

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Exemption to Code on Overnight Camping - Occupy Eugene

Meeting Date: December 12, 2011
Department: Eugene Police Department
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Chief Pete Kerns
Contact Telephone Number: 541-682-5102

ISSUE STATEMENT

The City Council has granted an exemption to the City's prohibition on overnight camping for Occupy Eugene in Washington-Jefferson Park, between 6th and 7th avenues. Without additional council action, the exemption expires on December 15, 2011. This item provides an opportunity for the council to take further action related to the overnight camping ban.

BACKGROUND

The Occupy Eugene movement began October 15 with a march of an estimated 1,500 - 2,000 people, followed by overnight occupation of the downtown Park Blocks by more than 150. The group relocated the encampment to Alton Baker Park, then on and near the University of Oregon campus, and finally to Washington-Jefferson Park. Across the country, "Occupy" groups have staged events, commented on and established encampments to draw attention to a variety of issues. In Eugene, the group and individuals affiliating with Occupy Eugene have spoken out on college tuition, homelessness, the financial crisis and numerous other items.

Eugene Code restricts overnight camping, and the council has permitted the Occupy Eugene group to camp on public parks property under an exemption permitted in Eugene Code, 4.815 (Section 4): "Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption."

On November 9, the council adopted the following motion, on a four-to-two vote: "I move to exempt Occupy Eugene from Section 4.815's prohibition on camping for Washington-Jefferson Park between 6th and 7th avenues. Unless extended by council action, this exemption shall terminate on December 15, 2011. Prior to December 15, the City Manager shall update the council on the Occupy Eugene event, at which time the council can decide whether to extend the December 15 deadline. If, in the opinion of the City Manager, the presence of Occupy Eugene poses an immediate or ongoing risk to public health or safety, the City Manager is authorized to revoke the allowance granted by this motion."

Site Conditions – Washington-Jefferson Park

Campers are facing difficulties found when camping in an urban setting. With no clear demarcation for where to place a tent or to walk, grass in some areas has turned to deep mud. Tarps and wood pallets keep some personal belongings dry, but almost everything is wet or damp. Campers continually work

on building and maintaining mulch pathways. Trash and empty alcohol containers are commonplace but many campers make the effort to haul away debris on a daily basis.

Community Safety

The encampment poses possible sanitation issues largely related to provisions for toilets and disposal of human waste, as well as public health concerns around food storage and preparation and potential for the spread of communicable diseases. There have been several occasions where the portable toilets have been out-of-order, over-full, and insufficient for the mounting number of people using the facilities during the day and overnight. Additionally, animal waste needs to be safely managed. Occupy Eugene organizers have been responsive in addressing sanitation concerns.

Illegal open fires for warmth or cooking, individual mishaps and accidents, and potential consequences associated with drug and alcohol use at the campsite also have raised concerns. Occupy Eugene allies have made efforts to provide services to address all of these items.

Since October 16, there have been 18 arrests at protests, and 55 arrests or citations at the Occupy sites. This includes seven liquor violations, nine camping and other violations at Alton Baker Park after the Occupy Eugene movement officially moved to the University of Oregon, six drug violations including four for heroin or methamphetamine, and five assault citations. On Dec. 2, City staff verified electrical and venting safety changes needed in the kitchen area. These were addressed.

Resource Demands and Costs through November 28, 2011

Overtime for Police	\$ 72,731
Construction and repair of chain link fence and parks maintenance	\$ 7,250
Straight Time*	\$ 35,823
Total	\$ 115,804

**Straight time reflects the time spent by employees on Occupy Eugene issues during their regular work schedule.*

RELATED CITY POLICIES

Eugene City Code provisions related to overnight camping (Eugene Code Chapter 4).

Council goal for a safe community: A community where all people are safe, valued and welcome, including desired outcomes for decreased property crime, a greater sense of safety, visible and accessible police presence, and better police/community relations.

TRIPLE BOTTOM LINE – SOCIAL, ENVIRONMENTAL, ECONOMIC IMPACTS

Environmental – The greatest impacts to the environment related to the encampment in Eugene are around sanitation and potential damages to parks grounds. If adequate sanitation is assured and parks grounds and amenities are intact, the encampment should have a neutral impact on the environment. If these cannot be assured, the encampment has a negative impact on the environment.

Economic – The net impact to responsible stewardship of public resources is negative, as this has been an unanticipated and unbudgeted expense for the City. Another consideration for the economic impact is to the local economy. In the short term, there may be positive impacts associated with an emphasis on shopping at local markets, as well as negative impacts to businesses directly affected by unanticipated use of facilities or protests.

Social – Several groups appear to experience the social impacts of the Occupy Eugene encampment differently, including:

- Occupy Eugene participants – There are likely positive and negative impacts, with the overall impact difficult to assess. The positive impacts include a place to protest and legally camp. The negative impacts include exposure to potentially unsafe conditions and behaviors.
- People experiencing homelessness – There are likely positive and negative impacts, with the overall effect difficult to assess. The positive impacts include the benefits of community, food and shelter. The negative impacts include exposure to potentially unsafe conditions and behaviors.
- Minors in the camp – There are likely more negative impacts to children and youth in camp. They also are exposed to potentially unsafe conditions and behaviors.
- Neighbors of the camp and people wishing to use the park – There are likely more negative impacts to neighbors and people wishing to use the park. They may not be able to freely use the park for public purposes, and there are increased arrests and citations for criminal behavior in the neighborhood.

COUNCIL OPTIONS

The City Council may:

1. Extend the exemption to Section 4.815's prohibition on camping to allow Occupy Eugene to continue use of Washington-Jefferson Park for an additional period of time of __ days and schedule another work session before that deadline to provide an update to the council so the council can decide whether to grant another extension.
2. Extend the exemption to Section 4.815's prohibition on camping to allow Occupy Eugene to continue use of Washington-Jefferson Park for an additional __ days as a final extension. No additional work session would be scheduled.
3. Don't extend the exemption to Section 4.815 and instead, direct the City Manager to work with Occupy Eugene to remove all tents and other structures as soon as practicable.

CITY MANAGER'S RECOMMENDATION

No recommendation is forwarded at this time.

SUGGESTED MOTIONS

1. I move to amend the City Council's November 9 motion exempting Occupy Eugene from the overnight camping prohibition under section 4.815 of the Eugene Code by changing the date from December 15 until _____.

2. I move to amend the City Council's November 9 motion to extend the exemption under section 4.815 of the Eugene Code until _____, and to direct the City Manager to ensure that all campsites are removed from Washington-Jefferson Park as soon as practicable after that date.
3. I move to direct the City Manager to ensure that all campsites are removed from Washington-Jefferson Park as soon as practicable after December 15.

ATTACHMENTS

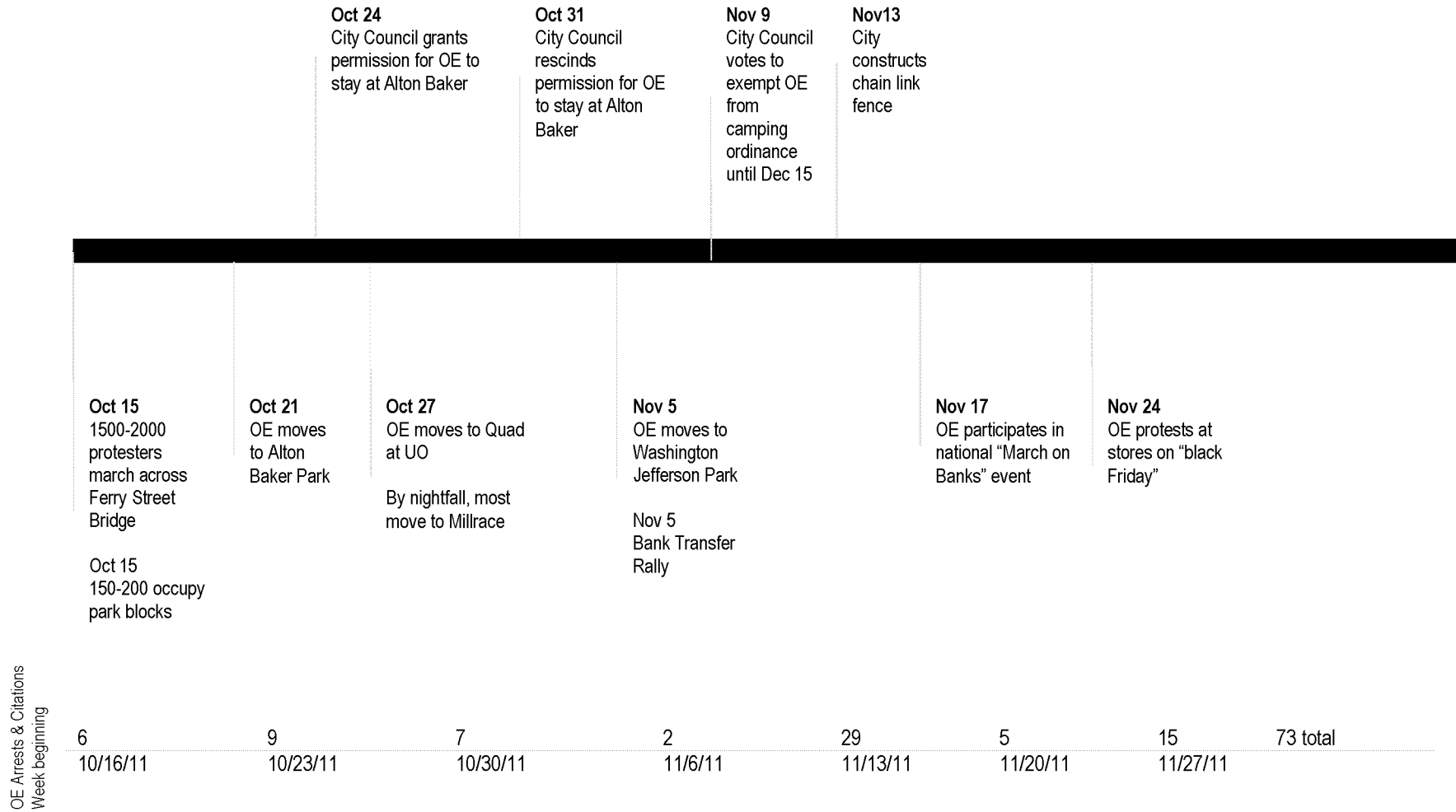
- A. Timeline for Occupy Eugene

FOR MORE INFORMATION

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Occupy Eugene Timeline

October 15 – December 1, 2011



OE Arrests & Citations
Week beginning