

BLACK DIAMOND CITY COUNCIL MINUTES
Council Special Meeting of September 5, 2024
Hybrid Meeting Via Zoom and In-Person
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 6:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Douglass, Peterson, Mulvihill, de Leon, Jones, Page

ABSENT: None

Staff present: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Rob Reed, IS Manager; and Brenda L. Martinez, City Clerk/HR Manager.

1) Discussion on Public Camping Regulations

Councilmember Page led the discussion on this item and gave background information on how the topic came about. She noted that this conversation is how we all work together as a community so the police have the resources and authority that it needs to keep all citizens from entering a situation where it could jeopardize their life of someone else's. She noted meeting with Attorney Linehan to explore options and what would be helpful. She added that this is meant to be a discussion on where we are with code and with legal guidance on what can be considered - looking for next steps for consideration.

Below are the highlights/topics of discussion.

- Other codes that have been adopted by cities and with things changing since they were enacted, what are the good and bad from a legal standpoint.
- Codes provided were all written before the Grants Pass decision and the Boise case. It was noted there are some limitations in those that the city would not be limited by due to the supreme court decision.
- Challenges the City of Auburn is experiencing regarding their camping and loitering rules. C
- Struggle is the homeless encampments and noted that the City of Auburn has resources, and depending on the situation, they may be able to stay until a bed could be secured at a facility. It was expressed that this is a big deep dive as we don't have any resources in the city limits, and what city are we going to look to, to

try and place them. The need to be mindful of how we address our homeless population. How will this be balanced and funded.

- One of the big hangups from the codes provided is the criminal charges and what this does from partnerships from other cities. The consensus in the public safety committee meeting is to give them a better place to be than Black Diamond. What would we be doing to engage organizations for their ability to do the intake.
- What are the upstream and downstream implications on any legislation the City Council would consider. Our Court continues to have a growth in cases and penalties that might be imposed as this will impact our court. Partnering with other agencies, and to have something to help our police department, so it is clear and effective for them. What are the funding implications?
- Our community is so small, and we don't have resources and need these regulations. Whatever the Council crafts will be suitable for Black Diamond and not for larger entities like Auburn.
- The public camping ordinances from other jurisdictions only apply to public property, not private property. An example of a church, and should they decide to allow camping the zoning would take effect, and it might or might not be allowed or another process may be required.
- The City of Enumclaw moving their homeless campground by Safeway in a commercial spot. Now this commercial spot has people that they didn't invite and how much is on the landowner and how much is on the city.
- In general, if a group has been invited and they overstayed their welcome it is up to the property owner to start the eviction process, or trespass if they weren't invited. It was noted these are private property issues, not camping in public areas.
- The process is clear for what private property owners can do and what the city can do is unclear.
- The City having parking codes, right of way use code, and what we don't have is anything that talks about encampments on city property.
- Homestead and someone declaring their property as their home.
- Discussed a court case from the City of Seattle, where a vehicle was towed and the person claimed it was their home.

- How the City might help with the permitting as it relates to private facilities that would like to offer or designate this spot for folks who need a temporary place. What kind of provisions can be added that maybe waive permitting fees and giving an incentive. Another idea was to partnership with the school districts to help identify kids who are unhoused and adding a provision to coordinate with school districts for housing unhoused youths.
- One thing to understand is that everyone does not want help. Struggling with the fines, this is a big burden on the police department and the public when going to parks or commercial buildings and seeing homeless. Not everyone who is homeless is dangerous and would like to help everyone who is homeless to get them in a safe place. All cities struggle with those who don't want help. The need to look deeper at how other cities are handling that type of situation. How many violations the City of Black Diamond has had with camping or people living in their vehicles on the street.
- It was noted that there have been several cases where people are living in their cars and the police were able to help them find resources.
- Tough issue and being torn between protecting the city and having compassion for people in this situation.
- Parking code and right of way code and putting a tent on public property, what would help the officers enforce this and where is there a gap in our code.
- Examples of what the code could look like such as hours, do you want a tent, there isn't a lot of this now, but Council is tasked with putting on our future goggles and how do we protect an unhoused individual or individuals and protect citizens who are housed.
- How do we stop unhoused from just continuing to move across the street.
- As individuals if we see something happen, address it when you see it.
- If you see unusual activity, call the police to get a check to see what is happening. Sleeping on the bench while sitting in the park and taking a nap is okay, it's when people stay and sleep there overnight. Any park could be posted it closes at dusk and there should be no one lingering around.
- The need is to focus on any city owned property so there is clear language to enforce and guide the police.

- It was shared that part of the conundrum is the fact that every single person who is unhoused has a unique story. Being cautious as there are those that do terrible things while being unhoused and those that are trying to live their best lives while being unhoused. What exactly is setting off the discomfort for folks to call the police. Curious to see what would happen if we designated these laws as to what kinds of laws they are breaking. What would it take to have those check-ins. What it might look like with those that are already working with the peer navigators and hear how things are going. In terms of enforcement, some do well and why others don't. How Park Rangers in another state are helping connect people with resources. How to put more hands-on deck to help with this rather than a citizen thing.

Councilmember Page recapped that the point of tonight's meeting was to get to the questions. She commented that we want to start thinking what we might want, and not how - what makes sense for us, the citizens to live here. She added the need to look more closely at the codes provided so they can percolate, and then we can come back after the first of the year to work on this.

ADJOURNMENT:

Councilmember Jones **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0). The meeting ended at 6:54 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk