



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5813
February 16, 2021
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 5813: Second Reading of Ordinance No. 21C-02 – Use of Mercer Island Public Property	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Ordinance No. 21C-02, adding Chapter 9.60 – Use of Mercer Island Public Property to Title 9 of the Mercer Island City Code.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Police
STAFF:	Ed Holmes, Police Chief Mike Seifert, Police Sergeant
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 21C-02 (tracked changes) 2. Ordinance No. 21C-02 (clean) 3. Comparison Matrix
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

The purpose of this Agenda Bill is to adopt Ordinance No. 21C-02. The City Council completed a first reading of this ordinance on January 19, 2021 ([AB 5798](#)) and set it to February 16, 2021 for second reading and adoption.

Ordinance No. 21C-02 creates a new Chapter of the Mercer Island City Code (MICC) relating to the use of public property, which generally prohibits camping on public property, as well as storage of personal property on public property (Exhibit 1). Currently, camping is prohibited in City parks under [MICC 9.30.160](#).

AMENDMENTS

During the January 19 meeting, the City Council directed staff to make the following amendments to the proposed ordinance:

- Expand the definition of public property to include all government owned property, not just City-owned property.**
Section 9.60.020(H), definition of Public Property, includes all property in which the City or any other governmental entity has a property interest, including easements.

2. **Potentially add a section on conflicts with other provisions of the MICC.**
Section 9.60.010(C) has been added saying that for purposes of interpreting the new Chapter 9.06 MICC, the new Chapter will apply in the event of a conflict with another provision of the Mercer Island City Code.
3. **Add “boats on trailers” to the definition of vehicle.**
Section 9.60.020(K), definition of Vehicle, includes boats or any other vehicle on trailers.
4. **Fix the typo in the last WHEREAS clause.**
The typo has been corrected.
5. **Ensure consistency in the WHEREAS clauses in the use of the term “public property.”**
the fourth and sixth WHEREAS clauses have been corrected, “public areas” and “public spaces” have been changed to “public property” to ensure consistency.

Given additional research, staff recommends and has included in the ordinance, the following additional amendments for the Council to consider prior to adoption:

1. Section 9.60.020(A): Streamline and simplify the definition of Available Overnight Shelter. The previous definition listed several examples of when overnight shelter may be unavailable; however, the examples listed did not cover all situations in which overnight shelter may be unavailable to a particular individual experiencing homelessness. Staff recommends a simpler definition to better encapsulate all potential scenarios in which overnight shelter may be unavailable to a particular person experiencing homelessness.
2. Section 9.60.020(B): Include an exemption to allow overnight use by the governmental entity that owns or has a property interest in the public property.
3. Section 9.60.060: Clarify that the City must first confirm that shelter space is available for a particular individual experiencing homelessness before taking enforcement action.

A matrix comparing provisions of proposed Ordinance No. 21C-02 to the adopted codes of the cities of Bellevue, Issaquah, Lynnwood, and Redmond is included as Exhibit 3.

NEXT STEPS

The following guiding principles will govern the way in which this new code Chapter will be implemented:

1. A compassionate approach will be taken when the police interact with those experiencing homelessness.
2. When encountering people experiencing homelessness, the priority will be to get people connected to services, over enforcement.
3. The ordinance will be applied in a fair and equitable manner.

Upon Council adoption, Ordinance No. 21C-02 will take effect five days after publication in the Mercer Island Reporter. In addition, staff will collect data on the implementation of this ordinance and will report back to the Council within six months on the experiences.

RECOMMENDATION

1. Adopt Ordinance No. 21C-02, adding Chapter 9.60 – Use of Mercer Island Public Property to Title 9 of the Mercer Island City Code.
2. Direct the City Manager to provide the City Council with a report on the experience the City has had with implementation of this ordinance within six months, and to include this information as part of the Annual Police Report.