

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**STUDY SESSION AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
THURSDAY, OCTOBER 5, 2017, 12:00 PM, MT**

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: Tessa Winebarger _____ Dan Capron _____ Marty Justus _____ Ramon Palomo _____
Betty Carter _____ Norm Crume _____ Mayor Ron Verini _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on October 3, 2017. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

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

5) NEW BUSINESS

- A) Utility Billing Write-Offs
- B) Ordinance #2730-2017: An Ordinance Amending Title 3, Adding Chapter 15; Amending Title 2, Adding Chapter 15; and Revising Title 7, of the Ontario Municipal Code to Establish and Enforce a Civil Penalty Process within Ontario, on First Reading by Title Only

6) DEPARTMENT HEAD UPDATES

- A) Finance Department Monthly Report: Kari Ott, Finance Director
- B) Police Department Quarterly Report: Cal Kunz, Police Chief

7) HAND-OUTS/DISCUSSION ITEMS

- A) Department Stats: Ontario Fire & Rescue, September 2017
- B) Department Stats: Police, August 2017
- C) Department Stats: Code Enforcement, August 2017
- D) Department Stats: Public Works/CH2, September 2017
- E) Minutes: Airport Board, 09-25-2017
- F) Minutes: Public Works Committee, 08-08-2017
- G) Minutes: County Court, 09-06-2017
- H) Minutes: County Court, 09-13-2017
- I) Minutes: County Court, 09-20-2017
- J) Minutes/Agenda: SREDA 09-06-2017 Meeting 10/04/2017 Agenda

8) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

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; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation/Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) 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.

9) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

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AGENDA REPORT
CONSENT AGENDA
October 5, 2017

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **APPROVAL OF UTILITY BILLING WRITE-OFF'S**

DATE: September 29, 2017

MOTION:

I MOVE TO APPROVE THE LIST OF UTILITY BILLING ACCOUNTS AS PRESENTED, AND AUTHORIZE SENDING THE ACCOUNTS TO COLLECTIONS.

SUMMARY:

Attached is the following document:

- List of utility billing accounts over 120 days old proposed to send to collections

BACKGROUND:

As required by the Allowance for Bad Debts and Write Offs policy the council needs to approve accounts to write-off before they are written off and/or sent to collections. The list of accounts proposed to write-off is attached to the report, they are all over 120 days past due.

CURRENT SITUATION:

There are \$6,013.61 of water and sewer accounts to send to collections. They are all over 120 days past due.

ANALYSIS:

- A. **FINANCIAL** There is \$6,013.61 from utility bills that are deemed uncollectible by the City Finance Department. Hopefully, a portion will be collected in the future from the collections agency.
- B. **TIMING** The Finance Department would like to get the utility accounts to collections as soon as possible.
- C. **POLICY/LEGAL** These write-offs need to be approved by the council per the allowance for doubtful accounts policy.

ALTERNATIVES:

- A. Take No Action.

- 1. The council could take no action on this matter; this would leave the past due accounts on the city books which most likely will never be collected.

RECOMMENDATION:

Staff recommends the City Council approve the utility billing accounts to send to collections.

ATTACHMENT:

- Past Due Accounts to Send to Collection

UTILITY BILLING ACCOUNT TO BE SENT TO COLLECTIONS OCTOBER 2017

Account No	DATE FINALED	TOTAL DUE	FINAL BILL WAS	INTEREST	AMOUNT TO COLLECTIONS	
				TO WRITE OFF		
009695-001	04/18/17	\$98.81	\$72.74	0	\$98.81	DECEASED
013046-000	02/08/17	\$129.26	\$67.03	\$34.11	95.15	
014358-000	03/21/17	\$130.66	\$78.42	\$12.68	117.98	
014348-000	02/21/17	\$166.35	\$90.15	\$30.73	135.62	
014340-000	04/19/17	\$177.51	\$117.99	\$0.00	177.51	
014139-000	04/18/17	\$185.26	\$119.77	\$17.98	167.28	
014058-000	03/21/17	\$187.69	\$112.65	\$18.22	169.47	
013963-000	02/16/17	\$281.38	\$145.46	\$74.24	207.14	
014200-000	02/21/17	\$329.19	\$178.40	\$60.80	268.39	
013962-000	03/01/17	\$358.70	\$194.38	\$66.26	292.44	
013188-000	02/07/17	\$371.96	\$186.83	\$98.14	273.82	
014309-000	02/21/17	\$387.02	\$209.73	\$71.49	315.53	
011560-000	02/21/17	\$419.69	\$227.44	\$77.52	342.17	
013166-000	02/21/17	\$426.51	\$231.13	78.78	347.73	
013934-000	02/21/17	\$550.03	\$298.07	101.6	448.43	
013954-000	02/21/17	\$551.07	\$298.64	101.79	449.28	
008567-001	02/21/17	\$579.01	\$313.78	106.95	472.06	
009265-000	02/21/17	\$1,620.23	\$878.04	299.27	1320.96	
014333-000	05/22/17	\$129.78	\$86.27		\$129.78	
014222-000	05/22/17	\$184.06	\$122.34		\$184.06	
					\$6,013.61	



AGENDA REPORT

NEW BUSINESS

October 5, 2017

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Cal Kunz, Police Chief

SUBJECT: **ORDINANCE 2730-2017: AN ORDINANCE AMENDING TITLE 1, ADDING CHAPTER 15; AMENDING TITLE 2, ADDING CHAPTER 15; AND REVISING TITLE 7, OF THE ONTARIO CITY CODE TO ESTABLISH AND ENFORCE A CIVIL PENALTY PROCESS WITHIN THE CITY ON FIRST READING BY TITLE ONLY**

DATE: October 5, 2017

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE ORDINANCE 2730-2017, AN ORDINANCE AMENDING TITLE 1, ADDING CHAPTER 15; AMENDING TITLE 2, ADDING CHAPTER 15; AND REVISING TITLE 7, OF THE ONTARIO CITY CODE TO ESTABLISH AND ENFORCE A CIVIL PENALTY PROCESS WITHIN THE CITY, ON FIRST READING BY TITLE ONLY.

SUMMARY:

The current process of enforcing ordinance violations includes the city abating properties and then billing property owners. This process has been found to be ineffective as many property owners fail to pay the fees which cause loss of city funds as well as lack of accountability for property owners that are out of compliance. The City Council has directed the police department staff to investigate civil penalty options.

I. BACKGROUND:

A Code Enforcement Officer conducted a site visit to the City of Salem who currently has a successful civil penalty process. The information obtained was used by police staff to create a draft civil penalty process for the City Council's review.

II. **CURRENT SITUATION:**

Following direction from the City Council, the police department staff has drafted suggestions to add to and amend the Ontario City Code which would establish a civil penalty process.

III. **ANALYSIS:**

- A. **FINANCIAL** There will be a need for the city to hire a part-time hearing officer; however, it is anticipated that the hours of work will be occasional and minimal. It is also anticipated that a civil penalties system will encourage more voluntary compliance which will lessen the amount of funds the city spends on abatements and create a more efficient process to collect unpaid fees.
- B. **TIMING** The City Council has requested that the police department bring forward a civil penalties proposal to them as soon as possible.
- C. **POLICY/LEGAL** Amending the city law can only be done by ordinance. Efficiency is one of the city's core values. This will improve the ability to encourage voluntary compliance of the city's ordinances as well as collect assessed fines for those in non-compliance.

IV. **ALTERNATIVES:**

- A. Take No Action
 - 1. Without action, the current abatement process/ordinance process will remain in effect.

IIV. **RECOMMENDATION:**

Staff recommends that the City Council approve Ordinance 2730-2017.

ATTACHMENT:

- Ordinance 2730-2017



ORDINANCE #2730-2017

AN ORDINANCE AMENDING TITLE 1, ADDING CHAPTER 15; AMENDING TITLE 2, ADDING CHAPTER 15; AND REVISING TITLE 7, OF THE ONTARIO CITY CODE TO ESTABLISH AND ENFORCE A CIVIL PENALTY PROCESS WITHIN THE CITY

- WHEREAS,** The City of Ontario has numerous privately owned properties that are not properly maintained and in conditions that may cause health and safety concerns; and
- WHEREAS,** The current process of abating properties and the city billing property owners has been ineffective as many of the owners fail to pay fees which transfers the financial burden on city residents rather than those property owners of the neglected properties; and
- WHEREAS,** The Ontario City Council is actively encouraging community development as well as increased property values and finds it necessary to have a clean and safe community to encourage such growth; and
- WHEREAS,** The Ontario City Council finds that it is necessary for the health, welfare and safety of the residents of the city to enact a civil penalties process within the city.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. The following Chapter 15 is hereby added to Title 2 of the Ontario City Code and is entitled "Hearings Officer":

2.15.1 Office of Hearings Officer Created; Qualifications; Duties and Powers

- (a) There is hereby created the position of Hearings Officer. The City Council shall appoint one or more qualified persons to serve as Hearings Officer, who shall serve at the pleasure of the City Council. The Hearings Officer shall have the authority to hear any matter committed to the Hearings Officer by the Ontario Revised Code, or referred to the Hearings Officer by the City Council.
- (b) Hearings Officers shall have the power to conduct quasi-judicial hearings, to serve as the expedited land division referee, to administer oaths or affirmations, to serve as a special master and make findings of fact in matters referred by the City Council, to prepare a record of quasi-judicial proceedings, and to make findings of fact and conclusions of law in all quasi-judicial proceedings heard by the Hearings Officer.

Section 2. The following Chapter 15 is hereby added to Title 1 of the Ontario City Code and is entitled “Administrative Rule Making and Contested Case Procedures”:

- 15.1. Scope
- 15.2. Definitions
- 15.3. Administrative Rulemaking Authority
- 15.4. Notice of Rulemaking
- 15.5. Opportunity for Comment
- 15.6. Temporary and Emergency Rules
- 15.7. Basis and Validity for Rule; Publication of Rules
- 15.8. Council Review of Administrative Rules
- 15.9. Initiation of Enforcement
- 15.10. Delivery of Abatement notice
- 15.11. Appeal from Abatement notice
- 15.12. Effective Date; Finality
- 15.13. Alternative Dispute Resolution
- 15.14. Imposition of Civil Penalty
- 15.15. Criteria for Imposition of Civil Penalty
- 15.16. Notice
- 15.17. Effective Date; Finality
- 15.18. Unpaid Civil Penalties to Become Liens
- 15.19. Appeal from Imposition of Civil Penalty
- 15.20 Adoption of Rules for Contested Case Proceedings
- 15.21. Setting Hearings
- 15.22. Notice of Hearing
- 15.23. Stay of Abatement notice
- 15.24. Informal Resolution
- 15.25. Subpoenas
- 15.26. Discovery
- 15.27. Late Filing of Documents
- 15.28. Prehearing Notice
- 15.29. Hearings Procedure
- 15.30 Rules of Evidence
- 15.31. Transmittal of Questions to the Enforcement Officer
- 15.32. Exclusion of Witnesses; Removal of Disruptive Individuals
- 15.33. Record
- 15.34. Final Order
- 15.35. Default; Requests to Set Aside Default
- 15.36. Reconsideration or Rehearing
- 15.37. Remedies
- 15.38. Appeal of Hearings Officer’s Decision or Order
- 15.39. Enforcement

15.1 Scope. The provisions of ORC Title 1 are intended to establish uniform procedures for the promulgation of administrative rules; the issuance of all abatement notices; the issuance, denial, revocation or suspension of licenses and permits; and the conduct of contested cases, and shall be used as the procedures for such actions, unless other procedures are specifically required by the Ontario Revised Code, or state or federal law.

15.2 Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

(a) Administrative rule means any regulation that implements, defines or clarifies a general regulatory standard established in a provision of the Code, where the authority to adopt the regulation as an administrative rule is specifically delegated by ordinance to the City Manager or a department director. As used in this Chapter, “administrative rule” does not include other types of administrative regulations of the City, including, by way of illustration, but not of limitation, formal interpretations issued pursuant to the Ontario Revised Code; rules promulgated or policies adopted by the City Council; rules of court adopted by the Municipal Judge; internal management directives, standards or regulations; department head letters; personnel policies; internal operating procedures; and construction standards for public improvements, including public facilities constructed pursuant to conditions of land use approval and improvements within the public right-of-way.

(b) City Manager means the City Manager of the City of Ontario, or the City Manager’s designee.

(c) Code means the Ontario Revised Code.

(d) Contested case means a proceeding before a Hearings Officer arising out of the imposition of a civil penalty; the abatement of a nuisance; the refusal to issue or renew, or the suspension or revocation, of any license or permit; or any other matter whereby compliance with the Code or a determination of a person’s rights and remedies under the Code has been conferred on the Hearings Officer. As used in this Chapter, contested case does not include the appeal of a land use decision, as defined by ORS 197.015(10) or limited land use decision, as defined by ORS 197.015(12), or any other decision where another appellate body is specifically designated by the Code, or by state or federal law.

(e) Enforcement officer means the department director or other employee of the City designated as having authority to issue abatement notices, impose civil penalties, or grant, deny, suspend or revoke a license or permit, or that person’s designee.

(f) Abatement notice means a notice of noncompliance or violation; a notice to cease and desist; a notice to abate; a notice denying, suspending or revoking a license or permit; or any other similar notice denying, suspending or revoking any other right or privilege.

(g) Hearings Officer means the hearings officer appointed pursuant to ORC 2.035, or any other person designated and appointed by the City Council as a hearings officer for a particular proceeding or group of proceedings.

(h) License or permit means the whole or any part of any written form of permission that is required in order to pursue an activity, trade, occupation or profession. As used in this Chapter, license or permit does not include building permits, urban growth development permits, or any land use decision, as defined by ORS 197.015(10) or limited land use decision, as defined by ORS 197.015(12).

(i) Person means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, or other entity in law or fact.

ADMINISTRATIVE RULEMAKING

15.3. Administrative Rulemaking Authority. The City Manager or a department director shall exercise rulemaking authority conferred by the Code consistent with the procedures set forth in this Chapter.

15.4. Notice of Rulemaking.

(a) Prior to the adoption, amendment, or repeal of any administrative rule, the City Manager shall give notice of proposed rulemaking by:

- (1)** Making copies of the notice of proposed rulemaking available to any person who has requested such notice by submitting a written request to receive such notice to the City Recorder;
- (2)** By posting notice of proposed rulemaking on the City's website, not less than fifteen calendar days prior to the adoption of the rule;
- (3)** Providing a copy of the notice of proposed rulemaking to the City Council;
- (4)** Posting notice at two locations at City Hall; and
- (5)** The City Manager may direct that notice of the rule be published in a newspaper of general circulation within the City, not less than fifteen calendar days prior to the adoption of the rule.

(b) The notice of proposed rulemaking shall:

- (1)** State the subject matter and purpose of the proposed rule in sufficient detail to inform a person that the person's interests may be affected by the rule;
 - (2)** State the time, place, and manner for interested persons to submit data or written comments on the proposed rule;
 - (3)** Include a citation of the authority to promulgate the rule;
 - (4)** Include a statement of the need for the rule and a statement of how the rule is intended to meet that need; and
 - (5)** List the principal documents, reports, or studies, if any, prepared by or relied upon by the City in considering the need for and in preparing the rule, and identify the location where those documents are available for public inspection.
- (c)** Any person may request mailed copies of notices of proposed rulemaking pursuant to subsection (a) of this section. The request shall be in writing, and shall be submitted to the City Recorder. Upon receipt, the City Recorder shall acknowledge the request, establish a mailing list, and maintain a record of all mailings made to all persons submitting such requests.

15.5. Opportunity for Comment. Interested persons shall be given not less than fifteen calendar days to submit data or written comments on the proposed administrative rule. Data or comments received from interested persons shall be considered in adopting the administrative rule.

15.6. Temporary and Emergency Rules.

(a) Temporary Rules. Notwithstanding ORC Title 1, temporary rules may be adopted without notice or opportunity to comment, if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.

(b) Emergency Rules. Notwithstanding ORC Title 1, a rule may be adopted, amended or suspended without prior notice or opportunity to comment, or upon abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly will result in prejudice to the public interest.

(c) Effective Period. Any rule adopted, amended, or suspended under subsections (a) and (b) of this section shall not be effective or suspended for a period of more than one hundred and eighty calendar days. The adoption of a rule under this section does not preclude the subsequent adoption of an identical permanent rule.

15.7. Basis and Validity for Rule; Publication of Rules.

- (a)** Unless otherwise required by law, the adoption, amendment, or repeal of a rule need not be based upon or supported by an evidentiary record.
- (b)** Unless the City Manager specifies another date, all rules adopted in substantial compliance with the provisions of this Chapter and shall be valid and in effect from and after the date the rule is adopted.
- (c)** The City Recorder shall compile all adopted rules, which shall be supplemented and revised as necessary. A copy of the compilation shall be made available to the public and may be made available in electronic form.

15.8. Council Review of Administrative Rules. The City Council, upon its own motion, may review a proposed administrative rule. When reviewing a rule, the City Council shall determine whether the rule is within the scope of the provision of the Code authorizing the rule's adoption, and whether the rule is duplicative of, or conflicts with, another rule or other federal, state or local law or regulation, or is outside of the range of rulemaking authority. If the City Council finds a proposed rule is not within the scope of the provision, or is duplicative of or in conflict with another law or regulation, the rule shall be amended or revised, or new rulemaking proceedings may be initiated. If the City Council find a proposed rule is outside of the range of rulemaking authority, the City Council shall clarify the range of rulemaking authority, and shall direct the rule be revised to reflect such authority, or that the rulemaking proceeding be abandoned.

ENFORCEMENT PROCEEDINGS AND CIVIL PENALTIES

15.9. Initiation of Enforcement Proceedings.

- (a)** Proceeding for enforcement of the Code, including abatement of nuisances and enforcement of land use regulations, shall be initiated by the issuance of an abatement notice.
- (b)** Prior to issuing an abatement notice, the enforcement officer may pursue such attempts as are reasonable in light of the circumstances to secure voluntary correction of the violation. If the attempts to secure voluntary correction are unsuccessful, the enforcement officer may issue an abatement notice, which shall give not less than ten business days to correct the violation.
- (c)** Notwithstanding subsection (b) of this section, the enforcement officer may issue an abatement notice without having made attempts to secure voluntary correction where the violation poses an imminent threat to public health, safety, or welfare; was knowing and intentional; or was a repeat of a similar violation. If an order is issued pursuant to this subsection, the order shall set forth a time certain within which correction of the violation must be completed, which may be as soon as is practicable under the circumstances.
- (d)** An abatement notice shall contain:
 - (1)** Reference to the particular Code provision that is alleged to have been violated;
 - (2)** A short and plain statement of the matters asserted or charged;
 - (3)** A statement of the action required to remedy the violation;
 - (4)** The date on which the abatement notice was issued and the date time by which the violation must be corrected;
 - (5)** If a civil penalty is authorized, a statement that a civil penalty may be, or has been, assessed, and the maximum amount of the penalty per day;
 - (6)** A statement of the right to appeal the abatement notice to the hearings officer;
 - (7)** A short and plain statement of the appeal procedure; and
 - (8)** A statement that if a notice of appeal is not filed within the time allowed, the person will have waived the right to review of the abatement notice.
- (e)** Any abatement notice issued in substantial compliance with subsection (d) of this section shall be valid from and after the date the order is issued. (Ord No. ~~11~~152-07)

15.10. Delivery of Abatement notice. The abatement notice shall be delivered to the person, or sent to the person by first class mail and, in the case of nuisance abatement, by any one of the following: certified or registered mail, return receipt requested, or express mail, addressed to the person's last known residence or business address. Refusal to accept the registered or certified mail shall not be deemed to, and shall not, render the notice invalid.

15.15. Appeal from Abatement notice.

(a) A person who has been issued an abatement notice may appeal the order by filing a notice of appeal with the City Recorder. The notice of appeal must be filed within fifteen business days after the date notice is delivered to the person or the person is deemed to have been received by the person under ORC Title 1.

(b) The notice of appeal shall contain:

(1) The name, address and telephone number of the appellant;

(2) A copy of the abatement notice;

(3) The basis for the appeal, stating with specificity why the abatement notice was issued in error, based on one or more of the following:

(A) The abatement notice was issued in violation of, or is inconsistent with, the Code;

(B) The abatement notice was issued in violation of, or is inconsistent with a rule;
or

(C) The abatement notice is not supported by a factual basis; or

(D) The abatement notice is in violation of other applicable federal, state or local law.

(c) The notice of appeal shall be accompanied by an appeal fee, as established by resolution of the City Council. The appeal fee is not refundable unless the hearings officer finds the abatement notice was not well founded in law or fact, in which case the appeal fee shall be refunded in full.

(d) The hearings officer's hearing upon the appeal shall be limited to the reasons the abatement notice is incorrect, as set forth in the notice of appeal. A notice of appeal that is untimely filed shall be dismissed by the hearings officer. Failure to file a notice of appeal shall be a waiver of all right to review of the abatement notice.

15.12. Effective Date; Finality. An abatement notice shall be effective upon issuance, and shall become final upon expiration of the time for filing a notice of appeal. If an appeal of the abatement notice is timely filed, the abatement notice shall become final upon issuance of the hearings officer's decision affirming the abatement notice.

15.13. Alternative Dispute Resolution.

(a) Unless otherwise precluded by law, a person who has filed a valid, timely notice of appeal and the enforcement officer may agree to use alternative methods of dispute resolution to resolve the issues arising out of an abatement notice. Alternative dispute resolution may include any collaborative method designed to encourage the parties to work together to develop a mutually agreeable solution, such as negotiation, mediation, use of a facilitator or a neutral fact-finder, or settlement conferences, but does not include binding arbitration.

(b) Final disposition of any issue arising out of an abatement notice may, unless precluded by law, be made by stipulation, agreed settlement, or consent order, entered by the hearings officer. A stipulation, agreed settlement or consent order must be in writing and signed by the appellant and the enforcement officer. By signing such an agreement, the parties waive the right to a contested case hearing and to judicial review.

CIVIL PENALTIES

15.14. Imposition of Civil Penalty.

(a) When a person has violated a provision of the Code that provides for the imposition of a civil penalty, the enforcement officer may impose a civil penalty as provided in this section.

