



HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

CITY COUNCIL MEETING AGENDA 363 West Independence Blvd July 10, 2018

MAYOR:

Michelle Tait

COUNCIL MEMBERS:

Grover Wilhelmsen
Gary Robinson
Ruth Pearce
Clark Beecher
Steve Weiss

"In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the City Recorder at 801-782-4100, providing at least three working days advance notice of the meeting."

7:00 P.M. CITY COUNCIL MEETING

Presiding: Mayor Michelle Tait

Mayor Pro Tem: Grover Wilhelmsen

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE & OPENING CEREMONY** [Council Member Robinson]
3. **CONSENT ITEMS**
 - a. Approve the minutes of June 12, 2018 as presented.
4. **BUSINESS ITEMS**
 - a. Discussion/possible action to approve Harrisville Resolution 2018-10; a Resolution adopting an Interlocal Agreement between Weber School District and Harrisville City for Law Enforcement Services. [Bill Morris]
 - b. Discussion/possible action for Community Outreach and Newsletter. [Bill Morris]
 - c. Heritage Days Update [Bryan Fife]
5. **PUBLIC COMMENTS - (3 minute maximum)**
6. **MAYOR/COUNCIL FOLLOW-UP:**
7. **CLOSED EXECUTIVE SESSION:** Utah State Code §52-4-205(1)(a): The Council may consider a motion to enter into Closed Executive Session for the purpose of discussion of character, professional competence, or physical or mental health of individual(s).
8. **ADJOURN**

DATE POSTED: July 9, 2018

BY: Jennie Knight, City Recorder

I, Jennie Knight, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing City Council agenda was faxed to the Ogden Standard Examiner, Weber County Library, and neighboring cities. The agenda was also posted at the following locations: City hall, on the City's website www.cityofharrisville.com and the State Public Meeting Notice website at <http://pmn.utah.gov>.

**MINUTES OF HARRISVILLE CITY
CITY COUNCIL MEETING
June 12, 2018 – 7:00 p.m.
363 West Independence Blvd
Harrisville, UT 84404**

Present: Mayor Michelle Tait, Council Member Grover Wilhelmsen, Council Member Clark Beecher, Council Member Gary Robinson, Council Member Steve Weiss (participated electronically). Council Member Ruth Pearce was excused.

Staff: Bill Morris, City Administrator, Lynn Fortie, Treasurer, Jennie Knight, City Recorder, Rick Hill, Bailiff, Max Jackson, Police Chief, Sean Lambert, Public Works Director, Bryan Fife, Recreation Director.

Visitors: Arnold Tait, Nathan Averill, Elaine Andrushko.

7:00 P.M. CITY COUNCIL MEETING

1. Call to Order.

Mayor Tait called the meeting to order and welcomed all visitors.

2. Opening Ceremony.

Council Member Wilhelmsen led the pledge of allegiance and conducted the opening ceremony.

3. Consent Items.

- a. Approve the minutes of May 22, 2018 as presented.

MOTION: Council Member Beecher motioned to approve the minutes of May 22, 2018 as presented. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

4. Business Items.

- a. **PUBLIC HEARING: Harrisville City Resolution 18-06; a resolution adopting the FY 2017-18 amended budget for the fiscal year ending June 30, 2018.**

MOTION: Council Member Wilhelmsen motioned to open the public hearing for Harrisville City Resolution 18-06; a resolution adopting the FY 2017-18 amended budget for the fiscal year ending June 30, 2018. Council Member Beecher seconded the motion. All Council Members voted aye. Motion passed.

No public comments were offered.

MOTION: Council Member Beecher motioned to close the public hearing. Council Member Wilhelmsen seconded the motion. All Council Members voted aye. Motion passed.

- b. PUBLIC HEARING: Harrisville City Resolution 18-07; a resolution adopting the FY 2018-19 final budget for the fiscal year ending June 30, 2019.**

MOTION: Council Member Wilhelmsen motioned to open the public hearing for Harrisville City Resolution 18-07; a resolution adopting the FY 2018-19 final budget for the fiscal year ending June 30, 2019. Council Member Weiss seconded the motion. All Council Members voted aye. Motion passed.

