

City Council Meeting
Agenda

March 04, 2024

7:00 p.m. Public Meeting

Hybrid Meeting in Person and Via Zoom

Phoenix Plaza Civic Center 220 N. Main St./Via Zoom

*A complete agenda packet is available on the city's website. This meeting is being conducted in person and virtually to allow for public participation. A recording of the meeting in its entirety will be posted to www.phoenixoregon.gov. To comment on agenda items, please write your name on the sign-in sheet and include the item number, if attending via Zoom raise your hand when the topic is discussed by Council. **If you need special accommodations, please give the City Recorder 72-hours prior notice.***

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88412157070?pwd=Ja2uhYeStRj-eBY4v7j46r2hABObBA.kAOUC2LV04Rza-qJ> Passcode: 741087

Or One tap mobile: +1 346 248 7799, 88412157070#, *741087# US (Houston) +1 669 444 9171, 88412157070#, *741087# US

Or Telephone: Dial (for higher quality, dial a number based on your current location):

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- +1 564 217 2000 US
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1. Call to Order / Roll Call / Confirmation of a Quorum

Except as provided in Section 33 of the City Charter, a minimum of four Council Members are needed for a quorum and to conduct city business. If the Mayor is needed to establish a quorum, then he/she may become a voting member for that meeting (Phoenix Municipal Code, Chap. 2.28.020.A.4).

2. Pledge of Allegiance

3. Presentations

- a. Annual Police Report – Police Chief Derek Bowker,.....5

4. Public Comments

*This item is for persons wanting to present information or raise an issue, not on the agenda. Each person shall be limited to three minutes and may not allocate their time to others unless authorized by the Presiding Officer. To comment, please write your name on the sign-in sheet. When your name is called, step forward to the podium and state your name and address for the record. If attending virtually, please raise your hand and wait to be allowed to speak. When your name is called, please unmute yourself and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes). While the Council or staff may briefly respond to your statement or question, **the law does not permit action on, or extended discussion of, any item not on the agenda** except under special circumstances.*

5. Consent Agenda

*Items on the Consent Agenda are considered routine and will be adopted by one motion. **There will be no separate discussion of these items unless it is requested by a member of the Council or staff.** If so requested, that item will be pulled from the Consent Agenda and considered separately immediately following approval of the remaining items.*

- a. Reports for Information & Possible Action:

- b. Minutes to Approve and File:

- 1. Minutes from City Council Study/Work Session February 20, 2024,.....28
- 2. Minutes from City Council/Public Hearing Meeting February 20, 2024,.....30

6. Consent Agenda Items Pulled for Discussion

7. Ordinance: Reading/Adoption

- a. Ordinance No. 1037 – An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.010 Prohibiting Camping and Replacing Language,.....33

8. Staff Reports

- a. City Attorney
- b. City Manager
- c. Deputy City Manager

9. Mayor and Council Comments / Reports

Any Councilor may make an announcement or raise any item of business that is not on the agenda. While other Councilors or city staff may briefly respond or comment, the law does not permit action on, or

extended discussion of, any item not on the agenda except under special circumstances. If extended deliberation or potential action on a matter is desired, Council may direct staff to place the item on a future meeting agenda.

10. Adjournment



To be scheduled: City Council

- Monument Policy – TBS

To be scheduled: PHURA

- Annual Report – TBS
 - Appointment Chair - Mar 18th
 - Appointment Vice-Chair – Mar 18th
 - Budget Calendar – Mar 18th
-

Upcoming City of Phoenix Meetings:

March 11, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.
March 18, 2024	PHURA Board Meeting 5:00 pm at 220 N. Main St.
March 18, 2024	City Council Study/Work Session 5:30 pm at 220 N. Main St.
March 18, 2024	City Council Meeting 7:00 pm at 220 N. Main St.
March 21, 2024	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
April 01, 2024	City Council Study/Work Session 5:30 pm at 220 N. Main St.
April 01, 2024	City Council Meeting/Public Hearing 7:00 pm at 220 N. Main St.
April 08, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.
April 15, 2024	City Council Meeting/Public Hearing 6:30 pm at 220 N. Main St.

All of the above meetings are tentative and are subject to change.

**CITY OF PHOENIX POLICE
DEPARTMENT**

2023 ANNUAL REPORT



Chief Derek Bowker

Chief's Page



PHOENIX POLICE DEPARTMENT
PO BOX 330, 114 W. 2ND STREET
PHOENIX, OR. 97535
PH# 541-535-1113 FX# 541-535-2040

Derek A. Bowker, Chief

dbowker@pxpd.org

March 4, 2024

Eric Swanson
City Manager, City of Phoenix
Phoenix, OR 97535

Ref: *Phoenix Police Department 2023 Annual Report*

Dear Mr. Swanson,

I am presenting this 2023 annual report of activities of the Police Department to your office. This report depicts current and new programs, crime and service statistics, training accomplishments and personnel information. The report attempts to illustrate the diversity of services provided by the department to the citizens of Phoenix.

On behalf of the members of the department, I would like to express our appreciation to you, the Mayor, the members of the City Council and the citizens of the City of Phoenix for the active support in helping us make our city a safer and better place in which to live.

I know you are aware that the men and women of this organization are committed, individually and collectively, to provide the highest level of service possible. I hope this report communicates those efforts.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Derek A. Bowker".

Derek A. Bowker, Chief
Phoenix Police Department

cc: Mayor
City Council

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GUIDING PRINCIPLES

THE FOLLOWING GUIDING PRINCIPLES EXPRESS THE PHILOSOPHY THAT DIRECTS THE OPERATION OF THE PHOENIX POLICE DEPARTMENT:



- The department will serve the entire populace of Phoenix and will provide continuous protection at the highest possible level of service.
- All laws and ordinances relating to the control of crime and regulation of conduct shall be enforced in a responsible and prudent manner with emphasis on violations that present a substantial threat to life and community peace.
- All persons shall be treated equally and with fairness, dignity, and respect, regardless of age, race, religion, ethnic origin, nationality, gender, sexual orientation, or disability. Constitutional provisions defined by judicial decisions concerning individual civil liberties and civil rights shall be observed.
- The department will seek support and cooperation from the community while developing community awareness of the nature, role, purpose, and scope of law enforcement and securing community cooperation and involvement in the department's programs
- The department shall act in a manner that assures citizens that orderly and legal community activities may precede without disruption from criminal elements and that freedom will not be curtailed by improper police action.
- The department recognizes in its efforts to achieve excellence that the right to peaceful dissent is an indispensable ingredient of a free and healthy society. Responsibility and community interest are essential to effective law enforcement.
- The department will actively cooperate with the citizens, organizations, and units of government in addressing criminal problems and other community concerns.
- The department will be flexible and innovative in its attempts to find superior methods to serve the populace and to alleviate the problems of the community. When the need for new approaches becomes apparent, this department will not hesitate to experiment with new police roles, programs, and procedures, nor will it feel compelled to adhere strictly to historical definitions of police work.

