

7/10/2023 Memo from Mark Neumann, Common Council Member, D-13

The **Amended Resolution 23-0673** will appear without recommendation on the July 13th Common Council agenda following amendment of the **Original Resolution 23-0673** at J&A Committee Meeting on July 5th.

The staff report that accompanied the Original Resolution 23-0673 identified this purpose:

"To provide updates and definitions to the existing camping ordinance under Sec 32-5. Some items used for camping are not identified in the existing ordinance. The proposed amendments also change the notification from signage and one hour warning to signage or one hour warning."

And this background:

"Camping intent per the existing ordinance can be difficult to decipher. Additionally, No Camping signs are continuously being ripped down or vandalized costing the Parks/Police staff time and resources to replace."

I believe that the Amended Resolution 23-0673 preserves answers for the purpose and background that were identified in the staff report to support the proposed changes to Ordinance subsection 32-5.

- 1) The Amended Resolution 23-0673 retains the definitions for "to camp," "camping," "campsite," "camping materials," "to store," and "storage."
- 2) It clarifies that areas of prohibited camping will be noticed publicly (on City website) and may also be identified by signage. Thus the issue of the No Camping signs being dislocated will no longer be a determinative factor because the No Camping sites will be publicly noticed on the City website where they cannot be vandalized.
- 3) It preserves a 1-hour grace period before citation after warnings given.

The Amended Resolution does two things that the Original Resolution 23-0673 did not do.

- 1) It replaces words from Section 32-5 to designate the Board of Public Works (BPW) as an ordinary decision-making body for establishing areas where camping is prohibited on City property.
- 2) And it identifies a reason for the BPW, from time to time, to take such action.

Without the designation of the BPW as a public agency for the decision-making process of when and where No Camping sites will be established, the Original Resolution 23-0673 provides no public way for those decisions to be made. The Original Resolution 23-0673 is silent on the issue of how No Camping sites will be established. I ask, "This silence leaves a void that would be routinely filled by what agency or by whom?"

Outside of the context of a declared emergency, an opportunity for non-public decision-making of such significance worries me. The uncertainty and the possibility for ambiguous or arbitrary designation of No Camping sites simply by the delivery of a verbal warning administered by a police officer or other authorized (but non-identified) City officer or employee, in my opinion is not adequate. I believe that this type of discretionary and non-specific decision-making process should not be established in City Ordinance.