



# CITY OF SWEET HOME CITY COUNCIL AGENDA - **REVISED**

February 28, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

## Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871 and enter the meeting ID to be logged in to the call. Meeting ID: 321 716 901#

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

### I. Call to Order and Pledge of Allegiance

### II. Roll Call

### III. Consent Agenda:

- a) [Consent Agenda - Employee Handbook Updates](#)
- a) Approval of Minutes:
  - i) [2023-02-14 City Council Meeting Minutes](#)

### IV. Recognition of Visitors and Hearing of Petitions:

### V. Old Business:

### VI. New Business:

- a) [Arbor Day Proclamation](#)
- b) [Proclamation - Support of Fir Lawn Luthern](#)

### VII. Ordinance Bills

- a) Request for Council Action and First Reading of Ordinance Bills
  - i) [Request for Council Action – Ordinance No. 8 for 2023 – Sweet Home Ordinance Establishing the Public and Traffic Safety Committee.](#)
- b) Second Reading of Ordinance Bills
  - i) [Ordinance No. 7 for 2023 - Ordinance No. - An Ordinance Adding to the Sweet Home Development Code Sweet Home Municipal Code Chapter 17.75 Mobile Food Units and Amending the Sweet Home Municipal](#)

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*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.*

[Code §17.16.020, §17.18.020, §17.20.020, §17.25.020, and §17.26.020: Mobile Food Unit or Mobile Food Unit Pod, Subject to Chapter 17.75.](#)

- c) Third Reading of Ordinance Bills (Roll Call Vote Required)
  - i) [Ordinance Bill No. 4 for 2023 - Ordinance No. 1311 - Sweet Home Ordinance Amending Various Sections of the Sweet Home Municipal Code.](#)
  - ii) [Ordinance Bill No. 6 for 2023 - Ordinance No. 1312 - Sweet Home Ordinance Creating SHMC Section 10.08.033 Pertaining to Recreational Vehicle Custody, Towing and Disposition with Expediency Clause.](#)

**VIII. Reports of Committees:**

**VIII. Citizen Advisory Committees:**

Ad Hoc Committee on Health  
Ad Hoc Committee on Arts and Culture  
Traffic Safety Committee  
Library Advisory Board  
Park and Tree Committee  
Youth Advisory Council

**VIII. Council Subcommittees:**

Administrative and Finance/Property

**VIII. Council Reports: Non City Committees:**

Area Commission on Transportation  
Chamber of Commerce  
Charter Review Committee  
Council of Governments  
Solid Waste Advisory Council

**IX. Reports of City Officials:**

City Manager's Report  
Mayor's Report

**X. Department Director's Reports (2nd meeting of the Month)**

Finance Director  
Police Chief  
i) PD Monthly Report  
City Attorney

**XI. Council Business for Good of the Order**

**XII Adjournment**



# City of Sweet Home Employee Handbook

PERSONNEL POLICIES MANUAL /Effective February 28, 2023





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## **1) Introduction and Employment Policies**

### **a) Introduction**

Welcome to the City of Sweet Home. We are glad to have you on our team. In Sweet Home, we believe our employees are our most valuable asset. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We know that during your employment with the City of Sweet Home, you will become a productive and successful member of our team.

This employee handbook describes, in summary, the personnel policies and procedures which govern the employment relationship between the City and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City inconsistent with its provisions. It does not, however, supersede collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement may contradict or be inconsistent with this handbook, the collective bargaining agreement provision prevails.

This handbook does not create a contract of employment between the City of Sweet Home and its employees. With the exception of employees subject to a collective bargaining agreement, all employment at the City is “at will.” This means either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice (barring a written contract of employment). No supervisor, manager, or representative of the City other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is outlined in writing and signed by the City Manager (or is included in a collective bargaining agreement).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies issued after the handbook, please ask the City Manager.

### **b) Applicability to Employees**

These policies and procedures shall apply to all employees, interns and volunteers of the City of Sweet Home. The City-provided benefits described in this handbook varies by classification as spelled out in this policy and applies only to regular employees and not to casual, seasonal, temporary, interns or volunteers.

### **c) Personnel Administration**

Council Responsibility. The Mayor and City Council shall have authority over all matters of personnel administration through adoption and implementation of the City budget, pay plans, collective bargaining agreements, ordinances, and resolutions adopting and/or amending the personnel policies.

City Manager Responsibility. The City Manager is charged with responsibility for the interpretation and administration of the City's personnel policies. The City Manager may delegate, in writing, authority for the enforcement and administration of personnel policies.

The City Manager shall be responsible for ensuring the effective implementation of these policies and may further establish, amend, or otherwise modify administrative policies, rules and regulations pursuant to City Council policies and shall advise the City Council of any changes concerning these policies. The Council delegates to the City Manager broad discretion in all aspects of personnel and labor relations, subject to the advice and concurrence of the Council.

Variations. The City Manager shall have the authority to vary or modify any City personnel policy, in writing, on a case-by-case basis, if it is found that strict interpretation of the policy will result in practical difficulties or unnecessary hardships. Exceptions granted in any instance will not be binding in the future. No other employee or representative of the City has the authority to enter into an agreement for employment or to make any agreement contrary to these policies.

Amendments. Amendments to these personnel policies must be adopted by the Council, by resolution, with or without prior notice to employees.

### **d) Violation of Provisions**

If you violate any provision of these policies and procedures, you may be subject to discipline up to and including termination.

### **e) Equal Employment Opportunity (EEO)**

The City of Sweet Home is committed to the principles of equality and honoring diversity. In accordance with this commitment, the City has adopted policies, procedures and ordinances aimed at protecting the civil rights of the employees and residents of Sweet Home. The Affirmative Action Plan for the City of Sweet Home is available to all employees, applicants and members of the community and can be found on the City's website.

Employees are recruited, selected, and promoted on the basis of abilities and performance; consideration is given to factors such as education, training, experience, judgment, communication, problem solving, veteran status, disabled veteran status, and customer service

skills. All terms, conditions, benefits and privileges of employment with the City apply to all employees regardless of race, color, national origin, citizenship status, religion, religious observance, sex, sexual orientation, gender identity or expression, age, source or level of income, political affiliation, physical or mental disability, medical condition, pregnancy, veteran or military status, marital status, non-supervisory family relationships, association with members of a protected class, injured worker status, union participation or any other protected class.

i) Disability Accommodation Policy

The City is committed to complying fully with the Americans with Disabilities Act (ADA), as amended, and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

ii) Accommodations

The City will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operation of the City.

iii) Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All written requests for accommodation should be made with the Department Head and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of the need for a reasonable accommodation.

iv) Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager's office to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

Although this policy refers to "employees," the City will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

(1) Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the City Manager's office and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City and employee must monitor the employee's accommodation situation and make adjustments as needed.

(2) No Discrimination, No Retaliation

The City of Sweet Home prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City; or (3) needed an accommodation.

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, OFLA or FMLA, if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City. Also, no employee will be denied employment opportunities if the denial is based on the need of the City to make reasonable accommodations under this policy.

(3) Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's Sick Leave Law, the Oregon Family Leave Act and the Family Medical Leave Act. See policies on page 43 or speak with the City Manager's office.

**f) Employment Eligibility**

All employees must be legally authorized to work in the United States. As a new employee you must complete and sign an I-9 form on your first day of employment and provide proof of identity and work authorization as required by law.

i) Employment of Relatives

The City may hire relatives of employees only if individuals concerned do not work in a direct supervisory relationship. "Relatives" are defined the same as "family member" under the Bereavement Leave Policy. Present employees who marry will be permitted to continue to work if they do not work in a direct supervisory relationship with one another. Employees may be allowed to accept a transfer to an available and suitable position, for which the employee is qualified, to avoid direct supervision by a relative. If this cannot be accomplished, the least senior employee may be terminated.

## **g) Veteran Hiring Preference**

### **i) Qualifying Veterans**

The City of Sweet Home provides qualifying veterans and disabled veterans preference in promotional and employment opportunities. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening and meet the minimum qualifications of the applied-for position.

Preference is not intended to help an applicant pass minimum requirements but only to provide greater consideration or weight for positions for which the veteran is qualified. To qualify for veterans' preference, applicants must submit proof of veteran status (DD214/DD215) *and*, if applicable, proof of the veteran's disability rating from the Department of Veterans Affairs at the time the application is submitted.

For selection processes, the City will provide preference to eligible veterans. The details of how the City will apply the preference will vary based on the type of process used to select a candidate for the position.

## **h) Personnel Files**

Each employee has one official personnel file kept in the Executive Department. Your file is available for review by yourself, your supervisor, or others whom you have given written authorization and as required under the Oregon Public Records Law or for documented internal investigation or law enforcement purposes. Medical records and background check information are not considered to be part of this personnel file and will be released only as required by federal and state law.

Records pertaining to I-9 verification, medical records, results of drug tests and victims of domestic violence documentation are considered confidential and shall be maintained by the Executive Department in confidential files separate from the personnel file.

## **i) Change of Employee Information**

If you change your name, address, telephone or emergency contact information, you are required to provide written notice of those changes to the City Manager's office, Payroll and your supervisor.



## **j) Confidential Information**

Your position may give you access to sensitive and confidential information. You must always maintain confidentiality and exercise discretion and judgment when dealing with sensitive or confidential information. You may not discuss confidential information concerning the property, government, personnel or affairs of the City without the express approval of the City Manager. You may not disclose any matter subject to litigation, either pending or likely to be filed, without the approval of the City Manager. Furthermore, you may not use such information to advance your financial or other private interests.

Citizen requests for public records are processed according to the City's Request for Information Policy. Consult the City Manager before releasing City records. Generally, information about your employment such as salary, benefits and job descriptions are considered to be a public record and will be disclosed when requested.

## **k) The Work Week**

Work weeks are recognized as beginning at midnight Sunday morning. The work week is defined as a fixed and regularly reoccurring period of 7 consecutive 24-hour periods. Work schedules are the work days, days off and hours of work identified within the work week. Within the work week, the standard work schedule for regular full-time employees is 40 hours

Hours of work for most City employees are 8:00 a.m. to 5:00 p.m., Monday through Friday. However, with City Manager approval, Department Directors may adjust, change, or set work hours as departmental conditions dictate with regard to the efficient completion of work and to conveniently serve the needs of the citizens of Sweet Home. Some employees may work rotating or irregular shifts. However, the City makes no guarantee of a 40-hour work schedule, and nothing in this handbook is intended as a guarantee of hours worked per day or per week. If you are a represented employee, consult your collective bargaining agreement for specific provisions.

## **l) Alternative Work Schedules**

Every department may, upon approval of their Department Director, provide alternative work schedules to employees. Participation in the City's Alternative Work Schedules Program is at the sole discretion of the City and is not an employee entitlement. Each participating department shall determine which alternative work schedules, if any, are available. Such determinations shall be made based upon the business needs, staffing requirements, coverage requirements and hours of operation. Any alternative work schedule must further the City's commitment to excellence in public service and meet the business needs of the department. All alternative work schedules must have written department approval, and a copy must be sent to the City Manager's office.

### m) Meal Periods and Rest Periods

Nonexempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his or her supervisor before the end of the shift so the City may pay the employee for that work.

Meal periods and rest breaks are mandatory not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to him or her should contact their Department Head or designee.

<u>Length of Work Period</u>	Requirement	
	<u>Rest Breaks</u>	<u>Meal Periods</u>
2 hours or less	0	0
2 hrs. & 1 min – 5 hrs. & 59 min	1	0
6 hrs.	1	1
6 hrs. & 1 min – 10 hrs.	2	1
10 hrs. & 1 min – 13 hrs. & 59 min	3	1

#### i) Rest Breaks for Expression of Breast Milk

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods otherwise provided to the employee. If not possible, the employee is entitled to take reasonable time as needed to express breast milk.

The City will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this rule.

The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

Notice: An employee who intends to express milk during work hours must give the Department Head or designee reasonable oral or written notice of her intention to do so in order to allow the City time to make any preparations necessary for compliance with this rule.

Storage: Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

#### **n) Required Education/Training**

The City supports and advocates continued education and training for every employee in order to enhance job performance. The City will continue to encourage and provide training and education for its employees based on the availability of funds and operational necessity. Education and training opportunities shall be addressed below or as provided by applicable City and departmental policies. All travel and training must be pre-approved on a Travel/Training reimbursement form.

All costs of initially acquiring required credentials of a job classification shall be borne by the employee.

All associated costs with required and pre-approved education, training, and testing to renew or maintain required credentials of the job classification occupied by the employee will be paid by the City, including the employee's wages and travel costs.

Travel time to and from an approved required education or training in excess of the regular workday (8- or 10-hours) shall be flexed on an hour for hour basis, whenever possible.

In-service Training. The City encourages "In-service" training by utilizing the training skills and resources of its employees to train employees in other departments and by providing outside trainers, video/audio tapes, and other resources available.

Professional Conferences. The City will pay for the registration, meals, lodging and related expenses for an employee to attend conferences during work hours when the conference or training program is directly related to the employee's job duties, funds are available and budgeted, and it is approved in advance by the Department Head.

Higher Education Opportunities. The City encourages employees to take advantage of continuing education that is beneficial to the delivery of service and that enhances an employee's knowledge and productivity. Therefore, upon City approval of a specific course of study proposed or agreed to by an employee, the City will provide reimbursement for college level courses, up to a maximum of 6 credits per term, offered by institutions of higher education in the State of Oregon.

For approved courses or training opportunities listed above, the City will reimburse an employee for the amount of registration or tuition for courses within budgetary restraints as determined solely by the City, seminars and conferences directly related to the employee's work and conducted outside the employee's regular working hours when:

- A. The Department Head has recommended, and the City Manager approved the reimbursement for the class prior to enrollment or participation.
- B. The funds for such expenditure are available in the current budget.
- C. The employee submits a reimbursement request including satisfactory evidence of completion of the course with a passing grade of "C" or better.
- D. The employee is not receiving reimbursement for tuition from any other source.
- E. The cost of textbooks and technical publications required for such courses shall be the responsibility of the employee, unless the purchase of the textbook has been approved by the employee's supervisor and it becomes the property of the City. The City will not pay for any higher educational courses or training in advance.

Education / Training outside current job description. The City encourages employees to take advantage of continuing education, conferences and training activities outside of the City, which may be beneficial to the employee and his/her career development, job knowledge, and productivity, and not otherwise identified in this section. Therefore, the City may provide reimbursement upon consideration of employee's written application which must include the following: the type of training, classes or seminar; The location of the training, classes, or seminars; The cost of tuition; and Sponsoring entity of the training, classes, or seminars

## **o) Travel Policy**

Occasionally, an employee will be required to travel out of town on official, work-related business. All employees of the City are expected to use good judgment regarding the expenditure of the funds for travel expenses. All travel expenses must be pre-approved by an employee's department head, or designee, prior to traveling.

### **i) Mileage**

If an employee is required to use his/her vehicle (because a City vehicle is not available) for job related travel, mileage reimbursement will be paid at the current IRS reimbursement rate. Online mapping is required for mileage reimbursement. The City credit card is not to be used for the purchase of fuel for privately owned vehicles.

### **ii) Advances for Travel Expenses**

Reasonable lodging, meals and other expenses may be paid in advance by the City. Prior to a trip, an employee should submit a completed REQUEST FOR EXPENSES form, approved by the Department Head, in order to obtain an advance of funds.

