

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

**AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
MONDAY, MAY 16, 2016, 7:00 P.M., M.T.**

- 1) **CALL TO ORDER**
Roll Call: Norm Crume _____ Tessa Winebarger _____ Charlotte Fugate _____ Marty Justus _____
Larry Tuttle _____ Betty Carter _____ Mayor Ron Verini _____

2) **PLEDGE OF ALLEGIANCE**

This Agenda was posted on Wednesday, May 11, 2016. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **MOTION TO ADOPT THE ENTIRE AGENDA**

4) **CONSENT AGENDA: MOTION ACTION APPROVING CONSENT AGENDA ITEMS**

- A) Minutes of Regular Meeting of 05/3/16 1-3
B) Liquor License Application: Poker Room and Social Club 4
C) Approval of the Bills

5) **DEPARTMENT HEAD UPDATES:**

- 6) **PRESENTATIONS:** Toby Epler - Airport Grant Updates - Thursday only
Dan Cummings - Planning Commission - Monday only
John Forsyth - Airport Hangar Insurance - Monday only

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

8) **NEW BUSINESS**

- A) Oster Contact Proposal for Finance Department 5-29
B) Ontario Swim Team Coaching Agreement 30-31

9) **PUBLIC HEARING**

- A) Sage Ridge Place Subdivision Final Plat Approval 32-38

10) **HAND-OUTS/DISCUSSION ITEMS**

- A) Business Registration Update [Tori]
B) Policy for Canceling Council Meetings [Marty]
C) Council Direction and Guidance for Incoming City Manager [Marty]
D) Code Enforcement Issues [Marty]
E) Entrances/Exits to Ontario - ODOT Maintenance [Marty]
F) 2016-116: Moratorium Extension on SDCs [Dan]
G) Property Tax [Kari]
H) Department Stats: OFR, April 2016
I) Minutes: County [04/26/16, 05/04/16], SREDA [5/3/16]
J) Financials

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

12) **EXECUTIVE SESSION:**

- A) ORS 192.660(2)(e)
B) ORS 192.660(2)(a)
C) ORS 192.660(2)(b)

13) **ADJOURN**

**ONTARIO CITY COUNCIL MEETING MINUTES
May 3, 2016**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 5:30 p.m. on Tuesday, May 3, 2016, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Tess Winebarger, Betty Carter, Marty Justus, Larry Tuttle, and Charlotte Fugate.

Members of staff present were Tori Barnett, Kari Ott, Corinna Hysell, Dan Cummings, Cliff Leeper, and Steve Mallea.

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

Betty Carter led everyone in the Pledge of Allegiance.

AGENDA

The Mayor made a change to the agenda, changing the post date for the agenda. Should have been May 2nd; was originally stated as April 13th.

Charlotte Fugate moved, seconded by Betty Carter, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

CONSENT AGENDA

Regarding the bills, Councilor Fugate asked what the \$21,099 Cascade Pipeline 2015 Wastewater Collection was.

Cliff Leeper, Public Works Director, stated it was the negotiated price of just over \$30K.

Councilor Fugate asked what the fiscal service state surcharge of \$1,033 was.

Kari Ott, Finance, stated it was the surcharge fees due to the State of Oregon for building permits.

Councilor Fugate asked about \$5,099 for new hard drives.

Ms. Ott stated that was due to the replacement program running under the Technology Department.

Councilor Fugate asked about Newman's Muffler Shop bill for \$105 dollars

Al Higinbotham, Fire Chief, stated it was for a replacement muffler on Rescue 1.

Councilor Fugate asked about the Ontario Floor Covering invoice of \$177.

Chief Higinbotham stated that was the last bill associated with the dayroom makeover.

Charlotte Fugate moved, seconded by Norm Crume, to adopt Consent Agenda items A) Minutes of Regular Meeting of April 18, 2016; and B) Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

Councilor Justus asked if the new Ordinance Department software had been ordered and installed.

Steve Mallea, Acting Police Chief, replied no; it would take a resolution to expend funds from the Public Safety fund.

The Mayor asked for a consensus to have a telephonic meeting to get it resolved.

Tori Barnett, Interim City Manager stated that she needed 24 hour notice but it could be done Thursday prior to the Budget Meeting.

Council consensus to hold it prior to the Budget Meeting.

NEW BUSINESS

Eastside Tank Update/Request for Council Consensus

Cliff Leeper, PW Director/CH2M Hill, presented.

When the blaster's finished blasting, the tank was in a little worse shape than they had anticipated. Therefore, it would take a heavier liner. That would see a \$27K cost increase. Even still, it needed to be done.

Councilor Tuttle asked how they attached the liner.

Mr. Leeper stated it was sprayed on.

Councilor Justus asked if there was any BPA.

Mr. Leeper replied no.

Council consensus to move forward with the increase in cost to have a heavier liner sprayed on the tank.

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- Dan Cummings gave an update on the ODOT meeting regarding the weeds in the swales and along the cloverleaf entrances and exits to the city. Largest point being that they were not weeds, but a deliberate planting by ODOT of indigenous grasses. They planned to let that grass go to seed, and anticipated mowing in the next week or so.

Cliff Leeper said that the weeds and grass were bio swales, according to ODOT. Also, Governor Brown had mandated that irrigation will not be used to water due to the drought.

Councilor Justus asked about the ground cover and the trees. Were the trees going to stay?

Mr. Leeper said the trees should stay.

Councilor Justus said he would like to see a schedule on how the space would be maintained.

Ms. Barnett stated it would be good to place some information on various medias – newspaper, website, water bills, etc., - explaining ODOT's plans.

- Councilor Fugate said she was disappointed that she didn't receive the proposed budget until 6:00 p.m. last night. It should have been distributed well in advance.

ADJOURN

Norm Crume moved, seconded by Tessa Winebarger, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-Yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

APPROVED:

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA
MAY 16, 2016

TO: Mayor and City Council

FROM: Steve Mallea, Acting Chief of Police

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: LIQUOR LICENSE APPLICATION – NEW OUTLET
Limited On-Premises Sales**

DATE: May 9, 2016

SUMMARY:

Carla and Jon Gutcher have completed the “New Outlet” application process for “Limited On-Premises Sales” liquor license privileges through the Oregon Liquor Control Commission for Ontario Poker Room and Social Club located at 287 South Oregon Street, Ontario, Oregon.

All necessary paperwork has been approved through the Oregon Liquor Control Commission office and is awaiting approval through the Ontario City Council.

BACKGROUND:

Criminal Record process was completed on club owners/managers Carla and Jon Gutcher. Both records returned clear meeting state and local requirements. The application forms have been filled out appropriately and required fees have been paid. All Permit requirements have been met. This business has also completed all necessary requirements through the City of Ontario Planning and Building Departments.

RECOMMENDATION:

I have completed a review of this application information in accordance with the City of Ontario ordinance regulating this license. I recommend that we approve the New Outlet Limited On-Premises Sales liquor license application for Carla and Jon Gutcher’s Ontario Poker Room and Social Club.

AGENDA REPORT

May 16, 2016

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: OSTER PROFESSIONAL GROUP PROPOSED CONTRACT FOR PROFESSIONAL SERVICES FOR FINANCIAL SERVICES FOR THE CITY OF ONTARIO

DATE: May 10, 2016

SUMMARY:

Attached is the following document:

- Staff report, Council meeting minutes excerpt, copy of contract [April 7, 2014 action]
- Staff report, Oster letter, Council meeting minutes excerpt, Copy of Resolution #2015-141, copy of contract [August 3, 2015 action]
- Proposed contract for financial services (hand-out)

To ensure better accountability, provide consistent departmental oversight, and the ability to better give the city cleaner and more fiscally sound budget, Oster Professional Group has prepared a proposed contract for management of the Ontario Finance Department. The proposed contract would initially run for five years (June 30, 2021).

Oster's attorney, Anne Denecke, and City Attorney Larry Sullivan have reviewed the proposed contract.

PREVIOUS COUNCIL ACTION:

- 4-7-2014 The City of Ontario entered into a Professional Services Contract with G.W. Wilber, CPA's, PC, to provide fiscal services.
- 8-3-2015 Council approved Resolution #2015-141, a resolution which approved the contract with Oster Professional Group, CPA's, LLP, for additional services to be provided by Oster.

BACKGROUND:

The City contracted with Oster Professional Group in April of 2014 to perform fiscal services, and has subsequently amended the contract to include additional services. At this time, Oster has prepared a contract to run the entire Finance Department, including the absorption of three employees under that umbrella.

FINANCIAL IMPLICATIONS:

The city will be billed \$23,000 per month, for an annual cost of \$276,000. During the second year of the contract, base cost shall be increased pursuant to the US Bureau of Labor Statistics Consumer Price Index, but shall not exceed a 3% increase.

This base cost will see a savings over the first year of \$4,689.00, but shall potentially see an increase in savings over subsequent years due to employee costs the city will no longer be responsible for.

RECOMMENDATION:

Staff recommends that the Council approve the proposed contract.

PROPOSED MOTION:

I move that the City Council approve the Professional Services Contract as proposed by Oster Professional Group, CPA's, LLC, for a term of service beginning July 1, 2016.

AGENDA REPORT-LOCAL CONTRACT REVIEW BOARD

April 7, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

SUBJECT: G.W. WILBER PROFESSIONAL SERVICES AGREEMENT

DATE: March 31, 2014

SUMMARY:

Attached are the following documents:

- G.W. Wilber Professional Services Agreement
- Scope of Work As Exhibit to Agreement

BACKGROUND:

After the resignation of Michael Long as Finance Director for the City on February 13, 2014, the City Council met with G.W. Wilber, the principal of G.W. Wilber, Certified Public Accountants, P.C., to discuss providing financial services to the City. The Council consensus was to hire Mr. Wilber's PC for \$6,000 per month to provide various financial services to the City, and instructed the City Manager and the City attorney to prepare a Memorandum of Understanding between the parties. After a Memorandum of Understanding was prepared by the City attorney and forwarded to G.W. Wilber, Mr. Wilber's attorney responded with the enclosed Professional Services Agreement, along with a Scope of Work to be included as an exhibit. The Council consensus in an executive session was to approve the proposed Professional Services Agreement submitted to the City.

The City Council, acting as a local contract review board, has the authority under Section 7.1 of the Financial Policies Manual to determine that the G.W. Wilber Professional Services Agreement is a professional services contract that is exempt from the competitive bidding process.

RECOMMENDATION:

Staff recommends that the Council approve the Professional Services Agreement with G.W. Wilber, Certified Public Accountants, P.C.

MOTION:

1) I move that the Mayor and City Council, sitting as a local contract review board, declare that a contract between the City and G.W. Wilber, Certified Public Accountants, P.C., is a personal services contract under Section 7.1 of the Ontario Financial Policies Manual.

2) I move that the Mayor and City Council, sitting as a local contract review board, approve a personal services contract with G.W. Wilber, Certified Public Accountants, P.C., to provide various financial services to the City, and authorize the Mayor to sign said contract.

Joe Recla, Laura Gibbs, Jerry Kush, Stormy Ray, and William Lopez all spoke in favor of allowing medical marijuana dispensaries in Ontario, and were against the moratorium to prohibit them. Mr. Recla and Ms. Gibbs indicated if the moratorium was passed, they would be willing to work with the Council on any questions or issues that might arise over the next year.

LOCAL CONTRACT REVIEW BOARD

G.W. Wilber Professional Services Agreement

Larry Sullivan, City Attorney, stated after the resignation of Michael Long as Finance Director for the city on February 13, 2014, the City Council met with G.W. Wilber, the principal of G.W. Wilber, Certified Public Accountants, P.C., to discuss providing financial services to the city. The Council consensus was to hire Mr. Wilber's PC for \$6,000 per month to provide various financial services to the city, and instructed the City Manager and the City Attorney to prepare a Memorandum of Understanding between the parties. After a Memorandum of Understanding was prepared by the City Attorney and forwarded to G.W. Wilber, Mr. Wilber's attorney responded with the Professional Services Agreement, along with a Scope of Work to be included. The Council consensus in an executive session was to approve the proposed Professional Services Agreement submitted to the City.

The City Council, acting as a Local Contract Review Board, had the authority under Section 7.1 of the Financial Policies Manual to determine that the G.W. Wilber Professional Services Agreement was a professional services contract that was exempt from the competitive bidding process.

Dan Jones moved, seconded by Norm Crume, that the Mayor and City Council, sitting as a Local Contract Review Board, declare that a contract between the City and G.W. Wilber, Certified Public Accountants, P.C., is a personal services contract under Section 7.1 of the Ontario Financial Policies Manual. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Jackson Fox moved, seconded by Charlotte Fugate, that the Mayor and City Council, sitting as a Local Contract Review Board, approve a personal services contract with G.W. Wilber, Certified Public Accountants, P.C., to provide various financial services to the City, and authorize the Mayor to sign said contract. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

OLD BUSINESS

Ordinance #2688-2014: Amend OMC 6-1 Relating to Discharge of Weapons (Final Reading)

Mark Alexander, Police Chief, stated the Police Department wanted to amend Municipal Code Title 6, Chapter 1, relating to discharge of weapons in order to allow for rodent control on city properties. There had been no changes since First Reading on March 17, 2014.

Ontario Municipal Code Title 6, Chapter 1, prohibited the discharge of pellet or bb guns within the City Limits. The Ontario Golf Course suffered extensive damage from ground squirrels and efforts to reduce rodent numbers had been unsuccessful. Common to this area was shooting of ground squirrels for rodent control. BB or pellet guns could be a safe and effective way of control. Golf course management also believed there could be revenue opportunities by allowing for such rodent control.

Ordinance #2688-2014 provided a waiver process to discharge bb or pellet guns on city property for rodent control. The city could impose conditions such as time period, specific location, requirements for notice of the activity occurring, oversight required for those discharging, reporting of activity and disposal of such animals once destroyed.

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement") is entered into effective the 7 day of March 2014 by and between G.W. Wilber, CPA's, PC, an Oregon corporation ("G.W. Wilber"), and the City of Ontario, Oregon, an Oregon local government entity ("City").

RECITALS

WHEREAS, City wishes to engage G.W. Wilber to provide consulting Services ("Services") to City, as specified in each Scope of Work agreed upon by the parties which will be Exhibits to this Agreement; and

WHEREAS, G.W. Wilber wishes to provide the Services under the terms and conditions specified in this Agreement and in each Scope of Work.

NOW, THEREFORE, in consideration of the mutual promises set forth below and these Recitals, City and G.W. Wilber agree as follows:

AGREEMENT

1. G.W. Wilber's Services.

1.1 **Description of Services.** G.W. Wilber shall provide all Services specified in any Scope of Work attached as an Exhibit to this Agreement.

1.1.1 A Scope of Work shall become binding on the date the document is fully executed by G.W. Wilber and City, at which time G.W. Wilber will be obligated to provide the Services as specified in such Scope of Work.

1.2 **Manner of Rendering Services.** G.W. Wilber shall determine the method, details, and means of performing the Services.

1.3 **Direction and Control of Services.** City may not control, direct, or supervise G.W. Wilber's employees.

1.4 **Services for Other Entities.** G.W. Wilber is free to provide Services to other entities or persons during the term of this Agreement.

1.5 **No Authority to Bind or Obligate City.** G.W. Wilber shall have no authority to bind, obligate or commit City by any promise or representation, unless G.W. Wilber has obtained the prior written approval of an authorized representative of City.

1.6 **Compliance With Laws.** G.W. Wilber shall strictly comply with all applicable federal, state, and local civil laws and statutes, ordinances, regulations and codes.

2. Term and Termination of Agreement.

2.1 **Term.** The term of this Agreement shall begin on the date set forth above and, shall continue through June 30, 2015 or until earlier terminated by either party in accordance with Section 2.2 of this Agreement.

2.2 **Termination.** This Agreement may be terminated as follows:

2.2.1 **By City With Cause.** "Cause" is defined as a material breach of this Agreement, which must be specified in writing by City and provided to G.W. Wilber not later than the date on which City gives notice of its intent to terminate.

2.2.2 **By City Without Cause.** In the event the City terminates this Agreement without cause, City is obligated to pay G.W. Wilber a termination fee of \$20,500.00 plus any prorated compensation earned under this Agreement during the month in which the termination date is effective. City shall make such payments not later than 10 business days following the effective date of termination.

2.2.3 **By G.W. Wilber.** G.W. Wilber may terminate this Agreement for any reason by giving City not less than ten (10) days' prior written notice of its intent to terminate.

3. Compensation.

3.1 **Fees for Services.** City shall pay G.W. Wilber the total sum of \$6,000.00 per month for all Services rendered under this Agreement and any Scope of Work attached hereto. G.W. Wilber shall not be entitled to any other compensation. Said compensation, plus the payment for expenses as provided in Section 3.2 below, shall be the total compensation to G.W. Wilber for all labor, material and deliverables (collectively, "Services") provided under this Agreement; provided, however, that City also is obligated to pay G.W. Wilber the prorated amount of any compensation earned under this Agreement for less than a full month of Services rendered.

3.2 **Expenses.** G.W. Wilber shall invoice City for reasonable expenses that G.W. Wilber incurs related to the provision of Services under this Agreement. G.W. Wilber is responsible for all other expenses incurred in providing the services under this Agreement including, but not limited to, G.W. Wilber's normal and ordinary business expenses such as rent, administrative assistance, general photocopying, postage, vehicle expense, office supplies, or local telephone service. G.W. Wilber must

obtain advance written approval from City any anticipated expense of more than \$100.00 for which G.W. Wilber anticipates invoicing City, unless otherwise outlined in a Scope of Work. City reserves the right to deny reimbursement for any expense that is not reasonable and outside of G.W. Wilber's normal and ordinary business expenses, including an expense of more than \$100.00 which was not first discussed with City. Upon approval of G.W. Wilber's expenses invoice, City shall pay G.W. Wilber by check delivered by regular mail at G.W. Wilber's designated address not later than thirty (30) days from the date of the invoice.

3.3 Invoices. G.W. Wilber shall submit to City an invoice not later than the 5th day of the month following any month in which Services are performed. Each invoice shall include an itemized description of G.W. Wilber's activities. City shall mail to G.W. Wilber a check by regular mail at G.W. Wilber's designated address not later than 30 days after receipt of each G.W. Wilber invoice.

4. Relationship Between the Parties.

4.1 Independent Contractor. G.W. Wilber is an independent contractor and is engaged in an independently established occupation. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. None of the benefits provided by City to its employees, if any, (including payment of workers' compensation insurance coverage) shall be provided to G.W. Wilber, or any of G.W. Wilber's employees or subcontractors.

4.2 Responsibility for Wages, Taxes, Workers' Compensation Coverage, Etc. G.W. Wilber shall be responsible for providing any salary or other benefits or payments due to its employees and subcontractors, if any. Additionally, G.W. Wilber shall be solely responsible for making all necessary and appropriate tax, social security, employment and workers' compensation and other withholding deductions and payments for G.W. Wilber, and any of G.W. Wilber's employees and/or subcontractors. G.W. Wilber also shall be solely responsible for providing any necessary and appropriate workers' compensation insurance coverage for G.W. Wilber employees and subcontractors. G.W. Wilber shall indemnify City and hold it harmless from paying such costs or taxes.

4.3 Tools and Equipment. G.W. Wilber is responsible for providing the principle tools, equipment and supplies for performance of the Services under this Agreement.

4.4 Permits and Licenses. G.W. Wilber shall, at G.W. Wilber's expense, obtain and maintain all permits, licenses, certifications and registrations necessary to perform the Services under this Agreement.

5. No Conflict of Interest. During the Term of this Agreement, G.W. Wilber will not accept work, enter into a contract, or accept an obligation from any third party, inconsistent or incompatible with G.W. Wilber's obligations, or the scope of Services rendered for City under this Agreement. G.W. Wilber warrants that there is no other contract or duty on its part inconsistent with this Agreement.

6. Return of Property and Documents. G.W. Wilber agrees that all hard and electronic originals and copies of records, reports, documents, lists, drawings, memoranda, notes, proposals, contracts and other documentation related to the business of City or to the rendering of G.W. Wilber's Services, or containing any information described in Section 9 below belong to City and shall be returned to City immediately upon expiration of the Term or upon the termination of this Agreement, or at anytime upon the written request of City.

7. Insurance and Risk of Loss. G.W. Wilber shall maintain insurance policies (including, without limitation, liability insurance and any required workers' compensation insurance) sufficient to protect G.W. Wilber's business as required by local, state and federal law, and as necessary to protect against all applicable risks. G.W. Wilber shall provide City with certificates of insurance and other supporting materials as City may request to evidence G.W. Wilber's continuing compliance with these obligations.

8. Confidential Information.

8.1 "Confidential Information" Defined. In the course of performing the services for City, G.W. Wilber may acquire knowledge (both orally and in writing) regarding confidential and/or proprietary information concerning City and its employees, council members, contractors and vendors, including non-public financial information; information about costs and pricing structure; plans for future developments; programs; business plans or strategies; and other information of a similar nature which is not generally known to or accessible by members of the public and which is not generally subject to a public records request under applicable Oregon law (collectively, "Confidential Information.")

8.2 Non Use and Non Disclosure. G.W. Wilber agrees that during the term of this Agreement and thereafter, it (a) will keep secret and retain in confidence all Confidential Information, (b) not disclose Confidential Information to anyone except employees of City or City's council members authorized to receive it, and third parties to whom such disclosure is specifically authorized, and (3) not use any Confidential Information for any purpose other than performance of services under this Agreement without prior written permission from an authorized representative of City.

8.3 Application. G.W. Wilber's confidentiality obligations as set forth in Section 9 will not apply to any information or any portion thereof which (i) is or becomes publicly available by other than a breach of this

Agreement (including, without limitation, any information filed with any governmental agency and available to the public); (ii) is disclosed to G.W. Wilber by a third party that is legally entitled to disclose such information; (iii) G.W. Wilber demonstrates through documented records that the information was known by it prior to its receipt from City; (iv) is developed by G.W. Wilber independently of any disclosures made by City of such information, as demonstrated by G.W. Wilber's documented records; or (v) is required to be disclosed by subpoena, court order, or other legal or regulatory requirement (including a public records request), provided that G.W. Wilber provides prompt notice to City of such a request for disclosure and cooperates with City in any legal challenge to such disclosure.

