



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

April 21, 2021

12:00 p.m. CITY COUNCIL WORK SESSION

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of April 21, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

12:00 p.m. CITY COUNCIL WORK SESSION

- 1. WORK SESSION: Parks and Recreation Bond and Levy Update**
- 2. WORK SESSION and POSSIBLE ACTION: An Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction**

For the hearing impaired, 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.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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: Parks and Recreation Bond and Levy Update

Meeting Date: April 21, 2021
Departments: Public Works and
Library, Recreation, Cultural Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Craig Carnagey

Contact Telephone Number: 541-682-4930

ISSUE STATEMENT

This work session is intended to provide an update on the work accomplished thus far implementing the parks and recreation bond and levy measures, which voters approved in May 2018, to renovate parks and recreation facilities, build new parks in underserved areas, improve public safety in parks, and restore park maintenance activities.

BACKGROUND

Since the voter approval of both the parks and recreation bond and levy measures, staff have taken significant steps toward implementing what was stated would be done in these measures.

On the capital bond, the renovation of Amazon Park running trail has been completed, the Tugman Park playground has been renovated, new lighting along the West Bank Path installed, the Downtown Riverfront Park began construction and is now almost completed, four turf fields were replaced at local schools, and habitat restoration continued in the ridgeline. There was also significant progress towards completion of renovations at both Campbell Community Center and Echo Hollow Pool and Fitness Center; both projects will be completed early this year. Design and the bidding process were completed for the renovation at Sheldon Pool with construction to begin upon completion of Echo Hollow Pool.

The operating levy has also positively impacted the community in many ways over the last year. Our recent public survey illustrates just how important Eugene parks are to residents' quality of life, and confirms most community members have noticed significant improvements in parks since the passing of the 2018 operations and maintenance levy. Expanded maintenance and stronger safety teams provided by the levy were key factors in residents responses. Funding parks is extremely or very important to nearly all (90%) survey participants. In addition, about three-fourths (73%) of participants indicate the increased safety and maintenance provided by the 2018 levy is worth the additional expense. The most frequently observed improvements made possible by the levy are the increased care of trees and vegetation, removing invasive plants and planting native plants, the reopening of restrooms and additional portable toilets, and increased trail maintenance.

April 21, 2021, Work Session – Item 1

COVID-19 Impacts

The unexpected health crisis beginning in March of last year brought many new challenges to parks and recreational facilities. Parks have been used more by the public now than ever seen before. Recent data shows a 150% increase in park and trail use by residents across the system. Parks were used as shelter-in place-locations for the unhoused, and continue to host several Covid-19 temporary camps within the system. Parks and Recreation staff have been working throughout the pandemic to keep the system functioning in a safe and healthy manner, launched dozens of social connectivity strategies to serve Eugene patrons virtually, and provided essential worker childcare at several facilities. Through the global pandemic, our progress on bond and levy projects has continued to move ahead and has contributed to the community's long-term recovery by contracting with local companies.

Accountability

As required by both the bond and levy ballot measures, a Citizen Advisory Board has been formed to ensure accountability in the use of bond and levy funds. The Citizen Advisory Board is responsible for reviewing end-of-year reporting to ensure that spending complies with the intent of the ballot measures. The Board submits the annual report along with any comments to the City Manager, who then presents the publicly available document to the City Council (see Attachment A). Reports are available on the 2018 Bond and Levy website, <https://www.eugene-or.gov/4165/2018-Bond-and-Levy>.

The Board meets three to four times each year and members of the public are welcome to attend. Meetings are generally focused in the fall and are advertised in the Public Meetings Calendar, found at <https://www.eugene-or.gov/1972/Public-Meetings-Calendar>.

The Parks and Recreation Bond Ballot Measure requires oversight of the Bond by an outside auditor. The auditor is asked to provide an annual written report on the use of the bond funds and provide the report to the Eugene City Council. Isler CPA, LLC, has a contract with the City of Eugene to perform audits of both the City's organizational financial documents and the 2012 Street Bond proceeds. Parks and Recreation have amended this existing contract to also include the Parks and Recreation Bond. Isler CPA, LLC, has completed an audit of bond-related expenditures for the fiscal year period of July 1, 2018, through June 30, 2019 (see Attachment B).

PREVIOUS COUNCIL DIRECTION

[July 16, 2018, Public Hearing](#)

Approved the Parks and Recreation System Plan which included a 30-year vision for capital improvements to both parks and recreation facilities

[February 12, 2018, Meeting](#)

Referred both a \$39.35 million general obligation bond measure (Measure 20-289) and a \$3.15 million annual five-year Operations and Maintenance Local Option Levy (Measure 20-288) to the May 15, 2018, ballot. As part of this referral, staff was directed to provide annual progress reports.

ATTACHMENTS

- A. 2020 Bond and Levy Annual Report
- B. 2020 Bond Audit
- C. 2020 Parks and Recreation Advisory Committee Letter
- D. 2020 Parks and Open Space Community Survey

FOR MORE INFORMATION

Staff Contact: Craig Carnagey
Telephone: 541-682-4930
Staff E-Mail: CCarnagey@eugene-or.gov

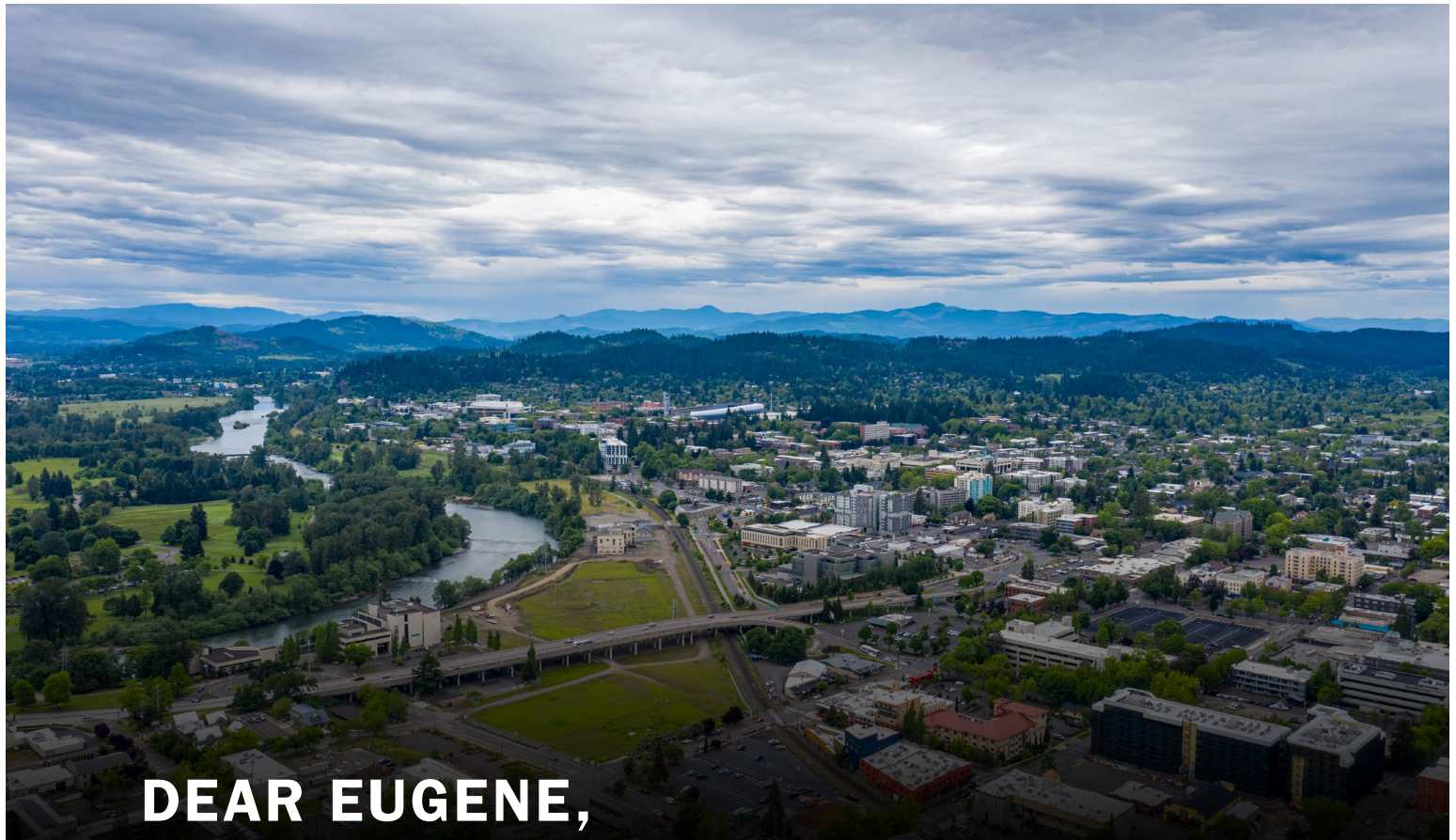


FY2020

Eugene Parks and Recreation **BOND AND LEVY** **ANNUAL REPORT**

***Thank You
Eugene!***

**YOUR PARKS & REC
BOND AND LEVY
DOLLARS AT WORK**



In 2018, voters voiced their strong support for the future of Eugene's Parks and Recreation centers. Two short years later, the pandemic has shown how crucial these are for our physical and mental health and the importance of investing in our public spaces.

Parks and Recreation have been the backdrop for much of daily life in 2020, whether connecting with loved ones in a physically distant way, keeping body and mind healthy by exercising in nature or dropping the kids off for childcare and summer camp.

We have also played a pivotal role in addressing community-wide needs during this time, from sheltering the unhoused and distributing resources during the lockdown and providing space to peacefully protest racial injustices, to supporting wildfire evacuation and recovery relief efforts.

Our recent public survey illustrates just how important Eugene parks are to your quality of life and confirms most community members have noticed significant improvements in parks since the passing of the 2018 operations and maintenance levy. Expanded maintenance operations and stronger safety teams provided by the levy are key factors in how we are able to respond to the COVID-19 crisis.

Through the global pandemic and historic wildfires, our progress on bond and levy projects has continued to move ahead and has contributed to the community's long-term recovery by contracting with local companies.

Eugene has come together in big and small ways to navigate the many challenges of this time. Parks and Recreation staff are proud of the role we've played through it all, and we're committed to continuing and improving our service to you in the future.

Respectfully,

Craig Carnagey

Parks and Open Space Division Manager

Craig Smith

Recreation Division Manager

Table of Contents

4 Summary

5 Citizen Advisory Board

6 Bond Report

8 Project Map and Progress Chart

10 Bond Status

15 Leveraging Bond Funds

15 Bond Expense Categories

17 Bond Project Expenditures

18 Levy Report

19 Levy Status

20 COVID-19 Response
Strengthened by Levy

20 Projects Completed and Ongoing

22 Levy Expense Categories

23 Levy Actual Expenditures

24 Parks Survey

Summary

In May of 2018 Eugene voters overwhelmingly approved a capital bond and operating levy for Parks and Recreation. As required by City Council resolution, this report summarizes spending activities related to these funding measures for the 2020 fiscal year. This report also provides updates on bond projects and levy funded services. For last year's report and additional information, visit eugene-or.gov/4165/2018-Bond-and-Levy.

We're pleased to report that although 2020 has been a year of unprecedented challenges, implementation of the bond is on track:

- All construction projects scheduled for construction this year went forward with only minor delays.

- Bond-related construction projects have supported local contractors and ensured that many individuals were employed through the pandemic. According to one estimate, up to 291 jobs were associated with bond construction projects in 2020.
- Precautions were enacted on all job sites to keep workers safe.
- Planning and design work for future construction proceeded on schedule.

Implementation of the operating levy to support park maintenance activities has also kept pace and adapted to ever-changing conditions:

- Increasing public safety presence
- Improving trails and natural areas.
- Providing a higher level of general maintenance throughout the system.





Citizen Advisory Board

The Citizen Advisory Board is made up of seven community members, appointed to two-year terms, who are responsible for reviewing fiscal reporting to ensure spending complies with the intent of the ballot measures. Parks and Recreation staff have a deep appreciation for these individuals who volunteer their time to promote transparency and accountability of bond and levy spending.

- Jill Fetherstonhaugh
- Rayna Jackson
- Dr. Rick Kincade
- Richard Maher
- Molly Rogers
- Scott Sanders
- Whitney Wagoner

As with most things this year, there were changes in how the Citizen Advisory Board performed its work. All 2020 meetings were held virtually and were advertised and open to the public. While there were efficiencies realized with virtual meetings, we missed the connection of seeing each other face to face and visiting projects in person.

Whereas last year, Board members toured projects that were soon to be or under construction and talked about the vision for the future, this year the tour was virtual. With the help of some great drone footage, Board members got to see an up-close view of the construction progress at Echo Hollow Pool, Campbell Community Center and Downtown Riverfront Park. That footage and all 2020 Citizen Advisory Board meetings can be viewed at eugene-or.gov/4165.

Eugene Parks and Recreation **BOND REPORT**



Measure 20-289

Bonds to Fund Parks and Recreation Facility Projects

Shall City of Eugene fund park and recreation projects using \$39.35 million in general obligation bonds? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

If this measure is approved, the City will use bond proceeds for capital costs related to park renovation projects, trail and habitat projects, safety/lighting improvements, infrastructure projects, school district partnerships, recreation and pool facility renovation and improvement projects, and new park development. The measure would authorize the City to issue a maximum of \$39,350,000 of General Obligation bonds.

The bond proceeds would only be used to fund the parks and recreation facility projects listed in **Finding G of Eugene City Council Resolution 5221** and to pay bond issuance costs. Until all listed projects have been completed, bond proceeds could not be used to fund other projects.

An outside auditor would review the City's use of the bond proceeds, determine whether proceeds were used as required by this measure, and prepare a report that would be made public.

The estimated property tax rate is \$0.26 per \$1,000 of assessed value and the estimated cost to the average Eugene homeowner would be approximately \$58 per year (about \$4.80 per month).

City Council Resolution 5221, Finding G

Park Renovation Projects

- Alton Baker Park, University Park, Tugman Park, MLK Jr. Park, Berkeley Park, Trainsong Park

Trails and Habitat Projects

- Amazon Running Trail, Delta Ponds Loop Trail, Susanne Arlie Park Ridgeline Trail and Access, West Eugene Wetlands, Skinner Butte Park, Ridgeline Park System, Whilamut Natural Area, Amazon Creek

Safety/Lighting Improvements

- Neighborhood parks, Alton Baker Park, Maurie Jacobs Park, Washington Jefferson Park, West Bank Path, Amazon Park, Fern Ridge Path, South Bank Path

Infrastructure Projects

- Repairing and improving irrigation systems
- Repairing and improving restrooms

School District Partnerships

- Artificial turf replacements at Meadow View, Willamette High School, Spencer Butte Middle School, and Arts and Technology Academy
- Churchill tennis court renovation, Churchill community center and park planning (including possible site acquisition)

Community Center, Pool and Sportsfield Renovations and Improvements

- Echo Hollow Pool, Campbell Community Center, Sports Complex (Phase 1), Sheldon Pool

New Park Development in Underserved Neighborhoods

- Striker Field, Mattie Reynolds Park, Santa Clara Community Park (Phase 1), Ferndale Park, West Bank Park, Riverfront Park

Bond Project Progress Chart



New Park Development

1. Striker Field Park
2. Mattie Reynolds Park
3. Santa Clara Community Park (Phase 1)
4. Ferndale Park
5. West Bank Park
6. Downtown Riverfront Park



Park Renovation Projects

1. Alton Baker Park
2. University Park
3. Tugman Park
4. Martin Luther King Jr. Park
5. Berkeley Park
6. Trainsong Park



Recreation Facilities

1. Echo Hollow Pool renovation
2. Campbell Community Center renovation
3. Sheldon Pool renovation
4. Sports Complex (Phase 1)
5. Artificial Turf Replacement (Meadow View School, Willamette High School, Spencer Butte Middle School, Arts and Technology Academy)
6. Churchill Tennis Court renovation
7. Churchill Youth Sports Park/Community Center planning



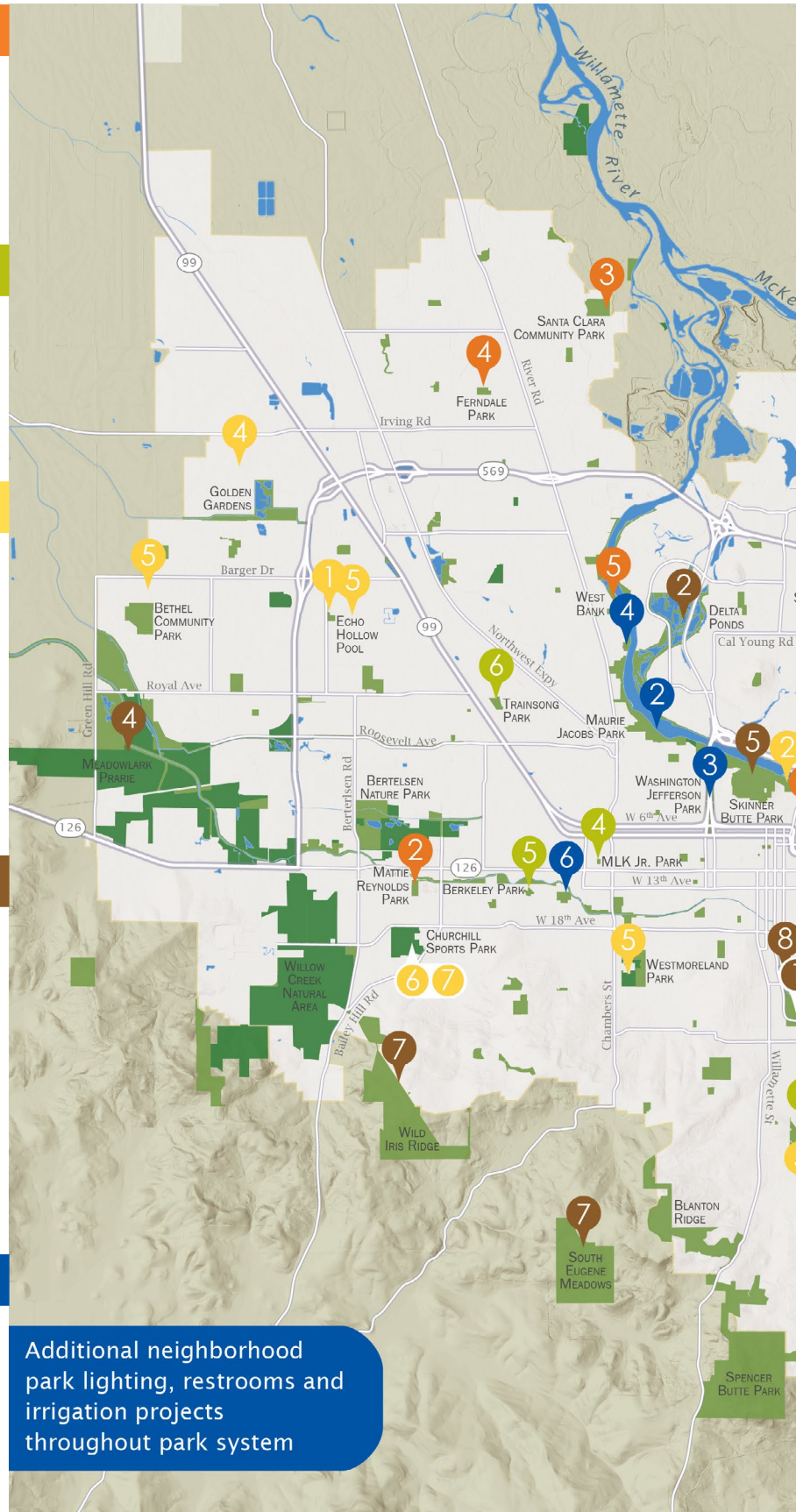
Trail and Habitat Projects

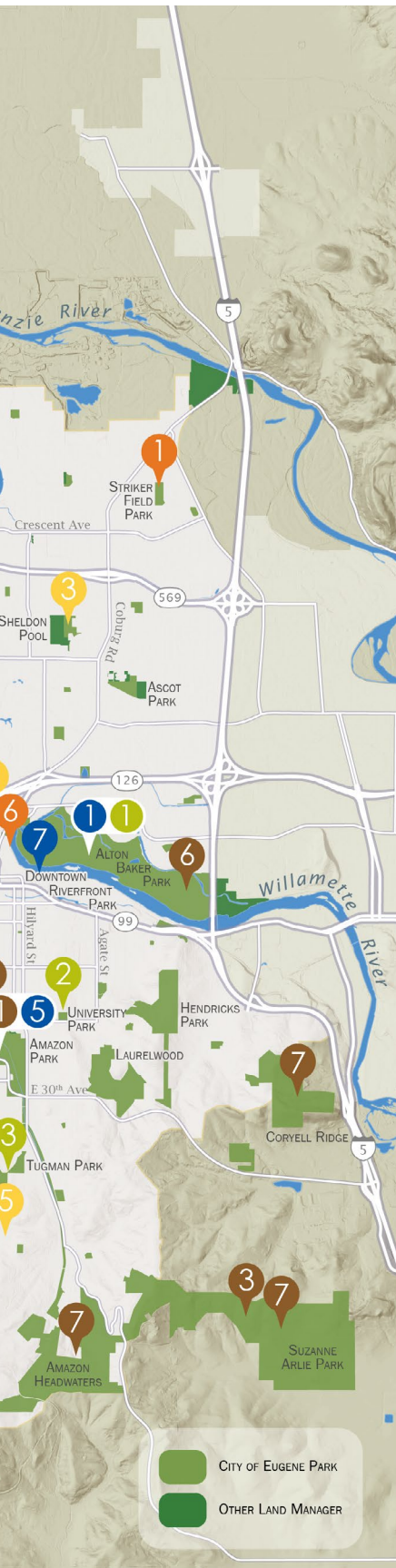
1. Amazon Park Running Trail renovation
2. Delta Ponds Loop Trail completion (bridge)
3. Suzanne Arlie Park Ridgeline Trail and Access
4. West Eugene Wetlands habitat restoration
5. Skinner Butte Park habitat restoration
6. Whilamut Natural Area habitat restoration
7. Ridgeline habitat restoration
8. Amazon Creek restoration



