



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 issues 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.

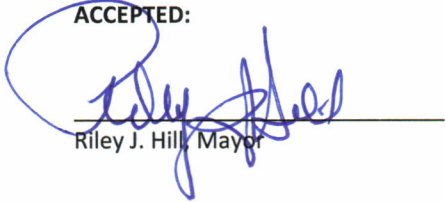
EXECUTIVE SESSION: ORS 192.660(2)(h)

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:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