Elaine Andrushko asked for a copy of the budget and was provided a copy by staff. Mayor Tait noted this budget is balanced. No further public comments were offered.

MOTION: Council Member Beecher motioned to close the public hearing. Council Member Weiss seconded the motion. All Council Members voted aye. Motion passed.

- c. Discussion /possible action to adopt Harrisville City Resolution 18-09; a resolution adopting the 2018 Certified Tax Rate.**

Lynn Fortie reviewed the proposed certified tax rate. Bill Morris said there was an article in the Standard Examiner referring to the possibility of Ogden City raising property tax to capture some of the decrease in the certified tax rate. Lynn Fortie explained there is no inflationary mechanism to address this; we do not receive an increase in property tax, just new growth. As the county reassesses the value of homes, the tax rate must fluctuate. Our tax rate is decreasing because property values are increasing.

Council Member Robinson said the League of Cities and Towns would like to do away with this taxing system. He feels this is not fair to the citizens. Bill Morris pointed out special service districts incrementally increase their taxes to adapt to the inflationary costs. Mayor Tait explained this is what Ogden City is trying to capture. Council Member Robinson commented that is the point where residents have an opportunity to address this. Council Member Wilhelmsen stated the only way to capture this money is to increase property tax. Bill Morris said there is inflation built into sales tax. Council Member Robinson said property tax is not good for citizens because they never really own their home outright. Bill Morris explained the history of property tax through the royal fee. This is based on thousands of years of common law.

Lynn Fortie said local governments consider this a good thing. The decrease in certified tax rate is due to the increase in property values. This information is directly from the county.

MOTION: Council Member Beecher motioned to approve Harrisville City Resolution 18-09; a resolution adopting the 2018 Certified Tax Rate. Council Member Weiss seconded the motion. A Roll Call Vote was taken.

Council Member Weiss	Yes
Council Member Beecher	Yes
Council Member Robinson	Yes
Council Member Wilhelmsen	Yes

Motion passed 4-0.

d. Discussion/possible action to adopt Harrisville City Resolution 18-06; a resolution adopting the FY 2017-18 amended budget for the fiscal year ending June 30, 2018.

Lynn Fortie explained he does not try to adjust each line item that is potentially going to go over budget, just the main lines that will for sure need adjustments. He looks for the one line item that is most out of line. He noted a correction to a specific line item. Because we have to keep a balanced budget, he finds the accounts that have the broadest scope. Bill Morris commented there are very few changes. He said the departments heads and Lynn Fortie do very well sticking to the budget. Council Member Robinson asked about the engineering services. Bill Morris explained the engineering is due to more development than what was originally planned for; particularly in the mixed use zone that requires both more engineering and planning. He also commented we modified our mapping, which increased our engineering as well. Council Member Robinson asked what the fund balance is. Lynn Fortie said this is a projected amount at this time. He pointed out the proposed balance from the next fiscal year budget shows the projected amount. He said this is a budgeted amount, not necessarily what is going to be spent. There are several line items that are lower than anticipated and he feels this is not going to cause an issue. If he anticipates a change, he addresses that. Revenues have a three month lag which makes it hard to project the end numbers. We are just now receiving sales tax amounts for March. We will not have final numbers for this fiscal year until September. Mayor Tait explained the numbers are looking good for this year. Lynn Fortie confirmed there was a small overall net income decrease from March to April and if this holds, we will still be in the positive. There are still a couple of months we are waiting for. There is currently a projected surplus of \$163,018, with two months remaining to close out the fiscal year.

MOTION: Council Member Wilhelmsen motioned to adopt Harrisville City Resolution 18-06; a resolution adopting the FY 2017-18 amended budget for the fiscal year ending June 30, 2018. Council Member Beecher seconded the motion. A Roll Call Vote was taken.

