

**ONTARIO CITY COUNCIL MEETING MINUTES**

**April 1, 2013**

The regular meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Monday, April 1, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Suzanne Skerjanec, Mike Long, Bob Walker, Larry Sullivan, Mark Alexander, Dan Shepard, and John Bishop. The meeting was recorded on tape, and the tapes are available at City Hall.

Jay Henry led everyone in the Pledge of Allegiance.

**AGENDA**

Council moved Item 4A, Executive Session, ORS 192.660(2)(a), to item 11.5.

Councilor Verini asked to add to the Agenda, under Old Business, the non-union discussions, as well as the Mayor discussions, and to keep that ongoing.

Councilor Jones stated with the tight schedule that evening...

Councilor Fox interrupted with a point of order, as they couldn't add things to a published agenda.

Larry Sullivan, City Attorney, stated the Public Meetings Laws did require posting of the meeting, but the public body had the right to amend the Agenda at the meeting itself.

Councilor Jones stated that based on the full Agenda, he declined Councilor Verini's request to add those items to that evening's Agenda. It would be on the next Agenda. Any comments Councilor Verini wanted to make with regards to the Mayor, he could do so under Section 11 on the Agenda.

Jackson Fox moved, seconded by Larry Tuttle, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**PRESENTATION**

Bob Walker, Public Works Director, stated with the recent cold weather, there had been a lot of frozen meters. Based on problems associated with the weather, he and City Manager Jay Henry had put together a Certificate of Appreciation, awarded to Public Works Operations, and it read: *We would like to recognize and express our appreciation for extraordinary efforts during the severe weather conditions experienced earlier this year. The conditions were extreme, and your dedication to keeping our water system operational during this time was above and beyond. All of you are willing to step up when needed. We thank you for this.*

**CONSENT AGENDA**

Ronald Verini moved, seconded by Jackson Fox, to approve Consent Agenda Item A: Approval of the Regular Minutes of 03/18/2013; Item B: Liquor License Application: Albertson's (Change of Ownership); Item C: Social Gambling License Renewal: B.P.O. Elks Lodge #1690; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**PUBLIC COMMENTS**

Ruth Roland, Ontario, stated: *What's next? Today's April Fool's Day, and all day it's been a kind of nice spring day, that can make you feel cheerful and distracted or maybe unpredictable, like an April Fool. This time of year, with winter behind us, we probably notice more good things around us. We finally get to pause and catch our breath, and perhaps notice the good people around us more, and think of them in a more human way. The City of Ontario and this City Council comes through a long, hard winter, battered by an atrociously disorganized city budget, but once we emerge from those financial snow drifts, we find ourselves finally with some idea how much money the city has to work with. Unfortunately, we now have a City Council without a Mayor, and now because of that I'm wondering how the City Council is ever going to get anything accomplished to serve citizens, business people, families, and working people they were entrusted to serve with fairness and respect. We all want our city to have a great future, and be recognized throughout the region as a great community to live in, work in, and to operate a business in. To right some wrongs, if necessary, and one of those wrongs is how the City Council dealt with the city's Teamster members in the Public Works Department. These Public Works employees again are carrying signs outside City Hall this evening. They just need some fairness from the city, and a solution to this unfair implemented contract offer. They are human beings with real families. All workers deserve to be respected and dealt with fairly by their employer. And, by the way, I, and I'm sure everyone in the city, appreciates the hard work our Public Works employees did taking care of the water meters during this winter when everything was frozen up.*

Dave Stiefvater, Ontario, stated: *I want to address the Council about public safety. It's an extreme concern for myself and my wife. From our window, we've seen several people taken down in front of our house in the last ten years. Law enforcement has been there, and Ontario PD has done an excellent job. I had a neighbor that's been drug-busted three times, dealing drugs out of his house. He's now incarcerated again for the third time. Had a [garbled] last summer, for [garbled] three houses down, and they had to use tear gas and they found him up in the attic. My neighborhood is probably the safest one around because Mark has his guys patrol our neighborhood all the time. But, Ontario is heading the wrong direction. They've cut our PD down, I would say over six years, I saw six City Managers in that time period, our law enforcement we're down at least five or six people, we don't even have a detective. Some of you guys might remember Dave Stevens; it's a cold case. I don't know if anyone remembers Dave Stevens, but it's never been solved. We don't have time for our law enforcement to do that stuff. They're basically putting out fires. These guys are some of the best guys in the county, and in the State of Oregon. Mark is doing an excellent job. I feel like his department is getting hamstrung, and we can't afford it. We've got too much gang stuff going on in our neighborhood. When I was in Traffic Safety, I went to John Day and they talked about their Traffic Safety. Why don't we get tough? Let's educate our citizens to turn in people that look like they're dealing. Let's get tough and those people won't come here anymore. But you can't be cutting back on law enforcement, Ontario PD, right now. It's a concern. My wife's saying it's time for us maybe to move. Is that what you want us to do, as citizens? Thank you.*

