

TO: Thomas Frutchey, City Manager
FROM: Meg Williamson, Assistant City Manager
SUBJECT: Homeless Shelter Crisis – Response & Resource Options
DATE: March 1, 2016

NEEDS: For the City Council to approve a multi-phased response to the homeless riverbed encampment and shelter crisis and authorize resources accordingly.

FACTS:

1. In September 2015, the Paso Robles City Council requested City staff investigate a Salinas River corridor project that would address multiple health and safety goals in anticipation of an “El Nino” storm system event.
2. On February 16, 2016 the City Council declared a homeless shelter crisis within Paso Robles and requested that recommendations on the nature and scope of city assistance during the crisis period return for consideration at the March 1st Council meeting.
3. Since then, staff has worked with a number of organizations and individuals to further understand the nature and scope of the problems, evaluate the capabilities of existing resources, programs undertaken by other jurisdictions, and determine the appropriate courses of action for Paso Robles.
4. Discussions have been held over the past several months with the homeless, alerting them to the coming storms and the need for evacuation from the Salinas Riverbed. Current encampments have been photographed and located using GPS. These efforts have confirmed an estimate of 70-90 individuals at risk from pending weather conditions.
5. From recent discussions with experts and the information gathered, it is clear that a multi-pronged approach is called for:
 - a) Riverbed Pre-Evacuation – to proactively reduce exposure of both citizens and rescuers in the event of rapidly rising water and flooding.
 - b) Warming Shelter Plan – to temporarily provide for protection of life and safety in adverse weather conditions.
 - c) MASH (Mobile Assistance & Services Addressing Homelessness) Event – an encore of the 2015 event held at the Paso Robles Event Center to connect the homeless with a multitude of needed services is recommended to be held in April, 2016.

Long term solutions for housing the homeless are still needed and will be addressed in conjunction with partnering agencies and non-profit groups at a future time.

6. A multi-department team (Project Team) consisting of representatives from Fire, Police and Public Works have identified a comprehensive riverbed evacuation plan to relocate the homeless and remove the camps before lives would be endangered as a result of the anticipated flooding. This plan is based on efforts implemented in Morro Bay and elsewhere, where the evacuation was done in concert with social service resource connections to assist displaced individuals. Lessons were learned in those previous efforts that can assist us in avoiding some of the many problems that would otherwise be faced.
7. A riverbed and storm drain evacuation would accomplish multiple health and safety goals as follows:
 - Protection of human life
 - Maximization of public safety resources during a flood emergency
 - Storm water & flood mitigation
 - Ecological protection
 - Crime reduction

The clean-up efforts accompanying the evacuation will be coordinated with the California Fish and Wildlife Department and other State agencies with jurisdiction.

8. The City Project Team has already initiated preparatory steps, including:
 - Mapping each homeless encampment
 - Consultation with regulatory agencies regarding needed permits
 - Obtained work crew and materials cost estimates for clean-up and vegetation management
 - Assembled multi-agency & multi-disciplined resources (e.g. County Mental Health) for homeless outreach services
 - Preparation of notifications & signage to riverbed campers
 - Outreach to solicit additional volunteer assistance
9. A Homeless Shelter plan includes identification of appropriate facilities and resources available to be accessed upon short notice. This plan is a work in progress, but contact and discussions so far include:
 - State of California facilities (in concert with Atascadero)
 - Paso Robles Event Center
 - Fort Hunter Liggett / Camp Roberts (resource assistance)
 - Paso Robles facilities
 - Paso Cares (service support)

Each of the sheltering/warming center scenarios has variations of logistical challenges associated (e.g. transportation needs, availability/vacancy, cost). City staff will follow each lead and develop contingency plans accordingly.

10. To effectively respond to intermittent shelter needs, it will be necessary to engage additional community support and volunteers. Paso Cares has indicated their willingness to train and deploy needed volunteers, and has requested that the City assist in recruitment through getting the word out to the community.

11. The current long range weather forecast predicts intermittent showers beginning March 1st, but no freezing conditions. More severe rain is forecast starting March 17th. Staff will continue to monitor the weather reports to ensure our activities are timed appropriately.
12. To ensure that the encampment clean-up activities associated with the river pre-evacuation are handled in a fair and legally sustainable fashion, it is important to have clear policies in place. Attached is a proposed policy document for how the City will approach the garbage removal and clean-up of temporary shelters and encampments.

**ANALYSIS &
CONCLUSION:**

The general approach and working parameters to address the sheltering crisis have been identified, but the plans are continuing to evolve. In order to be nimble and responsive to the near term crisis, it will be necessary for some flexibility to be provided as City staff works through the riverbed evacuation and sheltering plan.

Appropriate outside resources will be involved throughout the entire effort. For example, the California Conservation Corps and CAL FIRE will assist with riverbed clean-up. Bringing in such resources will be expensive, but necessary to ensure the free flow of debris from upriver and to discourage future encampments. In all efforts, all necessary steps will be taken to ensure the highest cost effectiveness.

The City's Finance staff will track and maintain spending documentation associated with the work plans. In turn, the City Council and community will be kept continuously informed as the efforts progress. This sheltering response is not focused on how much money must be spent, but rather, about lives potentially saved. The risk of losing one or more lives as a result of El Nino-initiated flooding is very real.

After the initial riverbed evacuation is complete, the City will need to be diligent to not allow camps to reestablish. This is important not only to avoid life protection evacuations in the future, but for the additional community benefits associated with reducing negative impacts of homeless encampment activities (e.g., panhandling, riverbed fires, camp debris accumulation). These riverbed efforts will go a long way to reestablish the Salinas River corridor as a place of safety, community pride, and active recreation.

POLICY

REFERENCE: Paso Robles Homeless Shelter Declaration, February 16, 2016.

FISCAL

IMPACT: The estimated cost to implement the Riverbed Pre-Evacuation is approximately \$69,000. This cost estimate is based on utilizing California Conservation Corps (CCC) and CAL FIRE Crew labor. In the event that work crews from a private company were to be engaged, these costs could be higher. Additionally, it may be necessary for the City Manager to exercise his authority under the City's Purchasing Policies for sole source contracting

in response to changing conditions. These Riverbed Pre-Evacuation costs are an unbudgeted expenditure and would come from General Fund reserves.

OPTIONS:

a. For the City Council to:

1. Authorize the City Manager to deploy a multi-prong solution to the homeless shelter crisis, which will include:
 - i. Riverbed Pre-Evacuation
 - ii. Warming Shelter Plan
 - iii. MASH event;
2. Appropriate \$69,000 from General Fund reserves to accomplish this work; and
3. Proclaim the City's actions arising out of a clear and imminent danger, demanding immediate emergency action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services; and
4. Adopt (Attachment 1) a City policy regarding garbage removal; clean-up of temporary shelters; and code compliance procedures.

b. Amend the above options.

Attachment:

1. Policy – Garbage Removal; Clean-Up of Temporary Shelters; and Code Compliance Procedures.
2. Clean-up Notices

CITY OF EL PASO DE ROBLES
POLICY REGARDING GARBAGE REMOVAL; CLEAN-UP OF
TEMPORARY SHELTERS; AND CODE ENFORCEMENT
ABATEMENT PROCEDURES

I. Purpose

The City of Paso Robles has received comments from citizens and businesses throughout the City regarding health and safety issues, and other concerns arising in and around areas in which individuals have erected temporary shelters for personal habitation. On February 16, 2016, the City Council declared a homeless shelter crisis within the City.

This policy sets forth the City's policies and procedures for cleaning up areas in which individuals have constructed temporary shelters, and expresses the City's intention to implement these policies in a manner which balances the needs and rights of all of its citizens, including the residents of such temporary shelters that are located or otherwise encroach upon public or private property. It is intended to clarify how the City's camping ordinance is to be enforced, how to approach the dismantling of temporary shelters, and how unattended property suspected of belonging to a homeless person is to be treated. In addition, the policy aims to draw law enforcement attention to some of the issues commonly associated with dealing with homeless persons.

II. Scope

This policy shall apply to all law enforcement interactions with residents of temporary shelters and their property. Where law enforcement officers encounter criminal behavior or a situation which raises a reasonable suspicion of criminal activity, they are to react as normal without regard for this policy.

Prior to enforcing the City's camping ordinance, the City shall endeavor to provide homeless persons with information about the various resources available to them within the area. The City shall maintain contact with local shelters or other social services connections to assist displaced individuals.

III. Procedures

Procedures applicable to garbage removal, enforcement of trespass and camping laws and the clean-up of encampments are set forth in Sections IV, V, and VI, below. Procedures applicable to enforcement activities are set forth in Section VII, below. In addition, the Paso Robles Police Department shall follow the procedures set forth in Policy 428, entitled Homeless Persons, with respect to its interactions with homeless persons.

IV. Garbage Removal

A. City-Owned Property

- (1) The City of Paso Robles regularly receives requests to remove trash and debris which has accumulated in or around City-owned property. The City shall continue to receive and act upon these requests for service consistent with its historical practice. However, when the City determines that a request for service involves the removal of trash or debris occurring within 200 feet of an area which contains temporary shelters, and absent exigent circumstances, such as an immediate threat to public health or safety, such trash or debris shall not occur until at least **three (3) days** after the posting and/or service on identified residents of the shelter of written notice in a form substantially similar to the Notice attached hereto as **Exhibit A**.
- (2) The posting and/or service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to any residents of the adjacent temporary shelters. Where possible, the notice shall describe the area subject to garbage removal as clearly as possible.
- (3) As part of the removal of any trash and/or debris, the City of Paso Robles shall not destroy any materials of apparent value which appear to be the personal property of any individual. Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers. However, the City of Paso Robles may discard items it deems hazardous, or detrimental to public health and safety. Such items may include hypodermic syringes or items containing body lice.
- (4) Trash and debris include property that appears to have been discarded by its owner, but the fact that property is unattended does not necessarily mean that it has been discarded. Reasonable doubt about whether property is “trash or debris” or valuable property should be resolved in favor of the conclusion that the property is valuable and has not been discarded.

B. Private Property, Including Public Property Not Owned by the City.

The City will not respond to requests by private property owners, or owners of public property not owned by the City, to remove junk, trash and/or debris accumulated on non-City-owned property unless a clean-up effort has been approved, in advance, by the City Manager’s Office. In instances in which such approval is granted, and the request for services involves the removal of trash or debris occurring within 200 feet of an area which contains temporary shelters, the

City will follow the notice procedure set forth in Section IV.A., above.

V. Clean-Up(s)

A. Private Property, Including Public Property Not Owned by the City

The City of Paso Robles regularly receives complaints from residents and businesses owners regarding the existence of temporary encampments constructed by individuals that have no legal right or permission to occupy the property. These complaints include a broad range of issues, including but not limited to, loitering, trespass, drug sales and use, assault and the accumulation of trash and debris, and fires.

- (1) In situations where the City of Paso Robles has received complaints regarding alleged criminal activity at temporary encampments established on private property, the Police Department will respond to and handle the situation in accordance with current Police Department policy.
- (2) The City will not respond to a request by private property owners to remove junk, trash and/or debris left behind on private property unless a clean-up effort has been approved, in advance, by the City Manager's Office. In instances in which such approval is granted, the removal of trash and debris on private property shall be performed as set forth in Section VII.A, below.

B. City-Owned Property

- (1) In situations in which the City of Paso Robles has received complaints regarding alleged criminal activity at temporary encampments established on City-Owned property, the Police Department will respond to and handle the situation in accordance with current Police Department policy.
- (2) If a clean-up involves the collection of personal property of value then the procedures set forth in Section VI, below will be followed. If the City desires to remove garbage in conjunction with any such action, it shall follow the procedures in Section IV, above.

VI. Clean-Up of Encampments

For encampments of ten (1) or more individuals which have been in place for more than ten (10) days, the City shall seek to provide the residents of such encampments at least seven (7) days' advance notice of the need to vacate said property by posting at the encampment and serving on the residents written notice in a form substantially similar to the Notice attached hereto as **Exhibit B**.

A. Clean-Up of Encampments on City-Owned Property

- (1) In situations in which the City of Paso Robles intends to clean areas where

an encampment is located on City-owned property, the City will provide written notice of the intended clean-up in a form substantially similar to the Notice attached as **Exhibit C**. The City of Paso Robles will collect and dispose of any junk, garbage, and/or debris in the area and will also collect and store any unattended personal property of value (as described in Section V.B. (2), above). Personal property collected by the City will be stored for ninety (90) days, any unclaimed property shall be disposed of in a manner consistent with Paso Robles Police Department Policy No. 801, entitled "Property and Evidence," as it may be amended, and applicable law, including but not limited to Civil Code sections 2080, et seq.

- (2) The posting and service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to the residents of the temporary shelters, and to the extent possible the notice shall describe the area subject to the clean-up effort as clearly as possible. The City should also endeavor to serve the notice by hand delivery, e-mail and/or facsimile on local organizations or agencies that assist residents of temporary shelters.

B. Clean-Up of Encampments on Private Property, Including Public Property Not Owned by the City

Requests by property owners to enforce trespass laws may be reported to the Police Department or the City Manager's Office. The Police Department will respond to and handle the situation in accordance with current policy. However, the City will not respond to a request by the owner of non-City-owned property to clean up encampments located on such property unless the clean-up request has been approved, in advance, by the City Manager's Office. In instances in which such approval is granted, clean-up of encampments on non-City-owned property shall be performed as set forth in Section VI.A, above.

VII. Code Enforcement

- A. It is anticipated that the City of Paso Robles will, from time to time, pursue code enforcement activities concerning the abatement of a public nuisance which includes temporary encampments constructed by individuals. These activities may include, but are not limited to, weed abatement, the collection and disposal of junk, garbage and/or debris, as well as the collection and disposal of personal property in and around the area of encampments.
- B. In situations where code enforcement activities to abate a public nuisance involve the collection of personal property of value (as described in Section V (B)(2) above,) which reasonably appear to belong to an individual, the City will provide at least a three (3) to seven (7) day written notice of the intended cleanup in a form substantially similar to the Notice attached hereto as **Exhibit D**, and which, to the extent possible, shall describe the areas subject to the code enforcement

activities as clearly as possible.

- C. At the time the City abates the subject nuisance, it will collect and dispose of any junk, garbage and/or debris in the area and will also collect and store any unattended personal property which reasonable appears to belong to an individual. Personal property collected by the City as part of an abatement effort will be stored for ninety (90) days without charge, during which time it shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days, any unclaimed property shall be disposed of in a manner consistent with Paso Robles Police Department Policy No. 801, "Property and Evidence," as it may be amended, and applicable law, including but not limited to Civil Code sections 2080, et seq.

EXHIBIT A

CITY OF PASO ROBLES
NOTICE OF GARBAGE REMOVAL

PLEASE TAKE NOTICE:

That on **[insert date]** at **[insert time]**, the City of Paso Robles will remove and destroy garbage that has accumulated in the area of **[insert address, or, if no address a description of the location and include diagram of area on back of notice]**. The City will not remove or destroy the personal property of any individuals. However, to avoid any confusion, please move any personal property you may have away from any garbage piles located in this area.

If you have any concerns or comments, please contact **[person and title]** at **[address and telephone number(s)]**.

EXHIBIT B

CITY OF PASO ROBLES

NOTICE OF TRESPASS

PLEASE TAKE NOTICE:

The City of Paso Robles has received complaints concerning individuals who are loitering near or residing in temporary shelters that have been constructed in the vicinity of [insert address, or if no address is available, description of area and include diagram of area on back of notice]. Any individual loitering or residing in this area may be trespassing, and must immediately move off this site and remove any personal property they own.

On [insert date], at [insert time], the City of Paso Robles will seek the voluntary cooperation of any individuals who remain on site to relocate, and will enforce trespass laws against any individual who fails or refuses to move off this site.

If you have any questions or comments, please contact [person and title] at [address and phone number].

EXHIBIT C

CITY OF PASO ROBLES
NOTICE OF TRESPASS AND
CLEAN UP

PLEASE TAKE NOTICE:

Article I. The City of Paso Robles has received complaints concerning individuals who are loitering near or residing in temporary shelters that have been constructed in the vicinity of **[insert address, or if not address, description of area and include diagram of area on back of notice]**. Any individuals loitering or residing in this area may be trespassing, and will need to immediately move off this site and remove any personal property they own.

Article II. On **[insert date]**, at **[insert time]**, the City of Paso Robles will conduct a clean-up of the area, including the removal of all individuals personal property, temporary shelters, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting **[person and title]** at **[address and phone number]** for a period of time of ninety (90) days following **[date of clean-up]**. Personal property collected by the City shall be stored, without charge, for ninety (90) days. After ninety (90) days, any unclaimed property shall be disposed of in a manner consistent with Paso Robles Police Department Policy No. 801, "Property and Evidence," as it may be amended, applicable law, including but not limited to Civil Code, sections 2080, et seq. If you have any questions or comments, please contact **[person and title]** at **[address and phone number]**.

EXHIBIT D

CITY OF PASO ROBLES
NOTICE OF CODE ENFORCEMENT AND
CLEAN UP

PLEASE TAKE NOTICE:

The City of Paso Robles will be enforcing the Paso Robles Municipal Code which prohibits camping on public property and/or requires the removal of accumulated junk, property and/or garbage in the vicinity of **[insert address, or if no address is available, a description of the area and include diagram of area on back of notice]**, including any temporary shelters. Any individuals who are residing or storing property in this area are in violation of the Paso Robles Municipal Code and will need to immediately move off this site and remove any personal property they own.

On **[insert date]** at **[insert time]**, the City of Paso Robles will conduct a clean-up of the area, including the removal of all individuals, personal property, temporary shelters, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting **[person and title]** at **[address and phone number]** for a period of ninety (90) days following **[date of clean-up]**.

Personal property collected by the City shall be stored, without charge, for ninety days. After ninety (90) days, any unclaimed property shall be disposed of in a manner consistent with Paso Robles Police Department Policy No. 801, "Property and Evidence," as it may be amended, and applicable law, including but not limited to Civil Code, sections 2080, et seq. will be thrown away. If you have any questions or comments, please contact **[person and title]** at **[address and phone number]**.