


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: November 15, 2022
To: Honorable Mayor and City Councilmembers
From: City Administration
Subject: Extension of Proclamation Proclaiming the Existence of a Local Homeless Emergency
Recommendation: That the City Council Approve the Resolution
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE: This item is to submit to the City Council a Resolution Extending Proclamation Proclaiming the Existence of a Local Homeless Emergency.

BACKGROUND:

On November 30, 2021 pursuant to the authority set forth in California Government Code Sections 8630 thru 8634, Council, by Resolution No. 6386-2021, formally proclaimed a local homeless emergency within Sebastopol. Section 8630, requires that the Council review the need for continuing the local emergency at least every 60 days until such local emergency is terminated. In light of the continuing conditions of homelessness within the city, staff is recommending that the Council maintain the proclamation in full force and effect at this time.

- First Proclaimed: November 30, 2021
- First Extension was approved January 18, 2022
- Second Extension was approved: March 15, 2022
- Third Extension was approved: May 3, 2022
- Fourth Extension was approved: June 21, 2022
- Fifth Extension was approved: August 2, 2022
- Sixth Extension was approved: September 20, 2022
- Proposed Next Extension Needed within 60 days or (January 3, 2023 City Council Meeting)

DISCUSSION:

The Former City Council Committee for the Unhoused had been actively engaged in a range of efforts to address homelessness and brought forward the Contract with SAVS for the RV Pilot Program as well as worked with WCCS for Outreach to the Homeless and collaboration with the Housing Advocates. The City has also been working with the Housing Advocates to work with the unhoused on Morris Street and surrounding areas, has collaborated with Sonoma County IDMT on encampments in the Laguna with a focus on a compassionate approach to addressing the health, safety and shelter needs of persons living in the encampments, as well as to mitigate the impacts to surrounding business and residential communities.

The declarations provide the City with greater flexibility to address the homeless crisis by waiving certain health, safety, and zoning restrictions for the use of public property (declaration of shelter crisis). The flexibility provided by the

declaration continues to be particularly critical as we seek to address the needs of persons experiencing homelessness during the current public health emergency.

Conditions continue to pose extreme peril to the safety of persons and property within the City of Sebastopol City Limits, necessitating the continuation of the proclamation of local homeless emergency at this time. In light of the continuing conditions of homelessness within the City, exacerbated by the continued COVID-19 public health emergency and lack of affordable housing, staff is recommending that the Council maintain the proclamation in full force and effect at this time.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5 - Provide Open and Responsive Municipal Government Leadership

5.3.3 - Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Policy D-6: Sebastopol will work to prevent homelessness and support housing services for the homeless.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if public comment is received from interested parties following the publication and distribution of this staff report, it will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL IMPACT:

There is no fiscal impact to approval of this item tonight.

RECOMMENDATION:

That the City Council approve the Resolution Extending Proclamation Proclaiming the Existence of a Local Homeless Emergency which formally proclaimed a local homeless emergency within Sebastopol.

Attachment:

Proposed Resolution

RESOLUTION NUMBER: XXXX-2022

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL EXTENDING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL HOMELESS EMERGENCY

WHEREAS, California Government Code sections 8558 and 8630 empower the City of Sebastopol to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City's territorial limits; and

WHEREAS, Section 8630, as amended, requires that the Council review, at least every 60 days until such local emergency is terminated, the need for continuing the local emergency; and

WHEREAS, on November 30, 2021, the City of Sebastopol City Council approved Resolution 6386-2021, Proclaiming the Existence of a Local Homeless Emergency; and

WHEREAS, on January 18, 2022, the City of Sebastopol City Council approved Resolution 6396-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

WHEREAS, on March 15, 2022, the City of Sebastopol City Council approved Resolution 6413-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

WHEREAS, on May 3, 2022, the City of Sebastopol City Council approved Resolution 6424-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

WHEREAS, on June 21, 2022, the City of Sebastopol City Council approved Resolution 6444-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

WHEREAS, on August 2, 2022, the City of Sebastopol City Council approved Resolution 6464-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

WHEREAS, on September 20, 2022, the City of Sebastopol City Council approved Resolution 6477-2022, Extending the Proclamation of the Existence of a Local Homeless Emergency; and

Whereas, conditions of extreme peril to the safety of persons and property continues within the City as to homeless in general; and

WHEREAS, the City Council has determined there are still conditions City wide that continue to worsen;

WHEREAS, In addition to the individuals living and being exposed to such conditions, these conditions threaten and are impacting adjacent property owners, neighborhood, businesses, City Buildings, the Laguna de Santa Rosa Preserve, and the general public, including users of public properties; and

WHEREAS, although current programs offered by the City and local non-profit service providers are providing assistance to many persons living without permanent housing, a significant number of persons within the city still remain without the ability to obtain shelter; and

WHEREAS, many of those unable to obtain shelter continue to reside on the streets, along creeks and pathways, in alleys and doorways, and in unauthorized encampments throughout the City; and

WHEREAS, persons without shelter are also often without adequate cooking or sanitary facilities, are at risk from theft, crime and extreme weather conditions, and are without security; and

WHEREAS, these conditions are clear and imminent dangers that require action to prevent and mitigate the loss or impairment of life, health, and property; and

WHEREAS, to address homelessness, significant additional public and private resources must be brought to bear, with efforts focused on both short-term immediate health and safety measures and long-term solutions; and

WHEREAS, scope of the local homeless crisis is beyond the resources of the City standing alone and will require the combined forces of adjacent jurisdictions and state agencies; and

WHEREAS, the causes and effects of homelessness are complex and can be addressed only with dedication, coordination and flexibility; and

WHEREAS, such conditions continue to result in a critical threat to the physical and mental health and safety of those experiencing homelessness, as well as to the natural environment and the public health and well-being of the surrounding community, and thereby continue to place the safety of persons and property at extreme peril within the territorial limits of the city; and

WHEREAS, California Government Code sections 8630 thru 8634 authorize the governing body of a city to declare a local emergency when there exist conditions of extreme peril to the safety of persons and property within the territorial limits of the city due to certain natural or man-made causes which are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city and that require the combined forces of other political subdivisions to combat; and

WHEREAS, California Government Code section 8634 provides that, upon a declaration of a local emergency, the governing body of a city, or an official designated thereby, may promulgate orders or regulations necessary to provide for the protection of life and property during the duration of the emergency; and

WHEREAS, the impacts of these events are still currently being evaluated and can result in an unknown and significant amount of City expenses to cover the supplies, equipment, staff hours, and potential overtime of all City Departments; and

WHEREAS, City Municipal Code authorizes the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, the Council has reviewed the need to continue the proclamation of local homeless emergency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol finds, determines and declares that there exists within the territorial limits of the City of Sebastopol conditions of extreme peril to the safety of persons and property caused by homelessness and the lack of available and affordable housing, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the City and require the combined forces of other political subdivisions to combat; and

BE IT FURTHER RESOLVED, pursuant to the authority set forth in California Government Code Sections 8630 thru 8634, the City of Sebastopol City Council hereby declares that the proclamation of a state of local homeless emergency within

the City of Sebastopol exists and proclaims the Continued Existence of a Local Homeless Emergency in the City of Sebastopol; and

BE IT FURTHER RESOLVED, that pursuant to California Government Code Section 8630, as amended, the City Council shall review the need for continuing this local homeless emergency at least once every 60 days until the Council terminates the local emergency; and

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take whatever other action is authorized under the Sebastopol Municipal Code and state and federal law, subject to authorization required from the City Council, consistent with this Resolution and its basic purposes; and

BE IT FURTHER RESOLVED, that pursuant to the authority set forth in California Government Code Sections 8630 thru 8634, the Council hereby declares that the proclamation of a state of local homeless emergency within the City of Sebastopol remains in full force and effect in accordance with Resolution No. 6386-2021; 6396-2022; 6413-2022; 6424-2022; 6444-2022; 6464-2022 and 6477-2022.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 15th day of November, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Patrick Slayter

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney