



City Council Workshop Agenda

August 27, 2024 at 6:30 PM

City Hall Council Chambers - 210 W 6th Ave and Virtual

The City of Kennewick broadcasts Council meetings on the City's website at
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

Written public comment is accepted pursuant to KMC 2.04.047.

**A closed session to consider a collective bargaining matter
will be held at 5:45 p.m. pursuant to RCW 42.30.140(4)(a).**

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1. Call to Order
 2. Columbia Valley Center for Recovery Update
 3. Case Law Update Regarding Public Camping Regulations and Homeless Encampments
 4. Adjourn

Council Agenda Coversheet	Item Number: 2.	Date: 8/27/2024	Category: Info Only
	Item Type:	Presentation	
	Subject:	Columbia Valley Center for Recovery Update	
	Department:	Fire Department	
<u>Summary</u> This Behavioral Health Program presentation is intended to provide Council and citizens with an update regarding the progress of the Behavioral Health Advisory Committee and the Columbia Valley Center for Recovery. This presentation will be a follow-up to information presented to Council and citizens during a workshop in 2023.			
<u>Attachments:</u> 1. Presentation			



Behavioral Health Program Update

August 27, 2024

Chemical Dependency & Mental Health Sales Tax

- Implemented in Benton and Franklin Counties in 2022
- Current Fund Status
 - Benton County: Balance \$8.3 million; Monthly Average \$550,000
 - Franklin County: Balance \$8.1 million; Monthly Average \$243,000
- Revenues are to be dedicated to Substance Use and Mental Health related services
- Plans for Benton County Funds:
 - Intended to fully fund operations at the Columbia Valley Center for Recovery
 - Currently funding therapeutic courts; \$1.2 million annually
 - Considering allocating funding for expansion of adult drug court; \$250,000 annually
 - Funding Field Responder Program; Amount TBD
- Benton County has also allocated \$11.17 million for construction at recovery center

Behavioral Health Advisory Committee

The Behavioral Health Advisory Committee's purpose is to gather community input and advise the Benton and Franklin Boards of County Commissioners on the disbursement of the revenues generated by the 0.1% Behavioral Health Sales Tax.

- Provide perspective on the need and effectiveness of behavioral health services in the region.
- Make recommendations on contracts to provide behavioral health services.
 - This includes selection of providers
 - Monitoring of the services performed under those contracts.

Behavioral Health Advisory Committee

- Bi County Committee made up of behavioral health experts, first responders and members of the public
- Four Sub-Committees:
 - Standards for Mental Health Services
 - Standards for Substance Use Services
 - Communications
 - Behavioral Health Work Force Development

Columbia Valley Center for Recovery

Provide
“No Wrong
Door” for
persons in
behavioral
health crisis

- 24 hours a day, 7 days a week
- Accept Walk-ins and Law Enforcement or EMS Transport
- Voluntary and Involuntary Clients
- Alternative to Incarceration or ER

Phase 1

- Crisis Relief (23-hour Observation)
- Crisis Stabilization
- Secure Withdrawal Management (Detoxification)
- Residential Substance Use Disorder Treatment

Columbia Valley Center for Recovery

Facility

- All programs located at old KGH
 - Still subject to 72-hour crisis stabilization stay limit
 - More information in Validation Report on County Website
- Future programs may include
 - Recovery/Transitional Housing
 - Youth Crisis Treatment
 - Child Long-term In-patient (CLIP)



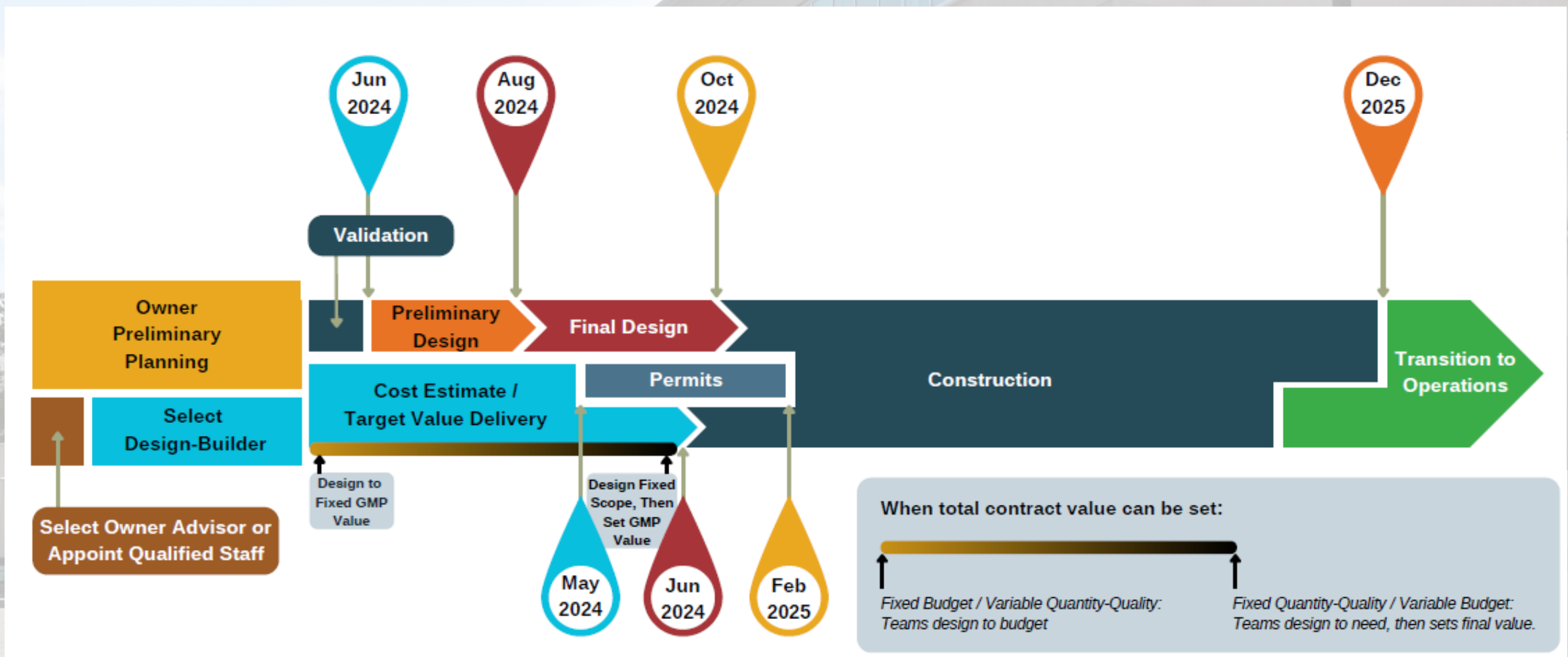
Columbia Valley Center for Recovery

Program Betterments

- Additions to the current project that will enhance the therapeutic outcomes
- Behavioral Health Advisory Committee prioritized list in July 2024:
 - Single Occupancy Rooms in Detox Unit
 - Commercial Kitchen
 - Back Up Power Supply
 - Security System
 - Single Occupancy Rooms in Crisis Stabilization and Residential Treatment
 - Improved Drop Off Location
 - Expansion of Program Area by 5,000 SF
 - Improved Outdoor Spaces
 - Additional Outdoor Space

Columbia Valley Center for Recovery

Progressive Design Build Timeline



Columbia Valley Center for Recovery

Funding Sources

Funding Source	Type	Amount
Benton County	ARPA Allocation	\$ 5,000,000
Benton County	0.1% MH/Chem Dep. Fund	\$ 7,727,600
Benton County	Opioid Settlement Funds	\$ 3,442,400
Benton County	Capital Funds (Property Purchase)	\$1,600,000
State of Washington	Direct Appropriation	\$ 10,698,650
Federal 2022 CDS	Direct Appropriation	\$ 2,000,000
WA State Behavioral Health Facilities	Competitive Grants	\$ 5,110,739
		\$ 35,579,389

Columbia Valley Center for Recovery

Provider Services

- **April 2023: County awarded contract for provider services to Comprehensive Healthcare**
 - All Services under one contract
 - Negotiations on-going, need final layout to complete
 - Expect contract execution before end of 2024
- **July 2024: County awarded contract for Field Responder Program to Comprehensive Healthcare**
 - Contract under negotiation
 - Supplements existing program in area that is state funded

Opioid Settlement

State of Washington has taken legal action against manufacturers, distributors and pharmaceutical companies related to their role in the opioid epidemic.

- Participating local governments entered into Statewide MOU (One Washington Agreement)

Amount Collected:

- 9 settlements reached so far
- Benton County receives 1.48% of the amount allocated to local governments; City of Kennewick receives 0.54%
- Benton County has collected \$2.39 million; City of Kennewick has collected \$785,000
- Most paid in installments over 17 years, starting in 2022.

Opioid Settlement

How it can be used:

- Mitigate the opioid crisis
- Expanded access to drug treatment and prevention effort
- Housing
- Other wrap-around services

What we are doing:

- Kennewick and Benton County have entered into agreement for use of funds
- Working on agreements with other regional cities
- Funds will go towards construction and operation of the Columbia Valley Center for Recovery

Council Agenda Coversheet	Item Number: 3. Date: 8/27/2024	Category: Policy Review
	Item Type: Presentation Subject: Case Law Update Regarding Public Camping Regulations and Homeless Encampments Department: City Attorney	
Summary The Case Law Update presentation will cover the recent U.S. Supreme Court decision in <i>Grants Pass v. Johnson</i>. In that decision, the U.S. Supreme Court overturned Ninth Circuit Court of Appeals precedent which limited local government's ability to remove homeless encampments from public property. The presentation will discuss the impact of this decision on City of Kennewick public camping regulations and the limitations on City authority which are still in place and not impacted by this decision. The discussion will also cover potential bills this next legislative session which are aimed at codifying the Ninth Circuit's prior decision in Washington State law. Lastly, the discussion will cover the potential next steps.		
Attachments: 1. Presentation		

Case Law Update

Public Camping Regulations

Homeless Encampments

City of Grants Pass v. Johnson

144 S.Ct. 2202

June 28, 2024

Public Camping Regulations

Homeless Encampments



- U.S. Supreme Court reversal of 9th Circuit Public Camping Cases
- Discussion regarding impacts
- Preview of upcoming Legislative session
- Next steps

Grants Pass v. Johnson

- In *Grants Pass v. Johnson*, the United States Supreme Court held that enforcement of ordinances that criminalize public camping do not violate the 8th Amendment's constitutional protection against cruel and unusual punishment.
- Supreme Court's decision overruled the 9th Circuit's decision in *Martin v. Boise*, wherein that court held that enforcement of ordinances which prohibit sleeping or camping on public property against homeless individuals is unconstitutional when those individuals do not have a barrier free alternative shelter space or legal place to camp.

Grants Pass v. Johnson

- As a result of the *Grants Pass v. Johnson* decision, the availability of low-barrier shelter space is no longer relevant to the analysis of whether a generally applicable no public camping ordinance is unconstitutional.

Limitations that Remain post *Grants Pass v. Johnson*

- HB 1754 (2020) – Religious organization homeless hosting. Limits the ability of local governments to regulate encampments, shelters, and car camping on property owned or controlled by a religious organization.
- *City of Seattle v. Long* (2019) – State Supreme Court case that limits how a city may enforce parking regulations when a vehicle is used as a residence.

Limitations that Remain post *Grants Pass v. Johnson*

- *Due Process* – Under the due process clause, several federal district courts in the 9th Circuit have required advance notice (usually 72 hours) before clearing homeless encampments. Cities still need to provide notice of removal and opportunity to reclaim personal property.
- HB 1220 (2021) – Planning for shelter. Requires cities to identify sufficient capacity of land for emergency shelters and housing based on projected need. Cities cannot prohibit indoor emergency shelter or housing, or transitional shelter or permanent transitional housing in zones where hotels or residences are allowed.

Kennewick Codes regulating public property

- KMC 10.08.020 Disorderly Conduct – prohibits intentionally obstructing vehicular or pedestrian traffic without legal authority
- KMC 10.08.140 Sitting, Lying on Sidewalk in Designated Zone
- KMC 9.54 Regulating Public Camping
 - Prohibits use of public parks, streets, sidewalks, trails, city owned or maintained property for camping purposes or storage of personal property
 - 72-hour notice provided prior to removal of an encampment, litter, garbage and debris discarded, personal property stored for 60 days
 - Individuals are provided referral to services; criminal enforcement suspended if no emergency shelter space available or the individual is actively seeking services.

Potential State Legislative Response

- It is probable the upcoming Legislative Session will see bills proposed which attempt to codify the 9th Circuit Ruling in *Martin v. Boise*.
- HB 1576, which was submitted during the 2021 Legislative Session, prohibited cities and counties from imposing criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter is available to them.
- Allowed for enforcement if the individual had access to adequate temporary shelter, whether that was due to their ability to pay for it or because it was “realistically available” to them for free.

Potential State Legislative Response

- A second draft bill initially circulated in November 2021 has yet to be formally submitted and assigned a bill number. It may resurface during the 2025 Legislative Session.
- Creates a cause of action against local government for “Discrimination based on housing status” and refers to any law, policy, or practice regulating public space that results in disparate treatment or has a disparate impact on people who are homeless or perceived as homeless.

Potential State Legislative Response

- Discrimination based upon housing status is prohibited;
- Every person experiencing homelessness and who has no reasonable alternative but to survive in public space has the following rights in public space without being subject to criminal or civil penalties *or harassment* by law enforcement, public or private security personnel, or any agents of any public-private partnership established under any state or local law:
 - *Right to survive in non-obstructive manner*
 - *Right to shelter oneself from the elements in a non-obstructive manner*
 - *Right to eat, share, accept, or give food in any public space where food is not prohibited*
 - *Right to occupy a motor vehicle or recreational vehicle provided the vehicle is legally parked on public property or parked on private property with permission of the property owner*

Next Steps

- The practical result of the Supreme Court's reversal of *Martin v. Boise*, is the City no longer has to demonstrate the availability of no barrier shelter space before enforcing its public camping regulations.
- City can look at removal of KMC 9.54.050 which requires suspension of enforcement of the criminal provisions if shelter space is not available or the individual is actively seeking services.
- Need to keep in mind the probability of bills coming forward which may make this a requirement under state law.

Questions?

