



**AGENDA FOR THE JOINT MEETING OF THE  
HOMELESSNESS COMMITTEE  
AND  
PUBLIC SAFETY COMMITTEE**

**WEDNESDAY, SEPTEMBER 18, 2024  
10:00 a.m.**

**Palm Desert City Council Chambers  
73-510 Fred Waring Drive  
Palm Desert, CA 92260**

Members of the Committee and the public may attend and participate by video at the following remote location:

**27119 Cottonwood Avenue  
Building B- 2<sup>nd</sup> Floor  
Moreno Valley, CA 92553**

Members of the public may use the following link for listening access and ability to address the Homelessness and Public Safety Committees when called upon:

<https://us02web.zoom.us/j/84872609146?pwd=bqkz7httaVvYyVyu33GNQjsOA2tISTiy.1>

**Dial In: + 1 669 900 9128  
Webinar ID: 848 7260 9146  
Password: 516537**

**IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346--1127**

Public comment is encouraged to be emailed to the Homelessness and Public Safety Committees prior to the meeting at [cvag@cvag.org](mailto:cvag@cvag.org) by 5:00 p.m. on the day prior to the committee meeting. Comments intended to be read aloud should be no more than 300 characters. Members of the public joining the meeting by Zoom can also provide comment by using the “raise hand” featuring or hitting \*9 on the phone keypad.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.  
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

**UNLESS OTHERWISE STATED, ALL ACTION ITEMS WILL BE PRESENTED TO  
THE EXECUTIVE COMMITTEE FOR FINAL APPROVAL.**

1. **CALL TO ORDER OF THE HOMELESSNESS COMMITTEE** – Chair John Peña,  
Mayor Pro Tem, City of La Quinta
  
2. **ROLL CALL OF THE HOMELESSNESS COMMITTEE**–
  - A. **Member Roster** P5
  
3. **CALL TO ORDER OF THE PUBLIC SAFETY COMMITTEE** – Chair Waymond Fermon,  
Councilmember, City of Indio
  
4. **ROLL CALL OF THE PUBLIC SAFETY COMMITTEE**–
  - A. **Member Roster** P6
  
5. **PLEDGE OF ALLEGIANCE**
  
6. **PUBLIC COMMENT ON JOINT COMMITTEE AGENDA ITEMS**

This is the time and place for members of the public to address the Homelessness and Public Safety Committees on agenda items. At the discretion of the Chair, comments may be taken at the time items are presented. Please limit comments to three (3) minutes.
  
7. **HOMELESSNESS COMMITTEE CHAIR / PUBLIC SAFETY COMMITTEE CHAIR / CVAG  
STAFF ANNOUNCEMENTS**
  
8. **CONSENT CALENDAR**
  - A. **Receive and file the quarterly report for the CV Housing First program, representing  
clients served in the second quarter of 2024** P7

9. **DISCUSSION / ACTION**

A. **Regional ramifications of the Supreme Court Ruling in Grants Pass v. Johnson**

P9

1. **Big picture overview in Riverside County** – Greg Rodriguez, Housing and Workforce Solutions' Deputy Director for Government Affairs and Community Engagement, and Continuum of Care Chair Karen Roper
2. **Update from Palm Springs Police** – Lieutenant William Hutchinson
3. **Update from Indio Police** – Lieutenant Doug Haynes and Sergeant Abraham Plata
4. **Next steps for the Coachella Valley** – Erica Felci

**Recommendation:** Following a series of presentations, provide staff direction on creating a model ordinance for the Coachella Valley that addresses homeless encampments on public property

10. **EX OFFICIO UPDATES**

- A. Updates from Ex Officio Members of the Homelessness Committee
- B. Updates from Ex Officio Members of the Public Safety Committee

11. **INFORMATION**

- A. Attendance Record for the Homelessness Committee P36
- B. Attendance Record for the Public Safety Committee P37
- C. Virtual participation in CVAG's meetings P38

11. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

This is the time and place for members of the public to address the Homelessness and Public Safety Committees on items of general interest within the purview of this committee. Please limit comments to two (2) minutes

12. **ANNOUNCEMENTS**

The next meeting of the **Homelessness Committee** will be held on Wednesday, November 20, 2024, at 10:00 a.m. at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260.

The next meeting of the **Public Safety Committee** will be held on Monday, November 18, 2024, at 9:00 a.m. at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260.

The next meeting of the **Executive Committee** will be held on Monday, September 30, 2024, at 4:30 p.m. at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260.

13. **ADJOURNMENT**

**ITEM 2A**

**Coachella Valley Association of Governments  
Homelessness Committee  
Member Roster  
2024- 2025**



<b>VOTING MEMBERS</b>	
Agua Caliente Band of Cahuilla Indians	Tribal Councilmember John Preckwinkle III
City of Blythe	Vice Mayor Johnny Rodriguez
City of Cathedral City	Councilmember Raymond Gregory
City of Coachella	Councilmember Denise Delgado
Desert Healthcare District	Director Carole Rogers, RN
City of Desert Hot Springs	Mayor Pro Tem Jan Pye
City of Indian Wells	Councilmember Donna Griffith
City of Indio	Councilmember Waymond Fermon – <b><u>Vice Chair</u></b>
City of La Quinta	Mayor Pro Tem John Peña – <b><u>Chair</u></b>
City of Palm Desert	Councilmember Kathleen Kelly
City of Palm Springs	Mayor Pro Tem Ron deHarte
City of Rancho Mirage	Councilmember Lynn Mallotto
Riverside County – District 4	Supervisor V. Manuel Perez
Torres Martinez Desert Cahuilla Indians	Vice Chair Joseph Mirelez
<b>Ex-Officio / Non-Voting Members</b>	
Pedro S.G. Rodriguez, Executive Director, Coachella Valley Housing Coalition	
Darla Burkett, Executive Director, Coachella Valley Rescue Mission	
Vacant, Executive Director, Home Aid Inland Empire	
Samuel Hollenbeck, Chief Executive Officer, Martha's Village and Kitchen	
Vacant, The Salvation Army	
Angelina Coe, Executive Director, Shelter from the Storm	

<b>CVAG Staff</b>
Tom Kirk, Executive Director
Erica Felci, Chief Operating Officer
Candice Graff, Management Analyst

**ITEM 4A**

**Coachella Valley Association of Governments  
Public Safety Committee  
Member Roster  
2024-2025**



<b>Voting Members</b>	
Agua Caliente Band of Cahuilla Indians	Tribal Councilmember John Preckwinkle III
City of Blythe	Vice Mayor Johnny Rodriguez
City of Cathedral City	Councilmember Raymond Gregory – <b>VICE CHAIR</b>
City of Coachella	Councilmember Frank Figueroa
City of Desert Hot Springs	Councilmember Roger Nuñez
City of Indian Wells	Mayor Pro Tem Bruce Whitman
City of Indio	Councilmember Waymond Fermon - <b>CHAIR</b>
City of La Quinta	Councilmember John Peña
City of Palm Desert	Mayor Karina Quintanilla
City of Palm Springs	Councilmember Grace Garner
City of Rancho Mirage	Councilmember Meg Marker
County of Riverside	Supervisor V. Manuel Perez
Torres Martinez Desert Cahuilla Indians	Tribal Councilmember Desiree Franco
<b>Ex-Officio Members</b>	
Agua Caliente Band of Cahuilla Indians	Robert Bradbury, Emergency Services Manager
California Highway Patrol	David Efferson, Captain
Cathedral City Fire	Michael Contreras, Fire Chief
Cathedral City Police	George Crum, Chief of Police
Desert Hot Springs Police	Jim Henson, Chief of Police
District Attorney's Office	Michael Hestrin, District Attorney
Indio Police	Brian Tully, Chief of Police
Palm Desert Sheriff Station	Dean Agnoletto, Captain
Palm Springs Fire	Paul Alvarado, Fire Chief
Palm Springs Police	Andrew Mills, Chief of Police
Riverside County Fire Department	Robert Fish, Deputy Chief
Riverside County Probation Department	Ron Miller, Chief Probation Officer
Riverside County Sheriff's Department	Sheriff Chad Bianco
Thermal Sheriff Station	Michael Bianco, Captain
U.S. Border Patrol	David Kim

**ITEM 8A**

**Coachella Valley Association of Governments  
Joint Meeting of the Homelessness  
& Public Safety Committees  
September 18, 2024**



**STAFF REPORT**

**Subject:** CV Housing First’s Quarterly Report for Second Quarter of 2024

**Contact:** Candice Graff, Management Analyst II ([cgraff@cvaq.org](mailto:cgraff@cvaq.org))

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**Recommendation:** Receive and file the quarterly report for the CV Housing First program, representing clients served in the second quarter of 2024

**Background:** CVAG is in its fourth year of operating the CV Housing First program with staff. The program is focused on the CV 175, a by-name list of chronically homeless individuals residing in desert cities that have frequent contacts with law enforcement and who are likely to be shelter resistant or who have already fallen out of housing. The list was developed in partnership with CVAG’s member jurisdictions and local law enforcement. It is also maintained in partnership with those agencies. At the end of each calendar year, CVAG staff meets with the local police departments, code enforcement and other partners to identify who needs to remain on the list and who may not need to be on the list, either because they are being helped by other programs or because they have left the Coachella Valley. In the coming months, staff will be meeting with program partners to reset the CV 175 list for 2025.

CVAG staff has committed to adjusting CV Housing First programming based on the data and based on available funding. Updates on the program’s metrics are provided quarterly. The CV Housing First team uses two primary methods to get clients to housing solutions: rapid resolution and crisis stabilization units, which are residential units, apartments and hotel rooms that CVAG rents to case manage CV Housing First clients. CVAG staff will continue to provide quarterly reports as it provides services in 2024.

*CV Housing First Clients – By the Numbers through June 30, 2024*

<b>CV 175 as of 3/31/2024</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>TOTAL</b>
Clients housed in Crisis Stabilization Units (CSH)	46	38			84
Clients being helped through Rapid Resolution (RR)	0	0			0
Clients returned to the street (failures)	11	17			28

Clients moved into permanent housing from CSH (successes)	15	11			26
Clients moved into permanent housing through RR (successes)	0	0			0
Clients moved into permanent housing through Outreach (successes)*	0	0			0
<b>TOTAL HOUSED FROM LIST OF 175*</b>	15	11			<b>26</b>

\*The client list started as the CV 200 list. Over the summer, CVAG began winding down services in the City of Desert Hot Springs, which is opting out of the program due to the funding being redirected to The Hub shelter program.

The data is divided by CV 175 clients – the by-name list of chronically homeless individuals that CVAG maintains in partnership with law enforcement and code enforcement – and non-CV 175 clients. There were no non-CV 175 clients served this quarter. CVAG staff has set a goal of permanently housing 65 individuals this calendar year.

The total number of clients housed or returning to the streets is less than the total helped each quarter, as the grand total includes clients who may remain in their units at the end of the quarter. CVAG continues to refine its data metrics in order to be transparent about how many and how quickly individuals are housed. CVAG also tracks clients who are being permanently housed by the CV Housing First program via outreach efforts, and not case management based in the crisis stabilization units.

CVAG staff also tracks how long individuals are staying in the program before being housed or returning to the street. The goal is to exit clients within 90 days to permanent housing solutions. Over the past three years, it is not uncommon for the length of stay to exceed 100 days. For the first quarter, the CV 175 clients who successfully exited the program into permanent housing stayed in a crisis stabilization unit on average for **119 days**. Those CV 175 clients who exited the program unsuccessfully stayed on average **54 days**.

This quarter's length of stay is higher than 2023's overall average, when CVAG's clients benefitted from new affordable housing project sites that had opened. The CV Housing First team also works with clients during outreach to gather vital documents which is overall successfully lowering our average stay in program long-term.

**Fiscal Analysis:** The CV Housing First program, including the staffing and CV 175 program, is incorporated into the CV Housing First budget, which has been funded by contributions from cities and Riverside County grants.

**ITEM 9A**

Coachella Valley Association of Governments  
Joint Meeting of the Homelessness &  
Public Safety Committees  
September 18, 2024



**STAFF REPORT**

**Subject:** Regional ramifications of the Supreme Court Ruling in Grants Pass v. Johnson

**Contact:** Erica Felci, Chief Operating Officer ([efelci@cvag.org](mailto:efelci@cvag.org))

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**Recommendation:** Following a series of presentations, provide staff direction on creating a model ordinance for the Coachella Valley that addresses homeless encampments on public property

**Background:** In June 2024, the U.S. Supreme Court issued a landmark ruling in the case of City of Grants Pass v. Johnson and effectively set a new standard on how local municipalities can address homeless encampments on public property. The case stemmed from the enforcement of anti-camping laws in Grants Pass, Oregon, which had led to fines and penalties for homeless individuals camping on public property. Following the Supreme Court's ruling, Gov. Gavin Newsom issued an executive order that immediately changed how California's state agencies addressed encampments and local cities began looking at updates to their own ordinances. Given the previous interest expressed by CVAG's Public Safety Committee and its Homelessness Committee in how to address encampments, a joint meeting will be held in September to provide information on the ruling and its potential ramifications across the region. CVAG staff will also be seeking direction from both Committees on whether to develop a model ordinance for its member jurisdictions.

The Supreme Court's decision reversed a decision by the Ninth Circuit, which had maintained that anti-camping ordinances were unconstitutional when applied to homeless individuals with no other place to go. The lower court's ruling was consistent with its 2019 decision in *Martin v. Boise*, which had held that cities cannot criminally prosecute homeless individuals for "involuntarily sitting, lying, and sleeping in public," so long as there is no option to sleep indoors. For years, the Boise ruling had been used as the guide for public policy making around encampments and how strictly, or not, to enforce them. The general result was many encampments were not addressed unless a jurisdiction had a shelter bed or similar option available.

The Grants Pass v. Johnson ruling was a 6-3 decision. In reversing the Ninth Court ruling, the Supreme Court held that anti-camping ordinances did not violate the Eighth Amendment when they were applied in a manner that targeted the conduct of camping in public spaces and not the status of being homeless. The Court also acknowledged there was interest in maintaining public health, safety, and welfare, which in this case included preventing hazards at public spaces in order to have them accessible for the general public.

There have been a range of responses to this ruling. In California, Gov. Newsom issued Executive Order N-1-24 that directed Caltrans and other state agencies to address encampments on state property. Organizations such as the Coachella Valley Mountains Conservancy (CVMC) are now developing

protocols that mirror that policy. Riverside County's Department of Housing and Workforce Solutions and the Continuum of Care continue to analyze the ruling and what changes, if any, it will have on the recommended protocols used to address encampments.

Locally, the Indio City Council adopted an ordinance in August that aligns with the Supreme Court's decision by targeting the act of camping and storing personal property. The ordinance (attached) requires officers attempt to provide notice and opportunities for individuals to remove their belongings before any penalties are applied. In its staff report, City staff noted that enforcement was part of a "holistic approach" that also included a range of homeless services and shelter opportunities. The staff report also stated that "camping in public spaces often leads to health hazards, unsanitary conditions, and increased risks of fire and crime. The ordinance is necessary to mitigate these risks and maintain the safety and cleanliness of public spaces."

Palm Springs City Council also adopted an updated ordinance to address encampments. The drafting of the ordinance was underway prior to the Grants Pass ruling, and it reflects some of the principles of the Boise case. Under Palm Springs' ordinance, there are two separate categories of public spaces: One category is where camping and sleeping is always prohibited, such as within waterways and within two blocks of a school. The other category is public spaces where camping and sleeping is only prohibited when there is adequate shelter space. The ordinance goes into effect when the transitional housing units at the new Navigation Center are open and running, which is expected this fall.

Representatives from Riverside County's Continuum of Care, Indio Police Department and Palm Springs Police Department will provide presentations on their approaches at the September meeting. Staff is recommending the Committees also provide direction to staff on whether to create a model ordinance for the Coachella Valley that addresses homeless encampments on public property. Having a cohesive approach across the region could be beneficial to cities, agencies or service providers seeking future grant opportunities. It also could create a cohesive approach to regional, public spaces, including active transportation projects like CV Link and open spaces managed by the Coachella Valley Conservation Commission. Based on the direction provided, an ordinance would come back to the Committees as soon as November for further input. It would then be provided to the Executive Committee for a regional endorsement and then circulated to member jurisdictions for their local considerations.

**Fiscal Analysis:** There is no cost to CVAG for this update. Developing a model ordinance for the region can be covered under existing staff resources.

**Attachments:**

- Fact sheet from California Interagency Council on Homelessness
- Desert Sun article "After high court ruling, Newsom orders state officials to dismantle homeless encampments," July 25, 2024
- Gov. Gavin Newsom's Executive Order N-1-24
- City of Palm Springs' encampment ordinance, adopted July 25, 2024
- City of Indio's encampment ordinance, adopted August 21, 2024

# Grants Pass Supreme Court Decision: How it affects California



July 26, 2024

## How is California responding to the Supreme Court's ruling?

In response to the Supreme Court ruling, Governor Newsom issued [Executive Order N-1-24](#) on July 25, 2024. This Order directs state agencies and departments to move with urgency and compassion in addressing encampments on state property.

As the state's leader in ending and preventing homelessness, the California Interagency Council on Homelessness (Cal ICH) will continue to support agencies and departments in their design and implementation of policies, funding and programs that serve people experiencing homelessness, including those described in Executive Order N-1-24. To ensure state and local partners incorporate evidenced-based practices in their respective encampment responses, Cal ICH will host a series of webinars throughout the month of August 2024.

Furthermore, per [Welfare and Institutions Code \(WIC\) section 8256](#), Cal ICH will continue supporting state agencies and departments in adopting guidelines and regulations that incorporate the core components of Housing First into, "any programs a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness."

## What is the City of Grants Pass v. Johnson case?

The City of Grants Pass v. Johnson is a federal court case brought by unhoused persons in Grants Pass, Oregon, who argued that the City's practice of ticketing unhoused individuals for camping in public violated the Eighth Amendment of the United States Constitution, which prohibits the government from imposing "cruel and unusual punishment" on criminal defendants. The Ninth Circuit Court of Appeals, which includes California, upheld the decision.

On June 28, 2024, the Supreme Court ruled that enforcing laws that prohibit camping on public property is not cruel and unusual punishment. As a result, local governments across the country may freely enforce laws regulating camping on public property.

## **How does this ruling impact cities and counties in California?**

Cities and counties will have more flexibility to address encampments and enforce laws regulating public camping. However, to ensure the safety, wellness, and dignity of persons experiencing homelessness, Cal ICH remains committed to supporting state and local partners in using person-centered, trauma-informed, and evidence-based approaches to address homelessness. Cal ICH will continue to identify and share resources to support local planning efforts and encourages local partners to incorporate these elements when addressing the housing and services needs of persons experiencing unsheltered homelessness. Additional emerging, promising, and evidence-based best practice resources can be found on Cal ICH's newly relaunched Resource Library.

The Department of Housing and Community Development (HCD) will be making additional funding available for the Encampment Resolution Fund (ERF) program. The program provides competitive grant funding to assist local jurisdictions in providing services and supports to people experiencing homelessness in encampments and to provide meaningful paths to safe and stable housing. Eligible applicants include counties, Continuums of Care (CoCs), and cities of any size. Please contact [hpddhomelessnessgrants@hcd.ca.gov](mailto:hpddhomelessnessgrants@hcd.ca.gov) for more information.

Cal ICH encourages all state and local partners to reach out with any questions on best practices for working with people experiencing unsheltered homelessness. All questions can be directed to [calich@bcsh.ca.gov](mailto:calich@bcsh.ca.gov).

CALIFORNIA

## After high court ruling, Newsom orders state officials to dismantle homeless encampments



**James Ward**

Palm Springs Desert Sun

Published 9:11 a.m. PT July 25, 2024 | Updated 9:52 a.m. PT July 25, 2024

California Gov. Gavin Newsom will order state officials to dismantle thousands of homeless encampments across the state.

The move comes on the heels of a recent Supreme Court decision that gave local and state governments more latitude to remove people experiencing homelessness from their streets.

Newsom can't force cities and counties to dismantle homeless encampments but is advising local authorities the best way to take action.

"There are no longer any excuses," Newsom said in a video posted on X. "A billion dollars this state has invested to support communities to clean up these encampments."

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## How Newsom's homelessness order may affect California

The governor's new homelessness directive will order other state agencies, such as Caltrans, California State Parks and the Department of Fish and Wildlife, to first target encampments that pose a health and safety risk.

Those agencies will give 48 to 72 hours of advance notice to people in the encampments while working with local homeless organizations to help those experiencing homelessness. Personal property collected at each site will be bagged, tagged, and stored for at least 60 days, according to a proclamation issued Thursday by the governor's office.

The state cannot legally force cities to adopt this policy, though.

Newsom's office has not returned messages from the USA TODAY Network on the new policy.

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## **Some California cities are already making homelessness policy changes**

Even before Newsom's announcement about the state's crackdown on homeless encampments, other cities across California have made initial moves to address homelessness on their streets.

In Palm Springs, the City Council passed a sweeping new homeless enforcement ordinance in early July that grants police new power to arrest people who build encampments or sleep in public areas.

Last week, San Francisco Mayor London Breed announced that city would begin "very aggressive" sweeps of homeless encampments in August.

Other cities, including Lancaster, Fresno, Chico, Stockton and Folsom, are considering or already developing new homelessness policies.

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## **Newsom's homelessness policy change comes after passage of Proposition 1**

In March, voters narrowly passed the Newsom-backed Proposition 1, which authorized the state to borrow \$6.38 billion to build 4,350 housing units and add 6,800 mental health and addiction treatment beds across the state.

Newsom's ambitious measure is intended to improve and expand the state's mental health services, representing one of the most significant statewide investments to manage the growing homelessness crisis.

California has nearly half of the nation's unsheltered population, and nationwide surveys suggest at least 21% of those experiencing homelessness report having a serious mental illness, and 16% report having a substance use disorder.

Studies and point-in-time surveys have estimated an even larger proportion of the homeless and unsheltered population have or have a history of mental health conditions or substance abuse.

*This is a developing story. Check back later for more developments.*

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-1-24**

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

**WHEREAS** within the first year of my Administration I fast-tracked the development of shelter through Executive Order N-23-20, which directed departments to assess and facilitate the use of available state land and resources for short-term emergency homeless shelters; and

**WHEREAS** since the beginning of my Administration, the State has made unprecedented investments to address the homelessness crisis head on, investing more than \$24 billion across multiple state agencies and departments, including \$4.85 billion in flexible funding to local jurisdictions to prevent and reduce homelessness through Homeless Housing, Assistance and Prevention grants, \$1 billion in Encampment Resolution Funding to assist local jurisdictions in providing services and supports to people living in encampments, and \$3.3 billion to rapidly expand housing for persons experiencing homelessness through Homekey; and

**WHEREAS** the State has redoubled its commitment to holding local jurisdictions accountable to reduce homelessness, including by strengthening and enforcing requirements that local jurisdictions plan for their fair share of housing and by conditioning state homelessness funding on rigorous reporting and measurable performance metrics; and

**WHEREAS** it is imperative to act with urgency to address dangerous encampments, which subject unsheltered individuals living in them to extreme weather, fires, predatory and criminal activity, and widespread substance use, harming their health, safety, and well-being, and which also threaten the safety and viability of nearby businesses and neighborhoods and undermine the cleanliness and usability of parks, water supplies, and other public resources; and

**WHEREAS** while every jurisdiction must do more to address encampments, state and local agencies taking proactive steps to remove encampments have been stymied in those efforts by lawsuits and injunctions, leaving officials without the tools or guidance necessary to address the crisis on their streets; and

**WHEREAS** in September 2023, I called on the United States Supreme Court to grant review in *City of Grants Pass v. Johnson* to clarify that state and local officials can take reasonable actions to resolve encampments while respecting the humanity of all Californians; and

**WHEREAS** in June 2024 the Supreme Court overturned Ninth Circuit Court of Appeals precedent that restricted the government's authority to enforce laws regulating encampments, recognizing that jurisdictions may tailor their enforcement practices to reflect policy-driven approaches to addressing homelessness; and

**WHEREAS** with the threat of these types of injunctions removed, there is no longer any barrier to local governments utilizing the substantial resources

provided by the State, in tandem with federal and local resources, to address encampments with both urgency and humanity, or excuse for not doing so; and

**WHEREAS** guidelines that prioritize offers of shelter and services as a first step to resolving any encampment best respect the dignity of every Californian and provide meaningful paths to ending homelessness; and

**WHEREAS** the California Interagency Council on Homelessness leads California's efforts to prevent and end homelessness; and

**WHEREAS** the California Department of Transportation maintains a policy directive that prioritizes removal of encampments that pose threats to life, health, and safety, while partnering with local governments and nonprofit providers to facilitate offers of shelter and supportive services in advance of a removal; and

**WHEREAS** the California Department of Transportation has, since July 2021, removed 11,188 encampments and 248,275 cubic yards of debris from these encampments along the state rights of way.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) Agencies and departments subject to my authority shall adopt policies, generally consistent with California Department of Transportation's Maintenance Policy Directive 1001-R1, 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. Such policies shall include the following:
  - a. Whenever feasible, site assessment in advance of removal operations to determine whether an encampment poses an imminent threat to life, health, safety or infrastructure such that exigent circumstances require immediate removal of the encampment.
  - b. Where exigent circumstances exist, as much advance notice to vacate as reasonable under the circumstances.
  - c. Where no exigent circumstances exist, posting of a notice to vacate at the site at least 48 hours prior to initiating removal.
  - d. Contacting of service providers to request outreach services for persons experiencing homelessness at the encampment.
  - e. Collection, labeling, and storage for at least 60 days of personal property collected at the removal site that is not a health or safety hazard.
- 2) All departments and agencies not under my authority are requested to adopt policies consistent with the guidelines in Paragraph 1.
- 3) Local governments are encouraged to adopt policies consistent with this Order and to use all available resources and infrastructure,

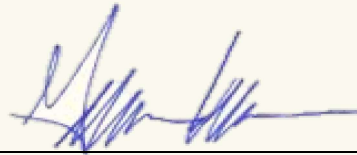
including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.

- 4) The California Interagency Council on Homelessness shall develop guidance and provide technical assistance consistent with this Order for local governments to follow in implementing their local homelessness programs.

**IT IS FURTHER ORDERED** that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 25th day of July.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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SHIRLEY N. WEBER, Ph.D.  
Secretary of State

ORDINANCE NO. 2099

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REGULATING ENCAMPMENTS AND SLEEPING ON PUBLIC PROPERTY, AND DETERMINING SUCH ORDINANCE TO BE EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**City Attorney's Summary**

*This ordinance updates the City's existing Municipal Code provisions relating to camping and sleeping on public property.*

WHEREAS, the City of Palm Springs is committed to protecting the life, health, and safety of its residents and all people within the geographical boundaries of the City; and

WHEREAS, the Council finds that certain public lands within the City's geographical boundaries pose significant health and safety hazards to people who make shelter or stay overnight in these areas; and

WHEREAS, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity; and

WHEREAS, the Council is committed to protecting the rights of individuals who cannot obtain shelter and to treating their personal property with respect and consideration and therefore updates the Municipal Code to conform to and address the impacts of the Ninth Circuit Court of Appeals decision in *Martin v. City of Boise*; and

WHEREAS, the City currently provides 50, and will soon provide an additional 80, shelter beds for people experiencing homelessness, which offer a place to sleep and supportive services including job programs, housing support, treatment for mental health conditions or substance abuse, and security; and

WHEREAS, the City engages in significant outreach work to build relationships with people experiencing homelessness, using a person-centered, compassionate approach to provide services tailored to each person's specific needs; and

WHEREAS, the City provides housing stability support, eviction protection, transitional housing, and supportive and permanent housing solutions to assist people with ending their homelessness; and

WHEREAS, the 2023 Point-in-Time Count administered by the County of Riverside Continuum of Care reported 239 people were experiencing unsheltered homelessness within the City, which represents a 7.7 percent increase from the prior year; and

WHEREAS, City streets, sidewalks, and parks are intended for safe and sanitary shared use by a diverse community of users including businesses, government, and the general public for gathering, recreating, movement of people, maintenance, and cleaning, and are frequently used by people relying on a variety of mobility devices; and

WHEREAS, the Council finds that certain public lands in the City pose a greater danger to the health and safety of people who may stay in those areas overnight and to the general public if used for sheltering, including near schools, shelters, in open space and City waterways, transit hubs, trolley platforms, and in certain City parks; and

WHEREAS, this activity has forced students to walk in the street to pass encampments blocking City sidewalks on their way to school and puts students at risk of injury or death from vehicular traffic; and

WHEREAS, there are significant adverse impacts caused by encampment activity concentrated around shelters provided to individuals and families experiencing homelessness, including predatory behavior and drug dealing that undermines the community's efforts to provide meaningful assistance and long-term solutions for people seeking assistance; and

WHEREAS, people experiencing homelessness on the City's streets and in transit hubs have been involved in serious and deadly accidents involving cars, buses, or the trolley; and

WHEREAS, people experiencing homelessness on City streets, in City parks, and in transit hubs have been exposed to illicit fentanyl leading to exponential increases in the accidental deaths by overdose among people experiencing homelessness; and

WHEREAS, the sustained presence of people in the City's open space and waterways within the City has created unsafe, unsanitary, unhealthy, and dangerous conditions including water pollution and frequent uncontained fires that threaten people living or using these areas, first responders, and the general public; and

WHEREAS, Palm Springs Fire-Rescue indicates that fire crews responded to 54 vegetation fires in the City's open space areas and 89 rubbish fires last year, which were all suspected to have resulted from human activity in these areas; and

WHEREAS, the City annually experiences extended periods of high temperatures with little or no precipitation and strong seasonal dry winds from the east (i.e., Santa Ana winds) that can significantly increase the danger and spread of wildfires, adding to the severity of fires when they start; and

WHEREAS, due to the high wildfire risk in Riverside County, Palm Springs Fire-Rescue responds to a vegetation fire with at least two fire engines and eight first responders and these fires are frequently elevated to a First Alarm fire necessitating additional support including brush engines, battalion chiefs and helicopters; and

WHEREAS, people sheltering along riverbeds and flood control channels within the City are at risk of experiencing flooding, vector-related disease and other health issues and these areas often contain sensitive environments at risk of significant damage by unregulated human activity; and

WHEREAS, the City counted approximately 200 encampments along the riverbed in 2023 and collected over 150 tons of trash; and

WHEREAS, the City is obligated to protect public health and safety and its natural resources by maintaining clean, safe, and accessible City properties for all residents to enjoy, including parks, open space, and the public right of way; and

WHEREAS, to mitigate risks to the health and safety of its citizens and potential damage to environmentally sensitive lands, the Council desires to adopt regulations establishing locations where camping and the maintenance of an encampment is prohibited, regardless of the availability of shelter, due to the significant health and safety risk to those engaged in that activity, the general public, and the environment; and

WHEREAS, outside of these specific locations, the prohibition on camping, sleeping, and maintaining an encampment will not be enforced when there are no available shelter beds; and

WHEREAS, it is the intent of this Ordinance to prohibit camping, sleeping, and maintenance of encampments within the City while encouraging people experiencing homelessness to use available low barrier shelters and access a variety of services available from the City and its partners; and

WHEREAS, when abating any encampment, the City will provide written notice in advance of the cleared that explains when the encampment will be cleaned up and how an individual can reclaim items stored during the process; and

WHEREAS, the City will store any personal property that may belong to a person, has apparently utility in its current condition and can be safely retrieved from the site, but will not store property that is hazardous, practically un-storable, contraband, or listed on the City's current list of common items regularly abandoned during the abatement process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11.40 of the Palm Springs Municipal Code (Camping on Public or Private Property) is hereby amended in its entirety to read as follows:

**“Chapter 11.40 ENCAMPMENTS ON PUBLIC PROPERTY**

- §11.40.010 Purpose**
- §11.40.020 Definitions**
- §11.40.030 Protection of Waterways**
- §11.40.040 Unauthorized Encampments or Sleeping on Public Property**
- §11.40.050 Abatement of Encampments**
- §11.40.060 Abandoned Personal Property**
- §11.40.070 Enforcement Administrative Regulations**

**§11.40.010 Purpose**

The Council finds that the City is committed to protecting the life, health, and safety of all people in the City and finds that certain public lands within the geographical boundaries of the City pose significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this Chapter to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in encampments on public property.

**§11.40.020 Definitions**

For purposes of this Chapter, the following definitions apply in this Chapter: **Abatement** means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of waste at an encampment according to the process in section 11.40.050 (Abatement of Encampments).

**Camp** means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.

**Camp paraphernalia** means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp

stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.

**City Manager** means the City Manager, or the City Manager's designee.

**Encampment** means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

**Open space** means any undeveloped public property either primarily in its natural state, including canyons, bluffs, and unimproved waterways, or that is held out by the City or used by the public for passive recreational purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.

**Park** means any public property, whether developed or undeveloped, held out by the City or used by the public for active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks.

**Shelter** means any City-funded shelter or shelter provided by the City for shelter placements where individuals or families experiencing homelessness can access beds and other services or an area designated by the City Manager for use by individuals or families experiencing homelessness.

**Waste** means any rubbish, solid waste, liquid waste, infectious waste, or medical waste. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.

**Waterway** means all the portions of the Whitewater River, Tahquitz Creek, Tahquitz Creek Channel, or any flood control channel located within the boundaries of the City of Palm Springs.

#### **§11.40.030 Protection of Waterways**

(a) It is unlawful for any person to do any of the following:

- (1) build or erect a structure of any type along the banks of any waterway, or drive a nail or other object into any tree or other natural area vegetation for the purpose of building an encampment or any other structure, or to affix an object to any tree or other natural vegetation,
- (2) move boulders or large rocks, destroy vegetation, paved roads or paths created by the City, or otherwise reconfigure the natural landscape in the waters of or along the banks of a waterway,
- (3) drive, park, or bring any vehicle along the banks of a waterway, except in places specifically provided and designated for vehicular use,
- (4) dig on the banks of a waterway, or
- (5) discharge or store waste, including garbage, refuse, or human or animal waste, along the banks or into the waters of a waterway.

- (b) Nothing in this section 11.40.030 is intended to prohibit the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property; and nothing is intended to prohibit the activities of a lawful user if such activities are expressly authorized by the City Manager or by any law, regulation, permit, order or other directive from a regulatory authority.

**§11.40.040 Unauthorized Encampments or Sleeping on Public Property**

- (a) It is unlawful for any person to camp or to maintain an encampment in or upon any public property, including in any street, sidewalk, park, open space, waterway, and banks of a waterway, unless specifically authorized by the City Manager.
- (b) No person may sleep on public sidewalk, street, alleyway, median, parkway or right of way, or in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, at any time as a matter of individual and public safety.
- (c) At all times, regardless of the availability of shelter space or beds, it is unlawful for any person to camp maintain an encampment, or sleep, where such activity poses:
  - (1) an immediate threat or an unreasonable risk of harm to any natural person,
  - (2) an immediate threat or an unreasonable risk of harm to public health or safety, or
  - (3) disruption to any business, store, religious institution, educational facility, or government services.
- (d) At all times, regardless of the availability of shelter space or beds, it is unlawful for any person to camp, maintain an encampment, or sleep, in the following locations:
  - (1) within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of this section 11.40.040(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
  - (2) within two blocks of any shelter provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
  - (3) in any open space, waterway, or banks of a waterway;
  - (4) within any transit hub or bus shelter, or along any rail tracks provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
  - (5) in any park where the City Manager determines there is a substantial public health and safety risk and provided that signs are posted prohibiting camping that are clearly visible to pedestrians. For

purposes of this section 11.40.040(c)(5), the definition of park does not include open space, as defined in section 11.40.020.

#### **§11.40.050 Abatement of Encampments**

The City Manager may remove personal property, camping paraphernalia, and all other property, contraband, litter, and waste found at an encampment or at a location where a person is engaged in unlawful camping in compliance with the following procedures:

- (a) Written Notice Required Prior to Abatement
  - (1) A written Notice of Clean-Up, in English and Spanish, will be posted on each tent or structure and in any other distinct areas of the encampment providing notice of the date of clean-up and giving a minimum of 72 hours for persons to remove their personal property. The written notice shall also include the following statement, which may be updated by the City Manager to provide accurate and current information:

You must remove your belongings from the site within 72 hours. You should not leave behind any belongings you want to keep. All belongings left behind will be removed by the City. The City will post an Impound Notice, in English and Spanish, if belongings are stored during the clean-up process.

If you wish to minimize the risk of losing valued belongings, you should try to keep those belongings on your person at all times, in a storage facility, or in visible, sanitary, and safely accessible bags or bins.

If you think your belongings were stored, you can claim them by following the directions on the Impound Notice after the clean-up is complete. Information about how to claim your belongings is also available on the City's website. You may retrieve any stored belongings without being asked about your criminal background or outstanding warrants.

You may access shelter or services, including access to storage for your personal belongings, through the City of Palm Springs's website or by calling 2-1-1 Palm Springs.
  - (2) After 72 hours, the City Manager shall be authorized to conduct abatement of the site on the date posted on the Notice of Clean-Up. If abatement is delayed or rescheduled, the City Manager may conduct abatement within 72 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If abatement is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.
- (b) The City Manager shall follow these additional procedures when persons are present at an encampment during abatement:
  - (1) When shelter is available, the City Manager shall provide any person at an encampment with shelter and service information and direct them to remove their belongings from the site. The City Manager

shall evaluate reasonable requests for additional time or assistance to remove items and may accommodate those requests to the extent practicable.

- (2) Any person who returns to an encampment during abatement shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.
  - (3) Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken to the Palm Springs Police Department for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the City Manager shall follow the abatement process in this Chapter.
- (c) The City Manager shall document the abatement process as follows:
- (1) photograph or video record the site before any abatement begins,
  - (2) open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage,
  - (3) set out items contained in bags or suitcases, and photograph the items,
  - (4) photograph or video record all items to be stored,
  - (5) photograph or video record the cleanup process, and
  - (6) photograph or video record the site after abatement has concluded.
- (d) Unclaimed items found in abatement shall be eligible for storage if:
- (1) circumstances indicate that the item belongs to a person,
  - (2) the item has apparent utility in its current condition and circumstances, and
  - (3) the item can be safely retrieved from the site.
- Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.
- (e) An eligible item found during an abatement shall be put into storage, unless it meets one the following disqualifying conditions:
- (1) hazardous, including items contaminated with human waste or bodily fluid, soiled items likely to expose others to disease, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
  - (2) likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
  - (3) practically un-storable, due to large size, weight, or other similar characteristic;
  - (4) contraband or stolen; or

- (5) is on the City Manager's current list of common types of items that, in the experience of City staff, individuals regularly abandon during abatement, and there is no contrary indication as to the specific item.
- (f) The City Manager shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 90 calendar days and then may be disposed of, recycled, or reused following the process in Palm Springs Municipal Code section 11.40.060 (Abandoned Personal Property).
- (g) After abatement has concluded and when eligible items are collected and will be placed in storage, the City Manager shall post notices, in English and Spanish, at the location of the abatement that includes information how a person can claim stored items. Information about retrieval of stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.
- (h) Expedited Abatement
  - (1) In an expedited abatement, the City Manager shall follow the same abatement and storage procedures in section 11.40.050 (Abatement of Encampments), but shall post a Notice of Clean-Up, in English and Spanish, giving a minimum of three (3) hours for all persons to remove their personal property.
  - (2) The City Manager shall prioritize and expedite the removal of an encampment if:
    - (A) the City receives direction from County of Riverside or other governmental authority that abatement of the encampment is necessary to preserve public health or safety, including to address known or suspected outbreaks of diseases; or
    - (B) the City Manager observes or reasonably suspects the encampment creates a condition that presents a significant risk of property damage, bodily injury or death.

**§11.40.060 Abandoned Personal Property**

- (a) Any personal property or possessions located on Public Property that are unattended and whose owner cannot be readily identified are presumed to be abandoned and, pursuant to Civil Code section 2080.7, the provisions of Municipal Code section 7.07.020 (Disposition of Surplus Property) do not apply. Enforcement Officials shall make a reasonable effort to ascertain whether the unattended personal property or possessions have been abandoned and, if so, to thereafter cause their removal. Any personal property or possessions found during the abatement process in Municipal Code section 11.40.050 shall first be stored as required by that section.
- (b) Unattended personal property or possessions that are unsanitary, soiled or verminous may be summarily abated and destroyed. Unattended personal property or possessions that are not summarily abated or destroyed under

this section may be disposed of or recycled by the City Manager or donated for reuse.

**§11.40.070 Enforcement & Administrative Regulations**

- (a) Violations of this Chapter may be prosecuted as misdemeanors subject to the fines and custody provisions in Palm Springs Municipal Code section 1.01.160.
- (b) Law enforcement officers shall not enforce a violation of subsections 11.40.040(a) or 11.40.040(b), or both, between the hours of 9:00 p.m. and 6:00 a.m. or when the person is on public property at a time when there is no available shelter. For purposes of this Section, available shelter means the shelter is reasonably available to that specific person at the time the proposed enforcement is taking place, taking into consideration any disability or other specific circumstances applicable to that person.
- (c) Sections 11.40.030 and 11.40.040 (c) and (d) are enforceable at all times regardless of shelter availability.
- (d) The City Manager and Police Chief shall each have the authority to, and shall, issue administrative regulations in order to implement the administration and enforcement of this Chapter. Such regulations shall include, but not be limited to, processes for the provision of information regarding housing and other social services prior to citation or arrest of individuals, as well as a process for determining whether and how many shelter beds are available at a given time. Such regulations shall be posted and maintained on the City's Police Department website. City staff shall bring back to City Council, as a receive and file agenda item, any such administrative regulations, and any amendments thereto."

Section 6. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage or on the date the second phase of the City's Navigation Center is open for use, whichever is later.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

JEFFREY BERNSTEIN  
MAYOR

ATTEST:

BRENDA PREE, MMC  
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, BRENDA PREE, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ORDINANCE NO. 1816**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, AMENDING SECTIONS 130.020 AND 130.021 OF THE INDIO MUNICIPAL CODE REGARDING THE PROHIBITION ON CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY FOLLOWING THE UNITED STATES SUPREME COURT'S DECISION IN JOHNSON V. CITY OF GRANTS PASS**

**THE CITY COUNCIL OF THE CITY OF INDIO DOES ORDAIN AS FOLLOWS:**

**Section 1. MUNICIPAL CODE AMENDMENT – SECTION 130.020**

Indio Municipal Code Section 130.020 is hereby amended to read as follows:

**§ 130.020 CAMPING PROHIBITED**

**(a) Purpose.**

This Section is intended to protect the public health, welfare, and safety by reserving open spaces and facilities within the City limits for their intended purposes. Public property within the City should be readily accessible and available to residents and the general public at large. Use of public property for camping or storage of personal property interferes with the rights of others to make use of such shared public spaces for their intended purposes and causes blight, pollution, and damage to public property. This Section is intended to avoid unsafe and potentially disorderly conditions, unsanitary and unhealthful conditions, and the degradation or destruction of open spaces and facilities within the City, and preserve such open spaces and natural resources.

**(b) Definitions.**

The following words and phrases, when used in this Section, shall have the below meanings unless it is readily apparent from the context that another meaning is intended.

(1) "Camp" or "Camping" means the conduct of more than one of the following activities, when it reasonably appears, in light of all circumstances, that a person is using such location for living accommodation purposes:

(A) sleeping or preparing to sleep (including the laying down of bedding for the purpose of sleeping), including undertaking such activities in a vehicle (including any motorhome, camp trailer, camper, coach, fifth wheel travel trailer, house car, recreational vehicle, mobile home), or obscuring some or all of the vehicle's windows;

(B) erecting or using any tent, camp facilities, or building any other form of shelter;

(C) unattended storage of personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware) or camp paraphernalia;

(D) making or using any fire, for purpose of heating or cooking, or using any flame, grill, portable stove, or similar flame producing device for cooking of meals on public property, except for in City parks with designated barbeque and cooking areas while using City-provided cooking facilities designed for such purposes; or

(E) doing any digging or earth breaking activities for purpose of creating or improving a shelter.

Camping shall be deemed to occur regardless of whether a full night is actually spent occupying any specific location.

(2) "Camp facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.

(3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City designated cooking or heating equipment.

(4) "Public property" means any publicly owned property in the City, whether improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; park playgrounds; state highways; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces including, but not limited to, public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public educational institutions; or other government owned, maintained, or operated properties located within the City.

(5) "Private Property" means any real property or land, including all buildings, structures, and improvements thereon, that is owned, leased, or otherwise lawfully occupied or controlled by a private individual, partnership, corporation, organization, or entity. This definition includes, but is not limited to: (i) Residential Property: Any property designated or used for residential purposes, including single-family homes, multi-family homes, apartment complexes, condominiums, townhouses, and mobile homes; (ii) Commercial Property: Any property designated or used for commercial or business purposes, including retail stores, offices, warehouses, industrial facilities, shopping

centers, and mixed-use developments; (iii) Vacant Land: Any undeveloped or unoccupied land that is privately owned; (iv) Common Areas: Any areas within private residential or commercial properties that are intended for use by multiple tenants or owners, including but not limited to parking lots, courtyards, lobbies, hallways, and recreational facilities; (v) Private Easements: Any easements or rights-of-way that are designated for private use, including driveways, private roads, and alleys.

**(c) Camping on Public Property Prohibited.**

It shall be unlawful for any person to camp on any public property within the City, except as otherwise provided herein.

**(d) Storage of Personal Property on Public Property Prohibited.**

(1) It shall be unlawful for any person to store any personal property, including camp facilities and camp paraphernalia, on any public property within the City, except as otherwise provided herein.

(2) Before removing any personal property, the enforcement officer, or their designee, shall attempt to provide any readily apparent owners with notice of the intent to remove the personal property and a reasonable opportunity to remove the personal property from public property. If there is no readily apparent owner, or if the readily apparent owner refuses to remove the personal property from public property, then the enforcement officer, or their designee, may cause the personal property to be removed from public property. The enforcement officer, or their designee, shall post a notice on or near the personal property so as to reasonably communicate the notice to the owner the following information:

(A) The location of where the personal property was located;

(B) The date and time notice was served or posted;

(C) A statement that the storage of personal property violates this Section;

(D) An advisement that the City has impounded the personal property for at least 30 days, the location where the personal property is impounded, and that the personal property will be discarded after 30 days if not claimed.

(E) The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved, and that the City will charge no fee for storage or retrieval.

(F) Information about any housing or shelter and homeless services available for the owners of the personal property, the phone number and address to contact in order to obtain the housing or shelter or other health and human services;

(3) The enforcement officer, or their designee, may immediately discard, without impounding or retaining for 30 days, any items which constitute an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband that may be seized, as permitted by law.

**(e) Exceptions.**

The provisions of subsections (c) and (d) of this Section shall not apply to the following:

- (1) In the event of a declared state of emergency;
- (2) Nor to events sponsored and conducted by and under the direction and control of the Desert Recreation District;
- (3) Nor to any persons participating in an event subject to a permit issued in conformity with this Code (including but not limited to any event authorized under Section 130.022 of this Code);
- (4) Nor to camping in public accommodations that are properly zoned, legally established and designated for camping purposes.

**(f) Camping on Private Property Prohibited.**

(1) It shall be unlawful for any person to camp on any private property within the City, except as authorized herein.

(2) Camping shall be authorized on private property for the property owner, tenant in possession, lineal relative to the property owner or tenant in possession, or a person that holds in immediate possession a written consent issued by the property owner or tenant in possession. Such person shall present the written consent for examination upon the demand of any peace officer enforcing the provisions of this chapter. No camping on private property shall exceed 14 consecutive days or be permitted more than once within any 90-day period of time.

(3) The exception authorized by subsection (f)(2) above shall not apply during any temporary use or special event, attended by 10,000 people or more, and incorporated permitted camping.

**(g) Enforcement.**

(1) Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Section shall be guilty of a misdemeanor, and may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a

fine not to exceed \$1,000.00 or imprisonment in the city or county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) The city attorney, in his or her sound discretion, may prosecute a violation of this Section as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction. Any person convicted of an infraction under this Section shall be punished by a fine not exceeding \$100.00 for the first violation, a fine not exceeding \$200.00 for a second violation within one year, and a fine not exceeding \$500.00 for a third violation within one year. A fourth violation of this Section within one year shall be charged as a misdemeanor and may not be reduced to an infraction.

(3) This Section may be enforced by injunction issued by the superior court upon a suit brought by the City Attorney.

**Section 2. MUNICIPAL CODE AMENDMENT – SECTION 130.021**

Section 130.021 of the Indio Municipal Code is hereby repealed in its entirety.

**Section 3. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days following its adoption.

**Section 5. PUBLICATION AND POSTING.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause the ordinance or a summary thereof to be published in accordance with state law.

**Section 6. CEQA.** The City Council has determined that the adoption of this Ordinance is exempt from the California Environmental Quality Act because it can be seen with certainty that the adoption of this Ordinance will have no effect on the environment.

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**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of August, 2024.

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**LUPE RAMOS AMITH**  
**MAYOR**

**ATTEST:**

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**SABDI SANCHEZ, CMC**  
**CITY CLERK ADMINISTRATOR**

**ITEM 11A**

**COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS  
HOMELESSNESS COMMITTEE  
ATTENDANCE RECORD  
FY2023-2024**

<b>Voting Members</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>ATTENDED</b>
Agua Caliente Band of Cahuilla Indians			○		○			○			○	●	1 out of 5
City of Blythe			○		●			○			●	○	2 out of 5
City of Cathedral City			●		●			●			●	○	4 out of 5
City of Coachella			●		●			●			●	○	4 out of 5
Desert Healthcare District			●		●			●			○	○	3 out of 5
City of Desert Hot Springs			●		○			●			○	●	3 out of 5
City of Indian Wells			●		○			●			●	○	3 out of 5
City of Indio			●		●			○			●	○	3 out of 5
City of La Quinta			●		●			●			●	●	5 out of 5
City of Palm Desert			●		○			●			●	●	4 out of 5
City of Palm Springs			○		○			●			●	●	3 out of 5
City of Rancho Mirage			●		●			●			●	●	5 out of 5
County of Riverside			●		○			●			●	●	4 out of 5
Torres Martinez Desert Cahuilla Indians			●		○			○			○	●	2 out of 5
<b>Total Attendance Per Meeting</b>			<b>11</b>		<b>7</b>			<b>10</b>			<b>10</b>	<b>8</b>	

<b>Ex Officio / Non-Voting Members</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>ATTENDED</b>
Coachella Valley Housing Coalition			○		○			○			○	○	0 out of 4
Coachella Valley Rescue Mission			○		○			○			●	○	1 out of 4
HomeAid Inland Empire			○		○			○			○	○	0 out of 4
Martha's Village and Kitchen			○		○			○			○	○	0 out of 4
The Salvation Army (vacant)			○		○			○			○	○	0 out of 4
Shelter From the Storm			●		●			●			●	○	4 out of 4
<b>Total Attendance Per Meeting</b>			<b>1</b>		<b>1</b>			<b>1</b>			<b>2</b>	<b>0</b>	

No Meeting   
 Vacant \*

Present ●  
 Absent ○

**ITEM 11B**

**COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS  
PUBLIC SAFETY COMMITTEE  
ATTENDANCE RECORD  
FY2023-2024**

<b>Voting Members</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>ATTENDED</b>		
Aqua Caliente Band of Cahuilla Indians			○		○			●			○	○	1	out of	5
City of Blythe			●		●			●			●	●	5	out of	5
City of Cathedral City			●		●			○			●	●	4	out of	5
City of Coachella			●		●			●			○	○	3	out of	5
City of Desert Hot Springs			●		○			●			○	●	3	out of	5
City of Indian Wells			●		●			●			●	●	5	out of	5
City of Indio			●		●			●			●	●	5	out of	5
City of La Quinta			●		●			●			●	●	5	out of	5
City of Palm Desert			●		●			●			●	●	5	out of	5
City of Palm Springs			●		○			○			●	●	3	out of	5
City of Rancho Mirage			●		●			●			●	●	5	out of	5
Torres Martinez Desert Cahuilla Indians			○		○			○			○	●	1	out of	5
Riverside County			●		●			○			●	○	3	out of	5
<b>Total Attendance Per Meeting</b>			<b>11</b>		<b>9</b>			<b>9</b>			<b>9</b>	<b>10</b>			

<b>Ex Officio / Non-Voting Members</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>ATTENDED</b>		
Agua Caliente			○		●			○			○	○	1	out of	5
California Highway Patrol			○		○			○			○	●	1	out of	5
Cathedral City Fire			●		●			○			○	○	2	out of	5
Cathedral City Police			●		●			○			●	●	4	out of	5
County Probation Department			○		○			●			○	○	1	out of	5
Desert Hot Springs Police			●		●			●			○	○	3	out of	5
District Attorney's Office			●		●			○			●	●	4	out of	5
Indio Police			●		●			●			●	●	5	out of	5
Palm Desert Sheriff Station			○		○			○			●	○	1	out of	5
Palm Springs Fire			○		○			○			○	○	0	out of	5
Palm Springs Police			○		○			○			○	○	0	out of	5
Riverside County Fire			●		○			●			○	●	3	out of	5
Riverside County Sheriff			○		○			○			○	○	0	out of	5
Thermal Sheriff Station			○		○			○			○	○	0	out of	5
U.S. Border Patrol			○		○			○			○	○	0	out of	5
<b>Total Attendance Per Meeting</b>			<b>6</b>		<b>6</b>			<b>4</b>			<b>4</b>	<b>5</b>			

No Meeting   
 Vacant \*  
 Present ●  
 Absent ○

## **ITEM 11C**

**Coachella Valley Association of Governments  
Joint Meeting of the Homelessness &  
Public Safety Committees  
September 18, 2024**



### **STAFF REPORT**

**Subject:** Virtual participation in CVAG's meetings

**Contact:** Elysia Regalado, Management Analyst ([eregalado@cvag.org](mailto:eregalado@cvag.org)) and  
Erica Felci, Chief Operating Officer ([efelci@cvag.org](mailto:efelci@cvag.org))

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#### **Recommendation: Information**

**Background:** All meetings of CVAG's standing committees are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) and must be open and public so that any member of the public may attend and participate in the meetings.

Starting in March 2020, CVAG, along with many of its member jurisdictions, began having committee meetings via video/ teleconferencing in place of in-person meetings due to the COVID-19 pandemic. This proved to be an efficient way to conduct business for CVAG and its sister agencies – the Coachella Valley Conservation Commission (CVCC) and Desert Community Energy (DCE) – which collectively cover an expansive geographic area across eastern Riverside County. Meetings were well attended, leading to thoughtful and robust conversations on policies, projects and programs. The use of both videoconference and telephone access has also fostered public engagement, as people can join the meetings from a convenient location instead of driving to CVAG's Palm Desert conference room. In September 2021, the CVAG Executive Committee authorized the Chair and/or the Executive Director to advocate for Brown Act changes that would allow regional agencies such as CVAG to continue utilizing virtual meetings that became so commonplace during the pandemic.

Around April 2023, with the easing of pandemic-era restrictions, CVAG's committees returned to being held in CVAG's Palm Desert conference room. State laws have changed, but CVAG continues to use videoconferencing to encourage additional participation by the public and, when needed, by elected officials.

Nearly all CVAG meetings include videoconferencing information through Zoom. Members of the public are provided a link and webinar information for easy accessibility. If an individual has difficulty connecting, they can contact CVAG at 760-346-1127 and staff will connect them to the meeting. Public comment is encouraged to be emailed prior to the meeting at [cvag@cvag.org](mailto:cvag@cvag.org) by 5:00 p.m. on the day prior to the committee meeting. Comments intended to be read aloud should be no more than 300 characters. During the public comment periods, CVAG staff watch for raised hands to get feedback from virtual members. As noted on the agenda, members of the public joining the meeting by Zoom can also provide comment by using the "raise hand" feature or hitting \*9 on the phone keypad.

Beginning January 1, 2023, Assembly Bill (AB) 2449 amended the Brown Act regarding remote attendance at local agency public meetings and allowed legislative bodies of a local agency to use

teleconferencing without noticing each teleconference location or making it public, provided at least a quorum of the body participates in person at a single physical location that is identified on the agenda, is open to the public, held within the boundaries of the agency and provided that other requirements regarding accessibility are met. This provision is not permanent and sunsets on January 1, 2026.

As long as quorum of the legislative body is present in a singular location listed on the agenda, members can join under an emergency circumstance or under “just cause,” such as the need to serve as a caregiver or the need to travel for business of another legislative body. CVAG staff asks members to contact them as early as possible to discuss the process of joining the meetings and the requirements of such participation, including the requirement to use both audio and video.

CVAG’s legislative platform continues to advocate for changes to allow for virtual meetings.

**Fiscal Analysis:** There are no additional costs to CVAG hosting virtual meetings. Logistics are covered under existing staff time, and committee members are paid the same stipends as they would in person.