

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Art Hendricks		2. Telephone No. 503-823-5459	3. Bureau/Office/Dept. Parks
4a. To be filed (hearing date): April 24, 2013	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: April 10, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title: Provide for civil penalties for violation of leash and scoop regulations, and authorize Commissioner in Charge to adopt policies and procedures for implementation of civil penalties (Ordinance; amend Code Section 20.12.140).

2) Purpose of the Proposed Legislation: The legislation revises City Code Title 20.12.140 (Animals) to improve Portland Parks & Recreation's effectiveness in gaining compliance with leash and scoop laws.

Though many dog owners are respectful park visitors, disregard for leash and scoop laws has become common behavior. Lack of compliance with City Code 20.12.140 significantly impacts the health, safety, and usability of park land.

A sustainable, effective approach to leash and scoop law compliance must include education and enforcement, as well as opportunities for legal dog-owner recreation. PP&R's enforcement tools are currently limited to warnings and exclusions. This change would allow PP&R to issue citations for leash/scoop law violations in order to increase compliance.

The legislation also authorizes the Commissioner-in-Charge to adopt necessary policies and procedures, including the adoption of a fine schedule.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

Approximately \$130,000 is projected initially in citation revenue. However, the goal of this legislation is not to generate revenue but increase compliance. As compliance improves, revenue can logically be expected to decrease.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

Annual staffing and administration costs are approximately \$100,000. Expenses are anticipated to be covered by citation revenue. As with revenue, expenses can be expected to decrease in future years as compliance improves.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

One part-time seasonal position will be created initially to administer the new citation program, with four additional seasonal Park Rangers added for increased leash/scoop enforcement and education. Existing permanent and seasonal Ranger staff will also be used as a resource for in-park enforcement.

- **Will positions be created or eliminated in future years as a result of this legislation?** Depending on resources and revenue levels, future full-time administration/coordination positions and/or Ranger positions may be created to address leash/scoop law compliance on an ongoing basis.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES:** Please proceed to Question #9.
- NO:** Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Portland's parks, natural areas and trails are extensively used for all types of recreation, and off-leash dogs and dog waste have significant impacts on the health, safety, and usability of park lands. Increasing compliance with leash and scoop laws will greatly improve the park experience for all park users.

Dog owners who disregard leash and scoop laws are more likely to receive a citation for noncompliance, particularly dog owners who have previously received warnings.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The community has long played a significant role in guiding PP&R's development of off-leash recreation opportunities, and in the Bureau's approach to leash/scoop education and enforcement. In 1999-2000, a 17-member task force made a series of recommendations for the off-leash area (OLA) program. These recommendations included the need for oversight, education, and enforcement. In 2001, PP&R sought proposals from neighborhood coalitions to suggest OLA locations and hours. In 2003, Council directed PP&R to open additional geographically distributed OLAs. In 2003-2004, an Off-Leash Advisory Committee (OLAC) evaluated the off-leash program, and made a series of recommendations to Council regarding ongoing operation of the program. These recommendations acknowledged the ongoing need for education and enforcement, as well as the need for continued management of OLAs as a park amenity.

In 2010, PP&R convened an Off-Leash Advisory Group, which included members of the OLAC, as well as dog owner representatives from different geographic areas. Working within the recommendation framework established by the 2004 recommendations to Council, the OLAG created a prioritized plan for addressing OLA problems and solutions, and advised PP&R in executing the plan, which included addressing leash/scoop compliance issues.

The OLAG ended in June 2012. In the group's final two meetings, they reviewed PP&R's proposed strategy for improving leash and scoop law compliance. Meeting notifications were sent to an email list that included dog owners, neighborhood

association livability chairs, and other community members who expressed interest in dogs in parks, including those who had complained about lack of enforcement within the past year.

c) How did public involvement shape the outcome of this Council item?

PP&R receives more reports about leash/scoop violations than any other type of behavior. Park users frequently identify additional enforcement of leash and scoop laws as a positive action PP&R could take to improve park experience. Stakeholder groups who have raised concerns about lack of leash/scoop law enforcement include the Northeast Coalition of Neighbors, the Woodlawn Neighborhood Association, the Concordia Neighborhood Association, the Northwest District Association, the Laurelhurst Neighborhood Association, the Grant Park Neighborhood Association, South Waterfront, Portland Public Schools, the Audubon Society of Portland, and sports groups including soccer, baseball, football, and cross-country.

Having identified noncompliance as a serious park issue, PP&R worked with the OLAG to design an effective, sustainable method of gaining compliance with leash/scoop laws. The OLAG supported a holistic approach to encouraging compliance, to include education, enforcement, and off-leash recreation opportunities. They recommended that PP&R move forward with the code change, as well as continued education efforts and exploration of OLA improvement opportunities.

d) Who designed and implemented the public involvement related to this Council item?

Staff included Ali Ryan, PP&R Dog Program Coordinator; Art Hendricks, PP&R Security Manager; and Elizabeth Kennedy-Wong, PP&R Community Engagement and Public Involvement Manager.

e) Primary contact for more information on this public involvement process (name, title, phone, email): Ali Ryan, ali.ryan@portlandoregon.gov, 503-823-2967.

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Ongoing outreach efforts will increase community and dog owner understanding and awareness of leash/scoop laws. Staff have developed an ongoing communication and outreach plan, to include methods such as park signs, in-park presence, community presentations, partnerships with animal organizations, media releases, social media, and events.



APPROPRIATION UNIT HEAD (Typed name and signature)



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

ORDINANCE COVER SHEET

Title of Ordinance/Report: Provide for civil penalties for violation of leash and scoop regulations, and authorize Commissioner in Charge to adopt policies and procedures for implementation of civil penalties (Ordinance; amend Code Section 20.12.140).

Today's Date: April 10, 2013

Expected Date to Council: April 24, 2013

Preparer's Name: Art Hendricks, Parks Security Manager

Manager's Name: Warren Jimenez, Assistant Director

Manager's signature: _____

If this is an Agreement, a Contract, or a Contract amendment, has it been "Approved as to Form" by the City Attorney?

Will this be on **Regular** or **Consent** agenda? Regular

1. **Background**

Since 1995, Portland Parks & Recreation has worked extensively with the dog community to identify and meet their recreational needs. Our system of 32 off-leash areas (OLAs) is consistently recognized as one of the country's largest. Recognizing dog owners and their pets as frequent, legitimate users of parks has also meant ongoing engagement through advisory groups, town halls, and on-site meetings to ensure healthy, safe OLAs.

Despite these efforts, and the efforts of many dog owners to encourage respectful behavior, a culture of non-compliance with leash and scoop laws exists throughout Portland's park system.

Portland's parks, natural areas and trails are extensively used for all types of recreation, and off-leash dogs and dog waste have significant impacts on the health, safety, and usability of park lands. PP&R receives more complaints about dog violations than any other type of illegal behavior.

A sustainable, effective approach to leash and scoop law compliance must include education and enforcement, as well as opportunities for legal dog-owner recreation.

PP&R's enforcement tools are currently limited to warnings and exclusions. The below code revision would allow PP&R to issue citations for leash/scoop law violations in order to increase compliance.

2. **Financial Impact**

PP&R previously contracted with Multnomah County Animal Services to provide one MCAS Officer to patrol parks and enforce leash/scoop laws. This \$70,000 contract was eliminated as a budget cut for FY 2012-13.

This revision would allow PP&R to enforce leash/scoop laws through direct investment in city resources, and remove the current need to contract with an outside agency for enforcement.

Initial estimates project yearly citation revenue at approximately \$130,000. Expenses associated with implementing and managing a citation program, including a dedicated staff of one part-time seasonal program administrator and four part-time seasonal Park Rangers, are approximately \$100,000.

The goal of this code revision is not to generate revenue but increase compliance. As compliance improves, revenue can logically be expected to decrease, with a decrease in associated expenses as well.

3. **Controversial and/or legal issues**

Many park users, including dog owners, are extremely frustrated by persistent leash/scoop violations. Without a code change, PP&R is unable to address the issue and to begin to curb chronic non-compliance with leash/scoop laws.