### **iii) Meals**

Meals are not to be purchased on the City's credit card. If meals are provided in the registration fee, there will be no reimbursement for separate meals. Meals will be reimbursed according to the following schedule:

Breakfast	\$10.00	if gone from City before 6:00 a.m.
Lunch	\$15.00	if gone from City between 11:00 a.m. and 3:00 p.m.
Dinner	\$20.00	if gone from City after 6:00 p.m.

Meal reimbursements are taxable unless an employee is away from their tax home overnight on official city business in accordance with IRC Section 162(a)(2).

### **iv) Reimbursement Request**

Within one week after the travel has been completed, the employee must submit receipts for lodging and other expenses (excluding meals), which are reimbursed on an actual basis. Meals will be reimbursed in accordance with the schedule above. Employees who obtained pre-travel funds must pay back any unused funds, as determined by travel receipts, within one week of travel.

### **v) Fines and Fees**

Any traffic citations, including parking tickets incurred during the conduct of City business either in a City or personal vehicle, are the responsibility of the employee and will not be reimbursed by the City.

### **vi) Travel Time**

Travel time is paid in accordance with state and federal laws and collective bargaining agreements. Home-to-work and work-to-home travel is unpaid time. Travel time that occurs

during the course of a work shift will be paid. On overnight trips, travel time that falls within your regular work hours on days off is considered hours worked.

For more information, see the BOLI website <http://www.oregon.gov/BOLI/Pages/index.aspx>.

## **2) Code of Conduct on the Job**

The following policies apply to all employees. members of management, elected officials and employees alike are expected to adhere to and enforce these policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these policies with the City Manager at any time if they have questions relating to the issues of harassment, discrimination, or bullying.

### **a) Code of Conduct and Work Ethics**

It is the policy of the City of Sweet Home that all employees, customers, contractors, and visitors to the City's worksites enjoy a positive, respectful and productive work environment free from behavior, actions or language constituting workplace disrespect. The following are expected from City of Sweet Home Employees:

- Loyalty
- Subordination
- Competence
- Attendance
- Productivity
- Adaptability
- Responsibility
- Respectfulness

### **b) No-Harassment Policy**

The City of Sweet Home prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, The City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Manager's office, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment during working hours, City related or sponsored trips (such as conferences or work-related travel), and off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. ***Such harassment is prohibited whether committed by City employees or by non-employees, such as elected officials, members of the community, and vendors.***

i) Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct which may give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

ii) Other Forms of Prohibited Harassment

City policy also prohibits harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct denigrating or showing hostility towards an individual because of any protected status, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Threatening, intimidating, or hostile acts that relate to a protected class; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

iii) Bullying

The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason.



For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

iv) Complaint Procedure

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager’s office or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

v) Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City’s need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment. Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City’s complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City, the employee must provide written notice of the claim within 180 days of the

act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

**vi) Protection Against Retaliation**

The City of Sweet Home prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager's office or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

**vii) Other Resources Available to Employees**

The City of Sweet Home provides an Employee Assistance Program (EAP) through Cascade Centers to all employees and qualifying dependents. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [www.canopywell.com](http://www.canopywell.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Sweet Home cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

**viii) Other Employee Rights**

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Sweet Home is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding his/her experience and/or employment status, the employee should contact the City Manager's office. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement

agreement (which would prohibit the employee from speaking slightly about the City of Sweet Home or making comments that would lower the City (in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### **c) Reporting Improper or Unlawful Conduct – No Retaliation**

Employees may report reasonable concerns about the City's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City;
- A substantial and specific danger to public health and safety resulting from actions of the City; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

#### **i) Employee Reporting Options**

In addition to the City's Open-Door Policy (see below), employees who wish to report potential improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct.

Complaints against the City Manager should be reported to the City Attorney or Mayor who will collaborate to determine the validity of the complaint. Once determined, the Mayor will communicate to the complainant, in a timely manner, the course of action.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

## ii) Additional Protection for Reporting Employees

Oregon law provides in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to either:

- 1) A state or federal regulatory agency;
  - 2) A law enforcement agency;
  - 3) A manager with the City; or
  - 4) An Oregon-licensed attorney who represents the employee making the report/disclosure.
- The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

## d) Open-Door Policy

The City's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, raise them first with your Department Head or designee. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Manager.

## e) Attendance, Punctuality and Reporting Absences

Punctual and regular attendance is an essential responsibility of every City employee. Employees are expected to report to work as scheduled, on time and fully prepared to start work at the beginning of their shift. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Employees who are absent from work for any reason or who will not show up for work on time, must inform their supervisor as soon as possible. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. Unless excused by applicable law, a no

call/no show lasting three days is considered job abandonment and may be deemed an employee's voluntary resignation of employment.

#### **f) Emergency and Inclement Weather**

The City recognizes there may be circumstances beyond its control, such as inclement weather, national crisis, or other emergencies making one or more of the City work locations inaccessible. On such occasions, one or more of the City work locations may be closed for all or part of a regularly scheduled work day. In such an event, the City Manager or designee will make a decision and will endeavor to notify all managers for the purpose of contacting employees; you may also contact your immediate Department supervisor. In the event of an emergency, which destroys or renders a City worksite unsafe, the effected employees shall be reassigned, relocated, or released at the discretion of the City. If released, affected employee shall receive compensation at their regular rate in proportion to their scheduled work.

In the event of extreme inclement weather conditions, each staff member's ability to safely reach their work location may be different. Staff who cannot report to work in such circumstances should contact their department supervisor and notify them of their inability to report to work. Employees unable to report to work due to inclement weather shall use eligible accrued leave (excluding sick leave) and or compensatory time to account for time off.

##### **i) Emergency Response Duties**

All City employees may be considered essential emergency staff. As a City employee, you may be called upon to return to, or remain at work during an emergency situation (inclement weather, earthquake, etc.) and to perform duties not normally part of your job. Each Department Director shall determine which staff is essential. Emergency and/or disaster situations may alter the normal job-related activities of departments. Some job-related activities may temporarily become non-essential, and others may become critical. Employees may temporarily be reassigned to support critical activities. During an emergency, your work schedule may change, as necessary (including without prior notice), from your normal hours and/or normal shift.

For emergency purposes, the City will endeavor to provide a means for contacting spouses, domestic partners, children at school or in daycare situations, and next of kin to the extent that employees have provided current and accurate contact information including as appropriate: addresses, regular phone, cell phone, pager, fax numbers and/or e-mail addresses. To the extent allowable by law, such information will be held confidential by the City Manager's office. Further information regarding emergency response will be available in the City of Sweet Home Emergency Response Plan.

## **g) Workplace Violence**

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the public. A safe and comfortable work environment enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner.

All employees have an obligation to report any incidents pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees should make such reports directly to City Manager.

The City also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

## **h) Workplace Safety**

Nothing is of greater concern to the City than the safety of its employees and of the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the City's safety and accident policy and with the requirements of our Workers' Compensation Insurance carrier. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the immediate attention of a supervisor.

Safe work practice includes, but is not limited to:

- Use the safety equipment, which has been provided for use.
- Do not operate equipment while under the influence of drugs, alcohol or while using any medication, which may impair the employee's ability to safely perform job duties.
- Only operate equipment for which training or orientation has been received.
- Warn co-workers of unsafe conditions or practices. Accept with appreciation the warning of a co-worker as an expression of concern for your well-being.
- Immediately report dangerous or unsafe conditions that you observe at work.
- Refrain from horseplay at all times.

### **i) UNSAFE CONDITIONS**

Employee Responsibility. Every employee is responsible for safety. To achieve the City's goal of providing a safe workplace, everyone must be safety conscious. Employees should immediately report any unsafe or hazardous condition directly to a supervisor, if the problem cannot be corrected independently by the employee. Every effort must be made to remedy safety problems quickly.

Management Responsibility. Each department shall consider the need for adopting safety practices, policies and procedures as warranted by the hazards its employees encounter. Consideration shall be ongoing. Each accident is cause for review. A copy of such policies shall be delivered to all department employees. Department Heads are encouraged to involve employees and union representatives in the process. The need for periodic training should be considered and arranged when appropriate in the judgment of the Department Head.

Managing Unsafe Conditions. It is every employee's responsibility to identify conditions, which could pose a hazard to employees or to the general public. After identifying the problem, employees at the scene are expected to follow departmental safety procedures or emergency response plan(s), which may include, but are not limited to, the following actions:

- Eliminate the hazard or obtain whatever assistance is necessary.
- Control the hazard by enclosure or guard.
- Employ avoidance procedures.
- Use personal protective equipment as appropriate.

Risk Management. The City shall work with its insurance providers to develop a Risk Management Program for all departments. The goal of the Risk Management Program is to eliminate hazards, lower the City's risks of injury or damage, and create a safer work environment for all employees and the public. The City Manager currently serves as the City's Risk Manager.

### **i) Ethics Policy**

At the City, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations which compromise their reputation or integrity or might cause their personal interests to conflict with the interests of the City or the City's citizens.

We at the City are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find some common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with your Department Head or designee. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

i) Gifts and Gratuities

Occasionally City employees are offered personal gifts, discounts or gratuities in connection with their City employment. While such offers may be made in good faith, it is important everyone representing the City avoid any appearance of impropriety or conflict of interest. You are expected to exercise good judgment and politely refuse such personal gifts, discounts or gratuities offered in connection with your employment with the City. Exceptions would be acceptance of gifts of insignificant value of less than \$50, such as pens, pencils, calendars, etc. offered on infrequent occasions in the ordinary course of business.

Gifts, gratuities, loans, fees or any other items of significant value may not be solicited by City of Sweet Home employees, agents or volunteers or accepted either directly or indirectly if the acceptance could be considered to influence directly or indirectly the actions of said personnel or any other person in any matter of City business. Significant value is any gift with a market value of \$50 or more. Under no circumstances may gifts exceed \$50 per calendar year from any one source.

**j) Substance Abuse**

The City of Sweet Home has a strong commitment to providing a safe workplace for its employees, and to establish programs promoting high standards of employee productivity. Consistent with that commitment, the City and Union have agreed to this Drug and Alcohol Policy to establish and maintain a safe and productive work environment. "Drugs" refers to all controlled substances as defined by law. Employees who engage in any prohibited conduct will be subject to discipline, including discharge.

i) Prohibited Conduct

The following conduct is strictly prohibited:

1. Buying, selling, transporting, distributing, or possessing drugs (excluding the possession of the employee's prescription medication in accordance with this policy) or alcohol while on City property *or* while off City property performing work duties. "City property" includes all property owned, rented, leased, or controlled by the City, including parking lots. It also extends to City equipment and vehicles on or off City property.
2. Reporting for work or returning to duty under the influence of alcohol or drugs, excluding prescribed medications. An employee is considered to be "under the influence" if a prohibited substance is present in his/her body or, for substances measured by volume, is present beyond the agreed upon threshold limits set for in the Department of Transportation "DOT" regulations.
3. Failing to promptly report convictions and/or plea-bargains for an alcohol or drug related criminal offense to the extent it impacts the employee's ability to perform his/her job. All drug and alcohol related convictions and plea-bargaining agreements must be promptly reported to the City Manager. This obligation to disclose applies to all convictions or plea bargains, which occur after the effective date of this Agreement.
4. Failing to comply with City directives regarding enforcement of this policy, including but not limited to refusing to promptly submit to required testing.



5. Giving false, diluted, or altered urine samples and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
6. Failing to comply with DOT or other applicable laws or regulations for those employees covered by such laws and regulations

#### ii) Mandatory Testing

The City may require an employee to immediately submit to blood, urine, or Breathalyzer testing to detect drugs or alcohol where:

1. The City has reasonable suspicion to believe that an employee has reported to work or returned to duty with alcohol and/or drugs present in his/her body.
2. Reasonable suspicion shall be defined as suspicion based on observations that the City can describe concerning the appearance, unusual behavior, speech, breath odor, body symptoms or other reliable indicators that an employee has consumed drugs and/or alcohol in violation of this policy. The City will prepare an incident report describing the circumstances that prompted the request for an alcohol and/or drug test, which will be made available to the employee and/or the Union upon request. In the event the City requires an employee to be tested in accordance with the reasonable suspicion testing rule, and the employee tests positive for any amount of drugs or alcohol present in his/her body, the test results shall be deemed conclusive evidence that a reasonable suspicion existed for the City to require the employee to submit to the test.
3. An employee involved in any work-related accident which results in death or bodily injury to the employee, a coworker or another person or which results in any property damage beyond damage which is determined by the City to be de minimis. In the event an employee is injured and is therefore unable to promptly consent to testing, the employee will be required to authorize a release of medical records to reveal whether drugs and/or alcohol were in his/her system at the time of the accident.
4. Required by DOT or other applicable laws or regulations.
5. Required pursuant to a rehabilitation agreement imposed by the City.

#### iii) Searches

The City reserves the right to conduct searches of its vehicles, property or equipment at any time. The City reserves the right to require an employee to submit to a search of his/her possessions carried into the workplace or brought onto City property, if the City has reason to believe the employee is concealing drugs and/or alcohol in the item(s) being searched. If the employee desires, he/she may request that a union representative be present during a search of the employee's personal belongings. The City will not request or require any employee to submit to a search of his/her body.

#### iv) Safeguards

All testing will be done by a laboratory designated by the City, which is certified in accordance with the standards disseminated by the National Institute of Drug Abuse and the Department of Transportation. Positive drug test results will be reported to the City Manager. All positive drug

test results will be confirmed using GCMS methodology. Drug test results will be considered medical records and treated as confidential to the extent required by law. The City will pay for the cost of any required testing and any required evaluation for drug and/or alcohol dependencies, which are not covered by the group insurance policy. Employees who question the validity of the controlled substances test may request in writing a retest or a split sample test within seventy-two (72) hours of the results of the original test.

v) Rehabilitation

The City encourages employees who have drug and/or alcohol dependencies or think they may have such dependencies to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency and seeks assistance, that employee will be placed on a leave of absence or adjusted working hours to allow for inpatient rehabilitation treatment as recommended by the rehabilitation counselors.

The employee will not be permitted to work until such time as a competent medical authority, approved by the City, has certified that the employee has controlled the problem and is able to safely perform his/her job duties. However, if an employee claims drug or alcohol dependencies after violating this policy, the employee will be subject to immediate discharge, irrespective of such dependencies.

The time an employee is off work undergoing rehabilitation is unpaid. However, employees may draw their unused, accumulated sick leave and/or vacation pay. Also, employees who are receiving health insurance coverage will be eligible for continuation of health insurance benefits with standard City contributions as required by the Family and Medical Leave Act.

In order to continue working for the City, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written rehabilitation and return to work agreement required by the City.

vi) Level of Discipline to be Imposed

Any employee who is found to be in violation of this policy, or who refuses to submit to testing as required, or who refuses to cooperate or attempts to subvert the testing process will be subject to disciplinary action which could include immediate termination of employment. The City also reserves the right to involve law enforcement officials for any conduct that it believes might be in violation of state or federal law.

As a result of disciplinary action arising from a drug or alcohol problem, an employee may be required to participate in a drug or alcohol treatment program. An employee who is so required will normally be evaluated for drug and alcohol use by a professional in this field. Where such an evaluation is scheduled and required by the City, the City will pay the cost and the employee must cooperate. An employee may also be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program. Depending upon the nature of the conduct which led to the employee's mandated participation in an alcohol and drug treatment program, the employee may be required to submit to random or unannounced screening for alcohol and/or drugs for a specified period of time and to meet various performance standards which are imposed as a condition of continuing employment.