Restrooms, Lighting and Irrigation

1. Alton Baker Park lighting
2. Maurie Jacobs Park lighting
3. Washington Jefferson Park lighting
4. West Bank Path lighting
5. Amazon Park Path lighting
6. Fern Ridge Path lighting
7. South Bank Path lighting





		Planning	Design	Construction	Complete	Expected Completion
New Park Development	Striker Field					2021
	Mattie Reynolds Park					2024
	Santa Clara Community Park (Phase 1)					2023
	Ferndale Park					2025
	West Bank Park					2025
	Downtown Riverfront Park					2021
Park Renovation Projects	Alton Baker Park					2026
	University Park					2024
	Tugman Park Phase 1				✓	2019
	Tugman Park Phase 2					2024
	MLK JR Park					2023
	Berkeley Park					2021
Recreation Facilities	Trainsong Park					2026
	Echo Hollow Pool renovation					2021
	Campbell Community Center renovation					2021
	Sheldon Pool renovation					2022
	Sports Complex Phase 1					2025
School Districts Partnerships	Artificial Turf replacement				✓	2020
	Churchill Tennis Court					2021
	Churchill YSP /Community Center planning					2026
Trail and Habitat Projects	Amazon Park Running Trail renovation				✓	2020
	Delta Ponds Loop Trail completion (bridge)					2021
	Suzanne Arlie Park Ridgeline Trail & Access					2022
	West Eugene Wetlands Habitat restoration					2025
	Skinner Butte Park Habitat restoration					2023
	Whilamut Natural Area					2026
	Ridgeline Habitat restoration					2024
	Amazon Creek restoration					2022
	Neighborhood Park lighting					2026
Safety/Lighting Improvements	Alton Baker Park lighting					2021
	Maurie Jacobs Park lighting					2022
	Washington Jefferson lighting					2022
	West Bank Path lighting					2021
	Amazon Park Path lighting					2023
	Fern Ridge Path lighting					2022
	South Bank Path lighting					2021
	Repair and Improve Restrooms					2026
	Repair and Improve Irrigation					2026

*Project status as of December 2020



Bond Status

Two years into bond implementation, there are projects in all phases of completion throughout the community. Of the 37 bond-funded projects, 24 (65 percent) are complete or underway.

Complete

The following projects are complete as of Dec. 31, 2020.

Amazon Park Running Trail was completed in November 2020. This reconstruction project added a thicker rock base for long-term stability and a more level path without changing the footprint of the trail. Additional improvements based on community feedback included replacement of current lighting, a stretching station, a shelter and distance markers.

Four artificial turf fields were replaced in 2020 at Meadow View School, Willamette High School, Spencer Butte Middle School and Arts and Technology Academy. Many thanks to the partners at Bethel School District and 4J School District for jointly funding and managing these community sports fields.

Tugman Park playground renovation was completed in August of 2019. This project had been fast-tracked because of safety concerns and is now a fun, safe and inclusive play space for all.



Construction Underway

The following projects are under construction as of Dec. 31, 2020 and expected to be completed in 2021.

Campbell Community Center

Pivot Architecture, a local firm, was contracted to lead the public engagement and design of Campbell Community Center. This expansion and renovation will expand the original footprint by 50 percent, adding space for a variety of fitness activities, more socializing with improved circulation and connectivity. McKenzie Commercial began construction in February of 2020 and Campbell will reopen in early 2021.



Echo Hollow Pool & Fitness Center

Robertson Sherwood Architects, a local firm, was contracted to design the renovation and expansion of Echo Hollow Pool. The final design meets increased demand for pool space for recreation and competitive swimmers as well as more locker room space, a large lawn and brand-new activity pool. Renovations have included a new roof with a solar array, upgraded interior tank and energy efficient lighting and water heating. Construction started in February of 2020 and is on schedule to be completed by March of 2021.



Downtown Riverfront Park

The Riverfront Park has been built over two construction seasons. Site preparation began in 2019 with the demolition of buildings, mass grading, removal of soil to make the riverbank less steep, and re-vegetation of the rocky bank with more than 24,000 plants. In 2020, construction work began on the new park features, including paths, furniture, new landscapes and overlooks. The park is scheduled to be completed by spring of 2021.

West Bank Path Lighting

This lighting project is being done in conjunction with a pavement renovation project, which will realize cost and time efficiencies. Project construction will begin in 2020, replacing approximately 1 mile of the Ruth Bascom Path between Stephens Drive and Copping Street (funded by pavement bonds) with new lighting extending to Maurie Jacobs Park (funded by the Parks and Recreation bonds). The lighting system utilizes energy efficient LED technology designed to provide lighted alternative transportation routes between the River Road neighborhood and downtown with considerations for potential adverse impacts to habitat and wildlife. Project construction will be completed by May 2021.



Construction Coming Soon

The following projects are expected to begin construction in 2021.

Amazon Creek Habitat Restoration

This project will remove the concrete channel between 20th and 24th avenues and restore a natural streambed with sloped banks, native plantings and low flow channels. There is no planned impact to the nearby bike paths or roadway. Preliminary designs and modeling have been completed and consultants have been hired to assist with the design and permitting process. The complicated nature of this project has pushed construction out a year. This project is scheduled to be completed over two construction seasons: 2021 and 2022.



Berkeley Park Renovation

Public engagement efforts were completed in the summer of 2019 and the project is currently in the construction drawing and permitting phase. In the latest design concept, the playground is expanded with all new equipment, a small sand play area (budget allowing) and a possible nature play area. It also expands the lawn and buries utility lines, with more perimeter trees and a continuous, accessible looped path. A picnic plaza and all new site furniture will also be added. There have been wetland areas identified within the scope of the project that will require a joint permit with the Department of State Lands and Army Corps of Engineers. This project is scheduled for completion in the fall of 2021.

Churchill Tennis Court Renovation

The Churchill High School tennis courts are a shared community resource between 4J School District and the City. The courts have exceeded their useful life and are in need of a full replacement. This work is expected to begin after the high school tennis season and be completed in 2021.

Delta Ponds Loop Trail Completion

In 2019, the City was awarded a \$350,000 grant from the Oregon Parks and Recreation Department to complete funding for a bridge to connect the 1-mile Delta Ponds Loop Trail. The bridge will expand the service area of Delta Ponds by connecting it to Goodpasture Island Road and making it accessible to more people. A consultant firm, KPFF, was hired and construction documents are close to being ready to submit for permits. This project is on schedule to be completed in 2021.

Lighting Projects at Alton Baker Park, Monroe Park and South Bank Path

The South Bank Path lighting project will be constructed in conjunction with new path construction through University of Oregon property from the Downtown Riverfront Park to the Frohnmayer Bridge. This work is expected to be complete in 2021.

Across the river, an upgrade of existing lighting in Alton Baker Park will focus on the western loop of Pre's Trail. This work is expected to be complete in 2021.

Monroe Park's outdated lighting system has begun to fail. This project to replace all park lighting is being fast-tracked and expected to be constructed in 2021.

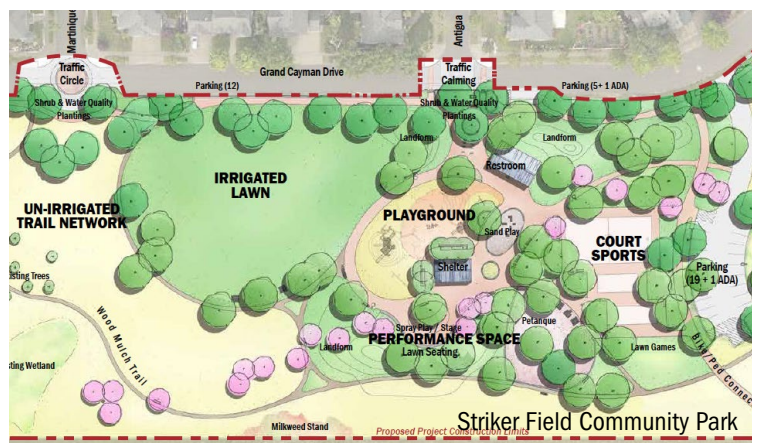


Sheldon Pool & Fitness Center

Robertson Sherwood Architects was selected to design improvements to Sheldon Pool. Designs came together based on feedback from facility patrons at a series of public listening sessions in early 2020. Construction will begin upon completion of the Echo Hollow Pool renovation in early 2021. Renovations are expected to be complete in early 2022.

Striker Field

This 8-acre park site will serve the recreational needs of Northeast Eugene with a large playground, court games (basketball, pickleball and petanque), restrooms, picnic shelter, spray play and space for community gatherings. While approaching the final concept design, the land use process began, as required by City code. A public process for re-naming the park is expected to be completed by the end of 2020. This project is on schedule for final designs to be completed by winter of 2020, construction bids out by spring of 2021 and construction completed by fall of 2021.



In the Wings

The following projects are currently in the planning stages.

Santa Clara Community Park, Phase 1

Santa Clara Park is a future 35-acre community park site on the north and east sides of Madison Middle School. Community engagement occurred throughout 2020 and resulted in an exciting master plan for future development. A large playground, picnic shelters, community gathering space, dog park, community garden and paved and soft-surface paths are just part of what's planned for the future. Phase one of the master plan will begin construction in 2022 or 2023.

Suzanne Arlie Ridgeline Trail and Access

Suzanne Arlie Park is the largest park in Eugene's system, consisting of 515 acres in southeast Eugene. The master plan has been completed and includes a network of interconnected trails for nature-based recreation, disc golf, programmed group-camping, a mountain bike skills park and habitat conservation and restoration efforts -- which are already

underway. The first phase of park development is bond funded and will include a 2-mile extension of the main Ridgeline shared-use trail and as well as mountain bike optimized trails along with a new trailhead easily accessible from Lane Community College. Construction is expected in 2022.



Suzanne Arlie Park public tour, February 2020

Ongoing Habitat Restoration

These projects are spread out over several years. By coming back to a site over two to three consecutive years, invasive species are more effectively managed.

Ridgeline Habitat Restoration

Habitat enhancement work expanded in the Ridgeline bringing funding to two additional natural area parks, Wild Iris Ridge and Mount Baldy, and continued at Suzanne Arlie Park and Amazon Headwaters. These projects focus on removal of invasive species and reduction of heavy vegetation to reduce wildfire hazards. At Suzanne Arlie Park, Mount Baldy and Wild Iris Ridge, invasive species colonize the shrub layer, creating a wildfire hazard known as a "ladder fuel" that could transport flames from the ground layer into the tree canopy, causing a more serious fire. At Wild Iris Ridge and Suzanne Arlie park, the removal of this unwanted vegetation

also helped maintain high quality habitat conditions in oak savannas and oak woodlands, rare habitat types in the Willamette Valley. Blackberry removal at Amazon Headwaters improved conditions for forest wildflowers to emerge next spring and completed a pilot effort to test large-scale removal of blackberry in our Douglas fir forests.

Skinner Butte Park Habitat Restoration

Skinner Butte habitat enhancement work will begin in 2021 with restoration likely focusing on the west prairie/savanna and the forest on the north slope of the butte.

Leveraging Bond Funds

By leveraging bond dollars with other funding sources, the number and scope of projects that can be undertaken is greatly increased. It is estimated the \$39 million in Parks and Recreation bond funds will be matched with an additional \$40 million from other sources. These sources include Parks and Recreation System Development Charges, Facilities Capital, Stormwater Capital, Urban Renewal Funds and Transportation funds. The ability to tap into a diversity of funding streams indicates a high level of collaboration and projects that address multiple benefits.

Outside funding sources include grants, partnerships and donations:

- A \$350,000 grant from Oregon State Parks was awarded to the City of Eugene for the Delta Ponds Loop Trail.
- Approximately \$1 million in partner funding comes from the Bethel and 4J School Districts, matching Parks and Recreation contribution. This expenditure will show in the FY21 report.
- Donations are being or will be sought for projects such as the Amazon Trail stretching station, Suzanne Arlie Park trail and the Sports Complex. Learn more about donations at eugene-or.gov/4582.

North Amazon Running Trail



Expenditure Categories

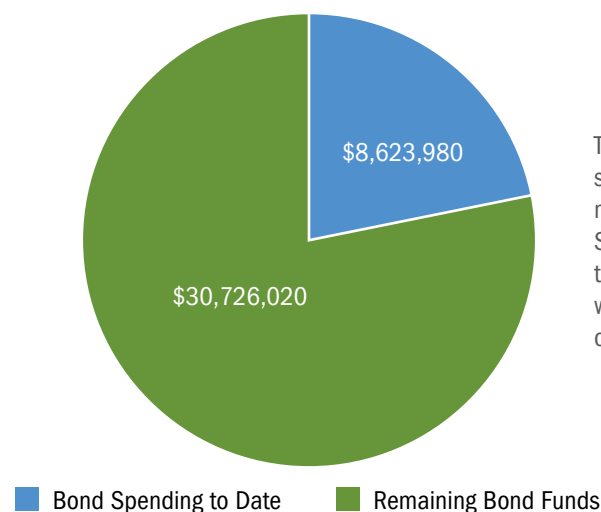
The following table shows all bond project related expenditures organized by category.

- **Materials and Supplies** covers a wide range of expenses from postage to playground equipment.
- **Contractual Services** expenditures include larger payments to architectural and engineering firms for large scale facility or park projects to smaller payments to contractors performing invasive vegetation management.
- **Personnel Expenses** are attributed to staff who are funded through capital project budgets. This includes staff in the Parks and Open Space Division that generally are responsible for community engagement and conceptual project design and staff in Facilities Management and Public Works Engineering that are responsible for detailed construction documents, project management and construction inspection.
- **Construction Expenses** refers to contracted work related to project construction.
- **Utility Expenses** refers to capital expenditures for electrical work related to park lighting projects.
- **Bond Issuance Costs** fees associated with the issuance of bonds by an issuer to investors.

Bond Expense Categories

	FY19	FY20			Total Spending to Date
	Total Spending	Bond Spending	Other Spending	Total Spending	
Materials and Supplies	\$174,630	\$38,859	\$10,518	\$49,377	\$224,007
Contractual Services	\$2,493,307	\$2,930,945	\$3,119,161	\$6,050,106	\$8,543,413
Personnel Expenses	\$878,104	\$640,158	\$988,193	\$1,628,351	\$2,506,455
Construction Expenses	\$48,831	\$3,329,403	\$380,353	\$3,709,756	\$3,758,587
Utilities		\$22,559	\$368	\$22,927	\$22,927
Bond Issuance Costs	\$255,779	\$51,155		\$51,155	\$306,934
Total	\$3,850,651	\$7,013,079	\$4,498,593	\$11,511,672	\$15,362,323

\$39.35 Million Bond Spending to Date (FY19 and FY20)



This pie chart represents bond spending to date, not including matching funds such as Parks SDCs. Of the \$39.35 million total bond, \$8.6 million or 22% was spent in the first two years of project implementation.

Bond Project Expenditures

The following table shows all bond project related expenditures.

Bond Project Expenditures

Project	Total Project Budget	Bond Project Budget	FY19 Total Project Expenses	FY20 Bond Fund Expenses	FY20 Other Fund Expenses	FY20 Total Project Expenses	Total Project Expenses to Date
Park Renovation Projects							
Tugman Park	\$1,000,000	\$750,000	\$269,543	\$232,020	\$19,206	\$251,226	\$520,769
Berkeley Park	\$1,000,000	\$1,000,000	\$50,653	\$54,638	\$16,796	\$71,434	\$122,087
Trails and Habitat Projects							
Amazon Park Running Trail renovation	\$1,535,000	\$750,000	\$72,393	\$300,284	\$127,528	\$427,812	\$500,205
Delta Ponds Loop Trail completion	\$1,350,000	\$480,000	\$117,407	\$175,767	\$79,582	\$255,349	\$372,756
Ridgeline Habitat restoration	\$150,000	\$150,000	\$4,079	\$16,775	\$	\$16,775	\$20,854
Amazon Creek Habitat restoration	\$2,850,000	\$400,000	\$9,111	\$	\$36,978	\$36,978	\$46,089
Safety/Lighting Improvements							
West Bank Path lighting	\$1,000,000	\$1,000,000	\$30,700	\$83,843	\$	\$83,843	\$114,543
Alton Baker Park (Pre's Trail) Lighting	\$750,000	\$750,000	\$	\$29,056	\$13,195	\$42,251	\$42,251
School District Partnerships							
Churchill/YSP Community Center Planning	\$1,200,000	\$1,200,000	\$	\$19,037	\$825	\$19,862	\$19,862
Repairing and Improving Infrastructure							
Restroom Improvements	\$1,500,000	\$1,500,000	\$	\$2,968	\$	\$2,968	\$2,968
Community Centers, Pools & Fields							
Echo Hollow Pool renovation	\$12,248,667	\$7,963,667	\$499,805	\$3,763,423	\$52,195	\$3,815,618	\$4,315,423
Campbell Community Center renovation	\$5,700,000	\$3,850,000	\$562,770	\$2,084,245	\$67,387	\$2,151,632	\$2,714,402
Sheldon Pool renovation	\$10,145,000	\$7,445,000	\$42,330	\$179,345	\$8,337	\$187,682	\$230,012
Sports Complex Phase 1	\$4,000,000	\$775,000	\$	\$19,579	\$1,448	\$21,027	\$21,027
New Park Development							
Striker Field	\$3,500,000	\$267,000	\$87,227	\$740	\$108,904	\$109,644	\$196,871
Riverfront Park	\$14,000,000	\$500,000	\$1,848,855	\$	\$3,966,213	\$3,966,213	\$5,815,068
Bond Issuance Costs							
	\$933,500	\$933,500	\$255,779	\$51,360	\$	\$51,360	\$307,139
Total Spending			\$3,850,651	\$7,013,079	\$4,498,593	\$11,511,672	\$15,362,323

Eugene Parks and Recreation **LEVY REPORT**



Measure 20-288

Five-Year Parks and Recreation Operations and Maintenance Local Option Levy

Shall Eugene levy \$3,150,000 per year for five years beginning July 2018, for parks and recreation facilities operation and maintenance? This measure may cause property taxes to increase more than three percent.

