



AGENDA
STAYTON HOMELESS TASK FORCE
Monday, March 13, 2023
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

1. **CALL TO ORDER** **6:00 PM**
2. **Introductions**
3. **Review and comment on Public outreach plan** **6:10**
4. **Review code audit** **6:25**
5. **Review and comment on community survey questions**
7:25
6. **Public comment/correspondence** **7:50**
7. **Next meeting – April 10, 2023; 6-8 PM**
8. **ADJOURN** **8:00 PM**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, contact City Hall at (503) 769-3425.

Homeless Task Force Public Outreach Plan 3-6-23

Purpose:

- 1: To share with the public that the Task Force has been established and what it is tasked to do
- 2: To engage the public to get input on the work the task force is doing
- 3: To Communicate with the public what task force recommendations are and seek input on those recommendations
- 4: To Communicate Council discussions and implementation actions and get input
- 5: To have a community understanding of the process and outcomes. There will not be agreement on all actions, but the goal is to ensure that people understand what was done and why.

Methods:

Inform


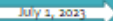
- Website – Will be updated monthly with the updated task force meeting agenda, materials and summary as well as with upcoming dates and links to information.
- Social Media – Share out meeting information and link to website.
- Provide “article” for Chamber weekly email
- Maintain interested parties list to share out information.
- Reach out to organizations to present scope and schedule of task force and opportunities to participate: Rotary, Lions, Kiwanis, others?

Engage

- Community Survey
- Listening session (s) – Invite the community to share direct experiences and concerns with the task force
 - *It would be great to have an event or two where some task force members going out into the public and meet people “where they are at” like a tabling event or something*

Collaborate

- The task force is made of a diverse group of Stayton residents representing different points of view from throughout the community. They meet regularly and a respectful and collaborative meeting space to share ideas while working towards recommendations regarding regulations affecting homelessness in the community
- The Task force will meet in work sessions with the City Council to share information and get input/direction from Council

Feb	<ul style="list-style-type: none"> ▪ Kick off meeting ▪ review existing laws and regulation, existing conditions
Mar/April 	<ul style="list-style-type: none"> ▪ Community-wide outreach on the purpose of the task force and opportunities to provide input ▪ Listening sessions and learning ▪ Review outcomes from listening and learning sessions – identify options to study further and ideas to take off the table (for example, full prohibition of camping with development of alternative housing or some time/place prohibition?) ▪ Review code audit for necessary changes to comply with HB 3115/ORS 195.530; develop recommendations
May	<ul style="list-style-type: none"> ▪ Work session with Council ▪ Review recommended changes to code for HB 3115/ORS 195.530 ▪ Review/discuss public input and potential paths – get input and buy in on the options being evaluated and those not being evaluated
June 	<ul style="list-style-type: none"> ▪ Council adoption of initial code amendments to comply with HB 3115/ORS 195.530 ▪ Task Force begins evaluation of specific options – review in context of cost, benefit (note: to make HB 3115 amendments, we will know general direction desired and the remaining tasks will be digging in to the development)
Aug	<ul style="list-style-type: none"> ▪ Public outreach on the options for consideration
September	<ul style="list-style-type: none"> ▪ Taskforce review input from the outreach and begin formulating recommendation to Council
October	<ul style="list-style-type: none"> ▪ Council work session
November	<ul style="list-style-type: none"> ▪ Task force present formal recommendations to Council
December/Jan	<ul style="list-style-type: none"> ▪ Council consideration of task force recommendations: ▪ Code amendments as appropriate ▪ If implementation has budgetary impacts, provide direction on timing (supplemental or incorporate into future budget)

March 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6 City Council meeting	7	8	9	10	11
12	13 Task Force meeting	14	15	16	17	18
19	20 City Council meeting	21	22	23	24	25
26	27	28	29	30	31 Community Survey live- post on web, Facebook, Nextdoor- SHARE	

April 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1			1
2	3 City Council meeting	4	5	6	7 Reminder sent out on community survey	8
9	10 Task Force meeting – Listening session 6-8PM	11	12 Presentation at Rotary	13	14 Community survey closes at 9:00 PM	15
16	17 City Council meeting	18	19 Summary of public input distributed to task force	20	21	22
23	24 Task Force meeting – Review public input	25	26	27	28	29
30						

May 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8 <i>Task Force meeting- cancelled</i> Budget meeting	9	10	11	12	13
14	15 City Council meeting/ Task Force update at Council	16	17	18	19	20
21	22 Task Force meeting- special meeting due to budget mtg conflict	23	24	25	26	27
28	29 Holiday	30	31			

June 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5 City Council meeting	6	7	8	9	10
11	12 Task Force meeting	13	14	15	16	17
18	19 City Council meeting/ Task Force update at Council	20	21 Farmer's market 3-6	22	23	24
25	26	27	28 Farmer's market 3-6	29	30	

May need
additional meeting
this week

July 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1 Farmer's market 3-6			1
2	3 City Council meeting	4 Holiday	5 Farmer's market 3-6	6	7	8
9	10 Task Force meeting	11	12 Farmer's market 3-6	13	14	15
16	17 City Council meeting	18	19 Farmer's market 3-6	20	21	22
23	24	25	26 Farmer's market 3-6	27	28	29 Summerfest
30	31					

Aug 2023

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2 Farmer's market 3-6	3	4	5
6	7 City Council meeting	8	9 Farmer's market 3-6	10	11	12
13	14 Task Force meeting	15	16 Farmer's market 3-6	17	18	19
20	21 City Council meeting	22	23 Farmer's market 3-6	24	25	26
27	28	29	30	31		



CITY OF STAYTON
M E M O R A N D U M

TO: Homeless Task Force

FROM: Julia Hajduk, City Manager

DATE: March 13, 2023

SUBJECT: Code Audit

Attached is a Code Audit prepared by the City Attorney highlighting areas of the code that may be problematic in light of recent case law and legislation. At the meeting, Ross will review this information and we will begin preliminary discussions about the options. Over the next couple of months, we will work on developing a set of preliminary recommendations. It is the hope that at the end of the meeting, the task force members understand the code sections that are not in alignment with case law and legislation and potential options for addressing. This information will shape and inform the questions being asked of the public and other public outreach being done.

Stayton Municipal Code – Annotated Homelessness Code Audit

SMC 2.64.1600

Personal property taken into the custody of any department by reason of seizure, abandonment, or for any other reason shall be disposed of per ORS 98.245.

Note. This provision does not account for ORS 195.500 – 195.505 which require the City to have a specific policy for the handling of campsites and disposing of property removed from a campsite. ORS 195.500 has been in place for several years, so this code provision is currently not in compliance with state law. As a formatting note, this section is not titled and has a subsection number unlike the rest of the Code.

SMC 8.12.020 CAMPING PERMIT

1. No person shall camp in or upon any public property or under any bridge unless a permit is obtained from the Chief of Police or designated representative or by declaration of the Mayor in emergency circumstances. An application shall be filed with the City for each RV, tent, or campsite.

2. The Chief of Police or designated representative may issue a permit to any person to park a recreational vehicle (RV) or to camp upon any public property. A permit issued under this section shall be issued when the Chief of Police or designated representative finds that the following criteria will be met.

a. The applicant has made arrangements for appropriate sanitary facilities and drinking water;

b. The proposed activity for which the permit is issued is not likely to disturb the peace and quiet of any person

c. The proposed activity is unlikely to result in litter, trash, garbage, sewage, or other unsanitary material being placed or left on public property; and,

d. A permit shall not be issued for camping in a public park unless it is in conjunction with another City approved event, such as a festival in the park and does not interfere with the needs of the City such as normal city services.

3. The permit may be granted for up to ten days. A permit shall not be issued to the same applicant more than once in any thirty-day period.

Note. This regulation is essentially a City of Boise camping regulation that was determined to be unlawful in *Martin v. City of Boise*. It regulates camping on all City property and does not make allowances for someone experiencing homelessness. Under *Martin*, the City should not enforce this regulation. Under ORS 195.530, the City should remove this regulation altogether, or significantly amend the regulation so that it is objectively reasonable as applied to someone experiencing homelessness.

SMC 8.12.030

PARK HOURS

Public parks of the City shall be closed to access and use by the public between the hours of 10:00 p.m. and 6:00 a.m. unless a permit has been issued by the Chief of Police or designee or a facility use permit has been issued by the City.

Note. This provision needs more analysis. The closing of all parks overnight could be a problem if there is not enough other city property open to those experiencing homelessness. Based upon the current population of homelessness and the availability of other city property, this could be objectively reasonable, but would need to be reviewed over time as the homelessness population changes.

SMC 9.20.010

PUBLIC URINATION OR DEFECATION

No person shall, while in a public place or in view of a public place, perform an act of urination or defecation, except in enclosed toilets provided for that purpose.

Note. This type of regulation has not been litigated to my knowledge, but this very well could be a problem if there are no facilities available to someone experiencing homelessness. While the City does not need to provide facilities, if there are no facilities to use, this regulation could be unreasonable as applied to someone experiencing homelessness that has no other options.

SMC 9.24.010

MINORS NIGHTTIME CURFEW

1. No minor under the age of eighteen (18) years shall be in or upon any street, highway, park, alley or public way or place between the hours specified in subsection 2 and 3 of this section unless:

a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or

b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or

c. The minor is lawfully emancipated pursuant to Oregon Revised Statutes

2. For minors under the age of sixteen (16) years, the curfew is between 10:00 p.m. and 6:00 a.m.

3. For minors sixteen (16) years of age or older, the curfew is between 12:00 a.m. and 6:00 a.m.

Note. This type of regulation has not been litigated to my knowledge in the context of homeless youth. However, it seems plausible that a case could be made that a curfew regulation applied to homeless youth is unreasonable. Because the case against curfews is not clear under ORS 195.530, I am not recommending action, other than to point out the possible issue. Also note that ORS 419C.680 already establishes a curfew between the hours of midnight and 4 a.m. As a result, one option would be to remove this local regulation and rely on the state statute.

SMC 9.24.020

MINORS DAYTIME CURFEW

1. No minor between the ages of seven (7) and eighteen (18) years, who has not completed the twelfth grade, shall be in or upon any street, highway, park, alley or public way or place during regular school hours except while attending school as required by state law unless:

a. The minor is accompanied by a parent, guardian, or other person over 18 years of age and authorized by the parent or by law to have care and custody of the minor; or,

b. The minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during regular school hours and is authorized by the minor's parent, guardian, or other person having the legal care and custody of such minor; or,

c. The minor is lawfully emancipated pursuant to state law; or,

d. The minor is authorized and approved to be away from school as provided by state law, but is not suspended or expelled.

2. For the purposes of this section, regular school hours are those hours, for the full-time school, which the child would attend in the school district in which the child resides, on any day for which school is in session, unless such day is scheduled vacation or holiday observed by the school.

Note. As with the nighttime curfew above, I do not believe that immediate action is needed. However, this type of curfew regulation could be a problem as applied to a homeless youth that has been expelled or suspended from school.

SMC 10.12.060

STORAGE OF VEHICLES ON STREETS

1. Except as otherwise provided in SMC Title 10 and SMC Chapter 8.12 no person shall store or permit to be stored on a street or other public property, a motor vehicle or other personal property for a period in excess of 72 hours. Failure to move a motor vehicle or other personal property for a period of 72 hours constitutes prima facie evidence of storage and may be towed in accordance with this Title.

2. Discarded Vehicles as defined in SMC Chapter 8.04 may not be stored on a street for more than 24 hours.

5. Personal property which is stored in violation of the provisions of this Chapter relating to storage of personal property on streets is subject to removal and disposal in accordance with SMC Chapter 2.64 and Oregon Revised Statutes. [Subsection numbering error appears to be a codification error. Original ordinance does not show this numbering error.]

Note. A 72-hour regulation is likely objectively reasonable as applied to someone car-camping on city streets. However, we do not have a definitive answer on this question from a court. As noted above as to SMC 2.64.1600, the City's current disposal provisions need to be updated to comply with ORS 195.500 – 195.505. I recommend correcting the subsection numbering error, which can be done immediately as an administrative matter because the ordinance adopted by Council is numbered correctly.

