



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

October 9, 2017

5:30 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of October 9, 2017; Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President
Emily Semple
Claire Syrett
Jennifer Yeh

Mike Clark, Vice President
Greg Evans
Chris Pryor
Betty Taylor

5:30 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager

B. WORK SESSION: Police Commission Update

***City Council President:** I move approval of the FY 2018 – FY 2019 Police Commission Work Plan.*

Call for vote.

C. WORK SESSION: Rest Stop Program Update

***City Council President:** I move to direct the City Manager to conduct additional outreach to the immediate neighbors of the proposed site at 34th Avenue and Hilyard Street and advertise opportunities for people to provide input regarding the proposed site at the City Council's next public forum.*

Call for vote.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Police Commission Report and Work Plan

Meeting Date: October 9, 2017
Department: Police Department
www.eugene-or.gov

Agenda Item Number: B
Staff Contact: Carter Hawley
Contact Telephone Number: 541-682-5852

ISSUE STATEMENT

Every two years, the Police Commission develops an annual report reviewing its work for previous two years, and a proposed work plan for the subsequent two year period. This is an opportunity for the City Council to review the Commission's FY 2016-FY 2017 work, its proposed FY 2018 – FY 2019 work plan, provide guidance to the Commission, and take action on the plan.

BACKGROUND

The Police Commission held a retreat in May 2017 to develop this proposed work plan, and approved it at its June 2017 meeting. This meeting with the City Council is an opportunity to ask questions, provide direction and take action on the proposed work plan.

RELATED CITY POLICIES

Ordinance 20398 requires that the Police Commission submit its work plan and proposed mission for review and approval by the City Council.

COUNCIL OPTIONS

The Council may:

1. Approve the work plan as proposed.
2. Amend the work plan.
3. Defer action to a later date.

CITY MANAGER'S RECOMMENDATION

Approve the Police Commission work plan as submitted.

SUGGESTED MOTION

I move approval of the FY 2018 – FY 2019 Police Commission Work Plan.

ATTACHMENTS

A. Police Commission Report and Work Plan

FOR MORE INFORMATION

Staff Contact: Carter Hawley

Telephone: 541-682-5852

Staff E-Mail: carter.r.hawley@ci.eugene.or.us



CITY OF EUGENE

POLICE COMMISSION

FY 2016 – FY 2017 Work Plan Review

Police Commission Members

Bill Whalen, Chair
Edward Goehring, Vice Chair
Mike Clark
Will Davie
Edward McGlone
Steve McIntire

Silver Mogart
Scott Nowicki
Terry Robertson
Claire Syrett
Bob Walker
Marshall Wilde

www.eugene-or.gov/policecommission

For more information on the Eugene Police Commission, please contact:
Carter Hawley, Police Commission Analyst
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Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The Commission's enabling ordinance, adopted in December of 1998, requires that it develop a work plan for City Council review and approval. In 2013, the Commission moved to a biannual work plan. Major accomplishments over the past five years include the following highlights:

- Conducted community survey to determine public perception of Eugene Police Department (FY 2012)
- Reviewed and made recommendations on police policies related to search and seizure, use of canine, vehicle pursuits and holding facilities (FY 2012)
- Conducted an anonymous survey of EPD employees to ascertain the Department's understanding of the Police Commission and its work (FY 2013)
- Held State of Public Safety Forum for the community (FY 2013)
- Initiated the Bias-based policing data collection project in (FY 2014)
- Reviewed and made recommendation on the Professional Police Contacts policy to govern the new Stops Data Collection (FY 2014)
- Reviewed and made recommendation for a downtown Closed Circuit Television (CCTV) pilot project and policy (FY 2015)
- Responded to public concern and formed a policy for Citizen's Filming Police (FY 2015)
- Reviewed and made recommendations related civil disturbance policy (FY 2016)
- Reviewed 21st Century Policing Report, and discussed incorporating concepts of Police Legitimacy into Police Department (FY 2016)
- Review code of conduct policy (FY 2017)

Police Commission Mission Statement

The Eugene Police Commission recommends to the City Council, the City Manager, the Eugene Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Eugene Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Police Commission Goals

As outlined in Ordinance 20398, the objectives of the Eugene Police Commission are to:

- 1) Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for this city;
- 2) Identify police policy and resource issues related to preferred policing alternatives;
- 3) Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- 4) Provide input on police policies and procedures that reflect community values; and
- 5) Assist the City Council in balancing community priorities and resources by advising on police resource issues.

The following work items were incomplete from the FY 2015 Work Plan and were included in the FY 2016/FY 2017 Work Plan as Unfinished Business.

Status Update as of May 1, 2017	Original Work Plan Topics
This was discussed at the May 2015 Police Commission meeting. The Commission approved the support of adding “transgender” to the definition, but did not approve support of adding housing status as a protected class.	1) Intimidation in the Second Degree: Forming a joint resolution with the Human Rights Commission (HRC). The Commission Chair brought back an invitation from the HRC Chair requesting a joint resolution between the two commissions to endorse code revisions before City Council. Not wanting to deviate valuable time resources away from successfully completing the work plan already brought before Council, the Commission decided that this topic would be tabled and brought back for consideration in the near future.
EPD continues to evaluate and proceed with plans for implementation. As outlined in last year’s work plan, once and if the project begins, EPD will report the impact of the CCTV system at six months, 12 months and 18 months after implementation.	2) Closed Circuit Television (CCTV) Proposal: The Police Commission reviewed a proposal to install cameras for an 18 month temporary trial in the downtown area. Deliberations continued for over six months including the development of a policy to govern the implementation of the trial. Once and if the project begins, the downtown lieutenant will be responsible for reporting the impact of the CCTV system at 6 months, 12 months and 18 months after implementation. After 18 months, the results of the program will be presented to the Police Commission for discussion before it is determined if the project should be continued, discontinued or expanded.
Pilot program was begun in November 2015. Police Commission received update November 2015. The first six month pilot period concluded in June 2016. An intern was used to prepare a review of the first six months of work. The report is under review. There continues to be challenges with the implementation of the record management system tool, which is delaying the second six month pilot period.	3) Stops Data Collection: EPD is implementing a new records software that contains the ability to collect more demographic information about traffic stops. An advisory committee has been established to advise the department on how the software should be implemented and how reporting should occur. The commission received numerous reports from staff as well as the chair of the committee. The data collection is anticipated to start in FY 2016.

At its retreat in May 2015, the Police Commission generated a list of possible topics for inclusion in the upcoming Work Plan. The Commissioners were each given ten votes. The following items received five to twelve votes each.

Status Update as of May 1, 2017	Original Work Plan Topics
Completed. Reviewed a policy updated by EPD, recommended that it be routed to service providers, and approved September 2015	Mental Health Crisis (policy 418)
Completed. Overview in October 2015, and further discussion on social legitimacy in February 2016.	Review and/or discussion of President's committee on policing
Completed. The Commission discussed this priority in October 2016, and determined that no additional topics were needed beyond those listed below in the "emerging issues" work item.	Everyday concerns regarding police (public outreach)
Completed. No police academy is currently scheduled, so commission discussion is unwarranted.	Outreach for target groups for modified police academy (civilian)
<p>Completed. The following emerging issues have been discussed by the Commission in FY 2016 and FY 2017</p> <ul style="list-style-type: none"> • Introduction of new animal services manager – July 2016 • Officer veteran response – October 2016 • Police Commission working agreement – December 2016 • EPD hiring priorities – December 2016 • Load bearing vests – January 2016 • EPD recruitment efforts – February 2016 • Uniform appearance – March 2016 • Prohibited camping – April and June 2016 • Body worn video grant updates July 2016 • Medical aid to suspects – September 2016 • Communicating with people with disabilities – September 2016 	Emerging issues (police community)

<ul style="list-style-type: none"> • Property of people in custody – October 2016 and January and February 2017 • Officer evaluation and discipline – January 2017 • Officer well-being – January 2017 • Code of Conduct Policy – February, April 2017 • School Resource Officer Program – April 2017 • Implementation of downtown dog ban – April 2017 	
Completed. Discussed November & December 2015, and January & March 2016.	Police Uniform and Appearance (policies 1001.1 & 1001.2)
Completed. President's Task Force recommendations on social legitimacy discussed February 2016.	Discussion on social legitimacy
Completed. Presentation and discussion on civil forfeiture March 2016.	Civil forfeiture (policy 606)
Completed. The Department is streamlining its policy manual, and moving more operational and tactical items to a procedure manual, including this former policy. The Commission reviewed the proposed procedure at its February 2017 meeting, and provided comments.	Medical aid to suspects policy
Completed. Civil disturbance policy discussed June & July 2015, and Crowd Management & Control discussed September, October and November. A policy was approved in November with changes from the Police Commission.	Civil disturbances (not domestic dispute/unrest)

The following items were identified during the brainstorming exercise but received fewer than five out of 100 votes in the prioritization exercise.

Status Update as of May 1, 2017	Original Work Plan Topics
No action taken.	Handcuffing & Control Holds (policy 308)
<i>Completed. This issue was discussed in January, February, March, and April 2016, and a policy was brought to the Commission and approved in May 2016.</i>	Citizens filming crime/crime scene (and seizure of recording device)
<i>Completed. Leadership from the Police Department's employee wellness team presented information February 2017 about activities to date, plans in the future, and answered questions.</i>	Annual healthy & wellbeing assessment (mental & physical)
No action taken.	Ticketing for no D.L./insurance
<i>Completed. Hiring priority presentation from Chief December 2015 and presentation from recruiting team February 2016.</i>	Recruiting/outreach to focus on diversity in Police Commission vacancies
<i>Completed. Presentation from internal affairs staff and city's human resources department February 2017.</i>	Presentation on how sworn personnel are evaluated and promoted
<i>Completed. EPD Body-worn camera grant proposal July & October 2016. Scheduled for update in July 2016.</i>	Body worn video recording review
<i>Completed. Presentation and review of policy April 2016</i>	Fees for release of public record
<i>Completed. Discussed at February 2016 meeting. Similar to alcohol consumption, no recreational marijuana policy scheduled to be developed, so no action for Police Commission has been scheduled.</i>	Medical marijuana (new for recreational, policy 452)
<i>Completed. Policy reviewed at September 2016 meeting.</i>	Communication review (policy 370)

The following items were identified in the brainstorming of possible topics for the work plan but received no votes in the prioritization exercise. They have been included as possible topics for discussion, as time allows.

Status Update as of May 1, 2017	Original Work Plan Topics
<i>Completed. Commission discussed homelessness and camping at April, June and July 2016 meeting.</i>	Homelessness
No action taken.	Outside employment (policy 201.1)
No action taken.	Parade permit process/ fees
Quarterly reviews have not occurred by the full commission, although commission leadership reviews the work plan monthly and schedules items for upcoming meetings.	Quarterly, the Police Commission will discuss these issues and any emerging issues and determine which issue will be addressed next, what the specific goal for the Commission's involvement will be, and a work plan to accomplish the goals for each work item.

FY 2018 & FY 2019 Police Commission Work Plan Priorities

The following items were identified during the May 6, 2017 Police Commission Retreat as possible areas of focus for the next two year work plan. The items are not in priority order, but rather sorted by the Council-approved goals of the Police Commission.

