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Tem Eric Lucan, Chief of Police Mathew  
9 McCaffrey, Public Works Director Chris  
Blunk

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MARIN COUNTY HOMELESS  
13 UNION, a local affiliate of the  
CALIFORNIA HOMELESSNESS  
14 UNION, on behalf of itself and those it  
represents; CAMP COMPASSION, a  
15 Homeless Union-affiliated encampment  
in Lee Gerner Park; Individual Plaintiffs  
16 JASON SARRIS; LEA DEANGELO;  
ZACH BOULWARE; CARRIE  
17 HEALON, LISA NICOLE JOHNSON;  
DONALD HOBBS; DEBORAH ANN  
18 MIROMONTES; LISA JOHNSON;  
CHARLES TALBOT; BETHANY  
19 ALLEN; MICHELANGELO MONTEZ;  
DEBORAH ANN MIRAMONTES;  
20 KALANI WELSCH, and other similarly  
situated homeless persons including  
21 current residents of Camp Compassion  
homeless encampment,

22 Plaintiffs,

23 v.

24 CITY OF NOVATO; CITY MANAGER  
25 ADAM MCGILL, MAYOR PAT  
EKLUND, MAYOR PRO TEM ERIC  
26 LUCAN, CHIEF OF POLICE  
MATHEW MCCAFFREY, PUBLIC  
27 WORKS DIRECTOR CHRIS BLUNK,

28 Defendants.

**CASE NO.: 4:21-cv-05401-YGR**

[Assigned to the Hon. Yvonne Gonzalez  
Rogers]

**SUPPLEMENTAL DECLARATION OF  
ADAM MCGILL IN SUPPORT OF  
CITY OF NOVATO'S OPPOSITION TO  
ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

Hearing Date: August 9, 2021  
Time: 12:00 p.m.  
Ctrm: 1

Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101  
SCN/CMA CA 05474

**DECLARATION OF ADAM MCGILL**

I, ADAM MCGILL, declare and state as follows:

1. I am the City Manager of the City of Novato, and a named Defendant in this action. I make this supplemental declaration in support of the City of Novato’s Opposition to Order to Show Cause for Preliminary Injunction. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. I have received multiple complaints from members of the community who are afraid to enter or go near Lee Gerner Park because of the aggressive behavior of the campers there. In particular, some campers have dogs who are not leashed. This prevents other community members from walking their dogs in the park because of the risk that the unleashed dogs will attack. Campers will aggressively prevent community members from accessing the park by harassing and filming anyone who approaches the camp.

3. I have also received complaints from the business owners who operate businesses near the park. The business owners report offensive and harassing behavior from the campers directed at customers and staff. Campers have urinated and defecated on the private property belonging to these businesses, and the City has received multiple reports of theft.

4. True and correct copies of the complaints referenced above are attached hereto as Exhibit 8.

5. I have read the Declaration of Flojaune Cofer, Phd, MPH submitted along with Plaintiffs’ Complaint. In her declaration, Dr. Cofer relies on an outdated version of the CDC’s guidance on homeless encampments. Dr. Cofer exclusively cites to the June 6, 2021 Update, but a further update was issued on July 7, 2021. A true and correct copy of the July 8, 2021 update is attached hereto as Exhibit 9. Included

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1 within Exhibit 9 is the CDC’s Recommendations for Fully Vaccinated People, which  
2 is cited within the July 8, 2021 guidance.

3 6. As the City Manager of the City of Novato, I am responsible for  
4 interfacing with Marin County Health and Human Services. I am familiar with the  
5 County’s reporting on case rates and hospitalizations for COVID-19. When the State  
6 of California’s Blueprint for Reopening was still in effect, the Yellow (Minimal) Tier  
7 required the City to meet the following standards for at least two weeks: (1) less than  
8 2.0 daily new cases per 100,000 residents; (2) less than 2.0 positivity rate; and (3) less  
9 than 2.2 positive tests for health equity quartile. Marin County entered the Yellow  
10 (Minimal) Tier in May 2021.

11 7. The City of Novato has a population of 55,642. In the past 14 days, the  
12 County has identified 59 confirmed cases of COVID-19 in the City. This number has  
13 decreased significantly from the 375 confirmed cases of COVID-19 in January 2021.  
14 As of July 22, 2021, there were only seven reported confirmed COVID-19 patients  
15 hospitalized in Marin County, and only one patient in the intensive care unit.

16 8. Ordinances 1669 and 1670 establish geographic limitations on the  
17 locations where overnight camping may occur within the City. The City published a  
18 map of the areas within Lee Gerner Park that are affected by these geographic  
19 restrictions on its website after the Ordinances were adopted, and distributed a printed  
20 copy of the map to the campers at Lee Gerner Park. A true and correct copy of the  
21 map is attached hereto as Exhibit 10.

22 9. In advance of the May 25, 2021 City Council Meeting, the City  
23 Attorney’s office prepared a staff report on Ordinance 1669. A true and correct copy  
24 of the Staff Report titled Ordinance Adding Section 7-11 to Chapter VII of the Novato  
25 Municipal Code Regarding Protection of Critical Infrastructure and Wildfire Risk  
26 Areas and Amending Section 14-20 of the Novato Municipal Code Regarding  
27 Unlawful Camping is attached hereto as Exhibit 11.

28 10. In advance of the May 25, 2021 City Council Meeting, the City

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Pasadena, CA 91101  
SCN/CMA CA 05474

1 Attorney’s office prepared a staff report on Ordinance 1670. A true and correct copy  
2 of the Staff Report titled Ordinance Adding Section 7-12 to Chapter VII of the Novato  
3 Municipal Code Regarding Conduct in the Stream Protection Zone is attached hereto  
4 as Exhibit 12.

5 11. The City established the Stream Protection Zone in 2012 to protect water  
6 quality and preserve riparian habitat. The Stream Protection Zone is defined in  
7 Division 19.35 of the Novato Municipal Code. A true and correct copy of Division  
8 19.35 is attached hereto as Exhibit 13.

9 12. In advance of the June 8, 2021 City Council meeting, the City Attorney’s  
10 office prepared a staff report discussing the need for a resolution to define “critical  
11 infrastructure.” A true and correct copy of the Staff Report titled Resolution  
12 Identifying Critical Infrastructure Pursuant to Section 7-11.2 of the Novato Municipal  
13 Code is attached hereto as Exhibit 14.

14 13. A true and correct copy of Resolution 2021-042, Resolution Identifying  
15 Critical Infrastructure Pursuant to Section 7-11.2 of the Novato Municipal Code is  
16 attached hereto as Exhibit 15.

17 14. In my position as City Manager I am aware that Plaintiff Jason Sarris is  
18 an activist for homeless rights within the region, and that he frequently travels to other  
19 cities to protest and advocate for the homeless population. Attached hereto as Exhibit  
20 16 are true and correct copies of public social media posts made by Mr. Sarris  
21 regarding his travels and activism. These social media posts were accessed and printed  
22 by City staff at my direction.

23 I declare under penalty of perjury under the laws of the State of California that  
24 the foregoing is true and correct

25 Executed on July 27, 2021 at Novato, California.

26  
27 

28 \_\_\_\_\_  
ADAM MCGILL

Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101  
COUNCILMAN CA 06476

# **EXHIBIT 8**

July 19th, 2021

To Whom it May Concern:

As an instructor at the Novato Sonoma Fit Gym and a resident of Novato for over 40 years, I am extremely upset at the current situation we have at Lee Gerner Park. These transients have been a nuisance to the general public by not only trespassing in the park, but not following any rules that a regular park has in place.

As an instructor, I have personally witnessed illegal activity at the park that has affected the health, morale, and emotional state of our members as well as myself. Our members pay to come to a clean and safe atmosphere and expect to be rewarded with a healthy workout. During our outdoor classes we have witnessed both physical and verbal fighting amongst the campers, dog fighting, music blasting, and marijuana smoking.

Recently, during a high intensity outdoor workout, we experienced a strong draft of marijuana smoke that permeated into our lungs and was especially detrimental for those of our members with asthma. Our members have a right to fresh air and should not be subject to dangerous toxic smoke. These transients are causing health issues for the hard working citizens of Novato.

In addition, we have experienced the transients urinating on our fence while we were working out in the outdoor space and yelling profanities at our members. As an instructor, we need to remain calm and try to continue the class so we don't disrupt the workout and don't trigger the transient to become more volatile. Therefore by the time we end class and are able to call the police, the commotion is over. However, the emotional and mental impact of these occurrences are long term. Female instructors remain fearful of their actions. These transients do what they want without any consequences.

Please listen to your residents and your local businesses. We are what makes Novato a thriving, healthy and beautiful city. We care about Novato.

Thank you,

Alice Dow  
Novato resident  
alicedow@comcast.net

IRA R. SIMON, D.D.S.  
PERIODONTICS AND DENTAL IMPLANTS

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770 TAMALPAIS DRIVE, SUITE 317 · CORTE MADERA, CA 94925 · (415) 924-2501 · FAX: (415) 924-2583  
1730 NOVATO BOULEVARD, SUITE G · NOVATO, CA 94947 · (415) 897-7770 · FAX: (415) 897-7704

Ira Simon DDS  
1730 Novato Blvd #G  
Novato, CA 94947  
415-897-7770

To Whom This May Concern,

I have been a resident and business owner in Novato for 21 years. My Dental practice is located directly next to the homeless encampment at the Novato Public Library and Lee Gerner Park.

My dental practice has suffered from the effects of having a homeless encampment within 50 feet of the office door. How best to describe the situation that has been so devastating to my Periodontal Practice? Where should I begin, shall I mention the loss of staff that have been harassed and felt intimidated to the point of seeking employment elsewhere? Currently, I am not able to fill positions available as potential candidates politely decline and find work elsewhere where its "more-safe" because of my location, adjacent to the ever-encroaching homeless camp.

At the onset, I felt that as a caregiver and practitioner in the community, I should be empathetic to those with no form of permanent shelter. I felt I should understand their situation and give them room to live. However, in time I had a change of heart. On multiple occasions, I have been verbally harassed, cursed out, told to get lost. I can use the horrible words directed at me however I choose not to reiterate their words, too disgusting to be repeated.

Business has contracted secondary to this encampment. The area is a mess as junk, mattresses, clothing and other forms of refuse are hanging, posted and scattered about. A Pit bull runs free and barks at my patients. The Lee Garner Park and the parking lot where my office is located are completely unsafe "camp compassion" presence has resulted in contracture of employees and patients. Just last week, an employee was not able to take out the garbage because she was frightened by the Pitbull running freely off leash. She elected to take waste from our office home. It is only a matter of time before someone is hurt by dogs that are not properly secured.

The homeless camp continues to thrive while all other business and public facilities i.e., Library go underutilized. Local residents are scared to patronize our location. Young children are no longer able to play on the grass outside. A once thriving aspect of our community has been transformed into a breeding ground for less-than-optimal activity.

People should have a place to reside and should do so in a manner that would be conducive toward establishing a sense of well being for themselves and the greater community. A lack of access to mental health care and drug recovery programs, along with a greater sense of living free without being managed by the restrictions that society deems appropriate can only lead to a greater degeneration of societal norms. Please help us restore the safety and wellbeing of our community.

Please allow me to restore the area surrounding my dental practice so I may continue to care for my patients. I truly believe that if the camp remains, my practice will fail.

Thank you for your time,  
Ira Simon DDS



To Whom It May Concern:

I am writing to express my concerns and the concerns of my 18 employees regarding the encampment in Lee Garner Park. Before I continue, I want to state that we are sympathetic to the struggles and significant challenges that many people are facing in today's economy. Nobody should have to live on the streets and we support the city's efforts to find shelter for these individuals and a path out of this terrible situation.

I'm a Novato native and I'm raising my 3 young daughters (aged 3,5 and 7) here in Novato. I'm also a small business owner here in town. Our location is directly across the street from the Novato Library and the encampment in Lee Garner Park. Our family business has been in this location for over 45 years. For decades the area has always been clean, safe and friendly for families and professionals alike.

The Novato Library, the creek and the walking paths of Lee Garner Park have always been amongst Novato's most precious public resources. Free and safe for all to enjoy. Unfortunately, this encampment has made the area unsafe and polluted and has made it inaccessible to residents who are not part of the encampment.

Before the encampment arrived, my employees and others from the surrounding businesses frequently traversed the bridge at all times morning, day and evening for lunch, coffee, a simple errand or to attend the farmers market. That is no longer an option because we are verbally harassed and made to feel unsafe by individuals living there. There are individuals who use the creek as their restroom in broad daylight with indecent exposure. There are individuals who stand against the bridge without masks on and refuse to move as we approach. There was a pitbull in the encampment who ran after my children without a leash. I've been harassed, yelled at and threatened by individuals from the encampment. We've witnessed drug deals, fist fights, public intoxication, public urination, and even indecent exposure in our library's parking lot in the middle of the day.

We don't feel safe in our community!

Attached is a movie from my office dental chair where an 8 year old patient pointed out a naked woman/man in the parking lot in direct view from the windows of our dental clinic...at 240pm in the afternoon on a Tuesday.

Not a day goes by where we don't witness unacceptable behavior from the people who occupy the homeless encampment.

Over the last year, we've had individuals from the encampment cross Novato Boulevard and trespass on our private business property to use the hose for drinking water or a shower or to use our back lot as a bathroom or to set up against our garage to sleep. They leave trash and feces on our property which we are forced to clean up. One time an individual knocked on our private back office door during business hours to ask us to fill up his water cup. When we didn't answer the door, he became visibly upset yelling profanities. As an office full of women and



young children, this was a very unsettling experience. We have called the Novato Police dept to report these incidents each time.

I've had to pay to install security cameras on the exterior of our building in order for my employees to feel safe entering and exiting our dental office.

We don't feel safe in our own place of business!

When the library was open, our area was a haven for busy parents and families who needed their children to get a checkup, maybe walk to the bakery or the pharmacy and then go to the library to finish their homework before their parents could pick them up after work. None of that is an option any longer. Will it ever be again?

We appreciate this is a complex problem and it is truly sad on so many levels. However, the city is responsible for protecting and serving all of Novato's residents, not just the individuals who have encamped in Lee Garner park. We urge you to please find a better solution so the town can reclaim its public resources for the benefit and safety of all residents and so the individuals encamped in Lee Garner Park get the assistance they need.

Thank you,  
Dr Katie Bales

5 February 2021

To: Marin Board of Supervisors

CC: Novato City Council

Ms Linda Frugoli, DA

I have been practicing as a dentist in private practice at 1730 Novato Boulevard for 29 years. In addition to volunteering time both locally and internationally, I contribute to many local organizations and charities including Novato Human Needs, Novato Youth Center, Marin Community Clinics, and the Marin Dental Care Foundation.

Since the establishment of my practice in Novato, it has been my goal to provide the highest quality of care in a safe and friendly environment. As my office faces Novato Creek, I have watched the activity of the homeless grow from one or two people harmlessly wandering around the area to about a dozen people sitting on the library lawn openly using and selling drugs, to what we have now — an encampment that fully challenges the resources and norms of a healthy and viable community. As a result, my ability to do what I originally set out to do, to improve the well-being and quality of life of the community, is being impaired.

My employees and the general public can no longer enjoy Lee Gerner Park or the Novato Library grounds as the area has been spray-painted with graffiti, trash litters the area, people openly defecate, and the residents of the encampment frequently harass those who previously had been able to enjoy one of the more beautiful havens that Novato has to offer. Many of my patients report feeling intimidated by the presence of this population adjacent to my office and no longer desire to walk over the bridge to Creekside Bakery or CVS where many would go after an appointment. Recently, one of my employees was threatened by a resident of the encampment. She, once a nationally ranked expert in Judo, felt that she could take care of herself if the altercation escalated. However, I think it unreasonable to expect that all of my employees, let alone my patients, particularly my elderly patients, be so likewise skilled.

I have been told by the police that if I witness any of these activities, I can make a citizen's arrest. Is this really the best the City of Novato or the County of Marin has to offer? While I admire and support the restraint and dignity the police have demonstrated toward this population, do we really think such advice is a solution to this problem or that it fosters a healthy and safe community? Such advice appears more like a prescription to ignore the reality of the problem and the resultant consequences in addition to being a tacit way to condone the activities along the creek.

When the pandemic hit our shores early last year, I went to those who populated the encampment to hand out masks to help prevent the spread of COVID-19. No one in the encampment would wear them then, no one wears them now. The public health crisis we are living is magnified because of people refusing to comply with something so simple as wearing a mask and social distancing. I cannot force

people to wear a mask. However, not wearing one both deepens and prolongs this crisis. As stated before, my goal and my responsibility is to protect and improve the health and well-being of my patients, my employees and the community. This encampment directly compromises those efforts.

