

Minutes of the work session of the Winslow City Council held on February 27, 2024 at 5:00 P.M. in the main hall of the Winslow Visitor's Center, 523 West Second Street, Winslow, Arizona.

MEMBERS PRESENT:

Vice Mayor Crisp, Councilmember MacLean, Councilmember McKee, Councilmember Tafoya

MEMBERS ABSENT:

Mayor Cano, Councilmember Cake, Councilmember Nelson

STAFF:

David Coolidge City Manager, Trish Stuhan City Attorney, Suzy Wetzel City Clerk, Franklin Caldwell Police Chief, Michael Duran Fire Chief, Jack Fitchett Economic Development Director, Kim Salazar Public Housing Director

Vice Mayor Crisp called the meeting to order. The Pledge was given and the Invocation was offered by Councilmember Tafoya. Roll call was taken and Mayor Cano and Councilmembers Cake and Nelson were absent. Motion: Moved by Councilmember MacLean, seconded by Councilmember Tafoya, to excuse the absent members. Motion passed unanimously with Vice Mayor Crisp and Councilmembers MacLean, McKee and Tafoya voting yes.

DISCUSSION REGARDING HOMELESSNESS, INCLUDING DRAFT POLICIES & PROCEDURES FOR ADDRESSING HOMELESS ENCAMPMENTS AND ASSISTANCE FOR INDIVIDUALS EXPERIENCING HOMELESSNESS

The City Attorney discussed development of policies and procedures related to strategies for addressing homelessness in Winslow, including identification of resources and services available for the unsheltered, cleanup protocols for homeless encampments, and engagement with vulnerable members of the community. The City Attorney also provided an overview of important Ninth Circuit case law and explained that cities must be mindful of constitutional protections for people, their property and their use of public property.

For background, the City Attorney stated that Arizona has experienced one of the largest increases in homelessness at the same time that courts have been struggling to identify the rights of the unsheltered. The City Attorney also stated that the Ninth Circuit initiated a rule in a case out of Boise that held cities and towns cannot enforce urban camping laws against the involuntarily homeless unless there is adequate available shelter for that person. Shelter in a religious setting is not sufficient as citizens cannot be compelled to engage in religious activities.

The City Attorney explained that this “one-person, one-bed” rule has posed challenges for cities and towns that lack shelter space and discussed the fact that the law has evolved over the last few years with some more relaxed interpretations of the ruling out of Grants Pass Oregon that appears to allow alternative outdoor camping locations. The law is still far from clear and the United States Supreme Court is now currently hearing this matter.

The City Attorney stated that the purpose of this work session is to update the Council on the challenges posed by homelessness and the lack of clarity in the law. The City Attorney advised the Council that staff is working on policies to provide guidance that involve working with key stakeholders, nonprofits and others to identify services. It also involves working with departments from public works (for cleanups) to police (conducting welfare checks or responding to criminal activities). Although there may be city codes pertaining to camping, they may not be able to be enforced unless staff can provide an individualized assessment and offer shelter or other outdoor camping to that individual depending on their needs.

The City Attorney also stated that in practice, law enforcement works with an eye toward compassion to identify people unsheltered, assess if they are safe or need medical or other support, and to ensure no laws are being broken. The City Attorney then explained that sometimes people may be from out of town and need assistance returning to their homes or places where they have social support and other times, local residents may struggle from inflation or affordable housing gaps to maintain a roof over their head.

Since shelters and support in Navajo County are key to getting people off the street, the Council discussed available services in both Navajo County and Winslow. In response to comments from the Council regarding Winslow struggling with public intoxication, the City Attorney discussed options for individuals cited into municipal court for public intoxication. Those options included diversion or deferral programs where services are sought and the defendants showing they are working with a provider to address their needs.

The Council expressed an interest in exploring shelter options in Winslow to ensure services are available locally. The Council also noted that development of policies makes sense so staff has guidance when engaging unsheltered individuals. There was further discussion regarding public outreach and planning with stakeholders.

In conclusion, the City Attorney noted that staff is developing forms of notice for cleanings or closure of encampments, as well as policies and procedures for ensuring advance notice, storage and retrieval of belongings and how to close and maintain an area free of encampments, all of which will be brought back to Council for review.

ADJOURNMENT

Motion: Moved by Vice Mayor Crisp, seconded by Councilmember Tafoya, to adjourn at 5:50 p.m. Motion passed unanimously with Vice Mayor Crisp and Councilmembers MacLean, McKee and Tafoya voting yes.

Mayor

Attest:

City Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the Winslow City Council held on February 27, 2024 at 5:00 P.M. I further certify that the meeting was duly called and that a quorum was present.

Dated this *26th* day of *March*, 2024.

Suzy Wetzel
City Clerk