



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't 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 judge 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 it's 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 guys 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 BUSINESSCommittee 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 by 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 had 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.

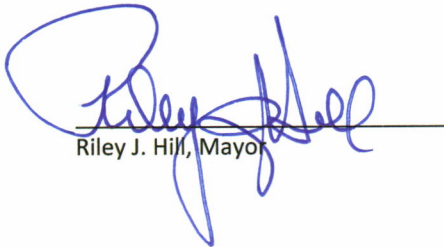
CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORT

- 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:



Riley J. Hill, Mayor

ATTEST



Tori Barnett, MMC, City Recorder