Robert Douglas, Ontario, stated: *Thank you Council for giving us as citizens a chance to speak. We've lived at [not printing address] for about 35½ years, and I thought about adding up how many dollars that is that we've paid in to the city budget over the years, but, a few, and I just want to say that our son now has been employed with the city police here for two years, three years, and that kind of opened our eyes to what our police do. My wife Karen has been on the Police Citizen Board, and that's opened our eyes further. And then this last January, February, we took the Sheriff's Academy. It just opened our eyes to what police do in our neighborhoods, and how valuable they are. So, we are very staunchly behind our dollars providing for our public safety through that means. As a taxpayer, I know I haven't come and sat in these seats and expressed my opinion very much. We lead busy lives, but I have been concerned, and frankly, a little bit upset about the pool and the golf course. I want to thank you. I think you're going in the right direction on the golf course, but you know, my dollars, I don't have the money to go and recreate, so my tax dollars to help somebody else recreate, kind of bugs me. If they want to recreate, that's fine. I've worked all these years for Andrew's Seed, and bless his heart, my employer helped build that thing, and I think he gave us an albatross. That's my piece. I am solemnly behind our firemen, our police, and our public works. They are necessary. We've got to have them. But, recreation? That's a choice. Thank you very much.*

**NEW BUSINESS**

**Request for Special Permission to Connect to Sanitary Sewer: Bruce Erlebach**

Dan Shepard, Engineering Technician III, stated that Bruce Erlebach, who has power of attorney for his father's property at 1500 Crest Way, [property itself owned by the Harry D. Erlebach Revocable Trust], was requesting special permission from the Council to connect the property to the city's sanitary sewer main. The main was located in Crest Way, along the property's frontage. The septic system was failing and Malheur County Environmental would not issue a permit to repair the system because they were located within 300 feet of a municipal sewer main.

Oregon Department of Environmental Quality regulations did not allow Malheur County Environmental to issue a permit to fix or construct a septic system if the lot was within 300 feet of a public sewer system. Ontario Municipal Code, Title 8, Chapter 7, Section 8-7-4(M) stated *"No Sewer Connection Outside City. There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council."* Previous requests to connect from properties outside the city limits had been required by the City Council to annex if their property was contiguous to the city limits. The property was contiguous to city limits and therefore able to annex.

Staff was currently working to have a neighborhood meeting for the Horning Way and Crest Way property owners to determine how many were in favor of annexing as a group. As a condition to allowing Bruce Erlebach to connect to the city sanitary sewer, staff recommended that he sign a Consent to Annex when an annexation for the Horning Way and/or Crest Way area took place. If no agreement to annex the Horning Way and Crest Way area was reached, Bruce Erlebach agreed to annex immediately. A public meeting was scheduled for April 16<sup>th</sup>.

Councilor Fox requested a change to some of the verbiage in the proposed motion. He was in favor of the action, but believed the named person should be changed to just "owner". It would then follow the property.

Mr. Sullivan stated the property was owned by a Trust, and Mr. Erlebach was the Trustee, but there was nothing wrong with the motion reflecting that the owner would sign.

Jackson Fox moved, seconded by Norm Crume, that the City Council give Bruce Erlebach special permission to connect the property at 1500 Crest Way to the City of Ontario sanitary sewer main in Crest Way, with the following conditions: #1 – the owner agrees to participate in the area annexation of Crest Way and Horning Way neighborhood; and #2 – if the Horning Way and Crest Way area annexation cannot be formed, the owner agrees to immediately annex into the city limits of Ontario. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**UbiquiTel Water Tower Lease Amendment No. 1**

Larry Sullivan, City Attorney, stated on March 4, 2013, the Council postponed further discussion on this action pending a recommendation by the Public Works Committee. At the Public Works Committee meeting on March 21, 2013, the Committee reaffirmed its previous recommendation to the Council that the real property containing the water tower be sold to reimburse the city for the cost of acquiring the new city shop building. It took no position on the proposed UbiquiTel lease, because the Committee members had no information as to the effect that the lease would have on the city's ability to market the real property for sale.

The current lease would terminate on June 30, 2013. The City's options included: 1) Allow the lease to terminate and market the property without the lease; 2) Enter into the lease and market the property with the lease in place; 3) Negotiate for a shorter lease with Ubiquitel (such as a short-term one year renewal of the existing lease with the old rent) while marketing the property; or 4) Allow the lease to expire, remove the tower, and market the real property without the tower. The tower could potentially be sold for scrap under this option, with the purchaser of the scrap paying the cost of removing the tower. Otherwise, under the 4<sup>th</sup> option, it would have to be removed at the city's expense.

