

**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 18, 2015, 7:00 p.m., M.T.**

- 1) **Call to order**
Roll Call: Norm Crume _____ Tessa Winebarger _____ Charlotte Fugate _____ Thomas Jost _____
Larry Tuttle _____ Betty Carter _____ Mayor Ron Verini _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, May 13, 2015. 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) Approval of Minutes of Regular Meeting of 05/04/2015 1-8
B) Approval of the Bills

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

6) **Department Head Updates: Thursday**

7) **Old Business**

- A) Ordinance #2701-2015: Amending Title 10A to Permit Medical Marijuana Facilities as a Conditional Use in the C-2-H Zone and Prohibit Them in All Other Zones (Final Reading) 9-13

8) **New Business:**

- A) Intergovernmental Agreement Amendment: 911 Services for FY 2015-16 14-17
B) Resolution #2015-117: Receive/Expend Grant Funds - OPD/OFR 18-20
C) Resolution #2015-118: Establish Safety Fund Use Criteria/Parameters 21-23
D) Resolution #2015-119: Establishing a Reimbursement District for Jeff Petry for Installation of Sanitary Sewer and Storm Sewer Improvements 24-32
E) Resolution #2015-120: Replace "102" Fire Department Brush Truck 33-35
F) Resolution #2015-121: Update to Child Protection Zones 36-38
G) Resolution #2015-122: Install Irrigation System at Sunset Cemetery 39-41
H) Resolution #2015-123: Enterprise Zone Boundary Change 42-52
I) Resolution #2015-124: Approve Malheur County Enterprise Zone IGA 53-59
J) Ordinance #2702-2015: Establish OMC 4-3 re: Business Registrations (1st Reading) 60-67

9) **Hand-Outs/Discussion Items**

- A) Rate Study re: Water and Sewer
B) Department Updates/Stats: OPD, OFR
C) Minutes: County Court (04/22/15; 04/29/15; 05/06/15)
D) Minutes: SREDA (04/05/15)
E) Financials

10) **Correspondence, Comments and Ex-Officio Reports**

11) **Adjourn**

ONTARIO CITY COUNCIL MEETING MINUTES

Monday, May 4, 2015

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, May 4, 2015, in the Council Chambers of City Hall. Council members present were Ron Verini, Norm Crume, Tessa Winebarger, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Kari Ott, Al Higinbotham, Mark Alexander, Corinna Hysell, Pete Friedman, Cliff Leeper and Dan Shepard. The meeting was recorded, and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

Norm Crume moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/0/1.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Norm Crume, to approve Consent Agenda Item A: Minutes of the Regular Meeting of April 21, 2015; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Judith Kirby, Ontario, received a letter from Malheur County District Attorney Dan Norris, in response to her concerns regarding the prosecution of illegal activities surrounding medical and/or recreational marijuana sales or use. She also voiced concerns that the grow sites located in the City of Ontario were illegal. Ms. Kirby asked that the letter from Mr. Norris be added as part of the Council meeting record. *[Attached document]*

NEW BUSINESS

Bid Award: Water Treatment Plant Fence Project (Butte Fence, Inc. Meridian, Idaho)

Dan Shepard, CH2M Hill, Engineering Technician III, presented.

On April 17, 2015, CH2M opened bids for security fencing at the City of Ontario Water Treatment Plant. This project was based upon a security assessment of the water and sewer systems for the City. The security assessment was conducted in an effort to determine areas of vulnerability for the water and wastewater systems. Vulnerabilities could include matters such as access and intrusion issues associated with the Water Treatment Plant, water storage facilities, pump stations and Wastewater Treatment Plant. Based on an on-site assessment, CH2M prepared a report with recommendations and cost estimates for both policy and procedures and physical improvements to the individual facilities.

On January 20, 2015, the City Council gave approval to CH2M to solicit bids for fencing around the City of Ontario Water Treatment Plant and a mandoor at a pump station. Bids were solicited from the following companies:

Name	Bid
Vern's Custom Ranch Construction, Ontario	No bid submitted
Cascade Fence Company, Meridian, Idaho	\$78,970.00
Butte Fence Inc., Meridian, Idaho	\$66,843.50
Engineer's Estimate	\$65,500.00

Staff reviewed the bids, and found each bid to be complete and the companies were Oregon Registered Contractors.

If awarded as proposed to Butte Fence Inc., the apparent lowest responsive and responsible bidder, the cost of this project was \$66,843.50. The amount budgeted for in water line item 105-160-719280, was \$67,000, leaving a remaining balance of \$156.50.

Betty Carter moved, seconded by Larry Tuttle, that the Mayor and City Council award the Water Treatment Plant Fence Project 2015-02 to Butte Fence Inc., the apparent lowest responsive and responsible bidder, in the amount of \$66,843.50. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Resolution #2015-116: Remit \$2000 to Feral Cat Project for OPD Assistance

Mark Alexander, Police Chief, presented.

The Police Department was before the Council to request a reimbursement, payable to the Ontario Feral Cat Project, for expenses incurred for a criminal animal abuse investigation.

On Sunday, November 9th, Ontario Police began a homicide investigation following the discovery of a deceased Nampa, Idaho, man, located in the trunk of a vehicle behind West Park Plaza. This event used the department's at-hand resources. Concurrent to this situation, the department received a call of a suspicious van parked in Ontario with approximately 100 cats inside.

The Malheur County Sheriff's Office graciously covered the animal complaint, which resulted in the seizure of 73 cats under deplorable conditions. The investigation utilized a large amount of time, as it included, among other things, media exposure and court appearances by County Deputies. The owner of the van was prosecuted for Animal Neglect. The Police Department feels indebted to the Malheur County Sheriff's Office for their help, and to the Ontario Feral Cat Project, who were able to take a huge burden from the Sheriff's Office. The Feral Cat Program spent over \$30,000 for costs associated in caring for the cats.

Malheur County Sheriff Brian Wolfe recently advised Ontario Police that his office intended to pay the Ontario Feral Cat Program \$2,000 to assist with costs associated in this matter. Ontario Police believe the Malheur County Sheriff's Office should not have any further financial burden for agreeing to assist with a case that otherwise would have, and should have under normal circumstance, been investigated by OPD; however, the Police Department does not have funding within the police budget to cover the payment.

The reimbursement would require \$2,000 be taken from General Fund Contingency, unless another funding source was designated by Council.

Charlotte Fugate moved, seconded by Tessa Winebarger, that the Council adopt **Resolution #2015-116: A RESOLUTION AUTHORIZING THE REIMBURSEMENT TO THE ONTARIO FERAL CAT PROJECT FOR THEIR ASSISTANCE IN AN ANIMAL ABUSE INVESTIGATION WITHIN THE CITY OF ONTARIO.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Elimination of Position: Finance Department Supervisor

Ronald Verini, Mayor, presented.

To provide better fiscal and resource management, Council discussed eliminating a position from existing city staff in the Finance Department. As this was a “*position*” elimination, as opposed to a “*personnel*” cut, the City Council was the only body authorized to take such action.

On April 30, 2015, following discussion at the Study Session, Council directed the City Manager to bring documentation to the Monday Council meeting, providing information with regard to the elimination of a city staff position.

The Finance Department currently employed five full-time employees, and one part-time contracted employee, who acted somewhat in the capacity of Finance Director. Through the evaluation of the job description and associated duties, it was determined that the elimination of the Finance Supervisor position would be a fiscally responsible decision, and that the job duties of the Finance Supervisor could effectively be spread among the remaining staff. If the position were eliminated, the City Manager and contracted part-time Finance Director would work with a lead employee in the department, who would be responsible for the daily activities and responsibilities of the department, and who would report directly to the City Manager; however, the lead employee would not be a Department Head.

Financial savings from the elimination would be realized, of approximately \$76,152. This would also provide an opportunity to better streamline productivity within the department.

Councilor Jost asked about the date of elimination.

Mayor Verini stated it should occur immediately.

Thomas Jost moved, seconded by Charlotte Fugate, that the City Council authorize the elimination of the Finance Department Supervisor, effective immediately, and to have the City Manager work with the remaining Finance Department staff to establish job responsibilities and department structure. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Establish Public Safety Fund Use Criteria

Tori Barnett, Interim City Manager, presented.

In October, 2013, the City Council approved allocating 26.5% of the Motel Occupancy Tax to establish and provide revenue to a Public Safety Fund. However, no set direction was developed as to the use of the funds or the criteria necessary to request any type of expenditure from the fund. Council was asked to establish guidelines and parameters for the use of funds within the Public Safety Fund, as well as the format for requesting expenditures from said fund. Any future changes to the criteria and/or parameters would be done by resolution action.

Staff proposed the fund be utilized through requests submitted by either the Fire Chief or Police Chief; however, that did not, or would not, preclude another Department Head with a justifiable need to make a request via either of the Public Safety Chiefs. Staff also proposed that any expenditure requests first be presented to the Ontario Public Safety Board, which consisted of seven members from throughout the community. This process was similar to what occurred with the Public Works Department discussing certain items with the Public Works Committee, prior to coming before Council for action.

Staff took the liberty of providing a few suggestions for Council review: 1) *Was the request included in any previous budget proposals? If yes, but eliminated, why was the request not in the current budget?* 2) *Are there any other funding sources available?* 3) *Are there any opportunities for coordination with another department or agency for the purchase?* 4) *Describe the priority for the purchase;* 5) *What is the magnitude for the project? Meaning, who will receive benefit from the project;* and 6) *The request should be for a capital purchase of \$5000 or more.*

Currently, the Public Safety Fund showed a balance of approximately \$130,000. The fund received monthly revenues of approximately \$14,000, based upon the 26.5% received from the Motel Occupancy Tax.

The Council could elect to not create criteria or establish parameters for requesting funds from the Public Safety Fund, and continue to have staff make requests on a case by case basis.

Mayor Verini thought that TOT fund was set up with the intention of being utilized for the safety of the community. It should not be used for a specific purpose, and not be limited to such a narrow field of expenses.

Ms. Barnett clarified that there was a point of contact in each department to bring things forward but not limited to only the Police and/or Fire Chief.

Charlotte Fugate moved, seconded by Betty Carter, to table it for two weeks until the next meeting, as they'd like an opportunity to review the suggestions presented by staff, and to also make their own recommendations. [No vote].

Councilor Tuttle wanted to know specific information about the Ontario Public Safety Board.

Mayor Verini answered that he was on the Board, and asked Chief Alexander to provide a brief summary of who was on the Board, and what their role was.

Chief Alexander stated the Board was comprised of seven members from around the community, who had an interest in the safety of our city and the surrounding areas. It had been in operation since 2002. It was not established by ordinance or resolution, but more of a committee just interested in bettering the city. It was the springboard for the Cops on Patrol group, too. They had tours of various facilities, and provided education to the community. They met once a month at City Hall for about an hour, depending on the topic of the day.

Larry Sullivan said that it would fall under the parameters and regulations of a public meeting if a recommendation is being brought to the Council by the group.

Councilor Crume reminded them that the fund was a replenishing account and had been managed well and felt that a decision could be made that night instead of pushed out a few weeks.

Councilor Jost voiced his agreement with Councilor Crume.

Ms. Barnett stated the proposed guidelines were just an example, and could be changed. Tori said that the guidelines could be changed.

Mayor Verini suggested tabling this action until the next work session to give more time for review.

[Retyped motion from above]

Charlotte Fugate moved, seconded by Betty Carter, to table it for two weeks until the next meeting, as they'd like an opportunity to review the suggestions presented by staff, and to also make their own recommendations. Roll call vote: Crume-no; Winebarger-no; Fugate-yes; Jost-no; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 4/3/0.

Poverty to Prosperity

Riley Hill, Poverty to Prosperity Board member, spoke of the \$5,000 received for the Poverty to Prosperity program given by the city when this was first established. A class was started with an automated systems program. They were working with employers and had companies ready to hire participants. Mr. Hill had the first phase of the update to give to the Council members. Land had been brought in as industrial, but would also need to be serviced with infrastructure being added. Currently, only 8.4 million gallons of water could be produced reliably. This would need to be addressed by the state. The sewer ponds would need more capacity to be useable and needed to be upgraded.

Mayor Verini commented that he was impressed with his conversations regarding the Poverty to Prosperity program. He reminded the Council the initial \$5,000 provided to Poverty to Prosperity came from the interest from the Business Loan Fund. It was a grant, not a loan.

Councilor Fugate believed that granting the \$5,000 would establish a precedent and might not be fair for the other non-profit organizations.

Mayor Verini felt that it was a good investment in the community and would be granted to other non-profit organizations if it helped with employment and bettered the community like the Poverty to Prosperity program.

Ms. Barnett stated that both SREDA and Snake River Transit applied for fund through the formal application process.

Kari Ott, CPA, Finance Department, stated those funds had come from the Economic and Community Enhancement Fund, was funded through the interest received by the payments made to the Revolving Loan Fund. In the upcoming FY 2015-16 budget, they had anticipated SREDA receiving \$10,000 and SRT \$15,000. It would be in the Administration Overhead budget.

Councilor Tuttle said that it should be passed through the Business Loan Committee.

Ms. Ott stated it was all together in one fund. The interest could be spent on other things.

Mr. Hill stated that he had solicited money from other businesses in the community. He wasn't just coming to the city.

Ms. Barnett provided Mr. Hill with the application for requesting grant funds from the city, and he was asked to submit the completed application back to the city by May 11th so it could go before the Business Loan Fund Committee, who had already scheduled a meeting for that day.

PUBLIC HEARING(S)

Informational Public Hearing for Anchor Mini-Storage LLC Reimbursement District

It being the date advertised for public hearing on the matter of the informational Public Hearing for Anchor Mini-Storage LLC, Reimbursement District, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Shepard, CH2M Hill, Engineering Technician III, presented.

Jeff Petry owns Anchor Mini Storage, a storage rental business located on the south side of SE 5th Avenue. He developed Anchor Mini Storage in 2011 and installed public utilities which serviced both his property and four adjacent properties. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and to do so, it was necessary to form a Reimbursement District. The Director's Report for Reimbursement District was presented at the City Council meeting March 2, 2015. An Informational Public Hearing was required within 45 days after the report was presented and it was set for April 20, 2015; however, it was postponed until May 4, 2015, due to a change in the Council meeting dates. At the informational public hearing, anyone had the opportunity to comment on the Reimbursement District. Because formation of the Reimbursement District would not result in an assessment against property or lien against property, the public hearing was for informational purposes only and was not subject to mandatory termination because of remonstrance's. Notices of the public hearing were sent out ten (10) days prior to any public hearing. No formal Council action was required.

On March 16, 2015, the Council adopted Resolution #2015-111, which adopted the Public Works Director's Report and created a Reimbursement District in favor of Anchor Mini Storage LLC for installation of sanitary sewer and storm sewer improvements on SE 5th Avenue.

Mr. Petry's cost of improvements totaled \$75,779.00. According to Ontario Municipal Code, there was no reimbursement for design engineering, financing costs, permits or fees, land or easements dedicated by the developer. The cost proposed to reimburse is \$44,712.01, which was the balance of \$75,779.00, less the improvements along Mr. Petry's property and a portion of the total construction engineering costs.

Mayor Verini asked if all the property owners had been informed of the hearing.

Mr. Shepard stated they had all been mailed the information.

Mr. Sullivan commented that there was no requirement that an owner vote for or against the project.

Mike Hanigan, Fruitland, owned property in Ontario. He had been reviewing the report, and indicated the numbers didn't make sense.

Mr. Shepard stated a portion of the public improvements were done and not included. The total project was \$77,000 but a portion was disallowed, so the overall cost was \$44,000.

Mr. Sullivan commented that annexation wouldn't trigger Mr. Hanigan paying his portion.

Mr. Shepard stated that when a property developed in the city, they would be required to extend their sewer across the frontage of their property.

Jeff Petry, Baker City, stated he wanted his neighbors to give him their portions of the amount that he paid.

Mr. Hanigan asked if it this was open ended.

Mr. Shepard stated it was for a 25 year term.

Mr. Sullivan stated that by ordinance, a resolution would be developed to set an interest rate for interest accumulated by city ordinance.

Mr. Petry said that the interest rate should be set as 0%.

The Hearing was opened for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed. No Council action was necessary.

Ordinance #2701-2015: Amending Title 10A to Permit Medical Marijuana Facilities as a Conditional Use in the C-2-H Zone and Prohibit Them in All Other Zones (1st Reading)

Pete Friedman, Interim Planner, presented.

The State of Oregon, by legislative enactment, established a process for the licensing and registration of medical marijuana facilities and dispensaries. Currently, the city zoning regulations did not address or allow these uses. The City Council directed the drafting of appropriate regulations and standards governing the time, manner and place where medical marijuana dispensaries might be allowed within the Ontario city limits.

As recommended, the proposed amendments would:

- Amend Title 10A adding a new chapter 10A-58 entitled “Medical Marijuana Facilities” and providing general and specific conditions for the establishment of these uses.
- Amend Chapter 10A-03 to adding a new section 10A-03-134.5 to provide a definition for a medical marijuana facility.
- Amend Title 10A by prohibiting medical marijuana facilities in all zone districts unless explicitly designated as a conditional use in specific zone districts.
- Amend Chapters 10A-31 to designate medical marijuana facilities as a conditional use in the C-2H (Heavy General Commercial) zone district.

At the April, 2015, Planning Commission Meeting, the Planning Commission recommended approval of Ordinance #2701-2015 by the City Council.

The zoning amendments in the proposed zoning ordinance mirrored the location restrictions imposed in Ordinance 2700-2015, the medical marijuana facility business license ordinance, with one exception. Ordinance 2700-2015 prohibited medical marijuana facilities in a TRO (Transitional Residential Overlay) zone and established a 200 foot buffer from a TRO zone. Proposed Ordinance 2701-2015 did away with those restrictions for TRO zones.

A TRO zone was an overlay zone that allowed manufactured homes to be located in the city’s C-2-H zones, as well as in other zones. A TRO zone did not appear on the city’s zoning maps because it simply “overlays” the C-2-H zones. Section 10A-23-01 of the City Code described the purpose of a TRO zone as follows:

To provide for the placing of manufactured homes on a long term, but temporary, basis in areas zoned C-2-H or where is presently a dominant residential presence, but so located that in the long term, and with an adequate market, the land will be in demand and suitable for heavy commercial or light industrial use.

If medical marijuana facilities were prohibited in a TRO zone, or if there was a 200 foot buffer from a manufactured home in a C-2-H zone, it could have the effect of eliminating large areas of a C-2-H zone as a site for a medical marijuana facility if there were manufactured homes nearby.

Under the TRO zoning regulations, residents who chose to live in manufactured homes in a C-2-H zone lost many of the zoning protections normally provided to residences in other zones. They should have no expectation that they would be insulated from the kind of commercial and industrial development otherwise allowed in a C-2-H zone. Therefore, it was staff’s recommendation that the presence of one or more manufactured homes in a TRO zone should not affect the location of a medical marijuana facility that would otherwise be properly located in a C-2-H zone. Section 10-58-05 of the proposed ordinance removed the prohibition on locating a medical marijuana facility in a TRO zone that was also located in a C-2-H zone. Section 10-58-15(A)5 of the proposed ordinance specifically exempted TRO zones from the 200 foot buffer required for other residential zones.

If the Council accepted this change in the treatment of TRO zones, staff would bring the medical marijuana business license ordinance back to reconcile the language of the two ordinances through proposed amendments.

Findings of Fact:

1. The Oregon Legislature enacted House Bill 3460 in 2013 (ORS 475.314), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.
2. Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law.
3. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code.

4. Amendments to Titles 10A and 10B have been initiated by the City Council in accord with Section 10B-15, Ontario City Code.
5. The amendment action was referred to the Ontario Planning Commission for a legally advertised public hearing.
6. After reviewing the staff report and taking public testimony, the Planning Commission voted to recommend to the City Council approval of the proposed amendments with certain changes to the draft ordinance.
7. The appropriate legal notice has been provided for this hearing.

The Hearing was opened for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

Tessa Winebarger moved, seconded by Norm Crume, that the City Council adopt **Ordinance #2701-2015, AN ORDINANCE AMENDING THE CITY ZONING AND DEVELOPMENT CODE, TITLE 10 ONTARIO MUNICIPAL CODE TO ESTABLISH STANDARDS AND LOCATION FOR MEDICAL MARIJUANA FACILITIES**, on First Reading by Title Only. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

COMMENTS

Councilor Fugate mentioned that the Feral Cat Program was looking for a building to relocate to, and had asked Ms. Barnett to look into options for an office at the golf course.