Likewise, it bears pointing out that the placement of this encampment is not only a danger to my employees and patients, it is also a danger to the occupants as well. Simply put, this is not a safe place to inhabit. At this time of year, we typically see storms that bring high winds and rain. In past years, we have witnessed the creek rise to a high level as well as winds that knock down limbs of the oak trees that line the creek. It is not an overstatement to observe that those who have pitched tents down in the creek or anyone else who ventures close to the water's edge are at significant risk of being swept away. Likewise, those who are camped under the oak trees are in danger of having large limbs break and fall on their tents while they sleep. By condoning their encampment, who is liable should such a foreseeable event occur? Who wants to knowingly endanger someone else's life by sanctioning the location of this encampment? To provide food and services, as is currently being done, is to condone and encourage the habitation of this location and, subsequently, to knowingly endanger their lives.

Homelessness, is a complicated, multifactorial problem that is not going to be solved anytime soon. The causes lie deep in the operating system of our society. The immediate problem of what is both a public health and public safety issue, though, cannot be ignored and must be dealt with immediately. I support and applaud those who are working with various governmental and non-governmental agencies to address this problem in a constructive way. What we are currently experiencing, though, is neither a solution nor an interim remedy to this complicated problem as the lives of the homeless and the well-being of the community, in addition to the health and safety of my patients and employees, are being compromised. To ignore this problem and to delay constructive action is to contribute to it. The residents of this encampment need to be moved to a location that is safer for them and the community-at-large. As representatives and leaders of this community, it is imperative that you accept the responsibility to protect all of its residents, regardless of status, and deal with this threat to our collective well-being. A prompt reply is welcomed.

Respectfully,

Mark Hansen, DMD

Steven McConnell  
1730 Novato Blvd., Suite A  
Novato, Ca 94947  
415-87-4149

July 19, 2021

To Whom It May Concern;

I have been a businessowner in Novato for 40 years. My Dental practice is located in the medical building next to the homeless encampment at the Novato Library and Lee Gerner Park.

For last past 12 months, my staff and patients have endured harassment, offensive behavior and sexual behavior by the individuals that are camping at the library and park.

There have been multiple times that one of the female employees in our office been verbally harassed by the residents at the park. Another one of my employees was eating lunch in her car and a park residents exposed himself to her and started urinating in front of her car. Another incident was one of our employees was parking her car and a homeless individual pull his pants down in front of the female employee and defecated in front of her.

We have witness packages be stolen from our back office.

Just last week on July 15<sup>th</sup>, 2021, a homeless man defecated on our back office door as our employees were coming back from lunch.

All of this is unacceptable behavior that is not only scaring our staff and patients as well. Everyday our staff and patients express their concerns in our office. We are very concerned that we are going to start to loose patient because of this situation and employees.

This situation needs to be resolved. So all the surrounding business can return to normalcy.

Thank you,

Steven McConnell, DDS

Craig McCurdy, O.D.  
1730 Novato Blvd., Suite C  
Novato, CA 94947  
415-328-9495

July 18, 2021

To Whom it May Concern,

I have been a resident and businessowner in Novato for 41 years. My Optometry practice is located in the medical building next to the homeless encampment at the Novato Library and Lee Gerner Park.

For the past 18 months, my staff and patients have endured offensive behavior by the individuals camping at the library and park. Residents of the park have exhibited public urination and defecation in broad daylight even though port-a-potties have been provided for the campers. There have been repeated instances of loud foul language and verbal harassment toward my staff and patients making them uncomfortable parking near the building. My office manager had the floor mats stolen from her car and the camper placed the mats right in front of his tent!

One day, I came out of my optometry office and was face to face with a used syringe placed in an empty Snapple bottle on top of the fence next to my front door. Not exactly the welcome I like to give my patients.

My receptionist's 5-year-old son along with other children witnessed a male camper waltzing around the Novato Library Parking lot only wearing a tiny woman's bra and thong underwear. This was extremely traumatizing to these young children. The Novato Library property is not the appropriate place for a homeless encampment which is why there is a library policy against camping on library property, however, it is not being enforced.

Every year the library has children's summer camps on the large lawn area next to the library. The children are not able to use the lawn area this summer because it is covered with tents, dogs off leash and campers that exhibit unpredictable behavior. I hear over and over again from friends with young families and from my patients that they will no longer take their children anywhere near the library and the park.

Our wonderful female mail carrier was verbally harassed by the campers to the point that the postal service had to reassign her to a different route across town.

All of this unacceptable behavior creates public fear. Our patients and staff members express their concern every day in my office. I am concerned that I am going to lose employees and patients if this situation is not corrected soon and the impact on my business could be significant. It is also not fair to the 55,000 citizens of Novato that they are unable to enjoy their library and park.

These unfortunate homeless individuals would be much better served at a homeless shelter and then the library and park could once again be enjoyed by the general public of Novato and the surrounding businesses can return to normal. This solution would be a win for all concerned.

Thanks for taking the time to read my thoughts on this matter.

Sincerely,

Craig McCurdy, O.D.

Sharon Rist and Tod Rist DDS  
1730 Novato Blvd Suite E  
Novato CA 94947

To Whom it may concern,

My husband has been a business owner at this location for 30+ years. Our dental office borders the homeless encampment and our windows allow full view of much of their activities. I sit not far from one of these windows on a daily basis

This area between us and the Novato Public Library can no longer be considered a park! It has become in too many ways a disgrace to the town of Novato and to the people that have worked hard to live here healthfully, safe, with common decency and within the boundaries of the law.

We have watched over the past year and half plus, our Lee Gerner Park deteriorate to what can no longer be considered a park by any stretch of the imagination. This deterioration is, and cannot be argued a result of allowing homeless to set up residences there. The area is overpopulated by people who have no regard for the environment or the people they are sharing it with. The once lovely park we would see people walk through has become littered with trash, broken household items strewn about the tent sites, furniture, clothing, plastic garbage bags filled with who knows what, mattresses, dog food bags hanging from the trees, propane tanks, etc., etc., etc. These items are in such volume that those that risk taking a walk down the "park" path have to navigate around the garbage and overflow from the tents. This once lovely park environment is not valued by the homeless but clearly abused.

The cigarette and pot smoking is certainly a fire hazard we can safely assume based on the level of careless disregard to their own personal living space. This is a library where we want to take our young children? Not so much anymore. We're sacrificing the main Novato Public Library and all it has to offer all the citizens of Novato to house homeless that clearly are not abiding by the law, destroying the environment, scaring people away from using the Library, negatively impacting an area and resources that should be protected for healthful activities, etcetera.

Just this past week I had to make a call to NPD requesting they come to the encampment area at LG Park because 2 men were engaged in a violent scary exchange in the middle of the pathway from the library thru the park. They were threatening each other with language I will repeat only because I can write not say it. Words used were "cunt" "mother fucker". This was not an isolated incidence, it happens on a weekly basis sometimes daily. Would you want to walk down the path of this "park" with or without your kids while not only this language is being used but the risk of getting in the middle of a violent physical exchange?

Our patients as well as many library patrons are elderly, we are hearing from them and even our younger patients and employees that they are scared to walk to their cars in our parking lot which again is right next to the encampment and the library. This is a potential hostile

environment on any given day at any given time!!

In broad day light many of the employees in our building have witnessed urination and defecation in full view of passers by and also near and in the creek which runs and is in close proximity to our parking lot.

The once lovely park that has been valued and cared for by many Novato citizens, who have over the years volunteered to keep the creek and its banks free of litter, has become a breeding ground for crime and abuse. It's happening right in front of our eyes with no apparent regard by the homeless for the impact they are having on the environment nor the wellbeing of the people around them or themselves for that matter.

There has been an opening of the flood gates so to speak. There are no boundaries and no rules to abide by. A free for all that want to set up residence at Lee Gerner "Park", and this will only get worse if something does not change.

The potential for crime will increase at what is feared an alarming rate as the reputation for this "great spot for camping" spreads. We have already seen at least 2 more tents go up just in the past week. They're hi density living will continue to create more garbage, potential disease spread, violence, more potential child abuse, fights and most certainly more drug abuse and other crimes. This encampment is clearly not healthy for anyone and perhaps most unhealthy for the homeless inhabitants!!

The future of the Novato Public Library, the environment, our businesses are suffering, and much will be lost if something isn't done to find a better and safer place for these homeless to live Please!!

Thank you for this opportunity to share these thoughts and concerns

Sharon Rist

## **EXHIBIT 9**





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CDC has updated its guidance for people who are fully vaccinated. See [Recommendations for Fully Vaccinated People](#).

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## COVID-19

# Homelessness


## Interim Guidance

Updated July 8, 2021

[Print](#)

This interim guidance is based on what is currently known [about coronavirus disease 2019 \(COVID-19\)](#). The Centers for Disease Control and Prevention (CDC) will update this interim guidance as needed and as additional information becomes available.

## Summary of Recent Changes

Updates as of July 7, 2021 

- Added information on vaccination for people experiencing unsheltered homelessness
- Updated considerations based on vaccination status

[View previous updates](#)

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People experiencing unsheltered homelessness (those sleeping outside or in places not meant for human habitation) may be at risk for infection when there is community spread of COVID-19. This interim guidance is intended to support response to COVID-19 by local and state health departments, homelessness service systems, housing authorities, emergency planners, healthcare facilities, and homeless outreach services. Homeless shelters and other facilities should also refer to the [Interim Guidance for Homeless Shelters](#).

COVID-19 is caused by a coronavirus. Vaccination is the leading prevention measure to keep clients, outreach staff, and volunteers from getting sick with COVID-19. [COVID-19 vaccines](#) are safe and [effective](#) and are [available at no cost to everyone 12 years and older living in the United States](#), regardless of insurance or immigration status. Learn more about the [Benefits of Getting a COVID-19 Vaccine](#). See [Interim Guidance for Health Departments: COVID-19 Vaccination Implementation for People Experiencing Homelessness](#) for more information. In encampments or other unsheltered locations, individuals who are fully vaccinated should follow CDC's [Recommendations for Fully Vaccinated People](#).

Lack of housing contributes to poor physical and [mental](#) health outcomes, and linkages to permanent housing for people experiencing homelessness should continue to be a priority. In the context of COVID-19 spread and transmission, the risks associated with sleeping outdoors or in an encampment setting are different than from staying indoors in a congregate setting such as an emergency shelter or other congregate living facility. Outdoor settings may allow people to increase

physical distance between themselves and others. However, sleeping outdoors often does not provide protection from the environment, adequate access to hygiene and sanitation facilities, or connection to services and healthcare. The balance of risks should be considered for each individual experiencing unsheltered homelessness.

## Community coalition–based COVID–19 prevention and response



Planning and response to COVID-19 transmission among people experiencing homelessness requires a “[whole community](#)” approach, which means involving partners in the response plan development, with clearly outlined roles and responsibilities. Table 1 outlines some of the activities and key partners to consider for a whole-community approach.

Table 1: Using a whole-community approach to prepare for COVID-19 among people experiencing homelessness

<p><b>Connect to community-wide planning</b></p>
<p>Connect with key partners to make sure that you can all easily communicate with each other while preparing for and responding to cases. A community coalition focused on COVID-19 planning and response should include:</p> <ul style="list-style-type: none"> <li>• Local and state health departments</li> <li>• Outreach teams and street medicine providers</li> <li>• Homeless service providers and Continuum of Care leadership</li> <li>• Emergency management</li> <li>• Law enforcement</li> <li>• Healthcare providers</li> <li>• Housing authorities</li> <li>• Local government leadership</li> <li>• Other support services like case management, emergency food programs, syringe service programs, and behavioral health support</li> <li>• People with lived experiences of homelessness</li> </ul> <p>People with lived experiences of homelessness can help with planning and response. These individuals can serve as peer navigators to strengthen outreach and engagement efforts. Develop an advisory board with representation from people with current or former experiences of homelessness to ensure community plans are effective.</p>
<p><b>Identify additional sites and resources</b></p>
<p>Continuing homeless services during community spread of COVID-19 is critical. Make plans to maintain services for all people experiencing unsheltered homelessness. Furthermore, clients who are positive for COVID-19 or exposed to someone with COVID-19 need to have access to services and a safe place to stay, separated from others who are not infected. To facilitate the continuation of services, community coalitions should identify resources to support people sleeping outside as well as additional temporary housing, including sites with individual rooms that are able to provide appropriate services, supplies, and staffing. Temporary housing sites should include:</p> <ul style="list-style-type: none"> <li>• Overflow sites to accommodate shelter decompression and higher shelter demands</li> <li>• <a href="#">Isolation</a> sites for people who are confirmed to be positive for COVID-19 by laboratory testing</li> <li>• <a href="#">Quarantine</a> sites for people who are awaiting testing, awaiting test results, or who were exposed to COVID-19</li> <li>• Protective housing for people <a href="#">who are at increased risk for severe illness from COVID-19</a></li> </ul> <p>Depending on resources and staff availability, housing options that have individual rooms (such as hotels/motels) and separate bathrooms should be considered for the overflow, quarantine, and protective housing sites. In addition, plan for how to connect clients to housing opportunities after they have completed their stay in these temporary sites.</p>


## Communication

Outreach workers and other community partners, such as emergency food provision programs or law enforcement, can help ensure people sleeping outside have access to updated information about COVID-19 and access to services.

- Stay updated on the [local level of transmission](#) of COVID-19.
- Build on existing partnerships with peer navigators who can help communicate with others.
- Maintain up-to-date contact information and areas frequented for each client.
- Communicate clearly with people sleeping outside.
  - Use [health messages and materials developed](#) by credible public health sources, such as your local and state public health departments or the Centers for Disease Control and Prevention (CDC).
  - Post signs in strategic places (e.g., near handwashing facilities) providing information on [vaccination](#), [social distancing](#) , [handwashing](#), and [cough etiquette](#)  .
  - Provide educational materials about COVID-19 for everyone, including [people with limited English proficiency](#), people with intellectual or developmental disabilities, and people with hearing or vision impairments.
  - Ensure communication with clients about changes in homeless services policies and/or changes in physical location of services such as food, water, hygiene facilities, regular healthcare, and behavioral health resources.
- Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to workers, volunteers, and those you serve. Learn more about [reaching people of diverse languages and cultures](#).

## Considerations for outreach staff and volunteers

### *Staff and volunteer training and policies*

- Provide [training](#)  and educational materials related to COVID-19 for staff and volunteers.
- Minimize the number of staff members who are not fully vaccinated who have face-to-face interactions with clients.
- Develop and use contingency plans for increased absenteeism caused by employee illness or by illness in employees' family members. These plans might include extending hours, cross-training current employees, or hiring temporary employees.
- Prepare to support [case investigation and contact tracing](#) activities in collaboration with local health departments.
- Regardless of vaccination status, assign outreach staff and volunteers who are at [increased risk for severe illness from COVID-19](#) to duties that do not require them to interact with clients in person.
- Outreach staff and volunteers should review [stress and coping resources](#) for themselves and their clients during this time.

### *Staff and volunteer prevention measures*

- Encourage outreach staff and volunteers to [get vaccinated](#) as soon as they can.
- Advise staff who are not fully vaccinated to maintain 6 feet of distance while interacting with clients, staff and volunteers, where possible.
- Require outreach staff who are not fully vaccinated to wear [masks](#) when working in public settings or interacting with clients. They should still maintain a distance of 6 feet from each other and clients, even while wearing masks.
- Encourage outreach staff, regardless of vaccination status, to maintain good hand hygiene by washing hands with soap and water for at least 20 seconds or using hand sanitizer (with at least 60% alcohol) on a regular basis, including before and after each client interaction.
- Advise outreach staff, regardless of vaccination status, to avoid handling client belongings. If staff are handling client belongings, they should use disposable gloves, if available. Make sure to train any staff using gloves to [ensure proper use](#) and ensure they perform hand hygiene before and after use. If gloves are unavailable, staff should perform [hand hygiene](#) immediately after handling client belongings.
- Outreach staff who are checking [client temperatures](#) should use a system that creates a physical barrier between the client and the screener.
  - Where possible, screeners should remain behind a physical barrier, such as a glass or plastic window or partition (e.g., a car window), that can protect the staff member's face from respiratory droplets that may be produced if the client sneezes, coughs, or talks.

- If physical distancing or barrier/partition controls cannot be put in place during screening, personal protective equipment (PPE, e.g., facemask, eye protection [goggles or disposable face shield that fully covers the front and sides of the face], and a single pair of disposable gloves) can be used when within 6 feet of a client.
- For street medicine or other healthcare professionals, regardless of vaccination status, who are caring for clients with suspected or confirmed COVID-19 should follow [Infection Prevention and Control Recommendations for Healthcare Personnel During the COVID-19 Pandemic](#).
- Outreach staff, regardless of vaccination status, who do not interact closely (e.g., within 6 feet) with sick clients and do not clean client environments do not need to wear PPE.
- Outreach staff, regardless of vaccination status, should launder work uniforms or clothes after use using the warmest appropriate water setting for the items and dry items completely.

