



## City of Sonora

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April 19, 2023

Tuolumne County  
County Administrative Officer Riggs  
2 So. Green Street, Sonora CA 95370

Dear Ms. Riggs and Members of the Tuolumne County Board of Supervisors,

Thank you for asking for the City's perspective on homeless services and our experience as it relates to serving as the County seat.

The City of Sonora serves as home to 50% of the total County chronic homeless and 34% of total County homeless individuals, despite being 9% of the County population. This per capita number for the City of Sonora according to data provided by Resiliency Village, .019, exceeds the largest US Cities experiencing the highest homeless counts. As of recent, 17% of calls for police are homeless related. Numbers such as this, concentrated in a small geographical region of 3.1 miles and amongst a population of 5,004 residents, places an unmitigated financial burden on the City of Sonora. This burden is impacting the overall health, safety, and wellbeing of our residents and limiting our ability to respond with adequate levels of service to meet community needs and expectations.

To balance the demands placed on our community and to protect the rights of all residents, the City has embraced a **compassionate but accountable** philosophy in its approach to addressing the threat to public health, safety, and welfare this social crisis has imposed. This approach included several policy decisions. Among them, the adoption of the *Protection of Critical Infrastructure and High Fire Severity Zones Ordinance No. 889*, and the *Homeless Encampment Health and Hygiene Ordinance No. 888*. In addition to the adoption of the Ordinances, the City approved Clean and Clear Policies for the safe maintenance of allowable camping areas on City facilities. These policy decisions are aimed at protecting the basic human need for respite and sleep, while also managing our ability to protect the community from the public health concerns of unmanaged encampments, the fire danger that camping in high fire severity zones creates, as well as provides for the protection of critical infrastructure necessary to sustain the response of our public safety teams.

In addition to policy, and to further respond to this threat to public health, safety, and welfare, the City utilized Permanent Local Housing Allocation funding (PLHA) to support a full time County Behavioral Health and Human Services Employee necessary to provide for the supportive service needs of the homeless community. Additionally, the City Police Department has funded a Sworn Officer to serve as the Homeless Liaison and has created a Memorandum of Understanding (MOU) to bring a collaborative group of supportive service partners to form a Mobile Navigation Center and Street Outreach Team. The City has also secured a Continuum of Care (CoC) grant to support the Street Outreach efforts with a part-time non-sworn position.

The Community of Sonora has also opened its doors to many services, programs, and donations aimed at supporting the unsheltered. Homeless services within the incorporated City include but are not limited to:

The Washington Street Shelter  
The Center for a Non-violent Community- Guardian House  
Nancy's Hope, Non- Profit Services  
The Lambert House, A Non- Profit Drop in Center  
Give Someone a Chance, Mobile Showers  
Laundry Facilities  
The Enrichment Center, A County Run Drop In Center  
Numerous County Supportive Services  
Faith Based Ministries Food Pantries and Food Distribution  
Stewart Street Shelter, Under Development

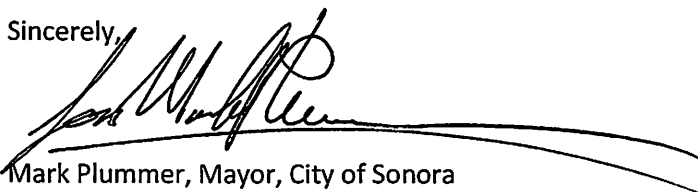
Unfortunately, despite our best efforts, the crisis grows. With this case history, the City believes itself to be over-contributing to the solution, thereby exacerbating the problem disproportionately for Sonora residents. Other than the \$135,000 CoC Grant and PLHA funds, the City receives no other state or federal funds to provide supportive services for this deeply in need population. The general fund is the only source the City has to address the associated issues of homelessness including increased demand for fire response and medical calls, increased police calls for service, and increased demand on public works crews to clean and maintain vandalized facilities, roads and sidewalks littered with human excrement, food containers, sleeping bags, and shopping carts.

***We need the County's help in addressing this issue. We ask that the County open its doors to solutions to this County-wide crisis. We ask that the County decentralize homeless support services or adequately financially mitigate the impacts of those services, recognizing the risk and burden to the City's wellbeing. The City seeks geographic equity in response to solutions to this crisis. We further ask the County NOT even consider Shelter options or additional services in the Historic Downtown Core as hotels and facilities are a much needed amenity for the City's tourism economy and the basis of our general fund revenue.***

We ask that the County partner with the City in the adoption of City Ordinances No. 888 and 889 to ensure unified enforcement on County property within the City limits. This is necessary to provide for the health, safety, and wellbeing of our community. We further ask that the County sign the City of Sonora Police Department MOU, bringing resources to the people today, while long term planning efforts such as the construction of the Navigation Center and shelter acquisition continues. Finally, we ask the County to develop a matrix, or set of criteria, for the evaluation of policies and impacts on outcomes. As the City leads the region in the location of supportive services, shelters, transportation, and drop-in centers, those services have not yielded decreases in homelessness within the incorporated City.

We thank the County for considering the Soulsbyville Oak Terrace facility. We support this facility as a Shelter option. We further encourage all Districts to open their doors to solutions to this social crisis. Geographic equity and decentralization of services will truly create a balanced and healthy regional approach to the homeless crisis within our community and ease the disproportionate impact County policy has on the City's population.

Sincerely,



Mark Plummer, Mayor, City of Sonora

Attachments:

Sonora Policy Department MOU-Homeless Outreach Support Team (HOST)  
City of Sonora Toolkit  
Ordinances No 888 & 889

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**CITY OF SONORA POLICE DEPARTMENT  
AND  
CITY OF SONORA FIRE DEPARTMENT  
TUOLUMNE COUNTY SHERIFF'S DEPARTMENT  
TUOLUMNE COUNTY BEHAVIORAL HEALTH  
AMADOR TUOLUMNE COMMUNITY ACTION AGENCY  
TUOLUMNE COUNTY DEPARTMENT OF SOCIAL SERVICES  
TUOLUMNE COUNTY HOMELESS SERVICES COORDINATOR  
FOR  
HOMELESS OUTREACH SUPPORT TEAM (HOST)**

**SECTION 1**

**1.1 PARTIES TO AGREEMENT**

- 1.1.1 City of Sonora Police Department (Sonora PD)
- 1.1.2 City of Sonora Fire Department (Sonora FD)
- 1.1.3 Tuolumne County Behavioral Health (TCBH)
- 1.1.4 Amador Tuolumne Community Action Agency (ATCAA)
- 1.1.5 Tuolumne County Department of Social Services (DSS)
- 1.1.6 Tuolumne County Sheriff Department (SO)
- 1.1.7 Tuolumne County Homeless Services Coordinator

**SECTION 2**

**2.1 INTRODUCTION AND HISTORY**

2.1.1 Over the years, the needs of the community have shifted as a result of an increase in homelessness throughout all of California. This shift is driven by a lack of affordable housing opportunities, a change in state drug laws, and the challenges in engaging individuals to take advantage of mental health resources. The demand for local services is steadily growing, resulting in the need to re-examine how services are deployed to persons experiencing homelessness, substance use, and/or mental health issues.

As indicated by recent Point in Time (PIT) counts, Tuolumne County experiences the highest homeless population in the region (Tuolumne, Calaveras, Mariposa, and Amador). The City of Sonora is at the hub of our county's homelessness issues due to the close proximity of the hospital, parks, a jail, grocery stores, and other retail and charitable organizations. Law enforcement, Ambulance, and Fire personnel are responding to calls relating to homelessness at increased rates.. First responders are limited in their capacity to effectively triage for referrals and follow-up services. Additionally, the goal would be to reduce impacts on the hospital emergency department and outpatient services.

Tuolumne County Behavioral Health (TCBH) and local Law Enforcement are already collaborating in an effort to link individuals to mental health services. TCBH and the City of Sonora Police Department (Sonora PD), and TCSO will continue to aid and assist persons in crisis through crisis response collaboration. However, a *Homeless Outreach Support Team* (HOST) will be established to include a sworn Homeless Liaison Officer from Sonora PD, a Fire EMT from the City of Sonora Fire Department (Sonora FD), a TCBH service provider, a DSS service provider, Tuolumne County Homeless Services Coordinator, and a Housing Resource Coordinator from Amador Tuolumne Community Action Agency (ATCAA). HOST will respond to community needs based on priorities identified by the partnering agencies. The purpose of this team would be to interact with individuals, learn who is willing to engage in services and resources, and link those individuals with those opportunities.

### **SECTION 3**

#### **3.1 PURPOSE OF THE AGREEMENT**

**3.1.1** The purpose of this MOU is to establish a working relationship among the parties and document each party's responsibilities relative to the Homeless Outreach Support Team (HOST). HOST is designed to enhance collaboration and facilitate the deployment of services and resources to high-risk individuals that frequently impact emergency systems. Parties of this understanding agree to work together in the most efficient and professional manner in order to best serve the community.

**3.1.2** The term of this agreement is ongoing, with the effective commencement date being December 1, 2022. This MOU may be amended only in writing with the signed approval

of all parties. A representative of any participating agency can request a review of the MOU at any time if deemed necessary for operational effectiveness. Participating agencies may elect to terminate their participation in this MOU by providing written notification to the *HOST* participants. Termination will take effect not less than thirty (30) days after receipt of written notification or upon a date established by mutual agreement or whichever is earlier.

### **3.1.3 Overview of *Homeless Outreach Support Team* Model**

*HOST* will deploy a team comprised of representatives of each participating agency as available and appropriate, but no more than monthly. *HOST* will respond to community members who are pre-identified by the team who are frequently impacting emergency systems. The schedule of operation will be between Monday through Friday and the hours of 8 a.m.- 5p.m., not to exceed an 8-hour project on a pre-determined date. The team will respond to various locations in the county (i.e., residences, streets, shelters, clinics, hospitals, homeless camps, and schools). Ideally, the team will deploy in partnering agency vehicles. Vehicles deployed by law enforcement partners will not be obviously identified as law enforcement in an effort to minimize the potential of trauma or anxiety to the high-risk individual scheduled to be engaged.

## **SECTION 4**

### **4.1 GOALS OF THE *HOMELESS OUTREACH SUPPORT TEAM***

*HOST* will be deployed to offer outreach and support to those experiencing homelessness based on individual needs. *HOST* will focus on meeting program goals and outcomes and doing what is in the best *interest* of each individual served while providing support, referrals, and linkage to additional services in an effort to reduce psychiatric hospitalizations, homelessness, and future impacts on emergency services.

**4.1.1** *HOST* makes the assumption that by providing outreach services and clinical interventions to engage high-risk individuals of concern, the following goals will be accomplished:

#### **4.1.1(a) Immediate Goals:**

Encourage individuals to access housing opportunities, mental health, and substance abuse services;

- Reduce impact on emergency systems;
- Provide appropriate referrals to community resources.
- Provide wrap-around services and follow-up as accepted by the individual.
- HOST will develop a process to utilize the Homeless Information Management System (HMIS) to track program goals and outcomes and to provide housing need opportunities for clients.

**4.1.1(b) Long-term goals:**

- Reduce the impact on emergency departments and Tuolumne County Jail;
- Reduce the percentage of incidents involving law enforcement officers and the homeless population;
- Reduce calls for response by law enforcement and other first responders;
- Reduce the number of persons experiencing chronic homelessness in our community;
- Reduce the need for psychiatric hospitalization;
- Reduce the impact of crimes associated with homelessness in residential areas and business districts;
- Increase the number of chronically homeless voluntarily accessing outpatient behavioral health services.

**SECTION 5**

**RESPONSIBILITIES OF PARTIES**

**5.1 Responsibilities of *Tuolumne County Behavioral Health***

**5.1.1** Provide a service provider trained to work with the homeless population.

**5.1.2** Provide the medically necessary interventions for each appropriate referral received.

**5.1.3** Provide clinical and administrative training and oversight for the TCBH members of HOST.

**5.1.4** Ensure confidentiality within State and Federal guidelines.

**5.1.5** Share outcome data as appropriate with HOST partners for continued quality improvement. This would be supported by obtaining a signed waiver from the patient/individual in crisis

**5.1.6** Provide representation at quarterly MOU meetings.

**5.1.7** Provide recommendations for members of the community identified as needing field intervention by HOST.

**5.2.1 Responsibility of the City of Sonora Police Department/Tuolumne County Sheriff**

**5.2.2** Provide a California POST Certified sworn Peace Officer trained in de-escalation, crisis intervention, and homeless response

**5.2.3** Responds to calls for Welfare Checks whenever a person is determined to be in imminent danger as a result of a mental health crisis

**5.2.4** Follow standard law enforcement procedures of initiating an application per W&I Code 5150 / 5585, when it is determined that TCBH mobile triage services will be unable to respond to a law enforcement's request for assistance

**5.2.5** Work closely with participating agencies to ensure appropriate communication exchange of information related to law enforcement involvement

**5.2.6** Provide security for the *HOST* during an intervention

**5.2.7** Share outcome data as appropriate with *HOST* partners for continued quality improvement.

**5.2.8** Provide safety guidance and legal oversight as it pertains to criminal violations. Whenever possible, traditional criminal enforcement procedures will not be implemented during a field intervention unless an immediate risk to public safety exists.

**5.2.9** Provide recommendations for members of the community identified as needing field intervention by the *HOST*.

**5.2.10** Provide representation at the quarterly MOU meetings.

**5.2.11** Provide the necessary oversight and training of Sonora PD/TCSO law enforcement personnel to be familiar with the *HOST* program, protocol, and law enforcement responsibilities as they partner within this program.

**5.2.12** If necessary, provide secured transportation from the scene to the appropriate City of Sonora or Tuolumne County located facility.

**5.2.13** Ensure confidentiality within legal guidelines for individuals receiving assistance from the *HOST*.

### **5.3 Responsibilities of *the City of Sonora Fire* Department**

**5.3.1** Provide, operate and maintain a certified Fire Paramedic with the training and authority to evaluate and release patients in the field. In the absence of an available Fire Paramedic, a Fire EMT will be assigned to the team.

**5.3.2** Provide general medical assessments and referrals during *HOST* field interventions.

**5.3.3** Provide medical oversight for the *HOST* during field interventions. Make appropriate requests for immediate medical transport as needed.

**5.3.4** Provide fire safety evaluations, guidance, and direction during field interventions.

**5.3.5** Ensure confidentiality within State and Federal guidelines

**5.3.6** Share outcome data as appropriate with *HOST* partners for continued quality improvement. This would be supported by obtaining a signed waiver from the patient/individual in crisis

**5.3.8** Provide representation at quarterly MOU meetings

**5.3.9** Provide recommendations for members of the community identified as needing field intervention by the *HOST*.



#### **5.4 Responsibilities of Amador Tuolumne Community Action Agency**

**5.4.1** Provide, operate and maintain a Housing Resources Coordinator.

**5.4.2** Provide assessments for housing or shelter needs.

**5.4.3** Provide assistance with housing applications and financial assistance requests.

**5.4.4** Provide linkage to all additional relevant services available through ATCAA and partnering agencies.

**5.4.5** Provide direction, guidance, and assistance to the City of Sonora's Homeless Outreach Coordinator. (The existence of this position is contingent upon a potential grant award)

**5.4.6** Through coordination with the City of Sonora's Homeless Outreach Coordinator, provide wrap-around services through follow-up with individuals linked to resources through the *HOST*.

**5.4.7** Ensure confidentiality within State and Federal guidelines

**5.4.8** Share outcome data as appropriate with *HOST* partners for continued quality improvement.

**5.4.9** Provide representation at quarterly MOU meetings

**5.4.10** Provide recommendations for members of the community identified as needing field intervention by the *HOST*.

#### **5.5 Responsibilities of Tuolumne County Department of Social Services**

**5.5.1** Provide a service provider to connect participants to DSS services, including securing public assistance benefits, homeless services, and case management as accepted.

**5.5.2** Coordinate with ATCAA and other community partners on the appropriate funding sources to support direct services

**5.5.3** Ensure confidentiality within State and Federal guidelines

**5.5.4** Share outcome data as appropriate and in accordance with Multi-Disciplinary Team laws with *HOST* partners for continued quality improvement.

**5.5.5** Provide representation at quarterly MOU meetings.

**5.5.6** Provide recommendations for members of the community identified as needing field intervention by *HOST*.

## **SECTION 6**

### **6.1 GUIDELINES FOR APPROPRIATE REFERRALS TO THE HOMELESS OUTREACH SUPPORT TEAM**

**6.1.1** While it is difficult to establish exact criteria for appropriate responses for *HOST*, the following serves as a guideline

**6.1.2** Examples of appropriate field response for the Homeless Outreach Support Team:

It is understood that most, if not all, circumstances generating a *HOST* response have already been triaged from an emergency/urgency perspective by first responders or other participating entities.

**6.1.2.1** Any situation which involves a person chronically accessing emergency services.

**6.1.2.2** Repeated demonstration of unsafe behaviors affecting an individual's ability to care for their basic needs.

**6.1.2.3** Regular and prolonged public intoxication impacting community and emergency services.

**6.1.2.4** Persons experiencing chronic homelessness and lacking functional capacity due to mental, substance abuse, and/or health limitations.

**6.2.1 Examples of inappropriate field response for the Homeless Outreach Support Team:**

**6.2.1.1** Imminent medical emergency.

**6.2.1.7** Need for immediate incarceration due to serious criminal activity.

**6.2.1.9** The individual is homeless but presents with the ability to find food, shelter, and clothing and has repeatedly refused available services.

**SECTION 7**

**TRAINING AND LICENSING CERTIFICATION**

The signatories to this MOU will ensure that all agency personnel involved in carrying out the agreed-upon protocol will be properly trained to perform the duties detailed herein.

**SECTION 8**

The Sonora Police Department shall host a meeting for the parties of this agreement quarterly to discuss the following: timeliness and utilization data, quality improvement activities, conduct case reviews of difficult cases as referred, and review adherence to practices as described in this MOU. All agencies shall come prepared to discuss cases or referrals in detail.

**SECTION 9**

**9.1 TERMS OF AGREEMENT**

**9.1.1** All signatory agencies shall use their best efforts to move forward in accordance with the guidelines outlined in this agreement. This MOU is not intended to create any legally binding obligations or causes of action for or against any party. This MOU is made for the benefit of the parties and is not intended to benefit any third party or be enforceable by any third party


**9.1.2** The City of Sonora has authorized the execution of this MOU indicated by the signatures below.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF SONORA:**

*Melissa Eads*

\_\_\_\_\_  
Melissa Eads, City Administrator

  
\_\_\_\_\_  
Turu VanderWiel, Chief of Police

\_\_\_\_\_  
Aimee New, Fire Chief

**COUNTY OF TUOLUMNE:**

\_\_\_\_\_  
Tracie Riggs, County Administrator

\_\_\_\_\_  
Rebecca Espino, Health and Human Services Director

\_\_\_\_\_  
Bill Pooley, Tuolumne County Sheriff

\_\_\_\_\_  
Tami Mariscal, Behavioral Health Director

\_\_\_\_\_  
Michelle Clark, Social Services Director

**AMADOR TUOLUMNE COMMUNITY ACTION AGENCY:**

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Name, Title

**ORDINANCE NO. 888**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING SONORA MUNICIPAL CODE CHAPTER 9.62, HEALTH AND HYGIENE, OF TITLE 9, PUBLIC PEACE, MORALS AND WELFARE.**

**WHEREAS**, a shelter crisis exist due to a significant number of persons without the ability to obtain shelter; and

**WHEREAS**, homeless encampments attract illegal dumping, rodents, fire hazards, and contamination of the surrounding area; and

**WHEREAS**, the perpetual accumulation of debris creates a health and fire risk; and

**WHEREAS**, the shelter crisis is an immediate threat to the health, safety and welfare of the public, including encampment occupants; and

**WHEREAS**, until more shelter becomes available, managing encampments is necessary to maintain healthy and hygienic communities.

The City Council of the City of Sonora does ordain as follows:

**SECTION 1. Amendment.** Chapter 9.62, Health and Hygiene, shall be added to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code as follows:

**9.62.010 Findings and purpose.**

The city council finds as follows: (1) a shelter crisis exists due to a significant number of persons without the ability to obtain shelter; (2) homeless encampments attract illegal dumping, rodents, fire hazards, and contamination of the surrounding area; (3) the shelter crisis is an immediate threat to the health, safety, and welfare of the public, including encampment occupants; (4) until more shelter becomes available, managing encampments is necessary to maintain healthy and hygienic communities.

The purpose of this chapter is to alleviate the hazardous conditions of encampments by authorizing the Public Works Department, or City authorized agent, to conduct temporary clean and clear operations and permanent encampment closures as necessary to protect the public welfare, health and safety.

**9.62.020 Definitions.**

When used in this chapter, the following words and phrases have the following meanings:

- A. "Abandoned" shall mean any property that based on words, act or other objective indications, it is reasonable to conclude that a person has relinquished ownership of the property.
- B. "Camp" and "camping" mean the placement on public or private property for the purpose of making a living accommodation for one or more nights of tents, tarpaulins, temporary shelters, house trailers, motor vehicles or parts thereof, trailers, cooking facilities, cots,

ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.

- C. "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters.
- D. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city designated cooking facilities and similar equipment.
- E. "Clean and Clear" means the temporary closure of an encampment to all occupants to remove hazardous materials, refuse, or other types of waste.
- F. "Environmental" means relating to the natural or artificial conditions of the environment of the area of concern.
- G. "Fire Hazard" has the same meaning as in Section 14.01.170.
- H. "Hazardous waste" has the same meaning as in California Public Resources Code Section 40141.
- I. "Illegal Dumping" has the same meaning as in Section 8.16.040.
- J. "Infectious waste" has the same meaning as in California Code of Regulations, Title 14, Section 17225.36.
- K. "Natural Disaster" includes floods, earthquakes, wildfires, and other serious environmental events that create emergencies that endanger the safety of the city's population.
- L. "Refuse" includes garbage and rubbish.
- M. "Routine" means occurring repeatedly on a weekly, monthly, or annual basis at any interval (bi-weekly, bi-monthly, etc.)
- N. "Solid waste or wastes" includes all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes, and also includes liquid wastes disposed of in conjunction with solid waste disposal sites.

#### **9.62.030 Relation to Other Laws**

Nothing in this chapter is meant to preempt or otherwise replace the enforcement of violations under the Sonora Municipal Code or as otherwise permitted under law.

#### **9.62.040 Abatement**

- A. The Public Works Department is authorized to carry out both one-time or routine Clean and Clear operations at camping locations to prevent the buildup of hazardous waste, illegal dumping, infectious waste, refuse, or solid waste.
- B. Clean and Clear operations require that affected occupants receive notice of the action at least seventy-two (72) hours prior to its scheduled time, in accordance with Sonora's Encampment Management Policy.
- C. Any property left at the campsite during the Clean and Clear operation shall be considered abandoned and subject to disposal. City officials will collect and log any unabandoned and temporarily unattended items that a safe for storage for retrieval by occupants after the operation ends. The city shall secure any collected belongings for no less than ninety (90) days.
- D. Any items that are not safe for storage, including but not limited to food, food wrappers, soiled items, or items used for personal hygiene (not including medication), may be immediately discarded. Additionally, property that is hazardous or poses an immediate threat to public health and safety may also be discarded.
- E. Permanent closure of a campsite is warranted where an existing or expected natural disaster or environmental harm poses a threat to the health and safety of a camp's occupants. Permanent closure entails the same requirements of this Section, unless an emergency makes notice and logging personal property infeasible.

#### **9.62.050 Interference.**

In accordance with California Penal Code § 148, every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment to enforce this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

**Section 2. Severability.** If any section, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

**Section 3. Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of

general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

This Ordinance was introduced at a regular meeting of the City Council held on the 5<sup>TH</sup> of JULY, 2022, and passed and adopted as Ordinance No. 888 at a regular meeting of City Council held on the 18<sup>TH</sup> of JULY, 2022 by the following vote:

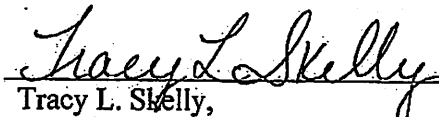
**AYES: PLUMMER, SEGERSTROM, CRUZ, HAWKINS, MERRILL**

**NOES:**

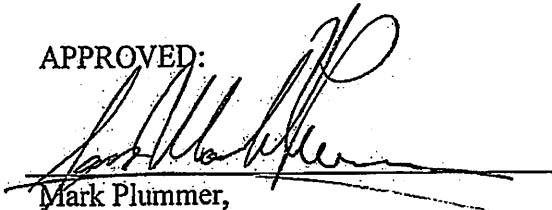
**EXCUSED:**

**ABSTAIN:**

**ATTEST:**

  
Tracy L. Skelly,  
City Clerk

**APPROVED:**

  
Mark Plummer,  
Mayor



**ORDINANCE NO. 889**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING SONORA MUNICIPAL CODE CHAPTER 9.61, PROTECTION OF CRITICAL INFRASTRUCTURE AND FIRE SEVERITY ZONE, OF TITLE TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE.**

**WHEREAS**, camping and use of camping paraphernalia near critical infrastructure poses an immediate threat to public health, safety and welfare due to potential destruction of, damage to, and interference with infrastructure critical to the provision of public services, such as law enforcement, fire prevention, transportation, and utilities, including communication, water and waste disposal; and

**WHEREAS**, destruction of, damage to, or interference with critical infrastructure is caused by fire, contamination, blocked access, or other causes; and

**WHEREAS**, the perpetual accumulation of debris creates a health and fire risk; and

**WHEREAS**, destruction of, damage to, or interference with critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The City Council of the City of Sonora does ordain as follows:

**SECTION 1. Amendment.** Chapter 9.61, Protection of Critical Infrastructure and Fire Severity Zones shall be added to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code as follows:

**9.61.010 Findings and purpose.**

The city council finds as follows: (1) an immediate threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities, including communication, water, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, blocked access, or other causes; and (3) destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The purpose of this chapter is to mitigate the threat of fire and other potential causes of destruction and damage to and interference with critical infrastructure to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near critical infrastructure.

**9.61.020 Definitions.**

When used in this chapter, the following words and phrases have the following meanings:

A. " Camp" and "camping" mean the placement on public or private property for the purpose of making a living accommodation for one or more nights of tents, tarpaulins, temporary shelters,

house trailers, mobile homes, motor vehicles or parts thereof, trailers, cooking facilities, cots, ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.

B. "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters.

C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city designated cooking facilities and similar equipment.

D. "Critical infrastructure" means real property or a facility, whether privately or publicly owned, that the City Administrator designates as being so vital and integral to the operation or functioning of the city or in need of protection that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; schools; wastewater facilities; structures, such as antennas, bridges, roads, train tracks, waterways, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas or propane pipes, telecommunication centers, or water sources.

E. "Facility" means a building, structure, equipment, system, or asset.

F. "Fire prevention official" means the Fire Chief, or designee.

G. "Garbage" includes all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of, foodstuffs.

H. "Hazardous waste" has the same meaning as in California Public Resources Code Section 40141.

I. "Infectious waste" has the same meaning as in California Code of Regulations, Title 14, Section 17225.36.

J. "Refuse" includes garbage and rubbish.

K. "Solid waste or wastes" includes all putrescible and non-putrescible solid and semisolid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes, and also includes liquid wastes disposed of in conjunction with solid waste disposal sites.

L. "Fire Severity Zones" California law requires CAL FIRE to identify areas based on the severity of the fire danger expected to prevail there. These zones or "zones" are based on factors such as fuel, slope, and fire weather. There are three zones according to the increased fire hazard: medium, high and very high.

#### **9.61.030 Relation to Other Laws.**

Nothing in this chapter is meant to preempt or otherwise replace the enforcement of violations under the Sonora Municipal Code or as otherwise permitted under law.

**9.61.040 Prohibited activities.**

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia at the following locations:

1. Critical infrastructure;
2. Within twenty-five feet of critical infrastructure;
3. Within twenty-five feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including, but not limited to, members of law enforcement, fire prevention, or emergency medical services agencies; or
5. Areas designated as a Fire Severity Zone.

B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia, in the following locations without the written consent of the owner, except as otherwise provided by resolution of the city council:

1. Critical infrastructure;
2. Within twenty-five feet of critical infrastructure;
3. Within twenty-five feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including, but not limited to, members of law enforcement, fire prevention, or emergency medical services agencies; or
5. Areas designated as a Fire Severity Zone.

C. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to the period that the owner has given their consent. All overnight camping on private residential property within the City is subject to applicable building and fire codes under the Sonora Municipal Code and prohibitions on the use of trailers and mobile homes as set forth in Title 17 of the Sonora Municipal Code.

D. Nothing in this chapter is intended to prohibit or make unlawful 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 for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other

lawful user if such activities are expressly authorized by Title 17 or other laws, ordinances, and regulations.

#### **9.61.050 Abatement.**

- A. Any violation of Section 9.60.040 may result in abatement of an occupant's personal property after providing them with no less than seventy-two (72) hour written notice that the occupant's camp, camp paraphernalia, or camp facility is located in or on a designated Critical Infrastructure or a Fire Severity Zone.
- B. Summary abatement without prior notice is warranted when conditions or violations are so severe that immediate action is required to prevent the serious threat of harm.
- C. Abatement pursuant to subsections A or B may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or refuse; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.
- D. Regardless of the city's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any interest in real property, is required to maintain the property in compliance with the Sonora Municipal Code, and applicable provisions of state and federal law; and is liable for violations thereof.
- E. The cost of abatement, including all administrative costs of any action taken hereunder, may be assessed against the subject premises as a lien, made a personal obligation of the owner, or both, in accordance with procedures in Section 1.08.090.

#### **9.61.060 Interference.**

In accordance with California Penal Code § 148, every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment to enforce this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

#### **9.61.070 Violation—Penalty.**

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal, civil, and administrative penalties pursuant to Chapters 1.08 and 1.20.
- B. Violations of this chapter are hereby declared to be a public nuisance.
- C. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

**Section 2. Severability.** If any section, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

**Section 3. Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

This Ordinance was introduced at a regular meeting of the City Council held on the 5<sup>TH</sup> of JULY, 2022, and passed and adopted as Ordinance No. 889 at a regular meeting of City Council held on the 18<sup>TH</sup> of JULY, 2022 by the following vote:

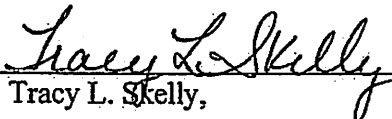
AYES: PLUMMER, SEGERSTROM, CRUZ, HAWKINS, MERRILL

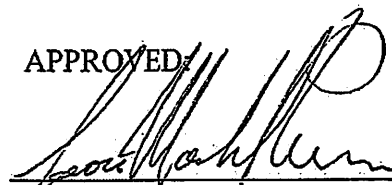
NOES:

EXCUSED:

ABSTAIN:

ATTEST:

  
\_\_\_\_\_  
Tracy L. Skelly,  
City Clerk

APPROVED:  
  
\_\_\_\_\_  
Mark Plummer,  
Mayor



City of Sonora and Police Department  
non-emergency phone number: **209-532-8141**

## **BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS**

It's important to understand that homeless persons are members of our community and should be extended the same level of consideration as housed populations. Avoid applying stereotypes, stigmas, and myths. People experiencing homelessness should not be defined by their housing status, as homelessness can be caused by uncontrollable circumstances and a lack of housing opportunities.

### **• WHEN A HOMELESS PERSON IS AT YOUR BUSINESS**

- Make eye contact and treat everyone with respect.
- If a homeless person is in your establishment to make a purchase, you should treat them like any other customer.
- Establish an amicable relationship and ask their name.
- If someone is being disruptive, homeless or not, try to deescalate the situation if you are comfortable doing so.
- Politely ask unwanted persons to leave, deflecting your request to a third party (e.g., the property owner).
- Let people know your boundaries and call the Police Department to report illegal activity.
- If anyone is interfering with your ability to do business and will not leave, call the non-emergency number of the Police Department to request assistance.
- If someone is threatening harm to themselves or others, acting violent or reckless, or appearing to be experiencing a crisis, ask them to leave clearly and politely and call 911.
- If you feel calling the police may agitate the person further, call 911 and pretend you are talking to a friend or coworker while trying to help the dispatcher understand the problem and your exact location.

### **• PREP YOUR BUSINESS FOR UNWANTED ACTIVITY**

- Install motion-sensitive security lights.
- Lock or turn off exterior power outlets.
- Install security cameras and signs indicating the area is under surveillance. Recommend security cameras with features that include 30-day storage and high resolution (1080p) with color night vision. Common format offloading requiring no proprietary software is the best for police department's ability to use the video to investigate cases.
- Keep trash bins, storage areas, and gates locked.
- Immediately report unwanted occupation of privately-owned areas under your control.
- Keep the area in front of your business clean. Doing this will encourage others to respect the space.
- Report all suspicious activity to the Police Department as it is occurring, regardless of whether or not it directly impacts your business.



City of Sonora and Police Department  
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## BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

### • WHAT TO AVOID

- Offering food, goods, or money. It encourages repeat requests and panhandling and could potentially contribute to unhealthy lifestyles. There are local professional organizations that specialize in the charitable distribution of goods.
- Allowing anyone to camp on your property for any amount of time. Agreeing to this activity could establish certain rights and make evicting unwanted guests problematic.
- Allowing anyone to store personal belongings or shopping carts on your property.
- Indicating you are alone in the business. Consider announcing that your associate will return momentarily.

### • LOCAL SERVICES

Find an organization that you want to support and help by directing people experiencing homelessness or mental health challenges to them. Below are some trusted organizations.

- Amador Tuolumne Community Action Agency (ATCAA)  
427 N. Highway 49, Suite 305, Sonora; Ph# 209-533-1397.
- Lambert Community Center  
347 W. Jackson Street, Sonora; Ph# 209-533-4879.
- Tuolumne County behavioral health Crisis Assessment Intervention Program (CAIP)  
105 Hospital Road, Sonora; Ph# 800-630-1130, or 209-533-7000 for Holidays/After Hours.
- Mother Lode Job Training  
197 Mono Way Suite B, Sonora; Ph# 209-533-3396.

### • FAQ ABOUT LAWS AND HOMELESSNESS

#### **Is it illegal to loiter?**

The state statute defines loitering as lingering or prowling with the specific intent to commit a crime. Loitering in its common meaning is not unlawful.

#### **Can I have someone arrested for trespassing?**

Yes, but there is a process for advising a trespasser and ultimately enforcing the violation by arrest if the problem persists. In December 2019, the City of Sonora passed a trespass ordinance. It's important to note that this was not a homelessness enforcement ordinance but a tool for local business owners to manage the environment of their locations. Most businesses are classified as privately owned land/properties open to the general public, and existing state laws are deficient in addressing the specific needs of business owners/operators. Sonora's ordinance provides a tool for business owners experiencing disruptive and meddlesome patrons. Again, we strongly recommend you focus on the conduct and behavior of the person rather than their status. The Police Department will not assist with trespass enforcement if the basis for the request is unlawful or unethical. More about Sonora's Trespass on Private Property or Business Premises ordinance (Municipal Code 9.60) can be found online.





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## BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

### • FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

#### **Does it take an eviction process to make an unwanted camper leave my property?**

No. As long as there has been no verbal or written agreement for someone to stay for a specified amount of time. Under these circumstances, once someone refuses your request to leave, it becomes an illegal trespass. As a matter of process, however, if someone has established a hasty encampment, they will be given a reasonable amount of time to vacate before our officers cite or arrest. A reasonable amount of time can range from a few hours to a couple of days, depending on the persons' ability and opportunity to relocate.

#### **What happens to the items left behind once an encampment has been vacated?**

Property that has been clearly abandoned can be discarded. Items left in an area that has not been fully vacated should be considered personal property. An effort should be made to notify the owner of the personal property that it will be kept no longer than 18 days, after which it can be disposed of so long as the value is less than \$300. Personal property that would be unsafe or hazardous to store may be discarded immediately.

#### **Is it unlawful to camp in public areas?**

In 2014 the City of Sonora passed an ordinance prohibiting camping on public property, but court rulings have since held that to enforce no-camping ordinances, cities must be able to identify that there is an available place to sleep before issuing citations or taking other action such as arresting individuals on public property. It is problematic to have violators move off of public property when we can't cite them.

Case law also requires cities and counties to give transients due process to remove their property. That includes posting notification requiring the removal of the property and giving them time to remove it. If the police have to remove the property, they are bound by found property laws, requiring officers to collect, inventory, and hold the property securely for the owner's retrieval within 90 days.

However, when someone is camping on private property, the owner or agent needs to decide to have unwanted campers trespassed and removed. Property owners would be responsible for covering the costs of cleanup.

#### **Is panhandling illegal?**

Several court cases in California have determined that panhandling is a free speech right protected by the first amendment. As a result, ordinances against general panhandling in many cities have been struck down, and cities can be held financially liable for damages.

The Sonora City Council has passed an ordinance outlawing Aggressive Solicitation, which focuses on conduct rather than the person's status and requires that we show a reasonable relationship between the prohibition and the behavior being regulated. Passively displaying a sign is not unlawful. More about Sonora's Aggressive Solicitation ordinance (Municipal Code 9.54) can be found online.





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## BUSINESS TOOLKIT FOR HOMELESS INTERACTIONS

### FAQ ABOUT LAWS AND HOMELESSNESS (CONTINUED)

#### **What are the consequences for drug use or committing theft and vandalism?**

State legislation and federal court rulings, especially AB 109 (Public Safety Realignment Act of 2011) and Propositions 47 (Safe Neighborhoods and Schools Act/Criminal Sentencing) and Proposition 57 (Californians for Public Safety and Rehabilitation/ Non-Violent Felonies), have drastically changed the way those committing low-level crimes are dealt with in California. Although these legislative changes were promoted as public safety measures, often, people are being released into communities without rehabilitation, employment, or meaningful parole supervision. Because legislation also pushes the responsibility for incarceration down to the county facilities, our jails, which are already at capacity, have all but ceased accepting or holding individuals in custody for misdemeanor nuisance crimes such as theft, vandalism, and drug possession.

#### **Do we need more Police Officers?**

We can always benefit from more police officers, and there is no doubt issues surrounding homelessness have a significant impact on policing resources. However, we cannot arrest ourselves out of the situation, and it will take a community effort to identify sustainable solutions.

#### **Why is there so much homelessness in our area?**

There is a number of factors contributing to the homelessness epidemic as a whole; AB 109 and Prop 47 have exasperated the problem by removing consequences for "low level" crimes. The limited availability of mental health services, drug treatment programs, and affordable housing significantly contributes to homelessness. Additionally, the outreach and support services offered in Sonora and the surrounding community attract unsheltered individuals to the area.