(b) After the date and time set forth in the abatement notice to correct a violation that provides for a civil penalty has elapsed, the enforcement officer shall determine whether correction is complete. If correction is not complete, the enforcement officer may assess civil penalty and issue a notice of civil penalty.

(c) Notwithstanding subsection (b) of this section, the enforcement officer may assess a civil penalty as part of an abatement notice if the enforcement officer finds the violation was knowing or intentional, is a repeat of a similar violation, or that it is objectively impossible to correct the violation, and include a notice of such assessment in the abatement notice.

(d) The civil penalty imposed pursuant to this section shall be in addition to:

(1) Assessments or fees for any costs incurred by the City in remediation, cleanup or abatement of a nuisance; and

(2) Any fines, assessments, or other costs imposed in any other actions authorized by federal, state or local law.

15.15. Criteria for Imposition of Civil Penalty. The notice of civil penalty shall set forth the amount of the penalty, which, unless otherwise specifically provided in the Code, shall not exceed \$2,000.00 per day. The amount of the civil penalty shall be based on consideration of the following criteria:

(a) The gravity and magnitude of the violation;

(b) Whether the violation was the result of events or circumstances not reasonably within the person's control, or whether the violation was the result of the person's negligent, knowing or intentional acts;

(c) The person's cooperativeness in correcting the violation;

(d) Whether the person has taken all feasible steps, or adopted necessary or appropriate procedures, to prevent future violations; and

(e) Any prior violations of the same or related provisions of the Code.

15.16. Notice.

(a) Notice of civil penalty shall be personally delivered to the person, or sent to the person by first class mail. Any notice served by mail shall be deemed received three business days after the date mailed if to an address within the State of Oregon, and seven business days after the date mailed if to an address outside the State of Oregon.

(b) A notice of civil penalty shall include:

(1) A statement of the amount of the penalty, and the reasons therefor, based upon the criteria set forth in ORC Title 1;

(2) The date on which the abatement notice was issued and the date by which ORC Title 1 correction was to be made, or, if the penalty is imposed pursuant to ORC Title 1, a short and plain statement of the basis for concluding that the violation was knowing, intentional, repeated, or objectively impossible to remedy;

(3) A statement of the party's right to appeal the civil penalty to the hearings officer;

(4) A short and plain statement of the appeal procedure; and

(5) A statement that if a notice of appeal is not filed within the time allowed, the person will have waived the right to review of the imposition or amount of the civil penalty.

15.17. Effective Date; Finality. A notice of civil penalty shall be effective upon issuance, and shall become final upon expiration of the time for filing an appeal. If a notice of appeal is timely filed, the penalty shall become final upon issuance of the hearings officer's decision affirming the civil penalty.

15.18. Unpaid Civil Penalties to Become Liens. If a civil penalty remains unpaid thirty calendar days after such penalty becomes final, the civil penalty shall be entered in the City lien docket. The lien shall bear interest at the legal rate, which shall commence from the date of entry in the lien docket, and may be foreclosed as provided by law.

15.19. Appeal from Imposition of Civil Penalty.

(a) Any person who has been issued a notice of civil penalty may appeal the imposition or amount of the civil penalty to the hearings officer, by filing a notice of appeal with the City Recorder. The notice of appeal must be filed within fifteen business days after the date notice is delivered to the person or the person is deemed to have been received by the person under ORC Title 1.

(b) The notice of appeal shall contain:

(1) The name and address of the appellant;

(2) A copy of the notice of civil penalty being appealed; and

(3) The basis for the appeal, stating with specificity:

(A) Why the imposition of the civil penalty is in error, based on one of the following:

(i) If the civil penalty is issued pursuant to ORC Title 1 the person had completed correction of the violation within the time stated in the abatement notice;

(ii) If the civil penalty was issued pursuant to ORC Title 1 that the violation was not knowing or intentional, or a repeat of a similar violation, or the person demonstrated that the violation was not objectively impossible to correct by correcting the violation.

(B) Why the amount of the civil penalty is not supported by a factual basis, based on the criteria set forth in ORC Title 1.

(c) The notice of appeal shall be accompanied by an appeal fee, as established by resolution of the City Council. The appeal fee is non-refundable, unless the hearings officer finds that the issuance of the civil penalty was not well founded in law or fact, in which case the appeal fee shall be refunded in full.

(d) The hearings officer's hearing upon the appeal shall be limited to the reasons the imposition or amount of the civil penalty is incorrect, as set forth in the notice of appeal. A notice of appeal filed after the period provided for filing an appeal shall be dismissed by the hearings officer as untimely. Failure to appeal as provided in this section shall be a waiver of all right to review the imposition or amount of the civil penalty.

CONTESTED CASE PROCEDURES

15.20. Adoption of Rules for Contested Case Proceedings. The hearings officer may adopt rules, procedures, and forms not inconsistent with this Chapter to govern the procedure and the conduct of contested case hearings. All rules shall be effective upon adoption by the hearings officer. All rules shall be filed with the City Recorder, and shall be made available to the public upon request.

15.21. Setting Hearings. Upon the filing of a notice of appeal, the hearings officer shall set a time, date, and place for the hearing. The date shall be not less than twenty business days nor more than sixty business days after the date the notice of appeal is filed. The hearings officer may postpone, continue, or reschedule any hearing with the consent of all parties or on the motion of any party for good cause shown.

15.22. Notice of Hearing.

(a) The hearings officer shall send a notice of the hearing, together with a true copy of the notice of appeal, to all parties not less than twenty business days prior to the date set for hearing. The hearings officer may authorize a shorter period when it appears that the alleged violation poses an imminent hazard to public health, safety, or welfare. The notice of hearing shall specify the time, date, and place of the hearing.

(b) Notice may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing, including, but not limited to:

(1) Personal service;

(2) By mailing a copy of the notice to the appellant and the enforcement officer by first class mail addressed to the residence or business address of the appellant as set forth in the notice of appeal, and to the enforcement officer at the enforcement officer's business address. The notice shall be deemed received three business days after the date mailed if to an address within the State of Oregon, and seven business days after the date mailed if to an address outside the State of Oregon; and

(3) Any method authorized by the Oregon Rules of Civil Procedure for the service of summons.

(c) Notice of the hearing shall also be provided to:

(1) The tenants, residents, and lessees of any building or structure if the hearings officer's decision or order could result in the vacation, closure, or demolition of a building or structure;

(2) Any other person who has an interest in property, as reflected in the county deed records, that would be adversely affected by the hearings officer's decision or order;

(3) Any person who has requested such notification of the hearing, in writing. The hearings officer may provide by rule for the manner and means of giving notice to such persons in a manner reasonably calculated to provide such persons with actual notice of the hearing.

(d) The failure of any person to receive actual notice of the hearing shall not invalidate any decision or order of the hearings officer.

15.23. Stay of Abatement notice.

(a) Unless otherwise provided by law, any person who timely files a notice of appeal may file a request to stay the abatement notice with the hearings officer.

(b) The request to stay shall contain:

(1) The name, address and telephone number of the person filing the request;

(2) A copy of the abatement notice;

(3) The name, address and telephone number of any other parties to the enforcement action;

(4) If the person is represented by an attorney, the name, address and telephone number of the attorney; and

(5) A statement of facts making a showing that:

(A) The person will suffer irreparable injury if the stay is not granted;

(B) There is a reasonable basis to claim that the abatement notice was issued in error; and

(C) Granting the stay will not result in substantial public harm.

(c) The request must be delivered to the enforcement officer and any other party identified in the request, at the same time the request is filed with the hearings officer.

(d) The hearings officer may conduct further proceedings pertaining to the request for stay, including taking further evidence. The enforcement officer may present additional evidence in response to the request for a stay.

(e) The hearings officer shall issue an order granting or denying the request for stay within fifteen calendar days after receipt. The hearings officer shall:

(1) Grant the stay upon finding of irreparable injury to the appellant and the existence of reasonable basis for claim the abatement notice was issued in error. The hearings officer may impose reasonable conditions upon the stay, including but not limited to, posting of a bond, irrevocable letter of credit or other undertaking;

(2) Deny the stay upon a finding that the appellant failed to show irreparable injury or failed to show the existence of a reasonable basis for the claim of the abatement notice was issued in error; or

(3) Deny the stay upon a finding that substantial public harm would result from granting the stay, notwithstanding the appellant's showing of irreparable injury and showing of the existence of reasonable basis for the claim of the abatement notice was issued in error.

15.24. Informal Resolution.

(a) Unless precluded by law, informal disposition of any contested case may be made, with or without a hearing, by stipulation, consent order, or agreed settlement; provided, however, after issuance of a notice of hearing, no building occupied as a residential structure may be vacated based on an informal disposition, unless approved by the hearings officer.

(b) Any informal disposition of a contested case must be in writing and signed by the party or parties. The hearings officer shall incorporate that disposition into a final order. The hearings officer shall deliver or mail a copy of the order to each party, or, if applicable, to the party's attorney of record. An order that incorporates an informal disposition is a final order in a contested case, but is not subject to judicial review.

15.25. Subpoenas.

(a) The hearings officer may issue subpoenas to any party upon a showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the City, shall receive fees and mileage as provided for witnesses in actions in municipal court.

(b) If any person fails to comply with any subpoena or any party or witness refuses to testify on any matters on which the party or witness may be lawfully interrogated, the judge of the Malheur County Municipal Court or the circuit court of any county of the State of Oregon, on the application of the hearings officer, may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

15.26. Discovery.

(a) **Production of Documents and Things.** Upon written request by the appellant or the enforcement officer, and a showing of the general relevance, the hearings officer shall enter an order directing the other party to provide a list of witnesses, grant permission to enter upon land to inspect the land or other property, and any books, papers, documents, photographs or tangible objects which the party intends to offer into evidence at hearing. Before requesting a discovery order, the party must seek discovery through an informal exchange of information.

(1) All discovery requests shall be made not less than fifteen business days prior to the hearing. All discovery shall be provided not less than eight business days prior to hearing.

(2) Failure to provide requested discovery shall prevent the introduction of such evidence, unless the party can demonstrate good cause why the discovery was not provided.

(3) The hearings officer's order may require the party requesting discovery to pay the reasonable costs associated with producing the discovery.

(4) Nothing in this subsection shall require the production of any documents subject to any privilege recognized under the Oregon Evidence Code, including, but not limited to, documents subject to attorney-client privilege, or require the production of a document that is exempt from disclosure under Oregon Public Records Law.

(b) Depositions. On petition of any party, the hearings officer may order the testimony of any material witness and may be taken by deposition in the manner prescribed by law for depositions in civil actions or by the use of audio or audio-visual recordings. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the testimony of the witness, an explanation of why a deposition rather than informal or other means of discovery is necessary, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides within the State of Oregon and is unwilling to appear, the hearings officer may issue a subpoena to require the person's appearance at the deposition. Unless expressly provided by law or expressly agreed upon by the enforcement officer, a hearings officer may not authorize a party to take depositions that are to be paid for by the City. The cost of a deposition shall be borne by the party seeking to take the deposition.

15.27. Late Filing of Documents. Unless otherwise provided by law, when a party or enforcement authority fails to file any document in a contested case proceeding, other than a request for hearing, within the time specified, the late filing may be accepted if the hearings officer, upon written explanation of the reason for the late filing, determines that there was good cause for failure to file the document within the required time.

15.28. Prehearing Notice.

(a) Prior to the commencement of a contested hearing, the hearings officer shall inform each party, either orally or in writing, of the following:

- (1)** A general description of the hearing procedure;
- (2)** That a record will be made of the proceedings, the manner of making the record, and its availability to the parties;
- (3)** The function of the record with respect to any appeal;
- (4)** That the City may be represented by an attorney;
- (5)** That the hearings officer will preside over the hearing, and will make a final decision, and that the hearings officer has the authority to make a final independent determination on the merits;
- (6)** That a party may, during the course of the proceedings, request a recess if the party determines representation by an attorney is necessary for the protection of the party's rights; and
- (7)** A description of the process for judicial review of the hearings officer's decision.

(b) The failure to give notice of any item specified in subsection (a) of this section, shall not invalidate any order of the hearings officer, unless upon judicial review, a court finds that the failure prejudiced the substantial rights of the party. In the event of such a finding, the court shall remand the matter to the hearings officer, who shall reopen the hearing and take whatever steps are necessary to remedy any prejudice to the rights of the party.

15.29. Hearings Procedure.

(a) The hearing shall be conducted, subject to the discretion of the hearings officer, as follows:

- (1)** Opening statements of the parties or the parties' legal counsel;
- (2)** The evidence of the party with the initial burden of proof in support of its action, as set forth in ORC Title 1.
- (3)** The evidence of the other parties;
- (4)** Any rebuttal evidence; and
- (5)** Any closing arguments.

- (b) The hearings officer, the enforcement officer, the appellant, and legal counsel for the parties may question witnesses.
- (c) Parties may be represented by counsel, who may respond to and present evidence and argument on all issues involved in the hearing.
- (d) Exhibits shall be marked, numbered, and maintained by the hearings officer as part of the record of the proceedings.
- (e) The hearings officer may request that any closing arguments be submitted in writing or be made orally.

15.30. Rules of Evidence. The following rules of evidence shall apply in contested case proceedings:

- (a) **Oregon Evidence Code Inapplicable.** Except as otherwise specifically provided herein, the technical rules relating to evidence and witnesses set forth in the Oregon Evidence Code shall not apply in contested case proceedings.
- (b) **Witnesses and Evidence.** Each party shall have the right to:
 - (1) Call and examine witnesses on any matter relevant to the issues of the hearing;
 - (2) Introduce documentary and physical evidence;
 - (3) Cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (4) Present rebuttal evidence; and
 - (5) Be represented by anyone who is lawfully permitted to do so.
- (c) **Admissibility of Evidence.** Any relevant evidence may be received which is of the type that a reasonably prudent person would rely on in the conduct of their serious affairs. Relevant evidence means evidence having any tendency to make the existence or nonexistence of any fact that is of consequence to the appeal more probable or less probable than it would be without the evidence.
- (d) **Testimony on Oath or Affirmation.** Testimony shall be taken upon oath or affirmation, which may be administered by the hearings officer.
- (e) **Burden of Proof.** The burden of proof shall be by a preponderance of the evidence, and the initial burden of proof shall be as follows:
 - (1) In an appeal from the issuance of an abatement notice, the City shall have the burden of proving the reasons why the abatement notice was properly issued.
 - (2) In an appeal from the imposition or the amount of a civil penalty, the City shall have the burden of proving the imposition, or the amount, of the civil penalty was correct.
 - (3) In an appeal from the denial of a issuance or renewal of a license or permit, the applicant for the license or permit shall have the burden of proving entitlement to the license or permit, or renewal thereof.
 - (4) In an appeal from the revocation or suspension of a license or permit, the City shall have the burden of proving that the revocation or suspension was proper.
- (f) **Burden of Production.** The burden of presenting evidence to support a fact or proposition rest with the proponent of the fact or proposition.
- (g) **Exclusion of Evidence.** Irrelevant or unduly repetitious evidence may be excluded.
- (h) **Privileges.** Privileges afforded by Oregon law shall be recognized by the hearings officer.
- (i) **Objections.** Evidence objected to may be received by the hearings officer. If the hearings officer does not rule on its admissibility at the hearing, the hearings officer shall do so either on the record before a final order is issued or in the final order. The hearings officer shall accept an offer of proof made for excluded evidence, which shall contain sufficient detail to allow the reviewing court to determine whether the evidence was properly excluded. The hearings officer may direct that the offer be oral or written and at what stage in the proceeding it can be made, and may place reasonable limits on the offer of proof, including time devoted to an oral offer or number of pages in a written offer.

(j) Ex Parte Communications.

(1) An ex parte communication is an oral or written communication outside of the contested case proceeding, and without the knowledge or consent of other parties or the parties' legal counsel, made directly or indirectly to the hearings officer that relates to a legal or factual issue in the pending contested case proceeding. Ex parte communications to the hearings officer are prohibited.

(2) If an ex parte oral or written communication occurs with the hearings officer, the hearings officer shall disclose the existence and substance of the ex parte contact on the record, and shall not consider the substance of the ex parte contact as part of the hearing officer's decision making process.

(k) Official Notice.

(1) Official notice may be taken, either before or after the submission of a case for decision, of official records, statutes, administrative rules and regulations and ordinances.

(2) Official notice may be taken of general, technical or scientific facts within the knowledge of the hearings officer, provided the parties are informed of the hearings officer's intent to take official notice, and the parties are given the opportunity to present rebuttal evidence. If rebuttal evidence is presented, the hearings officer shall rule in the final order on whether the facts are to be considered evidence in the proceeding.

(l) Inspection of Premises. The hearings officer may inspect any building or premises involved in the proceeding, provided that notice of the inspection is given to the parties prior to the time the inspection is made, all parties have an opportunity to be present at the inspection, and material facts observed and conclusions drawn from such observation are stated for the record at the time of the completion of the inspection.

15.31. Transmittal of Questions to the Enforcement Officer. The hearings officer may submit questions regarding the enforcement officer's interpretation of the applicable provisions of the Code transmitted, in writing, to the enforcement officer. The submission shall include a summary of the matter in which the question arises and shall be served on the enforcement officer and the appellant in any manner allowed by ORC Title 1.

15.32. Exclusion of Witnesses; Removal of Disruptive Individuals. The hearings officer may exclude witnesses from the hearing, except for a party, a party's authorized representative, and the enforcement officer. A hearings officer may expel any person from the contested case hearing if that person engages in conduct that disrupts the hearing.

15.33. Record.

(a) The record in a contested case shall include:

(1) All pleadings and intermediate rulings;

(2) Evidence and testimony received;

(3) Stipulations of the parties;

(4) A statement of matters officially noticed;

(5) Questions and offers of proof, objections and rulings thereon;

(6) Proposed findings and exceptions; and

(7) Any proposed order, and the final order prepared by the hearings officer.

(b) A tape recording or other electronic recording shall be made of all testimony. The recording need not be transcribed unless requested for purposes of rehearing or judicial review. The party requesting transcription shall be charged the cost of transcription.

15.34. Final Order.

- (a)** The hearings officer shall issue a final order within forty-five business days of the close of the hearing. Every final order shall be in writing.
- (b)** Unless otherwise stipulated by the parties, a final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue and as to each ultimate fact required to support the final order. The findings of fact and conclusions of law may be orally stated on the record by the hearings officer and those findings and conclusions incorporated in the written order by reference.
- (c)** The hearings officer shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the final order and any accompanying findings and conclusions by first class mail to each party, or, if applicable, to the party's attorney of record.
- (d)** Every final order shall include a citation to the statute or statutes under which the order may be subject to judicial review.

15.35. Default; Requests to Set Aside Default.

- (a)** The hearings officer shall issue a final order by default when a party fails to appear at the time and place set for the hearing. The hearings officer may issue a final order by default only upon a prima facie case made by the enforcement officer on the record. The hearings officer shall notify the party in default of the entry of a final order by default by delivering or mailing a copy of the order by first class mail to the party and, if applicable, to the party's attorney of record.
- (b)** The hearings officer may grant a request to set aside an order of default, if such request is filed with the hearings officer no later than sixty days after the entry of the final order of default, and the party demonstrates by clear and convincing evidence that the cause for failure to appear at the hearing was beyond the party's reasonable control. In determining whether to grant a request to set aside a default under this subsection, the hearings officer may such further inquiry into the reasons for the party's failure to appear as the hearings officer deems appropriate.
- (c)** If the request to set aside the default is granted, the hearings officer shall enter an order granting the request and set the matter for hearing. If the request is denied, the hearings officer shall enter an order setting forth reasons for the denial.

15.36. Reconsideration or Rehearing.

- (a)** A party may file a petition for reconsideration or rehearing within thirty calendar days after the final order was mailed. A copy of the petition shall also be personally delivered or mailed by first class mail to all parties to the proceeding. The petition may be granted or denied by summary order and, if no action is taken, shall be deemed denied.
- (b)** The petition shall set forth the specific grounds for reconsideration, and may be supported by a written argument. If the petitioner establishes good and sufficient reason for reconsideration, the hearings officer shall issue an order for rehearing.
- (c)** If the hearings officer determines there are good and sufficient reasons for rehearing, the hearings officer shall decide the scope of the rehearing. The hearings officer may limit the scope of the rehearing to specific issues and may issue a new or amended final order, or reaffirm the original final order.
- (d)** The hearings officer at any time and upon a showing of due diligence, may set aside, modify, vacate, or stay any final order, or re-open any proceeding for additional hearing, when necessary to prevent a clear and manifest injustice to a party or other person adversely affected by such order.

15.37. Remedies.

(a) On review, the hearings officer may affirm, modify, reverse or vacate the decision or determination appealed from or remand the decision or determination to the enforcement officer for such reconsideration, additional consideration, or further action as the hearings officer may direct. The hearings officer may issue an order an appellant found in violation of any applicable provision of the Code to comply with the applicable provision, within such time as the hearings officer may by order allow. By way of illustration, but not limitation, the order may require such party to do any or all of the following:

- (1)** Make all necessary repairs, modifications, and/or improvements to any structure, real property, or equipment involved;
- (2)** Abate or remove any nuisance;
- (3)** Change the use of the building, structure, or real property involved;
- (4)** Install any equipment necessary to achieve compliance;
- (5)** Order a building or structure vacated or demolished, when it reasonably appears that such measures are required to protect public health, safety, or welfare and direct that the property owner undertake any and all interim measures, as may be necessary to protect public health, safety and welfare. If a residential structure is ordered vacated pursuant to Title 7, and the City relocates the tenants of such property, then the cost incurred by the City for relocating the tenants as provided by ORS 90.450 shall be an assessment lien upon the property from which the tenants are relocated;
- (6)** Pay a civil penalty of up to \$2,000 per day that the violation continues;
- (7)** Undertake any other action reasonably necessary to correct the violation or mitigate the effects thereof.

(b) Assessments.

