



CITY COUNCIL MEETING MINUTES June 14, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 14, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, and Eddie Melendrez. Ken Hart, Susann Mills, and Sam Baker were excused.

Members of staff present were Dan Cummings, Tori Barnett, Terry Leighton, Justin Zysk, May Swihart, Casey Mordhorst, Al Haun, and Jeremy Jones.

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 June 10, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

CONSENT AGENDA

MELENDREZ moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF MAY 10, 2022, AND MAY 24, 2022**. Roll call vote: Mills-out; Baker-out; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 4/0/3.

NEW BUSINESS

Settlement Agreement

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE FOR THE GRANADOS AND RAGSDALE LAWSUIT**. Roll call vote: Mills-out; Baker-out; Kirby-no; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 3/1/3.

PRESENTATION

Measure 109 and Psilocybin (Slides Attached)

Sam Chapman, Executive Director, healing Advocacy Fund, presented.

Mayor Hill asked what a licensed facilitator was and what would be their background and education?

Mr. Chapman stated it was the person who would be with someone during an administration session. This was someone that would have a bare minimum of 150 hours of training. The training programs were being authorized the Oregon Health Authority and they would need to be trained in everything from general safety to how psilocybin worked, to if and when someone were to have an adverse event, how to handle that situation, or how to make sure that people felt comfortable where they were. Psilocybin experiences could be challenging; often, people reported



after a session that it was in the top three most impactful, influential experiences in their lives, and the facilitators job was to help people feel comfortable and navigate their own experience. This was somewhat different than a traditional therapeutic type of role where a therapist would be talking to someone, asking them questions. A facilitator was just that- they were facilitating the experience and they were there to provide a safe space for people who needed it. That was their general role. They would be required to go through training programs. Many current doctors, therapists, social workers, and first responders, had expressed an interest in becoming facilitators. They were excited to have folks with that type of background be the foundation of the program.

Mayor Hill stated one of the things mentioned was they'd attempt to work with the feds? What did that mean? That Oregon's 109 might be contrary to federal law?

Mr. Chapman stated that language was from the statute itself. This Council was probably familiar, having dealt with cannabis issues, that psilocybin was a schedule one drug at the federal level, but that had not stopped states from adopting statewide laws around it. This statute spoke to the board in Oregon Health Authority, who were doing their best to communicate with the federal government, to let them know what they were doing, to explain to them what their measure was, and what it wasn't, and to help them understand how seriously they took their responsibility of being the first, but certainly not the last, state to establish this type of program, that really centered around safety and access above everything else. The attempt was alluding to they wanted to be a good partner around this entire ecosystem from federal to state to local. Their promise was that they were willing and wanted to speak with people who were interested in speaking with them, even if they didn't share the same views. If they had questions or concerns, they wanted to meet people, and that included the federal government.

Mayor Hill stated the comment had been made that Oregon had one of the worst mental health crises in the nation. Where had that data come from?

Mr. Chapman stated it was from different studies in terms of Oregon being dead last in funding that had been provided for mental health treatment. That was one of the areas where they did not believe psilocybin was for everyone, nor believe it was a cure all. It was none of those things. But they did feel confident that it showed real promise for so many people. They saw this as one of the many tools for helping people who were suffering from where current available options had fallen short.

Councilor Kirby asked if there was any monetary incentive to the local jurisdictions as there was with marijuana?

Mr. Chapman stated there was not a local tax afforded under Measure 109. There was a state tax of 15% on the sales of the product. He believed that over time they would begin to see a financial savings at the local and state level, where people who were currently on expensive prescriptions, might not need them. That was one thing many of the studies had researched. Psilocybin had shown to help people rewire some loops they were stuck in. While there was not a proactive incentive for localities, he believed the benefits that would be provided to local residents across the state, far outweighed anything else.

Councilor Kirby stated that meant no. Oregon Health Authority sanctioned chiropractors and other so-called physicians to allow medical marijuana to be prescribed with no medical degree, so this organization, while it might have physicians that belong to it, there were no sanction or authority granted by the American Medical Association, or the Federal Drug Association, even though they had given an endorsement. There was no true endorsement by medical authorities to have this be allowed in Oregon. Was that correct?

Mr. Chapman stated he did not believe that was correct.

Councilor Kirby asked if the AMA had endorsed this.



Mr. Chapman stated no, he could not say that. One thing, if he recalled correctly, it was the Oregon legislature that allowed medical marijuana to pass, not the OHA. The OHA was then given the authority to allow for medical cannabis to exist. He would be happy to provide a long list of endorsements that the campaign received from medical institutions throughout Oregon. They had maybe 40 different “in favor” statements in the voter’s pamphlet, including counselors and therapists’ association and other medical institutions. He believed there was growing support in the traditional medical community for this new health care option.

Councilor Kirby stated they couldn’t get a consensus on COVID, why would they get a consensus on this? This was a local facility, wherever it might be, and they’d have lay people watching them, not a psychiatrist, a psychologist, a nurse practitioner, or a physician’s assistant, no practical person with medical authority would be there monitoring these people.

