

REQUEST FOR COUNCIL ACTION

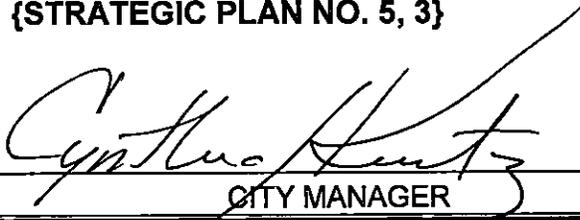


CITY COUNCIL MEETING DATE:

OCTOBER 3, 2017

TITLE:

EMERGENCY ORDINANCE: AMENDING AND ADDING NEW SECTIONS TO SANTA ANA MUNICIPAL CODE CHAPTER 10, ARTICLE 10 RELATED TO STORAGE OF PROPERTY, PROHIBITION OF ANIMALS, VEHICLE ACCESS AND SERVICES IN THE CIVIC CENTER AREA {STRATEGIC PLAN NO. 5, 3}


CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- As Recommended
- As Amended
- Ordinance on 1st Reading
- Ordinance on 2nd Reading
- Implementing Resolution
- Set Public Hearing For _____

CONTINUED TO _____

FILE NUMBER _____

RECOMMENDED ACTION

Adopt an emergency ordinance to amend Section 10-551 and add new Sections 10-552, 10-553, and 10-554 to the Santa Ana Municipal Code related to the storage of property, vehicle access and volunteer services in the Civic Center area.

DISCUSSION

The government center for Orange County is the Santa Ana Civic Center. The services provided by the county, state, federal, city and court jurisdictions at the Civic Center share the common areas between the various government buildings. The goal is for these shared common areas to be clean, safe, and well maintained so that all that visit the Civic Center are well served.

Civic Center Regulations:

On December 20, 1993, the City Council approved Ordinance No. NS-2210 adding Section 10-551 to Chapter 10 of the Santa Ana Municipal Code for the purpose of regulating camping and storage of property in the Civic Center Area. The SAMC contains similar regulations that apply throughout the City's boundaries as well.

For three decades now, homeless individuals have increasingly gathered on a daily basis in the Civic Center Area, where they can receive services and food provided by local non-profits. The homeless population has risen dramatically in the past year alone. For example, there are estimated to be approximately 175 unsheltered homeless in the Plaza of the Flags alone per the Civic Center Patrol team. Even more significant, however, are the health and safety risks arising from the excessive accumulation of property in the Civic Center.

Emergency Ordinance: Amending and Adding New Sections to Santa Ana Municipal Code Chapter 10, Article 10, Related to Storage of Property, Prohibition of Animals, Vehicle Access and Services in the Civic Center Area

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On September 6, 2016, the City Council adopted Resolution No. 2016-073 after closely examining the homeless conditions and declared a public health and safety homeless crisis in the Civic Center Area. On September 20, 2016, the City Council approved the Civic Center Safety and Security Enhancement program prepared in collaboration with the County of Orange and input provided by City bargaining groups. Included in the program are nine points which have been implemented or in progress. Progress on the Civic Center and Security Enhancement program was presented to the City Council on May 2, 2017. Attached is an update on the progress of the program as of September 27, 2017 (See Exhibit 2).

Conditions in the Civic Center have steadily worsened since the City Council declared a crisis and now threaten to overwhelm the City's ability to manage them with its current resources, including limited Parks and Police Department staff assigned to keep maintenance and order in the area.

The homeless individuals in the Civic Center have erected shade structures and tents and more recently have begun to accumulate various household items, including mattresses, propane stoves, sofas, desks and area rugs, among other items. Law enforcement officers have cited an increase in narcotics use and sales and physical and sexual assaults occurring within the encampment areas which are not visible or easily accessible to law enforcement officers due to the shade structures and tents and excessive crowding. Law enforcement also report increased instances of having to intervene in personal altercations between homeless individuals.

In the past year, the City has received numerous written and verbal complaints about the conditions in the Civic Center Area from:

- 1) Citizens coming to the area to conduct business;
- 2) Employees of the City and the County of Orange coming to and going from work;
- 3) State and federal representatives charged with managing the nearby buildings;
- 4) The Chief Executive Officer and Jury Commissioner of the Orange County Superior Court; and
- 5) The President of the law Library Board of Trustees regarding the Orange County Public Law Library and conditions in the Civic Center (See Exhibit 3)

The complaints have identified significant health, safety and welfare concerns, including:

- Employees having to walk over human waste and through make-shift encampments filled with litter and used hypodermic needles;
- An increase in used and discarded hypodermic needles found in the Santa Ana Library, where children, often unaccompanied, are often the primary patrons. The Santa Ana Library reported, as of August 2017, finding 101 needles since January 2017 (see attached Exhibit 4) placing its employees and patrons at risk of disease or injury;

Emergency Ordinance: Amending and Adding New Sections to Santa Ana Municipal Code Chapter 10, Article 10, Related to Storage of Property, Prohibition of Animals, Vehicle Access and Services in the Civic Center Area

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- Used and discarded hypodermic needles found in the Civic Center Area;
- Homeless individuals tossing buckets of urine over rails and onto pathways where individuals are splashed with the waste;
- Potential jurors asking for their jury service location to be transferred from the Central Justice Center to another location;
- An increase in large rats and insects in the area;
- An increase in vandalism and damage to City property and buildings within the Civic Center area, including an incident on Sunday, September 3, 2017, when the City Hall glass break alarm security system was activated due to a glass break at the Housing Authority offices. SAPD was dispatched and apprehended the perpetrator, who was a homeless individual still in the building. The individual caused the following damage:
 - Two ground level windows were broken
 - Housing Authority fire hose was activated, drenching the carpet and walls, and Ajax cleanser was dispersed on carpet
 - Housing Authority kitchen area was left in disarray, as the perpetrator was preparing to eat staff's food and left refrigerated food out
 - Hallway name plates were stolen
 - Interior door jams were vandalized
 - The total vandalism costs, including after-hours response, clean-up, and correction costs, are still being determined.
- An accumulation of discarded household items and broken chairs;
- Increased incidents of employees attacked and bitten by dogs; and
- Portable shower structures without proper plumbing, allowing waste water runoff to spill into public walkways and ultimately into storm drains, which is a violation of the City's National Pollutant Discharge Elimination System permit.

On a recent walkthrough of the Civic Center Area, City staff observed the following: individuals using hypodermic needle disposal bins and buckets as portable toilets; tents and areas in unsanitary conditions and filled with wet and soiled clothing and broken items; people cooking on propane stoves; generators connected to television sets; large numbers of bicycle frames and parts; unrestrained dogs that had recently had large litters of puppies; excessive accumulation of personal property; and a woman walking around warning others of a breakout of Hepatitis A. These and other conditions are depicted in photos collectively attached as Exhibit 5.

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The City has learned of recent media reports of Hepatitis A outbreak in San Diego and Los Angeles Counties largely attributed to homeless individuals sitting and sleeping on unclean sidewalks and streets and preparing food without proper sanitation procedures.

Over the past year, resources in the immediate area have become available to assist the homeless. On October 6, 2016, the County of Orange announced the opening of a transitional center for Civic Center homeless, designated to benefit and serve homeless individuals in the Civic Center. The year-round transitional center with emergency shelter beds and enhanced services at the former Santa Ana Transit Terminal, which was renamed "The Courtyard", was designated by the County of Orange for those without permanent housing who have congregated in the Santa Ana Civic Center. But even these resources have not resulted in a measurable decrease in the continuing health and safety concerns raised by the large unsheltered homeless population living in the Civic Center.

Health and safety conditions have deteriorated significantly in the Civic Center Area such that immediate action by City Council amending Santa Ana Municipal Code Section 10-551 and adding Sections 10-552, 10-553 and 10-554 is warranted. These ordinances are intended to address the ongoing health and safety concerns arising from unsanitary conditions, an infestation of insects and rodents, and hazardous items, all of which place the individuals temporarily living in the Civic Center, Civic Center employees, and the general public at serious risk of injury or disease.

Civic Center Outreach, Education and Enforcement:

Upon the adoption of the Civic Center emergency ordinance (Exhibit 1), the Santa Ana Police Department Homeless Engagement Assistance and Resource Team (HEART) Coordinator partnered with officers from the Civic Center Patrol will engage in a week long Civic Center Outreach, Education and Enforcement campaign. The goal is to contact individuals currently storing property within the Civic Center complex and inform them of the new ordinance and the types of property prohibited within the Civic Center Complex. All individuals contacted will be advised of an upcoming power washing, which is scheduled to occur on Tuesday 10-10-2017, that will encompass the entire Plaza of the Flags area. All property will be either voluntarily removed by the owners, or if deemed abandoned, the property will be stored by Park and Recreation staff and debris and rubbish will be properly disposed. The removal of property will be properly documented by staff and captured on video via officer body worn cameras and cameras located in the Civic Center. Individuals that do not comply with the ordinance will be cited on a go forward basis.

In addition, and as part of this campaign, staff will coordinate with non-profits and faith based organizations to engage the homeless population and inform individuals of available resources and locations as to where they may seek services. Bus passes will be made available to homeless individuals seeking transportation to these resources and to store or collect personal property items stored at the City Yard.

City-Wide Regulations and Next Steps:

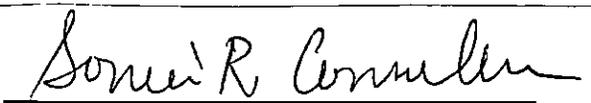
An inter-departmental team comprised of staff from the City Manager's Office, City Attorney's Office, Community Development, Public Works, Police Department, Parks and Recreation developed the emergency ordinance as well as draft Civic Center policy and procedures for unattended and abandoned property (Exhibit 6) collectively referenced as the Civic Center Plan. This Civic Center Plan will be expanded for City-Wide use and will encompass additional elements to address homeless related issues in parks, riverbed and the public right-of-way. To this end, the inter-departmental team will modernize the camping ordinance for City Council consideration, continue to enforce park closing hours, and develop City-wide procedures for the removal and storage of unattended and abandoned items. In addition, the HEART team will actively seek to increase mental health professional resources to respond to on-scene mental health crisis from three days to seven days a week.

STRATEGIC PLAN ALIGNMENT

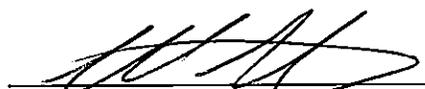
Approval of this item supports the City's efforts to meet Goal #5 – Community Health, Livability, Engagement & Sustainability, Objective #3 (Facilitate diverse housing opportunities and support efforts to preserve and improve the livability of Santa Ana neighborhoods).

FISCAL IMPACT

There is no fiscal impact associated with the approval of this action. However, Staff will seek City Council approval in the event that additional resources are needed to implement the Civic Center Plan.

