



City of Port Orford Workshop By Hybrid Meeting

MEETING AGENDA

Subject: Homeless Task Force Report, Council Rules and Job Description

Date: October 27, 2022

Time: 5:00 p.m.

Purpose of the

Meeting: Homeless Requirement, Job Description and Council Rules

In Attendance:

- _____ Pat Cox, Mayor
- _____ Tim Pogwizd, President
- _____ Lorin Kessler, Councilor
- _____ Ann Vileisis, Councilor
- _____ Gary Burns, Councilor
- _____ Greg Tidey, Councilor
- _____ James Garratt, Councilor
- _____ Jessica Ginsburg, City Admin

Guests/Others:

Meeting Agenda

- Call to Order/ Roll Call
- Homeless Task Force Report (Pg. 3-36)
- Discuss the suggested changes to Council Rules (Pg. 37-44)
- Discuss Job Description (Pg.45-48)
- Finalize for Next Council Meeting/Special Session

City Council Workshop and City Council Meeting

Thu, Oct 27, 2022 5:00 PM - 5:30 PM (PDT)

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A photograph showing three tents pitched in an outdoor public space. The tents are situated on a dirt ground next to a concrete wall with some graffiti. The background shows green trees and a blue sky. A green rectangular box with the word 'GUIDE' in white capital letters is overlaid in the top right corner of the image.

GUIDE



Guide to Persons Experiencing Homelessness in Public Spaces

JUNE 2022

Guide to Persons Experiencing Homelessness in Public Spaces

Cities possess a significant amount of property – from parks, greenways, sidewalks, and public buildings to both the developed and undeveloped rights of way – sizable portions of a city belong to the city itself, and are held in trust for particular public purposes or use by residents. Historically cities have regulated their various property holdings in a way that prohibits persons from camping, sleeping, sitting or lying on the property. The historic regulation and management of a city’s public spaces must be reimagined in light of recent federal court decisions and the Oregon Legislature’s enactment of HB 3115, both of which direct cities to consider their local regulations within the context of available local shelter services for those persons experiencing homelessness.

As the homelessness crisis intensifies, and the legal parameters around how a city manages its public property contract, cities need guidance on how they can regulate their property in a way that respects each of its community members, complies with all legal principles, and protects its public investments. A collective of municipal attorneys from across the state of Oregon convened a work group to create this guide, which is intended to do two things: (1) explain the legal principles involved in regulating public property in light of recent court decisions and statutory enactments; and (2) provide a checklist of issues/questions cities should review before enacting or amending any ordinances that may impact how their public property is managed.

Legal Principles Involved in Regulating Public Property

Two key federal court opinions, *Martin v. Boise* and *Blake v. Grants Pass*, have significantly impacted the traditional manner in which cities regulate their public property. In addition to these two pivotal cases, the Oregon Legislature enacted HB 3115 during the 2021 legislative session as an attempt to clarify, expand, and codify some of the key holdings within the court decisions. An additional piece of legislation, HB 3124, also impacts the manner in which cities regulate public property in relation to its use by persons experiencing homelessness. And, as the homelessness crisis intensifies, more legal decisions that directly impact how a city regulates its public property when it is being used by persons experiencing homelessness are expected. Some of these pending cases will seek to expand, limit, or clarify the decisions reached in *Martin* and *Blake*; other pending cases seek to explain how the well-established legal principle known as State Created Danger applies to actions taken, or not taken, by cities as they relate to persons experiencing homelessness.

A. *The Eighth Amendment to the U.S. Constitution*

The Eighth Amendment to the U.S. Constitution states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. In 1962, the U.S. Supreme Court, in *Robinson v. California*, established the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” 370 U.S. 660 (1962).

B. *Martin v. Boise*

In 2018, the U.S. 9th Circuit Court of Appeals, in *Martin v. Boise*, interpreted the Supreme Court’s decision in *Robinson* to mean that the Eighth Amendment to the U.S. Constitution “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter ... because sitting, lying, and sleeping are ... universal and unavoidable consequences of being human.” The court declared that a governmental entity cannot “criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.” 902 F3d 1031, 1048 (2018).

The 9th Circuit clearly stated in its *Martin* opinion that its decision was intentionally narrow, and that some restrictions on sitting, lying, or sleeping outside at particular times or in particular locations, or prohibitions on obstructing the rights of way or erecting certain structures, might be permissible. But despite the narrowness of the decision, the opinion only truly answered some of the many questions cities are rightly asking. After *Martin*, municipal attorneys could advise their clients in limited ways: some things were clear, and others were pretty murky.

One of the most commonly misunderstood aspects of the *Martin* decision is the belief that a city can never prohibit a person experiencing homelessness from sitting, sleeping or lying in public places. The *Martin* decision, as noted, was deliberately limited. Cities are allowed to impose city-wide prohibitions against persons sitting, sleeping, or lying in public, provided the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (“where, when, and how”) – although what constitutes a reasonable time, place and manner restriction is often difficult to define.

A key to understanding *Martin* is recognizing that an analysis of how a city’s ordinance, and its enforcement of that ordinance, can be individualized. Pretend a city has an ordinance which prohibits persons from sleeping in city parks if a person has nowhere else to sleep. A person who violates that ordinance can be cited and arrested. A law enforcement officer finds 11 persons sleeping in the park, and is able to locate and confirm that 10 of said persons have access to a shelter bed or a different location in which they can sleep. If any of those 10 persons refuses to avail themselves of the available shelter beds, the law enforcement officer is within their rights, under *Martin*, to cite and arrest the persons who refuse to leave the park. The practicality of such an individualized assessment is not to be ignored, and cities are encouraged to consider the ability to make such an assessment as they review their ordinances, policies, and procedures.

What is clear from the *Martin* decision is the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
2. Cities are not required to build or provide shelters for persons experiencing homelessness;

3. Cities can continue to impose the traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
4. Cities are allowed to build or provide shelters for persons experiencing homelessness.

After *Martin*, what remains murky, and unknown is the following:

1. What other involuntary acts or human conditions, aside from sleeping, lying and sitting, are considered to be an unavoidable consequence of one's status or being?
2. Which specific time, place and manner restrictions can cities impose to regulate when, where, and how a person can sleep, lie or sit on a public property?
3. What specific prohibitions can cities impose that will bar a person who is experiencing homelessness from obstructing the right of way?
4. What specific prohibitions can cities impose that will prevent a person who is experiencing homelessness from erecting a structure, be it temporary or permanent, on public property?

The city of Boise asked the United States Supreme Court to review the 9th Circuit's decision in *Martin*. The Supreme Court declined to review the case, which means the opinion remains the law in the 9th Circuit. However, as other federal circuit courts begin considering a city's ability to enforce sitting, sleeping and camping ordinances against persons experiencing homelessness, there is a chance that the Supreme Court may review a separate but related opinion to clarify the *Martin* decision and provide clarity to the outstanding issues raised in this guide.

C. *Blake v. Grants Pass*

Before many of the unanswered questions in *Martin* could be clarified by the 9th Circuit or the U.S. Supreme Court, an Oregon federal district court issued an opinion, *Blake v. Grants Pass*, which provided some clarity, but also provided an additional layer of murkiness.

From the *Blake* case we also know the following:

1. Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional.
2. Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping.
3. A person does not have access to shelter if:

- They cannot access the shelter because of their gender, age, disability or familial status;
- Accessing the shelter requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
- They cannot access the shelter because the shelter has a durational limitation that has been met or exceeded; or
- Accessing the shelter is prohibited because the person seeking access is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

But much like *Martin*, the *Blake* decision left some unanswered questions. The key unknown after *Blake*, is: What constitutes a minimal measure for a person to keep themselves warm and dry – is it access to a blanket, a tent, a fire, etc.?

And while defining the aforementioned unknown question after *Blake* is most certainly difficult for cities, what cities must also keep ever present in their mind is the fact that the 9th Circuit Court of Appeals is presently reviewing the *Blake* decision. When the 9th Circuit finishes its review and issues an opinion, cities should reasonably expect the rules and parameters established by the Oregon district court in *Blake* to change. What types of changes should be expected, the severity of the changes, and when those changes will occur are questions municipal attorneys cannot answer at this time for their clients. Given the very real fluidity surrounding the legal issues discussed in this guide, before adopting any new policy, or revising an existing policy, that touches on the subject matter described herein, cities are strongly encouraged to speak with their legal advisor to ensure the policy is constitutional.

