

COUNCIL MEETING MINUTES

December 5, 2011

The regular meeting of the Ontario City Council was called to order by Council President Norm Crume at 7:00 p.m. on Monday, December 5, 2011, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan and Ronald Verini. Joe Dominick was excused.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Mark Alexander and Lisa Hansen. The meeting was recorded on tape, and the tapes are available at City Hall.

President Crume offered the sympathies to the Mayor and his family on their loss.

Dan Jones led everyone in the Pledge.

AGENDA

Requested to move Approval of the Bills to New Business, (6B) and to add Contracting Police Services (City of Nyssa Interim Police Chief Contract) to New Business, as Item 6A.

David Sullivan moved, seconded by Ron Verini, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

CONSENT AGENDA

Tori Barnett, City Recorder, stated at the request of Councilor Jones and Councilor Fox, she had reviewed the minutes from the meeting of November 21, 2011, and had made some adjustments to the minutes. A new set for approval had been distributed to the Council at their seats.

Councilor Fox asked how he could get a complete copy of the video or the minutes.

Ms. Barnett stated she did not transcribe the minutes verbatim.

Councilor Fox asked for a copy of the video from that meeting.

Ms. Barnett states he would provide him a copy.

Charlotte Fugate moved, seconded by David Sullivan, to approve Consent Agenda Item A: Approval of the Regular Minutes of 11/21/2011; Item B: Water Line Easement Request: Valley Family Health Care, Inc.; and Item C: Declaration of Surplus Property: 1973 John Deere Road Grader. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

NEW BUSINESS

City of Nyssa Interim Police Chief Contract

Mark Alexander, Police Chief, stated the City had before them an opportunity they could take advantage of. Nyssa Police Chief Rick Stoke resigned, and accepted a position in Boardman. This provided an opportunity to receive live, hand-on experience for an officer. He had talked with Nyssa City Manager Roberta Vanderwall about one of the Ontario officers filling that interim position. Ontario currently had four Patrol Sergeants, who acted as the

Assistant Chief to him and as Chief in the Chief's absence. There was generally no contact with the media, and they were rarely before Council. Chief Alexander felt it would give a Sergeant some hands-on experience by becoming the Interim Chief in Nyssa, obtaining a broader know of all aspects of being a Chief. The Sergeant he had in mind had grown up in Nyssa, and currently resided there. He knew the community, and the department shared the same company of policies and procedures, as well as the same record management procedures. In relating this opportunity to his own experience attending the FBI Academy, he was not able to help the Ontario department while over there. Sgt. Esplin would be able to. He could also be brought back to Ontario in an emergency situation, and would remain a value to the Ontario department.

At the Thursday study session, they discussed the difference between the Ontario Police Department and the Nyssa Chief position. One thing to point out was the number brought before the Council was the fully burdened cost, which included sick time, vacation, retirement, PERS, etc. Sgt. Esplin did make more than the Nyssa Police Chief would, with a difference of \$1,262. The City of Nyssa would be willing to meet halfway, at around \$600, which would be the cost to Ontario. At that, Sgt. Esplin would be in Nyssa, and that value would be readily recaptured as Sgt. Esplin could do work for Ontario while in Nyssa. The Nyssa City Manager had agreed to allow that.

In comparing trainings, a leadership training course would be approximately \$1,000 a week. The Oregon Executive Development Institute provided a week-long high quality training, which included lodging, meals and the training, for \$1,350 per person. Chief Alexander compared the Nyssa Interim Chief experience with that Oregon training. And with Nyssa, there would be actual hands-on experience. There had been some media coverage on this issue, and he had heard nothing but positive comments. That being said, he had distributed a proposed contract to the Council for approval. He was satisfied with contact, as was the City Manager in Nyssa.