Council Member Weiss	Yes
Council Member Beecher	Yes
Council Member Robinson	No
Council Member Wilhelmsen	Yes

Motion passed 3-1.

e. Discussion/possible action to adopt Harrisville City Resolution 18-07; a resolution adopting the FY 2018-19 final budget for the fiscal year ending June 30, 2019.

Lynn Fortie explained the changes since the last version. The Jeep for administration was not shown in motor pool, this was added to motor pool, but was already reflected in

the general fund. Also the fence budget has been added to the new budget. Lynn Fortie said he and Bryan Fife discussed having a contingency for the splash pad; \$3,000 in case something goes wrong with the splash pad. This has been adjusted to the splash pad account along with a budget note. The budget line now is \$10,000 with \$3,000 for the contingency. If nothing comes up during the year, this money will not be spent. Also the recycling fees have increased. Since that has come to our attention, this was added to reflect properly in the budget. We collect what we pay on this so the revenue and also the cost of service were adjusted. One additional change since then, Bryan Fife requested an increase to the wage on the new recreation employee. Lynn Fortie outlined the budget line items that include this increase.

Council Member Wilhelmsen asked if the rainy day fund would contain the surplus. He knows there was some back and forth including an error that was fixed to our favor. Lynn Fortie explained this is a slang term used typically by cities. This fund is to cover contingencies to use and still function. Council Member Wilhelmsen asked where we sit. Lynn Fortie said the 2017 fiscal budget projects a 24%. With the error in impact fees, he would have had to transfer money to capital projects. What we are talking about as of April, this might exceed the 25% allowable amount, which is allowed if you are going to use it in the next budget year. That is what he is predicting we will be doing this next year. Council Member Wilhelmsen said this is delicate funding and asked how much is realistic to have in reserves to draw on, if there is a need to use to run our departments. Bill Morris recommended having this as high as possible to the 25% allowable amount. Lynn Fortie said assuming the projected surplus holds, we will still have the 25%, plus the surplus, plus the keying error that was fixed. We would already be over, although the year end increases can change.

Council Member Wilhelmsen said we have lived at a lean time, with departments running lean and on vapors at times. This is creating a doom and gloom feeling. He understands Council is not here to spend money, the reserves are important, but if there are needs to be met, we need to cover the needs as a benefit to our citizens. Bill Morris pointed out a lot of cities would be envious of our position, with a nearly maxed out 25%, the surplus in capital projects, and the reserve funds with no bonding. Council Member Robinson asked if this can be given back to the residents. Bill Morris pointed out this decreased 11% this year by the certified tax rate.

Lynn Fortie said this is not for particular properties, but as a whole. The residents still pay the same amount, or rate. Bill Morris pointed out with the public safety issues, a shortage of police officers; we are not in an ideal position. Now these issues are affecting the fire department and recreation staff as well. The new retirement system is turning people off.

Mayor Tait pointed out the importance of taking care of the community. She feels it is important to maintain the city's needs and interest, so the community stays and people are sustained. We can maintain a good quality of life for people. Council Member Wilhelmsen thanked the department heads for their work.

Council Member Robinson expressed his frustration with how the budget session was run this year. He commented North Ogden started their budget process in February. Each department head presented their budget to Council and they took four months to review this. He said he does not feel he was involved in the budget process like before. He disagreed with giving employees an increase. Mayor Tait pointed out they are just

bringing them up to where they need to be. Council Member Wilhelmsen said that is why he asked where our overall budget sits. This is benefiting our city because we are more effectively running our cities needs. He asked how much it costs the city in extra payroll to discuss these budget needs. He feels that is not fair to the department heads to be here after hours. Streamlining this process has helped by having the information presented this way.

Council Member Beecher reminded Council two weeks ago we had a citizen who voiced concern about the activity at the park. We do not have the man power and officers to address the needs of the people. They are spending time at WalMart which takes officers off the street patrolling. He applauded the employees for their efforts. Council Member Robinson said that is the problem with having a big box store. Council Member Weiss said he is happy with the balanced budget and agreed he would like to take care of the city employees.

MOTION: Council Member Weiss motioned to adopt Harrisville City Resolution 18-07; a resolution adopting the FY 2018-19 with amendments final budget for the fiscal year ending June 30, 2019. Council Member Wilhelmsen seconded the motion. A Roll Call Vote was taken.

Council Member Weiss	Yes
Council Member Beecher	Yes
Council Member Robinson	No
Council Member Wilhelmsen	Yes

Motion passed 3-1.

f. Discussion/possible action to approve Harrisville Resolution 18-08; a resolution authorizing agents for PTIF.

Bill Morris explained the PTIF fund is a state fund where we keep money being held to get the best interest rate to get the best return on our money. The attached resolution indicates who is allowed to touch these funds to transfer on behalf of the city. Council Member Robinson asked who it has been in the past. Bill Morris said these same individuals but now is being approved by the governing body.

MOTION: Council Member Beecher motioned to approve Harrisville Resolution 18-08; a resolution authorizing agents for PTIF. Council Member Weiss seconded the motion. A Roll Call Vote was taken.

Council Member Weiss	Yes
Council Member Beecher	Yes
Council Member Robinson	Yes
Council Member Wilhelmsen	Yes

Motion passed 4-0.

5. Public Comments - (3 minute maximum)

Nathan Averill, 1292 Georgia Ave, said he was reading through the public comments from two weeks ago. He does not feel a four way stop on Independence will do anything. Most people do not speed, he drives this all the time.

6. Mayor/Council Follow-Up:

Mayor Tait informed Council there is a crime prevention seminar this Thursday, from 5-7pm at the Cabin. Detective Gammell will be presenting this and would like an RSVP. Max Jackson said Allison Hatch is inviting Council to attend a neighborhood watch meeting at Majestic Elementary on June 25th at 6:15pm. WalMart will be helping them out by giving them some supplies. Council Member Robinson asked for the meeting to be advertised on the marquee. Mayor Tait said this is not a city sponsored event, we are just invited. Bill Morris confirmed the city does not want liability on this. Mayor Tait said this is a closed group on Facebook. They do not want uninvited guests on this page. Max Jackson will find out if this is okay with the group before the city advertises.

Council Member Robinson asked for the newsletter to be available at Lee's grocery store. Bill Morris will check with Laurence on the possibility of sending this to Lee's. Council Member Robinson asked about putting the newsletter in Kent's in Plain City as well.

Council Member Wilhelmsen suggested having Council reports from the meetings they attend added to the agenda.

7. Adjourned.

Mayor Tait declared the meeting adjourned at 8:01pm.

ATTEST:

MICHELLE TAIT
Mayor

JENNIE KNIGHT

City Recorder

Approved this 10th day of July, 2018.

**HARRISVILLE CITY
RESOLUTION 2018-10**

**A RESOLUTION OF HARRISVILLE CITY, UTAH, ENTERING AN
INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER SCHOOL
DISTRICT AND HARRISVILLE CITY FOR LAW ENFORCEMENT SERVICES.**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 3, Utah Code Annotated, 1953 as amended, permits governmental units to enter into agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources;

WHEREAS, Title 11, Chapter 13, Section 5 of the Utah Code Annotated, 1953 as amended, provides that governing bodies of governmental units adopt resolutions approving an interlocal agreement before such agreements may become effective;

WHEREAS, Harrisville City (hereafter “City”) and the Weber School District (hereafter “WSD”) have mutually agreed to law enforcement services;

WHEREAS, WSD proposes a new Interlocal Cooperation Agreement (hereafter “Agreement”) for said services attached hereto as Exhibit “A” and incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Harrisville City that the Interlocal Agreement with Weber School District attached hereto as Exhibit “A” and incorporated herein by this reference is approved and adopted. The City Council hereby authorizes and directs the Mayor to execute the Agreement and any documents relating thereto for and on behalf of the City.

PASSED AND APPROVED by the Harrisville City Council this 10th day of July, 2018.