D. House Bill 3115

HB 3115 was enacted by the Oregon Legislature during its 2021 session. It is the product of a workgroup involving the LOC and the Oregon Law Center as well as individual cities and counties.

The bill requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 includes a delayed implementation date of July 1, 2023, to allow local governments time to review and update ordinances and support intentional community conversations.

From a strictly legal perspective, HB 3115 did nothing more than restate the judicial decisions found in *Martin* and *Blake*, albeit a hard deadline to comply with those judicial decisions was imposed. The bill provided no further clarity to the judicial decisions, but it also imposed no new requirements or restrictions.

E. House Bill 3124

Also enacted during the 2021 legislative session, HB 3124 does two things. First, it changes and adds to existing guidance and rules for how a city is to provide notice to homeless persons that an established campsite on public property is being closed, previously codified at ORS 203.077 *et seq.*, now found at ORS 195.500, *et seq.* Second, it gives instructions on how a city is to oversee and manage property it removes from an established campsite located on public property. It is important to remember that HB 3124 applies to public property; it is not applicable to private property. This means that the rules and restrictions imposed by HB 3124 are not applicable city-wide, rather they are only applicable to property classified as public.

HB 3124 does not specify, with any true certainty, what constitutes public property. There has been significant discussion within the municipal legal field as to whether rights of way constitute public property for the purpose of interpreting and implementing HB 3124. The general consensus of the attorneys involved in producing this guide is that rights of way should be considered public property for purposes of HB 3124. If an established homeless camp is located on rights of way, it should generally be treated in the same manner as an established camp located in a city park. However, as discussed below, depending on the dangers involved with a specific location, exceptions to this general rule exist.

When a city seeks to remove an established camp site located on public property, it must do so within certain parameters. Specifically, a city is required to provide 72-hour notice of its intent to remove the established camp site. Notices of the intention to remove the established camp site must be posted at each entrance to the site. In the event of an exceptional emergency, or the presence of illegal activity other than camping at the established campsite, a city may act to remove an established camp site from public property with less than 72-hour notice. Examples of an exceptional emergency include: possible site contamination by hazardous materials, a public health emergency, or immediate danger to human life or safety.

While HB 3124 specifies that the requirements contained therein apply to established camping sites, it fails to define what constitutes an established camping site. With no clear definition of what the word established means, guidance on when the 72-hour notice provisions of HB 3124 apply is difficult to provide. The working group which developed this guide believes a cautious approach to defining the word established at the local level is prudent. To that end, the LOC recommends that if, for example, a city were to enact an ordinance which permits a person to pitch a tent between the hours of 7 p.m. and 7 a.m., that the city also then consistently and equitably enforce the removal of that tent by 7 a.m. each day, or as close as possible to 7 a.m. Failing to require the tent's removal during restricted camping hours each day, *may*, given that the word established is undefined, provide an argument that the tent is now an established camp site that triggers the requirement of HB 3124.

In the process of removing an established camp site, oftentimes city officials will also remove property owned by persons who are experiencing homelessness. When removing items from established camp sites, city officials should be aware of the following statutory requirements:

- Items with no apparent value or utility may be discarded immediately;
- Items in an unsanitary condition may be discarded immediately;
- Law enforcement officials may retain weapons, drugs, and stolen property;
- Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them; and
- Items removed from established camping sites in counties other than Multnomah County must be stored in a facility located in the same community as the camping site from which it was removed. Items removed from established camping sites located in Multnomah County must be stored in a facility located within six blocks of a public transit station.

Cities are encouraged to discuss with legal counsel the extent to which these or similar requirements may apply to any camp site, “established” or not, because of due process protections.

F. Motor Vehicles and Recreational Vehicles

Cities need to be both thoughtful and intentional in how they define and regulate sitting, sleeping, lying, and camping on public property. Is sleeping in a motor vehicle or a recreational vehicle (RV) that is located on public property considered sitting, lying, sleeping, or camping on public property under the city’s ordinances and policies? This guide will not delve into the manner in which cities can or should regulate what is commonly referred to as car or RV camping; however, cities do need to be aware that they should consider how their ordinances and policies relate to car and RV camping, and any legal consequences that might arise if such regulations are combined with ordinances regulating sitting, lying, sleeping, or camping on public property. Motor and recreational vehicles, their location on public property, their maintenance on public property, and how they are used on or removed from public property are heavily regulated by various state and local laws, and how those laws interact with a city’s ordinance regulating sitting, lying, sleeping, or camping on public property is an important consideration of this process.

G. State Created Danger

In 1989, the U.S. Supreme Court, in *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, interpreted the Fourteenth Amendment to the U.S. Constitution to impose a duty upon the government to act when the government itself has created dangerous conditions – this interpretation created the legal principle known as State Created Danger. 489 U.S. 189 (1989). The 9th Circuit has interpreted the State Created Danger doctrine to mean that a governmental

entity has a duty to act when the government actor “affirmatively places the plaintiff in danger by acting with ‘deliberate indifference’ to a ‘known or obvious danger.’” *LA Alliance for Human Rights v. City of Los Angeles*, 2021 WL 1546235.

The State Created Danger principle has three elements. First, the government’s own actions must have created or exposed a person to an actual, particularized danger that the person would not have otherwise faced. Second, the danger must have been one that is known or obvious. Third, the government must act with deliberate indifference to the danger. *Id.* Deliberate indifference requires proof of three elements:

“(1) there was an objectively substantial risk of harm; (2) the [state] was subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed; and (3) the [state] either actually drew that inference or a reasonable official would have been compelled to draw that inference.” *Id.*

Municipal attorneys are closely reviewing the State Created Danger principle as it relates to the use of public spaces by persons experiencing homelessness for three reasons. First, many cities are choosing to respond to the homeless crisis, the legal decisions of *Martin* and *Blake*, and HB 3115, by creating managed homeless camps where unhoused persons can find shelter and services that may open the door to many State Created Danger based claims of wrongdoing (*e.g.* failure to protect from violence, overdoses, etc. within the government sanctioned camp). Second, in California, at least one federal district court has recently ruled that cities have a duty to act to protect homeless persons from the dangers they face by living on the streets, with the court’s opinion resting squarely on the State Created Danger principle. Third, when imposing reasonable time, place, and manner restrictions to regulate the sitting, sleeping or lying of persons on public rights of way, cities should consider whether their restrictions, and the enforcement of those restrictions, trigger issues under the State Created Danger principle. Fourth, when removing persons and their belongings from public rights of way, cities should be mindful of whether the removal will implicate the State Created Danger principle.

In creating managed camps for persons experiencing homelessness, cities should strive to create camps that would not reasonably expose a person living in the camp to a known or obvious danger they would not have otherwise faced. And if there is a danger to living in the camp, a city should not act with deliberate indifference to any known danger in allowing persons to live in the camp.

And while the California opinion referenced above has subsequently been overturned by the 9th Circuit Court of Appeals, at least one federal district court in California has held that a city “acted with deliberate indifference to individuals experiencing homelessness” when the city allowed homeless persons to “reside near overpasses, underpasses, and ramps despite the inherent dangers – such as pollutants and contaminant.” *LA Alliance for Human Rights v. City of Los Angeles*, 2022 WL 2615741. The court essentially found a State Create Danger situation when a city allowed persons experiencing homelessness to live near interstates – a living situation it “knew” to be dangerous.

Before a city official enforces a reasonable time, place, and manner restriction which regulates the sitting, sleeping and lying of persons on public property, the official should review the enforcement action they are about to take in light of the State Created Danger principle. For example, if a city has a restriction that allows persons to pitch a tent on public property between the hours of 7 p.m. and 7 a.m., a city official requiring the person who pitched the tent to remove it at 7:01 a.m. should be mindful of all environmental conditions present at the time their enforcement order is made. The same thoughtful analysis should be undertaken when a city removes a person and their belongings from the public rights of way.

How Cities Proceed

The law surrounding the use of public spaces by persons experiencing homelessness is newly emerging, complex, and ripe for additional change. In an effort to simplify, as much as possible, the complexity of this legal conundrum, below is an explanation of what municipal attorneys know cities must do, must not do, and may potentially do.

A. What Cities Must Do

In light of the court decisions discussed herein, and the recent House bills enacted by the Oregon Legislature, cities must do the following:

1. Review all ordinances and policies with your legal advisor to determine which ordinances and policies, if any, are impacted by the court decisions or recently enacted statutes.
2. Review your city's response to the homelessness crisis with your legal advisor to ensure the chosen response is consistent with all court decisions and statutory enactments.

If your city chooses to exclude persons experiencing homelessness from certain areas of the city for violating a local or state law, the person must be provided the right to appeal that expulsion order, and the order must be stayed while the appeal is pending.

3. If your city chooses to remove a homeless person's established camp site, the city must provide at least 72-hour notice of its intent to remove the site, with notices being posted at entry point into the camp site.
4. If a city obtains possession of items reasonably identified as belonging to an individual and that item has apparent value or utility, the city must preserve that item for at least 30 days so that the owner can reclaim the property, and store that property in a location that complies with state law.

B. What Cities Must Not Do

When the decisions rendered by the federal district court of Oregon and the 9th Circuit Court of Appeals are read together, particularly in conjunction with Oregon statutes, cities must not do the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go.
2. Cities cannot prohibit persons experiencing homelessness from taking necessary minimal measures to keep themselves warm and dry when they must sleep outside.
3. Cities cannot presume that a person experiencing homelessness has access to shelter if the available shelter options are:
 - Not accessible because of their gender, age, or familial status;
 - Ones which requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
 - Not accessible because the shelter has a durational limitation that has been met or exceeded; or
 - Ones which prohibit the person from entering the shelter because the person is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

C. What Cities May Potentially Do

As previously noted, the recent court decisions, and those which are presently pending before the various federal district courts and in the 9th Circuit Court of Appeals, lack clarity in many key respects. This lack of clarity, while frustrating, also provides cities some leeway to address the homelessness crisis, specifically with how the crisis impacts the management of public property.

1. Cities may impose reasonable time, place and manner restrictions on where persons, including those persons experiencing homelessness, may sit, sleep, or lie. Any such regulation imposed by a city should be carefully vetted with the city's legal advisor.
2. Cities may prohibit persons, including those persons experiencing homelessness, from blocking rights of way. Any such regulation should be carefully reviewed by the city's legal advisor to ensure the regulation is reasonable and narrowly tailored.
3. Cities may prohibit persons, including those persons experiencing homelessness, from erecting either temporary or permanent structures on public property. Given that cities are required, by *Blake*, to allow persons experiencing homelessness to take reasonable precautions to remain warm and dry when sleeping outside, any such provisions regulating the erection of structures, particularly temporary structures, should be carefully reviewed by a legal advisor to ensure the regulation complies with all relevant court decisions and Oregon statutes.
4. If a city chooses to remove a camp site, when the camp site is removed, cities may discard items with no apparent value or utility, may discard items that are in an

unsanitary condition, and may allow law enforcement officials to retain weapons, drugs, and stolen property.

5. Cities may create managed camps where person experiencing homelessness can find safe shelter and access to needed resources. In creating a managed camp, cities should work closely with their legal advisor to ensure that in creating the camp they are not inadvertently positioning themselves for a State Created Danger allegation.

D. What Cities Should Practically Consider

While this guide has focused exclusively on what the law permits and prohibits, cities are also encouraged to consider the practicality of some of the actions they may wish to take. Prior to imposing restrictions, cities should work with all impacted staff and community members to identify if the suggested restrictions are practical to implement. Before requiring any tent pitched in the public right of way to be removed by 8 a.m., cities should ask themselves if they have the ability to practically enforce such a restriction – does the city have resources to ensure all tents are removed from public property every morning 365 days a year? If a city intends to remove property from a camp site, cities should practically ask themselves if they can store said property in accordance with the requirements of HB 3124. Both questions are one of only dozens of practical questions cities need to be discussing when reviewing and adopting policies that touch on topics covered by this guide.

Conclusion

Regulating public property, as it relates to persons experiencing homelessness, in light of recent court decisions, legislative actions, and forthcoming judicial opinions is nuanced and complicated. It is difficult for cities to know which regulations are permissible and which are problematic. This guide is an attempt to answer some of the most common legal issues raised by *Martin, Blake*, HB 3115, HB 3124, and the State Created Danger doctrine – it does not contain every answer to every question a city may have, nor does it provide guidance on what is in each community’s best interest. Ultimately, how a city chooses to regulate its public property, particularly in relation to persons experiencing homelessness, is a decision each city must make on its own. A city’s decision should be made not just on the legal principles at play, but on its own community’s needs, and be done in coordination with all relevant partners. As with any major decision, cities are advised to consult with experts on this topic, as well as best practice models, while considering the potential range of public and private resources available for local communities. Cities will have greater success in crafting ordinances which are not only legally acceptable, but are accepted by their communities, if the process for creating such ordinances is an inclusive process that involves advocates and people experiencing homelessness.

Additional Resources

The League of Oregon Cities (LOC), in preparing this guide, has obtained copies of ordinances and policies that may be useful to cities as they consider their own next steps. Additionally, several municipal advisors who participated in the development of this guide have expressed a willingness to share their own experiences in regulating public rights of way, particularly as it

relates to persons experiencing homelessness, with Oregon local government officials. If you believe these additional resources may be of use to you or your city, please feel free to contact a member of the LOC's [Legal Research Department](#).

Recognition and Appreciation

The LOC wishes to extend its sincerest thanks to the municipal attorneys who assisted in the development of this guide. Attorneys from across Oregon came together over several months to vet legal theories, share best practices, and create this guide. These attorneys donated their time, experience, and resources – seeking nothing in return. And while a core team of attorneys was gathered to build this guide, the LOC recognizes that the team's work stands on the shoulders of every city and county attorney in Oregon who has been working, and who will continue to work, to assist their community in addressing the homelessness crisis. For those attorneys not specifically named below, please know your contributions are equally recognized and respected:

- Aaron Hisel, Montoya, Hisel & Associates;
- Chad Jacobs, Beery Elsner & Hammond;
- Eric Mitton, City of Medford;
- Kirk Mylander, Citycounty Insurance Services;
- Elizabeth Oshel, City of Bend;
- Mary Winters, City of Bend; and
- Grace Wong, City of Beaverton.

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, May 19, 2022 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Tim Pogwizd, President</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Lorin Kessler</i>	X	<i>Chief Hank Hobart</i>	X
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Bret Cecil EDOBA, Jim Howe, Monica Ward Curry County EM, Aaron Ashdown, Penny Suess/Dana Gurnee, Rowly,

1. Call to Order

President Cox called to order this Meeting of the Common Council on Thursday, May 19, 2022, at 5:31 p.m.

2. Additions to the Agenda: Right of way application from 251 5th street added to New Business h. Presentation by Bret Cecil representing Curry County Democrats presenting designation month of June LGBTQ Pride Month added to Presentations.

3. Presentation to Council / Citizens: Bret Cecil representing Curry County Democrats introduces self as candidate for Curry County Representative. Due to the hate at a national level, the Curry County democrats adopted a resolution in the hope the City of Port Orford will adopt the resolution and follow up with a proclamation supporting the month of June as LGBTQ Plus Pride Month whereas the rights for all individuals to be accepted as they are. Mr. Cecil read the proclamation and history of Pride Month and fly the flag of pride the entire month of June. The resolution has been presented to the City Council.

4. Consent Calendar

a. Approve Minutes April 21, 2022: Councilor Burns moved to approve the minutes for the April 21, 2022 council meeting as written with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: None.

Councilor LaRoche Yes *Councilor Pogwizd* Yes *Councilor Burns* Yes
Councilor Kessler Yes *Councilor Tidey* Yes *Councilor Garratt* Yes

5. Citizen Concerns: None.

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6. Department Reports

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a. Public Works: A written report has been provided to councilors. John Isadore updated the councilors on repairs and pumps at the contact tank and Coast Guard Hill tanks. Wastewater plant is going through growing pains. A gearbox blew in the primary clarifier and is under repair. Repairs are outlined. Cost is discussed. Communication controls at the water plant is on manual mode. Research is going into internet connection if needed. CA Ginsburg gave an update on the dredge permit. It could be 9 months plus. Temporary dam and valve discussed.

