

**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, JANUARY 23, 2024, 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 January 19, 2024. 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) Adoption of Council Meeting Minutes: January 9, 2024

6) NEW BUSINESS

- A) Grant Management Task Order for Jacobs to Implement Safe Streets for All Grant
- B) Rural Fire Contract: Extending Addendum #13
- C) Resolution #2024-101: Opening a Portion of Airport Way
- D) Resolution #2024-102: Appropriate Funds for EPA Invoice
- E) Resolution #2024-103: Supplemental Budget to Appropriate Fire Department Donations
- F) Approval of CDBG Grant Documents for New Water Intake Engineering Design

7) DEPARTMENT HEAD UPDATES

A) Finance: Monthly Report

8) DISCUSSION ITEMS

A) Appoint Two Councilors for Rural Contract Review: Mon, Feb 19th or Thu, Feb 29th, 12:00pm

9) HAND-OUTS

- A) Check Register: December 2023
- B) Minutes: County Court 01-03-2024, 01-08-2024, 01-10-2024

10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

11) 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.

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

**CITY COUNCIL MEETING MINUTES****January 9, 2024**

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, January 9, 2024, in the Council Chambers of City Hall. Council members present were Deborah Folden, Penny Bakefelt, Ken Hart, Susann Mills, John Kirby, and Sam Baker. Councilor Melendrez was excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Casey Mordhorst, Marshall Pierce, Jason Cooper, Andy Woods, and Michael Iwai.

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

AGENDA

This Agenda was posted January 5, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF DECEMBER 12, 2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENTS

Emily Olson, Ontario, stated: *I'm coming to the Council tonight to discuss community safety, and, in particular, I'm here to talk about the recent uptake in violence around the cruises in town. I'm not just coming to complain, I'm coming with a couple of ideas for solutions and just wanting my voice to be heard, as well as many community members, especially my neighborhood committee, which met last night, about community safety concerns. My community lives two blocks back from the Albertson's and two blocks over from Bert's, and on Saturday, November 25th, and Friday, December 29th, two incidents occurred in conjunction with the cruise that involved shooting and it involved youth. Both incidences have us rattled, they have shown a clear uptake in violence and access to guns in our youth, not to mention I am a teacher in the Nyssa School District. I have a concern about this is how our youth is spending their time in town, and it's at the risk of the public safety. I do have some concerns with the communication around the incidences that I'd like to get feedback to the Council and OPD on, understanding that OPD has some severe staffing challenges right now, and I recognize that, but I'm concerned. Am I safe in my neighborhood, are there imminent threats, are we going to continue to see violence from the cruises, and our neighborhood is going to just be the collateral damage of it. I live with my husband, my nine and half and my eight year old, two blocks back from where two shootings have happened. I think I've mentioned that before, I'm very concerned. I'm concerned that we haven't heard a single thing in my neighborhood about the November 25th incident, despite the fact that the business owner of Bert's reports it and our neighbors all report it, and I'm concerned that it took twelve hours to let us know if we were out of danger and safe, or if we needed to shelter in place due to the incident at the Albertson's, that my family had visited within the hour of the incident. Here is what I've done in the meantime instead of stewing. I have gone and looked out at research, what are other cities similar to us doing if we have concerns with cruises, and I have two examples that I'd like OPD and the Council to look at. The first is Salem, and the second is Twin*



Falls. Both have bans on cruises. I'm not suggesting a ban at this point, but a look at their policies around cruises. I understand that requires staffing and it requires policy, so I'm coming today to ask if we could please take a look at this through the Police Department and the city, at what their similar policies may be. Maybe OPD needs a 90-day policy in place just so we can get a grip on what is going on, where are the guns coming from, what's the violence all about, just something simple at first to just let us get a grip, but then after that seems like ordinances, signs, times that we are not allowed to see cars going back and forth 15 times. I see my time is running out and I want to be respectful, and I'll just say, I'm one person, I am speaking with a lot of voices I've heard behind me. I'm frightened, and I'm frustrated in my community. I've only lived here three years. I'm not sure how much longer I can do that. Thank you.

PRESENTATION

Recognize: Sam D'Addabbo and Aaron Phillips

Mike Iwai, Police Chief, presented both officers (who now worked for OSP) with certificates of appreciation for their time working for the Ontario Police Department.

NEW BUSINESS

Appointments to City Committees

Tori Barnett, City Recorder, presented.

At the end of every calendar year, different positions on the city's various committees became vacant. Staff advertised those vacancies in the local media, on the city's Facebook page and website, as well as contacting the chairperson or point of contact for the committees, seeking applicants either for appointment or renewal. Before the Council were the results of those solicitations, and staff was seeking appointments based on the applications.

The city has multiple committees who act in an advisory capacity, bringing information, ideas, and/or suggestions to the Council for review and possible action. The only exception was the Planning Commission, which could make decisions and recommendations to the Council for action.

Applicants Michael Braden, James Beaumont, Michael Franks, and Jon Todd were in attendance.

Regarding the Airport appointments, James Beaumont, Jon Todd, and Michael Franks all spoke about why they would like to be on the Airport committee. At the end of his statement, Mr. Beaumont indicated he would be fine serving as the alternate.

With regard to the Business Loan Fund, Parks Committee, and Planning Commission, applicant Michael Braden informed the Council as to why he was interested in serving on the three committees, and voiced what he could bring to table and why he'd be a good fit.

KIRBY moved, Mills seconded, **TO APPOINT JON TODD AND MICHAEL FRANKS TO A FULL MEMBER POSITION, AND APPOINT JAMES BEAUMONT TO THE ALTERNATE POSITION ON THE AIRPORT COMMITTEE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

HART moved, BAKEFELT seconded, **TO APPOINT DAVID ARMSTRONG TO A POSITION ON THE BUDGET COMMITTEE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

FOLDEN moved, KIRBY seconded, **TO APPOINT MICHAEL BRADEN TO A POSITION ON THE BUSINESS LOAN FUND COMMITTEE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Council consensus to send the Diversity Advisory Committee application to the committee for review and recommendation to the Council.



HART moved, BAKEFELT seconded, **TO APPOINT MICHAEL BRADEN TO A POSITION ON THE PARKS COMMITTEE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

MILLS moved, BAKEFELT seconded, **TO APPOINT MICHAEL BRADEN AND BLU FORTNER TO POSITIONS ON THE PLANNING COMMISSION.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Council consensus to send the Public Works Committee applications to the committee for review and recommendation to the Council.

BAKEFELT moved, MILLS seconded, **TO APPOINT DEBBIE BLACKABY AND LYNELLE CHRISTIANI TO THE VISITORS & CONVENTIONS BUREAU BOARD.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Bid Award: Fire Department Air Compressor for SCBA

Clint Benson, Fire Chief, presented.

On Friday, December 8, 2023, the fire department's 15-20 year old SCBA air compressor stopped working. A technician was called, who indicated a compressor piston had blown out, which caused some major damage. A quote in the \$20,000 range was given with parts available in 6-12 months. A new air compressor was estimated to be in the \$50k-\$60k range and had a 4-6 week lead time. Given the fact the air compressor was old, and it would be a huge repair cost, staff decided to pursue a new air compressor.

Chief Benson signed up for NPPGov, which gave a 10% discount off of Bauer compressors and then proceeded to get quotes for the compressor. The Bauer compressor was preferred based on quality reviews from other agency and given that the specifications of the unit was close to the department's current one. The three quotes were as follows: SeaWestern \$43,765.10 (Bauer Verticus Compressor System); Weidner \$48,539.00 (Bauer Verticus Compressor); and Curtis \$40,964.59 (Artic Compressor). The company that received the bid award would also be required to service and test the compressor annually. Curtis was the company that currently had been servicing the compressor. The current compressor broke down just a few weeks after the annual servicing and the same thing happened with Payette's fire compressor last year. The service from Curtis throughout the years was lacking and there were recommendations from several other fire chiefs to steer clear of Curtis. Although Curtis had the lowest bid (which was for a different brand of compressor), staff recommended going with the next lowest bid from SeaWestern due to the reasons listed above. Staff believed SeaWestern would provide better service and the Bauer air compressor would be the best product for the money spent.

The fire department had been setting aside funding for turnouts and SCBA air packs for several years. A few years back the SCBA air packs were replaced, mostly using grant funds. Consequently, the Fire Equipment department in the Reserve Fund currently had \$161,817.85 available. Currently, the fire department was filling their SCBA air bottles at Fruitland or Payette's fire station. The quicker the new compressor could be ordered the sooner the air bottles could be filled on site.

Council could choose to repair the old unit instead of purchasing a new one; however, the cost to repair the compressor was approximately half the cost of a new one, and there would be a higher potential of more repair costs in the near future.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL AWARD THE SELF CONTAINED BREATHING APPARATUS AIR COMPRESSOR BID TO SEAWESTERN INC. FOR \$43,765.10.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

PUBLIC HEARINGS**Accept Right of Way for a Portion of SW 26th Street, per Approved Partition Plat, Approved Under Planning Action 2023-08-14 PTN**

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

Dan Cummings, City Manager/Community Development Director, presented.

The subject property had been partitioned by Ontario Lakes Development, LLC into three parcels with public right of way being dedicated along the eastern border of the property. This action required the dedication of public right of way for portions of SW 26th Street. Construction of all the public improvements would be done at a later date during development of the property. The partition was ready to be finalized and the public right of way accepted by the City Council.

This partition led the way for future development in the area with the dedication of right of way to meet the Growth and Desirability portions of the City Council's Strategic Plan. There was no financial cost to the city at this time other than normal maintenance of the city infrastructure developed and construction of the property. This action needed to be completed and the right of way accepted. The City Council, under 10 B-55-45 for a land division involving the creation of streets, shall, by action of the City Council at a public hearing, approve the final plat by motion accepting the public right of way, and the Mayor and planning officials shall sign the plat.

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

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF SW 26TH STREET AS SHOWN ON THE PARTITION PLAT, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON AUGUST 26, 2022, UNDER PLANNING FILE 2023-08-14PTN, AND AUTHORIZE THE MAYOR TO EXECUTE HER SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY SHOWN ON THE PLAT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATE**Police Department: Quarterly Report**

Mike Iwai, Police Chief, presented.

HAND-OUTS**Department Stats: December, 2023**

Police, Fire, Public Works, Code Enforcement

Minutes:

County Court 12/06/2023, 12/13/2023; DAC 11/15/2023

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Ms. Barnett reminded the Council of the Chamber Banquet on Friday, January 19, 2024, and asked that if they planned to attend, the Chamber needed to know how many in their party by Friday, January 12th.



EXECUTIVE SESSIONS**Executive Session: ORS 192.660(2)(h)**

An executive session was called at 7:22 p.m. under provisions of ORS 192.660(2)(h) to discuss Current or Potential Litigation. The Council exited at 8:08 p.m. and entered a second session.

Executive Session: ORS 192.660(2)(d)

An executive session was called at 8:09 p.m. under provisions of ORS 192.660(2)(e) to discuss Labor Negotiations. The Council reconvened into regular session at 8:56 p.m.

ADJOURN

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

ACCEPTED:**ATTEST**

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council

FROM: Casey Mordhorst, Public Works Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **GRANT MANAGEMENT TASK ORDER FOR JACOBS TO IMPLEMENT SAFE STREETS FOR ALL GRANT**

DATE: January 5, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE GRANT MANAGEMENT TASK ORDER FOR \$50,000 WITH JACOBS ENGINEERING FOR IMPLEMENTATION OF THE SAFE STREETS FOR ALL GRANT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.

SUMMARY:

The City of Ontario is committed to establishing a Comprehensive Safety Action Plan that is aimed at eliminating traffic fatalities and severe injuries in its community in the next five years. In August of 2022, the Ontario City Council passed a resolution that pledges the city to work towards the goal of zero deaths in the community and was awarded a Safe Streets for All (SS4A) Grant of \$280,000 in February 2023.

Jacobs Engineering was selected to perform grant administration based on qualifications and knowledge gained through assisting the city with the grant application. The Scope of Work includes overall project, technical consultant supervision, community outreach coordination, and grant program reporting as required in the Agreement between the City of Ontario and the Federal Highway Administration (FHWA) for the preparation of a Comprehensive Safety Action Plan.

BACKGROUND:

The City of Ontario is committed to establishing a Comprehensive Safety Action Plan that is aimed at eliminating traffic fatalities and severe injuries in its community in the next five years. In August of 2022, the Ontario City Council passed a resolution that pledges the city to work towards the goal of zero deaths in the community and was awarded a Safe Streets for All (SS4A) Grant of \$280,000 in February 2023.

CURRENT SITUATION:

Jacobs Engineering was selected to perform grant administration based on qualifications and knowledge gained through assisting the city with the grant application. The Scope of Work

includes overall project, technical consultant supervision, community outreach coordination, and grant program reporting as required in the Agreement between the City of Ontario and the Federal Highway Administration (FHWA) for the preparation of a Comprehensive Safety Action Plan.

ANALYSIS:

- A. **STRATEGIC PLAN** The project is consistent with the city's Strategic Plan.
- B. **FINANCIAL** The project is funded with federal grant funds.
- C. **TIMING** With the grant being awarded, time is of the essence in completing the work.
- D. **POLICY/LEGAL** None.

ALTERNATIVES:

If the city elects not to move forward with the award of the task order, the implementation of the grant will need to be completed by city staff who lack technical expertise and experience with the program, which will challenge successful implementation.

RECOMMENDATION:

Staff recommends awarding the Task Order to Jacobs Engineering in the amount of \$50,000 for grant administration assistance for the Safe Streets for All Grant.

ATTACHMENTS:

1. SS4AJacobsSOWTask OrderV2

Task Order 08: Safe Street for All (SS4A)

USDOT Grant Project Assistance

Project Background

Ontario is committed to establishing a Comprehensive Safety Action Plan that is aimed at eliminating traffic fatalities and severe injuries in its community in the next 5 years. In August of 2022, the Ontario City Council passed a resolution that pledges the city to work towards the goal of zero deaths in the community and was awarded a Safe Streets for All (SS4A) Grant of \$280,000 in February 2023.

The city will use these funds to create opportunities for meaningful community engagement, including the creation of a SS4A Task force representing diverse interests and opportunities for public input and feedback. The city's effort continues its strategic approach to updating its Transportation Plan and leverages Police Department leadership and experience with Vision Zero and safety implementation strategies. Ontario will combine this experience with an evidence-based approach to drive the entire Action Plan development process utilizing data to examine trends of accident locations, conditions, and other factors that result in serious injury and death on its roads.

81.8% of Ontario's population live in an Underserved Community Census tract and the city will seek to identify the demographics of road users that are overrepresented in crashes. This information, along with resources such as EJScreen and FHWA Socioeconomics and Equity Analysis, will help Ontario determine areas of the city that are in the most need of road safety improvements to promote equity. Ontario will also use this same evidence-based approach when selecting projects and strategies for its Action Plan, using FHWA resources and proven safety countermeasures to increase safety and equity in a low-cost, high-impact manner throughout the community.

Scope of Work

This Scope of Work includes overall project, technical consultant supervision, community outreach coordination, and grant program reporting as required in the Agreement between the City of Ontario and the Federal Highway Administration (FHWA) for the preparation of a Comprehensive Safety Action Plan (attached as Exhibit A).

Task 1 - Project Management:

Project management effort generally consists of:

- Supervise and coordinate Project work including the specialty Consultant(s) and city staff
- Communicate regularly with City project manager and City Engineer, and stakeholders
- Prepare and monitor budget, and schedule
- Provide information for regular updates to the project teams as appropriate
- Maintain Project files
- Coordinate and implement production and quality control efforts
- Review consultant deliverables
- Prepare & present city council information sessions (3)

Task 2 – Negotiate with Contractor and FHWA:

- Assist city staff in the selection of a specialty consultant to prepare a Comprehensive Safety Action Plan
- Review consultants proposed scope of work and contract documents
- Notify selected consultant and assist in the preparation of a Scope of Work, Schedule & Budget

Task 3 – Community Outreach & Public Engagement:

- Develop draft stakeholder list for review and finalization with City PM
- City staff to obtain contact information for proposed members of the task force
- Formalize formation of the SS4A Task Force with invitation to join
- Conduct Task Force meetings (8) – includes meeting agendas, meeting facilitation, and meeting summaries
- Conduct Public Open House (2) - City staff to provide locations and coordinate all logistics including materials needed (pens, paper, etc.); Jacobs staff to develop presentation materials
- Regular updates to city staff

Task 4 - Grant Management

- Prepare quarterly progress reports (5)
- Review and recommend approval of consultant invoices to the City

Assumptions:

1. Project duration is assumed to be 16 months.
2. City of Ontario responsibilities related to public engagement include initial development of stakeholder list with input from Jacobs.
3. City will develop a website for the project and provide updates throughout the duration of the project based on input from the Jacobs team. No website development or modifications will be provided by Jacobs.

Compensation: Time and Materials, not to exceed \$50,000

Total Project Fee: \$50,000

Jacobs Engineering Group Inc.

City of Ontario

Heather Carroll

By: Manager of Projects

By: _____

Signature/Title

Signature/Title

1/5/2024

Date

Date



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council
FROM: Clint Benson, Fire Chief
THROUGH: Danny K. Cummings, City Manager
SUBJECT: **RURAL FIRE CONTRACT: EXTENDING ADDENDUM #13**
DATE: January 12, 2024

PROPOSED MOTION:

STAFF RECOMMENDS APPROVAL OF THE CONTRACT EXTENSION TO ADDENDUM #13.