## vii) Definitions

For the purpose of this policy the following definition of terms is provided:

**Reasonable suspicion** is specific, describable observations by a supervisory employee concerning the work performance, appearance (including noticeable odor of an alcoholic beverage), behavior, or speech of the employee. Any accident or incident involving physical injury to any person may be considered as constituting reasonable suspicion for discovery testing for drugs and alcohol where human factors contribute to the incident and a question of sobriety short of reasonable suspicion exists.

**Under the influence** is defined as any detectable level of alcohol and/or drugs (in excess of trace amounts which can be attributable only to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties.

**Controlled substances** are defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis, the sale, purchase, transfer, use or possession of which is prohibited or restricted by law.

**Over-the-counter drugs** are those, which are generally available without a prescription from a medical doctor and are limited to those drugs, which are capable of impairing the judgment of an employee to safely perform his or her duties.

**Prescription drugs** are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

## viii) Medical Marijuana

In addition to the above Substance Abuse Policy agreed upon by AFSCME and the City, as used in this policy "drugs" includes marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not allow an employee to use medical marijuana as an accommodation.

## k) Reports of Drug Conviction

Each employee must report facts and circumstances to the Department Head no later than five (5) days after conviction for violating any criminal drug statute. Any employee failing to comply with this provision, whenever discovered by the City, will face immediate discharge.

## **l) Criminal Arrests and Convictions**

Employees must promptly and fully disclose to their supervisor on the next working day:

- All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City property, or in a City vehicle (see “Alcohol/Drug Use, Abuse and Testing” policy above);
- All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
- If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or any paid leave to cover the absence, and may be subject to disciplinary action, including termination.

## **m) Smoke-Free Workplace**

The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, “tobacco” includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco.

Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to the City of Sweet Home’s property, vehicles, or facilities/buildings.

The use of tobacco products is prohibited at all times indoors and on the campuses or property of the designated City worksites. This includes doorways, front porches, or outdoor foyers.

The City will permit the use of tobacco in personal vehicles before and after work or during regularly scheduled work breaks when parked in a way which protect any individuals from the harmful effects of breathing in secondhand smoke. Oregon law prohibits smoking withing 10 feet of building entrances and other openings, including econd-story windows.

The City will assist employees who would like to quit smoking by helping them access recommended smoking cessation programs and materials.

## **n) Political Activity**

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City employees to express their personal political views.); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

## **o) Use of City Email and Electronic Equipment, Facilities and Services**

The City uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such City property.

### **i) Ownership**

All information and communications in any format, stored by any means on or received via the City's electronic equipment, facilities or services is the sole property of the City.

### **ii) Use**

All of the City's electronic equipment, facilities and services are provided and intended for City business purposes only and not for personal matters, communications or entertainment. This means, for example, employees may not use the City-provided Internet, or City electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, non-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses); or

- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, providing it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the City Manager.

### iii) Inspection and Monitoring

Employee communications, both business and personal, made using City electronic equipment, facilities, and services are not private. Any data created, received, or transmitted using City equipment, facilities or services are the property of the City and usually can be recovered, even though deleted by the user.

All information and communications in any format, stored by any means on the City's electronic equipment, facilities, or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of the City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

### iv) Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without approval from the Finance/IT Department. All software installed on the City's computer systems must be licensed. Copying or transferring of City-owned software may be done only with the written authorization of the IT Department.

### v) Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change or use another person's files, output or username unless they have explicit authorization from City to do so.

### vi) Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception, and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

#### vii) Inappropriate Web Sites

The City's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate the City's policies on harassment and discrimination.

#### **p) Social Media**

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the involved risks and rewards. Keep in mind any of your conduct that adversely affecting your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action up to and including termination.

##### i) Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate the City's no-harassment and non-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.

Do not create a link from your blog, website or other social networking site to a City-owned or maintained website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact you are a City employee and make it clear your views do not represent those of the City or its employees or elected officials.

##### ii) Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, the City's employees and elected officials, and suppliers or other third parties who do business with the City. Also, keep in mind you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could

contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Maintain the confidentiality of the City's confidential information. Do not post internal reports, policies, procedures or other internal, City-related confidential communications or information.

iii) Request for Employee Social Media Passwords

The City's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City.

Nothing in this policy prohibits City from requiring an employee to produce content from his or her social media or internet account in connection with a City sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

**q) Cellular Devices Policy**

This policy applies to employee use of cell phones, smart phones (including iPhones and similar devices), tablets and similar devices, all of which are referred to as "cellular devices" in the Cellular Devices Policy.

i) Cell Phones and Cellular Devices in General

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City-provided cell phones/cellular devices may not violate the City's policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) in violation of the City's no-harassment and non-discrimination policies will be subject to discipline, up to and including termination.

Nonexempt employees may not use their personal or City-provided cell phone/cellular device for work purposes outside of their normal work schedule without advance written authorization from the City Manager. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

ii) Employee Use of City-Provided Cell Phones/Cellular Devices

Cell phones/cellular devices are made available to City employees on a limited basis to conduct the City's business. Determinations as to which employees receive City-provided cell phones



will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the City may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office (see City Manager for more information).

Employees who receive a cell phone or cellular device from the City must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from the City must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if the City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City policy. An employee who refuses to provide the City access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use the City-provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's City-provided cell phone/cellular device.

#### iii) Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones with built-in cameras and video photography devices, may not be used during working hours or at any City-sponsored function unless authorized to do so by the Department Head or designee.

#### iv) Cell Phones/Cellular Devices and Public Records

City-related business conducted on City-provided or personal cell phones/cellular devices are subject to disclosure under Oregon's Public Records laws.

#### v) Cell Phone/Cellular Device Use While Driving

Oregon law prohibits the use of handheld cell phones while driving. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using handheld cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other device to send or receive text or "instant" messages while driving on City business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free device for the call. Violation of this policy will subject the employee to discipline, up to and including termination.

## **r) Driving While on Business**

Employees using a private vehicle to conduct City's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City business use should make any necessary arrangements with their insurance carriers.

The City may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with City, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the City when there are transactions on your driving record such as speeding tickets and citations.

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

### **3) Classification, Compensation and Benefits**

#### **a) Probationary Period**

Every new employee hired shall serve a probationary period of six (6) months. The City may terminate probationary employees for any reason, with or without cause.

In lieu of termination at six (6) months, the City may extend an employee's probationary period in writing, which summarizes the City's concerns about the employee's performance and suggests ways for the employee to improve. The extension of the probationary period shall not exceed ninety (90) days, absent mutual consent between the City and employee. This extension may be revoked by the City at any time if, in its sole opinion, the employee is unable or unwilling to meet the requirements of the position.

#### **b) Employee Classification**

The City classifies employees as follows:

- Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City's benefit programs.
- Regular Part-time: Employment requiring less than 40 hours, of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, Part-time employees are not eligible for benefits except those mandated by applicable law or as otherwise noted in this policy
- Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City rules and procedures.

#### **c) Salary Studies**

To ensure that the City's salary ranges and pay plan are as competitive as possible, salary data studies may be done approximately every three (3) years. Salary information from equivalent cities, as well as public and private employers will be compared with the City's salary schedule and pay plan. Department Heads should notify the City Manager when conditions warrant a study of

certain positions. The City Manager shall conduct or have conducted the appropriate studies and, if feasible, submit a recommendation to the City Council. Any adjustments to the pay plan must be approved by the City Council

**d) Salary Eligibility Date**

The salary eligibility date (SED) is used to determine benefit accrual and merit increases of an employee. Employees will be assigned a SED equal to the first of the month immediately following hire date, position reclassification or promotion.

**e) Duration of Employment**

All employees, except temporary employees, are hired for an unspecified duration. None of the classifications guarantee employment for any specific length of time.

**f) Promotions**

When an employee is promoted, they shall be placed on a step in the higher classification range that equals a pay increase of at least three percent (3%).

**g) Job Sharing**

**Job Share Definition.** A job-sharing position is a regular full-time or part-time position that is held by two individuals on an interdependent, shared-time basis. The duties and responsibilities of the single position will be divided so as to provide complete and coordinated coverage by the two partners. The partners will normally divide the required working hours, not to exceed a total of 40 hours per week, within a pay period unless with prior written authorization from the City Manager.

Each partner in a job-sharing position must have, or be capable of having, all the knowledge, skills, and abilities necessary to perform the job. In addition, partners must communicate with one another to ensure that their efforts are coordinated effectively. Each job share partner must be willing to cover the absences of the other.

**Benefits.** Job share partner's benefits are determined as if each were a part-time employee; however, the City shall not be required to contribute to either more than half cost of health insurance for a full family. Vacation, sick leave and holiday benefits will be pro-rated on the basis of hours worked.

**Approval and Termination of Job Share Positions.** Job sharing shall be implemented, continued or terminated at the discretion of the City based on operational efficiency. Specific scheduling arrangements shall be determined by the Department Head and should be a function of the needs of the department, the nature of the job and the desires of the job share partners.

## **h) Performance Reviews**

All regular City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, advance in pay, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action (including termination).

The City's goal is to provide an employee with the first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis. Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work;
- A review of exceptional employee accomplishments;
- Establishment of goals for career development and job enrichment;
- A review of areas needing improvement; and
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

## **i) Payroll Policies**

### **i) Pay Period**

The pay period begins on the 16<sup>th</sup> of the month and ends on the 15<sup>th</sup> of the following month.

### **ii) Overtime**

- Time-and-a-Half: The City pays one and one-half times a non-exempt employee's regular rate of pay for all hours worked over 40 in any workweek. See "Employee Classification" above.
- Limitation on Overtime Pay: Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay.
- Assignment of Overtime Work: On occasion, where the City's workload makes it necessary, non-exempt employees may be required to work overtime.
- Supervisor Authorization: No overtime may be worked by non-exempt employees unless specifically authorized in writing by the Department Head or designee. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

- Compensatory (Comp) Time: Overtime hours can be paid or, at the employee's option with City approval, accumulated at time and one-half up to a maximum of 80 hours and taken as comp time off. Overtime worked after the employee has accrued 80 hours of comp time will be compensated as overtime pay. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 80 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. The City may elect to cash out accumulated comp time at any time.
- Exempt Employees: Exempt employees are not eligible to receive overtime pay or compensatory time off from work.

### iii) Timekeeping Requirements

Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City business. Filling out another employee's timecard, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline up to and including termination. An employee who fails to record all of his or her time worked may be subjected to discipline as well.

### iv) Payday

Paychecks will be distributed on the last business day of the month. The City will electronically deposit paychecks (direct deposit) upon written request of the employee.

### v) Payroll Advance

A pay advance is a temporary loan to an employee. You may not receive a pay advance unless you have an emergency or an unusual, unforeseen event that causes severe financial hardship. Employees are limited to two (2) advances in a given fiscal year and may receive an advance only for monies already earned during the month (up to 40% of your base monthly wages). Your pay advance request must be approved by the Department Director, Finance Director and the City Manager. Advances will be processed within two days of receipt of request.

### vi) Optional Deductions

Employees may authorize deductions from their pay (by written request) for items such as local gym dues, donations, etc. Authorized optional deductions must be of general interest to five (5) or more employees and approved by the Finance Director.

### vii) Deferred Compensation

Eligible City employees may elect to enroll in the deferred compensation plan(s) approved by the City. Deferred compensation accounts will be established on behalf of any employee who is willing to make contributions to the plan in accordance with plan requirements.

#### viii) Additional Compensation

From time to time staff may receive, as a benefit of employment or service, safety incentives, tickets, or admission to various community events, including but not limited to, the City of Sweet Home Chamber Banquet, The Sweet Home Fire and Ambulance Awards Banquet, Sweet Home Boys and Girls Auction, Linn County Fair, or other Special Events as part of their official compensation package. These financial benefits are allowed under ORS 244.040(2)(a) and nothing in ORS Chapter 244 precludes employees from sharing tickets with family or friends.

In addition, the City may provide meals, light snacks, hors d'oeuvres and/or beverages (non-alcoholic) such as tea, coffee and/or soda for staff and/or the public during training and other special occasions.

#### ix) City Vehicles

The City may provide a City vehicle to designated employees who respond to after hours emergencies.

#### x) Applicable Laws

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City has made any improper deductions, has failed to pay you for all hours worked or for overtime, or has failed to properly calculate your wages in any way, you must immediately report the error to your Department Head or designee. The City will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City's pay practices.

#### xi) Pay Upon Leaving City Employment

An employee terminating employment with the City who gives the City at least 48 hours' notice will be paid on the date of separation any earned and unpaid wages then due plus any accumulated and unused vacation pay and compensatory time. Work hours, vacation and compensatory time shall be paid at the employee's hourly rate at the date of separation. If the employee gives less than 48 hours' advance notice prior to quitting City employment, the employee shall be paid within five (5) business days of the separation date or on the next regularly scheduled payday, whichever occurs first. Terminated employees will receive final pay no later than the end of the first business day after termination.

#### xii) Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits and other matters. If you have changes in any of the following items, please notify the Finance Director to ensure the proper updates/paperwork are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

#### **j) Healthcare Benefits**

The City currently offers group medical, vision, dental, long-term disability and life insurance plans for eligible employees. Coverage begins on the first day of the month following the employee's completion of thirty (30) days of employment. For example, an employee hired on January 15 would have coverage beginning March 1.

The City may waive the 30 day waiting period when allowable per policy of our benefit provider.

##### **i) Summary Plan Description**

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City. These documents govern all issues relating to employee health insurance.

##### **ii) Continuation Coverage under COBRA**

Information regarding specific benefits or continuation of coverage is available from the Finance Director.

#### **k) Workers' Compensation and Safety on the Job**

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.



#### i) Steps to Take if You Are Injured on the Job

To ensure you receive any workers' compensation benefits to which you may be entitled, you must do all of the following:

- Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury;
- Seek medical treatment and follow-up care if required; and
- Promptly complete a written Employee's Claim Form (Form 801) and return it to the City Manager's office.

***Failure to timely follow these steps may negatively affect your ability to receive benefits.***

#### ii) Return to Work

If you require workers' compensation leave, you will, under most circumstances, be reinstated to the same position you held at the time your leave began, or to an equivalent position, if available. However, you must first submit an approved medical certificate demonstrating your ability to return to work.

When returning from workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. The City does not discriminate against employees who suffer a workplace injury or illness.

#### iii) Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines you are able to perform modified work, the City will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and

employment with the City. While you are on modified or transitional work, you are still subject to all other the City rules and procedures.

iv) Overlap with Other Laws

The City will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA), as amended, and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

#### 4) Time Off and Leaves of Absence

##### a) Vacation Benefits for Employees

###### i) Vacation Policy

Vacation benefits are intended to provide eligible employees with a period of rest and relaxation away from work with pay. Accordingly, employees are encouraged to schedule vacations with their Department Head each year and to use all vested vacation benefits.

###### ii) Vacation Accruals

The City provides vacation benefits to its regular full-time and regular part-time employees. Vacation credits will accrue and be posted monthly as follows for full-time, non-represented employees:

<b>Years of Continuous Service</b>	<b>Annual Accrual</b>
Less than 5 years	96 hours
At least 5 and less than 10 years	120 hours
At least 10 and less than 15 years	144 hours
At least 15 years	144 hours plus 8 hours for each year of service beyond 15 years

Regular part-time employees will receive pro-rated vacation benefits. Vacation shall not accrue during an unpaid leave of absence.