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The interpretive trail does not need to be entirely built but there is rotten wood that needs replaced.

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b. Administration/Finance: CA Ginsburg presented councilors with an admin report. Citation cleanup will continue at the end of every fiscal year. Out of state citations and municipal code pertaining were reviewed. Budget includes repairs for buildings. A new city hall office person was hired. Business licenses reviewed and letters sent out to businesses that need to update. Email received from the school inviting councilors and parks commissioners to accompany them on a wetlands field trip.

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Line item for curtailment fees has been created. County has not been allocating items correctly. They will review and correct.

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c. Planning: A written Planning update is submitted to councilors. Writing updated code definitions for ADUs was discussed at the last Planning Commission meeting. Short term rentals versus long term rentals was discussed. Separate meters for each ADU were recommended. Councilor Burns recommended the bill going to the landlord and the tenant, so all are aware and responsible. Code rewrite for water billing to vacation rentals and ADUs was discussed. CA Ginsburg will present information from Coos-Curry and **add this topic to next month's agenda.**

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d. Liaison:

Fire District - Volunteers are needed in many aspects, not all include fire and danger.

Watershed – Councilor LaRoche has no report. Linda Tarr has nothing in addition to what is in her report she submitted to councilors. Ms. Tarr requested agenda time in June

so council can vote on entering into the memorandum of understanding with Ms. Lee.

That is needed for funding in the legislature. **Ms. Tarr is added to the agenda for next**

month.

Port – Mayor Cox reported the Port received funding from Business Oregon for two new cranes.

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Parks – Councilor Tidey reported on Buffington cleanup. Parks Commission has ordered trash cans, benches, etc. for Buffington park.

4 **Emergency** – Councilor Burns introduced Jim Howe. Mr. Howe did not report much
 5 change. A few more medical supplies will be received. Fund raising is needed. State
 6 provided MREs are available. Space for storage needs reviewed and is discussed.
 7 **School District** – Councilor Kessler reported the new tracks are under construction.
 8 **Main Street** – Councilor Burns reported Main Street met and voted to support the Story
 9 Book program. Families walk from sign to sign that tell a story. City Hall landscaping
 10 will begin with better weather. Town Guide and Maps are printed and will be distributed
 11 this and next week. Redwood trees received and now Main Street is researching a
 12 location for planting. A citywide cleanup is planned for June 28 in coordination with
 13 Jubilee committee. Main Street is hosting a community gathering open to all who want
 14 to volunteer for projects June 8 at 5:00 p.m. at OSU field station.
 15

16 **7. Old Business:**

17 **a. Ordinance 2022-05, Abatement of Nuisance and Dangerous Housing:** Mayor Cox
 18 introduced Garrett Thomson. Garrett Thomson wrote adopted article 2 of Curry County
 19 building code, an ordinance giving authority to condemn structures deemed dangerous.
 20 Some structures can be updated but this ordinance gives authority to deal with those that
 21 cannot. This ordinance addresses travel trailers, which can be regulated under this code
 22 since they are now listed as being permanent structures. Some travel trailers are parked
 23 along roadways partly outside of the right of way which limits law enforcement
 24 participation. These can now be condemned due to lack of sanitation and removed.
 25 Historical buildings with historical value are included in existing building code and are
 26 treated a little differently.

27 Councilor Burns moved to table the discussion and adoption of international existing
 28 building code ordinance 2022-05 for an additional month with Councilor Kessler as
 29 second. *Motion carried 6-0.*

30 Discussion: Motion clarified.

31 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 32 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes

33
 34 **b. Right of Way License – Katrina Smith (Paramount Utility):** This application was
 35 addressed last month. The work has not been completed yet.
 36 Councilor Burns moved to approve the right of way request from Paramount Utility at
 37 23rd and Jackson with conditions requested by public works with Councilor Kessler as
 38 second. *Motion carried 6-0.*

39 Discussion: None.

40 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 41 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes

42
 43 **c. Ziplly Franchise Agreement:** CA Ginsburg spoke with Ziplly. They agreed to increase
 44 the percentage of franchise fee from 4 to 7 percent. They also increased insurance from 1
 45 million to 2 million. They apologized for the issues the city had to address.

4 City councilors authorized CA Ginsburg to write up an agreement by consensus.
5 Councilor Garratt suggested adding in free internet for the water system.

6
7 **d. Grant Writing Companies:** CA Ginsburg spoke with several. Just Look Left is in
8 Oregon and specializes in nonprofit and municipalities. G & G Municipal Services and
9 Grant Writing is not local and not connected to local issues. CA Ginsburg presented a
10 price sheet from Just Look Left. Legal Counsel Kudlac reminded councilors need three
11 proposals.

12 Councilor Kessler moved to authorize staff to make an RFP to get proposals from grant
13 services with Councilor Burns as second. ***Motion carried 6-0.***

14 Discussion: None.

15 ***Councilor LaRoche Yes Councilor Pogwizd Yes Councilor Burns Yes***
16 ***Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes***

17
18 **e. Short Term Vacation Rentals – Attorney Contract:** Mayor Cox introduced Dan
19 Kearns, land use lawyer and city attorney for Hood River. In the past ten years, Mr.
20 Kearns has gained experience in regulating short term rentals in a number of cities and
21 recently counties. Mr. Kearns can provide a process and recommendations on how to
22 proceed with the short-term rental topics such as affordable housing and nuisances. Most
23 communities take approximately two years to get through the process. Mr. Kearns's fees
24 are outlined. CA Ginsburg advised that renewal letters for established short term rentals
25 have been sent out and outlined changes being pursued. Without the existing short-term
26 rentals there will be no TLT. Timeline compliance to new regulations was discussed.

27
28 Attorney Kearns suggested through his communications with CA Ginsburg and CA
29 Ginsburg's communication with Planning Commissioners, his time and involvement can
30 be controlled, thus cost is controlled. He suggested keeping the moratorium in place.
31 Mayor Cox suggested a contract with a monetary limit included, which can be amended
32 in time. Approved by Legal Counsel Kudlac.

33 Councilor Burns moved to direct staff to write a contract with Mr. Kearns and bring it to
34 the next meeting with Councilor Kessler as second. ***Motion carried 6-0.***

35 Discussion: Monetary limit was discussed. Councilor goals are discussed. The budget has
36 to be passed prior to contract. A workshop is needed and to be scheduled after the budget
37 is passed. Legal Counsel Kudlac suggested a fiscal impact review be done if STR are
38 excluded from residential zones.

39 ***Councilor LaRoche Yes Councilor Pogwizd Yes Councilor Burns Yes***
40 ***Councilor Kessler Yes Councilor Tidey Yes Councilor Garratt Yes***

41
42 **8. New Business**

43 **a. Liquor License-Crazy Norwegian:** Councilor Burns moved to approve the liquor
44 license request for the Crazy Norwegian with Councilor Tidey as second. ***Motion carried***
45 ***6-0.***

46 Discussion: None.

4 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 5 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes
 6
 7

8 **b. Liquor License – Mr. Ed’s Espresso Juice and Underground Pub:** Councilor Burns
 9 moved to approve the liquor license request by Mr. Ed’s Espresso Juice and Underground
 10 Pub with Councilor Kessler as second. *Motion carried 6-0.*

11 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 12 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes
 13

14 **c. Liquor License – Redfish:** Councilor Burns moved to approve the liquor license request
 15 by Refish with Councilor Tidey as second. *Motion carried 6-0.*

16 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 17 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes
 18

19 **d. Liquor License – Port Orford Circle K:** Councilor Burns moved to approve the liquor
 20 license request with Councilor Tidey as second. *Motion carried 6-0.*

21 Discussion: The store has changed hands and needs renewal.

22 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 23 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes
 24

25 **e. Right of Way – Nancy Windholz:** Councilor Pogwizd moved to approve the right of
 26 way request by Nancy Windholz with Councilor Burns as second. *Motion carried 6-0.*

27 Discussion: CA Ginsburg reported Ms. Windholz needs an access road to start working
 28 on her property, which will cross the right of way.

