



CITY COUNCIL PUBLIC SAFETY COMMITTEE

1/8/2020

Public Safety Committee

January 8, 2020

DRAFT Minutes

Committee Members: Councilors Adam Roof (AR) (Chair); Joan Shannon (JS); Perri Freeman (PF).

Others Present: Richard Haesler (RH), City Attorney's Office (Committee Staff); City Attorney Eileen Blackwood (EB); Lacey Smith (LS), BPD Community Affairs Liaison; Steven Marshall (SM); Homeless Advocate; Christopher Brzovic (CB); Chittenden County Homeless Alliance; Jeff Nick (JN), Church Street Marketplace Commission; Dave Hartnett (DH).

At 5:39 p.m. Chair Roof commenced the meeting.

1. **Agenda:** Motion by JS

Second by PF; passes 3-0

1. **Approval of minutes of 3/28/19:**

Motion by AR; second by PF– passes 3-0

1. **Public Forum:**



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1. DH – supports City sponsor Outside Lockers being made available in the downtown area – thinking of possible locations – could also be inside a facility – maybe Salvation Army
2. SM - call out to Ad Hoc Working Group which meets to address/discuss the unmet needs of the homeless community – issues: lockers; low barrier employment; public restrooms

4.01 Sheltering on Public Lands – Outreach & Removal Policy & Procedures

Intro by City Attorney Blackwood

Who is joined by Community Affairs Liaison Lacey Smith

Discusses the legal backdrop – first there was the issuance of a preliminary injunction per request of the ACLU – the injunction was amended and then over a period of time the parties mediated and settled.

The present draft policy before you tonight seeks to comport with the terms of the settlement.

Note the delineation between public lands where camping is specifically prohibited and public lands where camping is not specifically prohibited.

Storage of personal belongings arose is large part organically as people came more and more to be camping in City parks where camping is specifically prohibited – this had not been so prevalent previously – camping was occurring more often in other areas.

(LS) We established storage at a North Beach facility and at 311 North Ave (Parks building)

Note – Coordinated Entry – references a process for accessing services to assist with getting into housing

(CB) Managed by HUD but administered by Continuum of Care





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(LS) As a rule of thumb, greater percentage of stored belongs are in the end deemed abandoned when gathered and stored from summer sites than from winter – in the winter months, much higher rate of retrieval (usually 24 hrs.)

(EB) – To return to the draft, the 'Not Specifically Prohibited' section lays out a vastly more predictable, bureaucratic process – see section B: Removal Criteria & Procedures.

(LS) Note that the Community Liaison does not reach out per se to the property owner when noticed of the fact that there may be an encampment on private lands – we do not oversee private lands

See # 3 – notice that we may move to remove – if no objection is received within three work days – or – if the Mayor determines that removal is warranted despite an objection – then the Mayor shall make a determination – absent exigent circumstances – providing for removal after at least 7 days – with storage of belongings removed for at least 30 days.

See # 4 – Removed Property

(LS) We will store belongings so long as they are not wet or perishable.

See # 5 – Recovery of Stored Property

See # 6 – Limitation of Policy

Concludes EB's presentation of the draft policy

(AR) Commences committee discussion

- Looking for data – re frequency of removal

(LS) Obvious increase in removal from parks year by year – we/I keep detailed records but that have not been reviewed and processed into data



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(AR) Is it fair to say that there are more places where homeless encamp and they are not disturbed by removal request than vice versa?

(LS) Anecdotally but no data

(SM) Requests that persons who refuse services be referenced in the policy in a manner which makes it clearer that they are under no obligation whatsoever to accept services – refusing service is their right

Concern – see B.1.h – other severe or pervasive issues – this is too vague

Concern – see 3 work days is not a sufficient time period in which to mount a defense

Concern – need a time allowance to correct a problem – period to cure – if the problem is one in which a cure could be possible

Concern – need opportunity to appeal

(AR) Want to point out there is an inherent conflict when we ask government to treat people humanely and as individuals and then at the same time we want objectivity and fairness and due process and no departure from protocol.

(SM) – Last point – need transparency – public documentation of any camp closing - should be publically available

(AR) We will need to come back on this matter and schedule a follow up meeting

(JS) I would like to look a bit more at what we are storing

- May need some definition
- What is camping?
- What is the law requiring of us?
- What exactly is protected?
- What are exigent circumstances? Is it a legal term? I did learn that it is a TV show.
- What about our zoning laws?
- What needs to be covered?
- Who are we suspending our zoning laws for?
- Are we ignoring public health and safety issues when we permit encampment? E.g. bathrooms?
- Can we/do we donate unclaimed items to Resource?





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(PF) Section 2 – 30 days for storage is too short – I think maybe we should map encampments – I think there is a way to do it that isn't big brother but is respectful and assists in community safety for these individuals

Not sure how the Mayor is the decision maker?

(EB) It really was a matter of who is in a position of authority who can make a decision timely – potential problem for council for example where we are noticing and convening meetings

(AR) We will need to return for more discussion on this. I do want to give Jeff Nick a chance to address his concern re his concern on a related issue

(JN) Here on behalf of the Church Street Marketplace Commission – want to follow up [on commission concerns relating to bad behaviors on the Marketplace and what might be done to address – commission voted to seek enforcement of no sleeping on marketplace policy – also no portable seating to be used on Church Street – what do we do with the personal items that are left on the street at the end of the day?

(EB) It is clear that if the items have value, you must store them,

(PF) Concerns that the Commission is calling out a group of persons as negatively affecting our economy when their problems are a direct result of the failures of our economy

(JS) I do want to make clear that I do need legal definitions for

- Camping
- Encampment
- Exigent circumstances

Also what City Ordinances are being waived in order to further the City encampment policy?

5.01 Adjournment





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(AR) Ok, we will look for the setting of a next meet – do I have a motion to adjourn?

(JS) Moves

(PF) Second

Motion passes 3-0

Meeting adjourned at 7:45 p.m.