(1) A notice and statement of costs incurred by the City and civil penalties assessed under this section to the person, shall be personally delivered to the person by the enforcement officer, or mailed by the enforcement officer to the person by first class mail and by any one of the following: certified or registered mail, return receipt requested, or express mail, addressed to the person's last known residence or business address. Any notice and statement served by mail shall be deemed received three calendar days after the date mailed if to an address within the State of Oregon, and seven calendar days after the date mailed if to an address outside the State of Oregon. Refusal to accept the registered or certified mail shall not be deemed to, and shall not, render the notice invalid.

(2) The notice and statement of costs shall contain:

- (A)** An itemized statement of costs incurred by the City;
- (B)** If a civil penalty was assessed, a statement the amount of the penalty per day;
- (C)** A statement of the right to file objections to the amount of costs with the hearings officer; and
- (D)** A statement that if no objections are filed to the notice and statement of costs within the time allowed, the person will have waived the right to review of the notice and statement of costs.

(3) The enforcement officer shall file a copy of notice and statement of costs with the hearings officer along with a copy of proof of service upon the person. If no objection to such statement is filed by the person with the hearings officer within fifteen calendar days from the date of service or mailing, the hearings officer shall certify such statement and forward the same to the Finance Director who shall forthwith enter the same as an abatement lien in the City lien docket.

(A) If an objection to the statement is received within the fifteen-day period, the hearings officer shall schedule and hold a hearing on the objection. The hearing shall be limited to whether the costs incurred by the City were correct, proper and reasonable, or whether the civil penalty was correctly calculated.

(B) After the hearing, the hearings officer shall certify the costs, or such part of the costs as the hearings officer determines were correct, proper and reasonable, and forward it to the Finance Director who shall enter it into the City lien docket. The hearings officer shall certify to the Finance Director the correct amount of any civil penalty imposed, and the Finance Director shall enter the civil penalty into the City lien docket.

(C) Liens imposed pursuant to this section may be collected or foreclosed as provided by law.

(D) In addition to the lien imposed under this section, any person found to be in violation of the Code shall be personally liable for costs incurred by the City pursuant to subsection (a) of this section, and for any civil penalty imposed by the hearings officer. In cases of a person found to be in violation of the Code as owners of property, the persons shall be personally liable hereunder only if they have control of the property, the legal authority to correct the violation, and knowingly or recklessly committed the violation.

15.38. Appeal of Hearings Officer's Decision or Order. Appeal of a final decision or order of the hearings officer shall be by writ of review to the Circuit Court of Malheur County, Oregon, as provided in ORS 34.010-34.100, and not otherwise.

15.39. Enforcement. The City may institute appropriate suit or legal action in any court of competent jurisdiction to enforce the provisions of any decision or order of the hearings officer.

Section 3. The following Title 7, Chapter 1, Section 1, entitled "General Provisions", has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

~~7-1-1 Definitions.~~

~~For the purposes of this Chapter the following words and phrases shall mean:~~

~~OCCUPIED PROPERTY. A property with a building that is currently being used for business or as a dwelling.~~

~~PERSON IN CHARGE OF PROPERTY. An agent, occupant, lessee, tenant, contract, purchaser, or other person having possession or control of property or the supervision of any construction project.~~

~~PERSON RESPONSIBLE. The person responsible for abating a nuisance shall include:~~

~~(A) The owner.~~

~~(B) The person in charge of property as defined above.~~

~~(C) The person who caused to come into or continue in existence a nuisance as defined in Section 7-1-2 below.~~

~~(Ord. No. 2692-2014, 8-8-14)~~

7.1.1 GENERAL PROVISIONS

A) Short Title. This chapter shall be known and may be cited as the Property Maintenance Code.

B) Purpose. The council finds and declares that conditions tending to reduce the value of private property, that promote blight and deterioration, that are attractive nuisances creating a hazard to the health and safety of minors, that create a harborage for pests, may be injurious to the health, safety and general welfare of the public.

C) Scope. This chapter is to protect the public health, safety and general welfare by regulating existing structures, residential and nonresidential, and existing premises by establishing minimum requirements and standards for structures and premises for the protection from the elements, life safety, other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners and occupants; and for administration, enforcement and penalties.

D) Intent. This chapter shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

E) Definitions; Rules of Construction.

(a) Unless the context otherwise specifically requires, for purposes of this Chapter, the following terms and phrases mean:

(1) Abandoned Structure means a vacant structure that is an attractive nuisance.

(2) Ashes means the residue of the combustion of solid fuels.

(3) Attractive Nuisance means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

(4) Basement means that portion of a building or structure which is partly or completely below grade.

(5) Boarded means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

(6) Building means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

(7) Building Code means the specialty codes applicable in the City of Ontario provided in Planning and Zoning Development Standards.

(8) Building Official means the administrator of the Building and Safety Division of the Community Development Department, or the administrator's designee.

(9) Bulk Solid Waste means discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

(10) Deterioration means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

(11) Derelict structure means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

(a) Is unoccupied and unsecured;

(b) Is partially constructed;

(c) Is an abandoned structure or attractive nuisance;

(d) Is in condition of deterioration;

(e) Has an infestation of pests;

(f) Has doors or windows boarded over, or;

(g) Other condition that in the opinion of the Health Officer is detrimental to public health, safety or welfare.

(12) Director means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.

(13) Dwelling Unit means a single unit within a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this Chapter, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.

(14) Extermination means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Health Officer.

(15) Garbage means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and packaging originally used for foodstuffs.

(16) Hazardous Solid Waste means any solid waste which, in the opinion of the Health Officer, would constitute a danger to collection personnel or to anyone who may come in contact with such solid

waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

(17) Hazardous Thicket means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

(18) Health Officer means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.

(19) Hearings Officer means the person or persons appointed by the City Council to serve as the Hearings Officer pursuant to Ontario Municipal Code 2.15.1.

(20) Imminent Hazard means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

(21) Incipient Hazard means any condition that can become an imminent hazard if further deterioration is allowed to occur.

(22) Indoor Fixture means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

(23) Indoor Furnishing means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

(24) Infestation means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

(25) Junk means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Chapter the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

(26) Legally occupied means the use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

(27) Let for occupancy or let means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

(28) Noxious Vegetation means weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

(29) Occupancy means the purpose for which a building, structure or premises is used or intended to be used.

(30) Occupant means any person living or sleeping in a building or structure, or having possession of a space within a building or structure or possession of a premise.

(31) Owner means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; a lessee or tenant in possession.

(32) Partially Constructed means an occupied or vacant structure or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

(33) Person means an individual, corporation, Limited Liability Company, cooperative, association, partnership, or any other entity in law or fact.

(34) Person in Charge of Property means an agent, occupant, lessee, tenant, contract, purchaser, or other person having possession or control of property or the supervision of any construction project.

(35) Person Responsible means the person responsible for abating a nuisance shall include the owner and/or the person in charge of property as defined above.

(36) Pests means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

(37) Premises means a lot, or parcel of land, including any buildings or structures thereon.

(38) Rank Vegetation means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

(39) Receptacle means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

(40) Recycling means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

(41) Remediation means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

(42) Rubbish means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

(43) Skilled Manner means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

(44) Solid Waste means all waste, in solid, semisolid or liquid form including, but not limited to, garbage, rubbish, trash, ashes, street refuse, waste paper, corrugated material and cardboard; commercial, industrial, demolition and construction wastes; food waste, small dead animals, infectious waste as defined in ORS 459.386(4) and other wastes. As used in this Chapter, solid waste does not include sewage, sewage sludge, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting or for other productive agricultural or horticultural purposes.

(45) Structure means that which is built or constructed; an edifice or building of any kind, including mobile or manufactured homes and mobile outbuildings; or any work that is built up as an addition to or fixture on a premises.

(46) Temporary means a period up to 6 months in any 12 month period.

(47) Unfit for Human Habitation means a building or structure that, as found by the Health Officer, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lacks of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

(48) Unoccupied means not legally occupied.

(49) Unsecured means unlocked or otherwise open to entry.

(50) Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(51) Waste Tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) Words stated in the present tense in this Chapter include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this Chapter and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Chapter or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

F. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

G. Application of Other Codes. Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Ontario Revised Code, or the requirement to obtain all necessary permits and approvals.

H. Saving Clause. This chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

I. Coordination of Enforcement. Whenever inspections are necessary by the health officer and any other department, the health officer shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued.

J. Responsibility.

(a) Unless otherwise provided for, the health officer shall be responsible for the enforcement all of the provisions of this chapter. The health officer may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The health officer is authorized to designate an employee as deputy who shall exercise all the powers of the health officer during the temporary absence or disability of the health officer.

(b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.

K. Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the health officer shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

L. Failure to Obey Order of Health Officer.

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Health Officer acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Health Officer lacked legal authority to issue the order, provided the Health Officer was acting under color of official authority.

Section 4. The following Title 7, Chapter 1, Section 2, entitled “Nuisances enumerated”, has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

7-1-2 - Nuisances enumerated.

No person shall cause or permit a nuisance on public or private property. The following are nuisances which may be abated as provided in this Code.*

(A) Animal Carcasses, Offensive Substances. The disposition of an animal carcass or part thereof, or any excrement or sewage, or industrial waste, or any putrid, nauseous, decaying, deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, river, or other inland waters within the City, or the placing of such substances in such position that high water or natural seepage will carry the same into such waters.

No person shall permit an animal carcass owned or controlled by him to remain upon public property, or be exposed on private property, for a period of time longer than twenty-four (24) hours.

(B) Attractive Nuisance. No owner or person in charge of property shall permit thereon:

1. Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children;
2. Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, and accessible to children; or
3. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.

This Section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

(C) Debris. An accumulation of decomposed animal or vegetable matter, garbage, rubbish, manure, offal, ashes, discarded containers, waste, paper, debris, trash, hay, grass, straw, weeds, litter, rags or other refuse matter or substance which by itself or in conjunction with other substance is deleterious to public health or comfort, or is unsightly or emits an offensive odor.

(D) (Rep. by Ord. 2333, 7-6-93)

(E) Iceboxes and Other Containers. An abandoned, unattended or discarded icebox, refrigerator or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside. This definition does not include iceboxes, refrigerators or other containers offered for sale by commercial establishments provided that the same are kept within enclosures from which children are excluded at all times except business hours.

(F) Odors. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

(G) Privies, Cesspools. A privy, vault, cesspool, septic tank or drain which emits a noisome and offensive smell, or which is prejudicial to public health.

(H) Stagnant Water. An accumulation of stagnant or impure water which affords or might afford a breeding place for mosquitoes or other insects.

(I) Trees. A dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

(J) Vision Obstructions. A tree, shrub, bush or plant higher than eighteen inches (18") above the crown of the adjacent roadway in that portion of the roadway between the property line and the curb line within twenty five feet (25') from the intersection of curb lines, if extended, at any street, avenue, or highway intersection. Where curbs have not been established, no such use of street area shall be made within fifteen feet (15') of the intersection of property lines if extended at any street, avenue, or highway intersection. The terms "bush," "shrub," or "plant," as used in this Section shall include climbers and other vegetation growing upon or supported by poles, wires or trellises.

(K) An open pit, quarry, cistern, or other excavation on property located in any residential or commercial zone within the City of Ontario which is visible from adjoining properties and/or from any portion of the public right of way.

(L) Weeds, Grass and Brush. Weeds, grass, wild blackberry bushes or brush in excess of ten inches (10") above grade.

(M) Noxious Weeds. Any of the following noxious weeds:

- (a) Puncturevine (*Tribulus terrestris*);
- (b) Kochia (*Kochia scoparia*);
- (c) Russian thistle (*Salsola kalil* aka tumbleweed);
- (d) Prickly lettuce (*Lactuca serriola*) aka Chinese lettuce;
- (e) Field bindweed (*Convolvulus arvensis*) aka morning glory;
- (f) Hoary cress (*Lepidium draba*) aka white top;

- (g) Scotch thistle (*Onopordum acanthium*);
- (h) Canada thistle (*Cirsium arvense*);
- (i) Rush Skeleton weed, (*Chondrilla juncea*);
- (j) Purple Loosestrife, (*Lythrum Salicaria*);
- (k) Yellow Starthistle, (*Centaurea Solstitialis*); and

(l) [Dandelions](#)

The City Council may modify or expand the list of noxious weeds by resolution of the Council.

(N) Infested Trees. Infected or infested shade trees which have not been sprayed with proper spray for the eradication and control of shade tree pests.

~~(O) —Storage of Junk. The storage of used building supplies, scrap, junk, used furniture, used plumbing supplies or fixtures, used electrical supplies, fixtures or appliances unless they are placed so as not to be exposed to view from a public way.~~

~~(P) —Storage of Motor Vehicles or Parts. The storage of a used motor vehicle or portion thereof without a license plate or with an expired license plate unless the vehicle is placed so as not to be exposed to view from a public way.~~

O. Outside Storage Prohibited.

(a) Unless otherwise specifically allowed by law, it shall be unlawful to store items of personal property out-of-doors, or outside a building or structure that is not fully enclosed.

(b) Notwithstanding subsection (a) of this section, the following items of personal property may be stored outside of a building or structure:

(1) Firewood that is stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;

(2) Construction material, if the construction material is temporarily stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;

(3) All other items of personal property which are of a type, condition or quantity consistent with normal and intended use. By way of illustration, but not limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

Comment [DB1]: Better description and more information than previously listed.

P. Keeping Junk Prohibited.

(a) No person shall deposit or keep junk within a public right of way, or out-of-doors on any premises within the city, or in a building or structure that is not fully enclosed.

(b) Notwithstanding subsection (a) of this section, the following junk may be deposited or kept out-of-doors on premises within the city:

(1) Any wrecked, neglected or derelict motor vehicle, or parts thereof, kept in a motor vehicle wrecking business licensed by the city.

(2) Any derelict or neglected motor vehicle displayed by a business offering new and used motor vehicles for sale.

(3) Recyclable solid waste that has been source separated and collected in conformance with this chapter.

(4) Recyclable materials or source separated solid waste kept at a scrap and waste material establishment, operating in compliance with all applicable laws and where the materials or solid waste are enclosed by a sight obscuring fence in conformance with Ontario City Code or in a receptacle.

(5) Any waste tire kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State of Oregon.

Comment [DB2]: Adds Derelict Motor Vehicle

(Q) Outdoor Storage of other non- trash Items. Outdoor storage of the following non-trash items:

(1) Indoor furniture, except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property; or

(2) Accumulations of clothing and other non-trash items that are either of a type or quantity inconsistent with normal and usual outdoor storage; or

(3) Other non-trash items that are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

(R) Others. Any other thing, substance, condition, or activity within the definition of a "nuisance" in Section 4-5-3 of the Ontario City Code or that is otherwise prohibited by State law, common law, other ordinances, or which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare of the City.

(s) Violation of Title 7, Chapter 2 "derelict structures"

(t) Any building or structure that is a condition that poses an imminent hazard to public health, safety or welfare.

(Ord. 1698, 3-6-72; amd. Ord. 2393, 8-18-97)

(Ord. No. 2635-2009, 12-7-09; Ord. No. 2648-2010, § 1, 10-4-10)

* See also Sec. 4-5-3 of this Code, defining nuisances

Section 5. The following Title 7, Chapter 1, Section 3, entitled “General Building and Structure Maintenance”, has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

~~7-1-3 Rodent control.~~

7.1.3 General Exterior Building and Structure Maintenance

Comment [DB3]: Change title to Building and Structure Maintenance – Rodent Control moved to subsection below

~~(A) Conditions Attracting Rats Prohibited. No owner or person in charge of property shall allow conditions to exist thereon or therein, which attract or are likely to attract, feed or harbor rats or mice. The conditions prohibited by this Section are nuisances and subject to abatement as provided in this Code.~~

~~(B) Certain Structures to be Rodent-Proofed. All portions of every building or other structure, other than residences, in which handling, storing or keeping any substance on which rats and mice can feed shall be rat-proofed and rodent-proofed, either by concrete or metal or by some equally impenetrable material, so as to exclude rats and mice therefrom, whether or not the building or other structure housing such use and occupancy rests upon a basement or other support.~~

~~(C) Feed Storage Requirements. All food for chickens, horses, mules, cows, goats, pigs or other domestic animals shall be kept and stored either in a rat-proofed building or room or in rat-proof containers.~~

~~(D) Disposal of Garbage, Refuse and Waste. All garbage or refuse consisting of waste material upon which rats or mice may feed shall be placed in covered rat-proof containers of a type prescribed by the City Manager or his designee until collected by garbage haulers.~~

~~(E) Premises to be Kept Clean of Conditions Attracting Rats. All premises improved or unimproved, and all open lots, streets, sidewalks, alleys and other areas in the City shall be kept clean and free from all rubbish, as well as from loose material that might serve as a harbor for rats and mice. All lumber, boxes, barrels, loose iron and material that might harbor rats shall be placed upon supports in such manner as to provide no refuge for rats and mice.~~

~~(F) Future Improvements to be Rat-Proof. All improvements, repairs, construction and maintenance of a building or structure, or any equipment or fixtures therein shall comply with the preceding subsections.~~

~~(G) Inspections. The City Manager or his designee is hereby authorized and empowered to make inspection of the exterior, interior and underneath any building or structure or premises in the City. It shall be unlawful for an owner or person in charge of property to fail to permit such inspection when requested to do so in accordance with law.~~

A. General. The exterior of a building or structure shall be maintained in good repair, so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

B. Exterior Surfaces. All wood and metal surfaces, including, but not limited to, window frames, doors, door frames, cornices, porches, siding and trim on buildings and structures shall be maintained in good condition, so as not to be in a state of deterioration.

C. Street Numbers. Each building or structure to which a street number has been assigned shall have such number displayed in a prominent position on the side of the building or structure closest to and easily observed and readable from the public right-of-way of the street which is the building or structure's address of record. All numbers for residential dwelling units shall be in Arabic numerals at least 4 inches high and one-half inch stroke. All numbers for all other buildings or structures, subject to this section, shall be in Arabic numerals at least three inches high and one-half inch stroke.

D. Foundation Walls. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of pests.

E. Exterior Walls.

(a) All exterior walls of buildings or structures shall be free from holes, breaks, loose or rotting materials and shall be maintained in good condition so as not to be in a state of deterioration.

(b) The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or a door, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in Ontario City Code.

F. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain into the building or structure. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building or structure. Roof drains, gutters and down spouts shall be free from obstructions and maintained in good repair, so as not to be in a state of deterioration. Any non-residential building or structure having originally been designed for and fitted with gutters and downspouts, shall continuously be maintained with such devices, in proper working condition and maintained so as not to be in a state of deterioration. The use of tarps or similar material for emergency repair shall be temporary, and not exceed six months in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in Ontario City Code.

G. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any non-residential building or structure is found to be missing a decorative feature, the Health Officer may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.

H. Windows and Doors. Every window, door and frame shall be kept in sound condition, good repair and weather tight. Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a skilled manner. Window and door screens, while not required by this chapter, shall be maintained in a skilled manner.

I. Glazing.

(a) All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within fifteen days from the date the Health Officer issues a written notice, in compliance with the Building Code.

(b) Notwithstanding subsection (a) of this section, glazing in buildings and structures other than single family and two family dwellings need not be replaced within the fifteen-day period, if the opening has been boarded, an application for a building permit is made within the fifteen day period, a permit is subsequently issued, and replacement occurs prior to the expiration of the permit.

J. Accessory Structures. All accessory structures, such as sheds, fences, walls and other similar structures shall be erected in a skilled manner and maintained in a structurally sound condition and in good repair, so as not to be in a state of deterioration. Accessory structures covered by the Building Code shall fall under the jurisdiction of the Building Official.

K. Rodent Control

(1) Conditions Attracting Rats Prohibited. No owner or person in charge of property shall allow conditions to exist thereon or therein, which attract or are likely to attract, feed or harbor rats or mice. The conditions prohibited by this Section are nuisances and subject to abatement as provided in this Code.

(2) Certain Structures to be Rodent-Proofed. All portions of every building or other structure, other than residences, in which handling, storing or keeping any substance on which rats and mice can feed shall be rat-proofed and rodent-proofed, either by concrete or metal or by some equally impenetrable material, so as to exclude rats and mice therefrom, whether or not the building or other structure housing such use and occupancy rests upon a basement or other support.

(3) Feed Storage Requirements. All food for chickens, horses, mules, cows, goats, pigs or other domestic animals shall be kept and stored either in a rat-proofed building or room or in rat-proof containers.

(4) Disposal of Garbage, Refuse and Waste. All garbage or refuse consisting of waste material upon which rats or mice may feed shall be placed in covered rat-proof containers of a type prescribed by the City Manager or his designee until collected by garbage haulers.

(5) Premises to be Kept Clean of Conditions Attracting Rats. All premises improved or unimproved, and all open lots, streets, sidewalks, alleys and other areas in the City shall be kept clean and free from all rubbish, as well as from loose material that might serve as a harbor for rats and mice. All lumber, boxes, barrels, loose iron and material that might harbor rats shall be placed upon supports in such manner as to provide no refuge for rats and mice.

(6) Future Improvements to be Rat-Proof. All improvements, repairs, construction and maintenance of a building or structure, or any equipment or fixtures therein shall comply with the preceding subsections.

(7) Inspections. The City Manager or his designee is hereby authorized and empowered to make inspection of the exterior, interior and underneath any building or structure or premises in the City. It shall be unlawful for an owner or person in charge of property to fail to permit such inspection when requested to do so in accordance with law.

Section 6. The following Title 7, Chapter 1, Section 4, entitled “Abatement procedure”, has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

7-1-4 - Abatement procedure.

(A) Notice to Abate.

~~1. For an initial violation of the nuisance provisions of the City Code, the City Manager or the City Manager's designee shall cause a written notice to be served either personally on the property owner or the person responsible, or by registered or certified mail to the address of the property owner noted in the Malheur County Tax Assessor's office for tax notices to be sent or through a property title search. If the property has an occupied structure on it, notice may also be posted on the property. For service by mail, service shall be complete upon deposit in the mail. Notice shall be deemed sufficient if it complies with the procedure set forth herein, whether or not the property owner or person responsible receives actual notice.~~

1a. Form of Notice.

a. Be in writing

b. Include a description of the premises sufficient for identification

c. include a statement of the reason or reasons why the notice is being issued;

d. include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter.

e. include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement

f. include instructions of an appeal

1b. Effective date of notice. All notices served pursuant to this section shall be considered served on this date of personal service as of the date of mailing if not personally served.

1c. Method of service

(a) Notices under this chapter shall be deemed to be properly served if a copy thereof is:

- i. Personally delivered to the owner(s) and occupant(s); or
- ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
- iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.

(b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

2. Second or subsequent violations from the date of the initial notice and by the same person responsible, ~~shall~~ may be subject to an assessment of an administrative fee, regardless if the second or subsequent violations are corrected.

3. The initial notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which the nuisance exists.

(b) A direction to abate the nuisance within ~~five (5) days for occupied properties and ten (10) days for unoccupied properties~~ ten (10) days from the date of the notice. In an event the notice requires hand delivery (delivery is refused or unclaimed certified mail) property owner will have 5 days to comply with the abatement notice.

(c) A description of the nuisance, a citation to the section(s) of the City Code which are violated, and a description of the corrective action required.

(d) A statement that unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person responsible and assessed as a lien on the property.

(e) A statement that failure to abate a nuisance may result in a fine.

(f) A statement that the person responsible may appeal from the notice to abate by giving notice to the City Manager or his designee within ten (10) days from the date of the notice.

~~(g) A statement that the City will assess an administrative fee upon a second or subsequent notice, regardless if the second or subsequent violations are corrected.~~

Comment [DB4]: Remove this; double jeopardy. Civil Penalties

(g) A statement regarding the civil penalty process and other remedies.

(h) A statement regarding abatement notice & civil penalty can be mailed on the same date, if the property has had two or subsequent abatement letters that calendar year. (See ORC Title 1)

4. Upon completion of service of an abatement notice as provided herein, the persons serving the notice shall execute and file certificates stating the date and place of service.

(B) Abatement by Person Responsible.

1. Within the time allowed, the person responsible shall remove the nuisance or show that no nuisance exists, or deliver a written notice of appeal to the City Manager. A written notice of appeal shall specify the basis for the appeal. The City Manager or Designee, will make good

faith attempts to mediate the appeal. If unresolved, the appeal will go before a Hearings Officer.

2. A Hearings Officer appointed by the City of Ontario shall conduct a hearing on the appeal of the abatement notice at which the City's designee and the appellant may call witnesses and present evidence. The City shall have the burden of proof to demonstrate that a violation has occurred and that the required corrective action is reasonable. The Hearings Officer shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. If the Hearings Officer affirms the City's decisions, the appellant shall pay the City's costs for the appeal, including the cost of the Hearings Officer for conducting the hearing.

(C) Abatement by City.

1. If after the time allowed, the nuisance has not been abated by the person responsible, the City may cause the nuisance to be abated and may make efforts toward the elimination or ease of future abatements by such means as spraying, debris removal and leveling of land.

2. The officer charged with abatement of the nuisance shall have the right, at reasonable times, to enter into or upon property, in accordance with law, to investigate or cause the removal of a nuisance.

3. The City Manager or his designee shall keep an accurate record of the expense incurred by the City in physically abating the nuisance, including incidental expenses set forth in subsection (E) below.

(D) Joint Responsibility. If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(E) Assessment of Costs.

1. The cost, including incidental expenses, of correcting the violation or to send second or subsequent violation notices shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupancy of the property and shall become due and payable to the City of Ontario within ten (10) calendar days of the bill being issued. A minimum administrative fee of not less than two hundred dollars ~~one hundred dollars (\$100.00)~~ ~~(\$200.00)~~ shall be imposed for each abatement notice issued. The City Council may, by resolution, change the minimum fee from time to time. The term "incidental expense" shall include, but not be limited to personnel costs, both direct and indirect; attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, title searches, specifications and contracts, and in accomplishing and/or contracting and inspecting the work, and the costs of any required printing and mailing. The City Manager or his designee, by registered or certified mail, postage prepaid, shall forward to the person responsible a notice stating:

(a) The total cost of abatement, if applicable, including incidental expenses.

(b) The total cost of administrative fees for abatement or second or subsequent violation notices.

(c) That the cost as indicated will be either referred to collection or be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice.

(d) That if the person, responsible objects to the cost of the abatement as indicated, he may file a notice of objection with the City Manager or his designee not more than ten (10) days from the date of the notice. Objections shall be heard by the City Manager or Designee and shall be limited to the question of whether the amount of the abatement assessment is reasonable.

2. If the costs of the abatement are not paid within thirty (30) days from the date of the notice or thirty (30) days from the date of the City Manager or Designee's decision on objections, the City may cause the assessment to be filed as a lien in the Malheur County Deed records against the property of any property owner who was served with the initial notice of abatement pursuant to Section 7-1-4(A)1. set forth above.

3. The lien shall be enforced in the same manner as liens for street improvements and shall bear interest at the rate of six percent (6%) per annum, or at such other rate as may be fixed by resolution of the City Council. The interest shall commence thirty (30) days from the date of the notice.

4. An error in the name of the person responsible or property owner shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

5. In lieu of a lien against the property, the city may refer the account to collections once the account is more than sixty (60) days past due. In addition, a late fee set by Fee Resolution to offset the administrative expenses incurred due to the late payment, shall be due and owing on any payment received after the due date and in coordination with the completion of the payment processing grace period.

(F) Separate Violations. The requirements to abate a nuisance are not a penalty for violating the Code but are an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. Abatement by the person responsible of a nuisance within the allowed time of the date of notice to abate, or within ten (10) days of the determination by the City Manager, Designee, or Hearings Officer upon an appeal therefrom, will excuse the person responsible from the imposition of any fine.

(G) Summary Abatement. The procedure provided by subsections (A) through (F) is not exclusive but is in addition to procedure provided by other law and the City Manager, or other officer delegated responsibilities therefor, may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life, health or property.

(Ord. 2500, 2002; Amd. Ord. 1698, 3-6-72)

(Ord. No. 2635-2009, 12-7-09; Ord. No. 2644-2010, § 1, 5-3-10; Ord. No. 2648-2010, § 2, 10-4-10; Ord. No. 2668-2012, 7-9-12; Ord. No. 2692, 8-18-14; Ord. No. 2705-2015, § 1, 9-8-15)

Section 7. The following Title 7, Chapter 1, Section 5, entitled “Other remedies”, has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

7-1-5 - Other remedies.

~~In addition to the remedies specified in this title for nuisance abatement, the City may institute an injunction, mandamus or other appropriate proceeding in Circuit Court to prevent, enjoin temporarily or permanently, or abate any nuisances. In the event the City establishes a violation of this Title in such action, the City shall be entitled to recover its attorney fees and other expenses incurred in addition to costs and disbursements allowed by statute both at trial and appeal.~~

PENALTIES

A) Violations.

(1.) Violation of any section of this Chapter is an infraction and is punishable by a fine of not less than \$250 and not more than \$1000. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than \$1000.

(2) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation.

B) Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public’s health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the health officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

C) Civil Penalties.

(1) Civil Penalty.

Any person who fails to comply with the requirements of this Chapter or who fails to comply with an abatement notice issued pursuant to this Chapter shall be subject to a civil penalty as provided in Title 1, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

(2) Civil Penalty Against Agents.

Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

D) Appeals Generally. Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in ORC Title 1. The hearing on the appeal shall follow the contested case procedures set forth in ORC Title 1.

(Ord. No. 2635-2009, 12-7-09)

Section 8. The following Title 7, Chapter 1, Section 7, entitled “Penalties”, has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

7-1-7 - ~~Penalty.~~

~~Except where penalty provisions have been provided otherwise in this Chapter, any person violating any provision of this Chapter commits a Class D civil violation.~~

7-1-7 PENALTIES

A) Violations.

(1.) Violation of any section of this Chapter is an infraction and is punishable by a fine of not less than \$250 and not more than \$1000. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than \$1000.

(2) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation.

B) Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public’s health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the health officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

C) Civil Penalties.

(1) Civil Penalty.

Any person who fails to comply with the requirements of this Chapter or who fails to comply with an abatement notice issued pursuant to this Chapter shall be subject to a civil penalty as provided in Title 1, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

(2) Civil Penalty Against Agents.

Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

D) Appeals Generally. Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in ORC Title 1. The hearing on the appeal shall follow the contested case procedures set forth in ORC Title 1.

(Ord. No. 2668-2012, 7-9-12)

Chapter 2 – WEEDS, TREES (REPEALED)¹⁴¹

Footnotes:

~~(1)~~

Editor's note— Ord. No. 2635-2009, § 4, adopted Dec. 7, 2009, repealed Chapter 2, §§ 7-2-1—7-2-3, which pertained to weeds and trees and derived from Ord. 2385, adopted Aug. 19, 1996; and Ord. 2459, § 1, adopted in 2000. See §§ 7-1-2 and 7-1-4 for similar provisions.

Comment [DB5]: Chapter 2 is empty – add Derelict Properties (below) here

Section 9. The following Chapter 2 is hereby added to Title 7 of the Ontario City Code and is entitled “Derelict Structures”:

CHAPTER 2 – DERELICT STRUCTURES

7.2.1. Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

7.2.2. Order to Vacate Buildings or Structures.

(a) If the Health Officer finds a building or structure in violation of ORC 7.5.1, the Health Officer may order that a placard be posted on the building or structure, ordering the building or structure vacated, and to order the owner to register the building or structure as provided in ORC 7.5.6 – 7.5.9. The placard shall contain the information required in ORC 7.7.4.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premise subject to a vacation order.

7.2.3. Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Health Officer.

7.2.4. Removal of Placard Prohibited.

(a) The Health Officer shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Health Officer.

7.2.5. Temporary Safeguards. Notwithstanding any other provisions of this Chapter, whenever, as determined by the Health Officer, a building or structure poses an imminent hazard or incipient hazard, the Health Officer may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Health Officer deems necessary to meet such condition.

7.2.6. Derelict Structure Registration. If the Health Officer determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within ten days of the Health Officer's issuance of an order to register. Registration shall be made on forms provided by the Health Officer, and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the

period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any change in the information required to be provided pursuant to this section shall be given to the Health Officer not more than thirty days of the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the Health Officer and request an inspection to determine compliance.

7.2.7. Derelict Structure Fees.

(a) Every owner who, after receipt of an order under ORC 7.2.6, fails to register the building or structure within the required time set forth in the order, or registers the building or structure but allows the building or structure to remain in a derelict condition, shall pay a monthly derelict structure fee. Payment of the fee is due on the fifteenth day of each month. Any payment of the fee that is more than thirty days past due may be considered delinquent and subject to a penalty of \$100 for every delinquent monthly payment.

(b) In the event that the fees due under this section are delinquent for more than ninety days, or in the event the owner fails to register the building or structure as required, the City Attorney, on request of the Health Officer, may file an action in the circuit court of the appropriate county for the recovery of any and all delinquent fees and penalties due under this section, which shall be the total yearly fees plus all delinquent penalties.

(c) All fees imposed under this section are to be paid prior to the issuance of any permit

required for the demolition, alteration or repair of the derelict building or structure.

(d) The City Council shall annually adopt a resolution establishing the amount of derelict structure fee.

(e) Unpaid Derelict Structure fees, and any unpaid late fees, may be entered into the city's lien docket after 90 days, and a lien for the entire amount placed against the real property.

7.2.8. Abatement of Derelict Structure by Remediation.

(a) In addition to, and not in lieu of, the abatement remedies provided for in ORC 7.1.4-7.1.5 and receivership authority in ORC 7.1.7 (b), the Health Officer may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing,

cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Health Officer shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Health Officer's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Health Officer demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

(1) Dilapidation;

(2) Disrepair;

(3) Structural defects noted by the Building Official;

(4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;

(5) Uncleanliness or infestations of pests;

(6) Condition of sanitary facilities;

(7) The presence of a public nuisance; and

(8) The history of unlawful activity in or around the building or structure.

Section 10. The following Title 7, Chapter 3, Section 13, entitled "Penalty", has been revised, and shall read as amended; sections not addressed shall remain in full force and effect:

Chapter 3 - SOLID WASTE REGULATIONS

7-3-13 - Penalty.

Violation by any person of the provisions of this Chapter shall be deemed to be a Class A violation.

7-3-13 PENALTIES

A) Violations.

(1.) Violation of any section of this Chapter is an infraction and is punishable by a fine of not less than \$250 and not more than \$1000. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than \$1000.

(2) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation.

B) Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the health officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

C) Civil Penalties.

(1) Civil Penalty.

Any person who fails to comply with the requirements of this Chapter or who fails to comply with an abatement notice issued pursuant to this Chapter shall be subject to a civil penalty as provided in Title 1, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

(2) Civil Penalty Against Agents.

Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

D) Appeals Generally. Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in ORC **Title 1**. The hearing on the appeal shall follow the contested case procedures set forth in ORC **Title 1**.

(Ord. 1877, 12-5-77)

The City may, at its option, enforce the penalty provisions of this Chapter. The franchisee and/or the City may pursue such other civil remedies as may be available under the laws of the State. At the option of franchisee, franchisee may provide at franchisee's expense, legal services for City to enjoin a violation of this Chapter under Oregon Revised Statutes 30.315.

(Ord. 2256, 9-6-88)

(Ord. No. 2652-2010, § 2, 11-15-2010)

XXX Severability {LARRY- Does this need to be at the end of this Title???

It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this Ordinance shall be severable. Should any section, subsection, paragraph, clause or phrase of this chapter, or any particular application thereof, be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of the section, subsection, paragraph, clause or phrase of this chapter.

Effective Date

This Ordinance shall be in full force and effect 30 days following passage by the City Council.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2017, by the following vote:

AYES:

NAYS:

EXCUSED:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2017.

ATTEST:

Ronald Verini, Mayor

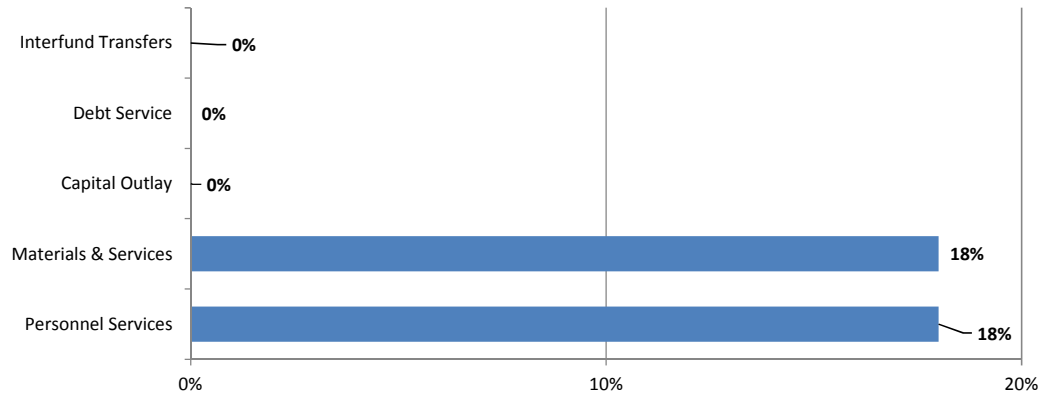
Tori Barnett, MMC, City Recorder

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
AUGUST 31, 2017**

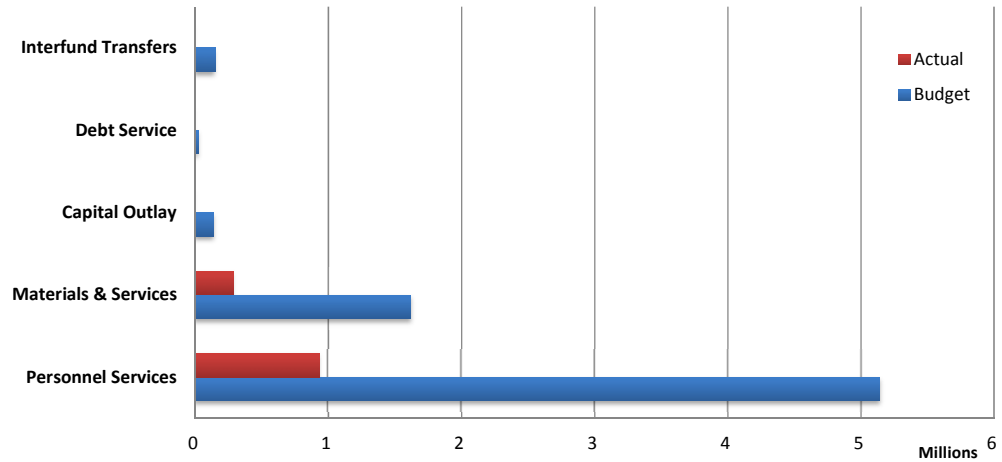
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	279,252	40,405	14.5%	
Recreation	211,129	39,850	18.9%	
Parks & Recreation	490,381	80,255	16.4%	
Fire	1,512,788	226,761	15.0%	
Code Enforcement	142,829	20,734	14.5%	
Police	3,305,140	600,494	18.2%	
Police reserves	2,000	-	0.0%	
Public Safety Total	4,962,757	847,989	17.1%	
Administration	365,910	59,465	16.3%	
City Council	25,791	3,147	12.2%	
Human Resources	106,708	15,243	14.3%	
Business Registration	1,100	4	0.4%	
Cemetery	146,808	32,165	21.9%	
Finance	228,956	30,062	13.1%	Contract payment timing
Technology	110,774	16,731	15.1%	
General Government Total	986,047	156,817	15.9%	
Community development	171,751	23,459	13.7%	
Community Development	171,751	23,459	13.7%	
Administrative Overhead	331,175	107,654	32.5%	Liability insurance premium
Other Total	331,175	107,654	32.5%	
Operating Transfers Out	117,273	-	0.0%	Interfund transfers not recorded yet.
GENERAL FUND TOTALS	\$ 7,059,384	1,216,173	17.2%	
YTD BUDGET BENCHMARK			16.6667%	 -0.6%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
AUGUST 31, 2017**

% Expended by Category



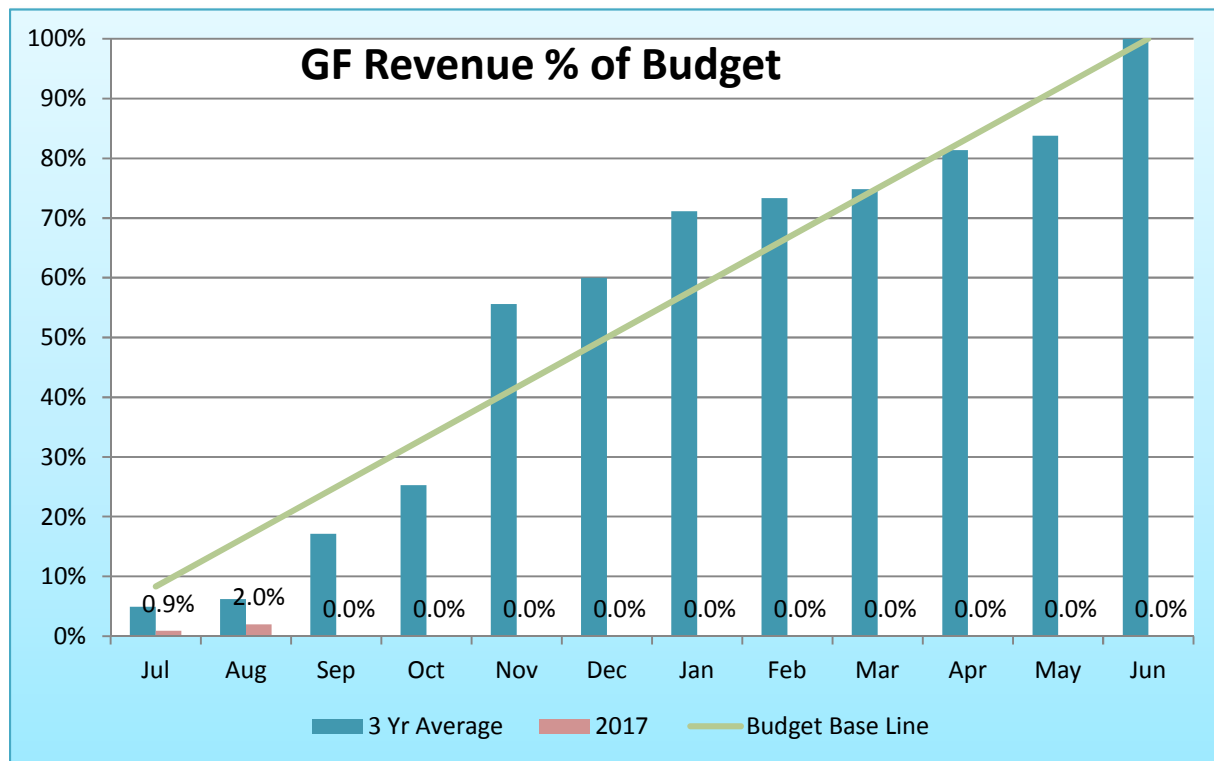
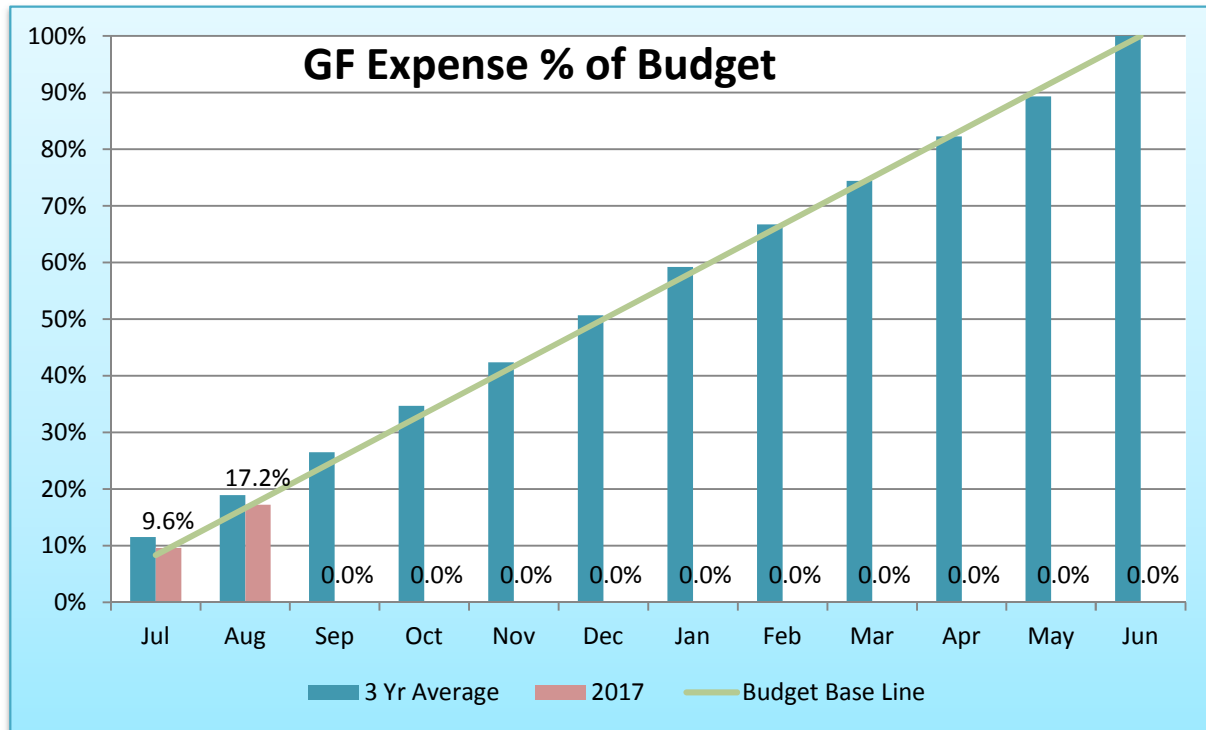
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
AUGUST 31, 2017**

DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	2,350,000	0	0.0%	(not calculated in totals) not recorded yet
Parks	101,900	700	0.7%	
Recreation	74,900	8,562	11.4%	
Parks & Recreation	176,800	9,262	5.2%	
Fire	133,622	5	0.0%	
Code Enforcement	10,998	3,459	31.5%	
Police	202,475	3,598	1.8%	
Public Safety Total	347,095	7,062	2.0%	
Interest	20,000	5,575	27.9%	higher interest rate than prior year
State Revenue Sharing	128,500	-	0.0%	Quarterly payments
Administrative Services	497,149	82,858	16.7%	
Other General Revenues	12,055	757	6.3%	Less Misc. revenue
Property Taxes	3,395,459	40,352	1.2%	P. taxes are due in November
Alcohol Bvg License & Fee	173,500	16,989	9.8%	Quarterly payments
Cigarette tax	14,530	-	0.0%	State slow on payments
Franchise Fees	1,634,300	-	0.0%	Quarterly payments
Business Registration	1,700	125	7.4%	
Cemetery	45,500	7,200	15.8%	
General Government Total	5,922,693	153,856	2.6%	
P&Z Hearings	1,500	5,295	353.0%	
Community development	1,500	5,295	353.0%	
GENERAL FUND REVENUE TOTALS	\$ 6,448,088	\$ 175,475	2.7%	
YTD BUDGET BENCHMARK			16.7%	 -13.9%

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
AUGUST 31, 2017**



**CITY OF ONTARIO
OTHER FUNDS - DEPARTMENT EXPENSES AND REVENUE
FOR THE PERIOD ENDED
AUGUST 31, 2017**

	EXPENDITURES				REVENUES		
DEPARTMENT/FUND	BUDGET	ACTUAL	% EXPENDED		BUDGET	ACTUAL	% REALIZED
005 Golf Course Fund	803	-	0.0%		803	-	0.0%
010 Grant Fund	886,609	21,686	2.4%		895,719	31,671	3.5%
027 Building Fund	188,420	26,470	14.0%		188,600	102,084	54.1%
030 Capital Projects Fund	524,923	-	0.0%		3,343,956	104,436	3.1%
031 SDC Fund	202,001	-	0.0%		202,001	29,548	14.6%
035 Debt Service Fund	61,433	30,989	50.4%		142,330	5,145	3.6%
045 Street Fund	2,160,861	492,565	22.8%		2,160,861	154,279	7.1%
050 Trust Funds	586,072	111,054	18.9%		741,012	56,718	7.7%
055 Reserve Funds	383,810	-	0.0%		1,959,484	55,102	2.8%
060 Revolving Loan Fund	516,977	-	0.0%		516,977	4,621	0.9%
065 Aquatic Donation Fund	25,814	-	0.0%		25,814	-	0.0%
105 Water Fund	3,274,297	559,199	17.1%		4,054,788	694,830	17.1%
110 Sewer Fund	3,554,390	677,590	19.1%		4,313,783	531,738	12.3%
115 Storm Sewer Fund	211,795	23,572	11.1%		599,123	18,268	3.0%
120 Airport Fund	85,255	11,013	12.9%		85,255	43,386	50.9%
125 Aquatic Fund	623,297	4	0.0%		623,297	14,078	2.3%
YTD BUDGET BENCHMARK				16.7%			



10/05/2017

Police Department Quarterly Report

2017 Quarter Three

Calls for Service Comparison

[Busy Summer of '17]



Quarter 3	2016	2697
Quarter 3	2017	3290
Increase in calls		22%



Community

[Respect for the citizens we serve.]



- ✓ Story Time Event
- ✓ Hands Around the Park
- ✓ Elk's Golf Tournament
- ✓ Car Seat Fitting Training
- ✓ Alameda Superhero Walk

Total Eclipse

[Commitment to providing superior quality and service.]



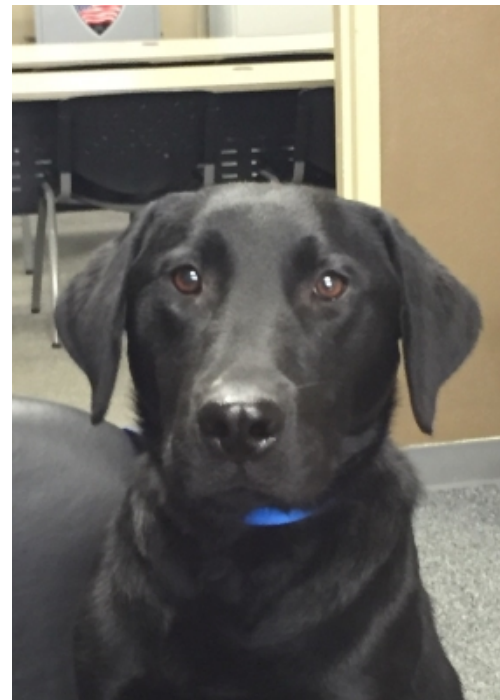
Reserve Officer Program

[Efficiency in providing services.]



Introducing... Officer Rex

[Efficiency in providing services.]



Questions/Comments?





September 2017 ACTIVITY REPORT

Emergency Medical:

(Types of medical calls responded to: Falls with injury, fall lift assists, medical emergencies, medical alarms, assaults, etc.)

CITY	163
RURAL	11

4 of these emergency calls required back-up crews to be called in to respond to 2nd call.

Hazmat Team Calls:

0

Fire Related Emergency Calls:

(Types of fire related calls responded to: Rescue calls, building fires, vehicle fires, smoke detector/fire alarm activation, unauthorized burning, etc.)

	TOTAL	General	Mutual Aid
CITY	26	5	1
RURAL	12	4	1

TOTAL CALLS FOR MONTH

CITY	189
RURAL	23

FIREFIGHTER TRAINING:

9/5/17 Post Incident analysis of recent fires

9/7/17 Radio class

9/11/17 Teamwork @ SRCI

9/12/17 Case reviews and ELVAD pump

9/12/17 Life Flight Safety and Operations

9/14/17 Visit Malheur County Dispatch center

9/19/17 Cancer Support Network presentation

PERMITS ISSUED:

City Open Burns 1

City Burn Barrels 0

Rural Open Burns 14

Rural Burn Barrels 5

INSPECTIONS:

8/28, 30, 31 Inspections at SRCI

9/12 New McDonalds

9/12 Miracle Ear

9/12 Cairo School

SCHOOL VISITS:

9/22 Alameda Super hero walkathon

STATION TOURS:

COMMUNITY INVOLVEMENT:

8/26 Water fest @ Lions park

8/26 Light it up 5K fun run around town

8/28 Governor Brown meets with the committee for Malheur county transfer station at fire station 2

9/11 Patriot day remembrance ceremony

9/19 Malheur county burn ban is lifted

9/21 Ontario High school Bon fire

9/22 Super hero walk a thon. So much fun I had to put it in twice



Summary of Calls of Interest:

8/29/17 487 S.W. 24th street

Ontario Fire Rescue was dispatched to a general fire for a shed on fire fully engulfed, threatening a structure. 156 diverted from a previous medical call to respond. 100 enroute, Idaho Power was notified to respond. M2 enroute to stand by, 156 on scene with two buildings fully engulfed in flames. 100 on scene command. 103 enroute with crew of 4, occupant and infant were sent to M2 to be seen by ALS. 103, 101, 102, 125, and 105 were all on scene. Initial search and secondary searches of interior were complete, all people accounted for. CNG and Idaho Power on scene. All fire knocked down after approximately 30 minutes of suppression. Both sheds burned to the ground with only 3 framed pieces of wood standing. The fire extended to the house due to close proximity with the sheds. House had wood siding, and a metal roof. The fire had extended into the back bedroom on the c/d corner, and was contained to that room. Metal trim on roof was removed to look for extension; foam was injected into the area. There was large contingency of wasps and hornets in the roof area and they were agitated. During this fire a second fire was reported with the rural fire district. 101, 125, 102, and 156 cleared this scene to attend the rural fire. 103, and 100 remained on scene to do salvage, overhaul, and investigation. Upon investigation of the electrical panel, there was a 15 amp breaker that tripped and it was the bottom right breaker on the panel. 100 assisted with occupant information, and secondary investigation showed no further smoke or issues. 103 and 100 were able to clear the scene.

Oregon state deputy fire marshal Casey Kump and Chief Leighton investigated the origin and cause the following day. The origin appeared to be in the B/C corner area due to the heaviest charring. Also one witness stated that when he first saw the fire it was mainly on the back side of the shed. There did not appear to be any source of ignition. Due to the dry grass and a couple of different items that were reflective and with the temperatures it was speculated that the sun reflection may have started the grass and then extending to the shed which then extended to the house.

8/29/17 1 Appleton Lane

Ontario Fire was dispatched to a mutual aid structure fire in Weiser City. Engine 101 responded with a full crew of 6. The fire was located at Fry Foods onion processing plant. The main building was approximately 250 feet by 100 feet. A fire had started in one of the fryers and vented out the roof directly above the fryer. 101's crew was split and 2 members were assigned by Weiser City Command to monitor the fryer area for any further fire activity. 3 other crew members went to assist with roof operations. Due to the heat index crews were rotated every 15 minutes. Once the fire was determined to be out, 101 was released from the scene and returned to Ontario Fire District in service.



8/31/17 934 S.W. 1st. Ave.

R1 was called to scene of a shed on fire. On scene a 10x10 shed had smoke coming from inside. A neighbor was trying to extinguish with a garden hose. He had the fire knocked down, and R-1 completed extinguishment. Investigation was unable to determine a cause. Home owner was not home at the time of the fire but did return after being contacted by phone. No electrical or other source was able to be identified. Structure was adjacent to an alley beside house.

9/4/17 1119 Locust Way

R-1 dispatched to 1119 locust way for residential fire. R-1 responded code 3, upon arrival r-1 was in front of single story family residence. R-1 did not see any smoke showing from the exterior, r-1 would investigate. Upon further investigation r-1 noticed some smoke coming from the bravo charlie corner of the residence at about ground level. R-1 deployed the booster reel and extinguished the active fire located behind the wood paneling. R-1 needed to remove a section of 16" x 3' section of compressed board paneling to fully extinguish the smoldering section of floor board. The floor board showed some heavy charring approximately 2" x 3" at the darkest section of charring. R-1 applied some more water and foam solution till all signs of active smoldering was removed. R-1 spoke with witness neighbor, who stated homeowner was burning weeds at 1119 locust way one hour prior to r-1 being dispatched. She stated that she noticed heavy smoke rolling out the siding so she decided to call 911. She stated that the home owner does not live in the area and this residence is a rental. R-1 advised her that the fire is out at this time but r-1 would return later this day to re-evaluate. R-1 inspected the bravo charlie corner of the structure with the tic camera; all reading showed minimal heat at the charred section of floor board, heat pattern was no hotter than the heat pattern put out by ff Rico's hand. R-1 was clear and available at 12:52 pm.

9/6/17 1245 Fortner Street

R1 was called out to a house fire on Fortner. Officers had arrived on scene prior to our arrival and stated smoke coming out of the residence. All occupants were out of the home on arrival and officers contacted tvp prior to arrival. An occupant had apparently burned himself trying to kick a pile of debris (unknown if it was a container on fire) but had splashed onto his clothes. Rescue one arrives on scene with flames visible on the outside of the manufacture home on the Charlie side. Made initial attack with a booster line and proceeded to attack the exterior with a preconnect from the exterior. 100 had arrived on scene and took command. 103 was assigned to an interior attack with a preconnect to the back of the house. 101 had arrived shortly to assist R-1 on outside of the residence on the Charlie side. Fire was extinguished immediately. Continued to mop up and investigate.

The occupant that was sleeping in the master bedroom does not normally live in the residence. He was awoken by what he thought was lights outside the window, upon investigation he found fire on the outside by the back corner just outside the window. He then went back in the house to get other people sleeping in the house out. It was reported by an occupant of the house and the police officer that the fire was on the outside of the mobile home on the b/c corner upon their arrival. The fire extended up the outside corner of the structure and got into the structural framing and then into the attic space and the interior of the master bedroom. 100 remained on scene when the crews cleared until the OSFM Kump and OSP Hagedorn arrived to assist with the investigation. We took photos and samples to be sent to the lab. There were some piles of trash that could have been placed by the back corner of the house. The fire started down low, below the level of the house floor on the outside of the structure. There was a pile of aluminum from the siding of the home along with that there was a pile of plastic like a garbage bag and a plastic container. This is what the occupant stated was burning and Gunner tried to kick it away from the house and this is when some burning product splashed on him and burned his arms legs and some on his face. There was a smell of some type of flammable liquid evident so samples were saved. There were numerous signs of remodeling that had been done to the home. The electrical panel was open with many random breakers and wires not meeting code. There were signs of electrical in the area of the fire but that was wiring that had been run in the wall. There were a couple of breakers from the master bedroom that had tripped due to the fire melting the wire. The occupants of the house had been involved in a disturbance earlier in the day and it appears that this could have been in retaliation. All three investigators agree that the point of origin is just outside the b/c corner of the house and spread to the structure and there are strong signs of some type of a flammable liquid present. We also found a hand gun in the area that was collected by Ontario Police.

Rural structure fires

8/29/17 3691 Claggett Ln.

156 responded to reports of a small grass fire, on scene 156 found a large trash fire burning and it had spread to a nearby dry field. 156 crew pulled both booster lines and stopped the fire from advancing into the field any further. There was fire burning to the north along a drain ditch and out of reach of 156, 156 crew guided 157 into that side of the fire and they put it out. 156 and 159 stayed on the south side of the fire and continued putting water and foam on the trash pile. 156 cleared the scene at 1523hrs This is the second time we have responded here during the burn ban, he is burning many illegal products. He was cited.

8/29/17 Little Willow Rd. Payette Mutual Aid.

Brush Truck 157 and Command 105 responded to Little Willow Road and Highway 95 for a grass fire at the request of Payette fire. Upon arrival 157 was assigned to the East side of the fire and worked with Tender 305 from New Plymouth FD. Approximately 800 feet of forestry hose was used to access the fire and extinguish the fire on a steep slope. There was no access for the brush truck so all operations were by hand with hose and hand tools. Tender 305 provided all water for extinguishment as the forestry hose was connected directly to it. Once the East sector was extinguished 157 and Command 105 was released then returned back to district.

9/3/17 HWY 201 near Boat landing road to Foothill rd. West of N.W. 36 Street.

This incident involved many fires ignited along the roadway. The male driver was driving an old large truck possibly a ten wheeler. The truck was having mechanical problems and started many fires. Our first call was to HWY 201 near Boat landing and Hyline. 156 responded and found at least six fires along the roadway. Payette rural fire also responded. 100 responded and arrived a couple of minutes after Payette. While enroute 100 was updated that we had more fires south and west near foothill and canyon 2. 100 met face to face with Payette officer and it was decided Payette crews and 156 would stay at the first fires and 100 along with 157 102 and 155 would respond to the fires along foothill. It was reported that at least two structures were threatened. 157 first knocked down one grass fire and then traveled west to where the structures were reported to be threatened by foothill and siphon. These fire reports were later cancelled and 157 returned to west of 576 foothill near 621 foothill to fight the fires in that location. OSP was finally able to stop the truck near foothill and siphon. 102 also arrived and traveled up a dirt road towards a water tank to try to gain access. 100 arrived and assumed command and had 155 drop their portable tank for a water supply and then refill at the hydrant at 36th and foothill. Most of the firefighting was being done with hand tools and forestry line from 157 due to steep terrain and lack of access. The ff's were getting very fatigued. Command called for mutual aid from Nyssa and Vale. 125 and TVP ambulance were called for rehab. 156 and Payette then cleared the earlier fires and responded to help at the foothill site. 156 went up on top but could only get limited access. One of the Payette ff injured his lt. knee and due to no access one of TVP medics was sent to the top of the fire on the back of Montgomery's four wheeler to assess and treat the ff. It was determined the pt. was in no shape to be transported out due to the terrain. Life Flight was called to transport the ff to St. Al's Ontario. Pt. was placed on a back board and given pain management and then transported. In the process of trying to gain access to the top part of the fire and the fatigued crew Command allowed the property owner to use his backhoe along with our staff to try to cut an access road. In doing this a different party's pasture was crossed that was wet and the backhoe sunk in the ground and caused damage to the pasture. When Vale and Nyssa were not able to respond and ff's were having medical issues Fruitland was called for mutual aid. They arrived and assisted the rest of the crews in extinguishing the fire.

9/23/17 3455 Victoria Rd. Nyssa Mutual Aid.

Dispatched to a mutual aid brush fire in Nyssa. Went enroute with a crew of four in 157. Upon arrival, there was about 50 acres of fire burning in heavy sagebrush and grassy area, some flat land, and some canyon. There were no structures threatened, just a canyon of dry grass containing no sagebrush was threatened. The wind was slow and it was not moving very quick. At one point, the wind shifted and the fire started burning back into itself. Command asked us to circle around the fire and put out hot spots and flames. We did this for two tanks of water (1000 gallons), until there was no more visible smoke or fire. There were several other brush trucks on scene doing the same thing. Vale, Adrian, and BLM trucks were also there. After extinguishment, command asked us to put another tank of water around the perimeter to make sure all the hot spots were out. After completing the task, we were released to return to Ontario and put ourselves back in service.



City of Ontario
POLICE DEPARTMENT
Office of the Chief
 443 W 4th Street
 Ontario, OR 97914

To: Ontario City Council
 Re: Department Statistics for August 2017

Activity	Month of August	Previous Month	Year to Date	Prior Year to Date
Calls for Service	994	1043	7429	6871
Traffic Stops	187	209	1018	906
Cited Traffic/Parking	60	130	764	629
Motor Vehicle Crashes	35	41	340	256
Arrests	96	77	559	598
Arrests w/ Use of Force	1	2	8	12
Citizen Complaints	0	0	0	0
Task Force Cases	0	1	23	29
SRO Cases	65	53	477	167
Gang Related Cases	11	31	92	29
Gang Designations	0	0	1	0
Graffiti	6	31	78	54
Death Investigations	3	2	12	13
Burglary	9	10	82	90
Robbery	2	2	7	3
Larceny	51	35	410	447
Assault	14	13	134	58
Homicide	0	0	2	0
Sex Crimes	3	2	11	9
Alarms	20	32	207	152
Ordinance Cases Total	147	137	983	1025



ONTARIO POLICE DEPARTMENT

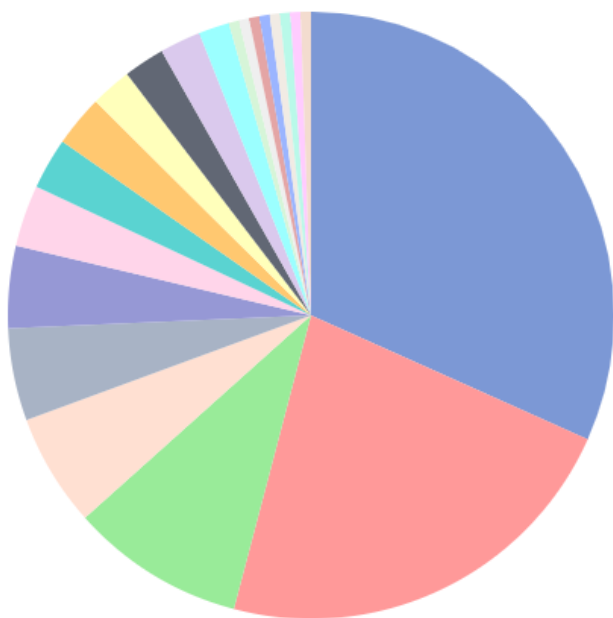
444 SW 4TH STREET, ONTARIO, OR 97914

OFFICE: (541) 889-7684 DISPATCH: (541) 473-5125 FAX: (541) 889-3026

Code Enforcement Stats AUGUST 2017

Open Date From:
Open Date To:

08/01/2017
08/31/2017



Violations by Violation Type		
Weeds	58	31.7%
Dog running at large	41	22.4%
Public nuisance	17	9.3%
Parking over 72 hours ? Abandoned Vehicle	11	6.0%
Prohibited parking and stopping	9	4.9%
AniCare Transport	8	4.4%
Animal Complaint	6	3.3%
Graffiti prohibited	5	2.7%
Patrol Assist	5	2.7%
Animal Neglect II	4	2.2%
Dog license required; No dog license	4	2.2%
Parking Complaint	4	2.2%
Accumulation of Garbage	3	1.6%
Agency Assist	1	0.5%
Animal Abandonment	1	0.5%
Graffiti removal required	1	0.5%
Littering	1	0.5%
Debris	1	0.5%
Storage of Junk	1	0.5%
Theft of services	1	0.5%
All Others	1	0.5%

Total Violations	183
Total Cases	147
Garbage	3
Dogs running at large	41
Dogs taken to Ani-Care	8
Junk	1

CH2M

September 2017

Report



"We're CH2M - Making crosswalks safer, one block at a time."