SUMMARY:

In early January, staff became aware that Addendum #13 to the City/Rural Fire Services Contract expired June 30, 2023. Ontario Rural Fire Protection District has continued to pay quarterly payments of \$51,828.25 (\$207,313 annually) per Addendum #13. After discussions with the City Manager, an extension to Addendum #13 was drafted and presented to the Ontario Rural Fire Protection District (ORFPD) at their January 11th board meeting. The ORFPD board unanimously voted to approve the extension as presented, and Chairperson Monty Culbertson signed the extension that evening. The ORFPD has been very supportive of the City of Ontario by assisting with the purchase of its new ladder truck through a monetary contribution of \$76,000. This important partnership continues to be strong and effective, with both sides working together to provide fire protection to the citizens. This extension of Addendum #13 will be valid until June 30, 2024. Per Addendum #13, members of the City Council and ORFPD Board will meet soon to discuss the next contract extension/addendum, to ensure that this important partnership continues.

BACKGROUND:

This action extends Addendum #13 (dated June 28, 2022) to the original contract (dated February 3, 1999).

CURRENT SITUATION:

The city is currently operating under an assumed extension and under the same terms as Addendum #13; However, a contract extension is needed as soon as possible.

ANALYSIS:

- A. **STRATEGIC PLAN** The action supports the Strategic Plan goal of a safe community.

- B. **FINANCIAL** This action does not produce a financial increase to the city; no revenue has been lost because the ORFPD has continued making the quarterly payments.
- C. **TIMING** The contract needs to be extended as soon as possible.
- D. **POLICY/LEGAL** This action extends Addendum #13 and continues the fire protection contract between the City of Ontario and ORFPD.

ALTERNATIVES:

There are no known reasonable alternatives to this requested action.

RECOMMENDATION:

Staff recommends an extension of Addendum #13.

ATTACHMENTS:

1. Extension Addendum #13

**EXTENSION OF ADDENDUM #13 TO
AGREEMENT TO PROVIDE FIRE SUPPRESSION AND OTHER SERVICES**

This Extension Agreement is entered into _____ day of _____, 2024 between the Ontario Rural Fire Protection District No. 7-302 ("District") and the City of Ontario, a municipal corporation ("City").

WHEREAS, on February 3, 1999, City entered into an Agreement to Provide Fire Suppression and Other Services with District, which Agreement was amended by Addendum #1, dated February 22, 2000, by Addendum #2 dated February 20, 2001, by Addendum #3 dated March 7, 2002, by Addendum #4 dated February 4, 2003, by Addendum #5 dated March 1, 2004, by Addendum #6 dated January 18, 2005, by Addendum #7 dated February 6, 2006, by Addendum #8 dated March 5, 2007, by Addendum #9 dated March 3, 2008, by Addendum #10 dated May 7, 2009 by Addendum #11 dated July 1, 2010; by Addendum #12 dated February 16, 2016, and Addendum #13 dated June 28, 2022 which expired on June 30, 2023.

WHEREAS, the parties desire to extend the Agreement based on Addendum #13 for an additional twelve months.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Agreement between the parties based upon Addendum #13 is hereby extended from July 1, 2023, through June 30, 2024.

IN WITNESS WHEREOF, this Extension Agreement has been executed as the day and year first above written.

THE CITY OF ONTARIO

ONTARIO RURAL FIRE PROTECTION
DISTRICT NO. 7-302

Deborah K. Folden, Mayor



Monty Culbertson, Chairman

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council

FROM: Dan Cummings, City Manager/Community Development Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2024-101: OPENING A PORTION OF AIRPORT WAY**

DATE: January 16, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2024-101, A RESOLUTION REOPENING A PORTION OF AIRPORT WAY FROM THE CENTERLINE OF HIGHWAY 201 (SW 30TH STREET) GOING WEST FOR 710 FEET.

SUMMARY:

On March 21, 2016, under Resolution #2016-109, for the safety of the Ontario Municipal Airport, the City Council closed several private and public access roads leading into the Airport, one of which was Airport Way. The time has come to reopen a portion of Airport Way to the public.

BACKGROUND:

Airport staff and the Airport Committee had been informed that unauthorized vehicles have been accessing the city airport property and driving across restricted areas. This could result in vehicle contact and/or accidents with aircraft.

At the request of the Airport Committee and the recommendation of the Federal Aviation Administration (FAA) based upon safety issues, it has been determined that the access points onto the airport property need to be gated and/or blocked to restrict unauthorized access onto the property.

The proposed closures and gated areas were presented to the Airport Committee, who unanimously gave support for staff to take action before the City Council for closing the following roads.

The access points under discussion, and noted on Exhibit "A", were designated as:

- (1) Hotel Road [BLM access];
- (2) Airport Way;
- (3) SW 31st Street;
- (4) Static Display property lines West of SW 6th Avenue; and

(5) Golf Course Road.

Some of the named roads have been used by the general public for many years, giving access to different areas of airport property, including private hangers, as well as the Ontario Municipal Golf Course, while it was open to the general public. Due to the history of public use, it was determined that it is in the best interest of the community that the city hold a public hearing, informing the public of the potential closures, so that any party who wishes to voice an objection, or to speak in support of the action, will be given an opportunity to be heard, and to explain the need for the continued use of the road, or to state why it should be closed. The Council will have the ultimate authority to consider said testimony, and determine if a particular access point should remain open or be closed.

The city is currently in the process of obtaining a grant through the Federal Aviation Administration (FAA) for finishing the parameter fencing around the airport property, which would include permanent gates at some of the above stated access points. However, even though those funds may not be available until the FY 2018 budget cycle, it is the recommendation of the Airport Committee to close these roads off now utilizing temporary structures.

The proposed closures will restrict access to the general public, but allow authorized personnel and vehicles the ability to enter and exit.

Below are the requested closures:

1. Hotel Road (BLM access) is considered a private airport road on city property. It is for access to hangers and other airport property and structures only. It is recommended that it be closed off, with restricted access only at the entrance off of SW 4th Avenue at the north end of the city airport property. This is one of the locations designated for a permanent gate. The temporary closure will be via a cable and lock.
2. Airport Way is considered a future public access on city airport property. It has been used to access airport hangers and other city buildings. It will be closed and restricted to authorized personnel and equipment access only, utilizing the access point on SW 30th Street (Highway 201). This is a proposed location for a permanent gate, and will be temporarily closed with a cable and lock.
3. SW 31st Street is considered a private street on private property, but does provide access points onto city property. The proposal is to close it at the south end on the city property line by concrete barricades. This access point is on the list for permanent closure, so fencing, when installed, will prohibit any and all access via this route.
4. SW 6th Avenue is considered a private street on private property, but it does provide an access point onto city property. Access from SW 6th Avenue is proposed to be temporarily closed by posting No Trespassing signs bordering the property line between the city and the private property section, with permanent fencing eventually installed.
5. Golf Course Road is shown as a dedicated road, and for many years has been used by the

general public as access to the City's Municipal Golf Course and storage units. There is currently a cable and lock barrier across the road, just north of the existing trailer park property. The proposal is to move the cable/lock barrier to the north end of Golf Course Road, and to construct a wire fence along the east ROW, connecting to the fence line along the north line of the mobile home park.

On March 21, 2016, under Resolution #2016-109 for the safety of the Ontario Municipal Airport, the City Council closed the above-stated roads private and public access roads leading into the Airport, one of which was Airport Way. The time has come to reopen a portion of Airport Way to the public.

CURRENT SITUATION:

A portion of the road known as Airport Way has been constructed to city street standards and is ready to be reopened to public access and public right of way.

ANALYSIS:

- A. **STRATEGIC PLAN** Not part of the Strategic Plan.
- B. **FINANCIAL** No additional financial impact.
- C. **TIMING** Reopening upon passage
- D. **POLICY/LEGAL** The City Council was the authority to close the road and therefore is the authority to reopen the road.

ALTERNATIVES:

None offered.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution #2024-101 and reopen a portion of Airport Way as a public street.

ATTACHMENTS:

1. Reso #2024-101 Reopening a Portion of Airport Way



RESOLUTION #2024-101

**A RESOLUTION AUTHORIZING THE REOPENING OF A PORTION OF THE ROAD
KNOWN AS AIRPORT WAY FOR USE AS A PUBLIC STREET**

WHEREAS, The City of Ontario, under Resolution #2016-109, closed certain sections of roads leading into the Ontario Municipal Airport for safety of the Airport; and

WHEREAS, A portion of the road, known as Airport Way, has been constructed to city street standards and is ready to be reopened to public access.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Ontario City Council hereby orders the reopening of the position of Airport Way from the Centerline of Highway 201 (SW 30th Street) heading West for 710 feet.

BE IT RESOLVED that the above stated section of Airport Way is now open as of the date of this resolution for Public Access and Public Right of Way.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 23rd day of January 2024, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 23rd day of January 2024.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2024-102: APPROPRIATE FUNDS FOR EPA INVOICE**

DATE: January 16, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2024-102: A RESOLUTION APPROPRIATING FUNDS TO PAY THE \$48,770.87 ENVIRONMENTAL PROTECTION AGENCY INVOICE FOR AIRPORT CLEANUP OPERATIONS.

SUMMARY:

EPA performed a site evaluation and cleanup of the Airport property where Beck's Spray Operations were performed. The EPA has billed the City of Ontario for a portion of these services and is demanding payment. See attachment 1.

BACKGROUND:

On November 27, 2023, the City received a letter addressed to the previous City manager demanding reimbursement of costs incurred by the EPA for the Airport Pesticides Sites located at the Ontario Municipal Airport. For more information please refer to Attachment 1.

CURRENT SITUATION:

The current City Manager contacted EPA and received an extension to the deadline for payment to the end of January 2024 in order to get Council approval to make payment.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct impact to the strategic plan.
- B. **FINANCIAL** The demand for payment is \$48,770.87. The General Fund beginning fund balance ended up approximately \$228,371 over the 2023-2024 budget. This will reduce this surplus to approximately \$179,600.
- C. **TIMING** Payment needs to be made by January 31, 2024, to avoid additional penalties and interest.
- D. **POLICY/LEGAL** The City Council is the authorizing entity for payments not in the adopted budget.

ALTERNATIVES:

The city is required to pay the invoice or incur penalties. The City Council could choose a different funding source if desired.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2024-102 transferring fund to make payment to the EPA.

ATTACHMENTS:

1. EPA Demand for payment_Beck Site_Dated 11-8-23
2. Reso #2024-102 EPA Invoice



REGION 10
SEATTLE, WA 98101

November 8, 2023



URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Adam Brown
City Manager
City of Ontario, Oregon
444 SW 4th Street
Ontario, Oregon 97914

Re: Demand for Reimbursement of Costs and Request for Information regarding the Oregon Airports Pesticides Site in Ontario, Oregon.

Dear Mr. Brown:

The United States Environmental Protection Agency (EPA) previously contacted you regarding activities connected with the Oregon Airport Pesticides Sites ("Site") located at the Ontario Municipal Airport in Ontario, Oregon. A copy of the EPA's past correspondence is attached for your reference as Attachment A. In our letter dated October 18, 2021, EPA informed you and the other potentially responsible parties (PRPs) that you may be liable for money expended by the EPA for response action at this Site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA, commonly known as the federal "Superfund" law). Since the time of our previous correspondence, the EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Explanation of Potential Liability

Under Section 107(a) of CERCLA, potentially responsible parties (PRPs) may be held liable for all costs incurred by the EPA (including interest) in responding to any release or threatened release of hazardous substances at the Site, unless the PRP can demonstrate divisibility or assert one of the statutory defenses.¹ PRPs include current and former owners and operators of the Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

1. EPA guidances regarding exemptions and defenses to CERCLA liability are available at:
<https://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>

Based on the information collected, the EPA believes that Ontario may be liable under Section 107(a) of CERCLA with respect to the Oregon Airports Pesticides Emergency Response Site, as the current owner of the Site. On December 13 and 14, 2021, the EPA conducted an emergency response action to address hazardous waste containers and pesticide product containers which had been abandoned at the Site. The EPA's emergency response activities included assessment and sampling of wastes and soils at the Site and disposal of Malathion-contaminated waste from the Site.

Demand for Reimbursement of Costs

In accordance with Section 104 of CERCLA, the EPA has already taken certain response actions, which are listed above, and incurred certain costs in response to conditions at the Site. The EPA is seeking to recover from you its response costs and all interest authorized to be recovered under Section 107(a) of CERCLA. To date, the approximate total costs of the emergency response identified through October 17, 2023, for the Site are \$48,770.87. Under Section 107(a) of CERCLA, the EPA hereby makes a demand for payment for the above amount plus all interest authorized to be recovered under Section 107(a). A summary of these costs is enclosed as Attachment B.

While this letter demands that Ontario reimburse the EPA for all funds spent at the Site, the EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If Ontario believes, and can document, that it falls within this category, please contact the EPA for information on ability to pay settlements. In response, you will receive a package of information about such settlements and a form to fill out with information about Ontario's finances, and you will be asked to submit financial records in support of your responses. If the EPA concludes that Ontario has a legitimate inability to pay the full amount, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from Ontario.

Additionally, some or all of the costs associated with this notice may be covered by current or past insurance policies issued to Ontario. Most insurance policies will require that you timely notify your carrier(s) of a claim against Ontario. To evaluate whether you should notify Ontario's insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your first contact with the Site up to the present. Coverage depends on many factors, such as the language of the particular policy and state law. The EPA may be able to assist you with analyzing whether policies held by Ontario provide coverage for the costs the EPA seeks to recover from it.

Also note that, because the EPA has a potential claim against Ontario, Ontario must include the EPA as a creditor if it files for bankruptcy. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Please send a response to this cost recovery demand within thirty days to Christina Vieira da Rosa, Assistant Regional Counsel at vieiradarosa.christina@epa.gov. If a response from you is not received within thirty days, the EPA will assume that Ontario has declined to reimburse the Superfund for the Site expenditures, and pursuant to CERCLA, the EPA may pursue civil litigation.

Information Request

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request set forth as Attachment C to this letter within **thirty days** of receipt of this letter. Compliance with the Information Request is mandatory. Failure to respond fully

and truthfully to the enclosed Information Request within the timeframes set forth in the Information Request, or to justify adequately such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits the EPA to seek the imposition of penalties for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. In addition to Ontario's response to the Demand for Reimbursement of Costs, please send a response to the Information Request and any requested supporting documentation to Ms. Vieira da Rosa at the email address indicated.

Please give these matters your immediate attention and provide your response to both the Demand for Reimbursement of Costs and the Request for Information within **thirty days** of receipt of this letter. If you have any questions regarding this letter, please contact Christina Vieira da Rosa at 206-553-2601 or vieiradarosa.christina@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

LORI
MULLER

Digitally signed by LORI
MULLER
Date: 2023.11.13
13:52:48 -08'00'

Lori Muller
Acting Section Manager
Emergency Response Section
Superfund and Emergency Management Division

Enclosures:

- A. General Notice Letter
- B. Cost Summary
- C. Information Request Questions
- D. Instructions and Declaration



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

**GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

October 18, 2021

Mr. Adam Brown, City Manager,
City of Ontario, Oregon
444 SW 4th Street
Ontario, Oregon 97914

Re: General Notice Letter for the Oregon Airport Pesticides Site at the Ontario Airport

Dear Mr. Brown:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the former Beck's Spray Service leased facility at the Ontario, Oregon airport, located at 581 SW 33rd Street, Ontario, OR. 97914 (the "Site.") EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that the City of Ontario ("City") may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Sites, unless the PRP can demonstrate divisibility or assert one of the statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that the City may be liable under Section 107(a) of CERCLA with respect to the Oregon Airport Pesticides Site located at the Ontario Airport, as a current owner of the Site. Soil and wastewater samples taken at Beck's Spray Service formerly leased facility at the Ontario Airport detected levels of hazardous substances exceeding EPA screening levels. Specifically, soil sampling detected 4,4'-DDT, 4,4'-DDD, and 4,4'-DDE in levels exceeding the EPA

Regional Screening Level for industrial soils. The pesticide Methomyl was detected at levels exceeding the Soil Leaching to Groundwater Regional Screening Level in two of three soil samples collected. Wastewater samples collected from the drip pad sump also detected high levels of the pesticide Dimethoate.

To date, EPA has taken response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- On September 14, 2021, EPA personnel, in coordination with the Oregon Department of Agriculture (ODA), Oregon Department of Environmental Quality (ODEQ) and City of Ontario personnel, accessed and conducted a limited removal site evaluation of the Beck's Spray Service formerly leased facility at the Ontario Airport.
- Soil and wastewater samples were collected and submitted to analytical laboratories to assess for the presence and concentrations of hazardous substances at the Sites to determine risks of exposure and potential need for a removal action.

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If the City believes, and can document, that it falls within that category, please contact Christina Vieira da Rosa, Assistant Regional Counsel, at 206-553-2601 or vieiradarosa.christina@epa.gov for information on ability to pay settlements. In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records. If EPA concludes that the City has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy. EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Information to Assist You

EPA will establish an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record will be available for inspection and comment at the Superfund Records Center, EPA Region X, 1200 Sixth Avenue, Suite 155, Seattle, Washington, 98101. Appointments can be made at the Superfund Records Center by calling 206-553-4494.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review EPA guidances regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact Christina Vieira da Rosa, Assistant Regional Counsel, at 206-553-2601 or vieiradarosa.christina@epa.gov.

Thank you for your prompt attention to this matter.

Sincerely,

Stephanie Wenning
Section Chief
Emergency Response Section

Itemized Cost Summary

OREGON AIRPORT PESTICIDES SITES, SITE ID = 10TR

EMERGENCY AND RAPID RESPONSE SERVICE (ERRS)

E Q M (68-HE-0720D0002)	\$17,323.59
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TECHNICAL SERVICES & SUPPORT

WESTON SOLUTIONS INC. (68-HE-0720D0005)	\$11,987.59
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EPA Indirect Costs (Summary) / (Details)	\$19,459.69
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SITE COSTS BEFORE COST RECOVERY COLLECTIONS	\$48,770.87
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EPA COST BEFORE PREJUDGMENT INTEREST	\$48,770.87
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Total Site Costs:	\$48,770.87
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Contract Costs

OREGON AIRPORT PESTICIDES SITES, SITE ID = 10TR

EMERGENCY AND RAPID RESPONSE SERVICE (ERRS)

Contractor Name: E Q M

EPA Contract Number: 68-HE-0720D0002

Project Officer(s):

Dates of Service: From: To:

Summary of service:

Total Costs: \$17,323.59

<u>Voucher Number</u>	<u>Voucher Date</u>	<u>Voucher Amount</u>	<u>Treasury Number</u>	<u>Schedule Date</u>	<u>Site Amount</u>
3343-014-001		\$0.00	AVC220152	05/11/2022	\$16,667.79
3343-014-002		\$0.00	AVC220214	08/04/2022	\$655.80
Subtotal for :					\$17,323.59
Total:					\$17,323.59

Contract Costs

OREGON AIRPORT PESTICIDES SITES, SITE ID = 10TR

TECHNICAL SERVICES & SUPPORT

Contractor Name: WESTON SOLUTIONS INC.

EPA Contract Number: 68-HE-0720D0005

Project Officer(s):

Dates of Service: From: To:

Summary of service:

Total Costs: \$11,987.59

<u>Voucher Number</u>	<u>Voucher Date</u>	<u>Voucher Amount</u>	<u>Treasury Number</u>	<u>Schedule Date</u>	<u>Site Amount</u>
R10-0001-A15		\$0.00	AVC220086	02/02/2022	\$4,745.96
R10-0001-A16		\$0.00	AVC220103	03/03/2022	\$2,420.31
R10-0001-A17		\$0.00	AVC220123	03/31/2022	\$2,415.75
R10-0001-A18		\$0.00	AVC220146	05/03/2022	\$1,830.13
R10-0001-A19		\$0.00	AVC220166	05/31/2022	\$575.44
Subtotal for :					\$11,987.59
					Total: \$11,987.59

EPA Indirect Costs Summary

OREGON AIRPORT PESTICIDES SITES, SITE ID = 10TR

Fiscal Year	Direct Costs	Indirect Rate (%)	Indirect Cost
2022	29,311.18	66.39%	19,459.69
	29,311.18		
Total EPA Indirect Costs			
			\$19,459.69

EPA Indirect Costs

OREGON AIRPORT PESTICIDES SITES, SITE ID = 10TR

OTHER DIRECT COSTS

Contract, IAG, SCA, Misc. NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
68-HE-0720D0002	3343-014-001	05/11/2022	16,667.79	0.00	66.39%	11,065.75
	3343-014-002	08/04/2022	655.80	0.00	66.39%	435.39
			\$17,323.59	\$0.00		\$11,501.14
68-HE-0720D0005	R10-0001-A15	02/02/2022	4,745.96	0.00	66.39%	3,150.84
	R10-0001-A16	03/03/2022	2,420.31	0.00	66.39%	1,606.84
	R10-0001-A17	03/31/2022	2,415.75	0.00	66.39%	1,603.82
	R10-0001-A18	05/03/2022	1,830.13	0.00	66.39%	1,215.02
	R10-0001-A19	05/31/2022	575.44	0.00	66.39%	382.03
			\$11,987.59	\$0.00		\$7,958.55
Total Fiscal Year 2022 Other Direct Costs:			\$29,311.18	\$0.00		\$19,459.69
Total Fiscal Year 2022	\$29,311.18	\$19,459.69				

Total EPA Indirect Costs **\$19,459.69**

**U.S. EPA
CERCLA SECTION 104(e)
INFORMATION REQUEST**

Respondent: City of Ontario, Oregon

Site: Oregon Airport Pesticides Sites Emergency Response

Address: Ontario Municipal Airport, 581 SW 33rd Street, Ontario, Oregon
97914

Date: First involvement at the Site to present

INFORMATION REQUEST QUESTIONS

Section 1.0 Respondent Information

1. For each person who provides a response, or assists in providing a response, for or on behalf of Respondent provide the full name, title, business or home address, business or home telephone number, and email address of that person.
2. If Respondent chooses to designate a person to be the recipient of future correspondence from EPA, please indicate so by providing the full name, address, telephone number and email address of that person.

Section 2.0 Insurance Information

1. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts referencing the Site (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing the Respondent with liability insurance relating to the Site property
2. To the extent not provided in Question 1 of this section, provide copies of all insurance policies that may potentially provide the Respondent with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or Respondent's business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
3. To the extent not identified in Questions 1 or 2 of this section, provide all other evidence of casualty, liability and/or pollution insurance issued to Respondent for the period being investigated as identified in Question 1.
4. If there are any such policies from Questions 1, 2, or 3 of this section of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;

- c. The per occurrence policy limits of each policy; and
 - d. The effective dates for each policy.
- 5. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of Respondent and the current whereabouts of each individual, if known.
- 6. Identify all previous settlements by Respondent (or Respondent's predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 1-4 of this section, including:
 - a. The date of the settlement;
 - b. The scope of release provided under such settlement; and
 - c. The amount of money paid by the insurer pursuant to such settlement.

Provide copies of all such settlement agreements.

- 7. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy referenced in Questions 1-4 of this section. Include any responses from the insurer with respect to any claims.
- 8. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
- 9. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Respondent during the period being investigated as identified in Question 1 of this section, and the date such named insureds appeared on the policies.
- 10. Identify any person or organization requiring evidence of Respondent's casualty, liability and/or pollution insurance during the period being investigated as identified in Question 1 of this section, including the nature of the insurance requirement and the years when the evidence was required.
- 11. Identify Respondent's policy with respect to document retention.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to penalties as set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and at least one copy of all requested documents. Your submission must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Your response must be submitted via electronic transmission in Portable Document Format (PDF) and comply with the following requirements:

- a. Confidential Business Information (CBI) and personal privacy information should be provided in separate folders and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. Electronic PDF files must be text-searchable.
 - c. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
 5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
 6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). Any documents claimed by the Respondent as CBI must be segregated from non-confidential documents and be clearly marked as "Confidential Business Information." All information claimed to be confidential should be contained in separate electronic media format(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a

confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice to the Respondent.**

7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate electronic media format(s), and marked as "Personal Privacy Information." Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject the Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted to be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.**
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in the response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (C.F.R.), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean the addressee of this request, together with its managers, employees, contractors, trustees, predecessors, successors, assigns, and agents of the Respondent as well as any officers, managers, employees, contractors, trustees, and agents of any predecessors, subsidiaries, successors, assigns, or other corporate entities related to the Respondent.
2. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, waste disposal, sales, and renting the property for use by others.
3. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests; and
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings; and
 - d. attachments to, or enclosures with, any document.
4. The term "hazardous substance" shall have the meaning set forth in section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form

(e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

7. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
8. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
9. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
10. The term "Site" shall mean any or all property or area located at the former Beck's Spray Service facility located at the Ontario Municipal Airport, 581 SW 33rd Street, Ontario, Oregon 97914.
11. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 20____.

Signature

Type or Print Name

Title

Mailing Address:

Tracking Number:

Remove X

70141200000143209459

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 9:25 am on November 27, 2023 in ONTARIO, OR 97914.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

ONTARIO, OR 97914

November 27, 2023, 9:25 am

See All Tracking History

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Product Information

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Feedback

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs



RESOLUTION #2024-102

A RESOLUTION APPROPRIATING FUDNS TO PAY THE \$48,770.87 ENVIRONMENTAL PROTECTION AGENCY INVOICE FOR AIRPORT CLEANUP OPERATIONS

WHEREAS, The United States Environmental Protection Agency (EPA) contacted the City with a letter dated October 18, 2021 about a potential liability for money expended by the EPA for hazardous substances cleanup at the airport; **and**

WHEREAS, The City received a letter on November 27, 2023 demanding payment for the cleanup and wasn't given other options from the EPA besides paying the \$48,770.87 share of costs; **and**

WHEREAS, The costs are unexpected and weren't budgeted in the 2023-2024 budget; **and**

WHEREAS, The City desires to modify the 2023-2024 budget in order to appropriate the funding.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustment to the fiscal year 2023-2024 budget:

Line Item	Item Description	FY 23-24 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-000-406000	Available Cash on Hand	\$3,400,767	\$48,771	\$3,449,538
001-004-615900	Reimbursements	\$ -	\$48,771	\$ 48,771

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 23rd day of January 2024, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 23rd day of January, 2024.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2024-103: SUPPLEMENTAL BUDGET TO APPROPRIATE FIRE DEPARTMENT DONATIONS**

DATE: January 16, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2024-103: A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO APPROPRIATE UNEXPECTED FIRE DEPARTMENT DONATIONS.

SUMMARY:

Attached is Resolution #2024-103.

BACKGROUND:

The Ontario Fire department received three local donations as follows:

Ontario V.F.W. Post 5452 \$300
American Legion Post #67 \$300
American Legion Auxiliary Unit #67 \$50

CURRENT SITUATION:

The Ontario Fire Department would like to spend these donations on some minor fire equipment. A resolution is needed to appropriate funds.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct strategic plan impact.
- B. **FINANCIAL** This will increase the appropriations in the fire department budget by \$650.
- C. **TIMING** The resolution needs to be approved in order to give budget authority to spend the grants.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend the funds per ORS 294.

ALTERNATIVES:

Take No Action - The Council could take no action on this matter; this would not allow the donation funds to be spent.

RECOMMENDATION:

Staff recommends the approval of Resolution #2024-103.

ATTACHMENTS:

1. Reso #2024-103 Supplemental Budget Fire Grants



RESOLUTION #2024-103

**A SUPPLEMENTAL BUDGET TO APPROPRIATE UNEXPECTED
FIRE DEPARTMENT DONATIONS**

WHEREAS, The Ontario Fire Department received some unexpected donations OF \$300 from the Ontario V.F.W. Post 5452, \$300 from the American Legion Post #67 and \$50 from American Legion Auxiliary Unit #67 for a total of \$650; **and**

WHEREAS, The fire department would like to spend the donations on minor fire equipment; **and**

WHEREAS, The City desires to modify the 2023-2024 budget in order to appropriate the asset forfeiture funds.

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

Line Item	Item Description	FY 22-23 Budget	Amount of Change	Adjusted Budget
GENERAL FUND – FIRE DEPARTMENT				
001-000-456153	Fire Grants	\$3,500	\$650	\$4,150
001-016-613600	Fire Equip/Replacement	\$14,600	\$650	\$15,250

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 23rd day of January 2023, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 23rd day of January, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 23, 2024**

To: Mayor and City Council

FROM: Casey Mordhorst, Public Works Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **APPROVAL OF CDBG GRANT DOCUMENTS FOR NEW WATER INTAKE
ENGINEERING DESIGN**

DATE: January 18, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN AND APPROVE ALL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DOCUMENTS FOR THE NEW WATER INTAKE ENGINEERING DESIGN.

SUMMARY:

The City Council authorized submittal of a CDBG grant application for a new Water Intake Engineering Design project in 2023. The City Council held a public hearing prior to the grant application submittal. Business Oregon has notified the city that the grant application was successful, and the attached documents are required to be approved to initiate the project.

BACKGROUND:

The City Council authorized submittal of a CDBG grant application for a new Water Intake Engineering Design project in 2023. The City Council held a public hearing prior to the grant application submittal.

CURRENT SITUATION:

Business Oregon has notified the city that the grant application was successful, and the attached documents are required to be approved to initiate the project.

ANALYSIS:

- A. **STRATEGIC PLAN** The project is consistent with the strategic plan.
- B. **FINANCIAL** There is no financial impact as the project is funded through grant funds.
- C. **TIMING** Business Oregon requires timely acceptance of the grant documents.
- D. **POLICY/LEGAL** None.

ALTERNATIVES:

If the City Council elects not to accept the grant funds, the city will need to fund the project.

RECOMMENDATION:

Staff recommends accepting the CDBG grant and authorize signature on the documents by the City Manager.

ATTACHMENTS:

1. 2 P23006 Ontario Authorized Signature Card
2. 3 P23006 Ontario Deposit Option Notification
3. 0 Checklist of Contract Documents
4. 1 P23006 Ontario Contract

Authorized Signature Card for Cash Payments on Oregon Business Development Department Awards	
Recipient	Project Number
Signatures of Delegated Authorized Individuals to Request Payments (Two signatures are required to request disbursement of funds)	
_____ Typed Name and Title (1) a _____ Signature (Highest Elected Official must not sign here)	_____ Typed Name and Title (1) b _____ Signature (Highest Elected Official must not sign here)
Additional Signatures (if desired)	
_____ Typed Name and Title (1) c _____ Signature (Highest Elected Official must not sign here)	_____ Typed Name and Title (1) d _____ Signature (Highest Elected Official must not sign here)
I certify that the signatures above are of the individuals authorized to draw funds for the cited project. _____ Typed Name, Title and Date (2) _____ Signature of Highest Elected Official or duly authorized official for the Recipient (Must not be listed in item (1) a through (1) d above)	Agency Use Only: Date Received:

Oregon Business Development Department/Authorized Signature Card

Preparation of the Authorized Signature Card Form: If a mistake is made, or a change is necessary during the preparation of the signature card form, please prepare a new form, since erasures or corrections of any kind will not be acceptable. If you want to change individuals authorized to draw funds from the project, then please submit a new signature card. Any updated signature card will replace the previous one, so please be sure to include the names of all authorized individuals.

Item # Explanation

- (1) a-d Type the names and titles, and provide the signatures of the officials of your organization who are authorized to make draws on project funds. (Note: **Two** signatures are required. We recommend showing three or four signatures to allow adequate signature coverage.)
- (2) Enter the typed name, title, date and signature of the Highest Elected Official, or other official duly authorized by the governing body of the Recipient, certifying the authenticity of the signatures of individuals listed in Item (1) a through (1) d. The person signing here **must not be listed in Item (1) a through d.**
- (3) Leave blank—Oregon Business Development Department will sign here.

Complete one form and return it to: Oregon Business Development Department
 775 SUMMER ST NE STE 200
 SALEM OR 97301-1280

DEPOSIT OPTION NOTIFICATION

Complete and return this form to

Oregon Business Development Department

775 SUMMER ST NE STE 200

SALEM OR 97301-1280

Recipient

Federal Tax ID Number

Project Name

Project Number

I (we), the undersigned do hereby authorize the Oregon Business Development Department to: (Choose Method I or II below)

Method I - Electronic Funds Transfer (EFT)

Private Sector or Government Entities

Use New EFT Account: A Direct Deposit Form (SFMS ACH-1) completed by Financial Institution Representative has been forwarded to the Oregon Department of Administrative Services authorizing the Oregon State Treasury to deposit funds into the designated financial account by way of the Automated Clearing House Services (ACH) of the Federal Reserve Banking System.

Requires an SFMS ACH-1 form to be marked CONFIDENTIAL and mailed to:

Oregon Department of Administrative Services

SFMS Operations / ACH Coordinator

1225 Ferry Street SE, FL 2

SALEM OR 97301-3970

Get the form here: www.oregon.gov/das/Financial/AcctgSys/Documents/ACH-Enrollment-Form.pdf

Use Existing EFT Account: An account has already been set up for EFT deposits as required above.

Method II - Local Government Investment Pool (LGIP)

Government Entities Only

Transfer funds to the **Oregon State Treasury Local Government Investment Pool** by electronic or other means.

The Oregon State Treasury is authorized to accept and deposit said funds into Local Government Investment Pool Account Number _____.

This authorization will override any previous authorization and will remain in effect until the Oregon Business Development Department has received written notification of its termination.

Type or Print Name(s) _____

Signature(s) _____

Title(s) _____

Date

Telephone Number

Fax Number

Recipient: City of Ontario

Project Number: P23006

CHECKLIST OF CONTRACT DOCUMENTS AND INSTRUCTIONS

Please use the following checklist to ensure that all documents have been completed, and return all contract documents as soon as feasible, but not later than 60 days.

1. ☐ **Contract** signed and dated by the authorized official. Please return signature page only.
2. ☐ **Signature Card** with certification by the authorized official. Please return the complete document.
3. ☐ **Deposit Option Notification** form. Please return the complete form. If you choose to have funds electronically deposited in a financial institution (and not the Local Government Investment Pool), please follow the provided link and send a **Direct Deposit Authorization** form (SFMS ACH-1) to the Oregon Department of Administrative Services.

Please let your Regional Project Manager know how you would like to receive the final contract documents. Once signed by the Oregon Business Development Department, we will provide you with a **Disbursement Request Form** for your future use. This form is provided in Excel format for you to fill out and submit to your Regional Project Manager as needed once your project is underway.

Later in your project, your Regional Project Manager will provide any necessary report forms.

STATE OF OREGON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
GRANT CONTRACT

“Secondary Water Supply Intake from Snake River”

This Contract, number P23006, dated as of the Effective Date (as defined below), is made by the State of Oregon, acting by and through its Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of Ontario, Oregon (“Recipient”).

The parties agree as follows:

SECTION 1 - CONTRACT

This Contract shall include the following, which are by this reference incorporated herein and which, in the event of inconsistency between any of the terms, are to be interpreted in the following order of precedence:

- A. This Contract without any Exhibits;
- B. Special Conditions of Award, attached as Exhibit A;
- C. Recipient’s Certification of Compliance with State and Federal Laws and Regulations and Certification Regarding Lobbying, attached as Exhibit B and Exhibit C, respectively;
- D. A description of the project approved by OBDD (the “Project”), attached as Exhibit D;
- E. Approved Project budget showing breakdown of sources of funds, attached as Exhibit E, which supersedes any prior drafts of the Project budget, including, but not limited to, the Project budget that is in Recipient’s application dated 28 September 2023 (“Application”); and
- F. Information Required by 2 CFR § 200.332(a)(1), attached as Exhibit F.

SECTION 2 - GRANT

In reliance upon Recipient’s Application and Certification of Compliance with State and Federal Laws and Regulations and Certification Regarding Lobbying as described in Exhibit B and Exhibit C, respectively, and subject to the terms and conditions of this Contract, OBDD agrees to provide Recipient funds in the amount of **\$500,000** (“Grant Funds”), the use of which is expressly limited to the Project and the activities described in Exhibit D. The use of these funds is also limited to the approved Project budget in Exhibit E and subject to the Special Conditions of Award in Exhibit A.

Subject to the terms and conditions of this Contract, including, but not limited to, the Pre-Expenditure Authorization required under Section 3 below, OBDD shall disburse the Grant Funds to Recipient on an expense-reimbursement basis after OBDD’s receipt and approval of disbursement requests from Recipient, each on a disbursement request form provided by OBDD.

Disbursements are contingent upon OBDD’s receipt of an Electronic Transfer Authorization for receiving disbursements from Recipient.

SECTION 3 - PRE-EXPENDITURE AUTHORIZATION

Before Recipient makes any expenditure or incurs any obligation for the Project on account of which it intends to seek reimbursement under Section 2, Recipient must first obtain OBDD’s written authorization to make the expenditure or incur the obligation (“Pre-Expenditure Authorization”).

SECTION 4 - EFFECTIVE DATE; PROJECT COMPLETION DEADLINE

- A. This Contract shall become effective on the date (“Effective Date”) this Contract is fully executed and approved as required by applicable law. The approved grant activities **must be completed within 24 months** after the Effective Date (“Project Completion Deadline”).
- B. By the Project Completion Deadline, all Project activities must be completed, including the submission of the Project completion report on a form provided by OBDD, and all disbursement requests (except disbursement requests for audit costs, if applicable) must be submitted. Unless exempt from federal audit requirements, the audit for the final fiscal year of the Project shall be submitted to OBDD as soon as possible after it is received by Recipient, but in any event no later than December 31 after the Project Completion Deadline.

SECTION 5 - RECIPIENT’S COVENANTS - COMPLIANCE WITH LAWS

- A. Recipient agrees to comply, and cause its agents, contractors and subgrantees to comply, with all applicable state and federal laws, regulations, policies, guidelines and requirements with respect to the use of and the administration, distribution and expenditure of the funds provided under this Contract, including but not limited to the following, as they may be amended from time to time:
- (1) Title I of the Housing and Community Development Act of 1974, 42 U.S.C. §§5301-5321 (1994) (the “Act”) and with all related applicable laws, rules and regulations, including but not limited to Sections 109 and 110 of the Act.
 - (2) Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5304(d) (1994), and the regulations promulgated pursuant thereto, and 12 U.S.C. §1735b (1994).
 - (3) Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. §1701u (1994) (employment opportunities to lower income people in connection with assisted projects), and the regulations promulgated pursuant thereto, 24 C.F.R. §135.38 (1997). For Section 3 covered construction projects receiving more than \$200,000 under this Contract, Recipient shall cause or require the Section 3 clause in 24 C.F.R. §135.38 (1997) to be inserted in full in all contracts and subcontracts exceeding \$100,000.
 - (4) Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, 42 U.S.C. §§4601-4655 (2005), and the regulations promulgated pursuant thereto, 49 C.F.R. §§24.1-24.603 (2005);
 - (5) Davis-Bacon Act, as amended, 40 U.S.C. §§3141 to 3144, 3146 and 3147 (2002); 42 U.S.C. §5310 (1994) (applicable to the rehabilitation of residential property by laborers and mechanics in the performance of construction work only if such property contains not less than eight (8) units); and the Contract Work Hours and Safety Standards Act, 40 U.S.C. §§3704-3708 (1994), and all regulations promulgated pursuant thereto and all other applicable federal laws and regulations pertaining to labor standards.
 - (6) ORS 279C.815 that in certain cases requires the higher of either the state prevailing wage rates or federal Davis-Bacon Act rates be paid to workers on projects in Oregon. Recipient will obtain applicable rates to be paid to workers and other requirements of ORS 279C.815 from the Oregon Bureau of Labor and Industries.
 - (7) Hatch Act, 5 U.S.C. §§7321-7326 (1994) (limiting the political activity of some employees).

- (8) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (1994), and the regulations promulgated pursuant thereto, 24 C.F.R. §§1.1-1.10 (1997). Recipient will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to Recipient, this assurance shall obligate Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.
 - (9) Title VIII of the Civil Rights Act of 1968, as amended, popularly known as the Fair Housing Act, 42 U.S.C. §§3601-3631 (1994), *as amended by* Pub. L. 104-76, §§1-3 109 Stat. 787 (1995); Pub. L. 104-66, Title I, §1071(e), 109 Stat. 720 (1995); Pub. L. 90-284, Title VIII, §814A, as added Pub. L. 104-208, Div. A, Title II, §2302(b)(1), 110 Stat. 3009-3421 (1996); Pub. L. 104-294, title VI, §604(b)(15), (27), 110 Stat. 3507, 3508 (1996).
 - (10) Exec. Order No. 11,063, 46 F.R. 1253 (1962), *reprinted as amended in* 42 U.S.C. §1982 (1994) and the regulations promulgated pursuant thereto, 24 C.F.R. §§107.10-107.65 (1997).
 - (11) Exec. Order No. 11,246, 30 F.R. 12319 (1965), *as amended by* Exec. Order No. 11,375, 32 F.R. 14303 (1967), *reprinted in* 42 U.S.C. §2000e (1994), and the regulations promulgated pursuant thereto, 41 C.F.R. §§60-1.1 to 60-999.1 (1997)
 - (12) Age Discrimination Act of 1975, 42 U.S.C. §§6101-6107 (1994).
 - (13) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (1994).
 - (14) Section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. §4822 (1994), and the regulations promulgated pursuant thereto, 24 C.F.R. §§35.80-35.98 (1997).
 - (15) Architectural Barriers Act of 1968, 42 U.S.C. §§4151-4156 (1994).
 - (16) Copeland Anti-Racketeering Act, 18 U.S.C. §1951 (1997).
 - (17) ORS §§294.305-294.565 and other applicable state laws for county and municipal administration.
 - (18) Special program and grant administration requirements imposed by OBDD related to the acceptance and use of funds provided under this Contract (which requirements have been approved in accordance with the procedures set forth in the Grant Management Handbook, and OBDD's 2023 Program Guidelines (Method of Distribution), which includes requirements regarding "Outcome Performance Measurement Reporting" by Recipient.
 - (19) Economic benefit data requested by OBDD from Recipient on the economic development benefits of the Project, from the Effective Date of this Contract until six (6) years after the Project Completion Deadline. Upon such request by OBDD, Recipient shall, at Recipient's expense, prepare and file the requested data within the time specified in the request. Data shall document specific requested information such as any new direct permanent or retained jobs resulting from the Project and other information to evaluate the success and economic impact of the Project.
- B. When procuring property or services to be paid for in whole or in part with Community Development Block Grant ("CDBG") funds, Recipient shall comply with the Oregon Public Contracting Code (ORS Chapters 279A, 279B, and 279C, as applicable), Chapter 137 (Divisions 046, 047, 048 and 049) of the Oregon Administrative Rules, and ORS Chapter 244, as applicable. The State of Oregon model rules for public bidding and public contract exemptions shall govern procurements under this Contract if Recipient or its public contract review board does not adopt

those, or similar, rules. If Recipient or its public contract review board has adopted similar rules, those rules shall apply.

All employers, including Recipient, that employ subject workers in the State of Oregon must comply with ORS §656.017 and provide the required Worker' Compensation coverage, unless such employers are exempt under ORS §656.126. Recipient shall insure that each of its contractors and subgrantees complies with these requirements.

- C. Federal audit requirements. The grant is federal financial assistance, and the Catalog of Federal Domestic Assistance ("CFDA") number and title is "14.228 Community Development Block Grant." Recipient is a subrecipient.

(1) If Recipient receives federal funds in excess of \$750,000 in Recipient's fiscal year, it is subject to audit conducted in accordance with the provisions of 2 C.F.R. part 200, subpart F. Recipient, if subject to this requirement, shall at its own expense submit to OBDD a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Contract and shall submit or cause to be submitted to OBDD the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Contract.

(2) Audit costs for audits not required in accordance with 2 C.F.R. part 200, subpart F are unallowable. If Recipient did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the funds received under this Contract.

(3) Recipient shall save, protect and hold harmless OBDD from the cost of any audits or special investigations performed by the Federal awarding agency or any federal agency with respect to the funds expended under this Contract. Recipient acknowledges and agrees that any audit costs incurred by Recipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Recipient and the State of Oregon.

SECTION 6 - OTHER COVENANTS OF RECIPIENT

- A. Recipient's activities funded by this grant must meet one of three national objectives established by the U.S. Congress. Recipient covenants the activities it will undertake with the Grant Funds will meet the following national objective:
- (X) (1) Activities primarily benefitting low- and moderate-income persons;
(24 C.F.R. 570.483(b))
 - () (2) Activities which aid in the prevention or elimination of slums and blight;
(24 C.F.R. 570.483(c))
 - () (3) Activities designed to meet community development needs having a particular urgency;
(24 C.F.R. 570.483(d))
- B. No employee, agent, consultant, officer, or elected or appointed official of Recipient, or any subrecipient receiving CDBG funds who exercises or has exercised any functions or responsibilities with respect to CDBG activities assisted by the grant made pursuant to this Contract or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have, shall have any interest, direct or indirect, in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, for themselves or those with whom they have family or business ties, during his or her tenure or for one year thereafter.

Recipient shall also establish safeguards to prohibit employees from using their position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

- C. Recipient shall incorporate, or cause to be incorporated, in all purchase orders, contracts or subcontracts regarding the procurement of property or services paid for in whole or in part with CDBG funds any clauses required by federal statutes, executive orders and implementing regulations.

Recipient shall, and shall cause all participants in lower tier covered transactions to include in any proposal submitted in connection with such transactions the certification that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction.

- D. Recipient shall insert a clause in all documents prepared with the assistance of Grant Funds acknowledging the participation of federal and state CDBG funding.
- E. Recipient shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles for state and municipal corporations established by the National Committee on Governmental Accounting in a publication entitled "Governmental Accounting, Auditing and Financial Reporting (GAAFR)." In addition, Recipient shall maintain any other records pertinent to this Contract in such a manner as to clearly document Recipient's performance. For fair housing and equal opportunity purposes, and as applicable, Recipient's records shall include data on the racial, ethnic and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program. Recipient acknowledges and agrees that OBDD and the Oregon Secretary of State's Office and the federal government (including but not limited to U.S. Department of Housing and Urban Development ("HUD"), the Inspector General, and the General Accounting Office) and their duly authorized representatives shall have access to all books, accounts, records, reports, files, and other papers, or property pertaining to the administration, receipt and use of CDBG funds and necessary to facilitate such reviews and audits in order to perform examinations and audits and make excerpts and transcripts. Recipient shall retain and keep accessible all such books, accounts, records, reports, files, and other papers, or property for a minimum of three (3) years from closeout of the grant hereunder, or such longer period as may be required by applicable law, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later.

Recipient shall provide citizens with reasonable access to records regarding the past use of CDBG funds consistent with state and local requirements concerning the privacy of personal records.

- F. This grant and the activities funded by the Grant Funds shall be conducted and administered in conformity with the Civil Rights Act of 1964, 42 U.S.C. §§2000a-2000e (1994), and the Fair Housing Act, as they may be amended from time to time, and Recipient will affirmatively further fair housing.
- G. Recipient will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (1) such funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under the Act; or

- (2) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, Recipient certifies to HUD that it lacks sufficient CDBG funds to comply with the requirements of (1).
- H. Recipient will assume all of the responsibilities for environmental review, decision-making and action pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §4321-4370(d) (1994) (“NEPA”), and such other provisions of law that the applicable regulations specify that would otherwise apply to HUD federal projects, in accordance with Section 104(g) of the Act, 42 U.S.C. §5304(g) (1994), as they may be amended from time to time. Recipient shall provide such certification as required by the Secretary of HUD. Recipients will perform reviews in accordance with 24 C.F.R. §58.1 et seq. (2003) and the other federal authorities listed at 24 C.F.R. §58.5 (2003), as they may be amended from time to time.
- I. All non-exempt Project activities must be reviewed for compliance with the following as they may be amended from time to time: 36 C.F.R. §§800.1-800.16 (Protection of Historic Properties) and Exec. Order No. 11,988, 42 Fed. Reg. 26951 (1997), *reprinted as amended in* 42 U.S.C. §4321 note (1994) (Floodplain Management), and Exec. Order No. 11,990, 42 Fed. Reg. 26961 (1997), *reprinted as amended in* 42 U.S.C. §4321 note (1994) (Protection of Wetlands).
- J. Recipient has adopted and will enforce (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and (2) a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction in accordance with Section 104(l) of the Act.
- K. Recipient shall execute, and shall cause its first tier contractors or subrecipients receiving subcontracts exceeding \$100,000 to execute and file with Recipient, the certification set forth in Exhibit C hereof.
- L. No lead-based paint will be used in residential units.
- M. Recipient shall provide to OBDD documentation of Recipient’s efforts and results in meeting the performance measures contained in OBDD’s 2023 Program Guidelines (Method of Distribution). Recipient’s accomplishment of such performance measures or its failure to do so will be considered by OBDD when awarding future grants.
- N. Contributory Liability and Contractor Indemnification.

- (1) If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (“Third Party Claim”) against a party (the “Notified Party”) with respect to which the other party may have liability, the Notified Party must promptly notify the other party in writing and deliver a copy of the claim, process, and all legal pleadings related to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. The foregoing provisions are conditions precedent for either party’s liability to the other in regards to the Third Party Claim.

If the parties are jointly liable (or would be if joined in the Third Party Claim), the parties shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable in such proportion as is appropriate to reflect their respective relative fault. The relative fault of the parties shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Each party’s contribution amount in any

instance is capped to the same extent it would have been capped under Oregon law if that party had sole liability in the proceeding. This Section shall survive termination of this Contract.

- (2) Recipient shall take all reasonable steps to require its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents (“Indemnatee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Recipient’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims. This Section shall survive termination of this Contract.

SECTION 7 - DETERMINATION

OBDD has made the determination that Recipient is a subrecipient, in accordance with 2 CFR §200.330. Recipient agrees to monitor any local government or non-profit organization subrecipient to whom it may pass funds.

SECTION 8 - TERMINATION

- A. OBDD reserves the right to terminate this Contract immediately upon notice to Recipient:
 - (1) if Recipient fails to perform or breaches any of the terms of this Contract; or
 - (2) if Recipient is unable to commence the Project within four (4) months following the Effective Date of this Contract; or
 - (3) if OBDD or the Oregon Community Development Block Grant Program fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to carry out the terms of this Contract; or
 - (4) if federal or state laws, regulations or guidelines are modified or interpreted in such a way that either this grant or the disbursement of Grant Funds are prohibited.
- B. OBDD may impose sanctions on Recipient for failure to comply with provisions of this Contract or OAR Chapter 123, Division 80. When sanctions are deemed necessary, OBDD may withhold unallocated funds, require return of unexpended funds, require repayment of expended funds, or cancel the Contract and recover all funds released prior to the date of notice of cancellation.

SECTION 9 - MISCELLANEOUS

- A. OBDD’s obligations are subject to receiving, **within 60 days of receipt**, this Contract, duly executed by an authorized officer of Recipient, and such certificates, documents, opinions and information that OBDD may reasonably require.
- B. OBDD and Recipient are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

- C. Notices and Communication. Except as otherwise expressly provided in this Contract, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Recipient or OBDD at the addresses set forth on the signature page of this Contract, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system or 2) the recipient's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

- D. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Contract, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Contract shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This Section applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This Section is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

- E. This Contract and attached exhibits (which are by this reference incorporated herein) constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. No waiver, consent, modification or change of terms of this Contract shall bind either party unless in writing and signed by both parties and all necessary state approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of OBDD to enforce any provision of this Contract shall not constitute a waiver by OBDD of that or any other provision.

SIGNATURES TO FOLLOW BELOW

Recipient, by the signature below of its authorized representative, acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.



STATE OF OREGON
acting by and through its
Oregon Business Development Department

775 Summer Street NE Suite 200
Salem, OR 97301-1280
Phone 971-735-8051



CITY OF ONTARIO

444 SW 4th Street
Ontario, OR 97914
Phone 541-881-3223

By: _____
Melisa Drugge, Business Services Director

By: _____
Dan Cummings, City Manager

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

/s/ David Berryman per email dated 8 January 2024
David Berryman, Assistant Attorney General

- Exhibit A: Special Conditions of Award
- Exhibit B: Certification of Compliance
- Exhibit C: Certification Regarding Lobbying
- Exhibit D: Project Description
- Exhibit E: Project Budget
- Exhibit F: Information Required by 2 CFR § 200.332(a)(1)

**EXHIBIT A: SPECIAL CONDITIONS OF AWARD
PUBLIC WORKS FINAL DESIGN GRANT**

Special conditions for a CDBG grant are set forth below, applicable as determined by the nature of the Project.

1. RESERVED
2. RESERVED
3. All Project-related contracts must be received by OBDD ten (10) days before they are signed. This includes all Project-related contracts between Recipient and any person or entity who will be administering the grant or performing services under a personal services contract. All Project-related bid documents must be received by OBDD at least ten (10) days before they are advertised.
4. Prior to the approval of the first drawdown of grant funds for this Project, Recipient shall provide the following to OBDD:
 - a. Copy of an adopted Fair Housing resolution and evidence that this resolution has been published within six (6) months prior to the grant drawdown.
 - b. Copy of a completed self-evaluation checklist required by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (1994) or the Americans with Disabilities Act of 1990, 42 U.S.C. §§12111-12213 (1994), as they may be amended from time to time.
 - c. Fair Housing Resolution affidavit of publication. Publication must be no more than six months prior to submission of Recipient's first disbursement request. Attach a copy of the published Fair Housing Resolution. Recipient must also undertake at least one additional activity to promote fair housing opportunities in its jurisdiction prior to final draw of Grant funds.
 - d. RESERVED
5. Where the approved Project budget includes local funds and CDBG funds for a specific line item activity, those local funds must be expended before Recipient can request CDBG funds for the activity, unless otherwise authorized by OBDD.
6. Recipient must obtain review of design plans by the appropriate regulatory agency (e.g., State Health Division, Department of Environmental Quality, Environmental Protection Agency, et cetera.). Any comments resulting from the regulatory agency's review must be sent to OBDD prior to the approval of final plans by Recipient.

**EXHIBIT B - RECIPIENT'S CERTIFICATION OF COMPLIANCE
WITH STATE AND FEDERAL LAWS AND REGULATIONS**

Funds for the Oregon Community Development Block Grant Program are provided through a grant to OBDD from the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5301. These funds are subject to various federal statutes and regulations as well as state laws and administrative rules.

Recipient hereby represents, warrants and certifies that:

1. it has complied with all relevant federal and state statutes, regulations, executive orders, policies, guidelines and requirements with respect to the application for and acceptance and use of Oregon Community Development Block Grant funds, including but not limited to the Act;
2. it possesses legal authority to apply for and accept the terms and conditions of the Grant and to carry out the proposed Project;
3. its governing body has duly authorized the filing of the application, including all understandings and assurances contained therein;
4. the person identified as the official representative of Recipient in the application and the Contract is duly authorized to act in connection therewith and to provide such additional information as may be required. Recipient's official representative has sufficient authority to make all certifications on its behalf;
5. the Contract does not and will not violate any provision of any applicable law, rule, regulation or order of any court, regulatory commission, board or administrative agency applicable to Recipient or any provision of Recipient's organic laws or documents; and
6. the Contract has been duly executed by Recipient's highest elected official and delivered by Recipient and will constitute the legal, valid and binding obligations of Recipient, enforceable in accordance with their terms.

Recipient further represents, warrants and certifies that it is following a detailed citizen participation plan which:

1. provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. provides citizens with reasonable and timely access to local meetings, information, and records relating to Recipient's proposed use of funds, as required by applicable regulations, and relating to the actual use of funds under the Act;
3. furnishes citizens information concerning the amount of funds available in the current fiscal year and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income, and the proposed activities likely to result in displacement and the plans of Recipient for minimizing displacement of persons as a result of activities assisted with such funds and for relocating persons actually displaced as a result of such activities;
4. provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by Recipient;

5. provides for a minimum of two public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after reasonable notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
6. identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;
7. provides reasonable advance notice of and opportunity to comment on proposed activities in a grant application to OBDD or as to grants already made substantial changes from Recipient's application to OBDD to activities; and
8. provides the address, phone number and times for submitting complaints and grievances and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable.

Recipient represents, warrants and certifies that:

1. it has complied with its obligations as described in Section 6.F of this Contract; and
2. it is following the State of Oregon Residential Antidisplacement and Relocation Assistance Plan unless it adopts and makes public its own plan which complies with 24 C.F.R. §42.325. Recipient also certifies that it will minimize the displacement of persons as a result of activities assisted with Oregon CDBG funds.

Recipient further represents, warrants and certifies that:

1. the grant will be conducted and administered in conformity with the Civil Rights Act of 1964, 42 U.S.C. §§2000a-2000e (1994), and the Fair Housing Act, as they may be amended from time to time, and Recipient will affirmatively further fair housing; and
2. no lead-based paint will be used in residential units.

Recipient further represents, warrants and certifies that:

1. it has carried out its responsibilities as described in Section 6.H of the Contract;
2. the officer executing this certification is its chief executive officer (or other designated officer of Recipient who is qualified under the applicable HUD regulations);
3. such certifying officer consents to assume the status of a responsible federal official under NEPA and other laws specified by the applicable HUD regulations, 24 C.F.R. §§58.1-58.77; and
4. such certifying officer is authorized and consents on behalf of Recipient and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibility as such an official.

City of Ontario

Signed

Title

Date

EXHIBIT C - CERTIFICATION REGARDING LOBBYING (CDBG Awards exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Ontario

Signed

Title

Date

EXHIBIT D - PROJECT DESCRIPTION

Recipient will hire an engineer licensed in Oregon to complete the final design of a secondary water intake facility. The Project includes, but is not limited to:

- 1) a preliminary design report including alternatives analysis, technical specifications, and integration strategy, which shall be submitted to the Oregon Health Authority and OBDD for approval.
- 2) final design for a secondary water intake facility including regulatory-approved plans, specifications, and engineering cost estimates for construction, including an Environmental Review in accordance with CDBG regulations.

In addition to the above, the Project will include grant administration.

EXHIBIT E - PROJECT BUDGET

	OBDD Funds	Other / Matching Funds
Activity	Approved Budget	Estimated Budget
Engineering	\$473,000	\$0
Grant Administration	\$27,000	\$0
Total	\$500,000	\$0

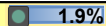
EXHIBIT F - INFORMATION REQUIRED BY 2 CFR § 200.332(A)(1)

Federal Award Identification:

- (i) Subrecipient* name (which must match registered name in SAM): City of Ontario
- (ii) Subrecipient's Unique Entity Identifier (SAM): MC47D136GC46
- (iii) Federal Award Identification Number (FAIN): B-23-DC-41-0001
- (iv) Federal Award Date: 29 August 2023
- (v) Sub-award Period of Performance Start and End Date: 24 months from Contract execution
- (vi) Total Amount of Federal Funds Obligated by this Contract: \$500,000
- (vii) Total Amount of Federal Funds Obligated by this initial Contract and any amendments: \$500,000
- (viii) Total Amount of Federal Award to the pass-through entity: \$11,441,918
- (ix) Federal award project description: The FFY 2023 State Community Development Block Grant Program funds will be awarded through a competitive application process to rural communities in Oregon for the following project types: Public Works Projects, Community Facilities, Owner-occupied Housing Rehabilitation and Microenterprise Assistance. CDBG projects will meet the national objective of benefitting low- and moderate-income persons or an urgent need.
- (x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity:
 - (a) Name of Federal awarding agency: U.S. Department of Housing and Urban Development
 - (b) Name of pass-through entity: Oregon Business Development Department
 - (c) Contact information for awarding official of the pass-through entity: Edward Tabor, Infrastructure and Program Services Director, 503-949-3523
- (xi) CFDA Number and Name: 14.228 Community Development Block Grant
Amount: \$500,000
- (xii) Is Award R&D? No
- (xiii) Indirect cost rate for the Federal award: N/A

* For the purposes of this Exhibit F, "Subrecipient" refers to Recipient and "pass-through entity" refers to OBDD.

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

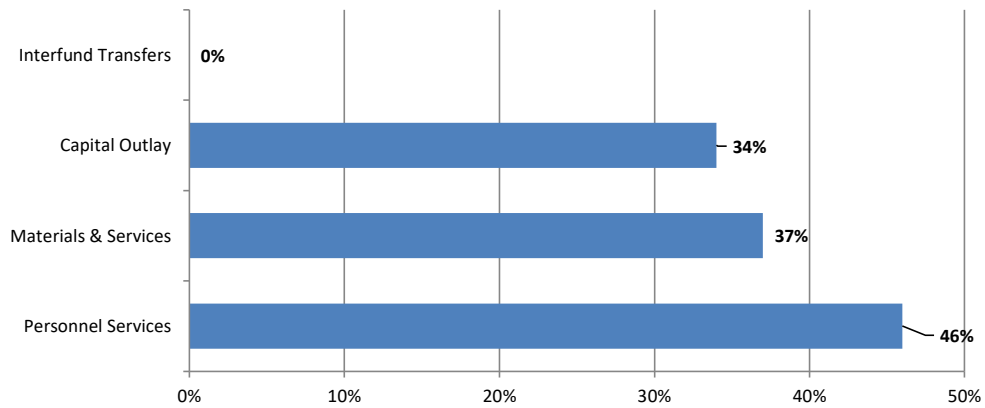
DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	3,400,767	3,867,095	113.7%	
Parks	102,000	64,944	63.7%	
Parks & Recreation	102,000	64,944	63.7%	
Fire	309,813	140,345	45.3%	
Code Enforcement	25,300	4,454	17.6%	
Police	421,175	201,825	47.9%	
Dispensary Business License	130,200	55,800	42.9%	
Public Safety Total	886,488	402,424	45.4%	
Interest	49,000	107,591	219.6%	
State Revenue Sharing	155,255	77,481	49.9%	
Administrative Services	497,148	248,574	50.0%	
Other General Revenues	8,485	2,662	31.4%	
Donations	-	-	#DIV/0!	
Property Taxes	4,263,346	3,926,762	92.1%	
Alcohol Bvg License & Fee	231,095	90,986	39.4%	
Cigarette tax	8,474	3,627	42.8%	
Marijuana tax	2,500,000	-	0.0%	
Franchise Fees	1,611,689	430,670	26.7%	
Cemetery	45,000	15,950	35.4%	
General Government Total	9,369,492	4,904,304	52.3%	
Planning & Zoning	4,000	3,799	95.0%	
Community development	4,000	3,799	95.0%	
GENERAL FUND REVENUE TOTALS	\$ 10,361,980	\$ 5,375,470	51.9%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 819,016
YTD BUDGET BENCHMARK				50.0% 

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

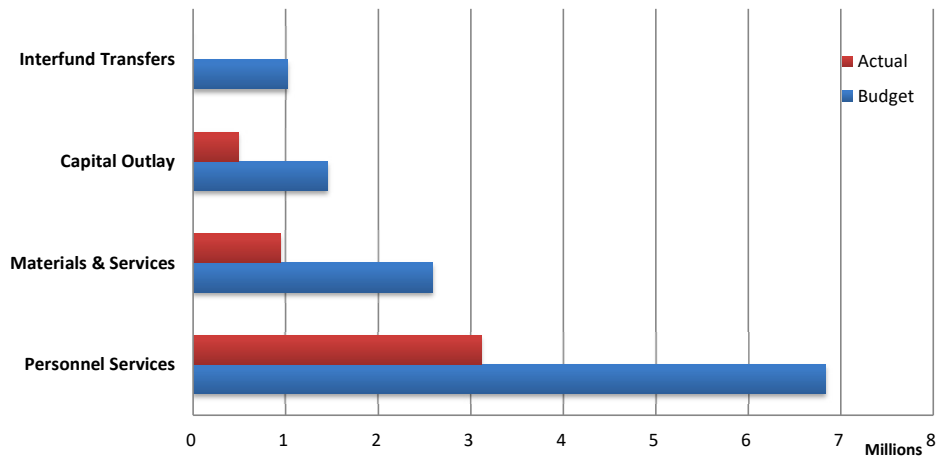
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	173,760	83,582	48.1%	
Parks & Recreation	173,760	83,582	48.1%	
Fire	2,631,043	1,232,443	46.8%	
Code Enforcement	154,109	48,434	31.4%	
Police	5,135,639	2,136,932	41.6%	
Police reserves	3,430	-	0.0%	
Public Safety Total	7,924,221	3,417,808	43.1%	
Administration	524,452	263,881	50.3%	
City Council	38,936	9,511	24.4%	
Business Registration	1,100	127	11.5%	
Cemetery	157,468	112,473	71.4%	
Finance	262,826	100,136	38.1%	
Technology	274,727	183,364	66.7%	
General Government Total	1,259,509	669,491	53.2%	
Community development	253,375	50,509	19.9%	
Community Development	253,375	50,509	19.9%	
Administrative Overhead	910,747	325,854	35.8%	
Non-Departmental Contributions	386,500	9,211	2.4%	
Other Total	1,297,247	335,064	25.8%	
Operating Transfers Out	992,772	-	0.0%	
GENERAL FUND TOTALS	\$ 11,900,884	\$ 4,556,454	38.3%	
YTD BUDGET BENCHMARK			50.0%	 11.7%

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

% Expended by Category



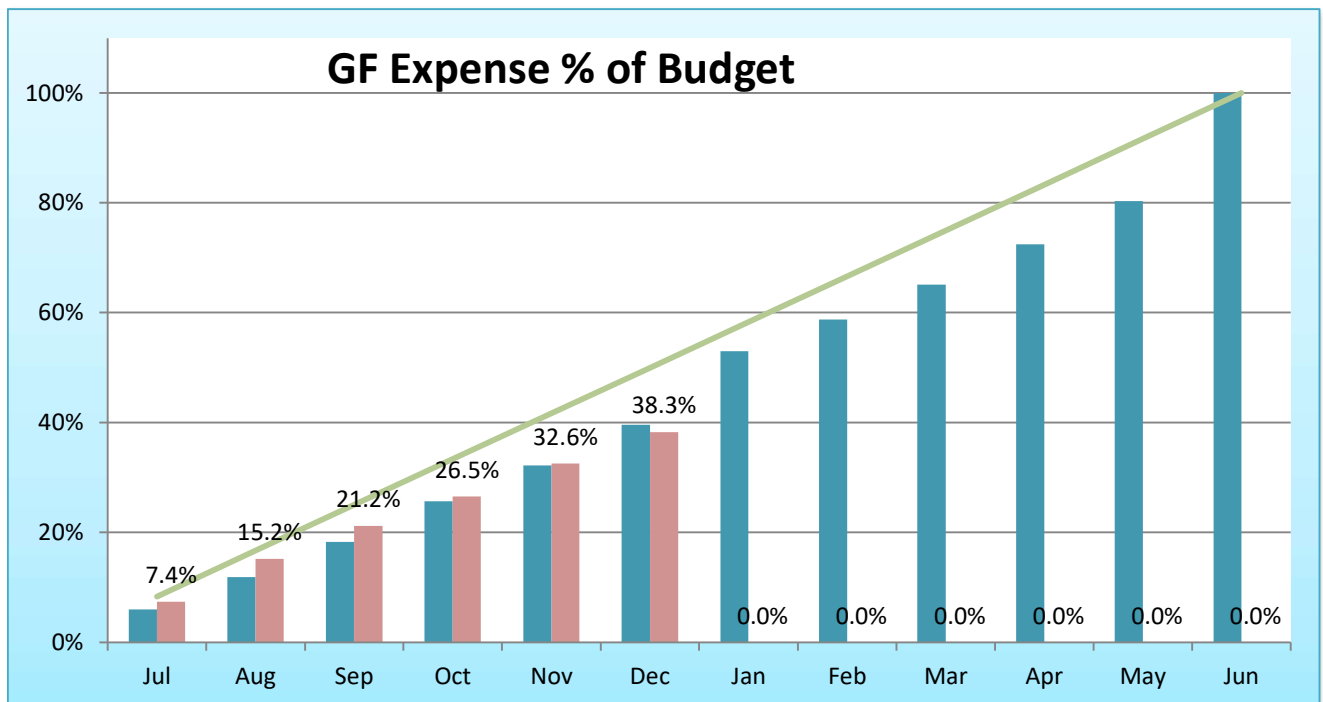
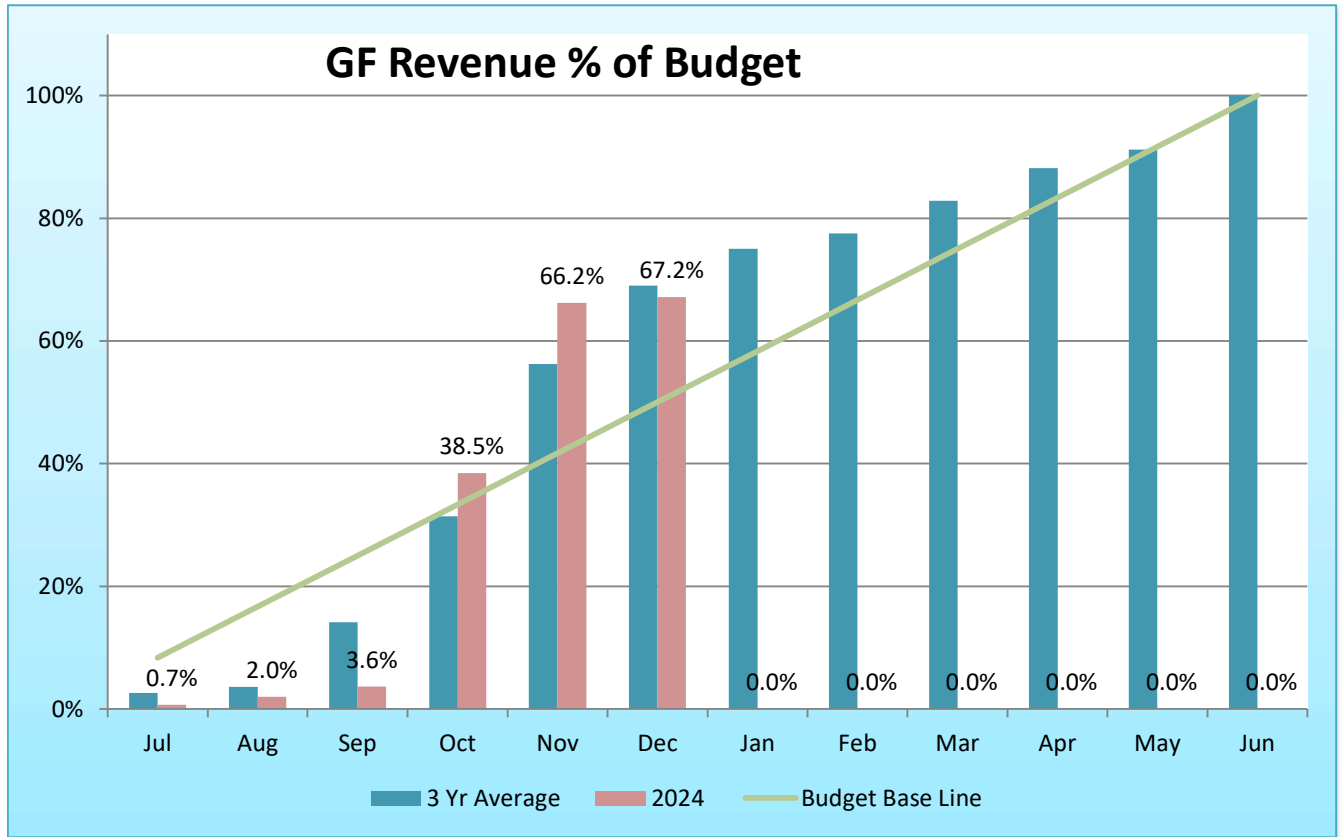
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - LEGAL SERVICES
AS OF DECEMBER 31, 2023**

LEGAL EXPENSES	
JULY	\$ 5,575
AUGUST	4,863
SEPTEMBER	11,814
OCTOBER	10,149
NOVEMBER	14,363
DECEMBER	10,838
JANUARY	-
FEBRUARY	-
MARCH	-
APRIL	-
MAY	-
JUNE	-
TOTAL	\$ 57,601
BUDGETED AMOUNT	\$ 150,000
(OVER) UNDER BUDGET AMOUNT	\$ 92,399
Budget remaining	61.6%

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



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

DEPARTMENT/FUND	REVENUES				EXPENDITURES		
	BUDGET	ACTUAL	% REALIZED		BUDGET	ACTUAL	% EXPENDED
002 Marijuana Enforcement Fund	25,600	14,635	57.2%		25,600	-	0.0%
010 Grant Fund	350,856	2,194,982	625.6%		350,856	2,215,973	631.6%
027 Building Fund	714,134	816,871	114.4%		267,215	117,389	43.9%
030 Capital Projects Fund	5,867,065	5,356,135	91.3%		3,589,164	102,838	2.9%
031 SDC Fund	854,147	850,510	99.6%		854,147	-	0.0%
045 Street Fund	5,055,420	2,780,359	55.0%		5,055,420	1,355,626	26.8%
050 Trust Funds	1,069,826	896,691	83.8%		873,957	288,423	33.0%
055 Reserve Funds	4,250,095	4,009,013	94.3%		3,053,904	159,793	5.2%
060 Revolving Loan Fund	345,750	309,456	89.5%		345,750	20,000	5.8%
065 Aquatic Donation Fund	-	-	#DIV/0!		-	-	#DIV/0!
105 Water Fund	5,405,026	4,825,291	89.3%		4,550,090	2,046,640	45.0%
110 Sewer Fund	6,178,131	4,672,743	75.6%		4,794,203	3,017,649	62.9%
115 Storm Sewer Fund	464,381	454,939	98.0%		165,665	64,976	39.2%
120 Airport Fund	414,329	222,039	53.6%		414,329	266,153	64.2%

Comments:

YTD BUDGET BENCHMARK

50.0%

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 1/18/2024 4:28 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	878915	Jacobs Engineering Group, Inc.	12/01/2023	6,574.43
131115	879745	AT&T Mobility, LLC	12/01/2023	1,229.84
131116	130624	B & W Car Wash	12/01/2023	6.00
131117	637830	Century Link	12/01/2023	718.30
131118	637828	Century Link Communications, LLC	12/01/2023	54.93
131119	879653	FileOnQ	12/01/2023	650.00
131120	360015	Home Depot Credit Services	12/01/2023	358.20
131121	376000	Idaho Power	12/01/2023	5,429.95
131122	&509	Matsy's Restaurant & Catering	12/01/2023	90.00
131123	461607	MicroTechnology Systems, Inc.	12/01/2023	10,874.86
131124	602320	NAPA Auto Parts	12/01/2023	218.65
131125	501200	Norm's Auto Electric	12/01/2023	679.80
131126	539200	Ontario Area Chamber of Commerce	12/01/2023	165.00
131127	232058	State of Oregon Dept of Administrative Ser	12/01/2023	1,000.00
131128	583450	State of Oregon Dept of Corrections	12/01/2023	3,200.00
131129	333809	State of Oregon Government Ethics Commi	12/01/2023	1,513.09
131130	642093	Red's Automotive Repair, Inc.	12/01/2023	332.64
131131	879469	SBRK Finance Holdings, Inc.	12/01/2023	1,614.00
131132	704400	Star Fire District	12/01/2023	685.63
131133	879764	T&Z Hardware, Inc.	12/01/2023	17.51
131134	879122	Uline	12/01/2023	368.08
131135	288897	Verizon	12/01/2023	1,341.16
131136	UB*12144	BASEL ALMOSELI	12/01/2023	76.86
131137	879816	Taylor Brown	12/01/2023	350.00
131138	UB*12146	SAMUEL & LAURIE CASTONGUAY	12/01/2023	8.89
131139	879736	Desert Sage Event Center	12/01/2023	3,462.31
131140	&260	Four Rivers Cultural Center	12/01/2023	27,518.58
131141	422173	Kiwanis Club of Ontario	12/01/2023	319.06
131142	UB*12145	ADAN NUNGARAY	12/01/2023	132.79
131143	539200	Ontario Area Chamber of Commerce	12/01/2023	22,428.63
131144	642080	Petty Cash	12/01/2023	13.49
131145	UB*12147	TVCC (SPORTS COMPLEX)	12/01/2023	326.46
131146	879240	Advanced Control Systems, LLC	12/01/2023	19,067.64
131147	22427	Conсор North America, Inc.	12/01/2023	11,698.25
131148	408200	J-U-B Engineers, Inc.	12/01/2023	6,517.85
131149	412500	Keller Associates, Inc.	12/01/2023	5,430.00
131150	461607	MicroTechnology Systems, Inc.	12/01/2023	9,787.50
131151	468350	Motion Industries, Inc.	12/01/2023	22,875.21
131152	704400	Star Fire District	12/01/2023	2,079.31
131153	22427	Conсор North America, Inc.	12/01/2023	3,039.25
131154	412500	Keller Associates, Inc.	12/01/2023	8,533.40
Total for 12/1/2023:				180,787.55
131157	0143466	Amazon Capital Services	12/08/2023	433.35
131158	037600	AT&T	12/08/2023	24.61
131159	130624	B & W Car Wash	12/08/2023	3.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
131160	UB*12149	CARL'S JR	12/08/2023	63.44
131161	879451	CDR Labor Law, LLC	12/08/2023	4,730.12
131162	879646	Evidence Management Consulting Services	12/08/2023	8,197.00
131163	879191	Kristy Lynn Janti	12/08/2023	80.00
131164	879417	LightSpeed Networks, Inc.	12/08/2023	1,215.77
131165	UB*12148	NICOLE MENDOZA	12/08/2023	115.64
131166	461607	MicroTechnology Systems, Inc.	12/08/2023	560.00
131167	879301	Net Assets Corporation	12/08/2023	345.00
131168	242083	State of Oregon Department of Transportati	12/08/2023	17.25
131169	879551	Painter Holdings & Business Ventures, Inc.	12/08/2023	38.25
131170	614087	PORAC LDF	12/08/2023	522.00
131171	879803	SAR, Inc.	12/08/2023	584.00
131172	T7125	Snake River Valley EAA Chapter 837	12/08/2023	1,200.00
131173	689005	Chad Sombke, Ph.D., PC	12/08/2023	500.00
131174	702008	Staples Business Credit	12/08/2023	63.20
131175	879764	T&Z Hardware, Inc.	12/08/2023	43.56
131176	879720	Total Package Enterprises, LLC	12/08/2023	21.98
131177	788402	TransUnion Risk & Alternative Data Soluti	12/08/2023	86.00
131178	879733	Waste Connections of Oregon, Inc.	12/08/2023	444.10
131179	879151	Waste-Pro	12/08/2023	40.05
131180	879007	Weidner Fire	12/08/2023	1,274.45
131181	461607	MicroTechnology Systems, Inc.	12/08/2023	10,575.00
Total for 12/8/2023:				31,177.77
131182	559200	Allied Business Solutions, Inc.	12/15/2023	850.00
131183	879637	Bryant Lovlien & Jarvis PC Attorneys at La	12/15/2023	9,632.64
131184	626400	Campo & Poole Distributing, LLC	12/15/2023	9,964.07
131185	144000	Cascade Natural Gas Corporation	12/15/2023	1,454.24
131186	637830	Century Link	12/15/2023	528.33
131187	336725	Core & Main	12/15/2023	13,400.00
131188	879805	Fry Foods Ontario, LLC	12/15/2023	750,000.00
131189	879641	Garrett's Dry Cleaning, LLC	12/15/2023	31.61
131190	441140	Looks Nu, Inc.	12/15/2023	196.00
131191	583401	State of Oregon Department of Environmen	12/15/2023	12,338.00
131192	516494	State of Oregon Department of Transportati	12/15/2023	3,283.88
131193	589200	Oregon Mayors Association	12/15/2023	200.00
131194	528405	Oster Professional Group, CPA's PC	12/15/2023	26,702.83
131195	879120	Record Steel and Construction, Inc.	12/15/2023	465,405.00
131196	879287	Ryan Reeve	12/15/2023	1,024.64
131197	666190	Sassy Software Solutions, LLC	12/15/2023	567.00
131198	879469	SBRK Finance Holdings, Inc.	12/15/2023	1,549.00
131199	879145	Silver Signet, LLC	12/15/2023	668.60
131200	130950	Sparklight Business	12/15/2023	140.72
131201	702008	Staples Business Credit	12/15/2023	238.42
131202	879764	T&Z Hardware, Inc.	12/15/2023	46.35
131203	879742	Trinity Health Epic - PP	12/15/2023	50.00
131204	879635	Western Building Maintenance, Inc.	12/15/2023	4,072.08
Total for 12/15/2023:				1,302,343.41
ACH	878915	Jacobs Engineeering Group, Inc.	12/18/2023	2,521.68
131205	642081	CASH	12/18/2023	2,000.00
Total for 12/18/2023:				4,521.68

Check No	Vendor No	Vendor Name	Check Date	Check Amount
131206	879818	Peter Massa	12/19/2023	200.00
Total for 12/19/2023:				200.00
ACH	832852	Wells Fargo Business Elite Card	12/20/2023	16,882.79
Total for 12/20/2023:				16,882.79
ACH	878915	Jacobs Engineeering Group, Inc.	12/22/2023	535,197.14
131207	879745	AT&T Mobility, LLC	12/22/2023	1,229.84
131208	376000	Idaho Power	12/22/2023	970.91
131209	461607	MicroTechnology Systems, Inc.	12/22/2023	9,115.00
131210	582200	Oregon Association Chiefs of Police	12/22/2023	1,050.00
131211	879166	Pitney Bowes Global Financial Services, LI	12/22/2023	882.93
131212	879226	PortaPros	12/22/2023	614.20
131213	641142	The Radar Shop, Inc.	12/22/2023	287.40
131214	879212	Uniforms 2 Gear	12/22/2023	20.00
131215	879680	US Bank Equipment Finance	12/22/2023	1,497.00
131216	879263	Casey Walker	12/22/2023	108.50
131217	22427	Conсор North America, Inc.	12/22/2023	1,810.49
131218	408200	J-U-B Engineers, Inc.	12/22/2023	6,248.00
131219	412500	Keller Associates, Inc.	12/22/2023	2,216.63
131220	842030	Warrington Construction Corporation of Or	12/22/2023	101,491.70
131221	22427	Conсор North America, Inc.	12/22/2023	6,150.00
131222	22427	Conсор North America, Inc.	12/22/2023	7,742.75
Total for 12/22/2023:				676,632.49
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	12/29/2023	810.75
ACH	PRAMERF	AMERICAN FUNDS GROUP	12/29/2023	300.00
ACH	PRCCIS	E B S TRUST	12/29/2023	72,840.02
ACH	PRCOLONI	COLONIAL LIFE	12/29/2023	764.56
ACH	PRFED	PAYROLL TAXES	12/29/2023	82,157.21
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	12/29/2023	500.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	12/29/2023	44.06
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	12/29/2023	3,508.76
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	12/29/2023	22,151.18
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	12/29/2023	7,527.06
ACH	PRPERS	OREGON PERS	12/29/2023	116,544.07
131223	130624	B & W Car Wash	12/29/2023	3.00
131224	637830	Century Link	12/29/2023	718.30
131225	879268	CivicPlus, LLC	12/29/2023	8,262.29
131226	216000	D & B Supply Company	12/29/2023	13.49
131227	879819	Express Services, Inc.	12/29/2023	250.00
131228	879653	FileOnQ	12/29/2023	650.00
131229	376000	Idaho Power	12/29/2023	2,642.21
131230	434231	Lighthouse Uniform Co.	12/29/2023	703.15
131231	879225	Malheur Media, LLC	12/29/2023	500.00
131232	&509	Matsy's Restaurant & Catering	12/29/2023	90.00
131233	539200	Ontario Area Chamber of Commerce	12/29/2023	325.00
131234	T7125	Snake River Valley EAA Chapter 837	12/29/2023	600.00
131235	823500	Vale Electric, Inc.	12/29/2023	2,392.89
131236	288897	Verizon	12/29/2023	1,341.41
131237	879635	Western Building Maintenance, Inc.	12/29/2023	4,072.08
131238	879736	Desert Sage Event Center	12/29/2023	2,188.15
131239	&260	Four Rivers Cultural Center	12/29/2023	17,391.59

Check No	Vendor No	Vendor Name	Check Date	Check Amount
131240	539200	Ontario Area Chamber of Commerce	12/29/2023	13,254.75
131241	PRLINC	LINCOLN NATIONAL LIFE INS CO	12/29/2023	800.00
131242	PRSFIRE	UMPQUA BANK	12/29/2023	675.00
Total for 12/29/2023:				364,020.98
Report Total (141 checks):				2,576,566.67

MALHEUR COUNTY COURT MINUTES

January 3, 2024

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. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room was Administrative Officer Lorinda DuBois and Economic Development and Community Coordinator Taylor Rembowski. 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 # 2024-0017

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R24-02. The public hearing and supplemental budget was necessary in order to allocate additional Cash On Hand that was not anticipated when the budget was adopted - these funds will be used for a onetime employee recognition payment; and to allocate contract buyout funds in the General County Equipment Fund that were not anticipated when the budget was adopted - these funds will be used to pay off current copier stream of payments. No public comments were received. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R24-02: In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Mendiola seconded and the motion passed unanimously. See instrument# 2024-0018

NATURAL HAZARDS MITIGATION PLAN SUPPLEMENT - HIGH HAZARD POTENTIAL DAMS

Emergency Services Lieutenant Rich Harriman met with the Court and reviewed a proposed supplement to the County Natural Hazards Mitigation Plan. Oregon Water Resources Department is working with Orchards Water Company as Orchards Water Company owns two non-federal dams that are in poor condition. The High Hazard Potential Dams Grant Awards provide technical, planning, design, and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams. Adding this supplement to the County Natural Hazards Mitigation Plan is needed to meet grant requirements and to coordinate between Malheur County, the local dam owner, and Oregon Water Resources Department. (Lt. Harriman noted that the Natural Hazards Mitigation Plan is in the beginning phases of being updated, but that addition of this supplement to the existing plan is necessary now in order to facilitate moving forward to mitigate potential hazards of the dams.) Commissioner Jacobs noted that as Pole Creek and Willow Creek 3 dams are not federally owned it is difficult to secure funding for maintenance and improvements. Orchard Water Company also needs to update its Emergency Action Plan and that is part of the mitigation process. Commissioner Mendiola moved to adopt the High Hazard Potential Dams supplement into the County's Natural Hazards Mitigation Plan. Commissioner Jacobs seconded and the motion passed unanimously.

AGREEMENT - NEY

Commissioner Jacobs moved to approve Seventh Agreement for Temporary Environmental Health Specialist Services - Restaurant Inspections and Supervision of Environmental Health Specialist Trainee with Melissa Ney. Commissioner Jacobs seconded and the motion passed unanimously. Ms. Ney will perform food service and other inspections in Baker County and Malheur County and supervise Malheur County's Environmental Health Specialist Trainee. See instrument # 2024-0022

FARMERS MUTUAL TELEPHONE COMPANY - BROADBAND

Meeting with the Court from Farmers Mutual Telephone Company (FMTC) were General Manager Ron Rembelski and Outside Plant Manager Blake Seamons. Mr. Rembelski explained that Farmers Mutual provides communication services to the core area of Fruitland and NuAcres (Idaho). Most recently, FMTC completed the project of upgrading to a fiber to the home network; this was an investment of \$18.5 million from 2016 to 2022. In 2015, FMTC expanded outside of its base area and started providing services in the Nyssa, Vale, Ontario (Oregon), Payette, and New Plymouth (Idaho) areas. FMTC uses primarily fixed wireless in Oregon and has a tower on Rinehart Butte. (There are also a couple of towers on the Idaho side that shoot into Oregon.) FMTC is looking at the possibility of new funding opportunities that have presented themselves; the programs are a one-time opportunity to build a network to support the communication needs of the community for the foreseeable future. The programs are through Business Oregon - Oregon Broadband Office and include the Broadband Technical Assistance Program (BTAP); the Broadband Deployment Program (BDP); and the Broadband Equity, Access, and Deployment (BEAD) Program.

The Broadband Technical Assistance Program is \$150,000 per County to use for the development plans of communication; applications can be for feasibility studies, preliminary engineering, and staffing. FMTC is looking at this opportunity as a possible source to assist with expanding its footprint with fiber optics into Oregon. Applications for this program opened January 2, 2024 and close February 2, 2024.

Oregon was allocated \$157 million through the American Rescue Plan Act, Capital Project Fund. \$149 million of the Capital Projects Fund money will go toward the cost of rural broadband deployments - the Broadband Deployment Program. The Broadband Deployment Program provides grants to fund the development of broadband infrastructure to serve unserved and underserved locations. The application window is expected to open mid-January through March 2024.

Oregon was allotted \$689 million for the BEAD program for broadband deployment to the unserved and underserved.

FMTC has engaged their engineering firm to help evaluate whether or not FMTC can build an application for these funding opportunities and provide fiber to residents in eastern Oregon. FMTC may request support from the County in their application efforts.

Mr. Rembelski and Mr. Seamons answered various questions from the Court members. See instrument # [2024-0027](#) for the informational handout on the three programs.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of December 13, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

PERS RETIREE EMPLOYMENT AGREEMENTS - PERKINS, ZEMMER, MILLER

Commissioner Jacobs moved to approve Danny Perkins - employment of PERS retiree Employment Agreement; Legal Assistant - employment of PERS retiree Employment Agreement with Melanie Zemmer; and Child Support Specialist / Malheur County District Attorney's Office - employment of PERS retiree Employment Agreement with Teresa (Teri) Miller. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-0023](#), [#2024-0025](#), [#2024-0024](#)

EMPLOYMENT AGREEMENT - LAWRENCE

Commissioner Jacobs moved to approve Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Brittany Lawrence. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-0026](#)

ACCEPTANCE OF RESIGNATION - RODGERS

Commissioner Jacobs moved to accept the resignation of ASD Coordinator Jeff Rodgers. Commissioner Mendiola seconded and the motion passed unanimously.

JUSTICE OF THE PEACE PRO TEMPORE

Commissioner Mendiola moved to approve Order GO-01-24 Appointing Justice of the Peace Pro Tempore for Malheur County Justice Court during the 2024 Calendar Year. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2024-0019](#)

INVESTING FUNDS

Commissioner Jacobs moved to approve Order GO-02-24: In the Matter of Investing Any Sinking Fund, Bond Fund or Surplus Funds. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-0020](#)

AUTHORIZATION OF REFUNDS

Commissioner Mendiola moved to approve Resolution R24-01: In the Matter of Authorization of Refunds by Tax Collector. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2024-0021](#)

BUDGET OFFICER

Commissioner Jacobs moved to appoint Administrative Officer Lorinda DuBois as Budget Officer for FY 2024-25. Commissioner Mendiola seconded and the motion passed unanimously.

INTERIM PLANNING DIRECTOR

Commissioner Mendiola moved to appoint Tatiana Burgess as Interim Planning Director effective January 1, 2024 (contingent on salary compensation being successfully negotiated). Commissioner Jacobs seconded and the motion passed unanimously.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY SPECIAL MEETING MINUTES

Pursuant to Initiative Measure No. 23-64

January 8, 2024

The Special Meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. The Special Meeting was held pursuant to Initiative Measure 23-64 to discuss how to promote the interests of Malheur County in any negotiations regarding the relocation of the Oregon-Idaho border. Present in the meeting room were public members Brent Grasty, Jon Beal, and Antonio Sunseri; and County Economic Development and Community Development Coordinator Taylor Rembowski. Present electronically were public members Paul Skeen, David Armstrong, Matt McCaw, Randy Knop, Nyssa City Manager Jim Maret; and County Assessor Dave Ingram and Sheriff Travis Johnson. Notice of the meeting was emailed to the Argus Observer and Malheur Enterprise and posted on the Courthouse bulletin board and County website. The meeting was audio recorded. The agenda is recorded as instrument # 2024-61

Judge Joyce opened the meeting and noted that written comments were submitted by two individuals.

Commissioner Jacobs read the written comments submitted by Blu Fortner: To all those in favor of relocating the Oregon/Idaho border: Please take a second to understand the real agenda of this meeting you petitioned for. We are meeting three times per year at your request for YOU to be able to share the financial benefits of or issues with relocating the Oregon/Idaho border. We are not in agreement with you that the outcome of your petition is that the county wishes to change anything. We voted to talk about it and so far you have presented no convincing arguments. Please share with us the benefits and/or concerns that are associated with your proposal and, if possible, please stop wasting our collective time and tax payer money.

If we could please meet to discuss any realistic options we are still open to meeting with you. Bob Wheatley has my phone number and we are still waiting to hear a date and time to get together to discuss something more likely to happen and improve our outlook here in Malheur County than your current proposal. Kindest regards, Blu Fortner

Judge Joyce read excerpts of the comments submitted by Gregory Mowe. Mr. Mowe is a retired attorney living in Portland and submitted a guest opinion that was published in the Bend Bulletin for consideration at the Special Meeting. The complete guest opinion is as follows: Guest Column: Just say no to Idaho, by Gregory Mowe, September 20, 2023:

Like many Oregonians, I have been bothered by the supposed grassroots movement to move Oregon's border west. Bothered in part because the corollary of Greater Idaho is Lesser Oregon, and in part because the shape of Greater Idaho looks like a giant middle finger.

In reviewing the Greater Idaho literature and having witnessed the proliferation of signage on a recent trip to Eastern Oregon, it is apparent that the grassroots are being liberally watered by money from somewhere. The message is deceptively simple: Give us our freedom to join a state which shares our values.

States have proprietary rights and obligations. The entire state, not local communities, built and owns Eastern Oregon's highways, bridges, maintenance facilities, gravel and cinder pits, heavy equipment, fish hatcheries, state airports, reservoirs, state parks, state offices, and countless other assets. Are they to be given away? Will Idaho pay for them? The Department of State Lands also owns hundreds of thousands of acres and mineral rights in Eastern Oregon, all held in trust for all citizens of Oregon, not just local residents.

The argument by Greater Idaho appears to be that Oregon state ownership is only about 3% of total land mass in Eastern Oregon, and that any ownership issues can somehow be negotiated between Oregon and Idaho. This argument glosses over the complexity and uniqueness of Oregon's ownership. Two examples immediately come to mind. Oregon owns and operates two institutions of higher learning within the proposed Greater Idaho boundary, Eastern Oregon University and the Oregon Institute of Technology. Both serve local students, but also students from throughout the state. Why would it be in Oregon's interest to give up these institutions or try to operate them in another jurisdiction? Similarly, Oregon operates state prisons and correctional facilities in Madras, Pendleton, Umatilla, Ontario, Baker, and Burns. Why would any Corrections Department choose to voluntarily surrender jurisdiction over its own prisons?

Oregon state ownership is not limited to the property discussed above. Rather, when Oregon became a state, it acquired title to all meandered lakes and up to the high water line of all navigable rivers within and abutting the state. Title is held as trustee for all people of Oregon under what is referred to as the Public Trust Doctrine. Thus, not only is Wallowa Lake State Park owned for the use and enjoyment of all Oregon citizens, but so is the lake itself. Similarly beds and banks of all navigable rivers and banks of the Columbia and Snake are held in public trust, as are nearly all natural lakes in the state. Oregon has a fiduciary obligation to preserve and protect public trust rights of all Oregonians. This obligation cannot be met by giving away our rivers and lakes, particularly to a state which has limited the scope of the public trust.

Just as all Oregonians share the state's natural resources, we also share a proud history which should not be lightly discarded. There is a reason they don't call it The Idaho Trail. Political trends are transient; history is not. The Willamette Valley is not a leftist monolith. Indeed, even Portland now has a law-and-order City Council. There are good-hearted people on both sides of the Cascades. Traditional values have an important role in moderating progressive values, and extremism benefits neither state. Rather than continually fanning flames of anger and setting neighbor against neighbor in what is surely a futile attempt at secession, money and energy could be better spent narrowing rather than expanding our differences.

Judge Joyce called on Matt McCaw with Greater Idaho for comments.

Matt McCaw: Thank you Commissioners. We go to all of these meetings all over the state that's happening in all of our eastern Oregon counties and as representatives of Greater Idaho we want to be at these meetings to be able to answer questions and give you guys updates about what's happening and just be a resource for everybody in Malheur county to be able to find out what's going on with the movement. I just wanted to be here, if you would like an update on what's happening with the movement statewide I can provide that, if you guys have specific questions for me I can provide those too.

Judge Joyce: Why don't you go with what's going on statewide for right now and then we'll go.

Mr. McCaw: So statewide, we now have had 12 counties, Wallowa county was the twelfth county that voted on our measures, that passed our measure as of last year. We have 12 counties in eastern Oregon that have passed some sort of a version of the same measure that you guys passed in Malheur county. Their all slightly worded different but the gist of all of them is, do we want our elected leaders to meet and be a proponent for moving the border. We now have 12 counties in eastern Oregon that have passed those measures; Crook county is going to be voting on it in May of this year. So Crook County is going to be the thirteenth county in eastern Oregon to vote on it. Last year we had a memorial that was introduced and passed in the Idaho House formally inviting the Oregon legislature to

begin talks about moving the border. We had legislation that was introduced on the Oregon side but that didn't get moved in the Oregon Senate, didn't go anywhere. Because of this year's short session, so the way the legislature works, last year they had the long session – every representative and senator get multiple bills that they bring. This is a very short session in Oregon so we are not going to be moving forward with the memorial like we did in the long session last year. Our goal, as a movement, for this upcoming session and interim after the session is over is to get an informational hearing at the Oregon State Legislature so that our elected representatives can hear why people in eastern Oregon are seeing this as a solution to this longstanding problem and why they want to move forward with that. That's kind of where we're at. We're looking to get an informational hearing out of our state legislators. We are going to be voting in May in Crook county and just continue to move forward in trying to advocate for what voters are saying they want.

Brent Grasty: I just want to doublecheck. The measures are, as you said, slightly different among the counties. Are there any that ask the electorate whether they want to move as opposed to whether they want to discuss?

Mr. McCaw: That's a great question. The way that the ballot measure system in Oregon works is that anything that's citizen led has to be legislative and not administrative. That gets fairly complicated. When we first started with this we wanted to put this question in front of voters in every eastern Oregon county and we wanted to put the most direct question in front of them that we could – Do you want your elected leaders to pursue making your county part of Idaho? Because that is the clearest way to know what voters want is to ask the question in the most direct way. When we started out in this process and we sent out these questions to get ballot measures that people could vote on, the different counties all had different legal interpretations about what that language should look like, what was legislative versus what was administrative, so we ended up getting this smattering of things that are all similar but kind of different. But to answer your question, yes, we have had counties that have voted directly – Do you want your county to become part of Idaho? Wheeler county voted on a measure like that; I believe Sherman county voted on a measure like that. Crook county's measure that we're going to be voting on is a direct question to the voters – Do you want your county to pursue becoming part of Idaho? And the reason we're able to do those advisory questions in those counties is that state law does allow an advisory question, a direct question like that, if it's proposed by the county commissioners. So the county commissioners can put something like that on the ballot but we couldn't go ask that question as a citizen led initiative. In the few select counties we were able to ask that question directly and what we found is in those counties we got about the same percentage of votes as we got in the other counties. People understand that what they're voting on here is to say, yes, we like this idea, we want our elected leaders to pursue making this happen.

Mr. Grasty: So Matt, do you list the different questions on your website for each of the counties?

Mr. McCaw: That's a good question. I'm not sure. I couldn't answer that because I don't know everything that's on the website. I know that we would love to have that and we're redoing our website with the hopes that we can show, it's easier to find directly what exactly did Malheur vote on, what percentage of people voted yes, but I don't know that we have that information in a handy spot.

Mr. Grasty: Would it be possible to share those different questions? That's a great addition – percent that voted for and against by county to the Malheur County Court?

Mr. McCaw: Absolutely, like I said we're working on adding that. We're redoing our website and we're working to add that and absolutely we could get that information. That information also, if it's not on our website currently

that's all on the secretary of state's website, you can look at every single ballot measure, what it says, what it was asking voters and what percentage of voters voted yes.

Mr. Grasty: It's easy to look it up Matt, but it's time consuming. Maybe you could compile it and send it out to the Malheur County Court.

Mr. McCaw: Yep, I can definitely work on that, absolutely.

Mr. Grasty: Thanks.

Paul Skeen: Folks, appreciate you having the meeting and I wish I felt better or I'd be there. Matt, there was some talk about doing some phases, last call, phase 1, 2, and three, which I was extremely excited about. Most people probably don't pay that much attention to Google Earth and see where Idaho and Oregon is. You might explain that to them. I think it's a great start that would make people realize. I happen to be one of those guys that's got 2 1/2 miles of river frontage where I'm only 800 feet away from a free state. Did you like that (inaudible)?

Mr. McCaw: Yeah, so to answer your question, our proposal, when we started this 3 1/2 years ago we had originally included eastern Washington, northern California because those are places that vote similarly to eastern Oregon, they vote similarly to Idaho, we had presumed that those places would probably rather get their state level government from a state like Idaho than the ones they currently were. As we've moved forward we've narrowed that scope. We have a big enough challenge just to get the folks in eastern Oregon governance that makes sense for them. We foresee that down the road; our idea is all about self-determination. People should have the kind of government that they want, that they vote for, and that makes sense for their communities. We foresee moving down the road, once this happens and once we're able to get eastern Oregonians state government from the state of Idaho, that that will open up this, kind of flood gates for other areas to relook at, does it make sense for us to be getting our state level government from the state we're getting or would it make more sense to get it from people that more closely match our values and match what we want for our communities.

Mr. Skeen: Let me do another follow-up then. There is an area after you cross the bridge in Adrian that is still, it's called Big Bend, and it's still in the state of Oregon, great trivia question nobody realizes that. And then there are some spots, two other spots, where just a portion of the state of Oregon is on the other side of the river. And it was proposed to me at one point, and I don't remember who brought it up to me, I think it was Chris, but that we try something where that's actually on the other side of the river, east of the Snake River, and see if those people even want to change, which anybody in their right mind would, I mean, if the state of Oregon would do three or four things to make it to where we can compete against our agricultural counterparts on the other side of the river would be a great heaven sent from the state of Oregon. Whether we could get that done or not. We compete every day with that same problem that they don't have to compete with and I'm 50 minutes out of Boise and 6 1/2 of 7 hours from Salem – just doesn't happen.

Mr. McCaw: I would just say to that, there have been border changes, again, part of the reason why our solution makes sense is because there actually is a political pathway and a political precedence for it. State lines have moved multiple times throughout the history of the United States because there do become these situations like what you're talking about; rivers change course, you end up with land on one side or the other or even you just have counties that no longer identify with the government that they've got and they want it from a neighboring county. There is a process, we can make this happen, it has happened multiple times; it's just a matter of getting elected

leaders to come to the table and make it happen.

Judge Joyce asked if there were comments in opposition.

Antonio Sunseri: I'm Antonio Sunseri, I'm the Treasurer of the Greater Oregon PAC. I personally think that we should have an advisory question on the ballot, because there is a lot of confusion about what our measure actually did. And the only people who can put an advisory question on the ballot is the County Court. I would also think that possibly there would be a way, maybe the legal counsel can chime in on this, if there's a way to attach a repeal to the section of the County Code that creates these meetings as an administrative thing that's required and that could be changed to where the County Court could decide when to have that, because that chapter of the County Code in the long term, as it was said in the last meeting, these meetings aren't necessarily always productive and we are just going to have these meetings at the county level until that part of our County Code goes away, regardless of how far this continues to move in the state legislature.

Mr. Grasty: Would you put that in the context of the effort to gather petitions?

Mr. Sunseri: We are collecting petitions right now to get a repeal of the part of the County Code that requires us to have meetings. And we are actively trying to get that repealed. However, I think that it would make more sense to people if the question was just asked. Because there seems to be a lot of confusion among people about what was actually passed and what the purpose of the ballot measure that passed in the Special District Election in 2021 was. Because what was passed was that we would have these meetings and it would really clear things up if there was just an advisory question put out there.

Mr. Grasty: What would that question be? Should we continue

Mr. Sunseri: The question would be like they put in, I think Wheeler county was the one that said, does this county want to become part of Idaho? And the question was directly asked. Rather than saying should we create this law that requires us to meet on these specific days to discuss it, with a penalty for the county commissioners, which was the part that was required to get, I was told, to get this original measure on the ballot. The forepart Chapter 12 I think it is in the County Code.

Mr. Grasty: And the purpose would be to inform county residents of the overall perspective by voters on whether we want to move or not?

Mr. Sunseri: Yes. Then there wouldn't be any question about it. Because right now there are people who would question what the results of that election was because of that. And I also think in my personal opinion that a question as important as that should go up in the General Election, not in the Special District Election which normally has much lower voter turnout.

Mr. Grasty: And that would be separate but still continue the PAC petition gathering and a potential measure on the November ballot?

Mr. Sunseri: Yes. Our group is working to put that measure on the November ballot to repeal the part of the County Code; as Matt said, we don't as voters have the ability to put an advisory question on; it can only be done when the elected officials themselves decide to put forth that resolution towards the ballot. I believe that's kind of similar to what was done the year before last with the psilocybin ballot that was advisory, or, I guess that created a, never mind, I was wrong.

Commissioner Jacobs: I think that was a little different than what we're doing here.

Mr. Sunseri: Yeah, because that created an ordinance.

Mr. Grasty: So I'm just curious, would the Court entertain asking that question more directly, to, you know, I agree with Antonio, that the General's going to get the turnout, the maximum turnout, we can anticipate a higher turnout since the last General Election probably. Is that a question that's fair for the Court to consider? And how would that work if you three, do you get more input from the public, from your constituents, how does that work?

Judge Joyce: Good question. I'm sure that we'd have to go back to the author and the state for direction on part of it, the challenges, so I would think the best thing that you could do Antonio is put that in writing, get the right verbiage.

Mr. Sunseri: The right verbiage?

Judge Joyce: Yeah.

Mr. Sunseri: Okay, because I know that an advisory question I think could be put forth by the Court, for me the complication would be how do we also get, maybe get rid of that chapter at the same time. So saying, hypothetically saying that the advisory passes that people do want to be a part of Idaho and they also might be able to wrap the two ideas into one. Because this trying to explain to people what a yes or a no vote is, you're twisting pretzels with people, it doesn't make any sense to anybody. Because you're asking people to vote yes to remove a chapter from the County Code about going to Idaho so they think yes is no and no is yes, but really the question that's at hand is still not the actual question, because the question can only be asked when it's put forth by an advisory ballot, and we can't do that for an initiative petition.

Judge Joyce: Serious questions.

Mr. Grasty: (inaudible) feel incumbered by the vote that we're currently here meeting on that would cause the Court to be reluctant to move forward on a question like Antonio's suggesting? I mean you get 54 to 46% in an off season – in a Special District Election, and 35% of the voters turnout. Now you put it out to maybe 50% of the ballot voters, maybe we'll go higher than that this year. Do you feel reluctant in any way to issue independently a question like that? I guess I'm thinking politically, is there challenges there that I'm not thinking of?

Judge Joyce: I guess it could go either way.

Mr. Grasty: It could, yeah, that's fair.

Judge Joyce: Seems that would be the biggest question. Thoughts anybody, any thoughts?

Commissioner Jacobs: I think we just have to take it under advisement, partly because we don't want to, we want to make sure that everything's done correctly for one thing. We don't want to change how it was initially done because of how it was voted on initially, however it doesn't mean that if we felt like that it would be prudent to change it and legally everything done legally. I wouldn't really have an objection of changing the verbiage on the voting to make it more clear, partly because I think a lot of those bills that are put up and stuff and those things that we vote on are always, or not always, but a lot of times unclear of how they're written and you don't know whether you are voting yes or no because; I would want it to be clear so that people do understand it and make it easier to understand, I'd be in favor of something like that.

Judge Joyce: The way it's currently written, we're just here to listen. That's it.

Mr. Sunseri: Exactly.

Mr. Grasty: It's one of the things that causes confusion I think, you know, repeatedly Matt and Greater Idaho suggest that the results of those votes were an indication that members of eastern Oregon want to move to as opposed to what the text of this question was, to meet and look at the potential advantages, whatever the quote was on the measure. Everybody we all probably have talked with are uncertain about, it's not clear, it's certainly not as clear as Greater Idaho has suggested at times that we want to as opposed as we want to talk about it.

Commissioner Jacobs: I think we made that clear from the beginning, that was not the vote, that we didn't vote to move, our vote was to have it brought up before the legislatures and let them discuss it.

Mr. Grasty: Right. On the flip side I really do appreciate that Greater Idaho's always said, we want the conversation. That's about where we have conflict.

Commissioner Mendiola: I've said this before, I think we're closer than people think, we just need to get some things hashed out. There's some changes we could make in Salem. There's some stuff we could change in Salem but it's going to take some work. And when I heard eastern Oregon I wasn't thinking Wheeler county was going to be in eastern Oregon. I mean it's not; neither is Deschutes in my opinion. If you figure in thirds, there's only a handful of counties that are in the third in the eastern side. I think there's a lot of disgruntled people but I don't know for sure; it's going to be a long process to get anything done. Like pushing a rope up a hill.

Mr. McCaw: I just wanted to reiterate what, talking about what people voting on and where we're at as far as that goes. You are correct, everybody's correct, what people voted on in Malheur county was to create this committee to promote the county's interest when the border discussions take place. I think it's important to understand, people voted affirmatively, yes, when these border negotiations start, we want to have a say in what happens with us. People understand, and maybe people don't understand, but counties cannot make this happen. What their voters can do is say, yes, we think this is a good idea, or we support this, or we want our elected leaders at the local level to promote our interests when this happens. It's the state legislature that's going to have to make this happen. And we foresee that once border negotiations start, there's so many unknowns right now, and I couldn't tell who it was, but you referenced this, what we're proposing is getting this conversation started between the two states. We believe that most people in eastern Oregon would prefer to get their state level governance from the state of Idaho, but before that border move happens there's going to have to be a whole lot of conversation, a whole lot of studies, and a whole lot of details fleshed out before something like that were to happen. We have always said that we support and we foresee that after negotiations happen, after an interstate compact happens, that it would go back to a vote of the people once they have all the information, all the details in hand. I just wanted to kind of put that out there. I wish we could have asked voters directly, do you want to be part of Idaho? That would have been the easiest way to gauge voter sentiment. We asked as close of a question that we could and what we found is that for the most part people in eastern Oregon support this idea, they at least support having the conversation and having their elected leaders having the conversation. I just wanted to clarify on that.

David Armstrong: I just wanted to say I appreciate you saying that coming back to the local voters after things are kind of fleshed out because one of my big concerns, and I'm actually one of the chief petitioners of the Greater Oregon - the repeal of that measure here. My concern was always that we had Brexit and it was a lot of we negotiate, we negotiate, and we negotiate, and then we don't find out what it is until after the fact what the impacts are. I'm a little bit hesitant to say let's move the border because we don't know what we don't know. Thank you Matt for at least talking about that and dealing with that concern.

Commissioner Mendiola asked Mr. Beal what his thoughts were. Mr. Beal said he had no comments at this time, that he didn't know enough about it, overall was not in favor of it and was interested in keeping up with the matter.

Judge Joyce: I think there's a lot of comments online if I'm correct Matt that people if they want to look at them they're there. I'm not sure exactly what the website says.

Mr. McCaw: We have a pretty extensive FAQ section so a lot of the questions that people have we have the best answers we can give. Unfortunately, again, there's going to be a lot of details that have to be hammered out between the two state legislatures. When you propose to move a border there's going to be things that you have to figure out what's happening, what's going to happen with minimum wage, what's going to happen with these areas like legalized marijuana that isn't the case in Idaho, there's some things we can't answer, there's a lot of questions we can't answer, but we answer everything we can and try to address peoples concerns to the extent that we can on our website at GreaterIdaho.org. Thank you commissioners for mentioning that.

Judge Joyce: And I believe that this attorney from Portland that put his article in the Bend Bulletin has got two or three pages of questions that people can look at.

Commissioner Mendiola: Very good questions too.

Judge Joyce: For those that are listening or concerned or want more information.

Commissioner Jacobs: That's part of my problem with the whole thing is there are so many questions that need to be answered and really, we as the public or even county commissioners can't answer those questions. They have to be answered through the legislators negotiating, Oregon and Idaho, and I think if more people knew all those different questions and specific, trying to think of the right word, like PERS and like the hospitals, and like the state parks and the prisons and all those things that have to be hashed out. We can't do anything about it Matt and so that's where my problems come, so I do think it would be better if these counties voted on whether or not they wanted to move versus just wanted to have the legislators talk about it and try to hash all this stuff out. Because the way it was put on our ballot, I think a lot of people initially would have liked to have seen the legislators meet and hash all this stuff out, but a lot of people didn't understand how many issues there is that has to be addressed and so one thing I'd like to see the Greater Idaho movement do is address some of those things, recognizing that you can't really do anything about it but at least let people know what has to be addressed really to make this all happen.

Mr. McCaw: And I would just say to that commissioner, if people would check out our FAQ's; like I said, we have a pretty thorough list of questions that people have about this process and about what's going to happen to X Y Z and we try to answer those in the best way that we can, knowing that we're not able to, we don't have a crystal ball and we can't see what the Idaho and Oregon state legislatures would do. I also just wanted to add, you are correct in that there's only so much at the county commissioners' level you can do, but one thing that I think that all of our commissioners can do in eastern Oregon is, the people of eastern Oregon are voting and saying at a bare minimum we want our elected leaders to have this conversation and we want to explore this idea. Right now, our elected leaders at the state level that represent the folks in Malheur county are not advocating for having this conversation or having informational hearings or any of that sort of thing, they've just kind of taken a stance of we are not going to touch this or deal with this at all. So as commissioners of your counties I think that you do have a role, or you could have a role, in advocating to Representative Owens, to Senator Findley, about advocating for what voters are

saying they want, which is we want to have this conversation, we want to explore this idea.

Jim Maret: The only comment I had is the reason I think that we all kind of went this way is because we really don't have a voice in Salem and so it's very frustrating as far as administrative people on this side of the state not having any kind of voice on what comes down the pike. With that said, there's going to have to be a lot of research done and trying to figure out what are the right decisions to move forward. And I agree with Matt wholeheartedly, there's got to be a lot of different questions answered, which is PERS and the prisons and hospitals, those things have to be answered. I think at least maybe were moving somewhat in a direction that will at least make Salem understand that we're tired of being pushed down and not listened too. So hopefully maybe something at least will come out of this that will help us move forward. Thank you.

Mr. Grasty: I do have a question - Ron, you were quoted in the paper on attending a meeting and you found it interesting. Could you summarize that meeting? What was that?

Commissioner Jacobs: There was just some legislators from Idaho there and they discussed the possibility of Idaho accepting Oregon and they did discuss some of the things that had to be addressed for this to even happen but those specific legislators were in favor, but there was only two or three of them there from Idaho, so that was a minority. And we just discussed some of these things that we've discussed today, what it would take to do this and they were in favor of meeting with the Oregon legislators. But by the same token, I agree with Jim, I think our biggest issue is that we don't feel like our voice is really heard in western Oregon, and most of the laws that are passed are passed by the northwest part of Oregon. I think this is why this has all come forward is because we want to be able to have our voice heard and actually be able to receive more consideration from the west side. But really, there was not a lot accomplished at that meeting, they just discussed a lot of some of the things that we're discussing today.

Mr. Grasty: It was just interstate coordination?

Commissioner Jacobs: Basically. I don't recall, there wasn't any legislators from Oregon there, as I recall.

Mr. McCaw: Actually, there was, Representative Breese Iverson was at that meeting and she helped organize that meeting. Essentially it was chance to get some folks from the Idaho legislature together and the Oregon legislature and any local commissioners and talk about what might need to happen to make this move forward; advocate for what people are asking elected leaders to do and look at what next steps might be for that.

Commissioner Jacobs: Thanks Matt. I'm sorry, she was, Representative Iverson.

Mr. McCaw: That's okay.

Judge Joyce asked for any further comments from the meeting participants.

Commissioner Jacobs: I would just say that we'll take into consideration what's been discussed here and see what we'll do here in the future.

Judge Joyce: It's sure easier to see it in writing.

Randy Knop inquired if GoTo Meeting had closed captioning that could be activated; it does not. Mr. Knop inquired if participants could be allowed to record the meeting; GoTo Meeting allows organizers to record.

Mr. Grasty: Forgive me for adding one more thing, (inaudible) Antonio and the group put together some verbiage for your review. Our next meeting's not until May. How can we follow-up on that? Attend a regularly scheduled

commission meeting? To nudge this along, support you all, if you have complication, or if Stephanie suggest modifications or clarification, how do we go forward?

Commissioner Mendiola: You mean to review what their going to put on the ballot in May?

Mr. Grasty: No, to, I forget the wording

Mr. Sunseri: What was discussed today about the advisory, the idea of putting an advisory ballot

Judge Joyce: And you're going to put it in writing, so it's visible, okay.

Mr. Grasty: How does it follow-up if we wait until the next meeting, I don't know, does that run

Judge Joyce: That's September

Mr. Grasty: us on not being on the November ballot if that was an option?

Mr. Sunseri: There's plenty of time.

Mr. Grasty: Is there? Okay.

Commissioner Mendiola: Maybe we can look at it in May, the verbiage.

Mr. Sunseri: I think (inaudible) get something on the ballot, for the November ballot, is August.

Judge Joyce: And it'd be real easy to clarify that down the hall.

Mr. Sunseri: (inaudible) I think it's August 30th or something like that.

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

MALHEUR COUNTY COURT MINUTES

January 10, 2024

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. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room was Economic and Community Development Coordinator Taylor Rembowski. 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 # [2024-82](#)

SHERIFF'S OFFICE

Sheriff Travis Johnson updated the Court on a grant application through Eastern Oregon Border Economic Development Board. Grant funding in the amount of \$428,000 was approved; funding is for two servers for the Sheriff's Office to support the Motorola software project as well as some equipment for Nyssa and Ontario police departments. Additional grants will be explored for opportunities to improve technology and efficiencies (such as additional in-car cameras).

Sheriff Johnson also requested funding for a body scanner for the jail. A high quality body scanner is available that was previously used in the state of Washington in a juvenile facility (approximately two years old); purchase price is \$150,000, which includes an onsite four-year warranty and preventative maintenance. There is a need for a body scanner in the jail. After discussion, Commissioner Mendiola moved to authorize the purchase of the body scanner. Commissioner Jacobs seconded and the motion passed unanimously.

BDO ZONE RATING- GRANT APPLICATION

Economic and Community Development Coordinator Taylor Rembowski discussed with the Court applying for a Rural Development grant to gather data and build a marketing plan if it is determined that there is enough feed stock in the County for biofuels. A high enough BDO (Bioeconomy Development Opportunity) Zone rating would allow the County to market itself to biofuel companies. Consensus of the Court was for Mr. Rembowski to apply for the grant.

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #38-23 to Idaho Power Company for maintenance on Airport Road #1100; Sand Hollow Road #660; Bench Road #1010; Greenfield Road #1009; Hope Road #569; and Mecham Road #1006. Commissioner Mendiola seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of January 3, 2024 as written. Commissioner Mendiola seconded and the motion passed unanimously.

CHECK REGISTER

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

ROAD USE AGREEMENT - IDAHO POWER

Commissioner Jacobs moved to approve Malheur County Road Use Agreement between Malheur County, Nyssa Rural Road Assessment District No. 2 and Idaho Power Company. Commissioner Mendiola seconded and the motion passed unanimously. The County and Nyssa Road District have jurisdiction over Malheur County Roads located within their boundaries and Idaho Power may utilize Malheur County Roads during construction of a transmission line project.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.