Councilor Sullivan stated at the Thursday study session, the Council had discussed this, and reached a tentative agreement. The paper, however, had given it a negative twist. He wanted to see, and it hadn't been discussed, if the City of Ontario did this, the numbers were \$25,500 which would be reimbursed to Ontario, with \$3,600 to move a Patrolman to the Interim Sergeant position, leaving a net of \$21,900. He wanted to see that put into a contingency fund, using that rather than taking money from wages and salaries to invest in technology upgrades in the department. They struggled with vandalism and graffiti, and they talked about investing in cameras or something, which would be a benefit to the citizens of Ontario.

Chief Alexander agreed. One part he had left out was that if Sgt. Esplin went to Nyssa, that would give someone an opportunity to fill in as an Interim Sergeant. The difference in funding with Nyssa would cover that portion. He would love to invest that money for crime prevention.

Councilor Verini stated it was a tremendous opportunity to work a partnership with Nyssa, and Ontario would come out ahead with contingency funds.

Chief Alexander stated he would get with the Council for ideas on ways to utilize the money.

Councilor Sullivan stated he had spoken with some of the other Councilors, and there were some reservations on what they discussed, but he personally felt they put a deal out there on the table when representatives from Nyssa were present, and they needed to follow through.

Councilor Fox he didn't know what deal Councilor Sullivan was referring to. He didn't see a deal. He didn't see the value for the City of Ontario. The City was telling them they were not short on officers, but all the other times they were short on officer, and now they were willing to send an officer to Nyssa and pay extra to do it. He was a no vote.

Councilor Sullivan stated he viewed it as an opportunity. They had the Mayor of Nyssa and the City Manager present, numbers had been thrown around, and he thought they kind of reached an agreement. Technically, they hadn't reached an agreement, he understood that, however, it was an opportunity to generate a little capital and

do some different things, invest in some technology, and still get the benefits of having one of Ontario's officers train in a different atmosphere, create a better cohesion between the two departments, and from that stand point, it was justifiable to the tax payers. Ontario would get a benefit from it.

Councilor Fox asked if the department was short-handed, or not. That was how his logic worked. If they were, and they wanted to control crime in Ontario, it didn't make sense to him.

Chief Alexander stated that during the budget process...

Councilor Sullivan stated Chief Alexander had actually come in with a proposal for fewer.

Councilor Fox stated they were constantly told it was a tight budget, which it was, so it was about the money.

Chief Alexander stated he was not going to say his department was adequately staffed, or that it would be an easy time while Sgt. Esplin was gone. There would be sacrifices made. It was a body that would be gone, but as mentioned, three months in the big picture was not that long as to what he would bring back. When Chief Alexander was out of the office, having someone experienced with dealing with media or other things, was better representation for the department. Sgt. Esplin would bring back great insight on how things might be done differently. By no means would it be easy, or would they be okay on staff. It would be a burden while he was gone, but it was an investment. The payback was great, and it was an opportunity they might not get again.

Councilor Fugate stated it was an opportunity to be a good neighbor. It was a good opportunity for Ontario to learn about Nyssa, and to share knowledge, for the price of \$630 per month. That was reasonable.

Chief Alexander had hired about five or six officers away from Nyssa. He looked at it like it was an investment that OPD would get, it would also be career development for Sgt. Esplin, and it fostered a good relationship. The number one priority was what Ontario would get out of it.

Councilor Jones asked Chief Alexander to explain the different of Sgt. Esplin going to that small town, being a Chief over there, versus him possibly doing, as there was no Captain currently, he was a little concerned about that size of town, he wasn't sold on if Sgt. Esplin would receive that much experience. Explain the difference between Sgt. Esplin going over there versus maybe stepping up and possibly doing some Captain's duties here.

Chief Alexander stated the four Sergeants rotated shifts. They worked week-ends and nights. One quarter of the time, Sgt. Esplin was on a day shift. He was the front-line supervisor to seven officers, the Student Resource Officer, Detectives, and the 9-1-1 Dispatch Center. Chief tried to throw other things at them as well, such as supply purchasing. The sergeants looked at the budget, but not too in-depth. If Sgt. Esplin went to Nyssa, that would be his shift. He would be responsible for it, responsible to the City Manager, responsible to the Mayor and Council. He would be making the calls to the media, he would be promoting the department, and going to meetings, that type of thing. He suggested developing Policies and Procedures for the department. It would be another level up where he was not just the front-line supervisor.

Councilor Jones stated with that being said, he made the suggestion at Thursday's study session, and he had thought a lot about this, and the more he thought about it, he couldn't support this own suggestion. He was very uncomfortable with the cost and taking away another man from the city and offering that to our neighbor, but there were also other issues within Nyssa that he didn't think the three months were time well spent for the OPD Sergeant. He couldn't support this.

Councilor Crume stated, for him, he was concerned with the expense, and Councilor Jones has suggested an alternative. The numbers not entirely correct. Councilor Fugate had stated \$630, but when they threw in the \$1,000 per month for the officer to jump up to Sgt., so it would be \$1,630 a month if they approved the contract. The press didn't express anything about the officer jumping to the Sergeant role and the associated expense of that. On Thursday, his main concern was the expense. This week-end, he spent three hours cleaning up graffiti and

things weighed in on his mind. He was frustrated with volunteering his time and money, going over the same places over and over and over. His conclusion was that for whatever reason, they were not being successful in catching the graffiti artists and the vandals. All the vandalism at Rocking "R", all the tires that had their tires slashed, and he asked himself how they were going to improve on productivity of catching the vandals, with less officers? The answer was that they weren't. In listening to everyone's ideas, he did not see how gaining that type of management education would help with what OPD needed right now. He'd love to ask those who were vandalized if they would rather see the city take a loss of funds to get some education for a Sergeant, or to have the cop on the beat catching criminals. He believed it would be the cop on the beat. Taking the expenses out, his job as a Councilor was to do what was best for Ontario. He agreed in being a good neighbor, but Ontario came first. They needed the cop on the beat to catch the criminals. He didn't hear of anyone being arrested or prosecuted, but he'd heard from the County asking what it cost to clean up the graffiti, but the amount he cleaned up didn't jive with the amount of money spent in the OPD trying to protect the citizens. He just couldn't be in favor of the action.

Councilor Sullivan stated asked if Councilor Crume would agree, by his own assessment, they needed to take a different avenue to fight the graffiti? Adding more police officers was not going to solve the problem. It would be worth the opportunity if the City could invest \$20K in new technology and cameras, they could possibly stop some of the problems. He did not think another police officer on the beat was going to go catch the graffiti people. He wanted to take another avenue and invest in some technology to look at different ways to solve the problem, rather than just hire more personnel in the police department. It was not fair to say, "Here, you have enough personnel, stop crime from happening". Without technology, their ability to investigate crime was severely hindered. The city needed to take this opportunity not only for the training, not only for being a cohesive partner and a good neighbor, but it gave a little bit of money to invest in things that were needed.

Councilor Verini stated the opportunity, especially in the Nyssa community and the knowledge Ontario would receive, especially in Sgt. Esplin's position, with gang related individuals, getting to know that part of the community better, the interaction between the gangs, which would benefit Ontario.

Councilor Crume stated to go along with what Councilor Sullivan was saying, he understood the need to purchase cameras, or whatever. But, the numbers were going backwards. It was going to cost \$1,630. If they wanted to spend the money to purchase surveillance cameras, they would still be spending the money for the employee anyway.

Councilor Sullivan disagreed. The money would be reimbursed. They would be doing without the personnel, but the city would be getting reimbursed. When an officer went to training, such as the FBI Academy, there was no reimbursement for that.

Councilor Crume agreed, but the city was still losing an officer.

Councilor Sullivan viewed it as a reallocation of resources. Adding more officers had not solved the problem. Look to invest in some technologies to address the situation. Be proactive. Think about what they could do with it. Back to the Thursday meeting, he didn't like the idea of sitting there, tentatively cutting a deal with someone, and then backtracking. That was not a good business policy. Ontario threw the number out there, and Nyssa agreed to it. If he offered someone "x" amount for a car, and they agreed to it, he'd buy it.