#### *Staff process for outreach*

- In the process of conducting outreach, staff should
  - Greet clients from a distance of 6 feet (for staff who are not fully vaccinated) and explain that you are taking additional precautions to protect yourself and the client from COVID-19.
  - Wear a mask if not fully vaccinated.
  - Provide the client with a mask if they are not fully vaccinated or have unknown vaccination status.
  - Screen clients for symptoms by asking them if they feel as if they have a fever, cough, or other [symptoms consistent with COVID-19](#).
    - Children have similar symptoms to adults and generally have mild illness.
    - Older adults and people with underlying medical conditions may have delayed presentation of fever and respiratory symptoms.
    - If medical attention is necessary, use standard outreach protocols to facilitate access to healthcare.
  - Continue conversations and provision of information while maintaining 6 feet of distance (for staff who are not fully vaccinated).
  - If at any point you do not feel that you are able to protect yourself or your client from the spread of COVID-19, discontinue the interaction and notify your supervisor.

## Considerations for assisting people experiencing unsheltered homelessness

#### *Help clients from becoming sick with COVID-19*

- Recommend strongly that clients get a [COVID-19 vaccine](#). Be prepared to address [common questions](#) about COVID-19 vaccination.
- Those who are experiencing unsheltered homelessness face several risks to their health and safety. Consider the balance of these risks when addressing options for decreasing COVID-19 spread.
- Continue linkage to homeless services, housing, medical, mental health, syringe services, and substance use treatment, including provision of [medications for opioid use disorder](#) (e.g., buprenorphine, methadone maintenance, etc.). Use telemedicine, when possible.
- Some people who are experiencing unsheltered homelessness may be at [increased risk of severe illness](#) from COVID-19 due to older age or certain underlying medical conditions, such as chronic lung disease or serious heart conditions.
  - Reach out to these clients regularly to ensure they are linked to care as necessary.
  - Prioritize providing individual rooms for these clients, where available.
  - Recommend that all clients who are not fully vaccinated (or have unknown vaccination status) wear [masks](#) any time they are around other people. Masks should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- Provide clients with hygiene materials, where available.
- Discourage clients who are not fully vaccinated (or have unknown vaccination status) from spending time in crowded places or gathering in large groups, for example at locations where food, water, or hygiene supplies are being distributed.

*Help link sick clients to medical care*

- Regularly assess clients for [symptoms](#).
  - Provide anyone who presents with symptoms with a mask.
  - Clients who have symptoms may or may not have COVID-19. Make sure they have a place they can safely isolate in coordination with local health authorities.
  - If available, a nurse or other clinical staff can help with clinical assessments. These clinical staff should follow [personal protective measures](#).
  - Facilitate access to non-urgent medical care as needed.
  - Use standard outreach procedures to determine whether a client needs immediate medical attention. Emergency signs include **but are not limited to**:
    - Trouble breathing
    - Persistent pain or pressure in the chest
    - New confusion or inability to arouse
    - Pale, gray, or blue-colored skin, lips, or nail beds, depending on skin tone
  - Please refer clients for medical care for any other symptoms that are severe or concerning to you.
  - Notify the designated medical facility and transporting personnel that clients might have COVID-19.
- If a client has tested positive for COVID-19
  - Use standard outreach procedures to determine whether a client needs immediate medical attention.
  - If immediate medical attention is not required, facilitate transportation to an isolation site.
  - Notify the designated medical facility and transporting personnel that clients might have COVID-19.
  - If medical care is not necessary, and if no other isolation options are available, advise the individual on how to isolate themselves while efforts are underway to provide additional support.
  - Coordinate with the local health department and provide locating information for [case investigation and contact tracing](#)
  - During isolation, ensure continuation of behavioral health support for people with substance use or mental health disorders.
  - In some situations, for example due to severe untreated mental illness, an individual may not be able to comply with isolation recommendations. In these cases, community leaders should consult local health authorities to determine alternative options.
  - Ensure the client has a safe location to recuperate (e.g., respite care) after isolation requirements are completed, and follow-up to ensure medium- and long-term medical needs are met.

## Considerations for encampments

- If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are.
  - Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.
- Encourage people staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual.
  - If an encampment is not able to provide sufficient space for each person, allow people to remain where they are but help decompress the encampment by linking those at [increased risk for severe illness](#) to individual rooms or safe shelter.
- Work together with other community organizations and offices to improve sanitation in encampments.
- Ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day.
- If toilets or handwashing facilities are not available nearby, assist with providing access to portable latrines with handwashing facilities for encampments of more than 10 people. These facilities should be equipped with hand sanitizer (containing at least 60% alcohol).

# Considerations for a Long-Term Infection Prevention Strategy for People Experiencing Unsheltered Homelessness

When community COVID-19 transmission levels change, some communities might consider when to modify the COVID-19 prevention measures described above. Below are several factors to consider before modifying community-level COVID-19 prevention approaches for people experiencing unsheltered homelessness, for example, changing outreach team procedures or approaches to COVID-19 prevention in encampments. These factors should be considered together; no single factor should be used alone to decide changes in approach.

These factors should be discussed with local public health partners, community homeless service providers, and people with lived experience of homelessness. Any modifications to COVID-19 prevention measures should be conducted in a phased and flexible approach, with careful monitoring of COVID-19 cases in the community. Connecting people experiencing homelessness to permanent stable housing should continue to be the primary goal.

## **Community Transmission Levels:** *What is the incidence of COVID-19 in the community?*

The incidence of COVID-19 in the community will influence the risk of infection for people experiencing unsheltered homelessness. The CDC COVID Data Tracker has a [tool](#) that displays the current level of community transmission at the county level. Increasing [COVID-19 vaccination coverage](#) in the surrounding community is important to help reduce community transmission, but community vaccination coverage should not be used alone to decide to modify approaches to prevention among people experiencing unsheltered homelessness.

## **Vaccination Levels:** *What proportion of people experiencing unsheltered homelessness in the community have been vaccinated against COVID-19?*

Vaccination significantly decreases the likelihood of becoming infected with the virus that causes COVID-19. Refer to the [Interim Public Health Recommendations for Fully Vaccinated People](#) for the most up-to-date information on individual-level modifications to prevention measures for people who are fully vaccinated. People experiencing unsheltered homelessness who are fully vaccinated do not need to wear masks unless they are accessing services in a homeless service facility. Although we know vaccines help protect individuals, there is not enough information available yet to determine a level of vaccination coverage needed to modify community-level COVID-19 prevention measures. Note: Vaccination status should not be a barrier to accessing homeless services. COVID-19 vaccinations should not be mandatory to receive homeless services unless required by state or local health authorities.

## **Availability of Housing:** *What is the housing availability in the community?*

Any modifications to approaches to encampments or people experiencing unsheltered homelessness should be conducted with an awareness of housing availability and homeless service capacity. Closing encampments can lead people to disperse and result in increased crowding at other encampments or in shelters, which can increase the risk of spreading infectious disease, including COVID-19. Encampment disbursement should only be conducted as part of a plan to rehouse people living in encampments, developed in coordination with local homeless service providers and public health partners.

Even if the community decides to modify some infection prevention measures for people experiencing unsheltered homelessness, continue to maintain the following key components of a sustainable approach to disease prevention and response.

1. Monitor community transmission of COVID-19 in the area. For the latest updates on county-level transmission of the virus that causes COVID-19, use this CDC COVID Data Tracker [tool](#).
2. Create flexible quarantine and isolation locations that are scalable, in case the number of COVID-19 cases in the community increases.
3. Keep a minimum set of public health prevention and control procedures in place at all times, including
  - a. Working together with community organizations to improve sanitation in encampments.
  - b. Ensuring access to handwashing facilities and supplies.
  - c. Providing place-based, regular health evaluations and linkages to medical care, including access to COVID-19 vaccination, routine vaccinations, and behavioral health services.

## More Information

[Considerations for food pantries and food distribution sites](#)

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Visit [cdc.gov/COVID19](https://cdc.gov/COVID19) for the latest information and resources

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[Information for health departments](#)

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Guidance for [homeless service providers](#)

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COVID-19 [fact sheets](#) for people experiencing homelessness (at the bottom of the page)

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Department of Housing and Urban Development (HUD) [COVID-19 resources](#) 

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CDC's [COVID-19 stress and coping information](#)

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[What We Can Do To Promote Health Equity | CDC](#)

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[Toolkit for People Experiencing Homelessness | CDC](#)

## Previous Updates

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As of June 7, 2021 

- Added considerations for developing a long term strategy related to COVID-19 prevention among people experiencing unsheltered homelessness
- 

As of May 10, 2020 

- Revisions to document organization for clarity
  - Description of “whole community” approach
  - Clarification of outreach staff guidance
  - Clarification of encampment guidance
- 

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# COVID-19

## When You've Been Fully Vaccinated

How to Protect Yourself and Others

Updated July 26, 2021

[Print](#)


### Safer Activities for You and Your Family

- If you are fully vaccinated, you can resume activities that you did before the pandemic without wearing a mask or physically distancing, except where required by laws, rules, regulations, or local guidance.
- Members of your family who are unvaccinated, have weakened immune systems, or underlying medical conditions need to continue to take steps to protect themselves from COVID-19.

[Safer Activities](#)

[Info for Families](#)



 If you haven't been vaccinated yet, [find a vaccine](#).

[COVID-19 vaccines](#) are effective at protecting you from getting sick. Based on [what we know](#) about COVID-19 vaccines, people who have been fully vaccinated can do things that they had stopped doing because of the pandemic.

These recommendations can help you make decisions about daily activities after you are fully vaccinated. They are *not* intended for [healthcare settings](#).

## Have You Been Fully Vaccinated?

In general, people are considered fully vaccinated: †

- 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
- 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine

If you don't meet these requirements, regardless of your age, you are NOT fully vaccinated. Keep taking all [precautions](#) until you are fully vaccinated.

If you have a condition or are taking medications that weaken your immune system, you may NOT be protected even if you are fully vaccinated. You should continue to take all precautions recommended for unvaccinated people until advised otherwise by your healthcare provider.

## What You Can Do





If you've been fully vaccinated:

- You can resume activities that you did prior to the pandemic.
- You can resume activities without wearing a mask or staying 6 feet apart, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.
- If you [travel in the United States](#), you do not need to get tested before or after travel or self-quarantine after travel.
- You need to pay close attention to [the situation at your international destination](#) before traveling outside the United States.
  - You do NOT need to get tested **before** leaving the United States unless your destination requires it.
  - You still need to [show a negative test result](#) or documentation of recovery from COVID-19 **before** boarding an international flight to the United States.
  - You should still get tested 3-5 days **after** international travel.
  - You do NOT need to self-quarantine **after** arriving in the United States.
- If you've been around someone who has COVID-19, you do not need to stay away from others or get tested unless you have symptoms.
  - However, if you live or work in a correctional or detention facility or a homeless shelter and are around someone who has COVID-19, you should still get tested, even if you don't have symptoms.

## What You Should Keep Doing



For now, if you've been fully vaccinated:

- You will still need to follow guidance at your workplace and local businesses.
- If you [travel](#), you should still take steps to [protect yourself and others](#).
- [Wearing a mask over your nose and mouth is required](#) on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and while indoors at U.S. transportation hubs such as airports and stations. Travelers are not required to wear a mask in outdoor areas of a conveyance (like on open deck areas of a ferry or the uncovered top deck of a bus).
- Fully vaccinated [international travelers](#) arriving in the United States are still [required to get tested](#) 3 days before travel by air into the United States (or show documentation of recovery from COVID-19 in the past 3 months) and should still get tested 3-5 days after their trip.
- You should still watch out for [symptoms of COVID-19](#), especially if you've been around someone who is sick. If you have symptoms of COVID-19, you should get [tested](#) and [stay home](#) and away from others.
- People who have a condition or are taking medications that weaken the immune system, should continue to take all [precautions](#) recommended for unvaccinated people until advised otherwise by their healthcare provider.

## What We Know

- COVID-19 vaccines are safe and effective at preventing COVID-19, including severe illness and death.
- COVID-19 vaccines can reduce the risk of people spreading COVID-19.
- COVID-19 vaccines are effective against variants of the virus that causes COVID-19, currently circulating in the United States including the Delta variant.
- People with weakened immune systems, including people who take immunosuppressive medications, may not be protected even if fully vaccinated.

## What We're Still Learning

- How long COVID-19 vaccines can protect people.

Want to learn more about these recommendations? Read our expanded [Interim Public Health Recommendations for Fully Vaccinated People](#).

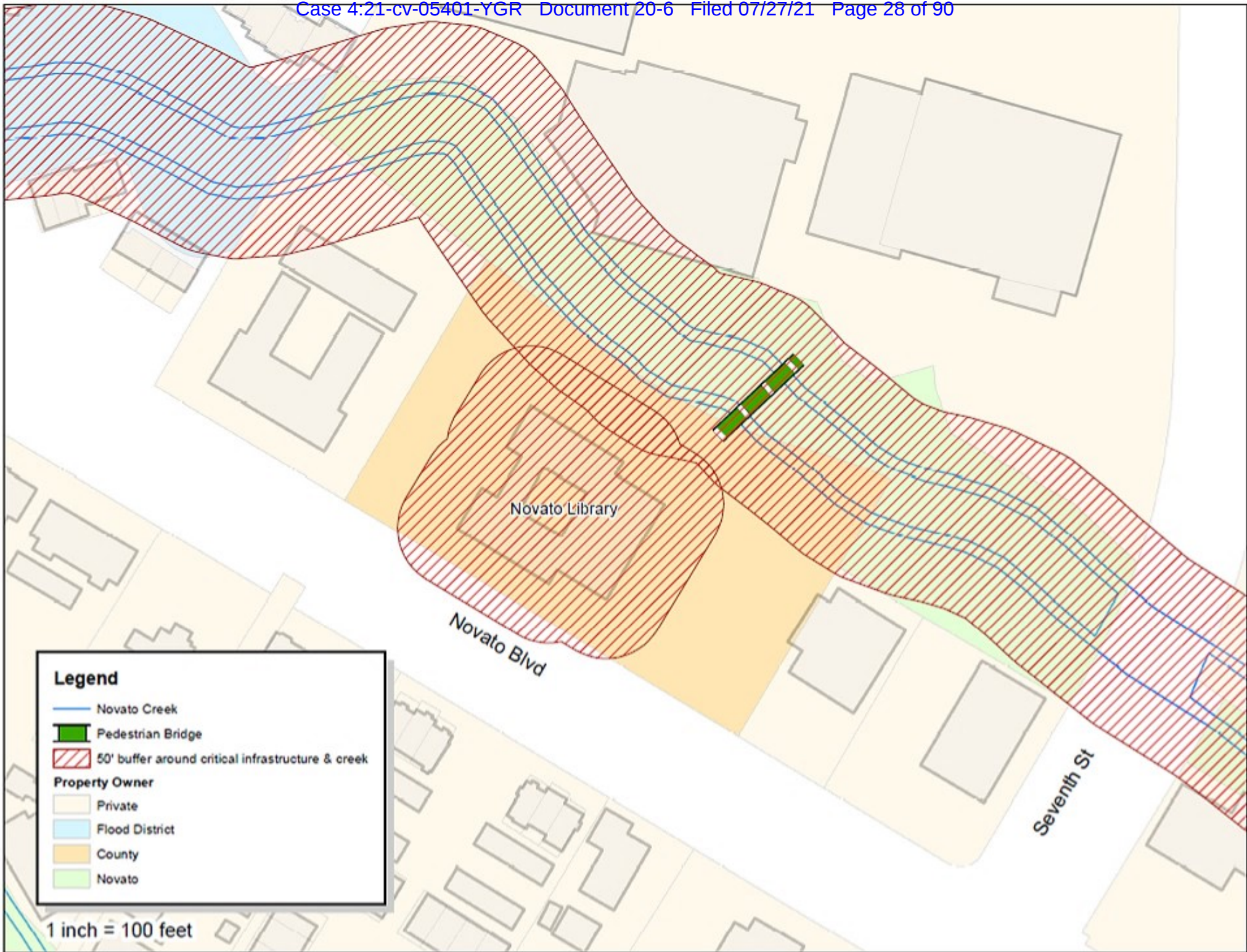
± This guidance applies to COVID-19 vaccines currently authorized for emergency use by the U.S. Food and Drug Administration: Pfizer-BioNTech, Moderna, and Johnson & Johnson (J&J)/Janssen COVID-19 vaccines. This guidance can also be applied to COVID-19 vaccines that have been listed for emergency use by the World Health Organization (e.g. AstraZeneca/Oxford).

### Related Pages

- › [Interim Public Health Recommendations for Fully Vaccinated People](#)
- › [Science Brief: Background Rationale and Evidence for Public Health Recommendations](#)
- › [Infection Control after Vaccination for Healthcare Workers](#)

Last Updated July 26, 2021

# **EXHIBIT 10**



# **EXHIBIT I I**



922 Machin Avenue | Novato, CA 94945  
novato.org

**STAFF REPORT**

**MEETING**

**DATE:** May 25, 2021

**TO:** City Council

**FROM:** Ryan A. Reed, Assistant City Attorney  
Jeff Walter, City Attorney

**SUBJECT: ORDINANCE ADDING SECTION 7-11 TO CHAPTER VII OF THE NOVATO MUNICIPAL CODE REGARDING PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS AND AMENDING SECTION 14-20 OF THE NOVATO MUNICIPAL CODE REGARDING UNLAWFUL CAMPING**



**REQUEST**

- A. Consider introducing by title only the Ordinance adding Section 7-11 to Chapter VII of the Novato Municipal Code regarding protection of critical infrastructure and wildfire risk areas, and amending Section 14-20 of the Novato Municipal Code regarding unlawful camping.
- B. Provide direction identifying critical infrastructure to be included in a Resolution to be brought back to the Council for adoption at a subsequent Council meeting.

**DISCUSSION**

As directed by the City Council, staff has prepared the attached draft Ordinance which makes three changes to the Novato Municipal Code:

1. Adding Section 7-11 to Chapter VII of the Novato Municipal Code regarding protection of critical infrastructure and wildfire risk areas. Specifically, Section 7-11 prohibits individuals from camping, occupying camp facilities, using camp paraphernalia, and storing personal property: (1) on critical infrastructure; (2) within 50 feet of critical infrastructure; (3) within 50 feet of a vehicular or pedestrian entrance to or exit from critical infrastructure; (5) on certain portions of right-of-way; and (6) in wildfire risk areas. The City Council may designate critical infrastructure by resolution.
2. Amending the existing exception to the City's anti-camping ordinance, which precludes enforcement of the prohibition on camping when there are no beds in any shelter within the City and the person is not engaging in camping as a voluntary act. Specifically, the proposed ordinance clarifies that this exception only applies between the hours of 9 p.m. and 7 a.m., and when beds are not available either within the City or are otherwise reasonably accessible from the place where the person is camping.
3. Prohibiting fires on any public property, unless lit and maintained only in an apparatus or receptacle (including a fire pit, stove, barbeque or fire circle) provided by, owned, or maintained by the City of Novato for that particular purpose.

The United States Court of Appeals for the Ninth Circuit held in *Robert Martin et al. v. City of Boise* (2019) 920 F.3d 584 that “the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.” The Ninth Circuit provided the following caveat in footnote 8 of *Martin*:

“Our holding does not cover individuals who do have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the “universal and unavoidable consequences of being human” in the way the ordinance prescribes.”

In other words, *Martin* generally prohibits imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals, but allows cities to impose reasonable regulations on those acts. This includes prohibiting camping when individuals have access to adequate temporary shelter, or adopting geographically limited restrictions justified by public health or safety concerns. The proposed Ordinance meets that balance by adopting reasonable time and place restrictions on camping activities that do not broadly “punish[] a person for lacking the means to...” sleep in a private space.

A principal 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, education, fire prevention, transportation, and utilities including communication, water, and waste disposal. Destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, restricting first responders’ access to the infrastructure, or other causes. 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 the ordinance is to mitigate the threat of fire and other potential causes of destruction and damage to and interference with, critical infrastructure and wildfire risk areas, to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near those areas.

Other jurisdictions have dealt with significant fire risk due to homeless encampments. For example, a recent audit found the City of Oakland Fire Department to have responded to 988 encampment-related fires in Fiscal Years 2018-19 and 2019-20. (City of Oakland, Performance Audit of the City of Oakland’s Homeless Encampment Management Interventions & Activities Fiscal Years 2018-19 and 2019-20 (April 14, 2021), p. 4.) Reporting has indicated the City of Los Angeles dealt with 3,267 fire incidents from homeless encampments in 2019 alone. (ABC7, *LAFD Incidents Involving the Homeless Disproportionately High, Data Shows* (Feb. 11, 2020).) The City of Sacramento, while adopting an Ordinance similar to that currently in front of the Novato City Council, noted it had experienced damage to its sewage facilities from a fire beginning at a nearby homeless encampment.

The City faces significant wildfire risk due to its climate, topography, and other relevant factors. As described on page 6-28 of the City’s General Plan, the City has very high fire hazard severity zones in the southwest area of Novato, in the open space preserves and along creek corridors where homes have been built on hillsides covered with grasslands and oak woodlands. Much of the City’s jurisdiction falls within the wildland-urban interface, which poses particular fire risk. The City’s wildfire risk and response plans are assessed in the City of Novato and Novato Fire District Emergency Operations Plan, which notes: “[r]esponse times present significant challenges to keeping fires from directly impacting communities and subdivisions.” It is of critical importance to be able to timely respond to incidents, particularly at critical facilities.

The proposed Ordinance addresses this significant fire risk by both generally prohibiting open flames in any public space, and by addressing particular fire risks associated with homeless encampments as they pertain to critical infrastructure, and within specific wildfire risk areas. The intent of the latter part of this Ordinance is to address this risk proactively in two ways. First, the proposed Ordinance reduces risk to facilities of particular importance to the City by eliminating a significant potential source of fire risk on or within 50 feet of those facilities. Second, the proposed Ordinance ensures such facilities are accessible and able to operate at all times by reducing activities that may hamper access to those spaces.

The portion of the Ordinance described in item #1 above (under the “Discussion” heading on page 1 of this Report) is also geographically limited. Possible summary abatement under the ordinance does not apply to the entirety of the City. It is limited to real property upon which the presence of unauthorized personal property poses a heightened threat to the health and safety of residents, as determined by the City Council through adoption of a resolution designating the critical infrastructure warranting such protection. Encampments and associated personal property of unsheltered homeless persons would not be subject to such summary abatement on the remainder of public property in the City.

Ultimately, the proposed Ordinance is an exercise of the City’s authority to protect the public health, safety, and welfare as recognized by the Ninth Circuit in footnote 8 of the *Martin v. Boise* decision, cited above. The Ordinance would not punish a person for lacking the means to live out the “universal and unavoidable consequences of being human.” Rather, it would narrowly tailor restrictions on the time and location of such conduct. Other cities, such as the City of Sacramento, have taken a similar approach to balance public health and safety concerns, through protection of critical infrastructure, with the general concern stated in *Martin v. City of Boise* regarding broadly punishing individuals for lacking the means to sleep in private.

#### Implementation During COVID-19 Pandemic

The proposed Ordinance recognizes the existing COVID-19 pandemic, including the Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) issued by the Centers for Disease Control and Prevention, last updated on October 31, 2020. This Guidance recommends:

“If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are... Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”

In recognition of this Interim Guidance, and the unique strength of Marin County’s COVID-19 response, the proposed Ordinance will not be enforced to clear encampments existing as of the Effective Date of this Ordinance until the earlier of: (1) amendment or revocation of the Interim Guidance to no longer recommend that local agencies allow individuals living unsheltered or in encampments to remain where they are; or (2) when COVID-19 vaccinations are accessible for individuals experiencing homelessness, at least 90 percent of County residents 16 year and older have been fully vaccinated, and the County meets the State of California requirements for the Yellow (Minimal) Tier in place as of May 25, 2021.

As stated above, the Interim Guidance has not been updated since October 31, 2020. On that date, the 7-day average case rate was above 11.0 per 100,000 persons in California, and facing a significant upturn, while the same statistic sits at 3.2 per 100,000 persons as of May 18, 2021. Further, the Interim Guidance was last updated well before implementation of vaccination efforts in California. Therefore, recommendations in the Interim Guidance do not reflect current realities local agencies are facing, including high vaccination numbers and substantially reduced COVID-



19 cases. There is no indication the CDC will regularly update the Interim Guidance, or that it will be brought in line with local conditions. Therefore, the Ordinance proposes an alternative standard to begin enforcement that relies on local conditions.

Marin County is currently in the Orange (Moderate) Tier, which is the second-lowest designation in the State. In order to move into the lowest Yellow (Minimal) Tier, the County must meet the following standards for at least two weeks: (1) less than 2.0 daily new cases (per 100,000 residents); (2) less than 2.0 percent positivity rate; and (3) less than 2.2 percent positive tests for health equity quartile, as defined by the State. As of May 18, 2021, Marin County had: 2.4 daily new cases (per 100,000 residents), 0.8 percent positivity rate, and 1.7 percent positive tests for the health equity quartile. Therefore, the County expects to be placed in the Yellow Tier by the time of adoption of the proposed Ordinance. However, Governor Newsom has also announced a transition away from the existing tier system effective June 15, 2021, at which time the Governor has stated the City will “fully open its economy.” To account for changing Statewide criteria, staff recommends that implementation of this Ordinance be triggered at the point the County meets the most stringent thresholds currently in place.

Further, Marin County has engaged in an extremely strong vaccination effort and has seen a substantial reduction in COVID-19 cases. Marin County has the highest vaccination rate of any County within the State of California, exceeding the second highest county with a population over 1,500 by over 5 percent, and is near the top of all counties within the U.S. As of May 18, 2021, 70.1 percent of all residents 12 years and older have been fully vaccinated, defined as 14-day after either the second dose of a two-dose vaccine series (e.g. Pfizer or Moderna) or a single-dose vaccine (e.g. Johnson & Johnson). The County Public Health Department specifically engaged Lee Gerner Park, the current location of a significant homeless encampment, with a mobile vaccination clinic. 15 percent of the total population of the encampment, was vaccinated through the mobile clinic. The mobile vaccination clinic is expected to return to Lee Gerner Park and other encampments in the County numerous times. Vaccinations continue to be fully accessible to County residents 12 years and older, including all unhoused individuals.

In short, it is anticipated that the proposed Ordinance – including new restrictions on camping, occupying camp facilities, using camp paraphernalia, and storing personal property in certain locations – will not “increase[] the potential for infectious disease spread” in a meaningful way because the success of the widespread vaccination and COVID-19 reduction measures implemented by the City and County.

## **PUBLIC OUTREACH**

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of 922 Machin Ave, posting on the City’s website at [novato.org/councilagendas](http://novato.org/councilagendas) and sending an email notification to all e-notification subscribers.

## **STRATEGIC PLAN ALIGNMENT**

This item supports Strategic Plan Goal 1 – Living Well Together, and Strategic Plan Goal 2 – Environmental Stewardship, by reducing potential fire risk within the City and increasing the City’s ability to utilize its critical infrastructure and respond to emergency situations.

## **RECOMMENDATION**

1. Introduce by title only the Ordinance adding Section 7-11 to Chapter VII of the Novato Municipal Code Regarding Protection of Critical Infrastructure and Wildfire Risk Areas and Amending Section 14-20 of the Novato Municipal Code Regarding Unlawful Camping.
2. Provide direction to staff on designation of critical infrastructure by resolution.

**ALTERNATIVES**

1. Introduce the proposed Ordinance with revisions;
2. Decline to introduce the Ordinance;
3. Continue the hearing with direction to staff; or
4. Provide other direction to staff.

**ATTACHMENTS**

1. Proposed Ordinance

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1669

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO  
ADDING SECTION 7-11 TO CHAPTER VII OF THE NOVATO  
MUNICIPAL CODE REGARDING PROTECTION OF CRITICAL  
INFRASTRUCTURE, WILDFIRE RISK AREAS AND YOUTH-  
SERVING FACILITIES, AND AMENDING SECTION 14-20  
REGARDING UNLAWFUL CAMPING

**SECTION I. FINDINGS**

The City Council of the City of Novato hereby finds and declares as follows:

**WHEREAS**, a principal 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, educational services, transportation, and utilities including communication, water, and waste disposal; and

**WHEREAS**, destruction of, damage to, or interference with, critical infrastructure is often caused by fire, contamination, restricting access to such infrastructure by police, fire and other emergency response personnel, or other similar causes; 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; and

**WHEREAS**, increased camping activities on public property obscure adverse and illegal activity from public view, contributes substantially to the accumulation of litter, clutter and visual blight, can interfere with pedestrian circulation, can obstruct or interfere with the lawful use of public spaces by the general public for their intended recreational uses, and inhibit the effective regulation and enforcement against illegal activities; and

**WHEREAS**, the City desires to establish its ability to prevent individuals from camping, occupying camp facilities, or using/storing camp paraphernalia near certain critical infrastructure in order to reduce the risk of destruction or damage to such infrastructure, or interference with the provision of services to and from such infrastructure.

**WHEREAS**, the City further desires to establish its ability to prevent individuals from camping, occupying camp facilities, or using/storing camp paraphernalia near youth-serving facilities, including child day care facilities, schools, and City playgrounds, in order to protect minor children from potentially deleterious effects of such activities.

**NOW THEREFORE**, the City Council of the City of Novato does ordain as follows:

**SECTION II.** Section 7-11 of the Novato Municipal Code titled "Protection of Critical Infrastructure and Wildfire Risk Areas" is hereby added to read as follows:

### **7-11.1 Purpose and scope**

The purpose of this section to mitigate the threat of fire and other potential causes of destruction and damage to and interference with, critical infrastructure, in order 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. The purpose of this section is further to protect the health, safety and welfare of minor children while using facilities specifically designed to serve that population.

### **7-11.2 Regulated areas**

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

*Camp* has the same meaning as in section 14-20.2 of this Code.

*Camp Facilities* has the same meaning as in section 14-20.2 of this Code.

*Camp Paraphernalia* has the same meaning as in section 14-20.2 of this Code.

*Critical Infrastructure* means any real property or facility, whether privately or publicly owned, as designated by the City Council by resolution, that the City Council determines in its discretion is so vital and integral to the operation or functioning of the city 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 schools, fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources.

*Facility* means a building, structure, equipment, system, or asset.

*Hazardous Waste* has the same meaning as in California Public Resources Code section 40141.

*Infectious Waste* has the same meaning as in California Code of Regulations, title 14, section 17225.36.

*Wildfire Risk Area* has the same meaning as in California Code of Regulations, title 24, part 9, section 202.

*Youth-Serving Facility* means child day care facilities, public or private preschool, public or private primary or secondary school, public or private college and/or university, and public or private playgrounds.

### **7-11.3 Prohibited activities and conditions**

- a. It is unlawful and a public nuisance for any person, including persons who would otherwise be entitled to camp on public property pursuant to Section 14-20.8, to camp, occupy camp facilities, or use camp paraphernalia at the following locations:

1. Critical infrastructure;

2. Within 50 feet of critical infrastructure;
  3. Within 50 feet of a vehicular or pedestrian entrance to or exit from 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. Wildfire risk area.
  6. Youth-serving facilities.
  7. Within 50 feet of youth-serving facilities.
- b. It is unlawful and a public nuisance for any person, including persons who would otherwise be entitled to camp on public property pursuant to Section 14-20.8, to store personal property, including camp paraphernalia and camp facilities, in the following locations without the written consent of the property owner:
1. Critical infrastructure;
  2. Within 50 feet of critical infrastructure;
  3. Within 50 feet of a vehicular or pedestrian entrance to or exit from 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. Wildfire risk area.
  6. Youth-serving facilities.
  7. Within 50 feet of youth-serving facilities.
- c. This section is not intended to prohibit overnight camping on private residential property by friends or family of the property owner.
- d. Nothing in this section 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 this Code or other laws, ordinances, and regulations.

#### **7-11.4 Abatement**

- a. Any violation of sections 7-11 and/or 7-12 may be abated by the city upon 24 hours of prior notice; but a violation of sections 7-11 and/or 7-12 may be abated immediately by the city without prior notice, if the violation poses an imminent threat to public health or safety.
- b. Abatement pursuant to subsection a., above, may include, but is not limited to: removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.
- c. 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 local, state, and federal law; and is liable for violations thereof.
- d. 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 1-6 of this code.
- e. No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a city official, employee, contractor or agent in their execution of an abatement pursuant to this section.

#### **7-11.5 Violations**

Any violation of this section shall be punishable as a misdemeanor in accordance with section 1-5 of this Code and shall be deemed a public nuisance. Nothing in this section shall prevent the city from initiating a civil or administrative action, or any other legal or equitable proceeding, to obtain compliance with the provisions of this section. The remedies provided by this section are intended to be alternative methods of obtaining compliance and/or discouraging noncompliance with the provisions of this section and are expressly intended to be in addition to any other civil, criminal, or administrative remedies provided by law, including, but not limited to, Penal Code sections 602 and 647.

**SECTION III.** Sections 14-20.5 and 14-20.6 of the Novato Municipal Code are hereby renumbered as Sections 14-20.6 and 14-20.7, respectively.

**SECTION IV.** Section 14-20.5 of the Novato Municipal Code is hereby added to read as follows:

*14-20.5 Fires on public property.* It is unlawful and a public nuisance for any person to do the following on any public property:

- a. Light or maintain any fire, unless such fire is lighted and maintained only in an apparatus or receptacle (including a fire pit, stove, barbeque or fire circle) provided by, owned, or maintained by the City of Novato for that particular purpose.

- b. Leave a fire unattended by an adult or leave a location where a fire has been started, kindled and/or maintained until the fire has been completely extinguished and is cold to the touch.

**SECTION V.** Section 14-20.7 of the Novato Municipal Code is hereby renumbered as Section 14-20.8 and is amended to read as follows:

Nothing in this section shall prohibit any person from camping on public property between the hours of 9 p.m. and 7 a.m. when all of the following circumstances are present:

- a. At the time that the person is camping there are no beds in any shelter or other accommodation for homeless persons within the City or otherwise reasonably accessible from the place where that person is camping that are available to that same person; and
- b. The person is not engaging in camping as a voluntary act. Under this section "voluntary act" shall mean camping during such time as there is shelter or lodging available to that person which that person willfully refuses to avail him/herself of for any reason unrelated to the exercise of a First Amendment or other state or federal constitutional right.

**SECTION VI. CEQA**

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**SECTION VII. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION VIII. ENFORCEABILITY OF ORDINANCE**

In light of the existing COVID-19 public health emergency, this Ordinance shall not be enforced to clear encampments existing as of the Effective Date of this Ordinance until the earlier of the following:

1. The Centers for Disease Control and Prevention amends or revokes its Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Official to no longer recommend local agencies allow individuals living unsheltered or in encampments to remain where they are.

- 2. COVID-19 vaccinations are accessible for individuals experiencing homelessness, at least 90 percent of County residents 16 year and older have been fully vaccinated, as defined by the California Division of Occupational Safety and Health, and the County meets the State of California requirements for the Yellow (Minimal) Tier in place as of May 25, 2021.

**SECTION IX. CITY MANAGER TO PROMULGATE RULES AND REGULATIONS**

The City Manager is hereby authorized to promulgate rules and regulations to implement this Ordinance.

**SECTION X. PUBLICATION AND EFFECTIVE DATE**

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption,

or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

This ordinance shall become effective 30 days after the date of its passage and adoption.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing ordinance was first introduced at a regular meeting of the Novato City Council on the 25<sup>th</sup> day of May, 2021, and was passed and adopted a regular meeting of the Novato City Council on the \_\_\_\_ day of \_\_\_\_\_, by the following vote, to wit:

AYES: Councilmembers  
 NOES: Councilmembers  
 ABSTAIN: Councilmembers  
 ABSENT: Councilmembers

\_\_\_\_\_  
Mayor of the City of Novato

Attest:

\_\_\_\_\_  
City Clerk of the City of Novato





## **EXHIBIT 12**



922 Machin Avenue | Novato, CA 94945  
novato.org

## STAFF REPORT

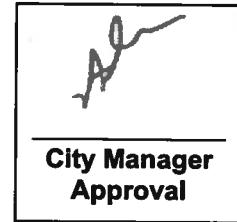
### MEETING

DATE: May 25, 2021

TO: City Council

FROM: Ryan A. Reed, Assistant City Attorney  
Jeff Walter, City Attorney

SUBJECT: **ORDINANCE ADDING SECTION 7-12 TO CHAPTER VII OF THE NOVATO MUNICIPAL CODE REGARDING CONDUCT IN THE STREAM PROTECTION ZONE**



## REQUEST

Consider introducing by title only the Ordinance adding Section 7-12 to Chapter VII of the Novato Municipal Code regarding conduct in the Stream Protection Zone.

## DISCUSSION

Staff has prepared the attached draft Ordinance which adopts regulations applicable to individual conduct within the Stream Protection Zone, as defined in Division 19.35 of the Novato Municipal Code. The Stream Protection Zone includes the stream bed, the stream banks, all riparian vegetation and an upland buffer zone at least 50 feet wide extending from both sides of the stream's banks, and establishes special requirements for development and land uses within the Stream Protection Zone. The proposed Ordinance prohibits a wide array of activities which may have a detrimental effect on the City's natural resources, including collecting, gathering, or disturbance of any natural or cultural resources, camping, possessing or consuming alcoholic beverages, and travelling outside designated paths.

### Regulating Camping Activities under *Martin v. Boise*

Amongst other individual conduct, the proposed Ordinance prohibits camping, occupying camp facilities, and using camp paraphernalia in the Stream Protection Zone. The United States Court of Appeals for the Ninth Circuit held in *Robert Martin et al. v. City of Boise* (2019) 920 F.3d 584 that "the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." The Ninth Circuit provided the following caveat in footnote 8 of *Martin*:

"Our holding does not cover individuals who do have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the "universal and unavoidable consequences of being human" in the way the ordinance prescribes."

In other words, *Martin* generally prohibits imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals, but allows cities to impose reasonable regulations on those acts. This includes prohibiting camping when individuals have access to adequate temporary shelter, or adopting geographically limited restrictions justified by public health or safety concerns. The proposed Ordinance meets that balance by adopting reasonable geographical restrictions on camping activities that do not broadly “punish[] a person for lacking the means to...” sleep in a private space.

Among other things, the proposed Ordinance addresses camping activities (camping, occupying camp facilities, and using camp paraphernalia in the Stream Protection Zone) as part of broader regulations on individual conduct in the Stream Protection Zone. This builds on the City’s existing requirements for development and land use within the same areas under Novato Municipal Code Division 19.35, and on the City’s General Plan which places strong emphasis on the “protection, maintenance and enhancement of Novato’s natural resources...” including its creeks and riparian areas. This Ordinance is intended to protect the City’s public health, safety, and welfare, as well as the City’s ability to comply with its statutory, regulatory and permitting obligations with respect to the protection of its creeks, tributaries, riparian corridors and associated natural resources.

Further, the Ordinance is also geographically limited. Possible summary abatement under the Ordinance does not apply to the entirety of the City. It is limited to real property located within the Stream Protection Zones as identified in the General Plan. Encampments and associated personal property of unsheltered homeless persons would not be subject to such summary abatement on the remainder of public property in the City except as may be otherwise proscribed in the Municipal Code.

Ultimately, the proposed Ordinance is an exercise of the City’s authority to protect the City’s natural environment, as recognized by the Ninth Circuit in footnote 8 of the *Martin v. Boise* case. The Ordinance would not punish a person for lacking the means to live out the “universal and unavoidable consequences of being human.” Rather, it would narrowly tailor restrictions on the location of such conduct.

#### Implementation During COVID-19 Pandemic

The proposed Ordinance recognizes the existing COVID-19 pandemic, including the Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) issued by the Centers for Disease Control and Prevention, last updated on October 31, 2020. This Guidance recommends:

“If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are... Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”

In recognition of this Interim Guidance, and the unique strength of Marin County’s COVID-19 response, the proposed Ordinance will not be enforced to clear encampments existing as of the Effective Date of this Ordinance until the earlier of: (1) amendment or revocation of the Interim Guidance to no longer recommend that local agencies allow individuals living unsheltered or in encampments to remain where they are; or (2) when COVID-19 vaccinations are accessible for individuals experiencing homelessness, at least 90 percent of County residents 16 year and older have been fully vaccinated, and the County meets the State of California requirements for the Yellow (Minimal) Tier in place as of May 25, 2021.

As stated above, the Interim Guidance has not been updated since October 31, 2020. On that date, the 7-day average case rate was above 11.0 per 100,000 persons in California, and facing a significant upturn, while the same statistic sits at 3.2 per 100,000 persons as of May 18, 2021.

Further, the Interim Guidance was last updated well before implementation of vaccination efforts in California. Therefore, recommendations in the Interim Guidance do not reflect current realities local agencies are facing, including high vaccination numbers and substantially reduced COVID-19 cases. There is no indication the CDC will regularly update the Interim Guidance, or that it will be brought in line with local conditions. Therefore, the Ordinance proposes an alternative standard to begin enforcement that relies on local conditions.

Marin County is currently in the Orange (Moderate) Tier, which is the second-lowest designation in the State. In order to move into the lowest Yellow (Minimal) Tier, the County must meet the following standards for at least two weeks: (1) less than 2.0 daily new cases (per 100,000 residents); (2) less than 2.0 percent positivity rate; and (3) less than 2.2 percent positive tests for health equity quartile, as defined by the State. As of May 18, 2021, Marin County had: 2.4 daily new cases (per 100,000 residents), 0.8 percent positivity rate, and 1.7 percent positive tests for the health equity quartile. Therefore, the County expects to be placed in the Yellow Tier by the time of adoption of the proposed Ordinance. However, Governor Newsom has also announced a transition away from the existing tier system effective June 15, 2021, at which time the Governor has stated the City will “fully open its economy.” To account for changing Statewide criteria, staff recommends that implementation of this Ordinance be triggered at the point the County meets the most stringent thresholds currently in place.

Further, Marin County has engaged in an extremely strong vaccination effort and has seen a substantial reduction in COVID-19 cases. Marin County has the highest vaccination rate of any County within the State of California, exceeding the second highest county with a population over 1,500 by over 5 percent, and is near the top of all counties within the U.S. As of May 18, 2021, 70.1 percent of all residents 12 years and older have been fully vaccinated, defined as 14-day after either the second dose of a two-dose vaccine series (e.g. Pfizer or Moderna) or a single-dose vaccine (e.g. Johnson & Johnson). The County Public Health Department specifically engaged Lee Gerner Park, the current location of a significant homeless encampment, with a mobile vaccination clinic. 15 percent of the total population of the encampment, was vaccinated through the mobile clinic. The mobile vaccination clinic is expected to return to Lee Gerner Park and other encampments in the County numerous times. Vaccinations continue to be fully accessible to County residents 12 years and older, including all unhoused individuals.

In short, it is anticipated that the proposed Ordinance – including new restrictions on camping, occupying camp facilities, using camp paraphernalia, and storing personal property in certain locations – will not “increase[] the potential for infectious disease spread” in a meaningful way because the success of the widespread vaccination and COVID-19 reduction measures implemented by the City and County.

### **PUBLIC OUTREACH**

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of 922 Machin Ave, posting on the City’s website at [novato.org/council\\_agendas](http://novato.org/council_agendas) and sending an email notification to all e-notification subscribers.

### **STRATEGIC PLAN ALIGNMENT**

This item supports Strategic Plan Goal 1 – Living Well Together, and Strategic Plan Goal 2 – Environmental Stewardship.

### **RECOMMENDATION**

Introduce by title only the Ordinance adding Section 7-12 to Chapter VII of the Novato Municipal Code Regarding Conduct in the Stream Protection Zone

**ALTERNATIVES**

1. Introduce the proposed Ordinance with revisions;
2. Decline to introduce the Ordinance;
3. Continue the hearing with direction to staff; or
4. Provide other direction to staff.

**ATTACHMENTS**

1. Proposed Ordinance

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1670

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADDING SECTION 7-12 TO CHAPTER VII OF THE NOVATO MUNICIPAL CODE REGARDING CONDUCT IN THE STREAM PROTECTION ZONE

**SECTION I. FINDINGS**

The City Council of the City of Novato hereby finds and declares as follows:

**WHEREAS**, the City has a substantial interest in ensuring the protection, maintenance, enhancement and restoration of streams and riparian areas, which includes ensuring they are adequately protected from activity which might have a substantial negative impact on natural resources and the environment, and in ensuring the city’s ability to comply with its statutory, regulatory and permitting obligations with respect to creeks and riparian areas; and

**WHEREAS**, the City’s General Plan places strong emphasis on the “protection, maintenance and enhancement of Novato’s natural resources...” including its creeks and riparian areas; and

**WHEREAS**, the City has established a Stream Protection Zone under Novato Municipal Code Chapter 19.35, which area includes the stream bed, the stream banks, all riparian vegetation and an upland buffer zone at least 50 feet wide on both sides of the stream, and establishes special requirements for development and land uses within the Stream Protection Zone; and

**WHEREAS**, the City now desires to further regulate individual conduct within the Stream Protection Zone which might have a negative impact on the City’s natural resources and environment, including camping, urinating and defecating, and disposal of garbage in creeks and riparian areas.

**NOW THEREFORE**, the City Council of the City of Novato does ordain as follows:

**SECTION II.** Section 7-12 of the Novato Municipal Code titled “Creeks, Tributaries and Riparian Areas” is hereby added to read as follows:

**7-12.1 Purpose**

- a. This section shall govern individual conduct within the Stream Protection Zone, as established and defined in Division 19.35 of this Code, whether occurring on public or private property.
- b. The public health, safety, and welfare, as well as the City’s ability to comply with its statutory, regulatory and permitting obligations with respect to the protection of its creeks, tributaries, riparian corridors and associated natural resources, require that the City adopt and enforce comprehensive regulations specifically prohibiting deleterious activities within these areas, whether located on public or private property.

- c. The purpose of this section is to establish clear and direct requirements for the inspection and maintenance of the areas governed by this section and to authorize City enforcement of violations of the provisions of this section by individuals engaging in prohibited activity and/or property owners permitting prohibited activities or conditions to occur or be maintained on their properties.

#### **7-12.2 Prohibited activities and conditions**

It shall be unlawful and a violation of this section for any person to engage in or maintain, or for any property owner to allow or maintain, any of the following activities or conditions in the Stream Protection Zone:

- a. Collecting, gathering, or disturbance of any natural or cultural resources, except for pruning, removal of materials or any other activities authorized under appropriate permits from state and/or federal agencies or in conjunction with permitted city-sponsored activities.
- b. Camping, occupying camp facilities, or using camp paraphernalia.
- c. Entering into or remaining within property to which public access is prohibited or restricted.
- d. Driving or otherwise operating a vehicle, except as authorized in conjunction with otherwise permitted activity.
- e. Using bicycles in areas not expressly designated for bicycle use.
- f. Possessing or consuming alcoholic beverages.
- g. Disposing of, depositing, throwing, keeping or accumulating trash, litter, rubbish, rubble, garbage, debris or other solid waste, dirt, green waste or animal waste.
- h. Traveling outside of designated paths.
- i. Posting any sign on a tree, tree-stake or guard, or fastening any wire, cable or rope to any tree, tree-stake or guard unless otherwise authorized by the city.
- j. Urinating or defecating.
- k. Making any excavation or unauthorized encroachment.
- l. Possessing or discharging of weapons, firearms, paintballs, fireworks, or building fires, except a fire lighted and maintained only in an apparatus or receptacle (including a fire pit, stove, barbeque or fire circle) provided by, owned, or maintained within a park by the City of Novato for that particular purpose.
- m. Any act in a regulated area constituting a violation of any provision of California Endangered Species Act, Endangered Species Act, the California Public Resources Code, or any regulation of the California Department of Fish and Game, or of any permit or approval issued by any federal, state or local agency having jurisdiction over the regulated area shall also be a violation of this section.



This section is intended to regulate individual conduct within the Stream Protection Zone. Nothing in this section is intended to alter, supplant or overrule the rules and regulations set forth for development and land use within the Stream Protection Zone under Division 19.35 of this Code, or to prohibit any activities lawfully permitted therein.

### **7-12.3 Violation and Abatement**

Any violation of this section shall be punishable as a misdemeanor in accordance with section 1-5 of this Code and shall be deemed a public nuisance. Nothing in this section shall prevent the City from initiating a civil or administrative action, or any other legal or equitable proceeding, to obtain compliance with the provisions of this section. The remedies provided by this section are intended to be alternative methods of obtaining compliance and/or discouraging noncompliance with the provisions of this section and are expressly intended to be in addition to any other civil, criminal, or administrative remedies provided by law, including, but not limited to, Penal Code sections 602 and 647.

Any violation of this section may be abated pursuant to the provisions described in section 7-11.4 of this Code.

### **7-12.4 No liability on the city**

Nothing in this section shall be deemed to impose any liability upon the City or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep property in a safe condition.

## **SECTION III. CEQA**

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

## **SECTION IV. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

## **SECTION V. ENFORCEABILITY OF ORDINANCE**

In light of the existing COVID-19 public health emergency, this Ordinance shall not be applied to prohibit camping or to clear encampments existing as of the Effective Date of this Ordinance until the earlier of the following:

1. The Centers for Disease Control and Prevention amends or revokes its Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Official to no longer recommend local agencies allow individuals living unsheltered or in encampments to remain where they are.
2. COVID-19 vaccinations are accessible for individuals experiencing homelessness, at least 90 percent of County residents 16 year and older have been fully vaccinated, as defined by the California Division of Occupational Safety and Health, and the County meets the State of California requirements for the Yellow (Minimal) Tier in place as of May 25, 2021.

**SECTION VI. CITY MANAGER TO PROMULGATE RULES AND REGULATIONS**

The City Manager is hereby authorized to promulgate rules and regulations to implement this Ordinance.

**SECTION VII. PUBLICATION AND EFFECTIVE DATE**

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption,

or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

This ordinance shall become effective 30 days after the date of its passage and adoption.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Novato City Council on the 25<sup>th</sup> day of May, 2021, and was passed and adopted a regular meeting of the Novato City Council on the \_\_\_\_ day of \_\_\_\_\_, by the following vote, to wit:

AYES: Councilmembers  
 NOES: Councilmembers  
 ABSTAIN: Councilmembers  
 ABSENT: Councilmembers

\_\_\_\_\_  
Mayor of the City of Novato

Attest:

\_\_\_\_\_  
City Clerk of the City of Novato



# **EXHIBIT 13**

DIVISION 19.35 - WATERWAY AND RIPARIAN PROTECTION

19.35.010 - Purpose of Division.

This Division provides standards for the protection, maintenance, enhancement and restoration of streams and waterways in a manner which preserves and enhances their ecological integrity and resource functions and value. The purpose of this Division is to establish adequate buffer areas along watercourses to avoid flood hazards and maintain or expand storage capacity for flood waters; protect water quality and in-stream habitat; preserve, enhance and restore riparian habitat and adjacent wetlands and upland buffers; and, provide for continuous wildlife migration corridors connecting habitat areas. The intent is to allow development, which is compatible with the important physical, habitat, aesthetic, and recreational functions of waterways, while ensuring that these functions and values are protected in perpetuity.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

19.35.020 - Applicability.

- A. *Stream Protection Zone.* The standards and requirements of this Division shall apply to all lands adjoining or encompassing watercourses shown on EN Map 1 of the General Plan and their significant tributaries as determined by the Director. A Stream Protection Zone shall be established, which shall include the stream bed, the stream banks, all riparian vegetation and an upland buffer zone at least 50 feet wide, measured from the top of the channel bank. The Stream Protection Zone shall be expanded based on individual site evaluations to encompass the existing riparian vegetation and adjacent habitat areas including upland buffers or may be reduced if physical conditions so warrant through the adoption of the Stream Management Plan.
- B. *Waiver/Non-Applicability.* In developed areas where the existing site and upstream and downstream conditions preclude the establishment the Stream Protection Zone or where the watercourse is owned, managed, and maintained by a qualified public agency and adequate stream buffer areas are provided, the Director may waive the required Use Permit and Stream Management Plan (SMP) and shall establish a minimum stream buffer area/setback requirement and/or development standard as a condition of approval. The Director may require the applicant to submit documentation to support the waiver and define an appropriate setback or development standard.

Routine stream management and maintenance activities authorized or carried out by qualified public agencies are exempt from these provisions.

- C. *Additional Standards.* Proposed development that is subject to the provisions of this Division shall also comply with the provisions of Municipal Code Section 7-4.11 (Watercourse Protection).

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

19.35.030 - Permit Requirements.

Proposed development, land uses and activities including any proposed development application, land division, use permit, grading or building permit for any excavation, fill, grading, or paving; removal or planting of vegetation; construction, alteration, or removal of any structure; or alteration of any embankment within the Stream Protection Zone shall require Use Permit approval.

- A. *Stream Management Plan.* Use Permit review and approval shall include the review and approval of a SMP developed in compliance with the City's Stream Management Guidelines.
- B. *Maintenance and Management Provisions.* The Use Permit shall address annual maintenance requirements and management activities, which shall be included, reviewed and approved as part of the SMP and incorporated into the project.
- C. *Action by Review Authority.* The Zoning Administrator may approve a Use Permit and SMP subject to the findings contained in Section 19.35.070 for the minor activities, land uses or development in or near a stream or watercourse, including:
  - 1. Minor road crossings, driveways, pedestrian bridges and pathways, and utilities;
  - 2. Bank stabilization and erosion control projects involving less than 30 linear feet;
  - 3. Enhancement and restoration projects involving no mitigation of wetlands or riparian resources; and
  - 4. Single-family homes and accessory structures and any permitted land use on lots in existing developed areas.

The Commission shall review and approve or disapprove all other Use Permit applications within the Stream Protection Zone.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

#### 19.35.040 - Application Requirements.

Applications for projects subject to the requirements of this Division shall include a SMP prepared by qualified persons experienced in the development and implementation of riparian restoration and enhancement plans. The SMP shall:

- A. Assess existing conditions and resources on the site and adjacent resources located upstream and downstream or adjacent to the project area. A written description and site plan drawn to scale shall be required illustrating existing topography and adjacent land uses, stream banks, vegetation, structures, paving, access roads and trails, fencing, accessory uses, utilities and easements.
- B. Define the boundaries of the Stream Protection Zone and identify site specific objectives for protection of the resources in compliance with the purpose of this Division. The SMP shall address water quality, flood management, vegetation, fishery, wildlife, and channel stability issues. The objectives may include public access or passive recreation and such other issues as may be required by the Director.
- C. Include measures to protect, enhance and restore native vegetation and wildlife habitat and shall define site preparation, exotic species removal, site grading, erosion control, channel stabilization, habitat preservation methods, fishery enhancement, and revegetation or enhancement plans, as appropriate and such other information as may be required by the Director.
- D. Specify an ongoing long-term management program to ensure the protection of riparian resources, wildlife and fisheries habitat and meet objectives for water quality and flood management. The management program shall specify annual maintenance requirements and the responsibility for implementation and funding. Maintenance responsibility and funding mechanism shall be established in a long-term maintenance agreement or other mechanism approved by the Director prior to final approval of any development permit, land division, or building or grading permit.
- E. If it includes a mitigation or restoration component, the SMP shall specify mitigation goals and define

performance standards or success criteria and shall include a construction and minimum 10-year post-construction monitoring program and funding mechanism (bond, trust fund or other method) to ensure that the project goals and performance standards are met. The monitoring period may be reduced if a finding is made that the performance standards and success criteria are met. Annual reports and a final report, prepared by a qualified expert, documenting the success of the mitigation project shall be submitted by the applicant to the City and other responsible or permitting agencies. The monitoring program shall include provision for remedial action as needed to correct deficiencies and shall be integrated with an annual maintenance program. If the performance standards or success criteria are not met, an additional period of correction and monitoring shall be specified until the performance standards or success criteria are met.

The SMP shall be referred to the California Department of Fish and Game for review and comment, prior to project approval.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

#### 19.35.050 - Limitations on Land Use.

- A. Uses permitted within the Stream Protection Zone shall be limited to native landscaping, fencing, maintenance roads, utilities, storm drains, trails and passive (low-impact) recreation. Fencing and structures shall be set back to provide for unobstructed flow of flood waters and continuous wildlife migration corridors along the riparian areas.
- B. The area within the Stream Protection Zone may be used to calculate allowable residential densities or applied to the landscape area requirements for non-residential uses in accordance with provisions of the primary zoning district.
- C. Encroachments of parking areas, access roads, bridges, structures and other uses may be conditionally permitted by the Review Authority where the following findings are first made:
  - 1. The proposed use, structure or encroachment cannot be feasibly located outside the Stream Protection Zone or such location would have a more adverse effect on the stream environment; and
  - 2. Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management; or
  - 3. The strict application of these limitations would result in a taking of the property without just compensation.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

#### 19.35.060 - Watercourse Protection Standards and Design Criteria.

Proposed developments, uses, alterations or encroachments within or near watercourses shall comply with the following standards and design criteria:

- A. *Stream Buffer Zone.* A Stream Buffer Zone shall be established for preservation, restoration or enhancement of riparian vegetation and adjacent upland habitat. The Stream Buffer Zone shall include adjacent upland habitat for sensitive species and wildlife migration, as well as, providing for filtration of sediment and contaminants in storm runoff and allow infiltration of rainfall to maintain an adequate water budget to support the riparian and wetland habitat. Upland buffers shall consist of grasses and native shrubs to be maintained in a natural state.
  - 1. Removal of existing riparian vegetation shall be avoided to the maximum extent feasible and limited to the

minimum amount necessary, except for exotic, invasive species or other vegetation identified on an approved SMP.

2. Grading, fill, earthwork, or soil compaction, within the Stream Protection Zone shall be avoided or minimized to the maximum extent feasible. During construction, protective fencing shall be installed along existing riparian vegetation to include a buffer area extending beyond the dripline of the tree canopy to protect the root structure. The extent of the buffer area shall be determined based upon the tree species. If encroachment within the root zones of significant trees cannot be avoided, then a certified arborist shall be retained to provide recommendations for less damaging construction practices and long-term maintenance.
  3. Root zone areas of native oaks and riparian vegetation shall be maintained in a natural state. All turf areas, irrigation and drainage shall be designed to drain away from valley oaks and creek corridors to avoid long-term impacts of irrigation and chemical use of pesticides and herbicides.
  4. In disturbed areas, the stream buffer zone shall include area for restoration or enhancement of riparian vegetation to provide for a continuous riparian corridor connecting habitat areas.
  5. Fencing may be required along the Stream Buffer Zone to separate public or private use areas from the creek corridor and prevent encroachment in habitat areas. Fencing shall be designed to permit emergency and maintenance access. Fencing shall not obstruct wildlife migration corridors and shall be designed 6-inches above the ground to allow for passage of small mammals and other species.
- B. *Alterations of Stream Channel or Banks.* The streambed and stream banks shall not be filled, graded, excavated, or obstructed by any development, construction, or activity associated with such development, nor shall vegetation in the streambed or on the stream banks be cut or removed, except for the following circumstances:
1. Placement of City-approved storm drain and irrigation outflows. Such outflows and the associated drainage facilities shall be designed so as to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge.
  2. Placement of public and non-public utility lines.
  3. Construction of bridges and their connecting roadways.
  4. Maintenance activities necessary to prevent flooding, reduce siltation, or otherwise provide for the public health and safety.
  5. Work identified in an approved SMP.
- C. *Slope Protection and Bank Stabilization.* In areas with bank failure or high scour potential, slope protection and biotechnical bank stabilization measures, designed by a qualified registered engineer, may be required and incorporated into the SMP.
- D. *Alterations Within the Stream Buffer Zone.* The stream protection zone shall not be filled, graded, excavated, or obstructed, nor shall vegetation in the riparian zone be cut or removed, except for the following circumstances:
1. Construction of facilities for low intensity, passive recreation (e.g., pedestrian and bicycle trails and paths, and foot bridges), nature study or conservation uses approved by the Director.
  2. Restoration, enhancement and maintenance activities, including removal of debris when necessary to protect the public health and safety, or minor weed abatement activity necessary to protect life or property.
  3. Work identified in an approved SMP.
- E. *Mitigation, Restoration and Enhancement.* Any use or encroachment within the stream Protection Zone shall



require mitigation in order to offset the intrusion of human use and limit flood hazards. Mitigation measures shall be incorporated into the SMP to address the existing site conditions and provide additional buffering of wildlife corridors, connect habitat areas and maintain adequate capacity for flood flows. Revegetation program and planting plans shall use indigenous plants in accordance with the City's Stream Management Guidelines.

- F. *Erosion Control*. All work within stream protection zones shall be kept to the minimum amount necessary to accomplish the goals of this Division. The SMP shall include erosion control and a Stormwater Pollution Prevention Plan utilizing the following best management practices:
1. Earth work within the Stream Protection Zone shall be permitted only between April 15 and October 15. When necessary, extensions of this time period may be granted by the City Engineer on a case-by-case basis.
  2. Disturbed areas shall be revegetated by October 15. When necessary, extensions of this deadline may be granted by the City Engineer on a case-by-case basis.
  3. Where needed to prevent erosion, exposed soil surfaces shall be hydromulched or stabilized by other erosion control measures prior to October 15. When necessary, extensions of this deadline may be granted by the City Engineer on a case-by-case basis.
  4. Special care shall be taken to avoid removal of vegetation immediately adjacent to the stream banks except for exotic, invasive species or other vegetation identified in the approved SMP.
- G. *Urban Runoff and Stormwater Discharges*. Any project subject to the requirements of this Division shall incorporate best management practices into the SMP to address potential for long-term water quality impacts related to urban runoff and stormwater discharges including the following, as appropriate:
1. Where practical, street runoff should be conveyed through vegetated swales or retained in small detention basin or landscape areas which serve to filter and absorb sediment and chemical constituents in urban runoff prior to entering a stream channel, wetland habitat or storm drain.
  2. Provision for vegetated streamside buffer areas separating formal landscape and developed areas from creek channels and drainageways shall be provided. The stream buffer zone shall be landscaped with grasses and native plant species to filter and absorb sediment and chemical constituents and provide a zone for rainfall infiltration next to the creek channel.
  3. Development of a program of parking lot sweeping should be provided for large parking or high volume traffic areas along with an appropriate funding mechanism. Alternatively, filters of oil and contaminants may be incorporated into the design of storm drain drop inlets where an annual maintenance program is provided.
  4. Pesticides and fertilizers shall not be applied to public landscape areas, or any creekside maintenance access-way during the rainy season (October 15 - April 30).
  5. All drainage improvement plans shall include installation of permanent signs (concrete stamps or equivalent) at each storm drain inlet. The sign at each inlet shall read "No Dumping, Flows To San Francisco Bay" or equivalent, and shall be installed at the time of construction and verified prior to acceptance of public improvements or issuance of a certificate of occupancy.
- H. *Long-Term Maintenance/Management*. As a condition of approval for any project subject to the requirements of this Division, provision for long-term management and maintenance shall be provided along with a funding mechanism. Long-term maintenance and management plans shall include annual inspections and provisions to maintain hydraulic capacity of the stream channel, as well as protect, restore and enhance aquatic and riparian

habitat. Management plans may include provisions for debris and sediment removal, clearing of brush and other vegetation that trap sediment, and shall specify methods to preserve, enhance and restore riparian vegetation.

The City may allow dedication to the City, the Marin County Flood Control District, Marin County Open Space District or other appropriate public or private entity, of a conservation easement or fee interest for long-term preservation and management of the Stream Protection Zone as determined necessary for flood control, water quality, and wildlife habitat.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

19.35.070 - Findings for Approval.

The approval of any project subject to the requirements of this Division shall require that the Review Authority first find that a SMP has been prepared and incorporated into the project in accordance with this Division, including measures to:

- A. Preserve, enhance and/or restore wildlife habitat, riparian vegetation and adjacent upland buffers;
- B. Protect water quality and in-stream habitat including erosion and urban runoff controls; and
- C. Address potential flood hazards and define responsibility and funding mechanism for long-term maintenance of hydraulic capacity and floodplain management.

These findings shall be in addition to those required for Use Permit approval by Section 19.42.050 (Use Permits).

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

19.35.080 - Conditions of Approval.

Prior to issuance of a grading or building permit or approval of any improvement plans for earthwork within any creek corridor or identified wetland site, proof of authorization from all applicable responsible agencies including, but not limited to, the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, and the California Department of Fish and Game, shall be submitted by the applicant.

( Ord. No. 1576, § 2 (Exh. A, amd.), 10-23-2012)

# **EXHIBIT 14**



922 Machin Avenue | Novato, CA 94945  
novato.org

**STAFF REPORT**

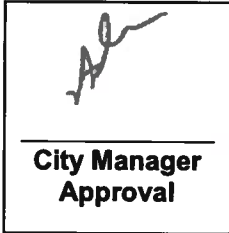
**MEETING**

**DATE:** June 8, 2021

**TO:** City Council

**FROM:** Jeff Walter, City Attorney  
Ryan A. Reed, Assistant City Attorney

**SUBJECT: RESOLUTION IDENTIFYING CRITICAL INFRASTRUCTURE PURSUANT TO SECTION 7-11.2 OF THE NOVATO MUNICIPAL CODE**



**REQUEST**

Consider adopting the resolution identifying critical infrastructure pursuant to Section 7-11.2 of the Novato Municipal Code.

**DISCUSSION**

At its meeting on June 8, 2021, the City Council will consider completing a second reading and adoption of an ordinance, which adds Section 7-11 to the Novato Municipal Code (“NMC”) to protect critical infrastructure and wildfire risk areas. Specifically, Section 7-11 prohibits individuals from camping, occupying camp facilities, using camp paraphernalia, and storing personal property: (1) on critical infrastructure; (2) within 50 feet of critical infrastructure; (3) within 50 feet of a vehicular or pedestrian entrance to or exit from critical infrastructure; (5) on certain portions of right-of-way; and (6) in wildfire risk areas.

Critical infrastructure is defined under Section 7-11.2 as follows:

[A]ny real property or facility, whether privately or publicly owned, as designated by the City Council by resolution, that the City Council determines in its discretion is so vital and integral to the operation or functioning of the city 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 schools, fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources. [highlights added.]

This provision allows the City Council to designate critical infrastructure by resolution so long as the City Council determines, in its discretion, that the property or facilities are “so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.” The City Council requested City staff analyze potential critical infrastructure to designate pursuant to this Section.

**Critical Infrastructure**

For guidance as to what property or facilities are so vital and integral to the operation or functioning of the City that their damage, disruption or destruction would have a debilitating impact on the City’s public health, safety or welfare, we have turned to the Federal Cybersecurity and

**Infrastructure Security Agency (“CISA”).** The CISA has defined 16 sectors of critical infrastructure: (1) Chemical; (2) commercial facilities; (3) communications; (4) critical manufacturing; (5) dams; (6) defense industrial base; (7) emergency services; (8) energy; (9) financial services; (10) food and agriculture; (11) government facilities; (12) healthcare and public health; (13) information technology; (14) nuclear reactors, materials, and waste; (15) transportation systems; and (16) water and wastewater systems. CISA has prepared a sector-specific plan for addressing potential risks related to each. (CISA, Critical Infrastructure Sectors [available at the following weblink: <https://www.cisa.gov/critical-infrastructure-sectors>].) Before designating particular facilities as critical infrastructure, City staff recommends the City Council consider whether the potential harms posed by homeless encampments create or exacerbate the risks to those facilities as described in CISA’s sector-specific plans.

Notably, CISA designates as critical infrastructure the Emergency Services Sector, which includes facilities owned by the City and other public agencies “that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response [including] city police departments and fire stations... and town public works departments.” (CISA, Emergency Services Sector, available at the following weblink: <https://www.cisa.gov/emergency-services-sector>].)

As previously explained to the City Council, the City faces significant wildfire risk due to its climate, topography, and other relevant factors. As described on page 6-28 of the City’s General Plan, the City has very high fire hazard severity zones in the southwest area of Novato, in the open space preserves and along creek corridors where homes have been built on hillsides covered with grasslands and oak woodlands. Much of the City’s jurisdiction falls within the wildland-urban interface, which poses particular fire risk. The City’s wildfire risk and response plans are assessed in the City of Novato and Novato Fire District Emergency Operations Plan, which notes: “[r]esponse times present significant challenges to keeping fires from directly impacting communities and subdivisions.” It is of critical importance to be able to timely respond to incidents, particularly at critical facilities.

Designating certain structures and properties as critical addresses fire and other risks associated with homeless encampment by prohibiting camping and other activities within 50 feet of those facilities. This protects critical infrastructure in two ways. First, designation eliminates a significant potential source of fire risk on or within 50 feet of those facilities. Second, the prohibition ensures such facilities are accessible by authorized personnel and able to operate at all times by reducing activities that may hamper access to those spaces.

Based on the City Council’s recommendations and the guidance offered by CISA, staff has included the following list to be designated as critical infrastructure:

- Government buildings, including City Hall, schools, fire stations, police stations, jails, and courthouses.
- Electric, sewer, wastewater and water utility facilities, including generation stations, transformers and substations.
- Health facilities, as that term is defined in Health & Safety Code section 1250.<sup>1</sup>
- Train stations and train tracks.

<sup>1</sup> Section 1250 defines “health facilities” to include, among other things: general acute care hospital; acute psychiatric hospital, skilled nursing facility, intermediate care facility, special hospital, Intermediate care facility/developmentally disabled, congregate living health facility, and nursing facility. At the last regular Council meeting on this subject, designating medical offices and/or medical centers as critical infrastructure was proposed. City staff does not recommend inclusion of medical offices or medical centers that do not meet Section 1250’s definition of “health facilities.” Medical offices and medical center are not adequately and precisely defined. The services offered at such facilities cover a broad range of health issues, ranging from outpatient surgical procedures, to supplying medicines, to elective procedures, to non-emergency and to non-urgent care. As a result, there is insufficient evidence in the record to demonstrate that the disruption of those services by homeless encampments would have a debilitating effect on the City’s ability to function and operate. Moreover, medical offices are often located in office buildings along with other non-medical professionals. In such situations, delineating the 50’ buffer zone established by NMC section 7-11 would be practically problematic.

- Water sources and levees.
- Bridges and roads designated by the City as Citywide evacuation routes.

At its last regular City Council meeting, it was suggested that the City Council designate restaurants as critical infrastructure. CISA notes food and agriculture is a sector of critical infrastructure. However, City staff does not recommend the City Council designate restaurants as critical infrastructure under Novato Municipal Code section 7-11 because the potential risks associated with the sector are not applicable here. Notably, CISA describes the risks to the food and agriculture sector as including: food contamination and disruption, disease and pests, severe weather (affecting agriculture), and cybersecurity. (CISA, Food and Agriculture Sector-Specific Plan, p. 5 [available at the following weblink: <https://www.cisa.gov/sites/default/files/publications/nipp-ssp-food-ag-2015-508.pdf>].) In other words, CISA focuses predominantly on protecting supply chain and food availability. There is no evidence that homeless encampments threaten such operations justifying listing individual restaurants as critical infrastructure under Novato Municipal Code section 7-11. Nor would disruption of individual restaurants have a clear impact on the City's public health, safety, or welfare.

The City Council may designate additional critical infrastructure by resolution at any time so long as it determines, in its discretion, that the property or facilities are "so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare."

### **PUBLIC OUTREACH**

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of 922 Machin Ave, posting on the City's website at [novato.org/councilagendas](http://novato.org/councilagendas) and sending an email notification to all e-notification subscribers.

### **STRATEGIC PLAN ALIGNMENT**

This item supports Strategic Plan Goal 1 – Living Well Together, and Strategic Plan Goal 2 – Environmental Stewardship, by reducing potential fire risk within the City and increasing the City's ability to utilize its critical infrastructure and respond to emergency situations.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Adopt the resolution identifying critical infrastructure pursuant to Section 7-11.2 of the Novato Municipal Code.

### **ALTERNATIVES**

1. Adopt the Resolution with revisions;
2. Decline to adopt the Resolution;
3. Continue this item with direction to staff; or
4. Provide other direction to staff.

### **ATTACHMENTS**

1. Proposed Resolution

The Government Facilities Sector includes a wide variety of buildings, located in the United States and overseas, that are owned or leased by federal, state, local, and tribal governments. Many government facilities are open to the public for business activities, commercial transactions, or recreational activities while others that are not open to the public contain highly sensitive information, materials, processes, and equipment. These facilities include general-use office buildings and special-use military installations, embassies, courthouses, national laboratories, and structures that may house critical equipment, systems, networks, and functions. In addition to physical structures, the sector includes cyber elements that contribute to the protection of sector assets (e.g., access control systems and closed-circuit television systems) as well as individuals who perform essential functions or possess tactical, operational, or strategic knowledge.

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. \_\_\_\_\_

RESOLUTION IDENTIFYING CRITICAL INFRASTRUCTURE  
PURSUANT TO SECTION 7-11.2 OF THE NOVATO  
MUNICIPAL CODE

WHEREAS, at its regularly scheduled meeting on June 8, 2021, the City is considering a second read and adoption of an Ordinance to prohibit individuals from camping, occupying camp facilities, using camp paraphernalia, and storing personal property on or within 50 feet of critical infrastructure, amongst other locations; and

WHEREAS, the Ordinance allows the City Council to designate real property or facilities as “critical infrastructure” which the City Council determines, in its sole discretion, is “so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare”; and

WHEREAS, the Federal Cybersecurity and Infrastructure Security Agency (“CISA”) defined 16 sectors of critical infrastructure, and has prepared a sector-specific plan for addressing potential risks related to each: (1) Chemical; (2) commercial facilities; (3) communications; (4) critical manufacturing; (5) dams; (6) defense industrial base; (7) emergency services; (8) energy; (9) financial services; (10) food and agriculture; (11) government facilities; (12) healthcare and public health; (13) information technology; (14) nuclear reactors, materials, and waste; (15) transportation systems; and (16) water and wastewater systems; and

WHEREAS, the City faces significant wildfire risk due to its climate, topography, and other relevant factors, which necessitates the City be able to efficiently and timely respond to emergency situations; and

WHEREAS, the City desires to reduce wildfire risk to critical infrastructure and the community by both eliminating a significant potential source of fire risk on or within 50 feet of those facilities and ensuring such facilities are accessible and able to operate at all times by reducing activities that may hamper access to those spaces; and

WHEREAS, the City desires to reduce risk of other damage to facilities which are critical to operation and functioning of the City including, but not limited to, utility and health-related facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato does hereby declares the following real property and facilities as critical infrastructure under Section 7-11.2 of the Novato Municipal Code:

1. Government buildings, including City Hall, schools, fire stations, police stations, jails, courthouses, and libraries.



2. Electric, sewer, wastewater and water utility facilities, including generation stations, transformers and substations.
3. Health facilities, as that term is defined in Health & Safety Code section 1250.
4. Train stations and train tracks.
5. Water sources and levees.
6. Bridges and roads designated by the City as Citywide evacuation routes.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting hereof, held on the 8th day of June, by the following vote, to wit:

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

\_\_\_\_\_  
City Clerk of the City of Novato

Approved as to form:

\_\_\_\_\_  
City Attorney of the City of Novato

# **EXHIBIT 15**

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. 2021-042

RESOLUTION IDENTIFYING CRITICAL INFRASTRUCTURE  
PURSUANT TO SECTION 7-11.2 OF THE NOVATO  
MUNICIPAL CODE

WHEREAS, at its regularly scheduled meeting on June 8, 2021, the City is considering a second read and adoption of an Ordinance to prohibit individuals from camping, occupying camp facilities, using camp paraphernalia, and storing personal property on or within 50 feet of critical infrastructure, amongst other locations; and

WHEREAS, the Ordinance allows the City Council to designate real property or facilities as “critical infrastructure” which the City Council determines, in its sole discretion, is “so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare”; and

WHEREAS, the Federal Cybersecurity and Infrastructure Security Agency (“CISA”) defined 16 sectors of critical infrastructure, and has prepared a sector-specific plan for addressing potential risks related to each: (1) Chemical; (2) commercial facilities; (3) communications; (4) critical manufacturing; (5) dams; (6) defense industrial base; (7) emergency services; (8) energy; (9) financial services; (10) food and agriculture; (11) government facilities; (12) healthcare and public health; (13) information technology; (14) nuclear reactors, materials, and waste; (15) transportation systems; and (16) water and wastewater systems; and

WHEREAS, the City faces significant wildfire risk due to its climate, topography, and other relevant factors, which necessitates the City be able to efficiently and timely respond to emergency situations; and

WHEREAS, the City desires to reduce wildfire risk to critical infrastructure and the community by both eliminating a significant potential source of fire risk on or within 50 feet of those facilities and ensuring such facilities are accessible and able to operate at all times by reducing activities that may hamper access to those spaces; and

WHEREAS, the City desires to reduce risk of other damage to facilities which are critical to operation and functioning of the City including, but not limited to, utility and health-related facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato does hereby declares the following real property and facilities as critical infrastructure under Section 7-11.2 of the Novato Municipal Code:

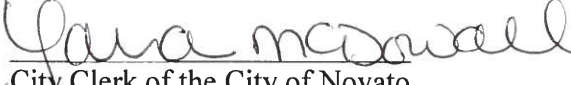
1. Government buildings, including City Hall, schools, fire stations, police stations, jails, courthouses, and libraries.
2. Electric, sewer, wastewater and water utility facilities, including generation stations, transformers and substations.

3. Health facilities, as that term is defined in Health & Safety Code section 1250.
4. Train stations and train tracks.
5. Water sources and levees.
6. Bridges and roads designated by the City as Citywide evacuation routes.

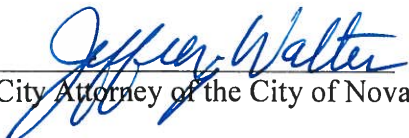
\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting hereof, held on the 8th day of June, by the following vote, to wit:

AYES: Councilmembers Athas, Lucan, Peele, Wernick, Eklund  
NOES: Councilmembers  
ABSTAIN: Councilmembers  
ABSENT: Councilmembers

  
City Clerk of the City of Novato

Approved as to form:

  
City Attorney of the City of Novato

# **EXHIBIT 16**



**Jason Sarris** is in **Novato, California.**

July 25, 2020 · 🌐 · 🌐



## Started New Job at Self employed Marins Camp Compassion

July 25, 2020 — Dreamer

**Novato, California**

Camp Compassion is the dream of bringing to life the shared vision of three friends Jenn, Jason and Bambi. Let this page serve and the begining of bringing of doing just that. The dream is of a safe place for outdoor community members to camp without harrassement from police , authorites or memembers of our housed community. A villager mentality , Camp Compassion will be Peer based and run by people who are currently or have been in recent past part of the outdoor community. It shall be a safe place- drug, alcohol, and violence free,. We will provide Tent Platforms using Pallets and adhearing to Co-vid 19 safe distancing practice. We will have bathroom facilities and hand washing stations, as well as trash support. There will be a limit to the amount of hours per day each " camper" is allowed to stay per 24 hour period.The Goal of Camp Compassion is to provide a safe, legal place for homeless to camp and remain safe during pandemic AND give memembers of the outdoor community a chance to settle themselves and think about their individual next steps to gaining permanant housing solutions. Eventually we hope to have a place that will alllow for a more comprehensive " Re Acclimation Program" that will allow for a tiny home village and a full "re acclimation program" {Still in process of developing}

---



**Jason Sarris** is in **Novato, California.**

September 25, 2020 · 🌐 · 🌐



**Moved to Novato, California**

September 25, 2020

👍 2

👍 Like

💬 Comment

➦ Share



Write a comment...





Jason Sarris updated his profile picture.

November 8, 2020 · 🌐

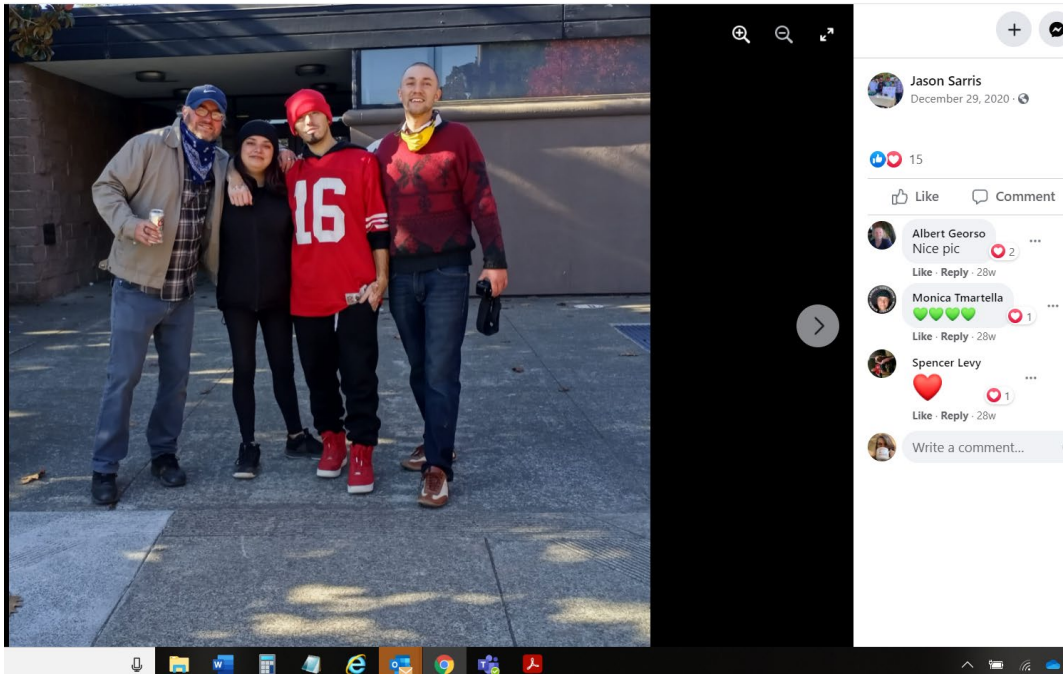


Jason Sarris was live.

December 22, 2020 · 🌐









Jason Sarris

April 20 · 🌐



Got my first Pfizer shot at the pop up clinic at the Margaret Todd Center yesterday. I had a 11:00am appointment. I was registered by 11:17am, got my shot at 11:24am, waited the recommended 15 minutes and was done by 11:39am!

Very easy to make a online appointment and already scheduled the next one.

I highly recommend this approach if the pop up clinic, pops up again



👍❤️ 10

1 Share

👍 Like

💬 Comment

➦ Share



Write a comment...



 **Jason Sarris** was live.  
June 2 · 🌐

Why is the City of Novato worried so much about the creek at Camp Compassion, when there are other portions of the creek that are in much worst condition.

I welcome anyone who knows parts of the creek in Novato that have trash in it, to share video so we can be our own community oversight committee and keep the City honest.

We want transparency Novato. We want honest answers that aren't one sided and targeted at our camp.



5 14 Comments 3 Shares

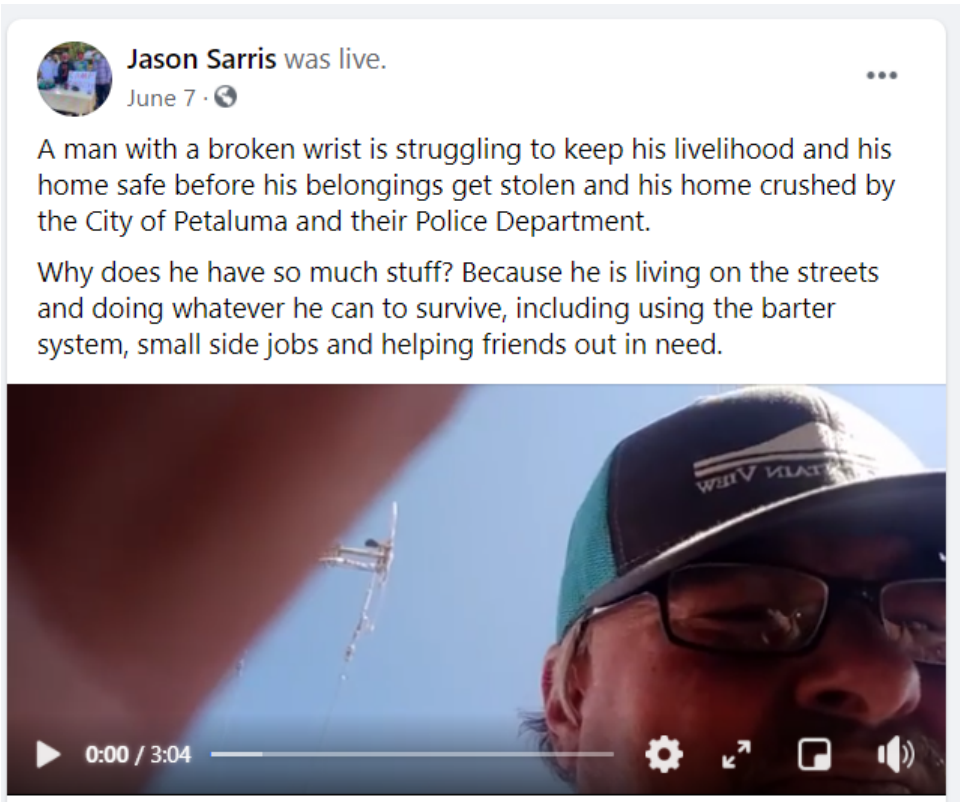
 **Jason Sarris**  
June 5 · 🌐

My daughter Brooke graduated from Petaluma High School today! She is going to UC Davis with full ride scholarships! So proud of her hard work and determination.

**Congratulations** baby girl! I love you!



The collage consists of three photographs. The top-left photo shows a man with glasses and a plaid shirt standing next to a young woman with long blonde hair wearing a purple graduation gown and a pink lei. The top-right photo shows a stack of several white scholarship certificates on a light blue surface. The bottom-right photo shows a white sign with a graduation cap icon and the text 'Congratulations Brooke Sarris PETALUMA HIGH CLASS OF 2021'.





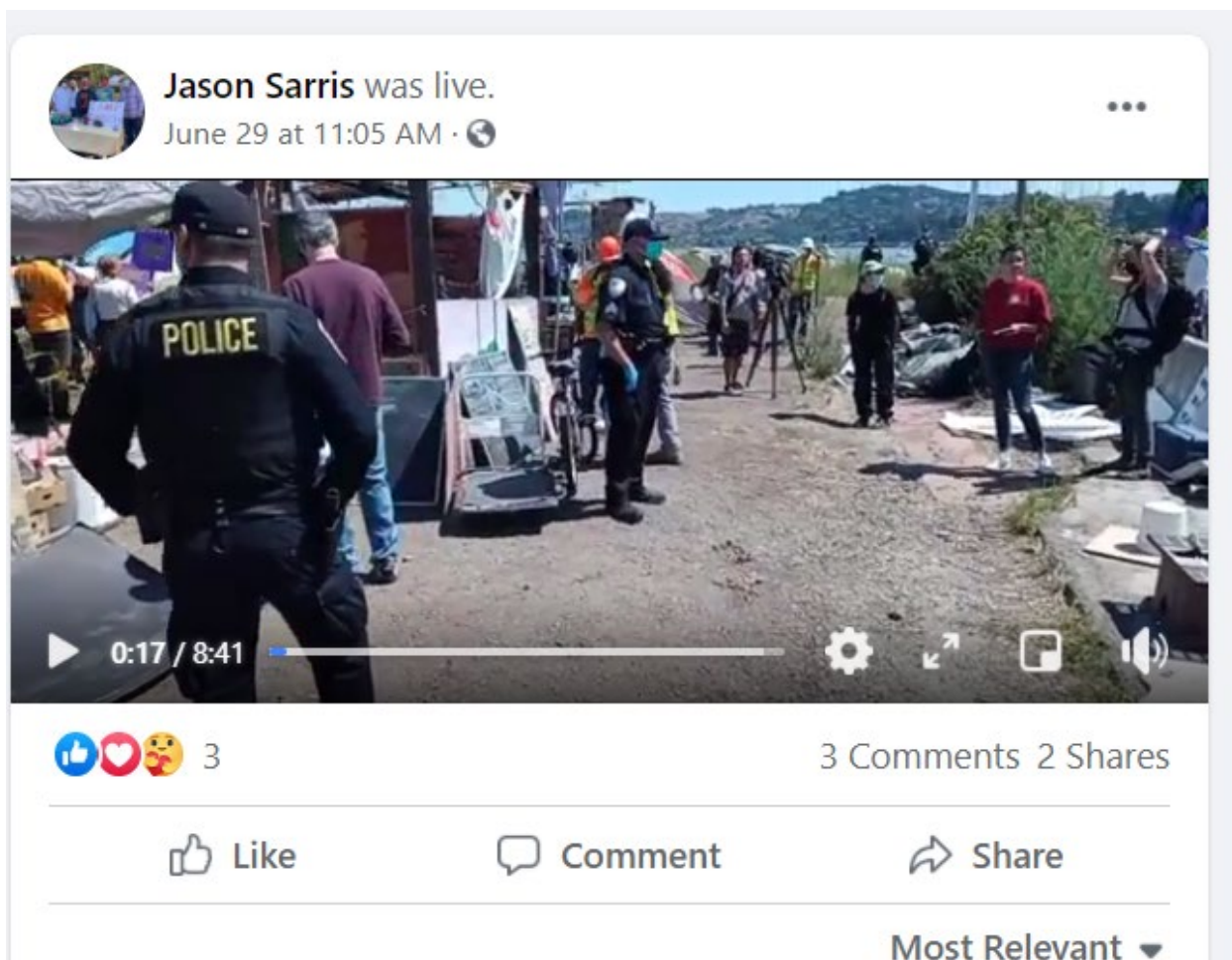
**Jason Sarris** was live.



June 14 · 🌐

Petaluma PD just came by to roust a person in a RV at Steamer Landing Park. Police really don't like cameras in their face!







**Jason Sarris**

July 1 at 8:33 AM · 🌐



My personal escort out of Dunphy Park!



**Terry Scussel**

June 30 at 3:16 PM · 🌐

In your face



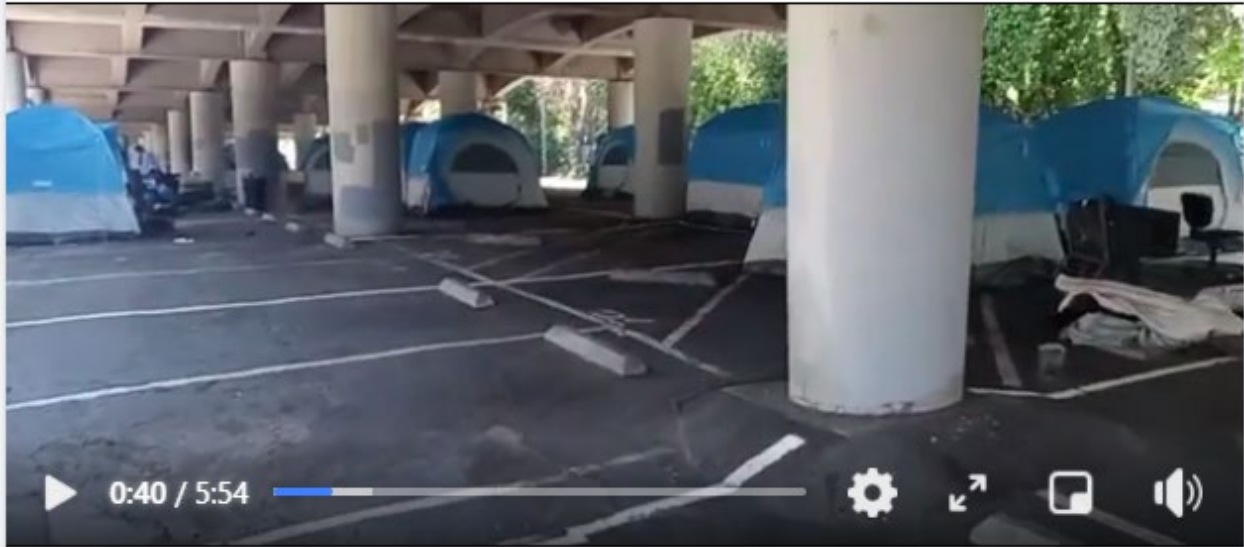
**Jason Sarris** was live.



July 1 at 1:16 PM · 🌐

Checking out the new safe camping in Safe Camping area that San Rafael is offering their homeless. Unlike the City of Novato...

On a side note: The City of San Rafael is providing the tents for the safe camping area.



10

15 Comments 3 Shares





Jason Sarris

July 1 at 8:58 PM · 🌐



Up in Petaluma today coalescing with the California Homeless Union out of Seaside, Sausalito, Petaluma and Novato! We had a nice time



Monica Tmartella is in Petaluma, California.

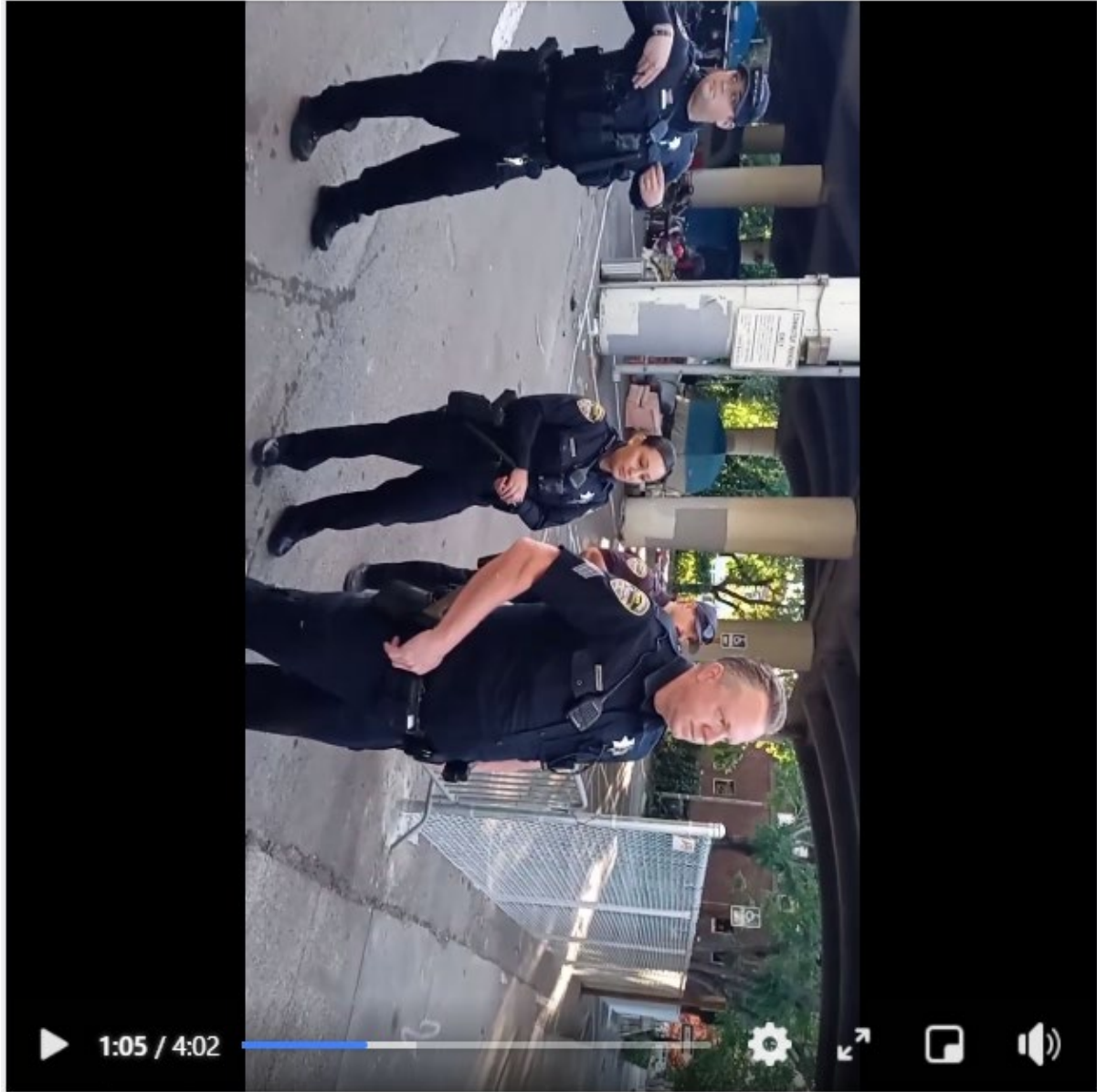



Jason Sarris was live.


July 6 at 7:16 AM · 🌐



Police run camp!!!! 🤔🤔🤔🤔🤔🤔🤔🤔🤔



 **Jason Sarris** was live.  
July 6 at 8:24 AM · 🌐



0:09 / 4:06

👎 👍 😞 4      11 Comments 7 Shares

👍 Like      💬 Comment      ➦ Share

Most Relevant ▾



 **Jason Sarris**  
July 13 at 11:58 PM · 🌐

Great turn out for the Novato City Council meeting tonight! We had the young and the old meet in the middle in the fight for social equity and basic human rights!

👍 👎 27      3 Comments 2 Share

👍 Like      💬 Comment      ➦ Share

 Pamela Bowen  
I love and respect you guys for the great work you are doing for us (the people). Thank you soldiers!!! Xoxo's  
Like · Reply · 2d

 Pamela Bowen replied · 2 Replies

Write a comment...

no here to search

4:00 PM



**David Curtis**

@dc\_us



Robbie Powelson and Jason at Camp Ambition today



5:27 PM · Jan 3, 2021



2



1



Share this Tweet



Shay Sun shared a post.

June 23 at 10:18 AM · 🌐

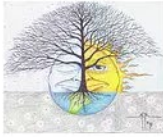


#novatocares 📍



Shay Sun is 😊 feeling inspired.

June 23 at 8:19 AM · 🌐



The Street Chaplaincy

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Nick@StreetChaplaincy · Apr 21 · 1 min read

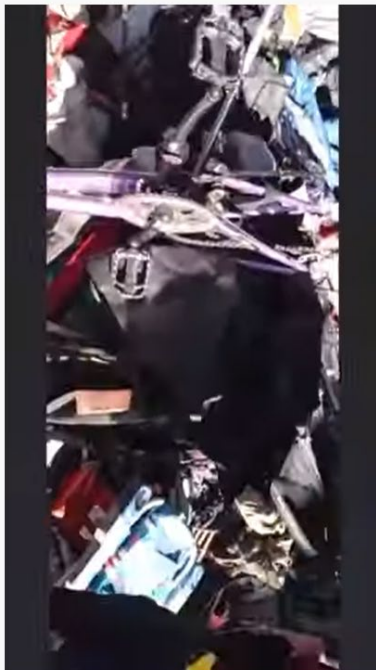


## TSC Forum (04-21-21)

Updated: Apr 22

Special guest Jason Sarris, shepherd leader at Camp Compassion in Novato, CA shares his story and how he and others are advocating for unsheltered peoples right to live in community during pandemic and beyond.





Jason Sarris complaining after 16 months of San Rafael allows encampment.

18 views · Jul 6, 2021

👍 0    💬 0    ➦ SHARE    ⌵ SAVE    ⋮



Jason Sarris was live.

19h · 🌐



Looks the San Rafael City Officials are having a show and tell at the internment camp for the homeless.

Including Chief Spiller, Sergeant Huber and Mental Health Liaison Lynn Murphy in a police uniform among others.

The California Homeless Union Marin Chapter will be keeping a close eye on how this camp is run.



👍 🙄 4

10 Comments 1 Share



Monica Tmartella · 0:00

Where are you? ...

Like · Reply · 19h



Jason Sarris · 0:00

Monica Tmartella San Rafael! ...

Like · Reply · 18h



Cody Wyatt · 1:02

wtf they want now ...

Like · Reply · 18h



<https://www.facebook.com/1443972393/videos/203396068268891/>

**CERTIFICATE OF SERVICE**

*Marin County Homeless Union v. City of Novato, et al.*  
United States District Court, Northern District  
Case No. 4:21-cv-05401-YGR

I, McCall L. Williams, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 East Colorado Boulevard, Suite 850, Pasadena, California 91101. My email address is: MWilliams@chwlaw.us. On July 27, 2021, I served the document(s) described as **SUPPLEMENTAL DECLARATION OF ADAM MCGILL IN SUPPORT OF CITY OF NOVATO’S OPPOSITION TO THE ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION** on the interested parties in this action as follows:

**BY ELECTRONIC TRANSMISSION:** I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Northern District by using the CM/ECF system on July 27, 2021. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC, Northern District CM/ECF system.

I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on July 27, 2021, at Pasadena, California.

/s/McCall Williams  
McCall L. Williams

Colantuono, Highsmith & Whatley, PC  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101

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