

Los Cerritos Wetlands Authority

Date: **May 2, 2019**

To: **Governing Board Members**

From: **Mark Stanley, Executive Officer**

Subject: **Item 11: Consideration of resolution to authorize a contract with Los Cerritos Wetlands Stewards for Homeless Relocation Services (LCWA19501).**

RECOMMENDED ACTION: The Los Cerritos Wetlands (LCWA) authorize a contract for consultant services to the Los Cerritos Wetlands Stewards for Homeless Relocation Services (LCWA19501).

BACKGROUND: In June 2006, the LCWA acquired approximately 67 acres of land within the Los Cerritos Wetlands Complex marking the first purchase of land within the complex for the purpose of wetlands restoration. The LCWA acquired the OTD/Edison parcel comprised of approximately five acres followed by the purchase of the Hellman's Property comprised of approximately 100 acres. In addition, the LCWA has signed a lease agreement for the State Lands Commission parcel to manage approximately four acres in the City of Seal Beach. These lands are currently managed through Tidal Influence but given the need to develop a management plan for removing the growing number of homeless encampments throughout the LCWA properties, therefore the LCWA approved on May 15, 2013 the *Protocols and Guidelines for the Security and Safety* (PGSS), please see Exhibit A.

The LCWA hired Los Cerritos Wetlands Stewards (LCWS) to manage the LCWA PGSS for the purpose of removing the growing number of homeless encampments throughout the LCWA properties and to serve as the Homeless Community Liaison (Resolution 2013-08; 2016-11) and since then the LCWS has provided excellent services required to properly manage and administer the LCWA's PGSS. Given the difficulty of finding a firm to perform homeless remediation services, Staff is recommending re-authorizing the Los Cerritos Wetlands Stewards for Homeless Relocation Services (LCWA13003). In addition, the LCWS is experienced and has provided the LCWA with excellent services. The LCWS will continue providing the LCWA with quality homeless relocation services, while safely and ethically relocating homeless encampments throughout the LCWA properties, please see. Exhibit B for the Scope of Work.

LCWS was established in 1994 as a 501c3 non-profit organization with the main focus of stewardship for the Los Cerritos Wetlands and other natural areas throughout the City of Long Beach. LCWS is knowledgeable and experienced with homeless remediation, the LCWA Properties, on-going restoration projects and is compatible with the LCWA's mission. Additionally, the LCWA currently does not have the Staff to properly manage its land and implement and administer the LCWA's PGSS of the LCWA Properties; therefore, it is critical that the LCWA hire an experienced consulting firm. The LCWA recognizes the LCWS has extensive experience and therefore recommends re-authorizing the contract to the LCWS.

FISCAL: The LCWS Contract will not exceed \$8,700 annually for a multi-year agreement, beginning May 2, 2019 – May 2, 2022, with the option of 2 one-year extensions. The LCWA fiscal budget of 2018-2019 includes the costs of contracting services for the implementation of PGSS homeless relocation services. Funding for these services will be financed through the Signal Hill Petroleum Annual Lease fee and JPA contributions.

EXHIBIT A

LOS CERRITOS WETLANDS AUTHORITY PROTOCOLS AND GUIDELINES FOR THE SECURITY AND SAFETY OF THE LCWA PROPERTIES

Section A: Purpose and Scope

The LCWA Protocols and Guidelines for the Safety and Security (PGSS) of the LCWA Properties was developed in conjunction with the Los Cerritos Wetlands Stewardship Program, the City of Long Beach Police and the City's Health and Human Services and the City of Seal Beach Police Department. The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide LCWA Staff and all hired contractors during all contacts with the homeless, whether consensual or for enforcement purposes. The LCWA recognizes that members of the homeless community are often in need of special protection and services. The LCWA will address these needs in balance with the overall mission and goals of the LCWA. In addition, it is the policy of the LCWA to provide access by permission to members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this JPA will not use homelessness solely as a basis for detention or law enforcement action.

Section B: LCWA Property Descriptions

In June 2006 the LCWA purchased from the Bryant family 67 acres straddling the San Gabriel River in Long Beach at the heart of Los Cerritos Wetlands. Likewise in December 2010 the LCWA purchased from the Hellman family 100 acres in Seal Beach commonly known as the Hellman Lowlands and when added to a 5-acre industrial property (known as the OTD Parcel), total acreage is approximately 172 acres.

Sub-Section B-1: Los Angeles County - Phase 1 East Parcel

The East Parcel is located just east of the San Gabriel River and west of the Haynes Cooling Channel on a narrow piece of land often referred to as "Zedler Marsh". Though this parcel is east of the San Gabriel River it is still within the Long Beach City limits. This property is a total of 26 acres, of which several acres receive limited tidal influence from the San Gabriel River. The LCWA owns 15 acres on the East Parcel. The LCWA property includes a small tidal marsh area and a larger area composed of wetland habitat, native upland plants and non-native weeds. The San Gabriel River bike trail provides views of the functioning salt marsh ecosystem that exists within Zedler Marsh. An easement, via 2nd Street provides road access to the LCWA property through the retained Bryant land. Zedler Marsh offers the best opportunity for habitat stewardship, education, and nature appreciation. Zedler Marsh attracts and supports a variety of wildlife including critical breeding habitat for the endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) and foraging habitat for the endangered California least tern (*Sterna antillarum browni*) amongst other species of special concern. The southern portion of the LCWA property is used by Signal Hill Petroleum for oil operations. There are five oil wells in use on the East Parcel and several other oil related buildings and equipment. The south end of the property is not open to the public. These properties are fenced but require consistent patrolling in order to secure the property.

Sub-Section B-2: Phase 1 West Parcel

The West Parcel is located just west of the San Gabriel River, south of 2nd Street and measures approximately 41 acres. There is currently no tidal influence on the west parcel and the LCWA has no official easement into this property. The Bryant's still privately own the frontage bordering 2nd Street and therefore, the west parcel is presently inaccessible to the public, so all stewardship activities must take place on the east parcel until easements are obtained or other arrangements are procured. Though there are no tidally influenced areas on this part of the LCWA property, there are areas that collect water and act as seasonal freshwater or brackish ponds. The salt marsh plant community is noticeably less diverse than what is found in Zelder Marsh, however, the Belding's savannah sparrow still utilizes the degraded habitat. The topography is relatively homogenous throughout the property. Several roadways crisscross through this property so that Signal Hill Petroleum can access their seven oil wells. These properties are not fenced and require consistent patrolling in order to secure the property.

Sub-Section B-3: Orange County – Phase 2/Hellman Lowlands

This property is just east of the Haynes Cooling Channel and is bordered by an active oil field to the north and house developments and Gum Grove Park along its southeast border. The land is bisected by a long tidal channel which is approximately 40 acres of tidal salt marsh habitat home to about 15 breeding pairs of Belding's savannah sparrows and several populations of rare plants like Coulter's Goldfields (*Lasthenia glabrata coulterii*), Lewis' primrose (*Camissonia lewisi*), southern tarplant (*Centromadia parryi* ssp. *australis*), and California Boxthorn (*Lycium californicum*). The property is fenced but the chain-link fence is consistently compromised and requires constant repairs in order to keep the public from illegally trespassing.

Section C: Homeless Community Liaison

The LCWA will hire a Contractor to act as the LCWA Homeless Community Liaison that is knowledgeable and experienced with homeless remediation, the Stewardship Program, on-going restoration projects and is compatible with the LCWA allocated costs.

Sub-Section C-1: The responsibilities of the Homeless Community Liaison include the following:

- a) Maintain and make available all of the JPA's assistance programs and other resources that are available to the homeless which include as appropriate; City of Long Beach Department of Health and Human Services, Homeless Services Coordinator and the City of Seal Beach Police Department, Homeless Community Liaison.
- b) Meet with social services and representatives of these organizations that render assistance to the homeless.
- c) Maintain a list of the areas within the LCWA properties which are recurring homeless encampments.
- d) Document incident with photos, date, time location and violation, contact appropriate law enforcement representatives and write-up a brief incident report to submit to the LCWA.
- e) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 - 1. Proper posting of notices of trespass and cleanup operations.
 - 2. Be present during any cleanup operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

3. Be present during any cleanup operation conducted by the LCWA involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

Section D: Field Contacts

The Homeless Community Liaison will contact the following departments in accordance to each of the Cities' jurisdiction and sphere of influence to determine available resources and to schedule removal of illegal encampments.

Sub-Section D-1: City of Long Beach Department of Human and Health Services and Police Department contacts

- a) Homeless Service Officer
- b) Multi-Service Center Coordinator
- c) Police Department East Division

Sub-Section D-2: City of Seal Beach Police Department Contacts

- a) Homeless Community Liaison Officer
- b) Department of Public Works

The LCWA Homeless Community Liaison is encouraged to contact the homeless for purposes of rendering aid, support and for community oriented policing purposes. Nothing in this policy is meant to dissuade the Homeless Community Liaison from contacting the appropriate law enforcement and taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace. The Homeless Community Liaison is encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. The LCWA should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

Section E: Site Security

Security is essential to maintaining safe and healthy wetlands for the public. Although the LCWA Phase 1 properties are not fenced and preventing trespassing is an ongoing concern. Following are measures that will ensure the LCWA properties are patrolled and trespassers are escorted off the properties.

- a) Place no trespassing, camping or open fires signs throughout the property.
- b) Contact the Long Beach and Seal Beach Police Departments to report trespasses.
- c) The Homeless Community Liaison will conduct quarterly surveys (every three months) of the unauthorized encampments on the property or as necessary. If necessary, contact and coordinate the necessary personnel for removal of the unauthorized encampments.
- d) Provide educational materials to the easement holders, volunteers, and the general public on the protocols if they encounter unauthorized encampments on the LCWA properties.

Section F: Homeless Remediation

Sub-Section F-1: Regular site visitation and monitoring will occur by the Homeless Community Liaison to ensure the safety of the oil operations and to assess ecological impacts by any occupants. The Homeless Community Liaison will coordinate and remove unauthorized encampments with the help of local law enforcement and the City of Long Beach Department of Health and Human Services. In addition, the Homeless Community Liaison will schedule the trimming of low growing trees and perimeter fencing improvements as necessary.

Sub-Section F-2: Removal of the unauthorized encampments will improve the ecology of the wetlands by:

- a) Improving nesting habitat encroachment during breeding season (Feb-June)
- b) Discourage unapproved animal practice such as dog walking, dog training. And unpermitted habitat alterations, such as campfires.

Sub-Section F-3: Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution.

Sub-Section F-4: An attempt should be made to capture the following when handling investigations involving homeless victims, witnesses or suspects:

- a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- b) Document places the homeless person may frequent.
- c) Provide homeless victims with victim/witness resources when appropriate.
- d) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

Section G: Guidelines for Homeless Annual Relocation and Removal of Illegal Encampments

The Homeless Community Liaison will schedule and conduct an annual or as necessary strategic relocation and removal of illegal encampments by use of the following procedures per California Penal Code 647 (e).

Sub-Section G-1: Personal Property

The personal property of homeless persons must not be treated differently than the property of other members of the public. The LCWA should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person. When a homeless person is arrested or otherwise removed from a public place, the LCWA should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the LCWA, other resources should be consulted and the City of Long Beach Department of Health and Human Services can provide additional resources. The property should be photographed and measures should be taken to remove or secure the property. It will be the LCWA's responsibility to coordinate the removal and safekeeping of the property.

Sub-Section G-2: Instructions for relocating and removing homeless encampments.

The LCWA should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization and coordination with the City of Long Beach Health and Human Services or the Seal Beach as appropriate jurisdiction pertains. When practicable, requests by the public for cleanup of a homeless encampment should be referred to the Homeless Community Liaison who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not be removed or destroyed until the following procedures for relocation and removal are followed.

a) One week before relocation and removal of illegal encampments

Homeless Camps – Requires coordination with multiple agencies and organizations that address homeless issues and that perform relocation, shelter removal and site cleanup documented primarily through coordination efforts and possible cleanup. The Homeless Community Liaison will contact the City of Long Beach Department of Health and Human Services per Section D as well as the appropriate Police Department to coordinate a move out date. The LCWA will post a date and time for relocation and removal, giving the homeless the appropriate time to lawfully exit the LCWA properties and abandon their camps. Contact the City of Long Beach Homeless Services to receive brochures and relocation information to distribute

b) Before the Event

- Send out reminder email to personnel, partners and those that will conduct the annual survey for homeless encampments.
- Survey site to determine event objective based on work-plan, constraints, timeline and other priorities
- Have game-plan of work to be accomplished one week prior event
- Have leaders scheduled and designated for days of events
- Have liability collection sheet ready for event
- Contact landowners to schedule dumpsters drop and pick-up
- Have tools and materials on site one half-hour prior to event
- Place directive signs (where to stop, what to be concerned with, leave bags next to dumpster)
- Ensure trash bags, latex gloves, relocation brochures, shade structure, table hand sanitizer are available for participants.
- Place abandonment notices around the homeless encampments giving the homeless population a 48-hours notice to abandon the property or risk being arrested for trespassing.

c) During Event

- Take photos
- Sign all participants in on liability sheets
- Introduce the relocation team with the LCWA properties
- Go over game-plan and safety concerns with participants
- Distribute necessary safety materials and tools
- Delegate leaders to organize smaller groups if larger groups necessitate
- Stay on designated roads and work-sites

d) After Event

- Thank everyone for their participation
- Make sure all necessary materials are accounted for (i.e. tools, liability sheets) conduct sweeps of all the LCWA properties or as needed.
- Surveyed for new and returned homeless encampments monthly

- Weigh the trash
- Throw trash in bin
- Retrieve directive signs
- Contact proper Cities Departments and landowners for pick-up of the dumpsters
- Monthly monitoring of unauthorized encampments may result in clean up days being adjusted to a frequency of more than an annual event, if so staff will seek additional board authorization.

Sub-Section G-3: Ecological Issues.

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. The Homeless Community Liaison is encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and notification to the LCWA.

LOS CERRITOS WETLANDS STEWARDS **SCOPE OF WORK**

Purpose

The Protocols and Guidelines for the Safety and Security (PGSS) of the LCWA Properties provide the procedures for removal of unauthorized encampments while preserving the existing natural resources. These procedures will provide a comprehensive program for removing illegal encampments in the areas where they are most concentrated, such as the LCWA Phase 1 properties and along the San Gabriel River. The LCWA will work with City of Long Beach Police Department as well as the City's Department of Health and Human Services and the City of Seal Beach Police Department to safely remove homeless encampments throughout the LCWA properties in accordance to each police departments' jurisdiction.

The PGSS was developed in conjunction with the Los Cerritos Wetlands Stewardship Program, the City of Long Beach Police and the City's Health and Human Services, and the City of Seal Beach Police Department. The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide LCWA Staff and Los Cerritos Wetlands Stewards (LCWS) during all contacts with the homeless, whether consensual or through enforcement. The LCWA recognizes that members of the homeless community are often in need of special protection and services. The LCWA will address these needs in balance with the overall mission and goals of the LCWA. In addition, it is the policy of the LCWA to provide access by permission to all members of the community, while protecting the rights, dignity and private property of the homeless.

Proposed Scope of Services:

This land management service would provide homeless remediation services for all the LCWA Properties which include Phase 1, Hellman Lowlands, OTD Parcel and the State Lands Commission parcel, totaling 172 acres. Following is a proposed list of services that the LCWS will provide in order to assure that the most sustainable and best management practices are being used on said properties. The proposed scope of services below can be retained for a flat annual fee of \$8,700.

1. Perform all duties as specified in the *Protocols and Guidelines for the Safety and Security* for the LCWA Properties
2. Perform all duties as specified in the PGSS including Sub-Section C-1 to act as the LCWA Homeless Community Liaison
3. Make sure all work in the wetlands is permitted/authorized and in full compliance with all regulations for this sensitive habitat.
4. Regularly monitor site for any problems/abnormalities and report to LCWA Staff.
5. Provide monthly photo reports to the LCWA Staff. Keep all affected community members informed of any large projects involving maintenance of property.
6. Attend all land management related field meetings between LCWA staff and regulatory agencies, program funders, and/or other stakeholders or easement-holders.
7. Attend all LCWA board meetings.

8. Safeguard the combo code to all property access gates and distribute code to approved land users only.
9. Provide site and safety orientations to newly approved land users.

Additional Services:

Any requests for labor outside of the above proposed scope of services will be billed in addition to the monthly retainer at an hourly of \$25.00 per hour. Cost estimates for additional labor requests can be prepared upon request.

Project Cost and Timeline

Annual Consulting and Maintenance to perform all duties as specified in the PGSS including Sub-Section C-1 to act as the LCWA Homeless Community Liaison for all the LCWA properties will be at a cost of \$8,700 for the period beginning May 2, 2019 through May 2, 2022. Invoicing will occur quarterly and will be occupied with quarterly reports.

May 2, 2019 – Item 11

RESOLUTION 2019 - 07

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORIZING A CONTRACT
FOR CONSULTANT SERVICES TO LOS CERRITOS WETLANDS STEWARDS FOR
HOMELESS RELOCATION SERVICES (LCWA 19501).

WHEREAS, the Los Cerritos Wetlands Authority (Authority) has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, the LCWA authorizes a contract for consultant services to Los Cerritos Wetlands Stewards for Homeless Relocation Services.

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated May 2, 2019.
4. AUTHORIZES a contract for consultant services with Los Cerritos Wetlands Stewards for Homeless Relocation Services for an amount not to exceed \$8,700 annually and for a three-year term with the option of 2 one-year extensions.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on May 2, 2019

Sam Schuchat, Chair

ATTEST:

David Edsall, Jr.
Deputy Attorney General