Councilor Verini stated it was a consensus on the Council when Nyssa walked out the door, or the City Manager would have been there that night.

Councilor Jones couldn't believe they were not there. It was a City Council meeting. They held a workshop to discuss ideas. They started off with Ontario eating the cost of an officer going to Nyssa. He made the suggestion, and he wished he hadn't, but he was under the impression they would discuss it at the Monday night meeting. He didn't understand why Nyssa was present.

Councilor Sullivan stated they listened to three hours of the Ontario Council going around...

Councilor Jones stated Nyssa needed a Police Chief, whether it lasted three hours, or six hours.

Councilor Sullivan stated they threw out the numbers out there, they talked about the numbers, Nyssa agreed, and it was something the city should move forward on as a matter of good business.

Councilor Fox stated if any Councilor felt they weren't representing the tax payers well, they had a right to change their mind. Everyone had a right to change their minds anytime they were voting.

Councilor Sullivan agreed; however, as a body, when they represented that at \$8,500, they should stick together as a body rather than second-guessing and going back on their word.

Councilor Jones stated a workshop was to gather information and debate and discuss. Then step away. He stepped away and looked at what was discussed, he looked at his information. And the more he thought about it, and the more he analyzed the City of Nyssa and their situation, and analyzed Ontario's situation, he was pulling back and coming forward on Monday night with a changed mind.

Councilor Sullivan stated in all fairness, at the Thursday study session, there was no indication that this was going to be readdressed and rediscussed.

Councilor Jones stated he would make it more clear next time.

Councilor Sullivan stated he believed Nyssa left on Thursday with the understanding that they were in agreement.

Councilor Jones stated then he did not understand the study sessions. A work session was a session gathering information and debating it. Then you returned Monday. If there was a misunderstanding, then he apologized. But with this type of number, and for the man, again, he had changed his position.

Larry Sullivan, City Attorney, stated one alternative would be to table the issue and give Nyssa an opportunity to come back and address the Council.

Councilor Crume asked if having Nyssa in attendance was going to change anyone's opinion?

Councilor Verini stated he didn't know. It had already changed in some cases.

Councilor Fox stated it wouldn't change his mind.

Councilor Sullivan stated they really needed to look at how they did business. When the Council was throwing numbers out, when Nyssa was in attendance, asking if that would work for their budget, and they stated they could work it, then Ontario needed to stand by their word. If they couldn't, then the numbers shouldn't have been thrown own. Nyssa and Ontario both agreed. Now, that Ontario was having second thoughts, they wanted to pull out of it. That was not a good way to do business

Councilor Verini stated when Nyssa left the room on Thursday, they had a deal.

Councilor Jones stated no, there was no deal. There might have been a nod of the head, but there was no vote, and there was no deal. Nyssa had to run it by their Council.

Councilor Verini stated there was an agreement that Nyssa would have \$600....

Councilor Jones asked wouldn't Nyssa have to run it by their Council?

Councilor Fugate stated Nyssa was going to take it back to their Council.

Councilor Jones stated exactly, and they were not at tonight's meeting. There had been no decision from the City of Nyssa. Again, they all walked out of the work session, possibly there had been a resolution, but Nyssa had to take it to their Council, and Ontario took it to their Council that night.

Councilor Sullivan stated back to the principle – look at the upside that Ontario had the opportunity to invest in some technology. Councilor Crume had just talked about how he was tired of doing the graffiti. Why didn't the city invest in some cameras and try to solve that problem? There the tax payers benefited in two ways, and Nyssa would benefit.

Chief Alexander stated he needed to let the Council know that he had told the Nyssa City Manager, Roberta, not to be at tonight's meeting. He had been under the impression that only the contract would be discussed that night. Ms. Vanderwall would have been in attendance, but he told her it wasn't necessary. Ms. Vanderwall did NOT necessarily have to take it back to her Council. Chief Alexander thought tonight's issue was solely to discuss the contract, and had received no indication that Ms. Vanderwall needed to be in attendance.