29 **Councilor LaRoche** Yes **Councilor Pogwizd** Yes **Councilor Burns** Yes
 30 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Garratt** Yes
 31

32 **f. Homeless Camp Discussion:** Port Orford has a year to comply with state requirement to
 33 designate a location for a homeless camp. Councilor Burns shared information on
 34 transitional housing.

35
 36 Chief Hobart is in attendance. He reported concern with the State of Oregon’s unfunded
 37 homeless camp mandate. Transient crimes are currently occurring in Port Orford by
 38 people not known to locals. He feels transitional housing might not be for Port Orford
 39 since it requires 24-hour law enforcement coverage. Port Orford is not prepared for
 40 transitional housing. The new law does not address small communities that do not have
 41 24-hour security. He suggested security guards can solve some problems; however, they
 42 will require law enforcement call-out.

43
 44 When addressing a location for a homeless camp, community protection has to be
 45 considered. Councilor Pogwizd reminded councilors Port Orford has no money for this
 46 project or camps. Cities with a big revenue still have uncontrolled homeless

4 communities. Help is currently available at outreach programs. If Port Orford is the first
5 to establish a camp, this could invite transients that do not want help.

6
7 Councilor LaRoche moved to continue the meeting with Councilor Kessler as second. *Motion*
8 *carried 6-0.*

9 *Councilor LaRoche* *Yes* *Councilor Pogwizd* *Yes* *Councilor Burns* *Yes*
10 *Councilor Kessler* *Yes* *Councilor Tidey* *Yes* *Councilor Garratt* *Yes*

11
12 **Homeless Camp Discussion continued:** Councilor Garratt agrees with the issues Chief
13 Hobart presented. He reported that large cities are putting these homeless camps in the
14 industrial areas to remove them from retail and residential. He reported on the trash and
15 lack of sanitation apparent at these camps. These camps are a fire hazard as well. He is
16 concerned for the safety and health of Port Orford citizens. He suggested the council
17 claim this is dangerous and unsanitary and not to be put onto the citizens. Chief Hobart
18 confirmed over 50 percent of the crimes they are dealing with currently are related to
19 transients.

20
21 g. **Audit Approval:** Councilor Burns moved to approve the audit findings for the fiscal year
22 2020-2021 with Councilor Kessler as second. *Motion carried 6-0.*

23 Discussion: None.

24 *Councilor LaRoche* *Yes* *Councilor Pogwizd* *Yes* *Councilor Burns* *Yes*
25 *Councilor Kessler* *Yes* *Councilor Tidey* *Yes* *Councilor Garratt* *Yes*

26
27 h. **Right of Way, 215 5th Street:** Requesting for installation of a temporary water spigot to
28 begin construction. The applicant is present. They are asking for a temporary spigot
29 currently since it has to go under the main waterline. Coos-Curry needs to go in first.
30 Councilor Tidey moved to approve the right of way request for 215 5th Street with
31 Councilor Kessler as second. *Motion carried 6-0.*

32 Discussion: There is an existing water meter. The meter is on city property and the
33 spigot goes next to the meter. This predates the moratorium. Temporary is not defined,
34 but as soon as the main water line is installed it will be removed.

35 *Councilor LaRoche* *Yes* *Councilor Pogwizd* *Yes* *Councilor Burns* *Yes*
36 *Councilor Kessler* *Yes* *Councilor Tidey* *Yes* *Councilor Garratt* *Yes*

37
38 **9. Continuing Action Items:**

- 39 • Seasonal gas tax: Tabled to November due to high fuel costs.
- 40 • Text my Gov
- 41 • Website update
- 42 • Data storage
- 43 • Water Conservation Ordinance
- 44 • Historic Commission Ordinance Update

4 **10. Considerations:**

5 **Citizens:**

6 Bret Cecil, local resident, spoke on the homeless situation. The Curry County Homeless
7 Coalition requested money from the county for the homeless situation, which was voted
8 down. Curry County has no current shelter for the homeless. Mr. Cecil understands the
9 legislation to read that as long as a shelter is provided, it prevents the community from
10 having to allow a camp. A simple shower trailer could qualify.

11
12 **Staff:** None.

13
14 **Councilors:** Councilor Pogwizd clarified that he is not against helping the homeless that
15 truly want and need the help. He is not in favor of attracting those that do not want help due
16 to the crime, garbage, lack of sanitation and fire hazard. He agrees with observing how other
17 cities with financial resources handle this prior to taking action.

18
19 Councilor Kessler would like to form a coalition with other communities on the coast to
20 address the homelessness.

21
22 Councilor LaRoche reported on a church that provided shelter and food for homelessness, but
23 they were not able to find citizens to assist.

24
25 Councilor Garratt is concerned with the length of the meetings and suggested an alternative
26 rather than extension.

27
28 **Mayor:** Reminded councilors following state guidelines on homelessness is a business
29 decision.

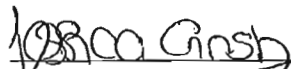
30
31 **10. Future Meetings**

32 **Thursday, June 16, 2022, Regular Council Meeting 5:30, hybrid.**

33
34 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:01 p.m.

35
36
37
38 **Attest:**

39
40
41 
42 _____
43 Mayor, Pat Cox

41 
42 _____
43 City Recorder, Jessica Ginsburg

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Jessica Ginsburg

From: David Bassett <dabpe@peak.org>
Sent: Tuesday, October 25, 2022 1:28 AM
To: Jessica Ginsburg PO City Admin.
Subject: Proposed Tent Camp for the Homeless. Location?

Honorable Mayor and Council via City Administrator Ginsburg.

I have invested in both commercial and residential properties in Port Orford. All seven of the commercial lots were previously unusable due to derelict buildings, absentee owners, overgrown brush, blackberries, bamboo and disuse.

My objective has been simply to help create enough economic vitality that our young people don't need to leave and neither do us older folks.

It is working as both the Coffee Shop and Auto Spa are doing well and generating jobs. Much more to come as I carefully seek suitable tenants and lease with option to buy my additional parcels in town.

Having a sanctioned tent camp in town would discourage most future business persons and economic enterprise investors.

Having said the above, I have empathy for families or individuals in need and do what I can to help them with a hand up. Hand outs do not work with persons who develop an 'entitlement' mentality.

Therefore, please be very careful and comprehensive in considering any proposals of this nature. Location, location, location, impact on neighbors, sanitation, trash disposal, fire and life safety standards are all very important factors. Most are expensive and require constant attention by responsible persons.

Larger communities are much better equipped to handle issues of this nature than is ours.

Thank you for your service and consideration. David.

Sent by Android phone of David A Bassett PE, CBO, F.PEO, 541.660.3131

Jessica Ginsburg

From: Lilik Zakarian <lilikzakarian@gmail.com>
Sent: Monday, October 24, 2022 7:07 PM
To: jginsburg@portorford.org
Subject: Homeless Encampment

I heard just this afternoon that there is a meeting this Thursday at City Hall regarding allowing a homeless encampment in the property adjacent to Ray's Food Market.

I would like to go on record as being vehemently opposed to such an idea. If it is allowed, our city will end up being a dumping ground for all homeless people in this state. I cannot fathom what sanitation problems, theft and altercations will arise if that many people are allowed to camp in that area. Our safety will be at risk, our property values will plummet, the liability risk to the City will be enormous.

I am shocked that news has not been spread to the citizens of Port Orford and I only hope that it is not too late to stop this plan from taking place.

Please advise me of the date, time and place of any upcoming meeting concerning this issue.
Thank You,

Lilik Zakarian
310 Coastguard Hill Rd
Port Orford, Oregon 97465
541-366-2174

Jessica Ginsburg

From: Michael Campbell <mikecampbell1260@gmail.com>
Sent: Monday, October 24, 2022 5:28 PM
To: jginsburg@portorford.org
Subject: No homeless tent camps

The garbage and drugs are a issue. And theft will get worse.

Jessica Ginsburg

From: Cheryl Cherise <cherylcherise@icloud.com>
Sent: Monday, October 24, 2022 4:36 PM
To: jginsburg@portorford.org
Subject: Meeting and Workshop re: The Homeless

Mayor, City Council, City Manager,

The currently proposed homeless camp raises many concerns.

We do not have the resources to create a formal "camp" with rules and monitoring such as is being proposed by the homeless coalition. Local churches do not have the resources either. A large number of the homeless that would use a tent camp require mental health and rehab services, not a tent camp. We must not jeopardize the safety, quality of life and positive growth of our community.

