



Letter of Understanding

This Letter of Understanding is made and entered into by and between the City of Irvine ("City") and the Occupy OC Demonstrators, effective as of Tuesday, October 25, 2011.

The parties agree as follows:

1. For the period beginning on Tuesday, October 25, 2011 and extending through and including 12:00 noon on Wednesday, November 9, 2011, the portion of the Civic Center situated at the northwest corner of Alton Parkway and Harvard Avenue, between the wall and the sidewalk, is approved for use by the Occupy OC demonstrators for overnight camping purposes, subject to the provisions of this Letter of Understanding.
2. The duration of this Letter of Understanding may be extended in writing for such further period of time and subject to such provisions as are mutually satisfactory to the parties.
3. To enable maintenance by the City of the front lawn (the area between the wall and City Hall), to eliminate the need for late night irrigation, and to avoid any unintentional damage to the personal property of the Occupy OC demonstrators, the area approved for overnight camping and the front lawn shall be vacated by the Occupy OC demonstrators and cleared of all personal property on Tuesdays and Fridays, commencing on Tuesday, November 1, 2011, for a 5-hour period from 10 a.m. to 3 p.m.
4. The sidewalk shall continue to remain available for the exercise of freedom of speech rights throughout the day and night, subject to compliance with Irvine Municipal Code Section 4-14-105, which prohibits hindering or obstructing free passage. Nevertheless, equipment or other apparatus of Occupy OC demonstrators may be temporarily placed on the sidewalk during the period of lawn maintenance described above, provided that such items do not interfere with the performance of maintenance and do not hinder or obstruct free passage of the sidewalk, and provided further that the Occupy OC demonstrators acknowledge that such items placed on the sidewalk may be subject to irrigation overspray and debris from lawn mowing.
5. Equipment and apparatus that will be allowed for camping include sleeping bags and tents, but excludes structures or improvements that would require a building permit.

6. No cooking, cooking equipment, fires, open flames or smoking are allowed.
7. The Occupy OC demonstrators, at their own expense, shall provide port-a-potties, the number and location of which shall be designated by the City of Irvine, and arrange for normal maintenance of such facilities. The port-a-potties shall be situated within a reasonable distance from the overnight camping area.
8. The Occupy OC demonstrators, at their own expense, shall provide trash collection services and maintain the area utilized in a clean and sanitary condition. On weekend days (Saturday and Sunday), when trash pick-up is not available from Waste Management, trash may be disposed of in the City of Irvine's trash bins to the extent space is available.
9. Except as otherwise expressly provided in this Letter of Understanding, the Occupy OC demonstrators shall comply with all applicable provisions of the Irvine Municipal Code relating to park use.
10. The Occupy OC demonstrators shall comply with all applicable fire safety requirements, including those set forth in Attachment A.
11. The City of Irvine may designate specific parking areas for Occupy OC demonstrators should the number of vehicles associated with their activities reach a point that inhibits the ability for City staff and community members having business at the Irvine Civic Center to find parking within the Civic Center facility.
12. The Irvine Civic Center is open for business and public access Monday – Friday with every other Friday closed, from 7:30 a.m. to 5:30 p.m., and from 8 a.m. to 5 pm. on open Fridays. Public access to restrooms is available during these times for regular restroom type use, but not for the purposes of personal bathing. The City of Irvine asks for the assistance of the Occupy OC demonstrators with conveying the message and suggesting alternatives for personal hygiene and care. Additional restrooms are available at Bill Barber Park, which Occupy OC demonstrators are currently using.
13. The City of Irvine designates Commander Barry Aninag to be the City's primary contact with the Occupy OC demonstrators. Commander Aninag can be reached Tuesday through Friday from 7:30 a.m. to 5:30 p.m. through his office phone at 949-724-7025. During all other times, the Sergeant on Duty/Manager can be reached by calling 949-724-7200. In the event of an emergency, call 911. The Occupy OC demonstrators designate Linda Swartz as their authorized representative and primary contact with the City for the purpose of this Letter of Understanding. Ms. Swartz can be reached by calling _____.

14. The Letter of Understanding represents the full and complete agreement between the parties, supersedes any prior agreements or understandings, and can be amended only by written consent of the parties.

15. The parties acknowledge that the terms of this Letter of Understanding are intended to establish the rights and responsibilities of the parties only for the period during which this Letter of Understanding is in effect.

16. The Mayor of the City of Irvine, who is signing this Letter of Understanding on behalf of the City, represents that the City shall be bound by the above terms, provided that the Occupy OC demonstrators comply with such terms. The person signing this Letter of Understanding on behalf of the Occupy OC demonstrators represents that he/she personally witnessed and now conveys the willingness of the Occupy OC demonstrators, through their General Assembly, to be bound by the above terms, provided that the City of Irvine complies with such terms.

CITY OF IRVINE

OCCUPY OC DEMONSTRATORS

By: _____

By: _____

Sukhee Kang, Mayor

Linda Swartz

ATTEST:

Sharie Apodaca, City Clerk

ATTACHMENT A

Fire Safety Requirements and Recommendations

- No onsite storage of flammable liquids.
- All fire protection equipment shall be maintained in an operative condition. Clearance around fire protection equipment shall be maintained.
- Tents, canopies and temporary membrane structures shall be adequately braced and anchored to withstand the elements of weather and/or collapse.
- The sidewalls, drops, top, floor coverings and decorative materials shall be composed of flame-resistant material or treated with an approved flame retardant. Self-treated materials may subject to a flame test by the Orange County Fire Authority.
- Electrical equipment and installations shall comply with the electrical code. A permit for electrical equipment and/or generators shall be required.
- Generators, if permitted, shall be separated from tents and canopies by a minimum of 20 feet and isolated from the public by fencing or other means.

ORDINANCE NO. 3977

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING SECTIONS 11-22.010 AND 11-22.030 OF THE SANTA ROSA CITY CODE TO
PROHIBIT CAMPING ON PUBLIC PROPERTY

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Findings.

The Santa Rosa City Council finds that these economic times have brought unprecedented hardships that have not been seen in this county since the Great Depression.

The Santa Rosa City Council at its meetings of November 1, 2011 and November 8, 2011 has heard public comment and considered the reports of the City Manager, staff and the Police Department regarding the camping activities and related incidents which have occurred at City Hall in connection with the camping activities at the Occupy Santa Rosa protest and the ongoing discussions that have taken place with members of a group from the Occupy Santa Rosa protest. The City's current camping ordinance prohibits camping on public property except in a designated public campground or by authority of a written permit issued by the City. No prior request was made for a written permit, no permit has been issued, and the City has not adopted specific terms and conditions for the granting of a permit for camping on public property. Public properties not specifically designated as campgrounds are not suitable for public camping due to sanitation, health and safety concerns. Public properties not specifically designated as public campgrounds are without adequate potable water supplies; sanitation facilities, including sewage and solid waste disposal; power supplies; protected cooking areas; and/or secure places to sleep.

City Hall is the primary location for the conduct of the City's business. The Council desires that there be convenient unobstructed access to and from city hall and that the aesthetics of City Hall including its landscaped areas be preserved and protected to prevent dangerous, unlawful or incompatible uses.

This ordinance shall not prohibit simple assembly of persons if the assembly does not include camping, camp facilities, or camping paraphernalia.

Section 2. Declaration. Based upon the testimony, reports, and other materials presented and the findings set forth in Section 1, the Council declares this ordinance is necessary as an urgency measure for preserving the public peace, health and safety and may be introduced and passed at one and the same meeting upon its adoption by at least five affirmative votes of the Council.

Section 3. Section 11-22.010 of the Santa Rosa City Code is hereby amended to read as follows:

“11-22.010. Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- (A) “Camper” means a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.
- (B) “Camp” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- (C) “Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, or temporary shelters.
- (D) “Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- (E) “Human habitation” means use of a vehicle for two or more consecutive hours for the purpose of eating, resting, recreating or sleeping.”

Section 4. Section 11-22.030 of the Santa Rosa City Code is hereby amended to read as follows:

“11-22.030 Camping on Public Property.

It is unlawful for any person to camp, occupy camping facilities, or use camp paraphernalia on any public street or on any other public property, except in a designated public campground or by authority of a written permit issued by the City.

(A) Permits - Application.

- 1. Application for a permit shall be made to the City Manager.
- 2. Application for a permit shall be made at least five (5) business days prior to camping by each adult intending to camp. Each permit shall be limited to an initial period of up to fifteen (15) days.
- 3. Permits shall be issued on a first come, first serve basis.
- 4. The application for the permit shall be made in writing on a form approved by the City Manager. The application shall contain the following information, as applicable:
 - a. The name, address and telephone number of the applicant(s),
 - b. The name, address, and telephone number of the parent or guardian of any camper under the age of 18.
 - c. The dates of the requested permit to camp.
- 5. The Council may by resolution establish a fee for the cost of processing of permit applications and for use of City facilities for camping.

(B) Permits – Standards for issuance or denial.

- 1. The City Manager shall issue a permit to camp unless one or more of the following conditions exist.
 - a. The application is incomplete for failure to provide the information required by this Section or the information contained in the

application, including supplemental information, if any, is found to be false in any material respect.

- b. The camping or camping event will unreasonably interfere with fire or police protection, or public safety, including presenting a substantial or unwarranted traffic or safety hazard.
 - c. The camping or camping event would involve a number of people exceeding the capacity of the location for which it is proposed.
 - d. The requested camping interferes with a prior approved use of the City Hall facilities.
2. The applicant shall be notified in writing of the action of the City Manager in granting or denying the permit at least one business day prior to the date proposed to camp. If the permit is denied, the written notice shall briefly set forth the reasons for denial.
 3. The City Manager may issue regulations detailing the limitations for public property affected by this section, including regulations addressing capacity and requirements for the maintenance of accessibility during the camping or camping event.
 4. If applicant intends to use amplified sound, applicant shall be required to apply for a separate permit as provided under Chapter 17-16.

(C) Appeal.

Any decision by the City Manager shall be final and may be appealed as set forth in Chapter 1-20.

(D) Permit - Contents, restrictions, limitations.

1. A permit shall contain the information given in the application and may impose reasonable time, place, and manner restrictions to ensure that the camping will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services or the use of the public property. The restrictions shall be in conformity with the requirements of this Chapter. Such restrictions may include, but are not limited to:
 - a. Clean up the site and restore the area to its prior condition at the end of the camping event.
 - b. The following shall be prohibited on public property:
 - 1) Glass beverage containers;
 - 2) Smoking;
 - 3) Tobacco, drug or alcohol use;
 - 4) Open fires, flames or flammable materials;
 - 5) Cooking, generators, or portable heaters of kind within tents;
 - 6) Storage of hazardous materials, such as propane, butane, gasoline or similar elements;
 - 7) Dogs or other animals, with the exception of service animals.

- c. No amenities including electricity, water and sanitary facilities shall be provided by the City and no access to City facilities for such amenities is permitted, except as generally permitted for the public. Special provision may be made for the use and placement of portable toilets, potable water for drinking and/or hand washing, and trash receptacles at the applicant's expense. Applicant shall be required to contain and dispose of any waste including: water or sewage in compliance with all applicable regulations for such disposal.
 - d. Tents shall be erected at least 20 feet (20') from City Hall buildings.
 - e. Persons under the age of 18 shall be accompanied by a parent or guardian.
 - f. Digging, trenching, destruction, damage or vandalism to property, landscaping or grounds.
 - g. Camping activity shall not unduly interfere with the normal operation of City business or surrounding businesses.
- 2. Permits shall be affixed to the tent or tent structure.
 - 3. Permittees shall ensure that accessibility for persons with disabilities is not impaired by camping activities.
 - 4. The applicant shall sign the permit in order for the permit to be valid.
 - 5. The City Manager shall designate the areas of public property on which camping is allowed and the maximum number of permits for each site. Camping shall be prohibited in non-designated areas.

(E) Cancellation and Revocation.

- 1. A permit may be revoked at any time if the City Manager determines that:
 - a. revocation is in the interest of the immediate public health or safety because of fire, casualty, act of God or a public emergency; or
 - b. the permittee is in violation of the provisions of this chapter, the regulations or the terms of the permit; or
 - c. As a result of inclement weather, the camping activity would unreasonably damage public property.
- 2. The permittee, immediately upon receipt of notification that the permit has been revoked, shall cease camping and shall restore the site to its condition prior to the camping activity.

- (F) Indemnity. The permit holder shall indemnify and hold harmless the City, its officers, agents, employees and volunteers, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorney's fees) and any other liability for injuries or damage to persons or property resulting from the camping activities.

(G) Violation – Penalty. Violation of this chapter is a misdemeanor punishable as set forth in Section 1-28.010 of this Code.”

Section 5. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b) 3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect immediately as an urgency measure under the authority of the Santa Rosa City Charter upon its adoption by at least five affirmative votes of the Council.

IN COUNCIL DULY PASSED AND ADOPTED this 10th day of November, 2011.

AYES: (5) Council Members Bartley, Gorin, Ours, Vas Dupre, Wysocky

NOES: (2) Mayor Olivares, Vice Mayor Sawyer

ABSENT: (0)

ABSTAIN: (0)

ATTEST: Gayle Petersen, Interim City Clerk

APPROVED: Ernesto Olivares, Mayor

APPROVED AS TO FORM:
Caroline Fowler, City Attorney