9. Notices to the Parties. Notices required by this Agreement shall be in writing. Notices may be served by certified or registered mail, postage paid with return receipt requested; by private courier, prepaid; or in person. Mailed notices shall be deemed delivered three (3) days after mailing, properly addressed. Couriered notices shall be deemed delivered on the date that the courier represents that delivery has been made. In person delivery shall be effective when accomplished. Unless a party changes its address by giving notice to the other party as provided herein, notices shall be delivered to the parties at the following addresses:

G.W. Wilber: George W. Wilber, CPA, CFF
77 West Adams Street
Burns, Oregon 97720

City: LeRoy Cammack
Mayor
City of Ontario
444 SW 4th Street
Ontario, OR 97914

10. Assignment and Subcontracting.

10.1 Assignment. G.W. Wilber agrees it may not assign this Agreement in whole or in part without the prior written consent of City.

10.2 Subcontracting. G.W. Wilber agrees that it may not subcontract this Agreement in whole or in part.

11. Dispute Resolution.

11.1 Method of Resolution. G.W. Wilber and City agree that any claim, controversy or dispute arising out of or in connection with this Agreement or an attached Scope of Work shall be resolved as follows:

11.2 Mediation. G.W. Wilber and City agree that the first step toward resolution shall be mandatory, non-binding mediation in Ontario, Oregon with a neutral, third party mediator mutually selected by the parties. G.W. Wilber and City agree to share equally the costs of mediation, including the mediator's time and expenses (and excluding any attorney fees or other costs incurred by either party).

11.3 Arbitration. In the event mediation is not successful, G.W. Wilber and City agree to resolve the issue through expedited mandatory arbitration in Ontario, Oregon with a mutually selected arbitrator. The arbitration shall be conducted in accordance with ORS 36.600 to 36.740 ("Oregon Arbitration Act" or its successor). Notice of demand for arbitration shall be filed in writing with the other party and with the Arbitration Service of Portland, Inc. Each party shall be entitled to discovery as provided for in the Oregon Arbitration Act. A single arbitrator shall conduct the arbitration proceedings in private, and to the extent necessary to enforce any award, the arbitration proceedings and results shall be confidential. The parties agree that the decision of the arbitrator shall be final and binding, and that judgment thereon may be entered in any court having jurisdiction. In reaching a decision, the arbitrator shall have no authority to change or modify this Agreement. The parties shall share equally the costs of arbitration, including fees resulting from the arbitrator's review of any pre and post hearing motions, briefs or other documents or pleadings. The prevailing party, as determined by the Arbitrator, shall be entitled to an award of reasonable attorney fees.

12. Waiver of Breach. The waiver by either party of any breach by the other party of any provision of this Agreement shall not operate or be construed as a waiver by the non breaching party of any subsequent breach by the other party.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to its conflict of laws provision.

14. Severability. In the event that any section or provision of this Agreement shall be held to be illegal or unenforceable, such section or provision shall be severed from this Agreement and the entire Agreement shall not fail as a result, but shall otherwise remain in full force and effect.

15. Amendment. This Agreement may be canceled, modified, or amended only by an instrument in writing and executed both by G.W. Wilber and City.

16. Entire Agreement. This Agreement, including any and all exhibits, sets forth the entire understanding of the parties with respect to the subject matter of this Agreement, and supersedes any and all prior discussions, understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement; provided, however, nothing in this provision is

intended to render moot or void any and all Scope of Work agreements attached to this Agreement as an Exhibit and all such agreements remain in full force and effect.

17. **Authority.** The undersigned represent that they are authorized to execute this Agreement on behalf of their respective principals.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

G.W. WILBER, CERTIFIED PUBLIC
ACCOUNTANTS, PC

CITY OF ONTARIO, OREGON

George W. Wilber
For _____
George W. Wilber, CPA, CFF

LeRoy Cammack

LeRoy Cammack, Mayor

Scope of Work

Exhibit to G.W. Wilber – City of Ontario Professional Services Agreement

G.W. Wilber and City agree that for the period specified above, G.W. Wilber will provide the following Services under the terms and conditions of the attached Professional Services Agreement.

ONE TIME PROCEDURE

- Prepare an internal control matrix for the finance department and recommend any changes deemed necessary to have a proper internal control structure.
- Provide names of potential candidates to City for City's new financial statement auditor.

MONTHLY CYCLE

- Review accuracy of general ledger accounting, accounts payable processing, accounts receivable processing and payroll processing.
- Reconcile or monitor reconciliation of all General Ledger and bank accounts.
- Provide monthly budget to actual reports and other financial reports to the City Council, City Manager and department heads.
- Provide timely and accurate monthly variance reports for City staff, to be provided by the 15th day of each month for the preceding month.

QUARTERLY CYCLE

- Prepare and file quarterly payroll reports.
- Provide grant administration as needed.
- Monitor capital asset listing including construction in progress.
- Provide quarterly reports to the City's Budget Committee.

ANNUAL CYCLE

- Prepare and file annual payroll reports and W-2s.
- Prepare or monitor preparation of all working papers required for the annual financial statement audit.
- Monitor year end closing of the books.
- Gather information from appropriate City personnel to assist in preparation of the draft 2014-2015 and 2015-2016 budgets and submit to the City Manager not later than March 14 annually.
- Provide requested on-site assistance during the annual financial statement audit.

AS NEEDED

- Timely respond to City Council inquiries for specified information.
- Participate by telephone in City staff meetings upon reasonable advance notice by City for the purpose of responding to requests for information or receiving information as necessary.

- Perform other services as reasonably requested by City that are consistent with overall services to be performed by G.W. Wilber under the terms and conditions of the attached Professional Services Agreement.
- Provide information related to recommended procedural changes to correct deficiencies identified in G.W. Wilber's interim audit report dated February 6, 2014.
- Provide requested on-site assistance during various audits.

ATTENDANCE AT CITY MEETINGS

- Attend all regularly scheduled City Council work sessions and meetings; special Council meetings as necessary upon reasonable advance notice; all Budget Committee meetings; one meeting of the Aquatic Center Ad Hoc Committee; and other selected committee meetings as mutually deemed necessary by G.W. Wilber and the City Manager for purpose of providing any requested information.

AGENDA REPORT

August 3, 2015

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: **RESOLUTION #2015-141: OSTER PROFESSIONAL GROUP PROFESSIONAL SERVICES CONTRACT FOR FISCAL SERVICES – FY15-16**

DATE: July 28, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-141
- Proposed contract for fiscal services

An amendment for 2015-2016 fiscal services contract has been prepared between the City of Ontario and Oster Professional Group, CPA's, LLP.

PREVIOUS COUNCIL ACTION:

4-7-2014 The City of Ontario entered into a Professional Services Contract with Oster Professional Group for fiscal services.

BACKGROUND:

The City contracted with Oster Professional Group in April of 2014 to perform fiscal services. The new contract includes a 1.5% increase on the prior contract. This changes the annual contract from \$72,000 to \$73,080.

Recently, the Accounting Assistant/Payroll Clerk resigned from employment with the city. Council consensus was to add payroll services, month-end closing, journal entries and bank administration to the scope of services provided by Oster Professional Group. This increase in the scope of the contract will cost the city an additional \$7,200 annually.

FINANCIAL IMPLICATIONS:

The city will be billed \$6,690 per month which is an annual cost of \$80,280.

RECOMMENDATION:

Staff recommends that the Council approve Resolution 2015-141.

PROPOSED MOTION:

I move that the City Council adopt **Resolution 2015-141, A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH OSTER PROFESSIONAL GROUP FOR FISCAL SERVICES.**

Oster Professional Group

Certified Public Accountants, LLP

George W. Wilber, CR.FA, CPA
Kari J. Ott, CPA
Cara R. Wilber, CPA

Robert M. Armstrong, CPA
Jessica A. Knowles, CPA
Mitch T. Saul, CPA
Amy K. Walker, CPA
Anna K. Bass

Ontario City Council
Ontario, Oregon
444 SW 4th Street
Ontario, OR 97914

Arlie W. Oster, CPA (1931-1998)
Deborah A. Arntz, MBA, EA

July 20, 2015

RE: ADDITIONAL SCOPE OF CONTRACT

Due to the fact the accounting assistant will be leaving on July 31, 2015, Oster Professional Group, CPA's, LLP proposes to amend the scope of the contract to perform the following items for an additional \$600 per month (\$7,200):

Payroll and Liabilities

- Draw
- Payroll at the end of the month
- Pay liabilities

Month End Closing

- Once a month

Journal Entries

- As needed

Bank Administration

- As needed

Please direct any questions to Kari Ott (541)573-6151.

Thank you for your business!

Sincerely,



Kari J. Ott, CPA

NEW BUSINESS

Request Approval for Independent Fee Estimate (IFE) for FY2015 Ontario Airport FAA Airport Improvement Project (AIP) 3-41-0044-012

Pete Morgan, P/T Airport Manager, presented.

An IFE was a requirement by the FAA, as part of the process. An IFE provided an estimated cost for the engineering services related to the FAA project. This estimate was then compared to the estimate that the current airport engineer provided. The two estimates were compared and helped the city negotiate a fair and cost effective contract amount for the engineering services. The city approved IFEs previously in 2009, 2011, and 2013. The approval of the IFE had to be completed before the project could move forward. If the city opted to not approve the IFE the project would not be done.

The cost of the IFE was \$2,500.00, 90% was reimbursable back to the city by the FAA through the AIP Grant process.

Mayor Ron Verini asked how much was paid by the City towards the project.

Mr. Morgan answered that \$2,500 would be due from the City; however 90% would be reimbursed by FAA, so it was truly only \$250.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council authorize the Mayor to sign the Engineering Consulting Service Agreement from Century West Engineering to complete the IFE for FAA Project in the amount of \$2,500.00. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-out; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 5/0/2.

Resolution #2015-141: Approval of Professional Services Contract with Oster Professional Group for fiscal Services, FY16-17

Tori Barnett, Interim City Manager, presented.

An amendment for the FY2015-2016 fiscal services contract had been prepared between the City of Ontario and Oster Professional Group, CPA's, LLP. The initial contract was entered into on April 7, 2014.

The city contracted with Oster Professional Group in April of 2014 to perform fiscal services. The new contract included a 1.5% increase on the prior contract, due to a general Cost of Living Adjustment (COLA). This changed the annual contract from \$72,000 to \$73,080.

Recently, the Accounting Assistant/Payroll Clerk resigned from employment with the city. Council consensus was to add payroll services, month-end closing, journal entries, bank administration, and to provide a staff member on site a minimum of once a week, to the scope of services provided by Oster Professional Group. This increase in the scope of the contract would cost the city an additional \$7,200 annually. The city will be billed \$6,690 per month, which reflected an annual cost of \$80,280.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council adopt **Resolution 2015-141, A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH OSTER PROFESSIONAL GROUP FOR FISCAL SERVICES**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-out; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 5/0/2.

Resolution #2015-142: Allowance for Bad Debts and Write Off Policy

Kari Ott, CPA, Finance, presented.

The proposed resolution was to establish an Allowance for Bad Debts and Write Offs Policy. The City Council reserved the authority to establish and modify the Financial Policies and Procedures as needed, to bring policies into compliance with current laws and needs of the City of Ontario.

RESOLUTION 2015-141

**A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH
OSTER PROFESSIONAL GROUP FOR FISCAL SERVICES**

- WHEREAS,** the professional services contract for fiscal services between the City and Oster Professional Group expired on June 30, 2015; and
- WHEREAS,** the city has agreed to add additional services to the fiscal services contract; and
- WHEREAS,** it is in the best interest of the city and the taxpayers to approve the proposed contract.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

1. The Fiscal Services Contract and Scope of Services between the City of Ontario and Oster Professional Group, CPA's, LLP, a copy of which is attached hereto and incorporated herein as Exhibit A, is hereby approved for a term from July 1, 2015, through June 30, 2016.
2. The Mayor is authorized and directed to sign the Professional Services Agreement on the City's behalf.

EFFECTIVE DATE: Immediately upon passage.

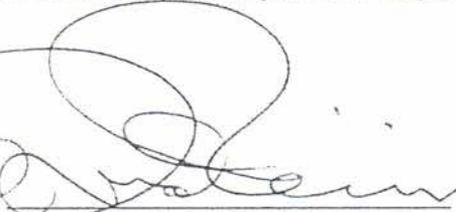
PASSED AND ADOPTED by the Ontario City Council this 3rd day of August 2015.

Ayes: Fugate, Crume, Verini, Carter, Tuttle

Nays: None

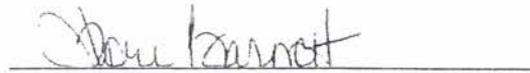
Absent: Winebarger, Jost

APPROVED by the Mayor this 3rd day of August, 2015.



Ronald Verini, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement") is entered into effective the 3rd day of August 2015 by and between Oster Professional Group CPA's, LLP, an Oregon limited liability partnership ("OPG"), and the City of Ontario, Oregon, an Oregon local government entity ("City").

RECITALS

WHEREAS, City wishes to engage OPG to provide consulting Services ("Services") to City, as specified in each Scope of Work agreed upon by the parties which will be Exhibits to this Agreement; and

WHEREAS, OPG wishes to provide the Services under the terms and conditions specified in this Agreement and in each Scope of Work.

NOW, THEREFORE, in consideration of the mutual promises set forth below and these Recitals, City and OPG agree as follows:

AGREEMENT

1. OPG's Services.

1.1 **Description of Services.** OPG shall provide all Services specified in any Scope of Work attached as an Exhibit to this Agreement.

1.1.1 A Scope of Work shall become binding on the date the document is fully executed by OPG and City, at which time OPG will be obligated to provide the Services as specified in such Scope of Work.

1.2 **Manner of Rendering Services.** OPG shall determine the method, details, and means of performing the Services.

1.3 **Direction and Control of Services.** City may not control, direct, or supervise OPG's employees.

1.4 **Services for Other Entities.** OPG is free to provide Services to other entities or persons during the term of this Agreement.

1.5 **No Authority to Bind or Obligate City.** OPG shall have no authority to bind, obligate or commit City by any promise or representation, unless OPG has obtained the prior written approval of an authorized representative of City.

1.6 **Compliance With Laws.** OPG shall strictly comply with all applicable federal, state, and local civil laws and statutes, ordinances, regulations and codes.

2. Term and Termination of Agreement.

2.1 **Term.** The term of this Agreement shall begin on the date set forth above and, shall continue through June 30, 2016 or until earlier terminated by either party in accordance with Section 2.2 of this Agreement.

2.2 **Termination.** This Agreement may be terminated as follows:

2.2.1 **By City With Cause.** "Cause" is defined as a material breach of this Agreement, which must be specified in writing by City and provided to OPG not later than the date on which City gives notice of its intent to terminate.

2.2.2 **By City Without Cause.** In the event the City terminates this Agreement without cause, City is obligated to pay OPG a termination fee of \$0.00.

2.2.3 **By OPG.** OPG may terminate this Agreement for any reason by giving City not less than ten (10) days' prior written notice of its intent to terminate.

3. Compensation.

3.1 **Fees for Services.** City shall pay OPG the total sum of \$6,690.00 per month for all Services rendered under this Agreement and any Scope of Work attached hereto. OPG shall not be entitled to any other compensation. Said compensation, plus the payment for expenses as provided in Section 3.2 below, shall be the total compensation to OPG for all labor, material and deliverables (collectively, "Services") provided under this Agreement; provided, however, that City also is obligated to pay OPG the prorated amount of any compensation earned under this Agreement for less than a full month of Services rendered.

3.2 **Expenses.** OPG shall invoice City for reasonable expenses that OPG incurs related to the provision of Services under this Agreement. OPG is responsible for all other expenses incurred in providing the services under this Agreement including, but not limited to, OPG's normal and ordinary business expenses such as rent, administrative assistance, general photocopying, postage, vehicle expense, office supplies, or local telephone service. OPG must obtain advance written approval from City any anticipated expense of more than \$100.00 for which OPG anticipates invoicing City, unless otherwise outlined in a Scope of Work. City reserves the right to deny reimbursement for any expense that is not reasonable and outside of OPG's normal and ordinary business expenses, including an expense of more than \$100.00 which was not first discussed with City. Upon approval of OPG's expenses invoice, City shall pay OPG by check delivered by regular mail at OPG's designated address not later than thirty (30) days from the date of the invoice.

3.3 **Invoices.** OPG shall submit to City an invoice not later than the 10th day of the month following any month in which Services are performed. Each invoice shall include an itemized description of OPG's activities. City shall mail to OPG a check by regular mail at OPG's designated address not later than 30 days after receipt of each OPG invoice.

4. Relationship Between the Parties.

4.1 **Independent Contractor.** OPG is an independent contractor and is engaged in an independently established occupation. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. None of the benefits provided by City to its employees, if any, (including payment of workers' compensation insurance coverage) shall be provided to OPG, or any of OPG's employees or subcontractors.

4.2 **Responsibility for Wages, Taxes, Workers' Compensation Coverage, Etc.** OPG shall be responsible for providing any salary or other benefits or payments due to its employees and subcontractors, if any. Additionally, OPG shall be solely responsible for making all necessary and appropriate tax, social security, employment and workers' compensation and other withholding deductions and payments for OPG, and any of OPG's employees and/or subcontractors. OPG also shall be solely responsible for providing any necessary and appropriate workers' compensation insurance coverage for OPG employees and subcontractors. OPG shall indemnify City and hold it harmless from paying such costs or taxes.

4.3 **Tools and Equipment.** OPG is responsible for providing the principle tools, equipment and supplies for performance of the Services under this Agreement.

4.4 **Permits and Licenses.** OPG shall, at OPG's expense, obtain and maintain all permits, licenses, certifications and registrations necessary to perform the Services under this Agreement.

5. **No Conflict of Interest.** During the Term of this Agreement, OPG will not accept work, enter into a contract, or accept an obligation from any third party, inconsistent or incompatible with OPG's obligations, or the scope of Services rendered for City under this Agreement. OPG warrants that there is no other contract or duty on its part inconsistent with this Agreement.

6. **Return of Property and Documents.** OPG agrees that all hard and electronic originals and copies of records, reports, documents, lists, drawings, memoranda, notes, proposals, contracts and other documentation related to the business of City or to the rendering of OPG's Services, or containing any information described in Section 9 below belong to City and shall be returned to City immediately upon expiration of the Term or upon the termination of this Agreement, or at anytime upon the written request of City.

7. **Insurance and Risk of Loss.** OPG shall maintain insurance policies (including, without limitation, liability insurance and any required workers' compensation insurance) sufficient to protect OPG's business as required by local, state and federal law, and as necessary to protect against all applicable risks. OPG shall provide City with certificates of insurance and other supporting materials as City may request to evidence OPG's continuing compliance with these obligations.

8. **Confidential Information.**

8.1 **"Confidential Information" Defined.** In the course of performing the services for City, OPG may acquire knowledge (both orally and in writing) regarding confidential and/or proprietary information concerning City and its employees, council members, contractors and vendors, including non-public financial information; information about costs and pricing structure; plans for future developments; programs; business plans or strategies; and other information of a similar nature which is not generally known to or accessible by members of the public and which is not generally subject to a public records request under applicable Oregon law (collectively, "Confidential Information.")

8.2 **Non Use and Non Disclosure.** OPG agrees that during the term of this Agreement and thereafter, it (a) will keep secret and retain in confidence all Confidential Information, (b) not disclose Confidential Information to anyone except employees of City or City's council members authorized to receive it, and third parties to whom such disclosure is specifically authorized, and (3) not use any Confidential Information for any purpose other than performance of services under this Agreement without prior written permission from an authorized representative of City.

8.3 **Application.** OPG's confidentiality obligations as set forth in Section 9 will not apply to any information or any portion thereof which (i) is or becomes publicly available by other than a breach of this Agreement (including, without limitation, any information filed with any governmental agency and available to the public); (ii) is disclosed to OPG by a third party that is legally entitled to disclose such information; (iii) OPG demonstrates through documented records that the information was known by it prior to its receipt from City; (iv) is developed by OPG independently of any disclosures made by City of such information, as demonstrated by OPG's documented records; or (v) is required to be disclosed by subpoena, court order, or other legal or regulatory requirement (including a public records request), provided that OPG provides prompt notice to City of such a request for disclosure and cooperates with City in any legal challenge to such disclosure.

9. Notices to the Parties. Notices required by this Agreement shall be in writing. Notices may be served by certified or registered mail, postage paid with return receipt requested; by private courier, prepaid; or in person. Mailed notices shall be deemed delivered three (3) days after mailing, properly addressed. Couriered notices shall be deemed delivered on the date that the courier represents that delivery has been made. In person delivery shall be effective when accomplished. Unless a party changes its address by giving notice to the other party as provided herein, notices shall be delivered to the parties at the following addresses:

OPG: Kari J. Ott, CPA
77 West Adams Street
Burns, Oregon 97720

City: Tori Barnett, MMC
City Recorder
City of Ontario
444 SW 4th Street
Ontario, OR 97914

10. Assignment and Subcontracting.

10.1 **Assignment.** OPG agrees it may not assign this Agreement in whole or in part without the prior written consent of City.

10.2 **Subcontracting.** OPG agrees that it may not subcontract this Agreement in whole or in part.

11. Dispute Resolution.

11.1 **Method of Resolution.** OPG and City agree that any claim, controversy or dispute arising out of or in connection with this Agreement or an attached Scope of Work shall be resolved as follows:

11.2 **Mediation.** OPG and City agree that the first step toward resolution shall be mandatory, non-binding mediation in Ontario, Oregon with a neutral, third party mediator mutually selected by the parties. OPG and City agree to share equally the costs of mediation, including the mediator's time and expenses (and excluding any attorney fees or other costs incurred by either party).

