



City Council Work Session Meeting Agenda
September 29, 2020
6:30 PM

Mayor: Robert Duncan
Council President: Mike Caughey
Councilors: Kimberly Downey, Robert Boese, Adam Keaton, Randy Klemm, and
Charlotte Thomas.
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *All matters on the Consent Agenda are considered routine and will be enacted by one motion. Any member of the public can request that a matter be removed from the Consent Agenda for discussion. It will then be discussed under the "Other" part of the meeting schedule.*
4. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
5. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
6. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
7. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655*
8. *Meetings are held in a facility that is disinfected. Masks are required if there are 10 or more people in the room. Seating is set with 6' physical separation in mind.*
9. *If you wish to testify, and are unable to attend due to the Coronavirus Pandemic, please contact the City Recorder to be placed on a Conference Call list during the meeting.*

CALL TO ORDER AND ROLL CALL by Mayor, Robert Duncan

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

NEW BUSINESS

1. THE MATTER OF REVIEWING HMC 9.55 IN LIGHT OF RECENT COURT DECISIONS REGARDING USES OF PUBLIC PARKS FOR CAMPING/SLEEPING PURPOSES

STAFF REPORT:

Exhibit A: CIS Summary of Boise and Grants Pass Decisions

Exhibit B: Current HMC 9.55

ACTION: NO ACTION – DISCUSSION ONLY AND POSSIBLE DIRECTION TO STAFF

2. THE MATTER OF REVIEWING AND DISCUSSING CITY COUNCIL PROCEDURAL RULES AND GOVERNANCE POLICIES

STAFF REPORT:

Exhibit A: Current Red-Lined Policy with Possible Changes.

ACTION: DISCUSSION ONLY – POSSIBLE DIRECTION TO STAFF FOR A FUTURE BUSINESS MEETING

3. THE MATTER OF UPDATING HARRISBURG CRIME STATISTICS

ACTION: NO ACTION – INFORMATION REPORT ONLY

OTHER ITEMS

ADJOURN

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

THE MATTER OF REVIEWING HMC 9.55 IN LIGHT OF RECENT COURT DECISIONS REGARDING USES OF PUBLIC PARKS FOR CAMPING/SLEEPING PURPOSES

STAFF REPORT:

- Exhibit A: CIS Summary of Boise and Grants Pass Decisions
- Exhibit B: Current HMC 9.55

ACTION: NO ACTION – DISCUSSION ONLY AND POSSIBLE DIRECTION TO STAFF

THIS AGENDA BILL IS DESTINED FOR: Regular Work/Study Agenda: 09.29.2020

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
Uncertain	No	General Fund

STAFF RECOMMENDATION:
Staff recommends that Council members review legal summary from our insurer, CIS and compare to current city regulations in HMC 9.55, and in particular, HMC 9.55.120, 9.55.170 & 9.55.190/200

BACKGROUND INFORMATION:
CIS is recommending all cities and counties review their ordinances in relation to recent court decisions granting the “Homeless Class” of individuals unprecedented rights to use public property for camping and sleeping purposes if there are not ‘sufficient (local) places provided where the Homeless could lawfully sleep and rest.’ Please see the article shown in **Exhibit A**.

Our current ordinance not only does not consider whether there are local facilities where the homeless can go, but outright prohibits overnight camping (without a permit) but also levies a potential \$500/day fine for doing so. (**Exhibit B**). In addition, HMC 9.55.200 grants the city the right to “exclude” “from any and all city parks”, for up to 120 days, anyone who violates HMC 9.55.

Council should consider whether they want to ask the City Attorney to draft a new, or revised code section that takes into consideration these recent court decisions..

It's Time to Dust off Your Camping Ordinances

A Recent Ruling in Homelessness Case Impacts all Oregon Cities and Counties

By Aaron Hisel, Attorney from the Law Office of Gerald L. Warren and Associates

We know it's a balancing act to provide grace and resources to those experiencing homelessness while ensuring that enforcement action can still be taken to make sure public property remains accessible and safe for everyone.

That balance was recently shifted again in the class action case, *Blake, et al. v. City of Grants Pass*.

While the case *is* on appeal, this article provides you with some key takeaways. Before we get into those, a little background is in order.

Helping Homeless and Ensuring Public Safety Conflict

Tensions between providing for the homeless and ensuring public safety has always existed. Over the years, Oregon's cities and counties have taken steps to address these issues. Despite those efforts, federal courts recently issued two opinions that restrict local governments' options to address these challenges.

Previous 2018 *Martin v. Boise* Case Was First Attempt to Address Issue

The Ninth Circuit Court of Appeals handed down the first case, *Martin v. City of Boise*, in September of 2018. That opinion said it's unconstitutional under the Eighth Amendment to *criminalize* the involuntary act of sleeping in public *if* there are not "realistically available" shelter alternatives sufficient to house all of the homeless individuals in that jurisdiction.

According to *Martin*, no analysis was necessary as to any individual's circumstances because if there were more homeless than available shelter spaces, all of the homeless were deemed "involuntarily homeless" and, therefore, could not be subject to criminal "punishment."

41 days after the *Martin* Opinion Issued, The City of Grants Pass Was Sued

The Oregon Law Center (OLC is a non-profit legal office) took no time in suing Grants Pass in federal court on behalf of a class of "involuntarily homeless" plaintiffs.

In this suit, OLC sought to expand *Martin* by arguing that public bodies could not enforce *any* camping-related Ordinances against the homeless "unless and until" sufficient place(s) where the homeless could lawfully sleep and rest were provided.

Federal Judge sides with the class of homeless individuals

On July 22, 2020, Magistrate Judge Clarke issued a sweeping Opinion and Order that ruled against the City and sided with the class of homeless individuals.

While it's not apparent from reading Judge Clarke's Opinion, the parties were primarily arguing about the difference between the *involuntary* act of sleeping or resting, and the *voluntary* act of maintaining a campsite for an extended period of time on public property. The two sides also argued about whose burden it was — the government's or the homeless individuals — to prove that a person residing on public property had nowhere else to go.

Judge Clarke's opinion can only be interpreted as requiring all cities and counties to carve out exceptions — in their ordinances — where the homeless can lawfully engage in sleeping without risk of enforcement.

Can Cities Fine the Homeless?

Judge Clarke also determined that a monetary fine of *any amount* against the class of “involuntary homeless” individuals when no other alternatives are provided would be excessive under the Eighth Amendment.

Grants Pass Appeals Decision, but Appeals Can Take 2 Years

Again, the City of Grants Pass, with the support of CIS has appealed Judge Clarke's rulings.

One of the major challenges with the appeal is that the process in the Ninth Circuit currently takes approximately two years, so the judgment from this case will be in place for the foreseeable future.

Now What Can You Do...

...and What You Can't Do

Below are some key takeaways to keep in mind as you continue to address these thorny issues surrounding homelessness and the general welfare of all your citizens:

Does your ordinance make it illegal to sleep or camp on all public property at all times?

If your Ordinance prevents individuals from putting any bedding down or taking even rudimentary measures to shield themselves from the elements on all public property at all times, this is more likely to be found unconstitutional — even if there are times and/or places in which no enforcement action is taken.

Even an Ordinance that limits “camping” often includes a complete ban on simply “sleeping” as part of the definition of camping. In all likelihood, such a ban would also not survive a court challenge.

An alternative to a complete ban on sleeping in public is to insert a time limitation. This would significantly decrease risk and add clarity. (e.g. “camping is defined as [insert description] ... for more than 24 hours.”)

Does your ordinance call for criminal citations, or civil infractions?

From a risk management perspective, we recommend that local governments' camping ordinances be civil infractions that allow a range of “punishments” other than arrest, and not

misdeemeanors. This is, in part, because of another Ninth Circuit case that came out the same day as the *Grants Pass* opinion, called *Pimentel, et al. v. City of Los Angeles*, issued July 22, 2020.

In *Pimentel*, the Ninth Circuit held for the first time that the Eighth Amendment ban on excessive punishments applies not just to criminal punishments, but also to civil fines, subjecting fines of any amount to an analysis by courts about whether they are “too much.” The Court upheld a \$63 parking fine as constitutional but questioned whether an additional \$63 the City charged for late payment was also constitutional and sent the case back for further review of that issue.

Presumptive fines schedules should be revised with this in mind, keeping an eye out for hidden fines — usually fees to be tacked on for collection or non-payment. The clearer your ordinances can be about alternative options to fines (such as community service), the less likely there is to be a successful challenge to the “punishment” associated with an ordinance violation.

“Tools” Cities and Counties CAN Use According to Judge Clarke

Judge Clarke’s Opinion still allows for citations to be issued to homeless individuals for littering, harassment, urinating and defecating in public. Judge Clarke felt these were the available “tools” in the local government’s toolbox. One wonders, however, if such citations might also be challenged as equally “involuntary” aspects of being involuntarily homeless.

Now is the Time to Review Your Ordinances and Enforcement Practices

These decisions are novel so they will almost certainly impact your ordinances. Below are steps to minimize legal challenges regarding where the homeless can sleep or camp.

1. Have your City Attorney or County Counsel review this article, the *Blake, et al. v. City of Grants Pass* Motion for Summary Judgment briefing, and the resulting Opinion alongside your current or proposed Ordinances.
2. Have your City Attorney or County Counsel review the Judgment and related injunction that Judge Clarke entered in the *Blake, et al. v. City of Grants Pass* matter. This Judgment and injunction seek to address the concerns in his Opinion, but leaves Grants Pass with a workable set of guidelines while the appeal process proceeds.
3. If you or your attorney still have questions, reach out to CIS General Counsel Kirk Mylander: kmylander@cisoregon.org, (503) 763-3812.
4. For situations where litigation is threatened, Kirk Mylander may refer you to my firm, the Law Office of Gerald L. Warren and Associates, to consult at no cost to your organization.

A Few More Key Takeaways from Grants Pass

City’s Arguments Have Little Impact

Advocates for the homeless freely admit that their goal is to use every means possible, including litigation, to force local government to provide free “low barrier” housing to the homeless. These

EXHIBIT A

advocates push for cities and counties to allow indefinite camping in specifically designated areas — much like the tent city models found in Portland.

While we don't want to discourage public bodies from expending resources to help those in need, we cannot recommend any of these alternatives as an effective form of liability risk management. These "solutions" do not actually solve any of the legal issues addressed here and will likely create additional liability risks.

Judge Clarke rejected every form of alternative shelter or place the homeless had available to sleep in the Grants Pass area. (e.g. it was not within the physical boundary of the City, it had a religious affiliation, it was not HUD approved as a shelter). It had no impact on his constitutional analysis.

Logically, even if the resources existed to build "low barrier" housing for all, there would still be those who cannot co-exist with others. Some of the "involuntary" reasons might include mental health, communicable disease, restraining orders, etc., and those individuals still must sleep somewhere.

In addition, as some public bodies have moved to dictate specific locations where homeless must sleep, a multitude of other liability issues arise under a separate "danger creation" constitutional doctrine.

Examples: "You made me sleep here and something bad happened to me," or "You made this encampment where I have to be, and so you must also provide additional support such as toilets, drinking water, washing stations, and security."

There may still be policy and political reasons to pursue these types of alternatives, but those options must be weighed against an increase in liability risk and cost.

