

**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 27, 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 23, 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) 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.

5) CONSENT AGENDA

A) Adopt Minutes: 06/13/2023 City Council Meeting

6) NEW BUSINESS

- A) Resolution #2023-111: Updated Compensation Plan for Paid On-Call Firefighters
- B) Resolution #2023-112: Supplemental Budget: End of Year Cleanup
- C) Amendment #6: Approval of Operations Management International Inc.(Jacobs) Contract
- D) Amendment #7: Operations Management International Inc.(Jacobs) to Add Airport Grounds O&M

7) PUBLIC HEARING

- A) Ordinance #2821-2023: Annexation and Rezone of 38.548 Acres of Property from UGA Commercial (C-2) to City General Commercial (C-2), UGA Residential to City High Density Residential (RM-10)
- B) Resolution #2023-113: Supplemental Budget to Appropriate Revenues and Expenditures for Unexpected Items

8) DEPARTMENT HEAD REPORTS

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

9) HAND-OUTS

- A) Check Register: May 2023
- B) Minutes: Tater Tot Trail 05-10-2023; County Court 06-07-2023; Diversity 04-19-2023

10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

11) EXECUTIVE SESSION

- A) ORS 192.660(2)(e): Real Property

12) POSSIBLE ACTION FOLLOWING EXECUTIVE SESSION

13) 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****June 13, 2023**

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, June 13, 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, Casey Mordhorst, Michael Iwai, Paul Woods, Sheri Smith, and Andy Wood.

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

AGENDA

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 www.ontariooregon.org.

KIRBY moved, BAKER 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, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED APPROVAL OF COUNCIL MEETING MINUTES OF MAY 9, 2023, AND MAY 23, 2023; AND RYWEST HOUSING INCENTIVES 52-2023 AND 53-2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

NEW BUSINESS**Proclamation: Tom Pierce Day**

Mayor Folden read the proclamation into the record: *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.*

Ordinance #2819-2023: TPM for Homelessness

Dan Cummings, City Manager, presented.

The City Council recognized the competing concerns surrounding homeless individuals camping on public property within Ontario's incorporated limits and desired to implement regulations to address these concerns. ORS 195.530 required that any city law that regulated the acts of sitting, lying, sleeping, and/or keeping warm and dry outdoors on public property that was 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 assisted 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 found that the camping regulations and camping removal policy contained in the attached ordinance were in the public interest.

The purpose of Ordinance #2819-2023 was 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 could rest and/or sleep.

This ordinance helped address the lifestyle, desirability, and beatification of the Council Strategic Plan. The financial cost to the city was currently unknown. Timing was of the essence as this ordinance needed to be enacted before July 1, 2023, to minimize the impact on the citizens of Ontario.

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.

BAKEFELT moved, MILLS seconded, **THAT THE CITY COUNCIL ADOPT ORDINANCE #2819-2023, AN ORDINANCE OF THE CITY OF ONTARIO ESTABLISHING CAMPSITE REMOVAL POLICY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

KIRBY moved, HART seconded, **THAT THE CITY COUNCIL ADOPT ORDINANCE #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.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Approval of Contract with MicroTech for IT Services

Sheri Smith, Police Office Manager/IT Supervisor, presented.

Information technology was an internal service that was key to achieving all of the city's strategic goals, and there were essential services for the city to conduct work. 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 the city's 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 was ending June 30, 2023.

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

Staff worked with Micro Technology Systems, Inc., to agree on a price for service and agreement. Staff was 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.

The cost of the agreement would be \$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 FY 2023-24 were currently budgeted. If the Council voted to take no action on this proposal, MicroTech could back out of providing services at any point.



MILLS moved, BAKEFELT seconded, THE CITY COUNCIL APPROVE THE AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES WITH MICRO TECHNOLOGY SYSTEMS, INC., COST OF \$109,380 IN FY 2023-2024 AND \$113,760 IN FY 2024-2025. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

Ontario Fire & Rescue: Quarterly Report

Clint Benson, Fire Chief, presented.

HAND-OUTS

Department Stats:

Code Enforcement, Police, Fire, Public Works

Minutes:

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

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

EXECUTIVE SESSION

ORS 192.660(2)(i) – City Manager Annual Performance Review

An executive session was called at 7:24 p.m. under provisions of ORS 192.660(2)(i) to conduct the annual review of the City Manager. The Council reconvened into regular session at 8:04 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

HART moved, MELENDREZ seconded, THE COUNCIL APPROVE A COST OF LIVING AMOUNT OF 3.5% TO THE CITY MANAGER, BASED ON THE CITY MANAGER PORTION OF HIS PAY, WHICH IS CONSISTENT WITH THE COLA'S PROVIDED TO CITY OF ONTARIO STAFF THIS YEAR. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Bakefelt stated National Night Out was August 8th, which was also the date of a Council meeting. She asked if the Council could cancel that meeting. She stated she'd really like to see the Council volunteer to help out that night. It was going to be, hopefully, huge, and she'd like the Council to be front and center, along with city staff.

Consensus to cancel the meeting. Notice of the cancellation would be handled by the City Recorder.

- Councilor Bakefelt stated she noticed in the May 24th County Court minutes, under the Sheriff's office, they discussed the Motorola software project, and the request for authorization to order servers. The department hoped the Eastern Oregon Border Board would grant funding to pay for the servers, but if they did not, the county would pay for the servers with ARPA funds, with the cities of Ontario and Nyssa later contributing funds. She wanted to make sure that was on the City Manager's radar.

Mr. Cummings he was aware, and the Police Chief was actually in charge of writing up the grant request for the Border Board. Following that day's meeting with Merchant McIntyre, under the arrangement of working with them, they would supply support for any grants the city pursued, so the Chief would be able to send that to M&M for review. The County Court had originally budgeted to fund all of it, but there were some recent issues that occurred, so they were backing up a little and hoping for help from the Border Board. If that didn't come to fruition, they'd pull some funding from somewhere else.

Councilor Bakefelt stated worst case, if that came back on the city, what would that look like?



Mr. Cummings stated the city's share was currently unknown, but he was hoping to not have to come back before Council for this. They all hoped for Boarder Board grant funds. The Council had already authorized funding for some pieces of the project through the IT purchases. It was the hardware that they were hoping to get the grant for.

- Mr. Cummings stated he had four staff members volunteer to attend a grant writing training.

Corinna Hysell, HR Manager, stated they would be attending classes August 21st and 22nd, in Seattle. There were three attending that training.

Mr. Cummings stated the Police Chief was also going to attend, but a different class. He wanted the Council to be aware that staff was stepping up to bring grant writing skills back in-house, which M&M would help with, but also to mainly to look for and go after state grants. The plan following the training was to meet monthly with those individuals, along with the City Manager, to review grants to see what to go after. They also wanted to pay close attention to the grants that required matching funds.

Councilor Bakefelt stated she had given Chief Iwai some books on grant writing, just the basics. Might be some information reading.

- Councilor Kirby stated his property had been reviewed by the County Assessor last week, and wondered if anyone knew what the city's assessment was valued at? Was it on the increase?

Mr. Cummings stated Kari Ott had provided a report at the budget meetings, what the increase in tax revenue was for Ontario, but that was based on the valuation of homes. Ontario's rate was fixed. If Councilor Kirby's home value decreased, the city would receive less money from the county, and if it increased, a little more came in. Appraisals had to be done every five years.

Councilor Kirby stated there was housing out there, but some were government housing units, who paid no taxes. What was the status of the property to the right of the overpass on 5th? Was that publicly supported, or would the city receive revenue?

Mr. Cummings stated the city would receive funds. That was a private RV/mobile home park, so on the mobile home section, the city would receive the regular assessed value for both the land value and whatever homes were placed. Trailers were assessed separately from land. Further, on an RV park, the homes that stayed, true trailers, if they stayed less than 30 days, TOT could be collected. If they stayed longer than 30 days, they were considered permanent, so no TOT. He had been speaking with the Assessor to find a way to collect differently. If someone was using a camp trailer as a permanent residence, they should be taxed like someone using a regular trailer, but that took a change at the state level. That was not something the city could do. People used to not be able to live in a camp trailer year round because they didn't meet the residential code, but that was something that the Governor had changed to try and get more affordable housing, so they were not going to want to tax those and raise the rents.

ADJOURN

BAKER moved, HART 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
NEW BUSINESS
June 27, 2023**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2023-111: UPDATED COMPENSATION PLAN FOR PAID ON-CALL FIREFIGHTERS**

DATE: June 16, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2023-111: A RESOLUTION UPDATING THE COMPENSATION PLAN FOR PAID ON-CALL FIREFIGHTERS.

SUMMARY:

Attached is Resolution #2023-111.

BACKGROUND:

In August 2018, a five-year compensation plan for paid on-call firefighters was adopted by Resolution #2018-133. This was passed as a result of a zero compensation increase since 2003, and to stay in line with the increase in Oregon's minimum wage laws. That resolution reflected the positions of Shift Relief, Firefighter, and Junior Firefighter, indicating there would be compensation increases coinciding with Oregon's minimum wage increases. The resolution was later amended to add the probationary firefighter category.

CURRENT SITUATION:

The five-year compensation plan had the last pay increase on July 1, 2022. This resolution would give wage increases to part-time firefighters as of July 1, 2023. The Fire Chief is in the process of working on a classification and compensation plan for the part-time fire fighters and the resolution would give the department one year to work through the plan.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct strategic plan impact.
- B. **FINANCIAL** Even with the wage increases, the part-time fire fighter wages should be within budget.
- C. **TIMING** Staff would appreciate approval as soon as possible since this would make a difference to the July payroll.

D. **POLICY/LEGAL** All resolutions are required to be approved by the City Council.

ALTERNATIVES:

The Council could choose not to approve the resolution. This would leave pay rates the same for on-call firefighters.

RECOMMENDATION:

Staff recommends the approval of Resolution #2023-111.

ATTACHMENTS:

1. Resolution #2023-111 PT FIRE WAGES



RESOLUTION #2023-111

A RESOLUTION ADOPTING AN UPDATED COMPENSATION PLAN FOR PAID ON-CALL FIREFIGHTERS

- WHEREAS,** Paid on-call firefighters are essential to provide cost effective fire protection to the citizens of Ontario and the Rural Fire District; **and**
- WHEREAS,** The previous compensation plan had the last increase 7/1/2022; **and**
- WHEREAS,** Oregon minimum wage continues to increase and will continue to increase according to state law; **and**
- WHEREAS,** The junior firefighter position will continue receive Oregon minimum wage; **and**
- WHEREAS,** The City desires to amend the compensation plan by resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED the Ontario City Council adopts the compensation plan as shown below:

Position	Current pay	7/1/2023
Shift Relief	\$18.00	\$18.63
Firefighter	\$15.50	\$16.04
Probation Firefighter	\$14.00	\$14.49
Juniors	Minimum wage	Minimum wage

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 27th day of June 2023, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 27th day of June, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
June 27, 2023**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2023-112: SUPPLEMENTAL BUDGET: END OF YEAR CLEANUP**

DATE: June 19, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2023-112: A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.

SUMMARY:

Attached is Resolution #2023-112.

BACKGROUND:

At the time the 2022-2023 budget was approved, there were some items that were unknown. Since these items are now known, a budget resolution is necessary to prevent over expenditures in various departments.

CURRENT SITUATION:

The following items need to be adjusted within the budget to prevent over expenditures of budget appropriations:

- Legal services came in higher than expected
- Electricity and fuel heat are a little higher than expected
- Insurance came in under budget
- Downtown flowers weren't budgeted
- Cemetery license and refund of plot weren't budgeted
- Police & fire vehicle repairs are higher than budgeted
- Police fuel was higher than budgeted
- Technology supplies were higher
- Higher grant funds were received
- Building revenues were much higher than budgeted, so an adjustment needs to be made for the 12% state assessment
- Land was unexpectedly purchased for \$45,000
- Road maintenance and supplies costs have increased

- The airport manager was gone for a month, contract labor was used to cover

ANALYSIS:

- A. **STRATEGIC PLAN** No direct impact on strategic plan.
- B. **FINANCIAL** An additional \$405,000 will be appropriated and the remaining budget changes are transfers between items already appropriated.
- C. **TIMING** Per Oregon Local Budget Law, the proposed resolution must be approved on or before June 30, 2023.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would cause budget over expenditures.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2023-112.

ATTACHMENTS:

1. Reso #2023-112 Clean Up End of Year Budget_Jun 2023



RESOLUTION 2023-112

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS

- WHEREAS,** The 2022-2023 budget was adopted without the knowledge of the fiscal impact on a few different items; and
- WHEREAS,** Legal expenses, land purchase, vehicle repairs, road maintenance supplies, some utilities and network equipment were higher than budgeted, the city was a pass-through agency for the Border Board and other unexpected grants were received; and
- WHEREAS,** Building revenues were higher than budgeted and 12% of these fees are required to be paid to the state, contract labor was required at the airport; and
- WHEREAS,** There were some expenses that will come in under budget for various reasons; and
- WHEREAS,** The city desires to modify the 2022-2023 budget to receive and expend the unexpected items.

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

Line Item	Item Description	FY 21-22 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-615600	Legal Services	\$80,000	\$135,000	\$215,000
001-004-612400	Electricity	\$36,000	\$3,500	\$39,500
001-004-613300	Fuel Heat	\$4,000	\$4,000	\$8,000
001-004-613900	Ins Prem & Surety	\$ 117,753	(\$6,700)	\$111,053
001-004-617510	City Beautification	\$0	\$8,238	\$8,238
001-004-871000	Operating Contingency	\$188,437	(\$183,808)	\$4,629
001-011-612100	Licenses/Permits/Fees	\$ -	\$437	\$437
001-011-616300	Refund	\$ -	\$1,333	\$1,333
001-016-618300	Vehicle Repair	\$14,610	\$15,000	\$29,610
001-024-615100	Petroleum Supplies	\$13,475	\$8,000	\$21,475
001-024-618300	Vehicle Repair	\$26,635	\$5,000	\$31,635
001-026-712110	Network Equipment Purchase	\$ -	\$10,000	\$10,000
GRANT FUND				
010-000-456101	FAA Airport Grant	\$43,750	\$350,000	\$393,750
010-000-456194	Shop with a Cop Grant	\$ -	\$25,000	\$25,000
010-000-458112	Border Board – OCF Grant	\$100,000	\$30,000	\$130,000
010-038-714197	EOBB Grant Funds Payout	\$100,000	\$30,000	\$130,000
010-038-714107	FAA Airport Grant	\$52,810	\$350,000	\$402,810
010-038-714160	Police Grant Projects	\$ -	\$2,500	\$2,500
BUILDING FUND				
027-010-617000	State Assessment	\$18,000	\$30,000	\$48,000
027-010-871000	Operating Contingency	\$458,126	(\$30,000)	\$428,126
CAPITAL PROJECTS FUND				
030-086-871000	Special Project Contingency	\$579,889	(\$45,000)	\$534,889
030-086-714125	Land Purchase	\$ -	\$45,000	\$45,000

STREET FUND				
045-090-616200	Road Maintenance & Supplies	\$18,000	\$9,000	\$27,000
045-090-719180	Haul Sweeper Solids	\$50,000	(\$9,000)	\$41,000
AIRPORT FUND				
120-006-615550	Contract Services	\$ -	\$10,000	\$10,000
120-006-511000	Wages & Salaries	\$60,214	(\$10,000)	\$50,214

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 27th day of June, 2023, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 27th day of June, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
June 27, 2023**

To: Mayor and City Council

FROM: Casey Mordhorst, Public Works Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **AMENDMENT #6: APPROVAL OF OPERATIONS MANAGEMENT
INTERNATIONAL INC.(JACOBS) CONTRACT**

DATE: June 7, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE CONTRACT AMENDMENT #6 WITH OPERATIONS MANAGEMENT INTERNATIONAL INC.(JACOBS) FOR THE FISCAL YEAR JULY 1, 2023 THRU JUNE 30, 2024 AND APPROVE THE CITY MANAGER TO SIGN.

SUMMARY:

Amendment #6 covers the FY starting from July 1, 2023 to June 30, 2024. This amendment is asking for a 5% increase to the base contract between the City of Ontario and Operations Management International Inc., (Jacobs) to operate the City of Ontario's Public Works Department. The CPI was 7.70% when this years increase was calculated. In this amendment, chemical and electrical base fees have been increased from the previous year by 5%. Both chemical and electrical budgets are changing to rebate able. If the funds in the budget are not used, the city will receive the funds back. If they go over on the base fee, the city will be invoiced for the overages. Staff is working with the City Manager and Finance Manager to change this in the contract. A monthly summary of the expenditures will be given to the City Manager for review.

BACKGROUND:

Operations Management International Inc. (Jacobs) was contracted to operate and maintain the City's Public Works Department starting July 1, 2014. Annually, the increase is based on the CPI and ECI and negotiated with the City Manager. The annual increase has varied from year to year. The contract annual increase can not go above 5% and typically has been lower. With the cost of inflation that has been seen in all areas, we are asking for a 5% increase this year.

CURRENT SITUATION:

Inflation has driven costs extremely high. Each year the annual increase varies with the CPI and ECI. This year the CPI was 7.70% and the escalation formula came out to a 7.35% increase. The contract limits the annual increase to a maximum of 5%. Jacobs is asking for a 5% increase for FY 23-24, July 1, 2023, to June 30, 2024.

ANALYSIS:

- A. **STRATEGIC PLAN** In changing the chemical and electrical budgets to be a rebateable budget, the city will get any unused funds back at the end of each fiscal year. Any costs above the base fee set in the amendment will be invoiced to the city to pay. Each year the base fees will increase by the previous year's contract increase. The City Manager will receive a summary of each budget monthly for chemical and electrical budgets, same as the repair budget.
- B. **FINANCIAL** The 5% increase has been factored into the city's budget and has been approved by the Budget Committee and adopted by the City Council. Staff worked with both the City Manager and the Finance Director prior to the city budgeting process to ensure this was added.
- C. **TIMING** The increase will start July 1, 2023, and go through June 30, 2024.
- D. **POLICY/LEGAL** Annually, Jacobs will provide an amendment to the contract for any increase or modifications made to the original contract between Operations Management International Inc.(Jacobs) and the City of Ontario.

ALTERNATIVES:

If the increase is not approved, negotiations would take place to see where services could be reduced or eliminated to stay within budget.

RECOMMENDATION:

Staff recommends approving Amendment #6 for Operations Management International Inc. (Jacobs) for the Operation and Maintenance of the City's Public Works Department for the fiscal year July 1, 2023, to June 30, 2024, and authorizing the City Manager to sign.

ATTACHMENTS:

1. Ontario_OMM_AMENDMENT 6_02222023_kj

AMENDMENT NO. 6
to the
AGREEMENT FOR OPERATIONS
MAINTENANCE, AND MANAGEMENT SERVICES
for
THE CITY OF ONTARIO, OREGON

This Amendment No. 6 (the “Amendment”) to the Agreement for Operations, Maintenance and Management Services for the City of Ontario, Oregon dated September 7, 2018 (the “Agreement”) is made and entered into this ____day of 2023 by and between the City of Ontario (hereinafter “City”) and Operations Management International, Inc. (hereinafter “CH2M HILL”).

NOW THEREFORE, City and CH2M HILL agree to amend the Agreement as follows:

1. Appendix D, Section D.3 is deleted in its entirety and replaced with the following:

D.3 Facilities and/or Grounds (all located in the City of Ontario, OR)

- Airport: 581 SW 33rd Street, grounds on the west side of the airport less any properties leased to others.
- City Hall, 444 SW 4th Street, including 16 closed circuit television cameras
- City Hall Annex, 458 SW 3rd Street
- Fire Station at City Hall, 444 SW 4th Street
- Police Department at City Hall, 444 SW 4th Street
- Police Department Annex, adjacent to City Hall
- Public Works Building, 1551 NW 9th Street
- Fire Station #2, 3200 SW 4th Avenue
- Evergreen Cemetery, 1155 Park Boulevard
- Beck-Kiwanis Maintenance Shop, NW 8th Street
- Portion of Old City Shop occupied by City, 26 NE 3rd Avenue

2. Appendix E, Section E.1.1 is deleted in its entirety and replaced with the following:

E.1.1 City shall pay to CH2M HILL as compensation for services performed under this Agreement a Base Fee of Six Million One Hundred Sixty-Nine Thousand Twenty-Five Dollars and Ninety-Two Cents (\$6,169,025.92) for the period of July 1, 2023 through June 30, 2024. Subsequent Years’ base fee shall be determined as hereinafter specified in Appendix E.3.

3. Appendix E, Section E.1.4 is deleted in its entirety and replaced with the following:

The total amount CH2M HILL shall be required to pay for Repairs shall not exceed the annual Repairs Limit of Five Hundred Thirty-Five Thousand Dollars (\$535,000) for the period of July 1, 2023 through June 30, 2024. CH2M HILL shall provide the City with a detailed invoice of Repairs over the annual Repairs Limit as approved by the City, and City shall pay CH2M HILL for all Repairs in excess of such limit. Any unexpended portion of the Repairs Limit at the termination of any one (1) Year shall be rebated to the City at the conclusion of the Contract Year.

4. Appendix E, Section E.1.6 is deleted in its entirety and replaced with the following:

The total amount CH2M HILL shall be required to pay for Chemicals shall not exceed the annual Chemical Base fee of Two Hundred Ninety-One Thousand Five Hundred Sixty-One Dollars (\$291,561) for the period of July 1, 2023 through June 30, 2024. CH2M HILL shall provide the City with a detailed invoice of Chemicals over the annual Base Fee as approved by the City, and City shall pay CH2M HILL for all Chemicals in excess of such limit. Any unexpended portion of the Chemical Base Fee Limit at the termination of any one (1) Year shall be rebated to the City at the conclusion of the Contract Year.

The total amount CH2M HILL shall be required to pay for Electrical shall not exceed the annual Electrical Base Fee of Six Hundred Eighty-One Thousand Three Hundred Forty-Five Dollars (\$681,345) for the period of July 1, 2023 through June 30, 2024. CH2M HILL shall provide the City with a detailed invoice of Electrical over the annual Base Fee Limit as approved by the City, and City shall pay CH2M HILL for all Electrical in excess of such limit. Any unexpended portion of the Electrical Base Fee Limit at the termination of any one (1) Year shall be rebated to the City at the conclusion of the Contract Year

This Amendment together with any prior Amendments and the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of this Amendment by their signatures below.

Operations Management International, Inc.,

The City of Ontario, Oregon

Name: Andy Appleton

Title: Vice President

Date:

Name:

Title:

Date:



**AGENDA REPORT
NEW BUSINESS
June 27, 2023**

To: Mayor and City Council

FROM: Casey Mordhorst, Public Works Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **AMENDMENT #7: OPERATIONS MANAGEMENT INTERNATIONAL INC.(JACOBS) TO ADD AIRPORT GROUNDS O&M**

DATE: June 20, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE AMENDMENT #7 WITH OPERATIONS MANAGEMENT INTERNATIONAL INC.(JACOBS) TO TAKE OVER THE AIRPORT GROUNDS MAINTENANCE ON THE EAST AND SOUTH SIDE OF THE RUNWAY AND APPROVE THE CITY MANAGER TO SIGN.

SUMMARY:

The Airport has had multiple complaints about weed maintenance. Currently, the Airport is under contract for weed abatement. The current contract ends June 30, 2023. Operations Management International Inc. (Jacobs) has assisted in the coordination and removal of the weeds this spring. The City Council asked for Jacobs to provide a cost to take over the Airport grounds O&M. This amendment was coordinated with the City Manager to cover the needs at the Airport with weeds, mowing, irrigation and fence maintenance.

BACKGROUND:

Originally, when CH2M was contracted to operate the Public Works Department, the Airport grounds were included. Due to budget restraints and cuts, the portion on the east side of the runway was removed and taken over by the Airport Manager. The city put out a RFP for weed control and mowing. Jacobs did not have the equipment needed at the time to complete the mowing and the one year contract was issued to another company. The City Council asked Jacobs to provide a cost to take over the Airport grounds O&M and to add it to the Public Works Contract.

CURRENT SITUATION:

Currently, Jacobs has received the mower that will be used for the mowing on the grass runway. We have been working with the City Manager to get the irrigation system working correctly. We also coordinated the herbicide application of sterilant with Blue Ground., working with the current contractor to knock down the weeds and stop complaints from adjacent property owners.

ANALYSIS:

- A. **STRATEGIC PLAN** Operations Management International Inc.(Jacobs) is already contracted to provide Public Works O&M for the City of Ontario. This eliminates the additional contract for services. PW has the equipment needed and commercial applicators on staff that know when and what to apply to eliminate the unwanted weeds while allowing native grasses to grow. Jacobs provides the weed abatement for all grounds on the west side of the runway and old golf course property.
- B. **FINANCIAL** Staff worked with the City Manager and Finance Director to provide the budget cost prior to the Budget Committee meetings. The funds have been approved by the Budget Committee and adopted by the City Council.
- C. **TIMING** Jacobs will take over the Airport grounds O&M on July 1, 2023. This will be added to the original contract for services going forward.
- D. **POLICY/LEGAL** Annually, any modifications to the contract will be presented to the City Council with an amendment to the original contract.

ALTERNATIVES:

If the City Council chooses not to approve Amendment #7, the Airport Manager will need to put out an RFP for weed abatement as the current contract ends June 30, 2023.

RECOMMENDATION:

Staff recommends approving Amendment #7 for Operations Management International Inc. (Jacobs) to add the Airport Grounds O&M, the east and south side of the runway to the existing contract and approving the City Manager to sign.

ATTACHMENTS:

1. Ontario_OM_OMM_09072018_A7_06152023_srd#7

AMENDMENT NO. 7
to the
AGREEMENT FOR OPERATIONS
MAINTENANCE, AND MANAGEMENT SERVICES
for
THE CITY OF ONTARIO, OREGON

This Amendment No. 7 (the “Amendment”) to the Agreement for Operations, Maintenance and Management Services for the City of Ontario, Oregon dated September 7, 2018 (the “Agreement”) is made and entered into this ____date of _____ 2023 by and between the **City of Ontario** (hereinafter “City”) and **Operations Management International, Inc.** (hereinafter “CH2M HILL”).

NOW THEREFORE, City and CH2M HILL agree to amend the Agreement as follows:

1. APPENDIX B – SCOPE OF SERVICES, Section B.19.3, is added as follows:

B.19.3 The following services are added as additional services for the period of **July 1, 2023 through June 30, 2024**, and shall be billed in accordance with Section E.2 of APPENDIX E – COMPENSATION AND PAYMENT. The cost of these additional services is **Sixty-One Thousand Six Hundred Sixty Dollars and Zero Cents (\$61,660.00)**.

Effective July 1, 2024, these services shall become a part of the base services and will be billed as a part of the base fee in accordance with Section E.1 of APPENDIX E – COMPENSATION AND PAYMENT:

- a. Weed abatement and control at property on the east and south side of the runway (property on the west side of the runway already includes weed abatement and control services);
- b. Weekly mowing of grass runway and grass between parking;
- c. Irrigation maintenance and repair, as needed, to include weekly inspection of grass runway and grass between parking; and
- d. Weekly fence inspection and fence maintenance, as required.

This Amendment No. 7 together with any previous Amendments and the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment No. 7 nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of this Amendment No. 7 by their signatures below.

Operations Management International, Inc.,

The City of Ontario, Oregon

Authorized Signature

Authorized Signature

Name: Andy Appleton

Title: Vice President

Date:

Name:

Title:

Date:



**AGENDA REPORT
PUBLIC HEARING
June 27, 2023**

To: Mayor and City Council

FROM: Dan Cummings, City Manager

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **ORDINANCE #2821-2023: ANNEXATION AND REZONE OF 38.548 ACRES OF PROPERTY FROM UGA COMMERCIAL (C-2) TO CITY GENERAL COMMERCIAL (C-2), UGA RESIDENTIAL TO CITY HIGH DENSITY RESIDENTIAL (RM-10)**

DATE: May 8, 2023

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION AND REZONE OF 38.548 ACRES OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (C-2) TO CITY C-2 GENERAL COMMERCIAL (C-2) BEING 26.568 ACRES, AND UGA RESIDENTIAL (RS-50) TO CITY HIGH DENSITY RESIDENTIAL (RD-40) BEING 11.980 ACRES AS SET FORTH IN ACTION 2023-04-04AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.

2. IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2821-2023 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF 38.548 ACRES OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (C-2) TO CITY C-2 GENERAL COMMERCIAL (C-2) BEING 26.568 ACRES, AND UGA RESIDENTIAL (RS-50) TO CITY HIGH DENSITY RESIDENTIAL (RD-40) BEING 11.980 ACRES AS SET FORTH IN ACTION 2023-04-04AZ , AT A SINGLE MEETING BY TITLE ONLY.

IF VOTE IS UNANIMOUS:

3. IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2821-2023 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF 38.548 ACRES OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (C-2) TO CITY C-2 GENERAL COMMERCIAL (C-2) BEING 26.568 ACRES, AND UGA RESIDENTIAL (RS-50) TO CITY HIGH DENSITY RESIDENTIAL (RD-40) BEING 11.980 ACRES AS SET FORTH IN ACTION 2023-04-04AZ, AT A SINGLE MEETING BY TITLE ONLY.

B. DENIAL:

1. I MOVE THAT THE CITY COUNCIL DENY THE REQUEST FOR ANNEXATION AND REZONE OF 38.548 ACRES OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (C-2) TO CITY C-2 GENERAL COMMERCIAL (C-2) BEING 26.568 ACRES, AND UGA RESIDENTIAL (RS-50) TO CITY HIGH DENSITY RESIDENTIAL (RD-40) BEING 11.980 ACRES AS SET FORTH IN ACTION 2023-04-04AZ, BASED ON THE FOLLOWING LEGAL REASONS (NEED TO LIST THE LEGAL DENIAL FINDINGS FINDINGS):

SUMMARY:

The applicant/owner owns parcels of land, known as Tax Map 18S4708, Tax Lots 2800, 2900, 3000, 3100 and 3200, which said Tax Lots currently have two different zones, being UGA Commercial, and UGA Residential, and would like to annex the parcel and rezone to city zones C-2 General Commercial and RD-40 High Density Residential as shown in this report.

BACKGROUND:

The applicant has submitted an application for the annexation and rezone of a parcel of land known as Tax Map 18S4708, Tax Lots 2800, 2900, 3000, 3100 and 3200. Said Tax Lots currently have two different zoning designations, being UGA Commercial, and UGA Residential, and the applicant would like to annex the parcel and rezone to city zones C-2 General Commercial and RD-40 High Density Residential, which consists of a gross area of 38.548 acres and includes the right of way Highway 201 along the west side of the property. The application was found to be complete on April 19, 2023, and provided enough information to schedule a public hearing on the matter once all the reports and exhibits were created.

The property is mixed zoning with 26.568 acres zoned UGA Commercial C-2, and 11.980 acres zoned UGA Residential (RS-50).

This request for rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezoning 26.568 acres from UGA Commercial to City General Commercial (C-2), 11.980 acres zoned UGA Residential (RS-50) to City High Density Residential (RD-40) within the city limits of the City of Ontario. The annexation and rezone include the adjacent public right of way.

The most recent planning action on the property was the 2007 Comprehensive Plan update and on June 12, 2023, the Planning Commission, at a public hearing, heard testimony on Planning Action 2023-0404AZ for the annexation and rezoning of the property and sent a favorable recommendation to the City Council to approve the annexation and rezone.

CURRENT SITUATION:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the zoning ordinance, it is considered to be consistent with the Comprehensive Plan, and the planned

development is approved zoning under the Comprehensive Plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which makes the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings:

1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The City of Ontario, Malheur County and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map, the parcel is currently two different zones (cross-zoned) which are UGA-Commercial and UGA-Residential. It is a natural progression per the Comprehensive Plan that this parcel be moved into city as City General Commercial and City Residential, requesting a High Density designation for a transition from the commercial land to the land zoned single-family adjacent to the east of this property for the economic growth and development of Ontario, Malheur County, and the State of Oregon.

2. Explain how the proposed zoning map amendment is in conformance with the

Acknowledged Comprehensive Plan.

The property is within the City of Ontario UGA and the annexation and rezoning of the property is in compliance to the acknowledged Comprehensive Plan and will bring further compliance by fixing the cross zoning of the property which is not a recognized policy, as well as matching the two UGA zones in the Comprehensive Plan to two city matching zones city zones..

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

The applicants requested zone change from UGA-Zone to City Zones does not imply that there has been a mistake or an error in the original zone. In fact, this request for annexation and zone change only shows that the original zone designation of UGA zones was done with future thought of economic growth in mind. What has changed is the growth and development around the parcel and the need for more high-density residential lands to meet the need for more affordable housing. As part of the action, a partition plat is being proposed which will create two different parcels that will fix the cross-zoning issue.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

The public will benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development and improving the roads, curb, gutter, etc. This will also benefit the public by attracting business and employees at this location. The rezoning of the UGA Commercial portion to City Commercial which matches the Comprehensive Plan, and the rezoning of the residential land to High Density land allows for more affordable housing as well as a transition between the commercial lands and the adjacent single family zoned lands to the east. This action and the following partition will fix the crossing zoning of the land which is usually not allowed.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

The property consists of 38.548 acres, 26.568 acres zoned commercial and 11.980 zoned residential, which are large enough to allow for development into the allowed zones.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The parcels far exceed the minimum parcel size for each area and will be able to be developed into large developments as planned in the comprehensive plan. The property is adjacent to existing streets and utilities and is readily available to be extended and expanded to accommodate the planned development of the parcels. As part of the UGA, the property has been part of the City Transportation Master Plan, Water Master Plan, Wastewater Master Plan

and the City Storm Water Master Plan and therefore, has been approved to provide city services to the properties.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

The property is part of the city approved zoning and has been approved for the type of zoning once brought into the City limits and is in harmony with the surrounding developed property zoned accordingly and will not result in any adverse effects to the adjacent properties zoned the same.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan conform to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. **CRITERION IS MET**

b. The findings 2 above show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The information in finding 3 is that there has been no mistake and the request follows the comprehensive plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**

d. As noted in applicant's finding 4, rezoning from the UGA zones to City zones would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**

e. As noted in finding 5, the subject property size is adequate to demonstrate consistency with this criterion. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

g. In finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air are uncommon in this type of use. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

B. Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.
3. The property currently has two different UGA zones in the Urban Growth Area and the companion requested City zones are consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and by providing more potentially developable residential land.

Final Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezoning of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “**Findings:**” and “**Conclusion:**” for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.

At the Planning Commission Public Hearing on June 12, 2023, the Planning Commission approved the findings of facts as presented and made a recommendation to the City Council to approve action 2023-04-04AZ.

ANALYSIS:

- A. **STRATEGIC PLAN** This project falls under the Growth goal of the City Council's Strategic Plan, specifically allowing for annexation of land to add growth and more tax base, which allows for the development of the property.
- B. **FINANCIAL** This annexation will add to the city tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance, it is consistent with the Comprehensive Plan.
An annexation and rezone must be done by an ordinance and the City Council is the final authority for approving a city ordinance.

ALTERNATIVES:

The City Council could table the action until a time certain if more information is needed to make a decision or remand it back to the Planning Commission for more information.

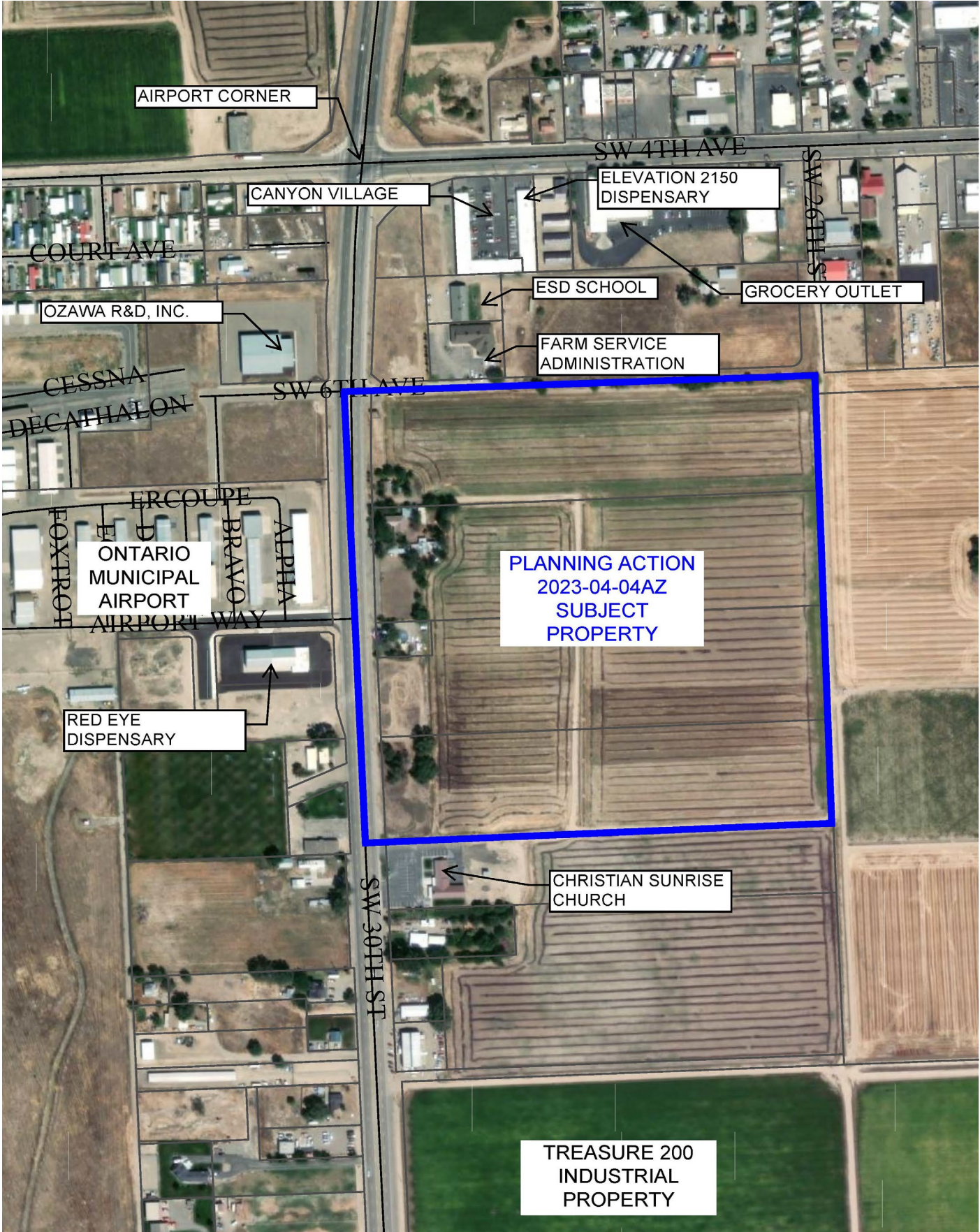
RECOMMENDATION:

Staff recommends that the City Council approve and adopt the findings of facts and approve the annexation and rezone from Urban Growth Area zones to city zones of the subject property as per the report by adopting Ordinance #2821-2023.

ATTACHMENTS:

- 1. 2023-04-04AZ_Location Map
- 2. Ord #2821-2023 Annex & Rezone_6-27-23
- 3. Consultant Presentation_Mixed Use Project

2023-04-04AZ Location Map





ORDINANCE #2821-2023

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA (UGA) COMMERCIAL C-2 TO CITY GENERAL COMMERCIAL (C-2), AND FROM UGA RESIDENTIAL TO CITY HIGH DENSITY RESIDENTIAL (RM-10), BEING A 38.548 ACRES PARCEL WITHIN THE W1/2NW1/4 SECTION 8, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, AND WITHDRAWING THE SAID PROPERTY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT #3

- WHEREAS,** There has been submitted to the City of Ontario a written request for annexation and rezoning to the city signed by 100% of the owners of land within the affected territory to be annexed; and
- WHEREAS,** All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the city; and
- WHEREAS,** The City Charter and the City Code does not expressly require the city to submit a proposal of annexation of territory to the electors of the city; and
- WHEREAS,** All the owners have requested 26.568 acres be rezoned from UGA Commercial (UGA C-2) to City General Commercial (C-2) and 11.980 acres be zoned from UGA Residential (UGA RS-50) to City High Density Residential (RM-10); and
- WHEREAS,** The city desires to withdraw the land to be annexed from the ONTARIO RURAL ROAD ASSESSMENT DISTRICT #3, pursuant to ORS 222.120(5), and has received consent from the District to do so; and
- WHEREAS,** The property **will not** be withdrawn from Ontario Rural Fire Protection District #7-302 until the property is developed to city standards meeting City Fire Protection Services. At such time the property owner may request withdrawing from the Rural Fire District.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory be and the same is hereby annexed: The property legally described and mapped in the attached Exhibits "A" and "B" respectively.
2. Rezoning. That based on the Planning Commission findings and recommendation in Planning Action 2023-04-04AZ, the lands as shown and described in the attached Exhibits "C" and "D" be rezoned from UGA Commercial (UGA C-2) to City General Commercial (C-2) being 26.568 acres and shown and described in the attached Exhibits "E" and "F" UGA Residential to High Density Residential (RM-10) being 11.980 acres.

3. Withdrawing the above-described area from Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural Road Assessment District No. 3 on the effective date of this annexation pursuant to ORS 222.120(5).
4. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the city within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk, and the State Department of Revenue.

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

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2023.

ATTEST:

Deborah Folden, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"



Project No: 220796
Date: April 3, 2023
Page 1 of 1

CITY OF ONTARIO ANNEXATION DESCRIPTION

A parcel of land located in the W1/2 of the NW1/4 of Section 8, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon, more particularly described as follows:

COMMENCING at a 5/8 inch rebar marking the northwest corner of said Section 8; thence, along the west boundary of said NW1/4,

- A) S.02°31'19"E., 658.84 feet to the westerly prolongation of the north boundary of Parcel 2 as described in Bargain and Sale Deed Instrument No. 98-7494, records of Malheur County, Oregon, and the **POINT OF BEGINNING**; thence along said prolongation and north boundary,
- 1) N.87°41'55"E., 1302.33 feet to the northeast corner of said Parcel 2; thence along the east boundary of said W1/2 of the NW1/4,
 - 2) S.02°27'05"E., 1290.45 feet to the southeast corner of Parcel 1, Tract 1 as described in said Instrument No. 98-7494; thence, along the south boundary and westerly prolongation of said Parcel 1, Tract 1,
 - 3) S.87°43'37"W., 1300.74 feet to the west boundary of said W1/2 of the NW1/4; thence along said boundary,
 - 4) N.02°31'19"W., 1289.81 feet to the **POINT OF BEGINNING**.

CONTAINING: 38.548 acres.



- End of Description -

Annexation Boundary Map

NW CORNER
SECTION 8
TWP.18S. R47E



Exhibit "C"



Project No: 220796
Date: April 3, 2023
Page 1 of 1

C-2 REZONE DESCRIPTION

A parcel of land located in the W1/2 of the NW1/4 of Section 8, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon, more particularly described as follows:

COMMENCING at a 5/8 inch rebar marking the northwest corner of said Section 8; thence, along the west boundary of said NW1/4,

- A) S.02°31'19"E., 658.84 feet to the westerly prolongation of the north boundary of Parcel 2 as described in Bargain and Sale Deed Instrument No. 98-7494, records of Malheur County, Oregon, and the **POINT OF BEGINNING**; thence along said prolongation and north boundary,
- 1) N.87°41'55"E., 1302.33 feet to the northeast corner of said Parcel 2; thence along the east boundary of said W1/2 of the NW1/4,
 - 2) S.02°27'05"E., 659.39 feet to the southeast corner of Parcel 3 as described in said Instrument No. 98-7494; thence, along the south boundary of said Parcel 3,
 - 3) S.87°43'04"W., 827.41 feet; thence, parallel with the west boundary of said NW1/4,
 - 4) S.02°31'19"E., 630.92 feet to the south boundary of Parcel 1, Tract 1 of said Instrument No. 98-7494; thence, along said south boundary and the westerly prolongation of said Parcel 1, Tract 1,
 - 5) S.87°43'37"W., 474.10 feet to the west boundary of said NW1/4; thence, along said boundary,
 - 6) N.02°31'19"W., 1289.81 feet **POINT OF BEGINNING**.

CONTAINING: 26.568 acres.



332 N. Broadmore Way | Nampa, ID 83687 | 208.442.6300 | www.ardurra.com

- End of Description -

Commercial Boundary Map

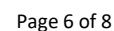


Exhibit "E"



Project No: 220796
Date: April 3, 2023
Page 1 of 1

RM-10 REZONE DESCRIPTION

A parcel of land located in the SW1/4 of the NW1/4 of Section 8, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon, more particularly described as follows:

COMMENCING at a brass cap monument marking the west one-quarter corner of said Section 8; thence, along the west boundary of said SW1/4 of the NW1/4,

- A) N.02°31'19"W., 687.04 feet to the westerly prolongation of the south boundary of Parcel 1, Tract 1 as described in Bargain and Sale Deed Instrument No. 98-7494, records of Malheur County, Oregon; thence along said prolongation and south boundary,
- B) N.87°43'37"E., 474.10 feet to the **POINT OF BEGINNING**; thence leaving said south boundary, parallel with said west boundary of the SW1/4 of the NW1/4,
 - 1) N.02°31'19"W., 630.92 feet to the north boundary of Parcel 1, Tract 2 as described in said Instrument No. 98-7494; thence along said north boundary,
 - 2) N.87°43'04"E., 827.41 feet to east boundary of said SW1/4 of the NW1/4; thence along said boundary,
 - 3) S.02°27'05"E., 631.05 feet to the southeast corner of said Parcel 1, Tract 1; thence along the south boundary of said Parcel 1, Tract 1,
 - 4) S.87°43'37"W., 826.64 feet to the **POINT OF BEGINNING**.

CONTAINING: 11.980 acres.

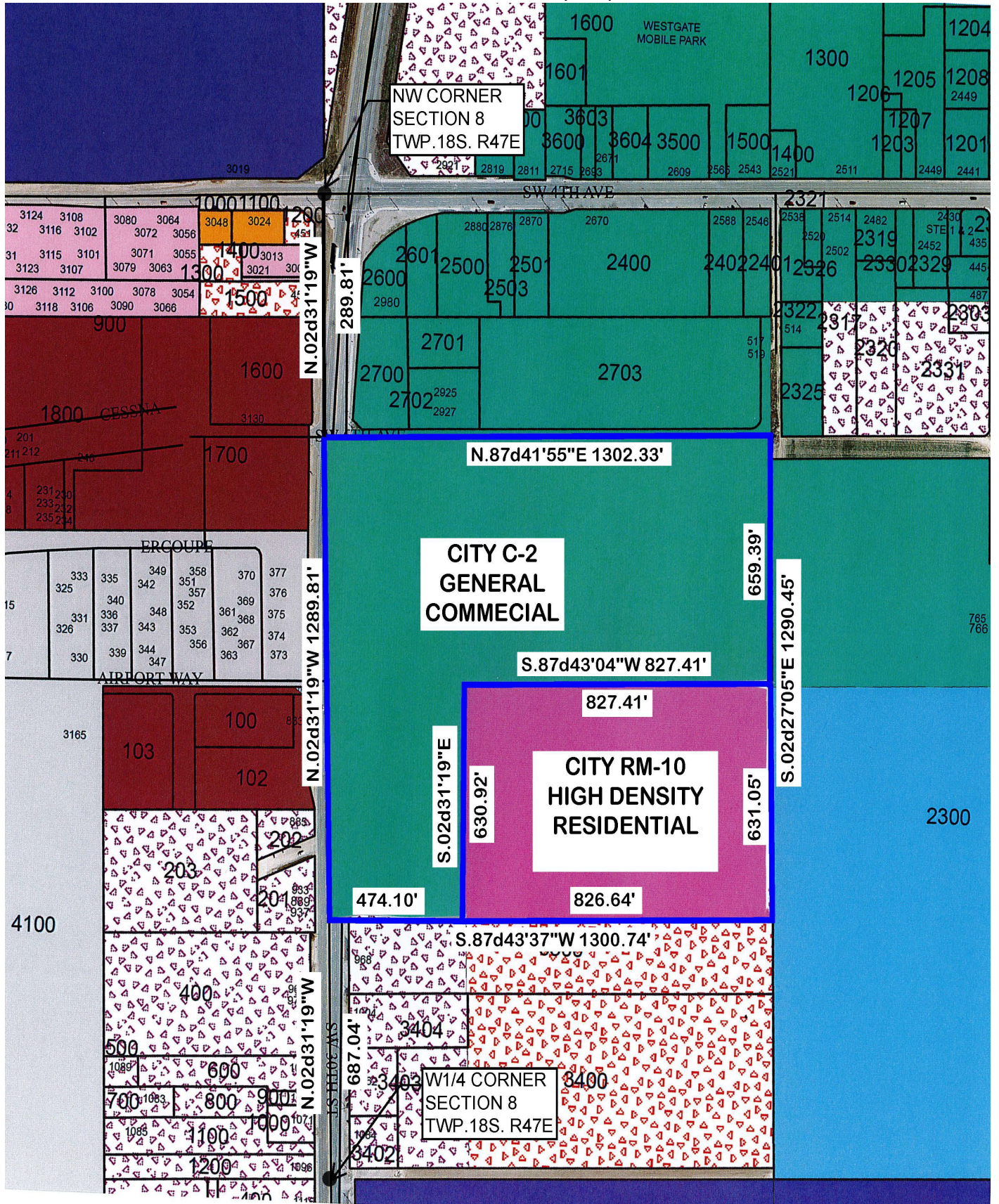


332 N. Broadmore Way | Nampa, ID 83687 | 208.442.6300 | www.ardurra.com

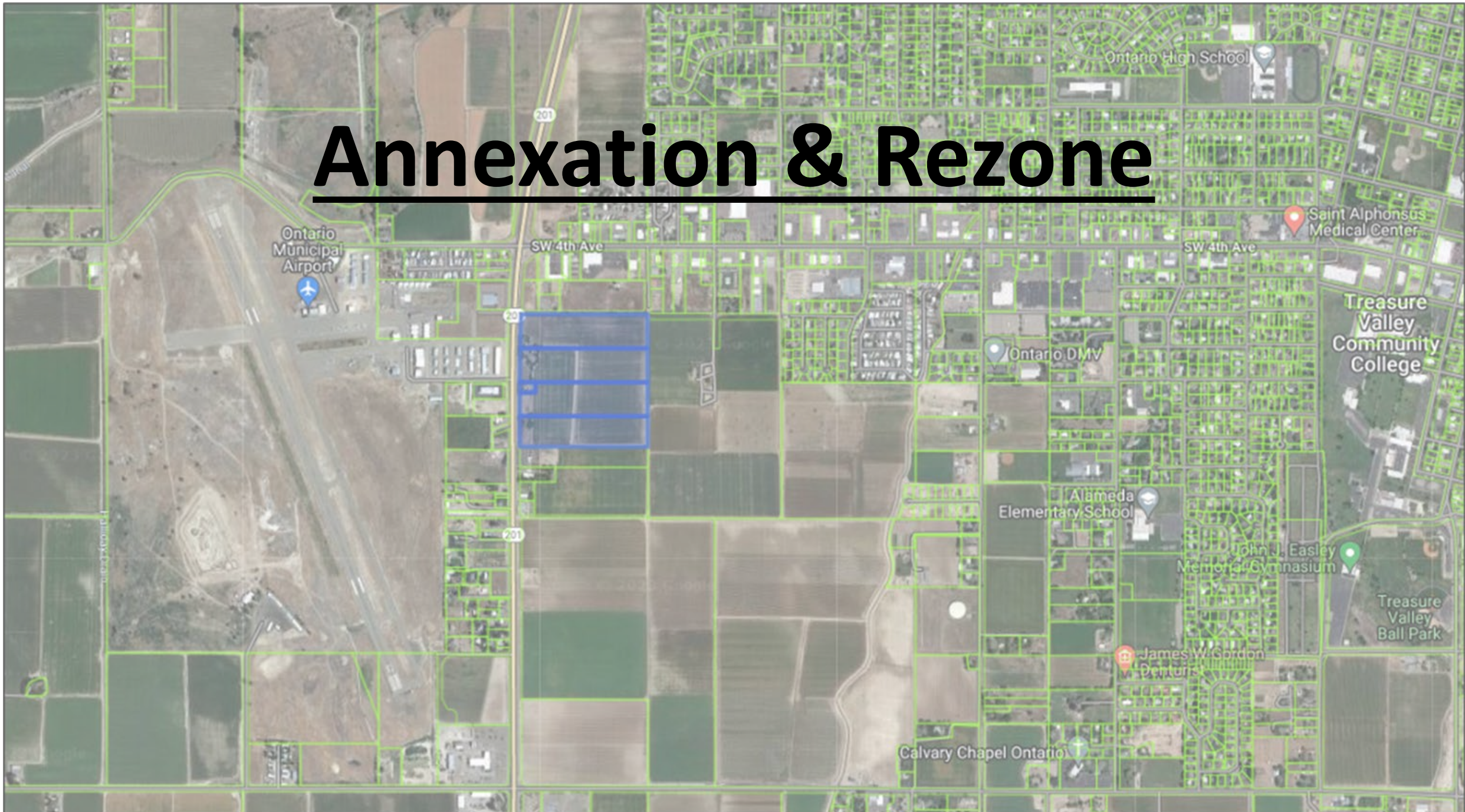
- End of Description -

Exhibit "F"

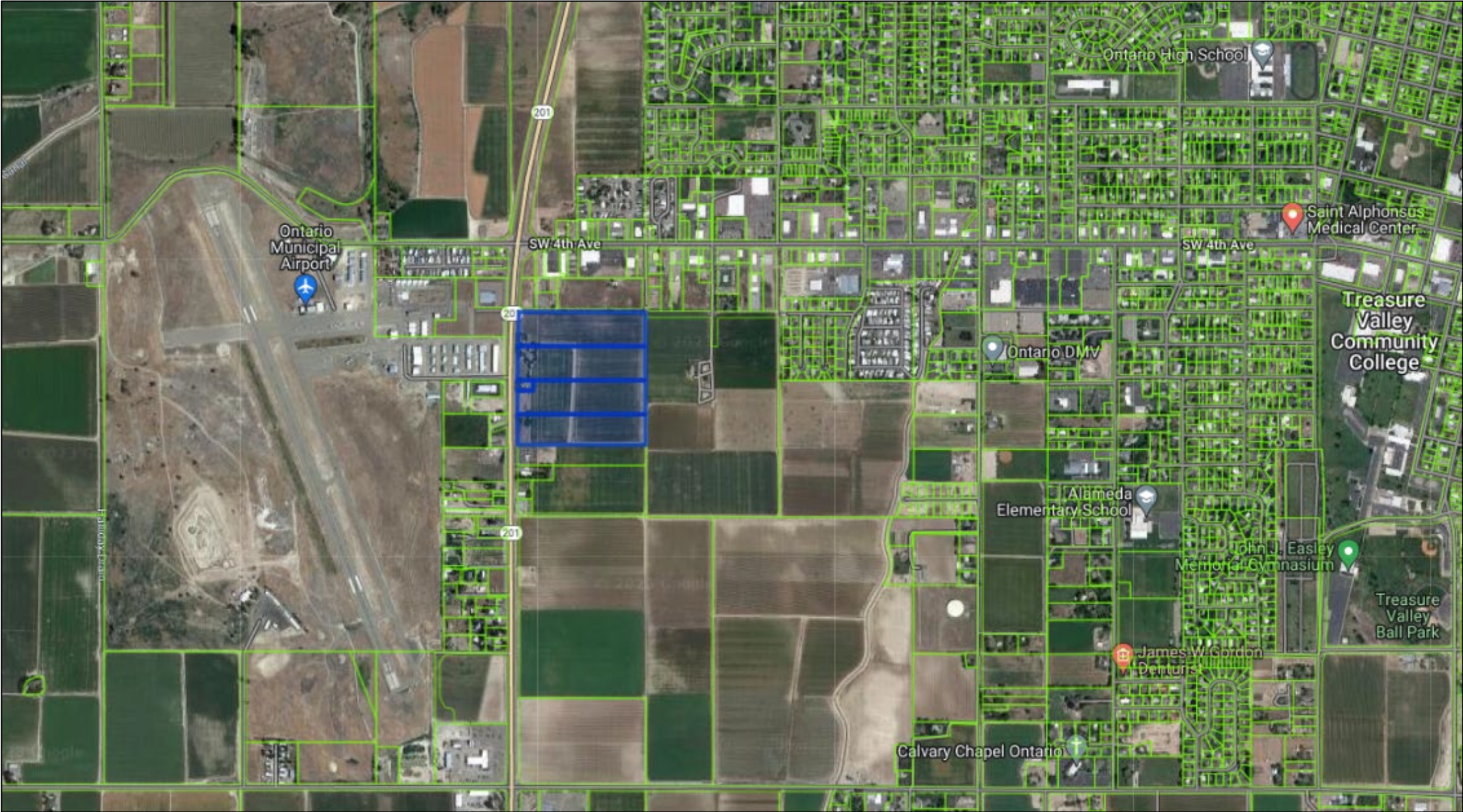
Residential Boundary Map



Annexation & Rezone



Location:



Project Detail:

Project Size: 38.5 Acres

Existing Zoning: UGA Commercial & UGA Residential

Proposed Project: Commercial & Multi-Family

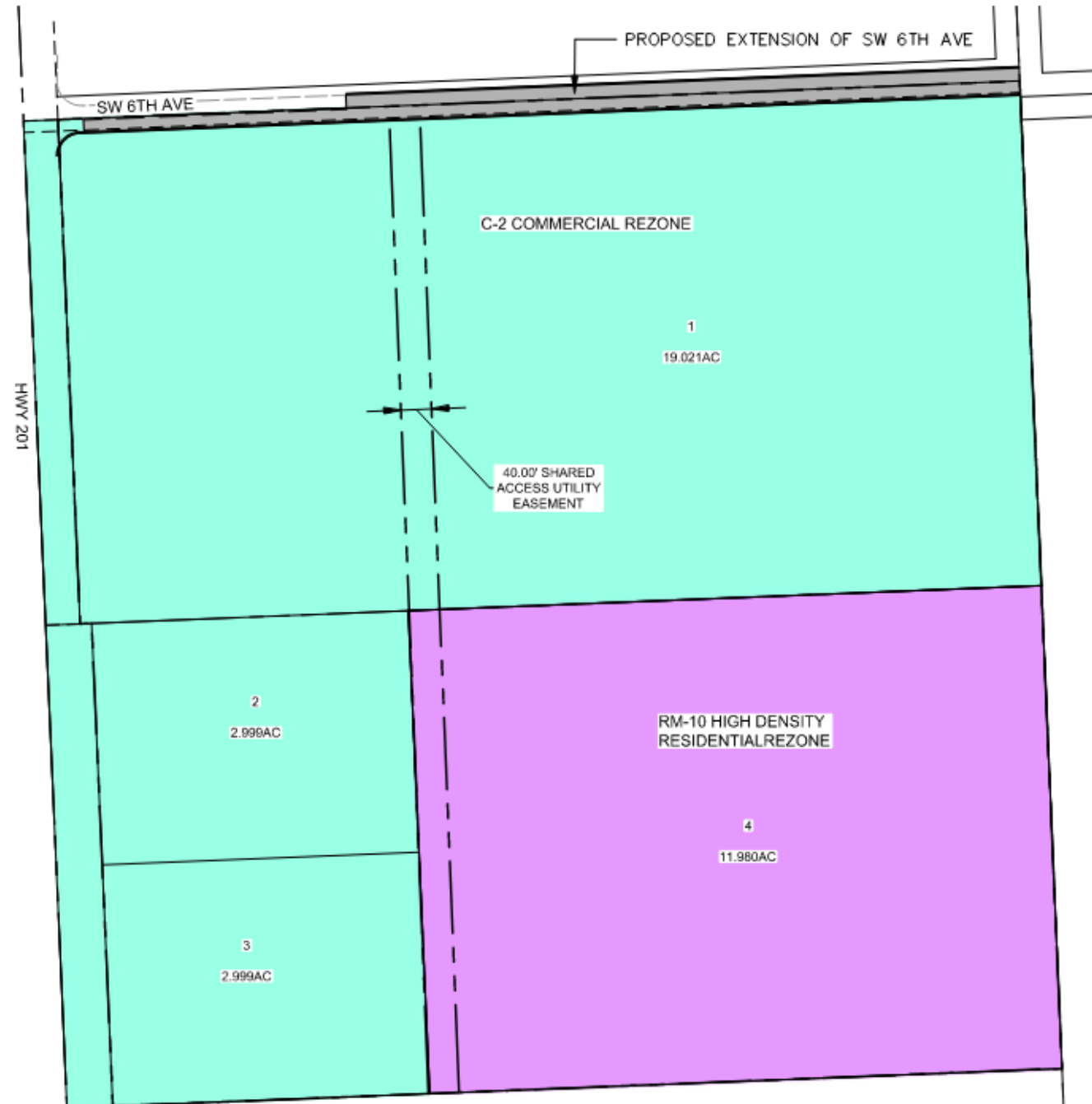
Commercial: 25.019 AC

3 Commercial Lots

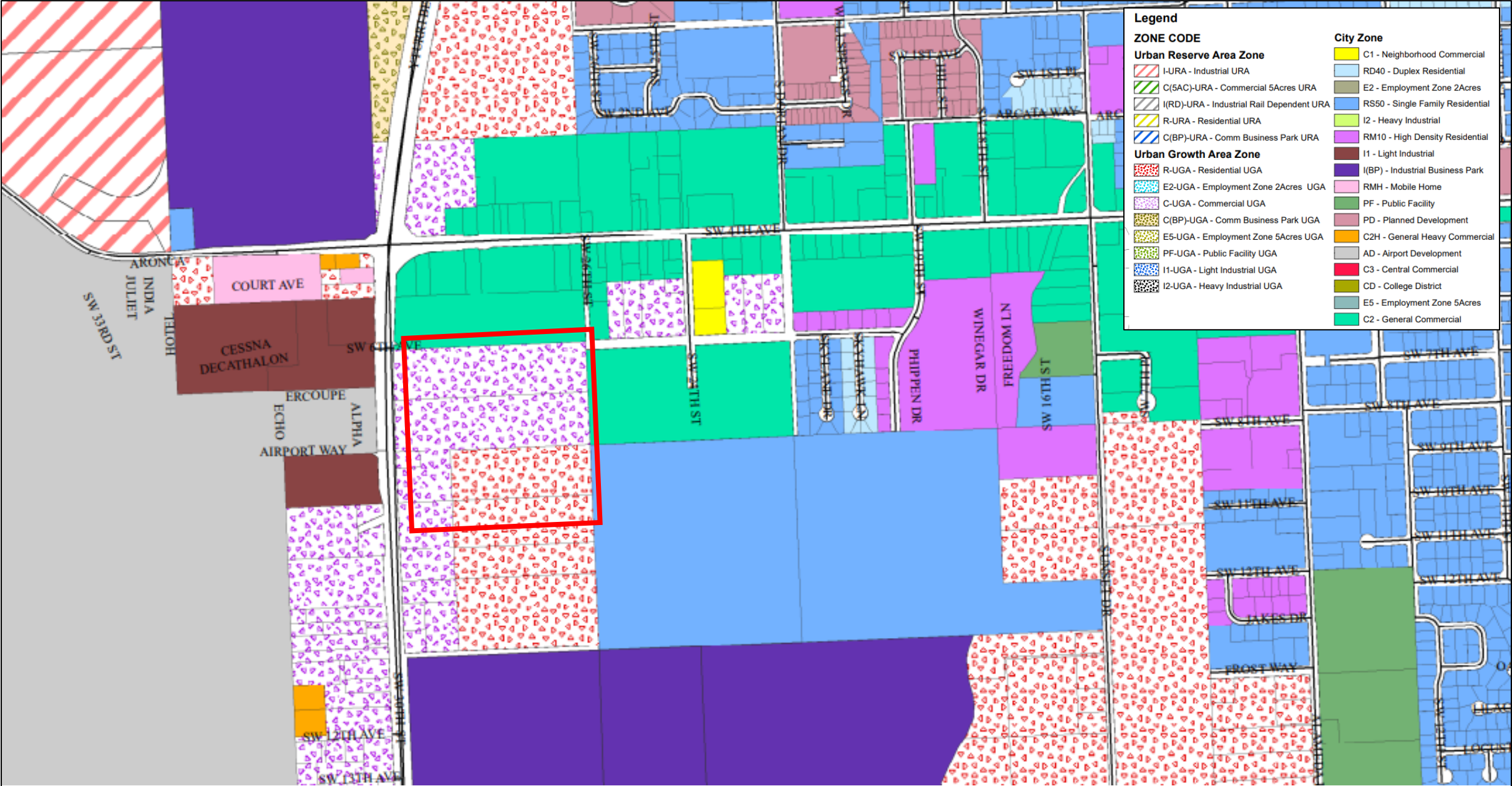
Multi-Family: 11.980 AC
1 Lot

Proposed Zoning: C-2 Commercial & RM-10 Residential

Roadway: Extension of SW 6th Ave.



Comprehensive Plan:



Community Benefits:

- Economic Growth and future Job opportunities
- Quality housing types
- Increased connectivity
- Buffer and transition between light industrial and residential





**AGENDA REPORT
PUBLIC HEARING
June 27, 2023**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2023-113: SUPPLEMENTAL BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR UNEXPECTED ITEMS**

DATE: June 19, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2023-113: A SUPPLEMENTAL BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR UNEXPECTED ITEMS.

SUMMARY:

Attached is Resolution #2023-113.

BACKGROUND:

This supplemental budget hearing was required to be published in the paper since the appropriations in each fund would be changed by more than 10%.