The lessee's proposed lease extension included a \$647 rent increase for the first year over the current lease, to \$1,500 per month, with 3% annual increases. The lease was a five-year lease, with optional renewals by the lessee for three more five-year terms, for a total of twenty years. If the city entered into the UbiquiTel lease, it would gross \$95,564.44 in rent during the first five years. If the lease continued the full 20 years, the city would gross \$483,667 in rent.

In a formal appraisal done for the city by R. W. "Wayne" McConnell in April, 2012, the water tower parcel was appraised. That appraisal was discussed with the Council in executive session at that time. If the Council wanted to review that appraisal in determining whether to market the water tower property, it could do so in either open session or executive session under real property negotiations.

Councilor Crume asked about the cost for taking down the tower.

Mr. Walker stated it would be \$100K to take both towers down, as long as there was no lead-based paint involved. One tower had that. That would seriously increase the cost of tear-down. He assumed there was probably lead in the other tower as well. One tower was just shy of 100 years old, and the other by the old city shop was newer. He had also looked into who was currently leasing that tower from the city.

Mr. Sullivan stated it was ESD, through a revocable license. The city was just letting them use it. The license had expired last year, but they continued to use it. The city could require them to remove their equipment. There was no payment involved.

Councilor Jones stated there was the possibility of making some revenue off the leasing of the tower, but there was also an issue presented three years ago, to the Council, a plan to market the property for the purchase of the new Public Works facility. Now they were realigning what they said was going to happen. He was all for the \$95K for a five year term, but they needed to make it surplus property with the tower in the center of it, and if they got an offer, move the tower. The Council needed to declare it surplus property, or Public Works needed to come back with a good idea on what to use that property for. He felt the Council had been miss-lead again.

Mr. Sullivan stated when Public Works made that recommendation, there were still several years to go on the existing lease, for considerably less money.

Councilor Jones asked the City Manager and the Public Works Director what their plans were for the property.

Mr. Walker stated they could market with the tower on it, because anyone who purchased the property would receive the \$1500 a month revenue from the tower lease. Staff was willing to list it as surplus.

Councilor Tuttle stated he would be willing to look at a 5-year lease, with the ability to cancel if necessary. If they put the property up for sale, that tower could screw up the deal or could help the deal. He didn't think the city should commit to a 20-year lease. It would give room to negotiate.

Mr. Sullivan stated one issue with the Sprint people in their request for such a long lease was that they were going to put more equipment on the tower, for a significant investment, and they didn't want to make that investment if they couldn't take advantage of using the tower for a long period of time. He explained to the UbiquiTel representative staff's concerns about the integrity of the tower, potentially having to repair the tower in that 20-year period, and the rep asked if the city would be willing to go with a 10-year lease. He had no indication they would be willing or interested in going shorter than 10 years. He also didn't know what they'd say about including some type of "escape" clause in the lease. If it was the Council's decision not to move forward with this lease, or prefer to discuss alternatives, what would the Council be willing to consider?

Councilor Crume stated he believed the reason they wanted to lease it was to pay back the new building. The five-year lease was considerably lower than what it was valued at. It might not be wise to sell it because they could get more money from a lease. He thought they could take a portion of the lease money, set it aside in a special account, for removal of the tower, if they kept it that long. It was still somewhat usable for the city. Whether the city kept it, or sold off the property, at some point, the tower would have to come down. The sale of the property would be considerably less than a 5-year lease.

Councilor Jones asked if the \$1500 per month rent was agreeable to Sprint on a 5-year term?

Mr. Sullivan stated the reason he presented a 5-year lease was because that was the guaranteed minimum the city would receive. It had a 5-year renewable option the Lessee could choose to exercise. The city had no control over whether Sprint went beyond five years, but they would be locked into a minimum of five. This was similar to the original lease, which was two 5-year increments.

Councilor Fox asked if the company could sublease?

Mr. Sullivan stated no, it was just Sprint. Anyone else would have to deal directly with the city.

Councilor Jones asked if the city could split the property into three sections, and surplus each end of it and keep the tower? There was cash-flow there.

Mr. Sullivan stated he didn't know if it met the minimum lot size to allow subdividing into smaller lots. It might be possible.

Councilor Jones verified if they passed the 5-year least, it would go back to Sprint for acceptance?

Mr. Sullivan stated that was correct, because Sprint had proposed a 20-year lease. They would sign the lease in the Council packet if it was for a 20-year extension in five year increments.

Councilor Jones stated he would be in favor of a 5-year lease at \$1500 a month. Send that to Sprint to get their response.

Councilor Crume stated his comfort level would be with a 10-year lease. Sprint/UbiquiTel might be more likely to sign an agreement for that length. Keeping it and leasing it would generate far more money than they would make selling it outright.

Councilor Fox asked how much the taxes would be.

Councilor Crume state the city didn't pay taxes.

Councilor Fox stated they would now, if rezoned to Industrial.

Mr. Sullivan stated it was still owned by the city. The zone designation didn't determine if taxes were paid, it was the use. If owned by the city, it would not be taxed.

