



# SUMMARY ACTION MINUTES

## REGULAR MEETING COMMISSION TO END HOMELESSNESS

Wednesday, August 21, 2024, 1:00 P.M.

**County Conference Center**  
Room 104/106  
425 West Santa Ana Boulevard, Santa Ana, CA 92701

Vicente Sarmiento, Chair  
*Supervisor, Second District*

**Donald P. Wagner**  
*Supervisor, Third District*

**Jason Ivins**  
*Orange County Sheriff-Coroner Representative*

**Adam Hawley**  
*Chief of Police Representative*

**Jim Vanderpool**  
*North Service Planning Area Representative*

**Debra Rose**  
*South Service Planning Area Representative*

**Cecilia Bustamante-Pixa**  
*Hospital Representative*

**Kelly Bruno-Nelson**  
*Medi-Cal Managed Care Health Plan Representative*

**Susan Parks**  
*Philanthropic Leader Representative*

**Paul Wyatt**  
*At-Large Representative*

**Robert Morse**  
*Continuum of Care Board Representative*

**Jack Toan, Vice Chair**  
*Business Representative*

**Todd Spitzer**  
*Orange County District Attorney*

**Sean deMetropolis**  
*Municipal Fire Department Representative*

**Monique Davis**  
*Business Representative*

**Lisa Kim**  
*Central Service Planning Area Representative*

**Gina Cunningham**  
*Affordable Housing Development Representative*

**Richard Afable**  
*Behavioral Health Representative*

**Benjamin Hurst**  
*Faith-Based Community Representative*

**Milo Peinemann**  
*At-Large Representative*

**Maricela Rios-Faust**  
*Continuum of Care Board Representative*

ATTENDANCE: Commissioners Afable, Bruno-Nelson, Bustamante-Pixa, Cunningham, deMetropolis, Hawley, Hurst, Ivins, Kim, Morse, Peinemann, Rose, Young (for Spitzer), Toan, Wagner and Wyatt

ABSENT: Commissioners Davis, Parks, Rios-Faust, Sarmiento and Vanderpool

PRESENT: COMMISSION DIRECTOR Doug Becht, Director of Care Coordination  
CLERK OF THE COMMISSION Valerie Sanchez, Chief Deputy Clerk

Call to Order

**VICE CHAIRMAN TOAN CALLED THE MEETING TO ORDER AT 1:00 P.M.**

Pledge of Allegiance

**COMMISSIONER CUNNINGHAM LED THE PLEDGE OF ALLEGIANCE.**

Roll Call

**THE CLERK CALLED THE ROLL AND CONFIRMED QUORUM WAS MET**

# SUMMARY ACTION MINUTES

## PUBLIC COMMENTS

Paul Hyek – Oral Re: Shelters need nurses and people certified for first aid instead of calling emergency; cold weather shelters should be walk in/walk out

Carrie Buck – Oral Re: Family Solutions Collaborative asks Commissioners to use a family lens when making decisions because there are over 500 families waiting for housing and there are not enough vouchers and not enough housing units available

## DISCUSSION ITEMS

1. Office of Care Coordination Update
  - a. Membership Ad Hoc
  - b. Bylaws Ad Hoc
  - c. Cold Weather Shelter Ad Hoc – Inclement Weather Request for Proposals
  - d. 2025 Survey
  - e. Tiny Homes Ad Hoc

THE COMMISSION WELCOMED NEW MEMBER CECILIA BUSTAMANTE-PIXA; THE BYLAWS AD HOC MET AND IS REVIEWING DRAFT CHANGES WITH AN UPDATE TO THE COMMISSION EXPECTED IN OCTOBER; THE COLD WEATHER SHELTER AD HOC MET AND THE OFFICE OF CARE COORDINATION IS RELEASING A REQUEST FOR PROPOSALS TO SELECT A PROVIDER TO OVERSEE COORDINATION OF SHELTER FOR ALL INCLEMENT WEATHER CONDITIONS; A 2025 SURVEY IS PLANNED FOR THE YEAR IN BETWEEN POINT-IN-TIME COUNTS TO GATHER ADDITIONAL INFORMATION AND DIVE DEEPER INTO THE DATA; AND THE TINY HOMES AD HOC WILL RETURN AT THE OCTOBER MEETING WITH THEIR FINDINGS