11.3 **Arbitration.** In the event mediation is not successful, OPG and City agree to resolve the issue through expedited mandatory arbitration in Ontario, Oregon with a mutually selected arbitrator. The arbitration shall be conducted in accordance with ORS 36.600 to 36.740 ("Oregon Arbitration Act" or its successor). Notice of demand for arbitration shall be filed in writing with the other party and with the Arbitration Service of Portland, Inc. Each party shall be entitled to discovery as provided for in the Oregon Arbitration Act. A single arbitrator shall conduct the arbitration proceedings in private, and to the extent necessary to enforce any award, the arbitration proceedings and results shall be confidential. The parties agree that the decision of the arbitrator shall be final and binding, and that judgment thereon may be entered in any court having jurisdiction. In reaching a decision, the arbitrator shall have no authority to change or modify this Agreement. The parties shall share equally the costs of arbitration, including fees resulting from the arbitrator's review of any pre and post hearing motions, briefs or other documents or pleadings. The prevailing party, as determined by the Arbitrator, shall be entitled to an award of reasonable attorney fees.

12. Waiver of Breach. The waiver by either party of any breach by the other party of any provision of this Agreement shall not operate or be construed as a waiver by the non breaching party of any subsequent breach by the other party.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to its conflict of laws provision.

14. Severability. In the event that any section or provision of this Agreement shall be held to be illegal or unenforceable, such section or provision shall be severed from this Agreement and the entire Agreement shall not fail as a result, but shall otherwise remain in full force and effect.

15. Amendment. This Agreement may be canceled, modified, or amended only by an instrument in writing and executed both by OPG and City.

16. Entire Agreement. This Agreement, including any and all exhibits, sets forth the entire understanding of the parties with respect to the subject matter of this Agreement, and supersedes any and all prior discussions, understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement; provided, however, nothing in this provision is intended to render moot or void any and all Scope of Work agreements attached to this Agreement as an Exhibit and all such agreements remain in full force and effect.

17. Authority. The undersigned represent that they are authorized to execute this Agreement on behalf of their respective principals.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the 3rd day of August, 2015.

OSTER PROFESSIONAL GROUP, CPA's, LLP



Kari J. Ott, CPA

CITY OF ONTARIO, OREGON



Ronald Verini, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder

Scope of Work

Exhibit to Oster Professional Group, CPA's – City of Ontario Professional Services Agreement

Oster Professional Group, CPA's (OPG) and the City agree that for the period beginning this 3rd day of August, 2015, OPG will provide the following Services under the terms and conditions of the attached Professional Services Agreement

An OPG representative will be on-site once per week.

MONTHLY CYCLE

- Review accuracy of general ledger accounting, accounts payable processing, accounts receivable processing and payroll processing.
- Reconcile or monitor reconciliation of all General Ledger and bank accounts.
- Provide monthly budget to actual reports and other financial reports to the City Council, City Manager and department heads.
- Provide timely and accurate monthly variance reports for City staff.

QUARTERLY CYCLE

- Prepare and file quarterly payroll reports.
- Provide grant administration as needed.
- Monitor capital asset listing including construction in progress.

ANNUAL CYCLE

- Prepare and file annual payroll reports and W-2s.
- Prepare or monitor preparation of all working papers required for the annual financial statement audit.
- Monitor year end closing of the books.
- Gather information from department heads and staff necessary to prepare the annual budgets to be approved by the City Manager.
- Provide on-site assistance during the annual financial statement audit.

AS NEEDED

- Timely respond to Council inquiries for specified information.
- Participate by telephone in City staff meetings upon reasonable advance notice by City for the purpose of providing specified information or receiving information as necessary.
- Perform other services as reasonably requested by City that are consistent with overall services to be performed by OPG under the terms and conditions of the attached Professional Services Agreement.
- Provide on-site assistance during audits, including other specific audits related to payroll, grants, etc.
- Suggest internal control procedures.

MEETINGS

- Attend all regularly scheduled City Council work sessions and meetings; special Council meetings as necessary upon reasonable advance notice; all Budget Committee meetings; and other selected committee meetings as mutually deemed necessary by OPG and the City Manager for purpose of providing any requested information.

PAYROLL

- Prepare monthly draws.
- Prepare monthly payroll including ACH upload and checks.
- Prepare payments for payroll liabilities.
- Upload payroll data to PERS.

MONTH END CLOSING, JOURNAL ENTRIES

- Prepare journal entries as needed, journal entries will be approved by City Manager.
- Prepare month end closing entries.
- Provide bank administration as necessary.

AGENDA REPORT

May 16, 2016

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: ONTARIO SWIM TEAM COACH

DATE: May 11, 2016

SUMMARY:

Attached is the following document:

- Stats from Swim Coach Peggy Hawkins

At the request of Councilor Winebarger, the issue of the termination of payment for the Ontario Swim Team coach has been brought back before Council for discussion and possible action.

BACKGROUND:

The payroll for Coach Hawkins was budgeted at \$4,200, which was subsequently removed from the upcoming FY2016-17 budget. This was based on *approximately* 33 hours per month at \$10.50 an hour.

City Manager Tori Barnett met with Coach Peggy Hawkins on Tuesday to obtain information related to the Ontario Swim Team. Based upon the meeting with Coach Hawkins, the following stats are being provided so the Council can make an informed decision as to the disposition of the coaching position.

Gleaned from the meeting, stats for the current team are:

- Swimmers currently on the team: 17;
- Swimmers on team from Ontario: 3, will increase by 4 in June = 7;
Other kids from Fruitland and Weiser area
- Currently in pre-team swimming: 9 (No Ontario kids);
- Set practice schedule of Tuesday and Thursday, 4:00-5:30 at Payette Swimming Pool;
- Payette does NOT charge for use of pool, but each swimmer pays \$3.00 per session [\$3.00 per swimmer x 17 swimmers x twice a week = \$102 per week (\$5,304 annually)];
- Currently attending two swim meets per month;
- Each swimmer pays \$20 into the Ontario Swim Team fund; managed by a Board that oversees a 501(C)3 status;
- Team fund pays for the annual \$100 membership into the USAA Club; and
- Liability insurance paid from swim team fund for using Payette Pool is \$500.

FINANCIAL IMPLICATIONS:

As the \$4,200 was removed at the budget meetings, this dollar amount would need to be reinstated from city funds.

STAFF RECOMMENDATION:

Staff makes no recommendation, as this information has been provided to the Council based upon the request of a Councilor to have the item up for discussion.

PROPOSED MOTION:

I move to reinstate the pay for the Ontario Swim Team Coach in the amount of \$4,200, effective with the upcoming FY 2016-17 budget, taking the funds from _____.

AGENDA REPORT-PUBLIC HEARING
May 16, 2016

TO: Mayor and City Council
THROUGH: Tori Barnett, Interim City Manager
FROM: Dan Cummings, Community Development Director
SUBJECT: **SAGE RIDGE PLACE SUBDIVISION FINAL PLAT APPROVAL**
DATE: April 25, 2016

SUMMARY AND BACKGROUND:

Attached are the following documents:

- Exhibit “A”: Final Plat of Sage Ridge Place Subdivision
- Exhibit “B”: Punch List for Sage Ridge Place Subdivision

On October 13, 2014, the Planning Commission, acting as the Hearing’s Officer, approved a request for a **Subdivision Tentative Plat** as an administrative action. The subject property is located at the current north end of Reiter Drive being north of the subdivision known as Village Addition, designated as Assessor’s Map #18S4704, Tax lot 1602, and Map #18S4704BC, Tax lot 100. Norm Poole Oil, Ralph Poole, and Ken Poole, the applicants, have proposed division of these two parcels into 27 new parcels for single family residential use. This land division involves the creation of streets and easements and will be a continuation of Reiter Drive.

On May 4, 2016, city staff conducted the required TRC (Technical Review Committee) on the final plat and approved the plat to be submitted to the City Council to accept the dedicated right of ways as shown on the attached Exhibit “A” final plat.

PREVIOUS COUNCIL ACTION:

- 2008 City Council approved the annexation and rezone of this property.
- 11/2014 Council approved Ordinance No. 2694-2014, an ordinance amending the Transportation System Plan (TSP) to reclassify Reiter Drive as a local street and eliminate its connection to Malheur Drive.

APPLICABLE ONTARIO MUNICIPAL CODE REGULATIONS:

10B-55-40 TECHNICAL REVIEW OF FINAL PLAT. Upon receipt of a Final Plat the Technical Review Committee shall examine it and any accompanying documents to determine if the land division has been constructed and the plat prepared in substantial compliance with the approved tentative plan. Approval of the plat by the TRC must be in writing on a form provided by the City; such form shall be included in the record of the application.

The Public Works Director may direct field checks if he deems them advisable to verify that the plat is sufficiently correct on the ground.

If the Public Works Director finds that full conformity has not been achieved, he shall advise the Planning Official, applicant and applicant's engineer or surveyor, of changes or additions required and shall afford the applicant an opportunity to make changes or additions. The Final Plat shall not be approved until conformity has been achieved.

Findings: The submitted final plat and supplemental material was reviewed by the full TRC on May 4, 2016. The plat is in a recordable form; the Malheur County Surveyor, Fire Chief, and Planning Official have approved the plat in form and will sign the final plat once items on the Public Works "Punch List" is approved by the Public Works Department. The TRC review revealed that some required items on the City's list, known as the "Punch List", were not complete. The Public Works Department performed field checks and is still working with the applicant at the time of this report to obtain completion. If complete at the time of the hearing, the plat may be approved and the Mayor may sign; if not complete, this request for final plat approval may be approved conditionally in that the Mayor may sign the plat upon completion of the "Punch List" as instructed by the Planning Official and Public Works Department.

Conclusion: The final plat and supplemental materials have been submitted and reviewed by the TRC as required. The City maintains a "Punch List" of tasks required to be complete that must be complete in order for the plat to be signed. **CRITERION CAN BE MET AS A CONDITION OF APPROVAL**

10B-55-45 APPROVAL OF THE FINAL PLAT.

2. *Final plat approval for a land division involving the creation of streets shall be by action of the City Council at a public hearing; notice of the hearing shall be given at least 20 days prior to the hearing to the applicant, agent, and to any parties to the Administrative Decision approving the tentative plat. If the Technical Review Committee determines that the final plat and all required exhibits are in conformity with the standards of the land use decision, including all conditions of approval, the Council shall approve the plat by motion, and the Planning Official and Mayor shall sign the plat. The installation of improvements may be delayed under bond or other financing guarantee specified in the land division regulations.*

Findings: Findings and conclusions from preceding sections of this report are herein included by this reference.

As noted above, the TRC has determined that the final plat is not in conformance with requirements due to some work not being complete. Regardless of the status of the work, the Council may still approve the final plat, but authorize signature only upon completion of the required tasks.

Conclusion: The plat is not in conformance with requirements and may not be signed unless the work is done; however, the request may be approved conditionally.

10B-55-50 DEDICATION OF STREETS, ACCEPTANCE. Except for manufactured home subdivisions, manufactured home parks and RV parks, all streets, alleys and easements shown on the plat shall be expressly dedicated to the public and acceptance of the final plat by the city shall constitute acceptance of such platted streets, alleys and easements.

Findings: Street dedication is included with this plat; when the plat is signed and recorded, the streets become city streets.

STAFF RECOMMENDATION:

Staff recommends that the Council acceptances the findings of fact and approve the request of dedication of street right of ways for city streets and authorize the Mayor to sign the plat acceptance of these right of ways as shown on the attached Exhibit "A".

RECOMMENDED MOTION:

I move that the City Council approve the request for final plat approval of Sage Ridge Place Subdivision based on the information, findings of fact and conclusions contained in this report, subject to the conditions of approval, to-wit: **CONDITIONS OF APPROVAL** - The tasks listed on Exhibit B as the "Punch List", attached to this report and herein included by this reference, must be completed to the satisfaction of the Public Works Director in accordance with the OMC, prior to signing of the final plat.

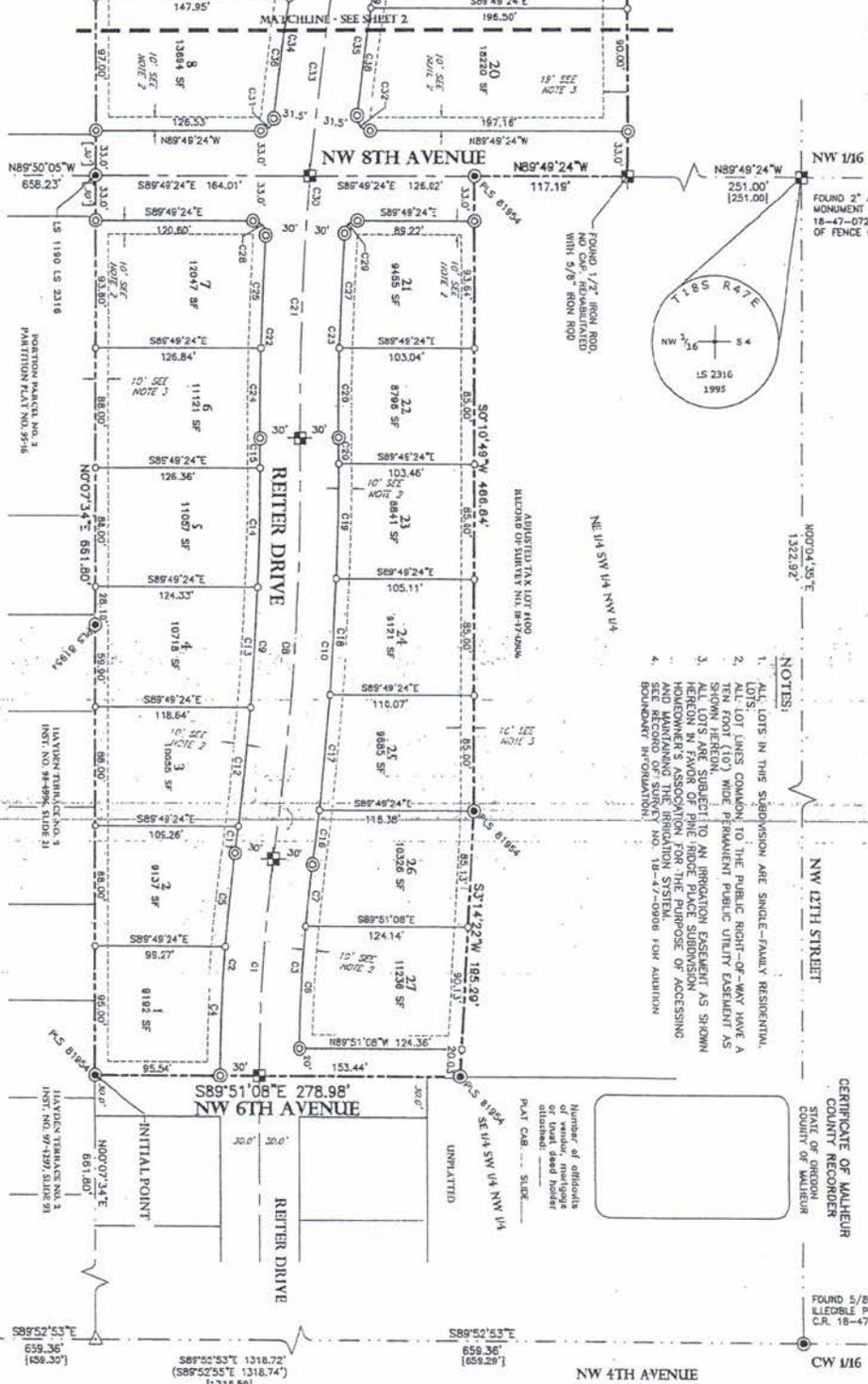
Exhibit "A" P1

CURVE TABLE

| CURVE LENGTH | RADIUS | DELTA | BEARING | CHORD | |
|--------------|---------|----------|---------|-----------|---------|
| C1 | 158.81' | 170.00' | 749.51° | 5401.28' | 159.78' |
| C2 | 158.98' | 1200.00' | 749.46° | 5101.28' | 163.88' |
| C3 | 135.83' | 1140.00' | 649.38° | 9471.33' | 135.76' |
| C4 | 95.05' | 1200.00' | 432.17° | 5222.43' | 95.02' |
| C5 | 68.84' | 1200.00' | 317.30° | 5817.37' | 68.83' |
| C6 | 90.17' | 1140.00' | 431.94° | 4372.43°E | 90.14' |
| C7 | 43.88' | 1140.00' | 217.62° | 4674.31°E | 43.88' |
| C8 | 300.00' | 2150.00' | 81.61°E | 4348.12°E | 310.13' |
| C9 | 314.74' | 2160.00' | 81.61°E | 4348.12°E | 305.81' |
| C10 | 18.63' | 2150.00' | 731.90° | 5710.27°W | 19.63' |
| C11 | 66.50' | 2150.00' | 233.30° | 5812.47°W | 66.49' |
| C12 | 98.19' | 2150.00' | 233.30° | 5348.32°W | 98.18' |
| C13 | 88.03' | 2150.00' | 222.45° | 5178.40°W | 88.02' |
| C14 | 21.24' | 2150.00' | 63.15° | 5072.50°E | 21.24' |
| C15 | 40.04' | 2160.00' | 103.08° | 4724.48°E | 40.04' |
| C16 | 65.41' | 2160.00' | 214.41° | 4243.02°E | 65.41' |
| C17 | 65.41' | 2160.00' | 214.41° | 4243.02°E | 65.41' |
| C18 | 65.41' | 2160.00' | 214.41° | 4243.02°E | 65.41' |
| C19 | 65.41' | 2160.00' | 214.41° | 4243.02°E | 65.41' |
| C20 | 181.12' | 2160.00' | 730.00° | 4243.02°E | 181.12' |
| C21 | 193.02' | 2010.00' | 530.00° | 5225.08°W | 193.94' |
| C22 | 148.51' | 2040.00' | 411.50° | 5140.01°W | 148.47' |
| C23 | 150.30' | 1800.00' | 490.50° | 5190.31°W | 150.28' |
| C24 | 66.87' | 2040.00' | 131.40° | 5020.52°W | 66.87' |
| C25 | 66.89' | 1800.00' | 134.24° | 5241.51°W | 66.87' |
| C26 | 66.89' | 1800.00' | 134.24° | 5241.51°W | 66.87' |
| C27 | 66.89' | 1800.00' | 134.24° | 5241.51°W | 66.87' |
| C28 | 16.35' | 1000' | 93.41° | 5428.42°E | 14.99' |
| C29 | 13.04' | 1000' | 88.99° | 4470.24°E | 13.65' |
| C30 | 34.75' | 2010.00' | 94.93° | 5414.92°W | 34.43' |
| C31 | 14.64' | 1000' | 83.54° | 5481.33°W | 13.37' |
| C32 | 18.82' | 1000' | 82.21° | 4413.43°W | 14.80' |
| C33 | 151.24' | 2010.00' | 419.31° | 5719.58°W | 151.70' |
| C34 | 114.23' | 2041.80' | 313.12° | 5733.09°W | 114.72' |
| C35 | 102.28' | 1878.50' | 237.43° | 5800.50°W | 102.27' |
| C36 | 88.80' | 2041.80' | 229.32° | 5731.15°W | 88.78' |
| C38 | 78.58' | 1878.50' | 218.17° | 4741.08°E | 78.58' |

LEGEND

- SECTION, 1/4 OR 1/16 LINE
- PROPERTY LINE
- ORIGINAL PROPERTY LINE
- EXISTING PARCEL/LOT LINE
- EXISTING EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING RIGHT OF WAY CENTERLINE
- EXISTING FENCE
- SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP MARKED T-O ENGINEERS PLUS 81954
- FOUND 5/8" IRON ROD AS NOTED FOUND ALUMINUM MONUMENT AS NOTED SET ALUMINUM CAP MONUMENT MARKED T-O ENGINEERS PLUS 81954
- FOUND BRASS MONUMENT AS NOTED
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED T-O ENGINEERS ON PLS 81954
- CALCULATED POINT, NOTHING SET OR FOUND
- RECORD DATA PER ROS NO. 18-47-0854
- RECORD DATA PER PARTITION PLAT NO. 95-16
- CALCULATED DATA



SAGE RIDGE PLACE SUBDIVISION

A PORTION OF THE NW 1/4 OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON 2016

PREPARED FOR
MORG POINTS ONE INC
P.O. BOX 309
ONTARIO, OR 97014

LOT SUMMARY

| | |
|-----------------|-------|
| TOTAL LOTS | 27 |
| TOTAL BUILDABLE | 27 |
| TOTAL ACRES | 16.56 |

CERTIFICATE OF MALHEUR COUNTY RECORDER
STATE OF OREGON
COUNTY OF MALHEUR

FOUND 5/8" IRON ROD WITH ILLEGIBLE PLASTIC CAP PER C.R. 18-47-0727

- NOTES:**
- ALL LOTS IN THIS SUBDIVISION ARE SINGLE-FAMILY RESIDENTIAL.
 - LOTS OF LINES COMMON TO THE PUBLIC RIGHT-OF-WAY HAVE A SHOWN HERON.
 - ALL LOTS ARE SUBJECT TO AN IRRIGATION EASEMENT AS SHOWN HERON IN FAVOR OF PINE RIDGE PLACE SUBDIVISION HOMEOWNER'S ASSOCIATION FOR THE PURPOSE OF ACCESSING TO THE IRRIGATION CANALS.
 - SEE RECORD OF SURVEY NO. 18-47-0908 FOR ADDITIONAL BOUNDARY INFORMATION.

SURVEYOR'S CERTIFICATE AND NARRATIVE

I, Eric Brown, a Registered Professional Land Surveyor, in and for the State of Oregon do hereby certify that the survey of PINE RIDGE PLACE, in Malheur County, Oregon, as shown and described on this plat was made by me and was completed on 10/23/2016. This plat corrected hereon, in witness thereof, I hereunto set my hand and seal this 20th day of October, 2016, A.D.

REGISTERED PROFESSIONAL LAND SURVEYOR
ERIC BROWN
OCTOBER 23, 2008
FRY BROWNE & BROWN
81954

MALHEUR COUNTY SURVEYOR
Received 12/21/2015
Accepted
SURVEY NO. 18-47-0921
DRAWING NO. B-01555

DRAWING NO. 130099-V-FP.DWG
T-O ENGINEERS
332 N. BROADMORE WAY
NAAPA, IDAHO 83401
PHONE: (208) 442-8300
FAX: (208) 446-0444

SEE SHEET 3 OF 3 FOR DESCRIPTION, DECLARATION AND APPROVALS

SHEET NO. 1 OF 8

Exhibit "A" P2



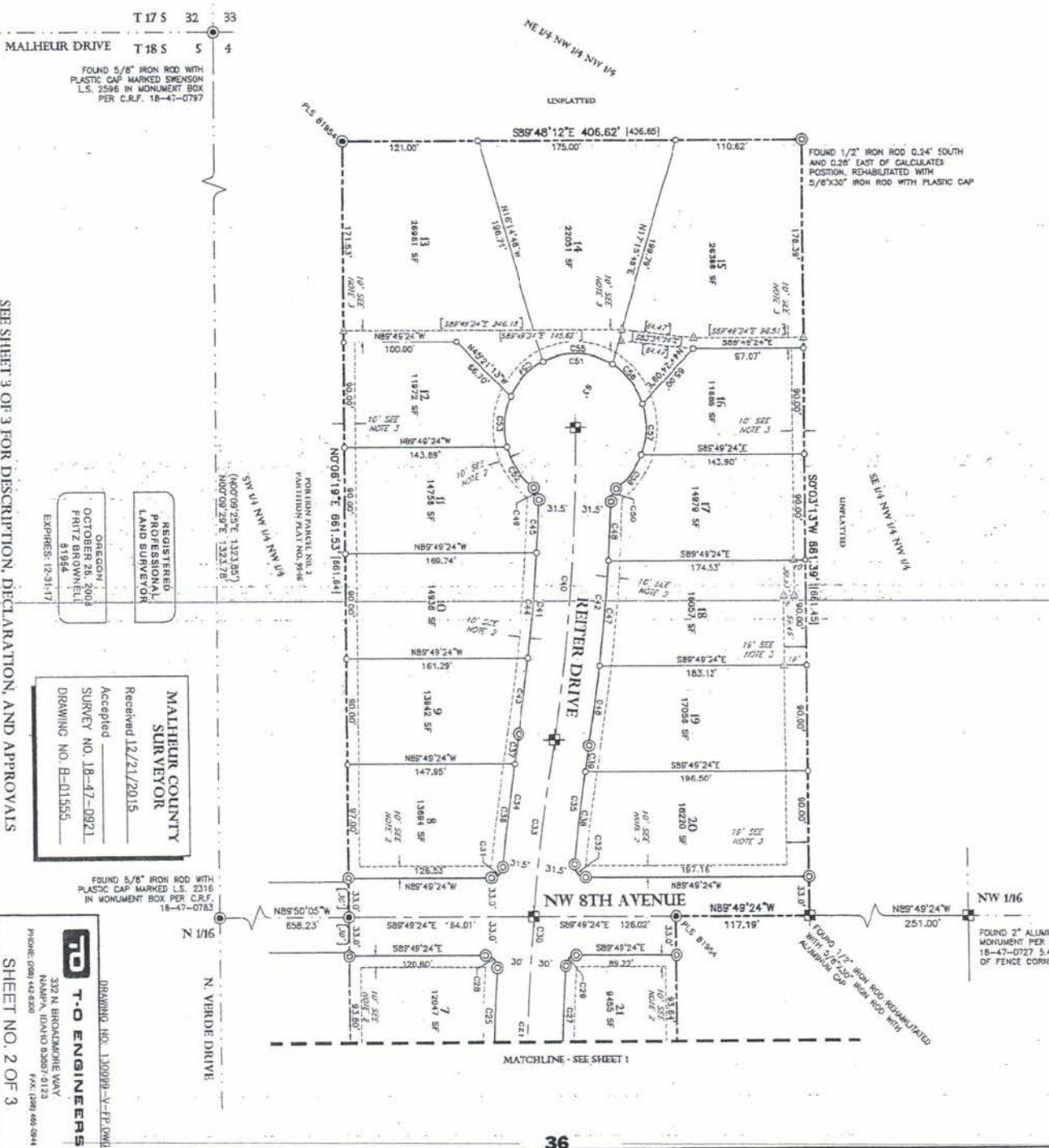
| CURVE | LENGTH | RADIUS | DELTA | BEARING | CHORD |
|-------|---------|----------|------------|-------------|---------|
| C21 | 193.07' | 2010.00' | 57°00'07" | S27°25'08"W | 192.94' |
| C24 | 83.24' | 960.00' | 7°01'16" | S2°41'51"W | 83.23' |
| C27 | 84.41' | 1000.00' | 7°28'33" | N24°47'43"E | 84.40' |
| C28 | 16.35' | 10.00' | 93°41'23" | S2°28'42"E | 14.59' |
| C30 | 15.04' | 10.00' | 89°09'37" | N27°05'48"E | 13.68' |
| C30 | 344.75' | 2010.00' | 6°49'38" | S43°52'58"W | 344.33' |
| C31 | 14.64' | 10.00' | 82°54'08" | S48°13'31"W | 13.37' |
| C32 | 16.67' | 10.00' | 88°21'22" | N41°38'43"W | 14.90' |
| C33 | 131.72' | 2010.00' | 4°19'31" | S7°19'50"W | 131.70' |
| C34 | 114.73' | 2041.50' | 5°13'12" | S7°53'05"W | 114.72' |
| C35 | 102.28' | 1978.50' | 2°57'43" | S8°00'50"W | 102.27' |
| C36 | 88.80' | 2041.50' | 2°28'32" | S7°31'18"W | 88.79' |
| C37 | 25.94' | 2041.50' | 0°13'41" | S8°07'51"W | 25.94' |
| C38 | 79.28' | 1978.50' | 2°16'17" | N7°41'00"E | 79.28' |
| C39 | 22.70' | 1978.50' | 0°39'28" | N8°08'38"E | 22.70' |
| C40 | 207.10' | 1800.00' | 9°13'53" | N4°42'45"E | 208.19' |
| C41 | 202.18' | 1868.50' | 7°33'08" | N5°48'07"E | 202.04' |
| C42 | 211.89' | 1831.50' | 7°28'28" | N5°48'27"E | 211.74' |
| C43 | 95.04' | 1968.50' | 2°22'33" | S8°02'00"W | 95.03' |
| C44 | 80.40' | 1968.50' | 1°16'08" | S8°00'00"W | 90.39' |
| C45 | 48.76' | 1868.50' | 1°42'27" | S7°51'47"W | 48.75' |
| C46 | 68.27' | 1831.50' | 2°23'31" | N8°17'46"E | 68.26' |
| C47 | 90.40' | 1831.50' | 3°10'28" | N8°30'55"E | 90.39' |
| C48 | 53.22' | 1831.50' | 1°52'08" | N2°29'17"E | 53.22' |
| C49 | 9.85' | 10.00' | S87°7'04" | S26°08'59"E | 9.48' |
| C50 | 9.48' | 10.00' | S4°18'00" | N29°12'12"E | 9.13' |
| C51 | 318.30' | 83.00' | 288°23'07" | N88°50'41"W | 71.95' |
| C52 | 43.28' | 83.00' | 387°14'44" | S34°38'40"E | 42.43' |
| C53 | 44.35' | 83.00' | 402°01'01" | S0°11'37"W | 43.44' |
| C54 | 42.03' | 83.00' | 381°13'13" | S4°27'50"W | 41.28' |
| C55 | 63.37' | 83.00' | 37°37'41" | N67°35'44"W | 60.73' |
| C56 | 44.55' | 83.00' | 403°1'00" | N28°32'23"W | 43.83' |
| C57 | 44.35' | 83.00' | 40°19'57" | N1°33'05"E | 43.44' |
| C58 | 37.72' | 83.00' | S4°18'08" | N39°12'08"E | 37.16' |

LEGEND

- SECTION, 1/4 OR 1/16 LINE
- PROPERTY LINE
- EXISTING PARCEL/LOT LINE
- EXISTING EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING RIGHT OF WAY CENTERLINE
- EXISTING FENCE
- SET 1/2" IRON ROD WITH PLASTIC CAP MARKED T-O ENGINEERS PLS 81954
- FOUND 5/8" IRON ROD AS NOTED
- FOUND ALUMINUM MONUMENT AS NOTED
- SET ALUMINUM MONUMENT MARKED T-O ENGINEERS PLS 81954
- FOUND BRASS MONUMENT AS NOTED
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED T-O ENGINEERS OR PLS 81954*
- CALCULATED POINT, NOTHING SET OR FOUND
- RECORD DATA PER ROS NO. 18-47-0654
- RECORD DATA PER PARTITION PLAY NO. 95-18
- CALCULATED DATA

SAGE RIDGE PLACE SUBDIVISION

A PORTION OF THE NW 1/4 OF SECTION 4
TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN
CITY OF OREGON, MALHEUR COUNTY, OREGON
2016



SEE SHEET 3 OF 3 FOR DESCRIPTION, DECLARATION, AND APPROVALS

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON, OCTOBER 26, 2009
FRITZ BROWNELL
81954
EXPIRES: 12-31-17

MALHEUR COUNTY SURVEYOR

Received 12/21/2015

Accepted SURVEY NO. 18-47-0921
DRAWING NO. B-01555

DRAWING NO. 130098-V-FP.DWG

T-O ENGINEERS

332 N. BROADMOORE WAY
NAASBY, OREGON 97131
PHONE: (503) 442-8300 FAX: (503) 442-0944

SHEET NO. 2 OF 3

Exhibit "B"

Punch List

Sage Ridge Subdivision

As of 05-04-16

- Stop signs and street name signs not installed at Reiter and NW 8th Ave. Note: Only need street name sign of south east corner of intersection. Waiting on cost estimate to install from CH2M
- Barricades not installed at street termini (east & west end of NW 8th Ave)
- Fire access road not graded to specification, drainage issue
- Storm manhole not exposed in access road, it will also need concrete collar if none is there- Complete

South End

- SS MH- no wire showing-No action required
- FH Valve – “ring” object in bottom of box – wire placed in slide area of box-No Action required

South Mid

- FH Valve – wire place in slide area of box-lid broke-No action required

Reiter Dr./ NW 8th Ave.

- SD MH – minor debris in bottom, including glove-No action required

NW 8th Ave East

- ~~San MH – no concrete collar-Complete at date of walk through~~
- ~~Storm MN – no concrete collar-Complete at date of walk through~~

Reiter Mid North

- Sidewalk – dog prints on multiple panels on west side-No action required

Cul de Sac

- OK

Discussion/Information /Hand-Out Items

City Council Meeting
May 16, 2016

MEMO TO COUNCIL

May 16, 2016

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Tori Barnett, Interim City Manager
Larry Sullivan, City Attorney
Cliff Leeper, Public Works Director
Betsy Roberts, City Engineer

SUBJECT: **REQUEST BY PUBLIC WORKS COMMITTEE TO SUSPEND THE IMPOSITION OF SYSTEM DEVELOPMENT CHARGES UNTIL JULY 1, 2017; WITH STAFF RECOMMENDATION**

DATE: May 9, 2016

SUMMARY:

The Ontario City Council passed a moratorium on System Development Charges (SDCs) in July 2014, suspending the imposition of SDCs under Resolution No. 2014-133, with a lapse date of June 30, 2016.

City staff was asked to bring the issue back to the City Council in order to make a decision upon whether to extend the moratorium or resume collection of SDCs after July 1. Below is a table showing the SDCs not collected due to the moratorium expiring July 1, 2016.

| SDCs NOT COLLECTED DUE TO MORATORIUM | | | | |
|--------------------------------------|--------------------|-------------------|-------------------|--------------------|
| MONTH | TRANS. | WATER | SEWER | TOTAL |
| July/Aug/Sept 2014 | \$19,857.56 | \$975.00 | \$962.00 | \$21,794.56 |
| October 2014 | \$7,250.81 | \$0 | \$0 | \$7,250.81 |
| November 2014 | \$113.04 | \$1,950.00 | \$481.00 | \$2,544.04 |
| December 2014 | \$0 | \$0 | \$0 | \$0 |
| January 2015 | \$0 | \$0 | \$0 | \$0 |
| February 2015 | \$0 | \$0 | \$0 | \$0 |
| March 2015 | \$0 | \$0 | \$0 | \$0 |
| April 2015 | \$1,551.70 | \$0 | \$0 | \$1,551.70 |
| May 2015 | \$0 | \$975.00 | \$481.00 | \$1,456.00 |
| June 2015 | \$1,500.79 | \$975.00 | \$481.00 | \$2,956.79 |
| July 2015 | \$0 | \$0 | \$0 | \$0 |
| August 2015 | \$0 | \$0 | \$0 | \$0 |
| September 2015 | \$1,930.86 | \$0 | \$0 | \$1,930.86 |
| October 2015 | \$1,418.24 | \$0 | \$0 | \$1,418.24 |
| November 2015 | \$0 | \$0 | \$0 | \$0 |
| December 2015 | \$1,368.00 | \$4,875.00 | \$2,405.00 | \$8,648.00 |
| January 2016 | \$0 | \$0 | \$0 | \$0 |
| February 2016 | \$0 | \$0 | \$0 | \$0 |
| March 2016 | \$8,074.00 | \$0 | \$0 | \$8,074.00 |
| TOTAL | \$43,065.00 | \$9,750.00 | \$4,810.00 | \$57,625.00 |

BACKGROUND:

SDCs are fees imposed upon new and expanding development within the City of Ontario and urbanizing area that utilizes the transportation, water and sewer systems. The objective of SDCs is to charge new users an equitable share of the cost of services and to pay for improvements necessary as a result of increased development and demand on the City's infrastructure.

The City of Ontario, through the Planning Department's Periodic Review process, identified needed changes in the transportation segment of the Ontario Comprehensive Plan due to growth, in addition to the development of a better understanding of the need for transportation planning, and adopted a Transportation System Plan in January 2000. The adoption of this plan resulted in the need for amendments to the City of Ontario Development Code. The City subsequently adopted an ordinance to respond to the identified needs and requested acknowledgement by the Oregon Department of Land Conservation and Development (DLCD). When the DLCD remanded the material back to the City of Ontario, the Planning Department held public meetings and workshops with the Planning Commission and City Council to address the remand. It was determined the adoption of amendments would bring the Ontario Development Code into compliance with the Transportation Planning Rule.

Transportation impact fees are based on the volume of traffic generated by new development and calculated by a professional engineer. Depending on the size of the development, the traffic analysis is described in either a Traffic Letter or a Traffic Impact Analysis (TIA), at the request of the Planning Director in the Ontario Planning Department. City staff reviews the submitted reports, and if approved, applies the established impact fee rate to each specific project to develop the applicable Impact Fee.

With the growth occurring in the commercial area east of Interstate 84, it was decided that instead of preparing a costly, separate and time consuming traffic impact assessment on each development as it came in, there would be a comprehensive area-wide study. The following "Special Area" Plans were completed to aid in preparation of traffic impact assessments for determination of traffic impact fees.

- Eastside Commercial Area Study was completed in 2004 by Meyer, Mohaddes Associates and adopted by Ordinance 2560-2005
- The Ontario Transportation Plan dated November 2005 by H. Lee and Associates was adopted as an amendment and approved by Ordinance 2560-2005.
- The Oregon 201 Corridor Refinement Plan Dated October 2004, per adopting ordinance 2549-2004.
- North Ontario Interchange Management Plan per adopting ordinance 2554-2005.
- East Idaho Avenue Traffic Study dated August 2004, prepared for the Oregon Department of Transportation (ODOT).

A report entitled *System Development Charges Revised Methodologies Report and Rate Study* was completed in February 2008 by consultant Don Ganer & Associates, Inc., which is referred to hereafter as the Ganer Report. The Ganer Report sets forth a methodology for imposing improvement fee SDCs for water, wastewater/sewer, parks and recreation, and transportation projects. The developed SDC rates are based on the estimated costs of funding growth-related improvements in the City's adopted Water (2001) and Wastewater (2001) Master Plans. In 2008, the City adopted the SDC Methodology as established by the Ganer Report, and by so doing rendered the Transportation Impact Fee invalid. Two such fees cannot be levied at the same time, Ontario Municipal Planning Code **10C-25.06.001**. Therefore, transportation impact fees were in place from 2006 until 2008 when the SDCs were adopted.

When SDCs were adopted, the Public Works Committee applied some "discounts" to the transportation SDCs outlined in the Ganer Report. Water and sewer SDCs were adopted at 100 percent of the consultant's recommendation, but were waived for residential construction. Transportation SDCs for residential and industrial were adopted at 50 percent of the recommendation. For commercial areas, the Public Works Committee established three SDC areas for traffic impacts; the boundaries of the SDC areas were guided by the results of the Special Area Studies where growth is predominantly occurring. SDCs were adopted at 10 percent, 15 percent and 40 percent of the consultant's recommendation in three separate areas of town for the purpose of encouraging development on the west half of Ontario. The parks SDC was set at zero. A new SDC methodology study cannot be accomplished without the adoption of updated Water, Sewer, Parks and Transportation master plans. (The Water, Sewer and Transportation System Plans were updated in 2008, but only with respect to the Urban Reserve Area.)

The City has not collected Traffic Impact Fees since the adoption of SDCs.

According to the adopted Methodology Report, the method for calculating SDCs should be as follows:

- Water and sewer SDCs pay for the expansion and growth of the water and wastewater systems. Water SDCs are based on meter size. Wastewater system flows are assumed to be directly proportional to water meter size.
- The Transportation SDC pays for the expansion and capital development of the transportation system to accommodate and manage motorized, pedestrian and bicycle traffic. The Transportation SDC is based on the average amount of traffic generated by new development. The City adopted the method of calculating the SDCs based on recommendations of a system development charge as defined by the Ganer Report which researched traffic studies and determined average trip generation rate for similar land use categories. This rate is used to determine "average weekday traffic" based on either the number of residential units or the type of use and square footage of non-residential uses. This group rate is multiplied by an established rate and then multiplied by an established dollar amount to determine the SDC. The amount was calculated based upon the estimated costs of funding the improvements in the City's adopted Transportation System Plan.

The City suspended collection of SDCs through the moratorium of Resolution 2014-130 dated July 1, 2014 in an effort to promote growth. According to Ontario Municipal Planning Code **10C-25.06.001 - Intent and Purpose** – *A TIA (Traffic Impact Analysis) is required as set forth below. In addition to those requirements, Special Plan Areas (SPA) have been established which are regulated in part by specific transportation-related plans adopted by the City of Ontario for each SPA. These plans have been adopted as supporting documents to the Goal 12 Element of the Comprehensive Plan, and, specifically as supporting documents to the Transportation System Plan. These Special Plan Areas include the North Ontario Interchange Management Plan Area (2005), East Idaho Plan Area (2004), East Ontario Commercial Plan Area (2004) and the 201 Corridor Refinement Plan Area (2004). Within any existing, and future, SPA any traffic-related study for development within any SPA must address requirements of the specific plan adopted for that area and conform to those in addition to all other applicable City criteria and standards. Any traffic impact fee identified in any Special Plan must be paid as set forth in the specific Special Plan, by the developer, pursuant to a written agreement between the developer and the City, until such time as the City implements System Development Charges (SDC) whereupon traffic impact fees identified in the Special Plan Area Studies will be included in the SDC and not charged separately.*

It is staffs opinion that resolution No. 2014-130 suspending the imposition of System Development Charges has put the City in non-compliance to City Code 10C-25.06.001 “*Any traffic impact fee identified in any Special Plan MUST be paid as set forth in the specific Special Plan*”. It is the opinion of staff that if the Council chooses to continue the suspension of SDC’s, they should address the non-compliance to adopted Goal 12 Element of the Comprehensive Plan of the portion of the Transportation System Plan (TSP) requiring the collection of traffic impact fees identified in the “Special Area” Plans adopted as part of the TSP These “Special Area” Plans identified above are:

- The Ontario Transportation Plan dated November 2005 by H. Lee and Associates was adopted as an amendment and approved by Ordinance 2560-2005.
- Eastside Commercial Area Study was completed in 2004 by Meyer, Mohaddes Associates and adopted by Ordinance 2560-2005. Which in 2005 listed **\$4.4 million** (2005 dollars) in eligible projects with impact fees at a charge of \$960.00 average per trip depending on particular developments and their square footage.
- The Oregon 201 Corridor Refinement Plan Dated October 2004, per adopting Ordinance 2549-2004. Which listed over **\$25 million** (2004 dollars) for projects eligible for SDC or impact fees.
- North Ontario Interchange Management Plan per adopting ordinance 2554-2005. Which listed **\$8.6 million** (2004 dollars) in projects eligible for SDC or impact fees.
- East Idaho Avenue Traffic Study dated August 2004, prepared for the Oregon Department of Transportation (ODOT). Which listed **\$6.4 million** (2004 dollars) in projects eligible for SDC or impact fees.

In the above study area plans alone, there are **\$44.4 million** in projects that, according to the plans, are not available to be funded by STIP grants or possible Connect Oregon grants that will have to be funded by local dollars or by the developer if the project fronts their property. The not just a portion, if SDC’s or impact fees are not being collected

PREVIOUS COUNCIL ACTION:

- Jan 28, 2016 City Council work session – SDC Moratorium Update and discussion item.
- Sep 15, 2014 Council approves Resolution 2014-130, a resolution suspending the imposition of System Development Charges until July 1, 2016.
- Apr 15, 2013 City Council approves Resolution 2013-113, a resolution establishing a System Development Charge for data centers.
- Oct 1, 2012 City Council approves Ordinance 2671-2012, an ordinance amending sections 8-13-2 and 8-13-6 concerning System Development Charge exemptions for real property that was subject to previous use.
- Sep 17, 2012 City Council approves Resolution 2012-120, a resolution establishing a System Development Charge for airport hangars.
- Sep 2, 2008 City Council approves Resolution 2008-146, a resolution setting forth a methodology and establishing system development charge improvement fees for water, wastewater, sewer and transportation projects.
- Sep 2, 2008 City Council approves Resolution 2008-145, a resolution adopting a capital improvements plan for improvement fee system development charges.
- Jul 22, 2008 City Council approves Ordinance 2618-2008, an ordinance creating Title 8, Chapter 13, establishing System Development Charges.
- Oct 1, 2007 City Council approves Ordinance 2608-2007, an ordinance amending Utility Capitalization Fee (UCF), and repealing Chapter 13 of Title 8 of the City Code.
- Aug 21, 2006 City Council approves Ordinance 2583-2006, an ordinance amending various provisions of Ontario Municipal Code Title 8, Chapter 13 concerning System Development Charges on new Development. *(Repealed by Ordinance 2608-2007.)*
- Apr 17, 2006 City Council approves Resolution 2006-129, a resolution establishing fees and charges for System Development Charges for the City of Ontario.
- Mar 20, 2006 City Council approves Ordinance 2579-2006, an ordinance repealing Title 8, Chapter 13 in its entirety and imposing System Development Charges on new development. *(This ordinance also adopts the SDC Methodology Report.)*
- Feb 6, 2006 City Council approves Ordinance 2560-2005, an ordinance amending the Ontario Municipal Code to comply with the State of Oregon Planning Rule *(Impact Fees.)*
- Mar 21, 2005 City Council approves Ordinance 2554-2005, an ordinance amending the City of Ontario Transportation System Plan to include the North Interchange Area Management Plan enabling the construction of a new interchange and bridge structure and associated local transportation system improvements.

- Dec 20, 2004 City Council approves Ordinance 2549-2004, an ordinance amending the Ontario Transportation System Plan by reference through a comprehensive circulation and access management plan for the Oregon 201 Corridor between SW 4th Avenue and the US 20/26 Junction.
- May 7, 2004 City Council approves Ordinance 2538-2004, an ordinance amending various provisions of Ontario Municipal Code Title 8, Chapter 13 Concerning System Development Charges. (*Lowering UCF from 27% to 17%.*)
- Apr 19, 2004 City Council approves Resolution 2004-122, a resolution authorizing an expenditure within the Capital Projects Fund and reducing contingency for payment of Systems Development Charges Methodology Study.
- Feb 18, 1997 City Council approves Ordinance 2391 Corrected, an ordinance repealing existing System Development Charge provisions and adopting new System Development Charge implementing authority.
- Dec 16, 1996 City Council approves Ordinance 2391, an ordinance repealing existing System Development Charge provisions and adopting new System Development Charge implementing authority.
- Jul 15, 1991 City Council approves Ordinance 2295, an ordinance amending various chapters of Title 8 providing System Development Charges.
- Aug 15, 1977 City Council approves Ordinance 1868, an ordinance providing for Systems Development Charges in the City of Ontario.

FINANCIAL IMPLICATIONS:

Total SDCs collected since the adoption of the SDC fee resolution shown below:

| YEAR | TRANS. | WATER | SEWER | TOTAL |
|-----------------------|--------------------|--------------------|--------------------|---------------------|
| 2008-09 | \$24,603.67 | \$7,707.00 | \$3,790.00 | \$36,100.67 |
| 2009-10 | \$8,238.00 | \$3,194.18 | \$1,924.00 | \$13,356.18 |
| 2010-11 | \$36,560.07 | \$10,725.00 | \$5,291.00 | \$52,576.07 |
| 2011-12 | \$36,452.23 | \$14,625.00 | \$8,177.00 | \$59,254.23 |
| 2012-13 | \$68,900.53 | \$6,825.00 | \$3,367.00 | \$79,092.53 |
| 2013-14 | \$8,661.27 | \$2,886.00 | \$2,886.00 | \$14,433.27 |
| 2014-15 | \$0 | \$0 | \$0 | \$0 |
| 2015-16 | \$0 | \$0 | \$0 | \$0 |
| TOTAL COLLECTED | \$183,415.77 | \$45,962.18 | \$25,435.00 | \$254,812.95 |
| Spent to Date | (-95,645.14) | (-12,539.83) | (-11,961.75) | (-120,146.72) |
| Remaining Bal: | \$87,770.63 | \$33,422.35 | \$13,473.25 | \$134,666.23 |

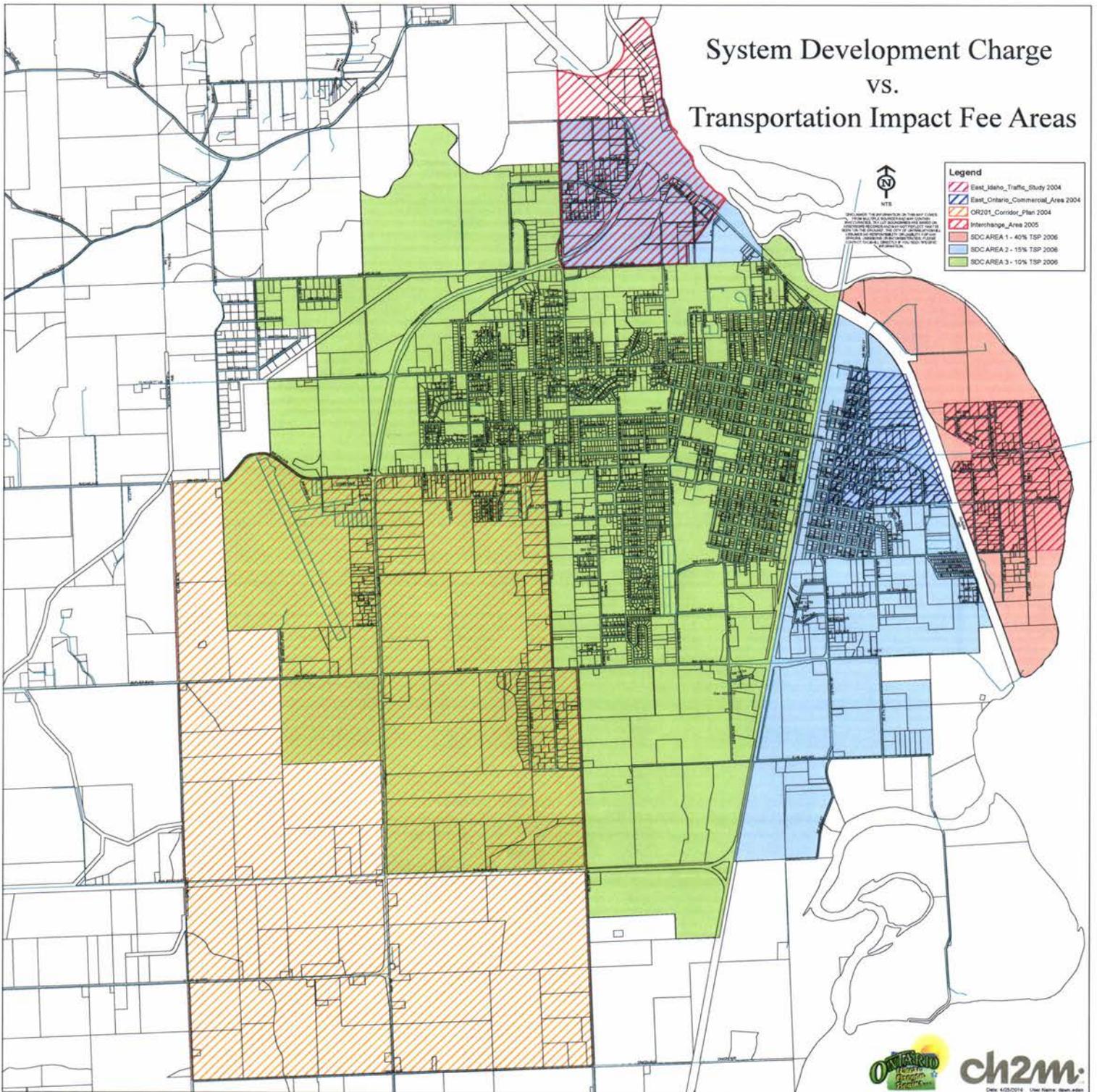
PUBLIC WORKS COMMITTEE:

The Public Works Committee met April 12, and made two motions. The first motion recommends extending the moratorium for another year, which passed unanimously 5-0-0. The second motion recommends the City Council address the issue of Transportation Impact Fees on the east side of Ontario, which passed unanimously 5-0-0.

STAFF RECOMMENDATION:

Staff recommends the City of Ontario reinstate the current System Development Charges system by letting Resolution No. 2014-130 expire, or give staff direction on how they wish to proceed.

System Development Charge vs. Transportation Impact Fee Areas



- Legend**
- East_Isho_Traffic_Study 2004
 - East_Ontario_Commercial_Area 2004
 - OR201_Corridor_Plan 2004
 - Interchange_Area 2005
 - SDC AREA 1 - 40% TSP 2006
 - SDC AREA 2 - 15% TSP 2006
 - SDC AREA 3 - 10% TSP 2006

Oregon Department of Revenue (</dor/Pages/index.aspx>) / **Programs**
(</DOR/programs/Pages/default.aspx>) / **Property Tax**
(</DOR/programs/property/Pages/default.aspx>) / How property taxes work in Oregon

How property taxes work in Oregon

The property tax system is one of the most important sources of revenue for more than 1,200 local taxing districts in Oregon. Property taxes rely on county assessment and taxation offices to value the property, calculate and collect the tax, and distribute the money to taxing districts. We provide support and oversight to counties to ensure uniformity and equity in property tax administration.

Property assessment

Appraisal is the process of identifying taxable property and assigning a value to it. County assessors appraise most Oregon property. We appraise certain large industrial sites and utility properties. The value of property is determined as of January 1 of each year.

Property subject to taxation includes all privately owned real property (land, buildings, and fixed machinery and equipment), manufactured homes, and personal property used in a business. There is no property tax on:

- Household furnishings.
- Personal belongings and automobiles.
- Crops or orchards.
- Business inventories.
- Certain intangible property.

Tax Authority

Taxing districts subject to **Oregon's Local budget law**

(</DOR/programs/property/Pages/local-budget.aspx>) prepare their budgets for the coming fiscal year. During this process, the budget committee and governing body determine the amount of property taxes the district needs to support the budget. Public meetings are held to gather **community feedback** (</DOR/programs/property/Pages/local-budget-citizen.aspx>).

Taxing districts have constitutional and statutory limitations on the amount of taxes they can impose:

1. **Taxes under a taxing district's permanent rate limitation.** Once a permanent tax rate limit is established, it can't be changed by any action of the district or its patrons. The Legislature can add additional, lower statutory limits. New districts, or districts that haven't levied in the past,

can ask voters to choose a permanent rate limit for the district. A permanent rate limit is the tax rate per thousand dollars of assessed value. A local taxing district can only have one permanent rate limit.

2. **Taxes from a taxing district's local option tax authority.** Most taxing districts can ask voters for temporary taxing authority above the permanent rate limitation. This is known as "local option tax." Local option taxes are limited to five years for operation and 10 years for capital construction purposes.
3. **Levies for bonded indebtedness.** Most taxing districts can ask voters for the authority to issue general obligation bonds to raise money for capital projects. If the bonds are approved, the district can levy annually an amount sufficient to pay principal and interest for the bonded debt. Proceeds from a bond levy can't be used for a purpose other than the one stated in the ballot measure approved by the voters who authorized the bonds. Voter-approved bond levies used for capital construction aren't subject to Measure 5 property tax limits.

Tax rates

The county assessor places the taxes certified by the taxing districts on the tax roll in the Fall of each year. Property taxes are placed on the tax roll in the form of a rate per \$1,000 of assessed value. In most cases, the taxes for operations are the permanent rate limits certified by the districts.

When a district certified a dollar amount tax levy, such as a local option tax or bond tax, the assessor must calculate a tax rate. To compute a tax rate, the tax levy amount is divided by the taxable assessed value of the property in the district. This tax rate is placed on the individual property tax accounts in the district.

The total amount of tax placed on a property is computed by multiplying the property's assessed value by the combined tax rates of all the districts in which the property is located and then adding any assessments.

Taxable value limitation

The Oregon Constitution limits the rate of growth of property value subject to taxation. The limit is based on a property's maximum assessed value (MAV). MAV can't increase by more than 3-percent each year, unless there are changes to the property, such as the addition of a new structure, improvement of an existing structure, or subdivision or partition of the property.

Each year the MAV and RMV for each property tax account are calculated. The property is then taxed on the lesser of these two values, which is called the "taxable assessed value."

The constitution limits the amount of property taxes that can be collected from each property account. To calculate these limits, taxes are divided into education and general government categories.

If taxes in either category exceed the limit for that property, the taxes are reduced or "compressed" until the limit is reached. Local option taxes are compressed first. If the local option tax is compressed to zero and the limit still hasn't been reached, other taxes in the category are proportionally reduced.

These limits are based on the RMV of the property, not the taxable assessed value.

Paying property taxes

Property taxes are paid to the individual counties. Contact the **county assessment and taxation office** (</DOR/programs/property/Pages/county-contact.aspx>) in the county where your property is located for more information.

Questions about your property value and property taxes?

Contact the **county assessment and taxation office** (</DOR/programs/property/Pages/county-contact.aspx>) in the county where your property is located.

Appeals process

Find out how to **appeal your property value** (</DOR/programs/property/Pages/property-appeals.aspx>).

ONTARIO FIRE & RESCUE



APRIL 2016 ACTIVITY REPORT

Emergency Medical:

City -129-

Rural -8-

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

Hazmat Team Calls: -- Outside district

Fire Related Emergency Calls:

Rural Fire -3- RURAL GENERAL ALARMS -- MUTUAL AID --

- 1 – Burning without a permit (Duty Crew handled)
- 1 - Open road side burning / unknown person – no permit
- 1 - Product identification * (Duty Crew handled)

City Fire Incidents -13- CITY GENERAL ALARMS = -0- MUTUAL AID --

- 1 – Police Assist – thermal imaging camera used to find suspect (Duty Crew handled)
- 1 – Fire Alarm system activation / malfunction - no fire * (Duty Crew handled)
- 1 – Alarm system activation – no fire (Duty Crew handled)
- 1 – Bridge rail fire * (Duty Crew handled)
- 1 – Illegal burn – lacked permit (Duty Crew handled)
- 1 – Natural gas odor – unable to locate any source or odor (Duty Crew handled)
- 1 – Fire alarm activation / canceled prior to arrival (Duty Crew handled)
- 1 – Burning illegal materials * (Duty Crew handled)
- 1 – Burn complaint – issued permit (Duty Crew handled)
- 1 – Pile of potatoes dumped along parking lot / smoldering debris (Duty Crew handled)
- 1 – Structure fire * (Duty Crew handled)
- 1 – Carbon monoxide detector activation / low battery (Duty Crew handled)
- 1 – Carbon monoxide detector activation / nothing found (Duty Crew handled)

***In narrative section**

4/2/2016 “CITY” 311 East lane / Home Depot Alarm Malfunction (Duty Crew handled)

Dispatched to a fire alarm going off (fire water flow riser) in the store. Arrived on scene to find nothing showing from the exterior and staff still working inside. Walked the facility to determine alarm cause and did not find any reason for the alarm. Tried to do a system reset but reset failed. Store manager was going to call their fire alarm service company to resolve the cause of the system malfunction. Rescue cleared the scene.

4/6/2016 “CITY” SW 7th Place Bridge railing fire (Duty Crew handled)

R1 responded for a small smoldering fire on a canal bridge railing, on scene R1 put out a small smoldering fire burning on the bridge railing, the fire started by the Owyhee Ditch Company burning the weeds out of the canals. R1 cleared at 1556 hrs.

4/18/2016 “CITY” 487 SW 24th St. Burning illegal materials * (Duty Crew handled)

R1 called by MCSO dispatch about a complaint of neighbor burning what seemed like mattress or furniture across the street. Upon arrival R1 personnel found individual cutting grass at above address. When approached the individual walked to the front of the house. The individual claimed the renter of the home had hired her to clean up yard and she knew nothing of who

started the fire. The renter showed up and stated that her neighbor who hated her started the fire, and she had no idea who had started her couch on fire. R1 was not going to argue who started the fire and just extinguished the fire. The renter was told she was not allowed to burn these types of garbage ever and if she wanted to burn approved materials she would have to secure a burn permit after an inspection of her site. R1 clear scene and confirmed info with MCSO.

4/19/2016 2405 Malheur Drive Roadside burn* (Duty Crew handled)

Dispatch for a possible grass fire next to Malheur Dr. Upon our arrival we found several places where someone had been burning weeds that were still smoldering. QRU extinguished with a booster line then cleared the scene. Undetermined who was doing the burning.

4/22/2016 "CITY" 506 NW 18th St. Structure fire * (Duty Crew handled)

R-1 dispatched to fire in ceiling of a residence. Homeowner believed the fire was out but would like it checked out. Upon arrival R-1 made contact with homeowner. Homeowner stated the fire is out and they are pulling insulation away from the light fixture that was on fire. Homeowner had a 300 watt light bulb in a fixture rated for a 65 watt bulb. Light fixture over heated and caught structural member on fire that was in contact with light fixture. R-1 monitored the area with thermal imaging camera and temp gun until burned area was cool. R-1 cleared call and returned to quarters.

4/29/2016 HWY 201 & Hyline Road Product ID. (Duty Crew handled)

Called by ODOT to identify 55 gal drum that was lying on the side of the road. 2 man team arrived, monitored, took sample, and identified class of substance. The top 3 listings were 1. Mineral oil. USP 2.Light mineral oil. 3.Petrolatum. ODOT was notified of the results and will take care to the barrel.

COMMUNITY INVOLVEMENT:

Insurance Services Office (ISO) / city- rural fire grading

In June of 2015 the ISO started the city and rural fire protection grading process. The grading covers all functions of the fire department(staffing, training, pumping capacity, aerial service, supplied equipment, pumper pump tests, ladder tests and hose tests), water systems distribution, hydrant coverage, dispatching services to name only a few. The entire fire staff and CH2M provided extensive records to ISO. An ISO field rep made numerous visits to the area and conducted information gathering sessions with staff and doing staff field evolution and operation evaluations.

We received the final results April 25th. The city moved from a class 4 to a class 3 and the rural district went from a class 8-9 to a class 4. These changes save our patrons hundreds of dollars on their fire insurance premiums. Staff will continue to improve in an effort to move the city to a class 2!

STATION TOURS:

4/28 Head Start – 17 students

BURN PERMITS ISSUED:

City Open Burns 7

City Barrel Permits 1

Rural Open Burns 144

Rural Barrel Permits 17

FIRE PREVENTION / INSPECTIONS: 2

FIREFIGHTER TRAINING:

4/5 Patient Packaging

4/12 Wildland Refresher

4/19 SCBA Mask Fitting / RIT Buddy Breathing

4/23 Mass Casualty Drill

4/26 Aerial Ops / New siphon hook-up

MALHEUR COUNTY BUDGET BOARD MEETING

APRIL 26, 2016

The Malheur County Budget Board met with Judge Dan Joyce, Commissioner Don Hodge, and Commissioner Larry Wilson present; Budget Board Members present were Nancy Anthony, Richard Eiguren, and Ron Haidle; and Budget Officer Lorinda DuBois. Notice of the meeting was published in the Argus Observer.

Also present was Larry Meyer of the Argus Observer.

BUDGET MESSAGE

Judge Joyce gave the budget message: *Good Morning everyone, appreciate all of you coming and participating in our annual budget meeting and for those that came so far, and close, and have been here and volunteered. Especially thanks to Lorinda for making all the changes at the last minute. Appreciate Larry being here from the Argus; Don and Larry, Kim. We've had a lot of different issues this year go on; a lot of stress issues between the Canyonlands and transportation so we're all going to see that in this budget and I think probably now would be a good time for me to shut up and turn this over.*

BUDGET MEMBER - RON HAIDLE

Ron Haidle was asked to introduce himself as he was new to the budget board. Mr. Haidle has been in Malheur County since 1987 and he is currently the CEO and President of Malheur Federal Credit Union.

CHAIRMAN

By consensus, Nancy Anthony was appointed Chair of the Budget Board.

INFORMATION SERVICES (IS) DEPARTMENT

IS Director Frank Goble and IS Coordinator Josh Kreger met with the Budget Board and discussed Page 4 - Information Services; and Page 86 - IS Tech Fund. Materials & Services are the same as last year; the Cable One contract was renegotiated which resulted in an increased speed and a yearly monetary savings of approximately \$4000. All computer purchases are done through the IS Tech Fund; PC's are on a 4-year rotation; purchasing is done in bulk which results in lower prices. New firewalls for the Courthouse were purchased and a server for Justice Court was purchased from the IS Tech Fund. Mr. Goble explained that Justice Court needs a cooling unit for its server room and that cost will be split between IS and Justice Court. Page 4 - Information Services and Page 86 - IS Tech Fund was approved.

ONTARIO JUSTICE COURT

Justice of the Peace Marji Mahony met with the Budget Board and discussed Page 14 - Ontario Justice Court. The Revenue line was kept the same as last year; recent legislation increased speed limits in the County and it is unknown if that will have an effect on revenue. The Small Equipment proposed is for the cooling unit for the server room. Page 14 - Ontario Justice Court was approved.

GENERAL FUND NON-DEPARTMENTAL REVENUES

The Budget Board reviewed and approved Page 1 - Non-Departmental Revenue. This is revenue sources not tied to a specific department.

COUNTY COURT

The Budget Board reviewed Page 2 - County Court. Travel was increased for efforts related to the Owyhee Canyonlands Monument proposal; and the requested budget included moving the Executive Assistance position from .8 FTE to 1 FTE.

ADMINISTRATIVE OFFICE

The Budget Board reviewed Page 7 - Administrative Office. The Office Supplies increase is for the Affordable Care Act forms and filing requirements. Page 7 - Administrative Office was approved.

WATERMASTER

The Budget Board reviewed and approved Page 35 - Watermaster.

LAW LIBRARY

The Budget Board reviewed and approved Page 49 - Law Library. This is a special dedicated fund and is managed by County Counsel.

TAYLOR GRAZING

The Budget Board reviewed and approved Page 53 - Taylor Grazing. This is a special fund and managed by an advisory board.

ONTARIO COMMUNITY LIBRARY

Ontario Community Library Director Darlyne Johnson met with the Budget Board and discussed Page 34 - Ontario Community Library. The library is requesting funding for Bookmobile services in the amount of \$6,000 for Bookmobile services outside the district's boundaries. The Budget Board approved transferring \$6,000 from Page 39 - Economic Development to the Ontario Community Library budget for Bookmobile services and approved Page 34 - Ontario Community Library.

HEALTH DEPARTMENT

Health Department Director Angela Gerrard and Nursing Supervisor Rebecca Stricker met with the Budget Board and discussed Pages 28-29 - Health Department; Page 30 - Medical Investigation; and Page 67 - Healthy Start.

Pages 29-30 - Health Department. The proposed budget is for one less RN than the requested budget. The department has had an RN vacancy since Ms. Gerrard moved from a staff nurse into the Director position in October 2015 (she was previously the Tobacco Prevention and Education Program Coordinator). Ms. Gerrard would like to have the position reinstated and filled; however efforts are underway to somehow absorb the responsibilities with existing staff. Additionally, line-item 5-20-6601, Vaccine/Immunizations was significantly reduced in the proposed budget but should still be sufficient as the cost of the vaccines has not increased as predicted. Ms. Gerrard also shared information on direct service programs and their increasing revenues; factors contributing to the increased revenues include: expanding contracts with more private insurers, effective billing staff, change in workplace culture that is more aware of screening for insurance coverage, and more people are insured with changes in the Affordable Care Act.

Page 30 - Medical Investigations - funds are for sheriff's deputy medical investigations and autopsies.

Page 67 - Healthy Start - this is a grant for the Healthy Families home visiting program. It is a regionalized program with three counties and Union County administers the grant.

Pages 28-29 Health Department, Page 30 - Medical Investigations, and Page 67 - Healthy Start were approved as proposed.

SWCD

Soil and Water Conservation District (SWCD) Director Linda Rowe met with the Budget Board. Ms. Rowe reviewed activities for the last year and thanked the County for its continued support. SWCD requested financial support in the amount of \$10,000. The Budget Board approved \$10,000 for SWCD with the funding to be taken from the Technical Assistance line-item in the Economic Development budget.

SREDA

SREDA Executive Director Kit Kamo met with the Budget Board and requested funding for SREDA. Ms. Kamo reviewed various activities and projects of SREDA. SREDA's efforts are made possible by partnering with both public and private entities in Malheur County, and Payette and Washington Counties, Idaho; SREDA promotes and markets the region. SREDA works closely with various entities including the Extension Service, utility companies,

and TVCC Business Center. Ms. Kamo stressed that SREDA's work is not a duplication of services with Malheur County's Economic Development Department. Ms. Kamo also provided a letter of support from Business Oregon. Ms. Kamo requested funding support from the lottery dollars the County receives for economic development uses; organizations are requested to support SREDA in the amount of \$1.00 per head, based on the 2010 census, with a cap of \$10,000 (Malheur County's amount would be more than \$10,000 but is capped at \$10,000). Ms. Kamo encouraged financial support and partnership with SREDA in an amount from \$1,000 to \$10,000.

EXTENSION SERVICE

Present for the Extension Service budget discussion was Extension Leader Stuart Reitz, Regional Administrator Carole Smith, and Extension District Advisory Board Members Reid Saito and Jeff Burkhardt. Mr. Reitz discussed Page 36 - Extension Service with the Budget Board. The County provides an Office Manager position at the Extension Service. Materials & Services requested was \$26,000; the proposed budget for Materials & Services is \$16,000. The County has supported the Extension Service in an amount of approximately \$26,000 for the last few years.

Clint Shock and Janet Jones joined the session.

Ms. DuBois explained that that she had reduced the Materials & Services budget by \$10,000 as the Extension Service also receives funds from the Service tax district and the Service District currently has a larger Contingency fund than the County general fund Contingency. Extension staff and advisory board members explained the Contingency is a result of initial staffing shortages the first 1 1/2 years after formation of the taxing District. There are no staffing vacancies now and funds are being fully utilized; the tax district is at its maximum rate and revenue does not increase as rapidly as personnel costs increase. The Contingency fund is needed to help offset future increases to personnel costs. The Service District funds 1.5 FTE, plus a part-time assistant position, at the Extension Office; and partially funds 3 positions at the Experiment Station.

The County Budget meeting was closed and the Malheur Agricultural Education Extension Service District budget meeting was opened. Notice of the budget meeting was published in the Argus Observer.

EXTENSION DISTRICT BUDGET MESSAGE AND BUDGET

Mr. Reitz presented the FY2016-2017 Budget Message from the Malheur County Agriculture Extension & Education Tax Service District Budget Advisory Board: *Please find attached the proposed 2016-2017 budget recommendations for the Malheur County Agriculture Extension & Education Tax Service District to support extension oriented work conducted by the OSU Extension Service and OSU Experiment Station in Malheur County. The budget advisory board met on February 25th to review the budget. The board was informed by the Malheur County Assessor's Office that the anticipated tax collection for the District would be \$375,428 for the 2016-2017 fiscal year, approximately 3.5% above the \$362,857 from the 2015-2016 year. We are anticipating a cash on hand balance at the end of the current budget year of approximately \$227,000. Cash on hand plus annual District revenues are anticipated to total \$602,428. We are using the \$375,428 anticipated tax collection figure for the annual budgetary projections and request.*

The advisory board subtracted out the shared administrative cost of \$5,000 (administrative fee) from the anticipated tax collection to come up with \$370,428 to be allocated between the two OSU programs in Malheur County. As in the past years, the board supports allocating half of the tax revenue to the Malheur Experiment Station to support extension related projects conducted by the Experiment Station, and one half of the revenues to the OSU Malheur County Extension Office. This amount would be \$185,214 for each of the programs.

Liability insurance for the service district is a line item in the budget (\$1750) and will be equally shared by Extension and the Experiment Station (\$875 each).

The Experiment Station obligates all other funds for personnel services (\$119,760) and payroll costs (\$64,578) for Extension related activities at the Experiment Station. This includes a faculty research assistant (65%), a weed control specialist (80%), and a senior biological science research technician (30%).

The other funds for the OSU Malheur County Extension Office will be allocated to Personnel Services (\$79,946), payroll costs (\$45,445) and Other Materials and Services (\$54,947). Personnel costs cover personnel costs for 1 crops agent (100%) and our "traditional" 4-H (50%), with the remainder funded through campus. Also included is funding for a summer 4-H assistant to help with the increased workload before and after fair. Other Materials and Services include day-to-day operating expenses, staff travel, and vehicle insurance deductibles of \$5,000 per vehicle, as required by OSU. Funds from the tax service district and the county general fund appropriation are combined to provide the operating budget for the Extension Office.

The Extension Office is also proposing a capital outlay to upgrade the office polycom system for video conferencing, at a cost of approximately \$4,000. OSU Extension is purchasing the equipment in bulk at a discounted cost for all extension offices.

Mr. Reitz answered questions from the Budget Board. Mr. Shock commented on the benefits of the tax service district and the importance of research at the Experiment Station in relation to the onion industry. Mr. Burkhardt and Mr. Saito also commented on the importance of the work of the Experiment Station and Extension Office.

The Budget Board approved the Extension Service Tax District Budget.

The Extension Tax District session was closed and the County Court budget session was reopened.

EXTENSION SERVICE

The Budget Board further discussed the Extension Service budget. Commissioner Hodge indicated he thought the proposed budget was adequate. The Budget Board approved Page 36 - Extension Service.

The meeting recessed for lunch.

Budget meetings resumed after lunch. The County budget meeting was closed and the ASD session was opened.

AMBULANCE SERVICE DISTRICT (ASD)

ASD Director Bob Dickinson met with the Budget Board and presented the ASD budget message:

ASD Budget Message FY 2016-2017

Malheur County ASD began its journey in 1990. Over the years, we have seen little growth and have faced many challenges. Our members are the foundation of the organization and we are committed to our members and the citizens of Malheur County. We recognize, and accept the responsibility as public servants extended to us when we serve others. We value the in put from all members and rely on their creativity to move our organization forward. With the many opportunities come many responsibilities. Our focus of dedication is being resourceful, fiscally

responsible, and maintain a good relationship with the County Judge and Commissioners. We strive for clinical and operational excellence while maintaining outstanding customer service.

In the beginning, we provided services to our customers with only three ambulances, one of which was the only ALS or paramedic unit that responded from Idaho. Since then, we have grown significantly to meet our ever-increasing need for prehospital medicine. Currently, we operate (4) ALS transport units and (4) BLS or ILS ambulances, and 3 QRU's, managing approximately 3000 plus calls for service each year, in a county that covers 9930 square miles and has a population of nearly 32,000 people. This is a difficult task to achieve, but this office and the cooperation of all the EMS providers, has made us successful. As I've advised all the providers we will provide the best care possible. I continue to set the bar high and mediocrity will not be accepted.

Malheur County Ambulance Service District (MCASD) is an organization strongly committed to providing quality prehospital medical care to the citizens and visitors of our community. Our paramedics and EMTs strive to serve the public in a manner second to none. Our core set of values includes Honesty, Integrity, Commitment, Accountability and Professionalism.

At Malheur County ASD, we are always preparing for the future. We are continuously faced with many changes and challenges, we take responsibility to stay abreast of our community's needs. A strong element of leadership with a vision for the future is our winning combination that will meet Malheur County's needs for years to come. We will always look forward to the challenges ahead.

Mr. Dickinson discussed the ASD budget with the Budget Board and answered questions.

The Budget Board approved the Ambulance Service District budget.

The ASD session was closed and the County Budget meeting was reopened.

TREASURER/TAX OFFICE

Treasurer Jennifer Forsyth met with the Budget Board and discussed Page 8 - County Treasurer/Tax. Added a phone line in the office so there is an increase in the Telephone line-item.

The Budget Board approved Page 8 - County Treasurer/Tax.

COURTHOUSE

Maintenance Supervisor Don Dalton met with the Budget Board and discussed Page 18 - Courthouse. Capital Outlay requested budget was for 5 projects: Juvenile Roof Recoat; DDC Heating Controls; Wireless Panic Buttons; Monitor Generator System (recommended by State Fire Marshal); and Wheelchair Platform (tied to potential elevator construction project). The proposed budget includes funding for the Juvenile Roof Recoat; Wireless Panic Buttons, and the Wheelchair Platform.

Mr. Dalton briefly explained a potential future project he is exploring that would convert the lighting in the jail to LED.

The Budget Board approved Page 18 - Courthouse as proposed.

COURT SECURITY; DRUG COURT; MEDIATION

Trial Court Administrator Kim Migliaccio met with the Budget Board and discussed Page 63 - Court Facilities Security; Page 64 - State Drug Court; and Page 65 - State Mediation.

Juvenile Department Director Susan Gregory joined the meeting.

Concerns with the Court Facilities Security continue as funds are still not coming in as fast as they are expended - costs are primarily wages. It may become necessary for the County to partner with the State for funding of the court security deputy position; the position is responsible for the security of the entire courthouse - not just the State offices.

The Budget Board approved Page 64 - State Drug Court; and Page 65 - State Mediation.

WEED DEPARTMENT

Weed Inspector Gary Page met with the Budget Board and discussed Page 37 - Weed Control. The Small Equipment request is for a wide format printer; the costs is being shared between the Weed Department and the Vector Control District. The BLM weed grants are estimates; it is unknown what the true appropriations will be at this time. The BLM Grant Admin Fees is 10% of what is actually received/spent for the BLM weed grants. The Budget Board approved Page 37 - Weed Control.

COMMISSION ON CHILDREN & FAMILIES

The Budget Board reviewed and approved Page 55 - Commission on Children and Families. This department no longer exists and the budget is zeroed out with the 2016-2017 budget.

SPECIAL TRANSPORTATION FUND

The Budget Board reviewed Page 59 - Special Transportation Fund. Revenue is ODOT grant funds for transportation purposes; the County subcontracts with MCOA&CS for the transportation services. The monies allocated as match dollars for Snake River Transit are expended from this fund. The Budget Board later approved Page 59 - Special Transportation Fund.

MENTAL HEALTH FUND

The Budget Board reviewed and approved Page 66 - Mental Health Fund. These are pass-thru funds that come from the State and go to Lifeways for a variety of mental health services.

HEALTH FAMILIES GRANT

Page 74 - Healthy Families Grant was a federal grant for a program at the Health Department; the grant is no longer received.

WOLF DEPREDATION FUND

The Budget Board reviewed and approved Page 76 - Wolf Depredation Fund. This is a small grant through Department of Agriculture.

PREDATORY ANIMAL CONTROL

USDA APHIS/Wildlife Services District Supervisor Patrick Smith and Wildlife Specialist Ryan Christensen met with the Budget Board and discussed Page 22 - line-item 5-20-8020 - Predatory Animal Control. USDA is requesting funding from the County to support the Wildlife Services program in the amount of \$49,135.

Ms. Gregory left the meeting.

Mr. Christensen and Mr. Smith answered questions from the Budget Board. Since July 2015 approximately 130 coyotes have been taken; and black bird work continues at feedlots.

SHERIFF'S OFFICE

Sheriff Brian Wolfe and Undersheriff Travis Johnson met with the Budget Board and discussed Pages 23-24- Sheriff; Page 25 - Jail; Page 26 - MCSO Communication Center; Page 27 - Emergency Management; Pages 47-48 - Community Corrections; Page 50 - Boat License Fund; Page 51 - Corrections Assessment; Page 54 - Task Force Fund; Page 61 - 911 Fund; Page 62 - Traffic Safety Fund; Page 69 - Search and Rescue Fund; Page 77 - Federal Forfeitures Fund; and Page 82 - Work Release Construction Fund.

Pages 23-24 - Sheriff. BVP Grant is a bullet proof vest grant; BLM Contract/Vale is mostly used for livestock patrols; Sheriff's Fees are for service of civil papers and concealed handgun licenses. Overtime is primarily used for investigations and search and rescue missions. Capital Outlay is for three vehicles; proposed budget is for two. Requested part-time ordinance deputy for enforcement of County ordinances; not in proposed budget.

Page 25 - Jail. Three meals a day are served to inmates; meals are certified by a dietician with a 2000 calorie count at a cost of approximately \$5.00 per day per inmate.

Page 26 - MCSO Communication Center. Majority of this budget is in personal services for dispatchers. Proposed budget is for salaries of 9 dispatchers and 1 dispatch sergeant.

Page 27 - Emergency Management. Partially funds one emergency services position.

Pages 47-48 - Community Corrections. Funding is from the State 1194 monies for operations of Community Corrections (parole and probation). Includes a transfer of funds to the jail budget for operations of the jail.

Page 50 - Boat License Fund. Most of the revenue is from a State Marine Board Grant; Funds 1.5 FTE marine deputies.

Page 51 - Corrections Assessment. Partially funds a staff member who is the corrections program coordinator for both the jail and community corrections.

Page 54 - Task Force Fund; the task force includes members from the County, Cities of Ontario and Nyssa, Cities of Payette, Fruitland, and Weiser; and Payette and Washington County, Idaho.

Page 61 - 911 Fund. Funds are transferred to the MCSO Communications Center budget.

Page 62 - Traffic Safety Fund.

Page 69 - Search & Rescue Fund. Monies the Search and Rescue volunteer members raised.

Page 77 - Federal Forfeiture Fund. Funds can only be used for specific purposes specified by federal law.

Page 82 - Work Release Construction Fund. State monies with restrictive uses only for the community corrections facility.

ADJOURNMENT

The budget meeting was adjourned for the day.

MALHEUR COUNTY BUDGET BOARD MEETING

APRIL 27, 2016

The Malheur County Budget Board met with Judge Dan Joyce, Commissioner Don Hodge, and Commissioner Larry Wilson present; Budget Board members present were Nancy Anthony and Ron Haidle; and Budget Officer Lorinda DuBois. Notice of the meeting was published in the Argus Observer.

Also present was Larry Meyer of the Argus Observer.

SNAKE RIVER TRANSIT

MCOA&CS Executive Director Loni Debban and Agency Coordinator April MacKenzie met with the Budget Board and requested funding to be used as match dollars for grants supporting the routed transportation system and the commuter system in the amount of \$15,000.

POVERTY TO PROSPERITY (P2P)

Riley Hill met with the Budget Board and requested financial support in the amount of \$5,000 to support the efforts of Poverty to Prosperity. The board members consist of the same five board members when P2P was formed; the board members have traveled to Salem various times for a variety of lobbying efforts (P2P monies are not used for the board member travel expenses).

Budget Board member Richard Eiguren joined the meeting.

Vale, Nyssa, and Ontario School Districts, ESD and TVCC are working together in the Career Technical Education (CTE) program. Many grants have been obtained to assist with the efforts of P2P. Last year an Automated Systems Program was started; and next year an EMT program will begin.

VETERANS SERVICE

Veterans Service Officer Connie Tanaka met with the Budget Board and discussed Page 32 - Veterans Service; and Page 68 - CVSO Expansion Fund. Mr. Tanaka assists eligible veterans, spouses, dependents, or survivors of eligible veterans with applying for benefits and aid for which they are entitled to by federal and state laws and regulations. Funding is from both the State and County. A Miscellaneous Vet Expenses line-item was added to the 2016/2017 budget at the earlier recommendation of Judge Joyce. The State funding in the CVSO Expansion Fund is somewhat less than last year as Polk County is starting a Veterans Service Office and the funding is distributed throughout the various County Veterans Service Offices in the state. The Budget Board approved Page 32 - Veterans Service; and Page 68 - CVSO Expansion Fund.

ASSESSOR

Assessor Dave Ingram met with the Budget Board and discussed Page 6 - Assessor; and Page 70 - GIS Maintenance Fund. The appraisal area for this next year will be Ontario, The Small Equipment request is for 2 chairs and 2 printers. The GIS staff member is very busy and does projects for various entities. The Budget Board approved Page 6 - Assessor; and Page 70 - GIS Maintenance Fund.

JUVENILE DEPARTMENT

Juvenile Department Director Susan Gregory met with the Budget Board and discussed Pages 16-17 - Juvenile Department; Page 60 - Juvenile Crime Prevention; and Page 78 - MS11 Detention. The Juvenile Department helps protect the community by holding youth accountable; the department supervises youth who are on probation in the community and refers them to services. A lot of effort is spent on prevention activities.

Page 60 - Juvenile Crime Prevention (JCP). These are grant funds from the state; funds are used for detention, electronic monitoring, and work crew wages to pay restitution to victims.

Page 78 - MS11 Detention. This is a special fund for Measure 11 Detention youth. Detention currently costs about \$160 per day; Measure 11 youth going to trial usually take 6 to 12 months and are normally incarcerated while awaiting trial. Funds in this budget are not expended unless the detention line-item in the other budgets are exhausted.

The Budget Board approved Pages 16-17 - Juvenile Department; Page 60 - Juvenile Crime Prevention; and Page 78 - MS11 Detention.

ELEVATOR PROJECT FUND

The Budget Board reviewed and approved Page 79 - Elevator Project Fund. The County has committed \$25,000 for construction funds for a potential elevator project.

PLANNING DEPARTMENT

Planner Alvin Scott met with the Budget Board and discussed Page 19 - Planning/Zoning. Mr. Scott noted that there have been several solar projects approved recently in the County; and construction of several onion storage sheds. Additionally, there may be an LCDC non-resource lands workgroup formed; the governor will appoint a rules advisory committee and Mr. Scott intends to volunteer for an appointment to the committee.

The Budget Board had questions on the taxes on solar projects. Assessor Dave Ingram was brought back to the meeting. Mr. Ingram explained that there is recent new legislation regarding solar projects; it is \$7000 per megawatt fee in-lieu of taxes for a period not to exceed 20 years.

The Budget Board approved Page 19 - Planning/Zoning.

DISTRICT ATTORNEY

Assistant District Attorney Erin Landis, Management Assistant Marilee Aldred, and Victims Advocate Director Cindy White met with the Budget Board and discussed Pages 9-10 - District Attorney. Mr. Landis discussed the request for desktop scanners. The office uses a paperless system; and Circuit Court is going to an electronic filing system in June. The requested budget for Small Equipment includes funds for three scanners; the proposed budget is for one. Mr. Landis explained that the plan is to rotate three scanners per year; there are currently 9 desktop scanners in the office. Ms. DuBois noted that the Small Equipment budget for the current year has not been expended; the scanners budgeted for this fiscal year have not been purchased. Ms. Aldred explained that her understanding was that funds had not been appropriated for scanners; Mr. Landis and Ms. Aldred assured Ms. DuBois that the funds would be used for scanners before the end of the fiscal year; however, funds for the purchase of three additional scanners in the next fiscal year are still needed.

Ms. Aldred, Ms. White, and Mr. Landis left the meeting.

The Budget Board reviewed the remainder of the District Attorney's budgets, including: Page 11 - VOCA Grant; Page 12 - CAMI Grant; Page 13 - VAWA Grant; Page 15 - Unitary Assessment; and Page 52 - DA Enforcement.

Page 13 - VAWA Grant. The grant was not received; the requested budget was for the victims advocate paid by this grant to be absorbed into the general fund budget; the proposed budget eliminates this position.

Consensus of the Budget Board was to appropriate funds in Small Equipment for three scanners; with the additional dollars needed to be subtracted from other line-items in the District Attorney's budget. Agreed upon changes were: Office Supplies reduced to \$3500; Discovery Costs reduced to \$14,473; Books /CD Service reduced to \$500; Equipment Repair reduced to \$500; and Small Equipment increased to \$2637. The Budget Board approved Pages 9-10 - District Attorney; Page 11 - VOCA Grant; Page 12 - CAMI Grant; Page 13 - VAWA Grant; Page 15 - Unitary Assessment; and Page 52 - DA Enforcement.

ENVIRONMENTAL HEALTH

Environmental Health Director Craig Geddes met with the Budget Board telephonically and discussed Page 20 - Solid Waste; and Page 31 - Environmental Health. Page 20 - Solid Waste. DEQ Surcharges are increasing; consequently landfill rates will increase July 1, 2016. Page 31 - Environmental Health. The requested budget includes funds for part-time help (10 hours per week) for scanning of approximately 3500 septic system files. Mr. Geddes explained the scanning project; the septic files are scanned and then interfaced with a GIS Google Maps program which allows for electronic access and sharing of the records. It is projected that all the files could be scanned and merged into the GIS program in one year (with a person dedicated to the project 10 hours per week).

Mr. Geddes disconnected from the session and the Budget Board continued to discuss the part-time help request. It was suggested that perhaps a TVCC student or high school student could work on the scanning project for school credit at no cost to the County. Overall consensus was that the project would be beneficial to both staff and the public. After discussion, the Budget Board approved reinstating the part-time help request into the Environmental Health budget with the note that efforts be made to utilize volunteers for the project (Line-item 101-422-510-1400 Part-Time help \$5,070; and \$506 added to Payroll Costs). The Budget Board approved Page 20 - Solid Waste; and Page 31 - Environmental Health.

SURVEYOR/ENGINEER

Surveyor/Engineer Tom Edwards met with the Budget Board and discussed Page 38 - County Surveyor; and Page 46 - Surveyor Corner Preservation. Changes from last year are in Personal Services. The Budget Board approved Page 38 - County Surveyor; and Page 46 - Surveyor Corner Preservation.

CLERK'S OFFICE

Clerk Deborah DeLong met with the Budget Board and discussed Page 5 - County Clerk; and Page 71 - Clerk Records Fund. Ms. DeLong gave a brief overview of the various duties in her office; as well as shared stats for revenues collected in 2015. The Small Equipment request is for a probate docket. The Clerk Records Fund is for archiving and digitizing of permanent records. The Budget Board approved Page 5 - County Clerk; and Page 71 - Clerk Records Fund.

The meeting recessed for lunch.

Mark Mackenzie and Roger Carson joined the meeting.

FAIR

Fair Manager Lynelle Christiani, and board members Prudi Sherman and Kitty Trolard met with the Budget Board and discussed Pages 56-58 - County Fair Fund. Ms. Christiani shared a list of facility conditions and concerns; included in the list are repairs to the Sheep Show Ring, Grandstands, Girvin Hall, Horse Barns, Commercial Building, Weed Maintenance, Lawn Maintenance, and Caretaker House. The proposed budget includes a transfer from Economic Development to the Fair Budget in the amount of \$20,000. The Fair is using volunteers as much as possible and always looking for more volunteers. It was suggested that Ms. Christiani contact Greg Smith at Economic Development about possible grant opportunities. It is hoped to have the Girvin Hall shower project completed before Fair this year. Judge Joyce noted that he would like the banners in the beef ring left up the entire week of the Fair. Ms. Christiani explained that the Fair sells banners for the rodeo arena; however the fair does not receive any proceeds from the Cattlemen's banners in the beef ring. It was explained that the Board is working to implement a policy that all advertising is removed once an event is completed. Commissioner Hodge said that the Board and Cattlemen's Association need to work it out. The Budget Board approved Pages 56-58 - County Fair.

ROAD DEPARTMENT

Road Supervisor Richard Moulton met with the Budget Board and discussed Page 33 - Marine & Park; Pages 40-42 - Road Fund; Page 43 - Major Bridge Fund; Page 44 - Road Equipment Fund; and Page 45 - Road Improvement Fund. Also present was Surveyor/Engineer Tom Edwards, Roger Carson and Mark Mackenzie.

Page 33 - Marine & Park. Slight increases to Bully Creek - Grounds; and Materials & Supplies.

Pages 40-42 - Road Fund. Revenues in Special County Allotment and Gas Apportionment are estimates. Exchange Fund revenue is funds for two years as the State is one year behind in getting the funds to the County. Personal Services are a little lower due to new hires. Fuel prices have been lower so there was a savings in that line-item. Asphalt Oil line-item will be used to pay the County's portion of the Juntura Cut-Off Road project (\$125,00) (it may be possible to also use a small amount of Economic Development funds for the project).

Page 43 - Major Bridge Fund. Reserve fund for major bridge projects in the County (including road districts).

Page 44 - Road Equipment Fund. Currently making payments on a loader and grader.

Page 45 - Road Improvement Fund. No current projects.

Mr. Mackenzie noted that the advisory board wants to pool funds in the budget for a few years for gravel projects in the Jordan Valley area.

The Budget Board approved Page 33 - Marine & Park; Pages 40-42 - Road Fund; Page 43 - Major Bridge Fund; Page 44 - Road Equipment Fund; and Page 45 - Road Improvement Fund.

45TH PARALLEL FUND

The Budget Board discussed and approved Page 81 - 45th Parallel Fund. Funds can only be expended upon agreement of the District Attorney and County Court.

INSURANCE RESERVE

The Budget Board discussed and approved Page 84 - Insurance Reserve. General Fund transfer in the amount of \$150,000; increased the Liability/Fire Payment line-item.

CAR POOL FUND

The Budget Board discussed and approved Page 85 - Car Pool Fund.

GENERAL COUNTY EQUIPMENT FUND

The Budget Board discussed and approved Pages 87-88 - General County Equipment Fund.

NON PROGRAM

The Budget Board discussed and approved Page 22 - Non Program.

ECONOMIC DEVELOPMENT

The Budget Board discussed and approved Page 39 - Economic Development. Appropriations from Technical Assistance, line-item 5405, are: SWCD \$10,000; Poverty to Prosperity \$5000; and SREDA \$1,000. Transfers from the Economic Development budget include: County Fair \$20,000; Extension Service \$20,000; Special Transportation Fund \$15,000; and Bookmobile \$6,000.

SHERIFF'S OFFICE

The Sheriff's Office budget was further discussed. Consensus was to deny the request for a part-time ordinance officer; as was the request for a third vehicle in Capital Outlay. The Budget Board approved Pages 23-24 - Sheriff; Page 25 - Jail; Page 26 - MCSO Communication Center; Page 27 - Emergency Management; Pages 47-48 Community Corrections; Page 50 - Boat License Fund; Page 51 - Corrections Assessment; Page 54 - Task Force Fund; Page 61 - 911 Fund; Page 62 - Traffic Safety Fund; Page 69 - Search & Rescue Fund; Page 77 - Federal Forfeiture Fund; and page 82 - Work Release Construction Fund.

COURT FACILITIES SECURITY

Page 63 - Court Facilities Security was further discussed and approved as proposed.

COUNTY COURT

Page 2 - County Court was further discussed; the Budget Board discussed the request to move the Executive Assistant position from .8 FTE to full-time. The office currently closes at 3 pm each day; moving the position to full-time would enable the office to be open until 5pm as are the other County office in the courthouse. Ms. Anthony moved that the position be moved to full-time in the budget. Mr. Eiguren seconded and the motion passed unanimously. The Budget Board approved page 2 - County Court

PAGE 21 - CONTINGENCY

Page 21 - Contingency was approved at \$219,485.00 as calculated after all changes.

APPROVALS

Mr. Haidle moved to approve the budget for the Malheur County Ambulance Service District for the 2016-17 fiscal year in the amount of \$443,950. Commissioner Hodge seconded and the motion passed unanimously.

Commissioner Wilson moved to approve the budget for the Malheur County Agricultural Educational Extension Service District for the 2016-17 fiscal year in the amount of \$609,528; and moved to approve property taxes for the 2016-17 fiscal year at the rate of \$0.23 per \$1,000 of assessed value for operating purposes in the District Special Fund. Mr. Haidle seconded and the motion passed unanimously.

Judge Joyce moved to approve the budget for the 2016-17 fiscal year in the amount of \$25,602,005; and moved to approve property taxes for the 2016-17 fiscal year at the rate of \$2.5823 per \$1,000 of assessed value for operating purposes in the General Fund. Mr. Eiguren seconded and the motion passed unanimously.

Agreed upon changes can be found on instrument # ****

ADJOURNMENT

The Budget Meeting was adjourned.

Meeting Minutes of the Compensation Board can be found on instrument # ****

MALHEUR COUNTY COURT MINUTES

MAY 4, 2016

The Malheur County Court met on May 4, 2016 with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was Larry Meyer of the Argus Observer.

PUBLIC HEARING - ADDITIONS TO NOXIOUS WEED LIST

Present for the public hearing to consider the additions of Ravenna grass and genetically engineered Glyphosate Tolerant Creeping Bentgrass to the County's Noxious Weed List were: Weed Inspector Gary Page; Weed Advisory Board Chair Jerry Erstrom; Old Owyhee Ditch Company Representatives Andy Peutz, Rod Frahm, Mike Blackaby, and Monty Culbertson; SWCD Manager Linda Rowe; OSU Extension Agency Bill Buhrig; Clint Shock from OSU Experiment Station; and Ty Martin. Notice of the hearing was published in the Argus Observer and Malheur Enterprise.

Judge Joyce opened the public hearing and asked for a staff report.

Gary Page: I will cover Ravenna grass and Mr. Erstrom can talk about the Bentgrass issue. So we have two grasses we'd like your consideration for adding to the County weed list. First of all, Ravenna grass, the Weed Board suggested that that be added to the Class B list. And the reason for that addition, or their suggestion that we add it is, ODA, the Department of Ag, has sent a notice to all counties alerting them that Ravenna grass will be a problem and so far wasn't known to exist in Oregon. Although since then, they've found a fair amount. This is an ornamental grass initially, and it was thought that it was, the cultivars were not able to reproduce however, we've found out here that they're readily able to reproduce, both by seed and through rhizomatous activity. So, we have in this County seven confirmed sites; I'm sure there must be more, once we get to looking around there's going to be more. It's a definite problem, or will be a definite problem for, a major issue for irrigation districts, and that's the biggest concern for us. It likes moist conditions, wetter soils, so it's always going to be pretty close to water, or where it's wet most of the year. And where this stuff has shown up in Benton County and Washington, on the San Francisco Delta, they battle it year round and it costs quite a lot of money. So we don't want to see that happen here, the Weed Board was quite concerned; ODA was very concerned about it. There are, I think, three counties that have confirmed it in those counties, this being one of them. It's closely related to sugar cane; its in the same genus; in fact its genetically very closely related. As I mentioned, it's an ornamental, initially, from northern Italy. Again, the major issue for us is going to be the invasion into irrigation systems and the associated costs of trying to control it. It's quite dense once it gets established, difficult to manage. So that was the thinking of the Weed Board and ODA; we wanted to try to head this off before it becomes a big problem. So many of the times, a lot of these issues we're kind of behind the curve many times and we wanted to try and prevent that from happening in this case. And again, they suggested that you add that to the Class B list, there's not much of it we think and that should give us sufficient authority to try to get folks to manage it. That's about all I can tell you about that issue. Mr. Erstrom's going to talk about Creeping Bentgrass.

Jerry Erstrom: Scotts Company a few years ago brought in genetically modified Creeping Bentgrass and did some test plots with it on the Idaho side; two locations. For whatever reason, they wound up on the Oregon side. It's genetically modified, bottom line, Roundup resistant. It likes moist areas. Its been, US Fish and Wildlife are opposed to it because of the threat to environmental things along the rivers and potential danger to threatened

endangered species. For us, it poses, the most significant, well a couple of three places, one is again irrigation systems. Scotts has had a gentleman spray every spring prior to the water going in to the canal and then post water, leaving the canal. Unfortunately by the time they spray after it leaves the canal it's already gone to seed and the seeds have gone downstream. To my knowledge there's been sites along, very close to the Malheur River and very, very close to the Snake River. So to assume that it's not in those systems is probably not valid.

Commissioner Hodge: It's probably there.

Mr. Erstrom: It's probably there. It does pose an issue besides the fact of the water; you're looking at the GMO thing, getting into and invading other crops. For example, myself with the hay, it gets into the hay field, you have hay for export, it tests positive for GMO, it's done. And so there's an economic issue. The control of it, while there's nothing labeled for it right now, and where it likes water, and there's nothing labeled for it over water, very, very difficult to control. Scotts, to their credit, have been working very hard, there was a lot of sites originally, large sites, I think we're down to plus or minus 200 locations now in which this stuff is growing. Scotts are talking about pulling out and leaving this burden on Malheur County to take care of; we've talked about that in the past. Because of the danger to the economic side of things, what it could do to the water folks and their management, what it can do and has the potential to do with the folks raising crops and trying to get rid of it, we recommend that it be put on the Class A list and mandatory elimination wherever it's found.

Judge Joyce: Does that conclude your report?

Mr. Erstrom: Can you think of anything?

Mr. Page: No.

Commissioner Wilson: I've been in those meetings with you, I agree with you.

Mr. Erstrom: Did we cover everything?

Commissioner Wilson: I think so.

Clint Shock: There's a couple of things that I can add to Jerry's statement. First, it's not just a GMO, it's a non-released GMO. So it's supposed to be controlled. It's sort of like a little bit outside the laboratory setting but not something that should be outside of a controlled field at the present time. So it's not a released GMO. The Creeping Bentgrass has proven ability, and already in Oregon has crossed with other grass species, and that's in the scientific literature; it's already happened. We have some preliminary data that show that it may have crossed with other species here which could pose more direct threat to crops. It's quite a precedence for APHIS, who's supposed to control, you know, exotic organisms or whatever to lose control of an organism and then just get to the point that they and the company that had control of it are tired of doing, of exercising their responsibility. And so they just throw up their hands. That's just quite a precedent that APHIS has established by doing this. You can imagine the stink that would be going on if they were doing this in Lane County or you know, some other part of the country.

Judge Joyce: I'm going to take that as proponent testimony for putting it on the list.

Mr. Shock: Yeah, I think more should be done than just put it on the list.

Judge Joyce: Okay, is there any other proponent testimony?

Andy Peutz: Question, as far as if putting it on the list, does that take away Scotts liability of taking care of it?

Mr. Erstrom: Right now Scotts liability as we understand it, as it was explained to Larry and I and Gary the other day, that's an issue with APHIS in their process of deregulation. And that's what we are trying to get that deregulation stopped so that they will be required to continue their control efforts with Ty. Because once it's deregulated we're done, and that's the other thing I was going to bring up, when we get done this I've got a proposal to the Court.

Mr. Peutz: I do want to add one more thing, this is also in Prineville and Madras; this grass has been here how many years?

Mr. Martin: In Madras its been since 2003 I believe.

Mr. Peutz: And its over there, it exploded over there too.

Mr. Erstrom: We looked into that, we've called the weed folks in Madras and some of the other, I've talked to the weed, the grass growing community on the west side; guess what, who is one of the major contractors of grass seed in Jefferson County, Benton County, and who has a membership on at least two of the commissions, grass seed commissions; Scotts seed. The guys in Jefferson County was, to my understanding from the folks, the information I've got back was they couldn't complain, if they complained we could take our business someplace else. We don't have that issue here.

Mr. Martin: It all depends what grass growers you talk to.

Mr. Erstrom: Yeah, your absolutely correct.

Mike Blackaby: Judge Joyce, if I could, I'm here on behalf of the Old Owyhee Ditch and Andy Peutz is chairman of the Old Owyhee Ditch and Ty is the person that has been contracted by Scott seed for seven years

Mr. Martin: No we've been doing it over here, this will be the fifth year.

Mr. Blackaby: Fifth year to try and control it. Monty rides ditch for us and has seen what can happen.

Unknown: And Rod's

Mr. Blackaby: And Rod's also on our board but he's right there where it really is the most, where it's growing the worst, if that's a proper description, so we're all here, at least this group from the Old Owyhee Ditch Improvement Company.

Mr. Erstrom: To Ty's credit there was a lot of stuff before, we're down to 200 or so sites now. He's reduced it that much but again, they're talking 200,000 probably a year to do that. If that goes away then that 200,000, that falls on all of us; if we were to even maintain that level of control. So that's why we would like it on the Class A weed list, mandatory.

Judge Joyce: So would that conclude the proponent testimony in terms of.

Rod Frahm: Shall I speak?

Judge Joyce: Sure

Mr. Frahm: Okay, I'm one of the lucky ones, I have it more on my place than anybody. I cannot raise alfalfa seed. I can't raise alfalfa, if its non GMO to go to Japan. So that's hurt me real estate wise. Also grass, the people are

worried about that, however, I'm very close to the river, its over on Oft's, Starr Island's got it now, across from there, so it's in the river folks. I mean you're not kidding anybody, it's already gone, the problems gone, the cows out of the barn, so we've got a problem here.

Mr. Martin: Prior to, you know, this year, we've sprayed, like Jerry said, in the spring and the fall and we've sprayed during the summer, soy oil which would keep the plants from flowering. This year, as far as I've been told we will spray nothing during the summer. And so, things will flower and go to seed this year and probably spread.

Judge Joyce asked for opponent testimony. There was none.

Judge Joyce asked for a staff summary and recommendation.

Mr. Page: I recommend that you follow the Weed Board's recommendation to add them; particularly Ravenna grass, I have no issue with that. In fact, that needs to get done pretty quickly so we can act on it this season. As far as the Creeping Bentgrass, I don't really see the downside. It would require landowners to, you know, make an effort to try to control it. If this thing with Scotts goes away and its left to the landowners its going to be up to the Court how strictly you want to enforce that. Because Class A would require them, if they have it, to stop it from going to seed, so that's a consideration you have.

Commissioner Hodge: Well if Scotts goes away or says they're not going to do anything is there going to be any litigation?

Mr. Erstrom: Yes

Mr. Page: Most likely.

Commissioner Hodge: Would that be, I mean is it going to be after the fact, or are you looking at something...

Mr. Erstrom: They have to wait for APHIS to make the decision at which point, as soon as APHIS makes a decision the litigation will be filed.

Commissioner Hodge: Okay

Bill Buhrig: There's no indication that it's going to be, the regulations going to be stopped. At this point the USDA's rules say that they're going to have to deregulate it. There's nothing stopping that at this point.

Mr. Erstrom: By putting this on the Class A weed list though it does give us, in addition to maintaining, helping environmentally here in Malheur County, it does give us a little bit of leverage as far as in court. The other counties downstream are putting it on their watch list and are working towards doing what we're doing here.

Commissioner Hodge: What do you have to use to control it?

Mr. Page: Well, I think Glyphosate is about the best choice, and that's what they've been using for some time. But again, you can't get it in the water, so timing is an issue for, you know, adequate control, it's difficult. In production fields where they use a lot of grass herbicides its not an issue in the field so much, its just, you know, headlands and...

Mr. Erstrom: perimeter

Mr. Page: Yeah. Laterals, things like that where its a problem.

Judge Joyce: Well from what I've heard I think we're real close to closing the public hearing and making a decision, deliberation, if there's no other testimony. So we will close the public hearing and the Court will deliberate via motion or one way or another.

Commissioner Wilson: Well unless you guys have any questions, I'm in favor

Judge Joyce: I have no questions

Judge Joyce: So is that a motion?

Commissioner Hodge: *inaudible*

Commissioner Wilson: I would make that motion, Class B on the, Gary wanted on the Ravenna grass and Class A on the Creeping Bentgrass

Commissioner Hodge: I'll second

Judge Joyce: Second, discussion, hearing none vote, all those in favor Aye

Commissioner Wilson: Aye

Commissioner Hodge: Aye

Judge Joyce: Aye

The Court signed Resolution R16-8: In the Matter of: Resolution Adding Ravenna Grass and Glyphosate Tolerant Creeping Bentgrass to Malheur County's Noxious Weed List. See instrument #[2016-1510](#)

**** Please note that Scotts Co. has developed and released the genetically engineered Glyphosate Tolerant Creeping Bentgrass and not the local company known as Scotts Seed.

Mr. Erstrom also told the Court that he has been in contact with Representative Walden's office and is in the process of creating a list of issues and struggles related to the Creeping Bentgrass matter with Department of Agriculture and APHIS and inquired if the Court would be receptive to reviewing and supporting a letter. The Court agreed to review the letter after it is drafted.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of April 13, 2016 as written. Judge Joyce seconded and the motion passed. (Commissioner Hodge was not present for the meeting.)

Judge Joyce moved to approve Court Minutes of April 20, 2016 as written. Commissioner Hodge seconded and the motion passed. (Commissioner Wilson was not present for the meeting.)

Commissioner Wilson moved to approve Court Minutes of April 27, 2016 as written. Commissioner Hodge seconded and the motion passed unanimously.

JUNTURA CUT-OFF ROAD

Commissioner Wilson moved to dedicate \$125,000 to the Juntura Cut-Off Road project. Commissioner Hodge seconded and the motion passed unanimously. (Ms. DuBois and Mr. Moulton are working together to determine what budget line-items the funds will be taken from.)

COMMUNITY IN ACTION (CinA)

Commissioner Hodge moved to sign a letter to Community in Action requesting their assistance in meeting the need for additional housing for homeless veterans and if necessary increasing their motel stays if necessary to find sustainable housing. Commissioner Wilson seconded and the motion passed unanimously. This action was taken at the request of Community in Action for their Veterans Grant. See instrument #2016-1514

HOUSING AUTHORITY BOARD APPOINTMENT

Commissioner Wilson moved to appoint Ridg Medford to the Housing Authority of Malheur & Harney County's Board of Directors. Commissioner Hodge seconded and the motion passed unanimously.

DEED - KINCADE

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Michael Kincade Revocable Trust of 2014 for properties purchased at the recent Land Sale (Ref. #12287; #15287; #12406; #12162; #12125). Commissioner Hodge seconded and the motion passed unanimously. See instrument #2016-1507

DEED - DOWELL

Commissioner Hodge moved to approve Statutory Bargain and Sale Deed to Jack and Marry Dowell for Ref. #11842 purchased at the recent Land Sale. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2016-1508

DEEDS - GOVERNMENT LAND SALES

Commissioner Hodge moved to approve Statutory Bargain and Sale Deed to Government Land Sales for Ref. # 11794 purchased and the recent Land Sale; and Statutory Bargain and Sale Deed to Government Land Sales for Ref. # 12288 purchased at the recent Land Sale. Commissioner Wilson seconded and the motion passed unanimously. See instrument # 2016-1506 and 2016-1505

PROCLAMATION - DRUG COURT

Present for the signing of the proclamation in support of drug court month were: Presiding Judge Lung Hung, Judge Patricia Sullivan, Drug Court Coordinator Lydia Machuca, Lieutenant Rachel Reyna, Deputy Cindy Padgett, SAFE Court Counselor Kevin Hill and Forensics Social Worker Crystal Copenhagen. Judge Hung gave a brief background and current information on drug court. The first drug court was created in 1989 in Florida. Malheur county's first drug court program was started in 2001; and has had 384 participants. Last year the 10th baby was born in the drug court program drug free. The Malheur drug court program attempts to follow best practices that are promulgated by the National Drug Court Program.

Judge Hung read the proclamation:

ALL RISE

Resolution/Proclamation in Support of National Drug Court Month

Whereas, drug courts and other treatment courts have served over 1.4 million individuals; and

Whereas, they are now recognized as the most successful criminal justice intervention in our nation's history; and

Whereas, they save up to \$27 for every \$1 invested and up to \$13,000 for every individual they serve; and

Whereas, 75% of treatment court graduates will never see another pair of handcuffs; and

Whereas, treatment courts significantly improve substance-abuse treatment outcomes, substantially reduce substance abuse and crime, and do so at less expense than any other criminal justice strategy; and

Whereas, treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against substance abuse and criminality; and

Whereas, there are now 2,966 drug courts and other treatment courts nationwide; and

Whereas, drug courts and other treatment courts are the cornerstone of criminal justice reform sweeping the nation; and

Whereas, treatment courts demonstrate that when one person rises out of substance use and crime, we all rise; and

Whereas, the time has come to put a treatment court within reach of every eligible person in need.

Therefore, be it resolved that Malheur County Court declares that Drug Court Month be established during the month of May 2016.

The Court members signed the proclamation.

DEED - KLOOSTERMAN

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Andrew Kloosterman for Ref. #2322 recently purchased at the Land Sale. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2016-1504](#)

DEED - SEPULVEDA

Commissioner Hodge moved to approve Statutory Bargain and Sale Deed to Juan Manuel Nuno Sepulveda for Ref. #9791 and Ref. #9800. Commissioner Wilson seconded and the motion passed unanimously. Mr. Sepulveda recently paid off these properties under Contract to Sell with the County. See instrument #[2016-1503](#)

DEED - SEPULVEDA & NUNO

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Juan Manuel Nuno Sepulveda and Alma Delia Nuno for Ref. #9792. Commissioner Hodge seconded and the motion passed unanimously. This property was recently paid off under the Contract to Sell with the County. See instrument #[2016-1502](#)

REF #1289

The Court discussed Ref. #1289, 136 NW 5th Street. The property was offered for sale at the recent County Land Sale and did not sell. Two written offers to purchase the property have since been received. ORS allows for the County to sell the property privately, for not less than 15% of the minimum bid, as the property was offered for sale publicly at the land sale and did not sell. The Court discussed the offers received. Fred McLeran offered \$2500. Gloria Sharrai offered \$3000 and is a neighboring landowner. Commissioner Hodge moved to accept the written offer from Gloria Sharrai in the amount of \$3000 cash (plus associated fees) for Ref. #1289. Commissioner Wilson seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET

Commissioner Hodge moved to approve Supplemental Budget Resolution R16-11: In the Matter of Fiscal Year 2015/2016 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The purpose of the supplemental budget is allocate the spending of additional Kindergarten Innovation Grant funds which were received but not anticipated when the adopted budget was prepared. The funds are to be used to perform Kindergarten assessment activities and/or programs. See instrument # [2016-1515](#)

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #12-16 to Probst Electric for a new powerline on Snowmoody Way #1504; Crossing Permit #13-16 to Idaho Power for installation of overhead transformer bank on Stage Road #1011; and Crossing Permit #14-16 to Agri-Lines Irrigation for irrigation pipe on Annex Road #952.

Commissioner Wilson seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

CONTRACTS TO SELL - KINCADE

Commissioner Hodge moved to approve Contract to Sell/Installment Agreement Pursuant to ORS 275.190 with Michael Kincade Revocable Trust of 2014 for Ref. #12384; and Contract to Sell/Installment Agreement Pursuant to ORS 275.190 with Michael Kincade Revocable Trust of 2014 for Ref. #12344; and Contract to Sell/Installment Agreement Pursuant to ORS 275.190 with Michael Kincade Revocable Trust of 2014 for Ref. #13147.

Commissioner Wilson seconded and the motion passed unanimously. The properties were purchased at the recent County Land Sale. See instrument # [2016-1511](#), [2016-1512](#), [2016-1513](#)

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 162.660(2)(d) - Labor Negotiator Consultations with Judge Joyce presiding with Commissioner Hodge and Commissioner Wilson present. Also present was Administrative Officer Lorinda DuBois, Juvenile Department Director Susan Gregory and Larry Meyer of the Argus Observer. No decisions were made during or following the session.

PROCLAMATION - CORRECTIONS WEEK

Undersheriff Travis Johnson met with the Court and presented a proclamation for their consideration. Judge Joyce read the proclamation:

PROCLAMATION CORRECTIONAL DEPUTY WEEK

MAY 3-6, 2016 BY THE

MALHEUR COUNTY COURT, OREGON

Whereas, since 1984 the Congress of the United States, and the President of the United States have established the first week of May as National Correctional Officers' Week; and

Whereas, Malheur County considers the services of the Sheriff's Correctional Deputies to be critical to the interest of the community; and

Whereas, Corrections employees model ethical and pro-social behaviors while holding offenders accountable for their actions and reducing the risk of future criminal behavior and future victimization; and

Whereas, Corrections Deputies are highly trained and productive members of the County workforce; and

Whereas, our County enjoys a high standard of public health and safety and we owe a great deal of gratitude to them. During this special observance we extend a profound thank you to each member of the corrections staff.

**BOARD OF DIRECTORS**

May 3rd, 2016 ~ 7 am
Lifeways, Ontario, Oregon

Members and guests present: Andy Oyervides, Sandy Hemenway, Patrick Nauman, Randy Griffin, Abby Lee, Chris Hollaway, Bob Komoto, Melody Goodman, Derrell Childers, Torie Ramirez, Kevin Kimball, Judy Cordeniz, Dennis Baughman, Tim Koberlein, Bob Thomason, Andrea Testi, Dan Cummings, John Breidenbach, Harry Flock, Ed Susman, Mike Hanigan, Kevin Coats, Lee Nelson, Jeff William, Kyle McCauley, Ray Miller, Brad Holland, Bill Buhrig, Ken Hart, Jim Smith, Layna Hafer, Jeff Hafer, and Gordon W. Petrie.

Staff: Kit Kamo, Executive Director

1. Call the Meeting to Order: Chairman Patrick Nauman called the meeting to order promptly at 7:00 a.m.
2. Introductions of Attendees: Chairman Nauman then thanked everyone for coming to today's meeting as the turnout was very strong. We then went around the room and everyone introduced themselves and the business or entity they are representing.
3. Approval of April 6, 2016 Board Minutes: Patrick asked if everyone had a chance to read and review the April 6, 2016 board minutes that were sent 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 printed and presented. Andy Oyervides made a motion to approve the minutes as printed, seconded by Jim Smith. The motion passed unanimously.
4. Financial Update: Treasurer Sandy Hemenway provided the treasurer's report for the group. Sandy went over in detail the financial handouts for the month of April discussing balances at the end of the month in both the checking and money market accounts, and then totals for month end. Chairman Nauman then asked if anyone had any questions on the financial report. Jim Smith said he will be adding a monthly cash contribution to his in-kind contribution to SREDA. After discussion, Patrick asked for a motion to approve the treasurer's report as presented. Jim Smith made a motion to approve the treasurer's report as printed and presented, seconded by Kevin Coates. The motion passed unanimously.
5. Fund Raising Update: Patrick briefly explained why fund raising for SREDA is critically important and again stressed that if each person could make just one or two contacts or bring in one new member per month, it would add twenty four new members which would really help the budget bottom line. Patrick asked the group if anyone has had any contact with folks in the community. He then explained that he has been in contact with AmeriTitle, Inc. who is looking for a donation out of their Boise corporate office.

Kit stated that she had met with the Malheur County Court and their budget committee. The good news is, pending final vote by the County Court, they are back as contributing partners of SREDA. The budget committee has suggested that the county court authorize \$1,000 for next fiscal year (July 1, 2016).

Patrick passed around a list of possible businesses to contact about joining. He then asked if each person would review the list and add to it or volunteer to contact the business. Also he asked them to review the current 2016 paid member list provided in the board packet.

6. Business Highlight – Lifeways: Judy Cordeniz began the discussion with a quick overview of Lifeways and what has transpired with the organization in the past. After this presentation, Judy stated the Lifeways in looking to start a possible capital campaign to build a new facility down near the Ontario fairground site. A slide show snap shot of Lifeways was then presented to the group by Lucas Hooker. Lucas explained that Lifeways has kicked off a fund raising campaign for a new Lifeways Recovery Center. Lucas discussed the various services, which are extensive, that Lifeways offers and what a new updated facility would provide to the many patients of various types Lifeways serves. The fund raising goal is to raise \$350,000 locally out of the \$3.5 million dollar project and then apply for a community block grant to fund the remaining portion. The fund raising campaign will focus on this over the next 10 to 12 months. The LRC center employees approximately 20 staff. Judy then provided the group a closing summary which concluded the Lifeways presentation. Very nicely done.
7. Bylaws Update from Committee: Mike Hanigan provided an overview of the bylaws when SREDA was formed and how it has functioned with the Board of Directors, a Board of Representatives and a Membership Board. He presented why changes are perhaps now needed. Mike explained we now need less emphasis with the Board of Directors and much more emphasis with the general membership as a whole. This is what these changes represent. A presentation will be made at next month's meeting for review and comment.
8. City and Community Highlights:
City Highlights:
 - a. Weiser: Layna Hafer provided the group with some sewer plant updates in the city. Lana went on to tell the group about the Christmas tree for the nation's capital in Washington D.C. this year will come from the State of Idaho and the Payette National Forest. It is very large in the 77 ft. range. Weiser will be hosting one of the events to recognize this in November. Also, another 150 other trees will be sent to Washington D.C. as well. She explained that ornaments will be made from the cities throughout the State of Idaho to decorate these trees. She then stated the new CEO, Steven Hale, with Weiser Memorial Hospital is now on the job and doing very well. Other good news was the local school attendance for the Kindergarten class is up approximately 87 students and hopefully may go over 100 by the time school starts this fall which would put overall district attendance back to normal. This was expressed as a concern at the last meeting. A couple of local electricians have started doing business to replace Syme Electric who has closed. Weiser also has another new salon.

- b. Ontario: Dan Cummings discussed that the old Kmart building is under construction and one new business tenant, Harbor Freight, has now been announced. Two more businesses will also be housed in the renovated building and will be announced in the future. He then said the city also has some new businesses in the downtown area and then discussed the City's new code change regarding gaming and what that means. The city is getting a new bottle recycling facility (SREDA's Project Kim) on the east side of town which Ontario currently does not have. Ontario now has a new police chief and city manager and both will be starting on June 6th at the same time. The city will be starting its annual budget meetings tonight, Wednesday and Thursday.

Ontario Community – John Breidenbach said the Chamber of Commerce is working on the Global Village which is a huge annual event. John then discussed the tourism meetings he recently attended and invited everyone to attend the next local Tourism Town Hall meeting in Ontario on May 18th at 3:00 at FRCC.

Ken Hart with St. Alphonsus Medical Center announced they will be holding a dance Hoe Down this Saturday night at the Malheur County Fairgrounds. This is a fund raising event for future scholarships. The old Tanaka clinic by the Ontario Chamber office has been sold and is being renovated too. Ken then stated that Teddy Roosevelt will be in town next Tuesday at FRCC. Kids will enjoy this presentation very much. John Breidenbach said the new chamber website is now up and running so please let them know of any community event as it can now be easily viewed and promoted.

- c. Vale: No city of Vale representatives were present so no report was given for Vale.
- d. Nyssa: Harry Flock said the arsenic plant is now out to bid. This is a \$3.25 million dollar part of a bigger that will be around \$6.25 million. This has not been worked on in several years. The city will be hosting a kid's safety day with a bike parade at the end of the day. This helps educate kids about water safety and other topics. Harry said the city budget committee has now wrapped up their work and the draft budget now goes to the city council.
Torie Ramirez also discussed the proposed bond for the new Nyssa middle school which will be about a \$12 million dollar project. They will try to pass a bond for around \$7.5 million.
- e. Fruitland:
Community update - Senator Abby Lee let the group know about Fruitland's upcoming Spring Fair on Saturday. Jim Smith said that some property north of his fitness center has sold and stated that development is now beginning with more activity to come. Also, Jolts and Juice will be moving into the old coffee shop building. Jim asked to host the July meeting at the fitness Center. After discussion it was agreed the Fitness Center would host the meeting on September 7, 2016.

- f. Payette: Lee Nelson said the city is working hard on a proposed bike path within the city. They have a recreation committee which is working on various ideas. City Mayor Jeff Williams discussed the new 9,500 sq. ft. building by the Dollar Tree business and that the annual Payette Apple Blossom Festival is just two weeks away and that everyone is invited.
- g. New Plymouth: No city of New Plymouth representatives were present so no report was given for New Plymouth.
- h. Emmett: The Mayor of Emmett provided a very detailed overview of many events going on in the community. New stores are the D & B Supply, and the Tractor Supply Company. The mayor stated that is nice to see economic improvements and investment being made in the city. He also commented on Hanigan Chevrolet, one of the existing companies in the town. The Mayor then discussed the city's broadband and connectivity plans. They hope to be a wholesaler of broadband services. The City is working on improved infrastructure in hopes of attracting new high tech business startups. Every couple of months the city hopes to host an event to bring folks to Emmett. Military appreciation day in the city park was just one example.

County Highlights:

Payette County: Kevin Coates said the purchase agreement for the Lincoln logs project will close by the end of the month. This is a project north of Payette.

Malheur County: No report was provided by Malheur County.

Washington County: Commissioner Bob Thomason report stated that Washington County appears to be turning in a positive direction now. They have worked very hard to be in this position. They appreciate SREDA very much. Project Neighbor, new to Weiser, is now recruiting area farmers to grow product for their use. Washington County officials are working with local state legislators to lower the threshold for the TRI investment tax credit incentive from 3 million to \$500,000 to help attract more business into the rural areas of Washington County.

9. Executive Director Report:

May 2, 2016 SREDA Executive Director's Report:

Kit began by stating that Idaho was number one in the nation job growth in right now. She then discussed that two high tech companies are looking at our region because of the close proximity of the Boise Valley. This is an added bonus to our region.

She then presented and reviewed the SREDA Report Card Quarterly Summary of Activities. Something new added to the report card is that the WINS are highlighted and bolded listed with the corresponding names of the project. These are all wins for our tri-county area. Kit then reviewed each one and discussed how SREDA has helped on many of these projects.

New Projects – Project Shave & Project Paw (both in Idaho looking for large buildings), Project Seattle, Project Survival, & Project Lot 6.

Continued Projects – Project Salsa, Project Crayola, Project Violet, Project 78, and Project Energy.

Site visits – Project Super (son of Project Pumpkin) is scheduled; Project Country scheduled; Project Violet (state recruitment officer met with TVCC for high tech training possibilities); & Project Crayola.

Grants & Awards – Kit received a scholarship in the amount of \$225 to attend the IEDA conference; SREDA has also received two Idaho Power grant awards. One is for training in the amount of \$750 and the other is for marketing the region in the amount of \$2,300. Idaho Power has been a great and responsive partner for SREDA.

Kit has submitted a grant request proposal to the Idaho Dept. of Commerce for \$20,000 for the Idaho Rural Economic Development Professional grant program; and she submitted a funding request to the City of Ontario.

Other – In April, Kit gave presentations at the City of Fruitland Council Meeting; Malheur County Court Budget Hearing meeting; and Vale Chamber of Commerce. She is in the process of scheduling meetings with other counties and cities.

In May & June Kit will be giving several presentations – the first is on ‘Marketing at Trade Shows’ at the IEDA conference in Challis; a SREDA presentation given by Patrick & company to the Ontario Area Chamber Leadership group, Ontario; presenting with the Economic Development Panel for the Ford Family Foundation’s Enhancing our Treasures, Ontario; and she will be presenting on the Economic Development panel for the Association of Idaho Cities in Boise.

Photo of some Sun spuds



Photos of the April Meeting in Nyssa!



10. Round Table Discussion:

Ed Susman said that the Employment Department is working with a small group from businesses to develop soft skills for local employers. You can participate if you desire. Andrea Testi announced the Small Business Appreciation day tomorrow in Fruitland at Zions Bank. This event will help to celebrate small business success stories and help to

create some local buzz. Every year this is hosted in a different city. Also, be on the lookout more many upcoming business workshops.

Kevin Kimball with TVCC briefly discussed the proposed bond issue, but due to lack of time more detail will be provided in the future.

Patrick Nauman then mentioned to the group that the annual Weiser Fiddle Festival and contest will be the 3rd week in June. The parade will be June 25th. This year's theme is "Red, White, Blue and Fiddling Too!"

11. Adjourn: Chairman Patrick Nauman adjourned the meeting at 8:06 a.m.
12. The next meeting will be in Payette on the first Wednesday of the month with the meeting site to be determined later.

Calendar of Events

| | |
|-----------------|---|
| May 4-6, 2016 | IEDA Spring Conference, Challis, ID. |
| May 16, 2016 | Ontario Area Chamber Leadership Economic Development Session |
| May 23-24, 2016 | Oregon Legislators – Salem, OR |
| June 1, 2016 | SREDA Monthly Board Meeting, 7:00 a.m., Payette with location to be announced |
| June 8-9, 2016 | OEDA Conference, McMinnville, OR. |
| June 17, 2016 | RDI Conference – Economic Development Panel, Ontario, OR. |
| June 23, 2016 | Association of Idaho Citie's – Economic Development Panel. |

Minutes prepared by Randy Griffin, SREDA Secretary

2016 Snake River EDA Report Card



Historical Data

| | 1ST QTR | 2ND QTR | 3RD QTR | 4th QTR | 2016 YTD | 2015 | 2014 | 2013 | 2012 | 2011 | Grand Total |
|--|---------|---------|---------|---------|----------|------|------|------|------|------|-------------|
| MARKETING | | | | | | | | | | | |
| NEW LEADS-REQ FOR PROPOSAL | 11 | 0 | 0 | 0 | 11 | 39 | 28 | 33 | 27 | 37 | 164 |
| SITE VISITS | 3 | | | | 3 | 16 | 7 | 13 | 10 | 9 | 55 |
| Companies landed (assisted) | 2 | | | | 2 | 6 | 3 | 3 | 2 | 0 | 14 |
| 2012-15 open projects (still working with) | 5 | | | | 5 | 17 | 26 | 9 | 20 | 0 | 72 |
| SITE SELECTORS MET | 6 | | | | 6 | 25 | 22 | 27 | 21 | 22 | 117 |
| CONFERENCES/TRADE SHOWS | 3 | | | | 3 | 11 | 9 | 9 | 8 | 2 | 39 |
| PAID MAGAZINE PUBLICATIONS | 1 | | | | 1 | 2 | 2 | 3 | 3 | 5 | 15 |
| WEBSITE LISTINGS (PAID & FREE) | 3 | | | | 3 | 4 | 6 | 2 | 5 | 5 | 22 |
| MARKETING TRAINING | 0 | | | | 0 | 3 | 2 | 2 | 6 | 2 | 15 |
| BUSINESS EXPANSION | | | | | | | | | | | |
| ONGOING COMPANIES MET WITH | 3 | | | | 3 | 7 | 8 | 6 | 11 | | 32 |
| NEW COMPANIES MET WITH | 2 | | | | 2 | 7 | 7 | 13 | 13 | 18 | 58 |
| BUSINESS RETENTION | | | | | | | | | | | |
| COMPANIES MET WITH | 4 | | | | 4 | 3 | 6 | 7 | 7 | | 23 |
| NEW BUSINESS START UPS | | | | | | | | | | | |
| COMPANIES MET WITH | 1 | | | | 1 | 3 | 5 | 6 | 4 | 9 | 27 |

| | Focus | Project | Focus | Project | Focus | Project | Focus | Project | Focus | Project | Focus |
|-----------------------------------|--------|---------------------|--------|----------------------|--------|---------------------|--------|---------------------|--------|---------------------|--------|
| *Projects fwd 2012-2015 | | | | | | | | | | | |
| *Project Stanton - Win | Oregon | Project Hay | Idaho | Project Michelle | Idaho | Project Chipotle | Idaho | Project Cut | Oregon | Project Wrench | Oregon |
| *Project Adam & Eve - Win/Win | Idaho | Project Call Me | Idaho | Project Pam | Idaho | Project Cut | Idaho | Project \$15 | Oregon | Project Pat | Oregon |
| *Project Ferdinand/Babe - holding | Oregon | Project Rod | Both | Project Operations | Oregon | Project \$15 | Idaho | Project Crayola | Oregon | Project Brooklyn | Oregon |
| *Project 78 - holding | Both | Project Bear | Idaho | Project Kelly | Idaho | Project Survival | Oregon | Project AK | Both | Project Salsa - Win | Both |
| *Project Seed - lost | Both | Project Brass | Idaho | Project Data | Idaho | Project Violet | Idaho | Project Country | Oregon | Project Warehouse | Idaho |
| *Project Sun - Win | Oregon | Project Manser | Idaho | Project Sir | Idaho | Project Paw | Oregon | Project Shave | Idaho | Project Shave | Idaho |
| *Project Hot - Win | Oregon | Project Kettle | Oregon | Project Rawhide | Oregon | Project Salsa - Win | Oregon | Project Survival | Oregon | Project Survival | Oregon |
| *Project Pumpkin - Win | Both | Project Kim - Win | Oregon | *Project Energy | Oregon | Project Salsa - Win | Idaho | Project Salsa - Win | Both | Project Salsa - Win | Both |
| *Project Lincoln Logs - Win | Idaho | Project Gary | Both | Project Sunny | Idaho | Project Salsa - Win | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Mountain - holding | Idaho | Project Juice | Idaho | Project Portion | Idaho | Project Salsa - Win | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Martin - holding | Oregon | Project Baa Baa | Idaho | Project Graze | Idaho | Project Salsa - Win | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Neighbor - Win | Idaho | Project Lyle Lovett | Idaho | Project K | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Fly - Win | Oregon | Project Farm | Both | Project Basket | Idaho | Project Salsa - Win | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Doug - Win | Oregon | Project Greenhouse | Idaho | Project Owyhee | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Bently - Win | Idaho | Project BAD | Both | Project Dave | Idaho | Project Salsa - Win | Idaho | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |
| *Project Friends - Win | Oregon | *Project Jim - Win | Oregon | *Project Sears - Win | Oregon | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon | Project Salsa - Win | Oregon |