We are down to 2 full time police officers and Chief. Our resources to handle the crime and drug use that come with the territory are not available.

We need to help these homeless people get the help they need with services already in place. And helping them go where they will have more support is charity, not cruelty.

Our water system can scarcely support the people already living here in homes, apartments and RVs. We should rather focus on affordable housing .

Please also see League of Oregon cities LOC "Guide to Persons Experiencing Homelessness in Public Spaces." This document shows that if we do not build a shelter, the homeless will not have free reign in public spaces.

I do not support a homeless tent camp in Port Orford.

Respectfully,
Cheryl Cherise

Jessica Ginsburg

From: Lisa Harrison <LISAHARRISON1@msn.com>
Sent: Monday, October 24, 2022 4:19 PM
To: jginsburg@portorford.org
Subject: homeless in Port Orford

Please let this correspondence serve as my objection to this proposal of the homeless camp moving forward. The League of Women Voters held mtgs regarding this 10 years ago. We had all agencies represented, including homeless. It was determined the liability for the city was too extreme and was dropped. Federal Funds do not keep us from being held liable regarding homeless actions. Port Orford does not have the infrastructure to handle what will come with an encampment. I am a city and county tax payer voicing my concern and objection.

I am aware of House Bill 3115, and still believe that a homeless encampment on Hwy 101 next to our only grocery store to be a horrible location. What about the proximity to the grammme school ?.

I would be at the meeting Thursday, however until my Covid test shows negative I can not enter a room of our citizens .

Thank you

Lisa Harrison

Jessica Ginsburg

From: Guy Vernon <guyvernon@me.com>
Sent: Monday, October 24, 2022 4:18 PM
To: Jessica Ginsburg
Subject: Homeless shelter

Jessica I am not in favor of the proposed homeless shelter . I know this is a serious problem but I don't feel Port Orford has the budget , services or enough qualified/available professionals to deal with the many problems this group of people have . Studies have shown there is a high percentage of mental health , drug and alcohol abuse/sales along with criminal activities. If the city is to go forward with this I would suggest there is a plan in place and a budget created to deal with these issues before the shelter is created.I will be out of town or I would attend the meeting, please forward my concerns to the council ..

Thank You
Respectfully
Guy Vernon

Guy Vernon

Jessica Ginsburg

From: jill prouty <jillprouty2@gmail.com>
Sent: Monday, October 24, 2022 4:03 PM
To: jginsburg@portorford.org
Subject: homeless encampment

As a new resident of Port Orford, I am very much opposed to a proposed homeless encampment here. We moved from California to get away from such ideas that have created more problems for cities there- crime, property tax issues, etc. We try to spend as much time and effort and money into this community, and are proud its beauty and sustainability. Please do not vote for such an encampment. We do not want to leave our new home.

Jill and Jim Prouty

302 Coast Guard Hill Road

Port Orford, Or. 97465

530-518-0904

Jessica Ginsburg

From: Mickey Walker <mickey.walker.2016@gmail.com>
Sent: Monday, October 24, 2022 3:34 PM
To: jginsburg@portorford.org
Subject: Homeless Encampment

I heard just this afternoon that there is a meeting this Thursday at City Hall regarding allowing a homeless encampment in the property adjacent to Ray's Food Market.

I would like to go on record as being vehemently opposed to such an idea. If it is allowed, our city will end up being a dumping ground for all homeless people in this state. I cannot fathom what sanitation problems, theft and altercations will arise if that many people are allowed to camp in that area. Our safety will be at risk, our property values will plummet, the liability risk to the City will be enormous.

I am shocked that news has not been spread to the citizens of Port Orford and I only hope that it is not too late to stop this plan from taking place.

Please advise me of the date, time and place of any upcoming meeting concerning this issue.

Mickey Walker
395 Coast Guard Hill Rd, Port Orford, OR 97465
310 514-8191
mickey.walker.2016@gmail.com

Jessica Ginsburg

From: Rachel West <tomnrachwest@gmail.com>
Sent: Monday, October 24, 2022 3:11 PM
To: jginsburg@portorford.org
Subject: Homeless Camp Proposal

To Whom it May Concern:

Regarding the homeless encampment that is going to be discussed and voted on I hope the city votes NO

It's has been very obvious what happens to cities when this is allowed. This would hurt businesses, homeowners, tourism and our children. This will also put more pressure on our local law enforcement.

Please vote NO

Thank you Jessica and city council for all your work you do for our community.

Sincerely,
Tom & Rachel West

Sent from my iPhone=

Jessica Ginsburg

From: Cathy Dahrens <cdahrens@hotmail.com>
Sent: Monday, October 24, 2022 2:46 PM
To: jginsburg@portorford.org
Subject: homeless tent city proposal

I have been a resident of Port Orford since 1971. I strongly object to having a homeless tent city in town. Over the last 2 years I have noticed the homeless population increase alarmingly fast. To give them a tent to live in is not fixing the problem. Currently I have seen them destroy personal/business and public property without so much as a blink of the eye. My family has endured vandalism and theft by the homeless with no recourse for action. If they want to stay here then they must be integrated into the population. Clean them up give them temporary address's and a job. Help them become independent people again. The ones who do this will thank you. The ones who refuse help need to move on to somewhere else. Please dont let them live like animals in a tent camp with no real hope for the future.

Jessica Ginsburg

From: jeremy dahrens <jeremydahrens@yahoo.com>
Sent: Monday, October 24, 2022 2:26 PM
To: jginsburg@portorford.org
Subject: homeless camp opposition

I as a resident and a business owner in Port Orford am against any kind of homeless facility being constructed in or around Port Orford. Our community does not have the resources to take care of our tax paying community members as it is. So we as the Port Orford tax base should not be burdened any further by being asked to take care of all of the people a facility like this will attract. We have already experienced an increase in crime, litter, and things that our children should never be exposed to with the homeless population we currently have. I firmly believe that a homeless camp in our town will destroy what so many of us love about this town like it has done to our beautiful rivers, where homeless people have polluted our rivers and streams with an absurd amount of trash not to mention the bio-waste that was not disposed of correctly.

Thank You
Jeremy Dahrens

Jessica Ginsburg

From: Christopher Freeman <garryfreeman1967@icloud.com>
Sent: Monday, October 24, 2022 2:00 PM
To: Jessica Ginsburg
Subject: Tent city

Jessica it was just brought to my attention, I hope the city is not going to pass an ordinance like this?

Garry Freeman
916-212-0095=

Jessica Ginsburg

From: Rick Francona <rick.francona@gmail.com>
Sent: Monday, October 24, 2022 11:06 AM
To: jginsburg@portorford.org
Subject: Homeless Issue in Port Orford

Mayor of Port Orford, City Council of Port Orford, City Manager of Port Orford,

I understand there is to be a workshop and meeting at City Hall to address the increasingly dangerous homeless issue in the city. I also understand there are proposals from well-meaning individuals to establish some form of authorized presence for homeless persons in the city, and to provide services. These services should not be funded by our taxes.

We need to take care of our own residents who are living in poverty, who are working poor, who need affordable housing. The city does not have the resources or the infrastructure to support a proposed "camp with rules." Homeless camps will require sanitation, shelter, water, trash collection, etc - services that the residents pay for.

A homeless camp, despite all good intentions, will inevitably be a source of problems that we do not need and cannot afford. Let's not create more problems for our community.