###### iii) Maximum Accrual Balance

An employee with less than 15 years of continuous service may accrue a maximum balance of up to 190 hours of vacation leave. An employee with 15 years or more continuous service may accrue a maximum balance of up to 230 hours of vacation. Once an employee has accrued the maximum amount of vacation leave, the employee will cease to accrue additional leave. The employee will begin to accrue vacation leave once the amount of accrued vacation falls below the maximum amount.

###### iv) Scheduling Vacations

Vacations must be scheduled and approved in advance by the employee's Department Head, or by the City Manager in the case of Department Head's absence, in accordance with Department and/or work area policy.

###### v) Holidays Occurring During Scheduled Vacations

If a holiday falls during an employee's scheduled vacation, the employee will receive holiday pay for the day if eligible for such pay and will not be charged for vacation benefits for the day.

#### vi) Vacation During First Six Months of Employment

New employees shall accumulate vacation leave from the date of hire but will not be eligible to take vacation time off during the first six months of employment.

#### vii) Vacation Leave Donation and Use

The purpose of donated vacation leave is to assist any eligible employees with additional leave through the donations of eligible co-workers. All full-time regular employees are eligible to request or donate vacation time in cases deemed as “hardship” by the City Manager or designee. All donations will be kept confidential and donors will remain anonymous. To qualify for a leave donation, an employee must meet the eligibility requirements of the Family Medical Leave Act and/or the Oregon Family Leave Act. An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave.

Donated leave may not be used to extend employment beyond the point it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

The Requesting Employee (Recipient) Must:

- Provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician;
- Have first exhausted all accrued sick leave, compensatory time, floating and vacation leave;
- Have worked one full year at the City and have received satisfactory performance evaluations; and
- Submit a request for donated leave to their Department Head or designee indicating reason and anticipated amount of lost work time.

The Donating Employee

- Must complete and submit to the City Manager or designee, a designated form with Department Head approval, indicating the desire to donate; and
- May donate up to a maximum of 40 hours of vacation time per calendar year but must retain a minimum of 40 hours vacation leave.

Any decision by the City Manager or designee regarding Vacation Leave Donation will be binding. Donated time is calculated using the number of hours donated, the donator’s hourly wage, and the recipient’s hourly wage.

## **b) Management Leave for Exempt Employees**

The City recognizes exempt employees commit substantial hours to City service in order to fulfill their responsibilities and meet periodic job demands. Therefore, the City has elected to grant these employees paid management leave for the extra hours of service worked for the City, as specified below.

Effective July 1 of each fiscal year, exempt positions will receive 10 days (80 hrs.) paid management leave in addition to vacation and holidays.

An employee hired after July 1 will receive administrative leave for the remainder of the fiscal year on a pro-rated basis. Management leave must be taken by June 30th of each year. Unused management leave days will not be cashed out and will not accrue from year to year and shall be forfeited if not used. Management leave shall be approved by the Department Head or City Manager. Department Heads shall regulate the use of management leave within their departments.

## **c) Holidays and Floating Holidays**

Regular full-time employees will receive a day off with pay on each of these recognized holidays and Regular part-time employees will receive recognized holidays pro-rated based upon hours worked:

New Year's Day	President's Day
Memorial Day	Independence Day (July 4)
Labor Day	Thanksgiving Day
The day after Thanksgiving	Christmas Day
Veterans Day	

When a scheduled holiday falls on a Sunday it will be observed on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday.

If a non-exempt employee is required to work on any holiday observed by the City, the employee shall either be paid or given compensatory time off for all hours worked at the rate of one and one-half times the regular rate of pay.

Employees who are off work on an unpaid leave of absence shall not receive holiday pay. Employees who are off work due to sick leave or vacation shall be paid for the holiday in lieu of receiving vacation or sick leave pay.

Each Regular full-time employee will receive 2 Personal Holidays (hours to equal 2 shifts) Personal Holidays may be taken at any time during the year and if not taken by December 31<sup>st</sup>, shall be paid in January of the following calendar year.

## d) Family Medical Leave

### i) FMLA/OFLA Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies, and collective bargaining agreements govern the employee's and the City rights and obligations, not this policy.

Employees seeking further information should contact the City Manager's office. Also refer to the "Employee Rights and Responsibilities under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the employee break areas which are incorporated here by reference.

#### 1. Definitions

Child/Son or Daughter: For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of in loco parentis. For purposes of OFLA Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care.

A "son or daughter" is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA also provides separate definitions of "son or daughter" for FMLA military family leave that are not restricted by age – see below.

Family Member: For purposes of FMLA, "family member" is defined as a spouse, parent or a "son" or "daughter" (defined above).

For purposes of OFLA, "family member" includes the definitions found under FMLA and also includes adult children (for "serious health condition" leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

Eligible Employee: OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA – For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see the City Manager for more information.

FMLA – Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Leave under Oregon and federal law will run concurrently when permitted.

Serious Health Condition: “Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of a “serious health condition”; see the City Manager’s office for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

## *2. Reasons for Taking Leave*

Family Medical Leave may be taken under any of the following circumstances:

- **Call to Active-Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per

deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

- Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
- Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
- Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
- Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
- Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered servicemember." This type of leave is available under FMLA only.
- Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
- Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy for more information.

### 3. *Length of Leave*

In any One-Year Calculation Period, eligible employees may take up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active-Duty Leave.

- In some cases, an additional twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- In some cases, employees who take the entire twelve (12) weeks of OFLA Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible



employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

The "12-month period" during which leave is available (also referred to as the "One-Year Calculation Period") is 12 months starting with the first day family leave is taken by the employee (12-month "looking forward" method).

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active-Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of the City's operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. Intermittent leave for Parental Leave is not available.

#### *4. Employee Notice Requirements*

Employees must provide at least 30 days' advance notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

For Call to Active-Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let City Manager know as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify City Manager within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with the City's normal call-in procedures. Employees who fail to comply with the City's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

#### *5. Certification*

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient

information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Additionally, employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request. Employees requesting child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by the City. In some cases (except for leave to care for a sick child), the City may require a second or third opinion, at the City's expense. Employees also may be required to submit subsequent medical verification. Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification. If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

#### *6. Substitution of Paid Leave for Unpaid Leave*

Employees are required to use accrued paid leave, including vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

#### *7. Holiday Pay While on Leave*

Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

#### *8. On-the-Job Injury or Illness*

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a "serious health condition" as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

#### *9. Benefits While on Paid Leave*

If an employee is on approved FMLA or OFLA Leave, the city will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work.

#### *10. Benefits While on Unpaid Leave*

Employees wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of the employee portion of coverage. Retirement benefits will not continue while an employee is out on unpaid leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City benefit plans.

#### *11. Job Protection*

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

### **e) Bereavement Leave**

Employees who have worked for City for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of bereavement leave including 3 days off with pay per death of a family member. Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, and/or to make arrangements necessitated by the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law,

grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform the City as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

#### **f) Jury and Witness Duty**

##### **i) Jury Duty**

The City will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave. Jurors will turn over payments the employee receives for jury duty (except mileage when using personal vehicle) to the City, and the employee will be paid their regular wages for a period not to exceed two weeks. After two weeks of paid leave the employee will be granted additional unpaid leave. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep their supervisor informed about the amount of time required for jury duty.

##### **ii) Witness Duty**

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to the Finance Director upon receipt.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

#### **g) Religious Observances Leave and Accommodation Policy**

The City respects the religious beliefs and practices of all employees. The City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use

vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the City Manager.

#### **h) Crime Victim Leave Policy**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

“Immediate family member” includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- i. Use any accrued, but unused vacation/sick leave during the leave period;
- ii. Provide as much advance notice as is practicable of his/her intention to take leave unless giving advance notice is not feasible); and
- iii. Submit a request for the leave in writing to the City Manager as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney’s office, police report, a protective order issued by a court, or similarly reliable sources.

#### **i) Domestic Violence Leave and Accommodation Policy**

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her minor dependents.

Reasons for taking leave include the employee’s (or the employee’s dependent’s) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his or her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the City Manager, as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact the City Manager immediately with requests for reasonable safety accommodations.

#### **j) Military Leave**

Employees who wish to serve in the military and take military leave should contact the City Manager for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

#### **k) Sick Leave**

The City provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the City Manager's office. Also refer to the Oregon Sick Leave Law poster that is posted in employee break areas and is incorporated here by reference.

#### i) Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

Employees begin to accrue paid sick leave on the first day of employment, paid sick leave may be used as it is accrued.

Paid sick leave shall accrue at the rate of eight (8) hours for every month worked. Paid sick leave shall be taken in six-minute increments.

Paid sick leave will be paid at the employee's current regular rate of pay. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

The following benefit applies to the first 960 hours in an Employee's sick leave bank (any additional unused sick leave hours are lost):

Upon an employee's death: Fifty percent (50%) of unused sick leave shall be paid to the employee's estate.

Upon an employee's retirement: Sick Leave shall be paid to the employee at retirement, unless the employee is facing discharge, at the following rates below. To be eligible for this retirement benefit, the employee shall have met the continuous service requirement listed below or age 55, whichever is less.

- Completion of 20 years – 30%
- Completion of 25 years – 40%
- Completion of 30 years – 50%

If an employee leaves employment and is rehired within 180 days, the employee's remaining sick leave balance will be restored.

#### ii) Use of Sick Leave

Sick leave is intended as a safety net to provide you with income during periods of illness. Use your sick leave appropriately so you will have it available when needed. Accrued paid sick leave may be used for the following reasons:

- For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care for the employee or qualified family member;
- "Qualified family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child;

- For any purpose allowed under the Oregon Family Leave Act, including bereavement leave;
- If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272); or
- In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

### iii) Employee Notice of Need for Sick Leave

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner minimally disruptive to the organization and operations, the City may deny the use and legal protections of sick leave.

#### 1. *Foreseeable Sick Leave*

If the need for sick leave is foreseeable, employees must notify their supervisor as soon as practicable before the leave using the City's call-in/notification procedures. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

#### 2. *Unforeseeable Sick Leave*

If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with the City's call-in procedures. Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least ninety minutes prior to the beginning of their shift, or as specified in department policy, unless physically unable to do so, at which time notice should be given as soon as possible.

An employee must contact their supervisor daily while on sick leave unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform their supervisor of any change in the duration of sick leave as soon as practicable.

### iv) Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, City may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.



v) Sick Leave Abuse

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the City may require documentation from a healthcare provider on a more frequent basis. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

## **5) Employee Benefits**

### **a. Retirement Benefits**

The City participates in the Public Employees Retirement System (PERS) for all sworn police officers and MissionSquare (formerly ICMA-RC) for all other qualifying employees. For PERS Employees, your designation as a Tier I, Tier II or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS).

For employees eligible for MissionSquare the first, a 401(a) plan includes a city contribution and an employee contribution. Employees may also elect to contribute to a 457 deferred compensation plan. For more information about the City's contributions to employee retirement plans, please see the City Manager's office.

## 6) General Causes for Disciplinary Action

### a. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the City's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other City records;
  - Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's);
  - Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor or third party;
  - Unauthorized use of City equipment, materials or facilities;
  - Provoking a fight or fighting during work hours or on City property;
  - Engaging in criminal conduct while at work;
  - Causing, creating or participating in a significant or substantial disruption of work during working hours on City property;
  - Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor;
  - Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so;
  - Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you;
  - Sleeping or malingering on the job;
  - Excessive personal telephone calls during working hours;
  - Unprofessional appearance during normal business hours;
  - Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City;
  - Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets or other resources of the City for personal gain or private interests;
  - Violations of the Ethics Policy or Oregon's Ethics laws;
  - Violation of any safety, health, security or City policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies;
- or

- Harassment or discrimination that violates City policy.

This statement of prohibited conduct does not alter the City's policy of at-will employment. With the exception of employees subject to a collective bargaining agreement or contract of employment, the City remains free to terminate the employment relationship at any time, with or without cause or notice.

### **b. Corrective Action/Discipline Policy**

Employees are always expected to perform to the best of their abilities. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an inappropriate act. When performance or conduct does not meet City standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of City policies, procedures and rules and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City may also choose to send the employee to training or an education opportunity.

In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when deemed appropriate. The City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

### **c. Workplace Inspections**

This policy applies to inspections and investigations conducted by the City pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers,*

*work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the City; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

#### **d. Video Surveillance Policy**

The City maintains and monitors security cameras in certain areas of its facilities to provide a secure environment for employees and visitors. The City agrees it will not monitor the security tapes or other information produced by its security cameras for the purpose of monitoring employee activity and/or for the sole purpose of initiating employee discipline. However, the City reserves the right to use security tapes and other available information documented by its security systems to support employee discipline, up to and including suspension or discharge, as it may deem appropriate. Specifically, the City may review security tapes and/or other information documented by its security systems when it has independent reason to believe an employee has engaged in wrongdoing documented on the security tapes or other information documented by its security system and may use any such information it finds in support of discipline, up to and including suspension or discharge. In addition, if the City is monitoring security tapes for an unrelated reason, and in so doing discovers employee wrongdoing, it may use the security tapes or other information documented by the security system to support employee discipline, up to and including suspension or discharge.

## **7) Leaving the City**

### **a. Retirement or Resignation**

If an employee chooses to resign or retire, it is anticipated the City will be given as much notice as possible – preferably a minimum of two weeks. Vacation, personal, or sick days should not be used in lieu of notice.

If the employee’s decision to resign is based on a correctable situation, the employee is encouraged to discuss it with the Department Head before making a final decision.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to the Department Head on or before their last day of work.

### **b. Eligibility for Rehire**

Former employees who were terminated for reasons involving policy violations, such as workplace violence, insubordination, discriminatory or harassing behavior, theft or embezzlement and any ethics violations, are not eligible for rehire. Any former employee who fails to provide the City two weeks’ notice of their intent to leave the City will also not be eligible for re-employment.

### **c. References**

All requests for references or recommendations must be directed to the City Manager. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment.

By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

## 8) Employee Acknowledgement

### Acknowledgment of Receipt of 2023 Personnel Policies Manual

I acknowledge that I have received and will read a copy of City's 2023 Personnel Policies Manual. I also understand that a copy of the Personnel Policies is available to me at any time to review in the City Manager's office and the City of Sweet Home's webpage at [www.sweethomeor.gov](http://www.sweethomeor.gov).

I understand that City has adopted the 2023 Personnel Policies Manual only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City's sole discretion. I also understand that the 2023 Personnel Policies Manual control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the 2023 Personnel Policies Manual is not an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the City or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without advance notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the City's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my Department Head or designee, or to the City Manager.

During my employment with the City, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices as issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

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Employee Signature

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Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.



# CITY OF SWEET HOME CITY COUNCIL MINUTES

February 14, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WiFi Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

## Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 1-971-203-2871, Meeting ID: 321 716 901#

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM.

## Roll Call

### PRESENT

Mayor Susan Coleman  
President Pro Tem Greg Mahler  
Councilor Lisa Gourley  
Councilor Angelita Sanchez  
Councilor Josh Thorstad

### ABSENT

Councilor Dave Trask  
Councilor Dylan Richards  
Youth Advisory Rep Tea Herrera

### STAFF

City Manager Kelcey Young  
Public Works Director Greg Springman  
Community and Economic Development Director Blair Larsen  
City Attorney Robert Snyder  
Chief of Police Jason Ogden  
Administrative Services Manager Julie Fisher  
Communications Manager Adam Leisinger

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*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.*



Motion to approve the absence of Councilor Richards and Councilor Trask made by President Pro Tem Mahler, Seconded by Councilor Gourley.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

**Consent Agenda:**

Motion to approve the Consent Agenda made by Councilor Gourley, Seconded by President Pro Tem Mahler.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

- a) Request for Council Action - Patrol K-9 Quote and Purchase

Approval of Minutes:

- a) 2023-01-24 City Council Minutes

**Recognition of Visitors and Hearing of Petitions:**

City Manager Kelcey Young presented former Mayor Greg Mahler with a plaque memorializing his many years of service to the City of Sweet Home and community.