**Chapter 9.55
CITY PARK REGULATIONS**

Sections:

[9.55.010 Purpose.](#)

[9.55.020 Definitions.](#)

[9.55.030 Vehicles in City parks.](#)

[9.55.040 Animal control.](#)

[9.55.050 Fire.](#)

[9.55.060 Commercial activity.](#)

[9.55.070 Garbage and other refuse.](#)

[9.55.080 Motor vehicle speed.](#)

[9.55.090 Dangerous equipment and activities.](#)

[9.55.100 Special use areas.](#)

[9.55.110 Sound.](#)

[9.55.120 Hours of use – Sleeping and camping – Liquor.](#)

[9.55.130 Hours of park closure.](#)

[9.55.140 Liability.](#)

[9.55.150 Flora.](#)

[9.55.160 Marking, injuring or disturbing any structure.](#)

[9.55.170 Penalty.](#)

[9.55.180 Rules and regulations.](#)

[9.55.190 Campground rules for parks.](#)

[9.55.200 Trespass.](#)

9.55.010 Purpose.

The parks of this City are established and maintained as areas of recreation, relaxation and

enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment by a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design and accommodations available in each park unit. Limitations may be required to ensure the use of park areas in safety and to protect the rights of others in surrounding areas. [Ord. 679 § 1, 1995.]

9.55.020 Definitions.

As used in this chapter, the term “park” means an area of land owned or controlled by the public, set aside and maintained by the public for the recreation and relaxation of the public, including neighborhood parks and community parks, as well as limited use parks (which includes undeveloped greenways). [Ord. 679 § 2, 1995.]

9.55.030 Vehicles in City parks.

1. Vehicles such as autos, trucks, motorcycles, motor scooters, go-carts, bicycles, or other conveyances shall operate, stop or park only upon designated roadways or within designated parking areas unless specifically authorized by the City. Parking prohibitions, time limits or other parking restrictions for areas within City parks may be designated by the City with official traffic signs.

2. No person shall drive a vehicle upon the City boat landing near the intersection of 1st and Monroe Streets, nor on the adjacent gravel bar, except for the purpose of launching or retrieving a watercraft. No vehicles shall park on the boat landing or adjacent gravel bar. Any person who violates these prohibitions shall, upon conviction, pay a fine of not more than \$200.00. [Ord. 931 § 1 (Exh. A), 2015; Ord. 927 § 1 (Exh. A), 2015; Ord. 880, 2009; Ord. 679 § 3, 1995.]

9.55.040 Animal control.

1. The City has reasonable discretion to regulate the presence and activities of animals in City parks.

2. No person shall ride or lead any horse or pony in a park, except as designated by the City, by permit.

3. Also refer to offenses relating to animals in Chapter 6.10 HMC. [Ord. 679 § 4, 1995.]

9.55.050 Fire.

No person shall build or maintain any fire in a park, except in fire rings, fireplaces or designated areas. No burning materials shall be gathered or used by individuals except as authorized by the City. [Ord. 679 § 5, 1995.]

9.55.060 Commercial activity.

1. No person who holds a valid commercial activity permit issued by the City under this section shall sell merchandise or services within a park in violation of any conditions stated on that permit.

2. Permitted commercial activities in City parks shall meet the following conditions:
 - a. Park concession stands, gross sales, expenses and net receipts shall be certified for accuracy by the authorized agent of the applicant.
 - b. The number of persons permitted to stay overnight shall be authorized by the City.
 - c. Applicant shall compensate any expenditures for park maintenance, including City lighting, if any.
3. A commercial vendor will be subject to a fee, as established by a resolution of the City Council; nonprofit organizations will not be subject to a fee. [Ord. 679 § 6, 1995.]

9.55.070 Garbage and other refuse.

1. No person shall discard or dispose of any garbage in a park, except in a receptacle provided for such garbage and other refuse.
2. No person shall take any garbage or other refuse into a public park for the purpose of discarding or disposing of such garbage or other refuse. [Ord. 679 § 7, 1995.]

9.55.080 Motor vehicle speed.

The designated speed for motor vehicles upon the roadways within any park is 10 miles per hour unless otherwise posted. No person shall operate a motor vehicle upon any roadway in a park at a speed greater than permitted by the basic rule as provided in ORS 811.100. [Ord. 693 § 1, 1995; Ord. 679 § 8, 1995.]

9.55.090 Dangerous equipment and activities.

No person shall use or engage in any activity in a City park that the City determines will create an unreasonable interference or danger to other persons. Such activity shall include, but not be limited to, the use of golf clubs, archery equipment, a discus, javelin or shot; any aircraft, rocket or missile powered by fuel or mechanical means; or any firearm. Such activities will be allowed only as provided in HMC [9.55.100](#). [Ord. 679 § 9, 1995.]

9.55.100 Special use areas.

The City may set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include, but not be limited to, activities such as horse or pony riding, Junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under HMC [9.55.090](#). Before establishing, altering or discontinuing such a special use area, the City shall determine the priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons.

If the City establishes a special use area, such hours or days of usage may be designated, the

particular activity or activities which are permitted, and such conditions as are required for the safety and convenience of persons and property. The City shall establish the boundaries of the special use area and post such signs and warnings concerning that special use area as deemed reasonably appropriate. No person shall use or injure any special use area, except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the City. [Ord. 679 § 10, 1995.]

9.55.110 Sound.

1. No person shall disturb the peace in any park between the hours of 10:00 p.m. and 8:00 a.m. For purposes of this subsection, “disturbing the peace” is defined as including, but not limited to, the following:

- a. Playing a musical instrument.
- b. Playing a radio, tape recorder or television.
- c. Shouting.
- d. Engaging in any organized games.

2. No person or organization shall use any device to amplify sound in any park unless a valid permit has been issued by the City.

3. The City may issue a permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specified hours that the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The City may include conditions in such permit, and the permit may be revoked if the terms of the permit are violated, or a permit may be denied to a person or group of persons who have violated the terms of a permit within the previous year.

4. No person who holds a valid permit issued under this section shall amplify sound within a park in violation of any conditions stated in that permit. [Ord. 679 § 11, 1995.]

9.55.120 Hours of use – Sleeping and camping – Liquor.

1. No person shall sleep in any park between the hours of 10:00 p.m. and 6:00 a.m., unless previously authorized by the City.

2. No person shall use any tent, shelter-half, vehicle, camper, trailer or RV motor home as a shelter for housing or sleeping in any park area, unless previously authorized by the City.

3. No corporation, organization or person shall bring, or permit any person to bring, or consume any intoxicating liquor on park premises, except that the City Administrator or his/her designee can issue a permit to allow persons to bring and consume alcoholic beverages at City-sponsored

outdoor concerts. A permit issued by the City Administrator shall include conditions and restrictions as determined appropriate by the City Administrator, at least including the following:

- a. No alcohol shall be consumed in violation of State statutes or rules of the Oregon Liquor Control Commission;
- b. Alcohol other than distilled liquor or hard alcohol can be consumed on City property, at the site of the concert, beginning no earlier than 30 minutes before the scheduled concert, nor later than the end of the concert; and
- c. The City of Harrisburg reserves the right to cancel the privilege of consuming alcohol at City concerts at any time, for any or all individuals without cause. [Ord. 904, 2012; Ord. 679 § 12, 1995.]

9.55.130 Hours of park closure.

No person shall enter or use any park during posted hours of closure without a permit to do so from the City. [Ord. 679 § 13, 1995.]

9.55.140 Liability.

All persons to whom an exclusive use permit has been granted must agree in writing to hold the City harmless and indemnify the City from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee. Said persons shall be liable to the City for any and all damages to parks, facilities and buildings owned by the City which result from the activity of permittee or are caused by anyone who participates in said activity. [Ord. 679 § 14, 1995.]

9.55.150 Flora.

No person other than a duly authorized City employee in the performance of his duty or persons participating in City-approved activities shall dig, remove, destroy, injure, mutilate or cut any trees, plants, shrubs, blooms or flowers, or any portion thereof, growing in any park. [Ord. 679 § 15, 1995.]

9.55.160 Marking, injuring or disturbing any structure.

No person other than a duly authorized City employee in the performance of his or her duties shall:

1. Cut, break, injure, deface or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property in a park.
2. Mark or place thereon any mark, writing or printing.
3. Attach thereto any sign, card, display or other similar device, except as authorized by permit issued by the City. [Ord. 679 § 16, 1995.]

9.55.170 Penalty.

Unless another amount is stated in this chapter, any person who violates any provision of this chapter shall, upon conviction, be punished by a fine of not more than \$500.00, per occurrence, per day. [Ord. 880, 2009; Ord. 679 § 17, 1995.]

9.55.180 Rules and regulations.

The Mayor and Council declare these rules and regulations to be necessary in order to have clean, attractive, well-maintained City parks.

You should help to keep this City a pleasant, safe and desirable place to live. The Mayor and Council have established and will enforce the following rules and regulations:

1. General Rules.

- a. The parks are open for public recreation, as designated.
- b. No peddling, soliciting or commercial enterprise is permitted in the park without a permit.
- c. Disorderly conduct, noisy disturbances or disregard of these rules and regulations will be grounds for your immediate removal from the park by the police, authorized City officials or its designees.
- d. Park participants will be held responsible for the conduct of and any damage to the park or its equipment caused by their children.
- e. Children under the age of eight shall not be left unattended in the parks.
- f. No person shall consume or have in their possession any intoxicating beverage or narcotics while in or upon the property of the parks.
- g. Air rifles, BB guns, bows and arrows or other guns and dangerous objects may not be used in parks in the City.
- h. No swimming is allowed on park property because lifeguards and suitable designated swimming areas are not provided.
- i. No overnight camping is allowed on park property without a permit.
- j. The Mayor, Council and their employees will not be responsible for accidents, injuries or loss of property by fire, theft, wind, flood or other natural acts which are beyond their control. Equipment furnished on the grounds is solely for your convenience and used at your own risk.
- k. The Mayor, Council and their employees are not responsible for any personal injury to children or adults using playground equipment. Participants use the equipment at their own risk.

I. You should immediately notify the City Hall or the Police Department of hazardous conditions in the parks or conditions which are in violation of these rules and regulations.

2. Automobiles and Motorized Vehicles.

a. Vehicles shall be parked only in the designated areas. Vehicles parked elsewhere or on the grassy area will be removed at the owner's expense. No auto repairs are allowed anywhere at any time on park property.

b. The speed limit in the park is 10 miles per hour and must be observed at all times and drivers must be alert for children and pedestrians.

c. Bicycles, roller skates, skateboards and other types of nonmotorized vehicles must be used safely, without the possibility of injury to others and only in nonrestricted areas.

d. Disturbing or careless operation of motorcycles, automobiles or other types of motor vehicles will be grounds for removal from the park and/or citation by the police.

3. Park Buildings and Facilities.

a. Park buildings and facilities are provided for your convenience or pleasure. You have a responsibility to use the facilities with respect for others and to keep them neat and clean. Any irregularities should be reported immediately to the City.

b. No pets are allowed in the park buildings at any time.

4. Animals.

a. Except as allowed in HMC [9.55.100](#), no person shall ride or lead any horse or pony in the park, except upon a roadway or designated parking area or designated bridle path.

b. Pets are permitted in City parks (unless otherwise posted) only if they are on a leash that is five feet or less in length. Pets shall be kept under supervision at all times and should not be allowed to run at large or to commit any nuisance in the limits of the park.

c. All fecal material left by the pet or animal, in the park, must be picked up, placed in a container and removed from the park.

d. Violation of these regulations will lead to the removal of both animal or pet and owner.

5. Solid Waste Disposal and Fire Protection.

a. Your garbage and trash must be placed in the proper receptacles.

b. No person shall bring any non-park-generated garbage into the park for the purpose of disregarding or disposing of such garbage or other refuse.

c. Fires are permitted only in fire rings or cookers in designated areas only.

6. Vegetative Protection.

a. No person other than a duly authorized City employee in the performance of his or her duty or person participating in City-approved activities shall dig, remove, destroy, injure, mutilate, or cut any trees, plants, shrubs, blooms, or flowers, or any portion thereof, growing in the park.

b. Trees and shrubs are not to be climbed, hung on, or used as poles for game nets or swings.

c. Nothing can be posted on the trees or shrubs, nor can any nails, screws, or other foreign objects be driven into the plants.

d. Activities that will damage the grass or flowers such as open fires or unauthorized digging are strictly prohibited.