Rick Francona
324 Coast Guard Rd
Port Orford

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Council Rules

CITY OF PORT ORFORD

COUNCIL RULES

1.0 MEETINGS; GENERAL:

- 1.1 Meeting times: The council regular meeting shall be held on the third Thursday of each month at 3:30 p.m. in the council chambers. A City Council workshop session may be held in the small conference room 30-60 minutes before each Council meeting. The public is invited to attend the workshop sessions as well as the regular Council meetings immediately following the workshops. In the event a specified employee holiday falls on that Thursday, the council will meet on the first Friday following. The council may, at a regular or special meeting, designate a different day, time, and/or place for an upcoming regular meeting.
- 1.1.1 Council members and city staff whose presence at meetings is required shall be at the meeting place five (5) minutes prior to the scheduled start of the meeting so that the meeting can begin promptly.
- 1.2 Mayors Absence: In the event the Mayor is absent, the Council President shall preside over the council meeting with full voting powers. In the event the Mayor and Council President are both absent the council shall move by motion and vote to elect another council member to be acting president, retaining full voting powers.
- 1.3 Council Absence: In the event that a council member knows he or she will not be able to attend a scheduled meeting, he or she will so notify either the Mayor or the City Administrator as soon as practicable.
- 1.4 Work Sessions: Work sessions shall be held in accordance with applicable state law. Such sessions shall be called by the Mayor, City Administrator or at the request of at least three council members in writing¹.
- 1.5 Special Meetings: A special meeting may be called by the Mayor or at the request of at least three council members, in writing, to the City Administrator.
- 1.5.1 No special meeting shall be held without at least 24 hours notice to the members of the governing body, the news media that have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours notice.
- 1.6 Executive Sessions: Executive Sessions may be held during regular, or special sessions, so long as applicable statutes are met.
- 1.7 Public Hearings: Public Hearings shall be held in conjunction with regular scheduled council meetings whenever possible.
- 1.7.1 Hearings Officer: The presiding officer shall designate a Hearing Officer to conduct the public hearing when appropriate.

2.0 MEETINGS GUIDELINES

- 2.1 Quorums: A quorum shall consist of four (4) of the six (6) council members. If a quorum is not present at the time the meeting is called to order, the City Recorder shall immediately inform the absent members, except for those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent members do not appear after said notice, the meeting shall be adjourned.
- 2.2 Roberts Rules of Order: Robert's Rules of Order Revised shall be used as a general guide for conduct of Council meetings. The Council has an obligation to be clear and simple in its procedures and the consideration of issues before it. It should avoid invoking the finer points of Parliamentary procedure, which may serve only to obscure the issues and to arouse the suspicion of the audience.
- 2.3 Agenda: The City Recorder shall, upon consultation with the City Administrator, prepare an agenda of the business to be conducted at regular Council meetings for the approval of the Mayor. No item shall be added to the agenda after Noon on the Friday preceding the meeting. The agenda shall be prepared in accordance with paragraph 2.3.1. The Council shall consider only those items on the agenda. Council members and the Mayor shall endeavor to have subjects they wish considered submitted to the City Recorder in time to be placed on the agenda. Additional material to be added to the agenda after the Friday before the council meeting should be submitted to staff for distribution to the council.

- 2.3.1 Order of Business: The order of business at regular council meetings shall be determined by the Mayor and City Administrator per the following items including but not limited to:

- Call to Order / Flag Salute
- Presentations to the Council/Citizens
- Consent Calendar
- Citizen's Concerns (Sign-up required)—Citizens may comment on or provide information on old or new business agenda items.
- Departmental Reports
 - a) Administrative
 - b) Finance
 - c) Public Works
 - d) Police Department
 - e) Planning Commission
 - f) Mayors Report
 - g) Liaison Reports
 - 1) Port
 - 2) School District
 - 3) Fire Board
 - 4) Chamber of Commerce
 - 5) Watershed
 - 6) Parks/TLT
 - 7) Curry County
 - 8) Others as appropriate
 - h) Other Committee Reports, if applicable
- Old Business
- New Business
- Continuing Action Items
- Considerations

- a) Citizen Considerations—Citizens may bring up any matters of concern for future consideration by the Council.
 - b) Staff Considerations
 - c) Councilor Considerations
 - d) Mayor Considerations
- Future Meetings Date / Time
Adjourn

2.3.2 Consent Calendar items: Items on the consent calendar shall be removed from the consent calendar and placed under Continuing Action Items, Old Business, or New Business as appropriate upon the request of the Mayor, or at least one Councilor.

2.3.3 The Council shall, by consensus or majority vote, approve Mayor Appointments and removals of all officers of the City, members of all committees, commissions, and boards.

2.4 Citizen Concerns: Citizens desiring to have an issue placed on the agenda for discussion by the council shall, prior to Noon of the Friday preceding the council meeting, submit a letter explaining the issue to the Mayor and City Administrator. The issue shall be placed on the agenda if appropriate. It is expected that the petitioning party shall appear at the Council meeting to address the Council. The petitioning party shall confine their remarks to a five (5) minute presentation. (Additional time may be granted should the Mayor or members of the Council wish to question the petitioner.) Citizens shall also have the opportunity to address the Council under "Citizens Considerations" at the end of the meeting without going through the agenda process. Items brought up under Citizens Considerations may be considered by the Council at a future meeting.

2.4 Documents prepared by citizen groups working under the auspices of the City Council shall be submitted to the Council for approval only. There shall be no editing or changes made to the document, except correction of typographical errors, during the open Council meeting. Each document shall be submitted to a Council vote. If the vote to approve fails, then the document shall be returned to the originating organization for correction or amendment. Each of the council members who voted in the negative for editing changes may submit in writing to the originating group their comments for consideration and inclusion into the amended document. These written comments shall be submitted to the originating organization within ten (10) days after the Council vote.

2.4.2 Issues rose by a citizen during the Citizen Considerations period of the agenda, but not communicated to the Mayor and City Administrator by Noon of the Friday preceding the council meeting shall only be discussed by the Council if the Council first votes to consider said item.

2.4.3 Citizens are encouraged to provide comments, and to communicate their views to the City Council. Comments and suggestions may be submitted in writing or given at public meetings. Written comments may be read into the record of a public meeting, however, City Councilors, the Mayor, and City staff shall not be required to read submitted statements into the record. Citizens may read their own statements, or enlist the aid of another Citizen to read a letter to the Council.

2.5 Speaking by Council Members: Council members wishing to speak shall first receive recognition by the chair and shall confine his or her remarks to the topic under debate. Each council member shall be allowed an initial three (3) minutes to state his or her position on each agenda item. The presiding officer shall be required to ask the councilors to state their

positions if they desire to do so. All councilors shall be given equal opportunity to speak.

When each councilor has been given the opportunity to state his or her views, the presiding officer shall once again offer each councilor a chance to comment on the views previously presented. Here again, the maximum comment period shall be limited to no more than three (3) minutes. The Mayor or presiding officer shall have, and be required to exercise authority to limit the speaker's time to three (3) minutes. However, the Council may extend any speaker's time limit by majority vote.

2.6 Speaking by Members of the Audience at a Public Hearing:

2.6.1 Members of the audience wishing to speak at the public comment period at a public hearing shall raise their hand and wait to be recognized by the chair. After recognition, that person shall come to the microphone provided, state his or her name and place of residence for the record, and limit his or her remarks to the issue under consideration. All remarks and questions shall be addressed to the presiding officer and not to any individual council member, staff member or other person. The chair may then designate a staff member or council member to answer the question, if appropriate. Public comment shall be limited to 5 3 minutes unless extended by the chair.

2.6.2 No member of the audience shall be allowed to speak at a Public Hearing more than once on any subject until other members of the audience choosing to speak have so spoken. In any event, no member of the audience shall speak more than twice on the same issue at any one hearing.

2.6.3 After a public hearing has been closed, no member of the audience shall address the Council without first securing permission from the chair.

2.7 Speaking by Members of the Audience at City Council meetings:

2.7.1 The Oregon Public Meetings law is a public attendance law, not a public participation law. Members of the public must be allowed to attend meetings, but public comment is not a requirement under the law. The City of Port Orford wishes to receive appropriate public input at its meetings, and therefore, has promulgated these rules to maintain an orderly public comment process.

2.7.2 No person, be it a council member, city staff, or member of the audience, shall enter into any discussion unless first recognized by the chair.

2.7.3 Those members of the audience addressing the council at the beginning of a meeting under citizen concerns shall be limited to five (5) minutes. Public comment at this portion of the meeting shall be related to agenda items to be considered at the meeting. No member of the audience shall be allowed to speak at a City Council meeting more than once on any subject until other members of the audience choosing to speak have so spoken. In any event, no member of the audience shall speak more than twice on the same issue at any one meeting.

2.7.4 After a motion has been made and seconded no member of the audience shall address the council without first securing permission from the chair.

2.7.5 Public comment under the "Citizen Considerations" portion of the meeting may be on any subject of concern to the speaker. Any Council action on the item of concern will be at a future meeting.

