**Resolution No. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ESTABLISHING AN ENCAMPMENT REMOVAL POLICY**

**WHEREAS**, California is experiencing a homelessness crisis decades in the making, with over 180,000 people estimated to have experienced homelessness in 2023, including 123,000 people who have experienced unsheltered homelessness, living in tents, trailers, and vehicles throughout the State; and

**WHEREAS**, in Siskiyou County in 2023, there were approximately 507 people estimated to have experienced homelessness, which represents 20% of the estimated homeless total of the NorCal Continuum of Care region, which encompasses the counties of Del Norte, Lassen, Modoc, Plumas, Shasta, Sierra and Siskiyou; and

**WHEREAS**, in June 2024, the Supreme Court issued its decision in *City of Grants Pass v. Johnson et. al*, reversing the Court of Appeals for the Ninth Circuit, and finding that generally applicable laws regulating camping on public property, which are enforced through tickets and fines, do not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment even when the number of homeless exceed the number of shelter beds available. The Court recognized that “[h]omelessness is complex” and that “[i]ts causes are many” and “[s]o may be the public policy responses required to address it”, which are best left to the people and their elected representatives; and

**WHEREAS**, thereafter on July 25th, 2024, California Governor Gavin Newsom issued Executive Order N-1-24, directing all state agencies and departments to “adopt policies, generally consistent with California Department of Transportation’s Maintenance Policy Directive 1001-R-1 (the “DOT Directive”), to address encampments on state property, including through partnerships with other state and local agencies, and shall prioritize efforts to address encampments consistent with such policy”; and

**WHEREAS**, Governor Newsom’s Executive Order encouraged local governments to adopt policies consistent with his Order; and

**WHEREAS**, the County desires to adopt a policy consistent with the DOT Directive to provide guidance to County departments regarding encampment removal, and to recognize the importance of addressing the health and safety of Persons Experiencing Homelessness (PEH) on County-owned property and rights-of-way, the public, first responders and adjacent neighborhoods, including addressing fire risks; and maintaining the integrity, functionality, and safety of the County’s infrastructure and public spaces.

**NOW THEREFORE, BE IT RESOLVED** by the Siskiyou County Board of Supervisors, that the following policy directives be adopted and utilized to remove encampments from County-owned property and rights-of-way, prioritizing to the extent possible those encampments that most threaten the life, health, and safety of those in and around them:

1. **Site Assessment** - When feasible, a site assessment should be performed by Code Enforcement and include:
	1. Prioritization of each encampment as either a Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) or a Priority Level 2 (Removal Needed).
		1. Priority Level 1 (Critical Priority for Expeditious/ Urgent Removal) - Critical circumstances exist when an encampment poses an imminent threat to life, health, safety, or infrastructure and must be immediately addressed. This is limited to exigent circumstances. Non-exclusive examples include: the encampment is on or near an unstable structure at risk of collapse; the encampment is close to traffic and the PEH in the encampment are at immediate risk of getting hit by vehicles; PEH are living within a confined space, such as a bridge cell.
		2. Priority Level 2 (Removal Needed) - All other encampments.
2. **Site Assessment Action Items and Considerations**
	1. When appropriate, the Sheriff’s Office should be contacted in advance to assist in initial site assessment.
	2. The Health and Human Services Agency should contact service providers and request outreach services for PEH at the encampment.
	3. Environmental Health staff should evaluate the site for any hazards unique to the encampment that will require specialized hazardous materials handling, disposal, or site remediation.
	4. If appropriate, Facilities Maintenance or designee should evaluate potential mitigation efforts related to landscaping to prevent future encampments.
3. **Notice**
	1. Priority Level 1
		1. No advance posted Notice to Vacate is required.
		2. The Sheriff’s Office should be present during operations.
		3. Health and Human Services should be present during operations.
		4. If circumstances reasonably allow for advance notice, then Code Enforcement shall give as much advance notice as is reasonable under the circumstances, to be determined on a case-by-case basis.
		5. If advance written notice is not given and if property was collected during the removal, an after-encampment "removal advisory" shall be posted in a prominent location near where the encampment was removed providing information describing where items were removed from, a contact phone number and address for reclaiming collected property, including the date by which property must be reclaimed.
		6. Time-stamped photographs or videos should be taken of the "removal advisory."
	2. Priority Level 2
		1. Code Enforcement shall post Notice to Vacate at least 48 hours before beginning encampment removal.
		2. The Sheriff’s Office shall be present during the posting of Notice to Vacate.
		3. Health and Human Services shall be present during the posting of Notice to Vacate.
		4. Location of Posted Notice to Vacate - Written Notice to Vacate should be posted at each major point of ingress/egress in a conspicuous manner.
		5. If prevented from posting the Notice to Vacate because of hostility, interference, or any other action from persons on site, posting should not be attempted until the Sheriff’s Office mitigates the situation.
		6. Time-stamped photographs or videos should be taken of the posted Notices to Vacate.
	3. Paper Notices to Vacate should be enclosed in sheet protectors to protect against weather.
	4. Paper Notices to Vacate shall be filled out completely and include:
		1. Posting date and time.
		2. Location.
		3. "Vacate by" date and time.
		4. Telephone number and address for assistance in obtaining property collected during a removal.
		5. Date by which property must be collected from the County before it is discarded.
		6. Removal start and end dates.
4. **Removal Operations**
	1. Environmental Health will be responsible for removal operations. When a removal operation involves a County Road and/or bridge and/or rights of way, Environmental Health shall coordinate with Public Works, and Public Works should be present during removal operations.
	2. Environmental Health should evaluate the site to identify and plan for removal of any hazardous materials.
	3. Health and Human Services shall be present to provide required services to PEH.
	4. Where advance written notice is given, removal work shall begin on the date written on the Notice to Vacate and shall begin no earlier than the time written on the Notice to Vacate. If removal work does not begin on the date written on the Notice to Vacate, the location must be reposted before removal operations may begin. If prevented from removal work because of hostility, interference, or any other action from persons on site, removal work should not be attempted until the Sheriff’s Office mitigates the situation. No further posting is necessary once the County workforce and/or contractors arrive for removal operations and will continue from day to day until completed.
	5. Before work at the encampment site, the Sheriff’s Office shall be present. Do not begin removal operations when PEH are in the immediate vicinity. Any PEH who remain on site when the County or its contractors arrive to begin the removal shall be given a reasonable amount of time to remove possessions before any removal begins.
	6. Time-stamped photographs or videos should be taken before, during, and after removal work has been completed.
	7. When possible, equipment should be used to gather, pile, and load encampment debris to reduce exposure and contamination.
	8. Any personal property that is collected should be stored in a secured location by the County for not less than 60 days, then discarded if not claimed.
	9. Collected personal property should be time-stamped photographed and shall be inventoried by describing and labeling the items and identifying the encampment location and the removal date.
5. **Items To Be Collected (Bagged and Tagged) and Stored**
	1. Personal property that is not a health or safety hazard, in plain sight, shall be collected, labelled, and stored by Health and Human Services. The following items shall be collected:
		1. Items of apparent value - defined as items having an apparent value of $50 or more.
		2. Items of apparent personal value including but not limited to:
			1. Eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment.
			2. Tents (habitable and uncontaminated).
			3. Personal papers such as photographs, albums, ID's, bank statements, legal papers, etc.
			4. Bicycles, scooters, strollers in good repair.
			5. Backpacks and containers that appear to be in good condition and have been determined by Environmental Health to be free of materials described in Section F(l)(a)-(f) below.
	2. Due to the exigent circumstances surrounding Priority Level 1 removals, it may not be possible to collect, label and store items.
6. **Items That Will Not Be Collected**
	1. Items that present an immediate health or safety risk, such as:
		1. Toxic sharps: needles, scissors, knives.
		2. Chemicals: bleach, paint, oils, etc.
		3. Items (including bedding and clothing) soiled by infectious materials: human waste, bodily fluids.
		4. Moldy, mildewed items.
		5. Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
		6. Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
		7. Backpacks and closed containers that have been determined by Environmental Health to contain items listed in (a)-(f) above or items (3), (4), (5), or (6) below. Such backpacks and closed containers may be discarded where no Environmental Health staff is present to make a determination.
		8. If personal belongings are co-mingled or littered with needles, human waste, or other health risks, employees/contractor may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
	2. Mattresses: furniture with fabric, padding, or is porous; sheds, structures, rolling structures, and bulky items. Sheds, structures, or rolling structures may be demolished if not removed by PEH prior to the encampment removal. A "bulky item" is any single item that is over 50 pounds and requires more than two people to safely lift.
	3. Perishable items, perishable food.
	4. Controlled substances, drugs with or without prescription and medications of any kind. [Should be handled by Environmental Health and/or by the Sheriff’s Office.]
	5. Contraband, weapons and illegal items. [Shall be handled by the Sheriff’s Office.]
	6. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture which constitutes abandoned property or trash.
		1. If employees/contractors have a reasonable doubt as to whether an item constitutes trash, it should be collected and stored. Employees/contractors should exercise their best judgment in determining which items should be collected and stored.
	7. Motor vehicles should be handled as provided in the State Vehicle Code and County Code.
7. **Reclaiming Collected Personal Property**
	1. Persons attempting to retrieve property collected during a removal operation shall give the location of the encampment where the property was collected, describe where and when the personal property was last in their possession, and provide a description of the item(s). The person retrieving the property shall sign and date a document acknowledging receipt of the property. If requested, a receipt should be given to the person retrieving the property.
8. **Record Keeping**
	1. An After-Action Report should be submitted by Environmental Health to Health and Human Services within one week of a completed encampment removal.
	2. A file should be created for each encampment removal and retained for 4 years by Environmental Health, and should contain:
		1. Photographs and/or videos taken in connection with the removal effort.
		2. Writings reflecting assessments, evaluations, summaries, receipts and notices connected with the encampment removal, items collected, and items retrieved, if any.
		3. Name(s) of the contractor(s) involved in the removal.
		4. Name(s) of the social service providers.
		5. Names and badge number(s) of Sheriff or other law enforcement involved in the encampment removal.
		6. Completed Encampment Removal Request Forms.
		7. Collected Personal Property Forms and receipts.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Siskiyou on August 13, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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 Michael Kobseff, Chair
Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum,
County Clerk

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Deputy