



Food and Sundries Distribution to the Homeless Community Task Force

February 21, 2019 | Conference Room 325 | City Hall | 6:00-7:45 p.m.

Meeting #1

Welcome and Introductions



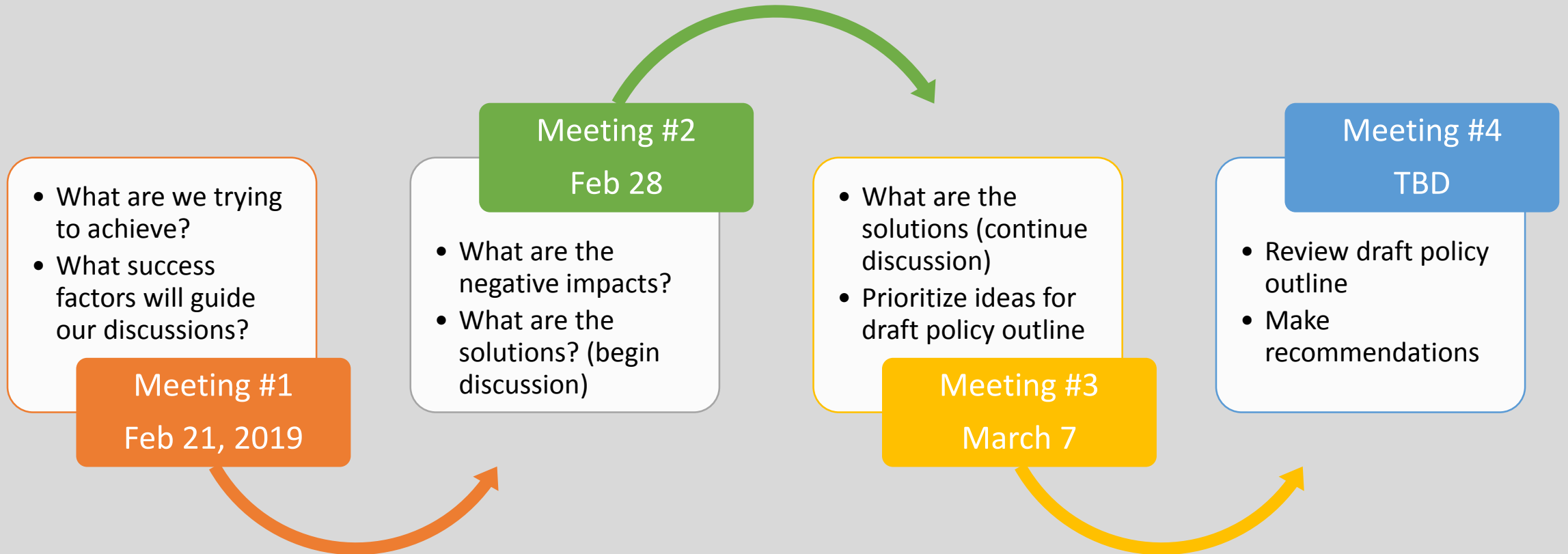
Agenda

- Introductions
- Task Force Overview
- City of Salem Adopted Polices-Overview
- Task Force Sharing—What are we trying to achieve?
- Examples of Programs in Other Communities
- Success Factors—Task Force Discussion
- Next Steps
- Public Comment

The Task Force assignment is to answer these three questions:

1. What community needs are being addressed by the distributions *(What are we trying to achieve?)*
2. What are the negative impacts to the park property, park users and rights-of-way? *(What are the impacts?)*
3. What solutions are recommended to address these impacts? *(What are the solutions?)*

Task Force schedule

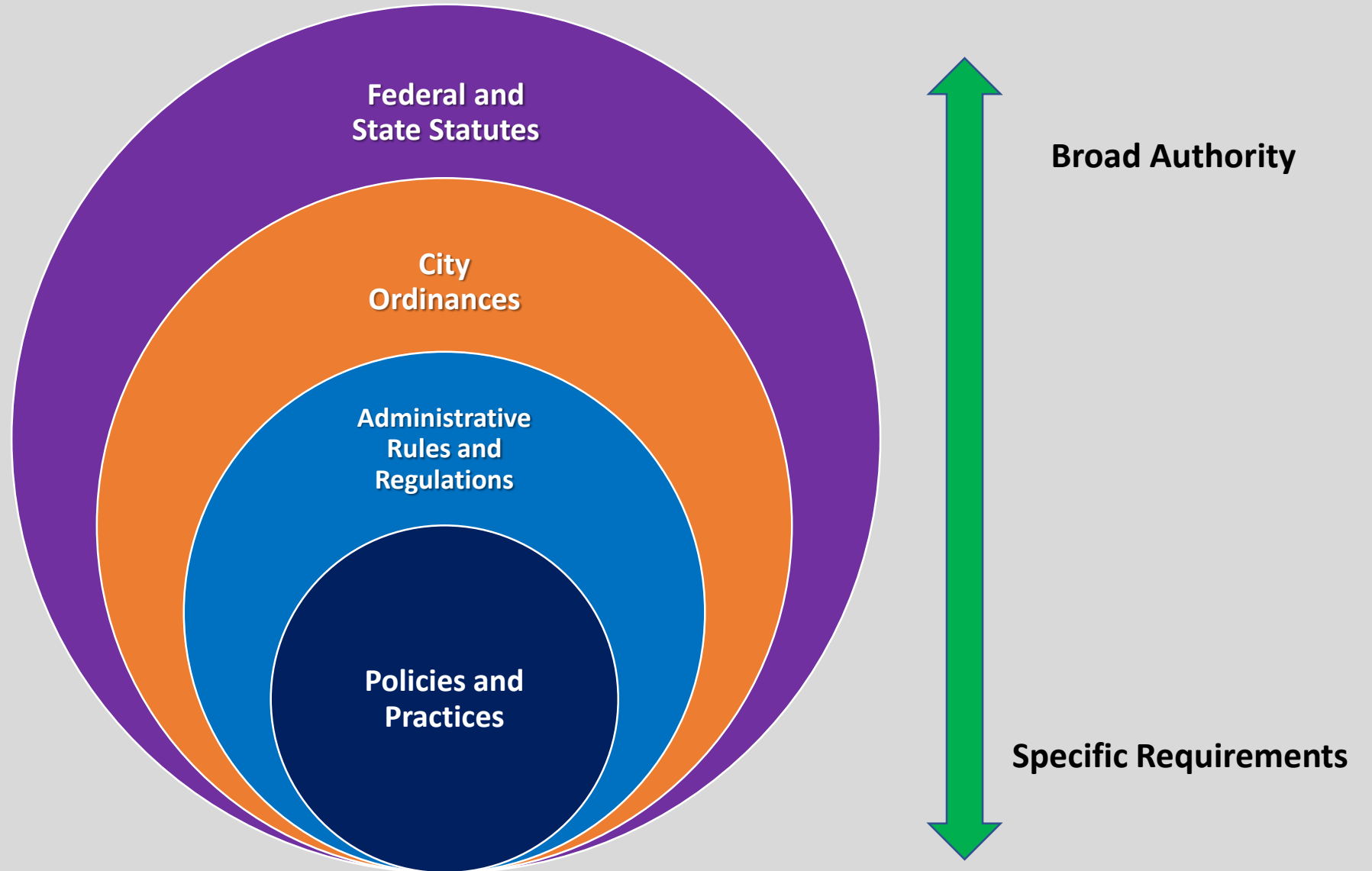


Adopted City Codes and Policies That Relate to Organized Feeding of Homeless Persons



Food and Sundries Distribution to the Homeless Community Task Force

February 21, 2019

Hierarchy of Laws, Ordinances Rules, and Policies



Codes and Policies Relate to the Following Activities:

- **Activities & Behaviors in Parks**
- **Trespassing on, and Exclusion from Public Property**
-  • **Events in Parks and Rights-of-Way**
-  • **Benevolent Food Distribution**

- **Salem Revised Code (SRC)**
 - **Chapter 94** **Offenses in Parks**
 - **Chapter 95** **Miscellaneous Offenses**
 - **Chapter 104** **Parades and Community Events**
- **Parks, Streets, and Open Spaces Administrative Rules and Regulations**

Regulating Events in Parks and Public Street Rights-of-Way:
SRC 94.200 Park Operating Policy
(Paraphrased)

