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

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, SEPTEMBER 27, 2022, 6:30 PM, MT
Zoom Link

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Susann Mills _____ Sam Baker _____ John Kirby _____ Ken Hart _____
Michael Braden _____ Eddie Melendrez _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on September 23, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) CONSENT AGENDA

A) Adoption of Minutes: City Council Meeting September 13, 2022

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

6) PRESENTATIONS

A) Ontario Promise/529 Plan: John Valley, Oregon State Treasury Department

7) NEW BUSINESS

A) Letter to the State: Ballot Measure 110
B) Ordinance #2815-2022: Codifying Ontario's Municipal Charter
C) Ordinance #2816-2022: Codifying OMC 3-11 Increase in Transient Lodging Tax to 10%
D) Resolution #2022-139: ATF Equitable Sharing Funds

8) PUBLIC HEARING

A) Accept Right of Way for a Portion of Alameda Drive, per Approved Plat of Mayberry Subdivision, Approved Under Planning Action 2021-03-12 SUB

9) DEPARTMENT HEAD UPDATES

A) Finance: Monthly Update
B) Community Development: Quarterly Report

10) DISCUSSION ITEMS

A) Uber/Lyft Transportation

11) HAND-OUTS

A) Minutes: County Court 09-07-2022; 09-12-2022
B) Check Register: August 2022

12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

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

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13) **EXECUTIVE SESSION**

A) ORS 192.660(2)(a): Consider Employment of an Officer, Employee, Staff Member, or Agent

14) **POSSIBLE ACTION FOLLOWING EXECUTIVE SESSION**

15) **ADJOURN**

CITY COUNCIL MEETING MINUTES
September 13, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, September 13, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Ken Hart, Susann Mills, Sam Baker, and Eddie Melendrez.

Members of staff present were Dan Cummings, Terry Leighton, Justin Zysk, Kari Ott, Mike Iwai, Casey Mordhorst, Paul Woods, James Swank, and Laura Reyes.

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 September 9, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENT

Sharon Ulman, Unincorporated Ada County: *I've been getting to know Ontario for the last couple of months, even though I moved to the Boise area in 1990, but I had a few thoughts I wanted to share with the Council just in case they might be helpful. Kudos to all of you for stepping up and serving this community. I recognize, or realized, it's quite a challenge, depending on which source you use with the poverty rate of anywhere from 23 to 35 percent, you have your work cut out for you, and state laws, with the drug laws and homeless, and even this week a fire that has displaced a number of people, tough job and thank you all for serving. The Four Rivers Cultural Center, even though I have lived down the highway, I had not discovered it until recently and it's a wonderful asset. I have now volunteered to help them with grant writing or other aspects to make it a bigger draw, hopefully for not just the immediate community, but the greater area. The flower baskets, the hanging baskets downtown are wonderful. I wonder if the community has thought about bringing in maybe bands on Friday nights, shutting the streets down. I've seen that in other places in the United States where they'll shut a couple of city blocks down downtown and have kind of a festive outdoor, you know, restaurants on the patio, some of the other shops can put their wares out on the street, and maybe draw some people from outside the immediate community, and their dollars into Ontario, maybe stay for the weekend. I think it might, might, help in terms of economic development. I have several little thoughts. I know that some of the bottling companies – Coca Cola or Pepsi – have been known to give money for signs and if you could divert traffic off of Interstate 84 when people are on their way somewhere else, if you can bring those people into town for events, as I say, a Friday night, some kind of a closed street or a fair or a band. I know there is some of that going on here now. I know the Cultural Center does that sort of thing, but I would love to see this community kind of blossom and expand those type of draws to outside of this area and bring some dollars in and enrich the community, both culturally and financially. Happy to talk to any of you at any time. I can give you my contact information, but it's been a pleasure observing the Council and learning more about your city. Thank you.*

Christine Hood: *Good evening, Council, Mr. Mayor, distinguished leaders of our city. I am a merchant of downtown Ontario. I come to you tonight with a plea, a plea shared by so many across the city, not just downtown. We beg of you to reevaluate the reality of what Ontario now is. Beyond the word safety, put your actions behind it. I beg of you, we beg of you, please grant Chief Iwai's request for more officers. Change starts right here in this room. It either starts with your actions or it's going to start with the next election with your guys' replacements. People are losing hope in their city, they're losing hope in their police, and they're losing their hope in you. As a merchant, I see every week the items left behind, people bathing in our faucets, had a lady naked in the front alleyway having a bath last Saturday, human fecal matter left behind, peeing in my flowerpots, had a kid using drugs in my bathroom last week, and his paraphilia left for me to find, and his Fentanyl to clean up, my neighbors door, bashed in and robbed, people living under our businesses and in the basements, owners are threatened and physically assaulted. I implore you, quit looking for pretty archways and a trail that's going to turn into a drug-dealing, gangbanger, superhighway faster than an addict can blow out. Address the real problem of Ontario. Address it with the police, head on, and clean up our streets. Return the level of safety that's been lost in the last few years. I grew up in this town, and this is not my town. I beg of you to add more police officers. I beg of you to add more patrol, and I beg of you to support the law-abiding, productive members of this society more than criminals seem to be supported, who seem to be running this city. Thank you.*

Mayor Hill stated he believed every member of the Council shared her frustration, but a lot of this had been put on them by Salem through Measure 110, about what the cities had to do. Later in the meeting, the Police Chief would be giving a presentation; he had been talked to about what could or could not be done. There were a lot of constraints on the city, but they shared the frustration, and they wanted to do something.

Councilor Kirby stated there were videos showing towns in Colorado that reflected a true premonition of what was happening in our community. The Council was doing all they could to combat this situation. The citizens of Ontario, who voted to bring this into the community, were responsible for bringing Ontario to this point.

CONSENT AGENDA

MILLS moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF AUGUST 9, 2022 AND AUGUST 23, 2022; AND A LIQUOR LICENSE APPLICATION: CHANGE OF OWNERSHIP – MALLARDS GROCERY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

Update: Homelessness and Ballot Measure 110 *(Also a PowerPoint presentation, attached)*

Mike Iwai, Police Chief, stated: *Before I get into my presentation, I want to give a couple of comments. The public comment that you heard was in direct response to a business watch meeting that I attended recently. The downtown businesses are extremely frustrated, not just with the homeless issue, but also the crime. We're hoping that we can get a business watch formed there soon, at least being able to, if you see something, you say something, and report back to the police department. The second thing is, I know the Council always wants to be aware, with respect to FTEs in the police department, who's on leave. I sent an email and provided you that update. On September 9th, however, David Worth resigned as the Evidence Technician. He was cleared of any criminal wrongdoing, but he resigned, so the police department is now looking for a new Evidence Technician. That position will post shortly.*

In moving on to my presentation and the reason I am here. It's really talking about people that are unhoused. And I will tell you that there is a lot of resources that are within the community and the resource organizations are really not doing a good job in connecting the dots, meaning the police department, right, wrong, or indifferent, has not really been involved with the issues or services, if you will, that are provided to those that are in transition housing, emergency shelters, or their just transient. I did my best working with a couple of the non-profits in obtaining some data. I will tell you the majority of the data came from the public domain. I did have a response from Community in Action, and that's part of my slide presentation.

So when you look at the public information you can find online, (slide 2) statistics for emergency shelters, those in Oregon that are in emergency shelters, it's roughly about 3,600 people, and approximately 1,500 of them are in transitional housing. Oregon does a really good job of keeping track of who is in emergency shelter and who is in transitional housing. I would argue that the reason why is that's the simple part. A lot of that is going to be based on output. I'm not looking for output. I'm not looking for the number of showers that we provide, the number of meals that we're providing, I'm looking for the outcomes. So those that are transient, that are unhoused, and they come into Oregon, particularly Ontario, whose resources is the City of Ontario providing and how are we putting them back into the community as an individual or a family that's productive. That data is unavailable. I do not have that data. I will tell you, anecdotally, in talking to some of the non-profits, I am told that they have a pretty good success rate, somewhere in the neighborhood of 40%, but when I asked specifically for data to justify that, to make it part of my slide deck, that is not here because I do not have it.

At any given time, really, we can have 4,349 people that are chronically transient. These are the folks, primarily, that the Ontario Police Department are dealing with. Those are the folks around our local businesses. A high volume of our calls surround folks that are chronically homeless, and that's what the city needs to address. As I said before, this is not a police department issue; this is a community issue.

So how do we compare with the other states in the West? (slide 3) As you can see, California is basically another state with this problem, and you'll see I have some asterisks. These asterisks, if there are two asterisks, that means not only do they have a medical marijuana problem, but they also have recreational marijuana. Utah is the only state there that is medical marijuana. You can talk about politics, you can talk about socioeconomic class, you can talk about some of the tourism or what funds that state, but you can see there is a huge difference in the amount of unhoused in these particular states. I say unhoused, I'm using that globally, emergency shelters, also transitional housing. You can see the number that Oregon has. Between Oregon, Washington, and California, we have a plethora of unhoused individuals.

When I was looking at the data, trying to see how Oregon is different and really how we led the way in many instances, we were basically the third state that had medical marijuana, and roughly the first state that had legal marijuana, so we are always at the cutting edge when it comes to drugs and how we are approving such measures. We got a lot of data on this, so I went back and looked at the police data to mirror up around when we had recreational marijuana and what impact that had on the police departments. What did our numbers look like as a result of this? So I did a two-year look back between July, 2013, basically, through June, 2015, so two full years of data, and I broke these down by year to kind of show you an illustration on how it's affecting our code enforcement and also our patrol efforts.

Also, before I get into the numbers, I sent you a handout, and on that handout, it's going to show you the total number of calls. There were some calls in each of the years that I used that were not specific to a quadrant in Ontario so it could have been an assist with OSP outside the area, or an assist with County, so even though these numbers are accurate with respect to the City of Ontario, it does not show, this slide deck, does not show all of the calls that we responded to. That's going to be on the handout that I gave you, and it has the four years that I am going to talk about here in a minute, with the total number of calls. Alright, here we go.

So looking at our ordinance calls, (slide 4) and there's been a lot of change, as well, looking back at ordinance back in 2013, at one point we had two ordinance officers, if they City Council will recall, so it's different, not to mention back then we didn't have specific categories that I'm going to get into here in a minute, so code enforcement around the 2013 timeframe, looked like code enforcement. Basically, nuisance calls. And you can tell by looking at it, the Northwest area for code enforcement had the most calls and the second, obviously, was the Southwest. I'm not going to read each of these. You can see them for yourselves.

Now I compared code enforcement and patrol (slide 5). Patrol was basically community policing through criminal calls. What I found very interesting while diving into the data, that if you pulled code enforcement officer statistics and then the same calls having to do with patrol, we have a significantly high number. The only way for us to verify *and confirm that is to pull each of the officers for that particular year and pull their individual stats. We're limited by Justice Connect. That's our report management system. So I did not do that because it would have been extremely labor intensive for Liz and for other staff to do this when we have other priorities that we're trying to manage on a day-to-day basis. What I will tell you is that about 1/5 of the calls were actually handled by code enforcement. So if we're talking about a thousand numbers, we'll just round it up, a thousand cases a year for code enforcement, the police department investigated 5,000 of those calls. So I found that to be very interesting that it's not just code enforcement responding to code enforcement calls, it's the police department in general.*

This is just another graph (slide 6) to show you kind of the true numbers for patrol and code enforcement and then our total numbers for that particular year, just another way to look at it.

Case types for 2013-2014 (slide 7); animal complaints, code enforcement; public nuisance, code enforcement; abandoned vehicles/parking, again, code enforcement.

Next year, July, 2014 to June, 2015, (slide 8) you can see that Northwest area is at #1, the Southwest area was at #2. You can definitely see between Southwest and Northwest; we have a lot of our code enforcement calls. Looking at the two years head-to-head.

When I talk about the police department as a whole, (slide 9) you can see that #1 is again Southwest, #2 is Southeast. When we start taking these calls. Pretty much, unless you're in the Northeast area, when you look at the stats, it's pretty universal, meaning it's pretty close on the number of total calls that our officers are responding to.

Again, another way of looking at the stats (slide 10).

And then the case type (slide 11), again, this is marijuana now. This is when we legalized marijuana. Animal complaints, 225, public nuisance complaints, 122, and you can see a different category that popped up now. Now we have abandoned vehicles, junk, and used vehicle accumulation, 69. So it's the first year that we started having this data, specific to this. I'm not going to draw any inferences to that because I just can't if I'm going to do it correct.

Combined cases (slide 12) for the two years, basically around marijuana, remember when marijuana was legalized in Oregon, it was phased in. There were five phases that followed us actually having recreational marijuana.

So around that same time, (slide 13) some data from Community in Action, and this is the 2015 unsheltered data. We had 37 households, total number of people, 120, and then with children, total number of people 155. If you're adding those two up, we had a little less than 300 people, back in 2015.

Alright, now I've moved to July, 2020 (slide 14) to June 30, 2021. This is Ballot Measure 110. This is following Ballot Measure 110. You look at the calls again, pretty consistent. Northeast became #1, and Northwest became #2, with respect to statistics involving code enforcement.

When you combine code enforcement and patrol, (slide 15) then you see that #1 was Northeast, and #2 was Southwest. Again, pretty consistent. Patrol is also handling code enforcement calls. Rick Reyna is not on every day of the week, and he's not on 24/7 when he does work, so who handles those calls? If it's something that can wait, it's queued for him when he comes in, whether an email or a voicemail. If it's something that has to be addressed, for instance a dog at large, a dog just bit somebody, that requires immediate law enforcement response. So patrol guys are doing a lot of the code enforcement calls, and that's really what I wanted to illustrate. That's what the data was able to give me, clearly.

Again (slide 16) this is another way of looking at the total number of calls the police department is responding to, and this is right after Ballot Measure 110.

Community in Action (slide 17), the 2020 unsheltered data, it was really incomplete information that was sent to me, so I just tallied it up and at the end of the day we have approximately 377 unsheltered persons from 2020 in the City of Ontario; correction, in the Malheur County area, not just Ontario. I found out, through talking to the nonprofits, when they do their point of time contacts, they often use the Sheriff's Department to assist with this, and it's a county number. It's not specific to the City of Ontario, even though we know the resources are here in Ontario.

Moving on to the next year, 2021-2022 (slide 18), Northwest is #1, Southeast is #2. Again, this is specifically code enforcement response. How we were able to get code enforcement, I should tell you, is we had to pull the individual numbers for that particular officer. That was the only way we could confirm it.

The community policing through criminal calls (slide 19) again, Southeast was #1, and Southwest was #2.

Then here's just another (slide 20) bar to illustrate the same information I just showed you.

Case types (slide 21), so now with Ballot Measure 110, with recreational marijuana, animal complaints still #1, prohibited extended parking/abandoned vehicles, 263, at #2, and then trailer/tent located outside of camp, 159. I would have put other calls on there, but obviously we had a list and I just put some of the notables that are definitely going to be code enforcement related, with the exception of maybe trespass. I will tell you, that in looking at the data, there is some calls, and maybe some of you know this, Rick Reyna should probably have not been responding to, it should have been a police officer to begin with, which spoke to me when I was looking at the data.

Again, combined cases (slide 22), looking at where it's affecting pockets of the city, and what's at number one.

In the end, (slide 23), case relationship, OPD does not have reliable data from 2013-2015 regarding unhoused involved in code or criminal complaints; related to the unhoused, OPD has seen a significant increase of prohibited extended parking/abandoned vehicles and trailer/tent located outside of camp from 2020-2022; The majority of unhoused/unsheltered suffer from substance abuse and/or mental illness; and I just pulled a recent study from California Policy Lab out of UCLA, that basically said that these concerns are affected to the unhoused sheltered population, 78% mental health concerns, 75% substance abuse concerns.

So what does this mean for us? (slide 24) Our calls for service are increasing, involving unsheltered individuals; substance abuse and mental health illness pose officer safety concerns and more involved investigations, partnering with Lifeways and Community in Action, Origins, DHS, for instance. Ballot Measure 110, unequivocally, has not helped the situation; it's just made it worse. OPD police and code enforcement offices have been sharing the work when it comes to unsheltered contacts, and as I previously mentioned, some of this work should not have been handled by our code enforcement officer; and, in the past, I'm hoping that changes, unsheltered data has not been shared with OPD.

Recommendations moving forward (slide 25), I would ask, respectfully, that the City Council approve an additional police officer during this budget cycle to address the issues of the homeless and its associated crime; OPD initiates stakeholder engagement and work with organizations providing unhoused and unsheltered resources. There's been a disconnect in the past, and I hope that in moving forward we can work with some of the entities that have recently received Ballot Measure 110 money. As you all know, they received $1.8M, and that yields seven beds for the City of Ontario. I say again - $1.8M is going to get us seven beds. A lot of output that I really want to seek and get, what the outcomes are. Because I can tell you on the other side of the outcomes has been, and I think you heard from one citizen of Ontario and the area, and I will tell you, every day we are dealing with this issue. I would like the City Council to approve a transportation budget to assist with some of the unhoused. Many of them are traveling through. If we can help them get somewhere, I would like to help them get somewhere. Expedite municipal code best practices draft language surrounding the unsheltered, and request the legislature, which I've done publicly, and Council President Hart is aware of it, I would like to have some of that Ballot Measure 110 money returned back to local governments so that you all can decide what to do with it. That's all I have and I'm willing to stand for any questions.

Councilor Kirby stated there were three organizations that received the money, but in his mind, it appeared they all put it into their own systems to develop something in their own house. He felt they should be collaborating to do one project that was more effective instead of padding their own budgets. They were all good organizations, but as a rural community, there would be three organizations going in their own direction with no common goal. Secondly, there was a public statement that over $300M was sitting there, but there was no mental health facility in Eastern Oregon. He was aware that Senator Findley knew of that, but when the state was so liberal and crying about finding a solution but doesn't give a place to house people who were mentally ill, or ill because of substance abuse, there was no place locally to take them. He was calling out to the organizations – Community in Action, EOCIL, and Origins – to come together with one plan, not three. He hoped the Chief would back that thought.

Chief Iwai stated he was, absolutely. He hoped that meeting with a few of those organizations, also including Lifeways and DHS, who used to meet on a regular basis, but those meeting had not been occurring, and now was a good time to not just determine the outputs or the outcomes. Councilor Kirby had mentioned a facility, and Lifeways and Valley Medical had put in for a behavioral sector to be constructed. If that was granted, he anticipated it would be in Ontario. When he was formerly involved in the state group, they had been told they'd receive an answer in October, and that was for around $2M. He did not know how it would be staffed long term, but to find a facility and initially staff it, and it was unknown if it would be 24/7, but the goal was to have it that way. He also knew that Lifeways was increasing their capacity to more. He met with Origins, who was one of the few groups that gave him a lot of information, anecdotally, and he believed they all wanted to do the same thing. But Councilor Kirby was correct – the right hand was unaware of what the left hand was doing, and they were too focused on outputs.

Councilor Hart stated they'd had several meetings with legal counsel, as to what they could or could not do as a city, there were different ordinances at the state and federal levels, but he wanted to talk about Chris. He was on the sidewalk next to the old Wendy's property. He laid on the streets and was there for weeks and weeks and weeks. He had a lot of community people contact him asking what was going on, and why wasn't something being done about Chris. That was not the fault of the police department. Chief Iwai made that point that it was not a police issue, but a community issue, but people looked to the Council, who looked to the police. Please explain to people from a law standpoint why the police couldn't arrest Chris or do something about him. People needed to know.

Chief Iwai stated that went back to code enforcement regulations at this point. When enforcing codes, they had to refer to the applicable statutory language on what the transient was violating. Obviously, he couldn't camp, and the only arm the police had currently was to move them from Point A to Point B, after a specific timeframe. Rick and the officers were constantly telling Chris he could not be in one place for more than three hours, couldn't camp there, and he needed to move. So, he moved. There was also a pending House Bill that was going to be in effect next June, and that Bill would require cities to have a public place identified on where the homeless population could be moved. Arresting someone and taking them to jail because they were homeless was not the way to handle this. However, he was not concerned because that would work out with being able to move people. He didn't think it was going to be worked out by the people that had clear minds that were not mentally ill or on substances, case law would dictate that and drive that bus. It was very loose right now on the interpretation on what they could do with regard to the homeless, but there was bad case law that came from Boise, that strapped the hands of law enforcement and how they could handle and move, and continue to move, the homeless population. It would be litigated, it would go through the court process, and it would be changed again. If Ontario did not determine a public place to move them, the District Attorney has already stated he would not prosecute trespass complaints. That was a moving target. In the interim, he needed another police officer.

Mayor Hill stated the Council had not ignored this issue. That's why Chief Iwai was making his presentation. Personally, he had been broken into and had $10K stolen from a job site; another time, a construction trailer parked in front of the Catholic Church was broken into and lost about $3K worth of items. Two weeks ago, a new home begin constructed had the door kicked in and damage done to the home. The Council wanted to do things, but had their hands tied. The city was working on a place for the people to be moved to. He'd received calls from two other downtown businesses who wanted him to come down there to see what was going on. Council was aware of what was occurring.

Councilor Melendrez asked what the site would be called?

Chief Iwai stated per the HB, the city just had to have public lands. There were rules on the books that addressed standing, sitting, or laying down in a public place, but where do you move them? That was the conundrum. This was code enforcement, not an Oregon Revised Statute. He wouldn't call it a campsite, because it would be a public area they could be in, which allowed the police to keep them, for instance, Moore Park. Signage was important. It became a hazard, or dangerous, if someone had to be stepped over. That helped law enforcement. Each situation had to be looked at differently. There was no cookie-cutter rule across the board. The HB required the city to have a public place that they could be directed to go to. He had been speaking with a contact with Origins, and they had some ideas on what could be done moving forward, but those conversations needed to be further developed.

Councilor Melendrez asked if the Council, during the last budget meeting, had given funds that were saved for a public land lot to the fire training center? Were there any funds that had been set aside for a place, and then used for something else?

Kari Ott, Finance Director, stated originally in the budget there was $200K in the COVID fund, and because there had not been an actual plan to move that amount, other than $10K, the rest went to the public training facility and the senior center flooring.

Councilor Melendrez asked if anyone reached out? The Council didn't have a plan, or the organizations. Did anyone reach out to Community in Action or Origins to see if they had a plan, or was it assumed they didn't?

Mayor Hill stated the Chief explained that there were too many things in flux, too many bouncing balls, to make a plan to know exactly was to do.

Councilor Melendrez stated so the city went from having enough to buy land to just using it for something else. The training facility was great, but they ignored one issue to help out a different cause.

Mayor Hill stated he didn't view it that way. There were too many things moving around, legally, case law, and other things. They were hesitant to move until something was established that would be an effective answer to the situation.

Councilor Melendrez stated now that the Council had the problem in their faces again, were there any funds to purchase that land, or did they have to wait to save that?

Mayor Hill stated they were working on land that might be received for little or nothing because it was state-owned land currently. It was unclear if the city would receive that. He believed it likely the city would receive it.

Councilor Melendrez asked when the Mayor referenced "we" are working on it, was that the Council, or the Mayor and Dan Cummings, or who was that?

Mayor Hill stated it was the city as a whole and Mr. Cummings, along with his predecessor, and also the State of Oregon.

Councilor Melendrez stated maybe COVID had interfered with organizations working together. He'd like to hear from them why they were not working together. If they did have answers, maybe they could help the city in finding a solution.

Councilor Hart stated to the Chief that he assumed he'd agree that BM110, which had been voted on by the citizens of Oregon, but had failed in Ontario and Malheur County, had a negative impact on this community.

Chief Iwai stated yes.

Councilor Hart asked that the Council consider an open letter….there were three people running for Oregon Governor for Oregon, and two had stated they'd do all they could to repeal BM110, and one said she didn't see an issue with it and wanted to keep BM110 in place. He asked that the Council consider doing a letter to the candidates asking them to allow the city, at a minimum, to carve out and not have BM110 apply to Ontario, which would help immensely because Ontario was a border town. If someone wanted to do drugs, this was the place to come to. These were the people probably using the restrooms and standing in front of the buildings. He asked the Council to pledge to do all they could to get the state leaders to see what they'd done. He'd also like to ask if Chief Iwai believed the marijuana dispensaries in the community had negatively impacted the Ontario area. The Council wanted to support the Chief, who had asked for more police. He also wanted the Council to consider going back before the voters to appeal the passage of allowing marijuana in this community. Currently, he believed, they could not issue any more licenses. At a minimum, if they did go back before the voters to ask for consideration again, they might be able to stop any future dispensaries from being built in Ontario. He'd like to know if the voters were happy with how Ontario currently was. He was not happy at all about the community he loved and lived in.

Councilor Kirby stated they kept talking about Measure 110, which was a get out of jail free card, correct?

Chief Iwai stated it legalized possession of hard-core drugs.

Councilor Kirby stated if someone was arrested for possession of hard-core drugs, nothing would happen.

Chief Iwai stated that was correct. They would receive a citation for $100, and if it was an indigent person, a majority of that fine would be waived if they went through treatment.

Councilor Kirby asked how many had agreed to go into treatment?

Chief Iwai stated back in May, it was 91 people called. When the legislators were in town recently, that number was more like 20, if he recalled correctly.

Councilor Kirby stated in Idaho last summer, they evicted people off public lands in front of the state house, so the State of Idaho didn't want them there, and were sending them to Oregon, who didn't have the ability to stop that from happening.

Chief Iwai stated that was correct, and when the Council spoke to reason as to why they were coming here, it was because of the access to drugs and the services.

Councilor Kirby stated when most people voted, they didn't understand what they were voting on. That's what got them into this mess.

Mayor Hill stated there were two things not addressed. First, Measure 110, the city had $1.84M coming into the community, but were sending out five or ten times that amount from sales. The City of Ontario was not getting their fair share back into the community because it was mandated at the state level that it be disbursed based on population. The city did not get credit for the population from the Boise valley where they came over and made those purchase. Second, the State of Oregon had a much more lucrative welfare system. There was a migration to come into Oregon to get those services.

Chief Iwai stated for clarification, when he stated it legalized drugs, it took what was previously a crime and made it a violation. A citation was like a failure to wear a safety belt. For the Council, he still had two unanswered questions with respect to his recommendations.

Councilor Hart suggested the Council ask staff to run the numbers and submit a proposal to Council to see what they could do with this years' budget. Kari would need to work her magic to maybe find some funds. Chief Iwai also spoke of a reporting system the department had, how antiquated it was, and it took officers off the street and behind a desk just to submit reports. Was that part of his request? The Council wanted to make sure the officers were doing what they were sworn in to do, which was be on the street and keep the community safe, not doing reports. He'd like to see a comprehensive request.

Councilor Melendrez said he'd like the Council to pledge they figure out how to get Chief Iwai the funds he needed for at least the one officer. During his first budget meeting as a Councilor, the $5 public safety fee was eliminated. Could that have been used for hiring officers? Could Councilor Hart explain the reason for that?