- Phoenix is a city in Jackson County, Oregon. The current population is 3773. Phoenix is part of the Medford Metropolitan Statistical Area, in the Rogue Valley, and is 3 miles southwest of Medford on Interstate 5.

FACTS ABOUT PHOENIX



HIGH SCHOOL PHOTOS FROM TAMARA SPENCE

PHOTOGRAPHS OF PARK SIGNS FROM THE CITY OF PHOENIX WEBSITE



PHOENIX SCHOOLS: 3

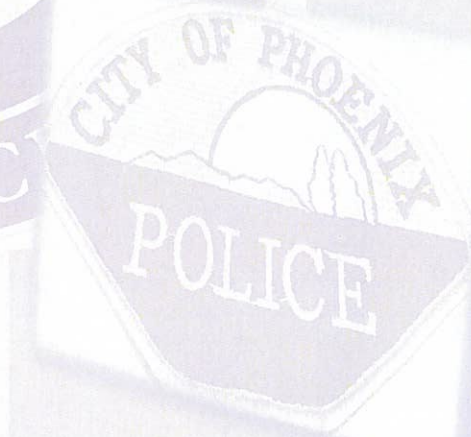
- Phoenix Elementary School
- Phoenix High School (Welcomed students February 2021 to the new school)
- Armadillo Technical Institute

PHOENIX PARKS: 3

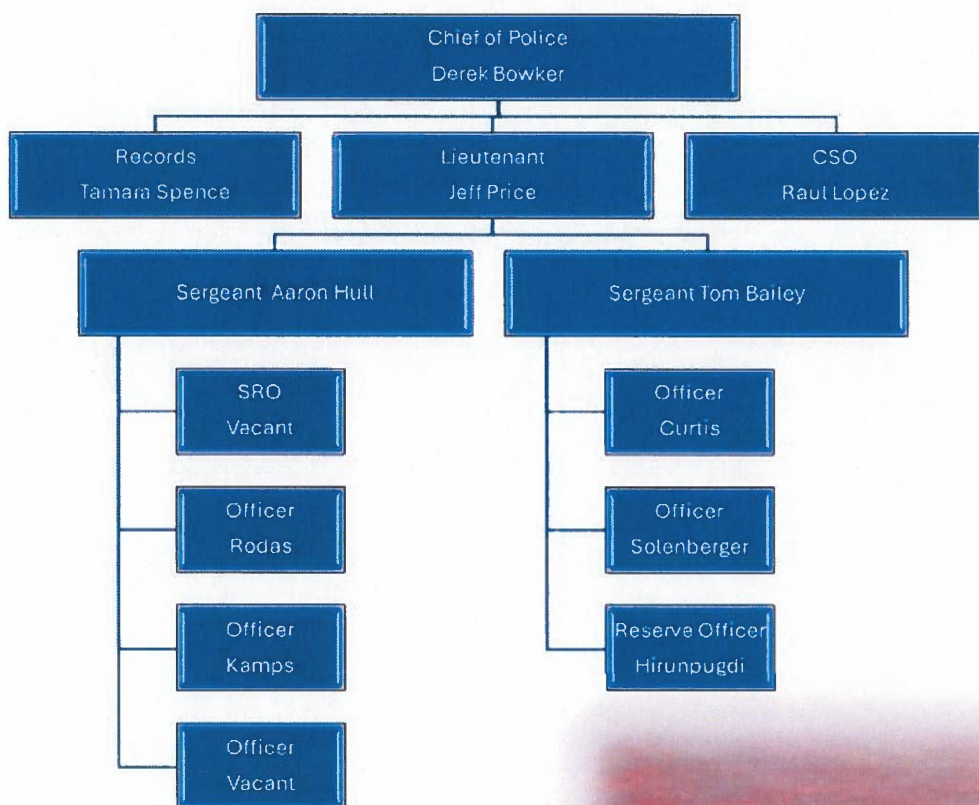
- Blue Heron Park
- Colver Park
- Otto Caster City Park
- Bear Creek Greenway

EMPLOYEE ROSTER

TITLE	NAME	HIRE DATE	DPSST CERTIFICATION
Chief	Derek Bowker	10/1/2005	Executive
Lieutenant	Jeff Price	3/18/2008	Supervisory
Sergeant/SRO	Aaron Hull	3/18/2018	Advanced
Sergeant	Tom Bailey	2/29/2008	Advanced
Officer	Matthew Curtis	06/26/2021	Intermediate
Officer	Joshua Solenberger	09/26/2021	Intermediate
Officer	Elmir Rodas	04/11/2022	Basic
Officer	Cooper Kamps	05/04/2022	Basic
Records	Tamara Spence	12/20/2021	N/A
Code Enforcement	Raul Lopez	7/1/2020	N/A
Reserve Officer	Brent Hirunpugdi	10/2/2017	ROLEA Graduate



ORGANIZATIONAL CHART



CALLS FOR SERVICE

In 2023, the Phoenix Police Department responded to 7,840 calls for service as the Primary Unit. In 2023, overall, the Phoenix Police Department responded to 8,987 calls for service (assist agency, cover unit, outside jurisdiction, etc.) These numbers are higher than 2022. In 2022, the Phoenix Police Department responded to 6,944 calls for service as the Primary Unit. In 2022, overall, the Phoenix Police Department responded to 7,995 calls for service (assist agency, cover unit, outside jurisdiction, etc.)

The law enforcement process usually begins when an officer responds to a call for service through the 911 dispatch system or a self-initiated call, such as a traffic stop or pedestrian check.

The key to successful crime prevention and public safety is “Proactive Policing” when the officers identify a problem, address it, and bring it to a successful resolution without receiving a call from the public.



Total Calls for Service: 2020-6936, 2021-5890, 2022-6944, 2023-7840

Year	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec
2020	748	738	635	443	515	575	619	741	642	509	425	346
2021	411	472	532	519	448	477	613	550	507	491	401	469
2022	501	489	616	532	588	637	713	517	608	563	618	562
2023	675	621	872	737	686	718	644	673	618	581	540	475



Total Arrests: 2020-201, 2021-187, 2022-368, 2023-325

REPORTING OF CRIME STATISTICS

The Records Division is responsible for reporting specific crime statistics monthly which occur in the City of Phoenix to Oregon State Police – Law Enforcement Data System (LEDS). Each crime is classified using a system known as the National Incident Based Reporting System (NIBRS). Prior to November 2020, Jackson County’s Law Enforcement Agencies reported crime statistics via Oregon-National Incident Based Reporting System (O-NIBRS). NIBRS reporting categorizes each crime into either Group A or Group B offense. Group A offenses in NIBRS consist of 24 offense categories which make up 52 specific crimes. Group B offenses are only reported if an arrest is made for an additional 10 categories. The statistics are then forwarded to the FBI National Exchange (N-DEX) for National Crime Reporting purposes.

NIBRS:

<u>CRIME AGAINST PERSON</u>	2022	2023	VARIANCE
Willful Murder (Murder & Non-Negligent Manslaughter)	0	1	100.00%
Negligent Homicide (Negligent Manslaughter)	0	0	0.00%
Forcible Rape	1	0	-100.00%
Other Sex Offenses (Forcible Sodomy, Sexual Assault with Object, Forcible Fondling, Incest, Statutory Rape)	3	1	-66.66%
Intimidation (This # has increased due to NIBRS Reporting & Disorderly Conduct Incidents being categorized differently than in the past)	5	33	560.00%
Kidnapping	2	0	-100.00%
Aggravated Assault	8	6	-25.00%
Simple Assault	19	19	0.00%
All Other Offenses (Human Trafficking - Commercial Sex Acts, Involuntary Servitude)	0	0	0.00%
Total Crimes Against Person	38	60	57.89%
<u>CRIME AGAINST PROPERTY</u>			
Robbery	0	2	100.00%
Burglary	17	12	-29.41%
Larceny (Pocket-Picking, Pruse Snatching, Shoplifting, Theft from Building, Theft from Coin-Operated Machine or Device, Theft from Motor Vehicles, Theft from Motor Vehicles Parts/Accessories, All Other Larceny)	102	98	-3.92%
Motor Vehicle Theft	16	4	-75.00%

CRIME STATISTICS CONTINUED			
Arson	2	3	50.00%
Counterfeiting/Forgery	5	3	-40.00%
Fraud (False Pretenses/Swindle/Confidence Game, Credit Card/Auto Teller Machine Fraud, Impersonation, Welfare Fraud, Wire Fraud, Identity Theft, Hacking/Computer Invasion)	36	34	-5.55%
Embezzlement	0	0	0.00%
Stolen Property	7	5	28.57%
Vandalism	31	18	-41.93%
Extortion/Blackmail	0	0	0.00%
Bribery	0	0	0.00%
All Other Offenses (Bad Checks)	0	0	0.00%
Total Crimes Against Property	216	179	-17.13%
<u>Crime Against Society</u>			
Weapon Law Violations	4	3	-25.00%
Prostitution (Prostitution, Assist or Promote Prostitution, Purchasing Prostitution)	0	0	0.00%
Pornography/Obscene Material	0	0	0.00%
Peeping Tom	0	0	0.00%
Drug/Narcotic Offenses (Drug/Narcotic Violations, Drug Equipment Violations)	11	8	-27.27%
Gambling Offenses (Betting/Wagering, Operating/Promoting/Assisting Gambling, Gambling Equipment Violation, Sports Tampering)	0	0	0.00%
Family Offenses, Non-Violent	0	0	0.00%
DUII	11	21	90.91%
Liquor Law Violations	1	0	-100.00%
Disorderly Conduct	11	10	-9.09%
Curfew/Loitering/Vagrancy Violations	0	0	0.00%
Runaway	0	0	0.00%
All Other Offenses (Animal Cruelty, Drunkenness, Trespass of Real Property, Contributing to the Delinquency of a Minor, All Other)	24	18	-25.00%
Total Crimes Against Society	62	60	-3.22%
Total Crimes (Person, Property, Society)	316	299	-5.38%

CALLS FOR SERVICE STATISTICS (Primary Unit within Jurisdiction)

Type of Calls	Dec-23	Actual YTD	Last YTD	% Change
911-Unknown-Hang Up	4	56	48	16.66%
Abandoned Vehicle	5	56	78	-28.20%
Alarm Calls (Business Alarm, Panic Alarm, Hold Up Alarm, Residential Alarm)	11	126	117	7.69%
Animal	9	137	121	13.22%
Arson	0	0	2	-100.00%
Assault	0	9	6	-50.00%
Assist-Agency	63	762	566	34.62%
Assist-Medical (Medical & Assist Medical)	8	106	65	63.08%
Assist Public	15	212	407	-47.91%
Attempt to Locate	1	32	43	-25.58%
Bite-Animal	0	1	2	-50.00%
Burglary	0	14	13	7.69%
Choking	0	3	0	100.00%
Civil	5	64	57	12.28%
Cardiac Arrest	1	3	3	0.00%
Custodial Interference	4	22	10	120.00%
Death Investigation	2	10	9	11.11%
Detox	0	2	0	100.00%
Disorderly Conduct	2	53	65	-18.46%
Domestic Dispute	7	98	80	22.50%
Drug Laws (Drugs & Drug Marijuana)	0	18	14	28.57%
Driving Under the Influence	2	19	10	90.00%
Driving While Suspended	0	19	11	72.72%
Elude (Elude & Traffic Pursuit)	0	7	9	-22.22%
Family Abuse	1	3	5	-40.00%
Found Child	0	1	1	0.00%
Fireworks	1	10	9	11.11%
Foot Patrol	27	400	483	-17.18%
Fraud	4	41	34	20.58%
Grass Fire	0	3	5	-40.00%
Gun Shot Wound	0	0	1	-100.00%
Harassment	2	33	39	-15.38%
House Check	19	88	83	6.02%
Hit and Run	1	14	23	-39.13%
Indecent Exposure	1	1	5	-80.00%

CALLS FOR SERVICE STATISTICS CONTINUED				
Juvenile Problem	0	29	24	20.83%
Kidnap	0	0	1	-100.00%
Liquor Laws	0	0	1	-100.00%
Missing Adult	0	10	6	66.66%
Missing Child	0	0	5	-100.00%
Menacing	0	4	1	300.00%
Miscellaneous-All Other (Bar Check, Extra Patrol, Flag Down, Follow Up, Police Info, PX Assist, Message, Miscellaneous, Surveillance, Test Incidents)	65	811	889	-8.89%
Murder	0	1	0	100.00%
MVC-Building	0	0	1	-100.00%
MVC-Fatal	0	0	0	0.00%
MVC-Injury (Includes Fatal)	0	5	5	0.00%
MVC-Pedestrian	0	0	1	-100.00%
MVC-Property	5	49	52	-5.77%
MVC-Rollover	0	0	1	-100.00%
MVC-Unknown Injury	0	7	10	-30.00%
Noise	6	63	65	-3.08%
Ordinance	8	368	354	3.95%
Overdose	0	6	1	500.00%
Parking Violation	10	187	151	23.84%
Person Down	1	5	7	-28.57%
Private Property Tow	0	2	0	100.00%
Property (Found/Lost/Rec)	5	59	41	43.90%
Prowler	0	4	6	-33.33%
Psych Transport	0	6	3	100.00%
Robbery (Armed & Strong Armed)	0	2	0	100.00%
Restraining Order Violation	2	15	3	400.00%
Runaway	1	6	4	50.00%
Safety-Public Hazard	1	9	1	800.00%
Sex Offense	1	7	3	133.33%
Shoplifting	0	14	5	180.00%
Shots	0	1	0	100.00%
Subject Stop	7	77	71	8.45%
Stalking	0	2	3	-33.33%
Structure Fire (Structure Fire, Entrapment)	0	5	6	-16.66%
Subpoena Service	1	69	116	-40.52%
Suicidal Subject	4	24	21	14.28%