CURRENT SITUATION:

A published budget hearing is required for the following reasons:

1. The Marijuana Enforcement Fund had an unexpected beginning balance, it needs to be appropriated for expenditure on police salaries.
2. A large SRCI wastewater project was reimbursed by SRCI
3. The City of Ontario voters approved a new transient occupancy tax to be turned over to the fairgrounds
4. The PERS reserve fund had an unexpected beginning balance, it needs to be appropriated for side account payment to PERS
5. The High Desert Task Force was formed during the year and the contributions from the police department and other agencies need to be appropriated for expenditure
6. The Sewer Fund had timing difference with capital projects and also chemical costs higher than budgeted

ANALYSIS:

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

- B. **FINANCIAL** \$989,009 additional appropriated funds will be approved with this supplemental budget resolution.
- C. **TIMING** Per Oregon Local Budget Law, the proposed resolution must be approved on or before June 30, 2023.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would cause budget over expenditures.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2023-113.

ATTACHMENTS:

1. Reso #2023-113 Supplemental Budget end of year



RESOLUTION #2023-113

A SUPPLEMENTAL BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR UNEXPECTED ITEMS

- WHEREAS,** The Marijuana Enforcement Fund had an unexpected beginning balance; **and**
- WHEREAS,** There was a large SRCI project the City was reimbursed for; **and**
- WHEREAS,** The City of Ontario voters approved a new transient occupancy tax that is to be turned over to the Malheur County fairgrounds; **and**
- WHEREAS,** The PERS side account department had an unexpected beginning balance; **and**
- WHEREAS,** The High Desert Task Force was formed during the year and funds are to accounted for within the city finances; **and**
- WHEREAS,** The Sewer Fund beginning balance was much higher than budgeted due to the timing of capital projects and chemical cost were much higher than expected; **and**
- WHEREAS,** The City desires to modify the 2022-2023 budget in order to appropriate the funds.

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

Line Item	Item Description	FY 22-23 Budget	Amount of Change	Adjusted Budget
MARIJUANA ENFORCEMENT FUND				
002-000-406000	Available Cash on Hand	\$ -	\$6,440	\$6,440
002-050-511000	Wages & Salaries	\$25,600	\$6,440	\$32,040
CAPITAL PROJECTS FUND				
030-000-453430	SRCI Capital Reimbursements	\$ -	\$733,880	\$733,880
030-093-713100	SRCI Lower Lift Station	\$ -	\$733,880	\$733,880
TRUST FUND				
050-000-417400	Motel Occupancy Tax – Fairgrounds	\$ -	\$75,000	\$75,000
050-112-616000	Fairground TOT Distribution	\$ -	\$75,000	\$75,000
RESERVE FUND				
055-000-406050	Available Cash – PERS Reserve	\$ -	148,689	\$148,689
055-133-631000	PERS Side Account Payment	\$1,898,689	\$148,689	\$2,047,378
055-000-469156	HD Task Force Contributions	\$ -	\$25,000	\$25,000
055-138-614700	HD Task Force Operations	\$ -	\$25,000	\$25,000

Line Item	Item Description	FY 22-23 Budget	Amount of Change	Adjusted Budget
SEWER FUND				
110-000-406000	Available Cash on Hand	\$1,606,069	\$1,728,136	\$3,334,205
110-165-610900	Chemical/Fert/Seed	\$ -	\$120,000	\$120,000
110-165-712109	CCTV System	\$ -	\$313,779	\$313,779
110-165-719282	Facility Plan	\$ -	\$187,830	\$187,830
110-165-719325	Tapadera Lift Station	\$ -	\$1,106,527	\$1,106,527

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 27th day of June 2023, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 27th day of June, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
MAY 31, 2023**

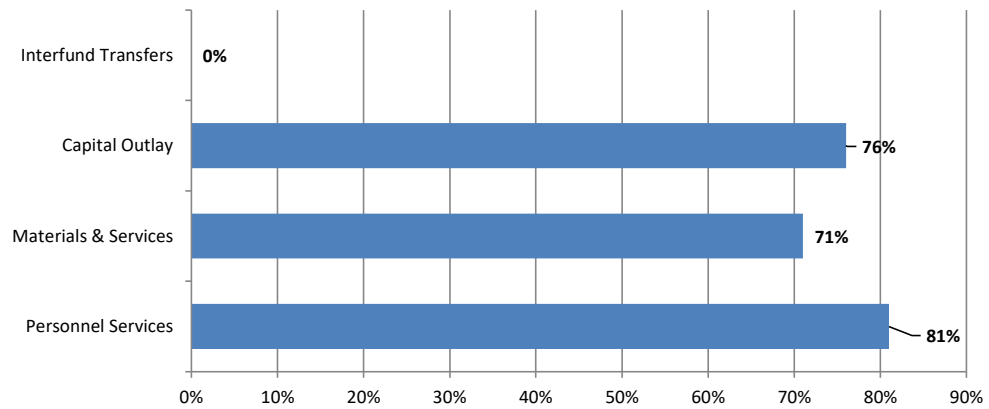
DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	3,860,050	3,860,050	100.0%	
Parks	2,000	940	47.0%	
Parks & Recreation	2,000	940	47.0%	
Fire	269,572	208,135	77.2%	
Code Enforcement	45,300	8,518	18.8%	
Police	199,850	140,951	70.5%	
Dispensary Business License	111,600	87,460	78.4%	
Public Safety Total	626,322	445,064	71.1%	
Interest	24,500	127,903	522.1%	
State Revenue Sharing	154,031	120,235	78.1%	
Administrative Services	497,148	455,719	91.7%	
Other General Revenues	8,485	39,816	469.3%	
Donations	-	-	#DIV/0!	
Property Taxes	4,242,967	4,186,455	98.7%	
Alcohol Bvg License & Fee	226,233	178,474	78.9%	
Cigarette tax	8,862	6,670	75.3%	
Marijuana tax	3,500,000	1,451,987	41.5%	
Franchise Fees	1,608,362	1,431,320	89.0%	
Cemetery	55,000	24,400	44.4%	(\$20k transfer will be made in June)
General Government Total	10,325,588	8,022,980	77.7%	
Planning & Zoning	4,000	4,287	107.2%	
Community development	4,000	4,287	107.2%	
GENERAL FUND REVENUE TOTALS	\$ 10,957,910	\$ 8,473,271	77.3%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 439,044
YTD BUDGET BENCHMARK			91.7%	 -14.3%

CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
MAY 31, 2023

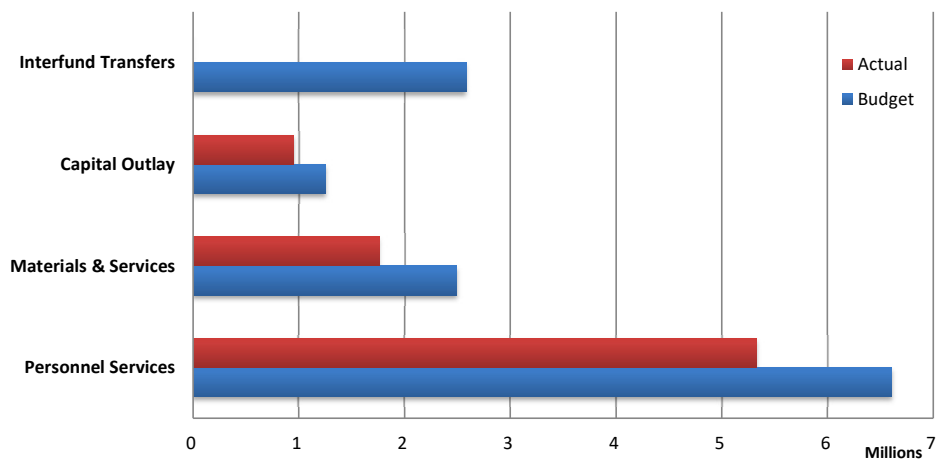
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	532,383	250,567	47.1%	
Parks & Recreation	532,383	250,567	47.1%	
Fire	2,026,801	1,944,323	95.9%	
Code Enforcement	150,577	46,698	31.0%	
Police	4,635,316	3,775,432	81.4%	
Police reserves	3,275	-	0.0%	
Public Safety Total	6,815,969	5,766,453	84.6%	
Administration	532,881	433,582	81.4%	
City Council	34,461	22,151	64.3%	
Business Registration	1,100	517	47.0%	
Cemetery	224,078	163,361	72.9%	
Finance	259,476	217,854	84.0%	
Technology	236,699	154,566	65.3%	
General Government Total	1,288,695	992,031	77.0%	
Community development	214,474	76,328	35.6%	
Community Development	214,474	76,328	35.6%	
Administrative Overhead	1,054,562	886,712	84.1%	
Non-Departmental Contributions	469,269	62,135	13.2%	
Other Total	1,523,831	948,847	62.3%	
Operating Transfers Out	2,554,171	-	0.0%	
GENERAL FUND TOTALS	\$ 12,929,523	\$ 8,034,226	62.1%	
YTD BUDGET BENCHMARK			91.7%	 29.5%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
MAY 31, 2023**

% Expended by Category



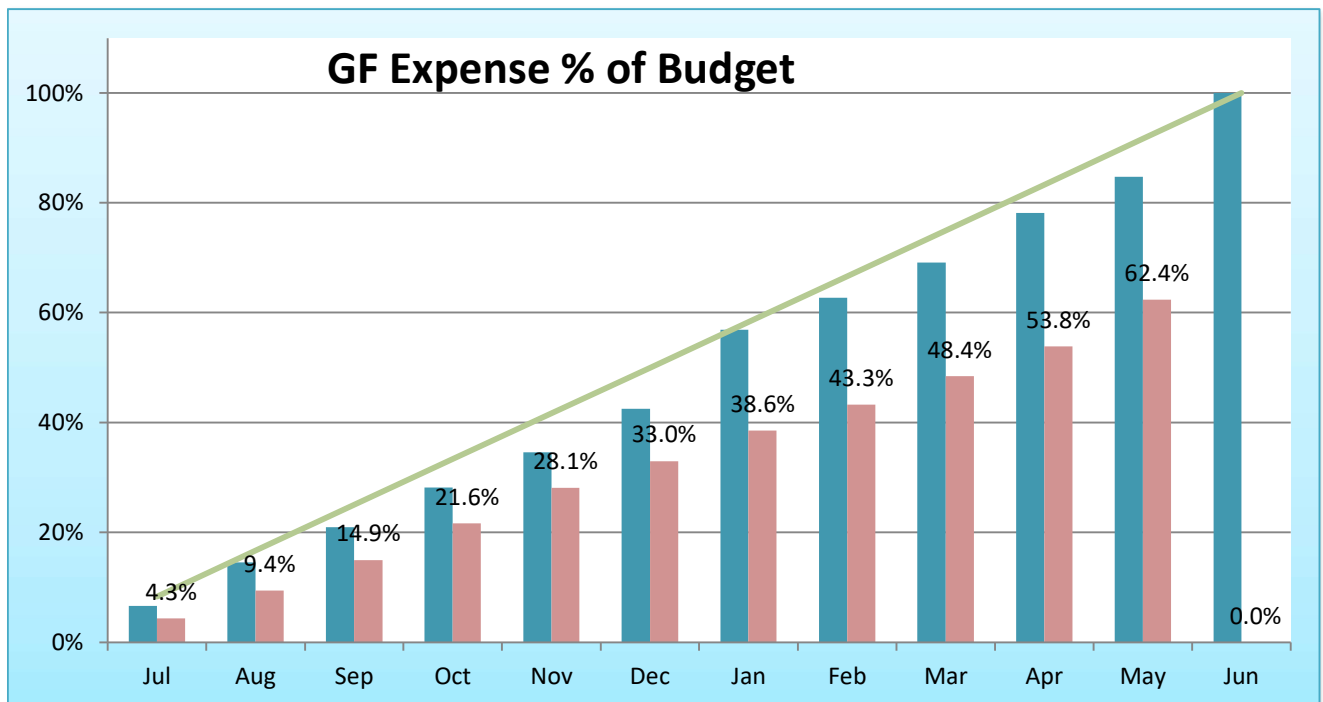
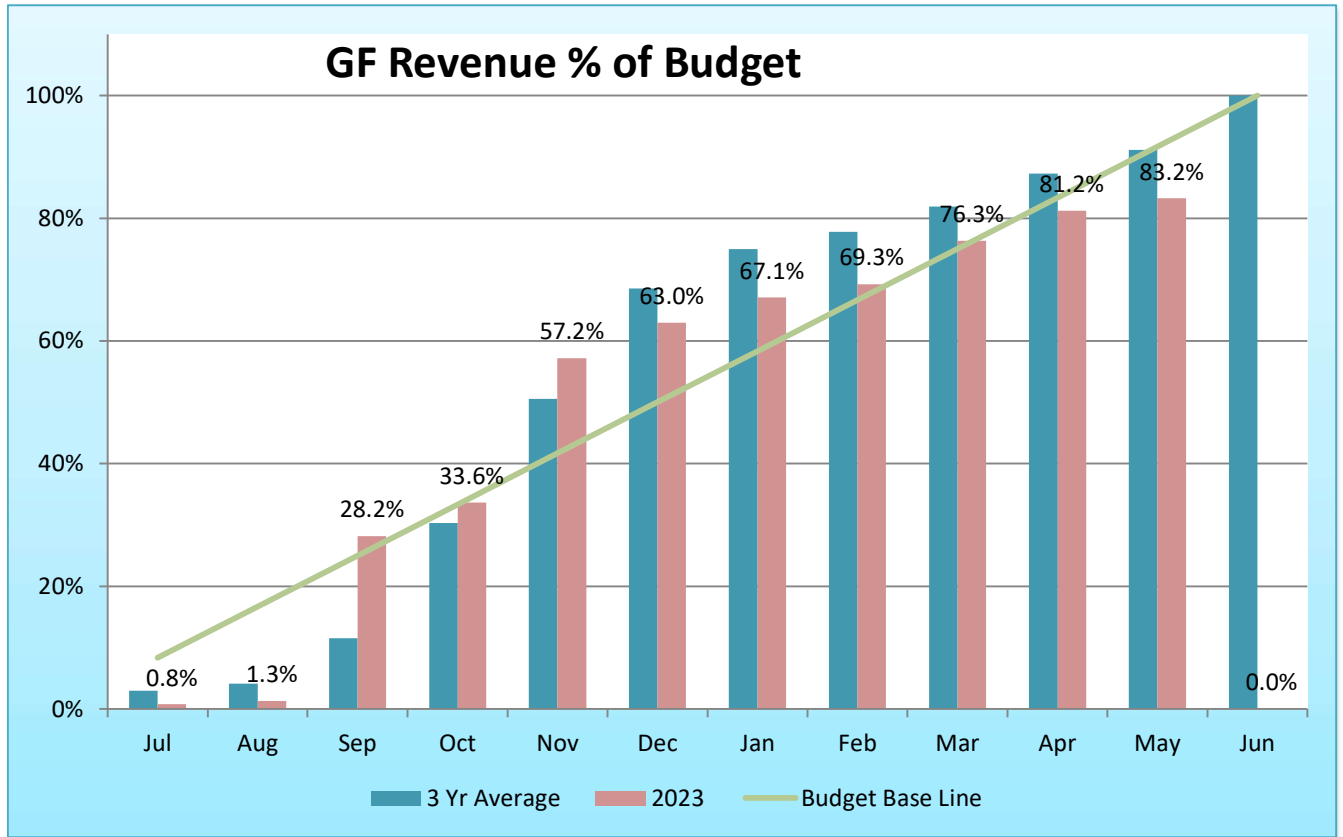
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - LEGAL SERVICES
AS OF JUNE 23, 2023**

LEGAL EXPENSES	
JULY	\$ 3,052
AUGUST	18,109
SEPTEMBER	26,816
OCTOBER	20,800
NOVEMBER	13,462
DECEMBER	15,389
JANUARY	24,493
FEBRUARY	21,250
MARCH	23,825
APRIL	17,133
MAY	12,716
JUNE	
TOTAL	<u>\$ 197,043</u>
BUDGETED AMOUNT	\$ 80,000
(OVER) UNDER BUDGET AMOUNT	\$(117,043)

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
MAY 31, 2023**



**CITY OF ONTARIO
OTHER FUNDS - EXPENDITURES
FOR THE PERIOD ENDED
MAY 31, 2023**

DEPARTMENT/FUND	REVENUES				EXPENDITURES		
	BUDGET	ACTUAL	% REALIZED		BUDGET	ACTUAL	% EXPENDED
002 Marijuana Enforcement Fund	25,600	27,137	106.0%		25,600	13,472	52.6%
010 Grant Fund	2,894,741	3,079,408	106.4%		2,894,741	1,089,365	37.6%
027 Building Fund	688,073	851,405	123.7%		229,947	203,503	88.5%
030 Capital Projects Fund	4,963,274	6,473,321	130.4%		3,170,438	1,634,641	51.6%
031 SDC Fund	794,798	874,147	110.0%		794,798	-	0.0%
045 Street Fund	5,780,664	3,312,160	57.3%		5,780,664	2,124,061	36.7%
050 Trust Funds	845,542	986,818	116.7%		845,542	517,258	61.2%
055 Reserve Funds	5,210,470	4,602,908	88.3%		4,101,462	2,432,738	59.3%
060 Revolving Loan Fund	449,164	274,456	61.1%		449,164	120,000	26.7%
105 Water Fund	5,368,979	6,088,779	113.4%		4,626,458	3,270,228	70.7%
110 Sewer Fund	5,561,514	6,908,621	124.2%		4,546,046	4,218,703	92.8%
115 Storm Sewer Fund	463,840	491,262	105.9%		170,225	112,571	66.1%
120 Airport Fund	958,329	256,105	26.7%		958,329	304,132	31.7%
125 Aquatic Fund	1,029	-	0.0%		1,029	-	0.0%

Comments:

YTD BUDGET BENCHMARK

91.7%



Presentation by Dan Cummings
Tuesday, June 27, 2023

CITY OF ONTARIO COMMUNITY DEVELOPMENT

Fiscal Year 2022-23
Third Quarter

Building
Department

Economic
Development

Planning and Zoning

Building Department Statistics

Mechanical and Structural Permit Amounts and Fees



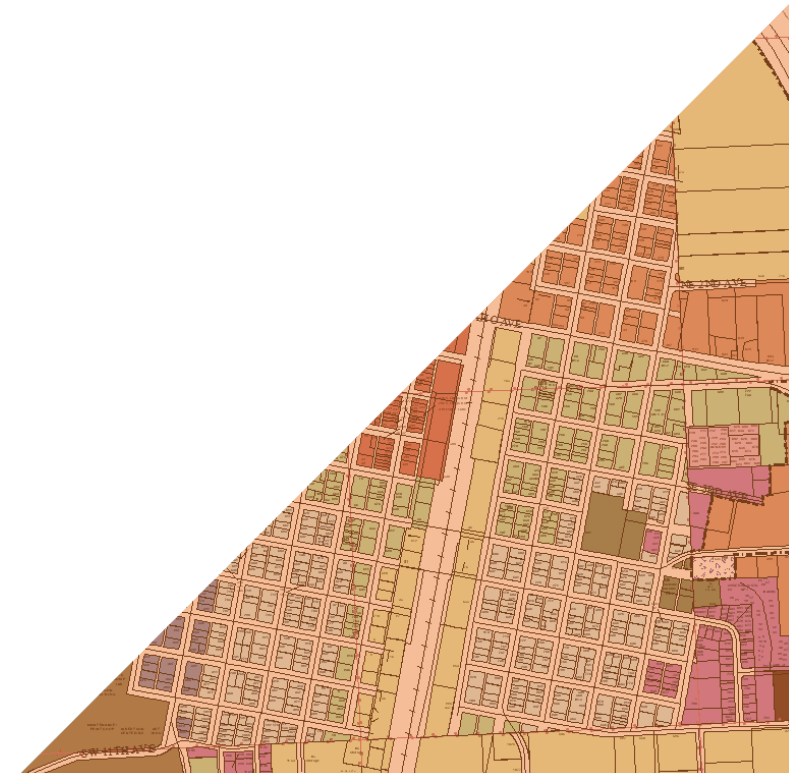
Jan – Mar 2023

Mechanical Permits and Fees Issued

- Mechanical Permits Issued **64**
- Mechanical Valuation Totals **\$ 900,642**
- Total Mechanical Fees **\$ 10,184**

Structural Permits and Fees Issued

- Structural Permits Issued **42**
- Structural Valuation Totals **\$ 7,613,584**
- Total Structural Fees **\$ 79,407**



Building Department Statistics

Mechanical and Structural Permit Amounts and Fees Issued in 2nd Quarter FY 22-23

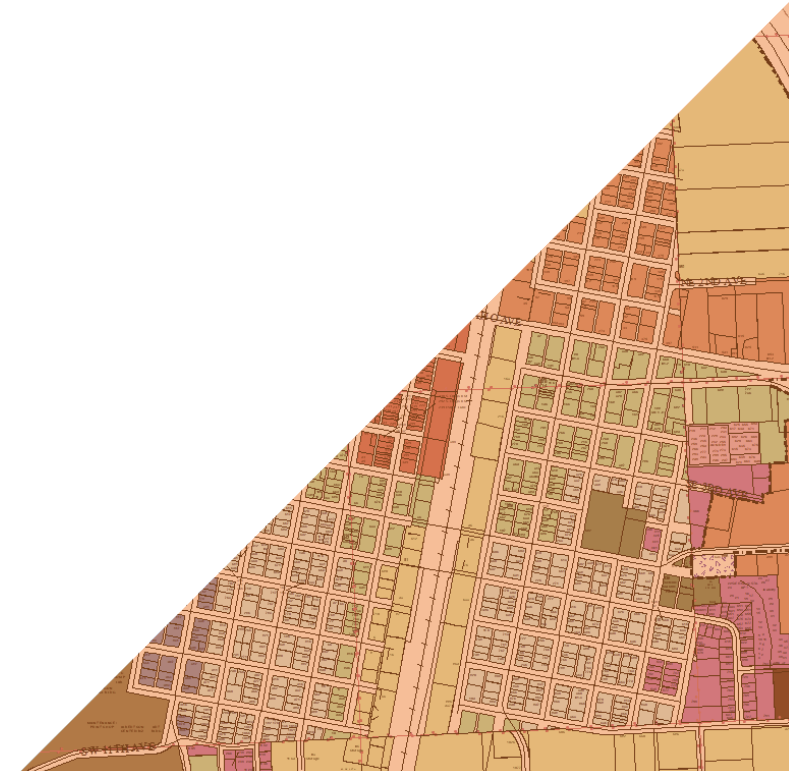
- Total Permits Issued **106**
- Valuation Totals **\$ 8,514,226**
- Total Permit Fees **\$ 89,591**

New Permits:

- New Commercial retail store at 1095 NE 3rd Ave (SNJ Online, LLC)
- New Commercial retail store at 2380 N Verde Dr (TMan's Rental)
- 5 New Single-Family Dwellings issued
- 1 New Duplex issued



Jan – Mar 2023



Planning and Zoning Department

Jan, Feb, Mar 2023

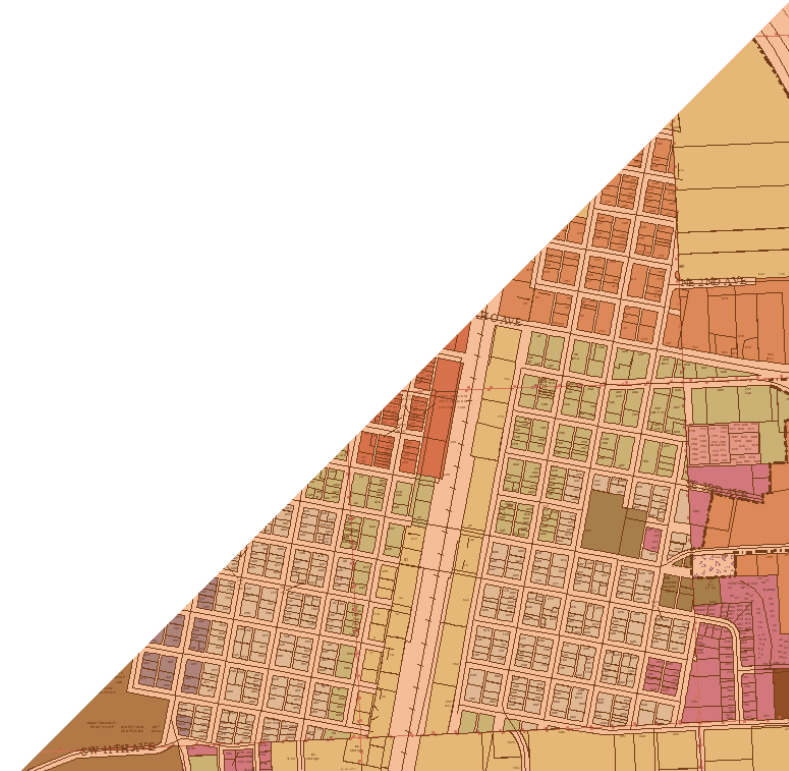


Total Fees for the Quarter

\$ 540

- Non-Conforming Use Permit **1**
- Conditional Use Permits **1**

Total Land Use Applications **2**



Phase II Façade Grant Program

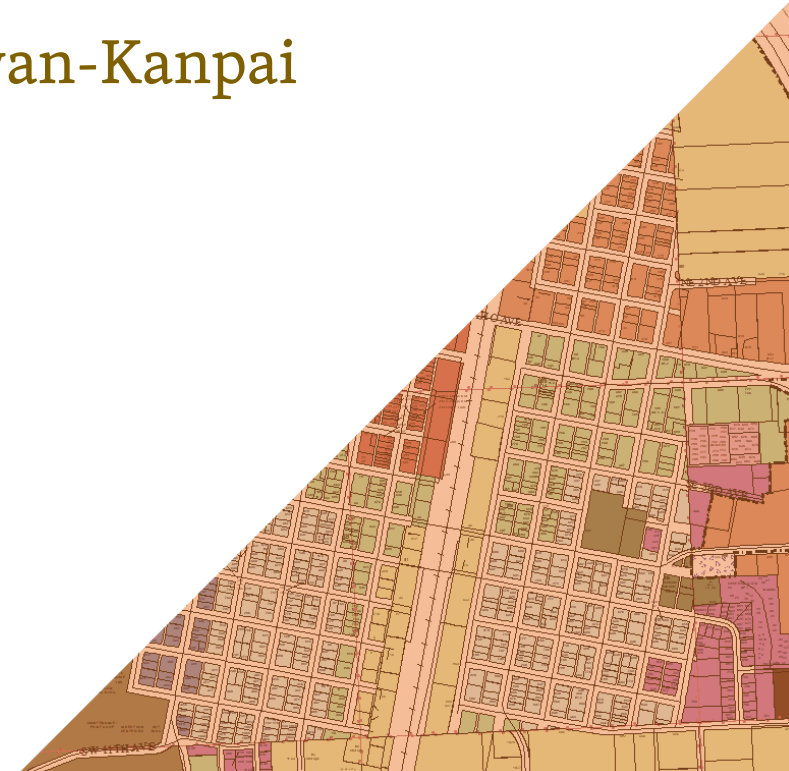


- Applications for locations along SW 4th Ave & E Idaho
- 2022 ended with a total of Two applicants, for the Phase II Grant
- \$23,255 worth of project costs for businesses
- Remaining funds for 2023 are \$16,300
- \$10,000 of matching grant money awarded
- Phase II has had a total of 7 approved grants for a total award of \$33,700
Total Improvements \$106,667

Participating Businesses

Speech Tree

Sullivan-Kanpai

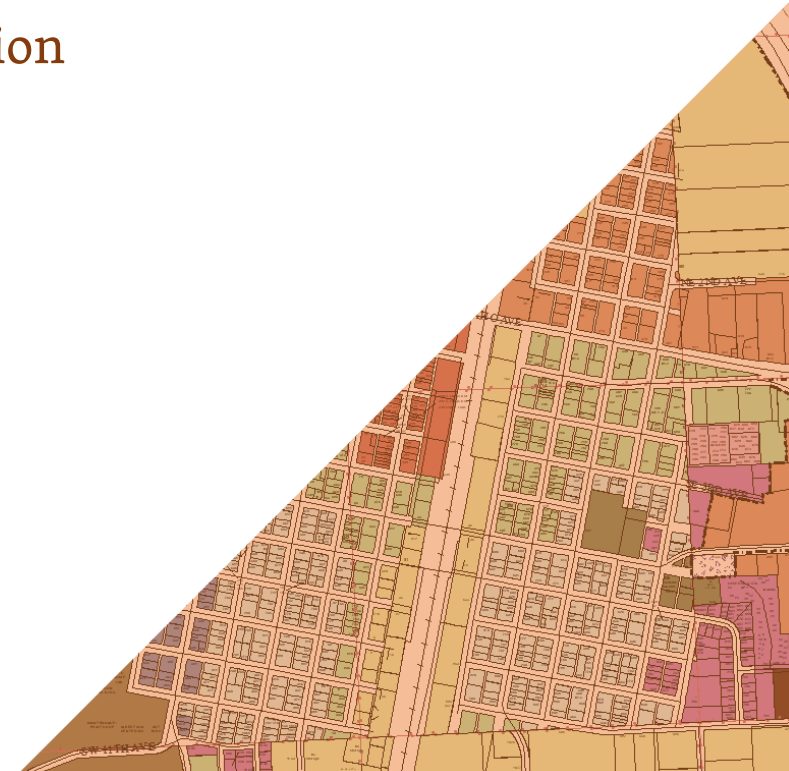


Ontario Economic Activity

Jan, Feb, Mar 2023



- Mayberry Subdivision-completed & 10 applications have been submitted
- Project Build Ontario-Housing Incentive is at #53, 2 new 2023
- Project West Park-construction to start soon
- Brownfields Grant Program
- Project Veteran Village
- Staff is working on several requests for information



Ontario Economic Activity



Continued

“Project Build Ontario”

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

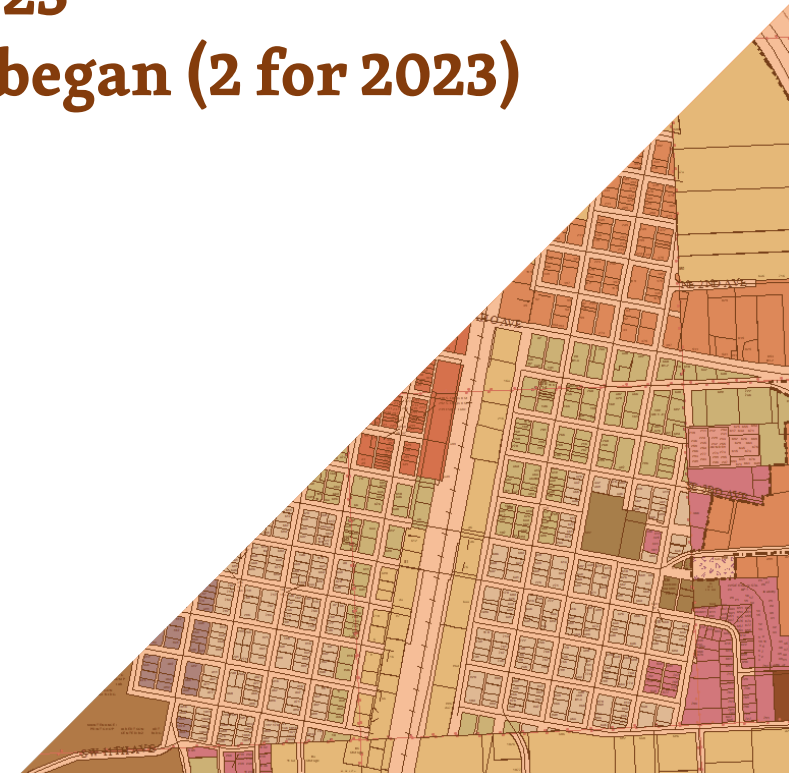
Status: 8 incentive applications submitted in 2023

53 total applications since the incentive began (2 for 2023)

“Project Westpark”

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

Status: On-going



EPA Brownfield Grant Program

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

Status: EPA had approved a 1-year extension –due to end in Sept 2023

“Mayberry Subdivision”

- Affordable Mini Housing Development for Veterans and Seniors Citizens

Constructed and 10 building permits have been applied for so far

“Veterans Village”

- 15 Veteran Cottages (10) 1-Bedroom @490 sq ft & (5) 2-Bedroom @640 sq ft
- 10 Units for Transitional Housing
- Market Apartments Future, TBD



Projects



Completed:
Dollar General
SW 4th Ave



Completed:
Take 5 Oil Change
SW Idaho Ave



Projects



Under Construction:
Chipotle Restaurant (Old Taco Time)
West Idaho Avenue



Completed:
ESD Modular Classroom
ESD Building, SW 6th Avenue



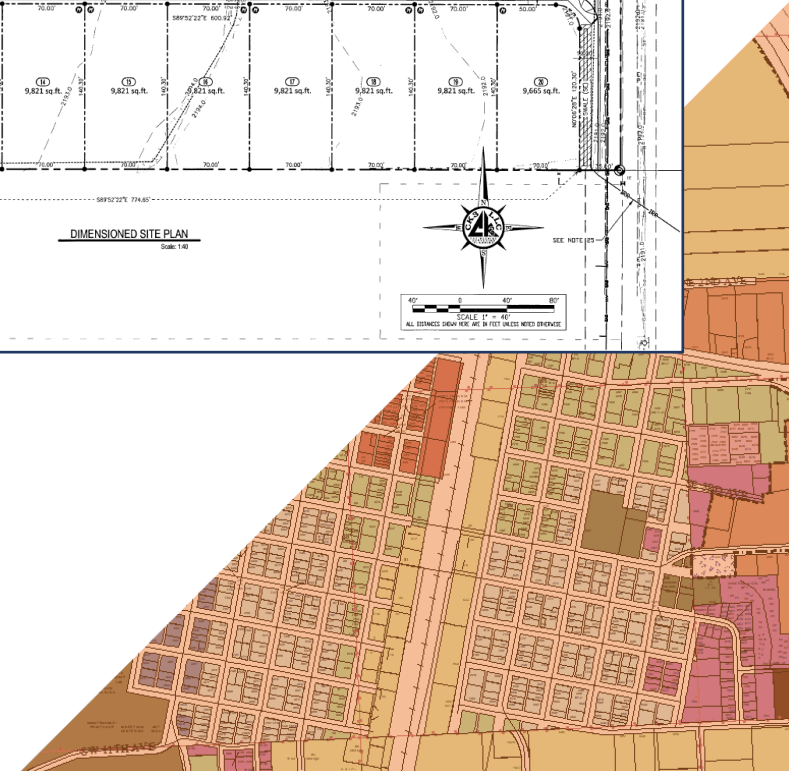
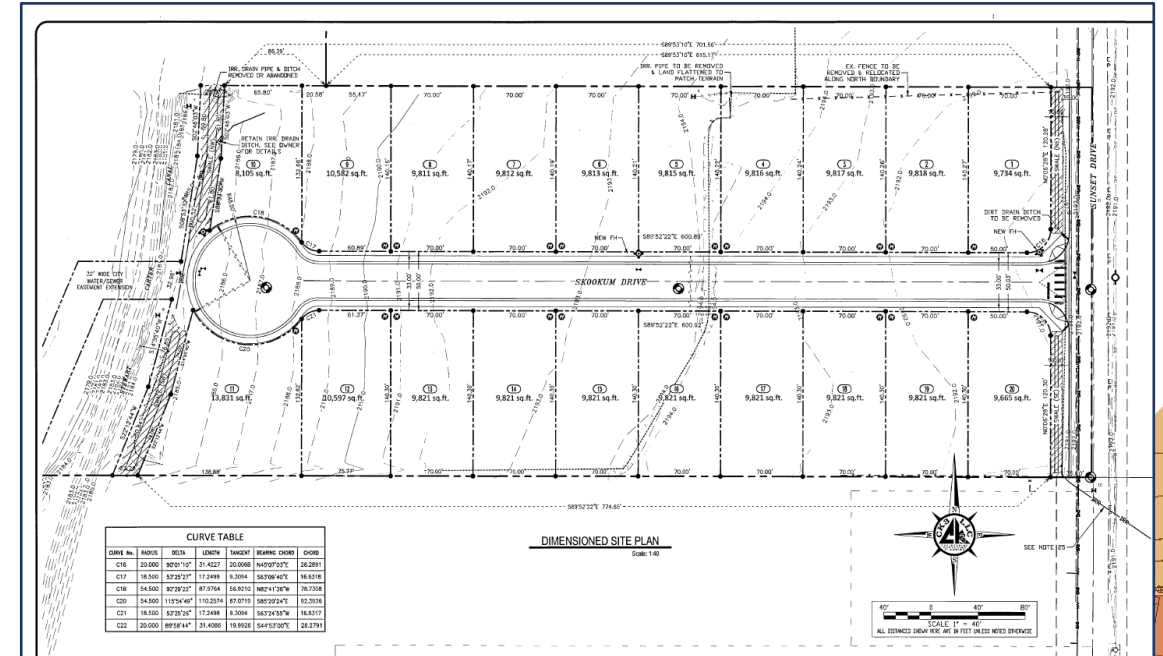
Projects in Development



Harrah Heights Subdivision Under Construction



1566 Skookum Drive



Projects



Single Family Home
Reiter Drive



Two Townhouses
North Oregon Street



Ongoing Construction



Commercial C of O's Issued:

- Dollar General (2079 SW 4th Ave)
- Take 5 Oil Change (48 SE Goodfellow)
- Planned Parenthood (640 SW 4th Ave)
- Malheur ESD (2927 SW 6th Ave)

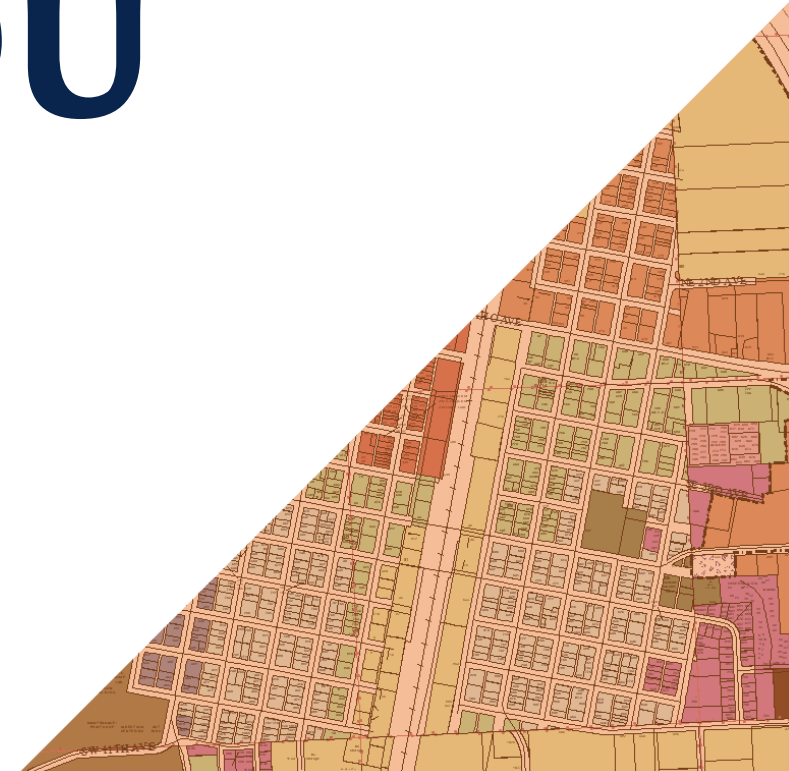
Residential C of O's Issued:

- Townhouse (614 N Oregon St)
- Townhouse (612 N Oregon St)
- Single Family Home (609 Reiter Dr)
- Single Family Home (1566 Skookum Dr)

Construction Complete



THANK YOU



Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 6/19/2023 3:15 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	878915	Jacobs Engineering Group, Inc.	05/03/2023	13,963.11
130219	480000	911 Supply	05/03/2023	390.19
130220	033300	Argus Observer	05/03/2023	103.04
130221	010500	Tori Barnett	05/03/2023	463.30
130222	879494	Bruneel, LLC	05/03/2023	274.84
130223	637830	Century Link	05/03/2023	675.29
130224	216000	D & B Supply Company	05/03/2023	28.33
130225	879757	Dirty Girl Construction, LLC	05/03/2023	4,705.88
130226	879760	Eastern Oregon Real Estate, LLC	05/03/2023	140,668.36
130227	879653	FileOnQ	05/03/2023	650.00
130228	879755	Loyal Gibbons	05/03/2023	6,000.00
130229	879570	James A Grissett-GHS Construction, Inc.	05/03/2023	20,000.00
130230	879557	Troy Hansen	05/03/2023	1,500.00
130231	376000	Idaho Power	05/03/2023	1,309.57
130232	392000	Interstate Electric Supply	05/03/2023	1,153.78
130233	879756	Joshua D Jacobson	05/03/2023	6,000.00
130234	879191	Kristy Lynn Janti	05/03/2023	51.00
130235	420000	John Deere Financial	05/03/2023	122.69
130236	408200	J-U-B Engineers, Inc.	05/03/2023	28,973.65
130237	440000	L.N. Curtis and Sons	05/03/2023	1,451.41
130238	879556	Dustin Andrew Martinsen	05/03/2023	1,500.00
130239	602320	NAPA Auto Parts	05/03/2023	27.54
130240	501200	Norm's Auto Electric	05/03/2023	172.95
130241	642080	Petty Cash	05/03/2023	50.00
130242	879656	Proficient Roof Maintenance and Coatings,	05/03/2023	22,550.00
130243	879759	Ron Virini Trust	05/03/2023	4,990.00
130244	666051	San Diego Police Equipment Company, Inc	05/03/2023	539.00
130245	879138	Stantec Consulting Services, Inc.	05/03/2023	5,968.00
130246	702008	Staples Business Credit	05/03/2023	146.66
130247	879758	The Sullivan Group, LLC	05/03/2023	5,000.00
130248	879212	Uniforms 2 Gear	05/03/2023	1,761.28
130249	288897	Verizon	05/03/2023	1,340.85
130250	878992	Wolfcom Enterprises	05/03/2023	1,524.97
Total for 5/3/2023:				274,055.69
130251	480000	911 Supply	05/05/2023	121.68
130252	130624	B & W Car Wash	05/05/2023	33.00
130253	879583	Benson's Trophies & Plaques, Inc.	05/05/2023	70.00
130254	879076	Blue Ground Northwest, LLC	05/05/2023	8,943.00
130255	626400	Campo & Poole Distributing, LLC	05/05/2023	11,138.37
130256	UB*12084	ROBERT CLAUDIO	05/05/2023	98.62
130257	22427	Conсор North America, Inc.	05/05/2023	29,950.61
130259	879736	Desert Sage Event Center	05/05/2023	2,709.30
130260	879762	Engineering Northwest, LLC	05/05/2023	1,500.00
130261	&260	Four Rivers Cultural Center	05/05/2023	22,340.19
130262	879244	Jon Laurenson	05/05/2023	88.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
130263	UB*12090	JOHN MAGNUSON *	05/05/2023	149.99
130264	451600	Malheur County Administration Office	05/05/2023	200.00
130265	&509	Matsy's Restaurant & Catering	05/05/2023	30.00
130266	879464	Merchant McIntyre Associates, LLC	05/05/2023	6,500.00
130267	UB*12093	ZACH MILLS	05/05/2023	74.73
130268	UB*12094	NEW AGE AIRCRAFT SERVICES	05/05/2023	147.46
130269	501200	Norm's Auto Electric	05/05/2023	169.95
130270	539200	Ontario Area Chamber of Commerce	05/05/2023	17,737.58
130271	596067	Ontario Tree Care, LLC	05/05/2023	3,740.00
130272	879402	State of Oregon Department of Aviation	05/05/2023	25.00
130273	583450	State of Oregon Dept of Corrections	05/05/2023	1,380.00
130274	879551	Painter Holdings & Business Ventures, Inc.	05/05/2023	32.00
130275	879393	PortaPros, LLC	05/05/2023	199.00
130276	879135	Jonathan Rico	05/05/2023	132.13
130277	879626	Silverhawk Properties Oregon, LLC	05/05/2023	425.00
130278	700000	Standard Plumbing Supply Co., Inc.	05/05/2023	1,295.63
130279	UB*12096	VERONICA TAPIA	05/05/2023	11.41
130280	879761	Blaca Tapia Chavez	05/05/2023	322.00
130281	774300	T-N-T Signs & Graphics	05/05/2023	80.00
130282	879553	Training & Employment Consortium	05/05/2023	120.00
130283	788402	TransUnion Risk & Alternative Data Soluti	05/05/2023	75.00
130284	UB*12095	TVPH 1, LLC	05/05/2023	147.72
130285	879635	Western Building Maintenance, Inc.	05/05/2023	4,657.08
130286	863995	White Cloud Communications-Boise, Inc.	05/05/2023	748.00
Total for 5/5/2023:				115,392.95
ACH	879763	Firetrucks Unlimited, LLC	05/09/2023	315,000.00
130287	405945	Jeremy Jones	05/09/2023	88.50
130288	037600	AT&T	05/09/2023	23.66
130289	637830	Century Link	05/09/2023	526.41
130290	637828	Century Link Communications, LLC	05/09/2023	73.17
130291	376000	Idaho Power	05/09/2023	3,150.18
130292	130950	Sparklight Business	05/09/2023	109.20
130293	879733	Waste Connections of Oregon, Inc.	05/09/2023	313.06
Total for 5/9/2023:				319,284.18
130294	033300	Argus Observer	05/12/2023	31.68
130295	21409	Big Sky Sportswear	05/12/2023	89.89
130296	UB*12101	STACY BILLHEIMER	05/12/2023	106.64
130297	879494	Bruneel, LLC	05/12/2023	88.00
130298	879637	Bryant Lovlien & Jarvis PC Attorneys at La	05/12/2023	17,132.50
130299	144000	Cascade Natural Gas Corporation	05/12/2023	448.82
130300	879268	CivicPlus, LLC	05/12/2023	8,021.64
130301	UB*12099	CYPREXX SERVICES LLC	05/12/2023	66.04
130302	216000	D & B Supply Company	05/12/2023	16.76
130303	284000	Farmers Supply Co-Op	05/12/2023	134.98
130304	UB*12102	SCOTT GLAUSER	05/12/2023	136.00
130305	UB*12097	GARTH AND SARAH INCE	05/12/2023	67.65
130306	441140	Looks Nu, Inc.	05/12/2023	287.00
130307	457799	Malheur Drainage District	05/12/2023	3,075.34
130308	610100	Malheur Memorial Health Clinic	05/12/2023	100.00
130309	879163	McCurry Ontario Motors, LLC	05/12/2023	33.78
130310	532000	Ontario Bearing & Hydraulic, Inc.	05/12/2023	16.96
130311	732000	Ontario Building Center, Inc.	05/12/2023	321.49
130312	879269	Open Gov, Inc.	05/12/2023	9,000.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
130313	582200	Oregon Association Chiefs of Police	05/12/2023	159.43
130314	242083	State of Oregon Department of Transportati	05/12/2023	44.65
130315	879766	Oregon Government Ethics Commission	05/12/2023	50.00
130316	528405	Oster Professional Group, CPA's PC	05/12/2023	25,925.08
130317	598220	Owyhee Irrigation District	05/12/2023	3,900.00
130318	UB*12098	JESUS/GISELL PEREZ/CHAVEZ	05/12/2023	106.52
130319	879373	Aaron Phillips	05/12/2023	166.00
130320	642093	Red's Automotive Repair, Inc.	05/12/2023	231.98
130321	879469	SBRK Finance Holdings, Inc.	05/12/2023	1,417.00
130322	687233	Snake River Valley Training Officers Assoc	05/12/2023	200.00
130323	729500	Storage On Site	05/12/2023	85.00
130324	774300	T-N-T Signs & Graphics	05/12/2023	32.00
130325	842030	Warrington Construction Corporation of Or	05/12/2023	2,400.00
130326	879151	Waste-Pro	05/12/2023	40.05
130327	UB*12100	CALLIE WHITE	05/12/2023	68.30
Total for 5/12/2023:				74,001.18
ACH	878915	Jacobs Engineeering Group, Inc.	05/15/2023	51,205.60
ACH	878915	Jacobs Engineeering Group, Inc.	05/15/2023	459,559.05
1303328	879619	Ameresco, Inc.	05/15/2023	210,897.00
1303329	22427	Consor North America, Inc.	05/15/2023	36,832.40
1303330	879765	TJ Toomey	05/15/2023	220.00
Total for 5/15/2023:				758,714.05
130331	130624	B & W Car Wash	05/18/2023	6.00
130332	879076	Blue Ground Northwest, LLC	05/18/2023	2,432.00
130333	UB*12105	BURGER WEST	05/18/2023	557.43
130334	183201	CK3, LLC	05/18/2023	4,385.00
130335	247940	Dooley Enterprises, Inc.	05/18/2023	2,179.83
130336	360015	Home Depot Credit Services	05/18/2023	973.53
130337	376000	Idaho Power	05/18/2023	3,730.99
130338	879417	LightSpeed Networks, Inc.	05/18/2023	1,218.84
130339	UB*12106	EMILY MAEDA	05/18/2023	221.68
130340	879301	Net Assets Corporation	05/18/2023	255.00
130341	240100	State of Oregon Dept of Consumer & Busir	05/18/2023	250.00
130342	879750	Paramount Ironworks, LLC	05/18/2023	85,200.00
130343	UB*12103	CONNIE SAMS	05/18/2023	144.49
130344	UB*12104	ALLISON THAYER	05/18/2023	171.23
130345	879553	Training & Employment Consortium	05/18/2023	190.00
130346	879680	US Bank Equipment Finance	05/18/2023	1,497.00
Total for 5/18/2023:				103,413.02
130347	879717	Rosenbauer South Dakota, LLC	05/19/2023	378,083.00
Total for 5/19/2023:				378,083.00
ACH	832852	Wells Fargo Business Elite Card	05/22/2023	14,708.16
130348	642081	CASH	05/22/2023	3,000.00
Total for 5/22/2023:				17,708.16
130349	033300	Argus Observer	05/25/2023	288.00
130350	879494	Bruneel, LLC	05/25/2023	203.95

Check No	Vendor No	Vendor Name	Check Date	Check Amount
130351	637830	Century Link	05/25/2023	675.29
130352	247940	Dooley Enterprises, Inc.	05/25/2023	920.93
130353	879653	FileOnQ	05/25/2023	650.00
130354	879768	HD Graphics, LLC	05/25/2023	70.00
130355	376000	Idaho Power	05/25/2023	2,694.72
130356	461607	MicroTechnology Systems, Inc.	05/25/2023	8,850.00
130357	583450	State of Oregon Dept of Corrections	05/25/2023	2,070.00
130358	878923	Oregon Volunteer Firefighters Association	05/25/2023	420.00
130359	879149	Pro Force Law Enforcement	05/25/2023	929.54
130360	879682	Schneider Tree Service & Construction, LL	05/25/2023	7,000.00
130361	878977	Snake River Valley Chief's Associaton	05/25/2023	200.00
130362	288897	Verizon	05/25/2023	1,340.58
130365	879736	Desert Sage Event Center	05/25/2023	2,956.86
130366	&260	Four Rivers Cultural Center	05/25/2023	24,400.01
130367	879189	Retired Chief Terry Leighton	05/25/2023	36.66
130368	461607	MicroTechnology Systems, Inc.	05/25/2023	2,100.00
130369	539200	Ontario Area Chamber of Commerce	05/25/2023	19,603.55
130370	879390	Jordan Lewis Watts	05/25/2023	58.25
130371	879470	Western Treasure Valley Rotary Club	05/25/2023	4,448.32
Total for 5/25/2023:				79,916.66
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	05/31/2023	810.75
ACH	PRAMERF	AMERICAN FUNDS GROUP	05/31/2023	150.00
ACH	PRCCIS	E B S TRUST	05/31/2023	75,777.67
ACH	PRCOLONI	COLONIAL LIFE	05/31/2023	793.12
ACH	PRFED	PAYROLL TAXES	05/31/2023	77,422.98
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTION	05/31/2023	500.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	05/31/2023	902.35
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	05/31/2023	3,387.11
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	05/31/2023	20,882.18
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	05/31/2023	7,164.87
ACH	PRPERS	OREGON PERS	05/31/2023	109,562.99
130404	PRLINC	LINCOLN NATIONAL LIFE INS CO	05/31/2023	600.00
130405	PRSFIRE	UMPQUA BANK	05/31/2023	675.00
Total for 5/31/2023:				298,629.02
Report Total (168 checks):				2,419,197.91

TATER TOTS TRAIL AD HOC COMMITTEE MINUTES
May 10, 2023

The scheduled meeting of the Tater Tots Trail Ad Hoc Committee was called to order at 6:00 p.m. in the City Council Chambers. Committee members present were Antonio Sunseri, John Breidenbach, John Kirby, Timothy Davis, Bruce Hunter, Barbara Wilson, and Phillip Millburn. Andrew Maeda excused.

Staff and presenters present: Dan Cummings, City Manager and Corinna Hysell, Assistant to City Manager.

Pledge of Allegiance.

Bruce Hunter moved, Timothy Davis seconded to adopt the agenda as amended. Motion passes 7-0-0.

Tim Davis moved, John Kirby seconded to approve the April 12, 2023, Tater Tots Trail Ad Hoc Minutes. Motion passes 7-0-0.

OLD BUSINESS

The committee members each spoke on how the charrette went. John Breidenbach added that he would like to keep the 3 identities. Bruce Hunter felt that money was no object when this was getting designed. Overall, the committee enjoyed working with the architects.

Breidenbach stated that the next steps the committee should take, may be the Ontario North-South Connector Trail packet, that Dan Cummings sent in an email to the committee members, and follow how that is put together. Breidenbach stated that he would like to get a few or more of the committee members to do a work group off site and come back on the 14th of June with a design, of a plan and have Alexandra Stone review it.

Phillip Millburn present at 6:13 p.m.

Dan Cummings stated he had the same thoughts.

There was a discussion on what happens after this is approved. Cummings stated it will depend on what direction the City Council wants to take.

Phillip Milburn stated he would like to add more design to each phase.

There was a discussion among the committee members, and they would like the trail to start at the south end.

Antonio Sunseri moved, John Breidenbach seconded not to have a meeting on May 24, 2023, and the next meeting will be June 14, 2023, and have meetings every 2nd Wednesday of the month. John Breidenbach will organize a work session. Motion passes 7-0-0.

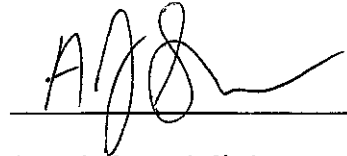
John Breidenbach stated he will check his schedule to set up a work group and send out an invite.

COMMENTS FROM COMMITTEE MEMBERS

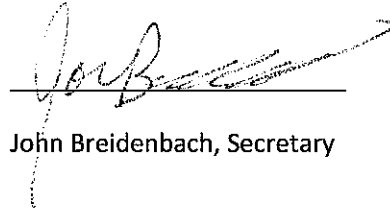
Next meeting will be June 14, 2023, at 6:00 p.m.

John Breidenbach moved, Antonio Sunseri seconded to adjourn at 6:32 p.m. Motion passes 7-0-0.

ACCEPTED:

A handwritten signature in black ink, appearing to read 'A Sunseri', written over a horizontal line.

Antonio Sunseri, Chairperson

A handwritten signature in black ink, appearing to read 'John Breidenbach', written over a horizontal line.

John Breidenbach, Secretary

MALHEUR COUNTY COURT MINUTES

June 7, 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 Road Supervisor Dave Tiffany and Administrative Officer Lorinda DuBois. Public present were: Brad Williams and his attorney Brian Sheets, Martin Joyce, and Coralee Williams. 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 # [2023-1696](#)

FIRST PUBLIC HEARING - ORDINANCE NO. 232

Judge Joyce opened the first public hearing for consideration of Ordinance No. 232: An Ordinance of Malheur County, Oregon Adding Title 3 Chapter 16 to the Malheur County Code Establishing Use of County Property for Camping. Notice of the hearing was published in the Argus Observer and posted on the County website; the draft ordinance is available for review on the County website. County Counsel Stephanie Williams explained the ordinance encompasses camping on County property and codifies the County's obligations under state law and implements the Martin v. Boise 9th Circuit case. A person who is experiencing homelessness cannot be punished for sitting, sleeping, or lying on public property when the person has no place to go. Counties are not required to build shelters for persons experiencing homelessness, however, if no shelter is available the unsheltered are allowed to sit, sleep and lie on County property subject to reasonable time, place and manner restrictions - Ordinance No. 232 sets forth the time, place and manner restrictions. In conjunction with the ordinance there is a Policy to ensure the most humane treatment for removal of homeless individuals from campsites on County property. No written or oral comments were received. The County owns a substantial amount of property in the City of Ontario and as such changes to the County ordinance may be needed; Ms. Williams will update the Court if changes are made. A second hearing will be held in two weeks.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of May 24, 2023 as written. Commissioner Mendiola seconded and the motion passed. (Judge Joyce was not present on May 24, 2023.)

ODOT 5310 AGREEMENT

Commissioner Jacobs moved to approve Public Transportation Division Oregon Department of Transportation Agreement No. 35479 - Operating 5310. Commissioner Mendiola seconded and the motion passed unanimously. The Agreement provides funding to purchase service to provide public transportation to seniors and individuals with disabilities, and the general public and to support the administrative costs required to manage the service contract. A sub-agreement will be drafted with Malheur Council on Aging and Community Services (MCOA&CS) to provide the services. A copy will be returned for recording.

STIF ADVISORY COMMITTEE

Commissioner Jacobs moved to appoint Michelle Villarreal to the Malheur County STIF (Statewide Transportation Improvement Fund) Advisory Committee. Commissioner Mendiola seconded and the motion passed unanimously.

CHECK REGISTER

Commissioner Mendiola moved to approve Accounts Payable Register for May 2023. Commissioner Jacobs seconded and the motion passed unanimously.

CSA – WILDLIFE SERVICES

Commissioner Jacobs moved to approve Cooperative Service Agreement (CSA) between Malheur County (Cooperator) and United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS); Agreement Number 23-7341-5124-RA. Commissioner Mendiola seconded and the motion passed unanimously. The purpose of the Agreement is to conduct wildlife damage management (WDM) activities to manage coyotes, birds and other predatory and/or nuisance species in Malheur County to reduce damage and mitigate human health and safety threats. The agreement expires June 30, 2028. A copy will be returned for recording.

WILDLIFE SERVICES WORK PLAN

Commissioner Mendiola moved to approve USDA APHIS Wildlife Services Work and Financial Plan, Cooperative Agreement No. 23-7341-5124-RA. Commissioner Jacobs seconded and the motion passed unanimously. The document defines the objectives, plan of action, resources and budget for the cooperative wildlife services program in Malheur County to be conducted July 1, 2023 through June 30, 2024; the County's financial contribution to the program is \$87,000. A copy will be returned for recording.

TEMPORARY EMPLOYMENT AGREEMENT - TSCHIDA

Ms. DuBois explained that Mr. Tschida requested this item be removed from the Court's agenda as he wishes to have further discussion with the Fair Board.

PIONEER CEMETERY

Present for a discussion regarding access to Pioneer Cemetery in Juntura were: Loren Canaday, Coralee Williams, Martin Joyce, Brad Williams and his attorney Brian Sheets, Danny Canaday, County Surveyor Derrick McKrola, Road Supervisor Dave Tiffany, and County Counsel Stephanie Williams. Pioneer Cemetery is a cemetery located on Brad Williams property. Mr. Canaday explained access to the cemetery was being denied via an access that is publicly owned between Beulah Road and Hwy 20; access is granted from Hwy 20 to the cemetery but there is a fence and ditch and difficult for people with crutches and wheelchairs and

who are not very ambulatory. Coralee Williams explained that people in their 50's, 60's, 70's and 80's are trying to maintain the cemetery and the best way to get equipment to the cemetery is the route that is denied. It was noted that Judge Joyce is an adjoining property owner. The access route in question is not maintained by the Juntura road district or the County.

Mr. Williams explained that his family has owned the property for over 60 years and he himself has owned/been an owner of the property for over 43 years; and there has never been a public access route to the cemetery in that area - the road has never been open. The end of the road by the highway is a slough and has trees 3 feet around growing in there. Two weeks before Memorial Day, persons cut the fence between the Joyce property and Williams property, left it open, bulldozed a path, cut tree limbs, knocked the fence over, drove through the field, cleaned up the cemetery, and threw the trash and garbage into Mr. Williams field. Access has always been from Hwy 20.

The parties discussed the matter at length. ORS 376.197 - Way of necessity to historic cemeteries addresses historic cemeteries within the exclusive farm use zone and provides that the property owner designates the route (nonmotorized) and times of access to the cemetery. The road in question is platted and undeveloped; Mr. Williams may pursue a road vacation petition in the future.

IRONHEAD ST PROPERTY

Ms. DuBois explained that quotes for a fence at the Ironhead Street facility were sought. Three entities looked at the project; two quotes were received. One quote received was incomplete. The Court authorized moving forward with the quote received that was complete.

ADJOURNMENT

Judge Joyce adjourned the meeting.

CITY OF ONTARIO
DIVERSITY ADVISORY COMMITTEE MINUTES
Wednesday, April 19, 2023
Ontario City Hall Council Chambers 5:30 pm

1. The meeting was called to order by Chair Thomas Moreno at 5:34 pm. **Roll Call:**
Members Present: Chair Thomas Moreno, Vice Chair Billy Carter, Janet Komoto, Benjamin Merrill, and Antonio Sunseri. Quorum met.
Members Absent: Leanne Swetland and Steffani Gilbert.
City Council Liaison Eddie Melendrez was absent.
City Manager Dan Cummings came in at 5:49 pm.
HR Director/Asst. to City Manager Corinna Hysell was present.
2. **Motion to Adopt the Agenda:**
Carter moved, Merrill seconded to adopt the agenda as presented. Motion passes 5-0-0.
3. **Approval of minutes from the March 15, 2023 meeting:**
Sunseri moved, Carter seconded to approve the minutes. Motion passes 5-0-0.
4. **Old Business:**
 - a. We reviewed the Chapter 14 DAC draft in the Code of Ordinances and agreed that these were going to be our final revisions and that they would be submitted to the City Council for approval.

Title 2 Chapter 14 of the Ontario Municipal Code shall be amended by removing the words lined through and adding the words that are underlined as follows:

2-14-1 Diversity Advisory Committee established.

A Diversity Advisory Committee is established composed of seven (7) members representative of varying area cultures and ~~socio-economic~~ socioeconomic circumstances. Consideration for broad representation reflective of the community shall be the primary factor in selection of the committee members. Recommendations from community associations that represent diverse populations shall be an additional contributing factor for selection of committee members.

Committee appointments shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation or military status.

~~The committee shall be reflective of the City demographics including to the best degree possible age.~~ Membership must represent more than two (2) different ethnicities, cultures, generations, genders, and/or ~~socio-economic~~ socioeconomic statuses. No one ethnicity, culture, or ~~socio-economic~~ socioeconomic status shall be represented by more than fifty percent (50%) of the committee membership.

2-14-2 Term(s) of office.

All seats shall be filled through an open application process with final selection by the Mayor with consensus of the City Council. Upon establishment of the committee, members will serve staggered terms: Three (3) members will serve three (3) year terms, two (2) members will serve two (2) year terms, and one member will serve a single year term.

Following the first staggered term, each appointed member shall serve three (3) year terms running from January 1st to December 31st.

2-14-6 Duties and responsibilities.

The Diversity Advisory Committee shall elect a Chair, Vice-Chair, and Secretary on an annual basis for one year terms. The Chair shall serve no more than three (3) consecutive terms.

The Diversity Advisory Committee serves to provide a means of intentional communication between the community's diverse cultures and communities with the City's elected and appointed officials. The Committee also provides representatives that the City's varying area cultures and ~~socio-economic~~ socioeconomic circumstances can contact with issues, concerns, and problems which relate to the City. This enhanced communication will assist in the development of a stronger community that is respectful of all nationalities, races, genders, ethnic groups, ages, and socioeconomic classes and cultures.

The Diversity Advisory Committee shall review policy, advocate for opportunities (e.g. grants or projects), and report back to the City Council on these matters at regular intervals.

2-14-9 Members—Prohibited acts.

A member of the Diversity Advisory Committee shall not participate in any Committee proceeding or action in which the following has a direct or substantial financial interest:

A member or his their spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which ~~he has~~ they have been serving or has served in the previous two (2) years or any business with which ~~he is~~ they are negotiating for or has an arrangement or understanding concerning a prospective partnership or employment, any actual or potential interest shall be disclosed at a meeting of the Committee where the action is being taken.

-
- b. Review the DAC pamphlet. We decided to table reviewing the DAC pamphlet after we agreed that the core values of Advocacy + Engagement + Social Justice + Collaboration = Equity in a re-write of the pamphlet.
 - c. Discuss DAC Facebook page. It turns out that Janet is already an administrator for the page. She can add administrators and post current information.
 - d. How to participate in Cultural and other events. We decided that voter registration was an important activity and that we would do that at America's Global Village on June 3 in Lions Park. Thomas will order shirts for Antonio, Billy and himself. Janet has access to civic engagement funds that will pay for the shirts and printing.

5. New Business:

- a. Dr. Benjamin Merrill presented some TVCC statistics on equity and diversity in campus enrollment and completion. He conducted a Comprehensive Local Needs Assessment (CLNA) comparing campus enrollment with our local population. Our county population is 31,693. Almost 10% of our population is at TVCC, with 2678 taking at least one class and 1000 full-time students. Our median income is \$47906, persons in poverty is 20%. Malheur County has the highest food insecurity rate in the state. Our county population is 59% white, 35% Hispanic and 8.3% other BIPOC. Enrollment is 29% Hispanic vs. county population of 35%. White enrollment is 57% vs. 59% countywide. Female outnumbers male enrollment and finishing programs. 41% of females are finishing programs vs. 6% males completing their programs.

Completion of associate degrees is not doing as well as CTE certificate programs. Hispanic males are 12% behind finishing their programs. 64% of students are from Idaho.

b. Next meeting May 17, 2023 at 5:30 pm.

6. Adjournment:

Sunseri moved, Carter seconded to adjourn at 6:36 pm. Motion passes 5-0-0.

Respectfully submitted,

Janet Komoto
DAC Secretary

ACCEPTED:


Thomas Moreno, Chairperson


Janet Komoto, Secretary