SMC 10.12.150 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person who represents that they are a person who is entitled to a residential parking permit when not so entitled to one.
2. Any person who fails to surrender a permit when the person is no longer entitled to it.
3. Any person who parks a vehicle displaying a residential parking permit at any time when that person is not entitled to it.
4. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this Chapter.

Note. There is nothing fundamentally wrong with this regulation in relation to ORS 195.530, so long as there are city streets where someone can car-camp. As the homelessness population increases, the supply of areas where car-camping is allowed needs to be continually evaluated to ensure that the regulation remains objectively reasonable.



CITY OF STAYTON
M E M O R A N D U M

TO: Homeless Task Force

FROM: Julia Hajduk, City Manager

DATE: March 13, 2023

SUBJECT: Community Survey

Attached is a draft set of survey questions for the first community wide survey. Input is requested to ensure that the questions are neutral and not leading in any way and will help solicit the information that the task force wants and needs to move on to next steps, primarily in the development of preliminary and final recommendation on code language to ensure alignment with case law and, ultimately, the City's policy direction and approach to dealing with homelessness in the community. As you review the draft survey please keep the following questions in mind:

1. Does anything stand out as concerning or leading in the phasing of the questions?
2. Is there a question that is missing?
3. Is there a question that seems unnecessary?

[Purpose of survey – to ask questions to help inform the task force and, ultimately the council, the extent of the communities understanding of and concern with the homeless situation in Stayton. To understand the potential regulations and support systems and the degree to which the community supports or opposes those.]

With that in mind, we have drafted the following questions for a community wide survey. Distribution will be via social media, Task Force members, QR codes shared by local businesses (we will provide flyers and handouts), OTHER IDEAS?

Preliminary Survey on Homelessness in Stayton

1. Do you reside in the Stayton City limits?
 - Own
 - Rent
 - Other _____

2. Do you reside in the larger Stayton Community?
 - If yes, where do you live?

3. Are you a business owner in Stayton?

4. Zip code: _____

5. To what degree, do you perceive homelessness is an issue in Stayton?
 - 0 – not an issue
 - 1 – somewhat of an issue
 - 2 – it is an issue but doesn't affect me directly
 - 3 – it is an issue and affects me directly
 - 4 – it is a huge issue

6. Have you personally seen homeless individuals in Stayton?
 - a. If yes, where?
 - Camping in parks
 - Sleeping in parks
 - Sleeping on sidewalks
 - Sleeping in car
 - Other (please explain)_____

7. Have you personally had interactions with homeless people in Stayton?
 - No interactions
 - Verbal interaction
 - Positive

- Negative
 - Both
 - Observed them from a distance
 - Observed from close proximity
8. What is your greatest concern about homeless individuals in Stayton?
- I am concerned for their safety
 - I am concerned that they will commit crimes
 - I am concerned about drug and alcohol use
 - I am concerned about garbage
 - I am concerned that property values will go down in areas near where they sleep
 - I am concerned that they are not getting the support and services that they need
 - Other _____

9. There is case law from the 9th District Court that says that “Persons experiencing homelessness are entitled to take necessary minimal measures to keep themselves warm and dry while sleeping outside” and that Cities violate the Eighth Amendment if they punish a person for the mere act of sleeping outside or for sleeping in their vehicles at night when there is no other place in the city for them to go?

Recent state laws require that any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be **objectively reasonable as to time, place and manner with regards to persons experiencing homelessness**.

Do you think that Stayton should regulate the act of sitting, lying, sleeping or keeping warm and dry outdoors on public property?

If yes, what objectively reasonable measures should be in place?

- Allow in Parks only?
 - Pioneer Park
 - Riverfront Park
 - Community Center Park
 - Santiam Park
- Exclude in parks?
 - All?
 - Some?
 - Which ones
- Prohibit on Public sidewalks
- Prohibit in On-street parking spaces
 - Must be similar to other on-street parking regulations
- Prohibit in Public Parking lots
- Regulate only in Downtown core?
- Not allowed Within X feet of entrances to buildings?
- Prohibit on any public property and provide low or no barrier shelter (no requirement to be drug or alcohol free, pets permitted, etc) as alternative