Councilor Sullivan stated that procedurally, if they had known it was going to be a debate, they should have gotten in touch with the Mayor to have him get in contact with Nyssa. Councilor Sullivan had no idea they were going to debate it that night.

Councilor Crume stated the Mayor knew they would be voting on it at the meeting.

Councilor Sullivan stated he might have had the same impression that they all had, that there was an agreement.

Councilor Crume stated Councilor Sullivan used the expression that it was "all of them", had an agreement with Nyssa. He hadn't. He never shook his head yes. He voiced his opinion Thursday, and he was still on the same side of it. He changed it for different reasons, but was still on the same side.

Councilor Sullivan stated Councilor Crume just stated he had changed it, so what was it?

Councilor Crume stated his topic was for the dollar part of it, and now, he wasn't even looking at the dollar. He was looking at losing an officer.

Councilor Sullivan stated he hadn't heard any objections by Councilor Crume on Thursday.

Councilor Crume stated he had made them very clearly, that he couldn't see any sense in it, that he couldn't see the city paying that kind of money. The offer that was originally brought to them, was for Ontario to spend the entire extra \$2,262. Then, when Councilor Jones presented the "half" idea, in his head, he still didn't agree with it. He hadn't said anything at that time, but he didn't agree with it. If that mistake was made, by whoever, then he was sorry. It was up for a vote.

Councilor Fox stated he was not sure how the vote would go, but he agreed with Councilor Sullivan. He wanted the motion amended, however the vote came out.

Ron Verini moved, seconded by David Sullivan, that the Council sign the Intergovernmental Agreement between the City of Ontario and the City of Nyssa, Interim Police Chief Services, as written, except for one typographical error, Page One, last Whereas, where it read "...Esplin's services should read "as" an Interim Police Chief. The word currently was "and". Roll call vote: Crume-no; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-out. Motion failed 3/3/1.

Approval of the Bills

Henry Lawrence, City Manager, stated there were two items up for discussion. First, on page 7, the Hutchison-Smith Architect bill - their October services of \$1,775.79. Councilor Fox asked that all invoices and contracts, etc., be pulled. It was quite thick, but if they wanted to go through it, they certainly could; however, for tonight, they could pull that bill aside. The \$1,775.79 was outlined on a spreadsheet handout. On November 7th, he had jumped on the sword, and admitted some mistakes were made. Two items were circled, amount remaining, the Safe Waiting Area, \$1,137.50, which included services from October. Also, the \$510 for services was for doing the bidding and negotiations related to the Safe Waiting Area portion of the project. There were also some reimbursables, and it all totaled up to the \$1,775.79.

Councilor Fox stated his questions were, could Mr. Lawrence, very simply, explain, without waiting for all of the information and minutes, how was any of the money above the \$75K approved, and when? And these expenditure in front of them now, also.

Mr. Lawrence stated that as he had mentioned, it was the same issue as the Safe Waiting Area, the \$8,500, he had approved, and he had told them that a month ago. The Small Mechanical Room, \$4550, he had approved as a change. The Budget Committee and this Council told staff to move forward on the project, and they did. To do that, there was a budget approved, which included bidding and negotiation, and the City did their best to bring it in under those numbers. They did not just wave a magic wand. Those numbers were discussed with the Budget Committee, who approved it as a part of the budget. He hadn't just made up \$13,800, other than the \$510 for the Safe Waiting Area. They could lay that on him. The bidding and negotiation services were not part of the \$75K original contract.

Councilor Fox confirmed that somewhere in the minutes, Council would see that the Budget Committee and the Council said to go forward with all of this money, except for \$15,817 and whatever. The difference between, they knew \$75K was approved. Somewhere, the Council was going to see documentation that more than that, in-between the \$129K already spent, between \$75K, there would be documentation with the \$15,817 set aside? That's all he was really looking for.