CALLS FOR SERVICE STATISTICS CONTINUED				
Suspicious	13	265	352	-24.71%
Traffic Stop (Traffic Stop & Traffic Violation)	69	2481	1505	64.85%
Theft	5	97	100	-3.00%
Threats	2	21	23	-8.69%
Tobacco-MIP	0	0	6	-100.00%
Trespass	19	129	130	-.77%
Traffic Complaint	3	27	18	50.00%
Traffic Hazard	6	59	57	3.51%
Unauthorized Entry Motor Vehicle-UEMV	5	30	7	328.57%
Utility Problem	3	7	4	75.00%
Unsecure Premise	0	10	15	-33.33%
Vandalism	4	43	45	-4.44%
Unauthorized Use Vehicle-UUMV	0	6	17	-64.70%
Vehicle Impound	0	1	0	100.00%
Vehicle Recovery	1	4	6	-33.33%
Warrant	4	47	68	-30.88%
Weapons	0	0	2	-100.00%
Welfare Check	14	149	124	20.16%
Total Calls	Month to Date	Actual YTD	Last YTD	% Change
	461	7646	6762	13.73%



PATROL DIVISION

The Phoenix Police Department provides 24-hours a day, 7 days a week service.

The Patrol Division is responsible for patrolling all areas within the city limits of Phoenix to deter criminal activity. The Patrol Division is the most visible unit of the Phoenix Police Department and consists of highly trained Sergeants and Patrol Officers who handle day-to-day calls for service, and most preliminary criminal investigations. In addition, Sergeants and Patrol Officers enforce traffic laws, city ordinances, investigate traffic accidents, provide information, service, and assistance to all citizens.

Our highly trained Police Officers place themselves at risk every day to protect the community whether responding to an accident, pursuing a fleeing vehicle, apprehending an armed suspect, or handling a violent domestic dispute.

The Patrol Division, consisting of sergeants, full-time sworn officers and a volunteer reserve officer, constitutes the backbone of our agency. The division is tasked with the responsibility of protecting and serving the people, places, and property of the City of Phoenix. We continually provide "Service with Integrity" to promote a professional image for the Phoenix Police Department and to demonstrate our commitment to our community.

WATCH COMMANDER:

LIEUTENANT
JEFF PRICE



Summer Sunset
2023

PATROL OFFICERS:

SERGEANT
TOM BAILEY

SERGEANT/SRO
AARON HULL

OFFICER
MATTHEW CURTIS

OFFICER
JOSH
SOLEMBERGER

OFFICER
ELMIR RODAS

OFFICER
COOPER KAMPS

TRAFFIC SAFETY

The Phoenix Police Department's primary mission is to reduce motor vehicle crashes and promote roadway safety through enforcement and education.

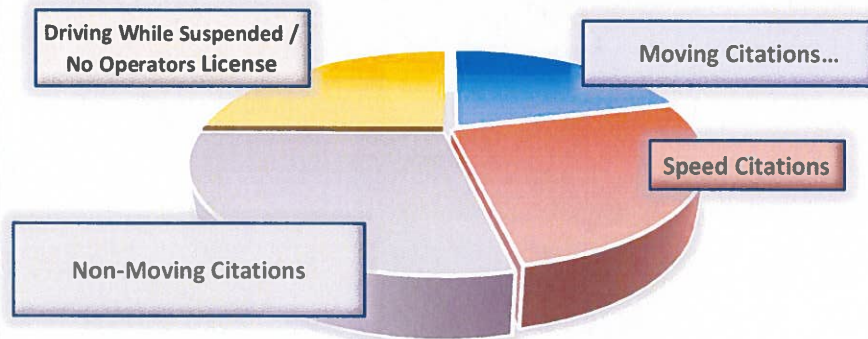
In addition, our officers take a proactive approach to traffic related issues and provide a timely response to crime and traffic problems. Officers are also responsible for investigating traffic accidents including non-injury, injury, fatal motor vehicle crashes.

The department writes approximately 92 traffic citations per month.

Citations:	2020	2021	2022	2023
Moving Citations (excluding speeding)	194	189	86	230
Speed Citations	119	87	117	284
Non-Moving Citations	254	234	230	314
Driving While Suspended	217	219	197	275
Total Citations:	784	729	630	1103

Impounded Vehicles:	2020	2021	2022	2023
Total Impounds:	58	29	44	61

2023 CITATIONS



SCHOOL RESOURCE OFFICER

SERGEANT AARON HULL - Phoenix High School Class of 1998

Sergeant Hull is a Phoenix native and is passionate about the community he serves. He is a proud graduate of Phoenix High School. Aaron played baseball throughout high school and was part of the 1998 PHS State Championship Team. Aaron attended Chemeketa Community College where he majored in Fire Science and played baseball. Aaron started his career in public safety as a member of the Phoenix Fire Department for nine years. During his 19-year career as a law enforcement officer with the Phoenix Police Department he has served several different roles within the department, including Patrol Officer, Traffic Enforcement Officer, Field Training Officer, Defensive Tactics Instructor, and has been the School Resource Officer since January 2021. Aaron currently holds his basic, intermediate, and advanced certificates through the Department of Public Safety Standards and Training. While off-duty he enjoys watching baseball, camping, playing cornhole, and spending time with his wife and his three children.

PHOTOS FROM AARON HULL & TAMARA SPENCE



LET'S
ROLL



FIELD TRAINING & EVALUATION PROGRAM

Phoenix Police Department provides a Field Training and Evaluation Program.

The purpose of the Field Training and Evaluation Program is to train new officers so that they are prepared to function as a solo Patrol Officer at the conclusion of their training cycle.

The training cycle consists of 16 weeks of intensive on the job training and daily performance evaluations. Training is conducted and staffed by Field Training Officers (FTO).

Our FTO's have the dual responsibility of providing police service in their assigned duties as well as conducting training and evaluations for new officers. New officers are required to meet specific performance standards before being certified for solo patrol duty. After completion of the Field Training and Evaluation Program, each officer is evaluated on a bi-weekly basis by their FTO.



