



Mendocino County

Legislation Details (With Text)

File #: 20-0120 **Version:** 1 **Name:**
Type: Ordinance **Status:** Adopted
File created: 1/24/2020 **In control:** Board of Supervisors
On agenda: 2/4/2020 **Final action:**
Title: Discussion and Possible Action Including Adoption of an Urgency Ordinance Adding Chapter 14.32 to Title 14 of the Mendocino County Code - Camping Restrictions on Public and Private Property and Amending Chapter 14.28 of Title 14 of the Mendocino County Code - Use of County Parks (Sponsor: Homeless Action Ad Hoc Committee; Supervisors Gjerde and McCowen)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 4457, 2. Ordinance summary, 3. Ordinance redline

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|---|--------|
| 2/4/2020 | 1 | Board of Supervisors | Adopted and Chair is authorized to sign same; | Pass |

To: Board of Supervisors

From: Board of Supervisors

Meeting Date: February 4, 2020

Department Contact: John McCowen

Phone: 463-4221

Department Contact: Dan Gjerde

Phone: 463-4221

Item Type: Regular Agenda

Time Allocated for Item: 30 Mins

Agenda Title:

Discussion and Possible Action Including Adoption of an Urgency Ordinance Adding Chapter 14.32 to Title 14 of the Mendocino County Code - Camping Restrictions on Public and Private Property and Amending Chapter 14.28 of Title 14 of the Mendocino County Code - Use of County Parks (Sponsor: Homeless Action Ad Hoc Committee; Supervisors Gjerde and McCowen)

Recommended Action/Motion:

Adopt Urgency Ordinance adding Chapter 14.32 to Title 14 of the Mendocino County Code - Camping Restrictions on Public and Private Property and amending Chapter 14.28 of Title 14 of the Mendocino County Code - Use of County Parks; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

Ordinance Number 4171, adopting the current version of Chapter 14.28 of the Mendocino County Code was adopted by the Board of Supervisors in 2006. Ordinance number 4353 amending Chapter 14.28 of the Mendocino Code was adopted by the Board of Supervisors on April 5, 2016. On August 27, 2019, the Board of Supervisors gave direction to the Homeless Action Ad Hoc Committee to bring forward recommendations to

reduce street-level homelessness in Mendocino County. At the Board of Supervisors meeting on October 22, 2019, the Board directed County Counsel to prepare an ordinance to revise the County's camping restrictions in light of the Ninth Circuit's recent decision in *Martin v. City of Boise*. ((9th Cir. 2019) 920 F.3d 584.)

Summary of Request:

Chapter 14.28 of the Mendocino County Code currently limits camping on public or private property and restricts camping on public property to those locations authorized by ordinance. In *Martin v. City of Boise*, the United States Court of Appeals for the Ninth Circuit held that a camping ordinance cannot be used to impose criminal penalties on homeless people who involuntarily sit, lie, or sleep in public places because of a practical lack of available sleeping space in homeless shelters or similar alternatives.

The proposed urgency ordinance clarifies that certain restrictions on camping do not apply in the circumstances described in *Martin v. City of Boise*. The proposed urgency ordinance specifies when certain restrictions become inapplicable and clarifies which restrictions remain for reasons of public safety or other public policy. The proposed urgency ordinance also separates portions of Chapter 14.28 into a new Chapter, 14.32.

Alternative Action/Motion:

Direct staff to prepare an alternate ordinance.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Council: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Lindsey Dunham, Deputy Clerk I

Date: February 5, 2020

Final Status:**Adopted**

Executed Item: **Ordinance** Number: 4457

