



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

June 10, 2013

5:30 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

7:30 p.m. CITY COUNCIL MEETING

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of June 10, 2013;
Her Honor Mayor Kitty Piercy Presiding**

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

5:30 p.m.

A.

COMMITTEE REPORTS:

Police Commission, Lane Metro Partnership, Lane Workforce Partnership, Lane Transit District/EmX, Oregon Metropolitan

Planning Organization Consortium, McKenzie Watershed Council

- 6:00 p.m. B. WORK SESSION:
Core Campus – Application for Multiple-Unit Property Tax
Exemption for Residential Property Located at 505 East Broadway
(The Hub in Eugene)**

**CITY COUNCIL MEETING
Harris Hall**

- 1. Pledge of Allegiance to the Flag**
- 2. PUBLIC FORUM**
- 3. CONSENT CALENDAR**
(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)
 - A. Approval of City Council Minutes**
 - B. Approval of Tentative Working Agenda**
- 4. PUBLIC HEARING:
An Ordinance Concerning Suspension of Paper Bag Pass-Through
Charge in Section 6.860 of the Eugene Code, 1971; and Providing a
Sunset Date**
- 5. ACTION:
Appointments to Boards, Commissions, and Committees**
- 6. WORK SESSION:
Report to City Council from Police Auditor**
- 7. WORK SESSION:
City Hall**

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede

proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

or visit us online at www.eugene-or.gov

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Core Campus – Application for Multiple-Unit Property Tax Exemption for Residential Property Located at 505 East Broadway (The Hub in Eugene)

Meeting Date: June 10, 2013
 Department: Planning and Development
www.eugene-or.gov

Agenda Item: B
 Staff Contact: Amanda Nobel
 Contact Telephone Number: 541-682-5535

ISSUE STATEMENT

The work session will be a second opportunity for the council to discuss the Core Campus proposal to build student housing at 505 East Broadway (see Attachment A).

BACKGROUND

On May 24, the council held a work session to review the Core Campus proposal and the public comments received through May 21. In January 2013, the City of Eugene received a Multi-Unit Property Tax Exemption (MUPTE) application from Core Campus for a proposed housing development (The Hub in Eugene) on East Broadway and Ferry Street. Since the Core Campus application was submitted prior to the temporary program suspension, the existing program rules have been applied to this review.

Information Requested at the May 29 Work Session

At the May 29 work session, councilors made the following requests for information:

- Research on other MUPTE-like programs in university towns (Attachment B)
- Student population forecast (Attachment C)
- Additional financial analysis for Core Campus (Attachment D):
 - Five- and six-year tax exemption
 - increased additional payments to the City, as negotiated with Core Campus following the work session and the mechanism for guarantee
- Transportation Impact Analysis (TIA) requirements related to this project and Core Campus's bike/pedestrian plan for access and safety (Attachment E)
- Local hiring (Attachment F)
- Consistency with the Downtown Plan: One of the requirements for approval of a MUPTE is a finding by the council that the project is, or will be, consistent with all local plans (including the Downtown Plan) at the time of completion. Staff believes that the project is consistent and the council can make that finding as part of an approval resolution. A

proposed approval resolution (and a proposed disapproval resolution) will be provided with the June 17 agenda item summary (AIS).

Project Overview

The Hub in Eugene would be a 12-story, \$44 million project: 197 apartments with on-site parking, nearby parking, and commercial retail space. The site, which was a former Chevron service station, has been vacant for eight years and is a brownfield site. Directly to the west is a Korean/Japanese restaurant (formerly a Dunkin Donuts). To the east is a Pizza Hut. Due north is a storage facility, and south, across Broadway, are eating establishments (including Burrito Boy) and offices.

The project is proposed to have 501 bedrooms, 4,430 square feet of retail space, 34 on-site parking spaces, and 88 surface parking spaces in a nearby lot (901 Franklin proposed). The building would be designed to achieve LEED Silver certification and would include a green roof among other features. The first-floor commercial spaces, sales center, and lobby, would have a clear floor-to-ceiling glass storefront. The commercial space would front East Broadway.

The development would have onsite staff and security: six to eight full-time jobs and six part-time jobs. The full-time staff would consist of a property manager, an assistant manager, a leasing director, a leasing professional, a chief building engineer, a maintenance technician, and porters.

The proposed construction schedule would be 14-16 months long and provide an average of 120-150 construction jobs. If the MUPTE is approved, construction would begin in February/March 2014.

MUPTE Program

The MUPTE program is enabled by state legislation and designed to encourage higher density housing and redevelopment in the core area and along transit corridors. The objective aligns with several of the pillars of Envision Eugene. Increasing the amount of multi-family housing in the downtown and along transit corridors helps reduce pressure on urban growth boundary (UGB) expansion and protects existing neighborhoods.

The program provides a 10-year property tax exemption on qualified new multi-unit housing investments that occur within a specific, targeted area, that meet program requirements, and that are reviewed and approved by the council. During the exemption period, property owners still pay taxes on the assessed value of the land and any commercial portions of the project, except those commercial improvements deemed by the council to be a public benefit and included in the exemption. In September 2011, the council added the option to exempt the commercial portion of a multi-unit housing project to the extent that the commercial property is required or considered to be a public benefit. The council amended Eugene's code provisions in November 2008 to assist both staff and the council in evaluating a MUPTE application with 1) adoption of approval criteria and 2) direction to the City Manager to adopt a public benefit scoring system (described below).

Staff's review of the Core Campus MUPTE proposal is based on the current program requirements. As ideas and potential revisions to the MUPTE program have emerged from the City Council's

discussions, staff has had conversations with the developer about the possibility of incorporating elements of the MUPTE revisions into proposed conditions of approval.

Public Comments

A display advertisement was published in *The Register-Guard* on May 4, 2013, soliciting comments for 30 days on the Core Campus MUPTE application. The period ends on June 3, 2013, at 5 p.m. All written comments received by staff are included as Attachment G. The Downtown Neighborhood Association Steering Committee unanimously took a position of support for the Core Campus project with specific points on safety for pedestrians and bicyclers (Attachment H).

Public Benefits

After reviewing the Core Campus application against the public benefit scoring criteria in the Standards and Guidelines, staff determined that the proposed development earned 290 points. (A minimum of 100 points is required for the City Manager to recommend that the council approve an application.) Points were awarded for the project through the following benefits:

- *Density*: 50 points (10 points per unit in excess of the minimum code requirement; 50 points max)
- *Green Building Features and Quality of Building Materials*: 100 points for planned LEED certification
- *Accessibility*: 40 points (10 points per accessible unit)
- *Location*: 100 points for being located within the Downtown Plan Area

Financial Analysis

The applicant demonstrated that the project as proposed could not be built but for the benefit of the tax exemption. Staff and the Loan Advisory Committee reviewed the pro-forma, including assumptions regarding lease rates, operating costs, capitalization rate, lender underwriting criteria, interest rate assumption, and market expected rate of return. The committee confirmed the financial assumptions used in the analysis and unanimously concluded that the tax exemption is needed to generate a return on investment sufficient to attract the required equity investment. (See Attachment I for the financial analysis that was also provided in the May 29 AIS.)

Tax Impact

The Hub in Eugene would continue to generate property tax revenue on the land. Staff estimates the property tax paid would be \$11,200 in year one. After 10 years, the entire development would be taxable, estimated at \$620,000 in year 11. Core Campus states that the MUPTE is vital to the development and, if it is denied, the 12-story housing development would not be built. The chronically underdeveloped site is zoned C-2, community commercial for medium density commercial. The surrounding area is a mix of fast food and small format motels. If the Core Campus project does not move forward, the property is likely to develop in a similar manner as the surrounding area, which would produce less value and tax revenue.

Need for Tax Exemptions to Encourage Ground Floor Commercial

Core Campus proposes the potential inclusion of approximately 4,430 square feet of ground floor commercial space. The ground floor commercial use is considered to provide public benefit as commercial/retail uses in this area would support downtown vitality and the opportunity for

project residents and others in the area to easily walk to the proposed commercial/retail services. There are risks associated with tenanting ground floor commercial at lease rates that can support the cost of constructing the space. Additionally, mixing uses within one building typically adds construction costs related to building code requirements. Allowing the MUPTE to include the ground floor commercial/retail space would improve the financial feasibility of incorporating the space into the project and stimulate a desired form of mixed-use development.

Timing

June 17 is reserved for consideration of the Core Campus project; the City Manager's recommendation will be provided with the agenda item summary. This application was submitted on January 24. By state statute and code, if the council has not acted within 180 days from the application date, the application would be deemed approved.

RELATED CITY POLICIES

Utilization of the MUPTE program to stimulate new multi-unit housing development addresses many goals for Eugene and downtown, including:

Eugene Downtown Plan

- Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.
- Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.
- Actively pursue public/private development opportunities to achieve the vision for an active, vital, growing downtown.
- Use downtown development tools and incentives to encourage development that provides character and density downtown.
- Facilitate dense development in the courthouse area and other sites between the core of the downtown and the river.

Envision Eugene Pillars

- Promote compact urban development and efficient transportation options.
 - Integrate new development and redevelopment in the downtown, in key transit corridors and in core commercial areas.
 - Meet the 20-year, multi-family housing need within the existing Urban Growth Boundary.
 - Make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas.
- Protect, Repair and Enhance Neighborhood Livability.
 - Implement the Opportunity Siting (OS) goal to facilitate higher density residential development on sites that are compatible with and have the support of nearby residents. Implement a toolbox of incentives that support the achievement of OS outcomes.

Regional Prosperity Economic Development Plan

- Strategy 5: Identify as a Place to Thrive - Priority Next Step - Urban Vitality

As a creative economy is fostered, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

City Council Goal of Sustainable Development

- Increased downtown development

COUNCIL OPTIONS

This work session is an opportunity to provide information and receive feedback on the proposed Core Campus development. No formal action is requested.

CITY MANAGER'S RECOMMENDATION

The City Manager will use the feedback obtained at this work session to inform his recommendation on the Core Campus MUPTE application.

SUGGESTED MOTION

No motion is necessary at this time.

ATTACHMENTS

- A. Location of Proposed Project and Project Rendering
- B. Research on Other Similar Programs
- C. Student Population Forecast
- D. Additional Financial Analysis
- E. TIA Requirements and Bike/Ped Information
- F. Local Hiring Information
- G. Written Comment
- H. Email from DNA Chair with Results from Steering Committee Vote (provided in 5/29 AIS)
- I. Financial Analysis (provided in 5/29 AIS)

A copy of the MUPTE application for Core Campus is available in the Council Office and online at www.eugene-or.gov/downtownprojects.

FOR MORE INFORMATION

Staff Contact: Amanda Nobel Flannery

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ATTACHMENT A

Location of Proposed Project



Map: 5/10/13; Pictometry International Corp 2011

Project Rendering



Attachment B

Research on Other Programs

Staff was asked about other college town communities where housing developers targeting student tenants qualified for public incentives. Found examples fall into two categories. First, those developments where student tenants were major elements in anchoring larger, mixed-use projects that took advantage of local, state, and federal public resources and second, those where the developer utilized an existing tax incentive programs.

Examples include:

- Government Property Lease Excise Tax (tax abatement) in Arizona
 - “West 6th” Student Housing Project in Tempe (375 units)
 - “One East Broadway Center” in Tucson (196 units)
 - “The Cadence” in Tucson, (196 units, 456 beds, retail-- under consideration)
- Brownfield Tax Abatement through Michigan Economic Growth Authority in Michigan
 - 500BR “Union at Dearborn” Student Housing in Dearborn, MI
- Tax Abatement authorized under Blighted Property statute in Missouri
 - Approximately 72 units with 4BRs at “Bear Village” in Springfield, MO
 - Ten-year tax abatement by City Council vote

Many communities enter into public-private partnerships to create mixed-use developments that prominently feature student targeted housing to amplify the economic benefits of having a college or university in their community.

Examples include:

- “College Town” in Rochester, NY
 - \$100 million project; 150 apartments; 20,000sf concept grocer; 20,000sf Barnes& Noble; 1,500 parking spaces; office and retail; 1,200 estimated new jobs; \$2.5 million annual sales tax, \$1.8 million in income tax and \$600,000 in annual hotel tax
 - Public Incentives given: County of Monroe Industrial Development Agency provided \$13.5 million in tax abatement; \$800,000 in federal funds; \$17 million in public infrastructure improvements by City of Rochester; \$4 million through Governor’s Regional Council Initiative; \$20 million in HUD Section 108 loan to City of Rochester
- “Storrs Town Center” in Storrs, CT
 - Project in support of UCONN
 - \$220 million mixed-use project with \$20 million in public support
 - 127 apartments, 28,000sf retail

Mixed-Use Student Housing

Examples of
Public-Private Partnerships

One East Broadway Center: Tucson, AZ



- \$34 million project
- 196 Units
- 8-year Tax Abatement (GPLET)



West 6th: Tempe, AZ



- 375 units
- 30-year tax abatement

The Cadence: Tucson, AZ



- Application for GPLET made on 3/29/13
- Mixed-use and “mature” student housing
- 196 units, 456 beds; Total Project Costs of \$34,233,673

Union at Dearborn: Dearborn, MI



- \$30 million Urban Campus Communities development will include apartments for more than 500 student bedrooms in 145 units.
- Room styles will include fully furnished studios, two, three, and four-bedroom options
- Brownfield; eligible for \$2.34 million tax abatement through Michigan Economic Growth Authority.

Bear Village: Springfield, MO



One block from Missouri State University; Phase 1 has 24 units with 4BRs; Total project is projected to be \$30 million

Received Ten-Year Tax Abatement

Qualified under existing 1960s statute to offer abatements to improving the conditions of blighted properties

“College Town”: Rochester, NY

\$100 million project



Incentives

- County of Monroe Industrial Development Agency: \$13.5 million in tax incentives
- \$800,000 in federal funding
- \$17 million in public infrastructure improvements are in progress by the City of Rochester at the Mt. Hope and Elmwood intersection
- \$4 million through Governor Andrew M. Cuomo's Regional Council Initiative
- \$20 million Housing and Urban Development (HUD) Section 108 loan to the City of Rochester was announced for the project
- More than ½ project is local, state, and federal support.

“College Town” Rochester, NY



Benefits

- 1,200 estimated new jobs, including 900 in construction and 320 permanent positions expected within new local services;
- \$2.5 million in estimated annual sales tax generated from the retail operations of College Town;
- \$1.8 million in income taxes and \$600,000 in annual hotel taxes.
- Hilton Garden Inn and Conference Center consisting of 150 rooms, 3,000 square feet of meeting space, and an 85-seat American fusion restaurant;
- 150 Apartments;
- A 20,000 square-foot, fresh-market concept grocer;
- A 20,000 square-foot Barnes & Noble bookstore that will be the University's official bookstore with broad appeal to the community, with programs including children's story hour, lectures, and book signings;
- Street-level retailers, including a salon and spa, a bank, and multiple restaurants with outdoor patio seating;
- Second-story, grade-A office space, and housing for those who seek to lease with proximity to the University, Medical Center, and Rochester's central business district;
- 1,500 parking spaces, including 948 University-designated spots, surface lots, and on-street parking.



BUILDING 2 FROM MOUNT HOPE AVE

Storrs Town Center: UCONN



\$220 Million Project
\$25 million in public funds

127 Apartments
28,000 sf retail

Purpose: Create an urban center
to improve living conditions in
“cow town” of Mansfield

Storrs Town Center: UCONN



ATTACHMENT C**Student Population Forecast Summary****University of Oregon:**

- Fall 2012 full-time student enrollment: 21,917
- The Oregon University System is projecting U of O enrollment growth of approximately 1% per year. (Note: Historically, actual enrollment growth has exceeded OUS projections.)
- Over the past five years, full-time enrollment has increased by 23% (increase of 4,051 students).
- Over the past five years, approximately 3,000 newly constructed bedrooms have been added in the university area (including 450 on campus).
- An additional 1,600 bedrooms are expected to be completed for the 2013-14 year.
- Approximately 4,100 (19%) of the full-time students live on-campus.
- Approximately 17,800 (81%) of the full-time students live off-campus:
 - Based on survey information referenced by Corey Dingman (Duncan & Brown Real Estate Analysis) at the May 22 council workshop, an estimated 8,000 privately-owned rental bedrooms are in the university area.
 - Therefore, approximately 45% of all full-time students (10,000 students) are presumed to live throughout the community, outside of the university area.
- Core Campus's proposed 501 bedrooms could accommodate less than 3% of those students living off-campus.

Lane Community College & Northwest Christian University:

- Combined full-time total enrollment of approximately 16,000.
- Over the past five years, LCC's full-time enrollment has increased 39% (increase of 4,311 students).
- LCC is projecting enrollment to stabilize at the current level.
- With enrollment of only 623 students, NCU's future enrollment impact on housing demand is minimal.

ATTACHMENT D**Additional Financial Analysis****Proforma: Six-Year Tax Exemption**

Below is the 10-year proforma under a scenario where Core Campus receives a tax exemption for six years. The average cash on cash for the 10-year period is 8.5%.

With MUPT	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Income	\$ 4,649,100	\$ 4,695,600	\$ 4,742,500	\$ 4,790,000	\$ 4,837,900	\$ 4,886,200	\$ 4,935,100	\$ 4,984,500	\$ 5,034,300	\$ 5,084,600
- Vacancy	\$ 232,500	\$ 234,800	\$ 237,100	\$ 239,500	\$ 241,900	\$ 244,300	\$ 246,700	\$ 249,200	\$ 251,700	\$ 254,200
= Effective Gross Rent	\$ 4,416,600	\$ 4,460,800	\$ 4,505,400	\$ 4,550,500	\$ 4,596,000	\$ 4,641,900	\$ 4,688,400	\$ 4,735,300	\$ 4,782,600	\$ 4,830,400
- Operating Exp	\$ 1,413,300	\$ 1,427,500	\$ 1,441,700	\$ 1,456,200	\$ 1,470,700	\$ 1,485,400	\$ 1,500,300	\$ 1,515,300	\$ 1,530,400	\$ 1,545,700
- Property Tax (saved by MUPT)	\$ (449,000)	\$ (462,500)	\$ (476,400)	\$ (490,700)	\$ (505,400)	\$ (520,600)	\$ -	\$ -	\$ -	\$ -
= NOI	\$ 3,452,300	\$ 3,495,800	\$ 3,540,100	\$ 3,585,000	\$ 3,630,700	\$ 3,677,100	\$ 3,188,100	\$ 3,220,000	\$ 3,252,200	\$ 3,284,700
- Debt Service	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522
= CF	\$ 960,778	\$ 1,004,278	\$ 1,048,578	\$ 1,093,478	\$ 1,139,178	\$ 1,185,578	\$ 696,578	\$ 728,478	\$ 760,678	\$ 793,178
Cash on Cash Return	8.7%	9.1%	9.5%	9.9%	10.4%	10.8%	6.3%	6.6%	6.9%	7.2%

Proforma: Five-Year Tax Exemption

Below is the 10-year proforma under a scenario where Core Campus receives a tax exemption for five years. The average cash on cash for the 10-year period is 8.1%.

With MUPT	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Income	\$ 4,649,100	\$ 4,695,600	\$ 4,742,500	\$ 4,790,000	\$ 4,837,900	\$ 4,886,200	\$ 4,935,100	\$ 4,984,500	\$ 5,034,300	\$ 5,084,600
- Vacancy	\$ 232,500	\$ 234,800	\$ 237,100	\$ 239,500	\$ 241,900	\$ 244,300	\$ 246,700	\$ 249,200	\$ 251,700	\$ 254,200
= Effective Gross Rent	\$ 4,416,600	\$ 4,460,800	\$ 4,505,400	\$ 4,550,500	\$ 4,596,000	\$ 4,641,900	\$ 4,688,400	\$ 4,735,300	\$ 4,782,600	\$ 4,830,400
- Operating Exp	\$ 1,413,300	\$ 1,427,500	\$ 1,441,700	\$ 1,456,200	\$ 1,470,700	\$ 1,485,400	\$ 1,500,300	\$ 1,515,300	\$ 1,530,400	\$ 1,545,700
- Property Tax (saved by MUPT)	\$ (449,000)	\$ (462,500)	\$ (476,400)	\$ (490,700)	\$ (505,400)	\$ -	\$ -	\$ -	\$ -	\$ -
= NOI	\$ 3,452,300	\$ 3,495,800	\$ 3,540,100	\$ 3,585,000	\$ 3,630,700	\$ 3,156,500	\$ 3,188,100	\$ 3,220,000	\$ 3,252,200	\$ 3,284,700
- Debt Service	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522
= CF	\$ 960,778	\$ 1,004,278	\$ 1,048,578	\$ 1,093,478	\$ 1,139,178	\$ 664,978	\$ 696,578	\$ 728,478	\$ 760,678	\$ 793,178
Cash on Cash Return	8.7%	9.1%	9.5%	9.9%	10.4%	6.0%	6.3%	6.6%	6.9%	7.2%

Additional Payments to the City

At the May 29 work session, staff provided information on potential guaranteed payments Core Campus could make to the City in excess of the land property tax during years six through ten. The payments total \$955,000 and could be directed to an affordable housing fund.

Below is the 10-year pro-forma with the MUPTE and the additional payments to the City that was presented at the May 29 work session. The average cash on cash return for the 10-year period is 9.7%.

<i>With MUPTE</i>	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Income	\$ 4,649,100	\$ 4,695,600	\$ 4,742,500	\$ 4,790,000	\$ 4,837,900	\$ 4,886,200	\$ 4,935,100	\$ 4,984,500	\$ 5,034,300	\$ 5,084,600
- Vacancy	\$ 232,500	\$ 234,800	\$ 237,100	\$ 239,500	\$ 241,900	\$ 244,300	\$ 246,700	\$ 249,200	\$ 251,700	\$ 254,200
= Effective Gross Rent	\$ 4,416,600	\$ 4,460,800	\$ 4,505,400	\$ 4,550,500	\$ 4,596,000	\$ 4,641,900	\$ 4,688,400	\$ 4,735,300	\$ 4,782,600	\$ 4,830,400
- Operating Exp	\$ 1,413,300	\$ 1,427,500	\$ 1,441,700	\$ 1,456,200	\$ 1,470,700	\$ 1,485,400	\$ 1,500,300	\$ 1,515,300	\$ 1,530,400	\$ 1,545,700
- Property Tax (saved by MUPTE)	\$ (449,000)	\$ (462,500)	\$ (476,400)	\$ (490,700)	\$ (505,400)	\$ (520,600)	\$ (536,200)	\$ (552,300)	\$ (568,900)	\$ (586,000)
- Add'l Pymt to City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000	\$ 60,000	\$ 140,000	\$ 250,000	\$ 475,000
= NOI	\$ 3,452,300	\$ 3,495,800	\$ 3,540,100	\$ 3,585,000	\$ 3,630,700	\$ 3,647,100	\$ 3,664,300	\$ 3,632,300	\$ 3,571,100	\$ 3,395,700
- Debt Service	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522
= CF	\$ 960,778	\$ 1,004,278	\$ 1,048,578	\$ 1,093,478	\$ 1,139,178	\$ 1,155,578	\$ 1,172,778	\$ 1,140,778	\$ 1,079,578	\$ 904,178
Cash on Cash Return	8.7%	9.1%	9.5%	9.9%	10.4%	10.5%	10.7%	10.4%	9.8%	8.2%

Staff continues conversations with Core Campus about alternative “additional payment” scenarios. Staff will provide updated information to council as it becomes available.

Councilor Zalenka inquired about a mechanism to (a) ensure that the proposed later-year payments are paid and (b) obtain a guarantee from the Core Campus parent company. Council could require such a guarantee from the company by adding the guarantee as a condition of approval to the MUPTE resolution; such a condition could make the entire MUPTE conditional on the execution of a guarantee agreement with the parent company. Such a guarantee, however, should not be necessary to ensure payment since continuation of the MUPTE would be conditioned on each of the payments in the later years. For example, should Core Campus fail to make the proposed \$30,000 year six guaranteed payment, Core Campus would not receive the tax exemption for that year and would instead pay property taxes on the improved value to the site (estimated tax of \$520,600).

ATTACHMENT E**TIA Requirements and Bike/Ped Information**

The function of the Traffic Impact Analysis (TIA) is to identify and mitigate adverse impacts to the existing transportation system. The standard for the TIA requirement for a proposed development is that the project will generate an increase of more than 100 automobile trips in a peak hour period. If it is determined that this amount of traffic causes the traffic standards in the system to fail, mitigation measures may be required from the developer. By code, the TIA only looks at the impact of automobile traffic on the system, and does not typically analyze the impact in terms of bicycle or pedestrian traffic. We assume that Core Campus will require a TIA, although that will be determined prior to the submittal of building permits.

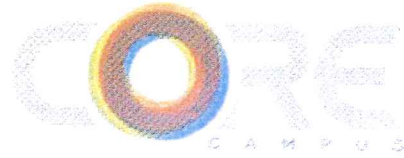
The mixed use/downtown code amendment project, which is an implementation of Envision Eugene, may have bearing on the Core Campus project, particularly the requirement for a TIA. Since the downtown core is built out to a well-developed grid of streets, signals and sidewalks, the TIA for projects downtown, excluding the EWEB property, is not considered an effective or necessary planning tool for evaluating or mitigating traffic impacts. The transportation infrastructure downtown is already in place, and any new development is highly unlikely to result in required improvements, such as street widening or additional signals. Additionally, the TIA measures the impact in terms of intersections, and the downtown street grids offer numerous options in terms of alternate paths. For downtown, the access management review may be sufficient to address any concerns about the impact of a new project, including where traffic from the project enters the downtown grid. In contrast, the EWEB property does not yet have the transportation infrastructure in place, and therefore there is a need to build the system as development occurs over the site.

The proposal to remove the requirement for the TIA as well as lower the Level of Service standard for most of downtown, in addition to the other code amendments, has been the subject of a Planning Commission public hearing and subsequent deliberation and will be the subject of a City Council public hearing in July. Council will have the opportunity to approve, change or deny the proposed code amendments later in the summer.

Bike & Pedestrian Plan Provided by Core Campus

Based on information provided by Core Campus, they indicate that they share the Downtown Neighborhood Association's concern about pedestrian and bicycle safety for residents at The Hub. Core Campus has committed to creating a design that includes a barrier in front of The Hub, along East Broadway, so residents and visitors are not tempted to cross the street in the middle of the block. The design will use streetscape elements to accomplish this in an attractive, safe manner. Core Campus states that they have used this approach in other projects. Core Campus will also work with the City to identify options for a pedestrian crossing at the corner of East Broadway and Ferry Street.

In addition, Core Campus will place signs in the area to encourage pedestrians and bicyclists to travel the safest routes to the universities as well as to downtown. Residents and visitors will be given and have access to maps identifying the safest routes. The maps will be included in move-in packets and will be available from management. During new resident orientation, as well as at regularly scheduled floor meetings, residents will be reminded about safe pedestrian and bicycle routes. The area will be well lit, so all traveling in the area after sundown are visible to each other.



May 31, 2013

Ms. Sarah Medary
 Assistant City Manager
 City of Eugene
 125 E. 8th Ave.
 Eugene, OR 97401

Dear Ms. Medary,

As the Eugene City Council and staff review the Core Campus application for a Multi-Unit Property Tax Exemption (MUPTEx), I would like to provide you with information about our company's track record for local hire.

Core Campus insists that its General Contractors (GC) hire local Subcontractors for as much of the work on its projects as is possible. Our past history hiring General Contractors has proven that we hire locally, as all four projects under the Core Campus umbrella have been with local GC's. Our goal to hire a local GC who understands the local market, as we feel it's paramount to our success as it drives our success within the field work. The properties listed below are the (4) projects within the Core Campus portfolio and the corresponding GC's within each project.

- The Hub at Tucson; UEB – Local General Contractor
- The Hub in Oxford; RJ Allen – Local General Contractor
- The Hub at Columbia; Mashburn Construction (Mashburn Christman LLC.) - Local General Contractor. Core Campus hired a local contractor, Mashburn Construction, for the project. Due to the size of the project, Mashburn had to partner with a group that they have Joint Ventured previous developments with, Christman Construction. Mashburn Construction has been a General Contractor within the community for over 35 years.
- The Hub on Campus, Tempe AZ; Beal Derkenne – Local General Contractor. Members within Core Campus met the owners of Beal Derkenne when developing a previous job in Arizona. Beal Derkenne had since moved their headquarters to Iowa, yet maintains a regional office in Tempe, Arizona, as well as a very strong presence within the local market.

Attached are letters from the General Contractors described above. For example, as you will read, Mashburn/Christman, LLC, a national company headquartered in South Carolina, reports they have attained 85% local hire on the Core Campus project in Columbia, South Carolina. In Tempe, Arizona, Beal/Derkenne Construction, has hired 95.5% of its workforce from the local area.



Core Campus takes local hire seriously. We will interview local General Contractors to lead the construction of The Hub. It is anticipated the project will have approximately 250 workers on site during construction. Core Campus expects the General Contractor in Eugene to achieve similar local hire results as accomplished in Arizona, South Carolina, Tucson, and Oxford.

If you have any questions about the Core Campus commitment to local hire in Eugene, do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Lifshin", with a long, sweeping underline that extends to the right.

Marc Lifshin
Core Campus



DALLAS
TEL 214 613 5020
FAX 214 613 5021
5207 MCKINNEY AVE. SUITE 22
DALLAS TX 75205

SCOTTSDALE
TEL 480 222 9103
FAX 480 222 9104
6750 E CAMELBACK RD SUITE 103
SCOTTSDALE AZ 85251

June 3, 2013

Mr. Marc Lifshin
Core Campus
2234 W North Ave
Chicago, IL 60647

Re: Hub Tucson Student Housing Workforce

Dear Marc:

This letter serves to document the amount of local workers we have on our Tucson project.

The on-site workforce averages over 400 workers per day, of which, more than 90% are local forces. More difficult to measure are the many other jobs that are required to support the on-site workers (delivery, warehousing, consulting, manufacturing etc) but there is little doubt that the ripple effect on the local economy extends far beyond just the on-site jobs.

Please feel free to call me if you have any questions.

Tom Keilty

A handwritten signature in black ink that reads "Tom Keilty". The signature is written in a cursive, slightly slanted style.

Principal

Mobile: 602.290.1633
E-mail: tomk@uebuilders.com

April 24, 2013

Mr. Marc Lifshin
Core Campus
2234 W. North Ave.
Chicago, IL 60647

Re: Labor Force for the Hub at Oxford

Dear Marc:

We estimate that 75% of the labor force used on the Hub at Oxford construction project is local to the North Mississippi area which would include Jackson, MS and Memphis, TN.

Sincerely,



David B. Blackburn
President



April 24, 2013.

Mr. Marc Lifshin
Core Campus
2234 W North Ave
Chicago, IL 60647

Re: 323 Veterans Way, Tempe AZ

Dear Marc,

Pursuant to your request, this letter serves as confirmation that the percentage of local labor on the job is approximately 99.5%. There have been approximately 600 workers at the site from ground breaking in January 2012 to present working at different stages during the course of the project.

Please do not hesitate to contact me in the event you have any questions.

Regards,

Andy Beal
Co-Owner / Project Executive
Beal | Derkenne Construction, LLC

Cc: Mike Derkenne

Item B.



April 24, 2013

Mr. Marc Lifshin
Core Campus Columbia I, LLC
c/o Core Campus, LLC
2234 West North Ave.
Chicago, IL 60647

Re: Hub on Main, Local subcontractor participation

Mr. Lifshin,

At this time we are projecting that eighty five percent of construction cost will be awarded to contractors located in the City of Columbia. We will continue to update you on this percentage as subcontracts are finalized. Please let me know if you need any additional information.

Respectfully,
Mashburn/Christman, LLC.

Matt Brownell
Senior Project Manager

NOBEL FLANNERY Amanda

From: Rosemary Mulligan <mullymacd@gmail.com>
Sent: Saturday, May 04, 2013 5:32 PM
To: NOBEL FLANNERY Amanda
Subject: MUPTE program

We oppose the MUPTE application for the Hub. We feel the city is getting saturated with apartments.

Tax breaks for potential businesses that have good paying jobs to offer are a better investment for the city.

Dick and Rosemary Mulligan 541-343-5393

NOBEL FLANNERY Amanda

From: Michael Russo <mrusso@uoregon.edu>
Sent: Sunday, May 05, 2013 4:05 PM
To: NOBEL FLANNERY Amanda
Subject: Comments on the MUPTTE for The Hub

Dear Mayor and City Councilors:

I have the following comments on the proposed project.

- First and foremost, the MUPTTE program, with its all-or-nothing approach to giving tax breaks to developers will be amended or discontinued shortly. And thank goodness for that. MUPTTE was ill-conceived and extremely poorly designed.
- Nonetheless, it would be desirable to have this project.
- I assume that the developers of this project realize what a "big ask" this stream of tax breaks is. The project document states "If MUPTTE isn't granted, this project will not be built." Well, what else would we expect them to say? Without a process of recapturing tax breaks if the project's economics turn out to be rosier than appear in their spreadsheets (a near certainty), the City is again—though its own doing—in a poor negotiating position.
- The City should reject the MUPTTE benefits for the project, and then sit down with the developers to try to make the project work. It will be important to provide some face-saving for the developers, perhaps by offering 1 or 2 years worth of tax breaks,
- Rather than providing tax breaks at all, the City should consider working with the developers to create some benefits that make sense to both parties. I have two ideas here:
- First, although the height is at the city limit, perhaps the city might consider a variance to allow for 1 or 2 more stories. This would boost the returns for the developers, and although this would exceed the city's height limit, the project might be sufficiently unique to do so. I understand from a councilor with which I spoke that there may not be support at this point for exceeding the height limit, but it might be worse to lose the project altogether.
- Second, and more preferable in my eyes, is to recognize how this neighborhood will evolve and provide some one-time public funding where it would make sense. Given the prospect of the Northwest Community Credit Union building nearby and other projects, I believe at some point the City will need to build a pedestrian bridge across Broadway/Franklin. Otherwise, a great many highly dangerous crossings will be made daily and also during evening hours. Why not offer to build this bridge in such a way that it offers a direct access (perhaps on the second floor) to the Hub building? This would be a significant amenity with long-lasting benefits to the project's owners and serve the City's interests as well.

I appreciate the opportunity to comment on the project.

Michael V. Russo
1975 Potter Street
Eugene, OR 97405

NOBEL FLANNERY Amanda

From: jennifer115@comcast.net
Sent: Monday, May 06, 2013 11:48 AM
To: NOBEL FLANNERY Amanda
Subject: Public Comments on The Hub

Saw your advertisement in The Register-Guard pertaining to public comments regarding yet another tax exemption for a new company.

We are strongly opposed.

As homeowners, we pay our share of taxes which according to the City of Eugene is not enough hence the measure in the current election asking for more money which we cannot afford, could make us and others homeless if this is passed.

We encourage new growth and businesses but feel ALL should pay their taxes to be part of our community. As it stands now, that is not happening and we feel it should. It's the "little guy" getting hurt once again.

Thank you for being the person to receive comments from "the public".

Jennifer Levenson

NOBEL FLANNERY Amanda

From: Stu Thomas <thomas@uoregon.edu>
Sent: Tuesday, May 07, 2013 4:53 PM
To: NOBEL FLANNERY Amanda
Subject: Re. MUPTE application for The Hub student housing project on East Broadway

The City of Eugene is currently experiencing a terrible budget deficit. So bad that we've been asked to approve a ballot measure to raise money for necessary services.

From the number of "For Rent for Fall" signs, there appears to be a real overabundance of student housing all around the University of Oregon. And one only has to drive through the university neighborhoods to see many more student apartment buildings in the process of being built. And then there's Capstone!

Given all this, how can the City of Eugene even *consider* issuing another property tax exemption for student housing at this time?

Have you all gone completely mad??!!

Sincerely,

Stuart Thomas
1879 Olive St.
Eugene, 97401
541-344-6147

222 E Broadway # 210
Eugene, OR 97401
May 6, 2013

Amanda Nobel Flannery
City of Eugene Planning & Development Dept.
99 W 10th Ave
Eugene, OR 97401

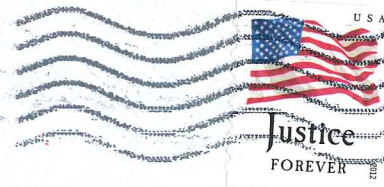
Dear Madam:

I am writing you in regards to a proposed apartment bulding at 505 East Broadway. I believe the time has come to discontinue the ten year property tax exemption. There has been several similar units constructed or approved around town namely The Pearl at 16th and Pearl, the Capstone project at 12th and Willamette, one proposed for 13th and Patterson (at site of Eugene Flower Home) one behind the Original Pancake House. Increase in the enrollment at the U of O requires more housing but there are several to the east of the main campus. It appears that many of these developments did not provide many jobs for local workers. It is possible the land tax on such developments would not be enough in return for city services they require. Taxpayers are on overload and need some consideration.

Very truly yours,
Irene H. Fee
Irene H Fee

Ms. Irene H. Fee
222 E Broadway Apt 210
Eugene, OR 97401-8702

EUGENE OR 974
07 MAY 2013 PM 1 L



*Amanda Nobel Flannery
City of Eugene Planning & Develop. Dept.
99 W. 10th Ave
Eugene, OR 97401*

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CITY OF EUGENE
BUILDING & PERMIT SVCS

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NOBEL FLANNERY Amanda

From: Camilla Pratt <camillapratt@live.com>
Sent: Wednesday, May 08, 2013 10:35 AM
To: NOBEL FLANNERY Amanda; *Eugene Mayor, City Council, and City Manager
Subject: The Hub

Regarding the proposed building of The Hub at 505 East Broadway

Amanda Nobel Flannery, Mayor Kitty Piercy and Members of Eugene City Council:

When I arrived in Eugene forty-seven years ago, Yapoah Terrace was a new reality. I was amazed at the incongruity of size and location. Now, almost 5 decades later, steadily growing trees and other plants have softened the effect, but it remains an eyesore and severely sun-shadows properties north of it.

As for the location of a 12-story building at 505 East Broadway on a relatively small footprint, the effect would be even more disconnected with the surrounding landscape.

If its intended purpose is student housing, pedestrian safety will always be a huge problem given the configuration of East Broadway/Franklin Boulevard traffic at this location. This would be the wrong side of the street in that regard.

In my view, a building of this height in this location would be a monument to:

- 1) the greed of some developer/builder; and
- 2) our City's lack of discernment about what is appropriate in terms of scale and function.

However, the bottom line is: City of Eugene residents cannot afford future MUPTE tax subsidies.

Camilla Pratt
120 Westbrook Way
Eugene

NOBEL FLANNERY Amanda

From: Dennis Casady <dennis427@gmail.com>
Sent: Thursday, May 23, 2013 11:18 AM
To: NOBEL FLANNERY Amanda
Subject: MUPTTE regarding HUB

I am very much opposed to the proposed 12-story apartment building (The HUB on Franklin Blvd.) receiving the MUPTTE. Anyone with common sense will realize that this will only be additional student housing in a market where there is already too many vacancies. The downtown LCC apartment building has yet to fill up. The Capstone project will see the same results.

The City needs to stop giving tax relief to these out of town developers and investors that no interest in the City of Eugene other than what they can get out of it.

We have a desirable place to live and people will continue to move here regardless and we have no obligation to just GIVE it away.

If we had stopped the MUPTTE earlier, the City would not have had to have the proposed Measure 20-211 (city monthly fee) on the ballot.

The City would have enough money in the budget and we wouldn't be contemplating cutting jobs and services.

Thank you,
Dennis Casady
P.O. Box 5028
Eugene, OR 97405

NOBEL FLANNERY Amanda

From: Paul Cauthorn <paulcauthorn@gmail.com>
Sent: Thursday, May 23, 2013 1:21 PM
To: NOBEL FLANNERY Amanda
Subject: MUPTÉ NO HUB

Giving away tax breaks for student housing is a really stupid idea. There is already way too much student housing and the market is glutted.

Boom bust cycles are partially caused by the manipulation of the government. Please end the subsidies for out of state corporations. Please stop picking the winners and losers. Leave the market alone.

The idea that people will only build if the government exempts them from paying their fair share of taxes is totally naive. Don't be fooled by their claims.

No more tax breaks!

Thank you,
Paul Cauthorn
PO Box 5263
Eugene, OR 97405

NOBEL FLANNERY Amanda

From: Richard Romm <franklin51@aol.com>
Sent: Wednesday, May 29, 2013 3:13 PM
To: NOBEL FLANNERY Amanda
Subject: student housing project on Broadway

Hello Ms Flannery,

You have asked for comments to the Eugene Planning and Development Dept. I've had a chance to look at the rendering of the new student housing building proposal on Broadway.

As a preface, I am a longtime (since 1965) resident of Eugene and although now retired, spent 31 years working in the Student Housing Department of the U of O. As a younger man, I also had the educational experience of working for my uncle, a world famous architectural photographer, Julius Shulman, who died several years ago at age 99, garnering numerous awards from the A.I.A, and much recognition. I learned so much from him, not only about architecture but also about siting and surroundings regarding buildings, especially those of this size.

After looking at the rendering online, I don't see how it can fit on that property but obviously, it can. It actually is rather striking, architecturally, but I think a building of that size on that piece of property is totally inappropriate. It would look so much nicer and so much more in scale if it were on a larger piece of land and had some significant setbacks from the street with the appropriate landscaping. And....I think it's much too tall for that location, in spite of its rather interesting facade. Even if there is an underground garage, the auto and pedestrian traffic that bldg will generate seems a bit (no, a LOT !) too much for that dinky piece of property fronting along one of the busiest streets in Eugene. What authority does the Planning and Development Dept. have over such a proposal? Does it have power over what a building *looks like* on a given piece of property? I suspect again that there are no laws or ordinances governing this.

If some of these non-local or in some cases even non-regional developers have any knowledge of the future demographics of the student population in Eugene, they would think twice about building here, in view of the multitude of new student housing spaces recently being constructed or in the process of such. Does the Planning and Development Dept. take these demographic predictions into its view when approving or not approving such projects? One short-range example I feel relates to the article in the REGISTER-GUARD that I read last Sunday talking about how California now has billions of dollars in surplus this year and will probably try to buoy up some of the severe cuts they made in the past 5 years, including their cuts to higher education in California. Many students preferred to spend four years at the UO paying high non-resident fees, because they could not complete their education in California universities in less than five or six years due to cuts in classes. Now, over the next several years, I suspect this condition will change, especially in the wake of the large tuition increase slated for 2013/14 at UO. Therefore I think quite a few students will choose to 'stay home' in California; this will have a significant effect on the population of our university here in addition to the normal prediction of a more flat graduation rate in Oregon high schools.

Thanks for reading this opinion. Even if you have little or no power to determine how a building looks or how it is placed on a piece of property I hope the city does NOT approve a property tax waiver; maybe that will keep it from being built!

Sincerely yours, Richard (Dick) Romm
 5120 Nectar Way, Eugene 97405
 (541)686.1394
franklin51@aol.com

NOBEL FLANNERY Amanda

From: ruth anne paul <ra1uha@yahoo.com>
Sent: Wednesday, May 29, 2013 6:48 PM
To: NOBEL FLANNERY Amanda
Subject: RE; MUPTE program

Please....no more tax exemptions to builders in Eugene! There have already been too many and it is Eugene's residents/taxpayers who end up paying more in taxes for our city's services etc. as a result. This makes Growth a negative rather than a positive for all of Eugene. I have been a resident of Lane County since 1987 and of Eugene since 1991. Sincerely, Ruth Anne Paul, 1755 Kingsley Rd. Eugene, OR 97401

Lloyd Helikson
Eugene, OR 97405

541-357-0923 (cell)
lhelikson@gmail.com

May 30, 2013

RE: MUPTE Application for the Proposed Hub in Eugene Apartment Project

Mayor, Councilors and City Staff:

I understand that a Chicago firm is requesting a ten year property tax break potentially worth about \$4.5 million on a proposed 12 story, 197 unit student housing tower ("Hub in Eugene"). This project would house about 508 students (508 bedrooms) or 2% of the University population (23,930, excluding unclassified and non matriculated students). I am opposed to the granting of MUPTE for this project, and the request should be denied.

Earlier this year, the City Council granted a ten year property tax exemption, worth about \$8.5 million, for a large student housing project which will house about 1,286 students (1,286 bedrooms) or about 5% of the University population. I advised the City Council in April 2012, regarding the earlier MUPTE proposal, that, in my opinion, the University neighborhood rental markets were approaching saturation. I provided Council members with my research detailing the nature of the existing or approaching saturation at that time. I have since updated my research.

Since 2008, off-campus housing for University of Oregon students has become or is becoming available in and near University neighborhoods to the tune of about 80 apartment projects, providing about 1,409 apartment units (based upon permit applications from 2007 to current). These apartments have or will have roughly 4,258 bedrooms for 4,258 students (assuming one student per bedroom). This apartment development has been mostly in and around the West, South and East University neighborhoods. Twelve of these projects/buildings, representing about 1,765 bedrooms/students, received, or will receive, MUPTE (about 41% of the total, 1,765/4,258). The 4,258 bedrooms include only the more recent construction, and does not include previously existing apartments in and around the University neighborhoods or in the Autzen stadium area. It also does not include recent construction of housing downtown, such as the LCC downtown campus housing consisting of 75 apartments and 255 beds/students. The off-campus housing for 4,258 students constructed or planned for construction since 2008 represents housing for about 18% of the total University student population (23,930), not including the currently proposed MUPTE project.

The University recently (2012) built the East Campus Residence Hall, which has 451 rooms. Off-campus student housing development, together with the University on-campus development, will result in total housing completed or planned to be completed since 2008 for over 4,709 students, or about 20% of the current university student population (4,709/23,930), not including the currently proposed MUPTE project.

According to a University study, Eugene had a 5% vacancy rate for apartments in 2010. The study noted that a vacancy rate of 5% was ideal and anything over 5% would be considered overbuilt. See University of Oregon Residence Hall Feasibility and Market Demand Study, Final Report, September 2011 (UO Study) at 108. About 77% of the recent student housing boom (3,627/4,709) has been or is being completed after 2010 (certificates of occupancy in and after 2011). Housing for about 15% of the University student population has been or is being completed after 2010. This quantity of additional student housing in the area surrounding the University most likely has increased or will increase the vacancy rate in the University area significantly above 5%, creating an overbuilt situation.

The City's approval of the proposed MUPTE, subsidizing housing for an additional 508 students, an additional 2% of the University student population, would further exacerbate the over building of University student housing.

Our family is currently absorbing the impact of the saturation. We built a 7 unit (3BR/unit) apartment building in the West University neighborhood, without the benefit of MUPTE, in 2009. My parents had owned the property since the 1950s. My mother, through an LLC, owns the apartments. She has been a resident of Eugene for about 60 years.

At the beginning of this school year, September, 2012, 3 of our 7 units were not rented. We reduced rent to attempt to get the remaining units rented, and offered to rent two of the units by the bedroom. We now finally have much of the remaining units rented at significant rent discounts (all but two bedrooms in one unit). By my calculations, we lost or will lose roughly \$40,000 in the 2012-13 year due to the market saturation (compared to the prior year). Of course, we still have to pay our property taxes even if the units are empty, since we do not have the benefit of MUPTE. We are left to worry whether we will be able to rent our units and whether revenue from the apartments will pay our expenses. The large project recently receiving MUPTE, and currently under construction, has not even yet affected the market saturation. I am sure our situation is not unique. LCC Titan Court, with 25 or 19% UO students, had 51% occupancy (131/255) as of May 22, 2013.

There is no need for the City to use MUPTE to promote the building of student apartments in or near the University neighborhoods. Areas close to the University have been and are currently experiencing a huge amount of apartment construction. The University enrollment is plateauing such that new apartment buildings may need to compete for students with current apartment buildings and with on campus housing provided by the University. Projects built with MUPTE and other public subsidies may be competing for business with each other. One of the effects may be reduced property values for apartment buildings which actually pay property taxes on improvements, which may eventually reduce property tax revenues from such properties.

The City should discontinue its policy of using MUPTE to discriminate against local residents who took a risk and invested in student housing apartments. It is not fair to grant large property tax exemptions to out of state developers, such that their apartment buildings compete against smaller apartment buildings built locally without MUPTE. MUPTE should never be used to drive existing businesses out of business. The granting of MUPTE under such circumstances could erode the support of Eugene citizens for City government.

The City should limit the MUPTE program so it is focused on low income housing outside of the University area, in areas which would clearly not be developed without the benefit of MUPTE. The City should not continue to grant MUPTE requests or provide other public subsidies for University student housing.

Thank you.

Lloyd Helikson

**Comments on the Core Campus Multi Unit Property Tax Exemption (MUPTE) for the development called The Hub
May 30, 2013**

The Core Campus MUPTE application goes into great detail about the community benefits of their project. However, when looking at these benefits in more depth, the return is minimal.

Before considering the Core Campus proposal the following question must be answered: Does Eugene need more student housing? A December 16, 2012 *Register-Guard* article (attached) indicates there may be an oversupply of student housing. There are four large student apartments and many smaller complexes currently under construction or proposed.

The four large buildings alone will add around 2,000 student bedrooms. The University is not planning to increase enrollment in the near future and no students are currently without housing. Therefore, the 501 student bedrooms Core Campus plans to build will be un-needed housing.

(Note: The following comments refer to the January 24, 2013 MUPTE application, page numbers and quotes are taken from that document.)

1. Tax Base

Giving an out of state developer a tax break after the voters turned down a city fee seems wrong. Until the city's budget and revenue problems are dealt with MUPTEs should not be approved.

2. Local Economy

Page 5 "The Hub in Eugene will be under construction for approximately 13 months providing an average of 120 – 150 living wage jobs for individuals in the construction industry. That is in addition to material suppliers and vendors."

These are temporary jobs. Are these jobs for local workers, or will people be brought in from elsewhere? Attached is a *Register-Guard* article from April 14, 2013 titled "Build locally, hire globally". This article discusses Capstone's use of non-local contractors. In order to be a benefit to the local economy a high percentage of contractors and workers must be locally based.

At the completion of the project how many new full time jobs, with a living wage and benefits, will be created by this project?

Page 5 "The latest College Explorer Study from Alloy Media + Marketing indicates that college students shell out an average of \$361 a month on discretionary purchases and have been increasing such spending since the recession began in 2008 (Reuters). This translates to approximately \$2.2M over a 9 month period."

This is not new money as implied. Since the university does not plan to increase its student population significantly in the next few years this is just moving money from one place to another. This is not a benefit. Additionally, the calculation of the \$2.2M number appears to be wrong. Using the above numbers from the MUPTE application: 501 students x \$361 per month=\$180,861 student \$ spent per month x 9 months= \$1,627,749 student \$ spent in a 9 month period.

Page 5 “An increase in construction spending of \$100 will yield a net impact on the regional economy of \$184. (Figures by local economist Tim Duy).”

What exactly does this mean? If The Hub is a \$44M project, as planned, does this mean roughly \$81M will be returned to the Eugene economy?

As far as rents are concerned this project will funnel money to out-of-state entities and away from local developers, removing money from the local economy. This is not a benefit to the community.

The other benefits under “local economy”, page 5, are merely filler, not benefits.

3. Architecture

The “benefits” of architectural style are subjective and should not carry much weight when deciding to grant the project a MUPTE. However, the court house is 69 feet tall and the Hub will be 120 feet. Will this 51 foot difference be out of character with the surrounding area?

Additionally, shoehorning this massive building onto a .61 acre lot with little surrounding open space will make it difficult for students to throw around a football or Frisbee or indulge in other normal student outdoor activities. Open space is important whether student housing or multi-family housing is being constructed.

4. Adjacent Property Owners

Page 6 “Increases property values for adjacent property owners.”

This is questionable. Student housing has not increased property values in other parts of the city.

Page 6 “Brings business to the Franklin / East Broadway corridor that contains numerous restaurants.”

Yes, but it takes it away from somewhere else.

Page 6 “Enlivens major transportation corridor.”

What does this mean?

Page 6 “Creates safer environment and enlivened pedestrian activity in regeneration area.”

Student housing has not created safer areas. The opposite has happened, often alcohol fueled students wander the streets making them vulnerable and in some cases aggressive. A large concentration of students brings predators and criminals to the area.

5. Downtown/Neighborhoods/Community

Page 6 “Relieves the pressure on established single family neighborhoods to house students in single family homes. Creates opportunities for families to occupy single family homes in single family neighborhoods. Provides opportunity to stabilize the lower density single family neighborhoods.”

This is pure speculation. There are reasons why students live in neighborhoods with single family homes and not in large apartment complexes: cost, open space, lower density, parking and in some neighborhoods peace and quiet.

Neighborhoods that are close to the university, such as South University and Fairmont, will still be under pressure to turn single family houses into rentals, continuing a hidden density, and the associated problems.

Without a plan and a proactive effort by the city to implement it, the above stated benefits will not be achieved.

Page 6 “Reduction of vehicle miles traveled.”

How?

Page 22 PRO FORMA

This projection of return is very misleading. It only looks at the first year. A more realistic approach would be to project out 10 or 20 years. However, even the single year return does not account for equity accrual, property appreciation and tax consequences from things such as depreciation. Taking this information into account the following first year numbers are more realistic.