SEPTEMBER
2017

Prepared by CH2M for
CITY OF ONTARIO/PUBLIC WORKS DEPARTMENT

Monthly Business Review

PUBLIC WORKS DEPARTMENT

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FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

SEPTEMBER ACTIVITIES:

- Completed round No. 1 sweeping entire town.
- Collection system SCADA (Supervisory Control and Data Acquisition) computer failed – installed back up computer.
- Collections system back up SCADA computer failed - Advance Control Systems (ACS) installed a temporary system to send alarms and allow us to see the trends in the wet wells.
- Painting crosswalk bars – approximately 75 percent complete.
- Hot Taping crosswalk bars – approximately 40 percent complete.
- Installed a 2-inch water service for the new McDonalds on East Idaho Avenue.
- Cut down and removed all the volunteer trees from the mall planter strips on SW 4th Avenue, Sunset Drive and SW 7th Place.
- Weekly trash pickup on East Idaho Avenue in front of the Ontario Marketplace.
- Weekly sweeping down town Friday morning at 4 a.m.
- Water Maintenance – Replacing broken water meter lids and rings, and repairing leaks.
- Serviced large equipment – plows, graders and chip spreaders – getting them ready for winter use.
- Cleaned out our hydro excavating dump site preparing for catch basin cleaning.
- Removed the paper covers and sand from the manholes and valve boxes from the chip seal on North Oregon Street, and NW 2nd and 4th Avenues.



Field Services crew blowing chips off sidewalks.



Field Services crew hot taping crosswalk bars.



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

SEPTEMBER ACTIVITIES:

- The East Idaho Avenue tree replacement project has begun. Trees will be removed along East Idaho Avenue and replaced with street friendly trees, plus a new irrigation system, in phases.
- Cleaned sanitary sewers.
- Weekly inspections of lift stations and buildings.
- Weekly inspections of vehicles.
- 16 water services were turned on by customer request.
- 13 water services were shut off by customer request.
- 41 water services were shut off for non-payment.
- 22 water services were turned on for payment received.
- 24 water services were read only on/off by customer request.
- 3 water services were shut off for repair.
- 13 water services were checked to verify leak had been repaired by the customer
- 7 water meters were changed out for non-functioning
- 3 water services were checked for high consumption
- 2 water meters were installed
- 41 utility locates were completed



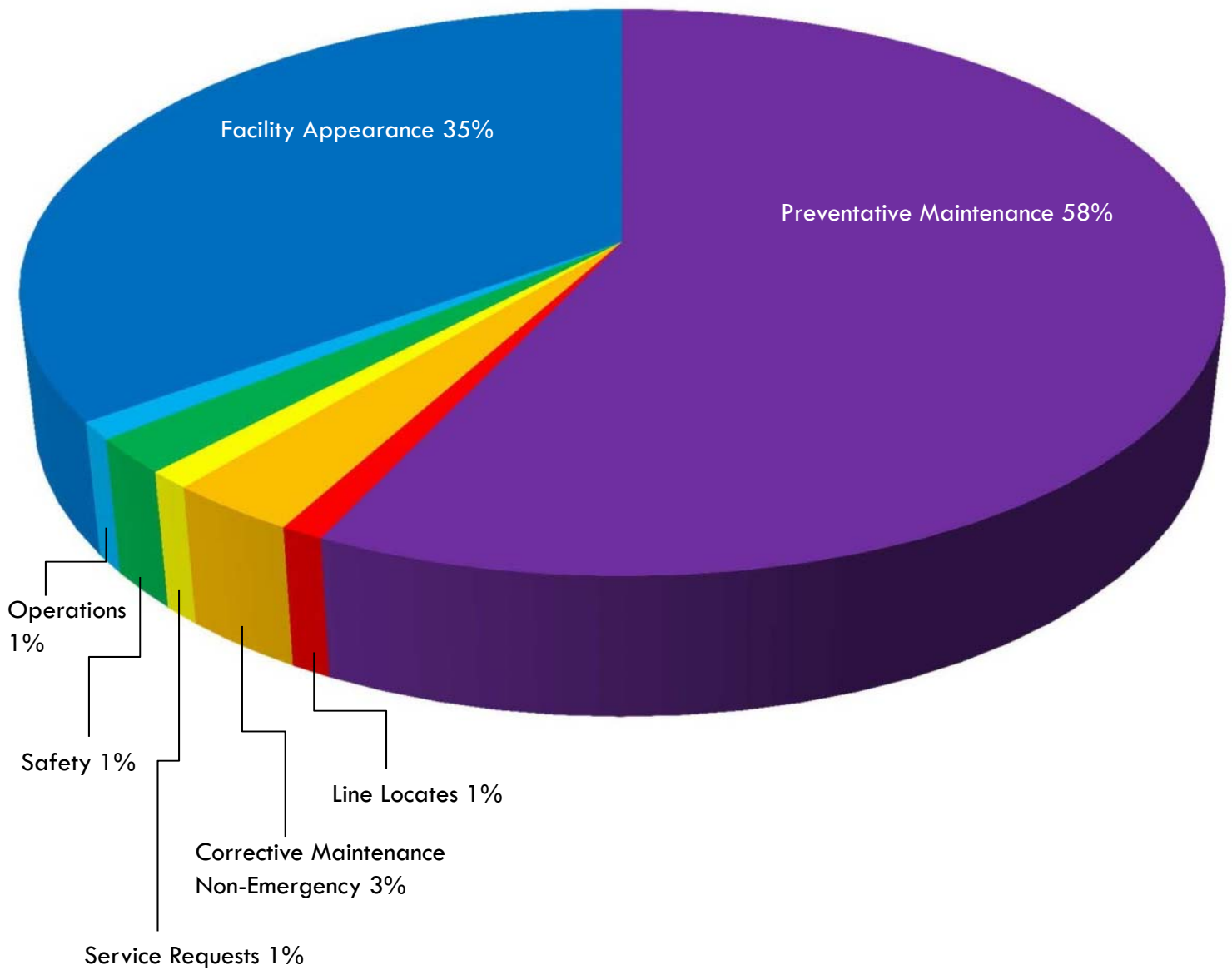
Public Works crew attended Andeavor's annual Pipeline Awareness meeting at Four Rivers Cultural Center. Andeavor recently purchased Tesoro, which previously purchased Chevron.



Contractors taking out street trees along East Idaho Avenue in front of Dutch Brothers and Big 5.

FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

**Work Orders
September 1-21
Actual Hours by Work Order Type**



WATER TREATMENT PLANT SUMMARY

SEPTEMBER ACTIVITIES:

- Algae in the Snake River has required jar testing and modifications to chemical dosage rates to maintain water quality and filter run times. This balancing act with chemicals is not unusual and generally happens this time of year related to increased water temperatures and long periods of exposure to sunlight (lots of photosynthesis).
- Several individual filters have been taken off line and chlorinated to address some of the issues with decreased filter run times. This process worked well; some improvement in filter run times has been realized.
- One of the decant pumps is currently off line and will need to be rebuilt.
- Water Plant is operating smoothly with no issues to report. Issues reported earlier related to raw water quality have been resolved and troubleshooting proved to be successful.
- Staff is moving forward with water solids removal from plant site to Clay Peak Landfill, we have \$50,000 budgeted for this year. Staff is developing informal bids for this work to begin.
- Focus has been on maintenance activities and addressing minor issues associated with continued operation.
- Water inventories are stable and in good shape. We should expect to see usage start to diminish as the fall progresses.



Water Treatment Plant employee performing routine housekeeping at the WesTech Plant.

WATER TREATMENT PLANT SUMMARY

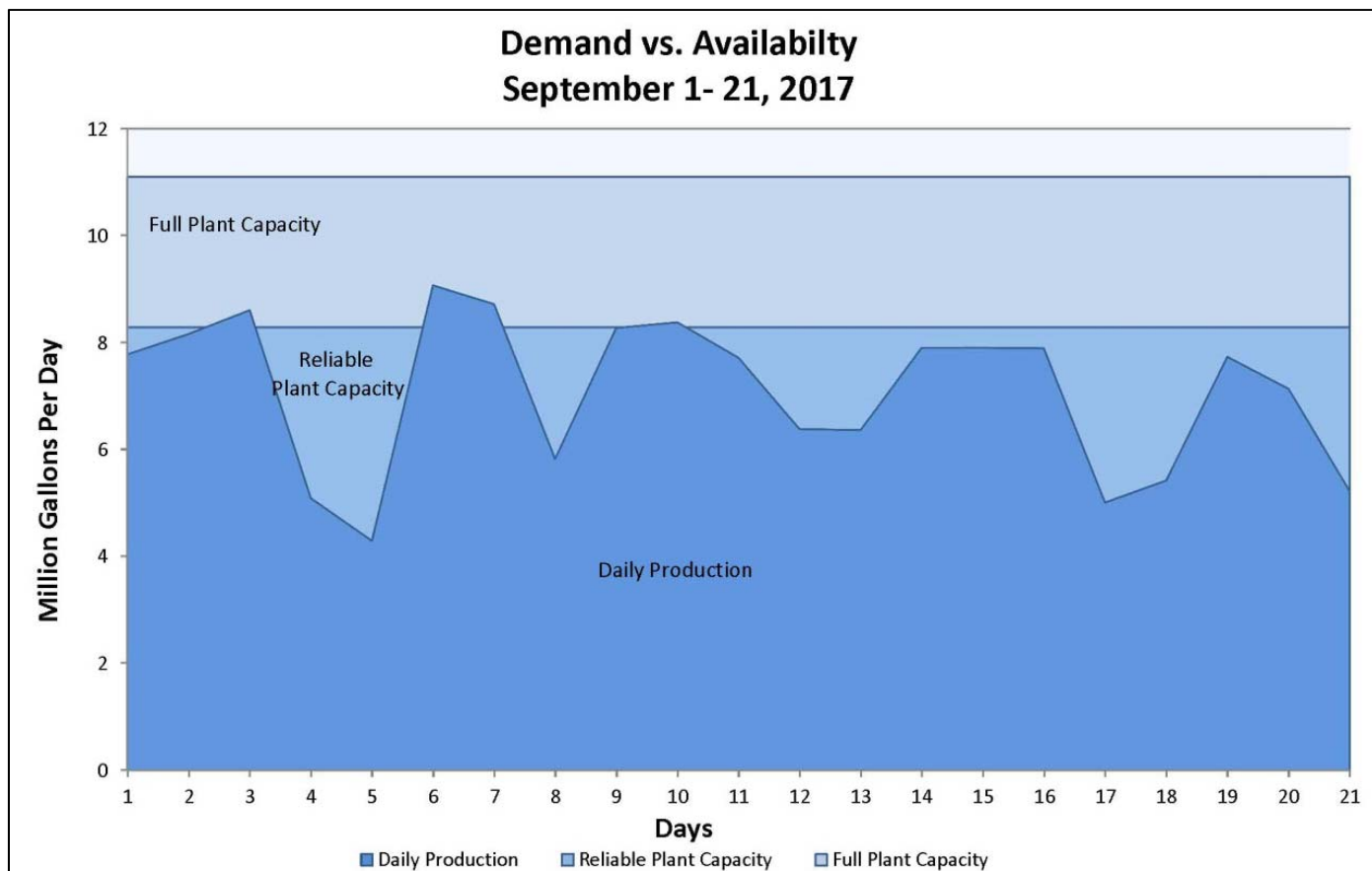
SEPTEMBER ACTIVITIES CONTINUED:



Water Treatment Plant employee calibrating the hardness indicator.

WATER TREATMENT PLANT SUMMARY

SEPTEMBER ACTIVITIES CONTINUED:



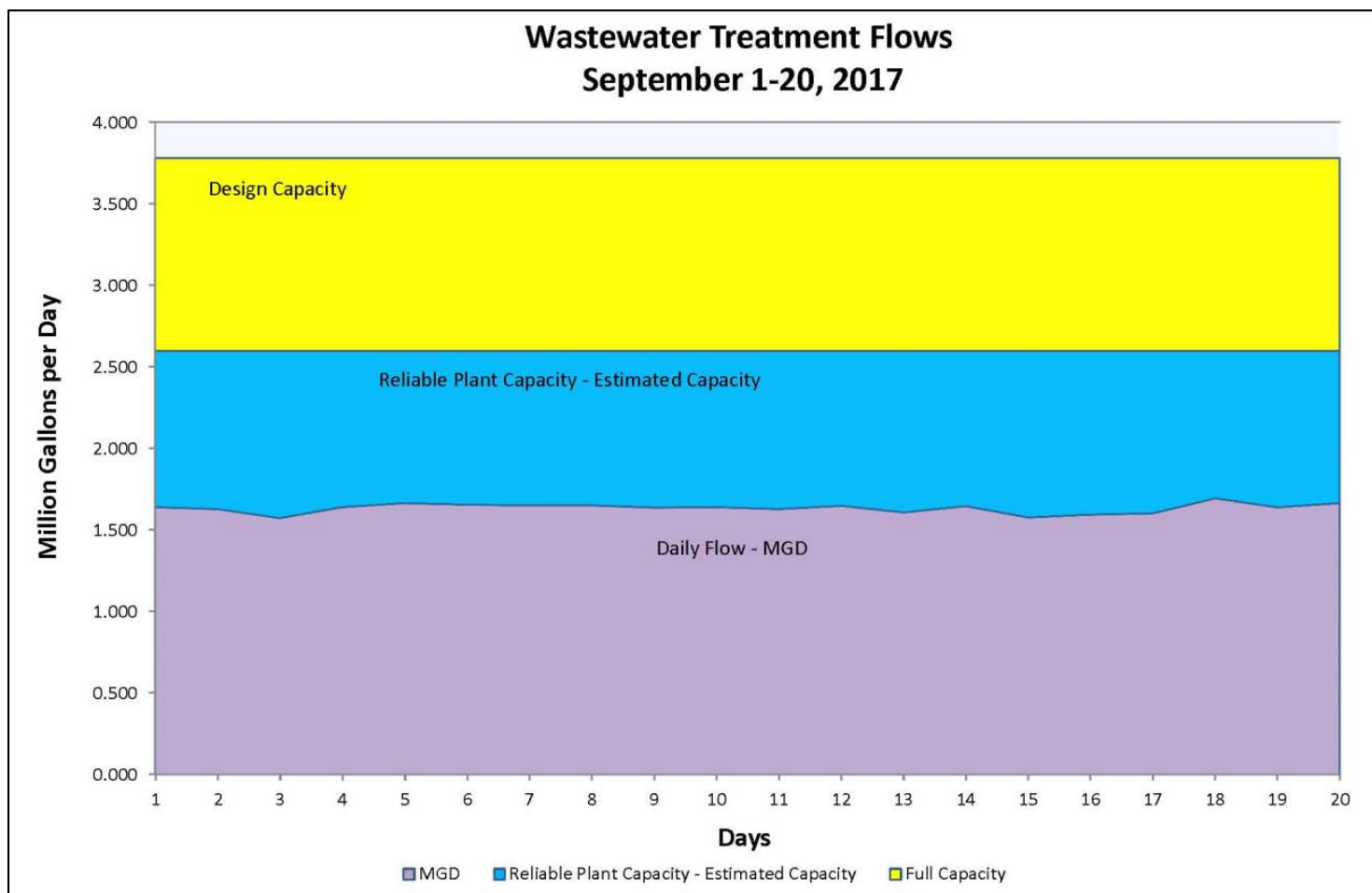
Water Treatment Plant employees making repairs to filter No. 2 at the Water Treatment Plant.



WASTEWATER TREATMENT PLANT SUMMARY

SEPTEMBER ACTIVITIES:

- Spraying weeds around the property, this will continue as weather allows on an as needed basis.
- A meeting was held in Pendleton August 28th with Oregon Department of Environmental Quality and our Wastewater National Pollutant Discharge Elimination System permit team.
- Focus for the week was aerator maintenance while our regional maintenance team were on site to help with electrical troubleshooting.



FACILITY MAINTENANCE SUMMARY

SEPTEMBER ACTIVITIES:

- City Hall is beginning the Heating Ventilation and Air Conditioning unit transition from cooling to heating for the season.
- Repaired one of the overhead doors at the Fire Department at Ontario City Hall.
- Crew is removing trees along East Idaho Avenue in front of Big 5 and Dutch Brothers.



Water valves installed at Ontario City Hall in the lawn next to the South employee parking lot and Ontario Apartments.

PARKS AND CEMETERY SUMMARY

SEPTEMBER ACTIVITIES:

- There were four burials this month at Evergreen Cemetery and no burials at Sunset Cemetery.
- There were a total of 99 mowing hours in both cemeteries.
- It took 95 hours to mow all City parks.
- *Cars in the Park* was held at Lion's Park.
- Replaced eight sprinklers due to damage from an event at Lion's Park.
- Purchased a new mower for the parks.



Cars in the Park event at Lion's Park in Ontario.

PARKS AND CEMETERY SUMMARY

SEPTEMBER ACTIVITIES CONTINUED:



Parks employee driving the new lawn mower at Lion's Park.

ENGINEERING SUMMARY

SEPTEMBER ACTIVITIES:

- Right of way permits issued: 4
- Maps printed: 15
- Development meeting for addition to downtown business.
- Development meeting for potential requirements for several properties in Ontario.
- Development meeting for rebuild of existing business from winter damage.
- Development meeting for rebuild of various structures at Malheur County Fairgrounds.
- Worked with property owner to get hazardous sidewalk repaired.
- National Pollutant Discharge Elimination System (NPDES) – Prepared response to DEQ per direction developed at August 29th meeting in Pendleton. Some research was conducted to substantiate longer permit compliance schedule.
- Council Activities - Developed and presented staff report for Snake River Correctional Institute (SRCI) contract extension. Presented results of bid for 2017 Annual Water and Sewer Line Replacement project. Analyzed best approach forward in light of no bids. Presented slides regarding parking modification opportunity for downtown core.
- Snake River Correctional Institution – Continued development of SRCI Lower Lift Station hydraulic review.
- 2018 Annual Water and Sewer Line Replacement Project – based on Council's direction, engaged Keller Engineers to combine Replacement projects and begin design for the coming year. Met with Keller to review project elements.
- Supervisory Control And Data Acquisition (SCADA) – Worked with staff when WWTP SCADA system went down. Engaged SCADA technologist to begin evaluation process in order to install improved system rapidly.



CH2M engineering technician inspects sidewalk pumping along Alameda Drive after several trip and fall complaints. Work to pump up low spots in the sidewalk eliminated uneven sidewalk panels.

APPENDIX

FIELD SERVICES

Collection and Distribution staff is responsible for Sewer Collection and Water Distribution throughout the City. Water Distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services which include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer Collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the City. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from Snake River Correctional Institution. The City has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout the City limits. Duties include Storm drain maintenance and repair, cleaning of approximately eleven miles of Storm drain lines and cleaning the catch basins.

*COLLECTION AND DISTRIBUTION STAFF MAINTAINS
78 MILES OF SANITARY SEWER LINES
56 MILES OF STORM DRAIN COLLECTION LINES
AND 1,450 CATCH BASINS THROUGHOUT
CITY LIMITS*

The Street Maintenance Division maintains more than 122 lane miles of improved streets and more than 9 miles of alleys. The street department is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, repairing all established pavement markings. The division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the Chamber of Commerce by putting up decorations on street lights during the Christmas season and replacing them with the regular decorations when the season is over.

*STREET MAINTENANCE DIVISION MAINTAINS MORE THAN
122 LANE MILES OF IMPROVED STREETS
9 MILES OF ALLEYS
CHIPSEALS LAST A MINIMUM OF 8 YEARS,
AND PUBLIC WORKS CHIPSEALS 7 MILES PER YEAR*

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging due to water and sun; and provides a moisture barrier and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to

taxpayers and should last a minimum of eight years with minimal maintenance required. The City chipseals approximately 7 miles per year.



APPENDIX CONTINUED

WATER TREATMENT PLANT

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

There are two sources of water for Ontario's estimated 11,090 residents: 80 percent of our water comes from the Snake River and 20 percent comes from wells. Two plants treat our city's water. One is a conventional filtration plant, and the other is an upflow clarifier. The steps for treatment are flocculation, sedimentation, filtration and disinfection – meeting the compliance of the Oregon Health Authority.

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

The Water Treatment Plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 million gallons per day (MGD) and a maximum capacity of 11 MGD. The Water Treatment Plant average production is 6 MGD and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 million gallons (MG) of that water.

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

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

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (CFS), 24.71 million gallons per day (MGD) for municipal use.

All of the City's potable water is treated and disinfected at the Water Treatment Plant. The plant has an original 8 MGD design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

WASTEWATER TREATMENT PLANT

The Wastewater Treatment Plant collects wastewater from the entire city and Snake River Correctional Institution. The prison accounts for approximately 16 percent of the flow to the plant.

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

Average discharge volume is approximately 1.5 million gallons a day (MGD). Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm.

APPENDIX CONTINUED

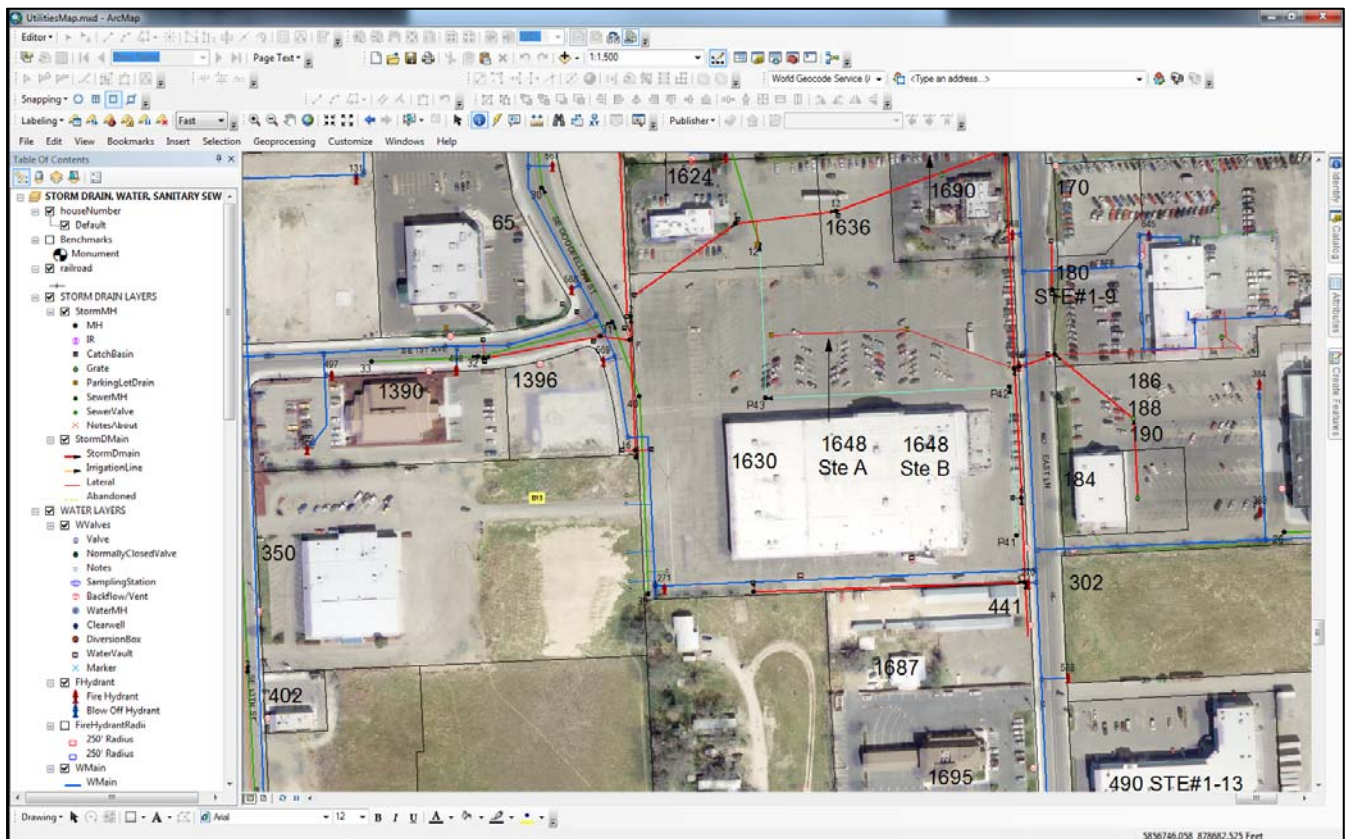
PARKS DEPARTMENT

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The City also owns the Wayne King Skateboard Park.

ENGINEERING DIVISION

The Engineering Division reviews plans for construction of public improvements, maintains the City's mapping system, and manages the engineering projects within both the Capital Improvements and Maintenance Programs. The department provides technical support to residents, developers, builders, other City departments, consulting engineers and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects and provide project management for public improvements.

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



Airport Committee Minutes

Date: Monday, September 25, 2017

In attendance:

Chris Droege

Adam Brown

Brent Richesin

Dan Beaubien

Norm Crume

Gary Taylor

Pete Morgan

Tom Frazier

Jim Bain

A quorum was not established.

The meeting began at 6:00 pm.

An agenda was handed out prior to the meeting.

Dan read the minutes.

There was no approval of the agenda or minutes due to the lack of a quorum.

Old business

Next discussion was about the snow removal process and equipment needed at the airport. Tom put together some information about the best way to remove and stock pile snow. It was a general consensus that the acquisition of a loader and attachments needed to be expedited as we are now into the fall season. It was also voiced that the snow blower would be a priority as the new lighting system would not allow snow removal with the blade as it has been done in the past. Throwing the snow up and over the lights and off the runway and taxi ways seemed to be the safest option to avoid damaging the new lighting systems. It was also a general consensus to have the equipment necessary for safe and continuous operations of the airport to be housed permanently at the airport. Brent said that he has a 7 foot snow blower that mounts behind a tractor. Most in attendance agreed that it would be too small to adequately do the job needed because of the large surface area needing plowed at the airport. Dan said that he would check into the military surplus equipment to see if that would be a more inexpensive option.

New business

Adam introduced Dan Beaubien as the new airport manager to begin Monday, October 2nd. He will be half time at this juncture but with the expansion and growth anticipated at the airport coupled with additional rules and regulations, it will be necessary to have a full time airport manager at Ontario.

Agenda items:

IV. Airport runway light status.

In Toby's absence Adam said that the projects are on track and that the upgrade to the electrical at the vault will begin in a couple weeks.

V. Next year's COAR grant application.

Adam said that the grant is due October 1st and that Toby has it ready.

VI. FBO modular building approval with FAA.

The modular building at the FBO is pending an approval from the FAA. The FAA is waiting on the lease agreement with the city. The building will be temporary only, for a maximum of 3 years, at which time it will be removed or made permanent with a foundation.

VII. Committee member comments.

Tom said that they took in \$3,350 at the eclipse plane parking. It was a good time for all in attendance. Gary said that Tom did a wonderful job of seeing that their needs were met. There were many positive comments about the courtesy at the airport.

Dan asked about ex Officio members being able to constitute a quorum if needed. There was no absolute answer as opinions differed. Dan also stated that he will no longer be able to serve as a board member on the airport committee as of Monday, October 2nd when he assumes the airport manager position for the city of Ontario.

VIII. Adjournment.

With no further business Chris ended the discussion at 7:32 pm.

Respectfully submitted by: Dan Beaubien

PUBLIC WORKS COMMITTEE MEETING MINUTES
Tuesday, August 8, 2017, 3:00p.m. MT
**** PUBLIC WORKS HEADQUARTERS ****

Meeting called to order at 3:05 p.m. by Bernie Babcock, Public Works Committee Chairman.

Committee members present included Mr. Bernie Babcock, Mr. Riley Hill, Mr. Scott Wilson, and Pat Woodcock (one vacant position).

Others present included Cliff Leeper, Betsy Roberts, Suzanne Mulvany, Gary Young, CH2M and Marty Justus, Councilor.

The press was notified. This meeting was recorded (the tape is available at the Public Works Headquarters); the minutes are on file at City Hall and on the city's website at www.ontariooregon.org.

ADOPTION OF MINUTES – JUNE 13, 2017

RESOLUTION, ACTION &/OR MOTION:

The motion was made by Mr. Wilson, seconded by Mr. Hill to adopt the minutes of the previous meeting, June 13, 2017: Motion passed unanimously.

UPDATES

BETSY/CLIFF

- ~ Water Treatment Plant Completion:
 - o Near Completion and working well. Currently finishing up a few minor cleanup items.
 - o The new SCADA system tracks real-time data. It is much more efficient and easier to operate.
- ~ Chip Seal Completion:
 - o Chip seal is complete and fog seal is scheduled to be done later this month after the Solar Eclipse.
- ~ Back Parking Lot Paving:
 - o Complete and looks great.
 - o MJ – Blue international parking signs? Are we planning on installing those anywhere down there?
 - o CL – Not planning on it.
 - o MJ – Not for the eclipse, but for enough signage to get people to come back there? Looking at SE 1st and trying to get permission to put an old-time finger on the building that says “Parking”.
 - o CL – Good news regarding signage. We’ve had issues with sign vendors getting them to be responsive and in a reasonable time frame. Recently approached the prison and they have a sign shop with significantly less cost, and much faster turn-around time.
 - o MJ – Are there designated spaces for dumpsters?
 - o BR – We’ve asked Adam for direction on this.
 - o SW – There are no codes for enclosures but have standards because everyone has different space restrictions.
- ~ Sanitary Waterline Project:
 - o Combined project of both sanitary and water lines.
 - o Bid opening - 8/24/17
 - o Start - This fall
 - o Cost - Approximately \$400,000 (\$200 k each)
 - o Location - Down by the Cultural Center.
- ~ Well #17:
 - o Almost complete - Building has been completed (all done in-house).
 - o Finishing up electrical & coordinating SCADA.
 - o SCADA reports to the Water Treatment Plant; also, reports to remote systems for staff on call and the Superintendent, giving them the ability to make changes remotely.
- ~ East Idaho Trees.
 - o Grates have been purchased, waiting on their delivery and the weather.
 - o Met with Meadow Outdoor Advertising.
 - o Trees are non-producing pear trees; will not get real big.

~ SRCI Meeting & moving forward:

- Meeting set up for 9/21/17.
- Had a conference call with them in July. Went through where we were, process forward, explained where we were with the review of the lower lift station, and how that would impact things (they were very interest in hearing about that).
- Both parties, the DOJ and the City, agreed that because of the timing we needed to extend the contract one year. Get the information, get the NPDES (which we should be finalizing this fall), and then can wrap that into what the contract looks like.
- Now the DOJ is putting together an amendment to extend the contract. Larry Sullivan is on call; we hope to potentially have it in front of the council the 15th of August, because it needs to be reviewed quickly and turned around to make the Sept. 30 deadline. It is just an extension of one year.
- 9/21/17 meeting is set to just to make sure everything is coming together.
- RH – Is this extension going to include shifting the liability to the State if something goes South?
- BR – We really can't at this point. Mr. Sullivan's first take on this was pretty clear as to they've given it to us & it's ours. It's part of why we are doing this study to understand what those challenges are and be prepared to handle it as quickly as we can.
- RH – Just know that they do not give extensions, they give deadlines. But if it's the other way around they extend. Don't think it is right.
- BR – With respect to DEQ believe we have some responsibilities. We are accepting their waste right now through an agreement. We would make a lot of enemies other than just the DOJ if we were to say "Sorry, we're done". Believe this is where Adam is coming from too. We are working with the DEQ on our NPDES, we have a lot of things going on, and we may need the flow from SRCI. That may help us in the future with our NPDES based on the quality of their water where we might use land application if that comes up being a solution. So, one more year doing the same seemed okay.
- MJ – During the conference call in January the DOJ said "Maybe we just need to pursue our own system?" That's enough for the City to say we don't have to extend. Understanding why we would, however think we need to protect ourselves. Everyone knew this contract was coming up, they knew it was coming up, and then to kick it down the road another year...? Find it very unacceptable, and going to be very vocal about it at the council level. Where's the shared liability? Would like recommendation from this committee.
- BB – Like to see the contract first. Believe that it indicates the City of Ontario took possession of the system after receiving payment. And some criteria about substantial changes to the contract to require more than just one year or ?? It was not just a done deal to stop service.
- MJ – The contract is expiring, that leaves it open for negotiation. Just saying that during this year of discovery, that if we run into an issue, i.e. contaminating the river, etc., now is the time to negotiate that in there.
- RH – Motion, in the negotiations with the extension of the contract the PWC recommend to the City Council that liability be put on the state..
- BB – or shared?
- CL – It's equitable that they take some responsibility because it's their waste, they provided the system, then handed it over to us. Believe what will happen is when we approach this with them they will want to make sure we're doing a good job of maintaining the system and taking care of it. And when the Study is done it will list those things. The second part of this is the NPDES Permit.
- BR – With respect to the DOJ and where they stand, one individual in the group from SRCI said we should look at what we can do. When they have come back since, the folks from Salem, who really are running the show, said "That's not going to happen. We are here to work with you". Local guy was just a bit frustrated.

RESOLUTION, ACTION &/OR MOTION:

The motion was made by Mr. Hill seconded by Mr. Woodcock that the Public Works Committee recommend to the City Council that in the extension of the contract that the State acknowledges that they share 50% of the liability if there is a failure or spill: Mr. Scott Wilson – Yes; Mr. Bernie Babcock – Yes; Mr. Riley Hill – Yes; Mr. Pat Woodcock – Yes; Motion Passed 4-0-1 (one vacant).

~ NPDES:

- August 29th, we will be meeting with the State.
- They have shared 2 compliance schedules (after much discussion going back and forth).
- The Permit comes in 5 year cycles (10 or 15 years). One laid out with 2 cycles and one with 3 cycles. We've been saying that with the money that needs to be spent and the activities that need to be done, we really need the 3 cycles (15 yrs.)

- With the information they provided us, we sat down internally and discussed it; Adam and Paul Woods we're trying to create a response that best supports the City side.
- They really want us to be under a new permit by January.
- They are getting pressure from the EPA to get it done.
- Can always appeal it, but gets a bit sticky with all the legalities and would really prefer not to go that route.
- The other route is to accept it and say Yes.
- And there are still within that compliance schedule we end up with a 15-year. There are activities we would do right up front, which is one thing they keep pushing, but we've found that we got it nailed down to activities that make sense anyway.
- Again, we have more off ramps there as well, if the cost is so significant that it just isn't going to work, we can get a variance through the EPA that says our community cannot afford this.
- However, for the City of Ontario to get a variance on this permit would be extraordinary. Would double the bill.
- HB 2012??? Border economic zone.. Might give a little operating room. Says that we can get waivers on tax and other issues.....
- Want us to clean our water 10x more than the way it comes in as far as arsenic. The minimum drinking water standard for arsenic is 10 mg parts per billion. They want our limit to be 2.1 mg per limit. The Snake right now is approximately 4-6 depending on when and where you take the sample.
- Explain Cost and the 2% again.
- I.e. if the cost of a new treatment plant and our 2% was \$60 mo. per household, if that causes rates to go above \$60 a month then they could say okay we'll give you a variance.
- Bottom line – get cleaned up then
- RH – how much \$ have we spent on this? ~\$40,000 since CH2 has been here.
- Negotiating with DEQ but EPA is the one dictating to DEQ. Oregon runs their own DEQ. Oregon has their own State controlled system because their standards are more stringent than the Federal standards.
- Oregon did decide to go with the 2.1 where Idaho did not.
- *(Multiple conversations)*

2017 ECLIPSE

BETSY/CLIFF

~ Meeting with City group & will be providing extra services:

- Extra Porta-Potties
 - Parks, Golf Course, etc.
- Park bathrooms to be open also
 - Security Cameras already installed in the area
- 3 septic dump sites
 - PW, Golf Course, and Fairgrounds

~ Emergency meeting:

- Hung banner with eyebolts on the railroad overpass with UPRR permission.
- Ontario Sanitary:
 - Monday starting @ 2 am and finish by 6 am before any traffic.
 - Running extra requested commercial routes, and extra containers at multiple businesses that have requested them.
 - And 5 extra containers each at both Lions & Beck parks.
- Every hotel in town has been booked for months/year
- PW – to provide extra labor over the weekend at the parks, etc.

ADJOURN

The motion was made by Mr. Hill, seconded by Mr. Woodcock to Adjourn: Motion passed unanimously.

APPROVED:


Signature


Date

(Bernie Babcock, Chairman / Riley Hill, Vice-Chairman)

MALHEUR COUNTY COURT MINUTES

SEPTEMBER 6, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was John Braese of the Malheur Enterprise.

PROCLAMATION - RECOVERY MONTH

Present for the signing of the proclamation declaring September 2017 as Mental Health, Substance Use Disorder, and Problem Gambling Recovery Month were: Ray Millar, Lindsay Atagi, Orquida Flores, Paula Olvera, Laurie Smith, and Judy Trask from Lifeways; Jane Padgett from DHS; and Susan Gregory, Sara Runnels, and Jennifer Schaffer from the Juvenile Department.

Mr. Millar read the proclamation:

Malheur County Proclamation

Mental and substance use disorders affect all communities nationwide, but with commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery. By seeking help, people who experience mental and/or substance use disorders can embark on a new path toward improved health and overall wellness. The focus of *National Recovery Month (or Recovery Month)* this September is to celebrate their journey with the theme "*Join the Voices for Recovery: Strengthen Families and Communities.*" *Recovery Month/Hands Around the Park* spreads the message that behavioral health is essential to health and one's overall wellness, and that prevention works, treatment is effective, and people recover.

The impact of mental and substance use disorders is apparent in our local community, and an estimated 21.7 million people aged 12 or older needed substance use treatment in the US the past year, with 8.1 million adults having had a co-occurring mental illness and substance use disorder the past year. In a single day count in 2015, 30,401 individuals in Oregon were enrolled in substance use treatment. In Oregon in 2015, an annual average of about 333,000 adults received mental health services the past year. We all are affected by these conditions in one way or another. Through *Recovery Month*, people become more aware and able to recognize the signs of mental and substance use disorders, which can lead more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally.

The National *Recovery Month* observance continues to work to improve the lives of those affected by mental and/ or substance use disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available. For the above reasons, we are asking the citizens of Malheur County to join us in celebrating this September as National *Recovery Month*.

We, as Malheur County Court, do hereby proclaim the month of September 2017 as

***MENTAL HEALTH, SUBSTANCE USE DISORDER, AND PROBLEM GAMBLING RECOVERY
MONTH***

In Malheur County and call upon our community to observe this month with compelling programs and events that support this year's observance.

The Court signed the proclamation.

The annual Hands Around the Park celebration will be September 14, 2017. The Court discussed addictions and recovery with those present. Marijuana use in high school aged youth is currently lower than the state average but because of the lower perception of harm of the drug and concern of increased use, diligence in education and prevention continues. Roughly 20% of adults at some point in their lifetime will experience a mental health disorder; and of those, approximately 50% or more will also have a co-occurring substance use disorder.

ORDINANCE NO. 214 - ZONE BOUNDARY LINE ADJUSTMENT IN COUNTY/NYSSA UGA

Judge Joyce opened the public hearing for consideration of Ordinance No. 214: Ordinance Amending Malheur County's Zoning Map to Rezone a 30.52' Strip of Tax Lot 1701 Map 19S47E31A from R-1 (Residential) within the County/Nyssa UGA to C-1 (Commercial) within the County/Nyssa UGA. The Applicant, Kevin Draper, submitted an application requesting a zone boundary line adjustment for the referenced property as it has a divided zone; part of the property is zoned residential and part of the property is zoned commercial. Mr. Draper's request is to adjust the boundary between the two zones and move a 30.52' strip from residential to commercial. No public comments were received. The Nyssa City Planning Commission and Malheur County Planning Commission have both held hearings on the matter and recommended approval of the request. The hearing was closed. Commissioner Hodge moved to approve Ordinance No. 214: In the Matter of: Ordinance Amending Malheur County's Zoning Map to Rezone a 30.52' Strip of Tax Lot 1701 Map 19S47E31A from R-1 (Residential) within the County/Nyssa UGA to C-1 (Commercial) within the County/Nyssa UGA. Commissioner Wilson seconded and the motion passed unanimously. See instrument # [2017-3523](#)

DETENTION AGREEMENT - ADA COUNTY

Juvenile Department Director Susan Gregory presented a MOA with Ada County for detention services. Commissioner Hodge moved to approve Memorandum of Agreement (MOA) Between County of Malheur, State of Oregon and County of Ada, State of Idaho FY 2018. Commissioner Wilson seconded and the motion passed unanimously. The agreement is for juvenile detention services at the Ada County Juvenile Detention Center in Boise at a daily rate of \$216. A copy will be returned for recording.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of August 30, 2017 as written. Commissioner Hodge seconded and the motion passed unanimously.

CHECK REGISTER

The Court signed the Accounts Payable register for June 2017.

FAIR

Fair Manager Lynelle Christiani met with the Court and provided a brief update. Gate numbers from the recent County Fair were up; however, revenue was down. The Friday night gate numbers were very low but the other days showed an increase. The concert event was successful and planning preparations will begin soon for next year. The rodeo was well attended each night; discussion ensued as to whether it would be beneficial to charge an entrance fee for the rodeo or discontinue the rodeo as it does not produce revenue. Ms. Christiani explained that the Board considers the rodeo an entertainment forum for persons attending the Fair and the final expense is not that significant. The Red Barn activities need to be revamped next year as the payout on premiums is quite large. Security issues also need to be addressed for next year's Fair; four vendors had thefts this year.

Mr. Braese left the meeting.

IGA - MARINE BOARD

Commissioner Wilson moved to approve Boating Facility Grant Intergovernmental Agreement, Agreement No. 1602 with the State Marine Board. Commissioner Hodge seconded and the motion passed unanimously. The agreement provides grant funds in the amount of \$107,280 for the overlay and restriping of the boat trailer parking area at Bully Creek Park; the cash match required is \$7,720 and matching non-cash resources of \$4,200. The project is to be completed by June 30, 2018. A copy will be returned for recording.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #36-17 to Idaho Power Company to replace a pole and install a transformer for service to a new home on 7th Avenue W #1091. Commissioner Wilson seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

AMENDMENT - IGA #147797

Commissioner Wilson moved to approve Twentieth (20) Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording.

MOU WITH ASD AND TVP

Acting as the Governing Body of the Ambulance Service District, Commissioner Wilson moved to approve Memorandum of Understanding between Malheur County Ambulance Service District and TVP, Inc. Commissioner Hodge seconded and the motion passed unanimously. The MOU is for the management of medical supplies; TVP manages, orders, inventories, secures, and disperses medical supplies to the ambulance providers within Malheur County. See instrument # [2017-3525](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

September 13, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was John Braese of the Malheur Enterprise and Larry Meyer of the Argus Observer.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of September 6, 2017 as written. Commissioner Wilson seconded and the motion passed unanimously.

CHECK REGISTER

Commissioner Wilson moved to approve the Accounts Payable register for July and August 2017. Commissioner Hodge seconded and the motion passed unanimously.