Councilor Hart stated this was not the place to run a campaign. It was not common practice to ask questions back and forth amongst themselves.

Councilor Melendrez confirmed that Councilor Hart wouldn't be answering the question.

Councilor Hart stated two years ago, it came before the Council. As they looked at the additional marijuana money that was coming into the city through the program, the majority of the Budget Committee, without the vote in front of him, believed that with that much money coming in, they needed to do what they could to reduce taxes on the citizens. Previous Council had added two different taxes – an $8 street fee, and the $5 public safety fee – per month, for every person in Ontario. There was a healthy debate, and the decision was that the City of Ontario needed to acknowledge there was additional money coming in, and they needed to return taxpayer money back to them when possible. $60 a year was not a great deal for many, but for a lot in the community, that helped a lot. That was his idea behind reducing taxes on the taxpayers. At the time, the Police Chief then asked to move an ordinance officer into a police spot, and that was done. He didn't believe they rejected any requests from the police at that time to add an officer. They reduced taxes for the taxpayer, and he stood by the decision. The Chief was now asking to add an officer, and he wanted to see what that would look like, so staff had been asked to bring that back. They needed to think through the requests. That was the reason, at the time, that a majority of the Budget Committee voted to reduce taxes for the folks of Ontario.

Mayor Hill stated he liked the idea of a fund, but didn't know how big that fund should be or what it needed to be, to help people who broke down here, stayed, and got caught in the homeless deal. A fund would help get them to their families or to where they were from. He wanted staff, along with the police department, to review that idea. See how much they should have in there. That might help move things along if the city could offer help.

NEW BUSINESS

Request for Appointment: Diversity Advisory Committee

Mayor Hill asked what the Council would like to do. There was an application for appointment to the Diversity Committee; the same applicant was also interested in serving on the Tater Tot Committee.

Justin Zysk, HR Manager, stated it was his understanding that the Council was going to hold off on appointing anyone to the Tater Tot Committee until there were enough applications received to fill the committee.

Councilor Hart stated there were two vacancies on the Diversity Committee, and there was a willing person to serve.

HART moved, KIRBY seconded, **TO APPOINT ANTONIO SUNSERI TO THE DIVERSITY ADVISORY COMMITTEE.** No roll call; Mayor appointed by consensus.

Councilor Appointment to Tater Tots Ad Hoc Committee

No action taken.

Acceptance of Public Utility Easements for a Fireline
Dan Cummings, City Manager Pro Tem, presented.

Councilor Hart stated he was the Chief Financial Officer of one of the companies. They were building a clinic on the corner of Fortner and 8th, for Valley Family Health Care. He had asked if he should recuse himself and was told that since it was not a direct personal financial benefit, he did not need to recuse himself.

BAKER moved, MILLS seconded, **THE CITY COUNCIL TO ACCEPT THE THREE PUBLIC UTILITY EASEMENTS AS ATTACHED AND AUTHORIZE THE MAYOR TO SIGN THE PUBLIC UTILITY EASEMENTS AND FURTHER INSTRUCT THE CITY RECORDER TO RECORD SAID EASEMENTS WITHIN THE MALHEUR COUNTY CLERK'S LAND RECORDS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Emergency Authorization Request: Recycled Water Line Repair
Paul Woods, City Engineer, presented. He was not sure if it required a motion.

Ms. Ott stated at this point there was no monetary amount attached, and most likely it would be something the City Manager could authorize, assuming it was below $70K. This was more an informational item for the Council. The Council could give consensus, but a formal motion was not necessary.

Councilor Hart asked where the funding would come from.

Ms. Ott stated funds would come from the Utility Capitalization Fee. There was plenty of money in that line. Staff would bring back a resolution at a later date for this action.

Councilor consensus to move forward.

DEPARTMENT HEAD UPDATE

Fire Department: Quarterly Report *(Attached)*
Terry Leighton, Fire Chief, presented. Before beginning, Chief Leighton informed the Council that he had submitted his letter of resignation, as he wanted to retire. He wanted it known that it had nothing to do with politics or hard feelings. The Council had treated him well. He just figured that after doing this for 40+ years, it was time to go do some things he hadn't been able to. He loved working here. It had been a great experience, and they were all great people. As far as administration, his staff, he had no complaints. He had told the City Manager a date of October 18th, because that was his wife's birthday, but he wanted this to be a smooth transition so that date was not set in stone. He'd be willing to work with the new Chief for a week or two, if needed. He wanted to get the best one for the job. It had been a great pleasure to be a part of this organization.

Councilor Mills stated while she had only known Chief Leighton since last September, it had been a pleasure, and she appreciated the work he'd done for not only the fire crew, but the City of Ontario. Thank you!

Mr. Cummings stated while Chief said graciously, and literally, that he'd stay after that October deadline, staff had also made a prolmise….to his wife, as a birthday gift, that staff would find a replacement for Chief Leighton, so he was able to retire on her birthday. That was a commitment from staff.

DISCUSSION ITEMS

Update: PERS

Kari Ott, Finance Director, stated she had no update. There were no rates out for PERS yet, so the unfunded actuarial liability and the rates had not been released. She anticipated seeing them in October.

Mayor Hill asked how it looked budgetarily on the $2M pay down towards the unfunded liability.

Ms. Ott stated the city had paid over $1M of that already. Depending on what the quarter marijuana tax came in at, which was coming up as the next item that she also didn't have an update for, because the city had not received the fourth quarter yet. She emailed her contact at the Oregon Department of Revenue to ask about it. She anticipated having those numbers for her next financial report.

Update: Marijuana

See above statement.

Update: Shadow Butte Lease

Dan Cummings, City Manager Pro Tem, stated as most were aware, the hemp business that had been leasing the old golf course had been struggling because the market fell. They got behind on their lease payments, so he negotiated and received a signed Promissory Note from them for the $17,317.29 owed to the city. Part of that was past rent; the other was when they leased the property, the city agreed to pay for half of the upgrade to bring power to the building. They paid for all the power into the basement area. Half of that cost was $6,887. They agreed to fulfill that portion of the agreement, and it had been included on the Promissory Note. The city put approximately $63K into improving the ADA bathrooms, the city's half of the power, upgrading the fire sprinkler system, and the required OSHA inspection. The renter had paid, through the lease, a total of $85,371. Regarding their Promissory Note, which he believed they would pay, they just needed to sell some product, so he allowed them to get out of their lease. He and Jay Hysell had inspected the facility and it had been cleaned up and there had not been any damage. They had done nearly $100K worth of improvements. The entire west side of the building, which was originally all glass, all the glass had been removed and they had framed in the wall, including insulation, windows, and big security doors, along with an upgraded security system, which would remain in place. Staff believed it was best to have them vacate the premises and enter into a Promissory Note. They were released effective the first of this month.

Mayor Hill asked about insurance or property taxes.

Mr. Cummings stated it would come back under the city's insurance umbrella, and the property would be removed from the tax rolls. The Promissory Note also included that they would pay all taxes owed against the property.

Update: Ontario Promise/529 Plan

Ken Hart, Council President, stated the committee was making great progress. Tuesday, September 27th would be their public launch event to highlight the Ontario Promise, which was providing, because of a match from the Oregon Treasury Department, every student in the 97914 zip code $100 into an Oregon Savings College Plan for two years. They had set aside funds to do promotional work, and Kathie Collins was heading up that effort. On the 27th at 5:00ish, they would be hosting a tailgate event during the boys' soccer game at Ontario High School. They played at Alameda School, so between the JV and Varsity boys' game, the committee would have an event promoting the program. The Oregon Treasurer, Tobias Read, was flying out to attend the event. It was unique in Oregon, and possibly nationwide. Mr. Read's staff would be in the area doing training at the different schools, and there was an application that people would need to complete. Please add that event to your calendars to attend the launch.

Mr. Cummings reminded the Council that the Council meeting on the 27th would begin at 6:30 because of the event stated above.

Update: Code Enforcement Review Ad Hoc Committee
Mayor Hill stated he attended that meeting and thought it was productive. He believed he was probably the spark that go this moving, but he wanted it known that he had never sued the city. He objected to the fine that had been imposed on him and asked for a review. He did not get off on a technicality on a suit he never initiated. As a matter of law, a judge ruled that, as his attorney put it, those codes were illegal and unconstitutional. He thought the Code Enforcement Review Committee had made great strides.

Councilor Kirby stated he and Councilor Braden were on the committee. It had been some time between submitting their requested changes to the attorney and receiving the document back. So the city had been operating on the old ordinance with a subdued fine matrix. He had been pleasantly surprised to see that the attorney had keep the nature and intent of the document in place but had shrunk it by at least 50%, and it was readable. The committee made comments, and the attorney came in from Bend, sat in the meeting and listened and would be making some revisions based on that meeting. The fine structure matrix had been overhauled so the city, through the objections of previous people, with unpaid fines exceeding $1M. Subsequent to that, the city had been sued by citizens and the city lost two cases because of the fine structure. He believed they would be receiving a document they could all work with, that was easily read and understood, and easy to enforce.

Councilor Braden stated the City Attorney did a good job redrafting based on the previous ordinance review committee notes and suggestions. It was condensed to approximately 25 pages, down from 70+. He took some suggestions and planned to redraft it or update the draft. When asked when the committee would meet again, the attorney asked the committee to look at a deadline of late October for him to present a, hopefully, final draft to the review committee, and then move on to the Council for adoption.

HAND OUTS

Monthly Department Stats: *(Attached)*
Police, Code Enforcement, Fire, Public Works – August 2022

Minutes: County Court *(Attached)*
August 17, 2022; August 31, 2022

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he attended a meeting with Idaho Power personnel, and there would be a series of other meetings where Idaho Power wanted to know what the city's power needs would be in the future, in the city and the county. He represented the city to make sure Ontario was heard. It was mostly just informational at this time. He'd review the notes with the City Manager to ensure Ontario's thoughts were reflected in the report.

  Mr. Cummings stated he had intended to go to the meeting, but due to conflicts had to bow out. He would be attending all future meetings, as they were extremely important to the city. There were already three more planned. He thanked the Mayor for attending.

EXECUTIVE SESSION

ORS 192.660(2)(a): Consider Employment
An executive session was called at 7:30 p.m. under provisions of ORS 192.660(1)(a) to consider employment of an officer, employee, staff member, or agent. The Council reconvened into regular session at 8:08 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

City Manager Appointment

BRADEN moved, HART seconded, **THE CITY COUNCIL ENTER INTO CONTRACT NEGOTIATIONS WITH DAN CUMMINGS FOR THE APPOINTMENT TO THE CITY MANAGER POSITION, CONTINGENT UPON SUCCESSFUL EXECUTION OF AN EMPLOYMENT CONTRACT AND BACKGROUND CHECK.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ADJOURN

HART moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-no; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/1/0.

ACCEPTED:	**ATTEST**
______________________________	__________________________________
Riley J. Hill, Mayor	Tori Barnett, MMC, City Recorder

City of Ontario
444 SW 4th Street
Ontario, OR 97914
Voice (541)881-3200
Fax (541)889-7121
ontariooregon.org

September 27, 2022

An open letter from the City of Ontario to:

Oregon Governor Kate Brown
Former Oregon House Minority Leader Christine Drazan
Former Oregon State Senator Betsy Johnson
Former Oregon Speaker of the House Tina Kotek

The City of Ontario needs your help.

The passage of Ballot Measure (BM) 110 in 2020 has disastrously impacted our community. As a border town with the State of Idaho, Ontario has seen a significant increase in crime and homelessness in the past few years. During a presentation to the Ontario City Council by Ontario Police Chief Michael Iwai, he noted the negative impact of BM 110 and the decriminalization of hard drugs in our community. Ontario is attracting individuals from outside of our community specifically due to this decriminalization.

We acknowledge BM 110 does provide for some additional funding to assist with addiction treatment. The City of Ontario would rather reverse the decriminalization of drugs and return the addiction treatment funds (which according to Police Chief Iwai will result in a grand total of seven new beds in all of Malheur County).
Our local police feel overwhelmed by the increase in crime and homelessness resulting in a request of more police resources – not the decrease in police resources as envisioned with the passage of BM 110.

The City of Ontario understands that BM 110 was passed as a grand experiment by the people of Oregon and not by the Oregon Legislature (BM 110 failed in Malheur County 61% to 39%). The community of Ontario believes that the experiment has been a catastrophic failure. BM 110 is negatively impacting our citizens' quality of life and we ask that you do all you can in your power to overturn this misinformed policy in any way you can including sending this back to the voters for reversal or allowing Ontario to be carved out from its implementation.

Ontario is a proud and compassionate community and we do not want a handout from the State. However, as a rural border community of 11,080 we can no longer afford to bear the burden of being the drug use destination of our neighboring state and expect to continue to maintain the quality of life our citizens expect and deserve.

The City of Ontario needs your help, and we thank you for your consideration.

____
Mayor Riley Hill

____
Council President Ken Hart

____
Councilor Michael Braden

____
Councilor Eddie Melendrez

____
Councilor Sam Baker

____
Councilor John Kirby

____
Councilor Susann Mills

AGENDA REPORT
NEW BUSINESS
September 27, 2022

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Danny K. Cummings, City Manager Pro Tem

SUBJECT: ORDINANCE #2815-2022: CODIFYING ONTARIO'S MUNICIPAL CHARTER

DATE: September 21, 2022

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO ADOPT ORDINANCE #2815-2022, AN ORDINANCE CODIFYING THE ELECTORS' DECISION TO AMEND THE CITY OF ONTARIO'S MUNICIPAL CHARTER.

SUMMARY:

On May 17, 2022, the City of Ontario voters approved Ballot Measure 23-65, which concerned certain amendments to the Ontario Charter of 1985.

BACKGROUND:

At the May 2022 Primary Election, the electors of Ontario voted to adopt the proposed Charter amendments as listed on Ballot Measure 23-65, which concerned certain amendments to the Ontario Charter of 1985. Some changes included the following: (a) appointment of a city manager pro tem; (b)clarifying the municipal judge's duties; (c) requiring that any City Council (the "Council") proposal to impose a general sales tax be referred to the voters; and (d)requiring that a committee review City's charter at least every ten years.

CURRENT SITUATION:

With the passage of Ballot Measure 23-65, it is now necessary to adopt the ordinance which will replace the existing Charter with the updated version.

ANALYSIS:

A. **STRATEGIC PLAN** None.

B. **FINANCIAL** None.

C. **TIMING** This ordinance needs to be adopted in a timely manner so as to have it codified into the city code so that the public has access to the changes on the city website.

D. **POLICY/LEGAL** The Council must approve/adopt all ordinances.

ALTERNATIVES:

The Council could choose not to adopt the proposed ordinance. However, this would be in opposition to what the electors of the City of Ontario voted to pass and would not allow the changes to be seen in the city code online.

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance #2815-2022 as presented.

ATTACHMENTS:

1. Ord #2815-2022 Charter Amendments (01513716-2xB6300)

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

ORDINANCE #2815-2022

AN ORDINANCE OF CITY OF ONTARIO CODIFYING THE ELECTORS' DECISION TO AMEND CITY OF ONTARIO'S MUNICIPAL CHARTER

WHEREAS, City of Ontario ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, on May 17, 2022 City's electors approved Ballot Measure 23-65 (the "Ballot Measure"), which Ballot Measure concerned certain amendments to the Ontario Charter of 1985, including, without limitation, the following: (a) appointment of a city manager pro tem; (b) clarifying the municipal judge's duties; (c) requiring that any City council (the "Council") proposal to impose a general sales tax be referred to the voters; and (d) requiring that a committee review City's charter at least every ten years; and

WHEREAS, the Council desires to codify and memorialize the charter amendments approved under the Ballot Measure by approval and adoption of this Ordinance #2815-2022 (this "Ordinance").

NOW, THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Findings. The above-stated findings contained in this Ordinance are hereby adopted.

2. Amendments. The charter amendments identified in the Ballot Measure and approved by the electors through approval and passage of the Ballot Measure are identified in the attached Exhibit A (the "Amendments"). City's municipal charter, after incorporating the Amendments, is attached hereto as Exhibit B (the "Charter"). The Charter will be referred to as the "Ontario Charter of 2022" and will be deemed effective as of May 17, 2022.

3. Title, Chapter, and Section Headings; Charter Severability. Title, chapter, and section headings contained in the Charter will not be deemed to govern, limit, modify, and/or affect the scope, meaning, and/or intent of any title, chapter, and/or section contained in the Charter. The sections, paragraphs, sentences, clauses, and phrases of the Charter are severable, and if any section, paragraph, sentence, clause, and/or phrase of the Charter is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree will not affect the validity, enforceability, and/or constitutionality of any remaining sections, paragraphs, sentences, clauses, and/or phrases of the Charter. Notwithstanding anything contained in this Ordinance and/or the Charter to the contrary, the Council hereby approves, ratifies, and confirms any employee appointments (i.e., hiring decisions) made by City Manager Pro-Tem Dan K. Cummings during the period commencing May 17, 2022 and ending September 27, 2022.

4. Interpretation; Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected at any time by order of the Council to cure editorial and/or clerical errors.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____________, 2022, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

APPROVED by the Mayor this _____ day of _______________, 2022.

____
Riley J. Hill, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

Exhibit A

Charter Amendments

1. Section 1.1 is amended to read "Ontario Charter of 2022"

2. Section 3.8 is amended to include the sentence "By majority vote, the Council may remove the Council President as President and appoint another."

3. The words "two thirds" in Section 4.1 are replaced with the words "a majority."

4. Section 4.2 is amended and restated in its entirety to read as follows:

> "When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the Council must appoint a manager pro tem. The manager pro tem has the authority and duties of the manager, except that a pro tem manager may appoint or remove employees only with Council approval."

5. Section 5.2 is amended and restated in its entirety to read as follows:

"(1) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the City at such place as the Council directs. The Court will be known as the Municipal Court.

(2) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(3) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court.

(4) The Municipal Judge may:

(a) Render judgments and impose sanctions on persons and property;

(b) Order the arrest of anyone accused of an offense against the City;

(c) Commit to jail or admit to bail anyone accused of a City offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(f) Penalize contempt of court;

(g) Issue processes necessary to enforce judgments and orders of the court;

(h) Issue search warrants; and

(i) Perform other judicial and quasi-judicial functions assigned by ordinance.

6. The sentence “The Council may appoint and may remove municipal judges pro tem” is added to Section 5.3.

7. Section 5.5 is added to the Charter and reads as follows:

“Section 5.5 – City Attorney. The office of city attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.”

8. Section 6.5.(1)(i) is amended and renumbered to read as follows:

“(j) Violating any provision of this Charter”

9. Section 6.5(1)(i) is added to Section 6.5 and reads as follows:

“(i) Ceasing to reside in the City.”

10. Section 10.5 is amended and renumbered as Section 10.8.

11. A new Section 10.5 is added and reads as follows:

“Section 10.5 – General Retail Sales Tax.

Any proposal to implement or increase a City general retail sale tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.”

12. Section 10.6 is amended and renumbered as Section 10.9.

13. A new Section 10.6 is added and reads as follows:

“Section 10.6 – Fee Increases. Any proposal to implement or increase fees or local taxes (except for a general retail which is governed separately in this Charter) must be affirmed by a two-thirds vote of the entire Council.”

14. Section 10.7 is amended and renumbered as Section 10.10.

15. A new Section 10.7 is added and reads as follows:

“Section 10.7 – Charter Review Committee. The City Council shall appoint an ad hoc committee to review the City Charter at least every ten years and to make recommendations for changes.”

CHARTER OF THE CITY OF ONTARIO
2022 ONTARIO CITY CHARTER

Chapter I - INTRODUCTORY PROVISIONS

Section 1.1 - Title.

This enactment shall be referred to as the Ontario Charter of 2022.

Section 1.2 - Corporate Name of City.

The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."

Section 1.3 - Boundaries.

The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.

Chapter II - POWERS

Section 2.1 - Vesting, Grant and Construction of Powers.

(1) Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.

(2) The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.

(3) In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

Chapter III - CITY COUNCIL AND MAYOR

Section 3.1 - Council: Membership.

The Council of the City shall be composed of a mayor and six councilors elected from the City at large.

Section 3.2 Council: Election. - All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.

Section 3.3 - Mayor: Election.

At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.

Section 3.4 - Council: Meetings.

The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.

Section 3.5 - Council: Quorum.

A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.

Section 3.6 - Council: Record of Proceedings.

The Council shall keep a record of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.

Section 3.7 - Mayor: Functions.

The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."

Section 3.8 - Council: President.

At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. By majority vote, the Council may remove the Council President as President and appoint another.

Section 3.9 - Council: Vote Required.

Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.

Section 3.10 - Conflict of Interest.

No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.

Section 3.11 - Council and Mayor: Immunity.

No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.

Chapter IV - CITY MANAGER

Section 4.1 - City Manager: Appointment and Qualifications.

The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the City while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.

Section 4.2 - City Manager: Vacancy.

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

Section 4.3 - City Manager: Powers and Duties.

The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:

(a) Attend all meetings of the Council unless excused by the Council or the mayor.

(b) Keep the Council advised of the affairs and needs of the City.

(c) Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.

(d) See that all ordinances are duly enforced.

(e) See that all franchises, leases, contracts, permits and privileges granted by the City are observed.

(f) Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.

(g) Generally supervise and control appointive officers and employees in their work.

(h) Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.

(i) Prepare the annual budget for transmittal to the Council.

(j) Supervise the operation of all City-owned public utilities and City-owned property.

(k) Perform other duties as directed by the Council, not inconsistent with the City Charter, City Law or ordinance.

Section 4.4 - City Manager: Council Meetings.

The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.

Section 4.5 - City Manager: Interference in Administration.

No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.

Chapter V - MUNICIPAL COURT AND JUDGE

Section 5.1 - Municipal Court: Creation and Jurisdiction.

The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.

Section 5.2 - Municipal Judge: Appointment.

(1) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the City at such place as the Council directs. The court will be known as the Municipal Court.

(2) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(3) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court.

(4) The Municipal Judge may:

(a) Render judgments and impose sanctions on persons and property;

(b) Order the arrest of anyone accused of an offense against the City;

(c) Commit to jail or admit to bail anyone accused of a City offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(f) Penalize contempt of court;

(g) Issue processes necessary to enforce judgments and orders of the court;(h) Issue search warrants; and

(i) Perform other judicial and quasi-judicial functions assigned by ordinance.

Section 5.3 - Municipal Judge: Vacancy.

If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or disabled, the City Council may appoint an acting municipal judge. The acting municipal judge shall perform the duties of municipal judge. The term of acting municipal judge shall end when the municipal judge returns to the City or takes office. The Council may appoint and may remove municipal judges pro tem.

Section 5.4 - Municipal Court: Transfer of Powers.

The Council, by majority vote may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.

Section 5.5 – City Attorney.

The office of city attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.

Chapter VI - MUNICIPAL OFFICERS AND EMPLOYEES

Section 6.1 - Qualifications.

(1) No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filled.

(2) No elective office holder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the Council.

(3) No person may be a nominee for the offices of mayor and councilor at the same election.

(4) Except as otherwise provided in subsection (2) of this section, the Council is the final judge of the qualifications and election of its own members.

Section 6.2 - Certificate of Election.

Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors, and in case of a contest between two or more persons claiming an elective City office, the Council shall determine the contest.

Section 6.3 - Terms.

The term of City elective offices shall commence on the first day in January following the officer's election.

Section 6.4 - Oath of Office.

Each elective officer, the city manager and municipal judge, before entering upon the duties of office, shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.

Section 6.5 - Offices: Vacancies.

(1) An office becomes vacant on the incumbent's:

(a) Death.

(b) Adjudicated incompetence.

(c) Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude.

(d) Unlawful destruction of public records.

(e) Resignation.

(f) Recall from office.

(g) Ceasing to possess the qualifications for office.

(h) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.

(i) Ceasing to reside in the City;

(j) Violating of any provision of this Charter.

(2) The Council shall judge when an office becomes vacant.

(3) Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.

Section 6.6 - Compensation.

Councilors and the mayor shall be compensated for services in an amount to be fixed by the Council. No increase in the compensation of councilors shall take effect, however, until the first day of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Chapter VII - ELECTIONS

Section 7.1 - Elections.

City elections, insofar as not governed by this Charter or City ordinances, shall be conducted as prescribed by state law governing popular elections, and shall be conducted on a non-partisan basis.

Section 7.2 - Voter's Qualifications.

No person may vote at a City election who is not a qualified voter of the state and a resident of the City.

Section 7.3 - Nomination.

The Council shall provide by ordinance the mode for nominating elective officers, except that nomination shall be done by petition and such petition shall be signed by no fewer than 20 qualified electors.

Section 7.4 - Commencement of Terms of Office.

The term of office of a person elected to a City office at a regular City election commences at the first Council meeting of the year immediately following the election.

Chapter VIII - ORDINANCES

Section 8.1 - Ordaining Clause.

The ordaining clause of an ordinance shall read: "The City of Ontario ordains as follows:".

Section 8.2 - Passage.

(1) Except as subsections (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.

(2) Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by a unanimous vote of the councilors present upon being read by title twice.

(3) The readings of an ordinance shall be by title only if a majority of the Council members present at the meeting do not request to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.

(4) An ordinance enacted after being read by title alone, under the provisions of subsections (2) and (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. An ordinance may be amended at the time of enactment if the ordinance as amended deals with the same general subject.

(5) Upon the passage of an ordinance, the City Recorder shall sign it and date it with the date of its passage.

(6) An ordinance takes effect on the thirtieth day after its enactment. However, when the Council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on enactment.

Chapter IX - PUBLIC IMPROVEMENTS

Section 9.1 - Procedure.

(1) Except as provided in this section, the procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the state.

(2) Action on a proposed public improvement shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the

improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.

Section 9.2 - Assessments.

Unless otherwise provided by this Charter or the applicable general laws of this state, the procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, City liens, or other services to be charged against real property shall be governed by general ordinance.

Section 9.3 - Liens.

The docket of City liens is a public writing, and the original or a certified copy of any matter authorized by ordinance to be entered in the docket shall have the force and effect of a judgment unless otherwise provided by this Charter or the applicable general laws of this state. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the Council.

Section 9.4 - Condemnation.

A necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

Chapter X - MISCELLANEOUS PROVISIONS

Section 10.1 - Revenue Bonds.

The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility. Such bonds shall not constitute general obligations of the City and shall only be payable from the proceeds of the commercial or industrial development or the municipal utility.

Section 10.2 - Indebtedness: Limits.

(1) Indebtedness of the City may not exceed the limits on City indebtedness under state law.

(2) Approval by the voters of City indebtedness need not be in the form of a Charter amendment.

Section 10.3 - Terms, Proceeds, and Retirement of Bonds.

Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.

Section 10.4 - Presumption of Validity of City Action.