Nancy White petitioned the City Council to act on Code Enforcement Issues on a home in her neighborhood. Nancy White presented photos showing garbage and debris, junk cars, RVs, and other concerning living conditions. Mayor Coleman updated Nancy White on steps City departments have taken to address issues with the property.

- a) Swearing In Ceremony - Captain Ryan Cummings

Police Chief Jason Odgen introduced Sergeant Ryan Cummings who was recently promoted. Captain Ryan Cummings was sworn in by City Manager Kelcey Young.

**Old Business:**

**New Business:**

- a) Request for Council Action - Mahler WRF Interim Improvements Project - Final Design Task Order

Public Works Director Greg Springman introduced the Mahler WRF Interim Improvements Project for the Final Design Task Order. PW Director Springman reported the initial estimates received were 25% over the engineers estimate so they were not able to award a contract. Staff proposed procurement of long lead items such as the purchase of a generator. In January West Yost completed 60% of design. In February, staff completed a letter of interest to WIFIA (Water Infrastructure and Finance Innovation Act) and is searching additional grant funding.

Motion made to approve the Mahler WRF Interim Improvements Project and Final Design Task Order by Councilor Gourley, Seconded by President Pro Tem Mahler.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

- b) Request for Council Action - Mahler WRF Electrical Equipment Procurement

Public Works Director Greg Springman introduced the Mahler WRF Electrical Equipment Procurement. Two bids were received for the automatic transfer switch, and four bids were received for the generator. State earmarked funds in the amount of \$164,286 will be used and in the FY 34-35 ARPA Funds in the amount of \$734,077.80.

Motion made to approve the Mahler WRF Electrical Equipment Procurement by President Pro Tem Mahler, Seconded by Councilor Gourley.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

c) Request for Council Action - Mahler WRF Sludge Blend Tank Design-Build Procurement

Public Works Director Greg Springman presented the Mahler WRF Sludge Blend Tank Design Build Procurement. West Yost solicited bids and one bid was received. The total bid was \$1,117,490 which will be in FY 23.

Motion made to approve the Mahler WRF Sludge Blend Tank Design Build Procurement by President Pro Tem Mahler, Seconded by Councilor Gourley.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

d) Request for Council Action - Mahler WRF Dewatering Equipment Procurement

Public Works Director Greg Springman introduced the Mahler WRF Dewatering Equipment Procurement. There was one bid at \$617,257 along with the \$87,664 for the CAD for SCADA, for a total of \$704,921.00.

Motion to approve the Mahler WRF Dewatering Equipment Procurement made by Councilor Gourley, Seconded by President Pro Tem Mahler.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

e) Request for Council Action - Resolution No. 2 for 2023 - A Resolution for RV Signage

City Attorney Snyder presented Resolution No. 2 for 2023, which sets forth Council approval of proposed signs at the entrances of Sweet Home and the attached form to support the RV ordinance.

Motion made to approve Resolution No. 2 for 2023 by Councilor Gourley, Seconded by President Pro Tem Mahler.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

## **Ordinance Bills**

### Request for Council Action and First Reading of Ordinance Bills

a) Request for Council Action - Ordinance No. 6 for 2023 - Ordinance Necessary for RV/Travel Trailer Parking Enforcement.

City Attorney Robert Snyder introduced Ordinance No. 6 for 2023 which puts in place a system and procedure to tow vehicles.

Motion to move Ordinance No. 6 for 2023 to first reading was made by Councilor Mahler, seconded by Councilor Gourley. Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Sanchez, Councilor Gourley, and Councilor Thorstad.

Ordinance No. 6 for 2023 was read in its entirety.

Motion to move Ordinance No. 6 for 2023 to second reading tonight made by Councilor Mahler, seconded by Councilor Thorstad. Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Thorstad, and Councilor Sanchez.

Ordinance No. 6 for 2023 was read by title only.

Motion to move Ordinance Bill No. 6 for 2023 to third and final reading was made by Councilor Mahler, seconded by Councilor Gourley. Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, and Councilor Thorstad.

- b) Request for Council Action - Ordinance No. 7 for 2023 - Legislative Amendment LA22-02 Mobile Food Units

The Public Hearing was opened at 7:04 PM.

Mayor Coleman asked if the Council has any Exparte, Bias or Conflict of Interest. There was none.

Staff Report: Community and Economic Development Director Blair Larsen introduced Ordinance No. 7 for 2023 which pertain to mobile food units (MFU) that remain mobile. A single mobile food unit differs from a group of mobile units and would not be affected under the new code. The new code would also not affect an MFU in the right of way if it is self contained.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:10 PM.

Motion to move Ordinance No. 7 for 2023 to first reading was made by Councilor Gourley, seconded by Councilor Mahler. Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad.

Ordinance No. 7 for 2023 was read in its entirety.

Motion to move Ordinance No. 7 for 2023 to second reading was made by Councilor Mahler, seconded by Councilor Throstad. Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

#### Second Reading of Ordinance Bills

- a) Ordinance No. 4 for 2023 - Code Updates

Community and Economic Development Director Blair Larsen presented Ordinance No. 4 for 2023 regarding updates to Sweet Home Municipal Code.

Ordinance No. 4 for 2023 was read by title only.

Motion to move Ordinance No. 4 for 2023 to third and final reading made by President Pro Tem Mahler, Seconded by Councilor Thorstad.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

#### Third Reading of Ordinance Bills (Roll Call Vote Required)

- a) Ordinance No. 5 for 2023 - Amending Section SHMC 3.08.070

City Attorney Robert Snyder read Ordinance Bill No. 5 for 2023 - Ordinance No. 1310 by title only.

Motion to approve Ordinance No. 5 for 2023 made by Councilor Gourley, seconded by President Pro Tem Mahler.

Voting Yea: Mayor Coleman, President Pro Tem Mahler, Councilor Gourley, Councilor Sanchez, Councilor Thorstad

## **Reports of Committees:**

### Ad Hoc Committee on Health

Councilor Sanchez reported the FAC Board will meet on February 22, 2023.

### Ad Hoc Committee on Arts and Culture

Councilor Gourley reported the first committee meeting will be February 15, 2023, at 6 PM at City Hall.

## **Reports of City Officials:**

### City Manager's Report

City Manager Kelcey Young thanked Director Larsen, Chief Odgen, City Attorney Snyder, and the rest of the staff that worked on the ordinance to address identified code updates, and also thanked Mayor Coleman and Council for support moving Sweet Home in a positive direction.

City Manager Young reported the City is on track with finances and bank reconciliation. The City is preparing to start the budget process for the next fiscal year.

CM Young acknowledged Public Works staff for removing snow and ice around City facilities to make it safer for staff and the public, and thanked first responders during the storm.

The Annual Chamber Banquet will be held March 11th at the Jim Riggs Community Center.

A Doodle Poll was sent out to find the best dates for the City Council Training. March 1st from 5:30pm - 9:30pm and March 18th from 10am until 2 PM were the top dates.

### Mayor's Report

Mayor Coleman congratulated Captain Cummings on promotion on his promotion. Mayor Coleman also congratulated SHHS girls swim team who took 1st, the SHHS boys swim team who placed 2nd, and SHHS cheer team placed in nationals. Today is Oregon's 164th birthday.

## **Department Director's Reports (1st meeting of the Month)**

### Library Services Director

The following report was included in the packet:

- a) Library Director's Monthly Report - January

### Community and Economic Development Director

The following report was included in the packet:

- a) Community and Economic Development Monthly Report - January

### Public Works Director

The following written reports were included in the packet:

- a) Public Works Monthly Report - January
- b) Mahler WRF Project Monthly Report - January

City Attorney

No Report

**Council Business for Good of the Order**

Councilor Sanchez reported attending the LOC Small Cities Quarterly meeting where they discussed HB 3125 which is regarding infrastructure financing.

Councilor Thorstad inquired on the limitations for committee members due to the requirement that they reside inside City limits. Mayor Coleman cited Taxation by Representation, but noted there are several positions on various committees that can be held by someone who does not live within the City, but resides within the school district boundaries.

**Adjournment**

The meeting adjourned at 7:50 PM.

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Mayor

ATTEST:

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City Manager – Ex Officio City Recorder



*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore, I,* Susan Coleman, Mayor of the City of Sweet Home, do hereby proclaim April 15, 2023 as

# Arbor Day

In the City of Sweet Home, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* \_\_\_\_\_ day of \_\_\_\_\_  
 Mayor \_\_\_\_\_

## Proclamation in Support of Fir Lawn Lutheran

Whereas, violence in any form is an affront to human dignity and has no place in a civilized society, and;

Whereas, places of worship are sanctuaries for individuals to connect with their faith, reflect, and seek solace, and;

Whereas, the burning of a church is an abhorrent act of violence that undermines the values of respect, tolerance, and mutual understanding that are essential for the peaceful coexistence of all people;

We, Sweet Home's City Council, stand in solidarity with the congregation of Fir Lawn Lutheran Church, which has suffered the tragic loss of their place of worship.

We condemn this act of violence in the strongest possible terms and call on all members of our community to reject such reprehensible behavior and embrace peaceful dialogue and understanding.

We recognize the important role that religious institutions play in fostering community and promoting social cohesion, and we pledge to work together to ensure that all places of worship are safe and secure for all who wish to gather and worship.

We urge law enforcement agencies to investigate and bring the perpetrators of this heinous crime to justice. We call on all members of our community to offer any information they believe may assist in the investigation.

Finally, we express our heartfelt sympathy to the members of Fir Lawn Lutheran Church and offer our support as they work to move forward and heal from this traumatic experience.

Let this proclamation serve as a testament to our commitment to the principles of peace, tolerance, and mutual respect, and let us work together to ensure that such acts of violence and hatred never occur in our community again.

Proclaimed this 28<sup>th</sup> day of February 2023.

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Mayor Susan Coleman

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President Pro Tem Mahler

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Councilor Gourley

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Councilor Richards

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Councilor Sanchez

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Councilor Thorstad

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Councilor Trask



# REQUEST FOR COUNCIL ACTION

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**Title:** Request for Council Action – Ordinance No. 8 for 2023 – Establishing a Traffic Safety Committee

**Preferred Agenda:** February 28, 2023

**Submitted By:** City Attorney Robert Snyder

**Reviewed By:** City Manager Kelcey Young

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** MUTC – Manual on Uniform Traffic Control

**Towards Council Goal:** Improve community safety, Police, Community Design, etc.

**Attachments:** NA

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## **Purpose of this RCA:**

To reestablish a Traffic Safety Committee for the City of Sweet Home.

## **Background/Context:**

The City of Sweet Home wishes to reestablish a Traffic Safety Committee. The committee would be an advisory board to the City Council and would make recommendations regarding parking and traffic safety.

## **The Challenge/Problem:**

How to reestablish a Traffic Safety Committee

## **Stakeholders:**

- **Staff**– staff will be able to route traffic and safety concerns and suggestions to the Public and Traffic Safety Committee for their review and recommendations.
- **Council** – The Public and Traffic Safety Committee will be an advisory board that can make recommendations to the City Council as well as review items Council requests of the committee.
- **Citizens** – Citizens can have input on public and traffic safety by either attending committee meetings or joining the committee as board members.

## **Issues and Financial Impacts:**

None Known

## **Elements of a Stable Solution:**

To establish a Public and Traffic Safety Committee to work closely with the state’s Traffic Safety Committee and seek any assistance that would benefit Sweet Home. Also, the



Committee would review any request regarding public and traffic safety and make recommendations to the City Council.

**Options:**

1. Option #1 – Do Nothing. The Public and Traffic Safety Committee would not be established, and items of concern would be considered by the City Council and staff.
2. Option #2 – Direct staff to amend Ordinance Bill No. 8 for 2023 and bring back to Council for consideration.
3. Option #3 – Make a Motion to Move Ordinance Bill No. 8 for 2023 to first reading.

**Recommendation:**

1. Option #3 – Make a Motion to Move Ordinance Bill No. 8 for 2023 to first reading.

ORDINANCE BILL NO. 8 FOR 2023

ORDINANCE NO. \_\_\_\_\_

SWEET HOME ORDINANCE ESTABLISHING THE PUBLIC AND TRAFFIC SAFETY COMMITTEE

WHEREAS, The Sweet Home City Council desires to establish the Public And Traffic Safety Committee;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 2.10.010 is amended by adding thereto subsection B. to read as follows:

B. Public And Traffic Safety Committee

Section 2. SHMC 2.10.050 is amended by adding thereto subsection B. to read as follows:

B. Public and Traffic Safety Committee. The duties and powers of the Public And Traffic Safety Committee shall be as follows:

- 1. To work closely with the state’s Traffic Safety Committee and seek whatever assistance as would benefit the city. The Committee shall engage in a traffic safety program within the city to ensure public traffic safety awareness.
- 2. To review all requests to establish or alter traffic controls and parking controls and all traffic safety problems coming to the attention of the Committee. The Committee shall be empowered to make recommendations to the City Council for corrective action.
- 3. To review all public safety matters that are referred to it by the City Council.

PASSED by the Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager - Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

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**Title:** Legislative Amendment LA22-02

**Preferred Agenda:** February 14, 2023

**Submitted By:** Angela Clegg, Associate Planner

**Reviewed By:** Blair Larsen, CEDD Director  
Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** SHMC Chapter 17.75

**Towards Council Goal:** Aspiration II: Effective and Efficient government; Goal 2.1: Update and Streamline Processes; Goal 2.2: Develop continuity in planning and permitting processes.

**Attachments:** Draft Ordinance  
LA22-02 Staff Report  
Draft Planning Commission Minutes February 2, 2023

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## **Purpose of this RCA:**

The purpose of this RCA is to hold a public hearing regarding Legislative Amendment LA22-02 and present the application to the Council for approval. The purpose of this application is to adopt text amendment (LA 22-02) to the Zoning Ordinance, which will add Sweet Home Municipal Code (SHMC) Chapter 17.75 Mobile Food Units.

## **Background/Context:**

This legislative amendment, LA 22-02, consists of a new Chapter to the Sweet Home Municipal Code (SHMC). The proposed amendment was identified by City Staff, based on feedback from the Planning Commission and an increase in requests to have Mobile Food Units throughout the City.

The following is a timeline of meetings associated with this project:

- December 22, 2022: Staff submitted the online PAPA.
- December 28, 2022: Notice Published in the New Era
- February 2, 2023: The Planning Commission held a public hearing on the proposed amendment. The Planning Commission moved to recommend approval of the amended Development Code to City Council.

At the February 14, 2023 Council Meeting, the City Council will hold a public hearing regarding this legislative amendment and conduct a first reading, and two more readings of the ordinance are necessary in order to adopt the ordinance.

**The Challenge/Problem:**

Should the City amend its Development Code in the manner recommended by the Planning Commission?

**Stakeholders:**

- City of Sweet Home Residents – The proposed text amendment benefit residents with a more clear and efficient code.
- Property Owners and Mobile Food Units Owners: Benefit from clear standards.
- Staff: Will be able to implement the SHMC with more efficiency and less discretion.

**Issues and Financial Impacts:**

This change will have no financial impact on the City.

**Elements of a Stable Solution:**

A stable solution involves adopting changes to the City’s code that improve the quality of development for current and future mobile food unit owners, without overly burdening property owners and business owners in a way that is clear, consistent, and does not require significant staff interpretation. In addition, a stable solution would be consistent with the City’s policies and goals.

**Options:**

1. Approve application LA22-02 and conduct a first reading of the ordinance.
2. Deny application LA22-02 and direct staff and the Planning Commission to make revisions (specify).
3. Continue the public hearing to a later date to allow more time for the Council to examine the proposed changes or to provide staff time to prepare amendments or additional information (specify).
4. Take no action; leave the code as is.
5. Other

**Recommendation:**

Staff recommends option 1: Approve application LA22-02 and conduct a first reading of the ordinance.



## Legislative Amendment (LA) 22-02

This legislative amendment, LA 22-02, consists of the new Sweet Home Municipal Code Chapter 17.75 Mobile Food Units (MFU), and a revision to the following sections and subsections: 17.16.020; 17.18.020; 17.20.020; 17.25.020; 17.26.020(B). The proposed text amendments were identified by City Staff, based on frequent requests to install MFU's and the lack of code to support the installation.

**FILE NUMBER:** LA 22-02

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s): 17.75, 17.16.020, 17.18.020, 17.20.020, 17.25.020, 17.26.020, 17.116.

**PLANNING COMMISSION HEARING DATE & TIME:** February 2, 2023 at 6:30 PM

**LOCATION:** City Hall Council Chambers 3225 Main Street, Sweet Home, Oregon 97386

**CITY COUNCIL HEARING DATE & TIME:** February 14, 2023 at 6:30 PM

**LOCATION:** City Hall Council Chambers 3225 Main Street, Sweet Home, Oregon 97386

**STAFF CONTACT:** Angela Clegg, Associate Planner  
Phone: (541) 367-8113;  
Email: [aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)

**REPORT DATE:** January 26, 2023

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Staff has drafted the proposed ordinance based on the increase of interest and lack of code for Mobile Food Units. Staff researched Lebanon and Albany Mobile Food Unit codes, and used their codes as examples to draft the Sweet Home Ordinance. Staff revised sections 17.16.020, 17.18.020, 17.20.020, 17.25.020, and 17.26.020 to outright permit Mobile Food Units in zones Mixed Use (MU), Commercial Central (C-1), Commercial Highway (C-2), Recreation Commercial (RC), and Mixed-Use Employment (MUE).

### Location

The proposed ordinance does include changes to the following zones to permit MFU's outright: 17.16.020 Mixed Use (MU), 17.18.020 Commercial Central (C-1), 17.20.020 Commercial Highway (C-2), 17.25.020 Recreation Commercial (RC), 17.26.020 Mixed-Use Employment (MUE).

### Types

While the proposed ordinance is directed at Mobile Food Units, the only changes that it makes to the current development code are Sections 17.16.020, 17.18.020, 17.20.020, 17.25.020, and 17.26.020.



# CITY OF SWEET HOME PLANNING COMMISSION MINUTES **DRAFT**

February 02, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet, you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 947 077 522#

## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

## Roll Call of Commissioners

### PRESENT

Henry Wolthuis  
Jeff Parker  
Todd Branson  
Eva Journey  
Jamie Melcher  
Laura Wood

### STAFF

Blair Larsen, Community and Economic Development Director  
Angela Clegg, Associate Planner

**Public Comment.** This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

None

## Meeting Minutes:

- a) January 19, 2023 Meeting Minutes

A motion to approve the minutes as amended was made by Melcher, seconded by Wolthuis.

Voting Yea: 6

Voting Nay: 0

## Public Hearings

**Application LA22-02 - SHMC Chapter 17.75 Mobile Food Units**

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*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.*

a) Application LA22-02 Staff Report & Draft Ordinance

The public hearing was opened at 6:34 PM.

Commissioner Parker asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

Associate Planner Clegg gave a history of the Mobile Food Unit code. She asked the Commission if they would like staff to read the entire draft ordinance or if they would like to just discuss the proposed code. CEDD Director Larsen explained the reasoning and gave examples of where the code would be used. Discussion of the code was decided on. Clegg explained the usage of the Lebanon and Albany codes as examples, and Larsen discussed differences. Clegg explained the current process for approving a mobile food unit. The Commission discussed the wheel criteria and chose to modify the standards. The Commission discussed the exemptions with staff. Commissioner Wood asked for clarification on the umbrella and tent criteria in Section 17.75.110(E). Larsen explained the intent of the code. Melcher asked if there is any Land Use review or noticing to neighbors. Clegg responded that there is not, but the MFU needs to be outright permitted in the proposed zone. Larsen discussed the ADA requirements that may govern the site play layout. There was further discussion about site layout criteria. There was discussion about criteria for MFU's serving alcohol. Clegg informed the Commission that alcohol booths would fall under the OLCC guidelines. Journey proposed revisions to the definitions and asked for clarification of the right-of-way exemption. Larsen explained reasoning for the exemption. Wolthuis asked staff to explain what happens when an MFU closes for a temporary period. Staff explained the permitting and renewal process. There was discussion about how many days a food truck is allowed to operate before they obtain a permit. The Commission chose to amend 17.75.060(A) to read 3 instead of 2. The Commission asked to delete 17.75.110(A)(5) and revise 17.75.110(A)(3) to read wheels can be removed but must remain on site. Larsen discussed the steps for approval, and confirmed the changes suggested by the Commission.

Testimony in favor: none

Testimony in opposition: none

Neutral testimony: none

The public hearing was closed at 7:28 PM

A motion to approve Application LA22-02 as amended and recommend it to City Council was made by Melcher, seconded by Wood.

Voting Yea: 6

Voting Nay: 0

### **Sweet Home Municipal Code Carport Discussion**

Clegg informed the Commission that she researched the carport criteria as requested by the Commission at the January 19, 2023 meeting. Clegg stated that the issue of carports and open storage brought up by Mr. Victor at the January 19th meeting are governed by different criteria. Clegg and Larsen discussed the findings with the Commission. The Commission discussed the matter. The Commission decided to leave the carport criteria as is. It was requested of staff to send a letter to Mr. Victor to inform him of the Commission's decision. The Commission discussed the open storage criteria and code enforcement process with staff.

### **Staff Updates:**

Clegg gave an update on pending administrative applications.

Clegg gave an update on the code revisions and handed the Commissioners a revised Chapter 17.64 to replace in their code binders. The numbering format in 17.64 was incorrect on the printed sheets but is correct on the website.

Clegg asked the Commission if they would be willing to open the February 16th, 2023 Planning Commission meeting at 6:00 PM to allow for extra time for a work session. The Commission agreed to the time change.

Clegg and Larsen gave an update on the TSP committees and proposed meeting dates.

Larsen have an update on the Housing Needs Analysis and the possibility of a continuance of the Public Hearing at the February 16th Planning Commission meeting. Journey and Parker stated that they will be absent for that meeting.

Staff discussed the open Planning Commission position. The applicant must live within the City Limits.

**Round Table Discussions** (Committee comments about topics not listed on the agenda)

None

**Adjournment**

The meeting was adjourned 8:23 PM.

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Jeffrey Parker Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



**CITY OF SWEET HOME  
ORDINANCE BILL NO. 7 FOR 2023  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING TO THE SWEET HOME DEVELOPMENT CODE SWEET HOME MUNICIPAL CODE CHAPTER SECTION 17.75 MOBILE FOOD UNITS AND AMENDING THE SWEET HOME MUNICIPAL CODE §17.16.020, §17.18.020, 17.20.020, 17.25.020, AND §17.26.020: MOBILE FOOD UNIT OR MOBILE FOOD UNIT POD, SUBJECT TO CHAPTER 17.75.**

**WHEREAS**, the City of Sweet Home seeks to ensure the safety of Mobile Food Units placed within the City; and

**WHEREAS**, the Planning Commission held a public hearing on February 2, 2023 for the proposed amendments to Sweet Home Municipal Code §17.75, §17.16.020, §17.18.020, §17.20.020, §17.25.020, §17.26.020; and

**WHEREAS**, the Planning Commission followed the text amendment procedures under Sweet Home Municipal Code Chapters 17.116.020 Application and 2.20.90 Powers and Duties, and has provided a report to the City Council along with its recommendation to consider the proposed text changes; and

**WHEREAS**, the City Council held a public hearing on these proposed text changes on February 14, 2023; and

**NOW THEREFORE,**

The City of Sweet Home does ordain as follows:

**Section 1.** Sweet Home Municipal Code (SHMC) Chapter 17.75 titled Mobile Food Units is created to read as follows;

**17.75 MOBILE FOOD UNITS**

**17.75.010 DEFINITIONS.**

For the purposes of the mobile food unit (MFU) code, the following definitions apply. Terms, phrases, words, abbreviations, and derivatives used, but not specifically defined in this section, shall have the meanings commonly accepted in the community.

**Mobile food unit** - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or waterway on which food is prepared, processed, or converted or which is used in selling and dispensing food to the ultimate consumer.

**Mobile food unit pod** - a group of two or more mobile food units on the same legal parcel of land as shown through the county records.

**Property** - legal parcel of land on which the MFU is located.

**Tent** - a structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**Umbrella structure** - a structure, enclosure, or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole or poles

**Waste** - any byproduct of the activities associated with the MFU including, but not limited, to blackwater, greywater, fats, oils, and grease.

**17.75.020 GENERAL PROVISIONS**

- A. Purpose. The purpose of the mobile food units (MFU) code is to develop guidelines under which an MFU can establish business within the City of Sweet Home.
- B. Conformity to State and County Laws. The MFU code shall be construed in conformity with the laws, licenses, and regulations set forth by the State of Oregon and Linn County regarding MFUs.

**17.75.030 MFU OR MFU POD PERMIT REQUIRED.**

- A. Unless exempt or part of a permitted MFU pod, use of an MFU within the city limits of Sweet Home requires an MFU permit obtained from the City Manager or designee. An MFU permit shall not be required if exempt through SHMC 17.75.060.
- B. Operation of an MFU pod within the city limits of Sweet Home requires an MFU pod permit obtained from the City Manager or designee.

**17.75.040 PROPERTY AUTHORIZATION REQUIRED.**

A property shall not be used by an MFU without an approved MFU property authorization application or site plan approval for a mobile food unit pod.

**17.75.050 MOBILE FOOD UNIT PODS.**

- A. MFU pods are considered permanent installations and require site plan approval as identified in the Sweet Home Municipal Code prior to MFUs locating on the subject property.
- B. Depending on the amenities and structures involved in the MFU Pod, additional authorizations or approvals may be required. MFU pods shall only operate when the entire site is in compliance with all local, state, and federal regulations.
- C. Lighting. MFU Pods shall have lighting to ensure safe environment for customers and employees that complies with the following:
  - 1. At minimum, areas to be occupied by customers shall be illuminated when Units operate during hours of darkness.
  - 2. No direct light source shall be visible from the property line.
  - 3. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.
- D. All MFU and customer amenities within a Pod shall be served by a minimum five (5) foot wide hard surfaced, ADA compliant, walkway.
- E. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right-of-way and abutting residentially zoned properties and serviceable by the applicable waste hauler.
- F. Accessory storage structures shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public right-of-way. Setbacks for the accessory

structures in the side and rear yards shall meet the minimum standards for accessory structures within the zone which the Pod is operating.

- G. All MFU Pods shall have restrooms available. Required restroom shall be available during Pod operating hours. Restrooms must have handwashing facilities with hot and cold running water, soap, and hand drying materials or devices. Restrooms must either be on-site or on an adjacent parcel with a signed agreement to allow Pod clientele to utilize the restroom facilities. On-site restroom shall be screened from view of the public right-of-way and abutting residentially zoned properties.
- H. Parking shall comply with the standards listed in SHMC Chapter 17.44 Off-Street Parking and Loading.

**17.75.060 EXEMPTIONS.**

No part of this section is meant to be understood as removing the requirement of any state or county license. Nor is this section meant to be understood as removing the requirements of any other state, county, or city codes. MFUs shall maintain all valid state and county license(s) while in operation. Property owners and MFUs that do not require a permit shall still comply with all requirements of this chapter.

- A. An MFU may operate within the Sweet Home city limits for no more than 3 days within any 30-day period without first obtaining an MFU permit.
- B. MFUs which are closed to the public shall not be required to obtain an MFU permit.
- C. An MFU may operate within any special event (such as a farmer's market or public festival) that holds a valid special event permit through the City of Sweet Home without an MFU permit.
- D. Any event hosted by the City of Sweet Home is exempt from an MFU permit. The MFU shall complete any required application and obtain the proper approval directly from the specific City of Sweet Home department hosting the event.
- E. An MFU in the public right-of-way is exempt so long as the MFU follows City of Sweet Home parking regulations and does not block pedestrian or vehicle traffic.

**17.75.070 PERMIT AND APPLICATION FEES.**

Permit and application fees for activities governed by this chapter shall be set by council resolution.

**17.75.080 MFU POD PERMIT APPLICATION.**

- A. Application for MFU Pod permit will minimally contain:
  - 1. A scaled site plan of the property and proposed area the MFU will be located, to include at a minimum:
    - a. A completed MFU Pod permit application form;
    - b. A site plan including, but not limited to the following:
      - 1. Total square footage of area proposed for MFU use;
      - 2. Circulation plan of vehicle and pedestrian traffic onto, out of, and within the property;
      - 3. Location of MFU Pod amenities;
      - 4. Parking plan demonstrating compliance with all Sweet Home Municipal Code parking requirements once MFU is in place;

5. Site layout demonstrating compliance with all setbacks, buffering, and separation requirements as specified in the Sweet Home Municipal Code (SHMC), Building Codes, and the Sweet Home Fire District (SHFD);
6. Utility connections for each unit (water, sewer, electrical, storm water, degreaser unit, etc.)
- c. Details demonstrating compliance with the standards set forth in this chapter.
- B. Additional information shall be provided by the applicant as required by the city manager or their designee.
- C. Fees set through SHMC 17.75.070 shall be due when application is submitted and are nonrefundable.
- D. An MFU Pod permit shall not expire, so long as the applicant and site are in compliance with the approved application.
- E. If the applicant makes any changes to the requirements listed in SHMC 17.75.080(B) after an MFU Pod permit is approved, the permit shall be revoked and the applicant must apply for a new MFU Pod permit.

**17.75.090 MFU PERMIT APPLICATION.**

- A. Application for a permit will minimally contain:
  1. A completed MFU application form;
  2. Site Plan.
  3. Linn County Health Department License.
  4. A copy of MFU's restroom agreement as required by Linn County (if no restroom is provided on site);
  5. A copy of current proof of liability insurance;
  6. Signed Proof of Placement Permission.
  7. Method of waste disposal (liquid and solid). Disposal shall comply with SHMC Chapter 17.48 of the Sweet Home Municipal Code.
- B. Copies of all necessary permits and agreements held for the county in which the permittee plans to operate. Additional information shall be provided as required by the city manager or their designee.
- C. Fees set through SHMC 17.75.070 shall be due when application is submitted and are nonrefundable.
- D. The MFU is limited to 1 year at a given site and/or address with an unlimited number of 1-year extensions. Each extension shall require a new permit.