	Roll Call Vote Tally	Yes	No
_____ MICHELLE TAIT, Mayor Harrisville City	Council Member Wilhelmsen	___	___
	Council Member Robinson	___	___
	Council Member Pearce	___	___
ATTEST:	Council Member Beecher	___	___
	Council Member Weiss	___	___

JENNIE KNIGHT, City Recorder

**AGREEMENT BETWEEN
THE BOARD OF EDUCATION OF THE WEBER SCHOOL DISTRICT
AND HARRISVILLE CITY
FOR LAW ENFORCEMENT SERVICES**

This Agreement is made and entered into this ____ day of _____ 2018, pursuant to the provisions of The Interlocal Cooperation Act, Title 11, Chapter 13, et seq., Utah Code Annotated 1953 as amended "Interlocal Act" by and between Harrisville City, a Utah municipal corporation, hereinafter referred to as "Harrisville," and The Board of Education of the Weber School District, a school district of the State of Utah, hereinafter referred to as "District."

WITNESSETH

WHEREAS, District wants a safe and secure environment for its students, faculty, and all others using the district's school campuses and to allow students to obtain a quality education free from distractions; and

WHEREAS, District desires to make the most cost effective use of tax dollars to provide law enforcement services in designated schools; and

WHEREAS, District feels that Harrisville will provide excellent, cost effective, law enforcement within several of the District's schools; and

WHEREAS, Harrisville is able and willing to provide the law enforcement needed by the District; and

WHEREAS, Both parties would like to provide a platform for positive interactions between law enforcement personnel, students, and staff in order to build and strengthen the partnership between the students, the staff, the community, and law enforcement; and

WHEREAS, District has determined it is mutually advantageous to enter into this Agreement for Harrisville to provide law enforcement services to the District through the use of School Resource Officers ("SROs") working on and around the various school campuses to help provide and maintain a safe, healthy, and productive learning environment in school, to act as a positive role model to students, and to work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the Local Education Authority; and

WHEREAS, It is agreed the services provided will be paid for by District, as hereinafter set forth, and the respective entities have determined and agree the amount set forth herein is reasonable, fair, and adequate compensation for providing the described law enforcement related services;

NOW THEREFORE, Pursuant to the Interlocal Act, the parties hereby agree as follows:

SECTION ONE AGREEMENT

- 1.01** Harrisville agrees to provide SROs who will furnish various law enforcement services to the District, to the extent and in the manner hereinafter set forth. Harrisville Police Chief shall be the administrator of this Agreement for Harrisville. The District designates the officers provided by Harrisville Police Department under this agreement as its "Law Enforcement Unit."
- 1.02** Both parties agree to jointly discuss SRO assignments.
- 1.03** Municipality agrees to accept feedback from the District about an SRO's performance.
- 1.04** This Agreement terminates and supersedes any existing Agreement for the provision of SROs, whether oral or written, that may exist between the parties.

SECTION TWO SCOPE OF SERVICES

- 2.01** Harrisville will furnish officers to work as SROs in the District's Junior High Schools, High Schools, and other Schools located in Harrisville as determined from time to time by the parties to this Agreement.
- 2.02** Under this Agreement, the District and SROs are jointly responsible to help maintain safe schools, improve school climate, and support educational opportunities for students.
- 2.03** To serve as an SRO, an officer must first meet all of the following basic qualifications:
 - a) Be a POST Certified officer and have at least one year of law enforcement experience.
 - b) Have appropriate knowledge and understanding of Federal and State laws, City and County ordinances, and Board of Education policies and regulations as applicable to law enforcement in schools.
 - c) Be capable of conducting in-depth criminal investigations.
 - d) Possess even temperament and set a good example for students.
 - e) Possess communication skills that would enable the officer to function effectively within the school environment.
 - f) Attend and complete SRO training, including training required under Utah law.
- 2.04** The SROs will perform the following duties on the school campuses during the school year and at designated school events:
 - a) Protect lives and property of the citizens and public school students of the County.
 - b) Investigate and support administrative investigations of violations of all state laws, city and county ordinances and, as agreed upon, Board of Education Policies and Administrative Regulations.

- c) Confer with administrator to resolve student offenses that include minor violations of the law and status offenses on school property.
- d) Refer to the administrator student offenses that are infractions of Board of Education Policies and Administrative Regulations.
- e) Patrol school halls and grounds during school hours, including lunches and assemblies.
- f) Maintain an open line of communication with school administrators.
- g) Investigate all reports of criminal activity on school property, except when other officers are responsible for the area or event.
- h) Assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned.
- i) Provide traffic control during the arrival and departure of students when necessary.
- j) At times, teach classes, as agreed upon, pertaining to law enforcement, school safety, and other approved subjects.
- k) Assist school staff in formulating and enforcing the "Safe School Policy."
- l) Arrange for guest speakers from the law enforcement community for special events related to substance abuse and other law enforcement related subjects.
- m) Maintain a highly visible peace officer presence in the schools.
- n) Be available to students to answer questions pertaining to laws, ordinances, or other law enforcement issues.
- o) Counsel students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of a student.
- p) Be a friendly positive role model for students.
- q) Report all gang and other criminal activity to the appropriate follow-up Unit.
- r) Coordinate security at special school events or functions at the request of the principal or the principal's designee.
- s) Attend extracurricular activities at the SRO's school and provide law enforcement support as agreed upon. Any additional officers from a law enforcement agency must be requested by the principal and will be compensated by principal out of school funds.
- t) At the request of the principal or the principal's designee and with appropriate compensation paid by the principal from school funds, attend extracurricular activities located away from the school and provide law enforcement support as agreed upon.
- u) Work directly under the supervision of the school administrator(s) for school-related matters and maintain full responsibility to the law enforcement chain of command in Harrisville Police Department.
- v) Wear the uniform or uniform options in the assigned school as approved by Harrisville Police Department.
- w) Keep separate Law Enforcement Unit records of incidents and investigations that are maintained for law enforcement purposes, and submit all incidents and arrest reports to the SRO's agency according to their departmental policy.
- x) Maintain communications with supervisors, school administration, and school safety personnel through assigned radios, pagers, voice-mail, and cellular phones.

Voice-mail should be checked each working day for any broadcast messages.

- y) Participate in parent, teacher, and student meetings when appropriate and in campus activities, student organizations, and athletic events when feasible.
 - z) Notify immediate supervisor, the school safety coordinator (when applicable), and the school principal or the principal's designee when absent from work due to illness, training, vacation, or an agency emergency.
 - aa) Provide backup SROs to cover absences of an assigned SRO whenever possible.
 - bb) If an SRO, or backup officer, is not present at his/her assigned school during duty hours, Harrisville Police Department will arrange for another officer to be on call to respond to emergencies, answer questions, and deal with emerging problems.
 - cc) At Harrisville Police Department's discretion, the SRO may leave school when needed to respond to an agency emergency.
 - dd) Be present at the school Monday through Friday.
 - ee) Make referrals of criminal offenses to juvenile court in accordance with State law.
- 2.05** The SROs should **not** perform the following:
- a) Act as substitute teachers.
 - b) Handle school disciplinary duties for which the principal and school administration are responsible.
 - c) Handle incidents occurring on school property when other officers are assigned to the particular event, i.e. parking lots, special events.
 - d) Act as counselors on student issues not relating to law enforcement.
- 2.06** Harrisville will designate an officer or appropriate supervisor as the liaison to the District for the purpose of coordinating activities with Harrisville Police Department attending any District meetings as reasonably requested, and overseeing the delivery of police services under this Agreement. The placement of SROs will be determined by mutual agreement between Harrisville Police Department and the District. Primary consideration will be given to student rapport and assignment longevity.

SECTION THREE STUDENT RIGHTS

- 3.01** Harrisville and the District agree that in handling all student offenses, both parties will comply with state and federal law regarding the rights of students, as follows:

As a general rule, if there are possible criminal implications to the students' conduct, the administrator may refer the investigation to the SRO, and the SRO will conduct interviews and searches in accordance with appropriate law. If the SRO determines the conduct to be a status offense or a class C misdemeanor, the SRO will refer the case to the administrator for disciplinary action.

1. Searches:
 - a) If an administrator is conducting a search, the administrator must have reasonable suspicion to conduct the search and the search must be reasonable in scope.
 - b) If an SRO is conducting a search, the SRO must have probable cause to conduct the search and the search must be limited in scope to the purpose of the search.
 - c) Administrators, not SROs, should conduct searches when a school rule or policy is at issue. SROs may conduct searches where criminal law is at issue.

2. Questioning:
 - a) When conducting an investigation at school regarding violation of school rules, administrators will take the lead on questioning students.
 - b) SROs may be present during administrator interviews of students, but should not participate where the interview is focused on the school infraction.
 - c) Administrators may question students regarding violations of school rules without notifying parents and without reading a student his/her *Miranda* warnings.
 - d) When students under the age of 14 are suspected in potentially criminal activity, SROs will comply with Utah Rules of Juvenile Procedure.
 - e) To the extent allowed by law, administrators and Harrisville Police Department will share information related to offenses occurring on campus obtained during respective interviews by administrators and SROs in order for the non-interviewing party to perform its duties with respect to the student.

3. Information privacy:
 - a) Information obtained by administrators during the course of an administrative investigation will be maintained confidentially in the student's file at the school and is considered part of the student's education record under the Family Education Rights to Privacy Act.
 - b) Information obtained by the SRO during the course of a criminal investigation will be maintained by Harrisville Police Department in accordance with its policies and procedures.
 - c) Information may be shared with each party to this Agreement in accordance with state and federal law and Harrisville Police Department's policies and procedures.
 - d) Nothing in this Agreement limits the District's requirement to notify parents and right to notify law enforcement of prohibited acts pursuant to Utah law, and of its requirement to notify law enforcement for weapons violations pursuant to Utah law. Nothing in this Agreement limits Harrisville in its requirement to notify the District of certain offenses by minors pursuant to Utah Code 78A-6-112(3)(b) and 78A-6-117(1)(b). Any persons having information obtained under any of the aforementioned statutes will comply with all confidentiality requirements of the statutes.

**SECTION FOUR
SCHOOL RESOURCE OFFICER TIME ALLOCATION**

- 4.01** SROs will allocate their time based upon the following guidelines:
1. 50% of an SRO's time should be devoted to:
 - a) Law enforcement
 - b) Foot patrol and surveillance around the school
 - c) Investigations
 - d) Safe school support-fights/parking lot
 2. 30 – 35% of an SRO's time should be devoted to:
 - a) Building relationships
 - b) Opening communications between Schools and Agencies
 - c) Personal interaction with administration/Students/Staff/Parents
 - d) Creating an open door atmosphere
 - e) Intervention and problem solving
 - f) Providing a friendly positive role
 - g) Interagency referrals
 3. 5 – 20% of an SRO's time should be devoted to:
 - a) Teaching law-related education classes
 - b) Participation with students (activities and events)
 - c) Proactive instruction and presentations
 - d) Answering questions pertaining to laws, ordinances, or other law enforcement issues.

**SECTION FIVE
EQUIPMENT AND OTHER FACILITIES**

- 5.01** Harrisville will furnish all necessary labor, supervision, equipment, communications facilities, uniforms, badges, firearms, and other items of equipment reasonably necessary to provide the services described herein. School supplies and equipment will be supplied by the District.

**SECTION SIX
AUTHORITY AND EMPLOYMENT STATUS**

- 6.01** The SROs assigned by Harrisville Police Department under this agreement are designated as the District's Law Enforcement Unit and shall be treated and considered as members of the faculty of the schools to which the officers are assigned. However, for purposes of liability, officers shall not be deemed to be District officers or employees.
- 6.02** All SROs assigned to perform duties under the terms of this Agreement shall be

Harrisville employees, and shall have no right to any pension, civil service, or any other District benefit for services provided hereunder.

SECTION SEVEN GOVERNMENTAL IMMUNITY

- 7.01** Harrisville and the District are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. Sections 63G-7-101, et seq. (“Act”). Subject to the provisions of the Act, Harrisville and the District agree to indemnify and hold harmless the other Party, its elected officials, officers, employees, agents, and volunteers from and against any and all actions, claims, lawsuits, proceedings, liability damages, losses, and expenses (including attorney’s fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that Party, its elected officials, officers, employees, agents, and volunteers. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to Harrisville or the District under the Act.

SECTION EIGHT RESPONSIBILITY FOR SALARY AND BENEFITS

- 8.01** The District shall not assume any liability for the payment of any salaries, wages, employment benefits, or other compensation to any Harrisville personnel performing services hereunder for the District and will not assume any other employment related liability except as provided for in this Agreement.
- 8.02** The District shall not be liable for compensation or indemnity to any Harrisville employee for injury or sickness arising out of his employment, unless otherwise provided herein, and Harrisville hereby agrees to hold the District harmless against any such claim.

SECTION NINE PERIOD OF AGREEMENT

- 9.01** Unless sooner terminated as provided for herein, this Agreement shall be effective 12:01 a.m., 2018 (Date) and shall run for a sixty month period until 12 midnight on (Date).
- 9.02** Notwithstanding the provisions of this Section, either party may terminate this Agreement at any time by giving 180 days prior written notice to the other party.

**SECTION TEN
COST OR PAYMENT**

- 10.01** The District agrees to pay Harrisville the amount set forth in Attachment A, which is attached hereto and incorporated herein by reference, for the services provided pursuant to this Agreement.
- 10.02** The rates set forth in Attachment A, may be renegotiated at the request of either party prior to July 1 of each year of this Agreement to reflect the current cost of the provided services in accordance with the policies and procedures for the determination of such rate as adopted by Harrisville and agreed to by the District.
- 10.03** The compensation paid by the District to Harrisville pursuant to this Agreement shall be used only for the services provided pursuant to this Agreement, and Harrisville shall not have the authority or right to use such funds for other purposes. Further, Harrisville agrees not to offset Harrisville Police Department present or future budget because of the compensation paid pursuant to this Agreement.

**SECTION ELEVEN
PAYMENT PROCEDURE**

- 11.01** The District shall remit one quarter of the contract amount to Harrisville within 20 days after receiving a bill, in a form approved by the District, at the close of each calendar quarter. If such payment is not remitted to Harrisville when due, Harrisville is entitled to recover interest at the rate of twelve percent (12%) per annum thereon as well as the contract amount.

**SECTION TWELVE
INTERLOCAL AGREEMENT**

- 12.01** In satisfaction of the requirements of the Interlocal Act, Harrisville and the District agree as follows:
- a) This Agreement shall be approved by each Party, pursuant to Section 11-13-202.5 of the Interlocal Act
 - b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5(3) of the Interlocal Act
 - c) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act
 - d) No separate legal entity is created by the terms of this Agreement

**SECTION THIRTEEN
PROBLEM RESOLUTION**

13.01 The parties shall have the right upon request and through their authorized representative, to meet and confer with the other party's representative to discuss any problems arising regarding the performance, an individual officer's performance, and the costs for future periods, or any other issues related to this contract.

**SECTION FOURTEEN
AMENDMENT**

14.01 This Agreement may only be amended by a writing signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their Authorized representatives as of the date first written above.

Harrisville

By _____
Mayor

ATTEST:

Harrisville Recorder

Approved as to Form and as Compatible with State Law:

Harrisville Attorney

The Board of Education of the Weber School District

By _____

Name: _____

Its: _____

ATTEST:

Approved as to Form and as Compatible with State Law:

Weber School District Attorney

ATTACHMENT A

**HARRISVILLE POLICE DEPARTMENT
COST BREAKDOWN**

HARRISVILLE POLICE	HOURS	2016-17	2017-18	2018-19
Orion Jr. High School	20	\$17,812.50	\$23,437.50	\$23,437.50
TOTAL PAID BY DISTRICT				
		\$17,812.50	\$23,437.50	\$23,437.50