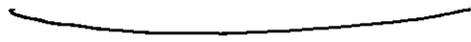


Sonia R. Carvalho
City Attorney
City Attorney's Office



Robert C. Cortez
Deputy City Manager
City Manager's Office

- Exhibit 1: Ordinance
- Exhibit 2: Civic Center Safety and Security Enhancement Program Update
- Exhibit 3: OC Public Law Library Complaint Letter dated 9/22/17
- Exhibit 4: Santa Ana Library Incident Log
- Exhibit 5: Photos
- Exhibit 6: PRCSA Draft Policy & Procedures for Unattended and Abandoned Property in the Civic Center



ORDINANCE NO. NS-XXXX

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 10-551 AND ADDING NEW SECTIONS 10-552, 10-553 AND 10-554 TO THE SANTA ANA MUNICIPAL CODE RELATED TO STORAGE OF PROPERTY, PROHIBITION OF ANIMALS, VEHICLE ACCESS AND VOLUNTEER SERVICES IN THE CIVIC CENTER AREA

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. On December 20, 1993, the City Council approved Ordinance No. NS-2210 adding Sections 10-550 and 10-551 to Chapter 10 of the Santa Ana Municipal Code for the purpose of regulating camping and storage of property in the Civic Center Area.
- B. For three decades now, homeless individuals have increasingly gathered on a daily basis in the Civic Center Area where they can receive services and food provided by local non-profits and volunteers. Over the past year alone, the homeless population has dramatically increased.
- C. The homeless individuals in the Civic Center have erected shade structures and tents and more recently have begun to accumulate various large or bulky household items, including mattresses, dressers, propane stoves, sofas, desks, and area rugs, among other items.
- D. In the past year, the City has received numerous written and verbal complaints about the conditions in the Civic Center Area from 1) citizens coming to the area to conduct business; 2) employees of the City and the County of Orange coming to and going from work; 3) state and federal representatives charged with managing the nearby buildings; and 4) the Chief Executive Officer and Jury Commissioner of the Orange County Superior Court.
- E. The complaints have identified significant health, safety and welfare concerns, including but not limited to:
 - 1) Employees having to walk over human waste and through make-shift encampments filled with litter and used hypodermic needles;
 - 2) Homeless individuals tossing buckets of urine over rails and onto pathways where individuals are splashed with the waste;

- 3) Potential jurors asking for their jury service location to be transferred from the Central Justice Center to another location;
 - 4) An increase in large rats and insects in the area;
 - 5) An increase in vandalism and damage to City property and buildings within the Civic Center area;
 - 6) An increase in narcotics use and sales and physical and sexual assaults occurring within the encampment areas which are not visible or easily accessible to law enforcement officers due to the shade structures, tents, and excessive crowding;
 - 7) Used and discarded hypodermic needles found in the Civic Center including the Library, which reported, as of August 2017, finding 101 needles since January 2017 placing its employees and patrons, including children and unaccompanied minors, at risk of disease or injury;
 - 8) An accumulation of discarded and broken household items;
 - 9) Increased incidents of individuals or employees being attacked and bitten by dogs; and
 - 10) Portable shower structures without proper plumbing, allowing waste water runoff to spill into public walkways and ultimately into storm drains which is a violation of the City's National Pollutant Discharge Elimination System permit.
- F. On a recent walkthrough of the Civic Center Area, City staff observed the following: individuals using hypodermic needle disposal bins and buckets as portable toilets; tents and areas in unsanitary conditions filled with wet and soiled clothing and broken items; people cooking on propane stoves; generators connected to television sets; large number of bicycle frames and parts; unrestrained dogs that had recently had large litters of puppies; excessive accumulation of personal property; and a woman walking around warning others of an outbreak of hepatitis A.
- G. The City has learned of recent media reports of hepatitis A outbreaks in San Diego and Los Angeles Counties largely attributed to homeless individuals sitting and sleeping on unclean sidewalks and streets and preparing food without proper sanitation procedures.
- H. On October 6, 2016, the County of Orange announced the opening of a year-round transitional center designated to benefit and serve homeless individuals congregated in the Santa Ana Civic Center. Located at the former Santa Ana Transit Terminal and renamed "The Courtyard", it has emergency shelter beds and enhanced services for those without permanent housing.
- I. The City has closely examined the homeless conditions and on September 6, 2016, the City Council adopted Resolution No. 2016-073 and declared a public health and safety homeless crisis in the Civic Center Area. Conditions have since deteriorated significantly such that the City Council has determined that it must take further and immediate action to address the crisis.

- J. The City Council has determined based on the recitals and the information contained in the Request for Council Action presented to the City Council that it must immediately adopt new regulations to address the ongoing health and safety concerns regarding unsanitary conditions, an infestation of insects and rodents, and hazardous items that place employees, the general public and individuals temporarily living in the Civic Center Area at risk of injury or disease.

Section 2. Section 10-551 of the Santa Ana Municipal Code is hereby amended and new Sections 10-552, 10-553 and 10-554 are hereby added to read as follows:

ARTICLE X. CIVIC CENTER REGULATION

Sec. 10-551. – Storage of Property Prohibited in Civic Center

(a) Within the Civic Center, possession and/or use of the following items or engagement in the following activities are prohibited:

- (1) Placement of any item in a manner that impedes pedestrian access to/through the public walkways or general right-of-way.
- (2) Placement of any shade structure such as an umbrella or canopy in a manner that creates an enclosed structure.
- (3) Construction and landscaping materials including but not limited to, lumber, pallets, plywood, paint, drywall, nails, screws, hammers, screwdrivers, small hand tools, or cutting tools.
- (4) Compressed gas containers.
- (5) Weapons.
- (6) Generators, solar panels, or motorized vehicle batteries or accessories.
- (7) Machinery, including but not limited to, power tool or construction equipment.
- (8) Amplifiers.
- (9) Hazardous chemicals or materials.
- (10) Barbecues or grills.
- (11) Propane tanks.
- (12) Gasoline or other similar combustible or flammable liquids, gases or solid fuels.
- (13) Shopping carts.
- (14) Furniture, including but not limited to, recliner chairs, mattresses, sofas, coffee tables, desks, chests of drawers, and bookcases.
- (15) Athletic equipment such as baseball bats, boxing apparatus, weights, hockey sticks, golf clubs or similar items.
- (16) Outdoor showers.
- (17) Camping or any items used as temporary toilets.
- (18) Storage of non-functioning bicycles or bicycle parts.
- (19) Storage, dismantling and sorting of any discarded recyclable materials such as newspapers, metals, cans, or bottles.
- (20) Area rugs or carpets.

- (21) Construction or establishment of any building or structure of whatever kind, whether permanent or temporary in character, or running or stringing any utility cord or line into, upon, or across the Civic Center Area.
- (22) Dumping, depositing, or leaving any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash.
- (23) Conducting, advertising, announcing, or calling the public attention to the purchase, barter or sale of any article, good or service for sale or hire, unless by any regularly licensed business or concessionaire acting by and under the authority and regulation of the City.
- (24) Possession or storage of any uncapped hypodermic needles, unless within a medically approved and sealed container.
- (25) All other similar items or activities which present a risk of injury, disease or a health or safety concern.

(b) Placement of any item within 70 feet of any building in the Civic Center shall be prohibited. In accordance with Homeland Security blast radius estimates, all unattended items abutting against or within 70 feet of any building in the Civic Center may be immediately impounded in the interest of public safety.

(c) Notwithstanding subsection (a) or (b) of this section, a public agency, a non-profit entity or an individual shall not be in violation of this section if they have a permit or written permission from the City Manager, or their designee, to possess the prohibited items or engage in the identified activities in connection with an approved contract for work, event or celebration.

Sec. 10-552. – Animals Prohibited in the Civic Center

No person shall own, keep or harbor any animal in the Civic Center, except for service dogs as defined by law.

Sec. 10-553. – No Vehicles in Pedestrian Areas in the Civic Center

No person shall operate or park a motorized vehicle in the Civic Center, except on a vehicular road designated for that purpose in the Civic Center, without the written permission from the City Manager, or their designee, provided however, that this section shall not apply to law enforcement vehicles, maintenance vehicles or contractor vehicles on Civic Center plazas, walkways or other areas intended for pedestrians where the drivers of these vehicles are on the property to fulfill their professional responsibilities.

Sec. 10-554. – Unpermitted Services in the Civic Center

(a) No person, entity, organization or business shall provide food, medical or social services in the Civic Center without first obtaining the written permission of the City Manager, or their designee, and any applicable licenses or permits required to provide such services or access to Civic Center property. The purpose of this section is to ensure

that all services are provided in an organized manner by those who have the proper experience or credentials needed to provide the service and who have submitted a set-up and clean-up plan.

(b) This section shall not apply to City, County, State or Federal employees conducting official business or those who are contracted by these agencies to provide services related to that official business.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 4. This ordinance is declared by the City Council to be necessary as an emergency measure for preserving the public peace, health and safety, and containing a statement of the reasons for its urgency, thus it may be introduced and adopted at one and the same meeting if passed by the affirmative votes of at least two-thirds (2/3) vote of the City Council Members pursuant to Section 415 of the City Charter and shall be immediately effective pursuant to Section 417 of the City Charter.

ADOPTED this ____ day of _____, 2017.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:



By: Sonia R. Carvalho
City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

ABSENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-XXX to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Maria D. Huizar
Clerk of the Council
City of Santa Ana

EXHIBIT 2

Civic Center Safety and Security Enhancement Program Update

September 27, 2017

		Status
1	<i>Provide Santa Ana employee parking at the parking structure adjacent to the City library or the parking structure adjacent to City Hall</i>	Completed
2	<i>Work diligently with the state and county to relocate the Orange County Needle Exchange Program (OCNEP) from the Civic Center area</i>	The Civic Center Emergency Ordinance will establish a permit process that may limit the location as to where the OCNEP may operate. In addition, Staff is working with Townsend Public Affairs on identifying the timing of the renewal process in order to submit comment and impacts to Santa Ana's community*
3	<i>Install improved safety lighting in the Civic Center area</i>	In progress. The County has awarded a contract and developing an installation schedule.
4	<i>Work with the County to identify a better location for non-profits and organizations to feed the homeless, such as the Bus Terminal</i>	Completed. Feedings are to occur at the Courtyard.
5	<i>Increase the number of security guards patrolling the Civic Center area such that they are available to members of the public and employees to answer questions or escort individuals through the Civic Center</i>	Completed. Hired three additional security guards.
6	<i>Continue to power wash the Civic Center area on a regular basis</i>	Completed. Ongoing.
7	<i>Install a kiosk and provide for staffing to offer directions and information to the public</i>	Funds were directed to the Lighting line item.
8	<i>Increase in Police presence and more proactive Policing.</i>	Completed. Ongoing.
9	<i>Provide additional staffing for departments charged with enforcing code violations or prosecuting crimes committed in the Civic Center area</i>	Completed. Ongoing.
<i>Add'l item</i>	<i>Safety Assessment by independent Safety/Security consultant</i>	Completed

*The OCNEP received a 2-year license from the State office of AIDS set to expire 2/11/18. OCNEP has not applied for a renewal but can request so at any time. Prior to any consideration of renewal, stakeholders, including Santa Ana, will be asked to comment.