Additionally, new FTO's are required to participate in a Police Officer Standards and Training (POST) mandated 40-hour Field Training Officer Course to become certified.

PROGRAM OBJECTIVES

- Train and evaluate all recruit officers in preparation for solo patrol duty.
- Achieve a 90 percent success rate for all recruit officers trained.
- Train newly appointed field training officers in preparation for their new duties.



CODE ENFORCEMENT

These codes, ordinances, and regulations include, but are not limited to:

- Heath Hazards
- Dangerous & Abandoned Buildings
- Abandoned Vehicles
- Overgrown Vegetation
- Right of Way Clearance
- Parking Violations
- General Nuisances / Offenses



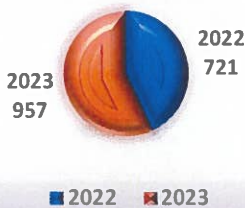
Code Enforcement Officer Raul Lopez has served with the Phoenix Police Department since July 2020.

Lopez worked as an Intervention Specialist/Truancy Officer for 29 years and was also a Reserve Officer for Phoenix Police Department in the late 90s to early 2000s. While off-duty Lopez enjoys the outdoors, wood working, and sport shooting.



Lopez's duties are to investigate all potential violations of municipal codes, ordinances, regulations, and to work with the public to remedy violations.

Founded Ordinance Violations



Code Enforcement goal is to establish effective code compliance to ensure the safety, health and comfort of our residents and businesses.

RECORDS DIVISION

As the Phoenix Police Department Records Specialist, Tamara Spence is responsible for all aspects of document control within the department. As the Records Specialist, Tamara works with the public along with local, state, and federal agencies to aid with public safety issues, code enforcement concerns, securing case records, and handling of case reports.

Tamara is responsible for maintaining and/or controlling the following documents:

- Reported Crimes
- Suspected Crimes
- Arrests
- Traffic Accidents
- Traffic Citations
- Impounded Vehicles
- Field Contacts
- Expungements
- Record & Background Checks

LEDS/CJIS

The Records Specialist holds LEDS (Law Enforcement Data System) certification. This enables her to legally maintain and access complex specialized law enforcement records. This includes material related to:

- ✓ Missing Persons
- ✓ Stolen Vehicles and/or Parts
- ✓ Impounded Vehicles
- ✓ Stolen Guns
- ✓ Stolen Articles
- ✓ ID Theft
- ✓ Criminal Background History
- ✓ DMV Information

As the certified LEDS Representative, Tamara is responsible for training the Department staff in the CJIS/LEDS system. This ensures officers have appropriate levels of CJIS/LEDS certification for accessing records.

Tamara is responsible for CJIS (Criminal Justice Information System) background checks and certification of employees and vendors who have access to criminal justice information and public safety facilities.

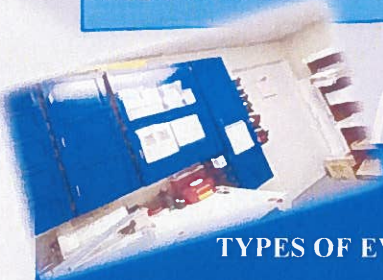


EVIDENCE UNIT

Lieutenant Jeff Price is the Evidence and Property Technician. He is responsible for the collection, control, storage, safekeeping, release and disposal of all property and evidence which comes under control of the Phoenix Police Department.

- **Every year items are logged and stored for the following purposes:**
- **Evidence**
- **Safekeeping**
- **Lost and/or Found Property**

The Phoenix Police Department maintains a property and evidence storage room. Lieutenant Price maintains the security and control of all evidence and property received. Phoenix Police Officers book a variety of items such as firearms; ammunition; knives; drugs; laptops; cell phones; car parts; bicycles; wallets; purses; backpacks; tools and other random items.



TYPES OF EVIDENCE:

PROPERTY:

49 Pieces (Evidence)
72 Pieces (Safekeeping) – Backpacks, Bicycles, Misc. Property

DRUGS:

32 Pieces (Evidence)
Over 150+ Pieces (For Destruction – Illegal Narcotics, Medication)

CASH:

1 Cases (Evidence)

BLOOD/URINE:

14 Cases (Evidence)

SAFE KITS – SEX ASSAULT CASES:

0 Cases (Evidence)

WEAPONS (Evidence or Safekeeping):

24



Lieutenant Price's duties as the Evidence Custodian is to accept, log, classify, store, dispense, destroy, and release property to its rightful owner, for court presentation, and/or for destruction and action. As the Evidence and Property Technician, Lieutenant Price provides liaison regarding evidence, between the department and other state and local agencies.

The Evidence Unit has constant checks and balances including audits and inventory spot checks to ensure all policies are being followed. In addition to applying laws regarding evidence management, Lieutenant Price ensures appropriate safety measures are used when handling hazardous materials.

TRAINING PROGRAM

The objectives of the Training Program are to:

- ❖ Enhance successful services provided to the public.
- ❖ Increase the technical expertise and overall effectiveness of our officers.
- ❖ Provide continued professional development of our officers.
- ❖ Enhance safety for officers and the community.



Mandatory in-service training is required by all police and reserve officers each year. Examples of training include, but are not limited, to the following:

- ❖ Firearms Training – Requalification
- ❖ Defensive Tactics
- ❖ Conducted Energy Device (Taser)
- ❖ Bean Bag (Less than Lethal)
- ❖ First Aid/CPR/AED

Lieutenant Price is responsible for providing mandatory and supplemental training to Phoenix Police Officers and Reserve. The primary purpose of the Training Program is to develop the officer's skills and decision-making abilities necessary for an officer to perform more efficiently and safely.

Lieutenant Price maintains police and reserve officer records and certification standards; assists in the department's hiring process; and facilitates the Field Training and Evaluation Program for new officers.

TRAINING REQUIREMENTS:

Applies to individuals holding **Basic, Intermediate, or Advanced Certification:**

Annual Training Requirements:

- 8 hours Use of Force or Firearms training
- 1 hour Ethics training

3-year Training Requirements

- 3 hours Equity training
- 3 hours Mental Health/Crisis Intervention training
- 2 hours Airway Circulatory & Physiology training
- 84 hours total training over the 3-year period

First Aid / CPR Certification

- Must always hold First Aid / CPR Certification.