In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Section 10.5 – General Retail Sales Tax.

Any proposal to implement or increase a City general retail sale tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.

Section 10.6 – Fee Increases.

Any proposal to implement or increase fees or local taxes (except for a general retail which is governed separately in this Charter) must be affirmed by a two-thirds vote of the entire Council.

Section 10.7 – Charter Review Committee.

The City Council shall appoint an ad hoc committee to review the City Charter at least every ten years and to make recommendations for changes.

Section 10.8 - Existing Ordinances Continued.

All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 10.9 - Repeal.

(1) All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed.

(2) No repeal of a feature of the 1954 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.

(3) No repeat of a feature of the 1954 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.

Section 10.10 - Effective Date of Revision.

This revised Charter takes effect on October 1, 2022.

AGENDA REPORT
NEW BUSINESS
September 27, 2022

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Danny K. Cummings, City Manager Pro Tem

SUBJECT: ORDINANCE #2816-2022: CODIFYING OMC 3-11 INCREASE IN TRANSIENT LODGING TAX TO 10%

DATE: September 21, 2022

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE ORDINANCE #2816-2022, AN ORDINANCE OF THE CITY OF ONTARIO (A) CODIFYING THE ELECTORS' DECISION TO INCREASE THE TRANSIENT LODGING TAX, AND (B) AMENDING TITLE 3, CHAPTER 11 OF CITY OF ONTARIO'S MUNICIPAL CODE TO REFLECT THE TAX INCREASE; AND DECLARING AN EMERGENCY.

SUMMARY:

On May 17, 2022, the City of Ontario's electors approved Ballot Measure 23-66, which concerned increasing the city's total transient lodging/room tax from nine percent (9%) to ten percent (10%) and dedicating 30% directly to the Desert Sage Event Center/Malheur County Fairgrounds, and 70% directly to the Ontario Aqutic Center project.

BACKGROUND:

The City of Ontario currently imposes a nine percent (9%) total transient lodging/room tax under Ontario Municipal Code Section 3-11 and Section 3-18. At the May 17, 2022 primary election, voters approved Ballot Measure 23-66 increasing the city's total transient lodging/room tax from nine percent (9%) to ten percent (10%). It is now necessary for the City Council to codify the transient lodging tax increase approved under BM 23-66 by approving and adopting Ordinance #2816-2022.

CURRENT SITUATION:

With the passage of Ballot Measure 23-66, it is now necessary for the City Council to adopt an ordinance to begin the collection of the 1% increase in transient lodging tax. Proposed Ordinance #2816-2022 accomplishes this step.

ANALYSIS:

A. **STRATEGIC PLAN** This action falls under the Lifestyle and Desireability sections of the Strategic Plan.

B. **FINANCIAL** It is estimated that the increase of 1% will generate approximately $120K annually; $90K (75%) will be distributed to the Aquatic Center Project, and $30K (25%) will be distributed to the Desert Sage Event Center/Malheur County Fairgrounds.

C. **TIMING** It is necessary to adopt this ordinance in order to begin collecting the additional 1% transient lodging tax beginning October 1, 2022.

D. **POLICY/LEGAL** The City Council must approve and/or adopt all city ordinances.

ALTERNATIVES:

Council could reject the proposed ordinance. However, this would be in opposition to the voter approved collection of the additional 1% transient lodging tax.

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance #2816-2022 as presented.

ATTACHMENTS:

1. Ord #2816-2022 TLT Increase (01500895-3xB6300)

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

ORDINANCE #2816-2022

AN ORDINANCE OF CITY OF ONTARIO (A) CODIFYING THE ELECTORS' DECISION TO INCREASE THE TRANSIENT LODGING TAX, AND (B) AMENDING TITLE 3, CHAPTER 11 OF CITY OF ONTARIO'S MUNICIPAL CODE TO REFLECT THE TAX INCREASE; AND DECLARING AN EMERGENCY

WHEREAS, City of Ontario ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, ORS 320.350 authorizes a city's legislative body to increase transient lodging taxes provided certain limitations and restrictions are imposed on the funds collected by the tax; and

WHEREAS, City currently imposes a nine percent (9%) total transient lodging/room tax (under Ontario Municipal Code ("OMC") Section 3-11 and Section 3-18); and

WHEREAS, on May 17, 2022 City's electors approved Ballot Measure 23-66 (the "Ballot Measure"), which Ballot Measure concerned increasing City's total transient lodging/room tax from nine percent (9%) to ten percent (10%); and

WHEREAS, the Ontario City Council (the "Council") desires to codify the transient lodging tax increase approved under the Ballot Measure by approval and adoption of this Ordinance #2816-2022 (this "Ordinance").

NOW, THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Findings. The above-stated findings contained in this Ordinance are hereby adopted.

2. Code Amendment No. 1. Effective July 1, 2022, the transient lodging tax imposed under OMC Section 3-11-3(A) is increased from eight percent (8%) to nine percent (9%). Effective July 1, 2022, the first sentence under OMC Section 3-11-3(A) is amended and restated in its entirety to read as follows:

> "For the privilege of occupancy in any Transient Lodging, each transient shall pay a tax in the amount of nine percent (9%) of the rent charged by the operator or transient lodging intermediary."

3. Code Amendment No. 2. Effective July 1, 2022, the following sentence is added to the end of OMC Section 3-11-3(A):

> "The first eight percent (8%) of the tax may be referred to under this Chapter as the "original tax"; the remaining one percent (1%) of the tax may be referred to as the "additional tax." Unless the context clearly requires otherwise, reference to the term "tax" under this Chapter means the original tax and additional tax, individually and collectively."

4. Code Amendment No. 3. Effective July 1, 2022, OMC Section 3-11-4 is amended and restated in its entirety to read as follows:

“A Every operator or transient lodging intermediary liable for collection and remittance of the tax imposed under Section 3-11-3 may withhold three and seventy-five one hundredths percent (3.75%) of the net tax due under that Section to cover the operator or transient lodging intermediary’s expense in the collection and remittance of the tax.

B With respect to the original tax, the balance of the funds collected and remitted to the City shall be distributed as follows:

1. Twelve and five tenths' percent (12.5%) of the gross tax collected shall go to the Ontario Parks and Recreation and/or community enhancement projects.

2. Twenty-six and twenty-five hundredths' percent (26.25%) shall be dedicated to street maintenance activities.

3. Twenty-six and twenty-five hundredths' percent (26.25%) shall be deposited into a public safety reserve account to be spent for public safety activities as directed by the City Council.

4. Twenty-two and five tenths percent (22.5%) shall be divided with thirty thousand dollars ($30,000.00), to be distributed in monthly payments of two thousand five hundred dollars ($2,500.00) each to a grant fund to be administered by a Visitor and Convention Board created pursuant to the Agreement to Provide Tourism Promotion Services between the City and Chamber of Commerce dated September 3, 1997, and the balance to go to the Ontario Chamber of Commerce for tourist promotion, subject to the Chamber's performance in accordance with the terms and conditions of the Agreement to Provide Tourism Promotion Services between the City and Chamber of Commerce dated September 3, 1997.

5. Twelve and five tenths' percent (12.5%) shall be placed in a dedicated fund to be held for distribution pursuant to an agreement to be negotiated between the City of Ontario, Four Rivers Cultural Center (FRCC), and the transient lodging Operators or transient lodging intermediary and approved by the City Council.

C. With respect to the additional tax, the balance of the funds collected and remitted to the City shall be distributed as follows:

1. 75% of the additional tax shall be donated to the Ontario Recreation District for the specific purposes of operating and maintaining a public swimming pool. Prior to pool construction, the City shall place the funds in a reserve account, to be retained in that account until construction is completed and the pool is open to the public. lf the pool is not constructed, the funds shall be distributed to other “tourism-related facility(ies)” (as defined under ORS 320.300(9)), at the City Council's discretion.

2. 25% of the additional tax will be donated to Malheur County for the specific purpose of maintaining and improving the Sage Events Center. The funds will be disbursed by the City on a monthly basis.”

5. Amendment; Codification; Effect of Amendments. This Ordinance is hereby made part of OMC Section 3-11. The provisions of OMC Section 3-11 that are not amended by this Ordinance remain unchanged and in full force and effect. City staff and/or its designee may renumber, format, and/or make all edits necessary to codify this Ordinance. This Ordinance does not relieve any person of any obligations that may have accrued under OMC Section 3-11 as it existed prior to the effective date of this Ordinance. City may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the provisions of OMC Section 3-11. City hereby waives the imposition of the one percent (1%) transient lodging tax increase identified in Section 2 (i.e., the additional tax) of this Ordinance for the period commencing on May 17, 2022 and ending on September 30, 2022. The one percent (1%) transient lodging tax increase identified in Section 2 of this Ordinance (i.e., the additional tax) will be payable commencing on October 1, 2022.

6. Interpretation; Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected at any time by order of the Council to cure editorial and/or clerical errors.

7. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This Ordinance will be in full force and effect upon its passage and adoption by the Council and approval by the mayor.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____________, 2022, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

APPROVED by the Mayor this _____ day of _______________, 2022.

____
Riley J. Hill, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
NEW BUSINESS
September 27, 2022

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager Pro Tem

SUBJECT: RESOLUTION #2022-139: ATF EQUITABLE SHARING FUNDS

DATE: September 21, 2022

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2022-139: A RESOLUTION APPROPRIATING UNEXPECTED DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM FUNDS

SUMMARY:

The city received some unexpected law enforcement funds.

BACKGROUND:

The Ontario Police Department applied for federal forfeiture funds through the Department of Justice Equitable Sharing Program for two cases in 2021. These funds can be spent on specific uses, which consist of the following:

1. Law enforcement operations and investigations
2. Law enforcement training and education
3. Law enforcement, public safety, and detention facilities
4. Law enforcement equipment
5. Joint law enforcement/public safety operations
6. Contracts for services
7. Law enforcement travel and per diem
8. Law enforcement awards and memorials
9. Drug, gang and other prevention or awareness programs
10. Matching grants
11. Support of community-based organizations

Information on the program is attached to this staff report.

CURRENT SITUATION:

The City received two payments which totaled $30,500.24 in June 2022. The Ontario Police Department would like to spend the funds. A budget resolution is required to appropriate the expenditures.

ANALYSIS:

A. **STRATEGIC PLAN** No direct strategic plan impact.

B. **FINANCIAL** This would increase the public safety fund beginning balance by $30,500 and increase public safety expenditures by $30,500.

C. **TIMING** As soon as the resolution is approved, OPD can spend the funds.

D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to spend funds per ORS 294.

ALTERNATIVES:

The Council could choose not to appropriate the funds.

RECOMMENDATION:

Staff recommends the approval of Resolution #2022-139.

ATTACHMENTS:

1. 2018-justice-treasury-joint-eqs-guide-final
2. Resolution #2022-139 Supplemental Budget ATF Equitable Sharing Funds

U.S. Department of Justice

U.S. Department of the Treasury

Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies

July 2018

CONTENTS

I. Asset Forfeiture and Equitable Sharing Overview

A. Asset Forfeiture Programs

The Department of Justice and the Department of the Treasury Asset Forfeiture Programs are, first and foremost, law enforcement programs. They remove the tools of crime from criminal organizations, deprive wrongdoers of the proceeds of their crimes, recover property that may be used to compensate victims, and deter crime. The Department of Justice and the Department of the Treasury emphasize these law enforcement purposes to their own law enforcement agencies and all federal, state, local, and tribal partner agencies.

B. Civil Rights Compliance

Agencies must comply with the applicable nondiscrimination requirements of the following laws and their implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. Agencies must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency, consistent with Department of Justice and Department of the Treasury requirements. Agencies also must agree to comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

C. Equitable Sharing Program

One of the ancillary benefits of asset forfeiture is the potential to share federal forfeiture proceeds with cooperating state and local law enforcement agencies through equitable sharing. The Department of Justice and the Department of the Treasury Equitable Sharing Programs (Program)[1] enhance cooperation amongst federal, state, local, and tribal law enforcement by providing valuable additional resources to state and local law enforcement agencies. However, the Program is designed to supplement and enhance, not supplant, appropriated agency resources.

Not all law enforcement efforts will result in equitable sharing. Specifically, compensating victims remains a top priority of the Asset Forfeiture Program. Pursuant to the Crime Victims' Rights Act, the Mandatory Victims Restitution Act, and Department of Justice and Department of the Treasury policies, victim compensation always takes priority over equitable sharing. Government agencies are at times victims entitled to compensation prior to equitable sharing.

The Department of Justice and the Department of the Treasury are two separate federal agencies with two separate forfeiture funds. However, this *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies* (*Guide*) applies to both Programs. The Department of Justice and the Department of the Treasury may make further decisions and issue guidance independent of this *Guide* to ensure the integrity of the Program.

[1] Hereafter, the Department of Justice and the Department of the Treasury Equitable Sharing Programs will be collectively referred to as "Program" unless otherwise noted.

1. Equitable Sharing Authority

Federal law authorizes the Attorney General and the Secretary of the Treasury to share federally forfeited property with participating state and local law enforcement agencies.[2] The exercise of this authority is discretionary and limited by statute. The Attorney General and the Secretary of the Treasury are not required to share property in any case. The Attorney General and the Secretary of the Treasury shall assure that any property transferred to a State or local law enforcement agency:

(A) has a value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort as a whole; and with respect to the violation of law on which the forfeiture is based; and

(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.[3]

2. Department of Justice Participants

Participation in an investigation with one of the following agencies may result in equitable sharing paid from the Department of Justice Assets Forfeiture Fund.

U.S. Department of Justice agencies and components:

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Drug Enforcement Administration (DEA)

Federal Bureau of Investigation (FBI)

Participating components outside the U.S. Department of Justice:

U.S. Department of Agriculture – Office of Inspector General (USDA-OIG)

U.S. Department of Defense – Defense Criminal Investigative Service (DCIS)

U.S. Department of State – Bureau of Diplomatic Security (DSS)

U.S. Food and Drug Administration – Office of Criminal Investigations (FDA-OCI)

U.S. Postal Inspection Service (USPIS)[4]

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[2] 21 U.S.C. § 881(e)(1)(A), 18 U.S.C. § 981(e)(2), and 19 U.S.C. § 1616a; 31 U.S.C. § 9705(b)(4)(A) and (b)(4)(B).
[3] 21 U.S.C. § 881(e)(3).
[4] Participation on an investigation led by the U.S. Postal Inspection Service may result in equitable sharing that is paid from the U.S. Postal Inspection Service Forfeiture Fund. These payments are considered Department of Justice equitable sharing funds for the purpose of this *Guide*.

3. Department of the Treasury Participants

Participation in an investigation with one of the following agencies may result in equitable sharing that is paid from the Department of the Treasury Forfeiture Fund.

U.S. Immigration and Customs Enforcement – Homeland Security Investigations (HSI)

Internal Revenue Service – Criminal Investigation (IRS-CI)

U.S. Secret Service (USSS)

U.S. Customs and Border Protection (CBP)

II. Which Non-Federal Agencies Are Eligible to Participate in the Equitable Sharing Program?

A. State, Local, or Tribal Law Enforcement Agencies

Any state, local, or tribal law enforcement agency that is a participant in the Program and directly participates in an investigation or prosecution resulting in a federal forfeiture may request an equitable share of the net proceeds of the forfeiture. In order for a state, local, or tribal law enforcement agency to receive shared funds, the agency must be compliant with the Program guidelines and reporting requirements.

For purposes of equitable sharing, a *law enforcement agency* is defined as a state, local, or tribal government organization authorized to engage as its primary function in the investigation and apprehension, or the prosecution of individuals suspected or convicted of offenses against the criminal laws of the United States or of any state, county, municipality, or territory of the United States. Furthermore, a law enforcement agency is primarily composed of or employs individuals designated or qualified under state statutes as peace officers or those who are authorized to prosecute criminal violations or to exercise police powers such as making arrests, seizing property, executing warrants and court orders, and carrying firearms.

A *primary function* is one that: (1) occupies a clear majority of the agency's working time over a typical work cycle; and (2) is performed on a regular and recurring basis by the agency and a majority of its officers, employees, and agents. Functions that are of an emergency, incidental, or temporary nature are not considered primary even if they amount to a majority of an agency's working time.

B. State National Guard Counterdrug Unit

A state National Guard generally does not meet the criteria for participation in the Program as a law enforcement agency because its primary mission serves a military or other non-law enforcement purpose. An individual National Guard Counterdrug Unit, however, may be eligible to participate in the Program if it is a distinct unit of a state National Guard that has counterdrug activities as its primary mission and receives funding solely for this purpose.

The Department of Justice and the Department of the Treasury determine whether individual National Guard units are eligible to participate in the Program on a case-by-case basis. Once a state National Guard unit has been determined to be eligible, it participates in the Program in the same manner as any other state, local, or tribal law enforcement agency, including adherence to reporting and compliance requirements, procedures to apply for shares of forfeited property, and all equitable sharing policies.

C. State and Local Prosecutorial Agencies

State and local prosecutorial agencies are eligible to receive equitable sharing for assistance they provide in federal forfeiture cases based on the level of contribution to the law enforcement effort. In addition, an agency may be eligible for sharing if it cross-designated a state or local attorney as a Special Assistant U.S. Attorney (SAUSA) to handle the federal forfeiture or related criminal cases in federal court. In all instances, the agency must submit a sharing request. The percentage awarded will be based on work hours and qualitative contributions to either the prosecution or efforts leading to the forfeiture. Prosecutorial agencies must adhere to reporting and compliance requirements, procedures to apply for shares of forfeited property, and all equitable sharing policies.

D. Task Forces

Equitable sharing for task forces may be paid either to a fiduciary agency or to individual member agencies. Compliant state, local, and tribal law enforcement agencies participating in task forces may request and receive equitable sharing payments under their individual NCIC codes. These payments will be paid directly either to the fiduciary agency or to individual member agencies based on participation.

Agencies participating in task forces may designate one task force member agency to serve as the fiduciary agency for the task force. The fiduciary agency must be a Program participant and must be compliant with the Program guidelines and reporting requirements. The fiduciary agency may submit one Equitable Sharing Request form (DAG-71) or Treasury TD F 92-22.46 form (TD F) under its NCIC code on behalf of the task force. The DAG-71 or TD F form must include the total workhour and qualitative contributions of all task force member agencies in the investigation. Shared funds based on all task force member agencies' contributions pursuant to the task force agreement or memorandum of understanding (MOU) will be awarded to the fiduciary agency. The other task force member agencies will neither submit individual sharing requests nor receive funds from the fiduciary agency. Funds awarded to the fiduciary agency will be the fiduciary agency's funds and must be maintained by the fiduciary agency's jurisdiction. The fiduciary agency may earmark funds for use in support of the task force's operations. A waiver to transfer funds to other member agencies in extraordinary circumstances may be granted upon concurrence from both the transferring and recipient agency heads, governing body heads, and jurisdiction chief financial officers to ensure applicable sub-recipient monitoring requirements pursuant to OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* are met.

Alternatively, each agency participating in a task force may file an individual DAG-71 or TD F form requesting sharing under its own agency NCIC code. Agencies participating in task forces with written task force agreements or MOUs with pre-arranged percentages may submit the agreement with the DAG-71 or TD F form. The decision maker will generally honor the pre-determined sharing percentages provided the agency is a Program participant and the percentages accurately reflect the degree of participation by the task force members, including work hours by federal agencies. The decision maker may allocate percentages to the individual member agencies based on the agencies' participation in the task force rather than any specific officer's participation in the law enforcement effort leading to forfeiture. A member agency paying task force operating expenses may be awarded a higher percentage as a qualitative factor. If multiple member agencies submit requests, shared funds will be awarded individually to the member agencies. Funds awarded to each individual agency will be the individual agency's funds and must be maintained by the individual agency's jurisdictions.

DAG-71 and T DF forms filed under a task force's NCIC code will be rejected. In addition, payments will not be directed to an account held by a task force or associated with a task force NCIC code.

The fiduciary agency or participating member agencies must file the Equitable Sharing Agreement and Certification (ESAC) form. ESAC filings will not be accepted under task force NCIC codes. Approval from the Agency Head and Governing Body Head and submission of the ESAC obligates the fiduciary agency or participating member agencies to the terms and conditions of participation in the Program.

Participating agencies may support task force operations through permissible expenditures as detailed in Section V of this *Guide*. Task force member agencies may purchase equipment and other tangible items as well as pay direct operational expenses such as leases for the benefit of the task force. However, agencies may not transfer shared funds to task forces or pay for unspecified or impermissible operational expenses. The agency expending funds must report the expenditure and maintain ownership and control of any tangible items. Should the task force dissolve or the fiduciary withdraw, all equipment must be returned to the purchasing agency. This ensures that audit and regulatory requirements are met under the Single Audit Act Amendments of 1996 and Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

E. Federal Agencies

Federal agencies are not eligible to receive equitable sharing funds. Federal agency participants in the Department of Justice or the Department of the Treasury Forfeiture Programs must follow their agency policy regarding submission of a Federal Contribution Form detailing participation in a forfeiture. The percentage awarded will be based on work hours and qualitative contributions for efforts leading to the forfeiture. Any award will be made to the participating agency's forfeiture fund and not the agency directly.

In no instance will any persons from a federal agency maintain control of shared funds, direct the use of shared funds, sign as the Agency Head or the Governing Body Head on an Equitable Sharing Agreement and Certification (ESAC) form, or certify a DAG-71 or TD F.

III. How Do Agencies Participate in the Equitable Sharing Program?

A. Joining the Equitable Sharing Program

Traditional law enforcement agencies generally include city, district, local, county, state, or tribal police, sheriff, or highway patrol departments, and state or local prosecutors' offices. To become a Program participant, these traditional agencies must first submit an ESAC form and affidavit to the Money Laundering and Asset Recovery Section (MLARS). Once the form is reviewed and accepted, the agency is placed into compliance. Yearly filing of the ESAC is required to maintain compliance.

All participating agencies must submit an Automated Clearing House (ACH) Vendor form to the United States Marshals Service (USMS) and to the Department of the Treasury. Separate accounts or account codes must be established for Department of Justice and Department of the Treasury funds; therefore a separate ACH form must be sent to each federal agency. ACH forms for each respective agency are available on each federal agency's website. If an agency's banking information changes, an updated ACH Vendor form must be submitted to the USMS and to the Department of the Treasury. Agencies may only include account and routing information for accounts assigned to their agency.

Agencies with law enforcement functions, but not included above as a traditional law enforcement agency, are subject to a separate review to determine the agency's eligibility to participate in the Program. The agency must demonstrate that it meets the requirements of a law enforcement agency as defined in Section II above.

Non-governmental entities, including non-profit organizations and public or private corporations or institutions, are not eligible to participate in the Program.

Determinations of agency eligibility are solely within the discretion of the Department of Justice and the Department of the Treasury.

B. Participating in a Federal Forfeiture

In order to receive an equitable share, an agency must assist in the law enforcement effort resulting in federal forfeiture. As a general rule, the forfeiture should follow the criminal case. If the property is seized as part of an ongoing federal investigation and the defendants are being prosecuted in federal court, the property should be federally forfeited. If the property is seized as part of an ongoing state investigation and the defendants are being prosecuted in state court, the property should be forfeited in state court, assuming that state law allows for forfeiture. A state or local law enforcement agency transferring property to the federal government must comply with all applicable state laws and regulations pertaining to such transfers.

Consult the federal seizing agency for minimum monetary or equity thresholds and pre-seizure planning requirements on seized property.

IV. What Is the Process to Apply for and Receive a Share?

A. Requesting an Equitable Share

1. Department of Justice-led Investigations

If state law permits, a participating state or local law enforcement agency may request a share of the forfeited assets by electronically submitting a DAG-71 to the federal seizing agency through the Department of Justice's eShare Portal. A separate DAG-71 must be completed by the requesting agency for each asset to be shared. An agency may not file a DAG-71 on behalf of another agency.

Sharing requests may be submitted at any time following the seizure, but no later than 45 days after forfeiture. A waiver request must be included with any sharing requests submitted after 45 days following the forfeiture. The lead seizing agency determines whether such a waiver will be granted.

The DAG-71 must include both work hours contributed and a detailed narrative of the agency's contribution to the law enforcement effort resulting in federal forfeiture of the asset. The agency is responsible for ensuring the deciding authority is provided with enough information to adequately evaluate the qualitative and quantitative contributions. Without this information, the deciding authority may not award a share that fully captures the agency's law enforcement contributions resulting in federal forfeiture of the requested asset. Agencies must certify that the information provided on the DAG-71 is a true and accurate statement of the agency's activities. Falsified information on the DAG-71 could, among other things, result in the agency's suspension or expulsion from the Program.

No sharing decisions will be made until after the forfeiture is complete. No sharing request will be accepted and processed after a sharing decision has been made by the deciding authority.

2. Department of the Treasury-led Investigations

If state law permits, a participating state or local law enforcement agency may request a share of the forfeited assets by submitting a TD F form to the federal agency processing the forfeiture. An agency may not file a TD F on behalf of another agency.

When multiple assets are seized in a single investigation, one TD F may be filed with an attached listing of all the assets for which a share is being requested.

Sharing requests may be submitted at any time following the seizure, but no later than 45 days after forfeiture. A waiver request must be included with any sharing requests submitted after 45 days following the forfeiture. The lead seizing agency determines whether such a waiver will be granted.

The TD F must include both work hours contributed and a detailed narrative of the agency's contribution to the law enforcement effort resulting in federal forfeiture of the asset. The agency is responsible for ensuring the deciding authority is provided with enough information to adequately evaluate the qualitative and quantitative contributions. Without this information, the deciding authority may not award a share that fully captures the agency's law enforcement contributions resulting in federal forfeiture of the requested asset. Agencies must certify that the information provided on the TD F is a true and accurate statement of the agency's activities. Falsified information on the TD F could, among other things, result in the agency's suspension or expulsion from the Program.

No sharing decisions will be made until after the forfeiture is complete. No sharing request will be accepted and processed after a sharing decision has been made by the deciding authority.

B. Calculating Shares

Percentages allocated to a law enforcement agency must bear a reasonable relationship to the agency's direct participation in the law enforcement effort resulting in the federal forfeiture. The deciding authority ordinarily determines percentages by comparing the number of work hours expended by each agency participating in the federal forfeiture, including all federal, state, local, and tribal agency contributions.

Where the work hours alone do not reflect the contribution of a law enforcement agency, the deciding authority considers qualitative factors in making adjustments to the sharing percentage. The deciding authority will consider such qualitative factors as:

- the inherent importance of the contributing activity;
- whether the agency otherwise entitled to an adjustment would already receive a comparatively large share based on reported work hours;
- whether the agency originated the information leading to the seizure;
- whether the agency provided and articulated specific unique or indispensable assistance; or
- whether the agency seized one or more assets that were forfeited in non-federal proceedings during the same investigation.

