

**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, JUNE 13, 2023, 6:00 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 _____
Penny Bakefelt _____ Eddie Melendrez _____ Mayor Deborah Folden _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on June 9, 2023. 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 Council Meeting Minutes: May 9, 2023 and May 23, 2023
- B) Housing Incentive Program: Rywest (52-2023)
- C) Housing Incentive Program: Rywest (53-2023)

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) NEW BUSINESS

- A) Proclamation: Tom Pierce Day
- B) Ordinance #2819-2023: TPM for Homelessness
- C) Approval of Contract with MicroTech for IT Service

7) DEPARTMENT HEAD UPDATE

- A) Fire: Quarterly Report

8) HAND-OUTS

- A) Department Stats:
Code Enforcement, Police, Fire, Public Works
- B) Minutes:
County Court - 05/08/23; 05/17/23; 05/24/23
TPM - 04/13/23; 05/11/23 (DRAFT)

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) EXECUTIVE SESSION

- A) ORS 192.660(2)(i): City Manager Annual Evaluation

11) ACTION FOLLOWING EXECUTIVE SESSION

- A) Results from Executive Session of City Manager Evaluation

12) ADJOURN

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 [Current or Potential]/Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

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CITY COUNCIL MEETING MINUTES May 9, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, May 9, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Ken Hart, Penny Bakefelt, and Eddie Melendrez. Sam Baker was excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Michael Iwai, Paul Woods, Al Haun, and Andy Wood.

The meeting was recorded, and copies are available at City Hall.

AGENDA

This Agenda was posted on May 5, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, MILLS seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

KIRBY moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF APRIL 11, 2023, AND THE APPOINTMENT OF MARC BERG TO THE PARKS COMMITTEE AS THE KIWANIS CLUB REPRESENTATIVE**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENTS

Sarah Ray read a statement: *Dear Ontario City Council, I am writing to express my concern about the safety of our community in Ontario, Oregon. As we all know, having a well-staffed police force is essential to ensuring the safety of our citizens and police officers. Without an adequate number of police officers, it is dangerous for both the citizens and the police themselves. Unfortunately, we have a high poverty rate in our community, which often leads to more crime. Additionally, we have a higher domestic violence rate compared to other cities in Oregon. These factors make it even more important to have a strong police force. To support my concerns, I have looked up some statistics on crime in Oregon, including domestic violence and crime in Ontario, Oregon. According to recent data, our city has a higher crime rate compared to other cities in Oregon. This is concerning, and it emphasizes the need for a well-staffed police force to keep our community safe. I strongly believe that adding a \$5 fee to the water bill to support our police force is a small price to pay for ensuring the safety of our citizens and officers. This fee will pay for itself in the long run by reducing crime and keeping our community safe. While some may believe it wise to utilize marijuana tax revenues to fund public safety enhancement, the reality is those revenues are influenced by economic factors beyond our control. A \$5 fee will ensure long-term funding for our police. Thank you for taking the time to consider my concerns. I urge you to prioritize the safety of our community by supporting a well-staffed police force.*

Letter read by Mayor Folden from Ron Verini: *Dear Mayor Folden, Councilors' Kirby- Hart-Melendrez- Baker-M ill s-Bakefelt: I write this as Past Mayor and concerned citizen for the safety of our community today and in its future. You all will be voting on \$5.00 fee that will be added to the water bills that has a purpose of hire of a police officer and other safety issues. When this similar fee was first enacted before it was taken out, I am here to tell you that when it was placed on the water bills years ago, to my knowledge, there was NO outcry from our citizens or from any person considered poor, rich, or otherwise that was against the fee. Not one person filed a complaint nor ever contacted me personally about this fee. Our revenues are declining, and expenses are increasing at this point and if you vote against this fee, you will be voting against the safety of our community. Your friend in service, Ronald Verini*

PRESENTATION

SREDA Update

Kristen Nieskens, Executive Director, stated: *I appreciate your time. Thank you Mayor and Councilmembers for giving your time for me today. I'm just here to do a really quick update for Snake River Economic Development. First of all, thank you for your support. This is our eleventh year, so this year we decided after our decade of continued partnership from you guys that we wanted to recognize all of our founding members, so we would like to present this plaque to you as a founding member for 11 years of support and service that you've given to your community, and the Snake River Economic Development Alliance, so I'll present that.*

I passed out some little packets for you and it's always fun to look at pictures. We've included our annual report there and the information inside of it. I'm not sure how familiar you are with Snake River Economics Development Alliance, or SREDA, so I'm going to pick on Ken for a second. Ken, why do we believe in marketing as a region? I really put you on the spot, I'm sorry.

Councilor Hart stated as a person who, along with Dan, attends many of the SREDA meetings, to use John Breidenbach's words, the river was not a wall, sometimes, sometimes it was a wall, but when trying to attract businesses into our community, they were really looking at the whole community, whether it's Payette or Ontario, Malheur County, or Payette County, so it's important that we speak as one economic voice when we're trying to attract new businesses into the community.

Ms. Nieskens: *Absolutely. Nicely put, sorry to do that. Yes, we market as a region, so Malheur County, Washington County, Payette County, in the hopes that as we market this region, that we show a diversity, that we show a community, and that's really what we are. It takes all of us to make this happen. If you're wondering why and how your dollars are spent and those kinds of things, I would welcome any questions and things like that. Our meetings are always open to the public. They are at 7:00 a.m., which is a tough one, but we welcome anyone and everyone to come and visit. In your packets I've included some general information about SREDA. The first page there is our Board, our Executive Board, and all the membership, public and private. We are funded publicly and privately. We have some great partners, and if you look through that, I want to showcase some great people. We have some great people who serve on our Board, who give up their time to help and to serve to see that our community is growing and prospering. I've also included our action plan for the year 2023, and this is really an important part of our guidelines for SREDA. If you ever wonder what our priorities are, they're listed right here. They're also listed on our website. Just quickly, some of our goals for 2023: cost-effective marketing plan, with COVID, we have not done a lot of marketing, it was pretty tough to do, so we really made it our goal this year to do a little more marketing, so that includes trade shows, both global and local marketing. We appreciate those dollars because without those dollars, we're unable to do some of that marketing, to showcase what we have. I want to bring up, too, that when we say showcase what we have, we really have a unique area. As you notice, people are moving this way, and not necessarily from other states, but because the Boise and Nampa regions are growing, they are coming this way. We have a uniqueness as we have a lot of land, we have some of those things that these bigger cities and bigger places have grown out of. The rail, for instance. We're in a unique spot. We are trying to make sure that we are noticed, that site selectors and other companies are looking, to know exactly what we have, and that is our purpose. We also do retention expansion, BR&E, Business Retention and Expansion. We're not just out there to look for companies to move in, but we want to make sure that our businesses here, our mom and pops and everybody else, are also succeeding, that they're also*

growing, and they're being supported. We also want to be able to provide support within our community for development and marketing, training, and mock site visits. That might be something the City of Ontario might be interested in. Dan and I have done our share, I think. But it's good information to know. If companies are coming to your area and they're looking specifically at Ontario, what is it they're going to be looking at? What do we want to showcase when that happens? Just some thoughts. Of course, employee training. It seems like there is always a training, always a meeting to attend, something that's going to help improve our board and myself. And, of course, our fundraising for the 2023 year so we can continue to do those things that we started and that we want to keep doing. I also included some of our 2023 projects. So these are just new projects for this year. We have a lot of continuing projects for years' past, but some of the highlighted ones for Ontario is our Project PNW, and that's actually a 2021 project that in 2022 we did a site visit. Dan and everybody came out, we do our big whoo who, welcome to Ontario, we did some follow-up calls and they were like, ya, we're still... so we thought, by this point, they must have moved on, right? We get a call, and they say no, you are one of two in Oregon and we're really interested. So it's like, oh, wow, so good things! We have some great industrial land, and the City of Ontario has really done well to prep, to prepare, and to be market worthy for some of these site selectors and companies moving in. So I applaud you for that. We also have quite a few more on our list of just, distribution centers are looking, industrial manufacturing is looking, we have a lot of inquiries of our rail access, a lot of companies looking for rail access now. Those are just some of the things we're working on. I also included our report card, and just lists how many projects and things that we have going on. We have current ones, and then we have projects from the past and a list of our project wins. I've also included our grants. We do a lot of grants. This grant from last year, I just started last year reporting this. We spent a lot of time doing paperwork, and we got a \$200K grant to help with infrastructure for a new business coming in. We're always there to support these businesses as they come in, or businesses that are expanding that need that support, we're there to help them, if it's a grant or whatever it might be. That's kind of an overview of what we do and what's kind of going on in our community now. I'm sure Dan has a lot of great information. Lots of things going on. I just applaud you for your continued support of SREDA and for your future outlook and looking towards the future in how economic development actually goes here. We appreciate that. We love our community. We're here to serve, so I would encourage you if you ever have questions on any of this, please ask. If you're wondering what's going on, and who is doing what, Dan is probably your guy. We just appreciate your support, your partnership, and I would open that up for any questions that you guys might have.

Councilor Hart asked Mr. Cummings' view of SREDA. Was it helpful to him in his development capacity and the City Manager capacity?

Mr. Cummings stated it was. Kristen and her predecessor Kit Kamo were extremely helpful, even prior to him taking on the City Manager position. For his development hat, it was like having another employee for 1/8 of the cost of having one. It was a real asset having SREDA as part of the team.

Councilor Bakefelt stated she was curious that when she was interviewing businesses, what were the limits that might be mentioned when they chose to go elsewhere?

Ms. Nieskens stated much was due to infrastructure. The land couldn't be just given away. For example, Project PNW she'd mentioned earlier, the other spot being looked at was in Boardman, who had just opened up all new ground, no cost. This area was staged well, but things were not just going to be given away. But one limiting factor was cost, what the infrastructure was going to be. Also, employee and workforce housing, workforce training. There were some great partners there with TVCC and BSU, along with SBDC. They all worked hard together to make sure those issues area covered. Those were the biggest reasons some companies didn't come this way.

Mr. Cummings stated some from the past were definitely due to the workforce, but that was occurring all over the nation. Another big issue was the cost of power. The site in Boardman, the government gave Boardman the old ammo depot so they received hundreds of acres for free, so they could offer that for little or nothing. A lot of communities had their own PUD, so they could offer power at a reduced cost. Ontario could not do that, nor could Idaho Power as they were limited by the PUC.

NEW BUSINESS**Contract Award: Warrington Construction for Safe Routes to Schools Grant**

Paul Woods, City Engineer, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL AWARD WARRINGTON CONSTRUCTION A CONTRACT IN THE AMOUNT OF \$263,735 FOR THE SAFE ROUTES TO SCHOOLS PROJECTS ON ALAMEDA DRIVE AND THE EAST SIDE OF SW 12TH STREET AND AUTHORIZE THE MAYOR TO SIGN ALL RELATED DOCUMENTS.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Contract Amendment: Final Design SE 5th Avenue Pedestrian Improvements

Paul Woods, City Engineer, presented.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE AMENDMENT NUMBER 2 TO THE EXISTING CONSULTING AGREEMENT BETWEEN THE CITY AND KELLER ASSOCIATES IN THE AMOUNT OF \$104,300, AND AUTHORIZE THE CITY MANAGER TO SIGN THE RELATED DOCUMENTS.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Bid Award: Wastewater Outfall Diffuser Project

Paul Woods, City Engineer, presented.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE BID AWARD TO THE LOWEST RESPONSIVE BIDDER BALLARD MARINE CONSTRUCTION, LLC, IN THE AMOUNT OF \$1,314,000, FOR THE OUTFALL DIFFUSER CONSTRUCTION PROJECT, AND AUTHORIZE THE MAYOR TO SIGN ALL RELATED DOCUMENTS.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Contract Amendment: Engineering Services During Construction for Outfall Diffuser Project

Paul Woods, City Engineer, presented.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE A CONTRACT AMENDMENT IN THE AMOUNT OF \$85,248 FOR CONSOR ENGINEERING CONSULTANTS FOR WORK ASSOCIATED WITH ENGINEERING SERVICES DURING CONSTRUCTION FOR THE OUTFALL DIFFUSER PROJECT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS ASSOCIATED WITH THE CONTRACT AMENDMENT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Engineering Contract: JUB Engineers for Airport Apron Design

Andy Wood, Airport Manager, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL APPROVE THE PROFESSIONAL SERVICES ENGINEERING CONTRACT WITH J-U-B ENGINEERS FOR AIRPORT APRON EXPANSION PROJECT DESIGN IN THE AMOUNT OF \$98,356.** No vote.

Mr. Cummings requested an amendment to the motion to include either the Mayor or the City Manager as an authorized signer for the documents.

HART moved, KIRBY seconded, **MOVED TO AMEND THE ORIGINAL MOTION TO ADD THAT THE MAYOR OR CITY MANAGER BE AUTHORIZED TO SIGN THE DOCUMENT ON BEHALF OF THE CITY.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

HAND-OUTS**Minutes:** *(Attached)*

County Court: 04-05-2023; 04-26-2023; 04-18-2023 (Budget); 04-18-2023 (Budget)

Diversity: 03-15-2023

TPM: 03-09-2023

Monthly Department Stats *(Attached)*

Code Enforcement, Police, Fire, Public Works (April, 2023)

Packet *(Attached)*

Visitors & Conventions Bureau Board (April 13, 2023)

Councilor Kirby stated in reading the minutes of the TPM Committee, knowing that it had to be done by the end of the month, he believed the Council would see the committee's recommendation at the next meeting.

Mr. Cummings stated about 5:30 that day, staff had received the attorney's revised ordinance. That would need to be reformatted and sent out to the committee for their review. The next TPM meeting would be Thursday, May 11th.

Councilor Hart confirmed that would come to the Council for final passage.

Mr. Cummings stated that was correct, they'd receive it in June. It was hoped the committee would finish at the May 11th meeting. It had to be approved by the Council by June 30, 2023.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Hart thanked city staff and many on the Council for attending the ribbon cutting of the new Valley Family facility and a shout-out to staff. Anderson Construction who did the work. They did work all over, and were very complimentary of city staff, very business, friendly and helpful to assist in getting the project done in a timely fashion. Still not quite done, but they were opening on Monday. They very much appreciated the community support.

ADJOURN

MILLS moved, BAKEFELT seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

ACCEPTED:

ATTEST

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES May 23, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, May 23, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Ken Hart, Penny Bakefelt, Sam Baker, and Eddie Melendrez.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Michael Iwai, Paul Woods, Al Haun, James Swank, and Andy Wood.

The meeting was recorded, and copies are available at City Hall.

AGENDA

This Agenda was posted on May 19, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, MILLS seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CONSENT AGENDA

MILLS moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED APPROVAL OF DIRTY GIRL CONSTRUCTION MAYBERRY HOUSING INCENTIVES 2023-5, 2023-6, 2023-7, 2023-8, 2023-9, AND 2023-10**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

PUBLIC COMMENTS

Dan Burks, American Legion: *Thank you Mayor, and members of the Council. I live here in Ontario, Oregon, and am a member of the American Legion, Post 67. The American Legion recently put together a resolution and I'd like to read it for you guys, as we're passing it on to the City of Ontario. Resolution #1, titled Tom Pierce Day, Origin, the American Legion Post 67, and it reads, well, before I read it, I'm going to tell you a little story and it's real quick. Tom Pierce is an American Legion member who's a WWII veteran, turning 100 years old this year. When speaking with Tom about a year ago, I asked him "what do you do for fun?", and he said, "I drive around and go to senior centers, and I pick up on all the young chicks." I said, "Tom, you're going to senior centers looking for young chicks?" and he said "Dan, I'm 100 years old. They're all young." This is for him: WHEREAS, The American Legion Ontario Post 67 has supported veterans in the local community for over 104 years and; WHEREAS, the city of Ontario has honored and worked side by side with American Legion for over 104 years and; WHEREAS, those who fought in WWII are known as the greatest generation deserving of our deepest respect and admiration and; WHEREAS, Tom Pierce a WWII veteran turns 100 years old on July 27th 2023 making him one of our greatest generation and; WHEREAS, this resolution was passed unanimously at a regular American Legion Post 67 meeting held May 17th, is now recommended to the City of Ontario for favorable action, now, therefore, be it RESOLVED that the city of Ontario adopt this resolution and make a proclamation that July 29th 2023 be known as "Tom Pierce Day" in the city of Ontario, and therefore be it finally; RESOLVED the city of Ontario provide this proclamation in the form of a signed certificate to be framed and presented to Mr. Pierce July 29th during a ceremony in his honor.*



Dan Burks, American Legion: *We spoke earlier about a veteran's committee, and I do apologize, as I stated at the last meeting, I've been all over the country, including DC and Indianapolis, and doing stuff, so I haven't been able to be fully diligent, but we do have about 5½ names for that committee. I say half because we have someone from Origin's Church who will be on the committee, we just don't know exactly which one yet. With that being said, we are looking to move forward and hold meetings at our post there at the Veteran's Hall. Again, we're reaching out to individuals from different areas such as the county veteran's service office, we have individuals from Project Dove, we have from the Boys and Girls Club, so we're getting a wide array so that they can feed us the information and we can provide these programs and incentives for individuals and citizens of Ontario. Whereas I don't walk around and meet all of them personally, I'd like to, but they don't let me out of the house very often, but that way we can get them. I have been reaching out to some of our educators here in Ontario. Unfortunately, at this point in time, we still haven't heard anything back from them. They haven't responded. We're hoping to get some of them on board because we do have assistance for, especially for children, called temporary financial assistance for houses that have children that are in need. We have several different scholarship programs and whatnot, so we're hoping to reach out in all different directions.*

Patty Redland, Ontario, read a statement: *My husband and I have lived in Ontario and paid property taxes for 50 years. Last week I had an appointment at the 541 Beauty Salon. This beauty salon is adjacent to the park on Oregon Street. The shop is located on NW 2nd, to give perspective to what I'm talking about. There are other businesses on the street. You have a restaurant, a bank, a beauty shop, insurance, and other things. All these businesses vie for the same limited parking. I went around the block three times, and finally was able to find a parking spot. I have had two full knee replacements and do have a limited walking ability. I go to the gym, and I work out; I've been to therapy forever and we're really trying to strengthen them, but it's an issue. After entering the shop late for my appointment – which I am NOT a late person – I began to apologize for being late, that I might have to take my business somewhere else, but it's so important to patronize our local businesses. We have way too many that are moving across the border. I was informed after talking in the shop that I need to call City Hall. The property where the service station and parking lot was previously at, is now being considered for additional space to accommodate the homeless. I don't know that for a fact, that's just what I had heard. Some homeless have shopping carts, others have vehicles. These vehicles are taking up spaces that are badly needed by people shopping, making, and using businesses. I believe there's a safety issue in the area. I have gone to a beauty shop and had a young lady that just stood at the end of the building she....(couldn't hear)....In closing, I ask that you might consider making an additional parking area in the downtown area. You might consider an area for the homeless, instead of the park that is the heart of Ontario. Thank you.*

Norm Crume, Ontario: Was scheduled to speak, but as he wanted to address proposed Resolution #2023-107, he was asked to wait and speak during the public hearing on the action.

PRESENTATION

2023 Ontario Speedway Status Update

Ronda Gibbons stated: *I am the General Manager at the racetrack. I wanted to take some time and update you on what we have been doing since last year and a lot of changes have occurred. We redid the entire track. What we learned from last year was that the track was a certain style of track that you see in New Zealand, typically, and we wanted to work with a different sanctioning body, so we've made the track wider, longer, faster, and we believe that we're going to be attracting a lot more boats, and we're working with some amazing people from Port Angeles, Washington. With that, we've created a series, so we have four events, four different weekends, and we start in Port Angeles, flip back and forth between Ontario and Port Angeles, and we'll be running finals, the championship, here in Ontario on September 30th and October 1st. We have just finished hydroseeding eight acres of seed and that's doing very well. We have a new watering system that's installed with the Rainbird type, we had them watering that, it's coming along, looks great. Tough to get grass to grow in a stubborn golf course that went to sleep many years ago. We just finished seeding 25 acres with perennial rye and timothy grass and the water line is being hooked up as we speak. We put in a new booster pump Leon Pumps, because we're boosting a well that's a lower pressure/high volume well, that will be used to water that area. We also have new electrical that's being installed and that was Fruitland Electric that came in and they've done a really, really great job on that. We have new panels and the area around the track will be electrified*



because we'll have scoreboards that are attached to the sensing, so everyone will get to see the time by the hundredths of a second. So it'll be really fun to see that. We also are moving, there's a container out there, we're moving that. We're building, welding a rail on it and it'll be a lookout for announcing. We're going to do live (??/someone coughed) at that location, and we just learned that the final will be broadcast with MAVTV, which has changed ownership multiple times. It was Lucas Oil, MAVTV, now we're back to the original people at MAVTV. But they do a really good job, so we'll have a good product there. It'll feature some highlights about Ontario. So our marketing and promotion is underway. We're building a (??), the Boys and Girls Club tickets are produced, and we are awarding the local veterans their free tickets. There'll be more to show you. We are having a city day out there, and that will be June 9th, so everyone is invited. I'll be posting that on our Facebook page, that we want you to come out and see it. We're going to do some food and some beverage, just have you come see it. It won't be completely done, but I think you'll be impressed with where we are and where we're going with it. Thank you for your time, appreciate it.

NEW BUSINESS

Resolution #2023-108: GASB 54

Kari Ott, Finance Director, presented.

MILLS moved, KIRBY seconded, **THAT THE CITY COUNCIL. APPROVE RESOLUTION #2023-108, A RESOLUTION ESTABLISHING POLICIES RELATING TO ENDING FUND BALANCES OF 2022-2023.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

PUBLIC HEARINGS

Resolution #2023-107: Amending Resolution #2022-142 Public Safety Fee

It being the date advertised for a public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear this action, no abstentions, ex-parte contact to declare, or any declarations of conflict of interest.

Dan Cummings, City Manager, presented. On April 26, 2023, the Budget Committee, consisting of the seven members of City Council and seven members from the community at large, following a 45-minute discussion, voted 10-4 to reinstate the Public Safety Fee. The motion was to begin collecting the \$5.00 Public Safety Fee again, and the proposed 2023-2024 budget was approved by the Budget Committee with the \$5 Public Safety Fee included. The Public Safety Fee policies, guidance, and collection guidelines were established under Ordinance #2741-2018, adopted July 12, 2018, and was still in place.

The city created Title 6, Chapter 10, of the Ontario Municipal Code adopting the procedures for collecting a Public Safety Fee. On August 21, 2018, the city adopted Resolution #2018-134 which established the Public Safety Fee at a \$5.00 fee for each dwelling or non-residential unit with an active utility account, collected per month, per the terms of Ordinance #2741-2018. Further, as part of the adopting ordinance, it was stipulated that the Public Safety Fee Program was to be reviewed annually as part of the city's budget process.

During the budget hearings in early 2020, the Budget Committee and Council approved the 2020-2021 fiscal year budget by collecting a Public Safety Fee at a decreased amount of \$3.63, and reflected the revenue and expenditures for the fee. During a Council Strategic Planning session in late 2020, because of the marijuana tax revenue, the Council, by consensus, directed the City Manager to create the 2021-2022 budget without the collection of any Public Safety Fee included; therefore, the budget was adopted without showing any revenue or expenditure for the Public Safety Fee. Subsequent to that, the 2022-2023 budget was approved with a \$0.00 Public Safety Fee. On October 25, 2022, the City Council approved Resolution #2022-142 setting the Public Safety fee to \$0.00 as there was no formal resolution adopted to document the reduction to \$3.63 in the 2020-2021 budget, nor the \$0.00 for the budget year of 2021-2022.

With any city fee increase, the City Council was required to allow public input, therefore, this current action was being conducted in a public hearing format. The City Council has the final vote on reinstating the fee which, by the newly adopted Charter, required a super majority vote to increase any fee, which was a minimum of five (5) Councilors to vote in favor of the fee. The action has several financial impacts if not approved, which



would require adjustment to the approved budget by the Budget Committee before it could be adopted by the City Council. The fee was included in the budget at \$226,525, which would be used to fund a new police officer and to set aside funds for fire equipment.

Councilor Bakefelt asked Chief Iwai to give his thoughts about the Public Safety Fee.

Mike Iwai, Police Chief, stated OPD had a lot of momentum with building community trust. There were things like significant calls for service involving the homeless. The numbers continually grew, and those numbers would shock the Council. There were also a lot of issues pertaining to traffic safety, with a lot of racers on Friday and Saturday nights. There were also issues that would need addressed with the Collective Bargaining Unit. He would have much more statistical detail for the city once the new RMS system was in place. They currently had a very archaic system. As more research was done, the numbers became much more troubling. However, this was not just about the police department; it also included the fire department. With the building of new homes in Ontario, it was troubling to worry about being able to provide services. If they continued to piecemeal, changes to call responses would have to change. He didn't want it to come to that, but he had been transparent about the possibility.

Councilor Bakefelt asked how many officers were needed to adequately staff the Ontario Police Department.

Chief Iwai stated not just the one with this, but he could use four more officers. He also wanted another detective.

Councilor Bakefelt stated since Chief Iwai had been on staff just over a year, what did he see, moving forward, to be the largest challenges regarding public safety in Ontario?

Chief Iwai stated if his staffing didn't increase, the biggest concern was the welfare of his officers. When they were working, they were overworked. If he had one at discretionary times for traffic safety issues, some issues would be resolved. For all comparables, Ontario outperformed them by calls for service by at least two to one.

Councilor Bakefelt asked Chief Benson his thoughts on the Public Safety Fee.

Clint Benson, Fire Chief, stated he fully supported the fee for both departments. For fire, it meant revenue, which equaled safety. Having that revenue source available helped them grow. The community was growing, with a lot more multifamily buildings, which were a challenge for the department. As they tried to grow the department, any extra revenue going their way helped them. Without revenue, there was no growing. He had worked these streets for many years, and knew what both fire and police, along with EMS, faced, and it was very dangerous. As the Chief now, he thought about having to inform a spouse of a fallen firefighter, and that brought things into perspective. Funding towards public safety equaled safety for his people, which was very important to him.

Councilor Bakefelt asked him to explain some of the challenges he was facing with emergency response.

Chief Benson stated his department was understaffed. There was no mid-management, as recommended by the ICMA study. The lieutenants were line lieutenants, which meant they did everything a firefighter was supposed to do. If he was gone, that became a challenge. However, when a page went out with an all call for firefighters to respond, if it was 9:00 a.m. on a Monday, there might be only two or three responders because everyone had a regular job. There were only nine full time staff, for which he was extremely grateful, but when that call for help went out, it was a roll of the dice. It was the same for mutual aid calls. It was getting more difficult. Nyssa, for example, would probably not respond to a mutual aid call from Ontario because they were in bad shape. Staffing was a large challenge. They also looked at things on the public safety side as potential. He viewed the community, and saw the railroad, and the river, and the hazmat that was here, and the things that came through this town. He saw a lot of potential for disaster. Did he have the people to confront that disaster right now? Probably not on a major disaster, but if there was a major incident or structure fire, he would have to rely on Treasure Valley clear over to Boise to get responders to help. That was the reality. OSHA rules stated there were supposed to be two in, two out, which was when two firefighters went in, and two other fighters were supposed to be suited up to go in after them if a problem arose. Today, they only ran with

two people; most the time it was three. In a private business, it would have been shut down. He knew there was only so much money, and they were doing the best they could, and would continue to do that, but they were behind the curve. His goal was to get them safer, more productive, and more efficient for the community. But that took funding. This fee was hope for his department.

The Hearing was opened for public testimony.

Proponents:

Norm Crume, Ontario, stated: *Nobody wants an extra fee, but we just heard from Chief Iwai that he needs, right now, five more people. Hopefully this one can do for right now, and then four more. While I was on the Council, we battled with this problem the whole time. I had to shut down the library, shut down the swimming pool, shut down the golf course, and shut down the Recreation Department. That was a horrible experience for anybody to have to deal with. Being on the Budget Committee this year, I saw that the budget is exactly the same as it was back when I got on the Council in 2009. We're out of money, and we're relying on the marijuana money already, which everybody wanted a majority of that money to go to PERS, and this year it couldn't be done because we had to buy widget arms to protect the city and keep everything running. Revenues are down and all of our expenses are up because of inflation. You folks have the choice to either cut, like I had to do year after year after year, or find new revenue streams. That's the only two choices you folks have. \$5 on this Public Safety Fee is a pittance for most people; it will hurt some people. But today, it will at least be a start of putting it in the right direction that as you heard from the Chiefs, it's not near enough. You're going to have find more. And next year's budget is going to be damn tough to go through. There were people on the Council at the time that I was there that wanted 75% of the marijuana money put aside, by resolution, for PERS unfunded mandates. Where would this city be today if that was enforced? We'd be up a creek. I can remember I voted against raising franchise fees. Franchise fees, right now, are about double what they were when I started on the Council. I don't know where you guys would be, or the city would be, if we didn't have those fees raised. Those fees are all paid by all of us citizens. It's just absorbed in. We all have to pay for what we need in this community. We need more public safety; we need more cops. So, please do what's right for the city and thank you for your time.*

Lynn Johnson, Ontario, stated: *Madam Mayor and members of the Council and the public at large, I live here in Ontario and am Chairman of the Parks Committee and also a member of the Budget Committee with Norm and all of you. I speak in favor of the Safety Fee. Nobody wants another silent tax, and I get the argument that it's a silent tax, but at some point, we, as the citizens, have to step up and take care of our city. I believe this is a way where ten members of the Budget Committee felt it was important to keep that \$5 per month fee on the books. So, I know the power is there to do the right thing, but whether or not folks are going go ahead and do that is certainly your prerogative, but I have not encountered any negativity to this fee within my sphere within the community. The vast majority of the feedback that I've taken in from individuals, was that they fully support the \$5 per month fee as the fairest way to spread the load over the majority of the citizens within this city. So it becomes a \$5 fee per water meter, not per person. So I would urge the Council to dig deep – I know there's some strong opinions to go the other way – but I would urge you to listen to what the ten members of the Board said, and the feedback that we've been receiving in the community. Thank you for your time.*

Opponents: None.

There being no further Proponent and no Opponent testimony, the Hearing was closed, and opened for Council discussion.

Councilor Mills stated one thing she looked at when funding was needed, was where the money was going to come from. She had spoken with the Finance Director as to whether there was any way, anything, anywhere, that this could be financed other than the \$5 fee, and she was assured that the amount of money needed each year could not be guaranteed by anything the city had currently, other than the PERS, which she did not feel ought to go for a police officer. She was for the fee because, for one, this city was changing. There was a lot of traffic, there was a lot of homeless, and many of those were maybe mentally challenged. The two departments that had to respond were the Fire Department and the Police Department, and that took them away from their normal duties when they had to deal with a lot of other situations that the city did not ask to have, but every



city was dealing with. She felt the \$5 fee was a necessity, and she was sure the public felt that public safety was number one. When a citizen made that call, they wanted a response. They heard from both Chief Iwai and Chief Benson that their departments were understaffed due to traffic and the responses they had to do for public safety. They needed more people on board. She supported the action, and she hoped the rest of the Council did, too.

Councilor Kirby stated at the Budget Committee meeting, he had been the opponent for this, and voted no and his two cohorts who felt the same way were on screen, so he got the full brunt of the animosity of the committee. He served on the committee with the county looking at state authority coming in for housing for the homeless, and he had attended Time, Place, and Manner meetings that the city had, and they were all dealing with homeless. They, as a Council, were working at a feverish pitch to address the problem, and it was going to be horrible. No one could imagine the liability that the city would get when that happened. He would be changing his vote, to vote in favor of the fee, but not without a lot of soul searching. He had people for and against it, get in his face. He was going to support it, but this next year, they had to change the way they budgeted. They needed to look at what resources and assets the city had, and whether they set money aside in savings, continued to operate within a budget, because they would be in the same situation the city was in back when Norm was on the Council. They could not afford to do that. There was money coming in, and they had taken the side account down to \$490K, the PERS account, that was the best way to get the million dollars back. As long as the Council was on target and in unison, they'd be better off. People thought that people were smoking less marijuana, but that was not the case. It was just that the wholesale prices dropped. The city was contending with drug problems, and homeless problems, and this was going to be a costly year, but they had to change. He was going to change his vote and vote in favor of the \$5 fee.

Mayor Folden spoke to those on the Council who were against the \$5 fee, asking why they didn't support the fee, when the Consumer Price Index had increased by 6.5% from 2021 to 2022, food prices increased 10.4% and gas prices were still around \$4 per gallon. With everything on the rise, how could they sacrifice public safety fee funds in the future. What was planned for next year to fund the police and fire departments? Where would the city get the funds for contingency items? Property taxes were stagnant, along with decreasing marijuana revenue. With marijuana revenues unpredictable and steadily decreasing, the Council had to prioritize the PERS debt. They'd used marijuana funds for personnel, so why were they changing their position now? Why were they questioning the Budget Committee's recommendation to initiate the Public Safety Fee?

MILLS moved, BAKEFELT seconded, THAT THE CITY COUNCIL APPROVE RESOLUTION #2023-107, A RESOLUTION AMENDING RESOLUTION #2022-142 SETTING THE PUBLIC SAFETY FEE TO \$5.00. No vote.

Councilor Hart stated he wanted it clear that he didn't disagree with what almost everything had been said, especially from the Chief. He sat on the Board for TVCC and at their last meeting they saw a significant increase in security guards and their activity. The question was what happened, what caused the spike over the past two months? It was specifically related to the homeless and incidents on campus. Yes, they saw an increase throughout the community, so he agreed. But, the disagreement he had had nothing to do with adding additional officers or supporting officers. He believed the department was down three, so they'd be adding three, plus an additional one, so there'd be four more than currently on staff. He looked forward to that, and he supported adding an additional officer and looking to the future to see what the Council had to do. However, he did not believe that the City of Ontario, currently, should add a new fee, a new silent tax. He understood support for a new fee or new tax if the city was out of funds, but it wasn't, in his opinion. He believed the City of Ontario had enough taxpayer money already to fund a much needed additional police officer. The other budget priorities he'd offset to fund a new officer this year so not to impose a new tax, and as he reviewed each item in the budget that was up for approval, he asked if he would go to the taxpayers and say he wanted to increase their fees to pay for "this" thing. They were all good things, if the city had the money, but if they were getting ready to ask for more taxes, he believed they were telling the taxpayer that there wasn't enough money, and now needed more from them. There wasn't enough money, however, they were going to spend \$25K next year on the sidewalk incentive program. That was a great program, but if he had to go out and say he was going to raise taxes to do a \$25K sidewalk incentive program, he wouldn't vote for that. There was \$25K for the Ontario Promise, which he thought they'd already set aside and put into contingency, to say they needed to select, to prioritize as a Council, where they spent the dollars. There was \$30K in a playground match fund. That was great, when times were good and there was additional marijuana money, but they were



now saying they were going to tax people so the city could put \$30K into a playground fund. There was \$200K in the budget for new equipment and vehicles. And because he was on the tv and not there in person, he had not sufficiently asked questions about those funds, and why they needed to spend \$200K. Maybe it was all needed, maybe it wasn't. There was \$80K in the budget for a grant writing firm from Washington, DC, that only focused on federal grants, not on state grants. He consistently voted against that. Lastly, there was \$350K in the budget to pay down on the PERS debt. He had been one of the strongest advocates in doing that, when there were excess funds. It was getting to the point where there were no longer excess funds to do everything they wanted to do. He asked that they prioritize some of these other expenses, and look to reduce those expenses first before going to the public, asking for more tax money, specifically because of the items that the Mayor just noted. Taxpayers were spending an exorbitant amount already on groceries, housing, etc. That was exactly why he hoped the Council would pause and not add one more burden. Even in Portland, the Mayor said to the Council to please stop taxing the people, they were running people out of town because of that burden. The City of Portland was going to cease increasing taxes, and the City of Ontario, a conservative area, was ready to increase taxes. He wasn't trying to change anyone's vote; he was trying to explain his vote against. In his opinion, there was not one item that he could look a taxpayer in the eye and tell them he needed more money from them in order to pay for any one of those items. If the city had all the money, it would be great, but they had to learn how to tighten belts before going to the taxpayer, asking them for more money. He did not believe they had tightened their belts enough yet. He asked that the city do what they asked the citizens to do, which was to prioritize and live within their means. It was important to remember that the funds were especially tight this year because they had to pay, and were happy to pay, for a new ladder truck, \$625K. That was not something that would occur every year. Next year, that \$625K in the marijuana fund could be prioritized and decisions made. This was a unique year. Lastly, he had heard some concerns about the future cost of the plan to address the homeless in Ontario. He was also very concerned, but they'd not seen a plan, as it was still being worked on, and they hadn't seen a price tag yet. There were plenty of items on his list that he mentioned as ways to pay for the officer. It was about \$700K on the list to be able to pay for an additional officer and anything related to the homeless if it came to that. He supported adding the funding of an additional officer for the City of Ontario. If the resolution imposing the new fee did not pass, he would ask that they fund the new officer by reducing how much additional was being paid to PERS this next year, and use those funds to reprioritize to make sure there was enough money for a new officer. He just wanted to reiterate as there was not too much new from what he said during the budget hearings. If it passed, they'd move forward and support the police officers and fire department. But, at this time, he believed there was enough money that they should reprioritize and not ask the citizens for more tax money.

Councilor Bakefelt stated she appreciated what Councilor Hart said, but a lot of the expenses he mentioned, such as the playground, were one-time expenses that should be reevaluated, but an officer would be an ongoing cost. She would see that as a challenge next year especially. She mentioned that the Argus poll showed a 66% support for the safety fee, vs 33%, and she thanked the Argus for running that poll. She supported the fee. Vale currently had a \$10 fee, and she'd heard the Mayor was considering raising that fee to something higher. What the Mayor had alluded to, all costs for everything was increasing, public safety included. There was probably going to be an increase in crime because things were tougher. She appreciated Councilor Hart's opinion, but she was in support of the fee.

Councilor Baker stated he was a local businessperson, and over the last few years with the drugs and homelessness situation, his business had been hit, costing him tens of thousands of dollars. Against popular belief, he was in support of a new officer; however, he also hated new taxes. He didn't want to burden the taxpayers with a new tax. At this point, however, he would have to agree that something needed to be done, but would also agree with Councilor Kirby in that they needed to reevaluate this when things got straightened out next year, after the fire truck was paid off, and that type of thing. This action when against everything he had in him.

Retyped Motion w/Vote:

MILLS moved, BAKEFELT seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2023-107, A RESOLUTION AMENDING RESOLUTION #2022-142 SETTING THE PUBLIC SAFETY FEE TO \$5.00.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-no; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/1/0.



Resolution #2023-109: State Revenue Sharing

It being the date advertised for a public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear this action, no abstentions, ex-parte contact to declare, or any declarations of conflict of interest.

Kari Ott, Finance Director, presented.

The Hearing was opened for public testimony. Proponents: None. Opponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

MILLS moved, BAKEFELT seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2023-109, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2023-2024.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Resolution #2023-110: Adopt City of Ontario 2023-2024 Annual Budget

It being the date advertised for a public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear this action, no abstentions, ex-parte contact to declare, or any declarations of conflict of interest.

Kari Ott, Finance Director, presented.

The Hearing was opened for public testimony. Proponents: None. Opponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2023-110, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2023-2024, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2023-2024.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

DISCUSSION ITEMS**Verde Light Community Solar Project – MOU – Grant**

Dan Cummings, City Manager, stated on December 14, 2021, the City Council passed Resolution #2021-140, authorizing city staff to collaborate with Fleet Development, LLC, to research, draft, and submit an application for the Oregon Community Renewable Energy Program. On November 17, 2022, the city was selected as a first-round recipient of a program grant in the amount of \$900,000. On December 13, 2022, Council gave consensus to accept the grant, along with authorizing the City Manager to enter into a Memorandum Of Understanding with Verde Light Solar, LLC, after the City Attorney had reviewed, revised, and approved the MOU. On May 11, 2023, the City Manager signed the Performance Agreement with the Oregon Department of Energy for the \$900,000 grant and the document was sent back for final DOE signatures. On May 17, 2023, the Performance Agreement with DOE was returned fully executed. Now that the DOE Agreement was signed, the City Attorney was making the final changes to the MOU to insure compliance to the DOE Performance Agreement and would be sending the final version to Verde Light Solar for signatures and remittance back to the city for final signatures. Verde Light hoped to begin construction this summer, and all costs associated with administering this grant would be paid by Verde Light Solar, LLC.

Councilor Baker asked if there was a new location for the panels.

Mr. Cummings stated they were going to Option B, which was on the same property but was now on the west side. That was a newly negotiated area with the current area of the property. The agreement was for several different locations, most on the east side. The current owner preferred it on the west side. Therefore, it was still on the same property, just at the SW corner of the property.



Councilor Mills confirmed the compensation for the city was \$20K, plus the 10% discount, estimated at around \$50K annually.

Mr. Cummings stated that was correct.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report

Kari Ott, Finance Director, presented.

Airport: Semi-Annual Report

Andy Wood, Airport Manager, presented.

Public Works: Quarterly Report

Al Haun, Public Works Assistant Project Director, presented.

HAND-OUTS

Minutes:

Tater Tot: 03-08-2023; 03-22-2023; 04-12-2023

County Court: 05-03-2023; 05-10-2023

Check Register

April, 2023

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Kirby stated coming up was the greatest spectacle in racing. There were several instances where this valley had prominence, such as Davey Hamilton, a racer in Meridian; Art Sugai, who had owned the Eastside Café, almost sponsored Art Pollard, and the Ozawa brothers were the pit crew for Janet Guthrie. On the 28th, there was Payette native Sting Ray Robb, who qualified to race in this year's Indianapolis 500. It was hoped that this community, even if not racing buffs, would watch and support him in that race.

ADJOURN

MILLS moved, BAKEFELT seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
CONSENT AGENDA
June 13, 2023**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **HOUSING INCENTIVE PROGRAM: RYWEST (52-2023)**

DATE: June 6, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES INC AT 1616 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes, Inc., submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 1616 Skookum Drive.

The Business Loan Committee is the reviewing and recommending authority for the City of Ontario Business Loan Fund and, as such, the Committee is tasked with reviewing and providing a recommendation to the City Council on all applications submitted for loan requests and Housing Incentive payments. The City Council is the final authority for approval of the applications. The City Manager, Finance Director, and Community Development Director are responsible for insuring all requirements are met prior to payment of the approved application.

BACKGROUND:

The City Council, under Resolution #2018-111, updated the City of Ontario Business Loan Fund codes under Section 11a Housing Incentive Program to promote new housing development with the city limits of Ontario.

CURRENT SITUATION:

Rywest Homes, Inc., is requesting approval of his application for the \$10,000.00 Incentive on a new home to be located at 1616 Skookum Drive, being Tax Lot 16 HARRAH HEIGHTS SUBDIVISION. The proposed dwelling will be 1535 square feet with two baths (2) bathrooms and three (3) car garage. The application was deemed to be complete by the Community Development Director and meeting or exceeding the minimum requirements of Section 11 of the Business Loan Fund code and was forwarded to the Committee for their review and

recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on May 18, 2023.

ANALYSIS:

- A. **STRATEGIC PLAN** The Housing Incentive Program promotes growth and desirability goals of the Ontario Strategic Plan. It specifically addresses the activities to build a variety of housing options and add fill-in housing.
- B. **FINANCIAL** If approved, the city would pay the funds from the Business Loan Fund. The \$10,000.00 would be paid back to the fund through the city portion of the property taxes collected on the property and dwelling approved under this application.
- C. **TIMING** Time is of the essence on this application as the applicant wants to pull a building permit and start construction as soon as they receive their approval.
- D. **POLICY/LEGAL** The Business Loan Fund Committee makes recommendations to the City Council. If the City Council approves the action, the City Manager will have the Agreement signed by all parties authorizing the Building Department to issue a permit under this Agreement.

ALTERNATIVES:

Table the Action: The City Council could table the request and request further information from the Applicant.

Deny the Action: The \$10,000 payment would not be made.

RECOMMENDATION:

Staff reviewed the application for completeness and find it meeting or exceeding the minimum requirements. The Business Loan Fund Committee sent a favorable recommendation to the City Council. Therefore, staff recommends that the City Council approve the application by Rywest Homes, Inc. for the amount of \$10,000.00.

ATTACHMENTS:

1. 52-2023 Rywest Application



City of Ontario, Oregon
Housing Incentive Program Checklist

Permit # 12481
received
03-08-2023

Applicant: RyWest Homes Inc Date: 3/7/23
Site Address or Tax Lot: tax - 1900 - Lot #16 1616 Skookum Drive Ontario
Application Number: 52-2023 (City Use Only)

Application Information: (Applicant or Staff)

- ☒ Completed Application Signed & Dated: _____
- ☐ Documentation showing funding: _____
- ☒ Within City Limits
- ☐ In Urban Growth Boundary Annexation Application filed: _____
- ☐ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1535
 - 2. Number of Baths: 2
 - 3. Size of Garage: 736
- ☐ Description of Property of Home:
 - 1. Tax Lot map & Number: 1900
 - 2. Copy of Deed: _____
 - 3. Or written description: _____
- ☒ Completed W-9 Taxpayer Form.

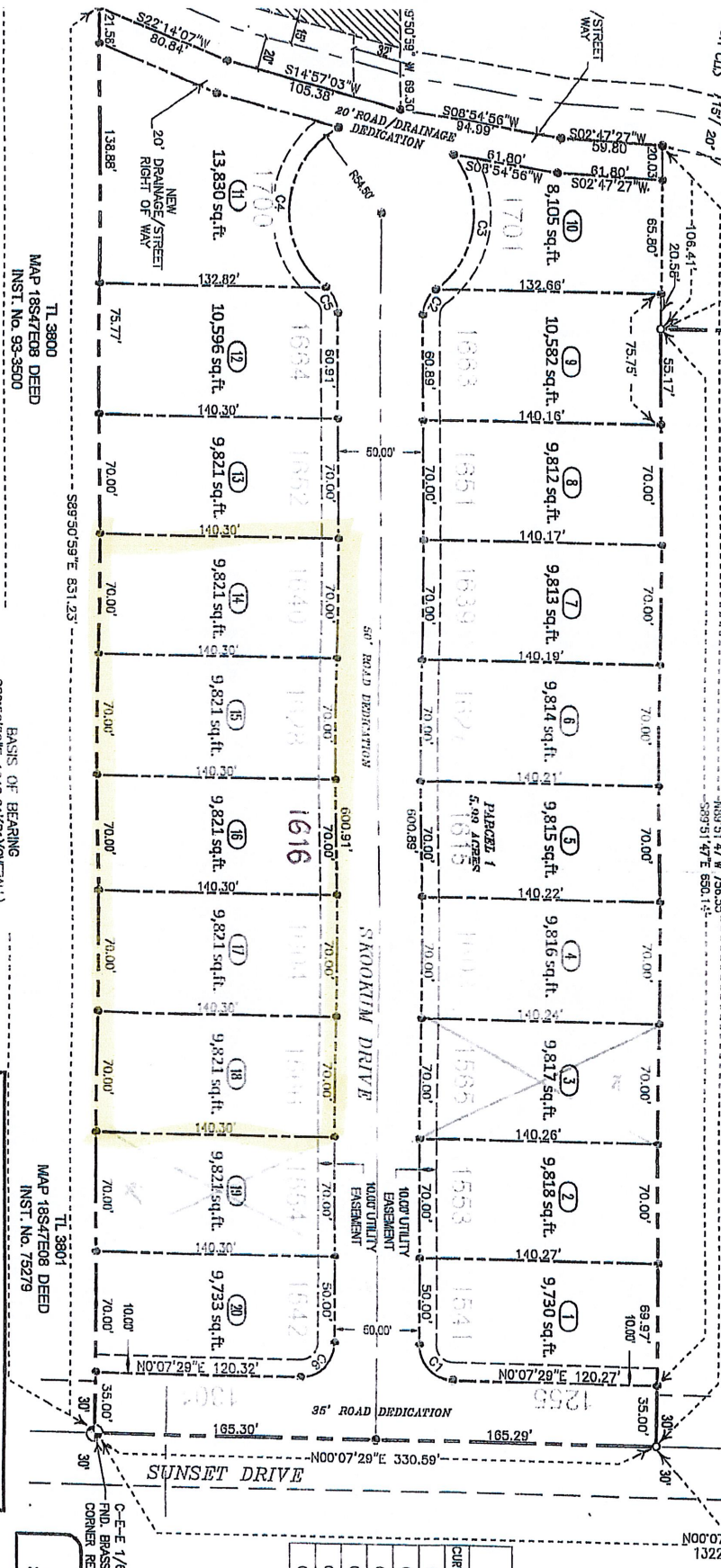
Process Completed: (Staff Use Only below)

- ☒ PDAC (if Required) date Completed: N/A
- ☒ Community Development Director approval date: 3-18-23
- ☒ Forwarded to Business Loan Fund Committee: _____
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____
- ☐ Application submitted to Finance for tracking: _____
- ☐ Certificate of Occupancy issued (within 2 yrs. of Council approval): _____
- ☐ Proof of Owner Occupancy (must be within 1 yr. of C of O): _____
- ☐ Payment made to Owner: _____

Return to: Dan K Cummings, Community Development Director, 458 SW 3rd Street, Ontario, OR 97914
541-881-3222 – dan.cummings@ontariooregon.org

NG. & OF
WATER DITCH
AS SHOWN
ON DITCH C.D.

TL 1200
MAP 18847E08 DEED
INST. No. 71488



TL 3800
MAP 18847E08 DEED
INST. No. 93-3500

BASIS OF BEARING
S89°50'59"E 1349.61 (R1) (OVERALL)

37
UN EXACT
ORIGINAL

LEGEND

---	SUBDIVISION BOUNDARY	()	DATA OF RECORD
---	LOT LINE	[]	CALCULATED DISTANCE
---	EASEMENT LINE	⊙	MONUMENT AS NOTED
---	RIGHT-OF-WAY (R.O.W.)	⊙	SET 5/8" X 20" REBAR WITH 1/2" RED CAP 61420
---	ROAD CENTER LINE	⊙	END 5/8" IRON BAR AS NOTED
---	DITCH CENTER LINE	⊙	END 1/2" IRON BAR AS NOTED
---	SECTION LINE (SEC.)	⊙	END 1/2" IRON BAR AS NOTED
---	DISTANCE LINE	Δ	CALCULATED POINT

NEW 32" WIDE CITY UTILITY EASEMENT

CERTIFICATE OF MALHEUR
COUNTY RECORDER
STATE OF OREGON } S.S.
COUNTY OF MALHEUR }

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

PLAT C&B: SLIDE:



ONTARIO
388 SW 5TH AVE
ONTARIO, OR 97314
PHONE (541) 889-5411
FAX (541) 889-2074
WFR: CK3

CKS
ENGINEERING-SURVEY

RENEWALS: 6/30/2023

REGISTERED PROFESSIONAL
LAND SURVEYOR
MAY 10, 2011
LANCE CLARK KING
61420

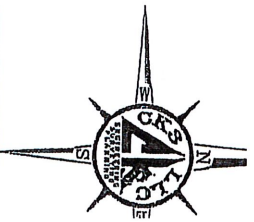
REGISTERED PROFESSIONAL
LAND SURVEYOR
MAY 10, 2011
LANCE CLARK KING
61420

By: _____
Received: _____
Filed: _____
Survey No. _____
Dwg. No. _____

C-E-E 1/8" COR. OF SECTION 8
FIND BRASS CAP, 2" DEEP AS PER
CORNER REC. INST. No. 18-47-0451

CURVE TABLE

CURVE No.	RADIUS	DELTA	LENGTH	TANGENT
C1	20.00	90°01'10"	31.42	20.00
C2	16.50	53°25'27"	17.25	9.31
C3	54.50	92°29'22"	87.98	56.92
C4	54.50	115°54'49"	110.26	87.07
C5	18.50	53°25'26"	17.25	9.31
C6	20.00	89°58'44"	31.41	20.00



Row 3.7.23
#12481

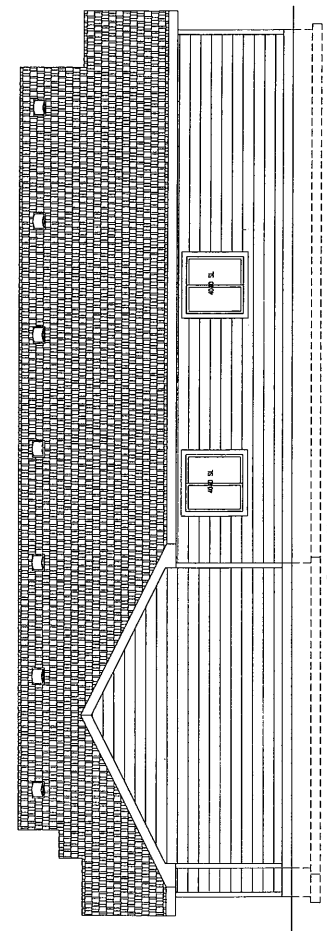


SUNSET

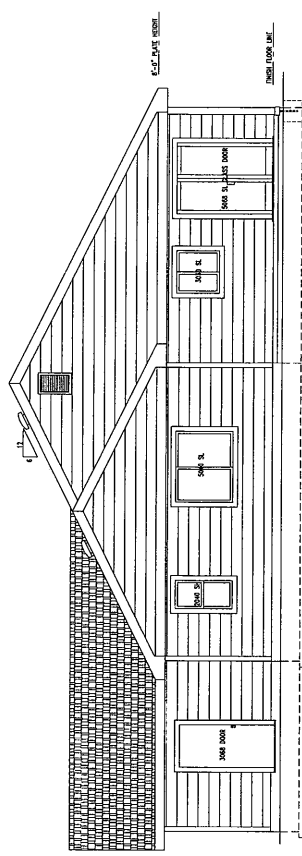
SEE MAP 18S 47E 08

Row 13.7.23
#12481

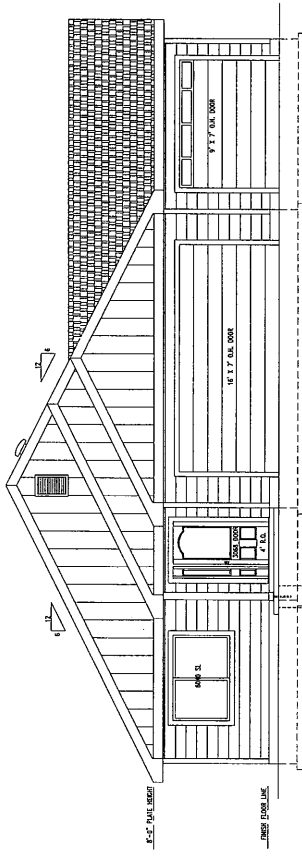
RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



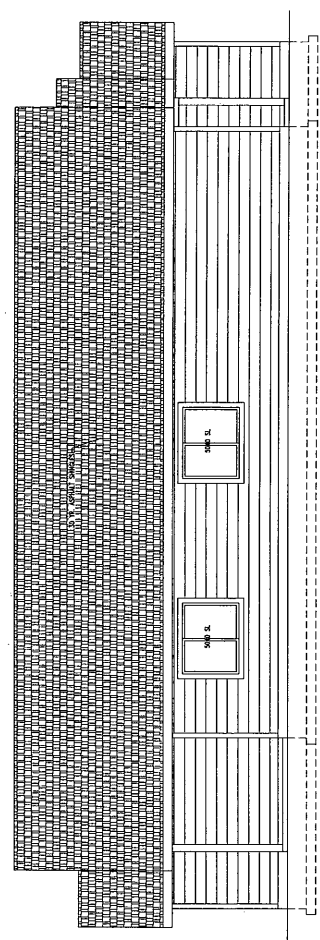
BACK ELEVATION
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FRONT ELEVATION
SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION
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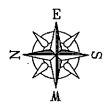
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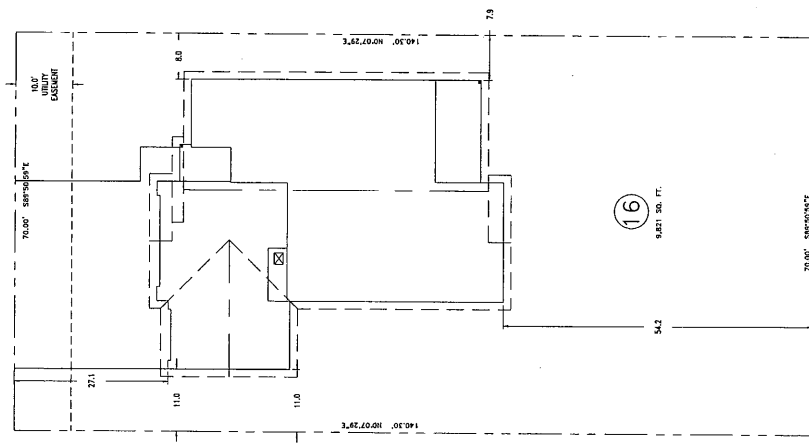
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HARRAH HEIGHTS SUBDIVISION
OF THE S1/2 SW1/4, SE1/4 NE1/4 AND THE SW1/4 NE1/4
OF SECTION 8, TOWNSHIP 18 S., RANGE 47 E., W.M.,
CITY OF ONTARIO, MALHEUR COUNTY, OREGON



SKOOKUM DRIVE





**AGENDA REPORT
CONSENT AGENDA
June 13, 2023**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **HOUSING INCENTIVE PROGRAM: RYWEST (53-2023)**

DATE: June 6, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 1628 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.

SUMMARY:

Rywest Homes, Inc., submitted an application for \$10,000 from the Housing Incentive Program.

The property is located at 1628 Skookum Drive.

The Business Loan Committee is the reviewing and recommending authority for the City of Ontario Business Loan Fund and, as such, the Committee is tasked with reviewing and providing a recommendation to the City Council on all applications submitted for loan requests and Housing Incentive payments. The City Council is the final authority for approval of the applications. The City Manager, Finance Director, and Community Development Director are responsible for insuring all requirements are met prior to payment of the approved application.

BACKGROUND:

The City Council, under Resolution #2018-111, updated the City of Ontario Business Loan Fund codes under Section 11a Housing Incentive Program to promote new housing development with the city limits of Ontario.

CURRENT SITUATION:

Rywest Homes Inc is requesting approval of his application for the \$10,000.00 Incentive on a new home to be located at 1628 Skookum Drive, being Tax Lot 15 HARRAH HEIGHTS SUBDIVISION. The proposed dwelling will be 1901 square feet with two bath (2) bathrooms and a three (3) car garage. The application was deemed to be complete by the Community Development Director and meeting or exceeding the minimum requirements of Section 11 of the Business Loan Fund code and was forwarded to the Committee for their review and

recommendation. The Business Loan Fund Committee recommended the loan for approval by the Council on May 18, 2023.

ANALYSIS:

- A. **STRATEGIC PLAN** The Housing Incentive Program promotes growth and desirability goals of the Ontario Strategic Plan. It specifically addresses the activities to build a variety of housing options and add fill-in housing.
- B. **FINANCIAL** If approved, the city would pay the funds from the Business Loan Fund. The \$10,000.00 would be paid back to the fund through the city portion of the property taxes collected on the property and dwelling approved under this application.
- C. **TIMING** Time is of the essence on this application as the applicant wants to pull a building permit and start construction as soon as they receive their approval.
- D. **POLICY/LEGAL** The Business Loan Fund Committee makes recommendations to the City Council. If the City Council approves the action, the City Manager will have the Agreement signed by all parties authorizing the Building Department to issue a permit under this Agreement.

ALTERNATIVES:

Table the Action: The City Council could table the request and request further information from the Applicant.

Deny the Action: The \$10,000 payment would not be made.

RECOMMENDATION:

Staff reviewed the application for completeness and find it meeting or exceeding the minimum requirements. The Business Loan Fund Committee sent a favorable recommendation to the City Council. Therefore, staff recommends that the City Council approve the application by Rywest Homes, Inc., for the amount of \$10,000.00.

ATTACHMENTS:

1. 53-2023 Rywest Application



City of Ontario, Oregon
Housing Incentive Program Checklist

Permit # 12420

received
03-09-2023

Applicant: RyWest Homes Inc

Date: 3/9/23

Site Address or Tax Lot: Tax 1800 - Lot 15 - 1628 Skookum Dr. Ontario
Harrah Heights

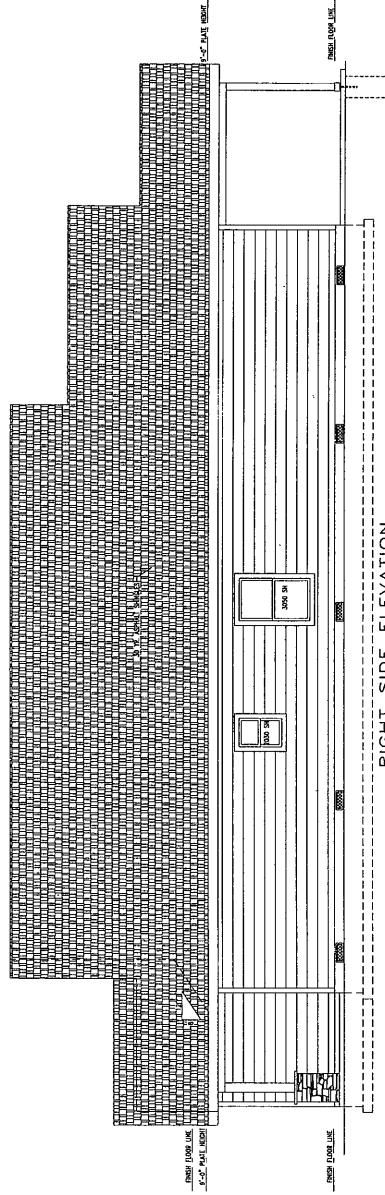
Application Number: 53-2023
(City Use Only)

Application Information: (Applicant or Staff)

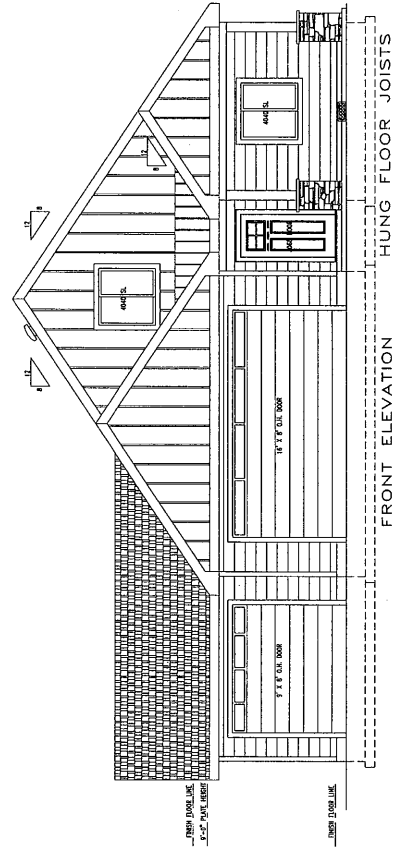
- ☒ Completed Application Signed & Dated: _____
- ☐ Documentation showing funding: _____
- ☒ Within City Limits
- ☐ In Urban Growth Boundary Annexation Application filed: _____
- ☐ Floor Plan or description describing minimum square footage:
 - 1. House Square footage: 1901
 - 2. Number of Baths: 2
 - 3. Size of Garage: 803 sq. ft
- ☐ Description of Property of Home:
 - 1. Tax Lot map & Number: 1800 Lot 15 Harrah Heights
 - 2. Copy of Deed: _____
 - 3. Or written description: _____
- ☒ Completed W-9 Taxpayer Form.

Process Completed: (Staff Use Only below)

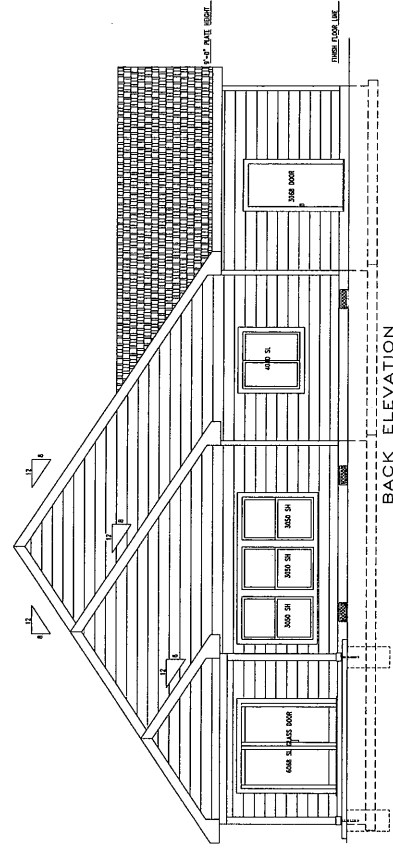
- ☒ PDAC (if Required) date Completed: N/A
- ☒ Community Development Director approval date: 3-18-23
- ☒ Forwarded to Business Loan Fund Committee: _____
- ☐ BLF Committee forwards recommendation to City Manager: _____
- ☐ City Council Approval or Denial: _____
- ☐ City Manager signs application signifying Council **Approval**: _____
- ☐ Application submitted to Finance for tracking: _____
- ☐ Certificate of Occupancy issued (within 2 yrs. of Council approval): _____
- ☐ Proof of Owner Occupancy (must be within 1 yr. of C of O): _____
- ☐ Payment made to Owner: _____



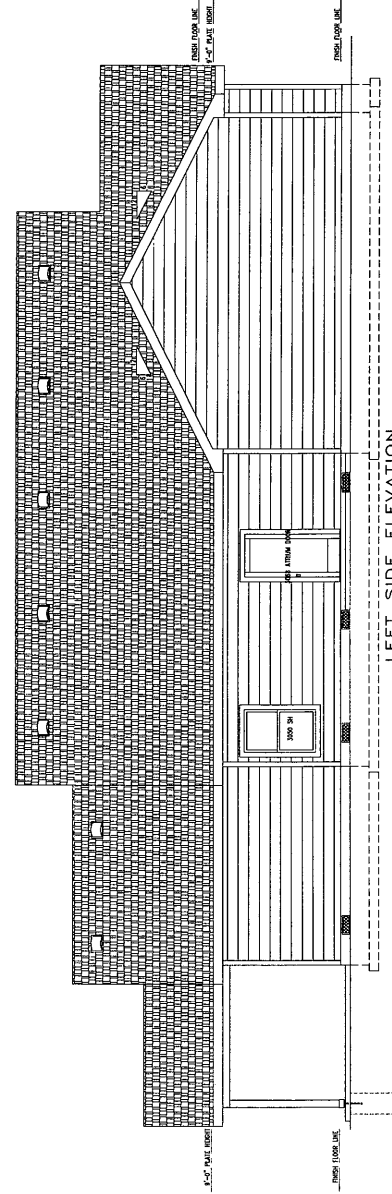
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FRONT ELEVATION
SCALE: 1/4" = 1'-0"



BACK ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



RYWEST HOMES INC.
13000 130th Ave S, Suite 100
P.O. Box 10000, Burnsville, MN 55337
P: 952.895.2777 or 952.895.2778
F: 952.895.2779

DATE: 1-1-2013
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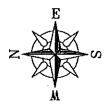
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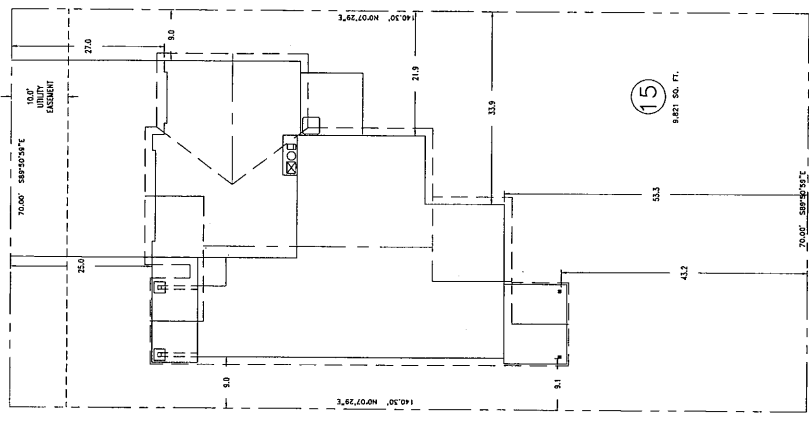
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HARRAH HEIGHTS SUBDIVISION
OF THE S1/2 SW1/4, SE1/4 NE1/4 AND THE SW1/4 NE1/4
OF SECTION 8, TOWNSHIP 18 S., RANGE 47 E., W.M.,
CITY OF ONTARIO, MALHEUR COUNTY, OREGON



SKOOKUM DRIVE



**CITY OF ONTARIO
MAYORAL PROCLAMATION
TOM PIERCE DAY 2023**

WHEREAS, The American Legion Ontario Post 67 has supported veterans in the local community for over 104 years; and,

WHEREAS, the City of Ontario has honored and worked side by side with American Legion for over 104 years; and,

WHEREAS, those who fought in WWII are known as the greatest generation deserving of our deepest respect and admiration; and,

WHEREAS, Tom Pierce, a WWII veteran, turns 100 years old on July 27th 2023, making him an individual in one of our greatest generation; and,

WHEREAS, American Legion Post 67 passed Resolution #2023-001 unanimously at a regular meeting held May 17, 2023, and is now recommending this proclamation to the City of Ontario for favorable action.

NOW, THEREFORE, BE IT RESOLVED that I, Deborah K. Folden, Mayor of Ontario, Oregon, do hereby proclaim July 29, 2023, as

TOM PIERCE DAY

in Ontario, and encourage all citizens to join in this special observance.



Deborah K. Folden, Mayor



**AGENDA REPORT
NEW BUSINESS
June 13, 2023**

To: Mayor and City Council

FROM: Dan Cummings, City Manager
Jeremy Green, City Attorney

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **ORDINANCE #2819-2023: TPM FOR HOMELESSNESS**

DATE: May 30, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE NO. 2819-2023, AN ORDINANCE OF THE CITY OF ONTARIO ESTABLISHING CAMPING REGULATIONS AND A CAMPSITE REMOVAL POLICY, ON FIRST READING BY TITLE ONLY.

IF UNANIMOUS:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE NO. 2819-2023, AN ORDINANCE OF THE CITY OF ONTARIO ESTABLISHING CAMPING REGULATIONS AND A CAMPSITE REMOVAL POLICY, ON SECOND AND FINAL READING, BY TITLE ONLY.

SUMMARY:

The City Council recognizes the competing concerns surrounding homeless individuals camping on public property within Ontario's incorporated limits and desires to implement regulations to address these concerns.

BACKGROUND:

ORS 195.530 requires that any city law that regulates the acts of sitting, lying, sleeping, and/or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner. The Council and city staff solicited input concerning city camping regulations from members of the community, including interested stakeholders and organizations that assist low-income and/or homeless members of the community. The Council received input from the community concerning the proposed camping regulations, including, without limitation, input from the city's Homelessness Time, Place, and Manner Ad-Hoc Committee. Subsequent to those meetings and information obtained from the community, the Council finds that the camping regulations and camping removal policy contained in the attached ordinance are in the public interest.

CURRENT SITUATION:

The purpose of Ordinance No. 2819-2023 is to minimize any adverse public safety and health impacts of camping on city property while providing some areas of city property, in the absence of alternative forms of shelter, where homeless persons may rest and/or sleep.

ANALYSIS:

- A. **STRATEGIC PLAN** This ordinance helps address the lifestyle, desirability and beatification of the Council Strategic Plan.
- B. **FINANCIAL** The financial cost to the city is unknown at this time.
- C. **TIMING** Timing is of the essence as this ordinance should be enacted before July 1, 2023 to minimize the impact on the citizens of Ontario.
- D. **POLICY/LEGAL** The City Council is the approving authority for all ordinances.

ALTERNATIVES:

The Council could choose not to enact the proposed ordinance; however, effective July 1, 2023, the city would be required to follow the rules, guidelines, and parameters set by the State of Oregon and would relinquish any rights to establish local guidelines specific to the Ontario area.

RECOMMENDATION:

Staff recommends the Council adopt Ordinance #2819-2023 as presented.

ATTACHMENTS:

- 1. Ord #2819-2023 Camping Ordinance w- camping regulations Ex A and site map Ex B (01486417-2xB6300)



ORDINANCE NO. 2819-2023

AN ORDINANCE OF CITY OF ONTARIO ESTABLISHING CAMPING REGULATIONS AND A CAMPSITE REMOVAL POLICY

- WHEREAS,** the City Council (the “Council”) of City of Ontario (“City”) recognizes the competing concerns surrounding homeless individuals camping on public property within City’s incorporated limits and desires to implement regulations to address these concerns; and
- WHEREAS,** ORS 195.530 requires that any city law that regulates the acts of sitting, lying, sleeping, and/or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner; and
- WHEREAS,** the Council and City staff solicited input concerning City camping regulations from members of the community, including interested stakeholders and organizations that assist low-income and/or homeless members of the community; and
- WHEREAS,** the Council has received valuable input from the community concerning the proposed camping regulations, including, without limitation, input from City’s Homelessness Time, Place, and Manner Ad-Hoc Committee; and
- WHEREAS,** the Council finds that the camping regulations and camping removal policy contained in the attached Exhibit A are in the public interest.

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

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 2819-2023 (this “Ordinance”) is to minimize any adverse public safety and health impacts of camping on City property while providing some areas of City property, in the absence of alternative forms of shelter, where homeless persons may rest and/or sleep.
3. Adoption of Camping Regulations. The Council hereby adopts the camping regulations and camping removal policy contained in the attached Exhibit A.
4. Interpretation; Severability; Errors. 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. 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 by order of the Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____, 2023,
by the following vote:

Ayes:

Nays:

Absent:

SIGNED by the Mayor this ____ day of _____, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Exhibit A
Camping Regulations

1. Purpose. The purpose of this ordinance is to (a) maintain streets, parks, and other public areas within City in a clean, sanitary, and accessible condition, (b) allow persons to sleep and maintain the essentials for living while still maintaining the ability of everyone to use public spaces as designed and intended, and (c) adequately protect the health, safety, and public welfare of the community by imposing time, place, and manner regulations that identify when, where, and how camping on City property is allowed.

2. Definitions. For purposes of this ordinance, the following terms and phrases have the meanings assigned to them below:

“Alley” means a narrow way providing a means of public or private access to the back or side of a property which is not intended for general traffic circulation.

“Camp” or “Camping” means to pitch, erect, create, use, and/or occupy camp facilities for the purpose of habitation, as evidenced by use of camp paraphernalia.

“Camp Facility(ies)” include, without limitation, tents, huts, temporary shelters, lean-tos, shacks, and/or any other structures (or parts thereof).

“Camp Paraphernalia” includes, without limitation, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices, and/or similar equipment.

“Campsite(s)” means any place where one or more persons have established living accommodations by use of camp facilities and/or camp paraphernalia.

“Established Campsite(s)” means a campsite in place for more than 24 hours.

“City Manager” means City’s then-appointed City Manager and his or her designee.

“City Property” means all real property, land, and public facilities owned, leased (either to City or by City), controlled, and/or managed by City.

“Fire Department” means City’s Fire Department.

“Personal Property” means any item that can reasonably be identified as belonging to an individual that has apparent value or utility.

“Public Park(s)” means all property owned or controlled by City which is operated for public use for recreational and/or open space purposes.

“Recreational Fire” means a fire for the cooking of food, warmth, fellowship, and/or ceremonial purposes.

“Right-of-way(s)” means streets, public utility easements, and/or other public right-of-way.

“Street(s)” means any highway, lane, road, street, alley, right-of-way, and every way or place in City that is publicly owned and/or maintained for vehicular travel (whether improved or unimproved).

“Sidewalk(s)” means the portion of the street between the curb line and adjacent property line intended for use of pedestrians and includes multi-use pathways (i.e., pathways for bicycles and pedestrians).

“Vehicle(s)” means either a “motor vehicle” as defined in ORS 801.360 including a motor vehicle with an attached “camper” as defined in ORS 801.180, or a “motor home” as defined in ORS 801.350.

3. Time, Place, and Manner Regulations. Camping is permitted on City property subject to the time, place, and manner regulations contained in this ordinance.

3.1 Time Regulations. Except as expressly authorized by City’s municipal code, camping is prohibited on any City property between the hours of 7:00 a.m. to 10:00 p.m.; provided, however, the time regulations identified in this Section 3.1 will not apply to camping in the City-designated camping area identified in Section 3.2.

3.2 Place Regulations. Unless otherwise specifically authorized by City’s municipal code or declaration of the Mayor and/or City Manager due to emergency circumstances, camping is prohibited on all City property except the City-designated camping area located at 1142 SE 13th Avenue and more particularly described and depicted on the attached Exhibit B. City may change and/or modify any permissible camping locations (including, without limitation, the camping area designated in this Section 3.2) from time to time and at any time via Council resolution.

3.2.1 City may require that persons camping within any camping area relocate within the applicable camping area to permit cleaning, maintenance, rehabilitation, and/or repair of City-identified camping area(s). Persons camping within a camping area must comply with all lawful City orders to relocate and must not interfere, impede, and/or obstruct any cleaning, maintenance, rehabilitation, and/or repair activities.

3.2.2 No person may sit, rest, sleep, lie down, and/or otherwise occupy any pavilion and/or gazebo within a public park for more than two hours in any one day without first obtaining a special event permit from City. Notwithstanding the foregoing, if a person has obtained a City-issued special event permit for exclusive use of a pavilion and/or gazebo in a public park, any uninvited person occupying the pavilion and/or gazebo subject to the permit must vacate the pavilion and/or gazebo for the duration of time of which exclusive use is provided under the subject special event permit.

3.3 Manner Regulations. At times and locations where camping is permitted under this ordinance, the following regulations apply: (a) at no time may camp facilities, whether constructed with plywood, wood materials, pallets, and/or other materials, be built or placed on City property by anyone other than, or as authorized by, the public entity that owns or controls the City property in question (tents and similar items used for shelter that are readily portable are not prohibited by this subsection); (b) individuals engaged in camping are allowed to use a sleeping bag, bedroll, and/or other material used for bedding purposes (e.g., materials used to keep warm and dry while sleeping are permitted provided any tent or tarpaulin used to keep warm and dry may not exceed 50 square feet in surface area); (c) a camp or camping must be limited within a spatial footprint of 150 square feet in surface area (the intent of this subsection is to permit a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended); (d) individuals may not accumulate, discard, and/or leave behind garbage, debris, fecal matter, biohazardous, unsanitary or hazardous

materials, and/or other items of no apparent utility in a right-of-way, on City property, and/or on any adjacent public or private property; (e) open flames, recreational fires, burning of garbage, bonfires, and/or other fires, flames, and/or heating deemed unsafe by Fire Department are prohibited (some cooking stoves and other means of keeping warm may be allowed if permitted by Fire Department); (f) dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited (this includes, without limitation, storm drains which are not intended for disposal of gray water or black water); (g) unauthorized connections or taps to electrical or other utilities, and/or violations of building, fire, and/or other relevant codes or standards, are prohibited; (h) obstruction or attachment of camp materials or personal property to fire hydrants, utility poles, and/or other utility or public infrastructure, fences, trees, vegetation, vehicles, and/or buildings is prohibited; (i) storage of personal property, including, without limitation, vehicle tires, bicycles, and/or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, and/or other items or materials, is prohibited (other than what is related to camping, sleeping, and/or keeping warm and dry); (j) digging, excavation, terracing of soil, alteration of property or infrastructure, and/or damage to vegetation or trees is prohibited; and (k) except as expressly authorized by City's municipal code, all persons are prohibited from leaving personal property, including, without limitation, camp facilities and camp paraphernalia, unattended on any City property for more than 24 hours. Notwithstanding anything contained in this Ordinance to the contrary, the city manager may temporarily authorize camping or storage of personal property on City property by written order that specifies the period of time and location for the camping or storage under the following circumstances: (x) emergency circumstances; (y) in conjunction with a special event permit; and/or (z) upon finding it to be in the public interest and consistent with the Council's goals and policies.

4. Vehicle Camping. Title 9, Chapters 3 and 4 of City's municipal code provide acceptable methods, prohibitions, and restrictions concerning the parking of vehicles on streets within City. Title 4, Chapter 8 of City's municipal code prohibits automobile trailer, trailer coach, and trailer parking within City except in limited circumstances. Except as otherwise provided in this Section 4, those regulations are applicable to all individuals, including those using vehicles for habitation and/or sleeping on streets within City. The following regulations apply to the use of vehicles for habitation and/or sleeping purposes on streets within City where City's municipal code does not otherwise prohibit such activity:

4.1 The use of a vehicle for habitation and/or sleeping is prohibited on any street on which extended parking is prohibited under City's municipal code.

4.2 The use of a vehicle for habitation and/or sleeping on any street may not exceed 24 hours in any 30-day period.

4.3 A vehicle must be legally parked in compliance with City's municipal code and all other policies.

4.4 Open flames, recreational fires, burning of garbage, bonfires, and/or other fires, flames, and/or heating deemed unsafe by the Fire Department are prohibited in, on, and/or around vehicles. The safe and lawful operation of cooking stoves and other devices for keeping warm are permitted, subject to City's municipal code and policies.

4.5 Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities and/or places not intended for gray water and/or black water disposal is prohibited. This includes, without limitation, storm drains which are not intended for disposal of gray water and/or black water.

4.6 Storage of material outside a vehicle is prohibited other than what is incidental to short-term loading or unloading the vehicle.

4.7 Vehicles must be operational (i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed) and may not be discarded or left inoperable in the right-of-way and/or on City property.

4.8 No building and/or erecting of any structures connecting and/or attaching to vehicles is permitted, including, without limitation, tents that are not designed and manufactured to be attached to a vehicle.

4.9 Persons may not accumulate, discard, and/or leave behind garbage, debris, fecal matter, unsanitary and/or hazardous materials, and/or other items of no apparent utility in the right-of way, on City property, and/or on any adjacent public or private property.

5. Health and Safety Fee; Fines, Enforcement.

5.1 Health and Safety Fee. Any person who violates Sections 3 or 4 of this ordinance will first be subject to a health and safety fee in an amount not to exceed \$35.00. The purpose of the health and safety fee is to reimburse City for the expense of maintaining a healthy, safe, and organized community for the public.

5.2 Fines. A willful violation of Sections 3 or 4 of this ordinance is a Class D violation under City's municipal code. A Class D violation carries a penalty of no more than \$250.00; the actual fine imposed will be determined at the discretion of the Code Enforcement Officer, City Manager, Hearings Officer, or Municipal Court Judge. A violation is "willful" if the prohibited act or omission under Sections 3 or 4 of this ordinance occurs or continues after issuance of the health and safety fee. Each violation will constitute a separate offense. Continuing violations of the same offense will not constitute a separate offense for each day the violation occurs.

6. Campsite Removal – ORS 195.500-195.505.

6.1 Campsite Removal Policy. City recognizes the social nature of the problem of homeless individuals camping on City property. In accordance with ORS 195.500 – ORS 195.505, City has developed the campsite removal policy contained in this Section 6 to ensure the most humane treatment for the removal of homeless individuals from campsites on City property. This Section 6 supersedes any contrary City law and/or policy that offers lesser protections to homeless individuals subject to removal from an established campsite.

6.2 Campsite Removal. Upon determination by enforcement personnel that a camp or camping in violation of this Ordinance has become an established campsite, or enforcement personnel determine a campsite otherwise in compliance with this Ordinance endangers the public health and safety, the campsite may be removed consistent with this Section 6. Upon a determination by enforcement personnel that a camp or camping in violation of this Ordinance is not an established campsite, the campsite may be removed without complying with the notice requirements under Section 6.3.

6.3 Notice Required. The following notice requirements apply to the removal and clearing of campsites: (a) notice is not required prior to removal and clearance of a campsite that is not an established campsite; and (b) at least 72 hours before removing individuals and personal property from an established campsite, law enforcement officials must post written notice, in English and Spanish, at all entrances to the campsite if the entrances can reasonably be identified. The written notice required under Section 6.3(b) must state or contain, at

a minimum, the following information: (x) where unclaimed personal property will be stored; (y) the telephone number that individual(s) may call to find out where personal property will be stored; or (z) if a permanent storage location has not yet been determined, the address and telephone number of an agency that will have the information when available. If a funeral service is scheduled with less than 72-hours' notice at a cemetery at which there is a campsite, or a campsite is established at a cemetery less than 72 hours before the scheduled service, the written notice required under Section 6.3(b) may be posted at least 24 hours before removing homeless individuals from the campsite.

6.4 Exceptions to Notice Requirements. Notwithstanding anything contained in this ordinance to the contrary, the 72-hour notice required under Section 6.3(b) will not be applicable (i.e., will not be required) under the following circumstances: (a) when there are grounds for law enforcement officials to reasonably believe that illegal activities other than camping are occurring at an established campsite; and/or (b) an exceptional emergency at an established campsite, including, without limitation, possible site contamination by hazardous materials, a public health emergency, and/or other immediate danger to human life or safety.

6.5 Local Agencies. When a 72-hour notice is posted under Section 6.3(b), law enforcement officials must inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. The local agency may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.

6.6 Personal Property.

6.6.1 All personal property at a campsite that remains unclaimed after removal/clearing, whether notice is required under this policy or not, must be given to (a) law enforcement official, (b) local agency that delivers social services to homeless individuals, (c) outreach worker, (d) local agency official, or (e) person authorized to issue a citation for unlawful camping under state law, administrative rule, or city or county ordinance.

6.6.2 Unclaimed personal property must be stored in a facility located in the same community as the campsite from which it was removed. Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime must be given to or retained by law enforcement officials.

6.6.3 Unclaimed personal property removed from a campsite must be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Unclaimed personal property will be stored in a manner in which it is possible to identify the date the property was removed and location where the property was removed. Unclaimed personal property will be stored for a minimum of 30 days during which it must be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

6.7 Policy Evaluation. Following the removal of homeless individuals from a campsite on City property, law enforcement officials, local agency officials, and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner, and to determine if any changes to this policy are needed.

6.8 Prohibition on Citations in Limited Circumstances. A person authorized to issue a citation for unlawful camping under state law, administrative rule, and/or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of a notice required under Section 6.3(b) and within two hours before or after the notice was posted.

4. City Manager Authority. The City Manager may adopt administrative rules to implement any of the provisions of this ordinance.

5. Preemption. If and to the extent any provisions of City's municipal code conflict with any provisions of this ordinance, the provisions of this ordinance will control and supersede the conflicting provisions contained in City's municipal code.

Exhibit B
1142 SE 13th Avenue





**AGENDA REPORT
NEW BUSINESS
June 13, 2023**

To: Mayor and City Council

FROM: Sheri Smith, OPD Office Manager/IT Supervisor
Dan Cummings, City Manager

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **APPROVAL OF CONTRACT WITH MICROTECH FOR IT SERVICE**

DATE: June 6, 2023

PROPOSED MOTION:

I MOVE THAT THE ONTARIO CITY COUNCIL APPROVE THE AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES WITH MICRO TECHNOLOGY SYSTEMS INC. FOR THE COST OF \$109,380 IN FY 2023-2024 AND \$113,760 IN FY 2024-2025.

SUMMARY:

Attached is the proposed MicroTech TechCare Services Agreement.

BACKGROUND:

Through a TechCare Agreement signed by the City of Ontario, MicroTech was brought in as a backup solution to the city's information technology needs on August 1, 2021. This agreement was proposed for only four months. After losing our full-time IT employee later that month, MicroTech agreed to work out of contract until a new agreement could be proposed and signed. On January 11, 2022, the Council signed a new 17-month TechCare agreement with MicroTech establishing them as the city's full-time information technology provider. This agreement became effective February 1, 2022, and is ending June 30, 2023.

MicroTech has been working on replacing infrastructure which is costly and, therefore, taking longer to complete due to budget constraints. MicroTech has been able to perform at a sufficient level for taking on the entire technology system. They have been responsive to requests and now that they have been with the city for two years, they are establishing a system architecture standard that works with their company engineers.

CURRENT SITUATION:

Staff worked with Micro Technology Systems, Inc., to agree on a price for service and agreement. Staff is recommending the Council approve the new 2-year contract with MicroTech to continue IT services for the city through the end of the 2025 fiscal year.

ANALYSIS:

- A. **STRATEGIC PLAN** Information technology is an internal service that is key to achieving all of our strategic goals. These are essential services for the city to conduct work.
- B. **FINANCIAL** The cost of the agreement is \$9,115.00 per month for FY 2023/24 and the second year would be \$9,480.00 per month for FY 2024/25. Adding additional servers would increase the cost by \$200 and adding additional PCs would increase the cost by \$55 per month. The funds for fiscal year 2023-24 are currently budgeted.
- C. **TIMING** Our 17-month agreement will expire June 30, 2023. The new TechCare Agreement is designed for 24 months. The 2023/24 Fiscal has been approved in the new budget period. This contract gives us direction for their proposed increase for FY 24/25.
- D. **POLICY/LEGAL** Only the Council can approve agreements between the city and another organization for professional services over \$75,000.

ALTERNATIVES:

Take No Action: Without any action, MicroTech could back out of providing services at any point.

RECOMMENDATION:

Staff recommends approval of the agreement with MicroTech for Information Technology Services.

ATTACHMENTS:

1. City of Ontario TechCare Complete Services 2 Year Agreement July 2023

Micro Technology Systems, Inc.
TechCare Services Agreement

This Agreement is made this 1st day of June 2023, by and between MicroTechnology Systems, Inc. (MicroTech), with its principal place of business at 125 E. 50th St., Garden City, Idaho, 83714, and **City of Ontario**, with its principal place of business at 444 SW 4th Street, Ontario, Oregon, 97914.

The Parties agree as follows:

1. Term. The effective date of this Agreement will be **July 1, 2023**, and shall be for an initial term of twenty-four (24) months, unless otherwise terminated earlier as provided herein.

2. Services.

(a) TechCare Services. MicroTech shall provide the services described on Schedule 1 which is attached to this Agreement and incorporated herein (collectively the “TechCare Services”).

(b) Additional Services. In addition to the TechCare Services, MicroTech shall provide any additional services set forth on Schedule 1-A which is attached to this Agreement and incorporated herein.

3. Charges and Rates for Service. The charge for TechCare Services during the Term of this Agreement shall be those set forth on Schedule 2 – Schedule of Charges. MicroTech may increase its hourly rate by up to ten percent (10%) on each anniversary date of this agreement with a 30-day notice sent to client.

4. Regular Business Hours. Services covered under this Agreement will be performed during regular business hours, which are defined as Monday through Friday, between 8:00 AM and 5:00 PM Mountain Time, unless otherwise defined herein. Services performed outside the definition of regular business hours (“Extended-hour services”) will be available at no additional charge.

5. Cancellation. Client and/or MicroTech may cancel this Agreement for any reason upon thirty (30) days advanced written notice, at any time during the first one hundred and twenty (120) days from the effective date of this Agreement. Thereafter, this Agreement may be terminated only as follows.

(a) Termination by Client.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has breached any term of this Agreement. If Client determines that MicroTech has breached any term of this Agreement, Client shall first provide written notice to MicroTech of such breach of this Agreement (Notice of Breach). Thereafter, MicroTech shall have fifteen (15) days from date of receipt of the Notice of Breach to meet with Client and attempt to cure such breach. If after such fifteen (15) day period Client in its sole discretion does not believe that the breach has been cured, Client at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Client may terminate this Agreement at any time for no reason by providing MicroTech with thirty (30) days prior written notice that it is terminating this Agreement. If Client elects to terminate this Agreement pursuant to this Section 5(a), Client shall within thirty (30) days of the Termination Notice pay to MicroTech fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-

half. Ie: Early Termination fee will be 50% of the remaining contracted services.

(b) Termination by Microtech.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has determined a problem or issue with Client or Client’s IT systems that is obstructing Microtech from effectively performing services as defined in Schedule 1, Schedule 1-A, and Schedule 2. If Microtech determines termination for cause is necessary, Microtech shall first provide written notice to Client of such problem or issue (Notice of Obstruction). Thereafter, Client shall have fifteen (15) days from date of receipt of the Notice of Obstruction to meet with Microtech and attempt to cure such problem or issue. If after such fifteen (15) day period Microtech in its sole discretion does not believe that the obstruction has been cured, Microtech at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Microtech may terminate this Agreement at any time for no reason by providing Client with thirty (30) days prior written notice that it is terminating this Agreement. If Microtech elects to terminate this Agreement pursuant to this Section 5(b), Microtech shall within thirty (30) days of the Termination Notice pay to Client fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-half. Ie: Early Termination fee will be 50% of the remaining contracted services

6. Disclaimers.

(a) Causes Beyond MicroTech’s Control. MicroTech shall provide standard information technology computer networking or infrastructure support. MicroTech shall not be liable for failure to provide those services if such failure is due to any cause or condition beyond MicroTech’s control.

(b) No Warranty for Error-Free Service. MicroTech does not warrant the uninterrupted or error-free operation of any of Client’s machines or software products.

(c) Limit of Responsibility. MicroTech makes every attempt to safeguard and protect client data from damage, loss, or altered files. Because of events that can occur that are beyond MicroTech’s control, due to hardware and software failures, and acts of third parties, MicroTech is not responsible for damaged, lost, or altered client data.

(d) Limited Warranty. MicroTech warrants to Client that, during the term of this Agreement, MicroTech will perform the Services in a professional and workmanlike manner (the “Limited Warranty”). In the event of any breach of the Limited Warranty that is reported to MicroTech during the term of this Agreement, MicroTech’s sole obligation and Client’s sole right and remedy for such breach shall be the re-performance by MicroTech of the services that were not performed in a professional and workmanlike manner, unless such re-performance of the services by MicroTech fails to correct such breach within fifteen (15) days, in which case the Client may, after providing written notice to MicroTech in accordance with Section 5(a)(i) above, terminate this Agreement for cause. Notwithstanding the foregoing, the failure to correct or replace hardware devices and/or software programs that were not provided by MicroTech; and/or the delayed timeframe by suppliers of replacement hardware devices/components and/or software programs that are delayed through no fault of MicroTech shall not be deemed to be a breach of the Limited Warranty.

(e) Services As Is. Except for the Limited Warranty expressly described above, all services, software, and products provided to client under this agreement are provided on an “as is” basis and without any express, implied, statutory, or other warranties of any kind whether oral or in writing, or arising by usage of trade or course of dealing.

Without limiting the generality of the foregoing, MicroTech disclaims any and all implied warranties (including, without limitation, any implied warranties of merchantability, fitness for a particular purpose, and non-infringement). The Limited Warranty provided hereunder extends only to Client and Client's permitted assigns.

(f) No Warranty for Third Party Products. Client acknowledges that Client may purchase, lease or license certain products, programs, software, equipment, services, or hardware from third parties associated with Client's informational technology systems ("Third Party Products"), some or all of which may be recommended by MicroTech. Further, Client acknowledges that MicroTech, as part of its TechCare Services may purchase, lease or license Third Party Products. MicroTech shall not be responsible to Client for any damage or loss resulting from such Third Party Products for, including but not limited to, transmission or communication errors, use or failure of hardware or equipment, use or failure of software, failure of delivery or courier services, or for any act, error, omission, or circumstance associated with such Third Party Products beyond MicroTech's reasonable control. Further, MicroTech shall have no obligation or responsibility under this Agreement for the use of any Third Party Products regardless if MicroTech recommends, installs or monitors such Third Party Products.

(g) Force Majeure. Neither party shall be in default for failing to perform under this Agreement (other than a failure to make payment when due or to comply with restrictions upon the use of the products and services) if such failure arises out of any act, event, or circumstance beyond the reasonable control of such party, whether or not predicted or foreseeable. The party so affected will resume performance as soon as reasonably possible.

(h) Disclaimer. Except as provided in this Agreement and any related agreements, MicroTech specifically disclaims any and all warranties of any kind, express, implied or statutory, including, but not limited to, any warranties of merchantability or fitness for a particular purpose.

7. Limitations on Damages. Under no circumstances shall MicroTech be liable for any losses or damages that are not brought to its attention by client in writing within thirty (30) days of the event giving rise to the alleged liability, and no action arising out of the agreement may be brought by client more than one (1) year after the occurrence of the event giving rise to the alleged liability. MicroTech shall not be liable for any incidental, consequential, special, indirect, delay, economic or property damages whatsoever (including any damages for loss of profits, data or goodwill, business interruptions, damaged or corrupted data, or other commercial, economic, or pecuniary loss) arising out of or relating to this agreement, even if Microtech was advised of the possibility of such damage. in no event shall Microtech's aggregate liability for damages under this agreement (regardless of the form of action, whether in contract, tort, strict liability or otherwise) exceed the amount paid by client for services during the twelve (12) months immediately prior to the claim giving rise to the alleged damages.

8. Proprietary Information.

(a) Safeguards of Client Information. All information related to Client's business which is required to be submitted by Client to MicroTech pursuant to this Agreement shall be safeguarded by MicroTech to the same extent that MicroTech safeguards information relating to its own business. If, however, such information is publicly available, already known by MicroTech, or is rightfully obtained from third parties, MicroTech shall bear no responsibility for its disclosure, inadvertent or otherwise.

(b) Safeguards of MicroTech Information. Client shall safeguard all proprietary MicroTech information as it would its own. MicroTech's proprietary information includes this Agreement and any other documents from MicroTech that are identified as MicroTech's proprietary information.

9. MicroTech Obligations. MicroTech shall perform all services which it agrees to perform pursuant to this Agreement in a workmanlike manner consistent with industry standards. If MicroTech breaches the provision, its sole obligation shall be to re-perform the services in question promptly and properly.

10. Attorney's Fees. If either party defaults or initiates any legal action under this Agreement (including appeal), the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

11. Non-Solicitation. Neither party shall hire or solicit for hire or engage as an independent contractor or employee of the other during the term of and for one year after the termination of this Agreement, without the express written consent of the other party. If Client breaches this Section 11, Client agrees to pay MicroTech within thirty (30) days of hiring the MicroTech employee an amount equal to 28% of the employee's first year salary.

12. Invoicing. TechCare Services agreement will be invoiced at the end of each month for agreement services provided in the following month. Terms are net twenty (20) days on all invoices. Services provided above, or in addition to, the hourly allotment will be invoiced at time of service. All invoices will be mailed to the Client address listed in paragraph 1 of this Agreement. In the event that the billings address changes, the Client agrees to notify MicroTech in writing within thirty (30) days of effect at the following address:

MicroTechnology Systems, Inc.
125 E. 50th St.
Garden City, ID 83714

13. Late Fee Charges. In the event MicroTech has not received payment in full for the charges under this Agreement when due, a service charge shall be added to the amount due in an amount equal to one and one-half percent (1 ½ %) per month.

14. Successors and Assigns. This Agreement may be assigned by either party and shall be binding upon the successors and assigns of the parties.

15. Choice of Law. This Agreement will be interpreted in accordance with the laws and statutes of the State of Idaho and each party specifically agrees to the application of such laws to such party and his rights, duties, obligations and agreements, hereunder or arising out of the subject matter hereof.

16. Attachments. Every attachment or schedule attached and referred to in this Agreement is hereby incorporated in this Agreement.

The appropriate authorized signatures below indicate acceptance of this Agreement.

MICROTECH

Daniel Ryan

By: Daniel Ryan

Its: Account Manager

Date: 6/1/2023

CLIENT

By: _____

Its: _____

Date: _____

Schedule 1
TechCare Services

Remote Monitoring and Reporting • Agent Provided by third party vendor • Agents send selected data back to management console • Console monitored by MicroTech • Reports configured to send to Client	Patch Management Patch Management for Microsoft software provided in one of three ways: • Third party vendor remote monitoring tools • Microsoft Windows Server Update Services • Windows updates services on local systems
Antivirus Monitoring & Threat Hunting Antivirus / threat hunting software agent provided by third party vendor(s). Systems monitored through third party management console for: • Virus pattern file updates • Virus system scan completion • Virus activity reporting • Malicious hacking activity	DNS Protection Services DNS Protection agent provided by third party vendor. Systems monitored through third party management console for: • Protects users against known malicious websites • Provides web & content filtering • DNS reporting
Backup Monitoring • If service selected by client, local backup provided by Windows backup application or Third-Party Vendor ○ Backup success or failure monitored by MicroTech through remote monitoring console • If service selected by client, remote offsite online backup services provided by Third Party Vendor ○ Backup encryption provided by Third Party Vendor ○ 30 file version history ○ Daily synchronization with offsite servers ○ Backup success or failure monitored by MicroTech through remote monitoring console	
TechCare Support Hours Included as part of the TechCare Services are unlimited TechCare hours (“TechCare Hours”). TechCare Hours are charged each month for performing regular maintenance, troubleshooting, user requests, or ongoing support for information technology hardware, software, or line of business applications existing on Client’s systems, including but not limited to items such as Microsoft server and desktop operating systems, Microsoft productivity software, antivirus software, backup software, other third-party software, infrastructure hardware, and line of business applications. Line of business applications is to include but not limited to, accounting or industry software. Support services can be delivered remotely (not on premise) or on-site (on premise).	
TechCare Services Exclusions Certain projects are excluded from TechCare Services and are not part of TechCare Hours; those projects excluded are additions, changes, or removal from existing operating/software systems on the network. Some examples include but are not limited to: 1) Installation and implementation / configuration of new hardware, operating systems, or software. 2) Upgrades to existing hardware, operating systems, or software. 3) Training on hardware, operating systems, or software. 4) Removal of existing hardware, operating systems, or software.	

Schedule 1-A

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Schedule 2
Schedule of Charges

Number of servers covered – 20

Number of PC's covered – 67

Scheduled Onsite Visits – As needed or requested. Weekly phone call to determine if necessary.

Monthly Service Fee 7/1/2023 through 6/30/2024 -- \$9,115.00

Monthly Service Fee 7/1/2024 through 6/30/2025 -- \$9,480.00

Additional future services

- Additional servers covered add \$200.00 per month each
- Additional PCs covered add \$55.00 per month each

Projects

- Projects will be proposed on an individual basis based on a) estimated number of hours to complete and will be billed at a determined hourly rate per hour, or b) an agreed upon flat rate.



SECOND QUARTER REPORT

March – May 2023



MEDICAL & FIRE CALL STATS

Medical Responses

- City medical responses = 483
- Rural medical responses = 49
- Total medical responses = 532
- Total Generals (Call Backs) = 9

Fire Responses

- City fire responses = 52
- Rural fire responses = 27
- Total fire responses = 79
- Total mutual aid fires = 9

Total Emergency Responses = 611

Total City Responses = 535

Total Rural Responses = 76

Quarterly Overdose Calls = 14



Comparison between 2014/2023 Calls (2nd Quarter)

	2014	2023	Difference
Medical Responses	433	532	+99 (23% increase)
Fire Responses	67	79	+12 (18% increase)
Total Emergency Responses	500	611	+111 (22% increase)

DEPARTMENT UPDATES

Kyle Ervin passed his National EMT certification first time. This was this final requirement of his employment. We are extremely grateful to have him on the team.

Chief Benson passed all requirements to be a Fire Officer II

We received the Wildfire Staffing Grant again this year from OSFM. This grant (\$25K) allows us to have an extra person on duty through the wildfire season which allows us to have a quicker response time.

Ontario Volunteer Fire Association purchased OFD an upgraded drone to help with aerial operations. It has already been used in search and rescue operations and wildfires.

LT Allen Montgomery will be retiring at the end of the year. 4 of our current career firefighters are preparing to apply for the position. Chief Benson has provided them with requirements to apply.

Multiple employees have been working with State Fire Marshall Casey Kump to become certified Youth Fire Setting Specialist.



FLEET



Rescue 1

The replacement for Rescue 1 is in Ontario!
We are excited to get our new Rescue Unit in service.



Rural Tender

The Rural Fire District was awarded a new tender through the OSFM replacement grant. It will be arriving in early 2024

Hazmat 14a/14b

Oregon State Fire Marshals Office will be replacing both of our Hazmat units this summer. There are many upgraded features to make operations easier.

Platform Truck 109

Our new-to-us ladder/platform truck is in Alabama having items addressed from our inspection and testing report.

FIRE PREVENTION

Inspections

Chief Benson has teamed up with the Oregon State Fire Marshal's Office on several facility inspections this last quarter.

Four Rivers Community

Four Rivers Community School kindergarteners visited us at the station. They spent the morning exploring the station, learning about our trucks and their uses, spraying a hose and learning fire safety from LT Grimaldo.

BLM School Tours

In April we teamed up with the BLM and visited all the schools in the 8C school district to teach 2nd Graders about fire safety.

Fire Setter Program

Staff conducted their first Fire Setter interview with the assistance of State Fire Marshall Casey Kump.



COMMUNITY INVOLVEMENT

- ❖ Lifesaving Award – On March 23rd members of Ontario Fire & Rescue and Ontario Police Department attended the Alameda Elementary awards assembly to present Garret Beckham with a Life Saving award after he called 911 which saved his neighbor's life who was having a medical emergency.
- ❖ National Night Out – Chief Benson and Charlotte continue to serve on the committee for the upcoming first National Night Out.
- ❖ LEPC Tabletop Drill – Multiple agencies came together for a tabletop exercise which simulated a HAZMAT crash.
- ❖ Benefit Dance – This year marked our 43rd annual Benefit Dance. It was another fantastic event and the out pour of support from the community was incredible.



COMMUNITY INVOLVEMENT CONTINUED

- ❖ Support for CPL Joe Johnson - Following the line of duty death of CPL Joe Johnson, members of Ontario Fire & Rescue were involved in many areas of support throughout the week. This included providing City coverage, participating in the processions and being involved with incident command.
- ❖ Pancake Breakfast – Ontario Fire & Rescue hosted their annual community pancake breakfast. Many members of the community joined us with their families enjoying a free breakfast and great company.



TRAINING

Essentials

60 fire fighters from across the Treasure Valley attended Firefighter Essentials which is 2 weekends of classes covering firefighter basics.

3 of our newer firefighters attended and many of our staff taught classes. It was a successful training, and it was exciting to see so many new, excited firefighters.

Other training this quarter

- ☐ Acrolein Training
- ☐ Opioid/Fentanyl recognition and safety training
- ☐ Forcible Entry
- ☐ SDAO
- ☐ CPR
- ☐ Ladders
- ☐ Extrication
- ☐ Re-unification after a disaster
- ☐ Wildland firefighting refresher
- ☐ Hazmat
- ☐ Small engine tools
- ☐ NFPA Driving course



STRATEGIC PLANNING

- Conducted an Organizational Improvement Survey. This survey highlights what members like about the department and which areas they would like to change. This data will be used to make small changes in the department and to explore ways to address bigger changes.
- Conducted a Values Audit across the department. The top four values identified are: Honesty, Commitment, Teamwork, and Family. We will use this data in many areas. One goal is to become more of a value-driven department versus a rules-driven department.
- Community hazards identification. This is a work in progress. We will identify the major hazards in our area and create emergency operations plans that address the identified hazards.
- FY 23/24 Operational Plan. This planning is typically conducted prior to creating the department budget. For the upcoming FY, we have a team working on creating a plan to match the adopted fire budget. This gives the department input into our needs and direction this upcoming FY. A report will be created and provided to all stakeholders.



THANK YOU!

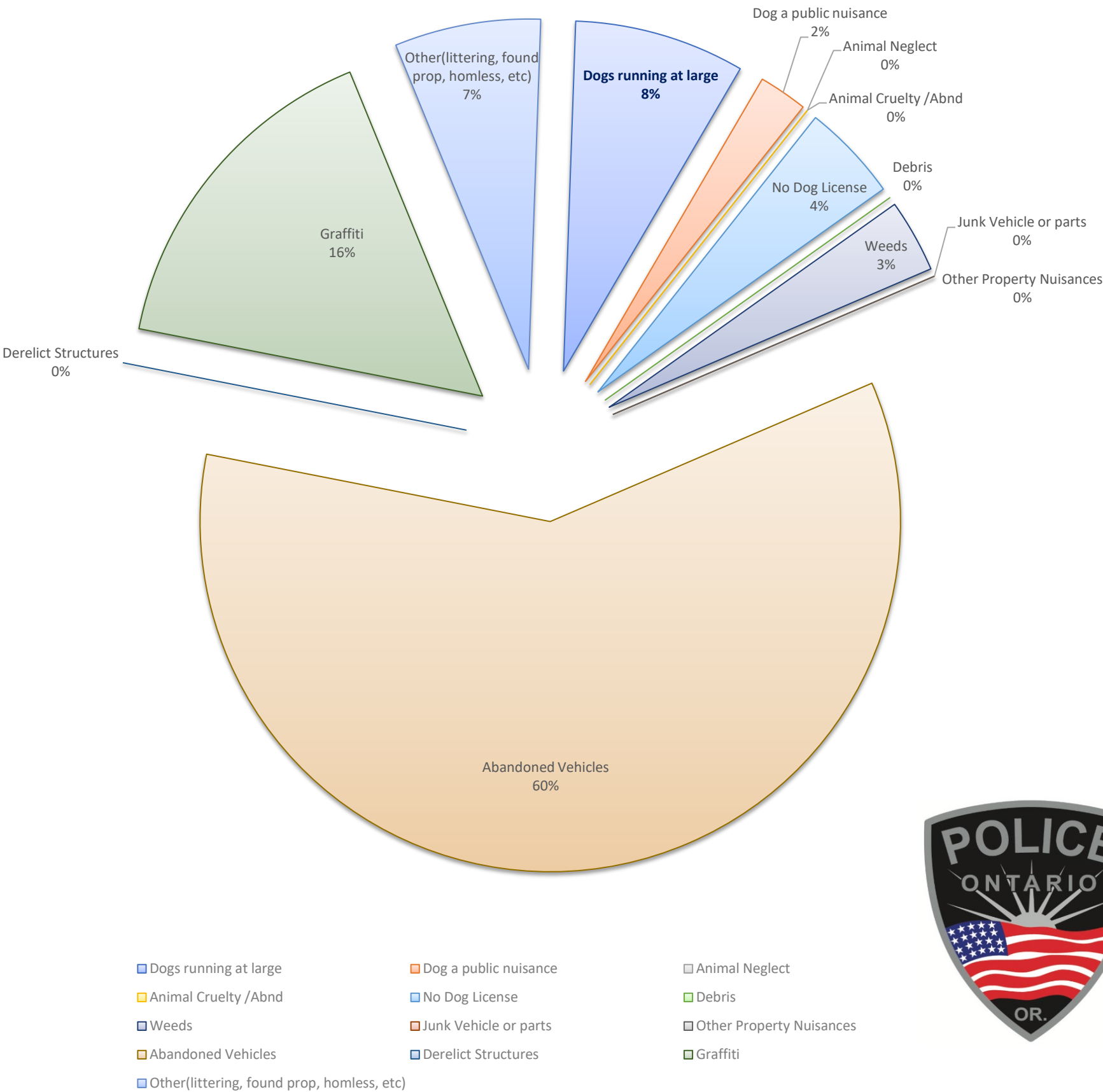
Ontario Fire and Rescue is grateful for the support of the community,
City staff, the Mayor and City Council.

CODE ENFORCEMENT

MAY: 2023 Stats

Ontario Police Department

Violation	May-23
Dogs running at large	7
Dog a public nuisance	2
Animal Neglect	0
Animal Cruelty /Abnd	0
No Dog License	4
Debris	0
Weeds	3
Junk Vehicle or parts	0
Other Property Nuisances	0
Abandoned Vehicles	53
Derelict Structures	0
Graffiti	14
Other(littering, found prop, homeless, etc)	6
Dogs taken to (Fetch This Kennel)	0
Civil Penalties Issued	0
C.P. Amount Sent	\$0
Total Parking Citations	57
Total Violations	153
Total Cases	76





Police Stat Report

MAY 2023

Activity	2023 March	2023 April	2023 May	YTD 2023	PRIOR YTD 2022
Calls for Service	1130	1269	1598	6039	5989
Case Activity	712	782	873	3717	3703
Murder	0	0	0	0	0
Manslaughter	0	0	0	0	1
Robbery	1	0	2	4	6
Sex Crimes	3	9	16	46	30
Burglary	6	5	6	33	71
Assault	13	11	11	59	65
Arson	0	0	0	1	1
UUMV / Auto Theft	5	6	10	28	41
Arrests	71	90	102	422	440
Arrests w/Use of Force	1	5	1	10	8
Gang Related Cases	1	1	11	19	19
Graffiti	0	3	12	21	32
Death Investigations	4	1	3	13	9
SRO Cases	12	12	11	64	29
Thefts	50	51	47	277	368
Traffic Stops	97	109	266	623	545
Cited Traffic/Parking	73	114	251	547	611
Traffic Crashes	43	37	50	212	173
Alarms	22	31	27	146	143



May 2023 ACTIVITY REPORT



May 2023

Response Stats

Total City Medicals	160		Total Rural Medicals	14	
Overdoses	3		Overdoses	0	
Generals/Call Backs	4		Generals/Call Backs	1	
COVID	0		COVID	0	
Top Four City Call Types			Top Four Rural Call Types		
Pain	14	9%	Trauma	4	29%
Ground Level Fall	13	8%	Seizure	1	7%
Lift Assist	13	8%	Sick Person	1	7%
Other	13	8%	Syncope	1	7%
Total City Fires	23		Total Rural Fires	11	
Generals	1		Generals	5	
Mutual Aid	0		Mutual Aid	5	
Hazmat	0		Hazmat	0	
Total City Responses	183		Total Rural Responses	25	
Total Combined Emergency Responses	208		Combined Top 4 Emergency Call Types		
Combined Total Medical Responses	174	84%	Fire	27	13%
Combined Total Fire Responses	34	16%	Pain	14	7%
City Call Percentage	88%		Ground Level Fall	14	7%
Rural Call Percentage	12%		Lift Assist	13	6%
			Overdoses	3	1%
			Known COVID	0	0%



May 2023

Inspections:

- Pizza Hut
- Kendal Acres
- Simplot
- Cowboy's Bar and Grill
- Ontario Public Library
- Red Eye

Burn Permits Issued:

City Open Burns – 10

City Burn Barrels - 3

Rural Open Burns - 63

Rural Burn Barrels - 11

Department Updates

109 – 109 is currently in Alabama undergoing repairs for the issues found by Dusty. Once it is done there it will be transported to Star to have 2 seats installed. Then it will be on the way to Ontario.

R1 – Rescue 1 should be with us soon! We are patiently awaiting its arrival.

Upcoming LT Spot – With LT Montgomery set to retire in December, 4 of our current employees are working toward applying for his position. All perspective applicants attended a Q&A session with Chief Benson to prepare them for what is ahead.

Wildfire Staffing Grant – Our department was selected to receive the State Fire Marshall Office staffing grant again this year. This grant gives us funding to have an extra person on shift everyday through our busy fire season.

NFPA Youth Fire Setter Program – Members of our team have been working with State Fire Marshall Casey Kump to become certified as Youth Fire Setting Specialist. This program is designed to provide education and interventions to juveniles who misuse fire.



May 2023



Firefighter Training

5/2 Cancelled drill - Drill was cancelled due to a controlled burn that got out of control on Alameda Dr. Many of our firefighters were able to respond to the fire. Some of our newer firefighters were able to train on scene with more experienced firefighters. The following day Chief Benson sent out an after-action review. Overall, it was a great response and a successful fire.

5/9 Fit test/Drone operations drill - Firefighters are required to have annual SCBA fit test to ensure a tight seal when using breathing apparatus. followed by drone operations.

5/16 NFPA driving course and wildfire shelter refresher – With wildfire season already creeping in, firefighters took part in a wildfire shelter deployment refresher. These shelters are crucial if conditions change rapidly while fighting wildfire. Following that, firefighters were put through an NFPA driving course.



5/23 Water supply operations – Crews surveyed the available water supply options in the rural district and practiced drafting water from stationary sources.

5/30 Fire Hose Deployment Drill – Crews practiced deploying and handling hose lines and explored different hose load options.



May 2023



Community Involvement:

Four Rivers Kindergarten Station Tour – A large group of Kindergarteners joined us at the station for a station tour and fire prevention talk. The group learned about our engines and their uses, practiced spraying water, explored the upstairs of the station, and finished up with a fire safety presentation from LT Grimaldo.



Pancake Feed – May 13th we hosted our annual community pancake breakfast. We had a great turn out. It was nice to see so many of our citizens come out and to be able to give back to them with a free breakfast.

NNO – National Night Out is fast approaching. Chief Benson and Charlotte continue to serve on the planning committee and are excited to see the event come to life.





May 2023



Major Incidents:

Brush Fire - Hwy 201

Crews were dispatched to a controlled burn that was out of control slowly climbing up a hill toward multiple residences. Brush truck 102 was on scene first and established command. Brush trucks 156, 155 and 159 responded to scene and quickly had the fire knocked down.



MVC – R1 was dispatched to a motor vehicle crash just outside of their district. There were 3 patients, one who required Life Flight. R1, 105, and 103 responded and extricated each of the patients from the vehicles. They were then transported to local hospitals.

759 NW 8th St #20 – R1 responded to a fire in a trailer. When they arrived, it was found that Officers Llamas and Clinton had knocked down the fire using fire extinguishers and the medical crew from TVP had removed the homeowner and his dog who were still inside. Crews were able to quickly get the fire under control and clear without further incidents.



1364 Airport Rd, Weiser – Mutual aid was requested by Weiser for a structure fire. 159 responded to provide assistance. When they arrived on scene, the home was a complete loss.

Jacobs

Public Works Department

Monthly Report

May 2023



Jacobs



Monthly Business Review

Public Works Department

Contents:

- ENGINEERING DEVELOPMENT REVIEW SUMMARY
- WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM SUMMARY
- WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY
- OPERATIONS MAINTENANCE SUMMARY
- FACILITIES, CEMETERIES & PARKS
- APPENDIX

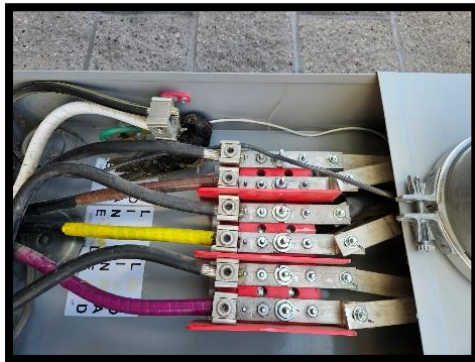


May Business Review

DEVELOPMENT REVIEW

ACTIVITIES MAY 2023

- Issued 6 ROW Permits
- Attended 1 PDAC meeting to discuss the expansion of a business.
- Attended 1 PDAC meeting to discuss the addition of residential housing.
- Attended the Jacobs monthly safety meeting.
- Inspected the abandonment of 3 Backflow devices on irrigation systems.
- Mailed out 146 backflow test notifications due by the end of May.
- Mailed out 134 backflow test 2nd notifications.
- Door hangers- 63 were hung on doors for final notice before water termination for noncompliance.
- Multiple plan reviews for new construction
- Multiple construction inspections
- Updating of the GIS mapping of all new utility expansions.
- Ontario Public Works Storage Facility has been completed and is in use.
- Tapadera Lift Station construction continued.



May Business Review

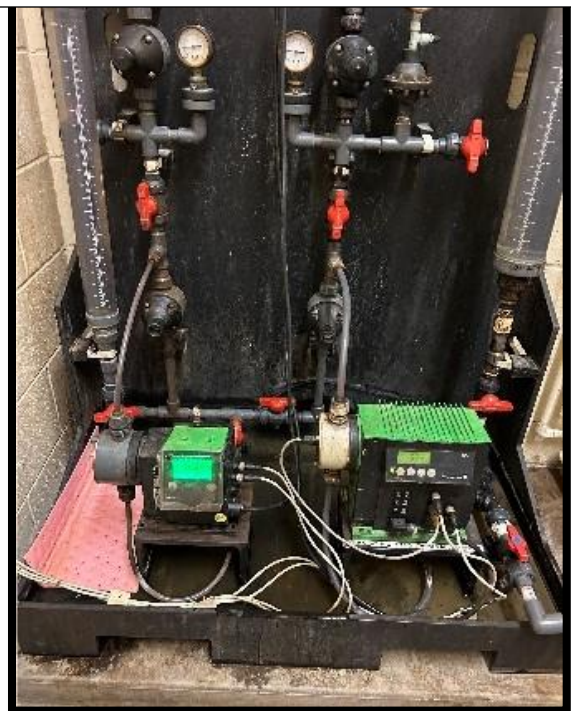
WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY

ACTIVITIES MAY 2023

- Water treatment staff run diagnostic checks (jar testing) weekly to ensure that the chemical dosing is correct for the river water quality
- Monthly Bacterial samples taken
- WTP and WWTP attended Region X VPP Safety Conference in Kennewick, WA
- WesTech Filter #1 placed in service
- 22 water services turned on customer request
- 12 water services shut off customer request
- 18 water services turned on/off read only customer request
- 28 water services shut off for non-payment
- 22 water services turned on for payment received
- 11 water services checked for leaks customer request
- 5 water services check to verify still off from the non-payment list
- 13 water services checked for consumption issues
- 6 water services shut off for leaks customer request
- 3 water services turned on and verified leak repaired by the customer
- 5 new water services installed

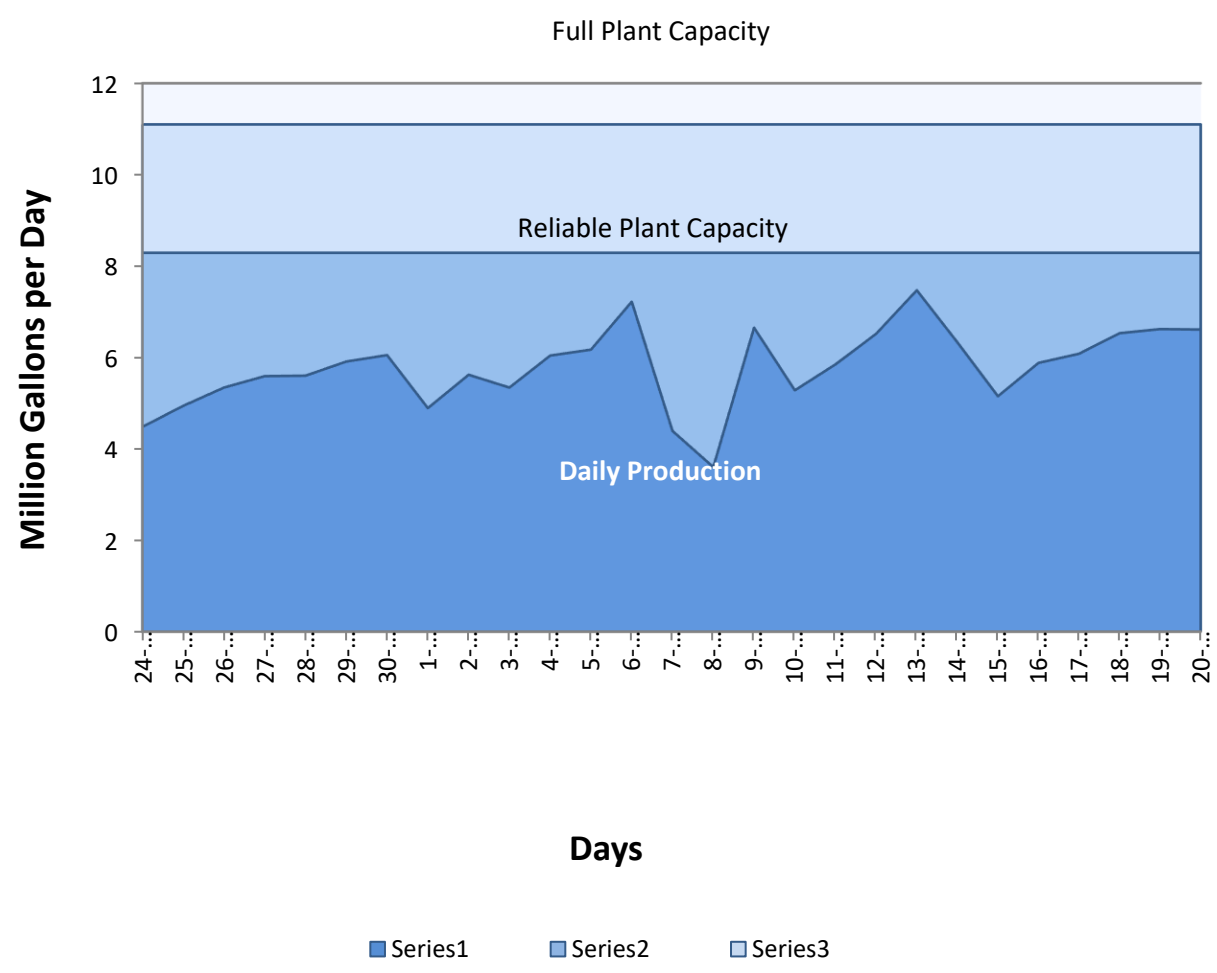


Crew cleared clog of potassium permanganate chemical feed line.



WATER TREATMENT PLANT

Demand vs. Availability Apr 24-May 29, 2023



May Business Review

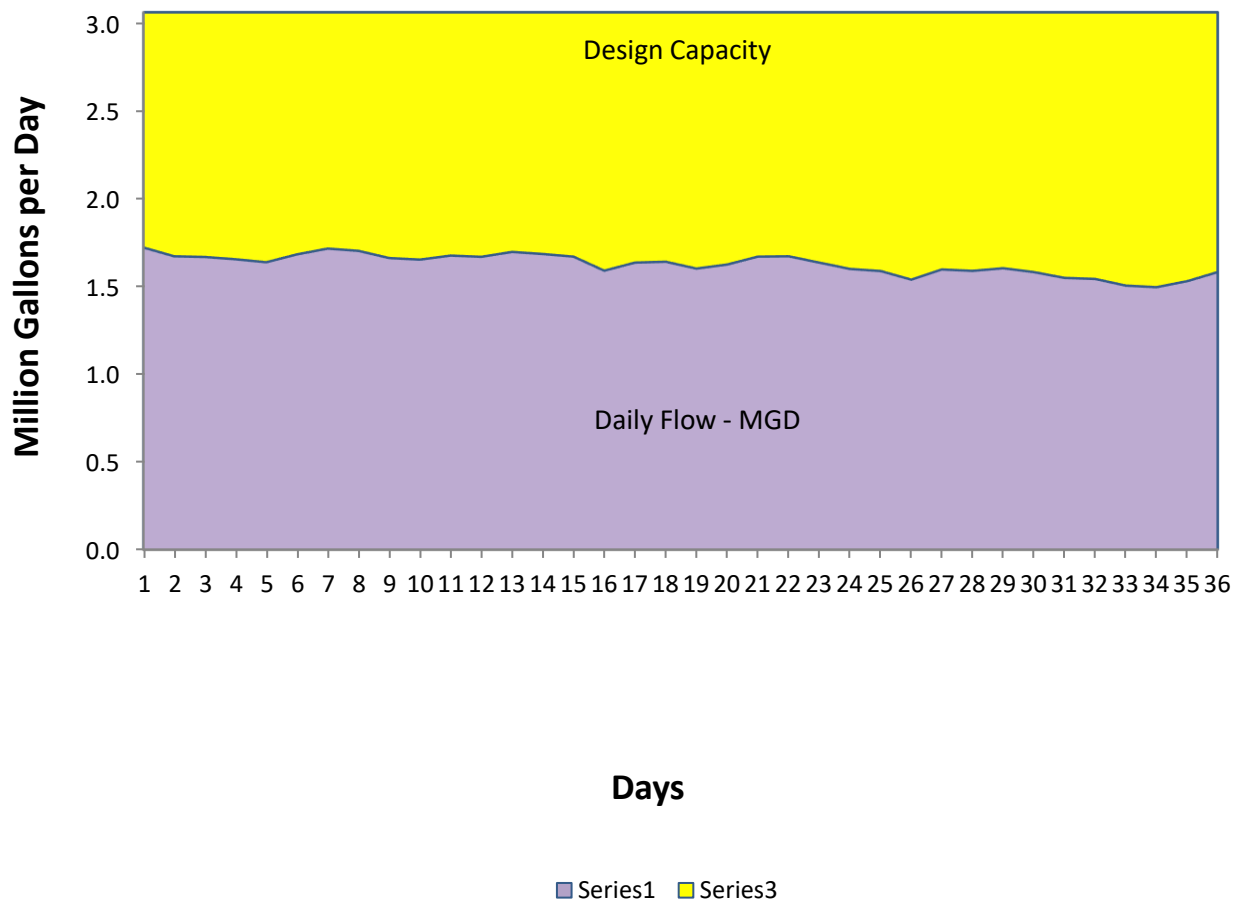
WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY ACTIVITIES MAY 2023

- All required Samples per the NPDES permit have been collected.
- All OSU covid 8 samples collected and sent to lab.
- Vale Electric completed work on Malheur pump station, installed new motor leads for the 60hp booster pump and installed a 25hp motor replacing the 20hp on the river lift pump.
- Priest Electric rebuilt the 60hp booster pump for Malheur Farms, replaced bearings, balanced the impeller, and replaced the mechanical seal.
- Cleaned chlorine contact basin # 1.
- Continued pumping effluent to skyline reservoir for land application.



WASTEWATER TREATMENT PLANT

Wastewater Treatment Flows Apr 25, 2023 - May 30, 2023



OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION SUMMARY

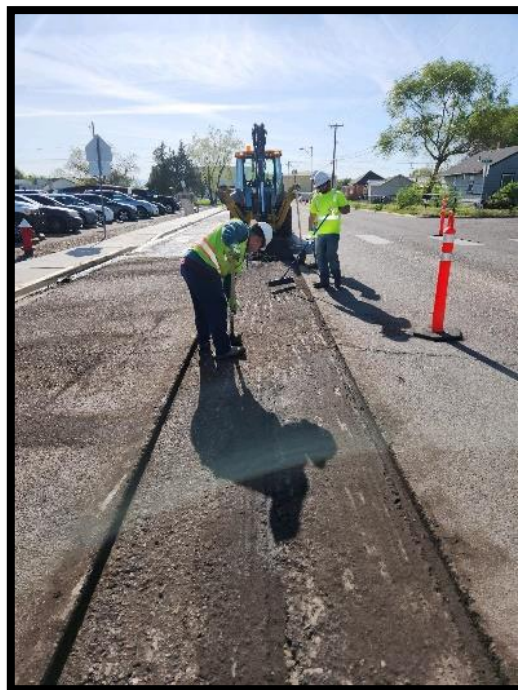
ACTIVITIES MAY 2023

- Swept the primary and secondary routes
- Swept downtown and the underpass 2 additional times
- Swept Evergreen Cemetery 5/25 for Memorial Day
- Weed and trash removal in city owned right of ways
- Graded the property adjacent to Moore Park for the Saturday market food trucks
- Crack sealing on SW 4th Ave., this will continue another 5 to 6 days
- Sign maintenance due to high winds and vandalism
- Painted over graffiti at Oregon St and Idaho Ave.
- Painted the underpass tunnels and adjacent concrete walls
- Removed trash and weeds from the underpass, cleaned out drains and tunnels with high pressure water and pine-sol trying to deodorize the area
- Cleaned storm line sections ahead of the irrigation season, removed roots, rock and debris.
- Pothole repair as needed
- Paved back utility excavations throughout town
- Ground out roughly 300 feet of trench on SE 5th Ave and paved back, the overlay in this section was failing and requiring additional maintenance through the winter months filling potholes
- Repaired a sink hole in the SW part of town,
- Repaired a water service that was hit by a contractor
- Water maintenance throughout town, replacing a broken box, sink hole next to a water meter, leaking angle check
- 103 utility locates completed

May Business Review

OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES MAY 2023

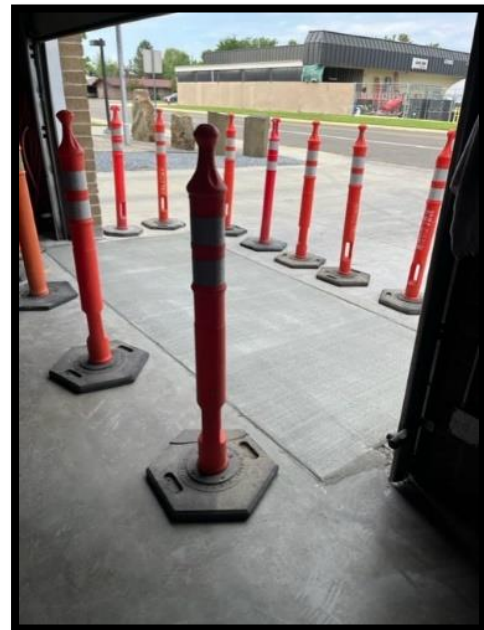


May Business Review

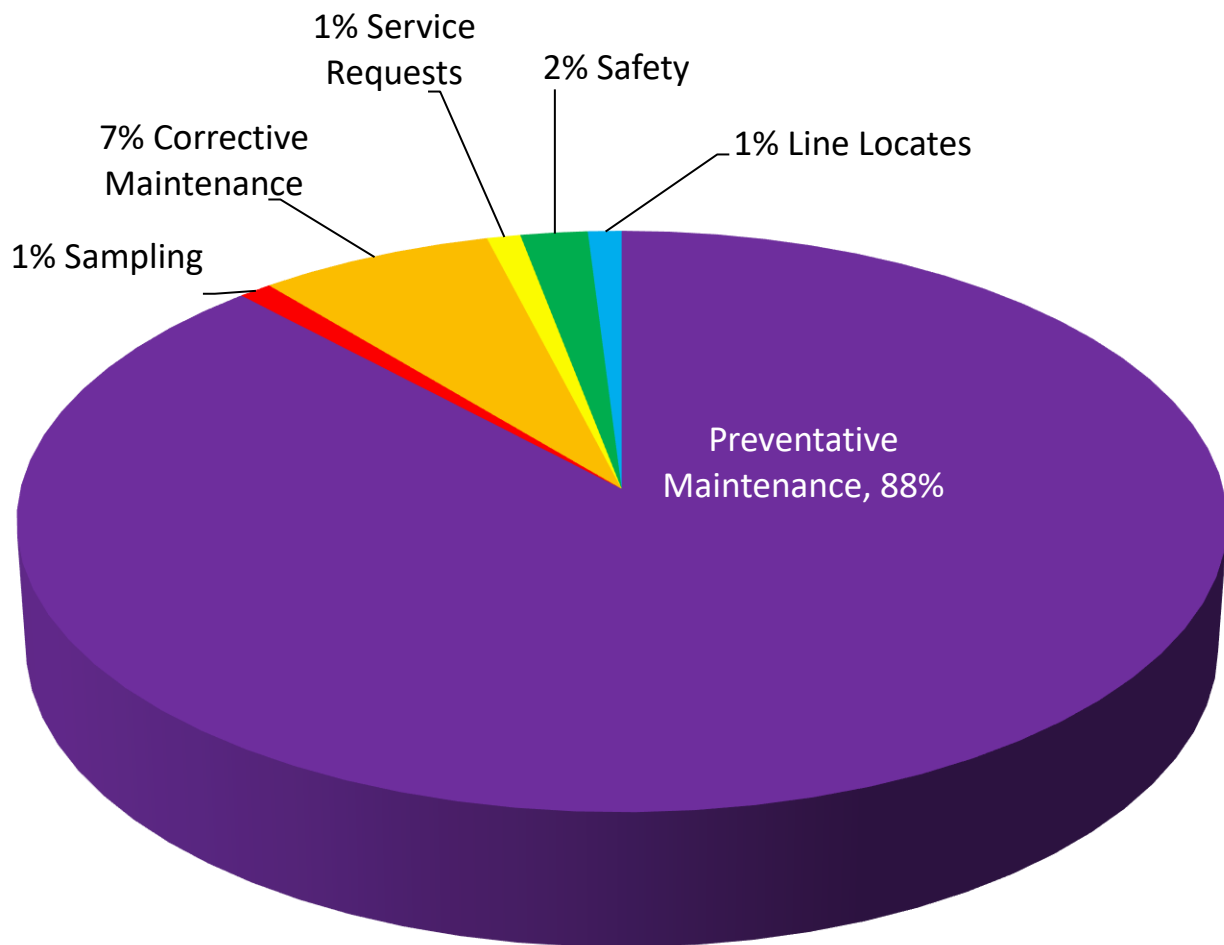
FACILITIES, CEMETERIES, AND PARKS SUMMARY

ACTIVITIES MAY 2023

- Weeds abatement at the old gulf course, Parks, and Cemeteries.
- Fertilized Parks and Sunset Cemetery.
- New trees planted on East Idaho.
- Installed hanging pots downtown.
- Cement work done at Fire Department.
- Completing repair work on shelter at Lanterman Park.



OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY



APPENDIX

PUBLIC WORKS DEPARTMENT

The City of Ontario Public Works Department consists of five Divisions that include Administration, Engineering, Water Treatment and Distribution, Wastewater Treatment and Operations (Streets, Stormwater, Buildings, Parks, and Cemeteries). The Department has 30 FTEs (full-time equivalent) employees. This service is provided via a Public-Private Partnership with Jacobs Engineering Group, INC.

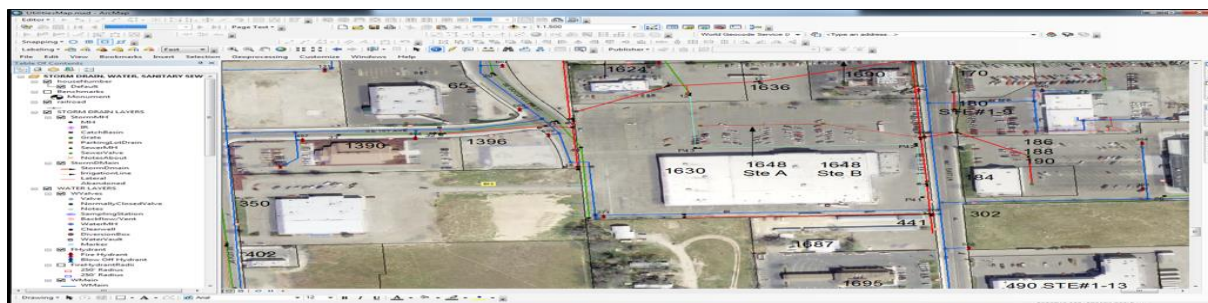
Public Works maintains a water system that complies with the EPA and Division of Health requirements. Staff also maintains the Wastewater Collection system and Wastewater Treatment facilities to meet DEQ standards. These same employees provide sewer and water line construction and maintenance to the City's transportation system (i.e.: streets, sidewalks, bicycle paths, storm-sewer systems, and other infrastructure within the city).

ADMINISTRATION

The Administration Division is responsible for the delivery of all of the contractual obligations and oversees the financial, human resource and all resource management processes. The Administrative Staff evaluate the needs for contracted services, implementing necessary service agreements, developing energy management strategies, and formulating short- and long-term programs and plans in conjunction with City Administration (City Management and City Council).

ENGINEERING

The Engineering Division Department works with other utilities, developers, and property owners in addressing utility issues, public improvements, subdivision development, local improvement districts and other municipal projects. The Department also maintains a set of Standard Specifications for providing uniform procedures for the installation. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents, and provide project management for Public Works Capital Improvement Program (CIP) project improvements.



The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also provides support to the city by creating, analyzing, and maintaining the city's geographical digital data. They provide updates to the record maps for all city utilities, right-of-way, easements, land division plots, and city base maps.

OPERATIONS MAINTENANCE

Public Works maintains more than 122 lane miles of improved streets and more than 9 miles of alleys and is responsible for resurfacing, repairing, and maintaining the streets, installing, and maintaining street signs and markings, tree trimming, and repairing all established pavement markings. This Division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chip sealing, snow removal and sanding during the winter months, and weed control along the alleys. Public Works assist Ontario Chamber of Commerce by placing Holiday decorations on streetlights during the season.

ONTARIO PUBLIC WORKS MAINTAINS MORE THAN
122 LANE MILES OF IMPROVED STREETS 9 MILES OF
ALLEYS CHIP SEALS LAST A MINIMUM OF 8 YEARS, AND
PUBLIC WORKS CHIP SEALS 7 MILES PER YEAR 56 MILES
OF STORM DRAIN COLLECTION LINES, AND 1,450 CATCH
BASINS

As part of the annual Street Maintenance Program, crews chip seal street surfaces in the summer months to protect them from water and weather damage and to keep them in good condition. Chip seal roadway treatments help to maintain the existing pavement, delaying further aging resulting from water and sun,

and provides a moisture barrier to existing pavements by sealing surficial cracks. A chip seal application provides substantial savings to taxpayers and can last 8 to 10 years with just minimal roadway maintenance required. The city chip seals approximately 10 miles of streets per year.

The Ontario Park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park, and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The city also owns the Wayne King Skateboard Park. There are two municipally owned and operated Cemeteries – Evergreen and Sunset Cemeteries. The Operations Division is responsible for the operation and maintenance of those areas. Included in their responsibilities are all municipal buildings. This includes general maintenance and repair work, the implementation of preventative maintenance programs, and the administering of service contracts (janitorial, HVAC, electrical, elevator, etc.). This division is also charged with the oversight of facility-related projects, including remodels and systems upgrades.

WATER TREATMENT PLANT

Water treatment plant staff is responsible for treatment of the city's drinking water supply. They must reliably produce high-quality water in adequate volume to meet city needs. Besides the daily laboratory checks, there are monthly, quarterly, and yearly reports.

There are two sources of water for Ontario's estimated 11,090 residents: 80 percent comes from the Snake River and 20 percent comes from wells. Two plants treat the City's water. One is a conventional filtration plant and the other is an up-flow clarifier. The steps for treatment are flocculation, sedimentation, filtration, and disinfection, which meet the compliance of the Oregon Health Authority (OHA).

The Oregon Health Authority requires an operator be on duty 365 days a year. Ontario customers account for 3,845 water services, not including Snake River Correctional Institute (SRCI).

THE WATER TREATMENT PLANT HAS A RELIABLE CAPACITY OF 8.3 MGD AND A MAXIMUM CAPACITY OF 11 MGD.

APPROXIMATELY 80 PERCENT OF WATER COMES FROM THE SNAKE RIVER, THE OTHER 20 PERCENT FROM WELLS.

MAINTAINS 80 MILES OF WATER MAINS.

The Water Treatment Plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 Million Gallons Per Day (MGD) and a maximum capacity of 11 MGD. The water treatment plant average production is 6 MGD and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 MGD of that water.

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (cfs), 24.71 MGD for municipal use. One hundred percent (100%) of the City's potable water is treated and disinfected at the water treatment plant. The plant has an original 8-MGD design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

Water Distribution System include maintenance and repair of approximately 97 miles of water lines and 3,625 services that include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

WASTEWATER TREATMENT PLANT

The wastewater treatment plant collects wastewater from the entire city and SRCI. The prison accounts for approximately 16 percent of the flow to the plant.

Wastewater treatment plant operators use a conventional treatment system of aerated lagoons and secondary chlorination treatment. Effluent from the treatment process is used to irrigate forage crops during the growing season. Nine lift stations transport sanitary sewer waste to the Wastewater Treatment Plant. Wastewater is screened and the flow measured at the headworks. Five cells (lagoons) with 25 mechanical aerators assist with biological treatment. Onsite generation of chlorine is used for disinfection.

*PUBLIC WORKS MAINTAINS 78 MILES OF SANITARY
SEWER LINES THROUGHOUT CITY LIMITS*

Average discharge volume is approximately 1.5 MGD. Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm. Sewer collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the city. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a bar screen and one lift station from SRCI. The city has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout city limits. Duties include storm drain maintenance and repair, cleaning of approximately 11 miles of storm drain lines, and cleaning the catch basins.

MALHEUR COUNTY COURT SPECIAL MEETING MINUTES

Pursuant to Initiative Measure No. 23-64

May 8, 2023

The Special Meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Jim Mendiola present. Commissioner Ron Jacobs was absent. The Special Meeting was held pursuant to Initiative Measure 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 Bob Doughty, Mike McCarter, Charles Pike, Sara Stabler, Bob Wheatley, Patrick Barfield, Brent Grasty, Merlyn Skeen and Mary Belnap. Present electronically were Gary Thompson (for a portion of the meeting), Shay Myers (for a portion of the meeting), Chase (last name not identified), Madison Richards, Sharla (last name not identified), and Julian (for a portion of the meeting/last name not identified). 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 # [2023-1359](#)

Judge Joyce asked for proponent comments from those present.

Mike McCarter: I'm Mike McCarter, I'm the President of Move Oregon's Border and Citizens For Greater Idaho. I live in La Pine Oregon. I have a brief statement here and I'd be more than willing at some point to answer questions. Nobody alive in Oregon today had any say in which state their county was placed. That decision was made 164 years ago in a very different time and culture when there was less than 50,000 people in the entire state. Things have changed greatly since then. State lines can be changed. And in fact, often are changed when they no longer make sense for the communities they serve. This is what the Greater Idaho movement is all about. In May, Wallowa County voters will get a chance to let their elected leaders know that they want them to pursue changing the current state line between Oregon and Idaho so that the residents can get their state level governance from Idaho. Eleven other eastern counties have already done so. And elected leaders in both Idaho and Oregon have already begun the process of beginning the discussion. As a leader in the Greater Idaho movement, I believe that there are many reasons why eastern Oregon counties would be better off as part of Idaho, but the most important one is having a say in the future of our communities. The west side of Oregon and the east side of Oregon have grown far apart socially, culturally, politically, and the state government reflects Portland values not those of most eastern Oregonians. A quick look at the bills making their way through the Oregon legislature shows that the west side of the state has every intention of continuing to push on us values that most eastern Oregonians don't share; laws regarding drugs, guns, schools, abortions, and mandates go against what most eastern Oregonians want. Unfortunately, our state leaders are not listening to what we want for our communities and seem determined to force policy on eastern Oregon that eastern Oregonians don't want. Those of us on the east side of the state find ourselves in a position of having little political power and a voice that's not being heard. Voting to change the border and change state governance is our best way of ensuring that our values and way of life are respected and maintained moving forward. A core principal of America is the right to have government for the people, by the people, and with consent of the people. Just a quick update – the Idaho state legislature, in the representative side, has passed a memorial to open discussions with Oregon; it stalled on the committee desk, or in committee on the senate side, but we did a poll and we had the votes to get it voted through on the senate side which we'll take up next year. The same memorial, introduced in the senate on the Oregon side looks like it may die on the senate president's desk without being talked about. So, we're continuing to move forward, we haven't given up. And we believe that Wallowa County will come through this time, even though in the very beginning we lost by 40 votes in that county. But it was a new message and we didn't have the money to take and propose anything there. It's an ongoing process. Crook County commissioners have agreed to put it on the ballot in a future election. We're starting to work in Gilliam County and then Umatilla County to get it going. So that's my statement there.

Bob Wheatley: My name is Bob Wheatley, from Ontario. What I have with me today – at our last meeting in January, if you will recall we discussed that the citizens, you would appreciate citizens forming a committee and trying to address some of the problems that would be entailed, address some of the questions that would come up regarding this movement. So, working with a number of people in the area, but specifically working with Chuck Pike - who is here today, Brent Grasty - who is here, Paul Skeen, Pat Barfield – Pat is here, and Kelly Dame, I asked those people to not only research the issue and try to address questions about this measure from both the pro and the con side, so that we could put together a report for you, as you had requested. I do have that report with me. (Report was passed out to the Court members.) At this point, I really don't have any other comments to make at this point. If you would like a few minutes to be able to kind of look at what was put together feel free to do that, and you can ask questions or we can move on and come back to that, whatever you would most desire. See instrument # [2023-1360](#) for the written report.

Judge Joyce: Let's keep moving forward, because this is going to take some time, I can see that, it might take another meeting. Thank you sir.

Commissioner Mendiola: Thanks Bob.

Merlyn Skeen: Merlyn Skeen, and my husband Paul and I have a family farm in Nyssa. I think he's been at most of your meetings. We approach this from more of an agriculture point of view because that's how we make our living. So here's for agriculture – why we would like to be part of Idaho. There's no overtime for ag workers in Idaho. We pay \$2 more per hour for our H-2A workers, which puts them up at about \$18 an hour, we're almost right at \$18, which is way higher than even minimum wage in Oregon. We have a mandate for ethanol in Oregon that we wouldn't have in Idaho so we wouldn't pay as much for our fuel. Idaho is an agriculture friendly state. I know last year in session there were bills introduced to try and tax our tractor fuel; to even require electric tractors; luckily, they didn't go any further – they were killed. But what's going to keep them from coming back? These are just the kind of things that keep coming from the other side of the state. Idaho is agriculture friendly; we have lots of friends over there that are in ag. They don't have to fight the same fights that we do to try and make a living. And the sad

thing is that we are so close to the border that we have to compete with Idaho and their input costs are less. Of course, they don't have the laws that we have in Oregon. It seems like representatives Findley and Owens are constantly playing defense. We don't get to get anything done. It's hard to protect our side of the state because it's so heavy on the other side with what they come up with and their votes. The biggest thing is that Idaho doesn't have a death tax. We built our home 30 years ago on one of our farms, planned to live the rest of our lives there, raised our family there, but Oregon has the highest death tax in the nation, one of the highest, 16% percent. So, in order for us to keep our family farm intact to pass down to the next generation, we are being forced to move to Idaho. They'd have to sell off property just to pay the taxes. So, we feel that's very unjust. It would be real easy, there's a mass exodus moving to Idaho for that purpose only and it'd be so easy to fix if the state would eliminate the death tax – at least become equal to what the federal government does or raise the natural resource credit which helps the family farms pass it down to the next generation. Land values have doubled since that was put in place and it needs to be raised commensurately, that would help us a lot to be able to stomach some of the other things that we have to live with here in this state. But those two big issues are forcing us and it makes me sad; I cry when I think about it because I don't want to leave my home, I really don't. But it is something we're going to be forced to do if things don't change. And we would just ask that the Court consider our issues and send a letter to Representative Owens and Findley so that they can then take a letter to the state to give us a voice and let us proceed on this down this road and see if we can't get something done. Thanks.

Mr. Wheatley shared copies of his written report with members of the audience.

Charles Pike: My name is Charles Pike; I was born and raised here in Malheur County. I understand that you feel there isn't enough support for this in Malheur County. I collected over 500 names for this petition – this has been nearly a year ago now. I was all the way from Juntura to Jordan Valley in Malheur County. I had no problems receiving the names, I just set this down and tell them what it was; they filled it out. Only place that I heard any negative that would be against this would be right in Ontario and of course that is because Idaho has been coming to Ontario for the drugs. Idaho does support Ontario pretty strongly across the border because of the state tax. And other than that I know nobody that's against this. I don't really have a lot more to say except for I'm pretty well known in Malheur County, even Commissioner Mendiola and Judge Joyce because I was raised with your families, the generation before. I know a lot of people and I still work for some of the farmers in the area and they all support this strongly; they do feel that maybe they're paying more than their share of the taxes for the whole state of Oregon including those that don't work in those large cities. They do need some support for themselves because they need to stay in business and believe me those people on the other side needs them as bad as the rest of us; they produce the beef, the spuds, the food, everything. A lot of these people just believe it comes out of the grocery store; that's not true. I even had a granddaughter - I'll tell this story because it affects that correctly - we were butchering a, or cutting up a deer, and she said ahh that was gross. These children are not taught the basics. If this ever happened again, where that had to be, they would starve to death. I told her, I said, well sweetheart where would you get it if that's gross? She says out of a grocery store. That brings up what I just said. Now it's obvious that this country is losing the Constitution, in my opinion. I don't mean to offend anybody, but that Constitution is what kept us free and I was drafted when I was 18 years old to prevent this kind of thing to happen. So, I strongly support this personally. That's all I have for now.

Judge Joyce: Appreciate it. Thank you.

Commissioner Mendiola: Thanks Chuck.

Madison Richards: This is Madison Richards and Sharla Froerer. I'm a lifetime resident of Malheur County myself and I would echo what Merlyn Skeen shared. We have a family farm here that's been here for a lot of years and I'm like Merlyn, I'd like to be able to die in Malheur County. But we don't really have a state that's willing to fight for us. We need a place that's ag friendly, we need a place that's business friendly, that has advocates that are willing to represent us and that doesn't really happen in our state. And that would be my concern, right. Allow us to stay a family farm, allow us to die in Oregon, allow us to have the business friendly environment that allows us to succeed in a world of regulations and higher wages and challenges that we face all the time. I believe our state just puts more and more challenges on us as a business and as an ag business, all the time. So, I would encourage you to think of your residents and to fight for our behalf. Thank you.

Judge Joyce asked for comments from opponents.

Pat Barfield: I appreciate the privilege of speaking here. I'm an opponent of this process, because I believe that if we're going to speak about Greater Idaho we need to view it through the lens of Lesser Oregon. And that's not okay with me. I have not been a lifelong resident of Oregon, but my wife has, I would never speak for her, we've been married 40 years, and I know better than that, but I just want to say I don't have any conflict of interest. Just for transparency perspective, I want you to know that I'm not a polished public speaker, but I'm not shaking because of that, I'm shaking because I have Parkinson's Disease. But I believe that silence is consent; if we don't speak out, we're not exercising our role as citizens. I have a bias, I love eastern Oregon. I love where I live, I'd like to keep the same address, the same zip code. I'm one of the 46% that actually voted against this idea because I thought it was wrong to start with. And I'll tell you why. When we first start this meeting we all turn around and face the flag and put our hand over our heart and recite the Pledge of Allegiance. The Pledge of Allegiance is a pledge of unity. And then we sit down and talk about dividing. To me that's incongruent; I can't see how that is a moving forward in a positive way. I'd also like to say that I'm, as a disabled Vietnam Veteran, I think I know something about divisiveness. I served in the US Army from 1969 – 1972. I went to Vietnam in '70 and came back in '71 a year later, and there were protests throughout the country at that time against the Vietnam War and some of them very violent. So there was no welcome home GI, it was spit in your face or tear a uniform or burn the flag. I couldn't get my mind around that. I want to acknowledge that the people, the folks who are the proponents of this idea to expand Idaho into Oregon, change the borders, have some very good merit. I think you have some good ideas. And toward that, once Cliff Bentz, I know he's obviously our representative for this district in Congress, not long after he was elected, I was in line behind him at an establishment in Ontario, not one of the pot shops - I'll say that, but I said to him,

Cliff, he's actually a neighbor of ours, now that you've been elected I just want to point out that I expect you to work for all of us, not just the people that voted for you. And I think that's how it's supposed to work; I still believe that. I spoke to my granddaughter, Olivia, I picked her up from school one day a few months ago, she's 14 now, and she said she was looking forward to changing schools because she could avoid some of the people that she doesn't like. And I said, well honey, it doesn't really matter where you go to school, you're going to find people you don't like, and they don't like you, you don't agree with them. But I think our only real path forward is to start working on some tolerance and working together toward common goals. And so that's my assessment of things. And finally, I just want to say that just because a group of concerned citizens has the right to do something, it does not mean, in my opinion, that it's the right thing to do. Thank you.

Judge Joyce and Commissioner Mendiola: Thank you.

Brent Grasty: Brent Grasty, I live here in Vale, and I'm born and raised here. I lived away for quite some time, went to school, traveled some, became a commercial fisherman in Alaska for a while, so I feel pretty comfortable with where the heart of the economy of this county comes from and most of eastern Oregon, and it's from the land, it's the bottom line. When I look at the drive from Vale to Boise, what I see is, and this is just statistics, 60,000 acres between us and Boise have been converted from farmland to homes. That didn't happen in Oregon because we're a land use plans. They're way more evolved, it was the first one that came into any of the states in '72 and there are loads of problems with it. It's hard to develop buildings and homes and businesses and industrial parks, but there's a process; that's why our court's there to assist with that and city government. There're ways around it and I think Oregonians are better than this approach. Splitting us up and finding ways to focus on the differences is not, it's not the strongest solution in my mind. And we've got good history; Jim Mosier, a local fellow with the Episcopal church mentioned two meetings ago that at one point there was an issue that 18 eastern Oregon counties got together and solved a problem and carried weight to Oregon's legislature to solve it; it was a voice that was heard. I think Mike you've said many times and so did Matt, that we want the dialog to happen. I think it's been successful. What I want to start figuring out is, Lynn Findley and Mark Owens, and Dan and Jim and Ron, they're our voices that we elected to carry the message up to the higher level to have those voices heard and come up with solutions. Those of us who grew up here all our lives, the Portland hunters coming over here, they weren't just hunting on our property, they were filling our motels and coming to hunters' breakfast and being part of our community, and we welcomed them and they're friend of ours. So, there's a lot of challenges here. And I think if this isn't getting the attention of the legislature from all sides, that disparity between the urban and rural areas, it exists no matter what happens. Boise, Ada County, it's transitioning, people are moving from other places for lots of different reasons, but they're coming with all perspectives. That mix is going to continue to change on whichever side of an issue that we have to address, it's going to keep changing. The other thing that I just wanted to say, what Bob led with, I've been a poor participant in this, but what Bob led in starting this list of issues that have come up and need to be considered and solutions found, to me is the list, last time at the last meeting I said, let's figure out what the other counties are doing at this point in the process. Wallowa County is going to vote in a couple of weeks. Other counties are going to have to consider this. But they've got to be having the same kind of conversation that we're having. We need to put these questions together and identify what's the message we want to take, especially to our elected officials and how to raise these questions other than a simple, we've got a proposal, a proposal that only did one thing that we voted on, it said shall we continue the conversation? Not shall we move. Only should we continue the conversation. And I think that's important to carry on. I wanted to say thanks to Bob though and I'll do a better job (inaudible) in the next go around.

Mary Belnap: I'm Mary Belnap, I live here in Vale. I'm behind Skeens like crazy. We are farmers too. No matter what we say we are a small community. We put our stuff on the backs of our representatives for our area, to go up there and fight against all these democrats that are in opposition. I do understand your point of view. I was born and raised in Oregon, never moved out of state. I grew up in Grants Pass, moved to Vale here in '90. It's gotten so bad that we are being pushed with the ideology of Portland. Not just in everything that we do, but our schools and they passed it to where Brown was saying that to graduate from school you don't have to read, really what's wrong with that? You should be able to read, what happened to the basics? You don't get a job to learn all these things that they're trying to teach in school, that doesn't get you a job at all. And that is getting pushed upon us. This whole country, not just the state, is falling apart because of wrong ideologies. But how can we get our point across there? You're talking about everybody coming together; all these counties that are saying, hey, we want out of your state and this is our reason why. Why aren't all these representatives getting together to fight that? Why aren't they coming together? Not just Owens and Findley, that's doing most of this pushing on this, why don't all these representatives for all these counties, all these areas, come together and make a big stand up there. I don't know how to put out – to get that to happen. I know you guys should know how, I'm hoping you do. But this needs to get to be more of a bigger thing. We're trying to say, hey, we're having an issue. Fix the problem for everybody, not just for Portland, for Salem, Eugene, fix it for all of us. Do you guys have to up there, say, go along with what we believe in, not just us doing what you believe in. This needs to be hey, wait a minute, and we need to come together a little bit more than just our representatives. We need everybody to come together.

P. Barfield: This is Pat Barfield, and I appreciate what you had to say. What we're doing here today is not what our legislators are doing, they're not even speaking to each other. They are not crossing the aisle so to speak to speak to quote the other side. And unless we hold our legislators close to the fire about that, they're actually supposed, they're elected, they're supposed to work for us. Whether you're a D or a R, as Cliff Bentz likes to say. But to me that's, I know I'm naïve about this, about legislative process and that whole thing, but the only way forward is for us to begin to have this back and forth and to discuss this openly and without fear of retribution or whatever they call it if you cross the aisle that they sanction you in Congress now, put you out of a job or make sure you don't have any say at all. To me that seems really wrong headed.

C. Pike: The question is, how do you do that?

P. Barfield: Well I don't know Chuck...

Commissioner Mendiola: Keep talking to them.

C. Pike: (inaudible) is how to do it.

M. Belnap: It's not that we want to move out of Oregon; it's that we're tired of what we're being treated like. That's why I'm saying, the problem needs to be fixed up there. And I'm not kidding, it is up there. They control the whole state. I don't know if you've ever looked at the map of how people vote in this state, it's all red except you've got a little bit of blue which is where all that big population controls everything.

P. Barfield: That's true, and yet in all of those red counties, and all of eastern Oregon are red counties as far as I can see. But in all of those there's 30 or 40 or 45% perhaps of people that are not quote red, they may vote blue so how we proceed is just by I think listening to each other and having some respect for each side and develop some consensus.

M. McCarter: Maybe I can answer some of the questions here that we're talking about all the way around. I've spent considerable hours in the state capitol meeting with representatives and senators on both sides of the aisle. We talked about red and blue. Move Oregon's Border was not designed to be a political goal by any means. It's trying to preserve our traditional values of faith, family, freedom, self-sufficiency. But in December when I was up at the state capitol, I've got some pretty good relations with some of the people, which I guess will probably be called on the other side. Democrats. And there was a caucus called through the Representatives of all, on the democrat side, which are the majority, and they said, we will not talk about Greater Idaho. We will not talk about Move Oregon's Border. Period. No discussion allowed. They had their agenda set and they decided that they were going to move forward and we can see what's coming down the pike with some of the laws. Now I'm a born and raised Oregonian, 76 years; '65 to '72 in the service; 30 years of agriculture out of it, and I love where I live, I love this state, I love the land, I love the people of eastern Oregon, because when I returned even in '72, the people in western Oregon had changed completely, and I don't look at this movement, what we're trying to do as tearing down our nation. It's not creating a new state at all. What it's doing is just saying, somebody drew the lines at one point and said, this is your state, and this is who's going to govern you. That's an imaginary line, we don't have to show a passport to go over the border, back and forth or have permission to do that. So moving that imaginary line to give a majority of the people who vote for a better governance or a governance is more like what we feel our values are at is the goal of that. And you're right Brent, the question in most every county, except for one, has been discussion; open the discussions up, let's start talking about this. And until you get both sides, Oregon and Idaho talking about it, or say, okay, we want to discuss it, that's when a lot of these questions are going to be answered, because I've tried to search into some things and I can't, I don't have access to government figures in some areas with it. One of the issues that came out of Wallowa County last time was LCDC, land development. They did not want their ranches divided up. As far as I understand it, in Idaho that's a county issue that our county commissioners in whatever county can dictate, okay, you can do this, you can divide it up, here's the rules. I'm a home state type of person in state laws that we should control more of what the federal government is trying to tell us. At the same time, I believe that county commissioners, the local government that we can reach out and sit and talk to, are the ones that should control what happens in the county; county rule. And of course, there are some counties in Oregon that are home rule counties, like Jackson County, so they make those decisions. I'm not going to put down Senator Findley and Representative Owens for not stepping out and talking harsher because in conversations with them, if they come out in total agreement with Greater Idaho, the movement on it, they don't get anything out of Oregon, out of the state legislature. They're working hard across aisles, they're having to give in on a lot of cases just to get some things passed for eastern Oregon; I understand, the same thing with Senator Hansell and Representative Levy up north, Senator Linthicum and Representative Rescke in the central part have spoken out about it. They're the ones that signed up that memorial to say, let's open the discussions up. Now we hear the lip service that comes out of our new governor (inaudible) well I'm going to travel around to every Oregon county and find out. What's happened? Where's it gone with it? The last 30 years of trying to bring people together, last weekend I was at the Dorchester Conference in Welches with 150 of the top republican leaders in the state and their metric, we can do, we can bring it back together. It hasn't happened for 30 years. And that same push is coming at us all the time, out of Portland, because if every eastern Oregon person voted, kids, everything else, all it takes is less than half of the Portland vote to negate it completely. So it's not just the legislature, it is the people with different values in them, in the urban areas that are pushing their values on us. I hope that answered some of those questions there.

Commissioner Mendiola: That's not the only problem though. I've talked to your husband quite a few times, and quite a few times I've listened a lot, but it's just not what you guys are talking about, it's everything. I've been a contractor for almost 40 years, and there's nothing but more regulation every time I reup my contractors license or everything. I mean, it's just overregulated. Idaho looks pretty shiny from here, but I think there's a happy medium between what they've got going on for regulations and what Oregon's got going on for regulations. We just need to keep it talking. We just need to keep to see if we can get some compromise in there, especially the death tax and the income tax and inheritance tax. They just claim they can't afford it because they think they can't live without. But we just need to keep at it.

M. McCarter: Idaho's the fifth freest state as far business regulations allowing it. One of the advantages of eastern Oregon becoming part of that is to free up that business, to not mandate a minimum wage, let businesses decide what they have to pay people to get qualified people in. Let that go. Yeah, their federal minimum wage is \$7.50 or so but only 2% of the people are working at that minimum wage.

Commissioner Mendiola: But the people's that got the vote are living the high income places and the high rent places. I don't know if moving it is a good thing or a bad thing but we just definitely need to change what's going on up there.

M. McCarter: We need to start talking about it. Like you say, we need to discuss...

Commissioner Mendiola: We need to get more people talking to the right people.

Judge Joyce: So, when we met, was it last weekend, for the Ways and Means Committee, so the first day was a little stuffy and

then they loosened up the second day, but the big issue was they agreed with a lot of what we said over here on this side, but they also said, we have to vote in a block; and you know about that Mike. So that's partially what we're up against.

M. McCarter: There's a difference between the two different parties. One party will walk across the aisle and talk. The other party says, no, we have the agenda, we all vote in a block.

Judge Joyce: Because they have the majority.

Commissioner Mendiola: We just need to bring that block, so it's a block instead of red and blue, we need a block that's all pulling the same direction.

M. McCarter: We need some of the blue people to stand up and agree with some of the problems and start speaking out on their own instead of just going along with the leadership.

B. Grasty: I want to throw in, they are; I'm one. And while I don't think this is the solution, I'm at the table, been here every time, been in communication with you, my brother's involved in this; there are voices out there. I think, to some extent, that message on those who don't think changing state borders is the solution also think it's not going to happen. And I probably want to end on that place. I'd like the commissioners to tell me this: Payette County said, no we're not going to table discussion about this. That at a minimum stopped it from moving forward in the senate. The county that depends on Malheur County the most, at least for sales, just over the counter sales, they said not a chance. There's no question there are problems here that Oregon has created for ourselves. But I think those conversations are going, and this is the thing that I think keeps that going. What I don't want it doing Mike is I don't want to be locked in this for 20 years, focusing on changing our border when we should be talking. And I don't think that's a blue needs to cross the aisle; I think that's both ways. We need to speak up about what we're doing here, and what we're running into, and how we're struggling over here with the rules that come down that don't apply, they don't fit with our economy, they don't fit with our communities, and I'm not saying that's true, there's a lot of them that I support that I think it's dead on right. And land use planning is one of them. We've got an opportunity to retain our farmlands. There're issues out there that this state has a history of, first to do the Bottle Bill, first to do a lot of things that we benefit. I remember as a little kid, there was trash everywhere on the roads; you drive into Idaho and it was wicked worse. Then the Bottle Bill passed and it changed; driving the freeway it was clean in Oregon, you cross the Snake and it was a mess. Those things are something that I think that I'm proud of being an Oregonian and I'm going to stick with this but I'm going to be at the table all the way through it. I talk to a lot of people, I've invited them to participate, I think it's going to happen. But what your comment was that Matt brought up that I really, I was pretty aggressive on the last meeting on this, when he said, the purpose of being able in the Constitution to change the state borders was so like minded people could live in the same place. That is not our Constitution. Our Constitution is about bringing people together and working out problems. I still support this conversation. This is important. We need to carry this message. But there are way better solutions than this and I don't want to be here for 10 years talking about changing the border when our sister neighbor across the river, artificial boundary or not, does not support this. I just don't want to be stuck here. I want to be moving toward a solution. And here's where we are is, and Mike I've always felt like your organization has misrepresented that one thing, when it's discussed or you're interviewed, it's always about the majority of people in those counties support moving to Idaho. That's not what this is. It's about what's...

Inaudible

B. Grasty: But that's how you say it. And the conversation is, let's have that conversation, and that's the message that really resounds with me. You say that in these meetings and I really support that.

M. McCarter: 62% of the people that voted on those issues across 10 counties, not the 11th county, Wheeler County the commissioners put it on, do you want to move to Idaho, and it came out at 59% in favor. So it does, there is a correlation there with people who vote in favor of it. My reply to that, first of all, is that Malheur County is one of the few counties, this group is one of the few counties that has got some action going as far as trying to look into it. And so, when I went to Morrow County last week, zero, no discussion, no questions, no public input, no nothing. Senator Findley and Representative Owens that's what they see in most of the counties that they represent; nobody seems to be interested in it. Sure, part of it is the fact that the meetings are normally during the middle of the week during work hours, but the reply that I would have about finding the solution to it, moving the border may not be the best solution. But my comeback question to the politicians that come to me, I say, what is your answer for it? How do we get that changed then? What do we do with it? Not on civil disobedience, not like BLM or anything like that, how can we get the actions taking place there? Sit down like we can across different views; nothing wrong with that at all. You can agree, we can disagree. That's why we are Americans.

Commissioner Mendiola: This is awesome.

P. Barfield: This is democracy. Discussing sort of the vicissitudes of where we're at and kind of acknowledging it from different perspectives. Let me just tell you what Cliff Bentz told me when I said, I expect you to work for all of us he said, the first thing they teach you when you go to Congress is you never cross the aisle. So, that is just, I'm sure there's a lot of complicators, I'm sure, but if it's so complicated, why can't it be simplified and we can begin this work of consensus and trying to reach some, I thought they were there to represent us, to listen to us, I thought, well, why did I bother to speak to you. And I'm not talking out of school, this was right after he was elected.

C. Pike: I've got a question. Maybe there's a possible solution because population seems to be what's caused the biggest problems, it's all on the west side and not on the east side. But we've got landmass. Maybe you could put this in legislature and maybe have some more legislators in eastern Oregon for the landmass mile for the population. Because the basic amount of taxes that go in, a lot of it comes from eastern Oregon. They deserve more than what they're getting; that's what's caused the whole problem. Would that be a possible solution?

Commissioner Mendiola: Possibly.

P. Barfield: I'd like to respond to something that Brent mentioned about crossing the border there. When we go to Boise, Meridian, Idaho, Kuna, Caldwell, we can't wait to get back to eastern Oregon because of the quiet – we have more neighbors that are cows than we do people and we like that a lot.

C. Pike: (inaudible) capital city of Idaho, that's (inaudible)

P. Barfield: It's a nice resource for us but we can't wait to get out of there.

C. Pike: (inaudible) western Oregon.

M. Belnap: Yeah, same thing, yeah, western Oregon, a lot of people that live outside of Salem or Portland that do have to travel in town for doctors' appointments or whatever, yeah they're glad to get the heck out of there. I used to live up there in Keizer area which was nothing compared to what it is now (inaudible) and now I don't hardly even recognize where places are any more. That's the thing. Malheur County is actually Idaho; we get Idaho news, we hear about Idaho politics, we are on Idaho time, pretty much everything, you go to your doctor stuff – it's all Idaho, that's the whole county and that's why Malheur County is talking about it because we live Idaho. I hate to say that but we are by Oregon rule so we don't hear about, we don't hear about half of these laws that are being, unless you read it in the paper, which you don't hardly hear anything, but Findley and Owens have actually started putting something in the Argus about what is going on. We don't hear about what's going on in Oregon; we just don't hear it.

P. Barfield: It's one way you say.

M. Belnap: No, it's because our news is Idaho.

P. Barfield: Okay.

Multiple talking

Commissioner Mendiola: All the TV stations come out of Boise.

M. Belnap: Radio, TV, everything is Idaho. That's why we discuss it, that's why, you know what, they don't hear us. We hear Idaho.

P. Barfield: Decades after I got out of the Army, I got out of the Army the day before my 21st birthday, I started bootcamp on my 18th birthday and it wasn't because I was in trouble, it was because you couldn't (inaudible) in 1969. So decades later I met a man that was a Navy Seal for about 23 years and everyone, I'm sort of fascinated with the work that they did, and I told him, his name's Phil, I said, my work in the military was a lot simpler and a lot safer than what you did. His response was this, he said, Pat, we couldn't do our job if you didn't do yours. We all have to contribute, we all have to do our part, and I'm glad to have come here today and I'll look forward to coming back again because I think what we're doing is demonstrating the value of citizenship.

M. McCarter: I'm thankful for meeting this group, for seeing everybody in person, for being able to sit down; sort of like the old timers around the potbelly stove, no offense ladies. I can remember watching grandpas doing that, sit around and discussing politics and the issues and stuff like that. It needs to be discussed, it really does.

Bob Doughty: I'm Bob Doughty from Ontario. Listening to all this conversation is quite a thing for me, but I think it points to the reality. This problem we're talking about has been going on for 40, 50 years and they haven't given us one ounce of concession on the other side of the Cascades. Me, I think it's time to move the border, yesterday would be better than today. I think it's time to move it. They're not going to come our way; they've already showed us, they're not willing to discuss any of our situations over here. We don't count.

M. Belnap: No, we do, with our taxes that they keep raising on us as farmers, what she's been saying, it don't matter what, unless you sell across the border, you take your items across the border, you are taxed like crazy, just to sell in your own state. I mean, why? That is crazy, wrong.

B. Doughty: Crazy wrong.

M. Belnap: That's the problem, they're not understanding our point of view, they're not

Commissioner Mendiola: Comprehending the dialog.

M. Belnap: I mean, I have a sister who lives in Portland, and she comes over here and she calls it a vacation. And I'm like, it's just our way of life. But she is an opponent.

Commissioner Mendiola: I think we just need to keep the dialog going. We need to not gang up on them but make sure that they all know that we're needing something done, especially on the death tax and...

C. Pike: They need us just as bad as we need the legislation, we're paying the bill, these farmers have staggering taxes they're paying, I have difficulty believing they can even exist, they get bigger and bigger and bigger just to pay the taxes.

B. Wheatley: Mr. Chairman, Bob Wheatley, just a couple of comments I'd like to make, I'm not sure where we're at timewise, but one thing I want to do that Brent brought up about during the legislative session about the statement that the Payette county commissioners made. I find that really interesting and the timing of it, I wish I knew more about what's going on underneath there, my understanding was that they're main objection to moving the border was that it would have a negative economic impact on Payette County. And that amazes me. Because for 40 years that I can think of, ever since Idaho put in a sales tax the argument has always been the advantage that Ontario has, they steal all the shoppers because the people from Idaho, specifically Payette County, come to Ontario to shop so then they don't have to pay sales tax. So I think there's something going on there that would be interesting to know more about, maybe we'll find out, I have no idea. I'm glad you brought that up because politically it's interesting. But I don't know enough politically to answer that for you. The main thing that I would like to state right now is regarding the report, just as a background, because I know we won't have time to go through the report and that

really wasn't the purpose for this meeting, we were asked, and it's been stated in several previous meetings all the issues need to be put down on paper so we can address them line by line, so that, at least in my understanding, that was the objective, and how we approach this, it was a hard thing to do because it's hard to get people together, so basically I was relying on each of the members that I talked to and asked to participate to talk to their constituents, their friends, and get their opinions, and get some of that feedback. I also tried to do a lot of research as much as I could and I tried to stay as neutral as I could even though I do support the Move the Border, and I tried to present pros and cons. And as you go through the report, you will find that on some of the questions, some of the issues that are presented in the report, I have added comments that I picked up during the research on how other people have seen them, maybe to address that specific issue, that specific question. There are other questions in there that were beyond me being able to find anything and answer. It turns out to be a lot of it is going to have to be discussions that occur either within the Oregon legislature itself, or if they would be open to associating the Idaho, with a committee from Idaho, to discuss the issues. We've pretty much come to a conclusion, I think here, that open discussion is what we're really wanting here and we want to try and address the issues and try to come up with solutions. As Mike has stated this may not be the best answer, but at this particular point in time it is an answer that a lot of people in eastern Oregon have gotten behind. And Chuck and anybody who was involved in gathering signatures on petitions in any of the counties that have voted on this measure will tell you that the people who signed those petitions, the majority of them, they weren't looking at it as voting to set up these meetings, they were voting to move the border. Their comments were, heck yes I'll sign it, let's move that border. So there is a strong (inaudible) if there isn't a better solution going forward, believe me the majority of the people who have voted, yes, in the various counties on this issue are wanting to change, and they see moving the border as maybe the best solution. So not only is it time, Pat and Brent and Chuck, have all three committed that they'd be more than willing to continue our committee discussions trying to find more information for you as county commissioners to (inaudible) answers out there, we would be more than happy to continue to add to the report. Our primary goal at this point, was to try and get something to you that you could hold in your hand, look at, and see what's there. We also would love to have your comments as you look through this. There are issues here that actually all of you could really talk to us about. You have access to information that we don't have. And it would be helpful as we gather and try to put together. I'm more than happy to kind of work as a secretary to try and put this all on paper and continue to put together a report we can all discuss and work on. But I don't have all the answers and I never will have. I love what we're talking about, in my, some of the things that I read, several people, Brent brought this up, several people suggested and maybe another answer would be a multi county block if you will in eastern Oregon, to come together on the issues that affect the majority of people, and be able to go the legislature as a block. There are other alternatives, there are answers that might come forward that will either support and verify that we will have to look further at moving the border. Maybe somebody will come up with a good alternate solution. I just wanted to get that out there, so you realize what our intent was putting together the report. And that we also are more than happy to continue to do, whatever you might ask us to do to help.

Judge Joyce: So to Chuck's comment, one of the Senators said

C. Pike: No he pretty much said what I

Judge Joyce: No, this is what you said earlier though

C. Pike: Oh the business in Idaho

Judge Joyce: Well actually, one of our senators said wouldn't it be nice if we had a senator per county in Oregon. Now what's the reality of getting that done?

B. Wheatley: Actually we can't. I addressed that

Judge Joyce: In this document?

B. Wheatley: Yes. It's been addressed nationally

Judge Joyce: No I mean state.

B. Wheatley: Oregon at one time did have, there was one senator from each county

Judge Joyce: Just for the counties in Oregon, period.

B. Wheatley: But other states, counties in other states tried to do the same thing and basically, I guess it comes down to violating

Unknown: It's a federal

B. Wheatley: Yeah, the one vote, yeah, it's a federal thing.

M. McCarter: It came out of the supreme court in the '60's that ruled against that, they ruled that one person one vote. For the life of me I don't understand who was debating it because the federal government established that principal with two senators per state no matter how big or small the state is, so why don't you have one senator per county, why is that

Judge Joyce: But two separate issues though. One's federal and one's state.

M. McCarter: Yes. But that's why, and then Oregon changed its Constitution then.

C. Pike: That could be a solution to this I suppose (inaudible)

B. Grasty: Judge, do you have connections with the governor in terms of maybe we could have a little meeting when the governor comes out (inaudible) and you know, have a representative from each side or just with the Court and discuss this because I mean that's part of the tactic here is to make it real for them.

M. McCarter: We reached out to the governor.

B. Grasty: You know, we can't stop.

M. Belnap: We can talk to the governor but this is one person but were getting controlled by the legislature.

B. Grasty: Sure.

M. Belnap: Really big time and that's where like all of our taxes and stuff, of course Brown passed a lot of her executive stuff because that Corporate Tax was not passing but she threw it in, on purpose. So we are controlled, talking to the governor, I don't know how far we're going to get. Before we never got far at all when she was here after the snowmagedon thing; that was the first time she was here. One of the guys that was with her said, he goes, so are you looking forward to the governor being here? And I go, I'll be surprised if she even shows up, she probably doesn't even know where Malheur County is, more less Ontario.

B. Grasty: Well we had a governor a bunch of years ago that said Bend was the middle of nowhere; I always wondered what do they think of us. Just a thought.

Judge Joyce: I'm missing a meeting right now with the governor.

M. Belnap: Oh we're blocking you from a meeting

B. Grasty: Are we going late?

Judge Joyce: No, in person. In Salem. Our group's meeting there today.

Commissioner Mendiola: I talked to a lady from Salem one time, this has been 3 or 4 years ago about some licensing stuff and she asked me where I was from, I said, I'm in Vale Oregon, I'm in eastern Oregon, she says, well how far is that from Bend? And I said, lady, we're closer to Boise Idaho than you are in Bend Oregon. Well you're way over there, well yeah, look at a map sometime. A lot of those people don't even know we exist.

B. Grasty: But we've got to make them know.

Commissioner Mendiola: We've got to get the dialog going.

M. Skeen: That's the impetus of this whole thing. None of us want to leave. None of us do. But if we don't make a bunch of noise they just ignore us, they don't care, so it's just to get them, I think to get them at the table, find some resolutions that will keep us that we can stay. This is what we want. We would, if they would just work with us. But their forcing our hand so we have to make noise.

M. Belnap: That's why even this was even considered is because of what they are forcing on us that we're just saying, hey, we are tired of this.

Commissioner Mendiola: When Mike says the majority of them voted to move the border, I think the vast majority of them were just tired of what wasn't going on, or what was going on in Salem with our representation. And this is the only way we can get our voices heard and then they've got to take a look at us and say, wow, these guys are serious. It's like well, fix it then.

M. Belnap: (inaudible) how do we get through that block?

Commissioner Mendiola: There is some good people on the other side, besides these two guys, or three guys, or something. There's some people that don't think that block is right.

M. Belnap: (inaudible) its like you grab these people and saying why aren't you caring enough to listen to us, you know, catch them outside of their little political office over there, even in their county that they're in.

Commissioner Mendiola: And it helps to be there in person to make sure that they see a face on that verbiage.

M. Belnap: Why the block? What is the purpose of a block? And why are you blocking us? Why are you not listening to what we're saying?

Commissioner Mendiola: One of those people we talked to the other day and Findley said well I'm, whatever jurisdiction he is, and these other people in Portland would have like three blocks and that was all they had to take care of instead of ten million acres, twenty million acres. That's all they had to deal with was three or four blocks in the middle of Portland. Because they weren't here, they were here. I think we're on a good route here.

M. McCarter: I would ask you commissioners, the local government to carry the word up, and we're pushing through all the commissioners, to get it up into the eastern Oregon commissioners association into Oregon's commissioners. You guys are a voice for all of us in rural Oregon and I talk to my commissioners in Deschutes County, which some of it falls on deaf ears, but otherwise they hear it. But you're a voice too. You're a powerful voice out there because you are the local government for most of the people that they know. And so I would, if you could, bring it up. There's talk going on, I know there is. In the very beginning, move Oregon's border, never happen, that won't take place, people laughing about it. Just like, I'm not going to vote because my vote doesn't count; that kind of apathy. All of sudden now, there's opposition starting to come at us. That is becoming an honest to goodness voice coming out of eastern Oregon; that there is something to it. And when you see all three gubernatorial candidates bring that up, even though one of them was Betsy Johnson, bringing it out that there's something going on between the west and the east and we need to look into it.

Commissioner Mendiola: We're on their radar any way.

M. McCarter: We are and we're going to keep pushing it.

Commissioner Mendiola: And that's the only way you can do it is to keep your voices heard.

M. McCarter: (inaudible)

P. Barfield: I'd like to suggest that we leave this meeting with a plan to invite someone and ask, each of us, if each of us invites one person and next time there's say 25 people here instead of 10 or 12, and double it again, just kind of keep working toward an idea to have some open discussion and maybe we can show the Oregon legislature how to speak to each other.

Commissioner Mendiola: Have to get a bigger room.

Judge Joyce: So Bob, I have a question. Is there a way you could summarize this meeting in letter form, draft letter form, that we could present to eastern Oregon counties?

B. Wheatley: I can sure give it a try. How soon?

Judge Joyce: Well whenever you get it done. We meet once a month anyway so.

M. McCarter: Give (inaudible) other commissioners

Judge Joyce: And your Tony DeBone needs a copy of it, just FYI

M. McCarter: Tony's my neighbor and we talk.

P. Barfield: Our next meeting is in September here, is that correct?

Judge Joyce: Right, yeah, well that would be good (inaudible)

Multiple talking

M. McCarter: Pat, we had in Crook County a month ago had a meeting similar to this with the judge there,

Judge Joyce: Seth?

M. McCarter: Yeah, Seth was there and I hate to say it but he got burned pretty badly there because they had refused to allow the people to vote. They just would not approve the petition. Ten requests to just start the petition and they wouldn't let it go through, they wouldn't approve the language and everything on the petition. And other counties, like your county, approved the same one. Anyway, 70 people showed up for that one.

Written comments were submitted via GoTo Meeting from Shay Myers: My plane is about to take off and I won't be able to speak. This isn't about not tolerating or trying to get away from other people. It's about people, outside of the I-5 corridor, to care about us on this side of the state. This is not getting much attention from the legislature, unfortunately, they cannot come with a real understanding of eastern Oregon economics and they are ruthless. This is about a lack of compromise.

Written comments were submitted by Gary Thompson via email: I wasn't able to attend in person this morning but did sign in on the GoTo Meeting. I was not able to get my settings right to hear but I was shown as a participant. I just want the Court to know I am in favor of any action they can take to break the stranglehold that the political leaders in Salem have on our way of life in Malheur County. Making us part of Idaho would be great!!! Thanks

Written comments were submitted by Rosie Knapp via email: Just wanted to add our voice in agreement to support the Greater Idaho movement. Oregon does not support Malheur county views. Dave and Rosie Knapp

Written comments were submitted by Clyde Esplin: I am out of town, but want to voice support for moving the border to include Malheur county in Idaho. Clyde Esplin

There were no further comments and Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

May 17, 2023

The regularly scheduled meeting of the County Court was called to order by Commissioner Ron Jacobs at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Jim Mendiola present. Judge Dan Joyce was absent. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. 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 # [2023-1462](#)

COMMUNITY CORRECTIONS

Lieutenant Jim St. Michell explained that a letter of support was needed from the County Court to be submitted with Community Corrections 2023-2025 Justice Reinvestment Program grant application. Community Corrections Justice Reinvestment Program seeks to reduce prison usage, hold offenders accountable, reduce recidivism and increase community safety. Commissioner Mendiola moved to sign a letter of support for the Justice Reinvestment Program grant. Commissioner Jacobs seconded and the motion passed. See instrument # [2023-1463](#)

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of May 10, 2023 as written. Commissioner Jacobs seconded and the motion passed.

AMENDMENT - IGA #169522

Commissioner Mendiola moved to approve Thirteenth Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement # 169522 for the Financing of Public Health Services. Commissioner Jacobs seconded and the motion passed. Funding is added to Program Element 42-14 Home Visiting. A copy will be returned for recording.

AMENDMENT - IGA #170516

Commissioner Jacobs moved to approve First Amendment to Oregon Health Authority Intergovernmental Agreement # 170516 for Environmental Health Services. Commissioner Mendiola seconded and the motion passed. The expiration date is extended to June 30, 2029; the Pool/Spa program remittance amount is increased to \$90 for each license; and the remittance for the food program is lowered to 12.22%. A copy will be returned for recording.

SUPPLEMENTAL BUDGET

Commissioner Jacobs moved to approve Resolution R23-19: In the Matter of Fiscal Year 2022-2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Mendiola seconded and the motion passed. The purpose of the supplemental budget is to allocate insurance proceeds that were not anticipated when the adopted budget was prepared; these funds will be used to replace tools and equipment stolen from the Fair. See instrument # [2023-1464](#)

DRAFT ORDINANCE NO. 232

County Counsel Stephanie Williams shared a draft of Ordinance No. 232; the ordinance adds Title 3 Chapter 16 to the Malheur County Code establishing use of County property for camping. The ordinance addresses time, place and manner camping regulations that identify when, where, and how camping (in tents and other portable shelters) is allowed on County property. Ms. Williams will continue to work on the ordinance; hearings will be held in June.

RESOLUTION GUARANTEEING LINE OF CREDIT

The Resolution guaranteeing a line of credit for Malheur County Development Corporation will be presented next week.

COURT ADJOURNMENT

Commissioner Jacobs adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

May 24, 2023

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 Ron Jacobs and Commissioner Jim Mendiola present. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. 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 # [2023-1536](#)

PUBLIC HEARING - RATE INCREASE FOR ONTARIO SANITARY SERVICE

Present for the public hearing for consideration of rate increases for Ontario Sanitary Service were Mark Fulwiler and Nathan Wilson from Ontario Sanitary Service/Waste Connections and Planner/Interim Environmental Health Director Eric Evans. Notice of the hearing was published in the Argus Observer. Judge Joyce opened the hearing. A rate increase of 8% to the current Residential Service rates was proposed; establishment of new zones and rates for Roll-Off (Drop Box) Services was proposed; and establishment of Commercial Services rates for front load containers was proposed. No written comments were received; and no public members were present to verbally comment. The hearing was closed. Commissioner Jacobs moved to approve the requested rate changes/increase. Commissioner Mendiola seconded and the motion passed unanimously. The changes are effective July 1, 2023. See instrument# [2023-1538](#)

CROSSING PERMITS

Commissioner Mendiola moved to approve Crossing Permit # 24-23 To JA Miller Utility for work on NW 10th Avenue #1541; and Crossing Permit # 25-23 to Ben Palmer to cross Copeland Road #615 with a mainline. Commissioner Jacobs seconded and the motion passed unanimously. The original permits will be kept on file at the Road Department.

SPECIAL MEETING MINUTES

Judge Joyce moved to approve Special Meeting Minutes of May 8, 2023 (Move Oregon Border Meeting) as written. Commissioner Mendiola seconded and the motion passed. (Commissioner Jacobs was absent on May 8, 2023.)

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of May 17, 2023. Commissioner Mendiola seconded and the motion passed. (Judge Joyce was absent on May 17, 2023.)

PLANNING COMMISSION

Planner/Interim Environmental Health Department Director Eric Evans met with the Court. Mr. Evans explained that Planning Commission member Rob Kindschy had resigned. Verbal interest in the position was expressed by a couple of individuals; one individual submitted a completed volunteer form. Commissioner Mendiola moved to appoint Carol Skerjanec to the Planning Commissioner. Commissioner Jacobs seconded and the motion passed unanimously.

Idaho Power has been put in contact with BLM regarding the archeologist piece that is pending for the power line project for Lytle Boulevard Landfill.

OREGON DEPARTMENT OF FISH & WILDLIFE (ODFW)

ODFW Klamath & Malheur Watersheds District Manager Philip Milburn, Wildlife Biologist Tucker Freeman and Fish Biologist Dave Banks met with the Court to provide an update of activities; introductions were made and questions from the Court members were answered. Fish are being stocked throughout Malheur county. Snowmagedon was tough on big game populations; populations are now doing a little better. Almost 1000 elk were counted in Beulah. 135 Pronghorn were counted last summer in Beulah. Sheep herds are still dealing with pneumonia outbreaks. Deer populations are slowly coming back. Upland game bird population was good last year and should be this year.

Pat Caldwell of the Malheur Enterprise joined the meeting.

HEALTH DEPARTMENT - STRATEGIC PLAN

Health Department Director Sarah Poe met with the Court and presented the Health Department 2023-2026 Strategic Plan. Creating a strategic plan is step one for the process of accreditation (accreditation is a national certification that says your local public health department is meeting expected standards). The strategic plan describes the various programs and sets program goals. The Health Department has 28 people filling 25.3 FTE (some staff are part-time); 11 are bilingual; and 20% of the staff have been with the Health Department for more than 20 years. The Health Department has 11 programs and those are addressed in the strategic plan. Ms. Poe reviewed the programs and one goal of each program in the strategic plan. There are 32 streams of funding that support the 11 programs. Ms. Poe shared that she is focused on long-term sustainability planning for the budget and the organizational structure making sure the department is set up for success. An Annual Report reflecting on the goals within the strategic plan will also be completed. See instrument # [2023-1559](#) for the complete 2023-2026 Strategic Plan.

Les Zaitz of the Malheur Enterprise joined the meeting.

SHERIFF'S OFFICE

Sheriff Travis Johnson and IS Director Joshua Kreger met with the Court regarding the servers needed for the Motorola software project. Sheriff Johnson requested authorization to order the servers, on a net 90; it is hoped that Eastern Oregon Border Board will grant funding to pay for the servers, but in the event that they don't the servers are still needed to complete the project (the County would pay for the servers through ARPA funds with the cities of Nyssa and Ontario later contributing funds). The timeline for the Motorola project requires the servers to be up and running by June 12; the server has a 5-year warranty and should last 8-9 years. Mr. Kreger explained that two servers are needed but the project can move forward with one server initially. After discussion, Commissioner Jacobs moved to authorize one server be ordered immediately for the Motorola software project. Commissioner Mendiola seconded and the motion passed unanimously.

There is currently one sergeant position vacant (previously held by Undersheriff Kesey; and a second position will be open in June or July when Sgt. Speelman retires. There are still several vacancies in the jail.

MALHEUR COUNTY DEVELOPMENT CORPORATION (MCDC)

MCDC Executive Director Shawna Peterson met with the Court. Ms. Peterson explained that she will be asking for authorization to proceed with presenting financial information and advocating for the \$8.5 million legislative request for the Treasure Valley Reload Center project. Pat Woodcock (Engineering Northwest LLC) has completed his third party analysis of the Treasure Valley Reload Center project on the work that remains to be done to complete the reload center to fully operational. Ms. Peterson shared a funding document she created for the project and explained the figures in the document to the Court.

<u>Description</u>	<u>Funding Secured</u>	<u>Funding Needed</u>	<u>Notes</u>
Foundation/Floor Slabs & Pre-Engineered Steel Bldg Erection	\$ 3,000,000		E Board funding

		\$ 200,000	Bid in excess of funding secured
		\$ 67,000	Additions to meet code:slab insulation, rough in fire sprinkler plumbing, ramp
Track C	\$ 2,000,000		County Funding
		\$ 500,000	Estimated cost in excess of funding secured
		\$ 767,000	Anticipated unmet expenses
		\$ 1,200,000	Prior unmet expenses
Building Completion/Parking Lot/Drain Field		\$ 364,878	Office building finishing A101-A604
Completion of Site - Roads/Water Specific to Reload Facility		\$ 124,385	Plumbing P101 & P105, 1000 gal septic w/ 315 lf drainfield
		\$ 1,200,000	Electrical E101 & E102
		\$ 908,128	HVAC M101 &M102
		\$ 517,995	Fire protection per code
		\$ 112,850	Exterior ramp and stairway handrails
		\$ 479,727	Dock door levelers & shelters, semi-trailer dock locks, door bollards and guards
		\$ 3,987,569	Parking area paving, water main, storm drainage
		\$ 7,695,532	<i>subtotal</i>
		\$ 230,866	Contingency - calculated at 3% of construction subtotal
		\$ 538,687	Project/General Contractor - calculated at 7% of construction subtotal
		\$8,465,085	Total to complete reload building project
		\$ 250,000	Yard Engine
		\$10,682,085	Total including anticipated unmet need described above
		\$ 8,500,000	2023 Capital Construction appropriation request
		\$ 2,182,085	Outside Financing
<u>Future Industrial Park Needs:</u>			
Remaining utilities, roads, scales/scale house			

Ms. Peterson explained she supports the \$8.5 million request to the legislature and recommends that the request not be increased. Approximately \$2 million in outside financing would need to be obtained. Ms. Peterson is also looking into the agreement with the City of Nyssa for water to the project site. Ms. Williams noted that the County has authorized \$200,000 for MCDC to pay outstanding invoices and suggested that it maybe should be reflected in the Prior Unmet Expenses line item. Commissioner Jacobs noted he agrees with not increasing the request to the legislature. Judge Joyce moved to authorize Ms. Peterson to proceed with pursuing the approximate \$8.5 million request to the legislature (not to exceed the County's request of March 2023). Commissioner Jacobs seconded and the motion passed. Commissioner Mendiola was a No; Commissioner Mendiola expressed that he would like to see more investment into the project from the onion industry. Commissioner Jacobs noted that the reload center project needs to move forward before any additional work is done on the industrial park. Commissioner Jacobs and Commissioner Mendiola expressed appreciation to Ms. Peterson for her work with MCDC and the project. See instrument # [2023-1560](#) for the document Ms. Peterson shared with the Court.

Pat Caldwell and Les Zaitz asked questions of the Court members concerning the project.

RESOLUTION GUARANTEEING LINE OF CREDIT

Commissioner Jacobs moved to approve Resolution R23-18 - In the Matter of: Resolution Extending and Guaranteeing the Line of Credit with Bank of Eastern Oregon to the Malheur County Development Corporation in the amount of \$4 Million Dollars in order to build/complete the Treasure Valley Reload Center, pay bills and receive reimbursement from the Oregon Department of Transportation under Oregon State Agreement No. 33744 and amendments thereto; and Authorizing Malheur County to be the Guarantor. Commissioner Mendiola seconded and the motion passed unanimously. The County will need to pay the interest and loan fee to extend the line of credit; the principal on the line of credit is approximately \$1.3 million and will continue to accrue interest - the County may consider paying the principal or a portion of the principal. See instrument # [2023-1537](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.



HOMELESSNESS TPM AD-HOC MEETING MINUTES
April 13, 2023

The scheduled meeting of the Ontario Homelessness TPM Ad-Hoc Committee was called to order by Chairman John Breidenbach at 6:00 p.m. on Thursday, April 13, 2023, in the Council Chambers of City Hall. Committee members present were Manny Alvarado, Penny Bakefelt, Marc Berg, John Breidenbach, and Christine Hood. Eddie Melendrez and Sandy Kendall were excused.

Staff present was Dan Cummings, Tori Barnett, Michael Iwai, and Dustin Hawkins.

The meeting was recorded, and copies are available at City Hall.

PLEDGE OF ALLEGIANCE

Chair Breidenbach led everyone in the Pledge of Allegiance and asked that it be added to future agendas.

NEW BUSINESS

Adoption of Minutes: March 9, 2023

BAKEFELT moved, HOOD seconded, the minutes from the March 9, 2023, meeting be approved. Roll call vote: Alvarado-yes; Bakefelt-yes; Berg-yes; Breidenbach-yes; Hood-yes; Kendall-out; Melendrez-out. Motion passed 5/0/2.

Packet

Camping Ordinance/Campsite Removal Policy

Chair Breidenbach asked if there was any update Mr. Hawkins wanted to provide prior to moving into discussion.

Mr. Hawkins stated what was before them was a good starting point. He also mentioned that while it didn't necessarily relate to this ordinance, there was some legislation, a senate bill and a house bill, that were virtually identical, that would basically allow cities in certain areas, mostly rural, which he believed Malheur County was, there would be some possible liability protection for campsites. That was still working its way through as a bill. It appeared to be gaining good traction. They were SB847 and HB3591.

Chief Iwai asked if either had passed either chamber yet and gone to the other side?

Mr. Hawkins stated on April 10th, the recommendation was to pass with amendments that referred to Ways and Means.

Mr. Cummings stated the city had sent a letter of support for the bill.

Chair Breidenbach opened the floor for discussion on the proposed ordinance.

Ms. Bakefelt asked if Mr. Hawkins had taken the current code into account when developing the ordinance, which outlined the camping regulations.

Mr. Hawkins stated he had not reviewed Ontario's code, but Mr. Green might have.

Mr. Cummings asked that Mr. Hawkins ask Mr. Green to review those code sections because there were some areas that would be conflicting. He wanted to ensure those would be cleared up. Some of the other codes spoke to the parks and the times they were open. This proposed ordinance was more in reference to the times when someone could not camp. He wanted them all to jive together.

Ms. Bakefelt stated she was referencing 4-8-1.

Mr. Cummings asked to have Mr. Green review that section.

Ms. Bakefelt stated there was also items in 6-1-6 and 4-8-3 and that entire area.

Chair Breidenbach stated the committee would appreciate making sure what they were working on was going to match the other sections.

Mr. Berg asked Mr. Cummings if he had any conversations with anyone at the county regarding their code definitions. He had provided information to county counsel who indicated full support and stated she would be in contact with Mr. Cummings about property. He was wondering if Ontario's proposed ordinance had any contradictions with the county.

Mr. Cummings stated he had spoken with Stephanie Williams, county counsel, along with the City Managers for Nyssa and Vale. He also provided them with a copy of Ontario's proposed ordinance so they would all be heading the same direction. They'd all be putting the same codes in place for Ontario, Vale, Nyssa, and Malheur County. Whatever was the final product should be fairly uniform across the board, so one city was not pushing anything off to another city. They'd all have pretty much the same rules.

Mr. Berg stated with some of the definitions in the exhibit, it seemed there were some definitions spelled out well, and others not. Did they need to have them all match throughout the code? The definitions appeared adequate, but could any of them come back on the city if they were not more specific?

Mr. Hawkins stated he felt the definitions were pretty thorough. Part of this discussion was to help identify areas of the proposed ordinance that might be confusing or unclear, so if anyone was reading the definitions or the overall ordinance and found the definitions insufficient, now was the time to talk it out.

Mr. Cummings stated he believed he knew where Mr. Berg was headed with his question. He indicated he would do a search of the city's existing code of the same named definitions, to see if there were any conflicting definitions.

Mr. Hawkins stated even the Oregon Revised Statutes had different definitions for different terms. The definitions here were what mattered for this particular ordinance.

Ms. Hood stated she had been doing some reading on other campsite codes that were making their way to legislation, specifically Bend and Hermiston. Both agencies adopted a ruling that vehicles must be movable and operational at all times. Bend implemented that it had to be moved every 24 hours, around 300 yards or feet. ACLU was weighing in that it might be putting undue burden on the owner of the property. She did not see anything in Ontario's proposed ordinance about ensuring that vehicles were movable. There were some vehicles that were camping in the state park, and those vehicles, which she saw everyday on her work drive, had not moved. She wanted to address that.

Mr. Hawkins stated some cities were incorporating provisions regarding sleeping in cars, camping in vehicles; some were letting their code section with regard to parking do the work. If this committee wanted to add provisions specific to parking, that was something that could be added. Many cities were doing that.

Chief Iwai stated he agreed with respect to the definitions. In the current definitions, vehicles were not addressed. That needed to be added. However, the ordinance did give the authority to the City Manager to act on administrative rules at a later time. Even if they adopted a final product, as far as how it was going to work, the actual act of someone in violation, that was what the administrative rules were for.

Chair Breidenbach stated if they wanted to add a definition for vehicles, they could do that?

Chief Iwai stated they should at least add vehicles and camp facilities in the definitions.

Committee consensus to add a definition for vehicles.

Ms. Hood stated there was a blurb on the list regarding trash and rubbish, but she felt they needed to specifically address human waste. That was a problem, and regular citizens were not properly equipped to deal with it. There had to be consequences for the campers to properly eliminate as they needed to, but not to leave it behind for others to stumble across.

Mr. Hawkins stated there was something in the Manner Regulations with regard to that issue. It was down under 2.3(d); something like grey matter or black water, i.e. sewage, was prohibited.

Ms. Hood stated that was the dumping of those things. That had nothing to do with someone eliminating their bladder on public property behind trees over by the Depot.

Mr. Hawkins stated that was probably addressed elsewhere. It was already illegal to do that type of thing in public. That could be added, but...

Mr. Alvarado stated it was addressed under 2.3, Manner Regulations, Subsection (d), where it read that *"individuals many not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials..."*

Chief Iwai suggested inserting the word biological.

Committee consensus to add the word biological to 2.3(d).

Chief Iwai suggested changing unsanitary or hazardous, to unsanitary and hazardous....

Chair Breidenbach agreed; it was an "and" not an "or". Biological and hazardous...

Ms. Hood asked if they wanted to return to the hours of usage as discussed at the previous meeting? There was time regulation there, 7:00 a.m. to 8:30 p.m. Were there any provisions for exceptions permitted to use the park later?

Mr. Hawkins stated the times could be adjusted. They could also be specific to particular areas. Times could be more liberal in certain areas. He believed there should be at least eight (8) hours, and probably more, at any place where camping would be allowed.

Mr. Cummings stated he believed the current code read 6:00 a.m. to 11 p.m. Between 11 p.m. and 6:00 a.m., no one could be in any park. Section 2.1 read that camping was prohibited on any property, not just in a park, but *any* property from 7:00 a.m. to 8:30 p.m. During the daytime, no one would be camping anywhere except where it was designated.

Chief Iwai stated he had also highlighted the times. One issue in particular was that the police department did a shift change at 7:00 a.m., so there were people coming on and people leaving. He believed the park times should be earlier, so 6:00 a.m. He deferred on the closing time, as he was trying to be sensitive to the needs of the homeless. But 7:00 a.m. would not be good for OPD for immediate response because of the shift change. Also, businesses were getting ready to open at 8:00 a.m. Could Mr. Hawkins provide some examples of times the other cities were proposing?

Mr. Hawkins stated it was similar to what was there. It varied an hour or two either way, but 7:00 a.m. was about the earliest.

Mr. Cummings stated 6:00 a.m. was pretty early to wake someone up to tell them they had to move.

Mr. Alvarado asked why they just wouldn't prohibit any camping on any city property except in designated areas? If the city was going to be forced to have some place for them to go, as discussed at the previous meeting, if he wasn't mistaken, he believed Sandy, Oregon, did that in their proposal, that they just stated that there was no camping at all on any city parking lots, or any city-owned property. He didn't agree with their provision for sidewalks where they said there had to be a five-foot clearing, or something similar, but he didn't think they should be on sidewalks at all. If they were going to be regulated to have a designated spot anyway, why wouldn't they just state no camping in any city park or city property, unless it was a designated area or there was a permit process.

Mr. Cummings stated the laws currently in place stated, which would be in effect soon, that to move someone off property, there would have to be....the city did not have to have "camps" and they definitely wanted to be careful on how it was worded, but they didn't have to have a camp. The law did not state that was a requirement, but there had to be a designated piece of property that you could say someone could not stay, for example, on the sidewalk, but they could go to a specific location. However, they would not be told to go over to camp because once that was said, they'd end up with established camping rights. There were regulations when they produced a camp. He had talked about that with the City Attorney earlier that day. If anyone had something different, Jeremy wanted to see the statute.

Chief Iwai stated when anything was litigated, it was not just the letter of the law, it was the spirit of the law. There was an ordinance where they were identifying authorized areas to camp. That was what was in front of them in draft form. He would interpret that as the city was identifying places that someone could camp and was being told to go to a specific area, which meant they could camp. They needed to look at the spirit of the law, and the spirit of the law was that they were trying to ensure that a community could stay true to its strategic plan, with beautification and livability, which were two primary goals of the city. They were trying to comply with state law and additional laws that were coming, so he thought they were creating a camp by virtue of what they had in front of them. He agreed 100% with what Mr. Alvarado was saying, in that they could limit the hours. Otherwise, later, through the ordinances, he was strapped. He'd have to warn them first. He could not cite or arrest. They had to be warned first. Those were all calls coming into the Police Department. If the board did not want to do that collectively, he suggested limiting the hours even more.

Ms. Hood stated that in 2018, the federal court saw *Martin v. Boise*, where the judge ruled that they could not evict someone if they did not have somewhere else to go. Redmond, Oregon, put in that citywide ban, however, they were building four or six camping sites that would be dedicated for that type of transient living. She was not sure where the funding was coming from. She knew that Governor Kotek had released some emergency funds, but she was not optimistic any would head this way. It was being addressed in other areas, individually. But, Redmond was moving forward with the no city camping, period.

Chair Breidenbach stated it made more sense to just say no, not no during these times, but just no. it would be more enforceable and more commonly known. Not every homeless person would have a watch.

Chief Iwai stated he had seen a sign in a Virginia park that prohibited camping at all times. It was a public place, but it was prohibited all the time. That picture was sent to both the City Manager and the City Attorney. As a group, they needed to designate an area for them to go to and eliminate the ability for the homeless to camp elsewhere.

Chair Breidenbach stated unless anyone on the committee disagreed, they'd change the times to just not.

Mr. Berg stated in mentioning Martin v. Boise, whether or not Boise had a good plan in place, or they were represented poorly, the idea that homelessness wasn't a crime, but people that were invested in the city did not want fecal material on the sidewalk. Where was that line between everyone had certain human rights versus business owners and officers who did not want to deal with some of this type of thing.

Mr. Hawkins stated fining or ticketing someone for defecating on the sidewalk, they were being cited for doing that, but that had nothing to do with their status as a homeless person. Marvin v. Boise dealt with whether there was a city wide ban and no available shelter space in criminalizing, issuing criminal citations for camping in public. This ordinance was not a criminal ordinance, it was a civil one. Subsequent to Martin v. Boise, there was the Blake v. City of Grants Pass case, which later became Johnson v. Grants Pass, and that looked at civil infractions and they didn't opine on every single issue. One thing they didn't answer was whether having available public space and doing some type of civil fine when they were someplace they weren't supposed to be, whether that would suffice. That was still an open question whether having adequate open public space would allow a city to impose any type of civil infraction. Most district courts that had reviewed the issue had found no problem with it. He thought if it went in front of the Court of Appeals and was addressed, it would be fine. But, the way this ordinance was set up currently was that it stated certain places where camping could not happen and where it could happen, it could only be certain hours. Those places that were not excluded by this ordinance. The committee wanted to have no limit on hours.

Chair Breidenbach stated that was what the committee was proposing. They kept saying that they were punishing the homeless by not letting them camp in the parks and alleys, but once the Council passed the ordinance, it affected all citizens, not just the homeless. No one was being targeted. The rules needed to be enforced for all citizens and the entire community.

Chief Iwai stated his own interpretation and everything Mr. Hawkins had stated was correct, but he wanted to push back in one area. Mr. Hawkins said it was a civil action, but the city's ordinances gave his officers the ability to ticket and ultimately arrest. They did not arrest folks based on civil issues. The ordinance further defined a Class A violation, so yes, it was not a crime, but it was not civil in the civil sense. If it went to court, it was not going to be viewed under a civil matter. Was that correct?

Mr. Hawkins stated if was considered criminal, which was usually a misdemeanor or a felony. Generally violations, by most interpretations, were not a crime. The fact that the city would be providing, and it would have to be adequate, if the city was providing some adequate space, that gave them leeway on enforcement. For example, if there were 200 homeless people having 10,000 square feet of public space to accommodate them, it was probably going to create some exposure if there was any challenge, regardless of whether it was a civil or criminal offense. A lot of the challenges were either the ordinance in effect either completely banned camping, by virtue of stating or technically in conjunction with other code provisions, in those instances, the court said there was no place available for these folks, so under Johnson, a civil infraction would be a no-go even in that circumstance, and certainly under Martin, any type of criminal penalty wouldn't survive a constitutional challenge. But, as long as there is available space that they could go to, if there is space where they're not supposed to, it really didn't matter whether it be civil or criminal, you would still want to keep it on the civil side as much as possible, to avoid any type of legal challenge. At that point, they were not being cited because they were homeless, they were being cited because they were in an area where they were not permitted to be. There was an option for them to be elsewhere.

Chief Iwai stated if the city did not have ordinances in place, the only other citation that could be issued was trespass, and they were trying to avoid a trespass situation, which was the criminal side of it. Trespass was a crime; it was not a violation. Mr. Hawkins answered that question. They kept speaking about case law, but they had HB3115 that they had to be in compliance with July 1. That was the result of *Boise v. Martin*. In that case, Boise didn't have a place for the homeless to go to, and they elevated up to a crime, which was why that case law occurred. In reading the city's proposed ordinance, Section 2.1, "*Except as expressly authorized by city municipal code, camping is prohibited on any public property*, period. That's the way it should read. The city was going to identify a place for them to go.

Ms. Hood stated in looking at Walla Walla, they were putting verbiage in to address this camping issue; however, they were putting a pause on it being enacted until they had a place for them to go. They were not citing them immediately. They were waiting for a place to send them before enacting the rule and having penalties.

Chair Breidenbach voiced his agreement, and suggested just adding the period, all time closed, since they were just in the planning state. The committee was going to present it to the City Council. That was strong language, and he believed they had staff support. He'd feel comfortable taking that to the Council.

Chief Iwai stated they needed proper signage on camping prohibited in an area. Unless there was a special event, for example an all-nighter, which could be approved. Otherwise, it would be prohibited across the board.

Chair Breidenbach agreed. For example, Cycle Oregon, a special permit could be issued. There were also other emergency situations, such as wildfires.

Chief Iwai stated the proposed ordinance allowed a lot of latitude by the City Manager.

Chair Breidenbach stated it appeared they were all in agreement with the suggested changes, and wanted to move on to Section 2.2, Place Regulations.

Mr. Alvarado stated everything in the beginning was good, but with regard to item (d), he wanted some clarification. Why was it okay to be camping next to *any* street, whether it was exceeding 25 MPH; e) within 25 feet of a public entrance to a business? This was like the hours issue. He wanted more simple terms and definitions. He was not sure they wanted people camping on the street, whether it was a 10 MPH street, or whatever, he did not see why it was defined that way. Sometimes the more specific they were, the more they opened themselves up to, for example, it was 30 MPH, not 25, or it was 10 MPH....he wanted to discuss with the committee on how they felt about items (d)-(g).

Chair Breidenbach agreed it was confusing. Why were those specified?

Mr. Hawkins stated he believed the thought behind it was that it was more of a thought towards people on the street, especially in areas where they were carving areas where they *could* be, one of the areas they might not want to have, narrowed down to where they could be would be next to a high-speed road, just for their safety, because that went toward the reasonableness because effectively, the only place that was available to the homeless was maybe next to a dangerous roadway, and that was all there was left. That would probably not be considered reasonable. That was more for those living on the street than it was meant to keep the streets clean.

Chair Breidenbach stated he knew that some of the places they were sleeping had a speed limit of 30-35 MPH on some of the business districts coming in off Idaho Street. When the city located a place to accommodate the homeless, wouldn't they have to slow down that area if it was faster than that, especially if it was in a residential area?

Chief Iwai stated if they addressed where the homeless were authorized to “stay”, then they’d have to address the sidewalk and street access at that point. That could be addressed in the Administrative Rules that the City Manager had the authority to put together. Because it was going to be a moving target, because whatever area the city designated for the homeless to stay, the city was going to be responsible for cleaning that up from time to time. That meant moving the homeless somewhere else so the city could clean up the area. If there were no occupants, that would be a question someone might ask, and in that case, it could be litigated. But, it’s all the possibilities of what *could* happen. He believed what they were currently seeing in Ontario was they were staying where they wanted to stay, or where they believed they should stay, and staff was doing their best to get them to move along. The speed variance had nothing to do with where they were staying. In Oregon, the pedestrian fatalities were up, and part of that issue had to do with the homeless population and where they were staying. He proposed to the City Manager that they not have any language with respect to city signage. Once it was there, they’d have to ensure that they were enforcing what they were putting out. He believed it could be addressed under Administration Rules once it had been determined where they were going to be asked to stay.

Mr. Cummings voiced his agreement. In his review, and he assumed it was taken from another community, he took it to mean that it was a community that didn’t trust their government to handle it, so they wanted to add specifics. Maybe allowing a camp in a residential zone. It was his opinion that other communities listed all those things because they didn’t want the homeless in one of the residential zones, a lot of the commercial zones, on any other streets, etc. It might be things put in place by citizens that didn’t trust their government to find a good, safe place to put the homeless. That was happening on the other side of the state.

Ms. Hood stated the flip side to that process was that she wasn’t sure the citizens trusted the homeless to make proper judgement for their own safety.

Mr. Cummings stated that could be covered by saying they couldn’t camp anywhere.

Mr. Alvarado asked why they couldn’t just be simple and say *“within the city limits of Ontario, there is no camping allowed, unless in a designated area and through a permit process”*. Put a big sign up at the entrances of Ontario saying you could not camp in the city limits, period. Another issue he had was that he didn’t think it was humane; the last thing he wanted was a homeless camp. It was talked about repeatedly. That was not a solution. Camping could mean an indefinite amount of time. Maybe just staying within the city limits was too simplistic, but it would sure send a message to everyone.

Mr. Cummings stated they’d have to add “unless in a designated area”.

Mr. Alvarado agreed; he just wanted some verbiage. The spirit of the ordinance, the spirit of what the community wanted. The community did not want them here, period.

Mr. Cummings stated they had to add designated areas.

Mr. Alvarado wasn’t arguing that, but he went back to the spirit of the concept and the message that they wanted to send. If that’s what they agreed on, and submitted to the Council. They could verbiage however they wanted to accommodate laws or ordinances, but the reality was that was the way it was in Ontario.

Mr. Cummings agreed that could be said, but they had to have a designated area. What he was saying was whoever wrote “this” up didn’t trust their Administrators or Police Chief to pick areas that were safe and allowed them, without defining all of “these”. He agreed with Mr. Alvarado; he’d rather do that on the administrative side and use common sense to find an area. But, the signs had to state in designated areas or they wouldn’t be able to camp in RV parks or in backyards.

Mr. Alvarado stated one of the commonsense things...when people rolled up and saw what was happening, they knew what it looked like and what it didn't look like. As for the interpretation of where staff was, he understood and wasn't disagreeing with what Mr. Cummings was saying, and that's why he wanted to have a conversation with the committee on whether it was too simplistic or too straightforward.

Mr. Cummings stated he believed they were all in agreement.

Chair Breidenbach stated when he reviewed it, it was a lot of words and very confusing, especially the 25 MPH issue.

Chief Iwai stated because there were no current ordinances that addressed the homelessness issue, in fairness to the city and those that were homeless, they should focus more on where they could go and identify that. Then, define the process on when they were here, because they were already here, what type of wraparound services could be provided to them. What they were trying to prevent was the homeless from camping in front of someone's business or home, on a highway or close to one, because that became a public safety hazard, or through the condition of their living situation, it was now a public health issue for the other citizens and members of the community. Conceptually, the homelessness issue was here. For Ontario, how were they going to manage this subset of community members that were here, as well as those that would come here. When the committee was reviewing the proposed ordinance, where could those people go – that should be the theme. If there was not a place for them to go, he would not be able to enforce the ordinance.

Chair Breidenbach stated their job was to present an ordinance that was going to be acceptable to the Council, and then the committee could continue to work. He liked the administrative roll part because obviously the Council was going to have to take whatever ordinance they ultimately approved and figure out how to enforce it. They also had to beat the state's deadline, to prevent the state from telling Ontario what to do. He was okay with changing the verbiage and losing a lot of that language. He'd like to hear from Dustin on his thoughts.

Mr. Hawkins stated with regard to the "place" regulations, there was a lot in the draft as to where camping would be prohibited and at the end of the day, even if they didn't know where that would be with regard to the specific area that the city would want to prohibit camping, but after the committee and city figured out exactly where camping would be prohibited or where it would be allowed, there needed to be sufficient space to accommodate whatever the city's homeless population was, if they wanted to regulate it. That was the letter of the law. It needed to be objectively reasonable. If they were going to regulate it, there would be no way to enforce it legally, unless there was adequate space for whenever a homeless person came to Ontario.

Ms. Bakefelt asked what the requirement was for space per person.

Mr. Hawkins stated there wasn't one. The guidance was objectively reasonable. They would have to say enough space to reasonably set up a tent and a little extra. Anything less than 50 square feet would be as small as they'd want to allow.

Mr. Bakefelt stated when they used the word adequate, that's what she wanted defined, so thank you.

Mr. Hawkins stated objective reasonableness was where litigation came in. What was reasonable to one person might not be reasonable to another. That was what this process was for. The more minds that could come together to speak about it, the closer, hopefully, everyone got to something that was reasonable. At the end of the day, it was a judge or a jury that was going to decide that, but the jury would be members of the local community. Members of the community could have input on what they thought was reasonable.

Ms. Bakefelt confirmed that when he suggested 50 square feet per person, would the be 100 square feet per couple?

Mr. Hawkins stated that was somewhat arbitrary. That had no basis in statute or law. He was thinking of what space someone would need for a tent and a little extra to cook or something. That 50 square feet number was almost entirely arbitrary, just a number he shot out.

Chief Iwai stated in 2.3 Manner Regulations (c) read, in part, *....a camp or camping must be limited within a spatial footprint of one hundred fifty (150) square feet in surface area.* Above that, it identified square footage for a tarp.

Mr. Hawkins stated if they were going to talk numbers, 50 would be on the lower end of a reasonable spectrum. Staff had put in 150, and he thought that would be considered reasonable.

Chair Breidenbach stated back to the question on the Place, were they all comfortable striking section 2.2 (d) all the way down to the end, and making it only designated areas?

Mr. Cummings stated if he understood what they were asking, from 2.2 (a) to the end, and it should read *..."unless otherwise specifically authorized by city municipal code..."*, and RV parks were allowed by code, *"....or by declaration of the Mayor and/or City Manager in emergency circumstances, camping is prohibited within the city limits"*. Camping anywhere, unless allowed, which put it back in the ballpark of designated areas.

Mr. Hawkins reminded them that the TPMs only applied to public property, not private.

Chair Breidenbach asked if the committee agreed with those changes.

Chief Iwai stated if there was a language barrier, his department would deal with that and work with individuals or groups. In addition, even with the ordinance draft, and there was a clear violation, in the language it read that he could not cite or arrest first, he had to warn. They'd be doing a lot of education when they changed to the new ordinance. There might be a time of amnesty to work with people that were currently in violation of the new ordinance the committee was proposing.

Ms. Hood stated with the signage, she did a lot of camping, and there were pictures displayed on the signs, with a tent slashed through, or a guy at a BBQ with a slash through it, so there were picture references that met many language barriers.

Chair Breidenbach verified, by consensus, they were changing the language to what Mr. Cummings suggested.

Mr. Cummings stated they'd just stop at the first paragraph, and Section 2.2, Subsection (a) through the end were all eliminated.

Committee consensus to delete all language in Section 2.2, beginning with Subsection (a).

Chair Breidenbach asked if there were any changes to Section 2.3, Manner Regulations.

Ms. Barnett reminded them that they had requested to add "biological" under Subsection (d) and change the word "or", to "and/or".

Chief Iwai voiced his recommendation that he liked the language in Section 2.2 regarding identified areas. He wanted to ensure the city had access to those areas. And for any area identified in 2.2, there was appropriate signage.

Mr. Cummings stated that since it had been said that this was strictly for city property, how would Union Pacific Railroad tracks or right of way be addressed?

Mr. Hawkins replied that the city could only regulate its own property. If it was not city property, there wasn't much the city could do.

Chair Breidenbach stated currently on the railroad tracks crossing over on 5th, there were signs that said it was private property/no trespassing. He did not know how that was enforced, but the signs were posted.

Mr. Cummings stated UPRR had in place that it was a \$50K fine for anyone to be within their right of way without their permission and only at designated crossings. They had their own rules, so it was up to them to enforce them. People violated it all the time.

Ms. Hood asked how a private organization could enforce a fine.

Mr. Berg stated UPRR had their own law enforcement.

Ms. Bakefelt asked how wide the right of way was.

Mr. Cummings stated it varied. Some areas were 200 feet on each side of the main tracks, some areas were 100 feet, other areas 30 feet. Through town, they used to have 300 feet either side, but they had sold off a lot of land, so it was reduced down to 100 feet in most areas.

Mr. Alvarado asked why sidewalks was listed. Was there a reason? 2.3 (a) read *Camping in a manner that reduces the clear, continuous sidewalk width to less than three (3) feet is prohibited*. Why would they be allowed on the sidewalk at all? Was there a rule that allowed them to be on sidewalks?

Mr. Cummings stated all city rights of way, and the underlying fee title, belonged to the adjacent property owners. Cities and counties were not like the state. The State of Oregon purchased their right of way in fee title. Cities and counties only received a right of way, and within their code, it defined what could be done within the rights of way and who could use that portion of those rights of way. Fee title belonged to the adjacent property owners. In most cases, it was the center line of the road.

Ms. Hood stated in bad weather, she, as a business owner, was responsible for clearing their portion of the sidewalk; otherwise, they'd be held liable for an injury. It sounded like there was an imaginary line of when it became the city's problem versus the businesses.

Mr. Cummings stated that was defined in the city's codes. That was under the maintenance section. To use any portion of the right of way, a person would be required to obtain a permit to use the city right of way, or the county, who had their own codes. In the codes, regarding the maintenance, the City of Ontario maintained the asphalt section, which was from the concrete curb/gutter. The curb, gutter, and sidewalk was the responsibility of the property owner to maintain. Same for a hazard. If someone tripped on a sidewalk in front of someone's property, that person would be liable, not the city. If there was a trip and/or fall because of a hazard, negligence, then the city had to take care of it. He asked Mr. Hawkins that when they were saying city property, they needed the term right of way inserted because the city did not have fee title to any of the streets or alleys.

Mr. Hawkins stated the definition of right of way listed meant streets, public utility easements, and other public rights of way.

Mr. Cummings stated that was going back to Section 2.2, but that was needed in there.

Mr. Hawkins stated the listed definition of city property read all real property, land and public facilities owned, leased, either to city or by city, controlled, or managed by city.

Chair Breidenbach stated looking at Section 2.3, in Section 2.2, the committee said that there was no camping, period, unless it as a designated area, and the city had the authority to pick that area. If they were saying that, under Section 2.3, the couldn't be on the sidewalk if the sidewalk was on the city's right of way.

Mr. Alvarado stated Mr. Cummings stated it was not, the sidewalk was not the city's right of way, it was curb to curb, right?

Mr. Cummings stated no, it was the maintenance of it. None of it was the city's property. That's why they needed to add, under Section 2.2, stating not just city property, but all rights of way, and leased property, etc.

Mr. Alvarado asked who owned, who was going to regulate the sidewalks? If someone was sleeping on his sidewalk, who would tell them to leave? Who would tell them they couldn't be there? Who said they could have three feet? Who said they had to get five feet? Where was that jurisdiction coming from?

Mr. Cummings stated that was what he wanted added.

Chair Breidenbach stated that would be so it could be enforced if they had a place to go. It meant that Mr. Alvarado could go in front of his store, and without having to call the police, let that person or persons know that the ordinances within the City of Ontario stated they could not camp there, so they had to move on, and here was a location they could go. If they did not leave, the business owner had the right to call the authorities and let them know they were no complying with the request to vacate. All the details didn't need to be there anymore because of how the committee was proposing the wording be for the ordinance to be presented to the City Council.

Mr. Hawkins stated they'd still want a lot of the Manner Regulations (Section 2.3). They would still want the limitation on the space, some limitations on the type of camping facility, camping paraphernalia, etc.

Mr. Cummings agreed. For example, if the city designated a piece of property, the city owned that property, out to the center of the street, so they didn't want anyone camping on the sidewalk in front of the place that had been actually designated. Mr. Hawkins was right in that those things still needed to be in the ordinance, but the first one was basically saying someone could not camp in the public right of way, they had to be in a designated area. Regarding Section 2.3, that started setting the regulations on what could be done in those designated areas.

Chair Breidenbach stated he believed they could eliminate the reference to sidewalks. Everyone agree? They would also still need to dive into things like what was the definition of camping, was it 24 hours, as they continued reviewing. Mr. Alvarado mentioned last time that if there was a mattress behind a business and someone laid there for 30 minutes, left, and someone else came and slept for 30 minutes, that was camping, but it was not one person camping. They'd have to dive into what the committee's definition was for camping.

Mr. Cummings agreed on the removal of language for the sidewalks. When there was a designated area, they could also designate that it was *behind* the sidewalk. The piece of land he was thinking about, the city would not have them using the entire piece. There would be a designated portion. The sidewalk piece needed to be eliminated completely because they didn't want them on *any* sidewalks, period.

Committee consensus to eliminate the sidewalk language.

Chief Iwai verified they completed Section 2.2, but not 2.3.

Chair Breidenbach stated the only thing that had been done in Section 2.3 was removing sidewalk language. That's where they could begin at the next meeting.

Ms. Bakefelt stated that Section 2.3 was going to be developing the rules and regulations for the new designated area. The attorney's developed the draft based on what other areas were doing.

Mr. Berg verified they could put verbiage in every section saying "outside of designated camping" for each section.

Chair Breidenbach stated as they moved forward, they would keep that compassion piece in there. He agreed with just saying no, period, and don't even have a place, but they could not do that. So, as they moved forward it would be a no to here, but if you went to a designated spot, it was allowed. However, Chief Iwai brought up a point that once there was a designated area, they almost had to have two sections, or two different areas, to have a place to move them while the other section was being cleaned up.

Mr. Cummings stated the parcel would be large enough to do that. Also, they would definitely need two different areas because he did not know if they wanted to mix the people camping in vehicles in the same area where people were camping in tents. Those should be separated.

Chair Breidenbach stated as this moved forward with the county, the city needed to make sure the county selected a spot that was beautiful and big, and all the Ontario people could go to the county.

Ms. Bakefelt stated another issue would be families. They wanted to consider where families would go with children.

Chair Breidenbach stated he was aware of several groups working on some affordable housing projects. Lifeways was working to create some. There were already some established. Besides just having a camp for the transients to go, the families and the displaced, with school aged kids, hopefully, within the next few years, there would be a much safer environment for them to go to. That would eliminate the need to mix. And, he agreed on the two separate areas for tents and vehicles. When going places, like Bend or Portland, and seeing one entire street was people living in cars, and another area was just tents, he really wanted to make sure that this committee put something in front of the City Council that was acceptable and could be enforced. It would do no good to spend hours on this and then it was either not enforceable or could potentially be opened up for litigation.

Mr. Cummings voiced his agreement. There were a lot of community non-profits that were working on facilities for the family portion, and for people that were willing to move up the ladder. The areas that he was speaking on were the people that did not want help or could not stay in the units because they did not abide by the rules. Hopefully, the homeless families would get into the other shelters being provided by the nonprofits. The city was trying to develop an area for those who did not want help.

Chair Breidenbach stated the person who was in his office that morning, who was going to Community in Action, he had never heard of Riverpoint. He had no idea the nursing home had been converted into apartments. He could, as a disabled veteran, qualify for that housing. The city needed to ensure that information was out there. It was not just the city providing an area, it was to provide a service to help people. That's the compassion piece they needed to keep in mind.

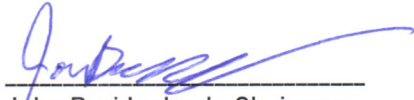
NEXT MEETING

Next meeting scheduled for Thursday, May 11, 2023, 6:00 p.m.

ADJOURN

BREIDENBACH moved, HOOD seconded, THAT THE MEETING BE ADJOURNED. Roll call vote: Alvarado-yes; Bakefelt-yes; Berg-yes; Breidenbach-yes; Hood-yes; Kendall-out; Melendrez-out. Motion passed 6/0/2.

ACCEPTED:



John Breidenbach, Chairman

ATTEST:



Tori Barnett, MMC, Committee Secretary



HOMELESSNESS TPM AD-HOC MEETING MINUTES May 11, 2023

The scheduled meeting of the Ontario Homelessness TPM Ad-Hoc Committee was called to order by Chairman John Breidenbach at 6:00 p.m. on Thursday, May 11, 2023, in the Council Chambers of City Hall. Committee members present were Manny Alvarado, Marc Berg, John Breidenbach, and Christine Hood. Penny Bakefelt was excused; Sandy Kendall was absent.

Staff present was Dan Cummings, Tori Barnett, Michael Iwai, and Dustin Hawkins.

The meeting was recorded, and copies are available at City Hall.

PLEDGE OF ALLEGIANCE

Chair Breidenbach led everyone in the Pledge of Allegiance and asked that it be added to future agendas.

NEW BUSINESS

Adoption of Minutes: April 13, 2023

ALVARADO moved, HOOD seconded, the minutes from the April 13, 2023, meeting be approved. Roll call vote: Alvarado-yes; Bakefelt-out; Berg-yes; Breidenbach-yes; Hood-yes; Kendall-out; Melendrez-yes. Motion passed 5/0/2.

Packet

Camping Ordinance/Campsite Removal Policy

Chair Breidenbach asked Mr. Hawkins if there were any updates that might have changed anything they were currently working towards.

Mr. Hawkins stated he had previously spoken about a few legislative updates related to some liability protection in the event the city wanted to create certain steps for homeless camps. One was HB3591, and a virtually identical version of that same bill was proposed as an amendment to SB847. It did not appear that HB3591 was going anywhere, and according to legislative rules, that was essentially dead. SB847 made it out of committee; however, the particular amendment that included that liability protection did not make it into the Bill. He was not sure if it would be added later, but it did not appear likely.

Chair Breidenbach stated the committee had worked their way through he proposed ordinance, and they were nearly done, so he wanted to jump in, but were there questions or comments prior to moving forward? He asked that Mr. Hawkins address the changes the committee requested from the prior meeting.

Mr. Hawkins stated the way it was previously drafted, and what a lot of cities were doing, was essentially stating where cities did not want camping at all. The idea would be that there would still be some remaining spaces that would reasonably accommodate the homeless population. The committee didn't like that approach, and wanted to designate particular areas, so different prohibitions were removed, and the place regulation now included spaces for particular locations where camping would be permitted. That was in 3.2. Under Time Regulations, the change to the hours was not something that his office did.

Ms. Barnett stated she had done that insertion based on a previous meeting. The committee requested that the duration be longer in the evening. That was certainly open for discussion.



Ms. Hood stated she thought it had been changed to no camping. Was that what they were discussing? The permissible hours? She thought they had decided there would be NO camping within the city limits.

Ms. Barnett stated on page 7, about halfway down, 5th paragraph, it read where Mr. Alvarado discussed that issue.

Mr. Hawkins stated the idea was no camping except in designated areas. That's why in the Place regulation, it read *"unless otherwise specifically authorized by the city's municipal code or by declaration of the Mayor and/or City Manager in emergency circumstances, camping is prohibited on all city property,"* and then the statement where particular locations could be inserted.

Chair Breidenbach stated they'd leave it at 10:00 p.m. since that matched what had been talked about in the parks ordinance or designated areas.

Ms. Hood stated if they declared a certain part of the park, they could camp there, but could only camp there during certain hours?

Mr. Alvarado asked if that was in the realm of what they were doing. They were not setting the rules for the designated areas, were they?

Chair Breidenbach stated no, but the way they set it up was that there were no areas that the current ordinance, if Dan or the city had to name a certain area in an emergency, that time frame was there.

Mr. Hawkins stated, to be clear, there had to be some areas. There could not be no areas in the city where camping was permissible. There had to be some areas for people to camp.

Mr. Alvarado stated his point was that he didn't think this committee was charged with designating, number one, where the area was, and he didn't think they were in charge of designating what those hours were going to be in the designated areas. Wasn't that a separate discussion?

Mr. Hawkins stated they were discussing the Time, Place, and Manner ordinance, so part of the committee's purpose with regard to the ordinance was to develop the time where camping was permissible, places, and the manner. Some cities did that by essentially designating places by exclusion. They stated where they did not want camping. If this committee wanted to go the opposite route and just identify specific locations where camping was permissible, if they were going to regulate time, there needed to be a reasonable amount of time. Insofar as the committee wanted to regulate the time of camping at all, if they didn't they were just making it wide open, camping anytime on the designated properties. Which was definitely an option.

Mr. Alvarado stated he understood what Mr. Hawkins was saying, but he had been confused about what jurisdiction they had. If they chose, as a committee, that only in designated areas, was he then saying that the committee had to identify what those designated areas were? He did not think that in the committee's first meeting that's what they were tasked with.

Mr. Hawkins stated if the city was going to regulate camping on public property, the regulations with regard to Time, Place, and Manner had to be reasonable. If they were going to regulate camping, saying camping wasn't allowed in particular locations, there had to be some place they could go. If they were going to take action to regulate public camping, there had to be some place for it. It could either be by exclusion or by designation. By exclusion, there would be particular places where it absolutely could not happen, which should still leave places where the homeless could camp, but it had been his understating that the committee wanted to designate particular areas, which was an option. This was not the option that he had seen cities adopt.

Mr. Cummings asked Mr. Hawkins to explain the difference between the city creating an official campsite or just providing an area for them to just camp.

Mr. Hawkins stated simply designating a space where people could go was one thing. But, creating a camp where the city provided accommodations such as garbage service, fire pits, or restrooms, that was something the city could do; however, if they took that additional step, they were also possibly creating additional liability because in offering those amenities, there would probably need to be some type of follow up to ensure those particular facilities were being used and kept in a certain state for use. It would require some maintenance on the city's part.

Mr. Cummings stated wouldn't it be better instead of saying city property not designated an official campsite, because that term itself, campsite, was confusing people, thinking the city was creating a legit campsite, meaning they were providing those, when they were actually saying an official piece of property, where they could go camp. The city was not building a camp for them, but they did have to designate a piece of property that they could go to.

Mr. Hawkins stated he believed that was probably why a lot of cities were not designating areas, in order to alleviate that confusion. That's why they were stating particular areas where they were not allowed, and then, by necessity, some areas that camping was permitted outside of those excluded areas. That sort of removed some of the confusion. When they were stating particular areas, he could see where the confusion happened. There were some cities taking the approach of specifically stating where it was allowed, but they were definitely in the minority.

Mr. Cummings stated one of the pieces of property being considered was zoned public facility, just like all the rest of land that they were saying they couldn't camp on. It was not built as a park yet, but it was zoned public facility, so how did the city, in the code, exclude all the rest of the public parks? He guessed they'd need to use the terms parks, but how would they designate the city's....all of the public property was zoned public facility, so that's why he was struggling. The city didn't want them camping in the physically built parks that were zoned PF, they didn't want them camping in city parking lots that were also zones PF. The piece that they were considering for designation of the homeless, was also zoned PF, so they couldn't use the term, when they began excluding everything, all public facility property.

Chair Breidenbach asked if they could exclude everything but that piece of property, with the exception of "that" piece of property.

Mr. Cummings stated he thought that was what they were trying to get at, they needed to list all the things they wanted to exclude, City Hall property, for example, then don't even list the others, because they did not want to designate them. But, they'd tell people that was an area that they could go to without being driven away.

Mr. Hawkins stated to be clear they could designate a particular areas. One city was just attaching an exhibit to their ordinance that depicted the area, described as best as it could be with words in the ordinance, but there was an exhibit attached. Maybe it was cleaner to just designate a particular area in the ordinance and attach an exhibit. Just because the city had identified a particular area, didn't obligate the city to maintain facilities there.

Mr. Cummings asked if the city would have to name that on this committee, or could they just say that designated properties, not calling it a campsite. As this moved forward, right now the city had one piece, but if it started getting overloaded, the city might have to provide a second piece. Could they just say "properties" and then the city could designate the property later by resolution or something?

Mr. Hawkins stated that might be too vague. He believed they needed some level of specificity.

Mr. Cummings confirmed that every time the city wanted to add a piece of property, they'd have to redo the ordinance.

Mr. Hawkins stated that's why they planned ahead now, to figure out the places where they would be allowed. He presumed this was something that should be, even in that case, it wouldn't need to be amended with a lot of frequency, but Mr. Cummings understood the homeless situation in Ontario better than he did.

Mr. Cummings stated currently there was only the one piece that was under consideration.

Chair Breidenbach asked if they could add that one piece into the ordinance?

Mr. Cummings stated it sounded like that was what Mr. Hawkins was saying, and then later, if there were other pieces located or needed, the ordinance would have to be amended. He couldn't think of any other pieces of property right now.

Ms. Hood stated the goal was to not keep them homeless, but to connect them with resources, not find more property.

Mr. Cummings stated the city was trying to find a place for people that refused help. The ones that wanted help, the city was going to work with the non-profits to try to make sure they provided places. What the city was trying to do was find a place to meet the law for those people that totally refused help. The city had to have a place for them to go.

Mr. Hawkins stated he would encourage, to the extent possible, to identify more than one location. He said that because, hypothetically, there could be a sex offender that was in the homeless campsite, but there was also a recently unhoused mother with children, or drug use around minors, providing some opportunity of escape for those who did not want to be around that, and that would be a different location. He thought it was advisable, to the extent it was feasible.

Ms. Hood stated with the example Mr. Hawkins just gave, the sexual predator versus the mom with kids, the mom and kids would be picked up between Origins or those type of community resources, so they wouldn't necessarily be housed together.

Mr. Cummings stated not if they didn't have a place to go. If those resources didn't have a place for them, they would have to go to one of those other sites, and that's where they're saying you don't want just one site where they were mixing those type of situations. They would try and put families in other facilities, but if there were none available, they had to be allowed to go somewhere. He took Mr. Hawkins' recommendations strongly because his firm was the city's legal team. He would need to get with the City Council to see if there was any other property that they could designate or purchase. Currently, there was only the one location.

Mr. Alvarado stated, with no offense intended, what Mr. Hawkins described about the different issues that people that were homeless had, that automatically became a policing issue. Who was going to know that there was a sexual predator, or a wanted felon? All of those things that people were walking around, currently, in that situation. Please correct him if he was wrong, but it sounded like he was asking the city to find a space for all these different issues that were happening, and if the city didn't, the city would be liable if there was a sexual predator and a family together, with a drug addicts, and they wanted to go someplace else, was two spaces enough, was five spaces enough, right? It was a matter of conversation. He went back to the first part, and if he wasn't mistaken, the committee wasn't supposed to be finding that space and regulating that. If that was the next step in this committee's process, he thought that was fine, but they weren't even to the point where they were ready to do that. That opened up a whole other thing about the neighbors who lived next to the designated area. No one had spoken to them. Why was the city

picking that spot, and not someplace else? To him, that opened up a whole other area of conversation that the committee...it was like putting a half-way house in a neighborhood. You wouldn't just do that without speaking to the neighbors. You could, but that was not very compassionate for those who currently lived in the area. He wanted to discuss that. He was confused about exactly what the committee's responsibilities were up to this point, and then, if they were supposed to come up with a designated area and then supposed to come up with all the regulations that accompanied that designated area, that was fine, but he wasn't aware that was the committee's responsibility.

Mr. Hawkins stated having more than one location was just a suggestion, considering....(link crashed)

Mr. Breidenbach stated he did not recall being asked to pick a location, either. He would be okay putting forward a resolution or ordinance to the City Council to approve, but if that was part of what the committee needed to do, he had no problem adding that in as long as the Council and emergency services was comfortable with the location. He totally agreed with Mr. Alvarado in that at the first meeting, it was about what the issues were and then if they needed to go forward, they would.

Mr. Hawkins (linked back in)....reasonable to the committee, like he stated earlier the Place regulation was really just stating where it wasn't permitted. At the last meeting, the committee decided they wanted to just identify a location, which was fine, and some cities had done that. The committee could figure out where and where not they wanted homeless camping. If they wanted to regulate the time or just allow unlimited time in a designated area, that was also fine. And what was going to be allowed on these areas where camping was permitted, such as some minimum ability to stay warm and dry, at the least, and regulations on how the areas where camping was permitted were going to be treated as far as what was not allowed to be left behind, what was permissible as far as warming devices or fires, which was what they would see in Section 3.3 so that the committee should be going through these regulations and they had already had some suggestions different from what was proposed, and that was exactly what the committee needed to be doing.

Chair Breidenbach asked if there was a designated space that could be written into the ordinance? Did Chief Iwai have anything he wanted to add?

Mr. Cummings stated the city had a designated spot being considered. If that had to be listed, that could be. He hadn't realized in his discussion with Mr. Green that it was recommended that the city did not designate a spot, but he must have misunderstood. There was one spot.

Mr. Alvarado reminded the committee that they hadn't wanted, and he stated it very clearly, they didn't want it inside the city limits, period, except in designated areas through a permit process.

Mr. Cummings stated they did not have that choice. The city had to provide a space inside the city limits.

Mr. Alvarado indicated that just like he said in the previous meeting, he agreed and understood that, so it appeared the committee had a choice to make. Part of the reason they didn't want to list all the spaces that were available was because that became a nightmare for chief to regulate. You could be "here", but you couldn't be "here", so they were just going to be pushing them all over town, and how would they know where they could or could not be? It sounded to him like they needed to identify a place that could be regulated, serviced, and watched over, and that way they would be able to regulate the space that they wanted designated for that type of activity in this city.

Mr. Cummings stated while he understood that, the problem with doing that came the liability and the cost. If the city designated a space as campsites, the city had to have the money to do that, and that was the issue. There wasn't any funding.

Mr. Alvarado asked what type of liability the city had if they willy-nillyed it and had them be, okay, you couldn't be on a street that was 25 MPH, but you could be on one, if it was designated residential, there was a whole list of things about that. He thought they were on the same side; it was the least of the worst evils. There was no good solution to this issue.

Mr. Cummings stated they were in agreement, but that's what he tried to get across in the beginning. The city did not want to put it at there that the city was building a campsite unless the Council would commit the money to do that. That as the only way they'd be able to do it because they couldn't truly say it was going to be a campsite. That's what he got worried about, when they started designated them, and using the campsite, and providing even a port-a-potty or garbage cans, now they would expect that. Before the city could even do that, there had to be a commitment from the City Council that they would provide funding to do that. That's the issue he kept having. The state was not going to give the city any money. The city was trying to work with the non-profits, so they provided housing for those who wanted it; the city was saying the only thing they wanted to do was provide a space for those who did not want help, those who wanted to camp and be left alone. If the city started designating a bunch of spots and called them campsites, the Council had to find a bunch of money.

Chief Iwai stated after listening to the past 10 minutes, he believed they were all on the same page. Currently, if there was a homeless person or family, and they said they wanted off the streets and wanted the wraparound services provided and wanted to get rid of addictions and wanted housing, the department could not provide that service to them. Between all the nonprofits working on this issue, there was a lot of overlap that was output driven, which was not the city's fault, but the wraparound services had not been dealt with. There was another population of folks that did not want housing, who wanted to remain on the streets. That was reality. When reviewing the ordinances, and they mentioned campsite, he understood the reservation from Mr. Cummings, as well as others, they didn't want to designate a campsite because of the potential liability that was going to be inherited by the city. Secondly, the city would run out of room. Once a campsite was full, where would others go? He did not believe the citizens wanted campsites of homeless within Ontario, regardless of its location, and the city didn't want to inherit the liability associated with that. The ordinances which spoke to campsites, campfires, anything camp, they would have to find a different term. Unless it was going to be explicitly clear that there was no camping authorized within the city limits with the exception of "fill in the blank". In reading the current ordinances, they spoke to campsites, camping, like it was almost encouraged, and he followed that train of thought that they were allowing it only in specified locations. They needed to look at using a different word. They needed to specify that camping was not authorized in the Ontario City Limits with the exception of "listed" area. The ordinance allowed the City Manager with a lot of latitude. If a campsite became full, a secondary location could be designed by the CM. They didn't want to encourage that, but it could happen. To answer Mr. Alvarado's question, he would not know who the sex offenders were, or who had a warrant, and for the city to pretend the resources were there to do that was disingenuous and it further illustrated that the city was putting a campsite together. He reviewed the draft ordinance and provided additional input where he thought clarification was needed. He was in agreement with how it was written; however, he believed they needed to revisit the word "camping" everywhere it was mentioned, and to pick a word the committee intended to utilize.

Chair Breidenbach asked about using "resting".

Chief Iwai stated the "right to rest" bill Mr. Hawkins had referenced, was dead. From the Police Chief's perspective, for example, if John called and said there was a gentleman camping in front of his business, based on the ordinance, he would be issued a warning, and educate that individual as to where he could go. There would have to be some training for his officers, with some exercises in humility and compassion in dealing with homeless individuals. When interfacing with a homeless person, if there were children or a spouse, a conversation would occur regarding what type of services could they help with. The officers would do their best to refer them to those entities. However, the officers do not have the capacity to help them. That was the biggest issue right now.

Mr. Berg asked if he meant the designation between someone who was looking for help to get off the streets versus someone who did not want to receive assistance. There was not services for those individuals?

Chief Iwai stated in the above instance, it was for those who actually wanted help. Those people could be referred to an organization, but there was not a 24/7 entity here. They would have to be taken somewhere else. With regard to the ordinance, with the review he provided and the check list on the different sections, the attorneys made the proper changes. He wanted to move quickly through the ordinance. However, after this debate, he still believed the best thing to do moving forward was to reexamine the term camp and camping everywhere in the ordinance. The spirit of the language was actually where you could *not* camp. They were using a word that everyone, including the attorney, had said should not be used because of the potential liability that could be associated with it.

Mr. Alvarado stated they could wordsmith it all they wanted, but they all knew what it was. If they wanted to call something a dog, but it was a cat, great, but the reality was they all knew exactly what was going to be happening in whatever location they selected, for whatever it was called, it would be the same thing. He struggled with wordsmithing something when they all knew...were they doing that to stay out of litigation, change the verbiage so when the city went to trial, the argument was that "this" word was used, not "this" one, so that meant the intent was different. Would that keep the city out of any litigation or liability issues? He read an article recently where Senator Findley stated they'd been violating the Oregon State Law by wordsmithing and writing things that people couldn't understand, because of that fact. They wanted it so that only a legal authority or people with PhD's could read and understand exactly what the law was.

Chief Iwai stated that was part of the problem with the 9th Circuit Court. Going to the East side of the country, it specifically said no camping, period. Here, they were tap dancing around what they wanted to do, which could open it up to further litigation.

Mr. Hawkins stated he didn't think there was anything wrong in using the word "camping". If it went to court, they would look at function over form, what was actually happening, not which particular word was used. What they were doing, essentially, was allowing people to camp, so he didn't see a problem with using that word. He did not understand how they got so caught up on that. Going back to whether they had a "designated campsite" or a managed camp, which was something that Mr. Green referred to when he spoke with Mr. Cummings earlier, versus an area where camping was permissible. A managed camp being one where facilities and maintenance was provided by the city, whereas just an area where camping could happen, which did not have those type of services.

Chief Iwai stated when they looked at all the recent case law that came out, it was much friendlier to the homeless with respect to inconveniencing other people's rights, it was all coming from the 9th Circuit, and it was affecting the west coast. In Florida or Louisiana and other warm climates, you couldn't say they were doing exactly the same thing Ontario, because they were not. They had outreach teams, they had wraparound services. The guidance received from any attorney had been untested. It had not been litigated. The city was leaning on the attorney because the city did not want to get into a million dollar lawsuit for doing things incorrectly. If Mr. Hawkins didn't think using the work camp, camping, or campsites, was bad, he'd defer to that.

Mr. Hawkins stated virtually every municipal attorney in Oregon that had been involved in drafting an ordinance had no issue with it, because the term was used for this issue.

Chair Breidenbach circled back to "managed" versus "unmanaged". If the city had an area that was not designated as a managed camp, but was designated as an area where they were allowed to be, whether they were camping or not, what type of language was that?

Mr. Cummings asked Mr. Hawkins if they could add that in the definitions, saying camping referred to just an area that people could go sleep or whatever, but a managed camp was defined as a campsite that had amenities for people to camp, such as restrooms, garbage cans, fire pits, and designated spots.

Ms. Hood stated it was locations that were being allocated as an area where they would not be evicted from camping. Not a camping facility, but an area from which they would not be evicted. It did state in Section 3.3 a large list of things that had to be met, such as no bodily waste, no human waste, no garbage, etc. If they were violating that part of the code, wouldn't that get them evicted? In an unmanaged camp, people would have to maintain their own area as part of a safety standard. It wouldn't have to be managed by a public official or any entity, but it would have to be monitored by the police department to ensure people were maintaining a safe environment for everyone.

Chief Iwai stated after speaking with Councilor Kirby, a good term to get away from managed or unmanaged, just say temporary camping.

Mr. Berg stated Mr. Hawkins referred to HB3591, and some of the verbiage there spoke to a liability protected campground. Based on everything they'd discussed that night, designated, managed, temporary, liability protected, was there a term they could arrive at that was an acronym, so everyone was happy with it? Could it be a temporary, transitional, unsheltered location? Something that designed it as a "campsite"?

Mr. Hawkins stated he did not know why they needed to have a definition for what particular area chosen. They should be describing it by the physical characteristics. He didn't understand the need to call it designated, or managed, or whatever. Just state camping was not permitted on any city property except, and then describe that area. That was the simplest way to do it.

Mr. Alvarado stated the thought that was what the committee all agreed to last month.

Chair Breidenbach stated the conversation started with if they felt obligated to appoint that area as a committee. He felt they should rely on the City Council and staff.

Mr. Alvarado stated after this last conversation, the committee needed to ask Mr. Cummings or Chief Iwai which one of them was going to maintain and manage it. They were hearing the committee speak, and if they were putting them in a spot that could not be done, they needed to tell the committee. If the committee designated a specific area and then tell them how to manage it and take care of it, watch over it and make sure the guidelines are followed, but then Chief Iwai was responsible for whatever he and his crew did with managing the regulations that were designated in the ordinance, if that was not possible to happen, then they were setting everyone up for failure. Why would they do that? If that was the case, they needed to arrive at another alternative that they could do, that would work and be functional.

Mr. Cummings stated he was not asking this committee to pick the property; the city would do that. The committee needed to concentrate on the ordinance. If the attorney said certain locations had to be included, he would need to work with the Council to pick those spots.

Chair Breidenbach stated the committee could move forward on the ordinance, and just leave that blank.

Mr. Cummings stated yes. If Mr. Hawkins stated the area needed to be listed in the ordinance, the city would take care of that. That liability would not be placed on the committee. Staff would work with the Council on site selection.

Mr. Alvarado stated that was not his intent in the discussion; it was more geared toward that Mr. Cummings said earlier that he didn't want a designated spot because it couldn't be maintained and taken care of. That had been said just 20 minutes ago. So why would the committee give a directive to do that,

or a suggestion to the Council, if it couldn't be supported. As a committee, they were spending time and energy to do that, and that was setting up the city for failure. Why do that? They should come up with an amicable solution that was enforceable and productive.

Mr. Cummings stated the committee was not saying the location had to be in the ordinance, the attorney was. The committee wasn't telling the city which property; if the attorney was saying there would have to be at least one piece listed, possibly two, he would have to meet with the Council to review the budget numbers to determine where they could get some funds to purchase more or select the pieces for designation. The attorney was the one saying an exact location had to be listed in the ordinance. He was okay with that. The committee was not doing that, so they were not putting staff on the spot.

Chief Iwai stated he believed the City Manager was concerned under the premise that if there was a campsite, the liability piece was going to be pronounced if the city provided restrooms, trash service, etc. However, what he heard from the attorney was that the city was not creating a campsite, per se, they were just telling people where they could go. The city was under no obligation to provide those services. Was that correct?

Mr. Hawkins stated that was correct. It was essentially the same thing if they had an ordinance that said you couldn't camp in a residential zone, or you couldn't camp in a commercial district. The city wouldn't be required to provide amenities in the industrial district, which would be the only place they were allowed to camp. Part of the reason they were getting caught up like this was because of this different approach where most cities were saying where you couldn't camp, this ordinance was going to say where you could. In a lot of ways, it was probably more helpful to those trying to figure out where they could go. Just because it was allowed in a certain area, did not mean they had to provide services. They might want to, to help keep it clean, but that was a different question.

Mr. Alvarado stated following that thought, and in reviewing what the committee had arrived at regarding recommendations and regulations on what that looked like, was the committee in the correct boundary area for what was fair and equitable by not providing those services? Was that still under the umbrella of reasonable?

Mr. Hawkins stated there was no case law yet. There was a new statute that wasn't operative until July 1, 2023. The goal was that at the end of the day, who would decide whether this particular ordinance was objectively reasonable? It was going to be a panel of jurors from Malheur County. That's why the goal was to get citizens together to talk about what they thought was reasonable. If there were 100 people, there was a spectrum of what was reasonable. It was talked out and hoped to get somewhere in the middle of the extremes. But to answer the questions, he did not think that providing facilities was, per se, not objectively reasonable. That's not say that someone might not take that position, but when his office first drafted this ordinance and just had it stated as the Place regulations were articulated in a way that just said where camping cannot happen, no where did it conflict, and he hadn't seen any ordinances that there needed to be any type of facilities provided. That's not to say a lot of cities aren't doing that, but he didn't think not providing those, based on what he knew now, which they didn't have any interpretations of the statute by the court yet, he didn't think those were required in order to be objectively reasonable.

Chief Iwai stated the cost for the city, if they provided restrooms and/or trash services, that was a cost not currently budgeted. If they had to locate additional property for the homeless to go, that was another thing that would be an incurred cost to the city. There would be an incurred cost to the police department, regardless. If the city did not provide those services, it was going to be grotesque, and at some point the city would have to clean it up. When that was done, there would need to be another place to move those homeless, so the city could pay to have it cleaned up. Regardless of how it was done, there was going to be an incurred cost.

Mr. Hawkins stated that was part of the rationale in considering more than one location. If they needed to do property clean up, there had to be somewhere else to move the people to.

Chair Breidenbach stated the committee would leave that line blank in the ordinance, and the City Council could fill in with the place they wanted, but the committee could leave it where they wanted in that there was no camping in the city limits except for in that designated area. Moving forward in the ordinance, it needed to be finished up. He didn't recall if they discussed Personal Property, Section 6.6., so jump there.

Ms. Barnett stated Section 4 had been added.

Chair Breidenbach asked if everyone had read that section, and were there any changes or concerns?

Mr. Cummings stated to Mr. Hawkins that in their conversation that day, under Section 4, hadn't they decided that the regulations in the existing code covered the vehicle camping, that they only needed the first part of Section 4, not all the subsections?

Mr. Hawkins stated the subsections really were manner regulations.

Chair Breidenbach moved on to Section 5 – Health and Safety Fee; Fines; Enforcement, with subsections 1 and 2. Were there any questions or comments?

Mr. Cummings stated under 5.2, he had been informed the current fine showing of \$250 was not the current fine, it was \$265.

Mr. Hawkins stated it actually should be a Class D violation, not Class B. Ontario Code refers to ORS 153.018, and a Class B violation was \$250.

Chair Breidenbach moved on to Section 6 – Campsite Removal ORS 195.500-195.505, comments?

Mr. Hawkins stated the statute required that a municipality develop a policy on campsite removal, and in 195.505 it stated what needed to be at a minimum in that policy. He had just incorporated that minimum required policy for campsite removal into the ordinance. Before them was the minimum, but the statute did allow if there was any city laws or policies that offered greater protection, those would preempt this policy. But this was the floor when it came to campsite removal.

Chief Iwai stated in Section 6.3, near the bottom, it spoke to funeral services. If there was proper signage at the cemetery, that was not going to be an authorized place for camping, so why were there funeral services mentioned at a cemetery.

Mr. Hawkins stated the statute stated what the minimum policy was.

Chief Iwai stepped back to 5.2, last sentence, he asked for clarification.

Mr. Hawkins stated oftentimes they'd see in a statute read that *each continuing day or event shall constitute a new event*. The concern was that there were some cases concerning citing homeless for camping and providing for fines. There had been some discussion about the excessive fines clause. It was the opinion that they referred to the District Court stating any fines being excessive based on the person's condition as a homeless person. It was intended to make the fines not stack and become what could be considered excessive for the same violation.

Chief Iwai what caused him confusion was that it read *"Each violation will constitute a separate offense. Continuing violations of the same offense will not constitute a separate offense for each day the violation occurs"*. Was every other day okay?

Mr. Hawkins stated he had the same interpretation, so he went back and spoke with Mr. Green on the point. What it meant was that each violation would constitute a separate offense refers to similar violation of the ordinance, where if there was the same violation, if it occurred on consecutive days, that would not be a new offense for each day the offense occurred.

Chief Iwai stated he was just trying to determine how to enforce it and not get jammed up.

Mr. Hawkins stated someone unlawfully camping on Tuesday, they were cited, but they were still doing it on Wednesday, this ordinance would not allow for a citation for the same offense on Wednesday. If it happened on Tuesday, again on Wednesday, again on Thursday, continued on Friday, they would not be cited on any of those additional days. Where there was ambiguity was whether they committed the offense Tuesday, but not on Wednesday or Thursday, but did the same offense on Friday, was that a new offense? In that regard, he recognized Chief Iwai's confusion.

Chair Breidenbach asked if they were striking the funeral line or was going to remain because it was the bare minimum? There would be no time camping in cemeteries would be allowed so it shouldn't come into play.

Mr. Hawkins stated he wanted to keep it in there, based on the first line of ORS 195.505, a policy developed pursuant to ORS 195.500 shall conform, but is not limited to the following provisions", and that's one of the provisions stated in the ordinance.

Chief Iwai stated with regard to Section 6.6 Personal Property, he had not problem with how the paragraph read; however, he wanted to add two words to the beginning "where possible" because the property was going to be unsanitary, as they were all aware. Depending on how they were removed and what was left behind, staff might not know who the owner was. Without adding those two words, it put a heavy lift on the police department to ensure every piece of housing goods that were left behind, they'd know who it belong to. The reality was that was not possible. He'd like to add "where possible" at the beginning of the statement.

Chair Breidenbach voiced his agreement with the addition of the words.

Mr. Hawkins stated this was bare minimum, so if that limited what the city had to do, he did not think it was going to fly.

Chair Breidenbach verified Mr. Hawkins stated the words "where possible" could NOT be applied?

Mr. Hawkins stated the particular ordinance read that the policy shall conform. It didn't say when you could do it, you did it, it said you did it.

Mr. Cummings stated these words were directly from the ORS, and they could not change them. They could be made more stringent, but not more lenient.

Chief Iwai asked for clarification on Section 6.8 Prohibition on Citations in Limited Circumstances.

Mr. Hawkins stated he had reviewed the legislative history on this section. The 24-hour notice requirement actually dated back to a bill that passed in 1995. In 1999, the legislature considered this particular provision and the idea behind it was the spirit behind the 24-hour notice that was passed in 1995 was being violated, the committee believed, because the police were posting those notices and then issuing tickets at the same. They thought that wasn't in the spirit of had originally passed, so in 1999 they included this particular inclusion that prohibited issuing citations within 200 feet and 2 hours of a notice being posted.

Chief Iwai stated if the citation would be issued within 200 feet of the notice required under Section 6.3(b) and within two hours before or after the notice was posted, so it was not an “or”, it was an “and” that they were utilizing. If he had someone unlawfully camping 200 feet from a place that had been designated as a no camping site, then no citation could be issued, correct?

Mr. Hawkins stated that was correct.

Chief Iwai stated that would be 200 feet in any direction.

Mr. Hawkins confirmed it was a 200 foot radius, 2 hours before and 2 hours after the notice was posted.

Chair Breidenbach asked if there were any questions about any other portions of the ordinance? They’d gone through the entire document, had made corrections or changes, and they would be ready to see the finalized version. The Council would have the burden of passing the ordinance and perhaps add in maybe two spots for where camping would be allowed because they, as the committee, was going to propose an ordinance to the Council that read no camping in the city limits except for in designated areas.

Chief Iwai stated in Section 6.6.3 Unclaimed Personal Property, he had another issue. Once the police department obtained property, whether it be evidentiary or found, or whatever, they followed their policies and procedure on how that would be released. They were not congruent with what the ordinance being proposed said.

Mr. Hawkins stated if they offered greater protection to the person whose property was in the department’s custody, that was okay. If they offered less protection, that was not okay.

Chief Iwai stated he wanted to ensure he wasn’t violating the property and evidence policy in compliance with someone’s property.

Mr. Hawkins reiterated this was the floor of what had to happen. The minimum protection of campsite removal of personal property. They could not do less than what was listed, but they could do more.

Chief Iwai stated there would be a cost involved regarding that section.

Mr. Berg stated there was a section that was removed that was previously in the document, near the bottom of the struck out verbiage, which read “*...while maintaining the ability of everyone to use public spaces as designed and intended*” and he felt like why, after putting this together, it would be nice to say more than just because the state says so. Was there a way to put something similar to that somewhere, the ability for everyone to use public spaces as designed and intended, maybe in part two of Purpose on the first page of the ordinance? Currently it just read “*...to minimize any adverse public safety and health impacts of camping...*” He’d like the ability for everyone to use spaces as designed and intended. Right before Section 4 Vehicle Camping.

Chair Breidenbach asked Mr. Berg where he wanted the sentence added.

Mr. Berg stated he didn’t want to return it to the section, but he did like the description as to the why, and if that could be added in somewhere in a synopsis at the beginning or the intro Purpose. He could send that to Tori for review.

Mr. Hawkins asked for verification on where Mr. Berg was referring. Was it the struck out Section 3.3(c)?

Mr. Berg stated that was correct. Regardless of where it was placed in the content that was removed.

Mr. Hawkins stated he was not finding what Mr. Berg was referencing.

Ms. Barnett stated it was about four lines down from subsection (c) on the struck out section. It started out with *"the intent of this section is to allow a person to sleep...."*

Mr. Berg stated the part he liked was the public spaces as designed and intended for a certain activity, to maintain the ability for everyone to use those public facilities, if that could be somewhere in an introduction or synopsis or under Purpose. Just a suggestion.

Mr. Hawkins stated at one point it had been titled Purpose, but now it was in duplicate. Section 1 was Definitions, which used to say Purpose. That particular line could be added to Section 1, which should be retitled Purpose.

Next Steps

Mr. Hawkins stated if the committee was happy with their work and was ready to pass it to Council, staff would make the changes discussed and take it to the Council. If the committee felt there was unfinished business, he reminded them time was getting short, but if the committee wanted to continue to consider the draft and make changes, that could occur. Otherwise, he'd incorporate the changes and take it to Council.

Chair Breidenbach took a poll on if the committee was comfortable with moving the ordinance to Council. Melendrez-yes; Marc-yes; Breidenbach-yes; Hood-yes; Alvarado-yes.

BREIDENBACH moved, HOOD seconded, THAT THE COMMITTEE FINALIZE THEIR WORK, APPROVE THE ORDINANCE, AND SUBMIT TI TO THE CITY COUNCIL. No vote.

Mr. Alvarado asked if the committee would see a final draft of the ordinance before approving it. He'd like to amend the motion that after seeing the final draft that they move forward.

Chair Breidenbach stated if they didn't approve the final draft, they would meet again.

Mr. Alvarado stated it was hard to approve something if they hadn't seen the final product.

Ms. Barnett asked Mr. Hawkins what his turnaround time was for the changes in the ordinance to give the committee a chance to review it before going to Council.

Mr. Hawkins stated it would probably be around at least a week, at the earliest, and he wasn't overly comfortable saying that without knowing Mr. Green's schedule. He'd want to take a final review.

Mr. Berg asked Mr. Alvarado if he'd feel more comfortable if the committee set an emergency Thursday night to review if there were any questions.

Mr. Alvarado stated he was not concerned about what the final product would look like. It was just in his experience usually something wasn't approved until it had been seen as to what exactly it would be. If the rest of the committee felt comfortable moving forward, he'd be good, and would withdraw his amendment.

BREIDENBACH moved, HOOD seconded, THAT THE COMMITTEE FINALIZE THEIR WORK, APPROVE THE ORDINANCE, AND SUBMIT TI TO THE CITY COUNCIL. Roll call vote: Alvarado-yes; Bakefelt-out; Berg-yes; Breidenbach-yes; Hood-yes; Kendall-out; Melendrez-yes. Motion passed 6/0/2.

Chair Breidenbach thanked the committee members for serving on the committee.

Councilor Kirby thanked the committee members for serving. He had been confused that morning, because there was a parallel committee running along side this one. The Mayor had been in attendance, with the City Manager online, and the committee was doing wraparound services for housing. They started off by saying every town was going to have to have a site. Then it could not be anything less than a mini-house. That shocked him. Then they spoke about getting some funding. He was so mad, as was the City of Nyssa, because they were unaware of the context of the parallel committee. The things being discussed by the Chief regarding wraparound services was handled by another committee, mainly by the other agencies. He appreciated the common sense exhibited that evening, and he appreciated them all working together.

Mayor Folden stated she felt the same way Councilor Kirby had felt at that morning's meeting. It was confusing.

Mr. Cummings stated he was online for some of it, but missed the part where the cities were ready to walk out. The confusion that arose from the discussion was that for those people who were building the wraparound services to provide shelter housing, the minimum they could do was the tiny homes. It wasn't related to building a campsite or a place for someone to go. Understandably, to a certain point, their electronics were not working well, and speakers were cutting out. Hopefully, it was cleared up. They did not have to build tiny homes on any property the city provided for those who did not want help.

Chair Breidenbach stated he knew the Mayor of Vale was closely watching what this committee and Ontario was doing, to follow suit and do the same type of ordinance. The city was doing some groundbreaking work.

Mr. Cummings stated everyone was watching us.

ADJOURN

BREIDENBACH moved, BERG seconded, THAT THE MEETING BE ADJOURNED. Roll call vote: Alvarado-yes; Bakefelt-out; Berg-yes; Breidenbach-yes; Hood-yes; Kendall-out; Melendrez-yes. Motion passed 6/0/2.

ACCEPTED:

John Breidenbach, Chairman

ATTEST:

Tori Barnett, MMC, Committee Secretary