Councilor Fox stated that was completely different than the Planning Department said.

Mr. Sullivan stated if the entire piece was leased out, the Assessor's Office would require property taxes, if the city leased out a completed parcel of city-owned property. But, only 200 square feet was being leased out under this parcel. Because the city owned it, that meant it was public property that wasn't taxed, unless the city leased it out. The water tower property was not subject to property taxes. That wouldn't change because of a zone change. Most cities didn't even have a Public Facility zone.

Councilor Verini stated if they leased it for the 20 years, but after the ninth year, they ran into structural problems, what would the city's responsibility be to UbiquiTel?

Mr. Sullivan stated it would be to provide them the ability to use the tower, so it would be city's obligation to repair the tower to continue the use. There might be ways to do a tower repair that might not be expensive, because all they were looking for was the elevation, with a structure strong enough to support their equipment.

Norm Crume moved, seconded by Charlotte Fugate, that the Council approve Amendment No. 1 to the water tower lease with UbiquiTel, Inc., with an minimum 10-year lease. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

Mr. Walker stated the police department also used both towers for various types of communication.

### **DISCUSSION ITEMS**

Councilor Jones stated they would be discussing items they didn't have time to address at the Thursday Work Session.

#### **\$5K Request for Poverty to Prosperity Project**

Councilor Fugate stated about 15 years ago, TVCC had a vocational agenda. They chose to eliminate those things. So, those things had been in the community before, so she believed the \$5K should come from TVCC. She didn't believe the city was obligated to pay that.

Councilor Jones stated he didn't know that the city was obligated; they were asked to provide the \$5K toward the start-up of this foundation. Malheur County indicated they would also contribute \$5K. He toured the school in Wilder [garbled] and it had all the school districts' attention. He was in favor of it.

Councilor Fox voiced his support.

Councilor Crume stated he supported it with a caveat. He was in favor of the project, but had some questions. First, where would they take the \$5K from, and strongly urged that it not come from the General Fund. Also, they had a situation with non-reps getting their insurance taken care of. It was stated when the Audit was back, they'd discuss it again. To spend more money before taking care of back projects they promised to take care of, seemed out of line and out of order. It wasn't proper to spend money on things that just popped up suddenly, when they hadn't taken care of their past commitments. He felt uncomfortable moving forward with this project until they took care of the others.

Mr. Henry stated the Council could direct staff to take the money from whichever account they wanted. There might be some funds in Economic Development.

Councilor Verini was in support of the \$5K payment to the project, but he was also in agreement with Councilor Crume's comments regarding paying from somewhere other than the General Fund. He wanted to know what the funds would be used for.

Councilor Fox stated the group had to hire lobbyists and a secretary for the office to help in preparing documents. They also filed for 501(c)(3) status, so the books would be open and available.

Consensus to direct the City Manager to proceed with funding the \$5K to Poverty to Prosperity, and to look into where to take the money from, other than from the General Fund.

Councilor Crume wanted an answer to the non-reps insurance issue. It was an issue of good faith in working with the employees and taking care of a commitment the Council had. He didn't want to spend money until they took care of prior commitments.

Councilor Jones stated that issue would be on the next Agenda.

**Request for Funding: Snake River Transit**

Councilor Crume asked where they were at on the benches and shelters.

Loni Debban, SRT, stated in her hand-out, the benches and shelters were discussed. She had spoken with ODOT and was waiting on a price agreement for the benches. They were looking at having them in the fall.

Councilor Crume asked what the reason was for Ontario being so far behind in getting the benches in place. He thought they had been ready to move forward with the benches and shelters over a year ago.

Ms. Debban stated that the grant was written, but then ODOT began working on getting a price agreement together for the benches, since they could get a better price, so they asked for a grant extension to allow them to get in on that, and the extension was granted. She stated they would be asking the city for \$20K. In looking at the budget she provided, in order to apply for the grant, which was \$169,875, the project had to be at least \$302,915. The city of Ontario's amount was \$168K; the grant amount was \$88,906, which meant she had to come up with \$69,628 in match. How she got that match was \$15K from Malheur County, \$20K from Ontario last year, \$15K from Malheur Federal Credit Union advertising, and the remainder was estimated bench advertising. They had also contributed towards the benches and other parts of this. She hoped they saw the value of the bussing system.

**Liaison Appointments: Internal vs. External**

Councilor Jones stated he requested this because there was some confusion on how the committees worked and the lack of information coming from the committees. Regarding internal appointments, he had a concern about a Councilor meeting with a department head, privately, or going around the City Manager. That didn't go well with how the Charter was written, or how they were supposed to let the City Manager manage the city. Personally, the internal liaisons had disrupted some of the operations.

