



## Harrisburg City Council Special Meeting Minutes September 7, 2016

The Harrisburg City Council met on this date at City Hall, located at 120 Smith St., for a special meeting, at the hour of 6:27pm. Presiding was Mayor Robert Duncan. Also present were as follows:

- Kimberly Downey
- Mike Caughey
- Robert Boese
- Sarah Puls
- John Loshbaugh
- Adam Keaton (Arrived at 6:30)
- City Administrator Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge
- Public Works Director Chuck Scholz
- City Engineer Damien Gilbert
- City Attorney James Brewer

Concerned Citizens: There were no citizens present with issues to present to Council

The matter of Discussing the 4<sup>th</sup> Street/Railroad Project.

**An Executive Session was opened at the hour of 6:28pm, under ORS 192.660(2)(h); The governing body of a public body may hold an executive session: (h) To consult with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.**

**The City Council exited the Executive Session at the hour of 7:49PM**

- Council thanked the City Engineer and City Attorney for coming this evening.
- City Engineer Damien Gilbert said that you can let the railroad know that they should apply for a right-of-way permit, and he will take care of the technical review.

**Other:**

Elections Information:

- Latta said that we have two measures on the ballot that are now certified. One is essentially saying that we will not allow marijuana facilities of any type to be in town, and the other applies a tax, if the first measure should fail. There are restrictions on campaigning for public employees. Public employees can't advocate for any kind of political issue, whether it's a City election, such as the measures we have filed, or for something like the fire/rescue district bond issue. He knows that Council told the Fire/Rescue district that we'd support the fire bond as much as we can. You, as Council members, are allowed to support those yourselves; but you can't tell us to do it. We are allowed to do it on our own time. With exempt employees, that's really a grey line, because we tend to work so much. While a violation wouldn't hurt the City, it would apply to the individual. That doesn't look good to the community.
- City Attorney Jim Brewer commented that when that happens, it becomes a story. It's no longer about the issue on the election ballot, its look at the violation, and that becomes a story.
- Latta said that he mainly wanted to let Council know that they can advocate for anything, but they can't direct staff to advocate, or make copies of fliers, etc. He's directed Eldridge to put together a flier with the basic, neutral information that the citizens need to know. She will run that by the Secretary of State's office for approval. Once approved, we can hand that out to people, and we can also place it on the website.
- Eldridge added that she had already ran a different flier by the secretary of state's office, and had informed the fire volunteer that she couldn't copy it, or provide a copy in the lobby. She explained that Linn County will have the measures up on-line fairly soon; they've had more measures than they've ever had. Because she is also the Elections Official for the City, asking her to do anything, in terms of advocating for political issues, is even more grey.
- Attorney Brewer commented that it hard for them (the fire volunteers) to advocate. If they identify themselves as fire volunteers, then they can be considered an employee. You are using that position as a fire fighter to identify yourself. It's better for a family member, or someone who isn't a fire fighter to hand out brochures and advocate for the fire/rescue district.
- Downey asked if then as elected officials, they can do what they want.
- Attorney Brewer told them yes; they are political, so they can talk about political things. The people who wrote the laws are the politicians, and they wanted that ability.
- Caughey asked then if we (Councilors) can hand out information for the fire/rescue district.
- Attorney Brewer confirmed that was correct.

**With no further business to discuss, the City Council adjourned at the hour of 7:59pm.**

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Mayor

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City Recorder