

**ASHLAND CITY COUNCIL
STUDY SESSION MINUTES
November 6, 2023**

Mayor Graham called the meeting to order 5:30 p.m.

1. Public Input - None

2. Balancing Homelessness Services with Public Space Regulations for a More Livable City

Deputy City Manager Sabrina Cotta explained this was an update on the law around the behaviors council had previously discussed. She introduced Housing Program Manager Linda Reid, Police Chief Tighe O'Meara and Assistant City Attorney Carmel Zahran. Staff was looking at mimicking the City of Medford's ordinance. Medford used a coordinated effort in their approach to homelessness that involved compassion, providing services, and if necessary, enforcing time, place, and manner. There was an ethic of protecting public spaces, so they were enjoyed by everyone.

Housing Program Manager Linda Reid provided a presentation (see packet for entire presentation) that included:

- **General overview of homeless services that the city supports in Ashland.**
- **HUD Continuum of Care Program**
- **Jackson County Continuum of Care (CoC)**
- **City of Ashland Housing Program**
- **What does the Affordable Housing Program Do?**
- **Homelessness Continuum of Services**

Ms. Reid explained the Annual Point in Time Count of the unhoused and how it provided a snapshot of who was unsheltered and chronically homeless and why they left their living situations. There was an increase in elderly experiencing homelessness.

Ms. Zahran and Acting City Manager Doug McGeary continued with the presentation:

- **Legal Department's Outline**
- **Case law Review Robinson v CA, Martin v. Boise**
- **Case Law review Martin v. Boise take aways, Post Martin**
- **Case law Review Johnson v. Grants Pass**

They spoke to Martin v. Boise and Johnson v. Grants Pass. Ms. Zahran explained if someone was camping illegally and there was no other place the city had set up for them to go, they were allowed to remain where they were. Mr. Geary spoke about the definition of involuntary homeless and how it applied to law enforcement.

- **Johnson v. Grants Pass: Take Aways, Post Johnson v. Grants Pass**

Martin v. Boise started in 2018 and Johnson v. Grants Pass began in 2020. The cases could go before the supreme court at some point. There was not a clear understanding of warm and dry.

- **Relevant Legislation: HB3124**
- **Relevant Legislation: HB3115**
- **Proposed Amendments to AMC 10.46**

Staff addressed the 72-hour campsite period. Under Oregon law, if it is a crime an officer does not have to witness it and if it was a violation, the officer has to observe it.

Chief O'Meara confirmed the bike path might be included in an enhanced law enforcement area (ELEA). They were discussing establishing an ELEA in south Ashland.

- **10.46.010 Definitions (A) "Apparent value or utility"**
- **10.46.010 (D) "Established camping site"**

They could tighten up Apparent value or utility by excluding items not related to bedding and cooking if it was determined to be waste and garbage debris.

- **10.46.010 E. "Designated space or shelter"**

Staff would clarify the language under this section.

- **10.46.010 Definitions (G) "Involuntarily homeless"**
- **10.46.020 Camping Prohibited (B) "The prohibition on camping may be temporarily suspended"**
- **10.46.020 Camping Prohibited (C) "Camping is strictly prohibited"**

Councilor DuQuenne suggested including all parks under strictly prohibited camping spaces instead of just Lithia Park. Councilor Bloom thought parks with playgrounds should be included in the strictly prohibited section. He suggested including parks in the enhanced law enforcement areas. He asked for support to increase the distance from schools, childcare providers, shelters, and freeway entrances from 250 feet to 500 feet. He suggested increasing the distance from other campsites to 150 feet and 250 feet from any river or stream. Councilor Hyatt suggested including the greenway.

Council wanted to understand the practical impact of increasing these distances and including parks. Staff would investigate having a map showing the prohibited and allowed camping spaces if distances were changed. Council agreed.

Council extended the meeting 30 more minutes.

Council agreed to having staff add the greenway and bike path to the map showing the impact of increased distance requirements.

Mr. McGeary read and explained what an enhanced law enforcement area was and meant.

Councilor Hansen noted that 150-feet was half a football field and 500-feet was the equivalent of a 50-story building. He was interested in establishing additional enhanced law enforcement areas to include south Ashland and the greenway. Ms. Zahran further explained the ELEA process. Mayor Graham suggested adding this as a separate topic to a future agenda.

- **10.46.020 Camping Prohibited (D) Involuntarily Homeless persons who use vehicles for shelter in a lawful parking space in the following circumstances:**

Chief O'Meara explained 100% of citizen complaints were related to car camping.

Councilor Dahle noted Exceptions D, E, and F, were the only place that spoke to leaving behind garbage and debris, animals being leashed, and dumping of gray water. He suggested adding language that included, "**but not limited to camping in vehicles**". Council agreed.

- **10.46.020 Camping Prohibited (E) Except as provided herein, the City will remove established campsites and unclaimed property having Apparent Value or Utility from a campsite as provided by ORS 195.505.**

Ms. Zahran noted ORS 195.505 included HB3124. Chief O'Meara explained it was normal practice to have someone from OHRA present when a campsite is removed.

- **10.46.020 Camping Prohibited (E)(b) Property held having no apparent value or utility, unless hazardous, will be held for fourteen (14) days upon the demand of owners, and processed as follows:**

Councilor Hyatt wanted to ensure this could be consistently enforced and supported in regard to storage space and staff.

- **10.46.030 Prohibited Occupancy (B) Any person who violates any provision of this Chapter is subject to Section 1.08.020 of the Ashland Municipal Code. Any violation of this section is a Class IV Violation.**

Councilor Bloom proposed matching the City of Medford, increase the violation to a Class C Misdemeanor that requires 30 days of jail with a maximum fine of \$500 or 30 hours of Community Service. Ms. Zahran explained the Class C Misdemeanor would be for regulating camping and could be used in a two strikes scenario where a person received two citations first. Chief O'Meara further explained a Class C Misdemeanor did not necessarily mean jail. The defendant could receive a criminal citation to appear in lieu of custodial arrest.

Mayor Graham extended the meeting another thirty minutes with council consensus.

Council agreed to a graduated process to a Class C Misdemeanor with the understanding it could be expunged after one year.

Ms. Zahran continued with the presentation:

- **Ashland Livability Team**

Chief O'Meara confirmed they had enough staff to support a livability team.

- **Measure 110 Dynamic**

Council agreed to issue a formal statement about Measure 110 and directed staff to research what might be done regarding the preemption elements in the measure.

Council was interested in discussing the temperature thresholds resolution for the emergency shelter.

Public Comment

Priscilla High/Ashland/Lived in south Ashland and shared her concerns on the increase of unhoused people and the impact it had on residents and property values.

Judie Bunch/Ashland/Lives within two blocks of the shelter and underpass and described safety concerns.

Ken McKelvi/Ashland/Shared how they bought their house and how they felt about the city purchasing the shelter in their neighborhood without informing the neighbors. This is their tax money, and they all deserved a discussion.

Debbie Neiswander/Ashland/Was an advocate for the homeless and had issues with the proposed ordinance. She thought it was criminalizing homelessness.

3. Adjournment of Study Session

Councilor Bloom/DuQuenne m/s to adjourn the meeting at 8:05 p.m. Voice Vote: ALL AYES. Motion passed. The meeting was adjourned at 8:05p.m.

City Recorder Alissa Kolodzinski

Attest:

Mayor Tonya Graham