Mr. Lawrence stated he did not know what the minutes were going to say, but they would pull those minutes for him. The \$129K that Councilor Fox was citing also included almost \$21K for a Master Plan that was approved by a previous Council. Anything over the \$75K included the Safe Waiting Area, the Small Mechanical Room, Reimbursables not in the contract, and the bidding and negotiations. Councilor Fox would be provided any documentation the City had for that, whether it was minutes, purchase orders, contracts, or whatever.

Councilor Fox stated that this last bill, had it been approved or not, in those minutes, or that \$75K that he kept referring to?

Mr. Lawrence stated it was an agreement to pay the architect in some fashion, whether it was formal Council approval, by the City Manager, a purchase order extension, or whatever. They were entitled to get paid. If there was still an issue with him, he was not doing anything different than had done in the past three and a half years. He was trying to do the right thing. If he was wrong, he would step up and admit it. But by the same token, he sometimes moved too fast in making a management decision to move forward, and he had done that in this case. This Council had been in office about a year, and he didn't recall ever sitting down and talking about what the expectations were for the City Manager. He wasn't shady or unethical; he was just trying to move the Council forward. Anyone on the Council could ask about money spent. It was the Council's job to watch the checkbook, and to make sure the policies were followed. He would appreciate, in fact insist, that sometime soon, as a full Council, sitting down and give him some marching orders, so he could understand exactly what their expectations were. He had seven different personalities, and seven different bosses. He hadn't just fallen off the turnip truck. He had been at this a long time, and it was tough to balance seven different personalities whatever city you were in. Sometimes, it was virtually impossible. He needed them to sit down with him, as a full Council, in executive session, and the discussion they needed to have was what was he, the City Manager, going to do to help the city move forward. The Council could decide it was time for him to move on. He didn't make that decision. He was

more than willing to resign his position. He went to cities and he fixed things. These were not lifetime appointment. He worked at the pleasure of the Council. He wanted to stay where he was welcome and wanted, and he wanted to be working with them. He didn't want to be violating policies. He didn't want to be doing the wrong things. And he wanted to be following their expectations. If there was anything he was doing that was keeping this Council from working together, he was wise enough to be able to change his mind, too. But, he wanted some clear direction from this Council. He didn't believe he had gotten that in the last 11 months. Yes, they needed to follow budgets, and they needed to follow policies, and that was pretty commonsense stuff. If he made a mistake, he admitted to it. He wasn't hiding anything.

Councilor Fox stated he simply wanted his questions answered. And he still wanted his questions answered about the chip seal project. That money was spent on a different project.

Councilor Sullivan stated in Mr. Lawrence's defense, at one time they had the discussion that they would go to him as a Council, not as individuals. They needed to get together as a Council to decide what they were going to take to Mr. Lawrence, not each of them individually.

Mr. Lawrence stated he would be responding to Councilor Fox's letter, as promised.

Councilor Crume asked if there were any more questions on the bills.

Councilor Fox asked the City Attorney what they should do with that bill.

Mr. Sullivan stated the City contracted with the architects to perform a service, whether through the City Manager, or the Council, as a matter of policy, especially considering the amount, it was possible, in some circumstances, for a Council to state that a staff member was not authorized to enter into a contract. Then use that as a basis for not paying what would otherwise be a legitimate bill. The Council needed to decide, as a matter of policy, if this was one of those cases, or whether the Council should simply acknowledge that considering the amount owing, it was better to save that discussion for another day, and authorize payment of the bill. Legally, the Council could review whether or not a particular staff member had authority to enter into a contract.

Councilor Verini stated they were dealing with two separate issues. They needed to approve the bills.

Councilor Sullivan agreed.

Councilor Fox asked if they could wait to see the documents from Mr. Lawrence.

Councilor Sullivan asked why? If the City had to pay the bill, then pay the bill.

Councilor Fox stated he hadn't heard that from legal counsel. The City *had* to pay the bill? There was no questioning it? He thought Mr. Sullivan said they could.

Mr. Sullivan stated what he said was that in any contract that the city entered into, was not approved by the City Council. He couldn't recall, but Hutchison-Smith was actually hired through a contract with the City Council, correct? So any work that was performed under that contract was work that Hutchison-Smith had a right to tell the city they did under the contract, and the city had a legal obligation to pay the bills under that contract. If the bills were incurred outside the city's budget, that wasn't necessarily a basis for the city to refuse to pay the bill. That was a totally separate issue.

Councilor Sullivan stated the work had been done.

Councilor Fox stated he misunderstood what Mr. Sullivan said originally.

Councilor Crume stated he didn't know if every rule and regulation had been followed, but for him, he thought it was at least a consensus to go forward with this. There might be some discrepancies. He didn't know if any of them knew the total of what it was costing. He knew the \$75K was stuck in everyone's mind. He also knew, when he saw the \$129K, he wondered how that had been spent. That was his own fault for not looking at all the figures, all the time. Something he hadn't ever known about, that Mr. Lawrence had brought to their attention was the Small Mechanical Room, but they had been told how that happened. As for the rest of it, they all had a general understanding of what was going on, with maybe not understanding or knowing the total dollars spent. They did ask those people to do the work, and they had done it. If there were mistakes, hopefully they wouldn't be done again.

David Sullivan moved to approve the bills, seconded by Ron Verini. No roll call.

Councilor Fox stated there was another question on the bills, or was the motion for that specific bill?

Councilor Sullivan stated his motion was to approve all the bills on the billing statement. He didn't have any problems with any of the bills.

Councilor Fox stated there was still the question of Dickey and Tremper Accounting Firm.

Councilor Sullivan stated he believed it fell under the same principle that they owed them money, than they needed to pay the bill. They did approve that one. There wasn't any indication that that hadn't been approved by the Council.

Councilor Fox agreed, but he wanted to speak towards it.

Councilor Sullivan asked if they were there to pay the bills, or discussion them?

Councilor Fox stated he had other information he thought the Council should hear. Perhaps Councilor Sullivan didn't want one of them, but he was going to hand it out anyway.

Councilor Sullivan stated he had a motion on the floor to approve the bills.

Councilor Crume stated there was a motion and a second, but Councilor Fox had further discussion.

Councilor Fox passed out a document. It was brought up at the work session that \$9K to Dickey Tremper. Several people got on board saying not to pay them. He contacted the man, and there was a timeline in the document that everyone could read later, but he wanted to speak towards it. The city did owe the money, and that was why he asked earlier for exact minutes, because regarding this particular correspondence, and it said Ontario Chevron, and he wanted to thank Councilor Jones for letting him use his email, so that man emailed it to Councilor Jones, and Councilor Fox made copies for everyone. He thought they owed the money there, too, and he was going to have a lot more questions about his when he got the specific minutes because he was really concerned about what the City Manager said, what he believed was the 17th, was that if they weren't done by the next day or two, he was going to go up in his own car and get it. Mr. Lawrence put all the blame on Dickey Tremper and that's what misled the Council last work session, for people to speak out and say don't pay them. He believed the money was earned.

Mr. Lawrence asked what he had said that misled the Council.

Councilor Fox stated he didn't know verbatim, but he wanted the Council to see those minutes, because Mr. Lawrence had said if Dickey-Tremper was not done by tomorrow or the next day, as he remembered it, Mr. Lawrence was going to drive up there and get it himself. Then later they found out that the City of Ontario hadn't even delivered all the information to Dickey-Tremper until last Thursday morning at 10:00 a.m.

Mr. Lawrence stated what happened last Thursday morning at 10:00 a.m was that the city signed the Management Letter and it was faxed back.

Councilor Fox stated maybe he was mistaken, but he was believed he was led to believe that it was all on them. Those were misleading statements, and he hadn't appreciated that. And then when he read the email, and spoke to the man personally, it was eye-opening. They were led to believe Rachel [Hopper] said "Let's get rid of Dickey-Tremper and go to this other auditing firm", and he believed Mr. Lawrence led them to believe that was the way it was

Mr. Lawrence stated that *was* the way it was.

Councilor Fox stated that man said they wanted rid of the City of Ontario because they couldn't the information in time, and that concerned him.

Mr. Lawrence stated he never laid the blame on Dickey-Tremper, although there had been issues such as one of their auditors getting into a motorcycle accident, and having to reschedule weeks later. He never laid blame because the fact that the city was changing out the Finance Director, really did delay getting the information to them. Right in the middle of the budget season, the focus was on getting a budget to the Budget Committee, to meet, and get the budget approved by the end of June. The fact that Rachel [Hopper] was leaving, and had already left, working part-time at that point, he couldn't wave a magic wand and make things different. He had to work with what he had been given. Nobody liked a late audit. He hated it. It put him in a very bad light. He had never misled this Council.

Councilor Fox stated this man had a different story to tell. The audit had been in delinquency since December 31, 2010. So he didn't understand why, since December 31, 2010, Rachel [Hopper] should have had plenty of time to furnish that man all the information.

Mr. Lawrence agreed. She should have, and he was her supervisor, so the responsibility was his. It was not something they planned on.

Councilor Sullivan stated that back to the issue at hand, with respect to the bills, there was one thing they agreed on. They needed to pay \$9,100 invoice before the auditor would release the final report. If they were there to solve the problem, he wanted to get back to the bills. Pay those guys, move forward, and deal with their own personal business at a time more appropriate, where they would have the documentation to discuss it in a more thorough manner.

Councilor Fox stated he had no personal business.

David Sullivan moved, seconded by Ron Verini, to approve the bills as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

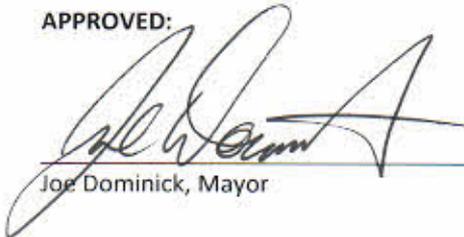
- Chief Alexander stated Rene' Cummings, Harvest House, had a project called Hospitality House, at the old National Guard Armory. They were running some services Tuesdays and Thursdays, 11am-2pm, so the homeless could get something to eat, do some laundry, that type of thing. Frank Maloney, 1st Christian Church, had appeared before the Council about a year ago, speaking of the meals they were doing there, and provided some ideas for working with the homeless. That was for some type of shelter that never came to fruition. Ms. Cummings had the project running, and he wanted to get his department involved. Some things already discussed was the issue of the panhandlers, and the people who supported them doing so in a responsible manner, and really promoting toe in a giving mood to donate to the Hospitality House. Would like to see it go from two days a week to full time.

- Chief Alexander stated he was the Past President of the Chamber of Commerce, and there was a committee of Past Presidents who took on a difficult task each year, but it was a serious one. He now had the honor, and the privilege, to let Councilor Verini, Mr. Dough Dean, and Ms. Charlene Pellan that the Veteran's Advocates of Ore-Ida were selected as the 2011 Chamber of Commerce Business of the Year. It was very well deserved.
- Mr. Lawrence stated he had met with Chris Harden that day, and Mr. Hardin had signed the contract previously approved by the Council, and presented the \$50K to Mr. Lawrence, which would be deposited tomorrow. The new contract deadline would be May 5, 2012.
- Councilor Verini stated there were a lot of homeless in the community, especially around the K-Mart and Wal-Mart area. His business had been working with them, trying to get them out of the syndrome, and the Elks stepped up, helping tremendously, with providing food and incentives of actually getting the people off the streets, getting them jobs, and possibly getting them places to live, so they were not a burden on the community. He thanked the Elks and all the other organizations who were helping. He believed it would be a big benefit for the city.

ADJOURN

David Sullivan moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder