

Council Action Items

39. Emergency Measures to Address Homeless Crisis

From: Mayor Arreguin

Recommendation: Take the following actions to implement emergency measures to address our growing homeless population:

1. Direct the City Manager to provide an update on staff and Council actions discussed on November 1, 2016 to respond to the homeless shelter crisis.
2. Direct the City Manager and Chief of Police to permit camping on designated public property, unless conditions arise posing an imminent threat to health and safety.
3. Establish an ad-hoc subcommittee to work with the City Manager to explore emergency solutions, including short-term Navigation Centers.
4. Refer to the City Manager and City Attorney to develop a formal city policy modeled after the proposed amendment to San Francisco's Police Code regarding the removal of encampments (see attached).
5. Adopt an Ordinance repealing Ordinance No. 7,449-N.S., which restricts the placement of objects on sidewalks to a 2 square-foot area.
6. Make the following allocations for homeless services from funding previously designated for the Homeless Locker Program: Restore \$5,722 for Berkeley Drop-In Center and \$50,000 for the Youth Spirit Artwork's BUSD Homeless Student Program. Allocate up to \$25,000 for three different Tiny Homes Pilot Projects, funding up \$10,000 each to proposals by Youth Spirit Artworks, and First They Came for the Homeless, and to up to \$5,000 to Vehicles for Change, based on staff evaluation of project feasibility and readiness.

Financial Implications: Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m. and to hold over items 34, 35, and 38 to January 24, 2017.

Vote: All Ayes.

Action: M/S/C (Hahn/Maio) to suspend the rules and extend the meeting to 12:15 a.m.

Vote: All Ayes.

Action: M/S/C (Bartlett/Wengraf) to direct the City Manager to utilize the Emergency Operations Center to expand shelters and warming centers including consideration of the items in #2 on the proposal submitted by Councilmember Worthington (below), and coordinate with the Alameda County Mobile Health Unit.

#2 - To address the immediate crisis on our streets, and while long term solutions are developed and funded, request the City Manager explore emergency solutions including top priority consideration:

- *Increasing capacity per night of Emergency Storm Shelter locations*
- *Increasing number of nights of Emergency Storm Shelter*
- *Identifying potential Warming Centers*
- *Explore potential Navigation Center(s)*
- *Consider accessing additional detox beds*

Vote: All Ayes.

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Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:35 a.m.

Vote: All Ayes.

Action: M/S/C (Worthington/Davila) to suspend the rules and extend the meeting to 12:40 a.m.

Vote: Ayes – Maio, Davila, Bartlett, Hahn, Worthington, Droste, Arreguin; Noes - Wengraf.

Action: 68 speakers. M/S/C (Hahn/Davila) to:

1. Create an *ad hoc* subcommittee, comprised of Mayor Arreguin and Councilmembers Maio, Davila, and Hahn, to work with the City Manager to explore emergency solutions/interim measures to address the homeless crisis.
2. Refer items 1, 2, 3, and 4 from Councilmember Worthington's proposal and items 1, 2, 3, and 4 from Mayor Arreguin's proposal to the *ad hoc* subcommittee.

Worthington Proposal

1. *Request the City Manager to provide an update to respond to the homeless shelter crisis.*
2. *To address the immediate crisis on our streets, and while long term solutions are developed and funded, request the City Manager explore emergency solutions including top priority consideration:*
 - *Increasing capacity per night of Emergency Storm Shelter locations*
 - *Increasing number of nights of Emergency Storm Shelter*
 - *Identifying potential Warming Centers*
 - *Explore potential Navigation Center(s)*
 - *Consider accessing additional detox beds*
3. *Refer to City Manager to develop a formal city policy regarding responding to encampments.*
4. *Evaluate property confiscation procedures in consultation with the Homeless Commission and groups that have lost property.*

Arreguin Proposal

1. *Direct the City Manager to provide an update on staff and Council actions discussed on November 1, 2016 to respond to the homeless shelter crisis.*
2. *To address the immediate crisis on our streets, and while long-term solutions are developed and funded, establish an ad-hoc subcommittee to work with the City Manager to explore emergency solutions/interim measures, including short-term Navigation Centers.*

By January 24, 2017 the Ad Hoc Subcommittee on Emergency/Interim Measures will also investigate and report to Council on addressing unregulated camping throughout Berkeley. The Ad-Hoc subcommittee should explore options that have been implemented in other

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*communities throughout the nation. Options to be explored include, but are not limited to: designating **one** location on public or private property, in a location that does not impact schools or residential neighbors, for camping, with sanitary and waste facilities on-site. In addition to sanitation, a regulated encampment should also include homeless outreach, services and case management, with the goal of getting people housed.*

Such short term camping, if allowed, could be modeled on regular/normal/typical camping procedures, including but not limited to applications for permission to camp, rules and regulations regarding conduct, limits on length of stay, with the goal of:

- *Providing some stability of location and physical security to allow homeless individuals to rest, access sanitary facilities and connect with outreach workers, housing and services.*
- *Temporary, while the City works to establish Navigation Centers based on SF's successful model.*

3. Refer to the City Manager and City Attorney to develop a formal city policy regarding the removal of encampments, modeled after the proposed amendment to San Francisco's Police Code (see attached).

4. Direct the City Manager to follow these interim regulations with respect to enforcement of Penal Code Section 647(e) and/or other rules regarding lodging on public property.

Except to address a health or safety emergency, the City shall prior to enforcement of illegal encampments provide:

- *48 hours' notice to campers before removal*
- *Enforcement actions to take place between 8 am and sunset*
- *Only cause for enforcement action shall be illegal lodging on public property, or public health or safety*
- *Any suspected violations or criminal activity should be investigated using the same policing standards and techniques applicable to all persons:*
 - *Police investigative work*
 - *Upholding reasonable suspicion standard for searches of homeless campers*
 - *Probable cause for arrest*
 - *Presumption of innocence until proven guilty*
 - *Fines or punishments imposed only by law against the person committing the unlawful act: no collective punishments ever*
- *Comply to the letter with Berkeley's policies regarding removal and storage of Unattended Property*
- *Make special efforts to coordinate with people for immediate retrieval of confiscated items*

Vote: All Ayes.

Action: M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,527–N.S. amending Berkeley Municipal Code Section 14.48.170; and direct the City Manager to explore creation of a storage program with multiple sites, using existing service locations/providers to achieve more accessible storage at a lower cost. Second reading scheduled for January 24, 2017.

Vote: Ayes – Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Maio.