- Equity accrued = \$593,798 (\$2,491,496 less \$33,003,449 times 0.0575)
- 1% property appreciation = \$440,046
- Tax consequence from depreciation = \$0 (I have no reasonable way to calculate this but it is a positive number)
- The sum of the above = \$1,033,844

	Full Tax	MUPTE
Operating Income (Net Operating Income, NOI)	\$3,013,033	\$3,447,267
Net income available for return (cash flow)	\$521,337	\$985,771
Annual return on equity (cash on cash return CoC)	4.7%	9.0%
Total Return on Investment (total ROI)	14.1%	18.4%

Total ROI = Total Return/Investment Basis

Total Return = Cash Flow + Equity Accrual + Property Appreciation + Tax Consequences

Investment Basis = Total Equity from page 22 = \$11,001,149

The above approach to analyzing a real-estate project is not radical, in fact, it is standard practice. Even without a MUPTE Core Campus will have an excellent Total ROI. The return gets better in future years.

Page 23 Developer Risks

Under this category the application discusses vacancy rates and university enrollment. Is the MUPTE meant to basically insure the developer against high vacancy rates and flat university enrollment? The city should not be expected to cover miscalculations by the developer with a tax break.

Page 30 Parking

“The required number of parking spaces for this project is 98. The number of parking spaces provided is 112; 14 more than required. The MUPTC criteria states that an applicant is only entitled to points for exceeding the minimum parking requirements if the project is located in the Residential Parking Program (RPP) area. This project is not officially located in the RPP zone.”

There will only be 112 parking spaces for 501 students. That means only 22% of the students are expected to bring a car to Eugene. Based on conversations during the Infill Compatibility Standards Multi-Family parking meetings as many as two thirds of off-campus students have cars in Eugene. If only 50% of HUB's students have a car, where will the other 139 park? There is no on street parking where this building is proposed.

According to the Pro Forma only 37 parking spaces will be in the main building and the other 75 will be nearby. Will this nearby area be leased? If the parking area is leased what guarantee is there that the lease will not be terminated? How would security be handled? Is a big parking lot on Franklin the best use of the nearby property?

Students at the Hub won't be driving to campus but will still bring cars to Eugene. This parking plan is insufficient to handle the expected volume of student cars creating problems with traffic, cruising and higher Vehicle Miles Traveled (VMT).

This poor parking plan may make it more difficult to rent the units in this building.

Page 33/34 “Q: Is there bike parking? And how do you get to the University by bike?”

There will be bike parking in the garage as well as bike closets in the units. The cyclist will get to the University by crossing Franklin at the signalized crosswalk at Patterson. Even though there is not a bike path on Patterson currently it is a short distance from there to 13th where there is a bike path. The student could also go north and get on the river front bike path and head down to campus that way.”

First, there is no signal at Patterson and Franklin. As an experienced bicycle rider I can tell you Patterson is not a viable route to campus. The nearest bike friendly crossing of Franklin is at Alder. However, you would have to ride on the sidewalk and cross Hilyard at Franklin, which is difficult due to cars turning off Franklin. The same problem exists if you want to get on the riverfront bike path. The sidewalks and the crossing at Hilyard cannot handle the volume of bikes and walkers going to UO during peak times.

The Downtown Neighborhood Association has asked for a Traffic Impact Analysis that looks at bike and pedestrian flow from the Hub. This is absolutely needed and Core Campus should be expected to make the necessary improvements for safe bike and pedestrian transit to the University.

Conclusion

In my opinion this project is not a good fit for Eugene and does not need a MUPTE. The application paints a rosy picture but a close look reveals:

- Additional student housing is not needed
- Student spending will not increase, it will just move from one place to another
- Rents will be funneled away from local developers and out of the community
- Parking is inadequate
- Walking and bicycling to the university has not been thought out
- Financial information presented is incomplete

Based on the fact that this project has more problems than benefits for the community I urge you not to grant the HUB a MUPTE.

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Build locally, hire globally

A major construction project downtown uses mostly nonlocal firms

By Edward Russo

The Register-Guard

Patrick Smith gets upset by what he doesn't see at the Capstone construction site in downtown Eugene: more local contractors. The massive student apartment housing complex quickly rising in the city center is being built by mostly out-of-town contracting firms.

The general contractor, Construction Enterprises Inc., is from Franklin, Tenn. The architect, Humphrey & Partners, is based in Dallas, Texas.

Of the 28 subcontractors hired to work on the development, nine are from Eugene or Springfield, with the rest from elsewhere in Oregon and seven from other states, including Washington, Texas and Arizona.

For Smith — secretary-treasurer of the Lane, Coos, Curry, Douglas Building Trades Council — the use of nonlocal firms to work on the largest development project in downtown Eugene's history makes his blood pressure rise.

"We have local contractors who are perfectly capable of handling that project," Smith said. "The construction industry is a major sector of our local economy, and many of our contractors and their employees are out of work."

But other construction experts, including Eugene-Springfield contractors and developers, say there are reasons why most of CEI's subcontractors are from out of the area.

They note that some of the area's largest construction projects, including those at the University of Oregon and PeaceHealth's Sacred Heart Medical Center at RiverBend in Springfield, used out-of-town general contractors and subcontractors, as well as local construction firms.

With four five-story buildings enclosing 466,648 square feet, plus two seven-story parking garages, the development on parts of three city blocks near 13th Avenue and Olive Street is large. And CEI is under orders to build the complex, at an estimated total cost of \$89 million, as quickly and inexpensively as possible, those familiar with the project said.

The first of two phases of the apartment complex is supposed to be finished by September, in time for fall classes at the UO and other colleges.

"They gave locals a shot, but not many companies have the horsepower to serve the project," said Don Brown, co-owner of Brown Contracting of Eugene, which is doing excavating, grading and concrete work on the project.

"It's a very compressed schedule. It's ultra-high pressure. If you slow the job down, you are held financially responsible."

The general contractor, CEI, has completed other student housing projects for Capstone, including apartments at Kennesaw State University in Kennesaw, Ga. CEI is now working on Capstone developments in Tuscaloosa, Ala., near the University of Alabama, and in College Station, Texas, near Texas A&M University. The selection of CEI instead of a local firm as the general contractor played a key role in determining which subcontractors would be hired, including those from out of state, experts said. "When you are hired by an owner-developer, you will bid out the work to as many subcontractors as you can to get a competitive price for the owner," said David Hilles, president and chief executive of Chambers Construction in Eugene.

"And there are certain subcontractors that you are familiar with that are proven performers, and they will always

get a chance to bid on the work." Yet the project is under scrutiny by union leaders and others, partly because Birmingham, Ala.-based Capstone last year received, in a controversial vote, 10 years of property tax waivers worth an estimated total of \$8.5 million from the City Council.

Simply comparing the number of local to nonlocal contractors working on the Capstone project doesn't tell the entire story.

While most subcontractors are from out of town, local workers are and will be hired by those firms to help build the development, said Pat Walsh, Capstone's Eugenebased spokesperson.

"CEI is encouraging all subcontractors to look into the local pool of candidates first before going outside the area," Walsh said.

Also, some out-of-town subcontractors working at the Capstone site, such as Cherry City Electric, a Salem-based electrical contractor, have local employees.

Cherry City had an office in Eugene before the recession and still has 25 employees who live in the Eugene-Springfield area, General Manager Ray Ellis said.

Subdued subcontractors

Others note that it's common for out-of-area contractors to be hired for extra-large construction projects in Eugene-Springfield, a relatively small metropolitan area.

PeaceHealth used the New York-based construction giant Turner Construction as the general contractor on the \$537 million Sacred Heart Medical Center at River-Bend, which was completed five years ago.

Thirty-eight percent of the subcontractors who worked on the Peace-Heath hospital were from Eugene-Springfield, which exceeded PeaceHealth's desire to have 20 percent of the subcontractors come from the local area.

In comparison, CEI's percentage of local subcontractors works out to 32 percent.

Lane Community College chose Lease Crutcher Lewis — with offices in Portland, Seattle and Toronto — as its general contractor to build its recently completed \$53 million downtown academic and housing campus. At LCC's insistence, several local contractors were hired for the job, said Todd Smith, LCC's project manager. Walsh, Capstone's spokesperson, said out-of-area workers benefit the Eugene-Springfield economy during the construction by renting places to live, buying meals and making other purchases. And Capstone's development is pumping money into the local economy through the purchase of building materials and supplies, he said. Local suppliers to the project include Farwest Steel, The Truss Co. and Ferguson Enterprises, a plumbing supply firm.

Such comments, however, are of little consolation to the local firms that failed to get hired for the Capstone development.

John Music of Western Partitions, a Tigard-based firm with a Eugene office, spent several months working on bids with CEI supervisors in hopes that his firm would do the framing, drywall, texturing, painting and waterproofing in the apartment complex. Western submitted separate bids totalling \$10 million for the framing, drywall, painting and weatherproofing work, which would have employed 30 to 40 local carpenters, sheet rock installers, tapers and painters over the next 1½ years.

Music said he was told by CEI managers that the bid for framing and drywall was too high by \$1 million, but he was unable to find out why his firm lost out on the other work, including the painting.

CEI recently hired Xwall, a Peoria, Ariz., firm to do the work sought by Western Partitions. "A lot of local subcontractors who were really counting on doing a portion of that work are disappointed because they have all of these guys who are out of work, and the job would have kept them busy," Music said. "It's a high-profile construction project in our community.

"We wanted to be part of that."

Texas over Springfield

Springfield-based Hyland Construction last year had hoped to be the general contractor, but Capstone and Hyland were unable to agree on a contract. Hyland Vice President Shaun Hyland declined to say why. However, he said it was not related to the "substantial" financial penalties that Capstone would have demanded if Hyland did not finish the development on time.

"It simply came down to Capstone doing business differently than we do," Hyland said. "They have constructed many projects in different regions of the country, and that is why they brought in their own contractor that is familiar with their contracts." Walsh, Capstone's spokesperson, said Capstone would not divulge what kept the two firms apart. Capstone's development is being built on 5 acres of former Peace-Health property. The site previously included the old Eugene Clinic and other smaller buildings that were razed last summer.

Hyland's firm served as general contractor for the demolition, even though he knew it would not be the general contractor for the construction. "We did that to help keep the project on track," Hyland said. Despite his disappointment in not being general contractor, Hyland said he has no hard feelings toward Capstone. "They were great guys," he said. Yet Hyland wasn't through trying to participate in the project. With two Salem-based contractors, Hyland submitted bids to build the two parking garages. Hyland said his firm's bid was \$8 million. To his dismay, CEI hired Associated Concrete, a Texas firm, to build the garages.

"It was hard to believe that a company out of Texas could come up and build it cheaper" than the Oregon firms, Hyland said. "We were disappointed that we didn't get that opportunity."

CEI considered a number of factors in the selection of the subcontractors, Walsh said.

"Local hire was extremely important in the selection process, but so was the ability to execute within the constrained time frame, as well as cost. After weighing all the factors, CEI decided on the contractors selected."

Building violations

Walsh said that nine local firms are working or will work on the site, include Harvey & Price Mechanical Contractors, Home Insulation, Smith Sheet Metal and Ryan Thomas Construction. Ryan Thomas is a Springfield contractor that will install the moisture barrier and exterior windows, trim and doors. Owner Ryan Thomas said he's grateful for the work because, with one exception, his firm had failed to get hired for large jobs at the UO. With the Capstone job, Thomas said this summer he will be able to double his employees, from six to a dozen. "They came to us from some references," he said of CEI. "They are actively looking for local contractors."

Under state law, plumbers, electricians, boilermakers and elevator installers must be licensed. Ashland Medford Plumbing, an out-of-town contractor working on the Capstone site, last month received a notice of violation from the Oregon State Building Codes Division.

One of the firm's laborers was performing a task that only licensed plumbers were supposed to do, said Andrea Simmons, enforcement manager of the Building Codes Division.

It was the second time since 2010 that the firm had received the same violation notice from the Codes Division, Simmons said. Her department has proposed fining Ashland Medford Plumbing \$2,500, and because of the previous violation, suspending the firm's license for 30 days, she said. The case is going to the State Plumbing Board on Thursday for a possible settlement, Simmons said. Such building violations are not unusual, she said. "We issue about 250 to 300 violations a year, most of them related to unlicensed workers," Simmons said.

MUPTE on hold

Capstone last year was the latest developer to receive the 10-year property tax waiver granted under the city's Multi-Unit Property Tax Exemption program. The state sanctioned tax waivers are controversial. Some residents think they are needed to spur apartment and condo developments in certain areas. Others think they are an unnecessary tax giveaway.

A divided City Council in February suspended the MUPTE program until July so it can rewrite the criteria it uses in deciding to give the tax breaks. In their applications, developers must submit figures that show the waivers are needed and that without them they would not build the project. Developers almost always claim they need the tax subsidy to proceed. Capstone made the same claim. Developers also can accumulate points based on whether they plan to build high-density and environmentally friendly projects or ones that lead to home ownership, or preserve or enhance historic buildings.

However, councilors aren't bound by the scoring system and can vote to approve or reject an application based on whether they think it's in the public interest. The council is to start discussing revisions on April 22.

Smith, the union official, said the city should give preference to developers seeking property tax breaks if they hire local contractors and build energy efficient, or LEEDcertified, buildings.

Register-Guard

Rental boom cools

Surge in new student housing raises question of oversupply

By Diane Dietz

The Register-Guard Caroline Streck and Jaclyn Jennings got to spread out in the fall term, just the two of them — in Lane Community College's new downtown apartments — in a place built for four. The project's roommate matching service put them together but left the remaining two bedrooms in the apartment empty. Sixty percent of the 75 units in the college's six-story Titan Court project are vacant. The college is offering a free month's rent for new arrivals to try and turn the tide. Local apartment managers say the rental market in Eugene has definitely "softened" especially for student housing. Some are offering move-in concessions to keep their properties filled.

Go to the websites of the Courtside and Skybox apartments near Matthew Knight Arena, for example, and a bright yellow or blue box glides onto the screen, saying "click here to receive 1/2 off your first month's rent and a waived deposit."

Amid a high flying multifamily construction boom in Eugene that saw permits for 1,789 new units approved in the past half dozen years, the rental market is cooling.

"There has been quite a bit of student housing built in the university area," LCC President Mary Spilde said. "You see these small six-, eight-, 12-unit places springing up where there used to be an old house."

And the numbers don't include the 90 units in the second phase of Capstone's 13 & Olive project, the 589-unit Goodpasture Island project and other big student developments in the works for Moon Mountain by Landmark Properties Acquisitions of Athens, Ga., and in downtown Eugene by LG Development Group LLC of Chicago.

While supply is growing, the demand side of the student rental equation isn't keeping pace. For the first time in years, enrollment at the University of Oregon and Lane Community College has tapered off. UO enrollment was flat this fall, and LCC's student body was down 8 percent. The UO is forecasting continued flat or declining enrollment through 2021. LCC has strategic plans to "make sure our enrollment is at least stable and isn't crashing," Spilde said.

The collision of trends could mean real trouble for Eugene's rental market, said Bellevue-based developer Martin Seelig, who owns The Collegian on Alder Street.

National bubble?

The problem of a potential oversupply of multifamily housing — including student housing — has been a hot topic among investment analysts and real estate brokers across the country in recent months.

While single-family housing construction virtually dried up during the recession, developers turned their efforts to multifamily projects. They were spurred on by Federal Reserve policies that kept the cost of construction money unnaturally cheap.

A group of student housing developers began specializing in projects built within 1½ miles around flagship universities across the United States, according to industry sources.

"It's much like how McDonald's or Wal-Mart decides to set up a store. They just look at it all by numbers and population data and what have you. They look at it from a big picture, 10,000 foot elevation," said Dolf deVos, commercial broker and property managers with IPMG, Inc., a Eugene-based real estate firm.

When a strategy works for one builder, others aren't far behind, said Gerard Mildner, an associate professor of real estate finance at Portland State University. "There is a herd mentality in real estate," he said. "There is a

risk they will overbuild. It's hard to say in fact they have until it happens."

Multifamily starts jumped 54 percent from 2010 to 2011 — and grew by 36 percent in the first quarter of 2012, according to Harvard's Joint Center for Housing Studies.

October saw the highest multifamily construction start rate since July 2008, according to the Census Bureau and the U.S. Department of Housing and Urban Development. Starts reached 300,000 nationally, up from 268,000 the previous month.

Developers spend a year or more — and spend hundreds of thousands of dollars — getting conceptual plans, arranging financing, hiring a builder. So, on big projects, it's hard for developers to put on the brakes.

"Once they get started, they keep going. The momentum carries them through, so that, even if the market changes, they keep going," Seelig said. "The larger the project the more the lead time, and once things start, it just can't stop even though it makes no economic sense by the time people start building."

Lane Community College was fortunate to finance its \$20 million project with stimulussubsidized bonds. The federal government provides 45 percent of the interest payments, and payment on the principle doesn't begin until December 2016, so managers have some breathing room to get the project leased up. "We're going to be fine financially," Spilde said. "We're not going to have to use general fund money to bail the project out or anything like that. We've been very careful and intentional in how we funded this."

Bubble doubts

Some analysts and brokers don't see a multifamily housing bubble on the horizon. Some of the units on the drawing board for Eugene and elsewhere may never materialize, Seelig said.

"If there's all these units under construction and two other projects are making announcements, another one comes along and says, 'What do I want to go into Eugene for? It's too tough.' Maybe they'll get built; maybe they won't, but that's the reason for the announcements."

A generation weighted down with student loans won't be buying houses any time soon, analysts and brokers say, young people who've waited out the recession at their parents' house will rent before they buy. Others, after watching the foreclosure debacle will be gun-shy about signing a mortgage. All will be renters for the foreseeable future.

"You own a building and a guy builds 200 units next door to you, you might have some issues with vacancy for a while," said Greg Frick, broker with HFO Investment Real Estate in Portland. "There's no doubt about it. But over a long term horizon, are you outpacing where the market's going? That's the question." Already, landlords are adjusting to a new market reality. "A year ago, if we were having this conversation, things were tight, rents — from the landlord's perspective — were moving in the right direction. They were going up," deVos said.

Today, "we have a number of vacancies as we speak, which we typically would not this time of the year. We are having to start offering concessions. "Frankly, we've been slow in some cases to offer concessions. It's the problem of first persuading ourselves that it's necessary and then persuading our clients that its necessary," the property manager said.

At The Collegian, a venerable dorm-like property a few blocks southwest of the university, occupancy is lagging for the first time in at least four years. Out of 44 rooms, 10 remain empty, operations manager Jeff Sather said. "You can definitely tell there's a pretty big downturn in the market overall. I'm kind of waiting for the bubble to burst," he said.

Drive to full

Student housing owners aren't taking any chances with occupancy. Alabama-based Capstone, which is building 230 units in downtown Eugene targeted to students, has been handing out swag — T-shirts, tote bags, sunglasses, \$50 gift certificates — to UO students since early October to market apartments that haven't yet been built. The builder got the permit to pour the foundation last week. Move-in is set for fall 2013. Capstone hired about a half dozen marketing students from the Lundquist College of Business to do promotions, which

have included a contest that gave \$500 to the student group that generated the most "likes" and "shares" on Facebook and a tailgate party at a football game. "Marketing is our No. 1 thing — marketing and customer service," said Jackie Minite, Capstone leasing start-up specialist. "We'll be fully leased when it's time to move in." In late November, Lane Community College hired a new management firm — switching from Blanton Turner of Seattle to Campus Advantage of Austin — and has plans to crank up its marketing efforts this week, Spilde said. Then Capstone and LCC will go head to head. The Capstone project is more luxurious, with granite counters, faux leather sectionals and private bathrooms, plus a pool, steam room and tanning. "We're definitely a different product," Minite said. "They're more dormy."

At LCC's Titan Court, students get all their utilities paid, including cable and wi-fi, for the price of just rent on rooms in some Capstone apartments.

"One check covers everything," Titan Court leasing agent Katie Ewoniuk said.

A room in a four-bedroom unit at Titan Court would be \$620 a month, inclusive; the same at Capstone's 13th & Olive would be \$639, and the electric is paid separately.

In addition, students who want a furnished bedroom at 13th & Olive would pay an additional \$25 per month. Spilde, meanwhile, said that Capstone's marketing expenditure also will help fill Titan Court because "they're going to be marketing downtown as a good option for students to consider," she said. "We're very competitive. Over time, we'll show we're a preferred place to live. We're hoping to be at 85 or 90 percent (occupancy) in the coming year."

So, Caroline Strek and Jaclyn Jennings will have to make room for two new roommates in their Titan Court apartment. Strek said it would probably be OK, as long as managers match them as well as they did the two of them.

"We'll probably adjust just fine," Strek said.

From December 16, 2013 *The Register-Guard*

May 31, 2013

Testimony re Core Campus's "The Hub" Student Housing Multi-Unit Property Tax Exemption (MUPTE) application.

Submitted by:

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402

This testimony raises objections to statutory deficiencies in the public process the City is following to approve or deny the above referenced MUPTE application (the "Application") submitted by Core Campus.

This testimony also identifies specific comprehensive plan provisions with which the proposed project ("The Hub") will not be in conformance upon completion.

1. Request to keep the record open.

Administrative Rule R-2.945-H states that "Within 90 days from the date an application is filed the City Manager shall ... [r]ecommend to the Council that the application be denied, approved, or approved subject to conditions. The recommendation shall set forth specific findings in support of the City Manager's recommendation"

As of the date of this testimony, the City Manager has not complied with that requirement.

This serves as my formal request to keep the record open for submission of additional evidence and argument for at least seven days after the City Manager's recommendation and findings are made available to the public.

2. The City is required by ORS 307.6718 to make a "land use decision"

The April 10, 2013 letter to Mayor Piercy and the entire contents of the letter's attachment titled "The Citizen's Request to the Affected Local Government or District" ("April 10 Request") and that document's Attachments A through N are submitted along with this testimony and are incorporated in their entirety herein by reference.

All arguments in the April 10 Request objecting to the City's failure to comply with ORS 307.618 and other cited statutes and regulations are incorporated herein as statements of the errors already made and/or made after May 31, 2013 by the City in the process to approve or deny the above referenced MUPTE application submitted by Core Campus.

In brief, the City must comply with the following statute:

ORS Chapter 307 Property Subject to Taxation; Exemptions

ORS 307.618 City or county findings required for approval. The city or county may approve an application filed under ORS 307.615 if the city or county finds that:

(1) In the case of the construction, addition or conversion of multiple-unit housing:

* * * * *

(b) The proposed construction, addition or conversion project is or will be, at the time of completion, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197, 215 and 227, that are applicable at the time the application is approved.

The ORS 307.618(1)(b) requirement to evaluate conformance with all local land use plans and regulations was also carried over into the City of Eugene’s ordinance implementing the Multiple Unit Property Tax Exemption (“MUPTE”) program at EC 2.945(6)(g)(3), which repeats the requirement almost directly from ORS 307.618(1)(b).

Eugene Code, 1971

EC 2.945 Multiple-Unit Housing – Property Tax Exemption.

(6) In order to approve an application, the council must find that:

* * * * *

(g) In the case of the construction of, or the addition or conversion to multiple-unit housing:

* * * * *

3. The proposed construction, addition or conversion project is, or will be at the time of completion, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197, 215 and 227, that are applicable at the time the application is approved;

Both the statute and ordinance that underlie the granting of a MUPTE require the City, at some point, to make a final determination that concerns whether or not a proposed project (in this case, “The Hub”) for which a tax exemption is requested conforms to the local land use plans and regulations.

Thus, by the definition in ORS 197.015(10)¹, the statute and ordinance require the City to make a land use decision.

¹ See **Attachment B** in the “April 10 Request” for the text of ORS 197.015(10).

To make the land use decision that's required for approval of the Application, the City must adopt sufficient findings and/or conditions to ensure The Hub is, or will be at the time of completion, in conformance with applicable local plans and regulations.

3. The City is unable and/or unwilling to properly make the required land use decision

However, as described under Section (3)(c) of the April 10 Request, the City has never actually implemented a process to meet the requirement described in Section 2, above. As a result, the City is therefore unable and/or unwilling to follow the statutory requirements for the public process, and to provide the required findings, for the land use decision² that is necessary to make the determination regarding The Hub, as required by ORS 307.618(1)(b) and EC 2.945(6)(g)(3).

Deficiencies in the City's public notice and hearing process include, but are not necessarily limited to:

- a. The City did not provide adequate public notice. If a notice was provided at all, it did not provide a complete and accurate description of the approval process, the approval criteria, parties' rights to have a hearing, to have the record held open and/or to respond to evidence submitted after the hearing, as provided for under provisions of ORS 197.763(4)(b) and/or ORS 197.763(6), as required by ORS 197.763(3)(j).
- b. The City did not provide a public hearing.
- c. The City did not provide for the required periods to submit evidence and argument and to rebut, and did not maintain a complete "record" upon which to base its decision.

Finally, as noted in the following sections, neither the Application nor the City's evaluation to date provides an analysis of potential negative impacts and what may be required to prevent or adequately mitigate potential impacts. Thus, it's impossible for the public to gauge whether the proposed development conforms to the relevant comprehensive plan.

4. The Hub does not conform to comprehensive plan provisions

The following documents are submitted separately and incorporated herein by reference:

- a. Eugene-Springfield Metropolitan Plan
- b. TransPlan
- c. Eugene Downtown Plan

A. The Hub does not conform to applicable Eugene Downtown Plan policies

The Agenda Item Summary for the May 5, 2013 City Council work session to discuss the Application contained the following section:

² Or alternatively, as also discussed under (3)(c) of the April 10 Request, as required to approve a "permit" as defined by ORS 227.160.

RELATED CITY POLICIES

Utilization of the MUPTTE program to stimulate new multi-unit housing development addresses many goals for Eugene and downtown, including:

Eugene Downtown Plan

- Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.
- Downtown development shall support the urban qualities of density, vitality livability and diversity to create a downtown, urban environment.
- Actively pursue public/private development opportunities to achieve the vision for an active, vital, growing downtown.
- Use downtown development tools and incentives to encourage development that provides character and density downtown.
- Facilitate dense development in the courthouse area and other sites between the core of the downtown and the river.

The *Eugene Downtown Plan* is a refinement plan, and therefore all the enumerated policies are comprehensive plan policies. The City recognizes that these policies are applicable to The Hub and the City Council must make a determination of how to apply these policies to the City's decision on the Application. (This determination is, of course, a land use decision.)

As proposed, The Hub is targeted solely at high-income, single students. There is already an abundance, and in some professional views, a surplus of student housing, while there is a shortage of affordable, family-friendly housing, particularly in the downtown core. Therefore, The Hub is not consistent with the first policy, above ("Living Downtown Policy 1").

For the same reasons, The Hub does not support "diversity," and therefore is not consistent with the second policy.

The Hub therefore does not – and cannot, as proposed in the Application – conform with all the applicable policies of the *Eugene Downtown Plan*, and consequently The Hub cannot meet the requirement to conform with all local plan provisions, and the Application must be denied.

B. The Hub does not conform to applicable Metro Plan policies

The following lists applicable Metro Plan policies with which The Hub will not be consistent.

- Policy A.12** Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities. Metro Plan III-A-7.

As described in the Application, The Hub will not provide adequate open space.

Policy A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location. Metro Plan III-A-8.

As described under Section A, above, The Hub will not contribute to a full range of choice in housing type and cost.

C. The Hub does not conform to applicable TransPlan policies

The Hub will have on-site and off-site parking and therefore a potentially significant impact by the increased vehicular traffic on other vehicular traffic, bicyclists, pedestrians and residents in the surrounding area.

The following lists applicable TransPlan policies with which The Hub will not be consistent.

Goal #2: Transportation System Characteristics

Enhance the Eugene-Springfield metropolitan area's quality of life and economic opportunity by providing a transportation system that is:

...

d) Safe,

e) Interconnected,

As described in the Application, The Hub will not provide safe and interconnected means for residents and visitors to travel on foot, bicycle or wheelchair across major thoroughfares that separate The Hub from the UO campus and the downtown core.

Land Use Policy #4: Multi-Modal Improvements in New Development

Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed-use, and multi-unit residential development.

As described for Goal #2, above, The Hub, as described in the Application, will not provide adequate improvements to encourage bicyclists and pedestrians in this new mixed-use and multi-unit residential development.

TSI Roadway Policy #1: Mobility and Safety for all Modes

Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.

This policy supports the design and construction of systems and facilities that accommodate multiple modes. It also supports consideration of the needs of emergency vehicles in the design and construction of system improvements.

As described for Land Use Policy #4 #2, above, The Hub, as described in the Application, will not provide adequate improvements to provide for the mobility and safety needs of bicyclists and pedestrian.

TSI Bicycle Policy #1: Bikeway System and Support Facilities

Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.

As described in the Application, The Hub will not provide safe and interconnected means for residents and visitors to travel on foot, bicycle or wheelchair across major thoroughfares that separate The Hub from the UO campus and the downtown core.

TSI Bicycle Policy #3: Bikeway Connections to New Development

Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.

When new development occurs, connectivity to the regional bikeway system must be provided. In cases where the existing or planned street network does not adequately provide bicycle connectivity, paved bikeways should be provided within residential developments and should extend to neighborhood activity centers or to an existing bikeway system within one-half mile of residential developments.

As described in the Application, The Hub will not provide safe and interconnected means for residents and visitors to travel by bicycle across major thoroughfares that separate The Hub from the UO campus and the downtown core.

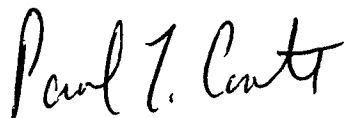
TSI Pedestrian Policy #1: Pedestrian Environment

Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

This policy supports the provision of pedestrian connections between adjacent land uses, improved pedestrian access to transit stops and stations, safe and convenient pedestrian street crossings, and pedestrian amenities, including lighting. In more developed areas, such as downtowns, pedestrian design features improve the accessibility of destinations.

As described in the Application, The Hub will not provide safe and interconnected means for residents and visitors to travel on foot or wheelchair across major thoroughfares that separate The Hub from the UO campus and the downtown core.

To comply with ORS 307.618(1)(b) requirements for findings, the City cannot simply make a summary conclusion and must meet the standards for analysis, interpretations and findings as established by applicable provisions of ORS and OAR.



Paul Conte

May 31, 2013

May 31, 2013

Conte testimony re Core Campus MUPTE application

6 | Page

Item B.

The attachments referenced in Mr. Conte's written comment were provided on a disc. A copy of the disc is located in the council office. (Members of the public can view the disc at the City Manager's Office at 125 East 8th Avenue, 2nd Floor.)

NOBEL FLANNERY Amanda

From: HAMMOND Laura A
Sent: Friday, May 31, 2013 1:32 PM
To: NOBEL FLANNERY Amanda
Cc: SULLIVAN Mike C; BRAUD Denny
Subject: FW: Core Campus project

FYI

From: Sanders Patrice (US Partners) [<mailto:patrice.sanders@partners.mcd.com>]
Sent: Friday, May 31, 2013 12:43 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Core Campus project

Dear Mayor and City Council,

As a local business owner and a longtime resident of Eugene, I have been extremely excited over the development that has been occurring this past year or so; especially in the core of downtown and around the University. I see the difference in my business, the diversity of my customers and I personally enjoy all that is happening with new restaurants and places to shop and visit.

I am writing to you to express my support for the Core Campus project. I attended a meeting a few months ago to learn more about the development and came away very impressed with the forethought that went into the plan.

First, I am very pleased to see the continued development along the campus corridor and along Franklin Blvd. This project would fill an eyesore piece of property and serve as a gateway to the campus as students/family and visitors arrive for various reasons. It also places a large number of students much closer to campus and would also enhance the future development of the Riverfront area.

I understand the city's concern with the tax exemption request however because of that I understand the design of the building will be LEED certified. Along with the minimal parking they are offering, encourages the use of alternative transportation which all fits into the city's goal for sustainability. I see this as a very good investment for the future beyond the rate of taxes that will be paid after the exempt period ends.

I hope you will consider some of these points as you discuss this project further. I feel the positive energy and am seeing the momentum that's being created to enhance our city and the University. I'd like to see that continue and support the fact that it is being done with balanced objectives which makes it a win for all.

Sincerely,

Patti A. Sanders
 Owner/Operator
 M-D Sanders Restaurants

NOBEL FLANNERY Amanda

From: Steven Church <Steve@cobaltservicesinc.com>
Sent: Friday, May 31, 2013 3:43 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: MUPTTE

I would like to see this 12 story student project go forward to allow both housing and creating all the local business to support both the project as well as the concentration of students to one area!

Steven Church
steve@cobaltservicesinc.com

<http://www.cobaltservicesinc.com>

IT Consultant
Cobalt Computer Services Inc
Message Number: 541-393-2545 x 1
Fax Number: 541-393-2582

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NOBEL FLANNERY Amanda

From: McGlade, Charles (MD) <ctm@rapc.com>
Sent: Friday, May 31, 2013 4:23 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: MUPTTE project

This is a note in favor of proceeding with the project given the positive impact on the local economy. I hope that you will consider local jobs in your decision process.

Chuck McGlade

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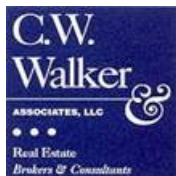
NOBEL FLANNERY Amanda

From: WALKER Clayton (SMTP)
Sent: Saturday, June 01, 2013 9:56 AM
To: *Eugene Mayor, City Council, and City Manager
Cc: WALKER Clayton (SMTP)
Subject: Testimony regarding MUPTTE

To the Mayor and City Council; I support granting MUPTTE status to the CORE CAMPUS project primarily from a fairness perspective. The program was available to the developers when they began investing in the planning process and to withhold it now would not be right since it does appear to meet all of the cities goals for qualifying. We should treat all applicants equally, Thank you.

Clayton W. Walker, CCIM | Principal Broker
C.W. Walker & Associates, LLC
Commercial Real Estate Brokers & Consultants
1225 Lawrence St | Eugene | OR 97401
P.O. Box 1338 | Eugene | OR 97440
Phone 541.484.4422 | Fax 541.484.1337
cwwalker@ccim.net
www.cwwalker.net

Linked  profile



NOBEL FLANNERY Amanda

From: BRIAN WEAVER <brian1813@msn.com>
Sent: Sunday, June 02, 2013 9:31 PM
To: NOBEL FLANNERY Amanda
Cc: ZELENKA Alan; TAYLOR Betty L; PRYOR Chris E; BROWN George R; POLING George A; EVANS Greg A; SYRETT Claire M; CLARK Mike
Subject: Proposed MUPTE for hub

Hi Amanda,

I oppose the proposed MUPTE for the Hub project on 505 E. Broadway, in Eugene.

If this MUPTE is granted, the local taxpayers will have to pay for the project occupant's use of City provided services, and City property taxes on yet another real estate development. It will also give an unfair advantage to a corporate developer based in Chicago and help upset Eugene's real housing market. Most local developers are not granted such an exemption.

I think it's rather obvious by now that the City's essential services should be given a higher priority than enriching an out-of-state developer. Ignoring this fact will deepen the resentment toward the local government, and ruin any chance of passing a possible bond measure for a new city hall. Remember the 2-to-1 beating of the City fee measure.

I know some MUPTE proponents claim that tax exemptions will pay dividends in the future. However with the City's overdrawn general fund, this MUPTE includes a huge risk that services may have to absorb.

Thank you,
Brian Weaver
Ward #1

NOBEL FLANNERY Amanda

From: gordon boltz <gordonboltz777@gmail.com>
Sent: Sunday, June 02, 2013 10:44 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: MUPTe student housing on Franklin

I am writing to encourage your "yes" vote on the 12 story student housing development on Franklin. This project would create local jobs (the Developer historically hires between 85% and 95% local people for their projects), and fit nicely into the downtown core where higher density is encouraged. As enrollment in the University of Oregon increases additional housing will be in greater demand.

Thank you for your consideration in this matter.

**Gordon Boltz
574 Wimbledon Ct.
Eugene, OR 97401**

NOBEL FLANNERY Amanda

From: Carolyn Jacobs <carolyn.i.jacobs@gmail.com>
Sent: Sunday, June 02, 2013 10:31 PM
To: NOBEL FLANNERY Amanda
Subject: Core Campus/Hub MUPTE comments
Attachments: MUPTE.odt

Amanda - Please find attached my comments of the Core Campus/ Hub MUPTE application. Please enter into the record and forward to the City Manager, City Mayor and City Councilors.

Thank you - Carolyn Jacobs

Mayor and City Council: I strongly urge you to approach your consideration of this MUPTE application through the eyes of the community. As seen on the ground there are half a dozen large scale and close to a dozen small scale student apartments under construction as we write. All are being done without a MUPTE (as of course have most all of those completed in the area around the University in the past several years). The profits for multi-unrelated adult housing (where rents are set by the bedroom) are so great that developers have all the incentive they need as they have more than proved.

At the end of this summer several thousand new bedrooms will come on line despite the fact that the past school year the close in neighborhoods have seen for rent signs displayed by both brand new projects (in R3/R4 zones) as well as in front of what were single family homes (in R1 zones). The Hub most certainly falls into the category of *un-needed* housing.

If being un-needed wasn't enough of an argument, the scale of this project is grossly inappropriate to its surroundings. At one end, both the Federal Court House and numerous buildings downtown are closer to half the proposed height. In the other direction the University Campus has a general policy of four story building height. It is also irresponsible to build such a large scale project on such a small lot – absolutely no open space for 500 twenty year olds. They will, without a doubt be partying in the street and in the nearby residential neighborhoods.

While there are many benefits to the community from increased density (both residential and commercial) along transit corridors, 500 students in this particular location is extremely irresponsible when one considers the safety of these young people. There is no light or crosswalk at Paterson Street and even if there were one would have to assume that students walking and biking to the University will be crossing Franklin Blvd at any and all points between the Hub and the University at all times of day. At night, one would have to assume, they will be crossing Franklin and other busy nearby streets in all states of inebriation as they are well known to do most nights of the week in all the neighborhoods they currently live in.

Please remember, these 500 students are **already** living, shopping, eating out

etc. somewhere in our community. Their spending won't suddenly be bringing new dollars into our community and, in fact, their rent money will absolutely be traveling out of our community.

One last important point that the eyes in the community will understand is that the argument that the Hub will somehow benefit the surrounding R1 neighborhoods is **false**. These neighborhoods will always be extremely attractive to students. Their very closeness to the University will always be their calling card. It doesn't hurt that the streets are tree lined, houses have yards, driveways for parking, for those that want to party there are countless blocks with agreeable residents, and for those that don't there are still some areas of relative peace and quiet. The idea that the Hub would somehow make these neighborhoods attractive to families is naive if not dishonest. Given the number of for sale signs in these neighborhoods, it is quite clear that families are not willing to invest in property in areas of scattered (and sometimes continuous) blight. The increase in trash, vandalism, crime, noise, threatening behavior etc. that accompanies increases in student density is not a selling feature for family homes in R1 neighborhoods around the University. "Stabilizing" these neighborhoods will require significant policy changes on the part of the City and the University.

If the Hub were truly as wonderful as the application attempts to convince the reader, it would be moving forward without a MUPTE. One has to assume that the tax exemption is a way to shift the risk to the City – asking the City to guarantee a certain level of profit should the developers have erred in their judgment about what is "needed" in Eugene at this time.

Carolyn Jacobs (chair South University Neighborhood Association)

NOBEL FLANNERY Amanda

From: Keith Baskett <keithbaskett@comcast.net>
Sent: Monday, June 03, 2013 7:59 AM
To: *Eugene Mayor, City Council, and City Manager

I am a local business owner with five locations in the Eugene/Spring area. I am very excited for the proposed 12 story student housing on Franklin. This will continue to help our City and economy to move forward. This is another important part of our sustainability as small city bringing business in from around the country. This will also help the revitalization of the Franklin area.

Best regards,
Keith Baskett

NOBEL FLANNERY Amanda

From: John Lawless <jlawless@tbg-arch.com>
Sent: Monday, June 03, 2013 8:14 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Support for The Hub MUPTE

Dear Mayor and City Councilors,

Little by little, Eugene is growing up in a way that we have proactively envisioned. We need to continue stoking the fire that MUPTE and many other helpful programs have ignited over the last 10 years to build more momentum. Without increased density, we will never approach the critical mass necessary to truly and sustainably support the networks of infrastructure we need to reach our community goals.

I urge you to support this project with full MUPTE opportunities, including the developer's early pay offer, and don't close the damper on the momentum we've fire up recently.

Thank you.

John Lawless, AIA | Principal
TBG Architects + Planners

132 East Broadway, Suite 200 | Eugene, Oregon 97401
541.687.1010 x16 | jlawless@tbg-arch.com

Please consider the environment before printing this e-mail.

NOBEL FLANNERY Amanda

From: Linda O'Bryant <lobryant@comcast.net>
Sent: Monday, June 03, 2013 9:44 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: MUPTTE

If you give tax incentives for one developer you should give the same tax incentives to all developers that have their applications in. If you want to change the rules that's fine; just don't do it in mid-stream. Process the applications in hand then make changes.

Linda O'Bryant, Principal Broker
CRS, PMN, ABR, CSP, GRI, SRES,
Re/Max Hall of Fame – Top 1% of Realtors
Eugene Association of Realtors – 2012 President
Oregon Assoc. of Realtors – 2011-2012
Professional Development Committee
Oregon State Women's Council of Realtors – 2009 President
OREF – Board of Managers
RMLS – Strategic Advisory Committee

Re/Max Integrity Real Estate
4710 Village Plaza Loop #200. Eugene, OR 97401
Office – 541-302-4808 / [Cell – 541-915-5840](tel:541-915-5840)
Fax - 541-868-8271 / Toll Free – 888-334-3773

NOBEL FLANNERY Amanda

From: PIERCY Kitty
Sent: Monday, June 03, 2013 1:37 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Fwd: Opposition to granting property tax exemption
Attachments: Ms_Piercy.docx; ATT00001.htm

FYI

Sent from my iPad

Begin forwarded message:

From: "sromy@aol.com" <sromy@aol.com>
Date: June 3, 2013, 1:12:59 PM PDT
To: PIERCY Kitty <Kitty.Piercy@ci.eugene.or.us>
Subject: Opposition to granting property tax exemption

Dear Ms Piercy,

Please see the attached letter that explains my opposition to the City of Eugene granting a property tax exemption to the 12 story student apartment building proposed for the property at East Broadway and Ferry.

Thank you for your consideration,

Steve Romania

Ms. Kitty Piercy
Honorable Mayor
City of Eugene, Oregon

Re: MUPTE issue on Broadway/Ferry

Dear Ms. Piercy,

This letter is being sent as opposition to the granting of a property tax exemption for the proposed 12 story student housing development at East Broadway and Ferry. In the interest of disclosure, you should be aware that I am a partner in the Courtside/Skybox apartments which are located at 1410 Orchard St and 1417 Villard St.

The project was built at a time where there was a demand for student housing in Eugene and a need for close proximity housing was a priority. Even though the property was located on the opposite side of campus, we did not seek nor require a tax exemption in order to fund the project. In fact, we continue to pay over \$300,000 in property taxes annually.

The thought of the City subsidizing an out of state developer so he can profit is detrimental to the market in two ways:

1. Currently the demand for student housing has been met and now exceeded given the latest projects. (one of which is another tax subsidized project being built by Capstone). Our appraiser has indicated that there is an excess of beds in the market, with more coming on line; while at the same time flat enrollment growth at the University. This is projected for the foreseeable future and will only be remedied by additional classroom expansion which will take some time.
2. As more properties have less than stabilized occupancy, there will undoubtedly be an erosion of value and subsequent appeals on property taxes. So the very thing that you are trying to accomplish, (more property taxes) could potentially result in less revenues thru appeals.

The University of Oregon student housing market has proven attractive for national developers. They will build here as long as they have the money. Right now the money is plentiful and interest rates are low, which is why there is so much interest and now overbuilding in lower quality locations. By right, nothing can be done to stop this inevitability. However, it is unfair for the City to subsidize and enhance this trend at the expense of existing property owners. If the developer can't make it pencil without a huge tax break, then maybe it should not be built. If he can, then we have no issues and will deal with the competition as a by-product of owning real estate.

Best Regards,

Steve Romania

NOBEL FLANNERY Amanda

From: SLOCUM Tom (SMTP)
Sent: Monday, June 03, 2013 5:14 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: MUPTTE on Franklin

Mayor, Councillors, City Manager,

I urge you to accept the application for construction of the proposed 12-story student housing project to be sited on Franklin Blvd. and to grant the developer the requested MUPTTE relief.

The project clearly meets the development standards for the area as set forth in Envision Eugene Plan. The developer has completed his application for the MUPTTE under the City's existing MUPTTE rules and the project should therefore be considered and approved in that context.

To set forth additional criteria for approval at this time is unjustifiable, and will only serve to add one more instance to a growing list of cases where the City of Eugene changes the rules after the game has begun. If the City is serious about the development of the EWEB site and other future sites, the Council should take heed.

Here's hoping you will act wisely

Yours truly,

Tom Slocum

NOBEL FLANNERY Amanda

From: Julie Gentili Armbrust <julie@mediationnorthwest.com>
Sent: Tuesday, June 04, 2013 9:16 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Public Comment - MUPTE

It has come to my attention that the City is taking public comment on the MUPTE application. As a business owner and a concerned citizen of Eugene, I support this application for two unique reasons.

First, this company has a long track record of providing local jobs. I see far too many individuals who are struggling to make a living in Eugene. Eugene needs more blue-collar, wage living jobs. I work with individuals on a daily basis who are out of work and want to work. This project would provide these jobs.

Second, I recently moved my business out of the downtown area due to high vandalism and moved it to the Valley River area. It is clear to me that a vibrant downtown Eugene begins with filling downtown Eugene with high density businesses and residential mixed-use projects. This project would assist in the high density, downtown Eugene that will save the downtown.

Thank you for your consideration.

Julie Gentili Armbrust

--

Julie Gentili Armbrust | Mediation Northwest | 1580 Valley River Drive,
Suite 250, Eugene, OR 97401 | Phone: 541.484.1200 | Toll-Free Fax: 866.
228.4430 | www.MediationNorthwest.com

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NOBEL FLANNERY Amanda

Subject: RE: The Core Buiding

From: Gary Gentry [<mailto:grgentry@yahoo.com>]
Sent: Wednesday, June 05, 2013 9:58 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: The Core Buiding

Dear Mayor Piercy, Council Members and Mr. Ruiz,

I live in Eugene and care about how the decisions made for the city that affect its future, especially those relating to our downtown areas.

I was dismayed to read about the Core proposal in the Register Guard recently. I believe the Core proposal would be inappropriate for not only the specific location planned, but also for the future development of the downtown areas as a whole, and for the lack of substantial revenue to be generated to the benefit of the city. The 12 story building would be far too large for the area – it would be out of character with our downtown, would cast shadows taking away from the openness of the area, and would result in traffic and congestion that the city streets are not designed to handle. Additional tax revenue for the city is certainly needed, but this is the wrong vehicle to accomplish it, and the break given the developer is out of proportion to the benefit derived by the city. I feel the results of this project would not truly add either to the city's liveability or, in the end, its long-term revenue.

Having moved to Eugene from St. Louis, MO and having seen these types of projects before – those that are out of character for an area - I've seen the negative impacts to a city. And the resulting “white elephant” for the city is a long-term burden that planners don't often take into account. We should not let immediate needs dictate decisions that will have long-term negative impacts.

I also believe that student housing in Eugene is overbuilt, and several recent RG articles confirm this. Enrollment at UO is certainly leveling out, and will undoubtedly begin to decrease over the next few years as a result of higher education moving more and more into the online world. This article from the Christian Science Monitor Weekly issue for this week, was splashed on its cover: "**The End of College? How online learning will transform traditional education**". Go to this link for the full article:

<http://www.csmonitor.com/USA/Society/2013/0602/How-online-learning-is-reinventing-college?nav=87-frontpage-entryInsideMonitor>.

This change is happening now, with enormous free online courses offered by some of our finest universities. As costs for campus learning continue to escalate, students may not fill student housing buildings. In ten years, the proposed 12 story building could be a huge liability for Eugene, costing the city dearly. I would hope that this type of project will not be allowed to move forward to the detriment of all of us.

With the best of hopes for our city,

Gary Gentry

Item B.

Gary R. Gentry
3848 Ashford Drive
Eugene, Oregon 97405
541-510-6497

ATTACHMENT H

**Email from DNA Chair
with Results from Steering Committee Vote**

From: David Mandelblatt [<mailto:dmandelblatt@yahoo.com>]
Sent: Friday, March 01, 2013 4:32 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Downtown Neighborhood Association re: Core Campus

On Wednesday evening, Feb. 27, the DNA Steering Committee unanimously passed the following motion:

I move that the DNA Steering Committee take a position of support for the proposed Core Campus student housing project at 515 E. Broadway with the following understandings:

1. All Traffic Impact Analysis work done must include thorough examination of impact on bicycle and pedestrian traffic as well as automobile traffic. "Automobile" includes public transportation.
2. Safety concerns shall be addressed and mitigated.
3. Enhanced opportunities for pedestrian and bicycle traffic shall be included as part of the "Public Benefit" requirement of the MUPTE.

Our greatest concern about the project is safety issues that could arise for pedestrians and bicycles. Keeping in mind that this project intentionally plans to have pretty limited parking opportunities, with the expectation that it will encourage pedestrian and bike traffic, a Traffic Impact study has to include those aspects. We know that it is not common practice, but feel that this project uniquely needs the extra scrutiny.

In fact, given Envision Eugene and sustainability goals that the city has set, it is hard to imagine that inclusion of non-motorized traffic wouldn't be an automatic consideration in all future TIAs.

Given, also, the MUPTE requirement for a project to add something to the community, the Neighborhood Association has looked carefully at the kinds of things that would make the most sense from our point of view. Clearly enhancing opportunities for bike and pedestrian traffic would meet the criteria at the same time as responding to our concerns about safety.

Thank you for considering the DNA viewpoint on this.

Sincerely,

David

David Mandelblatt
Co-chair, Downtown Neighborhood Association
dmandelblatt@yahoo.com

Financial Analysis

The financial information Core Campus submitted in their application is based on projections prior to finalizing financing, construction, and tenanting. The financial assumptions included in Core Campus's MUPTe application pro-forma have been analyzed and adjusted as necessary to more accurately reflect the expected financial performance of the project.

Sources

	Total Cost		Annual debt service
Equity	\$ 11,001,149	25%	n/a
Conventional Debt	\$ 33,003,449	75%	\$ 2,491,522
Total project	\$ 44,004,598		\$ 2,491,522

The \$11 million in equity is anticipated to come from a single investor who has worked with Core Campus on other projects. A minimum of 8.96% return (Cash on Cash) is needed in year 1 to secure the proposed equity investment.

Core Campus plans to use conventional bank construction financing, with the permanent, take-out financing anticipated from a large commercial bank. Underwriting for the permanent financing is based on a maximum 75% loan-to-value and minimum 1.25 debt service coverage ratio.

Pro-Forma Without MUPTe

The pro-forma without MUPTe in this memo is derived from applying market-based assumptions (described below) to the information provided by the developer.

<i>Without MUPTe</i>	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Rent Income	\$ 4,227,360	\$ 4,269,634	\$ 4,312,330	\$ 4,355,453	\$ 4,399,008	\$ 4,442,998	\$ 4,487,428	\$ 4,532,302	\$ 4,577,625	\$ 4,623,401
Parking Income	\$ 88,920	\$ 89,809	\$ 90,707	\$ 91,614	\$ 92,531	\$ 93,456	\$ 94,390	\$ 95,334	\$ 96,288	\$ 97,250
Retail Income	\$ 110,573	\$ 111,679	\$ 112,795	\$ 113,923	\$ 115,062	\$ 116,213	\$ 117,375	\$ 118,549	\$ 119,734	\$ 120,932
Misc. Income	\$ 222,239	\$ 224,461	\$ 226,706	\$ 228,973	\$ 231,263	\$ 233,575	\$ 235,911	\$ 238,270	\$ 240,653	\$ 243,060
- Vacancy (5%)	\$ 232,455	\$ 234,779	\$ 237,127	\$ 239,498	\$ 241,893	\$ 244,312	\$ 246,755	\$ 249,223	\$ 251,715	\$ 254,232
= Effective Gross Rent	\$ 4,416,600	\$ 4,460,800	\$ 4,505,400	\$ 4,550,500	\$ 4,596,000	\$ 4,641,900	\$ 4,688,300	\$ 4,735,200	\$ 4,782,600	\$ 4,830,400
- Operating Exp (32%)	\$ 1,413,312	\$ 1,427,456	\$ 1,441,728	\$ 1,456,160	\$ 1,470,720	\$ 1,485,408	\$ 1,500,256	\$ 1,515,264	\$ 1,530,432	\$ 1,545,728
= NOI	\$ 3,003,288	\$ 3,033,344	\$ 3,063,672	\$ 3,094,340	\$ 3,125,280	\$ 3,156,492	\$ 3,188,044	\$ 3,219,936	\$ 3,252,168	\$ 3,284,672
- Debt Service	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522
= CF	\$ 511,766	\$ 541,822	\$ 572,150	\$ 602,818	\$ 633,758	\$ 664,970	\$ 696,522	\$ 728,414	\$ 760,646	\$ 793,150
Cash on Cash Return	4.7%	4.9%	5.2%	5.5%	5.8%	6.0%	6.3%	6.6%	6.9%	7.2%
Value	\$42,904,000	\$43,333,000	\$43,766,743	\$44,204,857	\$44,646,857	\$45,092,743	\$45,543,486	\$45,999,086	\$46,459,543	\$46,924,000
DCR	1.21									

Rents & Vacancy

Income for the pro-forma is based on the following:

- Residential rents from \$1.83 - \$2.23 per square foot per month (based on unit type)
- Commercial rent \$2.08 per square foot per month
- Parking \$65 per space
- Miscellaneous (vending, fees, & cleaning) at 6% of residential income

The pro-forma uses market assumptions for vacancy of 5%. An 1% annual income escalation rate is used.

Operating Expenses

For most multi-family projects, the standard assumption for operating expenses is 25% to 30%. Operating expenses assumed for the proposed Core Campus project are estimated at 32% of effective gross rental income. Slightly higher operating cost are expected from enhanced on-site management personnel costs and the operation and maintenance costs associated with higher than standard amenities such as open space, structured parking, hot tub, and furnished units. Information from a local appraiser indicates an acceptable range up to 35%. An 1% annual operating expense escalation rate is assumed.

Debt & Interest Rate

Debt service is based on a 30-year fixed loan at 5.75%.

Return & Value

Without the MUPTE savings, the year 1 return on equity is forecasted to be 4.7% (Cash on Cash). The projected market value for the completed project is \$42.9 million, as determined by the Net Operating Income (NOI) divided by the capitalization rate. The estimated capitalization rate is 7% based on information from a local appraiser who indicated an acceptable range up to and including 7.25%.

ANALYSIS

The without MUPTE pro-forma appears to fall short of qualifying for the needed debt (with debt coverage ratio of 1.21 and loan-to-value of 77%). Additionally, the project lacks the ability to attract the needed equity. The proposed project will require the investor to assume some risk from the major redevelopment costs associated with the site and from the rate of absorption of the large number of proposed units brought into the local student housing market. Core Campus has indicated that their primary investor will require a minimum first year return of 8.96%. Without the MUPTE savings, the project generates a 4.7% first year return, which is insufficient to attract the required \$11 million equity investment. The Cash on Cash only reaches 7.2% by year 10 in the absence of the MUPTE.

Pro-Forma With The MUPTE

With MUPTE	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Income	\$ 4,649,100	\$ 4,695,600	\$ 4,742,500	\$ 4,790,000	\$ 4,837,900	\$ 4,886,200	\$ 4,935,100	\$ 4,984,500	\$ 5,034,300	\$ 5,084,600
- Vacancy	\$ 232,500	\$ 234,800	\$ 237,100	\$ 239,500	\$ 241,900	\$ 244,300	\$ 246,700	\$ 249,200	\$ 251,700	\$ 254,200
= Effective Gross Rent	\$ 4,416,600	\$ 4,460,800	\$ 4,505,400	\$ 4,550,500	\$ 4,596,000	\$ 4,641,900	\$ 4,688,400	\$ 4,735,300	\$ 4,782,600	\$ 4,830,400
- Operating Exp	\$ 1,413,300	\$ 1,427,500	\$ 1,441,700	\$ 1,456,200	\$ 1,470,700	\$ 1,485,400	\$ 1,500,300	\$ 1,515,300	\$ 1,530,400	\$ 1,545,700
- Property Tax (saved by MUPTE)	\$ (449,000)	\$ (462,500)	\$ (476,400)	\$ (490,700)	\$ (505,400)	\$ (520,600)	\$ (536,200)	\$ (552,300)	\$ (568,900)	\$ (586,000)
= NOI	\$ 3,452,300	\$ 3,495,800	\$ 3,540,100	\$ 3,585,000	\$ 3,630,700	\$ 3,677,100	\$ 3,724,300	\$ 3,772,300	\$ 3,821,100	\$ 3,870,700
- Debt Service	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522	\$ 2,491,522
= CF	\$ 960,778	\$ 1,004,278	\$ 1,048,578	\$ 1,093,478	\$ 1,139,178	\$ 1,185,578	\$ 1,232,778	\$ 1,280,778	\$ 1,329,578	\$ 1,379,178
Cash on Cash Return	8.7%	9.1%	9.5%	9.9%	10.4%	10.8%	11.2%	11.6%	12.1%	12.5%
Value	\$49,319,000	\$49,940,000	\$50,573,000	\$51,214,000	\$51,867,000	\$52,530,000	\$53,204,000	\$53,890,000	\$54,587,000	\$55,296,000
DCR	1.39									

The pro-forma above shows the impact of the MUPTE. The Cash on Cash return reaches 8.7% in year 1 and 12.5% in year 10. **The average return for the project over the ten-year period is 10.6%.** This is within the market expectation for Cash on Cash return. The project valuation is 67% loan to value.

Tax Savings Calculation

The property tax savings from the MUPTE is calculated from the estimated value of the project:

$$\text{Assessed Value} \times \text{Tax rate} - \text{Land Property Tax} = \text{MUPTE Savings}$$

Assessed Value = Value X Changed Property Ratio = \$44,034,000 X 0.5898 = \$25,971,300

Tax Rate = \$18.18 per \$1,000 in assessed value

Land Property Tax = \$11,200

The land property tax must be subtracted out from the total tax because the MUPTE only applies to the value of the new improvements. The estimated property tax for the land is \$11,200, which was estimated by the current assessed value of the land (\$639,816).

The estimated property tax savings from the MUPTE in year 1 is \$450,000.

The property tax estimate is based on two key assumptions:

1. The current tax rate stays the same for the 10 year period.
2. Assessed value increases annually by 3%, which would mean that there is no significant change in the way assessed value is calculated; also the property will be reassessed when the exemption expires.

Core Campus states in the application that the MUPTE also allows for higher quality finishes and building to LEED standard. Examples of the finishes include stainless steel appliances and granite counter tops, which allow the project to position itself for the possibility of converting the structure to a non-student focus in the future as added flexibility and to mitigate vacancy risk. (Shared walls between bedrooms can be removed to provide larger master suites and reduce the bedroom count to accommodate a more typical market rate renter.) Construction is steel and concrete (\$140 per square foot hard costs building only; \$130 per square foot hard costs building and parking).

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: June 10, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: June 10, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Kris Bloch
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the May 22, 2013, Work Session, May 28, 2013, Meeting, and May 29, 2013, Work Session.

ATTACHMENTS

- A. May 22, 2013, Work Session
- B. May 28, 2013, Meeting
- C. May 29, 2013, Work Session

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

ATTACHMENT A

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 22, 2013
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

A. WORK SESSION: Multi-Unit Property Tax Exemption (MUPTE) Program Panel Discussion

Panel Members: Corey Dingman, Bill Morris, John Texter, Rob Bennett, Mia Nelson.

The panelists introduced themselves, stated their jobs and relationship to the topic, and gave some background about their work as it relates to MUPTE.

Discussion highlights:

- The University area is attractive to developers because projects there are viable and can be more easily financed.
- The degree of uncertainty in the current MUPTE process causes many developers to withdraw their applications.
- Project costs are tight and profits speculative – developers often break even or incur a loss.
- Downtown development is often more difficult and more expensive to undertake.
- Development in the Coburg Road area may be viable if the land is already owned.
- Student housing is/has been the primary driver for MUPTE projects.
- University student populations are becoming more dispersed around the community, causing rental rates to shift.
- Consider creating a small, independent advisory group to screen MUPTE applications prior to the council's sign-off.
- Put criteria in place so that developers will have some assurance that if they meet the criteria their project will receive the tax exemption.
- Acknowledge the local hiring: issue: there are not enough employees available to meet need.
- For some parts of a construction job, qualified companies outside of Eugene or even outside of Oregon must be used.
- A certified payroll program is fairly burdensome: the cost is high and it's difficult to monitor.
- Banks and finance agencies already track all the financial info the council is seeking.
- The shortage of multi-family housing and buildable land on which to build multi-family housing in Eugene is critical.
- Inclusion of affordable housing units in market-rate development is largely unfeasible.
- Affordable housing almost always involves families with children and requires a specific set of amenities.
- There is support among appraisers, developers, lending institutions, builders and community planners for continuing the MUPTE program in some form.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Poling moved to extend the meeting by 5 minutes. **PASSED:** 7:1, Taylor opposed.

Due to the length of the panel workshop, the council agreed to push back the timeline for implementing programmatic changes to MUPTE.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Michelle Mortensen
Deputy City Recorder

ATTACHMENT B

MINUTES

**Eugene City Council
Bascom/Tykeson Room, Eugene Library
Eugene, Oregon 97401**

**May 28, 2013
7:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Chris Pryor, Claire Syrett, Greg Evans, Mike Clark (via conference phone)

Her Honor, Mayor Piercy, called the May 28, 2013, City Council meeting to order.

1. PLEDGE OF ALLEGIANCE TO THE FLAG

In honor of Memorial Day, Mayor Piercy read an excerpt from President Obama's Memorial Day Proclamation. The Pledge of Allegiance to the flag was led by five students from Bridgeway House.

2. PUBLIC FORUM

1. *Nick Moll*, presented information about being sustainable, green and wise with resources.
2. *Hallie Ford*, presented information about being sustainable, green and wise with resources.
3. *Megan Kemple*, asked the council to support legislation related to climate change.
4. *David Gizara, Bicycle and Pedestrian Advisory Committee*, conveyed recommendations for improvements to Willamette Street.
5. *Alley Valkyrie*, expressed concern about the actions of the Downtown Guides.

3. APPROVAL OF THE CONSENT CALENDAR:

- A. Approval of City Council Minutes
- B. Approval of Tentative Working Agenda

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to approve the items on the Consent Calendar. PASSED: 7:0, Councilor Clark absent.

4. PUBLIC HEARING: An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions (MUPTE) under Sections 2.945 and 2.947 of the Eugene Code, 1971, Through July 31, 2013.

1. *Dennis Casady*, supported the permanent suspension of MUPTE.

Councilor Clark arrived at the meeting via conference phone at 8:00 p.m.

5. ACTION: Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) by Adopting a New Metro Plan Boundary that Is Coterminous with the City of Springfield Urban Growth Boundary East of Interstate 5; Adopting Savings and Severability Clauses; and Providing for an Effective Date (City File MA 11-1)

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Council Bill 5067, an ordinance amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). PASSED 6:2, councilors Taylor and Brown opposed.

6. WORK SESSION: Disposition of Surplus Property

Community Development Division Manager Mike Sullivan provided an overview of the proposal to sell the City-owned property at 8th Avenue and High Street to the owners of the Shedd.

Council Discussion:

- There was general agreement that the Shedd is a great community partner and its expansion plans are in keeping with downtown goals and vision.
- Concerns were expressed about the process used to sell the property; some felt that an open, competitive Request for Proposals (RFP) process should have been used.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor moved to authorize the City Manager to enter into a purchase and sale agreement with the Shedd Institute for the Arts for the disposition of the quarter-block property located at 8th Avenue and High Street consistent with the terms and conditions included in Attachment B. PASSED 6:2, councilors Taylor and Brown opposed.

The meeting adjourned at 8:45 p.m.

Respectfully submitted

Michelle Mortensen,
Deputy City Recorder

ATTACHMENT C

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 29, 2013
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Greg Evans

Councilors Absent: Claire Syrett

Mayor Piercy called the May 29, 2013, City Council work session to order.

A. ACTION: Ordinance Suspending Multi-Unit Property Tax Exemption (MUPTE) Program

City Attorney Glenn Klein introduced the item and provided background. He suggested that council amend the sunset date to August 31, 2013, to allow time for discussion and implementation of programmatic changes.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Council Bill 5093 extending the suspension of the MUPTE Program, and changing the date in the ordinance from July 31, 2013 to August 31, 2013. PASSED 6:1, Councilor Clark opposed.

B. WORK SESSION: Core Campus – Application for Multiple-Unit Property Tax Exemption for Residential Property Located at 505 East Broadway (The Hub in Eugene)

Mike Sullivan and Amanda Nobel from the Community Development Division introduced the item and provided general background on the project, including information about the proposed building site and applicant.

Council discussion:

- Support was expressed for designing the building so that it could be converted to another housing type in the future.
- Several councilors noted that the project will address the City's forecasted need for higher density housing located within the urban core.
- Councilors discussed current and projected demographic information related to student populations and housing demand and location.
- The council discussed the financial risks associated with the proposal.
- It was noted that consideration should also be given to projected growth rates at Northwest Christian University and Lane Community College.
- A request was made for comparable data that illustrates how this project compares with student housing options in other university areas.
- Concerns were expressed about lighting, public safety, bicycle and pedestrian facilities and whether a traffic impact analysis would be required.

Item 3.A.

- The council discussed the proposal to require local hiring and financial disclosure information.
- Concerns were expressed about the relative height of the building and the cost of the units.
- The council discussed the need to clarify what is meant by “public benefit” as an evaluation criterion and acknowledged that it means different things to different people.

The meeting adjourned at 1:25 p.m.

Respectfully submitted

Michelle Mortensen,
Deputy City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: June 10, 2013
Department: City Manager’s Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, “The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business.” Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER’S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

JUNE 10	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed		
B. WS: Core Campus Housing		60 mins – PDD/Nobel
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag (Flag Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
4. PH: Ordinance Suspending Enforcement of 5¢ Charge for Paper Bags		PDD/Scafa
5. Action: Appointments to Boards and Commissions		CS/Forrest
6. WS: Police Auditor and Civilian Review Board Annual Report		PA/Gissiner
7. WS: City Hall		CS/Hammitt
JUNE 12	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: EWEB Master Plan		90 mins – PDD/Flock
JUNE 17	MONDAY	** NOTE: 5:30 P.M. WORK SESSION ADDED **
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Action: Core Campus Housing		45 mins – PDD/Nobel
B. WS: MUPTE Program Revisions		45 mins – PDD/Braud
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Ordinance on EWEB Master Plan		PDD/Flock
JUNE 19	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: South Willamette Street Improvement Plan		45 mins – PW/Henry
B. WS: Envision Eugene Implementation: South Willamette Concept Plan		45 mins – PDD/Thomas, Hostick
JUNE 24	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: MUPTE Program Revision (tentative)		45 mins – PDD/Braud
B. WS: Safe Demolition Protocols		45 mins - PDD/Ramsing
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Local SDC Cost Adjustments		PW/Burns
d. Approval of Resolution for Annexation (A 13-2) Reiman		PDD/Taylor

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

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|---|------------|
| 3. PH: FY14 Proposed Budget | CS/Cariaga |
| 4. PH: FY13 June Supplemental Budget | CS/Cariaga |
| 5. PH: FY14 URA Proposed Budget | CS/Cariaga |
| 6. PH: FY13 URA June Supplemental Budget | CS/Cariaga |
| 7. Action: FY14 Proposed Budget | CS/Cariaga |
| 8. Action: FY13 June Supplemental Budget | CS/Cariaga |
| 9. Action: FY14 URA Proposed Budget | CS/Cariaga |
| 10. Action: FY13 URA June Supplemental Budget | CS/Cariaga |

JUNE 26	WEDNESDAY
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| Noon | Council Work Session | |
| Harris Hall | Expected Absences: Taylor | |
| A. WS: Police Auditor Performance Evaluation | | 45 mins – CS/Smith |
| B. WS: Homeless Camping | | 45 mins – PW/Corey |

JULY 8	MONDAY
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|--|-----------------------------|---------------------|
| 5:30 p.m. | Council Work Session | |
| Harris Hall | Expected Absences: | |
| A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC | | 30 mins |
| B. WS: EWEB Master Plan | | 60 mins - PDD/Flock |

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|---|---------------------------|------------|
| 7:30 p.m. | Council Meeting | |
| Harris Hall | Expected Absences: | |
| 1. Pledge of Allegiance to the Flag and Reading of Declaration of Independence (Independence Day) | | |
| 2. Ceremonial Matters | | |
| 3. Public Forum | | |
| 4. Consent Calendar | | |
| a. Approval of City Council Minutes | | CS/Forrest |
| b. Approval of Tentative Working Agenda | | CS/Forrest |
| 5. Action: Ordinance Suspending Enforcement of 5¢ Charge for Paper Bags | | PDD/Scafa |

JULY 10	WEDNESDAY
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|-------------------------|-----------------------------|---------------|
| Noon | Council Work Session | |
| Harris Hall | Expected Absences: | |
| A. WS: Homeless Camping | | 45 mins – PW/ |
| B. WS: | | |

JULY 15	MONDAY
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|---|-------------------------------|------------|
| 7:30 p.m. | Council Public Hearing | |
| Harris Hall | Expected Absences: | |
| 1. PH: Ordinance on Facilitating Downtown and Mixed Use Development | | PDD/Hansen |
| 2. PH: Ordinance on MUPTC Program Revisions | | PDD/Braud |

JULY 17	WEDNESDAY
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|--------------------|----------------------------------|--|
| Noon | Council Work Session | |
| Harris Hall | Expected Absences: Piercy | |
| A. WS: | | |
| B. WS: | | |

JULY 22	MONDAY
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|---|-----------------------------|---------------------|
| 5:30 p.m. | Council Work Session | |
| Harris Hall | Expected Absences: | |
| A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager | | 30 mins |
| B. Action: EWEB Master Plan | | 60 mins - PDD/Flock |

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Ordinance on Facilitating Downtown and Mixed Use Development	PDD/Hansen
4. Action: MUPTA Program Revisions	PDD/Braud

JULY 24	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS: City Manager Performance Evaluation	45 mins – CS/Smith
B. WS:	

JULY 31	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

COUNCIL BREAK: August 1, 2013 – September 9, 2013

SEPTEMBER 9	MONDAY
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5:30 p.m. Council Work Session
Harris Hall Expected Absences:

A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed	
B. WS:	

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest

SEPTEMBER 11	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

SEPTEMBER 16	MONDAY
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7:30 p.m. Council Public Hearing
Harris Hall Expected Absences:

1. PH:	
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SEPTEMBER 18	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

A. WS:	
B. WS:	

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

SEPTEMBER 23	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

SEPTEMBER 25	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

OCTOBER 9	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

OCTOBER 14	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

OCTOBER 16	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

OCTOBER 21	MONDAY
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7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog.		Fire/EMS - Eppli

OCTOBER 23	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences: Piercy
A. WS:	
B. WS:	

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

OCTOBER 28	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
3. Action: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog.		Fire/EMS - Eppli

OCTOBER 30	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

NOVEMBER 12	TUESDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC,		
B. WS: Update on Plastic Bag Ban Ordinance		45 mins – PDD/Nelson

7:30 p.m.	Expected Absences:	
Harris Hall		
1. Pledge of Allegiance to the Flag (Veterans Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

NOVEMBER 13	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

NOVEMBER 18	MONDAY
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7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH:	

NOVEMBER 20	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 5, 2013

NOVEMBER 25	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

NOVEMBER 27	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		

DECEMBER 9	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed		
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

DECEMBER 11	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

COUNCIL BREAK: December 12, 2013 – January 2014

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Suspension of Paper Bag Pass-Through Charge in Section 6.860 of the Eugene Code, 1971; and Providing a Sunset Date

Meeting Date: June 10, 2013
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
 Staff Contact: Stephanie Scafa
 Contact Telephone Number: 541-682-5652

ISSUE STATEMENT

Section 6.860 of the Eugene Code, 1971, requires that a retail establishment offering a recyclable paper bag to a customer at the point of sale, charge the customer not less than five cents per bag and that the fee charged be indicated on the customer's receipt. On May 13, 2013, the City Council voted to reevaluate the paper bag pass-through fee and bring back an ordinance to suspend the five-cent-per-bag charge during the reevaluation period.

BACKGROUND and RELATED CITY POLICIES

The City Council adopted Ordinance No. 20498, encouraging the use of reusable bags by banning single-use plastic carryout bags and requiring a five cent fee for carry-out, recycled paper bags, on October 22, 2012. The ordinance went into effect on May 1, 2013.

Discussion

Eugene is one of the over 90 cities nationwide and three within Oregon, that have adopted a ban on single-use carryout plastic bags. With regard to the use of a five cent fee in Oregon, Portland does not require a five cent pass-through fee on paper bags, while Corvallis does require the charge. Currently, the Corvallis City Council is considering an update to its ordinance that would require the five cent charge be applied only to large grocery-style bags.

Public Comment

This public hearing provides a forum before the Mayor and City Council regarding the proposed ordinance to suspend the five cent fee (Attachment A). Additional comments submitted to the City between May 1 and May 29, 2013, are included as Attachment B.

TRIPLE BOTTOM LINE – SOCIAL, ENVIRONMENTAL, ECONOMIC IMPACTS

The staff analysis from the February 27, 2012, City Council work session provided overviews of the assumed environmental, social, and economic impacts of the proposed ordinance. Prior to ordinance adoption, City staff developed the "Bring Your Bag" outreach and education campaign, which continues to offer assistance to Eugene retailers on an as-needed basis. The objective of the

campaign is to raise awareness of the purpose and function of the ordinance as well as provide information about where to obtain low-cost or free reusable bags.

COUNCIL OPTIONS

No action is necessary at this public hearing. Action on the ordinance is scheduled for a later date.

CITY MANAGER'S RECOMMENDATION

None at this time.

SUGGESTED MOTION

No recommended motions at this time.

ATTACHMENTS

- A. Proposed Ordinance
- B. Public Comment

FOR MORE INFORMATION

Staff Contact: Stephanie Scafa
Telephone: 541- 682-5652
Staff E-Mail: stephanie.scafa@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SUSPENSION OF PAPER BAG PASS-THROUGH CHARGE IN SECTION 6.860 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE.

The City Council of the City of Eugene finds as follows:

A. Section 6.860 of the Eugene Code, 1971, requires that a retail establishment making a recyclable paper bag available to a customers at the point of sale charge the customer not less than 5 cents per bag and that the fee charged be indicated on the customer’s receipt.

B. The City Council would like to reevaluate the paper bag pass-through fee and has determined that the requirement to charge five cents per bag should be suspended during the reevaluation period.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Section 6.860 of the Eugene Code, 1971, is suspended.

Section 3. Unless extended or made permanent by future Council action, this Ordinance shall sunset and be repealed on December 1, 2013.

Passed by the City Council this

Approved by the Mayor this

_____ day of June, 2013.

_____ day of June, 2013.

City Recorder

Mayor

ATTACHMENT B

Public Comment on five-cent pass through charge on paper bags

This document is a compilation of comments submitted to the City between May 1 and May 30, 2013.

From: City of Eugene [<mailto:DoNotReplyToThisEmail@ci.eugene.or.us>]
Sent: Monday, May 27, 2013 7:43 PM
To: Eugene PDD Code Compliance Inspectors
Subject: Nuisance or Zoning Complaint

A Nuisance or Zoning complaint has been submitted from the web:

Violation Address - Walmart on Green Acres Location

Description - I'm not sure if this is the right place to file a complaint about the plastic bag ban and new .5 cent charge for a paper bag, but hopefully you can forward it to the right place. I find it ironic that people with food stamps should have to pay for bags. Many do not have cars and are Now forced to pay additional fees just to Carry their food home, yet people with WIC vouchers do not have to pay. Please revisit this option.

Thank you

*

From: Brenda Brainard [<mailto:brendalee.brainard@gmail.com>]
Sent: Wednesday, May 22, 2013 1:44 PM
To: CLARK Mike
Cc: *Eugene Mayor, City Council, and City Manager
Subject: paper bags

Good Afternoon Councilman Clark:

I read your Letter to the Editor this am re: paper bags. I would like to add my thoughts for your comments and am asking that you share them in discussion with the City Council as they revisit the plastic bag ban.

I am okay with the plastic bag ban, but here is my point of contention: Until May 1 all grocery, etc. bags were "free". Well, not really free, but the cost of using bags (plastic and/or paper) had been included in the price of the good being sold. However, after May 1, when the City allowed the outlets the opportunity to charge for bags, the bags became .05. However, I have not noticed a drop in prices of goods in light of the fact that money is now being charged above the price of the items for the inclusion of the sack. Additionally, 1,000 bags at Cash and Carry cost less than \$9.00. That is .0009 for each bag, leaving the store a .0491 profit ON EACH BAG. Times this by the thousand bags a day at Walmart and see how much money the City Council is putting into big corporation's pockets (or Fred Meyer or Safeway or whomever).

So, who wins from this. Of course, the grocery/outlet item. Certainly not the consumer or the overall good (for whom the ban is to protect and help). To me, it feels like City Council is looking out for the retail (mostly giants) with their decision.

If the City Council wants to make it more "fair", the .05 should go away (as it is included in the price of goods) and people should get a .05 discount for bringing their own bags. Now, that is financial incentive for us to change.

thank you
Brenda Brainard
Elysium Ave
Eugene OR

*

5/21/13 Letter to Mayor, Council, and City Manager

Megan Holloway
bagthebaneugene@yahoo.com

To Eugene City Council Members, Mayor and whomever else it may concern:

A few weeks ago, I woke up from a nightmare. In this terrifying dream, the world had evolved into a place where literally everything cost money. People were charged extra for the wrapping and packaging on products, and everything had some sort of tax attached to it. One of the most shocking parts of the nightmare was the regulation imposed on the usage of water. Although water, in most cases, is a paid commodity, in my dream, only a certain amount of water was delegated *per day*, and it wasn't enough. In the real world, this may seem outlandish and far fetched, but in actuality, given a decade or so, I can foresee a real threat towards the progression to this future. When I woke up, I was infuriated, and the recently implemented plastic bag ban in Eugene served as a catalyst for my anger.

The plastic bag ban never seemed like it would happen here. I guess I never really believed all the rumors until it was actually imposed May 1st. My emotions fluctuated between shock and rage as I visited the check stand at my preferred grocery store for the first time since this law went into effect. I was told by the obviously verbally exhausted clerk that people had been complaining all day to him and that it was frustrating because it wasn't his fault. In fact, he was against it. I read an article printed May 2nd, which claimed the bag ban was off to a "smooth start".¹ I call selective interviewing. I have not talked with one single person in favor.

As everyone I'm sure is aware, there are a multitude of seemingly positive reasons to conform to the ban of plastic bags. Claims include, they are single use, non biodegradable, causing environmental problems when people litter, filling landfills, and so on. So your solution is to ban them, charge five cents per paper bag, encourage (force) us to bring our own "reusable bags"? Make up all the excuses you want, but you won't be able to hide from the truth forever. The reality is that plastic bags are more practical than wasteful, and the truth is people are mad.

¹ <http://www.registerguard.com/rg/news/local/29811144-75/bags-plastic-ban-bag-businesses.html.csp>

By banning the bags, you've started a chain reaction for the people of Eugene. I cannot stress how important it is to realize these bags are NOT single use. People use them to line trash cans in their homes, to carry their lunch to work, to pick up dog droppings, to dispose of used kitty litter, in place of packing materials and for freezing food, just to name a few of the dual purposes of these now coveted bags. What they don't use, they recycle. Sure some of the bags get thrown away by this, but isn't it better than causing us to resort to *buying* trash bags, doggie bags and smaller trash can bags that really are completely intended for single use? When I clean my cat's litter box, it makes me sick to think of how the bag I am using is partially wasted because it is too big for merely the contents of the litter box. The plastic grocery bags were just the right size and when I used them it was *at least* the second time they were used. It's just silly to buy things that are intended to literally be thrown away. How's that for eco-friendly?

The City of Eugene's personal website makes a failed attempt at trying to convince residents that they can still conveniently "line the garbage can" and "deal with pet waste."² They claim using the plastic bags that are still in circulation is one solution. That's a bit hypocritical, is it not? Other offered solutions include using produce bags, bread bags, bulk or cereal bags. The only slightly logical alternative in the lineup is produce bags, but it also seems a tad bit ironic that these bags are ok while the shopping bags aren't. As for lining the trash can, it suggests newspaper and rinsing periodically, which is a disgusting substitute and a horrible mess to clean up. Most astonishing of all is the duplicitous suggestion of *buying* "thin, reusable bags." There's something missing here.

The five cent expense for each paper bag used at the check out is atrocious. I see clearly that this is, once again, intended to encourage (force) us to use allegedly reusable bags, but they were free before. Not to mention, most people preferred plastic. So now you have two choices: conform to cloth bags or pay five cents for a bag that you never used to use and don't even prefer. Plus paper is a byproduct from trees. That means more trees harvested than before. While I realize trees are crops, a renewable resource, there are so many more important things for which they should be used.

The sole use of cloth or reusable bags is not the answer. While it might work for some people, these bags are not people-friendly to the majority because they require a lot more effort to maintain than what most people would like to put forth. While, due to their single use as a means of food transportation, it can be concluded that plastic and paper are the most sanitary grocery bags, whereas cloth/reusable bags can harbor harmful bacteria. This can be avoided by washing them...preferably

² <http://www.eugene-or.gov/index.aspx?NID=2390>

after each use.³ It is also recommended to keep meat products, produce and non-food items in separate bags respectively. There are several problems here. First off, it's difficult to remember to bring the bags to the store. Sure maybe some people will eventually conform, but only because they feel it's a hopeless lost cause. Keeping items in separate bags is a frustrating inconvenience. Using labels may sound like a good idea (and if it works for you, great!), but not everyone is that organized. Lastly, and most importantly, washing the bags after every use (or nearly every use) is almost impossible for most people. With their busy schedule they can barely budget enough time to go shopping, let alone spend extra time washing their grocery bags. Not to mention, the majority of the so-called reusable bags sold in stores are only good for a few uses until they get holes in them. They are also not exactly intended to be washed, so even "re-usable" bags go to the landfill.

My attitude on cloth or reusable bags has always been the same, even before this outrageous law was passed: to each their own. I'm never going to be the person to tell people what type of bags they can and cannot use. That's an invasion of rights. What gives only a few people the entitlement to take away a whole city's freedoms, especially without a public vote? If pollution of plastic bags really is a legitimate concern, measures should be taken to encourage recycling. Bag recycle bins could be set up at places people frequent, like the mall and all grocery stores, to make it more convenient to dispose of them in a truly eco-friendly way. Do you really think outlawing plastic bags will help the environment and reduce litter? Some people will always litter, even if it isn't plastic bags. It doesn't change a thing. Also, although I'm not at all advocating for the banning of paper bags, I have to ask: Is it really better for the environment to continue producing paper bags as the only alternative to cloth/reusable bags? Sure they are biodegradable, but it takes much more energy to make a paper bag than plastic,⁴ and paper bags aren't easily reusable.

In a town where there are so many more important issues to worry about, like homelessness, theft and road maintenance, just to name a few, why target plastic bags? Doing so has turned something so miniscule into a huge issue. It's not right that something that effects and offends so many be imposed on us. We should have been granted a public vote, at the very least. I assume you've supposedly heard all the complaints before, but you're listening with closed ears. If you really, truly cared and heard what people are saying, you might actually quit thinking about what you, yourself believe will solve the problem, and consider some alternatives that just might suit the entire city better. Remember, there are more of us than of you.

³ <http://townhall.com/columnists/debrajsaunders/2013/02/10/wash-your-bags--or-else-n1508589>

⁴ <http://ducktv.uoregon.edu/plastic-bag-ban-hits-eugene-controversy-over-usefulness/>

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From: Dan Cragun [<mailto:dan.cragun@yahoo.com>]
Sent: 16 May, 2013 15:38
To: Eugene PSO
Subject: Cragun: paper bags

This comment is for the City Council ...

Because of the 5c per paper bag charge, and because I live close enough to either Eugene or Springfield Safeway and Albertsons grocery stores, I will now be shopping in Springfield.

Dan Cragun
dan.cragun@yahoo.com

*

5/16/13 – Email sent through “Contact Us”

'With the new plastic bag ban, did you intend to penalize those of us who have been shopping with reusable cloth bags for years? You are! At Winco, before the ban, I used to get a credit of 6 cents per bag. Now, I don't.

So the people who never brought reusable bags before but now do break even. The people who never brought them and still don't are charged 5 cents a bag, raising the price of their groceries.

The people who always brought them and have stopped lose 11 cents a bag (the 6 cents they used to get + the 5 cent charge). And people like me have had the cost of their groceries go up.

I'M BEING PENALIZED BY YOUR ORDINANCE EVEN THOUGH I HAVE BEEN REUSING BAGS FOR YEARS. THANKS FOR PUNISHING THOSE OF US WHO ALREADY WERE TRYING TO CUT DOWN ON WASTE.'

Contact information:
Susan Iverson
Email: ronlybonlyjones@yahoo.com

Request Tracker #: 1698

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From: Lin Marie [<mailto:hiketheworld@yahoo.com>]
Sent: Thursday, May 16, 2013 1:59 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Plastic bags

Dear Mayor, council and city manager;

I was so glad when Eugene decided to ban the plastic bags, for so many environmental and animal causes!!!

The City has had plenty of time and notice to implement the change. I was hoping the bag ban would help people choose bags that can be recycled. Decreasing the plastic is great for the environment but increasing paper bags is not the solution. Some people's reaction has been juvenile, like a temper tantrum. I spoke with a Wal-Mart clerk who said that people initially were so terribly verbally abusive to her that she wished she could have quit. That is totally uncalled for. Wal-Mart sells recycled bags for 50 cents! They hold so much that those people who leave with 20 plastic bags, would only need 4-5 recycled bags. That's less than \$3 and much less than a pack of cigarettes or 6 pack of beer. My recycled bags have lasted for years. I only had to repair one small hole in one. Many stores give you 5 or 6 cents for each bag that you bring in shopping which reimburses the cost. I am very caring about low income people and their problems. If they really need help, why not allow the recycled bags to be bought with their Food Stamps. That way less paper will be used. From personal experience I know that in many European countries they were charging 25 cents for a bag in the 70's if you didn't bring in your own bag. And it's great when you can find recycled bags made out of old recycled plastic bags. (ie: Trader Joe's) I hope you don't reverse the ban or encourage more paper use. Educating the public on helping our environment is so important. Thank you.

Lin Marie

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From: Lana Lindstrom [mailto:lane_lindstrom@hotmail.com]

Sent: Wednesday, May 15, 2013 2:21 PM

To: *Eugene Mayor, City Council, and City Manager

Subject: grocery bags - give it time!

I was incredulous when I read that the Council was considering repealing the \$.05 charge for grocery bags - it had been less than 2 weeks!!! Of course some folks are going to complain - it's change. I've spoken with several checkers in the S. Eugene Market of Choice, hardly a place where low income folks shop - yes, even there, some folks are complaining, but most are accepting. That's because most of us have been training ourselves for years to walk in with a bag or two.

Most grocery stores in Europe and even in S. Africa have been charging for bags for at least 10 years! Let's not go backwards.

If folks are concerned about low income folks, let's provide them with some reusable bags for free - 2 or 3 bags per family which should last a couple of years. Make it part of the Sunday Streets Festival. Even the grocery store \$.05 bags, both plastic and paper, can be re-used multiple times, but most people don't - many end up in the grocery store recycle bins.

I don't believe it's about the money. It's about change and being "inconvenienced" by having to remember to bring a bag(s) into the store.

Please, please, please allow new habits to form..... one bag at a time.

Lana Lindstrom

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From: Winter Hekimyan [<mailto:whelimyan@gmail.com>]
Sent: Wednesday, May 15, 2013 5:21 PM
To: NELSON Ethan A
Subject: Questions to answer please...

Hi,

I am very frustrated with this new ban and that you keep telling everyone that this was best for Eugene but the reasons you say it's best doesn't make sense.

- 1) Most, if not all the plastic bags used were recycled already and weren't impacting the environment like they used to year ago when recycling wasn't as important.
- 2) So we have to pay for paper bags as well? Why? Because they also go to the dumps eventually? The thing about that is, they are so close to being recycled material, they practically fall apart before you get them home, so I have a hard time believing they sit in a dump in such a way that really impacts anything.
- 3) You spoke about reusing bags (any bags, plastic, paper, cloth). So many people DO reuse plastic bags. I used them for diapers, dog droppings, trash in general, etc. I also used to reuse them repeatedly for other situations (shopping, going to the park, etc.). I would think reusing the recyclable plastic bags for trash, especially, would be better for the environment than having to buy more of the larger bags you buy at the stores (such as Glad or Hefty) to use for trash. Are they as recyclable as the plastic bags we used to get from the grocery stores?

There are two other issues that I would like to address about this ban:

- 1) I didn't realize that anyone else was having the same problem I was with the loss of plastic bags (or free paper bags). I am also disabled and for me, having plastic bags was easier for me to carry instead of the paper bags. Cloth bags don't seem as easy for me to carry.
- 2) You and others claim you put this ban in place to help the environment but I have made a conscious effort to go to Springfield to do my shopping from now on, so not only is Eugene losing the revenue from myself and many others who have vowed to not shop in Eugene, but my car's emissions have increased because I now drive to Springfield rather than going less than a mile down to the local Eugene Walmart I live by. How does that help the environment?

I hope you and the city council take a closer look at the faulty decision you have made with this ban and at the VERY LEAST make paper bags free or get rid of the ban all together, which would benefit many more people out there who did indeed reuse the recyclable plastic bags.

*

From: Clayton Pauer [<mailto:claytonpauer@live.com>]
Sent: Wednesday, May 15, 2013 8:42 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Plastic Bags

I'm a manager in a big box retail store in Eugene and the plastic bag ban with the .05 charge is perfect. We too get a small amount of complaints about the "inhumanity of it all." Generally speaking, we americans hate to be inconvenienced and will cry and whine until we get used to it and then we'll be fine.

Because we charge .05 people won't buy a bag unless they absolutely need one. If we don't charge for a bag most people will take a bag whether they need one or not and then we've accomplished nothing.

People have so many reusable bags not being used in their homes and cars. Instead of lifting the bag charge encourage retailers to start a reusable bag bin their stores (customers leave their unwanted reusable bags in the bin). If people (poor people) need a bag they can take what they need from the bin.

Again, the system is perfect. Please don't cave to the minority loudmouths. We'll figure out a way to get bags to those that can't afford them.

Regards, Clayton Pauer 541.842.0886

*

5/14/13 – email to Mayor, City Manager, and City Council

It might be wise for some of you to look at this. What you have put into place is about as crazy as this city can get. I really cannot believe the lack of common sense on this. I always recycled and reused these bags. I will now carry my own plastic bags. And answer me this, who get the \$.05 stupid charge for the paper bags.

Harold Greer – who has lived in Eugene for 60 years and I was once proud of this city.
Included forwarded email from Hilex Poly:

When lawmakers across the country discuss plastic shopping bag bans and taxes, it's because the public perception of plastic bags is often based on junk science and distorted claims.

However, our [brand new infographic](#) will help set the record straight. Here are the facts about plastic bags:

- **Plastic bags are environmentally friendly.** They're 100% recyclable and 90% of consumers reuse them. Plus, the rate of recycling is increasing thanks to the 30,000+ recycling drop-off locations across the country.
- **Alternative grocery bags are worse for the environment.** Manufacturing paper bags requires 70% more energy than plastic bags -- and for every 7 trucks needed to deliver paper bags, only 1 truck is needed for the same number of plastic bags. So-called "reusable" bags are no better. A standard cotton grocery bag must be reused a whopping 131 times to ensure it has lower global warming potential than a single-use of a plastic bag. And other types of reusable bags are made from foreign oil and cannot be recycled.
- **Bag bans and taxes are causing local businesses to suffer.** In fact, a store in California reported a 25% decline in sales after a bag ban was implemented, and another store owner reported 300 plastic baskets stolen after a bag ban passed.



Item 4.

You can help spread the truth by [sharing our infographic with your friends and family](#) on [Facebook](#) and [Twitter](#). Speak up today!

*

5/14/13 – email to Mayor, City Manager, and City Council
Dear City Council Members,

I have recently been informed that several of you would like to revisit the fee associated with the recent bag ban. I imagine you have been hearing a lot of negative feedback about the fee, and I am sure you will continue to hear this feedback for some time. It will no doubt take that time for people to adjust.

But why is the fee important? First and foremost, it helps local businesses offset the higher cost of paper bags. The paper bags can cost from 6 to 12 cents a piece. If the ban stays in effect without a fee, local businesses will be negatively impacted.

Also, one key element in considering the environmental impact of a consumption-related decision is the embodied energy in a product. Paper bags, because they take more energy to produce and ship, actually have more embodied energy than plastic bags. If the fee is not maintained to encourage use of reusable bags, then the bag ban will have done very little to help avoid the environmental cost associated with single use bags.

I urge you to keep the fee for paper bags. It is better for local businesses and better for the environment. Many cities have passed bag bans without fees. Eugene has an opportunity with its bag ban to be a leader. Please keep the fee.

Regards,
Clayton Stilwell
Oregon League of Conservation Voters
Oregon Leadership in Sustainability

*

From: Diana Bus [<mailto:dbus@efn.org>]
Sent: Tuesday, May 14, 2013 7:50 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: 5 cent bag fee

Good morning. What another beautiful spring day we are having. I just read this mornings paper and saw that the council may reconsider the 5 cent fee for paper bags. I think that's a great idea. I strongly support using reusable bags, but i also think the 5 cent fee is quite a burden. Eliminating the fee would certainly would make it easier for the folks running the cash registers as they wouldn't have to wait to close out the receipt until all the groceries were bagged. And most retailers had already included the costs associated with bags into their overall costs. By eliminating this fee the council could show both support for using reusable bags, but also streamline the process a great deal. Thanks for listening.

Diana Bus

*

5/13/13 – email to Stephanie Scafa

What is the purpose of the bag fee?

a. If it is to re-emburse the store for cost of paper bags, then it is an over charge. All traders then stores from time imemorial have always added to the price of the goods they sell the cost of doing business. Supplying paper bags is a cost of doing business. The fact is stores never lowered their prices when they shifted to plastic unless paper requested, so they have actually been collecting money to pay for paper bags they never sold for decades. Now the public is faced with being charged another nickel on top of what they have already been paying for bags.

If you know different then I'd like to see both pricing models for before and after the advent of plastic bags as I never noticed the decrease in price for the cheaper bags. You need a different motivator. I suggest having no bags to offer the public at all. Advertise it widely then and no one gets ripped off and resentful over paying extra for something they already paid for. That is how you drive innovation and change not by stealing money for a corporation that is not going to incerase its tax payments to the city voluntarily for the favor of incrteasing its profits.

b. If the nickel were sent on to the city, still not a great idea, the city should buy reusable bags with it and give them away free.

*

5/7/13

Mayor Piercy,

I had a bad couple of experiences as a result of the bag ban.

I went to Albertsons on Royal and Danebo and I go to the self checkout and I see no paper bags out. I am informed that I have to personally find someone on duty and request the number of bags I think I will need, they will come over personally and escort the bags to the self-check out area and ensure they got added to my bill before I could access them. If I am short one (because I don't want to get more than I need), I have to repeat.

On the same day, a few minutes earlier, I had to go to the front part of the store where they sell cigarettes so I could buy a lighter and pay for the candles I was buying for my wife's birthday cake. I had to have a bag, I realized, because I forgot I still had to go the back of the store to get the cake, and without a bag it would look like I didn't pay for it, but I had to pay before leaving that counter and so there I was, stuck. So after I was rung up, I gave a \$1 and they rang up a separate 5 cents and gave me 95 cents change, and then handed me a full size grocery bag for two objects I could have cupped in my two hands so you couldn't see them.

I feel exactly the same as when I go to a gas station and have to ask for a key to the restroom and then return it. I feel exactly the same as if the carts were removed from grocery stores and I had to rent one and someone had to accompany me at all times to make sure these particular leased carts did not leave the property. I feel like raising my hand in class to say I have to go potty or something.

I suggested they stock the bags by the self-serve with just bar codes and pricing so I could scan a bag, load it, if I need more, scan another and load it and then ring up my final total. They said they couldn't

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because they HAVE to make sure EVERY bag is paid for. This is turning their lives and my self-serve life upside down over paper bags. I suggested they get some bag dispensing device where I press a button and it spits out a bag and adds it to my bill if the bag gestapos need this level of security and scrutiny.

Got any ideas? I can't stand this treatment. I think that Albertsons values their products very highly and has systems in place to reduce shoplifting, but somehow it is a big penalty to them if they let paper bags be purchased on the same honesty system as the rest of the stuff and someone messes up (a customer fails to add it). Never mind that they could look at a receipt before you leave (like Costco) without the humiliating of making you beg for a bag and have to have it escorted to your self-serve checkout center and not released to your hands until and unless they enter the price for it...

It is wasteful not having a selection of bags to fit the size of merchandise I need . It is wasteful to have small bags cost 5 cents like a big one because the incentive is to get the biggest one since you are already paying for it anyway. I see how wasteful it is for the store to turn their cashiers into little police at the self-checkout, the wasted manpower, and then the wasted person time from my life having to go beg for bags and have them escorted by Brinks to my self-checkout.

I'm wondering if you have any ideas on how this could be improved? And soon..

Bill Northrup

*

5/7/13

I was just reading the article on the bag ban that states "Wic" holders are able to get free bags. Either paper or reusable. Maybe it wasn't made clear to ALL participants, as Friday while checking out at WalMart the gal told me that anyone with Food Stamps was able to get free bags. The article says they are not eligible. Maybe a little more training is needed. Either way, it is totally a rotten deal that anyone gets free bags while I'm having to pay for them! If they can afford Beer and Cigarettes they can pay the bag!!!

Oh and I had a clerk at Albertsons tell me, if I needed a bag to get one from the produce or meat department.

Jackie DesChamps

*

5/2/13

From: adamsdaddy123@gmail.com [<mailto:adamsdaddy123@gmail.com>]

Sent: Thursday, May 02, 2013 11:10 AM

To: *Eugene Mayor, City Council, and City Manager

Subject: Plastic Bag Ban in Eugene

Hello to all concerned,

I am an ordinary man, father and husband who lives in Eugene very close to Gateway Mall. I am not political and couldn't even tell you what Ward I am in. I just wanted to pass on my opinion about your new plastic bag ban. I'm no fan of plastic bags. I worked as a grocery sacker when plastic bags took

over as the main bag in stores. I thought they were silly though the company pushed how they were cheaper to make, produced less harmful toxins in production and how they took up less space in landfills. I'm no fan of plastic bags.

Your decision to remove the plastic bags is fine with me but you have managed to do something I never thought would happen. You have driven most of my business out of Eugene and into Springfield. I have a handful of reusable bags I keep in the car for when I go shopping. I don't always have enough and use the extra bags from the store. Your 5 cent "fee" makes me feel like I am the bad person and am being punished for not owning enough reusable bags, or driving the correct car with the reusable bags in the trunk, or riding the bus and stopping by the store for a few things without my bags.

As I said, I live very close to Gateway Mall. Yesterday and today, May 1st and 2nd, I visited 5 stores in Eugene. Every cashier politely explained to me how I will be charged 5 cents for a bag. I asked each cashier what they thought about the change. Not a single one liked it. I asked loudly enough for the other customers to hear. Quite a few responded with negative responses. Nobody seemed to mind the plastic bags going away as much as the 5 cent charge for using a paper bag. In 3 of the stores I carried the groceries out in my hands. The reusable bags were either in the other car or I accidentally left them in the trunk.

I am approximately half way between stores I generally shop at. This would include Wal-Mart, Winco, Fred Meyers, Safeway and Walgreens. I roughly estimate I spend around \$20,000 to \$25,000 a year on food and supplies for a family of 4 with teenagers in the house. Today I decided to change where I shop. For me it only changes the roads I drive on, the distance and fuel usage is roughly the same. This will not affect the stores I shop at as I will still go to Wal-Mart, Winco, Fred Meyers, Safeway and Walgreens. They will be the stores in Springfield now. I'm sure this will affect other things as well. I'm guessing I will now go to the Les Schwab in Springfield rather than the one by Fred Meyer on River Road since I won't be shopping there anymore. I'm also guessing this will affect where I buy fuel as well. I generally purchase fuel at Fred Meyer on River Road. As I spend more time in Springfield I see myself finding a gas station close to one of the places I shop. Do you see the ball rolling here?

Again, I'm not a fan of plastic bags. With that said my family and I reuse our plastic bags multiple times before they are no longer fit to use. My daughter uses them as lunch bags. My son throws his workout clothes from school in them and ties the top shut. We use them for pet droppings and we use them in our bathroom trash cans. I'm sure we can find other ways to do these things though it will cost us more as a family. I now have to purchase lunch bags or a lunch pail for my daughter, a reusable bag for my son's gym clothes (he absolutely refuses to use a green Winco bag to put his clothes in). I can always buy bags for my trash cans and come up with something different to pick up after the pets. I don't find you've changed my plastic usage much as I will be buying (more money out of my pocket) heavier plastic bags to replace the (free) plastic bags I would get from the store.

So as long as Springfield doesn't put a fee on their bags, paper or plastic, I will be shopping there. Add up the \$20,000 or so from the people that didn't write or call you but have chosen to do the same thing. This will affect Eugene poorly. I would even meet you half way and start shopping in Eugene again if you lift the required 5 cent fee from the bags and allow the customers the choice. Allow the companies the choice to charge for the bags or not. Companies were paying for bags, paper and plastic, long before you put the ban in place. I would guess they would offer free bags again if it kept people like me in their stores.

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I am only one voice and I rarely take the time to speak up on issues like this. This issue got me to sit down and write this letter. I hope you take my voice and my choice to shop elsewhere into consideration as you address this topic in future meetings.

Thank you for your time,

Joseph Green

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Appointments to Boards, Commissions and Committees

Meeting Date: June 10, 2013
 Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 5
 Staff Contact: Beth Forrest
 Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is an action item to appoint members to the Budget Committee, Civilian Review Board, Historic Review Board, Human Rights Commission, Planning Commission, Sustainability Commission, Toxics Board and Whilamut Natural Area Citizen Planning Committee.

BACKGROUND

Each year, the council makes appointments to boards, committees and commissions. Chapter 2 of the Eugene Code addresses standing committees to the City Council and the appointment process for each body. For most standing committees created in the code, council is the appointing authority.

The annual recruitment for boards, committees and commissions was initiated on January 22, 2013, and concluded on March 29, 2013. The recruitment was publicized on the Internet, through press releases, council newsletter items, at City offices, and at City- and neighborhood-related meetings and events.

Members of the council were provided with copies of the applications. Applicants who received five or more votes to be reappointed or appointed, were automatically placed in nomination for formal appointment. Those who received at least three votes in any category were invited for an interview.

With the exception of one appointment to fill an unanticipated vacancy on the Whilamut CPC (the person selected to fill this unexpired term will begin immediately), the terms for these boards, committees and commissions will begin on July 1, 2013.

RELATED CITY POLICIES

The boards, committees and commissions serve as advisory bodies to the City Council in the development of various city policies.

COUNCIL OPTIONS

The City Council may:

1. Appoint applicants who have been nominated;
2. Appoint other applicants from the pool, or
3. Seek additional candidates for these positions.

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item; the appointments are made by the council.

SUGGESTED MOTIONS

Budget Committee

There are two vacancies on the Budget Committee. One incumbent applied and received enough votes for reappointment. From the eligible pool of candidates, the council chose to interview four applicants.

Move to appoint _____ to Position 3 on the Budget Committee for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Move to reappoint Laura Illig to Position 5 on the Budget Committee, for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Civilian Review Board

There are two vacancies on the Civilian Review Board; one incumbent applied and received enough votes for reappointment. From the eligible pool of candidates, the council chose to interview three applicants.

On May 1, 2013, a CRB subcommittee met to review the applications and recommend qualified candidates for council consideration. The panel's recommendations were forwarded in a memorandum to the council on May 2, 2013.

Move to reappoint Steven Buel-McIntire to Position 3 on the Civilian Review Board, for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Move to appoint Christopher Wig to Position 4 on the Civilian Review Board for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Historic Review Board

There are four vacancies on the Historic Review board; one incumbent applied and received enough votes for reappointment. The Mayor and Planning Commission Chair Randy Hledik interviewed all applicants.

Move to appoint Ellen Currier to Position 1 on the Historic Review Board for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Move to appoint Barbara Perrin to Position 2 on the Historic Review Board for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Move to appoint Kay Porter to fill a vacancy at Position 3 on the Historic Review Board for a term ending on June 30, 2014.

Move to reappoint Andrew Fisher to Position 4 on the Historic Review Board for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Human Rights Commission

There are four vacancies on the Human Rights Commission; one incumbent reapplied and received enough votes for reappointment. From the eligible pool of candidates, the council chose to interview six applicants.

Move to appoint _____ to Position 4 on the Human Rights Commission, an unexpired term ending on June 30, 2014.

Move to appoint Edward Goehring to Position 5 on the Human Rights Commission for a three-year term beginning July 1, 2013, and ending on June 30, 2016.

Move to appoint Arun Toké to Position 6 on the Human Rights Commission, for a three-year term beginning on July 1, 2013, and ending on June 30, 2016.

Move to reappoint Toni Gyatso to Position 7 on the Human Rights Commission, for a three-year term beginning on July 1, 2013, and ending on June 30, 2016.

Planning Commission

There are two vacancies on the Planning Commission; one incumbent reapplied and received enough votes for reappointment. From the pool of eligible candidates, the council chose to interview three applicants.

Move to appoint _____ to Position 2 on the Planning Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Move to reappoint Jeffrey Mills to Position 3 on the Planning Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Sustainability Commission

There are four vacancies on the Sustainability Commission – all are at-large positions. One incumbent reapplied and received enough votes for reappointment. From the pool of eligible candidates, the council chose to interview seven applicants.

Move to appoint _____ to Position 1 on the Sustainability Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Move to reappoint Sasha Luftig to Position 2 on the Sustainability Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Move to appoint _____ to Position 3 on the Sustainability Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Move to appoint _____ to Position 4 on the Sustainability Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017.

Toxics Board

There are two vacancies on the Toxics Board; one is for an “industry” position and one is an “advocacy” position. One incumbent (advocacy) reapplied and received enough votes for reappointment. The only candidate for the industry position also received enough votes for appointment.

Move to appoint Wendy Cecil to Position 1, an industry representative on the Toxics Board for a three-year term beginning on July 1, 2013, and ending on June 30, 2016.

Move to reappoint Christine Zeller-Powell to Position 4, an advocacy representative on the Toxics Board for a three-year term beginning on July 1, 2013, and ending on June 30, 2016.

Whilamut Natural Area Citizen Planning Committee

There are two vacancies on the Whilamut CPC; both are to fill vacancies due to resignations. One applicant who applied during the regular recruitment period received enough votes for appointment.

The second vacancy occurred after the annual recruitment period ended. The applications of the two candidates for this vacancy were included with the appointment ballot. An ad-hoc subcommittee of the CPC recommended the appointment of Theresa Brand to fill this position.

Move to appoint Theresa Brand to Position 1 on the Whilamut Natural Area Citizen Planning Committee, an unexpired term ending on June 30, 2014.

Move to appoint Deveron Musgrave to Position 6 on the Whilamut Natural Area Citizen Planning Committee, an unexpired term ending on June 30, 2014.

ATTACHMENT

A. Results of Ballot for Appointment to Boards, Committees and Commissions

NOTE: A notebook containing all applications and related information was provided to City Councilors in April. Please refer to notebook for additional details on the applicants and committees.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

ATTACHMENT A

**BALLOT FOR BOARDS AND COMMISSIONS
INTERVIEWS/APPOINTMENTS**

Spring 2013

PLEASE RETURN BY FRIDAY, MAY 31, 2013

Name: _____

BALLOT FOR BUDGET COMMITTEE

Spring 2013

Please indicate those persons you would like to appoint. Any candidate who receives five or more votes to appoint will have their name placed in nomination for formal appointment at the June 10, 2013, City Council meeting.

BUDGET COMMITTEE: TWO (2) VACANCIES – Vote for one (1)

* Indicates current member

Last Name	First Name	Appoint	Reappoint	Notes
Barofsky	John			
Brandt	Alcan "Tony"	AZ		<i>Interviewed</i>
Cassidy	Bob	BT GB		<i>Interviewed</i>
Feeney	James			
Foltz	Casey			
Hamilton	Linda			<i>Interviewed</i>
Illig*	Laura		<i>Name on ballot – received five or more votes to reappoint</i>	
Rodine	Jeffrey			
Shaver	Will	GP GE CS CP		<i>Interviewed</i>
Zundel	Alan			

**Indicates current member*

BALLOT FOR CIVILIAN REVIEW BOARD

Spring 2013

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person's name will be placed in nomination for formal appointment at a City Council meeting.

CIVILIAN REVIEW BOARD: TWO (2) VACANCIES – Vote for one (1)

* Indicates current member

Last Name	First Name	Appoint	Reappoint	Notes
Brown	John	GP		<i>Interviewed</i>
Buel-McIntire*	Steven		<i>Name on ballot – received five or more votes to reappoint</i>	
Rea	Dean			
Wetherell	Thomas			
Whalen	William	GB		<i>Interviewed</i>
Wig	Christopher	BT GE AZ CS CP		<i>Interviewed</i>
Zundel	Alan			

**Indicates current member*

BALLOT FOR HUMAN RIGHTS COMMISSION

Spring 2013

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person's name will be placed in nomination for formal appointment at a City Council meeting.

HUMAN RIGHTS COMMISSION: FOUR (4) VACANCIES – Vote for three (3)

* Indicates current member

Last Name	First Name	Appoint	Reappoint	Notes
Carrasco	Philip	GB GE CS		<i>Interviewed</i>
Ceccacci	Vincent			
Clayton	Mary	BT CS		<i>Interviewed</i>
Findley	Joyce			
Goehring	Edward	BT GB GE AZ CS CP		<i>Interviewed</i>
Gyatso*	Toni		<i>Name on ballot – received five or more votes to reappoint</i>	
Homan	Paul			
Merskin	Debra	GP AZ CP		<i>Interviewed</i>
Morganti	William			
Newton	R. Joseph			
Pierson	Jason			
Toke'	Arun	BT GP GB GE AZ		<i>Interviewed</i>
Van Der Haeghen	David	GP CP		<i>Interviewed</i>
Whitehouse	Susan			<i>Withdrew from process</i>

**Indicates current member*

BALLOT FOR PLANNING COMMISSION

Spring 2013

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person's name will be placed in nomination for formal appointment at a City Council meeting.

PLANNING COMMISSION: TWO (2) VACANCIES – Vote for one (1)

* Indicates current member

Last Name	First Name	Appoint	Reappoint	Notes
Barofsky	John	BT GP GB		<i>Interviewed</i>
Biddle	Alex			
Mills*	Jeffrey		<i>Name on ballot – received five or more votes to reappoint</i>	
Morganti	William			
Ortiz	Andrea	GE AZ CS CP		<i>Interviewed</i>
Trieger	Laurie			<i>Interviewed</i>

**Indicates current member*

BALLOT FOR SUSTAINABILITY COMMISSION

Spring 2013

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person's name will be placed in nomination for formal appointment at a City Council meeting.

SUSTAINABILITY COMMISSION: FOUR (4) VACANCIES (four (4) at-large positions) – Vote for three (3)

Last Name	First Name	Appoint	Reappoint	Notes
Biddle	Alex			
Cecil	Wendy			<i>Withdrew from consideration for SC appt</i>
Clayton	Mary	BT GB GE		<i>Interviewed</i>
DenOuden	Bob	GP AZ CP		<i>Interviewed</i>
France	Sarah	GP CS		<i>Interviewed</i>
Gardner	Greg			
Luftig*	Sasha		<i>Name on ballot – received five or more votes to reappoint</i>	
Morganti	William			
Musgrave	Deveron	CP		<i>Interviewed</i>
Nielson	Paul			
Orbell	John	BT GB AZ CP		<i>Interviewed</i>
Saxion	Howard	BT GB GE CS		<i>Interviewed</i>
Stein	Carolyn	GP GE AZ CS		<i>Interviewed</i>
Strohm	Laura			
Trieger	Laurie			<i>Withdrew from consideration for SC appt</i>

* Indicates current member

BALLOT FOR TOXICS BOARD

Spring 2013

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person's name will be placed in nomination for formal appointment at a City Council meeting.

TOXICS BOARD: TWO (2) VACANCIES – Both positions filled

- One (1) Industry Representative
- One (1) Advocacy Position

Last Name	First Name	Appoint	Reappoint
Cecil	Wendy	<i>Name on ballot – received five or more votes to appoint</i>	
Zeller-Powell*	Christine		<i>Name on ballot – received five or more votes to reappoint</i>

*Indicates current member

**BALLOT FOR
WHILAMUT NATURAL AREA CITIZEN PLANNING COMMITTEE
Spring 2013**

Please indicate those persons you would like to appoint or interview. **Any candidate receiving three or more votes of any type will be interviewed.** Any candidate receiving five or more votes to appoint will not be interviewed; instead that person’s name will be placed in nomination for formal appointment at a City Council meeting.

WHILAMUT CITIZEN PLANNING COMMITTEE: ONE (1) VACANCY (At time of regular recruitment)

Last Name	First Name	Appoint	Reappoint
Musgrave	Deveron	<i>Name on ballot – received five or more votes to appoint</i>	

**BALLOT FOR
WHILAMUT NATURAL AREA CITIZEN PLANNING COMMITTEE**

Special Recruitment (5/6/13 – 5/17/13) – ONE (1)VACANCY – (Vacancy occurred after regular recruitment ended) – **Vote for one (1)**
Spring 2013

Last Name	First Name	Appoint	Interview	Notes
Brand	Theresa M.	BT GP GB GE AZ CS CP		<i>Applicant information attached</i>
Heiner	Derek			<i>Applicant information attached</i>

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Briefing: Report to City Council from Police Auditor

Meeting Date: June 10, 2013
Department: Office of the Police Auditor
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Mark Gissiner
Contact Telephone Number: 541-682-5005

ISSUE STATEMENT

The Chair of the Civilian Review Board and the Police Auditor are appearing before the City Council to discuss the 2012 Annual Reports of the Civilian Review Board and the Police Auditor’s Office, respectively.

BACKGROUND

The Eugene City Council appoints members to the Civilian Review Board and is the hiring authority for the Police Auditor. On an annual basis the Civilian Review Board and the Police Auditor provide and discuss their respective annual reports.

RELATED CITY POLICIES

Eugene Charter and Police Auditor Ordinances.

COUNCIL OPTIONS

Offer comments and questions.

CITY MANAGER’S RECOMMENDATION

Not applicable.

ATTACHMENTS

- A. 2012 Civilian Review Board Annual Report
- B. 2012 Police Auditor Annual Report
- C. Selected PowerPoint Slides from Annual Reports

FOR MORE INFORMATION

Staff Contact: Mark Gissiner
Telephone: 541-682-5005

Item 6.

Staff E-Mail: mark.a.gissiner@ci.eugene.or.us

CITY OF EUGENE

Eugene Civilian Review Board Annual Report

2012



EUGENE CIVILIAN REVIEW BOARD

2012 ANNUAL REPORT

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Introduction

Ordinance 20374 which enables Eugene’s Civilian Review Board, requires the Board to “...prepare and present an annual report to the city council that:

- (a) Summarizes the civilian review board’s activities, findings and recommendations during the preceding year;
- (b) Assesses the performance of the police auditor...; and,
- (c) Evaluates the work of the auditor’s office, including whether the office is functioning as intended.” [ORD 20374; 2.246 (7)]

Eugene’s Civilian Review Board (CRB) is designed to provide transparency and help ensure public confidence in the police complaint process. The Board evaluates the work of the independent Police Auditor, and reviews complaints to provide a community perspective about whether complaints are handled fairly and with due diligence.

During case reviews, Board members discuss, deliberate and analyze the Internal Affairs investigation, Auditor’s monitoring of the Eugene Police Department’s (EPD) internal administrative investigations and have the opportunity to discuss, agree or disagree on the supervisor’s recommended adjudication, the chain of command’s recommended adjudication, the Auditor’s recommended adjudication and the Chief’s final adjudication. The review of the investigations may include, but are not limited to: reviewing investigative files, listening to digital recordings of interviews and live audio from the scene of an incident, and observing videos related to complaints. We decide whether we agree with the classification of the complaint and have the opportunity to review policy and service complaints classified as something other than an allegation of misconduct. Service Complaints are complaints about: “...Police employee performance or demeanor, customer service and/or level of police service” [ECC 2.452]. Generally, service complaints are referred to an involved officer’s supervisor who reviews the issue and follows up with both the complainant and the officer. The supervisor prepares a memo detailing their review of the complaint and contact with the involved parties. The OPA reviews the materials for completeness and thoroughness, and then contacts the complainant for a follow-up and a survey. CRB reviews of service complaint files do not contain the same level of detail found in the investigative files related to allegations of misconduct. Nonetheless, we try to make a practice of reviewing service and policy complaints during at least one meeting per year. Further, each month we receive information regarding all complaints received by the OPA (including inquiries, service complaints, and policy complaints). Questions regarding the classifications of such complaints are posed to the Auditor during board meetings.

Our meetings are open to the public and provide an opportunity to learn about the complaint process. While we are committed to maintaining the confidentiality of the involved parties, discussing complaints in public allows the community to learn about the complaint intakes, classifications, investigations and determinations as they are discussed openly and critically.

In addition to case reviews, the CRB engages in continuous learning associated with police practices, civil rights, constitutional based policing practices, and interactions with vulnerable communities. The efforts in continuous learning prove beneficial to the Board’s overall approach to its mission by ensuring a comprehensive understanding of relevant processes and community factors influencing various decision makers and affected parties.

Finally, the Board also considers and discusses current policies and practices and whether or not revisions seem appropriate. These policy recommendations are channeled to the Police Commission and the Police Chief through the CRB's appointed representative to the Police Commission. As a result of the CRB's recommendations, a number of policy changes have been implemented by EPD over the years.

Please allow us to express our appreciation to the City Council, the Police Auditor, the Eugene Police Department, and the larger Eugene community for the confidence entrusted in us. All of us on the Board are proud to participate because we believe in the strength and the potential of Eugene.

Thank you for the opportunity to be of service.

Sincerely,

Steve McIntire
Board Chair

Bernadette Conover
Board Vice-Chair

Mission Statement

It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department into allegations of police misconduct, use of force and other matters that have an impact on the community. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.

2012 Overview

The CRB is required to meet four times a year. The CRB met twelve times in 2012. There were ten public meetings, one exclusive tour of the Forensics Section and Property Control Room that was not open to the public, and one meeting in which the CRB reviewed the performance of the Auditor's office. The CRB reviewed thirteen case files involving **allegations** of use of force, constitutional rights violations, courtesy, misconduct, truthfulness, judgment, abuse of position, insubordination, a service complaint related to officer performance, two policy complaints, one complaint regarding the use of pepper spray and one complaint regarding a vehicle pursuit. Some cases involved multiple allegations and/or multiple officers.

The Board (with the help of the Office of the Police Auditor) identified policy concerns to be communicated to the Police Commission and the Eugene Police Department.

Case Review Summaries

In preparing for a case review, Board members have complete access to the Internal Affairs investigative file. These materials include call logs, correspondence, in-car videos and digitally recorded interviews of complainants, officers, witnesses and others with potentially relevant information.

Board members review file materials, the fact-finding report prepared by the Internal Affairs investigating officer, along with the Adjudication recommendations of the Auditor, the Supervisors and the Chief of Police. During our reviews the IA investigator is available to answer questions about the complaint investigation. The Lieutenant who supervises Internal Affairs is also available to answer questions regarding department practices, policies and procedures.

The Board follows a case review process delineated in its Policies and Procedures Manual. The Board reviews each case by evaluating and commenting on the complaint handling through the following steps:

1. Auditor's case presentation,
2. Complaint intake and classification,
3. Complaint investigation and monitoring,
4. Relevant department policies and procedures,
5. Policy and/or training considerations,
6. Adjudication recommendations, and
7. Additional comments and/or concerns.

A brief summary of the 2012 individual case review follows.

January 2012: The Board reviewed an allegation of use of force, courtesy, unbecoming conduct and truthfulness relating to a complaint that an officer unnecessarily leg swept an arrestee just prior to lodging at the Lane County Jail. The complaint was initiated by the Lane County Sheriff's Office. Upon careful review of the evidence, it was determined the arrestee was not leg swept. EPD adjudicated the matter as unfounded. The Auditor agreed with the adjudication as did the CRB.

February 2012: A resident initiated an allegation that an officer violated his constitutional rights when he was arrested by not having reasonable suspicion to stop and detain him and used excessive force when effecting his arrest by using pepper spray and by causing a head injury. EPD adjudicated the allegations as either unfounded or within policy as to the constitutional violation and within policy as to use of force. The Auditor concurred with the adjudication as did the CRB. It was determined that the head injury occurred when the citizen fell down while in custody of the Lane County Jail. There was additional discussion about the experiences of the CRB with regard to operational issues involving In Car Videos (ICV). While it was recognized that the devices are not the only evidence to consider, often times they do provide evidence of value when adjudication decisions are reviewed. Lt. Fellman of EPD indicated that new units are on order.

March 2012: The CRB reviewed a complaint from a resident who alleged that officers used excessive force against him. The Auditor added an additional allegation that the officer failed to properly care for his arrested person when the officer removed the man from the car to better restrain him and tipped him over causing the man to strike his head on the pavement. Officers arrested two men who were brawling at Kesey Square. One of the arrested men complained that officers used excessive force to effect the arrest. When placed in the patrol vehicle, that man intentionally and repeatedly hit his head against the plexiglass divider. Officers removed him from the vehicle to better restrain him. Once outside the cruiser, the reporting party, while on his knees, was ordered to the ground and given a slight push to the shoulder area. This caused the handcuffed reporting party to fall forward, striking his head on the sidewalk, and causing a contusion. The portion of the complaint involving excessive force was unfounded. The issue of performance with regard to the care of the arrested was adjudicated by all parties as sustained as the officer was held accountable for the safety of his prisoner. While the push to the shoulder was light, and it is possible that the reporting party assisted in his own fall, the officer has responsibility for ensuring the safety of his arrestee. The CRB agreed with the adjudication recommendations. The CRB did observe and discuss the Reporting Party injuring himself by banging his head violently against the Plexiglas divider while seated in the patrol car and what could be done to minimize self-injury in such situations. The CRB was assured command staff discussed this concern at defensive tactics training.

April 2012: A complaint was filed concerning alleged racial profiling resulting in a traffic stop. The Auditor classified the allegation as one of misconduct, constitutional rights/discrimination and IA investigated the complaint. The driver could not be seen from the ICV within the patrol car and it was determined the driver was speeding in a school zone. The investigation included a time/speed analysis and a review of the officer's past performance in issuing citations. We recognize that officers have discretion in issuing a citation. Once approaching the vehicle, there is no way to determine whether the discretion to issue the citation was based on any other factor other than probable cause existed that a speeding violation occurred. The matter was adjudicated as unfounded by EPD. The Auditor's office and the CRB concurred with the adjudication.

May 2012: The CRB reviewed two separate cases involving allegations of misconduct. One regarding the treatment of a DUII resident in custody and one officer involved automobile pursuit.

1. A resident complained that she was denied the opportunity to use the bathroom when she was in custody of a male officer on a DUII arrest, causing her to urinate in her pants while handcuffed. The specific allegation was performance – judgment: that the officer failed to take proper care of a subject in his custody. The supervising sergeant recommended that the complaint be unfounded, the supervising lieutenant recommended a finding of within policy, and the supervising captain recommended a sustained finding. The Auditor and the Chief agreed that the allegation should be sustained. While the officer reassured the complainant that after he concluded the DUII processing she could use the bathroom, and after receiving advice from a fellow officer, he continued to process the DUI. It was recommended by the Auditor and decided by the Chief that the officer needed to make reasonable accommodation to the complainant to use the bathroom when her need was clearly articulated and there were options available to the officer. After a lengthy discussion, the majority of the CRB (in a 3-2 vote) agreed with the sustained finding. A concern of the Board was the officer conferred with a more experienced peer officer and did not appear to act with malice. The IA representative shared there was much discussion among EPD employees and opinions varied greatly, thus needing attention by command staff. The Board suggested this issue be studied by command staff to see what changes to policy would be appropriate.
2. The CRB also reviewed a pursuit (internally reported) which was found to be a violation of policy. Two officers were dispatched to a call of a vehicle with stolen plates leaving a store; the officers initiated and continued the pursuit despite poor conditions and an identified suspect. Several violations of the pursuit policy were alleged, including initiating in violation of policy, continuing after the suspect began driving dangerously, failing to broadcast critical information, and broadcasting inaccurate and inadequate information. The case also included allegations of poor judgment (for engaging in the pursuit) and insubordination (for failing to immediately comply with a supervisor's order to terminate the pursuit). The Auditor and the EPD chain of command agreed that the pursuit policy violations were sustained and the insubordination allegation was unfounded. On the judgment allegation, the supervising sergeant recommended that the allegation be unfounded; the command staff, and Auditor recommended sustained, the Chief concurred with the sustained allegation.

July 2012: The CRB reviewed two cases in July:

1. The CRB reviewed a case alleging an officer violated the abuse of position policy. The case concerned an allegation that an arrest was made for a noise violation when no noise was occurring when the officer arrived and that the officer had a personal relationship with the neighbor, an employee of the Eugene Fire Department. The Board discussed at length the policy surrounding arresting someone for noise based on a complaint when the noise is not present upon officer arrival. In this particular matter, the board concluded there was no abuse of discretion but a number of board members questioned whether the arrest made sense under the totality of the circumstances with so little investigation and lack of observed noise at time of contact and whether command staff should consider a policy that would require observed violation as a condition to arrest for low level misdemeanors.

The Board also discussed classification and that if the matter had been classified as judgment rather than abuse of position, the outcome might have been different. Finally, the Board

noted there was a language barrier between the arrested party and the officer and suggested it might have impacted the officer's discussions with the arresting party.

2. A second reviewed complaint was received from a reporting party who had been protesting outside of a social service agency. An officer responded and tried to direct the reporting party away from where he was protesting under threat of being arrested for trespassing. There was some discrepancy as to whether the officer told the reporting party he could not protest where he was standing. By law, since the man was standing on a public easement, he was permitted to protest there. The reporting party complained that the responding officer was discourteous during the contact. The discussion between the Officer and the complainant was heated and loud. Eventually, the complainant left the scene. It was later determined by the second officer that the complainant had a lawful right to protest in that location because it was City property. The Auditor's Office and the EPD chain of command recommended that the allegation be sustained, and the Chief concurred. The CRB also concurred with the sustained finding.

September 2012: In September, the CRB held a joint meeting with the Police Commission and reviewed a case wherein a complainant alleged that an Officer lacked reasonable suspicion to detain her and lacked probable cause to charge her with trespassing. The matter was classified as a constitutional rights violation as well as report preparation and submission. The reporting party alleged that her constitutional rights were violated and that the officer falsified information on his police report.

The Board's discussion focused on arresting for trespass when the complainant placed her foot on a wall while observing a protester being arrested. The complainant was told to move along and was eventually arrested for trespassing. The Board discussed the reasonableness of the arrest under the circumstances and the inconsistencies of the various reports filed by witness officers. On the first allegation, the Auditor initially recommended a finding of sustained, as his office did not find that the officer had reasonable suspicion to detain the subject for the crime. However, the prosecutor reviewed the case and found that the officer had probable cause to arrest for trespass (which is a higher standard than reasonable suspicion). Following the prosecutor's finding, the Auditor recommended a finding of within policy and EPD chain of command recommended unfounded. The Chief adjudicated the allegation as unfounded. The Auditor and EPD chain of command concurred that the second allegation be adjudicated as insufficient evidence (the investigation, while thorough, did not uncover sufficient evidence to support any other adjudication). The CRB concurred with the Auditor's recommended adjudications. A number of the members of the Board felt that the situation could have been deescalated through dialogue rather than resulting in arrest. In fact, at least one Board member opined that while the arrest was technically lawful, the complainant's actions did not meet the standard for enforcing the law. Ultimately, the Board agreed with the recommendation of within policy and unfounded as to the report writing.

October 2012: The CRB reviewed an allegation and a policy complaint, respectively.

1. The allegation arose out of a pedestrian violation. The reporting party alleged that an officer racially profiled her daughter by stopping her and issuing a citation; she also alleged that the officer was discourteous to both of her daughters. On the first allegation, the Auditor recommended a finding of insufficient evidence; the EPD chain of command recommended unfounded. The Chief adjudicated the allegation as unfounded. On the allegation of

discourtesy, the Auditor, EPD chain of command, and Chief Kerns agreed that the allegation was unfounded. The CRB agreed with the adjudication recommendations.

2. The policy complaint was related to EPD's response to Occupy protest at Bank of America. Investigation showed that incident could have been handled better but was handled within policy. The CRB agreed with the auditor's classification, as well as the finding that the response conformed with EPD policy.

November 2012: The CRB reviewed an Auditor initiated investigation into the use of physical force and OC spray during the arrests of two women after a demonstration. The allegations included: use of force: a violation of the OC spray policy, violation of the Taser policy (threatened), and a violation of the use of Taser policy (threatened).

One of the arrestees had a mild confrontation with an officer who was handing out police stickers to children. One of the arrestees told the officer not to hand her child a sticker and slapped the officer's hand away when he tried to hand her child a sticker. The two women left the park blocks and were confronted by officers whereupon they were eventually arrested.

The investigation and adjudication were complicated by the involved officer retiring before completion of the adjudication. Members of the Board noted there was an opportunity to deescalate this matter, which may have very well resulted in a different conclusion. At least one board member opined the lesson to be learned was not what the officers did after they got to the scene, but how they could avoid the use of force in the future.

The Board also discussed the problems associated with the use of ICVs or the lack thereof. At least one officer at the scene continued to advise other officers he was "hot", meaning his ICV was on and ask whether or not he should turn his ICV off. Several officers responded that he should leave it on. The Board noted there have been some inconsistencies with use of the ICV. Consistent use and functionality can go along way in resolving complaints including exonerating officers wrongfully accused or identifying misconduct. We remain appreciative that it is one piece of evidence, rarely all inclusive in adjudicating complaints.

The Board commended Chief Kerns on his observations that EPD missed an opportunity to successfully manage a challenging group of protestors.

The Board agreed with the adjudication recommendation of within policy; however, a majority of the Board members agreed with reservations and discussed how the officers missed an opportunity to improve community relations with this particular group of residents.

December 2012: The CRB reviewed an internally generated (a sergeant) complaint alleging unbecoming conduct and improper use of force by an officer during his detention of a juvenile related to a burglary. The allegations included unbecoming conduct and use of force.

During the arrest of a juvenile, the juvenile became antagonistic and the officer lifted him up from a seated position in an aggressive manner. The Board agreed with EPD and the Auditor sustaining the allegations of unbecoming conduct and use of force.

During the Board's discussion it was noted the Supervising Sergeant's initial adjudication memorandum was not credible and was discredited by command staff. The Board and the Auditor were confused and disappointed that the Sergeant's Memo was so contrary in the face of

overwhelming evidence and suggested there be some training discussions surrounding adjudication memorandums.

Civilian Review Board Training

Members of the Eugene Civilian Review Board have differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operations, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies. The Board recognizes it is important to receive balanced training from a variety of sources both inside and outside the law enforcement.

In 2012 our training came from a variety of sources including social service agencies, mental health professionals, outside consultants and the Eugene Police Department. Generally a training session occurs at regular meetings and the topics and presenters are selected by the Board in advance. The training sessions included:

- February: Kids First presentation (District Attorney's Office)
- March: 1. Eugene Mission tour with Mission staff.
2. CRB policy discussion about an officer's responsibilities when arrested persons are refused at the Lane County Jail based on a nurse's evaluation.
- June: Tour of the Forensics Unit and Property Control Rooms
- September: Discussion of the annual reports of the Police Auditor, Internal Affairs and Police Commission.
- October: Tour of the new EPD facility.
- November: Report by the Auditor on the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference.

Identified Policy, Procedure and Training Concerns

Eugene's model of oversight includes the CRB as a quality assurance oversight body to evaluate and comment on the work of Office of the Police Auditor and review and comment on some Internal Affairs investigations arising out of complaints and allegations of misconduct. It also includes providing a CRB as a representative to the Eugene Police Commission as a policy body to evaluate and address policy concerns, some of which have been identified by the CRB arising out of its work. The CRB has a representative on the Human Rights Commission. In 2012 both the Auditor's office and the department helped the Board identify concerns that were passed along to the Police Commission and the Chief.

Protection from self-inflicted injuries – During one of the Board's case reviews it was observed that an arrestee was banging his head violently into the plexi-glass of the patrol car and it was suggested the policy be reviewed.

Use of Facilities –The Auditor and the Board requested EPD review its approach to arrestees in distress and needing the use of restroom facilities, particularly female arrestees in the custody of male officers.

Arrest for low-level misdemeanor without observed violation – The Board suggested that EPD consider the appropriateness of arresting or citing someone for low level misdemeanors where no violation is observed by the officers.

De-escalation – The board continues to suggest that EPD work to improve de-escalation as a tool over escalation.

In addition to those mentioned above, the Board regularly seeks clarification regarding procedures and practices that evolve out of case reviews and training discussions. On occasion these result in suggestions to the department for improving services.

Evaluation of the Office of the Police Auditor and the Auditor’s Performance

By ordinance, the CRB “shall evaluate the work of the auditor’s office...” and shall “establish criteria by which to evaluate the work of the police auditor.” Six members of the CRB completed written reviews of the police auditor and the work of the Office of the Police Auditor, as did Lieutenant Fellman and Nate Reynolds of the EPD Office of Professional Standards and the Chief of Police. At a special meeting the Board discussed those evaluations with Mr. Gissiner in executive session. The evaluation criteria were along seven dimensions.

The OPA and the Auditor’s performance were rated in each dimension and individual comments and suggestions for improvement were included in the evaluation. The 2013 evaluation is included in the evaluation for Council in its evaluation scheduled for June 2013.

The Board previously sent the information to the Council in its performance evaluation packet in June 2012. The entire package is available upon request. Overall eight dimensions were evaluated. In those dimensions the Auditor’s office met or exceeded expectations. Points of emphasis include continued efforts to strategize how to get additional community engagement in the processes.

Conclusions

We have an engaged and thoughtful civilian review board that invests considerable personal time to participate in and evaluate the police oversight processes in Eugene. They are the community’s representatives in analyzing the internal administrative personnel processes of EPD and the external monitoring and complaint intake processes of the Auditor’s office. The CRB conducts open and transparent public meetings on case review, policy considerations and training issues. As one example of their dedication, in 2012, the CRB met eight more times than the minimum requirements of the Ordinance. At most meetings, the entire board is present. The CRB must evaluate difficult personnel and policy issues that impact community members and sworn police personnel. They have been complimentary, critical, inquisitive and decisive. It is an honor and privilege to serve the community of Eugene. In 2012 Eugene’s system of civilian oversight continued to evolve and develop. We look forward to continuing our work and we are committed to improving our processes in service of the community.

CITY OF EUGENE

Office of the Police Auditor

2012 Annual Report

Mark Gissiner, Police Auditor

5/30/2013



EUGENE MAYOR AND CITY COUNCILORS

MAYOR: KITTY PIERCY

Ward One: George Brown

Ward Five: Mike Clark

Ward Two: Betty L. Taylor

Ward Six: Greg Evans

Ward Three: Alan Zelenka

Ward Seven: Claire Syrett

Ward Four: George Poling
Council President

Ward Eight: Chris Pryor
Council Vice President

City Manager: Jon Ruiz



May 30, 2013

Honorable Mayor Kitty Piercy
 Council President George Poling
 Council Vice-President Chris Pryor
 City Councilors

I am honored to present the 2012 Annual Report of the Office of the Independent Police Auditor (OPA). This report covers the period from January 1, 2012 – December 31, 2012. This report highlights our accomplishments and challenges during the sixth year of operation.

2012 was marked by a stable, dedicated and hardworking Civilian Review Board (CRB), excellent investigative work by EPD's Internal Affairs Section and decisive actions on sustained complaints. With minimal impact caused by personnel changes, all entities were able to focus on the work that needs to be accomplished to meet Council and community goals.

We remain confined by Oregon Public Records laws that severely restrict our ability to communicate with optimal transparency to the community about important issues. We do our best to push out as much information as possible with our weekly newsletter and annual report. The keys to building and maintaining community trust are transparency and open government. Laws that shield the public from openness and transparency feed the portals of distrust and discontent and also block the opportunities to promote great work done by many employees.

This report includes analysis of complaints and trends, decisions on classifications of complaints, policy and adjudication recommendations, the work of the Civilian Review Board (CRB), community outreach and education, and discussion of major cases. Statistical profiles of complaints, allegations and findings are provided with commentary.

Beyond complaint resolution, we work with the Police Commission and EPD to promote policy improvements, emphasize training and skills necessary to enter into the daily encounters that occur with the EPD. The OPA and the CRB meet and work with external groups to learn about their interests and the services they provide.

I wish to thank the Mayor and City Council for their support in actively and vigorously participating in the oversight process. Also, we wish to thank the City's Executive Team, and other support staff for all of the "back room" functions they provide including but not limited to finance, budget, information technology and human resources. Without them, we would have a more difficult time providing customer service to our community.

Staff work from Deputy Auditor Leia Pitcher and Senior Administrative Specialist Vicki Cox has been nothing short of exemplary. Finally, my congratulations to the members of the CRB chaired by Tim Laue and Steve McIntire for their hard work on difficult issues and their tireless volunteer efforts to the community to assist us with this process. They take valuable time from their personal and professional lives to give back to the community under circumstances that at times can be stressful and controversial. Mr. Laue will be stepping down as a member this year to focus on other community activities. Mr. Laue showed outstanding leadership during early growth stages of the CRB.

We welcome your comments and suggestions regarding how we can improve this report.

Item 6.

Respectfully submitted,

Mark Gissiner
Police Auditor

Our Mission

To provide an accessible, safe, impartial and responsive intake system for complaints against Eugene Police Department employees and to ensure accountability, fairness, transparency and trust in the complaint system.

Our Purpose

The Police Auditor has three broad mandates: 1) to receive and classify complaints of police misconduct; 2) to audit the investigations based on these complaints; and 3) to analyze trends and recommend improvements to police services in this city. In addition, the Police Auditor supports a Civilian Review Board which provides valuable input about the fairness and diligence of the investigation process. Ultimately, the goal of the Civilian Review Board is to make the system of police accountability more transparent and increase public confidence in the manner that police conduct their work.

Contact Information

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Staff

Mark Gissiner, Police Auditor- started as Eugene Police Auditor June 2009. He brings approximately 25 years of experience and consulting in the field of external oversight of law enforcement.

Mr. Gissiner worked 21 years for the City of Cincinnati. He previously worked for Cincinnati, Ohio as Assistant Commissioner of Health from 2004-2007; responsible for business operations of the \$40 million a year organization. In his career with Cincinnati, Mr. Gissiner served in the City Manager's Office as Director and Investigator of the Office of Municipal Investigation (OMI) and worked in the Department of Human Resources. He helped develop Cincinnati's Collaborative Agreement and the Memorandum of Understanding with the United States Department of Justice. In many oversight circles, these agreements remain blueprints for success. Mr. Gissiner was the first two-term President of the International Association for Civilian Oversight of Law Enforcement (IACOLE). Mr. Gissiner's writings on issues of government accountability, government reform and human rights have been published in 14 languages. He consulted for the United States Justice Department and governments including South Africa, Brazil, Northern Ireland, Portugal, Hungary, Australia, China, Hong Kong and Spain. He was a keynote speaker at the 50th Anniversary of the European Declaration of Human Rights in Evora, Portugal.

Deputy Auditor – Leia Pitcher began working as the Deputy Police Auditor in November 2010. She came to Eugene in 2003 for law school, and after obtaining her J.D., she clerked at Division Two of the Washington Court of Appeals for two years before returning to Eugene to work in private practice. She recently finished her tenure as a member of the Advisory Council to Community Health Centers of Lane County, and currently serves as a member of the board for Oregon Research Institute’s Community and Evaluative Services.

Vicki Cox, Administrative Assistant – Ms. Cox has worked for the City of Eugene for 7 years, beginning in the City Manager’s Office as receptionist, the last 5 years as Administrative Assistant to the Police Auditor’s Office. Vicki is the front door to the Auditor’s office. She organizes all administrative functions, coordinates information flow to the civilian review board and the public, maintains files, data entry and is the first point of contact for complainants or others in need of services, including services not provided by the Auditor’s Office.

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Executive Summary

This is the Office of the Independent Police Auditor's annual report to the City Council covering January 1, 2012 to December 31, 2012. For detailed information about all aspects of our office, please visit our website at: <http://www.eugene-or.gov/policeauditor>

The Office of the Independent Police Auditor (OPA) was established by charter amendment in 2005 to provide an external mechanism for the independent receipt, classification, and routing of complaints against sworn and non-sworn employees of the Eugene Police Department (EPD); contract for outside investigations when necessary; and provide monitoring of the EPD internal investigations of allegations of misconduct and supervisors' investigations of service complaints. The Charter Amendment also authorized the auditor to: make recommendations regarding adjudications, policies and training to the Police Chief; prepare reports concerning complaint trends and police practices; and act as a liaison and staff support for a civilian review board. The Police Auditor is hired and supervised by the Eugene City Council.

Eugene has an oversight system based on the parliamentary model of oversight, in which a professional and experienced police oversight auditor is employed by the legislative branch, the City Council. Under the "parliamentary model," a greater separation of powers occurs, which is healthy for the oversight process. To enhance the system, Council appoints a civilian review board which gives a community perspective on the police complaints process. This combination creates a sound structure for police accountability when implemented effectively, fairly and without bias. What I think takes some complainants by surprise is that what starts as a community member complaint, becomes, in fact, an administrative investigation where the focus turns to the conduct of the involved officer. This shift is confusing to some as there is sometimes an expectation that the Auditor's office will be an advocate. This further emphasizes the need for all systems to be effective and vigorous, including but not limited to, attorneys, the courts, ACLU and other advocacy groups.

We intake all complaints against police employees, including complaints generated internally. We independently, impartially and thoroughly monitor the investigation process; identify ways to improve the complaint process; provide recommendations to the police chief and police commission on policies, training and trends; and provide staffing and counsel to the civilian review board on cases and policy issues. Our office monitors the overall integrity and fairness of the administrative investigative process, and in the course of such examination, reviews how citizen complaints are investigated and resolved.

Ordinance 20374, which enables Eugene's Civilian Review Board, requires the Board to "...prepare and present an annual report to the city council that:

- (a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
- (b) Assesses the performance of the police auditor...; and,
- (c) Evaluates the work of the auditor's office, including whether the office is functioning as intended." [ORD 20374; 2.246 (7)]

Eugene's Civilian Review Board (CRB) is designed to provide transparency and help ensure public confidence in the police complaint process. The Board evaluates the work of the independent Police Auditor, and reviews complaints to provide a community perspective about whether complaints are handled fairly and with due diligence. Their annual report is also available on the Police Auditor's website at: <http://www.eugene-or.gov/policeauditor>

The Civilian Review Board membership has stabilized, and they provide a thoughtful, frank and representative mix of community members dedicated to improving policing in the community and gaining community trust. While only required to meet 4 times a year, 12 public meetings were held in 2012. Many involved case reviews of delicate matters with a significant width of issues; whether based on the conduct of individual officers or those that had significant policy implications. They are the community's voice on police accountability issues. Given the restrictions of the Oregon Public Records law, their case discussions and reviews are the community's window to concerns about police misconduct.

We continue to strive to bring about a sense of understanding, consistency and normalcy to the process. We recognize that customer service and resolution of citizen complaints through thorough, fair and complete investigation and monitoring of allegations; and resolution of service and policy level complaints are the cornerstones of our existence. The customer service aspect of our responsibilities consumes a significant portion of our workload. We spend hours working with complainants to navigate and understand the complaint process; and assist them in understanding the roles of the courts, their attorneys and how their roles differ from the auditor's office. We serve as listeners for people with problems that have nothing to do with the police. At the same time, identifying and advocating for structural changes in EPD policies, supervision and police interactions has been a priority for us.

This year our complaints dropped slightly. Our classifications of complaints as allegations dropped. However, our view is that the depth of investigations in the allegations expanded tremendously. Allegations are those cases which are investigated by the Internal Affairs Section of EPD and usually require far more comprehensive investigations and time. The balance of cases, called service complaints, policy complaints and inquiries, are handled through an alternate dispute resolution process (ADR); most often with supervisors discussing these issues with the complainants and officers.

Intake Processes and Accomplishments: The Auditor's Office was constructed primarily as a citizen complaint-based model. While there is a brief portion of the legislation and protocols that gives the Auditor some latitude to initiate a complaint, the primary focus is on citizen complaints. A complaint process under this design has the potential to leave gaps without Eugene Police Department (EPD) internally generated cases or ones discovered by my office. I believe that the design gaps are closing as a result of improved supervisory efforts in EPD, technology upgrades to the data tracking system, and open and honest communication about individual behavior issues, systemic enhancements and policy weaknesses.

Intake consumes a significant amount of staff time. We remain pressed in our activities as we manage nearly 400 complaints a year. (For comparison purposes, Boise, population 210,000 with 312 sworn officers, received 149 citizen complaints and 33 internally generated complaints.) I believe we spent considerably more time this year with individuals suffering temporary or permanent diminished mental capacity.

We spend hours working with complainants to navigate and understand the complaint process; and assist them in understanding the roles of the courts, their attorneys and how their roles differ from the auditor's office. Returned survey data indicates a high satisfaction level with the intake and explanations received from the Auditor's office. We also see a steady increase in internally generated investigations and "complaints." I believe this is indicative of the oversight process, at least to some degree, bringing EPD supervisory expectations to a higher level. Also, I think more so than in the past,

people who receive traffic citations and appear or are scheduled for municipal court believe that the Auditor's office is an alternative to a judicial decision regarding their guilt or innocence of a violation. Even with explanation, often times the expectation remains that our role is considered court advocate, rather than a neutral evaluator of police conduct within the context of police policies and procedures.

While I believe that our classifications are fair and neutral, some concerns are expressed about the classification of some cases. I will admit that we do hold officers to high standards and probably identify cases as allegations where in many jurisdictions they may not reach the level of an allegation (such as use of pepper spray, which is considered a rather benign use of force in most policing jurisdictions). However, I believe that these classification standards are in line with community expectations and efforts to build trust in the community. We recognize and appreciate the impact of our decisions on complainants and their families, community, officers, their families and the other interested parties. We make these decisions with careful consideration based on our experience, training and policy evaluations, with recognition that our decisions are not always going to please others.

Intake accomplishments include: fast turnover rate/referral for ADR or investigations; patient and compassionate concern for individuals who are experiencing mental illness and social interaction difficulties; comprehensive explanations of our role and the roles of other agencies.

Investigations: The quality of internal investigations has been excellent. In addition, most allegations of criminal conduct are turned over to an outside agency, to avoid any perceptions of bias or favoritism. Many have returned for adjudication in the administrative process. I have found no evidence of interference with Internal Affairs investigators by command staff in fulfilling their duties of conducting a fair and objective investigation.

Blue Team: Blue Team gets its own paragraph because of the impact it will have toward a philosophy of constitutional policing. Blue Team is a data tracking system with the EPD and Auditor shared database system that tracks uses of force, pursuits, vehicle accidents, bias complaints and other allegations and major issues. It has been online only a few months in 2013 but the changes are remarkable. With EPD command staff agreeing that full access for my office is important for the success of Blue Team, we are now able to look at all uses of force. We look forward to conducting analysis as the raw data grows.

With our current system we have identified those officers with the highest number of complaint involvement. The best measure in these circumstances is a sustained rate; however, a higher complaint rate does generate supervisory review as discussed at the weekly Internal Affairs/Command staff meeting. Several past and current investigations are identifying sworn and non-sworn employees who have exhibited policy violations.

Performance and Policy Impact: For EPD, approximately 31% of allegations were sustained based on 35 cases with 77 allegations, resulting in some form of discipline. With regard to allegations, my office makes an adjudication recommendation to the Chief, who then makes a final decision. The Chief agreed with all of our office's sustained findings. This matches up favorably or better with similarly structured oversight organizations. (For comparison purposes, Boise had 37 allegations with 6 sustained by the Ombudsman, of which the Chief agreed with 3.)

We (Auditor and CRB) have advocated, with varying degrees of success for some policy improvements in search and seizure, canine use, vehicle pursuit, *Brady* issues, use of force and response to unusual

behavior by arrested subjects. We are in the process of asking for policy reviews generally on the handling of arrested subjects at jail intake including but not limited to medical evaluations and bathroom needs. I continue to struggle with Lexipol being the primary policy tool, even though it is widely used across the nation. My preference is more detailed and restrictive policy language in areas I consider high risk.

Communications: We work to foster positive and constructive relationships and partnerships with Council. This occurs through monthly meetings with the Mayor, Council President and Council Vice-President, respectively; in addition to written and oral reports to Council. Beyond the public civilian review board member meetings, we reached out with seminars on force and search and seizure. Attendance was sparse. We also attended some community and neighborhood association meetings. CRB members have also offered to expand their availability to the neighborhood associations. Absent hot button issues, given the broad range of community issues, we do not stand out above other city issues. We are scheduled to have a joint community forum on policing with the Police Commission and we are working with the Human Rights Commission staff about coordinating more community activities. Many oversight agencies have full time community outreach coordinators and we have discussed partnering with HRC staff. Another item of interest, based on newer consent decrees that we study, is the direction to cities about protecting the neutrality of an auditor type system and placing greater emphasis on community outreach to groups with police commission type organizations. We will work with them and HRC to broaden the knowledge range about the complaint process as well as the roles of each element of the criminal justice system.

Other Accomplishments: returned budgeted funds to the general fund; initiated several investigations of allegations of misconduct; provide staff support and training initiatives to the CRB; provide timely service to the CRB; spend many hours assisting community members with problems unrelated to police officers; attend public meetings in the community; available to the media; build a better partnership with the University of Oregon by serving on a committee related to their effort to establish a police department; publish a thorough and transparent annual report that captures the work and analysis of our office; and providing critical training opportunities for the office.

Evaluation of 2012-2013 Goals

1. More use of mediation as a complaint resolution process.

Mediation is an alternative to a formal complaint process. Its value is to bring together those individuals who file allegations against police and the involved officers. The mediation takes place with the officer in a neutral setting to resolve difference perspectives of the incident. At the outset, success was limited due to hesitancy primarily on the part of police officers because the Ordinance and protocols were being misinterpreted as to whether a formal investigation could follow a mediation participation agreement. That issue was resolved. The number of formal mediations remains limited when there are allegations of serious misconduct. One mediated allegation involved force used on a juvenile that rose above the level of non-resistive handcuffing force, but not a high degree of force. The parents were part of the consent process, and it appeared the mediation worked out very well. We also had a mediated service complaint where all parties appeared satisfied. In several other instances, most often with the complainant, mediation was offered but declined. In more serious cases, I chose not to offer mediation

as an alternative because of what I considered to be a higher valued outcome with a full internal affairs investigation.

A hybrid of the mediation process is alternative dispute resolution or facilitated conversation. It occurs frequently with the service, policy and inquiry complaints. In these situations, supervisors interact with the complainant to attempt to discuss and resolve the issues. Often times these occur with traffic stops or if people believe they are not getting an adequate level of service when they report a crime. As part of this process, we added a question to our survey about whether the person would prefer to talk to the officer or the supervisor. Out of 35 responses, 24 said they preferred talking to the supervisor. While the number remains limited, facilitated conversations between community members and supervisors seems to be working well.

2. Continue to develop strategies for educating the community about the responsibilities of the OPA, OPA operations and EPD practices.

Beyond the public review board member meetings, we reached out with seminars on force and search and seizure. Attendance was sparse. We also attended some community meetings. Absent hot button issues, given the broad range of community issues, we do not stand out above other issues. We are scheduled to have a joint community forum on policing with the Police Commission and we are working with the Human Rights Commission staff about coordinating more community activities. We will continue to work with the HRC to broaden the knowledge range about the complaint process as well as the roles of each element of the criminal justice system. The recent "ambassador" study done by HRC demonstrates that the need continues to exist, particularly when language barriers are present.

3. Work with EPD to improve our monitoring and investigation planning methodology and developing and implementing a framework for investigations performance measurement and perfecting the data collection systems.

The introduction of the Blue Team, a tracking system for moderate to major incidents, is a shared EPD and Auditor database system. It is a quantum leap forward in tracking uses of force, pursuits, vehicle accidents, bias complaints and other allegations and major issues. It has been online only a few months in 2013 but the changes are remarkable. Prior to this system, officers were responsible for reporting their own uses of force and it was difficult for supervisors and command staff to track this information unless they went to the Records Section and asked for written reports. With Blue Team, sergeants, as first line supervisors, are responsible for reporting incidents of force, usually anything above non-resistive handcuffing. The opportunities for supervision, early intervention, and trend analysis are significant. This tool now provides a proactive measure to assist supervisors and officers in meeting organizational expectations. Even though our "design" was primarily a community complaint intake system, with command staff agreeing that full access to my office is important for the success of Blue Team, we are now able to look at all uses of force.

As appropriate, many supervisors are initiating an investigation into an allegation of misconduct by employees. The Professional Standards Unit (Internal Affairs) takes a holistic approach in their investigation of misconduct, examining all actions of employees rather than simply the behavior identified in a complaint. Investigations have been objective, thorough and complete and with cases reviewed by the CRB, validated in the work done; not without critical review and corrective recommendations. Internal Affairs investigators have extended their efforts to work with complainants to help them understand processes, and even at times, brought in complainants after the conclusion of

investigations to explain the investigations, show them video and audio and related reports. They have exhibited customer service in assisting complainants understand outcomes. Internal Affairs case files are organized in a logical manner and maintained in a secure environment as required. Weekly meetings are held with the Auditor's office, command staff and Internal Affairs staff to ensure that timelines and investigative courses are followed and reported.

We found no evidence of interference with IA investigators in fulfilling their duties; IA investigators are sensitive to the concerns and cultural needs of complainants and witnesses; they provide all reasonable administrative rights of employees; command staff does not attempt to steer or guide the investigative path; with the implementation of Blue Team, the department is holding supervisors accountable for their oversight responsibilities; IA investigators are receiving appropriate training in the specialized field of administrative investigations; and the Professional Standards Lieutenant has taken the lead role in policy improvements. I remain concerned that higher risk policy and systemic issues identified by my office have not met the pace or language as recommended.

4. Benchmarking investigative outcomes with like organizations.

We continue to obtain, compare and track other oversight agencies in the U.S., consent decrees and policy recommendations. We remain in the upper percentiles for sustained allegations and also review uses of force and other major incidents. While a smaller city, per capita statistics in various categories remain favorable. No two oversight groups work alike. There is no one blueprint for agencies in the U.S. The model in Eugene has a depth far beyond many cities in the U.S. We believe it is necessary and effective. We wish that the Oregon Public Records law more broadly allowed for the disclosure of personnel matters in government.

5. Enhance training for CRB members.

Not only did the CRB vigorously take on case reviews, they engaged in a variety of training that appreciated the differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operations, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies.

6. Communicate outcomes more effectively.

Our newsletter stretched the parameters for providing the community, stakeholders, media and interested parties with as much information as possible regarding complaints, outcomes and focus topics. I am not aware of any oversight agency with our volume of complaints that provides this service to the community. As indicated above, the next step is working with other city boards and commissions to better coordinate information to the public, particularly when English is not their first language.

7. Advocating for the CRB to review difficult (where adjudication recommendations are "close" calls) cases.

I believe the CRB (unfortunately with little media coverage or public attendance) heard difficult cases involving many different policies and policy implications. These ranged from a serious use of force to accommodating a woman's need to use a bathroom while in custody. Search and seizure cases and bias policing allegations were also explored. Even though they are only required to meet four times in a

year, they met 12 times. It was clear that the CRB members took their responsibilities seriously and with enthusiasm to serve their community.

Goals for 2013 – 2014

I'm going to try to simplify this year. I thought that there were many improvements in 2012-2013 but more work needs to be done.

1. Promote **constitutional – based policing** as the foundation for law enforcement in Eugene. This includes promoting the concept that people should feel safest when they are with police, even those who have been arrested. It is expected that a new EPD records management system (RMS) will be of significant value in tracking demographic data to better capture opportunities to identify bias-based policing.
2. Work with the Police Commission, Human Rights Commission and Municipal Court and partner with community agencies to broaden the understanding of the services provided in each venue and how those services interact with police actions, particularly with segments of the community in which English is not a first language. Given the current workload, taking on this task alone may fall short for each agency unless we collaborate while respecting the neutrality of the Auditor's office and the courts.
3. Identify and evaluate weaknesses in high risk policies and practices.
4. Ensure that supervisors are meeting their Blue Team responsibilities. Conduct trend analysis based on Blue Team data.
5. Maintain the outstanding performance of staff and the CRB.

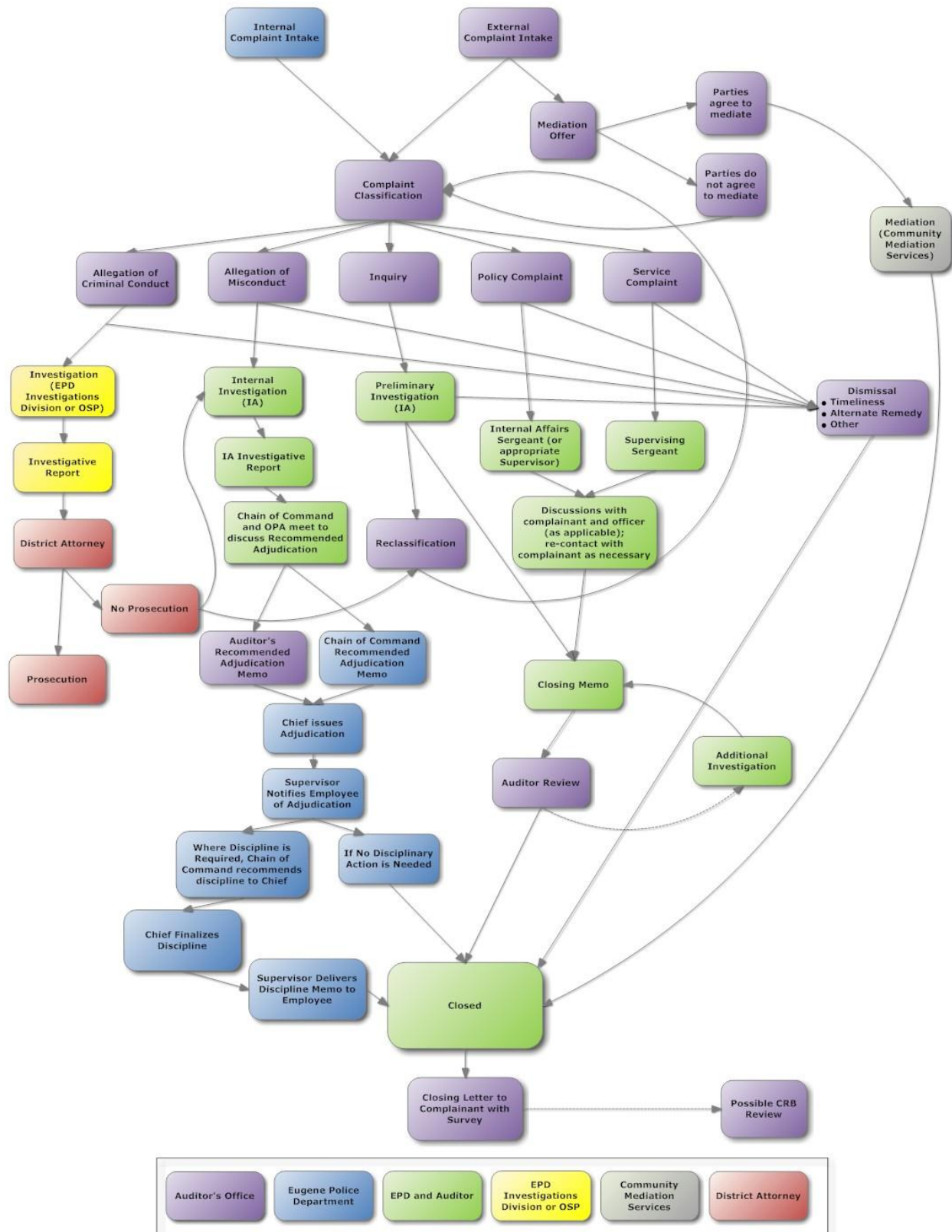
Complaint Process: Within an administrative complaint process, what remains problematic, and is often a major concern for a complainant, is a complaint that they are not guilty of an offense, that the facts as stated by the officer are not accurate, that others allegedly committing the same offenses are not arrested or charged, and that the time and expense to defend oneself is onerous. Within the criminal justice system of the U.S., a heavy burden remains with the courts, prosecutors and defense attorneys to ensure that justice is served when someone is charged with an offense. Any failures in these systems place additional burdens on individuals and agencies like citizen complaint avenues. The diagram on the next page captures the flow of complaints, whether generated by the community (external complaints) or generated internally from the police department. It does not include community impact cases. As the diagram/flow chart illustrates, complaints are handled thoroughly and completely. Many variables exist that set the course for complaints. The City Ordinance for the Auditor's office, the Charter Amendments, union contracts and labor/management negotiated protocols all factor into the path of a particular complaint.

The following diagram is an excellent illustration of the volume of work and number of decisions that are made throughout the complaint process. It is indicative of the need to have experienced professionals with knowledge of administrative, and at times, criminal processes. One of the most difficult aspects of the process is the classification of the complaint. City Council legislated that this is a function of the Auditor's office. The decisions are not always easy and never made hastily. The Auditor must evaluate

information at hand which rarely if ever provides all of the facts at the intake and classification stages. Sometimes, a classification may change one or more times as additional facts are received.

It is important to note that, as the hiring authority (as delegated by the City Manager), the police chief is the person who makes the final decision on discipline. The Auditor's office is permitted to evaluate discipline trends. The chart on the next page indicates that we take the complaint process seriously and invest a significant amount of time trying to resolve the issues presented to us by the community members through the complaint process.

Complaint Process



updated June 2012

Related Data*

*(At times complaint numbers may not match up exactly, particularly in cases where the date of the incident occurred in a year prior to the deposition: i.e.: complaint filed in December but adjudicated in February.)

2012 total police calls for service (where police responded including officer initiated): 114,500 (an increase of over 9% from 2011).

Year	Total Calls for Service
2012	114,500
2011	104,660
2010	97,277
2009	98,796

2011 total custody arrests and misdemeanor citations including DUII arrests (596 DUII arrests): 15,614

Year	Total Custody Arrests and Misdemeanor Citations
2012	15,614
2011	15,471
2010	14,626
2009	16,358

2012 custody arrests and misdemeanor citations including DUII arrests per capita arrests (based on estimated population of 158,335) rate: 0.099

Total Uniformed Traffic Citations: 15, 170

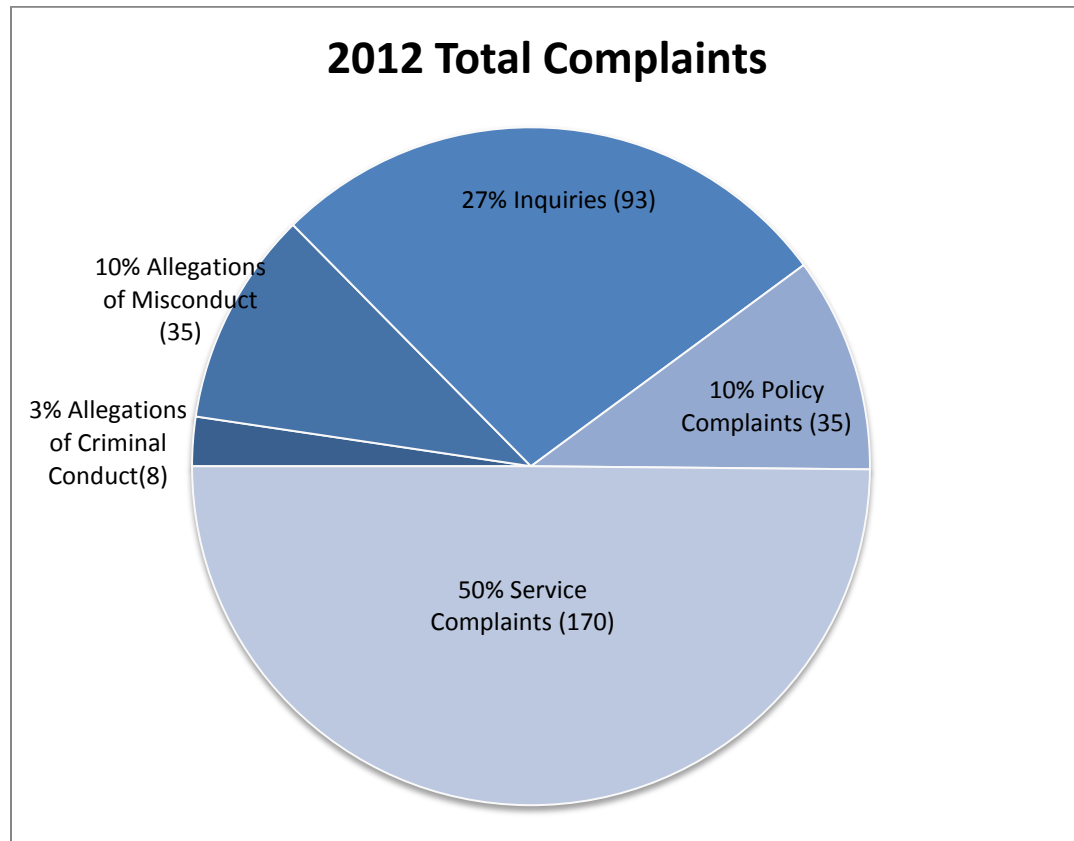
Year	Total Uniform Traffic Citations
2012	15,170
2011	13,133
2010	16,670
2009	18,299
2008	15,282

In past years, we have also included EPD's data on Taser discharges and warnings. The 2012 Taser data is being entered into BlueTeam (as well as ongoing 2013 data) and will be reported when it is compiled.

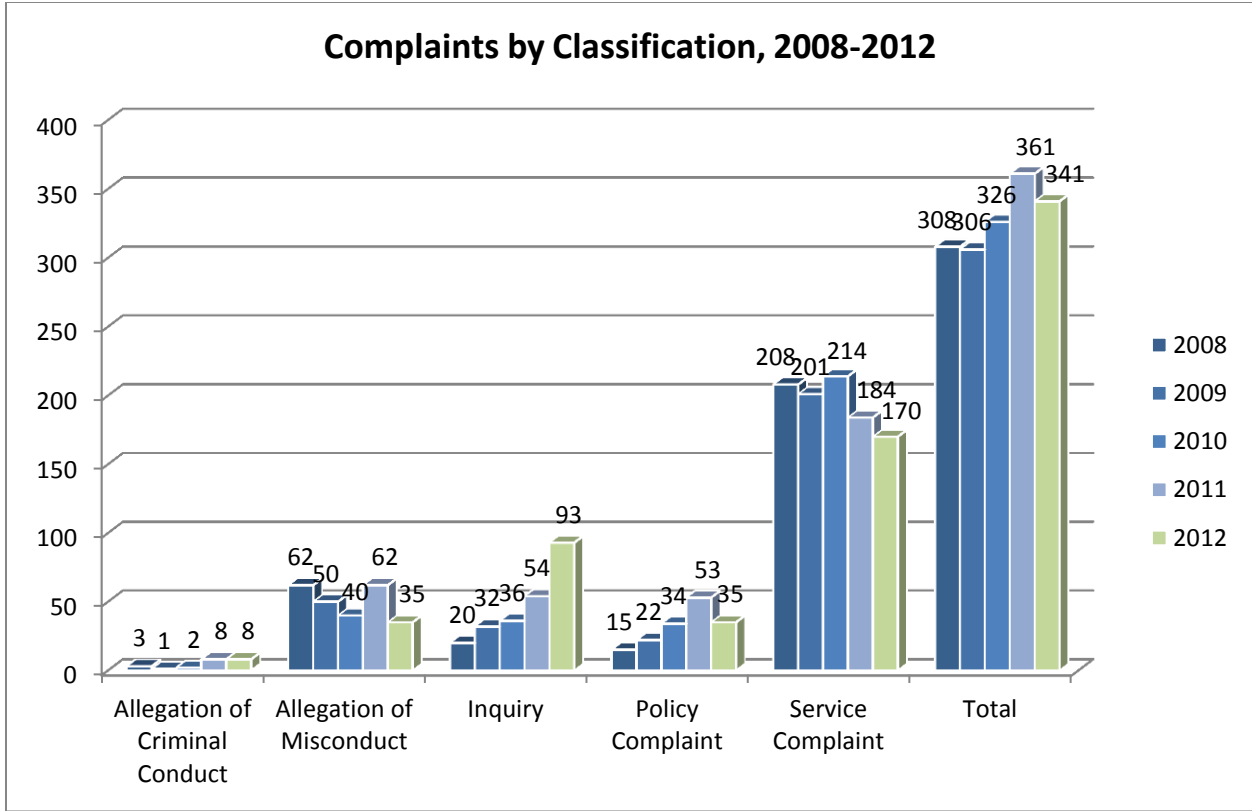
2012 Complaints: Statistics and Review

The Auditor’s Office received 341 total complaints in 2012 – a decrease of 5% from 2011 (when we received 361 complaints), but an increase from 2010 (when we received only 326 complaints). As in previous years, the majority of the complaints (170) were classified as service complaints.

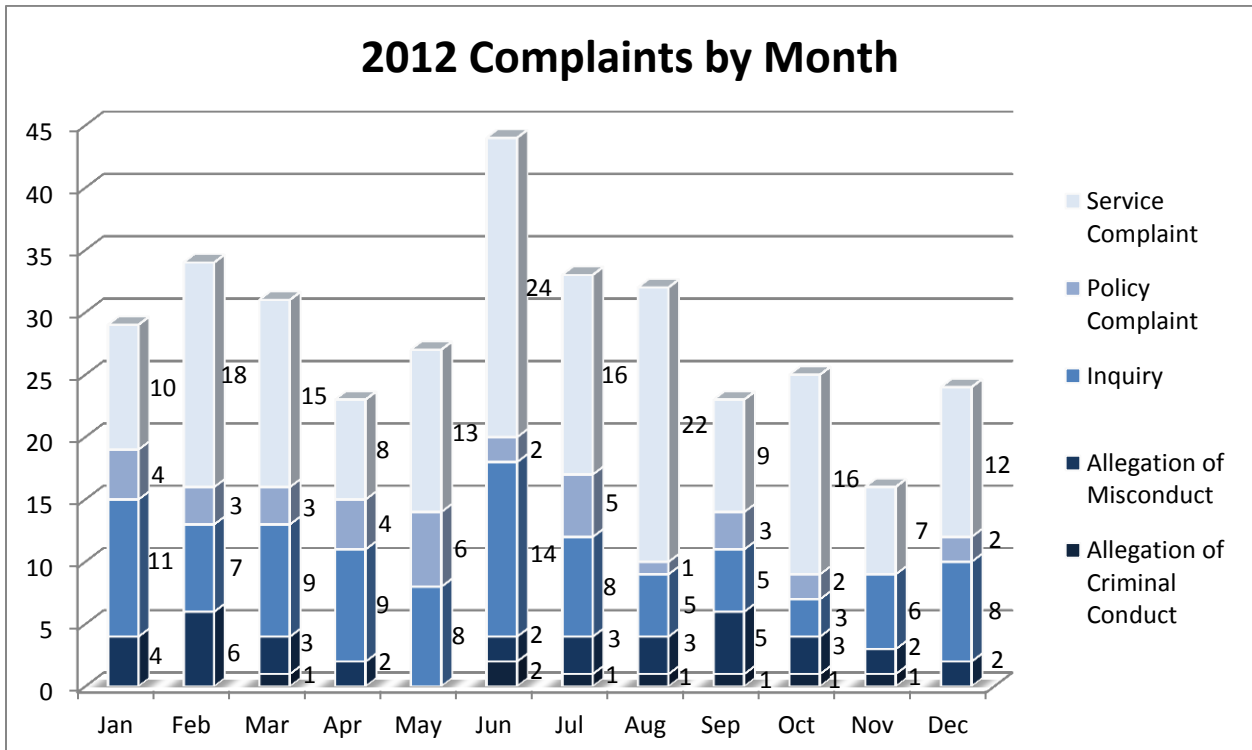
<u>Classification</u>	<u>Number of Complaints</u>
Allegation of Criminal Conduct	8
Allegation of Misconduct	35
Inquiry	93
Policy Complaint	35
Service Complaint	170



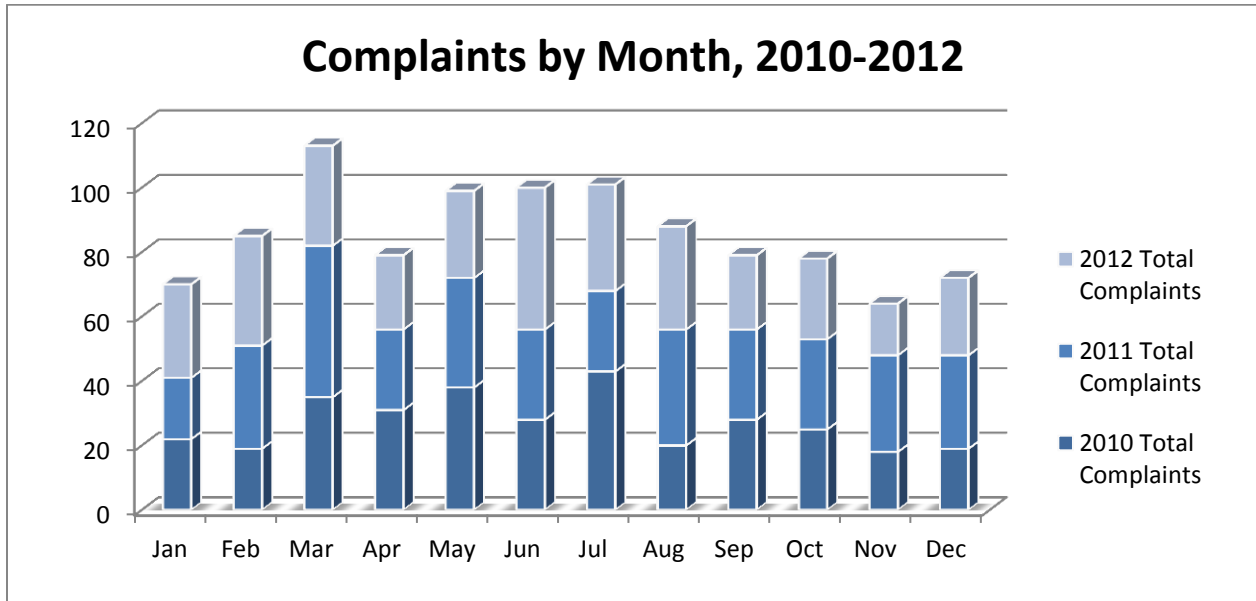
Allegations of misconduct dropped from 62 in 2011 to only 35 this year; however, 2010 saw a similar number of allegations of misconduct at 40. Inquiries continued to rise – 93 in 2012 compared to 54 in 2011. These trends will be discussed in further detail below; our increased focus in performing a thorough preliminary investigation appears to be the likely cause.



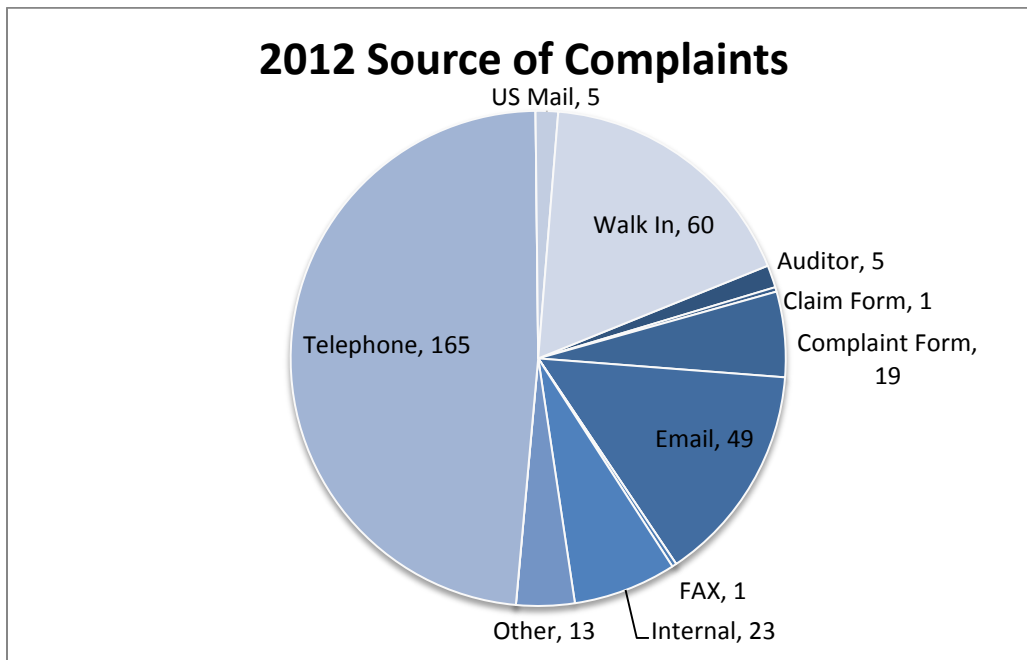
Similar to 2011, we did not see a monthly trend to our complaint numbers.



However, when the data is combined from the past three years, it is clear that we generally experience a sharp increase in March and a slightly higher frequency of complaints in the spring and summer months (May-July).

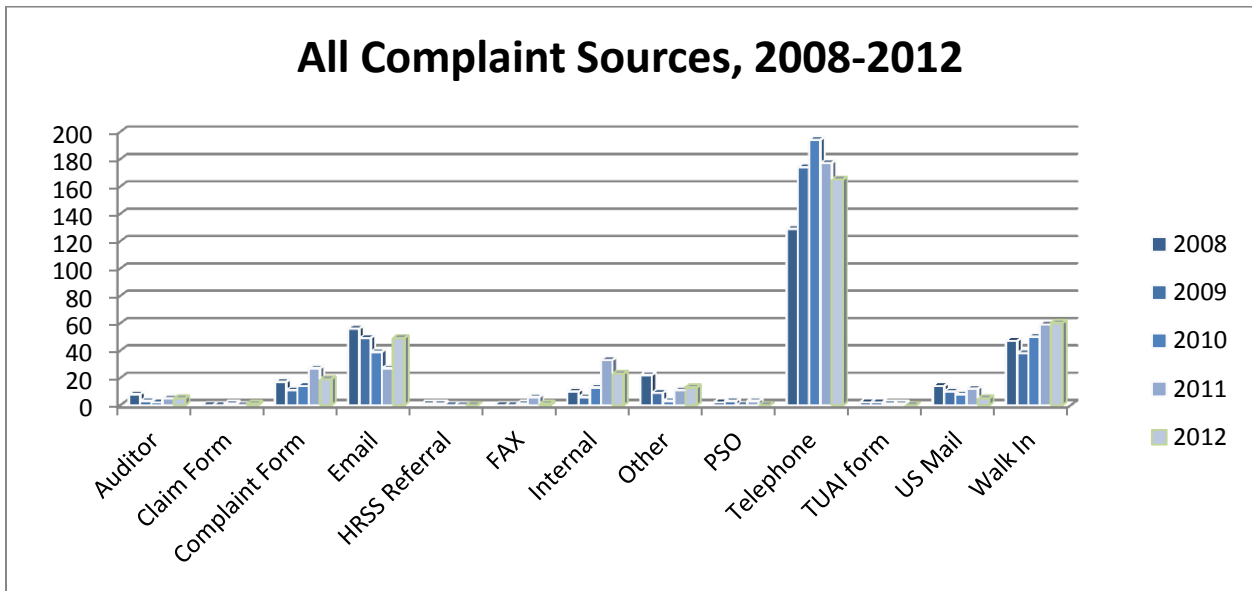


We received complaints from a variety of sources, but the telephone was our most popular option (165 complaints received over the phone, or 48%).

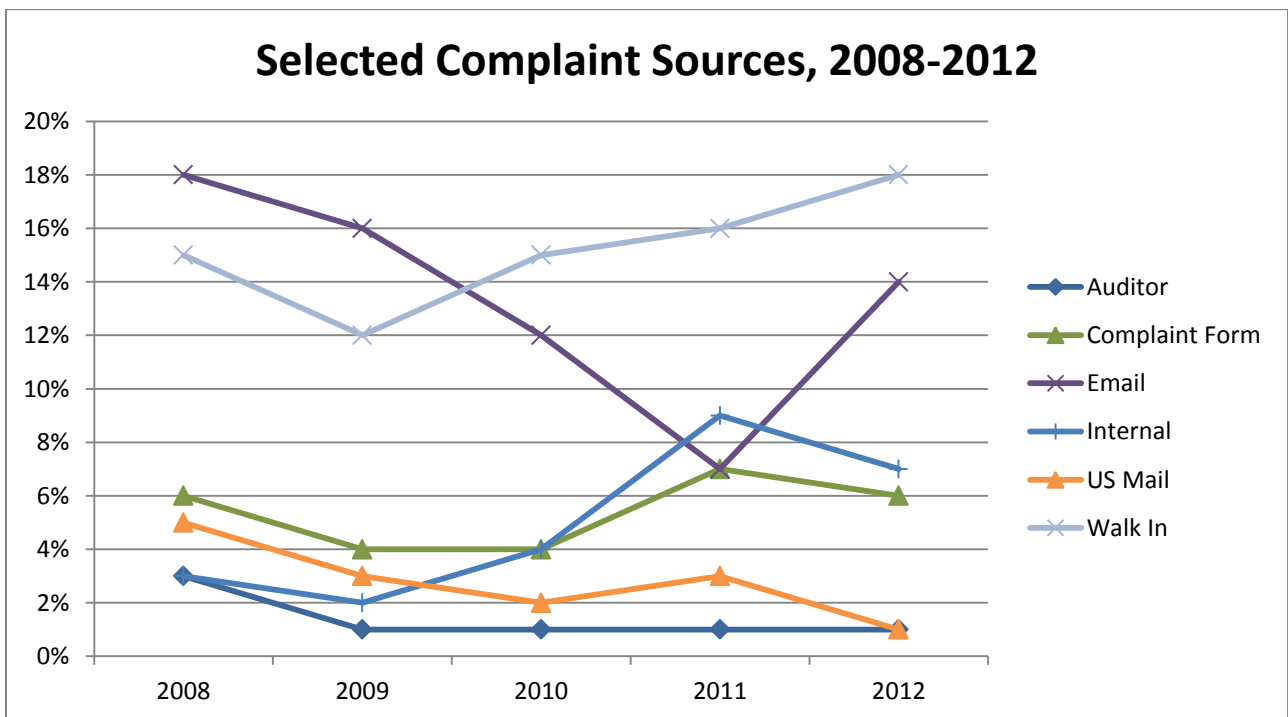


The telephone has consistently been the most common way for us to receive complaints. Methods such as referrals from the Equity and Human Rights office, submissions of EPD’s “Tell Us About It” (TUIA)

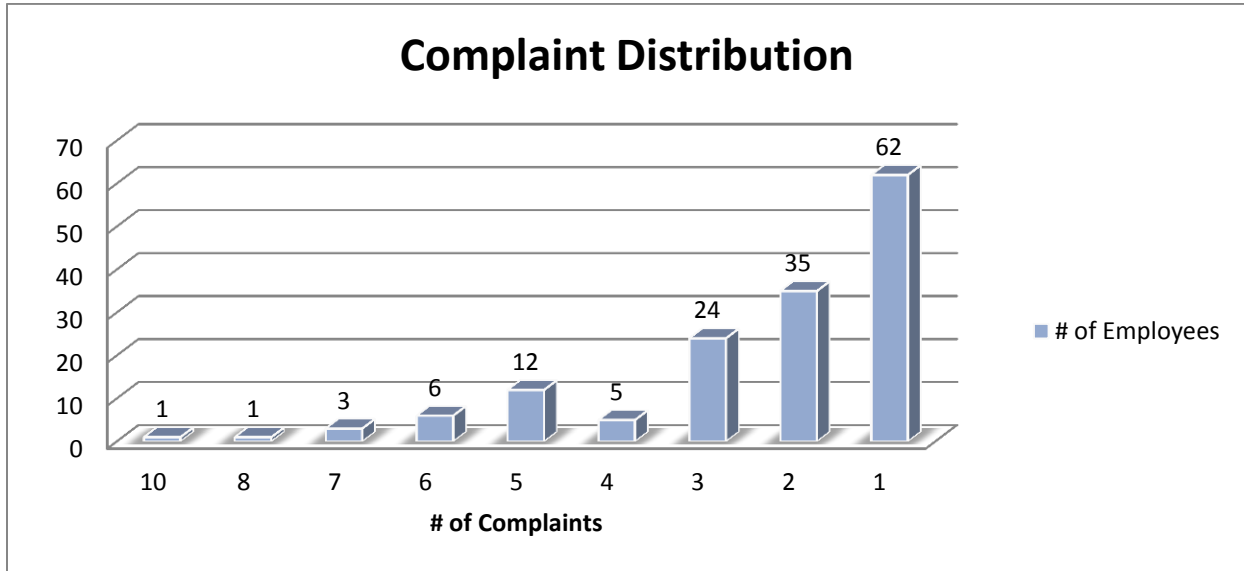
form, fax, referrals from the City’s Public Service Officer, and submission of risk claim forms, have remained consistently low over the years.



However, the number of internal complaints has increased greatly over the years; internally reported complaints consisted of 2-4% of the total complaints in 2008-2010, but in the past few years, 9% (2011) and 7% (2012) of our total complaints were received from within EPD. Auditor-initiated complaints have remained steady at about 1% of total complaints. We have seen an increased percentage of complaints from walk-ins, and an overall decrease in complaints received through the mail.



Complaints were distributed among 149 employees. 41% of those employees (62 employees) had only one complaint levied against them. One employee received 10 complaints, and one employee received 8 complaints.



Our office is the intake point for complaints for all employees of EPD, including sworn and non-sworn employees (a total of 306.75 FTE, as of May 2013). The 149 employees with complaints represent 48.6% of the employees at EPD.

Table 1. 2012 Complaints by Number of Employees

	Number of Employees	Number of Complaints Received	Percent of All EPD Employees
Employees with Complaints	149	341	48.6%
	62	1	20.2%
	35	2	11.4%
	24	3	7.8%
	5	4	1.6%
	12	5	3.9%
	6	6	1.9%
	3	7	1.0%
	1	8	0.3%
	0	9	0.0%
	1	10	0.3%
Employees with No Complaints	157.75	0	51.4%
Total	306.75	341	100%

The distribution of sustained allegations of misconduct among employees, as opposed to complaints (which may be unfounded) is addressed below.

Allegations

A complaint is classified as an allegation if it alleges serious misconduct. There are two main categories of allegations: allegations of criminal conduct (where the actions alleged, if found to be true, would constitute criminal conduct by an employee) or allegations of misconduct (where the actions alleged constitute a major rules violation, including excessive force that causes physical injury or egregious acts of disparate treatment).

Criminal Conduct

During 2012, the Auditor's office received eight complaints that were classified as allegations of criminal conduct. Five of those investigations are still ongoing; as ongoing criminal investigations, we cannot comment on them here.

One complaint alleged that a former employee was involved in a crime several years ago. As the employee is no longer an EPD employee, we were required to dismiss the complaint. However, we forwarded the complaint and information to the District Attorney for follow up.

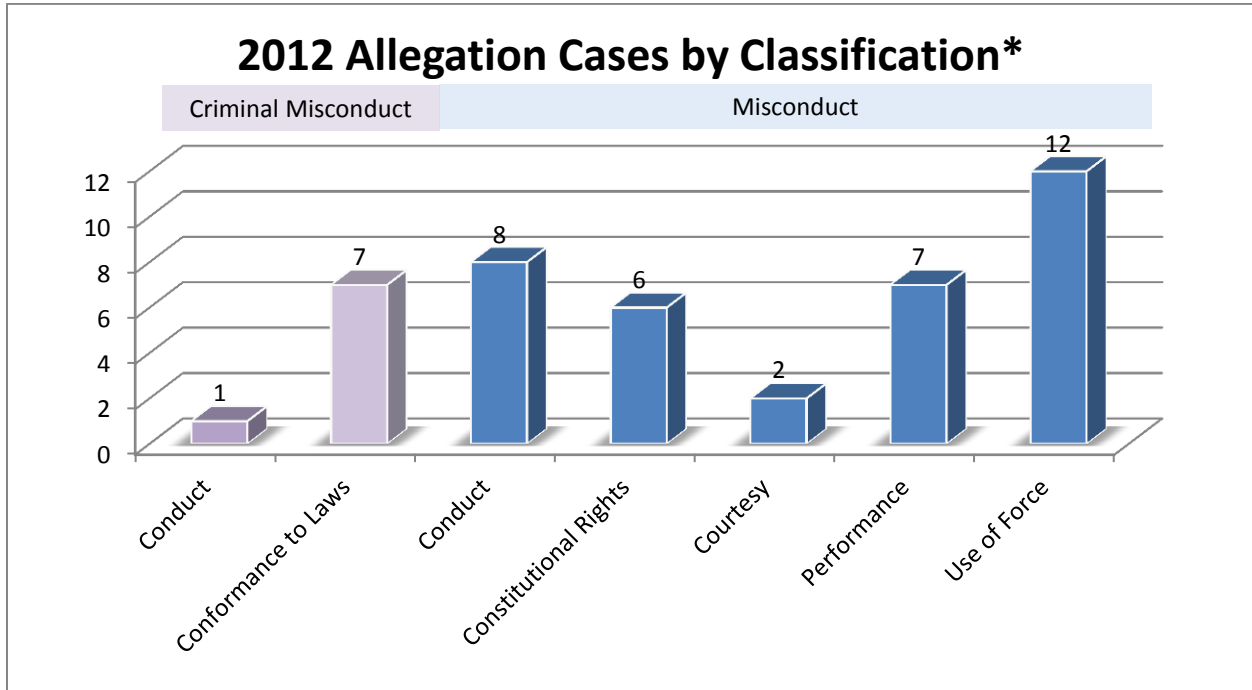
Another complaint was forwarded to our office from the Lane County jail; an inmate there alleged that EPD employees used excessive force against him and touched him inappropriately. The complaint was investigated by an EPD supervisor; our office reviewed the investigation to ensure it was thorough, fair, and complete. The investigation uncovered no evidence to support the allegation that officers committed any criminal acts against the reporting party. Our office agreed with EPD that no further administrative investigation was necessary. The investigation was also reviewed by the District Attorney, who declined to prosecute based on the lack of evidence. The District Attorney further elaborated that "all indications are that [the officers] performed their duties with the professionalism we expect of all our law enforcement."

A third complaint was received by EPD, who notified our office and assigned the case to Oregon State Patrol to investigate. Our office reviewed the investigation to ensure it was thorough, fair, and complete. The investigation revealed nothing to support the claim that the employee had committed any criminal act. Our office agreed with EPD that no further administrative investigation was necessary, and the complaint was closed as unfounded.

Misconduct

In 2012, the Auditor's office received 35 complaints (from both internal and external sources) alleging serious misconduct. Most allegations were related to use of force, followed by conduct, performance,

constitutional rights, and courtesy (in decreasing order). Allegations of misconduct are investigated by Internal Affairs sergeants, and the Auditor’s office participates in and oversees those investigations. The 35 complaints alleging serious misconduct included 77 specific alleged policy violations by EPD employees.



* In the graph above, only the primary allegation is indicated.

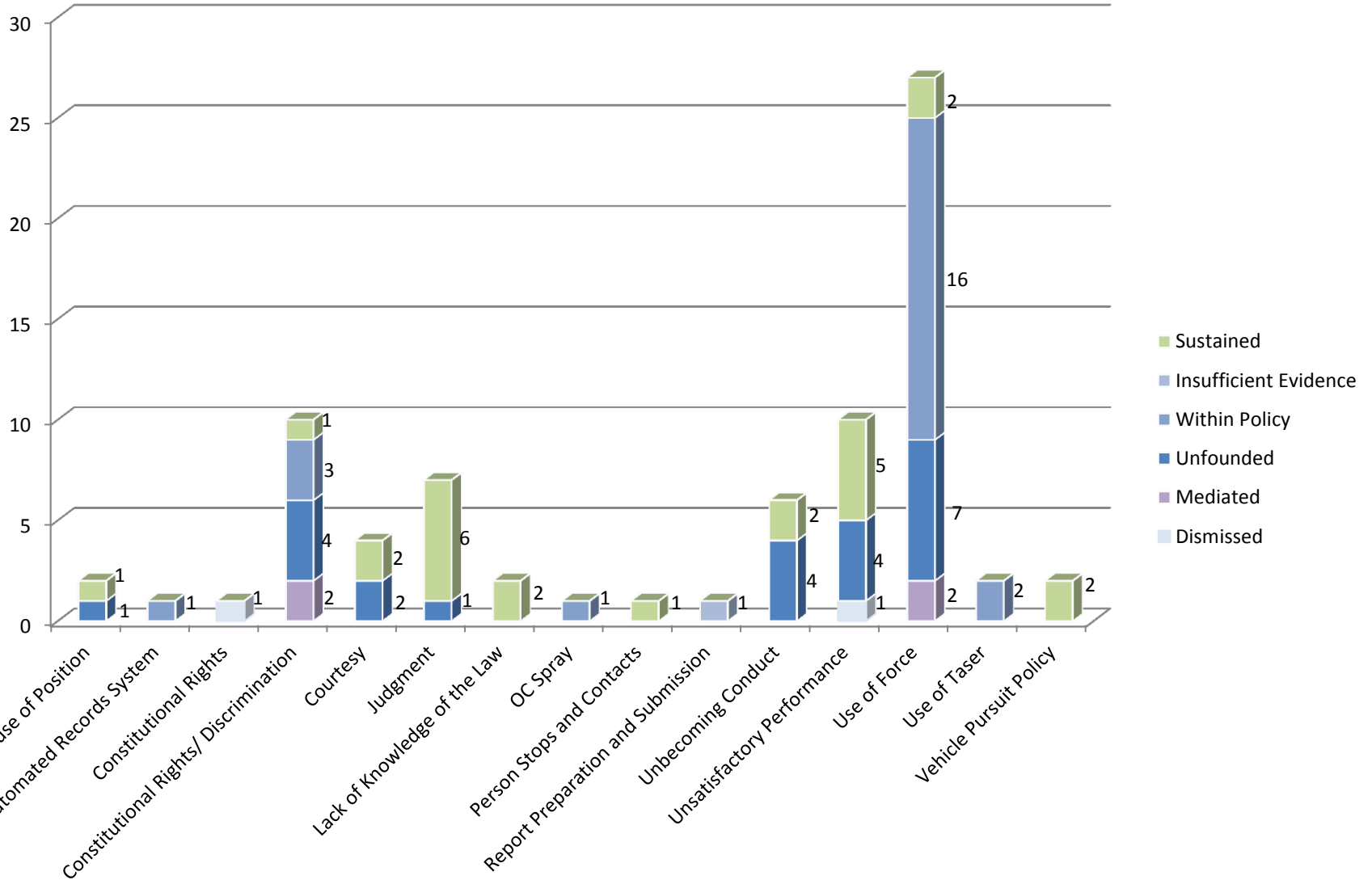
10 of the 35 complaints were sustained – about 29% of the complaints. This is consistent with 2011’s sustained rate of 30%. Only two complaints were dismissed (one was outside of jurisdiction, and one was dismissed for timeliness), which is a sharp decrease from the 17 complaints dismissed in 2011. In addition, the number of complaints dismissed for timeliness decreased from 8 in 2011 to 1 in 2012, which seems to indicate that the community is becoming more cognizant of our time limits.

The following table and graph illustrate in further detail the types of allegations we received in 2012 and their outcomes (instead of addressing only the primary allegation). The primary allegation is designated within the Internal Affairs database that we share with EPD, using the primary of what may be several allegations against several officers.

Table 2. 2012 Specific Allegations

	# of Allegations	Dismissed	Mediated	Unfounded	Within Policy	Insufficient Evidence	Sustained
Abuse of Position	2	0	0	1	0	0	1
Automated Records System	1	0	0	0	1	0	0
Constitutional Rights	1	1	0	0	0	0	0
Constitutional Rights/ Discrimination	10	0	2	4	3	0	1
Courtesy	4	0	0	2	0	0	2
Judgment	7	0	0	1	0	0	6
Lack of Knowledge of the Law	2	0	0	0	0	0	2
OC Spray	1	0	0	0	1	0	0
Person Stops and Contacts	1	0	0	0	0	0	1
Report Preparation and Submission	1	0	0	0	0	1	0
Unbecoming Conduct	6	0	0	4	0	0	2
Unsatisfactory Performance	10	1	0	4	0	0	5
Use of Force	27	0	2	7	16	0	2
Use of Taser	2	0	0	0	2	0	0
Vehicle Pursuit Policy	2	0	0	0	0	0	2
TOTAL	77	2	4	23	23	1	24

2012 Specific Allegations and Disposition

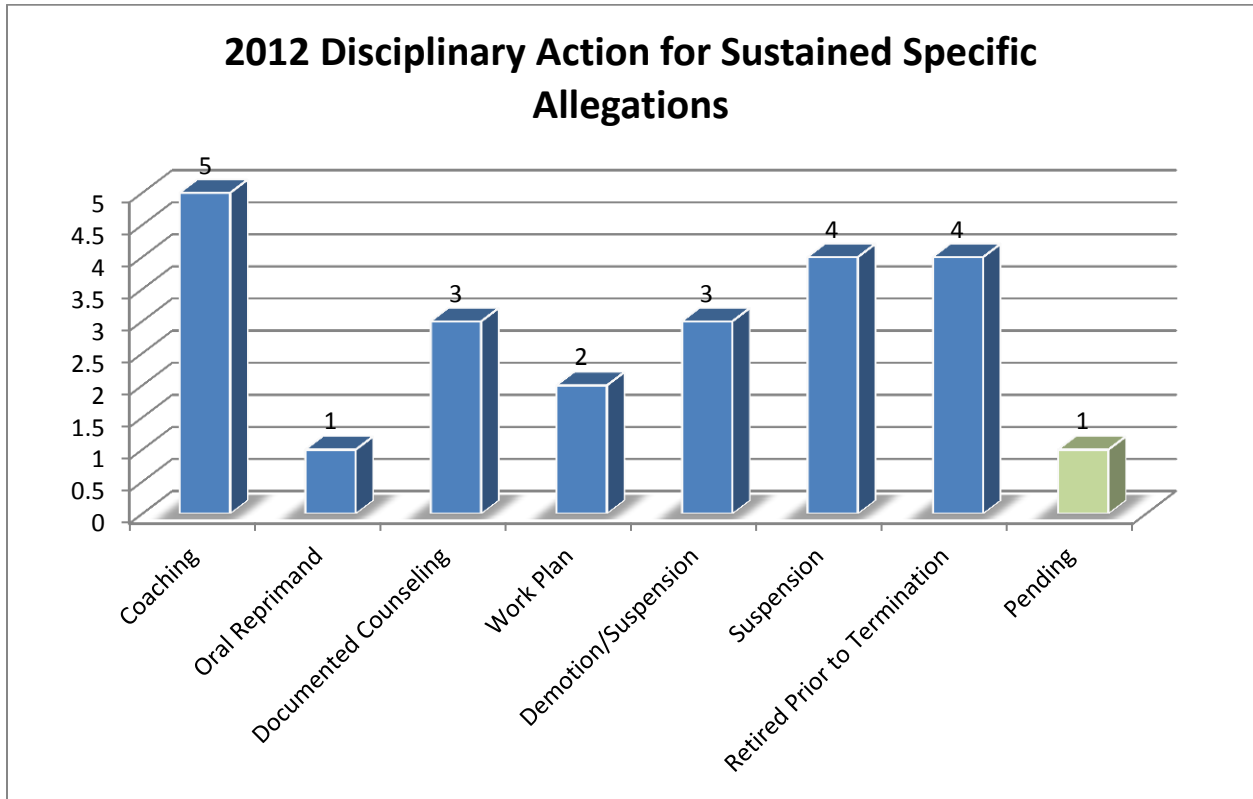


It is clear that a high proportion of our complaints are related to EPD uses of force. Generally, when we receive a complaint alleging use of force and there is an injury, a thorough internal investigation is the most responsible way forward, even when it appears that no policy violation occurred. The majority of the use of force allegations (59%) are found to be within policy.

The highest number of specific sustained allegations were for violations of the policies for judgment and performance (6 and 5, respectively). EPD policy requires that employees use good judgment at all times; “good judgment” is determined using a standard of a reasonable employee in similar circumstances. EPD policy also requires employees to perform all aspects of their job as well as they reasonably can. Examples of poor performance include lack of knowledge of the law, unwillingness or inability to perform assignments, failure to conform to standards established for the employee’s rank or position, failure to take appropriate action, and failure to perform professionally. In addition to performance and judgment, there were sustained allegations for abuse of position, constitutional rights/discrimination, courtesy, lack of knowledge of the law, person stops and contacts, unbecoming conduct, use of force, and the vehicle pursuit policy.



Discipline for specific sustained allegations was varied. The purview of our office is limited to the investigatory process; we are excluded from commenting on discipline. However, in the interests of transparency, discipline information is provided below.



Allegations were distributed among 14 employees, or 4.6% of EPD employees. Two sustained complaints, including five separate policy violations, involved the same employee. All other sustained allegations (13 complaints including 21 separate policy violations) involved different employees.

Table 3. EPD Employees with Sustained Allegations of Misconduct

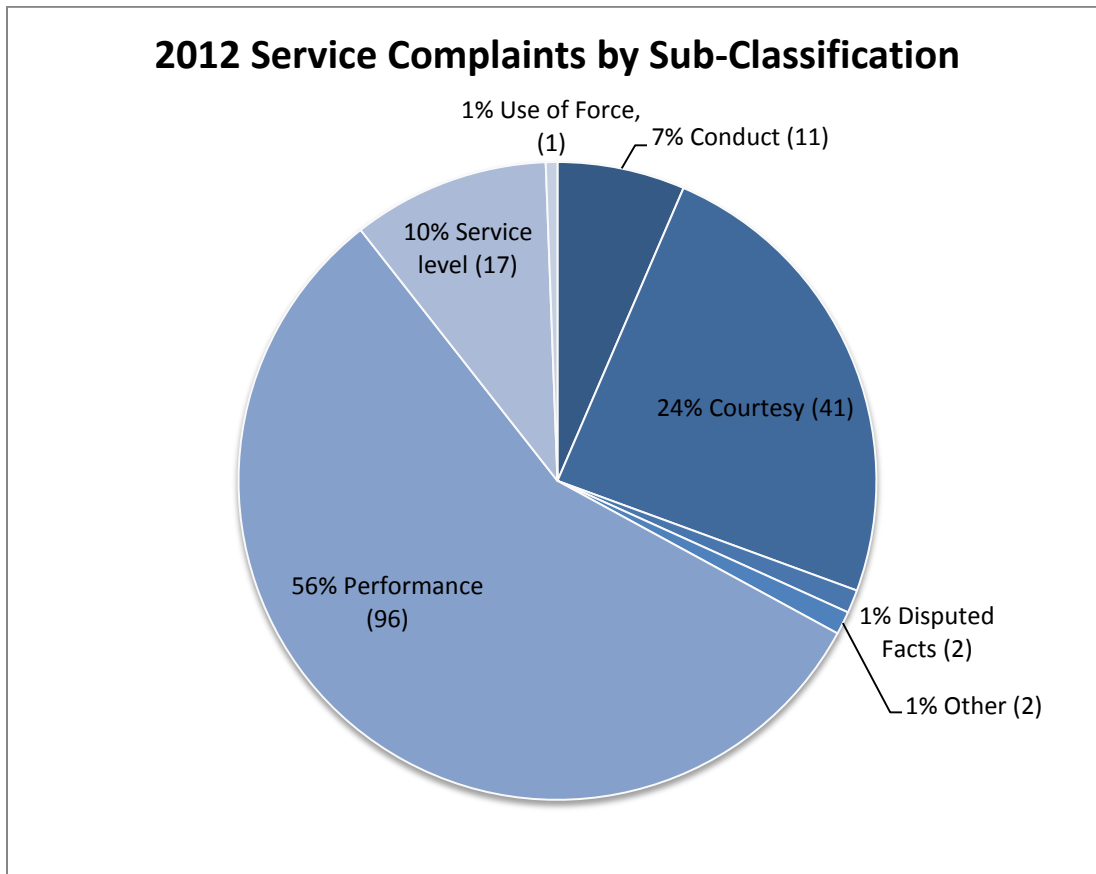
# of Sustained Policy Violations	# of EPD Employees	% of EPD Employees
5	1*	0.3%
4	0	0.0%
3	1**	0.3%
2	6**	2.0%
1	6**	2.0%

* The five sustained policy violations arose out of two separate complaints.

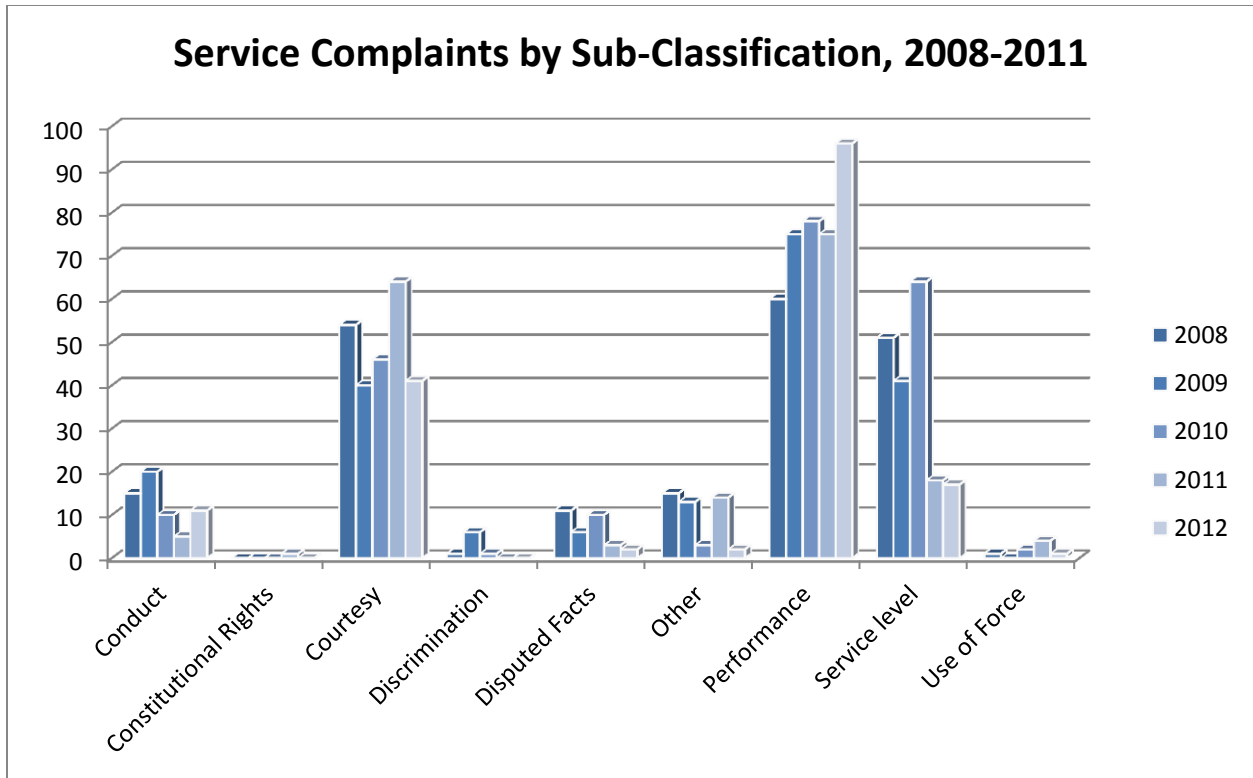
** These employees each had only one sustained complaint; the number of policy violations in each complaint varied.

Service Complaints and Surveys

Service complaints, policy complaints, and inquiries are handled in a different manner than allegations of criminal conduct or misconduct. Service complaints are complaints “about police employee performance or demeanor, customer service and/or level of police service.” E.C.C. § 2.452. Generally, service complaints are referred to the supervisor of the involved officer(s) for follow up with both the complainant and the involved officer(s). The supervisor will write a memo detailing their review of the complaint and contact with the involved parties, which the Auditor’s Office reviews for completeness and thoroughness. The Auditor’s Office then contacts the complaining party for a follow up survey.



We have seen an overall decrease in conduct- and service level- related complaints, but we have seen an increase in performance-related complaints. At the same time, courtesy-related complaints have remained relatively steady (though they have decreased to only 41 this year after last year’s high of 64).



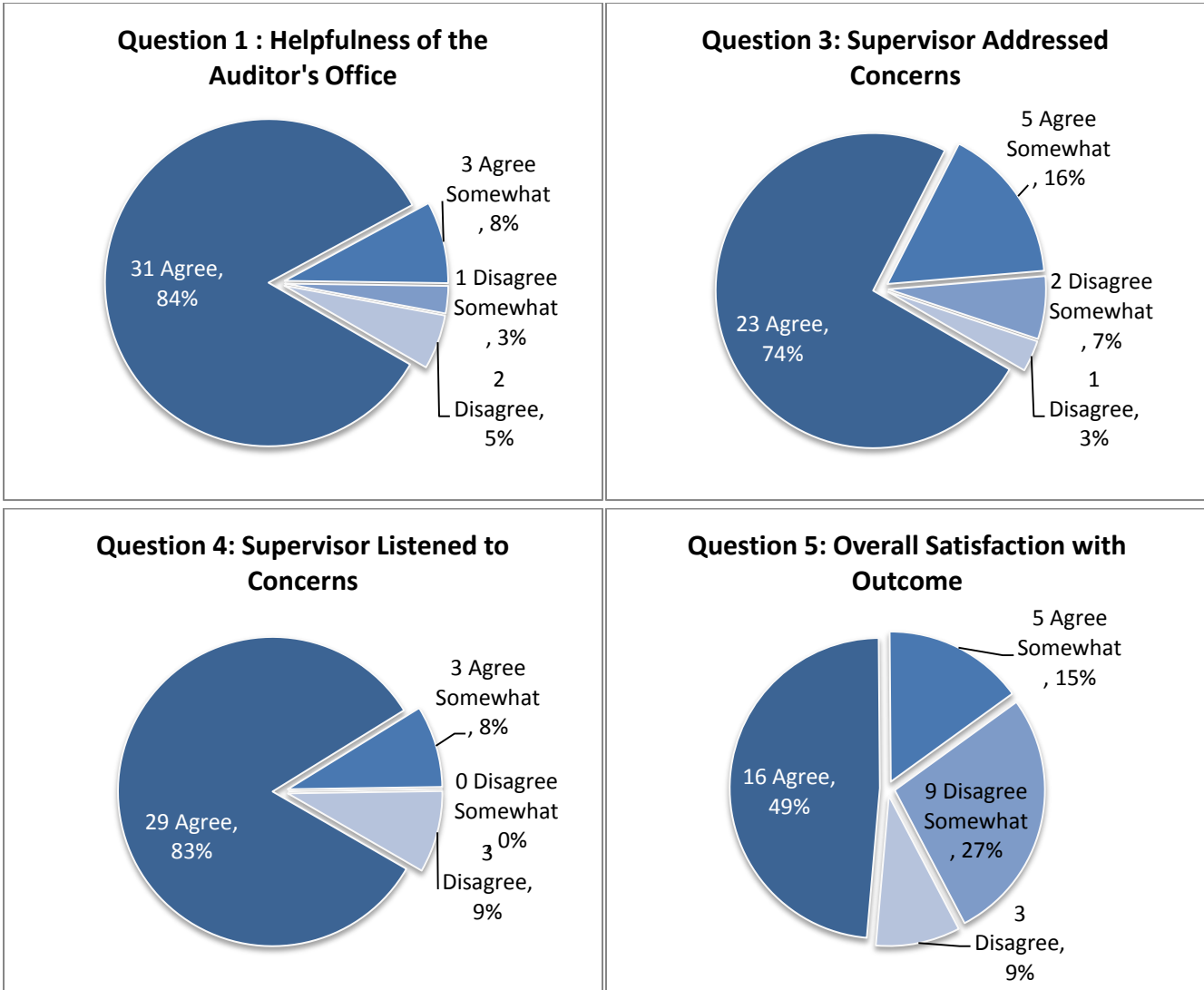
Service Complaint Surveys

We received 37 returned surveys in 2012 from 170 total service complaints, for a response rate of 21.8%. This is slightly down from 2011's rate of 23.9% (44 of 184 returned), but slightly improved from our 2010 rate of 21.5% (46 of 214 returned). The questions on the surveys are as follows:

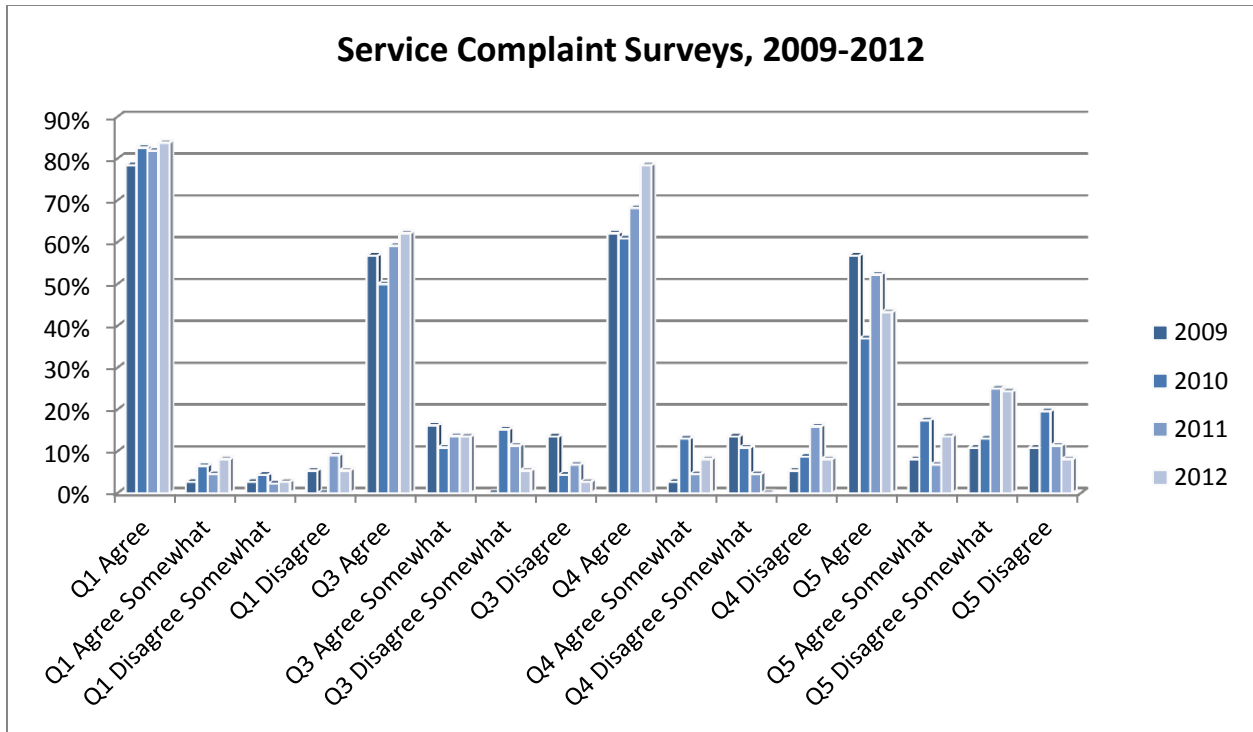
- 1) Staff member(s) at the Office of the Police Auditor was/were helpful in taking my complaint.
- 2) Were you contacted by the EPD employee's supervisor?
- 3) If yes to #2, my concerns were addressed by the supervisor.
- 4) The supervisor listened to my concerns.
- 5) I am satisfied with the outcome of the complaint investigation.
- 6) Would you have preferred to speak with the involved officer rather than the supervisor?

Questions #1, #3, #4, and #5 are answered with a ranking: Agree, Agree Somewhat, Disagree Somewhat, and Disagree. Question #2 is a yes or no question. We received 31 "Yes" answers (83.8%) and three "No" answers – two respondents had been contacted by the supervisor but still disagreed with the response, and one believed she was contacted by the involved officer (it was a supervisor) and appreciated the follow up. We also received one "N/A", one "?", and one blank response (our records showed that in all three cases, the respondent was in fact contacted by a supervisor).

Question #6 was added to the survey during 2011; it is a yes or no question and includes a space for comments. Of the 34 surveys that answered this question, only 8 would have preferred speaking with the officer (one of those would have preferred speaking with both the officer and supervisor); 26 preferred speaking with the supervisor. For comparison, in 2011, 18 of 20 respondents preferred speaking with the supervisor.



In 2012, 92% of respondents agreed or somewhat agreed that the Auditor’s Office was helpful in taking their complaint (Question 1). This is a slight increase from 2011, when 89% answered the same. Overall satisfaction with the process (Question 5) increased slightly to 64% from 62% in 2011 and 2010. A



As shown above, the percent of respondents who agree that the Auditor’s Office was helpful has steadily increased, as has the percent of respondents who agree that the supervisor addressed their concerns. The percent of respondents who agree that the supervisor has listened to their concerns has increased greatly, from about 60% in 2009-2010 to 78% in 2012.

Policy Complaints and Inquiries

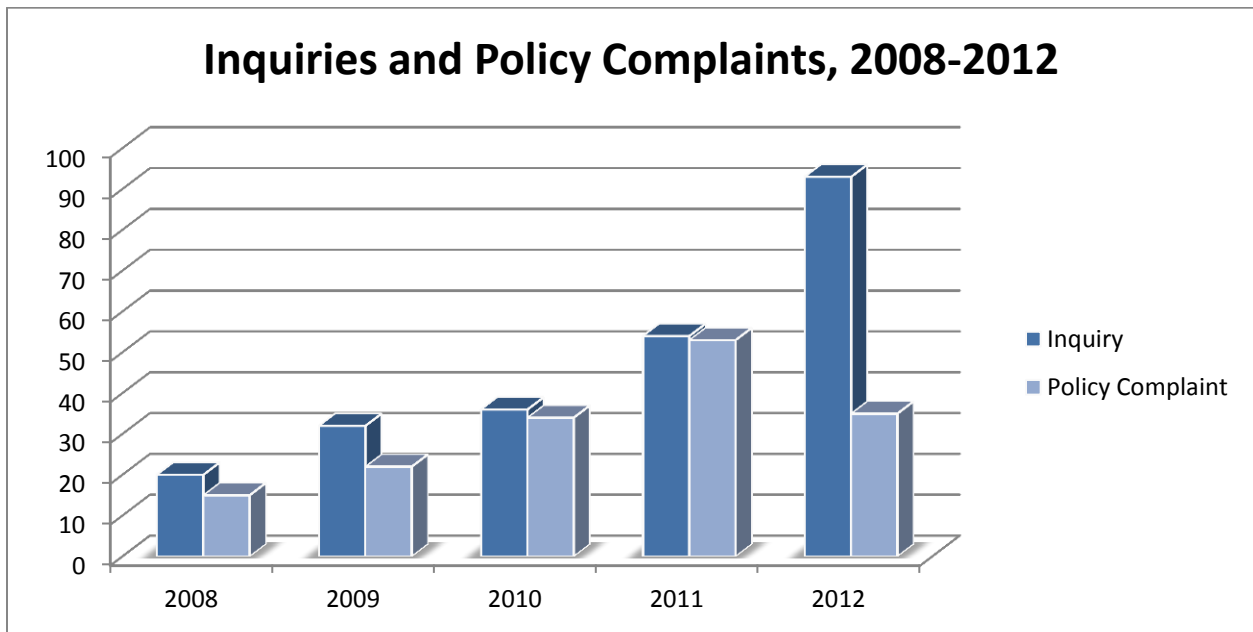
Complaints are classified as policy complaints where the complainant “is dissatisfied with current policies or established procedures.” Civilian Oversight Protocols, Classification of Complaints 1.d. These complaints are referred to either a supervisor (where appropriate) or an Internal Affairs sergeant. For example, a policy complaint may be investigated by a supervisor where a particular officer, division, or program is the focus of the complaint. Similar to a service complaint, the investigator will contact the complainant, as well as any involved officer(s), and write a memo detailing their resolution of the complaint. The Auditor’s office reviews the memo and follows up with the complaining party.

A complaint may be classified as an inquiry where it involves a “question about the propriety of an employee’s actions or a department policy, procedure, or regulation in a manner which indicates dissatisfaction, but which does not necessarily constitute or imply an allegation of misconduct.” EPD Police Operations Manual (POM) 1102-3, Part I.A.1. An inquiry may be investigated by a supervisor, Internal Affairs sergeant, or the Internal Affairs coordinator, as appropriate. The Auditor’s Office is kept

informed regarding the progress of inquiries and may reclassify the complaint if warranted. The Auditor’s Office contacts the reporting party with a resolution.

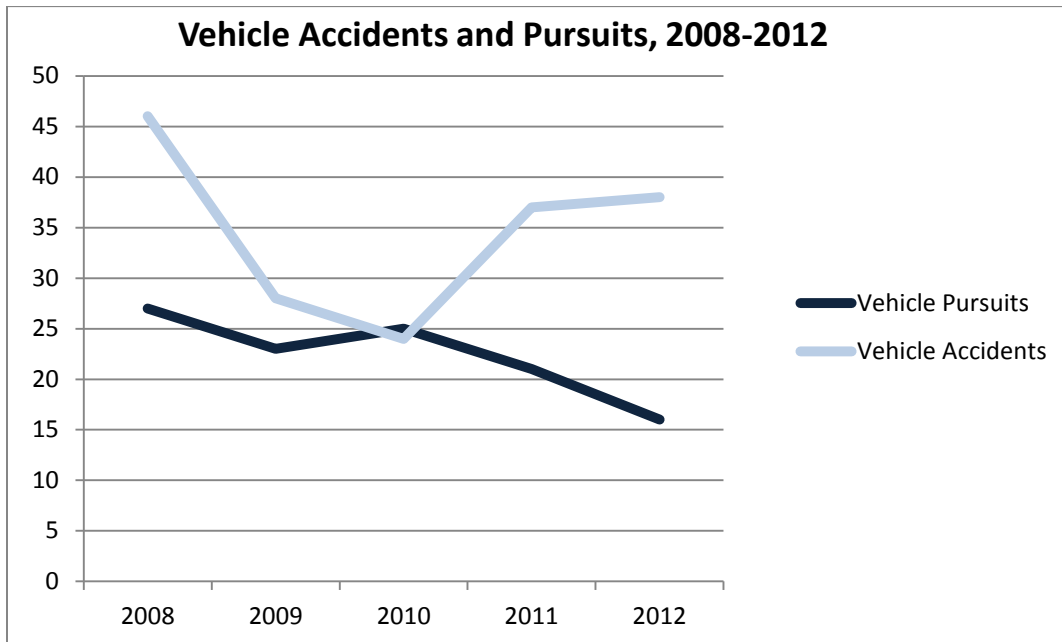
While policy complaints decreased in 2012 (down to 35 from 53), they were comparable with 2010 levels. Inquiries, on the other hand, sharply increased – 93 in 2012 compared to 54 in 2011. This appears to be likely related to classification processes; our office has focused on improving our preliminary investigations of complaints, and often complaints are classified as inquiries until the preliminary investigation has developed. Often, inquiries will be reclassified to allegations, service complaints, or policy complaints depending on what is discovered in the preliminary investigation.

This theory is supported by the decreased number of allegations for 2012, as well as the dramatic decrease in dismissed allegations from 2011. In 2011, 15 specific allegations of misconduct (from several different complaints) were dismissed for various reasons. As stated above, in 2012, only two specific allegations (from two different complaints) were dismissed.



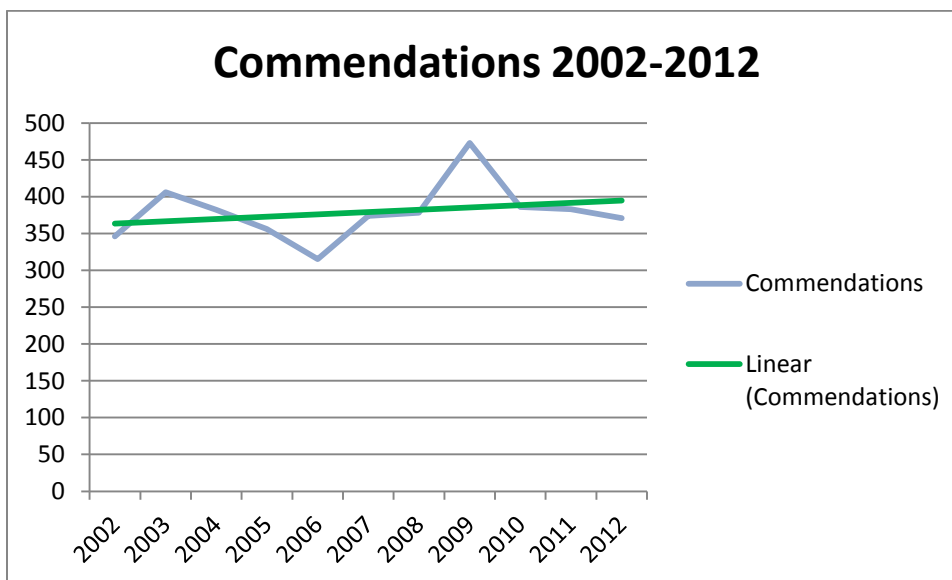
Vehicle-Related Incidents

Vehicle pursuits continued to decline in 2012; EPD conducted 16 pursuits in 2012, down from 21 the year before. In comparison, EPD conducted 27 vehicle pursuits in 2008 – a decrease of 40%. Vehicle accidents remained steady (38 in 2012, compared to 37 in 2011).

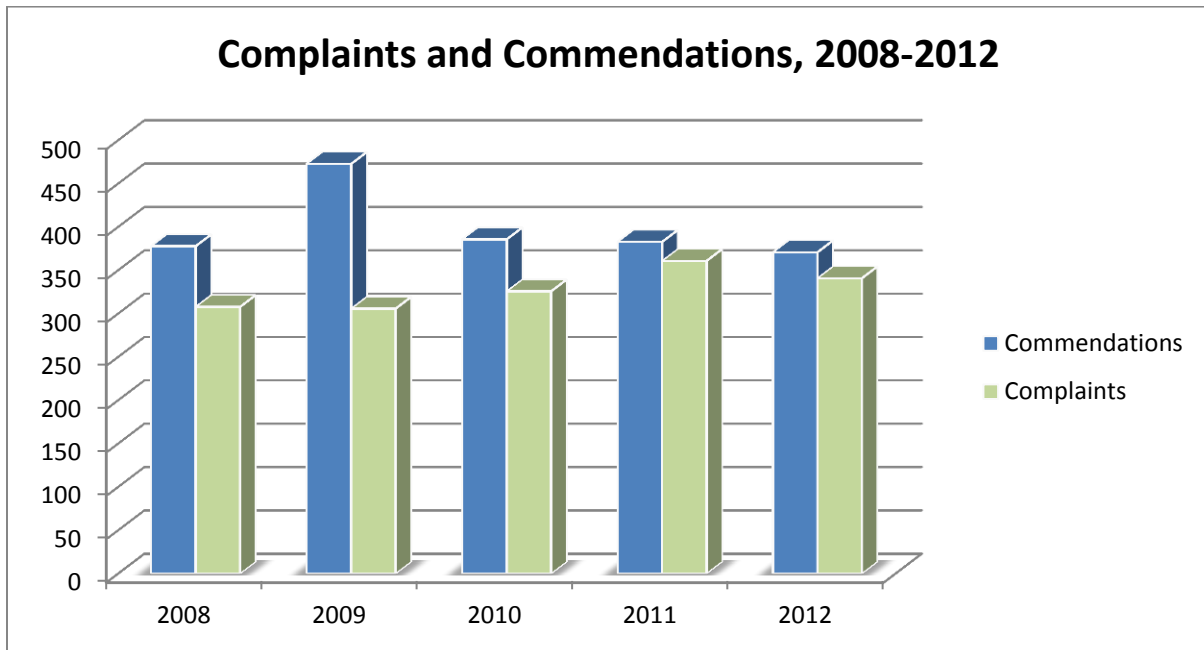


Commendations

The Auditor’s Office and EPD continue to intake commendations, a total of 371 in 2012. This was a slight decrease from 2011, but the overall trend over the past 10 years is a slight increase.



Commendations continue to outpace complaints, as has been the case since 2008.



Community Impact Cases

The Auditor did not receive any complaints in 2012 that were designated as a community impact case.

Critical Incidents

There was one critical incident in 2012, an officer-involved shooting. The Auditor’s Office was notified of the incident in a timely manner, and our office participated in the Deadly Force Review Board which was convened to analyze the use of deadly force.

In addition, there was one incident later classified as a use of deadly force; no serious physical injury resulted from the use of deadly force, so it was not designated as a critical incident. Regardless, the Auditor’s Office was notified of the incident by EPD command staff. The Auditor’s Office also participated in the Use of Force Review Board that was convened to examine that use of deadly force.

2012 Allegations of Misconduct and Criminal Conduct

Summary of Complaint	Allegations		Adjudication*			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command **	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total ***	
RP alleged officers who responded to his home and used excessive force to arrest him with no charges, bashing his head on a manhole cover. Neighbor called alleging that complainant was pointing a rifle at them.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	WP	1/4/12	3/21/12	4/18/12	5/1/12		
		901.1 Use of Force	WP	WP	WP						
						Timeframe:	77	27	13	104	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that his rights were violated during a search and seizure of his person and home in 2010. Dismissed: Timeliness	Allegation of Misconduct: Constitutional Rights	N/A - Dismissed			1/4/12			1/11/12			
								Timeframe:	N/A	N/A	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged an officer entered his garage to arrest his son without consent or warrant and then later entered his home to retrieve an involved infant without valid consent. Domestic situation - officers acting under Community Care Taking.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	UF	UF	UF	1/27/12	4/17/12	6/19/12	6/29/12		
								Timeframe:	80	62	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged her 13 year old daughter was treated poorly and profiled because of her race by an officer. RP's older daughter alleged that the officer was rude and harassing when she refused to give her parent's phone number. Mediation declined.	Allegation of Misconduct: Conduct	1101.1.B.7 Courtesy	UF	IE	UF	1/30/12	6/12/12	7/11/12	7/23/12	161	10/09/12
		1101.1.B.25 Unbecoming Conduct	UF	UF	UF						
						Timeframe:	132	29	12	161	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP initiated a complaint for a Vietnamese neighbor, who was arrested for prohibited noise. RP believed that the noise complainant is friends with the officer who investigated and arrested his neighbor.	Allegation of Misconduct: Conduct	1101.1.B.2 Abuse of Position	UF	UF	UF	2/1/12	4/6/12	5/14/12	5/29/12		07/10/12 Agreed but considered whether judgment was appropriate.
								Timeframe:	65	38	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that officer was totally out of line when he spoke to him about protesting in front of St. Vincent DePaul's. He alleged that the officer was nasty and berating.	Allegation of Misconduct: Courtesy	1101.1.B.7 Courtesy	S	S	S	2/1/12	4/9/12	5/11/12	6/14/12		07/10/12
								Timeframe:	68	32	

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Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
RP alleged that an officer pressured her into talking and signing papers about an arrest of her boyfriend and that the officer insisted she return to her apartment where he took pictures of her body. Subject was clothed - exposed non-sensitive areas to show bruises.	Allegation of Misconduct: Conduct	1101.41.B.25 Unbecoming Conduct	UF	UF	UF	2/2/12	4/17/12	5/6/12	7/3/12	94	
		1101.41.B.25 Unbecoming Conduct	UF	UF	UF						
						Timeframe:	75	19	57	94	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Internal RP alleged that a supervisor provided false information to others which in turn denied him opportunity to receive a light duty assignment, and that another supervisor knew of this did not correct the situation.	Allegation of Misconduct: Conduct	1101.1.B.9 Unsatisfactory Performance	N/A	UF	UF	2/6/12	5/7/12	5/21/12	6/7/12		
		1101.1.B.9 Unsatisfactory Performance	N/A	UF	UF						
						Timeframe:	91	14	16	105	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP contacted EPD about an incident at an area school in which a student was detained. RP believes excessive force was used and the wrong person was detained. Mediated.	Allegation of Misconduct: Use of Force	901.1 Use of Force	Mediated			2/10/12			6/13/12		
		1101.1.B.6 Constitutional Rights									
		901.1 Use of Force									
		1101.1.B.6 Constitutional Rights									
					Timeframe:	N/A	N/A	N/A	N/A		
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Officer involved shooting of an armed subject at Briarwood Mobile Home Park.	Deadly Force Review	901.1 Use of Force	WP	WP	WP	2/8/12	N/A - different process for Deadly Force Review Board	8/1/12	8/1/12		
		901.4 Police Firearms	WP	WP	WP						
		901.5 Patrol Rifle Deployment	WP	WP	WP						
		901.6 Use of Force Reporting	WP	WP	WP						
					Timeframe:	N/A	N/A	0	173		

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Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
RP was unhappy about the conditions at the Lane County Adult Corrections Facility. Dismissed: Outside Jurisdiction	Allegation of Misconduct: Performance	N/A - Dismissed									
						Timeframe:	N/A	N/A	N/A	N/A	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that officers used excessive force and harassment against him. RP stated that officers stood him up after handcuffing him, started yelling stop resisting and then pitched him onto his head from a full standing position.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	3/2/12	5/18/12	6/13/12	6/25/12			
		901.1 Use of Force	WP	WP							
						Timeframe:	76	25	12	101	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that officers stopped him claiming he had a warrant, handcuffed him, stuck a knee in his back and then released him because he didn't have a warrant.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	WP	WP	3/5/12	5/4/12	5/28/12	6/5/12			
		1101.1.B.6 Constitutional Rights	WP	WP							
						Timeframe:	59	24	7	83	
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP inquired into whether a detective was taking the information he submitted about a cold case (from the mid-90s) seriously since it involved a former employee. Dismissed: Employee not Active. Referred to DA	Allegation of Criminal Conduct: Conformance to Laws	N/A - Dismissed			3/12/12			3/19/12			
					Timeframe:	N/A	N/A	N/A	N/A		
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that officer used information that was not factual on an incident report and that she was unlawfully detained with out evidence of reasonable suspicion that she was committing a crime. City prosecutor ruled probable cause existed.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	UF	WP	3/8/12	6/22/12	8/10/12	9/13/12		09/11/12	
		401.1 Conduct	UF	IE							
						Timeframe:	104	48	33	152	

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Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
Internal investigation into two incidents of a call taker mishandling 911 calls for service. (Timeframe long due to additional case on employee.)	Allegation of Misconduct: Performance	101.1.B.9 Unsatisfactory Performance	S	S	S	4/11/12	6/19/12	7/1/12	2/13/13		
		101.1.B.17 Judgment	S	S	S						
		1101.1.B.7 Courtesy	S	S	S						
						Timeframe:	68	12	222	80	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Auditor Initiated complaint into the Use of Force / OC Spray by two officers during an incident at the Park Blocks.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	WP	4/26/12	8/30/12	10/22/12	11/2/12		11/13/12
		901.3 OC Spray	WP	WP	WP						
		309.4 Use of Taser	WP	WP	WP						
		901.1 Use of Force	WP	WP	WP						
		309.4 Use of Taser	WP	WP	WP						
						Timeframe:	124	52	10	176	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Internal allegation that an officer used excessive force on a juvenile who was being taken into custody for burglary at an elementary school.	Allegation of Misconduct: Use of Force	1101.1.B.25 Unbecoming Conduct	S	S	S	6/5/12	7/19/12	9/13/12	11/21/12		12/11/12
		901.1 Use of Force	S	S	S						
						Timeframe:	44	54	68	98	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
An on duty patrol officer was alleged to have unlawfully stopped his ex-wife and a vehicle passenger. Discipline process merged with other complaints.	Allegation of Misconduct: Conduct	1101.1.B.2 Abuse of Position	S	S	S	6/7/12	9/7/12	9/25/12	4/3/13		06/11/13
		1101.1.B.17 Judgment	S	S	S						
		1101.1.B.25 Unbecoming Conduct	S	S	S						
		308.40 Persons Stops and Contacts	S	S	S						
						Timeframe:	90	18	188	108	

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Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
LSCO forwarded a memo to EPD documenting a report that an inmate alleged a EPD officers beat him up and tried to touch him inappropriately.	Allegation of Criminal Conduct	1101.1.B.5 Conformance to laws	UF	UF	UF	6/18/12	10/3/12	10/3/12	10/15/12		
		901.1 Use of Force	UF	UF	UF						
		1101.1.B.5 Conformance to laws	UF	UF	UF						
		901.1 Use of Force	UF	UF	UF						
		1101.1.B.5 Conformance to laws	UF	UF	UF						
		901.1 Use of Force	UF	UF	UF						
		Timeframe:									
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP was concerned that officers released her children and gave her apartment keys to her ex-husband when she was arrested. RP has a restraining order limiting contact. RP also alleged that officers slammed her against the patrol car breaking a button on her dress during the arrest. Release of children was approved by DHS.	Allegation of Misconduct: Performance	101.1.B.17 Judgment	UF	UF	UF	7/19/12	11/1/12	1/10/13	2/1/13		02/12/13
		901.1 Use of Force	WP	WP	WP						
		Timeframe:									
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Officer had an accidental discharge with his patrol rifle while checking it over a safety barrel.	Allegation of Misconduct: Performance	1101.1.B.9	S	S	S	7/23/12	9/20/12	10/1/12	11/6/12		
		Timeframe:									
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP complained that, during a traffic stop, she and her boyfriend were patted down unnecessarily and that the stop was of unreasonable duration.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	WP	S	S	7/26/12	3/1/13	3/27/13			
		1101.1.B.6 Constitutional Rights	WP	WP	WP						
		Timeframe:									

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Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
Internal allegation that officers reinitiated a pursuit after it was terminated by a supervisor.	Allegation of Misconduct: Performance	314 Vehicle Pursuit Policy	S	S	S	8/21/12	10/22/12	11/5/12	12/5/12		
		314 Vehicle Pursuit Policy	S	S	S						
						Timeframe:	61	13	30	74	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that an officer planted a baggie of drugs in her vehicle console.	Allegation of Misconduct: Conduct	1101.1.B.25 Unbecoming Conduct	UF	UF	UF	8/21/12	10/22/12	11/19/12	11/21/12		
						Timeframe:	61	27	2	88	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Internal investigation into excessive use of force when an officer allegedly pulled a handcuffed subject from a patrol car causing a head injury that required medical attention.	Allegation of Misconduct: Use of Force	901.1 Use of Force	UF	S	S	8/30/12	11/8/12	12/14/12	3/6/13		03/12/13
		1101.1.B.9 Unsatisfactory Performance	WP	S	S						
						Timeframe:	68	36	82	104	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
-195- alleged that an officer used a racial and sexual slur toward him during an incident in which he and his partner had an altercation with a store clerk.	Allegation of Misconduct: Courtesy	1101.1.B.7 Courtesy	UF	UF	UF	9/12/12	11/9/12	11/19/12	11/21/12		
						Timeframe:	57	10	2	67	
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Internal allegation that an officer directed other employees to gather LEDS information for purposes not authorized per DMV.	Allegation of Misconduct: Conduct	201.4 Automated Records Systems	WP	WP	WP	9/14/12	10/3/12	10/24/12	11/19/12		
		1101.1.B.17 Judgment	S	S	S						
						Timeframe:	19	21	25	40	

Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Third Party allegation that an officer may have been involved in abusive behavior toward his son. Investigated by OSP. Allegation Unfounded.	Allegation of Criminal Misconduct	1101.1.B.5 Conformance to Laws	N/A	UF	UF	9/24/12	N/A - Adopted OSP criminal investigation	12/10/12	12/13/12			
										3		76
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Allegation that officers used excessive force on RP while he was in custody.	Allegation of Misconduct: Use of Force	904.1 Use of Force	UF	UF	UF	9/22/12	12/6/12	12/20/12	1/4/13			
		904.1 Use of Force	UF	UF	UF							74
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Allegation that an officer and his supervisor lacked knowledge of the law in an arrest for Public Indecency.	Allegation of Misconduct: Performance	1101.1.B.9 Lack of Knowledge of the Law	S	S	S	9/24/12	11/26/12	12/13/12	4/3/13			
		1101.1.B.17 Judgment	S	S	S							
		1101.1.B.9. Lack of Knowledge of the Law	S	S	S							
							62	17	110	79		
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP complained that her son was stopped illegally on the basis of his race while walking through their neighborhood. Mediation declined.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	UF	UF	UF	9/27/12	11/7/12	11/27/12	12/7/12			
												40
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP reported to a sergeant that he was handcuffed and thrown down to the ground resulting in a injury to his face.	Allegation of Misconduct: Use of Force	901.1 Use of Force	UF	UF	UF	10/4/12	1/2/13	1/15/13	1/29/13			
												88
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that when he was arrested he was not told he was being detained or arrested, a supervisor was not called when he requested one, and he was roughed up and hobbled by EPD officers.	Allegation of Misconduct: Use of Force	901.1 Use of Force	UF	UF	UF	10/26/12	12/20/12	1/10/13	1/24/13			
		901.1 Use of Force	UF	UF	UF							
		901.1 Use of Force	UF	UF	UF							
							54	20	14	74		

Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?	
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
Investigation into incident where officer apparently struck a bicycle with his vehicle.	Deadly Force Review	901.1 Use of Force	S	S	S	10/31/12	N/A - different process for Deadly Force Review Board	4/29/13			179	
		901.6 Use of Force Reporting	WP	WP	WP							
		1401.3 Forcible Vehicle Stop Techniques	S	S	S							
		Timeframe:				N/A	N/A	N/A				
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?	
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total			
RP was concerned about officers' conduct during her arrest, not listening to her side of issue, excessive force and not properly securing her home.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	WP	10/30/12	1/2/13	1/23/13	1/29/13		83	
		1101.1.B.9 Unsatisfactory Performance	UF	UF	UF							
		901.1 Use of Force	WP	WP	WP							
		901.1 Use of Force	WP	WP	WP							
		1101.1.B.9 Unsatisfactory Performance	UF	UF	UF							
		Timeframe:										62
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?	
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total			
RP alleged that a dispatcher failed to enter the full details of a call resulting in delay in EMT response.	Allegation of Misconduct: Performance	1101.1.B.19 Unsatisfactory Performance	S	S	S	11/20/12	1/17/13	3/13/13	4/4/13		113	
		1101.1.B.17 Judgment	S	S	S							
		1101.1.B.19 Unsatisfactory Performance	S	S	S							
		1101.1.B.17 Judgment	S	S	S							
		Timeframe:										57
Summary of Complaint	Allegations			Adjudication		Dates/QC					CRB Review?	
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total			
RP alleged that he was racially profiled by an officer who was conducting a person stop at a Walmart where an employee identified the man as a possible suspect in a theft.	Allegation of Misconduct: Constitutional Rights	1101.1.B.6 Constitutional Rights	UF	UF	UF	11/30/12	2/13/13	3/22/13	4/8/13		112	
		Timeframe:										73

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Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
	Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total	
RP alleged that she witnessed numerous officers use excessive force to arrest a man near the intersection of 12th and Olive.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	WP	12/17/12	2/15/13	3/18/13	3/25/13		
		901.1 Use of Force	WP	WP	WP						
		901.1 Use of Force	UF	WP	WP						
		901.1 Use of Force	UF	WP	WP						
					Timeframe:	58	33	7	91		
Summary of Complaint	Allegations		Adjudication			Dates/QC					CRB Review?
Auditor's Classification	POM Violations	EPD Chain of Command	Auditor	Chief	Intake	IA Report	Adjudication	Closed	Total		
RP alleged that officers used excessive force during his arrest, including applying the handcuffs too tightly.	Allegation of Misconduct: Use of Force	901.1 Use of Force	WP	WP	WP	12/18/12	3/14/13	4/22/13	5/13/13		
					Timeframe:	86	38	21	124		

* Adjudication recommendations are: Sustained (S), Insufficient Evidence(IE), Unfounded (UF), and Within Policy (WP). Those terms are defined in Eugene's Civilian Oversight Protocols (2007):

Sustained = the complainant's allegation(s) was determined to be a violation of EPD policies, rules and/or procedures and, the employee(s) involved committed the violation(s) as alleged.

Insufficient Evidence = The chain of command was unable to determine whether or not a violation of EPD policies, rules, and/or procedures occurred.

Unfounded = The claim is unsubstantiated - it was determined that the employee(s) involved did not engage in the behavior as alleged by the complainant.

Within Policy = It was determined that the behavior of the employee(s) involved did occur but was consistent with EPD policies, rules, practices and/or procedures.

** Indicates the recommended adjudication from the highest ranking reviewer - in some cases, direct supervisor's recommendation may have been different.

*** Total time in Police Auditor's Office - from intake to adjudication (does not include time to notify employee, discipline, and close file).

*** This internal investigation was delayed due to a related investigation by another agency.

addition to the above, there are five investigations into allegations of criminal misconduct that are ongoing. Because they are ongoing criminal investigations, we are not at liberty to release information on them at this time.

2012 Service Complaints, Policy Complaints, and Inquiries

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
1/5/2012	1/5/2012	0	Conduct	RP reported that she felt she had been followed to VRC by an EPD volunteer vehicle.	Supervisor spoke with volunteers and learned they were traveling to VCR to perform parking enforcement; neither volunteer remembered following any particular vehicle. RP did not return messages to discuss the issue.
1/4/2012	2/13/2012	39	Courtesy	RP reported that he was treated rudely and then cited for trespass while picking up pallets for his pallet recycling company.	Sgt. reviewed ICV and records of citation and spoke with RP about the incident. RP has since obtained a letter from business authorizing him to be in the area.
1/5/2012	2/16/2012	41	Performance	RP reported that when he tried to report an out of state fraud issue he spent over 2 hours in 2 days trying to get EPD to help him. RP feels the red phone in the lobby is a privacy issue for citizens.	Supervisor spoke with RP about the issues involved; follow-up letter with RP from Police Auditor's Office.
1/6/2012	1/12/2012	6	Inquiry	Auditor initiated a inquiry into whether an officer had access to a complaint interview before he amended a ticket.	No evidence that officer had access to the complaint intake interview. Officers are authorized by state law to amend citations.
1/4/2012	1/5/2012	1	Courtesy Dismissed: Outside Jurisdiction	RP complaint about a note left on her car window	Dismissed: Outside Jurisdiction
1/6/2012	1/18/2012	12	Inquiry	RP reported that an officer's pat-down was intrusive.	Sgt. reviewed ICV and spoke with witness officers and found no evidence of allegation.
1/11/2012	1/30/2012	19	Disputed Facts	RP alleged officer was inaccurate in his report about a traffic stop he was involved in.	Sgt. reviewed ICV and spoke with officer and RP about the report.
1/12/2012	1/17/2012	5	Performance	RP was upset that officers did not tell him it was not required to provide his Social Security Number during a person stop.	Sgt. spoke with RP and then with officer with the reminder to always provide the information that SS numbers were not mandatory. Had officer redact info from Information card. Officer was advised that they must inform subjects that providing a SSN is voluntary.
1/13/2012	2/9/2012	26	Conduct	RP alleged officer grabbed his wife frightening her as she walked across a school parking lot.	Sgt learned that the area is posted No Trespassing and a security officer had advised RP's wife she was trespassing, which was ignored. Officer became involved at that point. Sgt. spoke with RP about the incident.
1/20/2012	2/7/2012	17	Policy Dismissed - Other	RP would like call takers better trained on the law that allows citizens to defend themselves when someone breaks into their home. He reported an incident of someone jiggling his door handle, and the call taker said he could be the one arrested if he shot through the door.	Preliminary investigation found no such call for service. Dismissed: Other
1/20/2012	1/30/2012	10	Courtesy	RP stated she had been traveling down Oak when a large van cut her off and then stopped in the lane of traffic with no warning; after the occupant got out she realized it was an Officer. She felt some visual warning should have been given.	Sgt. spoke with RP about the incident and a demonstration that was going on in the vicinity at the time.
1/20/2012	1/25/2012	5	Policy	RP was concerned that records would not search for an incident by name, stating is was against policy. He had filed a similar complaint before and EPD was still not complying.	Matter was resolved when RP spoke with Auditor and re-filed his request in writing, per EPD Policy.
1/20/2012	1/25/2012	5	Inquiry	RP was upset that when she called EPD about a vandalized window, officers asked her about her son who had been arrested for gang activity.	Sgt. spoke with RP at length about the issues with her son and the vandalism.
1/20/2012	1/26/2012	6	Inquiry	RP stated that while traveling down the interstate a man in a jeep flashed a badge while he sped by.	Preliminary investigation could not identify an EPD employee with the make, model or license plate of the vehicle in question.
1/24/2012	1/25/2012	1	Inquiry Dismissed: Timeliness	RP alleged officer displayed a lack of respect for Citizens' civil rights.	Dismissed: Timeliness
1/25/2012	2/15/2012	20	Inquiry	RP alleged an officer cited him because a family member who is an officer asked him to cite him.	Sgt. reviewed ICV, records, and spoke with officers involved; no evidence found indicating RP's complaint was valid. Sgt. also spoke with RP about incident.

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1/26/2012	1/26/2012	0	Inquiry Dismissed: Outside Jurisdiction	RP complained that an officer had been rude when he called her. RP later identified the officer as from a different agency.	Dismissed: Outside Jurisdiction
1/26/2012	2/6/2012	10	Performance	RP was unhappy that an officer who responded to her noise complaint did not really seem to care about taking care of the situation.	Sgt. tried to contact RP numerous times and did not receive a call back.
1/30/2012	1/31/2012	0	Inquiry	Auditor's Office received an email from the Chief's office; a woman felt she may have been stopped by a recently arrested man impersonating an officer. Records show it was EPD, but no information card had been turned in.	Sgt. reviewed ICV and noted officer was professional and explained the stop fully to RP. Data entry backlog was the reason for not finding a FI card.
1/30/2012	3/1/2012	31	Policy	RP had his bike stolen and was upset that when friends called because they had seen it, no one responded.	Sgt. reviewed records and spoke with RP about call prioritizing and that his friends' calls to EPD did not give enough complete information for officers to proceed.
1/30/2012	2/27/2012	27	Performance	RP filed an online complaint that he noticed an officer driving the wrong way on a one way street without lights and sirens.	Sgt. spoke with officer about the incident who did not remember driving the wrong way and apologized if he did. Sgt. relayed the information to RP.
1/30/2012	2/24/2012	24	Inquiry	RP felt an EPD vehicle was driving aggressively and could have hit her if she had not moved quickly to get out of the way.	Cpt spoke with RP and apologized and assured RP he would share her concerns with involved officer.
1/31/2012	3/15/2012	45	Policy	RP inquired if officers can ask for social security numbers when stopping you.	Sgt. spoke with RP and explained EPD Policy on SSN's.
1/27/2012	2/8/2012	11	Inquiry	Auditor received complaint via HRC. RP observed elderly African American woman being questioned by EPD bike officers and felt she had done nothing wrong.	Sgt. reviewed records of the encounter and notified RP of the events in questions. RP understood the underlying reason for EPD's contact with the woman.
2/2/2012	2/15/2012	13	Courtesy	RP stated officer was rude while citing him for skateboarding on the city sidewalk questioning him about his tattoos	Sgt. spoke with officer about the incident and talked with RP.
2/3/2012	2/21/2012	18	Performance	RP filed a complaint to remind EPD about civilian safety when they are responding to an emergency call.	RP asked not to be notified; just that her concern forwarded to EPD. Lt advised employees at in-service training.
2/3/2012	2/17/2012	14	Performance	RP was concerned that after pulling his girlfriend over and learning her license was suspended the officer said he had to leave and left her and a disabled passenger alone late at night in a bad area of town.	Sgt. reviewed records, ICV and spoke with RP about the incident. RP was inaccurate in original description of incident; another officer remained at the scene and observed RP and her friend enter a store to use the phone.
2/6/2012	2/13/2012	7	Inquiry Dismissed: o/s jurisdiction	RP was upset that officers confiscated his medical marijuana plants.	Dismissed: Outside Jurisdiction
2/6/2012	2/14/2012	8	Policy	RP alleged officer threatened to cite her for various actions but would not tell her what law he would cite her for.	Sgt. spoke with RP about situation with officer advising no policy violations occurred. Officers can tell you at point of citation what it is for.
2/6/2012	2/8/2012	2	Inquiry Dismissed: o/s jurisdiction	RP was upset that her boyfriend was released from custody so quickly after being arrested for harassment.	Dismissed: Outside Jurisdiction
2/7/2012	4/13/2012	66	Inquiry	RP was concerned that her daughter's school was not locked down during a nearby shooting incident.	Lt. spoke with RP about the time frame and chain of events of the incident. RP also advised she had been in touch with the school and was satisfied with the answers she had received.
2/8/2012	3/6/2012	28	Policy	RP was upset that the young man who rear ended her car did not receive a ticket.	Sgt. spoke with RP about EPD policy of only issuing tickets in accidents when an occupant is transported to the hospital for injuries.
2/8/2012	2/29/2012	21	Courtesy	RP complained about the demeanor of an officer who cited him for a speeding ticket.	Sgt. spoke with RP about the incident and with the officer.
2/8/2012	3/1/2012	23	Performance	RP observed an officer texting while driving causing the officer to speed up and slow down.	Sgt. spoke with RP and then with officer about RP's concerns.
2/9/2012	2/28/2012	19	Inquiry	RP alleged officer was sexist and racially profiled him when he persuaded him not to have his ex-girlfriend arrested. The officer and the woman were both Hispanic.	Sgt. spoke with RP about the incident, learned officer did not make any sexist or racial remarks. RP also did not inform officer of bruising he received from the incident. Sgt spoke with officer and had him submit a domestic violence report.

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2/8/2012	2/21/2012	13	Performance	RP alleged she was cut off by patrol car and feels officers should set driving examples.	Sgt. spoke with RP and advised he would speak to officer involved.
2/10/2012	2/29/2012	19	Performance	RP alleged that when she called police about an assault by her neighbor, officer told her it was her fault.	Sgt. reviewed records and spoke with officers and learned that the investigation could not corroborate either the neighbor's or RP's statements. Sgt. tried to contact RP who had moved with no forwarding information.
2/8/2012	3/16/2012	38	Use of Force	RP alleged officer used excessive force to arrest him for disorderly conduct.	Sgt. reviewed and Auditor reviewed ICV. No use of force was noted. Sgt. spoke with RP.
2/14/2012	3/7/2012	23	Performance	RP was concerned that when he tried to get EPD to take a report about a credit card theft they referred him to the sheriff's office, even though he believed the credit card number was stolen in Eugene.	Supervisor reviewed call and learned call taker gave RP the correct information and was courteous and professional regarding the specifics of this incident.
2/13/2012	3/19/2012	36	Performance	RP was upset that he could not get an officer or his supervisor to return his call.	Sgt spoke with RP and then with officers, reminded officers that more frequent checking of their voicemails was needed.
2/16/2012	2/22/2012	6	Inquiry Dismissed: Other	RP did not like the way an officer he had flagged down moved his body.	Dismissed: Other
2/21/2012	2/27/2012	6	Inquiry	RP was concerned that she was denied a volunteer position due to discrimination.	Supervisor looked into records and spoke with RP about her findings; RP was satisfied discrimination did not occur.
2/21/2012	2/22/2012	1	Performance Dismissed: Other	RP left an anonymous message about officers speeding just before turning into police station to get off work.	Dismissed: Other Chain of Command notified
2/21/2012	2/27/2012	6	Inquiry	RP alleged officer had used profanity when speaking about him to his property manager.	Sgt. spoke to officer, other officer witness and witnesses from the apartment complex who did not collaborate the allegation. Sgt. spoke with RP about issue and steps he had taken.
2/22/2012	2/29/2012	7	Courtesy	RP felt an officer's commenting that if she was married to the judge she might get her fine reduced was wrong. His irrelevant mention of her marital status or sexual preference was offensive.	Supervisor spoke with RP and involved officer about the incident and clarified the officer's statement.
1/27/2012	3/15/2012	48	Inquiry	RP inquired into an interaction he had with officers when they came to his home with his son's girlfriend on a civil standby call.	Sgt. spoke with RP about how court orders allowing the civil standby work and answered questions posed by the RP.
2/23/2012	3/9/2012	16	Courtesy	RP alleged an officer referred to him as some punk while he was filming an interaction with the officer and some street people.	Sgt. reviewed submitted video and spoke with officer, and after repeated attempts was unable to speak with RP.
2/27/2012	3/12/2012	15	Performance	RP felt officers were cold and unfeeling when responding to a rape allegation.	Sgt. spoke with RP about her feelings about the officers' demeanors and provided her with the detective's name and number who is following up on her case.
2/28/2012	4/16/2012	48	Inquiry	RP was upset that on officer told her neighbor she was a meth dealer.	Lt. spoke with officer and learned he had been in the neighborhood watching for drug activity and a homeowner approached him about his presence in the area. Officer told him what he was doing but provided no location or names. This person then accused RP of the behavior. Lt. spoke with RP who felt the officer should have been vaguer about his reason for being in the neighborhood.
2/8/2012	3/8/2012	30	Inquiry	Managers of Briarwood Mobile Home Park inquired into why they were not notified about the shooting that happened at the complex.	Cpt. spoke with RP's about incident and also had CSO speak with residents about crime prevention in their neighborhood.
3/2/2012	3/5/2012	3	Performance	RP was unhappy that officers tried to have Cahoots come and deal with disorderly trespasser instead of arresting the person.	Sgt. spoke with RP about why officers may have made the decision to have Cahoots come, and about the discretion officers have in such incidents.
3/2/2012	3/27/2012	25	Policy	RP was unhappy that after an officer cited her for speeding he piled on a tinted window ticket for punishment. RP is new to the area and unaware of the tinted window law.	Sgt. spoke to RP about the tinted window issue - giving her background on the safety issues for officers and other motorists.
3/5/2012	4/23/2012	48	Inquiry	RP alleged that an officer verbally harassed her calling her a junkie over and over.	Sgt. reviewed incident; officer was using language to catch the attention of a young person who was doing harm to himself. Sgt spoke with RP about the incident.
3/6/2012	3/9/2012	3	Performance Dismissed: Outside Jurisdiction	RP alleged an motorcycle officer used his lights to gain advantage to get through a red light almost causing an accident.	License plate of motorcycle did not belong to EPD. Dismissed: Outside Jurisdiction.

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3/6/2012	4/11/2012	35	Performance	RP was concerned that officers did not respond to a call for service from employees of a local bank during a demonstration.	Lt. learned that when employees called, EPD immediately began to assemble an arrest team; the crowd then dispersed. Lt also verified that the call had been dispatched correctly, and spoke with RP about the situation.
3/7/2012	4/13/2012	36	Policy	RP was upset that because an officer called in her tow from an accident the tow company charged her more than if she had called it in herself.	Supervisor researched the incident and spoke with RP. RP expressed that better information about how the tows worked and her options would have been appreciated.
3/7/2012	3/21/2012	14	Policy	RP was unhappy about the handling of a traffic accident she was involved in.	Sgt. contacted RP and explained EPD's policy concerning traffic accidents.
3/5/2012	4/12/2012	37	Performance	Officer took SSN from RP and did not tell her she could decline to provide it.	Sgt. spoke with RP about incident and then with officer.
3/8/2012	6/26/2012	108	Inquiry	RP had been unable to get his request for records completed by EPD.	RP dropped the matter.
3/12/2012	4/23/2012	41	Policy	RP inquired into the impounding of her husband's car for DUII even though it was in their driveway and secure.	Sgt. reviewed policy and learned car was towed in violation of policy, spoke with RP and initiated a reimbursement of towing fees for RP. The involved officer was advised of EPD's impound policy when a second registered owner is present.
3/13/2012	4/2/2012	19	Performance	RP was unhappy he could not get an officer to contact him about his stolen vehicle.	Sgt. spoke with officer and learned that officer had tried to contact RP who is homeless; Sgt was able to let RP know officer's shift so he could connect.
3/14/2012	3/26/2012	12	Performance	RP was concerned about EPD's enforcement of bike laws. An officer did not cite a wrong way bike rider, and the officer didn't seem to think it was a safety issue.	Sgt. spoke with officer and learned that he had observed the infraction, but that it would have been less safe to take his vehicle the wrong way to ticket the rider. Sgt. left a detailed message with RP and is awaiting a return call.
3/14/2012	4/2/2012	18	Conduct	RP alleged that officer told his father that RP's son was dangerous and that he needed to comply with officers the next time he was stopped or he could be shot.	Sgt. spoke with officer who advised he had spoken with RP's father about a stolen goods issue and had warned him that his grandson was a felon and could be dangerous but no threats about shooting him. A witness officer confirmed no such statements were made. RP did not return messages left by the Sgt.
3/14/2012	4/2/2012	18	Service Level	RP felt he was being psychologically harassed by people and EPD did not respond to his calls for investigation.	Sgt. looked into RP's calls for service and learned that none had risen to a level of probable cause that a crime had been committed. Sgt. also spoke with RP about his findings.
3/16/2012	3/26/2012	10	Performance	RP was frustrated that she could not get any action or call backs about her stolen vehicle. The officer checked a couple of leads and then moved her case to the bottom of his case load.	Sgt. spoke with officer who admitted he had not been regularly checking his voicemail and that he felt he had pursued all possible leads on the stolen vehicle. Sgt. spoke with RP, apologized for officer not returning calls, gave her status of case, and took additional information.
3/16/2012	3/26/2012	10	Courtesy	RP alleged officer was harassing him.	Sgt. learned officer had had 3 contacts with RP (who has a mental illness) and each contact was during a time RP was committing a criminal act.
3/16/2012	3/26/2012	10	Inquiry	RP felt an officer openly accused her of lying about having insurance and did not thoroughly investigate an allegation that she was involved in a hit and run.	Sgt. spoke with officer about the investigative steps taken in the incident and advised RP.
3/19/2012	3/29/2012	10	Inquiry	RP was upset that officers escorted him and the woman he was representing from the courtroom, dishonoring them.	Sgt. learned that RP and the woman he was representing had caused a disturbance at the SERBU court and police was asked to remove them; officers tried to verbally gain compliance before removing them.
3/13/2012	4/18/2012	35	Inquiry	RP alleged an officer assaulted him during his arrest.	ICV was reviewed by EPD Sergeants and forwarded to DA. ICV provided complete coverage of incident. DA cleared officers of any wrongdoing.
3/20/2012	4/3/2012	13	Inquiry	RP alleged officer did not adequately investigate an allegation against his wife, failing to follow up on information that would exonerate her.	Sgt. followed up on steps taken in investigation and noted a thorough job had been done. RP did not return calls from Sgt.

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3/22/2012	4/10/2012	18	Courtesy	RP was concerned that an officer was rude with him when he pulled him over several hours after an incident where he passed the officer in the snow and the officer jump in front of his car.	Sgt. spoke with officer and RP about the incident.
3/22/2012	6/26/2012	94	Inquiry	RP inquired into an incident in which a friend had requested a welfare check on her during a home birth and was told no one could be dispatched.	Communications supervisors reviewed and listened to calls associated with the incident and identified the initial call was not dispatched but a second call was. Supervisors from communications and IA spoke with RP about the sequence of events that occurred during the incident and answered RP's questions.
3/26/2012	3/27/2012	1	Inquiry	RP was upset that EPD was airing a Public Service Announcement with a person wearing a hoodie; he believed they were profiling people wearing hoodies, and in light of the incident in Florida he thought it was wrong.	Supervisor looked in to the airing of the announcements and, due to the heightened public concern about the incident in Florida, had that announcement taken off the air.
3/25/2012	3/28/2012	3	Inquiry	RP filed an online complaint that alleged officers handcuffed him too tightly and he lost sensation in his hands and had to have medical treatment.	Sgt. Reviewed dispatch records and spoke with involved officers and RP. EPD had assisted LCSO with the stop; it appeared that EPD had handcuffed RP in compliance with policy; RP did not complain of handcuff tightness during the incident.
3/26/2012	4/9/2012	13	Performance	RP was upset that an officer would not allow her to press charges against a family member who had broken another family member's windshield.	Sgt. looked into the issue and learned officer and the family member (victim) had made an agreement for the suspect to repay the cost of repair. Sgt. spoke with RP and communicated that if that did not happen in the agreed upon time frame, RP could at that time press charges.
3/26/2012	4/26/2012	30	Inquiry	RP stated he was arrested for assault but the other party to the assault was not; he also complained that officers held him at taser point and did not read him his rights.	Sgt. reviewed records and spoke with witnesses and learned RP had assaulted a shop owner, resisted arrest and ICV audio noted he was read his rights. Sgt spoke with RP about the incident.
3/27/2012	3/28/2012	1	Inquiry Dismissed: Timeliness	RP alleged that an officer falsely arrested her.	Dismissed: Timeliness
2/6/2012	4/13/2012	67	Inquiry	RP alleged that an EPD supervisor discussed medical issues without permission during a staff meeting.	Sgt. looked into the issue and spoke with supervisor about confidentiality issues. Sgt contacted RP and updated him on the situation.
4/2/2012	4/9/2012	7	Inquiry	RP was upset that an officer called her place of business about her security measures and became pushy when she did not want to release that information until she could verify he was an officer.	Sgt. spoke with RP about the issue who was happy to learn that the officer did indeed work for EPD, also with the officer to let him know of RP's concerns about the call.
2/6/2012	4/25/2012	79	Conduct	RP alleged that a coworker used an anti-Semitic remark against another employee.	Sgt. spoke with involved employees and learned that the issue appeared to be a misunderstanding about what was being discussed at the time.
4/4/2012	5/2/2012	28	Performance	RP was upset that he was getting the run around while trying to report drug dealing in his neighborhood. He could not speak with an officer, only transferred to voicemails.	Lt. reviewed records and learned error was made at the call taking stage - someone should have been dispatched to gather information from RP. Spoke with RP about his findings and advised the officer to contact RP in a timely manner.
4/5/2012	4/6/2012	1	Policy Dismissed: Alternate Remedy	RP felt charges against a person who assaulted her were not accurate	Dismissed: Alternate Remedy
4/4/2012	4/6/2012	2	Inquiry	A former employee filed a complaint with HR about a release of information during a reference check.	HR notified RP about the investigation into the situation; Auditor's Office also followed up with correspondence to RP.
4/9/2012	7/23/2012	104	Inquiry	A third party complainant alleged that an officer has a relationship with a know felon	Sgt. interviewed party involved who stated she had no relationship with the officer. Sgt. also researched CAD records for any contact between officer and the involved party. Sgt. interviewed officer who also denied any relationship.
4/11/2012	4/13/2012	2	Inquiry Dismissed: Outside Jurisdiction	RP inquired into the status of a police report he had filed.	Preliminary investigation showed that the case was being investigated by another agency.
4/7/2012	4/16/2012	9	Courtesy	RP was upset about the way an officer treated him while giving him a citation.	Sgt. spoke with RP and relied his perceptions to the officer.

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4/12/2012	4/24/2012	12	Inquiry	RP was upset that officer towed his car when he was arrested and some of his tools were missing.	Sgt. reviewed records and learned towing is procedure in arrest situations when there is no one to release car to. Officers filled out a property sheet with listed tools that was given to RP. Sgt. will have a report filed about the missing tools.
4/13/2012	5/2/2012	19	Inquiry	RP was upset that a person stop of her African-American boyfriend caused him to be late for a probation class and he was kicked out.	Sgt. reviewed CAD for stops at the time RP reported. Two EPD stops in the vicinity did not appear to be RP's boyfriend. RP did not return calls to Sgt.
4/17/2012	5/7/2012	20	Courtesy	RP was upset with the way he was treated by an officer during a traffic stop and a comment the officer made to his supervisor.	Sgt. spoke with officer and cover officer, then with RP.
4/18/2012	5/2/2012	14	Inquiry	RP stated her son was stopped on his bike because he looked like a suspect from a drug deal gone bad, and that the officer was hostile and threatening.	Sgt. reviewed ICV of incident and contacted RP and explained the process the officer had followed in the stop and why it may have appeared he was being hostile. Officer was advised that a comment he made about everyone in Eugene doing drugs was inappropriate.
4/19/2012	5/15/2012	26	Policy	RP was upset that officers used what she believed to be a flash bang grenade in her apartment complex parking lot, where children and teens could be present, and that she was told the truth about the incident.	Sgt. spoke with RP and informed her that a flash bang is a noise device (not actually a grenade) and that every incidence of its use is reviewed to look into its effectiveness and appropriateness.
4/20/2012	5/29/2012	39	Policy	RP was upset that officers parked facing the wrong way on Jefferson St. and that officers had moved several blocks away but had keep their cars running,	Lt. spoke with RP about the practice of parking a distance away from a scene for officer safety and how electronic equipment in a patrol vehicle must have the power to run so vehicle must be left at idle.
4/23/2012	5/11/2012	18	Courtesy	RP was upset that officers responded to his home for a noise complaint when no noise was going on and then offered to have Cahoots come by. He believes neighbors with whom he is having a dispute called in.	Sgt. spoke with RP about the situation and let him know he would speak with the officer about what they could have done better.
4/23/2012	5/3/2012	10	Inquiry	RP alleged officers used forceful handcuffing to arrest his step daughter for theft at the Saturday Market.	Sgt. reviewed records and learned RP's step daughter had resisted handcuffing. Witnesses stated officers were professional and patient with the step daughter. Sgt. spoke with RP about the incident.
4/23/2012	5/7/2012	14	Performance	RP contacted the Auditor's office because he was having a hard time getting his ID back after an arrest.	Sergeants reviewed records and spoke with officers. Property reports indicated no ID had been found on RP. Sgt contacted RP via email to share his findings.
4/24/2012	5/21/2012	27	Courtesy	RP stated an officer had been rude and aggressive with him when he asked for sleeping bag.	Sgt. spoke with officer about incident and learned RP was trespassing at a place of business and was asked to leave. RP did not leave a contact number or address.
2/6/2012	5/17/2012	101	Conduct	A third party complainant alleged that a supervisor would not listen to complaints about another employee and threatened that employee's career.	Sgt. spoke with the involved employee who explained he had attempted to speak with supervisor about issues and felt not enough information was gathered before decisions were made. Sgt left a detailed message with RP about his investigation into the complaint.
4/25/2012	5/2/2012	7	Courtesy	RP reported officers were rude and on a power trip while giving him a warning about skating on the sidewalk.	Lt. spoke with officers about the stop. No contact information was provided by RP for Lt to speak with him.
4/30/2012	5/11/2012	11	Policy	RP voiced concerns about a ticket his son was given. He believes he is being profiled because of the Honda Civic he drives.	Sgt. reviewed ICV of citation, reviewed records and spoke with RP. RP was satisfied with the outcome.
5/2/2012	6/11/2012	39	Inquiry	RP stopped by the Auditor's officer concerned that he is being harassed by EPD. In one incident he explained that an officer told him he was going to be stopped every time he saw him because he didn't let him search his backpack.	Sgt. spoke with officer involved and found that RP had concealed items in his backpack as officers approached, but refused to allow them to look in his backpack, believing the items to be illegal. The officer advised RP that he would be keeping on eye on him which is not against policy. Sgt. spoke with RP about officer's perception of the stop which gave him a greater understanding of the situation.
5/4/2012	6/5/2012	31	Service Level	RP was upset that by the time a detective was assigned the case of her stolen credit cards, the store where the card was used had erased the surveillance video.	Sgt reviewed records and found officer had turned over case in a timely manner, but case volume had prevented detectives from viewing the video before it was erased. Sgt spoke with RP about the situation.

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4/27/2012	5/8/2012	11	Performance	RP submitted a driving complaint about an EPD volunteer.	Supervisor spoke with volunteer and counseled being observant and safe driving and the importance of setting an example for citizens. Also spoke with RP to advise outcome. Volunteers were advised re: remaining attentive and following all laws while driving.
5/7/2012	6/11/2012	34	Performance	RP was upset that officers classified his report of theft from a roommate a civil issue.	Sgt. reviewed records and spoke with RP. Officers did not have a prosecutable crime at the scene and conveyed to RP that he might want to use small claims court to pursue the matter.
5/8/2012	5/8/2012	0	Service Level	RP alleged officer had no right to stop him for trespass.	Dismissed: Alternate Remedy
5/11/2012	5/21/2012	10	Inquiry	RP was upset that an officer followed her through traffic and ran her plates; she felt she was singled out because of her race.	Sgt. spoke with officer and learned that RP was driving while suspended and without insurance. RP was cited for the lack of insurance and warned about driving with a suspended license; officer elected not to impound the vehicle. Sgt spoke with RP about the common policy of running plates while on patrol and the fact the officer only cited her for the lesser offense. Officer was also advised re: uploading ICV in a timely manner.
5/14/2012	6/6/2012	22	Service Level	RP was upset that officer would not file a report that her medical marijuana grower was trying to coerce her into selling the drug and threatening to withhold her crop for sexual favors.	Sgt. learned that officer had done a thorough investigation and could find no evidence of a crime. Sgt. spoke with RP about steps taken which RP was unaware of. Sgt. followed up with officer to re-contact complainant to avoid this type of situation.
5/14/2012	5/29/2012	15	Courtesy	RP was upset that officers were rude and did not allow him to talk while investigating his stolen vehicle.	Sgt reviewed records and found officers had done a thorough investigation of the stolen vehicle which was returned to RP. Spoke with RP about the incident and his perception that officers were rude and had done a poor job.
4/4/2012	5/24/2012	50	Inquiry	RP was upset that he had to ask for credentials and a receipt from an officer who was investigating a bank robbery and the subsequent use of stolen funds in his store.	Sgt. reviewed records and spoke with RP who was frustrated with the whole situation, having to go to court and dealing with the police and DA's office, but <u>appreciated speaking with the Sgt.</u>
5/10/2012	6/6/2012	26	Courtesy	RP alleged an officer was rude and demeaning following incident where her grandson was hit by a car while on his bike.	Sgt. learned from officer that RP was unhappy with the progress of the case because of a delay in speaking with the witness. A report had since been taken and filed. Sgt. spoke with RP about the incident.
5/15/2012	5/29/2012	14	Courtesy	RP felt an officer's demeanor was unprofessional during a call for service after the officer leaned he was bipolar.	Sgt tried repeatedly to contact but was unable to contact RP or get a return call.
5/15/2012	7/10/2012	55	Inquiry	RP is concerned that her requests to arrest a neighbor who is aggressive and confrontational are going nowhere.	Sgt. reviewed records and spoke with officers but was unable to contact the RP about the situation.
5/16/2012	5/29/2012	13	Inquiry	RP called to inquire if an officer followed policy in response to a fight between her son and his father.	Sgt. reviewed reports and learned the incident was a parental issue and not a criminal act. Sgt. contact RP and spoke with her about her concerns.
5/17/2012	5/18/2012	1	Policy Dismissed: Outside Jurisdiction	RP's were upset about the incarceration of a friend and why he was arrested and not the other party.	Dismissed: Outside Jurisdiction
5/18/2012	5/29/2012	11	Performance	RP questioned why ICV did not exist for an incident he was involved in.	Lt. contacted RP and answered his questions about ICV and how to file a risk claim.
5/16/2012	6/6/2012	20	Conduct	RP alleged that an officer inappropriately touched him during a pat down.	Sgt. reviewed intake interview by Lt. and found that RP recanted the allegation.
5/24/2012	6/21/2012	27	Performance	RP was concerned about the lack of service she received when she tried to report a stalking order violation to EPD.	Supervisor contacted RP and explained why at times lengthy waits happen to take reports. RP was still not satisfied by the response she received from EPD.
5/25/2012	6/11/2012	16	Inquiry	RP alleged that an officer kicked him in the knee in the jail sally port after removing him from the patrol car.	Sgt. found spoke with witness officer and learned RP had cargo pants on that had pockets below the knees. The involved officer was indicating a particular pocket by touching it with his foot, leading the RP to state that the officer kicked him. There was no evidence to support the allegation of kicking.

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5/25/2012	7/10/2012	45	Courtesy	RP complained that an officer was rude when he came to her house referring to a prior incident involving her daughter.	Sgt. learned that RP was not at the home when the incident in question happened but based her complaint on her husband's comments to her. Sgt. spoke with RP and her husband about the issue.
5/10/2012	5/30/2012	20	Policy Dismissed: Timeliness	RP complained that EPD was colluding with the Free Souls and that his clothes were destroyed following a 2001 robbery conviction.	Dismissed: Timeliness
5/22/2012	6/12/2012	20	Service Level	RP has been having trouble getting return calls from an officer and his supervisor who took a report about an employee stealing from them.	Auditor's office spoke with RP and learned the situation had been resolved to their satisfaction with the arrest of the person involved.
5/29/2012	6/11/2012	12	Policy	RP was concerned that an officer who stopped him for a taillight asked him to exit the car and he was patted down, and his vehicle searched.	Sgt. reviewed ICV and learned RP was also cited for driving with a suspended license and pat down and vehicle search were within policy and case law for a vehicle tow.
5/29/2012	7/5/2012	36	Policy	RP was upset that an officer seemed to be labeling the assault of her son as a bar brawl and was concerned that nothing was being done.	Sgt. spoke with RP and reassured her that the officer was only describing behavior that occurs regularly in the bar district and that her son's case was being actively investigated.
5/29/2012	6/6/2012	7	Policy	RP's were concerned that two young girls were left on the side of the road at 1:30 am when an officer had their car towed for no insurance.	Sgt. reviewed records, ICV, spoke with officer and learned that officer had watched the girls walk safely to a nearby store as he waited for the tow company to tow the vehicle. Sgt. spoke with RP about the incident.
5/29/2012	6/11/2012	12	Inquiry	RP inquired into where his belongings had gone. When he was released from jail, Property told him they had nothing under the number an officer had given him.	Sgt. reviewed records and learned that records had changed the case number on the sheet to reflect the original case number and not the warrant number. Sgt. notified RP of the correct number and he was able to collect his belongings.
5/29/2012	6/12/2012	13	Policy	RP felt that a motorist who backed up over him in the lane should have been charged with attempted vehicular manslaughter and not just failure to perform the duties of a driver.	Sgt. reviewed police reports and spoke with the officer and learned that there had been no evidence to support the higher charge in this situation. Sgt. spoke with RP and answered his concerns.
5/30/2012	7/3/2012	33	Service Level	RP was upset at the service level she received when she and her daughter called EPD about a crazy neighbor who was threatening them.	Sgt. reviewed records and spoke with RP about the situation with her neighbor and ideas to help with the issue.
6/1/2012	6/13/2012	12	Inquiry	RP complained that an officer kicked a beer can out of her nephew's hand and swung a nightstick at him. RP felt officer was aggressive and escalated the situation.	Sgt. reviewed incident with officer and witness officer, spoke with RP about the circumstances of the stop.
6/1/2012	6/11/2012	10	Inquiry	RP inquired into the justification of a pursuit in his residential neighborhood.	Sgt. was unable to speak with RP but left him a voice message explaining the pursuit was initiated by SPD with EPD assisting and that every pursuit is reviewed in an internal process with the chain of command at EPD.
6/4/2012	6/12/2012	8	Performance	RP was concerned when she observed EPD's MCI vehicle driving through Florence with its lights on and traveling in excess of the speed of traffic and then learned the incident was 10 hrs. earlier.	Sgt. reviewed records and spoke with officers and learned that the team was heading to investigate a crime scene and felt the concerns of time, evidence lost and changing weather conditions warranted the speed. Sgt spoke with RP about her concerns. Officers were reminded of distinction between "urgent" and "emergency" with regards to driving with lights activated.
6/4/2012	6/29/2012	25	Inquiry	RP was upset that her son was issued a driving citation 6 days after the offense by an officer who did not witness the infraction.	Sgt. learned the infraction was called in to officer by a Federal Protection Officer. Sgt. spoke with RP and explained that ORS 133.310 allows an officer to cite in this manner.
5/29/2012	6/7/2012	8	Service Level	RP was upset that an officer had not responded to his letter inquiring into a case.	Sgt. Spoke with RP about the officer not responding and answered questions about the case the RP was inquiring into.
5/31/2012	7/9/2012	39	Policy	RP submitted a complaint about the May 1st protest at Bank of America and the SWAT response by EPD.	Cpt. reviewed RP's submitted information and left a detailed voicemail about findings and actions of EPD giving RP option of contacting Cpt. for further discussion as needed.
6/2/2012	6/11/2012	9	Service Level	RP was upset that it would be 3 days before he could claim his bike from property after his belongings were confiscated at an illegal camping site.	Sgt. met and spoke with RP, and provided him the paperwork he would need to retrieve his belongings. He also answered questions about EPD policy and illegal camps.

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6/5/2012	6/11/2012	6	Performance	RP contacted the Auditor's office about an officer's erratic driving.	Sgt. spoke with officer and reviewed records and learned that officer was primary on a code 1 call of an armed dispute. Sgt. spoke with RP explained the officer's actions and listened to his concerns.
6/8/2012	6/25/2012	17	Performance	RP was upset at the way officers handled a call to his home about loud voices, feeling the officers were threatening and hostile toward him.	Sgt. spoke with RP about his concerns and answered questions he had about police policy in this incident.
6/8/2012	6/25/2012	17	Inquiry	RP alleged that officers are arresting her for violating a restraining order that she is not violating and that the DA refused to prosecute.	Sgt. consulted with DA and learned that recent case law no longer allows prosecution of this case,; regardless, it appeared that the officer had probable cause to arrest. Sgt. discussed his findings with the involved officer and the RP, who was satisfied with the response.
6/8/2012	6/13/2012	5	Inquiry	RP was concerned about his arrest when an officer entered his home with his gun drawn after RP's wife sent their daughter in to get him.	Sgt. reviewed records spoke with officer about the arrest and learned that RP had been classified as a felon who was flight risk. Sgt. spoke with RP about the incident and the policies involved in his arrest.
6/8/2012	6/22/2012	14	Inquiry	RPs stopped by the Auditor's office to complain that they felt they were being harassed by EPD. In one incident they were given citations for being in the Park Blocks minutes after 11:00 p.m. and officers did not tell them they were being videoed right away.	Sgt. reviewed dispatch and ICV and found that officers did not start ICV until 3 minutes into stop, Sgt. reviewed policy with officers and left a message for RPs to contact her about her findings.
6/11/2012	6/20/2012	9	Service Level	RP felt EPD was not responsive to her report of a violation of a stalking order.	Sgt. spoke with officer involved and learned that the incident had occurred at the Lane County courthouse and the person involved was in court on legitimate business, so there was no clear violation of the order. Sgt spoke with RP about the situation and stressed that if a clear violation had existed EPD would have arrested the person involved.
6/11/2012	6/13/2012	2	Inquiry Dismissed: Alternate Remedy	RP was upset that when he was stopped for a pedestrian violation and tried to give his friend his backpack the officer said no it's yours and then when the officer arrested his friend on a warrant he told him to leave and leave his backpack which was then searched.	Dismissed: Alternate Remedy
6/11/2012	7/3/2012	22	Performance	RP was upset that policy seemed to change overnight with the call takers when she tried to report identity theft. She is homeless and they did not want to take the report over the phone.	Supervisor reviewed call and records of incident and attempted to call RP, whose phone was disconnected.
6/11/2012	6/13/2012	2	Inquiry Dismissed: Alternate Remedy	RP felt EPD had arrested her boyfriend without adequate investigation	Dismissed: Alternate Remedy
6/11/2012	6/28/2012	17	Performance	RP complained that an officer did not properly secure his belongings at the jail.	Sgt. spoke with officer and learned details of the arrest and obtained documentation of items lodged at the jail. A risk claim was also filed.
6/13/2012	7/3/2012	20	Inquiry	RP inquired into whether an officer can make her leave an area on private property where she was sleeping.	Sgt. reviewed ICV of the incident and noted officer was polite, calm and professional during the interaction when he notified RP that she could not camp on the private property. He will speak with RP when she contacts him.
6/12/2012	6/15/2012	3	Performance Dismissed: Outside Jurisdiction	RP felt an investigation into her father's death was not adequate.	Dismissed: Alternate Remedy
6/14/2012	6/28/2012	14	Inquiry	RP stated she felt her son had been racially profiled by an officer who picked him out of a group of kids to question and ID.	Sgt. learned that officers were looking for a reported runaway who fit the physical description of RP's son. Sgt. spoke with RP about the stop.
6/8/2012	6/15/2012	7	Inquiry: Dismissed Alternate Remedy	RP was concerned that two people with excluded from a park for a glass bottle violation.	Dismissed: Alternate Remedy
6/14/2012	7/13/2012	29	Courtesy	RP alleged officer was rude while calling a training session back to order.	Supervisor spoke with witness and the officer about incident.

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6/15/2012	6/29/2012	14	Performance	RP stated an officer was paying more attention to his rider than his driving.	Sgt. learned officer was responding to a call and felt he may have been trying to get more info from his computer at the time; officer noted he would be more cognizant of his driving while using the computer. Sgt. spoke with RP.
6/18/2012	7/9/2012	21	Performance	RP stated that while riding his bike at 11th and Chambers a patrol car came very close to him as it turned on to 11th and he had to push off the vehicle to not get knocked over. He doesn't believe the officer even saw him.	Sgt. was unable to identify the officer involved but did put out an agency wide reminder to be cognizant of their driving. Sgt. spoke with RP about the resolution.
6/18/2012	7/19/2012	31	Performance	RP was upset that an officer did not ticket a motorist who had made an unsafe left turn.	Lt. attempted contact with RP but has been unable to speak with RP.
6/19/2012	6/29/2012	10	Service Level	RP stated she could not get a return call from an officer or his supervisor concerning a traffic stop.	Lt. talked with officer and supervisor who admitted to having an unanswered call to RP, officers were reminded of policy. Lt. spoke with RP about her situation.
6/19/2012	6/25/2012	6	Inquiry	RP contacted the Auditor's office to report that she had been struck by an EPD patrol car while walking across the street about 2:30 am. The officer then jumped out of his car and ran to an incident that was happening at a nearby bar. RP did not believe the officer even noticed he had grazed her.	Sgt. reviewed ICV, which showed a woman contacting the vehicle after it had stopped, not in the manner described by RP. Sgt. spoke with RP and notified her of her findings and provided her with the Risk Claim number if she wanted to pursue a claim.
6/20/2012	6/21/2012	1	Inquiry Dismissed: Alternate Remedy	RP was unhappy an officer accused her of speeding when she was not.	Dismissed: Alternate Remedy
6/19/2012	7/2/2012	13	Service Level	RP was unhappy that officer did not contact her to arrange a meeting about her son's death as she had expected.	Sgt. learned that officer had arranged a meeting and gotten special permission to share information with RP in the situation. RP failed to show for scheduled meeting and passed away before Sgt. could contact her with his findings.
6/20/2012	8/14/2012	54	Courtesy	A UOPD officer informed RP that an EPD officer ignored her when she tried to flag him down to notify him of a drunk driver leaving the game with children in the car.	Lt. spoke with officer and learned he had been told of the driver by another party and had checked out with dispatch to look for the suspect. Sgt. reviewed CAD of incident and relayed what had happened to RP.
6/21/2012	6/28/2012	7	Inquiry	RP stated officers came to her home about a woman screaming, ordered her outside, and searched her house without explanation.	Sgt. spoke with RP about the call and explained the community care taking policy, where officers need to verify that no one is hurt in this type of call. Officers had learned that RP's grandson was playing video games with the window open and that is what had alarmed neighbors.
6/22/2012	6/26/2012	4	Inquiry Dismissed Other	RP inquired into why over the last 5 years she can not get EPD to help her with an issue of smells in her home.	Dismissed: Other
6/22/2012	7/3/2012	11	Performance	RP was upset that two EPD volunteers seemed to be causing traffic to slow when they were jaywalking.	Supervisor spoke with volunteers and addressed RP's concerns at a team meeting with all the volunteers. Supervisor also corresponded with RP.
6/25/2012	6/29/2012	4	Performance	RP was upset that another party was not cited for harassment even though she asked the officer to press charges.	Sgt. reviewed records and spoke with officer who had felt he had no probable cause for the arrest. Sgt. spoke with RP about the incident.
6/25/2012	7/30/2012	35	Performance	RP was upset that an officer did not cite 3 vehicles that blocked an intersection after the light had turned.	Sgt. was unable to identify the officer involved but offered to remind his officers about such enforcement when he spoke with RP.
6/25/2012	7/24/2012	29	Performance	RP complained that she saw an EPD patrol vehicle traveling extremely fast down a residential street.	Sgt. was able to identify the officer involved and learned he was responding to a medical emergency call at the time. Sgt. was unable to reach RP but left a detailed message and his number.
6/26/2012	7/30/2012	34	Performance	RP was upset that an officer took a report; he felt the officer misrepresented the information provided.	Sgt. spoke with officer involved and learned the details of the incident, was unable to contact RP but left messages with his contact number.
6/25/2012	6/26/2012	1	Disputed Facts Dismissed: Alternate Remedy	RP submitted a complaint form disputing a citation she received for a seat belt violation.	Dismissed Alternate Remedy

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6/26/2012	7/9/2012	13	Performance	RP reported that officer failed to use his left turn signal numerous times.	Sgt. learned that officer was a new officer and been reminded by his training officer about using signals; Sgt. also spoke with RP about the incident.
6/26/2012	7/18/2012	22	Performance	RP reported that she observed an officer driving too fast through the Public Works parking lot who then mouthed an obscenity at her when she motioned him to slow down.	Sgt. spoke with RP about the incident and then the officer, who admitted the action and expressed he was sorry for the incident.
7/3/2012	7/10/2012	7	Performance	RP inquired into why an officer did not return his ID after a person stop.	Sgt. contacted RP and explained the circumstances behind the officer keeping his ID.
7/4/2012	7/13/2012	9	Performance	RP complained on Facebook and to KVAL news about an incident in which EPD mediated a dispute at a restaurant.	No contact information was available for RP. Sgt spoke with officers about the incident.
7/5/2012	7/18/2012	13	Policy	RP inquired into why the non-emergency call center did not have an option for a live person on their phone tree.	Communication supervisor contacted spoke with RP about her concerns and passed them on to the EPD chain of command.
7/10/2012	7/12/2012	2	Inquiry	RP was upset that officers came to her door looking for someone she did not know.	Dismissed: Other
7/3/2012	7/17/2012	14	Inquiry Dismissed: Alternate Remedy	RP complained through a third party about a situation during his arrest.	Dismissed: Alternate Remedy
7/10/2012	7/31/2012	21	Courtesy	RP reported that an officer yelled at an elder gentleman who had turned the wrong way on Oak street and then placed him in handcuffs. He felt it was way over the top.	Sgt. spoke with officer and reviewed ICV, learned that officer yelled to get the elderly man's attention but that the rest of the encounter was conducted in a normal tone. Sgt. spoke with RP about his findings.
7/5/2012	8/27/2012	52	Performance	RP was concerned that an officer used a mass email to notify people of the rejection of a volunteer opportunity.	Sgt. spoke with officer and dept. will review this practice. Sgt. was unable to contact RP.
7/10/2012	7/23/2012	13	Inquiry Dismissed: Other	RP inquired into how she could get more traffic enforcement on her residential street.	Sgt. spoke with RP and reviewed the signage for speed with her and also emailed the traffic team to renew enforcement in the area.
7/11/2012	7/13/2012	2	Inquiry Dismissed: Outside Jurisdiction	RP complained about a parking ticket he had been issued.	Dismissed: Outside Jurisdiction
6/7/2012	7/13/2012	36	Inquiry	RP noted an officer seemed to want a break when pulled over for a traffic violation by another jurisdiction.	Auditor closed resolved with initial info. No policy violation, as officer did not verbalize he wanted a break.
7/12/2012	7/31/2012	19	Inquiry Dismissed: Outside Jurisdiction	RP was concerned about an issue with the Lane County Jail and the Springfield Jail.	Preliminary investigation showed that while EPD was involved in the arrest, the complaint was focused on issues at Lane County and Springfield jails. Dismissed: Outside Jurisdiction
7/13/2012	8/30/2012	47	Performance	RP was upset that on officer who came to arrest a friend was loud, boisterous and cocky.	Sgt. spoke with officer and his back up officer about the arrest. Follow up with RP was not attempted due to a criminal investigation that was still in progress.
7/13/2012	8/1/2012	18	Policy	RP questioned the after hours illegal parking policy and why EPD had to be involved. RP lives by a neighborhood bar and is having trouble with cars blocking her driveway.	Communications supervisor contacted RP and explained why and how the policy works, also supplied suggestions on solving the issue.
7/13/2012	8/15/2012	32	Conduct	RP reported an inappropriate verbal interaction with an EPD officer.	Sgt. spoke with supervisor who incident was reported to and the involved employee, who was reminded of respectful workplace policies. Sgt. also spoke with RP and extended apologies for any miscommunication from the officer.
7/13/2012	7/24/2012	11	Policy	RP was concerned about the wording of a press release citing a black male as a suspect on 2nd and 3rd hand information.	Supervisor contacted RP and explained policy in regard to suspect information that is released and the specifics of why this release was done.
7/17/2012	7/23/2012	6	Policy	RP inquired into why her friend was asked for her Social Security number during a traffic stop. RP believed that to be illegal.	Sgt. spoke with RP about how an officer may asked for a SSN to identify someone before issuing a citation but citizens are not required to give it if they prefer not to.

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7/18/2012	8/13/2012	25	Performance	RP was upset that dispatch did not give officers the correct information about a call for service concerning her bipolar son.	Sgt. spoke with involved officer and learned that he had been dispatched to a call regarding a suicidal subject; when on scene he was distracted by a group of people who complained of a dispute at the same residence. It appeared that it was not that dispatch gave the officer incorrect information, but that he changed course when he learned more information at the scene. An Lt. spoke with RP and explained the circumstances.
7/17/2012	8/1/2012	14	Courtesy	RP alleged that call taker was rude, judgmental and would not allow her to finish talking when she reported a burglary committed by her daughter.	Communications supervisor reviewed the call and noted a miscommunication, but that the call taker was polite, professional and tried repeatedly to help RP. Supervisor discussed the call with RP and with the call taker.
7/18/2012	8/14/2012	26	Performance	RP was upset about the care and service she was provided after a bike and auto accident.	Sgt. spoke with officer and reviewed his report. RP did not return phone calls.
7/19/2012	8/8/2012	19	Performance	RP inquired into the law regarding her neighbor taking her dog to the animal shelter. RP seems to be getting different answers from employees.	Supervisor spoke with RP about her specific situation and how the law applies.
7/23/2012	8/23/2012	30	Performance	RP was upset about a police report submitted by officers which she believed to contain false information.	Sgt. reviewed police reports and spoke with officers about the incident which generated the report. Sgt. spoke with RP about the perceptions of the officers and the reason the report was written in the way it was.
7/25/2012	7/31/2012	6	Inquiry Dismissed: Outside jurisdiction	RP was upset that an officer stopped him for "riding while black", and when he would not provide his ID the officer escalated the situation by calling for back up, but did not cite him for an infraction.	Preliminary investigation showed that officer who stopped RP was no longer an EPD employee. Dismissed: Outside Jurisdiction
7/25/2012	8/21/2012	26	Policy	RP was upset that there was not a way a records clerk could waive a police report fee for an out of state crime victim without it taking 10 business days.	Supervisor spoke with RP about the policy and explained that staff does have the authority to use good judgment in such cases. Supervisor reviewed the incident and relevant policy with staff.
7/27/2012	8/15/2012	18	Conduct	RP was upset that after he was released from jail his prescription medications were missing from his backpack that was lodged in the jail lockers.	Sgt. spoke with RP and with officer who remembered the drugs being in the backpack. Sgt. noted to officer it may be best to document the specific contents of a bag on the property sheet but there was no policy violation.
7/27/2012	10/1/2012	64	Inquiry	RP alleged that that her son and his coworker who work for the city were buying drugs from detectives out of the evidence lockers.	Sgt. reviewed issues involved in complaint; the latest evidence audit showed a .8% discrepancy. Further investigation of employees and RP determined that RP was suffering from a mental health crisis. RP was unable to be contacted due to a move and phone being disconnected. Sgt. also recommended a full audit of the drug evidence storage in light of complaint.
7/27/2012	9/26/2012	59	Performance	RP did not believe that an officer did an adequate job of taking a report of her stolen purse.	Sgt. reviewed report and found that report was complete and accurate including information that RP did not believe was in it. Sgt. was unable to contact RP because she had moved.
7/30/2012	8/9/2012	9	Performance	RP was upset that her name was not kept confidential when she reported a crime.	Communications supervisor spoke with RP about the mandatory reporting law. Supervisor also explained that in the future she could request to be anonymous and that request would be honored.
7/30/2012	8/22/2012	22	Performance	RP was upset that an officer who was called to his home about a loud fight, called him outside and walked right past him into his home with out explanation or permission.	Sgt. reviewed reports and CAD and learned officers were dispatched to loud voices and children may be involved. Under community care taking statute officer was justified in checking on the welfare of those who may be in the home. RP did not return Sgt's phone calls.
7/31/2012	8/8/2012	8	Courtesy	RP felt that officer lied in court and was very condescending to her.	Sgt. spoke with RP about her perception of the officer's questioning at trial. Sgt. spoke with officer about RP's feelings. Officer noted that a condescending attitude would not serve him well in front of the judge.
7/26/2012	8/20/2012	24	Inquiry	RP reported to a jail deputy that an officer used excessive force when arresting him.	Sgt. interviewed RP who admitted to tensing up and resisting the officer but felt he used more force than he needed to. RP did not want to file a complaint against the officer for doing his job.

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8/1/2012	8/15/2012	14	Performance	RP was upset that an officer came up and took her picture and accused her of littering though he did not cite her. He then would not tell her his name.	Sgt. spoke with RP about the situation and answered her questions about the incident.
8/1/2012	8/29/2012	28	Inquiry Dismissed: Outside jurisdiction	RP felt he was entrapped by officers during a traffic stop.	Preliminary investigation revealed that the complaint was focused on the actions of an OSP employee. Dismissed: Outside Jurisdiction
8/2/2012	8/6/2012	4	Performance Dismissed: Timeliness	RP felt inaccurate and inadequate follow up been done on a police report about guns stolen from his van.	Dismissed: Timeliness
8/2/2012	8/13/2012	11	Performance	RP feels that the officer did not do a good job of getting the correct story when she reported an altercation with a man at her place of worship.	Sgt. reviewed the police report and spoke with the officer who confirmed the witness statements were what was reported to him. Sgt. spoke with RP about the incident and her other concerns.
8/23/2012	8/3/2012	-20	Courtesy	RP was upset with an officer's demeanor with her when she tried to comfort a friend who was in the middle of a custody issue in which police were called.	Sgt. spoke with RP about the incident and explained officer safety issues and why they need to have people stay back from the middle of an incident.
8/3/2012	8/22/2012	19	Conduct	RP alleged that he is being harassed by EPD; the latest incident was when he was accused of abuse for yelling at his dog to come to him.	Sgt. spoke with RP about the incident.
8/3/2012	8/6/2012	3	Performance Dismissed: Outside Jurisdiction	RP alleged Chief did not follow through on a records request submitted by Occupy Eugene.	Dismissed: Outside Jurisdiction. Complaints against the Chief are forwarded to the City Manager per ordinance.
8/3/2012	10/15/2012	72	Performance	RP complained that she was unable to obtain public records she requested.	Lt. researched the issue and learned that RP had submitted the request outside of the usual channels which caused a delay. EPD has learned to direct people to the correct system to reduce delays. Lt. spoke with RP about the issue.
8/6/2012	8/14/2012	8	Performance	RP was upset that he heard an officer had gotten a confession about his stolen van but the suspect was not arrested.	Sgt. spoke with RP and then with officer who informed him a witness had been contacted but not the suspect as RP claimed. Sgt and officer both spoke with RP about the situation.
8/7/2012	8/20/2012	13	Performance	RP was upset that on officer who took her report about money being stolen was rude and accused her of drinking.	Sgt. spoke with RP about her concerns and passed them on to the officer.
8/6/2012	8/8/2012	2	Inquiry Dismissed: Outside jurisdiction	RP was upset about a hearsay dog at large citation.	Preliminary investigation showed that involved officer was Lane County employee. Dismissed: Outside Jurisdiction
8/9/2012	8/30/2012	21	Performance	RP was upset that when he tried to get police to respond to a car alarm that continued to go off for 2 days in a row the call taker would not dispatch an officer.	Supervisor reviewed calls and determined that in this case because of the numerous times the alarm was going off and that RP had documented the noise a officer should have been dispatched. Supervisor spoke with RP about the incident.
8/13/2012	8/16/2012	3	Inquiry Dismissed: Outside jurisdiction	RP was upset about how a traffic citation was filled out.	Preliminary investigation found that citation was not issued by EPD. Dismissed: Outside Jurisdiction
8/16/2012	8/22/2012	6	Service Level	RP was upset about how a traffic stop was carried out and the officer not giving her information on how she could obtain ICV for her court date.	Sgt. attempted to contact RP without results, did not find any policy violations in officer's conduct.
8/16/2012	8/16/2012	0	Performance	RP was upset that on officer did not allow her take a couple of pails of gravel from a construction site even though she had permission.	Lt. spoke with RP and learned RP did not have written permission and was not able to show proof of permission to officer. Officer did not violate policy. Lt. spoke with RP about why officer made the decision he did.
8/16/2012	9/19/2012	33	Courtesy	RP was upset that an officer cited him for careless driving over two hours after he had driven a friend to the hospital from a remote area who had shot himself and was in a medical emergency.	Sgt. spoke with officer about the incident and learned the officer had discovered that RP had not made an attempt to contact emergency personnel during the drive and so felt a citation was in order; the court found RP not guilty. Sgt. was unable to contact RP.
8/17/2012	9/7/2012	20	Performance	RPs complained that an officer did not do a complete investigation into an altercation and they were dis regarded because they are street people.	Sgt. spoke with representative of RPs and was able to get an email address. Messages to the email were not returned.

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8/20/2012	9/4/2012	14	Performance	RP was upset that an officer just wanted to diffuse a call for service when some neighborhood kids tried to come into his home instead of arresting them. Rp also stated that the officer told him he didn't like him.	Sgt. spoke with officer about the call and learned that there was no independent evidence to support an arrest and that RP had been hostile and argumentative during the investigation. Officer was reminded to maintain a high level of professionalism even when dealing with hostile subjects. Sgt. spoke with RP about the incident.
8/21/2012	9/18/2012	27	Performance	RP complained that call taker was accusatory and rude when she called to report her car stolen by a distant acquaintance	Supervisor reviewed calls and determined that call taker had to put caller on hold numerous times and repeat clarifying questions because of call volume. Supervisor spoke with RP about her findings.
8/22/2012	10/4/2012	42	Performance	RP complained that an officer was unprofessional with a demeaning and patronizing attitude. Also no report was taken even though she had a knife pulled on her by a family member.	Sgt. reviewed CAD and ICV for two incidents the RP was involved in. Sgt. found officer handled incident professionally and completely. Sgt. spoke with RP about his findings.
8/23/2012	9/14/2012	21	Performance	RPs reported that when a couple of cats were killed by a vicious dog, officers did not fill out the correct paperwork and the dogs were released the next day to the owners.	Sgt. spoke with the cat owner about the incident and the lack of policy in this situation due to EPD recently taking over animal control services. Sgt. referred complaint to animal control services department to prevent the situation in the future.
8/24/2012	9/4/2012	10	Performance	RP observed an officer talking on a cell phone while driving.	Sgt. spoke with RP about ORS 811.507 (the cell phone law) and its exemption for officers acting in official capacity. Sgt. reminded officers to make efforts to avoid talking on cells while driving.
8/27/2012	10/1/2012	34	Performance	RP was upset that when he called about workers assaulting him and removing a cooler door from his place of business the officer threatened to cite him for harassment.	Lt. reviewed officer's report and learned that the issue with the door was a civil one. Witness identified RP as the aggressor in the altercation. No policy violation on the part of the officer was found. Lt spoke with RP about the issue.
8/24/2012	8/28/2012	4	Conduct Dismissed: Other	RP heard that officers were being provided free sandwiches by a vendor in town.	During intake interview, witness stated that she never saw any officers get free items. Dismissed: Other
8/27/2012	9/4/2012	7	Performance	RP stated officers did not really listen or care when she reported an altercation she had with her brother in front of his place of business.	Sgt. spoke with RP about the incident who noted she didn't really have an issue with the officers, she just didn't understand some of the things they said.
8/27/2012	10/3/2012	36	Inquiry Dismissed: Outside Jurisdiction	RP alleged that officer used AIRS to provide his daughter information in his record.	Sgt. learned that the involved officer was from another jurisdiction and the complaint was forwarded. Dismissed: Outside Jurisdiction
8/27/2012	9/13/2012	16	Inquiry	RP inquired into whether an officer was eligible for leave under the Leave for Victims of Domestic Abuse Policy.	Cpt. reviewed the issue and determined no policy violation as the decision was a management decision and did not violate city's administrative policy manual.
8/31/2012	9/21/2012	21	Policy	RPs were concerned that policy was not followed in the reporting of possible bias crimes to the Human Rights Office.	Lt. researched the cases in question and learned that no evidence of bias was reported in the criminal acts, so the reporting requirement was not invoked. RPs were contacted and notified of the findings.
9/4/2012	9/17/2012	13	Policy	RP was upset that an officer pulled his gun on him when he pulled over behind the officer, who was pulling over his friend in another car without tail lights.	Sgt. spoke with officer who explained he did not know what the intentions of the vehicle which had pulled up behind him were, and once he determined the situation was stable holstered his gun. Sgt. spoke with RP about officer safety issues and why the officer felt the need to draw his weapon.
9/4/2012	9/7/2012	3	Performance	RP was upset with an officer response to a call for service about a neighbor's strange behavior.	Sgt. spoke with RP and person who had called 911 about the officer's response and his investigation. Also provided information helpful for future reporting.
9/7/2012	9/17/2012	10	Inquiry	Auditor inquired into whether an officer had released information about an ongoing investigation.	Sgt. determined officer only released information that was releasable by policy.
6/27/2012	9/17/2012	80	Inquiry	Internal inquiry into 4th-hand info that an officer and partner had previous domestic issues.	Sgt. spoke with involved partner to learn first-hand information and documented incident.
9/10/2012	9/28/2012	18	Performance	RP alleged he observed volunteers engaging in a litany of poor and illegal driving infractions.	Supervisor spoke with volunteers involved and emailed with RP about the incident.

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9/13/2012	9/17/2012	4	Policy	RP complained that EPD is harassing him because he has a red light on his dash board which he believes is legal. RP drives a decommissioned police car.	Lt. spoke with RP about his light and provided the ORS statute that concerns the issue.
9/13/2012	9/18/2012	5	Performance Dismissed: Outside Jurisdiction	RP had an odd run in with an officer that ran a red light on Franklin Blvd.	Preliminary investigation showed that vehicle was not an EPD vehicle. Dismissed: Outside Jurisdiction
9/14/2012	9/17/2012	3	Performance	RP felt she was getting the run around between jurisdictions concerning a contempt of court issue.	Sgt. spoke with RP about her frustration and gave her ideas about how to proceed with taking care of her issues.
9/14/2012	10/2/2012	18	Policy	RP questioned why officers are allowed to drive while using cell phones.	Sgt. attempted to contact RP without results, did not find any policy violations in officer's conduct.
9/18/2012	10/18/2012	30	Service Level	RP was upset that officer took his blankets from Kesey Square when he was returning within 10 minutes.	Lt. looked into the situation and learned that bystanders did not know when RP was returning, and the officer waited around to see if owner would return before taking the belongs to property control for safe keeping. Lt. left a message with RP's sister about the incident.
9/20/2012	10/10/2012	20	Inquiry	RP inquired into why an officer stopped in front of his house and ran the license of a truck and then drove away.	Lt. was unable to identify any officer that had run the plates of RP. Review of AIRS noted no one had accessed RP's information. Lt. spoke with RP about his findings.
9/21/2012	10/29/2012	38	Conduct Dismissed: Other	RP inquired into a situation in which officers let a tenant into an apartment building by jimmying the lock and then would not identify themselves to the managers.	Dismissed at Complainant's Request
9/24/2012	10/29/2012	35	Inquiry	Auditor initiated inquiry into officer's knowledge of law in the arrest of a man for Theft of Services III (stealing city power).	Sgt. learned that in most cases citizens are not charged for use of electricity on city property. Command directive submitted to officers to clarify issue.
9/27/2012	10/3/2012	6	Performance	RP felt it was extremely hard to speak to someone at EPD about issues in her neighborhood in a one on one situation. The service level is deplorable.	Lt. met with RP about the issues in her neighborhood and her concerns of having uniform officers come to her home. He was able to set up an appointment with a officer (plain clothes) to make a safety assessment of her area.
9/26/2012	10/8/2012	12	Inquiry	RP was upset with an officer's demeanor when he was stopped for a skateboard violation. He was placed in cuffs and felt there was no need for the show of force.	Sgt. reviewed complaint and learned that it was the second stop after a previous warning, and RP refused to provide ID for the citation, so was placed in cuffs prior to a transport to jail to be identified. RP at that time began to cooperate. Sgt. contacted RP and spoke with him about his findings.
9/25/2012	10/8/2012	13	Inquiry Dismissed: Alternate Remedy	RP complained that on officer gave a ticket to a wheelchair bound disabled person for dog at large.	Dismissed: Alternate Remedy
9/28/2012	11/5/2012	37	Inquiry	RP alleged that he was witness to 3 officers having sexual relations and that when they noticed him, they threatened to kill him.	Sgt's research into the allegation found no police activity in the area and a witness reported seeing no police in the area, only RP.
9/25/2012	10/8/2012	13	Courtesy	RP complained about an incident in which an officer was rude while leaving a lot after a UofO football game.	Lt. was unable to determine whether the person was an EPD employee or not. Lt. spoke with RP about the issue.
10/8/2012	10/19/2012	11	Performance	RP complained that a patrol car almost T-boned her car while traveling at a high rate of speed.	Sgt. was unable to contact RP after numerous attempts.
10/9/2012	10/10/2012	1	Inquiry Dismissed: Other	RP complained that a white City of Eugene Prius with a detective kept circling the block looking at him.	Preliminary investigation showed no indication of any policy violation. Dismissed: Other
10/15/2012	10/18/2012	3	Inquiry Dismissed: Other	RP inquired into whether or not EPD had a prostitution sting going on a LTD bus route.	Our office does not have jurisdiction over the investigative tools officers may use in criminal investigations, nor can we release information on ongoing criminal investigations. Dismissed: Other
10/15/2012	11/14/2012	29	Service Level	RP was upset that EPD could not help him when he wanted to complain about neighbors who were harassing him.	Supervisor investigated and listened to RP's call to EPD and learned call taker followed all policy in speaking with RP. Supervisor followed up with RP and with RP's caseworker.
10/15/2012	10/19/2012	4	Performance	RP was upset that EPD detectives would not return phone calls regarding a stolen computer.	Cpt. spoke with RP about his stolen computer and the investigation in detail.

Received Date	Closed Date	Time Open (days)	Classification	Summary	Outcome
10/16/2012	11/5/2012	19	Inquiry	RP was upset that an officer was crass with him during a traffic stop.	Lt. reviewed ICV and noted that officer was professional throughout the stop; Lt. was unable to speak with RP after numerous voice messages. Auditor contacted RP with a closing letter.
10/17/2012	11/5/2012	18	Inquiry	RP alleged that an officer was extremely rude and unprofessional while arresting his son.	Sgt. reviewed video from a witness officer's body camera and found no evidence of either officer being rude, disrespectful or unprofessional. Officers tried to explain the situation to a very upset RP.
10/17/2012	12/14/2012	57	Conduct	RP alleged that officers used assault rifles to approach, pat down, and arrest a homeless African-American Veteran who was not breaking the law.	Sgt. reviewed police records and learned officers were dispatched to a call of an armed person and verbal threats of violence. Weapons used were within policy for the type of dispatch. Sgt. tried to make contact with RP but calls were not returned.
10/19/2012	11/26/2012	37	Performance	RP alleged that an officer was not giving him straight answers about a burglary at his home and had lied about the follow-up.	Lt. spoke with officer and learned that her information about the situation had been obtained from a Community Service Officer who had not documented his contacts. The Lt advised the CSO and other CSOs that more complete recording of contacts with the public would be advisable. Lt. contacted RP with his findings.
10/22/2012	11/21/2012	29	Performance	RP alleged that an officer allowed another woman to look through her belongings while she was at Sacred Heart Hospital and then some of her things were missing.	Sgt. learned that officer was investigating a burglary at the Royal Ave Shelter and had been given permission by RP to review her belongings; victim found a small portion of her items and declined to press charges against the mentally ill RP.
10/22/2012	11/26/2012	34	Courtesy	RP alleged officer was rude and disrespectful with her and her daughter when she picked her up from a school dance. Her daughter had recently had a concussion and the officer alleged she had been drinking.	Lt. spoke with officer about the incident and the officer confirmed he had stopped the girl because of physical signs she may have been drinking. The officer stated that once he confirmed otherwise he released her to her mother. Lt. spoke with RP who also felt it should be a learning experience for officers to note that injuries can sometimes look like something else.
10/22/2012	11/8/2012	16	Policy	RP noted he had observed officers riding their motorcycles 2 abreast and thought it was illegal.	Sgt. corresponded with RP about ORS 814.250 which states that motorcycle riders cannot ride more than 2 abreast.
10/22/2012	11/27/2012	35	Policy Dismissed: Other	RP alleged EPD records did not respond in a timely manner to a request for information.	Oregon public records law provides that delayed responses to records requests be directed to the DA's office. Dismissed: Other
10/22/2012	1/17/2013	85	Performance	DHS had a concern about whether an officer should have notified DHS when photographic information was given to police that may have indicated child abuse.	Facilitated conversation between officer/EPD and DHS took place with Auditor's office present. Updated training in when to notify will be DHS will be implemented.
10/27/2012	12/6/2012	39	Inquiry	Internal inquiry into team response to an assault, including review of crime scene, evidence handling, and report writing.	Chain of command reviewed incident and noted performance issues and directed Supervisors in corrective actions to be taken.
10/26/2012	11/2/2012	6	Courtesy	RP felt an officer who cited him for excessive noise from his vehicle was rude and judgmental.	Sgt. spoke with RP about the situation and learned that RP was upset about getting a ticket from a bike officer and that he felt he should have been given a warning instead of the citation. After thinking more about the situation he stated he should have retracted his complaint.
10/29/2012	12/4/2012	35	Courtesy	RP was upset at the demeanor of an animal control officer who cited her for a dog at large in a large field near her home.	Animal Control Manager spoke with officer about the issue and then contacted RP about her findings.
10/30/2012	12/13/2012	43	Performance	RPs were upset that an officer used the sidewalk in front of a community center to turn around on his motorcycle because at times children are present.	Lt. learned that the officer did turn around on the sidewalk because he had come from another area of the park and was accessing the ramp area of the sidewalk to move to regular pavement. Officer did note people in the area and took due care. Lt. spoke with RPs about their concerns.
10/30/2012	12/7/2012	37	Service Level	RP stated that she repeatedly contacts EPD about issues in her apartment complex and nothing is done.	Sgt. reviewed calls to EPD by RP and attempted to contact her to discuss the situation.
10/31/2012	11/26/2012	26	Inquiry	RP claimed that an officer has given him numerous tickets for trespassing just for walking across parking lots in the area near his home and that the officer told him he couldn't complain.	Sgt. learned that officer in question had not issued citations to RP in over 2 years. Sgt. spoke with RP who admitted he had drinking problems and though he no longer was drinking he may have confused the citations he had been given by other officers with this officer.

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10/31/2012	11/6/2012	6	Performance	RP alleged officer's driving was erratic, cutting off vehicles.	Sgt. spoke with RP about the incident and then with the officer about the importance of positive driving skills as an example to the public.
11/5/2012	11/27/2012	22	Other	RP was upset that an officer stopped him for a pedestrian violation, asking for his ID and then giving him a warning.	Sgt. reviewed ICV of stop, noting that RP was less than positive, making snide comments to officer. Officer was professional throughout the stop.
11/14/2013	12/6/2013	22	Inquiry	RP was concerned that ICV was not available for two DUII arrests. RP felt they would have been helpful for the court.	Sgt. spoke with officer involved and learned during one arrest his ICV was unoperational and during the second it did not get turned toward the investigation. Sgt. discussed importance of the ICV use if available with officer and spoke with RP about the matter.
11/13/2012	12/26/2012	43	Courtesy	RP reported that an officer drove up and proceeded to chase clients away from White Bird and she then had to ask him 4 times for his card.	Lt reviewed the records and learned officer had been dispatched to White Bird for a disorderly subject. Lt. reviewed the policy for giving of cards to the public with officer and spoke with RP.
11/14/2012	11/28/2012	14	Courtesy	RP felt an officer's demeanor was unhelpful after an altercation he was involved in.	Sgt. learned that at the time the officer took the report from RP he was unaware of certain details that had been handled by another officer, and so appeared to be unhelpful to RP. Sgt. spoke with RP about the situation.
11/16/2012	12/7/2012	21	Inquiry	RP was unhappy with the way a call taker handled her call about a disoriented motorist, asking so many questions the man finally drove away.	Supervisor reviewed the call and noted call taker used correct protocol and dispatched the issues within one minute, then kept RP on the line to determine the driver's continued actions. Supervisor spoke with RP about the events as they happened which clarified for RP that the issue had indeed been handled.
11/26/2012	12/3/2012	7	Inquiry	RP was upset that after an officer pulled her over for a suspended license she was unaware of, he took her license, told her he was not going to babysit her, and left her on the side of the road with a 2month old.	Sgt. spoke with officer about the issue and learned that RP was only a few blocks from her home and he assumed she would drive the car there and park it until she cleared up her license issue. Sgt. spoke with RP about his findings and applicable ORS laws.
11/14/2012	11/27/2012	13	Inquiry Dismissed: Alternate Remedy	RP filled out a complaint form via Police Abuse.com claiming she was falsely arrested.	Dismissed: Alternate Remedy
11/20/2012	12/4/2012	14	Inquiry Dismissed: Alternate Remedy	RP was concerned that his son was given a citation for interfering with police because the son had had a run in with the officer about a year and half ago.	Auditor preliminary investigation revealed officer did not know about previous contact with RP's son until end of stop. Auditor Dismissed: Alternate Remedy
11/21/2012	12/3/2012	12	Other Dismissed: Alternate Remedy	RP was upset that she was given a citation for tinted windows on a car she had been driving for 4 years and not given a warning.	Dismissed: Alternate Remedy
11/26/2012	12/5/2012	9	Inquiry Dismissed: Alternate Remedy	RP was upset that because of an altercation with a neighbor she was arrested for assault and not the neighbor.	Dismissed: Alternate Remedy
11/26/2012	12/10/2012	14	Performance	RP was upset that an officer did not file a police report about a harassing neighbor.	Sgt. learned that on date of call RP had authorized officer to speak with neighbors to mediate and warn them not to have contact with RP, and that officer did write a report after RP inquired with officer and he learned she still sought that option. Sgt. spoke with RP about the issue.
11/27/2012	12/26/2012	29	Performance	RP was upset that officers did not file a report on a call for service about his neighbor attacking him.	Sgt. learned that the call had been a mutual dispute and that officers had assessed the scene and followed policy in the handling of the call. Sgt. spoke with RP about the issue.
11/5/2012	11/29/2012	24	Performance	RP was upset that an officer did not tell him he was not required to provide his social security number.	Sgt. spoke with officer who stated he gave RP a warning for a traffic violation and while filling out the FI card asked if RP would be willing to provide the number. The officer was not certain whether he clarified more than that. Sgt. spoke with RP about his findings.
12/3/2012	1/28/2013	55	Performance	RP alleged that when he approached officers who were already at a bar for another incident for help after being assaulted they refused to investigate and let the assailant get away.	Lt. spoke with officers who had been dispatched to the bar and learned that one officer at the scene spoke with staff and both involved parties and learned it was a mutual combat incident and both parties could have been cited.

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12/4/2012	1/22/2013	48	Performance	RP was upset that officers sat at a gravel yard just a short distance from a traffic accident and did nothing.	Lt. spoke with RP about his concerns, but was unable to identify the officers or find the traffic incident in CAD.
12/4/2012	12/12/2012	8	Inquiry Dismissed: Other	RP was upset about the arrest on one of his employees in a non public area of his establishment.	Preliminary investigation indicated EPD was not involved; RP requested complaint be dropped. Dismissed: Other
12/5/2012	1/3/2013	28	Policy	RP voiced a concern about the discretion officers have in whether or not to cite a person in a traffic accident.	Sgt. spoke with RP about EPD's policy of citing when there is an injury that and not for other accidents. RP was receptive and now understood a little more about the situation.
12/5/2012	1/11/2013	36	Performance	RP was upset that when she called for help about an altercation at her home with some people she had allowed to stay with her no one was cited or arrested.	Lt. researched the incident and found officers, after investigating the incident, deemed it a civil issue and did not cite. Lt. spoke with RP about the officers' findings and her concerns.
12/6/2012	12/7/2012	1	Policy	RP was upset that his roommate was arrested on a restraining order even though RP had changed his mind about the order.	Lt. spoke with RP and explained probable cause issues and the reason officers had to arrest. He also explained how to go through the courts to release the restraining order.
12/7/2012	2/4/2013	57	Performance	RP was upset that officer did not tell him why he was at his house and arresting him.	Sgt. spoke with officer about the arrest and learned RP was intoxicated and may not have remembered being told the charges. RP did not return phone calls.
12/7/2012	12/27/2012	20	Service Level	RP wrote Rep. DeFazio about a burglary investigation that he felt was not being handled correctly.	Sgt. spoke with detective and reviewed records then spoke with RP about what steps were being taken on his case.
12/7/2012	12/10/2012	3	Service Level Dismissed: Timeliness	RP was upset officer would not take a report of his landscaping plants being poisoned.	Dismissed: Timeliness
12/11/2012	12/17/2012	6	Policy	RP inquired into the length of time it took for a deceased suicide victim to be covered by police.	Lt. contacted RP and explained the procedures EPD has to take in such situations and the reason for the length of time that the victim was not covered.
12/11/2012	12/13/2012	2	Inquiry Dismissed: Outside Jurisdiction	RP complained that EPD officers took him to the Johnson Unit on a mental hold against his will.	Preliminary investigation showed EPD employees were not involved. Dismissed: Outside Jurisdiction
12/12/2012	1/25/2013	43	Courtesy	RP complained about an officer's rudeness and lack of knowledge when the officer confronted RP about parking in an alley.	Mediation.
12/8/2012	1/4/2013	26	Inquiry	RP alleged that an officer squeezed his finger during a stop for trespass and broke his finger.	Sgt. reviewed the stop and spoke with ER doctor about the alleged injury. Sgt. learned it was an older injury and not related to the incident. Sgt. spoke with RP about his findings.
12/14/2012	12/17/2012	3	Performance	RP inquired why EPD call takers would not send medics when her son (who was about to have a seizure) refused service, but they would send medics when she called again and he was having the seizure.	Supervisor reviewed call and noted call taker handled the call within policy, as son refused medical treatment during the first call. Supervisor contacted RP to discuss the reasons behind the policies.
12/16/2012	1/4/2013	18	Inquiry Dismissed: Other	RP was unhappy with how an officer handled a situation.	RP never contacted Auditor's Office regarding whether he wanted to pursue the matter. Dismissed: Other
12/18/2012	1/24/2013	36	Courtesy	RP was unhappy with a traffic stop and felt that he and his friends were pulled over because they were wearing Free Souls clothing. He also complained that the officer was rude, getting in his face about charges he could add.	Cpt. reviewed ICV of stop, spoke with officer about the stop and contacted RP to discuss the incident.
12/19/2012	12/20/2012	1	Inquiry Dismissed: Outside Jurisdiction	RP' complained about an incident in which they were detained.	Preliminary investigation showed no EPD officers were involved. Dismissed: Outside Jurisdiction
12/20/2012	12/24/2012	4	Inquiry Dismissed: Timeliness	RP was unhappy with the interaction police had with her hard of hearing roommate when they responded to a noise complaint.	Auditor reviewed ICV and found no indications of serious misconduct. Dismissed: Timeliness
12/20/2012	1/4/2013	14	Courtesy	RP was unhappy that an officer was rude and accusatory toward her during a call for a loud party at her home.	Sgt. reviewed records and spoke with RP, a student, who said the main concerns had been her mother's and she was fine with the issue.
12/21/2012	12/26/2012	5	Service Level	RP was upset that Traffic Enforcement had not called him back about traffic problems in his neighborhood.	Sgt. learned that a bit of phone tag had been the issue with the call backs to RP. Sgt. was able to speak with RP about traffic problems in his area.

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12/24/2012	1/9/2013	15	Courtesy	RP was upset that an officer hung up on her when she was speaking with him about a neighbor who was harassing and threatening her.	Sgt. reviewed the situation and spoke with officer and RP about it. RP had been hysterical during the call and would not allow the officer to help or direct her. Officer did hang up after telling RP that he would, but also had a welfare check dispatched to check in on RP.
12/31/2012	1/10/2013	10	Inquiry	RP was upset that officers had stopped her learning disabled adult son and grabbed him by the wrists when he tried to leave.	Sgt. learned officers had been dispatched on a restraining order call and the RP's son fit the description of the suspect. Officer grabbed hold of the son's wrists when he tried to leave before being identified. Once officers identified him as not being their suspect he was allowed to go. Sgt. spoke with RP about the incident and what had transpired.
	Average Time Open:	20.5			

2012 Annual Report Civilian Review Board

Eugene City Council
June 10, 2013



2012 Overview

- CRB met 12 times
 - 10 public meetings
 - 1 tour of EPD Property Control & Forensics Evidence Unit
 - 1 Executive Session to evaluate Auditor's performance
- Reviewed 13 cases

CRB Case Review

- January – allegation of use of force, courtesy, unbecoming conduct and truthfulness.
 - Auditor recommended adjudication of unfounded; EPD agreed.
 - CRB concurred.
- February – allegation of violation of constitutional rights and excessive force (OC spray and head injury)
 - Auditor recommended adjudications of within policy and unfounded for the use of force allegation (per officer, respectively) and unfounded for the constitutional rights allegation. EPD so adjudicated.
 - CRB concurred.
- March – allegation of excessive force; Auditor allegation of performance for failing to properly care for arrestee in custody.
 - Auditor recommended adjudication of unfounded for the use of force allegation and sustained for unsatisfactory performance allegation. EPD so adjudicated.
 - CRB concurred.

CRB Case Review

- April – Allegation of racial profiling during traffic stop in a school zone
 - Auditor recommended adjudication of unfounded; EPD so adjudicated and CRB concurred.
- May – 2 cases reviewed:
 - Allegation that officer failed to take proper care of a DUII subject in custody when he did not accommodate her requests for a restroom.
 - Auditor recommended adjudication of sustained; EPD so adjudicated and CRB concurred.
 - A vehicle pursuit of a car with stolen plates leaving a store in violation of policy
 - Auditor recommended adjudication of sustained; EPD so adjudicated and CRB concurred.

CRB Case Review

- July – 2 cases
 - Allegation of abuse of position related to a noise complaint.
 - No abuse of position was found to have occurred; CRB concurred but questioned whether the arrest made sense under the totality of the circumstances.
 - CRB also questioned officer's judgment.
 - Allegation of discourtesy related to protest outside of a social service agency.
 - Auditor recommended allegation be sustained; EPD so adjudicated and CRB concurred.
- September – allegation of violation of constitutional rights violation and improper report preparation
 - Constitutional rights allegation was unfounded following statement from City Prosecutor that officer developed probable cause for the arrest.
 - Insufficient evidence to adjudicated the report allegation.
 - CRB concurred with Auditor's recommended adjudications; Board was concerned about lack of de-escalation.

CRB Case Review

- October – allegation and policy complaint
 - Allegation of discourtesy and unbecoming conduct related to pedestrian violation.
 - Courtesy: Auditor recommended adjudication of insufficient evidence; EPD chain of command recommended unfounded. Chief adjudicated as unfounded.
 - Unbecoming Conduct: Auditor recommended adjudication of unfounded; EPD so adjudicated.
 - CRB concurred with adjudication recommendations.
 - Policy complaint related to EPD response to an Occupy protest
 - Investigation showed that response was within policy, though likely could have been handled better. CRB agreed with classification and findings of investigation.

CRB Case Review

- November – allegation of excessive force (Auditor-initiated) related to use of physical force, OC spray, and threatened use of Taser.
 - Auditor recommended adjudication of within policy; EPD so adjudicated and CRB concurred.
 - A number of Board members were concerned that officers missed opportunity to improve community relations and failed to de-escalate.
- December – allegation of unbecoming conduct and excessive force (internally reported) related to arrest of juvenile.
 - Auditor recommended adjudication of sustained; EPD so adjudicated and CRB concurred.

CRB Training

- Kids First presentation (DA's office)
- Eugene Mission Tour with Mission Staff
- Tour of Forensics Evidence Unit and Property Control Rooms with EPD
- Tour of new EPD headquarters
- Report from Auditor on National Association for Civilian Oversight of Law Enforcement (NACOLE) conference
- Policy discussions on responsibilities of officer when subjects are refused at the jail based on a medical evaluation
- Joint meeting with Police Commission; discussion of annual reports of Police Auditor, Internal Affairs, CRB and Police Commission

2012 Annual Report

Office of the Police Auditor

Eugene City Council
June 3, 2013



Complaint Process



Auditor's Office	Eugene Police Department	EPD and Auditor	EPD Investigations Division or DSP	Community Mediation Services	District Attorney
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2012 Complaints

- The Auditor's Office received **341** total complaints in 2012 – a decrease of 5% from 2011 (when we received 361 complaints), but an increase from 2010 (when we received only 326 complaints). As in previous years, the majority of the complaints (170) were classified as service complaints.

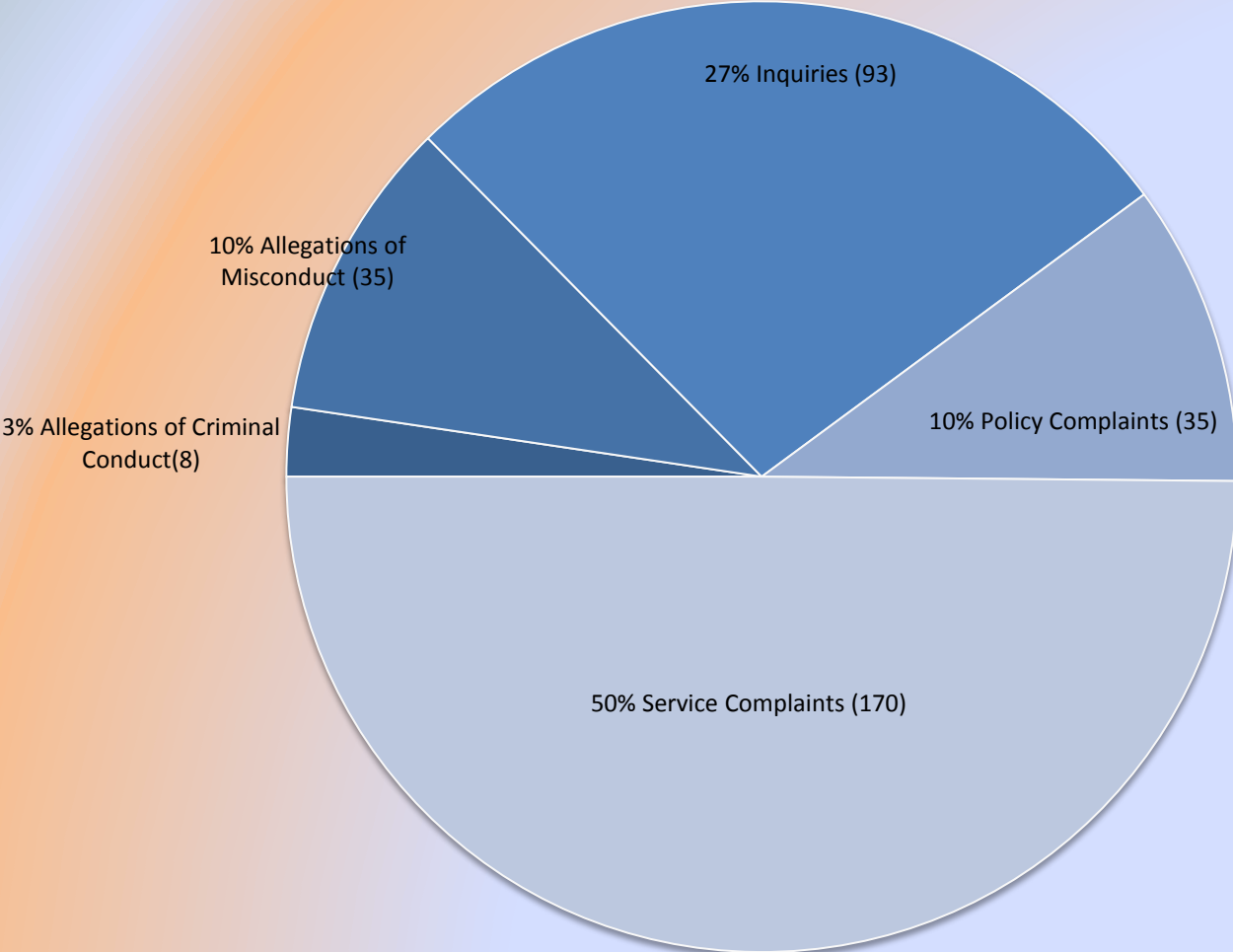
-229-

Classification

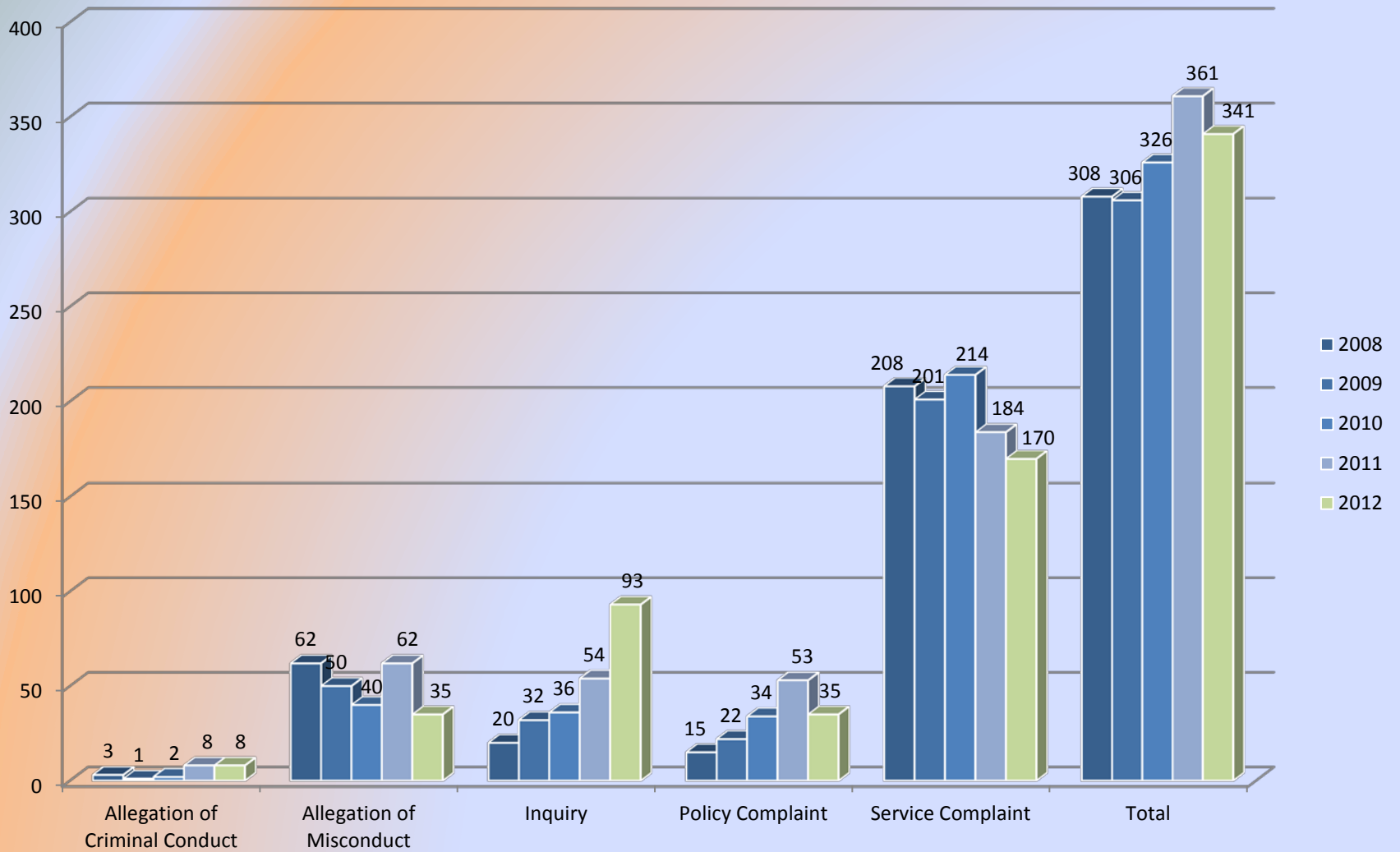
Number of Complaints

Allegation of Criminal Conduct	8
Allegation of Misconduct	35
Inquiry	93
Policy Complaint	35
Service Complaint	170

2012 Total Complaints



Complaints by Classification, 2008-2012

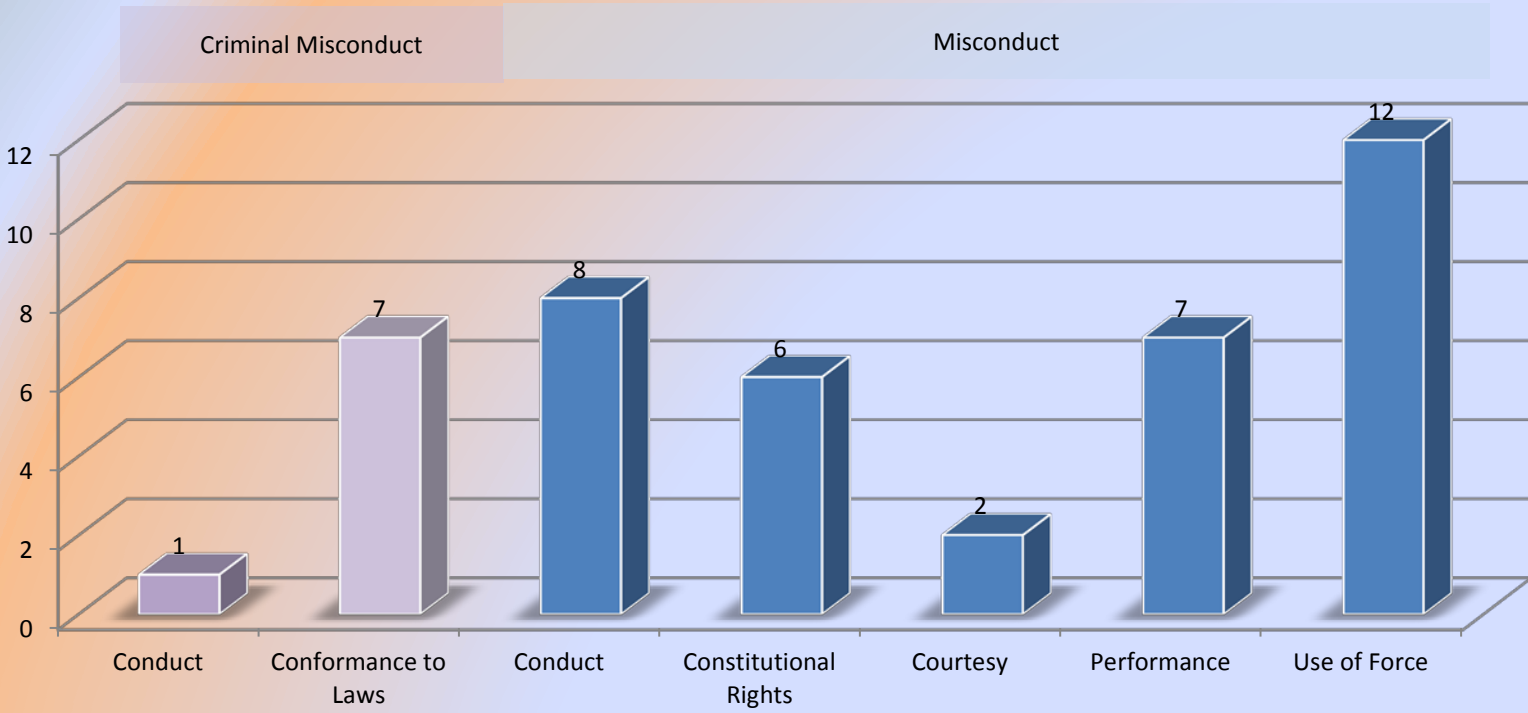


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2012 Complaints by Number of Employees

	Number of Employees	Number of Complaints Received	Percent of All EPD Employees
Employees with Complaints	149	341	48.6%
	62	1	20.2%
	35	2	11.4%
	24	3	7.8%
	5	4	1.6%
	12	5	3.9%
	6	6	1.9%
	3	7	1.0%
	1	8	0.3%
	0	9	0.0%
	1	10	0.3%
Employees with No Complaints	157.75	0	51.4%
Total	306.75	341	100%

2012 Allegation Cases by Classification*



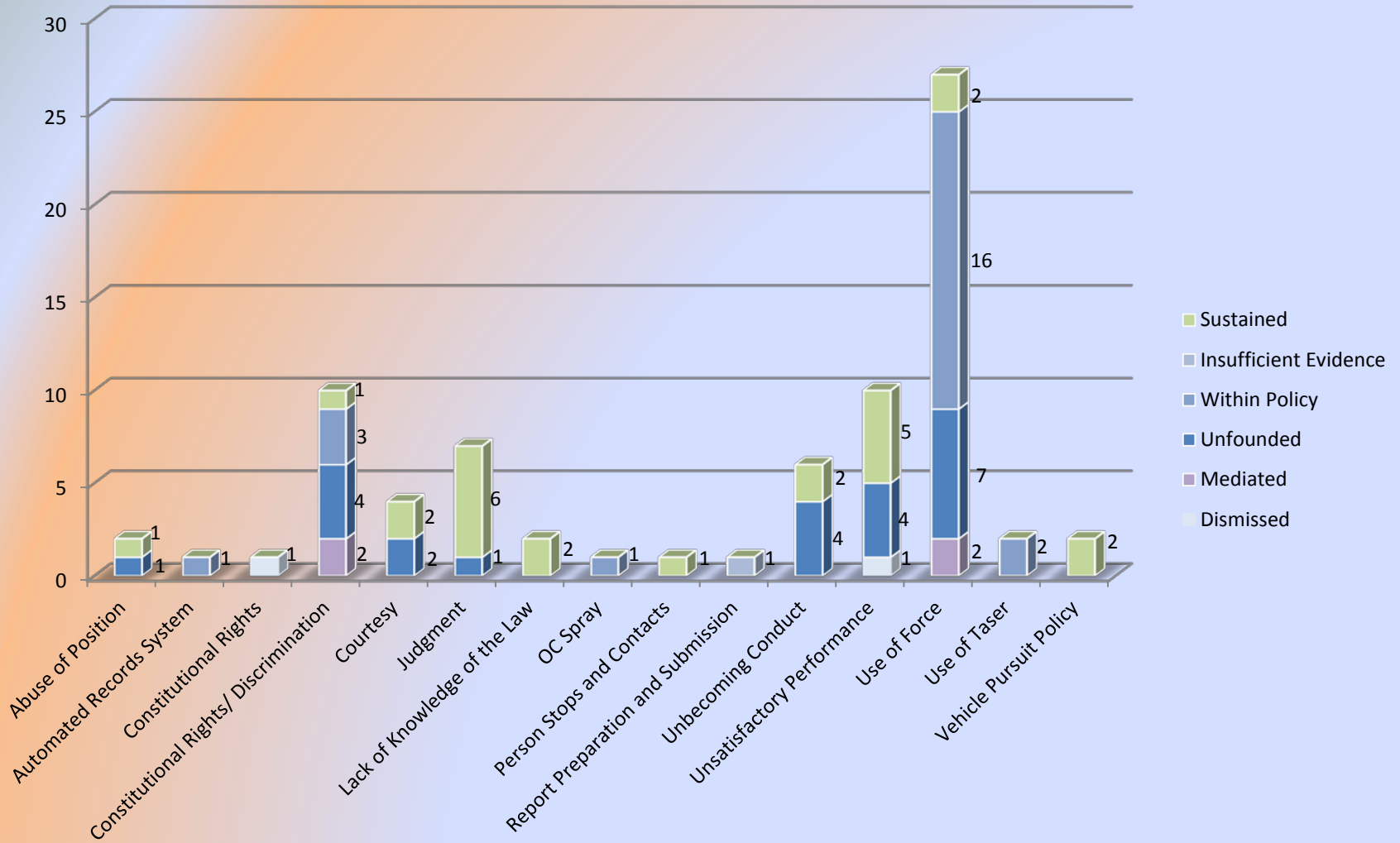
-233-

* In the graph above, only the primary allegation is indicated.

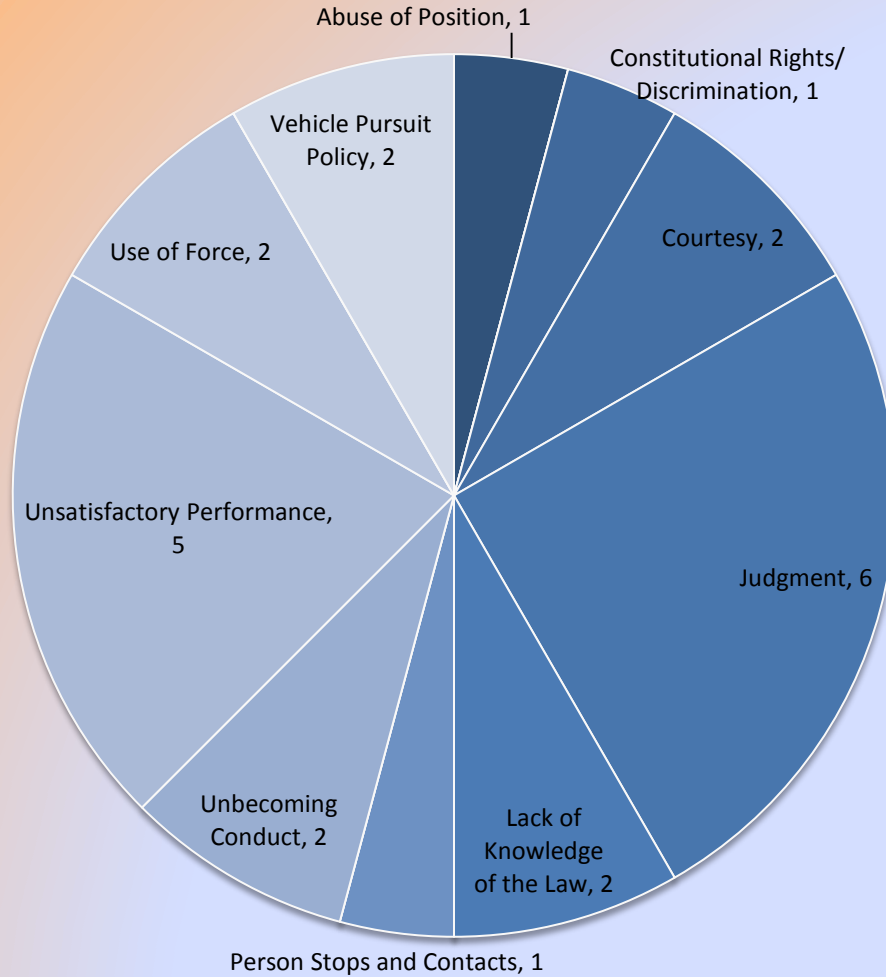
2012 Specific Allegations

	# of Allegations	Dismissed	Mediated	Unfounded	Within Policy	Insufficient Evidence	Sustained
Abuse of Position	2	0	0	1	0	0	1
Automated Records System	1	0	0	0	1	0	0
Constitutional Rights	1	1	0	0	0	0	0
Constitutional Rights/ Discrimination	10	0	2	4	3	0	1
Courtesy	4	0	0	2	0	0	2
Judgment	7	0	0	1	0	0	6
Lack of Knowledge of the Law	2	0	0	0	0	0	2
OC Spray	1	0	0	0	1	0	0
Person Stops and Contacts	1	0	0	0	0	0	1
Report Preparation and Submission	1	0	0	0	0	1	0
Unbecoming Conduct	6	0	0	4	0	0	2
Unsatisfactory Performance	10	1	0	4	0	0	5
Use of Force	27	0	2	7	16	0	2
Use of Taser	2	0	0	0	2	0	0
Vehicle Pursuit Policy	2	0	0	0	0	0	2
TOTAL	77	2	4	23	23	1	24

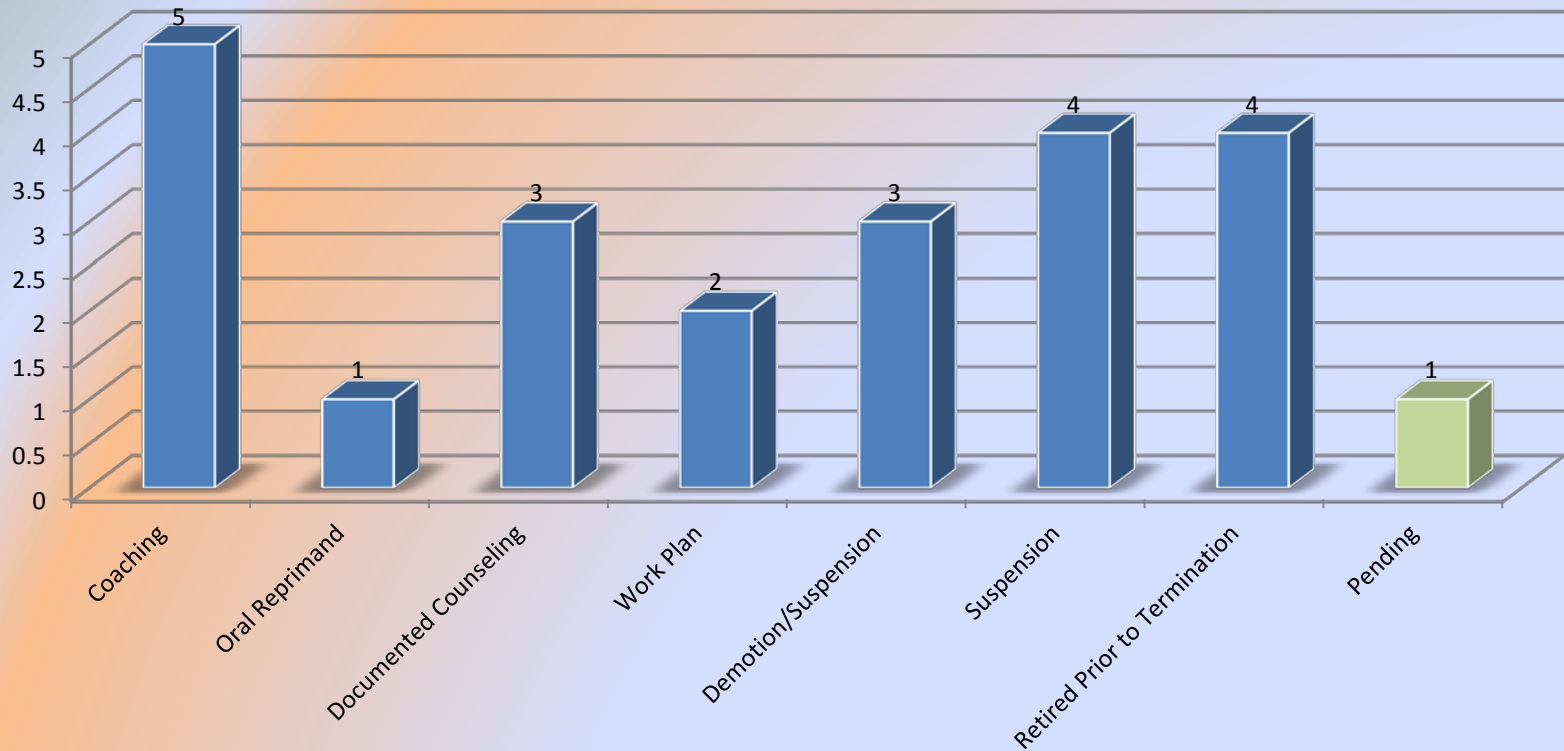
2012 Specific Allegations and Disposition



2012 Sustained Specific Allegations



2012 Disciplinary Action for Sustained Specific Allegations

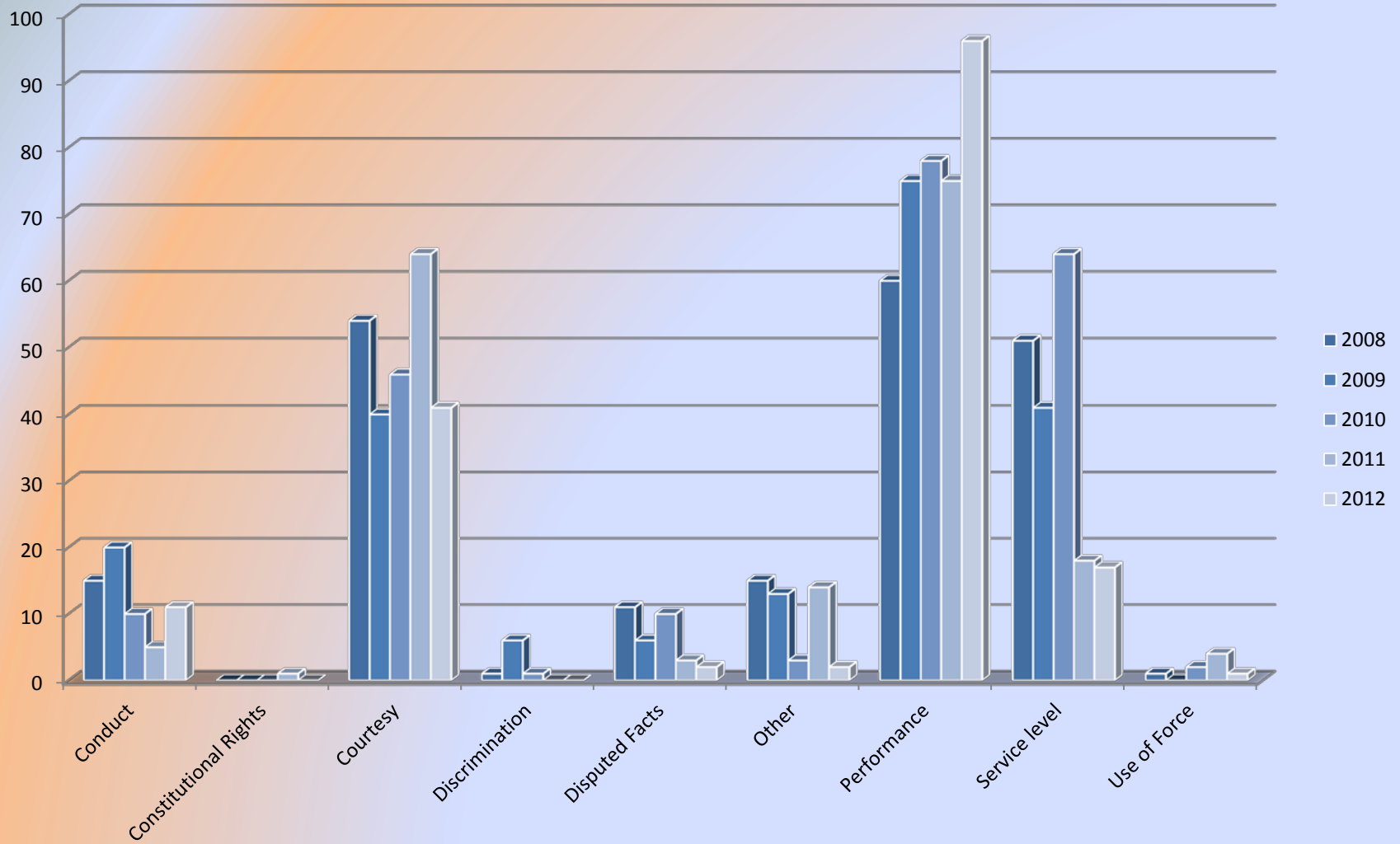


# of Sustained Policy Violations	# of EPD Employees	% of EPD Employees
5	1*	0.3%
4	0	0.0%
3	1**	0.3%
2	6**	2.0%
1	6**	2.0%

* The five sustained policy violations arose out of two separate complaints.

** These employees each had only one sustained complaint; the number of policy violations in each complaint varied.

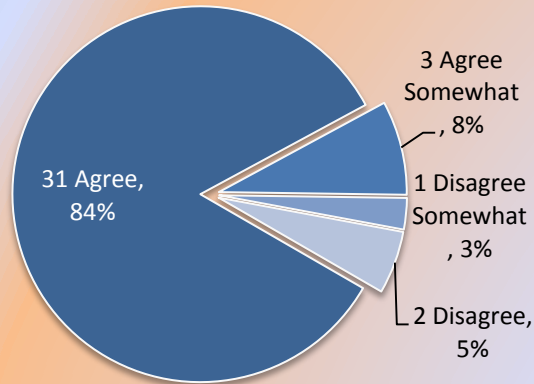
Service Complaints by Sub-Classification, 2008-2011



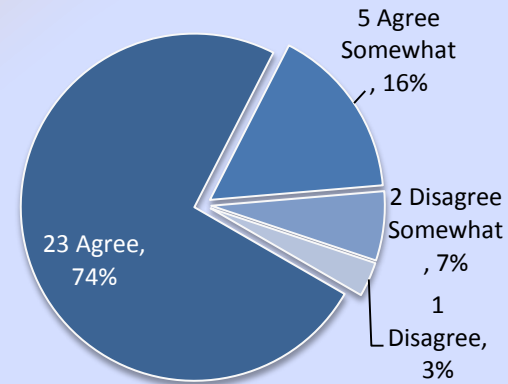
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Service Complaint Survey Results

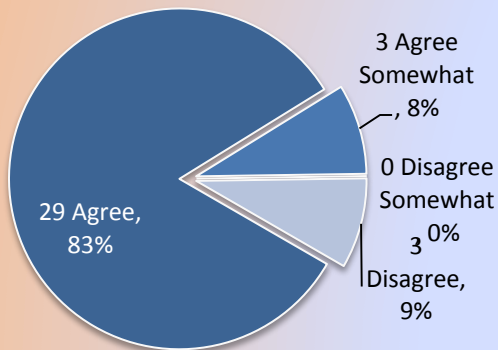
Question 1 : Helpfulness of the Auditor's Office



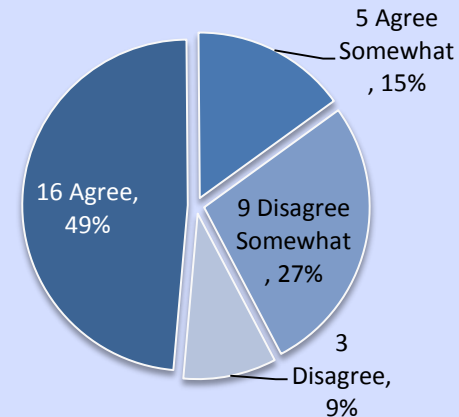
Question 3: Supervisor Addressed Concerns



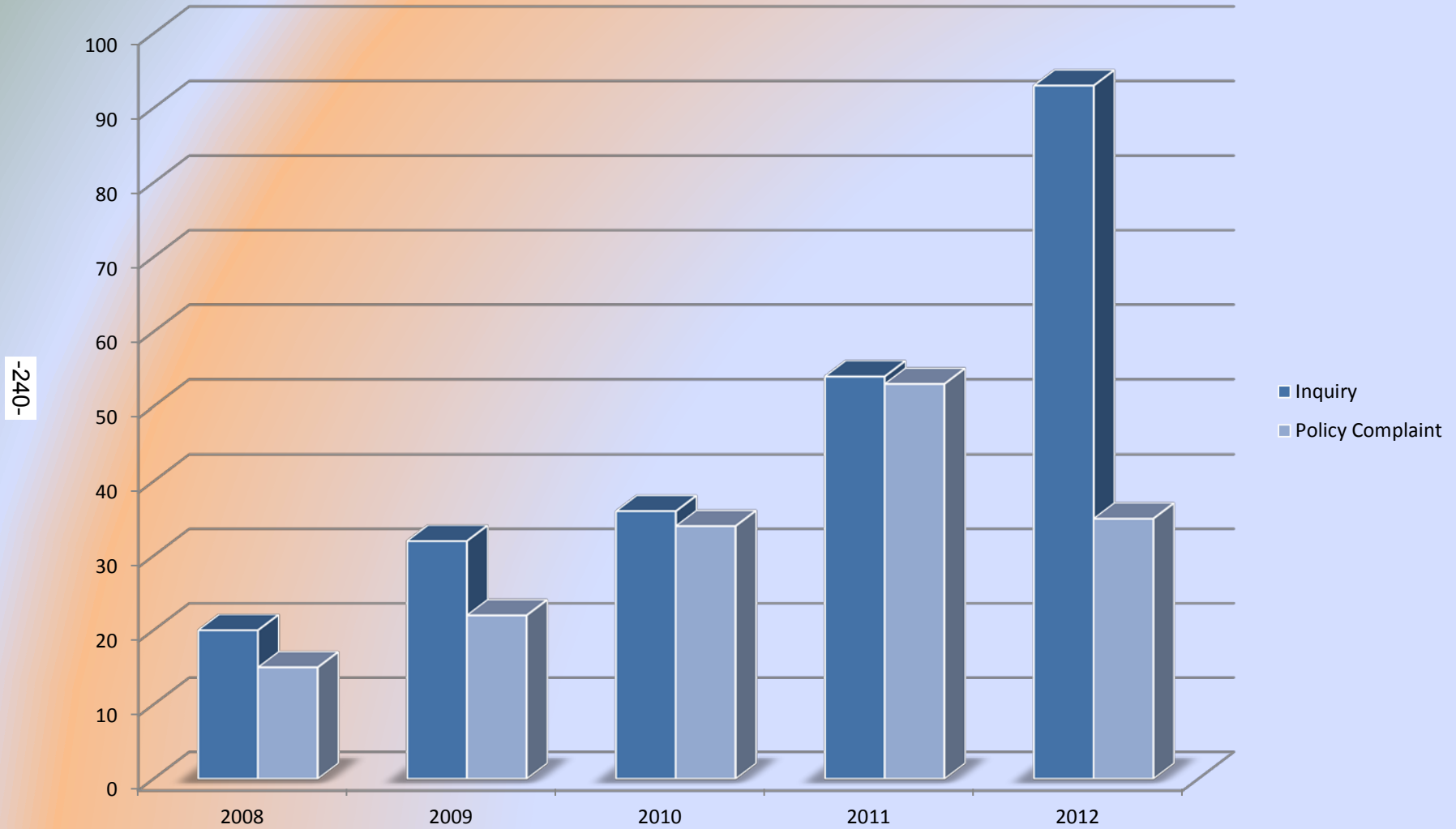
Question 4: Supervisor Listened to Concerns



Question 5: Overall Satisfaction with Outcome

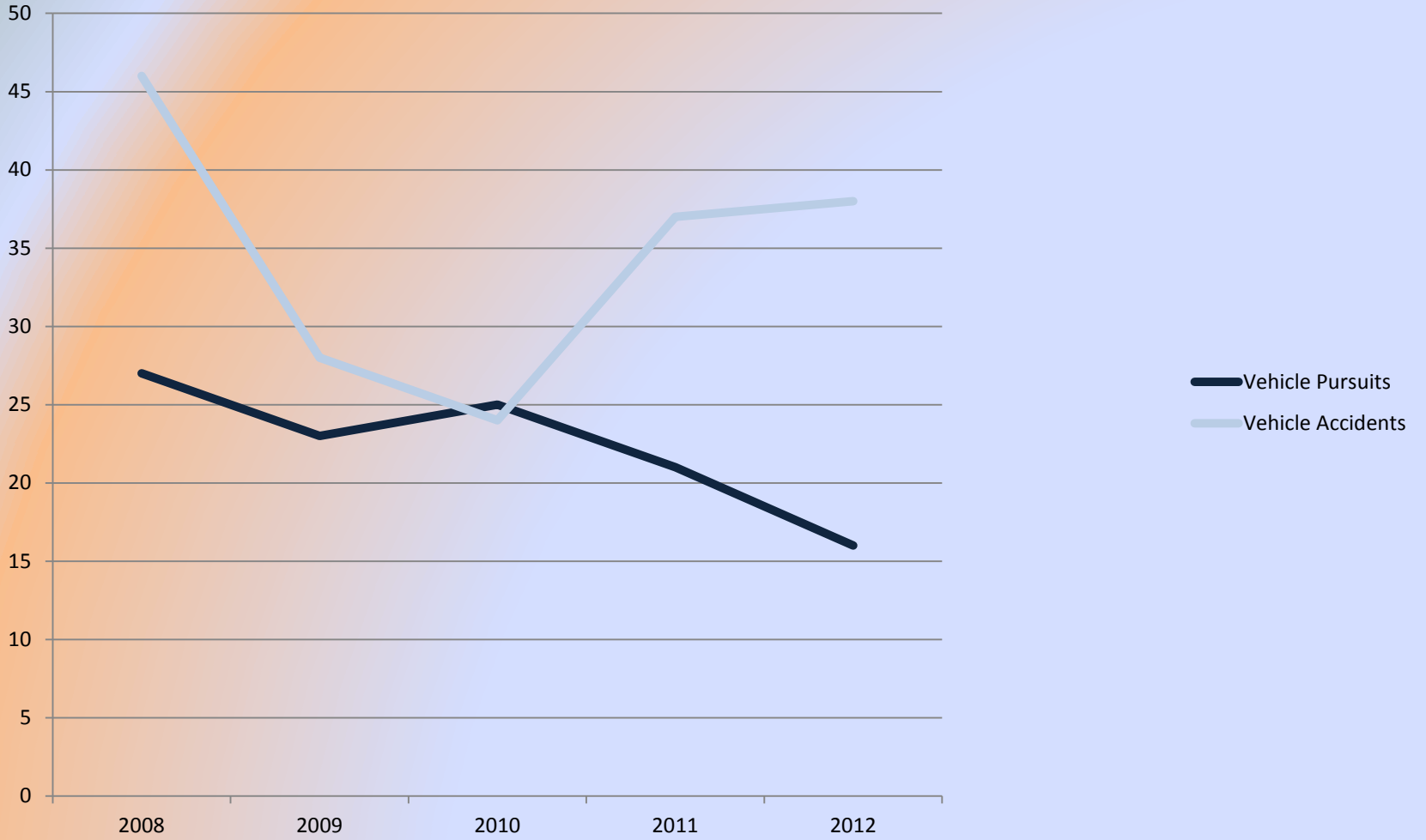


Inquiries and Policy Complaints, 2008-2012



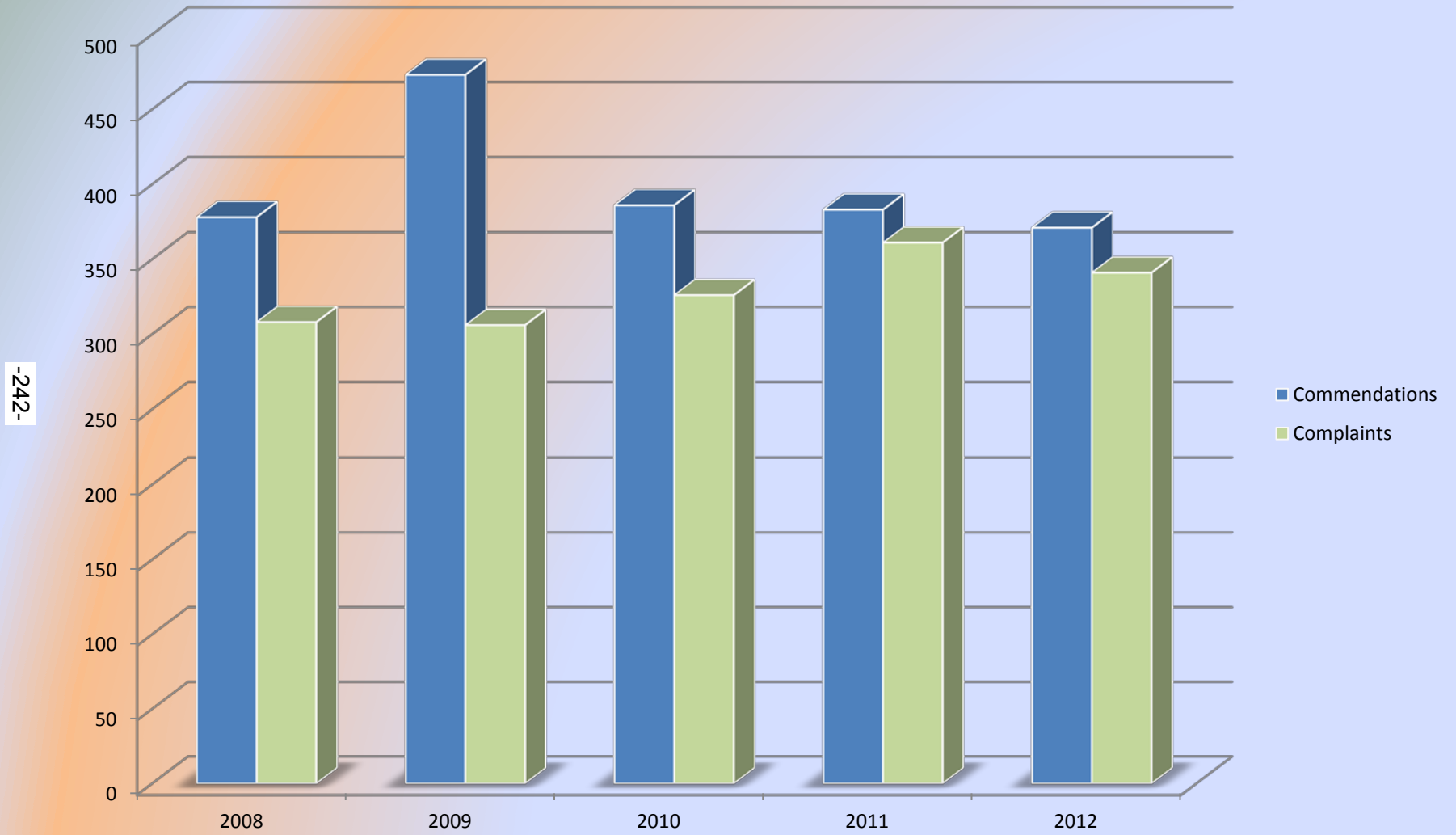
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Vehicle Accidents and Pursuits, 2008-2012



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Complaints and Commendations, 2008-2012



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