The funds from this levy will be used to improve the cleanliness, safety and general conditions of the City of Eugene's parks, recreation facilities and natural areas. Funding will be directed to the following activities: park safety and security (two police officers, two park ambassadors), illicit activity response (illegal camp clean-up, graffiti removal, vandalism response), general park maintenance (restrooms, litter/trash pick-up, turf mowing, landscape/trees, infrastructure and weekend/after-hours maintenance), habitat and natural area maintenance (invasive weeds, wildfire risk abatement, trails, infrastructure, native plantings), and future park, community center, pool, and field maintenance (phased in over time).

Staff will prepare an annual report on spending that will be reviewed by the Citizen Advisory Board and made available to the City Council and the public. The levy will raise \$3,150,000 each year for five years for a total of \$15,750,000. The typical Eugene taxpayer is estimated to pay an average of \$41 per year over the levy's five-year period. The estimated tax rate for this levy is \$.019/\$1000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate and may reflect the impact of early payment discounts, compression and the collection rate.

Levy Status

Levy funds continue to help us care for the breadth and diversity of Eugene's growing parks and natural areas system in a way that ensures a better experience for the community and a longer and healthier life for the system overall. Building on the foundations laid in the first year of the levy with the hiring of new operations and safety team members and the purchase of new equipment, Parks safety and maintenance continues to improve. With levy funds, Parks has increased public safety presence, improved trails and natural areas, maintained open restrooms and provided a higher level of general maintenance throughout.

The levy also made it possible to add new furnishings such as benches, picnic tables, portable toilets and trash cans throughout the system.



The spending of levy funds is weighted more heavily in the later years to pay for the increased maintenance and operations of bond funded new parks such as the new Downtown Riverfront Park.

COVID-19 Response Strengthened by Levy



The groundwork done to expand operations services and create a stronger safety and outreach team were vital to Parks' ability to respond when the COVID-19 pandemic hit the U.S. in the spring of 2020.

At the onset of the pandemic crisis, the park system saw a tremendous increase in use as people sought mental and physical refuge. Furthermore, following guidance to support shelter-in-place strategies, "no camping" rules were suspended to meet Lane County's health and safety protocols, at the same time as local shelters were forced to reduce capacity. Both the number of campers and overall camps increased quickly, as did associated trash and refuse.

During this period, Park operations staff were able to continue servicing garbage cans and providing other essential custodial services. Park ambassadors and the illicit activity clean up team joined a larger homeless outreach effort by providing people experiencing homelessness with information on COVID-19 transmission and up-to-date social services, basic health screenings, and handing out items such as garbage bags and meals. The team made more than 400 contacts.

By the time the camping ban went back into effect, Parks faced large scale campsites across Eugene, unsanitary conditions, habitat destruction and an unprecedented backlog of calls for service, the majority from neighbors most impacted. When levy-funded park ambassadors, the illicit activity team and park resource officers began the work of addressing camping they started with the sites that had the highest health and sanitation concerns, environmental degradation and community complaints. By the end of July, they had cleaned up 604 camps and collected 360 needles. This work was also supported by Northwest Hazmat.

Projects Completed and Ongoing

Park Safety

- Two dedicated full-time Eugene Police park resource officers were hired to increase park safety and presence.
- Two full-time and two seasonal park ambassadors welcome people to the parks, provide a safety presence, issue 24-hour cleanup notice to illicit camps and remind people of park rules.
- A partnership with DPI security service provides a late-night safety presence in parks.
- The new illicit activity response team remains focused on the cleanup of illicit camping and dumping areas, issuing 24-hour camp cleanup notices and providing quick graffiti abatement throughout the park system.



The new illicit activity response team remains focused on the cleanup of illicit camping and dumping areas.



Preventative tree maintenance at Alton Baker Park

Park Maintenance

- Six restrooms that were previously closed because of past budget reductions or vandalism issues have remained open. These include restrooms at Sladden Park, Monroe Park, Hendricks Park, Sheldon playground and Cal Young Sports Park. In addition, the restroom at Churchill Sports Park remains open on Saturdays and Sundays. This represents a 22 percent increase in available restrooms open for public use.
- Increased maintenance services, including litter and trash pickup and restroom cleanings continue at the increased daily frequency throughout developed parks. This is a 55 percent increase in service level over previous years.
- Four new seasonal positions provided vital late-afternoon and evening summer maintenance service in high-use parks.
- Turf health throughout the park system has improved through best management practices like increasing aeration, over seeding, proper water management and lime and fertilizer applications. There was also a 10 percent increase in mowing.
- Staff are using the new developed park tree inventory created in the first year of the levy to determine priority pruning and hazard tree removals in high-use areas such as playground and pathways.

Trail and Natural Area Maintenance

- Contractors resurfaced more than six miles of walking and running trails and clearing overgrown vegetation along 14 miles of trails, exceeding projections.
- Parks staff continued work to eliminate natural area hazard trees and reduce wildfire risk in natural areas.
- Preventative care in the form of increased maintenance of roads, parking areas, signage and fences in natural areas and future developed park sites was made possible with levy funding.
- New and daily custodial services began in five locations including trailheads, such as Spencer Butte, and in other high use natural areas. Portable toilets were added to six trailheads.



Mid-Elevation Trail at Skinner Butte Park



Looking forward

- The spending of levy funds is weighted more heavily in later years to pay for the increased maintenance and operations of bond funded new parks, community centers, pools, turf fields and natural areas. Parks is preparing to take on the additional work associated with the new Downtown Riverfront Park in FY21.
- Funding for work to mitigate hazardous trees will reduce recovery time during storm events.
- Additional trash receptacles, picnic tables, benches, portable restrooms and pet waste bag dispensers will continue to be added throughout the park system.

Levy Expense Categories

The passing of the \$3.15 million operating levy provided funding for increased service levels throughout the parks and open space system. Levy-funded efforts are also supplemented with additional ongoing park operations dollars from the City of Eugene general fund and stormwater fund. By leveraging levy dollars with other funding sources, it has been possible to increase services to an even higher level.

- **Materials and Supplies** covers a wide range of expenses including, but not limited to, administrative and office supplies, paint and sealers, garbage liners, personnel protective supplies, parts and repair services. These materials and supplies provide support for staff that are providing the additional services that are funded by the levy.
- **Contractual Services** includes tree maintenance, custodial and ecological services, as well as facility and infrastructure repairs. These services are contracted with subject matter experts to ensure efficiency, compliance and safety.
- **Personnel Expenses** is the biggest category of expenditure. These expenses include salary and fringe benefits for regular staff, labor costs for seasonal staff and additional temporary help to support the increase in services being provided.
- **Utilities** is another large expense. Increases in park services result in increases in utilities for additional lighting hours, restroom services and increased watering of turf throughout the entire park system.
- **Infrastructure Maintenance.** These expenditures relate to contractual work that renovates, repairs or maintains existing assets such as trails and paths.

FY20 Budget Plan

Expense Category	FY20 Adopted Budget – levy funds	FY20 Adopted Budget – non levy funds*	Totals
Materials and Supplies	\$560,935	\$1,595,580	\$2,156,515
Contractual Services	\$1,177,734	\$670,592	\$1,848,326
Personnel Expenses	\$1,659,340	\$6,671,318	\$8,330,658
Utilities	\$50,000	\$281,644	\$331,644
TOTAL	\$3,448,009	\$9,219,134	\$12,667,143

* FY20 adopted budget for general park maintenance, trails, natural areas and public safety.

Levy Actual Expenditures

Fiscal year 2020 remained focused on maintaining the increased service levels throughout Eugene's parks and natural areas. This work involved reducing illicit activities, increasing safety, expanded

park maintenance services such as increased garbage pickup and graffiti abatement and improving trails and natural areas.

	General Park Maintenance	Trails and Natural Areas	Public Safety Presence	Recreation Maintenance	Totals
Materials and Supplies	\$329,186	\$127,244	\$88,804	\$9,220	\$554,454
Contractual Services	\$160,244	\$131,421	\$100,534	\$30,880	\$423,078
Personnel Expenses	\$445,217	\$281,818	\$682,522	\$	\$1,409,556
Utilities	\$30,107	\$5,670	\$	\$	\$35,777
Infrastructure Maintenance	\$11,464	\$174,906	\$	\$	\$186,370
Total	\$976,217	\$721,058	\$871,860	\$40,100	\$2,609,235



Park Ambassadors provide information on social services to those experiencing homelessness in the park system.

Parks Survey

During the summer of 2020, the Turell Group, on behalf of the Parks and Open Space Division, completed a survey of area residents to better understand how they view their parks and recent maintenance improvements made possible through the 2018 Levy funding. 2,313 people completed the survey including 27 in a Spanish language version.

People Love Parks

Eugene parks are important to the quality of life of nearly all survey respondents.

- 90 percent of respondents indicated that parks are “extremely” or “very important” to their quality of life and 78 percent are at parks daily or weekly.
- The highest satisfaction levels came from our most frequent users with a nearly two-thirds majority of those who visit parks daily or weekly indicating they find parks “extremely” or “very well-maintained.”

2018 Levy Was Worth It

Residents have noticed significant improvements in parks since the passing of the 2018 operations and maintenance levy.

- 73 percent of respondents feel the levy was “completely” or “mostly worth the expense.”
- They noticed increased care of trees and vegetation, reopened restrooms and more portable toilets, increased trail maintenance and added trash services.
- The top two priorities for existing parks are:
 - Ongoing park maintenance, such as removing litter and garbage, mowing, cleaning restrooms, etc. (63%),
 - Cleaning up homeless encampments in public parks (54%)
- These top two priorities were consistent across all wards except for Southeast Eugene respondents who placed cleaning up homeless encampments as their third priority.



Feelings of Safety Vary

Understanding and improving safety has been a key focus of Parks and Open Space in recent years. The survey showed that park usage and illegal camping were key factors in respondents feelings about safety.

- 45 percent of respondents feel parks are “extremely” or “very safe” and an additional 42 percent feel “moderately safe.”
- People who use the park daily feel the safest, with 51 percent selecting either “extremely” or “very safe.” Those who rarely or never visit parks feel the least safe (25% and 21%, respectively).
- For those that felt safer this year over last, “less illegal campers” was the number one reason at 78 percent.
- A third of park users (32%) feel less safe in parks this year than in the prior year. The primary reasons indicated were illegal camping (74%) and drug use (55%). Parks is unsure what role the increase in parks camping because of COVID-19 precautions played in this answer.

COVID-19 Impacts

The plan to survey residents in the summer of 2020 was in place before the outbreak of COVID-19. Parks and Open Space moved forward with the survey and chose to add a few questions to understand better how the pandemic affected residents feelings about and use of parks.

The survey found that people who use parks frequently, started using them even more and people who used parks less frequently, decreased their use.

Equity in Parks

While the survey did not directly address equity in parks, certain responses will be able to guide work in improving equity in the future. In some instances, residents from different areas of Eugene varied significantly in their responses. For example, the vast majority of illegal camping impacts people living in Eugene’s low-income neighborhoods and this is evident in the survey answers.

Other questions that help us understand equity issues included:

- When asked what prevents you from visiting Eugene parks, those in the Bethel-Danebo area were significantly more likely to select “Concern about my personal safety at parks” (42%) than in Southeast Eugene (23%).
- The River Road/Santa Clara area had a higher number of people who indicated “Lack of parks near my house” (21%).

There is clearly work to be done on the equity front and Parks and Open Space is looking at this information closely. Bond projects such as the new Santa Clara Community Park and Ferndale Neighborhood Park will help move the dial on equity in Eugene parks.

To read the full report please visit bit.ly/parksurvey2020.



Downtown Riverfront Park



1976 Garden Ave.
Eugene, OR 97403
541.342.5161
www.islercpa.com

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

To Craig Carnagey, Public Works Department
City of Eugene
Eugene, Oregon

We have performed the procedures enumerated below, which were agreed to by the City of Eugene ("City"), solely to assist you in connection with the determination of whether expenditure of the 2018 general obligation bond funds approved for issuance through voter's approval of Ballot Measure 20-289 were expended in accordance with the purposes and limitations outlined in City Council Resolution No. 5221; namely that such expenditures were: a) used only for costs related to park renovation projects, trail and habitat projects, safety improvements, infrastructure improvements, school district partnerships, recreation and pool facility projects, and new park development. A specific list of these projects is included in resolution 5221. Management is responsible for the accounting records pertaining to the use of the bond proceeds. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The City provided the following documents and information in connection with our agreed-upon procedures testing:

- An Excel spreadsheet detailing all charges allocated and/or invoices received by the City for expenditures related to the use of the bond proceeds,
- Copies of Resolution No. 5221 and 5238 and Ballot Measure 20-289,
- Copies of bids and contracts issued by the City for any projects to be completed using the bond proceeds,
- Copies of supporting documentation including, but not limited to, invoices, cancelled checks, payroll records, certifications of payments and bank statements; and,
- Copies of the City's general ledger detail for the bond fund accounts.

The procedures we performed and the related findings are as follows:

- (1) *Expenditure testing.* From July 1, 2019 through June 30, 2020, total expenditures for the projects funded by the 2018 bond proceeds were \$7,013,078 per the City's general ledger. We tested \$3,895,082 or 55.54% of the total expenditures. All tested expenditures were supported by appropriate documentation such as vendor invoices, certifications of payment, payroll records, signed contracts, and photographs of the work in progress. All tested expenditures were recorded in the proper account, fund and period and were spent on park projects included in resolution 5221. No exceptions were noted.

- (2) We reviewed bids and contracts related to the only new construction project during 2020. We noted the bidding and contracting process for the project complied with the City's procurement policies and procedures.
- (3) We recalculated the amount of unissued bond funds as well as the amount remaining from issued bonds. The following is a summary of the 2020 bond proceeds and project expenditures from inception of the Park Bond projects to June 30, 2020:

As of July 1, 2019, the City had \$29,198,667 outstanding on the park bonds. During the fiscal year, the City spent \$7,013,078 in park related costs and paid \$1,410,000 in principal. At June 30 2020, the City had \$9,501,333 in authorized bonds yet to be issued and \$21,353,680 in funds that have been issued, but not spent on eligible projects. At June 30, 2020, the City had \$27,788,667 outstanding on the park bonds.

Based on our limited testing, we noted that the City followed the purpose and limitation of the City Council Resolution 5221.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion on the financial records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Public Works Department of the City of Eugene, and is not intended to be and should not be used by anyone other than the Public Works Department of the City of Eugene.

Isler CPA



Eugene, Oregon
January 26, 2021

Memorandum

Date: March 2, 2021

To: Sarah Medary, City Manager

From: Parks and Recreation Advisory Board

Subject: FY20 Eugene Parks and Recreation Bond and Levy Annual Report

2020 was a year like no other. The COVID-19 pandemic forced all of us into a world of isolation, fear, instability, and economic downturn. As we all grappled to adjust to this new reality, parks and recreation emerged as a vital component to our personal and collective health and wellness. During this critical time, the Parks and Open Space and Recreation Divisions lost no time rethinking how to keep staff safe while providing essential services to the community. They embraced flexibility and innovation as the usage of parks surged and new demands were put on staff:

- Public information campaigns were launched to keep patrons safe and encourage healthy behaviors.
- The ongoing daily work of keeping parks safe, clean and green continued.
- Recreation programming pivoted to virtual connections, welfare checks, and critical child-care services.
- Continual shifts in state-wide recreation mandates were monitored and implemented across the system.
- Shelter-in-place homeless camping protocols were enacted and continue to evolve as the City strives to meet the needs of the homeless and of park patrons and adjacent neighborhoods.
- Capital construction projects moved forward as scheduled, creating economic stability for many individuals in the construction industry. According to one economic model, 291 jobs can be attributed to Parks and Recreation bond-funded capital projects in 2020.

Unfortunately, the general fund and targeted funds that support parks and recreation maintenance and operations have seen down turns as a result of this pandemic that are likely to last for several years. It is now clearer than ever just how wise Eugene voters were when they overwhelmingly approved a capital bond and 5-year operating levy in 2018. Every one of those dollars are needed to keep the system running and to support our community's recovery.

Promises Made-

On May 15, 2018, Eugene voted "yes" to re-investing in Eugene's Parks and Recreation system with a \$39.35 million bond and a five-year \$3.15 million operating levy. With this vote, residents are expecting to see improvements in several areas:

- Improved routine maintenance of developed parks, natural areas and trails
- Increased safety and security and reduced illicit activity throughout the park system
- Renovations of a community center, pools, athletic facilities, parks, trails and natural areas
- New park, trail and sportsfield development in underserved areas
- New and/or improved infrastructure including irrigation, restrooms and lighting

Promises Kept-

With two years of bond and levy implementation complete and despite a world-wide pandemic, progress continues throughout the system. A survey conducted during the summer of 2020 shows that 73 percent of respondents feel the levy was completely or mostly worth the expense. The attached report provides additional survey results as well as information on bond and levy-related progress and expenditures for FY20.

It is the responsibility of the Parks and Recreation Advisory Board to annually review the Parks and Recreation levy and bond expenditures to ensure accountability and transparency. ***Based on the Board's review of materials presented, we unanimously conclude that the bond and levy funds were used for the authorized purposes and in compliance with the Ballot Measures 20-288 and 20-289 and Council Resolutions 5220 and 5221.***

Looking to the Future-

The vision for parks and recreation in Eugene is a system of beautiful, inspiring places that foster personal, community and environmental health while upholding four core principles:

- Care for and make the most of what we have
- Serve the entire community
- Create more connections
- Build better partnerships

Despite these challenging times, Parks and Recreation continue to look to the future. The activities and projects that are funded through the Parks and Recreation Bond and Levy are not only keeping the promise of addressing the challenges of today, but they are making great progress towards achieving the community's vision for tomorrow.

