

Council Business Meeting

November 21, 2017

[illegible]

Summary:

This item was brought to Council at the last Business Meeting on November 7, 2017. Council took no action on the resolution repeal and replacement but requested that staff bring the issue back to Council at the next meeting and asked that the winter shelter organizers please attend so they could answer questions that Council may ask.

At its [October 17, 2017 business meeting](#), Council approved Resolution 2017-23 authorizing the City to provide a City building for winter shelter three nights per week from November 2017 through April 2018. Resolution 2017-23 replicated the previous year's resolution on providing winter shelter space for the winter of 2016-17, Resolution 2016-34, except for four additions noted during Council deliberation. One of those additions – the one stating that a City-provided shelter at City buildings would not be opened on any night when at least one certified female volunteer host and one certified male volunteer host are not available – now appears to contravene the Council's intention when it passed Resolution 2016-34 for the winter of 2016-17. In order to provide an alternative to the requirement for a volunteer host of each gender and retain consistency with the comparable provision in Resolution 2016-34, Council would have to repeal Resolution 2017-23 and replace it with a revised version.

Actions, Options, or Potential Motions:

Option 1: Move to repeal Resolution 2017-23 and approve a replacement resolution titled “A Revised Resolution Authorizing the City of Ashland to Provide a City Building for a Winter Shelter Three Nights per Week through April 2018 and Repealing Resolution 2017-23.”

Option 2: Take no action.

Staff Recommendation:

Staff has no recommendation. Assuming Council wishes to re-establish a notification process as a possible alternative to the requirement for having both male and female volunteer hosts for City- provided shelters, Council should approve a motion along the lines suggested in Option 1. Otherwise, Council should decline to approve a motion along the lines suggested in Option 1 and take no further action on this matter.

Resource Requirements:

The City pays roughly \$400 per month for general liability insurance for using a City facility is winter shelter. Funds are not specifically budgeted for this purpose in the biennial budget, but the cost is absorbed by the Insurance Fund.

Policies, Plans and Goals Supported:

5.3 Leverage partnerships with non-profit and private entities to build social equity programming.

Background and Additional Information:

The winter shelter resolution for winter 2015-16, Resolution 2015-26, included the following in Section 2, Terms and Conditions:

Section 2.d Each night of operation of the shelter, at least one male volunteer and one female volunteer will staff the shelter from 8:00 p.m. to 8:00 a.m. An additional male volunteer will be required when more than 10 male guests are present. More volunteers may be required by the City depending on the building to be used. If the minimum number or[sic] qualified volunteers are not available for the entire time, the shelter will not be opened that night.

At the [September 6, 2016 Study Session](#), in preparation for winter shelter operations for the winter of 2016-17, some shelter volunteers suggested removing the requirement to have at least one male and one female host. They said this precaution had proved unnecessary; was not required at the non-City winter shelter locations; and had complicated the task of recruiting volunteer hosts. The minutes of the meeting reflect the ensuing discussion:

Council was not comfortable eliminating the requirement to have one male and one female host for risk management issues. The City had to consider potential liability as well as an operational standards view regarding female guests uncomfortable staying at a shelter without a female volunteer. Volunteer staff responded it was not always possible to have one man and one woman volunteer. Mr. Kanner noted having one male and one female volunteer present as well as the host to guest ratio were recommendations made by CIS, the City's insurance company in 2012. From a risk management standpoint the City typically took a conservative view. Council directed staff to bring back a modification to the language that provided an exception to having one male and one female volunteer for Pioneer Hall shelter nights.

Staff subsequently proposed language to provide for a notification process through which the requirement for one male and one female volunteer could be bypassed (and eliminating the requirement for additional volunteers in some cases). This revision was incorporated into Resolution 2016-28, approved [October 18, 2016](#):

Section 2.d Each night of operation of the shelter, at least one male volunteer and one female volunteer will staff the shelter from 8:00 p.m. to 8:00 a.m. If volunteers of each gender are not available on a given night, RVUUF or the Temple shall notify the City Administrator by no later than 3 p.m. of the night of the shelter that the volunteers will be of the same gender. If the City Administrator is not available, RVUUF or the Temple shall notify the Director of Ashland Parks and Recreation. If the minimum number or[sic] qualified volunteers are not available for the entire time, the shelter will not be opened that night.

