THAT THE CITY COUNCIL ALLOW THE TRANSITIONAL HOUSING SHELTER TO STAY IN OPERATION THROUGH THE END OF MAY 2021.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATE

Airport: Quarterly Report *(Document attached)*

Erik Hartley, Airport Manager, presented.

DISCUSSION ITEMS

Amnesty Program for Code Enforcement Fines

Adam Brown, City Manager, stated the Council asked for a different approach towards derelict properties and the fine structure. The original approach had been in the Strategic Plan three years ago, amended by the Council of 2019. This Council wanted something softer, and in discussion subsequent to that, they had discussed an amnesty program. He was seeking comments or approval to move forward on that process. It would be where a person could pay their original fine or penalty, and the fees, late fees, or liens would be waived. This would close the books for the city, and the property owners would get to move on clean. The time period was up for discussion – two weeks, a month, even a year – but he would suggest three weeks. It would allow time for compliance. A list would be obtained from Finance, notification would go out to the community, letting everyone know if they came in during the time period, the late penalties and liens on the property would be waived. Ideally, they'd come in, the list would be reviewed noting the original fine, it would be paid, then Ordinance would confirm the property was in compliance. If it weren't, the individual would be given an additional 30 days to come into compliance. If that worked, everyone would begin fresh. The boundaries could be added to or stricken out, based on Council feedback.

Mayor Hill stated he wanted to note that the city was paying an Ordinance Officer approximately \$95K a year, plus a truck, so it was well over \$100K for that position, and the city's goals were not being met. The city wasn't cleaning up their own property. He suggested designing a plan where the city could bid out for a business for May to October, a tractor, mower, and truck, who would be available to clean up city property and for a fee, that contractor would be available to clean up lots that could not find someone else to do the work. The goal should be to clean up the town, not issue a bunch of fines.

Mr. Brown stated in previous years, there had been three firms who did that, but those companies had steady, regular customers who took precedent over the city's call to take care of a particular address, garnered no response. However, they'd be willing to go that route again.



Mayor Hill stated the city would have an actual contract with a business for a six-month period, to find someone for that period with the equipment, and they actually worked for the city. It was only up for consideration.

Councilor Kirby stated he spoke with a previous Councilor who informed him that one of the problems had been when the city's contractor cleaned up the property, the owner wouldn't pay the abatement cost. That was why punitive damages were established. Some couldn't afford it; some just wouldn't do it.

Mayor Hill stated the goal was to get the community cleaned up. It had only been a thought.

Councilor Melendrez stated the Ordinance Officer was a very important position. That position also supported other law enforcement activities; much the Council probably was unaware of.

Councilor Hart stated he had asked for, and received, the paperwork on a property that had been levied in July for \$27,500. He doubted that was the intent of the previous Council to create homeless people because who could pay \$27,500 for a fine. He'd rather have an approach to help people get their property cleaned up. Some could take care of that, but that was not the vast majority of this area. He was concerned that this was continuing. He assumed that the officer still had authority right now to levy another \$30K against someone in the community. The fines did not seem reasonable. He'd like to pause filing fines until the Council determined what to do with the program in the long term.

Mr. Brown stated a few months back, Chief Romero had been before Council, and they had put a cap on that amount. Based on the conversation with the Council, it had been determined that it would cap.

Chief Romero stated the current ordinance allowed for a penalty up to \$2K per day. The model used was from Salem and was already in place. He was currently restructuring the policies and protocol, trying to find the most equitable and effective system given the challenges in this community. In the new model, it would give a cap, he believed, on a major violation, the maximum would be around \$6K, over an extended period of time, nearly a year. In opinion, the goal was to gain compliance, monetary sanction or not. Whatever policy the Council saw fit to impose, was the policy he would administer to his staff. He'd be bringing a written outline for discussion at an upcoming meeting.

Mr. Brown stated it was within the Council's authority to impose a moratorium to stop assessing fines until a new matrix could be presented, discussed, and/or adopted.

Mayor Hill wanted the matrix to include to delineate the person causing the trouble; it wasn't always the landowner. The person who owned the land was getting popped, not the person causing the problem. He wanted in the matrix, #1, the person causing it; and #2, the landowner to try and clean it up. That was currently part of the ordinance, but it was never enforced. They always went after the landowner.

Mr. Sullivan stated the abatement process started with the notice. It did not begin with a fine. Even with a moratorium, the city could still give notices that they had to abate, and there would be some compliance through that process without ever imposing a fine. A moratorium wouldn't necessarily interfere with the ability of the Ordinance Officer to bring attention to a property that needed abatement.

Councilor Braden stated the city of Ontario needed to be a good neighbor, and they were trying to create good neighbors. Excessive fines of \$27K on a residence owner was not making a good neighbor, nor being a good neighbor. It's pretty poor policy. They needed to have some teeth in assessing fines and put the fiscal burden on them if they refused to follow the request to help them be good neighbors. He was ready to review the matrix the Chief had presented to them a few months ago and make that an actionable item. It was far more reasonable than what they were currently discussing.



Mr. Sullivan stated for the City Manager to impose a moratorium, he probably had that authority already but doing so with a consensus let him know he was acting with the Council's blessing. He could not do the amnesty portion.

Mr. Brown stated staff would have something ready for the next meeting.

HAND-OUTS

Minutes: *(Attached)*

County Court: Mar 31, 2021; Apr 7, 2021

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Baker stated at the previous Public Works Committee meeting, the committee elected Bernie Babcock as their Chair, Scott Wilson as their Vice-Chair, and Pat Woodcock as Secretary. Babcock, Wilson, and Fox attended the meeting. With regard to the safe travels to school issue, they heard from Andrea Buchholz, Alameda Elementary School Principal, who let them know there were two accidents last year. One involved an injury to a child, the other involved a car wreck. He was very concerned about the injury to the child. Mr. Cablay was also in attendance and let them know they were seeking options. The issue was where the children were being picked up. Busses were in front, and parents were picking up kids in back. It was very congested in that back area. Bruce Hunter was also in attendance, a resident of the area, who told them he also had extreme concerns about the area. They were seeking ways to get them in and out without crossing traffic. Something had to be done. The issue came up on who would pay for things - snow removal; open the gates; who owned the property. Adam said he would look into it as there was currently an agreement between the school and the city with the Recreation Department for their soccer field grounds and other youth sports programs. They were also looking at the school district for the cost and upkeep of the road. The taxpayers were burdened enough, but whoever had to do it, it needed to get done. They talked about switching the busses, but Ms. Buchholz stated the traffic on Alameda was too high speed. Secondly, he wanted to make them aware that Mr. Cablay had presented the Mission Statement for the committee, which was to advise the Council, the City Manager, and the Public Works Director on things that they thought needed to be done. There seemed to be an issue with them not getting enough information to make decisions. These were all businessmen that were known and trusted, and their input was invaluable.

Mayor Hill stated he had served on the Public Works Committee for ten years, prior to becoming Mayor. The enacting ordinance did not include that the Public Works Committee acted on, saw, or reviewed the budget for the Public Works Department. That was a mistake – it should pass through the Committee before going before the Budget Committee. The reason the PWC was created was because there had been a previous Public Works Director who was out of control. Did they need to add it to the ordinance, or place it in the Charter? He preferred the Charter.

- Councilor Melendrez stated he concerns on traffic traveling west on West Idaho, there was a left turn lane that went to NW 4th Street. It was a major hazard for kids who were coming or going to the middle school. Maybe they could add a yellow blinking flasher. Secondly, he spoke with residents in the Americold/Ore-Ida area following Mr. Garcia speaking to the Council. They voiced the same concerns—semis on the road, parking, blocking roads, blocking driveways, and no 4-way stop signs on 2nd. When semis entered, they did their business, and when leaving, making a U-turn on 3rd, which was a traffic hazard. He'd like to see Public Works research placing a 4-way stop sign up and designating parking areas.



- Mayor Hill stated with regard to Councilor Baker's comments, he'd had conversations with ESD, and was told that the school districts were swimming in money, so it seemed that someone should approach 8C School District about that situation at Alameda Elementary.
- Mayor Hill stated he and the City Manager had spoken about the Tech Fair that the city had designated \$10K for. He spoke to the Fair Manager about it, as well as a member of the Border Board, who thought they could also contribute money to it. He was trying to get the ball rolling on that.
- Mr. Brown stated since the city was moving the river trail from the Malheur River to the Snake River, it gave the city an immediate opportunity to apply for some grant funding through the Recreation Trail Program to work on the trailhead, which would serve both the Tater Tot Trail and the Snake River Trail. Without the river trail, it was a trailhead with no trails. With the river trail there, they could apply for the RTP money. He'd like to bring back a proposal to begin engineering. Money had already been set aside for both the Tater Tot Trail and the river trail. He'd work on a grant proposal with Merchant McIntyre.

EXECUTIVE SESSIONS

EXECUTIVE SESSION: ORS 192.660(2)(e)

An executive session was called at 9:37 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council entered into a second executive session at 9:54 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(h)

An executive session was called at 9:54 p.m. under provisions of ORS 192.660(2)(h) to discuss current or real litigation. The Council reconvened into regular session at 10:13 p.m.

AMEND AGENDA

BRADEN moved, HART seconded, **TO AMEND THE AGENDA TO ADD REAL PROPERTY ACTION**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BRADEN moved, RODRIGUEZ seconded, **TO ACCEPT THE OFFER OF \$1.13 PER SQUARE FOOT FOR THE PROPERTY PROPOSED FOR THE TATER TOT TRAIL FROM KAISER ENTERPRISES**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BRADEN moved, KIRBY seconded, **TO FORGIVE CIVIL FINES AGAINST KAISER ENTERPRISES, LLC, IN THE AMOUNT OF \$31,125.00**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ADJOURN

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

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES

April 27, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 27, 2021, in the Council Chambers of City Hall. Council members present in person were Riley Hill, Freddy Rodriguez, Sam Baker, Ken Hart, John Kirby, Michael Braden, and Eddie Melendrez.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Al Cablay, Larry Sullivan, and Jason Cooper.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 23, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Marty Justus, Ontario, stated: *Thank you, Mayor. I came here not to speak today. I was just going to sit in the audience and express my First Amendment rights to free speech. But the City Clerk handed this to me when I walked in. It's from Council President Freddy Rodriguez. There's all kinds of stuff in here, but basically, it's asking why I haven't sued him for slander. I just want to let you know that I have retained counsel. You all will be hearing from them shortly. The only thing is, I don't want anything you have, Freddy. All you own is a used camp trailer parked in Montgomery Village, outside of the city limits. But that's up to you. So, anyway, I just wanted to let you know that I'm here, Freddy. Make any accusations that you want, that you have proof of, please bring them forward. I am not scared of you or anyone on this Council. I am a proud, gay man that lives in the City of Ontario and will freely express my First Amendment rights anywhere and everywhere that I'm allowed by law.*

Councilor Freddy Rodriguez stated: *Thank you, Mayor. So, I'll go ahead and read the statement. It's not a letter, it's a statement. Thank you for being here. First off, I'm pretty sure you were going to say something but when you seen that this was on the docket to be discussed, you stated you wanted to say something. So, I'll go ahead and read it and be short. First off, I want to thank, I already did that, I'll do it again. I want to thank you, Marty, for having the courage to come up and speak, even with all the negative attention you've garnered for yourself. You keep stating you don't want to cause disruption for City Council, yet we find you here every meeting reiterating acts that have already been spilled and have zero substantiated evidence or proof behind them. What exactly do you expect Council to do with me with your claims of my bullying you, when all I did was simply report a grotesque action that was disclosed to me? I am a mandatory reporter. I did what I was supposed to do based on that fact. Why are you here? Because I did what my oath to being a mandatory reporter asks of me? To report any actual or perceived abuse of any vulnerable adult or child or anyone for that matter? You say I'm lying about you, yet the person who disclosed all of these details has publicly stated he told me those things, but lied. It says it right in the Argus article. This individual is a big-time volunteer in many agencies in town, including agencies that place him in the line of assisting*



vulnerable citizens. And you and the entire recall effort is completely ignoring the fact this man is yet another real threat to vulnerable adults and especially kids with his open admitting to lying about well, you being a predator. Is he lying? Is he lying? Nod? Shrug? Yes? Is he lying? No answer, everybody.

Mr. Justus: *The only liar in the room is you. You're the liar, Freddy! You're the liar, Freddy!*

Councilor Rodriguez: *Let me just finish so we can go on with our lives. Did you know that he isn't the only name I provided to law enforcement as someone who told me they could corroborate such stories of you? There's more to this than just what you're letting people know through your vain attempt to use my ex's lies to cover up your dirty carpet. It's crystal clear now that the main effort to recall me isn't based on the now overshadowed reasons originally given in the recall effort.*

Mr. Justus: *Is the time up? Mayor, is the time up? Is the time up? Mayor, is the time up, yes or no?*

Mayor Hill asked Mr. Justus to stay quiet or leave, one of the two.

Councilor Rodriguez: *Cooke has stated how she has nothing against me besides my recent domestic accusation, yet she went golfing with me after those accusations came to light by the Enterprise. Ask yourselves what changed everyone's perception of me. And why isn't anyone asking you to be honest? Why aren't you suing, well, we already talked about that, but why aren't you suing for slander? Because when you get sued for slander, you get sued and I would go down if I'm lying. We can find out through that, so we're going to go that route it sounds like, so I'm all for it. You're an adult. Act like one and man up to your deeds. I'm not threatening anyone with investigations. If you're innocent with zero to hide, then no reason to consider this madness, right? It's not madness if there's nothing to hide, right? Look, I am not gonna go off on some Plummer style rant. I just wanted you to hear me directly state these things to you. Again, thank you for showing up.*

EXECUTIVE SESSION

EXECUTIVE SESSION: ORS 192.660(2)(e)

An executive session was called at 6:10 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reentered regular session at 7:03 p.m.

NEW BUSINESS

Contract Extension: Joel Ruiz

BRADEN moved, BAKER seconded, **THAT THE CITY COUNCIL EXTEND THE CONTRACT WITH RUIZ ENTERPRISES FOR AN ADDITIONAL 60 DAYS AND ACCEPT THE \$5,000 IN EARNEST MONEY DEPOSIT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Liquor License Application: Ontario Liquor Store, LLC, Change of Ownership

Jason Cooper, Police Lieutenant, presented.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE CHANGE OF OWNER OFF-PREMISES LIQUOR LICENSE APPLICATION FOR ONTARIO LIQUOR LLC.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Letter: Opposition to Qualified Immunity Reform

Mayor Hill stated he believed it important to let the other side of the state know Ontario felt. He only visited with Councilor Braden about this. The letter was in the packet. It was based on seeing on television the burning of Portland and the burning of Salem and the defunding of police. He wanted to make statement to that side of the state that Ontario supported their police and would not be defunding them.



Councilor Kirby stated they were trying to tell the officers who worked for Ontario that they were appreciated, and the Council and the city didn't want to leave them standing outside the courthouse all alone.

BRADEN moved, KIRBY seconded, **THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS LETTER ON BEHALF OF THE COUNCIL IN OPPOSITION TO QUALIFIED IMMUNITY REFORM.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Letter: Bridge Crossing

Mayor Hill stated as the Council might recall, he had broached the issue of the bridge on 18th, some safety issues there, and he also spoke to the City Manager about drafting a letter in hopes that the Council would approve it. He also spoke with the City Manager in Fruitland, who asked for a copy of the letter. He also appeared before the Fruitland City Council speaking to this issue, and they were on board, and approved the action of trying to get that crossing.

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL ALL SIGN THE LETTER IN SUPPORT OF THE BRIDGE CROSSING OVER THE SNAKE RIVER.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS

Concept of Changing Council Meeting Dates

Councilor Hart stated this was at this request. He hoped they all had a chance to review it and give it some thought. It was related to the Council's meeting schedule. Currently, they met three times a month, sometimes a second meeting was waived. He was proposing it for a personal reason because if he were successful in his bid for a seat on the TVCC Board, he would have a conflict with the third Tuesday. That would cause him an issue. But they had already discussed the idea that sometimes the citizens were confused on Thursday Work Sessions and Tuesday Council meetings; did voting on issues occur during Work Sessions, or not. To give some consistency of the night of the week the Council met, and when they met, they were meeting as a City Council versus Work Session. If that was brought up, was it a change to how they did business? His request would be that instead of meeting on the first Thursday, the third Tuesday, and the fourth Tuesday, they'd meet on the second Tuesday and the fourth Tuesday and eliminate the Work Session. They'd meet only two times a month, once at the beginning, one at the end. They'd never go more than two weeks without meeting.

Mr. Brown stated it was the Council's prerogative to amend the Council Rules and Procedures Policy.

Councilor Braden asked if that would put any additional burden on staff? The timing and spacing issue might help concentrate on the issues to present them in a timely manner.

Mr. Brown stated that was true, but it would pose a challenge when the occasional week was changed based on the LOC conference, the Mayor's conference, etc. Sometimes, those were held during the final week of the month. Staff worked those things out at the beginning of the year prior to adoption of the schedule by Council. If the Council wanted to make that change, staff would review the calendar looking for conflicts. Then they could approve the schedule for the remainder of the year. There might be a conflict with things that were out of their control.

Mayor Hill stated in times past, the Council used to have an open forum lunch that the City Manager explained the issues coming before the Council. It was truly just an explanation. Then on the meeting a few days later, action was taken on those items. Sometimes it was nice to hear about items before being asked to make a decision.

Mr. Brown stated staff tried to preview items before asking for Council action, and they'd still follow that path, unless it was an emergency.



Councilor Rodriguez asked for clarification from Councilor Hart. He was asked that the Council remove one meeting completely, moving it down to two meetings a month, and then to have them both on a Tuesday. But he had added that it was for personal reasons. What was the personal thing? Was it because he was running another position?

Councilor Hart stated yes, he was running for a seat on the TVCC Board, who met on the third Tuesday of each month. One, it wouldn't happen unless he was elected, so it wouldn't begin until July, but he would have a consistent conflict on that third Tuesday.

Councilor Rodriguez stated he was never in support of reducing the duties of the Council. They had just recently amended the way they pushed for that third meeting. Councilor Hart had stated that at every second meeting they needed to discuss the third meeting. This personal thing was really kind of stepped into the Council operations. He was most concerned because if he were running for the other Board, he would look at this. He felt that if they were to change the schedule based on what they knew of the reasons behind the change, it put a constraint on the other candidates because it was giving him a clear path to hold that other position. It sounds like, maybe, otherwise, he would not be so gung-ho because it would be a conflict and he couldn't do both. It seemed a little too personal and felt it would affect the potential ability for other candidates to be successful while the Council would potentially be clearing the path for Councilor Hart to do that, even when they just discussed how they often needed that third meeting, to be discussed at the end of every single second meeting.

Councilor Kirby stated if he understood Councilor Rodriguez, he felt that the Council would be endorsing Councilor Hart's candidacy over Christ Plummer by changing the schedule at this time, and if they wanted to remain neutral as a Council, they should wait until after the election results.

Councilor Rodriguez stated he added the waiting part, but the first part was correct. He didn't believe they should be reducing their duties.

Mayor Hill stated this was just a discussion, no action. This would not be acted upon for a few months.

Councilor Hart stated they didn't have to act on it ever, but he would ask, depending on the election results, to discuss it again in June and maybe act at that time.

Councilor Braden stated he had been attending Council meetings for 3+ years, doing it for six to eight months for actually running for a seat. As Councilor Hart had expressed, citizens had confusion regarding cancelled meetings, too. During his time before being on Council, he came to those third meetings, and he'd be at the door, and no one was there. He did miss a lot as a concerned citizen. He was not looking at it for any personal reasons. It made Councilor Hart look at it from a Council perspective and investment and relation with the community and they were communicated with. Having two meetings, two weeks apart, equally posted, gave staff time to work on projects for presentation. It was a neat, orderly flow to what had been a confusing process.

Councilor Rodriguez stated it sounded like publishing a third meeting was what needed control. He had been on Council two years, and during those years there multiple third meetings a month. It was like saying they should communicate better with the community by the Council working less.

Councilor Kirby stated he preferred something in the morning, as it was easier to schedule around.

Qualified Immunity Issue

Councilor Melendrez stated with regard to the Qualified Immunity letter; could someone please explain better. He was for backing the police but wanted better clarification. Where had that come from?

Jason Cooper, Ontario Police Lieutenant, stated that they, as Police Officers, were put into situations that were life and death and although they had training and experience, some more than others, they were asked to make split second decisions and to make those decisions with 100% effectiveness and they were held to a higher standard, and



there was accountability. What that did, it didn't permit the officer, in general, to be sued by an individual. It held the City of Ontario, through any legal lawsuits, essentially, it didn't leave the officer hanging on his own where he, or she, could lose any of their assets. It was to hold the officer liable through the City of Ontario.

Councilor Melendrez stated some things he had heard from the news was that it was not suing the police officer personally but maybe their union? Had anyone heard that? Instead of the city's paying lawsuits. For example, George Floyd – that city would have to pay his family, correct, that money, millions of dollars for what happened there? Not so much going after the officer but going after that officer's union.

Mayor Hill stated what he believed the letter would do was state that no matter what, in seeing what was occurring in Portland, Salem, or Seattle, that wasn't wanted here. Some areas were trying to put the complete onus on the police officer – that's not going to work and it's not going to happen here. Anybody that sued was going to be everybody they could; whoever had the deep pockets. This letter was a support letter for the officers in our community, and letting the rest of the world know, letting the elected officials know where the City of Ontario stood on the issue.

Homeless/Small Homes

Councilor Kirby stated whether they called it the tiny house issue or homeless issue, they voted, but the issue was still there. The Council had to be part of the solution, but they couldn't be the solution alone. He had been approached by a member of a side organization – Pastor Tim Brewer – and they had a discussion about it. They had some concerns because they felt that they would like to develop a solution. At some point, it needed to be revisited. He asked that Pastor Brewer meet with this group to put something on paper to present to the Council. He also suggested Pastor Brewer speak with the Council individually before bringing it back for public discussion.

Mayor Hill stated he contacted Community in Action, but no surprise, was not welcomed with open arms. He also spoke with the City Manager and asked him to bring forward the text of the bill that the city would be faced with. It was going to pass – the city was going to have to do something. They could see what they were faced with so they could make decisions. He told CinA that the Council wanted a long-term plan and wanted to be part of the solution and they all needed to work together.

Councilor Melendrez thanked the Mayor for having that conversation. It was a community issue that they all needed to work together on. Too many times people just handed a person, or a situation, off to someone else, but that couldn't happen here. It had to be the whole community. This was a nationwide issue and they all needed to do their part. He wanted Ontario to be a city as a success for combatting homelessness.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill had received an invitation from the Oregon Historical Society to participate in the Oregon NISEA Veterans and the Japanese American Museum of Oregon. He thanked the city needed to participate in some manner because we had a Sister City in Osakasayama, Japan. That could be passed off to the City Manager, to pass off the Peter Hall, to get a response back. It was scheduled for June 14th. They wanted a proclamation.

Councilor Kirby stated this also related to the 442nd. The Cultural Center received their major funding because of the 442nd. He received a call from Representative Bob Smith, and they were seeking a way to get the funding for the first Gulf War. Senator Dan Inouye had it tied up in the Senate Appropriations Committee and Senator Ted Kennedy approached Bob because he knew that Senator Hatfield and Senator Inouye were very close friends. Through those efforts, they wanted to know if anything about the 442nd was going to be in the proposed Cultural Center. The committee assured them it was, so they received a check for \$4M the morning the first Gulf War started. Also, Tom Greco had a friend who lectured on the 442nd, and was available to this community. He highly recommended support.



Mayor Hill stated the city had also been invited to give a short video tribute along with the city's proclamation. He'd been happy to help get that video together.

- Councilor Melendrez stated he had been on City Council for about three months, and it was a lot to learn. He wanted to apologize to the Ontario citizens for all the things they've been seeing in the newspaper, on Facebook, or wherever they saw things. He was there to do the best job he could for the city, and he wanted to apologize for any disturbance they saw or any embarrassment they felt the city was bringing to the citizens. He wanted it clear that he stood for respect, justice, and for helping others. He would do his best to never embarrass anybody on the City Council on the dais. He wanted that clear. Thank you.

ADJOURN

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

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES May 6, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, May 6, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Ken Hart, John Kirby, and Eddie Melendrez. Michael Braden was excused. Sam Baker arrived at 6:05 p.m. Freddy Rodriguez arrived at 6:20 p.m. and departed at 6:36 p.m.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Terry Leighton, Steven Romero, Kari Ott, Dan Cummings, Larry Sullivan, Al Cablay, Erik Hartley, and Paul Woods.

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

Riley Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on May 4, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, HART seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-out; Baker-out; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-yes. Motion carried 4/0/3.

PUBLIC COMMENT

Zach Olson, Ontario, stated: *Thanks for the time. My name is Zack Olson. I live here in Ontario. I'm a lawyer. I represent a handful of folks who were fined by your Code Enforcement Department last year. I listened, somewhat alarmed, to the discussion that you had here about that last week. It came to my attention that I really don't think the Council has a firm understanding what happened here last year. What happened, in my view, is the Council, not necessarily you exact people, but the City of Ontario Council expanded the Code Enforcement Department and then told those officers that they need to go collect a bunch more revenue in fines to cover that budget gap. And they went out and did their best and they fined the crud out of people last year. I've talked to a lot of people that were fined, and it is really, it's just a heart-wrenching thing to talk to people about. What happened was really bad. I ask the Council to reflect on what happened and ask you to take responsibility for it. The good thing is it was one bad year. We've gone over 100 years without having these crazy fines; it happened one bad year in 2020, and you guys can make that go away, get rid of the old fines, shut down the system, and we can move forward without it, just like we have for a long time. We'll be just fine. As you guys talk about this some more today, I want to put one document in front of you. So, this is, in my view, kind of the perfect encapsulation of what happened last year. Started out the year with this idea that you're going to fine a bunch of people and get a bunch of money out of it, and then what happened is, the end of year, on Christmas Eve, you're out beating up on essential workers. So, this notice was issued to a woman named Della Warren. Della is, in my view, a hero. Della is a Certified Nurse Assistant; she works at a residential assisted living facility taking care of elderly people during a pandemic. Della works long hours, as you can imagine. It's been hard to stay fully staffed over the past year in that profession. Della pays her rent, she pays her taxes, and she lives in a home that she purchased for \$9,000. Unfortunately, she is estranged from her husband. When he moved out of the trailer, he left a bunch of junk in the yard. That junk has been there for years, but for some reason last year, it turned into a hanging offense. I really hope you guys will understand that nobody talked to Della about this. Please don't let anyone come here and tell you that Code Enforcement goes and talks to people before*



fining them. Della, and she was going to be here today, but her shift changed so she couldn't be here, but she says she was actually working night shift, so she was at home when the cops came and she went out to try and talk to them, you know, what's going on officer? And they said nothing, we're just looking. Then I guess they drove back here and mailed the fine to her. She had no real opportunity to do anything about this and there's a lot of people in her position because you are charging a \$250 fee for someone to appeal the fine. A lot of people get these fines, and they look at them and they say this is obviously wrong, but I don't have \$250, there's nothing I can do about it, let alone go hire an attorney and go have someone fight for you on this. Your code requires the officers to try and work with people and to give them notice about what's going on. This is not some trivial technicality. These people are not getting any opportunity to protect themselves from these abusive fines. When they say they talk to people, what they do is they send this confusing word vomit abatement notice letter that's very confusing and they don't know what to do about it. Then five months later, or whenever, the police come back and boom, they stick them with a fine and they say you've been out of compliance for five months now, so we can fine you whatever you want. We can fine you \$500, we can fine you \$5,000, we can fine you \$27,000, or we can fine you \$227,500, which is the biggest fine that was issued last year, at least according to what I've been able to get from public records. A woman named Naomi was fined \$227,500. I don't know what's for. I'm still trying to find out what it was for, but I think you guys know that cops can't write tickets for \$200,000; that's not how this is supposed to work. If you look at that notice, you'll see some kind of chicken scratch there from Della. She got this notice; she tried to do the right thing to try and figure out what she's supposed to do. I mean, this is scary stuff; this is many times the value of her home. The weird thing about this fine is, so it says liens are non-negotiable, but then you call the city, and you ask oh my God, what do I do? They say, well, call Adam Brown, Adam Brown can negotiate your fines. And Della tried to do that. She talked to him a couple times and he would not waive her fines. There was kind of a weird discussion about that last week where you heard the City Manager say that he waives a bunch of these fines. The records I have show that he does. One woman, a lady named Jody, got \$170K fine written off. This is all being done in a back-door room somewhere. Nobody has any idea why Jody gets this huge discount and Della gets stuck with this tab. I don't mean to pick on the City Manager, but that is not a fair position for anyone to be in. If he was Jesus Christ Himself, it would be very difficult to go in and beg for \$170K fine reduction so you can keep your house. That's just an awful and degrading position to be in.

Marty Justus interrupted by calling for Point of Order. Three minutes...three minutes was what public comments were for.

Councilor Hart replied to Mr. Justus that he was not a member of the Council anymore.

Mr. Justus stated he understood.

Mr. Olson: May I proceed? Almost done.

Councilor Hart informed Mr. Olson he needed to wrap it up. His time was done.

Mr. Olson: *So, the proposal you are looking at today is for Della Warren to come in and pay \$1,500 and then have this person, the same person, the Ghost of Christmas Past, who gave her this notice on Christmas Eve, to go to her house and then judge if she will get the \$26K remaining deduction. That's not a good way to do it. She doesn't have \$1,500 anyway, and there are a lot of people in that position. So, I really urge the Council to take control here, shut this down, stop the fines, and take care of the mistakes you made last year. Thank you.*

Marty Justus, Ontario, stated: *Council, I happen to have been on the Council when that new ordinance was written. I also know that ordinance has some language for appealing those fines. I also know that we have a Mayor that's suing the city, who's making a big deal out of something here that is obviously not true. Mr. Olson, are you representing the Mayor?*

Mr. Olson: *I represent his company, yes.*



Mr. Justus: *I understand. That tells you everything you need to know about the presentation that was just done here. That ordinance is written well. It was taken from Salem. It was never, ever, ever a motion by Council or direction from Council to go and balance our budget with code enforcement. What was directed by the Council was for the Police Chief to start enforcing the ordinance as it is written. We have a code enforcement issue in this city. It is obvious the Mayor is one of our biggest, biggest persons that takes advantage of not taking care of his property. So now he wants to sue the city to do away with it because he doesn't want to pay his own fines. That's the facts, and that's the truth. What kind of Council is going to allow the Mayor to sue his city? Is that what you're going to do? Are you going to let it happen? I don't think you should, and that's why I'm here telling you this today. Thank you.*

CONSENT AGENDA

KIRBY moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED A PROCLAMATION: DRINKING WATER WEEK MAY 2-8, 2021; HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION (30-2021); HOUSING INCENTIVE PROGRAM: RYWEST HOMES (31-2021); HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS, LLC (32-2021); HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS, LLC (33-2021); HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS, LLC (34-2021); HOUSING INCENTIVE PROGRAM: GUARDIAN REAL ESTATE MANAGEMENT AND HOLDINGS, LLC (35-2021); AND HOUSING INCENTIVE PROGRAM: RYWEST HOMES (36-2021).** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-yes. Motion carried 5/0/2.

OLD BUSINESS

Clyde Esplin: Airport Issues

Clyde Esplin, pilot, stated: *I think we're starting to work things out at the airport, and I have a meeting with Adam Brown next Thursday and I could possibly delay any comment until that next Thursday and possibly we could work things out without going beyond that. The issues are, basically, he says our fuel plan is approved to fuel our airplane on the airport. We still have the issue of a lease for Beck's Spray Service that we have to work out. Hopefully, in our meeting Thursday next week at 3:30 we can work that out; otherwise, on the 18th maybe I'll come back. I appreciate all the work you do. If I could be indulged for a moment, I was interested to hear what Mr. Olson said and it kind of dovetails with what we're dealing with a little bit. I'm not sure what direction the city's going, but it seems like they're trying to generate revenue from any possible source, and some of them probably are harmful to the citizens of Ontario, probably harmful to bring business here and encourage businesses to stay here. I felt a little bit of that at the airport, but I'm not totally familiar with what's going on with Mr. Olson's case, but just hearing what I heard from him and then from the former City Councilor who has determined that the city go around like Nazis and try and enforce an HOA type of code is ridiculous, especially on people who are trying to eke out a living, like the people he mentioned. I personally dealt with that with an HOA in the past, and I just say that for whatever it's worth. Thanks for your time.*

Resolution #2021-107: Establishing Fees for Non-Commercial Locations for Registration Beyond Three Dogs

Steven Romero, Police Chief, stated this had come before Council several months ago, where he shared that there were two applications for individuals who owned more than three dogs. The city's current ordinance stated that any one premise could have up to three dogs; anything beyond that required a special application. OMC 6-2-3 has no fees associated; however, it also reads that the Council needs to pass a fee resolution. There is currently no fee resolution associated with this application. Therefore, the two applications that were submitted cannot be processed. The proposed resolution would establish fees for the application to have more than three dogs on one premise that was not a kennel or breeder situation (non-commercial applications). The fees would also include the charge associated with an appeal should the application be denied. He was proposing to establish a non-refundable



application fee of \$75 for a non-commercial dog licensing permits above three dogs for any one premises, and to establish an appeal fee of \$150 per application case.

Councilor Kirby asked if there had been any discussion that if there were to be multiple animals on site as to how it would impact the neighborhood, and what the input of the neighbors might be.

Chief Romero stated the current ordinance required that the applicants contact the neighbors in a 150-foot radius. They were required to get a letter of support from the neighbors in that area in order for the application to move forward. In the two applications received, both had met that requirement.

Councilor Kirby asked if the other animals on site were already licensed?

Chief Romero stated each dog would require a separate license.

Councilor Rodriguez questioned the quality-of-life issue for dogs. What there any type of requirement that dogs must maintain a level of hygiene? What would be the proper avenue for reporting if that weren't being done?

Chief Romero stated it was very generic for what a violation would be. It didn't breakdown the conditions. It was clearly defined for commercial kennels, but not so much for non-commercial. The ordinance read that a complaint could be filed with the city, but it did not designate a particular department or position. The permit was currently set for three years, and if a complaint were received within that time period, the permit could be revoked.

Councilor Rodriguez asked how many complaints had been received on his dogs over the past three years.

Chief Romero stated he was not aware of any.

Councilor Hart asked to table this action until the next Council meeting in two weeks unless there was an emergency need.

Chief Romero stated the two applications had been on his desk for several months but was not aware of any adverse conditions that had been created because of that.

Councilor Hart stated the requirement to pay a fee to appeal; there were concerns that not everyone could afford the \$150 to appeal, which took away the right to appeal. What was the purpose behind charging for an appeal?

Chief Romero stated most cities had that administrative fee to cover the costs of handing the appeal.

Councilor Hart asked who the appeal would go to.

Chief Romero stated the current ordinance was generic; it just read it would be filed with the city. In researching ordinance from other cities, they varied from the City Clerk to City Council.

Councilor Hart stated if this moved forward, it needed to be clear who the appeal would be filed with, as well as who would actually hear the appeal.

Mayor Hill stated he did not see in the ordinance that the neighbors had to be contacted. Four dogs were a lot of dogs, regardless of size.

Chief Romero stated he was not proposing an ordinance amendment; he was proposing fees for the application process. But, there would an ordinance amendment in the future for a variance.



HART moved, KIRBY seconded, **THAT THE CITY COUNCIL TABLE RESOLUTION #2021-107 TO A FUTURE DATE**. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-yes. Motion carried 5/0/2.

Council and/or Audience Decorum

Councilor Melendrez asked about maintaining Council decorum. Councilor Rodriguez had put up a sign and was recording the meeting on his phone.

Councilor Rodriguez replied oh please, grow up. He was just going to leave. The Council allowed a disruption at every single meeting, and they didn't say anything. Then they allowed some guy to make up comments.

Councilor Rodriguez departed the meeting.

Resolution #2021-111: Bid Award for Technology Backup Services

Mayor Hill presented as Mr. Brown could not Zoom in.

HART moved, KIRBY seconded, **THAT THE CITY COUNCIL TABLE RESOLUTION #2021-111 UNTIL THE NEXT REGULAR COUNCIL MEETING**. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-yes. Motion carried 5/0/2.

Council and/or Audience Decorum

Councilor Hart stated with regarding the comments from Councilor Melendrez related to decorum, what the Council were doing as Councilors was important, but it was also important that the audience had decorum. He was unaware of the rules related to that. Was it allowed? What was allowed from the Council and the public?

Mr. Sullivan stated the person presiding at the meeting had the right to enforce rules of decorum. If the Councilor President was causing the problem, then the Council had a problem. There wasn't much action that could be taken at that point.

Councilor Hart asked the Mayor to not allow people to flash signs. It was disrespectful to the process. The point had been made. There was a time for public comments.

Mr. Sullivan stated the rule was they could not kick someone out of a meeting unless they were breaching the peace. That included using profanity, doing things to disrupt the proceedings. It could be difficult to establish that someone holding a sign towards the Council was going to interfere with their ability to conduct the meeting. It might be unseemly, but probably not enough to establish a breach of the peace.

Councilor Hart stated the word used was "probably", so the needed to determine if they could or could not.

Mr. Sullivan stated that would be no. Holding up a sign was not a breach of the peace. If it was slanderous, the person being slandered had a cause of action. If it were something preventing the Council from conducting normal business, that would be a breach of the peace. Holding up signs was not a breach.

Councilor Melendrez stated people should have a right to attend and protest, but the Councilors themselves were held to a higher standard. It made him uncomfortable when the Council engaged with the citizen or recorded the meeting. He did not think they should be doing that. An audience member should be able to put up a sign. If they didn't think the Council was doing their job, they should be allowed to speak up or protest, or even file for recall. But they, as the Mayor and Council, needed to be held to higher standards.

Civil Penalty Amnesty Program

Kari Ott, Finance Director, presented.

Mayor Hill recused himself due to a conflict of interest in the action.

HART moved, KIRBY seconded, **TO APPOINT SAM BAKER AS PRESIDENT PRO TEM FOR THE CIVIL PENALTY AMENESTY PROGRAM ISSUE.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-abstain. Motion carried 4/0/2/1.

Councilor Kirby asked what they considered a derelict building? Was it structurally unstable, or abandoned, or something else?

Chief Romero stated he believed derelict were structures that were structurally hazardous, had a chance for collapse, or could cause injury to a person entering the building.

Dan Cummings, Community Development Director, stated the code defined derelict buildings. There was actually a derelict and dangerous building code within the building department.

Councilor Kirby asked if the Code Enforcement Officer contacted his department for their determination on that.

Mr. Cummings stated yes. In the past, they'd worked with the building Official to ensure they were interpreting the codes the same way as the Building Official. They carried files on derelict buildings within the department, so they were aware which buildings the Chief was associating with derelict and dangerous buildings.

Councilor Baker stated his concern on the time frames. Did they coincide with what they were trying to get done? It was a good idea, but he wanted to make sure it was successful.

Councilor Melendrez asked if this was complaint driver, or a proactive search for that type of building?

Chief Romero stated complaints were received, but also their own observations.

Councilor Kirby stated fines had built up due to the inability to contact the owner of the property. Had everyone on the proposed list been contacted?

Chief Romero stated he did not know who all had been contacted. There was a problem with absentee owners in Ontario.

Councilor Hart stated he wanted to address the overall program. The goal was to clean up Ontario and to make properties look better. It was not to create fines. The amnesty was a way to address the ballooning fine issue. He wanted a comprehensive approach, not just peace meal it.

Councilor Kirby asked about interest on the accounts.

Ms. Ott stated they were being assessed interest and penalties.

KIRBY moved, MELENDREZ seconded, **THAT ALL INTEREST BEING CHARGED AGAINST THOSE FINES AND FEES BE STOPPED UNTIL THE ISSUE IS RESOLVED.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-abstain. Motion carried 4/0/2/1.

Mr. Sullivan asked what the "initial fine" meant.



Ms. Ott stated many of these accounts had more than one fine. The initial fine might be small, but the next fine could be large. It depended on reoccurrence, which would be a higher fine.

Mr. Sullivan stated his understanding was that many of the fines were generated because a fine was imposed for each violation, but then there were other imposed because of additional violations?

Ms. Ott stated yes. There were many that had more than one fine. Also, Chief Romero asked her to remind them all that no new fines were being issued currently because of Council direction at a previous meeting.

Councilor Melendrez stated to Chief Romero and Ms. Ott that the Council was asking a lot of questions because staff was doing what Council directed. He respected their hard work on this action.

Councilor Baker stated they all appreciated staff's hard work.

Mr. Sullivan asked if the Council wanted staff to continue to work on the amnesty program or was it the consensus of the Council that it was not interested in the program.

Councilor Kirby wanted to proceed on the issue.

Councilor Baker agreed.

Councilor Hart wanted a comprehensive analysis of the whole program and amnesty would be part of that, just not a stand-alone piece.

NEW BUSINESS

Delinquent Utility Billing Accounts to Collections

Kari Ott, Finance Director, presented.

HART moved, MELENDREZ seconded, **THAT THE CITY COUNCIL SEND THE BALANCE OF \$21,859.40 TO COLLECTIONS AS PROPOSED BY STAFF AND WRITE OFF THE BALANCE.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-yes. Motion carried 5/0/2.

Resolution #2021-114: Appropriating Funds for the Gazebo Relocation Project; Award Gazebo Relocation Contract to the Low Bidder, JLCC, Inc.; and Issue a Notice to Proceed (NTP)

Al Cablay, Public Works Director, presented.

Mayor Hill stepped down due to a conflict of interest and passed the gavel to Sam Baker.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL AWARD THE BUILDING FOUNDATION BID TO JLCC, INC FOR \$30,700, APPROVE RESOLUTION #2021-114 APPROPRIATING FUNDS FOR GAZEBO RELOCATION PROJECT, AND ISSUE A NOTICE TO PROCEED.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-abstain. Motion carried 4/0/2/1.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Document attached)*

Kari Ott, Finance Director, presented.

Public Works: Quarterly Report *(Document attached)*

Al Cablay, Public Works Director, presented.



DISCUSSION ITEMS**Staff Analysis of Bluebird Car Wash Request to Modify Sewer Fees**

Paul Woods, City Engineer, presented. Staff was directed to do an analysis of the presentation by John Fery at a previous meeting. The contents of the report were shared with Mr. Fery. The overall analysis was that the study was sound in its methodology. His observation was that evaporative loss was something that was experienced by customers throughout city. The city did not measure the flow of sewage due to the nature of its content and the difficulty in doing that, which was common nationwide. When there was industrial wastewater that did not have a lot of solids, it was common to meter and measure the consumption based on a metered result. His recommendation was rather than grant a reduction based on a study done in other communities, trying to verify if the equipment at the car wash was similar to that in the study, a better way would be to have Blue Bird install a meter and then base their charges for consumption based on the meter flow.

Mayor Hill asked how expensive it would be to modify and install that meter?

Mr. Woods stated that had been discussed with Mr. Fery and told him it depended on his set-up. They currently did solid separation, grease removal, and water they discharged was recycled off their system, so they could have the opportunity to put that through a typical water meter more common for residential use, or they might have to install a weir section. Staff let Mr. Fery know they would meet with him to select the best route, but Blue Bird would fund the cost.

Councilor Melendrez asked if Blue Bird would save money going this route.

Mr. Woods stated his belief was that there would be a reduction if the study was true. They were asking for verification by installing the meter and the cost would be based on that.

Snake River Water Trail Grant Support *(Slides attached)*

Paul Woods, City Engineer, presented. There was money in this year's budget to develop the trail. The property by the Water Treatment Plant was owned by the city and some of the production wells were located there. They also withdrew water from the Snake River. The concept would be to have a trailhead there. There were issues that needed to be discussed with the Oregon Department of Water Resources, who generally liked to see a 50-foot setback from the wellhead, but a waiver could be requested. There would be a parking area, and access to the river for put ins and there would be a trail along the river. The trail would end at the existing boat ramp. This route dealt with three property owners, one being the city. The implementation strategy was to do some engineering, getting the trailhead approved, and there was a federal grant program titled the Recreational Trails Program that the city would be eligible for, and the engineering would be reimbursed. One advantage was that this would be part of the entire Snake River Trail system that involved the Idaho and Oregon recreational trail system. Being part of that had many advantages. The direction he'd received from the City Manager was to move forward and position themselves for state and federal grant dollars. To move forward, designing the trailhead would be done by an engineering firm, but prior to that some questions had to be answered with the Oregon Marine Board regarding interaction at the takeout, which was currently a motorized boat launch, as well as setbacks with the trailhead. They wanted to move forward because there was \$40K in the budget that was being moved to this project, and another \$150K already in the budget.

Additional Bridge Between Oregon and Idaho

Riley Hill, Mayor, presented. He and Councilor Hart had met with Congressman Bentz and shared this idea. It had been discussed previously and asked them to provide some information. Jacobs got it together for him on their fast response. Copies were provided to the Fruitland City Manager, who would be passing it on to their legislators and to IDATRAN. He'd also provide copies of everything to Congressman Bentz. He thanked Jacobs for their assistance and fast response.



Amend Establishing Ordinance: Public Works Committee to Review Public Works Department Budget Prior to Disbursing to Budget Committee

Mayor Hill stated committee members had previously requested to amend the ordinance so they could discuss budgets with the Public Works Committee prior to going before the Budget Committee.

Councilor Hart stated they held the discussion about the budget, and Councilor Baker was the liaison to the Public Works Committee. When the question was raised about if the PWC had a change to weigh in on the budget, it was not specifically their purview to do that. He looked to all the committees as folks in the community who were appointed by the Council who took the time to get up to speed on issues, and he'd like to have those experts weigh in, so the Council knew their views. He supported the proposal for the Public Works Committee. He'd support that action for the other city committees, too, if they didn't already have that authority.

Mayor Hill stated there would be no formal action, but he'd like a consensus if they wanted staff to proceed with a possible amendment to the Public Works Committee ordinance.

Council consensus to move forward on the matter.

Homeless Legislation

Larry Sullivan, City Attorney, presented. There had been two homelessness bills passed. The major impact of House Bill 2006 would be that it imposed an obligation on the city to work with organizations that wanted to develop homeless shelters in the city and restricted the city's discretion in what type of plans the city could veto. It would put pressure on the city to improve homeless shelters if there were organization that were prepared to make a pitch to the city for those shelters. There were rules that impacted what experience those organizations had to have: they had to have two years of working with homeless shelters before they fit within the category on the Bill. It was unclear what the long-term effect of that legislation was going to be on the city because it was going to be up the public benefit corporations and other entities to approach the city to tell the Council what they wanted to do. If they qualified under the Bill, it might limit the discretion of the city to refuse to work with them.

House Bill 3267 might have a more immediate impact on the city. He suggested the Council read through Section 5 of that Bill, which created a homeless person's Bill of Rights in Oregon. It was very comprehensive. It was going to restrict a lot of the activities that law enforcement had traditionally engaged in with respect to the homeless, who might otherwise be committing ordinance offenses based on where they were sleeping, where they parked their cars. It was an amnesty being given to the homeless with respect to some ordinances that otherwise would apply to people if they were not homeless. If it was determined they were homeless, there were things that law enforcement was going to have to allow them to do, such as park in public parking lots. If they were parking legally in a public parking lot and they wanted to use that as their shelter, it might be difficult under this Bill to restrict them from doing that. If there were homeless people at a city park and they were cooking and there was concern among law enforcement about if they were doing things that were causing issues for the city, law enforcement needed to be aware of these provisions in Section 5 to make a determination as to whether or not the statute would protect those people from being told by law enforcement that they couldn't do what they were doing at that location. That would have an immediate impact on law enforcement.

He hadn't read too much commentary about either Bills, but he would. He would provide the Council a more comprehensive summary of both Bills at a future meeting.

Councilor Kirby stated they had received notice that the League of Oregon Cities would be holding a workshop on those issues on the 21st. They might want to participate in that. The Argus had an article that inferred that what the city did on the tiny houses could be overridden by this legislation.

Mr. Sullivan stated the Council extended the homeless shelter arrangement until the end of May.



Councilor Kirby stated it was set to stop at that point, but the way he was reading the Bill, that could continue for a period of time. That was his question.

Mr. Sullivan stated he had not read that into HB2006; he wasn't seeing that it imposed that type of restrictions on cities. There could be a secondary effect from HB2367 that could impact the city's ability to shut down that homeless facility at the end of May. That was a possibility. He'd give the Council an update and he'd participate in the workshop given by LOC.

HAND-OUTS

Check Register *(Attached)*

March 1-April 30, 2021

Agenda *(Attached)*

Public Works Committee 05-11-2021

SREDA *(Attached)*

Agenda 05-04-2021; Report 04-06-2021; Snap Shot 2021

Minutes: *(Attached)*

County Court: April 14, 2021

Monthly Department Stats *(Attached)*

Fire & Rescue, Police, Public Works, Code Enforcement: April 2021

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Hart asked that the documents given to Congressman Bentz related to the bridge be given to the entire Council.

EXECUTIVE SESSIONS

EXECUTIVE SESSION: ORS 192.660(2)(e)

An executive session was called at 7:58 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council entered into a second executive session at 8:24 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(h)

An executive session was called at 8:24p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened back into regular session at 10:06 p.m.

ADJOURN

HART moved, MELENDREZ seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-yes; Hill-out. Motion carried 4/0/3.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES May 18, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, May 18, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Sam Baker, John Kirby, Eddie Melendrez, and Freddy Rodriguez. Michael Braden was excused; Ken Hart arrived at 6:20 p.m.

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

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on May 14, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, BAKER seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-out; Melendrez-yes; Hill-yes. Motion carried 5/0/2.

ATTORNEY COMMENT

Larry Sullivan, City Attorney, stated at the last meeting an issue came up where the Mayor had to step down and the Council President was also gone, and no one knew who should be in charge. The Council Rules provided that in the absence of the Mayor and Council President, the City Recorder calls the meeting to order, and a temporary president officer would be elected by the members. This was in preparation of reviewing the Rules of the Council regarding issues of decorum. The meetings had been heated, and remarks made that many found offensive. The Presiding Officer had the right to prevent people from making personal attacks on anyone at the meeting, whether a Councilor or a member of the audience. That fell within the authority of the Presiding Officer. Because of that, if any member of the Council felt the Presiding Officer was not doing that, a Councilor had the right to make a Point of Order and interrupt whoever was speaking and ask the Mayor to enforce that Order. Whoever was speaking had an obligation under Robert's Rules of Order and the Rules of Court to stop talking pending a ruling by the Mayor. The other point for the Council was that if the Mayor made a ruling on a Point of Order, the Council had the right to override that ruling. If a majority of the Council felt the President Officer made an incorrect decision, the majority of the Council could overrule that decision and exercise some control over the progress of the meeting. He had previously informed the Council that there were First Amendment rights that people had, but once a person abused the privilege of exercising protected speech and began to actively interfere with the Council's ability to conduct business, the Presiding Officer could require that person to cease or be removed.

PUBLIC COMMENT

Eddy Thiel, Ontario, stated: *I am the founder of the Citizen's Coalition of Ontario. I'm here on behalf of the Recall. We have apparently submitted [signatures] to the city to see if they're verified, and if they are verified it goes on the ballot and goes to a vote for the people, which you all know. Which it will cost more than \$10K, I understand, to put*



it on the ballot. My team and the majority of my group, which I have close to 1,000 in the group, and they are citizens, they are also in the community, felt it was kind of ridiculous that you continue to do this. Because of the embarrassment that it's causing the city, and the fact that it's going to cost us, the city, that kind of money, we would like to ask Freddy to resign. And that's what I have to say.

Anthony Calendo, Ontario, stated: My government ID number is *****. I contacted the United States government, different contacts at the Department of Defense, and the Congressional Committee. Right now, I'm working on the Congressional Committee. This first job is to uphold the Constitution of the United States. That's why atrocities are important to the Congress. The following statement is things I'd like to see done, if I could, possibly: A rent freeze ordinance adjacent to the Affordability Act so managers don't take advantage of people on raising the rent. Also, stores vested with proper water distribution in houses so you could flush your toilet. There's no law for it. A 75-minimum voltage in each house as such as the voltage regulations for the affordable housing. I'd also like to see the annex of property for city expansion all the way to the city prison and also 15 miles into Idaho. Idaho's not getting Oregon. I'd also like accurate information about hazard pay for essential workers, like the police get \$35 extra for being hazard pay. I'd also like to see a World Tech Fair by August 31st. You already have the power plant in place on your sidewalks. I'd also like to see proper recognition for legislation ideas such as Affordability Idea Act to people like Scott who came up with it. I'd also like to have information disbursed on the National Trading Commission Credit Bureau of the 609 decoration that states such as things that I've never agreed to, never will agree to or anything, by pushing a button or doing anything to sell your personal beliefs, ideas, or anything to price chasing or otherwise any profit or any type of education whatsoever down to your DNA. I care about all of it. Also, I'd like to see an education drive for the US Constitution. I've learned the Constitution; memorized it in 6th grade and I'll abide in order to pass 6th grade. That's the only thing I knew to pass 6th grade. I'd also like notes for a criminal torture ordinance. No sound effects to torture yourself like I've been having to deal with. I'd also like an acknowledgment of federal existing Virginia marijuana and tobacco law. Marijuana is legal, apparently, ladies and gentlemen. It's under the Virginia Tobacco and Marijuana Law. It's as legal as smoking a cigarette. You can smoke it at work. You can't get in trouble, no insurance, can't get fired for it, anything. There's two people on the panel of smokers that have been prosecuted for marijuana. I'd also like proper education advertised in the Affordability Act. Thank you.

Jayme Wintersteen, Ontario, stated: I am back here in Ontario living. I was, 32 years ago, I met Ontario and I came here a troubled child and since then my main thing to help me up here was my mother. My mother passed away on my daughter's birthday, the eclipse, and I don't have a support system and I don't appreciate being called homeless. There's unhoused individuals who are now criminals who get treated worse than any of you want to go through. Trust me. Unless you guys want to take the challenge of trying to live a day in my life where I get judged by everybody, but I don't get no help. People want to point fingers, why don't you just be quiet or help the guy. Especially if somebody beats cancer, doesn't have any family or support around here. It doesn't seem like there's going to be any way where an unhoused individual can get back on their feet so that what I said about services. I can to the homeless shelter, with the little rooms, and their full and the didn't know if they were going to stay open. But then I was told by Officer Reyna to come here and present my cause basically and to make sure that unhoused and some of the homeless individuals who actually wanted to take action to get some things done can do that because it feels really weird when people with guns come up to you and treat you very strangely because you have no where else to go and you don't have support. And so when I come in here, I mean, I don't get a lot of assistance, but yet I'm tired of being put down and humiliated and treated not just indifferent, treated less than. That's my thing. If I'm out here, I'm going to talk to someone like a person, I'm going to respect them, but I'm not getting the same respect back. There's codes and ordinances, but there's law, and when my survival is always being dangled in front of me like they can take it away from me because of, oh, it's an ordinance, it's not a law, it's just something we can do here to people. So, I thought I'd come and talk to the people and see if we can get that changed to where I can't be basically bullied because I don't have the resources some other people have, and I know a lot of others who share that with me, so I thought I'd come in and ask. I'm not trying to stir nothing, not trying to disrespect anybody, but at the same time I get disrespected daily because I'm less than and nobody wants to help. Did I come too late? Am I going to get arrested because I went to the homeless to ask for help? So, I've even been guided Officer Reyna and he couldn't even tell me where to go. He told me to come in here, but I have to call and set it up, da da da da da da. So, I'm here now and I'm here. I been looking it up, I've looked up the 2006, didn't that just pass, things of these natures. But I was also told I



should either buy a van or go outside of the city limits. With the RV that I have, and own, I can't use here in the city limits so there's unhoused and there's homeless but if you're going to force us to be homeless, then stop arresting us, stop taking away our freedom, stop taking all of our stuff away, 'cuz I don't know of anywhere else to go and ask for help, but at the same time, asking your guys for help, if you don't receive it, that's a different issue. So, thank you for your time.

Robert Blackman, Ontario, stated: You come down Park Boulevard on your right you're going to see the backside of the Fairgrounds. On the left, you're going to find 24 old houses except for the nicer ones on Lucky Lane. I'm in the very first house, the old Ogburn place. My wife inherited it. And I'm being forced into the city and annexed against my wishes and it's all because of a mandate the state says when the sewer gave up on that land, I tried to redo it and they said well, you have to join with the city sewer. So, I was forced to go to the city sewer, and it cost me \$45K. Most of it I probably should pay everything on the left which I own coming down. I want to pay everything on the right where the city's sitting at the line up the right-hand side. They made me pay 330 feet, now they're going to go the next person because they're just annexing me by this mandate and I just want a forum of where, I can't do this in 3 minutes, explain this technicality to you, but I'm being sucked in against my wishes and I'm going to end up paying \$30K for that line and then I get the indignity of paying every month to the city more. I'm putting in the city infrastructure and that doesn't seem right to me. And I don't want to do attorney's and all that stuff. I think that's just wrong, but I would like a forum where I could explain this, a lawyer here, a city lawyer who can explain how I don't own this land over here, but I have to pay for the city sewer, but I don't own it. I know you know it's county, I do know that, but it's not me. It's infrastructure that the city needs to continue down Park Boulevard, it's going to go straight out to the highway out there. It's going to be all developed within the next year and I think developers can carry some of the brunt of this. Not old people that are retired and stuff. By the way, I very much respect you putting that purple heart thing up there because today I noticed that everybody's a dang patriot today. You put on a flag and you're a God dang patriot and you know; I want to give you some credibility because I'm wearing this hat, you're probably going this guys' just a stooge. There's the paperwork. Wounded by hostile forces of course. And I don't have a bunch of money. I don't have like \$30K to help the city. And I've been helped nicely by Al and by Dan, they are very polite, but they're between a rock and a hard place when it comes to me and they've been polite, but it came down to him telling me the other day what, you want something for free, Robert? I said wait a second, you're making me pay for this main and then you're going to charge me every month? Who's getting over? Who's getting free? Is the city getting this for free, or am I getting this for free? Again, I'm just looking for who can I talk to about this particular item? I don't want to do this. I'm allowed to use military courts and the lawyer, I don't want to do that stuff. If somebody would just allow me to vent, get it out to whoever makes these decisions about, this is just wrong. You go right to the next person, boom, they're annexed next, and he's already mad at me, said I sold out to the city. I said they forced me, buddy, I didn't want to go into the city. I didn't want to, and then you're going to go to 24 houses, make all these old, retired people pay for this sewer line and it don't make any sense for me, at all. And you know, I could go on forever, but I won't. I appreciate you even giving me a chance to talk. I didn't think I'd get one. If somebody could contact me. Is there anybody who, city attorney? You're a city attorney?

Mr. Calendo: No sir. I have experience as a city attorney, and I do consulting on I'm very expert at everything. Yes sir, the Chief can attest to that.

Mr. Sullivan provided Mr. Blackman his business card. He'd talk to Mr. Cummings before to get a better idea.

Mr. Blackman: I would appreciate that very much. I know you guys got a lot to do, I can see that. Ya, ya, do that. I know, you see it from one side. I appreciate it.

Mayor Hill stated he had to do the same thing about three years ago, and it cost about \$40K.

Mr. Blackman: Ya, but you do have more money, according to the paper, than I do. Fair? That's what the paper said. I'm just going by the press and it's probably not true anyway. Thank you, guys.



Andrew Maeda, Ontario, stated: Councilmembers, thank you very much for this time to speak with you tonight. I specifically just wanted to come here, first and foremost, and thank you for commemorating the 442nd. My grandfather served in the 442nd here, so I appreciate that. But, more importantly, I came to speak about the parks and cemetery support that you'll be voting on tonight or approving tonight, hopefully. This is something that for the Recreation District, has had a tremendous amount of success, and I wanted to share what we've done so far and what the future of this can be and hopefully you guys approve tonight. So, we had two employees through the DHS, Department of Human Services, come to us through the Jobs Plus program over a year ago. With that program, they build skills through the Recreation District and also provided us with a lot of help to get things done in a new district. Following their program, they were able to develop resumes and with the job skills they learned from us able to go off and get state jobs. From that, they are working currently one with tech and one with a gentleman out of Burns and Mike Simpson, who runs the Oregon Youth Corp out of this region, and specifically runs an At Risk Youth program, focused on, specifically, trying to build up the general work skills and some general skills in general for youth or at risk youth to help them in the future, whether that is employment after high school, whether that is for a future job or a current job, or just give them general direction, require things like responsibility and discipline. Mike Simpson came to us, the Recreation District recently as well, as of last year, before the pandemic hit, and we looked to try to get the program blended with us. More recently, those two that went through the DHS program with us and went on to earn state jobs used those jobs to help bring this program here. One of them is the current lead for five youth that we have in our community right now identified as at risk, one of which has been foster care in 26 counties in the State of Oregon. He is a tremendous individual. He's a young kid; just doesn't have the support. He works tremendously hard, and he just needs the guidance, as well as the other four there. This program, through the Recreation District, has served an important part of us getting so much done in the community as far as facilities go. When it comes to the parks that the Recreation District uses for our athletic facilities, these gentlemen have been out there every single day helping us improve those facilities and prepare them for games for our community. So, again, I would just like to urge you to approve this program because with the city involved in it and with the current programs from the state, and the potential that it's going to have for our parks and our cemeteries here in Ontario, we can have a drastic change not only in the appeal of our parks and cemeteries, but also the at risk youth that we have in our community, which, following this year, has unfortunately grown. Thank you for your time.

Dallas Brockett, Baker City, stated: Members of the Council, citizens, thank you for your time today. I'd like to talk to you a little bit about Code Enforcement. I know there's been a little bit of talk about not refilling my position when I left. I know that was a decision made by the Chief, as well as a little bit of talk of undoing everything that I worked so hard on to try and accomplish and make this city cleaner. So, the biggest thing is, why Code Enforcement? Well, the job itself, we have a huge, long list of job duties, and I can tell you right now that Patrol is not going to take on those job duties, that long list. So, Code Enforcement is very important for our community. I know that there's been debunking of the broken window theory - if you start with some of the smaller crimes and try to deter some of the bigger things. I think in smaller communities like this, I think the broken window theory does have its application. I want to give a history lesson because I don't think any of you were here when the civil penalty process came about. The ordinances at that time, when I first got hired, had no teeth or deterrent: fines being dropped and extensions given to repeat violators; citations are unable to be mailed for out-of-state violators; money from fines of the Justice Court is split into multiple pieces of the pie and the city does not recoup that money; on-going follow-ups, some cases were lasting several months or a yearlong; fines were minimal, and they were not a deterrent to violators. Then we went, okay, well let's abate everything, let's go in, let's hold the violator's hand and let's just abate everything, right? So we tried that for a little while. That was costing the city and our taxpayers thousands of dollars every fiscal year. So I went to Salem, thanks to Chief Kunz and the support of my peers. Why civil penalties? Fines can be mailed to out-of-state violators not meant to make money, but to aid in recouping the administrative and staff costs. It is a pipeline. It's not a bunch of money coming in all at once. Credit is given to those who have some progress, so it's less black and white. If you make some progress, the fine is lowered, right? If you don't communicate, if there's no progress, you have multiple violations in your history, the fine's going to be higher. A citation - you're either guilty or not guilty. And it helps deter violators and repeat violators as well. We did see a, we saw a need. We listened. We saw a need of lowering the appeal fee. We agree with you, right? The \$250 was high. We mentioned it a City Council when they drafted the ordinance and they said no, let's just do exactly what Salem does. But we saw the need for lowering the appeal fee, maybe \$100 to try to recoup that Hearing's Officer cost. We brought forth a 39-slide presentation to the



City Manager back last April to accommodate a lot of the issues and some of the comments that we'd be hearing from the community, Council members, and that sort of thing. That included lowering the fines; changing procedures; the graffiti action team to help combat graffiti; our shopping cart issues laying around town; dog issues; and more. We wanted to make the civil penalty matrix \$1,200 instead of \$2,000. Why am I here? I value this community. I've been an Elk's member for seven years; Ontario High School alumni; St. Peter's alumni; TVCC alumni; and six years as Ontario's Code Enforcement Officer. The Council here is undoing all my hard work. They're attempting to rip it apart and go backwards. My civil penalties, my training by Salem, and getting rid of that second Code Enforcement Officer position that we tried to go for. And I'll end on this note: it's personal. The lies from attorney Olson, the conflict of interest with Riley Hill, attorney Olson stated at the last Council meeting that apparently Officer Reyna and I showed up on New Year's Eve to some property that we were taking pictures at and somebody came out and we talked to them and then we sent them this big fine. I wasn't employed here still on New Year's Eve. Rick Reyna was off duty. I'm frustrated, as you can tell. Not a single one of you asked any questions of attorney Olson. You just sat there and listened to his lies. Also, my good friend and former co-worker Officer Rick Reyna – the stress that he's going through right now as the sole Code Enforcement Officer and undoing all this hard work that I put forward, is affecting him. And if you cut Code Enforcement all together, you're not just affecting a number, or just another person, you're affecting his family. He has a family to feed. I'm free to answer any questions of the Council if they have any for me.

Marty Justus, Ontario, stated: Good evening Mayor and Council. I'm going to start my comments by being frank and to the point. How many of you Councilpersons actually believe our City Manager and Police Chief colluded with each other to use Code Enforcement funds to balance the city's budget? No need to answer. I hope and pray none of you. We had Zach Olson as an attorney from Yturri Rose address the Council and thus the citizens of Ontario with gross misrepresentation. Not only were his statements misleading, they're very much fabricated to present the Mayor's one-sided view of city code enforcement efforts. He did all of this while failing to disclose his relationship with our Mayor. I have my attorney reviewing his actions as they may very well be worthy of an ethic's complaint with the Oregon Supreme Court. Let me share a true story with you. I had a citizen in my office last week, telling me how he, too, was subject to these high and exorbitant fines. I said, talked to him further and tried to explain to me he was never notified of his fines. Further discussion revealed that he had several encounters with the Code Enforcement Officers, making up several excuses but ultimately chose to ignore their requests. He went on to say that his recent notices were certified mail but chose not to pick up those because the city cannot legally fine him. Needless to say, I made sure that this citizen left my office knowing how I felt citizens that blatantly disregard maintenance and upkeep of their properties. A simple cursory look at the citations and fines to the Mayor in the last ten years reveal that he, himself, is one of the city's biggest offenders. How many of you know that before he could run for Mayor, he had to make restitution on all the citations he'd been issued over the years? This should be evidence enough that as our Mayor made cries about caring for our citizens of our town, his real motives are one of self-serving and self-dealing. I refer to today's story in the Malheur Enterprise; of course, that story goes straight to his character. The Council member that dares to make a motion to suspend enforcement of these fines and therefore weakens Code Enforcement as a whole, is truly not working for our fellow citizens, but just a tool for our ethically challenged Mayor. The Councilor that seconds it and votes to approve fails in the same category. In closing, it's time for this Council to send a clear and distinct message that enough is enough. Stand up for the citizens that want a clean city; stand up for the citizens that take care and maintain their properties; stand up for all the citizens that care about how the city is perceived by our neighbors and visitors. With that, I'll end. Thank you.

Jon Dennis, Ontario, stated: Good evening Mr. Mayor and members of the Council. I'm here to talk about code enforcement. I agree with a few things that Officer Brockett has stated, particularly that code enforcement is an important part of our city's process and procedures. It is a necessary piece to ensure that our communities stay clean. As an attorney, I've represented a number of both landlords and tenants who have been affected by code enforcement issues and I'd like to just describe a couple of them here today. I'm representing a tenant in a mobile home park that has massive issues with weeds overgrowing in other people's spaces and trash accumulations and she claims that this is lowering the value of her trailer and lowering the quality of life that she's able to have in her park. She doesn't have any mechanism to which she can force the landlord to clean up the other tenant's stuff, other than thru a city code enforcement mechanism. So she's not able to do anything like that outside of there being some type of enforcement piece, which is why the ability to issue some kind of fee or penalty is an important of this, without

which it essentially is kind of a toothless system. On the other hand, we also, I believe, have, as a practice, kind of an overreach of the purpose of this, which isn't to penalize, not to generate revenue, it's simply to gain compliance. One landlord that I was representing was issued, the first time he'd ever heard of the violation that was happening at his tenant's property, he received a \$4,500 notice or fine, not just an abatement notice that you need to fix something, but a fine you know owe \$4,500. We contacted the city; the city said too bad, you can appeal it. So we had to pay a \$250 non-refundable appeal fee and I came in and represented the landlord in this case, and ultimately, we had those fines dismissed because they weren't proportional to the violations, the three violations at issue. There was a grass that was higher than 10 inches, a couple of different varieties of noxious weeds, and then accumulation of garbage and debris, toys, and things like that. The place was untidy. It was the first time he'd ever heard about it and was assessed \$4,500. Now if instead of initially receiving a \$4,500 penalty, they would have given notice to fix this, they could have gone to the tenant's and tried to force them to comply with the rental agreement. Complying with the rental agreement, the landlord has several mechanisms that they can use to gain compliance, but when the city's breathing down their neck and saying you got to pay us \$4,500, they've already voiced a non-cooperation kind of attitude with the landlords and gaining compliance to fix the problem. I don't think, as I reviewed the city's ordinances, my issue, isn't so much facially with the way that it's drafted, I think as applied, it's not being done fairly, it's not being done evenly or consistently. They have this matrix, that I'm sure you're all aware of, where they're supposed to be proportionate. If it's an extreme violation, it's supposed to be a higher amount. Under these circumstances, I don't think that that's how it's being done. After we got the fines dismissed, I privately went to the City Attorney, and the City Manager, and I've addressed these concerns with them and my opinion. I'm happy to offer to talk with any of you on the Council here about this, but I think we need better training of officers, and I think we probably need some kind of review mechanism so that before a person is obligated to spend hundreds of dollars on an appeal fee and potentially thousands of dollars on a lawyer, that they have kind of an easier system that can offer a lesser expensive way of addressing the situation. And if any of you want to talk about this, I'm happy to talk with you later. Thanks.

Ruth Uranga, Ontario, stated: I'm here on behalf of my family and past and future generations. I don't know even to present myself to you guys, but my story is that we, I'm first generation from my mother's side to be here. We have our own property and my mother recently passed away last year, and my, oh Lord help me, okay, so my story. August of 2019, Dallas or whatever, that guy, he, they came to my house, they said that my property was dangerous for my kinds. I'd just gotten done taking down two campers because I do help a lot of people out because I do not judged people, I'm not money hungry, nor do I want to bring people down whatsoever. I'm here to help out one another as equally as everybody else should. But the fact is, they thought my property was too dangerous for my kids, so they were going to take my children away if I didn't leave. So they put us in a hotel for 90 days until they got me this apartment over at Ontario Villa. I left my property. It is my property, given to me by my family, by my mother and my father. So right now, at this moment, I'm living in the apartment. My brother, he was disabled. I gave him the house. I let him stay in the house because that's my family, you know? So they started to fine us, and the Brock guy told me that if we cleaned up, that he was going to stop fining me, which the didn't stop fining me. I was getting all these fines to the point that one of the fines was \$34,450 and there's no possible way that I could ever pay anything like that. And so to this day, I have all these fines which I don't know where they're at, but somebody's lawyer got ahold of me to tell my story because I, 2020 was like the worst year of my whole life. On February 5th, I had a miscarriage, which now I have my baby buried on my land because its my land and it's my child. I will not forget my baby. On the 10th, they took my children away because I was in a domestic, or this guy that I, anyway, cut him out, so the 10th they took my children away. The 15th, my mother passed away. The 16th, they fined me with all these things on my property. So 2020 was a really, really hard year for my life and thank the Lord that I'm moving on up because I'm not weak, nor will portray myself as weak, but I know the Lord is on my side so whatever happens, happens, but I know that the overcome will be in my favor because my heart is good and it's my land. To this point, they're charging me every single month \$1,000. I don't know who is suing Ontario or what, but some lawyer came to me to have them tell my story. I don't have a derelict structure or whatever. My property, we're fixing it up. It's not to you guy's standards to be fancy or to make it look good. I have, it's not graffiti to me, it's art, but I have on my wall, which I have handprints of my children because throughout the years, I've lived there, we've lived there, my brother's out there as well. I'm going to be 38 this month, and I've lived there all my life, minus the two years that they kicked me out, plus the two years that I went to Job Corps to get my diploma, so I'm not just, I could care less what anybody thinks about me

because I am who I am no matter what. I don't judge, and I don't expect anybody to know my life. But the fact is, God is good, and I have on my wall Only God Can Judge Me so I'll just leave it at that.

Della Warren, Ontario, stated: *Hello. It's my, in fact my case. I'm a Certified Nurse Assistant. I work graveyards, afternoons, and morning shifts certain days of the week. My husband and I, I threw him out because he would not stop doing drugs and I don't go for that. When I'm at work, he comes over to the property. I own my trailer; I rent the space that it's on. He would come over and drop stuff off. He was a scrapper before he isn't working, a fork-lift driver, he's a scrapper. He would bring everything on to the property that I'm renting. It got to where it got so humongous of stuff in the yard, I would text him and tell him to stop bringing stuff in my yard, it looks like a junk yard. He kept on and kept on until I showed him the fines and the lien on my trailer. Then he brought some friends over to help clean it up and they worked a few hours. The Bishop has helped me tremendously cleaning up a lot of things and my neighbor helped me all day cleaning the front yard. I still have stuff in the yard. I haven't had the energy and the time to do it. I've had surgeries in the past just recently and I'm having issue with my neck again. I have metal in my neck, so I'm working a lot of hours, 105 if not the past couple three months because people have been fired and laid off or quit so everyone is getting extra hours and you know, when I get off work, I'm dead tired. I go straight to bed and have to get up in four hours, five hours, and go back to work and do it all again, so I really don't, I've been trying very hard to get the yard cleaned up. I mowed and edged it yesterday, as much as the edger would, as the battery allowed me to edge it. I'm trying my best to keep it up. When I, I have one day off, and I'm working on getting the yard as much as I can do it by myself now and I thank God for the Bishop and the Bishop helping me that day because they filled up the onion truck and took the junk truck that my husband brought over and left it. It's just tremendous all the help that I did get, I am very much appreciative of that. I'm on my own. I have a handicapped roommate living with me and he can't do much. So basically, I'm on my own. My husband comes around every now and then when I'm not at home. He won't come around when I'm there. My roommate once in while lets him in and then he'll take stuff out of the house, or he'll add stuff to the house. I'm sorry I'm over my time, but I just wanted to give you my opinion on what my life has going on. I'm trying my hardest.*

Mayor Hill stated she mentioned everything except if she had been fined.

Ms. Warren: *My fines, they're trying to take my house. My fines, they're outrageous. It's not my stuff that was brought into the yard, but because I rent the property, I'm responsible for the fines. I've got a lot of that stuff cleaned up, so I'm hoping that the fines would be dropped down or dismissed. That would be better for me. I don't make a lot of money. I'm making a lot of hours. I just wanted to know, I'm just hoping that my fines would be reduced or dismissed because I'm trying my hardest.*

Zach Olson, Ontario, stated: *I represent a number of folks who were fined by Code Enforcement last year, including the Mayor's company. If you could step down for a minute Mr. Mayor. You want to appoint someone else to be in charge? Well, I just want to make a couple quick points today. The first, you heard that the civil fines were intended to recoup staff costs. You just heard that firsthand. You should not be using civil penalties to pay staff costs. That's a very bad idea. It's been tried in a lot of other municipalities; there's been a lot of work on this in the last few years. It generally goes badly. The other thing I'm concerned about is the spreadsheet I believe you've seen today. I just got it off the newspaper, but it kind of implies that a lot of these huge fines accrued over time and that's just not true. If you just look at the list, the first big one on there, Ms. Brown, she was fined \$4,300 in January 2020, and then in July, July 16, 2020, she was fined \$227,500. That's not an accumulation, that is one enormous fine, and by the way, I think that fine is a record for the largest nuisance fine ever issued to a normal individual in the history of this country. I've done a lot of research on municipal fines, and I think it's a record. You guys really should think about that. Ms. Brown was fined for a refusal to take steps; that's why it escalated so high. The records I received make it, her notices were mailed to her and returned undeliverable so it's not clear she had any idea this was going on. The amnesty program you're talking about, the way it's set up, is basically it's gotten into this lady's head, come in and give us \$1,000 Ms. Brown and then we'll talk about maybe getting rid of the rest of this fine. I'm telling you, that is not a good way to deal with your fellow citizens. You should be able to just look at a fine for a quarter of a million dollars and say that was a mistake, let's get rid of it. I won't go through the rest of them I suppose. I'll try to keep to the time limit except to say that Mr. Warren, another one of my clients, she was fined twice. \$800 in the beginning of 2020, and then*

\$27,500 in the middle of 2020. Again, that's not an accumulation of fines over time because she didn't do anything, that's an enormous, outrageous fine that you should be able to just look at as a mistake and do away with. Lastly, I'm not trying to pick on anybody, I don't think anybody had bad intentions here, but some bad things happened last year, and we really need to correct it. Thank you for your time.

SPECIAL ACTION

Proclamation: National Public Works Week

"Stronger Together"

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Ontario, Oregon; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Ontario to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 51st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

BE IT NOW RESOLVED, I, Riley J. Hill, Mayor, do hereby designate the week May 16 - 22, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State to be affixed. Done at the City of Ontario, Oregon this 18th day of May 2021.

PRESENTATION

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

Councilor Kirby stated the proposed resolution needed some tweaking. The Ontario community had...

Point of Order Interruption

Councilor Kirby called for a Point of Order. Reading Section 10, Decorum: *Persons making any personal or important or slanderous remarks should be censured by the President Officer.* Mr. Justus was now communicating with the Council, and he needed to stop or be removed for this Council.

Mayor Hill asked for thoughts from the Council. He'd received complaints from other Councilors about the same issue. He could order that if that were what the Council wanted.

Councilor Rodriguez moved that the Mayor keep decorum by removing citizens ex-Councilor Marty Justus from...

Mr. Sullivan stated he had spoken about the First Amendment, and the Council did have the right to exercise control over signs if they were insulting, if they were outside of anything that should be addressed by the Council. He saw one sign that would fall under that category, attaching the Mayor's sobriety. He asked Mr. Justus to show him all his signs. (Mr. Justus complied with the request). His advice was to be selective and inform Mr. Justus that there were some signs that he should not be displaying. He suggested that unless Mr. Justus put that particular sign down, he was being disruptive.

Mayor Hill stated they had advice from counsel and a motion on the floor.



Councilor Hart seconded.

RODRIGUEZ moved, HART seconded, **THAT THE CITY COUNCIL ASK MR. JUSTUS TO REMOVE HIMSELF OR HIS SIGNS.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Mr. Sullivan stated the City Manager had the authority to appoint a Sgt-at-Arms to enforce that rule.

Mr. Brown stated the Police Chief was the Sgt-at-Arms.

Mr. Sullivan stated to Mr. Justus that two signs had been deemed personally insulting and disruptive. Would you put the identified signs down?

Mr. Justus stated he would not.

Mr. Sullivan verified he was refusing to put those down?

Mr. Justus stated he was.

Mr. Sullivan stated that was a direct disruption, and the Sgt-at-Arms had the authority to remove Mr. Justus from the meeting.

Mr. Justus was escorted from the meeting.

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

Councilor Kirby stated everything written in the proposed resolution was correct, but it needed to be localized. His recommendations were not complete, but he had some ideas. An addition: *Whereas, during WWII, Ontario, Oregon, had the largest populations of Japanese Americans in the United States, who lived in freedom, living here; and Whereas, approximately 5,000 of those citizens had family members in the 442nd and the 100th; and Whereas, the survivors returned to Ontario after the war and the community mourned those who did not return. Our community has prospered because of the members of the 442nd and the 100th.* Those additional whereas clauses needed to be added to the proposed resolution.

HART moved, RODRIGUEZ seconded, **THAT THE RESOLUTION BE MODIFIED WITH THE INPUT BY COUNCILOR JOHN KIRBY TO PRESENT MORE ACCURATE INFORMATION.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

OLD BUSINESS

Resolution #2021-111: Bid Award for Technology Backup Services

Adam Brown, City Manager, and Peter Hall, Assistant City Manager/HR Manager.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-111, A RESOLUTION REQUESTING TO AWARD TECHNOLOGY BACKUP SERVICES TO MICRO TECHNOLOGY SYSTEMS, INC FOR ONE YEAR AT A RATE OF \$2,946 PER MONTH AND A ONETIME ONBOARDING FEE OF \$4,600.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



NEW BUSINESS**Committee Appointments**

Adam Brown, City Manager, presented. There were two applications for the Airport Committee, Barbara Brody, and Clyde Esplin, and one for the Planning Commission, James Grissett. The Airport had two spots – one full member, one Alternate. There was one position open on the Planning Commission.

Mayor Hill stated he had been contacted numerous times with concerns of Mr. Esplin possibly having a conflict of interest due to ongoing issues with the city.

Councilor Kirby asked if there was any current or pending litigation between the city and Mr. Esplin.

Mr. Sullivan stated no lawsuits had been filed, but there had been threats made. At one point, Mr. Esplin had an attorney submit a letter. The impression was that he was not going to accept the termination of the Beck lease on the property. Mr. Esplin was an employee of the company. Or, maybe they should ask Mr. Esplin if he was going to accept that. He asked Mr. Esplin if he intended to fight the city's termination of the Beck lease.

Clyde Esplin: *Let me address first, you said that I had an attorney. The attorney was to defend me because Dan Beaubien reported to the FAA that I was flying illegal charters, which was a false allegation, that he knew was false, and then immediately after he initiated the investigation by making a false allegation, he reported that I was under investigation from the FAA and should not be allowed on the airport. So, I had to get an attorney, and the attorney made quick business of the investigation. John Hodge was the attorney that was representing me, defending me against the false allegation that Dan Beaubien made that I was flying illegal charters at the airport. Dan Beaubien knew that was a false allegation. He made it anyway. It was not the first allegation that he made, all of which have been found to be completely baseless and dismissed. So as part of the defense that attorney John Hodge, who was defending me against the FAA investigation, gave an informative letter to Mr. Sullivan. It's not a case that I brought against the airport; that was me defending myself against an FAA investigation. As far as the lease with Beck, I went over that with the City Manager. I think we've come to some better understanding. The City Manager I think was under the impression, and I don't want to speak for him, that the lease, which was started in 2004, was a 17-year lease, and that it expired this year. That's absolutely not the case.*

Mr. Sullivan stated that was an issue – that would be a conflict of interest. He disagreed with Mr. Esplin's analysis, and if he intended to continue to try to enforce that lease past its expiration date, that would put him in conflict with the city.

Mr. Esplin: *Okay, so I'm working with the City Manager and yes, I do intent to continue to use the airport. If you can show me that's a 17-year lease, I mean, it is Mr. Beck's lease, it's Beck's Spray Service, Incorporated, actually, a corporation, and if I have an opinion or an interest in the airport, does that disqualify from working on the airport? I don't think there's, the other applicant, by the way, is not a pilot, has never flown an airplane, doesn't own an airport, doesn't own a hangar. She is on the Airport Board because she works in an office close to Tom Frazier and Tom Frazier asked her to be on the Airport Board. I have a considerable amount of experience in aviation and with the airport and I'm familiar with how leases work on the airport. I have experience probably no other Airport Committee members have, including purchasing whole-sale fuel, being in charge of buying fuel for a corporate jet operation, on and on and on.*

Mr. Sullivan stated he wanted to add that based upon numerous conversations with the Airport Manager, he believed they would jeopardize the city's ability to continue have that Airport Manager at the airport if Mr. Esplin was appointed to that committee. There was significant conflict between the two of them. If Mr. Esplin were on the Airport Committee, it would get worse.

Mr. Esplin: *Do you mind if I ask for specific conflicts, because you've mentioned that I've been charged, or numerous violations, but you've never mentioned any violations, specific violations. When we asked for specific violations, then we address each one of those, in writing, to the City Council several months ago and when we were attempting to address them before the Council, we were shut down. We were shut down. We were not allowed to answer any of those supposed violations. So, if you could give a specific conflict....*

Mayor Hill stated they were not going to have a back and forth on this. This was for appointments. With the consent of the Council, he would leave one position open on the Airport Committee and appoint Barbara Brody to the position on the Airport until the conflicts were resolved. It could be reviewed at that time. There was one vacancy on the Planning Commission with one application.

James Grissett, Ontario, Planning Commission applicant, stated: *Over the last year and a half I started working with the city, Dan Cummings, everybody, to start building up the north side of Ontario. In doing so, a lot of changes that recently came forward I liked, and I wanted to continue the growth of the city and help doing so. I think the Planning Commission is one of the slots where I can contribute, as well as being good in continuing to bring up a dilapidated area. I think it's a great appointment.*

Mayor Hill stated he would be happy to make that appointment with the concurrence of the Council.

Mr. Brown let them know that he had met with Mr. Esplin last week and would meet with the City Attorney late in the week to discuss that meeting.

Mayor Hill appointed Barbara Brody to the Airport Committee and James Grissett to the Planning Commission.

Park and Cemetery Support

MELENDREZ moved, HART seconded, **THE CITY COUNCIL APPROVE ENTERING INTO AN AGREEMENT WITH OREGON YOUTH CONSERVATION CORPS (OYCC) AND OREGON HUMAN DEVELOPMENT CORPORATION (OHDC) FOR LOCAL YOUTH WORK OPPORTUNITIES.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Appointment of a City Councilor to the Downtown Attraction Work Group

HART moved, BAKER seconded, **THE CITY COUNCIL APPOINT JOHN KIRBY TO PARTICIPATE IN THE DOWNTOWN ATTRACTION WORK GROUP.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARINGS

Adoption of Ontario Housing Needs Analysis, Residential Buildable Lands Inventory, and Policy Recommendations (The 2021 Housing Report) is Intended as a Background Document to Chapter 10: Housing of the Ontario Comprehensive Plan as well as Amend Title 10 the Ontario Comprehensive Plan, and Title 10A Substantive Zoning Regulations, which are Intended to Increase Housing Productivity and Population Growth within the Ontario Urban Growth Area (UGB); and Ordinance #2790—2021, An Ordinance to Amend Title 10 the Ontario Comprehensive Plan, and Title 10A Substantive Zoning Regulations, which are Intended to Increase Housing Productivity and Population Growth within the Ontario Urban Growth Area, on First Reading by Title Only

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

Dan Cummings, Community Development Director, presented.

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



KIRBY moved, HART seconded, **THE CITY COUNCIL ACCEPT AND ADOPT THE 2021 HOUSING REPORT AS A BACKGROUND DOCUMENT TO THE ONTARIO COMPREHENSIVE PLAN SAID HOUSING REPORT AND MAPS ARE ATTACHMENTS 1 AND 2 OF THIS REPORT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

MELENDREZ moved, HART seconded, **THE CITY COUNCIL ACCEPT THE PLANNING COMMISSION RECOMMENDATION AND APPROVE THE FINDINGS OF FACTS AS PRESENTED IN THE STAFF REPORT AND AS RECOMMENDED BY THE PLANNING COMMISSION AT A PUBLIC HEARING ON MAY 10, 2021.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

KIRBY moved, HART seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2790-2021, AN ORDINANCE TO AMEND TITLE 10 THE ONTARIO COMPREHENSIVE PLAN, AND TITLE 10A SUBSTANTIVE ZONING REGULATIONS, WHICH ARE INTENDED TO INCREASE HOUSING PRODUCTIVITY AND POPULATION GROWTH WITHIN THE ONTARIO URBAN GROWTH AREA, ON FIRST READING BY TITLE ONLY.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

KIRBY moved, HART seconded, **THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2790-2021, AN ORDINANCE TO AMEND TITLE 10 THE ONTARIO COMPREHENSIVE PLAN, AND TITLE 10A SUBSTANTIVE ZONING REGULATIONS, WHICH ARE INTENDED TO INCREASE HOUSING PRODUCTIVITY AND POPULATION GROWTH WITHIN THE ONTARIO URBAN GROWTH AREA.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ACCEPT RIGHT OF WAY ALONG FORTNER STREET AS PER THE APPROVED PARTITION UNDER PLANNING ACTION 2020-06-22 PTN

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

Dan Cummings, Community Development Director, presented.

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

BAKER moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF FORTNER STREET AND VACATION OF THE SIDEWALK EASEMENT DESCRIBED IN INSTRUMENT NUMBER 66591 AS SHOWN ON THE PARTITION PLAT OF NORTHWEST HOUSING ALTERNATIVES, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON JULY 28, 2020, UNDER PLANNING FILE 2020-06-22PTN AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY AND VACATION OF SIDEWALK EASEMENT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

DISCUSSION ITEMS

Code Enforcement Follow-Up and Information

Nick Taylor, Ontario, stated: I've received some of those fines that you've been talking about. My first encounter with Mr. Brockett was he told me about a car that I had on my own property needed tags, that they were expired. I didn't realize that and went and got the tags and took care of. The next time I had something was sometime, that was like two years ago, and the next time was, I think, last, I don't know, it was last fall or something. I don't know. I was told be a neighbor that Mr. Brockett and the other Code Officer were on my property taking pictures. I never, I did receive some sort of a notice, but it was unclear to me what was going on. I came to a City Council meeting, I think in November, I don't remember when it was, and in that Mr. Romero was speaking, Chief Romero, and when he finished speaking and went out, I asked to talk to him. I never did speak to the Council. That wasn't what was being discussed,



I don't think. And I discussed the situation with him and he, I said I don't know what I'm being fined for, and he said he would investigate it. He said I can't get it completely taken away because I've told officers that's how we're paying for them is out of these fines and I said fine and I expected to hear back from Chief Romero, but I never did. I guess Mr. Brockett left. I don't know what became of it. I'm the person who Marty Justus was speaking about last week, I think. I went into his office. It was nothing to do with this. I went in there for another matter, and I don't remember how we got onto this subject. What I said to him was that much, much later, I don't know a few months ago, I did receive a notification of a certified letter from the city. I told him, I didn't go get it, and I did not say the city didn't have the right to fine me, that was not what I said to him. He may have misunderstood me. What I said was, I don't think that it's legal for you to send me notices that I have to sign for. That's how I said it to him. I still don't know what I'm being fined for. I've never understood. I think the first one had, just like you've talked today, I can't follow all these numbers in the ordinance they sent me. It's gotta say to a person like me, you're being fined because you have weeds. He asked me if I have weeds; I don't have weeds. I've cleaned that whole alley of weeds. I pay people to clean the weeds. I think part of what I was being fined for was there was three grocery carts there full of junk that I had taken off a vacant lot next to where McKenzie's Auto Body used to be. There's a vacant lot there. Homeless people had been living there. When they left, I went down there and cleaned all their junk up and put it in their grocery carts and brought it back to my place and, over time, put it in my garbage. I asked Walmart or somebody, I don't remember, you want your grocery carts back? They told me no, if there not in good condition, we don't want them back. I think they're still sitting; I don't think they're sitting on my property; I think I put them away somewhere. I just, I don't know what I was being fined for. My fine, I guess, from what I saw on that list of papers, something like \$45,000. I'd like to know what the hell I did that's worth that. I don't know what I did. There's some junk on my property, there's some metal there from some repairs I was doing. That's the only thing I can figure out, other than those grocery carts, but they're now put away. I don't know.

Mr. Brown stated his understanding of what the Council had discussed at the previous meeting, was that they wanted a comprehensive approach before starting the amnesty program or going into to. Council wanted a revision to the existing ordinance that was less punitive than currently written. Staff had presented one back in February or March; however, it appeared the Council wanted to formally adopt a system that didn't have the ability to accrue fines. The number side of the issue, he applied a cap of \$1,500 or \$1,000 (in those two columns) ...

Mayor Hill stated if they were going to discuss the amnesty issue, he would step down from the dais.

Mr. Brown stated he believed the Council wanted to see both come back together, not piece meal.

Councilor Kirby the existing ordinance had been done by a previous Council, and they'd heard from the former Code Enforcement Officer, and there was pride in authorizing the ordinance. It had been done, they believe, in the best interest of the community. Others might disagree with how it was written. In the listing presented, there were things that were in extreme excess. One thing he noticed when comparing it to the ordinance from Fruitland that Councilor Hart provided, instead of placing a lien on their property, it was placed on their taxes. However, there was a lot to be considered. He'd like to see a work group, which might include some people that had spoken that night, along with some members of the Council. But, in the meantime, they had to have something in place for the Code Enforcement Officer. Currently, he did not have authority to do anything because of the moratorium. Maybe have a deadline of 60 days for the group to meet, but also give the Officer a \$100 fine limit so he could be active in response to citizen complaints.

Councilor Rodriguez stated as a member of the previous Council, had had voted for the ordinance, but he didn't recall discussing how it would be implemented. It was like a Gestapo. One example had a \$250 fine for the first offense but jumped to \$750 the next time. One went from \$500 to \$9,000; one from \$250 increased to \$11,000; and there were other large ones that had been talked about that night. It was never outlined.

Mr. Sullivan stated he had not spoken with Mr. Brockett or Mr. Reyna but was 90% sure the reason some of those fines were so high was because despite the statement to the contrary from Mr. Olson, was because those fines were being imposed on a daily basis, which was authorized. That's where the huge numbers came from. However, it did



beg the question, when reviewing the process prior and seeing the language about daily fines, he hadn't fully understood the impact would be from multiplying one fine by all the days the clean-up failed to occur. If there was a long period of time where someone was being fined \$200 or \$300 a day, it added up quickly.

Councilor Rodriguez stated he had questioned this issue last year, the daily accumulation of fines. Again, he felt it was a Gestapo-like approach. It was not okay, and he didn't want to tie himself to that approach. He did support cleaning up the community but couldn't support what occurred after the vote by the Council.

Mr. Sullivan stated an easy fix to prevent those fines from multiplying was that if there was a fine, that's what the fine amount would be. Maybe there should be someone in the Police Department who had the right to supervise that fine, and not leave it to the individual issuing the fine.

Councilor Rodriguez stated that bringing it up last year was just a waste of time.

Mr. Sullivan stated he was saying anything. He just believed that the portions of the ordinance that resulted in a lot of attention, and justifiably so, as it wasn't justifiable to be placing thousands of dollars against properties due to not being clean.

Councilor Rodriguez stated he was 100% okay with undoing the unfair treatment of citizens.

Councilor Hart stated he had spoken to the City Manager in Fruitland and one part of their program which appealed to him was focusing on cleaning up the properties instead of just fines. Fruitland had several contractors who met with the individuals, noting they were aware they couldn't clean up their property, and asked if they wanted to hire one. If the owner couldn't, or chose not to, the city would have property cleaned up and the cost was fined as a lien or placed on their taxes. Most importantly, the property was cleaned up. He agreed with Councilor Kirby's suggestion of creating a work group; however, he wanted Officer Reyne to still have authority to issue violations even though he didn't currently have the ability to assess fines.

Mr. Brown stated staff would work to incorporate parts from the better part of the existing ordinance, and take in the Fruitland ordinance, input from Officers Brockett and Reyna, and Chief Romero. That could be accomplished at staff level, to then bring back before Council, but he was not opposed to having some Councilors as part of that work group.

Councilor Rodriguez asked if the work group could be put together soon.

Mr. Brown stated the legwork and research had already been done, so yes.

Councilor Melendrez asked how the fines were issued. Were they based on citizen complaints, or the Ordinance Officer seeking out unfit properties; how was the process started to find the properties that needed attention?

Chief Romero stated most were complaint-driven. Staff tried to respond quickly, face-to-face, when possible, but also through phone calls or email.

Councilor Melendrez stated with regard to the fines or fees, was it something they chose to do, or were they just following a Council directive.

Chief Romero stated he and his staff followed the law, whether he agreed with it or not.

KIRBY moved, MELENDREZ seconded, **THAT THE CITY COUNCIL ESTABLISH A \$100 FINE THAT COULD BE A ONE-TIME FINE, NO COMPOUNDING, FOR THE NEXT 90-DAYS OR UNTIL THE ORDINANCE IS REESTABLISHED.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-abstain. Motion carried 5/0/1/1.



Councilor Rodriguez confirmed staff would begin working on the issue.

Mr. Brown stated yes, staff would bring something back to Council.

Homeless Discussion

Larry Sullivan, City Attorney, stated the League of Oregon Cities would be holding a webinar on this issue this coming Friday, which would include HB2006, HB2376, but also HB2215. There were several homeless related bills that were passed by the Legislature that LOC was giving a presentation on. He wanted to participate in that. He had been asked questions by the City Manager just prior to this meeting starting he was unable to answer because some of the language in the Bills were somewhat ambiguous. For example, in HB2376, it read that the homeless had a right to park in a public parking space, as their home, in a car, as long as the parking was legal. The question came up about a 2-hour parking time limit, or some other timeframe, would that it make it illegal for that homeless person to park there if it violated that law. He was hoping for answers to many questions. He'd like to postpone the presentation now; he'd like to wait until after the LOC discussion. He believed he'd have a more coherent understanding of the legislation.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORT

- Mayor Hill stated he had a city check for \$282,864 that the city was paying towards the Oregon retirement system (PERS). It was an additional payment, beyond the required payment, so it would buy down the city's owed debt.
- Mr. Brown indicated that unless informed differently, there would not be the second meeting in May.

ADJOURN

KIRBY moved, RODRIGUEZ seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
CONSENT AGENDA
June 15, 2021**

To: Mayor and City Council

FROM: Erik Hartley, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **HANGAR LEASE: KOEPPEN FAMILY TRUST TO ROB & LISA SAUNDERS (102 HOTEL, 103 HOTEL, 107 INDIA)**

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LEASE TO LISA AND ROB SAUNDERS FOR HANGARS 102 AND 103 HOTEL AND 107 INDIA.

SUMMARY:

Family trust has been dissolved and now owned by Lisa and Rob Saunders.

BACKGROUND:

The City of Ontario approves all hangar leases.

CURRENT SITUATION:

The family trust has been dissolved and Rob and Lisa Saunders are taking over the lease. They ran the family trust.

ANALYSIS:

- A. **STRATEGIC PLAN** Updating leases is part of the strategic plan.
- B. **FINANCIAL** Keeping the leases current at the Ontario Municipal Airport will provide an uninterrupted flow of fees.
- C. **TIMING** Timing is important as the hangar has already been sold and the new owner wants to be in compliance with the City of Ontario.
- D. **POLICY/LEGAL** It is the responsibility of the city to have a legal contract with tenants at the airport.

ALTERNATIVES:

The City Council could choose not to grant the lease to Rob and Lisa Saunders.

RECOMMENDATION:

Staff recommends that the lease be granted to Rob and Lisa Saunders.

ATTACHMENTS:

1. Lease Agreement Koeppen to Saunders
2. Map Koeppen Family Trust 102-103 Hotel 107 India 06-23-2020
3. Insurance Koeppen Family Trust 102-103 Hotel 107 India 06-23-2020
4. Koeppen Family Trust 102-103 Hotel 107 India 06-23-2020
5. TRUSTEE DOCUMENTS



LEASE AGREEMENT

Hangars 102 Hotel, 103 Hotel, 107 India

THIS AGREEMENT, made and entered into this day 1st day of June 2021 by and between the **CITY OF ONTARIO, OREGON**, as first party, hereinafter referred to as the "CITY" and, Rob and Lisa Saunders, as second party, hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

- 1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of TWENTY (20) years, commencing on the 1st day of June 2021. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten-year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.
- 2) Tenant shall pay to the Landlord as yearly rent the sum of **FIFTEEN POINT SIX FOUR (15.64)** cents per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is 1,600 square feet for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the 15th day of August each year and is payable each year in advance.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.

- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor and at Tenant's expense.
- 5) Any new construction or improvements made on the property are to be approved writing prior to commencement of either, and the same to be constructed and operated conformity with all ordinances and regulations of the City period of time following expiration of the term or termination of the lease.
- 6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.
- 7) The TENANT agrees to spray or otherwise control weeds located on and around the leased premises.
- 8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.
- 9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.
- 10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.
- 11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.
- 12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.
- 13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

- 14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If the Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

- 15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of \$1,000,000 each occurrence with a \$2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. Tenant is required to provide a copy of current insurance coverage to the city.

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

- 16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors, and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.
- 17) The following shall be events of default:
- a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is due.
 - b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
 - c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.
- 18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.
- 19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.
- 20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the

premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

- 21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.
- 22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.
- 24) Any notice required or permitted under this lease shall be given when delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord:
City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant:
Rob and Lisa Saunders
1137 Thunderegg Boulevard
Nyssa, OR 97913

or to such other address as may be specified from time to time by either of the parties in writing.

- 25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors, and assigns.
- 26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.
- 27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, LESSEE, has caused these presents to be signed by its owner, this 1st day of June 2021. -

CITY OF ONTARIO

BY: _____
Riley J. Hill, Mayor

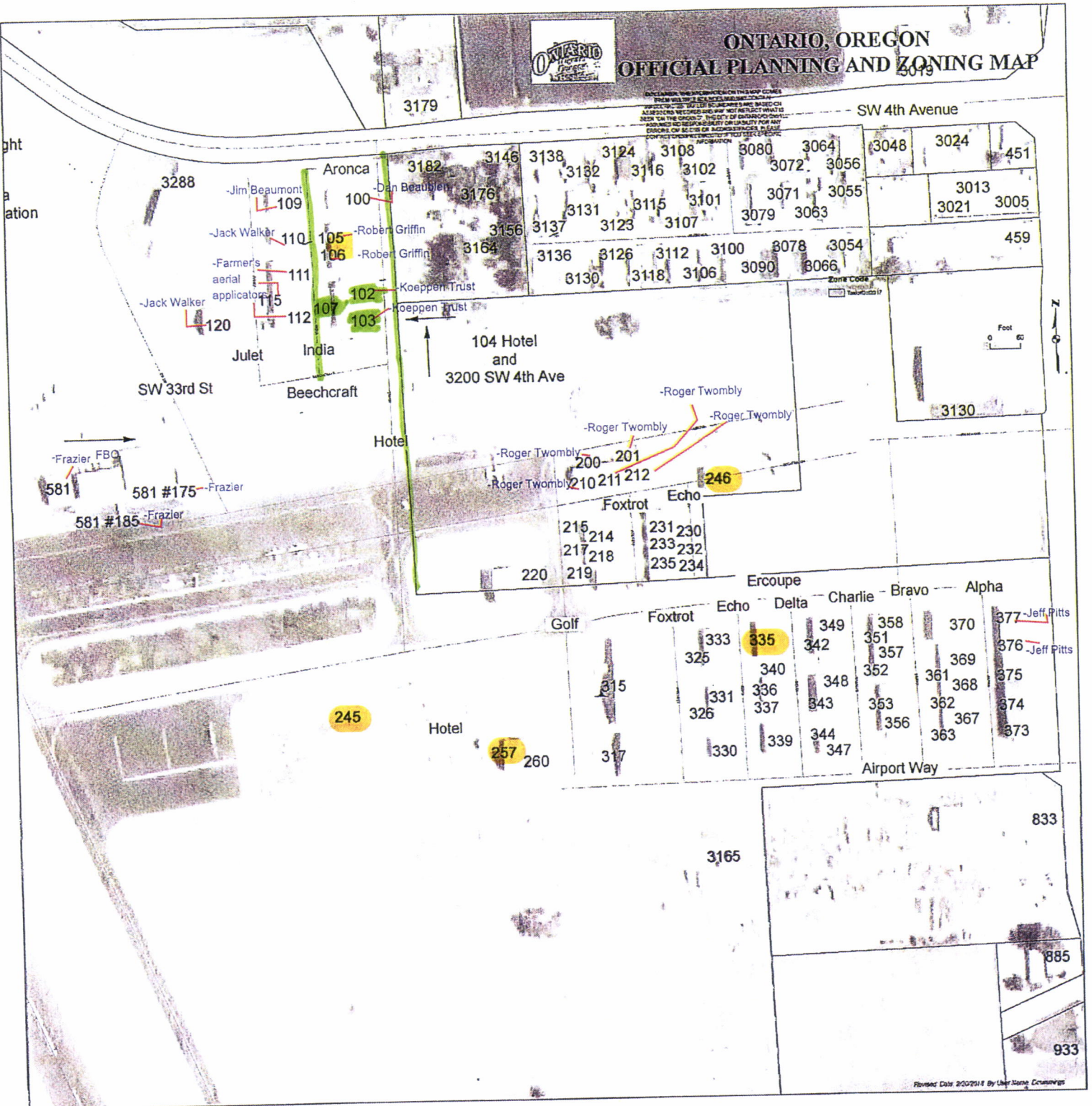
ATTEST: _____
Tori Barnett, MMC, City Recorder

TENANT

BY: _____
Rob Saunders

BY: _____
Lisa Saunders

Hanger Lease



City of Ontario
Municipal Airport,
Malheur County,
Oregon

CHUBB®**Policy Number**
SVRD95396513**COMMON POLICY DECLARATIONS**
ACE American Insurance Company

436 Walnut Street , Philadelphia, PA 19106

Item 1. Named Insured and Mailing AddressKOEPPEN FAMILY SURVIVORS TRUST
1137 THUNDEREGG BLVD
NYSSA OR 97913**Agent Name and Address**CRC INSURANCE SERVICES INC
THE ABC PROGRAM
906 S KIRKWOOD ROAD
SAINT LOUIS MO 63122**Agent No.** Z09029**Item 2. Policy Period** From: 07-21-2020 To: 07-21-2021

at 12:01 A.M., Standard Time at your mailing address shown above.

Item 3. Business Description:

Form of Business: TRUST

Item 4. In return for the payment of the premium, and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy.

This policy consists of the following coverage parts for which a premium is indicated. Where no premium is shown, there is no coverage. This premium may be subject to adjustment.

Coverage Part(s)	Premium
Commercial Property Coverage Part	\$ 406.00
Commercial General Liability Coverage Part	\$ 250.00
Crime and Fidelity Coverage Part	NOT COVERED
Commercial Inland Marine Coverage Part	NOT COVERED
Commercial Auto (Business or Truckers) Coverage Part	NOT COVERED
Commercial Garage Coverage Part	NOT COVERED

Total Policy Premium \$ 656.00

Item 5. Forms and Endorsements

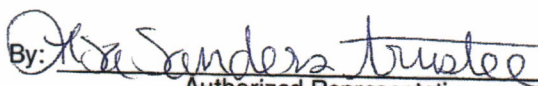
Form(s) and Endorsement(s) made a part of this policy at time of issue:

See Schedule of Forms and Endorsements

BILL TYPE: Agent Billing**BILL PLAN:** Annual

Countersigned:

Date: 7-22-20

By: 

Authorized Representative

THIS COMMON POLICY DECLARATION AND THE SUPPLEMENTAL DECLARATION(S), TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART(S), COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, COMPLETE THE ABOVE NUMBERED POLICY.
ALL-24624 (01/08)

Insured Copy

CHUBB®

POLICY NUMBER: SVRD95396513

SIGNATURES

THE ONLY COMPANY APPLICABLE TO THIS POLICY IS THE COMPANY NAMED ON THE FIRST PAGE OF THE DECLARATIONS.

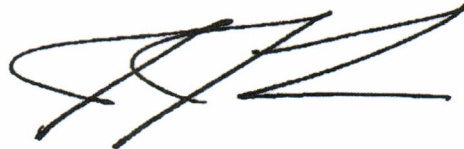
By signing and delivering the policy to you, we state that it is a valid contract.

INDEMNITY INSURANCE COMPANY OF NORTH AMERICA (A stock company)
BANKERS STANDARD INSURANCE COMPANY (A stock company)
ACE AMERICAN INSURANCE COMPANY (A stock company)
ACE PROPERTY AND CASUALTY INSURANCE COMPANY (A stock company)
INSURANCE COMPANY OF NORTH AMERICA (A stock company)
PACIFIC EMPLOYERS INSURANCE COMPANY (A stock company)
ACE FIRE UNDERWRITERS INSURANCE COMPANY (A stock company)
WESTCHESTER FIRE INSURANCE COMPANY (A stock company)

436 Walnut Street, P.O. Box 1000, Philadelphia, Pennsylvania 19106-3703



REBECCA L. COLLINS, Secretary



JOHN J. LUPICA, President

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Designation Of Premises (Part Leased To You): LOCATION 001/001 ONTARIO MUNICIPAL AIRPORT ONTARIO, OR 97914
Name Of Person(s) Or Organization(s) (Additional Insured): ONTARIO MUNICIPAL AIRPORT 581 SOUTHWEST 33RD ST ONTARIO, OR 97914
Additional Premium: INCL.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by you or those acting on your behalf in connection with the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person(s) or organization(s) shown in the Schedule.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable limits of insurance;
- whichever is less.

This endorsement shall not increase the applicable limits of insurance.

Policy Number
SVRD95396513

SCHEDULE OF LOCATIONS

Effective Date: 07-21-20
12:01 A.M., Standard Time

Agent No. Z09029

Loc. No.	Bldg. No.	Designated Locations (Address, City, State, Zip Code)	Occupancy
001	001	102 HOTEL RUNWAY, 103 HOTEL RUNWAY, 107 INDIA RUNWAY, ONTARIO, OR 97914	HANGAR

CHUBB®**Policy Number**
SVRD95396513**SCHEDULE OF FORMS AND ENDORSEMENTS**
ACE American Insurance Company**Named Insured** KOEPPEN FAMILY SURVIVORS TRUST**Effective Date:** 07-21-20
12:01 A.M., Standard Time**Agent Name** CRC INSURANCE SERVICES INC**Agent No.** Z09029**COMMON POLICY FORMS AND ENDORSEMENTS**

ALL-21101	11-06	TRADE OR ECONOMIC SANCTIONS ENDORSE
ALL-20887	10-06	CHUBB PRODUCER COMP PRACTICES & POLICIES
IL P 001	01-04	US TREASURY DEPT'S OFAC ADVISORY NOTICE
ALL-24624	01-08	COMMON POLICY DECLARATIONS
CC-1K11I	02-18	SIGNATURES
ALL-24625	01-08	SCHEDULE OF LOCATIONS
ALL-24626	01-08	SCHEDULE OF FORMS AND ENDORSEMENTS
IL 00 17	11-98	COMMON POLICY CONDITIONS
IL 00 21	09-08	NUCLEAR ENERGY LIABILITY EXCLUSION ENDT
IL 01 39	12-02	OREGON CHANGES
IL 01 42	09-08	OREGON CHANGES - DOMESTIC PARTNERSHIP
IL 02 79	09-08	OREGON CHANGES-CANC & NONRENL
IL 09 35	07-02	EXCL OF CERTAIN COMPUTER- RELATED LOSSES
IL 09 52	01-15	CAP/LOSSES FROM CERTIFIED ACTS OF TERROR
TRIA11D	03-16	DISCLOSURE TERRORISM RISK INSURANCE AC

PROPERTY FORMS AND ENDORSEMENTS

FA-24633	01-08	COMM PROPERTY COV PART SUPP DEC
CP 00 10	10-12	BUILDING & PERSONAL PROPERTY COVERAGE
CP 00 90	07-88	COMMERCIAL PROPERTY CONDITIONS
FA-7Y32A	04-15	EQUIPMENT BREAKDOWN COVERAGE
CP 01 40	07-06	EXCL OF LOSS DUE TO VIRUS OR BACTERIA
CP 04 02	10-12	INC COST OF LOSS & REL EXP FOR GREEN
CP 10 30	09-17	CAUSES OF LOSS - SPECIAL FORM
CP 10 36	10-12	LIMITATIONS ON COVG FOR ROOF SURFACING
FA-51389	10-18	BUSINESS PROPERTY ENHANCEMENTS
FA-8Y96A	04-15	EQUIPMENT BREAKDOWN COV ENDORS SCHEDULE

GENERAL LIABILITY FORMS AND ENDORSEMENTS

LD-24638	01-08	COMM GENERAL LIABILITY COVERAGE SUPP DEC
LD-25124	01-08	COMM GENERAL LIABILITY COVERAGE SCHEDULE
CG 00 01	04-13	COMMERCIAL GENERAL LIABILITY COV FORM
CG 20 11	12-19	ADDL INSD - MANAGERS/LESSORS OF PREMISES
CG 21 04	11-85	EXCL-PRODUCTS/COMPLETED OPER HAZARD
CG 21 06	05-14	EXCL-ACC/DISCL OF CONFI OR PERSONAL INFO
CG 21 09	06-15	EXCLUSION - UNMANNED AIRCRAFT
CG 21 35	10-01	EXCL-COV C-MEDICAL PAYMENTS
CG 21 37	12-19	EXCL - EMPLOYEES & VOLUNTEERS AS INSURED
CG 21 38	11-85	EXCL-PERSONAL AND ADVERTISING INJURY
CG 21 42	12-04	EXCL-EXPLOSION, COLLAPSE & UNDERGROUND PD
CG 21 44	04-17	LIMIT OF COV TO DESIG PREM, PROJ OR OPER
CG 21 45	07-98	EXCL-FIRE DAMAGE LEGAL LIABILITY
CG 21 47	12-07	EMPLOYMENT-RELATED PRACTICES EXCLUSION
CG 21 65	12-04	TOTAL POLLUTION EXCL-WITH EXCEPTIONS
CG 21 66	12-19	EXCLUSION - VOLUNTEER WORKERS AS INSURED
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LD-3R16	03-87	EXCLUSION - ASBESTOS
LD-4S35	06-92	EXCLUSION - LEAD

ALL-24626 (01/08)



**LEASE AGREEMENT
102, 103 & 107**

THIS AGREEMENT made and entered into this **23rd day of June 2020**, by and between the **City of Ontario, Oregon, a municipal corporation**, hereinafter referred to as "Landlord" and **Koeppen Family Living Trust** hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

- 1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of **TWENTY (20) years**, commencing on the **23rd day of June, 2020**. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten-year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.
- 2) Tenant shall pay to the Landlord as yearly rent the sum of **fifteen point six four (15.64)** cents per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is **(3,118) square feet** for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the **15th day of August each year and is payable each year in advance**.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.
- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor and at

Koeppen Family Trust Hangar(s) 102, 103 & 107

Tenant's expense.

5) Any new construction or improvements made on the property are to be approved in writing prior to commencement of either, and the same to be constructed and operated in conformity with all ordinances and regulations of the City.

6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the airport manager and/or building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.

7) The Tenant covenants and agrees to spray or otherwise control weeds located on and around the leased premises.

8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.

9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.

10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.

11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.

12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased

premises and shall keep the premises free from any liens. If Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of \$1,000,000 each occurrence with a \$2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. **Tenant is required to provide a copy of current insurance coverage to the city.**

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.

17) The following shall be events of default:

a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is

due.

b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied with the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good-faith to effect the remedy as soon as practicable.

c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.

18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.

19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.

20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

22) Waiver by either party of strict performance of any provision of this lease shall not be a

waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.

24) Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord: City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant: Koeppen Family Living Trust
c/o Lisa Sanders
1137 Thunderegg Blvd.
Nyssa, Oregon 97913

or to such other address as may be specified from time to time by either of the parties in writing.

25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

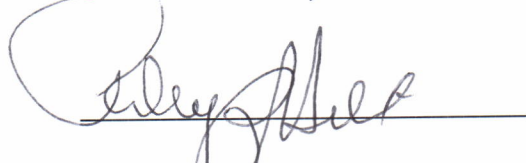
26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.

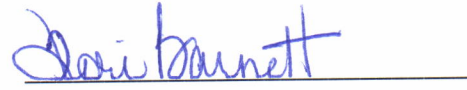
27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

CITY OF ONTARIO, OREGON

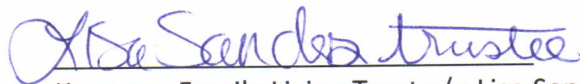
ATTEST


Riley Hill, Mayor

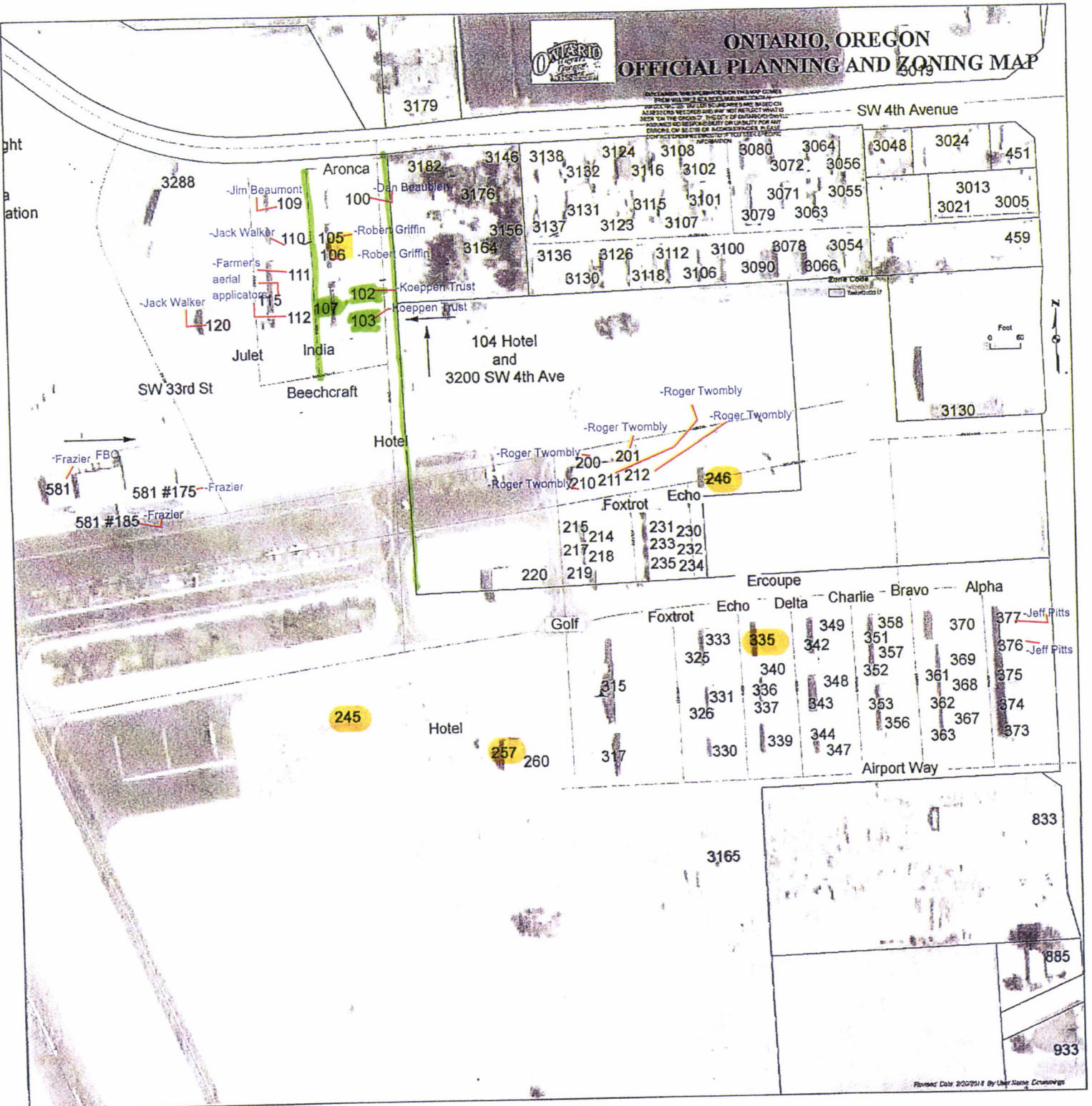

Tori Barnett, MMC, City Recorder

TENANT

TENANT


Koeppen Family Living Trust c/o Lisa Sanders

Hanger Lease



City of Ontario
Municipal Airport,
Malheur County,
Oregon

CHUBB®**Policy Number**
SVRD95396513**COMMON POLICY DECLARATIONS**
ACE American Insurance Company

436 Walnut Street , Philadelphia, PA 19106

Item 1. Named Insured and Mailing AddressKOEPPEN FAMILY SURVIVORS TRUST
1137 THUNDEREGG BLVD
NYSSA OR 97913**Agent Name and Address**CRC INSURANCE SERVICES INC
THE ABC PROGRAM
906 S KIRKWOOD ROAD
SAINT LOUIS MO 63122**Agent No.** Z09029**Item 2. Policy Period** From: 07-21-2020 To: 07-21-2021

at 12:01 A.M., Standard Time at your mailing address shown above.

Item 3. Business Description:

Form of Business: TRUST

Item 4. In return for the payment of the premium, and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy.

This policy consists of the following coverage parts for which a premium is indicated. Where no premium is shown, there is no coverage. This premium may be subject to adjustment.

Coverage Part(s)	Premium
Commercial Property Coverage Part	\$ 406.00
Commercial General Liability Coverage Part	\$ 250.00
Crime and Fidelity Coverage Part	NOT COVERED
Commercial Inland Marine Coverage Part	NOT COVERED
Commercial Auto (Business or Truckers) Coverage Part	NOT COVERED
Commercial Garage Coverage Part	NOT COVERED

Total Policy Premium \$ 656.00

Item 5. Forms and Endorsements

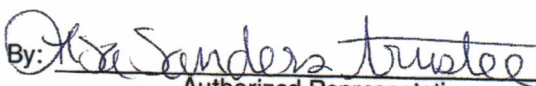
Form(s) and Endorsement(s) made a part of this policy at time of issue:

See Schedule of Forms and Endorsements

BILL TYPE: Agent Billing**BILL PLAN:** Annual

Countersigned:

Date: 7-22-20

By: 

Authorized Representative

THIS COMMON POLICY DECLARATION AND THE SUPPLEMENTAL DECLARATION(S), TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART(S), COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, COMPLETE THE ABOVE NUMBERED POLICY.
ALL-24624 (01/08)

Insured Copy

CHUBB®

POLICY NUMBER: SVRD95396513

SIGNATURES

THE ONLY COMPANY APPLICABLE TO THIS POLICY IS THE COMPANY NAMED ON THE FIRST PAGE OF THE DECLARATIONS.

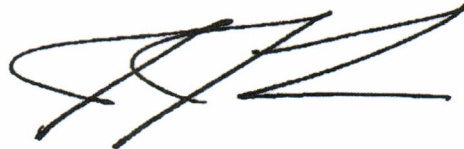
By signing and delivering the policy to you, we state that it is a valid contract.

INDEMNITY INSURANCE COMPANY OF NORTH AMERICA (A stock company)
BANKERS STANDARD INSURANCE COMPANY (A stock company)
ACE AMERICAN INSURANCE COMPANY (A stock company)
ACE PROPERTY AND CASUALTY INSURANCE COMPANY (A stock company)
INSURANCE COMPANY OF NORTH AMERICA (A stock company)
PACIFIC EMPLOYERS INSURANCE COMPANY (A stock company)
ACE FIRE UNDERWRITERS INSURANCE COMPANY (A stock company)
WESTCHESTER FIRE INSURANCE COMPANY (A stock company)

436 Walnut Street, P.O. Box 1000, Philadelphia, Pennsylvania 19106-3703



REBECCA L. COLLINS, Secretary



JOHN J. LUPICA, President

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Designation Of Premises (Part Leased To You): LOCATION 001/001 ONTARIO MUNICIPAL AIRPORT ONTARIO, OR 97914
Name Of Person(s) Or Organization(s) (Additional Insured): ONTARIO MUNICIPAL AIRPORT 581 SOUTHWEST 33RD ST ONTARIO, OR 97914
Additional Premium: INCL.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by you or those acting on your behalf in connection with the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person(s) or organization(s) shown in the Schedule.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable limits of insurance;
- whichever is less.

This endorsement shall not increase the applicable limits of insurance.

Policy Number
SVRD95396513

Named Insured KOEPPEN FAMILY SURVIVORS TRUST

Effective Date: 07-21-20
12:01 A.M., Standard Time

Agent Name CRC INSURANCE SERVICES INC

Agent No. Z09029

ALL-24625 (01/08)

CHUBB®**Policy Number**
SVRD95396513**SCHEDULE OF FORMS AND ENDORSEMENTS**
ACE American Insurance Company**Named Insured** KOEPPEN FAMILY SURVIVORS TRUST**Effective Date:** 07-21-20
12:01 A.M., Standard Time**Agent Name** CRC INSURANCE SERVICES INC**Agent No.** Z09029**COMMON POLICY FORMS AND ENDORSEMENTS**

ALL-21101	11-06	TRADE OR ECONOMIC SANCTIONS ENDORSE
ALL-20887	10-06	CHUBB PRODUCER COMP PRACTICES & POLICIES
IL P 001	01-04	US TREASURY DEPT'S OFAC ADVISORY NOTICE
ALL-24624	01-08	COMMON POLICY DECLARATIONS
CC-1K11I	02-18	SIGNATURES
ALL-24625	01-08	SCHEDULE OF LOCATIONS
ALL-24626	01-08	SCHEDULE OF FORMS AND ENDORSEMENTS
IL 00 17	11-98	COMMON POLICY CONDITIONS
IL 00 21	09-08	NUCLEAR ENERGY LIABILITY EXCLUSION ENDT
IL 01 39	12-02	OREGON CHANGES
IL 01 42	09-08	OREGON CHANGES - DOMESTIC PARTNERSHIP
IL 02 79	09-08	OREGON CHANGES-CANC & NONRENL
IL 09 35	07-02	EXCL OF CERTAIN COMPUTER- RELATED LOSSES
IL 09 52	01-15	CAP/LOSSES FROM CERTIFIED ACTS OF TERROR
TRIA11D	03-16	DISCLOSURE TERRORISM RISK INSURANCE AC

PROPERTY FORMS AND ENDORSEMENTS

FA-24633	01-08	COMM PROPERTY COV PART SUPP DEC
CP 00 10	10-12	BUILDING & PERSONAL PROPERTY COVERAGE
CP 00 90	07-88	COMMERCIAL PROPERTY CONDITIONS
FA-7Y32A	04-15	EQUIPMENT BREAKDOWN COVERAGE
CP 01 40	07-06	EXCL OF LOSS DUE TO VIRUS OR BACTERIA
CP 04 02	10-12	INC COST OF LOSS & REL EXP FOR GREEN
CP 10 30	09-17	CAUSES OF LOSS - SPECIAL FORM
CP 10 36	10-12	LIMITATIONS ON COVG FOR ROOF SURFACING
FA-51389	10-18	BUSINESS PROPERTY ENHANCEMENTS
FA-8Y96A	04-15	EQUIPMENT BREAKDOWN COV ENDORS SCHEDULE

GENERAL LIABILITY FORMS AND ENDORSEMENTS

LD-24638	01-08	COMM GENERAL LIABILITY COVERAGE SUPP DEC
LD-25124	01-08	COMM GENERAL LIABILITY COVERAGE SCHEDULE
CG 00 01	04-13	COMMERCIAL GENERAL LIABILITY COV FORM
CG 20 11	12-19	ADDL INSD - MANAGERS/LESSORS OF PREMISES
CG 21 04	11-85	EXCL-PRODUCTS/COMPLETED OPER HAZARD
CG 21 06	05-14	EXCL-ACC/DISCL OF CONFI OR PERSONAL INFO
CG 21 09	06-15	EXCLUSION - UNMANNED AIRCRAFT
CG 21 35	10-01	EXCL-COV C-MEDICAL PAYMENTS
CG 21 37	12-19	EXCL - EMPLOYEES & VOLUNTEERS AS INSURED
CG 21 38	11-85	EXCL-PERSONAL AND ADVERTISING INJURY
CG 21 42	12-04	EXCL-EXPLOSION, COLLAPSE & UNDERGROUND PD
CG 21 44	04-17	LIMIT OF COV TO DESIG PREM, PROJ OR OPER
CG 21 45	07-98	EXCL-FIRE DAMAGE LEGAL LIABILITY
CG 21 47	12-07	EMPLOYMENT-RELATED PRACTICES EXCLUSION
CG 21 65	12-04	TOTAL POLLUTION EXCL-WITH EXCEPTIONS
CG 21 66	12-19	EXCLUSION - VOLUNTEER WORKERS AS INSURED
CG 21 67	12-04	FUNGI OR BACTERIA EXCLUSION
CG 21 70	01-15	CAP LOSSES FROM CERTIF ACTS OF TERRORISM
CG 21 96	03-05	SILICA OR SILICA-RELATED DUST EXCLUSION
CG 24 26	04-13	AMENDMENT OF INSURED CONTRACT DEFINITION
LD-3R16	03-87	EXCLUSION - ASBESTOS
LD-4S35	06-92	EXCLUSION - LEAD

ALL-24626 (01/08)

CERTIFICATION AND MEMORANDUM OF TRUST FOR THE KOEPPEN FAMILY LIVING TRUST

State of Oregon)
) ss.
County of Malheur)

1. **Authority.** This Certification is made pursuant to I.C. 68-114 to 68-119.
2. **Trust.** The Koeppen Family Living Trust is presently in existence. The Trust Agreement for The Koeppen Family Living Trust was executed on December 7, 1998, as amended on February 5, 2002, as amended on January 27, 2011, and as further amended on January 9, 2019.
3. **Grantor and Trustee.** The Grantors are David E. Koeppen and Audrey L. Koeppen. Lisa Lynne Sanders and John Howard are currently the Co-Successor Trustees of the Trust.
4. **Successor Trustee.** On the death, resignation, or Incapacity of either Lisa Lynne Sanders or John Howard, the survivor of the two shall serve as sole successor Trustee.
5. **Trust Powers.** Under the terms of the Trust Agreement, the Trustees have been granted all the rights, powers, and duties given by law, as set out in Idaho Code § 68-104, et. seq., as it may be amended from time to time.
6. **Trustee's Mailing Address.** The mailing address of the current acting Trustees is:

Lisa Lynne Sanders	John Howard
1137 Thunderegg Boulevard	29827 Leigh Lane
Nyssa, OR 97913	Parma, ID 83660
7. **Trust Irrevocable.** The Trust is irrevocable.
8. **Modification of the Trust.** The Trust cannot be modified, amended, or revoked.
9. **Number of Trustees.** Lisa Lynne Sanders and John Howard are acting as Co-Successor Trustee and each has authority to exercise the Trust powers alone. The signatures below are that of all the currently acting Trustees.
10. **Taxpayer Identification Number.** The Trust's employer identification number is: 84-6703687.
11. **Governing Law.** The Trust was established under and is governed by the law of the State of Idaho.
12. **Title to Trust Property.** Trust property should be titled as follows:

Lisa Lynne Sanders and John Howard, Co-Successor Trustees of The Koeppen Family Living Trust u/t/d December 7, 1998, as amended.

13. **No Change in Trust.** The Trust has not been revoked or amended to make any representations contained in this certification incorrect.

DATE: September 17, 2019



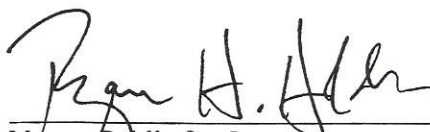
Lisa Lynne Sanders



John Howard

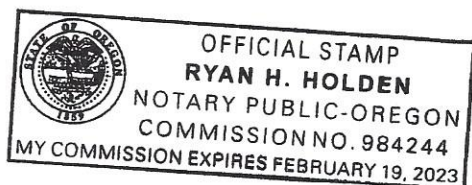
SUBSCRIBED AND SWORN TO before me this 17 day of September, in the year 2019, by Lisa Lynne Sanders, as Co-Successor Trustee of The Koeppen Family Living Trust.

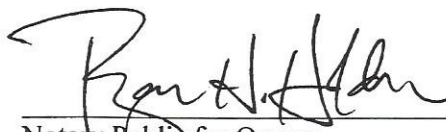




Notary Public for Oregon
My Commission Expires: 2/19/2023

SUBSCRIBED AND SWORN TO before me this 17 day of September, in the year 2019, by John Howard, as Co-Successor Trustee of The Koeppen Family Living Trust.





Notary Public for Oregon
My Commission Expires: 2/19/2023



**AGENDA REPORT
OLD BUSINESS
June 15, 2021**

To: Mayor and City Council
FROM: Kari Ott, Finance Director
THROUGH: Adam J. Brown, City Manager
SUBJECT: RESOLUTION #2021-117: GASB 54
DATE: June 7, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-117, A RESOLUTION ESTABLISHING POLICIES RELATING TO ENDING FUND BALANCES OF 2020-2021.

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, 2021.

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.

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 2021-2022:

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
OLD BUSINESS
June 15, 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: June 7, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION # 2021-118: A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS

SUMMARY:

Attached is Resolution #2021-118.

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
- Bad debt was higher than the allowance booked in some funds
- An unexpected grant was received for Housing Code Changes.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct impact on strategic plan.
- B. **FINANCIAL** An additional \$1,267,178 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.

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, higher bad debt expenses; 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	\$ 35,000	\$15,000	\$50,000
001-024-620000	Bad Debt Expense	\$ -	\$1,116	\$1,116
001-014-611900	Data processing	\$18,609	\$3,000	\$21,609
001-016-615550	Contract Services	\$ 23,800	\$7,264	\$31,064
001-024-615550	Contract Services	\$ 150,150	\$38,455	\$188,605
001-021-511000	Wages	\$103,959	(\$20,000)	\$83,959
001-024-511000	Wages	\$1,786,565	(\$50,000)	\$1,736,565
001-004-832100	Transfer to Street Fund	\$3,218	\$124,148	\$ 127,366
001-000-469109	Community Development Grants	\$ -	\$30,000	\$30,000
001-012-612800	Professional Services	\$32,000	\$30,000	\$62,000
001-003-618000	Professional Development	\$ 9,000	(\$7,000)	\$2,000
001-004-871000	Contingency	\$ 125,833	(\$111,983)	\$13,850
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
010-038-714198	EOBB Housing Incentive Payout	\$ -	\$100,000	\$100,000
010-000-458114	CDBG – Euvalcree	\$ -	\$50,000	\$50,000
010-038-714199	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	\$124,148	\$125,252
045-000-455000	Available Cash on Hand	\$267,247	(\$122,034)	\$145,213
045-090-620000	Bad Debt Expense	\$ -	\$2,114	\$2,114
RESERVE FUND	PUBLIC WORKS RESERVE			
055-140-620000	Bad Debt Expense	\$10,000	\$148,255	\$158,255
055-140-871000	Contingency	\$772,030	(\$148,255)	\$623,775
WATER FUND				
105-160-620000	Bad Debt Expense	\$ -	\$1,733	\$1,733
105-160-871000	Contingency	\$1,260,986	(\$1,733)	\$1,259,253
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	(\$40,001)	\$2,259,999
110-165-620000	Bad Debt Expense	\$ -	\$8,502	\$8,502
STORM SEWER FUND				
115-170-610500	Bank Charges	\$500	\$850	\$1,350
115-170-620000	Bad Debt Expense	\$ -	\$540	\$540
115-170-871000	Operating Contingency	\$268,595	(\$1,390)	\$267,205
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
OLD BUSINESS
June 15, 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: June 7, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-119: A RESOLUTION ADOPTING A MASTER FEE SCHEDULE FOR THE 2021-2022 FISCAL YEAR.

SUMMARY:

Attached is the Master Fee Schedule for 2021-2022 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
OLD BUSINESS
June 15, 2021**

To: Mayor and City Council

FROM: Peter Hall, Assistant City Manager/HR Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-120: CITY COUNCIL RULES AND REGULATIONS POLICY-MEETINGS**

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2021-120, A RESOLUTION AMENDING SECTION II MEETINGS OF THE CITY COUNCIL RULES AND REGULATIONS.

SUMMARY:

Councilor Hart requested that Council review the City Council meeting schedule and consider removing Council Work Sessions and holding City Council meetings on the second and fourth Tuesdays of each month. These designations are outlined in the City Council Rules and Regulations and must be amended to take effect.

BACKGROUND:

The concept of changing the Council meeting schedule was first presented during the April 27, 2021 Council Meeting. The item was discussed again at the June 3, 2021 Council Work Session. Members of staff were directed to bring back a proposal which would eliminate Council Work Sessions and hold regular Council Meetings on the second and fourth Tuesdays of each month at 6:00 PM. Staff compiled meeting schedules and identified any conflicts for the proposal.

CURRENT SITUATION:

As currently written, Council Work Sessions are held two Thursdays prior to the first regular meeting. Regular meetings are held on the third and fourth Tuesdays of the month. The meeting on the fourth Tuesday is optional depending on business.

There are two conflicts on the second Tuesday. First, the Public Works Committee is also set on the second Tuesday at 3:00 PM. This meeting would likely need to be changed to allow time for staff to prepare business conducted by the Committee for the Council. Revitalize Ontario also meets on the second Tuesday at 6:00 PM. Staff would be unable to attend this monthly

meeting.

The City Attorney has conflicts for both the second and fourth Tuesdays. He would only be able to attend for the first hour of each meeting.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** No financial impact.
- C. **TIMING** The proposed changes would take place beginning July 1, 2021.
- D. **POLICY/LEGAL** Section II of the City Council Rules and Regulations would need to be amended to reflect the proposed changes.

Section 3.4 of the Ontario City Charter states that the Council must meet regularly at least once each month. The proposed change meets this requirement.

We will not have legal representation for the whole meeting. This means that we may have to conduct executive sessions early. The city attorney will be retiring at the end of 2021. The city council will need to solicit for and hire a new city attorney by the end of the year.

ALTERNATIVES:

Take no action- The existing meeting schedule will continue.

Propose another date- The Council can propose other days for the meeting schedule. This may require additional research.

RECOMMENDATION:

Staff recommends adoption of Resolution #2021-120 to amend Section II of the City Council Rules and Regulations.

ATTACHMENTS:

- 1. Res 2021-120_City Council Rules and Regulations Policy- Meetings
- 2. 2021 Calendar_Revised_6 15 21
- 3. Attachment A



RESOLUTION #2021-120

A RESOLUTION AMENDING SECTION II- MEETINGS OF THE CITY COUNCIL RULES AND REGULATIONS.

- WHEREAS,** The City Council Rules and Regulations were adopted on September 5, 1995; and
- WHEREAS,** The Rules and Regulations were amended on May 16, 2011, June 1, 2015, and September 17, 2019; and
- WHEREAS,** Section II of the Rules and Regulations identifies the times and places of Council Work Sessions and Regular Meetings; and
- WHEREAS,** Section 3.4 of the Ontario City Charter give the City Council authority to prescribe times and places for its meetings.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to and the City Council Rules and Procedures as shown in Attachment A.

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

July 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM	2	3
4	5 CITY HALL CLOSED	6 MGMT TEAM 1:30 AIRPORT 6PM CITY HALL DRILL NIGHT 7PM STAFF REPORTS	7 AGENDA PREP 12PM	8	9 PACKETS OUT OCCMA	10 OCCMA
11	12 PLANNING 6PM CITY HALL	13 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	14	15 PARKS 5:30PM CITY HALL SRVFCA 7PM	16	17
18	19 MGMT TEAM 1:30	20 DRILL NIGHT 7PM STAFF REPORTS	21 AGENDA PREP 12PM DIVERSITY 5:30PM CITY HALL	22	23 PACKETS OUT	24
25	26	27 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	28	29	30	31

August 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 AIRPORT 6PM CITY HALL MGMT TEAM 1:30	3 DRILL NIGHT 7PM STAFF REPORTS	4 AGENDA PREP 12PM	5 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM	6 PACKETS OUT	7
8	9 PLANNING 6PM CITY HALL	10 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	11	12	13	14
15	16 MGMT TEAM 1:30	17 DRILL NIGHT 7PM STAFF REPORTS	18 AGENDA PREP 12PM DIVERSITY 5:30PM CITY HALL	19 PARKS 5:30PM CITY HALL SRVFCA 7PM	20 PACKETS OUT	21
22	23	24 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	25	26	27	28
29	30	31 DRILL NIGHT 7PM				

September 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM	3	4
5	6 CITY HALL CLOSED	7 MGMT TEAM 1:30 AIRPORT 6PM CITY HALL DRILL NIGHT 7PM STAFF REPORTS	8 AGENDA PREP 12PM	9	10 PACKETS OUT	11
12	13 PLANNING 6PM CITY HALL	14 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	15 DIVERSITY 5:30PM CITY HALL	16 PARKS 5:30PM CITY HALL SRVFCA 7PM	17	18
19	20 MGMT TEAM 1:30	21 DRILL NIGHT 7PM STAFF REPORTS	22 AGENDA PREP 12PM	23	24 PACKETS OUT	25
26	27	28 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	29	30		

October 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 MGMT TEAM 1:30 AIRPORT 6PM CITY HALL ICMA	5 DRILL NIGHT 7PM STAFF REPORTS ICMA	6 AGENDA PREP 12PM ICMA	7 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM PACKETS OUT	8	9
10	11 PLANNING 6PM CITY HALL	12 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	13	14	15	16
17	18 MGMT TEAM 1:30	19 DRILL NIGHT 7PM STAFF REPORTS	20 AGENDA PREP 12PM DIVERSITY 5:30PM CITY HALL	21 PARKS 5:30PM CITY HALL SRVFCA 7PM	22	23
24	25	26 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	27	28	29	30
31						

November 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 AIRPORT 6PM CITY HALL MGMT TEAM 1:30	2 DRILL NIGHT 7PM STAFF REPORTS	3 AGENDA PREP 12PM	4 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM	5 PACKETS OUT	6
7	8 PLANNING 6PM CITY HALL	9 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	10	11 CITY HALL CLOSED	12	13
14	15 MGMT TEAM 1:30	16 DRILL NIGHT 7PM STAFF REPORTS	17 AGENDA PREP 12PM DIVERSITY 5:30PM CITY HALL	18 PARKS 5:30PM CITY HALL SRVFCA 7PM	19 PACKETS OUT	20
21	22	23 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	24	25 CITY HALL CLOSED	26 CITY HALL CLOSED	27
28	29	30 DRILL NIGHT 7PM				

December 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 V&C 7AM CHAMBER OFFICE RURAL BOARD 8PM	3	4
5	6 MGMT TEAM 1:30 AIRPORT 6PM CITY HALL	7 DRILL NIGHT 7PM STAFF REPORTS	8 AGENDA PREP 12PM	9	10 PACKETS OUT	11
12	13 PLANNING 6PM CITY HALL	14 LEADERSHIP TEAM 1:30 PUBLIC WORKS 3PM CITY HALL COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	15 DIVERSITY 5:30PM CITY HALL	16 PARKS 5:30PM CITY HALL SRVFCA 7PM	17	18
19	20 MGMT TEAM 1:30	21 DRILL NIGHT 7PM STAFF REPORTS	22 AGENDA PREP 12PM	23 PACKETS OUT	24 CITY HALL CLOSED	25
26	27	28 LEADERSHIP TEAM 1:30 COUNCIL 6PM CITY HALL DRILL NIGHT 7PM	29	30	31 CITY HALL CLOSED	

Rules and Procedures of the Ontario City Council

**City of Ontario, Oregon
Adopted September 5, 1995
Updated May 16, 2011; and June 1, 2015; and
September 17, 2019; and June 15, 2021**

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CITY COUNCIL RULES AND REGULATIONS

CITY OF ONTARIO, OREGON

PREAMBLE:

These rules and regulations are promulgated pursuant to the Charter of the City of Ontario.

SECTION I - RULES OF JOURNAL:

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall include minutes of each and every open public meetings of the Council and shall be a public record.

Executive Sessions shall be advertised on the adopted Agenda, stating ORS authority, but no formal minutes will be taken. Members of the media are allowed to remain, but are strictly prohibited from reporting on any issues discussed. Copies of transcribed minutes may become available upon written request from an attorney when the minutes pertain to a pending or potential legal action. Availability of Executive Session minutes will be determined by the City's legal counsel. No formal action shall be taken during an executive session.

SECTION II - MEETINGS:

Regular Meetings shall be held at least once each month. Regular meetings will normally convene on the second and fourth Tuesdays of the month at 6:00 p.m. in the Council Chambers, or other properly noticed location. If a regular meeting day falls on a legal holiday, the meeting shall be held on the next following business day. Written communication can be attached into the record following submission of document(s).

Special Meetings may be called by minute action of the Council or upon request of the Mayor or City Manager on at least 24-hours' notice to each member of the Council. Simultaneous notice to the media shall be required for all special meetings.

Executive Sessions may only be held for the purposes allowed by ORS 192.660, Oregon Public Meetings Law. No formal action shall be taken during an executive session.

Notice of Meetings will include the time, place and agenda and will be provided to the media and posted in a public place at least 24-hours in advance of a scheduled meeting. In case of an emergency, notice will be as long as is reasonable under the circumstances.

Excepting executive sessions, authorized to be closed pursuant to ORS 192.660, all meeting shall be public.

SECTION III - AGENDA:

The Mayor, Councilor, or the City Manager may place an item on the agenda. The Mayor, a Councilor, or the City Manager, may submit emergency items to the Council during the Council meeting at the time provided in the order of business. Excepting emergency actions necessary in the furtherance of the public health, safety, or general welfare, other than time-sensitive issues, no Council action shall be taken on any item not included on the published agenda.

The City Department Managers shall submit requests for items for consideration on the agenda to the City Recorder in such form and in accordance with the schedule established by the City Recorder. All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the City Recorder for submission to the City Manager for approval in accordance with the agenda schedule. The City Recorder shall list the matters according to the order of business and furnish each member of the Council, the City Manager, the media, and department heads with a copy of the agenda prior to the Council meeting via electronic distribution. No item shall be submitted to the Council, except through the City Manager and City Recorder; however, any member of the public, member of the Council, or the City Manager may submit emergency items to the Council during the Council meeting at the time provided in the order of business. Excepting emergency actions necessary in furtherance of the public health, safety, or general welfare, no Council action shall be taken on any item not included on the published agenda.

SECTION IV - CALL TO ORDER - PRESIDING OFFICER:

The Mayor, or in the Mayor's absence the President of the Council, shall call the Council meeting to order at the scheduled meeting time. In the absence of the Mayor or President of the Council, the City Recorder shall call the Council meeting to order. A temporary presiding officer shall then be elected by the members of the Council present. When the Mayor or President of the Council arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Council is finished.

The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at the regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by request of any member. The Mayor shall call for a roll call vote to see if the chair shall be upheld; if the roll call vote loses, the Mayor's decision or ruling is reversed.

SECTION V - ROLL CALL:

Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered into the minutes.

SECTION VI - QUORUM:

A quorum shall consist of a majority of the members of the Council; however, excepting those actions where the minimum number of affirmative votes is specifically set forth in ORS or by City Charter, no action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

SECTION VII - ORDER OF BUSINESS (Regular Meetings):

The Mayor, on the Mayor's own initiative, or the Council by majority vote, may consider items out of sequence from the printed agenda.

- a) Consent agenda matters are routine and may be adopted by one motion. To make more efficient use of the meeting time, the City Manager may place resolutions, proclamations, and similar items that are routine in nature, have been discussed previously, or on which no debate is expected on the consent agenda. There will be no discussion of separate items, unless members of the City Council, staff, or the public requests that a specific item be discussed or removed from the consent agenda for individual consideration. The Mayor or any Councilor may remove items from the consent agenda for individual discussion without a vote of the Council.
- b) Public Meetings Law does not require the Council to give opportunity for public input. Time for unscheduled public appearances may be provided at Council discretion to address matters not on the agenda. In such instances, the guidelines in Section X(b) and XI(b) shall apply. No Council responses to such comments are allowed under State Statute.
- c) Procedure for public hearings are discussed in Section XIV.
- d) Procedures for submitting petitions are discussed in Section XV.
- e) If the City Council wishes to adjourn to a later time, the Council must pass a motion specifying the date and time to which the regular meeting is **being** adjourned. A motion to adjourn shall always be in order except during the attendance roll call vote. When a motion is made and seconded to adjourn, any member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION VIII - PROCEDURES FOR DEBATE:

On those issues requiring debate, the presiding officer shall state the issue before the Council. Unless Council by consensus determines no request is necessary, staff shall have an opportunity to report on the issue and will respond to Council questions. Council members shall be allotted time to present their positions and concerns. Public Meetings Law does not require the Council give opportunity for public input. Interested members of the community may, at Council discretion, also have an opportunity to express their positions on any issue coming before the Council. Council may limit the amount of time allotted for discussion.

A motion and second on the issue will be allowed after all interested parties have had an initial opportunity to express their views. Discussion can continue after the motion is made; however, after a motion is on the floor, except for questions from the Council, discussion shall be restricted to Council.

SECTION IX - RULES OF DEBATE:

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.:** While the primary role of the presiding officer is to facilitate deliberations, the Mayor or member of the Council who is presiding may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members. The presiding officer shall not be deprived of any of the rights and privileges of the Council members.
- b) **GETTING THE FLOOR-IMPROPER REFERENCES TO BE AVOIDED:** Every member desiring to speak, upon recognition by the presiding officer, shall confine him or herself to the question under debate, avoiding all personalities and indecorous languages.

- c) **INTERRUPTIONS:** A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE:** The right of a Council member to address the Council on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are questioned, or where the welfare of the Council is concerned. A Council member may interrupt another speaker if the Mayor recognizes the "privilege."
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION X - ADDRESSING THE COUNCIL:

Oregon's Public Meeting Laws require the meeting be open to the public; however, nothing in those laws require that the public be allowed to speak or participate in a meeting. Any person wishing to address the Council shall first secure permission of the presiding officer to do so. The Council may limit the length of time that person is permitted to address the Council.

- a) **WRITTEN COMMUNICATIONS:** Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.
- b) **ORAL COMMUNICATIONS:** Citizens attending a regular meeting may address the Council on any matter concerning the City's business, or any matter over which the Council has control, provided there is time allotted on the Agenda. Each person addressing the Council shall read his or her name and city of residency into the public record. Oral presentations shall not be repetitious and shall be confined to three minutes maximum duration.
- c) **AFTER MOTION MADE:** No person shall address the Council after a motion is made without first securing the permission of the Council to do so.

SECTION XI - DECORUM:

- a) **BY COUNCIL MEMBERS:** While the Council is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking, or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) **BY PERSONS:** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.
- c) The Mayor or Presiding Officer has the authority to stop a personal attack on any Council member, person of the audience, or member of the public; stop all debate on any matter that is not pertinent to the issue currently before the Council; or stop any loud and/or obnoxious conduct from, or by, a Councilor or member of the public. If that person does not stop upon the Mayor or Presiding Officer's order, that individual will be removed from the Council meeting.

SECTION XII - ENFORCEMENT OF DECORUM:

The City Manager shall appoint a Sergeant-at-Arms at the Council meetings. The City Manager or the City Manager's designee(s) shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove any person or Councilor who violates the order and decorum of the meeting.

Any action identified in Section XI including any of the following, shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, remove any person from the Council Chambers, or meeting hall, for the duration of the meeting:

- 1) Use of unreasonably loud, disruptive or threatening language
- 2) Making of loud or disruptive action
- 3) Engaging in violent or distracting action.
- 4) Willful injury of furnishings or of the interior of the Council Chambers or meeting hall.
- 5) Refusal to obey the rules of conduct provided within these rules, including the limitations on occupancy and seating capacity
- 6) Refusal to obey an order of the Presiding Officer.

Before the Sergeant-at-Arms is directed to remove any person from the meeting hall for inappropriate conduct, that person shall be given a warning by the Presiding Officer to cease the conduct.

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may order that the Council Chambers or other meeting hall be cleared and a recess called until order is restored.

SECTION XIII - VOTING:

- a) **ROLL CALL:** All votes shall be by roll call.
- b) **PRECEDENCE OF MOTIONS:** When a motion is before the Council, no motion shall be entertained except (1) to limit comment; (2) to adjourn; (3) to fix hour of adjournment; (4) to lay on the table; (5) to call for the previous question; (6) to continue to a certain day; (7) to refer; (8) to amend; (9) to postpone indefinitely; or (10) to divide the question. These motions shall have precedence in the order indicated.
- c) **AMENDMENTS:** No more than one amendment to an amendment is permitted. When an amendment is before the Council, the Council shall vote first on the amendment. After the amendment has passed or failed, the Council shall vote on the main motion.
- d) **MOTION TO ADJOURN:** If the City Council wishes to adjourn to a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during attendance rollcall vote. When a motion is made and seconded to adjourn, any member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.
- e) **MOTION TO TABLE:** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

- f) **MOTION TO CONTINUE:** The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.
- g) **MOTION FOR PREVIOUS QUESTION:** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- h) **DIVISION OF THE QUESTION:** This may be used when a motion or resolution contains several parts, and the group wishes to vote on each part separately.
- i) **WITHDRAWAL OF MOTION:** When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.
- j) **CONFLICT OF INTEREST:** Council members shall abide by the provisions of ORS 244.010. When a Council member determines that he or she has a conflict of interest, the member shall announce such conflict and refrain from discussing or voting upon the matter. Council members shall step down from the dais and join the audience until action is completed, when they shall return to their seat.
- k) **EX-PARTE CONTACT:** Council members shall abide by the provisions of ORS 227.180 regarding pre-hearing or ex-parte contacts.
- l) **COUNCIL MEMBER REQUIRED TO VOTE:** Council members are required to vote on all issues placed before them unless excused under provisions of subsection (j) above.
- m) **RECORDING VOTE - THE VOTES:** The journal of the proceedings of the Council shall record each individual Council member's vote on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost; however, in the case of a tie vote the questions shall automatically be placed on the next regular meeting agenda.
- n) **MOTION TO RECONSIDER:** A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regularly scheduled meeting following the day when the action was taken. It may be made during the same session or at an adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any member. A question failing by virtue of a tie vote may be reconsidered by motion of any member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council, except that no action shall be taken on any subject not included in the published agenda.

SECTION XIV - PROCEDURES FOR DEBATE DURING THE PUBLIC HEARING:

The following shall be the procedure during public hearings:

- 1) Presiding officer asks members of the Council to state for the record any instance of ex- parte contact, any conflicts of interest, or if there are any objections to the Council's jurisdiction over the action that could be pertinent to the public hearing.
- 2) A staff report will be given by the appropriate staff member, followed by relevant questions by Council members.

- 3) Presiding officer opens the public hearing.
- 4) Brief opening statement by the proponent initiator, if any, explaining and advocating the item (of approximately five (5) minutes, or such time as is stipulated by the presiding officer).
- 5) Testimony by members of the public who support the item the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 6) Testimony by members of the public who oppose the item, the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 7) Written communication filed with the City Recorder read into the record.
- 8) Brief closing statements by the proponent initiator, if any, (limited to approximately five (5) minutes).
- 9) Presiding officer closes the public hearing.
- 10) Discussion by Council members: The order of recognition of Council members desiring to speak shall be determined by the presiding officer. Each Council member shall be allowed at least one opportunity to speak. The Council member shall limit his or her comments to a reasonable period of time. Any comments of a member in excess of five minutes may be limited by a motion to limit comment and immediate majority vote of the members present.
- 11) Motion and second.
- 12) Vote.

SECTION XV - PETITIONS:

Any citizen may appear before the Council at any regular meeting and present a written petition. The petition shall be acted upon by the Council, in the regular course of business, within thirty days. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Council Member except through the presiding officer. Absent an emergency, the Council shall neither deliberate toward a decision, nor vote on any matter not included on the printed agenda.

SECTION XVI - SPECIAL COMMITTEES:

When the Council determines that a board, commission, task force, or citizen's committee is needed, the following procedure shall be used:

- a) The party proposing the creation of the board, commission, task force, or citizen's committee will prepare the appropriate Council action (either an ordinance or a resolution) defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee. If proposed as an ad hoc committee, the Council action shall specify when the committee's work is to begin and to conclude.
- b) The ordinance or resolution will be submitted to the City Recorder for placement on an agenda for Council discussion.

- c) The Council shall approve, modify, or reject the ordinance or resolution.
- d) Once a board, commission, task force, or citizen's committee is approved, the City Recorder shall publish notice soliciting interested and qualified volunteers to file letters of interest for appointments.
- e) The Council shall interview all applicants and announce its selections and appointments at a regular meeting.
- f) Terms of appointment to any board, commission, task force, or citizen's committee shall not exceed five years. Council may, by ordinance, establish a limitation on the number of terms appointees may serve. All permanent boards and commissions including advisory and appeal boards shall be created by ordinance which ordinance shall set forth the policies and duties delegated to such boards and commissions. Temporary and ad hoc committees may be created by resolutions.
- g) Upon completion of action necessary by an appointed Ad-Hoc Committee, said Committee will cease to be active and shall become obsolete.

SECTION XVII - ABSENCE / ATTENDANCE:

- 1) Councilors shall endeavor to attend all noticed meetings of the City Council.
- 2) Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Recorder, who shall convey the message to the Mayor. If they Mayor is to be absent she or he shall contact the Council President. Absent Councilors or the Mayor who do not follow the above process will be considered unexcused, which shall be so noted in the minutes.

SECTION XVIII - VACANCIES - FORFEITURE OF OFFICE:

- 1) A Council office shall become vacant upon a Councilor's:
 - a) Death;
 - b) Adjudicated incompetence;
 - c) Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude;
 - d) Unlawful destruction of public records;
 - e) Resignation;
 - f) Recall from office;
 - g) Ceasing to possess the qualifications for office;
 - h) Failure, following election or appointment to the office, to qualify for the office within 10 days after the time for the term of office to commence;
 - i) Violation of any provision of the City Charter;
 - j) Un-excused absence from three consecutive noticed meetings, including any special meetings called pursuant to these rules.
- 2) The Council shall judge when a Council office has become vacant.

SECTION XIX- USES OF STAFF:

Except for the purpose of accessing public information, Council members shall deal with the City's administrative services solely through the City Manager. No Council member shall request from the City Manager any staff project that entails over two hours of staff work without first seeking approval of the full City Council.

SECTION XX - SUSPENSION OF THE RULES:

These rules may be suspended or amended by majority vote of the Council members.

SECTION XXI - RULES OF ORDER:

All cases not specifically provided for herein or in the Charter of the City of Ontario shall be governed by Robert's Rules of Order.



**AGENDA REPORT
OLD BUSINESS
June 15, 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
(FIRST READING)**

DATE: June 7, 2021

PROPOSED MOTION:

I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2791-2021, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE 2-8-5 TO INCLUDE REQUIREMENTS THAT THE PUBLIC WORKS COMMITTEE REVIEW AND MAKE RECOMMENDATIONS ON PROPOSED PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS TO THE BUDGET COMMITTEE EACH YEAR AS PART OF THE BUDGET DEVELOPMENT PROCESS.

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:

Staff recommends approval of proposed Ordinance #2791-2021.

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



AGENDA REPORT
OLD BUSINESS
June 15, 2021

To: Mayor and City Council

FROM: Erik Hartley, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: LEASE RENEWAL FOR BECK'S SPRAY SERVICE

DATE: June 10, 2021

PROPOSED MOTION:

NO MOTION RECOMMENDED.

SUMMARY:

The Airport Advisory Committee fielded a formal request to extend the commercial land lease between the City and Beck's Spray Service. The Airport Advisory Committee voted in favor of not renewing the lease, which is inline with the City Council's original vote, as well as recommendations by City Attorney Larry Sullivan and Airport Management.

BACKGROUND:

Beck's Spray Service has a land lease agreement with the city and have been found to have contaminated the soil beyond an allowable level, per DEQ requirements. Additionally, they have have historically not paid fuel flowage fee, been behind on rent, and had poor relationships with other tenants. There has been reports of unsafe practices of the company's pilot Clyde Esplin.

CURRENT SITUATION:

Beck's Spray Service's lease is on an annual basis that either party can elect not to renew. The City Council determined not to allow the lease to continue in the early part of 2021 and the tenant was notified by Mr. Sullivan the city's attorney.

The Esplin's met with city staff and requested that the City allow them to continue the lease under Mr. Beck's lease. The City Manager and the City Attorney met with the Esplin's and noted some of the issues that would have to be met for the council to even consider continued operation from Beck's lease at the City Airport. These items include but are not limited to:

Paying city fuel flowage fees.

Remediation of soil contamination.

Improving relationships with airport neighbors and partners. (Examples include blowing out payload off of containment areas, disrupting the take-off and landing patterns, and speaking respectfully to business partners.)

Getting an approved SPCC and Fueling Plan.

Properly using chemicals and cleaning up waste from chemical use on the airport.

The Esplin's have paid the back lease due to the city and have paid flowage fees on estimated usage over the last few years. They would like to conduct a second soil test under the city's observation to confirm the findings of the soil study prior to remediation. So, remediation has not taken place to date. They have received approval on a SPCC and Fueling Plan, but have violated it. The violations can be remedied by amendments to the SPCC and Fueling Plan.

The Esplin's came to the Airport Committee and asked that the Airport Committee recommend to the City Council, that their lease be allowed to continue for another year. At the Airport Committee meeting Mr. Esplin demonstrated an inability to cooperate with the wishes of the Airport Committee, showed a lack of responsibility for his past actions, and treated members of the Airport Committee, partners, and neighbors who use the airport with a lack of respect. After a contentious discussion the Airport Committee voted 3-1 to not recommend approval by the City Council for the lease to Beck Spray Service to be continued for another year.

ANALYSIS:

- A. **STRATEGIC PLAN** The Airport is one of the Ontario Strategic Plan's primary goals under the growth strategy. The City is investing significantly dollars in the airport infrastructure to facilitate growth. Positive partners and relationships with tenants on the Airport is essential to making the airport succeed.
- B. **FINANCIAL** Electing not to renew the lease would result in a loss of a land lease agreement. However, the Airport and valley are in an economic boom.
- C. **TIMING** The City Council has already elected to not renew the lease with Beck Spray and that has been communicated to the parties many months ago. The lease can be ended annually at the end of June by either party. No action is needed unless the Council wishes to continue the lease.

Beck's Spray Service must begin clean up and removal of equipment as soon as possible and is responsible for the contamination regardless of the outcome of the lease.

- D. **POLICY/LEGAL** It is the responsibility of the Airport and City to ensure the soil be uncontaminated, all fees are paid, and operations are conducted safely at the Airport. The City Council is ultimately responsible for lease approvals on the airport.

ALTERNATIVES:

The city could choose to renew the land lease agreement.

RECOMMENDATION:

Staff recommends that the council continue with its previous decision to not renew the lease to Beck Spray Service.

ATTACHMENTS:

None



AGENDA REPORT
OLD BUSINESS
June 15, 2021

To: Mayor and City Council

FROM: Tori Barnett, City Recorder

THROUGH: Adam J. Brown, City Manager

SUBJECT: CHARTER AMENDMENTS

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT THE PROPOSED CHARTER AMENDMENTS AS PRESENTED AND FORWARD THE DOCUMENT TO THE CITY ATTORNEY FOR PREPARATION OF THE BALLOT TITLE, AND TO PROCESS THE BALLOT TITLE FOR A VOTE DURING THE NOVEMBER 2, 2021 ELECTION.

SUMMARY:

At the request of Councilor Ken Hart, a City Charter Review Ad-Hoc Committee was established to review the city's existing Charter and to bring forward proposed changes to the Charter to put before the voters of the City of Ontario. (*Attached is a list of the proposed changes*). At the conclusion of the election, if the Charter passes, it would be brought back before Council as an ordinance for adoption.

The Council also has the option of adding, deleting, or modifying any portion of the Charter, whether addressed by the Committee or not.

Members of the Committee were Councilor John Kirby, Councilor Ken Hart, Councilor Sam Baker, along with Ontario citizens Michael Miller, Susann Mills, Robert Wheatley, and Jaime Taylor.

Staff who assisted were City Manager Adam Brown, Assistant City Manager/HR Manager Peter Hall, City Attorney Larry Sullivan, and City Recorder Tori Barnett.

BACKGROUND:

The City Charter has not been reviewed or updated in 30+ years.

The Mayor, at the request of the Council, created an ad hoc committee, consisting of three

Councilors and four members from the Ontario community. With assistance from staff, meetings were held every other week beginning March 8, 2021 and concluding May 27, 2021. Two public hearings were held to solicit input from the community.

Staff obtained over 60 Charters from around the State of Oregon, as well as a copy of the League of Oregon Cities sample City Charter. At the request of the Committee, staff reviewed each sample Charter for comparison to specific sections of the Ontario Charter being reviewed for possibly adding or deleting language. Overall, six sections were proposed for amendment, one addition to an existing section, and three sections were proposed for inserting: specifically language for Sales Tax, City Fees, and Future Charter Revisions. (*Chart attached*)

At the conclusion of the final meeting, the Committee requested that the proposed changes be presented to the City Council for review and discussion, with the further request to place this action on the November 2, 2021 ballot.

CURRENT SITUATION:

Most Charters are reviewed, and possibly amended, at a minimum of every 10 years; however, the Ontario City Charter has not been modified in over 30 years. The proposed amendments will bring the Charter more current. One of the proposed changes is the addition of a mandatory review of the Charter every 10 years, an action not previously addressed.

If the Council determines it is in the best interest of the city to move forward with the proposed amendments, or any others they deem warranted, it is necessary to begin the process soon to allow the statutorily mandated time frames to be met. This will ensure the required time to place the action on the November 2, 2021 ballot.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** The exact cost is not known; however, the Malheur County Elections Official estimated the cost to be approximately \$10,000. There will also be additional costs associated with the City Attorney's time. This cost will be 100% born by the City of Ontario.

The next general election in which the city would not incur any cost to have it on the ballot would be May of 2022.

- C. **TIMING** The election is scheduled for November 2, 2021. Before that can occur, the following steps must be taken:

A referral must be filed with the City Recorder by August 13, 2021.

A Request for Ballot Title must be filed with the City Attorney the next business day

after the Referral is received by the City Recorder.

The City Attorney must return the Ballot Title within five days to the City Recorder.

Following receipt of the Ballot Title from the City Attorney, the City Recorder is required to publish the Ballot Title in the next available media publication and post it on any city media outlets.

The City Recorder must allow seven business days for any voter to petition the Circuit Court for a review of the Ballot Title. Voter must notify the City Recorder of the challenge the first business day after the petition is filed with the Circuit Court.

The Circuit Court must schedule a hearing on the petition for review of the Ballot Title and notify the City Recorder of the date and time of hearing.

If petitioner is successful in their challenge to the Ballot Title, it is returned to the City Attorney for modifications; if the petitioner is not successful with the challenge, the Ballot Title is filed with the County Clerk.

A complete and correct Notice of Measure Election must be filed with the County Clerk by September 2, 2021.

- D. **POLICY/LEGAL** Any changes to the City Charter require a ballot with the changes be placed before the voters of the City of Ontario for approval. The City Council must send revisions to the voters. The results of that vote are approved by simple majority.

ALTERNATIVES:

The Council could choose to not move forward with the changes to the Charter as proposed by the Committee and direct the Committee to conduct further review and/or rework the proposed modifications.

The Council could elect to leave the City Charter as it currently stands.

RECOMMENDATION:

Staff provided recommendations on each revision to the charter, and will discuss and proceed as directed by Council.

ATTACHMENTS:

1. Summary of Changes Recommended by the City Charter Review Committee
2. Charter Review Committee Table
3. City Referral Flow Chart

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.

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.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
I. INTRODUCTORY PROVISIONS					
1.1	Title. This enactment shall be referred to as the Ontario Charter of 1985	1.1	Titles. This charter may be referred to as the 2021 Ontario Charter.		Titles. This charter may be referred to as the 2022 Ontario Charter.
1.2	Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."	1.2	The City of Ontario, Oregon, continues as a municipal corporation with the name [City of Ontario]		Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."
1.3	Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.	1.3	Boundaries The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.		Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
			Distribution [Section 2.3 in Model] The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		
		2.3			
II. POWERS			POWERS		
2.1	Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.		Powers The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.		Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
2.2	The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.		Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.		The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.
2.3	In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.		Distribution. The Oregon Constitution reserves initiative and referendum powers to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
III.	CITY COUNCIL AND MAYOR	III.	COUNCIL		
3.1	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.	3.1	Council. The council consists of a mayor and six councilors nominated and elected from the city at large.	The council consists of seven members who shall be elected as provided in this charter. A mayor and two councilors shall be elected by the city at large. Four councilors, one residing from each of the four districts, shall be elected by the city at large.	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.
3.2	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.	7.1	Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors LOC Model Charter for Oregon Cities will be elected for four-year terms.	[if by district, changes will need to be made to this section]	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.3	Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.	7.2	Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.	District elections 4 districts, two at large plus mayor	Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.
3.4	Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.	3.5	Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.		Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.5	Council : Quorum A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.	3.6	Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.	Request staff to see if there is other language about virtual meetings. Staff research found no mention of digital, virtual, or electronic meetings in 60 charters reviewed. State Law allows virtual attendance by video, telephone, and electronic participation.	Council : Quorum A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.6	Council: Record of Proceedings The Council shall keep a record of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.	3.8	Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.		
3.7	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."	3.2	Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. <u>The mayor and council shall appoint or remove committee members by majority vote.</u> The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor." The	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		3.2(a)	With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.		
		3.2(b)	The mayor must sign all records of council decisions.		
		3.2(c)	The mayor serves as the political head of the city government.		
3.8	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor.	3.3	Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. <u>By majority vote, the council can remove the Council President and appoint another.</u>	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. <u>By majority vote, the council can remove the Council President as President and appoint another.</u>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.9	Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.	3.7	Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.		Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.
3.10	Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.				Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.
3.11	Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.				Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.
3.12		3.4	Rules. The Council must by resolution adopt rules to govern its meetings.		
IV	CITY MANAGER	8.1	City Manager [Under Section 8 in model Ordinance]		CITY MANAGER

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
	City Manager: Appointment and Qualifications The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not	8.1(a)	The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.		
		8.1(b)	A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.	City Manager: Appointment and Qualifications The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council . The city manager shall be chosen without regard to political	City Manager: Appointment and Qualifications The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council . The city manager shall be chosen
		8.1(c)	The manager need not reside in the city. [Alternate language - "but must become and remain a resident of the city while manager."]	considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of appointment, but	considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.1	be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the City while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.	8.1(d)	The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.	promptly thereafter shall become and remain a resident of the 8C school district while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.	appointment, but promptly thereafter shall become and remain a resident of the City of Ontario while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.2	City Manager: Vacancy If the office of city manager becomes vacant or if the city manager is absent from the City or disabled, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with a two-thirds vote of the entire Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.	8.1(h)	When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.	City Manager: Vacancy 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.	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.
4.3	City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:	8.1(e)	The Manager Must:		City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:
4.3 (a)	City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:	8.1(e)(1)	Attend all council meetings unless excused by the mayor or council;		City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:
4.3 (b)	Keep the Council advised of the affairs and needs of the City.				Keep the Council advised of the affairs and needs of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (c)	Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.	8.1(e)(2)	Make reports and recommendations to the mayor and council about the needs of the city;		Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (d)	See that all ordinances are duly enforced.	8.1(e)(3)	Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;		See that all ordinances are duly enforced.
4.3 (e)	See that all franchises, leases, contracts, permits and privileges granted by the City are observed.				See that all franchises, leases, contracts, permits and privileges granted by the City are observed.
4.3 (f)	Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.	8.1(e)(4)	Appoint, supervise, and remove city employees;		Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.
4.3 (g)	Generally supervise and control appointive officers and employees in their work.				Generally supervise and control appointive officers and employees in their work.
4.3 (h)	Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.	8.1(e)(5)	Organize city departments and administrative structure;		Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.
4.3 (i)	Prepare the annual budget for transmittal to the Council.	8.1(e)(6)	Prepare and administer the annual city budget;		Prepare the annual budget for transmittal to the Council.
4.3 (j)	Supervise the operation of all city-owned public utilities and city-owned property.	8.1(e)(7)	Administer city utilities and property;		Supervise the operation of all city-owned public utilities and city-owned property.
		8.1(e)(8)	Encourage and support regional and intergovernmental cooperation;		
		8.1(e)(9)	Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (k)	Perform such other duties as the Council directs, not inconsistent with the City Charter, City Law or ordinance.	8.1(e)(10)	Perform other duties as directed by the council; and		Council directs, not inconsistent with the City Charter, City Law or ordinance.
		8.1(e)(11)	Delegate duties, but remain responsible for actions of all subordinates.		
		8.1(f)	The manager has no authority over the council or over the judicial functions of the municipal judge.		
4.4	City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.	8.1(g)	The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.		City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.5	City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.	8.1(i)	No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.	City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. <u>Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing.</u> Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.	City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
V.	MUNICIPAL COURT AND JUDGE	8.3	MUNICIPAL COURT AND JUDGE		
5.1	Municipal Court : Creation and Jurisdiction The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.	8.3 (d)	The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.		Municipal Court : Creation and Jurisdiction The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.
5.2	Municipal Judge : Appointment The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them any time, with or without cause, by a majority vote of the entire Council.	8.3 (a)	A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.	[should selection of the municipal judge stay the same? Term of 4-years (review/re-elect) & number of terms limited, such as 2 terms maximum]	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.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		8.3 (b)	All proceedings of this court will conform to state laws governing justices of the peace and justice courts.		All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
		8.3 (c)	All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.		All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
		8.3(e)	The municipal judge may:		The municipal judge may:
		8.3(e)(1)	Render judgments and impose sanctions on persons and property;		Render judgments and impose sanctions on persons and property;
		8.3(e)(2)	Order the arrest of anyone accused of an offense against the city;		Order the arrest of anyone accused of an offense against the city;
		8.3(e)(3)	Commit to jail or admit to bail anyone accused of a city offense;		Commit to jail or admit to bail anyone accused of a city offense;
		8.3(e)(4)	Issue and compel obedience to subpoenas;		Issue and compel obedience to subpoenas;
		8.3(e)(5)	Compel witnesses to appear and testify and jurors to serve for trials before the court;		Compel witnesses to appear and testify and jurors to serve for trials before the court;
		8.3(e)(6)	Penalize contempt of court;		Penalize contempt of court;
		8.3(e)(7)	Issue processes necessary to enforce judgments and orders of the court;		Issue processes necessary to enforce judgments and orders of the court;
		8.3(e)(8)	Issue search warrants; and		Issue search warrants; and
		8.3(e)(9)	Perform other judicial and quasi-judicial functions assigned by ordinance.		Perform other judicial and quasi-judicial functions assigned by ordinance.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.3	Municipal Judge : Vacancy If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or disabled, the City Council may appoint an acting municipal judge. The acting municipal judge shall perform the duties of municipal judge. The term of acting municipal judge shall end when the municipal judge returns to the City or takes office.	8.3(f)	The council may appoint and may remove municipal judges pro tem.		The council may appoint and may remove municipal judges pro tem.
5.4	Municipal Court : Transfer of Power The Council, by majority vote may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.	8.3(g)	The council may appoint and may remove municipal judges pro tem.		The council may appoint and may remove municipal judges pro tem.
5.5 Proposed		8.2	City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.	City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.	City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.6 Proposed				Chief of Police The office of Chief of Police is appointed and removed by a majority of the city council. The Chief of Police may appoint, supervise, and may remove any employees who work in and for the police department in accordance with collective bargaining agreements for members of the Police Officers Association.	No Change
		VI	QUASI-JUDICIAL AUTHORITY		
		6.1	Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Ontario orders as follows:"		
		6.2	Order Approval		
		6.1(a)	Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.		
		6.1(b)	Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		6.1(c)	After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.		
		6.1(d)	After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.		
		6.3	Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.		
VI. MUNICIPAL OFFICERS AND EMPLOYEES					
6.1	Qualifications:				
6.1.(1)	No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filled.	7.4(a)	The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.		No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filled.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.1.(2)	(2) No elective office holder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the Council.				(2) No elective office holder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the Council.
6.1.(3)	(3) No person may be a nominee for the offices of mayor and councilor at the same election.	7.4(b)	No person may be a candidate at a single election for more than one city office.		(3) No person may be a nominee for the offices of mayor and councilor at the same election.
6.1.(4)	(4) Except as otherwise provided in subsection (2) of this section, the Council is the final judge of the qualifications and election of its own members.	7.4(c)	Neither the mayor nor a councilor may be employed by the city.		(4) Except as otherwise provided in subsection (2) of this section, the Council is the final judge of the qualifications and election of its own members.
		7.4(d)	The council is the final judge of the election and qualifications of its members.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.2	Terms The term of City elective offices shall commence on the first day in January following the officer's election.				Terms The term of City elective offices shall commence on the first day in January following the officer's election.
6.3	Terms The term of City elective offices shall commence on the first day in January following the officer's election.				Terms The term of City elective offices shall commence on the first day in January following the officer's election.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.4	Oath of Office: Each elective officer, the city manager and municipal judge, before entering upon the duties of office, shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.	7.7	Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.	[Keep the City Manager as sworn in.]	Oath of Office: Each elective officer, the city manager and municipal judge, before entering upon the duties of office, shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.
6.5	Offices: Vacancies	7.8	Vacancies		Offices: Vacancies
6.5.(1)	An office becomes vacant upon the incumbent's:	7.8	Vacancies The mayor or a council office becomes vacant:		An office becomes vacant upon the incumbent's:
		7.8(a)	Upon the incumbent's:		
6.5.(1)(a)	Death.	7.8(a)(1)	Death		Death.
6.5.(1)(b)	Adjudicated incompetence.	7.8 (a)(2)	Adjudicated incompetence.		Adjudicated incompetence.
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(c)	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude.	7.8(b)(5)	Conviction of a misdemeanor or felony crime;	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude <u>and conviction of a misdemeanor.</u>	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude.
6.5.(1)(d)	Unlawful destruction of public records.				Unlawful destruction of public records.
6.5.(1)(e)	Resignation.	7.8(b)(6)	Resignation from Office		Resignation.
6.5.(1)(f)	Recall from office.	7.8(a)(3)	Recall from the office.		Recall from office.
6.5.(1)(g)	Ceasing to possess the qualifications for office.	7.8(b)(3)	Ceasing to be a qualified elector under state law		Ceasing to possess the qualifications for office.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(h)	Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.	7.8(b)(1)	Failure to qualify for the office within 10 days of the time the term of office is to begin.		Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.
		7.8(b)(2)	Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;		
6.5.(1)(i)		7.8(b)(3)	Ceasing to reside in the city;	Ceasing to reside in the city;	Ceasing to reside in the city;
		7.8(b)(4)	Ceasing to be a qualified elector under state law;		
		7.8(b)(5)	Conviction of a misdemeanor or felony crime;		
		7.8(b)(7)	Removal under Section 8.1(i).[in LOC model charter]		
6.5.(1)(j)				When a supermajority of the council believes a council member to be unfit to continue holding office.	A two-thirds majority of the entire Council could expel a member of the Council for disorderly conduct in Council. This action would require notice and a hearing by the Council.
6.5.(1)(i)	Violation of any provision of this Charter.				Violation of any provision of this Charter.
6.5.(2)	The Council shall judge whan an office becomes vacant				The Council shall judge whan an office becomes vacant

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.5.(3)	Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.	7.9	Filling Vacancies A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.		Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.
6.6	Compensation Councilors and the mayor shall be compensated for services in an amount to be fixed by the Council. No increase in the compensation of councilors shall take effect, however, until the first day of the odd-numbered year immediately following the first biennial general election after the increase is ordered.				Compensation Councilors and the mayor shall be compensated for services in an amount to be fixed by the Council. No increase in the compensation of councilors shall take effect, however, until the first day of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		IX	PERSONNEL		
		9.1	Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.		
		9.2	Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.		
VII.	ELECTIONS				
7.1	Elections City elections, insofar as not governed by this Charter or City ordinances, shall be conducted as prescribed by state law governing popular elections, and shall be conducted on a non-partisan basis.	7.3	State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.		Elections City elections, insofar as not governed by this Charter or City ordinances, shall be conducted as prescribed by state law governing popular elections, and shall be conducted on a non-partisan basis.
7.2	Voter's Qualifications No person may vote at a city election who is not a qualified voter of the state and a resident of the City				Voter's Qualifications No person may vote at a city election who is not a qualified voter of the state and a resident of the City

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
7.3	Nomination The Council shall provide by ordinance the mode for nominating elective officers, except that nomination shall be done by petition and such petition and such petition shall be signed by no fewer than 20 qualified electors.	7.5	Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.		Nomination The Council shall provide by ordinance the mode for nominating elective officers, except that nomination shall be done by petition and such petition and such petition shall be signed by no fewer than 20 qualified electors.
7.4	Commencement of Terms of Office The term of office of a person elected to a City office at a regular City election commences at the first Council meeting of the year immediately following the election.	7.6	Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.		Commencement of Terms of Office The term of office of a person elected to a City office at a regular City election commences at the first Council meeting of the year immediately following the election.
		V	ADMINISTRATIVE AUTHORITY		
		5.1	Resolutions. The council will normally exercise its administrative authority by approving resolutions. ³² The approving clause for resolutions may state "The City of Ontario resolves as follows:"		
		5.2	Resolution Approval		
		5.2(a)	Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		5.2(b)	Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.		
		5.2(c)	After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.		
		5.2(d)	After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		5.3	Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.		
VIII.	ORDINANCES	IV	LEGISLATIVE AUTHORITY		
8.1	Ordaining Clause The ordaining clause of an ordinance shall read: "The City of Ontario ordains as follows:".	4.1	Ordinances The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Ontario ordains as follows:".		Ordaining Clause The ordaining clause of an ordinance shall read: "The City of Ontario ordains as follows:".
8.2	Passage	4.2	Ordinance Adoption		Passage
8.2.(1)	Except as subsections (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.	4.2(a)	Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.		Except as subsections (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.
8.2.(2)	Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by a unanimous vote of the councilors present upon being read by title twice.				Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by a unanimous vote of the councilors present upon being read by title twice.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(3)	The readings of an ordinance shall be by title only if a majority of the Council members present at the meeting do not request to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.	4.2(b)	The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.		The readings of an ordinance shall be by title only if a majority of the Council members present at the meeting do not request to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(4)	An ordinance enacted after being read by title alone, under the provisions of subsections (2) and (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. An ordinance may be amended at the time of enactment if the ordinance as amended deals with the same general subject.	4.2(c)	Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.		An ordinance enacted after being read by title alone, under the provisions of subsections (2) and (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. An ordinance may be amended at the time of enactment if the ordinance as amended deals with the same general subject.
		4.2(d)	d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.		
8.2.(5)	(5) Upon the passage of an ordinance, the City Recorder shall sign it and date it with the date of its passage.	4.2(e)	e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.		(5) Upon the passage of an ordinance, the City Recorder shall sign it and date it with the date of its passage.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(6)	(6) An ordinance takes effect on the thirtieth day after its enactment. However, when the Council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on enactment.	4.3	Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.		(6) An ordinance takes effect on the thirtieth day after its enactment. However, when the Council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on enactment.
IX. Public Improvements					
9.1	Procedure		Procedure The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. ⁶⁶ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.		Procedure
9.1.(1)	Except as provided in this section, the procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the state.	10.1			Except as provided in this section, the procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the state.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.1.(2)	Action on a proposed public improvement shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.				Action on a proposed public improvement shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.
9.2	Assessments Unless otherwise provided by this Charter or the applicable general laws of this state, the procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, City liens, or other services to be charged against real property shall be governed by general ordinance.	10.2	Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.		Assessments Unless otherwise provided by this Charter or the applicable general laws of this state, the procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, City liens, or other services to be charged against real property shall be governed by general ordinance.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.3	Liens The docket of City liens is a public writing, and the original or a certified copy of any matter authorized by ordinance to be entered in the docket shall have the force and effect of a judgment unless otherwise provided by this Charter or the applicable general laws of this state. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the Council.				Liens The docket of City liens is a public writing, and the original or a certified copy of any matter authorized by ordinance to be entered in the docket shall have the force and effect of a judgment unless otherwise provided by this Charter or the applicable general laws of this state. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the Council.
9.4	Condemnation A necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.				Condemnation A necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
X	MISCELLANEOUS PROVISIONS				
10.1	Revenue Bonds The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility. Such bonds shall not constitute general obligations of the City and shall only be payable from the proceeds of the commercial or industrial development or the municipal utility.				Revenue Bonds The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility. Such bonds shall not constitute general obligations of the City and shall only be payable from the proceeds of the commercial or industrial development or the municipal utility.
10.2	Indebtedness: Limits.				Indebtedness: Limits.
10.2.(1)	Indebtedness of the City may not exceed the limits on City indebtedness under state law.	11.1	Debt City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.		Indebtedness of the City may not exceed the limits on City indebtedness under state law.
10.2.(2)	Approval by the voters of City indebtedness need not be in the form of a Charter amendment.				Approval by the voters of City indebtedness need not be in the form of a Charter amendment.

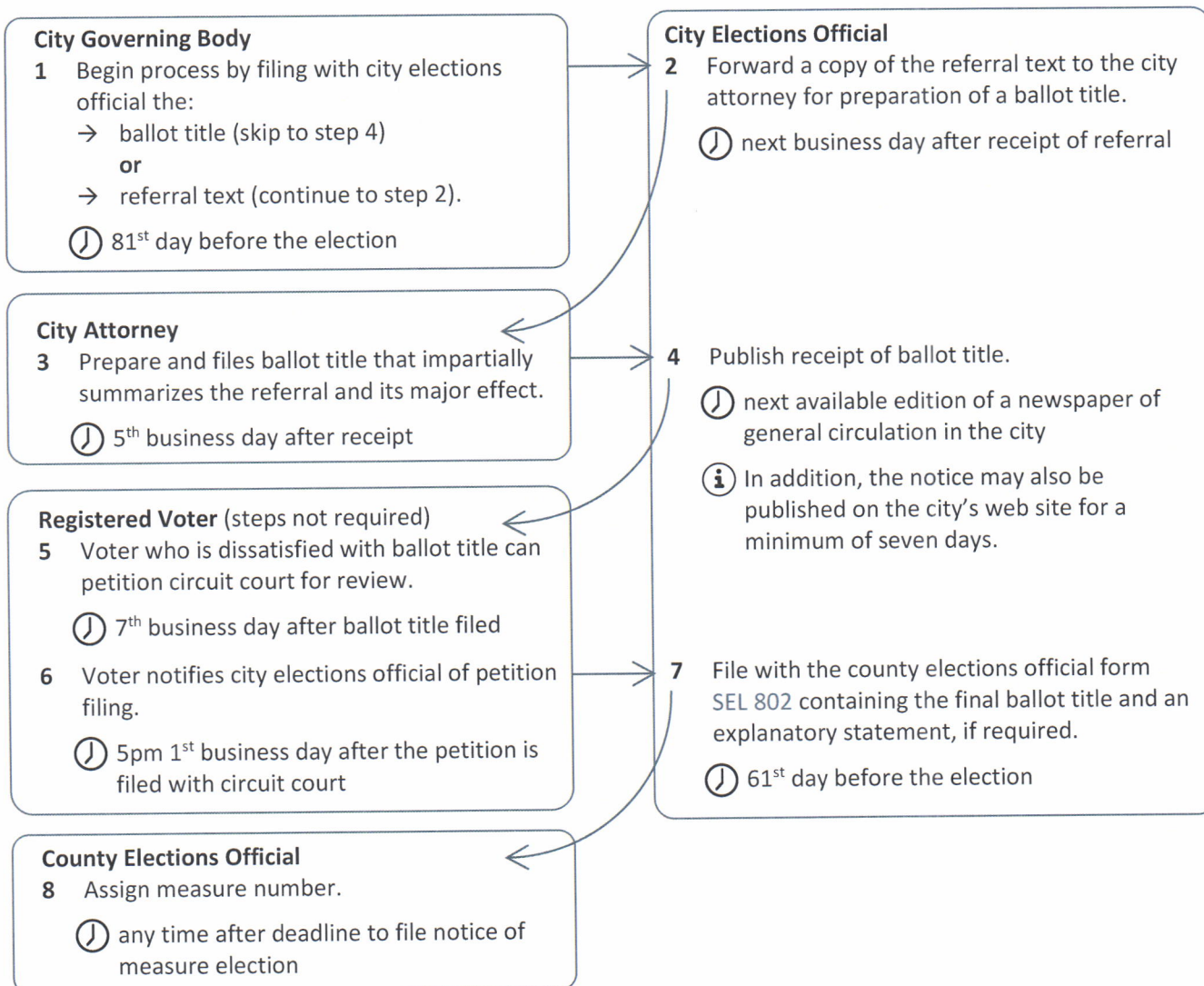
Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.3	Terms, Proceeds, and Retirement of Bonds Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.				Terms, Proceeds, and Retirement of Bonds Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.4	Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.				Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.5	Existing Ordinances Continued All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.	11.2	Ordinance Continuation All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.		Existing Ordinances Continued All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.
10.6	Repeal.	11.3	Repeal All charter provisions adopted before this charter takes effect are repealed.		Repeal.
10.6.(1)	All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed.				All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed.
10.6.(2)	No repeal of a feature of the 1954 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.				No repeal of a feature of the 1954 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.
10.6.(3)	No repeat of a feature of the 1954 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.				No repeat of a feature of the 1954 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.
		11.4	Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.7				<u>City Sales Tax</u> <u>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.</u> [Also comment received to allow the current process to proceed where it is referred to voters by petition]	<u>City Sales Tax</u> <u>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.</u>
10.8				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 and shall not go into effect until the following year after the next election of councilors.	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.
10.9					The Council will appoint an ad hoc committee to review the City Charter every 10 years.
10.10	Effective Date of Revision. This revised Charter takes effect on January 1, 1985.	11.5	Time of Effect. This charter takes effect _____, 20__.	Time of Effect. This charter takes effect _____, 20__.	

City Referral Steps



Competing Measure

If a qualified initiative is filed by the city elections official at a city governing body meeting that occurs on the 90th day before the election and the governing body refers a competing measure, the ballot title process including the challenge period must be completed no later than the 61st day before the election.



**AGENDA REPORT
NEW BUSINESS
June 15, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **PAUL AND STACEY GEHRMAN HALF STREET CONSTRUCTION - NORTH DORIAN DRIVE**

DATE: June 7, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL INSTRUCT CITY STAFF TO ENTER INTO A DEFERRED IMPROVEMENT AGREEMENT (DIA) FOR THE HALF STREET CONSTRUCTION OF THE PORTION OF NORTH DORIAN DRIVE ADJACENT TO THE LANDS OWNED BY PAUL AND STACEY GEHRMAN.

OR

I MOVE THE CITY COUNCIL INSTRUCT CITY STAFF TO NOT DEFER THE HALF STREET CONSTRUCTION OF THE PORTION OF NORTH DORIAN DRIVE ADJACENT TO THE LANDS OWNED BY PAUL AND STACEY GEHRMAN AND REQUIRE THE GEHRMANS TO CONSTRUCT THEIR HALF STREET PORTION OF DORIAN DRIVE AS PART OF THE REQUIREMENTS OF ANNEXATION.

SUMMARY:

Paul and Stacey Gehrman owns a parcel of land, known as 18S4705DB, tax lots 2000, 2100, 2102 and 2300 (see Attachment 1). The applicants wish to annex and rezone the property into the city to connect to city sanitary sewer and water due to a failed septic system. The subject property is within 300 feet of the city sanitary sewer system and therefore, under state regulations, they are not allowed to repair their septic system and must annex to connect to city sewer service as well as other required development.

BACKGROUND:

City Code Title 8 Chapter 7 Section 4 (M) states: "No Sewer Connection Outside City: There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council". Said code requires annexation to connect.

Due to current issues with DEQ and EPA regulations dealing with Arsenic, the City Council has made the decision to not allow any more connections to the city sewer system without also connecting to city water. Said policy requires connection to city water.

City Code Title 8 Chapter 12 Section 2 Consideration for Annexation; Sub-section 4 and 5 requires streets to be improved to full width and concrete curb and gutters shall be constructed along with other development requirements or enter into a Deferred Improvement Agreement (DIA).

Recently the City Council instructed staff to not allow deferment of half street sections if the adjoining side has been developed or if the adjoining side has been at least asphalted.

The City Council has instructed staff to find ways to complete the existing streets that have been constructed with half street improvements, including the possibility of creating an LID (Local Improvement District).

CURRENT SITUATION:

Due to the septic system of Mr. & Mrs. Gehrman failing and state, county and city codes requiring connection to the city sewer system the Gehrman's have applied for annexation under current city requirements.

As per City Code the Gehrman's were instructed that they would need to construct their half street section of North Dorian Drive, which has no connecting half street section on their side either north or south of them shown on attachment 2.

As per Council instructions to find a way to get full street construction, city staff put together an estimate of the construction costs (see Attachment 2) and proceeded to contact property owners to see if there was interest in forming an LID (Local Improvement District). The Community Development Director contacted the property owners that owned the largest parcels fronting on Dorian Drive to see if they were interested in forming an LID to pay for their portions of the street improvements, as well as to spread the word asking their neighbors to see if there was interest in forming an LID. Staff received no interest in forming an LID from the majority of the land owners they discussed it with.

At the June 3, 2021 City Council Work Session, the Community Development Director gave an update of the findings of forming an LID to improve Dorian Drive to a full street section. The conclusion was there was not enough interest by the property owners to form an LID and requested instruction from the City Council on how to proceed. As part of the update and during the Public Comment section of the meeting, there were many citizens speaking against the forming of the LID and submitted documentation from the majority of the property owners stating they did not want to form a LID, (See attachment 3) and the City should find a different way to improve Dorian Drive.

At the conclusion of the Public Comment section the Council instructed staff to have this item on the regular Council meeting for June 15, 2021.

ANALYSIS:

- A. **STRATEGIC PLAN** Finding a solution to improving half street sections in town is part of the Council Strategic Plan to improve the quality of life and safety of the citizens.
- B. **FINANCIAL** Not known at this time.
- C. **TIMING** Not a time sensitive issue.
- D. **POLICY/LEGAL** City Code requires street construction as part of the annexation process unless deferred by the city.

ALTERNATIVES:

City Council could choose not to require the street improvements until further development happens without requiring a DIA to be put in place. The subject could be dealt with at time of further development and or building permit.

RECOMMENDATION:

Staff recommends that the City Council to defer the street construction under a DIA (Deferred Improvement Agreement).

ATTACHMENTS:

- 1. Attachment 1-Property Map
- 2. Attachment 2-LID Map
- 3. Attachemnt 3 -Dorian LID Statements 06-03-2021

SEE MAP 18S 47E 05C

DORIAN

NORTH 91'

N

15

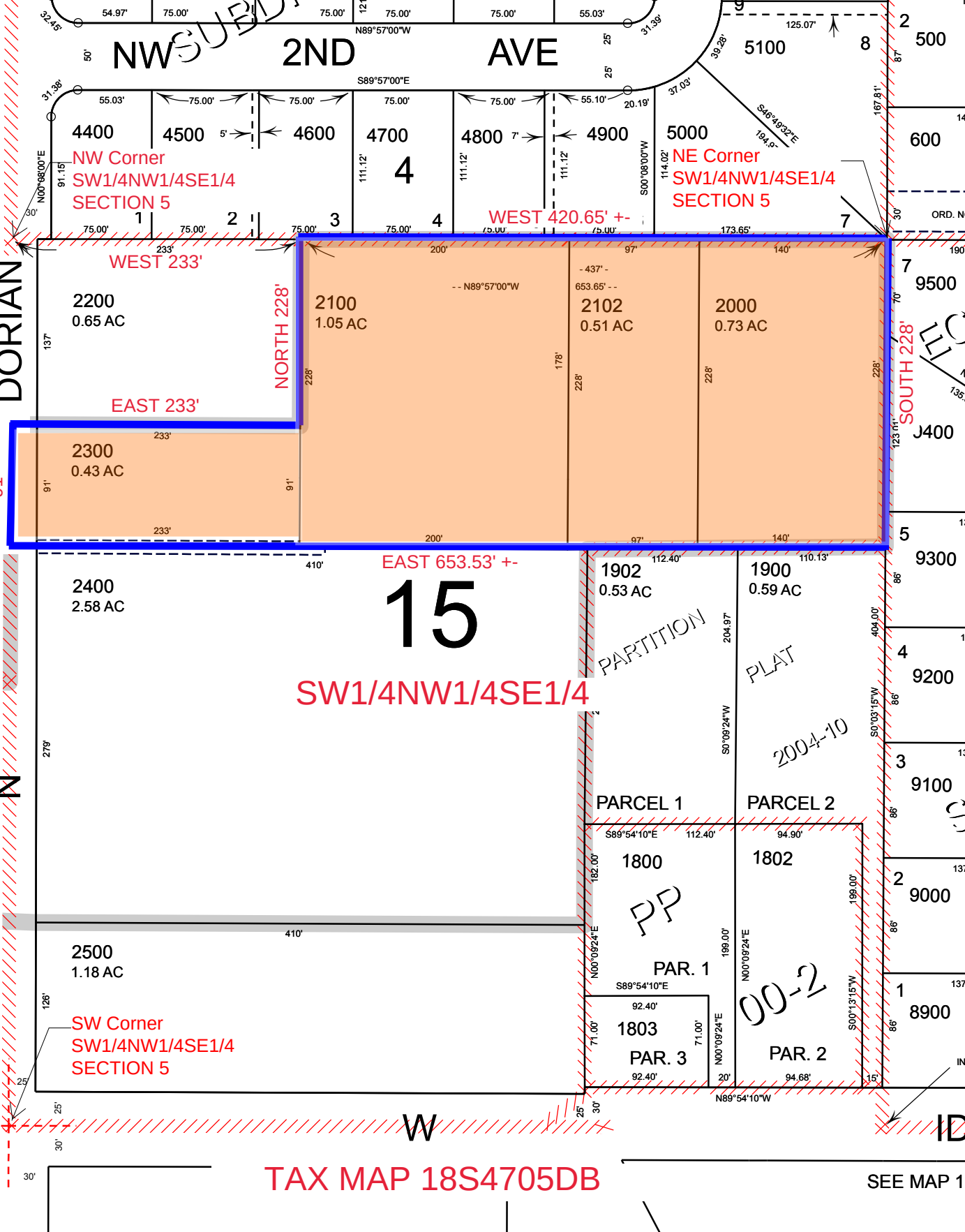
SW1/4NW1/4SE1/4

SW Corner
SW1/4NW1/4SE1/4
SECTION 5

NE Corner
SW1/4NW1/4SE1/4
SECTION 5

TAX MAP 18S4705DB

SEE MAP 1





NORTH DORIAN DRIVE LID

SOUTH DORIAN DRIVE LID

OAKES
\$172,050

GILBERT
\$62,160

CONRAD
\$44,440

ZUGNER
\$49,950

MORISHIGE
\$55,500

SOLTERBECK
\$82,140

KZ INVESTMENTS
\$31,080

WOOD
\$163,170

Ontario City Council Meeting

Thursday, June 3, 2021

6 pm

Public Comment re proposed Dorian Drive widening project

My name is Stacey Gehrman and I reside at 2150 Antiquity Way, Ontario, Oregon. At present my husband and I are in the throes of annexing to the city. This is because our septic drain field failed and Oregon State law says we must annex. I'm here because this isn't just about our situation.

I am here to speak on behalf of the citizens who reside on Dorian Drive and whose property has frontage on that street. The city proposes to widen Dorian and the Planning and Zoning requires the residents who own frontage property to pay for the paving, sidewalks, curbs and gutters. The reasoning behind this, presented by only one of the city council members, is that the street is unsafe due to a short stretch of open irrigation ditch. To my knowledge there has never been an accident on this street, or accidents involving the ditch. If anything, it keeps what traffic there is from going any faster than they do. If there have been accidents, we would like to see the police reports. One of the property owners with an open ditch utilizes the ditch as intended to drain the flood irrigation he uses to irrigate and maintain his pasture. Covering the ditch will keep him from enjoying the use of his property. If special pipe is used to allow him to continue to use the ditch as intended, he will be expected to, again, bear the cost, and his property is in the county. We feel this is especially unfair to him.

The city proposed a Limited Improvement District (LID) which ostensibly would help the residents pay for this required construction. However, the cost quoted was \$500 per running foot which is simply not affordable. The letter outlining the LID was only sent to, as I understand it, 3 people on Dorian who happen to own the most frontage. The problem is that this huge cost will affect all those who must pay for their frontage whether it is 100 feet, or more or less. 100 feet of frontage will cost \$50,000. Some residents are on fixed income and the past year has been extremely hard on businesses, so owners are compromised financially. It takes time for recovery to occur for both businesses and private individuals. This is a time of economic and financial stress. If the property owner can't pay the costs of the construction then the city places a lien on the property which results in interest which compounds and the property quickly becomes unsaleable. In the face of economic adversity the city may be forcing people out of their homes and there are few if any places to buy or rent if they are even able to sell because of the additional cost to owning a home with frontage on Dorian.

There is also another consideration. Drainage for city run off water has suddenly become a concern. The Environmental Protection Agency has stated that cities can no longer drain run off into irrigation canals and the irrigation companies have sent letters to the City of Ontario saying this will no longer be allowed. Ontario has done this for, I think, as long as the city has had run off. At present the city has no plan as to how they will handle this situation. As I understand the city will have to provide a settlement pond similar to a sewage pond and provide processing for the runoff water. If Dorian is paved from NW 4th Ave to SW 4th Ave it will keep the drainage from sinking into the ground as it does now and create a drainage problem.

Because Waterford Estates subdivision had installed sidewalks, curbs and gutters and had put a drainage system in place when it was developed, the other side of the street is supposed to mirror the appearance for standardization in the city. This is again complicated by the lack of a city drainage plan going forward. Or perhaps that is why the cost is so high; and we as property owners pay the price.

In talking with our neighbors on both North and South Dorian I was also reminded that one of the reasons Dorian was not widened when the Dorian Place, Waterford Estates, and Wellsprings were put in was that the city did not want Dorian to become a thoroughfare as it is a residential neighborhood. The city did not want it to become a route to the Yturri Beltline but wanted Verde to be that access. Dorian is still a residential neighborhood and the neighbors do not want the street widened. Doing so will make it more problematic for them to access the street from their driveways. It also turns it into a thoroughfare which is used more by people other than the immediate neighbors and as such 14 property owners of whom 2 are still in the county would be made to bear the cost of the project which is used by many more citizens. (see list of Dorian residents).

An option for the City of Ontario would be to delay this widening project until the undeveloped properties are developed at which time the costs would be spread upon the houses being built as was done in Waterford Estates and other subdivisions in the city. This is usually how these costs are managed. It should also be put on hold until the drainage plan for the city as a whole is determined so the taxpayers won't incur further expense in replacing newly installed concrete and paving. Hopefully, in future some grant monies will become available for city infrastructure as it was in the past and some of Ontario's problematic streets like Alameda Drive, and others can be addressed in an equitable way.

In regard to our own small section of 91 feet which will cost \$45,500 as suggested by the city, I hope that you will agree that this is an exorbitant amount for a property owner to pay. We use our property only as a residence. If the project is delayed we hope that our small section can be delayed also or that we can have time to find what the cost of a private contractor will be and that it would be possible to give that money to the city to be used in the future when the street is widened at no further cost to us.

Thank you for your attention. I have made copies available with a list of residents and addresses.

Neighbors on Dorian Drive (North and South) who have made their opinions known to me. Everyone wants to keep the residential nature of the street and not widen it.

Paul and Stacey Gehrman 2150 antiquity Way

Rich Trimble 60 N. Dorian He is in the County and uses the ditch for irrigation run off.

Deb Hill and Janet Pook 190 N. Dorian

Ron Cornett 194 N. Dorian

Wes and Doris Atkinson 276 N. Dorian

Ned and Janet Enyeart 2189 NW 2nd Ave.

Ana Leos 2185 NW 3rd Ave.

Larry Matsumura 141 S. Dorian

Charles Oakes 33 S. Dorian Drive

Sammy Castoguary 41 N. Dorian

Dean and Vicky Solterbeck 182 S. Dorian

Zac Mills – property next to Solterbeck's which is used as storage area and is fenced in.

Unable to reach Martha Snyder at corner of Idaho and Dorian. 2097 W. Idaho Ave.

Unable to reach Mr. and Mrs. Fry – they are still in the county.

Unable to reach owner of property on corner of Dorian and SW 4th Ave. (Formerly used by Steve's Hometown Motors.)

6-3-2021

CHARLES S. OAKES

ATTORNEY AT LAW

1052 S.W. 4th Avenue, Ste. 1 - P.O. Box 1047
Ontario, OR 97914

Office (541) 889-2302
Fax (541) 889-2310

LL.M. in Taxation

June 3, 2021

Ontario City Council,

I have a residence on Dorian Drive in Ontario. I strongly object to an L.I.D. on Dorian Drive. I also believe that the curb and gutter improvements for Stacy Gehrman should be deferred until the property is further developed. There is an existing sidewalk on one side of Dorian Drive at Stacy Gehrman's location. Therefore, it is not a safety issue that calls for a curb, sidewalk, and gutter at her location.

I have lived at my house on Dorian since 1959. Over the more than sixty years I have seen Idaho Avenue change from a gravel road with a barrow ditch and dairy cows in the pastures, to a paved street with curbs, sidewalks, and gutters. I have seen Dorian Drive change from a gravel road with barrow ditch to a paved and partially curbed, sidewalk, and guttered street.

As long as there is a sidewalk on one side of the road or the other, the need for a sidewalk, curb, and gutter is not immediate and should be deferred until development. There is a sidewalk opposite Stacy Gehrman's house and so the curb, gutter, and sidewalk at Stacy's location should be deferred until her property is further developed.

Sincerely,

A handwritten signature in black ink that reads "Charles Oakes". The signature is fluid and cursive, with the first name "Charles" and last name "Oakes" clearly distinguishable.

Charles Oakes

6-3-2021

Dan Cummings

From: Sammy Castonguay <scaston23@gmail.com>
Sent: Wednesday, June 02, 2021 5:23 PM
To: Dan Cummings
Cc: Eddie Melendrez
Subject: Dorian LID

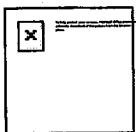
Hello Dan,

Thank you for calling earlier to discuss a Local Improvement District (LID) along the Dorian Dr. Community. At this time, I would not like to join / form a public LID to improve Dorian Dr. However, I strongly believe improvements should be made to the road to be a much safer city street for pedestrians and vehicular travel. If the citizens of the area are resistant to forming a public LID, we owe it to the community, residents and future property owners to form a private-LID to see these improvements. To be honest, the City should have never allowed the developer that originally put in the sewer and water under Dorian to leave the road unimproved. If it was improved at that time, it would have been much cheaper and we would not have been left with making this decision at this time (which we are pushing it off until later, anyway). My neighbors at Dorian place, often with limited mobility and a fixed income, must brave being a pedestrian on the narrow road with no speed limit sign posted to get to Bi-mart. No community should see this and turn away from improvements morally, but the hefty price tag for doing the right thing is daunting.

The next time one of us in the neighborhood faces this (being held personally financially responsible for the improvements) and we have not been pre-emptive ourselves, I will support the formation of a public LID.

Please share my comments with my neighbors (either via email or writing) to be read at the upcoming City Council worksession. If you email, please CC me. I've included City Councilperson Eddie Melendrez in this email for transparency.

Cheers! --sc



Sammy Castonguay
Citizen, Earth

Earth Science | Earth Spirit | Earth Practice
thismagickalearth.com

Create your own email signature





**AGENDA REPORT
NEW BUSINESS
June 15, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: MAYOR APPOINTMENTS TO SPECIAL COMMITTEES

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL DIRECT STAFF TO PREPARE A RESOLUTION TO AMEND THE COUNCIL RULES AND PROCEDURES CLARIFYING THAT THE MAYOR APPOINTS MEMBERS TO SPECIAL COMMITTEES.

OR

I MOVE THE CITY COUNCIL DIRECT STAFF TO PREPARE A RESOLUTION TO AMEND THE COUNCIL RULES AND PROCEDURES CLARIFYING THAT THE COUNCIL AS A WHOLE APPOINTS MEMBERS TO SPECIAL COMMITTEES.

SUMMARY:

Councilor Ken Hart requested that language be changed in the Ontario Council Rules and Procedures to allow the Mayor to appoint members of special committees to be congruent with what is stated in the Ontario City Charter.

BACKGROUND:

Under Section 3.7 of the City Charter, the mayor is granted authority to "appoint the Council committees provided by the rules of the Council." The Council rules state, under Section XVI - Special Committees, "When the Council determines that a board, commission, taskforce, or citizen's committee is needed, the following procedure shall be used:

e) The Council shall interview all applicants and announce its selections and appointments at a regular meeting."

CURRENT SITUATION:

It was suggested that these were conflicting rules between the Charter and the Council Rules; however, it is unclear whether it is a conflict. The language in the Charter could imply that the authority of the mayor granted in that section applies to committees designated in the charter such as the Planning Commission, Airport Committee, and Public Works Committee.

Under the Council Rules and Procedures, also referenced in the Charter, a different standard for special committee's (i.e. non-standing committees) is stated. For special committees, "The Council shall interview all applicants and announce its selections and appointments at a regular meeting." The antecedent to the pronoun "its" is the Council, meaning that the Council appoints special committees.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic impact.
- B. **FINANCIAL** No financial impact.
- C. **TIMING** No timing impact.
- D. **POLICY/LEGAL** Amendments to the Council Rules and Procedures must be done by resolution. Upon receiving the Council's direction, staff will prepare a resolution to change the Rules and Procedures accordingly at the next Council meeting.

ALTERNATIVES:

Amend Council Rules and Procedures Section XVI subparagraph e), to approve language that states that the mayor shall appoint members of Special Committees.

Amend Council Rules and Procedures Section XVI subparagraph e), to approve language that states specifically that the Council as a whole shall appoint members of Special Committees.

RECOMMENDATION:

Staff recommends that the language be more specific to remove ambiguity. This can be done by clarifying the mayor's authority to appoint standing committees and non-standing committees or by stating that the Council as a whole appoints members of special committees.

ATTACHMENTS:

- 1. Att_CC_Committee Appt authority of Mayor_6 10 2021
- 2. Att_CC_Council Rules Special Committee Appointment_6 10 2021

Section 3.7 - Mayor: Functions.

The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."

- 3) Presiding officer opens the public hearing.
- 4) Brief opening statement by the proponent initiator, if any, explaining and advocating the item (of approximately five (5) minutes, or such time as is stipulated by the presiding officer).
- 5) Testimony by members of the public who support the item the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 6) Testimony by members of the public who oppose the item, the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 7) Written communication filed with the City Recorder read into the record.
- 8) Brief closing statements by the proponent initiator, if any, (limited to approximately five (5) minutes).
- 9) Presiding officer closes the public hearing.
- 10) Discussion by Council members: The order of recognition of Council members desiring to speak shall be determined by the presiding officer. Each Council member shall be allowed at least one opportunity to speak. The Council member shall limit his or her comments to a reasonable period of time. Any comments of a member in excess of five minutes may be limited by a motion to limit comment and immediate majority vote of the members present.
- 11) Motion and second.
- 12) Vote.

SECTION XV - PETITIONS:

Any citizen may appear before the Council at any regular meeting and present a written petition. The petition shall be acted upon by the Council, in the regular course of business, within thirty days. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Council Member except through the presiding officer. Absent an emergency, the Council shall neither deliberate toward a decision, nor vote on any matter not included on the printed agenda.

SECTION XVI - SPECIAL COMMITTEES:

When the Council determines that a board, commission, task force, or citizen's committee is needed, the following procedure shall be used:

- a) The party proposing the creation of the board, commission, task force, or citizen's committee will prepare the appropriate Council action (either an ordinance or a resolution) defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee. If proposed as an ad hoc committee, the Council action shall specify when the committee's work is to begin and to conclude.
- b) The ordinance or resolution will be submitted to the City Recorder for placement on an agenda for Council discussion.

- c) The Council shall approve, modify, or reject the ordinance or resolution.
- d) Once a board, commission, task force, or citizen's committee is approved, the City Recorder shall publish notice soliciting interested and qualified volunteers to file letters of interest for appointments.
- e) The Council shall interview all applicants and announce its selections and appointments at a regular meeting.
- f) Terms of appointment to any board, commission, task force, or citizen's committee shall not exceed five years. Council may, by ordinance, establish a limitation on the number of terms appointees may serve. All permanent boards and commissions including advisory and appeal boards shall be created by ordinance which ordinance shall set forth the policies and duties delegated to such boards and commissions. Temporary and ad hoc committees may be created by resolutions.
- g) Upon completion of action necessary by an appointed Ad-Hoc Committee, said Committee will cease to be active and shall become obsolete.

SECTION XVII - ABSENCE / ATTENDANCE:

- 1) Councilors shall endeavor to attend all noticed meetings of the City Council.
- 2) Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Recorder, who shall convey the message to the Mayor. If the Mayor is to be absent she or he shall contact the Council President. Absent Councilors or the Mayor who do not follow the above process will be considered unexcused, which shall be so noted in the minutes.

SECTION XVIII - VACANCIES - FORFEITURE OF OFFICE:

- 1) A Council office shall become vacant upon a Councilor's:
 - a) Death;
 - b) Adjudicated incompetence;
 - c) Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude;
 - d) Unlawful destruction of public records;
 - e) Resignation;
 - f) Recall from office;
 - g) Ceasing to possess the qualifications for office;
 - h) Failure, following election or appointment to the office, to qualify for the office within 10 days after the time for the term of office to commence;
 - i) Violation of any provision of the City Charter;
 - j) Un-excused absence from three consecutive noticed meetings, including any special meetings called pursuant to these rules.
- 2) The Council shall judge when a Council office has become vacant.

SECTION XIX- USES OF STAFF:

Except for the purpose of accessing public information, Council members shall deal with the City's administrative services solely through the City Manager. No Council member shall request from the City Manager any staff project that entails over two hours of staff work without first seeking approval of the full City Council.



**AGENDA REPORT
PUBLIC HEARING
June 15, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ACCEPT RIGHT OF WAY AIRPORT WAY AND SW 31ST STREET AS PER THE
APPROVED PARTITION UNDER PLANNING ACTION 2020-06-24 PTN**

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF AIRPORT WAY AND A PORTION OF SW 31ST STREET, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON OCTOBER 6, 2020, UNDER PLANNING FILE 2020-06-24PTN AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAYS.

SUMMARY:

This action is to have the City Council, who is the governing body for the City of Ontario, accept the right of way of a portion of Airport Way and SW 31st Street required for the development of the parcels shown on the Partition Plat. The right of way is shown on the attached Partition Plat as Attachment 1 to this report.

BACKGROUND:

The subject property is 4.56 acres and currently has one building on it that had been used by a car sales lot and a small manufacturing facility.

On September 16, 2020, the Community Development Director administratively approved the partition of the parcel to create three parcels. Parcel 1 will contain the existing building and the other two parcels are vacant at this time. Right of Ways for a portion of Airport Way and a portion of SW 31st Street are being dedicated on this plat.

CURRENT SITUATION:

The partition is ready to be finalized and the public right of way accepted by the City Council.

ANALYSIS:

- A. **STRATEGIC PLAN** This partition leads the way for future development in the area with the dedication of right of way to meet the Growth and Desirability portions of the City Councils Strategic Plan.
- B. **FINANCIAL** There is no cost to the city associated with this action; however, with the development of Airport Way, because the city owns the adjacent property, the city will be required to pay their share of the development of Airport Way as any property owner is required to do during development.
- C. **TIMING** This action needs to be completed and the right of way accepted so that the developer may move forward with the redevelopment of the property.
- D. **POLICY/LEGAL** The City Council, under 10 B-55-45 for a land division involving the creation of streets, shall by action of the City Council at a public hearing, approve the final plat by motion accepting the public right of way, and the Mayor and Planning Official shall sign the plat.

ALTERNATIVES:

Not accept the right of way.

The Council could, by motion, not accept the right of way offered for dedication and instruct the applicant to remove the portions of streets offered for dedication from the final plat and resubmit the plat for approval by the Planning Official for recording without the dedication of additional right of way, allowing the developer to develop his parcel with not public right of way.

RECOMMENDATION:

Staff recommends that the Council approve the request of dedication of street right of way and authorize the Mayor to sign the plat and acceptance of the right of ways as shown on the attached plat.

ATTACHMENTS:

1. FINAL_PLAT_2020-06-24PTN-CC

PARTITION PLAT NO. _____
within N1/2, NE1/4, SE1/4, NE1/4 OF Sections 7
Township 18 S., Range 47 E., W.M.
Malheur County, Oregon
City of Ontario

SURVEYOR'S NARRATIVE & CERTIFICATE

THIS SURVEY WAS MADE AT THE REQUEST OF SNJ ONLINE, LLC. FOR THE PURPOSE OF PARTITIONING A PARCEL DESCRIBED IN DEED 2017-4702, CREATING 1.21-ACRE PARCEL, 1.47-ACRE AND A 1.51-ACRE PARCEL AS APPROVED BY THE CITY OF ONTARIO PLANNING DEPARTMENT.

CONTROL FOR THIS SURVEY BASED ON FOUND MONUMENTS AS SHOWN. THE BASIS OF BEARING FOR THIS SURVEY IS ALONG NORTH LINE OF SECTION 7. BETWEEN THE FOUND 5/8" MONUMENT AS SHOWN.

THE BOUNDARY OF THIS PARCEL WAS ESTABLISHED AND SURVEYED IN A RECORD OF SURVEY BY SAWTOOTH SURVEYING (JEFF BEAGLEY, PLS 78150) DATED 11/13/19 AND PROVIDED BY SNJ ONLINE. JEFF WAS CONTACTED BEFORE TAKING OVER THE PROJECT AND CONSULTED REGARDING THE BOUNDARY, ALTHOUGH THE SURVEY STAMPED AND SIGNED SURVEY PROVIDED SHOWS MONUMENTS SET JEFF DID NOT PLACE THE MONUMENTS AND JEFF REPORTED THIS TO BE THE CASE. DEED DOCUMENTS AND RIGHT OF WAY DOCUMENTS WERE REVIEWED AND I AGREE WITH JEFF'S ESTABLISHMENT OF THE BOUNDARY AND SET HERE THE MONUMENTS JEFF DID NOT SET.

I LANCE C. KING, A REGISTERED PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED THE BOUNDARIES OF PARCELS 1, 2, AND 3 IN ACCORDANCE WITH ORS CHAPTER 92, THAT THE POINT OF BEGINNING IS A SHOWN ON THE MAP AND IS WITHIN THE REQUIREMENTS OF ORS 92.060(1), I CERTIFY THAT THE FIRST MONUMENT ESTABLISHING OR REESTABLISHING A BOUNDARY MONUMENT WAS PLACED ON 5/18/2021, THAT THE ADJOINING PROPERTY AND ALL PROPERTY ACCESSED IN THIS SURVEY WAS DONE IN ACCORDANCE WITH ORS 672.047, THAT THE SURVEY WAS MADE BY ME OR UNDER MY DIRECTION, THAT THE MONUMENTS ARE AS SHOWN AND THAT THIS MAP IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY.

THE LAND BEING PARTITIONED IS DESCRIBED AS FOLLOWS:
LAND IN MALHEUR COUNTY, OREGON, AS FOLLOWS;
IN TWP. 18S., R. 47 E., W.M.;
SEC. 7; N1/2 NE1/4 SE1/4 NE1/4

EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION, BY DEED RECORDED APRIL 01, 1983, INSTRUMENT NO. 83-113442, DEED RECORDS.

FURTHER EXCEPTING THAT PORTION CONVEYED TO THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION, BY DEED RECORDED SEPTEMBER 24, 2001, INSTRUMENT NO. 2001-6765, DEED RECORDS.

RIGHT OF WAY ACCEPTANCE

I HEREBY ACCEPT, ON BEHALF OF THE PUBLIC, THE ROADWAY RIGHT OF WAY DEDICATION AS SHOWN HEREON, FOR PUBLIC ROAD & UTILITY PURPOSES.

CITY OF ONTARIO
RILEY J. HILL, MAYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 10, 2011
LANCE CLARK KING
61420

RENEWALS: 6/30/2021

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°19'43" E (R1)	12.71'(R1)
L2	S53°46'22" E (R1)	49.26'(R1)
L3	S89°48'35" E	27.37'
L4	S00°08'42" E	20.00'

PARTITION APPROVALS
OF PLANNER, ASSESSOR
& SURVEYOR

MALHEUR COUNTY
SURVEYOR

By _____

Received: 5/3/2021

Filed: _____

Survey No. 18-47-0999

Dwg. No. B-01830

COUNTY SURVEYOR APPROVAL DATE

CITY PLANNER APPROVAL DATE

COUNTY ASSESSOR APPROVAL DATE

SURVEY FOR:

SNJ ONLINE, LLC.

CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL ENGINEERING,
SURVEYING & PLANNING

ONTARIO 368 SW 5TH AVE. 945 W. ORCHARD AVE.
HERMISTON, OR 97838
PHONE (541) 889-5411 FAX (541) 567-2345
FAX (541) 889-2074 FAX (541) 567-2305
WEB: CK3LLC.NET



CHECKED BY: LCK FIELDBOOK No.: O-320 PAGE(S): 27-31
DRAWN BY: AMC DWG FILE No.: B-1236
APPROVED BY: LCK FILENAME: V020048.dwg JOB No.: V020048
DATE: 5/18/2021 DATE REVISED: V020048 SHEET: 1 of 1

E 1/16, SEC. 6/7,
FOUND 5/8" REBAR NO CAP
DOWN 1.5' BELOW PAVEMENT.(R1)

BASIS OF BEARINGS
S89°46'11"E 1320.16 (R1)

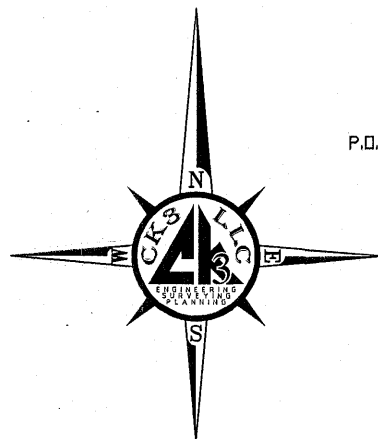
SW 4TH AVE

FOUND 5/8" REBAR 2596
SWENSON, 0.4' BELOW SURFACE
IN A MONUMENT WELL.(R1)

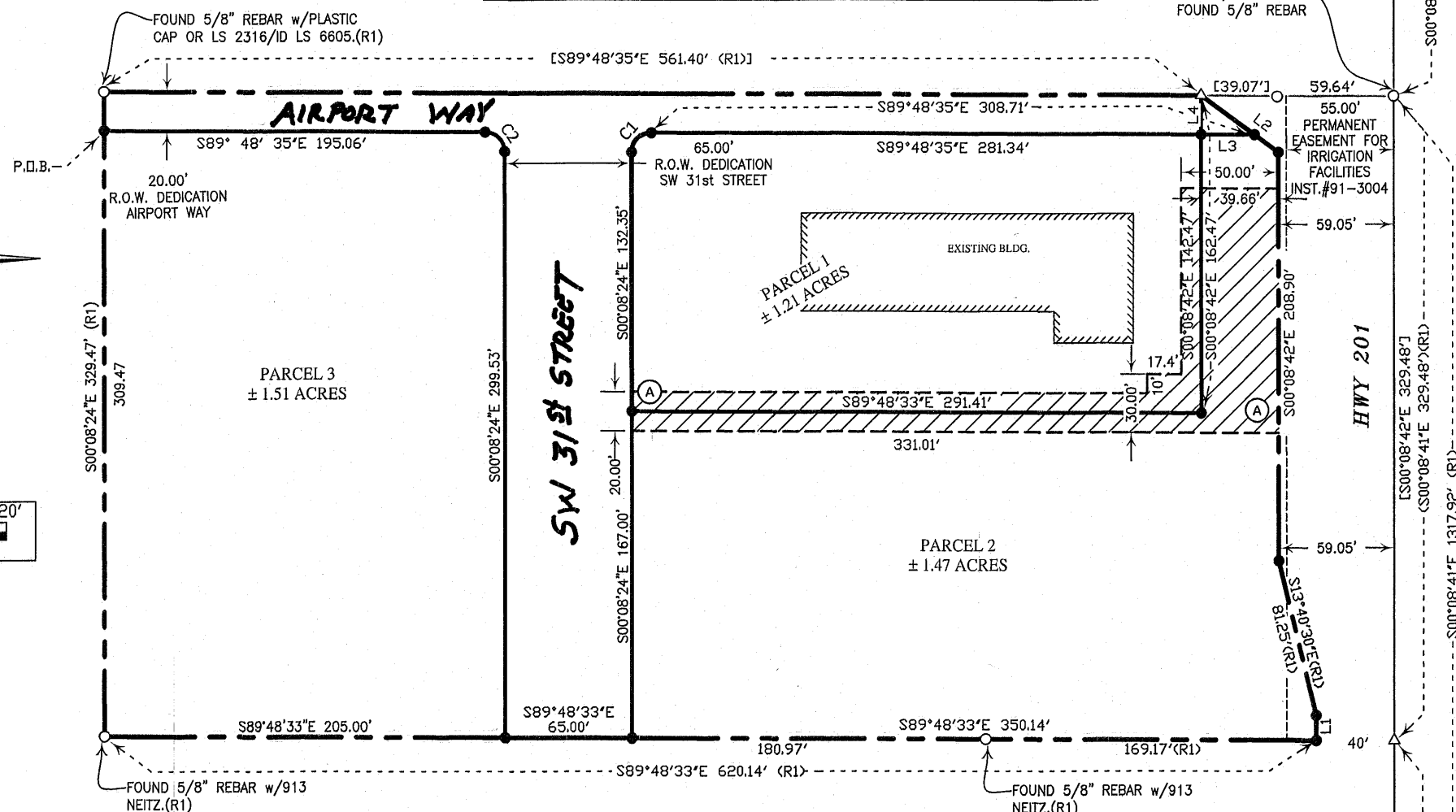
REFERENCE TABLE

R1 UN-RECORDED RECORD OF SURVEY FOR 833, LLC. COMPLETED
BY SAWTOOTH SURVEYING (JEFF BEAGLEY, PLS 78150) DATED
11/13/19 PROVIDED BY SNJ ONLINE.

CURVE TABLE						
CURVE No.	RADIUS	DELTA	LENGTH	TANGENT	BEARING CHORD	CHORD
C1	10.00'	90°19'52"	15.77'	10.06'	S45° 01' 30" W	14.18'
C2	10.00'	89°40'17"	15.65'	9.94'	N44° 58' 28" W	14.10'



0 60' 120'
SCALE: 1" = 60'



DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

THAT I, THE UNDERSIGNED, THE OWNER OF THE LANDS AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED IN ACCORDANCE WITH OREGON REVISED STATUTE, CHAPTER 92.

WE GRANT THE FOLLOWING EASEMENTS: (A)

A CROSS ACCESS & PARKING EASEMENT FOR PARCEL 1 AND 2 AND THEY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS ALL DRIVE LANES AND SHALL HAVE CROSS ACCESS AND PARKING RIGHT TO ALL LANES AND PARKING STALLS. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PARKING & LANDSCAPING AREA OF EACH INDIVIDUAL LOT. A JOINT MAINTENANCE AGREEMENT SHALL BE REQUIRED FOR PARCEL 1 AND 2.

THE PUBLIC RIGHT-OF-WAYS AS SHOWN ON THIS PLAT IS HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC ROAD AND UTILITY PURPOSES.

WE ACKNOWLEDGE THE FOLLOWING EXISTING EASEMENTS:

- A RIGHT OF WAY AGREEMENT FOR DITCH/PIPELINE RIGHT OF WAY RECORDED AUGUST 12, 1912, BOOK 4, PAGE 274, L & a RECORDS REF: LONG LATERAL DITCH Co.
- AN ACCESS RESTRICTIONS AND EASEMENT AS CONTAINED IN DEED RECORDED APRIL 1, 1983, INST. No. 83-113442, OFFICIAL RECORDS. DEED AND ASSIGNMENT FROM THE STATE OF OREGON TO THE CITY OF ONTARIO, RECORDED AUGUST 6, 1985, INST. No. 85-130027, DEED RECORDS.
- AN EASEMENT IN FAVOR OF STATE OF OREGON DEPT. OF TRANSPORTATION RECORDED MAY 15, 1991, INST. No. 91-3004, DEED RECORDS.
- AN ACCESS RESTRICTIONS AND EASEMENTS AS CONTAINED IN DEED RECORDED APRIL 1, 1983, INST. No. 83-113442, OFFICIAL RECORDS.

SNJ ONLINE LLC

STEVEN MELAND

ACKNOWLEDGMENT

STATE OF OREGON } S.S.
COUNTY OF MALHEUR }

ON THIS 20 DAY OF MAY, IN
THE YEAR OF 2021, BEFORE ME, C.A. KING,

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND
STATE, PERSONALLY APPEARED STEVEN MELAND AND PROVED TO ME ON THE BASIS OF
SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE
FOREGOING INSTRUMENT, AND UPON BEING DULY SWORN ACKNOWLEDGED TO ME THAT HE
EXECUTED THE SAME. IN WITNESS WHEREOF, I HEREBY SET MY HAND AND SEAL

CINDY ANN KING,
NOTARY PUBLIC
COMMISSION No. 978056
EXPIRES: AUGUST 13, 2022



LEGEND

---	PARTITION BOUNDARY	< >	DATA OF RECORD
---	NEW PARTITION LINE	[]	CALCULATED DISTANCE
---	SECTIONAL LINE (SEC.)	●	SET 5/8"x30" REBAR WITH RED PLASTIC CAP MARKED PLS 61420
---	RIGHT-OF-WAY (ROW)	○	FND. 5/8" IRON BAR
---	EXISTING EASEMENT	⊕	FND. BRASS MONUMENT
---	JOINT ACCESS & PARKING EASEMENT	△	CALCULATED POINT
---	NEW EASEMENT		

PARTITION PLAT No. _____

CERTIFICATE OF MALHEUR
COUNTY RECORDER
STATE OF OREGON } S.S.
COUNTY OF MALHEUR }

Number of affidavits of vendor, mortgage or trust deed holder attached: _____



**AGENDA REPORT
PUBLIC HEARING
June 15, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ACCEPT RIGHT OF WAY FOR SW 6TH AVENUE AND SW 26TH STREET AS PER
THE APPROVED SUBDIVISION OF WAPATO WEST SUBDIVISION UNDER
PLANNING ACTION 2021-05-19 SUB**

DATE: June 10, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF SW 6TH AVENUE AND A PORTION OF SW 26TH STREET, SAID SUBDIVISION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON JUNE 1, 2021, UNDER PLANNING FILE 2020-05-19SUB AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE THROUGH THE COUNCIL PRESIDENT ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAYS.

SUMMARY:

This action is to have the City Council, who is the governing body for the City of Ontario, accept the right of way of a portion of SW 6th Avenue and SW 26th Street required for the development of the parcels shown on the Subdivision Plat of Wapato West Subdivision. The right of way is shown on the attached Subdivision Plat as Attachment 1 to this report.

BACKGROUND:

The subject property is 9.36 acres and currently has three buildings on it. Two (2) have been used for business offices and one of those recently as a school. The third remaining lot has a non-conforming residential dwelling on it. The fourth lot is undeveloped at this time.

On June 1, 2021, the Community Development Director administratively approved the subdivision of Wapato West Subdivision to create four lots. Parcel 1 is vacant at this time; Lot 2 has a building that is being used as a head start school; Lot 3 has a building being used for general offices; and Lot 4 is the remainder parcel that currently has a non-conforming residential dwelling and shop building. Right of Ways for a portion of SW 6th Avenue and a portion of SW 26th Street are being dedicated on this plat.

CURRENT SITUATION:

The Subdivision Plat is ready to be finalized and the public right of way accepted by the City Council.

ANALYSIS:

- A. **STRATEGIC PLAN** This subdivision leads the way for future development in the area with the dedication of right of way to meet the Growth and Desirability portions of the City Councils Strategic Plan.
- B. **FINANCIAL** There is no cost to the city associated with this action, and no new street construction is required of this plat at this time.
- C. **TIMING** This action needs to be completed and the right of way accepted so that the developer may move forward with the sale of a lot.
- D. **POLICY/LEGAL** The City Council, under 10 B-55-45 for a land division involving the creation of streets, shall by action of the City Council at a public hearing, approve the final plat by motion accepting the public right of way, and the Mayor and Planning Official shall sign the plat.

The acceptance of the Right of Way will be signed by the Council President as the Mayor is the owner of the property and for transparency reasons will abstain from voting on this matter.

ALTERNATIVES:

Not accept the right of way.

The Council could, by motion, not accept the right of way offered for dedication and instruct the applicant to remove the portions of streets offered for dedication from the final plat and resubmit the plat for approval by the Planning Official for recording without the dedication of additional right of way, allowing the developer to develop his parcel with no public right of way.

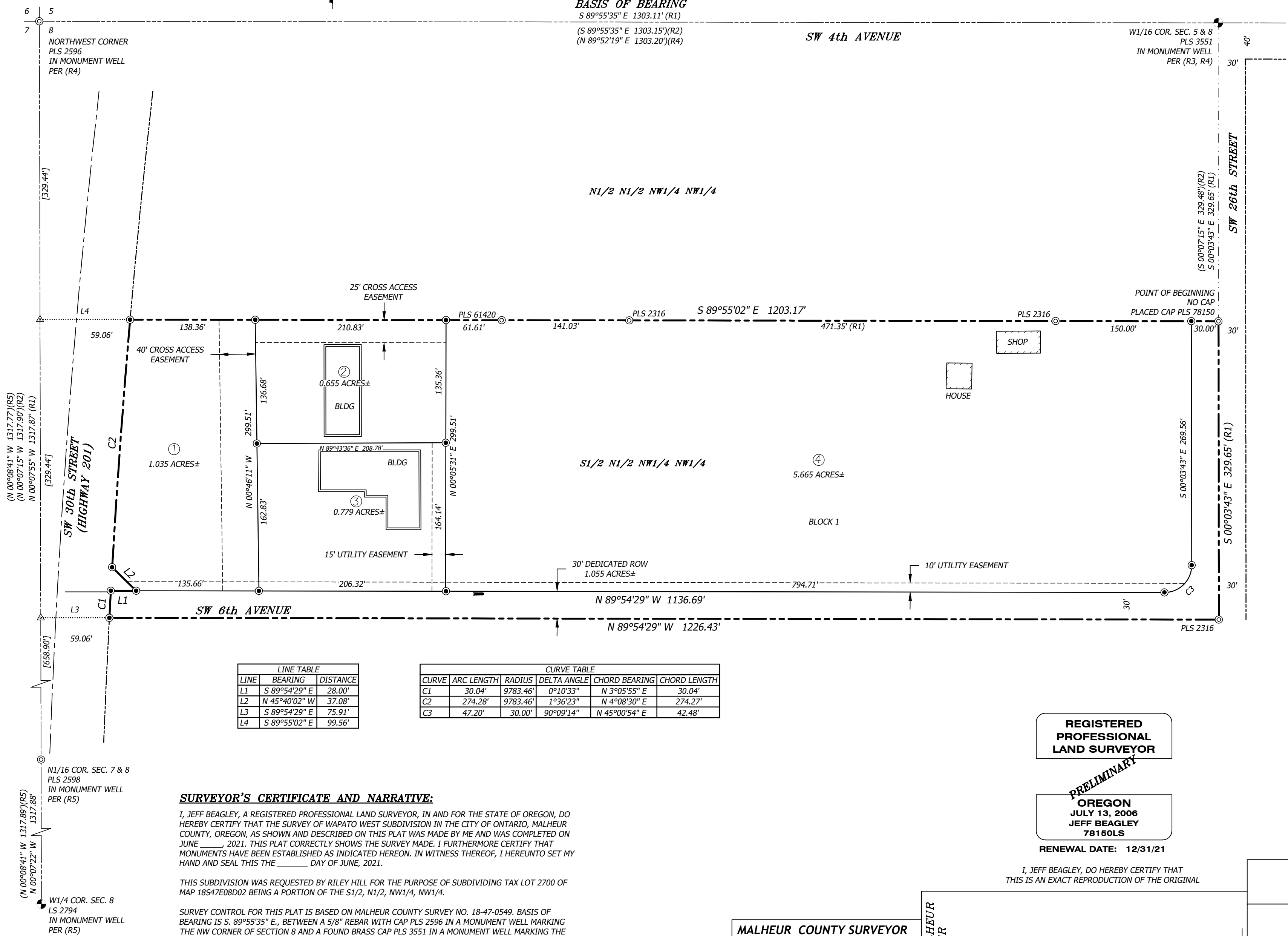
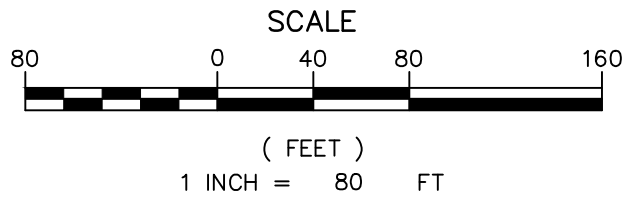
RECOMMENDATION:

Staff recommends that the Council approve the request of dedication of street right of way and authorize the Mayor through the Council President to sign the plat and acceptance of the right of ways as shown on the attached plat of Wapato West Subdivision.

ATTACHMENTS:

1. Wapato West Subdivision

WAPATO WEST SUBDIVISION
LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 8,
T. 18 S., R. 47 E., W.M., CITY OF ONTARIO, MALHEUR COUNTY, OREGON
2021



WAPATO WEST SUBDIVISION
LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 8,
T. 18 S., R. 47 E., W.M., CITY OF ONTARIO, MALHEUR COUNTY, OREGON
2021

DESCRIPTION

A parcel of land, located in the NW1/4 of the NW1/4 of Section 8, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon more particularly described as follows;

COMMENCING at a found brass cap marking the W1/16 corner common to Sections 5 and 8, from which, a found 5/8" rebar with cap PLS 2496 marking the northwest corner of Section 8, bears, N. 89°55'35" W., 1303.11 feet;

Thence S. 00°03'43" E., coincident with the east line of said NW1/4 of the NW1/4 and the westerly right of way of S.W. 26th Street, a distance of 329.65 feet to a 5/8" rebar with no cap and the **POINT OF BEGINNING**;

Thence continuing S. 00°03'43" E., coincident with said east line and westerly right of way, 329.65 feet to a 5/8" rebar with cap PLS 2316;

Thence leaving said east line and westerly right of way, N. 89°54'29" W., 1226.43 feet to a 5/8" rebar with cap PLS 11574 on the easterly right of way line of S.W. 30th Street and the beginning of a non-tangent curve to the right;

Thence coincident with said easterly right of way the following courses and distances:

Thence 30.04 feet along the arc of said curve, having a radius of 9783.46 feet, a central angle of 0°10'33, subtended by a chord bearing N. 03°05'55" E., 30.04 feet to a 5/8" rebar with cap PLS 11574;

Thence S. 89°54'29" E., 28.00 feet to a 5/8" rebar with cap PLS 11574;

Thence N. 45°40'02" W., 37.08 feet to a 5/8" rebar with cap PLS 11574 to the beginning of a non-tangent curve to the right;

Thence 274.28 feet along the arc of said curve, having a radius of 9783.46 feet, a central angle of 1°36'23", subtended by a chord bearing N. 04°08'30" E., 274.27 feet to a 5/8" rebar with cap PLS 11574;

Thence leaving said easterly right of way, S.89°55'02" E., 1203.17 feet to the POINT OF BEGINNING.

WAPATO WEST SUBDIVISION contains 9.189 acres more or less.

DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

That We, the undersigned, do hereby certify that we are the owners of the land as shown and described on this plat and have caused the tract of land as shown to be Surveyed, Subdivided and Platted, in accordance with the provisions of O.R.S. Chapter 92, as **WAPATO WEST SUBDIVISION** in the City of Ontario, Malheur County, Oregon.

WE HEREBY CERTIFY:

That the streets or portions within the limits of the plat, except where previously dedicated are hereby dedicated to the public use forever, the utility easements shown on this plat are not dedicated to the public but the right to use said easements is hereby perpetually reserved for public utilities including but not limited to, Cascade Natural Gas Company, Idaho Power Company, Century Link and Cable One, and no structure other than for utility purposes shall be erected within the limits of said easements . This shall not precluded the construction of hard-surfaced driveways and walkways to each lot.

RILEY J. HILL
DATE

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF MALHEUR } SS

On this _____ day of _____, 2021, before me, the undersigned, a notary public in and for said state, personally appeared RILEY J. HILL, known or identified to me to be the person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

NOTARY PUBLIC FOR
RESIDING AT
COMMISSION EXPIRES

DECLARTION

The right of way within the limits of the plat are hereby dedicated to the City of Ontario for public use and accepted by the Mayor of the City of Ontario.

MAYOR, CITY OF ONTARIO
BY: COUNCIL PRESIDENT, ALFREDO RODRIGUEZ, CITY OF ONTARIO
DATE

APPROVAL OF COUNTY SURVEYOR

APPROVED THIS _____ DAY OF _____, 2021 IN ACCORDANCE WITH O.R.S. 92.070(5).

JAMES EDWARDS, P.E., PL.S.
MALHEUR COUNTY SURVEYOR

APPROVALS

PLANNER, CITY OF ONTARIO
MALHEUR COUNTY, OREGON
DATE

COUNTY ASSESSOR
MALHEUR COUNTY, OREGON
DATE

COUNTY JUDGE
MALHEUR COUNTY, OREGON
DATE

COUNTY COMMISSIONER
MALHEUR COUNTY, OREGON
DATE

COUNTY COMMISSIONER
MALHEUR COUNTY, OREGON
DATE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2006
JEFF BEAGLEY
78150LS
RENEWAL DATE: 12/31/21

I, JEFF BEAGLEY, DO HEREBY CERTIFY THAT
THIS IS AN EXACT REPRODUCTION OF THE ORIGINAL

MALHEUR COUNTY SURVEYOR
(ORS 209.250)

By _____
Received _____
Accepted _____
Survey No. _____
Dwg No. _____

DEVELOPER: RILEY J. HILL
PO BOX 428 ONTARIO, OR 97914



2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105
WWW.SAWTOOTHLS.COM

SHEET: 2 OF 2	DATE: 6/2021	DRAWN BY: AR	CHECKED BY: JB	JOB#: 121022
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DWG#: 121022-FP



ONTARIO
OREGON

Second Quarter Report

March 2021 – May 2021



OHS Boys Varsity Soccer Send Off



Got Pancakes?



Final Sign Off



ONTARIO
OREGON



RIP Retired OPD Officer Hartley



Station Tours





Fire Safety



Work Hard, Train Hard



Work Hard, Train Hard



The Learning Never Stops



ONTARIO
OREGON



Structure Fires



April 7, 2021



April 23, 2021
Mentally Exhausting Day



April 23, 2021

Mentally Exhausting Day



Inspections

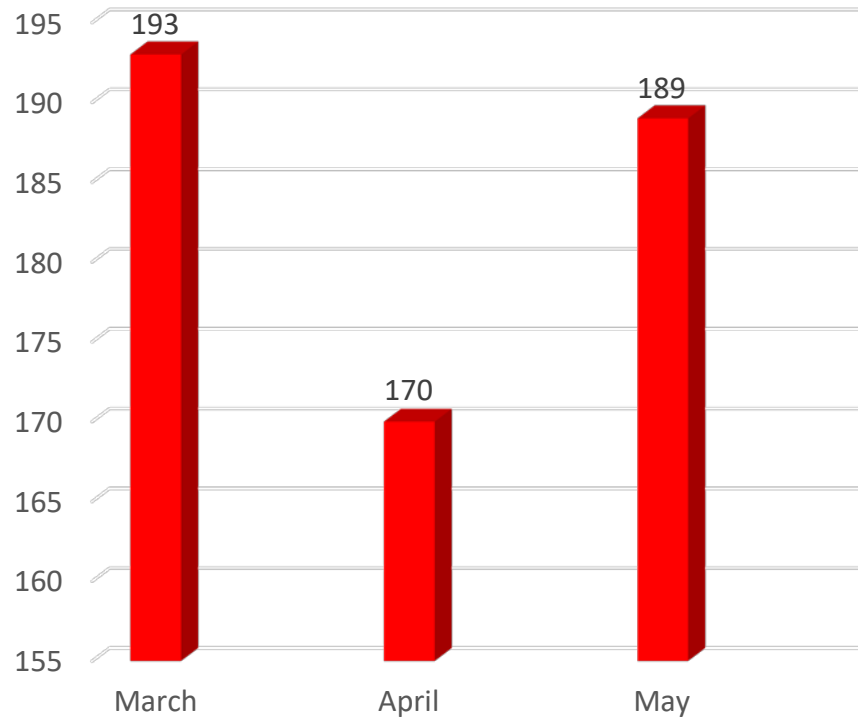
- OHS Vo-Tech Remodel
- West Park Plaza Remodel
- ODOT Offices fire alarm
- 8C Schools bi-annual with OSFM
- Hydrant flows for new Commercial Tire.



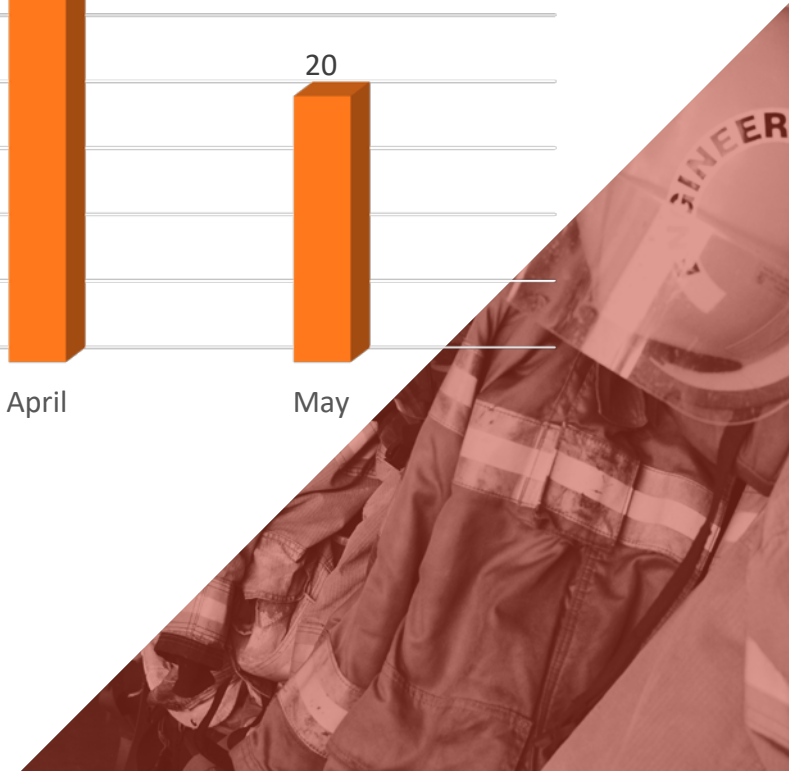
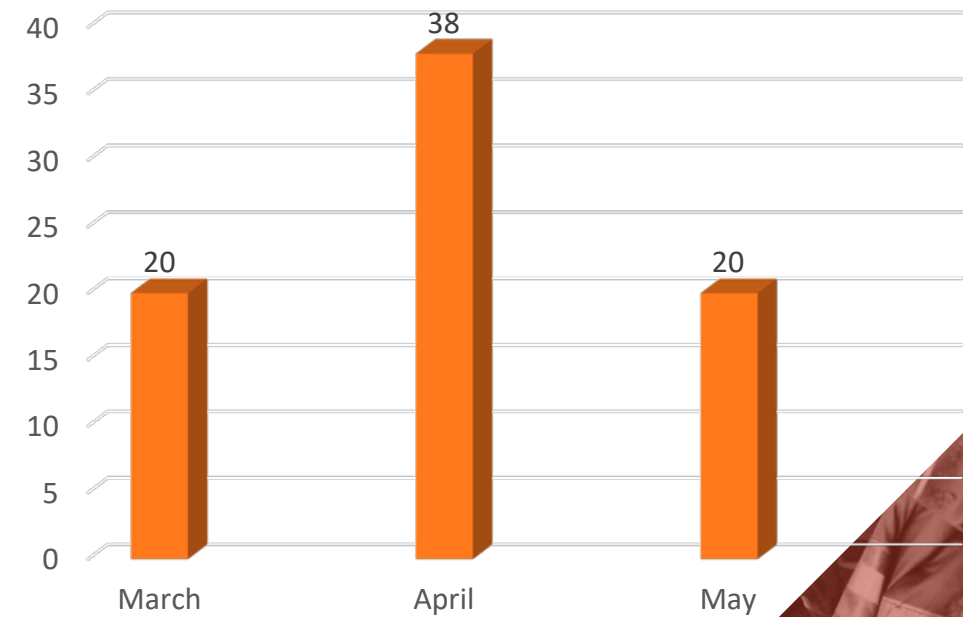
Medical & Fire Calls



MEDICAL



FIRE



109' Ladder Truck







**AGENDA REPORT
DISCUSSION ITEMS
June 15, 2021**

To: Mayor and City Council

FROM: Paul Woods, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: BID AWARD: STREET PAVING - GOODFELLOW STREET

DATE: June 9, 2021

PROPOSED MOTION:

THIS ITEM IS FOR INFORMATION ONLY.

SUMMARY:

The city published a request for bid for street paving of Goodfellow Street, a new street section being completed as part of a new development approved with a development agreement with the city. The development agreement requires the private property developer to construct new curb, gutter, sidewalk and road base for the full street section at their sole expense. The city has agreed to use street System Development Charge revenue to fund the paving of the full street section. Idaho Materials was the low bidder at \$65,748, the next low bid was \$84,900. Since the low bid amount is within the authority of the City Manager to authorize, the City Manager will authorize unless other direction is given by City Council.

BACKGROUND:

The City published a request for bid for street paving of Goodfellow Street, a new street section being completed as part of a new development approved with a development agreement with the city. The development agreement requires the private property developer to construct new curb, gutter, sidewalk, and road base for the full street section at their sole expense. The city has agreed to use street System Development Charge revenue to fund the paving of the full street section.

CURRENT SITUATION:

Idaho Materials was the low bidder at \$65,748, the next low bid was \$84,900.

ANALYSIS:

- A. **STRATEGIC PLAN** The improvement is consistent with the Strategic Plan by advancing the construction of a full street section and avoiding a half street section.
- B. **FINANCIAL** The project is eligible for funding with Street Fund System Development Charge revenue and will be funded in that manner. These funds were budgeted for expenditure in the 2020-2021 budget.
- C. **TIMING** The work will be coordinated with work being done by the private developer so timely approval is needed.
- D. **POLICY/LEGAL** None.

ALTERNATIVES:

Require the contract be brought back as an agenda item at the next City Council meeting.

RECOMMENDATION:

Staff recommends that the City Council allow the City Manager to sign on behalf of the City allowing the work to proceed immediately.

ATTACHMENTS:

None