Applies to individuals holding **Supervisory, Management, or Executive Certification:**

Annual Training Requirements:

- 8 hours Use of Force or Firearms training
- 1 hour Ethics training

3-year Training Requirements

- 3 hours Equity training
- 3 hours Mental Health/Crisis Intervention training
- 84 hours total training over the 3-year period
- 2 hours Circulatory Anatomy & Physiology training
- 24 hours Leadership training

First Aid/CPR Certification

- Must always hold First Aid/ CPR

CONTACT INFORMATION

Business Hours:

**Monday-Friday
8am-4pm**

Contact:

**Phone Number: (541) 535-1113
Fax Number: (541) 535-2040
Email: dbowker@pxpd.org**

Physical Address:

220 N. Main St. Phoenix, OR. 97535

Mailing Address:

P.O. Box 330, Phoenix, OR. 97535

Emergency Dispatch:

Call 911

Non-Emergency Dispatch:

(541) 776-7206

Website:

www.phoenixoregon.gov/police

SOURCES:

PHS Official Instagram / City of Phoenix, Oregon Website / U. S. Department of Justice Federal Bureau of Investigation Criminal Justice Information Services Division – NIBRS User Manual



City Council Study/Work Session Hybrid Meeting in Person and Via Zoom Monday, February 20, 2024

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, February 20, 2024, at 5:30 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Krista Peterson, Larry Dickson, and Jillian Shainholtz (5:36)

ABSENT: Scott Clauson (excused)

STAFF PRESENT: Eric Swanson, City Manager
Joe Slaughter, Deputy City Manager
Zac Moody, Community Development Manager
Doug McGear, City Attorney
Bonnie Pickett, City Recorder
Derek Bowker, Chief of Police
Chris Stephenson, PW Superintendent

2. DISCUSSION – STREETS AND PARKS UTILITY FEES AND SYSTEM DEVELOPMENT CHARGES:

Eric Swanson, City Manager, advised this is a study session to exchange information and provide guidance to staff. He noted Zac Moody and Catherine Hansford presented the information to the Council.

Zac Moody, Community Development Manager, presented his staff report to the Council regarding the reasoning for the proposed fee changes.

Catherine Hansford, Hansford Consulting, presented the study commissioned to review utility bill fees and SDCs to the Council. She presented the proposed updates to the street fees for the residents and businesses in Phoenix. She noted the Streets fee has not changed since 2001; however, the SDC fees have had a few increases due to inflation. Ms. Hansford presented three options to generate fees to fund future Capital projects. She explained the methodology for the proposed Street fee and the calculations for the fee.

Ms. Hansford answered questions from the Council about the bond options of the proposed changes.

Mr. Moody answered questions from the Council regarding the proposed changes to the fees. He spoke about the rates currently being assessed for residents and businesses.

Ms. Hansford explained the process for going out for a bond and if it would need to be voted on by the residents of Phoenix. She advised the bond would be paid back through the fees on the utility bills.

Mr. Swanson spoke about the pros and cons of bonds for the city versus the pay-as-you-go option.

Mr. Moody answered additional questions from the Council regarding the proposed fee and whether it is possible to recoup losses due to past incorrect billing.

The Council discussed the proposed fees compared with other Cities in the Rogue Valley and the need for street repairs in Phoenix.

Mr. Swanson noted the fees on the utility bills are meant to be self-supporting instead of using funds from the general fund.

Mr. Moody explained that different classes of residents would pay different percentages for the fees, making the fees equitable across the board for the residents of Phoenix. He explained the process for approving the fees the Council would like to see brought forward for approval. Mr. Moody noted that the proposed Parks Fees presentation must be brought back to the Council when more time is available.

3. ADJOURNMENT:

The meeting adjourned at 6:46 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder

City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, February 20, 2024

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, February 20, 2024, at 7:06 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Krista Peterson, Larry Dickson and Jillian Shainholtz

ABSENT: Scott Clauson (excused)

STAFF PRESENT: Eric Swanson, City Manager
Joe Slaughter, Deputy City Manager
Doug McGeary, City Attorney
Bonnie Pickett, City Recorder
Derek Bowker, Chief of Police
Chris Stephenson, PW Superintendent

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

a. Government and Public Safety Center Update

Eric Swanson, City Manager, introduced David McKay, HMK.

David McKay gave the Council a brief update on the Government and Public Safety Center project and the significant progress the project is making. He answered questions from the Council about the project.

Mr. Swanson answered questions regarding the budget for the building project.

4. PUBLIC COMMENT:

None

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

1. None

b. Minutes to Approve and File:

1. Minutes from City Council Meeting February 05, 2024.

Motion: I Move to Approve the Consent Agenda. **MOVED BY VERMILLION, SECONDED BY PETERSON.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Vermillion, Peterson, Shrader, Shainholtz, Dickson
MOTION APPROVED WITH FIVE AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

7. PUBLIC HEARING:

a. Ordinance No. 1037 – An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.01 Prohibiting Camping and Replacing Language.

Mr. Swanson introduced Ordinance 1037 to the Council, noting that the city hasn't received any comments or concerns from the public regarding the Ordinance.

Councilor Vermillion presented a general overview of the City of Central Points Camping Ordinance to the Council.

The Council made comparisons between the two Camping Ordinances and discussed specific language.

City Attorney Doug McGeary made clarifications in the Ordinance that was presented. He answered questions from the Council regarding the definitions of the Camping Ordinance.

Police Chief Bowker answered questions regarding the Camping Ordinance. He spoke about how most of the people they come in contact with are voluntarily homeless. Chief Bowker spoke about how his officers seek services for the unhoused individuals they encounter in Phoenix..

Mr. Swanson explained the process for moving the Ordinance forward.

Open Public Hearing 7:34 p.m.

Public Comment - none

Closed Public Hearing 7:35 p.m.

Mr. McGeary answered questions about the Supreme Court case in Grants Pass about the involuntarily homeless.

Motion: I Move to Approve, on Reading by Title Only, Ordinance No. 1037 – An Ordinance of the City of Phoenix, Withdrawing Language of PMC Chapter 8.08.010 and Removing PMC 8.08.020 Through 8.08.030. **MOVED BY PETERSON, SECONDED BY SHRADER.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Shrader, Vermillion, Shainholtz, Dickson
MOTION APPROVED WITH FIVE AYES

8. ORDINANCE: READING / ADOPTION:

a. Ordinance No. 1036 – An Ordinance Annexing 253 Acres within the City’s Urban Growth Boundary Pursuant to ORS 222.750, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 1983867 (3).

Mr. Swanson introduced the Ordinance for a second reading.

Motion: I Move to Approve for Second Reading, on Reading by Title Only, Ordinance 1036, An Ordinance Annexing 253 Acres within the City’s Urban Growth Boundary Pursuant to ORS 22.750, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No 5 Pursuant to ORS 198.867(3).
MOVED BY PETERSON, SECONDED BY DICKSON.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Dickson, Shainholtz, Shrader, Vermillion
MOTION APPROVED WITH FIVE EYES

9. STAFF REPORT:

a. Public Works Superintendent Chris Stephenson gave the Council an update on the New Portable Pickleball Court going in at Colver Park. He spoke about two new public works employees starting on Monday.

b. City Manager Eric Swanson noted that we are moving forward on receiving grant funding from the State Legislature for \$1,650,000 for an upcoming project. He spoke about the benefits of staff’s knowledge in obtaining grants from the State Legislature. Mr. Swanson spoke about staff working on updating the Strategic Plan that will be presented to the Council for additional feedback.

10. MAYOR AND COUNCIL COMMENT / REPORTS:

Councilor Vermillion spoke about the work being done at Moxie Brew and that they hope to open up in May 2024, the same as the phoodery.

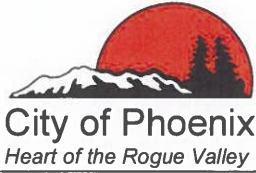
Councilor Shainholtz spoke about her difficulty attending the Friday LOC meeting and wondered if her backup could assist her.

11. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder



City of Phoenix
Heart of the Rogue Valley

Agenda Report to Mayor and Council

Agenda item title: Proposed Changes to Camping Ordinance

Meeting Date: March 04, 2024

From: Douglas M McGeary, City Attorney

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

Over the past two decades, the legal landscape surrounding homelessness and transient populations in Oregon has evolved significantly. The City of Phoenix has largely avoided substantial impact. However, recent federal and state laws have imposed additional requirements on cities, necessitating specific adjustments to Phoenix's longstanding laws and approach to camping and public space occupation.

This revision aims to effectively guide homeless individuals toward using the newly established shelter spaces while ensuring legal compliance and addressing the broader issue of homelessness in our community.

This proposed ordinance modifies our existing ordinances. These changes are designed to strike a balance between recognizing the unique challenges faced by the homeless population and safeguarding the integrity of our public spaces.

BACKGROUND AND DISCUSSION

Civil rights lawsuits filed in federal courts have contested the legality of camping prohibitions, resulting in restrictions on the conventional enforcement of these measures. These legal challenges have invoked the 8th Amendment, which safeguards individuals against cruel and unusual punishment. In a series of rulings, the courts have maintained that it is essentially impermissible to penalize individuals for engaging in basic life activities, such as sleeping, lying, or sitting, particularly when they are involuntarily homeless and lack alternative locations to conduct these essential daily functions. You can find an in-depth explanation of the developing case law in this field on homelessness, provided by the League of Oregon Cities.

Regardless of federal law interpretation, Oregon's legislature has anticipated the need for comprehensive protections for homeless individuals on public property. This has led to the passage of laws such as HB 3115 and HB 3124, which went into effect in July, 2023.

The proposed ordinance aims to restore the city's capacity and necessity to regulate camping on public property in a way that differentiates addressing behavior rather than the status of individuals who are involuntarily homeless. The proposed Prohibited Camping ordinance is an updated version of ordinances previously employed by our city, as well as by most municipalities throughout the state. What sets Phoenix apart is its distinctive prohibition on camping or occupying a specific public area with the intent of excluding others from its use, rather than establishing a temporary campsite for the purpose of

"maintaining a temporary place to live," which is typically the norm in ordinances of other Oregon cities. This shift in approach signifies a departure from prohibiting individuals from living in public spaces and, instead, places emphasis on addressing the issue of individuals establishing residency or asserting a sense of ownership over public property.

The changes to the prohibited camping ordinance concentrate on clarifying definitions for phrases that have either been utilized or left ambiguous by federal courts, as well as in HB 3115 and HB 3124. For instance, the term "involuntarily homeless" in the proposed ordinance aligns precisely with the courts' established definition of the term. In contrast, HB 3115 and HB 3124 employ terms like "established camping site" and "apparent value or utility" to respectively specify the duration a campsite must remain in place and what belongings can or cannot be left at that campsite. Without clear definitions, the city remains vulnerable to judicial interpretation of these phrases, which could significantly affect the city's ability to prevent recurrent violations of camping regulations and determine how to handle the substantial volume of property left behind at illegal campsites.

The remaining adjustments to these ordinances are crafted to align with established "time, place, and manner" regulations commonly applied in constitutional analyses of government laws. These ordinances are designed to prevent individuals from camping on streets, parks, or other unsuitable areas. Defendants are given the option to cease their occupation of the site, or they may face citation and penalties. However, they allow for specified periods of time for a camper to move after becoming "established", which is also time period based.

In terms of location or "place" restrictions, certain areas are designated as inherently prohibited for any form of camping. These areas are typically identified as sensitive areas to ensure public safety, well-being, and the preservation of public spaces, such as parks and buildings. But importantly they rely on sensitive populations such as children and Oregon criminal statutes relating to littering waters of the state. There are amendments to the ordinance that address unique challenges posed by camping in cars or RVs on public streets.

Regarding "manner" regulation, this ordinance anticipates situations where individuals experiencing involuntary homelessness may not find available shelter spaces within the city limits. In such cases, the city may enter into contracts with organizations across the region that offer accessible shelter, easily reachable via local public transit, and designed and operated to safeguard involuntarily homeless individuals and other vulnerable populations. Oregon's new laws also establish specific responsibilities for the city in managing property left behind by both homeless individuals and others who may have left their belongings due to lack of alternatives. In these instances, the ordinance sets reasonable limits on what the city is required to store and the quantity thereof.

PMC 8.08.020 through 8.08.030, although interesting and instructive as to how this issue has evolved over the last century, because of this they are obsolete.

FISCAL IMPACT - None

RECOMMENDATION

Staff recommends that Council approve Ordinance 1037 for second/final reading.

PROPOSED MOTION

I move to approve for second reading, by title only, Ordinance No. 1037 An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.010 Prohibited Camping and Replacing Language.

ATTACHMENTS

Ordinance No. 1037 – An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.010 Prohibiting Camping and Replacing Language

**CITY OF PHOENIX
PHOENIX, OREGON**

ORDINANCE NO. 1037

AN ORDINANCE OF THE CITY OF PHOENIX, WITHDRAWING LANGUAGE OF PMC 8.08.010 PROHIBITED CAMPING AND REPLACING LANGUAGE

WHEREAS, the City of Phoenix must balance and prioritize several interests: recognition of the essential human dignity of everyone in the City of Phoenix; the need to have safe and orderly conditions in City rights-of-way for the safety and benefit of everyone in Phoenix; the right of everyone in Phoenix to have shelter and safety; and respect for public spaces and public property in service to the entire community.

It is in the public interest to regulate public streets and dedicated rights of way in a way that could allow all to use the roads and sidewalks as they are intended and in the way that they remain safe and accessible. Similarly, it is in the public interest to regulate park spaces, playgrounds, and other public areas protected by the nature of their cultural and historic character and their importance to the businesses and community that relies upon and enjoys their preservation.