On [December 20, 2016](#), Council repealed Resolution 2016-28 and replaced it with a revised version, Resolution 2016-34, which increased the City-provided shelter nights from 2 two to three. Resolution 2016-34 retained the language in Section 2.d providing for the possibility of utilizing a notification process in lieu of having to have one male and one female volunteer.

At its October 17, 2017 business meeting, Council approved Resolution 2017-23 authorizing the City to provide a City building for winter shelter three nights per week from November 2017 through April 2018. Resolution 2017-23 replicated the previous year's resolution on providing winter shelter space for the winter of 2016-17, Resolution 2016-34, except for four additions. One of those additions reflected the City Attorney's effort to clarify the provision in Section 2.d on the requirement for one male and one female host. Having neglected to review the 2016 meeting minutes and decisions, the City Attorney mistakenly interpreted the notification process as an addition to the one- male/one-female requirement for hosts -- instead of a substitute for that requirement, as was plainly intended in the prior resolution. On the basis of that misinterpretation and misdirected clarification effort, the City Attorney inserted the words "of each gender" in the final sentence of Section 2.d in the draft resolution presented to Council on October 17, 2017, so that it read as follows:

If the minimum number of qualified volunteers of each gender are not available for the entire time, the shelter will not be opened that night. [Emphasis added]

The Council approved the resolution as presented on October 17, 2017, probably without realizing the inserted words in Section 2.d made it inconsistent with the like provision in Resolution 2016-34. Accordingly, Council may wish to repeal the October 17 resolution (Resolution 2017-23) and replace it with a new resolution with a Section 2.d identical to the Section 2.d in Resolution 2016-34.

Attachments:

Proposed Resolution

RESOLUTION NO. 2017-_____

A REVISED RESOLUTION AUTHORIZING THE CITY OF ASHLAND TO PROVIDE A CITY BUILDING FOR A WINTER SHELTER THREE NIGHTS PER WEEK THROUGH APRIL, 2018 AND REPEALING RESOLUTION 2017-23

RECITALS:

- A. Rogue Valley Unitarian Universalist Fellowship (RVUUF) and Temple Emek Shalom (Temple) wish to partner with the City of Ashland to provide shelter for homeless community members at a City building two nights per week from November, 2017, through April, 2018.
- B. The First Congregational United Church of Christ (UCC) and the South Mountain Friends Meeting (SMFM) wish to partner with the City of Ashland to provide shelter for homeless community members at a City building one night per week from November, 2017, through April, 2018.
- C. RVUUF, Temple, UCC, and SMFM will provide volunteers to staff, manage and clean the shelter.
- D. The City is willing to provide a building up to three nights a week for a winter shelter in accordance with the provisions below.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Provision of a Shelter.

Ashland will provide a City building for use as a shelter for homeless community members three nights per week under the terms and conditions set forth herein.

SECTION 2. Terms and Conditions.

- a. This building is offered for the period November, 2017, through April, 2018.
- b. Prior to staffing a City-owned facility, volunteers must sign a waiver releasing the City from liability for any personal injuries to them.
- c. The shelter will be staffed by volunteers from RVUUF, Temple, UCC, and SMFM who are certified to staff an overnight shelter. RVUUF, Temple, UCC, and SMFM must provide to the City Administrator written assurance that every volunteer who will staff the shelter is certified to have completed appropriate training on the emergency plan, mental health plan and emergency communications for the shelter and has passed criminal background checks.
- d. Each night of operation of the shelter, at least one male volunteer and one female volunteer will staff the shelter from 8:00 p.m. to 8:00 a.m. If volunteers of each gender are not available on a given night, RVUUF or the Temple shall notify the City Administrator by no later than 3 p.m. of the night of the shelter that the volunteers will be of the same gender. If the City Administrator is not available, RVUUF or the Temple shall notify the Director of Ashland Parks and Recreation. If the minimum number of certified volunteers are not available for the entire time, the shelter will not be opened

that night.

- e. Shelter occupancy will be limited to 42 guests on a first come, first serve basis.
- f. Shelter will open at approximately 7:30 p.m. and close the following morning at 7:30 a.m. Doors will be locked at 10:00 p.m. with no re-entry for any that leave.
- g. City insurance requires sleeping space for single men be separate from sleeping space for families and single women. Buildings must have separate restrooms for men and women.
- h. Ashland Parks & Recreation will identify the building to be used and provide access. The priority from an operational and safety perspective is Pioneer Hall and the Community Center, in that order. Due to Pioneer Hall's structural deficiencies, it may become unavailable at any time – particularly when snow loads or high winds are predicted – for use as a winter shelter. If no City-owned facilities are available on a particular night due to safety concerns or prior booking, a winter shelter building for that night will not be the responsibility of the City.
- i. No showers or food service will be made available during the hours of operation.

SECTION 3. Shelter Policies.

Operation of the shelter shall, to the greatest extent feasible, comply with the following guidelines:

- a. Shelter services must be provided with dignity, care, and concern for the individuals involved.
- b. The buildings used as a shelter will comply with City, County and State Building, Fire and Health Codes, unless exemptions have been obtained from the appropriate agencies, and must be maintained in a safe and sanitary condition at all times.
- c. Upon entering the shelter facility each night, each guest must sign in, and sign an agreement committing to comply with shelter rules, absolving the City and volunteers of any responsibility for the security of the guest's personal property, releasing the City and volunteers from all claims of liability for property damage or personal injury arising from operation of the shelter or use of the City's building and certifying that he or she is eighteen years of age, or older.
- d. No cooking.
- e. No drugs, alcohol, or weapons will be allowed in the shelter property at any time.
- f. No pets will be allowed in the shelter, except as described in Section 4, below.
- g. No disorderly conduct will be tolerated.
- h. No threatening or abusive language will be tolerated.
- i. No excessive noise will be tolerated, e.g. loud radios, telephone conversations, etc.
- j. Smoking will be restricted to the outdoors in designated areas.
- k. All guests should maintain their own areas and belongings in an orderly condition.
- l. If a volunteer/staff member accepts any item from a guest for safe keeping at least one other volunteer/staff member will witness the transaction.
- m. Failure to comply with shelter policies may disqualify a guest(s) from future stays.
- n. The check-in/check-out process shall be maintained by the volunteers sufficient to ensure control of the premises and exiting by guests at 7:30 a.m. to allow cleaning and room set-up by 8:00 a.m.
- o. To minimize interference with nearby activities and with other uses of a site to be used as a shelter on any particular night, volunteers and staff members will ask persons seeking to become shelter guests to refrain from congregating at the shelter more than one hour

prior to check-in for that night.

SECTION 4. Dogs.

Dogs may be permitted in the shelter under the following circumstances:

- a. If taken outside for biological needs, dogs must be leashed.
- b. Shelter volunteers are to devise and follow procedures to keep dogs away from each other and other guests as they are being housed for the night and as they exit in the morning.
- c. Shelter volunteers must be responsible for cleaning and sanitizing any areas soiled by a dog or dogs. Such cleaning is to be done to the satisfaction of City facilities maintenance staff.
- d. Dogs that become threatening to others or are otherwise unmanageable will be required to leave the shelter.
- e. Shelter volunteers must notify the Ashland Police Department in the event a dog bite breaks the skin of an emergency shelter guest or volunteer.

SECTION 5. This resolution takes effect upon signing by the Mayor.

This resolution was duly PASSED and ADOPTED this ____ day of _____, 2017, and takes effect upon signing by the Mayor.

Melissa Huhtala, City Recorder

SIGNED and APPROVED this ____ day of _____, 2017.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney