

**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, MARCH 25, 2025, 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 _____ Michael Braden _____ Ken Hart _____ Adrianna Contreras _____ John Kirby _____
Council President Penny Bakefelt _____ Mayor Deborah Folden _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on March 21, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) CONSENT AGENDA

- A) Adoption of City Council Meeting Minutes: March 11, 2025
- B) Liquor License Application: Dollar General Store #24464

5) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) PRESENTATIONS

- A) Lifeways Facility Update: Steve Jensen

7) OLD BUSINESS

- A) City Camera System Upgrade

8) NEW BUSINESS

- A) Request for Appointment to Diversity Advisory Committee: Jose Rocha, Eddie Melendrez
- B) Bid Award: Purchase of New Turnouts for Fire Department Personnel (Curtis Tools for Heroes)
- C) Ordinance #2834-2025: Lightspeed Network Franchise Agreement
- D) Resolution #2025-106: Designating City Manager as the CDBG Project Certifying Officer
- E) Resolution #2025-110: Approve Loan from the State of Oregon, through OBDD, re Water Projects

9) PUBLIC HEARING

- A) Ordinance #2837-2025: Amending Title 10A - Substantive Zoning Regulations to Create Chapter 10A-57-101 - Short-Term Rental *[First Reading]*

10) DEPARTMENT HEAD UPDATES

- A) Finance: Monthly Report & PERS EIF Fact Sheet

11) HAND-OUTS

- A) Check Register: February 2025
- B) Minutes: County Court 03-05-2025

12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- A) Sister City 50th Anniversary Trip to Osakasayama, Japan: Ken Hart

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.

13) EXECUTIVE SESSION

A) ORS 192.660(2)(f): Exempt from Disclosure - Attorney/Client Privilege

14) ADJOURN



CITY COUNCIL MEETING MINUTES

March 11, 2025

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, March 11, 2025, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, Ken Hart, John Kirby, Michael Braden, and Adrianna Contreras. Penny Bakefelt was excused.

Staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Jason Cooper, Kari Ott, Tatiana Burgess, Casey Mordhorst, and Marshall Pierce.

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

AGENDA

This Agenda was posted Friday, March 7, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Councilor Hart asked that item 6-A under New Business - Diversity Advisory Committee - be moved to Section 9, Discussion Items, as item 9-A. He was not ready to vote on that. It was his understanding that members of the Diversity Committee were not notified about this proposed action, and he wanted time for them and the community to provide input before moving on this action. He'd like to see it as a discussion item, not an action item.

Councilor Kirby stated he didn't know if anyone had requested to speak under public comments, but there were members of the committee in the audience. During discussion, would their public comments be included there, instead of during public comments?

Councilor Hart stated not many in the community reviewed the agenda ahead of time. This was a fairly significant item, and for the Council to only have a few people comment, and to not get input from the community on it, he'd rather have more information and more time. The next meeting was in two weeks, so he wanted it discussed, instead of moving on it.

Councilor Kirby asked if Councilor Hart would consider having the members of the public who were going to speak, comment during the discussion.

Councilor Hart stated that was fine, but he still wanted it moved to a discussion item.

HART moved, KIRBY seconded, **TO AMEND THE AGENDA, MOVING ITEM 6A TO 9A**. Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

BRADEN moved, MILLS seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF ADOPTION OF THE COUNCIL MEETING MINUTES OF FEBRUARY 25, 2025**. Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.



PUBLIC COMMENT

Susan Robinett, [business address] 790 SW 7th Place, Ontario, stated: *Hello, City Council members and Mayor. My name is Susan Robinett, and I'm the Executive Director for the Malheur County Child Development Center. And if you don't know what that is, it's a Head Start, a federally funded Head Start program, and a state funded O-PreK program. The program's been in Malheur County since the early 80s, and we've been in our current location since the early 90s. Head Start provides educational services to children six weeks of age until they enter kindergarten, as well as educational services to families and support services to families. We operate several days a week, or four days a week, and run from the middle of August to the middle of May. Anyway, what I'm proposing to you is, I'm concerned about a facility that Lifeways is going to be putting into place in Ontario next to our Head Start building. So, it's adjacent to their current center, and it's adjacent properties are crisis respite services, which is a residential service for people of intellectual or developmental disabilities, who are in crisis and need a residential facility for up to thirty days. My understanding is that these services are for people with serious mental illness, SMI, or intellectual and developmental disabilities, IDD. City Planner Burgess has advised our legal counsel that such uses are permitted uses in a C-2 zone. Without any consideration of the appropriateness of the location and compatibility with other uses, such as our school. The literature on SMI and IDD is that there are high rates of anti-social behavior, including fighting and public disturbances, and the need for significant, ongoing police involvement. There are also debates about such uses being appropriate for community locations. Burgess also advises that the proposed use is for a residential treatment facility, RTF, and not a secure residential treatment facility, STRF. The difference is that a secure RTF restricts an individual's exit from the setting, from the use of approved locking devices, or individual exit doors, gates, or other closures. Admittance criteria also includes risk of bodily harm to others, IDH, suicide, inability to care for basic needs, or significant risks that the individual not remain in a non-secured facility. Our understanding is that an RTF crisis intervention facility is a difference of magnitude, which may be a subjective interpretation. In either event, we are talking about a population that is likely to be dangerous and pose risk to our students and families, and they will be located right next door to our Head Start school. We are also concerned that SMI and IDD users include those who display publicly and engage in inappropriate sexual behaviors. To be clear, we do not oppose community based crisis and emergency response facilities for people with serious mental illnesses. Those having a psychiatric crisis or for intervention for those with intellectual and developmental disabilities crisis, the critical issue is location of a community based facility that is appropriate for the community and does not adversely raise safety risks for schools or other uses already located. Since the location of marijuana facilities recognizes this concern, the location of residential crisis treatment facilities for those with SMI and IDD, which generates significant police involvement, is appropriate. My request is that the city immediately amend the zoning code to make the proposed use a conditional use and, like with marijuana stores, prohibit use, such use within 1,000 feet of schools and childcare centers. We also recognize that there is an academic and social preference to locate facilities in the least restricted environment, and in community locations that desire, however, is based upon the location being appropriate, and there are no provisions in the current zoning code that allow the city to consider issues of appropriateness, such as risk of physical safety and harm to children and schools, needs for limiting outside activities next to the school, need for secure locations, 24-hour supervision, limitations of uses to avoid extremely dangerous or violent users, and so on. Under the current zoning code, we have no ability to argue for secure provisions, such as those required in an STRF facility. Under current code, we have no ability to address the compatibility of the proposed use with existing uses, to discuss and consider mitigation factors for the significant risk with community based SMI and IDD placements, no ability to support approval with conditions, and no ability to require that appropriate steps be taken to protect residents and ensure safety. We also have no ability for input from law enforcement, from medical and community or other safety experts, despite the fact that such uses come with increased police involvement. Thank you for your attention. And because this is a current issue, that we have been told will be presented to the city soon, we ask that the city take immediate action, address this issue by making such a use a conditional use, and establishing minimum distances from schools, like marijuana sites, at least 1,000 feet. The facility they're proposing to be built next to, we currently have 60-some children who attend school there, from three to five years of age, or five until they enter kindergarten. Their parents pick up and drop off some of them, some of them come on a bus. We also have a number of staff there, 95% of which are women, and so, you know, parents are concerned, staff are concerned, and I'm concerned about the placement of the facility next to ours. Thank you.*

Eddie Melendrez, Ontario, stated: *Thank you all, Council and Mayor, thank you for having me. Eddie Melendrez from Ontario, Oregon. And I'm here, first of all, I want to say, just give thanks to the Ontario Rec Department, the City of Ontario, and the Ontario Police Department. I attended and supported the Migrant Protest March, a couple weeks ago, the 28th, and I'm not saying that everyone was neutral, but that the Ontario Police Department's very, I guess, supportive of our route that we went on, everyone was peaceful, so I just want to celebrate that and thank you to staff. They said the Ontario Police Department and the Rec Department for being part of, not part of the event, but just being there and having a presence, making the event feel safer. But I'm also here just to support, just offer up my support to the Ontario Diversity Advisory Committee. I served on there when I was City Council and I'm just here to just show that I hope that it keeps going. I'm not sure exactly what's going to happen later on. It was brought to my attention that there was talks of maybe disbanding the Diversity Advisory Committee and even when I was on the City Council it came up before about what the purpose of the Diversity Advisory Committee was, and some questions that were brought up, and some changes that were made to the committee, and even though I didn't agree with all the changes, I still supported what we were doing and being the Liaison for the DAC, I still wanted to support any which way I could, but being very careful of letting the DAC kind of choose the vision, the path, for what we wanted to see in Ontario. So, I always stayed on there, but I didn't want to, say, influence them to make any decisions, any which way to seem like I was trying to persuade that group. But, when those questions came up, I learned a little bit about the history of the DAC and it just shows me how important it is to the community, once we get the right community members on there. I believe that it was created because of fears of ICE coming to Ontario back in 2016 or 2017, way before I even came on City Council, and originally from Gustavo and Euvalcree, they wanted to create a group that would support the Latino community members, but when they came back they wanted it to be inclusive of everyone, all the people that are in the margins, people of color, so that's what, it was the intention of the committee to support everyone, not just the Latino community. Well now we're seeing the same thing, years and years later, with the fear of community members being detained by ICE, and a lot of these community members are in our communities, they're our neighbors, they're our friends, they go to our schools, so I think it's more important, it shows the most important to continue on with DAC committee. More than just offering up my concerns or a complaint, I always want to be part of the solution, so I also brought my application to be on the DAC in the future, so hopefully you all could look that over and you decide later on. I'll leave that here with City President Dan Cummings, but again, I think, I truly believe that societies won't be judged on how they treat the most wealthy or the most folks that are doing well, we'll be judged by how we treat the folks that are most in need. So that's why I wanted to step up and offer my application to be on the Diversity Advisory Committee as well as just continue on to support. And I will sit here later, and see how that other conversations go later on as well, but thank you all again.*

Daniel Liera-Huchim, Idaho, stated: *Hello City Council members and Mayor. My name is Daniel Liera. I actually reside in Idaho, but it's just a privilege just to be standing here with all of you. I currently work for Treasure Valley Community College, and I am the Director of Equity and Student Relations. Not too long ago, I was asked to be part of the Diversity, the DAC, we'll kind of condense it because I only have three minutes. I want to extend a little bit of my concerns, alright? For one, I believe that society has evolved. We've changed the terminology of what certain words mean, and I know that the word Diversity for any community, including my own, can mean my own personal experiences, but I want to give you all an opportunity to just challenge yourselves and look at this room. Even as the City Council members, the diversity of the majority, or minority, would be well, the split, right? Men and women, people wearing glasses, languages, social equity, all this and that, so there's ultimately three layers. One of them being internal, external, and organizational, but even then, two layers that we don't really talk about is personality and how we handle crises. Unfortunately, the only time that we come as a community, right, is in moments of crisis. I bet you that if, knock on wood it never happens, but in Ontario, an earthquake, a fire, something happen happened, right, we would all look at each other and regardless of how we look, we would help each other out. What I ask you is that during these conversations of diversity, we must hyperfocus conversations on particular sectors. When I talk about diversity, I think that we just tend to focus on two things, which is languages and ethnicity, but the truth is I want to focus on that first gen, because first gen encompasses all. Many of you that are sitting in front of me and also the folks perhaps back here have either attended a diversity event, without even knowing it's a diversity event. Not too long ago, our college hosted a panel to bring awareness of human trafficking. That's a diverse population. Although it's only a couple numbers, right, statistically it's not a huge number of folks that perhaps get hurt here in this area, thankfully, it's still a subject that we need to address. What I envision as being part of this committee is to come in here and not tell folks that they're right or wrong, just to tell folks that there's other*



things happening in the environment in the world that we live in. So diversity encompasses more than ethnicity. It encompasses external, which is the way I look. Internal is the way I feel, or I think. And organizational is that social equity of what I have – my house, my lumps, my education, but again, not personality. I'm more than happy to help come up with a solution. We can change names; that's not a problem. If changing the name means that we're still going to help the same community, that's fine. Last time I checked the words such as the definitions for discrimination has not changed. So discrimination and racism can happen to all of us, regardless of who we are. Unfortunately, we live in a society that you can be a n older folk, and you might be discriminated based on age, and you can also be discriminated because you look Latino. So we want to have those conversations and let people know that we're here for everybody, and I believe that's what the DAC is all about. Thank you.

NEW BUSINESS

Resolution #2025-105: Supplemental Budget for Unexpected Grants and Donations

Kari Ott, Finance Director, presented.

The Ontario Police Department received funding from Treasure Valley Paramedics in the amount of \$11,871.58. This funding would be used to purchase AED life-saving devices to put in every patrol car (so there would be 9 purchased). Also, with these funds, the police department would be able to equip all police officers with advanced trauma first aid equipment.

The Ontario Police Department received \$350 in donations from the American Legion Post #67 and \$400 in donations from Ontario V.F.W. Post 5452. The department would like to use these donations to purchase an Alco-Sensor FST Breathalyzer device.

The Ontario Fire Department received a \$35,000 Wildfire Staffing Grant from the Oregon Fire Marshall. These funds were actually received in June 2024, but needed to be spent in the 2024 fire season. 4. The Ontario Fire Department received a \$400 donation from the Ontario V.F.W. Post 5452 which would be used to purchase small fire equipment.

The city received a \$5,000 CIS grant for public safety. This was to be used to purchase a Narc Ranger, which would allow on-site rapid analysis narcotic detection.

Councilor Mills thanked to entities who contributed to the safety of Ontario. It was important and it was a great help to the citizens to have more safety in this community. She thanked them for donating money to the police and fire departments.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE E RESOLUTION #2025-105: A SUPPLEMENTAL BUDGET TO APPROPRIATE UNEXPECTED PUBLIC SAFETY GRANTS AND DONATIONS.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2837-2025: Amending Title 10 Substantive Zoning Regulations (Short Term Rentals)

Tatiana Burgess, Planning Director, presented.

Ms. Burgess stated the Council had before them Ordinance #2837-2025. She had been directed to work on drafting an ordinance that would regulate the short term rentals within the city limits only. That was presented to the Planning Commission as a discussion item over the past several months. Because it had been a fluid conversation where things had been changing, and they received input from the committee, staff didn't have a certain date of action. To meet land use requirements for public notices, she had to post a notice to the Department of Land Conservation and Development at least 35 days before the date of the public hearing. At that time, the language in the notice stated the certain date when the Planning Commission was going to meet, which was March 10th, and it also stated that if a recommendation was made to the City Council, the Council would take action at a subsequent hearing, so she purposely left the date of the Council meeting off because



it was unknown if an action would be taken on that date. To meet public notice requirements, she wanted to present it to the Council to get it on record. She was asking Council to table this Public Hearing to March 25, 2025, so that it would be continued to date and time certain on record.

Councilor Kirby stated he had stopped by the Planning Commission meeting and was pleased to see that several members of the people who had short term rentals were there and actively participated in the discussions, and who would be participating in the preparation in the documents and findings that would be presented. He commended the Planning Commission and the community members for their participation.

HART moved, MILLS seconded, **THE CITY COUNCIL TABLE THE PUBLIC HEARING AND SCHEDULE THE HEARING FOR THE MARCH 25, 2025, CITY COUNCIL MEETING.** . Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATE

Community Development Department

Tatiana Burgess, Planning Director, presented.

DISCUSSION ITEMS

Diversity Advisory Committee

Mayor Folden stated that due to Executive Order #14151 regarding Diversity, Equity, and Inclusion (DEI), signed by President Donald Trump, it was in the best interest of the citizens of Ontario to disband the city's Diversity Advisory Committee. This action would conform with the city's oath to abide by city, state, and federal mandates, and eliminate the possibility of losing opportunities to receive federal funding due to non-compliance with a presidential order. However, it bore noting that the City of Ontario had always hired on the basis of qualifications and policy for positions applied for, and did not discriminate against anyone for any reason.

Councilor Contreras stated she currently sat on the DAC, and had been on the committee for the prior two years, and two other committee members were in the audience that night. She agreed there had been low attendance at the meetings, but with the group they had now, they could do something great. They had two new members added recently, and there was now another application submitted. Just giving the committee a chance to see what they could do to better this community, especially in the current times, would be a good thing for Ontario. She did not think the committee should be disbanded. She was a little frustrated first, not knowing that there was talk of disbanding and not informing the members, but also, she didn't understand the funding piece. What would that affect, what would be lost regarding federal funds.

Dan Cummings, City Manager, stated his appreciation for those in attendance, as this discussion was important. The issue was, one, there was a federal mandate, technically, so did the city want to go against that mandate and continue with the committee that the government was saying to eliminate. Two, did the city want to risk the ability – and there were two federal grants right now that city had been awarded – and both were on hold. One was \$500,000 from the EPA for workforce housing, and the other was almost \$600,000 from the forest service for parks and trees. The EPA grant had been given to Oregon DEQ, who was waiting to see what would happen, and the forest service grant was edging forward, but the city had not received a contract. Those were the two staff was concerned would be at risk, possibly being jeopardized, but it was unknown. The others were the Safe Streets For All grant, which had over \$5M in grants that could be applied for, and those were all federal monies. The city had matching funds that were put in, their last discussion they talked about the amount of money that would be needed if the city opted to put in a gas tax. That was put in the report, reflecting the amount of money involved. That was the concern of several people – did they put those funds at risk. Did the committee believe it was worth the risk of the city losing millions of dollars to continue that committee, or could that committee continue as just a private committee, doing the same thing they were doing now. That was the question to the community.



Councilor Kirby stated this was a Presidential Executive Order, so he did some digging in Oregon politics to see what was happening elsewhere, and it was a hot topic across the state. Deschutes County dismantled their DAC, the City of Estacada did the same; Multnomah County was in major discussions about it as they entered into their budget process. Ontario would be doing that soon, as well. The only taxing district he found that took an aggressive opposition to the Order was the Eugene School District. They initiated a suit against the Trump administration to exempt them or negate the Order. Ontario scraped for every dollar, and to think there could be that loss...but he also had personal conversations with DAC members, who spoke from their heart, comments he respected. But, he was also representing the community, and had to respect those opinions, as well. He appreciated moving this to a discussion item because the DAC felt strongly that they wanted this community to be respectful and reflective on their issues, but they also didn't want the community to be hurt by the inability to get federal funding.

Councilor Hart asked if this proposal was on the advice of legal counsel.

Mr. Cummings stated legal advice would tell them to abide by federal law. That was about the only legal advice they could give.

Councilor Hart stated where he worked, there were similar issues, but they were getting information from different associations. Had staff received any guidance from LOC? Was disbanding the only option? Were there other options, such as changing the name? That's the piece he wanted more time on, and he wanted to hear about how to continue the work the committee was doing. Did the name matter? Was that the trigger? He'd like to know if LOC had given any legal interpretation. He didn't like the City of Ontario being told what to do by the Governor or the President. If the city thought it was important to the constituency, sometimes it was a risk. Maybe tweak the name to make sure they didn't jeopardize those funds, but an immediate dismantling, he was not comfortable with. He wanted to hear from committee members based on the limited information out there.

Bily Carter, DAC member, stated: *Madam Mayor and City Council. My name is Bily Carter, and I live here in the City of Ontario. My first question is, do you by chance have that Executive Order printed out tonight that we could take a look at? And the reason I ask that question, my understanding of the Executive Order was that you could not use any federal funds to support a diversity committee in your area. We do not. This Diversity Committee here in Ontario, does not receive any federal funds, does not receive any city funds, as a matter of fact, I don't think we receive any funds from anyone, so I don't quite understand that is really a conflict of federal law. I think, my understating of what the President said was you cannot, you will not, receive any federal funds to support a Diversity Committee or DEI or anything like that. So that was one of the reasons why I'm here tonight because I was a little shocked to hear that the committee was going to be, a recommendation for the committee to be disbanded. Really, when we really kind of just began to get some traction and get members on the committee, so it was kind of disappointing. I really do hope that you look at it in detail and if there is no conflict with the federal law, then I would recommend that we continue the progress that we're making.*

Daniel Liera-Huchim, DAC member, stated: *Mayor and Councils, John Kirby, and Ken Hart, I appreciate both of your comments and as I think sometimes that we need to think these issues in a poetic justice kind of way. You're right, John Kirby, it's hard, and you asked me would you risk many millions, thousands, or whatever amount of money, would you put us at risk? I'd be like I don't want to put you at risk, and then comes up with this scenario, we've all seen it before. You have the ability to save ten people from being, you know, dying on a train track, but if you pull, the what do you call it, the lever, switch, lever, you're going to run over twenty people. So would you rather save twenty people, or would you rather have ten people fall? I think that's the conversation that's happening right now. Unfortunately, being as bipartisan as I can, as an individual, right, that's our job in the work that we do, is that we get pinned in those uncomfortable conversations. I agree with you. I don't want to be the individual that either pulls the lever, and I also don't want to lose those ten lives. I want to save both lives so that question is a question to provoke us and like well, who's life is more important. I think all of our lives are important, and I think all our conversations are important. With that being said, I'll go back to what I, I'll reiterate what I said. I'm not married to the name adversity; I'm not even married to the name equity or inclusion, because we all do it. If you think about it, the money that we're, that you're all requesting through the federal grants is equitable. If we truly care about our people like then you're doing the right thing by requesting that money because that is equity, not equality, but equity. And so if the opportunity*



would be to rename ourselves, and continue the mission, so be it. And if you allow us to set and come up with other resolutions on how we can work together and create agendas, what does the city want to see? I'm happy to do that, too. I'm, you know, as Adrianna mentioned, I'm new to the committee, okay, I'm unable to come and give my feedback, but I'm hoping to enhance the conversations at a different layer and discuss these issues more thoroughly. And remind us that the choice is ours, right? God appeared to Vladimir one day and told him I'll give you whatever you want, whatever you want. The caveat is that your neighbor will get twice as much. Vladimir thought about it, and Vladimir said you know what, take one eye away and so when Vladimir lost one eye, his neighbor lost two. So I think that we're at that point of our lives right now. What do we do? What's best for the city? What's best for our community? So we can't resolve these issues in one conversation, it's going to take us a while. But if you allow us, as a committee, to discuss this, I know we can come up with a solution that benefits us, benefits you, and benefits the community. Thank you.

Councilor Kirby stated he Googled the Executive Order, so it was online. He encouraged everyone to read it. Maybe they could find something that would make their community whole.

Councilor Mills asked if there was any particular reason why it had to be a committee that was formed by the Council. Could it be a community diversity committee, where the city would receive funding, the committee still existed, and they could bring their thoughts or recommendations to the Council. Was there a reason it couldn't be a separate community entity, rather than a city committee?

Mr. Cummings stated that was one option presented. The committee could continue as a private committee. They would just remove the "city" from the title. Maybe it could be a committee represented by the college. There were many options for making it private. He agreed that if the Council was okay, he would research it more, spend some funds with the City Attorney, to find out if there was an option of renaming the committee that would help protect the city for receiving federal funding. They might not know an answer, but they would be able to provide a more legal response, by reviewing the Executive Order, and ensuring that it stated it was just that federal funds could not be spent on that committee. He didn't have the answer, and there was always the risk factor. Was the committee worth the risk of losing federal dollars. His opinion was no, as the city needed every dollar they could get, but maybe there was another option for the committee. If the risk factor was high, then keep the committee as a community committee, and remove the connection to the city by title. But maybe there was a way to rename it to protect the entities, too.

Mr. Carter: *I'm not disagreeing, but at the same point in time, I guess being a member of this community for 32 years that we've been here and things like that, and since I've been on the Diversity Committee, I know that there has not been a whole lot of support. We've had support, but we haven't had a whole lot of support from the Council, from the city. And I guess my concern with making it just an independent committee and not be representative of the city, I think goes to the point of saying that the city is not supportive, and that's my concern. Okay? And I don't think that's the case with the City of Ontario. So, I just, I guess, it's just a caution that, you know, do you really want to, you know, show support or do you really want to just cast it to the side. Just my concern.*

Councilor Braden stated this was presented to the Council on their Agenda, and they were going off a staff report that was provided to them by City Manager Dan Cummings. He was glad it was being tabled for now, but they had a sense of urgency. Personally, he felt unprepared because he hadn't seen the Executive Order, and he hadn't seen the city's Title 2, Chapter 4, that it could be conflicting with. If the City Manager wanted him to decide there was a conflict, he wanted to see both documents. Going further, as Councilor Hart said, had legal been consulted? Mr. Cummings asked if Council wanted him to go that step. If Council wanted it to go to legal for an opinion on if the Order and the Title were in conflict and was the city at risk, that was a good use of the attorney, who represented multiple cities, and would have this question coming to him. He liked that course of action.

Mr. Cummings asked for a consensus from the Council to take that step.

Council consensus to have Mr. Cummings consult with the City Attorney on this issue.

Street Projects and Possible Fuel Tax

Dan Cummings, City Manager, presented.

At the previous meeting, it was asked that if the city were to continue with looking at the gas tax, what were the dates to get this action on a ballot. There were only two days out from the last meeting to get it on the ballot for this May, so there was no way that was going to happen. It could be on the November, 2025, ballot, but he deferred to City Recorder Tori Barnett to let them know dates and costs.

Tori Barnett, City Recorder, stated if Council wanted this action on the November, 2025, ballot, it would cost the city approximately \$6,000, which did not include any attorney fees associated with this, as the attorney was actually very involved in a ballot measure. When any ballot measure was done out of a normal election year, normal election date, that entity bore the cost 100%. Now, if another entity wanted on that same ballot, the costs would be divided between those entities. Those costs included machine recalibration, postage, materials, time for staff, etc. Even still, it was a tight timeline because everything would be due to the county by August, 2025. That would be the city doing everything necessary – and the attorney's work – meeting posting dates, challenge timeframes, etc. Staff would do what the Council directed, but it was important that Council had all the information. Should the Council hold off until May, 2026, which was the Primary, or even November, 2026, the General, the city would incur no costs for those dates. Basically, any election activity different from the Primary or General election dates, the entity would bear the cost.

Councilor Hart stated he wanted to make sure this information got into the community. The Council was seeking community input. As recommended by the City Manager, it made sense to have this included in budget discussions, which would begin in a few months. That would provide a broader input with more voices speaking up, and it could result in a robust debate. There had been no decision if the city even wanted to pursue this. Given that May, 2025, was not an option, it would allow the Council time to receive more community input. He suggested they discuss this with the Budget Committee, to hear what the entire committee had to say.

Mr. Cummings suggested continuing the discussions at meetings. That would help get it out to the public, maybe get some ideas. There were very mixed thoughts, and if it was put on the ballot now, it would fail. He was now receiving different responses. To reiterate, the gas tax could only be used on streets. Did the citizens think the streets were in good enough condition, or did they want the Council to seek other ways to obtain revenue.

Mayor Folden asked about doing this quickly as the state would probably put an Oregon tax on fuel, too?

Mr. Cummings stated the state was looking at that. The city had to go through ODOT for the gas tax. Their rules also stated that action would have to go to the people for a vote. He didn't want to put a tax in, and then the state came in and put a huge one on, so the city jeopardized its area. Or did they try to rush it in, to get there first. He heard that the state, to get the money they needed just to maintain the existing system, was at a 25¢ tax. They did not believe they'd be able to pull that off. He didn't think it was a huge rush, but they should probably make a decision before next May. Or maybe they needed to pick another revenue source to look into. Find out what the citizens would support. A gas tax, a higher public safety fee, a sales tax? The citizens needed to speak up. Revenue was very much needed.

Councilor Braden confirmed he was hearing that there would be a discussion on a fuel tax at the budget committee level, so the Council would get a broader group than just the seven Councilors. That committee was very money-minded, and were very much aware of where money was being spent. Input was vital to the Council making a decision. Following a reasonable timeline shortly thereafter, the Council in the next meeting or two, believing the budget committee supported or wanted it to be considered, the Council would then agree upon general parameters. Those would be things like 3%, 6%, or when it would go into effect. The potential timeline for May 2026 would put the city at the end of February for filing with the county. If they made the decision on parameters in May/June, they would have until February 2026, to ensure all asks, parameters, and public outreach meetings and events through the City Manager would obtain feedback the Council sought for sending this out as a ballot measure.

Mr. Cummings stated that was correct.



Review Monthly/Quarterly/Annual Department Stats

Tori Barnett, City Recorder, stated currently the Council received monthly stats from Police, Fire, Public Works, and Code Enforcement. They also received a monthly report from Finance. Then, every three months, other than Finance, Council received a quarterly report from the four previously stated departments. Other departments also did annual or semi-annual reports. In discussions with some departments regarding the monthly/quarterly reports, it's likely that the quarterly report was just a compilation of the previous three monthly reports. And, while staff would continue to do whatever the Council would like, the question became did the Council want to continue receiving reports as currently being presented, or would they entertain the idea of eliminating the monthly for them, except for Finance, and just going to quarterly, or vice-versa and going monthly only, eliminating the quarterly.

Mayor Folden stated she thought going to just quarterly would be efficient. It seemed to take a lot of time to put them together monthly, taking staff away from what they could be doing.

Councilor Braden stated a key point for him was the monthly data and handouts were for Council to review on their own, and they sometimes felt more abstract, but when they did their quarterly, the Department Head presented, and the Council could interact with the presenter, with the opportunity to ask questions, and it became more tangible. He found greater value in the quarterly report. He read the monthly reports out of obligation, but did not gain too much knowledge from that. The quarterly reports were where he garnered the most information.

Councilor Hart stated he wanted to ensure the Financial statements stayed monthly.

Ms. Barnett confirmed the monthly financial reporting would remain the same.

Mr. Cummings stated he had done an executive order, putting a hold on providing police stats for a significant reason. As Council was aware, the department was switching systems, and they were not compatible. The reports currently being presented were doing comparisons, but now the information being gathered was not 100% accurate. He had issued an order letting Chief Cooper know information would not be released until the program was providing accurate data. They did not want to release misinformation to the Council or community. It was being worked on. The initial ask was for a short version, not a comparison, but questions were raised, and it was determined that version was not 100%, either. Currently, the information was being extrapolated manually by staff in trying to create the data on the status report, taking several hours, sometimes entire days. So the Council would not receive any police stats anytime soon.

Ms. Barnett stated staff was looking for Council direction. Did they want to keep things status quo, or would they be amendable to any change.

Councilor Kirby verified the Council wouldn't be presented with all the quarterly reports at one meeting.

Ms. Barnett stated no. it would continue to be staggered, like they were now. She tried to have no more than two at any given meeting, if possible.

Council consensus to change to just quarterly reports, with Finance staying at monthly.

HAND-OUTS**Monthly Department Stats**

Public Works and Ontario Fire & Rescue

Minutes

Airport 02-03-2025; County Court 02-26-2025

Packet

V&C Board, March 2025



CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

✓ Councilor Hart stated he had a great conversation with David Armstrong at the Economic breakfast, and they discussed an idea regarding parking, such as at the aquatic center or around the park. It was mentioned there was something happening across the United States, including many cities in Oregon, where cities eliminated parking requirements completely. Cities such as Bend and Eugene were considering it. They felt it stifled development, and made it harder for housing. Was that something staff had looked into? Was that something the city might consider? In today's day and age, did it make sense, or was it an antiquated way of thinking? Allowing businesses to decide that while no parking might hurt the business or the government always going in and imposing rules and regulations. He thought the idea was interesting.

Councilor Kirby stated he also brought that up at a previous meeting, also due to a conversation with David Armstrong, who had put an article in the Malheur Enterprise, he thought, in a letter to the editor. He didn't think Mr. Cummings would be a proponent.

Mr. Cummings stated it had been addressed, and some of the cities standards had been reduced. However, yes, some businesses would do that, but many would not. So then what? For example, Kinney & Keele Hardware {now Ace Hardware} across the street decided they did not want to have parking so they could use the entire piece of property for buildings. But then where would customers park? The customers would come across the street to use the parking lot at City Hall. Then Council would tell him to get those cars out of the parking lot. He'd like to see the information that Mr. Armstrong was talking about. The only ones he saw doing it now were big downtown areas, but there was parking through the pay to park lots. Had any of them gone to a city for a convention or training that did not provide parking, and have to try to find parking? The city was already fighting parking issues in the residential areas. The current regulations were for two vehicles for off-street parking, but now days everyone had four or five cars. He received complaints every day, as did the Ordinance Officer, about so many cars parking in the street, in front of someone else's house, or in front of their driveway. Businesses would be even worse. When staff reduced the parking requirement, instantly people quit putting in as much parking, so now neighboring businesses were complaining because their customers had no place to park because the other businesses customers were taking up their parking. For the size of Ontario, he believed it would be disastrous to remove the parking requirement. If they wanted to reduce it more, fine, but there was a limit. They recently reduced the commercial parking requirement from one stall per 300 square foot, to one stall per 400 square foot, so it reduced by a quarter percent. The state was instrumental in that, suggesting that it be done on the Eastside, hoping to promote walking and bike riding, not to save the parking requirement on the property. Overall, having been a planner for 50+ years, it was a bad idea. But, Council could direct staff and the Planning Commission to research it.

Councilor Kirby stated when he had that building – then Kinney & Keele – parking was all extra money that had to be expended. As a private merchant, that came out of his back pocket. He objected to the amount of spaces he had to have in place, but Jim Jones, Ontario Police Chief at that time, occupied the office where the City Manager was now, and when Kinney & Keele had put up a temporary display, Chief Jones called him and said look up at the window, where he was said you're taking up parking spots and couldn't do that. Over the years, the value of those spots was important to the merchants. Go look at Walmart. They couldn't get along without the parking, much like D&B or Bi-Mart. He initially objected to the requirement, but he now supported it based on customer use.

✓ Ms. Barnett reminded everyone of the Sister City student delegation that would be at City Hall on Monday, March 17, 2025, at 2:00 p.m. There would be seven students visiting.

✓ Ms. Barnett reminded them of the Chamber of Commerce Leadership Class, who would be stopping at City Hall on Wednesday, March 19, 2025, at 1:00 p.m.

✓ Ms. Barnett stated, for any Councilor interested, there was an SEI training/review on March 25th or April 7th at City Hall, which was being done via Zoom, both at 3:00 p.m. SEI reports would be due April 15, 2025.



✓ Councilor Mills commented on the Fire Department's Volunteer Benefit event. It was well attended, had great food, and they must have made a lot of money, because she could have purchased a lot more groceries with what she spent. It was a great event and well managed. Thank you to them all.

EXECUTIVE SESSION(S)

ORS 192.660(2)(h): Current or Potential Litigation

An executive session was called at 7:25 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. Representatives of the news media and designated staff would be allowed to attend the executive session. All other members of the audience were asked to leave the room. Representatives of the news media were specifically directed not to report on any of the deliberations during the executive session. No decision could be made in executive session. At the end of this executive session, the Council would enter into a second session. The executive session concluded at 7:54 p.m., and Council entered into a second executive session.

ORS 192.660(2)(e): Real Property

An executive session was called at 7:55 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. Representatives of the news media and designated staff would be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media were specifically directed not to report on any of the deliberations during the executive session. No decision could be made in executive session. At the end of the executive session, the Council would return to open session and welcome the audience back into the room. The Council reconvened into regular session at 8:14 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

BRADEN moved, MILLS seconded, **THAT THE CITY COUNCIL AUTHORIZE STAFF TO PURCHASE 25 PATROL RIFLES, IN AN AMOUNT NOT TO EXCEED NET COST OF \$25,000, FROM THE PUBLIC SAFETY RESERVE FUND.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

ADJOURN

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

ACCEPTED:

ATTEST:

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
CONSENT AGENDA
March 25, 2025**

To: Mayor and City Council

FROM: Jason Cooper, Police Chief

THROUGH: Danny K. Cummings, City Manager

SUBJECT: LIQUOR LICENSE APPLICATION: DOLLAR GENERAL STORE #24464

DATE: March 17, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE NEW OUTLET, OFF-PREMISES SALES LIQUOR LICENSE APPLICATION FOR DOLLAR GENERAL STORE #24464

SUMMARY:

DG Retail, LLC, completed the “New Outlet” application for Off-Premises Sales liquor license privileges through the Oregon Liquor Control Commission for Dollar General Store #24464 located at 2079 SW 4th Avenue, Ontario, Oregon.

Oregon Liquor Control Commission has updated the licensing procedure. Applications now come to the local government for endorsement before completing the application process through the State of Oregon Liquor Control Commission office in Salem.

All necessary paperwork has been submitted to the City of Ontario. The Oregon Liquor Control Commission office is awaiting a recommendation from the Ontario City Council.

BACKGROUND:

DG Retail, LLC has applied for a New Outlet, Off-Premises liquor license for their business located at 2079 SW 4th Avenue, Ontario, Oregon. Dollar General Stores offer a wide variety of items, including food, household goods, cleaning supplies, basic apparel, health and beauty products, and seasonal items, often at low prices. This license will allow them to sell beer and wine products for off-premise consumption.

The application forms have been filled out appropriately and the required fees will be received after council action. All permit and license requirements have been met through the City of Ontario Planning, Building, and Fire Departments.

CURRENT SITUATION:

Dollar General Store #24464, owned by DG Retail, LLC, is a lower-priced general store. They would like to add the sale of beer and wine products in their store. The application process provides the necessary requirements for the Oregon Liquor Control Commission to license that location for New Outlet and off-premises sales. Once this step is completed, this location will have the necessary license which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council's adopted Strategic Plan for Lifestyle and Growth. Under Lifestyle, with the recommendation of this license, Dollar General Store #24464 can add the sale of beer, and wine, at their location. This has the potential to bring more visitors to the city, creating additional revenue which supports the Strategic Plan goal of Growth.
- B. **FINANCIAL** There is no financial impact for this action.
- C. **TIMING** A recommendation is required before allowing the sale of alcohol at this location.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not recommend the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city's objections to the action into consideration, but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the new outlet off-premises sales liquor license for DG Retail, LLC.

ATTACHMENTS:

None



**AGENDA REPORT
OLD BUSINESS
March 25, 2025**

To: Mayor and City Council

FROM: Dan Cummings, City Manager/Community Development Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: CITY CAMERA SYSTEM UPGRADE

DATE: March 17, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE A CHANGE ORDER FOR THE ADDITIONAL FUNDING OF \$6,467.00, REIMBURSEMENT OF \$2,566.40, LEAVING A NET CHANGE IN FUNDING OF \$3,900.60, LEAVING A NOT-TO EXCEED AMOUNT OF \$66,108.

SUMMARY:

On October 8, 2024, the City Council approved a Not to Exceed amount of \$60,500.00 out of the Enterprise Camera Fund, which has a budget of \$150,000.00, and the Airport Camera Fund, which has a budget of \$13,651.00, to upgrade the city's existing security camera system. This left a balance of \$103,151.00 in the Camera Fund, tagged for use for the Police Body Camera system upgrade.

Due to a few issues encountered during the installation of the project, staff needs to issue three change orders to complete the project.

BACKGROUND:

On October 8, 2024, the City Council approved a Not to Exceed amount of \$60,500.00 out of the Enterprise Camera Fund, which has a budget of \$150,000.00, and the Airport Camera Fund, which has a budget of \$13,651.00, to upgrade the city's existing security camera system. This left a balance of \$103,151.00 in the Camera Fund, which has been tagged for use for the Police Body Camera system upgrade.

Due to a few issues encountered during the installation of the project, staff needs to issue three change orders to complete the project.

The first change order came about at the airport when it was discovered that all the existing cameras and equipment were attached to and in private buildings not belonging to the city. It was determined that it was not in the best interest of the city to upgrade the system and leave it on private property. To move the camera and equipment to city-owned property there was an additional cost of \$3,500.00 (Attachment #1, Avidity Invoice #000672).

The second change order encountered was for the installation of the camera at the city/county-owned RV Sanitary Sewer Dumping Station. It was discovered that the current Wi-Fi system at Beck Park did not have a direct connection to the RV Dump Station. This required a new antenna mount to relay the signal. The additional cost for this installation is \$2,500.00 (Attachment #2, Avidity Invoice #0020428). The Ontario Lions Club, who manages the RV Dump Station, will reimburse the city from the revenue for the RV Station in the amount of \$1,316.40 for the camera and \$1,250.00 for one-half of the Wi-Fi upgrade, for a total reimbursement of \$2,566.40. It benefits the city by paying for the other half of the Wi-Fi relay as it allows the city to add any future cameras on the west side of the park if needed, such as the baseball fields and facilities.

The third change order was for the Police Department interview room. It was discovered there was an echo due to the small size of the room. The remedy for that is to install an external mic instead of the built-in mics in the cameras. This resulted in an additional cost of \$467.00 (Attachment #3, Avidity Estimate #0020474).

Attachment #1 is a spreadsheet reflecting the breakdown.

CURRENT SITUATION:

The change orders amount to an additional \$6,467.00 to the Avidity original contract amount of \$59,641.00, for a new contract amount of \$66,108.00.

With reimbursements in the amount of \$2,566.40, this leaves a net change in funding of \$3,900.60 for a new Not to Exceed amount of \$66,108.00.

After reimbursement is received, there will be \$100,109.40 remaining in the Enterprise Camera budget.

ANALYSIS:

- A. **STRATEGIC PLAN** This met the Lifestyle section of the city's Strategic Plan.
- B. **FINANCIAL** The city budgeted \$163,651.00 for camera upgrades. The net cost of this contract is \$63,541.60, leaving a balance of \$100,109.40 in the Enterprise Camera Budget (Attachment #1, cost spreadsheet).
- C. **TIMING** This action was needed to complete the project and to pay the contractor.
- D. **POLICY/LEGAL** The Council approves the budgeted expense.

ALTERNATIVES:

There is really no other alternative; the work was required to complete the project.

RECOMMENDATION:

Staff recommends the City Council approve the change orders and the new not to exceed budget of \$66,108.00.

ATTACHMENTS:

1. 2024 Camara replacement tracking Spreadsheet-2025_Final
2. Change Order 1_INV-000672_Airport
3. Change Order 2_INV-0020428_Wifi Connection
4. Change Order 3_EST-0020474_OPD

2024 ONTARIO Camera upgrade project Tracking

As of: Mar-25

AVIDITY SOLYTIONZ PO #0002384225	Other covering cost	Total Project Cost	Payments Awarded	Date Awarded	Original PO Amount \$60,500.00
Original Contract Invoice #000602		\$59,641.00		10/11/2024	\$60,500.00
Retainer Invoice # RET 00033			\$41,748.70		
Payment Invoice #000602			\$17,892.30		
Change Order # 1 Airport moving system		\$3,500.00			\$3,500.00
Change Order #2 Beck Park New Wifi Connection		\$2,500.00			\$2,500.00
Change Order #3 OPD Remote Ceiling Mic		\$467.00			\$467.00
Ontario Lions Club RV Dump station funding	\$2,566.40				(\$2,566.40)
TOTALS:		\$66,108.00	\$59,641.00		\$66,967.00
REIMBURSTMENT		\$2,566.40	NET CHANGE ORDER		\$3,900.60
NET		\$63,541.60	NET PROJECT COST		\$63,541.60
Enterprise & Airport Camera Beginning Balance \$163,651.00		Enterprise Fund Remaining Balance after completion			\$100,109.40



INVOICE

INV-000672

Balance Due
\$3,500.00

Avidity Solutionz

219 SW 11th ST.
Ontario, Oregon 97914
Idaho: RCE-55979
Oregon: 223791
Oregon: CLE758

City Of Ontario

444 SW 4th St.
Ontario, Oregon

Invoice Date : 04 Mar 2025

Terms : Due On Receipt

Due Date : 04 Mar 2025

P.O.# : ONT-Airport-Change

Subject :

ONT-Airport-Change-Move

#	Description	Qty	Rate	Amount
1	Club House : Airport Office code: 1357 Andy Wood Mounted a UDM and configured it Moved the camera system over to the UDM ONT-AIR-3288 Network. Reconfigured the AirMax . (Station2-Tower) Reconfigured Clubhouse AP-Lite and connected it to Station2-Tower Mounted data box at light pole 2 and 4 Reconfigured M5 and mounted one at light pole 2 and 4 Mounted cameras: 2 at light pole 2 and one at pole 4 Mounted AP - Light at SE gate light pole and connected it to Station2 Mounted a camera at SE Gate light pole	1.00	3,500.00	3,500.00
2	A little background. The Airport had 5 existing cameras, but they were on private buildings. Avidity removed cameras and other equipment from the private building Avidity will use this equipment to get cameras installed on City property. Add a wireless connection to the light pole	1.00	0.00	0.00

#	Description	Qty	Rate	Amount
	Mount cameras at the light pole. The plan will be to add 2 cameras to the light pole. At the south entrance gate Avidity is planning to add wireless and a camera to the gate.			
3	Cameras and system is functioning as normal.	1.00	0.00	0.00
			Sub Total	3,500.00
			Total	\$3,500.00
			Balance Due	\$3,500.00

Thank you for the payment. You just made our day.

Payment Options 

This invoice includes only items specifically listed and provides no guarantee, implied or otherwise, that other/additional work will not be necessary for a successful completion of the work listed. Examples of explicitly excluded items includes but is not limited to: asbestos abatement, mold abatement, structural repairs, and cosmetic repairs, such as sealants and paint; other than as a direct result of works performed by Avidityz. No additional works will be performed unless deemed necessary by Avidityz AND discussed with and approved by an authorized representative of the customer on this invoice. Additional works may be added to this invoice or billed on a separate invoice.

Unless otherwise noted, all work requires either a full payment up front or payment as outlined here.
70% of the total invoice paid to indicate acceptance of the scope and full cost provided for in this estimate, required before work begins.
30% of the total invoice (plus any added incidentals or added scope/work) to be paid once all work, according to the scope of this invoice, has been completed.



Estimate

EST-0020428

Avidity Solutionz

219 SW 11th ST.
Ontario, Oregon 97914
Idaho: RCE-55979
Oregon: 223791
Oregon: CLE758

City Of Ontario

444 SW 4th St.
Ontario, Oregon

Estimate Date : 14 Dec 2024

Reference# : CityOntario-Wireless-Beck-RV-Dump

Subject :

CityOntario-Wireless-Beck-RV-Dump

#	Description	Qty
1	Ubiquiti LTU-Lite-US LTU Lite 5 GHz PTP-----2 Quick-Mount-----2 8-POE 8-Port Lite -----2	1.00
2	Not: -This project is to setup and configure a wireless network connection from Beck kiwanis park to the RV dump station. -To install a new camera at the RV dump station near the fair grounds, the dump station needs internet.	1.00
		Sub Total
		Total \$2,500.00

Due at signing 70%=1690.50, Due when completed --- 30%=724.50

Note:

Due at signing ---- 70% -

Due when completed --- 30%
If paying with card add 3%.



Estimate

EST-0020474

Avidity Solutionz

219 SW 11th ST.
Ontario, Oregon 97914
Idaho: RCE-55979
Oregon: 223791
Oregon: CLE758

City Of Ontario

444 SW 4th St.
Ontario, Oregon

Estimate Date : 06 Mar 2025

Reference# : ONT-Interview-Room-Remote-Ceiling-Mlc

Subject :

ONT-Interview-Room-Remote-Ceiling-Mlc

#	Description	Qty	Rate	Amount
1	Note: History: -There is an echo in the interview room -One solutions is to add a ceiling mounted mic above the interview table.	1.00	467.00	467.00
			Sub Total	467.00
			Total	\$467.00

Due at signing: 70% = \$326.90

Due when completed: 30% = \$140.10

Card convenience fee: 3% = \$14.01

This estimate includes only items specifically listed and provides no guarantee, implied or otherwise, that other/additional work will not be necessary for a successful completion of the work listed. Examples of explicitly excluded items includes but is not limited to: asbestos abatement, mold abatement, structural repairs, and cosmetic repairs, such as sealants and paint; other than as a direct result of works performed by Avidityz. No additional works will be performed unless deemed necessary by Avidityz AND discussed with and approved by an authorized representative of the customer on this estimate. Additional works may be added to the invoice related to this estimate or

billed on a separate invoice.

Unless otherwise noted, all work requires either a full payment up front or payment as outlined here.

70% of the total estimate paid to indicate acceptance of the scope and full cost provided for in this estimate, required before work begins.
30% of the total estimate (plus any added incidentals or scope/work) to be paid once all work, according to the scope of this estimate, has been completed.

Committee Appointments - 2025

Committee	New Term Expiration	Current Member	Applicant
Airport [4 year term] Full			
Budget [4 year term] Full			
Business Loan Fund [Perpetual] Full			
CLG/Façade Grand [3 year term] Full			
Diversity Advisory [3 year term] Citizen at Large Citizen at Large Citizen at Large	Dec 2025 Dec 2027 Dec 2027	Vacant Vacant Vacant	Jose Rocha Eddie Melendrez
Parks [3 year term] Full			
Planning Commission [4 year term] Full			
Public Works [3 year term] Full			
V&C [3 year term] Full			

Meeting	Date	Time	Location
Airport	1st Mon/Mo	6:00 p.m.	City Hall
Budget	May/Year	6:00 p.m.	Training Center
Business Loan Fund	As needed	5:00 p.m.	Comm Dev Center
CLGC/Façade Grant	As needed	5:00 p.m.	Comm Dev Center
Diversity Advisory	3rd Wed/Mo	5:30 p.m.	City Hall
Parks	3rd Thu/Mo	6:00 p.m.	City Hall
Planning	2nd Mon/Mo	6:00 p.m.	City Hall
Public Works	3rd Tue/Mo	3:00 p.m.	City Hall
V&C	1st Thu/Mo	7:00 a.m.	Chamber Office

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: *City of Ontario -- City Recorder*
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Rocha Jose Y
Last First Middle Initial
HOME ADDRESS: 3411 NW 7th Ave Ontario 97914
Street City Zip Code
TELEPHONE: 541-239-8986
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Diveresty Advisory Committee
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
Leadership	11/27/2023-On going	Freshman,Sophmore,Junior Representative
Sources of Strength	5/15/23- On Going	Vice President and currently President
FHLA- Future Hispanic Leaders of America	10/30/23- On going	Club Member

Employment:

Current Employer:	Position:	Dates of Employment:
-------------------	-----------	----------------------

Education:

Ontario Highschool Graduating class of 2026

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

I was recommended by Billy Carter

Additional Information you feel may be helpful in considering your request for appointment:

I believe with my skills as a leader and a student I can help to change our town's culture to a more positive acceptable environment


Signature:

February 21, 2025
Date:

Submit

Reset

CITY OF ONTARIO

REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Melendrez Eddie G
Last First Middle Initial
HOME ADDRESS: 1280 Moore Way Ontario 97914
Street City Zip Code
TELEPHONE: 541-350-0428 egmelendrez@gmail.com
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

DAC

1.

2.

3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:

Length of Service

Position (s) Held:

City of Ontario

4 years

City Councilor

Employment:

OregonFoodBank Organizer 2022-Present

Current Employer:

Position:

Dates of Employment:

Education:

TVCC

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

Additional Information you feel may be helpful in considering your request for appointment:

Eddie Melendrez

Signature:

3/11/25

Date:



**AGENDA REPORT
NEW BUSINESS
March 25, 2025**

To: Mayor and City Council

FROM: Clint Benson, Fire Chief

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **BID AWARD: PURCHASE OF NEW TURNOUTS FOR FIRE DEPARTMENT PERSONNEL (CURTIS TOOLS FOR HEROES)**

DATE: March 12, 2025

PROPOSED MOTION:

I MOVE TO APPROVE THE BID AWARD TO CURTIS TOOLS FOR HEROES, IN AN AMOUNT NOT TO EXCEED \$130,000 FROM THE FIRE EQUIPMENT RESERVE FUND TO PURCHASE NEW TURNOUTS AND RELATED PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT.

SUMMARY:

Nearly half of our firefighters are operating in expired turnout, helmets, and boots. Using funds from our Fire Equipment Reserve Fund, we can ensure that all firefighters are operating in NFPA-compliant PPE for the next ten years.

BACKGROUND:

The National Fire Protection Association Standard 1851 mandates that structural firefighting ensembles (turnout gear, helmets, gloves, footwear, and hoods) be retired no more than ten years from the date of manufacture. Due to our increasing number of expired structural firefighting ensembles, in early 2024, Ontario Fire and Rescue applied for FEMA's Assistance to Firefighters Grant to replace our expired structural firefighting ensembles; however, we were unsuccessful.

CURRENT SITUATION:

Currently, 43% of our firefighters are using expired turnout, and 60% of firefighters are using expired helmets and footwear. 27% of our non-expired turnout will expire in 2029. Additionally, none of our current career firefighters have NFPA-compliant backup sets of turnout. Backup sets are important, especially for career firefighters, as they allow a firefighter to decontaminate their gear and finish their shift in clean (backup) turnout if they have worked in a structure fire on that shift. This action will provide NFPA-compliant structural PPE for all firefighters and also provide our career firefighters with backup turnout from the pool of compliant turnout currently in use.

Ontario Fire and Rescue staff worked for several months with five different PPE vendors to update our turnout specifications and sample different brands of PPE. Since only one vendor sells each specific brand of turnout, fine-tuning our specifications ensured that we would receive as close to "apples to apples" cost estimates as possible. Based on our specifications, we received four price quotes from regional vendors ranging from \$128,020 to \$149,062. Due to a current promotion from Globe that includes a pair of boots at no cost (\$18,450 value) with each order of turnouts, Curtis had the lowest bid at \$128,020.19. The attached documentation shows helmets, boots, and hoods from Curtis included with the price quotes for turnouts from the other vendors. Additionally, we looked at the cost of replacing only the expired PPE and providing back-up turnout sets for career firefighters (Partial Replacement Plan - see documentation attached with staff report). The cost of the partial replacement plan, using Curtis' price points, is \$101,571.31. With the constant rising prices of firefighting gear and much of our current PPE expiring within the next few years, we will get more for our community's money with a full replacement plan.

ANALYSIS:

- A. **STRATEGIC PLAN** This action aligns with the City of Ontario's mission statement of creating a healthy and safe city. Providing our employees with NFPA-compliant personal protective equipment is important for our firefighters' and the community's health and safety.
- B. **FINANCIAL** The City of Ontario has a Fire Equipment Reserve Fund in place where funds are set aside each year for the replacement of self-contained breathing apparatus (SCBAs) and turnouts which has adequate funding for this proposed project. This will cost the City \$128,020.19 and will leave a balance of \$46,432.07.
- C. **TIMING** The timing of this action is important due to much of our current PPE being expired and thus not NFPA compliant.
- D. **POLICY/LEGAL** Having firefighters operating in expired PPE puts our firefighters at greater risk of injury or death, but also puts the City of Ontario at risk in the event of a line of duty injury or death while operating in non-compliant PPE.

ALTERNATIVES:

One alternative is to use reserve funds for a partial replacement plan. The cost of the partial replacement plan is \$101,571.31.

RECOMMENDATION:

Staff recommends approving the use of the Fire Equipment Reserve Fund to purchase NFPA-compliant PPE using the full replacement plan.

ATTACHMENTS:

- 1. 2025 PPE Project Cost Estimates
- 2. 2025 PPE Project Partial Replacement Plan

ONTARIO FIRE & RESCUE PPE PROJECT COST ESTIMATES

Vendor	Type/Brand	Quote
Curtis	G-Extreme 3.0, Shadow XF Boots, Cairns Helmet & Passports, Cobra BarriAire Hood	\$ 128,020.19
Seawestern / Curtis	Pacific V-Force, Shadow XF Boots, Cairns Helmet & Passports, LN Redzone Hood	\$ 133,387.49
Cascade Fire Equipment / Curtis	Innotex CFE Armor AP, Shadow XF Boots, Cairns Helmet & Passports, Cobra BarriAire Hood	\$ 138,591.89
MES / Curtis	Aeroflex Pioneer, Shadow XF Boots, Cairns Helmet & Passports, Cobra BarriAire Hood	\$ 149,061.89

FULL REPLACEMENT PLAN									
	Firefighter	Protective Coat	Protective Trousers	Helmet	Shields	Shield Color	Leather Passports	Structural Footwear	Particulate Blocking Hoods
1	Barrera	1	1	1	1	red		1	1
2	Benson	1	1	1	1	white		1	1
3	Davis	1	1	1	1	yellow		1	1
4	Domby	1	1	1	1	yellow		1	1
5	Ervin	1	1	1	1	red		1	1
6	Fortner	1	1	1	1	yellow		1	1
7	Cpt. Gammage	1	1	1	1	red		1	1
8	T. Gammage	1	1	1	1	yellow		1	1
9	Grimaldo	1	1	1	1	red		1	1
10	Gutierrez	1	1	1	1	yellow		1	1
11	Hunsaker	1	1	1	1	black		1	1
12	Justus	1	1	1	1	red		1	1
13	Leavitt	1	1	1	1	yellow		1	1
14	Lehman	1	1	1	1	yellow		1	1
15	Lock	1	1	1	1	yellow		1	1
16	McLean	1	1	1	1	red		1	1
17	Mendoza	1	1	1	1	yellow		1	1
18	Mondragon	1	1	1	1	yellow		1	1
19	Peach								0
20	Reever	1	1	1	1	yellow		1	1
21	Lt. Rico	1	1	1	1	red		1	1
22	C. Rico	1	1	1	1	yellow		1	1
23	C. Saito	1	1	1	1	red		1	1
24	Smith	1	1	1	1	yellow		1	1
25	Tolman	1	1	1	1	red		1	1
26	Torres	1	1	1	1	yellow		1	1
27	Waddel	1	1	1	1	yellow		1	1
28	Ward								0
29	Watts	1	1	1	1	red		1	1
30	Wick	1	1	1	1	yellow		1	1
31	Martinez	0	0	1	1	black		0	1
32	Wilber	1	1	1	1	yellow		1	1
33	Findling	1	1	1	1	red		1	1
34	Spare			1	1				
35	Spare			1	1				
36	Spare			1	1				
37	Spare			1	1				
38	Spare			1	1				
		30	30	36	36		35	30	31
	Estimated Cost	\$ 2,067.88	\$ 1,545.73	\$ 393.36	\$ 49.34		\$ 18.51	\$ 615.00	\$ 97.64
		\$ 62,036.40	\$ 46,371.90	\$ 14,160.96	\$ 1,776.24		\$ 647.85	\$ 18,450.00	\$ 3,026.84

Subtotal \$ 146,470.19

Credit for free boots with turnouts / promotion \$ (18,450.00)

Curtis Quote **Total \$ 128,020.19**

Ph: 801-486-7285
TF: 800-426-0509
Fax: 801-487-1278
slcsales@lncurtis.com
UEI#: DDLSADSWN7U7



Intermountain Division
1635 South Gramercy Road
Salt Lake City, UT 84104
www.LNCurtis.com

Quotation

CUSTOMER:	SHIP TO:	QUOTATION NO.	ISSUED DATE	EXPIRATION DATE
Ontario City Fire & Rescue OR 444 Southwest 4th Street Ontario OR 97914	Ontario City Fire & Rescue OR 444 Southwest 4th Street Ontario OR 97914	333583	02/21/2025	03/23/2025
		SALESPERSON	CUSTOMER SERVICE REP	
		Shannon Crays scrays@lncurtis.com 208-863-9557	Michael Duncan mduncan@lncurtis.com 206-596-7904	

REQUISITION NO.	REQUESTING PARTY	CUSTOMER NO.	TERMS	OFFER CLASS
	Clint Benson	C30490	Net 30	FR
F.O.B.	SHIP VIA	DELIVERY REQ. BY		
SP	Standard Shipping			

NOTES & DISCLAIMERS

Thank you for this opportunity to quote. We are pleased to offer requested items below. If you have any questions, need additional information, or would like to place an order, please contact your Customer Service Rep as noted above.

Safety Warning Notice: Products offered, sold, or invoiced herewith may have an applicable Safety Data Sheet (SDS) as prepared by the manufacturer of the product. The SDS is provided with the product. In addition, manufacturer's safety and/or warning notices, instructions and information relating to the proper use and care of the product is provided with the product. All applicable SDS, safety and/or warning notices, instructions and other information provided with the product should be thoroughly read, reviewed, and understood prior to handling, distributing, using, reselling, or servicing any and all products provided by Curtis. Materials utilized to clean, repair, maintain and/or service your owned equipment, as well as Curtis owned equipment, may contain per-and polyfluoroalkyl substances (PFAS) to meet national standards or original equipment manufacturer specifications. For other important product notices and warnings, or to request an SDS, product specifications, manufacturer's safety notices, instructions and/or warning notices, please contact Curtis or visit <https://www.lncurtis.com/product-notices-warnings>

Ph: 801-486-7285
 TF: 800-426-0509
 Fax: 801-487-1278
slcsales@lncurtis.com
 UEI#: DDLSADSWN7U7

CURTIS

TOOLS FOR HEROES

Intermountain Division
 1635 South Gramercy Road
 Salt Lake City, UT 84104
www.LNCurtis.com

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
1	30	EA	G-XTREME 3.0 JACKET - GLOBE CUSTOM	As Below:: WARNING: This Product Contains PFAS to achieve liquid repellency and/or meet current applicable NFPA performance standards. GLOBE PROMO A76 Gold Pioneer Titanium SL2 Crosstech Black L/Y Triple Trim NFPA Basic "ONTARIO" SEWN ON 3" L/Y UPPER BACK Hanging Name Patch "FF LAST NAME" STD Closure Zipper In Hook and Loop STD 2x8x8 pocket w fleece handwarmer Survivor Flashlight holder RH Add 2" to velcro strap 13PK Radio Pocket w/ dual notch flap LH Self Material Mic Strap LH STD Adjustable Sleeve Well Nomex Wrister w/Thumb Loop Self Material Cuffs American Flag LH Sleeve End of Flap Silizone Rolled Pocket Extension 4x6x1.5 Pocket w/ Velcro Flap RH Sleeve		\$2,067.88	\$62,036.40

Ph: 801-486-7285
 TF: 800-426-0509
 Fax: 801-487-1278
slcsales@lncurtis.com
 UEI#: DDLSADSWN7U7

CURTIS

TOOLS FOR HEROES

Intermountain Division
 1635 South Gramercy Road
 Salt Lake City, UT 84104
www.LNCurtis.com

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
2	30	PR	GPS GLOBE CUSTOM	As below: WARNING: This product contains PFAS to achieve liquid repellency and/or meet current applicable NFPA performance standards GLOBE PROMO A76 Gold Pioneer Titanium SL2 Crosstech Black L/Y Triple Trim 3" around Cuff STD Fly Closure Nomex Belt w/2" Wide Belt Loops 1/2" Belt Loop Center Rear for Anti Sway Strap 2x10x10 Expansion Pockets Black Arashield Outside on pockets Black Arashield Cathedral Knee Silizone Knee Pads Between TL & MB Black Arashield Cuffs H-Back Suspenders End Of Flap Silizone Rolled Pocket extension		\$1,545.73	\$46,371.90
3	30	PR	1501420-11.5-M GLO	Size 11.5M 14" Shadow XF Pull-On Regular Calf Structure Boots, Meets NFPA 1971, NFPA 1992 * WARNING: This PPE product incorporates PFAS to achieve liquid repellency, breathability, or durability and/or to meet current applicable NFPA performance standards. GLOBE PROMO A76 Correct sizes added at time of order		\$0.00	\$0.00

Ph: 801-486-7285
 TF: 800-426-0509
 Fax: 801-487-1278
slcsales@lncurtis.com
 UEI#: DDLSADSWN7U7

CURTIS

TOOLS FOR HEROES

Intermountain Division
 1635 South Gramercy Road
 Salt Lake City, UT 84104
www.LNCurtis.com

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
4	36	EA	10247315 CAIRNS	Black Unpainted Matte Finish 1836 MSA Cairns Traditional Helmet: * Clear Defender Articulating and Integrated Visor * Standard Headband Liner * Black Nomex Earlaps * 6" Carved Brass Eagle Front Holder * 2-Point Removable Nomex Chinstrap with Quick Release & Postman's Slide * Lime/Yellow Reflexite Tetrahedron Trim * ATO Number: A-1836-ABA0AAEAAA0 Additional colors to be adjusted at time of order		\$393.36	\$14,160.96
5	31	EA	3979471-1 PGI	Gold Cobra BarriAire™ Particulate Hood with Extended Bib, Critical Coverage, and Rib Knit Face Opening		\$97.64	\$3,026.84
6	36	EA	PASSPORT FRONT CAIRNS CUSTOM	MSA Cairns Passport Helmet Front, As Below: C-PST 7110RLBWBANNWNNBA 5.5 1836 Passport front without insert FRONT SIZE: 7, 1836 5.5 INCH STYLE: 110, STYLE 110 FRAME ONLY ATTACHMENT TYPE: R, 1836-5.5 INCH COVER MATERIAL: L, LEATHER FRONT COVER COLOR: B, BLACK PANEL BACKGROUND COLOR: W, WHITE PANEL TEXT COLOR: B, BLACK TEXT TEXT FONT: A, FULL BLOCK ACCT INSERT MATERIAL: N, NONE INSERT COLOR: N, NONE THREAD COLOR: W, WHITE THREAD GRAPHICS TYPE: N, NONE GRAPHICS COLOR: N, NONE ACCESSORIES: B, BACK BRACE SHIPPING DATA: A, LOOSE Custom Product Data* [TT:ONTARIO FD BT:FIREFIGHTER] Front color and configuration to be approved prior to order		\$49.34	\$1,776.24

Ph: 801-486-7285
TF: 800-426-0509
Fax: 801-487-1278
slcsales@lncurtis.com
UEI#: DDLSADSWN7U7



Intermountain Division
1635 South Gramercy Road
Salt Lake City, UT 84104
www.LNCurtis.com

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	PL	UNIT PRICE	TOTAL PRICE
7	35	EA	PASSPORT FRONT CAIRNS CUSTOM	MSA Cairns Passport Helmet Front, As Below: C-PST 8111NNNNNNLBWRSWNA Passport Insert with 3 digits To be approved prior to order		\$18.51	\$647.85

Small Business
CAGE Code: 5E720
SIC Code: 5099
Federal Tax ID: 94-1214350
UEI #DDLSADSWN7U7

This pricing remains firm until 03/23/2025. Contact us for updated pricing after this date.

Due to market volatility and supply shortages, we recommend contacting your local L.N. Curtis and sons office prior to placing your order to confirm pricing and availability. This excludes our GSA Contract and other Fixed Price Contracts which are governed by contract-specific prices, terms, and conditions.

Subtotal	\$128,020.19
Estimated Tax Total	\$0.00
Transportation*	\$0.00
*(to be added when order ships)	
Total	\$128,020.19

[View Terms of Sale and Return Policy](#)

FULL REPLACEMENT PLAN									
	Firefighter	Protective Coat	Protective Trousers	Helmet	Shields	Shield Color	Leather Passports	Structural Footwear	Particulate Blocking Hoods
1	Barrera	1	1	1	1	red		1	1
2	Benson	1	1	1	1	white		1	1
3	Davis	1	1	1	1	yellow		1	1
4	Domby	1	1	1	1	yellow		1	1
5	Ervin	1	1	1	1	red		1	1
6	Fortner	1	1	1	1	yellow		1	1
7	Cpt. Gammage	1	1	1	1	red		1	1
8	T. Gammage	1	1	1	1	yellow		1	1
9	Grimaldo	1	1	1	1	red		1	1
10	Gutierrez	1	1	1	1	yellow		1	1
11	Hunsaker	1	1	1	1	black		1	1
12	Justus	1	1	1	1	red		1	1
13	Leavitt	1	1	1	1	yellow		1	1
14	Lehman	1	1	1	1	yellow		1	1
15	Lock	1	1	1	1	yellow		1	1
16	McLean	1	1	1	1	red		1	1
17	Mendoza	1	1	1	1	yellow		1	1
18	Mondragon	1	1	1	1	yellow		1	1
19	Peach								0
20	Reever	1	1	1	1	yellow		1	1
21	Lt. Rico	1	1	1	1	red		1	1
22	C. Rico	1	1	1	1	yellow		1	1
23	C. Saito	1	1	1	1	red		1	1
24	Smith	1	1	1	1	yellow		1	1
25	Tolman	1	1	1	1	red		1	1
26	Torres	1	1	1	1	yellow		1	1
27	Waddel	1	1	1	1	yellow		1	1
28	Ward								0
29	Watts	1	1	1	1	red		1	1
30	Wick	1	1	1	1	yellow		1	1
31	Martinez	0	0	1	1	black		0	1
32	Wilber	1	1	1	1	yellow		1	1
33	Findling	1	1	1	1	red		1	1
34	Spare			1	1				
35	Spare			1	1				
36	Spare			1	1				
37	Spare			1	1				
38	Spare			1	1				
		30	30	36	36		35	30	31
	Estimated Cost	\$ 1,929.69	\$ 1,247.83	\$ 393.36	\$ 49.34		\$ 18.51	\$ 615.00	\$ 97.64
		\$ 57,890.70	\$ 37,434.90	\$ 14,160.96	\$ 1,776.24		\$ 647.85	\$ 18,450.00	\$ 3,026.84
		Lion V-Force		Cairns 1836				Shadow XF	
		SeaWestern		Curtis	Curtis		Curtis	Curtis	Curtis

SeaWestern (turnouts) \$ 95,325.60
Curtis (helmets, shields, passports, boots, hoods) \$ 38,061.89
Total \$ 133,387.49

P.O. Box 51,
Kirkland, WA 98083



SEAWESTERN

FIRE FIGHTING EQUIPMENT

Quote

Phone: (425) 821-5858
Email: info@seawestern.com
www.seawestern.com

Bill To:		Ship To:		Date	03/13/2025
CITY OF ONTARIO ONTARIO FIRE & RESCUE 444 SW 4TH ST ONTARIO OR 97914 United States		CITY OF ONTARIO ONTARIO FIRE & RESCUE 444 SW 4TH ST ONTARIO, OR 97914		Customer No.	10575
				Quote No.	QUO30231
				Sales Rep	Mekel Hofman
Expires	Attention	Delivery	FOB		
04/14/2025	Clint Benson				

Pricing valid for listed quantities
Returns accepted within 30 days of receipt
Restocking fee up to 25% will apply on any non-stock merchandise
Custom orders are non-cancellable, non-returnable
Unless otherwise noted, pricing does not include shipping

Qty	Unit	Part Number	Description	Unit Price	Ext. Price
30	EA	Pacific V-Force Coat	SeaWestern Lion Pacific V-Force Coat - Armor AP 6.5 oz Outershell, 32" Length, K7 Glide Thermal Liner with W.L. Gore Crosstech "Black" Moisture Barrier, Raglan Sleeve Design, Self Material Coat Cuffs, 3" Yellow Ventilated Triple Trim in New York Trim Pattern, 6" x 10" Full Bellow Pockets, Radio Pocket and Mic Tab on Left Chest, Mic Tab and Flashlight Assembly on Right Chest, Over-the-Thumb Wristlets, Drag Rescue Device, Hanging Name Plate with Lettering, Department Lettering on Yoke (up to 8 characters)	1,859.10	55,773.00
30	EA	HP610	Semi Bellows Handwarmer Pockets with Fleece Lining (Pair) 9x7	70.59	2,117.70
30	EA	Pacific V-Force Pant	SeaWestern Lion Pacific V-Force Pant - Armor AP 6.5 oz Outershell, K7 Glide Thermal Liner with W.L. Gore Crosstech "Black" Moisture Barrier, Contoured Legs and Knees, Black AraShield Reinforcement on Knees and Cuffs, Two Layers of Padding in Knee, 3" Yellow Ventilated Triple Trim, 9" x 10" x 2" Full Below Pocket on Left Side, Tool Pocket on Right Side, Zipper Closure on 2" Kevlar Belt System, Boot Cut with H-Back Suspenders with Self Fabric Suspender Attachment	1,225.22	36,756.60
30	EA	MT567	Mic Tab with Floating Dee Ring Placed on Lower Half of Center Back Belt Loop	22.61	678.30
31	EA	LN Particulate Hood - Black	Lion RedZone Particulate Blocking Hood - Black	111.00	3,441.00
30	EA	11 : M	Lion Thorogood QR14 - 14" Pull-On Leather Structural Boot - 11 : M	360.00	10,800.00
36	EA	LN Legend GB	LION PROTECTS LEGEND HELMET WITH INTEGRATED GOGGLES, BLACK	375.00	13,500.00
36	EA	CON 6-2PP-SO	CONWAY SHIELD 6-2PP-SO, 6" LEATHER FRONT WITH VELCRO FOR FUTURE RECTANGLE PASSPORT	54.75	1,971.00



Phone: (425) 821-5858
Email: info@seawestern.com
www.seawestern.com

Total	\$125,868.85
--------------	---------------------

FULL REPLACEMENT PLAN									
	Firefighter	Protective Coat	Protective Trousers	Helmet	Shields	Shield Color	Leather Passports	Structural Footwear	Particulate Blocking Hoods
1	Barrera	1	1	1	1	red		1	1
2	Benson	1	1	1	1	white		1	1
3	Davis	1	1	1	1	yellow		1	1
4	Domby	1	1	1	1	yellow		1	1
5	Ervin	1	1	1	1	red		1	1
6	Fortner	1	1	1	1	yellow		1	1
7	Cpt. Gammage	1	1	1	1	red		1	1
8	T. Gammage	1	1	1	1	yellow		1	1
9	Grimaldo	1	1	1	1	red		1	1
10	Gutierrez	1	1	1	1	yellow		1	1
11	Hunsaker	1	1	1	1	black		1	1
12	Justus	1	1	1	1	red		1	1
13	Leavitt	1	1	1	1	yellow		1	1
14	Lehman	1	1	1	1	yellow		1	1
15	Lock	1	1	1	1	yellow		1	1
16	McLean	1	1	1	1	red		1	1
17	Mendoza	1	1	1	1	yellow		1	1
18	Mondragon	1	1	1	1	yellow		1	1
19	Peach								0
20	Reever	1	1	1	1	yellow		1	1
21	Lt. Rico	1	1	1	1	red		1	1
22	C. Rico	1	1	1	1	yellow		1	1
23	C. Saito	1	1	1	1	red		1	1
24	Smith	1	1	1	1	yellow		1	1
25	Tolman	1	1	1	1	red		1	1
26	Torres	1	1	1	1	yellow		1	1
27	Waddel	1	1	1	1	yellow		1	1
28	Ward								0
29	Watts	1	1	1	1	red		1	1
30	Wick	1	1	1	1	yellow		1	1
31	Martinez	0	0	1	1	black		0	1
32	Wilber	1	1	1	1	yellow		1	1
33	Findling	1	1	1	1	red		1	1
34	Spare			1	1				
35	Spare			1	1				
36	Spare			1	1				
37	Spare			1	1				
38	Spare			1	1				
		30	30	36	36		35	30	31
	Estimated Cost	\$ 2,015.00	\$ 1,336.00	\$ 393.36	\$ 49.34		\$ 18.51	\$ 615.00	\$ 97.64
		\$ 60,450.00	\$ 40,080.00	\$ 14,160.96	\$ 1,776.24		\$ 647.85	\$ 18,450.00	\$ 3,026.84
		CFE Spec Armor AP		Cairns 1836				Shadow XF	
		Cascade		Curtis	Curtis		Curtis	Curtis	Curtis

Cascade (turnouts) \$ 100,530.00
 Curtis (helmets, shields, passports, boots, hoods) \$ 38,061.89
Total \$ 138,591.89



Quote
#QUO5161
01/14/2025

Cascade Fire Equipment

PO Box 4248
Medford OR 97501
United States
<https://cascadefire.com/>
(800) 654-7049

Bill To

Ontario, City Of - Or
444 Sw 4Th Stret
Purchasing Division
Ontario OR 97914
United States

Ship To

Ontario, City Of - Or
444 Sw 4Th St
Ontario OR 97914
United States

Quote Expiration

02/13/2025

Quote Name

Sales Rep

Jim Albright

Shipping Method

Item

QTY

Rate

Amount

74365-C

Turnout, Innotex Coat CFE Spec Armor AP GOLD per 99585-G5K1R

1

\$2,015.00

\$2,015.00

74365-P

Turnout, Innotex Pant CFE Spec Armor AP GOLD per 99585-G5K1R

1

\$1,336.00

\$1,336.00

50240L

Dex-Pro Glove, Large

1

\$133.00

\$133.00

50243L

Glove, Str-X Fire Armor-Large

1

\$89.00

\$89.00

50157

Hood, Med/Lg Innotex Gray 25

1

\$133.00

\$133.00

50202M11

Boot, Fire Hero Xtreme 11 Med

1

\$450.00

\$450.00

RKD0087M11

Rocky Code Red Structure Boot 11 Med

1

\$325.00

\$325.00

70216B

Cairns 1836 helmet, std config, black w/ defender

1

\$469.00

\$469.00

Subtotal

\$4,950.00

Shipping Cost

Tax Total (%)

\$0.00

Total

\$4,950.00



QUO5161



Tél.: 819-826-5971
Fax: 819-826-5195

www.innotexprotection.com

Quote

Quote : QUO-99585-G5K1R

To

Company: CASCADE FIRE EQUIPMENT COMPANY
Name of the Quote: DEALER SPEC GOLD Armor - Ontario Fire Rescue
Contact: Jeff Lloyd
Phone: (541) 779-0394 x0000
Fax: (541) 779-8847 x0000

YOUR QUOTATION

USD

COMPOSITE PERFORMANCE

Zone	Composite Coat THL	Composite Coat TPP	Composite Pants THL	Composite Pants TPP
Zone 1	269.10	35.00	269.10	35.00
Zone 2	0.00	0.00	0.00	0.00

COAT ENERGY - INNOTEX ENERGY™	QTY	MSRP	SUB TOTAL
NFPA 1971-2018			
32" STYLE - SINGLE COLOR OUTER SHELL - WITH SINGLE METABOLIC ZONE (THERMAL BARRIER)	1		
Armor AP™, 80% Nomex®/ Kevlar® spun yarns with 20% 400 denier Kevlar® filament 6.5 osy - Gold			
CROSSTECH® black moisture barrier - Type 2F, 4.7 osy			
Glide Ice™ 2-layer (2.3 osy & 1.5 osy E89™), 7.4 osy			
3M Scotchlite® 3" SEGMENTED (triple trim) - Yellow Grey			
Trim Pattern: New York Style	1		
Zipper closure system (VISLON®)	1		
Semi bellows pockets (pair) - (8" x 9") - Lined with Kevlar® twill reinforcement	1		
Radio pocket (unit) - Regular	1		
Standard flap with Grabber™	1		
POSITION: Radio Pocket: H: 8 x L: 4 x D: 2 (dimensions in inches) - POSITION B -			
Inside pocket (7.5" x 8") with hook & loop (1" x 3") (unit) - Regular	1		
Napoleon pocket (6" opening on right side) (under storm flap) - made in moisture barrier (unit) barrier (unit)	1		
Hand-warmer pockets with Nomex FR polar fleece (pair)	1		
Nomex® Spandex handguard with thumb loop - Black	1		
Eyelets at the end of the sleeves	1		

Vented back protection Airflow™	1
Vented shoulders protection Airflow™	1
Exterior hanging loop	1
Mic loop / P.A.S.S. loop / QTY: 2 UNITS / Right chest / Left chest	2
Thermal liner attachments (bottom of coat) (unit) / QTY: 1 UNITS	1
Flashlight Holder - Riveted Clip with Hook & Loop Fastener / QTY: 1 UNITS / Right chest	1
PERSO: Right sleeve (E) - Nomex® Embroidered American flag / Sewn on shell / Color Outer Shell	1
PERSO: Back under neck (H) - Lettering - For all units (ONTARIO) / Scotchlite® 3" - Lime yellow / Arched (half-moon) / Sewn on shell	1
PERSO: Hem of coat (M) - Lettering - Different for each unit ([2]-Name - see list) / Average 7 le Scotchlite® 3" - Lime yellow / Straight / Sewn on removable patch / 4" X 17" / Color Outer Shell	1
Removable Patch in Outershell with hook/loop (4"x17")	
Polymer coated aramid Color: BLACK	
Velcro Color: BLACK	
POSITION: Inside pocket: Left side	
Limited 2-year Warranty - Note: Our 2-year and 5-year warranties cover defects in material and workmanship but are subject to the moisture barrier material manufacturer's warranty limitations.	1

PANTSENERGY - INNOTEXENERGY™	QTY	MSRP	SUB TOTAL
NFPA 1971-2018			
Regular waist - SINGLE COLOR OUTER SHELL - WITH SINGLE METABOLIC ZONE (THERMAL BARRIER)	1		
Armor AP™, 80% Nomex®/ Kevlar® spun yarns with 20% 400 denier Kevlar® filament 6.5 osy - Gold			
CROSSTECH® black moisture barrier - Type 2F, 4.7 osy			
Glide Ice™ 2-layer (2.3 osy & 1.5 osy E89™), 7.4 osy			
3M Scotchlite® 3" SEGMENTED (triple trim) - Yellow Grey			
Trim Pattern: Standard NFPA	1		
Zipper closure system (VISLON®)	1		
Full bellows pockets (pair) - (10" X 10" X 2") - Lined with Kevlar® twill reinforcement	0		
6-Tool - 2 rows of 3" wide tool compartments in 10"x10"x2" pkt w/ Kevlar® reinf (aka Seattle) (unit) (w/ grabber)	1		
POSITION: 6-Tool pocket: Right leg			
EMK™ (Enhanced Mobility Knee) in Polymer coated aramid - With closed cell FR blend sponge foam (BLACK REINFORCEMENT)	1		
DELUXE Cotton suspenders ("H style")	1		
Add reflective trim on suspenders / Lime Yellow	1		
Nomex belt (2-sides adjustment)	1		
Belt loops (6 units) (included) - (3" x 2") / 6 UNITS	1		
Polymer coated aramid Color: BLACK			
Velcro Color: BLACK			
Limited 2-year Warranty - Note: Our 2-year and 5-year warranties cover defects in material and workmanship but are subject to the moisture barrier material manufacturer's warranty limitations.	1		

Because of our ongoing commitment to product quality and development, we reserve the right to change, cancel, discontinue or alter any specification, price, design or feature without prior notice and without incurring any obligation.

FULL REPLACEMENT PLAN									
	Firefighter	Protective Coat	Protective Trousers	Helmet	Shields	Shield Color	Leather Passports	Structural Footwear	Particulate Blocking Hoods
1	Barrera	1	1	1	1	red		1	1
2	Benson	1	1	1	1	white		1	1
3	Davis	1	1	1	1	yellow		1	1
4	Domby	1	1	1	1	yellow		1	1
5	Ervin	1	1	1	1	red		1	1
6	Fortner	1	1	1	1	yellow		1	1
7	Cpt. Gammage	1	1	1	1	red		1	1
8	T. Gammage	1	1	1	1	yellow		1	1
9	Grimaldo	1	1	1	1	red		1	1
10	Gutierrez	1	1	1	1	yellow		1	1
11	Hunsaker	1	1	1	1	black		1	1
12	Justus	1	1	1	1	red		1	1
13	Leavitt	1	1	1	1	yellow		1	1
14	Lehman	1	1	1	1	yellow		1	1
15	Lock	1	1	1	1	yellow		1	1
16	McLean	1	1	1	1	red		1	1
17	Mendoza	1	1	1	1	yellow		1	1
18	Mondragon	1	1	1	1	yellow		1	1
19	Peach								0
20	Reever	1	1	1	1	yellow		1	1
21	Lt. Rico	1	1	1	1	red		1	1
22	C. Rico	1	1	1	1	yellow		1	1
23	C. Saito	1	1	1	1	red		1	1
24	Smith	1	1	1	1	yellow		1	1
25	Tolman	1	1	1	1	red		1	1
26	Torres	1	1	1	1	yellow		1	1
27	Waddel	1	1	1	1	yellow		1	1
28	Ward								0
29	Watts	1	1	1	1	red		1	1
30	Wick	1	1	1	1	yellow		1	1
31	Martinez	0	0	1	1	black		0	1
32	Wilber	1	1	1	1	yellow		1	1
33	Findling	1	1	1	1	red		1	1
34	Spare			1	1				
35	Spare			1	1				
36	Spare			1	1				
37	Spare			1	1				
38	Spare			1	1				
		30	30	36	36		35	30	31
	Estimated Cost	\$ 2,220.00	\$ 1,480.00	\$ 393.36	\$ 49.34		\$ 18.51	\$ 615.00	\$ 97.64
		\$ 66,600.00	\$ 44,400.00	\$ 14,160.96	\$ 1,776.24		\$ 647.85	\$ 18,450.00	\$ 3,026.84
		Aeroflex		Cairns 1836				Shadow XF	
		MES		Curtis	Curtis		Curtis	Curtis	Curtis

MES (turnouts) \$ 111,000.00
 Curtis (helmets, shields, passports, boots, hoods) \$ 38,061.89
Total \$ 149,061.89



(877) 637-3473

Quote

Quote # QT1912652
Date 03/11/2025
Expires 04/04/2025
Sales Rep McMillan, John
PO # Clint Benson
Shipping Method FedEx Ground
Customer Ontario Fire & Rescue (OR)
Customer # C233402

Bill To

Ontario Fire & Rescue
444 SW. 4th St
Ontario OR 97914
United States

Ship To

Ontario Fire & Rescue
444 SW. 4th St
Ontario OR 97914
United States

Item	Alt. Item #	Units	Description	QTY	Unit Price	Amount
Aeroflex Coat			Custom Aeroflex Coat Outer Shell 6.6 oz Pioneer™, Gold Moisture Barrier 4.7oz CROSSTECH® Black, 2F Thermal Liner 7.7 oz Titanium® SL2i	30	\$2,220.00	\$66,600.00
Aeroflex Pant			Custom Aeroflex Pant Outer Shell 6.6 oz Pioneer™, Gold Moisture Barrier 4.7oz CROSSTECH® Black, 2F Thermal Liner 7.7 oz Titanium® SL2i	30	\$1,480.00	\$44,400.00
FDXL200-11-Med			FDXL200 Red Leather Structural Fire Boot	30	\$490.00	\$14,700.00
ULW6R350-Black			Lightweight UST-LW traditional styled fiberglass structural fire helmet with ReTrak integrated visor & 6" brass eagle -	36	\$395.00	\$14,220.00
3979471-1			BarriAire Gold™ Critical Coverage Hood	31	\$110.65	\$3,430.15
Custom Velcro Sewn Passport Fronts 6in			6" leather front w/ sewn or recessed letters on passport patch -	36	\$90.00	\$3,240.00

Thank you for your Business!
Freight not included in quote.
Utilizing Sourcewell Contract 010424

Subtotal \$146,590.15
Shipping Cost \$0.00
Tax Total \$0.00
Total \$146,590.15

This Quotation is subject to any applicable sales tax and shipping and handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.



QT1912652

PARTIAL REPLACEMENT PLAN										
	Firefighter	Protective Coat	Protective Trousers	Helmet	Shields	Shield Color	Leather Passports	Structural Footwear	Particulate Blocking Hoods	Notes
1	Barrera	1	1	1	1	red		1	1	Backup Set
2	Benson	1	1	1	1	white		1	1	Coat expired, pants expire in 2029
3	Davis	0	0	1	1	yellow		1	1	Turnouts expire 2030; boots expired
4	Domby	0	0	1	1	yellow		0	1	Turnouts expire 2029; boots exp 2028
5	Ervin	1	1	1	1	red		1	1	Backup Set
6	Fortner	1	1	1	1	yellow		1	1	Expired
7	Cpt. Gammage	0	0	1	1	red		1	1	Turnouts expire 2030; boot expired
8	T. Gammage	1	1	1	1	yellow		1	1	Expired
9	Grimaldo	1	1	1	1	red		1	1	Expired
10	Gutierrez	1	1	1	1	yellow		1	1	Expired
11	Hunsaker	1	1	1	1	black		1	1	Expired
12	Justus	1	1	1	1	red		1	1	Backup Set; Turnouts expire 2030
13	Leavitt	0	0	1	1	yellow		0	1	Turnouts expire 2029; boots expire 2029
14	Lehman	0	0	1	1	yellow		0	1	Turnouts expire 2030; boot expire 2028
15	Lock	1	1	1	1	yellow		1	1	Expired
16	McLean	1	1	1	1	red		1	1	Backup Set; Turnouts expire 2029
17	Mendoza	0	0	1	1	yellow		1	1	Turnouts expire 2030; boots expired
18	Mondragon	1	1	1	1	yellow		1	1	Expired
19	Peach								0	Junior FF
20	Reever	1	1	1	1	yellow		1	1	Existing set not a good fit, exp 2030
21	Lt. Rico	1	1	1	1	red		1	1	Backup Set; Turnouts expire 2029
22	C. Rico	1	1	1	1	yellow		1	1	Expired
23	C. Saito	2	2	1	1	red		2	1	PPE expired; needs back up set
24	Smith	0	0	1	1	yellow		1	1	Turnouts expire 2029; boots expired
25	Tolman	1	1	1	1	red		1	1	Expired
26	Torres	1	1	1	1	yellow		1	1	Expired
27	Waddel	0	0	1	1	yellow		0	1	Turnouts & boots expire 2029
28	Ward								0	Junior FF
29	Watts	1	1	1	1	red		1	1	Backup Set; Turnouts expire 2029
30	Wick	0	0	1	1	yellow		0	1	Turnouts expire 2030
31	Martinez	0	0	1	1	black		0	1	Probationary FF
32	Wilber	0	0	1	1	yellow		0	1	Turnouts expire 2030
33	Findling	2	2	1	1	red		2	1	PPE expired; needs back up set
34	Spare			1	1					
35	Spare			1	1					
36	Spare			1	1					
37	Spare			1	1					
38	Spare			1	1					
		22	22	36	36		35	26	31	
	Estimated Cost	\$ 2,067.88	\$ 1,545.73	\$ 393.36	\$ 49.34		\$ 18.51	\$ 615.00	\$ 97.64	
		\$45,493.36	\$34,006.06	\$14,160.96	\$1,776.24		\$ 647.85	\$15,990.00	\$ 3,026.84	

Subtotal \$ 115,101.31

Credit for free boots with turnouts / promotion \$ 13,530.00

Curtis Quote Total \$ 101,571.31



**AGENDA REPORT
NEW BUSINESS
March 25, 2025**

To: Mayor and City Council

FROM: Dan Cummings, City Manager/Community Development Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **ORDINANCE #2834-2025: LIGHTSPEED NETWORK FRANCHISE AGREEMENT**

DATE: March 13, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE ORDINANCE #2834-2025, AN ORDINANCE OF CITY OF ONTARIO GRANTING LIGHTSPEED NETWORKS, INC., AN OREGON CORPORATION D/B/A LS NETWORKS, THE RIGHT AND PRIVILEGE TO PROVIDE AND OPERATE A TELECOMMUNICATIONS BUSINESS WITHIN CITY OF ONTARIO, AND TO PLACE, ERECT, LAY, MAINTAIN, AND OPERATE IN, UPON, OVER, AND UNDER THE PUBLIC STREETS, ALLEYS, AVENUES, THOROUGHFARES, HIGHWAYS, PLACES, AND GROUNDS WITHIN CITY OF ONTARIO, POLES, WIRES, OPTICAL FIBER CABLE, AND OTHER APPLIANCES AND CONDUCTORS FOR TELECOMMUNICATIONS SERVICES, ON FIRST AND SECOND READING BY TITLE ONLY AND DECLARING AN EMERGENCY.

SUMMARY:

Lightspeed Networks, Inc. ("Grantee"), an Oregon corporation d/b/a LS Networks, currently operates a certain telecommunications business within City of Ontario ("Grantor"), an Oregon municipal corporation, pursuant to the terms of a franchise agreement contained in Ordinance No. 2731-2017 dated November 9, 2017 (the "Original Agreement"). The term of the Original Agreement expired on November 30, 2022.

BACKGROUND:

Lightspeed Networks, Inc. ("Grantee"), an Oregon corporation d/b/a LS Networks, currently operates a certain telecommunications business within City of Ontario ("Grantor"), an Oregon municipal corporation, pursuant to the terms of a franchise agreement contained in Ordinance No. 2731-2017 dated November 9, 2017 (the "Original Agreement"). The term of the Original Agreement expired on November 30, 2022.

City staff and the city attorney have been working on updating all the franchise agreements to meet changes in laws and have finally come to an agreement that meets both parties' attorneys' requests.

CURRENT SITUATION:

The grantee desires to continue to provide and operate a telecommunications business within the Franchise Area by passage of this Ordinance No. 2834-2025 (this “Ordinance”). The grantor grants the Grantee the right, privilege, and franchise to provide and operate a telecommunications business within the Franchise Area, subject to the terms and conditions contained in this ordinance.

ANALYSIS:

- A. **STRATEGIC PLAN** None.
- B. **FINANCIAL** Allows the collection of 7% of the gross revenue of the franchisee.
- C. **TIMING** The ordinance will be adopted under an emergency action and will go into effect immediately upon approval.
- D. **POLICY/LEGAL** The City Council is the governing body that approves franchise agreements.

ALTERNATIVES:

The Council could ask staff to renegotiate any clause they find not acceptable.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance #2834-2025.

ATTACHMENTS:

1. Ord #2834-2025 Lightspeed (LS) Network Franchise Agreement

After recording, return to:
City of Ontario
Attn: City Recorder
444 SW 4th Street
Ontario, OR 97914



ORDINANCE NO. 2834-2025

AN ORDINANCE OF CITY OF ONTARIO GRANTING LIGHTSPEED NETWORKS, INC., AN OREGON CORPORATION D/B/A LS NETWORKS, THE RIGHT AND PRIVILEGE TO PROVIDE AND OPERATE A TELECOMMUNICATIONS BUSINESS WITHIN CITY OF ONTARIO, AND TO PLACE, ERECT, LAY, MAINTAIN, AND OPERATE IN, UPON, OVER, AND UNDER THE PUBLIC STREETS, ALLEYS, AVENUES, THOROUGHFARES, HIGHWAYS, PLACES, AND GROUNDS WITHIN CITY OF ONTARIO, POLES, WIRES, OPTICAL FIBER CABLE, AND OTHER APPLIANCES AND CONDUCTORS FOR TELECOMMUNICATIONS SERVICES; AND DECLARING AN EMERGENCY

- WHEREAS,** Lightspeed Networks, Inc. (“Grantee”), an Oregon corporation d/b/a LS Networks, currently operates a certain telecommunications business within City of Ontario (“Grantor”), an Oregon municipal corporation, pursuant to the terms of a franchise agreement contained in Ordinance #2731-2017 dated November 9, 2017 (the “Original Agreement”); and
- WHEREAS,** the term of the Original Agreement expired on November 30, 2022; and
- WHEREAS,** Grantee desires to continue to provide and operate a telecommunications business within the Franchise Area; and
- WHEREAS,** by passage of this Ordinance #2834-2025 (this “Ordinance”), Grantor grants Grantee the right, privilege, and franchise to provide and operate a telecommunications business within the Franchise Area, subject to the terms and conditions contained in this Ordinance.

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

1. DEFINITIONS.

Unless defined elsewhere in this Ordinance, capitalized terms contained in this Ordinance have the meanings assigned to them in the attached Appendix A.

2. GRANT OF FRANCHISE.

2.1 Grant of Franchise. Subject to the terms and conditions contained in this Ordinance, Grantor grants Grantee the right, privilege, and franchise to place, replace, erect, lay, maintain, repair, and operate the Facilities in, on, across, and/or under the Right-of-Way for Grantee’s operation of the Telecommunications System for the purpose of providing Telecommunications Services within the Franchise Area. Notwithstanding anything contained in this Ordinance to the contrary, (a) Grantee’s use of the Right-of-Way is limited to operation of the Telecommunications System for the purpose of providing Telecommunications Services within the Franchise Area, (b) Grantee will operate the Telecommunications System at all times subject to and in compliance with the Laws, and (c) nothing contained in this Ordinance will (i) abrogate Grantor’s right to perform any public works or public improvements of any description or nature whatsoever, (ii) constitute a waiver of any Laws, and/or (iii) waive and/or release Grantor’s rights in and to the Right-of-Way.

2.2 Franchise Non-Exclusive. The Franchise is and will be construed as a non-exclusive franchise. Grantor reserves the right to grant franchises, licenses, permits, and/or other similar rights to other persons to use and/or place, erect, lay, maintain, and/or operate in, on, over, and/or under the Right-of-Ways for similar or different purposes allowed under this Ordinance.

2.3 Grantee's Financial Capability. Grantee represents, warrants, and covenants to Grantor that Grantee has sufficient assets and net worth to ensure Grantee's timely and complete payment and performance of its obligations under this Ordinance. In addition to those audit and inspection rights granted under Section 5.2, Grantee will permit Grantor and Grantor's Agents to inspect and copy any of Grantee's books, accounts, records, and financial statements that Grantor may request upon the occurrence of an Event of Default. Grantee represents, warrants, and covenants that Grantee will maintain adequate books, accounts, records, and financial statements concerning the Telecommunications System, Telecommunications Services, and this Franchise, and such books, accounts, records, and financial statements will (a) fairly present the financial condition of Grantee as of the dates and periods specified, (b) be prepared in accordance with sound accounting practices (e.g., generally accepted accounting practices), (c) reflect the consistent application of sound accounting practices throughout the periods involved, (d) represent actual, bona fide transactions, and (e) be maintained in accordance with sound business practices, including, without limitation, the maintenance of an adequate system of internal accounting control.

2.4 Telecommunications Code. Grantee will perform and comply with all requirements and obligations applicable to Grantee and/or this Franchise under the Telecommunications Code. This Ordinance will control if a conflict should arise between the Telecommunications Code and this Ordinance.

3. LOCATION; RELOCATION; REMOVAL.

3.1 Location of Facilities. For any new construction of Facilities concerning or impacting any construction or development within the Franchise Area, Grantee, with permission from Grantor to occupy such Right-of-Way, will locate its Facilities underground in accordance with this Ordinance; provided, however, Grantee will not be required to locate the Facilities underground if all other utilities in the subject Right-of-Way are located aboveground. Whenever utility services are located or relocated underground within a particular Right-of-Way as part of a joint use or trenching effort, Grantor will provide Grantee written notice of the joint use or trenching effort and Grantee will, at Grantee's cost and expense, relocate its Facilities underground concurrently with the other affected utilities to minimize disruption of the Right-of-Way. Notwithstanding anything contained in this Ordinance to the contrary, (a) Grantee will not place, erect, lay, maintain, and/or operate its Facilities in, upon, over, and/or under any park, trail, open space, and/or similar areas, and (b) Grantor has the authority to prescribe which Right-of-Ways will be used by Grantee for the Facilities, and the location of the Facilities within the Right-of-Ways (whether such Facilities are newly constructed, replaced, repaired, and/or otherwise).

3.2 Relocation.

3.2.1 Grantee will, at Grantee's cost and expense, remove, relocate, change, and/or alter the position or location of any Facilities located within the Right-of-Way whenever Grantor determines that such removal, relocation, change, and/or alteration is necessary for any of the following reasons: (a) an Emergency; (b) construction, repair, installation, and/or maintenance of any Grantor and/or other public work or improvement; (c) Grantor's operations (or those of other governmental entities) in, on, and/or under the Right-of-Way requires the removal, relocation, change, and/or alteration of the Facilities; (d) removal, relocation, change, and/or alteration is pursuant to a beautification, streetscape, and/or other Grantor improvement project; and/or (e) public convenience and/or necessity (as reasonably determined by Grantor). If any moving and/or relocation work is done for or at the request of a private individual, entity, developer, and/or development, the costs of such moving or relocation work will be borne by the requesting private individual, entity, developer, and/or development. Nothing contained in this Ordinance will be construed in any way to prevent Grantor from sewerage, grading, planking, rocking, paving, repairing, altering, and/or improving any Right-of-Way in and/or on which the Facilities are or will be placed. Grantor will not require Grantee to remove or relocate its Facilities or vacate any Right-of-Way incidental to any public housing or renewal project under ORS Chapters 456 or 457 without reserving Grantee's right therein or without requiring Grantee to be compensated for the costs thereof.

3.2.2 Grantee will complete the removal, relocation, change, and/or alteration work described in Section 3.2.1 within thirty (30) days after Grantor's demand (or such later date that Grantor and Grantee may agree upon in writing). Notwithstanding the immediately preceding sentence, if Grantor determines that removal, relocation, change, and/or alteration of the Facilities is due to an Emergency, Grantee will, at Grantee's cost and expense, complete such removal, relocation, change, and/or alteration work promptly, without delay, but in no event later than forty-eight (48) hours after Grantor's demand; provided, however, if Grantee is unable to complete the Emergency removal, relocation, change, and/or alteration of the Facilities within forty-eight (48) hours due to circumstances beyond Grantee's control, Grantee will exercise its best efforts to complete such removal, relocation, change, and/or alteration work expeditiously and without delay (but in no event later than ten (10) days after Grantor's demand).

3.3 Moving Aerials. Notwithstanding anything contained in this Ordinance to the contrary, whenever it becomes necessary to temporarily rearrange, remove, lower, and/or raise the Facilities to permit the passage of any building, machinery, and/or other object moved over any Right-of-Way (a "Temporary Adjustment"), Grantee will perform the Temporary Adjustment within seventy-two (72) hours after Grantee's receipt of written notice from the owner or contractor-mover desiring to move such building, machinery, and/or other object (the "Move Notice"). The Move Notice will (a) bear Grantor's written approval, (b) detail the route of movement of the building, machinery, and/or object, (c) provide that costs incurred by Grantee in making the Temporary Adjustment will be borne by the contractor-mover, (d) provide that the contractor-mover will indemnify and hold Grantee harmless for, from, and against all damages, claims, and/or causes of action caused directly or indirectly from the Temporary Adjustment, and (e) if required by Grantee, will be accompanied by cash deposit or a good and sufficient bond to pay any and all such costs as estimated by Grantee.

3.4 Maps. Contemporaneously with Grantee's filing of the Acceptance, and continuing annually thereafter on the anniversary of the Effective Date, Grantee will provide Grantor, for Grantor's review and approval, an accurate map(s) certifying the horizontal and/or vertical location, size, and type of material for the Facilities (including, without limitation, Grantee's fiber optic cable) located within the Right-of-Way (or any portion thereof). The map(s) will show the horizontal location of the Facilities on a scale of three thousand five hundred feet (3,500') per inch or whatever standard scale Grantor determines necessary and appropriate. Notwithstanding anything contained in this Ordinance to the contrary, Grantee's maps provided under this Section 3.4 will be in a form reasonably and mutually acceptable to Grantor and Grantee.

4. CONSTRUCTION; INSTALLATION; AND OPERATION.

4.1 Telecommunications Facilities. Facilities will not interfere with Grantor's water mains, sewer mains, gas mains, and/or any other municipal uses of the Right-of-Way. Facilities will be erected and/or located so not to unreasonably interfere with the public's use of the Right-of-Way. Facilities will not interfere with the rights and reasonable convenience of property owners who own property that adjoins the Right-of-Way. Grantee will maintain, at Grantee's expense, all Facilities in a good, safe, working order, condition, and appearance and in compliance with the Laws. Grantee will perform all maintenance and repairs necessary to ensure Grantee's compliance with the immediately preceding sentence. If Grantee erects poles within the Right-of-Way for the purposes of providing and operating the Telecommunications System, to the extent technically feasible and subject to reasonable conditions relating to safety, Grantor may attach and maintain traffic signals, wires, control boxes, and similar items or equipment to the poles without cost or expense provided Grantor first provides notice of such attachments to Grantee.

4.2 Construction Work. Except in the case of an Emergency, no less than fifteen (15) days prior to Grantee commencing (or causing any person to commence) any Construction Work within the Franchise Area, Grantee will (a) obtain all necessary construction permits and/or bonds concerning the proposed Construction Work, if any, including, without limitation, any permits and/or bonds required under the Laws, if any, (b) file with Grantor maps, materials, documentation, a copy of the proposed work order, any necessary construction permits, and any other information or documentation requested by Grantor concerning the proposed Construction Work (including, without limitation, a description of the location of any Facilities), and (c) obtain Grantor's prior written consent to the proposed Construction Work. If Grantee is required to perform any Construction Work due to the occurrence of an Emergency, Grantee will be required to comply with Section 4.2(a), (b), and (c) as soon as practicable (but in

no event later than five days after the occurrence of the Emergency). Grantee will conduct its operations and will perform all Construction Work, including, without limitation, any excavation and/or restoration work, in accordance with the following: (w) all Construction Work will be completed in a safe manner, taking into account all applicable traffic control rules and procedures; (x) all Construction Work will be completed so as to minimize disruption and interference of the Right-of-Way; (y) all Construction Work will be completed in accordance with this Ordinance and all applicable Laws; and (z) all Construction Work will be completed in a good workmanlike manner. Grantor will be permitted to inspect all Construction Work and demand correction of any incomplete or improper Construction Work.

4.3 Excavation Work; Restoration. Subject to the terms and conditions contained in this Ordinance, Grantee may make all needful excavations in the Right-of-Way for the purpose of placing, erecting, laying, repairing, renewing, replacing, and/or maintaining the Facilities. Grantee is responsible for determining the existence and exact location of all utility services and facilities (including, without limitation, those located underground) to protect the integrity thereof and will pay all costs and expenses related thereto. Before commencing any excavation work (or any other Construction Work), Grantee will carefully study and confirm the accuracy of all lines, levels, and measurements, and their relation to benchmarks, property lines, and reference lines. If Grantee disturbs and/or causes another to disturb any Right-of-Way, Grantee will, at Grantee's cost and expense, replace or restore the Right-of-Way to the same condition to which the Right-of-Way existed prior to the disruption as soon as practicable and without unreasonable delay (provided, however, Grantee will complete the replacement or restoration work no later than thirty (30) days after the initial disruption). If Grantee fails to timely replace or restore any Right-of-Way to the same condition to which the Right-of-Way existed prior to the disruption within thirty (30) days following written notice of such failure from Grantor, Grantor may cause the replacement or restoration to be made at the expense of Grantee. Grantee will pay Grantor all costs and expenses incurred by Grantor to replace or restore the Right-of-Way to the condition to which the Right-of-Way existed prior to the disruption immediately on Grantor's demand. The Telecommunications System will not unreasonably endanger and/or interfere with the safety of persons or property located in the Franchise Area.

4.4 Contractors; Safety Requirements; Cleanup. Grantee is responsible for obtaining, at its cost and expense, all permits, licenses, and/or other forms of approval or authorization necessary to construct, operate, maintain, and/or repair the Telecommunications System, or any part thereof, prior to the commencement of any such activities. Construction, installation, and maintenance of the Telecommunications System will be performed in a safe, thorough, and reliable manner using materials of good and durable quality. Grantee will use only licensed and bonded contractors familiar with the Laws and of good reputation to perform all Construction Work and will diligently prosecute completion of all Construction Work. Grantee will, at its cost and expense, undertake all necessary and appropriate actions and efforts to maintain its work sites in a safe manner to prevent failures and accidents that may cause damage, injuries, and/or nuisances. To this end, Grantee will daily clean and remove from the Right-of-Way all rubbish, debris, and surplus materials caused by Grantee's operations.

4.5 Trimming of Trees and Shrubbery. Trees and shrubs will not be removed without Grantor's prior written authorization. Grantee will not damage roots of any tree by compacting or filling on or around its base or make excavations in the soil within a foot of the tree's roots unless appropriate measures are taken to prevent the exposed soil from drying out. After any excavation or grinding work, the ground will be restored to a smooth and level surface. Any required grinding of a stump will be completed promptly after removal of the tree or shrub (provided, however, in no event will the removal be completed later than seventy-two (72) hours after the tree or shrub removal). All "pruning" will be performed in a careful and systematic manner so as not to damage other parts of the plant or tree as a whole.

4.6 Hazardous Substances. Grantee will not cause and/or permit any Hazardous Substances to be spilled, leaked, disposed of, and/or otherwise released in, upon, across, and/or under the Right-of Way and/or any surrounding areas. Grantee will comply with all Environmental Laws and will exercise the highest degree of care in the use and handling of any Hazardous Substances and will take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used and/or handled in, on, and/or over the Right-of-Way.

4.7 Oversight of Franchise. Grantor has the right to oversee and periodically inspect the construction, operation, repair, and/or maintenance of the Telecommunications System to determine compliance with the Laws and/or this Franchise. Nothing contained herein places any obligation and/or requirement that Grantor inspect. If Grantor makes any inspections, including those inspections permitted under Section 4.2, such inspections are made solely for Grantor's benefit and will not be deemed an acceptance or guaranty of any kind or nature related to the Telecommunications System, Facilities, Construction Work, and/or any portion or aspect thereof.

4.8 Removal of Facilities. Upon the termination of this Ordinance (and the Franchise granted hereunder) for any reason or no reason, Grantor may require Grantee to remove Facilities located in the Right-of-Way and/or otherwise located in the Franchise Area. Removal of the Facilities will be at Grantee's cost and expense. Upon removal, the Right-of-Way and all surrounding areas will be restored by Grantee to a condition substantially similar to that which the Right-of-Way and surrounding areas existed prior to installation of the subject Facilities.

5. FRANCHISE FEES.

5.1 Payment of Franchise Fees. In consideration of the rights, privileges, and franchise granted by Grantor to Grantee under this Ordinance, Grantee will pay Grantor a franchise fee equal to seven percent (7%) of Gross Revenues (the "Franchise Fee(s)"). Grantee will pay the Franchise Fee in quarterly installments, which quarterly installments will be due on or before the last day of the month immediately following the end of each calendar year quarter. The first quarterly payment of the Franchise Fee is due on or before April 30, 2025 (which quarterly payment will concern the period commencing on the Effective Date and ending on March 31, 2025). Contemporaneously with each quarterly payment, Grantee will file with Grantor a sworn statement describing the total Gross Revenues Grantee received during the immediately preceding quarter (the "Accounting Statement"). Grantor's acceptance of any payments under this Section 5.1 will not constitute a waiver by Grantor of any Grantee breach under this Ordinance. Notwithstanding anything contained in this Ordinance to the contrary, upon ninety (90) days' prior written notice to Grantee, Grantor may increase or decrease the Franchise Fee by resolution of the Council. Grantee represents, warrants, and covenants that Grantee has timely paid, in full, all franchise fees payable to Grantor under the Original Agreement.

5.2 Inspection of Books and Records; Coordination. During the term of this Ordinance, and for a period of three years thereafter (or such longer period as may be required under any applicable Laws), Grantee will maintain adequate books, records, and files concerning the Telecommunications System and Franchise. On ten (10) days' advance written notice to Grantee, Grantor may review such corporation books, records, documentation, and/or information Grantor reasonably determines necessary or appropriate to audit an Accounting Statement and/or ascertain Grantee's compliance with this Ordinance. Grantee will cooperate with Grantor in conducting any inspection and/or audit and will correct any discrepancies affecting Grantor's interest in a prompt and efficient manner. Grantor will pay the cost of any audit provided no irregularities are found (if Grantor discovers any irregularities, Grantee will pay the cost of Grantor's audit immediately upon Grantor's demand). Grantee will keep all its books, records, documentation, and/or information at the office located at the address set forth in Appendix A. If Grantee provides any books, records, and/or information to Grantor that Grantee reasonably believes to be confidential or proprietary, and Grantee clearly and specifically identifies such books, records, and/or information as confidential or proprietary upon initial submission to Grantor, Grantor will take reasonable steps to protect the confidentiality of such books, records, and/or information subject to Grantor's obligations under Oregon's Public Records Law, ORS 192.311-ORS 192.478, as amended. Grantor will not be required to incur any costs to protect any confidential or proprietary books, records, and/or information, other than Grantor's routine internal procedures for complying with Oregon's Public Records Law.

6. INSURANCE; INDEMNIFICATION.

6.1 Insurance. Grantee, at its cost and expense, will obtain and maintain in full force and effect during the term of this Ordinance (and for a period of two years immediately thereafter) the following insurance coverage and their respective minimum limits: (a) workers' compensation insurance within statutory limits; (b) employer's liability insurance with limits of no less than \$1,000,000.00 per occurrence, \$2,000,000.00 in the aggregate; (c) comprehensive general liability insurance with limits of no less than \$3,000,000.00 for bodily injury or death to each person, \$3,000,000.00 for property damage resulting from any one accident, and \$3,000,000.00 for all other types of liability; and (d) automobile liability insurance for all owned, non-owned, and hired vehicles that are or may be

used by Grantee and its employees with limits of \$1,000,000.00 for each person, \$3,000,000.00 for each accident. Each liability insurance policy Grantee is required to obtain and maintain under this Section 6.1 will name Grantor and its officers, employees, and agents as additional insureds. No cancellation, expiration, modification, and/or reduction in amount or scope of insurance coverage is permitted without providing Grantor thirty (30) days' prior written notice. All insurance Grantee is required to obtain and maintain under this Section 6.1 will be issued only by insurance companies licensed in Oregon. Prior to Grantor's execution and acceptance of this Ordinance, and at any other time thereafter within ten (10) days after Grantor's written request, Grantee will provide Grantor with certificates of insurance and endorsements evidencing Grantee's compliance with this Section 6.1. Notwithstanding anything contained in this Ordinance to the contrary, Grantor may increase the minimum levels of insurance Grantee is required to carry under this Ordinance as Grantor determines necessary or appropriate to ensure Grantee's coverage limits at least equal the applicable Oregon Tort Claims Act liability limits for state or local agencies by providing Grantee ninety (90) days' prior written notice.

6.2 Grantee Indemnification. Grantee will defend, indemnify, and hold Grantor and each Grantor officer, employee, agent, volunteer, contractor, and representative harmless for, from, and against all claims, actions, proceedings, damages, liabilities, losses, and expenses of every kind, including, without limitation, attorney fees and costs, resulting from or arising out of, whether directly or indirectly, the following: (a) Grantee and/or Grantee's Agents acts or omissions, whether such acts or omissions are authorized, allowed, and/or prohibited by this Ordinance; (b) damage, injury, and/or death to person or property caused directly or indirectly by Grantee and/or Grantee's Agents; and/or (c) Grantee's breach and/or failure to perform any Grantee representation, warranty, covenant, and/or obligation contained in this Ordinance. Grantee's indemnification obligations provided in this Section 6.2 will survive the termination of this Ordinance.

7. TERM OF FRANCHISE.

7.1 Term of Franchise; Termination for Cause. Unless sooner terminated as provided in this Ordinance, this Ordinance (and the Franchise granted hereunder) will be in full force and effect for a period of ten (10) years commencing on the Effective Date. This Ordinance may be terminated at any time by the parties' mutual written agreement. Notwithstanding anything contained in this Ordinance to the contrary, but subject to the notice requirements provided under Section 7.2, if applicable, a party may terminate this Ordinance (and the Franchise granted hereunder) on the occurrence of any of the following events (each an "Event of Default"): (a) the other party fails to comply with any Law; and/or (b) the other party breaches and/or otherwise fails to perform any of the other party's representations, warranties, covenants, and/or obligations contained in this Ordinance. Approximately one hundred eighty (180) days prior to the expiration of this Ordinance (and the Franchise granted hereunder), the parties will exercise a good faith effort to commence negotiations concerning a new franchise agreement.

7.2 Notice of Default. No party act or omission will be considered an Event of Default unless and until the alleged defaulting party has received written notice from the non-defaulting party specifying with reasonable particularity the Event of Default the non-defaulting party believes exists (the "Default Notice"). Commencing from the defaulting party's receipt of the Default Notice, the alleged defaulting party will have thirty (30) days within which to cure or remedy the Event of Default (the "Cure Period") before the defaulting party will be deemed in default of this Ordinance; provided, however, if the Event of Default is not Grantee's failure to timely pay the Franchise Fee and the nature of the Event of Default is such that it cannot be completely remedied or cured within the Cure Period, there will not be a default by the alleged defaulting party under this Ordinance if the alleged defaulting party begins correction of the Event of Default within the Cure Period and thereafter proceeds with reasonable diligence to effect the remedy as soon as practicable. Subject to the immediately preceding sentence, if the alleged defaulting party is Grantee and Grantee fails to cure or remedy the Event of Default(s) within the Cure Period, Grantor may terminate this Ordinance based on such Event of Default(s) and pursue all rights and remedies available to Grantor under this Ordinance and/or applicable Law. Notwithstanding anything contained in this Ordinance to the contrary, a non-defaulting party is not required to provide, and the alleged defaulting party is not entitled to receive, a Default Notice upon the alleged defaulting party's commitment of an Event of Default under this Ordinance for which the alleged defaulting party has previously received a Default Notice (concerning the same subject matter) within the immediately preceding twelve (12) months (commencing from the date of the previous Event of Default).

7.3 Remedies. If a party breaches and/or otherwise fails to perform any of its terms, covenants, conditions, and/or obligations under this Ordinance, the non-defaulting party may, in addition to any other remedy provided to the non-defaulting party under this Ordinance, pursue all remedies available to the non-defaulting party at law or in equity. All available remedies are cumulative and may be exercised singularly or concurrently. Termination of this Ordinance will not constitute a waiver or termination of any rights, claims, and/or causes of action a party may have against the other party.

8. MISCELLANEOUS.

8.1 Assignment or Transfer of Franchise. Subject to the terms and conditions contained in this Ordinance, Grantee will not Transfer all or any part of the Facilities located within the Right-of-Way, Grantee's interest in or to this Franchise, and/or the Telecommunications System without Grantor's prior written consent. If Grantor consents to a Transfer, the following will apply: (a) the terms and conditions of this Ordinance (and the Franchise) will in no way be deemed to have been waived or modified; (b) consent will not be deemed consent to any further Transfer; (c) acceptance of any Franchise Fees by Grantor from any other person will not be deemed to be a waiver by Grantor of any provision of this Ordinance; (d) Grantee will pay all fees, costs and expenses incurred by Grantor in considering and/or consenting to a Transfer; and (e) no Transfer relating to this Ordinance, whether with or without Grantor's consent, will modify, relieve, and/or eliminate any liabilities and/or obligations Grantee may have under this Ordinance. Grantor may consent to subsequent assignments, subletting, and/or amendments or modifications to this Ordinance with assignees of Grantee without notifying Grantee, or any successor of Grantee, and without obtaining its or their consent thereto and such action will not relieve Grantee of any liability under this Ordinance. Subject to the terms and conditions contained in this Section 8.1, this Ordinance will be binding on the parties and their respective heirs, executors, administrators, successors, and assigns and will inure to their benefit.

8.2 Severability; Conflict; Governing Law; Venue. If all or any portion of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by any federal, state, and/or local legislation, rules, regulations, and/or decisions, the remainder of this Ordinance will not be affected but will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions hereof, and each remaining provision of this Ordinance will be valid and enforceable to the fullest extent permitted by law. This Ordinance supersedes all Grantor ordinances, resolutions, and/or policies in conflict with this Ordinance (but only to the extent the ordinances, resolutions, and/or policies conflict with this Ordinance). The terms and provisions of this Ordinance (and Franchise) will control if an inconsistency occurs between the terms of this Ordinance (and the Franchise granted hereunder) and any other Grantor ordinance and/or code provision. If any federal, state, and/or local laws, rules, ordinances, and/or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision will be read to be preempted to the extent and the time required by law. This Ordinance is subject to all applicable Laws. Any action or proceeding arising out of or concerning this Ordinance will be litigated in courts located in Malheur County, Oregon, or the United States District Court for the District of Oregon. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Malheur County, Oregon, or the United States District Court for the District of Oregon.

8.3 Attorney Fees; Action by the Parties. If a suit, action, arbitration, and/or other proceeding of any nature whatsoever is instituted to interpret or enforce the provisions of this Ordinance, including, without limitation, any proceeding under the U.S. Bankruptcy Code and involving issues peculiar to federal bankruptcy law or any action, suit, arbitration, or proceeding seeking a declaration of rights or rescission, the prevailing party will be entitled to recover from the losing party its reasonable attorney fees, paralegal fees, expert fees, and all other fees, costs, and expenses incurred in connection therewith, as determined by the judge or arbitrator at trial, arbitration, or other proceeding, or on any appeal or review, in addition to all other amounts provided by law. In any action mandated or permitted by Grantor or Grantee under this Ordinance, such party will act in a reasonable, expeditious, and timely manner. Whenever the approval or consent of either Grantor or Grantee is required under this Ordinance, such consent will not be unreasonably withheld, conditioned, and/or delayed.

8.4 Compliance with Laws; Notices. Grantee will comply with all applicable Laws. The rights and privileges granted by Grantor to Grantee under this Ordinance extend only to the extent of Grantor's right or authority to grant a franchise to occupy and use the Right-of-Ways for the Facilities. All notices or other communications required or permitted by this Ordinance must be in writing, must be delivered to the parties at the addresses set forth in Appendix A, or any other address that a party may designate by notice to the other party, and are considered delivered upon actual receipt if delivered personally, by fax or email transmission (with electronic confirmation of delivery), or by a nationally recognized overnight delivery service, or at the end of the third business day after the date of deposit if deposited in the United States mail, postage pre-paid, certified, return receipt requested.

8.5 Person; Interpretation; Expenses. For purposes of this Ordinance, the term "person" means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, unincorporated organization, government or governmental agency or political subdivision, or any other entity. All pronouns contained herein, and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The words "include," "includes," and "including" are not limiting. The word "or" is not exclusive. Reference to "days" means calendar days, with any deadline falling on a day other than a business day being extended to the next business day. Notwithstanding anything contained in this Ordinance to the contrary, Grantee will pay all fees, costs, and expenses incurred or arising out of Grantee's performance of its obligations under this Ordinance.

8.6 Entire Agreement; Corrections; Late Fees. This Ordinance contains the entire agreement and understanding between the parties with respect to the subject matter of this Ordinance and contains all the terms and conditions of the parties' agreement and supersedes any other oral or written negotiations, discussions, representations, or agreements. Grantee has not relied on any promises, statements, representations, or warranties except as set forth expressly in this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and clerical errors. If any Franchise Fees and/or other payment due from Grantee is not received by Grantor within ten (10) days after it is due, Grantee will pay a late fee equal to ten percent (10%) of the payment or Two Hundred Dollars (\$200.00), whichever is greater (a "Late Fee"). In addition, a charge of one and one-half percent (1.5%) per month on the amount past due (a "Late Charge") will be charged from the due date for such payment until the past due amount is paid in full. Grantor may levy and collect a Late Fee and/or a Late Charge in addition to all other remedies available for Grantee's failure to timely pay any Franchise Fees and/or other payment due from Grantee.

8.7 Original Agreement; Grantee Acceptance. Grantee and Grantor acknowledge and agree that the term of the Original Agreement is extended to the day immediately preceding the Effective Date. The Original Agreement will be deemed expired and of no further force and effect on the day immediately preceding the Effective Date; provided, however, expiration of the Original Agreement will not relieve and/or constitute a waiver and release of any party's obligations that have accrued prior to the expiration. Grantee represents, warrants, and covenants the following to Grantor: (a) Grantee is a duly organized Oregon corporation, validly existing under the laws of the State of Oregon; (b) Grantee has full power and authority to sign and deliver the Acceptance and to perform all Grantee's obligations under this Ordinance; and (c) Grantee's obligations under this Ordinance are legal, valid, and binding obligations of Grantee, enforceable against Grantee in accordance with their terms. Within thirty (30) days after Grantor's passage of this Ordinance, Grantee will file with Grantor the written acceptance attached hereto as Exhibit A (the "Acceptance"). If Grantee fails to timely file the Acceptance with Grantor, this Ordinance (and the Franchise granted hereunder) will be deemed null, void, and repealed by Grantor in all respects without further act by Grantor.

8.8 Emergency Declaration. Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of Grantee's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage and adoption by the Council and signing by the mayor.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2025.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Appendix A
Definitions

“Acceptance” has the meaning assigned to such term under Section 8.7.

“Accounting Statement” has the meaning assigned to such term under Section 5.1.

“Agent(s)” means the affiliates, officers, directors, shareholders, members, managers, employees, agents, contractors, volunteers, and/or subcontractors of the identified party or person.

“Construction Work” means any construction activity in, on, over, and/or under any Right-of-Way, including, without limitation, any excavation, maintenance, improvement, repair, extension, and/or relocation work.

“Council” means Grantor’s then-elected legislative body (i.e., the city council).

“Cure Period” has the meaning assigned to such term in Section 7.2.

“Default Notice” has the meaning assigned to such term in Section 7.2.

“Effective Date” means the date that the Council passes and approves this Ordinance (March 25, 2025), subject to the terms and conditions contained in this Ordinance.

“Emergency” means a human created or natural event or circumstance that causes or threatens loss of life, injury, significant damage, and/or destruction to person or property, human suffering, and/or significant financial loss.

“Environmental Law(s)” means all federal, state, and/or local statutes, regulations, and/or ordinances, and/or any judicial or other governmental orders pertaining to the protection of health, safety, and/or the environment, including those concerning Hazardous Substances.

“Event of Default” has the meaning assigned to such term under Section 7.1.

“Facility(ies)” means all Grantee underground, surface, and/or aerial facilities necessary to provide Telecommunications Services into, within, and through the Franchise Area, including, without limitation, optical fiber cable, wires, conductors, appliances, conduits, pipes, cables, apparatus, ducts, poles, guys, anchors, vaults, pedestals, supports, fixtures, fiber optic cables, and related equipment.

“Franchise” means the franchise granted by Grantor to Grantee under this Ordinance.

“Franchise Area” means the present legal boundaries of Grantor as of the Effective Date and any additions thereto by annexation or other legal means.

“Franchise Fee(s)” has the meaning assigned to such term under Section 5.1.

“Grantee” has the meaning assigned to such term in the recitals, whose address is 921 SW Washington Street, Suite 210, Portland, Oregon 97205; email notifications to contracts@lsnetworks.net.

“Grantor” has the meaning assigned to such term in the recitals, whose address is 444 SW 4th Street, Ontario, Oregon 97914.

“Gross Revenue(s)” means all revenues (gross) Grantee receives directly or indirectly from Grantee’s operation of the Telecommunications System and/or provision of Telecommunications Services within the Franchise Area, less net uncollectibles, including, without limitation, revenues from the use, rental, and/or lease of the Facilities.

“Hazardous Substance(s)” means any hazardous, toxic, infectious, or radioactive substance, waste, and/or material as defined or listed by any Environmental Law, and will include petroleum oil and its fractions.

“Law(s)” means all applicable federal, state, county, and/or local laws, rules, regulations, codes, and ordinances, including, without limitation, the Telecommunications Code, Americans with Disabilities Act of 1990 (and any regulations of any administrative agency thereof), and all Environmental Laws, all as now in force and/or which may hereafter be amended, modified, enacted, and/or promulgated.

“Late Charge” has the meaning assigned to such term under Section 8.6.

“Late Fee” has the meaning assigned to such term under Section 8.6.

“Move Notice” has the meaning assigned to such term under Section 3.3.

“Original Agreement” has the meaning assigned to such term in the recitals.

“Ordinance” has the meaning assigned to such term in the recitals.

“Right-of-Way(s)” means the public streets, alleys, avenues, thoroughfares, highways, places, and grounds located within the Franchise Area which are owned and/or controlled by Grantor.

“Temporary Adjustment” has the meaning assigned to such term under Section 3.3.

“Telecommunications Code” means Title 3, Chapter 2 of Grantor’s municipal code, as amended.

“Telecommunication(s) Service(s)” means fiber optic two-way switched access and transport of voice, video, and/or data communications, including, without limitation, local exchange service, long distance telephone service, and internet access. Telecommunications Services do not include the following: (a) services directly related to internet access; (b) services provided by radio common carrier; (c) one-way transmission of television signals; (d) the provision of cable television; (e) surveying; (f) private telecommunications networks; and/or (g) communications of the customer which take place on the customer side of on-premises equipment.

“Telecommunication(s) System(s)” means the Facilities operated by Grantee in the Franchise Area which are necessary to provide Telecommunications Services.

“Transfer” means any transfer and/or conveyance, including, without limitation, any sale, assignment, mortgage, sublet, lien, sublease, license, conveyance, and/or encumbrance, whether directly, indirectly, voluntarily, involuntarily, or by operation of law. The term “Transfer” includes the sale, assignment, encumbrance, or transfer – or series of related sales, assignments, encumbrances, and/or transfers – of fifty percent (50%) or more of the shares, membership units, and/or other ownership interest of Grantee, regardless of whether the sale, assignment, encumbrance, and/or transfer occurs voluntarily or involuntarily, by operation of law, or because of any act or occurrence.

Exhibit A
Acceptance

The forgoing Ordinance #2834-2025, approved and adopted by City of Ontario on March 25, 2025, consisting of 12 pages, including this Exhibit A, is approved, accepted, and agreed upon by Grantee.

Dated: March _____, 2025

Lightspeed Networks, Inc.,
an Oregon corporation d/b/a LS Networks

By: _____



**AGENDA REPORT
NEW BUSINESS
March 25, 2025**

To: Mayor and City Council

FROM: Tori Barnett, City Recorder

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2025-106: DESIGNATING CITY MANAGER AS THE CDBG
PROJECT CERTIFYING OFFICER**

DATE: March 14, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2025-106, A RESOLUTION DESIGNATING THE CITY MANAGER AS THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT CERTIFYING OFFICER, AND AUTHORIZE THE POSITION TO SIGN ALL PAPERWORK ASSOCIATED WITH CDBG APPLICATIONS AND PROJECTS.

SUMMARY:

The proposed resolution is necessary to designate the position of City Manager as the Certifying Officer for CDBG applications.

BACKGROUND:

The City of Ontario has been awarded numerous CDBG projects over the years, and this resolution will allow a faster turnaround for moving forward after projects have been adopted by the city.

CURRENT SITUATION:

Currently, the resolution on file has a specific name listed, as opposed to a specific position. Following correspondence with both the local and regional project manager lead for Business Oregon, staff were told they could do a blanket authorization for CDBG projects, as long as that person was identified by name or position. Staff opted to list it by position.

ANALYSIS:

- A. **STRATEGIC PLAN** Community Development Block Grants could easily have an impact on multiple sections of the Strategic Plan, such as Lifestyle, Desirability, or Growth.
- B. **FINANCIAL** There is no financial impact for this resolution.
- C. **TIMING** The current project has been fully authorized. This resolution would be for future grants, to expedite the signature process.

D. **POLICY/LEGAL** The City Council is the authority for adopting resolutions.

ALTERNATIVES:

None. The current resolution specifically names a previous City Manager, which negates the ability of the current City Manager to sign any CDBG documents.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2025-106.

ATTACHMENTS:

1. Reso #2025-106 Designating CM as Authorized Signor on CDBG Projects



RESOLUTION #2025-106

A RESOLUTION DESIGNATING THE CITY MANAGER AS THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT CERTIFYING OFFICER

- WHEREAS,** the City of Ontario is a member of the Harney Malheur Residential Housing Rehabilitation Program which includes the incorporated cities of Vale, Nyssa and all unincorporated areas of Malheur County; and
- WHEREAS,** the City of Ontario was the recent recipient of a Community Development Block Grant for the implementation of the Harney Malheur Residential Housing Rehabilitation Program, which was assigned Project Number H24015; and
- WHEREAS,** the Community Development Block Grant Program typically provides that the city's highest elected official, which would be the Mayor, executes environmental review documents related to the Block Grant Program; and
- WHEREAS,** the Community Development Block Grant Program also provides for the option for a city to designate a person other than the Mayor to have the authority to execute environmental review documents, contract documents, and close out documents associated with a grant awarded under the Community Development Block Grant Program.

NOW, THEREFORE, the City of Ontario resolves as follows:

The City Council hereby appoints the City Manager as the Federal Certifying Officer for any and all Community Development Block Grant projects the city may now or in the future be awarded.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2025, by the following vote:

AYES:

NAYES:

ABSENT:

SIGNED by the Mayor this ____ day of _____, 2025.

ATTEST:

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
March 25, 2025**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **RESOLUTION #2025-110: APPROVE LOAN FROM THE STATE OF OREGON,
THROUGH OBDD, RE WATER PROJECTS**

DATE: March 18, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO ADOPT RESOLUTION #2025-110, A RESOLUTION AUTHORIZING AND APPROVING THE CITY OF ONTARIO TO OBTAIN A LOAN FROM THE WATER/WASTEWATER LOAN FUND, BY ENTERING INTO A CERTAIN FINANCING CONTRACT WITH THE INFRASTRUCTURE FINANCE AUTHORITY (IFA) OF THE OREGON BUSINESS DEVELOPMENT DEPARTMENT.

SUMMARY:

The proposed resolution is necessary in order to enter into a loan agreement through the Water/Wastewater Loan Fund with the IFA. This loan will fund the city's new water storage tank and booster pump station, replacing the aging Eastside tanks and booster station.

BACKGROUND:

The Oregon Health Authority (OHA) approved Water Master Plan identified priority water infrastructure upgrades. One of these - a new, larger, storage tank and booster pump station - has been selected to move forward. Last year, the City of Ontario was approved to proceed with entering into a loan agreement with OBDD through the SDWRLF and the Water/Wastewater Fund Program, to assist with funding this project.

CURRENT SITUATION:

The city is prepared to move forward with executing the loan agreements, pending City Council approval.

ANALYSIS:

- A. **STRATEGIC PLAN** This is inline with the city's strategic planning goals.
- B. **FINANCIAL** This is a \$1,670,000.00 loan term of 30 years at an interest rate of no more than 3.47%, to supplement Resolution #2025-109, the SDWRLF loan agreement request.

C. **TIMING** The project is ready to proceed, pending the required Council approval.

D. **POLICY/LEGAL** The City Council is the authority for adopting resolutions.

ALTERNATIVES:

If the resolution was not adopted, no loan agreement would be entered, so no priority water improvement projects would be completed.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2025-110.

ATTACHMENTS:

1. Reso #2025-110 Financing Contract - Project #Y25003 (OBDD Water Project)(JG 01773763xB6300)



RESOLUTION #2025-110

A RESOLUTION AUTHORIZING AND APPROVING CITY OF ONTARIO OBTAINING A LOAN FROM THE STATE OF OREGON, ACTING BY AND THROUGH THE OREGON BUSINESS DEVELOPMENT DEPARTMENT, PURSUANT TO THE TERMS AND CONDITIONS OF A CERTAIN WATER FUND WATER PROJECT FINANCING CONTRACT

- WHEREAS,** ORS 285B.560 through ORS 285B.599 (the “Act”) authorizes any municipality to file an application with the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”) to obtain financial assistance from the Water Fund; and
- WHEREAS,** City of Ontario (“Recipient”) has filed an application with OBDD to obtain financial assistance for a “water project” within the meaning of the Act, and OBDD has approved Recipient’s application for financial assistance from the Water Fund pursuant to the Act; and
- WHEREAS,** Recipient is required, as a prerequisite to receiving financial assistance from OBDD, to enter into a certain Water Fund Water Project Financing Contract, Project No. Y25003, substantially in the form attached hereto as Exhibit A (the “Contract”). The project under the Contract consists of Recipient’s (a) replacement of its existing eastside water reservoirs with a new 3,000,000 gallon reservoir and booster pump station located at Recipient’s existing water treatment plant site, and (b) refurbishment of the existing concrete clear wells located at the treatment plant (collectively, the “Project”); and
- WHEREAS,** notice relating to Recipient’s consideration and adoption of this Resolution 2025-110 (this “Resolution”) was provided in accordance with Recipient’s charter, laws, rules, and regulations; and
- WHEREAS,** by adoption of this Resolution, Recipient’s council (the “Council”) authorizes and approves (a) the Contract (and all necessary documents, certificates, instruments, and/or agreements) and loan transaction contemplated under the Contract, and (b) the mayor signing and delivering the Contract (and all necessary documents, certificates, instruments, and agreements) to OBDD.

NOW, THEREFORE, the City of Ontario resolves as follows:

1. Findings. The above-stated findings contained in this Resolution are hereby adopted.
2. Loan Authorized and Approved. The Contract (and underlying loan transaction) and all other necessary documents, certificates, instruments, and/or agreements required to obtain financial assistance from OBDD (individually and collectively, the “Financing Document(s)”) are hereby authorized and approved in all respects. Council authorizes Mayor Deborah Kaye Folden (the “Authorized Officer”) to sign and deliver the Financing Documents for and on behalf of Recipient, each containing such terms and conditions as agreed upon between the Authorized Officer and OBDD provided the loan from OBDD does not exceed \$1,670,000.00 with an interest rate no more than 3.47% per annum. Loan proceeds will be applied solely to the “Costs of the Project,” as such term is defined under the Contract.
3. Sources of Repayment; Security. Amounts payable by Recipient under the Contract are payable from the sources described in Section 4 of the Contract and ORS 285B.581(2), which includes the following: (a) revenue from Recipient’s water system (which includes the Project), including special assessment revenue; (b) amounts withheld under ORS 285B.599; (c) Recipient’s general fund; (d) any combination of sources listed in (a)-(c) of this Section 3; and/or (e) any other lawful sources. Without otherwise limiting the authority and approval provided under Sections 2 and 3 of this Resolution, the Council authorizes and approves Recipient’s (y) pledge of its full faith and credit and taxing powers for payment of all amounts due under the Contract, and (z) Recipient’s pledge, assignment, and grant of such other security required under the Financing Documents, including, without limitation, Recipient’s pledge of the Net Revenues (as defined and provided under Section B of Exhibit B to the Contract).

4. Tax-Exempt Status. Recipient will not take any action or omit to take any action if the act or omission will cause interest paid by Recipient pursuant to the Financing Documents not to qualify for exclusion from gross income provided under Section 103(a) of the Internal Revenue Code of 1986, as amended. Recipient may enter into covenants to protect the tax-exempt status of the interest paid by Recipient pursuant to the Financing Documents and may execute any tax certificate, Internal Revenue Service forms, and/or other documents as may be reasonably required by OBDD or its bond counsel to protect the tax-exempt status of such interest.

5. Reimbursement Bonds. Recipient may make certain expenditures concerning the Project prior to the date the Contract is executed with OBDD or the date the State of Oregon issues any bonds to fund the loan. Recipient declares its intent to seek reimbursement of such expenditures with amounts received from OBDD pursuant to the Contract, but only as permitted by OBDD policy, the Contract, and federal tax regulations. Additionally, Recipient understands that OBDD may fund or reimburse itself for the funding of amounts paid to Recipient pursuant to the Financing Documents with proceeds of bonds issued by the State of Oregon pursuant to the Act. This Resolution constitutes "official intent" within the meaning of 26 CFR §1.150-2 of the income tax regulations promulgated by the United States Department of the Treasury.

6. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2025, by the following vote:

AYES:

NAYES:

ABSENT:

SIGNED by the Mayor this ____ day of _____, 2025.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Exhibit A
Financing Contract – Project No. Y25003

[attached]



**AGENDA REPORT
PUBLIC HEARING
March 25, 2025**

To: Mayor and City Council

FROM: Tatiana Burgess, Planning Director

THROUGH Danny K. Cummings, City Manager

:

**SUBJECT: ORDINANCE #2837-2025: AMENDING TITLE 10A - SUBSTANTIVE ZONING
REGULATIONS TO CREATE CHAPTER 10A-57-101 - SHORT-TERM RENTAL [FIRST
READING]**

DATE: March 14, 2025

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE CITY COUNCIL APPROVE THE FINDINGS OF FACTS AND THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE ORDINANCE #2837-2025, AN ORDINANCE TO AMEND TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, TO CREATE CHAPTER 10A-57-101 – SHORT-TERM RENTALS AND ADD DEFINITIONS TO CHAPTER 10A-03 – DEFINITIONS, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.

2. IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2837-2025, AN ORDINANCE TO AMEND TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, TO CREATE CHAPTER 10A-57-101 – SHORT-TERM RENTALS AND ADD DEFINITIONS TO CHAPTER 10A-03 – DEFINITIONS, AS SET FORTH IN ACTION 2025-01-02 ZCA.

IF VOTE IS UNANIMOUS:

3. IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2837-2025, AN ORDINANCE TO AMEND TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, TO CREATE CHAPTER 10A-57-101 – SHORT-TERM RENTALS AND ADD DEFINITIONS TO CHAPTER 10A-03 – DEFINITIONS, AS SET FORTH IN ACTION 2025-01-02 ZCA.

B. DENIAL:

I MOVE THAT THE CITY COUNCIL DENY ORDINANCE #2837-2025, AN ORDINANCE TO AMEND TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, TO CREATE CHAPTER 10A-57-101 – SHORT-TERM RENTALS AND ADD DEFINITIONS TO CHAPTER 10A-03 – DEFINITIONS, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.

STATE REASONS:

SUMMARY:

Per Ontario Municipal Code 10B-15-05, amendments to Title 10A may be initiated by the Council or Commission by motion, or by individuals by application. Amendment actions shall first be referred to the Planning Commission for public hearing and recommendation. As directed by the City Manager, staff have been working on drafting an ordinance to amend Title 10A, to introduce zoning requirements to regulate short-term rentals within city limits, in all residential zones, and in the C-1, C-2 and C-3 zones.

A **Short-Term Rental (STR)** is a fully furnished, self-contained apartment or dwelling unit that can be rented for short periods of time – less than 30 consecutive days. Also known as “transient lodging”. Currently, the City of Ontario does not have an ordinance regulating STRs.

BACKGROUND:

On March 4, 2025, the Planning Department compiled a detailed inventory of advertised short-term rental listings on two major marketing platforms: AirBnB and VRBO. There were 10 listings identified on AirBnB and 1 listing on VRBO. *(For a detailed list, please see Table 2, in Section IV below)*. There are multiple properties available in Nyssa, Vale, and Adrian, as well as in the neighboring Idaho towns. Across the United States, STRs represent a “\$64 billion market with over 2.4 million properties operated by 785,000 hosts.” *(Wheat, K., 01/24/2025, www.addressesrealestate.com)*. In Oregon, there is no uniform land use legislative requirement that regulates STRs.

The proposed draft ordinance would amend Ontario Municipal Code Title 10A, to:

1. Set operation standards and outline the licensing and permitting process of the STRs.
2. Facilitate and regulate lodging options for visitors without a detriment to the available housing supply within City limits.
3. Maintain a good-neighbor policy by encouraging business opportunities, while preserving the rights of the property owners living in residential neighborhoods.
4. Offers an expansive ability to allow the operation of STRs beyond the residentially zoned properties and includes the commercially zoned properties within the city limits.

The proposed draft ordinance would amend Ontario Municipal Code Title 10A by introducing new definitions to Chapter 10A-03, as well as creating a new chapter – Chapter 10A-57-101.

All sections of the proposed Chapter 10A-57-101 are consistent with other adopted chapters of the Ontario Municipal Code, and define its purpose, set standards and requirements and outline the application and permitting process. The introduction of the application and permitting process of STRs is critical to ensuring the safe operation and occupation of the STRs and offers a path to apply and enforce current State of Oregon Building Codes.

The proposed ordinance was drafted with careful consideration by reviewing existing ordinances within neighboring jurisdictions, both within the State of Oregon and the State of Idaho. Among those jurisdictions reviewed were Baker City, Sumpter, Burns, La Grande,

Enterprise, Joseph, Bend, Baker County, Wallowa County, Union County, Umatilla County, Harney County, Tillamook County (OR) and Boise, Fruitland, Caldwell, McCall (ID).

CURRENT SITUATION:

The Planning Commission has held four work sessions to discuss and shape the drafting of the short-term rental ordinance. At the September 9, 2024, Planning Commission meeting, no action was taken due to no public being present. At the subsequent meetings, on November 18, 2024, January 13, 2025, and February 10, 2025, operators of current short-term rentals were present and gave testimony. Each of the work sessions was properly noticed through the local newspaper, as well as published on the Planning Commission's website. All input received during the work sessions, from both the Planning Commission as well as the public, was acknowledged by staff and compiled into the proposed draft ordinance.

A formal action was taken by the Planning Commission during the public hearing held on March 10, 2025. The Department of Land Conservation and Development (DLCD) must be notified of pending actions at least 35 days before the final hearing date, unless a shorter time is authorized by Oregon Administrative Regulations. A notice of the upcoming public hearing was published on DLCD's website on January 16, 2025, 53 days ahead of the scheduled hearing, and it was published in the Argus Observer on February 26, 2025. A notice regarding the March 25, 2025, City Council public hearing was made on record, during the March 11, 2025, City Council public meeting.

ANALYSIS:

A. STRATEGIC PLAN IMPACT TO HOUSING SUPPLY

Statewide Planning Goal 10 – HOUSING – specifies the State's housing needs for its citizens. Through the adoption of its Comprehensive Plan, Ontario prioritizes policies that provide sufficient land to accommodate the housing needs of its residents. In addition to inventories of buildable lands, a community must keep track of its current and projected housing units, as well as current and projected population growth.

Ontario has adopted its most recent Housing Needs Analysis through Ordinance #2790-2021, recorded on May 25, 2021. Based on those findings, it was projected that Ontario's population would increase by 45 people by the year 2040 and an additional 21 new dwelling units would be needed to accommodate that growth between 2020 and 2040.

Per data submitted to Portland State University for the Annual Housing Units and Population Survey, the following data was compiled:

<i>Period ending 06/30/2024:</i>				
Housing Units Added (new construction)	Single-family	Multi-Family (2+)	Multi-Family (5+)	Total Units
	14	6		20
Housing Units Lost	2			2
Net	12	6		18
<i>Period ending 06/30/2023:</i>				
Housing Units Added (new construction)	Single-family	Multi-Family (2+)	Multi-Family (5+)	Total Units
	18	28	42	88
Housing Units Lost	4			4

Net	14	28	42	84
Period ending 06/30/2022:				
Housing Units Added (new construction)	Single-family	Multi-Family (2+)	Multi-Family (5+)	Total Units
	12	2	0	14
Housing Units Lost	3	0	0	3
Net	9	2	0	11

Table 1: Total Net Housing Units in 2022-2024

*see also:

Exhibit B: Complete Annual Housing Units and Population Survey 2022

Exhibit C: Complete Annual Housing Units and Population Survey 2023

Exhibit D: Complete Annual Housing Units and Population Survey 2024

The Fair Housing Council of Oregon (FHCO) requested that the Planning Department analyze what potential impact the proposed amendment would have on the City's available housing inventory. Upon delivering a detailed staff report to FHCO, that contained the data presented above, the Planning Department was offered a letter of support (Exhibit E*), commending the City and supporting the adoption of the proposed amendment. **Note: FHCO letter references the "adoption of 1/2/2025". 1/2/2025 in this case refers to the file number, as tracked by DLCD.*

FINDING:

In the years that followed the adoption of the Housing Needs Analysis in 2021, Ontario added to its housing inventory a net number of 11 housing units in 2022, 84 housing units in 2023 and 18 housing units in 2024. Based on the cumulative total number of housing units, Ontario has increased its total unit inventory by 113 units. That already exceeded the 2021 Housing Needs Analysis' projected number of 21 units required, by 92 units, or 538% to goal.

FORECASTED PROGRESS OF NUMBER OF STRs

As of March 4, 2025, the following listings were identified on the two main marketing platforms as being active within the City limits:

Marketing Platform: AirBnB

Unit	Address	Bedrooms	Date of Oldest Review	Host	Age of Host's Account on Platform	Host's Listings in Ontario
#1	615 SE 6 th St	2 bedrooms	11/2021	Jill	3 years	2 listings
#2	742 NW 1 st St	1 bedroom	08/2024	Shannon	7 months	1 listing
#3	384 NW 7 th Ave	2 bedrooms	04/2023	Chrissy	2 years	1 listing
#4	211 NW 4 th St	4 bedrooms	06/2021	Heather	4 years	2 listings
#5	150 NW 5 th St	3 bedrooms	04/2020	Evolve	8 years	1 listing
#6	934 SW 1 st St	2 bedrooms	12/2022	Jill	3 years	2 listings
#7	1022 NW 5 th Ave	2 bedrooms	09/2018	Joselyn	8 years	2 listings
#8	1048 NW 6 th Ave	2 bedrooms	09/2017	Joselyn	8 years	2 listings
#9	1455 Crest Way	2 bedrooms	12/2022	Heather	4 years	2 listings

#10	1482 NW 7 th Ave	3 bedrooms	09/2016	Warren	9 years	1 listing
Marketing Platform: VRBO						
#1	547 Fortner St	2 bedrooms	08/2021	Bryan	Not available	N/A

Table 2: Total current short-term listings in Ontario, as advertised on AirBnB and VRBO

Based on each listing's date of oldest review and comparing those dates with each host's account age on the marketing platform, it is assumed that the oldest review date coincides with the date each unit was originally listed on the marketing platform. As such, there have been 11 total listings added over the course of 9 years. Based on those statistics and trends, it is forecasted that by the year 2040, there will be at least 32.35 total short-term rentals, with a potential maximum of 38.14 short-term rentals:

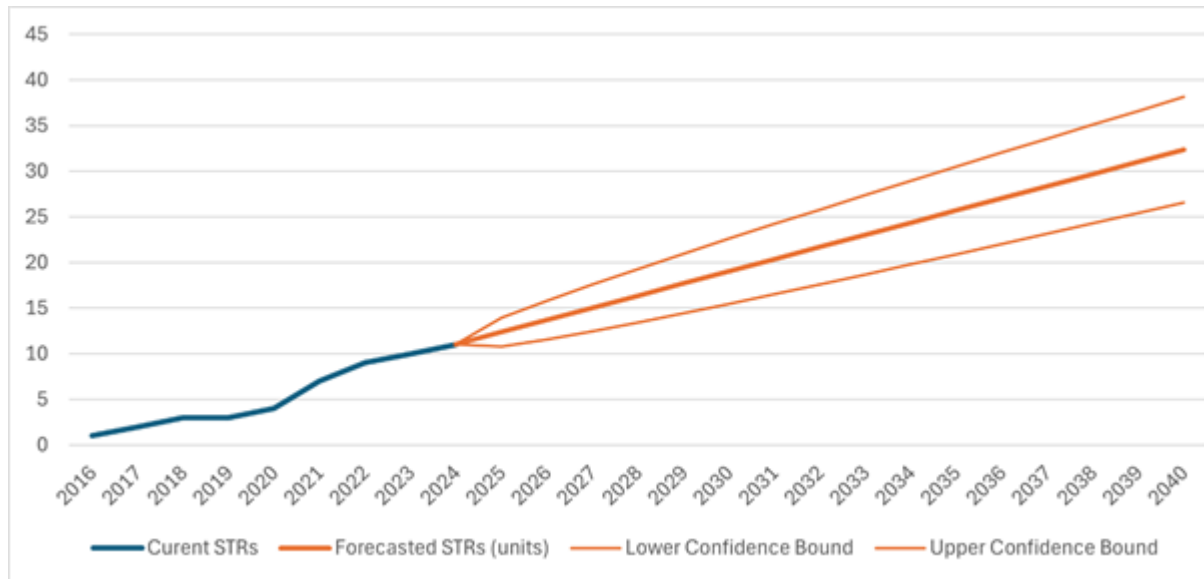


Figure 1: Current short-term rental units (STRs) in Ontario and forecasted units through 2040

FINDING:

Even if all the short-term rentals are permitted, based on the upper confidence forecast of 38.14 units, and the current housing production, Ontario will still be on target of having a total of 21 new units available for its residents, as projected by the Housing Needs Analysis.

PROPOSED ORDINANCE

Ontario's proposed Ordinance #2837-2025 to amend Ontario Municipal Code Title 10A to adopt requirements and standards to regulate short-term rentals within the City, is expected to have a positive impact on Ontario.

The current operators within the City limits do not have multiple listings on the same parcel and there are a maximum of 2 listings per host. The proposed ordinance has density limitations stipulated on how many short-term rentals can be operated per parcel (maximum of two), as well as how many short-term rentals can be operated per owner (maximum of six). Additionally, the proposed Ordinance #2837-2025 will allow the operation of short-term rentals in all residential zones in Ontario, as well as in the

Neighborhood Commercial (C-1), General Commercial (C-2) and Central Commercial (C-3). Since residential uses are currently allowed in the cited commercial zones, staff also proposed allowing the operation of short-term rentals within those zones, to encourage the use of currently vacant and unoccupied spaces through remodels and conversion of previously existing commercial spaces to residential spaces.

FINDING:

The limitations proposed in Ordinance #2837-2025 are set to protect the total housing units available to Ontario's residents, without invoking a housing shortage. Additionally, the adoption of the proposed Ordinance #2837-2025 will expand on the buildable lands designated for housing.

Allowing the proposed expansive use of properties for the operation of short-term rentals will encourage property owners to supplement their income and invite tourism into Ontario. The renting of the STRs will translate into a direct and positive financial impact on the City, as each licensed STR will be subject to the city-wide Transient Room Tax, defined in Ontario Municipal Code 3-11. Increased tourism activity will also benefit other businesses throughout the city.

- B. **FINANCIAL** The adoption of Ordinance #2837-2025 will provide a path to licensing current short-term rental operators. Once licensed, said operator will be required to pay the City's transient lodging tax. Currently, only one operator has been paying the city TOT tax, per the Finance Department.
- C. **TIMING** As there is currently no statewide land use code to regulate short-term rentals, it is important for the City to adopt one. It is advised to adopt the proposed Ordinance now, before the number of short-term rental operators within the city limits increases.
- D. **POLICY/LEGAL** Per Ontario Municipal Code 10B-15-05, the City Council has the authority to adopt new ordinances.

ALTERNATIVES:

Table the discussion to propose additional edits to the proposed draft ordinance.

RECOMMENDATION:

Staff recommend that the City Council adopt proposed Ordinance #2837-2025, based on the Planning Commission's recommendation and the Findings of Fact.

ATTACHMENTS:

1. Exhibit A - Ordinance #2837-2025
2. Exhibit B - Complete Annual Housing Units and Population Survey 2022
3. Exhibit C - Complete Annual Housing Units and Population Survey 2023
4. Exhibit D - Complete Annual Housing Units and Population Survey 2024
5. Exhibit E - Letter of Support from Fair Housing Council of Oregon

After Recording Return to:
City of Ontario
Attn. Tori Barnett
444 SW 4th Street
Ontario, OR 97914



ORDINANCE #2837-2025

AN ORDINANCE TO AMEND TITLE 10A SUBSTANTIVE ZONING REGULATIONS, TO CREATE CHAPTER 10A-57-101 – SHORT-TERM RENTALS AND ADD DEFINITIONS TO CHAPTER 10A-03 – DEFINITIONS

- WHEREAS,** Amendments to Ontario Municipal Code Title 10A may be initiated by the Council or Commission by motion, by individual, or by application; and
- WHEREAS,** As required by law, proper notice was given to Oregon Department of Land Conservation and Development (DLCD), and the Ontario City Council; and
- WHEREAS,** As of the date of adoption of this ordinance, the State of Oregon does not have a uniformed land use code to regulate short-term rentals; and
- WHEREAS,** The proposed amendments to the Ontario Zoning Ordinance are designed to protect the available housing supply within the city limits; and
- WHEREAS,** Standards will be set for the safe occupation and operation of short-term rentals within city limits; and
- WHEREAS,** City staff has made the amendments as recommended by Planning Commission, and adopted by City Council, as noted herein.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

10A-03-35.1: “BEDROOM” as defined in ORS 90.262 (4), means a habitable room that:

- (A) Is intended to be used primarily for sleeping purposes; and
- (B) Contains at least 70 square feet; and
- (C) Is configured so as to take the need for a fire exit into account.

Bedroom occupancy shall not be more restrictive than two people per bedroom, as per ORS 90.262 (3). For a bedroom occupied by more than two people, the required minimum floor area of 70 square feet shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room’s minimum area. Where required, a bedroom shall be equipped with a carbon monoxide detector (as per Oregon Residential Specialty Code R315.3) and/or smoke alarms (as per Oregon Residential Specialty Code R314.3).

10A-03-65.1: "CONTACT PERSON" means the property owner or owner's designee for the short-term rental, authorized to act on owner's behalf. The contact person shall be available to be contacted at all times, 24 hours a day, 7 days a week. The contact person shall be able to respond by telephone within 1 hour to complaints directed by the local non-emergency line. To any additional or successive complaints, conduct of the occupants or operation of the short-term rental, the contact person shall respond in person within 2 hours.

10A-03-70.1: "DAYTIME OCCUPANTS" means the maximum number of guests who may occupy a short-term rental between 7:00 am and 10:00 pm. The maximum number of daytime occupants shall not exceed four (4) times the maximum number of nighttime occupants permitted. Daytime occupants shall not be allowed to occupy a short-term rental overnight, between 10:00 pm and 07:00 am.

10A-03-140.1: "NIGHTTIME OCCUPANTS" means the maximum number of guests who may occupy a short-term rental overnight. The maximum number of occupants shall be identified at time of permitting, based on short-term rental's floor plan and number of rented bedrooms.

10A-03-185.1: "SHORT-TERM RENTAL" or "STR" is the rental of a dwelling unit, partially or in its entirety, on a day-to-day basis for a less than thirty (30) consecutive days.

10A-57-101 – SHORT-TERM RENTALS

10A-57-102 – PURPOSE

To provide guidance, standards and regulatory requirements to operate short-term rentals in an equitable manner, with the goal of minimizing impacts to the residential housing stock and existing neighborhoods. Short-term rentals shall be permitted in the following residential and commercial zones: RS-50, RD-40, RM-10, R-MH, C-1, C-2 and C-3.

10A-57-103 – STANDARDS AND REQUIREMENTS

All short-term rentals must be permitted and licensed. To qualify to obtain a permit and retain a license, the following standards and requirement must be met:

- (1) Two active short-term rental permits are permitted per parcel.
- (2) All short-term rentals must comply to the term "dwelling", as defined in section 10A-03-74 of Ontario Municipal Code. No non-conforming or non-permitted dwelling units shall be permitted as short-term rentals. Short-term rentals shall not include the use of a recreational vehicle, travel trailer, tent or other temporary shelter.
- (3) All short-term rentals shall be subject to the transient lodging tax requirements, as defined in section 3-11 of Ontario Municipal Code.
- (4) Bedroom occupancy shall not be more restrictive than two people per bedroom, as per ORS 90.262 (3). For a bedroom occupied by more than two people, the required minimum floor area of 70 square feet shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area. The number of bedrooms of a short-term rental and maximum number of nighttime occupants of the short-term rental shall be determined based on the submitted floor plan and verified at the time of license issuance, license renewal and upon physical inspection of the short-term rental.
- (5) Each short-term rental shall have a designated contact person. The contact person shall be able to respond by telephone within 1 hour to complaints directed by the local non-emergency line. Regarding any additional or successive complaints, conduct of the occupants or operation of the short-term rental, the contact person shall respond in person within 2 hours.

- (6) Each short-term rental shall be equipped with a minimum of one functioning fire extinguisher, placed in a visible and easily accessible location. Functioning smoke detectors and/or carbon monoxide detectors shall be installed as per Oregon Residential Specialty Code requirements. All electrical outlets and light switches shall have face plates.
- (7) All parking shall be contained onsite and shall meet the parking standards defined in section 10A-57-75 of Ontario Municipal Code. Enclosed garages or fenced parking areas shall be easily accessible to guests at all times.
- (8) All short-term rentals shall comply to the noise control requirements defined in section 6-1-6.2 of Ontario Municipal Code. Quiet hours shall be observed between ten o'clock (10:00) P. M. and seven (7:00) A. M. of the following day.
- (9) Family gatherings hosted in a short-term rental, shall not exceed short-term rental's maximum number of daytime occupants, as per current short-term rental's permit. Unattended barking dogs or actions that exceed the noise control regulations are explicitly prohibited.

10A-57-104 – APPLICATION AND LICENSE REQUIREMENTS

A. All short-term rentals shall be permitted. An application must be submitted to the Community Development Center. The applicant has the burden of proof to demonstrate compliance with standards defined in section 10A-57-103 of this title. An applicant for a short-term rental shall provide and certify the following information:

- (1) Owner's and applicant's name, permanent residence address, phone number, email address and the short-term rental's physical address.
- (2) Contact person for the short-term rental and the contact person's phone number, address and email address.
- (3) A site plan and floor plan of the short-term rental, drawn to scale, showing property boundaries, proof of access to a public right-of-way, building footprint, location and dimensions of parking spaces. The floor plan of the short-term rental shall include the dimensions and locations of all bedrooms and space to be made available to the short-term renters.
- (4) Proof of garbage service.
- (5) Proof of liability insurance.
- (6) Transient lodging business registration, as required per section 3-11-7 of Ontario Municipal Code.
- (7) Inspection consent authorizing City of Ontario staff to conduct required inspections of the short-term rental, including upon issuance and renewal of the short-term rental license.
- (8) A copy of the house rules.
- (9) Licensing fees.

B. All short-term rental applications shall be filed, the appropriate fees paid, a review date scheduled, and Hearing officer review conducted according to the provisions of section 10B-04.

C. A short-term rental license is valid for one calendar year and shall be renewed annually by the last day of the month of the anniversary date of each ensuing year. A renewal notice shall be sent by the City, at least 30 days prior to the license's expiration. Permit renewal will be contingent on the short-term rental's good standing and complaints documented in the previous year. The renewal license fee shall be paid before a renewal can be authorized. If the contact person changes during the 12-month period, the property owner shall notify the City in

writing within 30 days of the change and provide all new contact information. Failure to maintain current and correct contact information for the contact person or failure of the contact person to respond to calls, as required by section 10A-57-103(5) of this title, shall be considered a violation of this Ordinance and documented as a violation.

D. An approved license shall be mandatorily posted both on the interior and exterior of a dwelling unit. The interior posted license shall include: the license number and its expiration date, the number of bedrooms permitted as a short-term rental, the maximum occupancy, the number of parking spaces, the contact person for the short-term rental and the local non-emergency number.

The exterior posted license shall be displayed on the exterior of the short-term rental, by the main entrance to the short-term rental. The exterior posted license shall include: the license number and its expiration date, the local non-emergency number, the property address and the contact person for the short-term rental.

E. A short-term rental license is not transferable and is issued to an owner and to a specific property. An owner shall hold a maximum of six short-term rental licenses at one given time. A change in ownership shall void an existing short-term rental license.

F. A short-term rental license shall be revoked if:

- (1) an owner fails to renew a license, or
- (2) if there have been 3 or more unresolved complaints or violations within a 12-month period, or
- (3) if the operation of the short-term rental presents a public, health or safety risk.

E. Upon revocation of a short-term rental permit, a property owner shall not be permitted to submit a new application for a short-term rental permit for a period of one year from the date the permit was revoked.

SEVERABILITY: The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2025, by the following vote:

AYES:
NAYES:
ABSENT:

APPROVED by the Mayor this _____ day of _____, 2025.

ATTEST:

Deborah Folden, Mayor

Tori Barnett, MMC, City Recorder

2022 Annual Housing Unit and Population Survey (AHUPS)

Period ending 6/30/2022
County Malheur
City Ontario

Reported by: Dan Cummings
Department: Comm Devel
Email: dan.cummings@ontariooregon.gov
Phone: 541-881-3223
Fax: 541-881-3251



General Instructions:

This spreadsheet has FOUR tabs or sections (A, B, C, D) for you to complete. Section E is a reference guide on how to complete this survey.

Accurate completion of this survey is essential to prepare the certified population estimate for your city, which will be used by the State of Oregon to apportion certain revenues to each city, county, or other areas. **Your response is required per ORS 190.590** and greatly appreciated.

The deadline for returning completed surveys is August 15, 2022. Please return completed forms one of the following ways:

- * Email attachment to popest@pdx.edu
- * Fax to 833-323-2227
- * Print & mail to: Population Research Center, Portland State University, PO Box 751, Mail Code: PRC, Portland, OR 97207

If you experience technical issues or have questions about this survey, contact us as soon as possible by emailing popest@pdx.edu or calling 503-725-3922.

Section (A): Housing Units (separate living quarters)

Q1: How many housing units were added from July 1, 2021 through June 30, 2022 and what type of units were they?

See definitions in instructions to Q1. Please, report the number of **housing units that were actually completed**, between 7/1/2021-6/30/2022 based on final inspections, certificates of occupancy, completion certificates, utility releases, or other. **Please do NOT provide building permits issued**. If you only have building permits issued to indicate new housing construction, you must report the number of building permits that were issued for the following time frames:

- * Single family units issued from **January 1, 2021 to December 31, 2021**,
- * Multi-family units issued from **July 1, 2020 to June 30, 2021**.

Enter data in shaded cells:	Single-Family	Multi-family		Total, all types:
HOUSING UNITS ADDED		2, 3, or 4 units	5 or more units	
1. New construction	12	2	0	14
2. Converted gained	0	0	0	0
For new constructions (housing units): Please confirm/indicate, are you reporting number of completed housing units or (backdated) permits issued				

Q2: How many housing units were subtracted from July 1, 2021 through June 30, 2022 and what type of units were they?

Subtracted housing units may include housing lost due to conversions, demolitions, or due to fire or natural disaster.

Enter data in shaded cells:	Single-Family	Multi-family		Total, all types:
HOUSING UNITS LOST		2, 3, or 4 units	5 or more units	
1. Demolished or destroyed	3	0	0	3
2. Converted lost	0	0	0	0

Q3: What was/is the total number of completed housing units (excluding mobile homes) in your jurisdiction?

Please provide (if known). Include housing units gained through annexations. Do not include mobile homes. Mobile homes are collected in Section B. Please report total number of completed housing units (Current stock) that were existing in your city on July 1, 2022

Enter data in shaded cells:	Single-Family	Multi-family		Total, all types:
HOUSING INVENTORY		2, 3, or 4 units	5 or more units	
All completed housing units (current stock) as of 7/1/2022	unsure	unsure	unsure	0

(Optional) Comments to Section A:

We are

Please go to Section B

2022 Annual Housing Unit and Population Survey (AHUPS)

Period ending 6/30/2022
County Malheur
City Ontario

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



General Instructions:

See general instructions on Section A and reference guide (Section E). Return completed forms one of the following ways:

- * Email attachment to popest@pdx.edu
- * Fax to 833-323-2227
- * Print & mail to the address above.

Section (B): Mobile Homes

Q1: How did the number of mobile homes change between July 1, 2021 and June 30, 2022?

Do not include any mobile homes that were annexed from July 1, 2021 through June 30, 2022. Annexed mobile homes are accounted for elsewhere. Mobile homes can be moved, have no permanent foundation, and have had no permanent rooms added. Do not include travel trailers, RVs, or mobile homes located on a seller's lot. RV parks, marinas, campgrounds, and other transitory living places are collected in Section C.

Enter data in shaded cells:

CHANGE IN MOBILE HOMES	Mobile Homes
1. Number moved in	2
2. Number moved out	
Net change in Mobile Homes (ins less outs)	2

Q2: How many mobile homes were/are located in your jurisdiction?

Mobile homes can be moved, have no permanent foundation, and have had no permanent rooms added. Do not include travel trailers, RVs, or mobile homes located c and other transitory living places are collected in Section C. Include all units gained by annexations.

Please provide (if known) the total number of mobile homes (Current stock) that were existing in your city on July 1, 2022

MOBILE HOMES INVENTORY	Mobile Homes	Population (if known)
All units as of 7/1/2022	Unsure	unsure

(Optional) Comments to Section B:

We are extremely understaffed and do not have this information.

?

?

?

[Please go to Section C](#)

2022 Annual Housing Unit and Population Survey (AHUPS)

Period ending 6/30/2022
County Malheur
City Ontario

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



General Instructions:

See general instructions on Section A and reference guide (Section E). Return completed forms one of the following ways:

- * Email attachment to popest@pdx.edu
- * Fax to 833-323-2227
- * Print & mail to the address above.

Section (C): Transitory ("special") housing/locations

Q1: How were/are the number of locations, units, and people living in transitory (formerly "special") locations in your jurisdiction on July 1, 2022?

Transitory dwellings are mobile dwelling units or places of congregation of people living in temporary or mobile dwellings. For example, the number of campers, RVs, tents, boats, cars, when they are used as a place of regular residence. **A transitory housing unit is only counted if it is someone's usual place of residence.** Hotels and motels used as a regular place of residence are included, but hotels hosting travelers, visitors, and guests passing through are not.

Enter data in shaded cells:

	Campers or RVs	Tents or campgrounds	Cars, trucks, and vans	Other boats	Motels/Hotels (incl. mgr. units)	Other (specify)
TRANSITORY HOUSING UNITS						
1. Number of locations:						
2. Number of units (if known):						
3. Population (if known):						

(Optional) Comments to Section C:

We are
extremely
understaffed
and do not have
this information.

Please go to Section D

2022 Annual Housing Unit and Population Survey (AHUPS)

Period ending 6/30/2022
County Malheur
City Ontario

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



General Instructions:

See general instructions on Section A and reference guide (Section E). Return completed forms one of the following ways:
* Email attachment to popest@pdx.edu
* Fax to 833-323-2227
* Print & mail to the address above.

Section (D): Group Quarters

Q1: How many people were/are living in group quarters in your jurisdiction on July 1, 2022?

Number of students in college dormitories, sororities, and fraternities, should be counted as of May 1, 2022 NOT July 1, 2022

Below is a list of facilities known to PRC (from data reported by your jurisdiction in past years or from additional PRC data sources). For each facility, please report to the best of your ability, the number of residents as of July 1, 2022 (the date of the most recent PRC estimates). Please list the physical location of the facility, not the office or mailing address. This will ensure that the facility population is counted in the correct location. If the GQ type is unknown, please leave blank and a type will be assigned. If the number of residents cannot be determined, please report the maximum capacity.

- * For all listed facilities with no change in status since 7/1/2021, please update the table with the new capacity or number of residents.
- * For facilities that closed during the period 7/1/2021-6/30/2022, please note the date of closure.
- * For new facilities that added during the period 7/1/2021-6/30/2022, please add the facility name and location and note the date of opening and estimated capacity or population.
- * For known existing facilities not included in the list below, please treat them as new facilities (add the name and location, note date of opening and estimated current capacity or population).

Valid GQ Types:	GQ Type Examples:
COR 1: Correctional Facilities for Adults	Prisons, jails, detention centers
JUV 2: Juvenile Facilities	Juvenile corrections, treatment centers, group homes
SNF 3: Nursing Facilities/Skilled-Nursing F	Nursing homes
OIF 4: Other Institutional Facilities	Psychiatric hospitals, hospice, residential schools
STU 5: College/University Student Housing	Dormitories, fraternities and sororities
MIL 6: Military Quarters	Barracks and military ships
ONI 7: Other Noninstitutional Facilities	Adult group homes and treatment centers, maritime vessels, job corps housing, seasonal agricultural workers housing, religious quarters, and disaster shelters.

Facility Name	Location	City + ZIP		Phone Number	(from list above)	Permanent Residents	Date of Status Change (if applicable):				
						7/1/2022	Moved	Opened	Closed	Annexed	Detached

(Optional) Comments to Section D:

We are extremely understaffed and do not have this information.

2023Annual Housing Unit and Population Survey (AHUPS)

Period ending	6/30/2023
County	Malheur
City	Ontario

Reported by:	Marcy Siriwardene
Department:	Planning
Email:	marcy.siriwardene@ontariooregon.gov
Phone:	541-881-3224
Fax:	541-881-3251



General Instructions:
This survey has sections (A, B, C, D) for you to complete. Please read the latest Reference Guide document in section E
Accurate completion of this survey is essential to prepare the certified population estimate for your city, which the State of Oregon will use to apportion certain revenues to each city, county, or other area. Your response is required per ORS 190.590 and is greatly appreciated
The deadline for returning completed surveys is **August 28, 2023**. Please return the completed form to this email address: popest@pdx.edu
If you experience technical issues or have questions about this survey, contact us as soon as possible by emailing popest@pdx.edu

Section (A): Housing Units (separate living quarters)

SAQ1a: How many housing units were added from July 1, 2022 through June 30, 2023 and what type of units were they?
(Please read the instructions below this question & download and read the reference guide for more information)

Do not include housing units annexed during the past year (Between July 2022 and June 30, 2023). Annexed housing units are accounted for elsewhere.

Do not include mobile homes. Mobile homes are homes and trailers that can be moved from place to place, and are not permanently situated on a foundation.

Please report individual housing units, not structures. For example, a duplex equals 2 housing units, and an apartment complex with 20 apartments equals 20 housing units.

Please, report the number of housing units that were actually completed between 7/1/2022-6/30/2023 based on final inspections, certificates of occupancy, completion certificates, utility releases, or other.

Please do NOT provide building permits issued. If you only have building permits issued to indicate new housing construction, you must report the number of building permits that were issued for the following time frames:

- Single family units issued from January 1, 2022 to December 31, 2022,
- Multi-family units issued from July 1, 2021 to June 30, 2022.

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING UNITS ADDED		2, 3, or 4 units	5 or more units	
1. New construction	18	28	42	88
2. Converted gained (Converted gains (a conversion may be from non-residential use to residential use or from one type of housing to another type of housing))	0	0	0	0
For new constructions (housing units): Please confirm/indicate, are you reporting number of completed housing units or (backdated) permits issued				

SAQ2: How many housing units were subtracted from July 1, 2022 through June 30, 2023 and what type of units were they?
(Please read the instructions below this question & download and read the reference guide for more information)

Subtracted housing units may include housing lost due to conversions, demolitions, or due to fire or natural disaster.

Do not include mobile homes.

Please report individual housing units, not structures. For example, a duplex equals 2 housing units, and an apartment complex with 20 apartments equals 20 housing units

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING UNITS LOST		2, 3, or 4 units	5 or more units	
1. Demolished or destroyed	4	0	0	4
2. Converted lost	0	0	0	0

SAQ3: What is your jurisdiction's total stock of housing units as of July 1st, 2023 (exclude mobile homes – include housing units gained through annexations over the last year July 1st, 2022 to June 30, 2023) (If Known) And what type of units are they (single units/multiple units)?

Please include housing units gained through annexations. Do not include mobile homes. Mobile homes are collected in Section B.

Please report the total number of completed housing units (Current stock) that were existing in your city on July 1, 2023.

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING INVENTORY		2, 3, or 4 units	5 or more units	
All completed housing units (current stock) as of 7/1/2022	-1	-1	-1	-1

(Optional) Comments to Section A:

Please go to Section B

2023 Annual Housing Unit and Population Survey (AHUPS)

Period ending

6/30/2023

County

(please fill)

City

(please fill)

Population Research Center

Portland State University

PO Box 751

Mail Code: PRC

Portland, OR 97207



Section (B): Mobile Homes

SBQ1: How did the number of mobile homes change between July 1, 2022 and June 30, 2023? And What is the total number (current stock) of mobile homes that were/are located in your jurisdiction as of July 1st, 2023?
(Please read the instructions below this question & download and read the reference guide for more information)

Do not include any mobile homes annexed from July 1, 2022 through June 30, 2023. Annexed mobile homes are accounted for elsewhere.
Mobile homes can be moved, have no permanent foundation, and have had no permanent rooms added. Do not include travel trailers, RVs, or mobile homes located on a seller's lot.

Enter data in shaded cells: If you do not know, please enter -1

CHANGE IN MOBILE HOMES (Between July 1, 2022 and June 30, 2023)	Mobile Homes
1. Number moved in	1
2. Number moved out	0
Net change in Mobile Homes (ins less outs)	1

MOBILE HOMES INVENTORY	Mobile Homes	Population (if known)
All units as of 7/1/2023	-1	-1

(Optional) Comments to Section B:

Please go to Section C

2023 Annual Housing Unit and Population Survey (AHUPS)

Period ending

6/30/2023

County

(please fill)

City

(please fill)

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



Section (C): Transitory ("special") housing/locations

SCQ1: How were/are the number of locations, units, and people living in transitory (formerly "special") locations in your jurisdiction on July 1, 2023?
(Please read the instructions below this question & download and read the reference guide for more information)

transitory dwellings are mobile dwelling units or places of congregation of people living in temporary or mobile dwellings. For example, the number of campers, RVs, tents, boats, cars, when they are used as a place of residence. A transitory housing unit is only counted if it is someone’s usual place of residence. Hotels and motels used as a regular place of residence are included, but hotels hosting travelers, visitors, and guests passing through are not. Do not include any special housing units in areas that were annexed from July 1, 2022 through June 30, 2023. Annexed housing units are accounted for elsewhere

Enter data in shaded cells: If you do not know, please enter -1

TRANSITORY HOUSING UNITS	Campers or RVs	Tents or campgrounds	Cars, trucks, and vans	Other boats	Motels/Hotels (incl. mgr. units)	Other (Floating
1. Number of locations:	-1	-1	-1	-1	-1	-1
2. Number of units (if known):	-1	-1	-1	-1	-1	-1
3. Population (if known):	-1	-1	-1	-1	-1	-1

(Optional) Comments to Section C:

We are extremely short-staffed and do not have this information.

Please go to Section D

2023Annual Housing Unit and Population Survey (AHUPS)

Period ending6/30/2023

County

City

(please fill)

(please fill)

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



Section (D): Group Quarters

Q1: How many people were/are living in group quarters in your jurisidiction on July 1, 2023?

Number of students in college dormitories, sororities, and fraternities, should be counted as of May 1, 2023 NOT July 1, 2023

Below is a list of facilities known to PRC (from data reported by your jurisdiction in past years or from additional PRC data sources). For each facility, please report to the best of your ability, the number of residents as of July 1, 2022 (the date of the most recent PRC estimates). **Please list the physical location of the facility, not the office or mailing address.** This will ensure that the facility population is counted in the correct location. If the GQ type is unknown, please leave blank and a type will be assigned. If the number of residents cannot be determined, please report the maximum capacity.

- * For all listed facilities with no change in status since 7/1/2022, please update the table with the new capacity or number of residents.
- * For facilities that closed during the period 7/1/2022-6/30/2023, please note the date of closure.
- * For new facilities that added during the period 7/1/2022-6/30/2023, please add the facility name and location and note the date of opening and estimated capacity or population.
- * For known existing facilities not included in the list below, please treat them as new facilities (add the name and location, note date of opening and estimated current capacity or population).

Valid GQ Types:	GQ Type Examples:
COR 1: Correctional Facilities for Adults	Prisons, jails, detention centers
JUV 2: Juvenile Facilities	Juvenile corrections, treatment centers, group homes
SNF 3: Nursing Facilities/Skilled-Nursing F	Nursing homes
OIF 4: Other Institutional Facilities	Psychiatric hospitals, hospice, residential schools
STU 5: College/University Student Housing	Dormitories, fraternities and sororities
MIL 6: Military Quarters	Barracks and military ships
ONI 7: Other Noninstitutional Facilities	Adult group homes and treatment centers, maritime vessels, job corps housing, seasonal agricultural workers housing, religious quarters, and disaster shelters.

2023Annual Housing Unit and Population Survey (AHUPS)

Period ending

6/30/2024

County

Malheur

City

Ontario

Reported by:

Tatiana Burgess

Department:

Planning

Email:

Tatiana.Burgess@ontariooregon.gov

Phone:

541-881-3222

Fax:

541-881-3251



General Instructions:
This survey has sections (A, B, C, D) for you to complete. Please read the latest Reference Guide document in section E
Accurate completion of this survey is essential to prepare the certified population estimate for your city, which the State of Oregon will use to apportion certain revenues to each city, county, or other area. Your response is required per ORS 190.590 and is greatly appreciated
The deadline for returning completed surveys is **August 28, 2024**. Please return the completed form to this email address: popest@pdx.edu
If you experience technical issues or have questions about this survey, contact us as soon as possible by emailing popest@pdx.edu

Section (A): Housing Units (separate living quarters)

SAQ1a: How many housing units were added from July 1, 2023 through June 30, 2024 and what type of units were they?
(Please read the instructions below this question & download and read the reference guide for more information)

Do not include housing units annexed during the past year (Between July 2023 and June 30, 2024). Annexed housing units are accounted for elsewhere.

Do not include mobile homes. Mobile homes are homes and trailers that can be moved from place to place, and are not permanently situated on a foundation.

Please report individual housing units, not structures. For example, a duplex equals 2 housing units, and an apartment complex with 20 apartments equals 20 housing units.

Please, report the number of housing units that were actually completed between 7/1/2023-6/30/2024 based on final inspections, certificates of occupancy, completion certificates, utility releases, or other.

Please do NOT provide building permits issued. If you only have building permits issued to indicate new housing construction, you must report the number of building permits that were issued for the following time frames:

- Single family units issued from January 1, 2023 to December 31, 2023,
- Multi-family units issued from July 1, 2022 to June 30, 2023.

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING UNITS ADDED		2, 3, or 4 units	5 or more units	
1. New construction	14	6	0	20
2. Converted gained (Converted gains (a conversion may be from non-residential use to residential use or from one type of housing to another type of housing))	1	0	0	1
For new constructions (housing units): Please confirm/indicate, are you reporting number of completed housing units or (backdated) permits issued				

SAQ2: How many housing units were subtracted from July 1, 2023 through June 30, 2024 and what type of units were they?
(Please read the instructions below this question & download and read the reference guide for more information)

Subtracted housing units may include housing lost due to conversions, demolitions, or due to fire or natural disaster.

Do not include mobile homes.

Please report individual housing units, not structures. For example, a duplex equals 2 housing units, and an apartment complex with 20 apartments equals 20 housing units

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING UNITS LOST		2, 3, or 4 units	5 or more units	
1. Demolished or destroyed	2	0	0	2
2. Converted lost	0	0	0	0

SAQ3: What is your jurisdiction's total stock of housing units as of July 1st, 2024 (exclude mobile homes – include housing units gained through annexations over the last year July 1st, 2023 to June 30, 2024) (If Known) And what type of units are they (single units/multiple units)?

Please include housing units gained through annexations. Do not include mobile homes. Mobile homes are collected in Section B.

Please report the total number of completed housing units (Current stock) that were existing in your city on July 1, 2024.

Enter data in shaded cells: If you do not know, please enter -1

	Single-Family	Multi-family		Total, all types:
HOUSING INVENTORY		2, 3, or 4 units	5 or more units	
All completed housing units (current stock) as of 7/1/2023	2633	519	795	3947

(Optional) Comments to Section A:

Please go to Section B

2023 Annual Housing Unit and Population Survey (AHUPS)

Period ending

6/30/2024

County

(please fill)

City

(please fill)

Population Research Center

Portland State University

PO Box 751

Mail Code: PRC

Portland, OR 97207



Section (B): Mobile Homes

SBQ1: How did the number of mobile homes change between July 1, 2023 and June 30, 2024? And What is the total number (current stock) of mobile homes that were/are located in your jurisdiction as of July 1st, 2024?
(Please read the instructions below this question & download and read the reference guide for more information)

Do not include any mobile homes annexed from July 1, 2023 through June 30, 2024. Annexed mobile homes are accounted for elsewhere.
Mobile homes can be moved, have no permanent foundation, and have had no permanent rooms added. Do not include travel trailers, RVs, or mobile homes located on a seller's lot.

Enter data in shaded cells: If you do not know, please enter -1

CHANGE IN MOBILE HOMES (Between July 1, 2022 and June 30, 2023)	Mobile Homes
1. Number moved in	17
2. Number moved out	0
Net change in Mobile Homes (ins less outs)	17

MOBILE HOMES INVENTORY	Mobile Homes	Population (if known)
All units as of 7/1/2024	1043	-1

(Optional) Comments to Section B:

Please go to Section C

2023 Annual Housing Unit and Population Survey (AHUPS)

Period ending

6/30/2024

County

(please fill)

City

(please fill)

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



Section (C): Transitory ("special") housing/locations

SCQ1: How were/are the number of locations, units, and people living in transitory (formerly "special") locations in your jurisdiction on July 1, 2024?
(Please read the instructions below this question & download and read the reference guide for more information)

transitory dwellings are mobile dwelling units or places of congregation of people living in temporary or mobile dwellings. For example, the number of campers, RVs, tents, boats, cars, when they are used as a place of residence. A transitory housing unit is only counted if it is someone’s usual place of residence. Hotels and motels used as a regular place of residence are included, but hotels hosting travelers, visitors, and guests passing through are not. Do not include any special housing units in areas that were annexed from July 1, 2023 through June 30, 2024. Annexed housing units are accounted for elsewhere

Enter data in shaded cells: If you do not know, please enter -1

TRANSITORY HOUSING UNITS	Campers or RVs	Tents or campgrounds	Cars, trucks, and vans	Other boats	Motels/Hotels (incl. mgr. units)	Other (Floating
1. Number of locations:	-1	-1	-1	-1	-1	-1
2. Number of units (if known):	-1	-1	-1	-1	-1	-1
3. Population (if known):	-1	-1	-1	-1	-1	-1

(Optional) Comments to Section C:

Total licensed Hotels/Motels rooms in the city: 732 rooms

Please go to Section D

2023Annual Housing Unit and Population Survey (AHUPS)

Period ending
County
City

6/30/2024
(please fill)
(please fill)

Population Research Center
Portland State University
PO Box 751
Mail Code: PRC
Portland, OR 97207



Portland State
Population Research Center

Section (D): Group Quarters

Q1: How many people were/are living in group quarters in your jurisidiction on July 1, 2024?

Number of students in college dormitories, sororities, and fraternities, should be counted as of May 1, 2024 NOT July 1, 2024

Below is a list of facilities known to PRC (from data reported by your jurisdiction in past years or from additional PRC data sources). For each facility, please report to the best of your ability, the number of residents as of July 1, 2023 (the date of the most recent PRC estimates). **Please list the physical location of the facility, not the office or mailing address.** This will ensure that the facility population is counted in the correct location. If the GQ type is unknown, please leave blank and a type will be assigned. If the number of residents cannot be determined, please report the maximum capacity.

- * For all listed facilities with no change in status since 7/1/2023, please update the table with the new capacity or number of residents.
- * For facilities that closed during the period 7/1/2023-6/30/2024, please note the date of closure.
- * For new facilities that added during the period 7/1/2023-6/30/2024, please add the facility name and location and note the date of opening and estimated capacity or population.
- * For known existing facilities not included in the list below, please treat them as new facilities (add the name and location, note date of opening and estimated current capacity or population).

Valid GQ Types:		GQ Type Examples:
COR	1: Correctional Facilities for Adults	Prisons, jails, detention centers
JUV	2: Juvenile Facilities	Juvenile corrections, treatment centers, group homes
SNF	3: Nursing Facilities/Skilled-Nursing F	Nursing homes
OIF	4: Other Institutional Facilities	Psychiatric hospitals, hospice, residential schools
STU	5: College/University Student Housing	Dormitories, fraternities and sororities
MIL	6: Military Quarters	Barracks and military ships
ONI	7: Other Noninstitutional Facilities	Adult group homes and treatment centers, maritime vessels, job corps housing, seasonal agricultural workers housing, religious quarters, and disaster shelters.



March 9, 2025

City of Ontario
Planning Director
Community Development Department
444 SW 4th Street Ontario, OR 97914

RE: Adopt Ordinance #2837-2025 (Exhibit A) to amend Ontario Municipal Code, Title 10A, by setting standards for property owners to regulate the operation of short-term rentals within the referenced zones in the City limits .

Dear Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO commend the City and support the adoption of 1/2/2025. Planning staff created a detailed staff report with Goal 10 findings that made a compelling case that this ordinance will help the City meet its housing needs. This will be used as a good example for other jurisdictions.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "John Miller". The signature is written in a cursive, flowing style.

John Miller
Executive Director
Fair Housing Council of Oregon

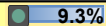
cc: Ethan Stuckmayer, DLCD

1221 SW Yamhill Street, Portland, Oregon 97205



1221 SW Yamhill Street, Portland, Oregon 97205

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
JANUARY 31, 2025**

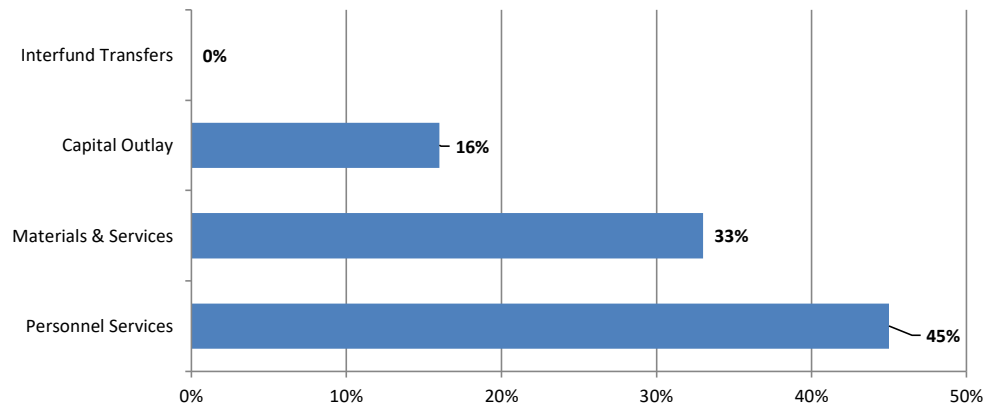
DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	3,356,532	5,006,402	149.2%	
Parks	111,020	82,367	74.2%	
Parks & Recreation	111,020	82,367	74.2%	
Fire	242,280	129,343	53.4%	
Code Enforcement	13,100	4,469	34.1%	
Police	458,885	252,167	55.0%	
Dispensary Business License	130,200	55,800	42.9%	
Public Safety Total	844,465	441,779	52.3%	
Interest	85,000	156,730	184.4%	
State Revenue Sharing	158,062	29,245	18.5%	
Administrative Services	497,148	290,003	58.3%	
Other General Revenues	8,000	29,760	372.0%	
Property Taxes	4,404,315	4,612,822	104.7%	
Alcohol Bvg License & Fee	233,109	84,000	36.0%	
Cigarette tax	8,292	3,759	45.3%	
Marijuana tax	2,500,000	678,944	27.2%	
Franchise Fees	1,806,579	848,814	47.0%	Quarterly payments
Cemetery	100,900	14,750	14.6%	\$70K budgeted is transfer from cem perpetual fund
General Government Total	9,801,405	6,748,827	68.9%	
Planning & Zoning	4,000	2,946	73.7%	
Community development	4,000	2,946	73.7%	
GENERAL FUND REVENUE TOTALS	\$ 10,760,890	\$ 7,275,918	67.6%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 2,011,594
YTD BUDGET BENCHMARK				58.3% 

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
JANUARY 31, 2025**

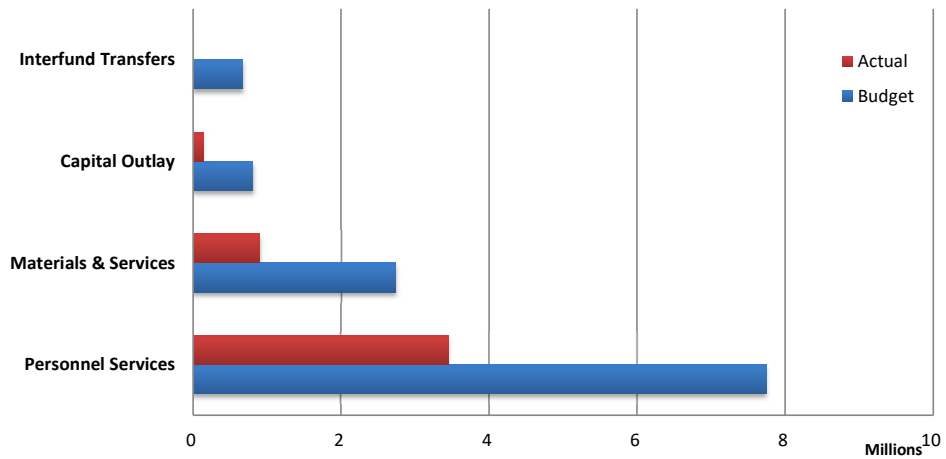
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	278,294	132,182	47.5%	
Parks & Recreation	278,294	132,182	47.5%	
Fire	2,300,409	1,150,153	50.0%	
Code Enforcement	165,030	56,598	34.3%	
Police	5,645,814	2,745,355	48.6%	
Public Safety Total	8,111,253	3,952,105	48.7%	
Administration	605,440	283,593	46.8%	
City Council	33,357	9,112	27.3%	
Business Registration	1,100	293	26.6%	
Cemetery	218,082	90,050	41.3%	
Finance	273,878	144,520	52.8%	
Technology	239,559	107,126	44.7%	
General Government Total	1,371,416	634,694	46.3%	
Community development	199,025	93,252	46.9%	
Community Development	199,025	93,252	46.9%	
Administrative Overhead	916,714	415,242	45.3%	
Non-Departmental Contributions	433,000	36,850	8.5%	
Other Total	1,349,714	452,092	33.5%	
Operating Transfers Out	639,558	-	0.0%	
GENERAL FUND TOTALS	\$ 11,949,260	\$ 5,264,324	44.1%	
YTD BUDGET BENCHMARK			58.3%	

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
JANUARY 31, 2025**

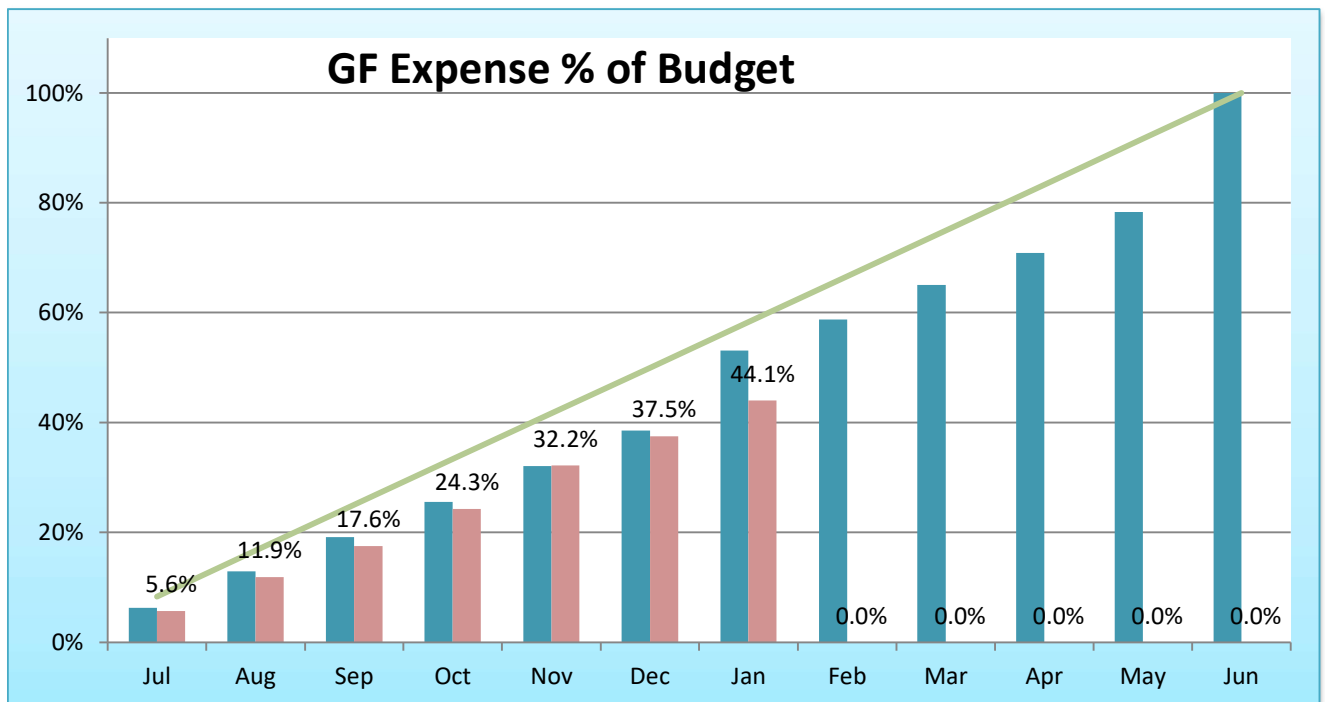
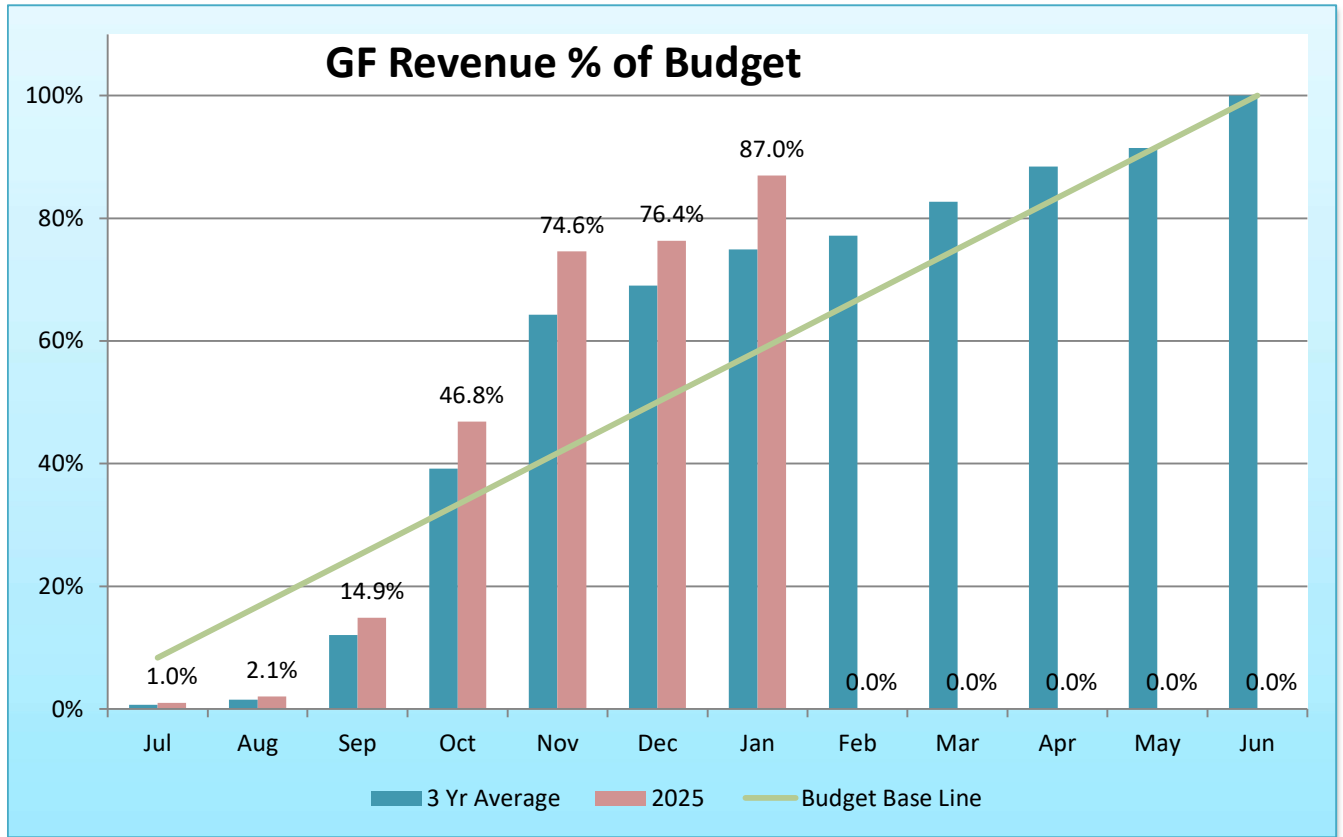
% Expended by Category



Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
JANUARY 31, 2025**



**CITY OF ONTARIO
OTHER FUNDS - EXPENDITURES
FOR THE PERIOD ENDED
JANUARY 31, 2025**

DEPARTMENT/FUND	REVENUES				EXPENDITURES		
	BUDGET	ACTUAL	% REALIZED		BUDGET	ACTUAL	% EXPENDED
002 Marijuana Enforcement Fund	32,455	29,544	91.0%		32,455	-	0.0%
010 Grant Fund	1,611,652	621,065	38.5%		1,611,652	834,218	51.8%
027 Building Fund	790,653	880,608	111.4%		314,871	120,551	38.3%
030 Capital Projects Fund	7,005,638	6,037,103	86.2%		7,005,638	407,260	5.8%
031 SDC Fund	915,814	895,070	97.7%		915,814	-	0.0%
045 Street Fund	6,563,003	3,749,968	57.1%		6,563,003	2,565,836	39.1%
050 Trust Funds	1,398,836	1,084,085	77.5%		1,221,388	299,538	24.5%
055 Reserve Funds	4,475,406	4,772,188	106.6%		3,841,445	863,952	22.5%
060 Revolving Loan Fund	321,014	289,157	90.1%		321,014	10,000	3.1%
105 Water Fund	6,396,041	5,340,379	83.5%		4,771,578	2,338,765	49.0%
110 Sewer Fund	6,429,820	4,200,441	65.3%		4,765,641	2,159,437	45.3%
115 Storm Sewer Fund	479,590	475,711	99.2%		162,083	104,909	64.7%
120 Airport Fund	340,277	196,407	57.7%		340,277	167,137	49.1%

Comments:

YTD BUDGET BENCHMARK

58.3%

EIF fact sheet

Top 10 things to understand before applying

1. Application period

There will be two phases in the application period.

Phase 1: Employers with an unfunded actuarial liability (UAL) of greater than 200% of combined valuation payroll ([view the list here](#)) may apply starting April 1, 2025. This application period will close on June 30, 2025.

Phase 2: All other employers may apply starting July 1, 2025, if funds from phase 1 remain. Employers will be informed of the status of the upcoming application phase and the estimated amount of remaining funds in mid-June.

PERS Actuarial Activities Section will email the application link to phase 1 employers on April 1 at 10:00 a.m. Pacific. Phase 2 employers will receive the same link on July 1. The application is in a secure, survey format that is accessible from any browser and computer system.

2. Application questions

On the application, you will provide information about your organization, your side-account deposit, and proof that you are participating in the [Unfunded Actuarial Liability Resolution Program \(UALRP\)](#) — a requirement for receiving EIF matching funds. Find details about the information needed for the application in the [application instructions \(PDF\) document](#).

3. Application approval process

By law, PERS approves applications in the order they are received. Once you complete your application and click Submit, your application arrives in the Actuarial Services' inbox marked with the exact date and time. If your application is clear and accurate, your request for funds is recorded. If your application has incorrect information, your approval may be delayed.

4. Employer criteria for EIF participation

To participate in the EIF, the employer must:

- Have no transition liability. Learn more in the [application instructions \(PDF document\)](#) item 8.
- Research other ways to reduce their contribution rate by participating in the [Unfunded Actuarial Liability Resolution Program \(UALRP\)](#).
- Use the Employer Rate Projection Tool to show the effect of their deposit + EIF match on their future contribution rate.

5. Side-account deposit criteria

To qualify for matching funds, the employer's side account deposit must be:

- At least \$25,000 (this qualifies for the minimum match amount of \$6,250).
- No more than either \$300,000 or 5% of the employer's unfunded actuarial liability (UAL), whichever is greater.
- Sourced from cash, not borrowed funds.

6. Deadline for making your deposit and consequence of missing the deadline

You have until March 31, 2026, to pay your deposit. If you miss that deadline, you forfeit your match.

7. Fees for choosing a specific rate-offset date

It costs \$1,000 to receive an actuarial calculation for one specific rate offset date for one lump-sum payment. Additional calculations are \$250 each: for example, more rate-offset dates, more lump-sum payments, or your transition liability payoff amount (State and Local Government Rate Pool (SLGRP) only).

If you do not choose a specific date to receive your rate offset, you do not pay the \$1,000 charge for an actuarial calculation of your side account. Your rate offset will be calculated based on the actuarial valuation for the year in which you make your payment. The rate offset will be effective July 1 following the publication of that valuation. For example, if an employer makes a payment December 1, 2025, the actuarial valuation for 2025 is published in 2026, and the rate offset would be effective July 1, 2027.

8. Other fees associated with side accounts

In the first year of a new side account, a \$1,500 administrative fee is deducted to cover the cost of PERS staff setting up the account. Each year thereafter, the administrative fee is \$500, which is deducted automatically from your side account.

9. Waitlist for EIF cycle two

There will not be a waitlist for this cycle of the EIF program. Once all funds are matched, the program will end, and any remaining applicants will not receive matching funds.

There was a waitlist for cycle one, but that cycle was a different situation with complicating factors that extended the cycle to a four-year period.

10. Future EIF cycles

The EIF program is scheduled to remain active until 2042. As long as the EIF continues to receive income, PERS will periodically open new application cycles. PERS Actuarial Activities Section cannot predict when the next cycle might occur; however, we will keep employers informed if it appears cycle three will be possible.

Return to the [Employer Incentive Fund webpage](#).

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 3/21/2025 9:24 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
132813	879797	Ken H. Abbott	02/03/2025	1,500.00
132814	879926	Mathieu Arritola	02/03/2025	6,000.00
132815	879929	Suset Palacios Caldera	02/03/2025	6,000.00
132816	879842	Cody J. Cannon	02/03/2025	1,500.00
132817	879779	Maria Guadalupe Carrillo	02/03/2025	1,500.00
132818	879726	Mark L Clark	02/03/2025	1,500.00
132819	879908	Mary Beth De Bord	02/03/2025	1,408.56
132820	879562	Kevin Gene and Maria Draper	02/03/2025	1,500.00
132821	879927	Meagan Nicole Gray	02/03/2025	6,000.00
132822	879731	James Frederick Harrington	02/03/2025	1,500.00
132823	879930	Perk Beverage Company, LLC	02/03/2025	25,000.00
132824	879928	Kathleen Jo. Pozzi	02/03/2025	6,000.00
132825	879538	Lisa L. Reeser	02/03/2025	1,500.00
132826	879776	Anthony Salomone	02/03/2025	1,500.00
132827	879588	Cody Servis	02/03/2025	1,500.00
132828	879814	Stephanie Marie Sesker	02/03/2025	1,500.00
132829	879736	Desert Sage Event Center	02/03/2025	1,744.34
132830	&260	Four Rivers Cultural Center	02/03/2025	13,864.19
132831	539200	Ontario Area Chamber of Commerce	02/03/2025	10,059.26
Total for 2/3/2025:				91,076.35
132834	22427	Consor North America, Inc.	02/06/2025	1,288.50
132835	269295	DRT, LLC	02/06/2025	13,950.00
132836	360015	Home Depot Credit Services	02/06/2025	166.42
132837	408200	J-U-B Engineers, Inc.	02/06/2025	11,619.10
132838	879865	Kittelson & Associates, Inc.	02/06/2025	53,149.23
132839	879896	RH2 Engineering, Inc.	02/06/2025	12,387.89
132840	037600	AT&T	02/06/2025	25.71
132841	879633	Better Together, Inc.	02/06/2025	2,000.00
132842	637828	Century Link Communications, LLC	02/06/2025	38.01
132843	UB*12239	JAMIE RUIZ	02/06/2025	82.75
132844	879733	Waste Connections of Oregon, Inc.	02/06/2025	471.87
Total for 2/6/2025:				95,179.48
132845	033300	Argus Observer 117-A	02/10/2025	87.00
132846	130624	B & W Car Wash	02/10/2025	10.00
132847	120497	Boys & Girls Club of the Western Treasure	02/10/2025	800.00
132848	879494	Bruneel, LLC	02/10/2025	1,450.12
132849	626400	Campo & Poole Distributing, LLC	02/10/2025	8,920.16
132850	336088	Grossenbacher Brothers, Inc.	02/10/2025	246.20
132851	360015	Home Depot Credit Services	02/10/2025	268.84
132852	878958	International Assoc. for Property & Evidenc	02/10/2025	65.00
132853	451600	Malheur County Administration Office	02/10/2025	200.00
132854	461607	MicroTechnology Systems, Inc.	02/10/2025	10,124.00
132855	879301	Net Assets Corporation	02/10/2025	390.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
132856	539200	Ontario Area Chamber of Commerce	02/10/2025	400.00
132857	598220	Owyhee Irrigation District	02/10/2025	3,978.00
132858	879551	Painter Holdings & Business Ventures, Inc.	02/10/2025	13.25
132859	879226	PortaPros	02/10/2025	639.40
132860	642093	Red's Automotive Repair, Inc.	02/10/2025	2,548.20
132861	879469	SBRK Finance Holdings, Inc.	02/10/2025	1,624.00
132862	879145	Silver Signet, LLC	02/10/2025	675.85
132863	21014	Snake River Economic Development Allian	02/10/2025	40.00
132864	879764	T&Z Hardware, Inc.	02/10/2025	48.12
132865	879720	Total Package Enterprises, LLC	02/10/2025	61.47
132866	788402	TransUnion Risk & Alternative Data Soluti	02/10/2025	75.00
Total for 2/10/2025:				32,664.61
132867	879681	Eddie Alvarez	02/12/2025	168.00
132868	130624	B & W Car Wash	02/12/2025	5.00
132869	010500	Tori Barnett	02/12/2025	156.00
132870	879637	Bryant Lovlien & Jarvis PC Attorneys at La	02/12/2025	12,650.00
132871	144000	Cascade Natural Gas Corporation	02/12/2025	1,580.76
132872	637830	Century Link	02/12/2025	529.13
132873	UB*12240	AGUSTIN CONTRERAS	02/12/2025	127.03
132874	334925	Greystone Builders, LLC	02/12/2025	20,000.00
132875	360015	Home Depot Credit Services	02/12/2025	207.68
132876	HYSELLCO	Corinna Hysell	02/12/2025	156.00
132877	376000	Idaho Power	02/12/2025	2,317.59
132878	422173	Kiwanis Club of Ontario	02/12/2025	885.13
132879	879417	LightSpeed Networks, Inc.	02/12/2025	1,377.88
132880	441140	Looks Nu, Inc.	02/12/2025	259.00
132881	468350	Motion Industries, Inc.	02/12/2025	8,540.61
132882	596071	Ontario Volunteer Firefighters Association	02/12/2025	500.00
132883	242083	State of Oregon Department of Transportati	02/12/2025	1.85
132884	516494	State of Oregon Department of Transportati	02/12/2025	40,415.84
132885	528405	Oster Professional Group, CPA's PC	02/12/2025	27,503.91
132886	130950	Sparklight Business	02/12/2025	140.72
132887	738002	Symbol Arts, LLC	02/12/2025	347.50
132888	879764	T&Z Hardware, Inc.	02/12/2025	39.97
132889	879680	U.S. Bank Equipment Finance	02/12/2025	1,497.00
132890	879525	Vestis Uniforms and Workplace Supplies, I	02/12/2025	319.20
132891	879733	Waste Connections of Oregon, Inc.	02/12/2025	812.20
132892	868215	Witmer Public Safety Group, Inc.	02/12/2025	191.11
Total for 2/12/2025:				120,729.11
ACH	832852	Wells Fargo Signify Business Elite Masterc	02/19/2025	6,997.55
Total for 2/19/2025:				6,997.55
ACH	878915	Jacobs Engineeering Group, Inc.	02/20/2025	528,918.34
ACH	878915	Jacobs Engineeering Group, Inc.	02/20/2025	1,573.46
132893	270200	Emergency Services Consulting Internation	02/20/2025	7,106.20
132894	879933	Stepleton Electric, LLC	02/20/2025	25,000.00
132895	0143466	Amazon Capital Services	02/20/2025	1,805.14
132896	879745	AT&T Mobility, LLC	02/20/2025	1,290.94
132897	879451	CDR Labor Law, LLC	02/20/2025	1,995.00
132898	879932	Hogan Hospitality Group, ONO	02/20/2025	199.19
132899	376000	Idaho Power	02/20/2025	2,747.17

Check No	Vendor No	Vendor Name	Check Date	Check Amount
132900	UB*12241	JOSUE LOPEZ FLORES	02/20/2025	97.71
132901	456402	Malheur County Clerk	02/20/2025	117.00
132902	879225	Malheur Media, LLC	02/20/2025	60.00
132903	&509	Matsy's Restaurant & Catering	02/20/2025	30.00
132904	879166	Pitney Bowes Global Financial Services, LI	02/20/2025	882.93
132905	642093	Red's Automotive Repair, Inc.	02/20/2025	933.28
132906	644210	Roadrunner Towing, Inc.	02/20/2025	300.00
132907	672453	Sea Western Fire Fighting Equipment Sea-V	02/20/2025	289.63
132908	879845	Student Loan Fund of Idaho Marketing Ass	02/20/2025	4,468.75
132909	879151	Waste-Pro	02/20/2025	100.48
Total for 2/20/2025:				577,915.22
ACH	878915	Jacobs Engineering Group, Inc.	02/27/2025	4,148.53
132910	0143466	Amazon Capital Services	02/27/2025	55.32
132911	033300	Argus Observer 117-A	02/27/2025	160.69
132912	637830	Century Link	02/27/2025	700.46
132913	180798	CIS Trust	02/27/2025	195.93
132914	879736	Desert Sage Event Center	02/27/2025	1,512.72
132915	879653	FileOnQ, Inc	02/27/2025	1,300.00
132916	&260	Four Rivers Cultural Center	02/27/2025	12,031.12
132917	360015	Home Depot Credit Services	02/27/2025	79.92
132918	376000	Idaho Power	02/27/2025	1,422.28
132919	879781	Sterling G Johnston	02/27/2025	1,500.00
132920	879363	Danielle Llamas	02/27/2025	252.00
132921	UB*12242	NATHANIEL MCLERAN	02/27/2025	113.74
132922	879648	Brandon Mitchell	02/27/2025	238.00
132923	602320	NAPA Auto Parts	02/27/2025	25.38
132924	539200	Ontario Area Chamber of Commerce	02/27/2025	8,398.78
132925	582200	Oregon Association Chiefs of Police	02/27/2025	228.15
132926	582152	State of Oregon Department of Aviation	02/27/2025	75.00
132927	879406	Rywest Homes, Inc.	02/27/2025	10,000.00
132928	T7125	Snake River Valley EAA Chapter 837	02/27/2025	600.00
132929	702008	Staples Business Credit	02/27/2025	41.12
132930	288897	Verizon	02/27/2025	1,347.45
132931	879525	Vestis Uniforms and Workplace Supplies, I	02/27/2025	319.20
132932	879635	Western Building Maintenance, Inc.	02/27/2025	3,477.65
132933	183201	CK3, LLC	02/27/2025	1,775.00
132934	22427	Consor North America, Inc.	02/27/2025	6,791.05
132935	412500	Keller Associates, Inc.	02/27/2025	7,458.20
132936	879163	McCurry Ontario Motors, LLC	02/27/2025	2,482.00
132937	879786	Hydrotrem Enterprises, LLC	02/27/2025	14,943.35
132938	879896	RH2 Engineering, Inc.	02/27/2025	1,624.79
132939	879715	Signs and Designs 2 Fit	02/27/2025	195.00
Total for 2/27/2025:				83,492.83
Report Total (129 checks):				1,008,055.15

MALHEUR COUNTY COURT MINUTES

March 5, 2026

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Jim Mendiola present. Commissioner Ron Jacobs was absent. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room were Administrative Officer Lorinda DuBois, Building Official Adele Schaffeld and Economic and Community Development Director 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 # [2025-0579](#)

INFORMATION - FLOODING RESOURCES

Building Official Adele Schaffeld met with the Court and explained that she had compiled a packet of resources (with assistance from various partners) for those in the community recently affected by flooding. Also present was EH Specialist Evan Magner. Additional information may be added to the packet as more information becomes available. The packet currently contains a variety of helpful information such as water testing of wells, flooded septic tanks and drain fields, low interest loan opportunities, and contact numbers for Idaho Power, Cascade Natural Gas and local propane companies. The Court authorized placement of the information on the County website.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of February 26, 2025 as written. Judge Joyce seconded and the motion passed.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Mendiola moved to approve Supplemental Budget Resolution R25-08: In the Matter of Fiscal Year 2024/2025 Supplemental Budget by Resolution Under Local Budget Law ORS (Oregon Revised Statutes) 294.471. Judge Joyce seconded and the motion passed. The purpose of the supplemental budget is to allocate CIS pre-Loss Public Safety Traumatic Incident funds that were not anticipated when the budget was adopted - these funds are to be used for counseling, treatment, training or other assistance due to a critical incident; and to allocate Oregon Health Authority funds that were not anticipated when the budget was adopted - these are additional funds to contract 026018 and are to be used for start-up activities related to the development of a new Crisis Stabilization Center in Malheur County. See instrument # [2025-0580](#)

GOODFELLOW GATE PROJECT

No quotes were received for the Goodfellow building gate project. The Court requested Mr. Dalton resolicit quotes for the project with a project completion date of October 1, 2025. Commissioner Mendiola will remove the back gate that is falling down which will free up some parking spaces.

PUBLIC COMMENT

Judge Joyce asked for public comment; there was none.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.