

Memorandum Date: July 5, 2006
Order Date: July 12, 2006

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TO: Board of County Commissioners
DEPARTMENT: Management Services
PRESENTED BY: David Suchart, Director
AGENDA ITEM TITLE: Policies & Procedures/Report Back – Courthouse Plaza

I. MOTION

N/A

II. AGENDA ITEM SUMMARY

This is an update on a Board assignment to Policies & Procedures to establish guidelines for use of the Courthouse Plaza/Wayne Morse Free Speech Terrace.

II. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1984 the Board of County Commissioners dedicated the Wayne Morse Free Speech Terrace. In 2005 the Courthouse Plaza was remodeled with the addition of a statue of Senator Morse, and the terrace was rededicated. Even before the remodel the plaza has been the scene not only of free speech in its many forms but of vandalism and criminal behavior. In April 2006 the Board asked Policies and Procedures to establish procedures for use of that public facility.

B. Policy Issues

Administrative Procedures Manual Chapter 1, Section 17 (D) governs the use of the Courthouse Plaza. That provision has not been updated in some time.

C. Board Goals

To maintain the plaza as a place that the community can utilize as a free speech area and at the same time insure that the public asset is maintained in a manner that is responsible to the taxpayers – free of vandalism and other criminal behavior.

D. Financial and/or Resource Considerations

Management Services/Facilities Division is responsible for maintaining County physical assets. With regard to the newly constructed plaza the division's one

landscape maintenance staff spends on average an hour per week on the facility. The first weekend he spent five hours cleaning up. The graffiti clean-up took additional staff time.

The other resource issue involves both the Sheriff's Office and Eugene Police Department. Neither is staffed to provide on-going security of the Courthouse twenty-four/seven. Acts of vandalism mostly occur around the time of the market. However, there have been a number of incidents of vandalism and issues with homeless street people that are worthy of mentioning in the context of protecting County assets.

E. Analysis

Management Services worked with both the Eugene Police Department and the Sheriff's Office in both increased enforcement activity during the weekend market hours and in developing strategies to reduce criminal and anti-social behavior. Input was also taken from the two market managers and the youth who utilize the plaza with their free speech program.

F. Alternatives/Options

Options range from temporary architectural barriers to increased use of digital/video cameras to increased use of law enforcement. No one option eliminates the problem and all come with a price tag.

V. TIMING/IMPLEMENTATION

Implementing the options suggested above will take time and further discussion. In the meantime the procedures for use of the plaza can be signed by the County Administrator and further review of plaza use can continue.

VI. RECOMMENDATION

The attached revision of APM Chapter 1, Section 17 (D) is presented for Board review. That revision allows for electricity to be turned on based on procedures for use that require responsibility on the part of individuals using that electricity and cooperation with others using the park block areas during weekends and evenings.

VII. FOLLOW-UP

APM Chapter 1, Section 17 will be revised and forwarded to the County Administrator for signature.

VII. ATTACHMENTS

APM Chapter 1, Section 17 (D) recommended revision.

ATTACHMENT (excerpt from APM Ch 1, Sect 17)

D. Courthouse/Public Service Building Plaza. The following general rules govern the use of the plaza areas outside the Courthouse:

1. The actual free speech area is designated on the west plaza within the Wayne Morse Terrace in an area ~~in front of the flagstone wall~~ from the podium area west of Harris Hall, an oval area contained by the Wayne Morse statue on the south and the planter areas to the west and north, and measuring ~~33'4" x 39'6"~~ 71' x 73'. In order to ensure health and safety and uninterrupted county operations, any such speech activity should generally occur within this designated area and between 6:00 a.m. and 11:00 p.m.
2. The following conditions and restrictions apply to the use of the Courthouse/PSB plazas:
 - a. In order to protect property, ensure free and orderly flow of pedestrian traffic, as well as uninterrupted building operations during normal business hours, the plazas shall not be used, including for speech activities, in a manner that would generate serious audio or visual distractions or unreasonably interfere with the normal ingress and egress into or from the building. No signs shall be affixed to the building or walls. All other county and city ordinances concerning excessive noise shall apply.
 - b. In order to protect the building and its occupants in case of an emergency, any physical property used to assist the speaker(s) in communicating a message must be able to be moved quickly and easily. Generally, this means that a speaker may set up a literature/document distribution table, a chair, and/or sign, written materials, and property reasonably necessary to protect speech activity from inclement weather. The county reserves the right to remove unattended property. In addition, as a general rule, this physical property should be removed by 11:00 p.m., but may be replaced again at 6:00 a.m.
 - c. In order to limit wear and tear on the building and plaza property, and to protect and conserve the resources necessary for efficient county operations, persons using the plazas, including for engaging in speech activities, shall not generally be entitled to use the county's utility services, i.e., water and electricity. Any speaker desiring access to electricity for the purpose of communicating a message may submit a ~~request to the Office of County Administration, and the County~~ request to the Office of County Administration, and the County

~~Administrator~~ request in the form of a Facilities Use Rental Agreement to the Facilities Management Division (Courthouse basement), and the Management Services Director may deny such a request based on another speaker(s) or sponsoring group's previously requested access for the same time. If the request is granted, access shall be limited to each individual speaker, or sponsoring group with more than one speaker, to three hours per day, ~~and~~ up to six hours per week, and up to two permits per month. Permits are on a first-come, first-serve basis and may be obtained no more than one month in advance. The county reserves the right to charge a reasonable fee for such utility use.

Electrical Permits will require a fee of \$10 and a refundable deposit of \$100. Violation of rules, illegal activities, willful damage of County property or equipment, or failure to remove trash and restore property and equipment to their proper position will result in forfeiture of the deposit and/or revocation of future use privileges.

Users will also be in compliance with the City of Eugene Noise Ordinance.

- d. In order to limit wear and tear on county property and to protect the health, safety and welfare of the community and its individuals, no person, including those engaged in speech activities, shall be entitled to use the plazas or other property outside the building for living accommodation activities, i.e., sleeping, making preparations to sleep, maintaining a sleeping bag, bedroll, tent or other structure for sleeping, storing personal belongings, bathing, doing laundry, preparing meals. All other county and city ordinances concerning camping, including Eugene Code 4.815, shall apply.
 - e. Nothing contained in these administrative procedures should be construed as superseding any other regulation, ordinance, or law which applies to use of the property.
3. Persons using the plazas are responsible for removing litter created as a result of their use of the area, and may be required to pay a clean-up fee if it is necessary for the county to clean the area following its use. In addition, all property, signs and material to be distributed must be removed upon departure.