3.0 ORDER AND DECORUM:

- 3.1 Order by the Chair: The presiding officer (usually the Mayor) will have complete control of the meeting. Any attempt to override a decision of the presiding officer must be supported by a majority vote of the council members.
- 3.2 Council Etiquette: No council member will *ever* chastise, denigrate, or criticize anyone during an open council meeting. If attempts to deal with these problems in a private two-way conversation fail, then the council member may petition the Mayor to convene a full council executive session to deal with the problem. In no case shall a council member deal with any city employee personnel problems except through the City Administrator. The chain of command must be observed.
- 3.3 Sergeant-At-Arms: The Sergeant-At-Arms shall be a Police Officer
- 3.3.1 It shall be the duty of the Sergeant-At-Arms to assist the chair, as to maintain order and decorum at all meetings.
- 3.3.2 Any of the following shall be sufficient cause to remove any person from the council chambers for the duration of the meeting if such conduct, in the opinion of the Sergeant at arms rises to the level of Disorderly Conduct.
- A. The use of unreasonably loud, offensive or disruptive language.
 - B. The making of loud or disruptive noise.
 - C. The willful damage of furnishing or of the interior of the council chamber.
 - D. The refusal to obey any of the rules of conduct provided within this article, the limitations on occupancy and seating capacity.
 - E. The engaging of violent or distracting actions.
- 3.4 Meeting Disruptions: Unreasonably loud noise, or disruptive language or conduct, is hereby defined as that which obstructs the work or the conduct of business of the council.
- 3.4.1 Before the Sergeant-At-Arms removes any person from the meeting room for conduct described in paragraph 3.3.2, that person shall be given a warning by the chair to cease his or her conduct.
- 3.4.2 If the meeting is disrupted by members of the audience, the chair or a majority of the council members present may order that the council chambers be cleared.
- 3.5. Media: The taking of photographs, motion picture filming, and video recording in the council chambers shall be allowed except when the taking of such photographs, motion pictures or video recordings is disruptive to the business of the council.
- 3.5.1 No unofficial flags, posters, placards or signs, shall be allowed within the council chambers. This restriction does not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such a size and nature do not interfere with vision, hearing or seating of other members of the audience.
- 3.5.2. MAYOR AND COUNCIL MEMBER CONDUCT
1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
 - a) Whether the statement reflects personal opinion or is the official position of the City; and
 - b) Whether the statement is supported by a majority of the Council. If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

4.0 VOTING:

- 4.1 Duty to Vote: All council members present, when a question is called shall be entitled to vote unless otherwise disqualified by a conflict of interest as provided by Oregon Law. Unless an abstention is declared, it shall be considered a negative vote.
- 4.2 Method of Voting: Those council members voting for the question will so signify by roll call. The vote on every question shall be entered into the record. It shall not be in order for council members to explain their vote.
- 4.2.1 When not otherwise provided by City Charter, the concurrence of a majority of the members of the Council present shall be necessary to decide any question. In the event of a tie vote, the Mayor will have the deciding vote.

5.0 PUBLIC RECORDS/EMAIL POLICY:

- 5.1.1 Public Record Defined. A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.
- 5.1.2 Electronic Records. All communications on electronic office equipment have the same Public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic equipment not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.
- 5.1.3 Public Records. Public records created or received by Council members, including electronic mail messages, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.
- 5.1.4 Electronic Communications between Councilors. City Councilors will be provided a City email account specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to others in a manner which creates a quorum. All emails must be copied to the City Administrator for retention purposes.
- 5.1.5 Information to the City Council. Council agendas, Council packets, and minutes of previous Council meetings will be posted to the City website. An email message will be sent to each Councilor when information is posted to the website. Other information to the Council will be sent out via email. Councilors may request printed copies of individual correspondence if desired.

¹ For the purpose of these rules, electronic mail (email) may be used to make a request in writing.

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ASSISTANT TO THE CITY ADMINISTRATION OFFICE

GENERAL DUTIES

Under general supervision, provides a variety of confidential and complex administrative duties in support of the City Administration Office. This position coordinates overall office support functions and activities for the City's Administration office in addition to maintaining schedules and calendars for the City Administrator. This position shall assist the public in providing information personally or directing information requests according to established procedures with minimal supervision and/or direction; maintains financial records; assists in the preparation of the annual budget and runs reports for management as needed. They will represent the City in a variety of committees as assigned performs other duties as required.

GENERAL FEATURES OF THE CLASSIFICATION

This position reports directly to the City Administrator and performs confidential, secretarial, clerical and administrative tasks normally performed with a relatively high level of judgement and independence. They will regularly carry out the office support and administrative operations, and/or serve on various commissions or committees which assist the Council in formulating and implementing City Policies and programs.

SUPERVISION RECEIVED

Work is under the general direction of the City Administrator.

SUPERVISION EXERCISED

None

KEY PERFORMANCE AREAS

Performs a wide variety of routine, confidential, and complex office, clerical, and administrative support tasks in the support of the City Administrators Office, City Council and other administrative staff.

Maintains calendared and schedules for appointments; makes meetings and special events arrangements as requested.

Demonstrates an understanding of applicable policies, procedures, and work methods associated with assigned duties.

Responds to questions and concerns from the general public and provides information as appropriate.

Represents the City to all callers and visitors in a professional and customer friendly manner.

Assists the City Administrator's office with a variety of administrative tasks using discretion and independent judgement in accordance with general direction.

Serves on a variety of committees on behalf go the Administration department.

Conducts research and provides recommendations regarding special project activity.

Maintains financial records, running reports for management and recording a wide range of financial transactions including but not limited to General Journal Entries, posting daily cash receipts and assists in the annual audit.

Assists in the preparation of the budget by preparing budget documents, estimating cost increases, submitting budget data for review.

Provides assistance to Council Members with the preparations for the newly elected Council members.

Establishes and/or maintains filing and retrieval systems for inter-related files and records.

Utilizes computers to enter and prepare a variety of documents, including general correspondence, reports, memos and fliers from rough drafts or verbal instructions.

Operates other standard and automated office equipment, including a variety of word processing and software applications.

MINIMUM QUALIFICATIONS

Ability to understand and follow detailed verbal and written instructions. Adhere to prescribed departmental routines; a basic knowledge of accounting principles. Any combination of experience and training which demonstrates the knowledge, skills and ability necessary to perform the described duties.

KNOWLEDGE, SKILLS AND ABILITIES

Skilled in word processing, accounting spreadsheets and database operations.

Basic knowledge in accounting, finance, and budgeting; general office practices and procedures.

Ability to follow-up on work assignments and meet critical deadlines.

Skills in adapting to a changing work environment, competing demands and ability to deal with frequent change, delays or unexpected events.

Skills in using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.

Skills and ability to work both independently and as part of a team.

Ability to establish and maintenance effective working relationships with those contacted during work regardless of race, religion, age, sex, disability, policies affiliations, sexual orientations, and diverse cultural and linguistic backgrounds.

Ability to regularly attend work and arrive punctually for designated work schedules.

EDUCATIONAL REQUIREMENTS

High school graduation or equivalency required

Bachelor's degree gained through a four-year college OR related previous experience (preferred)

EXPERIENCE

Sufficient experience and/or education to successfully perform the duties.

ESSENTIAL FUNCTIONS

Provides a high-level administrative support and assistance to the City Administration Office.

Relieves City Administrator of certain administrative matters by following up on projects, transmitting information, documenting workflows and maintaining correspondence as requested.

Type and proofread a wide variety of reports and letters.

Review material for completeness, accuracy, format and compliance with policies and procedures.

Establishes, develops and maintains a daily schedule and filing system.

PRE-EMPLOYMENT REQUIREMENTS

Drug screening may be required, dependability, education and experience verification. Demonstrated ability to perform essential functions.

WORKING CONDITION AND PHYSICAL ABILITIES

Position requires prolonged sitting in the performance of daily duties and frequent repetitive keyboarding motion for inputting data and preparing reports and other documents. The position also requires walking, standing, stooping, some pushing, dragging, light and heavy lifting while handling bound records, printouts, or boxes or paper and documents. The incumbent often juggles multiple tasks, works under pressure of deadlines with frequent interruptions.

FLSA EXEMPTION STATUS

Non-Exempt

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