Mr. Henry stated what they were doing now was putting the city at risk of violating the Charter. In a City Manager form of government, there was the Council overall providing the general direction to everyone, but also directly under the Council were the various committees, who reported directly to the Council, not the City Manager. Under the City Manager, should be the departments directly. Having internal liaisons to each department, in addition to committees, muddied the water. It gave the impression that it was alright for an elected official to go around the City Manager and directly have input in that department with that department head. He strongly believed the internal liaison policy was something that happened over the years in Ontario, and it probably shouldn't have. He much preferred to be responsible for his department heads, not the Council.

Councilor Verini stated he agreed, but the external and internal appointments, he didn't think had been a problem. Looking forward, the external appointments made sense, and not having the internal appointments at all. He never saw the difference between the two.

Councilor Jones stated he wanted to eliminate the internal appointments, and then discuss the function of the external, and how they could enhance the committees to be more efficient. Was there a consensus to eliminate the internal appointments? There were external appointments to committees such as the Airport, Planning & Zoning, Audit, Golf, or Public Works, that's where, to him, there should be a representative from each committee, who came before the Council, on a quarterly basis, with any issues. That's where the Council liaison could be very effective.

Councilor Verini stated he liked that the Councilor who attended the committee meetings, could come back to the Council and provide information or report any issues.

Councilor Jones stated two examples were the Golf Committee and the Airport Committee. Those committees currently had no direction, had no idea how to proceed, or what their function was. Was it the Councilor's responsibility to guide that committee? The Council wasn't getting much out of the committees, and the committees were getting frustrated.

Councilor Fugate stated since the city leased out the Golf Course, they really shouldn't have anything to do with the Golf Committee anymore.

Councilor Jones asked if they wanted to dissolve the Golf Committee.

Councilor Verini stated the city and Council still had to oversee the course.

Councilor Crume stated presentations to the Council should be coming from the new Lessee, per his contract. He had heard from the Golf Committee, that they wondered why they were there. He thought they should listen to what the current membership had to say. On the Airport Committee, he had attended all their meetings, and the department head had run the meeting. As a liaison, he listened, but didn't provide input unless he was asked a question. He then informed the Council following the meeting. He thought the Airport Committee was very beneficial, and was great at keeping things in line.

Councilor Fugate stated that, for example, Councilor Fox had been the liaison for the Finance Department, so if they eliminated the internal liaison appointments, they'd lose communication with that department.

Mr. Henry stated what could happen in those type of situations, for example, if Councilor Fox went to the Finance Director, and voiced a concern about an issue, because it was an elected official, the Director would drop whatever he was working on, and start working on what might be brought up. That Councilor might not know there were other things the Director should be working on, that might have been dictated by the City Manager. It could muddy up the water. If the Council needed something from the Finance Director, they should be coming to him.

Councilor Fox stated he had never gone to see Mr. Long, or the previous Finance Director, without speaking with the City Manager first, and inviting him to the meeting.

Mr. Henry agreed – he was using a “what if”, not implying that had actually occurred.

Councilor Jones stated they had the right as Councilors to do that at any time.

Councilor Fugate stated Mr. Lawrence made it clear that if the Council wanted to speak with staff, they had to go through him. But, Mr. Henry hadn't made that as clear, and she had fouled up and said some things she probably shouldn't have, and she apologized for that.

Councilor Jones asked if the Council was in agreement to eliminate the internal liaison appointments to the department heads.

Councilor Fox stated no, he didn't agree. He saw the value in it.

Councilor Jones asked for a consensus on the issue.

Councilor Verini – okay; Councilor Fox – not sure, he wanted more time to think about it; Councilor Fugate – okay; Councilor Crume – okay; Councilor Tuttle – okay; Councilor Jones – okay.

Mr. Sullivan stated one thing the Council should realize in the oversight function they played, it required the individual Councilor to have an understanding of the operations of the city. His understanding of the liaison function wasn't to necessarily have any individual Councilor telling any staff person what to do, it was almost to educate a Councilor on how a department was functioning, and what type of work was being done, or how many employees were in that department, not so much to cause those people to have an influential role on how that department operated. If an individual Councilor developed some expertise, and was able to share that with the other Councilors, that could be a possible thing. If eliminated, there had to be some other way for the liaisons to be able to get that level of information. If they didn't feel that was how it had been done in the past, maybe there wasn't a reason for those liaisons.

Mr. Henry stated he strongly disagreed. In the past, since he had been on staff, they'd had elected officials sit in on department head meetings and attempt to direct staff. They had to get a handle on that. It was difficult for a City Manager to go to an elected official and tell them to leave a meeting. He wanted to eliminate that from happening.

Councilor Verini stated the City Attorney was correct in what he stated, but they were going to get the same things from the liaison, externally. That liaison would not only attend their committee liaison meeting, but if they wanted to work closer with the department head, that option was there, but through the City Manager.

Councilor Jones stated there was a majority consensus to eliminate the internal liaison appointments. If any Councilor had a question or an issue with a department, they needed to contact and go through the City Manager. This wasn't going to eliminate their contact with the departments.