The City acknowledges that living on its streets is often a last resort for individuals. For many of these persons the lack access to shelter is involuntary due to unforeseen circumstances beyond a person's control that occurs when a person lacks viable options to obtain housing due to factors such as economic hardship, loss of social network, health or disability, or having exhausted available options for temporary or permanent housing assistance.

This chapter is intended to regulate the use of public rights-of-way and City property to protect and preserve the above-described public places for their designed and intended purposes, while providing alternative space and shelter to rest and sleep for persons who lack access to suitable temporary shelter due to either financial inability or the unavailability of free, viable options.

While recent federal case law is unclear as to whether the city can differentiate between those who voluntarily choose to live homeless from those who are homeless involuntarily, this chapter and the City's enforcement efforts are primarily intended to minimizing public health and safety concerns related to survival camping in public areas, taking into account the resources and opportunities available to those experiencing involuntary homelessness.

Those persons who are involuntarily homeless should feel secure that they will not be penalized for their condition. The objective of this ordinance is to differentiate between those who genuinely lack alternatives and use public spaces out of necessity, and those who have access to suitable alternative spaces and shelter but instead willfully exploit public spaces for personal gain or advantage, to the detriment of the general public that includes the involuntarily homeless population.

NOW THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

SECTION 1. Phoenix Municipal Code Chapter 8.08.010 Prohibited Camping is hereby amended to remove its existing language in its entirety and to be replaced with language under the following Section 2:

SECTION 2.

8.08.010. Definitions.

A. "Apparent value or utility" in reference to personal property means property that is essential in practicality and significance to the owner's daily life and well-being, and includes but is not limited to, clothing, bedding, personal hygiene items, identification documents, and any tools or resources necessary for survival and meeting basic needs, maintaining dignity, and facilitating self-care. This definition does not include such property as non-functional or broken items, excessive or redundant items, hazardous or dangerous materials, items with limited or no personal value.

B. "To camp" means to set up or to remain in or at a campsite.

C. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove, fire, or cooking apparatus, other than in a designated picnic area, is placed, established, maintained, or occupied, so as to exclude the use of public property by the general public, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

D. "Established camping site" means a campsite that has been in its current location for at least 72 hours. In the absence of evidence regarding the age of a campsite, a camping site is presumed established.

E. "Designated space or shelter" those areas to be delineated on a map in accordance with guidelines set by the City Manager as permitted und 8.08.020(F). Standards for these guidelines will, at a minimum, ensure the presence of adequate shelter that is readily accessible by local public transit, and that is designed and reasonably operated for the purpose of protecting involuntarily homeless persons and other at-risk populations for up to 72 hours in one location.

F. "Involuntarily homeless" means a person who lacks access to suitable temporary shelter due to either financial inability or the unavailability of free, viable options.

G. "Occupy" or "Occupancy" means to maintain physical control over a publicly owned area of 50 square feet or greater by a person or person's private property, wherein the

primary effect is to exclude the use of the public property by the general public for more than two (2) hours. Occupancy does not include recreational park use.

8.08.020. Camping Prohibited

- A.** Except as otherwise provided herein, no person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, business-front, park, playground, or any other publicly owned property or under any bridge or viaduct.
- B.** The prohibition on camping may be subject to the following exemptions:
 - a. A camping exemption due to an emergency as declared under state law or the powers granted to the City Manager under law;
 - b. The offender is Involuntarily Homeless and a Designated Space or Shelter is unavailable.
- C.** Camping is strictly prohibited under any circumstance that includes existence of a fire or gas stove, or when the campsite exceeds 100 square feet (10 feet by 10 feet), or when located:
 - i. On Sidewalks,
 - ii. Parks with playgrounds,
 - iii. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a childcare center licensed, certified or authorized under ORS 329a.250-329a.460, ORS 418.205 to 418.970: OAR 419-410-0010 to OAR 419-490--0170,
 - iv. Within 250 feet of a Designated Space or Shelter;
 - v. Within 250 feet of freeway entrance or exits;
 - vi. Within 150 feet of other campsites;
 - vii. Within 100 yards of water or the waters of the state as defined by ORS 468B.005; or
 - viii. Attached to any fence, trees, building, or vehicle.
- D.** Involuntarily Homeless persons who use vehicles for shelter in a lawful parking space in the following circumstances:
 - a. The vehicle must be operational and must be moved at least 1000 feet from its original location every 24 hours.
 - b. The parking space cannot be within a 100' radius of any residence.
 - c. No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.
 - d. Persons may not accumulate, discard or leave behind garbage, debris, unsanitary hazardous materials, or other items of no apparent utility in public rights-of-way, on City Property, or on any adjacent public or private property.
 - e. All animals must be under the keeper's control or otherwise leashed or crated at all times.
 - f. Dumping of gray water (i.e. wastewater from baths, sinks, and the like) or black water (i.e. sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited

to storm drains, which are not intended for disposal of gray water or black water.

- E. Except as provided herein, the City will remove established campsites and unclaimed property having Apparent Value or Utility from a campsite as provided by ORS 195.505.
- a. The following campsites are subject to immediate removal:
 - i. Campsites that are not established;
 - ii. Site contamination by hazardous materials, fire hazards, a public health emergency or other immediate danger to human life or safety;
 - iii. The occurrence or presence of evidence of criminal activity or violation of the Phoenix Municipal Code (excluding this offense)
 - b. Property held having no apparent value or utility, unless hazardous, will be held for fourteen (14) days upon the demand of owner, and processed as follows:
 - i. The owner may appeal the determination utilizing and in accordance with Administrative review, PMC 8.06.280 - .300, seeking to have the determination rescinded and the property returned. The appeal notice shall specify the relief sought and the reason for said relief.
 - ii. The Hearing Officer shall uphold the determination if, upon de novo review, the preponderance of the evidence establishes that the property does not meet the definition of having apparent value or utility according to PMC 8.08.010(A).
- F. The City Manager has the authority to establish additional administrative rules regarding time, place, and manner regulations as deemed necessary to address particular situations arising from conditions affecting Involuntarily Homeless individuals, and that are intended to safeguard the safety, health, and welfare of both the general public and those who are Involuntarily Homeless.

8.08.030. Prohibited Occupancy.

- A. Subject to PMC 8.08.020 or authorized permit, no person shall occupy a public area or street furniture in excess of the time period as provide in definitions of "Occupancy" defined under PMC 8.08.010(H).

8.08.040 Violation--Penalty.

Any person who violates any provision of this Chapter is subject to PMC 1.20 violation and enforcement is pursuant to a category Class C violation under ORS 153. 012.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code, and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any Whereas clauses and boilerplate provisions (*i.e.*, Sections

[No(s.)] need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Passed and Adopted by the City Council and signed by me in open session in authentication thereof this 03rd day of March, 2024.

Terry Baker, Mayor

ATTEST:

Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney