

MEMORANDUM



To: Honorable Mayor and City Council Members
From: Auburn Transient & Homeless Task Force
Date: August 1, 2018
Subject: Report and Recommendations Transient and Homeless Issues

Issue

Identify and address solutions for the growing problems related to the homeless & transient populations, including panhandling, illegal camping and other related issues. All while ensuring consistency across area jurisdictions, and communication with residents, business owners, and all stakeholders.

Introduction

On November 13, 2017, the Auburn City Council gave city staff direction to develop the make-up of a task force and identify resources needed to establish objectives and solutions to address a number of concerns raised by local residents related to problems associated with homeless and transients. On December 11, 2017, the City Council established The Transient-Homeless Task Force comprised of 5 residents, 3 business leaders, 2 City Council members and 1 City Police Department representative.

The Task Force was charged with three goals:

1. Asses the population and current crime stats to better understand the target group related to the homelessness, transients, and panhandling.
2. Create a process and forum to solicit ideas from the Auburn community and identify related problems.
3. Review the County and other local cities ordinances related to the issues to ensure the City is consistent or as stringent.

The Task Force held its first meeting on February 6, 2018 and set monthly meeting schedule. Throughout the following months, the Task Force heard from dozens of community members and received related presentations from City and County officials. Presentations included an overview on crime stats from the Auburn Police Department, a program brief from the Auburn Code Enforcement Officer, an overview of the Placer County Sheriff's Office "Problem Oriented Policing" (POP) Team, a presentation from the Placer County Health and Human Services Department on programs and services offered to area homeless, and lastly an overview of the CPTED Program (Crime Prevention Through Environmental Design).

Background Information

The issue of homelessness in the Auburn area is not a new issue. Over the past decade, the area has experienced an increase in homelessness, as well as a growing trend of transients into

the region. The reasons for the increase is great and complex. The City recognized this problem and in 2013 launched a campaign to curb panhandling. In 2015, the County contracted with Dr. Robert Marbut to conduct a homeless needs assessment and make recommendations to strengthen homeless resources.

A review of the City of Auburn’s police statistics show a rise in police contacts with homeless and transients, known by police code as “address unknown.”

Year	2014	2015	2016	2017
Number	425	361	683	972
% Increase	-	-15%	+61%	+42%

In 2013, the City launched a campaign to address a growing problem of panhandling. The “panhandling solutions pocket guide” was developed and distributed in effort to educate residents not to provide cash donations, but rather ensure panhandlers are connected with areas services. The tip card broke down local resources into five categories: clothing; food closets; emergency shelter and housing; utilities; and medical, dental and vision.

In June 2015, the non-profit organization Right Hand Auburn worked with the County of Placer to open an emergency homeless shelter. While health services of all residents fall within the jurisdiction of county governments, the City of Auburn provided funding to ensure area residents have access to shelter programs, in a location where they can also receive case management and needed health services.

In November 2015, the Placer County Board of Supervisors received a presentation on various “quality of life” issues raised by concerned residents related to the degradation of safety, cleanliness, and community character. In response, County staff in January 2016 presented a series of draft ordinances focused on graffiti, panhandling, and public urination. As part of their staff report a comparison chart was created with California State Penal Code, Sacramento County and the City of Roseville. (See Appendix A).

Discussion

Ordinance Review

The Task Force reviewed four ordinance categories; camping, panhandling, loitering, and campfires. In-depth discussions occurred on the City’s current ordinances and whether updates or changes were needed. The group also compared the City’s ordinances to area jurisdictions to see the differences and evaluate consistency.

1. Camping.

The group took a comparative review of camping ordinances from several adjacent municipalities. During the review, it was determined that most jurisdictions restricted in some fashion camping on public property, private property, and then that of private property open to the public.

Camping, particularly on undeveloped wooded lands, poses a significant fire risk. It is common for individuals who camp on property, either with or without permission of the owner to build campfires. In addition to the extreme fire risks associated with camping, there are also serious

concerns related to human waste disposal and environmental concerns. Regulating camping is necessary for the risk it poses to the entire community, the environment, and also those who are camping.

It is not the intent of the Task Force to completely prohibit overnight camping on private residential property by friends or family. In October 2017, the City's ordinance was amended to allow for no more than three days of camping by friends or family with permission of the property owner.

While overall little change needs to occur to the October 2017 amended ordinance, the enforcement of this ordinance needs to be examined, and additional clarifications need to be added.

2. Panhandling

After a comparative review of the City's panhandling ordinance and Placer County's ordinance, the group identified several differences. The Task Force spent considerable time drafting an ordinance that ensured consistency between the City, County and other local cities in the region. Placer County's ordinance prohibits panhandling at specified high risk locations, as well other restrictions including aggressiveness and time of day.

On July 5, 2018, a federal judge ordered an injunction stopping the City of Sacramento from enforcing their ordinance against aggressive panhandling, stating it was a violation of free speech rights of individuals seeking donations. Based on this ruling, and advice from Legal Counsel, the Task Force decided to not move forward with amending the City's panhandling ordinance. It is likely the ruling will be appealed, and if the original ruling is reversed, the group's draft ordinance should be brought back to City Council for consideration to ensure consistency.

3. Campfire

While the City of Auburn restricts the burning of flammable material without a permit, there is no specific restrictions on campfires. This issue falls within the scope of the Task Force as there have been issues with individuals illegally camping with large campfires. In 2017, an illegal campfire in a homeless encampment sparked a wildfire in Los Angeles County. The fire burned 422 acres, destroyed six homes and damaged 12 others in the Bel Air community. With the high fire risk that Auburn faces, an ordinance defining and restricting campfires is imperative.

As this issue has a sense of urgency, and has also be identified by the Greater Auburn Area Fire Safe Council, City Council passed an updated ordinance restricting campfires and requiring a permit.

Conclusion and Recommendations

Over the span of the Task Force, members heard a high-level of public input and presentations from subject matter experts. Based on the input received the Task Force developed seven main categories of recommendations.

1. Crime Prevention Through Environmental Design

- Adopt CPTED as a policy to promote the positive use of property while deterring criminal behavior. (See Appendix B).
- Implement this policy though the following actions:
 1. Document the objective of the CPTED policy. This should include goals to reduce the incidence of crime, and maintain a sense of a safe community for Auburn residents.

2. Authorize the Task Force (or a CPTED advisory group) to provide support and guidance in implementing the CPTED Program. Include at a minimum, a representative from City Council, APD, Public Works, as well as business and community representatives.
3. Direct the task force/advisory group to audit City owned facilities and properties to identify problem areas where CPTED principles should be applied. Determine short and long-term implementation projects based on priority and cost. Define a process to monitor the maintenance and effectiveness of the CPTED activities to ensure stability of the environmental changes.
4. Incorporate CPTED principles into all phases of the design, review and approval for all building and park development projects within the City limits, as well as maintenance efforts. This will require training for the appropriate city personnel.
5. Incorporate CPTED principles into the planning process of development application review and approvals. This should involve adopting CPTED principles into planning guidelines, as per the direction of City Council. This will require training for the appropriate city personnel.
6. Educate business organizations and residents on CPTED principles and steps that private citizens can take to promote a safe environment.
7. Work with other jurisdictions and governmental organizations (i.e. Union Pacific, Auburn Recreation District, utility companies and school districts) to upgrade their properties to adhere to the CPTED guidelines.
8. Develop a brochure explaining CPTED that can be handed out to private property owners, and then have Code enforcement look for opportunities where improvements are needed.

• Roles and Responsibilities:

Resource	Roles & Responsibilities
City Council	<ul style="list-style-type: none"> • Adopt CPTED as a public safety policy • Authorize the creation of the CPTED Advisory Group • Define the strategic approach for implementing CPTED as appropriate • Provide active support to initiatives that make significant contributions to preventing and reducing the incidence of crime • Approve specific initiatives defined by the CPTED advisory group • Direct the City Manager the responsibility for implementation of specific initiatives • Communicate with business organizations and community groups to promote CPTED principles and support for city initiatives
Task Force / CPTED Advisory Group	<ul style="list-style-type: none"> • Provide guidance to city council on CPTED recommendations. • Identify specific short and long-term initiatives for CPTED implementation • Perform audits of CPTED initiatives for benefit realization and maintenance of facilities
City Manager	<ul style="list-style-type: none"> • Accountable for implementation of initiatives as directed by City Council • Direct Department Managers to implement initiatives Inform City Council on progress of CPTED initiatives
Department Directors	<ul style="list-style-type: none"> • Responsible for implementation of specific initiatives as directed by the City Manager

2. Ordinances

- Amend two city ordinances listed below, reviewed by Legal Counsel, and provided in Appendix C.
- Camping - Amend the City's camping ordinance (Chapter 102) to require a person provide written proof within 48 hours that the property owner has consented to overnight camping on private property.
- Loitering - Amend the City's loitering ordinance (Chapter 130) to restrict remaining on public or private property beyond the conclusion of a legitimate purpose.
- Panhandling – If the July 2018 ruling is successfully appealed, the draft ordinance should be amended to ensure consistency.
- Campfires – Maintain the June 2018 adopted amendment to City's fire preventing; burning ordinance (Chapter 100) to prohibit open burning and recreational fires (campfires) without a permit.

3. Public Education

- Create a public awareness and education effort to provide information to community members on:
 - Approaches to panhandling
 - How the community can help: Effective ways to donate to local homeless
 - Ways to report code compliance issues
 - Ways in which the impact on homelessness in public areas is being addressed
- Ensure that the public awareness campaign is focused on available services and City ordinances, and not an effort to eradicate homeless individuals.
- Develop a communication plan to address the following:
 1. Create an educational and positive webpage to present services available to homeless, what community members can do to get involved, and links to local services including online giving sites (i.e. Big Day of Giving website). Establish links to this webpage on local agency sites.
 2. Give presentations to churches, community service groups, and business associations. Topics to include effective ways to help, and techniques and tools available to business owners to deal with transient crime/public nuisance issues, as appropriate.
 3. Develop materials: This should include flyers with information for residents and businesses, signage similar to what is posted at the Rock Creek center.
 4. Educate the public about the new regulations.
 5. Continue coordination of available services from Placer County Health and Human Services.
- Continue to use media reports and non-traditional media sources (i.e Facebook) to inform the public of City activities related to public nuisance enforcement, as well as work being performed to prevent problems.
- Update and reimplement the City's 2013 Panhandling Campaign (Panhandling Solutions Pocket Guide) to ensure those in need know the services available, and so that Auburn residents and business owners know their role in the issue.
- Use community events as a venue to pass out printed materials about the services and agencies who serve the homeless community.

- Roles and Responsibilities:

Resource	Roles & Responsibilities
City Council	<ul style="list-style-type: none"> • Adopt communications plan and other recommendations. • Direct City Manager to implement specific public education initiatives • Communicate with business organizations and community groups to promote effective means to helping local homeless and addressing public nuisance issues.
Task Force /Advisory Group	<ul style="list-style-type: none"> • Provide assistance in developing the communications plan.
City Manager	<ul style="list-style-type: none"> • Accountable for implementation of public education initiatives • Direct Department Managers to implement initiatives as directed by City Council • Inform City Council on progress of public education initiatives
Department Directors	<ul style="list-style-type: none"> • Responsible for implementation of specific items from the communications plan as directed by the City Manager

4. Enforcement

- Increase code enforcement efforts related to the public nuisance issues and review staffing levels, as well as resources.
- Increase dedicated enforcement time on relevant ordinances and continue to perform routine multiagency “Proactive Team” patrols
- Enforce existing vegetation clearance requirements.
- Provide training on updated ordinances and best practices for transient/homeless enforcement to officers of the police department, public works, and code enforcement.
- Hire a community service officer to work with code enforcement and the police department in the proactive approach of preventing and enforcing relevant ordinances (camping, loitering and campfires).
- Strengthen public complaint process and increase communication with complainant.
- Publish weekly municipal code cites with locations, as well as arrest logs.

5. Engagement with other Organizations

- Assign a police officer to act as a liaison to the Placer County Sheriff’s Office “Problem Oriented Policing” (POP) Team. Ensure officer trains with the group and brings back best practices to the rest of the department.
- Assign City representative to participate in the Placer County Consortium for the Homeless, as well as the Homeless Resource Council of the Sierras, ensuring coordination with other jurisdictions, non-profits & related organizations.
- Continue to coordinate and engage with County Probation Department and the County Health and Human Services Department during the City’s “Proactive Team” of illegal camping enforcement.
- Coordinate with other land owning organizations within the City like Auburn Recreation District, Union Pacific, California State Parks, Auburn Union School District, Auburn Cemetery District, etc.

6. Measuring Success and Follow Up

- Establish a matrix that can measure police call reports and then review on an annual basis to determine if the effort is producing positive results.
- Develop quantitative and qualitative data for monthly and quarterly reporting, to monitor progress and publish for public viewing.
- Roles & Responsibilities:

Resource	Roles & Responsibilities
City Council	<ul style="list-style-type: none">• Provide strategic direction by reviewing recommendations and authorizing, as appropriate• Direct City Manager to implement specific initiatives• Communicate with residents and business groups on the importance of the activities and the progress the city is making
Task Force/ Advisory Group	<ul style="list-style-type: none">• Provide assistance in defining specific initiatives• Review and manage progress of the initiatives
City Manager	<ul style="list-style-type: none">• Accountable for implementation of initiatives• Direct Department Managers to implement initiatives as directed by City Council• Inform City Council on progress of initiatives
Department Directors	<ul style="list-style-type: none">• Responsible for implementation of specific items as directed by the City Manager

Finally, the Task Force recommends that city staff return to the City Council within 90 days on a plan or response to implementing the recommendations.

Appendences

Appendix A – 2016 Placer County Staff Report on Ordinance Comparison. (Page 8)

Appendix B – Initial list of potential CPTED (Crime Prevention Through Environmental Design improvements). (Page 10)

Appendix C – Draft Amended Ordinances related to camping, aggressive solicitation and loitering. (Page 11)

Appendix A
2016 Placer County Staff Report on Ordinance Comparison



MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE OFFICER
COUNTY OF PLACER

DATE: January 5, 2016
TO: Honorable Board of Supervisors
FROM: David Boesch, County Executive Officer
By: Joel Joyce, Management Analyst
SUBJECT: Quality of Life

ACTION REQUESTED

1. Receive an update on Quality of Life concerns.
2. Introduction of an Ordinance, waive oral reading, adding Article 9.14 and sections 9.14.010 to 9.14.110 to the Placer County Code regarding a Spray Paint and Graffiti Prohibition.
3. Introduction of an Ordinance, waive oral reading, adding Article 9.38 and sections 9.38.010 to 9.38.070 to the Placer County Code regarding Aggressive Panhandling.
4. Introduction of an Ordinance, waive oral reading, adding Article 9.40 and sections 9.40.010 to 9.40.040 to the Placer County Code regarding Urinating or Defecating in Public Places.

BACKGROUND

On November 17, 2015, your Board received a presentation on various "quality of life" issues in Placer County as constituents have reached out to Placer County through emails and phone calls expressing concerns in their communities and the degradation of safety, cleanliness, and community character. In response, your Board directed staff to further review quality of life issues regarding how other jurisdictions address the problem and how the California Penal Code addresses these issues. Additionally, your Board directed staff to reach out to Dr. Robert Marbut who is consulting the County on such issues and how to avoid constitutionality concerns in regards to criminalizing vulnerable populations. For graffiti, aggressive panhandling, and public urination/defecation, the table below compares these three quality of life issues with California State Penal Code, Sacramento County, City of Roseville, and finally, potential ordinances for Placer County.

Issue	CA State Penal Code	County of Sacramento	City of Roseville	Potential Placer County
Graffiti	<p>Section 594 (a) - "Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:</p> <p>(1) Defaces with graffiti or other inscribed material. (2) Damages. (3) Destroys..."</p>	<ul style="list-style-type: none"> • Declares Graffiti a public nuisance • Authority to abate • Cost Recovery • Penalty for violation refers to state law 	<ul style="list-style-type: none"> • Declares graffiti a public nuisance • Authority to abate • Prohibition against sales of graffiti implements to minors and abatement procedures for graffiti vandalized property • Treble Damages • Violation is an infraction or a misdemeanor 	<ul style="list-style-type: none"> • Declares graffiti a public nuisance • Authority to abate • Prohibition against sales of graffiti implements to minors and abatement procedures for graffiti vandalized property • Treble Damages • Violation is an infraction or a misdemeanor
Aggressive Panhandling	<p>Section 647© - "Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms."</p>	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. 	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. • No solicitation at night 	<ul style="list-style-type: none"> • Banks and ATMs; • Motor Vehicles; • Median Strips; • Driveways of Shopping Centers, Retail and Business Establishments; • Public Transportation Vehicles and Stops; and, • Gas Stations. • No solicitation at night
Public Urination / Defecation	<p>Section 370 - Public Nuisance - "Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons.."</p>	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Penalty for violation is a misdemeanor 	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Creates infraction or misdemeanor 	<ul style="list-style-type: none"> • Illegal to urinate or defecate in public place or public view • Creates infraction or misdemeanor

Appendix B

Initial list of potential CPTED (Crime Prevention Through Environmental Design) improvements:

- Maintain natural and installed landscaping in a way that deters camping, loitering, hiding, drinking/drug use, storage of items and dumping of trash and waste materials.
- Clear overgrown vegetation on public lands (i.e. Auburn Ravine Trail, McKenzie Ct, and other hotspots for illegal activity).
- Enforce hazardous weed abatement on private property to clear overgrown vegetation.
- Ensure culverts and drains are covered to prevent illegal entrance.
- Install locking-type covers on all exterior electrical outlets in shopping centers, private businesses, City buildings and in parks. Keep the covers locked at all times when the outlet is not in use by owner or their representatives.
- Ensure signage for rules of property use are installed and that rules are enforced. (i.e shopping centers, parks, and public gathering locations).
- Enforce sign ordinance both inside and outside of buildings and property.
- Lock restrooms and parking lot gates at parks after hours.
- Install raised dividers on sitting benches throughout the city to discourage use other than temporary sitting.
- Promptly remove graffiti. (Tunnels, overpasses, along RR property)
- Install security cameras in park parking lots.
- Deter overnight camping in secluded areas through engineered solutions (i.e. installed gravel/riprap, fencing, etc.).
- Improve lighting.
- Encourage the use of locking trash cans and enclosures.
- Enforce business, and municipal codes (junk vehicles, window advertising, etc.).
- Improve visibility into bus stops.
- Install riprap to discourage camping in specific areas.
- Ensure all wireless internet (Wi-Fi) connections require passwords or are turned off after hours to reduce loitering.
- CPTED strategies for the Auburn Ravine Trail:
 1. Increase lighting along the trail and under the boardwalk.
 2. Update the MOU with ARD to ensure regular and frequent vegetation clearance and trash pickup.
 3. Remove and store private belongings immediately.
 4. Install security cameras.
 5. Install rocks under the boardwalk in between the sidewalk and the creek.

Appendix C

Draft Amended Ordinances related to camping and loitering.

ORDINANCE NO. 18- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
AMENDING CHAPTER 102 OF THE AUBURN MUNICIPAL CODE REGARDING CAMPING,
AND AMENDING CHAPTER 130 OF THE AUBURN MUNICIPAL CODE REGARDING
GENERAL OFFENSES

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section One: Code Amendment. Subsection (B) of Section 102.03 of Chapter 102 of the Auburn Municipal Code is hereby amended to read as follows:

(B) It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents, the overnight camping is limited to not more than three (3) consecutive nights, and the overnight camping does not conflict with chapter 156 of this code. Upon a request from an enforcement officer or a peace officer, a person shall provide written proof within 48 hours of such request that the property owner has consented to the overnight camping as required by this subsection.

Section Two: Code Amendment. Section 130.110 of Chapter 130 of the Auburn Municipal Code is hereby added to read as follows:

LOITERING

§ 130.110 LOITERING.

(A) As used in this section, to “loiter” means to enter and remain on any public or private premises under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises (1) has no legitimate purpose connected with

the business or activity of the legal occupant of the premises, and (2) has no bona fide intent to exercise a constitutional right.

(B) It is unlawful for any person to loiter within the incorporated area of the city. A violation of this section is punishable under Auburn Municipal Code Chapter 10.

(C) Nothing in this chapter shall limit or preclude the enforcement of other applicable laws regarding conduct within the scope of this chapter.

Section Three: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section Four: Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Auburn hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Auburn Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section Five: Inconsistent Provisions. Any provision of the Auburn Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

Section Six: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: August ____, 2018

Bridget Powers, Mayor

ATTEST:

Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the __ day of August, 2018 by the following vote on roll call:

Ayes:

Noes:

Absent:

Amy Lind, City Clerk