Parks and Recreation Advisory Board Members

Richard Maher, Chair

Jill Fetherstonhaugh

Rayna Jackson

Dr. Rick Kincade

Molly Rodgers

Scott Sanders

Whitney Wagoner



**CITY OF EUGENE
PARKS AND OPEN SPACES
SURVEY RESULTS**

August 2020

INTRODUCTION AND METHODOLOGY

Between July 1 and August 7, 2020, the Turell Group surveyed residents of the City of Eugene on behalf of the Parks and Open Spaces department. The survey was designed to understand the residents of Eugene's enjoyment of parks, and how changes to park maintenance funded by the 2018 levy affected perceptions, use, and attitudes of parks and open spaces among Eugene residents.

Research Methodology

Between July 1 and August 7, 2020, the Turell Group conducted an online survey of users of Eugene parks and natural areas. The survey was promoted in City of Eugene printed and emailed newsletters and in City of Eugene social media. The survey took an average of 7 minutes to complete.

Participants of the English version could elect to participate in a drawing for an REI gift card. Those completing the survey in Spanish could elect to participate in a drawing for a gift card to Safeway. The drawing was completed by the Turell Group, and awarded by the Parks and Open Space division.

All survey questions were analyzed for correlation with frequency of park usage, age, gender, race/ethnicity, area of residence, and if children reside in the home.

Limitations

Any sampling of opinions or attitudes is subject to a margin of error. The margin of sampling error is to represent the difference between the sample and the entire population. For this study, the sampling error is +/- 2% at a 95% confidence interval. This means there is a 95% probability that the sample taken for this study falls within this margin of error if all parks users were able to be surveyed. Due to rounding, some percentages do not add up to 100%, and in the annotated questionnaire provided in the appendix, results may add up to 99% or 101% due to rounding.

Participants were self-selected and may not be a representative sample of Eugene residents or Eugene voters. For example, 4% of respondents indicated they rarely or never visit parks. In a randomized, controlled survey taken in 2015, DHM Research found that 12% of Eugene residents rarely or never visit parks. Generalizing these results to the Eugene public without adjustments may yield inaccurate results.

Turell Group

Turell Group is a Eugene, Oregon, full service marketing and communications agency, including independent research. The agency staff have been providing unbiased services for over two decades. The agency is non-partisan, independent, and specializes in supporting organizations located within Oregon.

INTRODUCTION AND METHODOLOGY	2
SUMMARY	4
KEY FINDINGS	6
Use of Parks	6
Frequency	6
COVID-19	7
Use of Parks in Different Areas	8
Activities at Parks	9
Barriers to Use	10
Importance of Parks	13
Perceptions of Parks	15
Park Cleanliness	15
Park Safety	17
Changes in Sense of Safety	18
Park Maintenance	20
Desired Improvements	22
Funding & Approval	23
Levy Changes	23
Operating Priorities	24
Importance of Funding	25
Parks Approval Level	26
Desired Improvements	27
Feedback for Parks and Open Spaces Division	27
Demographic Differences	28
APPENDIX	30
Survey questions and responses	30

SUMMARY

In 2018, voters in Eugene, Oregon, passed a levy that directed funds to the Parks and Open Space division to improve maintenance and operations. To understand how park users are responding to these improvements, and to understand how residents of Eugene feel about their parks, the division hired Turell Group, a Eugene-based agency, to evaluate the perceptions of Eugene parks and natural areas.

Between July 1 and August 7, 2020, 2,313 people participated in an online survey. Of the respondents, 27 completed the survey in a Spanish language version of the survey.

Importance of Parks

Eugene parks are tremendously important for the quality of life of nearly all respondents. Ninety percent of survey respondents expressed parks are extremely (64%) or very (26%) important. This value of parks is consistent across

90%
*of respondents indicate
parks are important to their
quality of life*

Frequency and Use

Most respondents (78%) visit parks at least weekly, and nearly all (90%) visit parks at least monthly. The top three activities conducted in parks for utilizing parks and natural areas are enjoying nature, utilizing trails, and exercising.

At the time this survey was conducted, the greatest barrier to their enjoyment of parks was

78%
*of respondents are at
parks daily or weekly*

challenges maintaining a safe distance from others at parks, concerns for personal safety, and a lack of time.

Since March 2020, during COVID-19 safety measures, park use by the majority of people has decreased.

Perceptions and Satisfaction

Most respondents have a high satisfaction with Eugene parks: nearly two thirds (60%) feel the parks are extremely or very well maintained, and over half (53%) report they are extremely or very clean.

Considering safety, people are mixed in their feelings of safety, with 45% indicating parks feel extremely or very safe, while 42% feel moderately safe. Those identifying as male feel safer (50%) than those identifying as non-binary/another identity (47%), and safer than those identifying as female (42%). Primary safety concerns centering around illegal camping, litter and evidence of drug use.

People would like to see improvements with restrooms, litter pick-up and garbage removal.

60%
*of respondents indicate parks
are extremely or very well
maintained*

53%
*report parks are extremely or
very clean*

45%
*feel parks are extremely or
very safe*

The top three priorities for funding are ongoing maintenance, cleaning up homeless encampments in parks, and maintaining hiking and biking trails.

Nearly three-fourths (73%) of respondents strongly or somewhat approve of how parks and open spaces are currently maintained.

Parks Funding and Levy Changes

Funding parks is extremely or very important to nearly all (90%) survey participants.

73%
*indicate changes funded
by the 2018 levy are worth
the additional expense*

In addition, about three-fourths (73%) of participants indicate the increased safety and maintenance provided by the 2018 levy is worth the additional expense.

The most frequently observed improvements made possible by the levy are the increased care of trees and vegetation, removing invasive plants, and planting native plants where appropriate, the reopening of restrooms and additional portable toilets, and increased trail maintenance.

Concerns and Feedback

Those who wrote in what improvements they would like to see in Eugene parks most commonly discussed concerns about illegal camping. Messages shared as feedback about Eugene Parks and Open Space most commonly expressed appreciation for the work done by the department and how much parks are valued and enjoyed.

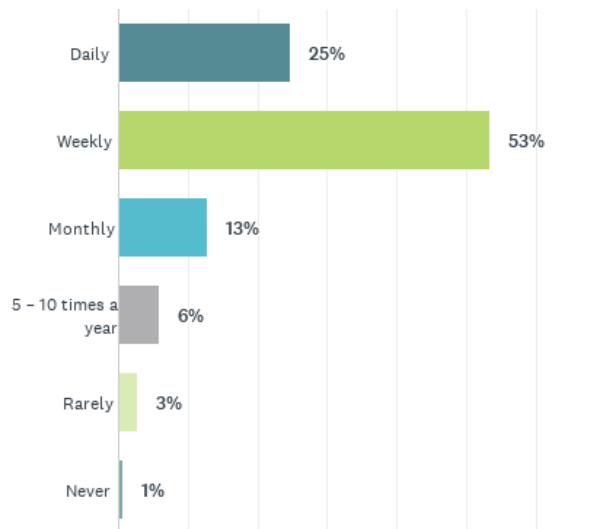
KEY FINDINGS

USE OF PARKS

FREQUENCY

Survey participants are at parks frequently. Most survey participants typically visit a park either weekly (53%) or daily (25%). This combines for a high-frequency use of parks of 78%. Eliminating those who do not live in Eugene, this high-frequency rate rises to 82%.

Typically, how frequently do you visit a park in Eugene?

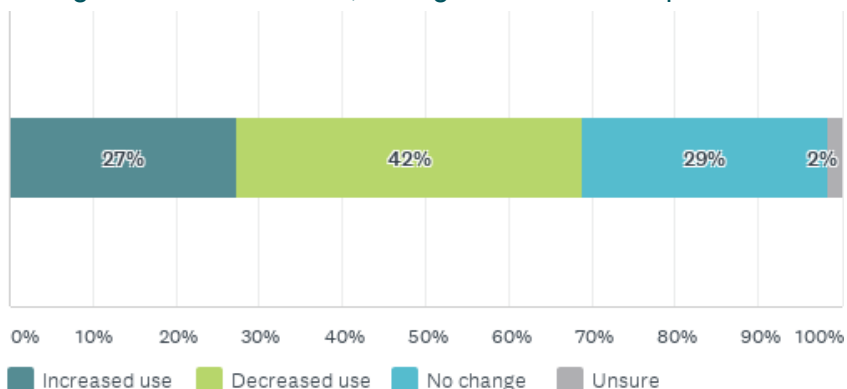


- People who identify as non-binary or another gender identity report going to parks at the highest daily rate (41%). The next highest gender identity is males (31%), followed by those identifying as female (22%).
- The age group who are at the parks the most (daily and weekly combined) are those aged 36-45 years (82%).
- Households with children ages 0-11 visit parks weekly at a higher rate (59%) than the average survey response.
- People living in City Central and Southeast Eugene are at parks daily or weekly or more frequently at a higher rate than the rest of Eugene. The responses of visiting parks daily or weekly by area of residence are:
 - City Central (88%)
 - Southeast Eugene (87%)
 - Southwest Eugene (80%)
 - Willakenzie/Northeast Eugene (79%)
 - Bethel-Danebo (75%)
 - River Road/Santa Clara (74%)
 - I don't live in any of these areas (52%)

COVID-19

During COVID-19 safety measures beginning in March 2020, most participants reported using parks less frequently, with 42% indicating a decrease in use, 27% increasing use, and 29% indicating no change.

How has your use of Eugene parks and natural areas changed after March 2020, during the COVID-19 epidemic?



These changes correlate significantly with how frequently an individual reported visiting a park.

- Those who use the park daily increased (37%) or didn't change (37%) their usage, while less frequent users decreased their use.
- Those who rarely or never visit parks experienced the least change (56%, 64% respectively), or in other words, they continued to not use parks.

How has your use of Eugene parks and natural areas changed after March 2020, during the COVID-19 epidemic?

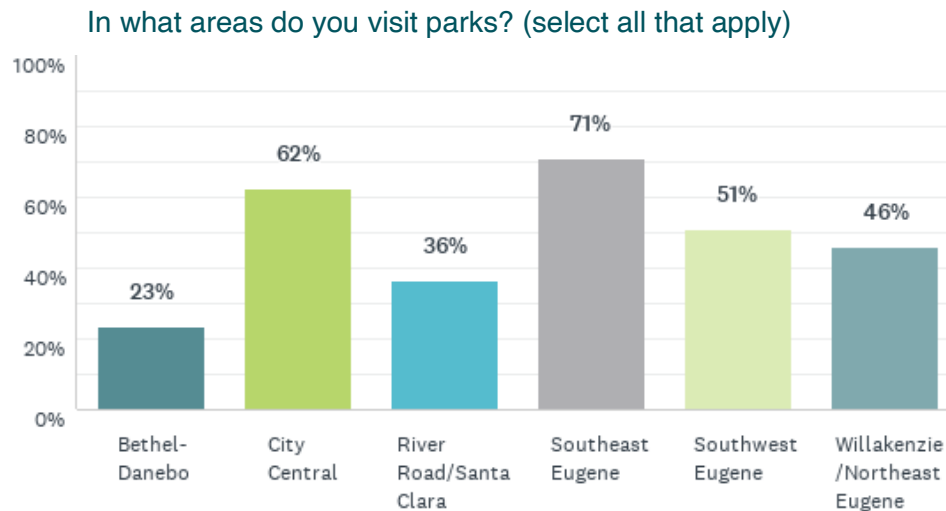
Typically, how frequently do you visit a park in Eugene?

	Increased	Decreased	No Change	Unsure
Daily	37%	24%	37%	1%
Weekly	28%	43%	27%	1%
Monthly	17%	61%	20%	2%
5 – 10 times a year	9%	68%	23%	0%
Rarely	6%	25%	56%	13%
Never	7%	14%	64%	14%

- Those whose use increased during this time also are those for whom parks are extremely or very important. The smaller the increase of use at this time correlates with the less the individual values parks.
- Those aged 18-25 reported the highest increased use during COVID-19 (39%), and those aged 36-35 reported the most decrease use (50%). Respondents aged 66 and older had the most indicating no change (37%).

USE OF PARKS IN DIFFERENT AREAS

People are most frequently visiting parks in the Southeast Eugene area (71%) and the City Central area (62%).



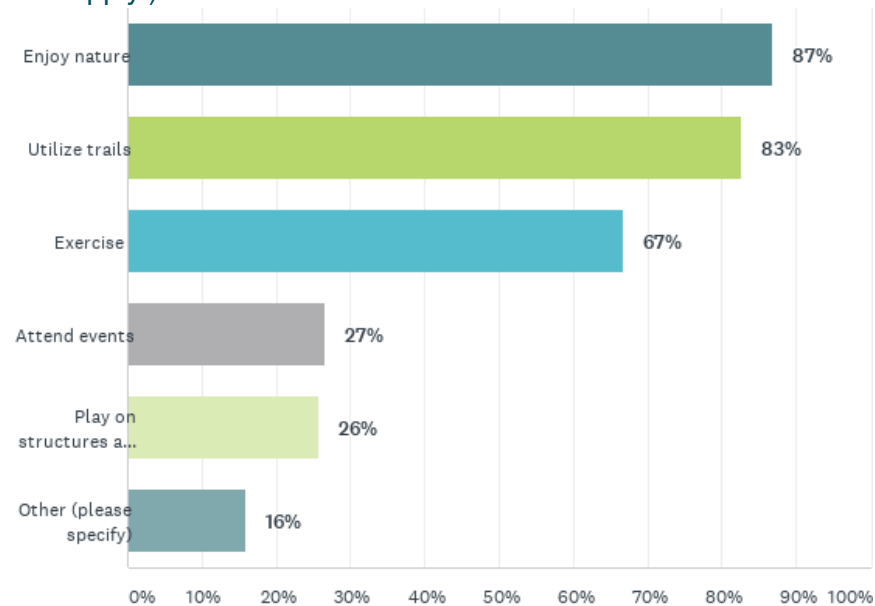
- Nearly all respondents visit parks in the area in which they live.
- Those who don't live in Eugene are also typically visiting parks in City Central and Southeast Eugene.

		In what areas do you visit parks?					
		Bethel- Danebo	City Central	River Road/ Santa Clara	Southeast Eugene	Southwest Eugene	Willakenzie / Northeast
In what area do you live?	Bethel-Danebo	89%	43%	51%	41%	43%	30%
	City Central	19%	96%	37%	73%	50%	44%
	River Road/ Santa Clara	26%	53%	88%	48%	42%	39%
	Southeast Eugene	13%	59%	19%	98%	45%	37%
	Southwest Eugene	21%	61%	29%	69%	93%	31%
	Willakenzie/ Northeast Eugene	13%	54%	32%	58%	31%	93%
	I don't live in these areas	23%	59%	33%	64%	49%	51%

ACTIVITIES AT PARKS

Eugene parks and open spaces are used primarily to *Enjoy nature* (87%), *Utilize trails* (83%) and to *Exercise* (67%). Typical *Other* write-in responses included activities with dogs (walking dog, dog parks, etc.) (104 mentions), socializing from a safe distance, disc golf, biking, picnics, walking, volunteering, taking photos, and bird watching.

In what activities do you participate at Eugene parks? (Select all that apply.)



- *Playing on structures and open areas* is significantly different between those who identify as female and male, with 29% of individuals identifying as female selecting this option in contrast to 18% of males. No significant difference is present with other gender identities. Those aged 36-45 years are most selected *Play on structures and in open areas* (48%).
- Those who most *Attend events* are aged 36-45 years (31%) and 46-55 years (33%) are those in parks to attend events. Evaluating by frequency, people who are in parks 5 -10 times per year (38%) are most likely to indicate they *Attend events*.

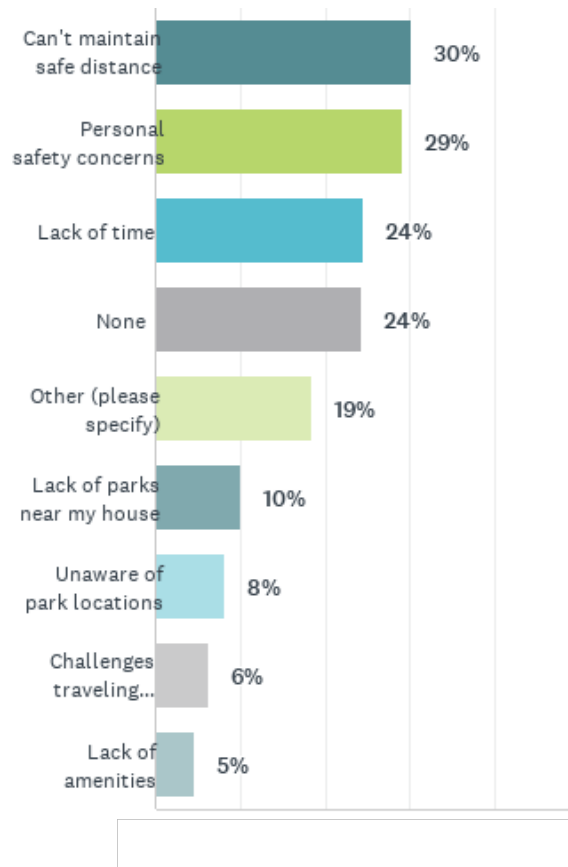
In what activities do you participate at Eugene parks? (Select all that apply.)

Typically, how frequently do you visit a park in Eugene?	In what activities do you participate at Eugene parks? (Select all that apply.)					
	Exercise	Enjoy Nature	Play on structures and in open areas	Utilize Trails	Attend Events	Other (Please specify)
Daily	77%	86%	24%	86%	23%	22%
Weekly	69%	89%	28%	87%	26%	15%
Monthly	59%	89%	25%	77%	30%	8%
5 – 10 times a year	47%	85%	20%	68%	38%	15%
Rarely	27%	61%	11%	50%	30%	11%
Never	21%	43%	21%	7%	21%	43%

BARRIERS TO USE

When asked what, if anything, prevents the respondent from visiting Eugene parks, the most frequently selected answers were *Unable to maintain safe distance from others* (30%), *Concern about personal safety* (29%), and *Lack of time* (25%). Write-in responses discussed indicated concerns related to the 2020 pandemic, personal safety concerns created by anti-social behavior, evidence of drug use such as needles, and restroom needs.

What, if anything, prevents you from visiting Eugene parks? (Select all that apply.)



- The third most selected barrier, *Lack of time*, is strongest among the youngest respondents, aged 18-25 (38%), and this barrier decreases incrementally as the respondents age: younger people report having less time than older people. For those aged 66 and older, selecting *Lack of time* as a barrier decreases to 10%. In its place, each subsequently older population segment selected *None* as a barrier to enjoying parks. Specifically, 16% of those aged 18-25 selected *None*, whereas 41% of those aged 66 and older selected *None*.
- For those aged 18-25, being *Unaware of park locations* emerged as a notable barrier for many (21%), along with a *Lack of parks near my house* (17%). Lack of park locations and lack of awareness of locations decreases by age of the respondents, with those aged over 46 years selecting this only between 4% and 5% of the time.

- *Challenges/concerns about traveling to/from parks* is another concern of younger participants 18-25 (12%).
- When evaluated for gender identity, *Concern about my personal safety at parks* varies significantly, with people identifying as non-binary and another gender identity selecting this the most frequently at 33%, identifying as females at 31%, and males selecting this option 24%.
- Looking at responses by area, those in the Bethel-Danebo area were significantly more likely to select *Concern about my personal safety at parks* (42%). This is significantly different from the Southeast Eugene area (23%). The River Road area had a significantly higher number who indicated a *Lack of parks near my house* (21%). The Southeast Eugene area had the most residents indicating that no barrier (*None*) prevented them from enjoying parks.

		In which area do you live?					
		Bethel-Danebo	City Central	River Road/Santa Clara	Southeast Eugene	Southwest Eugene	Willakenzie /Northeast
What, if anything, prevents you from visiting Eugene parks? (Select all that apply.)	Unaware of park locations	13%	10%	7%	5%	9%	9%
	Lack of parks near my house	13%	6%	21%	4%	12%	12%
	Lack of amenities, such as playground equipment	9%	2%	8%	2%	6%	5%
	Lack of time	19%	26%	24%	22%	26%	23%
	Challenges/concerns about traveling to/from parks	10%	8%	7%	4%	6%	5%
	Concern about my personal safety at parks	42%	31%	33%	23%	32%	28%
	Unable to maintain safe distance from others	27%	31%	29%	32%	36%	26%
	None	19%	22%	18%	31%	23%	27%
	Other (please specify)	21%	20%	19%	20%	18%	19%

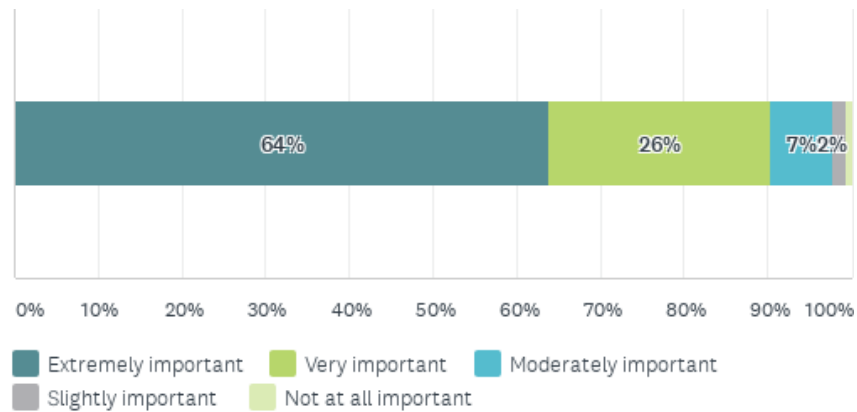
- Considering this question by race/ethnicity, the one notable difference is the high concern of those identifying as Asian American for their inability to *Maintain safe distance from others* (48%).

- People with children in the home were significantly more likely to select *Lack of amenities, such as playground equipment* (10% compared to 2% for those without children).
- Looking at responses by frequency of park use, those who are in parks monthly and 5 – 10 times per year selected *Lack of time* as their primary reason (37% and 27% respectively).
- Those who are in the park rarely expressed *Concern about my personal safety at parks* (41%) as their primary barrier.
- People who are never in parks primarily selected *Concern about my personal safety at parks*, *Unaware of park locations*, and *Lack of time* (29% each).

IMPORTANCE OF PARKS

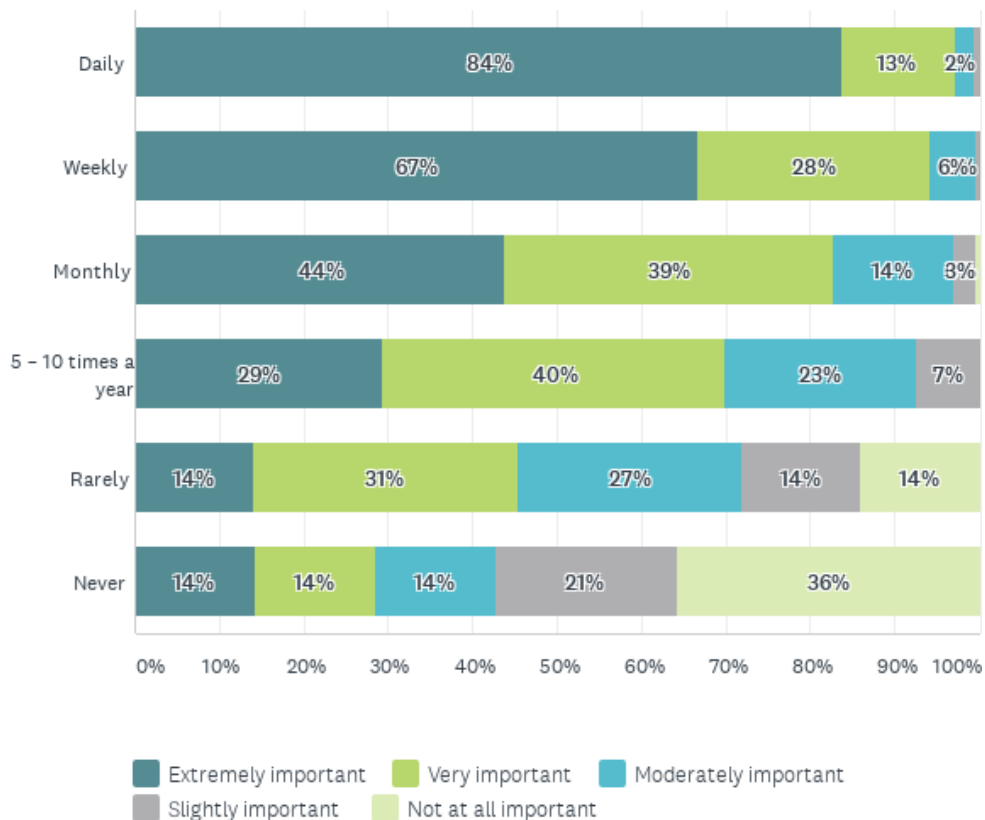
Eugene parks are tremendously important to nearly all respondents. About two-thirds (64%) indicate parks are *Extremely important*, and a quarter (26%) indicate parks are *Very important*.

How important or unimportant are Eugene parks to your quality of life?



- A significant correlation exists between how frequently a respondent visits a park and the importance of parks. This ranges from those who visit daily (97% selected *Extremely* or *Very important*), to those who visit rarely (45%) or never (29%).

How important or unimportant are Eugene parks to your quality of life?



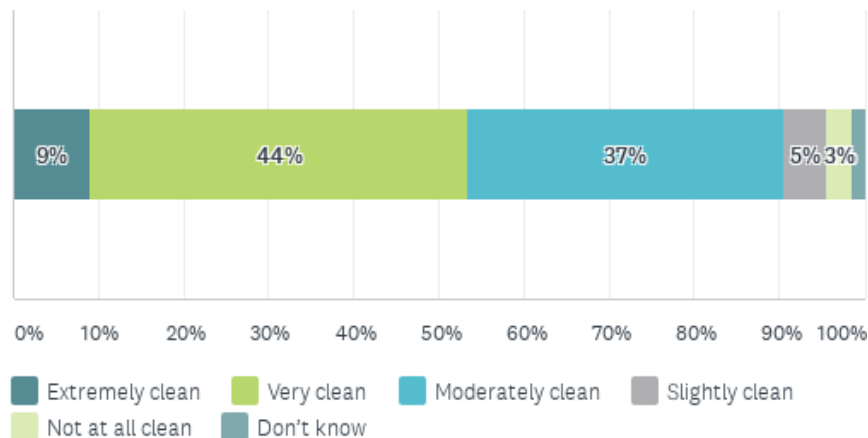
- Younger respondents, age 18-25, are the least likely to indicate that parks are extremely important (48%) and are most likely to indicate they are moderately important (11%), slightly important (4%), or not important at all (2%).

PERCEPTIONS OF PARKS

PARK CLEANLINESS

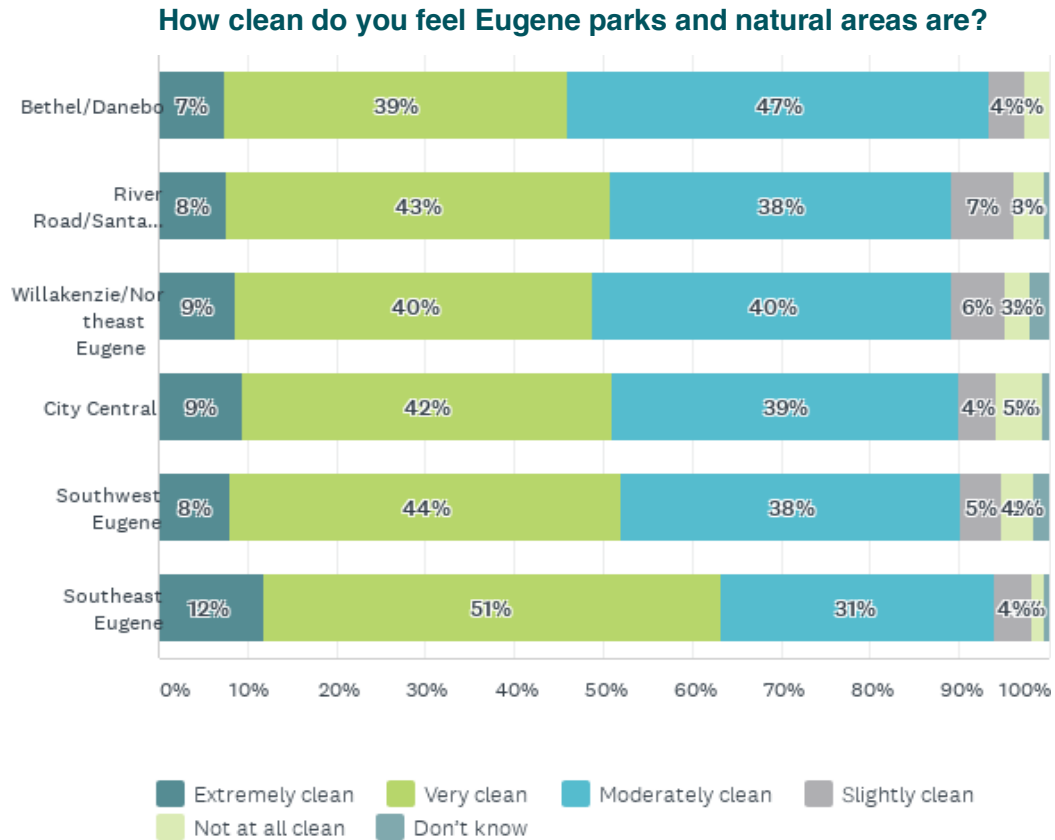
A little over half of the respondents indicated that parks and natural areas are *Extremely* or *Very clean* (53%), and 37% indicated parks are *Moderately clean*.

How clean do you feel Eugene parks and natural areas are?



- People with children in the home indicate the parks are *Extremely* or *Very clean* at a lower rate than the total survey segment (48%). Those who do not have children in the home feel parks as cleaner than those with children, with 56% of those without children selecting *Extremely* or *Very clean*. Those without children selected these options 48% of the time, and 41% indicated that parks are *Moderately clean*.
- When evaluated by frequency of use, those who rarely or never go to parks are least likely to indicate that parks are *Extremely* or *Very clean* (30%, 21%, respectively).
- As participant age increases, so does their belief that parks are cleaner. Those aged 66 and older feel the parks are *Extremely clean* at a significantly higher rate (18%), and only 29% selected *Moderately clean*. The youngest participants were overall less satisfied with park cleanliness, with 50% indicating parks are only *Moderately clean*, and only 43% indicating parks are *Extremely* or *Very clean*.
- Those living in Southeast Eugene rated cleanliness significantly higher than any other area, with a combined *Extremely* and *Very clean* rate of 63%.

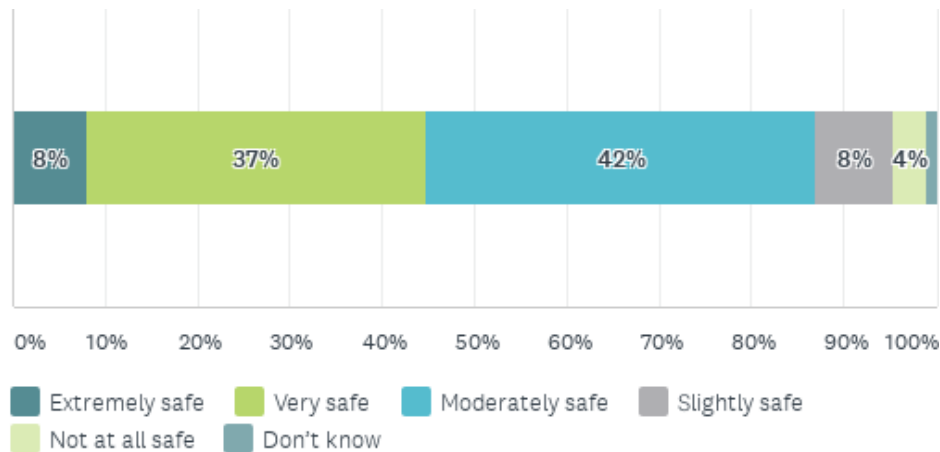
- The Bethel-Danebo area is the most likely to select that parks are *Moderately clean* (47%).



PARK SAFETY

Most people feel parks are *Extremely safe* (8%) and *Very safe* (37%) for a combined positive sentiment of 45%, followed very closely by those who feel it is *Moderately safe* (42%).

How safe do you feel Eugene parks and natural areas are? (For example, lighting, equipment conditions, personal safety.)

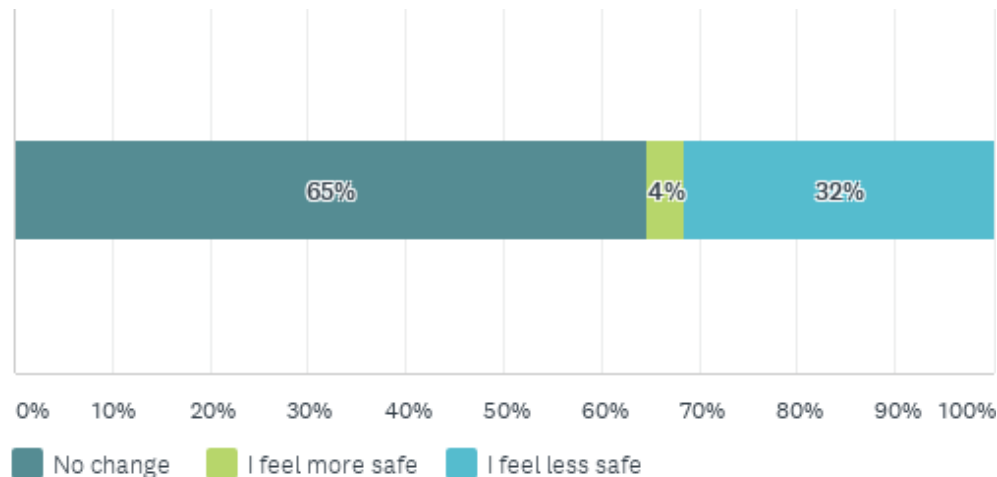


- Residents of Southeast Eugene feel the safest, with 56% selecting either *Extremely* or *Very safe*. The areas of Eugene, in descending order, who indicated parks are *Extremely* or *Very safe* are as follows:
 - Southeast Eugene (56%)
 - Southwest Eugene (47%),
 - City Central and Willakenzie/Northeast Eugene (41% each), and
 - River Road/Santa Clara and Bethel-Danebo (37% each).
- People who use the park daily feel the safest, with 51% selecting either *Extremely* or *Very safe*. Those who rarely or never visit parks feel the least safe (25% and 21%, respectively).
- Those who identify as male feel the safest, with 50% indicating they feel *Extremely* or *Very safe*. This rate decreases to 47% of those with a non-binary or another gender identity and to 42% for females.
- People with young children (0-5) feel parks feel less safe than those with older children or those without children. Of those with young children, 40% indicate parks are *Extremely* or *Very safe*, and 48% selected *Moderately safe*.
- The sense of safety increases as the age of participants rises. People 66 and older feel parks are *Extremely* (12%), *Very safe* (44%), *Moderately safe* (36%). In contrast, those 18-25 feel parks feel *Extremely* (6%), *Very safe* (34%), or *Moderately safe* (48%).

CHANGES IN SENSE OF SAFETY

Most people indicate their sense of safety has not changed in the past year (65%). About a third (32%) indicate they feel less safe, and a small percent (4%) feel more safe.

How has your sense of safety at parks and natural areas changed in the past year?



No Change in Safety

Most respondents (65%) indicated their sense of safety has not changed in the past year.

- Those living in the Southeast Eugene area were most likely to indicate no change in their sense of safety (69%) in the past year. Residents of Southwest Eugene selected this option at the lowest rate (61%). The difference between Southeast and Southwest Eugene is statistically significant.
- When asked what safety concerns these participants have seen in parks, most selected *Illegal campers* and *Litter* (56% each). For a full list of what respondents reported seeing, see the Appendix where all responses are reported. Considering area of residence, *Evidence of drug use* is significantly stronger in the Bethel-Danebo, City Central (44% each) and River Road/Santa Clara (40%) areas.

More Safe

This smallest number of respondents indicate they feel safer in the past year (4%). This group is comprised nearly entirely (95%) by individuals who visit parks daily or weekly. *More safe* is selected by all age groups, areas of residence, and gender identities.

- When these individuals were asked why they feel safer, and *Fewer illegal campers* was the predominant reason (45%).

Less Safe

Nearly a third indicated they feel less safe in the last year (32%).

- The top two identified factors contributing to this declined sense of safety were *Illegal campers* (74%), and *Drug use* (55%). For a full list of how respondents answered, see the Appendix, page 32.
- Residents in Southwest Eugene and River Road/Santa Clara residents chose this option the most (36% each). Residents of Southeast Eugene chose this option the least frequently, with only 27% indicating they feel less safe in the last year (average is 32%).
- Differences by area of residence emerged that are notable:
 - *Illegal campers* was selected as a concern for 80% of most areas, with the exception of Southeast Eugene (67%) and City Central (66%).
 - *Crime* was selected by 60% of Bethel-Danebo residents, but only 29% of those in Southeast Eugene (29%).
 - The primary concern for Southeast Eugene (50%) was *Hard to maintain a safe distance*. This was of least concern to those in the Bethel-Danebo areas (25%).
- People who indicated they feel less safe in the past year were given two additional options to attribute their decreased sense of safety, which were not offered to those who reported no change to their sense of safety or feeling more safe. The first, *Hard to maintain a safe distance* (selected by 38%), is unique (we hope) to this time period of the COVID-19 pandemic. The second, *My race* (selected by 4%) was included to better understand how people's race contributes to a compromised sense of safety.

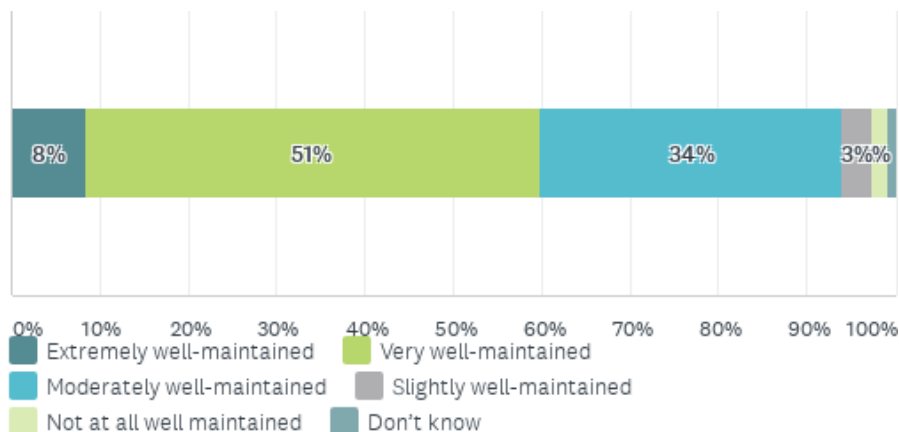
The number of people who indicated that their race contributes to the sense of not feeling safe, followed by what percent this is of the people who chose this option are as follows:

- African American: 4 (19%)
- Asian American: 8 (14%)
- Hispanic/Latinx: 9 (10%)
- White/Caucasian: 1 (0%)

PARK MAINTENANCE

About two thirds of respondents feel Eugene parks and natural areas are *Extremely* or *Very well maintained* (60%).

How well-maintained do you feel Eugene parks and natural areas are?



- Older people, aged 66 and older were significantly more likely to indicate parks are *Extremely* or *Very well maintained* (68%) than other age groups.
- Residents of Southeast Eugene rated maintenance more highly than other areas, with a combined extremely and very well maintained response of 70%, whereas the Bethel-Danebo residents area gave this high rating the least frequently, with a combined high rating of 52%.

How well-maintained do you feel Eugene parks and natural areas are?

	Extremely well maintained	Very well maintained	Moderately well maintained	Slightly well maintained	Not at all well maintained	Don't know
Bethel-Danebo	7%	45%	42%	5%	1%	1%
City Central	9%	49%	34%	4%	4%	0%
River Road/ Santa Clara	9%	52%	34%	4%	1%	0%
Southeast Eugene	11%	59%	27%	2%	1%	0%
Southwest Eugene	7%	51%	37%	2%	2%	1%
Willakenzie/ Northeast Eugene	8%	47%	38%	5%	1%	1%
I don't live in any of these areas	6%	48%	37%	5%	1%	3%

- Those who visit parks in the Bethel-Danebo area were significantly more likely to indicate parks are only *Moderately well maintained* (37%) than those who go to parks in in Southeast

Eugene (32%). Note, the survey did not request a response for each area, this just shows how people who go to parks in different areas responded to this question.

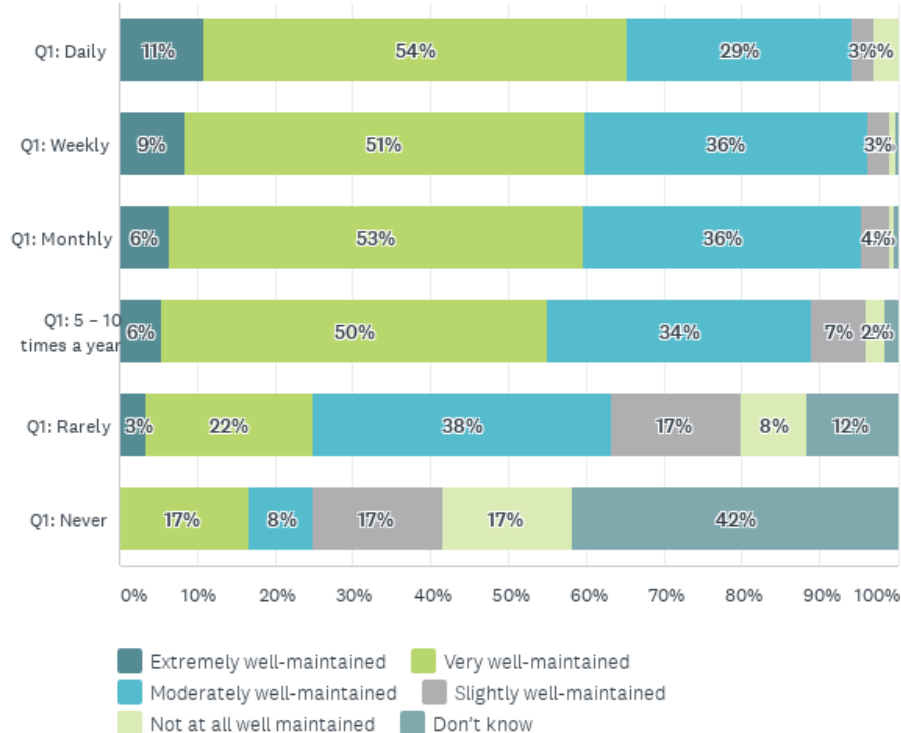
In what areas do you visit parks?
(Select all that apply)

How well-maintained do you feel Eugene parks and natural areas are?

	Extremely well maintained	Very well maintained	Moderately well maintained	Slightly well maintained	Not at all well maintained	Don't know
Bethel-Danebo	8%	48%	37%	4%	2%	1%
City Central	9%	51%	34%	3%	2%	0%
River Road/Santa Clara	9%	50%	35%	4%	2%	1%
Southeast Eugene	9%	55%	32%	3%	1%	0%
Southwest Eugene	9%	51%	34%	3%	2%	1%
Willakenzie/Northeast Eugene	8%	50%	35%	4%	2%	1%

- The more frequently people go to a park, the more frequently they selected *Extremely well maintained*. As frequency declines, the selection of *Extremely well maintained* declines.

How well-maintained do you feel Eugene parks and natural areas are?



DESIRED IMPROVEMENTS

Considering what, if anything, participants would like to see improved, 45% indicated *Restrooms*, 40% *Litter pick up*, and 34% *Garbage removal*. A complete list of how respondents ranked improvements is included in the Appendix, page 33.

- Evaluating different responses by age show that *Lighting*, *Signage* and *Sports Fields* are a higher priority for younger people (18-25) than for those who are older.
- The following table shows differences when considering the data by area of residence.

In what area do you live?		Top priority	Second priority	Third priority
	Bethel-Danebo	Restrooms (53%)	Litter Pick Up (37%)	Dog waste Clean-up (29%) Garbage Removal (28%)
	City Central	Litter Pick Up (50%)	Restrooms (45%)	Garbage Removal (41%)
	River Road/Santa Clara	Restrooms (48%)	Litter Pick Up (42%)	Garbage Removal (28%)
	Southeast Eugene	Restrooms (45%)	Litter Pick Up (37%)	Garbage Removal (32%)
	Southwest Eugene	Restrooms (45%)	Litter Pick Up (38%)	Garbage Removal (37%)
	Willakenzie/	Restrooms (45%)	Litter Pick Up (41%)	Garbage Removal (35%)
	Northeast Eugene			

FUNDING & APPROVAL

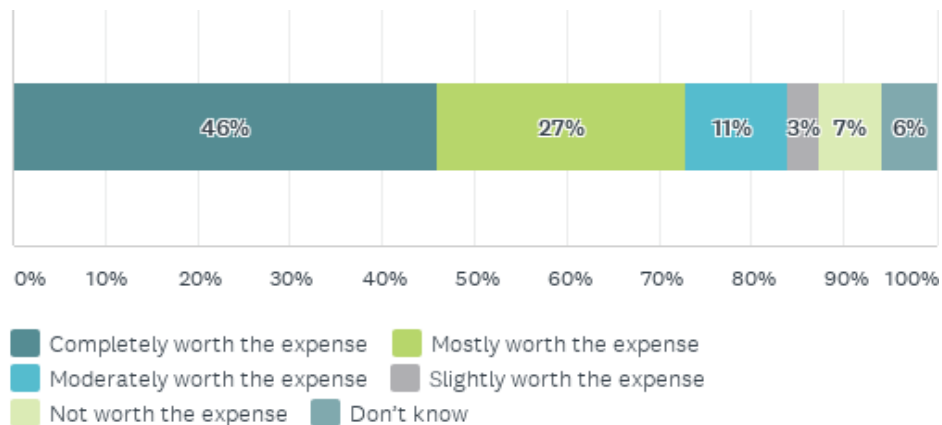
LEVY CHANGES

Respondents were presented with information about the levy approved in 2018, including changes that have been made with the increased funding.

Value of Changes

Most respondents indicated that the changes funded were either *Completely Worth the Expense* (46%) or *Mostly Worth the Expense* (27%) for a combined positive sentiment of 73%.

Considering the changes made in the past two years, do you think the changes funded by the levy are worth the additional expense?



- Southeast Eugene residents had a significantly stronger support of the expense, with 52% indicating changes are *Completely worth the expense*. The area least expressing it is *Completely worth the expense* is the Bethel-Danebo area (41%). This area was most tepid of the different areas in its response with 17% indicating it is only *Moderately worth the expense*.
- The approval rate increased in strength by age of respondent, with a combined *Completely* and *Mostly worth the expense* of 61% by those aged 18-25, and 82% by those aged 66 and older. The positive responses by age are as follows:
 - 18-25 (61%)
 - 26-35 (64%)
 - 36-45 (74%)
 - 46-55 (76%)
 - 56-65 (78%)
 - 66+ (82%)
- Differences were found based on frequency of park use, with those using the park rarely or never visiting parks expressing least approval. Those who use the park daily were most

supportive. Differences are statistically significant only when those who rarely or never use the park are contrasted with those who use parks 5-10 times per year or more.

Noticed Changes

When asked to consider changes that have been made with levy funds, the most noticed difference was *Increased care of trees and vegetation, removing invasive plants, and planting native plants where appropriate* (34%), followed by *Reopened restrooms and more portable toilets*, and *Increased trail maintenance* (30% each). Different areas of Eugene residents responded as follows:

In what area do you live?			
	Top noticed change	Second noticed	Third noticed
Bethel-Danebo	None (29%)	Increased care of vegetation (28%)	Restrooms (27%) Added trash cans & service (27%)
City Central	Restrooms (35%)	Increased care of vegetation (32%)	Trash cans & Service (24%) None (24%)
River Road/ Santa Clara	Added Trash cans & Service (32%)	Increased care of vegetation (31%)	Restrooms (27%)
Southeast Eugene	Trail Maintenance (41%)	Increased care of vegetation (38%)	Restrooms (36%)
Southwest Eugene	Increased care of vegetation (36%)	Trail Maintenance (34%)	Restrooms (28%)
Willakenzie/ Northeast Eugene	Increased care of vegetation (36%)	Restrooms (38%)	Trail Maintenance (25%) None (25%)

- Those who visit parks in the Southeast and Southwest Eugene were more likely to notice increased *Trail maintenance* (35% and 34% respectively) than those who visit parks in other areas. Those who visit parks in River Road/Santa Clara were most likely to notice *Added trash cans* (29%). The area most likely to select *none* was the Bethel-Danebo area (28%).

OPERATING PRIORITIES

The top three operating priorities for existing parks are:

- Ongoing park maintenance, such as removing litter and garbage, mowing, cleaning restrooms, etc.* (63%),
- Cleaning up homeless encampments in public parks* (54%), and
- Maintaining hiking and biking trails* (48%).

A complete list of responses is included in the Appendix, page 34.

- Younger respondents (18 – 35) felt *Protecting Wildlife Habitat* was as important (57%) as *Ongoing Maintenance* (58%).
- The top two priorities for those who identify as Hispanic/Latinx was the same as the average, however, the third highest was *Improving park safety and security* (46%).
- While the first priority for residents in every area of Eugene is *Ongoing Maintenance*, subsequent priorities change by area of residence. For those in Bethel-Danebo, *Improving*

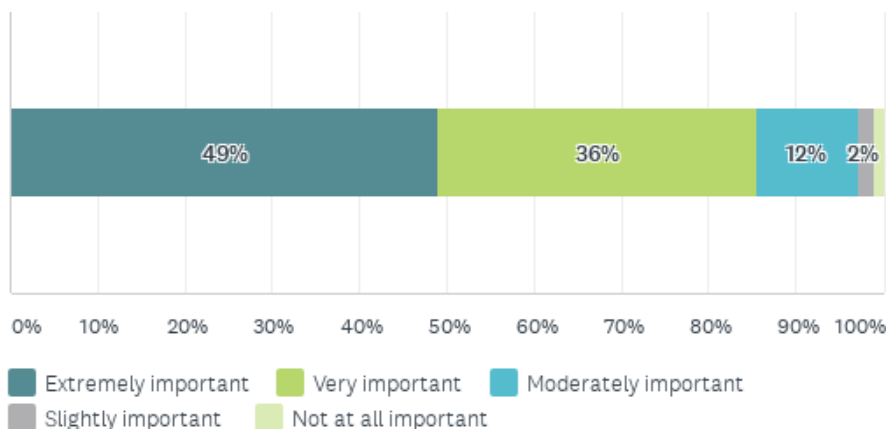
park safety and security is the third most important (41%), and maintaining hiking and biking trails is fourth (37%). *Cleaning up homeless encampments* is a much higher concern for residents in Bethel-Danebo, River Road/Santa Clara, and Willakenzie/Northeast Eugene is than for City Central and Southeast Eugene.

In what area do you live?	Top Priority	Second Priority	Third Priority
	Bethel-Danebo	Ongoing Maintenance (66%)	Cleaning up homeless encampments (60%)
			Improving Park safety and Security (41%)
	City Central	Ongoing Maintenance (62%)	Cleaning up homeless encampments (47%)
			Maintaining hiking and biking trails (46%)
	River Road/Santa Clara	Ongoing Maintenance (63%)	Cleaning up homeless encampments (59%)
			Protecting Wildlife Habitat (46%)
	Top Priority	Second Priority	Third Priority
	Southeast Eugene	Ongoing Maintenance (63%)	Cleaning up homeless encampments (57%)
			Maintaining hiking and biking trails (40%)
	Southwest Eugene	Ongoing Maintenance (66%)	Cleaning up homeless encampments (48%)
			Maintaining hiking and biking trails (50%)
	Willakenzie/Northeast	Ongoing Maintenance (65%)	Cleaning up homeless encampments (63%)
			Maintaining hiking and biking trails (45%)

IMPORTANCE OF FUNDING

Funding parks to improve safety, accessibility, usability and attractiveness is *Extremely* (49%) or *Very important* (36%) to most who participated in the survey, for a combined positive sentiment of 85%.

How important to you is funding parks to improve safety, accessibility, usability and attractiveness?

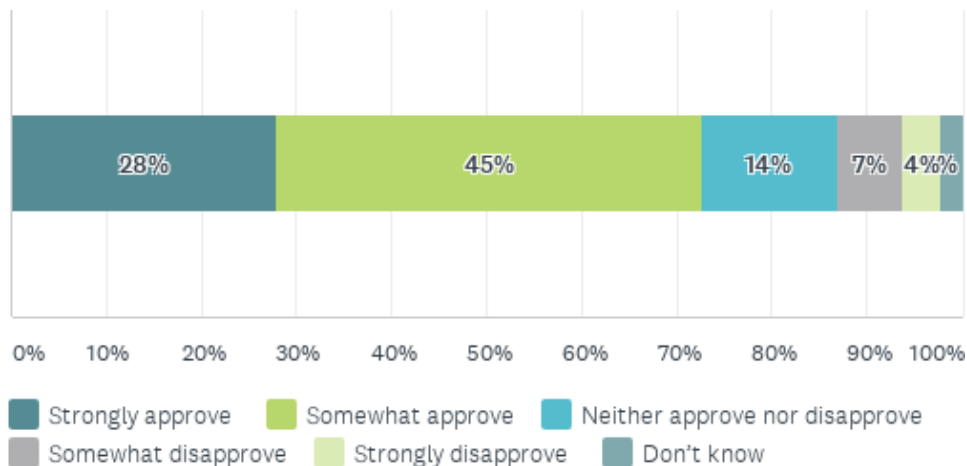


- Southeast Eugene and City Central chose *Extremely important* at a significantly higher rate (56% and 53%, respectively). The area with the lowest selection of *Extremely important* is River Road/Santa Clara, with 41% of people living in that area choosing this option.
- The youngest participants, aged 18-25 felt this importance less strongly, with only 42% selecting *Extremely important*, for a combined positive sentiment of 78% and these younger participants chose *Moderately important* 19% of the time.
- The frequency of visiting parks is strongly correlated with attitudes about parks. Those who attend parks weekly or daily indicate funding parks is *Extremely* (60%) or *Very important* (30%) for a combined positive sentiment of 97%. This is significantly higher than the survey average of 85%. The level of importance increases as a respondent uses parks more frequently. The combined positive sentiment by frequency of use is as follows:
 - Daily (97%)
 - Weekly (94%)
 - Monthly (83%)
 - 5-10 /year (70%)
 - Rarely (45%)
 - Never (29%)

PARKS APPROVAL LEVEL

The majority of participants *Strongly* (28%) or *Somewhat approve* (45%) of how parks and open spaces are currently maintained for clean, safe and well-operating parks, for a combined positivity sentiment of 73%.

Do you approve or disapprove of how parks and open spaces are currently maintained for clean, safe and well-operating parks?



- Southeast Eugene residents *Strongly approve* at a higher rate of 36%, and has a combined positive sentiment of 83%. City Central and Bethel-Danebo residents have the lowest combined positive sentiment of 65% each.
- Participants aged 66 and older selected *Strongly approve* at the highest rate (40%), while those aged 18-25 *Strongly Approve* at the lowest rate (17%).
- People in the park daily approve the most strongly based on frequency, with 35% selecting *Strongly approve*.

DESIRED IMPROVEMENTS

In asking respondents what they would like to see improved in Eugene parks, 1,375 people left comments.

- Of these, 243 (18%) discussed safety concerns about illegal camping and people who are homeless. Whereas nearly most comments were about their personal safety concerns sparked by illegal camping, or the residual waste left by illegal camping, a few people expressed concern about how the unhoused are treated.
- Ideas and suggestions about trails, and expressions enjoyment of trails (hiking, biking, running), were shared by 171(12%) of people.
- Concerns about anti-social behavior, drug use and discarded needles, were expressed in 88 (6%) responses.

FEEDBACK FOR PARKS AND OPEN SPACES DIVISION

Participants were invited to share feedback for the Parks and Open Space division, and 1,029 left comments. Most comments were positive, expressing appreciation for the work the division is doing, telling staff they are doing a great job, and that the residents of Eugene love parks.

DEMOGRAPHIC DIFFERENCES

Frequency of Park Use

For many questions, the frequency with which the participant uses parks had a direct correlation to the response. Those who are in parks most frequently

- Feel safer,
- Believe parks are more well maintained and clean,
- Believe changes made possible by the levy were worth the expense more strongly,
- Express parks are extremely important to their quality of life, and
- More strongly approve of how parks and open spaces are currently operated.

Although this survey cannot determine cause and effect (i.e. if people go to parks because they feel safe or they feel safe because of their experiences at parks), this survey does indicate that the people most familiar with the parks and natural areas are the most positive in their responses. Extrapolating the responses to this survey to the general public will need to consider that respondents to this survey may have a higher level of park usage when compared to the general public.

Area of Residence

In some instances, residents of the different areas of Eugene varied significantly in their responses. Notably, southeast Eugene residents evaluated maintenance, cleanliness, and safety at rates significantly higher than other areas of Eugene.

Considering what prevents residents from visiting parks, Bethel-Danebo residents were more concerned about personal safety, while Southwest and Southeast Eugene were concerned about maintaining a safe distance. Residents of the River Road/Santa Clara indicate a lack of parks near their house as a contributing factor for not visiting parks much more than other areas, with nearly one-fifth selecting this option.

Different areas of Eugene residents noticed changes different top changes implemented with levy funds. Most residents of Southeast Eugene selected *Trail Maintenance*, City Central selected *Restrooms*, River Road/ Santa Clara selected *Added Trash Cans and Service*, Southwest Eugene and Willakenzie/Northeast Eugene selected *Increased care of Vegetation* and those in Bethel-Danebo selected *None*.

Age

A few notable differences emerged in considering age. In ranking operating priorities, *Ongoing Park Maintenance* was the top response for all age groups. Yet for younger respondents, aged 18 – 35, felt *Protecting Wildlife Habitat* was as important as *Ongoing Park Maintenance*. Another notable difference was the value of the changes made by the levy. Four-fifths of the oldest segment was most likely to choose *Completely* or *Mostly Worth the Expense*, and this positive sentiment decreased with each age bracket, until reaching the youngest age bracket of which only three-fifths chose these options.

Gender Identity

The most notable difference by gender identity is in how safe people feel, and daily use of parks. Half of those identifying as male feel *Extremely* or *Very safe*, compared to 40% of those identifying as female. The level of perceived safety for people who identify as non-binary or another gender identity more closely resembled males, with 47% indicating they feel *Extremely* or *Very safe*. People who identify as non-binary or another gender identity report going to parks at the highest daily rate (41%). Males are the next highest gender identity using parks daily (31%), followed by those identifying as female (22%).

Race/Ethnicity

Few differences emerged based on race/ethnicity. The most notable is that those identifying as Hispanic/Latinx were significantly more likely to choose *Improving Park Safety and security* as a top operating priority than other racial or ethnic identities.

APPENDIX

SURVEY QUESTIONS AND RESPONSES

1. Typically, how frequently do you visit a park in Eugene?

Answer Choices	Responses	
Daily	25%	571
Weekly	53%	1233
Monthly	13%	295
5 – 10 times a year	6%	136
Rarely	3%	64
Never	1%	14
Answered		2313

2. How has your use of Eugene parks and natural areas changed after March 2020, during the COVID-19 epidemic?

Answer Choices	Responses	
Increased use	27%	630
Decreased use	42%	965
No change	29%	680
Unsure	2%	38
Answered		2313

3. In what activities do you participate at Eugene parks? (Select all that apply.)

Answer Choices	Responses	
Enjoy nature	87%	2008
Utilize trails	83%	1912
Exercise	67%	1544
Attend events	27%	616
Play on structures and in open areas	26%	596
Other (please specify)	16%	369
Answered		2313

4. How important or unimportant are Eugene parks to your quality of life?

Answer Choices	Responses	
Extremely important	64%	1479
Very important	26%	609
Moderately important	7%	173
Slightly important	2%	37
Not at all important	1%	15
Answered		2313

5. What, if anything, prevents you from visiting Eugene parks? (Select all that apply.)

Answer Choices	Responses	
Unable to maintain safe distance from others	30%	698
Concern about my personal safety at parks	29%	672
Lack of time	24%	566
None	24%	562
Other (please specify)	19%	428
Lack of parks near my house	10%	231
Unaware of park locations	8%	191
Challenges/concerns about traveling to/from parks	6%	147
Lack of amenities, such as playground equipment	5%	108
Answered	2313	

6. How clean do you feel Eugene parks and natural areas are?

Answer Choices	Responses	
Extremely clean	9%	210
Very clean	44%	1026
Moderately clean	37%	858
Slightly clean	5%	116
Not at all clean	3%	70
Don't know	1%	33
Answered	2313	

7. How safe do you feel Eugene parks and natural areas are? (For example, lighting, equipment conditions, personal safety.)

Answer Choices	Responses	
Extremely safe	8%	185
Very safe	37%	850
Moderately safe	42%	977
Slightly safe	8%	194
Not at all safe	4%	83
Don't know	1%	24
Answered	2313	

8. How has your sense of safety at parks and natural areas changed in the past year?

Answer Choices	Responses	
No change	65%	1497
I feel more safe	4%	85
I feel less safe	32%	731
Answered	2313	

8a (No Change) Do you typically see any of these safety concerns at parks you go to? (Select all that you see.)

Answer Choices	Responses	
Illegal campers	56%	811
Litter	56%	810
Graffiti	35%	504
Evidence of drug use	31%	453
Inadequate lighting	17%	239
None	15%	210
Other (please specify)	13%	185
Crime	7%	94
Unsafe equipment or structures conditions	2%	30
Other (write in)	0%	0
Answered		1443

8b. (More Safe) Why do you feel more safe? (Select all that apply.)

Answer Choices	Responses	
Fewer Illegal campers	45%	37
Better lighting	34%	28
Other (please specify)	32%	26
Less litter	29%	24
Less drug use	26%	21
Improved condition of equipment or structures	24%	20
Less graffiti	23%	19
More safety patrols	17%	14
Less crime	13%	11
Other (write in)	0%	0
Answered		82

8c. (Less Safe) Why do you feel less safe? (Select all that apply.)

Answer Choices	Responses	
Illegal campers	74%	538
Drug use	55%	400
Crime	41%	297
Litter	39%	284
Hard to maintain a safe distance	38%	276
Lack of safety patrols	27%	194
Graffiti	25%	179
Other (please specify)	19%	139
Poor lighting	17%	126
Declining condition of equipment or structures	8%	58
My race	4%	31
Answered		726

9. How well-maintained do you feel Eugene parks and natural areas are?

Answer Choices	Responses	
Extremely well-maintained	8%	190
Very well-maintained	51%	1147
Moderately well-maintained	34%	765
Slightly well-maintained	3%	78
Not at all well maintained	2%	39
Don't know	1%	18
Answered	2237	

10. What, if anything, would you like to see improved? (Select all that apply.)

Answer Choices	Responses	
Restrooms	45%	1003
Litter pick up	40%	895
Garbage removal	34%	757
Dog waste clean up	24%	537
Trails	23%	514
Lighting	22%	490
Other (please specify)	21%	472
Picnic shelters	11%	244
Signage	10%	232
None	10%	228
Care of playground equipment	8%	179
Turf/grass care and mowing	7%	163
Sports fields	4%	96
Answered	2237	

11. Considering the changes made in the past two years, do you think the changes funded by the levy are worth the additional expense?

Answer Choices	Responses	
Completely worth the expense	46%	991
Mostly worth the expense	27%	578
Moderately worth the expense	11%	239
Slightly worth the expense	3%	73
Not worth the expense	7%	145
Don't know	6%	127
Answered	2153	

12. Which, if any, of the changes have you noticed in Eugene parks? (Select all you have noticed.)

Answer Choices	Responses	
Increased care of trees and vegetation, removing invasive plants, and planting native plants where appropriate	34%	736
Reopened restrooms and more portable toilets	30%	655
Increased trail maintenance	30%	655
None	25%	533
Added trash cans and increased frequency of trash service	24%	522
Decreased camping before COVID-19 measures that temporarily allowed camping	17%	370
Increased presence of safety personnel	8%	167
Other (please specify)	8%	170
Answered	2153	

13. What are your top 3 operating priorities for existing parks? (Select up to 3.)

Answer Choices	Responses	
Ongoing park maintenance, such as removing litter and garbage, mowing, cleaning restrooms, etc.	63%	1362
Cleaning up homeless encampments in public parks	54%	1157
Maintaining hiking and biking trails	48%	1043
Protecting wildlife habitat	38%	828
Restoring natural areas	31%	657
Improving park safety and security	30%	643
Repairing and improving park restrooms	24%	511
Repairing lighting and irrigation systems	8%	174
Other (please specify)	6%	127
Answered	2153	

14. How important to you is funding parks to improve safety, accessibility, usability and attractiveness?

Answer Choices	Responses	
Extremely important	49%	1055
Very important	36%	785
Moderately important	12%	254
Slightly important	2%	39
Not at all important	1%	20
Answered	2153	

15. Do you approve or disapprove of how parks and open spaces are currently maintained for clean, safe and well-operating parks?

Answer Choices	Responses	
Strongly approve	28%	599
Somewhat approve	45%	966
Neither approve nor disapprove	14%	309
Somewhat disapprove	7%	147
Strongly disapprove	4%	86
Don't know	2%	46
	Answered	2153

16. What, if anything, would you like to see improved in Eugene parks?

All responses will be provided to Parks and Open Space

Answered 1375

17. Do you have any feedback or comments about Eugene Parks and Open Space?

All responses will be provided to Parks and Open Space

Answered 1029

18. In what area do you live? (See map above.)

Answer Choices	Responses	
Bethel/Danebo	7%	150
City Central	15%	306
River Road/Santa Clara	11%	238
Southeast Eugene	27%	558
Southwest Eugene	16%	325
Willakenzie/Northeast Eugene	14%	287
I don't live in any of these areas	11%	221
	Answered	2085

19. In what areas do you visit parks? (select all that apply)

Answer Choices	Responses	
Bethel-Danebo	23%	485
City Central	62%	1302
River Road/Santa Clara	37%	761
Southeast Eugene	71%	1478
Southwest Eugene	51%	1068
Willakenzie/Northeast Eugene	46%	960
	Answered	2085

20. What is your gender?

Answer Choices	Responses	
Male	27%	572
Female	66%	1384
Non-binary	2%	34
Another gender identity	0%	8
Prefer not to answer	4%	87
	Answered	2085

21. Which of these age brackets best fits you?

Answer Choices	Responses	
18-25	8%	161
26-35	23%	473
36-45	23%	479
46-55	16%	340
56-65	15%	308
66+	16%	324
	Answered	2085

22. Do children under the age of 18 live in your household?

Answer Choices	Responses	
No	65%	1354
Yes	35%	731
	Answered	2085

22a. Which age range(s) of children live in your household? (Select all that apply)

Answer Choices	Responses	
0-5	38%	271
6-11	51%	362
12-18	45%	320
	Answered	711

23. Race/ethnic identity

Answer Choices	Responses	
African American/Black	1%	21
Asian American	3%	56
American Indian/Alaska native	1%	18
Hispanic/Latinx	4%	90
White/Caucasian	76%	1575
Prefer not to answer	13%	267
Other (please specify)	3%	53
	Answered	2080

24. Would you like your email address to be included in future Eugene Parks and Open Space emails?

Answer Choices		Responses	
Yes		56%	1071
No		44%	842
		Answered	1913

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session and Possible Action: An Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction

Meeting Date: April 21, 2021
Department: City Prosecutor's Office
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Travis Smith
Contact Telephone Number: 541-682-8401

ISSUE STATEMENT

On January 19, 2021, the City Council held a public hearing to consider an ordinance to amend parts of chapters 2 and 4 of the Eugene Code in order to make a correction with regard to the presiding judge of the municipal court and to update the City Code to make it consistent with state law changes. The majority of the proposed amendments reflect changes made by the Oregon State Legislature during the 2017 and 2019 legislative sessions. The State legislative changes became effective on or before January 1, 2020.

BACKGROUND

The City Council regularly updates the Eugene Code to ensure that Code provisions are consistent with legislated changes to the State's criminal and traffic codes. The ordinance attached to this AIS as Attachment A amends the Code consistent with the changes made during the 2017 and 2019 Legislative sessions (or earlier) and, as discussed below, revised to reflect public testimony.

Per Council's October 21, 2020, motion, in addition to the amendments to make EC 4.731 (Intimidation) consistent with state law, the proposed ordinance also includes an amendment to EC 4.731 to add "unhoused status" and defines that term. This proposed addition to EC 4.731 will not impact private property rights. Rather, the proposed addition will allow the City Prosecutor to charge someone already charged with egregious criminal conduct, such as 4.782 (Criminal Mischief in the Second Degree), 4.730 (Menacing), 4.726 (Harassment) and 4.729 (Assault), with the additional misdemeanor charge of Bias Crime if the prosecutor believes that it can be proven that the criminal behavior against an individual was based on the individual's perceived status of being unhoused.

At the January 19, 2021, public hearing, and during subsequent public forums, the City Council received testimony opposing the amendments to EC 4.330 (Animal Control – Definitions). Specifically, the public testimony objected to the proposed definitions of "adequate bedding," "adequate shelter," and "minimum care" on the grounds that unhoused individuals would, by

definition, be unable to provide minimum care to an animal. The addition of these definitions to City Code was proposed solely for consistency with state law (which applies to the County's animal neglect enforcement and circuit court prosecutions). When the state legislature made the changes the primary proponents of the measure included the Oregon and National Humane Societies, animal control officers from around the state, and the Oregon Veterinary Medical Association. Generally, the proponents sought the addition of the definitions to provide consistency and clarity around the required minimum care of an animal. While consistency with the state (and county) animal laws has its benefits, it is not required in this situation. As such, based on the concerns raised in public testimony regarding the application of the state's definitions to unhoused pet owners, the terms, and corresponding definitions for, "adequate bedding" and "adequate shelter" have been removed from the proposed ordinance. Additionally, the specific requirements for "minimum care" have been deleted, leaving the proposed definition to generally state that "minimum care" is "care sufficient to preserve the health and well-being of an animal." Attachment A to this AIS shows the changes made to the proposed ordinance in response to the public's testimony. Attachment A to this AIS incorporates those revisions and is proposed for Council's adoption.

The revised ordinance sets forth the following proposed changes:

1. Amends EC 4.040 to allow the City Prosecutor to plead domestic violence in a criminal complaint, consistent with the practice under ORS 132.586. Provides for identification of these types of crimes in the municipal court record and in Law Enforcement Data Systems (LEDS).
2. With the modifications discussed above, amends EC 4.330 to incorporate some, but not all, of ORS 167.310 (definitions for offenses against animals), and amends EC 4.340 for consistency with ORS 167.325 and 167.330 (animal neglect). Also adds definitions relating to "tethering" and "physical trauma" and specifies that tethering that results in injury to the animal is an act constituting the offense of animal neglect.
3. Amends EC 4.731 for consistency with ORS 166.155 (bias crime) and to add "unhoused status" as a category of perceived characteristics of a person against whom the offense is committed. Amends the title of the offense of intimidation to change it to "bias crime." Defines "unhoused status" and amends other definitions consistent with state law.
4. Amends EC 4.755 for consistency with ORS 163.465 (public indecency). Specifies that oral or anal sexual intercourse, or masturbation, conducted in a public place is an act constituting the offense of public indecency.
5. Amends EC 4.906 for consistency with ORS 162.385 (giving false information to a peace officer in connection with a citation or warrant). Renames offense as giving false information to a peace officer in connection with a citation or warrant. Clarifies language of offense to include providing false information to a peace officer when there is an outstanding warrant for the person's arrest.
6. Amends EC 4.922 for consistency with ORS 163A.040 (failure to report as a sex offender) to the extent that statute describes the misdemeanor offense. Modifies reporting obligations for sex offenders and provides for affirmative defenses.

7. Amends EC 2.773(1) (Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office) to delete the requirement that the presiding municipal court judge be an independent contractor, consistent with the amendment to EC 2.011 made by the City Council in April 2019. (This amendment to EC 2.773 amendment should have been made in April 2019 and is a correction needed for internal code consistency.)

PREVIOUS COUNCIL DIRECTION

[January 19, 2021, Public Hearing on Proposed Ordinance Concerning Chapter 4 Offenses](#)

[October 21, 2020, Work Session, Housing as a Protected Class](#)

Move to direct the City Manager to add to the current package of code amendments for state law consistency an amendment to EC 4.731 that adds “unhoused status” as an identified class and schedule a public hearing. Passed 8:0

Additional motion passed during the October 21, 2020, Work Session unrelated to the proposed ordinance: Move to direct the City Manager to schedule a follow-up work session to further discuss the option of adding housing status to the City’s Human Rights Code, including feedback from the Human Rights Commission. Passed 8:0

COUNCIL OPTIONS

1. Adopt the ordinance set forth in Attachment A, which incorporates revisions based on the public testimony that are shown in Attachment B.
2. Adopt the ordinance considered at the January 19, 2021, public hearing with revisions other than those shown in Attachment B.
3. Adopt the ordinance considered at the January 19, 2021, public hearing without any revisions.
4. Direct the City Manager to return to Council with additional information or ordinance revisions.

MOTION OPTIONS

1. Move to adopt Attachment A to the AIS, a revised ordinance concerning Chapter 4 Offenses, Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction
2. Move to adopt Attachment C to the AIS, the ordinance considered at the January 19, 2021, public hearing concerning Chapter 4 Offenses, Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction

CITY MANAGER RECOMMENDATION

The City Manager recommends adopting the revised ordinance that, in response to public testimony received at the January 19, 2021, public hearing and at subsequent public forums, deletes the definitions for (and any references to) “adequate bedding” and “adequate shelter” and deletes the specific requirements from the definition of “minimal care.”

ATTACHMENTS

- A. Revised Ordinance Concerning Chapter 4 Offenses; Adding Section 4.040 to the Eugene Code, 1971; Amending Sections 4.330, 4.340, 4.731, 4.755, 4.906, and 4.922 of the Code; and Amending Section 2.773 of the Eugene Code, 1971 to Make a Correction
- B. Ordinance Considered at January 19, 2021, Public Hearing with Proposed Revisions (Based on Public Testimony) Shown in Track-Changes
- C. Ordinance Concerning Chapter 4 Offenses Considered at the January 19, 2021, Public Hearing

FOR MORE INFORMATION

Staff Contact: Travis Smith
Telephone: 541-682-8401
Staff E-Mail: TGSmith@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHAPTER 4 OFFENSES; ADDING SECTION 4.040 TO THE EUGENE CODE, 1971; AMENDING SECTIONS 4.330, 4.340, 4.731, 4.755, 4.906, AND 4.922 OF THAT CODE; AND AMENDING SECTION 2.773 OF THE EUGENE CODE, 1971 TO MAKE A CORRECTION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.040 of the Eugene Code, 1971, is added to provide as follows:

4.040 *Pleading Domestic Violence in Accusatory Instrument.*

(1) *When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, domestic violence as an element of the crime. When a crime is so pleaded, the words “constituting domestic violence” may be added to the title of the crime.*

(2) *As used in this section:*

(a) *“Domestic violence” means abuse between family or household members.*

(b) *“Family or household members” means spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, or, unmarried parents of a minor child.*

Section 2. Section 4.330 of the Eugene Code, 1971, is amended by adding the definitions of “Domestic animal,” “Equine,” “Minimum care,” “Physical trauma,” and “Tethering” in alphabetical order to that section, and by amending the definition of “Physical injury” to provide as follows:

4.330 *Animal Control – Definitions.*

For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

Domestic animal. Animal, other than livestock or equines, that is owned or possessed by a person.

Equine. A horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.

Minimum care. Care sufficient to preserve the health and well-being of an animal.

Physical injury. **Physical trauma**, ~~im~~pairment of physical condition or substantial pain.

Physical trauma. Fractures, cuts, punctures, bruises, burns or other wounds.

Tethering. Restraining a domestic animal by tying the domestic animal to any object or structure by any means. Does not include using a handheld leash for the purpose of walking a domestic animal.

Section 3. Subsections (2) and (3) of Section 4.340 of the Eugene Code, 1971, are amended to provide as follows:

4.340 Animal Neglect.

(2) *Animal neglect in the second degree.* A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person **intentionally, knowingly, recklessly or with criminal negligence:**

(a) ~~¶Fails to provide minimum care for an animal in such person's custody or control-;~~ **or**

(b) **Tethers a domestic animal in the person's custody or control and the tethering results in physical injury to the domestic animal.**

(3) *Animal neglect in the first degree.* A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person **intentionally, knowingly, recklessly or with criminal negligence:**

(a) Fails to provide minimum care for an animal in ~~such~~ **the** person's custody or control; and ~~(b) —Such~~ **the** failure to provide care results in serious physical injury or death to the animal-;

(b) **Tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal.**

Section 4. Section 4.731 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.731 ~~Intimidation~~ Bias Crime in the Second Degree.

(1) A person commits ~~the crime of intimidation~~ **a bias crime** in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the ~~other's~~ **other person's unhou**sed status, race, color, religion, national origin, **disability, gender identity** or sexual orientation;

(b) Intentionally subjects another **person** to offensive physical contact because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation; or

(c) Intentionally, because of the person's perception of **unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation of another **person** or of a member of the ~~other's~~ **other person's** family, subjects such other person to alarm by threatening:

1. To inflict serious physical injury upon or to commit a felony affecting ~~such~~ **the** other person, or a member of the **other** person's family; or
2. To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) ~~For purposes of~~ **As used in** this section,:

(a) ***"Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.***

(b) ~~"Property"~~ **"Property"** means any tangible personal property or real property, and ~~"sexual orientation" means heterosexuality, homosexuality or bisexuality.~~

(c) ***"Unhoued status" means that the individual lacks a fixed, regular, and adequate nighttime residence and includes individuals who:***

- 1. Are living in emergency, congregate, temporary, or transitional shelters;***
- 2. Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or***
- 3. Are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.***

Section 5. Section 4.755 of the Eugene Code, 1971, is amended to provide as follows:

4.755 Public Indecency.

(1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

- (a) An act of sexual intercourse; ~~or~~
- (b) An act of ~~deviate~~ **oral or anal** sexual intercourse; ~~or~~
- (c) **Masturbation; or**

(ed) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

(2) As used in this section, the terms “sexual intercourse” and “~~deviate~~ **oral or anal** sexual intercourse” have the meaning found in ORS 163.305.

Section 6. Section 4.906 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.906 Giving False Information to Peace Officer or Enforcement Officer ~~for~~ *in Connection with a Citation or Warrant.*

A person commits the offense of giving false information to a peace officer or enforcement officer ~~for a citation or for an arrest on a warrant~~ ***in connection with a citation or warrant*** if the person knowingly uses or gives a false or fictitious name, address or date of birth to any peace officer or enforcement officer ~~for the purpose of~~ ***when***:

(a) The ~~officer's~~ ***officer is*** issuing or serving the person a citation under authority of section 4.035 of this code, ORS 133.055 to 133.076, 133.110, 419C.085 or ORS chapter 153; or

(b) ~~The officer's arresting the person on a warrant.~~ ***There is an outstanding warrant for the person's arrest.***

“Enforcement officer,” as used in this section, means a public safety officer of the University of Oregon authorized to issue citations for violations pursuant to section 4.035 of this code.

Section 7. Section 4.922 of the Eugene Code, 1971, is amended to provide as follows:

4.922 Failure to Report as a Sex Offender.

(1) A person who is required to report as a sex offender ***in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025*** and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person ~~fails to:~~

~~(1) Report following a change of residence, school enrollment or employment if the crime for which the person is required to report is a misdemeanor;~~

~~(2) Make an annual report; or~~

~~(3) Provide complete and accurate information, within the time and in the manner required by state statute and administrative rule.~~

(a) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;

- (b) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;**
- (c) Fails to report following a change of residence;**
- (d) Fails to report a legal change of name;**
- (e) Fails to make an annual report;**
- (f) Fails to provide complete and accurate information;**
- (g) Fails to sign the sex offender registration form as required;**
- (h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority;**
- (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos; or**
- (j) Fails to report prior to any intended travel outside of the United States.**

(2) It is an affirmative defense to a charge of failure to report under subsection (1)(c) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

(3) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

(4) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(5) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(6) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

Section 8. Subsection (1) of Section 2.773 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

2.773 Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office.

(1) Except as provided in this section the presiding municipal judge shall be appointed by the council ~~for a term of four years~~. The presiding municipal judge ~~shall be an independent contractor, and not an officer or employee of the city, and~~ shall be an active member of the Oregon State Bar with at least five years experience as a practicing attorney. The presiding municipal judge shall be a resident of or maintain a principal office within the city.

Section 9. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

City Recorder

Approved by the Mayor this

___ day of _____, 2021

Mayor

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHAPTER 4 OFFENSES; ADDING SECTION 4.040 TO THE EUGENE CODE, 1971; AMENDING SECTIONS 4.330, 4.340, 4.731, 4.755, 4.906, AND 4.922 OF THAT CODE; AND AMENDING SECTION 2.773 OF THE EUGENE CODE, 1971 TO MAKE A CORRECTION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.040 of the Eugene Code, 1971, is added to provide as follows:

4.040 *Pleading Domestic Violence in Accusatory Instrument.*

(1) *When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, domestic violence as an element of the crime. When a crime is so pleaded, the words “constituting domestic violence” may be added to the title of the crime.*

(2) *As used in this section:*

(a) *“Domestic violence” means abuse between family or household members.*

(b) *“Family or household members” means spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, or, unmarried parents of a minor child.*

Section 2. Section 4.330 of the Eugene Code, 1971, is amended by adding the definitions of ~~“Adequate bedding,” “Adequate shelter,”~~ “Domestic animal,” “Equine,” “Minimum care,” “Physical trauma,” and “Tethering” in alphabetical order to that section, and by amending the definition of “Physical injury” to provide as follows:

4.330 *Animal Control – Definitions.*

For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

~~***Adequate bedding. Bedding of sufficient quantity and quality to permit a domestic animal to remain dry and reasonably clean and maintain a normal body temperature.***~~

~~***Adequate shelter. Includes a barn, dog house or other enclosed structure sufficient to protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect against cold and dampness and that is maintained to protect the domestic animal from weather and physical injury. Does not include:***~~

~~(a) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;~~

~~(b) The space under a vehicle;~~

~~(c) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a length of time that is likely to be detrimental to the domestic animal's health or safety;~~

~~(d) Shelters made from cardboard or other materials that are easily degraded by the elements;~~

~~(e) Animal carriers or crates that are designed to provide temporary housing;~~

~~(f) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or~~

~~(g) Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal's health.~~

Domestic animal. Animal, other than livestock or equines, that is owned or possessed by a person.

Equine. A horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.

Minimum care. Care sufficient to preserve the health and well-being of an animal, ~~and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:~~

~~(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.~~

~~(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.~~

~~(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to adequate shelter.~~

~~(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.~~

~~(e) For a domestic animal, continuous access to an area:~~

~~(A) With adequate space for exercise necessary for the health of the animal;~~

~~(B) With air temperature suitable for the animal; and~~

~~(C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.~~

~~(f) For a livestock animal that cannot walk or stand without assistance:~~

~~(A) Humane euthanasia; or~~

~~(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.~~

Physical injury. **Physical trauma**, ~~if~~ impairment of physical condition or substantial pain.

Physical trauma. Fractures, cuts, punctures, bruises, burns or other wounds.

Tethering. Restraining a domestic animal by tying the domestic animal to any object or structure by any means. Does not include using a handheld leash for the purpose of walking a domestic animal.

Section 3. Subsections (2) and (3) of Section 4.340 of the Eugene Code, 1971, are amended to provide as follows:

4.340 Animal Neglect.

(2) *Animal neglect in the second degree.* A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person **intentionally, knowingly, recklessly or with criminal negligence:**

(a) ~~Fails to provide minimum care for an animal in such person's custody or control;~~ **or**

(b) **Tethers a domestic animal in the person's custody or control and the tethering results in physical injury to the domestic animal.**

(3) *Animal neglect in the first degree.* A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person **intentionally, knowingly, recklessly or with criminal negligence:**

(a) Fails to provide minimum care for an animal in ~~such~~ **the** person's custody or control; and ~~(b) Such~~ **the** failure to provide care results in serious physical injury or death to the animal; **or**

(b) **Tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal.**

Section 4. Section 4.731 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.731 ~~Intimidation~~ Bias Crime in the Second Degree.

(1) A person commits ~~the crime of intimidation~~ **a bias crime** in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation;

(b) Intentionally subjects another **person** to offensive physical contact because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation; or

(c) Intentionally, because of the person's perception of **unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation of another **person** or of a member of the ~~other's~~ **other person's** family, subjects such other person to alarm by threatening:

1. To inflict serious physical injury upon or to commit a felony affecting ~~such~~ **the** other person, or a member of the **other** person's family; or

2. To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) ~~For purposes of~~ **As used in** this section,:

(a) ***"Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.***

(b) ***"Property" means any tangible personal property or real property, and "sexual orientation" means heterosexuality, homosexuality or bisexuality.***

(c) ***"Unhoued status" means that the individual lacks a fixed, regular, and adequate nighttime residence and includes individuals who:***

1. Are living in emergency, congregate, temporary, or transitional shelters;

2. Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

3. Are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Section 5. Section 4.755 of the Eugene Code, 1971, is amended to provide as follows:

4.755 Public Indecency.

(1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

- (a) An act of sexual intercourse; ~~or~~
- (b) An act of ~~deviate~~ **oral or anal** sexual intercourse; ~~or~~
- (c) **Masturbation; or**
- (~~ed~~) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

(2) As used in this section, the terms “sexual intercourse” and “~~deviate~~ **oral or anal** sexual intercourse” have the meaning found in ORS 163.305.

Section 6. Section 4.906 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.906 Giving False Information to Peace Officer or Enforcement Officer ~~for~~ in Connection with a Citation or Warrant.

A person commits the offense of giving false information to a peace officer or enforcement officer ~~for a citation or for an arrest on a warrant~~ **in connection with a citation or warrant** if the person knowingly uses or gives a false or fictitious name, address or date of birth to any peace officer or enforcement officer ~~for the purpose of~~ **when:**

- (a) The ~~officer's~~ **officer is** issuing or serving the person a citation under authority of section 4.035 of this code, ORS 133.055 to 133.076, 133.110, 419C.085 or ORS chapter 153; or
- (b) ~~The officer's arresting the person on a warrant.~~ **There is an outstanding warrant for the person's arrest.**

“Enforcement officer,” as used in this section, means a public safety officer of the University of Oregon authorized to issue citations for violations pursuant to section 4.035 of this code.

Section 7. Section 4.922 of the Eugene Code, 1971, is amended to provide as follows:

4.922 Failure to Report as a Sex Offender.

(1) A person who is required to report as a sex offender **in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025** and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person ~~fails to:~~

- ~~(1) Report following a change of residence, school enrollment or employment if the crime for which the person is required to report is a misdemeanor;~~
- ~~(2) Make an annual report; or~~

~~(3) Provide complete and accurate information, within the time and in the manner required by state statute and administrative rule.~~

- (a) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;**
- (b) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;**
- (c) Fails to report following a change of residence;**
- (d) Fails to report a legal change of name;**
- (e) Fails to make an annual report;**
- (f) Fails to provide complete and accurate information;**
- (g) Fails to sign the sex offender registration form as required;**
- (h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority;**
- (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos; or**
- (j) Fails to report prior to any intended travel outside of the United States.**

(2) It is an affirmative defense to a charge of failure to report under subsection (1)(c) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

(3) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

(4) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(5) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(6) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

Section 8. Subsection (1) of Section 2.773 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

2.773 Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office.

(1) Except as provided in this section the presiding municipal judge shall be appointed by the council ~~for a term of four years~~. The presiding municipal judge ~~shall be an independent contractor, and not an officer or employee of the city,~~ and shall be an active member of the Oregon State Bar with at least five years experience as a practicing attorney. The presiding municipal judge shall be a resident of or maintain a principal office within the city.

Section 9. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

City Recorder

Approved by the Mayor this

___ day of _____, 2021

Mayor

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CHAPTER 4 OFFENSES; ADDING SECTION 4.040 TO THE EUGENE CODE, 1971; AMENDING SECTIONS 4.330, 4.340, 4.731, 4.755, 4.906, AND 4.922 OF THAT CODE; AND AMENDING SECTION 2.773 OF THE EUGENE CODE, 1971 TO MAKE A CORRECTION.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.040 of the Eugene Code, 1971, is added to provide as follows:

4.040 *Pleading Domestic Violence in Accusatory Instrument.*

(1) *When a crime involves domestic violence, the accusatory instrument may plead, and the prosecution may prove at trial, domestic violence as an element of the crime. When a crime is so pleaded, the words “constituting domestic violence” may be added to the title of the crime.*

(2) *As used in this section:*

(a) *“Domestic violence” means abuse between family or household members.*

(b) *“Family or household members” means spouses, former spouses, adult persons related by blood or marriage, persons cohabiting with each other, persons who have cohabited with each other or who have been involved in a sexually intimate relationship, or, unmarried parents of a minor child.*

Section 2. Section 4.330 of the Eugene Code, 1971, is amended by adding the definitions of “Adequate bedding,” “Adequate shelter,” “Domestic animal,” “Equine,” “Minimum care,” “Physical trauma,” and “Tethering” in alphabetical order to that section, and by amending the definition of “Physical injury” to provide as follows:

4.330 *Animal Control – Definitions.*

For purposes of sections 4.330 to 4.500 of this chapter, the following words and phrases mean:

Adequate bedding. Bedding of sufficient quantity and quality to permit a domestic animal to remain dry and reasonably clean and maintain a normal body temperature.

Adequate shelter. Includes a barn, dog house or other enclosed structure sufficient to protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect against cold and dampness and that is maintained to protect the domestic animal from weather and physical injury. Does not include:

- (a) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;**
- (b) The space under a vehicle;**
- (c) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a length of time that is likely to be detrimental to the domestic animal's health or safety;**
- (d) Shelters made from cardboard or other materials that are easily degraded by the elements;**
- (e) Animal carriers or crates that are designed to provide temporary housing;**
- (f) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or**
- (g) Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal's health.**

Domestic animal. Animal, other than livestock or equines, that is owned or possessed by a person.

Equine. A horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.

Minimum care. Care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

- (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.**
- (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.**
- (c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to adequate shelter.**
- (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.**
- (e) For a domestic animal, continuous access to an area:**
 - (A) With adequate space for exercise necessary for the health of the animal;**
 - (B) With air temperature suitable for the animal; and**
 - (C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.**
- (f) For a livestock animal that cannot walk or stand without assistance:**

(A) *Humane euthanasia; or*

(B) *The provision of immediate and ongoing care to restore the animal to an ambulatory state.*

Physical injury. **Physical trauma**, ~~is~~ impairment of physical condition or substantial pain.

Physical trauma. Fractures, cuts, punctures, bruises, burns or other wounds.

Tethering. Restraining a domestic animal by tying the domestic animal to any object or structure by any means. Does not include using a handheld leash for the purpose of walking a domestic animal.

Section 3. Subsections (2) and (3) of Section 4.340 of the Eugene Code, 1971, are amended to provide as follows:

4.340 Animal Neglect.

(2) *Animal neglect in the second degree.* A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person ***intentionally, knowingly, recklessly or with criminal negligence:***

(a) ~~¶~~**Fails to provide minimum care for an animal in such person's custody or control; or**

(b) ***Tethers a domestic animal in the person's custody or control and the tethering results in physical injury to the domestic animal.***

(3) *Animal neglect in the first degree.* A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person ***intentionally, knowingly, recklessly or with criminal negligence:***

(a) Fails to provide minimum care for an animal in ~~such~~ ***the*** person's custody or control; and ~~(b) —Such~~ ***the*** failure to provide care results in serious physical injury or death to the animal; ***or***

(b) ***Tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal.***

Section 4. Section 4.731 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.731 ~~Intimidation~~ Bias Crime in the Second Degree.

(1) A person commits ~~the crime of intimidation~~ ***a bias crime*** in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation;

(b) Intentionally subjects another **person** to offensive physical contact because of the person's perception of the ~~other's~~ **other person's unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation; or

(c) Intentionally, because of the person's perception of **unhoued status**, race, color, religion, national origin, **disability, gender identity** or sexual orientation of another **person** or of a member of the ~~other's~~ **other person's** family, subjects such other person to alarm by threatening:

1. To inflict serious physical injury upon or to commit a felony affecting ~~such~~ **the** other person, or a member of the **other** person's family; or

2. To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) ~~For purposes of~~ **As used in** this section,:

(a) ***"Gender identity" means an individual's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the individual at birth.***

(b) ***"Property" means any tangible personal property or real property, and "sexual orientation" means heterosexuality, homosexuality or bisexuality.***

(c) ***"Unhoued status" means that the individual lacks a fixed, regular, and adequate nighttime residence and includes individuals who:***

1. Are living in emergency, congregate, temporary, or transitional shelters;

2. Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

3. Are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Section 5. Section 4.755 of the Eugene Code, 1971, is amended to provide as follows:

4.755 Public Indecency.

(1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

- (a) An act of sexual intercourse; ~~or~~
- (b) An act of ~~deviate~~ **oral or anal** sexual intercourse; ~~or~~
- (c) **Masturbation; or**
- (~~ed~~) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

(2) As used in this section, the terms “sexual intercourse” and “~~deviate~~ **oral or anal** sexual intercourse” have the meaning found in ORS 163.305.

Section 6. Section 4.906 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

4.906 Giving False Information to Peace Officer or Enforcement Officer ~~for~~ in Connection with a Citation or Warrant.

A person commits the offense of giving false information to a peace officer or enforcement officer ~~for a citation or for an arrest on a warrant~~ **in connection with a citation or warrant** if the person knowingly uses or gives a false or fictitious name, address or date of birth to any peace officer or enforcement officer ~~for the purpose of~~ **when:**

- (a) The ~~officer's~~ **officer is** issuing or serving the person a citation under authority of section 4.035 of this code, ORS 133.055 to 133.076, 133.110, 419C.085 or ORS chapter 153; or
- (b) ~~The officer's arresting the person on a warrant.~~ **There is an outstanding warrant for the person's arrest.**

“Enforcement officer,” as used in this section, means a public safety officer of the University of Oregon authorized to issue citations for violations pursuant to section 4.035 of this code.

Section 7. Section 4.922 of the Eugene Code, 1971, is amended to provide as follows:

4.922 Failure to Report as a Sex Offender.

(1) A person who is required to report as a sex offender **in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025** and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person ~~fails to:~~

- ~~(1) Report following a change of residence, school enrollment or employment if the crime for which the person is required to report is a misdemeanor;~~
- ~~(2) Make an annual report; or~~

~~(3) Provide complete and accurate information, within the time and in the manner required by state statute and administrative rule.~~

- (a) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;**
- (b) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;**
- (c) Fails to report following a change of residence;**
- (d) Fails to report a legal change of name;**
- (e) Fails to make an annual report;**
- (f) Fails to provide complete and accurate information;**
- (g) Fails to sign the sex offender registration form as required;**
- (h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority;**
- (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos; or**
- (j) Fails to report prior to any intended travel outside of the United States.**

(2) It is an affirmative defense to a charge of failure to report under subsection (1)(c) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

(3) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

(4) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(5) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(6) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

Section 8. Subsection (1) of Section 2.773 of the Eugene Code, 1971, including the Section title, is amended to provide as follows:

2.773 Municipal Court – Presiding Municipal Judge: Qualifications and Term of Office.

(1) Except as provided in this section the presiding municipal judge shall be appointed by the council ~~for a term of four years~~. The presiding municipal judge ~~shall be an independent contractor, and not an officer or employee of the city,~~ and shall be an active member of the Oregon State Bar with at least five years experience as a practicing attorney. The presiding municipal judge shall be a resident of or maintain a principal office within the city.

Section 9. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2021

City Recorder

Approved by the Mayor this

___ day of _____, 2021

Mayor