**9-1-1**

Mark Alexander, Police Chief, stated during the budget meetings, they had discussed the possibility of a 9-1-1 consolidation. He wanted to get ahead of that, in case there was interest in that, or there were conversations going on about it. He provided some information with some details he'd like to cover with the Council. Some bullet points:

- 9-1-1 in Oregon is administered by Oregon Emergency Management (OEM) under ORS Chapter 403
- \$0.75 tax on each phone is paid to the state by phone companies
- Quarterly distributions made back to the cities/counties based on population. Malheur County distribution for 2012:
  - Adrian \$872
  - Jordan Valley \$872
  - Nyssa \$15,586
  - Ontario \$55,356
  - Vale \$9,092
  - Malheur County \$316,152
- Ontario FY 2012/13 9-1-1 fund budget \$544,833
- \$463,475 transfer from General Fund into 9-1-1 fund to operate. Also, the 9-1-1 generates approximately \$26,000 in revenue through distribution of reports, etc. There are also contracts with the TV Paramedics, and as the Ontario Fire District exceed the City of Ontario city limits, Malheur County provided some funding for managing fire issues for Ontario Rural Fire Department.
- 9-1-1 tax dollars fund the function of answering 9-1-1 calls and advising the property agency with jurisdiction of that call. Imperative to remember funding ends at that point.
- Ontario 9-1-1 has 6 FTEs; Malheur County 9-1-1 has 6 FTEs.
- Stats from 2012:
  - Calls for Service:    OPD 10,538        MCSO 4,079        Nyssa PD 2,105
  - Traffic Stops:        OPD 2,345        MCSO 1,419        Nyssa PD 1,029
  - CAD Entries:        OPD 19,534       MCSO 5,644       Nyssa PD 3,170
  - There were 6,043 9-1-1 calls, and 50,405 business calls, with 10,000 calls to dispatch for MCSO. Also, these numbers do not include fire, ambulance, or public works calls. There were 28 entities that used the two centers.
- Options for consolidation:
  - Consolidate at Ontario Police Station
  - Consolidate at Malheur County Sheriff's Office
  - Stand alone agency with a Director and a User Board
  - They are also exploring the legalities of Oregon 9-1-1 in Idaho (Can't do it)
- See list of tasks and duties. Need to identify those that remain here if consolidation occurs at the Sheriff's Office.
- State legislature is exploring nine regional consolidated 9-1-1 centers.

## CITY OF ONTARIO 444 SW 4<sup>TH</sup> STREET ONTARIO OREGON 97914

The following are duties and tasks performed by the Ontario 9-1-1 PSAP on a 24/7/365 basis:

- Provide radio dispatching/paging for Ontario Police, Fire, and Treasure Valley Paramedics;
- Provide back-up/supplemental radio dispatching for Oregon State Police, Malheur County Sheriff, and Parole and Probation;
- Answer 9-1-1 phone calls for police, fire, and medical needs;
- Answer business phone lines for Ontario Police;
- Answer general questions from public by phone and with walk-in traffic\*;
- Dispatch/page after hours for Ontario Public Works;
- Answer/monitor National Weather Service phone;
- Monitor teletypes from public safety agencies nationwide;
- Prepare dispatch logs for Ontario Fire and TV Paramedics;
- Coordinate assistance and response from outside agencies (Lifeways, DHS, SPD, LE Advocates, Juvenile Department, Parole & Probation, etc.)
- Search female prisoners/informants/accompany female prisoners to restroom\*\*;
- Provide interpretation of victims, witnesses, and suspects when bi-lingual officer unavailable\*;
- Monitor video surveillance of City Hall and prisoner holding cells\*\*;
- Write police reports as needed from walk-in traffic and as a result of phone conversations, radio traffic and general duties\*;
- Data entry\*;
- Prepare press logs from media\*;
- Review, run inquiries for stolen property from second-hand dealers\*;
- Prepare data/statistics for state and federal Uniform Crime Reporting\*;
- 9-1-1 education for the public;
- Register sex offenders\*;
- Take bail for warrants\*;
- Facilitate emergency lodging and traveler assistance\*;
- Prepare vehicle releases for those retrieving impounded vehicles\*;
- Distribute reports by mail, email, and fax to prosecutor, courts, and other public safety agencies\*;
- Distribute records in accordance to public records laws to insurance companies\*;
- Run criminal histories of arrestees for prosecutor and provide results;
- Run criminal histories for city departments who employ those who work with children\*;
- Provide recordings of radio and phone traffic;
- Receive and release funds for Aquatic Center and Golf Course\*;
- Distribute/process fingerprint cards for civil fingerprinting\*;
- Distribute gun locks through the safety program\*;
- Provide crash data to State of Oregon\*;
- Maintain Master Street Addressing Guide information;
- Assist with the distribution of media releases\*;
- Obtain and maintain list of current business/residence owners in case of emergency\*;
- Take, maintain, and distribute keys for city travel car\*;
- Issue yard sale permits\*;
- Prepare and distribute jail arrest commitments;
- Send letters to victims of stolen property as required to validate LEDS property entries\*;
- Coordinate telephonic search warrants for Ontario Police and surrounding agencies\*;
- Purge records in accordance with State of Oregon archive laws\*;
- Provide City Hall reception when front door is locked/closed\*;
- Provide a place of shelter/escape for crime victims\*\*

\*= Need to still have in Ontario, as the County will not be providing those services; \*\*= Must have at City Hall due to liability issues.

Councilor Jones stated in their previous Tuesday meeting, Mr. Henry had indicated he knew some individuals who were experienced in 9-1-1 operations. With this issue coming to the table, would it be to the city's advantage to inquire, to see if someone might be able to come to Ontario to look at this situation and provide feedback?

Mr. Henry stated he would get with Chief Alexander to put something together.

Councilor Jones asked what the next step would be on this project.

Mr. Henry stated he wasn't sure. It was a very complicated subject. He'd look into it and report back.

Councilor Verini asked if this issue had been discussed before, by prior Chiefs.

Chief Alexander stated it had been discussed for years, during every budget year. It always boiled down to the ability to do it or not. It went back and forth all the time.

**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Larry Sullivan stated he had spoken with Stephanie Williams about the city maintaining the status quo with the city having an existing contract with the City of Fruitland, good until 2015, which allowed the city to have the use of Dwayne Holloway as a Building Inspector. The city had had an internal building inspection program like that being provided by Mr. Holloway since the 1970s. It was state approved, and the issue was whether or not there was any way the county would interfere with the city's ability to continue that service. The answer from Ms. Williams was no. If the city wanted to continue the status quo under that contract, and to have its own building inspection program, there was nothing the county intended to do to interfere with that. If the city wanted to enter into a contract with a building inspector to do inspections outside the Ontario city limits, Ms. Williams stated there was nothing the county to do to interfere with that, if that was the city's decision. From the county's standpoint, they'd like to be able to offer the person they were negotiating with, Chris Ruddell, the opportunity to do those inspections inside the city limits, because it would make it a more attractive contract for him, but that would have to be something the city wanted to happen. If the city didn't want it, it wouldn't happen.

Councilor Fugate stated she didn't think Mr. Holloway was certified to do electrical inspections.

Mr. Sullivan stated he wasn't. With the plumbing and electrical inspections, the county was going to negotiate with other people to take over the inspections of those two. Once the county had an inspection program in place, the city would use that person or business for electrical and plumbing inspections.

Councilor Jones asked if the city's current contract could be broken.

Mr. Sullivan stated it could be terminated by either party with 180-day notice.

Councilor Jones stated this needed to be brought back to the next meeting as a topic for discussion. Inspections, Inc. would no longer be in business as of June 30<sup>th</sup>, and the city would not have inspectors.

Councilor Fugate stated the city would just use the county's inspectors.

Councilor Jones stated they really didn't understand the dynamics of what was going to happen. This was a very important issue, and it wasn't on the Agenda, so put it on there for the next Work Session. It was a critical action for both the City of Ontario and Malheur County. They could have an open discussion, with all the details and everyone's input.

Mr. Sullivan stated a problem facing the county was that it hadn't been able to provide the city with any details because the person they were negotiating with wouldn't be meeting with the County Court until Wednesday, to provide his proposal to the county. Until that happened, there wasn't much the county could share with the city regarding any options.

- Councilor Verini stated Ron Wyden was going to be in Ontario High School at 10:15 on April 5<sup>th</sup>. Also, April was the month of the military child, and on April 6<sup>th</sup>, there would be a celebration at the Boys & Girls Club, from 10:00 until 2:00. All children and families were welcome to attend, but they did have to register with Tara Howey at the National Guard Armory.
- Councilor Fugate stated there would be a Feral Cat Project yard sale this coming week-end, 9-6, Thu-Sat.
- Councilor Crume stated at the last meeting they had a Council consensus that two Councilors would meet with the City Manager to talk about issues with his contract. It got changed. He wanted to understand how someone thought they had the authority to change that without the consensus of the Council. Councilor Jones' statement was *"I just spoke with Larry Tuttle, and I agree that there should be only one to review your contract. I would recommend to the Council to allow Larry to meet with you privately, then the whole Council can then review what you two agree upon or discuss."* While he agreed with the statement, the problem was that didn't happen. He knew that members of the Council complained about another Councilor doing that same type of thing repeatedly, and he was concerned that it was starting up again. He would say that the end result was fine, but the process wasn't followed correctly. A phone call could have been made. He couldn't speak for any other Councilors, but had he been called, he would have supported it, but the process was eliminated that shouldn't have been. It was the principle involved.

Councilor Jones stated there was more to the email that Councilor Crume read, which continued with. *"Also, could you have Tori pull the Mayor's vacancy off the meeting Agenda, due to the deadlock at this time, and send this email to the rest of the Council."* Since he hadn't received another email or any phone calls from the other Councilors, he assumed that everyone was good with it. He would ensure that when he sent any future emails, they were followed up on. It fell through the cracks, and he apologized. That had not been his intent.

Councilor Crume he knew that, because the statement was correct. He just felt the Council was shorted. However, he didn't understand where a Council President had the authority to make a recommendation to put someone in there, when it had been the Council's agreement to have two people there, rather than Councilor Jones making a recommendation. He didn't want to argue, but he didn't think it was right how it happened.

- Councilor Jones stated with regard to the Mayor's vacancy, if any Councilor had a change of position, then it would go onto the Agenda.

Councilor Verini stated the Mayor's vacancy should be on every Agenda. It was not only between the two individuals who had their names in the hat for the position, but there was also the discussion on how they could move forward, pending a 3-3 split. There were other avenues they could take.

Councilor Jones stated they were going to follow the City Charter.

Councilor Verini agreed, that's what he meant by other avenues.

Councilor Jones stated according to the City Charter, with the Mayor's vacancy, the President runs the meetings and appoints the Council, and until one of the Councilors voiced a change in position, it would continue to come back to the floor. Until then, according to the Charter, they would proceed with business, they would proceed with the budget, and they would continue to move forward.

Councilor Verini stated it was his understanding that they, as a Council, made the determination as to how to move forward.

Councilor Jones stated that Councilor Verini could request that the City Manager put it on the Agenda. He needed to make the motion.

Councilor Verini stated he didn't need to make a motion; he only wanted to discuss it.

Councilor Jones asked what there was to discuss.

Councilor Verini stated it was about the different avenues in moving forward. They, as a Council, had to elect the next Mayor's position. They could stay in a stalemate forever.

Councilor Jones stated it wouldn't stay in a stalemate. There was nothing wrong with their process. According to the Charter, in the Mayor's vacancy, the President of the Council ran the meeting.

Councilor Verini agreed that he ran the meetings, but he didn't run the Council.

Councilor Jones continued with this Council, six fully capable Councilors, they could fulfill their obligations as Councilors. It was deadlocked.

Councilor Verini stated it was only deadlocked between Councilor Jones and himself. It wasn't deadlocked with regard to the conversation on how the Council could move forward. There might be other avenues of procedure. They hadn't even discussed it; they hadn't discussed the possibility of a third party taking that position.

Councilor Tuttle stated he should make the request to the City Manager to put it on the Agenda.

Councilor Verini stated he had already done that.

Councilor Jones stated he hadn't done that. He hadn't requested it during their Tuesday Agenda review, and that's when the Agenda was set.

Councilor Verini stated he had just requested it that evening.

Councilor Jones stated that wasn't the proper procedure. They met every Tuesday before the Council meeting, to set and work out the Agenda. Councilor Verini was welcome to attend the next Tuesday meeting to ask the City Manager to place it on the Agenda.

Councilor Verini stated he was asking now that it be put on the Agenda.

Councilor Fox called for a point of order. This discussion was not on the Agenda.

Councilor Crume called for a point of order, too. They were currently under Correspondence, Comments and Ex-Officio reports, and a Councilor had the ability to say whatever he pleased.

Mr. Sullivan stated that was correct, but he also pointed out that according to the Council Rules of Procedure, Section III, read, in part, that *"The Mayor, Councilor, or City Manager, may place an item on the Agenda."* Any individual Councilor could request that an item be placed on the Agenda. There was no requirement that anyone attend that Tuesday meeting.

Councilor Fox asked if, after the Ex-Officio reports, and everyone had taken their turn, how many turns did they all get? That's the point of order he was talking about. Robert's Rules of Order was what dictated the Council. He was correct on his point of order, and they all voted to follow those Rules.

Councilor Jones asked if it was the consensus of the Council to discuss the Mayor's vacancy at the current time.

Mr. Sullivan stated, for clarification, the Council Rules read that any Councilor could request an item be placed on the Agenda. It didn't read that item would be placed on the Agenda *at that meeting*. It would be appropriate to agree to place it on the *next* Agenda. The Council Rules didn't allow an item to be placed on the Agenda *at that meeting*, at the request of a Councilor, unless it was an emergency, or a consensus.

Councilor Jones asked that Mr. Henry place the Mayor's vacancy discussion on the Work Session Agenda.

Mr. Henry stated it would be taken care of.

**EXECUTIVE SESSION**

**ORS 192.660(2)(a)**

An executive session was called at 9:20 pm under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member, or agent. The Council reconvened into regular session at 9:58 pm.

**ADJOURN**

Norm Crume moved, seconded by Charlotte Fugate, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**APPROVED:**

  
\_\_\_\_\_  
Dan Jones, Council President

**ATTEST:**

  
\_\_\_\_\_  
Tori Barnett, MMC, City Recorder