

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 13-09-04-01

IN THE MATTER OF AN EMERGENCY
CLOSURE OF THE WAYNE MORSE
TERRACE AND THE BUTTERFLY LOT

WHEREAS, the Lane County Courthouse and Public Service Building, and the underlying real property on which the structure is situated (the "Courthouse"), and the affiliated parking structure and the underlying real property on which the structure is situated (the "Butterfly Lot") are within the limits of the City of Eugene; and

WHEREAS, the Courthouse provides offices for the City of the Eugene, the Oregon Circuit Court, and Lane County and is open for public access to the services provided by each of these agencies during regular daytime hours; and

WHEREAS, the Butterfly Lot was gifted to the County with deed provisions that outline that it be maintained for the use of the court.

WHEREAS, the Lane County Board of Commissioners dedicated the Wayne Morse Terrace in 1984 by Order No. 84-6-19-2 and directed the County Administrator to promulgated rules governing the use of the area designated as the Free Speech Area; and

WHEREAS, over the years problems associated with the use of the Wayne Morse Terrace and designated Free Speech Area until recently have been isolated and few; and

WHEREAS, recently concerns and problems have arisen with more intensive use and occupation of the Wayne Morse Terrace and designated Free Speech Area; and

WHEREAS, on August 15, 2013, various individuals commenced full time occupation of the designated Free Speech Area through continuous camping activities; and

WHEREAS, shortly after camping commenced in the designated Free Speech Area, individuals began full time occupation and camping on areas of the Wayne Morse Terrace adjacent to the designated Free Speech Area, and on the Butterfly Lot property across the street; and

WHEREAS, contemporaneous with the above camping and occupation activities, the Board and county staff were made aware of various illegal, indecent and offensive acts taking place on and adjacent to the designated Free Speech Area, the Wayne Morse Terrace, the Butterfly Lot property, and the Courthouse property generally; and

WHEREAS, the above acts include: illegal drug activity; incidents of violence; threatening and harassing behavior toward the general public, and city, county and court staff; acts of public urination and defecation on public property; failure to maintain sanitary conditions; vandalism and destruction of public property; and inappropriate waste disposal; and

WHEREAS, documentation describing the acts mentioned above have been reviewed by the Board and are available as part of the public record supporting this order; and

WHEREAS, under Eugene City Code §4.815, camping, as defined by the code, unless specifically authorized, is prohibited on publicly-owned property within the city, including on county property located within the city; and

WHEREAS, the county public health officer, Dr. Patrick Luedtke, has declared the area a public health risk and recommends closure; and

WHEREAS, the above described activities impede the ability of Lane County to ensure access to public services, public safety, and sanitation on the Courthouse and Butterfly Lot properties; and

WHEREAS, the uninterrupted presence of campers in the designated Free Speech Area and adjacent to the Butterfly Lot has created an unacceptable level of risk to Lane County residents and Courthouse employees due to exposure to bio-hazards; and

WHEREAS, the Board is aware that many of the objectionable activities have taken place at night and that the uninterrupted nature of the camping in the designated Free Speech Area and adjacent to the Butterfly Lot has exacerbated the risks to Lane County residents and Courthouse employees; and

WHEREAS, the Board is aware that the individuals engaged in camping activities intend to continue to occupy various county properties in addition to the designated Free Speech Area; and

WHEREAS, the Board of County Commissioners is considering new policies to regulate usage of county property in the near future; and

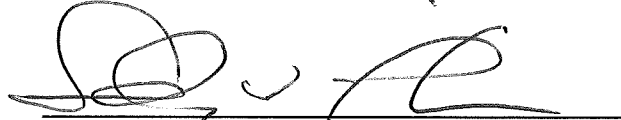
WHEREAS, the Board anticipates that establishing new policies and regulations will take two to four weeks, although the legislative process is variable.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. That a formal request is hereby made that the City of Eugene and its police department enforce Eugene City Code §4.815, which prohibits camping on publicly-owned property within the city, including on county property located within the city, except as specifically authorized.
2. Due to the above described public health, safety and welfare risks, and subject to the exceptions below, the Wayne Morse Terrace, including the designated Free Speech, and the Butterfly Lot and adjacent county property, are temporarily closed, effective immediately. These areas will remain closed until the earlier of 5 p.m. on Tuesday, September 10, 2013, or until such time as the property can be cleaned and sanitized, unauthorized items of personal property removed, and the acting County Administrator determines the area is appropriate for reopening.
3. Individuals and organizations that have preexisting agreements to use the Butterfly Lot and adjacent county property, including the Farmers Market and parking permit holders, are exempt from this closure order provided such use can be accomplished without immediate health and safety risks.
4. Following reopening and for up to four weeks thereafter, the Courthouse property and Butterfly Lot property, including the designated Free Speech Area, will be open to the public from 6 a.m. until 11 p.m., and closed all other hours. During this time period, the Board will consider appropriate Lane Code and Lane Manual regulation of all county property, including the time of day the property will be open to the public.
5. Lane County staff is directed to maintain a temporary entrance to ensure access to the Courthouse through the Wayne Morse Terrace.

6. Lane County staff is directed to maintain temporary entrances to the Butterfly Lot to maintain parking services.
7. County Administrator will try and locate a temporary free speech area for use while Wayne Morse Terrace is being cleaned.

ADOPTED this 14th day of September, 2013.



Sid Leiken, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 9/14/13

LANE COUNTY OFFICE OF LEGAL COUNSEL