Provide input on policies that reflect community values

1. Use of Force – de-escalation
2. Firearms training & de-escalation
3. Professional police stops policy and biased based policing
4. Drone policy
5. Code of conduct
6. Encourage policies and technology that are “force multipliers”
7. Review video policy (1202) and impact of video and phone recording on police actions and policy
8. Parade permitting process

Identify police policy and resource issues related to preferred policing alternatives

9. Change mentality to guardian from warrior
10. Downtown crime enforcement
11. Downtown monitoring
12. Supervisor evaluation and training
13. Police legitimacy and procedural justice
14. Review prohibited car camping program and effectiveness
15. Societal issues affecting police
16. Citation for no driver’s license or insurance

Increase communications between community and police

17. Assess what public wants regarding police services, including guardian mentality
18. Outreach to minority communities
19. Feedback to public for police response –provide explanations about response time, case status, etc.

Decrease misunderstandings regarding nature of adopted police policies

20. Address or make recommendations regarding gap between public expectations and reality

Assist City Council in balancing priorities and resources by advising on police resource issues

21. Review and recommend policy regarding body worn cameras and recommend to city council the resources to implement
22. Increase police staffing
23. Develop method to increase communication with city manager’s office and city council

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Rest Stop Program Update

Meeting Date: October 9, 2017
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: C
Contact: Regan Watjus
Contact Telephone Number: 541-682-8442

ISSUE STATEMENT

This work session is an opportunity for staff to update Council on the rest stop program and work related to a previous Council-approved motion to 1) stabilize current rest stops and 2) work with task teams in different wards in a phased approach, starting with interested neighborhoods, to find additional rest stops outside of Ward 7.

BACKGROUND

The rest stop program was initiated by the City Council in September 2013 by Ordinance 20517 (Attachment A) as a pilot program. Council approved yearly extensions to the program four times before voting to remove the program's sunset date on February 27, 2017 (see Attachment B for permanent Administrative Rules and Regulations for the program). The program provides certain Council-approved sites where up to 20 individuals who are experiencing homelessness may safely and legally sleep and keep their belongings while they work to obtain more stable, permanent housing. The rest stop program provides the community with a low-cost, safe, transitional sheltering option. Managing non-profits have been responsible for the costs to establish and operate each location. The City contributes to the program through the Council-enacted ordinance and by providing Council-approved properties for sites and staff support to the program. See Attachment B for the 2016 annual report on program operations.

Per Council directive, City staff have engaged in efforts to increase education and outreach around the program. A video created about the program has been shared on the City of Eugene's website, its Facebook page, and three times a day on Metro TV. City staff have attended numerous meetings with interested community members and neighborhood groups and are scheduled for additional meetings with neighborhood groups in the fall to discuss rest stops and the City's homelessness efforts. Finally, staff have created an Outreach Handbook for Community Members on the Rest Stop and Car Camping Programs. The handbook is an in-depth how-to guide that includes detailed program information, an outline of the process and criteria for potential site identification, and tools for conducting outreach. Hard copies of the handbook have been distributed upon request, with notices of its availability sent to community stakeholders, advocates and the Neighborhood Leaders Council, and a printable e-version is featured online at the City's rest stop webpage.

Eugene currently has four rest stops, all of which are managed by Community Supported Shelters (CSS) and all of which are located in Ward 7. The non-profit Nightingale Health Sanctuary (NHS)

previously operated a rest stop for more than two years before transitioning to operating a site permitted as “car camping” in April of this year. The site, a City-owned property located on the southwest corner of 34th Avenue and Hilyard Street, currently allows up to six vehicles, as defined by City code, to be used for sleeping. NHS wishes to increase its capacity in order to shelter more individuals by operating a rest stop at the location.

The NHS Steering Committee and interested community members have worked with the Southeast Neighbors over the past few months to increase neighborhood understanding of the program and request the neighborhood association’s support for a rest stop at the location.

- Southeast Neighbors (SEN) sent postcard invitations to immediate neighbors of the NHS site for an Open House that NHS held in July as an opportunity for community members to see the site and its operations. Few close neighbors attended, and those who did expressed support for the existing car camp as well as some concern about it growing to a 20-person rest stop.
- In August, the Vulnerable Populations Working Group, a group of community members working to increase shelter opportunities for the unhoused, held a meeting with NHS steering committee members and a few SEN board members to discuss the potential for the NHS car camping site to become a rest stop. At this meeting, a number of questions and items of concern were raised, and a plan was made to bring the full NHS steering committee to a meeting of the SEN board in order to provide fuller answers to questions and more thoroughly discuss concerns.
- On August 29, the NHS Steering Committee and SEN Board met to discuss a series of specific questions and concerns that had been raised by board members. NHS provided copies of their operational materials for the board to review. The SEN Board then planned to make a decision on a recommendation at their next meeting.
- SEN board members distributed flyers door-to-door to neighbors and business owners within 500’ of the site to make them aware of the board’s plan to make a decision on a recommendation to Council regarding the establishment of a rest stop on September 19.
- At the SEN board meeting on September 19, neighbors in attendance had the opportunity to ask additional questions of the NHS steering committee. Following board discussion, the SEN board voted 8-1 in support of the following recommendation to the Eugene City Council:

“The Southeast Neighbors Board of Directors supports the car camp at Good Samaritan becoming a rest stop. The Board recommends to City Council this change in designation with the request that the rest stop be permitted to grow to no more than 12 residents over the next six months. The Board further requests that admissions of new residents be suspended for four months after reaching twelve residents to give the neighborhood association an opportunity to determine whether to recommend a further expansion of the rest stop.”

Good Samaritan Society, which operates a home health and senior housing facility next door to the site, has been engaged in these conversations as they have progressed. The administrator of Good Samaritan has been supportive of the NHS car camping site and built positive relationships with the site managers.

TRIPLE BOTTOM LINE ANALYSIS

Environmental – reducing environmental and health impacts of people sleeping unsheltered in unsanctioned locations.

Economic prosperity – helping people achieve housing and economic stability by connecting currently unhoused individuals with housing opportunities and other services to improve their quality of life.

Social equity – helping underserved populations of people who are currently experiencing homelessness and face a variety of barriers and social stigmas associated with their status as unhoused.

COUNCIL OPTIONS

1. Council can choose to take action to approve a rest stop at 34th Avenue and Hillyard Street or not.
2. Council can choose to take action on October 9 without additional outreach or at a later date with or without additional outreach.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that staff conduct additional outreach to the immediate neighbors of the proposed site at 34th Avenue and Hilyard Street and advertise opportunities for people to provide input regarding the proposed site including at the City Council's next Public Forum on October 23, 2017. City Council would then have the opportunity to take action during its meeting on October 23 following public testimony. This recommendation aligns with Council's previous request that the City conduct outreach prior to Council action to approve rest stops.

SUGGESTED MOTION

Move to direct the City Manager to conduct additional outreach to the immediate neighbors of the proposed site at 34th Avenue and Hilyard Street and advertise opportunities for people to provide input regarding the proposed site at the City Council's next public forum.

RELATED CITY POLICIES

1. Eugene Code 4.816 Permitted Overnight Sleeping.
2. Council goal for a safe community: A community where all people are safe, valued and welcome.

ATTACHMENTS

- A. Permitted Overnight Sleeping Ordinance
- B. Administrative Order No. 53-17-03-F
- C. Rest Stops and Opportunity Village 2016 Report

FOR MORE INFORMATION

Staff Contact: Regan Watjus, City Manager's Office
Telephone: 541-682-8442
E-Mail: Regan.S.Watjus@ci.eugene.or.us



COUNCIL ORDINANCE NO. 20517

COUNCIL BILL 5098

AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING; AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE FOR UNCODIFIED PROVISIONS.

ADOPTED: September 25, 2013

SIGNED: September 25, 2013

PASSED: 6:2

REJECTED:

OPPOSED: Clark, Poling

ABSENT:

EFFECTIVE; September 25, 2013

ORDINANCE NO. 20517

AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING; AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE FOR UNCODIFIED PROVISIONS.

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

A. Section 4.816 of the Eugene Code, 1971 (EC) provides for the regulation of overnight sleeping.

B. In order to create additional sleeping options for people who are homeless, Ordinance No. 20484 was adopted temporarily allowing overnight sleeping in a tent where overnight sleeping would be allowed in a vehicle. The sunset date of that provision was extended to December 31, 2014 by Ordinance No. 20501. Ordinance No. 20503 was adopted allowing overnight sleeping in a "Conestoga hut" where overnight sleeping would be allowed in a vehicle. That Ordinance will sunset on October 1, 2013. EC 4.816 should be amended to make those provisions permanent.

C. In addition, a pilot program expanding the permitted overnight sleeping provisions should be established and remain in effect until March 31, 2014, which will allow the City to monitor the program to determine whether it should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Subsection (1) of EC 4.816 is amended to provide as follows:

4.816 Permitted Overnight Sleeping.

(1) Notwithstanding any other provision of this code:

- (a)** Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection (1), the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.
- (b)** Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep

in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.

- (c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than six vehicles used for sleeping at any one time.

Section 3. The following provisions are adopted as a pilot program and shall sunset and be repealed on March 31, 2014, unless extended or made permanent by future Council action:

Permitted Overnight Sleeping Pilot Program.

- (1) Up to 15 persons may sleep overnight in vehicles, as that term is defined in section 4.816(1)(a) of this code on property authorized pursuant to Section 4 of this ordinance.
- (2) No site may be used for overnight sleeping pursuant to subsection (1) of this section unless one or more entities enters into the agreement with the City referenced in Section 4 of this ordinance and one or more entities other than the City provides, at no cost to the City, adequate garbage, toilets and supervision. The entity providing supervision shall work with surrounding and nearby neighbors (businesses or residences) to address any concerns.

Section 4. The City Manager shall recommend to the City Council one or more proposed sites for the pilot project authorized by Section 3 of this Ordinance. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial. Before a proposed site may be used, the site must be approved by the City Council by motion and an agreement must be executed between the City and the entity referred to in subsection (2) of Section 3 above. Such an agreement may include but is not limited to provisions concerning (a) supervision, (b) selection of the individuals who may camp at the site, (c) number of continuous days that someone may camp at the site, (d) hours that people may stay at the site in addition to 9:00 p.m. to 7 a.m., (e) structures and

other items that may be placed on the site, and (f) closure of the site for non-compliance with the terms of the agreement.

Section 5. Due to the inclement weather and the need to provide assistance to homeless persons as soon as possible, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Passed by the City Council this
25th day of September, 2013.



City Recorder

Approved by the Mayor this
25 day of September, 2013.



Mayor

ADMINISTRATIVE ORDER NO. 53-17-03-F
of the
City Manager

**ADOPTION OF PERMANENT RULES AND REGULATIONS FOR THE
REST STOP AND DUSK TO DAWN OVERNIGHT SLEEPING PROGRAMS.**

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971 (EC) authorizes the City Manager to adopt rules for administration of provisions of the Eugene Code.