ORANGE COUNTY PUBLIC LAW LIBRARY

515 NORTH FLOWER STREET
 SANTA ANA, CALIFORNIA 92703-2354
 (714) 338-6790 • FAX (714) 338-6814

WWW.OCPLL.ORG

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 PROFESSOR LINDA KAWAGUCHI
 JUDGE GLENN R. SALTER

2017 SEP 26
 CITY OF SANTA ANA
 CLERK OF COUNCIL



September 22, 2017

TO: The Honorable Board of Supervisors, County of Orange
 The Honorable Mayor and Members of the Council, City of Santa Ana
 Chair, Orange County Civic Center Authority

As President of the Board of Trustees of the Orange County Public Law Library, I write to inform you of our Board's concerns about the conditions in the Civic Center and the impact the actions of some members of the homeless community have had upon our ability to carry out the Law Library's mission to provide access to legal information to all residents of the County.

In the period from June 17, 2017 to August 31, 2017, the following incidents occurred at the Law Library:

- 17 incidents of apparent drug use inside the restrooms (abandoned syringes)
- 9 incidents of serious unsanitary conditions inside the restrooms (blood on walls, inches of water on the floor, etc.)
- 2 incidents of public urination on carpet
- 4 exterior window walls broken during closed hours
- A screaming man pounded on an interior glass wall, harassed custodian and tried to hit the security guard; he then challenged a county worker and patron to fight one on one before eventually leaving the building (while staff was still waiting for law enforcement to arrive)
- A screaming woman refused to leave the restroom so that it could be cleaned, was extremely verbally abusive to staff and the guard, spat on the guard and threatened to hit him
- Multiple instances of urination/defecation in both hardscape and landscaping around the exterior of the building, creating pedestrian hazards and odor that entered interior areas of the building

The Law Library is the closest public building to the encampment on the Plaza of the Flags, and the individuals camping there and elsewhere in the Civic Center cannot have all their sanitation needs met at the Law Library. Our restrooms are small and designed per Building Code requirements to provide for the expected normal number of library visitors using our legal materials, not for the hundreds of individuals camping

September 22, 2017

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outside. The toilets are often clogged, sometimes by clothes or other solid objects stuffed into them. The sinks do not accommodate the 10 gallon buckets individuals are using to have fresh water at the campsite, so the inevitable spills create a slipping hazard inside the Library building. (It is notable that when one of the glass walls of the Library was broken into this past month, a security camera captured a number of homeless walking through the broken glass simply to use the Library's drinking fountain.) Unsanitary and flooded conditions in the restrooms regularly require the restrooms be closed to use by the public. Even with restrooms available, there have been multiple occurrences of individuals urinating and defecating inside the elevator and hallways of the Law Library building.

The presence of so many homeless people at the Library's doorstep is more than a mere annoyance; it is a danger to Library staff and patrons. The risk of disease from feces on the Library carpets and literally scores of hypodermic needles discarded in various areas of the Library within the past year is not imaginary. San Diego County recently suffered an outbreak of hepatitis A that killed 16 people, and sickened 421 more. This outbreak occurred primarily within the homeless population, but also affected a substantial number who associated closely with that community.

Disease is not the only risk faced by library staff and patrons. Combative, mentally-ill transients routinely challenge library staff, both verbally and physically. Staff members arriving early in the morning entered the library and found it has been broken into during the night and left unsecured. Given the safety risks almost daily encountered over the past two or more years, only sheer luck has prevented serious harm to staff and patrons.

That luck ran out, however, on July 13, 2017. On that day, a transient was found in the restroom mixing some type of chemical which created a strong odor that spread into the adjacent hall and entryway. It took 20 minutes of staff and guard intervention just to get the person out of the restroom. The odor persisted for days until a hazmat contractor came to clean the location. Most importantly, the security guard, day porter, and three staff members suffered adverse physical reactions to the incident, including burning eyes, breathing difficulties, vision problems, and throat irritation. Two staff members filed workers' compensation claims as a result of their injuries.

Our Library staff should not have to face daily threats to their physical health just to perform their jobs. Despite declining revenues, the Library's Board of Trustees voted last year to hire a security guard. After the harm suffered by staff due to the July incident, suggestions have been made to hire a second guard, primarily to police the public restrooms. The cost of doing so, however, would require further cuts to library services.

ORANGE COUNTY PUBLIC LAW LIBRARY

September 22, 2017

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I have lamented that something will only be done about the situation if and when someone dies or is permanently injured. We should not wait until then. We request that you take immediate action to promote a healthier, safer environment at the Civic Center location surrounding the Law Library.

Until a long-term solution can be achieved, we request, at a minimum, the placement of temporary restrooms, a clean water source, and a cell phone charging station in the plaza near the Law Library. These simple steps should prove neither costly nor controversial. But they will greatly reduce the strain now being placed on Library resources. More important, they will promote the welfare of not only the Library staff and patrons, but also the campers outside our door.

We understand that many entities are involved in efforts to address this problem, and we hope they can work together to find a more permanent resolution. But in the interim, immediate action is necessary to avoid further harm to Library staff and patrons. If you have questions regarding our request, or need assistance in implementing this interim solution, please do not hesitate to contact the Law Library Director, Maryruth Storer at 714.338,6802, mstorer@ocpll.org.

Sincerely,



The Hon. Craig L. Griffin
President, Law Library Board of Trustees

Exhibit 4 - Request for Council Action
October 3, 2017

Santa Ana Public Library - Incident Log

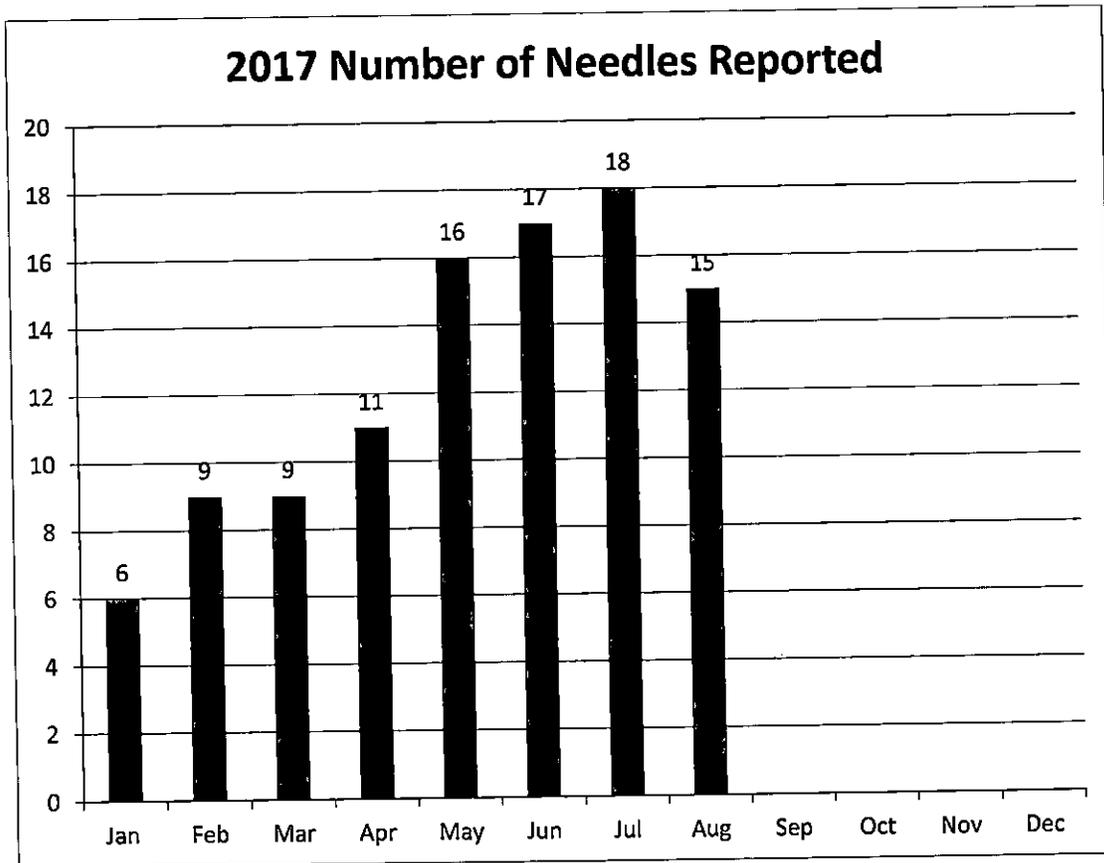


EXHIBIT 5



EXHIBIT 5

50A-20



50A-21



50A-22



50A-23



50A-24



50A-25



50A-26

Surveillance Camera – Not Installed by City





50A-28



Amplifier

Television

Speaker and Amplifier



50A-30



50A-31





50A-33



50A-34



50A-35



50A-36



50A-37







50A-40





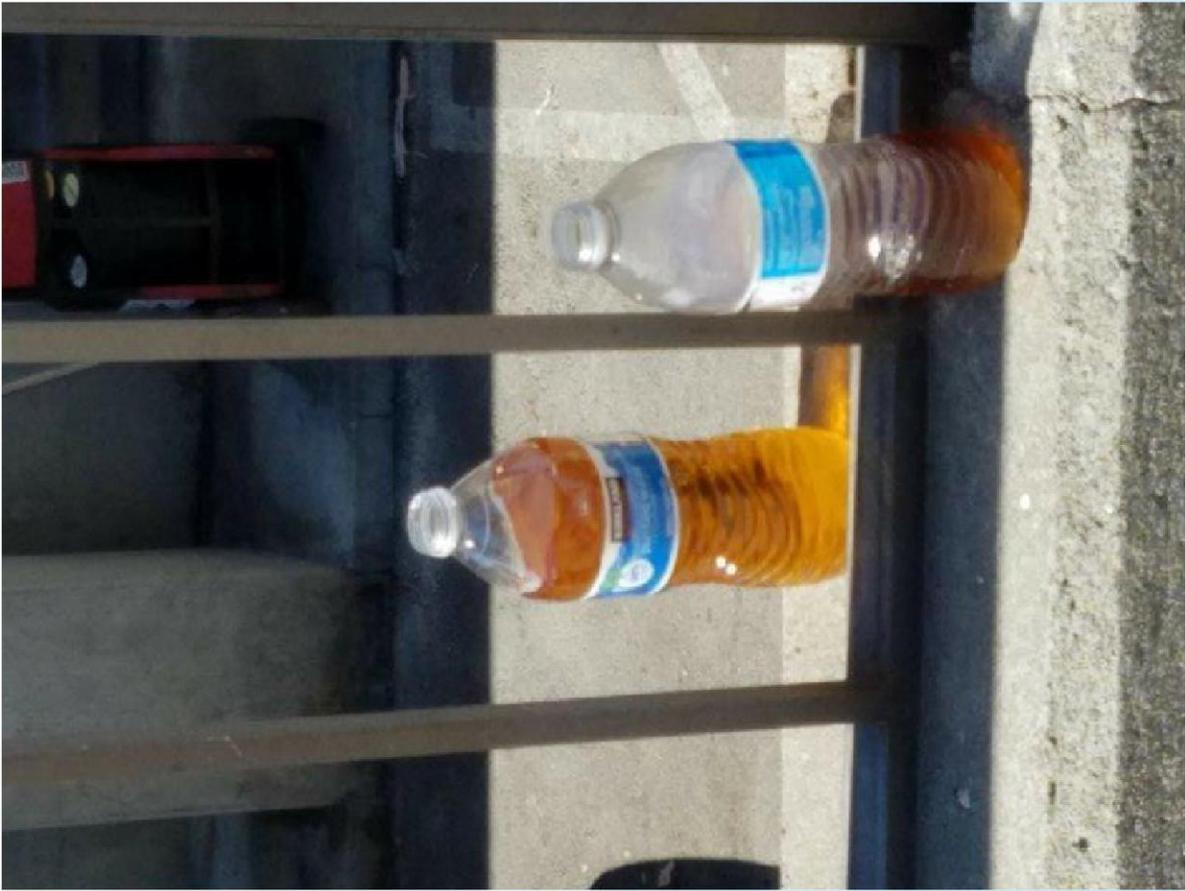
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Policy and Procedures
for Unattended and Abandoned Property
in the Civic Center

The City of Santa Ana Parks, Recreation and Community Services Agency (PRCSA) strives to maintain public properties and the civic center grounds in an attractive, safe and clean condition.

A. Special Maintenance and Power Washing

The Civic Center Grounds are maintained on a daily basis (i.e. mowing, landscaping, trash pick-up, repairs, fountain maintenance, power washing, etc.). During these times request will be made to remove/relocate property and Notices will be posted.

B. Posting Notices

1) Notice to Remove Property

During Special Maintenance or Power Washing a "Notice to Remove Property" will be posted 24 hours in advance to notify individuals to remove property from the area. Any property left in the area at the time of the scheduled maintenance will be discarded or tagged for storage.

2) Notice to Retrieve Property

A "Notice to Retrieve Property" will be posted or placed by the location where property was collected and placed in storage to notify owner where property can be pick-up. Property must be picked up within ninety (90) days or will be discarded.

3) Notice to Collect Unattended Property

When unattended property is picked up by City staff, a "Notice to Collect Unattended Property" will be placed at the location where property was found to notify the owner as to where the property was taken.

PRCSA staff shall adhere to this policy when removing personal items from Civic Center area for temporary storage and retrieval. These procedures are commonly known as "bag and tag." This policy applies to both attended and unattended property.

The term property shall include, but is not limited to:

Clothing	Duffle Bags	Suitcase	Watches
Jewelry	Radios	Backpacks	Blankets
Cosmetic Bags	Medications	Eye Glasses	Purses/Handbags
Briefcases	Sleeping Bags	Bed Rolls	Towels
Personal Records	Camping Equip.	Photographs	Reading Materials
Bicycles			

Distinguishing Between Unattended vs. Abandoned Property: Temporarily unattended property is different from abandoned property. In determining if property is abandoned, staff will evaluate the facts and circumstances surrounding the items. Unattended property is not abandoned if it is accompanied by signs of ownership - for example, an unattended tent that is filled with personal belongings or items that are being stored in an orderly manner (i.e., packed up, wrapped, or covered). In addition, if there is a third party present who states s/he has been designated to watch or secure the items during the owner's temporary absence, the items are not abandoned.

By contrast, abandoned items are unaccompanied by objective indications of ownership, for example, an empty or broken tent sitting by itself on a sidewalk with no other belongings, a bag of soiled clothes open and strewn across a sidewalk, or items that are broken, disheveled, surrounded by trash, or show other signs of neglect. The "bag and tag" policy does not apply to abandoned property. Abandoned property can be immediately discarded

A. Procedures for Unattended Property

- 1) Unattended personal property will be posted with a 24 hour notice. (See attached Notice to Collect Unattended Property). If property is not collected prior to the expiration of the 24-hour period, the property will be collected by City staff and stored at the Santa Ana City Yard (220 S. Daisy Ave. Santa Ana, CA). Property collected in the immediate area and loose items are to be placed in bags, taken to the City Yard, and logged in the property log (i.e. "bag and tag"). At the time of removal, PRCSA staff shall post a Removal Notice in the area of the Civic Center from which the unattended property is removed. (See attached Removal Notice.) PRCSA will not remove the notice for at least 24 hours.
- 2) All personal property other than "Items That May Be Disposed" (defined below in A.3), shall be bagged and stored. This includes items of value (i.e., identifiable medication, eyewear, medical devices, personally identifiable documents, tents, bedding, and clothing).
- 3) Items That May Be Disposed and not stored by PRCSA:
 - i. Trash or debris including paper refuse, cardboard, food remains, empty glasses, and bottles and cans. If there is reasonable doubt as to whether items constitute trash or debris, staff should bag and tag the items.
 - ii. Perishable food items
 - iii. Property that presents an immediate threat to public health or safety (i.e. soiled items, needles, or items infested with vermin)
 - iv. Property that is evidence of a crime or contraband shall be referred to the SAPD or stored, unless subject to one of the other exceptions under this Section A.3.
 - v. Furniture, mattresses, sheds, rolling structures, and bulky Items. A "Bulky Item" is a single item that does not fit in a 60-gallon container with the lid closed, except for a tent, or an operational

walker, operational wheelchair, operational crutches or operational bicycle. Any personal belongings inside a bulky item shall be stored even if the bulky item itself is discarded.

