

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

January 9, 2017, 5:30 PM.
Municipal Building - Assembly Chambers

Work Session - No Public Testimony

I. ROLL CALL

Deputy Mayor Jerry Nankervis called the meeting to order at 5:30 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assemblymembers Absent: None.

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Scott Ciambor, Chief Housing Officer; Rob Steedle, Community Development Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Attorney; Roger Healy, Engineering and Public Works Director; Bryce Johnson, Police Chief.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. December 12, 2016 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the December 12, 2016 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Update on Mayor's Ad-Hoc Committee on Homelessness

Scott Ciambor explained information included in the packet regarding homelessness in Juneau. He spoke about the "continuum of care" outlined by Housing and Urban Development (HUD). When communities see homelessness on the street, it means that the continuum of care is under resourced or that homeless people are not using available services. He explained the entities involved with housing and homelessness in the state. The mayor has had a number of ad hoc meetings with citizens in the community about homelessness. Some ideas coming from those meetings include support for outreach teams, more police presence, development of rapid re-housing, a "no-camping" ordinance, a low-barrier emergency shelter, year-round Thane Campground improvements, a new sleep-off center to free up Rainforest Recovery to pursue medically assisted treatment, and some ideas for permanent supportive housing. The goal is to update and monitor the continuum of care system. He spoke about the benefit of having someone to be able to connect the homeless with services and benefits, such as social security and disability payments, and housing. In the larger discussion, he has been asked by the City Manager to draft a CIP for housing programs going forward, including housing first, rapid re-housing, Thane Campground and a sleep-off center. There is \$390,000 in the Affordable Housing Fund and he said that fund is fairly flexible.

Mr. Jones asked about \$175,000 grant to BRH for medically assisted treatment. Mr. Watt said it is a two-year grant from the state and he would forward more information from BRH to the Assembly.

Ms. Becker said all the items on the list would not begin until 2018. Mr. Ciambor said the CIP list was hypothetical at this point and homelessness issues had been added from recent discussions.

Ms. Gladyszewski asked for a definition of rapid re-housing. Mr. Ciambor said that to shorten the time from near homelessness to housing is to help with a housing connection, which can be a list of potential landlords, or a ticket via ferry or air to a location where they do have housing. Ms. Gladyszewski asked about the success of this. Mr. Ciambor said AHDC has purchased tickets, particularly for young persons back to families. We currently don't have a rapid re-housing program and there is some need for capacity to be increased for that kind of assistance. Ms. Gladyszewski asked about the homeless coalition. Mr. Ciambor explained the work of the coalition, including Project Homeless Connect, which provides services to the homeless and connects them to resource agencies.

Ms. Weldon asked for a definition of chronically homeless individuals and veterans. Mr. Ciambor said he would follow-up as the definition had changed and that is why there were none shown in Juneau due to the classification, not because they don't exist in Juneau.

Mr. Kiehl asked about Thane Campground being in an avalanche zone. Ms. Cosgrove said there is a group of people assessing nearby locations that were not subject to avalanche activity. Mr. Kiehl agreed that the best way to deal with homeless is to keep people from becoming homeless, but we are there. He asked if the city is the entity to run a homeless camp and about liability issues. Ms. White said she is looking for alternative sites and would speak with Ms. Mead directly. She is not comfortable with putting people in the Thane Camp Ground due to the avalanche concerns.

Ms. Gladyszewski asked about the coalition. Mr. Ciambor said there were about 35 agencies represented, it is considered a model for the rest of the state. They have been working cohesively for the past ten years and encouraged the Assembly to seek its input first regarding homeless issues. She asked about the camping ordinance and how it is viewed by those who fund housing projects. Mr. Ciambor said that for a collective application for HUD funds, the criminalization of camping is seen as a detriment to funding..

Mr. Gregory asked about permanent supportive housing. Mr. Ciambor said the US Interagency on Homelessness investigated best practices and the continuum of care and what is available. In the old days the solution was a 90-day stay in a shelter and then back on the street. People on the street are not able to figure out solutions and permanent supportive housing for people with the greatest needs is seen as the best practice. HUD is reducing funds to shelters and pushing it towards permanent supportive housing. Juneau Housing First will have 32 beds in Phase 1 and will have a potential for 20 more units on that property. Mr. Gregory said ten children under age 18 were identified as homeless and what was being done to help. Mr. Ciambor said that Zach Gordon Teen Center was working on this issue along with the school district and there is more collaboration among youth agencies. Homeless Veterans have been the target group for federal funds and the next focus is for youth - 18 and below, and transition ages 18 - 24.

Ms. Becker said that Tim McLeod of AEL&P spoke about available property for camping near Thane and she hoped that area would not be discounted.

Ms. Weldon asked about the 51 individuals identified and their status. Mr. Ciambor said that the point in time count gathers information for one day in the year, but the seven agencies in the statewide housing database system in Juneau have a good idea of who the individuals with the greatest needs are.

Mr. Gregory asked if the affordable housing fund was adequately funded, if not, how could it be, and how best could the funds be used. Mr. Ciambor said the fund was unique as it is flexible - it could handle a rapid re-housing program on short notice, or could provide capital as a match for a

big project. Mr. Gregory said the fund could be a key piece in solving some of these issues, and may need more revenues.

Ms. Gladziszewski asked about the next "Homeless Connect" event. Mr. Ciambor said it was scheduled for January 25 at the JACC and he encouraged the Assembly to participate. It includes food, an intake survey, a summation of all the resources available in the gym and people are referred to the resources they need. There are people that are housed that stop by for services as well and they are not turned away. He said the continuum of care is evolving and the street outreach personnel provide immediate feedback.

Ms. White asked if the point in time count was inclusive of the homeless in Juneau. Mr. Ciambor said census information from housing services such as AWARE and Glory Hole and from the school district were included in the point in time count and it takes some time to ensure no duplication.

Mr. Nankervis thanked Mr. Ciambor for his work and report.

B. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

Mr. Watt said that CBJ has an existing camping ordinance and this is an amendment to that ordinance, with a relatively narrow change to focus on a downtown geographic area on private property. This is an outcome of the ad hoc group to address camping on private property within a limited area as a tool, of one amongst many, to address the affects of homelessness.

Mr. Jones said the attorney sent an email on January 6 that the current camping ordinance would fail the constitutional test as it is too broad, so if we amend an ordinance that we deem unconstitutional, can the court throw out the whole thing - are we barking up the wrong tree here? Ms. Mead spoke about severability and the courts ability to "throw out" parts of a law as unconstitutional, not the entire law. There is a 9th circuit decision that is informative, and there are a number of cases from across the country, regarding whether a community can criminalize camping. This ordinance is an infraction and is "quasi-criminal." There are decisions that have found our type of ordinance to be constitutional based on how it is enforced. Amending our current ordinance is not problematic but expanding to further public property may need more investigation.

Mr. Nankervis asked Chief Johnson for a report on camping. Chief Johnson said that JPD has worked with housing specialists to make contacts and all but one turned down help. He was shocked with the lack of enforcement that is possible and to not have a tool to make a change. This matter used to be enforced through the trespassing ordinance. JPD will continue to do outreach to drive folks to services but we currently don't have a tool to address this type of camping. Homelessness is not a crime but allowing conditions to continue will exacerbate issues and criminals hide in this population and also victimize the homeless themselves.

Mr. Nankervis said the trespassing ordinance is unenforceable. Ms. Mead said that in the past JPD has understood the trespassing ordinance, regarding city property - if asked to leave and they fail to do that it is trespass, but it is the facility owner and manager that needs to be the one to tell people they are trespassing. Chief Johnson said that with private property - the officers can't say move along - the property owner needs to be the party to do that but during the after hour times there is not a tool to tell people to move. Ms. Gladziszewski asked about the violation of trespass. It is a misdemeanor, which is more serious than a violation of the camping ordinance. Ms. Mead said that is true. The person in charge of property can tell someone to leave, or if there is a recurring problem, people can serve a no-trespass letter to individuals for a specific length of time.

Ms. Gladziszewski asked about an infraction. Ms. Mead said a violation does not have jail time, the worst case is a \$500 fine. The worst case is that people don't pay the fines, we pull their PFD or garnish wages, and there are people who have many citations, such as open container citations.

Ms. White said that as a property manager she has had to serve trespass letters and we need to know the name of the person who is camping on private property to issue such a letter. If we say they can't be downtown, we need to find a place for them to be.

Mr. Gregory showed a "no trespassing" sign and asked if it could be enforced. Ms. Mead said if the court found all steps along the way had been observed the person could be guilty of a misdemeanor.

Mr. Kiehl asked what happened when JPD asked people to move and Chief Johnson said that after confronted by JPD, the people stayed right where they were. Mr. Kiehl asked if we have seen increases in crime due to people sleeping in doorways. Chief Johnson said they do not track homelessness as a crime and said in no way were his statistics stating that homeless perpetrated crimes. He showed some statistics they gathered comparing the downtown area to the valley in 2016 - including camping, harassment, indecent exposure, intoxication, panhandling, trespass and the numbers were significantly higher in the downtown area vs. the valley. Mr. Kiehl asked how the numbers compared to previous years. He said that there has been a change to the way they are enforcing the trespass law, there are many factors taking place at the same time, and there has been an increase in the crime rate overall. Mr. Kiehl asked where the problem areas were in downtown and he said it is very close to the area in the camping ordinance.

Ms. Gladyszewski asked how this camping ordinance would connect people to services. Chief Johnson said that they don't want to create an environment that enabled people to avoid using available services. We want to have a tool to keep people out of doorways and for enforcement we would continue embedded outreach, following Anchorage and Seattle models, and to help people to make a better decision. Ms. Gladyszewski asked if those people would be qualified to be clients of the Glory Hole based on behaviors. Chief Johnson said that some would not be eligible to stay in the Glory Hole but overall there needed to be a tool to get a handle on this camping behavior. We could issue a citation if the person refused to move out of a doorway and he felt this was incentive to get people to use services. Ms. Mead said that violating the camping ordinance and failure to follow an order of a police officer would be the bigger violation. A ticket vs. a misdemeanor is intended as having some crimes on a person's record can prohibit them from obtaining housing. This ordinance has to be narrowly tailored and we can't ban camping on private property borough wide.

Mr. Jones spoke about the inability to enforce camping on public property such as the dock area near the garage. Ms. Mead said if we narrow this to private property it addresses the consequences to the property owners about damage and crime, and the city may be more able to address these issues as this camping ordinance is supposed to be part of a systemic solution, not the solution, to homelessness.

Chief Johnson said the JPD's job is to enforce order and encourage people to get help and connected to services, and this ordinance would assist in this effort.

Ms. White asked about the idea of warming stations, turf wars between the homeless people, using the transit center for warming as a safe or unsafe location, was there JPD staffing available for this.

Mr. Kiehl asked about the idea of "growing criminality" and if the problems are bigger or different, and asked about moving people along and the movement of their property such as blankets and backpacks.

Mr. Nankervis said that due to lack of a majority of hands shown to keep the ordinance in committee, the matter was set for public hearing on the January 23 assembly agenda.

C. Ordinance 2016-26 An Ordinance Amending the Land Use Code Relating to Access Standards.

Due to a lack of time, this matter was not addressed at this meeting.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 6:53 p.m.

Submitted by Laurie Sica, Municipal Clerk