



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 62393**

**File ID:** 62393

**File Type:** Resolution

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** COMMON  
COUNCIL  
EXECUTIVE  
COMMITTEE

**Lead Referral:** COMMON COUNCIL  
EXECUTIVE  
COMMITTEE

**Cost:**

**File Created Date :** 09/28/2020

**File Name:** Rescind Emergency Order #2 and directing City staff  
to enforce ordinance against encampments in City  
parks

**Final Action:**

**Title:** Rescinding Emergency Order #2 and Directing City Staff to Enforce Ordinances  
Against Encampments in the City Parks and to Investigate Other Temporary  
Housing Options for the Unsheltered Homeless Population

**Notes:**

**Code Sections:**

**CC Agenda Date:** 10/06/2020

**Indexes:**

**Agenda Number:** 3.

**Sponsors:** Samba Baldeh and Zachary Henak

**Effective Date:**

**Attachments:** Public Comment - CCHIC 10-19-20.pdf, CCHIC  
Emailed Comments 10-19-20.pdf, Park Commission  
Public Comment Leg File 62393 TPE  
Resolution-10.14.20 .pdf, Adam Kleman Resolution  
62393.msg, Adrienne Pagac Regarding the  
Encampments of People Currently Experiencing  
Homelessness.msg, Amanda Jane Hoffman stop  
murdering homeless people.msg, Anne Reynolds  
Resolution on encampments.msg, Cara Scanlan  
Public safety meeting - tonight 10 14 20.msg,  
Caroline Klessig It is Unconscionable to Make  
Camping Illegal in the City of Madison.msg, Claire  
Gervais Shelter for homeless.msg, Connie McGuigan  
camping in Madison.msg, Daniel Bomberg Don't End  
Temporary Camping in Madison.msg, Deborah Burns  
Illegal camping.msg, Edward Kuharski Emergency  
Camping in City Parks.msg, Elizabeth Bruno  
OPPOSE Rescinding Emergency order #2.msg,  
Emerson Boettcher Tent Communities.msg, Erika  
Sneider Emergency Camping Order.msg, Gail Bliss  
Protect vulnerable individuals do not eliminate  
encampments on public land including parks..msg,  
Gisela Wilson Keep Madison parks open to the  
homeless.msg, Gregory Gelembiuk in opposition to

**Enactment Number:**

resolution ending temporary encampments in city parks.msg, Ian Adcock Rescinding Emergency Order #2 a.msg, Jeff Turk Temporary Permissible Encampments.msg, Jesikah Leeper Don't Eliminate Camping - Our Homeless Community Members Need It.msg, Jesse Dirkman Temporary Camping - Don't Criminalize Homelessness.msg, Jessica Dufualt Camping in Madison.msg, John Newman Please leave the homeless people alone.msg, Karen Andro Letter from Karen Andro re Emergency Camping Extension.msg, Karen Anduro 2020-10-14 Karen Andro letter appealing for emergency camping extension.pdf, Karen Corbeill Do Not Rescind Emergency Order #2 Camping in Parks.msg, Norm Littlejohn Against a camping ban in Madison.msg, Olivia Williams Do not Rescind Emergency Order #2.msg, Phillippa Bergmann Re CONTINUE to allow housing-insecure to camp in City Parks!.msg, Karen Darcy Tent encampment issue.msg, Rachel Leigh Peller SUPPORT encampment at McPike.msg, Sarah Kdosi Please protect Madison campers.msg, Stacey Williams Homeless encampments.msg, Tanya Cohen Vote accordingly Inconscionable to make camping illegal in the City of Madison if there is no legal place to sleep and legal alternatives..msg, Wendy Mukluk Continue allowing camping in parks.msg, Park Commission Public Comment Leg File 62393 TPE Resolution-11.04.20.pdf

**Author:** Doran Viste

**Hearing Date:**

**Entered by:** smautz@cityofmadison.com

**Published Date:**

**Approval History**

Version	Date	Approver	Action
1		Ryan Pennington	Delegate
1		Stephanie Mabrey	Approve

**History of Legislative File**

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	09/28/2020	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Common Council Executive Committee (10/20/20), Board of Parks Commissioners (10/14/20), Community Development Block Grant Committee (10/8/20)					

1	COMMON COUNCIL	10/06/2020	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
	<b>Action Text:</b>	A motion was made by Carter, seconded by Abbas, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.			
	<b>Notes:</b>	Additional referrals to Board of Park Commissioners, Community Development Block Grant Committee, City-County Homelessness Issues Committee, Public Safety Review Committee, Equal Opportunities Commission.			
1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/06/2020	Referred	BOARD OF PARK COMMISSIONERS	
	<b>Action Text:</b>	This Resolution was Referred to the BOARD OF PARK COMMISSIONERS			
	<b>Notes:</b>				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/06/2020	Referred	COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE	
	<b>Action Text:</b>	This Resolution was Referred to the COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE			
	<b>Notes:</b>				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/07/2020	Referred	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020
	<b>Action Text:</b>	This Resolution was Referred to the PUBLIC SAFETY REVIEW COMMITTEE			
	<b>Notes:</b>				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/07/2020	Referred	CITY-COUNTY HOMELESS ISSUES COMMITTEE	10/19/2020
	<b>Action Text:</b>	This Resolution was Referred to the CITY-COUNTY HOMELESS ISSUES COMMITTEE			
	<b>Notes:</b>				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/07/2020	Referred	EQUAL OPPORTUNITIES COMMISSION	10/15/2020
	<b>Action Text:</b>	This Resolution was Referred to the EQUAL OPPORTUNITIES COMMISSION			
	<b>Notes:</b>				
1	COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE	10/08/2020	Re-refer	COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE	11/05/2020 Pass
	<b>Action Text:</b>	Jim O'Keefe provided background information and updates regarding temporary permissible encampments (TPEs) and homelessness in Madison.			
		Alder Baldeh gave additional background on intent of resolution, followed by committee discussion.			
		A motion was made by Alder Henak, and seconded by Rachel Sattler, to re-refer to the next meeting of the Community Development Block Grant Committee for a report from staff. The motion passed by the following vote:			
		Ayes:	4	Zachary Henak; Rachel E. Jones; Felica Turner Walton and Rachel E. Sattler	
		Noes:	2	Jennifer H. Campbell and Matthew J. Phair	
		Excused:	3	Samba Baldeh; Christian A. Albouras and Ben M. Van Pelt	
1	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020	Return to Lead with the Recommendation to Place on File	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass

**Action Text:** A motion was made by Heck, seconded by Anglim, to Return to Lead with the Recommendation to Place on File to the COMMON COUNCIL EXECUTIVE COMMITTEE.

ERIK LINDBERG-WYSOCKI  
1036 Williamson Street  
Madison WI 53703  
Oppose, Yes, I want to speak.

Bad time to move individuals during COVID. Police would need to assist with only 3 park rangers. Still exploring options and encampments are better than the streets with COVID as it is a personal place to store belongings. For those living in an encampment it is a community and provides relationship building. Before going forward and moving people there needs to be a plan for Winter and there are tents that can be made to get through the Winter.

MICHAEL HOROWITZ  
5922 South Hill Drive  
Madison WI 53705  
Oppose, Yes, I want to speak.  
More and more community members are experiencing homelessness. Forcing people into shelters and off of private land is forcing people into city/county jails.

CHARLIE RYAN  
649 Tamarack Way  
Verona WI 53593  
Neither support nor oppose, Yes, I want to speak.  
Understands concerns and is aware of issues going on at encampments. Concerned if the resolution proceeds then what, where are people going to go to shelter. COVID is not going away and not having an alternative plan in place this is not the time to do this and there is still a lot of work to do. Unfortunately, there is going to be more and more homeless on the streets.

ELIZABETH M BRUNO  
4109 Drexel Ave  
Madison WI 53716  
Oppose, Yes, I want to speak  
Not Present

KAREN ANDRO  
203 Wisconsin Avenue  
Madison WI 53703  
Oppose, Yes, I want to speak  
Encampments are a place to provide food, supplies, and is less harm for COVID for shelter workers, businesses, etc. Do not criminalize an opportunity to help people.

YANNETTE FIGUEROA COLE  
4327 Milford RD  
Madison WI 53711  
Oppose, I do not want to speak, but I am available to answer questions.

OLIVIA WILLIAMS  
2841 Moland St  
Madison, WI 53704  
Oppose, No, I do not want to speak

STACEY WILLIAMS  
2441 Hoard St  
Madison WI 53704  
Oppose, No, I do not want to speak

ADRIENNE PAGAC  
3322 Ridgeway Ave. Apt. 2  
Madison WI 53704  
Oppose, No, I do not want to speak

PHILIPPA BERGMANN  
27 Anniversary Ct.  
Madison WI 53704  
Oppose, No, I do not want to speak

MARILYN FEIL  
3634 Alpine Road  
Madison WI 53704  
Oppose, No, I do not want to speak

SKYLER VAN DE WEERD  
121 Lakewood Gardens Lane  
Madison WI 53704  
Oppose, No, I do not want to speak.

The motion passed by voice vote/other.

1	BOARD OF PARK COMMISSIONERS	10/14/2020	Refer	BOARD OF PARK COMMISSIONERS	Pass
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**Action Text:** Knepp explained the resolution and stated that Reindahl Park and Starkweather Park are the only parks designated as Temporary Permissible Encampments (TPE), all others are not authorized as a TPE and are illegal encampments under Emergency Order #2.

Laschinger explained that Parks, City Engineering, and the Community Development Division began working on solutions in accordance with CDC guidelines to avoid disturbing encampments of people experiencing homelessness to aid in reducing or eliminate community spread of COVID-19 in late March or early April 2020. The TPE program was developed. There are encampments that are not permitted that haven't been disturbed unless there was a need to do so. An example is the fire at the James Madison Park shelter. Those people were asked to move so that a contractor could come in to examine the damage. At Demetral Park someone was asked to move as it was disruptive to use of the park by the community. People in designated TPE's are being provided with outreach such as portable toilets, washing stations, and sharps disposal containers.

Registered speaker Michael Horowitz registered to speak in opposition, but had left the meeting.  
Registered speaker Karen Andro spoke in opposition.  
Registrant Olivia Williams was in opposition.  
Registrant Philippa Bergmann was in opposition.  
Registrant Marilyn Feil was in opposition.

Alder Samba Baldeh asked Laschinger if Parks was aware of the homicide at Reindahl Park and if those people were removed from the site. Laschinger stated that they were not removed as there was a concern as to where they could be moved to. Baldeh asked registered speaker Andro about what agencies she was working with to aid in the homeless situation and whether they would be aiding the homeless community in the winter. She named several agencies she works with and stated that the homeless community often finds other options as to relocation, but if removed may have no other option. Locations for families is an issue. Baldeh stated that the intention of this resolution is to come up with options for the homeless community. Baldeh asked Linette Rhodes from the City Community Development Division their plans. She stated that there is a weekly meeting with agencies to discuss it. Baldeh discussed reasons for homelessness and the difference with how the City reacts to things like the disruptions on State Street towards business verses the homeless community. He disagrees with any police involvement in disruption of the encampments. If there are other options for relocation, he believes that TPE's should be removed. Martin stated that people outside of the TPE's, but still camping in parks need to be given outreach as well so everyone is safe. Leopold stated that turning people out of parks should only be done if other housing is provided. Washington stated the increase happened because of COVID-19 so there are less places to go. Martin stated that there are alternate City owned properties being unused and should be. Henak asked Jim O'Keefe and Linette Rhodes of the City Community Development Division several questions. O'Keefe answered. Henak asked if the counts of unhoused people in Madison has gone down in the last year. O'Keefe stated it has, but is misleading as some are in temporary housing, the Salvation Army Facility, the Warner Park Community Recreation Center (WPCRC) or other shelters. The federal CARES Act is carrying a lot of the funding and was to expire December 31, 2020. Dane County has found a way to extend funding through June 2021. 135 men can be housed at the WPCRC at one time. The amount of people using it fluctuates, but has been up to 90-100. WPCRC needs to be a solution until other locations can be found which will most likely take over a year. Part of the issue with authorized TPE locations is that they cannot be within 500 feet of a residential area. To do so, locations would need to be in more remote locations which are far from resources. Henak asked what the impact has been on the Parks Division. Knepp responded that budget-wise, the WPCRC is being affected as far as funding from the Parks budget for such things as utilities, some supplies, and a full time mechanical staff for upkeep. The estimated cost for year-to-date is between \$250,000 and \$300,000. Operational staff cost had been increased around TPE's and other encampments due to such things like extra restroom cleaning. There have been safety concerns to staff due to threats made and concerns relayed to us from the Madison Police Department. Because of this staff members cannot be present in those areas alone. As far as cleaning and cost, Reindahl and McPike Parks have required an especially higher cost than usual. Starkweather Park is now requiring cleaning and up-keep in a park that usually requires little maintenance. These operational costs are estimated to be about \$30,000 higher than usual at this time. Close to 50% of Park Ranger time is now dedicated to encampments.

Places where encampments are create less use by the public and has been shown to decrease usage long term as well. Henak asked if Emergency Order #2 has caused difficulty to staff as to what is enforced. Knepp stated that it has.

Motion made by Martin, seconded by Henak, to refer to the next Board of Park Commissioners meeting on November 4, 2020 with a request that Common Council and the Plan Commission deal with the policies and report back to give more information. Motion passed by voice vote/other.

Martin requested that an item of this magnitude not be at the end of the agenda.

1	EQUAL OPPORTUNITIES COMMISSION	10/15/2020	Return to Lead with the Recommendation to Place on File	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
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**Action Text:** A motion was made by Wallace, seconded by Ramey, to Return to Lead with the Recommendation to Place on File to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.

**Notes:**

1	CITY-COUNTY HOMELESS ISSUES COMMITTEE	10/19/2020	Return to Lead with the Recommendation to Place on File	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
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**Action Text:** Nick Pjevach - Spoke in opposition  
Alexandra Wilburn - Spoke in opposition  
Sarah Chodorow - Spoke in opposition  
Elizabeth Bruno - Spoke in opposition  
Adithya Pugazhendhi - Spoke in opposition  
Katherine Johnson - Spoke in opposition  
Niko Magallon - Spoke in opposition

Jeremy Ryan - Registered as opposing and wishing to speak, not present  
Larissa Joanna - Registered as opposing and wishing to speak, not present  
Julia Perez - Registered as opposing and wishing to speak, representing "LINK Madison", not present  
Allison Bell Bern - Registered as opposing and wishing to speak, not present  
Kay Galuska - Registered as opposing and wishing to speak, not present

Registrants, including those not wishing to speak: Support: 0 Opposed: 118 Neither: 0

Jim O'Keefe addressed the committee members' procedural questions regarding the motion, including the option to "place on file".

City and county staff answered the committee member's questions regarding the number of people experiencing homelessness.

A motion was made by Alder Tierney, and seconded by Victor Banks to Return to Lead with the Recommendation to Place on File to the COMMON COUNCIL EXECUTIVE COMMITTEE. Motion passed by voice vote.

1	COMMON COUNCIL EXECUTIVE COMMITTEE	10/20/2020
1	BOARD OF PARK COMMISSIONERS	11/04/2020
1	COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE	11/05/2020

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**Text of Legislative File 62393**

### **Fiscal Note**

The proposed resolution rescinds Emergency Order #2, issued on May 6, 2020, under which City staff were permitted to create temporary permissible encampments (TPEs) in parks and greenways to which City ordinances that prohibit camping would not apply. This order was intended to align with Centers for Disease Control and Prevention guidance, which recommended that municipalities refrain from breaking up TPEs, and instead encourage sanitation and social distancing at TPEs. City staff have reported problems at TPEs, including police calls for service. This resolution would rescind this order, meaning TPEs would no longer be permitted. No additional appropriation is required.

### **Title**

Rescinding Emergency Order #2 and Directing City Staff to Enforce Ordinances Against Encampments in the City Parks and to Investigate Other Temporary Housing Options for the Unsheltered Homeless Population

### **Body**

The City has multiple ordinances that make it unlawful for persons to camp overnight or reside in the City's parks, including the following:

- Section 7.53, which adopts by reference Wis. Admin Code Ch ATCP 79 and the provisions therein that require the issuance of a campground license and certain standards to be met when land is designed, maintained, intended or used for the purposes of providing campsites offered with or without charge for temporary overnight sleeping accommodations. The City has no such campground licenses for its parks.
- Section 8.21, which sets park closure hours across the City's park system (generally from 10 p.m. to 4 a.m.) and makes it unlawful to be in or remain in a park after hours, except under some specific conditions that do not apply to those experiencing unsheltered homelessness.
- Section 8.265, which makes it unlawful for any person to lodge, live in for a time or take habitation in a City park.
- Section 8.40(5)(e), which prohibits camping in conservation parks.
- Chapter 28, the City's zoning code, where campgrounds are not a permitted or conditional use in the Park and Recreation zoning district.

Enforcement efforts to prevent short and long-term camping in the City's numerous parks by those experiencing unsheltered homelessness has historically been challenging. Efforts have been made to involve community support providers and other outreach programs in order to assist these individuals in finding safer and more humane housing. However, despite these efforts, some individuals remain in the unlawful encampments, which not only is contrary to the ordinances, but may impact the public's ability to use and enjoy the parks themselves. In addition, City parks are not constructed with designated campgrounds nor are they intended for short or long-term occupancy. Thus, individuals camping on lawns and in wooded areas may adversely affect the park itself. Also, most park restroom facilities close nightly and will be closing seasonally this fall as they are not designed to be operated year-round and lack basic heating to protect plumbing fixtures. A lack of available sanitation options presents a public health hazard.

At the commencement of the COVID-19 pandemic, the Centers for Disease Control



(CDC) issued guidance for how local municipalities should address populations experiencing unsheltered homelessness during the pandemic. The CDC recommended that, where community spread was occurring, municipalities should refrain from breaking up encampments, encourage social distancing between and within the encampments, provide restrooms and cleaning stations, and perform outreach to the communities.

In response to this guidance and ongoing community spread of COVID-19 in Madison and Dane County, the Mayor, based upon the authority granted by RES-20-00286 (Legistar File No. 60077), issued Emergency Order #2 on May 6, 2020. Under this order, City staff were authorized to create temporary permissible encampments (TPEs) within City parks and greenways in which the City's ordinances against camping would not apply. The resolution affirming this emergency order (Legistar File No. 60412) was introduced on May 19, 2020 but has not yet been acted upon by the Common Council. Under RES-20-00286, the Common Council is to affirm, rescind or amend any of the COVID-19 related emergency orders issued by the Mayor.

Since the issuance of Emergency Order #2, few TPEs have actually been created and there remain numerous unlawful encampments in the park system. Many of those residing in the City's parks and greenways during the pandemic have not complied with the Mayor's Order or the TPE program. In addition, some encampments have become substantial behavioral concerns, with increased volumes of police calls and news reports of violence. In September alone, there was a serious arson event at an unlawful encampment at James Madison Park that led to property damage to personal property and the City's shelter, and there was a homicide of a homeless person in Reindahl Park (outside fo the TPE). Alders have been receiving complaints from neighborhood residents that some parks are no longer welcoming to the community due to the encampments and the behavior of some of those within them. Based upon the Park Division's experience, it can take a decade or more to restore the public's confidence in the safety of a park after reports of violence and disturbances at the park. The current situation is untenable.

Overlooking encampments in the park system should not be substitute for the City and the community providing those experiencing unsheltered homelessness with humane housing options, even during the ongoing pandemic, and particularly as winter approaches. The City and Dane County have made available alternate temporary housing for this population, including providing hotel rooms and opening shelter space at the Warner Park Community Recreation Center. This population should be encouraged to take advantage of other housing options rather than take up residence in the City's parks, which are not suitable to be used for such purposes. However, as long as the City does not enforce its ordinances in the parks, this population may continue to find that residing unlawfully in the parks is acceptable, even though other more humane housing options are available to them.

NOW THEREFORE BE IT HEREBY RESOLVED that Emergency Order #2 is hereby rescinded; and,

BE IT FURTHER RESOVED that City staff are directed to enforce the City's ordinances regarding camping in the City's parks to break up encampments, prioritizing enforcement actions against those encampments where there are police calls for service; and,

BE IT FURTHER RESOLVED that, when breaking up encampments, City staff will work with Dane County and local community outreach providers to assist the occupants of the encampments in obtaining support and other, more humane housing options; and,

BE IT FINALLY RESOLVED that City staff shall prepare a report for the Council that assesses the extent of the impact of camping sites on the City's parks, that details existing housing options for those experiencing unsheltered homelessness, identifies financial and physical resources that may be available to assist the homeless, looks for a near and long-term solution to emergency shelter needs to take the burden off of the Warner Park Community Recreation Center, which may lack insufficient capacity to continue to serve this role, and suggests options that may be pursued by the City and its partners now and in the future to better provide for this vulnerable population, both during and after the ongoing pandemic.