



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 what 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 promise....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 got 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 kept 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.

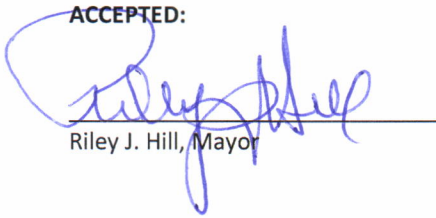
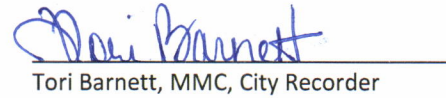


ACTION FOLLOWING EXECUTIVE SESSION**City Manager Appointment**

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