- (a) City Parks shall be open to public every day of the year during designated hours**
- (b) Park users with reservations and special events can erect temporary signs**
- (c) A Park, or portion thereof, may be reserved for organized or group activities**
- (d) The Director shall have the right to regulate the activities in park areas to prevent congestion, procure maximum use, for safety and convenience of all**

Authority for Park Reservations: **SRC 94.200 Park Operating Policy**

- (c) A park, or portion thereof, may be reserved for organized or group activities. Reservations shall be made through the Director on an approved application form. The Director may approve such application upon finding:
- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (2) That the proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety, and recreation;
 - (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
 - (4) That the proposed activity will not entail unusual, extraordinary activity, or burdensome expense, or police operation by the City; and
 - (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

Authority for Parks/Rights-of-Way Reservations: Parks, Streets, and Public Open Spaces Administrative Rules and Regulations

1.4 Rights Reserved by the City of Salem

- 1.4.a** The City reserves the right to limit or deny park, street, or public open space use based on the availability of City resources and the physical condition of the area requested.
- 1.4.b** The City reserves the right to cancel any scheduled or reserved park or facility due to unforeseen circumstances or emergency situations.
- 1.4.c** The City reserves the right to require a change or to make modifications to an event and its scope as a condition of granting a permit.
- 1.4.d** The City reserves the right to close City ballfields at its discretion
- 1.4.e** The City reserves the right to amend insurance and/or liability requirements as determined by the City's Risk Manager as a condition of granting a permit.
- 1.4.f** The Director may adopt such additional rules and regulations not inconsistent with the provisions of the Salem Revised Code that the Director determines to be required to carry out the authority granted to the Director by the Salem Revised Code requiring public use of City streets, parks, and public open spaces.

Facility Use Permit & Agreement

FACILITY USE PERMIT & AGREEMENT

<p align="center">INSTRUCTIONS</p> <p>Read both the front and back of this agreement. Fill in all blanks. Make check payable to the City of Salem. This agreement, for community parks only, is authorized after all signatures are made and payment is received.</p>	<p>Return completed form and payment to:</p> <p align="center">Public Works Department 555 Liberty Street SE, Room 325 Salem OR 97301-3513 Phone: 503-588-6261 After hours contact: 503-588-6333</p>																												
<p><input type="checkbox"/> Beaver Grove <input type="checkbox"/> Bush Park Amphitheater <input type="checkbox"/> Pringle Hall Large Room <input type="checkbox"/> River Road Shelter</p> <p><input type="checkbox"/> Bluegill "A" <input type="checkbox"/> Bush Rose Gardens <input type="checkbox"/> Pringle Hall Meeting Room <input type="checkbox"/> Woodmansee Park</p> <p><input type="checkbox"/> Bluegill "B" <input type="checkbox"/> Minto-Brown Shelter <input type="checkbox"/> Riverfront Park Pavilion</p> <p><input type="checkbox"/> Other Community Parks: _____ <input type="checkbox"/> Riverfront Park (area) _____</p>																													
<p>DATE & TIME REQUESTED (include time for setup and cleanup)</p> <p>Date(s) _____ Day(s) of Week _____ From _____ a.m. to _____ a.m. p.m. to _____ p.m.</p>																													
<p>NAME OF EVENT _____</p> <p>NUMBER ATTENDING _____</p>																													
<p>EVENT INFORMATION - Please complete fully</p> <p>1. Food? <input type="checkbox"/> Yes <input type="checkbox"/> No Catered? <input type="checkbox"/> Yes <input type="checkbox"/> No Name of caterer: _____ Daytime phone: _____</p> <p>2. Alcohol? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, who will provide? _____ Amount? _____</p> <p>Note: Beer and wine (alcohol content must be 14% or less) only at reservable park facilities (listed above) and must stay within 100 feet of reserved area. No kegs or pony kegs.</p> <p>3. Music/Speaker <input type="checkbox"/> Yes <input type="checkbox"/> No Amplified? <input type="checkbox"/> Yes <input type="checkbox"/> No Time: from _____ a.m. to _____ a.m. p.m. to _____ p.m.</p> <p>Type of Sound <input type="checkbox"/> Boom Box <input type="checkbox"/> Karaoke <input type="checkbox"/> Live Band <input type="checkbox"/> DJ <input type="checkbox"/> Other _____</p> <p>Note: Where alcohol and amplified sound are present, private security services may be required.</p> <p>4. Admission? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how much? _____</p> <p>5. Fund-raiser? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6a. Permittee Requests That City Staff:</p> <p><input type="checkbox"/> Pull Post(s) <input type="checkbox"/> Erect Tents/Canopies <input type="checkbox"/> Place Dumpster(s) on Site</p> <p><input type="checkbox"/> Provide Potable Water (if available) <input type="checkbox"/> Bring in Inflatable Play Structure(s) <input type="checkbox"/> Deliver Chemical Toilets</p> <p><input type="checkbox"/> Provide Electrical Service (if available) <input type="checkbox"/> Use Private Security <input type="checkbox"/> Use Directional Signs/Markings</p> <p><input type="checkbox"/> NONE REQUESTED <input type="checkbox"/> OTHER SPECIAL REQUESTS (Please Specify): _____</p>																													
<p>7. Do you desire to meet with a City staff person prior to move in? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>I hereby certify that I am an authorized representative of the organization noted below, that the above statements are true to the best of my knowledge. I have read and agree to be bound by the regulations and policies on the back of this agreement. I understand that violation of any of these agreements may result in forfeiture of deposit, jeopardize further use of the facility, and result in immediate termination of event. I (and the organization I represent) agree to indemnify, defend, and hold harmless the City of Salem, Marion County, and their officers, agents and employees from and against any and all claims, damages, losses, and expenses, including legal fees arising from or in connection with activities during the term of the facility use agreement.</p> <p>Permittee Name (please print) _____ Organization _____</p> <p>On Site Contact Name (please print) _____ Day Time/Cell Phone _____</p> <p>Address _____ City _____ State _____ Zip _____</p> <p>Email address _____ Home/Message phone _____</p> <p>Signature _____ Date _____</p>																													
<p align="center">OFFICE USE ONLY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Alcohol Use Approved</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Processing Fee</td> <td>\$ _____</td> </tr> <tr> <td>OLCC Permit Required</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Rental Fee</td> <td>_____</td> </tr> <tr> <td>Noise Variance Permit Approved</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Alcohol Fee</td> <td>_____</td> </tr> <tr> <td>Health Permit Required</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Security/Cleaning Deposit</td> <td>_____</td> </tr> <tr> <td>Security Services Required</td> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Other</td> <td>_____</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Cash <input type="checkbox"/> Check # _____ <input type="checkbox"/> Visa/MC</td> <td>TOTAL</td> <td>\$ _____</td> </tr> </table> <p>Conditions of Use</p> <p><input type="checkbox"/> Dumpster <input type="checkbox"/> Chemical Toilets <input type="checkbox"/> Security <input type="checkbox"/> Certificate of Insurance (see attached) Folder Number _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Received by _____</td> <td>Date _____</td> <td>Approved by _____</td> <td>Date _____</td> </tr> </table>		Alcohol Use Approved	<input type="checkbox"/> Yes <input type="checkbox"/> No	Processing Fee	\$ _____	OLCC Permit Required	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rental Fee	_____	Noise Variance Permit Approved	<input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol Fee	_____	Health Permit Required	<input type="checkbox"/> Yes <input type="checkbox"/> No	Security/Cleaning Deposit	_____	Security Services Required	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other	_____		<input type="checkbox"/> Cash <input type="checkbox"/> Check # _____ <input type="checkbox"/> Visa/MC	TOTAL	\$ _____	Received by _____	Date _____	Approved by _____	Date _____
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Received by _____	Date _____	Approved by _____	Date _____																										
<p align="center">PLEASE KEEP A COPY OF THIS FORM AT YOUR RESERVED EVENT</p> <p>White—Applicant Green—Parks Maintenance Management Canary—Public Works Department Pink—Compliance Services</p>																													

City of Salem Public Works Department GENERAL RESERVATION INFORMATION

HOURS—The hours of the permittee's reservation use are stipulated on the agreement. The user must adhere to the hours stated on the agreement, including the time necessary for setup and cleanup.

1. RESERVATION CHANGES—

- a. Once the permit has been filed, no changes in hours will be allowed less than five working days in advance of the scheduled use, except in emergency cases. Such exceptions must be approved by the Parks and Transportation Services Manager or his/her designee.
- b. The City reserves the right to cancel any scheduled or reserved park or facility due to unforeseen circumstances or emergency situations. If the reservation is canceled by the City, the applicant may choose a full refund or request to be rescheduled.
- c. Changes to an existing reservation may result in a processing fee (\$50-Riverfront Park and Pringle Hall, \$20-Other Reserved Areas).

2. REFUNDS/FORFEITURE OF FEES—

- a. If a permit cancellation is made 30 days or more in advance of the reservation date, all fees except the processing fee will be returned to the permittee.
- b. If a permit cancellation is made less than 30 days before the reservation date, all fees may be forfeited.
- c. Cancellations of reservations and resulting refund requests should be made in writing to the City.
- d. **No refunds will be granted on or after the date of scheduled use, whether or not the facility was used.**

3. LIABILITY—Depending on the type, size, and nature of the activity, the City may require the permittee to provide proof of insurance in an amount specified by the City's Risk Manager.

All persons and groups to whom a "Use" permit has been granted must agree to hold harmless and indemnify the City of Salem from any and all liability for injury to persons or property occurring as a result of this permit's activity, and agree to be liable to said City for any and all damage to any park, facility, building, equipment, and furniture owned or controlled by the City, which results from the activity or permittee or is caused by any participant in said activity.

Each permittee shall be fully responsible for the physical condition in which the facility is left. The expenses resulting from any damage or maintenance which is above the normal level of service shall be charged to the permittee. Failure of the permittee to meet this obligation within 30 days of billing will be cause for cancellation of future privileges, as well as legal action.

NOTICE—Oregon law (ORS 105.682 et seq.) provides that the owner of land is not liable in contract or tort for injury or death or property damages that arises out of the use of the land for recreational purposes. That immunity from liability does not apply if the owner of land charges a fee for permission to use the land. The fee charged for the use of the facility listed on this form is for the use of the facility only. Any use of property located outside of the facility is not subject to a charge, and therefore, the City of Salem is not liable for any injury, death or property damage arising out of such use of property for which no specific charge has been made.

4. SECURITY SERVICES. Depending on the type, size, and nature of the event, the City may require the permittee to provide on-site security services. The number of security personnel will be determined by the City. The permittee will provide the City with a copy of the contract for on-site security services no later than sixty (60) days before the event. The contract for on-site security services must contain the following provisions:

Compliance with Park Use Permit. The security firm will comply with all requirements of the Facility Use Permit and Agreement.

Indemnification. The security firm will indemnify, defend, save, and hold harmless the City of Salem, its officers, agents, and employees from all claims, suits, or actions of whatsoever nature arising from or arising out of the activities or omissions of the security firm, its subcontractors, agents, or employees under the security contract with permittee.

Insurance. The security firm will obtain and maintain a policy or policies of Commercial General or Comprehensive General and automobile liability insurance, which may not be cancelled without 30 days notice to the City. The insurance limits will not be less than \$1,000,000 per occurrence for personal injury and property damage. The security firm will have the City, its officers, employees and agents named as additional insured. The security firm will supply the City with a certificate of insurance listing the coverage and other requirements set out above.

No Agency. The security firm certifies that it is an independent contractor of the permittee and is not an employee, contractor, or agent of the City of Salem.

If permittee fails to provide the City with a copy of the on-site security services contract prior to the event, or the contract fails to set out the required provisions, then the City may terminate the Facility Use Permit and Agreement. In the event the security firm fails to perform and City services are required as a result, the permittee will be billed for the City related services.

5. ALCOHOL—Table wines and malt beverages with an alcohol content of 14 percent or less and packaged in less than kegs may be consumed only in reservable picnic areas. Any beverage with an alcohol content over 14 percent is not allowed anywhere in the park system.

6. INSURANCE—Under certain conditions, the permittee will be requested to provide a certificate of insurance, OLCC permit, or both. Where insurance is required, it must be comprehensive or commercial general liability endorsed for alcohol liability, be not less than \$1,000,000 combined single limits, name the City of Salem as additional insured, and be evidenced by a certificate of insurance approved by the City's Risk Manager or his/her designee.

7. SOUND EQUIPMENT/NOISE—Use of amplified sound equipment must receive prior approval from the Parks and Transportation Services Manager or his/her designee and may require a Noise Variance Permit. Noise that disturbs others or that exceeds maximum decibel levels under City Ordinance is not permitted.

8. VIOLATIONS—Any person(s) or reservation group in violation of any applicable Oregon law or any ordinance or regulation pertaining to parks adopted by the City of Salem shall be subject to ejection from any park, and to any and all available civil and criminal remedies.

9. DISCRIMINATION—The City of Salem values all person without regard to race, color, religion, national origin, sex, age, marital status, domestic partnership, disability, familial status, sexual orientation, gender identity or source of income. If you believe that you have been discriminated against in a program, activity, or facility or you desire further information, please contact the Public Works Department, 503-588-0261.

10. CLEANUP—Reservation groups, at a minimum, are expected to insure that their reserved area is picked up and all garbage is deposited in appropriate receptacles.

Initial _____

The city reserves the right to cancel any scheduled or reserved park or facility use due to unforeseen circumstances or emergency situations

Depending upon the type, size, and nature of the activity, the City may require the permittee to provide proof of insurance in an amount specified by the Risk Manager.

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Reservation groups, at a minimum, are expected to insure that their reserved area is picked up and all garbage is deposited in appropriate receptacles

Marion County Health & Human Services Department

Benevolent Meal Site Requirements



Benevolent Meal Site Information Guide

The Food Sanitation Rules (OAR 333-150-0000 Section 3-201.11 (L)) allow some benevolent organizations to serve home-prepared foods to needy individuals. The following information is provided to help make sure those foods are safe and wholesome.

Definition A "Benevolent Meal Site" is a periodic food service operation run by a benevolent organization or individual that provides food to the needy or indigent without charge and does not operate from a permanent kitchen facility.

License Required The event coordinator is required to obtain a benevolent temporary restaurant license from the County Health Department.

Food Handler Card The coordinator is responsible for ensuring that volunteers who will be preparing food in their homes have obtained a Food Handler Certificate.
<https://public.health.oregon.gov/HEALTHYENVIRONMENTS/FOODSAFETY/Pages/cert.aspx>

- If the food is prepared by a group of people at the same location, only the person supervising the food preparation will be required to obtain a certificate. This person shall be at the preparation site at all times;
- Volunteers that provide only non-perishable baked goods or whole, uncut fresh fruits and vegetables are exempt from the food handler certification requirement.

Record Keeping The organization sponsoring the Benevolent Meal Site must obtain a signed statement from the volunteers that they have reviewed and will follow the requirements of the Benevolent Meal Site Rules. The signed statement must include the volunteer's name, contact information and the kinds of food donated. The signed statement must be maintained at the Benevolent Meal Site and be available for review.

At the Event Location A statement must be posted at the meal site in public view that states: *"Notice: Food served at this location may not have been inspected by the regulatory authority."*

At least one portable handwashing facility that is easily accessible must be provided at the location where food will be served. It must have:

- Minimum 5 gallons enclosed container with spigot that can be opened to maintain a constant flow of warm water;
- Soap and paper towels;
- A container for wastewater with a minimum capacity of 5 gallons.



Self-service of food items must be limited to prepackaged items and condiments dispensed in a sanitary manner. Leftover food prepared by volunteers at home must be discarded or returned to the volunteer.

Safe Food Sources Volunteers may prepare foods at home under the following conditions: Raw ingredients must be from an approved source that has been licensed and inspected, except for whole uncut fresh fruit and vegetables. Meat products must come from USDA inspected facilities.

Foods Not Allowed The following foods may not be provided: home-canned or home vacuum-packed foods, wild mushrooms, wild game, shellfish, sport-caught fish, raw milk, raw animal foods, eggs or meat products from non-commercial sources, unpasteurized juices, and water and ice from unapproved water systems.

Volunteer Check List Food must be stored, prepared, handled, transported and served in a manner that is consistent with the Food Sanitation Rules (OAR 333-150).

- In your home kitchen:**
- All ingredients must be from approved sources.
 - Do not prepare or serve food when you or your family is sick.
 - Keep pets outside of the kitchen and food storage areas.
 - Handwashing removes germs that cause illness – wash your hands with soap and warm water for about 20 seconds. Use paper towels (not cloth towels) to dry hands.

Questions?

Refer to the Food Sanitation Rules

Or

Contact your Local Public Health Authority

OHA
Foodborne Illness Prevention Program
 (971) 673-0451

Volunteer's Name: _____ Phone #: _____

Foods Donated: _____

I have read and agree to follow the Food Sanitation Rules and these guidelines:

Signature: _____ Date: _____

Definition of a Benevolent Meal Site

Benevolent Temporary Restaurant License is required from the County

A Food Handling Certificate is required if food is being prepared

All volunteers must understand guidelines and sign the form

A sign must be posted at the meal Distribution site *"Notice food Served at this site may not have Been inspected by the regulatory Authority"*

Selected Regulated Behaviors & Activities in Parks

- **SRC 94.020** **Animals Prohibited; Exceptions**
- **SRC 94.030** **Picking Flowers, Injuring Trees, Buildings, Fences; etc.**
- **SRC 95.540** **Trees and Shrubs; Unauthorized Removal or Destruction**
- **SRC 95.085** **City Property – Defacing or Injuring**
- **SRC 95.610** **Graffiti Prohibited (ORS 164.383)**
- **SRC 94.060** **Kindling Fires**
- **SRC 94.130** **Excavating; Blasting; etc.**
- **SRC 94.140** **Deposit of Rubbish and Broken Glass**
- **SRC 94.150** **Deposit of Junk**
- **SRC 94.190** **Overnight Use of Parks (Camping Prohibited)**
- **SRC 94.195** **Possession of Alcoholic Beverages in Parks**
- **SRC 95.120** **Disorderly Conduct**
- **SRC 95.125** **Urinating or Defecating in Public**

Trespassing and Exclusion from Parks and Rights-of-Ways

Parks

- SRC 94.210 Park Exclusion (*paraphrased*)
 - (a) Person who violates SRC or State/Federal laws can be excluded from park for 30 days (non-felony) or 90 days (felony)
 - (b) Written notice must be given
 - (c) Violation of exclusion may be charged under SRC 95.550 Trespassing and excluded for 90 days
 - (g) Exclusion may be appealed under SRC 95.770

Public Street Rights-of-Way

- SRC 95.550 Trespassing
- SRC 95.735 Downtown Crime Prevention District
- SRC 95.736 North Salem Crime Prevention District
- SRC 95.740 Civil Exclusion (from Crime Prevention Districts)
 - Exclusion for 30 days (Class B, C Misdemeanor/Infraction)
 - Exclusion for 90 days (Felony/Class A Misdemeanor)
 - Exclusion for One Year (Felony/Class A Misdmr.)

What are we trying to achieve?

Describe your organizations' goal around food distribution to the homeless community.

Distributors and Social Service Agencies

Why is food distribution needed? Who is served?

What are your needs for locations and operations?

Parks Operations/SPRAB, Salem Police Department/Neighborhood Associations

What is your role in Salem parks?

What are your priorities for parks related to food distribution to the homeless community?

How are other communities distributing food and sundries?

Most food distribution is performed through non-profit, benevolent organizations, usually a combination of:

- Shelters and local food banks/pantries
- Religious organizations
- Service clubs and organizations
- Social Service agencies
- Individuals and corporations

There really is no common model...most local governments focus on finding housing solutions, getting individuals to services, and managing impacts of encampments. Feeding is largely done by the groups above...both indoors and out-of-doors; at parks, under bridges, shelters, and private property.

Some methods that are used...

Stationary Food Kitchens at shelters, churches, etc.



New idea...little streetside food pantries



Mobile food trucks, going to where the Homeless are...



What factors are needed for Salem's food distribution program to be considered a success?

How important are these success factors to you?

1. Distribution of food is allowed in Salem parks and rights-of-way.
2. Long-term sustainable ways to significantly minimize the impacts are implemented.
3. The program is monitored and enforced.
4. Private property sites are considered.

What other success factors are important?

Success Factors—Task Force Discussion Worksheet

What factors are needed for Salem's food distribution program to be considered a success?

How important are these success factors to you?

Distribution of food is allowed in Salem parks and rights-of-way.

Long-term sustainable ways to significantly minimize the impacts are implemented.

The program is monitored and enforced.

Private property sites are considered.

What other success factors are important?



Next steps

Meeting #2 February 28, City Hall, 6:00-7:45 p.m.

Meeting #3 March 7, City Hall, 6:00-7:45 p.m.

Meeting #4 TBD

Public comment

- 3 minutes per person
- Not to exceed 15 minutes total

Thank you!