Any of these qualitative factors may warrant an increase or decrease in the percentage awarded to an agency. The deciding authority has discretion to determine on a case-by-case basis whether and how much to adjust the sharing allocation.

No sharing request or recommendation, including shares negotiated in a task force or other agreement, is final until approved by the federal deciding authority.

1. Federal Contribution

All cases resulting in equitable sharing have some level of federal involvement. The deciding authority must obtain and review the work hours and qualitative contributions of all federal agency participants when determining the appropriate share to retain in the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund. Federal participation will be evaluated in the same manner as state and local participation. Work hours and qualitative contributions must be evaluated to determine the appropriate share. In addition, the deciding authority may consider federal prosecutorial contributions when evaluating the federal share.

The ***minimum*** federal share is 20 percent.

2. State and Local Contribution

The deciding authority must review the reported work hours and qualitative contributions of all participating state and local agencies and determine the appropriate share to award to each agency after considering all federal, state, local, and tribal agency contributions to the law enforcement effort resulting in federal forfeiture.

3. Task Force Contribution

Many task forces involving federal, state, local, and tribal law enforcement agencies have pre-arranged, written equitable sharing agreements based upon relative numbers of personnel and other contributions to the task force operation.

The Department of Justice and the Department of the Treasury will generally honor written sharing agreements that were in place *prior* to the onset of the law enforcement effort resulting in federal forfeiture. The sharing agreement must be current, in writing, and signed by the head of each agency that participates in the task force, and must contain the pre-arranged sharing percentages which reflect overall agency investigative, financial, or administrative contributions to the task force. If an agency requests sharing pursuant to a task force agreement or MOU, the agreement must be submitted to the deciding authority along with the DAG-71 or TD F. If a federal law enforcement agency is a member of a task force, and the task force chooses to enter into an MOU containing pre-arranged sharing percentages, the MOU must reflect the manpower and contributions of the federal agency and the federal share must be no less than 20 percent. Approved sharing will be disbursed directly to the member agencies. The deciding authority will not honor any verbal sharing agreements agreed upon before, during, or after the onset of the law enforcement effort resulting in federal forfeiture.

4. Spin-off Investigations

Agencies may share intelligence information that leads to spin-off investigations and additional federal forfeitures. In limited instances, the deciding authority may approve sharing to an agency that provided critical intelligence information essential to that forfeiture, but did not actively participate in the subsequent law enforcement effort resulting in federal forfeiture. The deciding authority will determine an agency's eligibility to share in federal forfeitures in spin-off investigations on a case-by-case basis.

5. Excessive Distribution Cap

A single equitable sharing distribution may not exceed the lesser of $2 million plus twice the amount of the recipient agency's most recent budget or $30 million. The overage will remain in the federal forfeiture fund and will be used to support nationwide law enforcement efforts.

C. Department of Justice Equitable Sharing Deciding Authorities

All decision makers will exercise due diligence when reviewing and considering work hours and qualitative factors to ensure consistency and uniformity Program-wide when determining shares.

1. Federal Investigative Agency

If the total appraised value of all the assets forfeited in a single administrative declaration of forfeiture is less than $1 million, the investigative agency determines the appropriate equitable share for each asset and requesting agency.

2. United States Attorney

If the total appraised value of all the assets forfeited in a single judicial forfeiture order is less than $1 million, the United States Attorney determines the appropriate equitable share for each asset and requesting agency.

3. Department of Justice, Criminal Division

In multi-district cases, cases involving the equitable transfer of real property, or cases where the total appraised value of all the assets forfeited in a single administrative or judicial forfeiture is equal to or greater than $1 million, the Criminal Division determines the appropriate equitable share of each asset. Property forfeited under a single judicial order cannot be split up or separated so that only those individual assets with values equal to or greater than $1 million are sent to the Criminal Division for sharing decisions.

D. Department of the Treasury Equitable Sharing Deciding Authorities

1. Federal Investigative Agency

In all forfeiture cases, whether judicial or administrative, where the total appraised value of the assets in a single forfeiture order or declaration is less than $1 million, the authority to approve equitable sharing has been delegated to the federal investigative agency.

Forfeited assets valued at less than $1 million that involve foreign sharing require approval from the Director of the Treasury Executive Office for Asset Forfeiture (TEOAF).

2. Department of the Treasury, Treasury Executive Office for Asset Forfeiture

Where the total appraised value of all assets contained in a single forfeiture order or declaration is equal to or greater than $1 million, the Director of TEOAF must approve the amount of the equitable share.

In all judicial forfeitures, regardless of value, the United States Attorney's Office shall be given the opportunity to provide input on all recommendations for equitable sharing.

E. Common Causes of Delay

Equitable sharing occurs only after the federal forfeiture has been completed, the United States has taken clear title to the property, the property has been sold or otherwise disposed of as provided by law, third parties and victims have been fully compensated, and a final sharing decision has been made by the appropriate federal official. Factors that may delay sharing include:

1. If the forfeiture involves victims of crime who may be entitled to compensation, sharing cannot occur until the victims' claims are resolved and paid in full. All available funds must be used to compensate victims before any sharing payments are made.

2. If the forfeiture involves property that must be sold, the sale must be completed and the net proceeds determined before sharing may occur.

3. If the agency submits an incomplete DAG-71 or TD F, the missing information must be provided before sharing can occur. The applicable equitable sharing deciding authority cannot evaluate the sharing request without this information.

4. Distribution in equitable sharing cases involving forfeited assets with a total value of $1 million or more requires the approval of the Criminal Division for Department of Justice forfeitures or TEOAF for Department of the Treasury forfeitures. These additional levels of approval extend the review time.

5. If complete or correct banking information is not on file, payments will be delayed.
6. In cases involving both domestic and international sharing, international sharing must be approved before domestic sharing can occur. International sharing requires the involvement of the Department of Justice, the Department of State, and the Department of the Treasury, and often takes additional time to complete.

F. Sharing is Always Based on Net Proceeds

Equitable sharing is based on the net proceeds of the forfeiture, which is calculated as follows:

Gross receipts	From forfeiture or the sale of forfeited property
Less	Qualified third-party interests (e.g., valid liens or mortgages) Payments to victims Federal case-related expenses (e.g., advertising costs, out-of-pocket investigative or litigation expenses) Federal property management and disposition expenses (e.g., appraisal, storage, security, sale) Awards paid to federal informants Payments for the services of experts and consultants hired to assist in asset identification, seizure, management, forfeiture, or disposition International sharing Reimbursements relating to the seizure from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund to the requesting agency (e.g., overtime, leased space)
Equals	Net proceeds of the forfeiture

Federal law provides that sharing is discretionary. Therefore, any equitable sharing payments to be disbursed to state and local law enforcement agencies that amount to less than $500 after all expenses are paid will be extinguished and the funds will remain in the forfeiture fund. In addition, federal budgetary constraints such as sequestration and rescissions may affect equitable sharing disbursements.

V. What Are the Uses of Equitably Shared Funds?

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. Equitably shared funds must be used in accordance with this *Guide* for law enforcement purposes that directly supplement the appropriated resources of the recipient law enforcement agency. Sharing will be withheld from any state or local law enforcement agency if the governing body or state or local law, regulation, or policy requires or directs (1) specific expenditures of shared funds; (2) the transfer of federal equitable sharing funds to non-participating law enforcement agencies; or (3) expenditures for non-law enforcement purposes.

Equitably shared funds are federal financial assistance and are subject to the provisions of the Code of Federal Regulations (CFR). Equitable sharing funds must be used in a reasonable and necessary manner and not create the appearance of waste or extravagance.

To avoid a conflict of interest or the appearance of a conflict of interest, any person or members of his or her immediate family who was involved in an investigation which led to the forfeiture of property to be sold is prohibited from purchasing, either directly or indirectly, that forfeited property.

A. General Guidance on Supplantation and Budgeting

1. Supplantation

Shared funds must be used to increase or supplement the resources of the receiving state or local law enforcement agency. Shared funds shall not be used to replace or supplant the appropriated resources of the recipient. The recipient agency must benefit directly from the sharing. In determining whether supplantation has occurred, the Department of Justice or the Department of the Treasury will examine the law enforcement agency's budget as a whole and allow agencies to use equitable sharing funds for any permissible purpose as long as shared funds **increase the entire law enforcement budget.** The Department of Justice or the Department of the Treasury may terminate sharing with law enforcement agencies that are not permitted by their governing body to benefit directly from equitable sharing.

> ***Example of Improper Supplantation***: A police department receives $100,000 in federal sharing money only to have its budget cut $100,000 by the city council. In this instance, the police department has received no direct benefit from equitable sharing whatsoever. Rather, the city as a whole has received the benefit of the sharing.

2. Anticipated shared funds or property should not be budgeted

Agencies should not "spend it before you get it" or budget anticipated receipts. Receiving agencies may not commit to spending shared funds in advance. For example, if a local law enforcement agency files a DAG-71 or TD F and anticipates a 50 percent share of $100,000, the anticipated $50,000 should not be obligated or budgeted for two reasons: (1) the completion of the forfeiture is uncertain; and (2) the amount of the sharing that will ultimately be approved is also uncertain. However, agencies may earmark or budget sharing funds already received.

B. Use of Shared Funds

Except as noted in this *Guide,* equitably shared funds shall be used by law enforcement agencies for law enforcement purposes only. The uses outlined below are examples of permissible and impermissible expenditures. If an agency is unsure whether a proposed expenditure is permissible, it should email mlars.ESProgram@usdoj.gov for Department of Justice fund expenditures or treas.aca@treasury.gov for Department of the Treasury fund expenditures.

Shared funds may be used for any permissible agency expenditure and may be used by both sworn and non-sworn law enforcement personnel. The fact that shared property was forfeited by a particular unit or as a result of a particular federal violation does not limit its use to purchases only for that unit or to further investigations only for that particular federal violation. If an agency wishes to support a multi-agency expenditure, such as a new payroll system or city municipal building, with a non-law enforcement agency, the law enforcement agency's costs based on its use may be calculated on a pro-rata basis.

1. Permissible Uses

a. **Law enforcement operations and investigations**—Support of investigations and operations that further the law enforcement goals or missions. Examples include reward money (annual dues paid to a crime tip organization or payment for a specific reward for information in a specific case), recruitment and advertisement costs, agency accreditation or agency membership dues (but individual dues are impermissible), equitable sharing account maintenance fees, reimbursement to the jurisdiction for payments to informants, purchase of evidence, buy-back programs, and "buy" money.

b. **Law enforcement training and education**—Training of investigators, prosecutors, and sworn and non-sworn law enforcement personnel in any area necessary to perform official law enforcement duties, such as canine handler, narcotics, defensive tactics, criminal justice, language, constitutional law, accounting/finance, or forensics—provided that the employees' regular duties require knowledge of these topics. Examples include training and conference registration fees, tuition, speaker fees, or costs to produce training curricula.

   This provision does not permit donations or transfers of funds to associations or organizations providing training.

c. **Law enforcement, public safety, and detention facilities**—Costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement, public safety, or detention facilities used or managed by the recipient agency. Examples include the costs of leasing, operating, and furnishing an off-site undercover narcotics facility. Improvements should not be made on leased property or space since the law enforcement agency will not benefit from the improvements upon termination of the lease.

   Agencies must contact MLARS prior to using Department of Justice equitable sharing funds for all improvement and expansion projects. For example, the construction of a new facility or minor renovations including drywall, electrical, HVAC replacements, and internal modifications to an existing facility. Expenditures such as lease payments or utilities do not require consultation.

d. **Law enforcement equipment**—Costs associated with the purchase, lease, maintenance (including repairs or service agreements), or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities. Examples include furniture, file cabinets, office supplies, telecommunications equipment, copiers, safes, fitness equipment, computers, computer accessories and software, body armor, uniforms, firearms, radios, cellular telephones, electronic surveillance equipment, vehicles (e.g., patrol and unmarked vehicles), and animals and animal-related expenses.

e. **Joint law enforcement/public safety operations**—Costs associated with the purchase of multi-use equipment and operations used by both law enforcement and non-law enforcement personnel. Examples include 911 call center equipment, defibrillators, search and rescue boats, aircraft, and diving equipment. These expenditures are exempt from the pro-rata calculation. This provision does not include equipment to be used solely by non-law enforcement personnel, such as fire and EMS vehicles.

f. **Contracts for services**—Costs associated with a contract for a specific service that supports or enhances law enforcement is permitted. Examples include translation and language assistance services, staffing and feasibility studies, auditor to perform an audit of equitable sharing funds, subject matter expert, grant writer, or software developer. Employment-related contracts or contracts involving inherently law enforcement functions are prohibited. Examples include hiring an attorney, investigator, or civilian personnel to perform tasks typically or previously performed by agency or jurisdiction personnel. Under no circumstances should a contract for service be entered into where the payment of that service is based on a percentage of the seizures and forfeitures of the law enforcement agency.

g. **Law enforcement travel and per diem**—Costs associated with travel and transportation to perform or in support of law enforcement duties and activities. All related costs must be in accordance with the jurisdiction's per diem policy and must not create the appearance of extravagance or impropriety.

h. **Law enforcement awards and memorials**—Costs associated with the purchase of plaques, certificates, and challenge coins for law enforcement personnel in recognition of a law enforcement achievement, activity, or training. Shared funds may not be used to pay awards in the form of cash or cash equivalents or stored value cards.

   Shared funds may be used to pay the costs for commemorative plaques, displays, or memorials on law enforcement property that serve to recognize or memorialize a law enforcement officer's contributions, such as a memorial plaque or stone in honor of an agency's officers killed in the line of duty. The plaque, display, or memorial must not create the appearance of extravagance.

i. **Drug, gang, and other prevention or awareness programs**—Costs associated with conducting law enforcement agency awareness programs. Examples include public service announcements, meeting costs, motivational speakers, and items used or distributed by the agency such as child identification kits and anti-crime items, literature, or software. *See* Section V.B.1.k for supporting non-law enforcement agency community-based programs.

j. **Matching grants**—Costs associated with paying a state or local law enforcement agency's matching contribution or share in a state or federal grant program for items other than salaries, provided that the grant funds are used for a permissible law enforcement purpose in accordance with this *Guide* and the grant provision permits matching with federal funds. *See* Section V.B.3 for information regarding the use of equitable sharing funds to match federal salary grants.

k. **Support of community-based organizations—**Transfers of shared funds from a state or local law enforcement agency to community based non-profit organizations (501(c)(3) or (4)) whose stated missions are supportive of and consistent with a law enforcement effort, policy, and/or initiative. An agency may expend up to a total of $25,000 annually to transfer to such organizations. Examples include a drug treatment facility, job skills program, or a youth program with drug and crime prevention education. The following requirements apply:

   1. Law enforcement agency head must approve the transfer and must ensure the recipient is a qualified entity;

   2. Agency must ensure that all transferred funds are spent permissibly in accordance with this *Guide*; and

   3. Agency's jurisdiction must perform applicable sub-recipient monitoring requirements pursuant to the OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.*

   This community-based organization provision **does not** apply to Department of the Treasury equitable sharing funds; therefore agencies may not use Department of the Treasury funds to support community-based organizations.

2. Impermissible Uses

a. **Use of forfeited property by non-law enforcement personnel**—Personnel from non-law enforcement agencies are not permitted to use shared vehicles, forfeited property, or items retained for official use or purchased with shared funds unless the property is purchased for joint law enforcement/public safety use. *See* Sections V.B.1.c and e for joint public safety facilities and equipment.

b. **Creation of endowments or scholarships**—Shared funds may not be used to create or establish endowments or scholarships.

c. **Uses contrary to state or local laws**—Shared funds and property may not be used for any purpose that would constitute an illegal or improper use of state or local law enforcement funds or property under the laws, rules, regulations, and orders of the state or local jurisdiction of which the agency is a part.

   Compliance with state or local legislation addressing federal equitable sharing is the responsibility of the Program participant. The Department of Justice and the Department of the Treasury reserve the right to suspend agencies where compliance with both state and local laws and Program guidelines is not possible.

d. **Personal or political use of shared assets**—Shared funds may not be used for any purpose that creates the appearance that shared funds are being used for political gain or personal benefit. Examples include campaign paraphernalia, gym memberships, commercial driver's licenses, passports, non-uniform clothing, and bar, union, or other individual dues or membership fees.

e. **Purchase of food and beverages**—Shared funds may not be used to pay for food and beverages (alcoholic and non-alcoholic) except for meals for officers engaged in local emergency operations such as an earthquake or hurricane.

f. **Extravagant or wasteful expenditures and entertainment**—Agencies should use federal sharing funds prudently and in such a manner as to avoid any appearance of extravagance, waste, or impropriety. In addition, funds may not be used for entertainment expenditures. Examples include tickets to social events, hospitality suites at conferences, entertainers, or meals or travel in excess of the per diem.

g. **Cash on hand, secondary accounts, and stored value cards**—Shared funds may not be used to establish cash accounts, purchase prepaid credit cards, or used in any other type of transaction where expenditures are not managed or monitored by the jurisdiction and tracked to ensure permissibility in accordance with this *Guide*. *See* Section VI.A.1.

h. **Transfers to other law enforcement agencies**—Shared funds may not be transferred to another state or local law enforcement agency. In limited circumstances, MLARS and TEOAF may consider a waiver upon concurrence from both the transferring and recipient agency heads, governing body heads, and jurisdiction chief financial officers to ensure applicable sub-recipient monitoring requirements pursuant to the *OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* are met.

i. **Purchase of items for other law enforcement agencies**—Shared funds may not be used to purchase equipment or other permissible items for other law enforcement agencies. Equipment purchased for use by officers assigned to a task force must remain titled to and inventoried with the purchasing agency. *See* Section II.D for task force operations.

j. **Costs related to lawsuits**—Shared funds may not be used to pay attorney fees, settlement payments, or any other related costs of lawsuits involving the agency or governing body or their employees.

k. **Loans**—Shared funds may not be used as advance payment for expenditures being reimbursed or paid by other funds or to reimburse the jurisdiction for expenses already purchased with general funds. Examples include task force overtime or equipment reimbursements or appropriated funds used for permissible expenditures in advance of receipt of sharing revenue.

l. **Money laundering operations**—Shared funds may not be used to support state and local undercover money laundering operations that are not part of an approved federal undercover money laundering investigation.

3. Salaries

Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel. The purpose of this rule is to protect the integrity of the Asset Forfeiture and Equitable Sharing Programs so that the prospect of receiving equitable sharing funds does not influence, or appear to influence, law enforcement decisions.

Exceptions: Equitable sharing funds may be used to pay the salaries and benefits of current law enforcement officers and personnel in the limited situations listed below.[5]

(1) **Matching federal grants**—Shared funds may be used to pay the match requirement for the salaries and benefits of current sworn and non-sworn law enforcement personnel funded by federal grant programs provided the grant provision permits matching with federal funds.

(2) **Overtime**—Shared funds may be used to pay the overtime and related benefits of current sworn and non-sworn law enforcement personnel involved in law enforcement operations.

(3) **Federal task force replacement salary**—Shared funds may be used to pay the salary and benefits of current, sworn and non-sworn law enforcement personnel hired to fill vacancies created when a law enforcement agency assigns personnel to a federal task force. If the vacated position was sworn, the backfill position must also be sworn. If the vacated position was non-sworn, the backfill position must also be non-sworn. The replacement personnel cannot engage in the seizure of assets or narcotics as a principal law enforcement duty. A principal duty is a duty that the personnel is expected to perform regularly.

When such personnel return from the federal task force, the law enforcement agency may continue to use forfeited funds to pay for the salary and benefits of the replacement personnel for a period not to exceed six months.

(4) **Specialized programs**—Shared funds may be used pay the salary and benefits of current, sworn law enforcement officers assigned to specialized programs which do not generally involve traditional law enforcement functions, such as school resource officers (SRO) or officers assigned to programs such as DARE. SROs and other officers assigned to specialized programs must be employed by the law enforcement agency. If the officer does not serve in this position on a full-time basis, only the pro-rata portion of the salary and benefits covering the time worked in the specialized position may be paid with shared funds.

C. Transfer of Forfeited Tangible and Real Property through Equitable Sharing

In certain instances, a participating state or local law enforcement agency may request the transfer of tangible or real property in lieu of proceeds for official law enforcement use. MLARS and TEOAF must approve all property transfers. If approved, the recipient agency is responsible for reimbursing the federal government for costs and expenses, the federal share, and for tracking the property in its inventory.

[5] For the purposes of this provision, prosecutors and members of the National Guard are considered sworn law enforcement personnel.

1. Tangible Property

Any tangible property transferred to a state or local law enforcement agency must be used for law enforcement purposes only. Transferred property is subject to the rules applicable to similar property purchased by a state or local agency with appropriated funds. Agencies must provide a justification and approval from the governing body to MLARS or TEOAF when requesting tangible property for official use. Agencies must include the asset identification number, intended use, funding source for the federal share and potential storage fees, and approval from the governing body. MLARS and TEOAF will review the request to ensure the agency has a demonstrated need for the item, is able to maintain the property for its intended use for the required two-year period, and is able to pay all liens and storage fees.

a. Two-Year Use Requirement

Transferred tangible property must be used for at least two years by the recipient agency. If, however, the property becomes unsuitable for law enforcement use before the end of the two-year period, it may be sold with approval from MLARS or TEOAF. To the extent practicable and if consistent with the agency's procurement and disposal polices, agencies must deposit proceeds from the sale of such property into the agency's sharing account or accounting code. If the item has minimal or no value, the agency may donate the item to a recipient of its choice if permitted under the agency's disposal policies.

b. Reimbursement of Federal Costs

Agencies that receive tangible property must pay for any liens, costs related to storage or maintenance, and the federal share. If the agency is unable to pay these expenses with appropriated or equitably shared funds, MLARS or TEOAF may permit an offset against approved sharing that has not yet been disbursed.

Payment must be made within 30 calendar days of notification of the total expenses. If the requesting agency has no pending sharing or is unable or unwilling to pay the balance within 30 calendar days, the property will be disposed and an equitable share of the proceeds, if any, may be equitably disbursed to the agency in lieu of transfer.

2. Real Property

Real property may be transferred to a state or local law enforcement agency that substantially participated in the investigation that led to the seizure of the property. The agency must demonstrate a compelling law enforcement need for the property and outline its intended use through correspondence to the federal seizing agency. In addition, the property must be used for the designated law enforcement purpose for at least five years. If sold after five years, the proceeds must be deposited in the agency's equitable sharing account.

The agency must also sign an MOU outlining the agency's responsibilities with regard to the use of the property. The agency must agree to pay any federal costs/expenses, including liens, environmental assessments, or taxes, as well as the federal share before the transfer will be approved. Real property transfers must be approved by the Criminal Division in Department of Justice forfeitures and by TEOAF in Department of the Treasury forfeitures before title is transferred or funds expended to improve the property.

D. Return of Equitably Shared Funds

On occasion, a criminal conviction or forfeiture order may be reversed, or victims and third parties may be identified after equitable sharing payments have been disbursed. Victim compensation remains one of the Department of Justice's and the Department of the Treasury's top priorities and must take place prior to equitable sharing. In those instances, agencies will be required to return previously disbursed equitable sharing. If the agency has approved sharing that has not yet been disbursed, MLARS or TEOAF may permit the agency to offset the amount due against future sharing.

E. Treasury Offset Program

The Treasury Offset Program (TOP) offsets federal payments, including equitable sharing payments, to collect delinquent nontax debts owed to the United States, as required by the Debt Collection Improvement Act of 1996. On occasion, an agency's equitable sharing disbursement may be offset to satisfy a debt from another entity sharing its Tax Identification Number (TIN). Agencies whose funds have been offset should first contact the USMS to determine the TIN listed on the ACH form. Next, agencies should contact the TOP call center at 800-304-3107 to determine the amount of and reason for the debt. Agencies should seek reimbursement for the offset funds from the delinquent entity to ensure that funds are used for law enforcement purposes in accordance with this *Guide*.

VI. What Are the Accounting Procedures and Requirements for Shared Cash, Proceeds, and Tangible Property?

All participating state and local law enforcement agencies must implement standard accounting procedures and internal controls that are consistent with the guidelines set forth below to track equitably shared funds and tangible property. At any time, the Department of Justice or the Department of the Treasury may request documents related to equitable sharing, conduct an audit or compliance review, or implement additional reporting requirements and spending plans. Department of Justice and Department of the Treasury equitable sharing funds must be tracked and maintained separately.

A. Bookkeeping Procedures and Internal Controls

The state or local participating law enforcement agency must:

1. Maintain equitable sharing funds with the same entity that maintains the agency's appropriated funds and administers procurement actions. Bank accounts, checkbooks, purchase cards, and other financial instruments or documents must be maintained in the same manner as appropriated funds.
2. Establish separate Department of Justice and Department of the Treasury accounts or accounting codes to track both revenues and expenditures for each respective Program. No other funds may be commingled in these accounts or with these accounting codes.
3. Process all expenditures and payments in the same manner as appropriated funds, including procurement and payment transactions.
4. Deposit all interest earned on equitable sharing funds into the respective account or accounting code. All interest is subject to the same use restrictions as equitable sharing funds. Losses to funds maintained in investment accounts in accordance with the jurisdiction's policies may not be allocated to or deducted from the equitable sharing account.
5. Maintain and follow written policies for accounting, bookkeeping, inventory control, and procurement that comply with the applicable provisions of the OMB *Uniform Administrative Requirements, Costs, Principles, and Audit Requirements for Federal Awards* or any subsequent updates and jurisdiction policies. Ensure distribution of relevant policies to all appropriate personnel.
6. Maintain records of all revenue and expenditures posted to the account or accounting code—to include bank/ledger statements, invoices, receipts, required jurisdiction approvals, or any other documents used or created during the procurement process.
7. Report all transactions using cash-based accounting methods.

8. Dispose of items purchased with shared funds in accordance with the agency's disposal policies. To the extent practicable and if consistent with the agency's procurement and disposal polices, deposit proceeds from the sale of such property into the agency's sharing account or accounting code. If an item has minimal or no value, an agency may donate the item to a recipient of its choice if permitted under the agency's disposal policies.

9. Ensure the law enforcement agency head, or designee, authorizes all expenditures from the sharing accounts.

10. Obtain approval for expenditures from the governing body, such as the town council or city manager's office, when required.

VII. What Are the Reporting and Audit Requirements?

To ensure effective management, promote public confidence in the integrity of the Program, and protect the Asset Forfeiture Program against potential waste, fraud, and abuse, the Department of Justice and the Department of the Treasury have established reporting requirements that include the annual submission of the ESAC form. The ESAC includes the agency's annual Affidavit and details an agency's receipts and expenditures of equitably shared funds for both the Department of Justice and the Department of the Treasury Equitable Sharing Programs. A state or local law enforcement agency must be compliant with the use and reporting requirements set forth in this *Guide* to receive any distribution of funds or property. An agency is considered compliant once the ESAC is received, reviewed, and approved by MLARS. Because the ESAC captures both Department of Justice and Department of the Treasury equitable sharing receipts and expenditures, submission of the ESAC to MLARS constitutes submission to the Department of the Treasury.

The eShare Portal is a Department of Justice online tool that allows agencies to obtain information regarding equitable sharing requests and distributions made by the Department of Justice. This information assists with reconciling deposits to the agency's Department of Justice equitable sharing account, as well as tracking and obtaining the status of pending Department of Justice sharing requests. At this time, the Department of the Treasury does not have a similar online tool; however, distribution reports are available by contacting TEOAF.

A. Federal Equitable Sharing Agreement and Certification Form

Agencies must annually submit an ESAC in the eShare portal, regardless of whether funds were received or maintained during the fiscal year, in order to maintain compliance. The ESAC must be reviewed and approved by the head of the law enforcement agency and a designated official of the governing body prior to submission. For the purposes of the Program, the governing body is the governmental entity that allocates appropriated funding to the law enforcement agency. In no instance can any individual from the law enforcement agency sign as the governing body head. By approving the ESAC, the signatories agree to be bound by the statutes and guidelines that regulate the Program and certify that the law enforcement agency will comply with these guidelines and statutes.

Agencies must submit the ESAC within two months after the end of their fiscal year. No extensions to this deadline will be granted. Agencies will remain non-compliant until all paperwork is received and approved. For example, if the agency's fiscal year ends September 30, the ESAC must be filed, reviewed, and accepted by November 30 for the agency to remain compliant.

B. Extinguishment of Funds

An agency that remains non-compliant for more than one year will have all approved sharing pending disbursement extinguished. Such extinguishments are final and the previously approved funds will remain in the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund.

C. Audit Requirements

State and local law enforcement agencies that receive equitable sharing must comply with the applicable Single Audit Act Amendments of 1996 and *OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* or any subsequent updates to this guidance. Per those guidelines, state or local governments that expend more than the applicable threshold in federal funds (e.g., Department of Justice and/or Department of the Treasury equitable sharing funds, grants, cooperative agreements) per fiscal year are required to conduct an independent audit.

Department of Justice and Department of the Treasury equitable sharing funds are direct payments for specified use. Auditors should consult the Catalog of Federal Domestic Assistance (CFDA) number 16.922 for Department of Justice equitable sharing funds and CFDA number 21.016 for Department of the Treasury equitable sharing funds to determine applicable audit guidance. Expenditures of these funds must be included on the jurisdiction's Schedule of Expenditures of Federal Awards (SEFA) as federal financial assistance.

Approved transfers to other participating law enforcement agencies and transfers to qualifying community-based organizations are subject to various subparts of the Code of Federal Regulations (CFR). The CFR requires sub-recipient monitoring to be performed by the transferring entity. The recipient entity must adhere to all sub-recipient monitoring requirements imposed on by the transferring agency. Sub-recipient monitoring includes, but is not limited to, issuing award letters to the recipient, monitoring the recipient's expenditures for permissibility, and ensuring the recipient agency reports the received and expended funds on its annual ESAC and its jurisdiction reports the agency's expended funds on its Single Audit. A comprehensive list of requirements are posted in the eShare Portal.

On occasion, agencies may be selected by the Department of Justice or the Department of the Treasury Office of Inspector General, MLARS, TEOAF, or other federal entities, to undergo an audit or other form of review. Agencies must comply with all requests for documents and information. Failure to comply with these requests or failure to implement corrective measures may result in temporary or permanent exclusion from the Program.

D. Record Retention

State and local law enforcement agencies must retain all documents and records pertaining to their participation in the Program for a period of at least five years. Such documentation includes, but is not limited to, receipts and procurement documentation for all expenditures of shared funds, bank statements, Forms DAG-71 and TD F, ESACs, accounting and bookkeeping documents, logs and records, bank records and statements, and audit reports.

All records may be subject to release under applicable federal, state, and local Freedom of Information Act laws and regulations.

VIII. How Does an Agency Terminate Program Participation?

When an agency ends participation in the Program, it must notify MLARS and TEOAF of its decision. MLARS and TEOAF will coordinate with the agency on the disbursement of the agency's remaining funds. The agency will be required to file a final ESAC form showing a zero balance. Any pending sharing requests will be extinguished and retained by the Department of Justice or the Department of the Treasury.

IX. What If Agencies Do Not Comply with Program Requirements?

The policies contained in this *Guide* are binding upon all state and local agencies participating in the Program. No equitable sharing funds or property will be distributed to any state or local law enforcement agency that is not a compliant Program participant.

Failure to comply with the policies in this *Guide* may subject recipient agencies to sanctions such as:

1. Denial or extinguishment of sharing requests;
2. Temporary or permanent exclusion from the Program;
3. Freeze on receipt and/or expenditure of shared funds;
4. Return of funds or offsets from future sharing;
5. Civil enforcement actions in U.S. District Court; or
6. Federal criminal prosecution for false statements under 18 U.S.C. § 1001, fraud involving theft of federal program funds under 18 U.S.C. § 666, or other sections of the criminal code, as applicable.

An agency or governing body head, or designee, is required to immediately notify MLARS and TEOAF of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

RESOLUTION #2022-139

A SUPPLEMENTAL BUDGET TO APPROPRIATE UNEXPECTED DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM FUNDS

WHEREAS, The Ontario Police Department received some unexpected asset forfeiture funds from the Department of Justice Equitable Sharing Program; **and**

WHEREAS, The law enforcement funds were not anticipated and therefore not budgeted in 2022-2023; **and**

WHEREAS, The City desires to modify the 2022-2023 budget in order to appropriate the asset forfeiture funds.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustment to the fiscal year 2022-2023 budget:

Line Item	Item Description	FY 22-23 Budget	Amount of Change	Adjusted Budget
RESERVE FUND – PUBLIC SAFETY DEPARTMENT				
055-000-406060	Available Cash – Public Safety	$413,796	$30,500	$444,296
055-131-712123	ATF Expenditures	$ -	$30,500	$30,500

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 27th day of September 2022, by the following vote:

AYES:
NAYES:
ABSENT:

APPROVED by the Mayor this 27th day of September, 2022.

____

Riley J. Hill, Mayor

ATTEST:

____

Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
September 27, 2022

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Danny K. Cummings, City Manager Pro Tem

SUBJECT: ACCEPT RIGHT OF WAY FOR A PORTION OF ALAMEDA DRIVE, PER APPROVED PLAT OF MAYBERRY SUBDIVISION, APPROVED UNDER PLANNING ACTION 2021-03-12 SUB

DATE: September 22, 2022

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF ALAMEDA DRIVE AS SHOWN ON THE PLAT OF MAYBERRY SUBDIVISION, SAID SUBDIVISION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON DECEMBER 14, 2021, UNDER PLANNING FILE 2021-03-12SUB AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.

SUMMARY:

This action is to have the City Council, who is the governing body for the City of Ontario, accept the right of way of a portion of Alameda Drive as shown on the Plat attached as an exhibit to this report.

BACKGROUND:

The subject property has been platted into a senior 55 and older residential subdivision with public right of way being dedicated along Alameda Drive.

On December 14, 2021, the Community Development Director administratively approved the subdivision named Mayberry Subdivision. The action requires the dedication of public right of way for portions of Alameda Drive.

CURRENT SITUATION:

The Subdivision is ready to be finalized and the public right of way accepted by the City Council.

ANALYSIS:

A. **STRATEGIC PLAN** This subdivision leads the way for future development in the area with the dedication of right of way to meet the Growth and Desirability portions of the City Council's Strategic Plan.

B. **FINANCIAL** There is no immediate cost to the city at this time.

C. **TIMING** This action needs to be completed and the right of way accepted so that the developer may move forward with the sale of the new lots in a timely manner.

D. **POLICY/LEGAL** The City Council, under 10 B-55-45 for a land division involving the creation of streets, shall, by action of the City Council at a public hearing, approve the final plat by motion accepting the public right of way, and the Mayor and planning officials shall sign the plat.

ALTERNATIVES:

The alternative could be to not accept the right of way.

The Council could, by motion, not accept the right of way offered for dedication and instruct the applicant to make the street private. These alternatives would not meet city codes for connectivity and existing public use of portions of the roads.

RECOMMENDATION:

Staff recommends that the Council approve the request for the dedication of the street right of way and authorize the Mayor to sign the plat and acceptance of the right of ways as shown on the attached Plat.

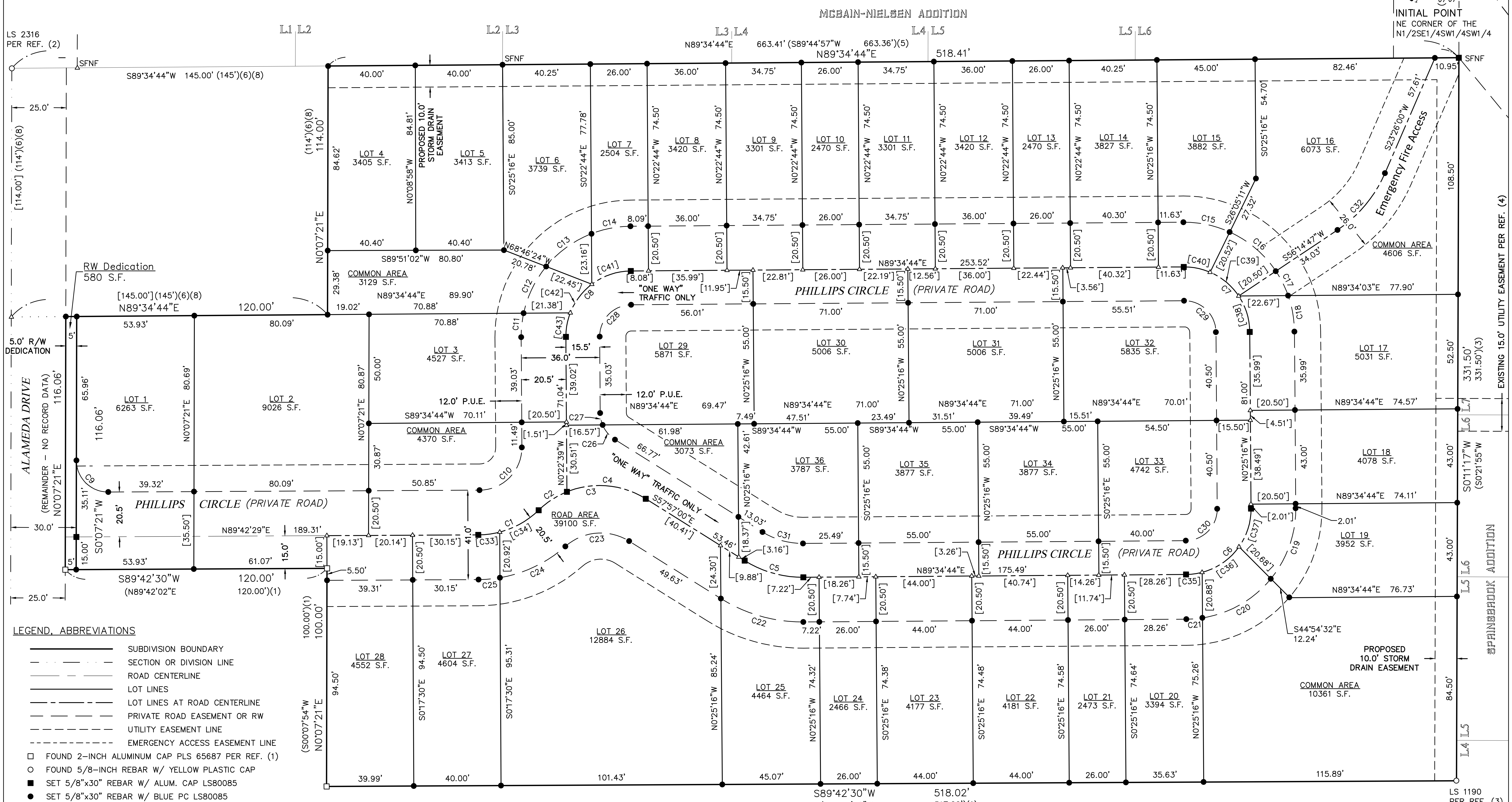
ATTACHMENTS:

1. Attachment 1 Mayberry Subdivision P1
2. Attachment 2 Mayberry Subdivision P2

MAYBERRY ESTATES SUBDIVISION

PRELIMINARY

IN THE N1/2 SE1/4 SW1/4 SW1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 47 EAST
OF THE WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON



LEGEND, ABBREVIATIONS

- SUBDIVISION BOUNDARY
- SECTION OR DIVISION LINE
- ROAD CENTERLINE
- LOT LINES
- LOT LINES AT ROAD CENTERLINE
- PRIVATE ROAD EASEMENT OR RW
- UTILITY EASEMENT LINE
- EMERGENCY ACCESS EASEMENT LINE
- □ FOUND 2-INCH ALUMINUM CAP PLS 65687 PER REF. (1)
- ○ FOUND 5/8-INCH REBAR W/ YELLOW PLASTIC CAP
- ■ SET 5/8"x30" REBAR W/ ALUM. CAP LS80085
- ● SET 5/8"x30" REBAR W/ BLUE PC LS80085
- △ CALCULATED OR RECORD POINT, NOTHING SET OR FOUND
- LS LAND SURVEYOR
- REF. REFERENCE
- (. . .) RECORD BEARINGS AND/OR DISTANCES
- [. . .] CALCULATED BEARINGS AND/OR DISTANCES
- ∿ LINE BREAK

REFERENCES:

(1) SURVEY No. 18-47-1006
(2) SURVEY No. 18-47-0887
(3) SURVEY No. 18-47-0443
(4) SPRINGBROOK ADDITION (1979)
(5) MCBAIN-NIELSON ADDITION (1974)

(6) DEED INST. No. 2018-1250
(7) DEED INST. No. 2015-2354
(8) DEED INST. No. 1979-67781

BASIS OF BEARING

OREGON COORDINATE REFERENCE SYSTEM:
ONTARIO ZONE NAD 1983 (2011) TM
EPOCH: 2010.0000
LAT. OF ORIGIN: 43°15'00"N
CM: 117°00'00"W
FALSE N: 0.0 M FALSE E: 80000.000 M

SCALE: 1" = 30'

0 15 30 60

I, DERRICK MCKROLA, HEREBY CERTIFY THAT THIS PARTITION PLAT IS AN EXACT AND TRUE COPY OF THE ORIGINAL RECORD AS HAVING BEEN SUBMITTED FOR COUNTY RECORDING.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 10, 2011
DERRICK McKROLA
80085

RENEWS: 12/31/2022

PRELIMINARY

CERTIFICATE OF MALHEUR COUNTY RECORDER
State of Oregon } ss
County of Malheur

PLAT CAB.:______
SLIDE:______

Number of affidavits of vendor, mortgage or trust deed holder attached:______

RIGHT OF WAY ACCEPTANCE:

I HEREBY ACCEPT, ON BEHALF OF THE PUBLIC, THE ROADWAY DEDICATION FOR THE PUBLIC ROADS, AS SHOWN HEREON, FOR PUBLIC ROAD PURPOSES.

MAYOR, CITY OF ONTARIO

MALHEUR COUNTY SURVEYOR
(ORS 209.250)

BY: ______
RECEIVED: 9/6/2022
FILED: ______
SURVEY NO. 18-47-1030
DWG. NO. B-01926

PREPARED FOR:
DIRTY GIRL CONSTRUCTION LLC

DERRICK MCKROLA
LAND SURVEYOR
3811 BIRCH RD, VALE, OR 97918
mckrola@gmail.com 541.668.3344

DRAWING FILE: 22-21DWG
DATE: 9/6/2022
JOB No. 22-21
SHEET 1 OF 2

MAYBERRY ESTATES SUBDIVISION

IN THE N1/2 SE1/4 SW1/4 SW1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 47 EAST
OF THE WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON

NARRATIVE:

THE PURPOSE OF THIS PLAT WAS MADE AT THE REQUEST OF DIRTY GIRL CONSTRUCTION LLC TO SUBDIVIDE THE UNIT OF LAND OR REAL PROPERTY AS DESCRIBED IN QUITCLAIM DEED INSTRUMENT NUMBER 2022-3298.

THE CONTROLLING LINES AND CORNERS BEGAN IN NOVEMBER 2018, AND WERE BASED UPON THE REFERENCED MAP OF SURVEYS AS SHOWN.

ALL THE FOUND MONUMENTS APPEAR TO STILL REMAIN TO DATE AND APPEAR TO BE SOLID, AND INTACT. ALL WERE ACCEPTED AS IS.

LAND IN THIS SUBDIVISION:

LAND IN THE CITY OF ONTARIO, MALHEUR COUNTY, OREGON, AS FOLLOWS:

IN TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN:

SECTION 9: THAT PORTION OF LAND IN THE N1/2 SE1/4 SW1/4 SW1/4 MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID N1/2 SE1/4 SW1/4 SW1/4;
THENCE SOUTH 0°11'17" WEST, 331.50 FEET;
THENCE SOUTH 89°42'30" WEST, 518.02 FEET;
THENCE NORTH 0°07'21" EAST, 100.00 FEET;
THENCE SOUTH 89°42'30" WEST, 120.00 FEET;
THENCE NORTH 0°07'21" EAST, 116.06 FEET;
THENCE NORTH 89°34'44" EAST, 120.00 FEET;
THENCE NORTH 0°07'21" EAST, 114.00 FEET;
THENCE NORTH 89°34'44" EAST, 518.41 FEET TO THE POINT OF BEGINNING.

NOTES:

1) PHILLIPS CIRCLE IS A PRIVATE ROADWAY AND ROAD EASEMENT EXTENDS HALF FOOT (0.5') BEYOND THE BACK OF CONCRETE CURBS AND OR SIDEWALKS. EXCEPT AS SHOWN AT THE ENTRANCE FROM ALAMEDA DRIVE (ITS WIDTH VARIES FROM 35.5' TO 41'), THE ROAD EASEMENT WIDTH IS THIRTY-SIX FEET (36') WITH THE PRIVATE STREET SECTION CONSTRUCTED AT THIRTY-FIVE FEET (35'). THE STREET SECTION SHALL BE A MINIMUM OF 30-FOOT WIDE STREET SECTIONS WITH 5-FOOT SIDEWALK ON ONE SIDE.

2) ALL LOT LINES COMMON TO THE PRIVATE ROAD EASEMENT HAVE A TWELVE FOOT (12') PERMANENT UTILITY EASEMENT (P.U.E.). THE FIRST TWO FEET (2') SHALL BE RESERVED FOR CITY OF ONTARIO WATER METERS. THE REMAINING TEN FEET (10') SHALL BE FOR ALL OTHER PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO: CASCADE NATURAL GAS COMPANY, IDAHO POWER COMPANY, CENTURYLINK AND CABLE ONE, AND NO STRUCTURES, OTHER THAN FOR UTILITY PURPOSES SHALL BE ERECTED WITH THE LIMITS OF SAID EASEMENTS.

3) ON STREET PARKING ON EITHER SIDE IS PROHIBITED.

4) THIS SUBDIVISION SHALL HAVE COVENANTS, CONDITIONS & RESTRICTIONS (CC&R) TO PROTECT THE HOMES TO 55 YEARS AND OLDER TO RESIDENTS LIVING WITHIN THE SUBDIVISION.

5) MULTIPLEX UNITS SHALL BE ALLOWED WITHIN THE SUBDIVISION

6) ALL BUILDINGS WITHIN THE SUBDIVISION SHALL BE LIMITED TO SINGLE STORY CONSTRUCTION.

7) BUILDING SETBACKS ARE AS FOLLOWS:
FRONT: 15'
REAR: 10'
SIDE: 7'

8) THE PRIVATE ROAD IS ONE-WAY TRAFFIC RUNNING COUNTER-CLOCKWISE.

SUBDIVISION APPROVALS

MALHEUR COUNTY SURVEYOR ______ DATE

CITY OF ONTARIO PLANNER ______ DATE

MALHEUR COUNTY ASSESSOR ______ DATE

MALHEUR COUNTY JUDGE ______ DATE

MALHEUR COUNTY COMMISSIONER ______ DATE

MALHEUR COUNTY COMMISSIONER ______ DATE

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, CINDY MARIE BRYANT, THE UNDERSIGNED, A MEMBER OF DIRTY GIRL CONSTRUCTION LLC, AN OREGON LIMITED LIABILITY COMPANY, THE OWNER OF THE LANDS SHOWN AND DESCRIBED ON THIS PLAT, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED IN ACCORDANCE WITH OREGON REVISED STATUTES CHAPTER 92, AS MAYBERRY ESTATES SUBDIVISION.

______
CINDY MARIE BRYANT, MEMBER

I HEREBY DECLARE:

THAT THE STREETS OR PORTIONS WITHIN THE LIMITS OF THE PLAT, EXCEPT WHERE PREVIOUSLY DEDICATED, ARE HEREBY OFFERED FOR DEDICATION TO THE PUBLIC USE FOREVER.

PHILLIPS CIRCLE AS SHOWN ON THIS PLAT IS NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID PHILLIPS CIRCLE IS HEREBY PERPETUALLY RESERVED FOR THE LOT OWNERS OF MAYBERRY ESTATES SUBDIVISION, CITY OF ONTARIO, AND PUBLIC UTILITY COMPANIES FOR INGRESS-EGRESS ACCESS.

THE 12-FOOT PUBLIC UTILITY EASEMENT(S) ALONG PHILLIPS CIRCLE AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO: CITY OF ONTARIO, CASCADE NATURAL GAS COMPANY, IDAHO POWER COMPANY, CENTURYLINK AND CABLE ONE, AND NO STRUCTURES, OTHER THAN FOR UTILITY PURPOSES SHALL BE ERECTED WITH THE LIMITS OF SAID EASEMENTS.

THE 10-FOOT IRRIGATION/DRAINAGE EASEMENT ALONG THE BACK LOT LINES OF LOTS 4 THROUGH 19 INCLUDING THE COMMON AREAS ALSO DESCRIBED AS ALONG THE NORTH SIDE AND EAST SIDE OF MAYBERRY ESTATES SUBDIVISION AS SHOWN.

ACKNOWLEDGEMENT:

STATE OF)
)SS
COUNTY OF)

ON THIS ____ DAY OF ______, PERSONALLY APPEARED CINDY MARIE BRYANT, BEING DULY SWORN, PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

SIGNATURE PRINTED NAME

NOTARY PUBLIC

COMMISSION No.: ______

MY COMMISSION EXPIRES: ______

Curve Table

C#	RADIUS	DELTA	LENGTH	CH. BEARING	L.C.
[C33]	[40.00']	[14°15'23"]	[9.95']	[N82°34'48"E']	[9.93']
[C34]	[40.00']	[29°39'27"]	[20.70']	[N60°37'23"E']	[20.47']
[C35]	[30.00']	[14°12'58"]	[7.44']	[N82°28'15"E']	[7.42']
[C36]	[30.00']	[40°04'44"]	[20.99']	[N55°19'23"E']	[20.56']
[C37]	[30.00']	[35°42'17"]	[18.69']	[N17°25'53"E']	[18.39']
[C38]	[30.00']	[33°19'57"]	[17.45']	[N17°05'14"W']	[17.21']
[C39]	[30.00']	[33°02'56"]	[17.30']	[N50°16'41"W']	[17.07']
[C40]	[30.00']	[23°37'07"]	[12.37']	[N78°36'42"W']	[12.28']
[C41]	[30.00']	[36°41'59"]	[19.22']	[S71°13'45"W']	[18.89']
[C42]	[30.00']	[31°46'46"]	[16.64']	[S36°59'22"W']	[16.43']
[C43]	[30.00']	[21°28'38"]	[11.25']	[S10°21'40"W']	[11.18']

SURVEYOR'S CERTIFICATE:

I, DERRICK MCKROLA, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF OREGON, AND THAT THIS SUBDIVISION, AS SHOWN AND DESCRIBED HEREON, CORRECTLY REPRESENTS AN ACTUAL AND ACCURATE SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION; AND IS CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS REPRESENTED AND I HAVE LOCATED A PROPER MONUMENT AS PROVIDED IN ORS 92.060 INDICATING THE INITIAL POINT OF THE PLAT AND ITS LOCATION IN ACCORDANCE WITH ORS 92.060 (1) AND ACCURATELY DESCRIBED BY METES OR BOUNDS THE TRACT OF LAND UPON WHICH THE LOTS ARE LAID OUT.

INITIAL SURVEY BEGAN ON 11/13/2018.
FIRST MONUMENT SET ON 8/27/2022.
LAST MONUMENT SET ON 9/6/2022.

I, DERRICK MCKROLA, HEREBY CERTIFY THAT THIS PARTITION PLAT IS AN EXACT AND TRUE COPY OF THE ORIGINAL RECORD AS HAVING BEEN SUBMITTED FOR COUNTY RECORDING.