B. On September 25, 2013, the City Council adopted Ordinance No. 20517 which established a temporary permitted overnight sleeping ("Rest Stop") Pilot Program allowing persons to sleep overnight at approved City locations until March 31, 2014. The Rest Stop Program has since been amended by Ordinance No. 20547, and the sunset date extended, most recently by Ordinance No. 20563.

C. On November 26, 2013, I issued Administrative Order No. 53-13-13 establishing temporary regulations to implement the Rest Stop Pilot Program until March 31, 2014. The regulations have since been amended by Admin Order No. 53-14-03, and the sunset date extended, most recently by Administrative Order No. 53-16-12.

D. On November 23, 2015, the City Council adopted Ordinance No. 20559 which established a temporary permitted overnight sleeping ("Dusk to Dawn") Pilot Program allowing persons to sleep overnight between specified hours at approved City locations until March 31, 2016. The Dusk to Dawn Program has since been amended and sunset date extended, most recently by Ordinance No. 20563.

E. On December 16, 2015, I issued Administrative Order No. 53-15-18 establishing temporary regulations to implement the Dusk to Dawn Pilot Program. The regulations have since been amended by Admin Order 53-16-06, and the sunset date extended, most recently by Administrative Order No. 53-16-13.

F. On February 27, 2017, Council adopted Ordinance No. 20576 repealing the sunset date of the Rest Stop Program and Dusk to Dawn Program which were set to expire on March 31, 2017.

G. Due to Council's repeal of the sunset date of the Rest Stop Program and Dusk to Dawn Program, on March 3, 2017, I issued Administrative Order No. 53-17-03 proposing to adopt the temporary Rest Stop and Dusk to Dawn Program Rules and Regulations as permanent Rules.

H. Notice of the proposed Rule adoption was given by making copies of the Notice that was attached as Exhibit A to Administrative Order No. 53-17-03 available to any person who

had requested such notice and by publication of the Notice in the Register Guard newspaper on March 7, 8, 9, 10 and 11, 2017. Copies of the Notice were also provided to the Mayor and City Councilors, and to persons operating Rest Stop and Dusk to Dawn sites. The Notice provided that written comments be submitted within 15 days of the first date of publication of the Notice. No comments were received within the time or in the manner provided in the Notice.

BASED UPON the above findings and the findings in Administrative Order No. 53-17-03, and pursuant to the authority contained in Section 2.019 of the Eugene Code, 1971, effective March 31, 2017, the Rest Stop Program and Dusk to Dawn Program Rules and Regulations are adopted to provide as follows:

PERMITTED OVERNIGHT SLEEPING PROGRAM **RULES AND REGULATIONS**

I. REST STOP PROGRAM

A. Rest Stop - Property Provider/Site Manager Responsibilities:

1. The property provider/operator shall designate a site manager who shall be responsible for providing supervision when provider is not present. Designation of a site manager does not relieve the property provider/operator of responsibility to ensure compliance with the Contract and these regulations.
2. A contract shall be executed providing for one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.
3. The property provider/site manager shall maintain a roster of individuals who are authorized to be at the property.
4. The property provider/site manager shall ensure that guests and visitors comply with all provisions of these rules, the site agreement, and provisions adopted by City Council.

B. Rest Stop - Guest Responsibilities:

1. The following activities/items are prohibited from the property:
 - Alcohol; illegal drugs
 - Weapons
 - Illegal activity
 - Open flames, unless approved by the Fire Marshal.
 - Loud music or other disruptive noise
 - Overnight visitors
 - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.

- Engage in behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
- Children, except children who are accompanied by a parent or guardian during daytime hours.

2. Only tents are permitted on the property, unless specifically approved in writing by the City Manager or the Manager's designee.

3. The provider, guests and visitors shall comply with all applicable provisions of federal, state and local laws, including the requirements of the fire code.

4. Guests shall keep personal property in the permitted tent.

5. Visitors are allowed only between 9 a.m. and 9 p.m. and are not permitted to bring animals onto the property. Guests shall be responsible for the behavior of visitors while on the property, and visitors shall adhere to all of the obligations of guests under these regulations. Not more than 20 people, counting both guests and visitors, may be on the property between 9 a.m. and 9 p.m.

6. Guests shall be selected by the property provider and may stay on the property until the provider revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner's expense, and their property disposed of.

7. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

8. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

II. DUSK TO DAWN PROGRAM

A. Dusk to Dawn - Property Provider/Site Manager Responsibilities:

1. A property provider/site manager will be designated who shall be responsible for providing supervision during site operating hours.

2. Site will be occupied no earlier than 4:30 p.m. and no later than 7:30 a.m. in a 24 hour period. The City Manager, may adjust site operating hours upon considering, among other things, the seasonal sunset. However, the City Manager may not adjust operating hours such that sites are open earlier than 4:30 p.m. or later than 7:30 a.m.

3. Personal property will be stored in compliance with criteria set by the property provider/site manager and must be taken with guests when they vacate the site each day.
4. Provide one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.
5. Keep the site and surrounding property free from accumulation of trash or items left behind by guests.
6. Maintain a current roster of individuals who are authorized to be at the property ("guests").
7. Shall open a site only after the City Manager has provided written authorization allowing the site to open. The written authorization shall include the number of people permitted to use the site, and any other regulations applicable to the specific site.
8. Make sure that the number of people at the site(s) between 4:30 p.m. and 7:30 a.m. does not exceed the number of people permitted by the City Manager's written authorization.
9. Ensure that guests comply with all provisions of these regulations and provisions adopted by City Council.
10. All applicable provisions of federal, state and local laws will be complied with, including the requirements of the fire code.