Mr. Chapman stated that was not required. He would say that the people just listed had never had or been required to actually research this substance in general. He could say that the training of the 150 hours minimum of training the facilitators went in-depth. It was not only for the person who just wanted to be a facilitator, but also for medical professionals. Just because someone was an ER doctor of 30 years did not mean they knew how psilocybin worked or just because someone had been doing this underground in a wellness type of setting for 30 years did not mean they were ready to offer those services to the public and that the liability was understood. Measure 109 created a path for people on both ends of the spectrum to participate. He believed that with the current mental health care situation, they needed every tool they could get.

Councilor Kirby stated if they had someone under the authority of a lay trained person and they had a bad experience and were taken to this hospital, to this ER, he was saying this ER department was not qualified to treat them.

Mr. Chapman stated that was not what he said, but he appreciated the sentiment.

Councilor Melendrez asked what Mr. Chapman was asking from the Council.

Mr. Chapman stated at this stage, he encouraged the Council to share their concerns. He believed there were ways to address those concerns, primarily they believed there were reasonable time, place, and manner regulations that could address what concerns might exist to allow the Ontario citizens to access psilocybin services in a licensed and regulated way. As the Council was aware, they had the ability to opt in and develop reasonable time, place, and manner regulations. The Council had the opportunity to do nothing, which would default to the state, and the city could apply their existing zones and ordinance to psilocybin facilities, and maybe consider them the same as any other medical treatment facility; or, the city could opt out. If the city opted out, that needed to go to a vote of the residents of Ontario in the next general election in order to pass.

Councilor Melendrez asked if this was voted no by the citizens of Ontario, then what?

Mr. Chapman stated if this was put before the voters to opt out, so no licenses would be available within the city limits, and it was voted down, without any reasonable time, place, and manner regulation in place, the city would default to the state, and would have missed an opportunity to have local control and considerations prior to the next general election. If the Council went that route, he believed there were two different things that should be done. One, send it to the people, but in the meantime, be prepared for the outcome in which the voters voted it down, meaning they’d want to have reasonable time, place, and manner regulations ready to implement. In the November election, if it was voted down, the planners were going to have a month, or less, to scramble to develop reasonable time, place, and manner regulations. He advised that regardless of what the Council opted to do, they instructed the planners to consider what reasonable time, place, and manner regulations might be needed. If those were not in place, it would default to the state, the Oregon Health Authority would begin accepting licenses on January 2, 2023, and part of that license requirement would be a land use compatibility statement, and a requirement of a timely turnaround for that. He believed there was work that could be done now, regardless of what decision the Council made on drafting reasonable time, place, and manner regulations. Second, if they upheld the decision to opt out, it



was done. It was a ban. There were nothing further to do. The citizens of Ontario could petition to put something on the next general ballot, but that wouldn't be for another two years.

NEW BUSINESS

Committee Appointment: Diversity Committee

Staff had received one application for appointment to the Diversity Advisory Committee.

With Council support, Mayor Hill **APPOINTED THOMAS MORENO TO A POSITION ON THE DIVERSITY ADVISORY COMMITTEE.**

Resolution #2022-122: Extend City Employee Incentive

Dan Cummings, City Manager Pro Tem, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-122, A RESOLUTION EXTENDING THE INCENTIVE FOR ALL EMPLOYEES WHO LIVE IN THE CITY LIMITS OF ONTARIO TO INCLUDE THE EMPLOYEES OF CITY OUTSOURCED PROVIDERS OF PUBLIC WORKS AND FINANCE.** Roll call vote: Mills-out; Baker-out; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 4/0/3.

Ordinance #2810-2022: Assigning the Solid Waste Management Services to Waste Connections of Oregon, Inc. (Garbage Franchise Agreement)

Dan Cummings, City Manager Pro Tem, presented.

Councilor Melendrez asked the difference between just doing this versus going out for bid.

Mr. Cummings stated this was different because it was an amendment to an existing franchise. Also, there really was no other carrier in the area. There was Hardin Sanitation, who serviced across the border and around Malheur County, but they had been purchased by this company, too. This was an addendum, so it was not creating a new agreement. Had the agreement expired, an RFP or RFQ might have been issued, but that was not the case here.

Councilor Kirby stated because the residents paid a rate, many people might assume that by going to a new carrier, that new rates were coming. After reviewing the proposed document, it appeared that even if Ontario Sanitary Service were to continue as the carrier until the end of the term, it would have to be renegotiated. Therefore, the same terms were going forward now so the new organization would be forced to renegotiate rates on the same timetable as Ontario Sanitary Service. That was the question the community had.

Mr. Cummings stated that was correct. The proposal stated that once a year they were to review the document and if they wanted a rate increase, they had to appear before the Council. Also, if the city believed they wanted a franchise fee increase, that, too, would have to be negotiated. In the beginning of this action that had been discussed because the Council wanted to get all the franchise fees to pay the same rate, but it was believed it was best to leave it as it was currently. This was due to the fact that any increase to the fee would just be passed on to the rate payer. If that was to occur, either a rate change or an increase in franchise fee, that should be done in a public hearing, so the citizens would have the opportunity to be heard.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2810-2022, AN ORDINANCE OF THE CITY OF ONTARIO AMENDING ORDINANCE #2328, AS AMENDED BY ORDINANCE #2435, WHICH ORDINANCE GRANTED ONTARIO SANITARY SERVICE, INC., AN EXCLUSIVE FRANCHISE AND RIGHT TO PROVIDE SOLID WASTE SERVICES IN THE CITY OF ONTARIO, AND CONSENTING TO ONTARIO SANITARY SERVICES, INC.'S ASSIGNMENT, AND WASTE CONNECTIONS OF OREGON, INC.'S ASSUMPTION, OF ALL ONTARIO SANITARY SERVICE, INC.'S RIGHT, INTEREST, AND OBLIGATIONS ARISING OUT OF OR UNDER ORDINANCE #2328 AS AMENDED AND DECLARING AN EMERGENCY.** Roll call vote: Mills-out; Baker-out; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 4/0/3.



Scott Wilson, Ontario Sanitary Service, thanked the city staff for all their help, and also the Council for approving the ordinance.

DEPARTMENT HEAD UPDATES

Fire: Quarterly Report *(Attached)*

Terry Leighton, Fire Chief, presented.

Chief Leighton reminded everyone of the open house being held Saturday, June 11, from 9-12 at the new Public Safety Training Facility (55 NE 2nd Avenue). There would be multiple apparatus from several different areas and the state was bringing in a prop for a car fire. Also, they'd be serving up hot dogs and burgers, and anyone and everyone was invited.

PUBLIC HEARING

Harrah Heights Reimbursement District

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL TABLE THE HARRAH HEIGHTS REIMBURSEMENT DISTRICT ACTION UNTIL JUNE 28, 2022.** Roll call vote: Mills-out; Baker-out; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 5/0/1/1.

DISCUSSION ITEMS

City Manager Recruitment Update *(Slides Attached)*

May Swihart, HR Director, presented.

Mayor Hill stated because there were three Councilors not in attendance, the questions before them and the questions related to advertising, etc., should be placed on the next agenda and they'd make it a priority to make some decisions to move this process forward.

Councilor Kirby agreed.

Councilor Melendrez stated this was not the route she first presented to them a few months ago, regarding the hiring of a professional company to do the search for the City Manager.

Ms. Swihart stated at the previous meeting, she was asked to come back with what it would look like if they did a local recruitment, just using city staff and Councilors. That was what was being presented to them currently. She had not received any other quotes from any other recruitment firms she'd reached out to.

Councilor Braden stated he liked Option #2, to have a special meeting to discuss the documents they'd be proceeding with for the local recruitment. If the consensus was to approve the documents at the next meeting, he understood that, and found that acceptable, but he believed them all working together to brainstorm would be a good step for them to take.

Consensus to bring back to next meeting the current questions, along with how much money would be spent. They'd take action on it at that time.

HAND OUTSDepartment Monthly Stats (Attached)

Public Works, Police, Code Enforcement, Fire: May, 2022

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- ✓ Mayor Hill stated he had attended the Sprint Boat Races, and Chris Bowman did a great job building a track out there. There were still things that needed to be done, but it was well designed, safe, and he was going to continue improving on that. He hoped word got out that it was a good event.

Councilor Kirby stated he also attended. It was done very professionally, and he was pleased with that. Attendance was light, maybe 1,000 people. He had people next to him from Salt Lake City, who said they'd be back. There were folks from Alaska behind him, who had a great time. This was a presentation that was worthy of the community as it was now the third track in the nation, all in the Northwest – St. John, Washington, Port Angeles, which was on a professional extreme racing circuit, and now Ontario, Oregon. The promise of this was good. He was excited to see how it was handled. They needed grass, but what a show.

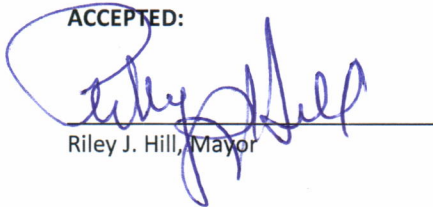
Mayor Hill stated his only regret was that he didn't get a ride.

- ✓ Councilor Melendrez wanted to make a follow up comment on people stepping up. It was disappointing when not enough people stepped up to serve on committees or to run for positions on the Council because this was an opportunity to have a say. If you didn't step up, someone would step up for you and speak for you, and there were decisions being made at the committee level that went to the Council that directly impacted the citizens of Ontario. He was disappointed when not enough people stepped up, like what they were seeing with the Diversity Committee, with only one person applying and three vacancies. He wished more would step up and fill the roles with the city so they could have a seat at the table.
- ✓ Councilor Braden stated that Council packets were now available for three City Council positions as well as the Mayor position, that would be up for election in November. The deadline for submitting applications was in August, and it was all posted on FB and on the city's website. Pick up a packet, get the petition signed, get on the ballot, and try to better your community, just as they were all trying their best to do.

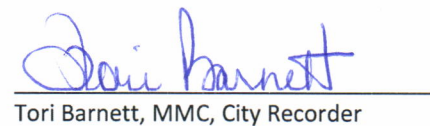
ADJOURN

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

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