## PRESENTATIONS

2. U.S. Supreme Court Ruling: Grants Pass – Laura Knapp, County Counsel

PRESENTATION PROVIDED BY SUPERVISING DEPUTY COUNTY COUNSEL, LAURA KNAPP, COVERING THE JOHNSON V. CITY OF GRANTS PASS DECISION BY THE US SUPREME COURT FINDING THAT LOCALITIES MAY IMPOSE CRIMINAL PENALTIES FOR ACTS LIKE PUBLIC CAMPING AND PUBLIC SLEEPING WITHOUT VIOLATING THE EIGHTH AMENDMENT, AND THE RESULTING IMPLICATIONS FOR ORANGE COUNTY INCLUDING THE GOVERNOR’S EXECUTIVE ORDER ON ENCAMPMENTS

## SUMMARY ACTION MINUTES

### ACTION ITEMS

3. Approve Commission to End Homelessness minutes from the June 19, 2024 regular meeting  
**ON THE MOTION OF COMMISSIONER WAGNER, SECONDED BY COMMISSIONER CUNNINGHAM, THE COMMISSION UNANIMOUSLY APPROVED THE MINUTES OF THE JUNE 19, 2024 REGULAR MEETING.**

### COMMISSIONER COMMENTS

Commissioner Hurst – Oral re: The Bylaws Ad Hoc engagement was strong with enthusiasm for the potential impact the commission can have

Commissioner Morse – Oral re: Thanked Commissioner Bruno-Nelson for appointing him to the Costa Mesa Street Medicine Committee

Commissioner Bruno-Nelson – Oral re: Announced press conference was held to roll out its second Street Medicine Program in Costa Mesa and plans further expansion to more cities in the future

**ADJOURNED:** 3:05 P.M.

**NEXT MEETING:** October 2, 2024, 1:00 P.M.

*Signature on File*

\_\_\_\_\_  
*Supervisor Vicente Sarmiento  
Chair*

*Signature on File*

\_\_\_\_\_  
*Valerie Sanchez, Chief Deputy Clerk of the Board  
Clerk of the Commission*



Commission to  
**END HOMELESSNESS**

*Office of Care Coordination*

**REGULAR MEETING**

WEDNESDAY, AUGUST 21, 2024

# DISCUSSION – ITEM #1

## OFFICE OF CARE COORDINATION UPDATE

### Membership Update

Welcome:

- Cecilia Bustamante-Pixa, Hospital Representative

# DISCUSSION – ITEM #1

## OFFICE OF CARE COORDINATION UPDATE

### Bylaw Ad Hoc Membership

- Gina Cunningham, Affordable Housing Development Representative
- Milo Peinemann, At-Large Representative
- Debra Rose, South SPA City Manager Representative
- Benjamin Hurst, Faith-Based Community Representative
- Maricela Rios-Faust, CoC Representative

### Bylaw Update

At the meeting on June 19, 2024, the establishment of an Ad Hoc to review and evaluate the Commission to End Homelessness Bylaws was approved.

- The Ad Hoc held their first meeting in July to discuss potential changes to the existing Bylaws.
- The group is currently reviewing a redlined draft and will meet again to delve further into proposed updates at their next Ad Hoc meeting in September.
- The Ad Hoc anticipates bringing any revisions to the Commission meeting in October.

# DISCUSSION – ITEM #1

## OFFICE OF CARE COORDINATION UPDATE

### **Cold Weather Shelter Ad Hoc – Inclement Weather Request for Proposals**

On December 13, 2023, the Commission to End Homelessness directed the Office of Care Coordination to further explore, negotiate and potentially implement plans for a Cold Weather Emergency Shelter Program with the City of Anaheim, and to continue to explore other options as well.

- The Office of Care Coordination has developed a scope of work for the provision of an Inclement Weather Emergency Response Program (Program) looking to transition from the previously known Cold Weather Shelter model.
- The program would provide respite services in alignment with the Outreach and Supportive Services and Shelter Pillar's best practices, guiding principles and commitments as detailed in the Homeless Service System Pillar Report.
- The Request for Proposals (RFP) for the Program is currently under review and will be released by September 2024 with a tentative start date of December 2024.

# DISCUSSION – ITEM #1

## OFFICE OF CARE COORDINATION UPDATE



**48.33%**  
1,172 Persons

Experiencing homelessness for the first time in the past 12 months

### 2025 Survey

The results of the 2024 Point in Time (PIT) were presented at the Commission meeting on June 19, 2024. One of the statistics highlighted included the number of persons experiencing homelessness for the first time in the past 12 months.