- 4) If a person returns when the property is being collected and claims ownership or control over the property, treat it as attended property (see below).
- 5) Under no circumstances may City employees take or keep for themselves unattended personal items, or allow non-City personnel to take unattended property for their own use.

B. Procedures for Attended Property

- 1) When an individual is storing personal property on Civic Center property in violation of the City Code or other law, staff should request that the owner remove the property and give the owner 24 hours to collect and move the property, considering any special needs that the owner may have and the volume of belongings. If the owner refuses to remove the property, or does not comply, bag and tag the property in accordance with the procedures identified in Section (A) above.
- 2) At the time of removal, staff should provide the owner with a Removal Notice (See attached). Staff need not post the Removal Notice if the owner is present and is given the Removal Notice.
- 3) PRCSA may discard any items the owner affirmatively states that he or she does not want.

C. Procedures if Taken into Police Custody

- 1) Personal property is to be bagged and tagged in accordance with the above procedures. SAPD shall notify staff if property is needed for evidence and stored or released under a different procedure.
- 2) Staff should provide the owner with information regarding how, where, and when the property can be retrieved and should provide a Removal Notice and give it to the owner or arresting officer.

D. Policies and Procedures Pertaining to all Property

- 1) This policy does not require employees to open bags, containers, or other articles found in the referenced areas, to inspect contents, or to handle trash debris or garbage, in any other manner other than to follow bag and tag procedures, transport and store.
- 2) Under no circumstances should staff argue with any person over claimed property. Staff should release property under all circumstances. If staff has any questions, they should contact their supervisors as soon as possible.
- 3) If staff encounters verbal harassment or abuse, verbal threats, physically threatening behavior, threatening graffiti, or safety hazards, they should call SAPD Civic Center Patrol and report the incident to their supervisor. They are tracking these types of incidents as a workplace safety issue.

- 4) City staff shall exercise care when removing items and wear proper safety attire, gloves, mask and watch for syringes and/or human waste.
- 5) If City staff believes that the property is a health and safety hazard and should not be stored, staff should dispose of the property appropriately. Items that constitute a health or safety hazard include items soiled by bodily fluids, items infested by insects or vermin, and perishable food items. If City staff has some doubt, they shall request assistance from their supervisor. Weapons shall not be stored; they shall either be destroyed and disposed of safely in the case of "homemade" weapons or turn them over to SAPD. Needles are to be disposed of in sharps containers. Illegal drugs should be turned over to SAPD.
- 6) If an item appears to be stolen, City staff shall contact SAPD.
- 7) All personal property (i.e., items that are not "Items That May Be Disposed"), shall be stored.
There is no limit to the number or volume of personal items that PRCSA will bag and tag for a particular individual so long as they are not "Bulky Items" as defined below or do not otherwise constitute "Items That Will Be Discarded" under Section (A)(3) above. However, the Director of PRCSA may, after determining that PRCSA's storage facility is at or near full capacity and after clearing out property that is older than 90 days, issue a written directive imposing a temporary reasonable per person limit on the volume of property to be stored that will remain in effect until additional capacity is identified and funded.
- 8) Store property belonging to different people in different bags, when it is possible to differentiate. Bag property from different locations in different bags. Fill out a tag and attach it to each bag. Staff will also document the collection with a Personal Property Collection Bag and Tag Intake Form. The form shall include the following information:
 - i. date
 - ii. time
 - iii. location (as specific as possible, address preferred)
 - iv. name of owner of personal items (if property is attended, or if the name is otherwise known because the property is labeled or another individual present provides staff with the name of the owner)
 - v. brief description of items
 - vi. contact information of owner (if applicable)
 - vii. PRCSA staff name
 - viii. PRCSA staff supervisor name
 - ix. SAPD officer name (if applicable)
 - x. SAPD badge number (if applicable)
 - xi. tag color (corresponds to month)
 - xii. tag number
 - xiii. service request number (if applicable)

E. Procedures for Return of Property

- 1) Persons may retrieve their stored property removed from the Civic Center, free of charge, on Mondays and Thursdays by appointment by contacting the PRCSA at (714) 571-4223.
- 2) When a person comes to retrieve property, staff will check the log to see if PRCSA has the person's belongings. The person must provide an approximate date and location of the removal, and be able to identify the property. PRCSA DOES NOT REQUIRE THAT THE PERSON SHOW PERSONAL IDENTIFICATION, BUT THE PERSON MUST BE ABLE TO PROVIDE A REASONABLY SPECIFIC AND DETAILED DESCRIPTION OF THE PROPERTY.
- 3) After retrieval, PRCSA staff will update the log to show that the property has been retrieved.

F. Unclaimed Property

- 1) Stored property that is not claimed within three (3) months will be, upon Central Stores determination, sold at public auction, given to a nonprofit charitable organization or disposed of and a record will be made of the date of such disposal.

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PARKS, RECREATION AND COMMUNITY SERVICES AGENCY
NOTICE OF REMOVAL OF PROPERTY

Be advised that personal property has been removed from this area because it was stored in the Civic Center Campus in violation of City Municipal Code.

Date and Approximate Time of Removal:

Location of Removal:

General Description of Items Removed:

You may retrieve your belongings Mondays and Thursdays by appointment by contacting the Parks, Recreation and Community Services Agency at (714) 571-4223. There is no fee for storage or retrieval. Although you are not required to present official I.D., you must provide a reasonably specific and detailed description of the property in order to retrieve it. Property not claimed within ninety (90) days will be, upon Central Stores determination, sold at public auction, given to a nonprofit charitable organization or disposed of and a record will be made of the date of such disposal.