7. Building Protection.

a. No person shall destroy, mutilate, or damage any building or structure in the park.

b. Buildings or structures are not to be climbed, hung on or used for games or swings.

c. Nothing shall be posted on any building or structure nor can any nails, screws, or other foreign objects be driven into any buildings or structures in the parks.

d. Activities that will damage buildings or structures are strictly prohibited.

8. Such rules and regulations shall be posted in each park, in a place conspicuous to the public.

9. Any other rules and regulations which the City Council deems necessarily for public safety may be established by resolution. [Ord. 906 § 1, 2012; Ord. 679 § 18, 1995.]

9.55.190 Campground rules for parks.

The following are overnight camping rules:

1. No overnight camping without a permit.

2. No drinking of alcoholic beverages allowed in the park.

3. Age Limit. Any minors under 18 years of age must be accompanied by a responsible adult 21 years of age or older.

4. Maximum Stay. Maximum stay is determined by the City in designated areas only.

5. In addition, all campers must abide by the posted rules and regulations for park use. [Ord. 679 § 19, 1995.]

9.55.200 Trespass.

Any police officer, City employee or designee may exclude any person who violates any provision of this chapter or any other applicable City ordinance, or any of the laws of the State of Oregon, from any or all City parks for a period not to exceed 120 days.

1. Written notice shall be given to any person excluded from any City park(s). Such notice shall specify the dates and places of exclusion. It will be signed by the issuing party; warning of consequences for failure to comply shall be prominently displayed on the notice.

2. A person receiving such notice may appeal to the City Council to have the written notice rescinded or the period shortened. An appeal must be filed with the City Hall within five days of receiving notice.

This section is in addition to and not in lieu of any other ordinance or law. Trespass is a Class C misdemeanor. [Ord. 679 § 20, 1995.]

Agenda Bill
Harrisburg City Council
Harrisburg, Oregon

THE MATTER OF REVIEWING AND DISCUSSING CITY COUNCIL PROCEDURAL RULES AND GOVERNANCE POLICIES

Exhibit A: Current Red-Lined Policy with Possible Changes.

ACTION: DISCUSSION ONLY – POSSIBLE DIRECTION TO STAFF FOR A FUTURE BUSINESS MEETING

THIS AGENDA BILL IS DESTINED FOR: Work Session Agenda, September 29, 2020

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

STAFF RECOMMENDATION:
Staff recommends Council review and discuss the proposed changes, and direct staff on whether they would like to formally consider changes at a future business meeting.

BACKGROUND INFORMATION:
The City Council last updated the Council Procedural Rules and Governance Policies in 2018, when changes to the Committees were made. Since then there have been some concern about certain members of the public, on occasion monopolizing the public input portion of the agenda. Staff is also recommending that a few other changes be considered.

Therefore, some updates have been suggested in red. Council should review and decide if they would like to see these changes, or if there are any other changes they would like to see made at this time.

If Council does prefer these changes, or further alterations to the current policy, then Staff can return with a resolution adopting the changes at a future business meeting.

REVIEW AND APPROVAL:

John Hitt, City Administrator Date

DRAFT PROCEDURAL RULES

Section 1. Meeting Times. The Council shall normally meet for their regular Council meeting on the second Tuesday of each month; and for a work session meeting on the fourth Tuesday of each month, if city business necessitates another meeting.

Section 2. Work Sessions. Work sessions of the Council shall be held in accordance with state statutes whenever special circumstances require such a session, and such session shall be called by either the Mayor, City Administrator or two Council members.

Section 3. Emergency Meetings. The Mayor, or in the Mayor's absence, the President of the Council, or City Administrator shall, on petition of ~~four~~ three Councilors, call a meeting at any time for the transaction of the business mentioned in such petition; provided that notice is given consistent with state statutes.

Section 4. Executive Sessions. Executive sessions may be held during regular or special meetings, so long as appropriate statutory limitations are met. Any executive session held during study sessions shall also meet appropriate statutory tests.

Section 5. Robert's Rules of Order. Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules are provided herein.

The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

Section 6. Quorum. The Mayor, or in his absence the President of the Council, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the Recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. A quorum is the majority of the Council members. If the absent member or members do not appear after being notified, the members present shall adjourn until a specific time or until the next regular meeting.

Section 7. Agenda. The agenda shall be prepared and ready by the Friday before the meeting. The Council shall consider at the meeting only matters that appear on the agenda for that meeting. **The Mayor or any Council member may make a motion to add or remove items from the published agenda which then shall be subject to vote of the Council. In addition, items that are brought up or** ~~or are introduced by a Council member or the Mayor,~~ or are discussed under "concerned citizens" on the agenda, by citizens who are present, **may by motion and vote of the Council be added to the agenda.** Council members and the Mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

Section 8. Consent List. Any item placed on the Consent List shall be removed at the request of the Mayor, Council member or public prior to the time a vote taken on

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the Consent List items. All remaining items on the Consent List shall be disposed of by a single motion "to adopt the Consent List," which shall not be debatable. Adoption of the Consent List shall be by the affirmative vote of all Council members present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the Consent List shall be voted upon separately in the usual manner.

Section 9. Public Hearings. The presiding officer shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda. The presiding officer shall then declare the hearing to be open and, **at the appropriate time**, invite any member of the audience to come forward to be heard. If appropriate, the presiding officer may first ask those persons in favor of the stated matter to come forward with those speaking in opposition coming after. The presiding officer may, with the approval of Council, limit the time and number of speakers at each public hearing. In such event, the presiding officer shall so announce such restriction prior to the commencement of the hearing.

Section 10. Voting Generally.

(1) The vote on every motion shall be taken by raised hand or roll call and entered in full upon the record.

(2) A roll call vote shall be used if requested by any member of the Council. It shall not be in order for members to explain their vote during roll call. Any member may change his or her vote prior to the next order of business.

(3) Where not otherwise controlled by Charter provision, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

Section 11. Duty to Vote. Every member when a question is taken shall vote, subject to the rules relating to Conflict of Interest, unless a majority of the Council, for special reason, shall excuse said person.

Section 12. Reconsideration of Actions Taken. Any member who voted with the majority may move for a reconsideration of any action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the Council.

Section 13. Designation of Hearings Officer to Conduct Special Public Hearings. A hearings officer may be designated by the presiding officer to conduct special public hearings, when appropriate.

Section 14. Sergeant-at-Arms.

(1) The Sergeant-at-Arms shall be the **City** Administrator or an appropriate designee.

(2) It shall be the duty of the Sergeant-at-Arms to assist the presiding officer, as appropriate, to maintain the order and decorum at all meetings.

Section 15. Speaking by Council Members Generally. Every Council member desiring to speak shall address the Chair and, upon recognition by the presiding officer, shall confine the **his/her** remarks to the question under debate.

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Section 16. Questions of Administrative Staff by Council Members. Every Council member desiring to question the administrative staff shall address the questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Section 17. Administrative Staff and City Employees Addressing Council or Public. Members of the city’s administrative staff and other city employees desiring to address the Council or members of the public shall first be recognized by the Chair and shall address such remarks to the Chair. The staff may respond to questions or comments by the Council or members of the public with permission of the Chair, but shall always do so in a polite, tactful manner.

Section 18. Public Members Addressing the Council.

(1) Any public member desiring to address the Council shall stand and wait to be recognized by the presiding officer. After recognition, the person’s name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual Council member, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer.

(2) Any public member addressing the Council shall be limited to (two minutes ?? two minutes seems too short. Perhaps a time limit of 5 minutes is more reasonable and more easily enforced) unless further time is granted by the presiding officer. If public input from a single individual continues for more than six minutes, any Council Member may make a ‘Point of Order” motion to terminate the current input, which shall then take precedence, and a vote of the Council shall be taken.

(3) After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council.

Section 19. Order and Decorum.

(1) Any of the following shall be sufficient cause for the Sergeant-at-Arms, or any sworn officer-of-the law, to, at the direction of the presiding officer, remove any person from the council chambers, or meeting hall, for the duration of the meeting:

- (a) The use of unreasonably loud or disruptive language. (Unreasonably loud or disruptive language, noise, or conduct is that which obstructs the work or the conducting of the business of the Council.)
- (b) The making of loud or disruptive noise.
- (c) The engaging in threatening, violent or distracting action.
- (d) The willful injury of furnishings or of the interior of the council chambers or meeting hall.
- (e) The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.
- (f) The refusal to obey an order of the presiding officer or any order issued by a Council member which has been approved by a majority of the Council members present.

(2) Before the Sergeant-at-Arms, or sworn officer is directed to remove any person from the meeting hall for conduct described in subparagraph (1), that person shall be given a warning by the presiding officer to cease his or her conduct.

(3) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Council members present may order that the disruptive member(s) be removed from the council chambers.

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Section 20. Picture Taking and Filming. The taking of photographs in the Council Chambers or other meeting hall shall be allowed except when done in violation of paragraph 3 of Section 19.

Section 21. Seating Capacity and Safety Requirements.

(1) The safe occupancy and seating capacity of the Council Chambers as determined by the Fire Marshall shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

(2) Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and shall not pass beyond the restraining barriers unless requested to do so by the presiding officer.

Section 22. Flags, Signs and Posters. No flags, posters, placard, or signs, unless authorized by the presiding officer, may be carried or placed within the Council chambers, any meeting hall in which the Council is officially meeting, or any meeting hall in which a public hearing is being held. This restriction shall not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

Section 23. News Media. The provisions of this Resolution shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting.

Section 24. Filling Vacancies. Any vacancy occurring on the City Council shall be filled as provided by the City Charter.

Section 25. Committees. The Council shall create committees as found to be necessary to conduct city business. The Council shall also establish the purpose of a committee, criteria for membership on the committee, terms of office for committee members, and if the committee will serve for a limited period of time or indefinitely. Unless specified elsewhere below, the Mayor shall appoint persons to serve on committees. The Mayor may also appoint an alternate to a committee who shall have all of the powers of a regular committee member if a regular member is absent from a meeting. Although the City Council shall be empowered to add, subtract, or modify committees, the committees recognized by the Council upon the adoption of this resolution are:

(1) **Budget Committee.** The Budget Committee shall consist of the Mayor and City Council, plus seven other persons who are not serving in any other elected or appointed capacity for the city. All members of the Budget Committee shall reside within the boundaries of the city. Appointments to the committee shall be for a three year term. The purpose of the committee shall be to advise the Council on budgetary matters, including supplemental budgets.

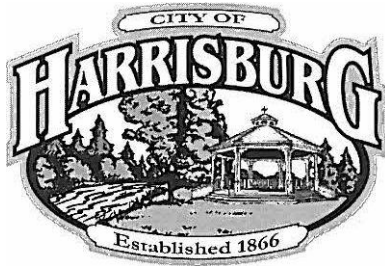
(2) **Personnel Committee.** The Personnel Committee shall consist of three members, all of whom shall be elected officials of the city. The purpose of the Personnel Committee shall be to make recommendations to the Council on personnel issues, including changes in personnel policy, wage and benefit issues, and staffing needs, but

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not matters of discipline or hiring. This committee shall exist indefinitely, and meet on an as-needed basis, as determined by the Chair of the committee.

Section 26. Youth Advisory Council. Unless the Council votes to not participate, the Mayor may appoint a student from Harrisburg High School to the Council, the Planning Commission or a committee. The appointment of the youth advisor will not count as one of the regular members of the Council, Planning Commission or committee. A youth advisor shall be able to participate fully as a councilor, commissioner, or committee member, including making or seconding a motion and voting, except that their vote shall be noted as advisory only. A youth advisor will not count towards the need to meet a quorum.

Section 27. Governance Policies. Attached hereto is a document entitled Council Rules Addendum: Governance Policies. This document, including any future amendments thereto, shall serve as an addendum to these Council Rules. It shall state the Council's policy on Councilor conduct, City Administrator performance expectations and evaluations, and establishing goals for the strategic direction of the city.



*Council Rules Addendum:
GOVERNANCE POLICIES*

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Council Dynamics Policies

The Harrisburg City Council shall hold themselves accountable to the following principles and guidelines for Code of Conduct.

“Always do right. This will gratify some people and astonish the rest.”
-Mark Twain

Council Member Conduct with One Another

This council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, each council member has chosen to serve in public office in order to preserve and protect the present and the future of the City of Harrisburg. This common goal should be acknowledged even as council members may "agree to disagree" on contentious issues.

In Public Meetings

1. **Practice Civility and Decorum in Discussions and Debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
2. **Honor the Role of the Mayor in Maintaining Order.** It is the responsibility of the Mayor to keep the comments of the council members on track during all meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is a disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures.
3. **Avoid Personal Comments that Could Offend other Council Members.** If a council member is personally offended by remarks of another council member, the offended council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other council member to justify or apologize for the language used. The Mayor will maintain control of this discussion. If the Mayor is challenged, then **the Council President, or other non-involved** council member ~~acting as process observer~~ shall **may** step in to control the discussion.

4. **Demonstrate Effective Problem Solving Approaches.** Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

In Private Encounters

5. **Continue Respectful Behavior in Private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
6. **Be Aware of the Insecurity (Non Confidentiality) of Written Notes, Voicemail, and Email.** Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this Email message were forwarded to others? Written notes, voicemail messages and Email should be treated as potentially "public" communication!
7. **Even Private Conversations can Have Public Presence.** Elected officials are always on display. Their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noticed.
8. Quick Tips.
 - a. Preserve dignity and self-respect.
 - b. Listen for the message even if you don't agree with it.
 - c. Respect others as they are.
 - d. Express your independent perspective.
 - e. Participate intelligently.
 - f. Be willing to delegate and let others make decisions.
 - g. Lead from the front of the parade.
 - h. Control all you should, not all you can.
 - i. Use few words after much thought rather than many words after little thought.
 - j. Seek to create change and overcome the influence of conventional wisdom.
 - k. Recognize when you need outside experts.
 - l. Recognize the efforts of others.
 - m. Continuously pursue excellence.

Council Member Conduct with City Staff

Governance of the City of Harrisburg relies on the cooperative efforts of all council members, who set policy, and city staff, who implements and administers the council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- 9. **Treat all Staff as Professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- 10. **Direct Administrative and Operational Questions to City Management.** Questions of city staff and/or requests for additional information should be directed to the City Administrator, Asst. City Administrator/City Recorder, or their designees. The City Administrator should be copied on ~~any~~ **all such** requests. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.

- 11. **When Possible, Keep Communication with City Staff Short, to the Point and at the Best Possible Time.** Every effort should be made to limit disruption to the work of city staff. Council members should avoid making requests to staff that are in meetings, on the phone, or engrossed in performing their job functions.

- 12. **Never Publicly Criticize an Individual Employee.** Council members should never express concerns about the performance of a city employee in public or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

- 13. **Do Not Get Involved in Administrative Functions.** Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, or other such administrative functions. If the project is brought to the Council, then they may, of course, discuss this at that time.

- 14. **Check with City Staff on Correspondence Before Taking Action.** Before sending correspondence, council members should check with the City Administrator to see if an official city response has already been sent or is in progress.

- 15. **Do not Attend Meetings with City Staff Unless Requested by Staff.** Even if the council member does not say anything, the council member's presence implies support, or may show partiality, intimidate staff, and hamper staff's ability to do their job objectively.

Council Member Conduct with the Public

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Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, **indifference** or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

In Public Meetings

16. Be Welcoming to Speakers and Treat Them with Care and Gentleness.

Because personal concerns are often the issue of those who come to present to the council, council members should remember that how they treat the speaker will either help them relax or push their emotions to a higher level of intensity.

17. Give the Appearance of Active Listening. It is disconcerting to speakers to have council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, using cell phones or other electronic devices, or gazing around the room gives the appearance of disinterest. If you need to use your cell phone it is appropriate to excuse yourself from the meeting. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.

18. Ask for Clarification, But Avoid Debate and Argument With the Public. A speaker should be allowed to complete their presentation before the Mayor or Council members start asking questions. However, a council member may ask the Mayor for a "point of order" if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing.

If speakers become flustered or defensive by council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by council members to members of the public should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing.

19. No Personal Attacks of any Kind, Under any Circumstances. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

In Unofficial Meetings

20. Make no Promises on Behalf of the Council or Staff. It is inappropriate to overtly or implicitly promise council action, or to promise city staff will do something specific (i.e. fix a pothole, replace flowers, fix a leak, etc.)

- 21. **Speak with One Voice.** Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or city policies as they relate to council action. Objectively present the council's collective decision or direction, even when you may not agree. If you feel the need to express your own opinion, state it in terms such as: "I would have preferred "x" but the council wanted "y" so that's what we will be doing." Explaining council decisions, without giving your personal criticism of the council's actions, will serve to strengthen the community's image of the City of Harrisburg's Council.

- 22. **Make no Personal Comments About Other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other council members, their opinions, and their actions. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by council members. It is a serious and continuous responsibility.

The City of Harrisburg Council Principles of Proper Conduct

- Keep promises ...
- Be dependable ...
- Build a solid reputation ...
- Participate and being available ...
- Demonstrate patience ...
- Show empathy...
- Hold onto ethical principles under stress...
- Listen attentively ...
- Study thoroughly ...
- Keep integrity intact ...
- Overcome discouragement ...
- Go above and beyond, time and time again ...
- Model a professional manner ...
- Respect for one another as individuals ...
- Respect for validity of different opinions ...
- Respect for the democratic process ...
- Respect for the community we serve.

City Administrator Direction Policies

The CITY ADMINISTRATOR shall not cause or allow any practice, activity, decision, or organizational circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

- A. The City Administrator shall not allow the assets to be unprotected, inadequately maintained, or unnecessarily risked. Accordingly the City Administrator may not:
1. Fail to insure against theft and casualty losses to at least 80 percent of replacement value and against liability losses to the city, employees, and the organization itself in an amount greater than the average for comparable organizations.
 2. Allow unauthorized personnel access to material amounts of funds.
 3. Subject facilities or equipment to improper wear and tear or insufficient routine maintenance.
 4. Unnecessarily expose the city, council, or staff to claims of liability.
 5. Fail to protect intellectual property, information, and files from loss or significant damage, or access by unauthorized persons.
 6. Receive, distribute and/or account for funds under controls that are insufficient to meet standard accounting practices and/or to protect the city.
 7. Invest or hold operating capital in insecure instruments, including uninsured checking accounts or in non-interest-bearing accounts except where necessary to facilitate ease in operational transactions or where it does not benefit the city.
 8. Endanger the organization's image or credibility, particularly in ways that would hinder its accomplishment of its mission.
- B. With respect to the treatment of employees, the City Administrator may not cause or allow conditions that are unfair or undignified. Accordingly, the City Administrator shall not:
1. Operate without following written personnel policies that clarify personnel rules for employees, provide for effective handling of complaints and protect against wrongful or illegal conditions.
 2. Discriminate against any employee at any time for any reason.
 3. Prevent employees from taking a complaint to the council when internal complaint procedures have been exhausted.
 4. Fail to acquaint staff with this policy.
- C. The City Administrator shall not allow budgeting that:

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1. Contains too little information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flows and disclosure of planning assumptions.
 2. **Incurs debt for** the city in an amount greater than can be repaid by certain, otherwise unencumbered revenues, outside of the approved budget, within ninety (90) days without prior council approval.
 3. Fail to settle payroll and debts in a timely manner.
 4. Allow tax payments or other government ordered payments or filings to be overdue or inaccurately filed.
 5. Acquire, encumber or dispose of real property without the council's approval.
 6. Fail to aggressively pursue receivables after a reasonable grace period.
- D. Regarding employment, compensation and benefits to employees, consultants, and contract workers, the City Administrator shall not cause or allow jeopardy to fiscal integrity or city image. Accordingly the City Administrator may not:
1. Change his/her compensation and/or benefits.
 2. Promise or imply benefits that are outside approved benefit policies.
 3. Promise or imply permanent or guaranteed employment.
 4. Establish compensation that deviates materially from the geographic or professional market for the skills employed and/or that is outside of the approved budget.
- E. The City Administrator and City Staff shall not permit the Council to be uninformed or unsupported in its work. Accordingly, the City Administrator shall not:
1. Neglect to submit monitoring data, status reports, financial information or other pertinent information required by the Council in a timely, accurate, and understandable manner.
 2. Let the Council be unaware of relevant trends or significant changes of any kind that could [or have] negatively impact[ed] the city.
 3. Fail to report in a timely manner an actual or anticipated non-compliance with any council-approved policy.
- F. Regarding city insurance, employee benefit providers and employee wages, the City Administrator shall not:
1. Fail to review annually, all benefits providers for cost, and comparative services.

Council/Staff Relationship Policies

While the Council is encouraged to communicate with staff, the Council's connection to the city's daily operations, its achievements, and conduct will be through the City Administrator, and/or City Management Staff.

- A. The City Administrator is the Council's only link to operational achievement and conduct, so that all authority and accountability of employees, as far as the council is concerned, is considered the authority and accountability of the City Administrator. Accordingly:
 - 1. The council will not give instructions to persons who report directly or indirectly to the City Administrator without knowledge of the City Administrator unless such act is warranted by emergency.
 - 2. The Council will not evaluate the performance of any employee other than the City Administrator, with the exception of disciplinary measures requiring Council decision.
 - 3. The Council will review the City Administrators performance on an annual basis, and will consider the City Administrators performance as identical to city performance. This includes achievement of goals and policies, financial performance as identified in the approved budget, and avoidance of Governance Policy prohibitions.

- B. Systematic and rigorous monitoring of the City Administrators job performance will be against the expected progress and eventual results of the Annual Strategic Plan and in compliance with other established goals and policies.

All policies that set boundaries for the City Administrator will be monitored at a frequency and by a method recommended and approved by the council. The council can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule.

Strategic Direction Policies

By the regularly scheduled November council meeting of each year, the City Administrator shall submit the draft Annual Strategic Plan (plan) for the coming fiscal years to the Council for consideration and adoption at that or a subsequent meeting.

Accordingly,

- A. The plan will outline strategic direction for the coming fiscal years that aligns with and supports the following city Mission, Vision, and Goals:

Our Mission – “Providing the highest quality public services for a better hometown Harrisburg”

Our Vision - “A vibrant and charming community that has a high quality of life, great neighborhoods, balanced economic growth, and quality public services.”

Goals –

1. Develop and maintain diverse neighborhoods where citizens will take pride in where they live.
2. Provide diverse recreational, cultural, and educational opportunities for our citizens and visitors.
3. Provide a functional transportation system that supports all modes of transportation.
4. Ensure public safety by protecting people and property.
5. Provide safe and reliable drinking water, sewage disposal and drainage systems.
6. Business Friendly – Promote and environment where businesses come, stay, and thrive through improved infrastructure, less red tape, and partnerships.
7. Maintain an active Harrisburg Redevelopment Agency who responds to the changing needs of the economy and is active in downtown redevelopment.
8. Regional Partnerships – Strengthen the Tri-County area through local and regional cooperation and coordination on economic development planning projects.
9. Effectively and efficiently provide the services that Harrisburg’s citizens need, want and are willing to support.
10. Maintain a qualified, effective, and happy workforce.
11. Establish Harrisburg as a small city model of sustainability practice.

- B. The Annual Strategic Plan shall contain at least the following components:

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2.

1. Objectives (Broadly defined results that when accomplished will demonstrate city goal achievement in one or more areas.)
2. Actions (Actions include expected results and the specific strategies [tasks] the city will undertake to accomplish the objectives.)