**17.75.100 MFU STANDARDS – ZONING.**

Unless the property is approved as an MFU pod through the Sweet Home Municipal Code, MFUs shall only locate on properties within Commercial and Mixed-Use zones that are not used primarily for residential purposes.

**17.75.110 MFU STANDARDS – GENERAL.**

- A. An MFU must not be a permanent structure and:
  1. Shall remain operable and able to move;
  2. Shall be properly licensed through the Oregon Department of Motor Vehicles;
  3. Wheels can be removed but must remain on site.
  4. Shall keep the tongue or other towing connection on site;

5. Shall not have permanent skirting or a base constructed around it;
  6. Shall enclose or screen from view of the right-of-way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items;
  7. Shall not be missing siding or roofing;
  8. Shall be kept in good repair and maintained in a safe and clean condition; and
  9. Shall not exceed 15 feet in height.
- B. An MFU shall only operate on an approved property under SHMC 17.75.040 or 17.75.050.
- C. All MFUs, even those within MFU Pods, must maintain a 6-foot minimum clearance from any other MFU, structure or combustible item not integral to the MFU.
- D. MFU operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter that is deposited by any person and which was generated from the MFU business from the ground of the property on which they conduct business and from all adjacent public rights-of-way.
- E. An MFU may provide tent(s)/umbrella structure(s) for shelter to customers. The tent(s)/umbrella structure(s) shall have a minimum of seven feet of vertical clearance and be able to be closed or removed. All awnings must be flame resistant per Oregon Fire Code.
1. An MFU may provide 1 additional tent no larger than 12 feet by 12 feet, and 1 outdoor portable heating unit; provided, that both items are removed and stored within the MFU or other structure outside of operating hours.
    - a. Shelter and heating unit must be maintained in working order with no defects that would hinder its intended use.
    - b. Tents may have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
  2. Structures shall comply with all local and state agency regulations, including but not limited to Sweet Home Fire District, and Building regulations, and obtain all necessary permits and inspections prior to use of structure.
- F. Any additional lighting shall be integral to the MFU.
- G. Fences shall be constructed in compliance with SHMC Chapter 17.52.
- H. Each MFU shall comply with the Oregon Fire Code, as interpreted by the Sweet Home Fire District.
- I. An ADA accessible route shall interconnect the MFU, the restrooms, and any provided site elements such as seating, parking, or facilities.
- J. An MFU shall remain in compliance with all applicable city, county, and state regulations.

**17.75.120 MFU STANDARDS – UTILITIES.**

- A. A single MFU shall be fully contained or comply with the MFU Pod utility standards in Section B below. Electrical generators, if used, must comply with the following:

1. Generators shall be placed at least 10 feet from other buildings, structures, and combustibles.
  2. Generator exhaust shall be directed away from the MFU, buildings, structures, and combustibles.
  3. Generators shall be protected from contact by the public.
  4. Generators shall not be operated within 300 feet of residential zoning, however inverter generators may be placed at 100 feet or greater from residential zoning, provided they are rated by the manufacturer to operate at 70 decibels or less.
  5. Generators that are nonintegral to the MFU shall not be stored outside during nonoperating hours.
- B. MFU Pod Utility standards:
1. Shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include and approved grease interceptor for the disposal of fats, oils, and grease. Indirect discharge or leakage draining into the storm water system is prohibited.
  2. Shall connect to a permanent water source in conformance with the applicable state plumbing codes.
  3. Electrical connection may be made via a permitted connection approved by the local electrical utility and the Linn County Building Department.
    - a. Connection shall be made within 50 feet of an MFU.
    - b. Connection shall be accessible for operation, maintenance, and inspection.
    - c. Connection cables/cording shall be maintained in good condition.
    - d. Electrical connections shall be covered by a cable protection ramp which has been rated for light vehicle traffic or greater and which has an anti-slip surface.
  4. Electrical connection may be made via a power generator provided the following standards are met:
    - a. Connection shall be made at a distance no more than 15 feet from the MFU while continuing to comply with all manufacturer guidelines.
    - b. Connection cables/cording shall be maintained in good condition that allows for safe operation of the power generator.
    - c. Electrical connections shall be covered by a cable protection ramp which has been rated for light vehicle traffic or greater and which has a non-slip surface.
- C. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

**17.75.130 MFU STANDARDS – SIGNAGE.**

MFUs shall comply with SHMC Chapter 17.50.

**17.75.140 FORMS AND CONDITIONS FOR MFU PERMIT AND MFU PROPERTY AUTHORIZATION**

The permit and/or approval issued shall be in a form deemed suitable by the city manager or their designee.

- A. MFU Permit. In addition to naming the MFU owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions:
1. Each permit shall terminate 1 year after its issuance and may be renewed by submitting a new application and paying the required fee(s).
  2. The issued MFU permit shall be personal to the permittee only and is not transferable in any manner. The permittee is responsible for compliance with all conditions of approval.
  3. The permittee shall notify the city manager or their designee if they wish to modify an existing permit by submitting a new application under SHMC 17.75.030 along with the required fee(s).
  4. The MFU permit shall be displayed in plain view of the public during operating hours.

**17.75.150 MFU PERMIT RENEWAL.**

MFU permits may be renewed an unlimited number of times.

**17.75.160 PROHIBITIONS.**

- A. No temporary structures or storage containers shall be placed or erected on the property without prior approval from the City of Sweet Home. Any allowed temporary structure shall be maintained in good working condition free of holes, cracks, and/or defects.
- B. Restrooms shall not be provided via chemical/portable toilet or privy.
- C. MFUs shall not be parked in required landscape areas.
- D. MFUs and amenities shall not be located in designated Clear Vision Areas.
- E. No drive-through or drive-up service shall be permitted.
- F. Direct or indirect operation of the MFU (i.e., customer line, table placement, sign placement, etc.) shall not be within, or block, the public right-of-way or access to the public right-of-way.
- G. MFUs, including all items associated with their operation (items including but not limited to, cords, hoses, pipes, cables, or similar materials), shall not obstruct any required pedestrian pathways, bike paths, driveways, or drive aisles and shall be located so as not to create a traffic or safety hazard.
- H. MFUs and/or objects associated with the Units shall not occupy fire lanes or other emergency vehicles access areas.
- I. No dumping of waste is permitted into the city's storm drain system, public streets, or directly/indirectly onto the ground or pavement as outlined in SHMC Chapter 13.08.060.

**17.75.170 RIGHT OF ENTRY – COMPLIANCE INSPECTIONS.**

The city manager or their designee may enter upon a property which has an MFU that has established business, for the purpose of inspection of both the private property and MFU for continued compliance with this chapter.

**17.75.180 DENIAL, REVOCATION, OR SUSPENSION OF PERMIT.**

- A. The city manager or their designee may deny, revoke, or suspend an MFU permit upon finding that any provision herein or condition of approval will be or has been violated.
- B. Upon denial, revocation, or suspension, the city manager or their designee shall give notice of such action to the applicant or permittee in writing stating the action that has been taken and the reason. The action shall be effective immediately.
- C. Upon denial, revocation, or suspension of permit, the MFU shall either comply or depart within 2 days.

**17.75.190 VIOLATIONS PENALTIES**

A person who is in violation of the provisions of this chapter is subject to the provisions of SHMC 17.02.050. ~~Any violation of this chapter by any MFU owner or property owner shall be prosecuted under SHMC Chapters 9.36.~~

**Section 2.** Sweet Home Municipal Code §17.16.020 subsection M shall be created and read as follows: “Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75”.

**Section 3.** Sweet Home Municipal Code §17.18.020 subsection K shall be created and read as follows: “Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75”.

**Section 4.** Sweet Home Municipal Code §17.20.020 subsection X shall be created and read as follows: “Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75”.

**Section 5.** Sweet Home Municipal Code §17.25.020 subsection M shall be created and read as follows: “Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75”.

**Section 6.** Sweet Home Municipal Code §17.26.020 subsection B.11 shall be created and read as follows: “Mobile Food Unit or Mobile Food Unit Pod, Subject to SHMC Chapter 17.75”.

**Section 7.** SHMC Chapter 17.75 is hereby added to and made a part of the Sweet Home Development Code.

Passed by the Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager – Ex Officio City Recorder





# REQUEST FOR COUNCIL ACTION

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**Title:** Code Updates

**Preferred Agenda:** January 24, 2023

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** SHMC 8.04, 12.12, and 12.16

**Towards Council Goal:** Aspiration I: Desirable Community; Goal 3.2: Community Safety

**Attachments:** Ordinance Bill No. 4 for 2023 Code Updates

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## **Purpose of this RCA:**

The purpose of this RCA is to request approval and first reading of a proposed ordinance making various updates to the Sweet Home Municipal Code (SHMC) to protect the health, safety, and general welfare of the public.

## **Background/Context:**

The City's Code Compliance Officer regularly receives complaints from the public regarding trash, junk, animals, fires, and other threats to public health and safety, as well as issues that affect the general appearance of the City. Many complaints, while valid, cannot be addressed due to constraints within the SHMC. Staff therefore, propose the following changes:

§8.04.020 Nuisances Affecting Public Health: references to debris or junk property are moved to a different section, as they are more pertinent to Open Storage

§8.04.025 Open Burning: this section is clarified to make it clear that authorized individuals have the right to extinguish illegal open burning and that the violator will bear the costs of such enforcement.

§8.04.060: this section is updated to include all windows and doors, not just those made of glass, and not just those at the bottom 6 feet of the structure.

§8.04.130: this section is updated to allow for the enforcement of open storage that is in public view from an alleyway or private street or shared driveway, as well as open storage in commercial and industrial areas (it was previously limited to residences).

§12.12.130: this section is updated to allow the City Manager's designee to enforce code provisions regarding domestic animals in parks. Previously, it was limited to the City Manager or Director.

§12.16.110: this section is updated to allow the City, at its discretion, to require the input of a licensed arborist for the abatement of dead, dangerous, or diseased trees on private property. This is helpful, because City staff do not have the expertise to determine the danger posed by trees, and residents often use the current code to demand action regarding their neighbors' trees.

**The Challenge/Problem:**

How does the City respond to resident complaints? How does the City adapt its Code over time?

**Stakeholders:**

- Sweet Home Residents – Residents deserve safe and attractive industrial and commercial areas and neighborhoods and streets.
- Sweet Home City Council – The City Council is responsible for enacting ordinances and regulations that protect the health, safety, and general welfare of the public.

**Issues and Financial Impacts:**

This ordinance involves no financial impact to the City, and will make enforcement more efficient.

**Elements of a Stable Solution:**

A stable solution includes reasonable updates to the SHMC that protect public health, safety, and general welfare.

**Options:**

1. Do Nothing – If the Council chooses to do nothing, then the City Code will remain as is.
2. Motion to conduct a first reading of the proposed ordinance as presented.
3. Motion to conduct a first reading of the proposed ordinance with changes – The Council may make changes to the proposed ordinance.
4. Direct Staff to research other ways to accomplish the same goals.

**Recommendation:**

Staff recommends option 2: Motion to conduct a first reading of the proposed ordinance as presented.

**ORDINANCE BILL NO. 4 FOR 2023**

**ORDINANCE NO. 1311**

**SWEET HOME ORDINANCE AMENDING VARIOUS SECTIONS OF THE SWEET HOME MUNICIPAL CODE**

WHEREAS, Periodically updates to the Sweet Home Municipal Code are necessary to address citizen complaints and protect the health, safety, and general welfare of the public.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. SHMC §8.04.020(B) is amended to read as follows:

- B. *Garbage*. No person shall leave rubbish, garbage, trash, manure, or refuse located on property or sidewalks abutting thereon, and which has not been removed within a reasonable time, and which adversely affects or is detrimental to the health, safety or welfare of the public.

Section 2. SHMC §8.04.025(C) is amended to read as follows:

- C. The Fire Chief or his or her designate or a police officer or Sweet Home Municipal Code Enforcement Officer is authorized to enforce this section under Sweet Home Municipal Code Chapter 9.36 pertaining to violations and any abatement or enforcement procedures. In addition to any other remedy, after requesting that a fire be extinguished by person(s) present, if any, the above-named individuals can proceed to extinguish the fire if his or her request is not complied with. Fires deemed by the Sweet Home Fire District to be dangerous to human life or property may be extinguished without warning to the violator. The cost of any enforcement, abatement or firefighting efforts shall be borne by the person in charge of the property as prescribed by this chapter with the notice and hearing being after the abatement.

Section 3. SHMC §8.04.060 GLASS OPENINGS is renamed DOORS AND WINDOWS and amended to read as follows:

No person shall allow a window or door in a structure to be left broken for more than 48 hours.

Section 4. SHMC §8.04.130 OPEN STORAGE AT RESIDENCES is renamed OPEN STORAGE and is amended to read as follows:

- A. For the purposes of this section, open storage is defined as the accumulation of property for use when needed or later, or for disposal, in an area that is exposed to view from a public or private street, road, shared driveway, or alley. Unless otherwise stated in this chapter, items stored behind a solid or site-obscuring fence that is at least 6 feet tall are not considered open storage.

- B. No person shall leave debris or junk anywhere within view of a public or private street, road, shared driveway or alley on the property or sidewalks abutting thereon.
- C. No person shall leave oil, fuel, chemical barrels or similar containers exposed to public view from a public or private street, road, shared driveway or alley for a period in excess of three days. This section does not prohibit barrels, containers or tanks attached to a building and used as a reservoir for oil or fuel.
- D. At residential properties:
  - a. No person shall store parts of vehicles, machinery or equipment; lumber, plywood or building materials; buckets, cans or bottles; truck canopy, bikes or toys; household furniture and household furnishings manufactured, built or designed for inside use (out of the elements) and other personal property manufactured, built or designed for inside use or interior use (out of the elements); and personal property that is manufactured, built or designed for attachment to a structure as shutters, doors and windows, in front or street side yards at all, or interior side yards if a backyard is available for storage. "Yard", for this subsection, shall include driveway.
  - b. No person shall store an appliance (operable or inoperable) or plumbing fixture in view of a public or private street, road, shared driveway or alley.
  - c. No person shall leave a burn barrel exposed to public view from a public or private street, road, shared driveway or alley when burn season is closed.
  - d. No person shall store lumber, plywood or building materials in view of a public or private street, road, shared driveway or alley unless each type of item is stacked in a uniform formation one upon another with edges flush.
  - e. No person shall leave accumulations of limbs, branches and/or brush on property for longer than one entire burn season that can be seen from a public or private street, road, shared driveway or alley. This section is in addition to any other provision of this chapter or other city ordinance and not a limit thereon. If other materials are included in the piles and are removed under another provision of the law, then the limbs, branches and brush can be removed, with the other materials per the other provision.
  - f. No person shall park a motor vehicle or utility trailer in the front yard or street side yard for longer than 72 hours at any one time. "Yard", for this subsection, does not include driveway. Abatement of the motor vehicle or trailer may be accomplished by following the procedures outlined in Chapter 10.16 or any amendment thereof for discarded vehicles.
- E. At Commercial Properties:
  - a. Where permitted under SHMC Title 17, equipment, materials, or merchandise for sale or rent may be displayed in a neat and orderly fashion; otherwise any open storage may only take place behind a site-obscuring fence.
- F. At Industrial Properties:
  - a. Open storage at industrial sites may only take place behind a site-obscuring fence.

Section 5. SHMC §12.12.130(C) and (D) are amended to read as follows:

- C. The City Manager or designee can require the owner or caretaker of a domesticated animal to remove a domesticated animal from a park if necessary to prevent interference by the domesticated animal with the safety, comfort, or well-being of park visitors or resources.
- D. No person shall have livestock in a park without first obtaining a permit for said livestock from the City Manager or designee.

Section 6. SHMC §12.16.110(C) is amended to read as follows:

- C. *Removal.* The city may cause the removal of all, or part of any dead, dangerous or diseased tree located on private property that constitutes a hazard to life or property or harbors insect or disease which constitute a potential threat to other trees within the city or may require the property owner to remove or trim any such tree on private property. At the discretion of the city, a licensed arborist may be consulted regarding the condition of potentially dangerous trees. Failure of the property owner to take corrective action within 30 days after receiving notice by the city is a violation of this chapter.

PASSED by the Council and approved by the Mayor this 28th day of February, 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder

EXPLANATION OF ADDITION TO ORDINANCE FOR THIRD READING OF :

ORDINANCE BILL NO. 6 FOR 2023

ORDINANCE NO. 1312

SWEET HOME ORDINANCE CREATING SHMC SECTION 10.08.033 PERTAINING TO RECREATIONAL VEHICLE TOWING WITH EXPEDIENCY CLAUSE

An update to the last sentence of Section 1. A. of the Ordinance. The update is to coordinate the ORS with the city code on the time to request a hearing for an “abandoned vehicle” under the Ordinance provisions.

Also, a change from “hazard vehicle” to “traffic hazard” in Section 1B3 of the Ordinance was made to have the wording consistent in the Ordinance.

### **10.08.030 PROHIBITED PARKING**

In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

- A. A vehicle upon any bridge, viaduct or other elevated structure used as a street or within a street tunnel in the city, unless marked or indicated otherwise;
- B. A vehicle in any alley, except to load or unload persons or materials not to exceed 20 consecutive minutes in any two-hour period;
- C. A vehicle upon any street for the principal purpose of:
  - 1. Displaying the vehicle for sale;
  - 2. Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;
  - 3. Selling merchandise from the vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of this city; and/or
  - 4. Storage or as junkage or dead storage for more than 24 hours.
- D. A vehicle upon any parkway, except where specifically authorized;
- E. A vehicle upon any street, except an alley, for more than 48 hours;
- F. A vehicle in violation of authorized signage or barrier; and
- G. Vehicles that are parked in violation of subsections C.4. and E. of this section may be towed and disposed of as if the vehicle were an "abandoned vehicle", under O.R.S. 819.110 to O.R.S. 819.215, inclusive. Vehicles that are parked in violation of subsection F. may be towed and disposed of as if the vehicle were a "traffic hazard" under O.R.S. 819.120 to O.R.S. 819.215 inclusive with notice being given within 48 hours. The persons involved shall have all the rights and duties created thereby. This authority to tow and dispose of the vehicle is in addition to any other authority to tow or dispose of vehicles.

(Ord. 1240, § 20, 2015; Ord. 1187, § 5, 2006; Ord. 1036, §§ 2F—2I, 1991; Ord. 985, § 1, 1989; Ord. 380, § 10, 1961)

# REQUEST FOR COUNCIL ACTION

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**Title:** Ordinance for Recreational Vehicle (RV) Towing

**Preferred Agenda:** February 14, 2023

**Submitted By:** Robert Snyder, City Attorney

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution\_\_\_ Motion\_\_\_ Roll Call\_\_\_ Other\_x\_\_

**Relevant Code/Policy:** SHMC Chapter 10.08 Stopping, Standing And Parking

**Towards Council Goal:** Goal 2 (1) Update and streamline processes and Goal 3(2) Improve community safety.  
Vision Statement I & II WE ASPIRE to have a desirable community and an effective and efficient local government.

**Attachments:** SHMC 10.28.020(A)  
SHMC 10.08.030(G)

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## **PURPOSE FOR THIS RCA:**

Presentation of a proposed additional section to SHMC Chapter 10.08 in Ordinance form concerning the custody, towing and disposition of recreational vehicles in violation of SHMC 10.28.020(A) that restricts RV parking on public streets and public alleys.

## **BACKGROUND/CONTEXT:**

The City recently passed in ordinance form SHMC 10.28.020(A) that restricts the parking of an RV on certain public streets and public alleys. As part of the enforcement of this part of the SHMC the proposed ordinance sets forth procedures to follow for the custody, removal and disposition of the RV if left in violation of the code. The proposed ordinance uses portions of ORS 819 (that deal in part with the towing of abandoned vehicles and hazard vehicles on a roadway) and current SHMC Chapter 10.08 (that deals in part with parking on city streets) provisions to direct how the City will proceed when a towing is necessary. In short the proposed ordinance treats the RV as if it were an “abandoned vehicle” which calls for a notification before towing by “posting” on the RV a notice telling a parking offender what is going to happen if the RV is not moved and his/her rights to appeal etc. It further sets forth the procedure to follow when the RV is towed directly after the posting/appeal period or a month later by treating the RV that is in violation of SHMC 10.28.020(A) as if the RV were a “traffic hazard” vehicle



which means it can be towed but then notice is given to the appropriate parties listed in the ORS after the tow with a right to appeal and the rights and duties of the parties to the tow ect. SHMC 10.08.030(G) already sets forth the useage of the above sections of ORS 819 for other violations of parking within the City. The 48 hours to post is the same time frame that the City uses for a vehicle parked on a city street. ORS 819.190(6) referred to in the proposed ordinance only allows for one hearing whereas the proposed ordinance allows two since they may be some time apart in certain cases.

The Notwithstanding subsection limits the time that the City can use the “abandoned vehicle” process to then proceed to the “traffic hazard” to one year and to parking offenders who have had an opportunity to contest the “abandoned vehicle” process. These terms will enhance the ordinance with a review court and should not impact the enforcement of the ordinance.

The proposed ordinance also addresses the issuance of a municipal court violation citation. The idea of eliminateing it during the 48 hours and appeal time is so that there is no misunderstanding about time lines and what a parking offender has to do. Finally the 24 hour warning before a citation is given is so that the parking offender has an opportunity to come into compliance with the code.

### **THE CHALLENGE/PROBLEM:**

Should the City of Sweet Home pass the proposed ordinance ?

### **STAKEHOLDERS**

Staff- for an ordinance provision that will be helpful in dealing with the enforcement of the code in regard to custody, towing and disposal of a RV that is in violation of SHMC 10.28.020(A).

City Council - for an effective remedy for RV parking in violation of city code.

Citizens of Sweet Home - for effective and efficient local government in dealing with parking of RVs within the city.

### **ISSUES & FINANCIAL IMPACTS:**

The financial terms of the proposed ordinance are towing fees .

### **ELEMENTS OF A STABLE SOLUTION:**

Using the state law and city code provisions that are already being used by the city to set forth the procedures in taking custody of an RV and towing and disposing of it.

### **OPTIONS:**

1. Do Nothing- Keep the current ordinance without the new provisions.
2. Motion to conduct a first reading of the proposed ordinance as presented- If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
3. Motion to conduct a first reading of the proposed ordinance with changes- The Council may make changes to the proposed ordinance. If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
4. Direct Staff to research other ways to accomplish the same goals.

### **RECOMMENDATION:**

Option 2 is the recommended option: Motion to conduct a first reading of the proposed ordinance as presented.



**ORDINANCE BILL NO. 3 FOR 2023**

**ORDINANCE NO. 1309**

**SWEET HOME ORDINANCE AMENDING SHMC §10.28.020 LIMITED PARKING; PERMIT PARKING WITH EXPEDIENCY CLAUSE**

WHEREAS, Parking of recreational vehicles (including travel trailers) on public streets or alleys typically requires two or three normal-sized parking spaces; and,

WHEREAS, Parking of recreational vehicles (including travel trailers) on public streets or alleys dangerously impairs the view of drivers; and,

WHEREAS, The use of recreational vehicles (including travel trailers) typically generates trash, debris, and sewage; and,

WHEREAS, The above safety and health concerns need to be addressed as soon as possible, an expediency clause has been included in this ordinance.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. SHMC §10.28.020(A) is amended to include the following subsection:

- A. No person shall park or place, or allow to be parked or placed, any recreational vehicle on any public street or alley for any period of time, except as follows:
1. Recreational vehicles may be parked for a period of up to two hours anywhere on Main Street or on Long Street between Holley Road and 18<sup>th</sup> Avenue, so long as they comply with other City and State parking regulations.
  2. An uninhabited recreational vehicle may be parked, stored or left on a public street for up to five cumulative days in a 30-day period, but only if the vehicle is parked directly in front of the owner's property. Such vehicle must be parked in a manner not to interfere with emergency, utility and postal vehicles and must be parked in compliance with local and state law.
  3. Recreational vehicles owned by a public agency are exempt from this prohibition.

Section 2. The following subsections of SHMC §10.28.020 LIMITED PARKING; PERMIT PARKING shall be lettered in alphabetical order as follows: The current subsection A shall be lettered B, the current subsection B shall be lettered C, and so forth, so as to include all current subsections.

Section 3. EXPEDIENCY CLAUSE. It is hereby adjudged and declared by the Sweet Home City Council that existing conditions are such that this ordinance is needed to be in effect at the time and date of its passage by the City Council and approval by the Mayor and it is hereby declaring an emergency to promote the public health, safety and welfare.

PASSED by the Council and approved by the Mayor this 24<sup>th</sup> day of January, 2023.

ORDINANCE BILL NO.6 FOR 2023

ORDINANCE NO.1312

SWEET HOME ORDINANCE CREATING SHMC SECTION 10.08.033 PERTAINING TO RECREATIONAL VEHICLE CUSTODY, TOWING AND DISPOSITION WITH EXPEDIENCY CLAUSE

WHEREAS, The City of Sweet Home has recently passed by ordinance SHMC 10.28.020(A) that restricts recreational vehicle parking on certain public streets and public alleys and this ordinance pertaining to the custody, towing and disposal of a recreational vehicle found in violation of said SHMC subsection should be passed as soon as possible to help implement said SHMC subsection and protect the public health, safety and welfare, therefore an expediency clause is included in this ordinance;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC Section 10.08.033 is titled hereby to read as RECREATIONAL VEHICLE TOWING and is created to read as follows:

- A. After 48 hours (This is in place of the 24-hour period for notice as set forth for an abandoned vehicle in ORS 819.) a recreational vehicle that is in violation of SHMC 10.28.020(A) may be taken into custody, towed and disposed of as if it were an “abandoned vehicle” under SHMC 10.08.030(G) except if a recreational vehicle has been posted (i.e. attaching notice to the recreational vehicle) as part of an above “abandoned vehicle” process for this subsection and a police report or code enforcement report has been made verifying same and the time for the above process has expired then thereafter (except during an appeal as proscribed therein)if the recreational vehicle is found anywhere within the City of Sweet Home out of compliance with SHMC 10.28.020(A) the recreational vehicle can be taken into custody, towed and disposed of pursuant to SHMC 10.08.030(G) as if it were a “traffic hazard” vehicle. When processing an “abandoned vehicle” herein a hearing request shall be made not more than five days from the date of posting the notice and ORS 819.190(6) does not apply to the above subsection.
- B. Notwithstanding the above provisions in this section and subsection 10.08.030(G):
  1. No recreational vehicle shall be towed as a “traffic hazard” based on a prior “abandoned Vehicle” police report or code enforcement report as

stated in this section more than one year after the date of the posted notice on the recreational vehicle.

2. No recreational vehicle shall be towed as a “traffic hazard” based on a prior “abandoned Vehicle” police report or code enforcement report as stated in this section if the parking offender has not had the opportunity to contest the “abandoned vehicle” process herein.

3. All hearings for an “abandoned vehicle” and a “traffic hazard” shall be supported by reliable, probative, and substantial evidence on the whole record.

C. No municipal court violation citation shall be issued for violation of SHMC 10.28.020(A) for the time of the posting and appeal time.

D. Before a municipal court violation citation for violating SHMC 10.28.020(A) is issued a 24-hour notice of the requirements of said subsection shall be given to the parking offender.

Section 2. EXPEDIENCY CLAUSE. It is hereby adjudged and declared by the Sweet Home City Council that existing conditions are such that this ordinance is needed to be in effect at the time and date of its passage by the City Council and approval by the Mayor and it is hereby declaring an emergency to promote the public health, safety and welfare.

PASSED by the Council and approved by the Mayor this 28<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager - Ex Officio City Recorder

**SWEET HOME POLICE DEPARTMENT**  
**CHIEF OF POLICE**  
 1950 Main Street  
 Sweet Home, OR 97386  
 (541) 367-5181 Fax (541) 367-5235

**January**

	<b>This Month</b>	<b>Last Month</b>	<b>Last Year</b>	<b>Year to Date</b>	<b>5 Year</b>
	01/31/23	12/31/22	01/31/22	01/31/23	
<b>Call Volume</b>	859	805	666	859	716
<b>CAD Calls</b>	1612	1375	1226	1612	1428
<b>ONIBR Person Crimes</b>	18	21	16	18	16
<b>ONIBR Person Crimes Cleared</b>	13	11	11	13	12
<b>ONIBR Property Crimes</b>	70	88	44	70	40
<b>ONIBR Property Crimes Cleared</b>	19	10	10	19	11

**Trends:**

Our call volume is up 22.47% from a year ago.  
 Our CAD call volume is up 31.48% from a year ago.  
 Our person crimes are up 12.50% from a year ago.  
 Our person crimes clearance rate is up 18.18% from a year ago.  
 Our property crimes are up 37.14% from a year ago.  
 Our property crimes clearance rate is up 47.37% from a year ago.

We had three officers graduate from the Oregon Police Academy. One of the three has completed their training and is on solo patrol.

We had one officer start the Oregon Police Academy.

We have three police officer positions to fill. We have opened the application process and are currently receiving applications.



**SWEET HOME POLICE DEPARTMENT**  
**CHIEF OF POLICE**  
 1950 Main Street  
 Sweet Home, OR 97386  
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	<u>1/31/2023</u>	<u>1/31/2022</u>	<u>% Change</u>
Call volume:	859	666	22.47%
Cad Calls:	1612	1226	31.48%
ONIBR Person Crimes:	18	16	12.50%
ONIBR Person Crimes Cleared:	13	11	18.18%
ONIBR Person Crimes Clearance Rate:	72%	69%	
ONIBR Property Crimes:	70	44	37.14%
ONIBR Property Crimes Cleared:	19	10	47.37%
ONIBR Property Crimes Clearance Rate:	27%	23%	

Person Crimes are defined as:	<u>Jan-23</u>	<u>Jan-22</u>
Assault(All)	9	2
Child Neglect	0	0
Criminal Homicide	0	0
Elder Abuse	0	0
Forcible Rape	1	1
Harassment	4	6
Menacing	1	1
Other Person Crime	0	4
Other Sex Offense	1	1
Reckless Endanger	0	0
Violation Court Stalking Order	2	0
Violation Restraining Order	0	1
	<hr/> 18	<hr/> 16

Property Crimes are defined as:	<u>Jan-23</u>	<u>Jan-22</u>
Arson	0	0
Burglary	8	6
Criminal Mischief	10	9
Forgery	0	
Fraud	7	3
Motor Vehicle Theft	0	1
Other Property Crimes	3	2
Robbery	0	
Theft	31	23
Unlawful Entry into Motor Vehicle	11	0
	<hr/> 70	<hr/> 44