B. Dusk to Dawn - Guest Responsibilities:

1. The following activities/items are prohibited from the property:
 - Alcohol; illegal drugs
 - Weapons
 - Illegal activity
 - Open flames, unless approved by the Fire Marshal.
 - Loud music or other disruptive noise
 - Overnight visitors
 - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.
 - Behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
 - Children.
2. Compliance with all applicable provisions of federal, state and local laws, including the requirements of the fire code.

3. Guests shall be selected by the property provider/site manager and may stay on the property until the property provider/site manager revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner's expense, and their property disposed of.

4. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

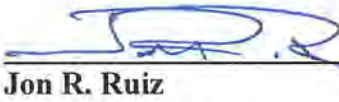
5. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

6. Guests must comply with any additional rules or regulations not covered here but established by the property provider/site manager.

C. Dusk to Dawn - Closure of Site by the City Manager.

The City Manager may close a site at any time upon determining that allowing camping at a site would create or continue dangerous conditions or a threat to the public health, safety or welfare, or if the property provider/site manager fails to comply with these regulations or the provisions adopted by the City Council.

Dated this 27th day of March, 2017.



Jon R. Ruiz
City Manager

Memorandum

Date: September 13, 2017
 To: Mayor and City Council
 From: Regan Watjus, City Manager's Office
 Subject: Rest Stops and Opportunity Village 2016 Report

Background

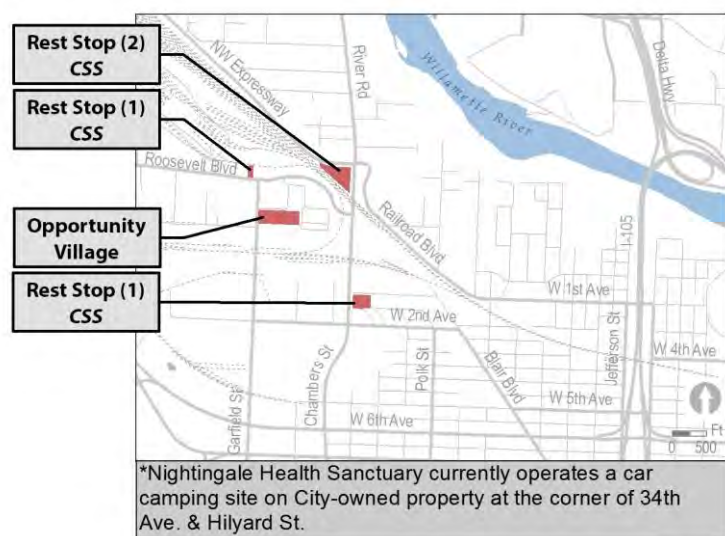
On December 10, 2012, City Council authorized the establishment of Opportunity Village Eugene (OVE), a self-managed micro-housing site within the designated Eugene Public Works & Maintenance complex at 111 N. Garfield Street. The site has capacity to shelter up to 45 people in 30 temporary residential units. OVE now operates under the umbrella of the non-profit SquareOne Villages, and the original agreement to operate the site has been extended through June 1, 2018.

On September 25, 2013, Council passed an ordinance creating the Permitted Overnight Sleeping Pilot ("Rest Stop") Program. A rest stop allows up to 20 people to sleep in tents, trailers or Conestoga huts at designated, Council-approved sites. The City enters into an agreement with a third party that operates and supervises each site. On February 27, 2017, Council approved an ordinance to remove the sunset date for the program. Council also authorized \$25,000 for rest stop operations in the FY17 Supplemental Budget One process in December 2016. Per Council direction, City staff are continuing work with community members to promote outreach, education, and engagement around the program, and working with interested parties to identify viable locations for additional rest stops outside of Ward 7.

The purpose of this report is to provide City Council with a summary of activity at these sites for the 2016 calendar year. This is the second consecutive report.

Current Site Locations

OVE has operated at its current location at 111 N. Garfield since it first opened in August 2013. There are currently four rest stop sites, all operated by Community Supported Shelters (CSS). The site at N. Garfield and Roosevelt has been in operation since November 2013; one site at NW Expressway and Chambers since April 2014; the site at the Eugene Mission since June 2015; and another site at NW Expressway and Chambers since April 2016. Nightingale Health Sanctuary (NHS) operated two rest stops on the property of the Lane



6/13/2017

County Behavioral Health Center from December 2015 until August 2016, at which time they relocated to the Eugene Mission, where they operated one rest stop until April 2017. NHS is currently operating a car camping site of six residents at the corner of 34th Ave. & Hilyard St., while they, the City and community members continue to look for a long term site for their rest stop operations.



Overview of Programs

In addition to small bungalows (64-80 SF) and Conestoga huts (60 SF), OVE hosts a number of community spaces and shared infrastructure, such as showers, bathrooms, laundry, kitchen, raised garden beds, a gazebo built by volunteers in 2016, and a heated yurt with computer access and a library. OVE also provides water, electric and internet for communal purposes, as individual dwellings are not developed with these amenities.

Infrastructure at rest stops is more limited. Rest stops consist of a mix of tents on raised platforms and Conestoga huts with additional covered areas for cooking, storage and warming. There is no electricity provided, but municipal water is available at the current CSS “Safe Spot” sites. Water was also available to NHS residents at the Eugene Mission site, and Good Samaritan, neighbor to the current NHS car camping site, is providing access to water at that location.

The perimeters of both OVE and rest stops are fenced and ingress and egress controlled. Both programs are responsible for providing restrooms and trash service at their respective sites. Residents at all sites go through an application and screening process and must abide by relevant City administrative rules as well as those required by the operating entity. These include the prohibition of weapons, drugs, alcohol, theft, violence, overnight visitors, threatening or disruptive behavior, and activity that damages or disrupts the property or the property of the surrounding area. Failure to follow rules could lead to a resident’s eviction from a site. All sites also require that residents contribute to site upkeep and maintenance.

Each organization maintains a slightly different governance model, but all include residents in decision making and day-to-day management of the sites. Resident site councils have been employed by NHS and OVE. Each organization has a board or steering committee that provides oversight.

While these programs are viewed as transitional, it is acknowledged that participants require different periods of time to gain stability and work to transition to more stable, permanent housing. Site managers take different approaches to setting limits on length of stay. All provide mentoring and support in setting and meeting personal goals to help residents improve their long-term situations. NHS and OVE have no hard limits, while CSS implements a length-of-stay limit of 10 months for their “Safe Spot” Program, which includes a 30-day trial period, and a 6-month stay with the possibility of a 3-month extension. Some of the programs also utilize different forms of peer support, employment training and volunteer opportunities.

Table 1. Resident Characteristics			
	Rest Stops	OVE	Total
Age¹:			
18-24	3	0	3
25-54	49	19	68
55-64	10	2	12
65+	4	5	9
Gender:			
Male	118	17	135
Female	70	9	79
Transgender/Gender non-conforming	2	0	2
Ethnicity¹:			
Hispanic or Latino	5	4	9
Non-Hispanic or Non-Latino	61	26	87
Race¹:			
White/Caucasian	57	23	80
Black/African American	1	1	2
Am. Indian or Alaskan Native	3	1	4
Two or more races	5	0	5
Veterans	55	1	56
Disabled¹	20	5	25
Employed¹	4	6	10
¹ Demographic data on age, ethnicity, race, employment and disability status was only reported by NHS and OVE. CSS is updating their database software in 2017 in order to help capture all of the requested information.			

Resident Characteristics & Departure Destinations

Rest stops and OVE served a total of 296 people in 2016. Of the total residents who have entered OVE since its opening in 2013, all but one have reported coming from Lane County. In rest stops, 123 or 65% of those who entered in 2016 reported coming there from Lane County. Nearly 75% of OVE and rest stop residents were between the ages of 25 and 54, and about 35% were female. Two incoming rest stop residents identified as transgender or gender non-conforming. There were 7 female heads of household and 4 elderly heads of household who entered OVE. The majority of both rest stop and OVE residents identified their race as white/Caucasian. Rest stops served 55 veterans and 20 people with disabilities or special needs, most of these at specific rest stop sites that prioritize these groups. In addition, 6 OVE residents and 4 rest stop residents were employed during their stay

with these programs. See Table 1 for more detailed demographic information about OVE and rest stop residents.

Turnover continues to be more frequent at rest stops than at OVE, with about 75% of those who departed rest stops having lived there six months or less, compared to 43% at OVE. Seven people who departed OVE in 2016 did so after being a resident of the village for more than two years. At the end of 2016, both rest stops and OVE had fifteen people each in their programs who had been there for more than one year.

Of the 22 people who departed OVE in 2016, eight or 36% did so voluntarily (down from 68% who departed voluntarily in 2015), while thirteen departed for rules

violations. Of the 167 people who departed rest stops in 2016, 120 or 72% did so voluntarily (up from 70% who departed voluntarily in 2015), while 47 departed for rules violations.

Table 2. Destinations for Departing Residents			
Destination:	Rest Stops	OVE	Total
Rental house or apartment	34	1	35
Public housing	7	2	9
Section 8	0	2	2
Shelter Plus Care	12	0	12
Homeownership	0	0	0
Family or friends (permanent)	18	1	19
Supportive housing	4	0	4
Family or friends (temporary)	7	3	10
Transitional housing for homeless	9	0	9
Psychiatric hospital	0	0	0
Inpatient alcohol/drug treatment	2	1	3
Jail/prison	4	0	4
Remained homeless	24	11	35
Other	8	0	8
Unknown	38	1	39

The purpose of the rest stops and OVE are to provide temporary, safe shelter that will help people who are unhoused transition to more stable, permanent housing. Table 2 provides a summary of the different destinations for those departing a rest stop or OVE in 2016. Those who left these programs to go to a rental house or apartment, public housing, Section 8 housing, Shelter Plus Care, homeownership, permanent situations with family or friends, or supportive housing are all considered to have transitioned to permanent housing. Those who left to go to a psychiatric hospital, transitional housing for the homeless, an inpatient alcohol/drug treatment program, or a temporary situation with family or friends are considered to have moved into another form of temporary or transitional housing. For OVE, six residents or 27% of those who departed in 2016 went to permanent housing (down from 58% in 2015); four or 18% went to temporary or transitional housing situations; and half remained homeless upon departure. For those who departed rest stops in 2016, 75 or 45% went to permanent housing (up from 31% in 2015); 18 people or 11% went to another type of temporary or transitional housing situation; 24 or 14% remained homeless; 4 or 2% went to jail; and destinations are unknown for 23% and listed as “other” for 5% who departed.

Those residents who are involved in the day to day management of these sites have received training in conflict de-escalation and mediation and use these techniques to help settle instances of miscommunication or potential dispute or conflict. Operating agreements that the overseeing non-profits have developed outline protocols for handling disciplinary situations and grievances, and peer governance is helpful in mitigating issues that arise and promoting residents’ personal investment in the successful operation of these sites. Out of twelve disturbances at OVE in 2016, nine of them were resolved by the OVE community, and three were called in to the Eugene Police Department. Disturbances at rest stops were reported only by NHS, where 4 out of 5 were resolved by the rest stop community, and one required police assistance.

Partnerships

Rest stops and OVE continue to improve their collaboration with local service providers and other organizations. These partnerships are crucial to the ability of the programs to meet their goals of connecting unhoused members of the community with the resources needed to help them transition into permanent or improved housing situations. In 2016, these partners included:

- Eugene Mission
- Willamette Family Treatment Centers
- Shelter Care
- Whitebird/CAHOOTS
- Veterans Administration
- St. Vincent de Paul
- Laurel Hill Center
- Church of the Resurrection
- Occupy Medical
- Catholic Community Services
- Hounds for the Homeless
- Senior and Disability Services
- Buckley House
- Love In The Name of Christ (Love INC)
- Allies, LLC
- Lane Independent Living Alliance (LILA)
- Food for Lane County
- University of Oregon
- Sacred Heart Riverbend and University District
- First Christian Church

- St. Mary's Episcopal
- Jesco Club
- Lane Transit District (LTD)

These are not the only organizations who worked with rest stop and OVE residents, as many program residents also have their own working relationships and seek out assistance on their own with other service providers.

Accomplishments

- In 2016, rest stops and OVE provided the safety and stability needed to help 81 formerly homeless individuals find permanent housing. Combined with the numbers reported in 2015, OVE and rest stops have assisted 136 people in achieving stable, permanent housing in the last two-year reporting period.
- A total of 636 hours of community service in City parks were contributed by OVE and rest stop residents. OVE volunteers contributed 432 hours cleaning and painting over graffiti at the Sladden Park restroom. This encompasses 212 straight days, without a break, from April to November. NHS volunteers contributed 108 hours in three projects. And CSS volunteers contributed 96 hours during four projects.
- CSS opened a fourth Safe Spot at NW Expressway and Chambers, utilizing volunteers from existing Safe Spots to build and set up the new site that prioritizes women in need of safe shelter.
- OVE hired a Village Coordinator through a grant from Oregon Community Foundation who is working ten hours a week providing administrative support to the village. A Social Work intern from PSU also temporarily assisted residents with their transition plans.
- OVE acquired a new gazebo, built by a group of college students from Northern Idaho College who spent their spring break constructing the gazebo and doing a clean-up of the site.
- Senator Jeff Merkley toured OVE in September.
- OVE created a new Oversight Committee to take on more of the supervisory tasks at the site, allowing the Executive Director more capacity to expand the work of the nonprofit SquareOne Villages.
- A new Food for Lane County food pantry was established at the main CSS office on Grant St.
- CSS installed grey-water collection tanks at the rest stops at NW Expressway, as well as two solar charging station systems and gravel pathways at two rest stops. They also updated kitchen facilities at the Veterans Safe Spot; updated common space facilities at all of its rest stops with hard-shelled, movable buildings, 12 volt lighting systems, cell phone charging areas, and wood burning stoves for heat; and established new weekly Communication Meetings designed to help promote healthy communication between camp residents.
- Both rest stops and OVE benefited from significant in-kind donations of items as well as time from community members with skills such as a health nurse, mediation counselors, a group facilitator, a baker, and many more.

Challenges

- The City and NHS continue to face challenges in identifying a long-term location for an NHS rest stop. Finding new potential sites, particularly in areas of the city outside of the industrial area, is challenging, due to both the availability of sites that meet criteria for a rest stop and the need to engage sufficiently with neighbors before establishing a new site.
- It is a struggle for the rest stop programs to maintain stable funding and secure the resources needed for general operations, program expansion, and more adequate staff pay. Operators hope to achieve more stable and developed financial foundations that will allow them to grow their programs.

- Some programs are seeing an increase in the number of people in the area who are suffering from methamphetamine (meth) addiction. While the programs have succeeded in working with some individuals struggling with addiction, these residents often struggle in the program and pose unique challenges for the operators.
- The concentration of the programs along with other homeless services in one area of the city has created some anxiety among residents or a sentiment that these neighborhoods are bearing the weight of the homelessness problem.
- Meeting the needs of people who have serious medical problems is also a challenge for these programs.

Conclusion

The rest stops and Opportunity Village continue to demonstrate success in the numbers served, stabilized, and housed through these programs. Anecdotal information also indicates the significant value of these programs to people who need them and can abide by their rules and structure. While there are a number of applicants who struggle and may not be able to conform to the requirements of the programs, and while some remain homeless upon departure, there are many who have greatly benefited from the stability, support, connections and self-growth these communities offer, and who attribute their success in achieving permanent housing and significant life improvement to the programs.

Thanks to the individuals who operate and manage Community Supported Shelters, Nightingale Health Sanctuary, and Opportunity Village Eugene, these programs continue to grow and evolve in ways that increase their ability to effectively serve their residents, take care of basic needs, and provide options and support for exiting homelessness. Although operators face challenges in creating stable and predictable funding mechanisms, serving high needs populations, and prioritizing a variety of needs, they have nonetheless developed positive reputations and important partnerships in the community that help their residents transition to more stable housing while minimizing impacts on the surrounding neighbors.

City Council and staff have recently taken important steps to increase support and community awareness for these programs. In 2017, City Council eliminated the sunset date for the rest stop program, allocated funds for the first time to the program, and directed the City Manager to promote further education and outreach and to work with interested neighborhood groups on exploring opportunities for program expansion into new areas of the city. City staff have been working to implement these directives, most recently developing an Outreach Handbook to assist interested neighborhood groups and community members in searching for viable sites and conducting outreach to their neighbors. The rest stop program and OVE have been largely community-driven undertakings, and expansion of these programs will require continued and increased community support in order to build on that momentum.