



**San
Clemente**
THE SPANISH VILLAGE BY THE SEA



How is the City Addressing Illegal Camping and Associated Muni Code Violations?

1. Explain applicable state law
2. Describe City ordinances that have been adopted in recent years to bolster the City's enforcement tools
3. Actions being immediately implemented, and those being contemplated, to improve City & OCSD enforcement of applicable laws aimed at creating the highest possible quality of life for San Clemente residents, our business community and visitors.



Martin v. Boise

- City cannot criminalize “status,” i.e., falling asleep in public or being without shelter
- Public camping can only be banned:
 - Where shelter beds are available for the city’s “unhoused population”
 - “in the jurisdiction”
- Martin leaves open:
 - Whether beds available must equal:
 - the number of potential arrestees, or
 - The point in time population
 - What “in the jurisdiction” means in a small city with pooled law enforcement



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Johnson v Grants' Pass

Where public camping is allowed or required under Martin, the City may not prohibit or seize unhoused individuals' essential personal property such as "rudimentary" bedding, sleeping bag, and other such items.



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San Clemente Code: Where/When? (CMC 8.86.020)

- Camping is prohibited:
 - On City property
 - On public or private open space
 - In public or private fire hazard areas
- Except where “no alternative shelter or publically provided campsite is available in accordance with Martin v. Boise” (SCMC 8.86.040)



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San Clemente Muni Code

- No camping facilities (including those mandated by Martin and Johnson) may be erected between 10:00 a.m. and 5:00 p.m. (SCMC 8.86.040(B))
- No storage of non-essential personal property on City property (12.189.030(A))
- City may immediately remove personal property:
 - If private owner requests (common trespass)
 - If abandoned (but not personal property associated with camping) (12.18.040(A))
 - In “critical use areas” (utilities, parking spaces, water facilities) (12.18.040(B)(2))
- City may remove all other personal property on City property subject to pre- and post-removal notice and storage requirements. (12.18.040)



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Concerted Efforts to Enforce Anti-camping Ordinance and Maintain Public Property

Programmatic Shortfalls Compromising Service Performance:

1. Differing interpretations of *Martin v. Boise No. 15-35845* (9th Cir. 2018) present challenges to the City's efforts to meet community expectations of enforcement, especially to enforce a ban on public camping without a local shelter.
2. The City's lack of adequate staffing resources, particularly (but not limited to) during weekends and holidays, exacerbates the numerous challenges we face to meet community expectations associated with preventing and addressing myriad quality of life issues arising from persistent violations of the City's anti-camping ordinances.



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Challenges of Law Enforcement

- i. Lack of a local shelter and related court judgments and consent decrees hinder OCSD's ability to enforce anti-camping ordinances. (See *Martin v Boise*)
- ii. The volume of calls for service reduces time for patrol checks of problem areas (North Beach and other areas).
- iii. OCSD responses to community reports are delayed and ineffective when reports are made long after incident(s) are initially witnessed and/or when the reports are submitted to OCSD indirectly—social media or through City personnel/officials. We encourage residents to report suspicious activity by calling OCSD dispatch as activity is occurring.



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Immediate OCSD Action Plan

- Bolster proactive contacts/enforcement/outreach of homeless population by ensuring constant communication with patrol staff and supervisors about the urgent needs of the community.
- Improve coordination with city services, including regular meetings of each of the City's teams to share relevant information, posting 24 hour notices on abundance of property, public works to address graffiti removal, power washing unsightly city property i.e. Benches, trash receptacles, sidewalks.
- Captain Christian is exploring reallocation of resources to address homeless issues specifically, including enhanced weekend coverage.



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Immediate OCSD Action Plan

- A more direct line of contact has been established between OCSD and Public works, Park Rangers, Code Enforcement by providing contact numbers for deputies in the field to call (business hours, after hours, weekends) regarding:
 - Clean-up of city streets, sidewalks, trash receptacles, utility boxes, etc.
 - Posting notification and collection/care of private property



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Challenges of Park Rangers

- We experience ongoing staffing shortages and high turnover due to lack of competitive compensation and limited assigned hours.
- It has been a challenge to retain staff long enough to get them trained to qualify for issuance of P.C. 832 certification to aid enforcement of applicable Municipal Codes.
- Lack of available local shelter beds as both an alternative to unhoused individuals sleeping in public spaces and to provide the requisite impetus for OCSD to take additional anti-camping enforcement measures.



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Immediate Park Ranger Action Plan

- For the next couple of months, Park Rangers will redirect efforts throughout the City's 33 parks while targeting areas of significant concern, such as the beaches, coastal park facilities (areas west of the I-5 freeway), and associated parking lots. We will monitor the effectiveness of this measure to inform future strategies.
- Meanwhile, we continue to recruit, train, and mobilize new Park Ranger staff to respond to complaints; posting notices on unattended property; remove stored or abandoned property when possible.



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Near-term Park Ranger Action Plan

During FY budget preparation, staff will evaluate the program and fiscal impacts of converting select part-time positions to full-time to increase employee retention and develop area expertise, service continuity, and overall program effectiveness.



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Challenges of Code Enforcement

- Two positions are presently vacant but are the subject of recruitment.
- Some public complaints reported concerning the presence of unhoused individuals on public property do not represent violations of Municipal Codes.



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Code Compliance Action Plan

- Fill authorized position vacancies to bolster current efforts.
- Assign a Code Compliance staff member(s) to weekends to increase enforcement during those times.



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Community Outreach Team

- Two FT positions comprise our Community Outreach Team.
- For a typical month, the COT makes contact with approximately 55 homeless individuals on about 280 occasions. Additionally, each month approximately 65-80 hours of case management is provided to assist the homeless receive resources and services aimed at ending homelessness and acquiring shelter or housing, when available.
- In the months of October, November, and December of 2022, the COT assisted 20 individuals obtain accommodations (e.g. going to a shelter, reunification with family members, entering assisted living facilities, etc.).



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Community Outreach Team

- Direct resources available for the COT to provide to the homeless consist of transportation and food/hygiene kits, staff assistance with documentation (i.e. IDs), and referrals for services from outside organizations/agencies.
- The team is fully-staffed; additional staffing resources for this function of the Code Compliance Division is not anticipated to result in any measurable gains in the City's outreach efforts.



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Challenges of Public Property Maintenance Resources

- There is no existing team dedicated exclusively to attend to public maintenance of public beaches or other public areas (North Beach, etc.).
- Related work is performed by on-call landscape contractors and the cost is borne within these contracts to the service detriment of their intended functions—support of City-sponsored events.
- Because there is no dedicated team there is no regular weekend clean-up service associated with problems that can arise from encampments, legal or otherwise.



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Public Maintenance Action Plan

- Increase funding by \$25,000 from within the existing budget for additional on-call contract maintenance.
- As soon as February 21 or March 14, present a contract amendment for an existing contractor to be assigned to proactively monitor and address identified trouble spots at and around North Beach each weekend. This cost is estimated to be \$80,000/yr.



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Questions?

- Sean Joyce, Interim City Manager
- Jay Christian, Captain, OCSD
- Adam Atamian, Deputy Community Development Director
- Scott Smith, City Attorney