ADJOURN

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

APPROVED:

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT – OLD BUSINESS

May 18, 2015

TO: Mayor and City Council

FROM: Pete Friedman, Interim Planning Administrator
Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: ORDINANCE # 2701-2015: AN ORDINANCE AMENDING TITLE 10A (“THE ZONING TITLE”) OF THE ONTARIO CITY CODE TO PERMIT MEDICAL MARIJUANA FACILITIES AS A CONDITIONAL USE IN THE C-2-H ZONE AND TO PROHIBIT THEM IN ALL OTHER ZONES-FINAL READING

DATE: May 12, 2015

SUMMARY:

Attached is the following document:

- Ordinance #2701-2015

Proposed Ordinance #2701-2015 will Amend Title 10A adding a new chapter 10A-58 entitled “Medical Marijuana Facilities” and providing general and specific conditions for the establishment of these uses; Amend Chapter 10A-03 to adding a new section 10A-03-134.5 to provide a definition for a medical marijuana facility; Amend Title 10A by prohibiting medical marijuana facilities in all zone districts unless explicitly designated as a conditional use in specific zone districts; and Amend Chapters 10A-31 to designate medical marijuana facilities as a conditional use in the C-2H (Heavy General Commercial) zone district.

There have been no changes to the ordinance since first reading.

PREVIOUS COUNCIL ACTION:

05-04-2015 Council passed Ordinance #2701-2015 on First Reading.

STAFF RECOMMENDATION:

Staff recommends the Council adopt Ordinance #2701-2015.

PROPOSED MOTION:

I move the Council adopt Ordinance #2701-2015, **AN ORDINANCE AMENDING TITLE 10A (“THE ZONING TITLE”) OF THE ONTARIO CITY CODE TO PERMIT MEDICAL MARIJUANA FACILITIES AS A CONDITIONAL USE IN THE C-2-H ZONE AND TO PROHIBIT THEM IN ALL OTHER ZONES** on Second and Final Reading by Title Only.

ORDINANCE NO. 2701-2015

**AN ORDINANCE AMENDING TITLE 10A (“THE ZONING TITLE”) OF
THE ONTARIO CITY CODE TO PERMIT MEDICAL MARIJUANA FACILITIES
AS A CONDITIONAL USE IN THE C-2-H ZONE
AND TO PROHIBIT THEM IN ALL OTHER ZONES**

- WHEREAS,** Enrolled Oregon Senate Bill 1531 (2013) authorizes Oregon cities to impose reasonable restrictions on the operation and location of medical marijuana facilities, sometimes known as dispensaries; and
- WHEREAS,** Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law; and
- WHEREAS,** Although the State of Oregon has passed legislation authorizing medical marijuana facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law; and
- WHEREAS,** The City Council has home rule authority to decide where, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute; and
- WHEREAS,** The City’s zoning regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, regional, state or federal law; and
- WHEREAS,** The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code; and
- WHEREAS,** Amendments to Title 10A have been initiated by the City Council in accord with Section 10B-15, Ontario City Code; and
- WHEREAS,** Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council; and
- WHEREAS,** A public hearing was held before the Planning Commission on April 13, 2015, and before the City Council on May 4, 2015; and
- WHEREAS,** The appropriate legal notices were provided to the Oregon Department of Land Conservation and Development and to the public in accordance with Oregon law and the Ontario City Code prior to the public hearings; and

WHEREAS, Having duly considered the information provided at the public hearings and the recommendations of the Planning Commission, the City Council finds that it is in the public interest to enact reasonable restrictions on the time, place and manner of operation of medical marijuana facilities through amendments and additions to Title 10A (“the Zoning Title”) of the Ontario City Code; and

WHEREAS, Notwithstanding the passage of this ordinance with an effective date 30 days after passage, the City Council intends that Ordinance 2699-2015, which became effective on May 1, 2015, and which extends the City’s moratorium on medical marijuana facilities until August 1, 2015, effectively prohibits medical marijuana facilities from commencing business operations until the expiration of that moratorium and any future extensions of the moratorium by the City Council.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. Ontario City Code Section 10A-03-134.5 is hereby added to Chapter 10A-03 (“Definitions”) of Title 10A of the Ontario City Code:

10A-03-134.5 MEDICAL MARIJUANA FACILITY

A facility designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346. The facility includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Section 2. The following Chapter 10A-58 is hereby added Title 10A of the Ontario City Code and is entitled “Medical Marijuana Facilities”:

CHAPTER 10A-58 MEDICAL MARIJUANA FACILITIES

10A-58-05 MEDICAL MARIJUANA FACILITY AS PROHIBITED USE IN CERTAIN ZONES

Except in the C-2-H zone, in which it is specifically designated as a conditional use by Section 10A-58-10, a medical marijuana facility defined in Section 10A-03-134.5 is a prohibited use in all other zones, including but not limited to the following zones in Title 10A, but not including TRO zones in Chapter 23 that are located in C-2-H zones:

- Chapter 11 (RS-50);
- Chapter 13 (RD-40);
- Chapter 17 (RM-10);
- Chapter 19 (R-MH);
- Chapter 27 (C-1);
- Chapter 29 (C-2);
- Chapter 33 (C-3);
- Chapter 37 (IBP);
- Chapter 39 (I-1);
- Chapter 41 (I-2);
- Chapter 45 (AD);
- Chapter 49 (PD); and
- All urban growth area zones, including the following zones in Chapter 52: UGA I-1, UGA I-2, UGA E-2, UGA E-5, UGA-C and UGA-R.

10A-58-10 MEDICAL MARIJUANA FACILITY AS CONDITIONAL USE IN C-2-H ZONE

Unless lawfully prohibited by Section 3-20-2 and any amendments thereto imposing a moratorium on medical marijuana facilities within the jurisdiction of the City of Ontario, a medical marijuana facility is a conditional use in the C-2-H zone, as provided in Chapter 31 of Title 10A.

10A-58-15 MEDICAL MARIJUANA FACILITY GENERAL AND SPECIAL CONDITIONS

A medical marijuana facility located in a C-2-H zone is subject to Chapter 10B-25 (“Conditional Use Permits”) of Title 10B, and to the conditions generally imposed upon conditional uses in the C-2-H zone. The following special conditions shall also apply to a medical marijuana facility:

(A) Location Restrictions. A medical marijuana facility is prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school attended primarily by minors;
2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors, such as a Head Start school or a Boys and Girls Club, but not including child care facilities that are neither registered or certified by the State;
3. within 1,000 feet of a public park, public playground, public recreation center or public facility;
4. within 1,000 feet of another medical marijuana facility;
5. within 200 feet of residential zones, including those designated in Chapter 11 (RS-50), Chapter 13 (RD-40), Chapter 17 (RM-10), Chapter 19 (R-MH), and Chapter 52 (UGA-R) of Title 10A, but not including TRO zones in Chapter 23 that are located in C-2-H zones;
6. within 1,000 feet of a certified or registered child care facility licensed by the State of Oregon;
7. on the same tax lot as a smoking club or marijuana grow site; or
8. any combination of the above.

(B) Other Restrictions. A medical marijuana facility is subject to the following additional restrictions:

1. A facility shall be designed so that all transactions occur within the interior of the facility, out of the view of the public. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. Walk-through windows, drive-through windows or other outside delivery systems are prohibited.
2. The facility must use an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

3. The facility shall be located in a permanent building, not in a trailer, cargo container or motor vehicle.
4. The exterior of the facility shall have an exterior consistent with other buildings on abutting lots in the neighborhood so as not to cause blight.
5. A facility must install and maintain all security devices required by the Oregon Health Authority.
6. Prior to commencing business operations, a facility must have a current medical marijuana business license issued by the City of Ontario under Chapter 22 of Title 3 of the Ontario City Code.

Section 3. Section 10A-31-10 is hereby amended by adding that portion that is underlined and by deleting that portion that is stricken:

10A-31-10 - CONDITIONAL USES.

The following uses and structures common to all zones as listed in Chapter 10A-53 are allowed in the C-2-H Zone.

1. Utility facilities, other than distribution lines, necessary for the functioning of that utility;
2. Medical marijuana facility as provided in Chapter 10A-58.

Section 4. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 5. This ordinance shall become effective 30 days after passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2015, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: INTERGOVERNMENTAL AGREEMENT AMENDMENT: 911 SERVICES FOR THE CITY OF ONTARIO FOR FISCAL YEAR 2015-16

DATE: May 7, 2015

SUMMARY:

Attached is the following document:

- Copy of the proposed amendment and budget for 911 services

An amendment for 2015-2016 IGA has been prepared for 911 services between the City of Ontario and Malheur County.

PREVIOUS COUNCIL ACTION:

July 1, 2014: The City of Ontario entered into an Intergovernmental Agreement with Malheur County for 911 services.

BACKGROUND:

The City of Ontario consolidated 911 services with Malheur County in July of 2014. An Intergovernmental Agreement between the City of Ontario and Malheur County was signed. Part of that agreement identifies the cost for services and a formula for how that cost is determined.

During recent User Board meetings, a new formula was developed that reduces the cost to the city. For Fiscal Year 2015-16, the cost for 911 services has been reduced to \$203,415 from \$237,090, a decrease of \$33,670. An amendment to the IGA has been prepared and requires the signature of the Mayor in order to be executed.

RECOMMENDATION:

Staff recommends that the Council authorize the Mayor to sign the amendment to the Intergovernmental Agreement.

PROPOSED MOTION:

I move that the City Council authorize the Mayor to sign the amendment to the Intergovernmental Agreement for 911 services between the City of Ontario and Malheur County for FY 2015-2016.

**First Amendment to Intergovernmental Agreement For 9-1-1 and Dispatch Services Between
Malheur County and the City of Ontario, which was recorded with the Malheur County Clerk on
June 30, 2014 as Instrument Number 2014-2161**

This First Amendment to Intergovernmental Agreement is entered into by and between the COUNTY OF MALHEUR, a municipal corporation organized under the laws of the State of Oregon, by and through the Malheur County Sheriff's Office (hereinafter "COUNTY"), and the CITY OF ONTARIO, a municipal corporation organized under the laws of the State of Oregon (hereinafter "CITY"). Collectively, COUNTY and CITY are the "parties".

RECITALS:

The parties entered into an Intergovernmental Agreement For 9-1-1 and Dispatch Services, which was recorded with the Malheur County Clerk on June 30, 2014 as instrument number 2014-2161 (hereinafter "Agreement").

The parties wish to amend the Agreement in order set out a comprehensive formula/calculation for the payment of 9-1-1 and dispatch services by City to County.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

Commencing July 1, 2015 paragraph 4 of the Agreement shall be amended in its entirety to read:

4. City shall pay to County a fee for its services in the sum of \$203,415 payable as mutually agreed upon by the parties for the 2015-2016 fiscal year. The above fee and all future fees for County's services provided herein will be calculated as follows:
 - i. The total cost of the Malheur County Sheriff's communication operations (expenditures, capital outlay, material and services and personnel) will be divided by the by the entire county population served, thereby creating a per capita call fee. Annual population figures published by Portland State University will be used. $\$766,778 / 31,470 = \24.37 per capita call fee.
 - ii. The per capita call fee will be multiplied by the City's population to establish a base-line fee. $\$24.37 \times 11,465 = \$279,420$ (base-line fee).
 - iii. The 9-1-1 tax funds received by County from the Oregon Office of Emergency Management (OEM) for City will be deducted from City's base line fee. These funds are received by County quarterly and based on a per capita amount. Based on payments received for the last four quarters the 9-1-1 tax funds attributed to Ontario for the 2015-2016 fiscal year is \$53.695. This amount will vary from year to year. $\$297,402 - \$53.695 = \$225,707$ sub-total base line fee.

Page - 1 Amended Agreement For 9-1-1 and Dispatch Services to City of Ontario

- iv. The base-line fee for City shall be divided by all calls for service (fire, police and ambulance) within the City limits from the previous calendar year, thereby creating a per call fee within the City limits. $\$279,420 / 18,256 = \15.30 per call fee within the City limits.
- v. This per call fee within the City limits applies to Treasure Valley Paramedics (TVP). The per call fee paid by TVP is subtracted from City's sub-total base line fee. Therefore, the fee paid by the City to County shall not include ambulance dispatch services. $\$15.30 \times 1457 = \$22,292$ payable to County by TVP. $\$225,707 - \$22,292 = \$203,415$.

Exhibit A attached hereto and incorporated herein by reference further illustrates the 2015-2016 calculations and figures referenced above.

b. County shall furnish to the City the estimated annual fee by April 1 of each year. If at any time it appears to the County that the fee for the coming year may increase because of increased operational expenses or other reasons, the County shall notify the City and explain the basis for the anticipated increase. At either party's request, County and City shall negotiate in good faith to reasonably address issues related to anticipated fee increases. City acknowledges that anticipated fee increases with the communication operations will include actual increases in County costs due to salaries, benefits, materials, capital outlay and personal services.

All other terms of the Agreement remain in full force and effect and are not changed by this amendment.

DATED this ___ day of April 2015.

COUNTY OF MALHEUR

Dan Joyce
County Judge

Larry Wilson
County Commissioner

Don Hodge
County Commissioner

Brian Wolfe
County Sheriff

CITY OF ONTARIO

Ron Verini
Mayor

ATTEST:

Tori Barnett

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FUND 101 GENERAL FUND Malheur County 9-1-1 FY 2015/2016 Budget

ACCOUNT	DESCRIPTION	PROPOSED	9-1-1 FUND	SUB TOTAL	TVP COST	CONTRACT TOTAL
3 40.6260	ONTARIO CONTRACT	279,402	53,695	225,707	22,292	203,415
3 40.4220	VALE CONTRACT	45,694	8,794	36,900		36,900
3 40.4230	NYSSA CONTRACT	80,055	15,407	64,648	6,871	57,777
3 40.4250	TVP CONTRACT					29,163
3 90.9106	MALHEUR 9-1-1 FUND ESTIMATE	230,344				230,344
	Total Revenue & Estimated 9-1-1 Dist					557,599

MALHEUR S.O. TOTAL	361,773
MALHEUR 911 TAX FUND ESTIMATE	230,344
MALHEUR ESTIMATED TOTAL	131,429

5.10.1101	E.M LT 0.2 FTE	12,624
5.10.1102	SERGEANT 1.0 FTE	49,446
5010.131	DISPATCH 8.0 FTE	355,032
5-10-1500	VACTION BUY BACK	8,889
5010.151	OVERTIME	52,200
5.10.2910	PAYROLL COST	239,187

TOTAL PERSONAL SERVICES 717,378

5.20.4310	MAINT EXPENSES	22,500
5.20.5300	TELEPHONE	8,100
5.20.5820	TRAINING	5,300
5.20.6110	OFFICE SUPPLIES	7,500
5.20.7000	SMALL EQUIPMENT	

TOTAL MATERIALS & SERVICES 43,400
 CAPITAL OUTLAY 6,000
 TOTAL PERSONAL SERVICES 717,378

TOTAL DEPT 207 EXPENDITURE
 TOTAL PROJECTED REVENUE 557,599

31470	MALHEUR COUNTY TOTAL POPULATION
180	ADRIAN
175	JORDAN VALLEY
3285	NYSSA
11465	ONTARIO
1,875	VALE
909,264	TOTAL DEPT EXPENSE DIVIDE BY TOTAL POP
24.37	COST PER CAPITA
4765	NYSSA CALLS FOR SERVICE TOTAL
16.80	NYSSA COST PER CALL
18,256	ONTARIO CALLS FOR SERVICE TOTAL
15.30	ONTARIO COST PER CALL
409	NYSSA TVP CALLS FOR SERVICE
1457	ONTARIO TVP CALLS FOR SERVICE

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief
Al Higinbotham, Fire Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION NO. 2015-117: RECEIVE/EXPEND GRANT FUNDS

DATE: May 4, 2015

SUMMARY:

Attached is the following document:

- Resolution 2015-117

The Police Department has received two unexpected grant projects and would like to utilize associated grant funds to complete the projects. A budget change will be required to do so.

The Fire Department received unexpected revenue from the Ambulance Service District to purchase an Aztek rappelling system.

BACKGROUND:

The Police Department has received two grants. The first is a Justice Assistance Grant (JAG) under the Wrongful Conviction Project. Police agencies receive funding to establish or enhance their video surveillance equipment when used to record interviews of suspects, witnesses and victims of crime. The Police Department was awarded \$1,100 to purchase a digital video recorder that is in need of replacement. There is no match required for this grant.

The second is a Law Enforcement Body Camera grant through City Insurance Services. This grant pays 50% of purchases for body cameras up to \$1,000. The Police Department has utilized body cameras for several years and recently has been replacing cameras due to age. The Police Department desires to utilize the entire amount in grant funding.

The Fire Department received \$4,548.24 from the Ambulance Service district to purchase a rappelling system.

In order to recognize and expend these unexpected funds, a budget change through resolution action is required.

ALTERNATIVE:

The Council could choose to decline the revenues.

FINANCIAL IMPLICATIONS:

It is proposed that the revenues and expenditures be recognized within the city's General Fund for the Police and Fire Departments.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2015-117.

PROPOSED MOTION:

I move the City Council adopt Resolution 2015-117, A RESOLUTION ACKNOWLEDGING RECEIPT OF GRANT FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE GENERAL FUND.

RESOLUTION # 2015-117

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE
GENERAL FUND POLICE DEPARTMENT TO RECOGNIZE RECEIVED
GRANT FUNDS AND AUTHORIZING EXPENDTURE OF THOSE FUNDS**

WHEREAS, The Ontario Police Department has two grant projects and the Fire Department received revenue from the Ambulance Service District; and

WHEREAS, the General Fund budget for FY 2014-2015 was adopted without the knowledge of such funds; and

WHEREAS, the Ontario Police Department has received \$2,100 in such funds and the Fire Department has received \$4,549; and

WHEREAS, the City desires to modify the 2014-2015 budget to receive and expend the funds.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2014-2015 budget:

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
REVENUE				
001-000-456150	Police Grants	\$0	\$2,100	\$2,100
001-000-469102	ASD Reimbursement	\$0	\$4,549	\$4,549
EXPENDITURE				
001-024-614750	Crime Photo	\$750	\$2,100	\$2,850
001-016-613600	Fire Equip/Replacement	\$15,000	\$4,549	\$19,549

Effective Date: Upon adoption.

Passed and adopted by the Ontario City Council this ____ day of _____, 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this ____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: **RESOLUTION 2015-118: ESTABLISH PUBLIC SAFETY FUND USAGE GUIDELINES**

DATE: May 11, 2015

SUMMARY:

The Council desires to establish guidelines and set parameters for the use of funds within the Public Safety Fund, as well as the format for requesting expenditures from said Fund.

PREVIOUS COUNCIL ACTION:

- 10-2013 Council approved allocating 26.5% of Motel Occupancy Tax to establish and provide revenue to a Public Safety Fund.
- 05-04-2014 Council reviewed the report presented by staff with suggested parameters for the fund, and tabled the action until the next meeting.

BACKGROUND:

The Public Safety fund has been utilized by the Fire and Police Departments for expenditures since the inception of the fund. There are currently no guidelines to support or decline proposed expenditures. Council desires to establish guidelines for use of the funds. Any changes to the criteria will be done through a resolution.

It is proposed that the fund be utilized through requests submitted by Department Heads.

The proposed criteria below must meet any requests for use of Public Safety Funds. They include:

1. Was the request included in any previous budget proposals and if so, why is the request not in the current budget.
2. Are there any other funding sources available?
3. Are there any opportunities for coordination with another department or agency for the purchase?
4. Describe the priority for the purchase. What impact will it be on the safety of the community?
5. What is the magnitude for the project? Meaning, who will receive benefit from the project.
6. Develop a form to be completed so there is written record of the request.
7. The Finance Department will track the usage of the funds, and will transfer the funds approved to the appropriate department to ensure accurate and accountable records.

FINANCIAL IMPLICATIONS:

Currently, the Public Safety Fund has a balance of approximately \$130,000. The Fund receives monthly revenue of approximately \$14,000, based upon 26.5% of the Motel Occupancy Tax.

ALTERNATIVE:

The Council can elect to not create criteria or establish parameters for requesting funds from the Public Safety Fund, and continue to have staff make requests on a case by case basis.

RECOMMENDATION:

Staff recommends that the Council adopt Resolution #2015-118.

PROPOSED MOTION:

I move that the City Council adopt Resolution #2015-118, a RESOLUTION ACCEPTING THE PROPOSED CRITERIA AND PARAMETERS FOR THE USE OF FUNDS FROM THE PUBLIC SAFETY FUND.

RESOLUTION # 2015-118

**A RESOLUTION ESTABLISHING GUIDELINES AND PARAMETERS
FOR USE OF THE PUBLIC SAFETY FUND**

WHEREAS, the Ontario City Council designated that 26.5% of the Transient Occupancy Tax be dedicated to a Public Safety Fund;

WHEREAS, the Council has established guidelines and parameters to be utilized when requesting funds from the Public Safety Fund.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council for the City of Ontario that the below guidelines be utilized when requesting and/or authorizing funding from the Public Safety Fund:

1. Verify if the request was included in any previous budget proposals and if yes, why is the request not in the current budget.
2. Verify if any other funding sources are available.
3. Verify if there are any opportunities for coordination with another department or agency for the purchase.
4. Describe the priority of the purchase.
5. Describe the impact on the safety of the community.
6. Describe the magnitude for the project, such as who will receive benefit from the project.
7. Complete a request form to be submitted for a written record of the request.
8. Verify the Finance Department will track the usage of the funds, and transfers the funds approved to the appropriate department to ensure accountable records.

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of May, 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of May, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT
May 18, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Ontario Public Works Director
Betsy Roberts, Ontario City Engineer
Dan Shepard, Engineering Technician III

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION 2015-119: A RESOLUTION ESTABLISHING A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS

DATE: May 11, 2015

SUMMARY:

Attached are the following documents:

- Resolution #2015-119
- Attachment “1” – Director’s Report

Jeff Petry owns Anchor Mini Storage, a storage rental business located on the south side of SE 5th Avenue. He developed Anchor Mini Storage in 2011 and installed public utilities which service both his property and four adjacent properties. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and has requested that a Reimbursement District be formed. The Director’s Report had been adopted and the informational public hearing has taken place. The Director’s Report had some incorrect numbers changed that had no effect on the reports linear foot assessments or the charges attributed to the properties in the district.

PREVIOUS COUNCIL ACTION:

03-16-2015 Council adopted Resolution #2015-111 adopting the Public Works Director’s Report.
05-04-2015 Council conducted an Informational Public Hearing, pursuant to Code.

BACKGROUND:

In 2011, Jeff Petry, developer and Anchor Mini Storage owner, approached the City of Ontario regarding building a storage rental business located on the south side of SE 5th Avenue. As there was no sanitary sewer or storm sewer along this portion of SE 5th Avenue, he was required to bring the utilities to the edge of his property and form a Reimbursement District to seek reimbursement from the benefitting properties.

FINANCIAL IMPLICATIONS:

Mr. Petry's cost of improvements totaled \$75,779.00. According to Ontario Municipal Code, there is no reimbursement for design engineering, financing costs, permits or fees, land or easements dedicated by the developer. The cost proposed to reimburse is \$44,712.01, which is the balance of \$75,779.00 minus the improvements along Mr. Petry's property and a portion of the total construction engineering costs. The \$44,712.01 is paid by the other affected property owners.

STAFF RECOMMENDATION:

Staff recommends the Council pass Resolution #2015-119.

PROPOSED MOTION:

I move that the City Council adopt **Resolution 2015-119, A RESOLUTION ESTABLISHING A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS, AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS.**

RESOLUTION 2015-119

**A RESOLUTION ESTABLISHING A REIMBURSEMENT DISTRICT
IN FAVOR OF JEFF PETRY FOR INSTALLATION OF
SANITARY SEWER AND STORM SEWER IMPROVEMENTS
AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS**

- WHEREAS,** Jeff Petry (Developer) has extended the sanitary sewer main and storm sewer main line along SE 5th Avenue from SE 10th Street to the western edge of his property at Anchor Mini Storage 18s 47e 10AC TL 200; and
- WHEREAS,** Said sanitary sewer and storm sewer extension is available to serve adjoining property owners who did not participate in the cost of construction of the extensions; and
- WHEREAS,** Developer has applied for an Reimbursement District to be formed in order that Developer may recoup some of the expense of the main line extensions and payment of said reimbursement fees, as designated for each property within the Reimbursement District, is a precondition of receiving any City permits applicable to development of that parcel ; and
- WHEREAS,** After consideration of the benefit to the proposed properties to be included within the Reimbursement District, the Council has determined that the most appropriate method for cost recoupment is based on linear front footage along SE 5th Avenue.

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

- 1) A Reimbursement District (RD) is hereby created under the terms of Ontario Municipal Code Title 8, Chapter 15 and the contract incorporated herein as "Attachment 1."
- 2) Attached Exhibits are as follows:
 - a) Said Reimbursement District consists of property owned by the developer, legally described in "Exhibit A" and hereinafter referred to as "Development Properties";
 - b) Said public improvements are pictured in "Exhibit B" and consist of sanitary sewer and storm sewer mainline in SE 5th Avenue extending from the intersection of SE 5th Avenue and SE 10th Street to the westernmost edge of Developer's property.
 - c) Property benefitted by public improvements constructed by the developer, legally described in "Exhibit C" and hereinafter referred to as "Adjoining Properties";
 - d) The Amended Director's Report, "Exhibit D", sets forth a summary of the proposed reimbursement district, in addition to the following:
 - i) A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement;

- ii) A map showing the boundaries of the proposed district, tax account number of each property, its size and boundaries, properties to be included in the proposed reimbursement district, zone for the properties, the linear front footage and square footage of said properties, the property owned by the developer and the names and mailing addresses of owners of other properties to be included in the proposed reimbursement district; and
 - iii) The actual cost of the public improvement.
- 3) The costs shall be allocated on the basis of front footage for intervening properties along the sanitary sewer and storm sewer extension and connecting to the sanitary sewer and storm sewer extension described above.
- 4) The interest rate to be applied to the reimbursement fee is 0%.
- 5) Within thirty (30) days of receipt of each assessment amount, the city will reimburse to the Developer an amount equal to the assessment received.
- 6) The Mayor and City Recorder are authorized to enter into the Reimbursement District Agreement attached hereto.

EFFECTIVE DATE: Immediately upon passage.

Passed and adopted by the Ontario City Council this ____ day of _____, 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this ____ day of _____, 2015.

ATTESTED:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

SE 5th Ave Reimbursement District 2015-1

Exhibit B

H2MK, LLC
18S47E10
1310
Ref#15840

1.97 acres
85,813.2 sq ft

26.21 If Storm Sewer
26.21 If Sanitary Sewer

H2MK, LLC
18S47E10
1305
Ref# 15771

6.05 acres
263,538 sq ft

321 If Storm Sewer
337 If Sanitary Sewer

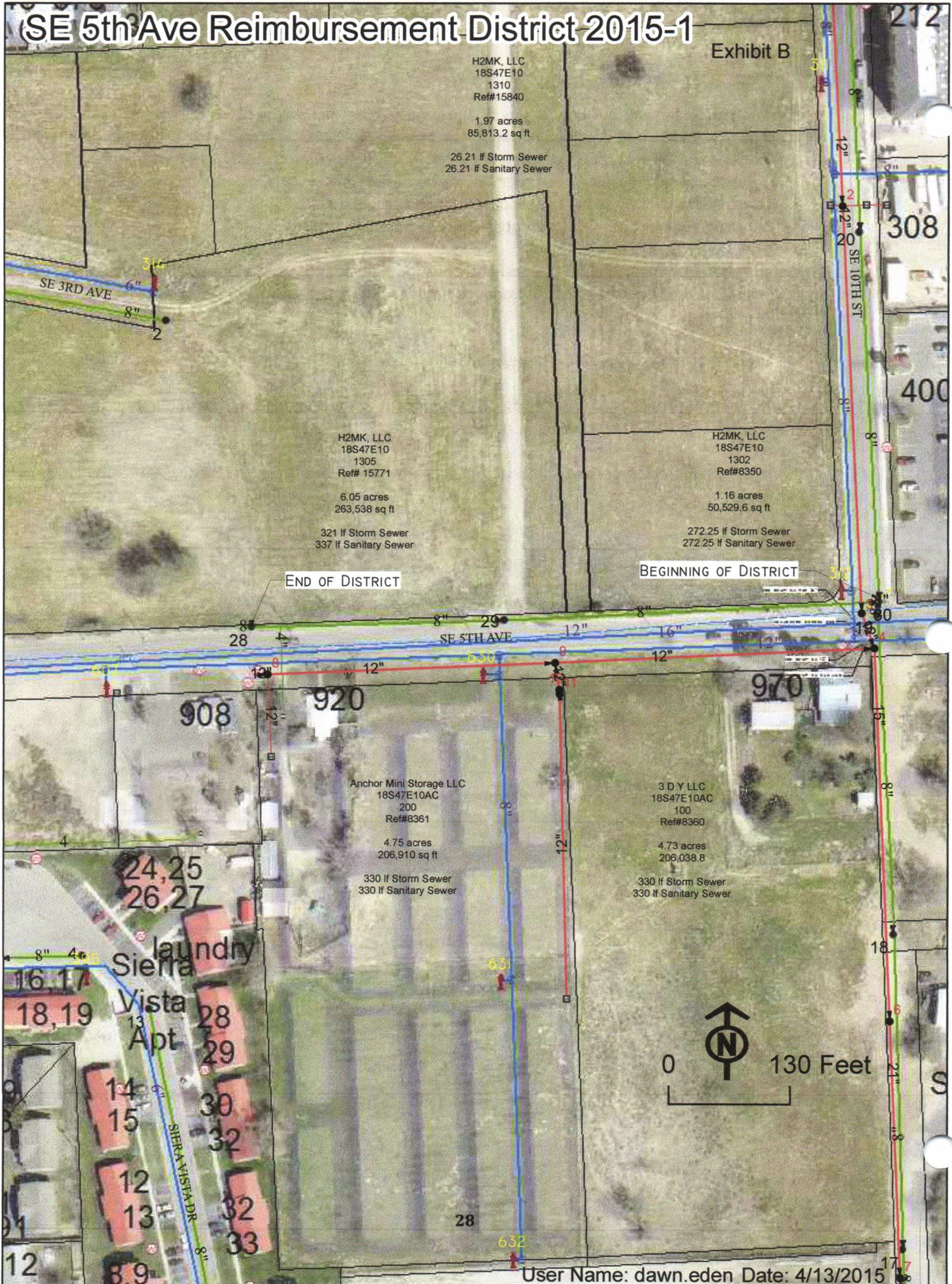
H2MK, LLC
18S47E10
1302
Ref#8350

1.16 acres
50,529.6 sq ft

272.25 If Storm Sewer
272.25 If Sanitary Sewer

END OF DISTRICT

BEGINNING OF DISTRICT



Director's Report
For the Jeff Petry/Anchor Mini Storage
SE 5th Avenue Reimbursement District
City of Ontario, Oregon
March 16, 2015
Amended on May 5, 2015

The Ontario Municipal Code 8-15-3 requires the development of a Director's Report once a written application is filed with the Public Works Director to request that the City establish a Reimbursement District. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the Developer, so that the public will benefit by making the public improvements. Ordinance 2572-2005 establishing provisions for creation and administration of reimbursement districts was passed on October 17, 2005. The content of the Director's report is as follows:

1. Director's Report Summary
2. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.
3. A map showing the boundaries of the proposed Reimbursement District, the tax account number of each property, its size and boundaries.
4. A map showing the properties to be included in the proposed Reimbursement District, the zone for the properties, the linear front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost of the public improvement, the property owned by the developer and the names and mailing addresses of owners of other properties to be included in the proposed Reimbursement District.
5. The actual or estimated cost of the public improvement.

Director's Report Summary:

Project Scope

The Reimbursement District consists of the construction of sanitary sewer and storm mainlines along SE 5th Avenue from the intersection of SE 10th Street to the western edge of Developer's property as described in Exhibit A. Developer, at his own expense in connection with the development of Developer's property, has constructed an 8 inch sanitary sewer mainline and a 12 inch storm sewer mainline extension, benefitting surrounding property owners who did not participate in the cost of the extensions. Upon completion of the 8 inch sanitary sewer and 12 inch storm sewer extensions, Developer dedicated said facility to the City of Ontario for public use, but has applied for a reimbursement district for the purpose of reimbursement of a proportionate amount of the cost of construction from other customers who may later connect to and utilize said sanitary sewer and storm sewer main lines. City Council has passed Ordinance No. 2572-2005, forming a Reimbursement District and is willing to administer a Reimbursement Agreement wherein property owners who at a later date connect to the above described sanitary sewer and storm mainlines Developer constructed will pay a proportionate share of the construction.

Financing

The Developer has financed all of the cost of the Public Improvements, thereby making sanitary sewer and storm sewer service available to the affected properties, other than that owned by the Developer.

Proposed Reimbursement District Boundary and Size

The proposed Reimbursement District boundary consists of four tax lots along SE 5th Avenue.

Map and Tax Lot	Name	Linear Feet 12" Storm Sewer	Linear Feet 8" Sanitary Sewer	Zoning
18s 47e 10 TL 1305	H2MK, LLC	321 lf	337 lf	Commercial UGA
18s 47e 10 TL 1310	H2MK, LLC	26.21 lf	26.21 lf	Commercial UGA
18s 47e 10 TL 1302	H2MK, LLC	272.25 lf	272.25 lf	Commercial UGA
18s 47e 10AC TL 100	3 D Y, LLC	330 lf	330 lf	Commercial UGA
Developer				
18s 47e 10AC TL 200	Anchor Mini	330 lf	330 lf	Gen. Heavy Com.
TOTALS		1,279.46 lf	1,295.46 lf	

Actual Cost of the Public Improvements

The table below shows the actual cost of the Public Improvements serving the area of the proposed Reimbursement District and the portion of the cost for which the Developer should be reimbursed for each Public Improvement.

8" Sanitary Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Sanitary Sewer per LF
\$30,736.50	\$2,305.24	\$75.00	\$33,116.74	1,295.46 lf	\$25.56

12" Storm Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Storm Sewer per LF
\$25,042.50	\$1,878.19	\$75.00	\$26,995.69	1,279.46 lf	\$21.10

Map and Tax Lot	Name	Sanitary Sewer per LF	LF Property Frontage	Total Sanitary Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$25.56	337.00 lf	\$8,614.96
18s 47e 10 TL 1310	H2MK, LLC	\$25.56	26.21 lf	\$669.93
18s 47e 10 TL 1302	H2MK, LLC	\$25.56	272.25 lf	\$6,958.71
18s 47e 10AC TL 100	3 D Y, LLC	\$25.56	330.00 lf	\$8,434.80
			TOTAL	\$24,678.40

Map and Tax Lot	Name	Storm Sewer per LF	LF Property Frontage	Total Storm Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$21.10	321.00 lf	\$6,773.10
18s 47e 10 TL 1310	H2MK, LLC	\$21.10	26.21 lf	\$553.03
18s 47e 10 TL 1302	H2MK, LLC	\$21.10	272.25 lf	\$5,744.48
18s 47e 10AC TL 100	3 D Y, LLC	\$21.10	330.00 lf	\$6,963.00
			TOTAL	\$20,033.61

Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total Owed to Developer
\$24,678.40	\$20,033.61	\$44,712.01

Map and Tax Lot	Name	Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total per Public Improvement
18s 47e 10 TL 1305	H2MK, LLC	\$8,614.96	\$6,773.10	\$15,388.06
18s 47e 10 TL 1310	H2MK, LLC	\$669.93	\$553.03	\$1,222.96
18s 47e 10 TL 1302	H2MK, LLC	\$6,958.71	\$5,744.48	\$12,703.19
18s 47e 10AC TL 100	3 D Y, LLC	\$8,434.80	\$6,963.00	\$15,397.80
	TOTAL	\$24,678.40	\$20,033.61	\$44,712.01

Annexation

The four properties that did not participate in the construction costs are currently outside City limits. City policy has required that property be annexed into the city in order to receive sewer service. According to 8-7-4 Use of Public Sewer Restricted (M) No Sewer Connection Outside City: There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council.

Actual Costs

The Reimbursement District reimbursement amount is **\$44,712.01**. OMC 8-15-5A states a reimbursement fee shall be computed by the City for all properties within the Reimbursement District, excluding property owned by or dedicated to the City or the State of Oregon, which have the opportunity to use the Public Improvements, including the property of the Developer. The reimbursement fee shall be calculated separately for each Public Improvement. The Developer shall not be reimbursed for the portion of the reimbursement fee computed for the Developer's own property. Right of way for the other properties has been donated. The Developer donated additional required right of way at no charge to the City.

OMC 8-15-5B states the cost to be reimbursed to the Developer shall be limited to the cost of construction engineering, construction and off-site dedication and/or acquisition of right of way property. Construction engineering shall include surveying and inspection costs and shall not exceed seven and one-half percent (7.5%) of eligible Public Improvement construction costs. Costs to be reimbursed for right of way property shall be limited to the reasonable market value of land or easements purchased by the Developer from a third party in order to complete the Public Improvements.

Methods of Assessment

There are several ways to consider and determine "benefits derived" when assessing property within a reimbursement district. Common methods include cost per linear foot of property abutting the improvement, cost per square foot to a property to a depth of 150 feet (Ontario code 8-7-3 (F)) or on a share and share a-like basis if the benefit is considered approximately equal for each parcel.

In this reimbursement district, staff is recommending a cost per linear foot of property abutting the improvement.

The assessment shall be calculated as follows:

Twenty-five and fifty-six cents (\$25.56) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5th Avenue adjacent to the sanitary sewer mainline, twenty-one and ten cents (\$21.10) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5th Avenue adjacent to the storm sewer mainline. The applicant has waived any interest on the assessment, so interest will not be added to the assessment. The reimbursement fee shall be in addition to any other connection charges in effect at the time the connection is made.

City Standards

Staff has determined the Public Improvement along SE 5th Avenue has met City Standards, and it is fair and in the public interest to create a Reimbursement District.

AGENDA REPORT

May 14, 2015

TO: Mayor and City Council

FROM: Al Higinbotham, Fire Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-120: TRANSFER FUNDS TO PURCHASE REPLACEMENT FIRE DEPARTMENT BRUSH TRUCK "102"

DATE: May 11, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-120

The Ontario Fire Department needs to replace the 2000 Ford F250 Brush Truck, and proposes to do so with the purchase of a 2015 Dodge 3500 Truck. Staff received four bid quotes for the replacement. The 2014-2015 budget request for this action was not funded.

PREVIOUS COUNCIL ACTION:

04/21/15 The Council instructed staff to place the request for the vehicle in the 2015-2016 proposed fire budget for Budget Committee review.

05/06/15 The Budget Committee reviewed the request and voted to pass the action back to the Council, and for the purchase to come out of the current Public Safety Fund.

BACKGROUND:

The Department's current City Brush Truck (102) is 15 years old, and has been consistently having mechanical issues. The pump unit that is installed puts an overload on the chasses. Cost estimates have been received for a heavy duty Dodge 3500 that will carry the weight and associated equipment. The truck low bid is \$34,532.00. A new warning light bar, along with current radio and siren, will need to be installed in order to make the truck fully functional. It was not anticipated that the total expenditure would exceed \$37,000.00.

Staff requests approval to proceed with the purchase of the truck and associated radio and light systems from the Public Safety Fund.

FINANCIAL IMPLICATIONS:

The purchase of the truck, along with the warning lights and radio system, will require the transfer of \$37,000.00 from the Public Safety Fund.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2015-120

PROPOSED MOTION:

I move the City Council adopt **Resolution #2015-120, A RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 DODGE 3500 TRUCK AND LIGHT BAR, TO INCLUDE THE INSTALLATION OF THE LIGHT BAR AND RADIO EQUIPMENT, AND ALLOCATING THE PURCHASE FROM THE PUBLIC SAFETY FUND IN THE AMOUNT OF \$37,000.00.**

RESOLUTION NO. 2015-120

**A RESOLUTION TO APPROPRIATE EXPENDITURES FOR THE PURCHASE
OF A REPLACEMENT BRUSH TRUCK**

WHEREAS, the 2014-2015 Biennial Budget was adopted without the acknowledgement for funding the purchase of a replacement brush truck; **and**

WHEREAS, the Council has approved the Fire Department to purchase the replacement brush truck; **and**

WHEREAS, the city desires to modify the 2014-2015 Budget, and appropriate expenditures within the Public Safety Fund.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following adjustments to the 2014-2015 Annual Budget:

RESERVE FUND-PUBLIC SAFETY				
055-131-871000	Contingency	\$61,759	(\$37,000)	\$24,759
055-131-827000	Transfers Out	\$72,841	\$37,000	\$109,841
GENERAL FUND-FIRE				
001-016-712100	Equipment Purchase	\$0	\$37,000	\$37,000
001-000-458000	Transfer In	\$106,841	\$37,000	\$143,841

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2015.

ATTEST

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION 2015-121: A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES

DATE: May 11, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-121

The proposed resolution would modify the current list of Child Protection Zones established under Ordinance #2665-2012. Section 2 (A) of that ordinance allows additional protection zones to be added by resolution. Modifications were done by addition (*underlined*), deletion (*lined through*), or correction (*underlined*).

PREVIOUS COUNCIL ACTION:

June 4, 2012 Council passed Ordinance #2665-2012, which modified and renewed Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones.

DISCUSSION

On occasion, locations need to be amended due to inapplicability, address changes, or requests to be added. This resolution adds Eastside Kiwanis Park, Four Rivers Community School, Fruit of the Spirit Daycare, Malheur County Child Development Center, Oregon Child Development Coalition and St Peters Catholic School.

STAFF RECOMMENDATION:

Staff recommends Council approve Resolution 2015-121.

PROPOSED MOTION:

I move that the Mayor and City Council approve Resolution 2015-121, **A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES.**

RESOLUTION #2015-121

A RESOLUTION UPDATING CHILD PROTECTION ZONES WITHIN THE CITY OF ONTARIO

WHEREAS, the Ontario City Council has passed ordinances authorizing the establishment of protection zones for children and restricting the access of convicted sex offenders; and

WHEREAS, the locations in which children will be protected needs to be updated.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council for the City of Ontario:

- Any location upon the school grounds, including all playgrounds within all property boundaries of George K Aiken School, 1297 West Idaho Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all playgrounds within all property boundaries of Alameda School, 1252 Alameda Drive, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all playgrounds within property boundaries of May Roberts School, 590 NW 8th Street, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all play areas within property boundaries of Ontario Middle School, 573 SW 2nd Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all play areas within all property boundaries of Ontario High School, 1115 West Idaho Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Within the property boundaries of the City of Ontario Aquatic Center, 790 SW 3rd Avenue, Ontario, Oregon, during any open swim or scheduled swimming lesson. Additionally the Ontario Aquatic Center will be protected thirty (30) minutes prior to and thirty (30) minutes following any open swim or scheduled swimming lesson.
- Wayne King Memorial Skate Park, located between the Northwest corner of the intersection at SW 7th Street and SW 4th Avenue and the Ontario Aquatic Center.
- Lions Park, which is the green space that extends from SW 4th Avenue to SW 2nd Avenue and from SW 9th Street to SW 7th Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.
- Beck Kiwanis Park, which is the green space that extends from NW 8th Avenue, North, to Beck Kiwanis Pond, and from Beck Park Lane, East to NW 4th Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.
- Laxson Rotary Park, which is the green space between NW 3rd Avenue and NW 4th Avenue, and from NW 5th Street to NW 4th Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.

- Eastside Kiwanis Part, which is the green space between SE 5th Avenue and SE 6th Avenue, and from SE 5th Street to SE 6th Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.
- Within the Albertsons Center, 650 College Boulevard, Ontario Oregon. In addition to the Treasure Valley Community College Child Care Center, there is playground equipment located adjacent to the building. The playground equipment adjacent to the building will be protected in all directions for a distance of either three hundred (300) feet or the boundaries of the property, whichever distance is less.
- Treasure Valley Community College Sports Complex, 650 College Boulevard, Ontario Oregon. The protected area is within the property boundaries south from SW 11th Avenue, North from SW 14th Avenue, West from SW 4th Street and East from South Park Boulevard.
- Within the property boundaries of the Boys and Girls Club of Western Treasure Valley, 573 SW 2nd Avenue, Ontario Oregon.
- Within the property boundaries of the STAR Center, 398 SW 12th Street, Ontario Oregon.
- Within the property boundaries of Giggles and Grace Early Learning Center, 1260 SW 8th Avenue, Ontario Oregon.
- Within the property boundaries of the Four Rivers Community School, 2449 SW 4th Avenue, Ontario Oregon.
- Within the property boundaries of the Fruit of the Spirit Daycare, 142 SW 3rd Street, Ontario Oregon.
- Within the property boundaries of the Malheur County Child Development Center, 790 SW 7th Place, Ontario Oregon.
- Within the property boundaries of the Malheur County Child Development Center, 830 SE 5th Street, Ontario Oregon.
- Within the property boundaries of the Oregon Child Development Coalition, 482 SE 3rd Street, Ontario Oregon.
- Within the property boundaries of St Peters Catholic School, 98 SW 9th St, Ontario Oregon while school is in session from 8:00am to 4:00pm.

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of _____ 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____ 2015.

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Director of Public Works

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: **RESOLUTION #2015-122: PURCHASE OF AN UNDERGROUND IRRIGATION SYSTEM AT SUNSET CEMETERY.**

DATE: May 11, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-122

The Public Works Department would like to install an underground irrigation system at Sunset Cemetery, facilitating more efficient use of water and staff's time. Above ground hand lines currently have to be moved to irrigate.

Installation of an underground irrigation system will address efficiencies and reduce staff time required to irrigate the cemetery. This will allow staff to focus on other tasks throughout the city.

PREVIOUS COUNCIL ACTION:

05-06-15 The Budget Committee reviewed the request and voted to pass it back to the Council for the purchase to come out of the Perpetual Maintenance Trust Fund for the cemetery.

BACKGROUND:

Currently, Sunset Cemetery must be irrigated by manual means. Staff proposes the installation of an underground system at the cemetery that will allow a more efficient irrigation of the grounds without moving irrigation pipe throughout the cemetery.

Installation of an underground irrigation system should be completed as soon as possible to address the growing season and prevent impact to the city's cemetery during warm summer months.

FINANCIAL IMPLICATIONS:

The 2014-2015 budget request was not funded. The purchase of the irrigation system will require the transfer of \$25,000 from the Cemetery Fund to install the system.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2015-122.

PROPOSED MOTION:

I move the city council adopt **Resolution #2015-122, A RESOLUTION TO PURCHASE AN UNDERGROUND IRRIGATION SYSTEM AT SUNSET CEMETERY.**

RESOLUTION NO. 2015-122

**PURCHASE AN UNDERGROUND IRRIGATION SYSTEM
AT SUNSET CEMETERY**

WHEREAS, the 2014-2015 Biennial Budget was adopted without the acknowledgement of funding the purchase of an underground irrigation system at Sunset Cemetery; and

WHEREAS, the Budget Committee has approved the Public Works Department to move forward with the installation; and

WHEREAS, the City desires to modify the 2014-2015 Budget, and appropriating expenditures within the Cemetery Fund.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following adjustments to the 2014-2015 Annual Budget:

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-871000	Operating Contingency	\$969,765	(\$25,000)	\$944,765
001-011-714120	Site Improvements	\$0	\$25,000	\$25,000

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2015.

ATTEST:

Ron Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Greg Smith, Zone Manager, Malheur County Enterprise Zone

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-123: A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE

DATE: May 13, 2015

SUMMARY:

Attached are the following documents:

- Resolution #2015-123
- Exhibit A – Map (Updated Ontario Enterprise Zones)
- Letter from Malheur County Economic Development: Notice to Local Taxing District about Enterprise Zone Boundary Change

BACKGROUND:

In 2010, the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa successfully applied for an enterprise zone, which was designated as the Malheur County Enterprise Zone by the Director of the Oregon Economic and Community Development Department on July 1, 2010. The designation of an enterprise zone does not grant or imply permission to develop land within the zone without complying with all prevailing zoning, regulatory and permitting processes and restrictions of any and all local jurisdictions; nor does it indicate any public intent to modify those processes or restrictions, unless otherwise in agreement with applicable comprehensive land use plans. This Enterprise Zone and the tax exemption that it offers for new investments in plant and equipment by eligible business firms are critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses and to secure and diversify the local economic base.

Officials of the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa are requesting a change in the boundary of the Malheur County Enterprise Zone that would add the area indicated in the attached map (Exhibit A). Public notice of the change in the boundary of the enterprise zone was sent to the Argus Observer newspaper. In addition, a special notification was sent to affected taxing districts about the Malheur County Enterprise Zone expansion on May 1, 2015 – meeting the 21-day notice requirement. A public meeting will be held by the Malheur County on May 27, 2015, in conjunction with the adoption of the resolution, to hear the response of the citizenry to the proposed change in the Malheur County Enterprise Zone.

FINANCIAL IMPLICATIONS:

The change in the boundary of the Malheur County Enterprise Zone would allow the property described in Exhibit A, to be eligible for a property tax abatement. The applicant's business activity must fall under qualifying business activity outlined in Oregon's enterprise zone program.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution #2015-123.

PROPOSED MOTION:

I move the City Council adopt Resolution #2015-123, A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE.

RESOLUTION #2015-123

**A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY
OF THE MALHEUR COUNTY ENTERPRISE ZONE**

- WHEREAS,** in 2010, the Malheur County, the City of Ontario, the City of Vale, and the City of Nyssa successfully applied for an enterprise zone, which was designated as the Malheur County Enterprise Zone by the Director of the Oregon Economic and Community Development Department on July 1, 2010; and
- WHEREAS,** the designation of an enterprise zone does not grant or imply permission to develop land within the zone without complying with all prevailing zoning, regulatory and permitting processes and restrictions of any and all local jurisdictions; nor does it indicate any public intent to modify those processes or restrictions, unless otherwise in agreement with applicable comprehensive land use plans; and
- WHEREAS,** this Enterprise Zone and the tax exemption that it offers for new investments in plant and equipment by eligible business firms are critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses and to secure and diversify the local economic base; and
- WHEREAS,** officials of the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa are requesting a change in the boundary of the Malheur County Enterprise Zone that would add the area indicated in the attached maps as Exhibit A; and
- WHEREAS,** public notice of the change in the boundary of the enterprise zone was sent to the Argus Observer newspaper for publishing and a public meeting will be held by Malheur County Court on May 27, 2015 at 9:00 am, in conjunction with the adoption of this resolution, to hear the response of the citizenry to the proposed change in the Malheur County Enterprise Zone requested herein;
- WHEREAS,** special notification was sent to affected taxing districts about the Malheur County Enterprise Zone expansion on May 1, 2015, at least 21 days prior to the Malheur County Court hearings; and
- WHEREAS,** the change in the boundary of the Malheur County Enterprise Zone would allow property mapped and described in Exhibits A, to be eligible for certain tax benefits, which may be necessary to attract large businesses to the local area.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following:

1. The Ontario City Council requests a change in the boundary of the Malheur County Enterprise Zone by adding to its boundaries the property shown in the attached map and legal description.
2. Greg Smith, Local Zone Manager, is hereby authorized to prepare and submit technical memoranda to the Oregon Business Development Department (Business Oregon), along with this resolution and other necessary documents, verifying that the requested boundary change to the Malheur County Enterprise Zone complies with the requirements of ORS 285C.115, so that request herein may be approved by order of the Oregon Business Development Department's director.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the city Council of the City of Ontario this ____ day of May, 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this _____ day of May, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

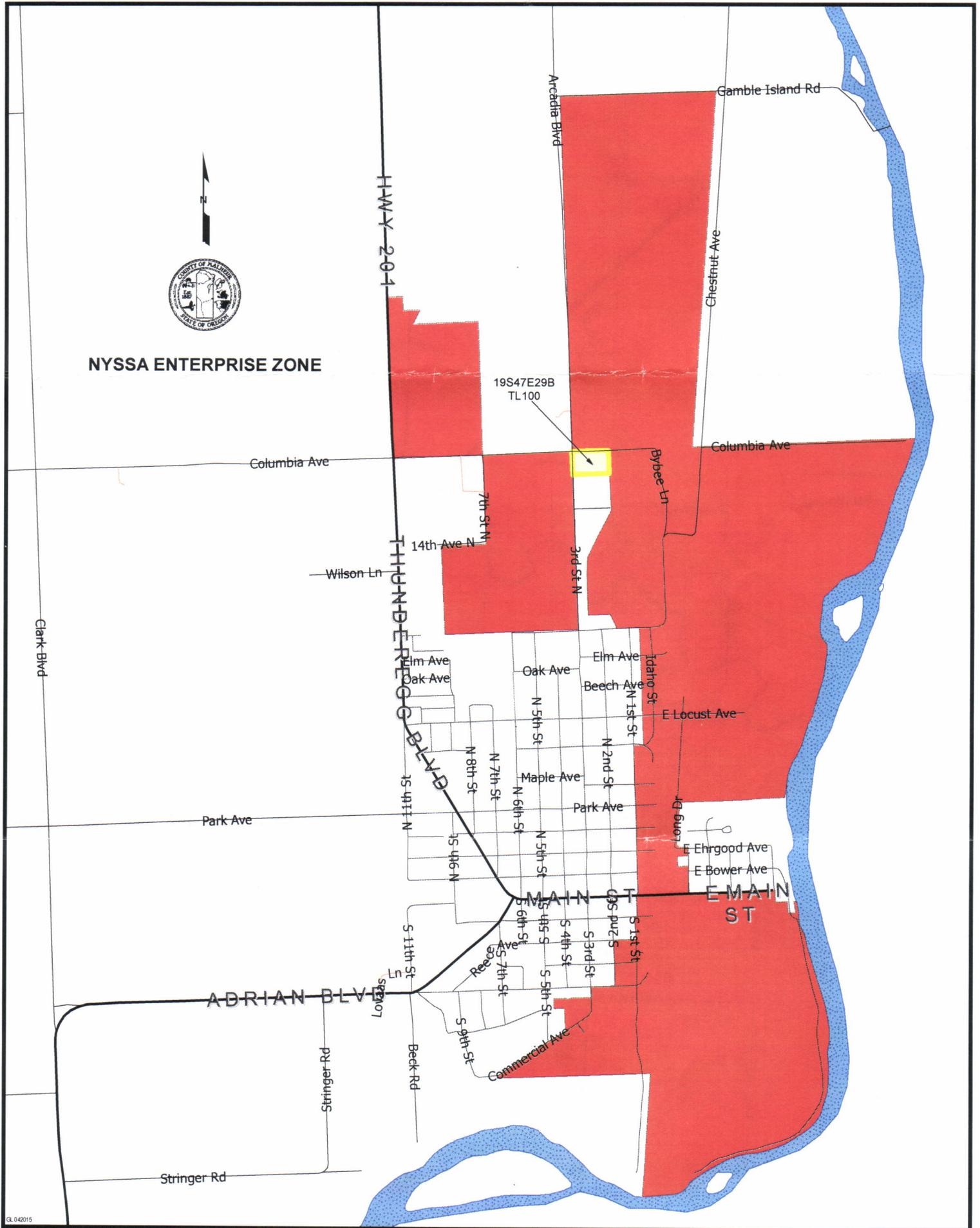


Malheur County Economic Development

Exhibit A Maps

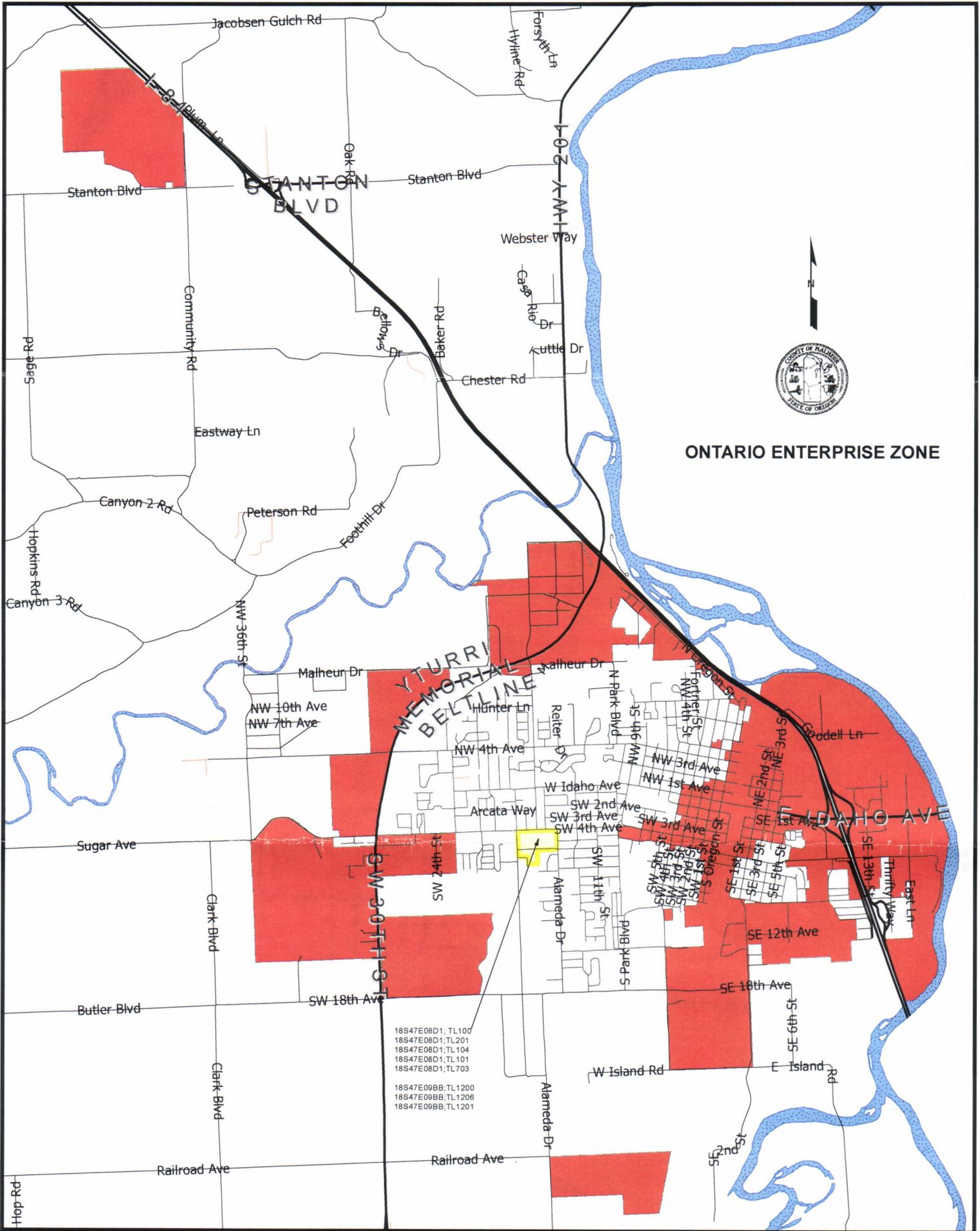


NYSSA ENTERPRISE ZONE



Legend

- Existing Enterprise Zone = 1.72 sq.mi.
- New Addition = .007 sq. mi.



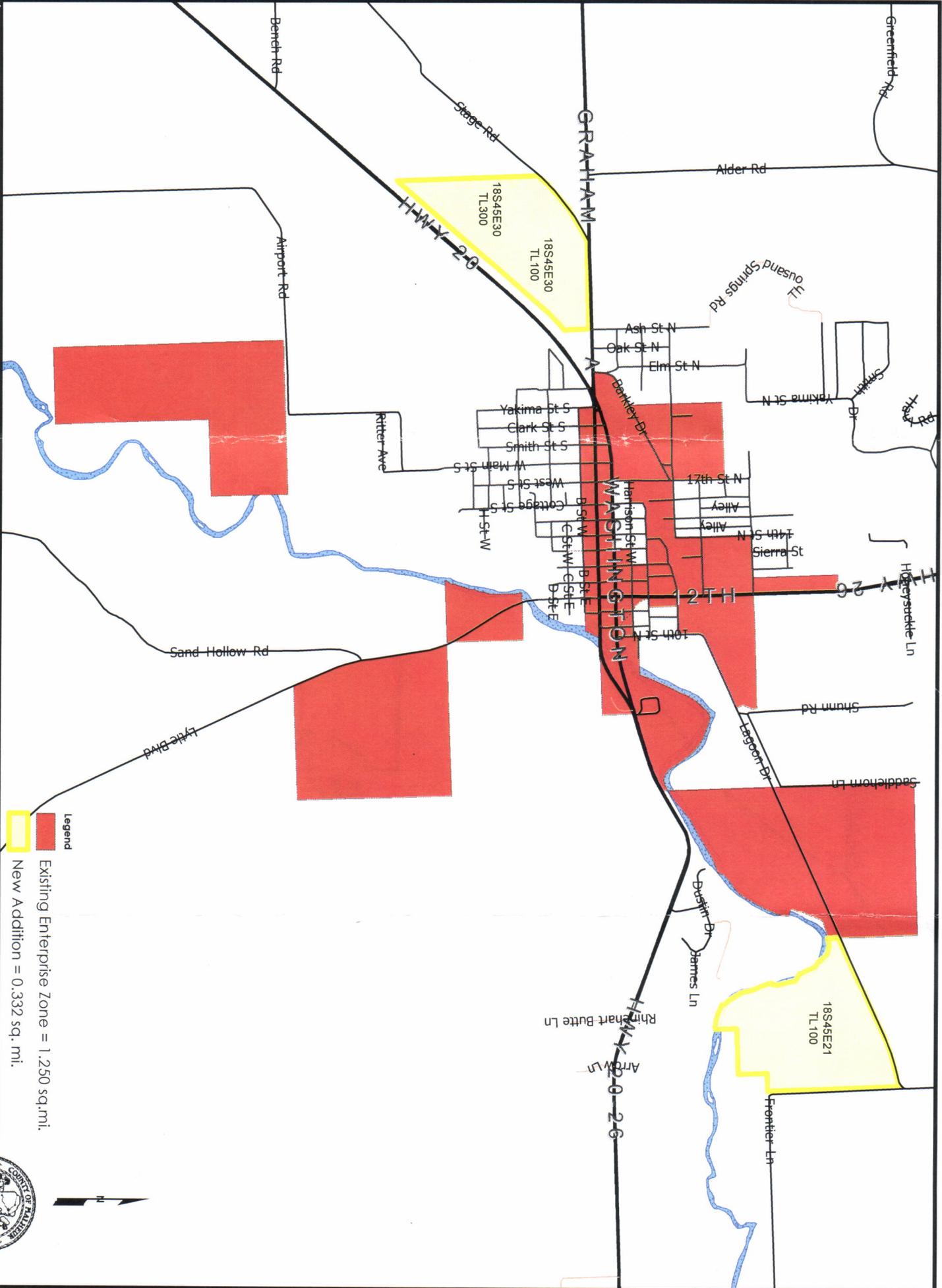
ONTARIO ENTERPRISE ZONE

**YURRI
MEMORIAL
BELTLINE**



18S47E08D1; TL100
 18S47E08D1; TL201
 18S47E08D1; TL104
 18S47E08D1; TL101
 18S47E08D1; TL703
 18S47E09BB; TL1200
 18S47E09BB; TL1206
 18S47E09BB; TL1201

Legend
 Existing Enterprise Zone = 4.881 sq.mi.
 New Addition = .035 sq.mi.

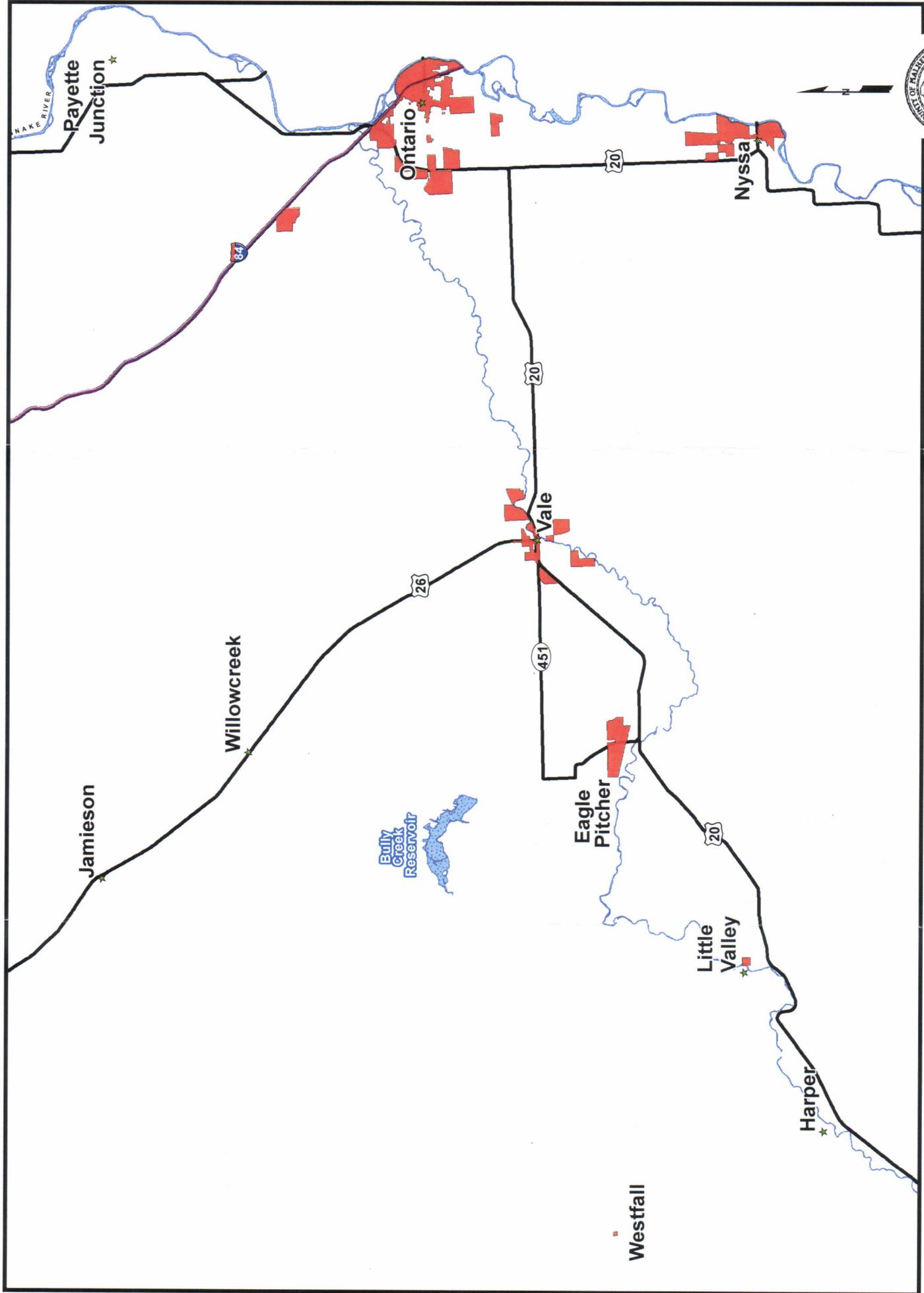


Legend

- Existing Enterprise Zone = 1,250 sq.mi.
- New Addition = 0.332 sq. mi.

VALE ENTERPRISE ZONE





Legend Enterprise Zone=9,224 sq.mi total

MALHEUR COUNTY ENTERPRISE ZONE





Malheur County Economic Development

Notice to Local Taxing District about Enterprise Zone Boundary Change {OAR 123-065-0330 & 123-065-1050}

May 1, 2015

Michael Long
City of Ontario
444 SW 4th St.
Ontario, OR 97914

RE: Expansion of the Malheur County Enterprise Zone

Dear Michael,

This letter is to inform you of the exciting opportunity available for improving the local economic base, business climate, and long-term community development of our region. Malheur County, the City of Nyssa, City of Ontario, and City of Vale, sponsors of the Malheur County Enterprise Zone, are seeking to add additional properties to the Malheur County Enterprise Zone. **The Malheur County Court is expected to consider a resolution requesting the boundary amendment on Wednesday, May 27, 2015 at 9:00 am.** The boundary change request will then be submitted to Business Oregon for approval on Thursday, May 28, 2015.

The current Malheur County Enterprise Zone, or proposed areas to be added, include relevant tax codes that could affect future property tax collections in your district. Therefore, we ask you to comment on this proposal at the hearing by sending comments to either to myself or the Malheur County Court by Tuesday, May 26, 2015.

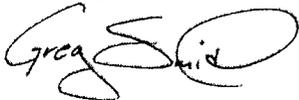
Please understand **an enterprise zone exempts only new property that a job-creating business might build or install in the enterprise zone at some future time. In addition, an enterprise zone exemption is temporary, usually lasting only three years, after which time the property induced by these incentives is available for assessment.** An extension to four or five years in total is possible in some cases. For rather exceptional investments, longer-term incentives might be available in a rural enterprise zone, but only if our county meets certain economic criteria. These longer-term incentives also may include a state tax credit, which triggers annual payments to local taxing districts by the state government. Both the extension and the long-term incentives need approval from the sponsors of the Malheur County Enterprise Zone.

Malheur County Economic Development
Serving the Communities of Adrian, Jordan Valley, Nyssa, Ontario & Vale
522 S.W. 4th Street, Ontario, Oregon 97914
Phone: (541) 889-6216 | Fax: (541) 889-6398 | Email: malheurcountyedc@gmail.com
www.MalheurCountyEconomicDevelopment.com

Finally, none of these property tax exemptions would be available to just any business. Most commercial/retail operations would not be eligible. Rather, primary beneficiaries of enterprise zone benefits are manufacturing and other more industrially oriented facilities serving other businesses.

If you have any questions or comments, please contact me directly by calling (541) 889-6216 or email me at malheurcountyedc@gmail.com.

Best Regards,

A handwritten signature in black ink, appearing to read "Greg Smith". The signature is stylized with a large, circular flourish at the end.

Greg Smith, Zone Manager
Malheur County Enterprise Zone

AGENDA REPORT
May 18, 2015

TO: Mayor and City Council

FROM: Greg Smith, Zone Manager, Malheur County Enterprise Zone

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-124: APPROVE MALHEUR COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT

DATE: May 13, 2015

SUMMARY:

Attached are the following documents:

- Resolution #2015-124
- Intergovernmental Agreement for Enterprise Zone Management

The City Council is being asked to pass/sign the attached intergovernmental agreement (IGA) regarding the Malheur County Enterprise Zone. The IGA would simplify the application process for applicants. The IGA would not create any additional administrative work for the City of Ontario.

BACKGROUND:

Currently when an applicant in Ontario applies for the Malheur County Enterprise Zone and would like to receive an extended abatement, all four zone sponsors must pass resolutions. Due to the fact that several of the sponsors meet only once a month, this can lengthen the approval process. The IGA (once approved by all four sponsors) would require the city and county where the business activity to pass resolutions. For example, if an Ontario business is applying for the zone, the cities of Nyssa and Vale would not be required to pass resolutions.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution #2015-124.

PROPOSED MOTION:

I move the City Council adopt Resolution #2015-124, A RESOLUTION ADOPTING THE INTERGOVERNMENTAL AGREEMENT FOR ENTERPRISE ZONE MANAGEMENT.

RESOLUTION # 2015-124

A RESOLUTION ADOPTING THE INTERGOVERNMENTAL AGREEMENT FOR ENTERPRISE ZONE MANAGEMENT

WHEREAS, To promote the efficient and effective management of the Enterprise Zone, Co-Sponsors desire to assign and delegate the duties and responsibilities required of a Sponsor to the municipal Co-Sponsor whose corporate limits or urban growth boundary contain the site of the proposed business's qualifying investment (individually and collectively, "Jurisdictional Sponsor(s)"), subject to the terms and conditions contained in this Agreement; and

WHEREAS, Co-Sponsors acknowledge and agree that they have appointed a local zone manager, specifically the Malheur County Economic Development Director, pursuant to ORS 285C.105 (1)(a) to handle administrative and logistical matters, process certain applications, and perform outreach and other ministerial duties related to the Enterprise Zone. Co-Sponsors further acknowledge and agree that they are to jointly perform the management duties and responsibilities of the Enterprise Zone as identified in ORS 285C.105 (2); and

WHEREAS, Co-Sponsors are the sponsors of the Malheur County Enterprise Zone (the "Enterprise Zone"), which Enterprise Zone includes the extended and rural long-term enterprise zones for which the entities are the sponsor. The Enterprise Zone is intended to create new jobs in Malheur County by encouraging business investment through tax incentives; and

WHEREAS, In addition to one city Jurisdictional Sponsor, the Co-Sponsors desire that Malheur County also perform duties and responsibilities required of a Sponsor for each site of a proposed business's qualifying investment, subject to the terms and conditions contained in this Agreement. It is the intent of the Co-Sponsors that that there will always be two of the four Co-Sponsors approving actions within the Enterprise Zone. One Co-Sponsor will be Malheur County and the other Co-Sponsor will be the city Jurisdictional Sponsor. Malheur County is a Jurisdictional Sponsor for all Enterprise Zone actions.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council for the City of Ontario to:

Authorize the Mayor to execute the Intergovernmental Agreement between the Cities of Vale and Nyssa, and the County of Malheur, for Enterprise Zone Management.

Effective Date: Effective immediately upon passage.

Passed and adopted by the Ontario City Council this ____ day of May, 2015, by the following vote:

Ayes:

Nays:

Absent:

Approved by the Mayor this ____ day of May, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT
FOR ENTERPRISE ZONE MANAGEMENT**

This Intergovernmental Agreement for Enterprise Zone Management (this "Agreement") is made and entered into effective as of the Effective Date (as defined below) by and between the City of Ontario, City of Nyssa, City of Vale and Malheur County (individually and collectively "Sponsor(s)" or "Co-Sponsor(s)").

RECITALS:

A. Co-Sponsors are the sponsors of the Malheur County Enterprise Zone (the "Enterprise Zone"), which Enterprise Zone includes the extended and rural long-term enterprise zones for which the entities are the sponsor. The Enterprise Zone is intended to create new jobs in Malheur County by encouraging business investment through tax incentives.

B. Co-Sponsors acknowledge and agree that they have appointed a local zone manager, specifically the Malheur County Economic Development Director, pursuant to ORS 285C.105 (1)(a) to handle administrative and logistical matters, process certain applications, and perform outreach and other ministerial duties related to the Enterprise Zone. Co-Sponsors further acknowledge and agree that they are to jointly perform the management duties and responsibilities of the Enterprise Zone as identified in ORS 285C.105 (2).

C. To promote the efficient and effective management of the Enterprise Zone, Co-Sponsors desire to assign and delegate the duties and responsibilities required of a Sponsor to the municipal Co-Sponsor whose corporate limits or urban growth boundary contain the site of the proposed business's qualifying investment (individually and collectively, "Jurisdictional Sponsor(s)"), subject to the terms and conditions contained in this Agreement.

D. In addition to one city Jurisdictional Sponsor, the Co-Sponsors desire that Malheur County also perform duties and responsibilities required of a Sponsor for each site of a proposed business's qualifying investment, subject to the terms and conditions contained in this Agreement. It is the intent of the Co-Sponsors that that there will always be two of the four Co-Sponsors approving actions within the Enterprise Zone. One Co-Sponsor will be Malheur County and the other Co-Sponsor will be the city Jurisdictional Sponsor. Malheur County is a Jurisdictional Sponsor for all Enterprise Zone actions.

NOW, THEREFORE, the parties agree as follows:

1. Co-Sponsors will comply with all applicable laws and regulations concerning Oregon enterprise zones, including, without limitation, ORS 285C.050 to 285C.250 and OAR Ch. 123, Divisions 650-690.

2. In the performance of the duties and responsibilities imposed on a sponsor under applicable laws and regulations, to the fullest extent permitted by applicable laws and regulations, each Co-Sponsor assigns and delegates its management duties and responsibilities concerning the Enterprise Zone to the Jurisdictional Sponsors. Without otherwise limiting the immediately preceding sentence, each Co-Sponsor assigns and delegates to the Jurisdictional Sponsors such Co-Sponsor's authority or obligation to enter into the following written agreements: (a) the agreement with the business firm under ORS 285C.160 to extend the exemption under ORS 285C.175 for up to two additional consecutive years; and (b) the agreement with the business firm under ORS 285C.403(3)(c) to allow for and establish a period of exemption of 7 to 15 consecutive years. Non-Jurisdictional Sponsors waive and release any right or obligation to enter into any agreement identified under this Section 2. Each non-Jurisdictional Sponsor vests in the Jurisdictional Sponsors full power and authority to perform the delegated duties and responsibilities and enter into the aforementioned agreements. Each non-Jurisdictional Sponsor will execute all documents or instruments and will perform all lawful and necessary acts or appropriate to carry out the intent of this Agreement.

3. Notwithstanding the delegation of authority provided under Section 2, (a) all matters requiring Co-Sponsor approval will be submitted to Malheur County for approval, and (b) Sponsor duties and responsibilities concerning appointing and directing a zone manager, setting policies for authorization, application filing fees, and changing the Enterprise Zone boundary are not assigned or delegated under this Agreement. If any Co-Sponsor acts on behalf of another Co-Sponsor under this Agreement, the Co-Sponsor(s) taking action will promptly notify the non-acting Co-Sponsors of the action(s) taken.

4. Any fees, revenues, and/or other benefits payable by the business pursuing the qualifying investment will be for the benefit of the Jurisdictional Sponsor(s). Each non-Jurisdictional Sponsor waives and releases any right or interest the non-Jurisdictional Sponsor may otherwise have in or to such fees, revenues, and /or other benefits payable by the business pursuing the qualifying investment.

5. Indemnification. To the fullest extent permitted by law, Jurisdictional Sponsors will defend, indemnify, and hold non-Jurisdictional Sponsors and their officers, employees, agents, and representatives harmless for, from, and against any and all claims, demands, actions, suits, damages, and liabilities, including, without limitation attorney fees and costs, arising out of any delegated action, agreement, and/or duty taken by the Jurisdictional Sponsors under this Agreement.

6. Termination. Subject to the terms and conditions contained in this Agreement, the term of this Agreement will commence on the last date this Agreement has been approved and executed by all Co-Sponsors ("Effective Date") and will remain in full force and effect until terminated in accordance with this Agreement. This Agreement will be terminated (a) at any time by the written agreement of all Co-Sponsors, (b) by any Co-Sponsor for any reason or no reason by providing the other Co-Sponsors ninety (90) days' prior written notice, and/or (c) termination of the Enterprise Zone.

7. **Entire Agreement.** This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior agreements, oral or written, and all other communications between the parties.

8. **Dispute Resolution.** The Co-Sponsors shall attempt to resolve any disputes arising out of or related to this Agreement through negotiations between the City Mayor(s) or City Managers and Malheur County Court Judge or Malheur County Commissioner. If a matter is not resolved by negotiations within thirty (30) days, the Co-Sponsors will attempt to resolve the dispute in good faith through a mutually agreed upon Alternative Dispute Resolution (ADR) procedure. If the matter has not been resolved within ninety (90) days of the initiation of an ADR procedure, or if any Co-Sponsor will not participate in an ADR procedure, a Co-Sponsor may commence legal proceedings in the State Courts of Malheur County. In the event of an action, lawsuit or proceeding, including appeal therefrom, is brought for failure to observe any of the terms of this Agreement, each Co-Sponsor shall bear its own attorney fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.

9. **Binding Effect.** The terms of this Agreement are binding upon and inure to the benefit of the Co-Sponsors and each of their respective administrators, agents, representatives, successors and assigns.

10. **Notice.** All notices, demands and other communications to be given under this Agreement and shall be in writing and will be deemed delivered (i) immediately when hand delivered or (ii) when received by first class mail, return receipt requested. Unless another person or address is specified in writing, all written communications shall be addressed as follows:

Vale City Manager	Nyssa City Manager	Ontario City Manager	County Judge
252 B. Street West	301 Main Street	444 SW 4 th Street	251 B. Street West
Vale, Oregon 97918	Nyssa, Oregon 97913	Ontario, Oregon 97914	Vale, Oregon 97918

11. **Review.** Commencing on or about May 1, 2015, and continuing on or about the same day of each year thereafter during the term of this Agreement, Co-Sponsors will review this Agreement to determine whether any changes or modifications to this Agreement require the written amendment of all Co-Sponsors. Co-Sponsors will maintain adequate levels of communication to ensure maximum cooperation between Co-Sponsors.

12. **Severability.** Each provision contained in this Agreement will be treated as a separate and independent provision. The unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein. Any reading of a provision causing unenforceability will yield to a construction permitting enforcement to the maximum extent permitted by law. The failure of any party to this Agreement to enforce any provision of this Agreement will not constitute a waiver by the party of that or any other provision of this Agreement.

13. Signatures. This Agreement may be executed in several counterparts, each of which will be an original, all of which shall constitute but one and the same instrument.

MALHEUR COUNTY COURT:

Dan P. Joyce, County Judge date

Don Hodge, County Commissioner

Larry Wilson, County Commissioner

CITY OF ONTARIO:

Ronald Verini, Mayor Date

ATTEST:

Tori Barnett, MMC, City Recorder

CITY OF VALE:

Mike McLaughlin, Mayor Date

ATTEST:

CITY OF NYSSA:

Ross Ballard, Mayor Date

ATTEST:

AGENDA REPORT

May 18, 2015

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: ORDINANCE NO. 2702-2015: AN ORDINANCE ADDING CHAPTER 4 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS REGISTRATION FOR BUSINESSES WITHIN THE CITY OF ONTARIO -FIRST READING

DATE: May 11, 2015

SUMMARY:

Attached is the following document:

- Ordinance No. 2702-2015
- Proposed Business Registration Application

BACKGROUND:

The City of Ontario lacks a central registry of businesses located within the city limits. It is believed that the advantage to the city of having a central business registry would allow the city to provide services more efficiently to businesses; to protect the health and safety of residents; to establish a convenient means for consumers and others to identify the nature of the businesses located within the city; to provide useful economic development information, and to provide necessary safety information to the Fire and Police Departments. The City Council directed staff to prepare a business registration ordinance and form, requiring all Ontario businesses to complete the registration, referred to as "*General Business Registration*".

Ordinance No. 2702-2015 requires applicants to submit information about the nature of the business for which the registration is being sought. There will be a \$25 initial fee, with a \$10 annual renewal fee.

The proposed ordinance establishes the general definitions, the registration requirements, exemptions, duration of registration and/or change of registration, the process to submit the registration and fees; and the renewal process. The information obtained will be utilized to establish a database, maintained by staff, and other than name, type and location of business, shall be treated as confidential to the extent permitted by the public records law. With permission from the applicant, the business name, address, phone number, and/or email, will be added as a link off the City of Ontario website, as well as supplied to the Ontario Chamber of Commerce.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2702-2015.

PROPOSED MOTION:

I move the City Council approve Ordinance No. 2702-2015, AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3 OF THE ONTARIO CITY CODE TO REQUIRE BUSINESS REGISTRATIONS FOR ALL BUSINESSES, on first reading by title only.

ORDINANCE NO. 2702-2015

**AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3
OF THE ONTARIO CITY CODE
TO REQUIRE BUSINESS REGISTRATIONS
FOR ALL BUSINESSES**

- WHEREAS,** The City of Ontario lacks a central registry of businesses located within the City limits; and
- WHEREAS,** The advantage to the City of having a central business registry is to allow the City to provide services more efficiently to businesses; to protect the health and safety of residents; to establish a convenient means for consumers and others to identify the nature of the businesses located within the City; and to provide useful economic development information; and
- WHEREAS,** The most efficient means for the City to establish such a central business registry is to require all businesses in the City to submit business registration applications annually to the City, which will be used to establish a business database; and
- WHEREAS,** The only effective way to insure that businesses will cooperate in establishing a central business registry is to impose a penalty on businesses that fail to comply with the provisions of this Ordinance.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. The following Chapter 4 is hereby added to Title 3 of the Ontario City Code and is entitled "General Business Registration":

CHAPTER 4 GENERAL BUSINESS REGISTRATION

3-4-1 DEFINITIONS

(A) Business means:

1. An organization engaged in commercial, industrial, or professional activities.
2. An individual engaged in commercial, industrial or professional activities, other than as an employee.

(B) Commercial means providing goods, services or a combination of goods and services for payment.

3-4-2 REGISTRATION REQUIREMENT

(A) Except as exempted under Section 3-4-3, businesses engaging in activity in the City must register with the City.

(B) The following provisions apply to the registration requirement:

1. Any business that conducts business activities in the City, whether or not the business operates from a physical location in the City, is subject to this chapter.
2. Electronic businesses, including Internet businesses, with a physical location in the City, are required to register.
3. If more than one business is conducted on the same premises, each business must register separately in order for them to be listed on the city's website.
4. A single business operation that occupies more than one building must complete only one registration application. The application shall list all buildings and activities carried on in each building.

3-4-3 EXEMPTIONS

(A) The following are exempt from the requirement to obtain a business registration:

1. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
2. Individuals who work only on the premises of, and as part of, a registered business that includes the activity of the individual. Examples include barbers, beauticians, and others who perform services as part of the overall registered business. This exemption does not apply if the overall business operation has not submitted an approved registration application to the City.
3. Persons selling goods or services exclusively during a permitted special event activity where the sponsor of the event has obtained a City permit for the event and has an approved City business registration.
4. Activities that qualify as hobbies or passive holding of property for investment purposes under the U.S. Internal Revenue Code.
5. Any person whose business activities, including the activities of all employees, total less than 32 hours per year or whose gross annual revenue is less than \$3,000 for a full year. This exemption is intended to apply to businesses based outside the City that may do minimal work inside the City and to individuals who engage only in minimal business.
6. A person who sends goods to a customer in the City is not considered to be doing business in the City based solely on the sending or delivering of the goods into the City. However, a company in the business of delivering goods is subject to the requirements of this chapter if the company, including the activities of all employees, is engaged in business (picking up or delivering goods) within the City in excess of 32 hours per year.

(B) The following must register but are exempt from payment of the registration fee:

1. Any business exempted from paying local business license fees or taxes by Federal or State constitution or law.
2. Any business exempt from paying property tax.

3. Any entity registered with the Oregon Secretary of State as a not for profit corporation.

3-4-4 DURATION OF REGISTRATION; CHANGE OF REGISTRATION

- (A) New registrations shall be valid from the date of issuance to the end of the calendar year, and will be prorated accordingly. Renewals will be due by the 15th of January of each year.
- (B) If ownership of a business is transferred during the year, the new owner shall update the registration information for the business.
- (C) Businesses that change physical location or business name shall submit a change of registration form.

3-4-5 REGISTRATION SUBMITTAL AND REGISTRATION FEE

(A) Each organization or individual wishing to engage in business shall submit a business registration form to the City accompanied by payment of the registration fee in an amount set by Council resolution. The City shall treat information other than the name, type and location of the business as confidential to the extent permitted by state public records law, but may use the information in connection with the provision of City services. The registration shall contain:

1. A description of the nature of the business, non-profit activity or public utility to be engaged in;
2. The date that business operations commenced or will commence;
3. The name and address of the applicant; if a partnership, the names and addresses of all partners; if a corporation, its name and the address of the home office, the name and address of the designated agent in the state if a foreign corporation, and the name and address of the local agent or representative who will be in charge of the business in the city;
4. The addresses where the business will be located or have its office and all branch, storefront, warehouse and other associated locations within the city limits of Ontario;
5. The date of application;
6. Emergency contact information;
7. Any other information relevant to the type and location of the business the City determines that the application should contain;
8. The signature of an authorized representative.

(B) One purpose of this Chapter is to increase the effectiveness of the City's response to fires. As part of the registration application, each business shall sign a consent authorizing a pre-fire inspection of the business premises to allow the fire department to diagram the interior of the building and identify features relevant to fire suppression. The fire department will reasonably cooperate with the business to attempt to schedule the inspection at a mutually convenient time. The information gathered will be kept confidential, to the extent permitted under the state public records laws.

3-4-6 ADDITIONAL FEE

Any business required to file a business registration has up to six months to comply following the enactment of this ordinance, or could potentially incur penalties for non-compliance.

3-4-7 COMPLIANCE WITH LAW

The registration of a business does not signify that the business is acting in compliance with law, and does not authorize a business to operate in violation of any laws.

3-4-8 VIOLATIONS AND CIVIL PENALTIES

A knowing violation of any provision of this Chapter or knowing submission of false information in a business registration is an unclassified civil violation which shall be processed according to the procedures established in Chapter 4 "General Penalty" of Title 1 of this Code.

3-4-9 RENEWAL

Registrations shall be renewed prior to the expiration of the previous registration.

Section 2. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 3. This ordinance shall become effective 30 days after passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder



City of Ontario
 444 SW 4th Street
 Ontario, OR 97914
 Voice (541)889-7684
 Fax (541)889-7121
www.ontariooregon.org

CITY OF ONTARIO BUSINESS REGISTRATION APPLICATION

Required by Ontario Municipal Code 4-3

Initial Fee: \$25
Renewal Fee: \$10

All fees/penalties are non-refundable/non-transferable

Type: Initial
 Renewal
 Change
 Temporary (30-day limit)

Fee Exempt

If you believe your business is exempt from payment of fee, please submit the completed application along with a statement and/or paperwork to support your request for exemption.

Application Received Date: _____	Amount Paid: _____	Check/Cash/MO/DC/CC
----------------------------------	--------------------	---------------------

Please complete application in full. Incomplete or illegible applications may be rejected.

The registration shall follow the calendar year. First year will be pro-rated; subsequent years, renewals will be due by January 15th. Window clings will be issued upon completion and accepted applications. The clings shall be placed in a window or displayed within the business where patrons can see it.

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE: _____ HOURS/DAYS OF OPERATION: _____

BUSINESS EMAIL: _____ BUSINESS WEBSITE: _____

GENERAL DESCRIPTION OF BUSINESS: _____

COMMERCIAL STORE-FRONT OR IN-HOME BUSINESS: _____

BUSINESS OWNER NAME: _____

BUSINESS OWNER ADDRESS: _____

BUSINESS OWNER PHONE: _____ BUSINESS OWNER EMAIL: _____

PROPERTY OWNER NAME (IF DIFFERENT THAN ABOVE): _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

ALTERNATE CONTACT(S) IN CASE OF EMERGENCY (NAME, ADDRESS, PHONE, EMAIL): _____

(IF THERE ARE MORE ALTERNATE CONTACTS, PLEASE USE A SEPARATE SHEET OF PAPER AND ATTACH TO THIS APPLICATION)

MAY WE PUT YOUR BUSINESS INFORMATION ON OUR CITY DIRECTORY/CITY WEBSITE? YES NO

MAY WE SHARE YOUR BUSINESS INFORMATION WITH THE ONTARIO CHAMBER OF COMMERCE? YES NO

HAVE YOU MADE ANY SUBSTANTIAL CHANGES TO YOUR FLOOR PLAN SINCE INITIAL APPLICATION OR LAST RENEWAL: YES NO

**CONSENT TO AUTHORIZE A PRE-FIRE INSPECTION OF THE BUSINESS PREMISES TO ALLOW DIAGRAMING THE INTERIOR OF THE BUILDING AND TO IDENTIFY FEATURES RELEVANT TO FIRE SUPPRESSION:
PLEASE SIGN HERE _____**

IS THERE A BASEMENT: YES NO

IS THERE A SECOND (OR HIGHER) STORY: YES NO

ROOF ACCESS LOCATION: _____

KNOX BOX: YES NO IF YES, LOCATION: _____ FIRE SUPPRESSION SYSTEM: YES NO

AUTOMATED EXTERNAL DEFIBRILLATOR (AED): YES NO IF YES, LOCATION(S): _____

ALARM: YES NO IF YES, TYPE(S): _____

ALARM COMPANY/PHONE: _____

DOES YOUR FACILITY CONTAIN HAZARDOUS MATERIALS: YES NO IF YES, PLEASE LIST: _____

DOES ANYONE RESIDE ON THE PREMISES: YES NO IF YES, PLEASE NOTE LOCATION ON FLOOR PLAN (*SEE ABOVE REQUEST).

ANIMALS ON PREMISES: YES NO TYPE(S): _____

Non-Compliance Penalty: The fine for knowingly failing to register a business with the City is \$100 plus \$10 per each day that the business fails to register. A knowing violation of any other provision of this Chapter or knowing submission of false information in a business registration is punishable by a fine of \$100.

I declare that the statements made herein are made in good faith and to the best of my knowledge are true, correct, and complete.

SIGNED: _____

DATE: _____

PRINTED NAME: _____

TITLE: _____

Please submit the completed Application, with required payment, to Ontario City Hall, 444 SW 4th Street, Ontario, Oregon, 97914. For questions, please call 541.889.7684.

THANK YOU

NOTE: If more than one business is conducted on the same premises, each business must register separately in order for them to be listed on the city's website.

ATTACH TO EACH SUBMITTED BUSINESS REGISTRATION APPLICATION
FOR INTERNAL REVIEW ONLY:

Additional licenses required, such as Dealer of Regulated Property, Liquor, Taxi, etc.? Yes No

If yes, applied for or received? Yes No

Property zone: _____

Is business located in proper zone? Yes No

If no, is there paperwork documenting the approval for operating in the incorrect zone? Yes No

Does the business violate any City, State or Federal Law? Yes No

If yes, state applicable violation: _____

Reviewed: (Sign/Date)

Fire Department _____

Police Department _____

Planning Department _____

City Recorder _____

Consent Form to Authorize a Pre-Fire Inspection of the Business Premises to Allow Diagramming the Interior of the Building and to Identify Features Relevant to Fire Suppression Received (Page 2 of Application)

License issued? Yes No If yes, number: _____

If no, why not? _____

Signed by Issuing Person

Date

Added to data base _____

Completed document provided to Public Safety _____

Discussion/Information /Hand-Out Items

City Council Meeting
May 18, 2015

ONTARIO FIRE & RESCUE



April 2015 ACTIVITY REPORT

Emergency Medical:

City -133-

Rural -14-

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

Hazmat Team Calls: -1-

Fire Related Emergency Calls:

Rural -3- RURAL GENERAL ALARMS = -2- MUTUAL AID -0-

- Residential smoke alarm activation / no fire (Duty Crew handled)
- 1 - Vehicle crash* (Duty Crew handled)
- Illegal open burn / no permit (Duty Crew handled)
- Smoke odor / smoke alarm activation - no fire (Duty Crew handled with Rescue 1)
- Brush fire rekindle (Duty Crew handled with 157)
- 1 - Bush fire / controlled burn out of control *General Alarm* *

City -11- CITY GENERAL ALARMS = -1-

- 1 - Flue fire (Duty Crew handled)
- 2 - Alarm activation - cancelled in-route - no fire (Duty Crew handled)
- 1 - Reported residential fire *General Alarm* *
- 2 - Alarm system activation - no fire (Heinz OreIda)* (Duty Crew handled)
- 2 - Sprinkler system activation - canceled upon arrival* no fire (Duty Crew handled)
- 1 - Dispatched to Heinz OreIda - cancelled in-route (Duty Crew handled)
- 1 - Fire alarm activation / pull station activated - no fire * (Duty Crew handled)
- 1 - Fire alarm activation / construction project - canceled in-route (Duty Crew handled)

***In narrative section**

4/3/2105 175 NW 6th Ave Heinz OreIda foods False Alarm (Duty crew handled with Rescue 1.)

Dispatched for an active fire alarm at Heinz. Arrived on scene to find nothing showing from the exterior, met with the security officer at the main gate. He informed us that a maintenance crew inside set off the alarm system inadvertently. He also advised us that we could clear the scene. After notifying dispatch we cleared the scene.

4/3/2105 175 NW 6th Ave Heinz OreIda foods False Alarm (Duty crew handled with Rescue 1.)

Dispatched for a fire sprinkler alarm. Arrived on scene to find nothing showing from the outside. Met with security at the security gate and were asked to stage at the entrance while employees investigated the interior. Advised by security that the alarm was a malfunction and that there was no fire. Notified dispatch and cleared the scene.

4/4/2015 HWY 201 field north of Malheur River bridge. "RURAL GENERAL" Brush 156, brush 157, Tender 159, Rescue 1 and Command 100 responded with crew of 9. Had 4 standby at station.

Brush and grass fire which appeared to be caused by someone burning a ditch bank earlier in the day. No burn permit on record for area. Contained and extinguished with two brush trucks and one tender.



Firefighters work to suppress illegal burn along a drainage ditch. Burned in heavy brush & grass.

4/4/2015 1085 N. Oregon Street Presbyterian Health Care False Alarm (Duty crew handled with Rescue 1.)

Dispatched for a reported fire alarm, water flow alarm. Arrived on scene to find nothing showing from the exterior, silenced the alarm at the alarm panel. Met with the night manager and the maintenance manager and found that the sprinkler system had malfunctioned and filled the dry system. No smoke or fire was found. Maintenance manager stated that he would be on fire watch and contact the alarm/sprinkler company to address the issue. Notified dispatch and cleared the scene.

4/7/2015 175 NW 6th Ave. Heinz Oreida (Duty crew handled with Rescue 1.)

R1 called for smoke alarm in heating unit on roof. Upon arrival Rescue 1 crew was led to the roof and walked to the east side of the building where the manager had found a unit that smelled like smoke. R1 inspected unit and found the belt had broken and that the electric motor was warm. R1 crew shut off the breaker for that unit. The unit's power was off and the smell dissipated. R1 was able to clear with everything code 4.

4/7/2015 275 NE 12th St. Motel 6 Fire Alarm Activation (Duty crew handled with Rescue 1.)

Dispatched for a pull station fire alarm activation. Dispatch notified us that the owner stated that there was not a fire, however, someone had pulled a pull station and they were unable to reset the alarm system. Arrived on scene and met with the owner. FF Gammage worked on resetting the alarm system while FF Benson walked the premise checking for smoke and observing the triggered pull station. The owner did not have the key to reset the pull station. We advised the owner that he would need to contact the alarm company right away to get the pull station reset. After resetting the alarm system and notifying dispatch we cleared the scene.

4/12/2015 Hwy 201 and Railroad Ave. "RURAL" Vehicle crash* (Duty Crew handled with Rescue 1)

Dispatched to a motor vehicle crash with a possible fuel fire. Arrived on scene to find a two vehicle accident, law enforcement was on scene. A passenger vehicle rear-ended a truck and trailer, the truck and trailer had pulled off onto a side road but the passenger vehicle remained at the scene of the accident in lane one of the south bound lane of a two lane highway. The passenger vehicle had extensive front end damage and was leaking antifreeze with the battery was emitting sparks. Lt Grimaldo disabled the battery and determined that the fluid leaking was antifreeze. FF Benson deployed a traffic control sign approximately 100 feet upstream of the second in line patrol car. Lt Grimaldo deployed traffic cones in lane one of the north bound highway to divert traffic away of the accident scene. The Oregon Dept of Transportation arrived on scene and took over traffic control. After the scene was secure we notified dispatch and cleared the scene.

4/19/2015 "HAZMAT CALL" (Outside district) *I-84 near mile post 327/ Baker County*

Four hazmat team members responded with suburban & tractor/trailer units.

Called by Baker County dispatch to scene of possible suicide by chemical. On scene we were briefed by Baker County Sheriff Deputy and Baker County Fire & EMS personnel. A car was found off the road behind some trees. The occupant was in the back seat and appeared to be deceased. There were bottles labeled formic acid and other containers and beakers that were not labeled.

We requested an engine for decon water. We made entry in level A to monitor and evaluate and open vehicle if possible. Vehicle doors were opened. Team met and decided on an action plan. Breathing protection and splash protection were used to make entry and remove all chemical hazards. They were placed in a 10 gal over pack drum with floor dry to keep containers upright.

The body was removed from the car and then clothing was removed and placed back in car. Body was placed in double body bag and then placed in metal airtight casket. All protective clothing was bagged and placed in car. Clean-up company was contacted by Baker Sheriff's Dept.

4/21/2015 720 N. Oregon St smoke scare "GENERAL ALARM" (Duty Crew handled)

Dispatched to the residence with reported smoke coming from under the roof of the house. On arrival Rescue 1 crew found no fire problem, smoke was coming from a pellet stove vent installed on the exterior wall and terminated under the roof eave. A general alarm had been paged and responding unit cancelled. Installation referred to the building department.



Vent from pellet stove terminated under roof eave / installation does not meet code.

4/30/2015 3771 Vista Dr. "RURAL GENERAL" Tender 155, Brush 157 & chief 100 responded

Dispatched to report of smoke inside the residence and all the fire alarms were going off. Residence was occupied at the time. Upon arrival nothing was showing from the exterior, interior had light smoke from burned food on a stove. Smoke was removed with positive pressure smoke ejector. Occupant had placed food items in a pan in preparation for lunch & not feeling well laid down & dosed off until the smoke alarms activated. Occupant moved smoking pan off of stove burner prior to firefighter arrival.

COMMUNITY INVOLVEMENT:

4/3/15 Aiken School: *Mark Saito took the top 3 Jog-a-thon winners for a ride in 103.*



STATION TOURS:

4/9 MCCDC- 18 children

4/16 Cairo 1st graders- 48 children



FIRE PREVENTION SCHOOL VISITS:

- 4/21 TVCS 2nd grade- 15 children (with BLM)**
- 4/22 FRCS 2nd grade- 55 children (with BLM)**
- 4/22 May Roberts 2nd grade- 50 children (with BLM)**
- 4/23 St. Peter 1st & 2nd grade- 20 children (with BLM)**
- 4/27 OCDC Fire Safety Day- Over 100 children**

Staff gave fire prevention presentation, showed children 103, and allowed them to try on gear and use equipment.



BURN PERMITS ISSUED:

- City Open Burns 7**
- City Barrel Permits 2**

- Rural Open Burns 118**
- Rural Barrel Permits 9**

FIRE PREVENTION / INSPECTIONS: 2



City of Ontario

POLICE DEPARTMENT

Office of the Chief

444 SW 4th Street

Ontario, OR 97914

Voice (541)889-5312 Ext. 2303

Fax (541)889-3026

mark.alexander@ontariooregon.org

To: Ontario City Council

Date: May, 2015

Re: Department Statistics for April, 2015

Activity	Month of April	Previous Month	Year to Date	Prior Year to Date
Calls for Service	902	791	3115	3058
Traffic Stops	141	178	648	495
Cited Traffic Violations	98	110	402	279
Motor Vehicle Crashes	36	36	130	114
Arrests	108	84	346	342
Arrests w/ Use of Force	0	2	2	8
Citizen Complaints	0	0	0	1
Cases to Dist. Attorney	49	65	224	251
Ordinance Cases Total	132/114 followup	95	366	213
Ordinance-Weeds	91	4	97	13
Ordinance-Garbage	2	6	22	19
Dogs to Ani-Care	6	13	30	30
Junk/Vehicles	1	23	55	11
Death Investigations	2	1	5	5
SRO Cases	28	18	106	131
Gang Related Cases	1	12	31	38
Gang Designations	0	0	2	0
Task Force Cases	3	7	17	8
Graffiti	3	14	35	45
Burglary	6	2	27	26
Robbery	1	0	2	3
Larceny	76	54	191	176
Assault	6	6	20	28
Homicide	0	0	0	1
Sex Crimes	4	1	8	8
Alarms	20	14	63	67
Property Loss/Recover	\$29,773/\$1426	\$17,895/\$811	\$111,808/\$11,082	\$228,817/\$88,433

MALHEUR COUNTY COURT MINUTES

APRIL 22, 2015

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

Also present was John Braese of the Malheur Enterprise.

SECOND PUBLIC HEARING - PAPA ORDINANCE 209

Judge Joyce opened the second public hearing regarding Ordinance No. 209 for a Post Acknowledgment Plan Amendment (PAPA) to Include a Portion of Tax Lot 6701 Map 19S43 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan Goal 5 Mineral and Aggregate Inventory. The applicant is Dave and Linda Woolfolk; the Property Owner is Carman Lovell. Notice of the hearing was published in the Argus Observer. A hearing was held before the Planning Commission on March 26, 2015; no public comments or public agency testimony were received at the hearing.

Ms. Williams explained this is the second hearing for a request to add an aggregate site to the County's Comprehensive Plan. The parcel is 80 acres with 72 acres to be included in the mine. The Woolfolks also own the adjacent property, tax lot 6700 which was added to the Comprehensive Plan in approximately 2000.

There were no public comments or written comments received.

Judge Joyce closed the hearing.

Commissioner Wilson moved to approve Ordinance 209: An Ordinance For a Post Acknowledgment Plan Amendment to Include a Portion of Tax Lot 6701 Map 19S43 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan Goal 5 Mineral and Aggregate Inventory. Commissioner Hodge seconded and the motion passed unanimously. See instrument # ****

WEED DEPARTMENT

Weed Inspector Gary Page met with the Court and provided a department update. Mr. Page gave a brief historical timeline of events leading up to today's established Weed Department. In 1946 the legislature gave counties the ability to establish weed control districts. In 1947 Malheur County created its weed district. There were many periods of inactivity through the years. In 1985 a weed advisory board was established, largely to address one specific problem; that advisory board lasted only a few years. In 1997, the current weed advisory board was formed and the County Court at that time asked the advisory board to recommend whether a weed department should be formed or not. In 1998, the County Court established the County Weed Department and Mr. Page was hired in 1999.

The advisory board recommended the department focus on rangeland and wildlands weed issues as they felt there were resources already in place for the croplands.

The Weed Department has various ongoing long term projects underway with the majority of the funds coming from grants through ODA. The ODA funds come from the Oregon State Weed Board through the grant application process. Five applications were submitted this year with four receiving funding. Project funds are used on private lands, not public lands. Projects included:

JV CWMA – approximately \$50,000 targeting Leafy Spurge, Perennial Pepperweed, Scotch Thistle, and a few other weeds;

Juntura CWMA – approximately \$24,400 targeting mainly Perennial Pepperweed, along with some work on White Top and Scotch Thistle;

Malheur CWMA (Vale area) – approximately \$30,000 exclusively targeting Rush Skeletonweed;

Malheur CWMA (Huntington area) – approximately \$21,000 targeting Leafy Spurge.

The work of the weed department has been recognized at the state level. The department also takes care of weed issues on various County projects and assists with the property at the fairgrounds.

The annual White Top spray distribution event will be May 8th in Nyssa and May 9th in Ontario.

The BLM assistance agreement is approximately \$490,000 this year; 10% of this amount is an admin fee for the County. The County is able to have input into projects of the BLM through the agreement. Additionally, some equipment purchases have been made possible through the assistance agreement.

Weeds currently under watch by the ODA are Ravenna Grass and Flowering Rush.

Pseudomonas Bacteria is a naturally occurring native soil born bacteria and is currently being studied by WSU-Pullman as a control for Medusahead, Cheatgrass, Ventenata, and Jointed Goatgrass.

Mr. Page also expressed his support for the Sheriff's budget request for funding for an enforcement officer.

Commissioner Hodge thanked Mr. Page for his assistance at the fairgrounds.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of April 15, 2015 as written. Commissioner Wilson seconded and the motion passed unanimously.

GRAZING LEASE - JOHNSON

Commissioner Wilson moved to approve Lease of Land for Grazing Purposes with Jason Johnson for Ref. #16820 and Ref. #16821. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2015-1432

SREDA INVOICE

Commissioner Hodge moved to authorize the payment of the remainder SREDA dues in the amount of \$500. Commissioner Wilson seconded and the motion passed unanimously.

The Court recessed until 2:00 p.m.

BID OPENINGS - ELEVATOR PROJECT

Court was continued at 2:00 p.m. with Judge Joyce and Commissioner Hodge present for the opening of bids for the courthouse elevator project.

Also present Maintenance Specialist Don Dalton, Surveyor/Engineer Tom Edwards, County Counsel Stephanie Williams and Mike Glenn and staff.

No bids were received.

COURT ADJOURNMENT

Court was adjourned.

MALHEUR COUNTY COURT MINUTES

APRIL 29, 2015

County Court met with Commissioner Hodge presiding and Commissioner Larry Wilson present. Staff/Elected Officials present were Administrative Officer Lorinda DuBois, County Counsel Stephanie Williams, Surveyor/Engineer Tom Edwards, and Sheriff Brian Wolfe.

Also present was John Braese of the Malheur Enterprise.

ELEVATOR PROJECT

Maintenance Supervisor Don Dalton met with the Court to discuss the courthouse elevator project. No bids were received last week for the project. Five options under consideration for elevator project were presented and discussed. The options were:

1. Abandon the project.
2. Hire an architect to design an elevator inside the building (using County funds for the design cost) and apply for future State dollars for the project.
3. Hire CK3 to redesign the elevator inside the building (using County funds) and apply for future State dollars for the project.
4. Obtain a bank loan for additional needed funds and negotiate with a contractor by June 30 for the project as currently proposed.
5. Do a design to build (complex process)

It was also discussed if the elevator should not access the basement. The application to the State for the project specifically stated the elevator would access all three floors as the basement is used for storage of records.

It was also discussed that the project cost is probably closer to \$500,000 rather than \$275,000 as originally thought (for inside the building; the environmental issues encountered are cost prohibitive for the outside project) The County currently has about \$25,000 into the project. The State funding is for \$275,000 and it may be possible to obtain an additional 10% from the State. If the project is moved to the inside of the building it will have to be rebid. After discussion, the consensus was to obtain an architects estimate for project design inside the building.

ODFW

Oregon Department of Fish & Wildlife (ODFW) Biologist Philip Milburn met with the Court and provided updates on several matters. The collared wolf, OR 22, is still in the area and continues to be monitored by ODFW. Last week ODFW staff presented to the Oregon Fish and Wildlife Commission a status report on wolves and asked if there was enough information to start the delisting process as outlined in the Wolf Management Plan. The Commission directed that staff look at two options: 1. delist all wolves statewide; or, 2. delist wolves in Eastern Oregon only. (The State's Eastern Oregon/Western Oregon split is not the same as the Federal's which may be problematic.) These options are under consideration as the Wolf Plan goals were met and there are now 77 known wolves in the state.

Sage Grouse trend lek counts are up 12% and plans are to count approximately 137 leks throughout the County. The two-year sage grouse radio collared monitoring project that was started after the Holloway Fire has been refunded for an additional two or three years.

The Big Game annual public meeting will be next Tuesday, May 5th, at 7 p.m. at the ESD facility in Vale.

Five units around the state have been focused on under the Mule Deer Initiative. Positive results have been seen in the Warner and Steens Units. Mr. Milburn is working on a proposal to create a unit for the Beulah and Malheur River area.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of April 22, 2015 as written. Commissioner Hodge seconded and the motion passed.

CROSSING PERMIT

Commissioner Wilson moved to approve Crossing Permit #11-15 to Ruf Excavation & Irrigation for installation of irrigation pipe on Hill Road #681. Commissioner Hodge seconded and the motion passed.

B2H PROJECT AMENDMENT

Commissioner Hodge moved to approve Second Amendment to the Memorandum of Understanding between Idaho Power Company and US Department of the Interior, Bureau of Land Management, and Various Cooperating Agencies for Preparation of an

Environmental Impact Statement for Boardman-Hemingway 500 KV Transmission Line Project. Commissioner Wilson seconded and the motion passed.

OFFICE SPACE

Ms. DuBois visited with the Court about possibly providing office space for the State Well Inspector at the Goodfellow building. Ms. DuBois is working to obtain further information from the Water Resources Region Manager.

AMENDMENT - IGA #14202

Commissioner Wilson moved to approve Eleventh Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Public Health Services. Commissioner Hodge seconded and the motion passed. The amendment adds funding for Public Health Emergency Preparedness Program Ebola Supplement 2.

COUNTY LAND SALE UNSOLD PROPERTIES

Four properties were unsold at the recent County Land Sale - Ref. #9814; Ref. #4679; Ref. #4635; and Ref. #4581.

A written offer for Ref. #9814 was received from Jason Farrell for \$2,500; Mr. Farrell is an adjoining property owner to Ref. #9814.

A written offer for Ref. #4679 has been received from Randy Belnap for \$15,000; Mr. Belnap is an adjoining property owner to Ref. #4679.

Ms. Williams provided a brief history of the unsold properties and answered questions from the Court members.

Commissioner Wilson moved to accept Jason Farrell's offer of \$2500 for Ref. #9814. Commissioner Hodge seconded and the motion passed.

Commissioner Hodge moved to accept Randy Belnap's offer of \$15,000 for Ref. #4679. Commissioner Wilson seconded and the motion passed.

The Court will take the matter of the other two unsold properties under consideration.

SB 844

Ms. Williams updated the Court on SB 844; a hearing is scheduled this week on an amendment which would remove the authority of cities and counties to ban medical marijuana dispensaries within their jurisdictions. Commissioner Wilson and Commissioner Hodge indicated they would contact Senator Ferrioli regarding the amendment.

COURT ADJOURNMENT

Court was adjourned.

MALHEUR COUNTY COURT MINUTES

MAY 6, 2015

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

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

PROCLAMATION - DRUG COURT MONTH

Meeting with the Court for the signing of the proclamation declaring May as Drug Court Month were: Circuit Court Judge Lung Hung, Trial Court Administrator Kim Migliaccio, Drug Court Coordinator Lydia Machuca, Deputy Reynolds, and Attorney Connor Shores. Judge Hung briefly gave some statistics related to drug courts both nationally and locally. Judge Hung read the proclamation:

ALL RISE

Resolution/Proclamation

In Support of

"National Drug Court Month"

Whereas, Over the past twenty-five years Drug Courts have served over 1.4 million individuals; and

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

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

Whereas, 75% of Drug Court graduates will never see another pair of handcuffs; and

Whereas, Drug Courts significantly improve substance-abuse treatment outcomes, substantially reduce drug abuse and crime, and do so at less expense than

any other justice strategy; and

Whereas, Drug Courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality; and

Whereas, There are now 2,966 Drug Courts nationwide; and

Whereas, Drug Courts are the cornerstone of criminal justice reform sweeping the nation; and

Whereas, Drug Courts demonstrate that when one person rises out of drugs and crime, we ALL RISE;
and

Whereas, The time has come to put a Drug 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 2015.

The Court signed the proclamation.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of April 29, 2015 as written. Commissioner Wilson seconded and the motion passed. (Judge Joyce was not present on April 29)

AGREEMENT - DEPARTMENT OF REVENUE

Commissioner Hodge moved to approve Intergovernmental Services Agreement Contract #3193 with Department of Revenue. Commissioner Wilson seconded and the motion passed unanimously. The agreement is for map maintenance and related cartographic activities. A copy will be returned for recording.

IGA - TITLE IV-E DEPENDENCY CASES

Commissioner Wilson moved to approve State of Oregon Intergovernmental Agreement Number 148548 with Department of Human Services (DHS), Malheur County, and Malheur County District Attorney. Commissioner Hodge seconded and the motion passed unanimously. Term of the agreement is July 1, 2015 through June 30, 2017; funding is not-to-exceed \$85,000 and is for Title IV-E reimbursement for allowable legal services for Child Welfare dependency cases. A copy will be returned for recording.

AMENDMENT - GREG SMITH

Commissioner Wilson moved to approve Second Amendment to Contract for Personal Services: Malheur County Economic Development Consultant/Coordinator with Gregory Smith & Company, LLC. Commissioner Hodge seconded and the motion passed unanimously. The amendment extends the contract to June 30, 2016. See instrument #2015-1637

CONTRACT TO SELL - SEPULVEDA/NUNO

Commissioner Hodge moved to approve Contract to Sell/Installment Agreement Pursuant to ORS 275.190 with Juan Manuel Nuno Sepulveda and Alma Delia Nuno for Ref. #9792. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2015-1627

BARGAIN & SALE DEEDS

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Jason Farrell and Helen Keith for Ref. #9814, instrument #2015-1628; Statutory Bargain and Sale Deed to Randy and LaRene Belnap for Ref. #4679, instrument #2015-1629; Statutory Bargain and Sale Deed to Government Land Sales for Ref. #12199, instrument #2015-1630; Statutory Bargain and Sale Deed to Jack R. Dowell, Mary K. Dowell, and Charles E. Dowell for Ref. #11835, instrument #2015-1631; Statutory Bargain and Sale Deed to Matthew and Alice Ure for Ref. #18758, instrument #2015-1632; Statutory Bargain and Sale Deed to Davis Land & Livestock for Ref. #5538, instrument #2015-1633; Statutory Bargain and Sale Deed to JR Land & Livestock for Ref. #13203, instrument #2015-1634; Statutory Bargain and Sale Deed to JR Land & Livestock for Ref. #8683, instrument #2015-1635; and, Statutory Bargain and Sale Deed to Namba Farms Inc. for Ref. #8288, instrument #2015-1636. Commissioner Hodge seconded and the motion passed unanimously. These properties were sold in connection with the recent County Land Sale.

ELEVATOR PROJECT

The Court briefly discussed the courthouse elevator project. Commissioner Hodge moved to authorize staff to hire architect Gene Ulmer at \$125 an hour for up to 10 hours to determine a location inside the courthouse for an elevator as well as specifically identify an elevator that could be placed on the basement floor without ruining the structural integrity of the basement. Commissioner Wilson seconded and the motion passed unanimously. Once this is completed, Mr. Ulmer can provide an estimate for his services to continue forward with AIA design, drawings, and specifications book.

OWYHEE LAKE ROAD FLAP APPLICATION

The Federal Land Access Program (FLAP) Technical Advisory Group has reviewed the County's application for Owyhee Lake Road. A site visit is now planned for July 15, 2015.

HEALTH DEPARTMENT

Commissioner Hodge moved to accept the resignation of Health Department Director Terra Frenken. Commissioner Wilson seconded and the motion passed unanimously.

Commissioner Hodge moved to appoint Angie Gerrard Interim Health Department Director effective immediately. Commissioner Wilson seconded and the motion passed unanimously. Nursing Supervisor Rebecca Stricker has offered to assist Ms. Gerrard as needed.

DISTRICT ATTORNEY'S OFFICE - 45TH PARALLEL CASE

Meeting with the Court were District Attorney Dan Norris, Assistant DA Erin Landis, and Management Assistant Marilee Aldred.

Judge: We're doing the funds received in connection with prosecution of the 45th Parallel case. Okay, thoughts? Anybody got any opening comments?

Wilson: Well I talked to Dan, he called me and we had a visit on it, and one of the questions was that he had was a fair question I guess, it was kind of addressed, the same thing we've been addressing but we did not see that last one, prior to the

Norris: the last

Wilson: yeah, I got that but to me Dan I didn't see that it was anything new that, you know, would have changed my mind on something

Norris: yeah

Wilson: but, but to be fair we did not see it.

Norris: yeah, and I don't want to rehash old history, we've got to figure out how to get that money properly accounted for in an appropriate line item and I need the ability, because the Defranc case is getting active again, I'm going to need some extraordinary expenses.

Judge: Obviously we're, what is the correlating ORS that, for the prosecution of this forfeiture? Is there some; is there one?

Norris: I'm not following your question Judge Joyce.

Judge: Is there an ORS that allows for this to happen?

Norris: Well that statute's very clear that it's payable to the Malheur County, or to the district attorney, and I'm an independently elected officer so, you know, I think that you have advice from your counsel that that money does belong to the district attorney, so

Judge: And it's just for prosecution only, or is there something else involved?

Norris: Depends on if its forfeiture or the racketeering. The racketeering I don't believe has specific restrictions.

Hodge: Is there no, is there no provision for the county to get back any of the expenses that have been expended in....

Norris: Not in the statute. And you can, you have independent counsel, I'm sure she's confirmed that. This is more of a political issue in terms of trying to make sure this money goes to an appropriate purpose. You know, we've had these discussions that we were going to have almost a six figure going into contingency when the Defranc case goes to trial. We've got a hearing on the 12th, it appears he's able to aid and assist. We're going to need to have some funds.

Hodge: The 12th of this month?

Norris: The 12th of this month. My guess is the report from the hospital says he's able to aid and assist, my guess is it's gonna get scheduled again, whether or not it goes this fiscal year, Commissioner Hodge, I do not know, but the money is eventually going to be needed.

Wilson: Okay, it may be a dumb question after all this, but, since these were forfeiture funds, drug related, is there any provision in it can be used for, does it have to go back for prosecution of other drug type related cases, kind of like the same category.

Norris: These particular funds do not have that restriction. There are some funds that we have to, actually even on forfeiture funds it just has to go back to a law enforcement purpose. Is that correct Mr. Landis?

Landis: There's kind of two different, there's different ways that law enforcement agencies, including the district attorney's office can receive funds. The most common way and the way that you guys are probably used to seeing is in what we would call a traditional drug forfeiture setting. In those cases essentially the money gets forfeited to the agency, the law enforcement agency, not the district attorney's office, and then that

money, certain portions of it go to different funds and different purposes and certain parts of that money go back to the law enforcement agency and whatever goes back to the law enforcement agency, they can spend it on whatever they want. A lot of time they'll buy equipment and things like that.

Hodge: i.e. that's like the sheriff's department?

Landis: Yeah. And that's what you guys are used to seeing is sheriff's department funds.

Joyce: Because that is under the ORS, is that correct?

Landis: That's a different part, there's a whole different statutory and constitutional scheme for criminal forfeiture when we're dealing with the sheriff's office and how they do forfeiture. With the district attorney's office, this is not forfeiture; this is a very different type of money. This is money that is, essentially we filed a separate action once the cases were done under a specific provision in the Oregon Revised Statute that allows for the recovery of prosecution costs in racketeering cases. So essentially what happens is we file under the statutory provision, the court has sort of a little mini trial where we put on the record what our costs were as far as the prosecution and then those prosecution costs are awarded to the district attorney's office. And so, where we're at right now is we have these prosecution costs that have been awarded and we need to get them accounted for.

Hodge: But those prosecution costs that have, there's been payment on prosecution costs up to now?

Landis: Yes, we've got checks

Hodge: and that's come out of the county, that's come out of your budget right?

Norris: It has come out of our budget.

Hodge: So the majority of that money has come from the county.

Norris: It has come, well, except for my efforts that come from the state.

Hodge: Well I mean, some money has come from the county, that's why my question was okay – Are we not allowed to recover some of our expenses back also? And you just said by statute No.

Norris: By statute no. And here's why. When the sheriff goes out and spends money doing a drug investigation and does a forfeiture, the sheriff and my office are using all county funds for the most part to do that and yet we keep that money for a special dedicated law enforcement purpose. I don't view these funds any different. And that

statute clearly says the funds are payable to an independent elected state official; the district attorney. It doesn't say it goes back to the county.

Wilson: um

Hodge: well

Wilson: Go ahead Don

Hodge: With our discussion today that we're discussing, you know, I'm not going to make a decision today. Just like I've told you in the past, when we come in and we talk today we're not going to spend 20 or 30 minutes or whatever the case may be and I'm going to tell you yay or nay today; I'm going to take it under advisement and think about it and ask, you know, talk to Stephanie some more. But, you know, I gotta look at the statute I guess again. It hard to understand it; and I understand that the sheriff's under a different, you know, way back in like 1888 their statutes are, you know, he's under a different statute than, you know, he's basically independent.

Norris: He's actually still a county employee; a fundamental difference between a sheriff and the district attorney

Hodge: but according to some statutes that he's brought, when he came on board he brought those to other meetings, not only in to us, he's done it out in public meetings, and the same type of thing with us, the only control we have over the sheriff is budget type stuff also. So, but I'm just, it just boggles my mind that his forfeiture funds he can do what he wants with and you know, again, which you were the benefit of I think \$15,000 last year that he gave you out of those forfeiture funds

Norris: Well I'm also entitled to a share of the forfeiture funds which I've never taken in my office.

Hodge: Well that's

Norris: That's a negotiation between the sheriff and I

Hodge: I was gonna say, that hasn't been brought up before, I just know, I can't remember, it was a year ago or whenever, you, you know, they were sitting in here and he gave you \$15,000 out of his forfeiture funds. And I asked you a question a couple of weeks ago, or whenever it was, if there was any indication or any desire to pay him back that \$15,000 and I think at the time you said No.

Norris: No, not unless he asks for it for a specific law enforcement purpose.

Landis: I think one thing that we, you know, that we're essentially looking for is, these monies were brought into the district attorney's office through prosecution of these sort of complicated extraordinary cases, so we're not really asking for anything other than to

get a line-item in the budget so that we have a proper place to put these funds back into the county budget so that everything is accounted for and everything's clear. Then we're essentially asking to use the money earned through these extraordinary litigations to do more extraordinary litigation. It's not like we're asking for a blank check to you know have an office pizza party or something like that, we're looking to spend the money the same way that we earned it and hopefully, you know, possibly bring in more. That's kind of where we're at.

Wilson: My question is, and it seems to be that this quote extraordinary circumstances or cases, would you say that, kind of trying to get a handle on that so that you have the same perception of that as Stephanie does is one of our hurdles we've got to get across.

Norris: No, I think I have five defendants and four cases which I think everyone would acknowledge are extraordinary circumstances

Wilson: Okay, well, I'm not sure what, I don't want to say the wrong thing here but, for one type of extraordinary, just as one type, I don't know how many you guys can come up with, but, yeah, Larry?

Larry Meyer: Can we define extraordinary please?

Wilson: Well that's what I'd like to know for whatever we're going to end up agreeing on, what is extraordinary? I mean what group of things, now for example, right now the one that I think that we're referring to is a death penalty

Norris: Yeah, we have four death penalty cases out at the prison

Wilson: Okay, now in light of, you're the district attorney now, someday we'll have another one, but I have a problem with locking the county being responsible for, who's in charge of determining, is it you solely in your position, not just you but whoever the next

Norris: the district attorney

Wilson: because to me, all right, you've got a case from Snake River, yeah they're in our county, but do you get some, it seems to me like it ought to be tied to if the state wants it prosecuted that way, then they ought to say we want it done and we'll assist you, we'll pay for it. I mean

Norris: that's just not the way it works

Wilson: So it's up to you to decide if you want to do that, solely

Norris: Well it's up to me and the voters, I guess if they don't think I did, I'm using my judgment well

Wilson: that wasn't on the ballot

Norris: they have recourse

Wilson: I know, Dan that's

Norris: I'm on the ballot just like you are

Wilson: that wasn't on the ballot on why they should vote for you

Norris: they have recourse every four years

Wilson: but we're talking about now and what's going to set up stuff for the future because it seems to me like, my personal view, this is me only, I got no problem with the death penalty, but, I find it kind of, when you're taking on cases say at the prison, and subjecting our taxpayers to that extra expense, I have a problem with that for several reasons. Number one its, then its just your discretion, you're sort of tagging on something that really isn't our county's responsibility in a way. Okay

Norris: I'm going to disagree with you quite strongly. The law is very very very very clear. We are responsible for every crime committed within Malheur County. You're talking about a political issue. You're free to go to the legislature and try to get a bill passed that would change the constitution of the state of Oregon and have Department of Corrections pay the expenses. But the constitution of the state of Oregon is very clear on who has responsibility for the prosecution of any crimes committed within the jurisdiction of Malheur County

Wilson: All right, that's the, your legal interpretation on it, but I'm just talking about, to me I'm talking about common sense and what we're doing here with county dollars because we could end supporting and when we have a governor, well we did have one that openly said no one will ever be executed while I'm governor and then I understand that the governor that we have at the present time is of the same persuasion, well so what, and then when it takes 20 years to ever get somebody to fulfill it, what teaching value is there in it?

Hodge: Well and I think on this one too that we have discussed, that we're talking about, I assume it's the same gentleman, he's in there for life with no possibility of parole, and evidently by statute you told me before, five or six months ago, or a year ago or whenever we discussed this, that he, the superintendent of the prison has, does not have the authority to segregate him from the general population.

Norris: They can do it for a short period of time but absent, that's what has happened in California, they've been sued in federal court, they can't be put in solitary confinement unless they're on death row, permanently at least; temporarily they can. But as they're behavior improves they have to put them back out on the yard.

Hodge: Okay, well and I'm not going to sit and beat a dead horse, cause you and I have discussed this, you know where I stand, so

Norris: certainly those are views but I

Wilson: that was one of my concerns but now what else can you, can you give me an example of something else that might be extraordinary?

Norris: Yeah, if the sheriff goes out and arrest 20 people in a major conspiracy case, that's going to be extraordinary, that's more than the four or five defendants in a typical drug case or its more than, you know, it's something that we're not really prepared for, you know, just like the 45th Parallel where we had to get defense counsel for these people from all over the state because we didn't have enough local defense attorneys. Those are the kind of things that are infrequent but do come up and in my business I can't tell you what they're going to be because I

Wilson: I'm just kind of asking types, other than death penalties

Landis: Our typical case upstairs, you know, isn't going to stretch out beyond a week. A lot of our cases, even our more complicated sex abuse cases, they're a week long; you've got, you know, usually one defendant, two defendants are normal you know. you start getting into something that resembles the 45th Parallel where you've got 14, 15 defendants, you're dealing with 14, 15 lawyers, you're doing discovery to all those people, you're maintaining that case, I mean a case like that, they kind of take on a life of their own, and they kind of, I mean frankly they kind of almost become a full time job in and of themselves, just maintaining them, keeping track of what's going on with them, making sure everything's going well. So, you know, it's not always going to be the case out at Snake River, there's going to be complex litigation that comes in. Just last year, I settled a case where, you know, it was a sex offense case, there was multiple victims, there had been literally years of DHS involvement with that family, we were dealing with thousands and thousands of pages of documents. Had that case gone to trial experts would have had to been called, likely flown in, you know, there's a lot of expense that go into any of these types of cases and so it's not always going to be a capital case from out at the prison, you know, the perfect example, like Mr. Norris was alluding to, is the 45th Parallel was an extraordinary expense case. And there's going to be expenses like that that go along with these types of cases, whether they be out at the prison or any other type of case that's complex litigation and the only way to describe it is if you're an attorney you know it when you see it because theres six binders with 2000 pages of documents sitting on your desk that you have to deal with.

Judge: So to both of these gentlemens questions Dan, if we don't have the money on these extraordinary cases, then what do you do? How do you, I mean if you don't and its not there, what do you do then.

Norris: Well then I come and ask you for contingency.

Judge: And then what if the contingency's gone?

Norris: Then I have to decide what other cases don't get prosecuted. Because these extraordinary cases are the most serious cases, so does that mean drugs don't get prosecuted, does that mean, you know, I have colleagues in other parts of the state, simple possession cases are not being prosecuted because they don't have the resources.

Hodge: And that's a question I want to ask you, what are other counties doing, when your pockets are empty your pockets are empty.

Norris: Yeah and I understand that, but, you know, that's not where we're at at this minute, that's something that I hope I'm out of office and we're all out of office before we have to go there.

Hodge: I hope it don't happen but

Norris: but that's a very theoretical discussion, we need to be practical in terms of where are we at today, and how best to move forward.

Hodge: So are you going to answer my question about what other counties are doing?

Norris: Other counties are picking and choosing what they do and don't prosecute.

Hodge: So what are some of them they're not prosecuting?

Norris: The easiest one for most counties is the possession of methamphetamine. A lot of them just totally ignore the possession of methamphetamine.

Hodge: And they just let them stay on the street

Norris: Yeah, they don't have a choice. Alex Gardner in Lane County, at least first time PCS's, my understanding is they don't have the resources to do it. Theft crimes end up getting you know either filed as violations or misdemeanors for felony theft crimes. Jackson County, you want to call 911 in Jackson County you better have lunch because its going to be 45, 50 minutes even if you're screaming and being robbed.

Hodge: Yeah I've heard all kinds of horror stories.

Norris: So, you know, yeah that's what you do, you have to figure it out. You know, a very complex drug case may be one of those things that I have to reevaluate how and what I charge. You know, we're going to obviously prioritize crimes of violence, so our sex crimes, you know, if I'm down to just me and a typewriter up there, we will probably still do those.

Hodge: Well thank you for your answer.

Wilson: Okay. Well that helped me a little bit so I can make a

Hodge: I appreciate you coming down, I appreciate you being, you know, I think for quite some time our last conversations have been pretty civil and I appreciate that. You know, and I'm sure you don't get any, you know, I don't get any pleasure out of fighting with you and I'm sure you don't get any pleasure out of fighting with me

Norris: I'm just trying to get this resolved

Hodge: I understand , but you know, we've got other things we've got to think about also

Norris: I understand that

Hodge: Appreciate you coming in

Wilson: thank you guys

Norris: Okay, thank you

Judge: Thanks

AMENDMENT TO IGA FOR 911 & DISPATCH SERVICES WITH CITY OF ONTARIO

Lieutenant Rob Hunsucker met with the Court and presented an amendment to the agreement with the City of Ontario for 911 and dispatch services. Lieutenant Hunsucker explained to the Court members the formula/calculation used to determine the payment of 911 and dispatch services by the city to the county. Agreements will also be entered into with the cities of Vale and Nyssa. Commissioner Hodge moved to approve First Amendment to Intergovernmental Agreement for 9-1-1 and Dispatch Services between Malheur County and the City of Ontario, which was recorded with the Malheur County Clerk on June 30, 2014 as Instrument Number 2014-2161. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording.

COURT ADJOURNMENT

Court was adjourned.



BOARD OF DIRECTORS
May 6, 2015 Minutes
Zions Bank, Weiser, Idaho

Members and guests present: Sandy Hemenway, Harry Flock, Layna Hafer, Ken Bishop, Alan Massey, Nancy Dale, Jeff William, Randy Jensen, Mike Hanigan, Dan Greig, Wil Overgaard, Kyla Dickerson, Jerry Smith, Rick Brahn, Margie Anderson, Tom Anderson, Abby Lee, Jeff Hafer, Ken Hart, John Breidenbach, Logan Hamilton, Torie Ramirez, Patrick Nauman, Bob Thomason, and Ryan Kerby.

Staff: Kit Kamo

The meeting was called to order by Chairman Patrick Nauman at 7:02 am. Patrick thanked Zions Bank for hosting the meeting. He then welcomed the group to Weiser and Washington County, followed by self-introductions of attendees.

Approval of April 1st minutes – a motion by Jeff Williams and a second by Logan Hamilton was made to accept the minutes. The motion passed unanimously.

Treasurer Sandy Hemenway reviewed the financial snap shot. A big thanks was given to annual renewing member Cascade Bank for \$2,500 and new member DL Evans Bank for \$500. Monthly renewing members are the Argus Observer, Red Apple Market Place, Hanigan Motors, Kohn Foods (Subway), Weiser Classic Candy, and Zions Bank. Additionally a thank you went out to all three counties for their membership payments which were received this month. A motion by Logan Hamilton with a second by Ken Bishop was made to accept the financial snap shot.

City and Community highlights – Chairman Patrick discussed how the format has been changed slightly so that city representatives could report on city activities and members of the community could report on business or other activities that they are involved in.

Ontario City – No report

Ontario Community – Ken Hart updated the group on the pool and how Four Rivers Healthy Community was also working on the project to find a solution to keeping the pool open.

Weiser – City Councilor Layna Hafer talked about the Kings store closing and the formation of the Economic Task Force in the greater Weiser area. There is a section of Weiser River trail that may get paved. They are working with the landowners along the trail. She thanked everyone for coming and invited the group over to Weiser Classic Candy after the meeting for Patrick Nauman's State SBA Award presentation.

Weiser School Superintendent Wil Overgaard briefly updated the group. Mr. Overgaard was one of the key members of the Project Darkness site visit to Weiser.

Vale City – No report



Vale Community – Logan Hamilton mentioned that the Vale City Budget passed last week.

Nyssa City – City Councilor Harry Flock said that the arsenic removal plant was moving forward, very slowly. He was excited about how many children participated in the Nyssa downtown bike parade. Thunderegg Days is in July and the Nyssa Chamber is meeting today.

Fruitland City – Mayor Ken Bishop talked about the recent grant approval from Idaho Parks and Trail for their new trail project. The project has 19 segments and they are forming citizen committees to plan and fund raise each segment. So far there are at least 30 community members signed up to work on this great community project. The City of Fruitland has also rolled back (and reduced by 90%) charges for new developments to give an incentive for business expansion and development projects. Fruitland Spring Fair is this Saturday.

Payette – City Councilor Nancy Dale reported on a new subdivision on 7th Ave that has 9 homes with 5 of them occupied. The downtown Façade Grant program through the City has 3 applicants. The Greenbelt has been adopted by a local church to keep it clean. The airport received \$200,000 to extend the runway for bigger planes.

Mayor Jeff Williams talked about the Miracle League Field which is the only one in Idaho (next closest is in Phoenix) and how it was Harmon Killebrew's dream to have a ball field with a rubber surface so that everyone could play, even in a wheel chair. The dedication and grand opening were a huge success and will bring more people to the area. The Apple Blossom Festival is in 2 weeks.

Alan Massey updated the group on the HTC (Home Town Competitiveness group), Idaho Commerce, City Council and Rural Development Initiative (RDI) work on the down town project. They will have an information center about the project and how local folks can be involved at the Apple Blossom Festival. Some of the buildings have the metal face being removed already.

New Plymouth City – no report

New Plymouth Community – Representative Ryan Kerby talked about their new subdivision, the schools, and he said he appreciated the energy and information that he gets from the SREDA group. This really helped during the legislative session.

Payette County – No report

Washington County – County Commissioner Tom Anderson welcomed SREDA to town. He also commented on how much he and SREDA appreciated Representative Kirby and Senator Lee attending the meeting. They have been working hard on transportation issues with Highway 95 in Payette and Washington Counties. Lots of activities going on, with several site visits to the area. Thanks to Patrick for representing the SREDA region, Weiser and Washington County with his SBA Award and in Washington DC this week.

Patrick Nauman talked about the site visits for Project Darkness and how we got the opportunity to host the 2 companies from the time they got off the plane, going to Weiser and the site visit and then through dinner that evening. Great opportunity for the community! He then talked about Project Neighbor and that it was a \$54 million project - \$26 million to Agriculture, \$24 million



for the plant and \$2.5 million payroll with 50 employees. Patrick attended the Canyon County hearing on Tuesday where the County denied the conditional use permit for the ethanol 'green energy' part of the operation in an industrial zone. Washington County has industrial zoned land that allows food processing and green energy production without a conditional use permit.

Malheur County – no report

Chairman Nauman opened the floor for discussion on the Malheur County's lack of financial participation for the next fiscal year. An in depth discussion followed about the value of the partnership within the region, setting a meeting to review the preliminary decision by the county court, and directors and members volunteering to address each segment of the issues.

FOLLOWUP – SREDA board, along with members and supporters, will be meeting in Vale, Wednesday 5/13/2015 at 9:15 before the Malheur County Court.

Executive Report – **please see attached report.** Kit passed out a written report and reviewed the information including projects, activities, trade shows, IEDA (from Kristen) and meetings.

The meeting adjourned at 8:05 am.

Respectfully submitted by Kit Kamo for Randy Griffin, Secretary

Calendar of EVENTS

May 6th – 7 am SREDA Monthly Meeting, Zions Bank, Weiser, Idaho

May 6-8 – SITE LINK, Pendleton – meeting with 7 site selectors

May 20 – Idaho Power Site Readiness Evaluation Program, Meridian 10 am - 2 pm

June 3 – 7 am SREDA Monthly Meeting, Four Rivers Cultural Center, Ontario, Oregon

All SREDA monthly meetings are open to the public

SREDA MANAGER REPORT May 6, 2015



Kit and Kristen attended the NRA Expo in Nashville. It was estimated that over 78,000 people attended this event and there were 550 vendors. We met with companies from Oregon such as Grizzly Cartilage, MPI Stocks, Warne Scope Mounts, Crimson Trace, Leupold & Stevens, Nosler, Benchmade Knives, Mountain House, Kershaw Knives, Krugar Premium



Targets, and Columbia River Knife. Idaho companies included: GemTech, Lone Wolf, Nightforce Optic, Tactical Arms, Buck Knives, MGM Targets, and Tops Knives. Other companies visited were Charter Arms, CT; C & C Scopes, CA; Berger Bullets, CA; Hi-Point, OH; Nemesis Arms, CA; 511 Tactical, CA; Faxon Firearms, OH; EMF Company, CA; Forbes Rifle, ME; and Apex Tactical, CA.

Project 78 – Still an active project. The Shortline Railroad visited the company’s facility on the east coast and met about the Fruitland site. The State, UP, Shortline, shippers, Ag commodity folks, and other economic development folks have met to discuss the possibility of a regional transloading or intermodal facility which is a critical component for this project. Intel shows sites in Nevada, Arizona and Utah as the other potential West Coast sites.

Project Pumpkins – having difficulties getting the quantity of seed needed for planting. Partners may have found a small harvester. Acres are being planted in Payette and Malheur County as well as the OSU Experiment Station.



Project Stanton site visit and tour of facility – Fry Foods requested assistance from Oregon State Departments for workforce and hiring workers who qualify as poverty. Those in attendance included



TVCC Career Center, Oregon Central Trade Act Unit, Governor Brown’s Office, Business Oregon, Oregon Employment, Training & Employment Consortium, and Oregon Human Development Corp. and other local supporting organizations. The group discussed avenues in helping to identify and qualify workforce that is within poverty status in order to comply with the New Market Tax Credit Loan program. Renovating of the facility has been a large undertaking and they are hoping to get some of the lines operational very soon. Eventually this location could be their largest operations in the US.

Project Neighborhood – This is a project that originated from a local County Commissioner last winter. Because of his interest and asking us to reach out to a company, that resulted in a follow up phone call and 3 site visits several months later. Two of the visits this month were in Washington County and one was in Malheur County. The project involves a food processing component, alcohol (spirits), growing the seed starts, and an ethanol component to provide energy for the operations. The food processing product would be sold to companies such as CLIFF Bar (in Twin Falls) as an ingredient in their bars. They are looking for 50-60 acres, with 25 acres of industrial and 25+ of irrigated agriculture. Approximately 50 employees would be hired.

Project Darkness – Idaho State lead which netted another site visit to Washington County. The County hit the daily double as the lead involved two separate companies, one from the Seattle area and one from Northern California. They were looking for about 100 acres for a type of value added agriculture operations. Similar to the outstanding job the City of Fruitland had done with the Project 78's site visit, Washington County also hit their site visit out of the ball park – they had the perfect team in place with city mayor, county commissioner, state senator, bank VP, Idaho Power, school superintendent, TVCC representative, and local business men as well as the state and SREDA. Having the correct people at the table to welcome the companies and answer their questions is proving very successful.



The City of Payette held a joint HTC and DownTown Revitalization type meeting with Jerry Miller, Idaho Dept. of Commerce, giving a presentation. Alan Massey did a great job presiding over the meeting and the different groups that have shown interest in this project are impressive. Like Ontario, they are moving forward with some very visible small projects that could be quite effective. It's great to see all our communities stepping up and working on projects and activities to make our area more livable and enjoyable! Kudos to all the volunteers who put in countless hours!

Malheur County's Owyhee and Malheur Rivers were the topic of yet another meeting with their 20 year Reservations of Unappropriated Water Opportunities for Economic Development in Agriculture expiring in January 2017. Numerous state, districts and other interested parties met to discuss the process for renewing the reservation and what potential opportunities that might create for the county and the area.

IEDA Spring Conf. 2015 Report – Lewiston ID

Outdoor Adventures in Economic Development: Bullets, Boats and Wine

April 14th -Tours

The group met and toured Vista Outdoor (formerly known as CCI) and Basalt Cellars Winery. Vista Outdoor is one of the largest employers in the Lewiston area, Vista Outdoor is one of the country's leading manufacturers of ammunition. They run 24 hours a day, 7 days a week. Basalt is one of Idaho's growing wineries. Idaho is growing in the wine industry.

April 15th and 16th Topics included...

Snake River Boat Builders, Ammunition and advanced manufacturing clusters. During economic hard times, especially for recreation, boat manufacturers banded together to build a cluster like no other, and though very competitive with each other, thrived as a group.

Nez Perce Tribal Enterprises.

Port of Lewiston

Economic Modeling and success stories.

Funding Options for Small Business Research & Development

Wine production in Idaho-Growing in Idaho especially in the Treasure Valley

Food Processing-Team Oregon (attending shows to market as a group)

Talent Pipelines in our communities (similar to our P2P program)

Thank you for the opportunity to attend!

Thankfully Submitted,

Kristen Nieskens