CURVE TABLE

C#	RADIUS	DELTA	LENGTH	CH. BEARING	L.C.
[C33]	40.00'	14°15'23"	9.95'	N82°34'48"E'	9.93'
C1	40.00'	43°54'50"	30.66'	N67°45'05"E'	29.91'
C2	40.00'	22°16'24"	15.55'	S56°55'52"W'	15.45'
C3	40.00'	76°15'20"	53.24'	S83°55'20"W'	49.39'
C4	40.00'	53°58'56"	37.69'	N84°56'28"W'	36.31'
C5	50.00'	32°28'16"	28.34'	S74°11'08"E'	27.96'
C6	30.00'	90°00'00"	47.12'	N44°34'44"E'	42.43'
C7	30.00'	90°00'00"	47.12'	N45°25'16"W'	42.43'

CURVE TABLE

C#	RADIUS	DELTA	LENGTH	CH. BEARING	L.C.
C8	30.00'	89°57'23"	47.10'	S44°36'02"W'	42.41'
C9	14.50'	90°24'52"	22.88'	S45°05'05"E'	20.58'
C10	19.50'	90°05'08"	30.66'	N44°39'55"E'	27.60'
C11	50.50'	12°32'37"	11.06'	N5°53'39"E'	11.03'
C12	50.50'	27°13'30"	24.00'	N25°46'43"E'	23.77'
C13	50.50'	29°24'50"	25.93'	N54°05'52"E'	25.64'
C14	50.50'	20°46'27"	18.31'	N79°11'31"E'	18.21'
C15	50.50'	24°47'31"	21.85'	S78°01'31"E'	21.68'

CURVE TABLE

C#	RADIUS	DELTA	LENGTH	CH. BEARING	L.C.
C16	50.50'	31°52'32"	28.09'	S49°41'29"E'	27.73'
C17	50.50'	14°16'29"	12.58'	S26°36'59"E'	12.55'
C18	50.50'	19°03'28"	16.80'	S9°57'00"E'	16.72'
C19	50.50'	39°42'16"	35.00'	S19°25'52"W'	34.30'
C20	50.50'	41°54'24"	36.94'	S60°14'12"W'	36.12'
C21	50.50'	8°23'20"	7.39'	S85°23'04"W'	7.39'
C22	70.50'	32°28'16"	39.95'	N74°11'08"W'	39.42'
C23	24.50'	73°35'39"	31.47'	S85°15'11"W'	29.35'

CURVE TABLE

C#	RADIUS	DELTA	LENGTH	CH. BEARING	L.C.
C24	60.50'	31°52'55"	33.66'	S64°23'49"W'	33.23'
C25	60.50'	9°22'13"	9.89'	S85°01'22"W'	9.88'
C26	14.50'	35°22'18"	8.95'	S40°15'51"E'	8.81'
C27	14.50'	22°12'02"	5.62'	S11°28'40"E'	5.58'
C28	14.50'	89°57'23"	22.77'	S44°36'02"W'	20.50'
C29	14.50'	90°00'00"	22.78'	N45°25'16"W'	20.51'
C30	14.50'	90°00'00"	22.78'	N44°34'44"E'	20.51'
C31	34.50'	32°28'16"	19.55'	S74°11'08"E'	19.29'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
MAY 10, 2011
DERRICK McKROLA
80085

RENEWS: 12/31/2022

MALHEUR COUNTY SURVEYOR
(ORS 209.250)

BY: ______

RECEIVED: 9/6/2022

FILED: ______

SURVEY NO. 18-47-1030

DWG. NO. B-01926

PREPARED FOR:
DIRTY GIRL CONSTRUCTION LLC

DERRICK McKROLA
LAND SURVEYOR

3811 BIRCH RD, VALE, OR 97918
mckrola@gmail.com 541.668.3344

DRAWING FILE: 22-21DWG DATE: 9/6/2022
JOB No. 22-21 SHEET 2 OF 2

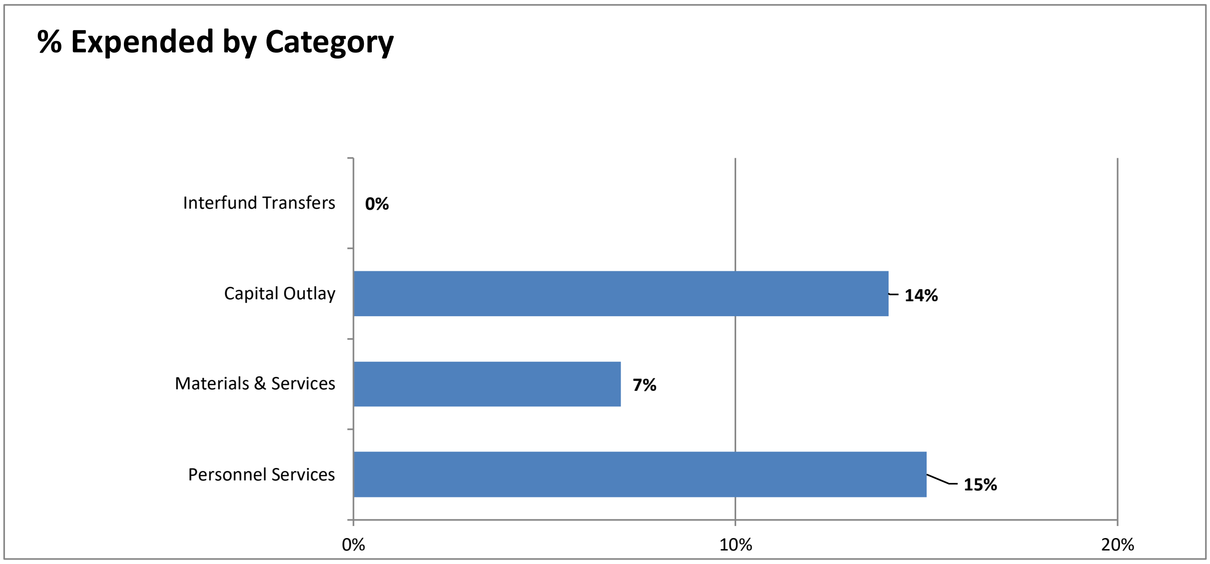
CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
AUGUST 31, 2022

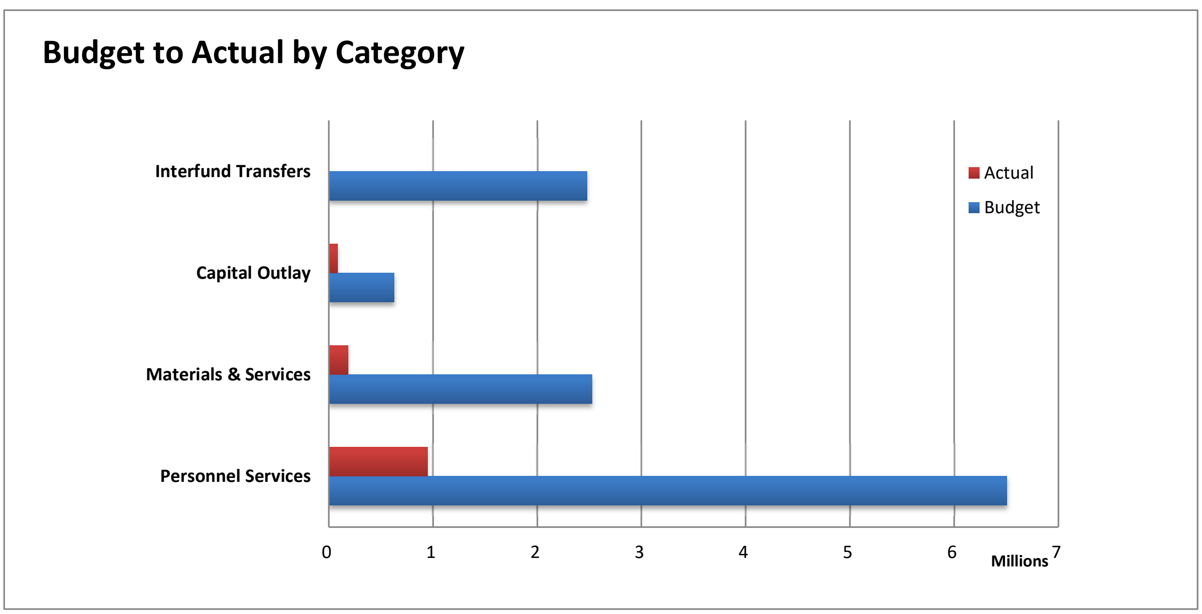
DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	*3,247,069*	-	*0.0%*	
Parks	2,000	410	20.5%	
Parks & Recreation	2,000	410	20.5%	
Fire	234,572	45,485	19.4%	
Code Enforcement	45,300	959	2.1%	
Police	199,850	5,614	2.8%	
Dispensary Business License	111,600	7,400	6.6%	
	-			
Public Safety Total	591,322	59,458	10.1%	
Interest	24,500	11,563	47.2%	
State Revenue Sharing	154,031	-	0.0%	
Administrative Services	497,148	82,858	16.7%	
Other General Revenues	8,485	1,664	19.6%	
Donations	-	-	#DIV/0!	
Property Taxes	4,242,967	28,010	0.7%	
Alcohol Bvg License & Fee	226,233	495	0.2%	
Cigarette tax	8,862	944	10.7%	
Marijuana tax	3,500,000	-	0.0%	
Franchise Fees	1,608,362	-	0.0%	
Cemetery	55,000	4,700	8.5%	
General Government Total	10,325,588	130,235	1.3%	
Planning & Zoning	4,000	950	23.8%	
Community development	4,000	950	23.8%	
GENERAL FUND REVENUE TOTALS	$ 10,922,910	$ 191,053.13	1.7%	
YTD CURRENT YEAR PROFIT(LOSS)		**$ (1,024,325)**		
YTD BUDGET BENCHMARK			***16.7%***	-14.9%

CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
AUGUST 31, 2022

DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	422,549	69,040	16.3%	
Parks & Recreation	422,549	69,040	16.3%	
Fire	1,991,801	291,528	14.6%	
Code Enforcement	150,577	19,599	13.0%	
Police	4,533,820	608,684	13.4%	
Police reserves	3,275	-	0.0%	
Public Safety Total	6,679,473	919,811	13.8%	
Administration	532,881	66,103	12.4%	
City Council	34,461	2,576	7.5%	
Business Registration	1,100	6	0.6%	
Cemetery	224,078	60,467	27.0%	
Finance	259,476	18,823	7.3%	
Technology	214,940	23,347	10.9%	
General Government Total	1,266,936	171,323	13.5%	
Community development	214,474	20,469	9.5%	
Community Development	214,474	20,469	9.5%	
Administrative Overhead	573,580	28,736	5.0%	
Non-Departmental Contributions	531,000	6,000	1.1%	
Other Total	1,104,580	34,736	3.1%	
Operating Transfers Out	2,449,528	-	0.0%	
GENERAL FUND TOTALS	$ 12,137,540	$ 1,215,378	10.0%	
YTD BUDGET BENCHMARK			***16.7%***	6.7%

CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
AUGUST 31, 2022

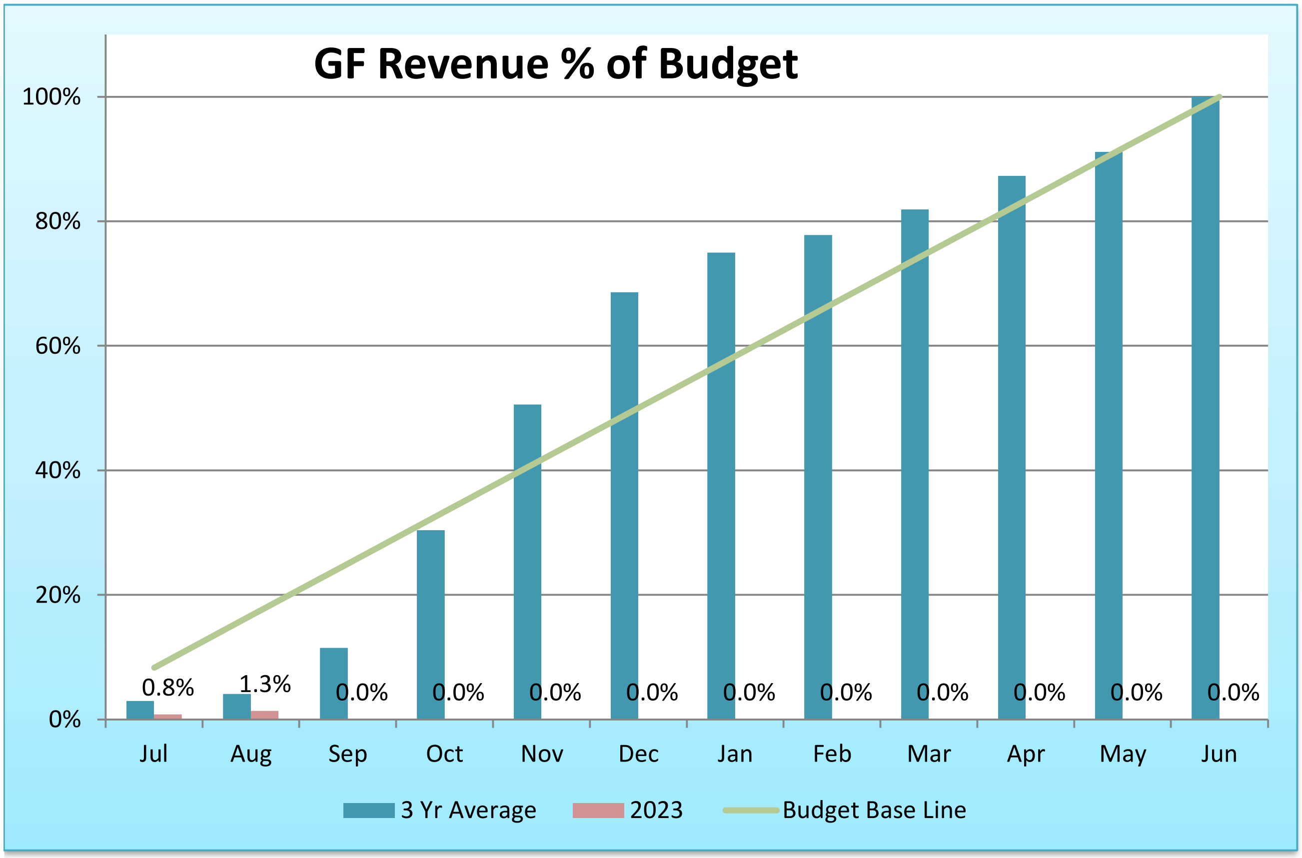


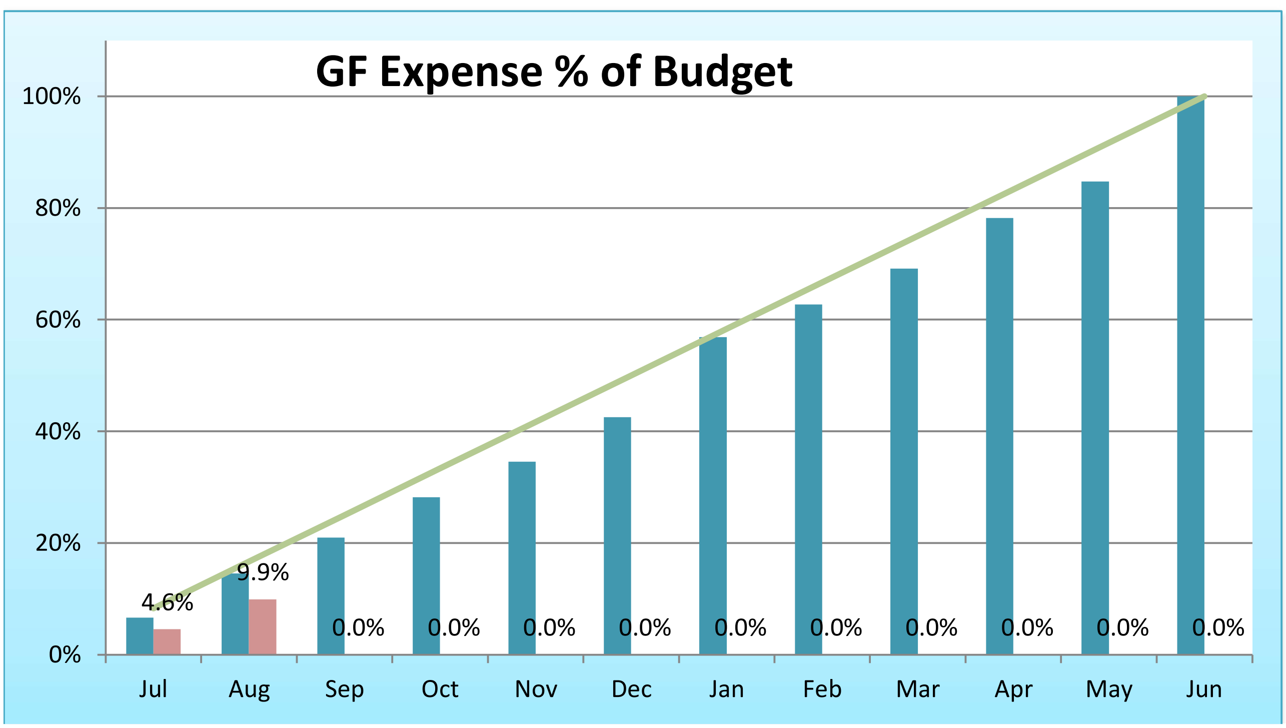


CITY OF ONTARIO
GENERAL FUND - LEGAL SERVICES
AS OF JULY 31, 2022

LEGAL EXPENSES		
JULY	$	3,021
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
DECEMBER		
JANUARY		
FEBRUARY		
MARCH		
APRIL		
MAY		
JUNE		
TOTAL	***$***	***3,021***
BUDGETED AMOUNT	$	80,000
(OVER) UNDER BUDGET AMOUNT	**$**	**76,980**

CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
AUGUST 31, 2022





CITY OF ONTARIO
OTHER FUNDS - EXPENDITURES
FOR THE PERIOD ENDED
AUGUST 31, 2022

	REVENUES				EXPENDITURES		
DEPARTMENT/FUND	BUDGET	ACTUAL	% REALIZED		BUDGET	ACTUAL	% EXPENDED
002 Marijuana Enforcement Fund	25,600	-	0.0%		25,600	-	0.0%
010 Grant Fund	2,744,741	1,226,966	44.7%		2,744,741	29,981	1.1%
027 Building Fund	688,073	82,950	12.1%		229,947	37,665	16.4%
030 Capital Projects Fund	4,603,050	122,090	2.7%		2,790,694	3,302	0.1%
031 SDC Fund	794,798	75,545	9.5%		794,798	-	0.0%
045 Street Fund	5,676,164	245,865	4.3%		5,676,164	330,571	5.8%
050 Trust Funds	845,542	74,515	8.8%		845,542	87,791	10.4%
055 Reserve Funds	4,815,470	84,620	1.8%		3,702,406	26,075	0.7%
060 Revolving Loan Fund	449,164	421	0.1%		449,164	20,000	4.5%
105 Water Fund	4,955,225	769,759	15.5%		4,212,704	417,106	9.9%
110 Sewer Fund	5,561,514	538,462	9.7%		4,546,046	391,335	8.6%
115 Storm Sewer Fund	453,340	19,174	4.2%		159,725	17,776	11.1%
120 Airport Fund	958,329	39,939	4.2%		958,329	44,905	4.7%
125 Aquatic Fund	-	-	#DIV/0!		-	-	#DIV/0!

Comments:

YTD BUDGET BENCHMARK	***16.7%***

CITY OF ONTARIO
BUDGET RESOLUTIONS
FOR THE PERIOD ENDED
AUGUST 31, 2022

RESOLUTION #	FUND	DEPARTMENT	ACCOUNT	BUDGET CHANGE	NET CHANGE
2022-126	GENERAL FUND	TRANSFERS	TRANSFER TO AIRPORT FUND	$ 33,390	$ 33,390.00
2022-126	GENERAL FUND	CONTINGENCY	CONTINGENCY	$ (33,390)	
2022-126	AIRPORT FUND	AIRPORT	TRANSFERS IN	$ 33,390	$ 33,390.00
2022-126	AIRPORT FUND	AIRPORT	CONTRACT SERVICES	$ 33,390	
2022-129	RESERVE FUND	PUBLIC SAFETY	POLICE EQUIPMENT	$ 26,322	$ 26,322.00
2022-129	RESERVE FUND	PUBLIC SAFETY	CONTINGENCY	$ (26,322)	
2022-130	GENERAL FUND	NON DEPARTMENTAL APPROPRIATIONS	ONTARIO BOXING CLUB DONATION	$ 6,000	$ 6,000.00
2022-130	GENERAL FUND	CONTINGENCY	CONTINGENCY	$ (6,000)	
2022-132	GENERAL FUND	TRANSFERS	TRANSFER TO AIRPORT FUND	$ 2,810	$ 2,810.00
2022-132	GENERAL FUND	CONTINGENCY	CONTINGENCY	$ (2,810)	
2022-132	GRANT FUND	GRANT FUND	TRANSFERS IN	$ 2,810	$ 2,810.00
2022-132	GRANT FUND	GRANT FUND	FAA AIRPORT GRANT	$ 2,810	
2022-132	AIRPORT FUND	AIRPORT	TRANSFERS IN	$ 2,810	$ 2,810.00
2022-132	AIRPORT FUND	AIRPORT	TRANSFERS OUT	$ 2,810	
2022-135	GENERAL FUND	TRANSFERS	TRANSFER TO STREET FUND	$ (147,000)	$ (122,000.00)
2022-135	GENERAL FUND	CONTINGENCY	CONTINGENCY	$ 122,000	
2022-135	GENERAL FUND	NON DEPARTMENTAL APPROPRIATIONS	SOFTBALL BACKSTOPS	$ 25,000	
2022-135	STREET FUND	STREET	TRANSFER FROM GENERAL FUND	$ (147,000)	$ (147,000.00)
2022-135	STREET FUND	STREET	10 YD DUMP TRUCK	$ (147,000)	
2022-137	RESERVE FUND	PUBLIC SAFETY	AVAILABLE CASH - PUBLIC SAFETY	$ 109,002	$ 109,002.00
2022-137	RESERVE FUND	PUBLIC SAFETY	RADIO EQUIPMENT	$ 109,002	

Presentation by Dan Cummings

Tuesday, September 27, 2022

CITY OF ONTARIO COMMUNITY DEVELOPMENT

Fiscal Year 2021-22 Fourth Quarter

Building Department

Economic Development

Planning and Zoning

Building Department Statistics

Mechanical and Structural Permit Amounts and Fees

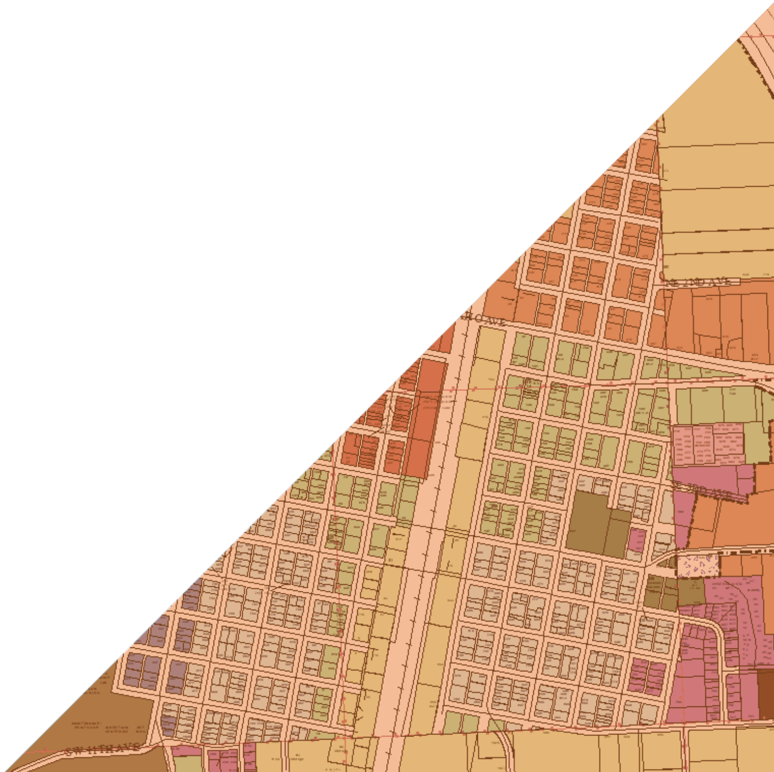
Apr – Jun 2022

Mechanical Permits and Fees Issued

- Mechanical Permits Issued **156**
- Mechanical Valuation Totals **$1,003,462**
- Total Mechanical Fees **$12,679**

Structural Permits and Fees Issued

- Structural Permits Issued **49**
- Structural Valuation Totals **$5,681,214**
- Total Structural Fees **$54,401**



Building Department Statistics

Mechanical and Structural Permit Amounts and Fees

Apr – Jun 2022

Total Permits and Fees Issued in 4th Quarter FY 21-22

- Total Permits Issued **205**
- Valuation Totals **$6,684,676**
- Total Permit Fees **$67,080**

Planning and Zoning Department

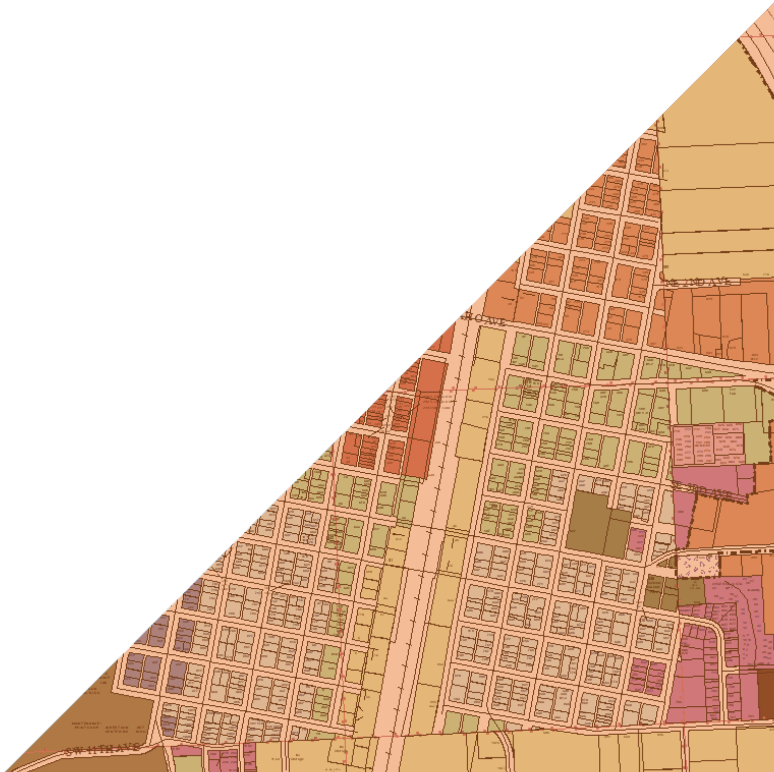
Apr, May, Jun 2022

- Annexations — 1
- Conditional Use Permits — 1
- Property Line Adjustments — 2
- Zone Code Amendments — 1
- Partitions — 2
- Rezone — 1

Total Land Use Applications for 4th Quarter — 8

Total Fees for the Quarter

$4,538



Phase II Façade Grant Program

- Applications for locations along SW 4th Ave
- We have received a total of six applications for Phase II Grants
- Speech Tree-Recipient
- Kanpai-Recipient

Participating Businesses

Burger West

Ultra Timmer, LLC

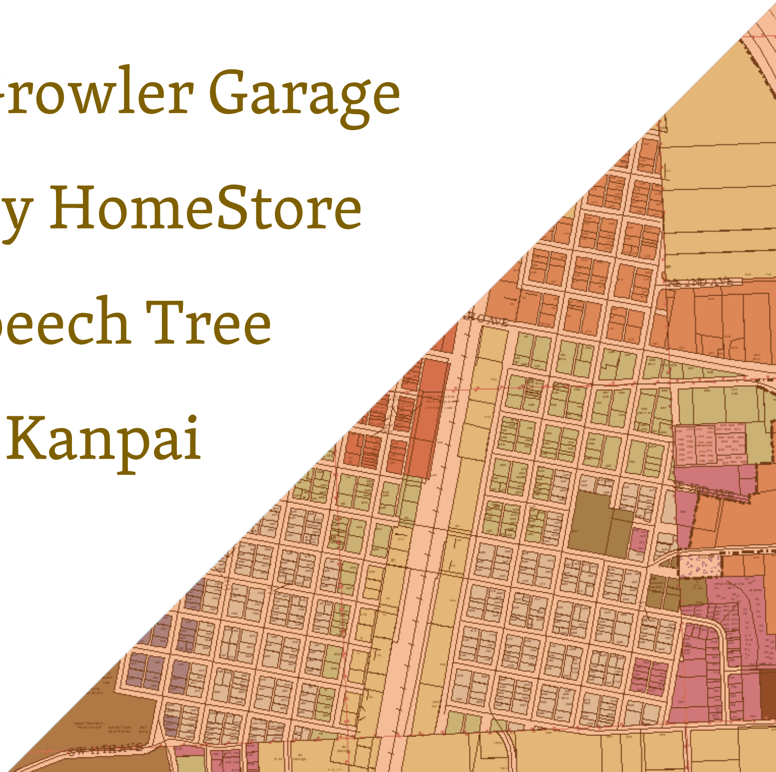
Rusty's Pancake and Steak

Berts Growler Garage

Ashley HomeStore

Speech Tree

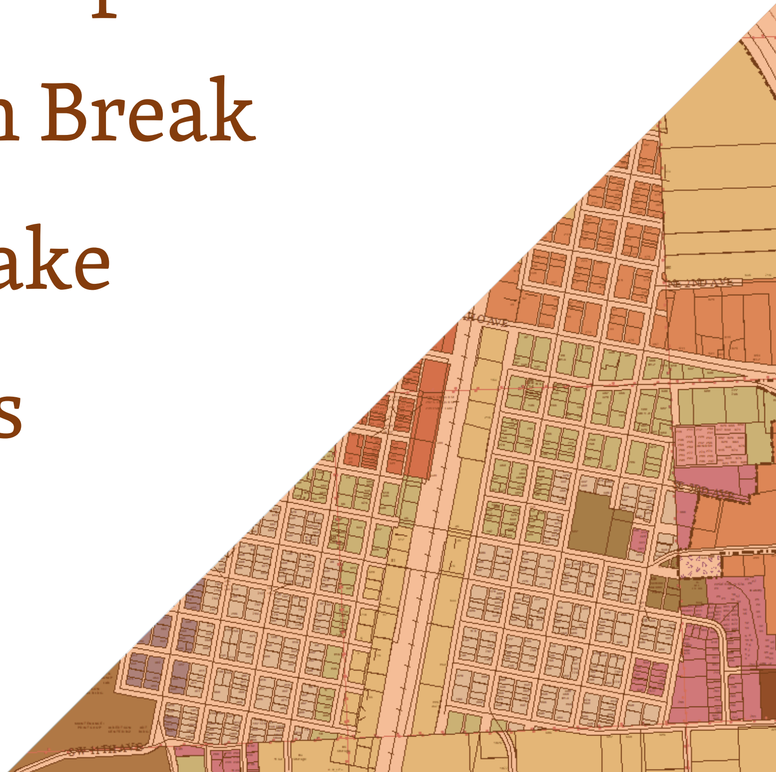
Kanpai



Ontario Economic Activity

Apr, May, Jun 2022

- Mayberry Subdivision
- Project Build Ontario
- Project West Park
- Project Grand Prix
- Project Rubicon
- Brownfields Grant Program
- Project Champ
- Project Sun Break
- Project Intake
- Project Otis



Ontario Economic Activity

Continued

"Project Build Ontario"

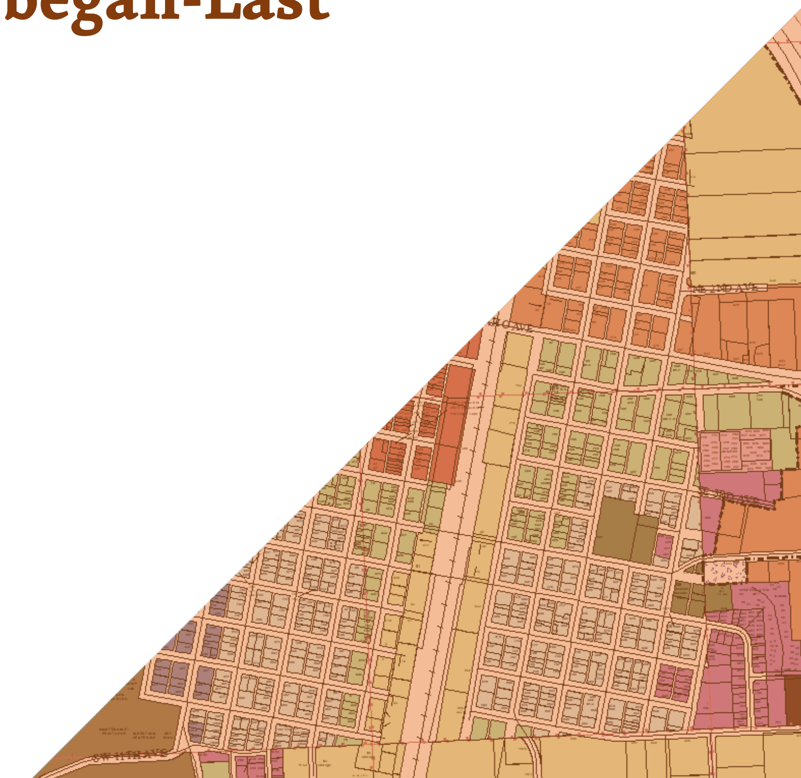
- Single Family Residential Housing Incentive program promotes new housing within the City Limits

  Status: 50 total applications since the incentive began-Last application #50 was in April

"Project Westpark"

- Redevelopment of the West Park Plaza Mall
- Creation of new indoor mini storage and flex space
- Consideration of 150-unit apartment complex

  Status: On-going



Ontario Economic Activity

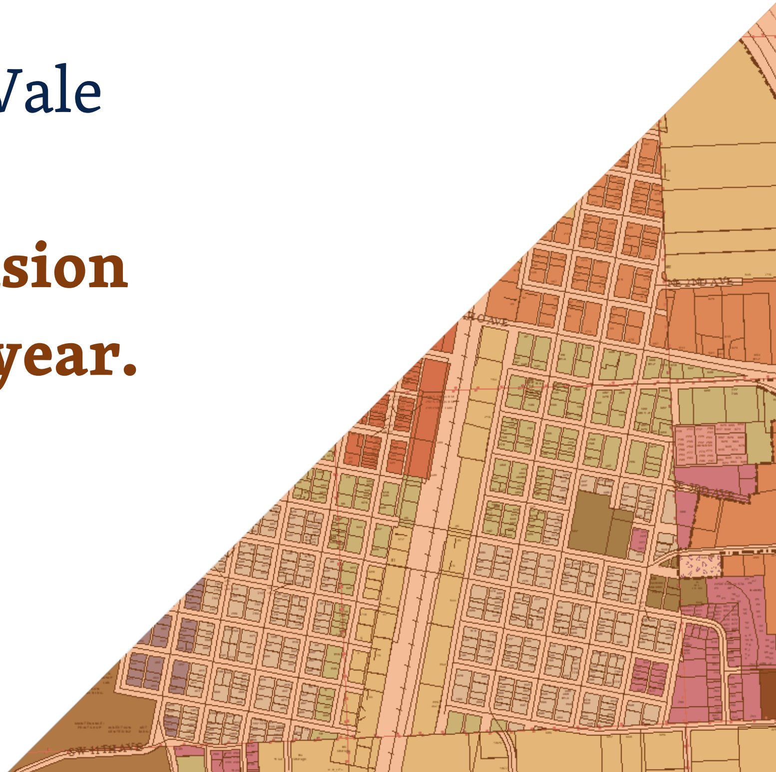
Continued

EPA Brownfield Grant Program

- Redevelopment of Brownfields within Malheur County
- Funding still available to properties in Ontario, Nyssa, Vale
- Phase I and Phase II studies ongoing

Status: EPA ends in September-Applied for an extension

We have had several projects in Vale approved this year.



Ontario Economic Activity

Continued

"Mayberry Subdivision"

- Affordable Mini Housing Development for Veterans and Seniors Citizens

  Status: Ready to start issuing building permits

"Project Intake"

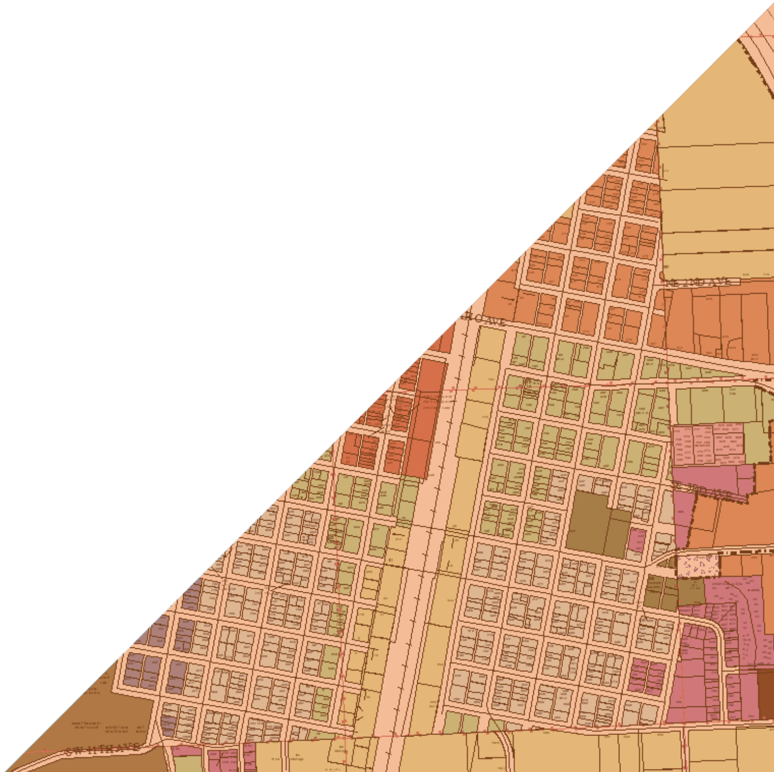
- Tissue Paper Production
- 70-90 Employees on 30-40 Acres

  Status: On-going

"Project Otis"

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

  Status: On-going



Ontario Economic Activity

Continued

“Project Champ”

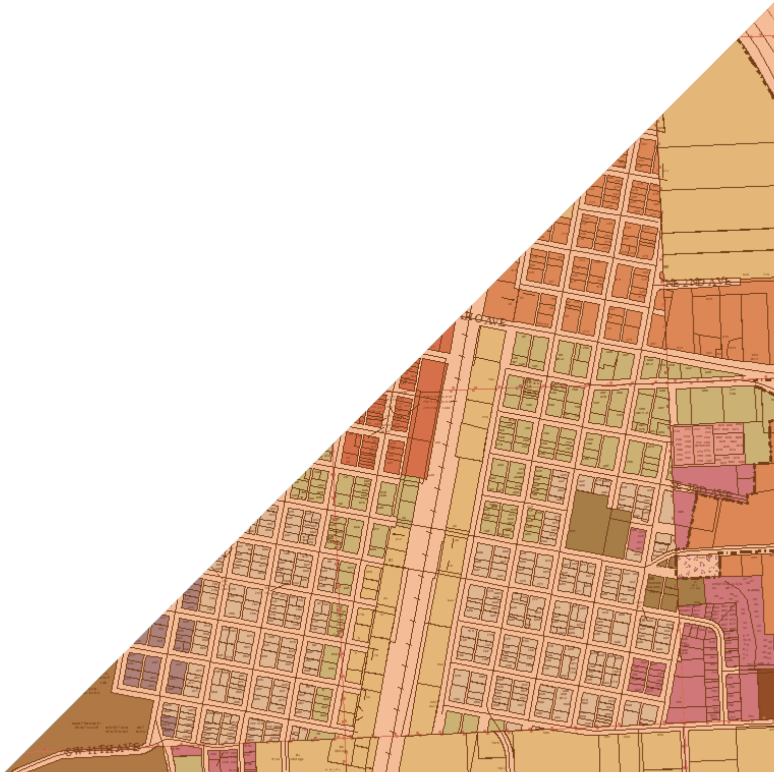
- Thermoformed packaging company (food, medical, retail products)
- $10 million in equipment investment
- 33 employees to start
- 200 maximum employees at full buildout

Status: On-going

“Project Grand Prix”

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

Status: On-going



Ontario Economic Activity

Continued

"Project Sun Break"

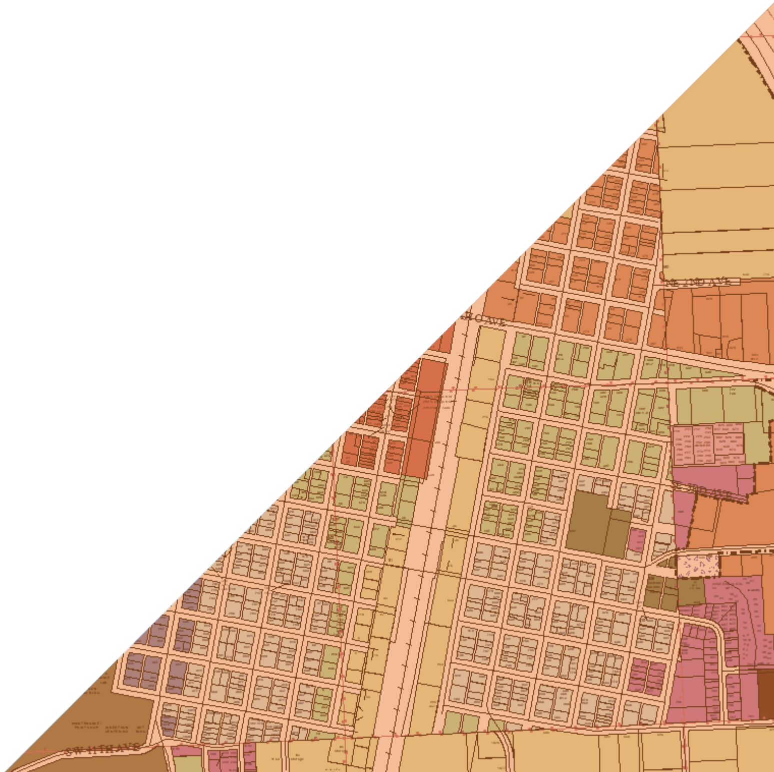
- Data Center looking for 200-500 acres
- Will employ 40 direct employees and managers

Status: On-going

"Project Rubicon"

- Food manufacturing company
- Needing between 40 - 60 acres
- 150 employees at total buildout
- $200 Million Investment

Status: On-going



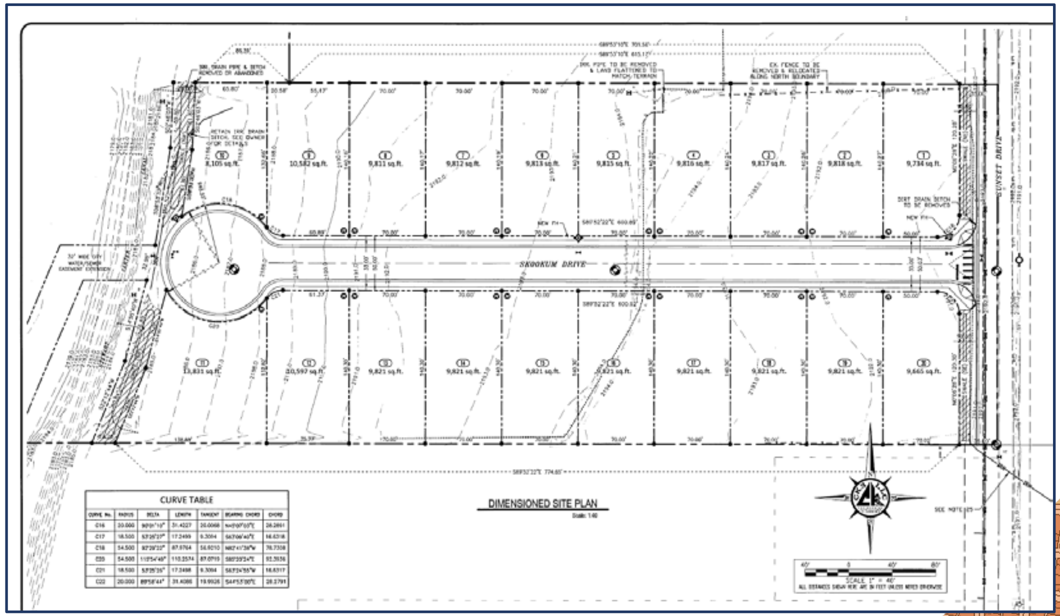
Projects in Development

Brockside Subdivision

Skookum Drive

Projects in Development

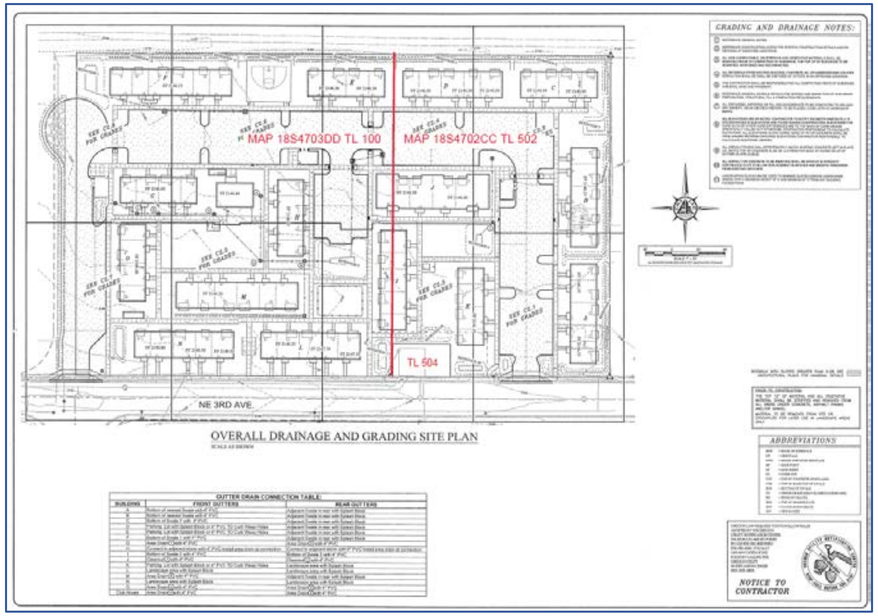
Addition of
Albertson's Pharmacy



Harrah Heights
Subdivision

NASCOSTO Affordable Housing

Construction Continues

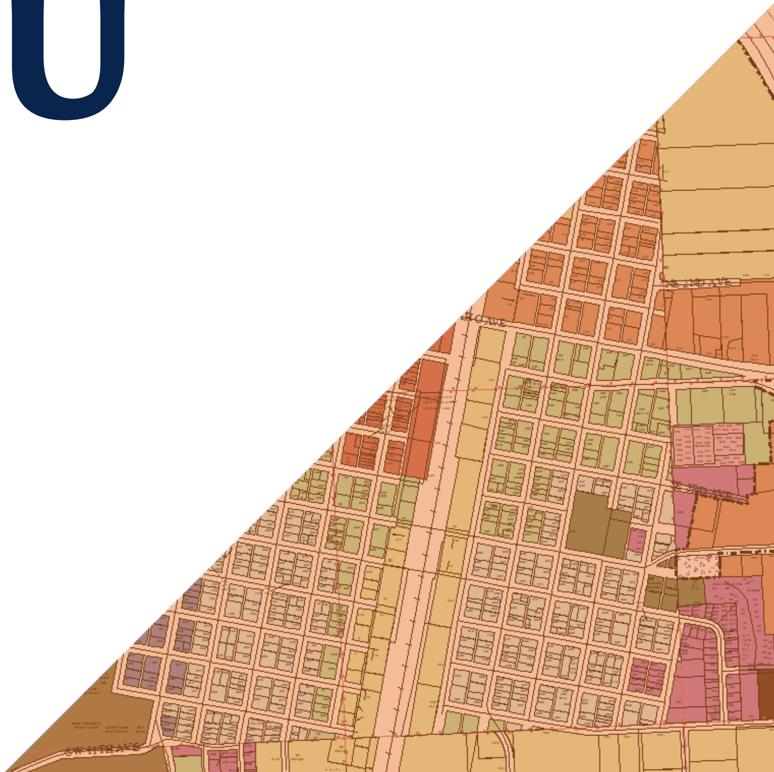


BUILDING UPDATE

7 New Single-Family Residential Permits Issued

1 New Airport Hangar

THANK YOU



MALHEUR COUNTY COURT MINUTES

September 7, 2022

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Administrative Officer Lorinda DuBois was present. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2022-3922

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R22-24. The public hearing was necessary in order to allocate opioid settlement funds that were not anticipated when the adopted budget was prepared - the funds will be used for opioid abatement strategies, and a new Opioid Settlement Fund was created and appropriations total $29,811; and to allocate HB 5202 funds in the Fair Fund that were not anticipated when the adopted budget was prepared, these are State General Funds for fairgrounds infrastructure. Additionally, the supplement budget allocates reimbursement funds from the Agricultural Educational Extension Tax Service District to the Extension Service fund - these are reimbursement funds for work done under the 4H program by Malheur County staff; and allocates Contingency funds to the Planning/Zoning fund - these are holdover funds from SB 16 grant for contracted services. No public comments were received. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R22-24: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-3923

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of August 31, 2022 as written. Commissioner Hodge seconded and the motion passed unanimously.

FUNDING AGREEMENT & USE OF OFFICE SPACE - MCDC

Commissioner Jacobs moved to approve Agreement for Funding for Project Manager and Professional Services for Treasure Valley Reload Center with Malheur County Development Corporation (MCDC); and Revocable License for Use of Office Space (License) with Malheur County Development Corporation. Commissioner Hodge seconded and the motion passed unanimously.

EASTERN OREGON COUNTIES ASSOCIATION (EOCA) - DUES

Commissioner Hodge moved to authorize payment of EOCA membership dues for fiscal year 2022/2023 in the amount of $12,500. Commissioner Jacobs seconded and the motion passed unanimously.

NAME PROPOSAL OF AN UNNAMED TRIBUTARY OF SUCCOR CREEK

The Court received a request from the US Board on Geographic Names (BGN) regarding a proposal to name an unnamed stream that flows through Owyhee County, Idaho and Malheur County as Johnson Creek. The new commemorative name Johnson Creek is proposed for a one-mile-long tributary of Succor Creek. The stream heads in a reservoir just inside the boundary of Malheur County, then flows generally south and east into Owyhee County, Idaho, to enter Succor Creek 4.5 miles west-southwest of Homedale. The Malheur Country Historical Society had no objection to the proposed name. Commissioner Hodge moved to recommend that the US Board on Geographic Names approve the proposed name. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-3924

CHECK REGISTER

Commissioner Hodge moved to approve Accounts Payable register for June, July and August 2022. Commissioner Jacobs seconded and the motion passed unanimously.

ASD COORDINATOR

The Court accepted the resignation of ASD Coordinator Bob Dickinson, effective September 16, 2022. Judge Joyce thanked Mr. Dickinson for his service to Malheur County. Ms. DuBois explained the job description will be updated and the vacancy will be posted; due to budget restraints the position will be posted as part-time (3 days per week).

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT SPECIAL MEETING MINUTES

Pursuant to Initiative Measure No. 23-64

September 12, 2022

A Special Meeting of the County Court was called to order by Judge Dan Joyce at 9:03 a.m. with Judge Joyce present. Commissioner Ron Jacobs joined at 9:18 a.m. Commissioner Don Hodge was absent. The Special Meeting was held pursuant to Initiative Measure No. 23-64 to discuss how to promote the interests of Malheur County in any negotiations regarding the relocation of the Oregon-Idaho border. Present in the meeting room were public members Paul Skeen and Shay Meyers. Present electronically were Brent Grasty, Steve Grasty, and Angelene Mendez. Notice of the meeting was emailed to the Argus Observer and Malheur Enterprise and posted on the Courthouse bulletin board and County website. The meeting was audio recorded. The agenda is recorded as instrument # 2022-3957

Judge Joyce asked for public comments.

Steve Grasty: It'll be interesting to hear the other comments. I just read the minutes of the last Malheur County Court meeting and, for the record, this is Steve Grasty and I'm retired and I live in Burns, Oregon. I find it interesting, in our county, these meetings are so poorly advertised that folks rarely make them. I'm putting a lot more focus in getting to the next one here. As I read these minutes, I guess what I find frustrating is the proponents of moving the border recognize the number of issues – sales tax, water rights, what's our effect on Oregon State property that's within the boundaries of the various counties that are having this conversation. But I never see any responses, or answers, to those. If we're going to move forward and really have a conversation about the interests of the various counties in this, I think one of the things we've got to do is identify the pros and the cons. Many of those, as I've said, have already been recognized. We ought to be putting some answers out there to them. The other thing that always comes up around this county when you go to the coffee shop and talk to the guys around the coffee table, nobody knows how this process works, and I think we need to be talking about that. If we're going to talk about the interests of these counties we'd better talk about how it works to change those interests for the good or the bad. The other thing I want everybody to know, because of a past life, I've spoken at a number of different organizations, mostly about the armed insurrection we had in Harney county, and I can tell you several of those, one notably was the Airstream owners of Idaho, I spoke to them about the takeover of the refugee and when we were all done, I said, Hey how many of you folks here are from Oregon? And not one, I take that back, there was a local guy who had helped promote it, so there was one there, all the rest were from Idaho – about 80 people, and I said, How many of you want this part of Oregon moved to Idaho? And got no responses, none, not one. So I'm not sure how much interest there is in Idaho wanting us, but until we answer all these other questions, I hope that no more of the county courts ask their legislators to move forward. Clearly these meetings are poorly attended, and so if there's a huge uprising and let's get this done, I guess I don't know where those people are in any county, Malheur county, Harney county, it doesn't matter, nobody's showing up to these meetings, or the numbers are pretty small, and then we hear, Hey all these people I talked to. I just did that, but all those people we talked to, they're not credible unless they show up, it's just that anonymous person. I really recommend that the Court takes a hard look at trying to help answer these questions. I would suggest that the proponents may know the answers to them or have been working on trying to make the answers to them so they can respond; let's put those answers together, let's put them out in front of everybody and really truly have a serious conversation.

Brent Grasty: I read the minutes from the last meeting, I'm sorry I wasn't able to be on that call, but Mrs. Kerby and Bob Wheatley and Mr. Skeen, I think they had some important points that they raised that really are those same things that Steve mentioned. The overall angle that I can tell that the main organization for Move Oregon's Border is emphasizing communication with the legislature; that there are problems that aren't being addressed under the current situation. I just want to call back to the January meeting when Jim Mosier pointed out there's been many solutions that have been accomplished, maybe not for individuals or even parts of the economy, but many solutions in our past, in the state's past, that eastern Oregon counties banded together and raised those issues and made a stronger voice. It feels to me like this approach to express those concerns isn't the right way to do it, and I don't think it's the way that Oregonians… *(experienced audio connections and Mr. Grasty could not be heard)* … So I was really rambling and I think there's a better approach to this, and the one thing that drives me nuts on this, is this county in an off election in the spring, came out with a 54/46% Pro and Con. And this approach just makes me think well gee, you're just turning, flipping the coin over on the folks that I don't think they disagree necessarily with that point to communicate issues that are of concern, but they aren't in support of this approach. I'm in line with Steve on there's questions that need to be answered. Bob Wheatley, he volunteered to be on a committee if a committee is put together, I think you'll get good engagement, but I really don't see that to be the responsibility of the Court. That's not the question that was voted on. This was a grassroots effort. I pulled up the Move Oregon Border website this morning and I don't see one piece of new information that says these questions that are being raised, these points that are being raised, are being answered by the group itself, and it just feels like that should happen. The Court needs responses from the community, and the proponents for such a significant change to the Constitution.

Shay Meyers: Shay Meyers, Froerer Farms, Nyssa Oregon. Paul called me on Friday. I guess some of these complaints are referred towards someone like myself, which I think is good for you to hear because I can respond to some of the, why is the attendance not higher, number one. What are the processes, number two. And how do we have more of a grassroots significant movement, number three. Number one: we've heard of lots of different efforts being made to pull specific counties of Oregon and Washington into Idaho for a long time. The reason for myself to not have attended meetings like this in the past or be more involved is that the process is not super clear, number one. Number two, the ability to actually execute. Any of us that are going to put in time and effort want to know that that effort is going to be meaningful, and for me it's hard to know what is meaningful as far as dedicating time and energy. However, the need for this is significant. If we look at, land values are very simple to look at, probably a 70% premium versus, if we were to move our farmland to the other side of the state, or to Idaho, there's conservatively a 40% increase in the value of every piece of land that we own. Home values are probably closer to 70-80%

higher. And I think that's important from a proposal to Idaho, and that at least the stuff within the Treasure Valley specifically, and I think that's important to consider. Pulling in additional, larger areas might be more challenging and more difficult than to try and start with a smaller concise effort for something that's really already a part of this project. When I look at that, I mean, Idaho is already dealing with, for example, Oregon's position on the legalization of marijuana. They're already having to police their own citizens; they're already having to boost up their police force. They're already dealing with the consequences of people driving within five minutes of where they live, and then returning home with something that they deem to be dangerous and illegal. That's an easy one. If we look at the impacts from the labor market and from the pressure that they face for schools, there's an exodus of folks from Idaho, sorry from Ontario and even Nyssa and bordering towns that are leaving those school districts and putting pressure on Parma, Payette, and Fruitland, because of the challenges that Ontario is facing. So, they're already facing, at least from a management stand point, they're already facing the challenges of dealing with that, without getting the tax base. It's getting paid for in one form or another, by the parents that are moving their kids there, but not in the same fashion that it would be. So, in short, I just feel like, observationally, Idaho is already dealing with the ramifications of what happens in Nyssa and Ontario, Adrian, and maybe Vale. And the question then is: what does it take for the State of Idaho to, first of all, you have the procedural efforts, but monetarily, what does it mean to them, if it's only Malheur county, sorry, only the Treasure Valley, and how do we define what the Treasure Valley would be? And how far does that go? In short, though, I guess in summary for me, the last thing that I'd say is that I think it would - no, no, no, I know that it would be beneficial for us be located with the state of Idaho. If you look at the last five years, the last five years, seven years, the last seven years, our payroll cost has doubled. What's the reason that our payroll has doubled? Number one, we had a minimum wage increase. Number two, we have, for large employers, we have a retirement match – 3% required. We have a one-week paid time off, or sick leave that's required. We have the exemption now, which hasn't even taken effect, and we've already seen a massive increase over that seven year period, 70 to 100% increase in labor, depends on how you want to figure it, but over that seven year period now, you remove ag exemption on the overtime, and then you put in the last piece, the family sick leave act, - does anyone know the official name of that one? We have this new family sick leave act, which requires us to maintain someone's position for 90 days for maternity, paternity, childcare, any family illness that can qualify, which is many, and we have to guarantee their position and maintain their pay for that 90-day period. In short, it's not sustainable. And that's the part that the State doesn't get, that's why we pack in Idaho, that's why we will move our peeling facilities to Idaho, we are getting everything out anyway. So, the response of the State, or the County, or whoever it is that can react, the businesses are going to react. We can't move our land but we can move every other aspect of our business out. And it's not for want, it's not because we don't want to be Oregonians, I mean, four generations in my family within the Nyssa area, proud Oregonians, but the State isn't proud to have us as Oregonians, so we've got to do what we can to try and remain competitive, viable and that's either moving the border or us moving everything that we can to the other side of the border.

Paul Skeen: And you farm on both sides?

Shay Meyers: We farm on both sides; more Oregon than Idaho unfortunately.

Paul Skeen: Paul Skeen; born and raised here. The days of my early farming, I'm in my 50th year, I know it looks like I've been 60 or 70, but, this was a Republican state. I remember going to the Bully Creek dedication with Governor Hatfield, I think the Judge and I were probably six, maybe seven.

Judge Joyce: Seven.

Paul Skeen: Anyhow, I remember how this state has changed, and I like to tell people in Idaho, we're more conservative and the majority counties in Oregon and Idaho, and we're still a blue state. Steve and Brent brought up some really good questions. I have never been a big proponent of taking everything but the Willamette Valley into Oregon to begin with. I've been saying, let's take the Treasure Valley, one small bite out of the big elephant to begin with. And with that, see how things work. It's one thing that Mr. Meyers didn't bring up is the H-2A program that we have in Idaho is $3 less an hour than Oregon. And, I mean it's just everything. So, when both of you guys commented on the feelings of all this, I want you to know that I am working as hard as I can to get some things changed that will keep me here. I built a new house 29 years ago for my wife; I don't want to move to Idaho. I have property over there too, although it's not land, too bad for me. We've got to change some things with death tax, and that basically only concerns the majority of people who either own land or businesses, but that's still a major issue. I'm trying to get the natural resource that was put in in '11 or '12 by then Representative Bentz, but land values have almost doubled in that timeframe and so we're trying to get that doubled, and both Owens and Findley are working on that as we speak. The death tax, we're number one in the nation. It's not something I want to be number one in. The way that works out, my wife gets a million or people, the wife gets a million, the husband gets a million, and then it's 16% after that and if you're trying to leave your farms or your ranches, to stay in the family, that's not sustainable either. It's just outrageous what it will cost and so, all the issues that Mr. Meyers brought up, they're running us out. They are running us out, and we use a lot of labor that, probably in Harney county, they don't have to use as much with all these different vegetable crops and stuff that we grow. And, between my, and Froerer Farms is probably three times the size of ours, but between my two sons and myself, we farm about 2500 acres, and own probably half of it. So those are the issues, nobody knows about this, there's no way to get the word out. You're saying don't blame it all on the County Court, but that was the proposal that was voted on, was the County Court was to have one every quarter, right?

Judge Joyce: Three times a year. January, May, and September.

Paul Skeen: I'm not saying that, I'm not sure what I'm saying. I will tell you that I know a lot of people because of some of the things that I've done in industries over the years, especially in the onion industry. The Majority Leader in the House, a good friend of mine from Idaho, the governor, Governor Little would recognize my ugly face, probably couldn't call me by name, that knows our issues. He's from the outside eastern part of the Treasure Valley to begin with. The Senate Majority Leader grew up in Vale, from Idaho. So, as I've talked to those guys, they all would like to see the Treasure Valley in Idaho. I'm not positive that they understand the full ramifications if you take all of Oregon. So, I feel like, again, I go back to, we are trying to eat the whole elephant and we might ought to take one bite at a time. So, I would encourage you to send that letter off again, to both our representatives and figure out a way that we can get people in here. I met with Christine Drazen, three weeks ago, a month ago, whenever it was, Commissioner Jacobs was there too, and I told her our issues and she hears our issues, and I think, if we can get every Republican just to vote, the way Cliff and she talked, make sure I'm right on this, that she can win. The problem is, we don't get enough Republicans out to vote. I've never not voted in my entire life and yet I have one son that's never voted. I got the rest of them on board, and that one's in Idaho now so. I guess that's all I have.

Angelene Mendez: Angelene Mendez, I'm a local real estate broker, I own my own brokerage here in Ontario. And, because I deal a lot with the real estate market and with housing issues, I really don't see us growing or changing, sticking to being Oregon. If we don't move the border, and we don't jump on board with Idaho, my opinion is that we will stay stagnant and we will not see any movement for our area. Prices will continue to increase. Wages will continue to increase. And companies will not come to our area to provide jobs or the State itself will not provide support for the issues, the mental health issues, the drug issues, everything that we are currently seeing. We don't see any help coming our way and we just kind of are going to have to deal with it as citizens. I've lived here now for about 10 years, and within those 10 years, I've seen, just within the past two years, significant increase in issues in crime. I mean, we were already rated as the number one county in the state to have the highest crime per capita; now we're even worse, and we're not getting support from Portland and Salem area and I don't believe we will ever get support from that end. That's why I feel like if we jump on board and we move the border for Idaho and get the support from Idaho we will have a lot more resources, we will have a lot more job opportunities for our local residents, and it will help local employers and small business owners, such as myself, and farmers, which are part of our community, in which run our community right now. It will give them the opportunity to not have to pay such high wages and benefits, but at the same time we can offer our employees other benefits that will help them to sustain their living, and not only help them to sustain but to grow within themselves. It's about supporting our employees, not only financially, but education, and helping them to move up the ladder, or gain better, get a better perspective on life in general. I just feel that we would be a better community overall if we were allowed to move the border and to basically get better support from Idaho, versus what we're already getting from Oregon, which we've seen: we're not getting anything. And they're just kind of letting us go and don't really care. And, I don't believe, I love Christine Drazen, and I believe in what she says, and I really hope that she gets the seat, but I don't believe she will. I believe that the Democratic money will force her to stay down and will put Democrats still in the seat and we're just going to keep going the direction that we've been going. I think this is our only opportunity and chance to be able to get what we need for our community, and for us, versus the rest of the state. We need to think about our people, because we're the only ones that are here for our people. Everybody else on the other side is not, and so, I think we just need to think about that as a whole, and as a community, but that's my comments, and that's my stance, and that's where I stand on that.

Paul Skeen: Well I hope she's wrong about the governor election and my feeling that we have a chance, because we almost got it the last time, and back when, in fact I was sitting thinking to myself, I've met with the last three that have run for governor that haven't been successful; I hope this one's going to be a different one because of Betsy. Betsy is going to pull stuff away from the Democrats.

Judge Joyce: So in those last three elections, it only took two voters from each precinct to win.

Steve Grasty: This is actually, I think, only the second one of these I've managed to actually get in and listen. At the end of the day, the problem is we have two legislators, and we had one before them, all three of them are great guys, Cliff, Owens and Findley, all great guys. It's their job to get over there and address these problems and get back to us. We can sit here and talk about moving somewhere else, but the problem is we are not active enough in Salem. I drove over 250 times in 18 years to Salem to make sure we were heard. We got to do this differently and some of the very people in the room need to be stepping up and driving to Salem once in a while. Going to Idaho is not going to fix anything, they're going to be more liberal in Boise than Portland is in the next 10 years. We will have the same problem. So, do what we want, but we need to fix our problems, not create new ones. Anyway, there's my bias.

Paul Skeen: So they're telling you Judge, you two need to be going over there too.

Brent Grasty: One of the things that I submitted in, either at the first meeting, or last January, with my testimony was, looking at Ada, Canyon, and Payette counties, that part of the Treasure Valley, those guys have lost 60,000 acres of farmland to residential development, and they predict, the Idaho Economic Department, predict another 110,000 acres lost in the next 10 to 20 years. I'm struggling with some of the problems that are real, absolutely real that you guys have described, but I just feel like this is going to be a huge time investment with very little potential for being successful when we could be working at this from a different angle. This fits more with me with how we're tearing our neighborhoods and communities apart rather than bringing us together. I just hope we can come up and get through this discussion, get some answers, and share them out broadly to all the eastern Oregon counties that have either bought on or turned it down, I know there's at least one county that turned it down. And the idea of isolating Malheur county as the only one on the list; we need to work together more, that's my message.

Judge Joyce and Commissioner Jacobs: thank you

Brent Grasty: Hey Judge, one thing, and I looked in yesterdays paper and didn't see this announcement, maybe it was there, my eyes are getting older too, but if we're going to get more attendance, and I don't know that this is the Court's job, but in the January meeting I did a letter to the editor just saying, Hey guys come to these meetings, be involved, put your opinion out there. I think we could do a better job of doing that at least.

Judge Joyce: Well and that's true, but the law says it's three times a year, and it's specifically on the second Monday, for those following.

Shay Meyers: Anything that you're doing that's, there's a change there. One of the things that I struggle with, with politics probably the most is actually being impactful. I've been impactful, meaningful, creating a change that's actually going to be something you're going to realize and see within your lifetime. The more and more that I have people, constantly because of the social media and kind of the way that I put myself out there as a public figure, to a certain extent talking about agriculture, there's a constant Hey, you need to be more involved in politics. And, Hey would you please be more. And my counter to them is, and this is the frustrating part about politics, and everyone that's on this call is going to understand that, what I'm going to say, and that's that if you're, I don't have the time, and I certainly don't have the time if I can't have the impact. And, if we took a different approach, if you took a 21st century approach to this, there is certainly more that could be done. You find the right people, with the right audiences, with the right following at the right locations, and you could have many more people at these meetings. And that is something, what you're going to find that I think we're all missing in this room, at least part of us are, is that there is a new younger generation that's very discontent with both their state politics and their federal politics. And they don't know where to turn and the traditional Democrat/Republican platform is not working for them either, but no one's really recruiting them or giving them anything meaningful to work towards, and I feel like something like a grassroots effort like this one is meaningful, and that you can prove to a significant demographic that politics can work. The question is, how do you do it? And what is, again, the steps that were mentioned, in the beginning are important, meaning, what are steps 1 through 10 and how do we accomplish those things? And certainly, one of the things that I can contribute to is trying to get more people in attendance to the meetings, and doing that is the first step. To speak to the involvement within the state, this will be an interesting, and it's not an eggresion from the core part of what we're talking about. You have TVCC flying airplanes on a daily basis from Ontario; those pilots all need hours, every single one of those pilots that are there need hours. You put fuel in the airplane and let the pilot fly that airplane, and that pilot gets to fly there without paying the hours on the plane and you have airplanes to go to Portland or Salem anytime the weather's good for essentially free. It would change the dynamics about the number of people that you could get to Salem or to Portland and it's TVCC who is running the school. What kind of agreement could be made between the County and the school to get airplanes flying to Salem? Even the crappy little 172 you can make that flight in an hour and 45 minutes, it's lot less than driving there. And if you had 182 or something even, I mean nominal from a cost standpoint, you get in a 210 it's 45 minutes to get there. When you talk about the restriction on the challenge of getting there, I don't have 16 hours to drive back and forth to go show my face and to whine to the people that I need to, or complain about the circumstances that we are dealing with here, so therefore, they don't have to deal with this because we aren't there. That's a true absolute nail on the head statement. You're not going to make an impact when people don't have to deal with you, and they don't, at this point in time. There's some low lying fruit there I think when you think of TVCC, the flight school is there, all of these pilots that need to build these hours and certified hundred hour commercially, these are commercial airplanes, because they have to have 100 hour inspection, not an annual inspection, all of these airplanes can be flying with passengers, all the way across the state.

Paul Skeen: It's a major sacrifice to go over there when you're working. A few years ago, when Tom Butler was our State Representative, we had a problem with Idaho that they were legal coming in with a loaded tandem truck, as soon as they crossed the river then they were overweight because we have less GVW on the weight restriction. So I went over and testified, I don't know how many years ago that's been, and we got it changed, and we've been able to get the same weight scales as Idaho, and so we're legal going over and they're legal coming back, and actually, Oregon Department of Transportation realized there was a problem there but it had to be taken care of through the legislature and in that case I had the head of the ODT helping me with what I needed to say to help get the thing done, but we don't get that in every other circumstance and I feel like I'm trying but, I'm not saying that Harney county ought to be in it in the first place. I don't blame them for what they're saying this far away; they're two hours away from the line. But, I'm 2 ½ miles of river frontage or I'm 800 feet away, and I see what goes on over there. It's a friendly agricultural state. Is Boise getting more people in there that it scares me? Absolutely. But not everybody that's moving to Boise is a Democrat.

Judge Joyce: One of the things in this trip to Salem that would be very helpful for all of us is if we had more user-friendly legislators from the other side of the mountain, or like-minded, that would make it a lot easier. Just FYI

Paul Skeen: Or Zoom or whatever so we don't have to go over there.

Commissioner Jacobs read written comments from Sheryl L. Alexander: I hate to tell you this but the people did not have the facts as to what was going to happen for this transition. After they found out, they have changed their minds. Best to put it on the ballot for a re-vote. Idaho wants to change us, and not for the good. They would be the winners in all this. Mine and many others say no. See instrument # 2022-3958

Paul Skeen: So to follow-up, I asked you to send another letter to both of them as we move forward, and then Mr. Meyers brought up the fact that we need to get more people. January should be easier to get a few people out.

Angelene Mendez: I would just like to say that I agree with Mr. Meyers and I think he made a good point at the fact that we just need to show our presence a little bit more over in Salem and trying to persuade those over there that have the decision-making ability to help us over here and to help us gain resources and to support our community. If we had that support and we had those resources and we had the ability to draw in more companies or not necessarily companies, but to create jobs and higher paying jobs, then I don't think anybody would want to have to move the border or to have to jump on the back of Idaho. I think we'd all be happy and satisfied with what we currently have, but we just need the resources that we know the State has and that we know that they can offer us, but they just choose not to because they choose to keep it on their side and just leave us here to fend for ourselves. So, I just think that, like Mr. Meyer's was saying, that if we can go use the resources that we do have currently in our local communities, such as TVCC, using the fact that they do fly over there consistently, hey, jump on board, let's go over there, let's figure out a way to get in and constantly be there and be in their presence so that they know that we're not going anywhere and that they realize what we need, and if they can offer us anything over here, if we're not constantly there and requesting help for our area, they're not going to mind us, they're just going to forget that we even exist. I just wanted to support his comments and say that: I think he had a great idea in that aspect.

Commissioner Jacobs: We recognize that there's definitely some big challenges that we have here in the state that have actually come to pass here in the last few years that have really affected the farming. And we recognize that agriculture is our main product here and in eastern Oregon and that it is so important to us. The only thing that I can see is, we've either got to get some changes in many of these laws to really help us be able to sustain our way of living here. We have those two chances, we can change some of the laws or if we can't change them I don't see any other alternative other than to try become part of Idaho. I do have some concerns that so much of the state is trying to become part of Idaho, and I would be in favor of more of Treasure Valley, potentially being there, if we can't get some changes in Salem, which we definitely need, and I recognize that we as public servants here need to spend more time in Salem and with our representatives, which we have been doing, as far as meeting with our representatives; we do that regularly, but we do need to spend more time in Salem testifying trying to make these changes. And I want to thank everybody that's taking part today, and we'll just continue to move forward and do what we can.

Judge Joyce adjourned the meeting.

The next meeting is January 9, 2023.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 9/23/2022 12:10 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
128938	879689	Airside Solutions, Inc.	08/04/2022	10,642.30
128939	879678	All Traffic Solutions, Inc.	08/04/2022	5,529.00
128940	879692	Penny Bakefelt	08/04/2022	34.00
128941	879268	Civic Plus	08/04/2022	2,200.00
128942	190220	Commercial Tire, Inc.	08/04/2022	902.80
128943	879625	Matthew Erikson	08/04/2022	20,000.00
128944	420000	John Deere Financial	08/04/2022	26.76
128945	879218	Richard Kerfoot	08/04/2022	300.00
128946	428200	League of Oregon Cities	08/04/2022	40.00
128947	602320	NAPA Auto Parts	08/04/2022	119.01
128948	15101	City Of Ontario - Department Head Credits	08/04/2022	3,600.00
128949	368050	Robb Enterprises	08/04/2022	113.35
128950	698800	Stan's Heating, Inc.	08/04/2022	6,224.00
128951	879601	May Swihart	08/04/2022	49.77
128952	461607	MicroTechnology Systems, Inc.	08/04/2022	9,920.61
			Total for 8/4/2022:	59,701.60
128953	037600	AT&T	08/05/2022	28.95
128954	637828	Century Link Communications, LLC	08/05/2022	101.42
128955	UB*12018	JAMIE & JUSTIN CURRY	08/05/2022	101.22
128956	UB*12023	DARDENELLA DANENS	08/05/2022	77.06
128957	UB*12010	VENTURA ESCOBEDO	08/05/2022	115.34
128958	376000	Idaho Power	08/05/2022	2,168.34
128959	UB*12011	RUDY MARTINEZ	08/05/2022	108.27
128960	UB*12003	MILLS MANOR LLC	08/05/2022	175.70
128961	572000	Ontario Sanitary Service, Inc.	08/05/2022	313.06
128962	UB*12017	OREGON TRAIL HOBBIES	08/05/2022	115.82
128963	UB*11939	MIGUEL PAREDES	08/05/2022	62.66
128964	UB*12020	GEORGE REEVES	08/05/2022	100.18
128965	UB*11971	ZACH RHINEHART	08/05/2022	60.31
128966	UB*12019	AUSTIN RIOS	08/05/2022	77.89
128967	UB*12022	CHRISTOPHER/LAUREL RODMAN/HE	08/05/2022	105.87
128968	UB*12021	RYWEST HOMES INC	08/05/2022	80.60
			Total for 8/5/2022:	3,792.69
128969	412500	Keller Associates, Inc.	08/12/2022	7,315.00
128970	22427	Murraysmith, Inc.	08/12/2022	62,941.95
128971	183201	CK3, LLC	08/12/2022	2,967.50
128972	183201	CK3, LLC	08/12/2022	3,302.00
128973	879625	Matthew Erikson	08/12/2022	20,000.00
128974	363999	Holcomb Construction, Inc.	08/12/2022	46,080.00
128975	879637	Bryant Lovlien & Jarvis PC Attorneys at La	08/12/2022	10,983.00
128976	UB*11798	MARK ALEXANDER	08/12/2022	606.46
128977	879697	Brothers Pipeline Corporation	08/12/2022	400.00
128978	637830	Century Link	08/12/2022	478.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
128979	UB*12024	LOTTIE CLARK	08/12/2022	25.54
128981	879570	James A Grissett-GHS Construction, Inc.	08/12/2022	10,000.00
128982	879693	JR Simplot Company	08/12/2022	132.00
128983	879695	Jarrod Tennell	08/12/2022	3,000.00
128984	UB*12025	JENIFER LEVI	08/12/2022	122.52
128985	879696	KC Meiwald	08/12/2022	6,000.00
128986	818000	U.S. Postmaster United States Postal Servic	08/12/2022	35.00
128987	879698	Wellens Farewell, Inc.	08/12/2022	400.00
			Total for 8/12/2022:	174,789.47
128988	242083	State of Oregon Department of Transportati	08/15/2022	6.00
128989	382005	Interpath Laboratory, Inc.	08/15/2022	189.00
128990	005000	A-1 Key and Lock Service	08/15/2022	13.50
128991	033300	Argus Observer	08/15/2022	69.12
128992	130624	B & W Car Wash	08/15/2022	27.00
128993	626400	Campo & Poole Distributing, LLC	08/15/2022	13,312.80
128994	190220	Commercial Tire, Inc.	08/15/2022	251.50
128995	879653	FileOnQ	08/15/2022	650.00
128996	333890	Graphix Wear	08/15/2022	572.50
128997	879346	Hughey & Phillips	08/15/2022	308.13
128998	451600	Malheur County Administration Office	08/15/2022	200.00
128999	&509	Matsy's Restaurant & Catering	08/15/2022	60.00
129000	461607	MicroTechnology Systems, Inc.	08/15/2022	35.00
129001	879301	Net Assets Corporation	08/15/2022	276.00
129002	572000	Ontario Sanitary Service, Inc.	08/15/2022	165.00
129003	879551	Painter Holdings & Business Ventures, Inc.	08/15/2022	25.75
129004	879626	Silverhawk Properties Oregon, LLC	08/15/2022	425.00
129005	879212	Uniforms 2 Gear	08/15/2022	84.00
129006	879151	Waste-Pro	08/15/2022	40.05
129007	863995	White Cloud Communications-Boise, Inc.	08/15/2022	301.50
129008	879657	Albina Asphalt	08/15/2022	15,518.50
129009	360015	Home Depot Credit Services	08/15/2022	175.53
129010	823500	Vale Electric, Inc.	08/15/2022	2,937.02
			Total for 8/15/2022:	35,642.90
ACH	878915	Jacobs Engineeering Group, Inc.	08/18/2022	923,840.00
ACH	878915	Jacobs Engineeering Group, Inc.	08/18/2022	1,679.12
ACH	878915	Jacobs Engineeering Group, Inc.	08/18/2022	5,096.57
			Total for 8/18/2022:	930,615.69
129011	879700	Richard Frazier	08/19/2022	153.00
			Total for 8/19/2022:	153.00
ACH	878915	Jacobs Engineeering Group, Inc.	08/25/2022	163,101.00
129013	879694	Tracy Hammond	08/25/2022	5,000.00
129014	151001	City of Ontario	08/25/2022	70.64
129016	COOPJ	Jason Cooper	08/25/2022	147.50
129017	879612	Michael Iwai	08/25/2022	2,630.00
129018	879536	BK Construction, Inc.	08/25/2022	10,000.00
129019	879406	Rywest Homes, Inc.	08/25/2022	20,000.00
129020	&260	Four Rivers Cultural Center	08/25/2022	78,573.55
129021	539200	Ontario Area Chamber of Commerce	08/25/2022	66,177.43

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 8/25/2022:	345,700.12
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCI	08/31/2022	706.36
ACH	PRAMERF	AMERICAN FUNDS GROUP	08/31/2022	225.00
ACH	PRCCIS	E B S TRUST	08/31/2022	73,288.20
ACH	PRCOLONI	COLONIAL LIFE	08/31/2022	860.76
ACH	PRFED	PAYROLL TAXES	08/31/2022	74,366.62
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	08/31/2022	500.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	08/31/2022	776.65
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	08/31/2022	283.13
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	08/31/2022	18,775.34
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	08/31/2022	9,425.00
ACH	PRPERS	OREGON PERS	08/31/2022	109,995.15
129028	PRLINC	LINCOLN NATIONAL LIFE INS CO	08/31/2022	600.00
129029	PRSFIRE	UMPQUA BANK	08/31/2022	440.00
			Total for 8/31/2022:	290,242.21
			Report Total (98 checks):	1,840,637.68