The revision will make leash/scoop sections of Title 20 subject to only civil penalty, in the form of a fine, rather than criminal charges. The change brings the penalty in line with the violation, and adds an appropriate, effective method of enforcing leash/scoop violations in parks.

Dog owners who do not currently comply with laws are likely to perceive the additional enforcement negatively; other park users, particularly those who have had problems with off-leash dogs or waste, will undoubtedly have a positive reaction.

4. **Link to current City policies**

Title 20.12.140 currently requires compliance with leash/scoop laws. The proposed revisions will greatly improve PP&R's ability to gain that compliance.

PP&R first created off-leash areas (OLAs) for dog-owner recreation in 1995. From the beginning, PP&R staff, community members, and other stakeholders have acknowledged that ongoing education and enforcement would be necessary in order to effectively manage OLAs as a park amenity, as well as to encourage compliance with leash and scoop laws. Efforts have always first focused on education, but with the understanding that enforcement – including monetary consequences – is an essential component in effective management of dog use in parks.

The \$150 fine is also the standard fine for leash/scoop law violations in parks, and has been so since the off-leash program began.

5. **Citizen participation**

PP&R receives more reports about leash/scoop violations than any other type of behavior. Park users frequently identify additional enforcement of leash and scoop laws as a positive action PP&R could take to improve park experience. Stakeholder groups who have raised concerns about lack of leash/scoop law enforcement include the Northeast Coalition of Neighbors, the Woodlawn Neighborhood Association, the Concordia Neighborhood Association, the Northwest District Association, the Laurelhurst Neighborhood Association, the Grant Park Neighborhood Association, South Waterfront, Portland Public Schools, the Audubon Society of Portland, and sports groups including soccer, baseball, football, and cross-country.

The community has always played a significant role in guiding PP&R's development of off-leash recreation opportunities, and in the Bureau's approach to leash/scoop education and enforcement. In 2010, PP&R convened a 10-member Off-Leash Advisory Group, which included members of previous off-leash advisory committees, as well as dog owners from across Portland.

Having identified noncompliance as a serious park issue, PP&R worked with the OLAG to design an effective, sustainable method of gaining compliance with leash/scoop laws. The OLAG supported a holistic approach to encouraging compliance, to include education, enforcement, and off-leash recreation opportunities. The OLAG ended in June 2012. In their final two meetings, they recommended that PP&R move forward with the code change, as well as continued education efforts and exploration of OLA improvement opportunities.

6. **Other government participation**

Multnomah County Animal Services, as another provider of animal-related enforcement, and Portland Public Schools, as another agency interested in encouraging leash/scoop law compliance, have been briefed on the proposed code revisions and are supportive.

If the ordinance is being placed on the **Regular** agenda, please also provide the following:

- A. Provide three talking points that our Commissioner can use to introduce this item
- Parks are valued by all Portlanders. To keep parks safe, clean, and enjoyable for all visitors, Portland Parks & Recreation encourages leash/scoop law compliance through outreach and education, enforcement

of leash and scoop laws, and providing legal off-leash areas throughout the city.

- Though many dog owners are respectful park visitors, disregard for leash/scoop laws has become common.
- To more effectively enforce leash/scoop laws, Parks is proposing Park Code amendment that would create civil penalties, in the form of fines, for leash/scoop violations.
- Eileen Argentina and Warren Jimenez are joining us to provide an overview.

B. Will you, as the preparer of this item, be at Council when this is heard? If not, who will be there in your place? Yes.

C. Will you, as the preparer of this item, make a presentation to Council along with your manager? Eileen Argentina and Warren Jimenez will make a presentation.

If yes, please describe (PowerPoint, guest presenters, etc.) and how much time will be needed for the presentation. Eileen and Warren will present a 15-minute PowerPoint on the proposed code change.

D. Will members of the community be invited? Yes. PP&R is inviting several community members and park stakeholders to give testimony before the item.

E. Will members of the community be part of the presentation? No.

Anything else you think is important to add?