DEED - SULLIVANS - REF #2461

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Michael R. Sullivan, Patrick J. Sullivan and David L. Sullivan for Ref. #2461 purchased at the 2014 County Land Sale. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2017-3618](#)

COUNTY POLICY 119 - VETERANS' PREFERENCE

Commissioner Hodge moved to approve County Policy 119 - Veterans' Preference. Commissioner Wilson seconded and the motion passed unanimously. Malheur County applies Veterans' Preference Points in accordance with ORS 408.230 and 408.235. See instrument #[2017-3620](#)

EMPLOYMENT AGREEMENT - CASTRO

Commissioner Hodge moved to approve Malheur County Sheriff Deputy - employment of PERS retiree Temporary Employment Agreement with Roy Castro. Commissioner Wilson seconded and the motion passed unanimously. Mr. Castro will continue to work as a Correctional Officer after his date of retirement through December 31, 2017. See instrument # [2017-3619](#)

RN VACANCY - HEALTH DEPARTMENT

Ms. DuBois explained that an RN at the Health Department was resigning and Health Department Director Angela Gerrard was requesting authorization to fill the position. The Court suggested that the RN position be combined with the currently vacant Registered Dietician position and requested Ms. DuBois discuss this suggestion with Ms. Gerrard.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(f) Exempt Public Records and ORS 192.660(2)(h) Legal Counsel with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois, Larry Meyer of the Argus Observer, and John Braese of the Malheur Enterprise. No decisions were made during the session.

"SLIPPER PROPERTY" 122 MAIN STREET, VALE

The apparent low quote for demolition, leveling and compaction for the real property located at 122 Main Street, Vale (the "Slipper" property) was received from Clark Irrigation and Construction. The Court authorized Ms. Williams to follow-up with Mr. Clark and possibly conduct negotiations.

COURT ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

September 20, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge present.

Also present was John Braese of the Malheur Enterprise.

IRRIGATION WATER ON ROADWAYS

Road Supervisor Richard Moulton met with the Court to discuss irrigation water on roadways. Also present was State District 9 Watermaster Ron Jacobs, Surveyor/Engineer Tom Edwards, and Sheriff Brian Wolfe. Mr. Moulton explained that irrigation water going on roads has become a big problem. Watering the roads causes damage to the roads and is expensive to repair. Last year, Mr. Moulton issued over 30 written warnings to landowners for irrigation water on roadways. The warnings did help to educate people, but there are still some who continue to allow the irrigation water to spray onto the roads. Mr. Jacobs has been working with the various irrigation companies regarding the problem and encouraging them to correct the problem with the landowners; the irrigation companies do have the authority to shut the head gates off if the water is being used incorrectly. Warm Springs Irrigation has been responsive to the issue. Violations in the other irrigation districts continue. Citations can be issued if the problem is not corrected with the warning notice. Citations can be served by a Sheriff's Deputy; County Code also allows for Mr. Moulton to issue/serve the citations by mail or in-person as the Road Supervisor is an enforcement officer. Sheriff Wolfe explained that his office does not have an ordinance deputy and does not have the resources to issue/serve the citations. A first time violation carries a fine of \$500; subsequent violations are \$1000.

Administrative Officer Lorinda DuBois joined the meeting.

Judge Joyce asked Mr. Jacobs what assistance he could offer as a State Watermaster. Mr. Jacobs explained that he supports the County in this matter and that there are no water rights to water the roads. Mr. Jacobs has the authority to write notices of violation and start the process of fining the landowners; and also has the authority to take control of the head gate at the point of diversion.

The Court was supportive of Mr. Moulton issuing warnings and citations as needed; and continuing to work with Mr. Jacobs and the irrigation districts to correct the water problems.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of September 13, 2017 as written. Judge Joyce seconded and the motion passed.

SUPPLEMENTAL BUDGET

Commissioner Hodge moved to approve Resolution R17-36: In the Matter of Fiscal Year 2017/2018 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Judge Joyce seconded and the motion passed. The supplemental budget allocates State Strategic Reserve Funds that were received but not anticipated when the adopted budget was prepared - the funds are to be used to remove building debris from damaged County land; and allocates State Marine Board funds that were received but not anticipated when the adopted budget was prepared that are to be used to pay for overlay and restriping of the boat trailer parking area at Bully Creek. See instrument # [2017-3677](#)

BUDGET TRANSFER

Commissioner Hodge moved to approve Resolution No. R17-37: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Judge Joyce seconded and the motion passed. Funds in the amount of \$7,720 are transferred from Economic Development Technical Assistance to Marine and Park for the Bully Creek overlay/restriping project. See instrument # [2017-3678](#)

Ms. DuBois left the meeting.

JCP PROVIDER CONTRACT - BOYS AND GIRLS CLUB

Commissioner Hodge moved to approve Provider Contract for Juvenile Crime Prevention (JCP) Services 2017-2019 with Boys and Girls Club of Western Treasure Valley. Judge Joyce seconded and the motion passed. JCP Prevention Services target youths 10 to 17 years of age who are at high risk for commission of juvenile crime and who have the basic risk factors; and Boys and Girls Club is a provider that employs authorized professionals to provide youth services. See instrument # [2017-3679](#)

ORDER LIFTING BURN BAN

Commissioner Hodge moved to approve Order No. GO-09-17: Order Lifting Burn Ban in Unincorporated Areas of Malheur County Located Outside of a Fire District. Judge Joyce seconded and the motion passed. See instrument # [2017-3680](#)

DEMOLITION CONTRACT - CLARK IRRIGATION AND CONTSTRUCTION

Commissioner Hodge moved to approve Demolition Contract with Clark Irrigation and Construction Inc. Judge Joyce seconded and the motion passed. The contract is for demolition and removal of the existing structure and concrete basement located at 122 S Main St., Vale ("Slipper/Welcome Inn" property). See instrument # [2017-3681](#)

COURT ADJOURNMENT

The meeting was adjourned.

BOARD OF DIRECTORS

City of Ontario, Ontario, OR

September 6, 2017 ~ 7 am

Board Members & Executive Board – Patrick Nauman, Randy Griffin, Sandy Hemenway, Ken Bishop, Dan Cummings, Ron Verini, Dan Greig, Marla Roberts, Mike Hanigan, Kevin Coats, and Andy Oyervides

Members and Guests Present – Melody Goodman, Dennis Baughman, Alan Massey, Ed Susman, Bob Komoto, Georgia Hanigan, Norm Crume, Nate Marvin, Ken Hart, Judy Cordeniz, Tim Heinz, Torie Ramirez, Debbi Roeper, and Andrea Testi

Staff - Kit Kamo, Executive Director for SREDA

1. Call the Meeting to Order: Chairman Patrick Nauman called the meeting to order at 7:00 a.m.
2. Introductions of Attendees: Chairman Nauman thanked everyone for coming to today's meeting. Multiple communities were once again represented. All found their way today to Ontario. We then went around the room and everyone present introduced themselves and the business or entity they were representing.
3. Board of Director Position Replacement – Marla Roberts: Chairman Nauman welcomed Marla Roberts as the new SREDA board member representing the City of Nyssa. Marla will replace Harry Flock. Chairman Nauman explained to the group that no vote was necessary as this is simply a replacement of an appointed board position. Everyone thanked Marla for her service.
4. Approval of August 2, 2017 Board Minutes: Chairman Nauman asked if everyone had a chance to read and review the August 2, 2017 board minutes that were emailed out. Chairman Nauman then asked if anyone had any questions or corrections to the minutes. Hearing none, Chairman Nauman asked for a motion to approve the minutes as received and presented. Dan Greig made a motion to approve the minutes, seconded by Kevin Coats. The motion passed unanimously.
5. Financial Update: Treasurer Sandy Hemenway went over in detail the financial handouts for the month of August discussing balances at the end of the month in both the checking and money market accounts, and then totals for month end. Sandy explained to the group SREDA has \$29,710.87 in our ICB checking account, \$50,573.48 in our Money Market account for a total checking and savings balance of \$80,284.35. She then reviewed the private donations received for the month which were CenturyLink, Argus, Kohn Foods, Red Apple, and Mike Hanigan. The public donations included the City of Weiser. She also reviewed expenses for the month commenting on certain ones as she presented the financial information. After Sandy's review and explanations, Chairman Nauman asked if anyone had any questions on the financial report. Hearing none, Patrick then asked for a motion to approve the treasurer's report as discussed and presented. Ken Bishop made a motion to approve the treasurer's report as printed and presented, seconded by Ron Verini. The motion passed unanimously.
6. Annual Meeting – Set Date – November 6-9, 13-16 Evening Meeting: The SREDA annual meeting is usually on held on a Tuesday or Thursday as Wednesday usually is full of meetings. The meeting has been held in the past at St. Alphonsus hospital. Ken Bishop

began the discussion by proposing November 7th. After discussion November 9th was suggested as perhaps the best day for everyone involved to meet which was accepted by the group. Also, we will not hold our normal monthly meeting which would have been on November 1, 2017 as there will be a short board meeting following the annual meeting. This is consistent with other years. More details will come out soon.

7. City and Community Highlights:

- a. Fruitland: Mayor Ken Bishop said that he had no new milestones to report this month however, he was proud to announce that the new Crestview Park is open now and has been enjoyed by children and adults alike. It also has a splash pad which has been a big hit. The city has now completed the street improvement upgrade on South Pennsylvania Ave. which really turned out nice. It is now much safer for the public and really looks nice. Lastly, the city continues work on their budget which is a big job.
- b. Payette: Councilman Alan Massey started the Payette update and said the city has now passed its annual budget and dollars for SREDA were included. Councilman Massey said the eclipse events all turned out well and local nonprofits made a few dollars. Payette's annual cruise night at A & W is this weekend so please come and enjoy it. Also, the farmers market is going on and he hopes everyone will attend. He mentioned the Payette River Access project with Kit and the State of Idaho Parks and Recreation department. Payette might qualify for a grant for that project. Overall, things are going well in Payette.
- c. Ontario: Mayor Ron Verini said he was very pleased that Oregon Governor Kate Brown was in town last week and signed the newly passed legislative transportation bill which will bring \$26 million to Malheur County for a new Trans load facility. This facility is much needed in this local region and will help producers unload their products by truck and then ship them via rail saving time and money. This is a big deal for this area. Also the mayor said the other recently passed legislative bill will allocate \$5 million dollars for economic development in Malheur County will help with competition in the valley. Several good things are happening in Ontario.

Adam Brown, Ontario City Manager, said that Starbucks recently opened and that they are still working on the possibility of Ashley Furniture moving into the old mall. The city has been busy completing summer work on several streets. They also plan to complete some improvements in the downtown area too.

- d. Nyssa: Marla Roberts said the city recently held a ground breaking for the new water treatment plant which has been in the works for a long time. The city is very excited to get this important project going. Also the local A&W restaurant has been hosting a cruise night too. Tori Ramirez stated that the new middle school building is coming along great.
- e. Weiser: Patrick Nauman provided the update for Weiser and said he was proud to announce that everyone survived the special eclipse event which was a well-planned out big event for Weiser. Patrick estimate about 20,000 folks came to the area for the viewing so all planned events were well attended. From this event our local region really received some extremely good and much needed publicity. The city is also working on some street improvement projects and all are going well which includes some new surfacing and street corners. One of the downtown buildings which has been under renovation will be completed soon and will be looking to sign possible tenants. Lastly, the Ridley's grocery store is still moving along with plans to rebuild or build new. The final site will be determined soon as they will go before

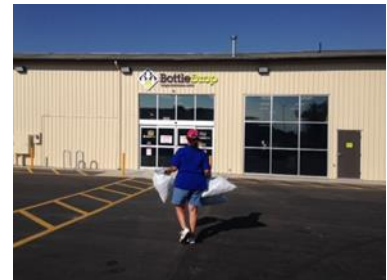
- the city council next week. Rumor is they will either rebuild in the current downtown site or along Highway 95 near Bi Mart.
- f. New Plymouth: No one was present from the City of New Plymouth so no report was given.
 - g. Vale: No one was present from the City of Vale so no report was given.
8. County Highlights:
- A. Payette County: County Commissioner Georgia Hanigan said the county has been working with local packing companies on rebuilding projects and also Dickenson's Frozen foods all of which will help the county.
 - B. Washington County: Nate Marvin discussed the work Intrinsic Organics, formerly Project Neighbor, has been doing and stated the county is also completing the street improvement projects at their location. The County received an Idaho Dept of Commerce grant to help with the street.
 - C. Malheur County: No report was given for Malheur County but Kit did provide a short report on the Owyhee Reservoir State Airport project which is in need of improvement. Several entities will be present for the meeting today at the site including the State, BLM, the Malheur County Sheriff's office and various local pilots. Kit will provide more info after the meeting.
9. Executive Director Report: Executive Director Kit Kamo began her report by stating the Visitors Center will close for the season next Sunday. Kit then reviewed various activities as follows:



August started off with a packed house at the SREDA meeting at St. Luke's in Fruitland, with business man Tommy Ahlquist talking about economic development and running for Idaho Governor.



Projects: Idaho Project W resurfaced and we assisted the state in obtaining lease and sale rates for the Cider plant in Fruitland; several BRE visits with past projects such as Fry Foods, now operating 3 of their 4 new lines in Ontario. We toured an onion ring line, cheese stick line and a French toast line (my favorite) with Scott Fairley, the new Regional Business Development Officer for Business Oregon; Project River Access is moving forward with a meeting with Idaho Parks & Rec and the City of Payette; Project IT has selected a building in Fruitland for their expansion; and project Kim, aka the new bottle recycling center has opened – this was a project that Kim Serrano started working on in May of 2015 with SREDA and another community member, Kelly Dame. Together with Rep Cliff Bentz, the facility is operational!



We attended the groundbreaking event for the new Nyssa City Water Treatment facility, a project that has been a long process and a unique one for a border town – their facility will actually be on the Idaho side of the river.



Governor Brown made her 2nd appearance in Malheur County within a year, a historical event in itself, and signed the transportation package bill. The train depot was packed!

Project Fish, August 30, 2017 Report by Kristen Nieskens - Meeting with some Nyssa folks on September 5th to discuss some ideas and get a better sense of the direction they are wanting to go. Have done a lot of research on line and visited with some experts in the area on possible ideas and attractions. I believe a couple of great resources may be the Great Sportsman & Outdoor Expo in Idaho Falls and the International Sportsmen's Expo in SLC next March 2018.

Project Explore, August 30, 2017 Report by Kristen Nieskens - Project Explore continues to progress slowly. Meeting with Sheriff Wolfe to hopefully get his support and some good direction. I have received some quotes for signage. It is looking like the best place to purchase them is going to be through SRCI- Sign Shop. My hope is to spend Labor Day Weekend doing some "hands on" exploring in the Crowley Ranch area.

Other activities included meeting with our IEDA partners to assist in organizing the fall meeting in Nampa where Kit will be on one of the Economic Development panels; Team Oregon Food Processing 2018 planning meeting; marketing to the world during the eclipse; we are partnering with the SW Idaho Association of Manufacturers and getting the word out about the Manufacturer's Day October 4th (includes Eastern Oregon companies too); and finishing up with the visitor Center for the season.

SREDA SPECIAL REPORTS

I-84 Visitor Center August 21, 2017 Report by Lois Huffman

We staffed the center with a few extra folks. One of our local churches was also there doing a fund raiser with coffee, water and cookies. The State of Idaho Tourism folks gave us 500 pairs of Eclipse Glasses to hand out. Here's Lois' report: "We had a good group of people. The rest area was full with plenty of observers. We had a few Solar Eclipse glasses left, but not many! The exodus afterwards was mind boggling!! We had almost 2400 people go through and that was the ones we managed to count. Jim (Huffman) went from group to group before the eclipse making sure everyone had the glasses they needed (playing host). We had a great time, just wore out afterward. Can't think of any special occasions except everyone seemed to have a great time. The State Police checked through a couple of times." We will be done staffing the visitor center after Labor Day as per our MOU with the state.

State of Oregon Employment Department Aug 22, 2017 Malheur County labor report (received from Ed Susman)

Nonfarm payroll employment in Malheur County grew by 310 jobs over the year. The private sector packed on 380 jobs and the public sector lost 70. Manufacturing (+110) led growth in private-sector employment. Education and health services (-20) was the only industry to see a decrease. Over the month, nonfarm payroll employment fell by 460 as schools let out for the summer. The civilian labor force swelled by 386 people over the year, moving from 12,668 to 13,054. The unemployment rate continued to

decline over the year. The seasonally adjusted unemployment rate decreased from 5.9 percent in July 2016 to 4.4 percent in July 2017. The raw unemployment rate slid by 0.7 percentage point over the year to reach 6.3 percent.

10. Round Table Discussion: Dan Cummings, City of Ontario Economic Development Director, let the group know that the new local bottle drop station is now open for business. Dan explained the history of this project which has taken over two years to come to fruition. As most know, the state of Oregon raised the bottle deposit to ten cents recently which has produced much more bottle return activity. The new facility takes plastic bottles, cans and glass. This is a very clean facility. You can run returned items through yourself or simply sign up for a bar code so you can drop items off at one of their local drop sites. The money will then be credited to your account much like a debit card. The new facility is located out behind the Dairy Queen near the old state police building and is open and ready for your business.

Andrea Testi spoke on behalf of the College stating that fall term is about to get under way. Currently enrollment is all over the place both up and down but we really will not know the final number until fall term starts. Andrea then discussed the new aviation program at the Ontario Airport and that Julie Lynch is the new Aviation Coordinator and is housed on the main campus. Andrea then discussed many of her departmental offerings including the electrical and plumbing apprentice program offerings. All are doing well. She then handed out several flyers for folks in the audience to review and take as necessary. She explained other college offerings too.

Adam Brown said the city is very excited to work with the college on the aviation program. It will be a big win for both. It is a game changer and they are working on a grass landing strip too. This will fulfill a huge need on both sides of the river.

Ontario City Councilman, Norm Crume, said the city was fortunate to get the grants they did to make some necessary improvements at the airport so the college will be in a position to be successful which helps all parties involved. Some extremely good improvements have taken place with new lighting etc.

Andy Oyervides with Teton Machinery spoke about SELMA and stated they have a monthly meeting a CWI. This is an important meeting for business owners and networking with various manufacturers. Teton Machinery will be celebrating their 65th anniversary. Also they are nearing completion on their new facility. They hope to move in on October 6th with an open house slated sometime in November.

Ken Hart, Vice President with St. Alphonsus Hospital, informed the group that the hospital has added two to new physicians both residing in the local area, one in Fruitland and one in Ontario. Mr. Hart then discussed the TVCC Technical Program which now has 301 students enrolled from various local high schools. Ken explained some changes have been made for this year to help facilitate all students involved. Ken stated area local schools are finding dollars to support the program which is outstanding.

Judy Cordeniz CEO of Lifeways discussed their work with Project Dove and Lifeways and explained this is a joint project. They are trying to find another kitchen location at this time. Judy then explained that Lifeways intention is to consolidate some current operations for the benefit of everyone particularly facilities and programming service folks. Lifeways is a large player in the area with now over 310 employees.

Ed Susman with the Oregon Employment Department informed the group that the TVCC Medical Assistant one year program will really fill a huge local area need right now throughout the valley.

Kevin Coats said he had a local friend who hosted eleven campers on his site for the eclipse and entertained them by noodling a large catfish from the Snake River! The campers had a great time and enjoyed the eclipse event.

Patrick Nauman said Weiser's economic group is focusing on the trade job shortage. They are thinking of hosting a separate career fair at the high school specific to local jobs especially designed for kids not wanting to pursue a college degree. It appears a lot of kids are not aware of the labor market shortages and what opportunities there might be.

Torie Ramirez explained the new houses being built by Agile homes in Nyssa which are selling quickly.

11. Adjournment: Chairman Patrick Nauman then adjourned the meeting at 8:05 a.m.

Patrick then stated our next meeting will be held on October 4, 2017 in Weiser, ID at the Train Depot at 7:00 a.m.

Calendar of Events

September 6, 2017	SREDA Monthly Meeting – Ontario, OR - City Hall
September 6, 2017	Meeting with Oregon Aviation Dept., BLM, County, & Numerous Pilots @ Owyhee Reservoir State Airport
September 8, 2017	EDA Region III Meeting, BSU – 8:30 a.m. to 4:30 p.m.
September 9-15, 2017	Kit on Vacation
September 18, 2017	Workforce 101 – TVCC – 10:00 a.m. to 1:00 p.m.
September 21-22, 2017	Idaho Heritage Conference – Boise, ID
September 30, 2017	Rural Skill Builder Training RDI – Pendleton, OR
October 4, 2017	SREDA Monthly Meeting – Weiser Train Depot
October 4, 2017	Region III Manufactures Day – Ford Center, Nampa, ID
October 17-19, 2017	IEDA – Nampa, ID
October 19-20, 2017	Idaho Commerce Rural ED Pro Training
Nov. 9, 2017	SREDA ANNUAL Meeting – location TBA

** All SREDA Monthly Meetings are open to the public**

Minutes prepared by Randy Griffin, SREDA Secretary





BOARD OF DIRECTORS

Meeting Agenda

October 4, 2017 – 7 am

Weiser Train Depot, 1 State Street, Weiser, Idaho

1. Call meeting to order Chair Patrick Nauman
2. Introduction of attendees
3. Approval of August 2nd minutes
4. Financial update - Sandy Hemenway, Treasurer
5. Annual Meeting Update November 9, 6 – 7 pm, Weese Boardroom, Dinner \$10
6. City and Community Highlights
Fruitland, Payette, Ontario, Nyssa, Weiser, New Plymouth, Vale
7. County Highlights
Payette County, Washington County, & Malheur County
8. Executive Director Report
 - i. Projects & activities
9. Round Table Discussion
10. Adjourn

Calendar of EVENTS

September 18	Workforce 101; 10am to 1pm-TVCC
September 21-22	Idaho Heritage Conf. – Boise
September 30	Rural Skill Builder Training RDI - Pendleton
October 4	SREDA Monthly meeting Weiser – Train Depot
October 4	Region III Manufactures Day – Ford Center, Nampa
October 17-19	IEDA – Nampa
October 19-20	Idaho Commerce Rural ED Pro Training
November 9	Thursday, 6-7 pm SREDA ANNUAL Meeting & Dinner TVCC Weese Boardroom
November 1	SREDA Monthly meeting Payette TBA

All SREDA monthly meetings are open to the public