

7/11/2023 Memo from Mark Neumann, Council Member, D-13

On (7/11) a **New Amendment** is proposed for the **Amended Resolution 23-0673**. This New Amendment adds eleven words to paragraph (a) of the Amended Resolution 23-0673, "... city park property and public parking ramps or in areas of ..." These words once included would have the Common Council legislate de novo that it is unlawful for camping to occur in parks and within parking ramps. This is something that didn't appear in the Original Resolution introduced in June to amend Section 32-5. It is an idea that was not alluded to or supported in the staff report that accompanied the Original Resolution 23-0673. (Referenced below)

I am concerned about adding unexpected law-making alterations to the process of legislating 23-0673. Enacting new law on short order by adding a few unanticipated words of major importance without full consideration of potential unintended consequences can become easily regrettable.

I think we should stop to consider what would change were these words to be added? Because remaining in parks past hours of closure is trespassing, camping in them is already unlawful. And there are already signs in parking ramps identifying that it is unlawful to camp there. It appears to me that we have the necessary laws in place to achieve what might be the hoped for intention behind adding the eleven more words to paragraph (a). The problem is not with current law. The problem is rather with our process for enforcing current law that necessarily requires the exercise of discretion pertaining to particular circumstances. How would adding replicative laws change anything about the public's perception of our application of those laws? It's even possible that doing so could work to undermine the public's perception of our rule of law.

If indeed there is an advantage for a new City Ordinance to specifically enunciate the unlawfulness of camping in parks and in parking ramps, then we should formulate that new ordinance and pass it through the full legislative cycle with public review and sufficient time to examine externalities and unintended consequences that might result from such an ordinance. It would be good to consider carefully how unintended consequences might even make circumstances worse for the desired goal. Once the rule is included in Ordinance and published, it becomes all that more difficult to backtrack, if needed, should we later discover consequences and externalities that we had not considered before passage. And then new ordinances are written to correct for poorly conceived prior ordinances.

For reference, the described purpose and background in the staff report that the Council received in June doesn't make reference to de novo legislative action to provide blanket prohibition for camping in parks and ramps. That de novo legislation is not supported by the original or a new staff report. A blanket prohibition appears to me to be replicative of what is already on the books. I feel a need to better understand how it would be helpful.

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."