In order to explore the complex issues facing those who are recently experiencing homelessness, the County will be working in partnership with a consultant to design a survey, including methodology and data analysis, which will help to better understand barriers and identify areas for improvement.



# DISCUSSION – ITEM #1

## OFFICE OF CARE COORDINATION UPDATE

### Tiny Homes Ad Hoc Membership

- Vicente Sarmiento, Chair and Supervisor, Second District
- Gina Cunningham, Affordable Housing Development Representative
- Robert Morse, Continuum of Care Board Representative
- Kelly Bruno-Nelson, Medi-Cal Managed Care Health Plan Representative
- Milo Peinemann, At-Large Representative
- Monique Davis, Business Representative

### Tiny Homes Update

The purpose of Tiny Home Ad Hoc is to evaluate alternative housing solutions including studying, defining, and identifying potential applications for Tiny Homes.

- The Ad Hoc wrapped up site visits and interviews with organizations involved in the tiny home industry to determine available options and understand the challenges and benefits of development.
- The Ad Hoc is finalizing their report on tiny homes and will report to the full Commission.

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### **Cold Weather Shelter Ad Hoc – Inclement Weather Request for Proposals**

A review of *Johnson v. City of Grants Pass* presented by Laura Knapp, Supervising Deputy, County Counsel.

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### *Martin v. Boise*

- Issue Considered: Whether the Eighth Amendment's prohibition on cruel and unusual punishment bars a city from arresting people for sleeping outside on public property when those people have no home or other shelter to go?
- Court's Holding: Yes, it does. The Eighth Amendment precluded enforcement of statute prohibiting outdoor sleeping against individuals with no access to shelter, on the false premise that they had a choice in the matter.
- Result: Shelter bed needed prior to arrest of homeless individuals for status related offenses.

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### *Johnson v. City of Grants Pass*

- Several homeless individuals challenged the City of Grants Pass ordinance that prohibited camping or sleeping in public spaces.
- Plaintiffs argued they had no other place to go and that the city's ordinances violated their Eighth Amendment right against cruel and unusual punishment.
- Case worked through the courts and ended up in US Supreme Court.
- Legal Question: Do local ordinances imposing criminal penalties on acts like public sleeping or camping violate the Eighth Amendment's cruel and unusual punishment prohibition if they apply to unhoused persons who lack shelter options?

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### *Ruling – Grants Pass (June 2024) 603 U.S. \_\_\_\_.*

- Holding: The enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment.
- The *Grants Pass* decision gives local governments greater ability to enact and enforce criminal penalties for acts like public camping or sleeping — even in localities where limited local shelter space contributes to these acts.
- *Martin v. Boise* is overturned; The Eighth Amendment’s prohibition on cruel and unusual punishment regulates only the type of punishment a locality can impose for an offense — not whether the locality can or should punish an offense to begin with.
- In upholding Grants Pass’s ordinances, the Supreme Court noted that the ordinances punished certain acts regardless of the underlying circumstances, stating: Under the city’s laws, it makes no difference whether the charged defendant is homeless, a backpacker on vacation passing through town, or a student who abandons his dorm room to camp out in protest on the lawn of a municipal building. Localities contemplating similar laws should ensure that they are written and enforced to punish acts regardless of the charged defendant’s circumstances.

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### Supreme Court Recognized difficulties with *Martin* Standard

- Supreme Court focused on the *Martin v. Boise* requirement that a locality must provide adequate shelter, asking, “How is a city to know whether the accommodations it provides [to unhoused persons] will prove ‘adequate’ in later litigation?”
- The *Grants Pass* result: Localities may impose criminal penalties for acts like public camping and public sleeping without violating the Eighth Amendment — even if they lack sufficient available shelter space to accommodate their unhoused population.
- Supreme Court recognized the importance of outreach services for homeless.

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### *Post Grants Pass*

- Plaintiffs still have the ability to sue over:
  - ADA
  - Civil Rights
  - Due Process

# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### California Executive Order on Encampments

On July 25, 2024, Governor Gavin Newsom issued an executive order which directed state agencies and departments to adopt clear policies that urgently address homelessness encampments while supporting and assisting the individuals living in them.

- The order encourages local governments to adopt policies consistent with the state guidelines and to use all available resources and infrastructure, including resources provided by the State's investments in housing and intervention programs where appropriate and available.
- The order encourages local governments to take action with urgency to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.
- The order states the California Interagency Council on Homelessness shall develop guidance and provide technical assistance consistent with the Order for local governments to follow in implementing their local homelessness programs.



## PRESENTATION– ITEM #2

# U.S. SUPREME COURT RULING: GRANTS PASS

### California Executive Order on Encampments

On Agencies and departments subject to my authority shall adopt policies, generally consistent with California Department of Transportation's Maintenance Policy Directive 1001-RI, to address encampments on state property, including through partnerships with other state and local agencies, and shall prioritize efforts to address encampments consistent with such policy. Such policies shall include the following:

- a) Whenever feasible, site assessment in advance of removal operations to determine whether an encampment poses an imminent threat to life, health, safety or infrastructure such that exigent circumstances require immediate removal of the encampment.
- b) Where exigent circumstances exist, as much advance notice to vacate as reasonable under the circumstances.
- c) Where no exigent circumstances exist, posting of a notice to vacate at the site at least 48 hours prior to initiating removal
- d) Contacting of service providers to request outreach services for persons experiencing homelessness at the encampment.
- e) Collection, labeling, and storage for at least 60 days of personal property collected at the removal site that is not a health or safety hazard.

# PRESENTATION– ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

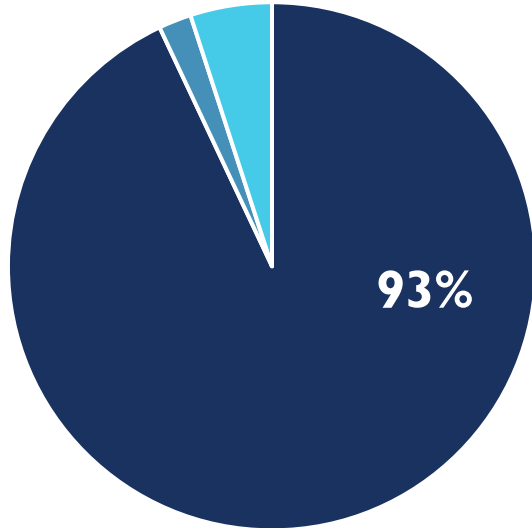


Year	Total PH Exits
2018	2026
2019	2136
2020	2153
2021	2133
2022	2188
2023	1462
<b>TOTAL</b>	<b>12098</b>

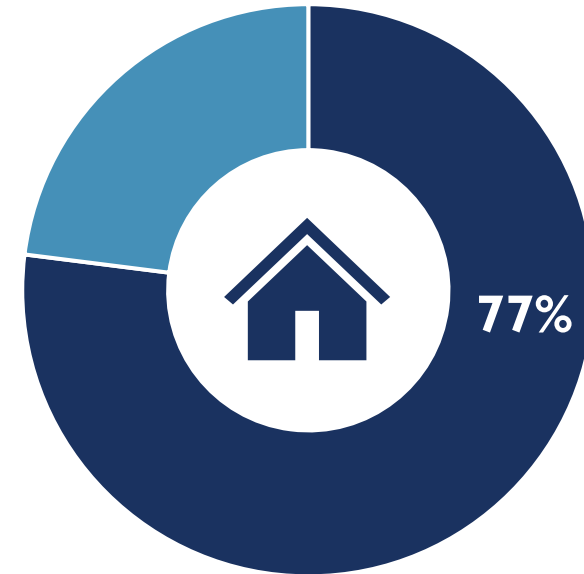
# PRESENTATION – ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS

### 2023 Orange County Unsheltered Homeless Survey



- 93% are currently enrolled in a Supportive Service
- Additional 2% are interested in a Supportive Service



- 77% of survey respondents indicated housing search assistance would be helpful. This response was second only to hygiene services.

# PRESENTATION– ITEM #2

## U.S. SUPREME COURT RULING: GRANTS PASS



PRESENTATION– ITEM #2

U.S. SUPREME COURT RULING: GRANTS PASS



# ACTION – ITEM #3

## APPROVE MEETING MINUTES

### Commission to End Homelessness Meeting Minutes

- Approve Commission to End Homelessness minutes from the June 19, 2024, regular meeting.

# UPCOMING MEETINGS

## Commission to End Homelessness Meetings

- The next regular meeting is October 2, 2024.
- The following regular meeting is December 11, 2024.

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

December						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				